

# COUNTY COUNCIL OF BEAUFORT COUNTY

ADMINISTRATION BUILDING  
100 RIBAUT ROAD  
POST OFFICE DRAWER 1228  
BEAUFORT, SOUTH CAROLINA 29901-1228  
TELEPHONE: (843) 255-2180  
FAX: (843) 255-9401  
www.bcgov.net

WM. WESTON J. NEWTON  
CHAIRMAN

D. PAUL SOMMERVILLE  
VICE CHAIRMAN

## COUNCIL MEMBERS

STEVEN M. BAER  
RICK CAPORALE  
GERALD DAWSON  
BRIAN E. FLEWELLING  
HERBERT N. GLAZE  
WILLIAM L. McBRIDE  
STEWART H. RODMAN  
GERALD W. STEWART  
LAURA VON HARTEN

GARY KUBIC  
COUNTY ADMINISTRATOR

BRYAN J. HILL  
DEPUTY COUNTY ADMINISTRATOR

LADSON F. HOWELL  
COUNTY ATTORNEY

SUZANNE M. RAINEY  
CLERK TO COUNCIL

## AGENDA

### COUNTY COUNCIL OF BEAUFORT COUNTY

Monday, October 25, 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 – [September 27, 2010](#) and [October 11, 2010](#)
  5. PUBLIC COMMENT
  6. RECOGNITION
    - Citizen Volunteers / County Boards and Commissions
  7. COUNTY ADMINISTRATOR’S REPORT  
Mr. Gary Kubic, County Administrator
    - The County Channel / Broadcast Update
    - Two-Week Progress Report ([report](#))
  8. DEPUTY COUNTY ADMINISTRATOR’S REPORT  
Mr. Bryan Hill, Deputy County Administrator
    - Two-Week Progress Report ([report](#))

## CONSENT AGENDA

Items 9 through 11

9. ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO AMEND CHAPTER 14, ARTICLE II, ANIMAL CONTROL ORDINANCE, SECTION 14-27,

Over



STERILIZATION AND MICROCHIP IDENTIFICATION; SECTION 14-29, IMPOUNDMENT; SECTION 14-30, REDEMPTION OF IMPOUNDED ANIMALS; AND SECTION 14-31, ADOPTION FEES AND STERILIZATION ([backup](#))

- Consideration of second reading October 25, 2010
- Public hearing – Monday, November 8, 2010 beginning at 6:00 p.m., Council Chambers, Administration Building, Beaufort
- First reading occurred October 11, 2010 / Vote 11:0
- Public Safety Committee discussion and recommendation to approve occurred October 4, 2010 / Vote 7:0

10. FRIENDS OF HILTON HEAD ISLAND LIBRARY MATCH OF LIBRARY IMPACT FEES IN AN AMOUNT NOT TO EXCEED \$78,835 ([backup](#))

- Joint Community Services, Natural Resources and Public Safety Committees discussion and recommendation to approve occurred October 18, 2010 / Vote 10:0

11. EXTEND THE DAUFUSKIE FERRY AGREEMENT ([backup](#))

- Joint Community Services, Natural Resources and Public Safety Committees discussion and recommendation to approve occurred October 18, 2010 / Vote 7:0
- Contract award: J & W Corporation, Greenwood, South Carolina
- Contract amount: \$180,000 for one year beginning November 1, 2010 and ending October 31, 2011, with the option to renew for three additional (one year contracts). We are in the second year of our option to renew contract in one year increments, up to five years.
- Subsidy: \$18,000 (60 days x 300) or \$300 per morning trip for a 90-day trial to help cover the cost of ridership during morning runs in the off season months. Trial begins November 1, 2010 and ends January 31, 2011.
- Funding source: Daufuskie Ferry Transportation Fund currently has a fund balance of \$59,179. That balance, along with projected revenues from SCDOT, ridership fees and general fund contributions.

12. RESOLUTION TO SUPPORT THE CREATION OF A REGIONAL ECONOMIC PLAN ([backup](#))

- Joint Community Services, Natural Resources and Public Safety Committees discussion and recommendation to adopt occurred October 18, 2010 / Vote 7:0

13. TEXT AMENDMENTS TO COUNCIL RULES AND PROCEDURES ([backup](#))

- Consideration of adoption to occur October 25, 2010

14. [COMMITTEE REPORTS](#)

15. PUBLIC COMMENT

16. 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  
September 27, 2010

The electronic and print media was 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, September 27, 2010, in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

**ATTENDANCE**

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

**PLEDGE OF ALLEGIANCE**

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

**INVOCATION**

Councilman Herbert Glaze gave the Invocation.

**REVIEW OF PROCEEDINGS OF THE REGULAR MEETING HELD AUGUST 23, 2010**

It was moved by Mr. McBride, seconded by Mr. Flewelling, that Council approve the minutes of the regular meeting held August 23, 2010. The vote was: FOR – Mr. Baer, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville and Mr. Stewart. ABSENT – Mr. Caporale and Ms. Von Harten. The motion passed.

**REDISTRICTING SEMINAR**

The Chairman announced he and Mr. Sommerville had attended a redistricting seminar September 17 in Columbia. The Terreni Law Firm, LLC and Hall & Bowers, LLC teamed up to offer a seminar on redistricting after the 2010 census. The seminar covered practical and legal topics associated with the redistricting process. Mr. Bobby Bowers, Director of South Carolina's Office of Research and Statistics, was one of several guest speakers. Mr. Bowers has agreed to attend an October or November meeting of Council and layout a presentation on the role of his office, timeframe and for Council then to make some decision whether members think any third-party consultants for hire would be necessary. Mr. Bowers assisted the county in 2000 and 1990 rather than hiring a consultant. Previously, the State of South Carolina offered that service for free, but given budget cuts that is not going to be possible this go around and we are going to have to reimburse the State for providing us that expertise and that service.

## **PUBLIC COMMENT**

The Chairman recognized Mrs. Pamela Ovens, President of the Beaufort County Historical Society (Historical Society), who commented on the accommodations tax dollars. The Historical Society is the oldest society in Beaufort County dedicated to the study and preservation of history in Beaufort County. In our 71-year history this is the first time we have asked for accommodations tax money. Please grant us the requested amount to install historical markers.

Mrs. Iva Welton, representing the Heritage Library Foundation, is seeking funds for Fort Mitchel Civil War Sesquicentennial refurbishments for safety and for visibility. This is the only readily available military installation with interpretative signage giving us a fascinating look into our past history adjacent to the Old Fort Pub on Hilton Head Island. When Mrs. Welton began coming to Hilton Head Island in 1976, she became very aware of the history that was abundant in this area, but not many people had researched at that time. Within three years she and her husband have had the great pleasure of researching the Kurt Family, Bluffton history and having the Gothic Revival plantation house and Rose Hill plantation placed on the National Register of Historic Places and opened it to the public, for the first time, for tours. That desire to share our history has never ceased. We have known for many years and studies show that increasing number of people include historic sites in their vacation plans, particular in this area of South Carolina and Georgia. How can we say we are a first-class tourist destination if we have not properly preserved our unique history sites that tell the stories of those who came before us. Mrs. Welton believes we have the moral obligation to preserve, protect and interpret our historic sites, not only for tourists and the sesquicentennial, but our future generations who have equal claim to this rich heritage and this special Lowcountry of South Carolina. Thank you for your generous consideration in making this possible.

Ms. Peach Morrison, representing Lowcountry Resort and Tourism Commission, remarked Parks Recreation and Tourism hired Tourism Development International to conduct a Product Development Assessment of the four-county region. The findings of this study will be presented at a meeting October 13, 2010, beginning at 10:30 a.m. at Palm Key, Ridgeland.

Rev. Thomas L. Davis, representing New Directions Break the Cycle Ministry, spoke about the mission and goals of his ministry. The mission is to reach all young people in the streets who have become mindless members in a decaying society and becoming ghetto celebrities only to wind up a martyr to a prison system. We need to help them breach that cycle. Although there are many cycles to be dealt with, the most important is to breach the inability cycle and help them to become taxpaying, functioning citizens. The goals are helping the homeless and less fortunate, helping second and third strike school students, bringing stability in communities, educating those who have the desire to learn, spreading God's Revelation and wisdom, preparing for spiritual warfare, helping cut down on crime, cutting down the dropout rate, fighting for civil rights and helping uphold constitutional rights are upheld in the judicial system.

## **COUNTY ADMINISTRATOR'S REPORT**

Mr. Bryan Hill, Deputy County Administrator, gave the County Administrator's Report in Mr. Kubic's absence.

### **The County Channel / Broadcast Update**

Mr. Bryan Hill, Deputy County Administrator, reported "Sharks" will be our next episode in the nature series Coastal Kingdom. We have been working with Naturalist Tony Mills from the Lowcountry Institute and Master Fishing Guide, Michael Perry, to fish the waters of Port Royal Sound and highlight the diversity of sharks and rays in our region. The "Sharks" episode will be completed mid-October.

The first of two Mayoral Debates for the Town of Hilton Head Island will be taped on Tuesday, September 28 at Hilton Head High School. The debate will air on The County Channel on Wednesday, September 29 at 8:00 p.m. This will be immediately followed by our latest episode of Coastal Kingdom "Creatures of the Night."

We will be taping the 2010 State of the Region Breakfast at The Westin Hotel on Hilton Head Island. It will take place on Tuesday, October 5, and will be airing on The County Channel Friday, October 8 at 8:00 p.m.

Our second Mayoral Debate for Town of Hilton Head Island will be on Tuesday, October 12 at Hilton Head High School. The debate will air on The County Channel, Wednesday, October 13 at 8:00 p.m. This will be immediately followed by our new feature on the Beaufort County Sheriff's Forensics and DNA Lab.

### **New County Website**

Mr. Bryan Hill, Deputy County Administrator, is proud to present the new county website. The new website collaborative team members are Public Information Office Suzanne Larson, Broadcast Services Manager Scott Grooms, Broadcast Services Assistant Manager Rob Lewis, Clerk to Council Suzanne Rainey, Assistant Clerk to Council Ashley Moore, Assistant Clerk to Council/Social Media Alexis Garrobo, MIS Programmer Jim Fry, MIS Technician Mike Devore, as well as Corey Newsome who assisted Stephanie Coccaro, Webmaster Administrator, to produce a walking instruction video used on our new County website. Mr. Hill introduced Mrs. Newsome who grew up in Spartanburg County. She moved to Beaufort County in 1999 after graduating the University of South Carolina. Mrs. Newsome worked for the *Beaufort Gazette* as a copy editor and SCETV / WJWJ-TV as a reporter and weather anchor. She stays home with her three children ages 8, 7 and 3. She is married to Tim Newsome. It is a pleasure to bring Corey to Council to provide you and the viewers a quick overview of our new website.

Mrs. Newsome highlighted the features of the new website which provides a dynamic search, a modern look and feel, an interactive video, consistent templates, a content management system and social media. The new website uses a Content Management System from Hannon Hill Inc.

of Atlanta, Georgia. The County's existing website was ten years old. The next step or phase II will incorporate other entities such as the library and provide a County portal, microsites for Specialized Departments and Projects such as Disaster Recovery and Form-Based Code, geocaching and furthering our social media reach, mobile website, interactive district maps and mobile applications.

### **Two-Week Progress Report**

Mr. Hill submitted the County Administrator's Two-Week Progress Report, which summarized his activities from September 13, 2010 through September 24, 2010.

### **County Assessor / 2010 Distinguished Assessment Jurisdiction Award**

Mr. Hill announced the Beaufort County Assessor's Office has been named recipient of the 2010 Distinguished Assessment Jurisdiction Award by the International Association of Assessing Officers. The IAAO is the professional membership organization that is considered the leading educational and research association for those in the profession. The group's mission is to promote excellence. It bestowed the award on Beaufort County for demonstrating marked improvement over prior systems and for implementing a model assessment system that is a contributing factor to equity in property taxation. County Assessor Ed Hughes and his staff have initiated a new computerized assessment and taxation system. They have utilized and trained on high-end software and equipment and developed new policies that have greatly improved service to our citizens. The competition for this award is tough and our Assessor's Office was judged by a group of peers. This is the first time an Assessor in South Carolina has won in 22 years. Congratulations to Mr. Ed Hughes and his staff for earning this prestigious award.

### **Presentation / Emergency Medical and Fire Support Study**

Mr. Hill introduced Mr. Dave Hunt, Project Manager and Director of Technical Assistance Planning, with CRA, Inc., a nationally respected company providing unmatched expertise in emergency planning and homeland security services. This project involves a study / analysis to determine the best practical operation procedures for County EMS and fire departments. CRA's approach includes initial information gathering meetings conducted by five teams that took place last week, a follow up visit for additional data, development of a draft report and presentation of a final report during November 2010. Observations and recommendations will be fully validated and discussed with stakeholders as the assessment professional. Realistic recommendations with a range of options will be offered as well as a phase approach to implementation. The County has provided a large quantity of documents for review. Additional information has been gathered during the evaluation team visits and an analysis will be conducted on the data drawn from the dispatch systems. Five teams of subject matter experts visited facilities across the county. They met with stakeholders and service providers, inspected apparatus and became familiar with the County's geography and protocols.

Review of EMS operations includes direct observation stakeholder interviews as well as a review of policies, procedures, standard operating procedures and standard operating guidelines. A

comparison of operations to various industry standards, includes a review of training records and their management, review of E911 EMD program and protocols, review and observation of E911 support to EMS calls for services, review of current EMS system staffing (EMS, fire and E911) and review of quality assurance programs (E911 and EMS) and associated policies and procedures, identify trends affecting EMS service (demographics, risk factors and population growth), review of trends in demand for EMS service for the past five to ten years and use of computer-aided design (CAD) data to determine EMS demand for service by provider agency and area of the County. Risk and demand analysis includes use of statistical extrapolation and team experience to predict future range of growth in demand for EMS service and use of similar approaches to determine fire service demand that could affect use of communication system channels and frequencies.

Regarding station locations, staffing and apparatus analysis, CRA, based on previous tasks, will consider whether current station locations are appropriate, whether stations should be relocated or consolidation and where new stations might need to be added. CRA will analyze staffing, training and EMS services provided to determine current and future EMS staffing and employee development needs as well as analyze staffing, training and E911 services provided to determine current and future E911 staffing and employee development needs. Apparatus analysis includes conducting an EMS apparatus analysis to determine current and future needs, view maintenance records, gauge responder satisfaction, hands-on observation, analyze age of fleet and conduct replacement plan analysis.

In closing one size does not fit all. Therefore, CRA will use the “effective, efficient and quality service” standard and analyze current organizational structures and management systems for improvements opportunities. Hard copies and an electronic copy of the final report will be provided as appropriate. CRA will make on-site presentation(s) to stakeholders to include question and answer sessions and an opportunity to provide CRA with feedback on the assessment and its work.

## **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 September 13, 2010 through September 24, 2010.

### **FY 2012 Proposed Budget Timeline**

It was moved by Ms. Von Harten, seconded by Mr. Flewelling, that Council approve the FY 2012 budget timeline. The vote was: FOR - Mr. Baer, Mr. Dawson, Mr. Flewelling, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. OPPOSED – Mr. Glaze and Mr. McBride. ABSENT – Mr. Caporale. The motion passed.



### **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 15, 2010. The project is 92% complete. The contractor continues work on the bridge and existing roadway upgrades at the Gardens Corner interchange. Final paving on the north end should begin next week.

### **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 contractor is installing drill shafts, working on girder deck spans, columns and footings.

### **S.C. Highway 802 Roadway Construction Project**

Mr. Rob McFee, Division Director-Engineering and Infrastructure, reported this project involves the widening of 5.2 miles of SC Highway 802 (two sections). The contractor is Sanders Bros. of Charleston, South Carolina. The cost is \$10,852,393. The completion date is December 2010. APAC continues paving operations. Final phase of pipe placement is underway on the Lady's Island section. Shell Point pipe operations and grading operations continue.

### **SC Highway 46 and Simmonsville Road**

Mr. Rob McFee, Division Director-Engineering and Infrastructure, reported this project involves the widening of SC Highway 46 to the Bluffton Branch Library and Simmonsville Road to Bluffton Parkway for a total of 2.15 miles. SCDOT is administering this project. The contractor is Rea Contracting of Columbia, South Carolina. The cost is \$7,503,367.03. The completion date is December 2010. Pipe placement and storm drain basin construction is complete on SC Highway 46. Curb, gutter and sidewalk work is 95% complete. Simmonsville pipe placement is 90% complete.

### **Disabilities and Special Needs Adult Day Care Center**

Mr. Rob McFee, Division Director-Engineering and Infrastructure, reported this project is a 25,000 square foot multi-use facility with client activity and program areas and administrative space. The contract is Emory J. Infinger and Associates of Charleston, South Carolina. The cost is \$6,436,974. The completion date is March 2011. Work on masonry walls are 95% complete. Installation of geothermal wells continues.

### **Hilton Head Airport Aircraft Rescue Firefighting Facility**

Mr. Rob McFee, Division Director-Engineering and Infrastructure, reported this project involves milling and resurfacing of US Highway 278 on Hilton Head Island from Sea Pines to Pinckney Island. The contractor is APAC Southeast of Ridgeland, South Carolina. The cost is \$3,898,690.24. The completion date is March 2011. Shoulder widening is complete. Milling and resurfacing is scheduled to be complete in early October. Exterior walls for the building are complete. Work continues on roof system and interior.

### **US Highway 278 Resurfacing**

Mr. Rob McFee, Division Director-Engineering and Infrastructure, reported this project is a 7,200 square foot facility with two equipment bays and administrative space. The contractor is Creative Structures of Knoxville, Tennessee. The cost is \$1,669,415.43. The completion date is March 2011. Exterior walls for the building are complete. Work continues on roof system and interior.

### **REQUEST FOR QUALIFICATIONS FOR ARBORIST SERVICES FOR BEAUFORT COUNTY**

This item comes before Council under the Consent Agenda. It was discussed and approved at the September 20, 2010 Finance Committee meeting.

It was moved by Mr. Rodman, seconded by Mr. Flewelling, that Council award a contract to Preservation Tree Care to provide Professional Arborist Consulting Services in support of the Hilton Head Island Airport's Tree Removal Project for the on-airport portion at a cost not to exceed \$60,000. Funding for these services will come from FAA Grant #30 (95%), Town of Hilton Head Island (2.5%), and local match (2.5%). These services will be billed on an hourly basis at a cost not to exceed \$60,000 for the on-airport tree obstruction removal phase. The local match for this phase will not exceed \$1,500 which is the Airports budget covered by FY2011 under account 13480-54301. The vote was: FOR – Mr. Baer, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Caporale. The motion passed.

### **RENTAL CAR CONCESSIONS AT THE HILTON HEAD ISLAND AIRPORT**

This item comes before Council under the Consent Agenda. It was discussed and approved at the September 20, 2010 Finance Committee meeting.

It was moved by Mr. Rodman, seconded by Mr. Flewelling, that Council award a revenue contract to Hertz, Enterprise Leasing Company, ILM Transportation Inc., and Avis Budget Car rental to provide automobile concession services for one year with four one year renewal options at the Hilton Head Island Airport. These revenue contracts will result in monthly deposits into Hilton Head Island airport accounts 59001-47130 for rental car counter space, 58001-47131 for ready return spaces and 58001-47132 for rental car commissions. The vote was: FOR – Mr.

Baer, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Caporale. The motion passed.

**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**

This item comes before Council under the Consent Agenda. It was discussed and approved at the September 7, 2010 Natural Resources Committee meeting.

It was moved by Mr. Rodman, seconded by Mr. Flewelling, that Council approve on second reading 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. The vote was: FOR – Mr. Baer, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Caporale. The motion passed.

The Chairman announced a public hearing would occur Monday, October 11, 2010 beginning at 6:00 p.m. in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort.

**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)**

This item comes before Council under the Consent Agenda. It was discussed and approved at the September 7, 2010 Natural Resources Committee meeting.

It was moved by Mr. Rodman, seconded by Mr. Flewelling, that Council approve on second reading 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). The vote was: FOR – Mr. Baer, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Caporale. The motion passed.

The Chairman announced a public hearing would occur Monday, October 11, 2010 beginning at 6:00 p.m. in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort.

### **2% (STATE) ACCOMMODATIONS TAX FUNDING**

Ms. Von Harten thinks it would be a good idea for Council to delay its vote on this item until after Tourism Development International presents its Product Development Assessment of the four-county region on October 13, 2010. Council needs to start thinking strategically about how we spend our tourism money. We are spending money we do not have yet. This is something some of us have been concerned about for several years, *i.e.*, we promise money to organizations, give it out and then, at the end of the year, we have to reimburse ourselves a little from the general fund because not enough money came in. She is not comfortable keeping this pattern of spending what we have not received yet.

#### **Main motion.**

It was moved by Mr. Rodman, as Finance Committee Chairman (no second required), that Council approve FY 2010-2011 accommodations tax (2% state) funds in the amount of \$200,000 (first recommendation of Accommodations 2% Tax Board): Keep Beaufort County Beautiful \$2,800, Hilton Head Symphony Orchestra \$2,500, Exchange Club of Beaufort/CAPA \$1,500, Bluffton Historical Preservation Society \$10,000, Hilton Head Concours d'Elegance \$10,000, Main Street Beaufort \$14,700, Gullah Festival \$2,500, Black Chamber of Commerce \$30,000, Penn Center \$10,000, Coastal Discovery Museum \$7,500, Hilton Head Chorale Society \$1,000, Beaufort Film Society \$5,000, Historic Beaufort Foundation \$2,500, Lowcountry Estuarium \$1,000, Daufuskie Island Foundation \$3,000, Art League of Hilton Head/Society of Bluffton Artists, Beaufort Art Association \$1,000, Arts Council of Beaufort County \$5,000, Arts Center of Coastal Carolina \$12,000, Old Village Association \$3,000, Lowcountry & Resort Islands Tourism Commission \$20,000 and Beaufort Regional Chamber of Commerce \$55,000.

Ms. Von Harten is concerned the recommendation does not give enough money to the Hilton Head Island / Bluffton Chamber of Commerce. It was a technicality their staff person did not make it to the meeting because we have so many types of these tax meetings this time of year. Council owes it to them. They are our flagship tourism-marketing people since they represent Hilton Head Island.

It was moved by Ms. Von Harten that Council table the motion. The motion died for lack of a second.

Mr. Rodman stated if Council votes on the allocation of \$200,000 from hospitality tax fund first, then Ms. Von Harten's concerns about the Accommodations Tax Board (Board) recommendation would go away. In reality Council would have another chunk of money the Board would be coming back to allocate, which would be an opportunity to correct what we all would agree, was probably a slight misallocation in the 2% money because someone could not get to the meeting.

It was moved by Mr. Rodman that Council postpone this item until taking a vote on the allocation of \$200,000 from hospitality tax fund. The motion died for lack of a second.

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

### **ALLOCATION OF \$200,000 FROM HOSPITALITY TAX FUND**

Ms. Von Harten thinks it would be a good idea for Council to delay its vote on this item after Tourism Development International presents its Product Development Assessment of the four-county region on October 13, 2010.

It was moved by Mr. Rodman, as Finance Committee Chairman (no second required), that Council allocate \$100,000 of hospitality tax money to fund (second recommendation of Accommodations 2% Tax Board): Hilton Heed Symphony Orchestra \$2,500, Bluffton Historical Preservation Society \$5,000, Hilton Head Concours d'Elegance \$3,000, Main Street Beaufort \$3,000, Black Chamber of Commerce \$5,000, Penn Center \$5,000, Coastal Discovery Museum \$2,000, Beaufort County Historical Society \$2,000, Arts Center of Coastal Carolina \$5,000, Heritage Library Foundation \$4,500, Hilton Head Island/Bluffton Chamber of Commercial \$35,000, Beaufort Regional Chamber of Commerce \$28,000. And the remaining \$100,000 to be used at the Accommodations 2% Tax Board's discretion pursuant to requirements of the hospitality tax statute.

Mr. Newton commented Beaufort County collects approximately \$2.1 million annually through a combination of accommodations tax and hospitality tax monies. The allocation of this additional \$200,000 brings closer to the total distribution of those funds for tourism-related promotional activities to 50% of those dollars. There is question from time-to-time as to whether it is appropriate for the County to use those funds for some of its projects. Mr. Newton referred to the applicable state law that does specifically allow the expenditure of both accommodations tax and hospitality tax funds for the operation and maintenance of tourism-related items on the list, including police, fire protection, emergency medical services and emergency preparedness operations attendant to those tourism-related facilities. The reason for pointing this out is from time-to-time there are some folks who raise the suggestion that it is not an appropriate expenditure. Through this exercise we have confirmed that under existing state law that it is an appropriate expenditure.

One of the criticisms that have been suggested is that Council does not spend enough hospitality funds promoting, specifically, the hospitality industry. When the Treasured Coast campaign was initially set up and carve out of \$350,000 (identified to come out of the local 3% accommodations tax funding), those dollars were intended to be generally spent on tourism promotions that would include the hospitality industry. It is Mr. Newton hope the Accommodations 2% Tax Board (Board) places an emphasis on the hospitality industry. And that they know, going into the second notification process and interviewing process, this is what Council is trying to do with the remaining \$100,000 of the \$200,000 allocation. Given the fact

there has been a more heavy focus on accommodations promotion than hospitality promotion. Mr. Newton is pleased the Board has not recommended the entire \$200,000 allocation that has been brought forward. Hopefully, through this exercise, the county comes closer to that 50% balance of total funds collected and the funds used in accordance with state law to offset what otherwise would require millage tax increases.

Mr. Rodman remarked members of Finance said and Board members agreed that Council clearly wants to make sure that if Council approves the second \$100,000 that any organizations that are more hospitality oriented, as opposed to accommodations tax, would certainly have the opportunity to come forward. We would also have the opportunity for the Chambers of Commerce to come back and to recast where they would use the now smaller amount of money. In the case of Hilton Head / Bluffton Chamber culinary, golf and bicycle proposal, there would be an opportunity for them to come back and to speak to how they would prioritize the money and what they would request from the last \$100,000.

Mr. Newton commented the Board is accustomed to reviewing heads and beds organizations, but that is not the specific criteria with regard to hospitality. He encouraged the folks in the hospitality arena, to make proposals to the Board, sitting as a Hospitality Tax Board, for this \$100,000. Council has telegraphed that signal to the Board that these funds come back with a nexus toward the hospitality industry. It is his understanding the Board is going to have a second notification process and interviewing process to go through the vetting of applications and making recommendations. Mr. Rodman concurred with Mr. Newton's understanding of the process.

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

### **FRIENDS OF HUNTING ISLAND**

It was moved by Mr. Rodman, as Finance Committee Chairman, that Council award \$42,000 of local accommodation tax (3%) money to fund 4 double changing rooms, 4 shower towers with 4 showers and a hose bib each including plumbing, 4 flat benches made of recycled plastic, 4 bicycle racks for 8-10 bikes each made of recycled plastic, and 2 all terrain wheelchairs to provide beach and water access to handicapped.

Mr. Newton remarked Council has allocated funds to Hunting Island the past three years under the permitted use of hospitality tax category - river/beach access and renourishment. The problem is this is a non-competitive process. Nobody else ever applies, including the County. At the September 28 Public Facilities meeting members will consider Wimbee Creek boat landing improvements and Land's End public beach access improvements, both to be paid with CIP funds. When Council set up these permitted use categories of money, comments were made at the time the money would accumulate (after the Treasured Coast allocation) and be spent on those big ticket items the County otherwise had no funding source to pay for, as an example, our boat landings. Council had a series of public hearings on the problems associated with our boat

landings. Public Works Department has identified a list of items they want to move forward with, two of which are on the September 28 Public Facilities agenda. The point is the \$42,000, being sought by the Friends of Hunting Island, is not part of a competitive process. Nobody else made application because the county did not notify folks that we were going to be entertaining making allocations of those dollars. Even the county's own projects have not made application. Council has talked about restrooms at boat landings in the past. This is a potential perfect source of funding. While Mr. Newton is not opposed to the changing rooms and showers at Hunting Island, it is, however, a state park. The state does have primary responsibility for this item. We are considering this allocation in a vacuum, having done so three years without regard to the other projects for which we have needs. Mr. Newton is not suggesting that Council not approve this tonight. He is suggesting publicizing the county's willingness to allocate some of these funds as well as providing for the competitive process thereby enabling county staff and other organizations to submit projects capable of being funded out of river/beach access and renourishment. We need to look at this not in a vacuum any longer.

Ms. Von Harten visited Hunting Island yesterday on the south end of the beach and the only shower there is outside. We need these changing rooms.

Mr. Newton is not speaking to the merits of the projects. These bathrooms, he is guessing, are designed for day visitors. In and of itself that does not fit the heads and beds nexus no more than having bathrooms, probably, at county boat landings. His issue is not with whether these facilities ought to be at Hunting Island. It is a worthy application and applauds them for their initiative. His point is we are making decisions in a vacuum. We have not entertained any other request. We have simply said, now, for the third year in a row, that we are going to fund the Friends of Hunting Island project because nobody else has applied. We do not pause long enough to say we are trying to do improvements at County boat landings using general fund tax dollars while, in fact, there is another funding source available that we have not entertained as a possibility. The state takes a considerable amount of money out of this crown jewel of the park system and spends it elsewhere. That having been said, the park generates accommodations tax dollars. His comments are purely as to process and fairness, not the merits of this application. That is why he has said he not going to try to stop it moving forward tonight. This ought to be the last year that this happens without either opening the process to anybody else who can apply for these funds or, at the very least considering, what those other items are that we are funding that are county responsibilities.

Mr. McBride referenced a September 1, 2010 letter from Friends of Hunting Island State Park, stating the County collected \$89,584 in accommodations tax. We also collected another \$34,809 in entry/admission fee tax. What they are asking for is a small percentage of what they collect and turn over to the county to enhance tourism.

Mr. Flewelling agrees with Mr. Newton's comments regarding the need to have an overall strategic vision in the application process. This particular project falls in that gray area – it is extremely useful, it is an important project to do now. Since this is a volunteer organization, you have to work according to their schedule. If Council approves this funding tonight, they will

receive the check within the next few weeks, and it will be springtime by the time these projects are underway. He supports moving the project forward.

Mr. Newton supports the application, recognizes all the merits of the application and wants it to move forward tonight. We have allowed them to make the application and we have entertained it. It would probably be unfair to delay consideration. We need to clarify the process going forward next year.

Mr. Rodman commented Finance members had the discussion relative to clarifying the process going forward next year. Members had general discussion about how best to consider the uses of these monies and concluded that maybe the best avenue was to have staff make the recommendations and handle it as part of the CIP process. In reality it may be some combination of CIP funds, accommodations tax funds and Rural and Critical Lands funds used for some of these projects. Everyone was in agreement that we would look to staff to make that recommendation. Subsequent to that, members then had the recommendation on this particular item. To highlight the numbers -- about \$430,000 by ordinance goes to the county and to the three Chambers of Commerce for advertising. With that money taken out, assuming that our money coming in this year is the same as last year, there is a little over \$1.7 million in the hospitality tax fund. If we approve this \$42,000, the permitted use category - river/beach access and renourishment, would have about \$200,000 left. He supports moving the request forward.

Mr. Dawson will oppose the motion. The Public Works Department has been trying to do some upgrades to all boat landings. They are doing a good job with CIP funds that are available. He has been pushing that Department for the past year to install a floating dock at Wimbee boat landing. Mr. Bellamy and his staff have been working to make that happen. If monies are available from a revenue source, other than CIP, he encouraged staff to make the improvements out of those funds.

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

**AN ORDINANCE PURSUANT TO SC CODE SECTION 12-43-360 TO REDUCE THE AIRCRAFT PERSONAL PROPERTY TAX ASSESSMENT RATIO FROM 10.5% TO 6%**

It was moved by Mr. Rodman, as Finance Committee Chairman (no second required), that Council approve on second reading an ordinance pursuant to SC Code Section 12-43-360 to reduce the aircraft personal property tax assessment ratio from 10.5% to 6%.

Mr. Baer stated his remarks today will supplement his comments on this topic on August 16 and 23, 2010. He has three areas of concern:

Concern one of three. The message we are sending taxpayers. Our airports owe the general fund over \$2.1 million as of June 30, 2010. We have known about this for about 14 months. Last year



we had to pump \$250,000 additional taxpayer funds into the airports to help balance their budget. This year there are substantial unanswered questions about potential losses in the current airport budgets. We have known about this for over a month. The fiscal year is one quarter over, but we do not have a plan, or even a schedule for a plan to fix any of this. But, we have let this rush to reduce aircraft taxes jump to the head of the line. We are working on the wrong thing first. Aircraft owners are receiving tax reductions. Taxpayers are receiving the makeup bill from reduced aircraft payments, subsidies and diversions from the general fund, and large unpaid airport loans from our reserve.

Concern two of three. We were given incomplete data to influence our actions. We were shown a map of tax assessment ratios for all Counties that attempted to show we were a high tax County. The way that map was used gave us only half the picture. It was never corrected despite warnings about its inaccurate message. Taxes are not just an assessment ratio. They are the product of assessment ratio and millage. Look at the example below showing taxes on a \$500,000 airplane in several Counties. Note that taxes here are already much lower than in Jasper County. Note that even though Newberry County has a much lower assessment ratio than Beaufort County, the taxes on an airplane are very similar (especially if we had 2010 data for them.). That is not what the map shown to us to defend this cut told us. The actual taxes on a \$500,000 airplane Beaufort County proposed is \$4,923 (6% assessment ratio), Beaufort County current \$8,617 (10.5% assessment ratio), Jasper County current \$14,516 (10.5% assessment ratio) and Newberry County \$7,980 (4% assessment ratio). Several people have said that it is not clear that we will get any additional registrations by lowering taxes. In fact the literature says that Counties don't get additional registrations - they just lose revenues. By approving this recommendation it is clear that we will lose revenues from those people honest enough to pay us. Remember, when we reduce revenues in one place, taxpayers or other important County projects will be the donors - especially in a tight year. We are already working on a plan to reduce services.

Concern three of three. The Unsubstantiated Economic Development Theory. Someone is going to mention economic development, or the theory that lower airplane taxes bring more revenues, or that we have special people that we need to support. Before we drop our airplane taxes, and reduce revenue for other projects, the burden of proof should be on the proponents of these theories to prove that they work. The data does not support that. Reducing residential taxes puts more money in the hands of taxpayers and they will spend it in stores, stimulating the economy. But this proposal works the opposite way - it takes money from the general treasury and gives it to a handful of private aircraft owners. That money removed from the treasury will have to be made up by average taxpayers via either higher taxes or reduced services, such as libraries, parks, police. There is no supporting evidence that lower aircraft taxes here will bring more airplanes or more development. Delaware is already at zero. Many of our aircraft are registered out of state. If we are going to try to compete with Delaware, we are going to have to match them at zero, or go lower by instituting a negative aircraft tax. Is that where we are headed?

This proposal puts the cart before the horse, with a lot of theories and no data. By voting on this tax cut now, we are fast tracking tax cuts for a few wealthy people, while we slow track fixing airport financial problems that require IOUs and losses paid by the average taxpayer. Until we

get a credible airport budget and see a sincere effort to eliminate the subsidized ride that private planes already receive, it is premature to work on any more tax cuts for them. He will vote against the motion. It is the wrong thing at the wrong time. If we had solved the airports' financial problems, he might feel differently.

Mr. Flewelling is a little concerned aircraft property tax is significantly different than the property tax paid on automobiles. He did not hear why Mr. Baer thinks it should be a separate category and held to a higher rate of taxation than other personal property. Why is it so much more important for an airplane to be charged a higher rate of taxation than an automobile or a boat? We are not talking about why this might be different from Newberry County or Jasper County. It is personal property. It should be taxed the same as all other personal property.

Ms. Von Harten is interested in sending out a signal that we are friendly to businesses. It is like putting out a green light. We have had a red light up for a long time.

Mr. Rodman stated this item came from the Airports Board through Finance Committee where it was recommended for approval. In the last five years the County has gone from approximately \$200,000 to roughly \$100,000 in airplane property tax collections. Regarding projections, if the County stayed at 10.5%, and continued the same rate of decline as realized in the last five years, over the next ten years the County might collect \$500,000. If the County changed to 6%, and continued the same rate of decline as realized in the last five years, over the next ten years the County might collect \$600,000. If, in fact, the tax rate is what is driving people to register their aircraft someplace else, then there is a potential argument that says, why not reduce it down to the 4%, combine it with the fact that Beaufort County has the lowest millage rate, and then you end up with substantially the lowest tax in the state for aircraft and, perhaps, reduce that trend. You actually make money. Mr. Rodman was originally tempted to make that a motion, but has decided not to. The 6% is a fair compromise between the two.

Mr. Rodman addressed Mr. Baer's three points / concerns. Mr. Rodman does not know how you would demonstrate it, but he has been told aircraft are part of the overall economic development equation. Whether or not one or two percentage points on the assessment ratio would affect somebody, he does not know. He does believe it is a factor. Mr. Baer is absolutely correct that you have to look at the combination of assessment ratio and tax rate. There is a trend in the state to switch from 10.5% to 4% and 6%. Mr. Rodman would disagree with Mr. Baer's comment that we have a major airport problem and we have to fix it. Actually, Mr. Rodman looks at it a little differently. If you look at the net worth of the airport, over the last 8 or 10 years it has gone up by \$10 million. Aircraft property tax collection is not credited to the airports. That money goes into the general fund. From everything Mr. Rodman has seen the airports, from a cash reserve standpoint, it is not a problem. In fact, it is one of our better assets and represents about 10% of the asset value of the County. That is before you get to any public safety issues or the fact that you are increasing property taxes. There was some study conducted by the State Aeronautics Board using FAA principles that demonstrated the value of the airports approximately \$80 million on an annual basis.

Mr. Dawson commented Council has reduced the assessment ratio on large boats as well as increased the length of time a boat can stay in Beaufort County all in hopes of generating more revenue. Now we are at the point where we are considering reducing taxes on aircraft from 10.5% to 6%. Some of Mr. Baer's points should be taken seriously. A reduction in aircraft assessment ratio is going to reduce the amount of tax dollars for the operation of this county. Then we are going to be faced with some critical decisions of either reducing services, laying off employees or raising taxes. We cannot keep cutting taxes and think that we are going to have the dollars necessary to continue operating this county at its current service level. Mr. Dawson will vote against reducing the aircraft assessment ratio from 10.5% to 6%.

Mr. Baer referred to Mr. Rodman's chart on reducing taxes and increasing collections and there is no evidence he has found for that. Mr. Baer agrees you can set up a spreadsheet to show it, but that is not real evidence. The evidence works the opposite way. You do not get any more money, you collect less. Regarding the airport value of approximately \$80 million, Mr. Baer would encourage anyone, who prepared those airport economic studies, to read *The Heritage, A summary of the economic impact of the Verizon Heritage Golf Tournament* that was prepared by Clemson University. It was a very conservative study. It uses ratios much lower than airport multiplier ratios and it criticizes studies that use made up / pie in the sky high multipliers. Mr. Baer thinks the airport's productive value is probably one-third or one-quarter of what has been quoted. That \$81 million comes from the aviation industry. It is a FAA study; a State Board of Aeronautics. It is the standard aviation methodology. It has not had peer review. He does not trust that number. He better trusts the Clemson methodology which is much more unbiased. Mr. Baer will be the first person to vote for 6%, same as an automobile, if, somehow, we can take the \$2 million the airport has borrowed from the general fund and return it. That is 10% of our reserves. The Chief Financial Officer will say it is a receivable, so it is not really money that is lost. Mr. Baer will challenge anyone to try to receive it. It is \$2 million; there is no way to pay it back. In the event of a hurricane, we have \$2 million less to spend on recovery. The airport has done so well it has given us a \$2 million receivable that we cannot get paid on. It has also done so well on a cash basis it needed a \$250,000 bail out last year. It has also done so well on a cash basis it looks like it is going to need a bigger bail out this year. He is hoping someone will prove his calculations wrong. Mr. Baer is happy with 6% or 4%, but only after they solve their other financial problems. Mr. Baer would prefer postponing this issue, until Council gets an understandable budget. The airport is a \$2 million / \$2.5 million a year business. It is almost like a Junior Achievement Project in finance. He does not understand why Council cannot get understandable numbers and a cash flow that pays back its debt to the taxpayers. That is a small business. The complexity of it is dealing with the FAA, the safety rules, etc. The financial complexity is not difficult. If you hope to reduce taxes to get more people to pay, you are going to have to chase Delaware, which is at 0%, and you might even have to go negative. If we paid a stipend to people to register their aircraft here, gave them the subsidy, then we might get more airplanes and we would lose it in volume.

Mr. Rodman said there is no doubt that over the last five years the amount of taxes collected has gone down by 50%. If we want to leave it where it is, we can just look back a couple of years from now and see how quickly we went out of business collecting those taxes. If we are serious and want to address the airport, then we have got to be serious about matching expenses and

revenues. To say the airport is a drain on this county, when, in fact, we do not credit the property taxes collected on airplanes that we would not collect if we did not have an airport, seems disingenuous as a Council.

Mr. Newton said the \$2 million Mr. Baer referenced is it an accounting entry listed as a receivable over what period of time?

Mr. David Starkey, Chief Financial Officer, said that is part of the cash presentation he made July 2009. For Hilton Head Island Airport sometime in July 2004 / July 2005 their cash went into the negative and Beaufort County Airport (at Lady's Island) cash went into the negative probably around 2000 / 2001. The \$2 million that Mr. Baer is referring to is the airports have been spending more cash than they have been taking in. However, to also give Mr. Rodman's argument some credit, there has also been spending in capital projects which has increased the net worth of the airports. It is a tail of two accounting issues. Over the past few years the airports have slowly been paying some of the money back, not large amounts. In the years when the airports have a lot of capital expenditures (a lot of FAA items), their cash tends to go down. In the years they do not have as much, it tends to go up slightly.

Mr. Newton recognizes and appreciates the economic impact of the airport, having the aircraft here, hoping that there would be more aircraft based here, and the potential job creation that is attendant to it. He supports the motion to reduce the aircraft tax assessment ratio from 10.5% to 6%.

Mr. Paul Andres, Airports Director, said he and the Airports Board is working on an airport initiative to have a means to repay the advances to the general fund over time. It is still in progress. Hopefully, within several months we will be able to present that initiative to the appropriate committee and council. Mr. Andres has done extensive research and identified where those advances occurred for capital improvements that were done at both airports. Particularly, at the Hilton Head Island Airport they occurred in the years between 2000 and 2005 that resulted in those advances. We hope to have a program to repay that, at least at the Hilton Head Island Airport, over time.

Mr. Newton questioned if an aircraft is required to be registered in Beaufort County in order to lease a county-owned hangar? Mr. Andres replied we cannot require that. We broached that subject with the FAA and because it is a public-funded airport, we cannot discriminate in that regard. Because of grant assurances we are unable to make that differential. Probably less than 50% of the aircraft are registered in Beaufort County. A number of the larger aircraft, that would pay higher taxes, typically are registered to LLCs in Delaware that has no personal property tax on aircraft.

Mr. Flewelling stated there are 3,083 aircraft registered in South Carolina. In Georgia there are 9,422 and in North Carolina 8,075. We have an amazing opportunity here to double or triple the number of registrations.

Mr. Baer commented the FAA grant assurances say we cannot discriminate. Therefore, we cannot make someone South Carolina registered in order to rent them a hangar. But the \$962,000 of infrastructure for those hangars was paid by passengers through the passenger facility fee coming in on the commercial site. The approximate \$1.9 million for construction of the hangars was paid by Beaufort County bonds so the FAA has little or no component of those hangars.

Mr. Anders replied the passenger facility charge is another form of a FAA grant. It has to be approved by the FAA. It is part of the airports capital improvement program.

Mr. Baer remarked it is unfortunate it is tainted by those words and that prevents us from forbidding out-of-state registered people to use our hangars which are subsidized.

Mr. McBride stated this is trickle-down economics. We are going to give rich people, who own these expensive planes, a tax break and hope it trickles down to the rest of Beaufort County who is paying the majority of the airports' expense. He will not support the motion.

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

The Chairman announced a public hearing on this issue would be held Monday, October 11, 2010 beginning at 6:00 p.m. in Council Chambers of the Administration Building, Beaufort, SC.

### **PUBLIC HEARINGS**

The chairman announced the public hearing pertaining to the four ordinances relating to the May River Community Preservation District would be handled collectively.

The Chairman opened a public hearing at 6:07 p.m. for the purpose of receiving information from the public regarding (i) a 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). (ii) a Comprehensive Plan Future Land Use Map Amendment for the May River Community Preservation District from Rural to Rural Community Preservation Area. (iii) 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). (iv) a 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. (Mr. Stephen Bishof's property, R600 037 000 0090 0000, will be removed from the CP District lines per his request.). After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:08 p.m.

**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)**

It was moved by Mr. Sommerville, as Natural Resources Committee Chairman (no second required), that Council approve on third and final reading a 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). The vote was: FOR – Mr. Baer, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Caporale. The motion passed.

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

It was moved by Mr. Sommerville, as Natural Resources Committee Chairman (no second required), that Council approve on third and final reading a Comprehensive Plan Future Land Use Map Amendment for the May River Community Preservation District from Rural to Rural Community Preservation Area. The vote was: FOR – Mr. Baer, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Caporale. The motion passed.

**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)**

It was moved by Mr. Sommerville, as Natural Resources Committee Chairman (no second required), that Council approve on third and final reading a 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). The vote was: FOR – Mr. Baer, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Caporale. The motion passed.

**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**

It was moved by Mr. Sommerville, as Natural Resources Committee Chairman (no second required), that Council approve on third and final reading a 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. (Mr. Stephen Bishof's property, R600 037 000 0090 0000, will be removed from the CP District lines per his request.).

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

**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)**

The Chairman opened a public hearing at 6:09 p.m. for the purpose of receiving information from the public regarding a zoning map amendment / rezoning request for Lady’s Island R201-15-118, -508, -509 and -510 (four properties) from Lady’s Island Community Preservation (LICP) and Professional Office District (POD) to Village Center (VC). After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:10 p.m.

It was moved by Mr. Sommerville, as Natural Resources Committee Chairman (no second required), that Council approve on third and final reading a zoning map amendment / rezoning request to Lady’s Island R201-15-118, -508, -509 and -510 (four properties) from Lady’s Island Community Preservation (LICP) and Professional Office District (POD) to Village Center (VC). The vote was: FOR – Mr. Baer, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Caporale. The motion passed.

**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)**

The Chairman opened a public hearing at 6:12 p.m. for the purpose of receiving information from the public regarding reading a 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 feet limitation for variety stores in Rural Business Districts). After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:13 p.m.

It was moved by Mr. Sommerville, as Natural Resources Committee Chairman (no second required), that Council approve on third and final reading a 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 feet limitation for variety stores in Rural Business Districts). The vote was: FOR – Mr. Baer, Mr.

Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Caporale. The motion passed.

**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)**

It was moved by Mr. Sommerville, seconded by Mr. Dawson, that Council approve on second reading a 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). The vote was: FOR – Mr. Baer, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT - Mr. Caporale. The motion passed.

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

**COMMITTEE REPORTS**

**Finance Committee**

**Accommodations Tax 2% State Board**

Mr. Rodman as Finance Committee Chairman, nominated Mr. Anita Singleton-Prather, representing cultural, to serve as a member of the Accommodations Tax 2% State Board.

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

**PUBLIC COMMENT**

There were no requests to speak during public comment.

**CALL FOR EXECUTIVE SESSION**

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



**EXECUTIVE SESSION**

**ADJOURNMENT**

Council adjourned at 7:50 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: \_\_\_\_\_  
Wm. Weston J. Newton, Chairman

ATTEST: \_\_\_\_\_  
Suzanne M. Rainey, Clerk to Council

Ratified:

DRAFT

Official Proceedings  
County Council of Beaufort County  
October 11, 2010

The electronic and print media was 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, October 11, 2010, in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

**ATTENDANCE**

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

**PLEDGE OF ALLEGIANCE**

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

**INVOCATION**

Councilman Stu Rodman gave the Invocation.

**MOMENT OF SILENCE**

The Chairman called for a moment of silence in remembrance of Mrs. Rosalie Frazier Pazant, who died Tuesday, September 28, 2010 in Beaufort Memorial Hospital. She was president and co-founder of the Gullah Festival, a project which has received national and international attention. She was a high school English department chairman at Robert Smalls High School, Beaufort High School and Battery Creek High School, an Associate Professor of English at Savannah State University, and finally, before retiring, Acting Director, Division of in Developmental Studies, Savannah State University. She was also named Teacher of the Year 1970.

The Chairman called for a moment of silence in remembrance of Thomas Kemmerlin, Jr., who died Wednesday, September 29, 2010 in Beaufort Memorial Hospital. He was appointment by the Governor in 1987, to serve as Master-in-Equity. He attended Wofford College and The University of South Carolina Law School, and was then admitted to the South Carolina Bar Association in 1953. All of his life he either practiced law, taught law, or served as Master-in-Equity of Beaufort County.

**REVIEW OF PROCEEDINGS OF THE REGULAR MEETING HELD SEPTEMBER 13, 2010**

It was moved by Mr. McBride, seconded by Mr. Glaze, that Council approve the minutes of the regular meeting held September 13, 2010. The vote was: FOR – Mr. Baer, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville and Mr. Stewart. ABSENT – Ms. Von Harten. ABSTAINED – Mr. Caporale. The motion passed.

**CITY OF HARDEEVILLE ANNEXATION**

Mr. Newton remarked in the local newspaper there were reports on a City of Hardeeville annexation. Mr. Newton personally tried to communicate with Mayor Bostick, and we have missed each other by telephone. Mr. Newton asked County Administrator Gary Kubic to ask Division Director – Planning and Development Tony Criscitiello, in the spirit of the Priority Investment Act, to talk with the Hardeeville City Planning Department to try to get the information to understand what is being considered and proposed for dissemination to County Council. A number of Council members have expressed concern about the activity.

**PUBLIC COMMENT**

The Chairman recognized Mr. Gary Jones, a Beaufort City resident, who said he appreciates every Council member's service. He has been a County employee since 1981. He had the dignity and the opportunity to meet 75% of this Board. He respects each and every Council member. He respects Gary Kubic. He may not agree with him, but respects him as a person. He is having a grievance tonight. He can do it in open forum or in closed forum. That is left to the Chairman of the Board. He personally thinks the County Administrator should resign and can give the reasons why either in open or behind closed doors.

The Chairman commented this is not a question and answer session. Public comment is limited to three minutes. Anything Mr. Jones would like to put in writing, Council would be pleased to receive.

Mr. Jones said he comes from Massachusetts. He is 10 born of 14 children. He is the eighth one to join the Armed Forces of the United States and is the only one to make a ten-year career of it. He had the opportunity to work for Beaufort County both as a Deputy Sheriff and Public Works employee as well as a Beaufort City Police Officer. Mr. Jones believes he was wrongfully terminated. Mr. Kubic has the right as County Administrator. On April 30, 2010 Mr. Jones was given a disciplinary action form which was approved by Council and carried forward to Mr. Kubic. At that time he was sent home without pay on August 30, 2010. September 14, 2010 was his final day. The complete charges were changed. He is embarrassed to say (they originally tried), and God knows and most Council members know, he was charged with a sexual harassment complaint from an unknown assailant, on an unknown person. At this time he asked for rule 5, but it was not a criminal process. They would not give me any of the information. Mr. Jones does, now, understand what went on. He brought two dinners to two former employees of Beaufort County. It was his supervisor's birthday. We had a nice little family get

together. One of them paid for dinner and the other child was hungry. Yes, he took two dinners and unlawfully used the county vehicle for which he was disciplined and discharged. He took the dinners to those two employees' home and fed them lunch. He did not stay there. He did not get out of car more than 35 seconds to 45 seconds per stop. He has been a Deputy Sheriff in this county since 1981. He worked for all four Sheriffs, and in their own right they were great. He has respect for every one of them. He has respect for everybody on this Council. He even went to past council members this week -- Skeet Von Harten and a few others -- and left notes on their door that he wanted to talk with them. He honestly believes he was unjustly fired. The reason being the termination was supposed to be on the 14<sup>th</sup>. With all due respect Gary Kubic does not have the authorization, unless the Board gives it to him, to sign a PA form. That should have been done by his Public Works Director. It was already signed on the 9<sup>th</sup> of this month. He spent ten days in the VA hospital because he went nuts. Mr. Kubic knows why he went nuts.

The Chairman noted there is a grievance procedure through the administrative processes of the Council.

Mr. Jones replied it is unjust because the County Administrator is the only one authorized by the Chairman's signature. The County Administrator is the final review board. There is an old saying, "I would rather be tried by six than sentenced by one." Mr. Jones respects Mr. Kubic and the many good things he has done for this county. Mr. Jones and Mr. Kubic just do not see eye-to-eye. Mr. Jones said he would never come after Mr. Kubic. Mr. Kubic is probably disappointed in Mr. Jones. Mr. Jones has never, ever, and hates it being in his record that he is a molester. He is not. He is a Deputy Sheriff. He has done it for 40 years.

Ms. Marian Gasque, a School District employee and water aerobics teacher, talked about the Battery Creek swimming pool. It has come to our attention that somebody is trying to shut down the pool. She does not know the process or procedure of why it is being done. We were told the pool was never used, and that is not true. We use the pool constantly. She teachers water aerobics there two afternoons a week. We have swimming lessons for adults and children. We have military, law enforcement and retirees who use the pool. But during the school year we have public school students who take swimming lessons. If you shut down this pool, those children are not going to be able to take swimming lessons. Beaufort High School pool cannot accommodate that many students. The ladies who come to her class are there for health reasons, doctor's orders. They say if you shut it down they have no place to go. If she goes to another pool, the hours are not convenient because they work. They cannot afford the YMCA. They want to come to Battery Creek because it is close to where they live. Ms. Gasque also has ladies who live in a county home facility on Lady's Island who have been coming for over one year. They mean a lot to us, and have inspired the other ladies. It has been rumored the pool was shutting down October 16, but now we hear it has been delayed a little while. We do not want to wait. We want to know where we stand and what we need to do to keep this pool open. We realize finances are hard and budgets are tight. We need this pool. You are going to hurt the kids. Please consider keeping it open and not shutting it down without us having an opportunity to comment.

Mr. Glaze has received numerous telephone calls over the past two weeks about this issue. He told the callers there was no intention to close the pool. This issue did not go before Council or a standing committee of Council. A petition was submitted, containing approximately 300 signatures, asking Battery Creek High School Community Pool in Burton to remain open as it is a valuable resource to our communities. This petition needs to be made part of the official record.

Mr. Bob Richardson, President of Palmetto Hall Plantation Property Owners Association (POA), said he has, in the past, sent correspondence to Council members and County Administrator on two subjects. The purpose of his discussion today is to seek an answer to both of the requests. The first request was for a moratorium on all tree work at Hilton Head Island Airport. He had forwarded a letter outlining several reasons why he felt it was appropriate for Council to instill a moratorium to not do any tree work until several issues had been taken care of. He has not heard back. He had sent a follow-up letter and has not heard back. He is asking Council directly and would appreciate an answer at this point in time. The second correspondence he recently sent to all Council members was a request for us, who are the surrounding neighbors of the Airport, to be able to receive the information coming out from Talbert & Bright Master Plan Study. He understands it is scheduled to come out later this week. It would be appropriate for us to have this information, being the affected folks who live next to the Airport, so that we may be in a position to speak intelligently at the October 27 meeting. He would hope to get a response back in the affirmative that we will, in fact, be able to receive this information.

The Chairman remarked it is his understanding all materials will be submitted to elected officials on October 13.

Mr. Kubic commented we are expecting the materials this week. There will be a period of time designated, about four or five days, for Council to read the draft and to submit their questions. Those questions will then be reviewed and incorporated into the final report. As soon as the report is final, it not only will go to Palmetto Hall, it will be posted on the county website. He has asked the Town of Hilton Head Island to post it on their website. We are sending a copy to the *Beaufort Gazette* and to *The Island Packet*. Everyone in the community, since this is a community discussion, will have an opportunity to read the Hilton Head Island Airport Master Plan. As far as the moratorium goes, we are not going to stop our process. As you know, there has been an Appeal filed. That determination and impact of that Appeal is going through our offices. We are dealing with the Town of Hilton Head Island and that process with their zoning staff. We do not have a moratorium scheduled on the tree cutting program. If we are told by a higher authority or Council that we are to stop, then obviously we will stop. Mr. Kubic has been indicating that one of his concerns regarding the tree cutting program is the third party -- which is the FAA. The FAA is the grant sponsor for not only the tree maintenance trimming and cutting but also replanting of the buffer. The FAA has approved those and it has to go through our process. Mr. Kubic is concerned that an extended delay may cause the FAA to withdraw their grant. The answer to the moratorium question is no, there is no moratorium. The answer to the second question, once we have the final draft, we are going to make it available to the entire community.

Mr. Baer has a procedural question. It was his hope that at the same time that Council gets the document for comment, it would also be accessible by the public to make an intelligent reading and prepare questions themselves for the October 27 meeting.

Mr. Kubic replied that is not his understanding. It is typically not what we do as administration. A draft is a draft. It is subject to change by administration and Council. He did not intend nor has been instructed to release preliminary information regarding the study.

Mr. Baer sees that as a real problem. The public, especially the communities surrounding the airport or so affected by this, should have access to the information at the same time as Council. Most people in that area have high degree of certainty that some of the people advocating for the 5,400 foot extension will get the data at that time. It is impossible to shield the data from the public.

Mr. Kubic is not going to debate the impossibility. But, he is certain that if people are going to leak the information, it will come from various sources. In essence, what you are confirming is that if the data is going to be out there. He doubts it will be available only to the proponents of the 5,400 feet. He would be certain it would be available to the opponents. It is our administration practice a draft document is draft and is not subject to public release until it is in final form. Otherwise, everything that administration does or council does in draft form would be subject to a FOIA request. It is not our practice. If Mr. Kubic is told or instructed otherwise by Council to release draft documents, he will be glad to do it. In this case he would suggest it be a joint recommendation since it does involve the Town of Hilton Head Island as well.

Mr. Baer would highly recommend that everyone sees it in parallel.

Mr. Caporale commented at last month's Airports Board meeting Airports Director Paul Andres said he did not anticipate any delays with the start of the tree cutting this month. Mr. Caporale understands that a day or two later some sort of legal document was filed on Hilton Head Island. He does not know what it was. Is the timeframe still intact? Do we still anticipate beginning to cut the trees this month or are we saying no?

Mr. Kubic replied there is an Appeal filed. One of the issues regarding the Appeal is that all action is stopped. There are also other provisions available within the Town of Hilton Head Island Land Management Ordinance (LMO) the County Attorney is reviewing. There is a possibility, predicated on the Appeal the program will not go forward as anticipated. Or, on the other hand, if our County Attorney or the people we have looking at it, can find the opportunity within the LMO, primarily based on the preservation of health, safety and welfare and keeping in mind the interest of the FAA, to get the project moving. It has been about a two and half to three year process. We are doing both simultaneously. If there is a legal impediment that creates us from not moving forward, we obviously have to halt the process. We are not going to violate whatever the law requirements are. He is not certain, presently, what those are.

Mr. Newton encouraged, as quickly as the final product is available and in keeping with county administration practices, that that information be posted on the county website and disseminated publicly as quickly and as widely as possible.

Mr. Ron Smetek, representing Palmetto Hall Property Owners Association, talked about the release of the draft Hilton Head Island Airport Master Plan that is going to be available on October 13 or October 14. He made the following request. One, that we do see the document in draft at the same time Council sees it. If we wait until Council questions are submitted late next week, the POA understands that Hilton Head Island Mayor Tom Peoples is going to push for a vote on approval of the Master Plan on the combined meeting on October 27. We will have had absolutely no time at all to have seen the document before a vote is taken. That violates transparency. It is not in good judgment by the County. He formally requests Council make available to all interested parties the version of the draft Master Plan at the same time County Council and Hilton Head Island Town Council get a copy of the document. It is only fair and prudent that you do that so that we can provide meaningful and substantive feedback to our representatives on both County and Town Councils.

Mr. Rodman noted it seems as a practical matter the document is going out electronically. It will be available to anybody who wants it. He does not see any reason to change our policies.

The Chairman commented Mr. Kubic has advised him that if the Talbert & Bright material comes in and it is in a final format from them, subject to questions by members of County Council, then it will be disseminated to the public at the same time. If it does not come as a final report, it is subject to being identified as a draft report, then it will be processed by administration the same as we have said. But they are, as quickly as possible, attempting to get that into a final format and getting the material disseminated.

Mr. Kubic said his email reply to Mr. Richardson of Palmetto Hall of this morning included this recommendation.

## **PROCLAMATIONS**

### **Penn Center Heritage Days Celebration Week**

The Chairman proclaimed the week of November 8 through November 15, 2009, as Penn Center Heritage Days Celebration Week. Mr. John Gadson, Penn Center Board Member, accepted the proclamation.

### **Friends of the Libraries Week**

The Chairman proclaimed week of October 17 to October 23, 2010 as Friends of the Libraries Week. Mr. Bernie Kole, President of the Beaufort Friends; Ms. Lynne Miller, President of the Hilton Head Island Friends; and Mrs. Maryellen Ham, President of the Bluffton Friends accepted the proclamation.

### **Archeology Month**

The Chairman proclaimed October 2010 as Archaeology Month in Beaufort County and encouraged citizens to obtain an awareness of the many archaeological resources in Beaufort County. Mrs. Grace Cordial, Historical Resources Coordinator, accepted the proclamation.

### **2010 Citizen Volunteers / County Boards and Commissions**

The Chairman recognized six citizens for their volunteer service on the County's various agencies, boards, commissions and authorities: Mr. Frank Mullen, Planning Commission, February 2005 to February 2010; Ms. Anita Nelson, Historic Preservation Review Board, October 2005 to February 2010; Mr. Rick Tritschler, Airports Board, March 2009 to December 2010; Mrs. Jean Von Harten, Historic Preservation Review Board, October 2005 - February 2010; Mrs. Gloria Cartwright (deceased), Rural and Critical Lands Board, October 2003 to December 2009; and Mrs. Mickey Fuller (deceased), Alcohol and Drug Abuse Board, May 2009 to December 2009.

### **COUNTY ADMINISTRATOR'S REPORT**

#### **The County Channel / Broadcast Update**

Mr. Gary Kubic, County Administrator, reported our second Mayoral Debate for the Town of Hilton Head Island will be Tuesday, October 12, 2010, beginning at 7:00 p.m. at Hilton Head Island High School. The debate will be aired live on The County Channel and on the web, and will re-air October 13 and October 15. Immediately following the Mayor Debate The County Channel will air our new feature on the Beaufort County Sheriff's Forensics and DNA Lab.

Mr. Rodman said televising the Mayoral Debate was great.

The County Channel covered the 2010 State of the Region Breakfast on Hilton Head Island last week. We used the Broadcast Control Truck, and we recorded it live with multiple cameras. It aired over the past weekend on The County Channel and on the web, and will be rebroadcast at a future date.

The South Carolina Order of the Palmetto, the state's highest civilian honor was presented by Governor Mark Sanford to the Former Heavyweight Champion of the World and Beaufort Native Joe Frazier. The ceremony took place at Waterfront Park in downtown Beaufort, and was captured on The County Channel cameras. The event is currently on the air on The County Channel and on the web.

#### **Two-Week Progress Report**

Mr. Gary Kubic, County Administrator, submitted his Two-Week Progress Report, which summarized his activities from September 27, 2010 through October 8, 2010.



## **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 September 27, 2010 through October 8, 2010.

### **Comprehensive Annual Financial Report (CAFR) 2010**

The County Administrator has instructed the Financial Team to complete and to release the Comprehensive Annual Financial Report (CAFR) by October 30, 2010. We have submitted our questions to all department heads for their management responses and returned to the Finance Team by October 27 in order to put the finishing touches on the CAFR. This is the first time in the history of Beaufort County the CAFR will have been completed 180 days from the end of the fiscal year. Mr. Hill thanked Chief Financial Officer David Starkey, Financial Analyst Alan Eisenman and Financial Analyst Alicia Holland.

### **Smart Decline Document**

Mr. Hill announced at the next meeting of the Executive Committee, staff will present a list of mandated / un-mandated financial allocations provided to county agencies for review. Council will be surprised at the number of un-mandated financial allocations it makes. Staff will provide a description of services that has the total allocations per service associated with what we do for each county resident.

### **UPDATE ON PROPERTY TAX SALE OCTOBER 4 AND 5, 2010**

Mrs. Joy Logan, County Treasurer, reported the annual property tax sale was held October 4 and 5, 2010. The sale was held in the gymnasium at the Charles “Lind” Brown Neighborhood Activity Center. There were 1,570 properties sold. The amount of taxes generated was \$22,887,000. Properties skipped were 220. A total of 550 (includes the 220 skipped) properties that did not sell will go before Forfeited Land Commission (FLC). Members of the FLC are the Assessor, Treasurer, Register of Deeds, and Auditor. These 550 properties are still in the hands of the County. There were five unpaid properties, but as of today all five have been paid. The total amount of taxes not paid was \$3.4 million. There were 65 mobile home bidders, unpaid taxes are approximate \$35,000 and generated \$79,000 in bids. Almost all of the mobile homes were sold. Approximately 350 more properties were sold year over year.

### **SHERIFF’S OFFICE SWAT BUILDING IMPROVEMENTS**

This item comes before Council under the Consent Agenda. It was discussed and approved at the September 28, 2010 Public Facilities Committee meeting.

It was moved by Mr. Flewelling, seconded by Mr. Dawson, that Council award a construction contract to Gordon Construction, Inc., in the amount of \$541,705 with a construction

contingency of \$54,170 for the County Sheriff's SWAT Team Building Improvements. In the event that the contingency is needed and used, the Public Facilities Committee is to be informed. The funding source for this project is the FY07 CIP Account #11437-54464 Law Enforcement, which has a total current balance of \$1,301,772. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

### **SHANKLIN ROAD MAINTENANCE BUILDING ADDITIONS TO BEAUFORT CONSTRUCTION CO. FOR \$59,850 FROM CIP FUNDS**

This item comes before Council under the Consent Agenda. It was discussed and approved at the September 28, 2010 Public Facilities Committee meeting.

It was moved by Mr. Flewelling, seconded by Mr. Dawson, that Council award a construction contract to Beaufort Construction Company in the amount of \$59,850 for the County's Maintenance Building Additions utilizing the funding from the FY05 CIP Account #11435-54425 Renovations – Building and Grounds. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

### **WIMBEE CREEK BOAT LANDING IMPROVEMENTS**

This item comes before Council under the Consent Agenda. It was discussed and approved at the September 28, 2010 Public Facilities Committee meeting.

It was moved by Mr. Flewelling, seconded by Mr. Dawson, that Council award a construction contract to Alpha Construction Company in the amount of \$120,977 for the Wimbee Creek Boat Landing Dock addition to be funded by the FY07 CIP Contingency Account #11437-56000 with a current balance of \$296,686. The FY07 Contingency Fund will then be reimbursed by SCDNR. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

### **JANITORIAL SERVICES FOR BEAUFORT COUNTY FACILITIES**

This item comes before Council under the Consent Agenda. It was discussed and approved at the September 28, 2010 Public Facilities Committee meeting.

It was moved by Mr. Flewelling, seconded by Mr. Dawson, that Council award a contract to Island Group Inc., DBA, Carolina Cleaning for janitorial services in the amount of \$622,320 for an initial contract term of one year with four additional one year contract renewal periods, all subject to the approval of Beaufort County Council. Funding for this would come from account #33020-15210 (Public Facilities Cleaning Services \$544,154), #13580-51210 (Hilton Head Island Airport Cleaning Services \$71,256), #13570-51210 (Lady's Island Airport Cleaning Services \$6,900), which totals \$622,320. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr.

Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

### **WATER QUALITY MONITORING CONTRACT FOR BEAUFORT COUNTY**

This item comes before Council under the Consent Agenda. It was discussed and approved at the October 4, 2010 Natural Resources Committee meeting.

It was moved by Mr. Flewelling, seconded by Mr. Dawson, that Council award a Water Quality Monitoring contract in the amount of \$123,543 to GEL Engineering, of Charleston, South Carolina. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

### **RESOLUTION ADOPTING THE CHARTER OF BEAUFORT-PORT ROYAL METROPOLITAN PLANNING COMMISSION**

This item comes before Council under the Consent Agenda. It was discussed and approved at the October 4, 2010 Natural Resources Committee meeting.

It was moved by Mr. Flewelling, seconded by Mr. Dawson, that Council adopt a resolution adopting the Charter of the Beaufort-Port Royal Metropolitan Planning Commission. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Stewart and Ms. Von Harten. The motion passed.

### **ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO AMEND CHAPTER 14, ARTICLE II, ANIMAL CONTROL ORDINANCE, SECTION 14-27, STERILIZATION AND MICROCHIP IDENTIFICATION; SECTION 14-29, IMPOUNDMENT; SECTION 14-30, REDEMPTION OF IMPOUNDED ANIMALS; AND SECTION 14-31, ADOPTION FEES AND STERILIZATION**

This item comes before Council under the Consent Agenda. It was discussed and approved at the October 4, 2010 Public Safety Committee meeting.

It was moved by Mr. Flewelling, seconded by Mr. Dawson, that Council approve on first reading an ordinance of the County of Beaufort, South Carolina, to amend Chapter 14, Article II, Animal Control Ordinance, Section 14-27, Sterilization and Microchip Identification; Section 14-29, Impoundment; Section 14-30, Redemption of Impounded Animals; and Section 14-31, Adoption Fees and Sterilization. The Vote Was: For – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

## **TEXT AMENDMENTS TO COUNCIL RULES AND PROCEDURES**

The Chairman remarked this item is provided for information only. Mr. McBride, as Parliamentarian, is working on proposing amendments to the Rules and Procedures for Council consideration.

## **PUBLIC HEARINGS**

### **AN ORDINANCE PURSUANT TO SC CODE SECTION 12-43-360 TO REDUCE THE AIRCRAFT PERSONAL PROPERTY TAX ASSESSMENT RATIO FROM 10.5% TO 6%**

The Chairman opened a public hearing at 6:08 p.m. for the purpose of receiving information on an ordinance pursuant to SC Code Section 12-43-360 to reduce the aircraft personal property tax from 10.5% to 6%. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:09 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 pursuant to SC Code Section 12-43-360 to reduce the aircraft personal property tax assessment ratio from 10.5% to 6%.

Mr. Baer commented Council has discussed this exhaustively at past meetings. A 6% rate is fair, and he would have voted for it, except for the fact that it was pushed ahead of more important airport financial repairs. By way of background: (i) The airports owe the general fund about \$1.85 million in loans. Last year they also received an additional \$250,000 from the general fund, with unknown payback. (ii) We are starting to talk about reduction of County services due to budget declines. Some of those service reductions could be eliminated if the airports repaired their budget problems and paid back these loans. (iii) Mr. Baer just read our Fitch AA Bond rating. It states that we had an \$18.8 million general fund balance in FY-09. But that does not tell the whole story. Our actual cash reserve is further reduced by about \$1.85 million of those un-repaid airport loans. That is money not available for an emergency. Some may try to say we increased airport value. But that money is locked up and unusable. Our real reserve is less than we think it is. We have known about this for about 15 months now, and have not given a priority to its repair. Then why did we give a priority to fast track this tax cut? If fairness is the word, why aren't we also concerned with fairness to the taxpayer? Why do we fast track tax relief for aircraft owners, but slow track work on the subsidies and un-repaid loans they get from taxpayers?

Mr. Dawson will vote against this motion because he is neither convinced nor believes that reducing the tax rate from 10.5% to 6% is going to encourage more aircraft to register in Beaufort County. He is convinced, however, that reducing the tax rate is going to reduce general fund operation dollars.

Mr. Rodman remarked the Airports Enterprise Fund does not correctly match revenues and expenditures relative to the function. One of the biggest glaring examples is the fact aircraft

property taxes are put into the general fund and not credited to the airport. We would not have those taxes coming in if we did not have airplanes and if we did not have an airport. It is a phony number to say, in reality, we owe that money because we never sort it out. Time will show the airport, in fact, is very cash positive. It has grown \$8 million or \$10 million over the past eight or ten years in value. That is one of the traditional ways to value financial enterprises. If you back out depreciation, which is appropriate, because that is money gifted by the FAA, Mr. Rodman believes the airports were profitable this year.

Mr. McBride will oppose the motion on third and final reading. If the ordinance passes, it should include a reverter that in the event the County does not realize a significant increase in the number of registered aircraft in Beaufort County, the tax rate revert to 10.5%.

Mr. Caporale said when the Hilton Head Island members of the Airports Board first discussed this idea with him, he, too, had said the same thing to them. As long as Mr. Baer is on Council, a safety clause is built into anything Council passes regarding the airports.

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

**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**

The Chairman opened a public hearing at 6:18 p.m. for the purpose of receiving information regarding 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. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:19 p.m.

It was moved by Mr. Sommerville, as Natural Resources Committee Chairman (no second required), that Council approve on third and final reading 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. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr.

Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

**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)**

The Chairman opened a public hearing at 6:20 p.m. for the purpose of receiving information regarding 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. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:21p.m.

It was moved by Mr. Sommerville, as Natural Resources Committee Chairman (no second required), that Council approve on third and final reading 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). The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

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

**COMMITTEE REPORTS**

**Finance Committee**

**Accommodations Tax 2% State Board**

Anita Singleton-Prather

The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. Mrs. Prather, representing cultural, garnered the six votes required to serve as a member of the Accommodations Tax 2% State Board.

**Extending McNair Lobbying Effort**

Mr. Rodman, as Finance Committee Chairman, reported members voted September 7, 2010 to authorize the County Administrator to commit up to \$25,000 to extend the McNair lobbying

effort subject to the Board of Education or School District. The Board has advised they want to go forward to continue the 50/50 split and will pay their half, but want to spend a little time understanding what the contract and output will be.

### **Natural Resources Committee**

#### **Port Royal Island Zoning Map Amendment / rezoning request from Rural with Transitional Overlay (R-TO) and Rural-Residential with Transitional Overlay (RR-TO) to Commercial Suburban (CS)**

Mr. Sommerville, as Natural Resources Committee Chairman, reported Natural Resources members discussed a Port Royal Island Zoning Map Amendment / rezoning request from Rural with Transitional Overlay (R-TO) and Rural-Residential with Transitional Overlay (RR-TO) to Commercial Suburban (CS). This property is located outside the gates of Laurel Bay community. The property has on it now a mini storage warehouse. The property is a non-conforming use and grandfathered. The owner has requested Council rezone the property to Commercial Suburban in order to be conforming and in order for him to renegotiate his bank loan. The issue came to Natural Resources with a staff recommendation to disapprove it and Planning Commission to approve it. The Natural Resources Committee recommended the matter be referred back to the Development Review Team (DRT) with the intent of beginning the process for special use permitting.

There are three reasons why the Committee was concerned about moving it forward. Reason one - although the applicant asked that it be rezoned Commercial Suburban for the purpose of making his property conforming, it would also allow multiple additional uses which may or may not be appropriate for that property in the future. Reason two – the County has not yet created a vision for that particular area and as form-based zoning moves forward, we will have charettes in the area and the community will have input. Out of that, between staff, charettes and consultant, we will have a vision for that area. Of course, MCAS Beaufort will weigh in on it as well. That has not yet happened. We really do not know what ultimately we would like to have there. Reason three – the City of Beaufort, in whose growth boundaries this property exists, has asked us specifically, in a letter from City Planning Director Libby Anderson to County Planning Director Tony Criscitiello, to postpone rezoning of that property which they certainly have a right to request us to do that, until such time as the Beaufort-Port Royal Metropolitan Planning Commission is seated and has a chance to act on that particular request.

It was moved by Mr. Flewelling, seconded by Mr. Sommerville, that Council table a request for zoning on Port Royal Island Zoning Map Amendment / rezoning request from Rural with Transitional Overlay (R-TO) and Rural-Residential with Transitional Overlay (RR-TO) to Commercial Suburban (CS).

Mr. McBride, as Parliamentarian, believes the motion is a tabling indefinite until certain conditions are met. Then somebody on the prevailing side will have move to take it from the table to dispose of it by whatever method Council chooses. For now, this is a motion to table with the understanding it be tabled until these things happen. This is not a time certain tabling.

Mr. Newton added there is a statutory right to seek a rezoning. You are entitled to an answer from the County. The alternatives that we have is to vote to either turn it down or, as has been proposed, putting a pause on it while this alternative methodology is recommended and procedural steps gone through.

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

It was moved by Mr. Flewelling, seconded by Mr. Sommerville, that Council refer the proposed Port Royal Island Zoning Map Amendment / rezoning request from Rural with Transitional Overlay (R-TO) and Rural-Residential with Transitional Overlay (RR-TO) to Commercial Suburban (CS) back to the Development Review Team (DRT) with the intent of beginning the process for special use permitting. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

Mr. Stewart stated the intent of the Committee was for the applicant to ultimately go to the Zoning Board of Appeals to seek a special use permit because that gives him the same intent or use of the property if the applicant rezoned. We simply do not want to go through rezoning right now because there are too many other factors with form-based code, etc. We think the applicant can achieve the same goal by going through the Zoning Board of Appeals and would prefer he do that at this point in time. We do not want to open this up to a much broader use until after form-based code, Beaufort-Port Royal Metropolitan Planning Commission and everyone else can weigh into it.

### **Beaufort-Port Royal Metropolitan Planning Commission**

Mr. Sommerville, as Natural Resources Committee Chairman, reported tonight Council adopted a resolution creating the Beaufort-Port Royal Metropolitan Planning Commission. Staff is working towards bringing this item forward as an ordinance.

It was moved by Mr. Sommerville, as Natural Resources Committee Chairman (no second required), that Council appoint Mr. Jim Hicks, Lady's Island representative on the Planning Commission, and Mr. Robert Semmler, Port Royal Island representative on the Planning Commission, to serve as members of the Beaufort-Port Royal Metropolitan Planning Commission.

Mr. Sommerville pointed out the logic for those recommendations is the growth area for the City of Beaufort is Port Royal Island (Mr. Semmler is Port Royal Island representative on the Planning Commission) and Lady's Island (Mr. Hicks is Lady's Island representative on the Planning Commission). It is not a requirement the County's two seats be filled by the Planning Commission representative from Port Royal and/or Lady's Island. However, it was the recommendation of Mr. Flewelling and a unanimous recommendation of Natural Resources



Committee for that to happen. In the long term those slots can be filled by just about anybody. The logic is we want some continuity as Beaufort-Port Royal Metropolitan Planning Commission gets up and running and running smoothly. In the long term, then other people can rotate in and rotate out.

Mr. Newton commented Council has approved the resolution creating the Beaufort-Port Royal Metropolitan Planning Commission and the names will be brought forward at the October 25 Council meeting to then lay on the table two weeks and the nomination process open at that time.

The Chairman stated without objection from Council, now that the Beaufort-Port Royal Metropolitan Planning Commission has been created tonight by resolution, asked the Natural Resources Committee at its next meeting to bring forward names for nomination.

### **Public Safety Committee**

Mr. Stewart, as Public Safety Committee Chairman, reported members heard a presentation from Codes Enforcement Department on their activities, from the Detention Center, and from Solicitor Duffie Stone, who brought forth and had some people presenting information on the Offender Management Program presented at the September 13, 2010 Council meeting. A draft ordinance will probably be brought forward at the November 1 committee meeting and then up to Council.

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

### **PUBLIC COMMENT**

The Chairman recognized Mr. Gary Jones, a Beaufort City resident, who said no matter what happens he understands and respects Council's authority. He respects Mr. Kubic's authority; he does not agree with it. This will be his last time talking. It hurts him that he is leaving the county this way when he brought dozens of documents. He is a combat veteran, a decorated veteran and a decorated Beaufort County employee. He loves this county as much as everyone here. He has been loyal, faithful and trustworthy to this county. He does not want his job back. Somebody has got to have the authority. It is Council; he respects that. Gary, you have my heart and my love. Mr. Jones wants Council to know how much authority it gives the County Administrator. With all due respect, the County Administrator needs to stay out of it and let superintendents and directors do their job. If Mr. Jones needed firing, then fire him, but he honestly does not believe he needed it. He has been unemployed a month. He is going to make it. He even had to go to the VA hospital for two weeks, but he made it. Thank God he did not carry out his plan. Thank you, Mr. Kubic, for not taking out charges on him. Mr. Kubic could have. Mr. Jones left the meeting thanking Council for listening to him.

**ADJOURNMENT**

Council adjourned at 6:21 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: \_\_\_\_\_  
Wm. Weston J. Newton, Chairman

ATTEST: \_\_\_\_\_  
Suzanne M. Rainey, Clerk to Council

Ratified:

DRAFT

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

**GARY KUBIC**  
COUNTY ADMINISTRATOR

**CHERYL HARRIS**  
EXECUTIVE ASSISTANT

ADMINISTRATION BUILDING  
100 RIBAUT ROAD  
POST OFFICE DRAWER 1228  
BEAUFORT, SOUTH CAROLINA 29901-1228  
TELEPHONE: (843) 255-2026  
FAX: (843) 255-9403  
[www.bcgov.net](http://www.bcgov.net)

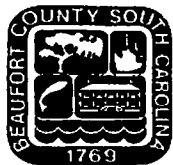
**BRYAN J. HILL**  
DEPUTY COUNTY ADMINISTRATOR

**LADSON F. HOWELL**  
STAFF ATTORNEY

**COUNTY ADMINISTRATOR'S REPORT  
Monday, October 25, 2010  
Hilton Head Island Branch Library, Hilton Head Island**

**INFORMATION ITEMS:**

- The County Channel / Broadcast Update
- Two-week Progress Report (Enclosure)



## Memorandum

DATE: October 22, 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 October 11, 2010 through October 22, 2010:

October 11, 2010

- County Council meeting

October 12, 2010 (Bluffton Office Hours)

- Meeting with Chairman Weston Newton, County Administrator Gary Kubic, Town of Hilton Head Island Mayor Tom Peeples and Town Manager Steve Riley re: County / Town Issues

October 13, 2010

- Speaking engagement - Retired Old Men Eating Out (ROME) at The British Pub, Sun City
- Bankers' meeting re: Beaufort Commerce Park Loan

October 14, 2010

- Meeting with Arthur Middleton re: St. Helena Library project
- Conference call with Mark Reinhardt re: Hargray Cablevision
- Meeting with Jasper County Administrator Andrew Fulhum re: Beaufort Commerce Park

October 15, 2010

- Meeting with Rob McFee, Division Director of Engineering and Infrastructure
- Staff meeting re: Buoni Settlement
- Staff meeting re: Fuel Issue

October 18, 2010

- Joint meeting of Community Services / Natural Resources and Public Safety Committees

October 19, 2010

- Meeting with Clerk of Court Jerri Roseneau
- Staff meeting re: Lobeco Products Property
- Meeting with Attorney Walter Nester and Kevin Dillon re: Tanger Outlet Centers

October 20 – 22, 2010

- Personal leave



## Memorandum

DATE: October 22, 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 October 11, 2010 thru October 22, 2010:

October 11, 2010 (Monday):

- Prepare for County Council
- County Council

October 12, 2010 (Tuesday):

- MIS Staff Meeting

October 13, 2010 (Wednesday):

- Meet with Gary Kubic re: Various Issues

October 14, 2010 (Thursday):

- Airport Meeting
- Meet with Roland Gardner re: St. Helena Library Project

October 15, 2010 (Friday):

- Meetings with Gary Kubic re: Various Issues
- Meeting with Fitz McAden, The Island Packet/Beaufort Gazette

October 18, 2010 (Monday):

- Attend Bluffton Parkway Acquisition Mediation (Charleston Presbyterian Church Property)
- Community Services Committee Meeting

October 19, 2010 (Tuesday):

- DA Meeting
- Meet with Dan Morgan, GIS/MIS Director
- Lobeco Waste Transfer Station Meeting
- Meet with Morris Campbell, Community Services Director

October 20, 2010 (Wednesday)--Bluffton:

- Bluffton Hours - A.M.
- Beaufort Hours - P.M.

October 21, 2010 (Thursday)--Bluffton:

- Bluffton Hours - A.M.
- Beaufort Hours - P.M.
- Meet with Mark Roseneau, Facilities Director re: Treasurer Security Cameras
- Meet with Rob McFee re: Dennis Corporation
- Meet with Scott Marshall, Voter Registration Director

October 2, 2010 (Friday):

- S & P Rating Conference Call with Brian Nurick and David Starkey
- Interactive Department Meeting
- Moody's Rating Conference Call with Brian Nurick and David Starkey

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO AMEND CHAPTER 14, ARTICLE II, ANIMAL CONTROL ORDINANCE, SECTION 14-27, STERILIZATION AND MICROCHIP IDENTIFICATION; SECTION 14-29, IMPOUNDMENT; SECTION 14-30, REDEMPTION OF IMPOUNDED ANIMALS; AND SECTION 14-31, ADOPTION FEES AND STERILIZATION.

**Sec. 14-27. - Sterilization and microchip identification.**

- (a) *Sterilization.* No impounded pet may be redeemed without (a) first having been surgically sterilized and a fee paid therefore, which fee shall not exceed the fee charged by the shelter for the sterilization of animals prior to adoption, or (b) paying ~~a redemption fee~~ an intact animal fine of \$200.00 to redeem the pet intact. If an intact pet comes to be impounded for a second or subsequent time in a calendar year, the ~~intact redemption fee~~ intact animal fine shall be \$1,000.00. ~~These provisions shall apply to pets whose owners' residence is within Beaufort County.~~

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

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

- (b) *Microchip identification and fee.* When a dog or cat is adopted from the county animal shelter, the animal shelter may implant a microchip in the dog or cat identifying the owner and all other information as provided by law. The county animal shelter shall charge a fee for implantation of a microchip in an amount recommended by the county administrator.
- (c) *Fee for redemption of a microchipped animal.* A microchipped animal returned to the county animal shelter may be reclaimed by the owner upon the owner's payment to the county animal shelter of a redemption fee. A redemption fee shall be in the amount recommended by the county administrator.
- (d) *Fee for redemption and microchipping of an unmicrochipped animal.* All reclaimed animals are required to be microchipped prior to release to their owners along with payment of a redemption fee. Both the fee for implantation of a microchip and the redemption fee shall be in the amount recommended by the county administrator.



(Ord. No. 2010/7, 4-26-2010)

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

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

(Ord. No. 2010/7, 4-26-2010)

**Sec. 14-29. - Impoundment.**

- (a) *Seizure of animals running at large generally.* Any dog, cat, dangerous animal, or other animal running at large may be seized by an animal control officer and transported to the county animal shelter and there confined in a humane manner for a period of not less than five working days and may thereafter be disposed of in a humane manner if not claimed by the owner. However, if the animal is terminally ill, critically injured or a threat to the shelter staff and/or other animals being housed at the shelter, the County Veterinarian or Director may waive the five day hold period and the animal may be immediately disposed of in a humane manner.
- (b) *Disposition of animals at large.* When an animal is found running at large and its ownership is known to an animal control officer, such animal need not be impounded but can be returned to the owner, and the officer may cite the owner of such animal to appear before a county magistrate to answer to charges of violation of this article. Upon the seizure of any animal found running at large with a rabies tag, the county animal shelter and control will screen the rabies records and attempt to notify the owner or custodian by written notice and/or telephone that the animal is being held by a shelter for disposition (S.C. Code 1976, § 47-3-540). All animals will be scanned for microchip identification.
- (c) *Disposition of unclaimed animals.* Animals not claimed by their owners after notification or attempted notification or before the expiration of five working days, shall become the property of a the county animal shelter and control and

may be placed for adoption or euthanized at the discretion of the director of the county animal shelter and control.

- (d) *Records of impounded animals.* It shall be the duty of the director of the county animal shelter and control or other persons designated by the county council to keep accurate and detailed records of seizures and dispositions of all animals coming into their custody and to file this report with the county administrator or his designee each month. Any reports prepared by a designee shall also be filed with the director of the county animal shelter and control.
- (e) *Abandoned animals.* When determined that an animal has been left unattended for a period of 24 hours or longer, it will be considered abandoned. The animal control officers may enter the property for the purpose of removing the animal. The animal will then be taken to the animal shelter and confined there for a period of five working days. It is unlawful to abandon an animal.
- (f) *Diseased animals.* Any diseased animal presented to a county animal shelter and control whose condition endangers the health of other animals in the shelter or any severely injured animal may be euthanized immediately, notwithstanding the five working day holding period, as specified in subsections (a) and (c) of this section.
- (g) *Shelter space allocations.* At any time the number of animals presented to the county animal shelter and control for holding exceeds the holding space available, the animal shelter director shall ration the available spaces among the municipal, county and military animal control officers and the general public. If all local rescuers are full and the number of animals exceeds the holding space available, the Director can network with other organizations from within and outside Beaufort County for their care and placement.

(Ord. No. 2010/7, 4-26-2010)

**Sec. 14-30. - Redemption of impounded animals.**

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

- (c) *Payment of fees.* Any impounded animal may be redeemed as provided in this section upon payment of the fees by the owner to the county animal shelter and control.
- (d) *Redemption fees.* The redemption fee shall be ~~\$100.00~~ \$50.00 for the first 24 hours of confinement for the first impoundment; the redemption fee for the second impoundment will be ~~\$250.00~~ \$125 and the redemption fee for the third impoundment and each subsequent offense will be ~~\$500.00~~ \$250. ~~The director of the animal shelter has discretion to reduce or waive fees.~~
- (e) *Boarding fee.* A boarding fee not to exceed \$25.00 a day will be imposed following the first 24 hours.
- (f) *Posting of fees.* All fees shall be published and posted in a prominent place within the county animal shelter and control.
- (g) *Proof of rabies [vaccination].* In order to redeem an impounded animal from the county animal shelter and control, a current and valid rabies certificate must be presented at the time of redemption or obtained from a licensed veterinarian within three business days and provided to the county animal shelter. Proof of the rabies vaccination certificate must be presented or obtained at the time of the redemption. If a rabies certificate is not presented within 3 business days, an animal control officer will issue the owner a ticket, which will be processed through the Magistrate's Court in Beaufort County.

(Ord. No. 2010/7, 4-26-2010)

**Sec. 14-31. - Adoption fees and sterilization.**

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

control. they will not be able to adopt an animal for ninety days. Persons turning in more than one owned animal within one year will no longer be allowed to adopt an animal from the shelter.

*(Ord. No. 2010/7, 4-26-2010)*

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: October 11, 2010

Second Reading:

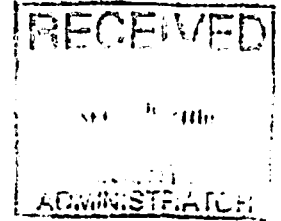
Public Hearing:

Third and Final Reading:

# Friends of the Library

P.O. Box 21268  
Hilton Head Island, SC 29925-1268

September 24, 2010



Beaufort County Administrator  
Post Office Drawer 1228  
Beaufort, SC 29901

Dear Mr. Kubic,

The Friends of the Hilton Head Library organized in 1971 as a non-profit to promote literacy and encourage the pursuit of life long learning through use of the library's resources. Our Friends group has now donated more than \$1.3 million to furnish, equip and maintain the Hilton Head Branch Library, purchase library materials, and sponsor programs.

The age and scope of the collection of library materials has been a concern for some time now. We have noted that the materials collection is lacking as measured against standards published by the South Carolina State Library, and that the Beaufort County Library System budget does not allocate funds to purchase materials in the proportion recommended by the South Carolina State Library.

This fiscal year's budget for purchasing library materials reflects a 14% reduction from the amount actually spent last fiscal year. We recognize your good intentions in freezing Beaufort County operating expenditures; however, updating and expanding the materials collection is a bonafide need. The Friends maintain an aggressive annual fund raising budget to better our library, but that is not enough to provide the resources our community expects and deserves.

The Board of Directors of the Friends of the Hilton Head Library is making a bold move to assist in updating and expanding the materials collection. We are offering a supplemental matching grant, which we believe can have a material impact. Please accept the attached grant by returning a signed copy to the Friends of the Hilton Head Library at P.O. Box 21268, Hilton Head Island, SC 29925. If your staff is ready to select and order some more books, we are ready to pay for them.

Sincerely,  
Friends of the Hilton Head Library

A handwritten signature in black ink that reads "William A. John".

William A. John, CPA, MBA  
Treasurer

Copy to:  
Wlodek Zaryczyny  
Mary Jo Berkes

## LIBRARY MATERIALS GRANT

SEPTEMBER 24, 2010

THE FRIENDS OF THE HILTON HEAD LIBRARY ARE PLEASED TO BE ABLE TO OFFER BEAUFORT COUNTY A SUPPLEMENTAL MATCHING GRANT FOR THE PURCHASE OF ADDITIONAL ADULT MATERIALS FOR THE HILTON HEAD BRANCH LIBRARY. BEAUFORT COUNTY HAS ALLOCATED \$78,835 TO PURCHASE ADULT MATERIALS FOR THE HILTON HEAD BRANCH LIBRARY THIS FISCAL YEAR, AND WE STRONGLY BELIEVE THAT THE COMMUNITY WOULD BENEFIT APPRECIABLY FROM A DOUBLING OF THIS INVESTMENT. THIS SUPPLEMENTAL MATCHING GRANT IS SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

1. The Friends of the Hilton Head Library will match county funds expended this fiscal year to purchase adult materials for the Hilton Head Branch Library, on a dollar for dollar basis, with a ceiling amount of \$78,835.
2. At least two thirds of this grant should be spent for circulating nonfiction books and reference books.
3. The titles to be purchased will be selected by the Hilton Head Branch Manager and the Beaufort County Library Administration Staff.
4. Ordering and processing of these materials will be done by the Beaufort County Library Technical Services Staff, using their usual vendors and procedures.
5. Bookplates will be applied designating these materials as "Donated by Friends of the Hilton Head Library in Memory of Joseph E. Bastion". The cost of such bookplates will be paid by the Friends.
6. Invoices should be annotated "Bastion Grant" and forwarded to Friends of the Hilton Head Library at P.O. Box 21268, Hilton Head Island, SC 29925 for payment.
7. The completion date for performance under this grant is September 30, 2011. Funds offered by this grant, that are not expended by September 30, 2011, expire. The Friends will track and provide periodic status reporting of expenditures hereunder.
8. Beaufort County will report the amounts spent for library materials, system wide and for adult materials for the Hilton Head Branch, at the end of the third quarter and at the end of this fiscal year. These unaudited expenditure figures will be made available to the Friends of the Hilton Head Library within 30 days after the end of the respective quarters.
9. Beaufort County and the Friends of the Hilton Head Library may announce this grant for public relations purposes.

Accepted by Beaufort County:

---



**COUNTY COUNCIL OF BEAUFORT COUNTY  
PURCHASING DEPARTMENT**

Building 2, 102 Industrial Village Road  
Post Office Drawer 1228, Beaufort, SC 29901-1228  
Phone: (843) 255-2350 Fax: (843) 255-9437

TO: Councilman William McBride, Chairman, Community Services Committee

VIA: Gary Kubic, County Administrator *GKubic*  
Bryan Hill, Deputy County Administrator *BHill*  
David Starkey, Chief Financial Officer *DStarkey*  
Morris Campbell, Director Community Services *McC*

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

**SUBJECT: Contract Renewal for Ferry Transportation Services-Daufuskie Island**

DATE: October 11, 2010

**Background:**

J & W of Greenwood is currently our only public ferry service provider for the residents of Daufuskie Island. J & W is offering to provide a one way ticket price for \$13.50 per passenger to and from Freeport Marina-Daufuskie Island and Broad Creek Marina-Hilton Head Island. This includes an administrative cost for the sale of tickets. County officials and employees may ride for \$10.00 one way. Parking is available, but it will be the Daufuskie Island resident/property owner's responsibility to secure the parking from the contractor. Residents are authorized to carry two carry-on bags weighing no more than 25 lbs each. It is also the responsibility of the residents to coordinate in advance with the contractor for large items such as TV's, washing machines, refrigerators, etc. J & W may charge a reasonable fee for transporting the large items. Additionally, J & W will continue to provide ferry services during emergencies as noted in the contract.

In addition, during the off-season (November-January), J & W is requesting a subsidy of Three Hundred Dollars (\$300) per round trip to cover the operating cost for the early morning round trip. Ridership numbers for the early morning run are not sufficient to cover the contractor's operational cost for the trip. On average, 4 to 6 residents ride the 7:15 a.m. HHI departure and the 8:15 a.m. Daufuskie Island return. According to Daufuskie Island residents, this trip is critical and essential for those employed or seeking employment on the mainland. Currently, no tourists ride during this early morning run; therefore, we recommend a 90 day trial with the subsidy to help cover the cost during the off season months. The subsidy will only apply to the Monday through Friday early morning round trip. The proposed subsidy for this service is \$27,000 (\$300 x 90 days = \$27,000). The current summer season and winter schedules:

**Current Spring/Summer Season Schedule (April thru October):**

**Monday's Schedule**

HHI departures-7:15 a.m., 4:00 p.m.

Daufuskie departures-8:15 a.m., 12:00 noon, 5:00 p.m.

**Tuesday-Friday Schedule:**

HHI departures- 7:15 a.m., 4:00 p.m.

Daufuskie Island departures-8:15 a.m., 11:00 a.m., 3:00 p.m., 5:00 p.m.

**Saturday and Sunday:**

HHI departures-11:00 a.m., 4:00 p.m.

Daufuskie Island departure-12:00 noon, 5:00 p.m.

**Off-Season (November to March)**

**Monday –Friday Schedule**

HHI departures-7:15 a.m., 4:00 p.m.

Daufuskie departures-8:15 a.m., 12:00 noon, 5:00 p.m.

**Saturday and Sunday:**

HHI departures-11:00 a.m., 4:00 p.m.

Daufuskie Island departure-12:00 noon, 5:00 p.m.

**Funding/Cost:** The anticipated cost of this contract is \$180,000. The Daufuskie Ferry Transportation Fund currently has a fund balance of \$59,179. That balance, along with the projected revenues from SCDOT, ridership fees, and general fund contributions, is believed to be sufficient to cover this contract's anticipated cost.

**RECOMMENDATION:** The Community Services Committee approve and recommend to County Council a contract renewal for Daufuskie Island Ferry Services to J & W Corporation with the anticipated cost of \$180,000 for the life of the contract. The contract will last for one year beginning November 1, 2010 and ending October 31, 2011, with the option to renew for three (3) additional years, not to exceed five (5) years. The subsidy is \$300 per morning round trip and will be on a trial basis for 90 days beginning November 1, 2010 and ending on January 31, 2011.

cc: Richard Hineline, Elizabeth Wooten



## RESOLUTION

WHEREAS, the Lowcountry Economic Alliance is the regional economic development arm of Beaufort and Jasper counties formed by their respective County Councils to create an economic vision for the region, attract new business and diversify the tax base; and

WHEREAS, one of the Alliance's main goals is to relieve the tax burden on residential property owners by attracting commercial and industrial development; and

WHEREAS, the Lowcountry Economic Network is the nonprofit, public-private economic development arm of Beaufort County formed by the Beaufort County Council to lead the county's economic development program; and

WHEREAS, the Network's goal is to diversify the region's tax base in order to *relieve* the residential tax burden; and

WHEREAS, the Network serves as the staff and implementation arm of the Alliance; and

WHEREAS, the S.C. Department of Commerce set aside money in South Carolina's 2008-09 and 2009-10 budgets to support the Alliance; and

WHEREAS, the Alliance's board of directors is made up of elected officials and business leaders from Beaufort and Jasper counties; and

WHEREAS, the board of directors of both the Alliance and Network have endorsed a diversified economic vision for Beaufort and Jasper counties based on the sectors of Aeronautics and Defense, Ports and Logistics, Green Industry and the Knowledge Intensive Cluster; and

WHEREAS, both Beaufort and Jasper counties have partnered on several Multi-County Industrial Park districts in the two-county region; and

WHEREAS, elected officials in both Beaufort and Jasper counties and their respective municipalities have acknowledged a need and desire to work toward the creation of a regional economic development plan.

NOW THEREFORE, BE IT RESOLVED BY THE BEAUFORT COUNTY COUNCIL, that it endorses the creation of a regional economic development plan; and

BE IT FURTHER RESOLVED THAT THE COUNTY COUNCIL, will commit appointed staff and at least one council member to the regional planning process; and

BE IT FURTHER RESOLVED THAT THE COUNTY COUNCIL encourages Beaufort County's municipalities also to appoint staff and a council member to the regional planning process.

Adopted this \_\_\_\_ day of \_\_\_\_, 2010.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: \_\_\_\_\_  
Wm. Weston J. Newton, Chairman

ATTEST:

\_\_\_\_\_  
Suzanne M. Rainey, Clerk to Council

## Rainey, Sue

---

**From:** steve181 [steve181@hargray.com]  
**Sent:** Sunday, October 17, 2010 5:13 PM  
**To:** Rainey, Sue  
**Subject:** Comments on Rules

Sue:

As promised here are my comments on the Rules and Procedures.

1 - It provides a tremendous amount of useful data in a small space.

2 - I definitely can not support the 2 minute rule. Three minutes ~~w~~orks perfectly about 99% of the time.

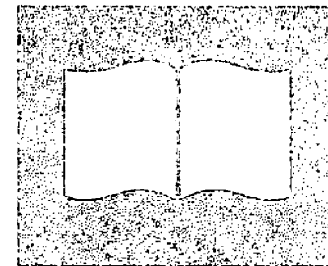
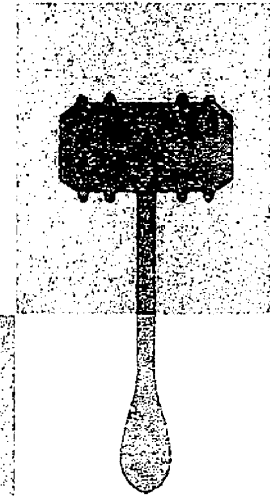
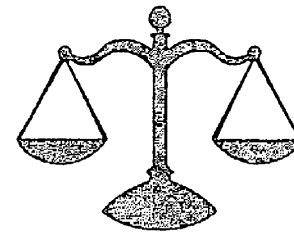
3 - Page 15 Item B and any other places such as several places on the flow chart on page 16, where a number of days occurs. We need to specify calendar or business days.

4 - Diagram on Page 16 Item F. We need to have lines coming out of the first, second, and third reading box that says what happens if the vote fails. Does it go back to committee and start the whole process again from the beginning? ( I recall that we had a small number of these during my almost 4 years here.)

Overall - a very good and useful document.

Thanks,

Steve



# Rules and Procedures

Beaufort County Council

## CODE OF ETHICS FOR BEAUFORT COUNTY OFFICIALS

### Preamble

Beaufort County Council is committed to the highest standards of conduct by and among County officials in the performance of their public duties. Individual and collective adherence to high ethical standards by public officials is central to the maintenance of public trust and confidence in government.

While County officials agree on the need for proper conduct, they may experience personal conflict or differing views of values or loyalties.

In such cases the principles contained in this Code of Ethics [which is drafted by the National Association of Counties (NACo)] provide valuable guidance in reaching decisions, which are governed, ultimately, by the dictates of the individual conscience of the public official and his or her commitment to the public good.

Certain of these ethical principles are best expressed as positive statements; actions which should be taken; courses which should be followed; goals which should permeate both public and private conduct. Other principles are expressed as negative statements; actions to be avoided and conduct to be condemned.

The Code of Ethics for Beaufort County Officials has been created by and for elected officials. However, these principles apply to the day-to-day conduct of both elected and appointed officials and employees of this County government.

Beaufort County Council recognizes that this Code of Ethics should serve as a valuable guide for all those in whom the public has placed its trust.

### Ethical Principles

#### The ethical County official shall:

- Properly administer the affairs of Beaufort County.
- Promote decisions which only benefit the public interest.
- Actively promote public confidence in County government.
- Keep all funds and other properties of Beaufort County safe.
- Conduct and perform the duties of the office diligently, and promptly dispose of the business of the County.
- Maintain a positive image to pass constant public scrutiny.
- Evaluate all decisions so the best service or product is obtained at a minimal cost without sacrificing quality fiscal responsibility.
- Inject the prestige of the office into everyday dealings with the public, employees and associates.
- Maintain a respectful attitude toward employees, other public officials, colleagues and associates.
- Effectively and efficiently work with governmental agencies, political subdivisions and other organizations in order to further the interests of the County.
- Faithfully comply with all laws and regulations applicable to the County and impartially apply them to everyone.
- Respect and comply with the standards of the Council-Administrator form of government adopted in Beaufort County.

#### The ethical Beaufort County official should not:

- Engage in outside interests that are not compatible with the impartial and objective performance of his or her duties.
- Improperly influence, or attempt to influence, other officials to act in his or her own benefit.
- Accept anything of value from any source which is offered to influence his or her action as a public official.

The ethical County official accepts the responsibility that his or her mission is that of servant and steward to the public



Office of the Chairman  
Administration Building  
100 Ribaut Road  
P.O. Drawer 1228  
Beaufort, SC 29901-1228  
[www.bcgov.net](http://www.bcgov.net)

843.255.2000

Fax 843.255.2009

	<u>Page</u>
G-	
General Information .....	8
-H-	
Handicapped Accessibility .....	15
-M-	
Media Notification .....	5
Meetings .....	5
Mileage Reimbursement .....	20
-N-	
Need for Public Hearing .....	14
Notification of Public Hearing .....	15
-O-	
Off-Agenda Item .....	8
Open Meetings .....	4
Ordinances .....	14
Ordinance Review .....	15
- P -	
Parliamentarian .....	4
Parliamentary Procedure .....	8
Passage of Emergency Ordinances .....	16
Pledge of Allegiance .....	6
Policy .....	19
Public Comment .....	7 & 12
Public Hearing .....	14
- R -	
Recognition of Person(s) .....	7
Regular Meetings .....	5
Reporting .....	23
Residency Requirements .....	4
- S -	
Scheduling Meetings .....	22
Scrivener's Errors .....	15
Special Meetings .....	5
Standing Committees .....	22
Status Report .....	22
- T -	
Travel .....	19
-V-	
Vice Chairman .....	3

## TABLE OF CONTENTS

<u>Chapter</u>	<u>Page</u>
1. Officers of Council .....	3
2. Meetings and Agendas .....	5
3. Appearances, Presentations and Petitions to Council .....	12
4. Ordinances .....	14
5. Correspondence .....	18
6. Conflict of Interest .....	18
7. Travel and Expense Reimbursement .....	19
8. Attendance at Seminars, Conferences, etc. ....	21
9. Standing Committees and Ad Hoc Committees .....	22

### Historical Background

Section 4-9-100, *Code of Laws of South Carolina*, 1976, as amended.

Adopted: April 8, 1985

Amended: August 14, 2006

June 25, 2001

April 14, 1997

June 12, 1995

September 13, 1993

August 9, 1993

January 13, 1992

January 28, 1991

September 25, 1989

OFFICERS OF COUNCIL

Council shall elect a Chairman and Vice Chairman, for terms as hereinafter set forth, on the first business day in January following each General Election.

A. CHAIRMAN

Council shall elect one of its members to serve as Chairman for a two-year term on the first business day in January following each County General Election. Nominations for Chairman must be made by a Council member. Six votes shall be required to elect.

The Chairman shall preside at all regular and special meetings of Council, shall execute, on behalf of Council, all ordinances, resolutions, directives, deeds, bonds, contracts and other official instruments or documents, and shall have such other duties and perform such functions as above set forth in these Rules and in the State Code. The Chairman shall serve as an ex-officio member of each standing committee of Council and shall be entitled to vote.

B. VICE CHAIRMAN

On the first business day in January following each County General Election, Council shall also elect one of its members to serve as Vice Chairman for a two-year term. Election of Vice Chairman shall be in the same manner as set forth above for election of Chairman.

In the event the Chairman shall be temporarily absent or unable to serve, the Vice Chairman shall serve as Chairman in his stead.

The term "Council" when used herein shall mean Beaufort County Council.

The term "Councilmen" is used herein without regard to gender.

Table with 2 columns: Item Name and Page. Includes sections -A-, -C-, -D-, -E-, and -F- with various sub-items and their corresponding page numbers.

## E. REPORTING

From each committee meeting, complete minutes shall be produced, posted on the county website and distributed to all Council members.

Committee Chairman shall report their committee's results and recommend to full Council approval or disapproval of action items.

Committee meeting minutes shall include the following:

### Action Item(s)

Subject:

Discussion (salient points):

Recommendation(s):

### Information Item(s)

Subject:

Discussion (salient points):

Staff Directive:

## C. RESIDENCY REQUIREMENTS

Section 4-9-90 of the *Code of Laws of South Carolina, 1976*, as amended, provides generally for the election of members of County Council and for the replacement of members who do not serve a full term. Section 4-9-610, which is the provision for the Council-Administrator form of government, further provides that a County Council member must be a qualified elector of the County. The Code defines a qualified elector as one who is a resident in the district or the County in which he votes. ①

## D. PARLIAMENTARIAN

The Chairman may appoint one member of Council to serve as Parliamentarian.

## E. CLERK TO COUNCIL

Council shall appoint a person, not a member of Council, to serve as Clerk for an indefinite term. The Clerk to Council shall keep a journal in which shall be recorded the minutes of Council's proceedings, which shall be open to public inspection. (Section 4-9-110 of the *Code of Laws of South Carolina, 1976*, as amended.)

---

① Reference County Attorney's letter dated July 6, 1989; Judge Kemmerlin's Order dated June 1, 1990.



## CHAPTER 2

### MEETINGS AND AGENDAS

#### A. REGULAR/SPECIAL/COMMITTEE MEETINGS

Council shall give written notice of its regular meetings at the beginning of each calendar year. This should include the dates, times and places of each meeting (Section 4-9-110 of the *Code of Laws of South Carolina*, 1976, as amended).

Agendas, committee meetings and emergency meetings frequently pose problems for conforming with notice requirements. Agendas shall be posted at least 24 hours in advance of a meeting at the office or meeting place of the public body. When special or rescheduled meetings are held, the public body shall post a notice as soon as "practicable," but not less than 24 hours prior to the meetings. Such notices should include an agenda, time, date and place of the meeting.

Council shall hold its regular meetings for the transaction of official business at least once each month in accordance with the schedule adopted by Council. On February 11, 1985, Council voted to hold its regular meetings on the second and fourth Monday of each month, convening at 4:00 p.m. and adjourning at 8:00 p.m., unless a motion to extend is approved by a two-thirds vote.

Special meetings may be called by the Chairman or majority of Council, but no special meetings shall be held unless all members are notified at least 24 hours in advance of such meeting.

#### B. MEDIA NOTIFICATION

The media shall be duly notified of the time and place for regular, special and committee meetings. A majority of the members of Council shall constitute a quorum for the transaction of official business.

## CHAPTER 9

### STANDING COMMITTEES

#### A. ASSIGNMENTS

All committee chairmanships and tasks shall emanate from the Chairman. Upon approval by the Chairman, the County Administrator may assign to a Standing Committee or Ad Hoc Committee, specific requests and/or tasks which emerge either from Council discussions, incoming correspondence or memoranda. Each assignment shall be added to the appropriate committee's work in progress and completed status report.

#### B. STATUS REPORT

The Clerk to Council shall furnish Council, on a monthly basis, a register of all Standing Committees reflecting work in progress and completed status report.

#### C. CONCLUSION OF COUNCIL'S TERM

At the conclusion of each Council term, each Standing Committee Chairman shall purge that committee's file of unnecessary correspondence and notes, put all records and documents in chronological order, and return the file to the Clerk to Council for use by succeeding Councils.

#### D. SCHEDULING MEETINGS

All members of Council are welcome to attend any committee meeting other than those on which they serve. Non-committee members may enter the discussion but will not have a vote on any matter under the committee's consideration.

All committee meetings are open to the public except when considering matters involving specific personnel, real estate (sale or acquisition), security, or legal briefing. (Reference Section 30-4-70 of the *Code of Laws of South Carolina*, 1976, as amended).

## CHAPTER 8

### ATTENDANCE AT SEMINARS, CONFERENCES, ETC.

Attendance of Council members at seminars, conferences, etc. is encouraged. Advance permission must be secured from the Chairman. ~~Reimbursement with accordance with Chapter 7.~~

### C. EXECUTIVE SESSION

Meetings of public bodies are to be open to the public, unless they are specifically exempted. Exemptions may be made for (Reference Section 30-4-70, *Code of Laws of South Carolina*, 1976, as amended):

1. Discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee, a student, or a person regulated by a public body or the appointment of a person to a public body; however, if an adversarial hearing involving an employee or client is held, such employee or client has the right to demand that the hearing be conducted publicly. Nothing contained in this item shall prevent the public body, in its discretion, from deleting the names of the other employees or clients whose records are submitted for use at the hearing.

2. Discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against said agency of a claim.

3. Discussion regarding the development of security personnel or devices.

4. Investigative proceedings regarding allegations of criminal misconduct.

5. Discussion of matters relating to the proposed location, expansion, or the provision of service encouraging location or expansion of industries or other businesses in the area served by the public body.

6. Prior to going into executive session, the public agency shall vote in public on the question and when such vote is favorable, the presiding officer shall announce the specific purpose of the executive session. No formal action may be taken in executive session. As used in this item "formal action" means a recorded vote committing the body concerned to a specific course of action. No vote may be taken in executive session.

### D. CONDUCT AT MEETINGS

#### 1. Pledge of Allegiance

Every Council meeting shall open with the Pledge of Allegiance to the Flag and follow with ~~a prayer~~ an invocation.

## 2. Decorum in Speaking

Every member, when about to speak, shall address the Chairman and, in speaking, avoid disrespect to Council and any personalities, and shall confine himself to the question under consideration. In debate each member has the right to speak twice on the same question on the same day (except on an appeal), but cannot make a second speech on the same question as long as any member who has not spoken on that question desires the floor. No one can speak longer than three minutes at a time without permission of Council.

## 3. Addressing the Chair

The Chairman, when addressed by a member shall recognize the member by name, using no title but that of "Mr.," "Mrs.," "Miss" or "Ms." The member first recognized shall be first heard; and if several address the Chairman at the same time, the Chairman shall decide who is first to speak and shall recognize such member.

## 4. Public Comment

Upon conclusion of the review of Council's minutes, a 15-minute segment of the agenda shall be allotted for public comment. At the end of the meeting, Council shall take any other public comment, for up to 15 minutes.

- Each speaker is limited to three minutes
- Only one speaker limit at microphone.
- Giving of a speaker's time to another is not allowed.

## 5. Matters Not Within Council's Jurisdiction

No matter shall be entered on the agenda or heard by Council unless it is within Council's authority or jurisdiction. Council may entertain requests from other governmental bodies, departments or agencies that make recommendations to Council.

## 6. Recognition of Person(s)

When any person, including employees of Council and the County are heard, that person, when they have completed their presentation, shall be seated and no person other than a member of Council will be recognized to make any

## C. EXPENSES

1. **Registration.** The County will pay the registration costs for authorized conventions, conferences and seminars.

2. **Hotel/Motel.** The County will pay actual cost of single occupancy rates.

3. **Per Diem.** Council members traveling outside the County shall receive reimbursement for meals and County-related expenses in accordance with the U.S. General Services Administration (GSA).

4. **Official County Meetings.** Reimbursement for official County conferences must be approved by the Chairman prior to attendance of the meetings by Council.

## D. ADVANCE PAYMENTS

1. Advance payments for out-of-area travel are authorized by approval of the Request for Travel Expenses by the Chairman of County Council, the County Administrator or Division Executive Director.

2. Documentation required by the Finance Department must be presented to the Finance Department within five (5) working days after return.

## E. MILEAGE REIMBURSEMENT

1. Upon notification of the Chairman, all Council members shall be reimbursed for their direct expenses as they relate to County business.

2. In addition to the base annual pay received for service on Council, members and/or the Chairman may be paid a stipend of \$40 per meeting for his/her attendance at any Council committee meeting and other Council-related business meetings. Each member of Council shall be reimbursed mileage to and from their residences for all scheduled meetings, *i.e.*, regular meetings, work sessions and public hearings.

## CHAPTER 7

### TRAVEL AND EXPENSE REIMBURSEMENT

#### A. POLICY

1. Reimbursement will be made only upon presentation of a County requisition form to the Finance Department along with substantiating receipts and statements.

2. The Finance Department shall maintain a list of mileage to various locations from Beaufort and reimburse only the mileage for the shortest distance on their list.

#### B. TRAVEL

##### 1. Private Automobile

Council shall be reimbursed mileage equal to the rate established by the Internal Revenue Service (IRS). When two or more Council members travel in the same vehicle, only the individual owner of the vehicle being used shall be reimbursed mileage.

##### 2. Commercial

a. **Airplane.** The County shall pay round-trip tourist fare for Council members attending County-related functions. In the event that tourist fare is not available on any reasonable travel schedule, the County shall pay the entire cost.

b. **Bus and Train.** The County shall pay the total round-trip fare for Council attending County-related functions.

c. **Taxi Expenses.** The County shall pay for actual cost of trips from: airports to hotel/motel and return; hotel/motel to place of function (if not the same) and return.

statement on such matter unless requested to do so by Council or by any member of Council through the Chairman.

#### 7. Off-Agenda Item

A two-thirds vote is required before action can be taken on an off-agenda item.

11 voting – 8 required

10 voting – 7 required

9 voting – 6 required

8 voting – 6 required

7 voting – 5 required

6 voting – 4 required

#### E. FISCAL MATTERS

All appropriations shall require a minimum of six affirmative votes.

#### F. PARLIAMENTARY PROCEDURE

Meetings of Council shall be conducted in accordance with *Robert's Rules of Order Newly Revised*, unless provided otherwise herein.

#### G. AGENDA

The agenda is set by the Chairman and Vice Chairman with the County Administrator's assistance no later than the Wednesday immediately preceding the Council meeting.

#### H. CONSENT AGENDA

The consent agenda is used for non-controversial action items organized apart from the rest of the agenda and approved as a group. This includes all of the business items that require formal approval and yet, because they are not controversial, there is no need for board discussion before taking a vote. Items may be on a consent agenda only if all board members agree; if even one member considers a specific item to need discussion, it must be removed and placed on the regular agenda for the board meeting.

## 1. Agenda Package

Packages are prepared and distributed on the Friday immediately preceding the Council meeting. Background information on a particular agenda item shall be enclosed in the package.

## 2. General Information

Other information of general interest to Council is circulated under separate cover.

## 3. Potential Agenda Items

The Clerk to Council shall maintain a log of potential agenda items for upcoming meetings, particular reference being made to Ordinance readings.

## 4. Request for Agenda Time

Any person requesting agenda time, including Council members, must submit their request to the Chairman, County Administrator, or Clerk to Council, plus backup material, prior to 9:00 a.m., on the Wednesday immediately preceding the Council meeting.

## 5. Department Heads'/Elected Officials' Request for Agenda Time

Any department head or elected official wishing to appear before Council should be handled in the same manner as above set forth. The Chairman may assign the matter for action following a short presentation by the individual at a regular Council meeting.

## H. APPOINTMENTS TO AGENCIES, BOARDS, COMMISSIONS AND AUTHORITIES

A two-week waiting period is required before an appointment can be finalized (i.e., from time of nomination to Council vote).

### 1. Notification

The Clerk to Council shall notify all Council members thirty (30) days prior to the expiration date of any Board member's term, or within ten (10) days

## CHAPTER 5

### CORRESPONDENCE

The Clerk to Council will open mail addressed to the Chairman of Council, scan and distribute via email to Council. The Clerk to Council shall also retain the scanned copy in Council's correspondence file.

~~The Clerk to Council will open mail addressed to the Chairman of County Council and, if possible, prepare a draft response to be attached to the relevant letter before mail is delivered to the Chairman. All correspondence shall be prepared in two copies, one to the chronological reading file, the other to the general subject file. In the case of the Chairman's correspondence, a third copy should be made for his/her personal records, along with a photocopy of the original incoming letter. All such correspondence shall be coordinated with the County Administrator.~~

## CHAPTER 6

### CONFLICT OF INTEREST

A. Any member of Council who has a substantial interest in any business which contracts with the County for sale or lease of land, materials, supplies, equipment or services, or who personally engages in such matters, shall make known that interest and refrain from voting upon or otherwise participating in his/her capacity as a member of Council in matters related thereto.

B. No member of Council and no business with which a member of Council is associated shall enter into any contract with a governmental agency or department which is to be paid in whole or in part out of government funds unless the contract has been awarded through process of public notice and competitive bidding.

C. Any member of Council who has a business interest in any matter before Council, or who has a business or ownership interest in any property or business that will be, or may be directly affected by any ordinance pending by Council, shall fully disclose on the record such business or ownership interest prior to casting any vote on the matter.

4. Emergency Ordinances shall expire automatically as of the 61<sup>st</sup> day following the date of enactment.

Emergency Ordinances expire automatically on the 61st day following enactment

after receipt of a Board member's resignation. Council members will have thirty (30) days to provide names and appropriate documentation (application and résumé) for consideration to the appropriate Standing Committee. The thirty (30) days will begin on the date the Clerk to Council has notified Council of the vacancy.

## 2. Nominations

The appropriate Standing Committee shall review all applications on file and select nominee(s) to be submitted to full Council. Interviews may be scheduled at the request of the Committee Chairman.

In situations where technical or other special qualifications are required within the Charter for appointment, the Standing Committee will review and analyze the technical qualifications of the applicant(s) and will recommend and forward to Council only those names qualified.

The Standing Committee shall nominate at a subsequent full Council meeting, the aforementioned candidate(s) for membership. Once the floor is open for nominations, any Council member may place a name in nomination. There is no requirement that the name of such nominee be previously on file.

## 3. Representation

Council shall appoint Agency, Board or Commission members with consideration for demographic representation. In addition, Council shall consider:

- a. Knowledge and experience relevant to the needs of the particular Agency, Board or Commission;
- b. Diverse representation of backgrounds, professions and viewpoints;
- c. Diverse ages and economic levels;
- d. Diverse race and gender composition;
- e. Diverse geographic representation of the County.

## 4. Résumé

Names on file with the Clerk to Council and considered by a Standing Committee will be accompanied by a résumé.

For those nominated other than through a Standing Committee (i.e., by a Council member when the floor is open for such additional nominations) a résumé will be made available to Council members no later than the Friday prior to the meeting at which the vote for appointment is taken. Absent such a résumé the nominee will be disqualified.

### 5. Voting<sup>③</sup>

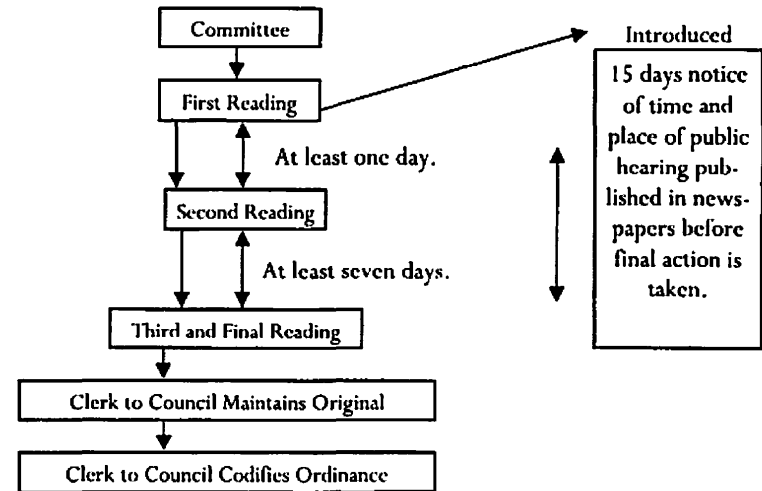
A vote by show of hands will be taken if there is a single or multiple candidate(s) seeking membership. A simple voting majority of Council members will decide the selected nominee unless a greater number of affirmative votes is necessary under the Template Ordinance.<sup>④</sup>

If, when there are three or more candidates for a single position and no person receives the required number of votes of the first show of hands, the two candidates receiving the most votes will be considered in a second, and final vote by another show of hands.

<sup>③</sup> Reference Attorney General's Opinion No. 84-4, issued January 17, 1984, and a subsequent opinion dated April 24, 1984

<sup>④</sup> Reference Template Ordinance No. 2005-5, as amended.

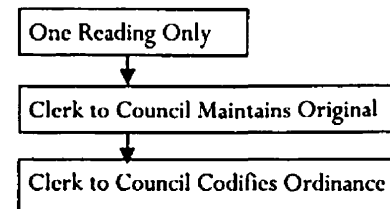
### F. FLOW CHART OF ORDINANCE PASSAGE



### G. PASSAGE OF EMERGENCY ORDINANCES

To meet public emergencies affecting life, health, safety or the property of the people, Council may adopt Emergency Ordinances. They may not, however, be used to levy taxes, grant, renew or extend a franchise or impose or change a service rate.

1. Every Emergency Ordinance shall be designated as such and shall contain a declaration that an emergency exists and describes the emergency.
2. Every Emergency Ordinance shall be enacted by the affirmative vote of at least two-thirds of the members of Council present.
3. An Emergency Ordinance is effective immediately upon its enactment without regard to any reading, public hearing, publication requirements or public notice requirements.



## B. NOTICE OF PUBLIC HEARING

No less than fifteen days notice of the time and place of such hearings shall be published in at least one newspaper of general circulation in the County. Publication shall include one newspaper north and one south of the Broad River, and when applicable, publication in the newspaper serving the Bluffton area. (Section 4-9-120 of the *Code of Laws of South Carolina*, 1976, as amended)

## C. HANDICAP ACCESSIBILITY

All public hearings shall be held at locations accessible to the handicapped.

## D. ORDINANCE REVIEW

All Ordinances shall be reviewed by the County Attorney and County Staff prior to third and final reading. If applicable, written comments and a cost/benefit analysis shall be prepared by County Staff and included with the agenda package assembled for the public hearing and/or last reading.

## E. SCRIVENER'S ERRORS

Scrivener's errors may be made to an existing ordinance and approved minutes with a two-thirds ( $\frac{2}{3}$ ) vote of Council.

## CHAPTER 3

### APPEARANCES, PRESENTATIONS AND PETITIONS TO COUNCIL

#### A. PUBLIC COMMENT

Any person desiring to address Council during public comment may do so by submitting a request to be heard to the Clerk to Council prior to, or at the beginning of, the meeting.

1. Each request must include the name and address of the person appearing and the nature of the presentation.

2. In the event a presentation should be made on behalf of an organization or group of persons, the organization or group will designate one spokesman to make the presentation.

3. Every member of the public who is recognized to speak, shall address the Chairman and, in speaking, avoid disrespect to Council and any personalities and shall confine himself to questions under the jurisdiction of Council.

4. All persons making public comment shall be limited to three (3) minutes, so as to allow others an opportunity to be heard. (See page 7)

#### B. COMMENTS FROM THE FLOOR

1. If the Chairman determines insufficient time is available for a personal appearance at a particular meeting, he may schedule the personal appearance for any subsequent meeting (considering the availability of time). The Chairman may, at his discretion, establish time limits for any presentation or personal appearance.

2. No person shall be allowed to make personal appearances, presentations, present petitions, or otherwise be recognized from the floor for comment, except as permitted under the agenda.



3. This procedure shall not apply to representatives of the electronic and print media, County staff members, or other County employees who may be recognized by the Chairman for questions and comments relating to the business of Council.

## CHAPTER 4

### ORDINANCES

Legislative actions of Council are called ordinances. An ordinance may be introduced by any member. Except for Emergency Ordinances (reference paragraph G) all ordinances must be read at three public meetings of Council on three separate days, with an interval not less than seven days between the second and third readings. All Council proceedings must be recorded, and ordinances adopted by Council must be compiled, indexed, codified and published and made available to the public inspection at the Office of the Clerk to Council. §4-9-130. Public hearings on notice must be held in certain instances: adoption of standard codes or technical regulations and furnishing copies thereof; emergency ordinances.

#### A. NEED FOR PUBLIC HEARING

Public hearings, after reasonable public notice, must be held before final Council action is taken to:

- (1) Adopt annual operational and capital budgets;
- (2) Make appropriations, including supplemental appropriations;
- (3) Adopt building, housing, electrical, plumbing, as and all other regulatory codes involving penalties;
- (4) Adopt zoning and subdivision regulations;
- (5) Levy taxes;
- (6) Sell, lease or contract to sell or lease real property owned by the County.

The Council may adopt any standard code or technical regulations authorized under §6-9-60 by reference thereto in the adopting ordinance. The procedure and requirements governing the ordinances shall be prescribed for ordinances listed in (1) through (6) above.

Copies of any adopted code of technical regulations shall be made available by the Clerk of Council for distribution or for purchase at a reasonable price.

## Committee Reports

October 25, 2010

### A. COMMITTEES REPORTING

#### 1. Community Services

- ① [Minutes](#) provided from the October 18 joint meeting. See main agenda items 10 and 11.
- ② Disabilities and Special Needs Board

<i>Nominate</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
10.25.10	Marion McCall	Countywide	Appoint	6 of 11

#### 2. Natural Resources

- ① [Minutes](#) provided from the October 18 joint meeting.
- ② Beaufort-Port Royal Metropolitan Planning Commission

<i>Nominate</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
10.25.10	Jim Hicks	Countywide	Appoint	6 of 11
10.25.10	Bob Semmler	Countywide	Appoint	6 of 11

#### 3. Public Safety

- ① [Minutes](#) provided from the October 18 joint meeting. See main agenda item 12.

### B. COMMITTEE MEETINGS

#### 1. Community Services

*William McBride, Chairman*

*Gerald Dawson, Vice Chairman*

➔ Next Meeting – Monday, November 15 at 4:00 p.m., Building 2, BIV

#### 2. Executive

*Weston Newton, Chairman*

➔ Next Meeting – To be announced.

#### 3. Finance

*Stu Rodman, Chairman*

*William McBride, Vice Chairman*

➔ Next Meeting – Monday, November 15 at 2:00 p.m., Building 2, BIV

#### 4. Natural Resources

*Paul Sommerville, Chairman*

*Jerry Stewart, Vice Chairman*

➔ Next Meeting – Monday, November 1 at 2:00 p.m.

**5. Public Facilities**

*Herbert Glaze, Chairman*

*Steven Baer, Vice Chairman*

➔ Next Meeting – Tuesday, October 26 at 4:00 p.m.

**6. Public Safety**

*Jerry Stewart, Chairman*

*Brian Flewelling, Vice Chairman*

➔ Next Meeting – Monday, November 1 at 4:00 p.m.

**7. Transportation Advisory Group**

*Weston Newton, Chairman*

*Stu Rodman, Vice Chairman*

**JOINT MEETING  
COMMUNITY SERVICES, NATURAL RESOURCES  
AND PUBLIC SAFETY COMMITTEES**

**October 18, 2010**

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

The joint meeting of Community Services, Natural Resources and Public Safety committees met on Monday, October 18, 2010 at 3:00 p.m. in the Conference Room of the Beaufort Industrial Village, Building 2, Beaufort, South Carolina.

**ATTENDANCE**

Community Services Committee members: Chairman William McBride, Vice Chairman Gerald Dawson, and members Steven Baer, Rick Caporale, Herbert Glaze, Stu Rodman and Laura Von Harten attended. Non-Committee members Brian Flewelling, Paul Sommerville and Jerry Stewart also attended. *(Non-Community Services Committee Council members present are members of either Natural Resources or Public Safety committees, which presented items for vote at this meeting.)*

County staff: Morris Campbell, Division Director – Community Services; Bryan Hill, Deputy County Administrator; Jan O'Rourke, Libraries Assistant Director; David Starkey, Chief Financial Officer; Dave Thomas, Purchasing Director.

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

Public: Kim Statler, executive director Lowcountry Economic Network.

Mr. William McBride chaired the meeting.

**ACTION ITEMS**

**1. Consideration of Appointments – Beaufort-Port Royal Metropolitan Planning Commission**

**Discussion:** *Note: Considered as a Natural Resources Committee item.* Mr. Flewelling briefed those present on the above item as a Natural Resources Committee topic. He stated there was significant discussion at last week's Council meeting related to this topic, as well as at the Natural Resources Committee level. There are two people to place on the board, and at the last Natural Resources meeting the committee forwarded a recommendation to the full Council concerning adoption of the resolution to form the board. At that same time, we also recommended Mr. Jim Hicks and Mr. Robert Semmler. Mr. Hicks sits on the current Planning Commission as the Lady's Island representative. Mr. Semmler is the Port Royal Island representative. Mr. Flewelling stated, because of procedural matters we did not accept them at the full Council (Without a committee to place those names, the Council could not forward the

recommendation out of Natural Resources. This special meeting would suffice as a forum to forward the names to Council).

It was moved by Mr. Flewelling, seconded by Mr. Stewart the Natural Resources Committee forwards and recommends approval of the appointment, to the Beaufort-Port Royal Planning Commission, of Mr. Jim Hicks and Mr. Robert Semmler as representatives of Beaufort County.

Mr. Flewelling explained he wanted to forward those names as they are the ones who deal with jurisdictional matters inside the City of Beaufort, Town of Port Royal and the growth areas identified in the Northern Regional Plan. Those are the two logical members for this Council to appoint. However, should there come a time when this is not possible we can always make arrangements for other representation, he added.

Mr. Stewart suggested, when the Council examines the Metropolitan Planning Commission, there should be additional discussion on the composition of the commission.

Mr. McBride noted the intent is to appoint these two men at the next Council meeting by suspending the rule. If there are other names to consider, let other members know, Mr. Flewelling added.

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

**Recommendation:** Council appoints Mr. Jim Hicks and Mr. Robert Semmler to the Beaufort-Port Royal Metropolitan Planning Commission.

## **2. Consideration of a Resolution to Support the Creation of a Regional Economic Plan**

**Discussion:** *Note: Considered as a Public Safety Committee item.* Mr. Stewart, as Public Safety chairman, introduced the item by noting the region's economic state is being addressed in a variety of venues. Discussion centers on regionalism, jobs and economy. This segues into discussion on issues surrounding the Lowcountry Economic Network and Alliance plans. Namely, the Network and Alliance discussions focused on what the organizations' objectives are, how they will go forward and questioning whether they are going in the proper direction. As a result of this, the Network and Alliance addressed this issue. Within the meeting documentation, there is a resolution in respect to this, Mr. Stewart noted.

Mrs. Kim Statler, executive director Lowcountry Economic Network, came to the table to review regionalism goals and inability to move toward goals due to lack of proper structure. She stated the Alliance looks at regional planning effort (bring prospects in to talk about how infrastructure, deficiencies in infrastructure impact them) and the Network goes out to recruit prospects to the area. The disconnect seems to be the understanding of how this plays into the regional plan; we do not really have a regional plan. We did the economic development section of the Comprehensive Plan, but it was only specific to Beaufort County. We mentioned regionalism along with its importance, but there is no documentation to connect the

governmental entities. Within the last year and half, the Alliance had the ability to put more than \$100,000 in marketing to yield tremendous prospect traffic, Mrs. Statler said. The traffic clarifies a lot of where local deficiencies are, but the deficiencies are interrelated (just like infrastructure and product are related). In order to answer some of the questions, going back and reflecting as staff, their staff came back to recommend to the Alliance and Network Boards we feel we are in desperate need of a regional vision, she added. She said regional vision means how infrastructure, product and education programs relate. She said the regional vision will provide a road map. On the Network side, they are willing to alter to better fit into the regional vision. Without a road map, prospects come in, see deficiencies, but there is no avenue to correct those insufficiencies. The Alliance and Network boards jointly met last week to propose to move this forward in a formal way by means of a resolution to take this to our counties and municipalities in the region. The resolution would form a regional plan within our selective staff, Mrs. Statler explained.

Mr. Flewelling asked Mrs. Statler to explain how the regional economic plan would be funded. She answered they do not anticipate anything other than the Network being responsible for compiling what is out there. She said they offer to staff the regional economic plan, but will do so in partnership with the other municipal and county staffs. “There is no need to recreate the wheel,” she said. “The problem is there are multiple plans out there.”

Mr. Flewelling said when this is adopted he assumes the Network/Alliance has a vision for how they hope governments proceed in concert, but his biggest fear is the County would ultimately lose some autonomy over its own economic development destiny. She assured him they are not signing away their autonomy.

Mrs. Statler said the market has already decided the regional governments are together; the fact we are not functionally together or looking at things systemically together hurts us. We are not doing anything other than agreeing to sit down and take time to create the plan. She explained they have found there is no systemic vision out there saying how each organization of the region plays into the overall vision. Mrs. Statler asked for direction on prioritization of how the Network/Alliance spends funds, and moves forward in the right direction. Right now, she said, they feel rudderless without anything to point back to when everyone is “siload.”

Mr. Baer wanted clarification about the Alliance being the regional arm and the Network being the Beaufort County arm. Mrs. Statler confirmed. He said he was surprised to not see a Jasper County person in the room as it is a regional topic. She stated Jasper County will have a duplicate resolution on which to vote.

Mr. Baer further asked, if the joint team generates ideas such as a small container port/transportation hub adjacent to Interstate 95 or an amusement park. Mrs. Statler said she thinks what will come out of it, from the regional Alliance side, two counties have come together to identify two properties which have seen a lot of prospect interest— zoning, where prospects look, deficiencies in properties. This comes back before the Alliance board. Now, how do we go from identifying the issues to solutions, Mrs. Statler asked. Solutions lie within each of the governments, to decide if this is a priority. Because we do not have a regional vision to tie into, we have no mechanism to reference for improvements. There is no collective regional plan. She

stated she expects the regional group will get a presentation of the properties with deficiencies and price tag, then figure out how to make those improvements. They will examine: whether to apply to the federal government for funds; is ownership public; is ownership private, etc.

Mr. Stewart said the two counties came together to form the Lowcountry Economic Alliance. Assigned to that board of directors were two representatives from Beaufort County, two from Jasper County and the business ambassador from each county. That board has functioned as the decision makers for the Alliance. The Network comprises the municipalities and some of Jasper County municipalities, private resources. This Network board worked together to put together the business plan for the County, what major business areas we will target, set up parameters of what funding would be available, what capital investment would be brought to the table, etc. The equivalent of this has not been done on the regional level with the Alliance, Mr. Stewart stated. He further went on to explain the goal is to gather ambassadors from Beaufort and Jasper counties, various municipalities, Lowcountry Council of Governments (LCOG), higher education institutes, utilities, etc. The important thing is, if you are going to have resources/capital fund this, other than us putting it up as the two counties, we can pool resources through LCOG, he said. Another goal is to take the regional economic plan document, and have each entity in the region join in the effort to put together a strategy for the region. Beaufort County will be a subset of the larger picture.

It was moved by Mr. Flewelling, seconded by Mr. Rodman, Public Safety Committee forwards and recommends approval to Council, a resolution 1. Endorsing creation of a regional economic development plan, 2. Committing appointed staff and at least one Council member to the regional planning process and 3. Encouraging Beaufort County municipalities to appoint staff and a council member to the regional planning process.

Mr. Flewelling asked if there would be an opportunity for the Jasper and Beaufort county councils to have a formal meeting to discuss these issues. Mrs. Statler mentioned many members are aware there was one regional meeting as a result of the job summit. She said she thinks Jasper County would welcome a formal meeting. The other Council members present murmured their agreement to have a joint meeting.

Mr. Baer stated he is worried about “the two stovepipes in the same room.” He said he senses there are things missing. He asked what the joint effort will examine. Would it decide on topics such as the best location for a transportation hub? Mrs. Statler said what this joint effort will provide is a formal relationship at a regional level, where you can bring issues up in that regard. As such, the conversation at present is very narrow, but there are opportunities for much broader conversations.

Mr. Stewart noted there are several multi-county parks that could be true joint ventures, in which the fee-in lieu money would be used, to identify the businesses, market that parcel, etc. as a collaborative effort. He stated he thinks there will be more opportunities once people realize there is a formal organization/procedure in place.

Mrs. Statler said the prospects always look at the big picture – living in one county and working in another. We are never looking at a microcomponent, but always selling the whole. Sometimes, this means we sell Savannah.

Ms. Von Harten said she sees this as being an important big picture step because it sounds like there are specific actions we as a region need to take, but we do not have the policy framework in which to place those actions and create a plan to carry those forward. We are creating a policy framework in which to take action.

Mr. Caporale asked for an example of deficiencies, and how the Network would solve that problem (what the process would look like, how it would impact financing).

Mrs. Statler said available buildings is an issue, but secondly there needs to be an inventory analysis of what is available and how to make it competitive. She noted a recent prospect wanted to lease a building on U.S. 170, but the owner did not want to lease the building. In that scenario, had we been a bit more prepared with industrial broker agents to purchase that building and do a lease back we could have been more competitive. Another building in Ridgeland, the Forest Homes Building, was vacated when foreclosed upon. The Town of Ridgeland has a lot of investment in this property – a 90,000 square-foot building, \$8 million investment on the market for \$2 million. That property has a ceiling height concern for some clients. A creative example would be: if the right client comes along, how do we create a tax offset scenario to pay for the cost of raising the ceiling if the prospect is worthy? She said most prospects want to lease now because they want to save cash, which is currently tight, for company growth. She said we need a relationship to be proactive, and to know fully as a region what we are willing to do. Right now, we have to scramble. She went on to discuss the current situation, deficiencies in properties in the region and lack of communication/strategic planning among entities such as governments and education systems.

Mr. Stewart reiterated the need to have groups that are involved in economic development collaborate for a regional push, not compete against each other. He added hopefully this will eliminate situations such as those with Sembler and Okatie Village by developing a relationship within which we are working together to share an objective.

Mrs. Statler said she, or a member of her staff, has sat on every municipal economic development section of the comprehensive plan. There is a ton of overlap, she said, and consequently it seems like the big picture will easily come together.

Mr. Rodman asked if any of the municipalities within Beaufort County are not participating in the Network at this point. Mrs. Statler answered, Yemassee. He then asked where LCOG stands on this. He asked if LCOG would think this steps into what LCOG is chartered to fulfill. Mrs. Statler said she does not anticipate so. Mr. Stewart stated, LCOG deals more with roads while the Alliance deals more with economic development. However, there are tasks LCOG can do with resources at its disposal.

Mr. Rodman then referenced the line in the resolution stating, “the S.C. Department of Commerce set aside money in South Carolina’s 2008-2009 and 2009-2010 budgets to support



the Alliance.” He asked if approving this is a condition of receiving these funds. Mrs. Statler said no, the money is already in there. He further asked if outsiders would be confused by having an Alliance and a Network.

Mr. Stewart stated the evolution is to eventually fold the Network in to the Alliance, and if we truly work to have an economic Alliance of which the Network become a part of the Alliance. Right now, we have to show the separation. Mrs. Statler noted it was built almost backwards – an alliance built inside Beaufort County without a second party-alliance. Now, they are filling in the partnership after the infrastructure is in place.

Mrs. Statler did note there is some benefit to retaining two separate structures. From a marketing perspective, we market the “Lowcountry Network and Alliance” as a single entity with planning and implementation arms.

Mr. Baer stated the resolution commits staff. He asked if this has been vetted through the over-worked staff. Mr. Hill said, to be honest, he just saw this for the first time. Mr. Stewart stated he thinks staff refers to Network staff. To this, Mrs. Statler said, she assumes the Council wants Beaufort County staff to be consulted because of the nature of the initiative.

The vote was: FOR –Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. Rodman, Mr. Stewart and Ms. Von Harten. The motion passed.

**Recommendation:** Council approves the resolution 1. Endorsing creation of a regional economic development plan, 2. Committing appointed staff and at least one Council member to the regional planning process and 3. Encouraging Beaufort County municipalities to appoint staff and a council member to the regional planning process.

### **3. Friends of Hilton Head Branch Library Match Library Impact Fees**

**Discussion:** *Note: Considered as a joint committees item, including Community Services, Natural Resources and Public Safety committees.* Mr. Rodman introduced to the joint committees this topic for a match grant from the Friends of the Hilton Head Branch Library (hereafter Friends). He said his understanding is, with the cutbacks, the Friends came up with a concept asking to have some of the impact fees available be used to provide money so the libraries can continue to provide the same level of service. The Friends offer a dollar-for-dollar match grant with a ceiling amount of \$78,835.

Jan O’Rourke, Libraries Assistant Director, said as she understands it the Friends received a bequest of about \$78,000. The allocation the County provides the library in terms of allocation for library materials for adults at the Hilton Head Island Branch Library is about \$78,000 (already in-hand). What the Friends ask is that the Council move to match the \$78,000 the Friends received as a bequest. There are also some conditions on this money. County Library staff met to talk about these conditions, and want to discuss with the Friends some of their stipulations such as the  $\frac{2}{3}$  spent for circulating nonfiction and reference books.

Mr. Rodman asked if this would come from impact fees and not the general fund. Mrs. O'Rourke concurred. Mr. Hill, Deputy County Administrator, stated the County wants to allow for the opportunity to use either/or the general funds or impact fees.

Mr. Rodman asked Mr. Hill to briefly explain what the impact fees are and how they would use those instead of the general fund. Mr. Starkey, Chief Financial Officer, said impact fees are whenever new development comes up in a particular area, fees are collected from the developer under the assumption that the increase in the population in that area will then increase the needs in certain services/demands. It is more beneficial for the County, based on declining property tax revenues and the like, to use the impact fees that have been accumulating instead of general fund. Impact fees would be the better of the two to use, Mr. Starkey concluded. Mr. Rodman asked if this was a staff recommendation to which Mr. Starkey replied yes.

Mr. Stewart asked for clarification on if impact fees must be used in the region where they are collected. Mr. Starkey confirmed. Mr. Stewart asked if the region for Hilton Head Island is strictly on the island. Mr. Starkey replied, yes. Daufuskie and Hilton Head islands have an impact fee assigned to just them. Essentially, the Hilton Head branch library, anything that would affect that region, would need to be used there. The other county regions have their own funds.

Mr. Stewart said he has seen a breakdown of what is in the Bluffton region, which is a sizable amount, but he does not know what is in the other regions. Mr. Starkey said he could get that information to him soon, but does not know them off the top of his head. Mr. Starkey said the impact fee money for the various regions will not be comingled. It is something that is restrictive for those regions only. Mr. Stewart said the reporting seems onerous. Mr. Starkey said it is not any different than accounting for other impact fees; we have to account for those fees in separate funds because they are for separate areas. In other words, we insure Hilton Head Island branch library fees are not used for a Bluffton branch project, and *vice versa*.

Mrs. O'Rourke said the timeframe is not necessarily acceptable, but they will accept it. She said the library is down two staff in the technical services area. It can be done, but we would like to see if the funds could be spread out over two years, she said. However, they will not look a gift horse in the mouth, she added. The library administration met on Friday to review this grant and the needs of the collection, particularly as they finish the draft strategic plan. She said when they examine the staff situation and time requirements it poses a problem.

Mr. McBride asked if it would require an ordinance for the County portion of the approximately \$78,000. Mr. Starkey said it would be essentially the Council approval of impact fees being used for this. Mr. Hill elaborated to say, when the funds are available for use, since it is beyond the approval threshold of the County Administrator, it would be brought to Community Services as a request to expend the funds. It would then go to Council in committee reports, then it would go forward.

Mr. Caporale asked if Mr. Hill knew how much money sits in the impact fee bucket for Hilton Head Island. Mr. Hill replied he does not off the top of his head, but Mr. Starkey and he were looking at them on Friday. Although, it is substantial, he offered.

Mr. Glaze asked, when we look at the unique situation on Bluffton branch library as well as the Hilton Head branch library, and considering impact fees, will we next year look at the money dispersed here compared with the areas without fees. Mr. Hill said we can at the Executive Committee. Mr. Glaze's comments touched on wanting to make sure funding allocations were equitable. Mr. Hill said the County tries to be good stewards of the citizens' money.

Mr. Baer asked if, instead of waiting for another committee meeting, the joint committees could approve today and see if the library can negotiate the date and other terms of the grant. Mrs. O'Rourke said she does not think there would be a problem.

Mr. Dawson said this grant for approximately \$78,000 is specifically for library materials for adults. With the shortfall in personnel, can any of this money be used for staffing? Mr. Hill said, no.

It was moved by Mr. Baer, seconded by Mr. Sommerville, the joint committees accept the Friends of the Hilton Head Library Materials Grant for \$78,835 with the understanding the County's matching fund source (either impact fees or general fund) will be determined by staff.

Mr. Caporale wanted to know if impact fees could be used for an operational expense. Mr. Hill said he did not mean to imply as such, but that these particular funds would not be used for staffing. He explained the County would not want to do this because impact fees dry up and by ordinance he is not sure if it is allowed to be used on staff.

The joint committee members discussed the approval process for this topic at length. This will go before Council during committee reports.

Ms. Von Harten noted the libraries have reduced staff and this grant will create an avalanche of books, which could create some issues. She said she hopes we can accept this grant and get those pieces of material processed this fiscal year, then allocation from the fiscal year could hold off until next year. Mrs. O'Rourke said that is why the Library is asking the Friends for an extension on the grant.

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

Mr. Dawson said he abstained because he felt the motion was vague. He said the request is to use a grant that would use impact fees, and to leave it to the discretion of staff to choose either impact fees or general fund is not spelled out in the motion. He said he prefers the motion states go with impact fees solely. Mr. Baer said the grant does not say impact fees, but just says funds.

**Recommendation:** Council accepts the Friends of the Hilton Head Library Materials Grant for \$78,835, with the understanding the County's matching fund source (either impact fees or general fund) will be determined by staff.

#### 4. Proposal to Extend the Daufuskie Ferry Agreement

**Discussion:** *Note: Considered as a Community Services item.* Mr. Morris Campbell, Division Director - Community Services, briefed the joint committees this is to extend the current ferry contract, as well as background on the ferry situation. For three years, the County has struggled with a proposal to help move people to and fro on Daufuskie Island, while maintaining some level of service. He said Mr. Dave Thomas, Purchasing Director, as well as the School District and remaining vendor have worked together in an attempt to maintain some level of service. The presented proposal basically is something to carry the County further until there is a comprehensive approach to the issue of transporting people to and from Daufuskie. J & W Corporation, of Greenwood, has been the carrier for the past three years. There was another carrier who went belly up due to the fact that the economy on Daufuskie has basically hit rock bottom with the bankruptcy of the Daufuskie Island Club. Today's presentation is a continuation of the contract with some modification due to the single vendor.

Mr. Thomas said they worked hard to collaborate with Haig Point and the other ferry systems. We asked if they wanted to come back and provide the service, but they said in today's market could not afford to do that. He said they reviewed the whole process and considering the budget, it is cheaper to remain with the by-ticket purchase (\$13.50 per passenger to and from Freeport Marina-Daufuskie Island and Broad Creek Marine-Hilton Head Island) rather than paying a flat fee. He said he is not sure what will happen if J & W drops out. The ticket price will remain the same. County employees on official visit can ride for \$10 one-way. The amount and size of carry-on changed to two, 25-pound bags. The contractor also asked for a subsidy during the off-season of \$300 per roundtrip to cover the morning trip. He said staff recommends doing this on a 90-day trial. If there is not sufficient ridership, the County will drop the morning trip. He then reviewed the schedule and other details of the contract, which has an anticipated cost of \$180,000. The funding details in the memo state, the Daufuskie Ferry Transportation Fund has a fund balance of \$59,179, which along with the projected revenues from the S.C. Department of Transportation (approximately \$50,000), ridership fees and general fund contribution should be sufficient to cover the contract's anticipated cost.

It was moved by Ms. Von Harten, seconded by Mr. Glaze, the Community Services Committee approves and recommends to Beaufort County Council a contract renewal for Daufuskie Island Ferry Service to J & W Corporation with the anticipated cost of \$180,000 for the life of the contract. The contract will last for one year, beginning November 1, 2010 and ending October 31, 2011, with the option to renew for three (3) additional years, not to exceed five (5) years. The subsidy is \$300 per morning roundtrip and will be on a trial basis beginning November 1, 2010 and ending January 31, 2011.

Mr. Baer said he supports the contract, but has many questions, which follow. He asked if there is an estimate on the general fund contributions. Mr. Thomas said it could get up to \$59,000 by the end of the fiscal year, which would be our general fund fare. Mr. Starkey said it is yearly allocation from the general fund of \$100,000, which is then divided by 12 (approximately \$8,333). The fund balance is just what is in the coffer right now, Mr. Starkey clarified. He added there will be sufficient funds to cover this contract. Mr. Baer asked how many people, including tourists, residents and students, use the ferry for Daufuskie. Mr.

Campbell said the average is about 12 students daily. Mr. Rodman said he would have to look up the numbers, but there are a fair number of tourists, and the Haig Point numbers average around 100,000 passengers yearly. Mr. Baer said this is a classic example of where we could use a public transportation utility – one carrier compared with four separate competing ones. He added it seems insane to handle Daufuskie the way we do, especially when you can see the island from Harbour Town in Hilton Head. At some point we need to look at a government transportation system, and I know it had nothing to do with this subject but I want to get it off my chest, Mr. Baer said. He went on to list frustrations such as paying a significant amount of money and not getting much for the service paid, illogical routes, etc.

Mr. Campbell acknowledged Mr. Baer's comments and said he believes this is why Council allocated some funding to do a feasibility study of maritime transportation between Daufuskie Island, Hilton Head Island, Savannah, Georgia and Beaufort. He said the County will seek as many options as possible.

Mr. Caporale asked about the math calculation for the subsidy. Mr. Hill said the \$300 in the contract is correct but what needs to change is the total proposed subsidy of \$27,000.

Mr. Rodman said he will support this, but he wanted to express his frustration in spending \$75,000 annually for the ferry service coming out of our pockets, the general fund. The expense is a burden on the rest of the residents of the County. Daufuskie is a high maintenance place. If you look at it on a per cost basis, the County invests a lot of money into that place to keep it going because it was never really developed well, he added. Yet, for five people, Haig Point cannot let them ride on their boat, nor can the School District let them hitch a ride. It is just terrible, he said. It is terrible to have to ask this County's citizens to reach into their pockets for \$75,000 for five people because Haig Point and the School District cannot figure a way to accommodate five people.

The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Glaze, Mr. McBride, Mr. Rodman and Ms. Von Harten. The motion passed.

Mr. Rodman noted he heard Haig Point will begin charging the Daufuskie Fire Department riders, as well.

**Recommendation:** Council approves a contract renewal for Daufuskie Island Ferry Service to J & W Corporation with the anticipated cost of \$180,000 for the life of the contract. The contract will last for one year, beginning November 1, 2010 and ending October 31, 2011, with the option to renew for three (3) additional years, not to exceed five (5) years. The subsidy is \$300 per morning roundtrip and will be on a trial basis beginning November 1, 2010 and ending January 31, 2011.

## **5. Discussion of Compliance Officer**

**Discussion:** *Note: Considered as a Community Services item.* Mr. McBride said a compliance officer position was in the priority list from the annual Council Retreat. Money was approved in the budget to hire a compliance officer.

Mr. Hill said there is a budget line item for a compliance officer in the approved budget this year, and they are in the process of developing a job description. He added they want to ensure there is succession management with the Purchasing Direction. They want to put things together to allow for a more robust job announcement allowing us to have some flexibility, he added. Job descriptions will go forward, and within the next month the job will go on the street. He said he does not see any further delays in this position. Again, this is in the budget and we are simply moving forward Mr. Hill concluded.

Ms. Von Harten said she wants to encourage Mr. Thomas to wear his helmet while riding his Harley to ensure he remains healthy until the County hires a compliance officer.

Mr. Baer stated, Mr. Hill indicated this compliance officer will do other duties beyond compliance. Mr. Hill stated, right now the economy does not show we have a need for a compliance officer 40 hours per week. Mr. Kubic's goal, along with me, is to cross train as much as possible so if we have a lull in one area we can pick up the pace in another, he said. Right now, our Purchasing only has three people so there is enough work to distribute. Mr. Baer clarified his question as wanting to know how much we are allocating to the compliance officer function yearly. Mr. Hill answered, it is about \$63,000 if you include the cost of benefits.

It was moved by Mr. Glaze, seconded by Mr. Dawson, the Community Services Committee approves and forwards to Council the creation of a compliance officer position for Beaufort County. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Glaze, Mr. McBride, Mr. Rodman and Ms. Von Harten. The motion passed.

**Recommendation:** Council approves the creation of a compliance officer position for Beaufort County.

## **6. Consideration of Reappointments / Appointments**

### Alcohol and Drug Abuse Board

Mr. Rodman said he wanted to recommend Judy Lohr. Mr. Stewart said he wanted to recommend Frances Kenney. Mr. Baer stated he objected to moving forward until he had time to review their resumes.

It was moved by Mr. Baer to table discussion on appointment to the Alcohol and Drug Abuse Board until the Community Services Committee members had time to review the resumes of applicants. The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Glaze, Mr. McBride, Mr. Rodman and Ms. Von Harten. The motion passed.

### Disabilities and Special Needs Board

Mr. Campbell explained to the members Marion McCall, who was recommended by the DSN Board, works for PEP, which mirrors Beaufort County's organization

It was moved by Mr. Glaze, seconded by Mr. Caporale, the Community Services Committee recommends and forwards to Council Marion McCall to serve on the Disabilities and Special

Needs Board. The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Glaze, Mr. McBride, Mr. Rodman and Ms. Von Harten. The motion passed.

**Recommendation:** Council approves Marion McCall be appointed to the Disabilities and Special Needs Board

Library Board

No action taken.

DRAFT