

COUNTY COUNCIL OF BEAUFORT COUNTY

ADMINISTRATION BUILDING

100 RIBAUT ROAD

POST OFFICE DRAWER 1228

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SUZANNE M. RAINEY
CLERK TO COUNCIL

AGENDA

COUNTY COUNCIL OF BEAUFORT COUNTY

Monday, September 13, 2010

4:00 p.m.

Large Meeting Room

Hilton Head Island Branch Library

11 Beach City Road, Hilton Head Island

Citizens may participate in the public comment periods and public hearings telephonically from Council Chambers of the Administration Building, Government Center, 100 Ribaut Road, Beaufort and as well as **Mary Field School, Daufuskie Island.**

4:00 p.m.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. INVOCATION
4. REVIEW OF MINUTES – [June 14, 2010](#)
5. PROCLAMATIONS
 - Active Adult Challenge Weeks
Ms. Cherie Bronsky, Fitness Director, Sun City
 - Rev. Manuel Holland, Beaufort County Human Services Alliance
Together for Beaufort
6. PUBLIC COMMENT
7. COUNTY ADMINISTRATOR'S REPORT
 - Mr. Gary Kubic, County Administrator
 - The County Channel / Broadcast Update
 - [Three-Week Progress Report](#)
 - [Presentation / Offender Management Program](#)
Mr. Duffie Stone, Solicitor
 - Presentation / Mitchelville Project
Mr. Peter Oven, Chairman, Mitchelville Land Research Subcommittee
 - Presentation / Beaufort County Recovery Website
Mr. Rob McFee, Division-Director Engineering and Infrastructure

Over



8. DEPUTY COUNTY ADMINISTRATOR'S REPORT

Mr. Bryan Hill, Deputy County Administrator

- [Three-Week Progress Report](#)
- [FY 2011 Proposed Budget Timeline](#)

CONSENT AGENDA

Items 9 through 22

9. HILTON HEAD ISLAND AIRPORT RUNWAY 21 ON-AIRPORT TREE OBSTRUCTION REMOVAL ([backup](#))

- Public Facilities Committee discussion and recommendation to approve occurred August 24, 2010 / Vote 7:0
- Contract award: AllCare Tree Surgery, Inc., Bluffton, SC
- Contract amount: \$469,948, contingent upon FAA grant funding
- Funding source: FAA Grant (95% pending), State Grant (2.5% pending), and local match (2.5%). The local match of \$11,748.70 will come from the Airports Budget account #13580-59040 which has a current balance of \$88,688.

10. HILTON HEAD ISLAND AIRPORT FY 2010 FAA GRANT OFFER / RUNWAY 21 ON AIRPORT TREE OBSTRUCTION REMOVAL AND MITIGATION, DESIGN FOR RELOCATION OF LIGHTED AIRFIELD SIGNS, REIMBURSEMENT FOR LEGAL EXPENSES AND DBE PLAN PREPARATION ([backup](#))

- Public Facilities Committee discussion and recommendation to approve occurred August 24, 2010 / Vote 7:0
- FAA grant offer: \$1,243,296
- Funds generated: Local match (2.5%) in the amount of \$31,082.40 will come from the Airports Budget account #13580-59040 which has a current balance of \$88,688.

11. ARCHITECTURAL, ENGINEERING AND PLANNING CONSULTING FOR BEAUFORT COUNTY AIRPORT PROJECTS ([backup](#))

- Public Facilities Committee discussion and recommendation to approve occurred August 24, 2010 / Vote 7:0
- Contract awards: Talbert & Bright, Charlotte, North Carolina and LPA, Columbia, South Carolina
- Contract amount: County Staff is authorized to negotiate individual contracts with either firm depending on the type of Airport project and availability of firms to meet County schedule and budget. Each contract will require either Council Committee or full Council approval.
- Funding source: Identified when each contract award recommendation is brought forward for consideration.

12. STORM DEBRIS REMOVAL AND DEBRIS MANAGEMENT SITE OPERATION AND DISPOSAL SERVICES ([backup](#))
 - Public Facilities Committee discussion and recommendation to approve occurred August 24, 2010 / Vote 7:0
 - Contract award: DRC Emergency Services LLC (primary contract)
 - Contract amount: \$13,971,525
 - Contract award: CERES Environmental, Inc. (secondary contract)
 - Contract amount: \$26,067,313
 - Funding source: If there is no storm then there is no money. If there is a storm then the number will be what it is minus any reimbursement by FEMA and the state. The model was used as comparative analysis tool based on each firm's bid on debris removal per cubic yard for each type of debris. The figures are an estimate based on a Category 1 storm.

13. RECYCLING AND TRANSFER FACILITY ([backup](#))
 - Public Facilities Committee discussion and recommendation to approve occurred August 24, 2010 / Vote 7:0
 - Recommendation: Pursue the purchase of suitable property(s) and construction of one or more Recycling and Transfer Facility (RTF) to create waste disposal alternatives for the future and provide the facility(s) needed to process special waste generated within Beaufort County.

14. ACCEPTANCE OF MATTHEWS DRIVE/BEACH CITY ROAD RIGHT OF WAY
 - Public Facilities Committee discussion and recommendation to approve occurred August 24, 2010 / Vote 7:0
 - Recommendation: Accept SCDOT right-of-way for Beach City Road/Matthews Drive Roundabout ([backup](#))

15. MAILING SERVICES FOR BEAUFORT COUNTY [TAX BILLS](#) AND [COURTESY NOTICES](#) ([backup](#))
 - Public Safety Committee discussion and recommendation to approve occurred September 7, 2010 / Vote 6:0
 - Contract award: Southern Imaging, Florence, South Carolina
 - Contract amount: \$65,231.25
 - Funding source: Account #11021-51010

16. TEXT AMENDMENT TO THE BEAUFORT COUNTY COMPREHENSIVE PLAN, APPENDIX F, SECTION 8, MAY RIVER PLAN (ADDS NEW SECTION FOR MAY RIVER COMMUNITY PRESERVATION AREA PLAN) ([backup](#))
 - Consideration of second reading approval September 13, 2010
 - Public hearing to occur Monday, September 27, beginning at 6:00 p.m. in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort
 - First reading approval occurred August 23, 2010 / Vote 11:0

- Natural Resources Committee discussion and recommendation to approve occurred August 10, 2010 / Vote 4:0
17. COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT FOR THE MAY RIVER COMMUNITY PRESERVATION DISTRICT FROM RURAL TO RURAL COMMUNITY PRESERVATION AREA ([backup](#))
- Consideration of second reading approval September 13, 2010
 - Public hearing to occur Monday, September 27, beginning at 6:00 p.m. in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort
 - First reading approval occurred August 23, 2010 / Vote 11:0
 - Natural Resources Committee discussion and recommendation to approve occurred August 10, 2010 / Vote 4:0
18. TEXT AMENDMENT TO THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), APPENDIX R, MAY RIVER COMMUNITY PRESERVATION (CP) DISTRICT (ADDS NEW APPENDIX FOR DEVELOPMENT STANDARDS FOR THE MAY RIVER CP DISTRICT) ([backup](#))
- Consideration of second reading approval September 13, 2010
 - Public hearing to occur Monday, September 27, beginning at 6:00 p.m. in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort
 - First reading approval occurred August 23, 2010 / Vote 11:0
 - Natural Resources Committee discussion and recommendation to approve occurred August 10, 2010 / Vote 4:0
19. ZONING MAP AMENDMENT FOR THE MAY RIVER COMMUNITY PRESERVATION DISTRICT FROM RURAL, RURAL-RESIDENTIAL, AND RURAL-TRANSITIONAL OVERLAY DISTRICTS TO MAY RIVER COMMUNITY PRESERVATION DISTRICT ([backup](#))
- Consideration of second reading approval September 13, 2010
 - Public hearing to occur Monday, September 27, beginning at 6:00 p.m. in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort
 - First reading approval occurred August 23, 2010 / Vote 11:0
 - Natural Resources Committee discussion and recommendation to approve occurred August 10, 2010 / Vote 4:0
20. ZONING MAP AMENDMENT/ REZONING REQUEST ON LADY'S ISLAND R201-15-118, -508, -509, AND -510 (4 PROPERTIES) FROM LADY'S ISLAND COMMUNITY PRESERVATION (LICP) AND PROFESSIONAL OFFICE DISTRICT (POD) TO VILLAGE CENTER (VC) ([backup](#))
- Consideration of second reading approval September 13, 2010
 - Public hearing to occur Monday, September 27, beginning at 6:00 p.m. in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort
 - First reading approval occurred August 23, 2010 / Vote 11:0
 - Natural Resources Committee discussion and recommendation to approve occurred August 10, 2010 / Vote 4:0

21. TEXT AMENDMENT TO THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), ARTICLE V: TABLE 106-1098. GENERAL USE TABLE, COMMERCIAL USES – COMMERCIAL RETAIL, NEIGHBORHOOD (ADDS ALLOWABLE USE OF VARIETY STORES); AND SECTION 106-1285(D)(1) COMMERCIAL RETAIL, NEIGHBORHOOD (ADDS 10,000-SQUARE FOOT LIMITATION FOR VARIETY STORES IN RURAL BUSINESS DISTRICTS)
 - Consideration of second reading approval September 13, 2010
 - Public hearing to occur Monday, September 27, beginning at 6:00 p.m. in Council Chambers of the Administration Building, 11 Ribaut Road, Beaufort
 - First reading approval occurred August 23, 2010 / Vote 11:0
 - Natural Resources Committee discussion and recommendation to approve occurred August 10, 2010 / Vote 4:0 ([backup](#))

22. TEXT AMENDMENT TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), ARTICLE I, SECTION 106-9(B)(1)--NONCONFORMITIES (ADDS SUBSECTION THAT ALLOWS NONCONFORMING HISTORIC BUILDINGS TO BE ADAPTIVELY REUSED AND BECOME CONFORMING THROUGH APPROVAL OF A SPECIAL USE PERMIT) ([backup](#))
 - Consideration of second reading approval September 13, 2010
 - Public hearing to occur Monday, September 27, beginning at 6:00 p.m. in Council Chambers of the Administration Building, 11 Ribaut Road, Beaufort
 - First reading approval occurred August 23, 2010 / Vote 11:0
 - Natural Resources Committee discussion and recommendation to approve occurred August 10, 2010 / Vote 4:0

23. TEXT AMENDMENT TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), ARTICLE XII. SUBDIVISION DESIGN (THAT REPLACE RURAL SUBDIVISION WITH RURAL SMALL-LOT SUBDIVISION):
 - DIVISION 3, SECTION 106-2539. RURAL SMALL LOT SUBDIVISIONS
 - DIVISION 4, SUBDIVISION 2. SMALL LOT RURAL SUBDIVISIONS: SECTION 106-2596. MINIMUM DEVELOPMENT STANDARDS FOR SMALL LOT RURAL SUBDIVISION; AND SECTION 106-2597. CONDITIONS AND LIMITATIONS
 - Consideration of first reading approval September 13, 2010
 - Natural Resources Committee discussion and recommendation to approve occurred September 7, 2010 / Vote 7:0 ([backup](#))

24. ZONING MAP AMENDMENTS TO CHANGE THE ZONING OF ALL LANDS CURRENTLY ZONED RURAL RESIDENTIAL TO RURAL IN THE FOLLOWING AREAS OF THE COUNTY – SHELDON TOWNSHIP, ST. HELENA ISLAND, AND PORT ROYAL ISLAND (IN AREAS LOCATED OUTSIDE OF THE AIRPORT OVERLAY DISTRICT) ([backup](#))
 - Consideration of first reading approval September 13, 2010
 - Natural Resources Committee discussion and recommendation to approve occurred September 7, 2010 / Vote 7:0

25. TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO) THAT REPLACES ALL THE COMMUNITY OPTIONS WITH A TRADITIONAL NEIGHBORHOOD DEVELOPMENT OPTION: ([backup](#))
- ARTICLE V, DIVISION 1, TABLE 106-1098 USE TABLE
 - ARTICLE VI, DIVISION 2, TABLE 106-1526 OPEN SPACE AND DENSITY STANDARDS
 - ARTICLE VI, DIVISION 3, TABLE 106-1556 LOT AND BUILDING STANDARDS
 - ARTICLE VI, DIVISION 4, TABLE 106-1617 BUFFERYARD AND LANDSCAPING STANDARDS
 - ARTICLE XI, DIVISIONS 1 AND 2
 - Consideration of third and final reading September 13, 2010
 - Natural Resources Committee discussion and recommendation to approve occurred September 7, 2010 / Vote 7:0
 - Consideration of third and final reading occurred June 28, 2010 / Vote to table 8:3 to refer back to back to Natural Resources Committee to discuss new information that has come forward as to whether or not one or more of the potential developments in a Traditional Neighborhood would be in the revised MCAS Beaufort sound profile zone which could eventually translate into a new AICUZ
 - Natural Resources Committee discussion and recommendation to approve occurred May 14, 2010 / Vote 5:0
 - Third and final reading tie vote March 15, 2010 / Vote 5:5
 - Second reading approval occurred January 25, 2010 / Vote 6:5
 - First reading approval January occurred 11, 2010 / Vote 6:5
 - Natural Resources Committee discussion and recommendation to approve occurred January 4, 2010 / Vote 5:0

PUBLIC HEARINGS
Items 26 and 27

- 6:00 p.m.** 26. AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2010C, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF BEAUFORT COUNTY, SOUTH CAROLINA, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$9,000,000 ([backup](#))
- Consideration of third and final reading September 13, 2010
 - Second reading approval occurred August 23, 2010 / Vote 11:0
 - First reading approval occurred August 9, 2010 / Vote 10:0
 - Finance Committee discussion and recommendation to approve occurred August 4, 2010 / Vote 7:0
27. AN ORDINANCE AUTHORIZING A LOAN OF HOSPITALITY TAX FUNDS TO HERITAGE CLASSIC FOUNDATION FOR THE PROCUREMENT OF THE 2011 PGA HERITAGE GOLF TOURNAMENT TO BE HELD ON HILTON HEAD ISLAND, SOUTH CAROLINA ([backup](#))
- Consideration of third and final reading September 13, 2010

- Second reading approval occurred August 23, 2010 / Vote 9:1:1
- First reading, by title only, approval occurred August 9, 2010 / Vote 7:1:2
- Finance Committee discussion and recommendation to approve occurred August 9, 2010 / Vote 5:1

28. [COMMITTEE REPORTS](#)

29. PUBLIC COMMENT

30. ADJOURNMENT

County TV Rebroadcast	
Monday	4:00 p.m.
Wednesday	9:00 p.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
June 14, 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, June 14, 2010, in the large meeting room of the Hilton Head Island Branch Library, 11 Beach City Road, Hilton Head Island, South Carolina.

ATTENDANCE

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

PLEDGE OF ALLEGIANCE

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

INVOCATION

Councilman Stu Rodman gave the Invocation.

REVIEW OF PROCEEDINGS OF THE REGULAR MEETING HELD MAY 10, 2010

It was moved by Mr. Flewelling, seconded by Mr. Caporale, that Council approve the minutes of the regular meeting held May 10, 2010. The vote was: FOR –Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Baer and Mr. Sommerville. The motion passed.

PUBLIC COMMENT

The Chairman recognized Mrs. Kate Hines, representing Fripp Island Property Owners Association, who asked Council to adopt a resolution that would help Fripp Island in its effort to maintain current setback lines that are 20 feet behind the rock revetment. In 1988 the Legislature created the Beachfront Management Act. As part of that Act, baseline and setback lines were established for the entire South Carolina coast. In 1990 after litigation Fripp owners appealed to those Legislators and a special exemption for Fripp Island was created. This exemption allowed owners to place rock revetments around the entire Island. As part of this legislation, no public funds can be used for any nourishment projects. They were all privately funded. Every ten years OCRM is required by law to reevaluate the erosion rate along the entire coastline. Since 1988 the lines on Fripp Island have not been moved. That means twice OCRM used data which kept the lines in the same location. But this time around, in 2009, it used data which had previously been

deemed unreliable from 150+ years ago and decided to move the lines drastically landward, in some spots by as much as 135 feet. This will have a chilling effect on the resale market and certainly on taxable values of beachfront properties on Fripp. Representative Limehouse, a real estate developer in Charleston, suggested that Beaufort County could possibly face a tax loss of at least 20% if the proposed OCRM revised setback lines are allowed to stand. There is a bill before the State Legislature now. It will be in Conference Committee sometime this week. If the bill comes out of Conference as we hope it will, the existing 20-foot setback will become permanent. A letter from Council given to State Representative Shannon Erickson will go a long way to helping the property owners and taxpayers on Fripp Island. In 2009 taxpayers gave Beaufort County \$9,116,000. If this legislation does not pass, it will be a loss of more than \$1,800,000 in property tax revenue.

Mrs. Rita Riley, a Fripp Island resident, wrote a Letter to the Editor. She highlighted several points in her letter: The beach here has grown, not eroded, since the state last used revetments as the measuring point ten years ago. Fripp Island is a private island. It never has and never will use public money for renourishing the beach or building revetments or jetties. It should not be under the thumb of OCRM unless the state wants to start paying some of our costs. We have not requested development on any of the accreted sand. We are concerned only with the existing lots of the island. The 2009 lines have, for the first time, incorporated a survey from 1856. Fripp Island residents' request will require no government money. Residents spent \$600,000 to refurbish the bridge. We are trying to keep our property values at the level they have been, based on setbacks the state deemed useful in the past.

Ms. Micki McCormick, President, Fripp Island Property Owners Association, has been working through State Senator Tom Davis and State Representative Shannon Erickson to have the recent planned change to the setback lines by OCRM kept in their historical positions. Unfortunately, we are at this final hour and have received very little notice to prepare and recognize that we are asking for Council action at this late date. The property owners association is incurring this effort fully because we realize that our property values would drop dramatically if the proposed changes take effect. This drop in valuation will ultimately negatively impact Beaufort County revenue as property owners position to lower tax based on drops in value which will be clearly indicating in sales prices. We are here to ask for Council's help to support our efforts in passing a resolution or drafting a letter in support of our cause. In that time is of the essence, we ask that you notify the State of South Carolina House of Representatives and Senate on June 15, 2010 of your full support of Senate Bill 1051 for all of Fripp Island residents and the county interest in helping to sustain the tax values of the properties on the island. Thank you for your help and support.

Mr. Perry White's, an officer of St. James Baptist Church, a member of the Baygall Property Owners Association and a resident of Beach City Road on Hilton Head Island resident, comments today deal with the ongoing Hilton Head Island Airport Master Plan Update. He asked Council not to join the chorus of those who consider Alternative 2 as a panacea to the problems and the needs of this Airport. To the contrary, he asked Council to take a closer and more serious look at the existing 4,300 foot runway to see if it does not meet or exceed the needs of this Island. He offers the following reasons: Safety. The clear cutting of all trees on Airport-

owned property, except buffer in certain areas and trimming on others would improve safety. Commercial service operators under current condition with any of the proposed improvements certainly would be enhanced. Evacuation. The test run of the C-130 in 2009 proved the 4,300 runway is adequate under present condition. EMAS. Installation of this new material will effectively extend the runway length on takeoff. Mr. White questions the rationale behind efforts of a few to inflict so much destruction on our sensitive environment, our communities, our history and our culture for a benefit that is marginal at best. Please consider this request during your deliberation on the Hilton Head Island Airport Master Plan Update. There are documents that prove Hilton Head Island Airport should be safe and tree trimming has always been an issue of safety. If you have removed all of the trees, it seems that that would have been addressed. EMAS is a material used that essentially gives the Airport more usable space. The 4,300 runway is one of the alternatives in that Plan, but for some reason it seemed to have been completely overlooked, was not introduced very well and not discussed in any of the sessions he has participated in. We immediately went to Alternative 2, Phase I, a 5,000 foot runway and Alternative 2, Phase II, a 5,400 foot runway. We really need to take a look at cost. Thank you for your time and hope you will take this under consideration.

COUNTY ADMINISTRATOR'S REPORT

The County Channel

Mr. Gary Kubic, County Administrator, remarked Broadcast Service Team is producing a feature story on Fort Fremont, which, as you know, is one of our acquired sites through the Rural and Critical Lands Preservation Program. The video and interviews have been shot and the piece is in production and ready for editing. We plan to screen the piece during the Council meeting on July 26. The County Channel has produced short promotions videos for *Coastal Kingdom*, the program about our local outdoors done in partnership with the Lowcountry Institute. These promos are called *Critter Bytes* and they also provide some great educational content about local wildlife species and they complement the excellent work done on *Coastal Kingdom*. Lowcountry Institute has donated nearly \$7,000 worth of video equipment to our Broadcast Services Division for our use. This partnership with the Institute is one we value very much.

We have also produced public service announcements (PSAs) for the new Solid Waste and Recycling link "Too Good to Waste". This website promotes recycling by offering free or inexpensive used products. If you visit 2good2waste.org you can see all the items listed to give away free or for purchase for less than \$99 dollars.

Beaufort County may get new F35-B Joint Strike Fighter Jet squadrons at MCAS Beaufort. The County Channel is working with the Beaufort Regional Chamber of Commerce to produce PSAs that promote this opportunity to keep the "Sound of Freedom" flying over Beaufort County skies. The new squadrons could bring hundreds of jobs and \$300 million in construction to the County.

The County Channel will also fly over Beaufort County skies this week at the invitation of the School District. County Broadcaster Rob Lewis will take to the air in a helicopter provided by

the District to obtain aerial footage of new school construction. Rob will also be able to shoot some beautiful Lowcountry landscapes, marshes, woodlands, coastlines from a bird's eye perspective. The footage will be saved in our video library for use in future programs and documentaries.

Two-Week Progress Report

Mr. Gary Kubic, County Administrator, circulated copies of his Two-Week Progress Report, which summarized his activities from May 24, 2010 through June 11, 2010.

Kiwanis Club of Beaufort County / Citizenship of the Year Award

Mr. Gary Kubic, County Administrator, announced the Kiwanis Club of Beaufort County presented the 2010 Citizenship of the Year Award to Mr. Herbert Glaze at the Club's meeting on June 10, 2010. The award is presented to Mr. Glaze because of his long and exemplary service to the citizens of Beaufort County as an educator, coach and community leader. Herbert is assistant principal and track and field coach at Beaufort High School and the founder of Citizens Against Violence Everywhere (CAVE).

Resolution Supporting F-35B

Mrs. Carlotta Ungaro, President and CEO of the Beaufort Regional Chamber of Commerce, remarked MCAS Beaufort is being reviewed for the new F-35B. The US Navy has recommended MCAS Beaufort be the location for the two training squadrons and three operational squadrons. She asked Council to adopt a resolution as follows: The relationship between the civilian and military communities in Beaufort County is unparalleled. The Townsend Range in Georgia and the established unencumbered air space off the coast of South Carolina position MCAS Beaufort as an ideal location for training and operations. Beaufort County has worked in partnership with MCAS Beaufort, City of Beaufort, Town of Port Royal and the Department of Defense to ensure that non-compatible development doesn't encroach on the air station's footprint. MCAS Beaufort currently contributes \$615 million annually to the economy with more than 8,000 ancillary jobs attributable to its economic impact. The State of South Carolina and its communities are open to discussions regarding auxiliary landing fields. The Joint Strike Fighter (F-35B) is the next generation of fighter jet to be utilized by the Marine Corps. The Marine Corps will not be able to fulfill its mission without the F-35B. The Navy and the Department of Defense has proposed that MCAS Beaufort receive two training squadrons and three operational squadrons at MCAS Beaufort beginning in 2014. This scenario best fulfills the mission of MCAS and its role in the Department of the Navy. The upgrades to MCAS over the next three years will be in excess of \$350 million investment. The private sector jobs affiliated with the training facility is expected to be approximately 200 people including a high percentage of high-tech jobs. The training facility and the jobs affiliated with it, strengthens Beaufort County's ability to attract more private investment and high tech jobs. The combination of the training facility and the operational squadrons will strengthen MCAS Beaufort's position in future BRACs. The Department of Defense is expected to make its decision on selecting the best alternative for the F-35B in December 2010.

It was moved by Ms. Von Harten, seconded by Mr. Flewelling, that Council adopt a resolution wholeheartedly supporting locating the two training squadrons and three operational squadrons at the Marine Corps Air Station Beaufort and pledging its full support to Operation F 35-Beaufort to support MCAS as the best location for two training squadrons and three operational squadrons. The vote was: FOR –Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Baer and Mr. Sommerville. The motion passed.

Fripp Island / Senate Bill 1051

Mr. Anthony Criscitiello, Planning and Development Division Director, reported Mrs. Amanda Flake, Natural Resource Planner, has been looking at the affect of this law, Senate Bill 1051, as it may relate to everywhere in Beaufort County wherein this issue is applicable, principally, Daufuskie Island, Harbor Island, Fripp Island, etc. S.1051 relates to restrictions, exceptions, and special permits concerning construction and reconstruction seaward of the baseline or between the baseline and the set back line, so as to revise the description of a private island with an Atlantic shoreline that is exempt from the provisions of this section and the forty-year retreat policy. He does not have any problems with what was said with regard to Fripp Island. However, we are looking at it from the standpoint of other places in the county as this law may affect those places. Tomorrow Mr. Criscitiello should be able to advise the County Administrator as to whether or not support of the resolution requested can be made within the deadline which is tomorrow. If Council will allow staff the opportunity to look at the affect of this law as it relates to Daufuskie Island, Harbor Island or any place else in the county where this would apply, then we will be able to inform the County Administrator as to our position as the Planning Department. Staff is looking at other islands just in case there is an implication that we do not know about because the law applies everywhere in Beaufort County.

It was moved by Mr. McBride, seconded by Mr. Flewelling, that Council give conditional approval to sending a letter of support or resolution, pending review of Senate Bill 1051 by staff of the Planning Department and conference with the County Administrator, to State Senator Tom Davis and State Representative Shannon Erickson.

Ms. Von Harten commented it is a bad idea. She agrees Fripp Island is private, but the beach, itself, is public. Council has a responsibility to protect public land. We spend millions of dollars each year to acquire more public land. Our State policy is to retreat from the beach. People disagree about the causes of rising sea level, but the fact is the sea level is rising. We need to be proactive and not reactive. It is not a good idea to have this resolution.

Mr. McBride remarked his motion is conditional pending review by Planning staff and County Administrator to make sure they do not see any detrimental effect to Beaufort County. In this instance, time is critical and any input Council has will need to be submitted to Senator Davis and Representative Erickson Tuesday. As pointed out, Fripp Island is a private island. Residents paid for their bridge improvements without public funds. The beaches are public, but the bridge is private.

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

DEPUTY COUNTY ADMINISTRATOR’S REPORT

Two-Week Progress Report

Mr. Bryan Hill, Deputy County Administrator, circulated copies of his Two-Week Progress Report, which summarized his activities from May 24, 2010 through June 11, 2010. Staff has submitted the St. Helena Library at Penn Center grant to USDA. Once staff hears back from USDA, Council will receive a detailed report on the application process. Based on a conversation Mr. Hill had today with USDA representatives, the County is still in the running for \$4 million in grants. He thanked the library team, particularly Mrs. Sandra Saad and Ms. Miriam Mitchell, for spearheading that effort.

The Beaufort County Sharks, an AAU Basketball Team, whose members are students from Beaufort, Bluffton and Battery Creek High Schools, participated in a tournament in Greenville, South Carolina and now they are competing for the National Championship in Orlando, Florida during July 2011. He wished the team and Coach Harold Sanders a hardy good luck.

U.S. Highway 17 Widening

Mr. Rob McFee, Division Director-Engineering and Infrastructure, reported the U.S. Highway 17 project is a design-build contract for the widening of six miles of divided highway and major intersection in Beaufort County. The contractor is Phillips and Jordan of Knoxville, Tennessee. The project cost is \$100,471,305. The contract completion date is October 1, 2010. The project is 82% complete. The contractor continues work on the existing roadway overlay, ramp embankment and Gardens Corner bridge improvements.

New Bridge over Beaufort River / U.S. 21 / S.C. 802 Construction Project

Mr. Rob McFee, Division Director-Engineering and Infrastructure, reported the new bridge over the Beaufort River will be a 4,200-foot bridge. The contractor is United Contractors, Inc. of Great Falls, South Carolina. The cost is \$34,573,368. The completion date is August 2011. The project is 30% complete. The contractor finished with pile foundations, 84” drilled shafts and flat slab decks and is moving forward into girder spans and river foundations.

S.C. Highway 802 Roadway Construction Project

Mr. Rob McFee, Division Director-Engineering and Infrastructure, reported the roadway construction involves the widening of a total of 5.2 miles of S.C. Highway 802 in two sections. The contractor is Sanders Bros. of Charleston, South Carolina. The cost is \$10,852,393. The completion date is December 2010. The project is 25% complete. Final utility relocations fill

operations and pipe placement is underway on the Shell Point section. Paving is underway on the Lady's Island section. At present we do not have a Corps of Engineer permit and are working through some right-of-way issues with regard to legalities and takings issues. Mr. McFee will have a recommendation to the County Administrator, this week, as to our best path forward with the project – accept the submitted bids or pursue value engineering in some way. The opportunity in reevaluating the project, similar to St. Gregory because of the legal challenge to move forward with it, we have taken a closer look at the plans and there may be some improvements we can pursue. We had a meeting with representatives of both the Towns of Hilton Head Island and Bluffton for the purpose of discussing the bids, what we were trying to achieve, where we were with right-of-way acquisitions, where we were with total program costs, and how we were moving forward with this project. We sought their input to see what they felt were potential differences from staff perspective. It is those recommendations Mr. McFee is trying to put together for the County Administrator's review.

Paid / Outstanding on Aircraft Personal Property Taxes

Mr. David Starkey, Chief Financial Officer, remarked Mr. Caporale had requested he take a look at what was paid and what is outstanding on aircraft personal property taxes. Though May 31, 2010 which includes and current tax collections and delinquent tax collections from March 15 to May 31, according to county tax records, \$107,882 have been paid of \$245,816 billed. Meaning that 43.9% of aircraft taxes have been paid and 56.1% are outstanding at this time. Typically, at this time of year collections are close to 100% on a good year. In the last few years, our collections have been much slower across the board, not just in personal property, but in real property as well. There are quite a few unpaid tax bills at this time relating to aircraft. Payments are made to the County Treasurer. The County Auditor values / assesses these properties based on state records.

SOLE SOURCE CONTRACT WITH HARGRAY FOR FIBER LEASING, INSTALLATION AND CONSTRUCTION FOR EMERGENCY MANAGEMENT DEPARTMENT

This item comes before Council under the Consent Agenda. It was discussed and approved at the May 25, 2010 Public Safety Committee meeting.

It was moved by Mr. Caporale, seconded by Mr. Stewart, that Council award a contract to Hargray, in the amount of \$943,380 for 911 fiber construction, installation and leasing services. The vote was: FOR – Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Baer and Mr. Sommerville. The motion passed.

ANI/ALI DATA BASE SYSTEM FOR EMERGENCY MANAGEMENT DEPARTMENT

This item comes before Council under the Consent Agenda. It was discussed and approved at the May 25, 2010 Public Safety Committee meeting.

It was moved by Mr. Caporale, seconded by Mr. Stewart, that Council award a contract to Contact One, the number one ranked firm, in the amount of \$232,361, for 911 software. The vote was: FOR – Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Baer and Mr. Sommerville. The motion passed.

ROAD RESURFACING 2010 PHASE 1

This item comes before Council under the Consent Agenda. It was discussed and approved at the May 25, 2010 Public Facilities Committee meeting.

It was moved by Mr. Caporale, seconded by Mr. Stewart, that Council award a construction contract to REA Contracting, LLC, in the amount of \$1,638,521.60, for the road resurfacing project to be funded by BCTC funds account #3322C-54901 for \$847,316.10 and tag funds account #3322t-54901 for \$791,205.50. The vote was: FOR – Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Baer and Mr. Sommerville. The motion passed.

BLUFFTON FIRE DISTRICT REQUEST TO USE FIRE IMPACT FEES FOR PROPERTY ACQUISITION

This item comes before Council under the Consent Agenda. It was discussed and approved at the May 24, 2010 Finance Committee meeting.

It was moved by Mr. Caporale, seconded by Mr. Stewart, that Council approve a request from the Bluffton Fire District to use fire impact fee to purchase 3.010 acres, tax parcel R600 029 000 0127 0000, Davis Road property (a.k.a. Hood property), in the amount of \$325,000. The vote was: FOR – Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Baer and Mr. Sommerville. The motion passed.

A RESOLUTION APPROVING THE RE-DESIGNATION OF US HIGHWAY 21 FROM BOUNDARY STREET TO RIBAUT ROAD, THROUGH THE CITY OF BEAUFORT TO SC HIGHWAY 280, CONNECTING WITH SC HIGHWAY 802 OVER THE MCTEER BRIDGE

This item comes before Council under the Consent Agenda. It was discussed and approved at the May 25, 2010 Public Facilities Committee meeting.

It was moved by Mr. Caporale, seconded by Mr. Stewart, that Council adopt a resolution approving the re-designation of U.S. Highway 21 from Boundary Street to Ribaut Road through the City of Beaufort to S.C. Highway 280 connecting with S.C. Highway 802 over the McTeer Bridge. The vote was: FOR – Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Baer and Mr. Sommerville. The motion passed.

COMMITTEE REPORTS

Community Services Committee

Foster Care Review Board

Linda Cecil

The vote was: FOR – Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Baer and Mr. Sommerville. Mrs. Cecil garnered the eight votes required for reappointment to serve as a member of the Foster Care Review Board.

Finance Committee

Request to transfer \$1,285,059 of capital improvement monies towards reducing debt millage for FY 2011

It was moved by Mr. Rodman, as Finance Committee Chairman (no second required), that Council approve the transfer of \$1,285,059 of capital improvement monies towards reducing debt millage for FY 2011. The vote was: FOR – Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Baer and Mr. Sommerville. The motion passed.

Natural Resources Committee

B/J Water and Sewer Authority

Mr. Stewart, as Natural Resources Vice Chairman, nominated Mrs. Donna Altman to serve as a member of the B/J Water and Sewer Authority.

CALL FOR EXECUTIVE SESSION

It was moved by Mr. Flewelling, seconded by Mr. Glaze, that Council go immediately into executive session for the purpose of negotiations incident to proposed contractual arrangements and proposed purchase of property and receipt of Legal advice relating to pending and potential claims covered by the attorney-client privilege. The vote was: FOR –Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, and Mr. Stewart Ms. Von Harten. ABSENT – Mr. Baer and Mr. Sommerville. The motion passed.

EXECUTIVE SESSION

RECONVENE OF REGULAR SESSION

PUBLIC HEARINGS

AN ORDINANCE FINDING THE HILTON HEAD NO. 1 PUBLIC SERVICE DISTRICT, SOUTH CAROLINA MAY ISSUE NOT EXCEEDING \$4,000,000 GENERAL OBLIGATION BONDS AND TO PROVIDE FOR THE PUBLICATION OF NOTICE OF THE SAID FINDING AND AUTHORIZATION

Mr. Rodman, as Finance Committee Chairman, stated Hilton Head No. 1 Public Service District is located on the north end of Hilton Head Island. As many of you know, the aquifer underneath the island has saltwater intrusion. This particular method, which has been used in other places, including Beaufort/Jasper Water and Sewer Authority, is to actually take fresh water and insert it back into the ground and then recall it when needed. This is the money to do that. Their Board of Directors has approved it. Their board members are elected officials. Council's role is more of a formality to approve this unless we see something wrong with it.

The Chairman opened a public hearing at 6:07 p.m. for the purpose of receiving information from the public regarding ordinance finding the Hilton Head No. 1 Public Service District, South Carolina may issue not exceeding \$4,000,000 general obligation bonds and to provide for the publication of notice of said finding and authorization. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:08 p.m.

It was moved by Mr. Rodman, as Finance Committee Chairman (no second required), that Council approve on third and final reading an ordinance finding the Hilton Head No. 1 Public Service District, South Carolina may issue not exceeding \$4,000,000 general obligation bonds and to provide for the publication of notice of said finding and authorization. The vote was: FOR –Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, and Mr. Stewart, Ms. Von Harten. ABSENT – Mr. Baer and Mr. Sommerville. The motion passed.

FY 2010 / 2011 SCHOOL DISTRICT BUDGET PROPOSAL

Mr. Rodman, as Finance Committee Chairman, commented there has been a lot of good dialogue the last several years. He summarized that academics have been improving in recent years. The School District (District) has done a commendable job reducing costs while at the same time opening quite a few new schools authorized by voters. They gave Council a very comprehensive budget. There was a question period where Council put together questions and all of those were answered to everybody's satisfaction. The sum and substance of the budget on the operating side was the District and Board of Education (Board) was looking for a small increase. The capital side (debt service) is not under the purview of Council other than converting the money they need to the final tax levy in August. In normal times we would be somewhat finished, however, we are experiencing difficult economic times. Mr. Newton has spoken to the number of foreclosures that have taken place in the county, unemployment rate and so on. A large number of entities across the county by and large have not taken a cost of living increase and the District is not asking for one either. There was some discussion, more for understanding, about the teacher step increase of which Council does not have a say or line-item veto / adjustment. All

Council can do is vote the total budget up or down. In the case of step increases, the number of steps relate to the number of service years teachers have and at some point, in the low 20's, there are no more steps beyond that. If you think about older, more experienced teachers, they would not receive a step increase if the budget held. In the case of younger teachers they would see some step increase. For FY 2010-2011 a local school district is not required to pay teachers step increases. This decision must be voted on by the District. If the District chooses not to pay the increase, there will not be a negative impact result to teacher experience credit. Choosing not to pay the step increase, may provide for an increase in salary for district administrators and school administrators and their compensation may not be higher than the actual amount received in FY 2009-2010. The District is to continue to pay teachers and school and district administrators for changes in their education level.

Tonight Council will consider third and final reading approval. There are two choices – Does Council approve the District with the small increase? or Does Council ask the District to go back for one more look-see by the Board to see, given time has passed, through some combination of reduction and/or fund balance reduction their way clear to consider having a no tax increase?

Mr. Fred Washington, Chairman, Board of Education, is not quite certain where we are based on Mr. Rodman's recommendation regarding the two options. Who is responsible for exercising those options?

Mr. Newton replied the law requires Council to approve the budget by June 30. Therefore, we can approve the budget tonight or, as suggested by Mr. Rodman, carry the determination of third and final reading to June 28.

Mr. Washington asked if Council was going to act on the budget tonight or wait until June 28.

Mr. Newton replied we will not know that until we have gone through this presentation, public hearing and discussion.

Mr. Bob Arundell, Board of Education member, stated as many of you know he coached at Hilton Head Island High School for 20 years before getting on the Board of Education. One day he was talking to one of the administrators about a problem they were having and he gave a suggestion. He had been giving them suggestions for 20 years. A few days later he got a call from Dr. Truesdale saying, "Mr. Vice Chairman you cannot be telling people what to do. When you were a coach it was just a recommendation. When you are Vice Chairman of the Board, they don't take it as a recommendation any longer." He hears Mr. Rodman when he tells us Council does not have any province over the line items, but he also knows Council gets to decide whether the District receives money or not. And that is an important decision. While Council may tell the Board and District it does not have province over our line items, when Council identifies a line item, tells us it does not think we should have that line item, and if we keep that line item we may not get approval, that carries a lot of impact and it should. Council should not rubber stamp the District's budget. He appreciates that it is not. But Council is the final say. A year ago he told Council the assessment rollback rate was set too low. For those on Council who laughed at him his tax bill went down \$50. Thank you. His assessment rate went up the

full 15%. That \$50 multiplied by the rest of people in the county, who share his joy, but probably did lose the \$2.4 million and that carries over to this fiscal year. Dr. Truesdale was able to cut the budget last fiscal year by \$1.2 million and we only had to go into fund balance by about that \$1.2 million. Had we had to rollback last fiscal year to where his tax bill stayed the same, we would not need a tax increase this year. That is just the arithmetic of it; it is not political. He asked Council to seriously consider, "Is the Board of Education doing its job? Have we proposed a prudent budget under all circumstances? Are we proposing new programs that we cannot afford now in this economic time? If the answer is no, Council should consider that. Are we wasting money that Council has clearly identified as wasteful spending? If so, Council needs to bring that to the Board's attention." The only thing the District is doing is asking for a slight increase because our real costs are going up. Riverview Charter School is going to cost an extra \$400,000 this fiscal year. We either get that \$400,000 by little bitty increases in the millage rate or we take the \$400,000 out of something else. At the May 24 Council meeting Mr. Baer talked about the Board might just have to recognize the need to increase class size. Mr. Arundell has a problem making a student attend a class with 30 students in order to support a charter school that only has 19 students. These are the kind of challenges the District is facing. The District has come up with a fair, reasonable budget under these dire economic times. He attends the foreclosure hearings. There are a lot of foreclosures, but a lot of them are from people who live in Florida and Georgia. They bought land with funny money and as soon as that turned south, they foreclosed leaving locals to hold the bag on those foreclosures. The cost of school resource officers (SROs) is going up. The District does not control that cost, but we do control whether we have them at our schools. If the cost of SROs is going up, he wants Council to give them the money to pay those extra costs. If the District stormwater fees are going up, he would like Council to give them the extra millage to pay those fees. Has the Board done a good job with the line items? Has it been prudent? Is the Board putting student needs first? Is the Board avoiding waste and trying to be frugal? If the answers to all those general questions are yes, he hopes Council will pass the District budget.

Mrs. Phyllis White, Chief Operations Services Officer, summarized the FY 2011 budget proposal. The total expenditure budget is \$175,270,150. The budget proposal requires a tax increase of 1.8 mills (the 2% allowable under Act 388). A 1.8 mill increase equals \$21.06 on a \$200,000 home. The majority of the District taxes are paid by 6% property homeowners although there are business and vehicle taxes. The budget proposal represents a 2.2% increase over the current year's budget. Some of the increases are due to costs of new schools, expansion of Riverview Charter School and teacher step increase. The District is going to use fund balance to balance this year's budget as well next fiscal year and every budget thereafter.

FY 2010/11 Revenues Sources (where the money comes from): Local Taxes, 65.6%, includes ad valorem and interest income; State Aid, 30.2%, primarily sales tax revenue, Education Finance Act and other state revenue; Federal Aid 0.2%, includes Impact Aid and E-Rate; Other, 1.7%, includes transfers from special revenue, and Use Of Fund Balance, 2.3%, used to balance budgeted expenditures.

FY 2010/11 Expenditures (where the money goes to): Instructional, 54.86%, includes costs associated with providing instructional programs; Transportation, 2.64%, includes bus driver

salaries and bus management; Facilities Maintenance and Operations, 8.98%, includes costs related to the operation and maintenance of school buildings and equipment; utilities, 4.61% includes electric, natural gas, water and sewer, garbage disposal and telecommunications; Supporting Activities, 20.08%, includes costs associated with support services for finance, personnel, purchasing and central administration; public services, 6.89%, includes costs of attendance and social services, guidance services, psychology services, health, food service, security and public service activities; Intergovernmental Expenses, 1.64%, includes payments to charter school and other governmental agencies; Other Sources (uses) of Funds, 0.26%, includes transfers between Special Revenue, Debt Services and General Fund; Debt Service, 0.04%, includes interest expense on Tax Anticipation Note.

Mrs. White displayed two charts one showing changes in student diversity from 2006 to 2010 and another showing four-year position comparison from FY 2008 to FY 2011.

Return on Investment. What does that mean in education? That depends upon who you talk with, where you live in the community and where you are in your stage of life. The main factor is academic improvement, academic sustainability, reducing and / or controlling costs (doing more with less), in other words, no tax increase. Next, Dr. Shawn Alford, Chief Instructional Services Officer, discussed academic improvement.

Academic Improvement. 128 eighth grade students were recognized as Junior Scholars in 2009, a 50% increase over the past two years. Twelve schools made Adequate Yearly Programs in 2009 as compared to four in 2008. The number of schools deemed "At Risk" on South Carolina School Report Card was reduced from four in 2008 to one school in 2009. Six schools received an Absolute Rating of "Good" on SC School Report Card in 2009, compared to only two schools in 2008. The 2010 Spring Measure of Academic Progress test scores exceed the 2009 Spring Map scores in every tested area. Sixteen of 18 tested areas met or exceeded the national average. On the 2009 PASS, 7 of 30 measures met or exceeded the state average compared to one of 24 on the 2008 PACT measures. Several graphs were displayed of MAP comparison of Beaufort County average scores compared with the national average. Since spring 2006 to spring 2010 Beaufort County has a positive trend of student achievement. What is MAP? The Measures of Academic Progress is a nationally normed test that allows districts to compare their students' achievement in reading and math with other students across the national. At each grade level, a national mean (average) RIT score has been identified. Students are expected to meet this mean score in order to be considered on grade level. Teachers use the information from these assessments to determined appropriate individualized instruction for their students.

Academic Sustainability. Programs are in place to sustain academic achievement: extended learning, science, technology, engineering and math (STEM), accelerated learning schools, virtual summer school and standardized curriculum. Measurements are in place through standardized grading methods and standardized report cards. Support is in place with literacy teachers, literacy coaches, math coaches, science coaches and new leadership.

Mrs. White discussed strategies used to reduce costs short-term and long-term. The majority of the reductions are long term because that is the only way the District is going to survive during

these economic times. It does not help just to hold vacancies. That is not going to be enough in “our world.” We had to go in deeper and make sure that what we cut were nonrecurring costs. The District streamlined top administration with elimination of Cluster Administrators and Officer Positions (long-term). Reduced contracts and reduced 89 positions (long-term). Hold vacancies (short-term). Energy savings are in place with pulse meters (long-term). Automated a lot of District functions: p-card, employee self service, Winocular, work order system (long-term). Job redeployments involved moving people around to cover any need for new positions (long term). Outsourcing: lower cost of benefits, lower capital investment, HR flexibility, lower training costs and shared risks (long-term). Significant departmental non-salary reductions (long-term). Video conferencing vs. meetings is use (long-term). Payroll interface with Subfinder and measured volumes of transactions (long-term). Consolidated several district offices into one underutilized building (long-term). Seeking underutilized property (short-term) and Virtual Summer School (short-term). In summary the cuts total more than \$7 million over the last two years while opening 7 schools and added 700,000+ square feet.

Continued strategies for future reductions include a tiered budget to set priorities and eliminate non-essentials. Scenarios planned: budget case vs. likely case vs. worst case. Well-planned capital and debt structures as well as savings in construction projects (on-time and on budget) and savings in debt issues. National awards for financial reports awards both budget and financial audit.

Why the tax increase. Even though there was no tax increase in FY 2009 / 2010, a flat budget is not always possible in every year. The District has unfunded mandates such as teacher salary/step increases and benefit increases; partially funded mandates dealing with special education and ESOL; and whole child needs (educational, social services, nutritional, emotional). The only way to cover mandates is to reduce more costs (in addition to the \$7 million already reduced) is growth in millage value or to increase taxes. Mrs. White disagrees with Mr. David Starkey, County Chief Financial Officer, and the methodology used to calculate the rollback millage rate which impacted the District negatively. District sources of revenue are limited, *i.e.*, capped sales tax, capped local tax, limited state revenue and a very grim outlook in economic recovery. Local taxpayers are funding the District, there are state mandates and the only options are budget savings, growth in the mill, or a tax increase. Several Councilmen asked the District to consider reducing the budget proposal. If you remove the 2%, if it effects every year out. The percent in change if we took step increase (as an example) would only change the fund balance percent of next year’s expenditure budget by 0.5%. Therefore, the District would end up in 2013 at 7.8%. If you change one number in these projections and if the economy does not produce a 2.5% increase in 2012 or Council does not approve a tax increase in 2012, the District will deplete its fund balance. The fund balance has kept the District stable. It has provided significant savings to our taxpayers when the District issues debt. And most importantly, in these economic times, when you are uncertain about tax collections, the District has to depend on that. The worst case scenario is a hurricane or any other type of natural disaster. Moody’s recommendation is 14.8% in FY 2010. Government Finance Officer recommends 60 days of revenue on hand of the expenditure budget which in the case of the District would be \$29 million.

Dr. Valerie Truesdale, Superintendent, stated it is important Council understand thoroughly the District has passion for its work. It is truly missionary work. This is important work. We believe we are making strong trends. With Act 388 eroding stable funding and dependence upon local funding from Beaufort County it has put the District where it is today. The shift from 6% non-owner occupied to 4% owner-occupied is very alarming. The continued lack of State funding, despite efforts by Senator Davis, is not going to be able to help us. If the 2% and the tax increase is not granted this year, it has a cumulative effect for every other year. That is the stark reality for Act 388. You cannot eliminate 89 positions and \$7 million and not feel it in the classroom. Thirty classes have more than 35 students today. If we look out five years, the District is building its budget on 100% collections, but an 11-year history has shown we have never had 100% collections. The District has to maintain a 15% fund balance in order to be at the national average. Having a strong fund balance has saved money. The District gets criticized for having a fat savings account. It is a necessary savings account in out years. The District has been very tight on expenditures. Dr. Truesdale implored Council to sustain the effort the District has going on in the school system and help us continue the momentum.

Mr. Newton remarked one of the issues we talked about earlier today at the Finance Committee meeting that is important to put in context when we start talking about what is happening in FY 2012 and FY 2013, State law requires that we go through reassessment in 2012 to be implemented in 2013. It appears the decrease in tax base for Beaufort County is going to be somewhere between 20% and 30%. Unless this economy comes back roaring in the next two years when reassessment will be set, we will be looking at a 30% tax increase to do nothing more than generate the same number of dollars that were generated for this budget. Perhaps the five-year budget the District is engaged in needs to begin to have some contingency planning as the County is doing the same thing. Mr. Ed Hughes, Assessor, is now assembling that information.

The Chairman opened a public hearing at 6:07 p.m. for the purpose of receiving information from the public regarding FY 2010 / 2011 School District budget proposal. After calling once for public comment, the Chairman recognized Mr. Michael Allen, a Beaufort City resident, representing the 1,500 county school teachers. These 1,500 teachers take care of the majority of the children of this county. The children of this county are your most important resource. There is a small feeling that teachers are the pawn in this situation because our salaries are up for consideration. Do we get a salary increase? It is really not a salary increase. His wife has been teaching 30 years and has seen a salary decrease over the past 7 years. He has been teaching 18 years and combined they are realizing a decrease. Can we maintain that? There is a possible \$1,400 increase in health insurance. There are about 1,000 teachers who have less than 23 years and when multiplied by \$1,400 that is \$1,400,000 taken out of local businesses – restaurants, gas stations, boating industry, entertainment, clothing, golf courses and marinas. A teacher with 5 or 6 years experience earns about \$32,000. The step increase is to help attract the best and brightest individuals to education. The District is asking for a small increase. On a \$1 million home it is going to be less than \$150.

Ms. Gretchen Keefner, Principal of Hilton Head Island School for the Creative Arts, stated the first question Council asked was academic sustainability. She cannot tell Council whether she will be able to sustain it, because last year she told Council she had tightened her belt, which

meant she lost lots of things. Test scores will be out in the couple of weeks and she will be able to tell Council whether she was able to sustain it. However, what she has been able to do follow: for three years we have been a Palmetto Silver Award winner for student achievement at our school. We were named one of three schools in South Carolina, by the Kennedy Center, as excellence in arts education. For two out of three years we closed the achievement gap. We are doing the right things. It is her 34th year in education, 12th year here in Beaufort County and 21st year as a principal. This is only the second time she has gotten up and spoken to a group, like Council, about money or funds. Her job is with kids. It is up to the people at the District office to figure out where the money comes from. She is here tonight to ask Council to please make the decision and give the 2% increase. What the 2% increase will mean to her at school: she will lose an assistant principal, a guidance counselor, gain 34 children from the early childhood center, lose a teacher which means class size at 3rd, 4th and 5th grades are going to be larger, and we have no alternative next year to suspension which means more children or more parents are going to be missing work if we have discipline problems. Last year we tightened our belts. We lost an office person and we will lose another person, the receptionist, so there will not be the same face parents see each day. We are losing a half time ESOL teacher although we have not lost any ESOL students. That 2% increase means she is losing 6 members and she does not know what it is going to do to her sustainability of achievement. She has tightened her belt again for Council.

Ms. Colleen Wynn, a first grade teacher at Hilton Head Island IB and Chairman of the Beaufort County School Teacher Forum, is not a financial expert by any stretch of the imagination. However, she would consider herself to be an expert on the needs of children and the needs of teachers. We need this money. These line-item cuts, while Council has not designated any of them, there are no good alternatives. They do not represent anything good for our children. Our teachers need their salaries. She would venture to guess, after being in this District many, many years that there is not one teacher who would not put their heart and their pocketbook out for the children they teach every single day. Please consider this funding. She knows it is a difficult financial year, but the children of this county are our financial future. Please support them; support us.

Ms. Susan Dee, representing the Beaufort County School Teacher Forum, spoke to how this issue affects her personally as a teacher. If the budget as proposed is not approved, the Board is going to have to go to Tier III items and those are the cuts that are going to directly affect her. At her step she is going to lose \$1,027, pay \$444 more per year in health insurance and realize a salary decrease of \$1,471 for the year. The 2% increase on a \$1 million home is \$150, she finds that a problem -- \$150 versus almost \$1,500. She earns \$48,000 per year. She does not understand it. She is asking that it be fair. She knows it is hard times and it is difficult for everybody. The people who live and work here are going to be hurt most. Try to find a way to approve and fund this budget.

Representative Richard Chalk commented the Legislative Delegation has worked very diligently to try to get more funding at the state level. He understands the problem that it is creating for the District. The County might want to look at conducting its reassessment a year early because if our assessed values go down 30% then obviously we would get some EFA funding we are not

getting today. We did lose in next year's budget about \$300,015 by using the 2009 index of taxing ability numbers instead of 2010. Even without reassessment and our assessment values going down, we were starting to see a few dollars, when you take the 4% out. He commended Council and Board of Education for the working relationship it has developed over the last few years. There used to be a lot of acrimony between the two boards in trying to accomplish things. Education is one of the core services that we provide locally. He appreciates the working relationship between Council and Board. He appreciates what the Board has done over the last few years in cutting the District budget. Otherwise, we would be in worse shape with the economy. With the opening of new schools it is interesting the District is not asking for even more money. He is not necessarily advocating a tax increase. He asked Council to work with the Board to try to continue the positive things we are seeing in our school system and help find the funds to do it, whether it is an increase or whether you can find the funds from some other areas of revenues that are coming into the county. His preference would be to cut some other things in order to fund the schools. Our Superintendent and Board has made great strides in the last few years in improving the quality and efficiency of our school system.

Mr. Jim Bequette, Board of Education member, addressed the reduction in personnel. When Dr. Truesdale was hired, she immediately put a hiring freeze in effect in an effort to understand what she really needed. She also began weeding out some inefficient people, a lot from the central office. During that first year, the District under spent that budget by \$8 million because of the common-sense approach of Dr. Truesdale working with the new Board. At the end of the year the Board decided it needed to hold that \$8 million for all the new schools to be opened. If we had not built the surplus up, this year we would have a nightmare on our hands because of the ceiling with Act 388. The District is finally caught up with school construction in Bluffton. This fall, with the opening of Pritchardville Elementary, the two big communities of temporary classrooms will be gone. There were 25 at Bluffton Elementary and 21 at M.C. Riley Elementary. The District opened those new schools without needing a big rate increase. It did not stop at the end of the first year where the District generated an \$8 million surplus. The next year when Act 388 went into effect and the District received word its sales tax revenue was being cut, the District generated close to a \$6 million surplus that year again. Again, letting people go and not filling positions. In those two years \$14 million of that money was not spent. Teachers do not get paid overtime. They work 9, 10 or 11 hours per day paper grading and lesson plan preparation. They also live in the highest-cost county in the state. It is almost 16% higher than Charleston County and 25% higher than Columbia (new IRS statistics February 2010). Mr. Bequette definitely supports the in-steps. Teachers start out lower than the average accountant or professional person. If we are going to have top-notch teachers, we have got to pay proper salaries.

Ms. Kathleen Archer, a parent of two, a rising 4th grader and kindergartener, said over the last 13 years of living in Beaufort County she has been pleased with the amount of support given to education. We have gone from one elementary school in Bluffton to five. With that type of growth, we need more dollars to ensure our students receive the education they deserve. Cutting funds will increase class size and eliminate certain programs and other opportunities for our children. Yes, our children. As they say, "It takes a village to raise a child." She urged Council

to continue that commitment to the children of Beaufort County who attend public schools by voting “yes” to the 2% increase.

Ms. Sue Champion, a parent of a student in Beaufort County, stated her child goes to MC Riley School. Two years ago she was Volunteer of the Year at MC Riley Elementary. Last year she served as PTO Treasurer and accepted the Chairman’s position next year. She is really involved in this school. Why? The school and teachers need help. Our kids need help. They need happy and rested teachers. We cannot take from education. Our kids need education. South Carolina needs our kids educated. Please approve and fund the budget.

Ms. Karen Purdue is a teacher of Hilton Head Elementary School IB and mother of four boys. Her oldest just graduated and he is on his way to USC in Columbia. He could not have graduated and done all the successful things he is on his way to do without this great school system. He started here in kindergarten. A lot of the children he started with, most of them graduated, some unfortunately did not. A few of them were in the early childhood preschool program and that really help boost them up. Before she came back to teaching, she volunteered in the kindergarten classroom. Then she taught first grade. She saw firsthand what a difference there is between the children who get that preschool, get that good jumpstart and the children who do not get that. She is also now the mother of a three year old. As she looks at him and where he is going, we are paying for his preschool and we will, because he will not qualify, but the children that he will go to school with will. And it is important that they all have the same opportunity. The cost of education is high, but we cannot afford not to put this money into our children. They are our strongest selling point here on the Island. She thinks they are great. Part of her job as an educator is to plan. She plans her daily lessons, makes plans, makes year-long growth plans and is always looking ahead. She plans for her own children’s future. She got her masters and earned her national boards. She did this for her family, but also to improve what type of educator she is. Indeed her scores continue to improve particular in reading. Her area of certification is literacy. She wants to and will keep improving, but needs Council’s help. Right now her class size runs around 24 to 25 students. She has taught with 31 students in Charlotte/Mecklenburg County. You can do it. She did it and did it pretty well. But it is very, very difficult. It is not as fair to the children when they are looking for her time and trying to split it between that many children. Her families’ financial plan was part of going to school. As she looks at losing her step increase and possibly paying more for insurance, she is also looking at college tuition and preschool tuition. Where is the money coming from? It is going to be tough. She asked Council to please look at these factors. We have natural beauty here. We have cultural diversity. We have great arts programs. We have wonderful schools. She asked Council to please approve the budget as put forth by the Board so we can retain our quality teachers, our programs and keep our schools exceptional.

Mr. George Wilson, a Board of Education member, but speaking as a citizens, thanked the Board, Superintendent, teachers, administrators and staff for improving the quality of education and bringing the District budget under control to where it is really an efficient operation. It was stated the District has two options: use more reserve or cut costs more. Mr. Wilson cannot support using more reserves as a business person. As a homeowner, he never wants to do something short-term that is going to destroy his future. We cannot go further into the reserve

fund, because there are too many unknowns today. Can we cut costs further? We have to get the increase, but we may even have to cut costs further. We do not have the final mill value. Under Act 388 there is \$41 million of assessment we are going to lose. That is worth \$3 million. Where does that money come from? We are looking at tough times. He is happy with the budget. It is a responsible budget. Everything is laid out. Council knows where we are going and what is on the table. Thank you for working with the Board this year.

Mr. Kumar Viswanathan, a Hilton Head Island resident, stated he moved to the island 33 years ago and at that time District schools did not rank nationally and were one of the worst in the nation. Over the last 33 years we have made tremendous strides. We are looking at ways to diversify the economy. We have two industries, basically, tourism, which is declining, and retirees. The quality of life is very good here. We can spend a lot of money on infrastructure, stormwater systems, roads, water and sewers, but without schools and good education we are hurting our future.

Mr. Fred Washington, Board of Education Chairman, commented the District has tried to be responsible, tried to show it in the documents provided to Council and talked about return on investment. The District is not just about test scores. It is really about human development. You get one shot at it. This is something we cannot afford to move backwards on. A mind is a terrible thing to waste. This investment is worth it. Why is it worth it? It is just not about us now, it is about our military. We need to make sure we retain a strong educational system because if we do not we jeopardize losing those important military facilities north of the Broad River. We also jeopardize losing potential industry coming here. Mr. Washington attends a monthly Workforce Education meeting. The question asked is, "What is the concern of business and industry when they look at Beaufort County and South Carolina? Answer, 'Education.'" He is in favor of teacher step increase, holding them accountable for the results and weeding out folks who are not producing. We cannot afford to turn back the development of young minds in this community. It is not just test scores; it is behavior. It is not always money. We have to be better advocates. We have to build partnerships because we cannot afford to do it all. We have to deal with reality and forge additional partnerships to help defray the cost of educating our children. Mr. Washington supports the budget increase and asks Council to support the increase and to look beyond the dollar cost. Think of the human cost and how that impacts other things that you wish to do in this county. Thank you for the level of cooperation and understanding.

After calling twice more for public comment and receiving none, the Chairman declared the hearing closed at 7:20 p.m.

Mr. Rodman commented Council acknowledges the Board is doing an outstanding job. Council has agreed with the District's last five fiscal year budgets. Council is delighted it certainly turned that into improved growth and lives. However, looking at the five-year projection, FY 2014 estimate, it highlights that regardless of what we do the millage cap under this projection of 100.60, will not allow the District to come in anywhere close to whatever it is that they need. Therefore, we will be in a mode certainly with the District and perhaps on some of the other budgets in the county, of doing what is called breaking-the-cap. The cap basically says you cannot increase the millage rate more than the combination of population and rate of inflation.

However, when the Legislation put Act 388 in place, it identified five mechanisms by which you could, in fact, break the cap. As a practical matter, these numbers would suggest we are going to be there anyway. If you look at the allowable percentage increase and then look at the mechanisms, four of the five do not apply to us, but one is the deficiency from the preceding year. His assumption is that there is a deficiency, a decline in the fund balance and we would be in a position, both the District and other budgets Council oversees, to actually break the cap and set the higher rate. Under any circumstances, it appears to Mr. Rodman we are going to be doing that. Council can take a vote tonight or the District may want to take another two weeks to see if there is a way to whittle down or eliminate the tax increase and use some of the fund balance.

Mr. Caporale commented it is interesting Chairman Newton said something about the future of county finances that he agrees with entirely. It is the message he has been delivering to his constituents, it is the message by which he has been planning his own finances for the future and certainly led him to decline to support some other opportunities to spend taxpayers' money over the last few months. It is also interesting with that kind of dark forecast, which he believes will prove to be inaccurate, we then go to talking about breaking the cap. It is not going to happen. At some point there is going to be a stone wall that we cannot jump over. He agrees with Mr. Rodman entirely. To answer Mr. Arundell's question, the District has been doing a great job with the budget and with other regards as well. He has no reservations about saying that or about supporting the budget this year. And he intends to support the budget request. At some point we have to be willing to entertain that that wall is there. After the District FY 2009 budget was approved, the District had \$2 million in state cuts. How did the District make up the \$2 million?

Mrs. White replied the District cut early on during its budget and asked Council to approve an additional appropriation to cover the cost. Some of the costs are in special revenue, which are categorical funding. Dr. Alford has done more with less. There are some programs we could not continue. We did have some reductions in general fund through state funding, about \$500,000 to \$700,000. We had a \$700,000 cut in FY 2009 before we started the fiscal year and had an additional \$400,000 cut in the current year.

Mr. Caporale asked if there were cuts in FY 2009 as well. Mrs. White replied in the affirmative. The reason why we have had the most recent cuts the past two years is because of sales tax revenues dropping which funds special revenue.

Mr. Caporale asked if the District is forecasting more cuts from the state in FY 2010. Mrs. White replied there is about \$1.5 million left to cut in general fund. In special revenue the District is building projected reductions. That is why Dr. Truesdale has been saying over and over we are not going to be expanding any programs. The District recognizes there is a wall out there, to some extent, which is why last year we started with the tiered budget because when we hit the wall we cannot be getting together and deciding what we are going to cut. A tiered structure is included in the budget. It provides the District the ability to move quickly.

Mr. Washington remarked the Board, the policy making group, recognizes that wall is potentially there. We are hoping within the next two years, given tax reform that is being looked at, people recognize Beaufort County is not being supported by the state. There needs to be some changes

on the state level. The Board is trying, at a policy level, to get people to understand the system is really broken. That is why his approach has been more systems oriented.

Mr. Flewelling is really not ready to vote on the District budget tonight. He is hoping further investigation, discussion and negotiation, perhaps, would lead to a budget proposal he can support. He wants to vote for a budget proposal very soon obviously. Hopefully, Finance Committee will meet once more to discuss this issue.

It was moved by Mr. Flewelling, seconded by Mr. Stewart, that Council table consideration of third and final reading until June 28, 2010. The vote was: FOR – Mr. Flewelling, Mr. McBride, Mr. Newton, Mr. Rodman and Mr. Stewart. OPPOSED – Mr. Caporale, Mr. Dawson, Mr. Glaze and Ms. Von Harten. ABSENT – Mr. Baer and Mr. Sommerville. The motion passed.

MOTION OF EXTEND

It was moved by Mr. Glaze, seconded by Mr. Caporale, that Council extend beyond 8:00 p.m. The vote was: FOR – Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, and Mr. Stewart. ABSENT – Mr. Baer and Mr. Sommerville. Ms. Von Harten temporarily left the room. The motion passed.

PRESENTATION / FY 2010 / 2011 COUNTY BUDGET PROPOSAL

Mr. Bryan Hill, Deputy County Administrator, reviewed the budget FY 2011 chronology. At first reading approval May 10 the budget proposal had a four mill increase. Staff was tasked by Council to come forward with a proposal that was somewhat lower than four mills. Council adopted a resolution at today's meeting to reduce CIP by \$1.2 million which is also going to be factored into the numbers before Council this evening. Operations are 40.21 mills; county debt is 3.63 mills and rural and critical lands 2.13 mills for a total millage of 45.97.

The finance team has been tasked with putting together three options giving Council the ability to pick and choose how it wants to move forward. Option 1 moves funds from CIP into debt service payments and taxes will raise or we will have to find a reduction in operations to support fiscal year 2012 debt service. The County will have a \$400,000 increase next year for debt and make up the \$1.2 million which is approximately a one mill increase. The effect is 47.54 mills. Option 2 provides a mill swap thus allowing operations to increase per the state limit. In this option debt falls of 3.77 mills, rural and critical lands at 2.76 mills, but operations will increase to 41.01 mills. The effect is still 47.54 mills. Option 3 provides the county a slight increase in operations of 2% which equates to \$1.3 million. We have not had growth in the county budget the last three years. Those funds would help with emergency vehicles and other vehicles which have not been purchased in the last several years. In option 3 operations will increase to 41.01 mills, debt will increase to 4.57 mills and rural and critical lands will increase to 2.76 mills. The effect is 48.34 mills. Staff recommends Option 3 as the best option. A 2.37 millage increase on a \$500,000 home is approximately \$47.00. The change between 1.57 mills and 2.37 mills is about \$6.00 to a \$500,000 house. At first reading the budget proposal started at 4.0 mill increase and at third and final reading the budget proposal is 1.57 mills or 2.37 mill increases.

The Chairman opened a public hearing at 8:05 p.m. for the purpose of receiving information from the public regarding FY 2010 / 2011 County budget proposal. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 8:06 p.m.

Mr. Rodman summarized Council is looking at 4.0 mill increase in debt service and flat on operations. The combination of the transfer \$1,285,000 from CIP to debt service in order to reduce millage in FY 2011 and good, hard work by the finance team, they took about about 2.5 mills out of the budget at second reading, that would put us at Option 1 which would still be flat on operations and up about approximately 1.60 mills on debt service. Option 2 provides a mill swap. It keeps the taxpayer whole. There is no change. It can be a little bit difficult to explain to people, but it also protects the future under Act 388. Option 3 provides a slight increase in operations which has remained flat three years and perhaps it makes sense to add the 0.8 mill. To some extent in organizations you cannot just freeze salaries forever otherwise you encourage keeping the least efficient employees and lose the most efficient employees. Even in the most difficult times, companies in the private sector will look at merit increases or performance increases. The argument for support Option 1 is we sense the economy is in a lot of trouble. A lot of us do not think we have hit bottom yet. We have a lot of taxpayers who are hurting financially. Council has taken a prior position of not having a tax increase on the operating side as well as the fire districts and some municipalities. If Council supports Option 1, it seems pretty straight forward to vote on the budget tonight. If it supports Option 3, it probably deserves a little more look-see and with two council members absent from today's meeting, it would be logical to consider the budget on June 28.

Ms. Von Harten supports Option 3. Fiscal year 2010 is kind of like the last of the way things used to be. If the County is looking into privatization and restructuring departments, we are going to have a very different budget next year. Council needs to adopt Option 3 to allow a little slack.

Mr. Flewelling supports Option 1.

Mr. Stewart supports Option 3 simply because a small increase now to help stave off a lot of problems in the future is very prudent and is good, sound financial management as opposed to trying to go forward with some significant increase in out years.

Mr. McBride supports Option 3. Council has almost painted itself into a corner. Council cannot continue to cut, cut and cut and still expect county government to operate efficiently and effectively.

Mr. Newton supports Option 1. Beaufort County is blessed that it is not engaged in furloughs and layoffs given double digit unemployment and 300 foreclosures in Beaufort County. In the private sector people are grateful to have jobs. They are not talking about cost of living adjustments and increases. They are talking about continued employment and hope their benefits are not reduced to the point where they cannot afford it. Only in government are we talking about having a cost of living adjustment. Mr. Newton wholeheartedly endorses the concept of

rewarding good employees who need to be recognized on performance or merit. Option 3 proposes a \$1.3 million increase in operations but Council has had no discussion about its use. There are no difficult choices to be made in this fiscal year budget -- the County is not reducing services. Operations are remaining flat. Council asked the finance team to work on debt service and they found money that we had in unused CIP projects and a one-time reduction on the debt side, but we now need more on the operations side. Two weeks ago if Council had voted on the operations side, we would not be talking about a possible millage increase today. There was originally a 4.0 mill increase proposed and Council thought that was too much. We all recognize the economic times we find ourselves in. The County is blessed that it is not engaged in furloughs and layoffs and reducing services, closing hours of operations of libraries and things like it. We have not done any of that. Will we have to do some of that in the future? Perhaps. Supporting Option 3 will increase the spending bar two years or three years from now when the assessed value does or perhaps drops. Council has been through two readings and has been through two months of saying operations are going to remain flat and find a way to reduce debt millage. Now the debt side is at a millage rate that appears to be a manageable amount, Mr. Newton is not in a position to support an operations millage. A slight increase of 2%, is \$9.48 on a \$100,000 house or \$37.92 on a \$400,000 coupled with the School District increase and yet most of the folks who are paying this tax bill are not making more money this year than last, they are having to live on less, he is living on less in his personal life as well as almost everyone on Council is living on less. It is a bad time we find ourselves in. He encouraged Council to support Option 1.

It was moved by Mr. Caporale, seconded by Mr. Flewelling, that Council table consideration of third and final reading until the June 28, 2010 Council meeting. The vote was: FOR – Mr. Caporale, Mr. Dawson, Mr. Glaze, Mr. Flewelling, Mr. Newton and Ms. Von Harten. OPPOSED – Mr. McBride, Mr. Rodman and Mr. Stewart. ABSENT – Mr. Baer and Mr. Sommerville. The motion passed.

PUBLIC COMMENT

There were no requests to speak during public comment.

ADJOURNMENT

Council adjourned at 8:22 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Wm. Weston J. Newton, Chairman

ATTEST: _____
Suzanne M. Rainey, Clerk to Council

Ratified:



Memorandum

DATE: September 10, 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 August 23, 2010 through September 10, 2010:

August 23, 2010

- Finance Committee meeting
- Executive Committee meeting
- County Council meeting

August 24, 2010

- Meeting with Dr. Jane Upshaw, Chancellor, USC-B

August 25, 2010

- Meeting with Bryan Hill, Deputy County Administrator, and David Starkey, Chief Financial Officer
- Speaking engagement – Government Policy Committee of the Greater Island Council of Hilton Head Island and Bluffton

August 26, 2010 (County Administrator Hilton Head Office Hours)

- Meeting with Bill Libertoff
- Meeting with Cindy Levy
- Meeting with Hilton Head Island Town Manager Steve Riley and Director of Public Projects and Facilities/Chief Engineer Scott Liggett re: Bristol Rink

August 27, 2010

- Meeting with Bryan Hill, Morris Campbell, and Cristine Roberson re: PALS reorganization
- Meeting with Bryan Hill, Rob McFee, David Starkey and Dan Dennis, President of Dennis Corporation re: Contract and Billing Issues
- Meeting re: Accommodations / Hospitality Tax Issues
- Conference call with Chairman Weston Newton and School Board Chairman Fred Washington re: McNair Law Firm Funding Proposal

August 30, 2010

- Meeting with Deputy County Administrator Bryan Hill
- Conference call Staff Attorney Lad Howell re: Buoni vs. Beaufort County matter

August 31, 2010

- Meeting with David Kendrick, resident of Bluffton, re : May River
- Organizational / Skull Session re: Video Surveillance
- Meeting with Bryan Hill, Deputy County Administrator, and Ted Anderson, Chief Information Officer
- Meeting with Ann Bluntzer, Executive Director of Beaufort County Open Land Trust

September 1, 2010

- Mediation – Buoni vs. Beaufort County

September 2, 2010

- Meeting with Stephanie Cocarro, Website Administrator re: Geochaching
- Meeting with Chief Bruce Kline, Lady's Island / St. Helena Fire District, and Tony Criscitiello, Division Director, Planning and Development re: Butler Marine property

September 3, 2010

- No meetings

September 6, 2010

- Labor Day holiday

September 7, 2010

- Meeting with Paul Andres, Airport Director
- Risk Management departmental visit
- Natural Resources Committee meeting
- Public Safety Committee meeting

September 8, 2010

- Agenda review with Chairman, Vice Chairman and Administrative staff re: September 13, 2010 County Council meeting
- Meeting with Bryan Hill
- Meeting with Ted Anderson
- Staff meeting re: Bluffton Parkway Right-of-way Issues

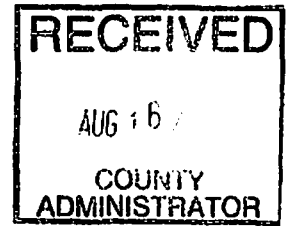
September 9, 2010

- Meeting with Walter Mack, Executive Director of Penn Center re: St. Helena Library project
- Meeting with City Manager Scott Dadson re: City / County Issues
- Conference with Ron Patton, Chief Engineer, SCDOT and Rob McFee, Division Director of Engineering and Infrastructure

September 10, 2010

- Site visit of US 278 / SC 170 properties
- Pre-meeting with Paul Andres and Town of Hilton Head Island representatives re: Noise Monitoring
- Noise Monitoring Public Meeting at Hilton Head Island Library

State of South Carolina
OFFICE OF THE SOLICITOR
FOURTEENTH JUDICIAL CIRCUIT



ALLENDALE, BEAUFORT
COLLETON, HAMPTON AND
JASPER COUNTIES



POST OFFICE Box 1880
BLUFFTON, SOUTH CAROLINA 29910
TELEPHONE: (843) 470-3725
FACSIMILE: (843) 815-2002

Isaac McDuffie Stone, III
SOLICITOR

August 12, 2010

Mr. Gary Kubic
Beaufort County Administrator
Post Office Drawer 1128
Beaufort, South Carolina 29910

Re: Offender Management Program.

Dear Mr. Kubic:

Please accept this letter as my request to get on the Beaufort County Council Agenda to discuss the Offender Management Program. I am interested in asking Council to adopt an ordinance that allows us to add electronic monitoring and other more intense supervision to those who make bond in Beaufort County

Thank you for your assistance.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Isaac McDuffie Stone, III". The signature is written in a cursive style with a large, sweeping flourish at the end.

Duffie Stone

IMS:ld



Memorandum

DATE: September 10, 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 August 23, 2010 thru September 10, 2010:

August 23, 2010 (Monday):

- Finance Committee Meeting
- Executive Committee Meeting
- County Council

August 24, 2010 (Tuesday):

- Attend Update on Courthouse Renovations
- Meet with Carolyn Wallace re: Stormwater Budget
- Public Facilities Committee Meeting

August 25, 2010 (Wednesday)--Bluffton :

- Meet with Gary Kubic, County Administrator and David Starkey, CFO re: Issues

August 26, 2010 (Thursday):

- Meet with Lad Howell, Staff Attorney and Rob McFee, Public Services Director to prepare for Dan Dennis Meeting
- Meet with Suzanne Gregory, Staff Services Director re: Employee Issues
- Meet with Phil Foot, Detention Center Director

August 27, 2010 (Friday):

- Meet with Gary Kubic, County Administrator, Morris Campbell, Community Services Director and Cris Roberson, PALS Director re: PALS Reorganization
- Meet with Gary Kubic, County Administrator, Rob McFee, Public Services Director, David Starkey, CFO and Dan Dennis re: Contract and Billing Issues

August 30, 2010 (Monday):

- Meet with Gary Kubic, County Administrator
- Meet with Morris Campbell, Community Services Director
- Meet with Ted Anderson, MIS Director
- Meet with Suzanne Gregory, Staff Services Director
- Meet with Rob McFee, Public Services Director
- Meet with David Starkey, CFO and Paul Andres, Airports Director
- Meet with David Starkey re: DSS Budget
- Meet with Joe Penale re: PALS Reorganization

August 31, 2010 (Tuesday):

- DA Meeting hosted by Ed Hughes, Assessor
- Meet with Mark Roseneau, Facilities Director re: Arthur Home Building Upgrades
- Meet with Gary Kubic, County Administrator re: Video Surveillance
- Meet with Gary Kubic, County Administrator and Ted Anderson, MIS Director
- Meet with Rob McFee, Public Services Director, David Starkey, CFO and Paul Andres, Airports Director

September 1, 2010 (Wednesday):

- Attend Weekly Emergency Management Meeting at EOC
- Meet with Rob McFee, Public Services Director and Dan Dennis
- Meet with Lad Howell, Staff Attorney re: Various Issues
- Meet with Morris Campbell, Community Services and Cris Roberson and Joe Penale, PALS re: PALS Reorganization

September 2, 2010 (Thursday):

- Meet with David Starkey, CFO re: Various Issues
- Meet with Suzanne Gregory, Staff Services Director re: EMS Position
- Meet with Anna Hays, Staff Services Director and Mary Ellen Keough, Records Management Director re: Reorganization of Departments

September 3, 2010 (Friday):

- Meet with Chris Seelbach re: PALS Program Issues in Bluffton
- Conference call with Tom Cowell from Fitch, Brian Nurick and David Starkey, CFO

September 6, 2010 (Monday)--LABOR DAY:

- CLOSED

September 7, 2010 (Tuesday):

- Meet with David Starkey, CFO
- Meet with Gary Kubic, County Administrator

September 8, 2010 (Wednesday):

- Agenda Review
- Meet with Gary Kubic, County Administrator
- Meet with Michael Brock of Ward Edwards re: Stormwater

September 9, 2010 (Thursday):

- Meet with Chief Turner, Bluffton Fire Dept.
- Attend South Carolina Financial Concepts & Strategies Institute Seminar in Charleston

September 10, 2010 (Friday):

- Attend South Carolina Financial Concepts & Strategies Institute Seminar in Charleston

FY 2012 BUDGET PREPARATION SCHEDULE (DRAFT)

- September Budget parameters detailed

- October Budget Meetings parameters detailed
- October- March Budget preparation and continued discussion

- February 4th Goals and Objectives
- February 4th Description of Services

- March 4th New Personnel Request Forms submitted to Employee Services
- March 4th Vehicle Replacement
- March 4th Capital Item Requests

- March 11th Departmental Revenue estimates submitted to Finance
- March 11th Departmental Expenditure requests submitted to Finance
- March 18-31 Review of Departmental requests

- April 15th FY2011 capital cutoff/all purchases requiring bids
(Except CIP Projects)
- April 11th Finance Committee Meeting
- April 25th Finance Committee Meeting
- May 23rd Finance Committee Meeting
- June 13th Finance Committee Meeting

- May 9th First Reading of FY 2012 Budget

- May 23rd Second Reading of FY 2012 Budget (HHI)
- May 23rd Public Hearing
- June 13th Third Reading and Adoption of FY 2012 Budget
- June 13th Public Hearing

- June 27th Third Reading and Adoption of FY 2012 Budget (If needed)
- June 27th Public Hearing (If needed)

- July 1 Implementation of FY 2012 Budget



County Council of Beaufort County
Hilton Head Island Airport – www.hiltonheadairport.com
Beaufort County Airport – www.beaufortcoairport.com
120 Beach City Road - Post Office Box 23739
Hilton Head Island, South Carolina 29925-3739
Phone: (843) 255-2950 - Fax: (843) 689-5411

TO: Councilman Herbert Glaze, Chairman, Public Facilities Committee

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

FROM: Paul Andres, Director of Airports *PA*

SUBJ: Hilton Head Island Airport Runway 21 On-Airport Tree Obstruction Removal

DATE: August 17, 2010

BACKGROUND. Numerous trees have grown into the 34:1 approach slope on the north end of the Hilton Head Island Airport. These tree obstructions must be removed in order for Beaufort County to remain in compliance with our FAA grant assurances. In response to our Invitation to Bid, the following companies submitted bids to trim or remove the trees:

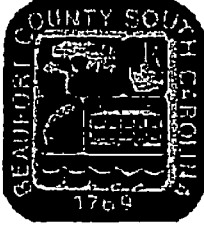
<u>Name</u>	<u>Location</u>	<u>Base Bid</u>
AllCare Tree Surgery	Bluffton, SC	\$469,948.00
Casey Tree Experts	Lilburn, GA	\$530,800.00
Phillips & Jordan	Robbinsville, NC	\$598,650.00

The base bid amount is to perform the required work exactly as specified in the Town's LMO. Bid Alternative #1 would allow for limited use of mechanized vehicles in the buffer areas. Bid Alternative #2 was for bidder proposed alternative methods. AllCare Tree Surgery was determined to be the lowest responsive and responsible bidder in accordance with the base bid. A review of their bid package revealed that they met all of the bidding requirements to include satisfying FAA DBE goals and local S/MBE outreach. A copy of the Engineer's certification, bid tabulation, and map are attached for your information. The Engineer's estimate for this portion of the work was \$978,915.00. Due to project requirements, this contract is based on both lump sum and unit prices. As such, the final contract price may vary slightly.

FUNDING. Funding for this project will come from an FAA Grant (95% pending), State Grant (2.5% pending), and local match (2.5%). The local match of \$11,748.70 will come from the Airports budget under Account Number 13580-59040 which has a current balance of \$88,688.00.

RECOMMENDATION. That the Public Facilities Committee approve and recommend to County Council approval of a contract for on-airport tree trimming and removal at the Hilton Head Island Airport to AllCare Tree Surgery, Inc. in the amount of \$469,948.00 contingent upon FAA grant funding.

Attachments: Engineer's Certification, bid tabulation, and map



County Council of Beaufort County
Hilton Head Island Airport – www.hiltonheadairport.com
Beaufort County Airport – www.beaufortcoairport.com
120 Beach City Road - Post Office Box 23739
Hilton Head Island, South Carolina 29925-3739
Phone: (843) 255-2950 - Fax: (843) 689-5411

TO: Councilman Herbert Glaze, Chairman, Public Facilities Committee

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

FROM: Paul Andres, Director of Airports PA

SUBJ: Hilton Head Island Airport FY-10 FAA Grant Offer

DATE: August 20, 2010

BACKGROUND. The FAA intends to make a grant offer in the amount of \$1,243,296.00 to fund the following projects at the Hilton Head Island Airport; Runway 21 on-airport tree obstruction removal and mitigation, design for relocation of lighted airfield signs, reimbursement for legal expenses, and DBE Plan preparation. A copy of their Tentative Allocation letter is attached for your information. The local match for this grant will be 2.5% which amounts to \$31,082.40. A State matching 2.5% grant will also be requested. **The FAA Grant Offer must be accepted and executed not later than September 20, 2010.**

FUNDING. Funding for the local match (2.5%) in the amount of \$31,082.40 will come from the Airports budget under Account Number 13580-59040 which has a current balance of \$88,688.00.

RECOMMENDATION. That the Public Facilities Committee approve and recommend to County Council acceptance of an FAA Grant Offer in the amount of \$1,243,296.00 for Runway 21 on-airport tree obstruction removal and mitigation, design for relocation of lighted airfield signs, reimbursement for legal expenses, and DBE Plan preparation at the Hilton Head Island Airport.

Attachment: FAA Tentative Allocation Letter



U.S. Department
of Transportation
Federal Aviation
Administration

Atlanta Airports District Office
Campus Building
1701 Columbia Avenue, Suite 2-260
College Park, Georgia 30337-2747
(404) 305-7150 FAX: (404) 305-7155

August 20, 2010

Mr. William Weston J. Newton
Chairman, Beaufort County Council
P.O. Box 7049
Hilton Head Island, South Carolina 29938

Dear Mr. Newton:

The President has signed the FY 2010 appropriation bill for the Airport Improvement Program (AIP). Therefore, we plan to fund the following project(s) at the Hilton Head Island Airport this fiscal year:

Remove Obstructions – Phase III (Tree Obstruction Removal for Approach to Runway 21 – Construction);

Remove Obstructions – Phase III (Tree Removal Mitigation for Approach to Runway 21 – Construction);

Install Airfield Guidance Signs – Phase I (Runway 3/21 Sign Relocation – Design Only);

Easement Acquisition for Runway 21 Off-Airport Tree Obstruction Removal – Legal Fees;

FY 2011 DBE Plan Update - Administration

These projects will be funded with your current available to program entitlement funds and discretionary funds which total \$1,243,296. We expect your congressman's formal announcement of these federal funds within the next few days and ask that you take all actions that will enable you to accept the pending grant offer immediately after the announcement by your congressman. The grant offer must be signed by Beaufort County and return to our office by September 20, 2010. If this is not possible then please notify this office immediately to discuss other possible actions. Again, all preliminary costs for these projects are eligible for reimbursement.

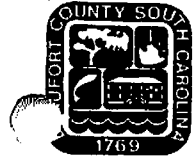
We look forward to participating in this important project.

Sincerely,

Anthony L. Cochran
Airport Programs Manager

cc:

Mr. Paul Andres, Airport Director
Mr. Charlie Stearns, PE, Wilbur Smith Associates
Mr. Paul Werts, Director, South Carolina Airport Commission



COUNTY COUNCIL OF BEAUFORT COUNTY PURCHASING DEPARTMENT

Building 2, 102 Industrial Village Road
Post Office Drawer 1228, Beaufort, SC 29901-1228
Phone: (843) 255-2353 Fax: (843) 470-2738

TO: Councilman Herbert N. Glaze, Chairman, Public Facilities Committee

VIA: Gary Kubic, County Administrator
Bryan Hill, Deputy County Administrator
Robert McFee, Director of Engineering and Infrastructure
Paul Andres, Director of Airports

PA

FROM: Dave Thomas, CPPO, Purchasing Director

SUBJ: RFQ # 3905/100670 Request for Qualifications to provide "Architectural, Engineering, and Planning Consulting for Beaufort County Airport Projects"

DATE: August 9, 2010

BACKGROUND: Beaufort County issued a Request for Qualifications (RFQ) to firms capable of providing professional architectural, engineering, and planning consulting services for Beaufort County Airport projects. The intent of the RFQ was to prequalify two Aviation consulting firms to provide professional consulting services for future Airport projects. The typical scope of services will require the consultants to oversee, design, develop and manage the various airport projects to be negotiated separately. The initial term for these equalification contracts will be for one year, with four additional one year renewal options. The evaluation committee consisted of five (5) members: Pete Buchanan, Chairman Airport Board, Will Dopp, Airport's Board member, Rob McFee, Director of Engineering and Infrastructure, Bob Klink, Beaufort County Engineer, and Paul Andres, Director of Airports. Beaufort County received nine (9) responses to the RFQ. The evaluation committee reviewed and evaluated all responses and selected the following four (4) firms for interviews: LPA, Talbert & Bright, PBS & J, WK Dickson.

After the interviews and based on the RFQ evaluation criteria and professional experience, Talbert & Bright and LPA were selected as the top two firms to provide professional consulting services for Beaufort County Airport projects. Both firms will meet or exceed the FAA required DBE goals for each project.

FINAL EVALUATION RANKING:

- 1 Talbert & Bright, Charlotte, NC-(local subs, J.K. Tiller Asso., Landscape Planning, Bluffton,, Allcare Tree Surgery, HHI, Chris Gerards, Arborist, Bluffton)
- 2 LPA, Columbia, SC, (local subs, J.K. Tiller Asso., Landscape Planning, Bluffton, Andrews & Burgess, Architectural Survey, Beaufort, BES Incorporated, Mechanical, Elec, Plumbing, Beaufort)
- 3 WK Dickson, Columbia, SC
- 4 PBS & J, Atlanta, GA
- 5 Campbell & Paris, Chantilly, VA
- 6 URS, Savannah, GA
- 7 Avcon, Charlotte, NC
- 8 Dennis Corp, Columbia, SC

FUNDING: Primarily from FAA Grant Funding.

RECOMMENDATION: The Public Facilities Committee approve and recommend to County Council approval of Talbert & Bright and LPA to provide Professional Aviation Consulting Services on an as needed basis. The evaluation committee further recommends to the Public Facilities Committee and County Council that County staff be authorized to negotiate individual contracts with either firm depending on the type of Airport project and the availability of the firms to meet the County's schedule and budget. Each contract will be subject to approval by the appropriate Council Committee or full Council.



BEAUFORT COUNTY PUBLIC WORKS
120 Shanklin Road
Beaufort, South Carolina 29906
Phone (843) 255-2800



TO: Councilman Herbert N. Glaze, Chairman, Public Facilities Committee

VIA: Gary Kubic, County Administrator *GKubic*
Robert McFee, Division Director, Engineering and Infrastructure *RMcFee*
Eddie Bellamy, Public Works Director *EB 8/13*

FROM: James S. Minor, Jr., Solid Waste Manager *JSM*

SUBJ: RFP # 3990/100461; STORM DEBRIS REMOVAL & DEBRIS MANAGEMENT
SITE OPERATION & DISPOSAL SERVICES

DATE: July 29, 2010

BACKGROUND. Beaufort County issued a Request for Proposals (RFP) to solicit proposals from qualified firms to provide disaster debris removal, reduction, disposal and other emergency cleanup services following a debris-generating event, such as a tropical system or other natural and man-made disasters. Responses were received from fourteen firms which were evaluated with the help of our debris monitoring firm, Beck Disaster Recovery, Inc., which compiled the bid tables into spreadsheets to facilitate analysis using a Category 1 storm as a basis. A Category 1 storm has the potential to generate a large amount of vegetative debris while limiting the amount of other debris and is very likely scenario. The list was narrowed to four firms which were invited to meet and make presentations to the panel. The following firms met with the panel on June 4, 2010: (1) CERES Environmental (CERES) (2) DRC, Emergency Services (DRC) LLC. (3) Storm Reconstructive Services, Inc.; (4) Unified Recovery Group, Inc.

A review panel consisting of the Division Director, Engineering and Infrastructure, the Public Works Director, the Solid Waste Manager, Solid Waste Information Coordinator/Data Analyst, and the Assistant Director of the Emergency Management Department, evaluated the firm's proposals, presentations and responses to their questions. The panel ranked the firm's according to the RFP selection criteria. Negotiations with the highest ranked firm were successful and we have reached an agreement with DRC to perform as our primary debris removal contractor. Negotiations with the second ranked firm, CERES to perform as our secondary debris removal contractor were also successful and an agreement was reached. The agreement with both firm's are for an initial two year contract with three one-year renewal options.

RECOMMENDATION.

- (1) Recommend that the Public Services Committee approve and recommend to Council award of the primary contract for disaster debris removal, reduction, disposal and other emergency cleanup services to DRC Emergency Services, LLC.
- (2) Recommend that the Public Services Committee approve and recommend to Council award of the secondary contract for disaster debris removal, reduction, disposal and other emergency cleanup services to CERES Environmental Inc.

Cc: Dave Thomas, Purchasing Director
Richard Hineline, Contract Specialist
JSM/jsm





BEAUFORT COUNTY PUBLIC WORKS
 120 Shanklin Road
 Beaufort, South Carolina 29906
 Voice (843) 470-6400 Facsimile (843) 470-6418



TO: Councilman Herbert N. Glaze, Chairman, Public Facilities Committee

VIA: Gary Kubic, County Administrator *G Kubic*
 Robert McFee, Division Director, Engineering and Infrastructure *R McFee*
 Eddie Bellamy, Public Works Director *E Bellamy*

FROM: Solid Waste and Recycling Advisory Board

SUBJ: Recycling and Transfer Facility (RTF) Recommendation

DATE: July 29, 2010

BACKGROUND. Beaufort County has no alternative for the disposal of Municipal Solid Waste (MSW) other than the Hickory Hill landfill located in Jasper County which is owned and operated by Waste Management, Inc. The County has no control over what may or may not happen at Hickory Hill. The current contract with Waste Management to dispose of waste at Hickory Hill expires June 30, 2015. According to the Annual Report issued by SCDHEC, Hickory Hill has 13 years of remaining life at its current rate of use. To transport MSW to another landfill in a cost effective manner, requires a solid waste transfer station at which waste is transferred into larger trucks to be hauled the greater distance. In addition, the County has no facility at which to process, recycle and/or dispose of the various special waste streams such as electronics, household hazardous waste, and white goods. We feel it is in the best interest of the County to develop such a facility to handle the current and future waste streams within Beaufort County. An RTF would provide:

- a. The option to transport our waste to more distant landfills in a cost effective manner.
- b. The option to process our own recyclables for market.
- c. The required facility to handle "special waste" (household hazardous, electronics, white goods)
- d. An improved bargaining position for future disposal costs.

Technology or disposal alternatives down the road may change but for the foreseeable future hauling to landfills or some other disposal facility for waste streams of the volume of ours, an RTF is the most viable option. Many of the waste to energy technologies are only realistic for large volumes at the present time. Counties are charged by SC state law with the responsibility to plan and provide for waste disposal. An RTF may have a positive effect for the Beaufort County municipalities which contract for waste hauling by shortening travel time for their contractor's and reducing maintenance costs, which may reflect in lower contract costs for the municipalities. An RTF provides a vital link in our solid waste management system which will provide a facility with the flexibility to meet the demands of the waste stream of the future.

RECOMMENDATION.

We recommend that the Public Facilities Committee support the recommendation of the Solid Waste Advisory Board and recommend to County Council that Beaufort County pursue in a timely manner the purchase of suitable property(s) and the construction of one or more RTF(s) to create waste disposal alternatives for the future and provide the facility(s) needed to process special wastes generated within Beaufort County.





**COUNTY COUNCIL OF BEAUFORT COUNTY
BEAUFORT COUNTY ENGINEERING DIVISION
102 Industrial Village Road, Building #3, 29906
Post Office Drawer 1228, Beaufort, SC 29901-1228
Telephone: 843-255-2692 Facsimile: 843-255-9420**

TO: Councilman Herbert Glaze, Chairman, Public Facilities Committee

VIA: Gary Kubic, County Administrator *GKubic*
Bryan Hill, Assistant County Administrator *BHill*
Robert McFee, Director, Engineering and Infrastructure *RMcFee*

FROM: Robert Klink, County Engineer *RKlink*

SUBJ: **Acceptance of Matthews Drive/Beach City Road Right-of-Way**

DATE: August 18, 2010

Background. At the 6/29/10 Public Facilities Committee meeting the above referenced subject was discussed with the Committee, County staff, and Town of Hilton Head staff. The Committee requested that the new right-of-way to be transferred to the County be kept at a minimum. Town of Hilton Head staff met with SCDOT and have indicated on the attached 8/17/10 correspondence where the new limits of the SCDOT and County right-of-way would be; which would result in a net 5,000 square yards of new right-of-way for the County. The Town of Hilton Head will be constructing the new roundabout at no expense to the County.

Recommendation. As the roundabout is expected to bring benefits in terms of traffic calming and safety, it is recommended that the Public Facilities Committee approve and recommend to County Council the acceptance of the SCDOT right-of-way for Beach City Road/Matthews Drive Roundabout.

REK/mjh

Attachments: 1) 8/17/10 Town of Hilton Head Correspondence
2) 6/21/10 Public Facilities Committee Items

cc: Eddie Bellamy

z/PSC/11-01 matthews dr-beach city road row #2



**COUNTY COUNCIL OF BEAUFORT COUNTY
PURCHASING DEPARTMENT**

Building 2, 102 Industrial Village Road
Post Office Drawer 1228, Beaufort, SC 29901-1228
Phone: (843) 470-2735 Fax: (843) 470-2738

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

VIA: Sharon Burris, County Auditor

FROM: Dave Thomas, CPPO, Purchasing Director

**SUBJ: IFB # 3939/110702 Mailing Services for the Beaufort County Tax
Bills and Courtesy Notices**

DATE: August 12, 2010

BACKGROUND: In accordance with state statute, Beaufort County is required to notify taxpayers of their obligation to pay annual property taxes and fees. This is done via an annual property tax bill, or if the taxes are escrowed on the property, this is done via an annual courtesy notice. The intent of this Invitation to Bid (IFB) and resulting contract is to obtain mailing services for the Beaufort County Auditor's Office. The service includes mailing/postage, stuffing of approximately 32,000 notices and 175,000 tax bills. A pre-bid meeting was held on June 24th, 2010 at 10:00 am in the BIV#2 conference room.

SUBMITTED BIDS: 6

Southern Imaging, Florence, SC	\$65,231.25
American Solutions, Ladson, SC	\$74,760.00
Consolidated Mailing Services, West Columbia, SC	\$78,225.00
QuestMark Information Management, Houston, TX	\$82,460.00
Presort Plus, Inc, Taylor, SC	Non-responsive
United Systems of Arkansas, Inc, Little Rock, AR	Non-responsive

Southern Imaging submitted the lowest responsive/responsible bid of \$65,231.25. Their bid was reviewed and found to be reasonable and is in compliance with the County's SMBE Ordinance. Southern Imaging will be self-performing all work.

FUNDING: Account # 11021-51010, total amount of \$65,231.25.

RECOMMENDATION: The Finance Committee approve the contract award to Southern Imaging for mailings services the lowest responsive/responsible bidder in the amount of \$65,231.25.

Cc: Gary Kubic, Bryan Hill, David Starkey



BEAUFORT COUNTY TREASURER
 PO DRAWER 487
 BEAUFORT SC 29901-0487

**2010 BEAUFORT COUNTY
 PROPERTY TAX BILL**

FORWARDING SERVICE REQUESTED

30947 1 AV 0.335
 030947
 Joe Cheetah
 Owner Two
 619 Colonial Dr
 Suite B
 Hilton Head, SC 29926

INSTALLMENT TAX INFORMATION
 TO APPLY FOR THE REAL PROPERTY TAX INSTALLMENT PAYMENT PLAN NEXT YEAR, YOU MUST SUBMIT THE ENCLOSED APPLICATION TO THE COUNTY TREASURER.
 IF YOU HAVE PAID YOUR 2010 TAXES BY INSTALLMENT, THIS BILL IS FOR YOUR BALANCE DUE.
 APPLICATIONS MUST BE SUBMITTED BETWEEN 12/1/2010 AND 1/15/2010

2009 TAX/FEEES \$ 743.75
2010 INSTALLMENT PAYMENTS \$ 0.00

TAX YEAR	ALT ID	PROPERTY ID	DISTRICT	
2010	2262219	R553 018 000 0001 0106	550-SOUTH ISLAND PSD	
PROPERTY TYPE	PROPERTY CLASS CODE	MORTG ID	RATIO	ACRES
Real Property	ResImp CondominiumUnit SglFam	1230	4%	11.034

DESCRIPTION
APT106 SEACABIN ON THE OCEAN 1/1/1984
619 COLONIAL DRIVE

OUTSTANDING RECAP				
TAX YEAR	TAX DUE	PENALTY	TREASURER FEES	TOTAL
2010	200.32			200.32
PRIOR	760.88	114.12	125.00	1,000.00
TOTAL	961.20			1,200.32

ACCOUNT INFORMATION	
MARKET AND TAXABLE VALUES AS DETERMINED FOR 2009 REASSESSMENT.	
MARKET VALUE	115,000
TAXABLE VALUE	100,000
HOMESTEAD EXEMPTION AMOUNT	50,000
OTHER EXEMPTIONS	0
ASSESSED VALUE	2,000

WHERE YOUR TAX DOLLARS GO			
DESCRIPTION	MILLAGE	ASSESSED VALUE	TAX/FEE
CNTY OPS	0.04021	2,000	\$ 80.42
CNTY DEBT	0.00362	2,000	\$ 7.24
CNTY REAL	0.00213	2,000	\$ 4.26
SCHOOL OPS	0.09026	2,000	\$ 180.52
SCHOOL DEBT	0.02443	2,000	\$ 48.86
TOWN OF HHI	0.01854	2,000	\$ 37.08
STORMWATER			\$ 22.46
TOTAL	0.17919		\$ 380.84

HOW YOUR TAXES ARE CALCULATED	
(TAXABLE VALUE)	100,000
(HOMESTEAD EXEMPTION) -	50,000
(OTHER EXEMPTIONS) -	0
(TAXABLE VALUE LESS EXEMPTIONS)	50,000
(ASSESSMENT RATIO) x	4 %
(ASSESSED VALUE)	2,000
(MILLAGE RATE) x	0.17919
(TAX AMOUNT)	\$ 358.38
(INSTALLMENT PAYMENTS) -	0
(SCHOOL TAX CREDIT SAVINGS -ONLY 4% RESIDENTS) -	180.52
(FEES) +	22.46
(PRIOR UNPAID TAXES/FEES/PENALTIES) +	1,000.00
TOTAL AMOUNT DUE	\$ 1,200.32

Return this stub with payment

2010 BEAUFORT COUNTY PROPERTY TAX BILL

TAX YEAR	ALT ID	PROPERTY ID	PROPERTY ADDRESS	TOTAL DUE
2010	2262219	R553 018 000 0001 0106	619 COLONIAL DR	\$ 1,200.32

OWNER AS OF 12/31/2009 JOANNE ROMINE
 PAYABLE NOW THROUGH 1/15/2011 \$ 1,200.32
 THEN PENALTIES APPLY...

THIS TAX BILL MAY BE PROCESSED ELECTRONICALLY

THERE WILL BE A CHARGE FOR ANY CHECK RETURNED BY THE BANK

IF RECEIVED AFTER 1/15/2011 (3%) \$ 1,206.32
 IF RECEIVED AFTER 2/1/2011 (10%) \$ 1,220.35
 IF RECEIVED AFTER 3/16/2011 (15%) \$ 1,230.37
 IF RECEIVED AFTER 3/31/2011 (PLUS \$75) \$ 1,305.37
 IF RECEIVED AFTER 8/31/2011 (PLUS \$50) \$ 1,355.37

SEE REVERSE SIDE FOR INFORMATION REGARDING PAYMENT OPTIONS,
 CONTACT INFORMATION AND INSTRUCTIONS ON HOW TO READ THIS BILL.

MAKE CHECK PAYABLE AND REMIT TO:

JOE CHEETAH
 OWNER TWO
 619 COLONIAL DRIVE
 SUITE B
 HILTON HEAD, SC 29926

BEAUFORT COUNTY TREASURER
P.O. DRAWER 487
BEAUFORT, SC 29901-0487

2010/

TEXT AMENDMENT TO THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), APPENDIX R, MAY RIVER COMMUNITY PRESERVATION (CP) DISTRICT (ADDS NEW APPENDIX FOR DEVELOPMENT STANDARDS FOR THE MAY RIVER CP DISTRICT).

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: August 23, 2010

Second Reading:

Public Hearing:

Third and Final Reading:

(Amending 99/12)

APPENDIX R. MAY RIVER COMMUNITY PRESERVATION (CP) CODE

DIVISION 1. MAY RIVER COMMUNITY PRESERVATION DISTRICT CODE

Sec. 1.0. Purpose.

The May River Community Preservation District (MRCPD) is intended to promote low intensity rural development patterns comprised primarily of residential uses; while encouraging and allowing more urban development to locate outside the District at either end of the corridor.

Sec. 2.0. Applicability.

The May River Community Preservation District requirements apply to all uses within the May River CP District boundaries. The Beaufort County Zoning and Development Standards Ordinance (ZDSO) shall apply to all development in this district, unless expressly exempted or otherwise provided for in this section. When in conflict, the development and architectural design standards of the District shall supersede the development standards of the ZDSO and the Corridor Overlay District.

Sec. 3.0. District Boundaries.

The delineation of areas that fall under the May River Community Preservation District zoning designation are outlined on the official zoning map of Beaufort County.

Sec. 4.0. Permitted Activities.

The permitted uses in the May River Community Preservation District are primarily residential. Table 1 includes descriptions of permitted uses for the CP District. Uses not listed in Table 1 are prohibited.

- (a) Uses permitted in the CP District are indicated in Table 1 with a "Y" in the "Permitted" column. These uses are permitted as a matter of right subject to all performance standards.
- (b) Limited uses ("L") are permitted only if all the "limiting" criteria for that use, as listed in Section 4.2 are met. The "limitations" listed in section 4.2 supersede any and all limitations for that use that are included in Article V Division 2. The Zoning and Development Administrator (ZDA), or, when applicable the Development Review Team (DRT) issue final approval of limited uses.
- (c) Special uses ("S") are permitted only by approval of the zoning board of appeals (ZBOA). A special use must conform to any limited use criteria listed for that use as well as the ZBOA review criteria included in sections 106-552.
- (d) Not all properties may meet the limited and/or special use requirements, thus sites upon which the use could be built may be limited.
- (e) If a limited or special use is proposed as part of a subdivision or land development, the site plan must designate their locations.

Table 1. May River CP District Permitted Uses

Land Use	Use Definition	Permitted
AGRICULTURAL USES		
Agriculture	Crop and animal production, plant nurseries, tree farms. (NAICS 111, 112)	Y
Forestry	Perpetual management, harvesting and enhancement of forest resources for ultimate sale or use of wood products, requiring replanting, and subject to S.C. Forestry Commission BMPs. (NAICS 113)	Y
Commercial stables	Stabling, training, feeding of horses, mules, donkeys, or ponies, or the provision of riding facilities for use other than by the resident of the property, including riding academies. Also includes any structure or place where such animals are kept for riding, driving, or stabling for compensation or incidental to the operation of any club, association, ranch or similar purpose.	L
RESIDENTIAL USES		
Single-family detached	An unattached (stand alone) dwelling unit intended for only one family.	Y
Single-family cluster	A traditional form of neighborhood development that preserves meaningful open spaces by requiring development to be grouped together using a grid or close pattern.	Y
Family compound	A traditional rural development that allows family members to place additional family dwelling units on, and/or subdivisions of, a single lot owned by the same family for at least 50 years. Family compound regulations in section 106-2105 apply.	Y
Outbuilding	A structure used for storage, detached garage, garage with second story residential dwelling, or accessory residential dwelling unit that is located on the same lot but clearly secondary to an existing single-family dwelling.	L
Guest House	A second dwelling unit, clearly subordinate and separate from the principal unit, but otherwise resembling a principle residential unit and functioning as a single family home. A Guest House is deemed to be a part of the main property owner's "compound" and is not intended to be subdivided for other uses. A Guest House is for use by the property owner and his/her family and guests only.	L
HOME USES		
Home occupation	A business, profession, occupation or trade located entirely within a residential dwelling, which does not change the essential character of the residential structure.	L

Land Use	Use Definition	Permitted
COMMERCIAL USES		
Bed and Breakfast	A lodging establishment in which there are no more than six guestrooms, or suites of rooms available for temporary occupancy for varying lengths of time by the general public with compensation to the owner. Meals may be prepared, provided that no meals are sold to persons other than guests. The establishment must be the owner's principal place of residence (NAICS 721191).	L
Roadside stand	A temporary or permanent structure used in the sale of agricultural produce, home made goods, seafood, and flowers. More than one vendor may sell at a single stand.	Y
RECREATION USES		
Outdoor recreation	Active recreational activities and supporting services limited to: jogging, cycling, tot lots, playgrounds, tennis courts, private docks, community docks and fishing clubs. Passive recreational uses including, but not limited to: wildlife sanctuaries, forests, and areas for hiking, nature areas. Includes picnic areas and garden plots (NAICS 71219).	S
TEMPORARY USE		
Model homes sales office	A dwelling unit or modular unit in a subdivision used as a sales office for that subdivision.	Y
Contractor's office	Security guard buildings and structures, construction equipment sheds, contractor's trailers and similar uses incidental to a construction project. Limited sleeping and/or cooking facilities may also be permitted. This use must be removed upon project completion.	Y

Source: NAICS 2008

Sec. 5.0 Limited and special use standards.

This section describes the standards governing the limited and special uses designated in Table 1. These standards are in addition to other standards required elsewhere in the Beaufort County ZDSO, but supercede the limited and special use standards in Article V, Division 2 of the ZDSO. New uses within the MRCPD shall be consistent with surrounding neighborhood character in size, scale and architecture. Some of the uses listed below include the statement, "The ZDA and/or DRT may require one or more impacts analyses." These analyses include, but are not limited to: a community impact statement (CIS), an area impact assessment (AIA), an environmental impact assessment (EIA), a traffic impact assessment (TIA) and/or an archaeological and historic impact assessment (AHIA). The ZDA and/or DRT may also request additional data or reports from the applicant.

(a) Commercial Stables

- (1) Additional buffering shall be required whenever the use is within 100 feet of a developed residential lot. The buffer shall be increased to a minimum of 50% of the required setback.
- (2) The minimum site area shall be five acres.

- (3) A five-foot-high fence is required around paddock areas.
 - (4) *Reports/studies required.* All applications for this use shall include an area impact assessment.
- (b) *Outbuildings (Residential and Non-Residential).*
- (1) Residential Outbuildings:
 - A. Shall be permitted on the north side of May River Road only.
 - B. Front Setback: Minimum 20 feet behind front face of primary building.
 - C. Side Setback: 10 feet minimum.
 - D. Rear Setback: 3 feet minimum with rear access lane, 10 feet without.
 - E. Only one residential outbuilding may be created per principal dwelling.
 - F. The property owner for a lot with a Residential Outbuilding must hold title to, and occupy the principal unit as their permanent or seasonal residence.
 - G. The livable space of residential outbuildings (heated
 - H. Residential Outbuildings may be located no more than 50 feet from the principal dwelling unit.
 - I. Residential Outbuildings may be rented or leased and shall not count towards the density of the lot.
 - J. Usable space (heated space) shall not exceed 950 square feet or 35 percent of the principal dwelling's total floor area.
 - K. The Outbuilding shall be designed to maintain the architectural design, style, appearance and character of the principal dwelling as a single-family residence. The Outbuilding shall be consistent with the facade, roof pitch, siding and windows of the principal dwelling.
 - (2) Non-Residential Outbuildings:
 - A. Are permitted on both sides of May River Road.
 - B. Shall not exceed 35 percent of the principal dwelling's total floor area. However, outbuildings on lots of more than 2 acres whose main function involves the storage of goods shall not be limited by size.
 - C. Side Setback: 10 feet minimum.
 - D. Rear Setback: 10 feet minimum.
 - E. Front Setback: Minimum 20 feet behind front face of primary building.
 - F. The Outbuilding shall be designed to maintain the architectural design, style, appearance and character of the principal dwelling as a single-family residence. The Outbuilding shall be consistent with the facade, roof pitch, siding and windows of the principal dwelling.
- (c) *Guest Houses*
- (1) Guest Houses shall be permitted South of May River Road.
 - (2) A Guest House shall be subordinate to the principal dwelling and be for use by the property owner and his/her guests only.
 - (3) A Guest House is deemed to be a part of the main property owner's "compound" and is not intended to be subdivided for other uses. They shall adhere to the front, rear, and side setbacks listed for the principle structure.

(4) A Guest House is for use by the property owner and his/her family and guests only. They shall not be leased or rented, and must gain their access from the driveway of the principal house.

(5) Existing lots of record that are 2 to 5 acres in size are permitted one guest house, not to exceed 2000 square feet. Lots created after the adoption of the May River CP District that are 5 acres or more in size are permitted one or more Guest Houses; however, the total square footage of all guest dwellings (houses) may not exceed 75% of the square footage of the principal house. Furthermore, the total square footage of all guest houses (when added together) may not exceed 5000 square feet.

(6) Nothing herein shall prevent the construction of a guest house prior to the construction of the principal dwelling.

(7) Manufactured (i.e., mobile) homes shall not be permitted to be used as guest houses.

(d) *Home occupation.*

(1) Home occupations shall be clearly incidental and secondary to the dwelling and shall not change its character or use as a residence.

(2) The owner of the home occupation shall reside on the property, in the residence.

(3) The maximum floor area permitted for home occupations shall be 25 percent of the finished floor area of the dwelling unit. This shall include any area used for indoor storage.

(4) There shall be no outside storage of goods, products, equipment, or other materials associated with the home occupation.

(5) No toxic, explosive, flammable, radioactive, or other hazardous materials shall be used or stored in conjunction with a home occupation.

(6) No outdoor trash receptacles or dumpsters over 55 gallons in capacity shall be permitted.

(7) Signage is limited to 10 square feet (see signage below).

(8) The type and volume of traffic generated by a home occupation shall be consistent with the traffic generation characteristics of other dwellings in the area. The home occupation shall not negatively affect the safety, ambience or character of the neighborhood in any way.

(9) Additional parking for a home occupation is limited to two parking spaces constructed of pervious materials.

(e) *Bed and breakfast.*

(1) The ZDA and/or DRT may require one or more impacts analyses.

(2) Bed and breakfast signs are limited to 10 square feet total sign area (See Signage below).

(3) Parking shall be off-street and located behind the principal structure. If a physical constraint prohibits rear-loaded parking for a structure that fronts an Arterial Road or Collector Road, the CRB/DRT may approve side loaded parking. If the structure fronts a Local Road, both side loaded and on-street parking shall be permitted if the design maintains the character of the area and safety is adequately addressed.

(4) Off-street parking must be screened from adjoining land uses by hedges and canopy trees.

(5) If newly constructed for use as a bed and breakfast, the building must be compatible with the neighborhood, preferably using traditional or "lowcountry" architectural design.

Sec. 6.0 Development Standards.

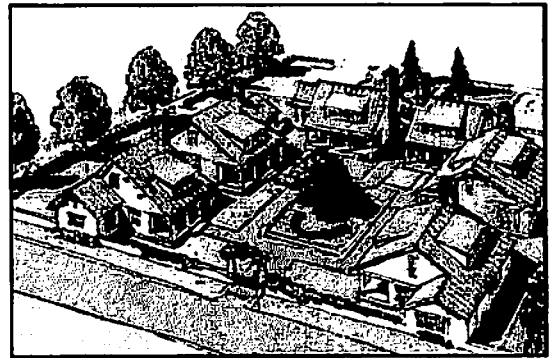
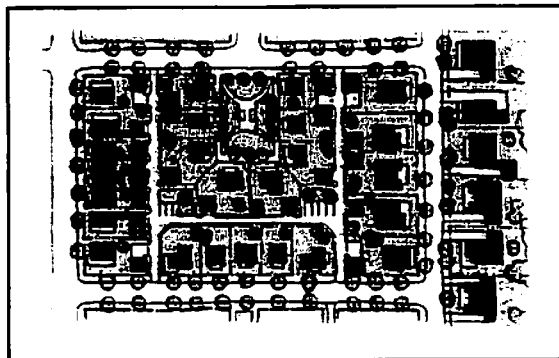
Development standards address how a land use is situated on a parcel. In addition to the following standards, the development standards of the Beaufort County ZDSO shall apply.

Table 1 – Development Standards.

Zoning District and Development Type	Min. OSR or LSR	Density		Sewer	Min. Lot Size	Min. Site Area (Acres)
		Max. Gross	Max. Net			
May River CPD – North Side of May River Road						
Single-Family	0.60	0.34	N/A	OS		6.0 ac.
Single-Family (Traditional Cluster)	0.80	0.50	N/A	P/CS		8.0 ac.
Family Compound	See ZDSO Sec. 106-2105					
Commercial Uses	0.60	N/A	N/A	OS		na
May River CPD – South Side of May River Road						
Single-Family	0.60	0.20	N/A	OS		10 ac.
Family Compound	See ZDSO Sec. 106-2105					
Commercial Uses	0.60	N/A	N/A	OS		na

Note: The Single Family Traditional Cluster shall allow for a development pattern know as a Rural Cottage Close. The Rural Cottage Close requires a minimum site of 8 acres with a minimum of four dwellings and maximum of six dwellings arranged in a traditional close pattern.

Note: A minimum of 50% of the required Open Space shall remain entirely undisturbed.



Diagrams a & b. The Single Family Traditional Cluster in the form of a traditional cottage close.

Table 2 – Lot and Building Standards.

	Minimum	Maximum
--	---------	---------

District & Development Type	Lot Area (sq. ft.)	Lot Width (feet)	Front Setback (feet)	Side Yard (feet)	Rear Yard (feet)	Height (feet)
May River CPD – North Side of May River Road						
Single-Family	21,780 sq. ft.	80 ft. <u>100 ft.</u>	primary & secondary mass min 1/3 of lot depth	30 ft. <u>15 ft.</u>	30 ft.	**2.0 stories or 35 ft. ^^Appurtenances 40 ft.

District & Development Type	Minimum					Maximum
	Lot Area (sq. ft.)	Lot Width (feet)	Front Setback (feet)	Side Yard (feet)	Rear Yard (feet)	Height (feet)
May River CPD – North Side of May River Road (cont'd)						
Single-Family (Traditional Cluster)	4,000 sq. ft.	40 ft.	18 ft. primary mass 8 ft. secondary mass*	10 ft.	10 ft.	**2.5 stories or 40 ft. ^^Appurtenances 45 ft.
Family Compound	See ZDSO Sec. 106-2105					
Commercial Uses	10,890 sq. ft.	50 ft.	15 Arterial 15 Collector 50 Local	18 ft. 10 ft.	50 ft.	**2.0 stories or 35 ft. ^^Appurtenances 40 ft.
May River CPD – South Side of May River Road						
Single-Family	1 ac.	250 ft.	primary & secondary mass min 1/3 of lot depth from front parcel line or from the OCRM critical line^	50 ft.	400 ft. 50 ft.	**2.5 stories or 40 ft. ^^Appurtenances 45 ft.
Family Compound	See ZDSO Sec. 106-2105					
Commercial Uses	21,780 sq. ft.	80 ft.	15 Arterial 15 Collector 50 Local	18 ft.	50 ft.	**2.0 stories or 35 ft. ^^Appurtenances 40 ft.
May River CPD – Scenic River Overlay^Δ						
Single-Family	1 ac. 21,780 sq. ft. with (CS) or (PS)	250 ft.	Lots abutting the May River and tributaries primary & secondary mass min 1/3 of remaining lot depth from OCRM Critical Line^Δ	18 ft.	50 ft.	**2.5 stories or 40 ft. ^^Appurtenances 45 ft.

* Secondary Mass - constitutes an open porch or two story porch without screening.

** Building height shall be measured in number of Stories, excluding Attics Appurtenances and raised basements AND / OR the lowest ground elevation to the eave or roof deck. A Story constitutes the portion of a building or structure between the upper surface of a floor and the lower surface of the ceiling or exposed roof next above. Each mezzanine that exceeds the percentage of floor area for a mezzanine defined in the South Carolina Building Code is counted as a story for the purposes of measuring height. Each story used exclusively for parking vehicles is also counted as a story.

[^] Lots that abut the May River or tributaries shall be treated as if they front the River. In this case the setback from the OCRM Critical line shall be in addition to the front setback for the lot, and the Rear Setback from the rear lot line shall serve as the Rear Setback. In the case of conflict, the OCRM setback shall supersede any other setback, ensuring that every lot is buildable. The first 50 ft of the OCRM Critical Line setback shall remain in a natural state. If a lot extends from May River Road to the May River or tributaries then the principle structure may front whichever corridor is desired. If the principle structure fronts the river or a tidal creek, any Outbuildings or Guest Cottages shall locate on the landward side of the main residence.

^{^^} Appurtenance – Architectural features not used for human occupancy, consisting of spires, belfries, cupolas or domers; parapet walls, and cornices without windows; chimneys, ventilators, skylights, and antennas.

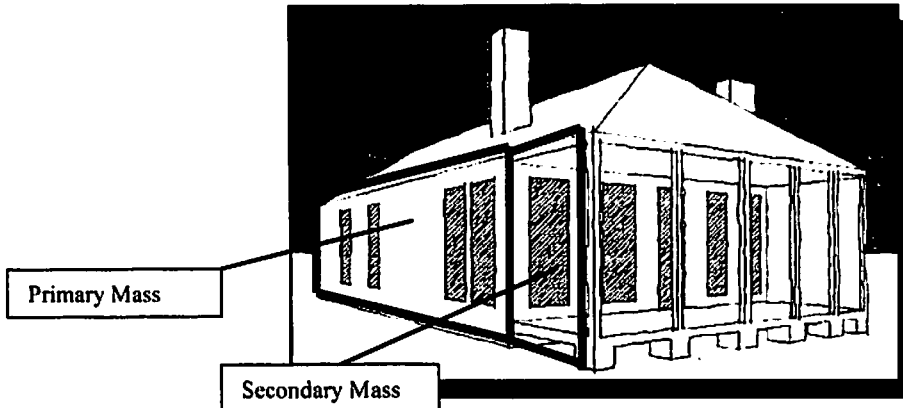


Diagram c. The Primary Mass (Principle Structure) and Secondary Mass (Porch).

Table 3 – Setback, Buffer, and Tree Standards

Zoning District and Development Type	Lot	Number of Landscaping Canopy or Existing Trees per:		Road Tree Spacing per:	Setback Depth (ft.), Buffer Depth (ft.), Adjoining Roads		
		Acre Open Space	Parking Spaces	Feet of ROW	Arterial	Collector	Local
May River CPD – North Side of May River Road							
Single-Family (Traditional Cluster)	2 trees per /du	10 trees	N/A	50 ft.	Setback 100 Buffer 75*	Setback 100 Buffer 75*	Setback 100 Buffer 75*
Single Family	2	5	N/A	N/A	Setback Min. 1/3 of lot Buffer** Min. 1/2 of setback	Setback Min. 1/3 of lot Buffer** Min. 1/2 of setback	Setback Min. 1/3 of lot Buffer** Min. 1/2 of setback
Family Compound	See ZDSO Sec. 106-2105						
Commercial Uses	4	8	1/8	50	Setback Min. 50 Buffer**	Setback Min. 50 Buffer**	Setback Min. 50 Buffer**

Zoning District and Development Type	Lot	Acre Open Space	Parking Spaces	Feet of ROW	Setback Depth (ft.), Buffer Depth (ft.), Adjoining Roads		
					Arterial	Collector	Local
May River CPD – South Side of May River Road							
Single-Family	2	5	N/A	N/A	Setback Min. 1/3 of lot Buffer** Min. 1/2 of setback	Setback Min. 1/3 of lot Buffer** Min. 1/2 of setback	Setback-Min. 1/3 of lot Buffer** Min. 1/2 of setback
Family Compound	See ZDSO Sec. 106-2105						
Commercial Uses	4	10	1/8	50	Setback Min. 50 Buffer**	Setback Min. 50 Buffer**	Setback Min. 50 Buffer**

* vegetated buffer with 80% opacity (overstory, understory, and shrubs), the majority of which is comprised of indigenous plantings that shall not require watering.

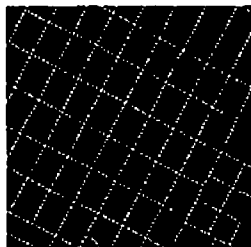
** vegetated buffer at 30% opacity over 1/2 of the setback, the majority of which is comprised of indigenous plantings that shall not require watering.

Sec. 7.0

Design Standards

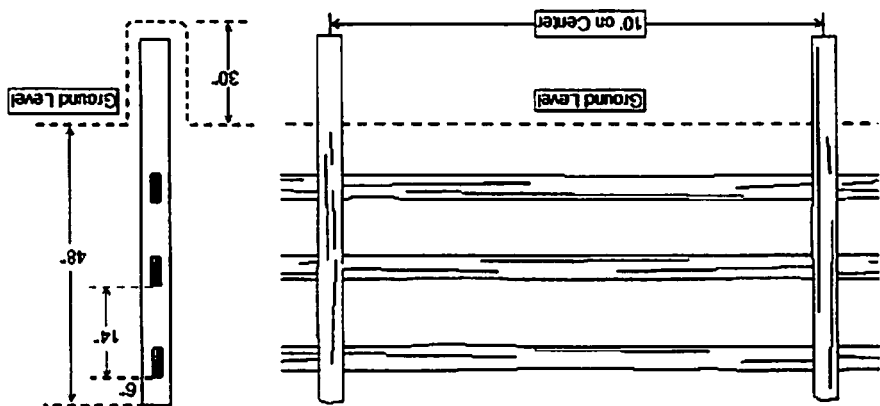
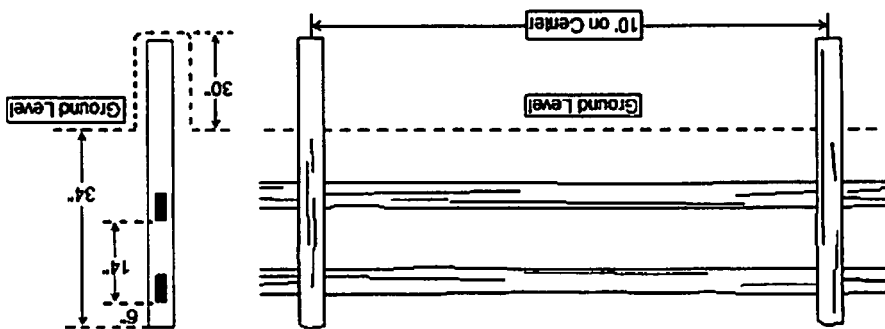
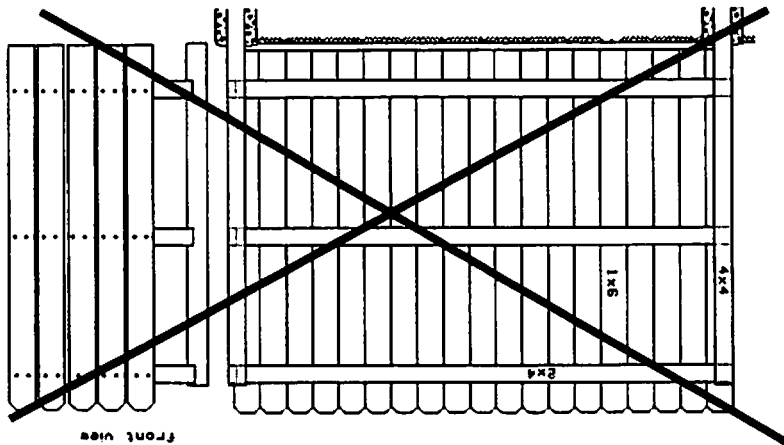
(a) Block and Street Requirements

On the North side of May River Road (Neighborhood and Traditional Cluster) the site shall be developed using a grid, modified grid, or cottage close pattern. Cul-de-sacs, pipe stems and dead ends shall not be permitted unless the natural conditions prohibit more traditional patterns and means of connectivity. Blocks shall be limited to a perimeter of 3500 feet in a Neighborhood and 2500 feet in a Traditional Cluster.



Diagrams d & e. The grid or modified grid and the cul de sac, and pipe stem.

- (b) **Vehicular Access** (Single Family Subdivision and Single Family Traditional Cluster)
Garages shall be located to the side and rear or as part of an Outbuilding. The driveway access shall be no more than ten feet in width. At a min, 50% of the driveway shall be comprised of pervious surface. Front-loading garages shall be detached and set back a minimum of 20 feet behind the front face of the primary building.
- (c) **New Streets**
New streets shall connect to existing streets wherever possible. Larger-scale developments (more than 10 units) are required to provide stub streets to adjacent undeveloped or underdeveloped sites. The DRT may adjust the road standards if such changes would allow for a more rural, narrow street character.
- (d) **Open Space** (Single Family Subdivision and Single Family Traditional Cluster)
- (1) A min. of 35 percent of the property required to meet the OSR shall be designed as contiguous **common space**. Such space may be passive or active and is intended to provide green infrastructure, serve as a gathering place, or provide agricultural resources for the larger community. The construction envelope modulation standards of section 106-3032 of the ZDSO may be utilized to further preserve natural resources and create varied lot sizes. The use of the construction envelope standards also gives more privacy on small clustered lots and helps to maintain the rural character.
 - (2) Where a Single Family Subdivision abuts a body of water, a usable portion of the shoreline, as well as reasonable access to it, shall be a part of the common open space.
 - (3) **Common Space Uses.**
The common open space shall be useable for low-intensity recreation (path or trail), gathering (fire pit, bench swing, playground), agriculture (community garden) or other passive outdoor living purposes and for preserving the natural features of the site. The uses permitted shall be in accordance with section 106-1876 of the ZDSO.
- (e) **Lighting**
- (1) Cutoff lighting fixtures are limited to a maximum lighting level of five foot-candles and a maximum mounting height of 20 feet. All other fixtures shall have a maximum lighting level of three foot-candles and a maximum mounting height of 15 feet.
- (f) **Signage**
- (1) Standards are as follows:
 - A. Signage shall convey a rural character and be approved by the JCRB.
- (g) **Fencing**
All fencing shall be split rail (2, 3, or 4 rails) and maintained in its natural condition, or painted white, Charleston green, or black (see below). Living fences composed of wood and wire shall be allowed and encouraged both in neighborhoods and in lieu of privacy fences. Chain link, metal, or so called "privacy" fences are prohibited. Picket fences, while filled with character, are more indicative of urban or sub-urban housing districts. They are prohibited in the May River Road Corridor Overlay. Fencing within the May River Road Corridor Overlay shall be split rail as approved by the JCRB.



(h) Entry

- (1) Private gatehouses or entryways shall be prohibited along May River Road, and all Collector and Local Roads. Entry shall be addressed via a break in the fencing or landscape, a small hanging sign, and possibly a light post.**
- (2) Those neighborhoods requesting additional entry ornamentation shall locate the ornamentation at least 150' from the centerline of the access road. All entry features shall be in keeping with the rural nature of the preservation district, and if located within the May River Road Corridor Overlay shall be approved as part of the JCRB process.**

(i) Docks

Docks shall be permitted as specified in 106-1912.

2010 /

COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT FOR THE MAY RIVER COMMUNITY PRESERVATION DISTRICT FROM RURAL TO RURAL COMMUNITY PRESERVATION AREA.

BE IT ORDAINED, that County Council of Beaufort County, South Carolina, hereby amends the Comprehensive Plan Future Land Use 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: August 23, 2010

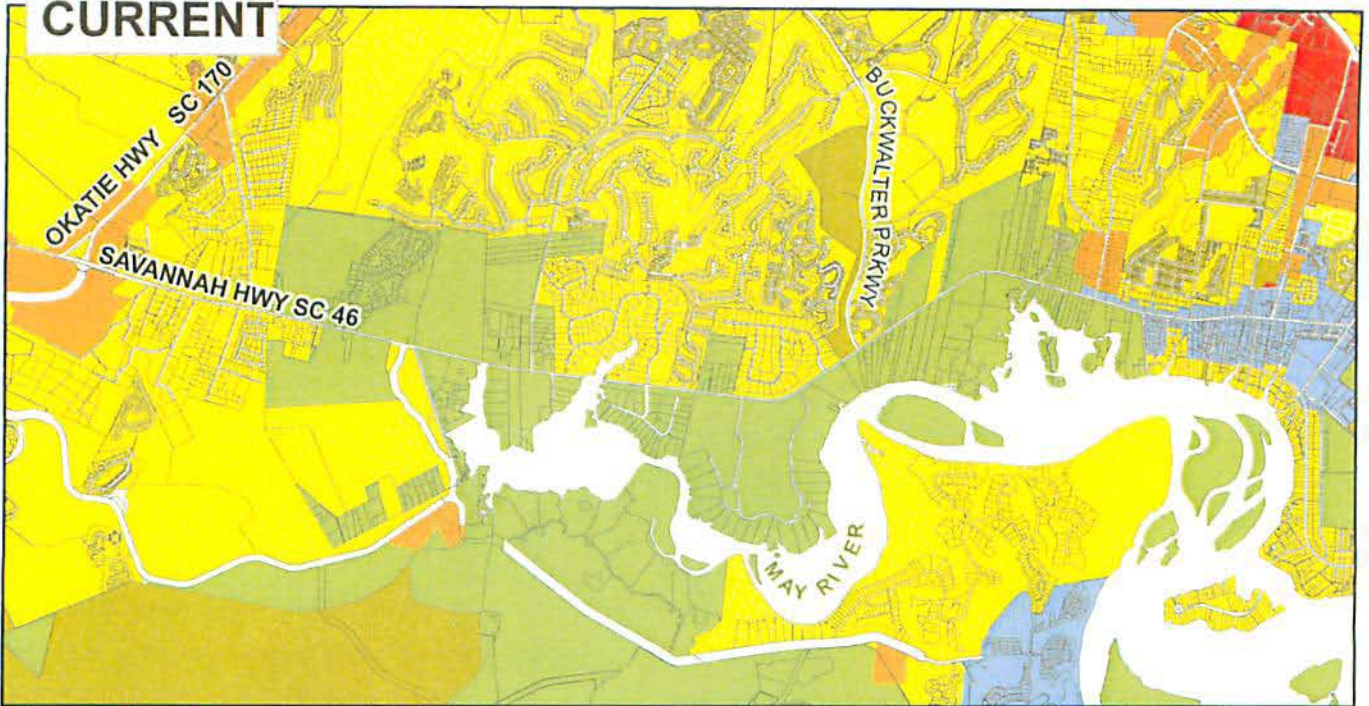
Second Reading:

Public Hearing:

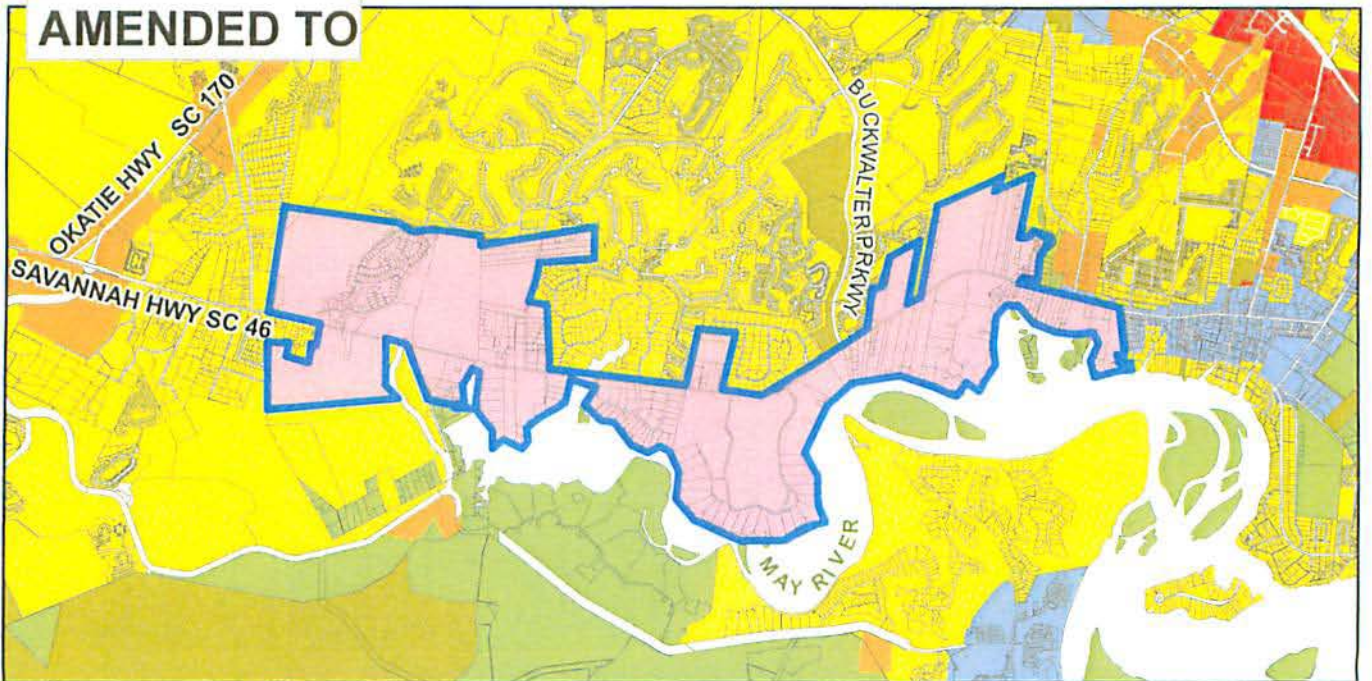
Third and Final Reading:

(Amending 99/12)

CURRENT



AMENDED TO



LEGEND

-  Parcels
-  Preserved Land
-  Rural
-  Rural Community Preservation
-  Neighborhood / Mixed Use
-  Community Commercial
-  Regional Commercial
-  Core Commercial
-  MAY RIVER Community Preservation District, Proposed

**May River Community Preservation
Future Land Use Map Amendment**

From Rural to Rural Community Preservation



2010 / ____

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO ADOPT AN ADDITION TO THE BEAUFORT COUNTY COMPREHENSIVE PLAN OF 2007.

BE IT ORDAINED that County Council of Beaufort County, South Carolina, hereby adds to the Beaufort County Comprehensive Plan of 2007, enacted by Ordinance 2007 / 40, Appendix F, Section 8, entitled May River Community Preservation Area Plan.

Adopted this ____ day of _____, 2010.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:

Ladson Howell, Staff Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading: August 23, 2010

Second Reading:

Public Hearing:

Third and Final Reading:

Amending 2007 / 40

APPENDIX F, SECTION 8.
MAY RIVER COMMUNITY PRESERVATION (CP) PLAN

MAY RIVER COMMUNITY PRESERVATION DISTRICT PLAN

Purpose

The purpose of the May River Community Preservation Plan is to preserve the unique character of the May River / Highway 46 corridor by articulating a direction for future development of this community. The Plan addresses Natural & Cultural Resources, Land Use, Transportation, and Recreation. As a policy document, appended to the County's Comprehensive Plan, this plan is to be used to guide zoning, subdivision, facilities funding and design, and community development decisions made by government officials and agencies. The May River Community Plan serves as a foundation and the structure upon which more detailed policies, standards and master plans may be developed.

Process

In 2005, a group of concerned citizens (unofficially known as the May River Road Planning Committee) began meeting on a regular basis to identify critical issues affecting the May River / Highway 46 Corridor, as well as potential solutions. The group envisioned their efforts as a precursor to the County's Community Preservation process. The official CP process convened in 2007. Those interested in serving on the committee were asked to submit their names to the County's CP Planner. Citizens from surrounding (unincorporated) communities, as well as those who had served on the May River Road Planning Committee were deemed eligible. At a subsequent meeting, the community selected, by vote, the 13 member May River CP Committee. The Beaufort County Planning Commission approved and appointed the Committee.

The Committee met with representatives from agencies that service or might potentially impact the May River / Highway 46 Corridor (the Trust for Public Lands, the Town of Bluffton, Greater Bluffton Pathways, BJWSA, May River Waterbody Management Plan Project Team, etc.). Through this process the Committee was able to identify issues which they believed were most pertinent to the future of their community. These include:

- Preserving the low density and rural residential character of the corridor
- Preserving the existing rural character along May River Road
- Preserving the environmental integrity of the May River
- Maintaining a clear edge between urbanized areas (Bluffton, Pritchardville) and rural areas (the May River Road corridor)
- Preserving undeveloped lands within the District through acquisition and easements.
- Providing contextual pathways and trails

THE MAY RIVER COMMUNITY PRESERVATION DISTRICT

The majority of issues and goals outlined in this plan relate to preserving the status of the May River Corridor. Both Highway 46 and the May River have a capacity at which point they will reach a tipping point and become unsustainable in their current form. Given all of the approved development in Southern Beaufort County, Highway 46 is predicted by the County to fail by 2025.

Beaufort County and the Town of Bluffton are engaged in a constant effort to keep the May River pristine and healthy. The biggest threat to the river is overdevelopment of the immediate area. Currently, the average density of the entire CP District is just one unit per 8 acres.

The Town and County have committed to the establishment of consistent and compatible zoning regulations along the Highway 46 Corridor. Yet, along the eastern portion of the corridor the two jurisdictions utilize different regulatory tools and zoning. If this is to be the case, it is important that the future land use map for Beaufort County and the Town Of Bluffton are compatible in this area. Otherwise, there will be tremendous pressure for additional annexations.

Recommendation

Protect the unique rural character that exists along the Highway 46 corridor by promoting low intensity development that preserves the district's scenic attributes and rural feel while severely limiting commercial uses.

MAY RIVER CP DISTRICT DEVELOPMENT INTENSITY & CHARACTER

a. Development North of May River Road

The established density should be one unit per three acres on the north side of May River Road. This is in keeping with the density of Beaufort County's Rural Zoning District. The required open space will be 60% of the site. The minimum lot size is ½ acre.

Should the applicant agree to intense clustering of residences, with 80% open space, then the applicant should receive a bonus that permits them to subdivide at a rate of one unit per two acres. The applicant will be encouraged to construct a range of lot sizes, from ¼ acre cottage lots to 1 acre estate lots.

Connectivity to existing communities shall occur. When developing new neighborhoods open spaces shall be contiguous, usable (greenway with trails, parks, playgrounds, etc), and used to define the neighborhood edge. Whenever possible these lands shall be linked to neighboring green belts and open spaces.

b. Development South of May River Road

Due to the environmental sensitivity of the May River and the anticipated capacity of Highway 46 the established density should be one unit per five acres on the south side of May River Road. It is recommended that the required open space be comprised of 60% of the site. The minimum lot size should be 1 acre, unless the subdivision is on sewer, in which case the minimum lot size should be 1/2 acre.

Unless otherwise noted in the Scenic Road Overlay Standards, all development should reside behind a 100 foot setback (measured from the edge of the ROW), the first 75 feet of which shall be a vegetated buffer with 80% opacity (overstory, understory, and shrubs). Whenever possible the buffer should be comprised of indigenous species, requiring minimal (initial) to no irrigation or replacement. If non-indigenous species are utilized, the buffer shall require the use of irrigation to ensure survival.

1. River Lots

Waterfront lots in new subdivisions should have a minimum of 250 feet of parallel frontage along the May River or its tributaries. Furthermore, all development should be set back 100 feet from the OCRM Critical line. Existing lots of record should be exempt.

2. Guest Houses

Existing lots of record of 2 acres in size or greater are permitted one guest house not to exceed 2,000 square feet. A Guest House is deemed to be a part of the main property owner's "compound" and is not intended to be subdivided for other uses. They are for use by the property owner and his/her family and guests only. They should not be used for lease or rent, and should gain their access from the driveway of the principal house.

Parcels created after the adoption of the May River CP Code that are 5 acres or more in size should be permitted to have one or more Guest Houses. However, the total square footage of all guest dwellings (guest houses) should not exceed 75% of the square footage of the principal house. Furthermore, the total square footage of all guest houses (when added together) should not exceed 5000 square feet.

This formula allows for the equivalent of two estate homes (principal, and guest house); a "main" house with two "significantly" sized houses (principal, and two guest houses); or a "main" house and three traditionally sized cottages (principal, and three guest houses). Anything more significant essentially establishes the definition of a neighborhood. Construction of the principal dwelling must occur prior to, or in conjunction with any guest houses. Manufactured homes shall not be permitted to be used as guest houses.

MAY RIVER CP DISTRICT DEVELOPMENT FUNCTION

In order to ensure that this stretch of corridor remains rural it is anticipated that residents will head to Town or to Pritchardville to fulfill their daily needs. Therefore, the CP District should primarily consist of low density residential development. However, a few very low intensity, businesses (in keeping with the character of the roadway) such as farm stands, bed and breakfasts, and home based businesses will be allowed in the district. The design specifications for businesses requiring additional exposure and access will be addressed in the SCENIC ROAD OVERLAY DESIGN STANDARDS.

- Permitted Without Limitations
 - Agricultural
 - Residential
 - Single Family detached
 - Single Family Cluster
 - Family Compound
- Permitted With Limitations
 - Residential
 - Guest House
 - Home Occupation
 - Home Business
 - Commercial and Retail
 - Bed and Breakfast (not in excess of 6 rentable bedrooms)
 - Permanent Produce Stands

MAY RIVER CP DISTRICT DEVELOPMENT FORM

The Community Preservation District is actually bisected by two geographic features, the May River, and Highway 46. Both the River and the Highway serve as transportation and recreation corridors. These serve as the windows to the District. It is from these vantage points that people interpret the "character" and "feel" of the area. Therefore, the committee recommends the application of two overlay districts specifically aimed at addressing development within these corridors. These overlay districts shall be referred to as the Scenic Road Overlay and the River Overlay.

The boundary for the River Overlay will be measured 500 feet from the critical line and the boundary for the Scenic Road Overlay will extend 500 feet from the centerline of the road respectively. The current Corridor Overlay District regulations (located in Appendix B of the Beaufort County Zoning and Development Standards Ordinance (ZDSO)) will apply to Highway 46 unless they are in direct conflict with regulations found in the Scenic Road Overlay; in which case the Scenic Road overlay supersedes the Corridor Overlay District. The additional standards reflect the area's natural surroundings and ensure that development portrays a rural context.

Recommendation

Encourage a NATURAL and RURAL aesthetic by promoting context sensitive design standards, preserving the existing tree canopy over and adjacent to the highway, and maintaining the thoroughfare as a two lane highway.

a. Development within the Scenic Road Overlay

1. Regulation / Review

Within the May River Corridor, only non-residential properties and those places where the public frontage (i.e. road right of way) and the private frontage (i.e. a new neighborhood entranceway) converge shall be reviewed by the Joint Corridor Review Board (JCRB). Such non-residential uses are extremely limited in scope within the Community Preservation District and do not warrant the establishment of an individual review board. The CP Committee will have the right to nominate two additional members to sit in and vote when commercial projects from the May River CP District are heard by the JCRB. The two nominees shall reside in the May River CP District. Ideally, one citizen representative and one "design professional" (employed in a field such as Planner, Urban Designer, Architect, and Landscape Architect) will characterize the representatives from the May River CP District.

2. Aesthetics

This overlay is intended to give the impression that the Highway 46 corridor primarily bisects lands in an open or cultivated state or that are sparsely settled. Despite the increasing population density of this area, the primary viewshed should make every effort to reflect woodlands and agricultural land.

It should be recognized that there is a vast difference between a low intensity, formally regulated corridor, and one with a truly "rural" context. Outside of Town, May River Rd. exudes a truly rural context. The informality of the corridor allows for "eclecticism" and promotes a "sense of uniqueness". While the corridor is no longer agricultural, the dominant features are woodlands, wetlands, and scattered vernacular buildings of various setbacks. There is also an undeniable character associated with this Corridor; one that is very much in keeping with the "rural south".

All new residential development shall reside behind a 100-foot setback (measured from the edge of the right-of-way (ROW)), the first 75 feet of which will include a vegetated buffer with 80% opacity (both overstory & understory and shrubs). The buffer shall be comprised of indigenous species and shall be irrigated and replaced wherever and whenever necessary.

3. Streets and Trails

Highway 46 is a very heavily traveled roadway that would normally be considered by S.C. Department of Transportation (SCDOT) for widening. In order to preven

this, every measure possible to slow traffic down while allowing free movement must be attempted. The posted speed should not exceed 45 mph.

Secondary roads should be designed to calm or slow traffic as opposed to promoting its free flow. Promote creative ways to narrow road width and defer to the natural landscape as much as possible. Roads shall not utilize curb and gutter, but rather swales. Turning radii should be shallow unless impeded geographically. "Environmental or green" features and "rural & natural" materials shall be listed and encouraged in the code. Off-road bicycle trails and walkways that are that are pervious, natural, and appropriate for rural settings should be included in every new development. However, to exclude the "resort look" and maintain both the tree canopy and overall rural character they shall be considered for placement off of the road. Sidewalks are only appropriate for small lot clusters, and these should utilize surface materials that are pervious and or natural.

The Community Preservation Committee will form an implementation committee that will meet seasonally as needed. This committee will be charged with implementation (as needed), accessing how the plan is working, and nominating to the County Council two representatives for the JCRB. In terms of the Corridor Overlay, as improvements are made along the highway or communities develop along the highway frontage, this committee will work with various public entities (County, SCDOT, SCE&G) and landowners / developers to examine the burying of existing power lines along the ROW. Portions of this ROW could serve as a trail system or bike lane.

4. Plantings and Lighting

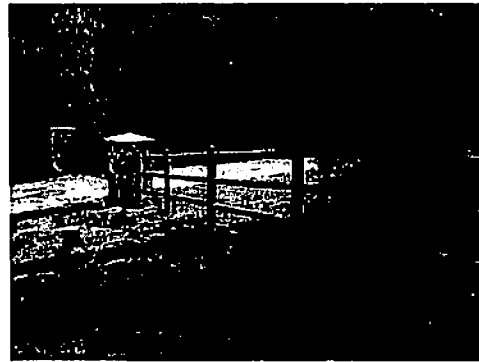
Plantings in rural areas are typically naturalized and native as opposed to being formal and symmetric. Plantings (landscaping) within the Highway Buffer should native or indigenous species. These require minimal (initial) to no irrigation or replacement. If non-indigenous species are utilized, the buffer shall require the use of irrigation to ensure survival.

As an ecologically sensitive, rural corridor, overhead lighting should be used only when necessary to address issues of safety. Such lighting should not consist of standard cobra head lights, but rather an aesthetically pleasing alternative. Lighting is anticipated on both signage (private business) and for security purposes (residences). At this scale, Pipe and Post lighting is most appropriate. Within a subdivision, column lighting may also be used; however, it is most appropriate around clustered housing or smaller lots.

5. Fencing, Private Entryway Features, Signage

Fencing on land that abuts the Highway 46 ROW should be split rail (2, 3, or 4 rails) and maintained in its natural condition, or painted a color currently found along the corridor (i.e. white, Charleston green, black, etc). Living fences composed of wood and wire are also allowed and encouraged both in

neighborhoods and in lieu of privacy fences. Chain link, metal, or so called "privacy" fences are prohibited. Picket fences, while filled with character, are more indicative of sub-urban housing districts. They are prohibited along Highway 46.



Examples of rural split rail fencing.

Private gatehouses and monumental or ornate entryways are prohibited along the Highway 46 ROW. A break in the fencing, a small hanging sign, and possibly a light is all that is necessary. Those developments requesting additional entryway structures must locate them at least 150' from the centerline (at the buffer line). All entry features shall be in keeping with the rural nature of the preservation district and shall be approved as part of the JCRB process.

Projecting, wall, and monument type signage should be permitted; however, it is critical that it be of a proper scale and rural character. These items are encouraged to be unique in their composition and made of natural materials (wood, metal, brick, etc).



Examples of rural signage.

Recommendation

Accommodate future development along the May River and discourage visual blight by promoting context sensitive (Lowcountry maritime) and environmentally sound design standards.

b. Development within the Scenic River Overlay

1. Future Development Pattern

The Scenic River Overlay is intended to ensure that future structures are befitting of their maritime setting and do not overwhelm the corridor both visually and environmentally.

The Scenic River Overlay should require all development to be setback a minimum of 100 feet from the OCRM critical line. Guidelines will also address vegetation standards, selective clearing criteria, and enforcement provisions. With the exception of the view corridor guidelines found in the ZDSO, the first 50 feet of the 100-foot setback shall be maintained in its natural state.

A principal residence should not exceed a maximum height of 2.5 stories (35 feet) or 40 feet with appurtenances.

In order to prevent visual clutter, houses that directly front the river or a tidal creek should maintain a minimum riverfront lot width of 250 feet and locate accessory structures or Guest Cottages on the landward side of the main residence. The setback and lot width negates the need for architectural review of individual residences within the River Overlay.

If a property is located in both Overlay Districts the primary dwelling may front whichever corridor the applicant chooses. Residential uses on Highway 46 are not part of the JCRB review process.

2. Docks

Docks will adhere to those standards currently found in the Beaufort County ZDSO under Water Dependent Uses.

2010 /

BEAUFORT COUNTY ZONING MAP AMENDMENT FOR THE MAY RIVER COMMUNITY PRESERVATION DISTRICT FROM RURAL, RURAL-RESIDENTIAL, AND RURAL-TRANSITIONAL OVERLAY DISTRICTS TO MAY RIVER COMMUNITY PRESERVATION DISTRICT.

BE IT ORDAINED, that County Council of Beaufort County, South Carolina, hereby amends the Comprehensive Plan Future Land Use 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

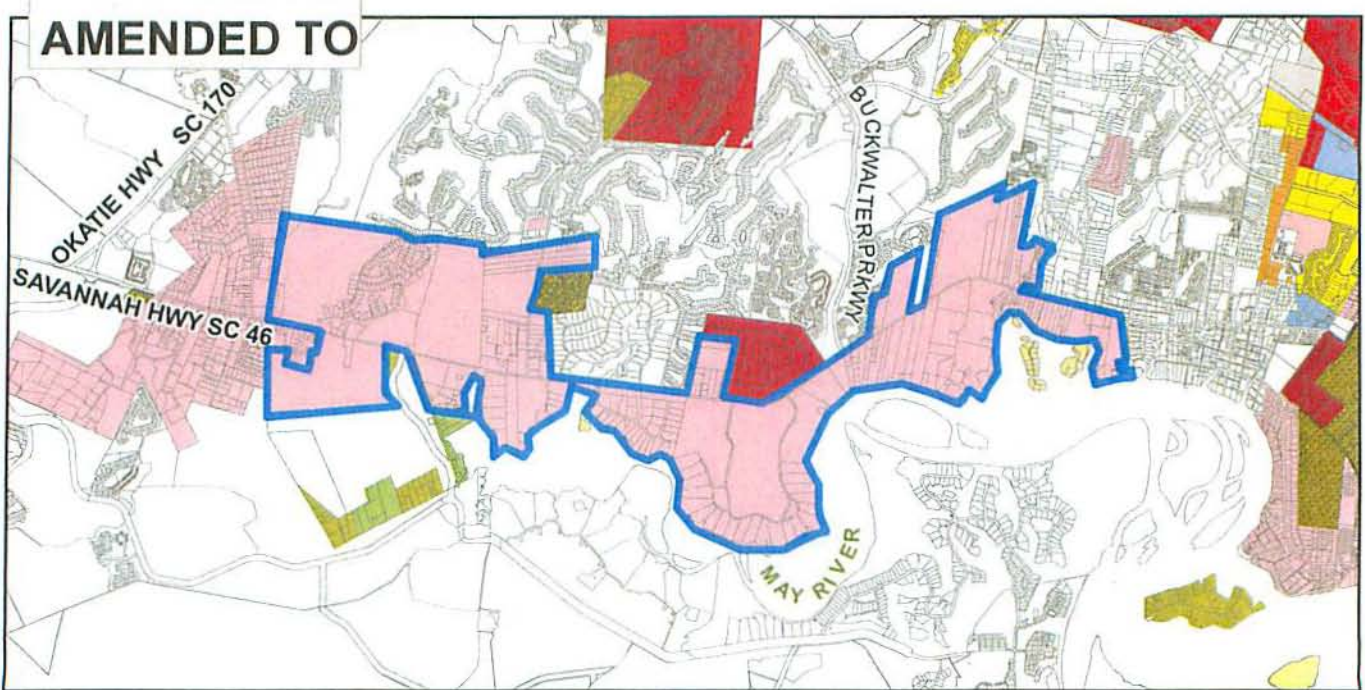
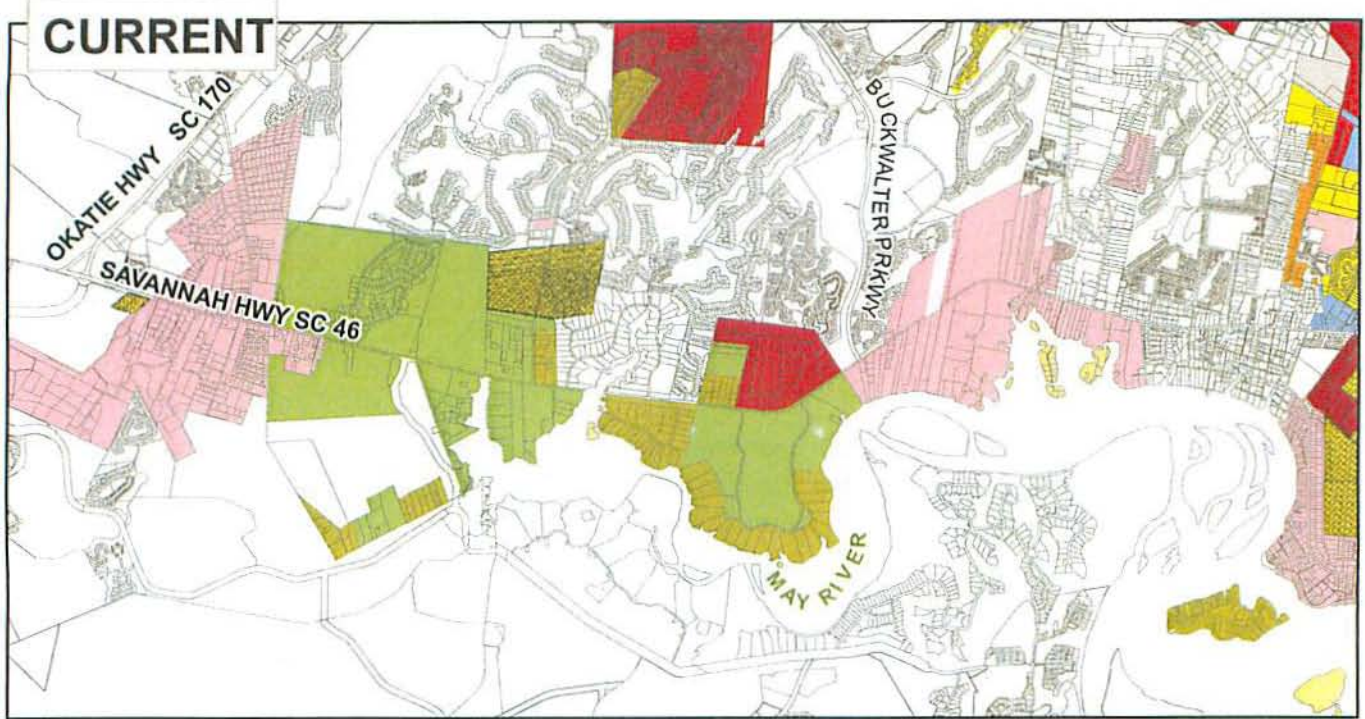
First Reading: August 23, 2010

Second Reading:

Public Hearing:

Third and Final Reading:

(Amending 99/12)



LEGEND

-  Parcels
-  Rural
-  Rural Residential
-  Rural Transitional
-  Community Preservation
-  Suburban
-  Planned Unit Development
-  MAY RIVER Community Preservation District, Proposed

**May River Community Preservation
Zone District Map Amendment**

From Rural, Rural Residential, Rural Transitional
To Community Preservation



Anthony Criscitello

10 August, 2010

Beaufort County Planning

100 Ribaut Road

County Administration Building, Beaufort, SC 29901

Re: May River Community Preservation District

Tony,

As discussed the three property owners below hereby wish to be removed from the CP District.

This is a contiguous area on an outside boundary of the district.

Thank you so much for your concerned help in this matter.

Regards,



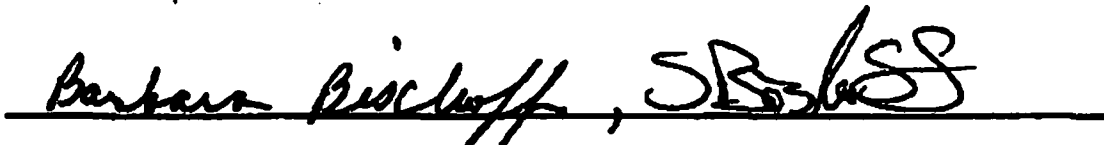
Stephen Bischoff

87 Palmetto Bluff Road

Bluffton, South Carolina 29910

Bischoff, Barbara, Stephen

Parcel R600 037 000 0090 0000



Smith, Don, Rebecca

Parcel R600 0037 000 0083 0000

Parcel R600 0037 000 0099 0000

Parcel R600 0037 000 0027 0000

Don K. Smith / Rebecca D. Smith

Cramer, Arthur, Deanna, Richard, Susan

Parcel R600 0037 000 0028A 000

Parcel R600 0037 000 0028D 000

(see attached) _____

8-10-2010

To whom it may concern:

I, Arthur Cramer, Deanna Cramer, Richard N. Cramer, and Susan L. Cramer request that the properties we purchased at 103 Palmetto Bluff Road, tax #'s, R600 037 000 028D 0000 and R600 037 000 028A 0000, not be included in the "May River Community Preservation District"; also excluding my property, 2.8000 acres tax #R600 037 000 0028 0000 not be included.

Sincerely:

Arthur M. Cramer
Arthur M. Cramer

Deanna G. Cramer
Deanna G. Cramer

Richard N. Cramer
Richard N. Cramer

Susan L. Cramer
Susan L. Cramer

2010 /

BEAUFORT COUNTY ZONING MAP AMENDMENT / REZONING REQUEST ON LADY'S ISLAND R201-15-118, -508, -509, AND -510 (4 PROPERTIES) FROM LADY'S ISLAND COMMUNITY PRESERVATION (LICP) AND PROFESSIONAL OFFICE DISTRICT (POD) TO VILLAGE CENTER (VC).

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

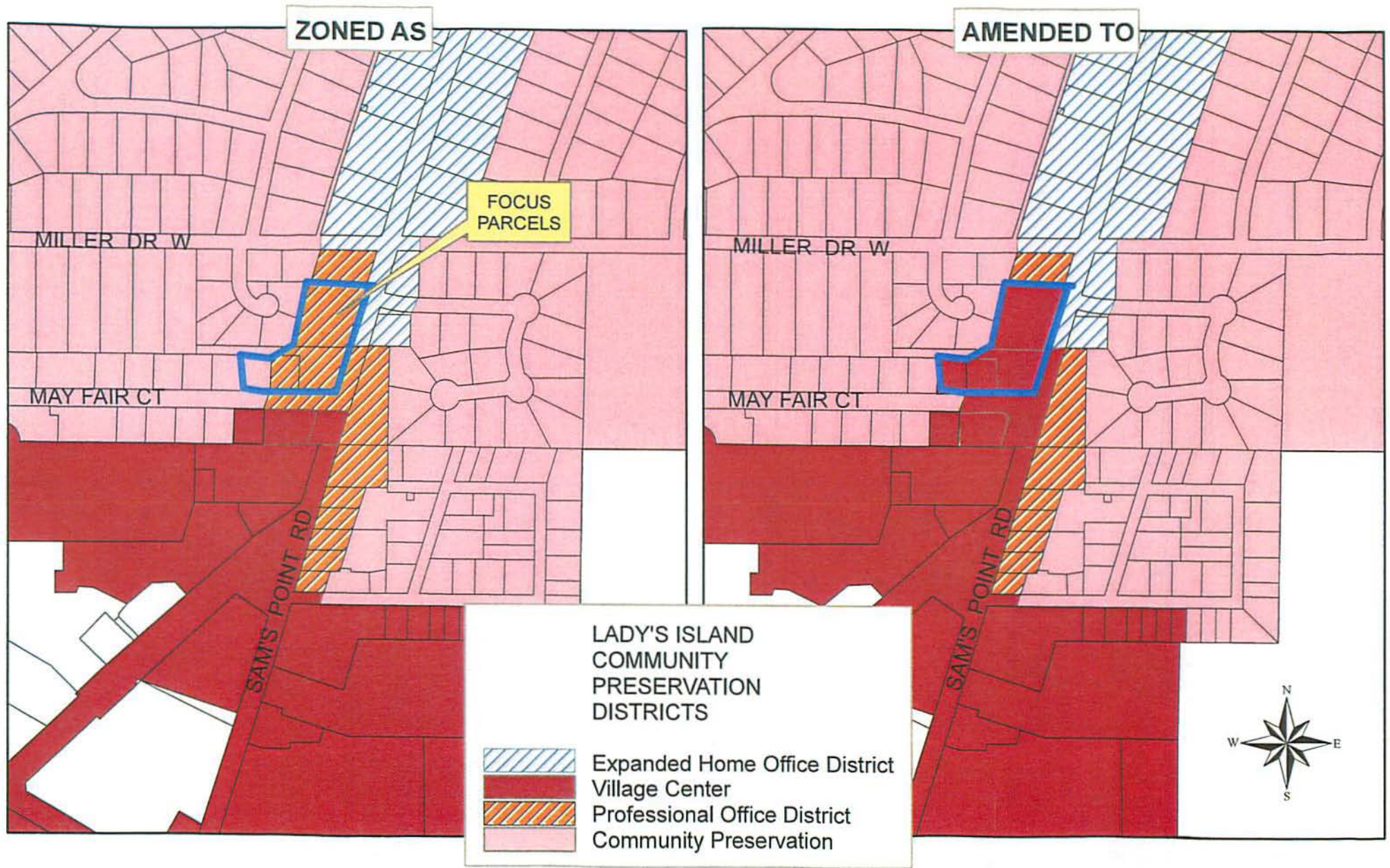
First Reading: August 23, 2010

Second Reading:

Public Hearing:

Third and Final Reading:

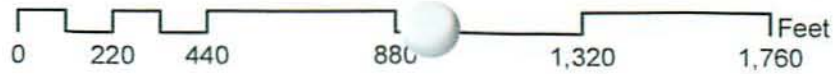
(Amending 99/12)



LADY'S ISLAND ZONING MAP AMENDMENT

FROM Professional Office & Community Preservation Districts [POD, CP] TO Village Center [VC]
 IN THE LADY'S ISLAND COMMUNITY PRESERVATION DISTRICT

Action involves Parcels: R201 015 0118; R201 015 0508, 0509, & 0510;



2010 /

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO AMEND THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE, TEXT AMENDMENT TO THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), ARTICLE V: TABLE 106-1098. GENERAL USE TABLE, COMMERCIAL USES – COMMERCIAL RETAIL, NEIGHBORHOOD (ADDS ALLOWABLE USE OF VARIETY STORES); AND SECTION 106-1285(D)(1) COMMERCIAL RETAIL, NEIGHBORHOOD (ADDS 10,000-SQUARE FOOT LIMITATION FOR VARIETY STORES IN RURAL BUSINESS DISTRICTS).

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

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: August 23, 2010

Second Reading:

Public Hearing:

Third and Final Reading:

(Amending 99/12)

TABLE 106-1098. GENERAL USE TABLE

Land Use	Priority Areas							Rural Areas				Additional Standards (See Section)	Use Definition	
	U	S	C R	C S	RD	LI	IP	R	RR	RB	RC			
COMMERCIAL USES														
Commercial retail, neighborhood	L	L C	Y	L	N	Y	N	L C	N	L	N	106-1285	<p>The maximum size of any neighborhood commercial retail use shall be 10,000 sq. ft. These uses are retail uses that primarily serve their immediate neighborhoods, and include the following types:</p> <ol style="list-style-type: none"> 1. Hardware stores 2. Grocery store with general merchandise for resale, with limited uses allowable in CS and CP districts up to 40,000 sq. ft., exclusive of ancillary uses 3. Food and beverage stores 4. Boutiques, gift shops, antique shops, liquor stores, bookstores and drugstores 5. Garden centers 6. <u>Variety stores (NAICS 452990)</u> 	

Section 106-1285. Commercial retail, neighborhood.

(d) *Limited standards for neighborhood commercial retail uses within rural business districts.* Limited standards for neighborhood commercial retail uses within rural business districts are as follows:

- (1) All neighborhood commercial retail uses are limited to 3,500 square feet of floor area except for hardware stores and grocery-variety stores which are limited to 10,000 square feet of floor area and grocery stores which are limited to 20,000 square feet of floor area respectively. These size limitations may not be used collectively to produce a larger building.

2010 /

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TEXT AMENDMENT TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), ARTICLE I, SECTION 106-9(B)(1)--NONCONFORMITIES (ADDS SUBSECTION THAT ALLOWS NONCONFORMING HISTORIC BUILDINGS TO BE ADAPTIVELY REUSED AND BECOME CONFORMING THROUGH APPROVAL OF A SPECIAL USE PERMIT).

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

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: August 23, 2010

Second Reading:

Public Hearing:

Third and Final Reading:

(Amending 99/12)

Section 106-9. Nonconformities.

(b) *Procedure for becoming conforming.* Nonconformities may become conforming as follows:

- (1) *Types of situations.* The following are ~~two~~ three types of situations whereby a nonconforming use, building, structure, lot or sign can become conforming:
 - a. *Correct the nonconforming situation.* If the nonconformity is terminated and a different use is proposed which is permitted within the subject zoning district, the ZDA shall ensure that all standards for the proposed use, building, structure, lot or sign within the zoning district are met. Once this review by the ZDA is completed and approved, the new use, building, structure, lot or sign shall become conforming through issuance of the appropriate permit. Note: Where a proposed change of use is different than the nonconforming use, and a special use permit is required according to table 106-1098, the procedures beginning in subdivision IV of division 3 of article III of this chapter must be followed.
 - b. *Apply for special use permit as nonconformity.* Many nonconformities have existed in their neighborhood locations for a long time. In fact, some may have only recently become nonconforming. In some instances, the nonconformity is even an integral part of the neighborhood's function. Since zoning's purpose is to protect neighborhoods, and if the community is comfortable with the particular nonconformity, the classification "nonconformity" may run counter to community desires. Under such conditions, the nonconforming situation may be mitigated and made conforming through application for, and approval by the ZBOA for a special use permit. The purpose of this is to remove the stigma typically associated with the designation of being nonconforming with this chapter. The provisions of this section for nonconforming uses, buildings, structures, and lots provide the procedures for making a nonconformity become conforming. In no case shall nonconforming signs be approved as a special use.
 - c. *Apply for special use permit to adaptively reuse nonconforming historic structures.* Beaufort County has a rich inventory of vernacular architecture, much of which is being lost to redevelopment and neglect. Protection of these older structures is a goal of the Beaufort County Comprehensive Plan. For buildings listed in the Beaufort County Above Ground Historic Resources Survey (1997), or eligible to be listed in the survey as determined by the Historic Preservation Review Board, a special use permit to make the site conforming may be approved by the ZBOA even if the structure has been vacant for more than 120 days and/or is damaged more than 50% of market value. The proposed use of the structure shall be the same or similar to its historic use, unless the ZBOA determines that another use is compatible with the surrounding community. In addition to the required submittals for a special use application, the applicant shall provide plans for rehabilitation of the structure, which shall be reviewed and approved by the Historic Preservation Review Board and Corridor Review Board, if applicable, prior to final approval of the special use permit.

2010 /

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO AMEND THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), ARTICLE XII. SUBDIVISION DESIGN (THAT REPLACE RURAL SUBDIVISION WITH RURAL SMALL-LOT SUBDIVISION): DIVISION 3, SECTION 106-2539. RURAL SMALL LOT SUBDIVISIONS; DIVISION 4, SUBDIVISION 2. SMALL LOT RURAL SUBDIVISIONS: SECTION 106-2596. MINIMUM DEVELOPMENT STANDARDS FOR SMALL LOT RURAL SUBDIVISION; AND SECTION 106-2597. CONDITIONS AND LIMITATIONS.

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

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

(Amending 99/12)

DIVISION 3. TYPES OF SUBDIVISIONS

Sec. 106-2536. Scope.

There are three types of subdivisions permitted under this chapter: major, minor, and rural. Refer to article III of this chapter regarding review procedures for major or minor subdivisions. (Ord. No. 99-12, § 1 (div. 13.200), 4-26-1999)

Sec. 106-2537. Major subdivision.

Major subdivisions are land developments that include subdividing any tract or parcel of land into five or more lots. Refer to section 106-18 for a detailed explanation of major subdivision. Major subdivisions shall comply with this article and article XIII and other applicable sections of this chapter. Administration for major subdivisions begins with the ZDA and receives final approval by the DRT. Refer to articles II and III of this chapter for review responsibility and procedures for major subdivisions. (Ord. No. 99-12, § 1 (13.210), 4-26-1999)

Sec. 106-2538. Minor subdivision.

Minor subdivisions are land developments that include subdividing any tract or parcel of land into four or less lots. Refer to section 106-1 for a detailed explanation of minor subdivisions. Minor subdivisions shall comply with this article XII and article XIII and other applicable sections of this chapter. Administration for minor subdivisions begins and ends with the ZDA, who retains final approval authority for them. Refer to articles II and III of this chapter for review responsibility and procedures for minor subdivisions. Refer to section 106-7 for exemption options for certain types of subdivisions. (Ord. No. 99-12, § 1 (13.220), 4-26-1999)

Sec. 106-2539. Rural small lot subdivision.

(a) The Rural Small Lot Subdivision is designed to allow owners of small rural lots greater flexibility to subdivide land that would normally be restricted with the application of the rural density as prescribed in Table 106-1526. The Rural Small Lot Subdivision allows a designated number of "by-right lots" to be subdivided from a parent parcel with the rural density as prescribed in Table 106-1526 applying to the remainder of the parent parcel. The number of by-right lots that can be subdivided from a parent parcel are limited by the following geographic restrictions:

~~(a) The rural subdivision is a minor subdivision designed to allow rural families to subdivide their land as simply as possible without providing open space or creating multiple access problems on rural roads and, thus, has specific standards that do not apply to the other types of subdivision. This subdivision provides limited development opportunity in the rural (R) district if the landowner desires to continue agricultural operations, house family members, or raise income to supplement agricultural operations. It may also be used in areas where growth potential is limited by facilities capacity. This subdivision permits development at minimal cost, while providing protection from multiple access points along existing rural streets.~~

- (1) Port Royal Island. For land zoned rural on Port Royal Island outside of the Airport Overlay District, parcels of record are permitted to have 2 by-right subdivided lots, after which the base underlying density prescribed in Table 106-1526 shall apply to the remainder of the parent parcel pursuant to the requirements of this section.
- (2) Sheldon Township. For land zoned rural located north of the Whale Branch and Coosaw Rivers parcels of record are permitted to have 3 by-right subdivided lots, after which the base underlying density prescribed in Table 106-1526 shall apply to the remainder of the parent parcel pursuant to the requirements of this section.
- (3) St. Helena Island. For land zoned rural located on St. Helena Island east of Chowan Creek and the Beaufort River and south of Morgan River, parcels of record are permitted to have 3 by-right subdivided lots, after which the base underlying density prescribed in Table 106-1526 shall apply to the remainder of the parent parcel pursuant to the requirements of this section.
- (4) The small lot rural subdivision option does not apply to rural and rural residential properties located south and west of the Broad River, on Lady's Island, and in the Airport Overlay District for MCAS Beaufort.

~~(b) The rural subdivision permits a landowner to subdivide a large tract into four residential lots, for a total of five lots making up the entire original tract or parcel; the four newly subdivided lots are designated the "residential lots." The remaining parcel is designated as the "residual lot." The residual lot shall be included as part of the final plat for recordation purposes. The residual lot shall be used in part for access and as a reserve for future development that promotes sound land use patterns.~~

~~(c) All rural subdivisions permit development with special treatment of local streets. No parcel in existence on the effective date of the ordinance from which this chapter derives shall use this rural subdivision process more than one, regardless of change in ownership. No further subdivision of a lot or the residual lot created by a rural subdivision shall be permitted except as a major subdivision meeting the requirements of this chapter. The requirements in subdivision II of division 4 of this chapter must be met for a development to qualify as a rural subdivision. Administration for rural subdivision begins and ends with the ZDA who retains final approval authority for them. Refer to articles II and III of this chapter for review responsibility and procedures for rural subdivisions.~~

(b) Use of the Small Lot Rural Subdivision option is limited to parcels of record at July 1, 2010 and cannot be transferred to any other parcel. The requirements in subdivision II of division 4 of this chapter must be met for a development to qualify as a rural small lot subdivision. Administration for rural small lot subdivisions begins and ends with the ZDA who retains final approval authority for them. Refer to articles II and III of this chapter for review responsibility and procedures for rural small lot subdivisions.
(Ord. No. 99-12, § 1 (13.230), 4-26-1999)

Secs. 106-2540–106-2565. Reserved.

DIVISION 4. SUBDIVISION LAYOUT

Subdivision I. In General

Sec. 106-2566. Scope.

The sections in this division provide design guidance in laying out blocks, lots, open spaces and streets in a subdivision development. The subdivision development shall be designed with a system of major and minor streets creating blocks of land.
(Ord. No. 99-12, § 1 (div. 13.300), 4-26-1999)

Secs. 106-2567–106-2595. Reserved.

Subdivision II. Small Lot Rural Subdivisions

~~Sec. 106-2596. Minimum layout standards.~~

~~The parcel upon which a rural subdivision is proposed shall have at least two and no more than four residential lots, in addition to the residual lot. No parcel shall be able to use the rural subdivision standards unless it meets the minimum area standards in table 106-2596. Newly subdivided lot sizes shall be no smaller than one acre.~~

~~TABLE 106-2596. MINIMUM AREA STANDARDS FOR RURAL SUBDIVISIONS~~

Number of Residential Lots	Acreage
2	30
3	45
4	60

~~(Ord. No. 99 12, § 1 (13.310), 4 26 1999)~~

Sec. 106-2596. Minimum Development Standards for Small Lot Rural Subdivisions

(a) Minimum lot size for by-right lots is 1/2 acre.

(b) Once the permitted number of by-right lots is subdivided from the parent parcel in compliance with Table 106-2596, the Open Space and Density Standards in Table 106-1526 shall apply to the remaining acreage of the parent parcel with the following exception. Where by-right lots are less than 1 acre, 1 acre per subdivided by-right lot will be subtracted from the original acreage of the parent parcel before applying the density standards in Table 106-1526 to the parent parcel.

**TABLE 106-2596. MAXIMUM NUMBER OF LOTS THAT CAN BE SUBDIVIDED FROM
A PARCEL OF RECORD UTILIZING THE SMALL LOT RURAL SUBDIVISION**

<u>Parcel Size (base site density) in Acres</u>	<u>Maximum Number of Lots with no "By-Right" Lot Splits (Lady's Island, Southern Beaufort County, Airport Overlay District)</u>	<u>Maximum Number of Lots with 2 "By-Right" Lot Splits (Port Royal Island outside of Airport Overlay District)</u>	<u>Maximum Number of Lots with 3 "By-Right" Lot Splits (Sheldon Township, St. Helena Island)</u>
<u>2</u>	<u>1</u>	<u>2</u>	<u>2</u>
<u>3</u>	<u>1</u>	<u>3</u>	<u>3</u>
<u>4</u>	<u>1</u>	<u>3</u>	<u>4</u>
<u>5</u>	<u>1</u>	<u>3</u>	<u>4</u>
<u>6</u>	<u>2</u>	<u>3</u>	<u>4</u>
<u>7</u>	<u>2</u>	<u>3</u>	<u>4</u>
<u>8</u>	<u>2</u>	<u>4</u>	<u>4</u>
<u>9</u>	<u>3</u>	<u>4</u>	<u>5</u>
<u>10</u>	<u>3</u>	<u>4</u>	<u>5</u>
<u>12</u>	<u>4</u>	<u>5</u>	<u>6</u>
<u>15</u>	<u>5</u>	<u>6</u>	<u>7</u>
<u>20</u>	<u>6</u>	<u>8</u>	<u>8</u>
<u>25</u>	<u>8</u>	<u>9</u>	<u>10</u>
<u>30</u>	<u>10</u>	<u>11</u>	<u>12</u>
<u>40</u>	<u>13</u>	<u>14</u>	<u>15</u>
<u>50</u>	<u>16</u>	<u>18</u>	<u>18</u>
<u>100</u>	<u>33</u>	<u>34</u>	<u>35</u>

Sec. 106-2597. Conditions and limitations.

~~Rural Small lot rural~~ subdivisions shall meet the following conditions and limitations. Where the adjoining public right-of-way is an arterial or collector street, the required right-of-way of such streets shall be dedicated to standards as designated by the county or SCDOT.

- (1) *Access easement.* All lots shall take direct access from an access easement or right-of-way having a minimum right-of-way width of 50 feet located on the residual parcel. The access easement shall be improved with gravel and ditches for drainage. A 40-foot access easement may be permitted to serve no more than four lots with documentation provided to the DRT ZDA if emergency vehicles can be accommodated. Landowners with private accesses are exempt from the width and improvement (gravel and ditches) requirements with documentation that emergency vehicles can be accommodated.
- (2) *Access limitations.* Any lot abutting a public right-of-way classified as an arterial, collector, or emergency evacuation route shall have an accompanying plat note prohibiting direct access to that lot from the abutting arterial, collector, or emergency evacuation route. ~~The DRT may require such limitations on other roads where there exists the possibility of upgrading that road to the above status.~~
- (3) *Improvements.* The responsibility of the residual lot parent parcel owner to pave install, in accordance with the requirements of Section 106-2597(1), roads and install all public utilities, water, sewer, and storm drainage for the initial lots shall be noted on the final plat.
- (4) ~~*Residual lot requirement.* A note shall appear on all plans for rural subdivisions specifying that the residual lot cannot be further subdivided until all public improvements for water, sewer, and roads are satisfied or when infrastructure improvements and a zoning amendment take the land out of the rural district. The note on the plan shall specify that the developer of the residual lot shall be responsible to improve all streets, utilities, and drainage for the subdivision's initial residential lots in accordance with this chapter, in conjunction with the subsequent planning of the residual parcel. When the residual lot is developed, the 40percent open space requirement must be met and calculated on total acreage.~~
- (4) *Restrictions on future subdivisions.* A note shall appear on all plans for rural small lot subdivisions specifying the number of remaining by-right lots that can be subdivided from the parent tract. If all by-right lots are subdivided, the note shall state that remaining subdivisions of the parent tract shall meet the density requirements prescribed in Table 106-1526.

(Ord. No. 99-12, § 1 (13.311), 4-26-1999)

2010 /

ZONING MAP AMENDMENTS TO CHANGE THE ZONING OF ALL LANDS CURRENTLY ZONED RURAL RESIDENTIAL TO RURAL IN THE FOLLOWING AREAS OF THE COUNTY – SHELDON TOWNSHIP, ST. HELENA ISLAND, AND PORT ROYAL ISLAND (IN AREAS LOCATED OUTSIDE OF THE AIRPORT OVERLAY DISTRICT).

BE IT ORDAINED, that County Council of Beaufort County, South Carolina, hereby amends the Comprehensive Plan Future Land Use 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:

Second Reading:

Public Hearing:




Third and Final Reading:

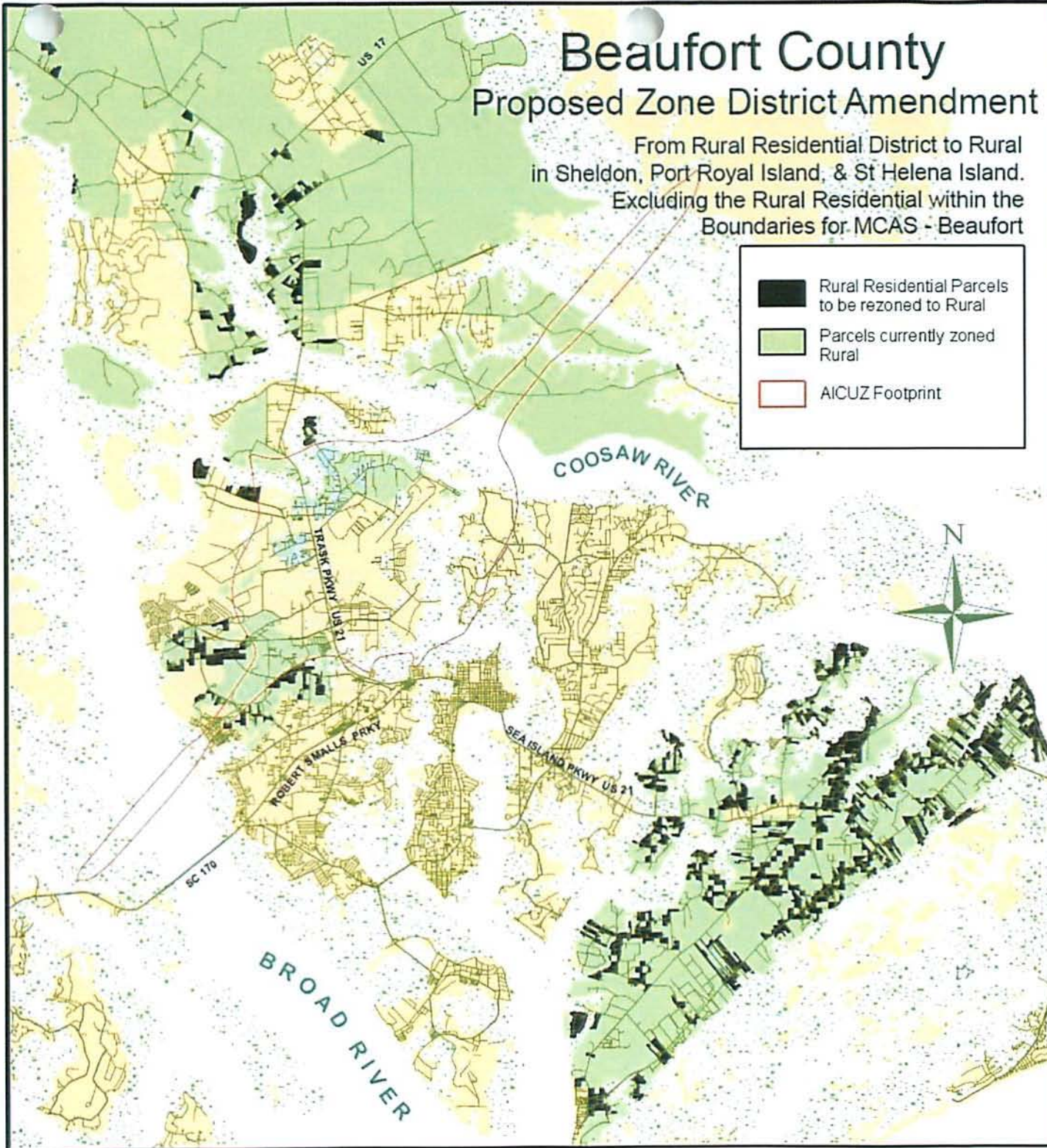
(Amending 99/12)

Beaufort County

Proposed Zone District Amendment

From Rural Residential District to Rural
in Sheldon, Port Royal Island, & St Helena Island.
Excluding the Rural Residential within the
Boundaries for MCAS - Beaufort

	Rural Residential Parcels to be rezoned to Rural
	Parcels currently zoned Rural
	AICUZ Footprint



2010 /

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO AMEND THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE, (ZDSO) THAT REPLACES ALL THE COMMUNITY OPTIONS WITH A TRADITIONAL NEIGHBORHOOD DEVELOPMENT OPTION: ARTICLE V, DIVISION 1, TABLE 106-1098 USE TABLE; ARTICLE VI, DIVISION 2, TABLE 106-1526 OPEN SPACE AND DENSITY STANDARDS; ARTICLE VI, DIVISION 3, TABLE 106-1556 LOT AND BUILDING STANDARDS; ARTICLE VI, DIVISION 4, TABLE 106-1617 BUFFERYARD AND LANDSCAPING STANDARDS; ARTICLE XI, DIVISIONS 1 AND 2.

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

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: January 11, 2010

Second Reading: January 25, 2010

Public Hearing: March 14, 2010 and June 28, 2010

Third and Final Reading:

(Amending 99/12)

ARTICLE XI. COMMUNITY USE AND NONRESIDENTIAL DESIGN

DIVISION 1. GENERALLY

Sec. 106-2346. Purpose.

(a) This article addresses the design standards to be applied to Traditional Neighborhood Developments, Planned and Multi-Family Communities, Manufactured Home Communities, and nonresidential developments, and Planned Unit Developments. It also provides regulations to ensure the quality of development and prevent monotony. These ~~community~~ development options require special design controls if they are to be successful. In traditional communities and neighborhoods around the nation, as well as in the county, buildings were built incrementally in small numbers so blocks developed over an extended period. The result is a great diversity in scale, style, and detail.

(b) All nonexempt development occurring along or requiring access from the following county highways: U.S. 278, S.C. 170, S.C. 46, S-163, Bluffton Parkway, Buckwalter Parkway, U.S. 21, U.S. 17, S.C. 802, S.C. 280, S.C. 21, and S.C. 116, shall require approval from the appropriate corridor review board, before consideration by the DRT. Refer to subdivision VI of division 2 of article II of this chapter and division 5 of article III of this chapter for additional guidelines and procedures for these reviews.

Secs. 106-2347–106-2375. Reserved.

~~DIVISION 2. COMMUNITY USE DESIGN AND STANDARDS~~ TRADITIONAL NEIGHBORHOOD DEVELOPMENTS

[Note: Division 2 is replaced in its entirety]

Sec. 106-2376. Purpose

The purpose of the Traditional Neighborhood Development option is to support the development of human scale, walkable communities where residences, business and commercial uses are within walking distance of one another. These can range from moderate infill or redevelopment projects located in already-developed areas and relying on adjacent land uses, to larger new towns complete within their own village centers and hundreds of acres of mixed housing types. Buildings within these communities can vary as well, from neighborhoods consisting primarily of single-family attached and detached dwellings, to mixed use centers, complete with integrated retail, civic, office and residential uses, including live-work units, and housing units located on top of shops.

The various uses are connected and unified by a network of streets providing a pedestrian and bicycle-friendly environment. Within this street network on-street parking is provided as a traffic-calming and pedestrian-safety device, while street trees and sidewalks create a pleasant and safe walking environment. The pedestrian-oriented nature of the district is reinforced by human-scaled buildings that relate to the street, provide safe pedestrian access, and create a

distinct district identity. In addition, the master planned nature of this district allows building setbacks to be reduced from conventional standards as part of a carefully programmed and cohesive design.

This district also supports the preservation of environmentally and historically sensitive or significant sites and the incorporation of a variety of open space, civic space, and recreational amenities into new development. Traditional neighborhood developments require specific design controls if they are to be successful. In traditional neighborhoods around the nation, as well as in the county, buildings were built incrementally in small numbers so blocks developed over an extended period. The result is a great diversity in scale, style, and detail.

Sec. 106-2377. Definitions

(a) *Bungalow Court*. Bungalow courts consist of between 6 and 10 single story or 1-½ story differentiated semi-detached units grouped around a shared pedestrian courtyard. The courtyard must be entered from the street through some form of gateway and be of sufficient size to create a hierarchical transition from the public street to the semi-private courtyard, and then to the individual bungalow.

(b) *Community Garden*. Green spaces that are communally cultivated and tended for the purpose of providing produce, a gardening experience, and/or education to residents of the surrounding community. A community garden may be divided into individual plots or tended in a communal fashion.

(c) *Green Finger*. Reserve areas along a natural feature such as a stream, vegetation, or topographic feature that extend into developed residential and commercial areas of the traditional neighborhood development.

(d) *Live/Work Unit*. An attached building type with a small home business on the ground floor that is owned and operated by the resident of the residential unit above.

(e) *Pedestrian Shed*. The pedestrian shed is the area that is within a 5 minute walk of an activity center such as a park, civic building or commercial center. A five minute walk or ¼ mile represents the distance most people are willing to walk to get to the center.

(f) *Town Cottage*. A Town Cottage is an urban detached single-family dwelling on a small lot that is potentially shared by one or more ancillary buildings. Because of the urban condition, there are no minimum front or side setbacks. Garages and/or surface parking shall be provided in the rear yard or ground level and accessed from an alley if possible. Town Cottages are only permitted in the Neighborhood Center.

(g) *Workforce Housing Units*. A workforce housing unit is any housing unit that is affordable to individuals and families with an income ranging from 65% to 120% of Beaufort County's median income as produced annually by the US Department of Housing and Urban Development (HUD). In order to be affordable, the annual cost of all housing expenses including, but not limited to, mortgage payments, rent, property tax, mortgage insurance, housing

insurance (including flood insurance), essential utilities (gas and electric), regime fees, and property owners association fees cannot exceed 35% of the gross annual income of the occupant.

Sec. 106-2378. General Requirements

(a) *Minimum Site Area.* Traditional Neighborhood Developments that are zoned Suburban must have a minimum site area of 40 acres, while those that are zoned Urban must have a minimum site area of 20 acres.

(b) *Location Requirements.* Traditional Neighborhood Developments shall meet at least one of the following locational standards:

- (1) The site must have direct access to an existing arterial or major collector roadway.
- (2) The site must be within ¼ mile of public park or school.

(c) *Mix of Neighborhood Zones.* Traditional Neighborhood Developments are required to have a minimum of two of the following three Neighborhood Zones – Neighborhood Center, Neighborhood General, and Neighborhood Edge.

(d) *Pedestrian Shed.* Where environmental conditions, site size and shape permits, all structures should be situated within ¼ miles of an activity center such as a park, civic building or commercial center.

(e) *Mix of Land Uses and Lot Sizes.* There shall be a variety of housing types in the overall development: single-family detached of various sizes; single-family attached; and multifamily dwellings. While multifamily is permitted, the majority of multifamily units are expected to occur in mixed-use structures or in multifamily housing structures designed to appear to be large, single-family structures.

(f) Diversity of Housing Choices. Traditional Neighborhood Developments are required to provide a diversity of housing options and prices to encourage a mix of incomes among its residents.

(1) Workforce Housing Units. A minimum of 10% of the dwelling units in a Traditional Neighborhood Development shall be workforce housing units in accordance with Section 106-2382.

(2) Accessory Dwelling Units. Accessory dwelling units are permitted in accordance with Section 106-1188 with the exception that there are no restrictions on the percentage of principle dwelling units that can have accessory dwelling units.

(g) *Interconnected Street Network.* Where environmental conditions, site size and shape permits, the site should be developed using an interconnected network of streets with public access that form appropriate size blocks that are no longer than 600' between any two intersections.

(h) *Public Access to All Streets.* All streets shall have no gates or any other fixture that prevents general public access to the streets.

(i) *Direct Frontage on Arterials and Major Collectors.* Where it is deemed essential to the successful development of the community, the DRT may approve frontage on an existing arterial or major collector. However, no typical strip commercial uses will be permitted and development shall adhere to the requirements established in this section and the design guidelines that are adopted with the final approval of the Traditional Neighborhood Development.

(j) *Conceptual Plan Submission.* The Conceptual Plan submission shall include the following:

- (1) A regulating plan consisting of one or more maps showing the following, in compliance with the standards described in this article:
 - a. Location of Neighborhood Zones (Edge, General, Center, and Preserve)
 - b. Mix of uses
 - c. Location, types and sizes of open spaces
 - d. Thoroughfare Network including location of sidewalks and pathways.
- (2) Preliminary design guidelines that assure a cohesiveness of the vernacular and style typical of the Lowcountry (final design guidelines are submitted with the final plan submission).

Sec. 106-2379. Neighborhood Zones

Each Traditional Neighborhood Development may consist of the following Neighborhood Zones: Neighborhood Center, Neighborhood General, Neighborhood Edge; and Neighborhood Reserve.

(a) *Neighborhood Center.* This is a social, mixed-use hub within walking distance of the surrounding neighborhood general and edge zones. Housing is in more dense rearward and sideyard buildings, often combining upper floor residential with ground floor commercial. All buildings are served by alleys. Thoroughfares typically are streets and avenues with parallel parking on both sides. Open Space is organized into parks and squares. Traditional Neighborhood Developments are required to limit commercial development to the Neighborhood Center. Such areas shall be designated in the concept plan. The county may require phasing of the development to ensure the commercial area is produced. The following shall govern commercial development:

- (1) Commercial uses in the neighborhood center shall be limited to the uses in the Urban Zoning District in Table 106-1098 of this chapter of the ZDSO.

- (2) The build-to setback for commercial buildings shall be from zero to 8 feet. The build-to line shall be specifically approved in the concept plan for the design and landscaping of the community center area.
- (3) Drive-in uses are prohibited, except where they are accessed via a rear alley.
- (4) The total area of commercial uses in the neighborhood center area shall be in proportion to accepted planning standards, allowing for excellence in project design.
- (5) The vehicular access to units shall be via alleys. This permits the rather narrow building fronts to be free from driveways and garage doors.

(b) *Neighborhood General.* This is the most widespread urban fabric, with a mixture of housing types and limited non-residential uses. Housing is typically in rearward, sideyard, and all yard buildings, with accessory structures at the rear. The thoroughfares are streets or roads with or without curb, and parallel parking. Open space is organized into parks and playgrounds.

- (1) Non-residential uses in the neighborhood general shall be limited to the following:
 - a. Home occupational use on the ground floor as long as the activity is that of the property owner and the property owner is in residence in the dwelling. Home occupational uses shall follow the standards set forth in this chapter.
 - b. Home business use in an accessory structure as set forth in this chapter.
 - c. Institutional uses, such as churches and schools.
- (2) The vehicular access to units shall be via alleys.

(c) *Neighborhood Edge.* This is a residential fabric with low to moderate density. Housing is exclusively in all yard or sideyard buildings. Non residential uses are limited to home occupational use and special recreational or civic uses, relating to adjacent forests or waterfront. Home occupational uses shall follow the same standards as the neighborhood general zone set forth in this section. The thoroughfares are roads with soft edges and no curbs. Periodic parking is accommodated on the roadside.

(d) *Neighborhood Reserve.* The Neighborhood Reserve consists of all areas within the traditional neighborhood development that are set aside as passive open space including lands delineated to meet the protected resource requirements of Section 106-1782 and the bufferyard requirements in Section 106-1617. The neighborhood reserve shall be counted as part of the minimum open space required by table 106-1526.

- (1) With the exception of green fingers and community gardens, the neighborhood reserve should be situated generally outside of the pedestrian sheds established in the traditional neighborhood development.
- (2) To the greatest extent feasible, the neighborhood reserve should consist of a continuous network of contiguous open space, buffers and preserved lands within the traditional neighborhood development.

- (3) Where there are natural features and preserved lands located on abutting properties to the traditional neighborhood development, the neighborhood reserve shall adjoin these features.
- (4) Agricultural uses, community farms and community gardens are permitted within the Neighborhood Reserve with the following restrictions.
- a. Habitable structures, bed and breakfasts, other commercial structures and parking areas that are part of a community farmstead are not permitted within the neighborhood reserve. Community farmsteads shall be situated so that these structures are located in an adjoining Neighborhood Edge or Neighborhood General zone.
 - b. Agricultural structures such as barns, coops, storage sheds, and education facilities are permitted within the neighborhood reserve.
- (5) Uses and development standards within the neighborhood reserve shall meet the requirements of Article VII, Division 4.

Table 106-2379: Lot and Building Standards for Neighborhood Zones

Development Type	Lot Area	Lot Width	Street Yard	Side Yard	Building Spacing	Rear Yard	Maximum Height*	Maximum Side Load Garage Setback	Minimum Garage Rear Setback	Minimum Garage Side Setback	Range in % in Width along frontage	Minimum Front Porch Depth	Minimum Front Porch % of Façade	Minimum First Floor Height above Grade
NEIGHBORHOOD CENTER														
Single Family														
Town Cottage	864	18	0/8 maximum	0	0	5	45		5		50%	8	20%	29 inches
Bungalow Court House	1500	30	6/24 maximum	3	6	5	45		5		50%-80%	8	30%	29 inches
Single Family Attached														
Townhouse	864	18	0/8 maximum	0	0	5	45		5		50%	8/3 for balconies	20%	29 inches
Multi-Family														
Duplex	4800	48	0/8 maximum	3	6	5	45		5		50%-80%	8/3 for balconies	30%	29 inches
Multiplex	4800	48	0/8 maximum	3	6	5	45		5		50%-80%	8/3 for balconies	30%	29 inches
Apartment	4800	48	0/8 maximum	3	6	5	45		5		50%-80%	8/3 for balconies	30%	29 inches
Commercial														
Live-Work	864	18	0/8 maximum	0	0	5	45		5		50%	8/3 for balconies	20%	0
Shopfront	864	18	0/8 maximum	0	0	5	45		5		50%	8/3 for balconies	20%	0
Institutional/Civic			0/8 maximum	0	0	5	45				50%			0

*Height is measured from grade to average height of the highest roof surface

Table 106-2379: Lot and Building Standards for Neighborhood Zones (continued)

Development Type	Lot Area	Lot Width	Street Yard	Side Yard	Building Spacing	Rear Yard	Maximum Height*	Maximum Side Load Garage Setback	Minimum Garage Rear Setback	Minimum Garage Side Setback	Range in % in Width along frontage	Minimum Front Porch Depth	Minimum Front Porch % of Façade	Minimum First Floor Height above Grade
NEIGHBORHOOD GENERAL														
Single Family														
Single Family Detached	4800	48	6/24 maximum	3/shall total 12	6	24	45		5		50%-80%	8	30%	29 inches
Bungalow Court House	1500	30	6/24 maximum	3	6	5	45		5		50%-80%	8	30%	29 inches
Multi-Family														
Duplex	4800	48	6/24 maximum	3/shall total 12	6	24	45		5		50%-80%	8	30%	29 inches
Commercial														
Institutional/Civic			6/24 maximum	3			45							29 inches
Live-Work	864	18	0/8 maximum	0	0	5	45		5		50%	8/3 for balconies	20%	0
NEIGHBORHOOD EDGE														
Single Family														
Single Family Detached	6000	60	18	12		24	45	24	5	3	40%	8	40%	36 inches
Commercial														
Institutional/Civic			18	12			45				40%			

*Height is measured from grade to average height of the highest roof surface

Figure 106-2379(a): Neighborhood Center Lot and Building Standards

NEIGHBORHOOD CENTER	
Town Cottage	
Bungalow Court House	
Attached Townhouse Commercial Shopfront • Commercial Live-Work	

Figure 106-2379(a): Neighborhood Center Lot and Building Standards (continued)

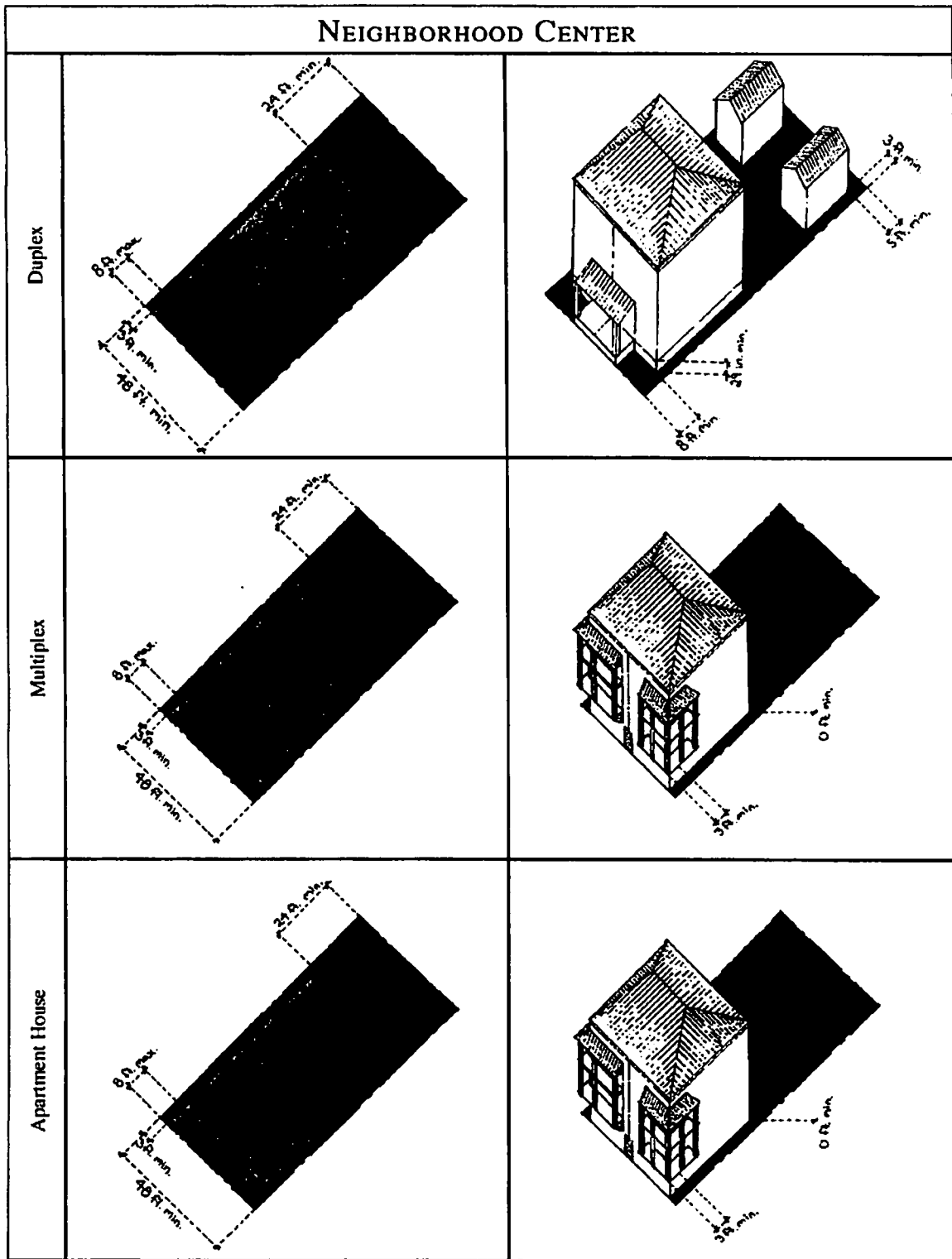
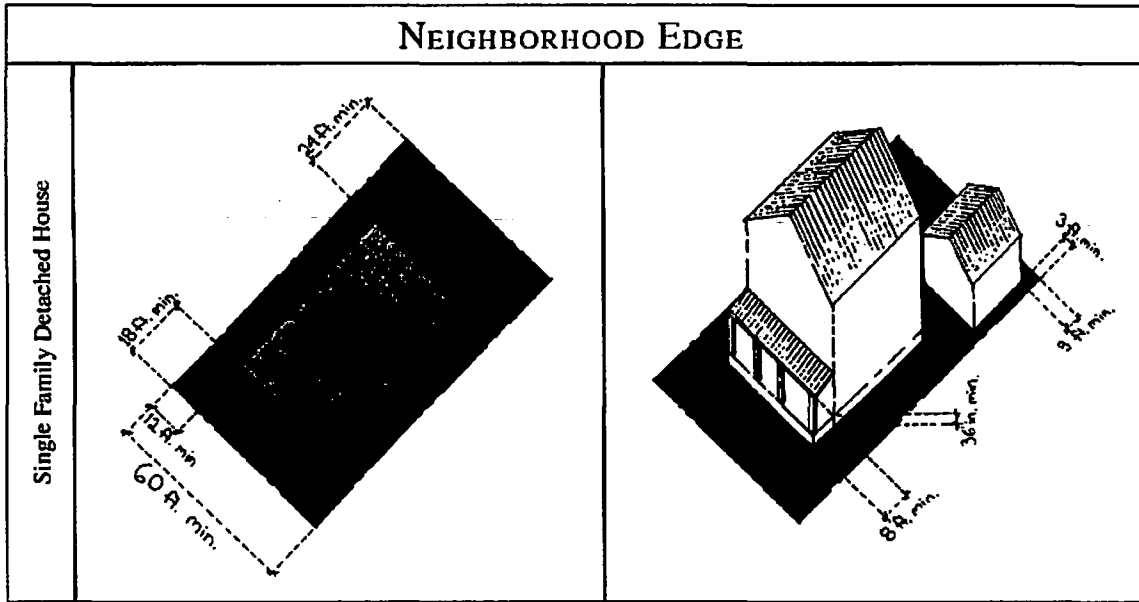


Figure 106-2379(b): Neighborhood General Lot and Building Standards

NEIGHBORHOOD GENERAL

<p>Single Family Detached House</p>		
<p>Bungalow Court House</p>		
<p>Duplex</p>		

Figure 106-2379(c): Neighborhood Edge Lot and Building Standards



(e) Development Standards Applicable to All Neighborhood Zones:

(1) Principal Building and Yard.

- a. Stoops, balconies, porches, and bay windows may encroach within front and corner side setbacks. Balconies and Arcades may encroach within the right-of-way the width of the sidewalk only in the Neighborhood Center zone.
- b. Double frontage buildings shall have the required front setback along both frontages unless otherwise designated on the Regulating Plan.
- c. Buildings shall show 2, 4, or 6, projecting corners to frontage, but no more than 6.
- d. Attached buildings on corner lots may move required front setback forward or backward a maximum of 6'.
- e. Fences, garden walls, and hedges may be built on property lines or as a continuation of building walls.

(2) Principal Building Height.

- a. Within the Traditional Neighborhood Development, building height is measured from grade to average height of the highest roof surface.
- b. Residential ground floors shall have a minimum height of 9'. Commercial ground floors shall have a minimum height of 12'.

- c. Structures such as, but not limited to, observation towers shall be allowed to reach an accessible height of 60 feet if all of the following conditions are met:
 1. Structure is constructed on other than residential lot.
 2. Structure with a footprint of 250 square feet or less.
 3. Structure that is uninhabitable.
 4. Structure meets conditions for construction stated by Beaufort County building codes and local fire officials.
- d. Church steeples and other architectural features shall be allowed to reach a height of 100 feet from finished grade.

(3) *Accessory Structures.*

- a. Accessory structures shall have a maximum of 625 habitable square feet.
- b. Maximum building height shall be 22', measured from grade to eave.
- c. Home occupational uses are permitted within an accessory structure if the activity is that of the property owner and the property owner is in residence in the primary dwelling. Accessory units cannot be rented to businesses.
- d. Only one habitable accessory structure with a kitchen permitted per residential lot.
- e. Accessory Dwelling Units shall follow the standards set forth in Sec. 106-1188.

(4) *Garages.* Front loaded garages are permitted on lots with widths of 50' or greater, and the following shall be used to reduce the impact of drives and garages (figure 106-2378(b)):

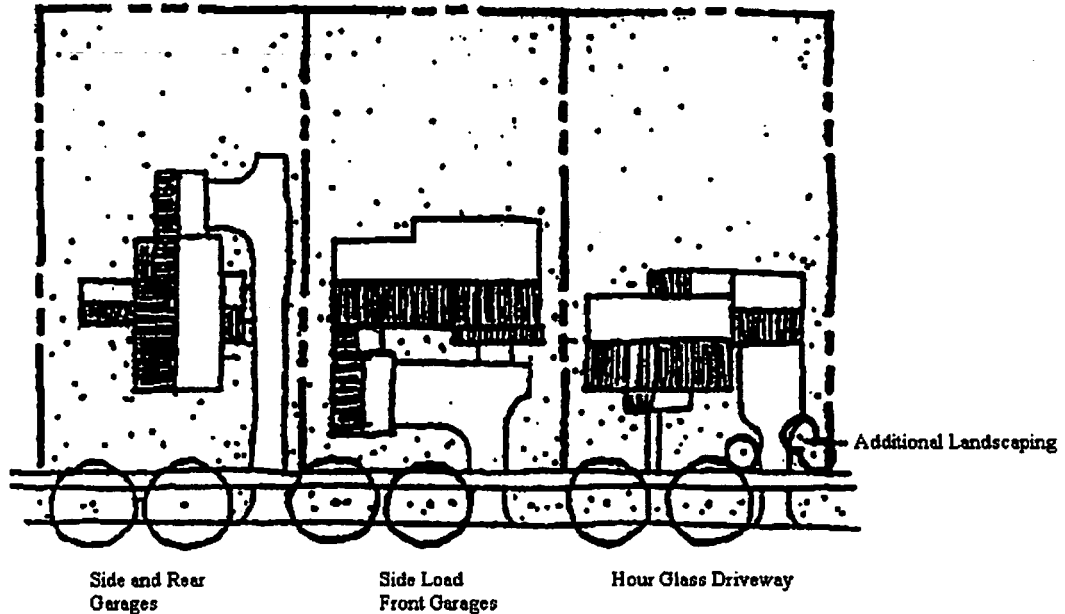
- a. Garages shall be recessed from the primary building façade a minimum of 20' with a drive of no more than ten feet in width providing access and may include pervious medians.
- b. Side load front garages shall be used on at least 40 percent of lots where the garage is not to the rear of the lot.

(5) *Live Work Units.*

- a. Uses within the live work units are limited to those uses that are permitted in the Neighborhood Zone in which the unit is located.
- b. In the Neighborhood Center Zone, where there is a mix of residential and non-residential uses in a live-work Unit, residential uses are limited to the second, third and fourth floors.

- c. In the Neighborhood General Zone, non-residential uses are limited to the first floor.

Figure 106-2379(e) VEHICULAR GARAGE ACCESS



(6) *Parking.*

- a. Parking shall be 2 per principal dwelling unit; 1 per apartment unit; and 1 per every 400 square feet of commercial use.
- b. Required parking shall include on street parking along the frontage.
- c. Required parking in the Neighborhood Center shall include mid-block parking, on street parking, and private parking as long as the parking spaces are within 700' of the intended use.

(7) *Lot and Building Standards Applicable to All Neighborhood Zones.* Housing types used in traditional neighborhood developments are contained in table 106-2379. Housing types and lot configurations are illustrated in figures 106-2379(a), 106-2379(b), and 106-2379(c).

Sec. 106-2380. Civic Open Space

Each Neighborhood Zone shall assign at least 5% of its area to appropriate types of civic open spaces. Civic open space shall be counted as part of the minimum open space required by table 106-1526. Formal activity areas are encouraged to be built into open spaces. These include

fountains, formal gardens and sitting areas, gazebos or similar facilities. These should serve the residents and provide a sense of identity to the various open spaces. The concept plan and preliminary plan shall provide increasing detail on the types of structures to be provided. Six types of civic open spaces – parks, boulevards, greens, squares, plazas, playgrounds – are permitted and shall conform to the following standards:

- (1) *Parks.* Park areas shall be designed to provide a range of unstructured recreational opportunities for the development's residents. A park may be independent of surrounding building frontages. Its landscape shall consist of paths and trails, meadows, water bodies, woodland and open shelters, all naturalistically disposed. Parks may be lineal, following the trajectories of natural corridors. The minimum size shall be $\frac{1}{2}$ acres. Golf courses may be counted toward park space; however, fairways must be deleted from reserve area calculations.
- (2) *Boulevards.* A divided street with a reserve area in the center is considered a boulevard. In order to qualify as civic open space, the median shall be at least 20 feet wide feet, with a minimum area of 5,000 square feet. Such areas shall be designed to permit passive or active recreational use by the community where appropriate.
- (3) *Greens.* Greens are smaller reserve areas available for unstructured recreation. A green may be spatially defined by landscaping or building frontages. Its landscape shall consist of lawn and trees, naturalistically disposed. The minimum size shall be $\frac{1}{2}$ acre and the maximum shall be 8 acres.
- (4) *Squares.* Squares are a reserve area available for unstructured recreation and civic purposes. A square is spatially defined by building frontages. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important thoroughfares. The minimum size shall be $\frac{1}{4}$ acre and the maximum shall be 5 acres.
- (5) *Plazas.* Plazas are a reserve area available for civic purposes and commercial activities. A plaza shall be spatially defined by building frontages. Its landscape shall consist primarily of hardscaping. Trees are optional but encouraged. Plazas should be located at the intersection of important streets. The minimum size shall be $\frac{1}{4}$ acre and the maximum shall be 2 acres.
- (6) *Playgrounds.* Playgrounds are a reserve area designed and equipped for the recreation of children. A playground should be fenced and may include an open shelter. Playgrounds shall be interspersed within residential areas and may be placed within a block. Playgrounds may be included within parks and greens. There shall be no minimum or maximum size.

Sec. 106-2381. Traditional Neighborhood Thoroughfare Standards

- (a) *General Standards.*

- (1) Thoroughfares are intended for use by vehicular and pedestrian traffic and to provide access to lots and Community Reserve Areas.
- (2) Thoroughfares shall generally consist of vehicular lanes and public frontages.
- (3) Thoroughfares shall be designed in context with the urban form and desired design speed of the Neighborhood Zones through which they pass. The public frontages of thoroughfares that pass from one Neighborhood Zone to another shall be adjusted accordingly or, alternatively, the Neighborhood Zone may follow the alignment of the thoroughfare to the depth of one lot, retaining a single public frontage throughout its trajectory.
- (4) Within the most rural zones (Neighborhood Edge), pedestrian comfort shall be secondary consideration of the thoroughfare. Design conflict between vehicular and pedestrian generally shall be decided in favor of the vehicle. Within the more urban Neighborhood Zones (Neighborhood General and Neighborhood Center), pedestrian comfort shall be a primary consideration of the thoroughfare. Design conflict between vehicular and pedestrian movement generally shall be decided in favor of the pedestrian.
- (5) The thoroughfare network shall be designed to define blocks not exceeding the sizes set forth in this chapter. The perimeter shall be measured as the sum of lot frontage lines. Block perimeter at the edge of the development parcel shall be subject to approval by the DRT.
- (6) All thoroughfares shall terminate at other thoroughfares, forming a network. Internal thoroughfares shall connect wherever possible to those on adjacent sites. Cul-de-sacs shall be subject to approval by the DRT to accommodate specific site conditions only.
- (7) No more than 20 % of lots within any neighborhood zone shall front a passage or a shared pedestrian courtyard (bungalow court).
- (8) Curbless thoroughfares that do not have on-street parallel parking shall have a minimum asphalt width of 18' with 1' of stabilized shoulder on each side to meet emergency access standards. This standard also applies to curbless one-way thoroughfares with on-street parallel parking on one side.

(b) *Vehicular Lanes.* Thoroughfares may include vehicular lanes in a variety of widths for parked and for moving vehicles, including bicycles. The standards for vehicular lanes shall be as shown in Table 106-2381.

(c) *Thoroughfare Landscaping Standards.* The following landscaping standards apply to street trees, lawns, and other landscaping within the rights-of-way of thoroughfares within the traditional neighborhood development. Landscaping shall meet the requirements prescribed in Table 106-2381. Tree spacing may be adjusted by the DRT to accommodate specific site conditions.

- (1) *Neighborhood Edge.*

- a. Landscaping shall include trees of various species, naturalistically clustered, as well as understory.
- b. The introduced landscape shall consist primarily of native species requiring minimal irrigation, fertilization and maintenance. Lawns should be minimal.

Table 106-2381: Thoroughfare Standards

Thoroughfare Type	Neighborhood Zones	Design Speed	Right of Way Width	Pavement Width (from face of curb)	Traffic Flow / Lane Width	No. of Parking Lanes	Curb Type	Curb Radius	Planter Width	Planter Type	Sidewalks	Sidewalk Width
Commercial Street A	Center	20-25 MPH	68'	36'	Two-way / 10'	2	Raised Vertical	10' max	5'	Individual Tree Wells	Both Sides	16'
Commercial Street B	Center	20-25 MPH	60'	36'	Two-way / 10'	2	Raised Vertical	10' max	5'	Individual Tree Wells	Both Sides	12'
Commercial Drive	Center	20 MPH	40' (each way)	18'	One-way / 10'	1	Raised Vertical / Swale	10' max at curb / 25' max at swale	5' at curb	Individual Tree Well	One side	12'
Street	Center	20 MPH	50'	28'	Two-way / 10'	1	Raised Vertical	10' max	5'	Individual Tree Well or Continuous	Both sides	5'-11'
Residential Street A	Center and General	20 MPH	50'	26'	Two-way / 9'	1	Raised Vertical	15' max	7'	Continuous	Both sides	5'
Residential Street B	General	20 MPH	40'	18'	Two-way / 9'	0	Swale	15' max	6'	Continuous	Both sides	5'
Urban Drive	Center and General	20 MPH	48'	26'	Two-way / 9'	1	Raised Vertical / Swale	15' max at curb / 25' max at swale	5' at curb	Individual Tree Grate	One side	12'
Residential Drive	Center, General, Edge	20 MPH	40'	18'	One-way / 10'	1	Raised Vertical / Swale	15' max at curb / 25' max at swale	7' at curb	Continuous	One Side	5'
Residential Road A	General and Edge	20-25 MPH	50'	18'	Two-way / 9'	0	Swale	25' max	11' both sides	Continuous	One Side	5'
Residential Road B	Edge	20-25 MPH	40'	18'	Two-way / 9'	0	Swale	25' max	6'-16' both	Continuous	Walking Path Optional	5'-8'
Rear Alley	Center, General, and Edge	NA	24'	12' pervious material	One-Way Yield / 12'	0	Swale	15' max	NA	NA	NA	NA

Pedestrian Passage	Center, General, and Edge	NA	12'	varies	NA	NA	NA	NA	3' minimum	Continuous	NA	Varies
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(2) *Neighborhood General.* Landscaping shall include trees planted in a regularly-spaced allee pattern of single or alternated species with shade canopies of a height that, at maturity, clears at least one story.

(3) *Neighborhood Center.*

- a. Landscaping shall include trees planted in a regularly-spaced, allee pattern of single species with shade canopies of a height that, at maturity, clears at least one story. At retail frontages, the spacing of the trees may be irregular, to avoid visually obscuring the shopfronts.
- b. Streets with a right-of-way width of 40 feet or less shall be exempt from the tree requirement.

Sec. 106-2382. Workforce Housing

A minimum of 10% of the dwelling units in a Traditional Neighborhood Development shall be workforce housing units. The location of workforce housing units shall be shown on the conceptual plan. A workforce housing agreement shall be submitted with the conceptual plan that delineates how the TND will meet all of the requirements provided in Section 106-2382.

(a) *Location of Workforce Units.* Except as provided in Section 106-2382(g) workforce housing units shall be built on the site of the Traditional Neighborhood Development.

(b) *Timing of Development.* The workforce housing agreement shall include a phasing plan which provides for the timely development of the workforce housing units as the TND is built out. The phasing plan shall provide for development of the workforce housing units concurrently with the market rate units.

(c) *Unit Size.* Workforce housing units shall accommodate diverse family sizes by including a mix of studio, one, two and three-bedroom units as determined by the Development Review Team.

(d) *Exterior Appearance.* Workforce housing units shall be visually compatible with the market rate units. External building materials and finishes shall be the same type and quality for workforce housing units as for market rate units.

(e) *Affordability Agreement.* Prior to issuing a certificate of occupancy, an agreement in a form acceptable to the County that addresses price restrictions, homebuyer or tenant qualifications, long-term affordability, and any other applicable topics of the workforce housing units shall be recorded with the County Register of Deeds. This agreement shall be a covenant running with the land and shall be binding on the assigns, heirs and successors of the applicant. Workforce housing units that are provided under this section shall remain as workforce housing for a minimum of 5 years from the date of initial owner occupancy for ownership workforce housing units.

(f) *Occupancy Requirement.*

(1) Rental Units. Any person who occupies a rental Workforce Unit shall occupy that Unit as his or her principal residence.

(2) For-Sale Units. During the period of affordability the owner who purchases a for-sale workforce housing unit shall occupy that unit as his or her principal residence.

(g) Provision of Workforce Housing Units Off-Site. If it is not feasible to develop workforce housing units within the TND, an applicant may develop, construct or otherwise provide workforce units equivalent to those required in this section off-site. All requirements of this ordinance that apply to on-site provision of workforce units, shall apply to provision of off-site workforce units. In addition, the location of the off-site units to be provided shall be approved by the Development Review Team as an integral element of the review and approval process. Off-site units may be located in a neighboring municipality.

(h) Fees-in-Lieu-of Workforce Housing Unit Provision. An applicant may opt to contribute to an established local housing trust fund to be used for the development of workforce housing in lieu of constructing and offering workforce units within the locus of the proposed development or off-site. The fee will be calculated as the amount required to provide the workforce housing unit discount necessary to make the unit workforce (e.g. median sale price of market rate unit minus maximum sale price of a three-bedroom workforce dwelling unit). Fees in lieu of unit payments shall be made according to the schedule set forth in Section 106-2382(b).

(i) Restrictions on Resale. Each workforce unit created in accordance with this ordinance shall have limitations governing its resale. The purpose of these limitations is to preserve the affordability of the unit and to ensure its continued availability for workforce income households. The resale controls shall be established through a restriction on the property and shall be in force for a period of five (5) years. Sales beyond the initial sale to a qualified workforce income purchaser shall include the initial discount rate between the sale price and the unit's appraised value at the time of resale. This percentage shall be recorded as part of the restriction on the property noted in Section 106-2382(e). For example, if a unit appraised for \$100,000 is sold for \$75,000 as a result of this ordinance, it has sold for 75 percent of its appraised value. If, several years later, the appraised value of the unit at the time of proposed resale is \$150,000, the unit may be sold for no more than \$112,500--75 percent of the appraised value of \$150,000.

DIVISION 3. LOT AND BUILDING STANDARDS FOR PLANNED, COMMUNITY USE AND MULTIFAMILY HOUSING DEVELOPMENTS

Sec. 106-2406. Scope.

Housing types used in planned ~~and community developments~~ or multifamily housing are contained in table 106-2406. Housing types and lot configurations are illustrated in figure 106-2406. The requirements for a mix of dwelling units are contained in table 106-2408. The following explanations describe the columns for table 106-2406; see sections 106-13 through 106-18 for the full and complete definitions of these terms.

**TABLE 106-2406. LOT AND BUILDING STANDARDS FOR PLANNED, ~~COMMUNITY~~
AND MULTIFAMILY HOUSING DEVELOPMENTS**

Sec. 106-2408. Dwelling unit mix requirements.

All planned ~~and community~~ developments shall meet the mix requirements (table 106-2408) regarding the number of different dwelling unit types that must be provided. The mix provides a variety of housing types to meet all residents' needs. If the development is to be phased, each phase shall contain a share of the largest unit types generally proportional to the percentage of the total dwelling units. Where more unit types are provided than required, the developer may determine the percentage of those types to be provided.

**TABLE 106-2408. DWELLING UNIT MIX REQUIREMENTS FOR PLANNED ~~AND~~
~~COMMUNITY~~ DEVELOPMENTS**

ARTICLE V. USE REGULATIONS

DIVISION 1. GENERALLY

Sec. 106-1097. Uses generally.

(a) All land uses or structures shall be permitted in zoning districts only as indicated in this division. All uses are subject to ZDA or DRT approval except placement of a single-family house on a single lot, which is subject to all applicable county building codes. Prohibited uses in any district shall not be permitted. The following symbols are used in table 106-1098:

(1) "Y" indicates a permitted use, where the use is permitted as a matter of right subject to all performance standards.

(2) "N" indicates a prohibited use.

(3) "L" indicates a use whose permission is limited, depending on locational, design, or other criteria of division 2 of this article being met for the proposed site. Not all properties may meet these requirements, thus limiting the sites upon which the use may be built.

~~(4) "LC" designates a limited use that is permitted only in one of the residential community use options, meeting all other criteria of division 2 of this article and community design standards in division 2 of article XI of this chapter.~~

(4) "TND" designates a limited use that is permitted only in the Traditional Neighborhood Development option, meeting all other criteria of division 2 of this article and the standards in division 2 of article XI of this chapter.

(5) "S" indicates a use permitted only if a special use permit is approved by the zoning board of appeals per subdivision IV of division 3 of article III of this chapter. The use must conform to the locational, design, or other conditions of division 2 of this article. Not all properties may meet these requirements, thus limiting the sites upon which the use may be built.

(b) Military (M) district permissions are not included since regulation of these lands is not under the jurisdiction of the county.

Sec. 106-1098. Use table.

According to generalized land uses, table 106-1098 lists the type of use permission in each district, as well as definitions for each use listed. References for additional limited and special use standards are also contained in this table and are detailed in division 2 of this article. Should a use not be identified in sections 106-13 through 106-18 or table 106-1098, refer to division 4 of article III of this chapter pertaining to administrative interpretations. See articles V, VI and VII of this chapter for additional standards.

TABLE 106-1098. GENERAL USE TABLE

[Note: Only those Land Use Categories with Proposed Changes are Shown]

Land Use	Priority Areas							Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC		
AGRICULTURAL USES													
Agriculture	N	L	N	N	N	N	N	Y	Y	Y	S	106-1156	Crop (see below: Clearcutting, #3) and animal production, plant nurseries, tree farms. (NAICS 111, 112)
Forestry	L	L	L	L	L	L	L	L	L	L	S	106-1157	Perpetual management, harvesting and enhancement of forest resources for ultimate sale or use of wood products, requiring replanting, and subject to S.C. Forestry Commission BMPs. (NAICS 113)
Clearcutting	L	L	L	L	L	L	L	L	L	L	S	106-1158	1. Management, harvesting and use of forest or woodland (NAICS 113) for sale or use of wood products, without replanting or regeneration of the tree crop. 2. Clearing, grubbing or other destruction and cutting of ground cover, grading or otherwise moving the topsoil, or burning of the vegetative cover of more than 10,000 sq. ft. of land. Landscaping improvements to private residential properties shall not be considered clearcutting, and shall not require a development permit. 3. Cultivation of any land as an agricultural use, and gardens of less than 10,000 sq. ft. shall not be considered clearcutting, and shall be a permitted use.
Farmstead	N TND	L	N	N	N	N	N	Y	Y	Y	S	106-1159	Residential-agricultural unit in which the land is used for agriculture and residential purposes by the owner/operator of the agricultural operation.
Farmworker housing	N	N	N	N	N	N	N	L	N	N	N	106-1159(a)	Housing located on farmsteads for temporary occupancy during seasonal farming activity. Farmworker housing is exempt from permit requirements. This type of housing may be provided at one unit per 50 acres for the first 100 acres, and one unit per each 100 acres after that.
Commercial stables	N TND	S	N	S	N	S	N	L	Y	Y	N	106-1160	Stabling, training, feeding of horses, mules, donkeys, or ponies, or the provision of riding facilities for use other than by the resident of the property, including riding academies. Also includes any structure or place where such animals are kept for riding, driving, or stabling for compensation or incidental to the operation of any club, association, ranch or similar purpose.

Agricultural support services	N	N	Y	Y	N	Y	N	L	Y	Y	N	106-1161	Farm supply services, equipment dealers, grain storage, veterinary uses for agricultural animals and seasonal packing sheds, pet care services. (NAICS 1151, 1152, 49313, 4225, 54194, 812910)
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Land Use	Priority Areas							Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC		
RESIDENTIAL USES													
Single-family detached	Y	Y	N	N	N	N	N	Y	Y	Y	Y	N.A.	Detached dwelling unit intended for only one family. Includes any one-family dwelling unit which complies with the county building code.
Single-family cluster	N	Y	N	N	N	N	N	Y	N	N	Y	N.A.	Two or more single-family detached residential uses in a subdivision, or on an individual lot that include, as part of the subdivision or lot design, significant common open space.
Family compound	N	N	N	N	N	N	N	Y	Y	Y	N	article IX	Form of traditional rural development which provides affordable housing for family members allowing additional family dwelling units on, and/or subdivisions of, a single lot owned by the same family for at least 50 years.
Planned	L	L	N	L	N	N	N	L	N	N	N	106-1186, articles VI and XI	A development that consists of two or more of the following housing types: single-family, single-family lot line, village houses, patio houses, atrium houses, townhouses of several types, duplexes, multiplexes and apartments. Such developments shall be planned as a unit.
Multifamily	L	L	N	L	N	N	N	N	N	N	N	106-1187, articles VI and XI	This use permits duplexes, multiplexes and apartments only.
Commercial apartment	Y	LC <u>TND</u>	Y	Y	N	N	N	LC <u>N</u>	N	N	N	N.A.	One to four dwelling units located above or to the rear of a nonresidential structure on the same lot.
Community-small scale	N	N	N	N	N	N	N	Y	N	N	N		The details of this use are found in articles VI and XI A form of planned development that is of such scale, extent and design that it creates a community with a mix of residential and nonresidential land uses and a clear sense of identity. Design potential includes small, medium, and large communities depending on the applicable zoning district.
Community-medium scale	Y	N	N	N	N	N	N	Y	N	N	N		
Community-large scale	Y	Y	N	N	N	N	N	N	N	N	N		
<u>Traditional Neighborhood Development</u>	L	L	N	N	N	N	N	N	N	N	N	<u>Article XI</u>	

Land Use	Priority Areas							Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC		
Group home	Y	Y	N	N	N	N	N	Y	Y	Y	N	N.A.	A building that would otherwise be categorized as a single-family home, except for the fact that the number of unrelated individuals living in the unit does not qualify under the definition of family. The operation of a group home shall be self-operating and controlled by the residents in a family living environment, as opposed to an institutional environment, whereby operations are mainly controlled by a professional staff. If the unit would otherwise qualify as other types of dwelling units defined in this chapter, such as apartment or attached housing, then the use shall be treated as such.
													Not included are co-ops, nursing homes, other institutional residential and boardinghouse types of operations since these are institutional or commercial lodging uses.
Manufactured home community	L	L	N	N	N	N	N	L	N	N	N	106-2409	A parcel of land planned and improved for the placement of three or more manufactured homes for use as residential dwellings where home sites within the development are leased to individuals who retain customary leasehold rights. Subdivision of land as a single-family detached, single-family cluster, family compound, planned community or small single-family affordable land use and intended for fee-simple sale of lots for manufactured homes does not constitute it being defined under this use. For purposes of this definition, a manufactured home is a residential dwelling built in accordance with the Federal Manufactured Home Construction and Safety Standards (FMHCSS). This does not include recreational vehicles, travel trailers or motorized homes licensed for travel on highways, nor manufactured housing units designed and built to meet applicable requirements of the South Carolina Modular Buildings Construction Act.
Small single-family, affordable	L	L	N	L	N	N	N	N	N	N	N	106-2104	An affordable residential unit especially designed and built to serve the needs of individuals or small households who need small, compact, affordable housing. It is not intended to meet the needs of large families. Three types of housing are provided: (i) single-family detached one story, (ii) single-family detached two story, and (iii) single story attached. The small scale of these units permits them to fit into existing neighborhoods without threatening the neighborhood character.

Land Use	Priority Areas							Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC		
Accessory dwelling unit	L	L	N	N	N	N	N	L	L	L	N	106-2106	A second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility.
INSTITUTIONAL USES													
Assembly and worship, large	L	L	Y	L	N	N	N	L	N	L	N	106-1246	Museums, libraries, aquariums, cultural or arts centers, historic sites and churches with or without schools (except Sunday schools occupying no more than 50 percent of the floor area) as part of the complex and having 15,000 or greater square feet of floor area. (NAICS 6111, 8131, 8134) Places of worship may establish "on-site" social programs such as health care, food banks, child care, and the like as accessory uses in the principal structure and/or auxiliary buildings. These uses must be nonprofit. The sum of all principal and accessory structures may not exceed the allowable floor area ratio for the use / district. Additionally, the floor area of all accessory uses may not exceed the floor area of the principal building. (NAICS 624210, 624410, 813212, 8134)
Assembly and worship, small	Y	Y	Y	Y	N	N	N	L	L	L	N	106-1247	Museums, aquariums, cultural or arts centers, historic sites and churches with no schools (except Sunday schools occupying no more than 50 percent of the floor area) as part of the complex and having less than 15,000 sq. ft. of floor area. In the rural district, there shall be no minimum lot size for this use when less than 15,000 sq. ft. of floor area, and/or when no school is involved. (NAICS 6111, 8131, 8134) This use includes all cemeteries. (NAICS 81222) Places of worship may establish "on-site" social programs such as health care, food banks, child care, and the like as accessory uses in the principal structure and/or auxiliary buildings. These uses must be nonprofit. The sum of all principal and accessory structures may not exceed the allowable floor area ratio for the use / district. Additionally, the floor area of all accessory uses may not exceed the floor area of the principal building. (NAICS 624210, 624410, 813212, 8134)
Colleges and professional schools	S	S	N	S	L	N	N	S	N	N	N	106-1248	Colleges, universities, and professional schools; other advanced education. (NAICS 6112, 6113)

Land Use	Priority Areas							Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC		
Schools, neighborhood (elementary and middle school)	L	L	N	L	N	N	N	S	N	S	N	106-1248	Institutions of learning or instruction primarily catering to minors, whether public or private, which are licensed by either the county or the state. The definition includes nursery schools, kindergarten, elementary schools, middle schools or any special institution of learning under the jurisdiction of the state department of education catering to those age groups. This does not include charm schools, dancing schools, music schools or similar limited schools.
Schools, community (high schools)	L	L	N	L	N	N	N	S	N	S	N	106-1248	Institutions of learning or instruction primarily catering to minors, whether public or private, which are licensed by either the county or the state. The definition includes senior high schools or any special institution of learning under the jurisdiction of the state department of education catering to those age groups. This does not include professional and vocational schools, charm schools, dancing schools, music schools or similar limited schools nor public or private universities or colleges.
Institutional residential	L	Y	Y	Y	N	N	N	S	N	N	N	106-1249	1. Convents or monasteries.
													2. Skilled nursing facility. Twenty-four hour care to ill persons in a controlled setting providing daily and medical care. Residents often have limited or no mobility. Requires licensing.
													3. Assisted living facility. Residential care facility catering to the frail elderly who require assistance with daily activities. Requires licensing.
													4. Independent living facility. Facility catering to more mobile, healthy senior adults. Individual living units may contain kitchens, while common dining is available. Planned recreation, housekeeping, transportation, etc. may also be provided. Does not require licensing.
													5. Sheltered care facilities or group living facilities where the residents live in an institutional environment and are generally under the care or control of staff. All sheltered care, group care, and group homes, (total occupancy >8) shall be considered institutional residential use. These residents would be members of an institution, have institutional care, or would be treated by staff in an institutional setting rather than living independently. (NAICS 623, 62422, 62423)

Land Use	Priority Areas							Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC		
													6. Institutional housing where there is commercial rental or condominium ownership combined with any of the following: common food service, nursing, or health care. Assisted living facilities shall also be included. (NAICS 623311, 6239, 624229)
													7. Dormitories, fraternities, or sororities.
													8. Schools with live-in facilities on site, other than universities, colleges or preparatory schools. (NAICS 61111)
													9. Emergency shelters and residential substance abuse facilities. (NAICS 62322)
Day care, commercial (Day care, family, see home uses)	L	L	L	Y	L	Y	L	L	Y	L	N	106-1250	All day care facilities not classified as "Day care, Family" and including more than eight children. (NAICS 62441)
Protective care	N	N	N	N	N	N	N	S	N	N	N	106-1251	Housing where the residents are assigned to the facility and are under the protective care of the county, state, or federal government. This use includes jails, prisons, work release, other similar facilities, and psychiatric hospitals. (NAICS 92214, 6222)
Local utilities	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	L	106-1252	Utility substations or transmission and local distribution facilities, including telephone, and all government-owned utilities. Not included are generation facilities, storage of combustibles, regional facilities, and landfills or mining operations. (NAICS 221122, 22121)
Public services	Y	Y	Y	Y	Y	Y	Y	L	Y	Y	N	106-1255	These uses include emergency service, buildings, or garages (e.g., ambulance, fire, police, rescue, and public works) or other garages or areas where vehicles are stored and dispatched. (NAICS 62191, 92212, 92216, see office uses, below)
Government office	L	L	Y	Y	Y	Y	L	L N	N	S	N	106-1253	County, state, or federal office buildings or other facilities that are primarily devoted to public office uses or services. (NAICS 921, 92211, 92213, 923)
Recreational institutional	Y	L	Y	Y	N	N	N	S	S	S	N	106-1254	Nonprofit organizations chartered to provide community-based recreational services.

COMMERCIAL USES

Adult uses (not indoor gambling)	N	N	N	N	N	L	N	N	N	N	N	106-1281	1. Adult bookstore. Establishment having, as a substantial or significant portion of its stock in trade, books, magazines or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this chapter, or an establishment with an area or section devoted to the sale or display of such material.
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Land Use	Priority Areas							Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC		
													2. Adult entertainment establishment. Enclosed building used for presenting material and/or conduct distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this chapter, for observation by patrons therein. This includes bars, restaurants, movie theaters, theaters, peep shows, strip halls, special cabarets, physical culture establishments, photographic studios, or any other normally permitted use where specified sexual activities are displayed, or where specified anatomical areas are exposed to customers. (NAICS 71399, 72241)
													3. Massage parlors. Establishments offering massage, manipulation, rubbing, vibration, stroking or tapping of the human body with the hand or an instrument, staffed by one or more persons who do not belong to any nationally recognized massage therapy association, or by persons who are not graduates of any recognized training school in massage therapy.
Bed and breakfast	S	S	N	N	N	N	N	S	N	N	N	106-1282	This is any place of lodging in which there are no more than eight guestrooms, or suites of rooms available for temporary occupancy for varying lengths of time, with compensation to the owner, by the general public, and in which meals may be prepared for them, provided that no meals may be sold to persons other than such guests, and that the owner resides therein as his principal place of residence. (NAICS 721191)
Body branding, body piercing and tattoo facilities	N	N	N	N	N	L	N	N	N	N	N	106-1283	An establishment whose principal business, either in terms of operation or as held out to the public, is the practice of one or more of the following: (1) any invasive procedure in which a permanent mark is burned into or onto the skin using either temperature, mechanical or chemical means (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decorations (3) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin. This definition for the purpose of this code does not include ear piercing.

Land Use	Priority Areas							Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC		
Commercial lodging (hotel and motel)	Y	N	Y	Y	L	Y	N	LC N	N	N	N	106-1284	Hotels, motels, boardinghouses and roominghouses, or a building or group of buildings offering transient lodging accommodations on a daily rate to the general public. Additional services may include a restaurant, meeting rooms, and recreational facilities. (NAICS 7211, 7213)
Commercial retail, neighborhood	L	LC TND	Y	L	N	Y	N	LC N	N	L	N	106-1285	The maximum size of any neighborhood commercial retail use shall be 10,000 sq. ft. These uses are retail uses that primarily serve their immediate neighborhoods, and include the following types:
													1. Hardware stores
													2. Grocery store with general merchandise for resale, with limited uses allowable in CS and CP districts up to 40,000 sq. ft., exclusive of 10,000 sq. ft. of ancillary uses
													3. Food and beverage stores
													4. Boutiques, gift shops, antique shops, liquor stores, bookstores and drugstores
													5. Garden centers
													6. Vehicular service uses, as listed elsewhere in this table.
Commercial retail, traditional shop	N	N	N	N	N	N	N	L	L	L	N	106-1286	This use reflects existing small, traditional, community-oriented necessity stores found in rural areas that sell mainly grocery items and household supplies, but not gasoline. Since these are neighborhood oriented, their maximum size is 1,500 sq. ft. Certain limitations to this use are intended to preserve the character of the communities that they serve.
Commercial retail, regional	N	N	Y	N	N	L	N	N	N	L	N	106-1287	These uses include all retail uses in neighborhood commercial, but which exceed the service character and scale of neighborhood commercial, above. Any retail use having exterior sales or storage shall be considered regional commercial, even if its scale does not require that. In addition to the types of retail uses listed in neighborhood commercial above, the following uses shall be permitted:
													1. All miscellaneous retail not included in neighborhood commercial, above
													2. Clothing and accessory stores
													3. Furniture stores
													4. Paint, glass, wallpaper specialty stores
													5. Greenhouses (retail only and with garden supplies)
													6. Repair shops and related services
													7. Vehicular sales, rental and service uses, listed elsewhere in this table

Land Use	Priority Areas							Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC		
Conference center	Y	N	Y	Y	Y	Y	N	<u>LC</u> <u>N</u>	N	N	N	N.A.	One or more buildings owned by a business entity in which there are no more than ten guestrooms, or suites of rooms, available for temporary occupancy for varying lengths of time, by employees, customers, and other persons whose presence in the building coincides with a particular meeting occurring at the venue. (NAICS 72111 part)
Drive-through restaurant	<u>LC</u> <u>TND</u>	<u>LC</u> <u>TND</u>	Y	L	N	L	N	N	N	N	N	106-1288	Drive-in and drive-through restaurants that provide service to customers while in their vehicles. This use may include inside service to customers, as well.
Office	L	L	Y	Y	L	Y	L	<u>LC</u> <u>N</u>	N	L	N	106-1289	Building or buildings wherein operations are predominantly administrative, professional or clerical, and includes the following:
													1. Finance, banks, trusts, savings and lending (NAICS 521, 522, 525)
													2. Security, commodity brokers and investment services (NAICS 523)
													3. Insurance carriers, agents, brokers, and services (NAICS 524)
													4. Real estate services (NAICS 531)
													5. Professional and technical services (NAICS 5411--5419)
													6. Business services (NAICS 55, 5611--5616, 5619, 8139)
													7. Health services (NAICS 621)
													8. Social services (NAICS 624) (except care facilities)
													9. Educational services, such as business schools (NAICS 6114), technological, and trade schools (excluding public and private schools defined as institutional) (NAICS 6115)
													10. Civic and social organizations (NAICS 8132--8134)
													11. Agricultural support and services (offices only) (NAICS 115)
													12. Governmental offices (NAICS 92 excluding public service)
													13. Parking lots (NAICS 81293)
													14. Contractor's office without exterior storage (NAICS 233)
Restaurant	L	<u>LC</u> <u>TND</u>	Y	Y	L	Y	N	<u>LC</u> <u>N</u>	N	L	N	106-1290	Establishment that serves food and beverages to persons seated within the building. Outside terrace or sidewalk seating is permitted subject to all other required codes. Bars, taverns, saloons and nightclubs are permitted subject to applicable state liquor licensing requirements and standards. (NAICS 722110)

Land Use	Priority Areas							Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC		
Services	L	L	Y	Y	N	L	N	L	N	L	N	106-1291	A wide variety of personal and commercial services including the following:
													1. Educational services (NAICS 611 except 611512, 61162)
													2. Social assistance (NAICS 624)
													3. Hospitals and medical laboratories (NAICS 339116, 62151, 62211, 62221, 62231), including general medical and surgical hospitals, and specialty hospitals, except alcoholism, drug, rehabilitation.
													4. Kennel service and domestic veterinary clinics (NAICS 11521)
													5. Postal service buildings, except regional distribution centers, couriers and messengers (NAICS 491, 492)
													6. Miscellaneous repair services and shops (NAICS 44311, 8112, 8113, 8114)
													7. Health and exercise clubs; dance studios (NAICS 71394)
													8. Parking lots (NAICS 81293)
													9. Funeral homes (NAICS 81221)
													10. Laundry services (NAICS 8123)
													11. Personal services (NAICS 8121, 8129, except body branding, body piercing and tattoo facilities.)
													12. Transit and ground passenger transportation (NAICS 485). (This use is excluded from the rural districts.)
													NOTE: Drive-through facilities are not permitted as part of this use.
Mixed use	Y	L <u>TND</u>	Y	Y	N	N	N	N	N	N	N	106-1293	1. A building containing two or more use categories with five or more residential dwelling units comprising a minimum of 25 percent of the total floor area.
													2. A building or group of buildings arranged around a pedestrian precinct, containing four or more different uses including: commercial retail, commercial lodging, office, service, residential, institutional, or exhibition center. Residential use shall be one of the required uses.
RECREATION AND AMUSEMENT USES													
Campground	N	N	N	N	N	N	N	L	N	N	S	106-1321	Form of commercial lodging where guests bring tents, travel trailers, campers, or other similar forms of shelter to experience more rustic setting and natural environments. Campgrounds rent pads or spaces to the guests.

Land Use	Priority Areas							Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC		
Commercial amusement, indoor	LG TND	LG TND	L	L	N	N	N	LG N	N	N	N	106-1322	Includes but is not limited to: bowling alleys, indoor sports arenas, movie theaters, performing arts companies, indoor skating rinks (ice or roller), amusement game machine complex, pool halls, and shooting arcades. (NAICS 512131, 7111, 7112 part, 7113, 712 part, 713 part)
Commercial amusement, indoor gambling	N	N	S	N	N	S	N	N	N	N	N	106-1323	The use of coin-operated gambling devices and includes video poker parlors, and secondary uses, as described by state law. (NAICS 7132 part, 71329)
Commercial amusement, indoor casino gambling	N	N	N	N	N	N	N	N	N	N	N	106-1323	Casino gambling for land-based or as a port of call for an ocean-going vessel.
Commercial amusement, outdoor	N	N	L	S	N	L	N	S	N	N	N	106-1324	Includes but is not limited to: fairgrounds, outdoor stadiums, racing facilities, rodeos, music arenas, theme parks, amusement parks, water slides, batting cages, shooting ranges, zoos, and botanical gardens. (NAICS 512132, 71311, 71212, 71213, 71219)
Indoor recreation	Y	Y	Y	Y	L	L	L	LG N	N	N	N	106-1325	Recreational uses including community recreation centers, gymnasiums, indoor swimming pools, tennis, racquetball, or handball courts. (NAICS 71394) Specifically excluded are health and exercise clubs, and uses listed as service uses, above.
Outdoor recreation	Y	Y	Y	Y	Y	Y	Y	Y	N	N	S	106-1326	1. Active recreational activities and supporting services including but not limited to: jogging, cycling, tot-lots, playing fields, playgrounds, outdoor swimming pools, and tennis courts (NAICS 7113); game preserves and shooting, trapping and fishing clubs (NAICS 71391, 71393, 71394); marinas.
													2. Passive recreational uses including but not limited to: arboretums, wildlife sanctuaries, forests, areas for hiking, nature areas, and other passive recreation-oriented parks.
													3. Picnic areas, garden plots, and beaches.

Land Use	Priority Areas							Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC		
Resort	L	L	N	N	N	N	N	L	N	N	N	106-1327	Lodging that serves as a destination point for visitors, located and designed with some combination of recreational uses or natural areas, such as marinas, beaches or pools, tennis, golf, equestrian, other special recreation opportunities, and/or a variety of restaurants and shops to serve the guests. Buildings and structures in the resort shall complement the scenic and natural qualities of the location and area where it is situated.
Ecotourism	N	N	N	N	N	N	N	L	L	L	S	106-1328	Organized, educational and mainly outdoor recreation with or without lodging, which invites participants to learn about and promote ecological preservation, conservation and sustainability. This use shall include at least two of the following characteristics:
													1. Located near or within a wilderness setting, park or protected area;
													2. Interpretive educational program with or without guides;
													3. Outdoor activities; or
													4. Cultural experiences.
Golf course	L	L	L	L	N	N	N	L	N	N	N	106-1329	Regulation and par 3 golf courses and associated amenities having nine or more holes. A driving range may be an ancillary use to the operation. (NAICS 71391)
Miniature golf course	L	L	L	L	N	N	N	N	N	N	N	106-1330	Putting courses installed on artificial surfaces, practice facilities that are driving ranges, or which have several practice holes or putting areas. (NAICS 71399)
Recreational equipment rental	L	L	L	L	N	N	N	N	N	L	N	106-1331	Establishments primarily engaged in renting recreational equipment, such as bicycles, canoes, motorcycles, skis, sailboats, beach chairs, and beach umbrellas (NAICS 532292)
Use Permission													
Y = Permitted use													
L = Limited use													
S = Special use													
N = Prohibited use													
LC = Permitted use only in residential community use option TND = Permitted use only in traditional neighborhood development.													
Community preservation district - Please refer to the CP area standards in appendix E to this chapter.													

ARTICLE VI. OPEN SPACE AND DENSITY, LOT AND BUILDING INTENSITY, BUFFERYARDS AND LANDSCAPING, EXTERIOR STORAGE AND ILLUMINATION

TABLE 106-1526. OPEN SPACE AND DENSITY STANDARDS

Zoning District and Development Type	Min. OSR or LSR	Density		Floor Area Ratio		Sewer	ARDR Reqd.	Min. Site Area
		Max. Gross	Max. Net	Max. Gross	Max. Net			
Resource Conservation (RC)								
Single-family	0.50	0.09	0.18	N.A.	N.A.	OS	N	10 ac.
Single-family cluster	0.85	0.10	0.80	N.A.	N.A.	OS	N	50 ac.
Other permitted uses	0.95	N.A.	N.A.	0.02	0.34	OS	N	50 ac.
Rural (R)								
Farmstead	0.00	0.02	0.02	N.A.	N.A.	OS	N	50 ac.
Single-family subdivision	0.40	0.34	1.06	N.A.	N.A.	OS	N	6 ac.
Single-family cluster	0.70	0.40	1.58	N.A.	N.A.	OS	N	10 ac.
Planned	0.75	0.45	2.20	N.A.	N.A.	CS	N	20 ac.
Community, small	0.80	0.51	2.59	N.A.	N.A.	CS	N	200 ac.
Community, medium	0.80	0.57	3.13	N.A.	N.A.	CS	N	800 ac.
Manufactured home community	0.40	1.00	1.66	N.A.	N.A.	CS	N	10 ac. Max. 30 ac.
Other permitted uses	0.85	N.A.	N.A.	0.07	0.46	OS	N	*
Rural Residential (RR)								
Single-family	0.20	1.2	2.0	N.A.	N.A.	OS	N	0.5 ac.
Other permitted uses	0.20	1.2	2.0	0.25	0.25	OS	N	0.5 ac.
Rural Business (RB)								
Single-family	0.20	1.2	2.0	N.A.	N.A.	OS	N	0.5 ac.
Commercial uses	0.50	N.A.	N.A.	0.10	0.29	OS	N	1.0 ac.
Other uses	0.50	N.A.	N.A.	0.10	0.29	OS	N	2.0 ac.
Rural - River Quality (RQ) Overlay (pending recommendations)								
Farmstead	0.00	0.02	0.0	N.A.	N.A.	OS	N	50 ac.
Single-family	0.50	0.30	1.06	N.A.	N.A.	OS	N	3 ac.
Single-family cluster	0.75	0.40	2.20	N.A.	N.A.	CS	N	10 ac.
Planned	0.80	0.45	2.59	N.A.	N.A.	CS	N	30 ac.
Community, small	0.85	0.51	4.10	N.A.	N.A.	CS	N	200 ac.
Community, medium	0.85	0.57	4.80	N.A.	N.A.	CS	N	800 ac.
Other permitted uses	0.85	N.A.	N.A.	0.07	0.46	CS	N	10 ac.
Community Preservation (CP) Standards, see Appendix E								
Suburban (S) Priority								
Single-family	0.20	2.00	3.00	N.A.	N.A.	P	Y	21,780 sf
Single-family cluster	0.35	2.60	3.60	N.A.	N.A.	P	Y	5 ac.
Planned	0.40	2.60	4.00	N.A.	N.A.	P	Y	5 ac.
<u>Traditional Neighborhood Development</u>	<u>0.35</u>	<u>3.00</u>	<u>4.50</u>	<u>N.A.</u>	<u>N.A.</u>	<u>P</u>	<u>Y</u>	<u>40 ac.</u>
Community, large	0.45	3.00	4.50	N.A.	N.A.	P	Y	200 ac.
Multifamily	0.40	5.0	10.0	N.A.	N.A.	P	Y	5 ac.
Manufactured home community	0.40	4.00	7.00	N.A.	N.A.	P	Y	2 ac. Max. 20 ac.
Institutional residential	0.00	7.1 rms.	17.7 rms.	N.A.	N.A.	P	N	5 ac.
Other permitted uses	0.60	N.A.	N.A.	0.18	0.46	P	N	2 ac.
Suburban - River Quality (S-RQ) (pending recommendations)								
Single-family	0.30	1.34	2.18	N.A.	N.A.	P	Y	32,670 sf
Single-family cluster	0.45	1.54	2.86	N.A.	N.A.	P	Y	2 ac.
Planned	0.50	2.01	4.50	N.A.	N.A.	P	Y	25 ac.
Community, large	0.55	2.51	7.00	N.A.	N.A.	P	Y	200 ac.
Manufactured home community	0.70	2.00	6.66	N.A.	N.A.	P	Y	10 ac.
Institutional residential	0.60	8 rms.	20.0	N.A.	N.A.	P	N	2 ac.
Other permitted uses	0.60	N.A.	N.A.	0.18	0.46	P	N	3 ac.
Urban (U)								
Single-family	0.12	2.60	2.93	N.A.	N.A.	P	Y	32,670 sf
Single-family cluster	0.40	3.50	6.00	N.A.	N.A.	P	Y	2 ac.

Planned	0.20	3.50	6.00	N.A.	N.A.	P	Y	5 ac.
Traditional Neighborhood Development	0.20	4.50	6.10	N.A.	N.A.	P	Y	20 ac.
		Density		Floor Area Ratio				
Zoning District and Development Type	Min. OSR or LSR	Max. Gross	Max. Net	Max. Gross	Max. Net	Sewer	ARDR Req'd.	Min. Site Area
Community, small	0.20	4.50	6.10	N.A.	N.A.	P	Y	20 ac.
		Density		Floor Area Ratio				
Zoning District and Development Type	Min. OSR or LSR	Max. Gross	Max. Net	Max. Gross	Max. Net	Sewer	ARDR Req'd.	Min. Site Area
Community, medium	0.20	4.50	6.10	N.A.	N.A.	P	Y	100 ac.
Community, large	0.20	5.20	7.40	N.A.	N.A.	P	Y	200 ac.
Manufactured home community	0.40	4.00	7.00	N.A.	N.A.	P	Y	2 ac. Max. 20 ac.
Multifamily	0.25	15.00	24.00	N.A.	N.A.	P	Y	2-15 ac.
Institutional residential	0.40	12.00	20.00	N.A.	N.A.	P	N	4 ac.
Other permitted uses	0.40	N.A.	N.A.	0.28	0.46	P	N	4 ac.
Urban - River Quality (U-RQ) (pending recommendations)								
Single-family	0.20	2.60	3.66	N.A.	N.A.	P	Y	21,780 sf
Planned	0.30	3.00	5.68	N.A.	N.A.	P	Y	10 ac.
Community, medium	0.30	4.95	8.00	N.A.	N.A.	P	Y	200 ac.
Community, large	0.30	5.72	8.50	N.A.	N.A.	P	Y	500 ac.
Multifamily	0.30	17.34	24.00	N.A.	N.A.	P	Y	2 ac.
Institutional residential	0.50	13.5	27	N.A.	N.A.	P	N	4 ac.
Other permitted uses	0.50	N.A.	N.A.	0.23	0.46	P	N	4 ac.
Commercial Suburban (CS)								
Planned	0.45	2.28	4.50	N.A.	N.A.	P	Y	1-10 ac.
Multifamily	0.50	8.30	18.73	N.A.	N.A.	P	Y	1-5 ac.
Offices	0.50	N.A.	N.A.	0.26	0.53	P	N	0.5 ac.
Retail	0.45	N.A.	N.A.	0.18	0.34	P	N	1 ac.
Other commercial uses	0.50	N.A.	N.A.	0.18	0.37	P	N	1 ac.
Other permitted uses	0.50	N.A.	N.A.	0.23	0.46	P	N	2 ac.
Commercial Regional (CR)								
Offices	0.35	N.A.	N.A.	0.50	0.82	P	N	0.5 ac.
Retail	0.20	N.A.	N.A.	0.31	0.39	P	N	1 ac.
Other commercial uses	0.20	N.A.	N.A.	0.37	0.47	P	N	1 ac.
Mixed uses	0.20	N.A.	N.A.	1.00	1.40	P	N	2 ac.
Other permitted uses	0.25	N.A.	N.A.	0.39	0.53	P	N	1 ac.
Research & Development (RD)								
Offices, commercial lodging	0.35	N.A.	N.A.	0.34	0.54	P	N	10 ac.
Industrial	0.30	N.A.	N.A.	0.40	0.57	P	N	10 ac.
Restaurants	0.25	N.A.	N.A.	0.14	0.20	P	N	10 ac.
Other permitted uses	0.30	N.A.	N.A.	0.26	0.38	P	N	10 ac.
Light Industry (LI)								
Offices, commercial lodging	0.20	N.A.	N.A.	0.37	0.47	P	N	10 ac.
Restaurants	0.15	N.A.	N.A.	0.16	0.20	P	N	10 ac.
Industrial	0.15	N.A.	N.A.	0.48	0.57	P	N	10 ac.
Other permitted uses	0.20	N.A.	N.A.	0.30	0.38	P	N	20 ac.
Industrial Park (IP)								
Offices, commercial lodging	0.20	N.A.	N.A.	0.37	0.47	P	N	10 ac.
Restaurants	0.15	N.A.	N.A.	0.16	0.20	P	N	10 ac.
Industrial	0.15	N.A.	N.A.	0.48	0.57	P	N	10 ac.
Other permitted uses	0.20	N.A.	N.A.	0.30	0.38	P	N	20 ac.

Depends on specific use. Refer to special/limited use standards in article V, division 2 (sections 106-1126-106-1425.) (Ord. No. 99-12, § 1 (div. 04.100), 4-26-1999; Ord. No. 2001-29, 12-10-2001; Ord. No. 2002-14, 4-22-2002; Ord. No. 2005/40, 11-28-2005; Ord. No. 2008/8, 2-25-2008)

TABLE 106-1556. LOT AND BUILDING* STANDARDS

Zoning District and Development Type	Minimum					Maximum
	Lot Area (ac./sq. ft.)	Lot Width (feet)	Street Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Height (feet)***
Resource Conservation (RC)						
Single-family	5 ac.	300	50	50	100	35
Single-family cluster	1 ac.	150	50	18	75	35
Other permitted uses	10 ac.	400	100	50	100	35
Rural (R)						
Farmstead	50 ac.	600	50	50	50	50
Single-family	1 ac.	150	50	18	50	35
Single-family cluster	21,780 sq. ft.	100	35	12	50	35
Planned	See table 106-2406					
Community, small	See table 106-2406					
Community, medium	See table 106-2406					
Manufactured home community	See section 106-2409					
Other permitted uses	**	400	100	50	100	35
Rural Residential (RR)						
Single-family	21,780 sq. ft.	100	35	12	50	35
Other permitted uses	21,780 sq. ft.	100	50	18	50	35
Rural Business (RB)						
Single-family	21,780 sq. ft.	100	35	12	50	35
Commercial uses	0.5 ac.	100	25	7/20	20	35
Other permitted uses	2 ac.	200	25	7/20	30	35
Rural - River Quality (RQ) Overlay (pending recommendations)						
Farmstead	50 ac.	600	50	50	50	50
Single-family	1 ac.	150	50	18	75	35
Single-family cluster	14,520 sq. ft.	85	35	10	40	35
Planned	See table 106-2406					
Community, small	See table 106-2406					
Community, medium	See table 106-2406					
Other permitted uses	10 ac.	400	100	30	100	40
Community Preservation (CP) Standards, see Appendix E						
Suburban (S) Priority						
Single-family	10,780 sq. ft.	70	35	12	50	35
Single-family cluster	8,000 sq. ft.	50	30	10	40	35
Planned	See table 106-2406					
Community, Large Traditional Neighborhood Development	See table 106-2406-106-2379					
Multifamily	See table 106-2406					
Manufactured home community	See table 106-2409					
Institutional residential	5 ac.	300	75	40	75	32
Other permitted uses	2 ac.	280	100	40	100	32
Suburban - River Quality (S-RQ) (pending recommendations)						
Single-family	14,520 sq. ft.	85	35	10	40	35
Single-family cluster	10,780 sq. ft.	80	35	6/15	35	35
Planned	See table 106-2406					
Community, large	See table 106-2406					
Manufactured home community	See section 106-2409					
Institutional residential	5 ac.	300	75	40	75	32
Other permitted uses	3 ac.	200	40	15	25	40
Urban (U)						
Single-family	8,000 sq. ft.	50	35	6/15	35	35
Single-family cluster	5,000 sq. ft.	50	50	6/15	35	35
Planned	See table 106-2406					

Zoning District and Development Type	Minimum					Maximum
	Lot Area (ac./sq. ft.)	Lot Width (feet)	Street Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Height (feet)***
Community, Small Traditional Neighborhood Development	See table 106-2406-106-2379					
Community, medium	See table 106-2406					
Community, large	See table 106-2406					
Manufactured home community	See section 106-2409					
Multifamily	See table 106-2406					
Institutional residential	4 ac.	300	50	25	50	35
Other permitted uses	4 ac.	300	50	25	50	35
Urban - River Quality (U-RQ) (pending recommendations)						
Single-family	8,500 sq. ft.	75	25	12	30	35
Planned	See table 106-2406					
Community, medium	See table 106-2406					
Community, large	See table 106-2406					
Multifamily						
Institutional residential	4 ac.	300	50	25	50	35
Other permitted uses	4 ac.	300	50	25	50	35
Commercial Suburban (CS)						
Planned	See table 106-2406					
Multifamily	See table 106-2406					
Offices	0.5 ac.	100	25	None	20	35
Retail	1 ac.	150	25	None	20	35
Other commercial uses	1 ac.	150	25	None	20	35
Other permitted uses	2 ac.	200	25	None	20	35
Commercial Regional (CR)						
Offices	0.5 ac.	150	25	20	20	40
Retail	21,780 sq. ft.	150	25	20	20	40
Other commercial uses	21,780 sq. ft.	150	25	20	20	35
Mixed uses	2 ac.	200	25	20	20	40
Other permitted uses	1 ac.	150	25	20	20	35
Zoning District and Development Type	Lot Area (ac./sq. ft.)	Lot Width (feet)	Street Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Height (feet)***
Zoning District and Development Type	Lot Area (ac./sq. ft.)	Lot Width (feet)	Street Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Height (feet)***
Research & Development (RD)						
Offices, commercial lodging	1 ac.	150	40	20	20	55
Industrial	1 ac.	150	40	20	20	120*
Restaurants	1 ac.	150	40	20	20	30
Other permitted uses	1 ac.	150	40	20	20	40
Light Industry (LI)						
Offices, commercial lodging	20,000 sq. ft.	100	40	20	20	55
Restaurants	20,000 sq. ft.	100	40	20	20	30
Industrial	20,000 sq. ft.	100	40	20	20	60
Other permitted uses	20,000 sq. ft.	100	40	20	20	40
Industrial Park (IP)						
Offices, commercial lodging	20,000 sq. ft.	100	40	20	20	55
Restaurants	20,000 sq. ft.	100	40	20	20	30
Industrial	20,000 sq. ft.	100	40	20	20	120*
Other permitted uses	20,000 sq. ft.	100	40	20	20	40
* Buildings must be in conformance with Standard Building Code and National Fire Safety Standards.						
**Depends on specific use. Refer to special/limited use standards in article V, division 2 (sections 106-1126 through 106-1425.)						
***All structures that are 150 feet or higher must be in conformance with subsection 106-1363(a)(4).						

TABLE 106-1617. BUFFERYARD AND TREE

Zoning District & Development Type	Number of Landscaping Canopy or Existing Trees Per:			Street Tree Spacing Per Feet of ROW	Bufferyard Width (ft.) Adjoining Streets			Bufferyard Width (ft.) Adjoining District*													
	Lot	Acre Open Space	Parking Spaces		Arterial	Collector	Local	RC	RQ	RB	RR	R	S	U	CP	CS	CR	RD	LI	IP	M
Resource Conservation (RC)																					
Single-family	--	8	--	50	N.A.	N.A.	50	--	100	--	--	--	--	--	--	--	--	--	--	--	
Single-family cluster	2/du	8	1/10																		
Other permitted uses	5/ac.	8	1/10	40	N.A.	N.A.	50	--	100	--	--	--	--	--	--	--	--	--	--	--	
Rural (R)																					
Farmstead	--	--	--	50	--	--	--	--	100	--	--	--	--	--	--	--	--	--	--	--	
Single-family	--	--	--		50	50	--	--	100	--	25	25	--	--	--	25	25	25	25	25	
Single-family cluster	2/du	5	1/10		100	100	50	--	100	--	25	25	25	25	25	25	25	25	25	25	
Planned	1/du	5	1/10					--	100	50	50	50	50	50	50	50	50	50	50	100	
Community, small	1/du	5	1/10		250	250	50	--	100	250	300	250	200	300	300	300	300	300	300	300	
Community, medium	1/du	5	1/10					--	100	250	300	250	200	300	300	300	300	300	300	300	
Man. home comm.	See § 106- 2409	1/10		100	100	50	--	100		50	50	50	50	50	50	50	50	50	50	100	
Other permitted uses	5/ac	4	1/10		100	100	50	--	100	50	50	50	50	50	50	50	50	50	50	100	
Rural Residential (RR)																					
Single-family	--	0	--	50	50	50	50	--	100	--	--	--	--	--	--	--	--	--	--	50	
Other permitted uses	3/ac	4	1/10		100	100	50	--	100	25	--	25	--	--	25	--	--	--	--	50	
Rural Business (RB)																					
Single-family	--	--	--	N.A.	50	50	--	--	100	--	25	25	--	--	--	25	25	25	25	25	
Commercial uses	6/ac.	8	1/10	50	50	50	20	100	150	10	50	50	--	--	25	--	--	--	--	--	
Other permitted uses	6/ac.	8	1/10	50	50	50	20	100	150	10	50	50	--	--	25	--	--	--	--	--	
Suburban (S)																					
Single-family	2/du	5	None	50	50	50	--	--	--	--	--	25	--	--	--	--	--	--	--	50	
Single-family cluster	1/du	5	1/10		100	50	25					50	25		25		25		25		
Planned	1/du	5	1/10		100	50	50					100	50		50						
<u>Traditional Neighborhood Development</u>							--			--	25			25	25	25	25	--	50	50	
Community, large	1/du	5	1/10		100	100	50					100		100					100	100	
Multifamily	25/ac	5	1/10		100	100	50												50	100	
Man. home comm.	See § 106- 2409	1/10		100	100	50													50	100	
Institutional residential	6/ac	8	1/10		100	100	50					50		50					50	50	
Other permitted uses	6/ac	8	1/10		100	100	50														
Urban (U)																					
Single-family	1/du	5	1/10	50	50	50	--	--	100	--	--	100	--	--	--	--	--	--	--	50	
Single-family cluster										--	--	50		--	--	--	--	--	--		
Planned										--	25		100	25	25	--	--	--	25	25	
<u>Traditional Neighborhood Development</u>							--			--	25			25	25	25	25	--	50	50	
Community, medium					100	75	--			--	25			25	25	25	25	--	50	50	
Community, large										--											
Man. home comm.	See § 106- 2409			75	50	25				--											

Zoning District & Development Type	Number of Landscaping Canopy or Existing Trees Per:			Street Tree Spacing Per Feet of ROW	Bufferyard Width (ft.) Adjoining Streets			Bufferyard Width (ft.) Adjoining District*														
	Lot	Acre Open Space	Parking Spaces		Arterial	Collector	Local	RC	RQ	RB	RR	R	S	U	CP	CS	CR	RD	LI	IP	M	
Multifamily	25/ac	5								--	50			50	50	25	25	--				
Institutional residential	6/ac				50					--	25			25	25	--	--	--				
Other permitted uses										--	50											50
Community Preservation (CP) Standards See Appendix E																						
Commercial Suburban (CS) District																						
Planned	1/du	8	1/10	50	50	50	20	--	150	--												
Multifamily	3/du									--			--	25	100	--						
Offices	6/ac									--												
Retail										--												
Other commercial										--												
Other permitted uses										--												
Commercial Regional (CR)																						
Offices/commercial lodging	8/ac	6	1/10	50	50	50	50	--	200	--	100	100	100	50	100	30	--	30	--	25	--	
Retail										--												
Other commercial uses										--												
Other permitted uses										--												
Research and Development (RD)																						
Offices/commercial lodging/research	10/ac	10	1/10	40	100	100	50	--	300	--	100	100	100	50	100	--	50	50	--	--	--	
Industrial										--												
Restaurants										--												
Other permitted uses										--												
Light Industry (LI)																						
Offices/commercial lodging	4/ac	4	1/10	50	50	50	25	--	300	--	100	100	100	50	100	50	25	50	--	--	--	
Restaurants										--												
Industrial										--												
Other permitted uses										--												
Industrial Park (IP)																						
Offices/commercial lodging	4/ac	4	1/10	50	50	50	25	--	300	--	100	100	100	100	100	50	25	50	--	--	--	
Restaurants										--												
Industrial										--												
Other permitted uses										--												

ORDINANCE NO. _____

AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2010C, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF BEAUFORT COUNTY, SOUTH CAROLINA, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$9,000,000; FIXING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE COUNTY ADMINISTRATOR OR HIS LAWFULLY-AUTHORIZED DESIGNEE TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO.

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

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

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

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

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

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

(e) The assessed value of all the taxable property in the County as of June 30, 2009, is \$1,794,765,540. Eight percent of the assessed value is \$143,581,243. As of the date hereof, the outstanding general obligation debt of the County subject to the limitation imposed by Article X, Section 14(7) of the Constitution is \$91,492,866 which includes the Bonds to be Refunded (hereinafter defined). Thus, the County may incur not exceeding \$52,088,377 of additional general obligation debt within its applicable debt limitation.

(f) Pursuant to constitutional and statutory authorizations and Ordinance No. 2002-1 duly enacted by the County Council on January 14, 2002 (the "2002 Ordinance"), the County issued its \$25,100,000 General Obligation Bonds, Series 2002, dated March 1, 2002 (the "Series 2002 Bonds").

(g) The 2002 Bonds are subject to the 8% constitutional debt limit. The difference between the outstanding principal amount of the maturities to be refunded of the 2002 Bonds and the amount needed to refund the certain maturities of the 2002 Bonds will also count against the County's 8% constitutional debt limit.

(h) Sections 11-21-10 to 11-21-80 of the Code of Laws of South Carolina 1976, as amended, empower any "public agency" to utilize the provisions of Article 5, Chapter 15, Title 11 (the "Refunding Act") of the Code of Laws of South Carolina 1976, as amended, to effect the refunding of any outstanding general obligation bonds.

(i) The Series 2002 Bonds are currently outstanding in the amount of \$11,505,000. The Series 2002 Bonds maturing on or after February 1, 2013, are subject to redemption at the option of the County on or after February 1, 2012, in whole or in par at any time, at a redemption price of par together with the interest accrued thereon to the date fixed for redemption.

(j) Based on current market conditions and projected savings, the County Council finds that it is in the best interest of the County to effect a refunding of certain maturities of the Series 2002 Bonds (the "Bonds to be Refunded") because a savings can be effected through the refunding of such Series 2002 Bonds. The County Council recognizes, however, that current market conditions may change and that, as of the date of enactment of this Ordinance, a determination cannot be made as to the amount of such savings, if any, realized through the refunding of the Bonds to be Refunded and that certain authority relating to such refunding is delegated to the County Administrator and/or his lawfully-authorized designee through this Ordinance. Because the Refunding Act requires that refunding bonds be sold at public sale, there can be no assurance that market conditions at the time of such sale will be similar to the prevailing rates on the date of the enactment of this Ordinance. If the rates of interest on the refunding bonds authorized by this Ordinance do not result in satisfactory debt service savings, the County Council, through the authority delegated to the Interim County Administrator and/or his lawfully-authorized designee, will be empowered to reject bids for the purchase of the refunding bonds.

(k) It is now in the best interest of the County for County Council to provide for the issuance and sale of not exceeding \$9,000,000 principal amount general obligation refunding bonds of the County to provide funds for (i) refunding the Bonds to be Refunded; (ii) costs of issuance of the Bonds (hereinafter defined); and (iii) such other lawful purposes as the County Council shall determine.

SECTION 2. Authorization and Details of Bonds. Pursuant to the aforesaid provisions of the Constitution and laws of the State, there is hereby authorized to be issued not exceeding \$9,000,000 aggregate principal amount of general obligation refunding bonds of the County to be designated "\$9,000,000 (or such lesser amount issued) General Obligation Refunding Bonds (appropriate series designation), of Beaufort County, South Carolina" (the "Bonds"), for the purpose set forth in Section 1(k) and other costs incidental thereto, including without limiting the generality of such other costs, engineering, financial and legal fees.

The refunding of the Bonds to be Refunded shall be effected with a portion of the proceeds of the Bonds which proceeds shall be used for the payment of the principal of such Bonds to be Refunded as and when such Bonds to be Refunded mature and are called for redemption in accordance with the provisions of the 2002 Ordinance and interest on such Bonds to be Refunded as and when the same becomes due. If necessary, notice of the aforesaid refunding for which a portion of the proceeds of the Bonds will be used shall be given in a financial paper published in the City of New York, State of New York.

Upon the delivery of the Bonds, the principal proceeds thereof, less issuance expenses, shall be deposited with an escrow agent to be named (the "Escrow Agent") and held by it under a written refunding trust agreement between the Escrow Agent and the County (the "Refunding Trust Agreement") in an irrevocable trust account. It shall be the duty of such Escrow Agent to keep such proceeds invested and reinvested to the extent that it shall be practical in obligations of the United States or any agency thereof and to apply the principal and interest of the trust so established in the manner prescribed in such Refunding Trust Agreement.

The County Administrator and/or his lawfully-authorized designee are hereby authorized and directed for and on behalf of the County to execute such agreements and give such directions as shall be necessary to carry out the provisions of this Ordinance, including the execution and delivery of the Refunding Trust Agreement. The Refunding Trust Agreement shall be dated the date of delivery of the Bonds to the initial purchasers thereof.

Upon the award of the Bonds, the County shall designate the Bonds to be Refunded for redemption on a date determined by the Interim County Administrator and/or his lawfully-authorized designee in accordance with the 2002 Ordinance.

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

Within twenty-four (24) hours after the receipt of bids, the County Administrator is hereby authorized to designate the registrar and paying agent (the "Registrar/Paying Agent") for the Bonds. The Registrar/Paying Agent shall be a bank, trust company, depository or transfer agent located either within or without the State of South Carolina.

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

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

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

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

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

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

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

exchange and substitution for any defaced, mutilated or partly destroyed Bond or in substitution for any allegedly lost, stolen or wholly destroyed Bond shall be entitled to the identical benefits under this Ordinance as was the original Bond in lieu of which such duplicate Bond is issued, and shall be entitled to equal and proportionate benefits with all the other Bonds of the same series issued hereunder.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 19. Deposit and Use of Proceeds. The proceeds derived from the sale of the Bonds necessary to refund the Bonds to be Refunded shall be deposited with the Escrow Agent pursuant to the terms of the Refunding Trust Agreement. The remaining proceeds, if any, shall be deposited with the

County Treasurer in a special fund to the credit of the County and shall be applied solely to the purposes for which the Bonds have been issued, including payment of costs of issuance of the Bonds.

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

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

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

“Government Obligations” shall mean any of the following:

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

SECTION 21. Miscellaneous. The County Council hereby authorizes the County Administrator, Chair of the County Council, the Clerk to the County Council and County Attorney to execute such documents and instruments as necessary to effect the issuance of the Bonds. The County Council hereby retains McNair Law Firm, P.A., as bond counsel and Ross, Sinclair & Associates, LLC, as financial advisor in connection with the issuance of the Bonds. The County Administrator is further authorized to execute such contracts, documents or engagement letters as may be necessary and appropriate to effectuate these engagements.

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

Enacted this ____ day of September, 2010.

BEAUFORT COUNTY, SOUTH CAROLINA

Chair, County Council

(SEAL)

ATTEST:

Clerk, County Council

First Reading: August 9, 2010

Second Reading: August 23, 2010

Public Hearing:

Third and Final Reading:

FORM OF BOND

UNITED STATES OF AMERICA
 STATE OF SOUTH CAROLINA
 COUNTY OF BEAUFORT
 GENERAL OBLIGATION REFUNDING BOND, SERIES 2010_

No. R-

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

REGISTERED HOLDER:

PRINCIPAL AMOUNT: DOLLARS

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

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

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

This Bond is one of a series of Bonds of like date of original issue, tenor and effect, except as to number, denomination, date of maturity, redemption provisions, and rate of interest, aggregating _____ Dollars (\$ _____), issued pursuant to and in accordance with the Constitution and laws of the State of South Carolina, including Article X of the Constitution of the State of South Carolina, 1895, as amended; Title 4, Chapter 15, Code of Laws of South Carolina 1976, as amended; Title 11, Chapter 27, Code of Laws of South Carolina 1976, as amended; and Ordinance No. _____ duly enacted by the County Council on _____, 2010.

[Redemption Provisions]

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

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

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of the State of South Carolina to exist, to happen and to be performed precedent to or in the issuance of this Bond exist, have happened and have been performed in regular and due time, form and manner as required by law; that the amount of this Bond, together with all other indebtedness of the County, does not exceed the applicable limitation of indebtedness under the laws of the State of South Carolina; and that provision has been made for the levy and collection of a tax, without limit, on all taxable property in the County sufficient to pay the principal of and interest on this Bond as the same shall respectively mature and to create such sinking fund as may be necessary therefor.

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

BEAUFORT COUNTY, SOUTH CAROLINA

Chair of County Council

(SEAL)

ATTEST:

Clerk of County Council

[FORM OF REGISTRAR'S CERTIFICATE OF AUTHENTICATION]

Date of Authentication:

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

_____ as Registrar

By: _____ Authorized Officer

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

TEN COM - As tenants in common

UNIF GIFT MIN. ACT

TEN ENT - As tenants by the entireties

_____ Custodian _____
(Cust.) (Minor)

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

under Uniform Gifts to Minors

(State)

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

[FORM OF ASSIGNMENT]

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

_____ (Name and address of Transferee)

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

Dated: .

Signature Guaranteed:

(Authorizing Officer)

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

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

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

[FORM OF CERTIFICATE]

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

BEAUFORT COUNTY, SOUTH CAROLINA

By: _____
Clerk of County Council

FORM OF NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the County Council of Beaufort County, South Carolina (the "County"), County Administration Building, 100 Ribaut Road, Beaufort, South Carolina, at 6:00 p.m. on _____, 2010.

The purpose of the public hearing is to consider an Ordinance providing for the issuance and sale of General Obligation Refunding Bonds of Beaufort County, South Carolina, in the principal amount of not exceeding \$9,000,000 (the "Bonds"). The proceeds of the bonds will be used together with other available funds of the County for the following purposes: (i) refunding certain maturities of the County's 2002 Bonds; (ii) paying legal and financial advisor fees and other costs of issuance of the Bonds; and (iii) such other lawful purposes as the County Council shall determine.

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

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

COUNTY COUNCIL OF BEAUFORT COUNTY,
SOUTH CAROLINA

FORM OF NOTICE

NOTICE OF ADOPTION OF ORDINANCE

Notice is hereby given that on _____, 2010, the Beaufort County Council adopted an ordinance entitled: "ORDINANCE NO. _____" (the "Ordinance").

The proceeds of the bonds will be used together with other available funds of the County for the following purposes: (i) refunding certain maturities of the County's 2002 Bonds; (ii) paying legal and financial advisor fees and other costs of issuance of the bonds; and (iii) such other lawful purposes as the County Council shall determine.

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

COUNTY COUNCIL OF BEAUFORT COUNTY,
SOUTH CAROLINA

FORM OF NOTICE OF SALE

OFFICIAL NOTICE OF SALE

\$ _____ GENERAL OBLIGATION REFUNDING BONDS, SERIES 2010_,
OF BEAUFORT COUNTY, SOUTH CAROLINA

Time and Place of Sale: NOTICE IS HEREBY GIVEN that sealed bids, facsimile bids and electronic bids will be received on behalf of Beaufort County, South Carolina (the "County"), _____, Beaufort, South Carolina, until 11:00 a.m, South Carolina time, on _____, _____, 2010, at which time said proposals will be publicly opened for the purchase of \$ _____ General Obligation Refunding Bonds, Series 2010_, of the County (the "Bonds").

Sealed Bids: Each hand delivered proposal shall be enclosed in a sealed envelope marked "Proposal for \$ _____ General Obligation Refunding Bonds, Series 2010_, Beaufort County, South Carolina" and should be directed to the County Administrator at the address in the first paragraph hereof.

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

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

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

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

The Bonds will be issued in fully-registered form registered as to principal and interest; will be dated _____, 2010; will be in denominations of \$5,000 or any integral multiple thereof not exceeding the principal amount of Bonds maturing in each year; and will mature serially in successive annual installments on _____ in each of the years and in the principal amounts as follows:

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

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

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

The Bonds will bear interest from the date thereof payable semiannually on _____ and _____ of each year, commencing _____, until they mature.

[Redemption Provisions]

Registrar/Paying Agent: Within twenty-four (24) hours after the receipt of bids, the County will designate the registrar and paying agent (the "Registrar/Paying Agent") for the Bonds. The Registrar/Paying Agent shall be a bank, trust company, depository or transfer agent located either within or without the State of South Carolina.

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

Award of Bid. The Bonds will be awarded to the bidder or bidders offering to purchase the Bonds at the lowest true interest cost (TIC) to the County. The TIC will be the nominal interest rate which, when compounded semiannually and used to discount all debt service payments on the Bonds (computed at the interest rates specified in the bid and on the basis of a 360-day year of twelve 30-day months) to the dated date of the Bonds, results in an amount equal to the price bid for the Bonds. In the case of a tie bid, the winning bid will be awarded by lot. The County reserves the right to reject any and

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

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

Good Faith Deposit: No good faith deposit is required.

Bid Form: Proposals should be enclosed in a separate sealed envelope marked "Proposal for \$ _____ General Obligation Refunding Bonds, Series 2010_ of Beaufort County, South Carolina" and should be directed to the County Administrator at the address in the first paragraph hereof. It is requested but not required that you submit your bid on the Proposal for Purchase of Bonds supplied with the Official Statement.

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

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

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

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

Delivery: The Bonds will be delivered on or about _____, 2010, in New York, New York, at the expense of the County. The balance of the purchase price then due, including the amount of accrued interest, must be paid in federal funds or other immediately available funds.

BEAUFORT COUNTY, SOUTH CAROLINA

s/ _____
Chair of County Council

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

This Disclosure Dissemination Agent Agreement (the "Disclosure Agreement"), dated as of _____, 2010, is executed and delivered by Beaufort County, South Carolina (the "Issuer") and Digital Assurance Certification, L.L.C., as exclusive Disclosure Dissemination Agent (the "Disclosure Dissemination Agent" or "DAC") for the benefit of the Holders (hereinafter defined) of the Bonds (hereinafter defined) and in order to provide certain continuing disclosure with respect to the Bonds in accordance with Rule 15c2-12 of the United States Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time (the "Rule").

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 2. Provision of Annual Reports.

(a) The Issuer shall provide, annually, an electronic copy of the Annual Report and Certification to the Disclosure Dissemination Agent, together with a copy for the Trustee, not later than 30 days prior to the Annual Filing Date. Promptly upon receipt of an electronic copy of the Annual Report and the Certification, the Disclosure Dissemination Agent shall provide an Annual Report to the Repository not later than 210 days after the end of each fiscal year of the Issuer, commencing with the fiscal year ending June 30, 2010. Such date and each anniversary thereof is the Annual Filing Date. The Annual Report may be submitted as a single document or as separate documents comprising a package, and may cross-reference other information as provided in Section 3 of this Disclosure Agreement.

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

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

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

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

(e) The Disclosure Dissemination Agent shall:

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

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

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

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

SECTION 3. Content of Annual Reports.

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

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

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

SECTION 4. Reporting of Notice Events.

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

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

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

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

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

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

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

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

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

SECTION 7. Voluntary Reports.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

By: _____
Name: _____
Title: _____

BEAUFORT COUNTY, SOUTH CAROLINA,
as Issuer

By: _____
Name: Gary Kubic
Title: County Administrator

EXHIBIT A
NAME AND CUSIP NUMBERS OF BONDS

Name of Issuer	Beaufort County, South Carolina
Obligated Person(s)	David Starkey Chief Financial Officer
Name of Bond Issue:	General Obligation Refunding Bonds, Series 2010_, \$ _____
Date of Issuance:	_____, 2010
Date of Official Statement	_____, 2010
CUSIP Number:	

EXHIBIT B
NOTICE TO REPOSITORIES OF FAILURE TO FILE ANNUAL REPORT

Name of Issuer Beaufort County, South Carolina
Obligated Person(s) David Starkey, Chief Financial Officer
Name of Bond Issue: General Obligation Refunding Bonds, Series 2010_, \$ _____
Date of Issuance: _____, 2010
Date of Official Statement _____, 2010

NOTICE IS HEREBY GIVEN that the Issuer has not provided an Annual Report with respect to the above-named Bonds as required by the Disclosure Agreement, dated as of _____, 2010, between the Issuer and Digital Assurance Certification, L.L.C., as Disclosure Dissemination Agent. The Issuer has notified the Disclosure Dissemination Agent that it anticipates that the Annual Report will be filed by _____.

Dated: _____

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

cc: Issuer
 Obligated Person

EXHIBIT C
MATERIAL EVENT NOTICE COVER SHEET

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

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

Issuer's Six-Digit CUSIP Number: _____

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

Number of pages of attached material event notice: _____

Description of Material Events Notice (Check One):

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

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

Signature: _____

Name: _____ Title: _____

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

Address: _____

City, State, Zip Code: _____

Voice Telephone Number: _____

Beaufort County, South Carolina - Series 2002 Refunding Estimate

Fiscal Year Ended June 30	Prior Bond Payments			Estimated New Bond Payments			Net Savings
	Principal Portion	Interest Portion	Total	Principal Portion	Interest Portion	Total	Savings
2011	\$2,050,000	\$518,525	\$2,568,525	\$2,050,000	\$503,678	\$2,553,678	\$14,847
2012	\$675,000	\$436,525	\$1,111,525	\$675,000	\$406,831	\$1,081,831	\$29,694
2013	\$705,000	\$408,681	\$1,113,681	\$705,000	\$378,988	\$1,083,988	\$29,693
2014	\$735,000	\$378,719	\$1,113,719	\$715,000	\$349,025	\$1,064,025	\$49,694
2015	\$770,000	\$346,562	\$1,116,562	\$740,000	\$327,575	\$1,067,575	\$48,987
2016	\$805,000	\$312,875	\$1,117,875	\$775,000	\$297,975	\$1,072,975	\$44,900
2017	\$845,000	\$276,650	\$1,121,650	\$805,000	\$266,975	\$1,071,975	\$49,675
2018	\$890,000	\$237,569	\$1,127,569	\$850,000	\$230,750	\$1,080,750	\$46,819
2019	\$935,000	\$195,294	\$1,130,294	\$890,000	\$192,500	\$1,082,500	\$47,794
2020	\$980,000	\$150,881	\$1,130,881	\$935,000	\$148,000	\$1,083,000	\$47,881
2021	\$1,030,000	\$103,106	\$1,133,106	\$985,000	\$101,250	\$1,086,250	\$46,856
2022	\$1,085,000	\$52,894	\$1,137,894	\$1,040,000	\$52,000	\$1,092,000	\$45,894
Totals	\$11,505,000	\$3,418,281	\$14,923,281	\$11,165,000	\$3,255,547	\$14,420,547	\$502,734

Net Savings Amount

Gross Savings:	\$502,734
Present Value Savings:	\$420,749
Present Value Savings %:	5.21%

Interest Rate Reduction

Series 2002 Interest Rate:	4.75%
Series 2010C EST Interest Rate:	2.91%
Interest Rate Reduction:	1.84%

2010 / _____

AN ORDINANCE

AN ORDINANCE AUTHORIZING A LOAN OF HOSPITALITY TAX FUNDS TO HERITAGE CLASSIC FOUNDATION FOR THE PROCUREMENT OF THE 2011 PGA HERITAGE GOLF TOURNAMENT TO BE HELD ON HILTON HEAD ISLAND, SOUTH CAROLINA

WHEREAS, by action previously taken, the County Council of Beaufort County, South Carolina, which is the governing body of Beaufort County, South Carolina (hereinafter called the "County Council"), ordered that a public hearing on the question of the loaning of Hospitality Tax Funds to Heritage Classic Foundation ("Foundation") for the purpose of procuring the 2011 PGA Heritage Golf Tournament ("Tournament") to be held on Hilton Head Island in the amount of One Million Dollars (\$1,000,000.00) be held in the large meeting room of the Hilton Head Island Branch Library, 11 Beach City Road, Hilton Head Island, South Carolina, on Monday, September 13, 2010, and notice of such hearing has been duly published once a week for three successive weeks in The Beaufort Gazette, a newspaper of general circulation in Beaufort County and The Island Packet; and

NOW, THEREFORE, BE IT ORDAINED, by the County Council in a meeting duly assembled:

Section 1. It is found and determined that each statement of fact set forth in the preamble of this Ordinance is in all respects true and correct.

Section 2. On the basis of the facts adduced at the public hearing held on _____, 2010, it is found and determined that Beaufort County should be authorized to loan Heritage Classic Foundation One Million Dollars (\$1,000,000.00).

Section 3. The County Council hereby authorizes Beaufort County to prepare a Promissory Note in the amount of One Million Dollars (\$1,000,000.00) for the benefit of

Heritage Classic Foundation for the purpose of procuring the 2011 PGA Heritage Golf Tournament to be held on Hilton Head Island upon the following terms and conditions:

- A. These funds shall be used for reserving a 2011 Tournament date with the PGA;
- B. This loan shall not be subordinate to any other loan the Heritage Classic Foundation may enter into to further facilitate the expediting of the Tournament.
- C. Heritage Classic Foundation shall provide an update on the Tournament date reservation process to the County Council of Beaufort County at its official County Council meetings held on Mondays once or twice a month until such date is secured and formalized.
- D. The loan shall be repaid no later than sixty (60) days after Heritage Classic Foundation secures a single or multiple, title or presenting sponsor(s), capable of funding in total Four Million Dollars (\$4,000,000.00) or more to the Tournament.
- E. At Beaufort County's option, the unpaid loan balance as of February 1, 2011 can be:
 - (i) Converted to a term loan note at the then current prime rate of interest payable over five (5) years; or
 - (ii) Sold to sponsors and/or advertisers acceptable to Foundation and Beaufort County, provided the television advertising units are available and have not been previously sold; or
 - (iii) Converted into Tournament national advertising time to promote Beaufort County, provided the advertising units are available, having not been sold, which would in effect, forgive the loan in full.

Section 4. The Chairman and other officers of the County Council are herewith authorized and empowered to take such further action as may be necessary to fully implement the action taken by this Ordinance.

DONE AT BEAUFORT, SOUTH CAROLINA, this ____ day of _____, 2010.

Chairman
Beaufort County Council

(SEAL)

Attest:

Clerk
Beaufort County Council

First Reading, By Title Only: August 9, 2010

Second Reading: August 23, 2010

Public Hearing:

Third and Final Reading:

PROMISSORY NOTE

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

HERITAGE CLASSIC FOUNDATION ("DEBTOR")

[Business Name]

79 Lighthouse Road, Ste. 321, Hilton Head Island, SC 29928

[Business Address]

1. DEBTOR'S PROMISE TO PAY. For value received, in the form of providing financial assistance to insure that the PGA Heritage Golf Tournament is held in 2011 on Hilton Head Island, Beaufort County, South Carolina, the undersigned ("Debtor") promises to pay One Million Dollars (\$1,000,000.00) (the "Principal"), with no interest to accrue thereon, to the order of the Note Holder. The Note Holder is the County of Beaufort.

2. REPAYMENT.

(A) Time and Place of Payments. Debtor will repay the full amount of principal to the County of Beaufort on or before February 1, 2011 (the "Maturity Date").

Debtor will make payments at: Beaufort County, P.O. Box 1228, Beaufort, SC 29901-1228 or at a different place if required by the Note Holder. Cashier checks should be made payable to: Beaufort County Treasurer unless otherwise notified by Note Holder.

3. DEBTOR'S RIGHT TO PREPAY. Debtor has the right to prepay the principal amount of this Note at any time before it is due. A payment of principal only is known as a "prepayment". When Debtor makes a prepayment, Debtor will tell the Note Holder in writing that it is doing so.

Debtor may make a full prepayment or partial prepayments at any time to pay off the Note. Beaufort County will use any prepayments to reduce the amount of principal that Debtor owes under this Note. If Debtor makes a partial prepayment, there will be no changes in the due date or in the amount unless the Note Holder agrees in writing to those changes.

4. DEBTOR'S FAILURE TO PAY AS REQUIRED.

(A) Default. If Debtor does not pay the full amount of the principal on February 1, 2011, or convert to another form of payment as outlined in Beaufort County Ordinance 2010/___.

(B) Notice of Default. If Debtor is in default, the Note Holder may send Debtor a written notice stating that if Debtor does not pay the overdue amount by a certain date, the Note Holder may require Debtor to pay immediately the full amount of principal which has not been paid. That date must be at least thirty (30) days after the date on which the notice is delivered or mailed to Debtor.

(C) No Waiver by Note Holder. Even if, at a time when Debtor is in default, the Note Holder does not require Debtor to pay immediately in full as described above, the Note Holder will still have the right to do so if Debtor is in default at a later time.

(D) Payment of Note Holder's Costs and Expenses. If the Note Holder has required Debtor to pay immediately in full as described above, the Note Holder will have the right to be paid back by Debtor for all its costs and expenses in enforcing this Note to the extent not prohibited by applicable law. Those expenses include, but may not be limited to, for example, reasonable attorneys' fees and/or court costs.

5. **GIVING OF NOTICES.** Unless applicable law requires a different method, any notice that must be given to Debtor under this Note will be given by delivering it or by mailing it by first class mail to the Business Address above or at a different address if Debtor gives the Note Holder a notice of Debtor's different address.

Any notice that must be given to the Note Holder under this note will be given by mailing it by first class mail to the Note Holder at the address stated in Section 2(A) above or at a different address if Debtor is given a notice of that different address.

6. **WAIVERS.** Debtor and any other person, who has obligations under this Note, waive the rights of presentment and notice of dishonor. "Presentment" means the right to require the Note Holder to demand payment of amounts due. "Notice of dishonor" means the right to require the Note Holder to give notice to other persons that amounts due have not been paid.

WITNESS, the hand and seal of the undersigned Debtor on this ____ day of _____, 2010.

WITNESSES:

DEBTOR:

HERITAGE CLASSIC FOUNDATION, a
South Carolina non-profit corporation

By: _____
Name: _____
Title: _____

Committee Reports

September 13, 2010

A. COMMITTEES REPORTING

1. Community Services

- ① Minutes provided from the August 16 meeting. No action is required.
- ② Alcohol and Drug Abuse Board

<i>Nominated</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
08.23.10	Judy Lohr	Countywide	Appoint	6 of 11
08.23.10	Joseph Brown	Countywide	Appoint	6 of 11

- ③ Disabilities and Special Needs Board

<i>Nominated</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
08.23.10	Algreda Ford	Countywide	Appoint	6 of 11

2. Executive Committee

- ① Minutes provided September 27 from the August 23 meeting. No action is required.

3. Finance

- ① Minutes provided September 27 from the August 23 meeting. No action is required.

4. Natural Resources

- ① Minutes provided from the September 7 meeting. Action is required. (Items 23, 24 and 25)
- ② Construction Adjustments and Appeals Board

<i>Nominated</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
08.23.10	Albert Thomas	Des Prof./Contractor/Bldg Ind.	Appoint	6 of 11

5. Public Facilities

- ① Minutes provided September 27 from the August 24 meeting. Action is required. (Items 9, 10, 11, 12, 13 and 14)

6. Public Safety

- ① Minutes provided from the September 7 meeting. Action is required. (Item 15)

B. COMMITTEE MEETINGS

1. Community Services

William McBride, Chairman

Gerald Dawson, Vice Chairman

➔ Next Meeting – Monday, September 20 at 4:00 p.m., Building 2, BIV

2. Executive

Weston Newton, Chairman

➔ Next Meeting – Monday, September 27 at 2:00 p.m.

3. Finance

Stu Rodman, Chairman

William McBride, Vice Chairman

➔ Next Meeting – Monday, September 20 at 2:00 p.m., Building 2, BIV

4. Natural Resources

Paul Sommerville, Chairman

Jerry Stewart, Vice Chairman

➔ Next Meeting – Tuesday, October 4 at 2:00 p.m.

5. Public Facilities

Herbert Glaze, Chairman

Steven Baer, Vice Chairman

➔ Next Meeting – Tuesday, September 28 at 4:00 p.m.

6. Public Safety

Jerry Stewart, Chairman

Brian Flewelling, Vice Chairman

➔ Next Meeting – Tuesday, October 4 at 4:00 p.m.

7. Transportation Advisory Group

Weston Newton, Chairman

Stu Rodman, Vice Chairman

➔ Next Meeting – Monday, September 13 at 2:00 p.m., Hilton Head Island Branch Library

**Community Services Committee
Minutes from August 16, 2010
Conference Room, Building 2, Beaufort Industrial Village
Beaufort, South Carolina**

Committee Members:

William McBride, Chairman
Gerald Dawson, Vice Chairman
Steven Baer
Rick Caporale
Herbert Glaze
Stu Rodman
Laura Von Harten

Non-committee Member:

Paul Sommerville

Staff:

Morris Campbell, Division Director

Chairman McBride called the meeting to order at 4:18 pm.

INTERIM REPORT / TOGETHER FOR BEAUFORT

Fred Leyda offered the report on Together for Beaufort.

Strategic Goal 1: Economy

The Affordable Housing Consortium has been met with.

- Objective: The average wage in Beaufort County will equal or exceed South Carolina's average wage. This objective requires more work.
- Objective: The commercial tax base will be doubled. This objective requires more work.
- Objective: Childcare costs won't exceed 25% of a working family's income. This objective requires more work.

Strategic Goal 2: Education

- Objective: 85% of entering 1st graders will test at grade level by national testing standards – Early Childhood Coalition is helping this move in a positive direction. The biggest success in the progress report is that the literacy level (as they define it) is three years ahead of schedule.

Strategic Goal 3: Poverty

- Objective: increasing the number of "aging in place villages." Coalition for Aging is in place to work on this. The hope is to have 6 in Beaufort County. Hilton Head's in Sea

Pines is 50% full. Mr. Caporale said there are already large contingencies of Baby Boomers in Sea Pines, Hilton Head Plantation, etc. He said that it's as if the population already exists, and the word needs to be gotten out. Mr. Leyda said the initial meeting filled the Sea Pines meeting room to capacity, and they have other interested communities. The model requires finding volunteers to work with this issue. It allows people to stay in their home longer than they would be able to do otherwise.

- Reducing Adolescent Pregnancy Alliance is helping to meet the goal of reducing teen births (10-19 years old, married or not) to 8% of all births. Poetry and Pancakes is at the teen center and gives kids the opportunity to talk about the issues in their lives. There were 200 teen pregnancies in Beaufort County last year.
- Prenatal Care Coalition –No county is reporting prenatal care at 85%. This objective requires more work.
- The number of children living in poverty will be reduced to the national average. The Poverty Coalition is at work on this – churches South of the Broad have re-formed and will partner with North of the Broad community services organization. There are 19 agencies in the Charity Tracker; this helps to prevent duplication of services.

Strategic Goal 4: Balance growth in a manner that promotes and protects the health of our residents and our environment

- A work group called Eat Smart, Move More Lowcountry is working to help reduce the percentage of overweight and obese residents to reduce related health concerns. They are also looking at ways to make the community more active through infrastructure changes.
- Mental Health Access Coalition will work to increase access to community mental health services for adults and children, including access for those who need help but aren't severely mentally ill; they will offer help finding local providers.
- Water Quality Committee will help to be good stewards of natural resources by protecting and monitoring water quality. This has changed over the last five years; they're developing a network of all the waters in Beaufort County and professionally monitoring the quality of the water.
- Access Health Beaufort County will reduce the percentage of residents without health insurance to 10% of the population. This networks providers for the indigent and saves costs because everyone knows what everyone else is doing.

This report is going to be an annual update when they will reassess objectives and measures. The Center for the Study of the Quality of Life is the partner that will produce the reports. Objectives are being reassessed; local data sources need to be identified. They are more accurate than national data. Mr. Leyda mentioned the GrantShare Website, in which grants are written off the web site so multiple people can operate it in real time off the web. He also noted that community committees are being formed for those citizens who express interest in a particular issue.

Mr. Leyda showed a list of funding partners. Chairman McBride asked what the committee or council can do to help with the project. Mr. Leyda said the allocation from the county will be a part of that. Mr. Campbell said they need continued support for the initiatives, though they've made strides. Mr. Sommerville asked how often and when the alliance meets. Mr. Leyda said the 14 coalitions in Together for Beaufort meet monthly. The parent organization meets quarterly at Palmetto Electric. There are 100 agencies in the alliance.

Ms. Von Harten asked about his staff. Mr. Leyda said it's comprised of himself and Lolita Huckaby, who is his information referral person. Mr. Rodman said he has a problem with the name of the organization; people on Hilton Head don't know what it is. Mr. Leyda said they're working on making it Together for Beaufort *County*.

UPDATE / AFFORDABLE HOUSING PROGRAM

Tony Criscitiello presented the housing budget recommendation for 2011. The Planning Department and Community Services request \$225,000 in funds for affordable housing to assist low to moderate income households. He broke down where the funding from last year went, including to manufactured homes and those homes built by the county and available to the elderly, Habitat for Humanity, housing consulting and referral service, etc. He showed the projected housing initiatives requiring funding in 2011 to the tune of \$225,000. He showed the breakdown of the funding for Beaufort Housing Authority (\$1.7 million to purchase 13 foreclosed homes that were rehabbed and rented to families making 50% or below the median income. 12 homes are in Bluffton and 1 in Burton), City of Beaufort (\$500,000 in partnership with Habitat for Humanity to purchase 3 homes to rehabilitate and sell to qualified low-income buyers) and Town of Bluffton (\$700,000 to demolish 15 blighted structures and construct 6 in Old Town Bluffton).

Mr. Baer said he'd like a copy of the materials. He asked about where the monies come from. Mr. Criscitiello said they all come from the General Fund including the 2011 request for \$225,000. He said these are placeholders for when they have opportunities that they'd like to avail themselves of.

Mr. Dawson congratulated Mr. Criscitiello on his work. He said the committee and County Council should see visuals of the work that has been done. Mr. Criscitiello said the Housing Authority is "geared up for this." He reiterated that none of the 2011 money has been spent yet but the placeholders should be necessary.

Mr. Caporale asked if all \$1.7 million was spent on those 13 properties and Mr. Criscitiello said yes, and the Housing Authority owns them now. Mr. Rodman said in regard to impact fees, property owners would move a mobile home and lose an impact fee; and he feels that money should be given back to people when that happens.

CONSIDERATION OF REAPPOINTMENTS AND APPOINTMENTS

Alcohol and Drug Abuse Board – Dr. Joseph Brown was recommended for appointment. Mr. Rodman made a motion to appoint, seconded by Mr. Caporale.

Ms. Von Harten made a motion to appoint Judy Lohr, seconded by Mr. Dawson. Mr. Glaze said Ms. Lohr's appointment can be brought up again at council. Mr. Sommerville commented that there are two applicants from his district for this position. He supports Ms. Lohr because he knows her work and experience. Her resume was presented for the committee to peruse. Mr. Baer asked Chairman McBride his reasons for support of Dr. Brown. Chairman McBride said Dr. Brown was the board's recommendation. Mr. Campbell said the board had already made their recommendation when Ms. Lohr's application came in.

On the motion to recommend to County Council the appointment of Dr. Brown, the vote was 1 - 6 with Chairman McBride in support of the nomination and the other committee members opposed. The motion did not pass.

On the motion to recommend to County Council the appointment of Ms. Lohr, the vote was 6 - 1 with Chairman McBride opposed to the nomination and the other committee members in support of it. The motion passed.

Disabilities and Special Needs Board - Northernmost Beaufort County is not being represented, Chairman McBride said. Mr. Dawson said he spoke to Ms. Algeda Ford the previous Friday and her application was on file. Ms. Ford is the board's recommendation to fill a vacancy. Mr. Dawson made a motion, seconded by Ms. Von Harten to recommend to County Council the appointment of Ms. Ford. The vote passed unanimously.

Library Board – The vacant slot is to be held until the next meeting because there is not yet a candidate.

Regarding the 2% Accommodations Board, Mr. Rodman said that Ms. Von Harten has a nominee in mind but that this meeting wasn't the place to make nominations for it. Ms. Ilyse Queen recently came on the board, but she has changed jobs and may not be eligible to serve, so they might need to think of another potential candidate. There are a disproportionate number of people from Hilton Head on this board and they need to consider someone from North of the Broad.

Chairman McBride suggested knowing what district possible candidates and the people who are serving on the board are from.

ADJOURNMENT

There being no further business to come before the committee, the meeting adjourned at 5:19 pm.

NATURAL RESOURCES COMMITTEE

September 07, 2010

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

The Natural Resources Committee met on Tuesday, September 7, 2010 at 2:00 p.m., in the Executive Conference Room, Administration Building, 100 Ribaut Road, Beaufort, SC.

ATTENDANCE:

Natural Resources Members: Chairman Paul Sommerville, Vice Chairman Jerry Stewart and members Steven Baer, Gerald Dawson, Brian Flewelling, William McBride and Stu Rodman also attended.

County Staff: Tony Criscitiello, Division Director – Planning and Development; Rob Merchant, Long-range Planner.

Media: Richard Brooks, *Bluffton Today*, Joe Croley, Hilton Head Island Association of Realtors; Luke Thompson, *The Island Packet/Beaufort Gazette*.

Public: Reed Armstrong, Coastal Conservation League; Russell Baird, Marine Corps Air Station Community Planning Liaison, Ann Bluntzer, Beaufort County Open Land Trust, David Tedder, local attorney and applicant representative

Mr. Sommerville chaired the meeting.

ACTION ITEMS

1. A) **Text Amendment to the Beaufort County Zoning and Development Standards Ordinance (ZDSO), Article XII. Subdivision design (that replaces rural subdivision with rural small-lot subdivision):**
 1. **Division 3, Section 106-2539. Rural small lot subdivisions**
 2. **Division 4, Subdivision 2. Small lot rural subdivisions: Section 106-2596. Minimum development standards for small lot rural subdivision; and Section 106-2597. Conditions and limitations.**
- B) **Zoning Map Amendments to Change the Zoning of All Lands Currently Zoned Rural Residential to Rural in the Following Areas of the County – Sheldon Township, St. Helena Island and Port Royal Island (in areas located outside of the airport overlay district)**

Discussion: These two items were listed separately on the agenda, but were discussed and voted on in conjunction.

Mr. Sommerville briefed Committee members by saying, these items related to work done about a year ago to increase density in small rural lots. Rural subdivisions were replaced with rural lot subdivisions in certain parts of the county, added a lot to some smaller rural lots, and eliminated rural-residential zoning. He then introduced Mr. Merchant.

Mr. Rob Merchant, County long-range planner, explained these two items basically implement a decision Council made in April 2009 after re-evaluating rural land use in 2007-2008. This preserves rural land and provides more equitable regulations between small and large property owners. Right now, in rural areas the density is 1:3. In 1999, when that was adopted there was a concern that small property owners (5 acres or less) are at a disadvantage because you need six acres to get two lots in a rural area. It seemed over burdensome for small property owners to have the density in rural. At that point, rural-residential zoning was created as a relief for small property owners. It applies to property of 5 acres or less in clusters of five or more in rural areas. If you meet that criteria in rural-residential you can have up to six dwelling units. He said the problem with this policy is that it creates an inequitable situation between those who qualify as a rural-residential and those who just missed the mark. The solution creates a relief for the small property owner still, and a more equitable way to address.

Mr. Merchant then showed Committee members how the changes in the future land use chapter affect density in rural areas, as well as by-right lots. If you have a lot of record, exists as of July 1, 2010, in a rural area you have the right to subdivide one, half-acre lots before the density kicks in for rural. It gets a little more confusing because we took some of the direction from Council to provide greater flexibility and allow it to go down to one, half-acre, but the density is not affect so the impact of the change is the same, Mr. Merchant said. The map shows by-right subdivided lots — for a 10-acre parcel, subdivided into three by-right lots to get seven acres left where rural density of one dwelling unit per acre applies. This policy allows the same type parcel to get up to five lots.

Mr. Sommerville asked if this applies to north of the Whale Branch and St. Helena Island. Mr. Merchant confirmed.

Mr. Stewart asked what the protection is for going to a half-acre lot rather than one-acre lots. Mr. Merchant replied, the wording in the ordinance is such that if one of the by-right lots is subdivided there is automatically at least one acre subtracted from the parent tract. If it is less than an acre, when calculating the development rights on the remainder of the property will still subtract one acre per that subdivided lot. It was to allow a little more flexibility and also some cluster on the property so a greater amount of open space could be retained, he added. In Sheldon and St. Helena, the policy is three by-right lots and on Port Royal Island outside the AICUZ it is two by-right lots. There are not too many parcels affected by this.

It was moved by Mr. Flewelling, seconded by Mr. Dawson the Natural Resources Committee forwards and recommends Council approves 1. A Text Amendment to the Beaufort County Zoning and Development Standards Ordinance (ZDSO), Article XII. Subdivision design (that replaces rural subdivision with rural small-lot subdivision): A. Division 3, Section 106-2539. Rural small lot subdivisions B. Division 4, Subdivision 2. Small lot rural subdivisions: Section 106-2596. Minimum

development standards for small lot rural subdivision; and Section 106-2597. Conditions and limitations; and 2. A Zoning Map Amendments to Change the Zoning of All Lands Currently Zoned Rural Residential to Rural in the Following Areas of the County – Sheldon Township, St. Helena Island and Port Royal Island (in areas located outside of the airport overlay district).

Mr. Stewart noted this does not apply south of the Broad River.

Mr. Dawson asked for clarification about areas for which this change applies and Mr. Merchant reviewed the geographical parameters with Committee members.

Mr. David Tedder came to the table to suggest some changes to 106-2596 related to the minimum layout standards, access limitations and adding “direct” access

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

Recommendation: Council approves 1. A Text Amendment to the Beaufort County Zoning and Development Standards Ordinance (ZDSO), Article XII. Subdivision design (that replaces rural subdivision with rural small-lot subdivision): A. Division 3, Section 106-2539. Rural small lot subdivisions B. Division 4, Subdivision 2. Small lot rural subdivisions: Section 106-2596. Minimum development standards for small lot rural subdivision; and Section 106-2597. Conditions and limitations; and 2. A Zoning Map Amendments to Change the Zoning of All Lands Currently Zoned Rural Residential to Rural in the Following Areas of the County – Sheldon Township, St. Helena Island and Port Royal Island (in areas located outside of the airport overlay district).

2. Request for Extension of the Greenheath Planned Unit Development (PUD), Involving 97.80 acres on Lady’s Island; Owner/Applicant: Gleason Place LP

Discussion: Mr. Sommerville stated Greenheath was dealt with about a year ago and has been vetted by the various subcommittees and boards before it went before Council for third reading where it was pulled to get feedback from the municipalities and the School Board.

It was moved by Mr. Flewelling, seconded by Mr. Stewart the Natural Resources Committee forwards and recommends approval of a request for extension of the Greenheath Planned Unit Development (PUD), involving 97.80 acres on Lady’s Island; Owner/Applicant: Gleason Place LP.

Committee members discussed other PUDs for which either similar sunset extension requests were made or could be made. These included Burlington and Village Center. Mr. Tedder requested a change be made to add a new section, “V.8 (Zoning Regulations and Development Requirements) 8. Conversion to Lady’s Island Community Preservation Zoning. At any time prior to the filing of a residential subdivision plat of all or a portion of the Property, Owner shall have the right to terminate this Agreement and all of the Property will be developed under the Lady’s Island Community Preservation Zoning, with this Agreement of no further force or effect.”

Mr. Flewelling stated he is not sure he wants to obligate a future Council to the suggested addition.

Mr. McBride stated he is not sure it would be an appropriate change to act upon, or whether Council could legally act on it.

Mr. Rodman noted if Council does not approve the addition brought forward by Mr. Tedder, the applicant still has the right to go through the formal rezoning process.

Mr. Sommerville asked staff to look at the topic in question and report back to the Committee.

Mr. Flewelling withdrew his motion.

It was moved by Mr. Stewart, seconded by Mr. Baer consideration of a request for extension of the Greenheath Planned Unit Development (PUD), involving 97.80 acres on Lady's Island; Owner/Applicant: Gleason Place LP be postponed pending staff feedback. The vote was: The vote was: FOR – Mr. Baer, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman Mr. Sommerville and Mr. Stewart. The motion passed.

Recommendation: No action necessary. Item will come back before Natural Resources Committee pending staff review.

3. Text Amendments To The Beaufort County Zoning And Development Standards Ordinance (ZDSO) That Replaces All The Community Options With A Traditional Neighborhood Development Option: 1. Article V, Division 1, Table 106-1098 Use Table 2. Article VI, Division 2, Table 106-1526 Open Space And Density Standards 3. Article VI, Division 3, Table 106-1556 Lot And Building Standards 4. Article VI, Division 4, Table 106-1617 Bufferyard and Landscaping Standards 5. Article XI, Divisions 1 And 2

Discussion: Mr. Tony Criscitiello, Division Director – Planning and Development, reminded Natural Resources Committee members Traditional Neighborhood Development (TND) originated with the Zoning Board of Appeals as a solution to fix an inoperative section of the ZDSO. He noted there are few opportunities in the County for which this could apply. Also he mentioned a requirement for workforce housing in TND. Mr. Criscitiello stated this is likely to become the precursor of form-based code and the staff favors this.

Mr. Sommerville mentioned the Marine Corps Air Station – Beaufort had concerns about the TND, but after deliberation submitted a letter in support of the TND.

Mr. Baer stated he knew there were questions arising when this was debated at Council from Mr. Glaze and Mr. Bequette.

Mr. Stewart noted it was a split vote. He also said the Council debated impact fees and how the \$6,000 per rooftop would be impacted by the TND. Members then discussed fee in lieu as applied to the TND.

Mr. Flewelling noted consideration and passage of the TND may be important to do now rather than waiting. He said there is an awful design currently on the blocks and if the TND was passed it might rectify some of that. He also stated he thinks TND is a good first step toward form-based code.

Mrs. Bluntzer, Beaufort County Open Land Trust, reminded the Natural Resources Committee members this is larger than one property and will affect development in Beaufort County for a long time; additionally, it works directly with the Rural and Critical Lands program.

Mr. Armstrong, Coastal Conservation League, said he supports the TND as a good model for form-based code.

There was a long discussion about densities, variations and where the TND would apply.

It was moved by Mr. Flewelling, seconded by Mr. Rodman the Natural Resources Committee approves and forwards to Council a recommendation to approve Text Amendments to the Beaufort County Zoning and Development Standards Ordinance (ZDSO) That Replaces All The Community Options With A Traditional Neighborhood Development Option: 1. Article V, Division 1, Table 106-1098 Use Table 2. Article VI, Division 2, Table 106-1526 Open Space And Density Standards 3. Article VI, Division 3, Table 106-1556 Lot And Building Standards 4. Article VI, Division 4, Table 106-1617 Bufferyard and Landscaping Standards 5. Article XI, Divisions 1 And 2. The vote was: FOR - Mr. Baer, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman Mr. Sommerville and Mr. Stewart. The motion passed.

Recommendation: Council approves Text Amendments to the Beaufort County Zoning and Development Standards Ordinance (ZDSO) That Replaces All the Community Options with a Traditional Neighborhood Development Option: 1. Article V, Division 1, Table 106-1098 Use Table 2. Article VI, Division 2, Table 106-1526 Open Space And Density Standards 3. Article VI, Division 3, Table 106-1556 Lot And Building Standards 4. Article VI, Division 4, Table 106-1617 Bufferyard and Landscaping Standards 5. Article XI, Divisions 1 And 2.

PUBLIC SAFETY COMMITTEE

September 07, 2010

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

The Public Safety Committee met on Tuesday, September 7, 2010 at 4:00 p.m., in the Executive Conference Room, Administration Building, 100 Ribaut Road, Beaufort, SC.

ATTENDANCE

Public Safety Members: Chairman Jerry Stewart, Vice Chairman Brian Flewelling and members Rick Caporale, Gerald Dawson, Herbert Glaze and Stu Rodman attended. Committee member Laura Von Harten was absent. Non-committee members William McBride and Paul Sommerville also attended.

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

County Staff: Col. Dave Brown, Chief of Staff at Sheriff's Office; Capt. Bob Bromage, Investigative Branch; Lt. Renita Barry, Director Forensics Lab; John Donahue, DNA Technical Director; Tim French, DNA Analyst; Gary Kubic, County Administrator; Suzanne Larson, Public Information Officer; Toni Lytton, Animal Shelter director; Jennifer Mills, Forensics and DNA Lab Quality Manager, chemist and arson testing; Sheriff P.J. Tanner; Dave Thomas, Purchasing Director; William Winn, Division Director – Public Safety.

Legislative Delegation: State Representative Shannon Erickson; State Representative Elect Andy Patrick, House District 123.

Media: Richard Brooks, *Bluffton Today*, Joe Croley, Hilton Head Island Association of Realtors; Luke Thompson, *The Island Packet/Beaufort Gazette*.

Public: Fred Samuels, SCANA/SCE&G; George Simpson, Sun City resident.

Mr. Stewart chaired the majority of the meeting with the exception of two finance items, which were chaired by Mr. Rodman.

ACTION ITEMS

- 1. Identify Legislative Policy Issues Appropriate for Consideration by the S.C. Association of Counties Steering Committees**

Discussion: Mr. Stewart recognized Rep. Shannon Erickson and Representative-elect Andrew Patrick. He told Committee members the S.C. Association of Counties (SCAC) requested input on legislation for the coming Legislature. He said this is the first year of a new Legislature so many things will not carry over. He reviewed a memo to Council Chairman Weston Newton from himself as Public Safety Chairman, which outlined items and suggested stance for Beaufort County. Among topics discussed were Home Rule, assessable transfer of interest (ATI), Tax Realignment Commission (TRAC), annexation, economic development related to the Department of Commerce allocation, education funding issues, consolidation of school districts and the coming budget cuts, among many others.

It was moved by Mr. Caporale, seconded by Mr. Flewelling, the Public Safety Committee submits this memo outlining important issues for Beaufort County coming before the 2010-11 S.C. Legislative session. The vote was: FOR – Mr. Caporale, Mr. Dawson, Mr. Glaze, Mr. Flewelling, Mr. Rodman and Mr. Stewart. ABSENT – Ms. Von Harten. The motion passed.

Recommendation: Council approves submitting the memo outlining important issues for Beaufort County coming before the 2010-11 S.C. Legislative session.

2. Beaufort County Commerce Park

Discussion: Committee members briefly discussed funding mechanisms for the Lowcountry Economic Network. They referenced the Council minutes from April 11, 2005, in which the Council approved a resolution to use businesses license fees as an alternative funding mechanism. Members requested staff research using the funding mechanism, what amount is available and the 50/50 split.

Then, Mr. Stewart told the Public Safety Committee members that during this year's Council Retreat, Council discussed the Beaufort County Commerce Park and whether the County should own it, have a spec building, etc. Following under that topic the Lowcountry Economic Network was tasked to put out requests for qualifications (RFQs) for a spec building for private enterprise. Those are due September 1, 2010. Also, we discussed opening dialogue to keep utilities apprised of what is happening with the Commerce Park, Mr. Stewart said. A third factor related to the Commerce Park was considering authorizing County Administrator Gary Kubic to go forward and negotiate with the banks for a buyout of the loan on the Commerce Park. Mr. Stewart informed the Committee there is an ability to work with non-governmental entities to buyout of the park. He mentioned County Attorney Ladson Howell weighed in on this item and said he thought it would be advantageous to have Mr. Kubic negotiate without a limitation to fund, and/or the entities with which he could negotiate; it is less constricting.

It was moved by Mr. Dawson, seconded by Mr. Glaze, that Public Safety Committee forwards to Council authorizing Mr. Kubic to negotiate with banks in a buyout of the loan on the Beaufort County Commerce Park. The vote was: FOR – Mr. Caporale, Mr. Dawson, Mr. Glaze, Mr. Flewelling, Mr. Rodman and Mr. Stewart. ABSENT – Ms. Von Harten. The motion passed.

Recommendation: Council authorizes Mr. Kubic to negotiate with banks in a buyout of the loan on the Beaufort County Commerce Park.

3. Consideration of Contract Award – mailing services for Beaufort County Tax Bills and Courtesy Notices

Discussion: Mr. Stu Rodman, as Finance Committee Chairman, chaired this topic. Mr. Dave Thomas gave the Public Safety Committee background on the consideration of the contract for mailing services for Beaufort County tax bills and courtesy notices. According to the documentation members received, “In accordance with state statute, Beaufort County is required to notify taxpayers of their obligation to pay annual property taxes and fees. This is done via an annual property tax bill, or if the taxes are escrowed on the property, this is done via an annual courtesy notice. The intent of this Invitation to Bid (IFB) and resulting contract is to obtain mailing services for the Beaufort County Auditor's Office. The service includes mailing/postage, stuffing of approximately 32,000 notices and 175,000 tax bills. A pre-bid meeting was held on June 24th, 2010 at 10:00 am in the BIV#2 conference room.”

It was moved by Mr. Flewelling, seconded by Mr. Glaze, that Public Safety and Finance Committees forward to Council consideration to approve the contract award to Southern Imaging for mailing services the lowest responsive/responsible bidder in the amount of \$65,231.25. The vote was: FOR- Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Sommerville, Mr. Rodman and Mr. Stewart. ABSENT – Mr. Baer and Ms. Von Harten. The motion passed.

Recommendation: Council award a contract to Southern Imaging, the lowest responsive/responsible bidder, for mailing services in the amount of \$65,231.25.

INFORMATIONAL ITEMS

4. Consideration of Extending McNair Lobbying Effort

Discussion: Mr. Rodman took over as Finance Committee Chairman. He said this motion is being put forward because the County entered into an agreement with the McNair Law Firm, received an update a few weeks ago and would like to continue with the momentum. He said the feeling is this would be good for the district. He noted, even though the County Administrator has the authority to act on this without the approval of Council, they thought it would add another level of credibility.

It was moved by Mr. Rodman, seconded by Mr. Caporale, that Committee authorized the County Administrator to commit up to \$25,000 to extend the McNair lobbying effort subject to the Board of Education or School District committing no later than October 1, 2010 to continuing the 50/50 split. The vote was: FOR- Mr. Flewelling, Mr. McBride, Mr. Sommerville, Mr. Rodman and Mr. Stewart. ABSENT – Mr. Baer and Ms. Von Harten. The motion passed.

Recommendation: Committee authorized the County Administrator to commit up to \$25,000 to extend the McNair lobbying effort subject to the Board of Education or School District committing no later than October 1, 2010 to continuing the 50/50 split.

5. Update – Public Safety Division

Discussion: Mr. William Winn, Division Director — Public Safety, gave a briefing to the Committee about the various Public Safety departments. The Mosquito Control department's new planes are nearing flight readiness. He said the older planes need intensive maintenance and will need expensive repairs. The Detention Center's average daily count was 210 and book-ins were 476. He also noted several maintenance concerns related to the jail such as the HVAC system, electronic security system upgrades, etc. as something to consider as the jail ages. Mr. Winn mentioned the GED and Drug and Alcohol Group Therapy programs, which are both geared at making inmates better citizens. The Emergency Management department is implementing its new 911 database and he showed a video of a Shell Point tower demolition. Emergency Medical Service calls are up more than 8% to-date, he noted. Mr. Winn also brought to the Committee's attention a growing concern is the maintenance of the aging emergency vehicle fleet. A new department under Public Safety is Building Codes and Enforcement, for which he gave some statistics. Mr. Winn completed his presentation by updating the Committee on Animal Shelter and Control news. He touched on the cost and success of the spay/neuter clinics and some suggested revisions to the Animal Control Ordinance.

Status: For information only. No action taken.

6. Video Presentation – Beaufort County Forensics and DNA Lab

Discussion: Mr. Stewart congratulated Sheriff Tanner and his staff who were present on the accreditation of the new Forensics and DNA lab. Lt. Renita Barry, director of the lab, came forward to introduce her lab employees and discuss the goals. She noted the lab just completed an audit, which was one of the first steps toward processing evidence. She said everyone in the lab wears various hats.

Public Safety Committee members watched a short video on the Forensics and DNA Lab put together by the County Channel and the Sheriff's Office. The video gave an explanation about what the lab will do and the process it went through to get a drug and analysis lab. This will alleviate the wait time the County currently has to process evidence at the state lab, which is backlogged.

Members extended congratulations to the County Channel staff for an excellent video.

Status: For information only. No action taken.