

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, May 9, 2011

4:00 p.m.

Council Chambers

Administration Building

Citizens may participate in the public comment periods and public hearings from telecast sites at the Hilton Head Island Branch Library as well as Mary Field School, Daufuskie Island.

- 4:00 p.m.** 1. **CAUCUS**
Executive Conference Room, Administration Building
- 5:00 p.m.** 2. **REGULAR MEETING**
Council Chambers, Administration Building
3. CALL TO ORDER
4. PLEDGE OF ALLEGIANCE
5. INVOCATION
6. REVIEW OF MINUTES – [April 25, 2011](#)
7. PROCLAMATIONS
- Foster Care Review Month
Ms. Theresa Greene, Department of Social Services
 - Public Works Week
Mr. Eddie Bellamy, Public Works Director
8. PUBLIC COMMENT
9. COUNTY ADMINISTRATOR'S REPORT
Mr. Gary Kubic, County Administrator ([backup](#))
- The County Channel / Broadcast Update ([backup](#))
 - Two-Week Progress Report ([backup](#))

Over



- Introduction of Joshua Gruber, New Staff Attorney
 - Attorney Ladson Howell / Litigation / Hilton Head Island Airport (Federal)
 - Approval of Consortium Agreement between the Lowcountry Council of Governments, the Lowcountry Workforce Investment Board, and the Counties of Beaufort, Colleton, Hampton and Jasper ([backup](#))
10. DEPUTY COUNTY ADMINISTRATOR'S REPORT
Mr. Bryan Hill, Deputy County Administrator ([backup](#))
- Two-Week Progress Report
 - Update / Beaufort County (Lady's Island) and Hilton Head Island Airport Master Plans
Mr. Paul Andres, Airports Director
 - Aerial Maps / Buckwalter Regional Park Soccer Field III addition; Lady's Island Community Park Phase 1 Design-Build Project

CONSENT AGENDA
Items 11 through 18

11. BUILDING CODES WORKFLOW SOFTWARE AND SERVICES FROM MANATRON FOR THE BEAUFORT COUNTY BUILDING CODES DEPARTMENT ([backup](#))
- Finance Committee discussion and recommendation to approve occurred April 25, 2011 / Vote 6:0
 - Contract award: Manatron
 - Contract amount: \$204,300
 - Funding source: Account #11435-56000
12. SOUTH CAROLINA AERONAUTICS COMMISSION (SCAC) GRANT OFFER 11-002 FOR HILTON HEAD ISLAND AIRPORT ([backup](#))
- Public Facilities Committee discussion and recommendation to approve occurred April 26, 2011 / Vote 4:0
 - Grant offer: FAA Grant #30 (\$1,243,296.00) and the associated State Grant #11-002 (\$32,718.00) will pay 97.5% of the cost for the following projects at the Hilton Head Island Airport:
 - Runway 21 On-Airport Tree Obstruction Removal and Mitigation
 - Design Services for Lighted Sign Relocation
 - Reimbursement of Legal Expenses (Avigation Easements)
 - Preparation of Disadvantaged Business Enterprise Plan
13. BUCKWALTER REGIONAL PARK SOCCER FIELD III ADDITION ([backup](#))
- Public Facilities Committee discussion and recommendation to approve occurred April 26, 2011 / Vote 4:0
 - Contract award: JS Construction Services, Inc., Okatie, South Carolina
 - Contract amount: \$494,695
 - Funding source: Bluffton PALS **Impact Fees**, Account #09030-54451

14. LADY’S ISLAND COMMUNITY PARK PHASE 1 DESIGN-BUILD PROJECT ([backup](#))
 - Public Facilities Committee discussion and recommendation to approve occurred April 26, 2011 / Vote 4:0
 - Contract award: JoCo Construction, Inc., Beaufort, South Carolina
 - Contract amount: \$231,290
 - Funding source: Account #09060-54450 Lady’s Island PALS **Impact Fees**

15. HOSPITALITY TAX / ONE-TIME APPROPRIATION OF \$100,000 ([backup](#))
 - Finance Committee discussion and recommendation to approve occurred April 25, 2011 / Vote 6:0

16. TEXT AMENDMENT TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE, ADDING A NEW ARTICLE: ARTICLE XVII. TRANSFER OF DEVELOPMENT RIGHTS (TDR) ([backup](#))
 - Consideration of first reading approval May 9, 2011
 - Natural Resources Committee discussion and recommendation to approve occurred May 2, 2011 / Vote 4:0

17. AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO AMEND THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO) THAT ALLOW FOR CONTROL OF STORMWATER VOLUME FROM “LOTS OF RECORD BUT NOT BUILT.” THESE CONTROLS WILL MITIGATE WATER RESOURCE IMPACTS FROM CONSTRUCTION IN PREVIOUSLY APPROVED DEVELOPMENTS THAT DO NOT HAVE VOLUME CONTROLS. ([backup](#))
 - A. SECTION 106-7. EXEMPTIONS OF DEVELOPMENT TYPES
 - B. SECTION 106-8. EXEMPTION FROM SUBDIVISION REVIEW
 - C. SECTION 106-18. DEFINITIONS. (ADDING NEW DEFINITION—BEST MANAGEMENT PRACTICES, ON-SITE)
 - D. SECTION 106-732. ZONING PERMIT
 - E. SECTION 106-2857. EXEMPTIONS FROM SITE RUNOFF CONTROL AND DRAINAGE PLANNING/DESIGN.
 - F. SECTION 106-2861. RETENTION/DETENTION FACILITIES
SECTION 106-2865. ON-SITE SINGLE
 - Consideration of first reading approval May 9, 2011
 - Natural Resources Committee discussion and recommendation to approve occurred May 2, 2011 / Vote 5:0
 - Natural Resources Committee discussion occurred February 8, 2011

18. TEXT AMENDMENT TO THE BEAUFORT COUNTY COMPREHENSIVE PLAN, APPENDIX L. BUCKWALTER PARKWAY ACCESS MANAGEMENT PLAN, WITH A NEW FIGURE 5 THAT ALLOWS THE INSTALLATION OF A TEMPORARY LIGHT AT PARKER DRIVE AND A MEDIAN CROSSOVER MODIFICATION WITH THE

UNDERSTANDING THAT THE TRAFFIC LIGHT WILL BE REMOVED WITH THE CONSTRUCTION OF PHASE 5B OF THE PARKWAY ([backup](#))

- Consideration of first reading approval May 9, 2011
- Natural Resources Committee discussion and recommendation to approve occurred May 2, 2011 / Vote 4:0

19. AN ORDINANCE TO ESTABLISH, PURSUANT TO SECTION 4-1-170 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, A MULTI-COUNTY INDUSTRIAL/BUSINESS PARK, TO BE KNOWN AS THE RIVERPORT MULTI-COUNTY PARK, IN CONJUNCTION WITH JASPER COUNTY, SOUTH CAROLINA, SUCH PARK TO BE GEOGRAPHICALLY LOCATED IN JASPER COUNTY, SOUTH CAROLINA; TO PROVIDE FOR A WRITTEN AGREEMENT WITH JASPER COUNTY AS TO THE SHARING OF THE REVENUES AND EXPENSES OF THE PARK; TO PROVIDE FOR THE DISTRIBUTION OF REVENUES FROM THE PARK AMONG TAXING ENTITIES HAVING JURISDICTION OVER THE PARK; TO PROVIDE FOR A FEE IN LIEU OF AD VALOREM TAXATION; AND OTHER MATTERS RELATED THERETO ([backup](#))

- Consideration of first reading approval May 9, 2011
- Governmental Committee discussion and recommendation to approve occurred May 2, 2011 / Vote 3:0 (lack of quorum)

20. BEAUFORT COUNTY ORDINANCE FOR REGULATION OF TOWING FROM PRIVATE PROPERTY IN BEAUFORT COUNTY ([backup](#))

- Consideration of first reading approval May 9, 2011
- Governmental Committee discussion and recommendation to approve occurred May 2, 2011 / Vote 3:0 (lack of quorum)
- Governmental Committee discussion occurred February 7, 2011

21. PRESENTATION / FY 2011 / 2012 SCHOOL DISTRICT BUDGET PROPOSAL ([backup](#))

- Consideration of first reading, by title only, May 9, 2011
- Finance Committee discussion occurred May 5, 2011

PUBLIC HEARINGS

Items 22 and 24

22. BEAUFORT COUNTY ZONING MAP AMENDMENT FOR R100 015 0000 0051 AND R100 015 0000 015A (KNOWN AS THE VILLAGE AT LADY'S ISLAND PLANNED UNIT DEVELOPMENT (PUD), APPROXIMATELY 35+ ACRES TOTAL, BORDERED BY SAM'S POINT AND OYSTER FACTORY ROADS); FROM PUD TO LADY'S ISLAND COMMUNITY PRESERVATION DISTRICT (LICP) AND LADY'S ISLAND EXPANDED HOME BUSINESS (LIEHB) ZONING DISTRICTS ([backup](#))

- Consideration of third and final reading approval May 9, 2011
- Second reading approval occurred April 25, 2011/ Vote 10:0
- First reading approval occurred April 11, 2011 / Vote 11:0

- Natural Resources Committee discussion and recommendation to approve occurred April 4, 2011 / Vote 6:0
23. TEXT AMENDMENTS TO THE DISASTER RECOVERY AND RECONSTRUCTION ORDINANCE ([backup](#))
- Consideration of third and final reading approval May 9, 2011
 - Second reading approval occurred April 25, 2011/ Vote 10:0
 - First reading approval occurred April 11, 2011 / Vote 11:0
 - Governmental Committee discussion and recommendation to approve occurred April 4, 2011 / Vote 5:0
24. AN ORDINANCE TO ESTABLISH A MULTI-COUNTY INDUSTRIAL/BUSINESS PARK, TO BE KNOWN AS THE CYPRESS RIDGE MULTI-COUNTY PARK, IN CONJUNCTION WITH JASPER COUNTY, SOUTH CAROLINA; TO PROVIDE FOR A WRITTEN AGREEMENT WITH JASPER COUNTY AS TO THE SHARING OF THE REVENUES AND EXPENSES OF THE PARK; TO PROVIDE FOR THE DISTRIBUTION OF REVENUES FROM THE PARK AMONG TAXING ENTITIES HAVING JURISDICTION OVER THE PARK; TO PROVIDE FOR A FEE IN LIEU OF AD VALOREM TAXATION; AND OTHER MATTERS RELATED THERETO ([backup](#))
- Consideration of third and final reading approval May 9, 2011
 - Second reading approval occurred April 25, 2011/ Vote 10:0
 - First reading approval occurred April 11, 2011 / Vote 11:0
 - Governmental Committee discussion and recommendation to approve occurred April 5, 2011 / Vote 5:0
25. [COMMITTEE REPORTS](#)
26. PUBLIC COMMENT
27. EXECUTIVE SESSION
- Negotiations incident to proposed contractual arrangements and proposed purchase of property
28. 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 9 & 252
Time Warner Hilton Head Cable	CH 66
Time Warner Sun City Cable	CH 63

Official Proceedings
County Council of Beaufort County
April 25, 2011

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

CAUCUS

A caucus of the County Council of Beaufort County was held at 4:00 p.m. on Monday, April 25, 2011, in the Executive Conference Room 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 and Gerald Stewart. Stu Rodman and Laura Von Harten absent.

DISCUSSION ITEMS

Mr. Baer commented he has been seeking, unsuccessfully, the yearly financial reports for the Lowcountry Economic Network for the last four year.

Mr. Flewelling requested an explanation as to why agenda item 15, Beaufort Commerce Park, was included on today's agenda. Mr. Newton replied Council postponed consideration of this issue at its February 14, 2011 for 60 days. Given the 60 days it was timely, as a matter of parliamentary procedure, to be included on today's agenda for consideration.

Mr. Stewart commented he thought all members of Council would be expected to attend the caucus in order to have a thorough and complete discussion on issues, with everybody present, before the regular meeting. It seems we are defeating that purpose by members not showing up. Everyone should be here at 4:00 p.m. for the caucus.

Mr. Flewelling referred to agenda item 14, eminent domain of Brown Family property, and wanted to know if Mr. McBride, whose district this property is located, will vote in favor of the resolution. Mr. McBride commented Council needs to adopt the resolution and move forward with eminent domain.

Mr. Newton stated it appears between \$1 million and \$2 million may be used from fund balance for this year's budget FY 2011. A January 24, 2011 memorandum identified recommendations for Council's consideration that might be capable of being implemented prior to some date to where they could have an impact during this fiscal year 2011. Mr. Kubic replied if Council would find a common ground on those recommendations, staff would like to implement them as soon as possible.

REGULAR MEETING

The regularly scheduled meeting of the County Council of Beaufort County was held at 5:00 p.m. on Monday, April 25, 2011, 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, Gerald Stewart and Laura Von Harten. Stu Rodman absent.

PLEDGE OF ALLEGIANCE

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

INVOCATION

Councilman William McBride gave the Invocation.

MOMENT OF SILENCE

The Chairman called for a moment of silence in remembrance of Mr. Gary Fordham, who died Friday, April 22, 2011, at the age of 64, of a battle he had been engaged in for more than 15 years against multiple sclerosis. Mr. Fordham served as a member of Beaufort County Council for 16 years and on Beaufort City Council for 12 years.

Mr. John Cartwright, who served four years as a member of the Library Board, died this weekend.

REVIEW OF PROCEEDINGS OF THE REGULAR MEETING HELD MARCH 28, 2011

It was moved by Ms. Von Harten, seconded by Mr. Caporale, that Council approve the minutes of the regular meeting held March 28, 2011. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Rodman. The motion passed.

PUBLIC COMMENT

The Chairman recognized Rev. V. A. Young, a Seabrook resident, who stated he had a 1988 Chevrolet Lumina. He reported to the Auditor's Office that he had turned the tags in four years ago and he now wanted to put tags back on the car. The Department of Motor Vehicles is charging him for tags and registration one year, yet the Auditor's Office is requiring him to pay four years back taxes. It is not right to charge him four years back taxes.

Mr. Rufus Williams, a Seabrook resident, thanked Council for the boat landing improvements at Wimbee Creek fishing pier and Paige Point boat landing. He requested Council consider placing portable johns and additional trash receptacles at each boat landing.

Ms. Ann Ubelis, a Lady's Island resident, commented about the Beaufort Commerce Park (Park). As of 10:00 a.m. this morning, the Lowcountry Economic Network (LEN) has not posted any financials beyond 2007 on its website. So far the County has paid in \$1,350,000 plus renovations on the LEN properties and offices and that money has not been accounted for or posted on any financials. If you do send this back to committee, will the matter return as a first reading or a final vote especially if the price of the property is changed. Council is seeking an increased tax liability for the Park. Council is proposing cutting services to the County affecting waste disposal centers, library hours, public recreation and pool hours plus closures, fee increases for these services to many low-income families, plus much more. The mishandling of tax dollars by both the Treasurer's and the Auditor's Offices only amplifies the taxpayers' apprehension to the validity of the Park purchase. The School District is going to be requesting a 3% increase in taxes. Council has already requested an opinion by the SC Attorney General of the rollup of property taxes. We have a continued loss of property tax revenue in this market. At this point the taxpayers are looking at you as nickel and diming us -- ten cents here, a dollar here, and a dollar there. Regarding the millage rate, the end result is big dollars on the taxpayers' budget. If Council needs to increase revenues, rather than looking at the Park to revitalize our economy and business environment, why not look at the underground economy with home-based businesses. Modify the business licensing and zoning to allow someone in a private residence, as an example, who is transcribing for professional offices, and the county could tax the desk and computer, receive a business license fee and thereby taking an underground economy out of the back rooms and having a public viable business. Tie that into a website where consumers can go to and verify whether or not this is a licensed business in the county. Look at streamlining the business approval process. She is hearing from many businesses that the County takes up to one year to approve a business. South of the Board River it takes six months. The City of Beaufort takes 60 days. Think of other ways to vitalize the economy. The Commerce Park is not going to necessarily do it.

Mrs. Mary Lou Lineberger, a Bluffton resident, spoke to the Beaufort Commerce Park (Park). The facts have already been presented at previous meetings and they do not support the purchase of the Park. But the bigger issue is Council's responsibility. Simply stated, the voters of Beaufort County have elected Council to represent the people and enact legislation that benefits the citizens of this County. We did not elect you to represent the interest of the bank, the investors in the Park, or the employees of the Network when they are not in the best interest of the people in Beaufort County. Throwing away millions of dollars is, at any time, a violation of the trust we have placed in each of you. But in the economic crisis that is facing every city, county and state it is a catastrophe. There is a saying in the game of bridge, "If you are in the hole, do not dig it any deeper." This means if you and your partner have made a bid that is a loser, it does not make the bid any higher. We are in a hole with you, as partners; and, unfortunately, you are the only ones who have the shovels. The money that has been wasted digging that hole, our money, is gone. Please do not dig this hole any bigger and waste more of

our valuable tax dollars which can be spent in ways that will benefit the people of Beaufort County. At the February 14, 2011 Council meeting on this subject, her Councilman, Jerry Stewart, said to her husband, “he listens to his constituents, but then in the end he votes his conscious.” What that says to her is, “I will listen to my constituents, but in the end I will do what I want.” She must have missed it, but in Mr. Stewart’s election campaign, she never heard him say that. In fact, she does not recall any politician ever saying that. We have elected Council to represent our interests and our interests are not served in any way by the purchase of the Park. The only interest served by spending millions of our dollars for the Park, are those of the bank, the investors and the employees of the Network. Please stop this proposal once and for all.

Mrs. Jane Kenny, a Bluffton resident, spoke about the Beaufort Commerce Park (Park). She is appealing to every member of Council to please just remove this issue off the table. Remove it from the agenda. And forget about bailing out the Park. Just take it away once and for all. Enough is enough. Taxpayers everywhere at all levels of government are telling you to stop the reckless spending. We are not stupid. The Park is a failure. We know that if your bail it out, it is just going to be throwing good money after bad. The people of Beaufort County are a lot more practical than that. They do not want you to do that. Consider Mrs. Kenny as speaking for the people whose money is entrusted to Council and the people whose money Council is spending. Mrs. Kenny’s appeal is -- forget about it once and for all. Enough is enough. We have other budget issues to take care of that are far more important than investing in an already failed venture.

Mr. Howard Heckrotte, a Lady’s Island resident, spoke to the Beaufort Commerce Park (Park). This vote is not about the money or the process. It is about trust. The Lowcountry Economic Network (LEN) wants the County to provide a golden parachute. Should the County pay this whole amount of \$2.6 million, the LEN will emerge whole. They will congratulate themselves for a sound business plan and continue business as usual. Business as usual gives us an entity supported by Beaufort County that does not make financial reports available or up to date and that does not give insight into their market plan, yet shouts, “we did this” each time a new business is announced -- an entity whose job creation mission is nebulous. He sees only five jobs created so far, which are jobs for the LEN. Citizens cannot accept a role in supporting such an opaque organization. Eventually, LEN may be better off as a truly private entity. But today a vote to purchase the Park affirms LEN’s *modus operandi* and rewards what is perceived as a cavil of cronyism. These are remarks he has received from the many people he has spoken to. He is not on the inside track. He might be well off the mark. He loves this County. He loves his neighbors. He would like to see us go forward together.

Mr. William Godfrey, a Hilton Head Island resident, spoke to the Beaufort Commerce Park (Park) issue. He is a developer and has owned commercial property for the last 45 years. He did not take the time and effort necessary to tour the Park until last week. He must report to Council it is one of the most unlikely prospect he has ever seen in his life. He does think he has seen worst property that was above the ground. He does not understand why anybody purchased this property to develop. That place is nothing to invest our bucks in. If he could be helpful to

Council and offer a suggestion as to what that land could possibly be used for, it would be some manufacture of a toxic product where no one wanted to be near.

Mr. Bennett McNeal, a Lady's Island resident, speaking on behalf of his wife and three children made a few comments on agenda item 11, the Village on Lady's Island. He understands the train is almost in the station, but expressed his opposition to the down zoning of the property from Planned Unit Development which would have provided 216 single- and multi-family units and 50,000 square feet of commercial to Community Preservation District which will net 70 to 75 single- and multi-family units with zero commercial square footage. How could Council's predecessors, planners, committee members, citizens and neighbors be so wrong when the property was zoned? Secondly, Council is sending the wrong message. It almost goes like, "develop or live with decreased right to development." Third, Mr. McNeal is always reading that the County wants mixed use and that form-based code is the future. But, in Mr. McNeal's opinion, it is not going to work financially without substantial density. Time will tell. Mr. McNeal is concerned that the quality of his development will be much lower because of a two-third density decrease. Basically, the development costs are almost the same except for the variable costs. The cost per unit is almost three times as high before you ever get out of the gate. Why is McNeal Family and the neighborhood possibility going to be penalized because of delayed development? We have not put any kids in the schools. We have not added any traffic to the roads. We are a mile from one of the busiest intersections north of the Broad River. Why, should a well done, high quality development be timed out?

COUNTY ADMINISTRATOR'S REPORT

The County Channel / Broadcast Update

Mr. Gary Kubic, County Administrator, announced The County Channel has partnered with Mrs. Billie Lindsay and Mr. Rob Merchant from the Planning Department to put together a documentary about the Rails to Trails Program. The documentary will follow the development of the trail, from pulling up the steel, to installing the infrastructure for the trail system. The video will also chronicle the history of the railroad, and the roles of local agencies and municipalities in achieving this project. We will shoot the documentary over the next few months, and hope to have a finished product by the end of summer.

The County Channel recently put the finishing touches on some Water and Fire Safety Public Service Announcements in partnership with our local fire departments, and these are currently on the air. We would like to thank our local fire departments for working with The County Channel. We hope this will help to deliver a message of safety just in time for our tourist season.

The County Channel would like to thank Vocal Director Vic Varner and Beaufort High School for allowing us to videotape the Beaufort High School Spring Concert. The concert was a huge success. Both nights saw a packed house. The concert will be re-airing 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 April 11, 2011 to April 22, 2011.

Announcement / Certificate of Achievement for Excellence in Financial Reporting

Mr. Gary Kubic, County Administrator, announced the Certificate of Achievement for Excellence in Financial Reporting has been awarded to Beaufort County by the Government Finance Officers Associate for our Comprehensive Annual Financial Report (CAFR). The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by the government and its management. An award of Financial Reporting Achievement has been awarded to the Finance Department of Beaufort County.

Mr. Kubic thanked Mr. David Starkey, Chief Financial Officer; Mr. Alan Eisenman; and Mrs. Alicia Holland who participated in getting the County's CAFR in order. These individuals each hold a CPA license. Mrs. Suzanne Larson, Public Information Officer, furnished the photographs used in the CAFR.

DEPUTY COUNTY ADMINISTRATOR'S REPORT

Two-Week Progress Report

Mr. Bryan Hill, Deputy County Administrator, submitted his Two-Week Progress Report, which summarized his activities from April 11, 2011 to April 22, 2011.

Update / FY 2012 Budget Proposal

Mr. Bryan Hill, Deputy County Administrator, provided Council the first blush of the FY 2012 budget proposals.

REDISTRICTING PLANS 2010 AND REDISTRICTING SOFTWARE DEMONSTRATION

It was moved by Mr. McBride, as Redistricting Committee Vice Chairman (no second required), that Council adopt a resolution to redistrict County Council Districts: (i) Adhere to the court ordered constitutional requirement of one person, one vote (i.e., mathematically equal districts); (ii) Adherence to the 1965 Voting Rights Act, as amended; (iii) Ensure that parts of districts are contiguous; (iv) Respect Communities of Interest; (v) Attempt to maintain constituent consistency; (vi) Avoid splitting Voting Precincts; (vii) Solicit Public Input; and (viii) Work with data provided by Public Law 94-171. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Rodman. The motion passed.

Mr. Dan Morgan, Division Director-Information Technology, gave a demonstration of the on-line software the County will be using during the redistricting process.

Mr. Newton remarked Council members will have an opportunity to meet with Mr. Morgan and his staff to look at the maps, the data, and potential map drawing exercise. Mr. Bobby Bowers, Director, S.C. Budget and Control Board Division of Research and Statistics, has prepared what has been identified as Plan 1 to serve as starting point for Council. It purely is, as described by Mr. Bowers, a starting point of mathematical equalization. It is not the product to be recommended by the Redistricting Committee at this juncture. It is purely a function of a computer looking at the requirements of the new population and of the legal requirements with regard to retrogression. From there the intention is for members of Council to schedule a session with the MIS Department. Staff, at the same time, will be receiving that input and making recommendations of potential other plans back to the Committee. The Committee intends to meet once monthly and more often than that if necessary. Our stated purpose, at the April 18, 2011 meeting, was when members met at the May 13, 2011 meeting we would outline what the public solicitation process would be, where our public hearings would be held, and how many we would hold. Keep in mind not every plan that gets recommended by a single member of Council is going to be an official plan reviewed by committee. Every plan that is officially considered by Council becomes a part of the package submission to, and reviewed by, the Department of Justice, Division of Civil Rights.

Ms. Von Harten posed the scenario -- If Mr. Glaze and Mr. Dawson are in the same district do they run against each other. Could Mr. Glaze move to another district, as an example, District 8?

Mr. Ladson Howell, Staff Attorney, replied Mr. Glaze could choose to move to District 8, live there for the required residency, place his name on the ballot for the primary and then, if he wins, for the general election. It will operate the same way that it has in the past. It will just be new configured districts by population. If they both remain residents of the same district and they both choose to run, then they would run against each other.

Mr. Baer commented it appears, in Mr. Bowers' plan, where the Board of Education members live had some input into his plan.

Mr. Newton replied as described by Mr. Bowers they did not. He highlighted their names on the map. It is not a constraint where the Board of Education members live.

Mr. Caporale remarked it is his understanding the Board of Education will continue to observe the same district lines as County Council.

Mr. Newton replied in the affirmative. As required by state law, essentially school district lines follow county council lines.

Mr. Baer questioned, "What if a Board of Education member lives in School District 2 and is assigned to County Council District 3 following the development of a new plan"?

Mr. Howell replied the individual would be in a new district and would run against whatever candidate decided to run in that district. They can change districts exactly like Council can change districts.

Mr. Newton stated as Mr. Bowers' described himself, all the data was loaded into the computer. He told his staff to adhere to the legal requirements, to adhere to the numbers of 14,748 and to draw the districts as tightly as they could possibly be drawn. The Constitution requires basically mathematically equal districts of one person, one vote. There is also a state law that does not allow you to go above a 10% deviation between highest over the norm and the lowest below when those two numbers are added together. As was discussed, there is a suggestion that focus number is actually something less than five. Mr. Bowers' districts, as a starting point and purely by way of example, have a total deviation of 3.13%. The highest above is 1.83% and the lowest is 1.30%. It is pretty tight. As explained by Mr. Bowers, we may draw a district that is tighter than that and likely, if challenged, the court goes with the one that has the lowest total deviation. Mr. Bowers' plan would pass the legal requirements; it is a starting point.

BEAUFORT COUNTY ZONING MAP AMENDMENT FOR R100 015 0000 0051 AND R100 015 0000 015A (KNOWN AS THE VILLAGE AT LADY'S ISLAND PLANNED UNIT DEVELOPMENT (PUD), APPROXIMATELY 35+ ACRES TOTAL, BORDERED BY SAM'S POINT AND OYSTER FACTORY ROADS); FROM PUD TO LADY'S ISLAND COMMUNITY PRESERVATION DISTRICT (LICP) AND LADY'S ISLAND EXPANDED HOME BUSINESS (LIEHB) ZONING DISTRICTS

This item comes before Council under the Consent Agenda. It was discussed at the April 4, 2011, Natural Resources Committee.

It was moved by Mr. McBride, seconded by Mr. Flewelling, that Council approve on second reading a Beaufort County Zoning Map amendment for R100 015 0000 0051 and R100 015 0000 015A (Known as the Village at Lady's Island Planned Unit Development (PUD), approximately 35+ acres total, bordered by Sam's Point and Oyster Factory Roads); from PUD to Lady's Island Community Preservation District (LICP) and Lady's Island Expanded Home Business (LIEHB) Zoning Districts; Owner: B. McNeal Partnership LP. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Rodman. The motion passed.

The Chairman announced a public hearing on Monday, May 9, 2011, beginning at 6:00 p.m., in Council Chambers, of the Administration Building.

TEXT AMENDMENTS TO THE DISASTER RECOVERY AND RECONSTRUCTION ORDINANCE

This item comes before Council under the Consent Agenda. It was discussed at the April 4, 2011, Governmental Committee.

It was moved by Mr. McBride, seconded by Mr. Flewelling, that Council approve on second reading text amendments to the Disaster Recovery and Reconstruction Ordinance, Section 104(1) Section 105(1), Section 106(1), Section 106(2)(g), Section 109(6), Section 109(8)(b), Section 109(13), Section 109(16)(c), Section 109(24)(b), Section 109(24)(c), Section 111(2), Section 111(4) and Section 115(1). The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Rodman. The motion passed.

The Chairman announced a public hearing on Monday, May 9, 2011, beginning at 6:00 p.m., in Council Chambers, of the Administration Building.

AN ORDINANCE TO ESTABLISH A MULTI-COUNTY INDUSTRIAL/BUSINESS PARK, TO BE KNOWN AS THE CYPRESS RIDGE MULTI-COUNTY PARK, IN CONJUNCTION WITH JASPER COUNTY, SOUTH CAROLINA; TO PROVIDE FOR A WRITTEN AGREEMENT WITH JASPER COUNTY AS TO THE SHARING OF THE REVENUES AND EXPENSES OF THE PARK; TO PROVIDE FOR THE DISTRIBUTION OF REVENUES FROM THE PARK AMONG TAXING ENTITIES HAVING JURISDICTION OVER THE PARK; TO PROVIDE FOR A FEE IN LIEU OF AD VALOREM TAXATION; AND OTHER MATTERS RELATED THERETO

This item comes before Council under the Consent Agenda. It was discussed at the April 5, 2011, Governmental Committee.

It was moved by Mr. McBride, seconded by Mr. Flewelling, that Council approve on second reading an agreement between Beaufort County, South Carolina and Jasper County, South Carolina for the establishment of a multi-county industrial / business park; and an ordinance to establish a multi-county industrial park to be known as Cypress Ridge Multi-County Industrial Park in conjunction with Jasper County, South Carolina. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Rodman. The motion passed.

The Chairman announced a public hearing on Monday, May 9, 2011, beginning at 6:00 p.m., in Council Chambers, of the Administration Building.

A RESOLUTION AUTHORIZING THE COUNTY TO SEEK THE REMEDY OF EMINENT DOMAIN FOR THE PURPOSES OF ACQUIRING REAL PROPERTY CONSISTING OF APPROXIMATELY 2.19 ACRES, OWNED BY THE "HEIRS OF TOM BROWN" LOCATED ON MARTIN LUTHER KING, JR. DRIVE, ST. HELENA ISLAND, TO PROVIDE NECESSARY AND REASONABLE ACCESS FOR THE PUBLIC TO THE NEW BEAUFORT COUNTY ST. HELENA LIBRARY AND THE CONSTRUCTION OF A NEW BEAUFORT-JASPER HAMPTON COMPREHENSIVE HEALTH SERVICES CENTER

This issue comes before Council under the Consent Agenda. It was discussed at the April 5, 2011 Community Services Committee.

It was moved by Mr. McBride, seconded by Mr. Flewelling, that Council adopt a resolution authorizing the County to seek the remedy of eminent domain for the purposes of acquiring real property consisting of approximately 2.19 acres, owned by the "Heirs of Tom Brown" located on Martin Luther King, Jr. Drive, St. Helena Island, to provide necessary and reasonable access for the public to the new Beaufort County St. Helena Library and the construction of a new Beaufort-Jasper Hampton Comprehensive Health Services Center. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Rodman. The motion passed.

AN ORDINANCE TO APPROVE THE APPROPRIATION OF FUNDS NECESSARY TO ACQUIRE REAL PROPERTY KNOWN AS THE BEAUFORT COMMERCE PARK AND TO PROVIDE THE SOURCE OF SUCH FUNDS FOR ACQUISITION

Mr. Newton stated this agenda items notes in a bullet point that his intended action is to refer this matter back to the Governmental Committee. Council postponed this issue on February 14, 2011 which, as a matter of procedure, would come forward 60 days thereafter. As was described or discussed in the caucus, any single member of Council can object to it going back Committee for review of the appraisals and perhaps alternative recommendation. Without objection from Council, the Chairman removed agenda item 15 from today's agenda in order for the matter to be taken to Finance Committee and for the appraisals to be reviewed and for the consideration of an alternative course if determined to be appropriate.

Mr. Baer questioned, "If the issue were to come back out of committee, would it be coming back on third and final reading or first reading"?

Mr. Newton replied it depends on the committee recommendation. If the committee reviews the appraisals and determines an alternative recommendation whether or not to purchase or whether to abandon any activity with regard to this property, any of those would come forward procedurally. The only thing that could come back for third and final reading would be to move forward with the \$2.5 million purchase. Anything else is a substantive change.

Mr. Stewart is encouraging that the matter to go back to Governmental Committee.

PUBLIC HEARINGS

Lowcountry Home Consortium Consolidated Plan and Analysis of Impediments

Mrs. Ginnie Kazak, Planning Director, Lowcountry Council of Governments (LCOG), said this public hearing is about a Lowcountry Home Consortium Consolidated Plan (Plan), *a.k.a.* Strategic Plan. This Plan is required by the Federal Department of Housing the Urban Development (HUD). Without it you do not get funding. This is an update of the plan, conducted five years, and has a prescribed format. HUD says there are certain housing goals to

provide decent, affordable housing, to provide a suitable living environment, and to expand economic opportunities. HUD is aiming these goals, programs and projects mostly at low-and-moderate income residents.

The Lowcountry Home Consortium (Consortium), of which Beaufort County is the lead member, has added some other goals. One goal is increased accessibility to adequate and affordable housing. One of our problems in this area, especially in northern Beaufort County, and the other three counties is transportation. Often, affordable housing is very difficult to reach in terms of actual physical access. At the same time from those houses to jobs is a difficult issue. Another item this Consortium has included is rehabilitation of substandard housing. Beaufort County and the other three counties, to a lesser extent, have a lot of old homes and quite a number of them have needed repairs that the owners could not afford to do. Another goal is the availability for special needs populations and this includes people with HIV and AIDS, homeless people, elder people, handicapped people, and so on. Another issue is the enhancement of non-housing community development and this is through other programs that are administered by the Community Economic Development Division of LCOG, *i.e.*, community development block grants and other related grants that provide for such things as infrastructure and community facilities. In planning terms and design terms when units are being built, assisted housing mostly, they should incorporate local design and pattern as opposed to being the old type of assisted housing that did not reflect the type of community they were in physically. We are also looking at the issue of people, who are low-and-moderate income, being able to access good jobs in the Lowcountry region through economic diversification.

Operation goals involve providing coordination of public and private sector agencies, resources and organizations that contribute to housing in the Lowcountry -- one-stop shopping for home improvements, home projects and home programs. Before the development of the Consortium, various groups were trying to access funds and often competing with each other rather than having a unified approach. As you know from other grant programs, nowadays federal and state programs look much more favorably on the team approach to leverage what little money there is available. The entire Lowcountry receives less than \$1,000,000. What little money there is, organizations provide other forms of equity -- sometimes it is sweat equity. A lot of work is done with Habitat for Humanity which is now the biggest developer in the United States. They have built more homes than any other organization during the recession.

Mrs. Kovak stated the South Carolina Office of HUD is very interested in finding out if anybody in this area has been turned down for housing for reasons other than financial ones. A number of impediments have been identified in this area, especially in Beaufort County. Beaufort County has high income, but low wages. Wages in Beaufort County are 75% to 80% below the state average. Financial literacy is a real issue. Special clients are increasing in numbers. The population is aging. Qualifying clients, especially for home purchases, is now more difficult because of tighter financial requirements. Construction and land costs are lower now than they were five or six years ago, but they are still relatively high which makes housing costs higher.

The Chairman opened a public hearing at 6:31 p.m. for the purpose of receiving information from the public on the Lowcountry Home Consortium Consolidated Plan and Analysis of

Impediments. After calling twice for public comment, the Chairman recognized Mr. Ed Boyd, Executive Director of the Beaufort City Housing Authority, who spoke in support of this Lowcountry Home Consortium Consolidated Plan. He thanked Council for its financial commitment, over the last several years, to affordable housing and community development activities. The funds that have been made available to the Housing Authority have helped to provide needed housing to about 25 families. All of our funding sources are being cut. We use this money as a supplement to our major funding source, the \$2,000,000 Housing Voucher Program.

Mrs. Sarah Marshall, Director of Community Services for the B/J Economic Opportunity Commission (B/JEOC), stated B/JEOC supports the efforts of the LCOG Lowcountry Home Consortium Consolidated Plan, the work that promotes conservation and expansion of this counties housing, and staff who actually provides decent homes and suitable living environments. Housing is one of the most fundamental human needs. It is far more than just shelter or just a place to stay. This is actually where people live. Their lives influence all other connections in their lives and it makes a difference, including the quality of their lives, the schools their children attend, the opportunities they will have, the kind of jobs and other things that are suitable. Every year B/JEOC conducts an annual needs assessment. For the past ten years, housing rehabilitation was determined a priority according to the data secured. At present B/JEOC have more than 100 people on a waiting list that fit the criteria and needs of the housing rehabilitation program. Additionally, we, too, have looked at the affects of fair housing and have determined that some of the same needs or barriers exist.

Mr. Leroy Gilliard, Executive Director of B/J EOC, stated mobile units are the major housing type for low-to-moderate income people. We do not do very much for that group of people. It is very hard to get monies to repair mobile units. That is where the major problems exist. We must do something to advocate for the people who live in mobile homes.

After calling once more for public comment and receiving none, the Chairman declared the hearing closed at 6:38 p.m.

Tanger Hilton Head Outlet Center 1 / First Amendment to Development Agreement Between Beaufort County and COROC / Hilton Head I, LLC, A Delaware Limited Liability Company

Mr. Sommerville, as Natural Resources Committee, gave a brief description of what the public hearing is about. This is the first amendment to a Development Agreement that was entered into in March 2009 between Beaufort County and COROC / Hilton Head I, LLC, a Delaware Limited Liability Company, which Council knows as Tanger Hilton Head Outlet Center 1. This is an amendment to a Development Agreement which was entered into for the purpose of razing and rebuilding ground up Tanger I. The project cost was estimated at \$45 million. The project was recently completed and a grand opening was held March 31, 2011.

The Chairman opened a public hearing at 6:41 p.m. for the purpose of receiving information from the public regarding the first amendment to the Development Agreement between Beaufort County and COROC / Hilton Head I, LLC.

After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:42 p.m.

For the record, Mr. Newton recommended his opposition has been stated in the past. The opposition remains. We have a process in place. Rather than adhere to our process, Mr. Newton is afraid this opens the door to a make-it-up-as-you-go scenario. He thought there was another way to do this, but that was not the will of the majority. He will vote against the motion.

It was moved by Mr. Sommerville, as Natural Resources Chairman, no second required, that Council approve on third and final reading the First Amendment to Development Agreement between Beaufort County and COROC, Hilton Head I, LLC, a Delaware Limited Liability Company - Tanger Hilton Head Outlet Center I and, further, amends Article XIII, Section D by replacing the last sentence in that section, "Design review and approval consistent with Chapter 106: Appendix B, Section 4, subparagraph A.1 and subparagraph A.2 of the ZDSO for any Development of the Property shall be the responsibility of and made by the Planning Director and County Administrator and not be subject to corridor review pursuant to Section 106-581 of the ZDSO" as well as Article XII, Section C, Building Signage Used by Tenants in the Outlet Center, paragraphs (a), (b) and (c) "Exhibit B-2(a)." Vote on was (signage): YEAS – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride and Mr. Sommerville. NAYS – Mr. Newton, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Rodman. ABSTAIN - Mr. Glaze. The motion passed.

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

COMMITTEE REPORTS

Finance Committee

Accommodations Tax Board / One-Time Appropriation of \$100,000 Hospitality Tax Funding

Mr. Caporale, as Finance Committee Vice Chairman, reported the Accommodations Tax Board brought forward its recommendations regarding a one-time appropriation of \$100,000 in hospitality tax dollars. Committee discussed how the allocations, themselves, simply do not represent the areas producing the lion's share of the revenue. Council might want to give the Accommodations Tax Board some guidance in how they might consider that in future appropriations.

Third Quarter Results

Mr. Caporale, as Finance Committee Vice Chairman, reported the Committee received a report on the third quarter results. Downward trends continue all around.

Future Contract Awards / Courthouse and St. Helena Island Library at Penn Center

Mr. Caporale, as Finance Committee Vice Chairman, stated the County has some large contracts coming up with the possible reskinning of the courthouse and the St. Helena Library at Penn Center. Council would like to see as much of work as possible go to local contractors.

EMS Management and Consultants

Mr. Bryan Hill, Deputy County Administrator, stated because this issue is time sensitive, staff is requesting Council consider this contract award tonight.

It was moved by Mr. Caporale, as Finance Committee Vice Chairman, that Council award a contract to EMS Management and Consultants with the anticipated cost per year of \$176,018, for a five-year contract, totaling \$880,090 for billing services for Beaufort County EMS. Services are paid from the collected fees based on a percentage of money collected from the actions taken by the service provider. Commission is based on a five year contract for 7% of revenues. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Rodman. The motion passed.

Governmental Committee

Bluffton Fire Commission

Mr. John Oram

The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Rodman. Mr. John Oram, representing at-large, garnered the six votes required to serve as a member of the Bluffton Fire Commission.

Natural Resources Committee

Southern Corridor Review Board

Mr. Pearce Scott

The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr.

Rodman. Mr. Pearce Scott, as representative from the Town of Bluffton, garnered the six votes required to serve as a member of the Southern Corridor Review Board.

Mr. Joseph Hall

The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Rodman. Mr. Joseph Hall is switching from the architect seat to representative Town of Hilton Head Island. Mr. Hall garnered the six votes required to serve as a member of the Southern Corridor Review Board. This action is in accordance with correspondence dated November 28, 2010 from former Mayor Tom Peebles and in accordance with County Ordinances 2009/29. Mr. Hall’s term will expire February 2013 in accordance with his existing seat.

The Vice Chairman returned the gavel back to the Chairman to continue the meeting.

PUBLIC COMMENT

There were no requests to speak during public comment.

ADJOURNMENT

Council adjourned at 6:57 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Wm. Weston J. Newton, Chairman

ATTEST: _____
Suzanne M. Rainey, Clerk to Council

Ratified:

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

GARY KUBIC
COUNTY ADMINISTRATOR

CHERYL HARRIS
EXECUTIVE ASSISTANT

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

BRYAN J. HILL
DEPUTY COUNTY ADMINISTRATOR

LADSON F. HOWELL
STAFF ATTORNEY

COUNTY ADMINISTRATOR'S REPORT

**Monday, May 9, 2011
4:00 p.m.
County Council Chambers**

INFORMATION ITEMS:

- The County Channel / Broadcast Update (Enclosure)
- Two-week Progress Report (Enclosure)
- Introduction of Joshua Gruber, New Staff Attorney
- Attorney Ladson Howell / Litigation / Hilton Head Island Airport (Federal)

ACTION ITEM:

- Approval of Consortium Agreement between the Lowcountry Council of Governments, the Lowcountry Workforce Investment Board, and the Counties of Beaufort, Colleton, Hampton and Jasper (Enclosure)



The
County
Channel

In Production:

2011 MCAS Airshow



{Video Plays} The County Channel partnered with the Marine Corps Air Station and their "Combat Camera" unit to provide complete coverage of this year's Airshow. The County Channel, along with the marines, were there in full force with our broadcast truck, 4 cameras to catch all the angles, and even some ride-alongs with some of the most talented pilots in the world. We will re-air the entire show, along with interviews and behind-the-scenes footage on Memorial Day. We want to thank our partners in the Marine Corps, and Col. Snyder for helping to develop this relationship, and hope to partner on many future productions.



The
County
Channel

On The Air:

*Beaufort County
911 PSAs*



{VIDEO PLAYS} The County Channel has also been working with the folks at Public Safety to develop a series of "How to" Public Service Announcements. The first focuses on what to do when you dial 9-1-1. It's very important that people know what information to have on hand in case of an emergency. It helps increase response time, and decrease the number of 9-1-1 hang-ups. One of the most common problems is people dialing 9-1-1 on accident and hanging up. Our officers still have to investigate each call. The aim of these PSAs is to increase public awareness and reduce the number of 9-1-1 hang-ups.



On The Air:

Riverview Charter School

Traffic Management Tour



{Video Plays} Finally, The County Channel cameras were rolling when a group of students from Riverview Charter School toured the Traffic Management facility, and the Beaufort Fire Department. Our own Colin Kinton was there to teach the kids about stop lights and traffic signals. The video will air on The County Channel as part of our "Here's what's happening" series.



Memorandum

DATE: May 6, 2011
TO: County Council
FROM: Gary Kubic, County Administrator *Gary Kubic*
SUBJ: County Administrator's Progress Report

The following is a summary of activities that took place April 25, 2011 to May 6, 2011:

April 25, 2011

- Finance Committee meeting
- County Council Caucus meeting
- County Council meeting

April 26, 2011

- Public Facilities Committee meeting (unable to attend due to a scheduling conflict)

April 27, 2011

- Staff meeting re: Personnel issue
- Meeting with Chris Bickley, Executive Director, and Jamie Wood, Workforce Development Director, at Lowcountry Council of Governments re: Lowcountry Workforce Investment Program
- FY 2012 Budget Workshop for Elected Officials

April 28, 2011

- Meeting with Dean Moss, General Manager, BJWSA re: Parking on the Port Royal Railroad right-of-way
- Meeting with County Assessor Ed Hughes
- Guest Speaker – Greater Island Council of Hilton Head Island & Bluffton (GIC) Government Policy Committee

April 29, 2011

- No scheduled appointments

COUNTY COUNCIL

May 6, 2011

Page 2

May 2, 2011

- **Division Head meeting re: FY 2011 Year-end budget discussion**
- **Natural Resources Committee meetings**
- **Governmental Committee meeting**

May 3, 2011

- **Meeting with Dick Stewart, of 303 Associates, Josh Martin, City of Beaufort Office of Civic Investment, and Tony Criscitiello, Division Director of Planning and Development**
- **Staff meeting re: Waste Management contract disposal**

May 4, 2011

- **Staff meeting re: FY 2011 Year-end budget discussion**
- **Agenda review meeting**
- **Meeting with Councilman Jerry Stewart, and Kim Statler, Executive Director of Lowcountry Economic Network**

May 5, 2011

- **Meeting with Ron Leslie, of Equity Retail Development re: Shelter Cove**

May 6, 2011

- **Meeting re: Town of Hilton Head Island Tax Increment Financing District**

**AGREEMENT BETWEEN
THE CONSORTIUM OF
BEAUFORT, COLLETON, HAMPTON AND JASPER COUNTIES
LOCAL ELECTED OFFICIALS
AND THE
LOWCOUNTRY WORKFORCE INVESTMENT BOARD
AND THE
ADMINISTRATIVE ENTITY,
LOWCOUNTRY COUNCIL OF GOVERNMENTS**

This Agreement is entered into by and between the Lowcountry Council of Governments (hereinafter called the "Administrative Entity"), and the Lowcountry Workforce Investment Board (hereinafter called the "LWIB"), and the Counties of Beaufort, Colleton, Hampton, and Jasper (hereinafter called call the "Consortium) by and through, and duly adopted and authorized by the governing bodies of said counties.

Description of Workforce Investment Area and Consortium

The Lowcountry Workforce Investment Area and Consortium is comprised of the South Carolina counties of Beaufort, Colleton, Hampton, and Jasper and have an aggregate population of 246,992* citizens who reside within the geographic county boundary located in the Lowcountry Region of South Carolina. The population for each member of the Consortium is listed below:

<u>County</u>	<u>Population</u>
Beaufort	162,233
Colleton	38,892
Hampton	21,090
Jasper	<u>24,777</u>
Total Population	246,992

* based on 2010 U.S. Census

Description and Recognition of the Lowcountry Workforce Investment Board

The Lowcountry Workforce Investment Board ("LWIB") is appointed by the Chief Elected Official ("CEO"), who shall be the County Council Chairman in each local area. The LWIB will be comprised in accordance with WIA Section 117, with a majority of membership from the private sector and reflective of the Lowcountry Workforce Investment Area ("WIA") demographics, region and industries. The Chairman and Vice-Chairman will be representatives of the private sector, elected by the LWIB as set forth in the LWIB By-Laws. The county administrator of each county shall serve ex-officio in order to keep each respective county council informed ("in partnership"). The membership of the WIB shall be in the same ratio, or percentage, as the population of the four counties, using the 2010 U.S. Census, except that each County in the Consortium will have at least 3 representatives on the WIB. The LWIB shall represent the partnership of the CEOs in setting policy for the portion of the statewide workforce investment system within the local area.

Identification of Grant Recipient

The Consortium of Counties affirms the original previous designation of the Administrative Entity, Lowcountry Council of Governments, as the Grant Recipient/Fiscal Agent for receiving WIA funds as allocated to the Workforce Investment Area by the Governor. All Workforce Investment Area financial records and reports of expenditures will be maintained at and generated by the Administrative Entity on behalf of the Consortium of Counties. The Administrative Entity will disburse funds for workforce investment activities at the direction of the Workforce Investment Board in accordance with provisions of the WIA.

Description of the Workforce Investment Area Structure

The relationships established under the Workforce Investment Act of 1998 for the local area involve the Chief Elected Officials (WIA, Section 101(6)) as designated and described in WIA Section 117(c)(1)(B) of Beaufort, Colleton, Hampton, and Jasper counties, the Workforce Investment Board and the Administrative Entity.

1. LWIB and CEO Joint Responsibilities ("in partnership"):
 - a. Develop and submit the five-year local workforce investment plan (Local Plan), including modification to the Governor and performs the functions described in WIA section 117(d).
 - b. Designate and/or certify, re-designate and/or re-certify and termination of one-stop operators.
 - c. Conduct oversight of the One Stop system, youth activities and employment and training activities under title I of WIA
 - d. Negotiate and reach agreement on local performance measures with the Workforce Investment Board and the Governor.
 - e. Appoint a youth council as a subgroup of the Local Board and coordinate workforce and youth plans and activities with the youth council, in accordance with WIA section 117(h) and WIA Regulation 661.335.

2. The Chief Elected Officials of the Consortium Counties Responsibilities:
 - a. Appoint members to the Workforce Investment Board, in accordance with WIA, with a majority of membership from the private sector and reflective of the LWIA demographics, region and industries.
 - b. Designate the Administrative Entity/Grant Recipient for the Workforce Investment Area.
 - c. In accordance with WIA Section 117(d) (3)(B), retain financial liability for Workforce Investment Area funds even when designating the Administrative Entity as the fiscal agent for WIA funds. Fiscal responsibility will be allocated among the Consortium counties based on the ratio of funds received each year through the WIA
 - d. Approve the budget developed by the LWIB for the purpose of carrying out the duties of the Local Board.

3. The Workforce Investment Board (WIA Section 117(d), Regulation 661.305):
 - a. Select eligible youth service providers based on the recommendations of the youth council and identification of eligible providers of adult and dislocated worker intensive services and training services, and maintaining a list of eligible providers with performance and cost information as required in 20 CFR part 663, subpart E;

The parties acknowledge this is the only agreement between them relative to the matters as set forth herein and in any attached exhibits. The terms of this agreement will take effect upon the full execution date of this document, and will continue in effect until such time as any party will modify, extend, or terminate this Agreement in writing as follows:

- Modification, Renewal or Extension of this Agreement may be made by the written mutual consent of the parties hereto, including email. Oral modifications shall have no effect.
- If any provision of the Agreement is held invalid, the remainder of the Agreement shall not be affected thereby.
- Any party may terminate this Agreement upon forty-five (45) days written notice to the all remaining parties and to the Governor.

Authorized Representative for the Consortium of Counties:

Colleton County Council
Evon Robinson, Sr., Chairman

Date

Jasper County Council
LeRoy Blackshear, Chairman

Date

Hampton County Council
Hugh B. Gray, Chairman

Date

Beaufort County Council
Wm. Weston J. Newton, Chairman

Date

Authorized Representative for the Lowcountry Workforce Investment Board:

Landon K. Thorne, Chairman

Date

Authorized Representative for the Lowcountry Council of Governments:

L. Chriswell Bickley, Jr., Executive Director

Date



Memorandum

DATE: May 6, 2011
TO: County Council
FROM: Bryan Hill, Deputy County Administrator
SUBJECT: Deputy County Administrator's Progress Report

The following is a summary of activities that took place April 25, 2011 through May 6, 2011:

April 25, 2011 (Monday):

- Prepare for Finance & County Council Meetings
- Finance Committee Meeting
- County Council

April 26, 2011 (Tuesday):

- Meet with Mark Roseneau, Public Facilities Director re: Security Issues
- Public Facilities Committee Meeting

April 27, 2011 (Wednesday):

- Meet with Gary Kubic and Suzanne Gregory, Employee Services re: Employee Issue
- Meet with Dan Dennis and Ladson Howell, Staff Attorney re: Settlement of Contract Termination
- Work on Budget
- Attend 2012 Budget Workshop with Elected Officials

April 28, 2011 (Thursday)--Bluffton:

- Bluffton Hours
- Work on Budget

April 29, 2011 (Friday):

- Meet with Duffie Stone, Solicitor

May 2, 2011 (Monday):

- Meet with Gary Kubic, David Starkey and Suzanne Gregory re: FY 2011 Budget
- Meet with Mark Roseneau re: Myrtle Plantation Building
- Meet with Suzanne Gregory, Employee Services Director
- Meet with Dan Morgan, MIS Director
- Meet with David Starkey re: FY 2011 Budget

May 3, 2011 (Tuesday):

- Meet with William Winn, Public Safety Director re: FY2012 Budget
- Meet with Mark Roseneau, Facilities Maintenance Director re: Various Facility Issues
- Work on Budget

May 4, 2011 (Wednesday):

- Division Head Meeting
- Agenda Review
- Work on Budget

May 5, 2011 (Thursday)--Bluffton:

- Bluffton A.M. Hours
- Work on Budget
- Attend School Board Budget Meeting

May 6, 2011 (Friday)--Bluffton:

- Bluffton Hours
- Attend Hilton Head Island TIF Meeting at Bluffton Library
- Work on Budget



**COUNTY COUNCIL OF BEAUFORT COUNTY
PURCHASING DEPARTMENT**

102 Industrial Village Road, Building 3
Post Office Drawer 1228, Beaufort, SC 29901-1228
Phone: (843) 255-2350 Fax: (843) 255-9437

TO: Councilman Stewart H. Rodman, Chairman Finance Committee

VIA: Gary Kubic, County Administrator
Bryan Hill, Deputy County Administrator
David Starkey, Chief Financial Officer *DS*
William Winn, Public Safety Director *WT*
Dan Morgan, MIS Director *DM*
Arthur Cummings, Building Codes Director *AC*

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

SUBJECT: Request for Sole Source Purchase of Building Codes Workflow Software and Services from Manatron for the Beaufort County Building Codes Department.

BACKGROUND:

Beaufort County created a software review committee consisting of William Winn, Public Safety Director, Dan Morgan, MIS Director, Arthur Cummings, Building Codes Director, Dave Thomas, Purchasing Director, and other department key staff members to review the building codes software responses submitted by firms from a September 2010 Request for Information (RFI) process. After the committee's review, the committee determined that soliciting bids was not in the best interest of the County due to the end of the life timeline (June 30, 2011) of the current software system, and the software is the only compatible, tested, and integrated system with our Manatron software. In this case, the committee recommended Blue Prince software to replace the County's current Land Development Office (LDO) System, which will no longer be supported by the current vendor. Blue Prince was one of the lower priced systems and the only software supported, integrated, and tested by Manatron. Colleton County is currently using this software package.

The new software will support our immediate need to upgrade our permitting system and allow us to share information with other County departments. The software will be integrated with GIS, Manatron's Proval (appraisal software), E911 addressing, and Application Extender (document management system); and also allow the County to expand integrated support for many aspects of community development. The new system will encompass permitting, inspections, zoning and planning, and citizen's access, as well as produce scheduled reports and provide a query package for customized reporting.

Beaufort County has a current contract with Manatron. Since Manatron has an authorized strategic permitting business partnership with Blue Prince, we would like to purchase the Blue Prince software through a change order to our original Manatron contract. See the attached document for the detailed pricing breakdown.

FUNDING:

The funding source will be fund 11435-56000 for \$204,300.

RECOMMENDATION:

The Finance Committee approve and recommend to County Council the contract award to Manatron, in the amount of \$204,300 for the Building Codes software, installation, data conversion, training, and services.

Cc: Richard HineLine, Monica Spells, and Elizabeth Wooten, Purchasing

SOFTWARE and PROFESSIONAL SERVICES

QTY	DESCRIPTION	ONE TIME FEES	ANNUAL FEE YR 1
	Manatron Software & Professional Services		
1-Site License	GRM Enterprise Records upgrade Including Software Development Kit (SDK)		Continue at Current Rate
4-Days	Data Model Training Class – On-site for up to 6-People	\$8,750.00	
1-Day	SDK Training - On-site for up to 6-People	\$2,450.00	
1	Manatron Integration Services*	\$25,000.00	
	Travel Expenses – Billed As Used		
	BUILDERadius Software & Professional Services		
30-Users	BluePrince Land Management Suite** Project Management, Land Use Management, Permit Management, Licensing Management, Code Enforcement, Inspections		\$28,100
	Software Implementation – Professional Services		
4-Days	Project Review and Audits		
17-Days	Workflow and Configuration – Building Permitting	\$123,040.00	
2-Days	System Installation		
	Data Conversion and Import Services		
	Property Data, Permit Data, Contractor Data		
1	Customizations and System Integrations to Manatron GRM Tax 8.6.10		
Up to 9-Days	Remote User Training		
Up to 10-Days	On Site Training		
1	Travel Expenses for Professional Services	\$16,960.00	
	TOTAL FEES	\$176,200.00	\$28,100.00***
	TOTAL FEES ONE-TIME AND FIRST YEAR SUPPORT FEES	\$204,300.00	

*Includes interface set up and configuration, project management and administration.

**BluePrince Land 2.8 to Monarch 4.0 Management Suite included.

***Support Fees are in addition to existing / current fees.



County Council of Beaufort County
Hilton Head Island Airport – www.hiltonheadairport.com
Beaufort County Airport – www.beaufortcoairport.com
Post Office Box 23739 – 120 Beach City Road
Hilton Head Island, South Carolina 29925-3739
Phone: (843) 255-2950 - Fax: (843) 255-9424

TO: Councilman Herbert Glaze, Chairman, Public Facilities Committee

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

FROM: Paul Andres, Director of Airports PA

SUBJ: South Carolina Aeronautics Commission (SCAC) Grant Offer 11-002

DATE: April 15, 2011

BACKGROUND. The South Carolina Aeronautics Commission has made a grant offer in the amount of \$32,718.00 for the Hilton Head Island Airport. This grant offer represents the State's 2.5% matching share for projects currently funded under FAA Grant #30. These projects include; Runway 21 on-airport tree obstruction removal and mitigation, design services for lighted sign relocation, reimbursement of legal expenses, and development of a Disadvantaged Business Enterprise (DBE) Plan. A copy of the grant offer is attached for your information. The Airports Board favorably endorses these projects.

RECOMMENDATION. That the Public Facilities Committee accept the South Carolina Aeronautics Commission Grant Offer 11-002 in the amount of \$32,718.00 for projects at the Hilton Head Island Airport.

PAA/paa

Attachment: SCAC Grant Offer 11-002



SOUTH CAROLINA
Aeronautics Commission

Nikki Haley
Governor

RECEIVED
APR 05 2011
CC Paul G. Werts
ADMINISTRATOR

April 1, 2011

AERONAUTICS
COMMISSION

Chairman
Gregg A.
Malphrus

District 1
Vice-
Chairman
William M.
McKown

District 2
Secretary
Raymond E.
McKay, Jr.,
JD, CPA

District 3
Ira E. "Bud"
Coward

District 4
Robert E.
Walker

District 5
Barry G.
Avent

District 6
Dennis L.
Dabney

Mr. Gary Kubic
Beaufort County Administrator
Post Office Drawer 1228
Beaufort, South Carolina 29901

Re: South Carolina Aeronautics Commission
Project No. 11-002, Hilton Head Airport

Dear Mr. Kubic:

I am pleased to inform you that the South Carolina Aeronautics Commission (SCAC) has approved your project application and awarded up to \$32,718 to Hilton Head Airport for Runway 21 Approach: a) airport tree obstruction removal and on airport tree mitigation; b) design service for Runway 3/21 lighted sign relocation; c) legal fees for easement acquisition for off-airport tree obstruction removal; and d) development of a disadvantage business enterprise plan. This grant was approved based on your representation of local funding availability and your ability to proceed promptly with the project.

Please execute the enclosed grant agreements and return one original to SCAC at your earliest convenience. The attached Affidavit of Non-Collusion included in the package is to be completed by the contractor and submitted with the contract documents.

This project qualifies for the Federal Aviation Administration grant program where 95 percent of the cost is funded by a federal grant and five percent by state and local government. Project cost and funding are as indicated below:

Total project cost	\$1,308,732
Federal grant	\$1,243,296
State grant	\$ 32,718
Local government	\$ 32,718

We are pleased to provide this assistance. If we can be of further assistance, please do not hesitate to call.

Sincerely,

Paul G. Werts
Executive Director

PGW/r

Enclosures: Grant and Affidavit of Non-Collusion

cc: Governor Nikki Haley
Chairman Gregg A. Malphrus, South Carolina Aeronautics Commission
Representative William G. Herbkersman, Chairman Beaufort County Delegation
Commissioner Raymond E. McKay, Jr., District 2 and Secretary

**GRANT AGREEMENT
Part 1 - OFFER**

Date of Offer: **March 24, 2011**

Project No. 11-002

TO: Beaufort County
(herein referred to as the "Sponsor")

FROM: The State of South Carolina (acting through the South Carolina Aeronautics Commission, herein referred to as "Aeronautics").

WHEREAS, The Sponsor has submitted to Aeronautics a Project Application dated March 1, 2011, a grant of State Funds for a project for development of the **Hilton Head Airport** together with plans and specifications for such a project, with Project Applications, as approved by Aeronautics is hereby incorporated herein and made a part hereof:

and

WHEREAS, Aeronautics has approved a project for development of the Airport ("herein called the "Project") consisting of the following described airport development:

Runway 21 Approach: a) airport tree obstruction removal and on airport tree mitigation; b) design service for Runway 3/21 lighted sign relocation; c) legal fees for easement acquisition for off-airport tree obstruction removal; and d) development of a disadvantaged business enterprise plan

All as more particularly described in the property map and plans and specifications incorporated in the said Project Application:

NOW THEREFORE, pursuant to and for the purposes of carrying out the provisions of this grant and in consideration of (a) the Sponsor's adoption and ratification of the acceptance of this offer and agreement, as hereinafter provided, and (b) the benefits to accrue to the State of South Carolina and the public from the accomplishment of the project and the operation and maintenance of the Airport, as herein provided.

THE STATE OF SOUTH CAROLINA ACTING THROUGH THE SOUTH CAROLINA AERONAUTICS COMMISSION, HEREBY OFFERS AND AGREES to pay, as South Carolina's matching share of the allowable cost incurred in accomplishing the project as per the following schedule:

<u>Funding Source</u>	<u>Amount</u>
State	\$ 32,718
Federal	\$1,243,296
Sponsor	\$ 32,718
Other	\$ 0

for a total cost of **\$1,308,732** subject to the following:

1. The maximum obligation of the State of South Carolina payable under this Offer and Agreement shall be: \$32,718, which all parties to this Agreement understand may be subject to the prior and continuing approval of the South Carolina Budget and Control Board and the General Assembly and its component review committees.
2. Aeronautics reserves the right to amend or withdraw this Offer at any time prior to its binding acceptance by the Sponsor.
3. This Offer shall expire and the State of South Carolina shall not be obligated to pay any of the allowable cost of the Project unless this Offer has been accepted by the Sponsor within 60 days from the above date of Offer or such longer time as may be prescribed by Aeronautics in writing.
4. The funds allocated by this Agreement shall be held in escrow for a period of one (1) year after the date of offer. If progress on the described project has not begun at that time, the funds will revert to Aeronautics for reallocation to other worthwhile projects.

The Sponsor's acceptance of this Offer and ratification and adoption of the Project Application shall be evidenced by execution of Part II of this Agreement by the Sponsor. The respective obligations under this Grant Agreement shall become effective upon the Sponsor's acceptance of the Offer and shall remain in full force and effect throughout the useful life of the facilities developed under the project but in any event not to exceed twenty years from the date of said acceptance.

STATE OF SOUTH CAROLINA
SOUTH CAROLINA AERONAUTICS COMMISSION

Signature By: 
Executive Director

Sponsor's Signature	Date
---------------------	------

Title



PART II - SPONSOR ASSURANCES

1. The Sponsor shall:
 - a. begin accomplishment of the Project within a reasonable time after acceptance of this Offer, but no later than one year from award of this Offer;
 - b. carryout and complete the project in accordance with the terms of this agreement, applicable policies of Aeronautics, and applicable statutes, regulations and fiscal policies of the State of South Carolina, and any applicable local ordinances;
 - c. carryout and complete the project in accordance with the plans and specifications and property map incorporated herein, including any revisions or modifications approved in writing by Aeronautics. Sponsor further agrees to copy Aeronautics as to all construction progress reports, payment applications, and completion documents and related correspondence within ten (10) days of document development or receipt.
 - d. submit all planning documents to Aeronautics for review and approval; and
 - e. notify Aeronautics, in writing, of any improvements to the airport so that same may be incorporated into the South Carolina Airport System Plan.
2. The Sponsor shall operate and maintain the Airport as provided in the Project Application.
3. Any misrepresentations or omission of a material fact by the Sponsor concerning the Project or the Sponsor's authority or ability to carry out the obligations assumed by the Sponsor in accepting this Offer shall terminate the obligation of the State of South Carolina and it is understood and agreed by the Sponsor in accepting this Offer that if a material fact has been misrepresented or omitted by the Sponsor, Aeronautics of Aeronautics, on behalf of the State of South Carolina, may demand and recover from Sponsor all grant payments made, plus interest at the legal rate prevailing at date of demand.
4. The Sponsor shall maintain the approaches to the airport in compliance with appropriate guidelines set forth in FAA Part 77 or other guidelines approved in writing by Aeronautics. Failure on the part of the Sponsor to take appropriate action to remove any and all obstructions in the approaches may result in withholding of any payment of the funds established by this agreement for the herein described project until such time as the necessary actions are taken.
5. The Sponsor shall maintain property insurance on the project to cover any and all losses. The amount of the coverage shall, at a minimum, be equal to the total cost of the project.
6. The Sponsor's Request for Final Reimbursement must have been received within ninety (90) calendar days after the Final Inspection has been accomplished in order to close out the project in a timely manner.

PART III - ACCEPTANCE

_____ (Sponsor) does hereby ratify and adopt all statements, representations, warranties, covenants, sponsor assurances and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer and does hereby unconditionally accept said Offer and by such acceptance agrees to all of the terms and conditions thereof.

Executed this _____ day of _____, 2011

(Name of Sponsor)

(Signature By)

(Title)

(Seal)

Attest _____

Title _____

CERTIFICATE OF SPONSOR'S ATTORNEY

I, _____, acting as attorney for _____ do hereby certify: That I have examined the foregoing Grant Agreement and the proceedings taken by said _____ relating thereto, and find the Acceptance by Sponsor has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the State of South Carolina, and further that, in my opinion, said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Dated this _____ day of _____, 2011

Signature By _____

Title _____



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

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

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

FROM: Bob Klink, County Engineer

SUBJ: **Buckwalter Regional Park Soccer Field III Addition
IFB #2909/110440**

DATE: April 18, 2011

BACKGROUND. On April 14, 2011, Beaufort County accepted bids for the Buckwalter Regional Park Soccer Field III Addition. The project includes installing a third soccer field, field lights, connector sidewalk, additional parking, upgrading the existing well, installing a second well, and landscape. A certified tabulation of the bid results is attached and total for each of the 6 companies submitting bids as follows:

<u>Company Name</u>	<u>Location</u>	<u>Bid Price</u>
JS Construction Services, Inc.	388 Browns Cove Rd, Okatie, SC	\$494,695.00
Cleland Site Prep, Inc.	2894 Argent Blvd, Ridgeland, SC	\$552,623.52
J.H. Hiers Const., LLC	715 Green Pond Hwy Walterboro SC	\$616,332.00
J. R. Wilson Const. Co., Inc.	4984 Savannah Hwy, Hampton, SC	\$624,675.00
APAC-Southeast, Inc.	47 Telfair Place, Savannah, GA	\$665,213.00
Newtech, Inc.	6 Ghost Pony Bluffton, SC	\$669,000.00

JS Construction Services, Inc. submitted the lowest qualified/responsible bid of \$494,695.00. JS Construction Services, Inc. bid was reviewed and found to be reasonable and is in compliance with the County's SMBE Ordinance. There is no apparent cause for rejecting their bid.

FUNDING. Funding source for this project is the Bluffton PALS Impact Fees which has a fund balance of \$1,229,590 on April 20, 2011. The specific project account number is 09030-54451.

RECOMMENDATION. The Public Facilities Committee approve and recommend to County Council the award of a construction contract with the above funding to JS Construction Services, Inc., in the amount of \$494,695.00.

REK/DC/mjh

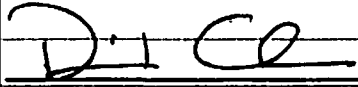
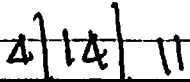
Attachments: 1) Bid Certification
2) SMBE Documents
3) 8/19/10 PALS Memo

cc: Joe Penale

Buckwalter Soccer Field III

IFB #2909/110440

Opened April 14, 2011 at 3:00 pm

	Company	Location				Total Bid
1	JS Construction Services, Inc.	Okatie, SC				\$494,695.00
2	Cleland Site Prep, Inc.	Ridgeland, SC				\$552,623.52
3	J.H. Hiers Construction, LLC	Walterboro, SC				\$616,332.00
4	J. R. Wilson Construction Co., Inc.	Hampton, SC				\$624,675.00
5	APAC-Sourtheast, Inc.	Savannah, GA				\$665,213.00
6	Newtech, Inc.	Bluffton, SC				\$669,000.00
	Bid Certification					
						
	<i>Signature</i>					
						
	<i>Date</i>					



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

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

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

[Handwritten signatures and initials]
8/18/2011

FROM: Bob Klink, County Engineer *[Signature]*

SUBJ: Lady's Island Community Park Phase 1 Change Order Request

DATE: April 18, 2011

BACKGROUND. On November 8, 2010, Beaufort County Council awarded a contract to JoCo Construction Inc., for the design and construction of the Lady's Island Community Park Phase 1 in the amount of \$514,800.00. Phase 1 included site grading, drainage, driveway, parking lot paving, signage, one multi-purpose ball field with fencing, a pavilion with picnic tables, grill, playground equipment and irrigation. At the request of the PALS Director, the Engineering Division had the contractor submit a proposed change order to add bathrooms to the pavilion, construct a second multi-purpose field and fence the remaining perimeter of the park. The amount of the change order is \$231,290.00. The items requested in the change order are in compliance with the master plan for the Lady's Island Community Park.

FUNDING. Funding source for this change order request would be the Lady's Island PALS Impact Fees which has an available fund balance of \$335,184 on April 20, 2011. The specific project account number is 09060-54450. The original contract with JoCo Construction was funded from the from CIP Acct #11431-54455 for Lady's Island Community Park and Lady's Island PALS Impact Fees as noted in Attachment #3.

RECOMMENDATION. The Public Facilities Committee approve and recommend to County Council the award of a change order to JoCo Construction, Inc., in the amount of \$231,290.00 from the Lady's Island PALS Impact Fees.

REK/DC/mjh

Attachments: 1) Change Order Request
2) 3/22/11 PALS Email
3) 10/13/10 Public Facilities Agenda Item

cc: Joe Penale

Contracts/LI Park/PFCapp CO

2011 ATAX Tax Board Recommendations-HTax Distribution

Organization	Event/Project	Amount Requested	Amt. Recom	Notes
Penn Center, Inc.	Operation of Penn Center	\$ 35,000	\$ 10,000	Maintenance
BCBCC	Flavors of Gullah	\$ 20,000	\$ 5,000	
Main Street Beaufort, USA	Tourism Advertising Campaign	\$ 10,000	\$ 3,000	Southern Living
Arts Council of BC	ARTSeen.org	\$ 5,000	\$ 2,500	Brochures
HH Choral Society	Digital marketing/Social media	\$ 3,000	\$ -	
Bluffton Historical Preservation Society	Heyward House	\$ 25,000	\$ 7,000	
Concours d'Elegance	Interactive marketing campaign	\$ 10,000	\$ 3,500	On-line advertising
Yemassee Revitalization Corp.	Streetscape improvements	\$ 10,000	\$ -	
Friends of Fort Freemont	Signage	\$ 14,000	\$ 4,000	Signage
HH Symphony Orchestra	Picnic and Pops concerts	\$ 6,000	\$ 1,000	Rack cards
Keep Beaufort County Beautiful	Clean waterways project	\$ 2,200	\$ -	
Gullah Festival of SC	Original Gullah Festival	\$ 25,000	\$ 8,000	Brochures
Historic Beaufort Foundation	Verdier House rack cards	\$ 5,000	\$ 1,000	20k rack cards
Coastal Discovery Museum	Eco and cultural programs	\$ 9,500	\$ 2,000	Eco/cultural programs
L/C Estuarium	Operations	\$ 10,000	\$ 1,000	Printing/pubs/educational supplies/internet
Heritage Library Foundation	Phase II-Fort Mitchell refurb.	\$ 10,000	\$ -	
Daufuskie Island Historical Foundation	Brothers and sisters Oyster Union Society Hall restoration	\$ 5,000	\$ 2,000	Part of total
Mitchelville Preservation	Freedom Park	\$ 50,000	\$ 8,000	PR/printing
Arts Center of Coastal Carolina	Facility support	\$ 20,000	\$ 7,000	Toward roof repair
The Sandbox	Summer tourist programs	\$ 10,500	\$ 1,000	Event support
Friends of Hunting Island State Park	ADA compliant camp sites	\$ 15,000	\$ 5,000	Concrete
Literacy Volunteers of the L/C	Storytelling festival	\$ 15,000	\$ 5,000	Part of total
L/C Tourism	Promotion of Beaufort County & L/C	\$ 8,000	\$ 4,000	Web design
HHI Chamber of Commerce	Destination marketing	\$ 50,000	\$ 10,000	Marketing
Main Street Youth Theater	Tom Sawyer, the Broadway Musical	\$ 3,000	\$ 1,000	
Beaufort Regional Chamber of Commerce	Conference center study	\$ 12,000	\$ 10,000	
L/C Regional Transportation Auth.	Multi-modal transportation	\$ 10,000	\$ -	

Totals:	\$398,200	\$	101,000
Amount Total Allowed:	\$100,000		
Total Remaining	-\$1,000		

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO AMEND THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE, ADDING A NEW ARTICLE: ARTICLE XVII. TRANSFER OF DEVELOPMENT RIGHTS (TDR).

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

Adopted this _____ day of _____, 2011.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:

Ladson F. Howell, Staff Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

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

Beaufort County Zoning and Development Standards Ordinance

Article XVII. Transfer of Development Rights

Sec. 106-3298. Purpose

The purpose of the Transfer of Development Rights (TDR) program is to support County efforts to reduce development potential near the Marine Corps Air Station Beaufort (MCAS—Beaufort) and to redirect development potential to locations further from the Air Station, consistent with the Beaufort County Comprehensive Plan. This preferred development pattern is intended to reduce hazards associated with aircraft operations near MCAS—Beaufort in a way that respects the rights of property owners and utilizes a free market system to achieve planning objectives. The TDR program is also intended to work in concert with other regional, County, and local programs that promote good land use planning and to facilitate inter-jurisdictional cooperation between Beaufort County, the Lowcountry Council of Governments (LOCG), the City of Beaufort, and the Town of Port Royal.

Sec. 106-3299. Definitions

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

Affordable Housing Units means dwelling units that comply with Article IX (Affordable Housing Incentives) of the Zoning and Development Standards Ordinance.

Air Installations Compatible Use Zone (AICUZ) means the area surrounding MCAS - Beaufort as identified in Appendix A1 (Airport Overlay District/MCAS – Beaufort)

AICUZ Buffer means the quarter-mile area surrounding the AICUZ for MCAS - Beaufort.

Baseline Density means the maximum density allowed on a Receiving Area property under baseline zoning and applicable overlay districts without participation in the TDR program.

Baseline Zoning means the zoning in effect on a receiving area property as of the adoption of this article (insert date).

Cash In-lieu means the fee rate identified by Beaufort County that can be paid for increased density above Baseline zoning.

TDR Bank means an intermediary authorized by Beaufort County to act on its behalf in the TDR Program.

TDR Certificate means the official document issued by the County identifying the number of TDRs owned by the holder of the TDR certificate.

TDR Option means the option of a Receiving Area property owner to increase density above baseline zoning through participation in the TDR Program.

TDR Program means the rules and requirements of this article for the transfer of development rights from Sending Areas to Receiving Areas.

TDR Receiving Area means properties on which uponzings trigger the establishment of the TDR overlay district.

TDR Sending Area means areas within unincorporated Beaufort County that are eligible to sell TDRs.

Intermediary means any individual or group, other than a Sending Area landowner or Receiving Area developer, which buys and sells TDRs.

Sec. 106-3300. Voluntary Nature of Program

The participation of property owners in the TDR program is voluntary. Nothing in this article shall be interpreted as a requirement for Sending Area property owners to sell TDRs, for Receiving Areas property owners to purchase TDRs, or for any property owner or County resident to otherwise participate in the TDR program

Sec. 106-3301. Establishment of TDR Sending and Receiving Areas

(a) *Sending Areas.* TDR Sending Areas shall include all properties within unincorporated Beaufort County that are:

- (1) Located within the Airport Overlay District **and AICUZ Buffer** for MCAS-Beaufort; and
- (2) Zoned Rural (R), Rural Residential (RR), Rural - Transitional Overlay (R-TO), Rural Residential - Transitional Overlay (RR-TO), or Suburban (S).

(b) *Receiving Areas.*

- (1) TDR Receiving Areas shall include all properties within unincorporated Beaufort County that are located:
 - a. Outside of Airport Overlay District for MCAS-Beaufort and the AICUZ Buffer; and
 - b. Within the boundaries of Port Royal Island.
- (2) The cities of Beaufort and Port Royal may also participate in the TDR Program by designating TDR Receiving Areas and submitting a complimentary ordinance and interjurisdictional agreement

Sec. 106-3302. TDR Bank

(a) *Purpose.* The County may choose to contract with an outside agency, hereto referred to as a TDR Bank, to assist or manage TDR program administration, buying, holding, and selling TDRs as well as performing other functions as directed by the County Council. The purpose of the TDR Bank is to facilitate a well-functioning TDR market by performing these tasks. The County is ultimately responsible for managing and administering the TDR program and the TDR Bank.

(b) *TDR Bank Description.*

- (1) The TDR Bank is an intermediary specifically authorized by the County Council to perform functions assigned to it by agreement by the TDR Bank and the County Council. These functions may include the acquisition and sale of TDRs as well as TDR program promotion and facilitation.
- (2) The County Council is not required to form a TDR Bank. The County Council may instead elect to use County personnel to perform TDR Bank functions.
- (3) The establishment of a TDR Bank shall not preclude direct buyer-seller transactions of TDRs.

(c) *TDR Purchase Priorities.* The TDR Bank will prioritize the purchase of TDRs from small landowners over large landowners in the following way:

- (1) The TDR Bank will purchase TDR Certificates from Sending Area landowners based on the number of TDRs they hold, from smallest to largest. Landowners with one TDR will be bought out first, followed by landowners with two or more TDRs.
- (2) The TDR Bank will establish a time window during which it will accept letters of interest from Sending Area landowners. At the close of the time window, the TDR Bank will create a rank-order list of sellers whose TDR Certificates it will buy.
- (3) The TDR Bank will purchase TDR Certificates starting at the top of the list from landowners who have TDR Certificates. For example, if the landowner at the top of the list does not have a TDR Certificate, the TDR Bank will go down the list until it reaches a landowner with TDR Certificates.
- (4) **Notwithstanding this prioritization, this subsection shall not prevent a specific funding of a purchase outside of this prioritization on a case by case basis when requested by a funding entity or organization.**

(d) *TDR Bank Operation.* The duties and operating procedures of the TDR Bank, if established, shall be specified in an agreement between the TDR Bank and the County Council. These procedures shall reflect the TDR program goal of reducing development potential within Sending Areas.

Sec. 106-3303. Transfer of Development Rights (TDR) Overlay District

(a) *Purpose.* The purpose of the Transfer of Development Rights (TDR) overlay district is to allow Receiving Area properties to exceed Baseline Density through compliance with TDR program requirements.

(b) *Establishment of TDR Overlay Districts.* TDR overlay districts shall be established concurrently with the approval of any rezoning that increases residential density potential within a TDR Receiving Area. As part of the rezoning, the new zoning designation shall include a TDR overlay district suffix indicating the need to comply with TDR Program requirements in the event that the property owners choose to use the TDR Option and exceed Baseline Density.

(c) *Rezoning Procedure.*

- (1) Establishment of a TDR overlay district shall occur as part of the County's standard rezoning process and shall not require separate application or approval procedures. The approval or denial of a TDR overlay district shall be dependent upon the approval or denial of the requested zoning district.
- (2) The TDR overlay district does not affect County procedures for placing conditions on rezoning approvals to implement County plans and policies. The TDR program does not affect the authority of the County to initiate amendments to the Zoning and Development Standards Ordinance or County procedures for responding to rezoning applications submitted by property owners

Sec. 106-3304. TDR Certificates

(a) *General.* A TDR Sending Area property owner may choose not to participate in the TDR Program or, alternatively, may choose to participate by applying for a TDR Certificate.

(b) *TDR Certification Application Submittal, Review, and Issuance.*

- (1) To request a TDR Certificate, a property owner shall submit to the Planning Department an application that includes the information and materials required by the County for TDR Certificate applications, together with all required application fees.
- (2) The property owner shall submit to the Planning Department proof of clear title of ownership. The application shall include written approval of the TDR Certificate application from all holders of liens on the subject property.
- (3) TDR Certificate applications shall include draft easement language as required by Section 106-3306 (Sending Area Easements). At the property owner's option, this easement may preclude one, some, or all of the allowable TDRs not foregone by previous TDR easements or similar deed restrictions.

- (4) The Planning Department shall calculate the number of allowable TDRs for a Sending Area property using the methodology described in Section 106-3305 (Calculation of TDRs in Sending Areas).
- (5) Upon recordation of the easement, the Planning Director shall issue a TDR Certificate documenting the number of TDRs generated by the recorded easement, the serial numbers of all TDRs created by the easement, the Sending Area that generated these TDRs, the identity of the property owner/certificate holder, and any other documentation required by the Planning Director. **For purposes of this program, only TDR Certificates issued by the Planning Director shall be available for sale to a Receiving Site developer or to any intermediary.**

(c) *Sale and Tracking of TDRs.*

- (1) Once a Sending Area property owner receives a TDR Certificate, the property owner may sell or give one, some, or all of the TDRs documented in that TDR Certificate directly to the developer of a Receiving Site property or to any intermediary.
- (2) In accordance with procedures approved by the Planning Director, upon the sale or gift of any or all TDRs, the holder of a TDR Certificate shall notify the Planning Director, who will void the original TDR Certificate and issue one or more new TDR Certificates documenting the new owners of the TDRs.
- (3) The Planning Director shall maintain a TDR registry, publicly accessible via the internet, documenting current TDR Certificate holders and the serial numbers of the TDRs contained within all TDR Certificates. The Planning Director shall develop and implement procedures to ensure that the transfer process is accurate and transparent.

Sec. 106-3305. Calculation of TDRs in Sending Areas

(a) *Methodology.*

- (1) The Planning Department shall calculate the number of allowable TDRs for a TDR Sending Area property using the methodology for calculating residential use capacity of a parcel as outlined in Table 106-1815(1). The calculation shall be based on the baseline zoning classification, not on the limitations, if any, imposed by the airport overlay district.
- (2) When 50 percent or more of a parcel is located within a Sending Area, the calculation of maximum allowable TDRs shall be based on the entire land area of the parcel.
- (3) The maximum number of allowable TDRs shall be **the permitted dwelling units** minus any reduction in this calculation created by the recordation of previous TDR easements or similar deed restrictions.

- (4) The maximum permitted density shall be reduced by one TDR for each existing dwelling unit on the property. The Planning Director shall develop and implement procedures, if needed, to reduce the TDR allocation to reflect existing non-conforming or non-residential improvements if the owner declines to remove these improvements from the sending site.
- (b) *Fractional Development Rights.* Any fractional development right exceeding 0.5 shall be rounded up to the nearest whole number. Only whole TDRs shall be issued and sold.
- (c) *Appeals.* The Planning Director's calculation of allowable TDRs may be appealed to the ZBOA in a manner consistent with Article III, Division 6 (Appeals).

Sec. 106-3306. Sending Area Easements.

- (a) *Maximum Residential Density.* Owners of TDR Sending Area properties that choose to participate in the TDR program shall record an easement that reduces the permitted residential density by one, some, or all allowable TDRs on the property.
- (b) *County Review.* The Planning Department and County Attorney shall review and approve easement language as part of its review of a TDR Certificate application as specified in Section 106-3304.
- (c) *Required Language.* At a minimum, easements shall specify the following information:
- (1) Serial numbers for all allowable TDRs to be certified by the Planning Department for the parcel.
 - (2) Written consent of all lien holders and other parties with an interest of record in the sending parcel.
 - (3) ~~If the County chooses, and~~ **At** the request of the property owner, a reversibility clause can be included to allow for the removal of the easement if the property owner does not sell the associated TDR certificates, chooses to not participate in the TDR program, and returns all TDR certificates to the County Planning Department within ~~an allotted time period~~ **30 days of issuance**. All TDR Certificates issued to a property partially within the TDR Sending Area as allowed by Section 106-3304 (TDR Certificates) may only be reversed together at the same time and shall not be unbundled.
 - (4) A statement that the easement shall be binding on successors in ownership and shall run with the sending parcel in perpetuity.
- (d) *Easement Monitoring and Enforcement.* The County shall be responsible for monitoring of easements or may select any qualified person or organization to maintain the easements on its behalf.

Sec. 106-3307. Development Options within TDR Overlay District

(a) *Baseline Development Option.* Owners of properties within a TDR overlay district may choose to not participate in the TDR Program and to develop the property at or below the Baseline Density. Properties developed under this option shall be subject to the requirements of the baseline zoning district before the property was upzoned and received the TDR overlay district designation as well as all applicable development standards and procedures specified in this ZDSO chapter.

(b) *TDR Development Option.* In addition to the requirements imposed by the underlying zoning district, developers who choose to exceed Baseline Density within a TDR overlay district shall satisfy TDR requirements in the following ways:

- (1) One TDR shall be retired for every three dwelling units of residential development in excess of baseline density.
- (2) One TDR shall be retired for every 5,000 additional square feet of commercial development beyond the maximum permitted by the baseline zoning.
- (3) Developers have the option of paying cash in lieu of each TDR that otherwise would be required in an amount specified in the County Fee Schedule.

Sec. 106-3308. Exceptions to the TDR Requirement.

(a) *Affordable Housing Projects.* Affordable Housing Units shall not be counted when calculating the extent to which a proposed development project exceeds baseline density.

(b) *Commercial Density.* The County may approve an additional 250 square feet of commercial development for each proposed residential unit that is part of a traditional neighborhood development without the use of TDRs. This exception is intended to promote mixed-use, traditional neighborhood developments in a manner consistent with the goals of the TDR program.

(c) *Industrial Development.* Industrial development shall be excluded from the TDR requirement. However, in order to be excluded from the TDR requirement, industrial development must be proposed in such a way that its floor area can be easily calculated separately from any other uses.

Sec. 106-3309. TDR Compliance

(a) *Purchase Price.* All TDR Certificate purchase prices shall be open to negotiation between the buyer and seller, except that public funds shall not be used to purchase TDRs for an amount greater than their market value. The TDR Bank shall publicly post and update the dates and sale prices of all TDR Certificate transactions.

(b) *Timing of Compliance.* A Receiving Area property owner shall transmit TDR Certificates containing the required number of TDRs, or make a cash payment in lieu of TDRs, before final

subdivision plat approval of a project involving land division or prior to final development plan approval for a project that does not involve land division.

Sec. 106-3310. Development Project Procedures

(a) *Identification of TDRs.* Project applicants that propose to exceed baseline density in a TDR overlay district shall acknowledge in all official development applications the number of TDRs that must be retired prior to final project approval.

(b) *Final Approval.* The Development Review Team shall grant final approval of a project utilizing TDRs for additional development only after the applicant has transmitted TDR Certificates containing the required number of TDRs to the Planning Department or has made the required cash in lieu payment. The serial numbers of all TDRs to be retired for Receiving Area projects shall be recorded on the final plat or the development permit.

Sec. 106-3311. In-Lieu Payment Option

(a) *General.* The developer of a property in the TDR overlay district who chooses to exceed Baseline Density may satisfy TDR requirements through a cash in-lieu payment rather than, or in combination with, the retirement of TDRs.

(b) *Fee Amount.*

(1) The fee amount shall be established by the County Council.

(2) The Planning Director shall submit an annual report on the TDR program to the Rural and Critical Lands Board, the Beaufort County Planning Commission, and County Council. The annual report shall include recommendations on potential changes to the cash-in-lieu amount. This recommendation shall reflect changes in the assessed value of Sending Area properties, actual TDR sales prices experiences, and general real estate trends.

(c) *Use of Revenue.*

(1) Revenue from cash in-lieu payments shall be applied exclusively to the TDR program unless the potential supply of TDRs has been depleted and/or Sending Area landowners decline to sell their TDRs at full market value. In this event, the County Council may choose to expand the TDR program by adopting additional TDR Sending Areas.

(2) Other than TDR acquisition, revenue from cash in-lieu payments shall only be used for costs incurred in administering the TDR program, including but not limited to facilitating TDR transactions, preparing/recording TDR easements, monitoring/enforcing easements, and maintaining records.

(3) The County Council may authorize County staff to use cash-in-lieu proceeds in accordance with procedures adopted by the Council. Alternatively, if the County Council chooses to enter into an agreement creating a TDR Bank, the Council may transmit cash

in-lieu proceeds to the TDR Bank for the purposes specified by agreement between the Council and the TDR Bank. This agreement may direct the TDR Bank to combine the cash in-lieu proceeds to create a general TDR acquisition fund. All TDRs purchased with such a general TDR acquisition fund shall be offered for sale to Receiving Area developers.

- (4) The TDR program may operate with federal or other land preservation programs.

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO AMEND THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO) THAT ALLOW FOR CONTROL OF STORMWATER VOLUME FROM "LOTS OF RECORD BUT NOT BUILT." THESE CONTROLS WILL MITIGATE WATER RESOURCE IMPACTS FROM CONSTRUCTION IN PREVIOUSLY APPROVED DEVELOPMENTS THAT DO NOT HAVE VOLUME CONTROLS.

- A. SECTION 106-7. EXEMPTIONS OF DEVELOPMENT TYPES
- B. SECTION 106-8. EXEMPTION FROM SUBDIVISION REVIEW
- C. SECTION 106-18. DEFINITIONS. (ADDING NEW DEFINITION—BEST MANAGEMENT PRACTICES, ON-SITE)
- D. SECTION 106-732. ZONING PERMIT
- E. SECTION 106-2857. EXEMPTIONS FROM SITE RUNOFF CONTROL AND DRAINAGE PLANNING/DESIGN.
- F. SECTION 106-2861. RETENTION/DETENTION FACILITIES
- G. SECTION 106-2865. ON-SITE SINGLE FAMILY LOT, BEST MANAGEMENT PRACTICES (BMP) (ADDING NEW SECTION)

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

Adopted this _____ day of _____, 2011.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:

Ladson F. Howell, Staff Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

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

(Amending 99/12)

Sec. 106-7. Exemptions of development types.

The following development types are exempt from certain requirements of this chapter as follows:

- (1) *Exemption 1: Single-family development and places of worship on lots of record.* Any single-family development or place of worship sited on a lot created through recording of a subdivision, prior to the effective date of the ordinance from which this chapter derives, and conforming to the applicable zoning at the time of creation is exempt from minimum lot size (area and dimensions) standards and setbacks for its respective zoning district (this does not apply to setbacks from the OCRM critical line). Where single-family development or places of worship on lots of record cannot meet the setbacks for their respective zoning districts, these lots shall adhere to the following minimum setbacks:
 - a. Single-family development: front—25 feet; side—10 feet; rear—10 feet.
 - b. Places of worship: front—50 feet (major thoroughfare); ½ ROW (all other roads); side and rear—20 feet with a 10-foot buffer.
- (2) *Exemption 2: Planned unit developments (PUDs).*
 - a. A PUD, including conditional use PUD, approved prior to July 1, 1999, is exempt from this chapter if:
 1. The PUD has more than 50 percent of the lots platted and recorded, e.g., "lots of record," or more than 50 percent of the utilities and infrastructure for the entire project completed as of January 1, 2010; or
 2. The PUD is deemed a "low-impact" development, which develops less than 25 residential dwelling units, or sells less than 25 lots per year and/or less than 10,000 square feet of commercial area and the rates provided herein are not exceeded. The entire project must be completed as of January 1, 2010.
 - b. Notwithstanding the above, all PUDs, including conditional use PUDs, are subject to current tree and landscaping standards, fire safety standards, engineering and stormwater management standards, environmental quality standards, parking standards, fee adjustments, and impact fees unless otherwise provided for in a development agreement or in an ordinance that created or amended a particular PUD. On-site stormwater BMPs will be required for new dwellings if approved PUD stormwater management standards do not include current runoff volume controls. In no case will the imposition of storm water volume controls for lots of record result in the lots becoming un-buildable. The Zoning Administration shall be empowered to make this determination at his or her discretion without recourse to the Zoning Board of Appeals for hardship.

(Note: The remainder of Sec. 106-7 is unchanged.)

Sec. 106.8. Exemption from subdivision review.

(Note: The remainder of Sec. 106-7 is unchanged except subparagraph (2)—see below)

- (2) *Minor subdivision exemption.* These subdivisions shall be exempt from certain review requirements that larger subdivisions must comply with. Individual homes in these subdivisions are required to meet on-site stormwater requirements (Section 106-2865) unless the subdivision waives exemption. All other appropriate standards of this chapter shall be adhered to. The ZDA shall review and approve minor subdivisions complying with the specific requirements explained as follows:

Sec. 106-18. Definitions

Best management practices, on-site means mandated individual dwelling stormwater practices determined by the amount of impervious surface on lot. Used when not covered in a community or regional stormwater management for both volume and quality.

Sec. 106-732. Zoning permit.

A zoning permit shall be required prior to receiving a development permit, when applicable, or a building permit for all uses permitted by right. This permit ensures the proposed development complies with this chapter's standards and has any other required permits for access, water, sewer, or other required permits. Unless a subdivision has been approved as meeting current stormwater volume requirements, on-site dwelling best management practices (Sec 106-2865) will be required under this section.

Sec. 106.2857. Exemptions from site runoff control and drainage planning/design.

- (a) Exemptions from site runoff control and drainage planning/design are as follows:
 - (1) Any maintenance, alteration, renewal use or improvement to an existing drainage structure as approved by the county engineer which does not create adverse environmental or water quality impacts and does not increase the temperature, rate, quality, or volume or location of stormwater runoff discharge;
 - (2) Developments where adequate drainage exists ~~of~~ for four or fewer than four residential dwelling units that are not part of a phase of a larger development, not involving a main drainage canal, however, homes in these areas will meet on-site requirements under this exemption;
 - (3) Site work on existing one-acre sites or less where impervious area is increased by less than two percent;

- (4) Site work on existing one-acre sites or less where impervious area is increased by less than two percent, and any earthwork that does not increase runoff and/or eliminate detention/retention facilities and/or stormwater storage or alter stormwater flow rates or discharge location(s);
 - (5) Agricultural activity not involving relocation of drainage canals; or
 - (6) Work by agencies or property owners required to mitigate emergency flooding conditions. If possible, emergency work should be approved by the duly appointed officials in charge of emergency preparedness or emergency relief. Property owners performing emergency work will be responsible for any damage or injury to persons or property caused by their unauthorized actions. Property owners will restore the site of the emergency work to its approximate pre-emergency condition within a period of 60 days following the end of the emergency period.
- (b) Golf courses are required to comply with the latest version of the county's manual for stormwater BMPs and all site runoff volume and water quality control and drainage planning and design requirements; however, both golf courses and private lagoons shall be exempt from the flood control requirements of section 106-2859 subject to clear demonstration by the design engineer that no damaging flooding will occur during the 100-year/24-hour storm and that all other safety concerns are addressed.

Sec. 106-2861. Retention/detention facilities.

(a) *Design criteria for developments.* Retention/detention facility design criteria for developments are as follows:

- (1) *Peak attenuation.* The peak discharge as computed from the design storm for post development shall not exceed the peak discharge for the design storm for predevelopment or existing conditions.
- (2) *Total retention.* Developments which are unable to secure a positive outfall for discharge shall retain all runoff resulting from the design storm as computed for the developed condition. As an alternate, the design engineer can comply with section 106-2859.
- (3) *Water quality control.* All proposed development and redevelopment shall comply with the latest version of the county's manual for stormwater BMPs.
- (4) *Total volume control.* Facility design criteria will control and retain total volume by retention and other methods so stormwater runoff levels will not exceed predevelopment levels. On-site volume controls, where applicable, will be applied as stated in Sec. 106-2865.

(Note: The remainder of Sec. 106-2861 is unchanged.)

Sec. 106-2865 - On-site Single Family Lot, Best Management Practices (BMP)

- (a) Where stormwater runoff is not addressed in an approved community runoff volume control system, construction of new or single family homes that are renovated in excess of 50% of their taxable appraised value, will need to employ and utilize on-site stormwater run-off volume control BMPs.
- (b) The actual BMPs to be utilized can be either determined from Stormwater Utility's On-lot Volume Program (Attachment in BMP Manual and web-based program) or other volume practices as described in Beaufort County Best Management Practice Manual. Both manual and web-based program will be available on the County's web site.
- (c) Required practices will be sized based on impervious surface on the property and can be reduced by employing practices that reduce impervious surface like:
1. Pervious driveways
 2. Pervious walkways
 3. Smaller roof surface
- (d) In no case will the imposition of storm water volume controls for lots of record result in the lots becoming un-buildable. The Zoning Administration shall be empowered to make this determination at his or her discretion without recourse to the Zoning Board of Appeals for hardship.

2011 /

TEXT AMENDMENT TO THE BEAUFORT COUNTY COMPREHENSIVE PLAN, APPENDIX L. BUCKWALTER PARKWAY ACCESS MANAGEMENT PLAN, WITH A NEW FIGURE 5 THAT ALLOWS THE INSTALLATION OF A TEMPORARY LIGHT AT PARKER DRIVE AND A MEDIAN CROSSOVER MODIFICATION WITH THE UNDERSTANDING THAT THE TRAFFIC LIGHT WILL BE REMOVED WITH THE CONSTRUCTION OF PHASE 5B OF THE PARKWAY.

Adopted this ____ day of _____, 2011.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:

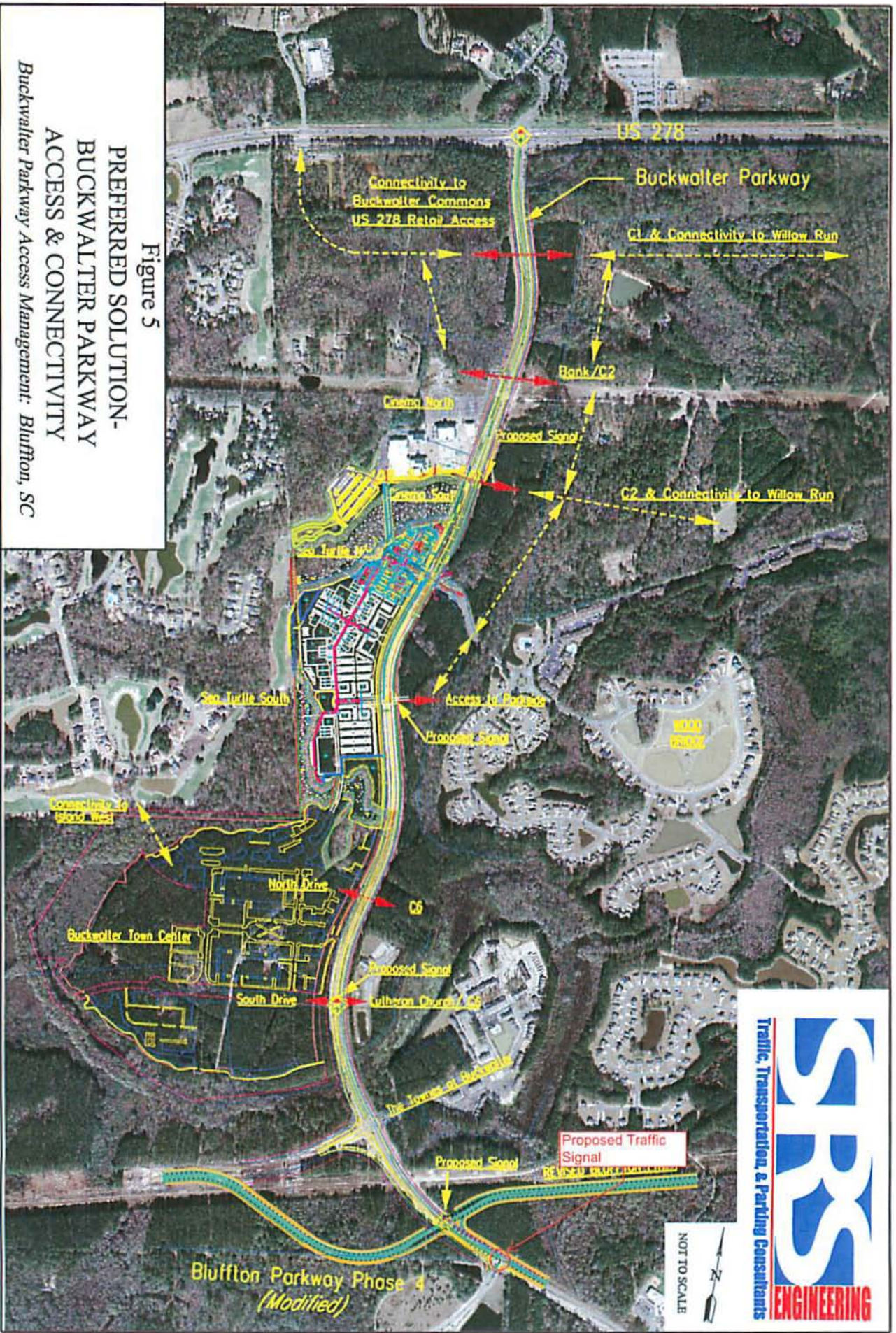
Ladson Howell, Staff Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

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

Figure 5
PREFERRED SOLUTION-
BUCKWALTER PARKWAY
ACCESS & CONNECTIVITY
Buckwalter Parkway Access Management: Bluffton, SC



ORDINANCE
(RIVERPORT MULTI-COUNTY PARK)

AN ORDINANCE TO ESTABLISH, PURSUANT TO SECTION 4-1-170 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, A MULTI-COUNTY INDUSTRIAL/BUSINESS PARK, TO BE KNOWN AS THE RIVERPORT MULTI-COUNTY PARK, IN CONJUNCTION WITH JASPER COUNTY, SOUTH CAROLINA, SUCH PARK TO BE GEOGRAPHICALLY LOCATED IN JASPER COUNTY, SOUTH CAROLINA; TO PROVIDE FOR A WRITTEN AGREEMENT WITH JASPER COUNTY AS TO THE SHARING OF THE REVENUES AND EXPENSES OF THE PARK; TO PROVIDE FOR THE DISTRIBUTION OF REVENUES FROM THE PARK AMONG TAXING ENTITIES HAVING JURISDICTION OVER THE PARK; TO PROVIDE FOR A FEE IN LIEU OF AD VALOREM TAXATION; AND OTHER MATTERS RELATED THERETO.

WHEREAS, Beaufort County, South Carolina ("Beaufort County") and Jasper County, South Carolina ("Jasper County") (collectively, the "Counties"), as authorized under Article VIII, Section 13(D) of the South Carolina Constitution and Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended (the "Act"), propose to establish jointly a multi-county industrial/business park (the "Park"); and

WHEREAS, in order to promote the economic development of Beaufort County and surrounding areas, including Jasper County, Jasper County and Beaufort County have agreed to include in the Park properties now or hereafter comprising RiverPort (the "RiverPort Property"), as further described in Exhibit A to that certain Agreement for the Establishment of Multi-County Industrial/Business Park (RiverPort) to be entered into by the Counties as of such date as may be agreed to by the Counties (the "MCP Agreement"); and

WHEREAS, the Park shall be known as the RiverPort Multi-County Park; and

WHEREAS, the Counties have agreed to the specific terms and conditions of such arrangement as set forth in the MCP Agreement; and

WHEREAS, the Counties now desire to establish the Park to include the RiverPort Property.

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

Section 1. Establishment of Multi-County Park; Approval of MCP Agreement. There is hereby authorized to be established, in conjunction with Jasper County, a multi-county industrial/business park to be known as the RiverPort Multi-County Park and to include therein the RiverPort Property. The form, provisions, terms and conditions of the MCP Agreement now before this meeting and filed with the Clerk to County Council be and they are hereby approved, and all of the provisions, terms and conditions thereof are hereby incorporated herein by reference as if the MCP Agreement were set out in this Ordinance in its entirety.

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

The Chairman of County Council, for and on behalf of Beaufort County, is hereby authorized, empowered, and directed to do any and all things necessary or proper to effect the establishment of the Park and the execution and delivery of the MCP Agreement and the performance of all obligations of Beaufort County under and pursuant to the MCP Agreement and to carry out the transactions contemplated thereby and by this Ordinance.

Section 2. Payment of Fees. SLF III-Hardeeville, LLC and any other industries/businesses located in the Park will pay a fee in lieu of *ad valorem* taxes as provided for in the MCP Agreement. The fee paid in lieu of *ad valorem* taxes shall be paid to the Treasurer of Jasper County. That portion of the fee allocated pursuant to the MCP Agreement to Beaufort County shall, upon receipt by the Treasurer of Jasper County, be paid to the Treasurer of Beaufort County in accordance with the terms of the MCP Agreement. Payments of fees in lieu of *ad valorem* taxes will be made on or before the due date for taxes for a particular year. Penalties for late payment will be at the same rate as late tax payment. Any late payment beyond said date will accrue interest at the rate of statutory judgment interest. The Counties, acting by and through the Treasurer of Jasper County, shall maintain all liens and rights to foreclose upon liens provided for counties in the collection of *ad valorem* taxes. Nothing herein shall be construed to prohibit Jasper County from negotiating and collecting reduced fees in lieu of taxes pursuant to Title 4, Chapter 29 or Chapter 12, or Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, as amended, or any similar provision of South Carolina law.

Section 3. Sharing of Expenses and Revenues. Sharing of expenses and revenues of the Park by Beaufort County and Jasper County shall be as set forth in the MCP Agreement.

Section 4. Distribution of Revenues to Taxing Entities. Revenues from the Park shall be distributed to and within the Counties as set forth in the MCP Agreement.

Section 5. Governing Laws and Regulations. The ordinances of the City of Hardeeville, South Carolina (the "City") and Jasper County, as applicable, concerning zoning,

health and safety regulations, and building code requirements will apply for the entire Park. Henceforth, in order to avoid any conflicts of law or ordinances, the City Code of Ordinances and the Jasper County Code of Ordinances, as applicable, will be the reference for regulation or laws in connection with the Park. The Beaufort County Code of Ordinances shall in no way apply to the Park.

Section 6. Savings Clause. If any portion of this Ordinance shall be deemed unlawful, unconstitutional or otherwise invalid, the validity and binding effect of the remaining portions shall not be affected thereby.

Section 7. General Repealer. Any prior Ordinance, the terms of which are in conflict herewith, is, only to the extent of such conflict, hereby repealed.

Section 8. Effectiveness. This Ordinance shall be effective after third and final reading

DONE IN MEETING DULY ASSEMBLED ____ DAY OF _____, 2011.

[SIGNATURE PAGE TO FOLLOW]

BEAUFORT COUNTY, SOUTH CAROLINA

By: _____
Wm. Weston J. Newton, Chairman of County
Council, Beaufort County, South Carolina

ATTEST:

Suzanne M. Rainey, Clerk to County Council
Beaufort County, South Carolina

First reading: _____, 2011
Second reading: _____, 2011
Public hearing: _____, 2011
Third reading: _____, 2011

STATE OF SOUTH CAROLINA)
)
COUNTIES OF BEAUFORT) AGREEMENT FOR THE
AND JASPER) ESTABLISHMENT OF MULTI-COUNTY
) INDUSTRIAL/BUSINESS PARK
) (RIVERPORT)

THIS AGREEMENT FOR THE ESTABLISHMENT OF MULTI-COUNTY INDUSTRIAL/BUSINESS PARK (RIVERPORT) is made and entered into and to be effective as of ____ __, 2011 (this "Agreement"), by and between Beaufort County, South Carolina ("Beaufort County"), and Jasper County, South Carolina ("Jasper County") (collectively the "Counties").

RECITALS

WHEREAS, the County Councils of Beaufort County and Jasper County have determined that, in order to further promote economic development and thus provide additional employment opportunities within each of the Counties, there should be established a Multi-County Industrial/Business Park (the "Park") (to be located in Jasper County) upon the property described in Exhibit A attached hereto ("RiverPort"), which Park shall be in addition to previous multi-county industrial or business parks previously established among the Counties; and

WHEREAS, as a consequence of the establishment of the Park, the area comprising the Park and all property having a situs therein shall be exempt from all *ad valorem* taxation, but the owners, or any lessees/tenants or any other taxpayers of such property shall pay annual fees in an amount equal to that amount for which such owner, lessee/tenant, or other taxpayer would be liable except for such exception; and

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

1. Binding Agreement. This Agreement serves as a written instrument setting forth the entire agreement between the parties with respect to the subject matter hereof and shall be binding on the Counties, their successors and assigns.

2. Authorization. Article VIII, Section 13(D) of the Constitution of South Carolina provides that counties may jointly develop a multi-county industrial or business park with other counties within the geographical boundaries of one or more of the member counties, provided that certain conditions specified therein are met and further provided that the General Assembly of the State of South Carolina provides by law a means by which the value of property in such park will be considered for purposes of bonded indebtedness of political subdivisions and school districts and for purposes of computing the index of taxpaying ability for school districts. The Code of Laws of South Carolina 1976, as amended (the "Code"), and particularly Section 4-1-170 thereof, satisfies the conditions imposed by Article VIII, Section 13(D) of the Constitution

of South Carolina and provides the statutory vehicle whereby a multi-county industrial or business park may be created.

3. Location of the Park.

(A) The Park consists of real property located in Jasper County, as now or hereafter further identified on Exhibit A attached hereto and all property having a situs therein; provided that the portion of such property comprised of (a) any motor vehicles, boats, and other vessels utilized by any owner, lessee/tenant, or other taxpayer for transportation in the conduct of its business, (b) any business inventories, and (c) any transportation or utility facilities the costs for the acquisition, construction or equipping of which are not incurred by any owner, lessee/tenant, or other taxpayer that is a party to or benefiting from the Incentive Agreement (as defined below) is collectively referred to herein as the “Non-Incentive Property”, and the remaining portion of such property is collectively referred to herein as the “Incentive Property.” The Park may at any time and from time to time consist of non-contiguous properties. The Counties may expand and diminish the Park’s boundaries at any time and from time to time as authorized by ordinances of the County Council’s of each of Jasper County and Beaufort County. To the extent required by Section 4-1-170 of the Code, if property proposed for addition to the Park is located within the corporate limits of a municipality, then before adding such property to the Park, the Counties shall obtain such municipality’s consent, by ordinance or resolution, to the addition of such property to the Park.

(B) In the event of any enlargement or diminution of the Park’s boundaries, this Agreement shall be automatically, without any further action of the Counties, deemed amended, and the Counties shall cause a revised Exhibit A to be attached to this Agreement, on which the Counties shall describe the property in the Park, as enlarged or diminished, together with information identifying or referencing the specific approving ordinances of the Counties.

(C) In the event that any parcel, tract, or lot of land included within the Park property described on Exhibit A hereto is depicted or described on a subdivision plat filed by the owner of such property with the Office of the Register of Deeds of Jasper County (the “Jasper County ROD”) upon which residential units are, or are approved to be, located pursuant to a Partial Assignment and Assumption Agreement or similar agreement entered into with respect to such property in accordance with that certain First Amendment To and Partial Restatement of Development Agreement, recorded in Volume 0771 at Page 0001 in the Jasper County ROD, such property shall be deemed to be automatically removed from Exhibit A without any further action of the Counties. Additionally, in the event Park property described in Exhibit A hereto consists of property with respect to which the Special Source Credits (as defined below) are no longer due or have been terminated in accordance with the Incentive Agreement (as defined below), such property shall be deemed, commencing with the property tax year following such filings, to be automatically removed from Exhibit A without any further action of the Counties.

(D) Except as otherwise provided in **Section 3(C)** hereof, prior to the adoption by Jasper County and Beaufort County, through their respective County Councils, of ordinances authorizing the diminution of the Park's boundaries, Jasper County shall first hold a public hearing, notice of which shall be published in a newspaper of general circulation in Jasper County not less than fifteen (15) days before the public hearing. At least fifteen (15) days before the public hearing, Jasper County shall deliver written notice of the public hearing to the owner or lessee/tenant (in the event the County is the owner pursuant to a negotiated fee-in-lieu-of-tax agreement under Title 4, Chapter 29 or Chapter 12 of the Code) or other taxpayer of or with respect to property that is proposed to be removed from the Park by United States first class registered or certified mail, postage prepaid, return receipt requested, or via facsimile transmission or reputable courier service at the address shown on Jasper County's property tax records.

(E) Except as otherwise provided in **Section 3(C)** hereof, notwithstanding anything in this Agreement to the contrary, the Counties are not entitled to remove property from the Park's boundaries absent the written consent of the owner or lessee/tenant (in the event the County is the owner pursuant to a negotiated fee-in-lieu-of-tax agreement under Title 4, Chapter 29 or Chapter 12 of the Code) or other taxpayer of or with respect to such property.

4. Fee in Lieu of Taxes. Property located in the Park shall be exempt from *ad valorem* taxation. The owners or lessees of any property situated in the Park shall pay in accordance with this Agreement an amount equivalent to the *ad valorem* property taxes or other fee-in-lieu-of-payments that would have been due and payable but for the location of such property within the Park.

5. Allocation of Expenses. Jasper County and Beaufort County shall bear, or cause to be borne, expenses, including, but not limited to, development, operation, maintenance, and promotion of the Park and the cost of providing public services for the Park, in the following proportions: Jasper County 100% and Beaufort County 0%.

6. Allocation of Park Revenues Between Each of the Counties.

(A) The Counties shall receive an allocation of all revenues generated by the Park through the payment of fees in lieu of *ad valorem* property taxes or from any other source (the "Park Revenues") in the following proportions: (i) with respect to Park Revenues generated from the Incentive Property, Jasper County 99% and Beaufort County 1% and (ii) with respect to Park Revenues generated from the Non-Incentive Property, all to Jasper County; all such Park Revenues to be distributed in accordance with **Section 7** hereof.

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

more than Beaufort County's share of the undisputed portion of the Park Revenues until thirty (30) days after the final resolution of the protest or dispute.

7. Revenue Allocation Within Each of the Counties. Except as each of Jasper County and Beaufort County may otherwise provide from time to time by ordinance, and notwithstanding anything herein to the contrary, (I) Park Revenues generated from the Non-Incentive Property shall be paid to Jasper County and distributed to all other overlapping taxing entities in whose jurisdiction such Non-Incentive Property is located and levying millage on such location in the same relative percentages as the relative millage rates imposed by such taxing entities at the time of collection of such revenues and (II) Park Revenues generated from the Incentive Property shall be distributed to and within the Counties as follows: First, one percent (1%) to Beaufort County to be distributed within Beaufort County in accordance with applicable law and the applicable governing ordinance of Beaufort County in effect from time to time; Second, thirty-three percent (33%) to Jasper County to be utilized to pay or provide for the special source revenue credits (the "Special Source Credits") established by that certain Fee in Lieu of Tax and Incentive Agreement dated as of December 1, 2010, or such other date as may be agreed to by the parties thereto, between Jasper County, SLF-III Hardeeville, LLC, and City of Hardeeville, South Carolina (the "City") as may be amended, assigned, or transferred from time to time (the "Incentive Agreement"); Third, thirty-three percent (33%) to the City, for use and distribution in the City's discretion in accordance with applicable law; and Fourth, thirty-three percent (33%) to Jasper County, for use and distribution in Jasper County's discretion in accordance with applicable law; provided, that this Agreement may not, without the consent of the City, which consent may be provided by resolution or ordinance of the City Council of the City, be amended or modified the effect of which would be to (i) decrease the percentage of Park Revenues generated from the Incentive Property to be received by the City or (ii) delete this proviso; provided, further that, any distribution of Park Revenues must be in accordance with applicable law, including as of the date of original execution and delivery of this Agreement Section 4-1-170 of the Code, Article VIII, Section 13(D) of the Constitution of South Carolina, and *Horry County School District v. Horry County*, 346 S.C. 621, 552 S.E.2d 737 (2001). To the extent that a school district receives Park Revenues, then the Park Revenues received by such school district shall be divided on a pro-rata basis between operational and debt service expenditures in accordance with the amount of operating and debt service millage levied by such school district or collected on behalf of such school district.

8. Fee in Lieu of Ad Valorem Taxes Pursuant to Code of Laws of South Carolina. It is hereby agreed that Jasper County is entitled to have heretofore entered or to hereafter enter into any one or more negotiated fee-in-lieu-of-tax agreements, including without limitation the Incentive Agreement, pursuant to Title 4, Chapter 29 or Chapter 12 of the Code, or Title 12, Chapter 44 of the Code, or any successor or comparable statutes, with respect to property located in the Park with the terms of these fee-in-lieu-of-tax arrangements being at Jasper County's sole discretion.

9. Assessed County Valuation. For the purpose of calculating bonded indebtedness limitation and for the purpose of computing the index of taxpaying ability of school districts of Section 59-20-20(3) of the Code, allocation of the assessed value of property within the Park to each County shall be identical to the percentage established for the allocation of Park Revenues to each County pursuant to Sections 6 and 7 herein.

10. Governing Laws and Regulations. The ordinances of the City and Jasper County, as applicable, concerning zoning, health and safety regulations, and building code requirements will apply for the entire Park. Henceforth, in order to avoid any conflicts of law or ordinances, the City Code of Ordinances and the Jasper County Code of Ordinances, as applicable, will be the reference for regulation or laws in connection with the Park. The Beaufort County Code of Ordinances shall in no way apply to the Park.

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

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

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

14. Additional Parties. This Agreement may be amended from time to time to add additional counties located in South Carolina, subject to Article VIII, Section 13(D) of the Constitution of South Carolina and Title 4, Chapter 1 of the Code, by ordinances of the County Council of each of Jasper County and Beaufort County; provided, however, that to the extent permitted by law, additional counties may be added as parties hereto with only the consent of Jasper County in the event that such additional county's allocation of Park Revenues hereunder shall be allocated only out of Jasper County's residual 33% share of the Park Revenues provided for its use and distribution in its discretion pursuant to **Section 7** hereof.

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

Jasper County may terminate this Agreement upon providing thirty (30) days notice to Beaufort County and any owner or lessee/tenant (in the event the County is the owner pursuant to a negotiated fee-in-lieu-of-tax agreement under Title 4, Chapter 29 or Chapter 12 of the Code) or other taxpayer of or with respect to Park property.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and the year first above written.

BEAUFORT COUNTY, SOUTH CAROLINA

By: _____
Wm. Weston J. Newton, Chairman of County Council
Beaufort County, South Carolina

[SEAL]

Attest:

By: _____
Suzanne M. Rainey, Clerk to County Council
Beaufort County, South Carolina

JASPER COUNTY, SOUTH CAROLINA

By: _____
LeRoy Blackshear, Chairman of County Council
Jasper County, South Carolina

[SEAL]

Attest:

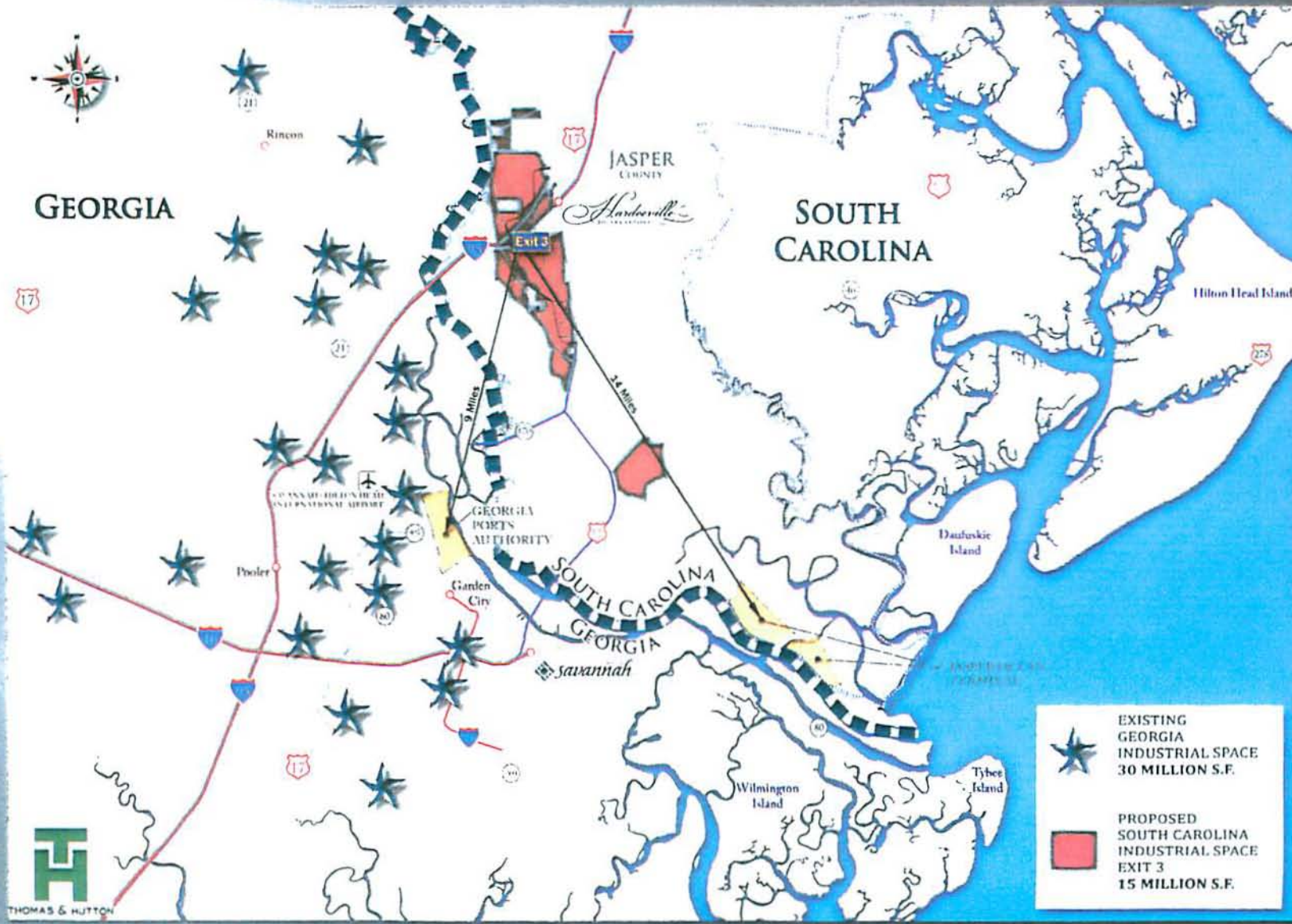
By: _____
Judy Frank, Clerk to County Council
Jasper County, South Carolina

EXHIBIT A

LEGAL DESCRIPTION

ALL that certain piece, parcel and tract of land lying and being in the Hardeeville Tract, City of Hardeeville, County of Jasper, State of South Carolina, being shown and described as Parcel 1 (1,808.32 Acres), Parcel 2 (280.70 Acres), Parcel 4 (179.72 Acres), Parcel 5 (31.27 Acres), Parcel 6 (469.07 Acres), Parcel 7 (163.77 Acres) Parcel 8 (288.62 Acres), Parcel 9 (27.57 Acres), Parcel 10 (247.70 Acres), Parcel 11 (39.14 Acres), Parcel 12 (692.89 Acres), Parcel 13 (461.22 Acres), Parcel A (202.78 Acres), Parcel B-1 (140.54 Acres), Parcel B-2 (35.02 Acres), Parcel C-1 (66.88 Acres), and parcel referenced as "Parcel 1.623 Ac." for a total of 5,136.83 acres, more or less; said property having dimensions, metes and bounds as shown on the Plat entitled "ALTA/ACSM Land Title Survey of The Hardeeville Tract (5,136.83 acre) containing Parcels A, B-1, B-2, C-1, 1, 2, 4 thru 13, and the 1.623 Ac. Site Along U.S. Highway No. 17," known as the Hardeeville Tract, City of Hardeeville, Jasper county, South Carolina, said plat being dated 12/10/07, last revised 2/11/08, said plat prepared by Thomas & Hutton Engineering Co., Savannah, Georgia, Boyce L. Young, S.C.R.L.S. No. 11079, and recorded in the Jasper County Records in Plat Book 30 at Pages 374-382. For a more complete description of said land, reference may be had to the individual plat as referred to above.

REGIONAL MAP



2011/

**BEAUFORT COUNTY ORDINANCE FOR REGULATION OF
TOWING FROM PRIVATE PROPERTY IN BEAUFORT
COUNTY**

ARTICLE IV. TOWING AND WRECKER SERVICES

Sec. 70-70. Purpose.

The purpose of this article is to provide adequate control over wrecker service operations within the unincorporated private property sections of Beaufort County to ensure:

- (1) The general health, safety and welfare of the public.
- (2) That wrecker services are conducted in such a manner that is fair and equitable, which mutually protect the interests of residents of and visitors to Beaufort County.

Sec. 70-71. Definitions.

The following words or phrases, as used in this article, shall have the following respective meanings as set out in this section, unless a different meaning clearly appears from the context:

After normal business hours, with the exception of the wrecker service rotation program, means between the hours of 5:00 p.m. and 9:00 a.m., weekends, and state and national holidays, or those days and hours other than during which towing is made available by the wrecker business, whichever period is shorter. For purposes of the wrecker service rotation program, "after normal business hours" means between the hours of 5:30 p.m. and 9:00 a.m. seven (7) days a week.

Motor vehicle means any motorized device in, upon, or by which any person or property is, or may be transported or drawn upon any public highway, public right-of-way or public or private property. Motor vehicle shall not include any device propelled solely by human power to which is used exclusively upon stationary rails or tracks.

Operator/attendant means the person driving the wrecker or any person assisting with the operation of the wrecker or storage lot.

Operating zone shall mean the geographic limits of areas of Beaufort County, which are unincorporated within which a wrecker or towing service must meet criteria set forth herein to qualify to operate within that geographic area.

Owner means any person owning or having any financial interest in a wrecker business licensed by the county.

Wrecker means any vehicle built and equipped for the purpose of towing, lifting, pulling or otherwise transferring motor vehicles from place to place including, but not limited to, those vehicles that are commonly referred to as "roll-back" or "flatbed" type tow trucks.

Sec. 70-72. Business license required.

Business license. No person or business shall engage in the business of recovering, towing, removing and storing of vehicles from within unincorporated sections of Beaufort County without first obtaining a county business license by filing an application, upon a form provided by the county, with the county business license office, together with paying the appropriate license fee as set forth in this Code. Attached to the application shall be the following information:

- (1) *Business identity:* Indicate whether a sole-proprietorship, partnership or corporation. List all individuals or entities having a financial interest in the company including names, addresses and telephone numbers. If the business was in operation prior to application, provide the number of years in operation and each individual's or entity's years of affiliation or ownership.
- (2) *Business location:* Provide the street location, mailing address and telephone number of the wrecker service's primary business location and the hours of operation.
- (3) *Storage lot:* Provide the street location, address and telephone number of the wrecker service's storage lot and hours of operation. The capacity of storage shall be indicated together with the method employed to screen the stored motor vehicles from public view as well as security measures employed.
- (4) *Records and other services:* List all procedures and attach copies of forms used to keep records and any auxiliary services which will ensure delivery of a high level of service to the public.
- (5) *Vehicle identification:* Provide the year, make, model, vehicle identification number, gross vehicle weight class, type and South Carolina license plate number for each vehicle to be used in the towing company's business.
- (6) *Liability insurance:* Provide proof of automobile liability insurance in full compliance with South Carolina financial responsibility laws.

An Owner under this article shall procure and keep in full force and effect a policy of liability and property damage insurance issued by a casualty insurance company authorized to do business in South Carolina.

Sec. 70-73. Special requirements.

- (a) Each wrecker shall display the owner or company name and business telephone number in at minimum two-inch high letters on both vehicle doors. Temporary lettering, magnetic or otherwise, is strictly prohibited.
- (b) Each wrecker shall display a current South Carolina license plate to the extent required by South Carolina law.
- (c) Every operator shall have the appropriate level of driver's license for the vehicle that is being operated.
- (d) Each wrecker business which stores towed vehicles shall have a storage lot in close proximity to its principal place of business. It shall be the responsibility of the wrecker company for ensuring that stored vehicles and their contents are kept safe from pilferage and theft.
- (e) The tow truck company will permit the owner of personal property located within, but not attached to, the vehicle a one-time removal of such personal property from the vehicle without charge and without regard to any towing or storage charge owed on the vehicle. A reasonable timeframe shall be given of at least one hour to the tow truck company for removal of emergency items such as medicine or life affecting items. If the tow truck company has removed personal property from the vehicle, it will return it to the vehicle owner when requested without charge and without regard to any towing or storage charge owed on the vehicle. Should the tow truck operator or storage lot attendant have reasonable belief that such requested property constitutes contraband or other item(s), possession of which is unlawful, notification will be given to the appropriate law enforcement agency prior to release of the property.
- (f) Any loss, cost, damage or other expense occasioned by negligence of the wrecker company shall be the sole and entire responsibility of the wrecker company and not the county. All and total liability shall be upon the towing company from initial hook-up to a vehicle until release of said vehicle.

Sec. 70-74. Booting.

No booting will be allowed under the terms of this Ordinance.

Sec. 70-75. Property Owner's Associations.

No property owners' association rules or private covenants filed in the Beaufort County Register of Deeds Office will apply to any private roads in a subdivision, which has been dedicated under appropriate legal requirements to authorize state or county law enforcement to enforce traffic statutes under Title 56 of the Code of Laws of South Carolina 1976, as amended.

Sec. 70-76. Non-consensual towing from private property.

(a) It shall be unlawful to remove any motor vehicle from private property without authorization from the owner of the motor vehicle, the county, or authorized law enforcement agencies, except under the following circumstances:

(1) The property owner has proprietary ownership and discretion as to who is authorized to be on said property; and

(2) If the property owner is a commercial entity or other like entity which has shared parking spaces, the following conditions have been met:

a. The property owner, or designated manager, has posted the property with signs clearly stating that parking is prohibited or restricted;

b. The posted signs were in place and clearly visible and legible to any driver approaching the property where parking is prohibited or restricted at the time the vehicle was parked; and

c. The posted signs contain a clear warning that violators' vehicles will be towed, at the vehicle owner's expense, and contain the telephone number to call to obtain release of the towed vehicle.

(b) If a vehicle has been requested to be towed from private property where security is maintained, security shall be required to accompany the towing company to the vehicle requested to be towed and remain until the vehicle has been removed from the property.

(c) The owner of the vehicle towed from private property shall be responsible for paying all applicable towing and storage charges provided that the private property owner has complied with all of the requirements contained in subsection (a) above. If a vehicle is towed as a result of a property owner's request and the property owner has not complied with the requirements of subsection (a) above, or if the vehicle towed is shown to have been legally parked, the property owner shall be guilty of a misdemeanor and may, in the discretion of the county magistrate as provided in S.C. Code, Section 14-25-75, be required to reimburse the owner of the vehicle for all towing and storage charges which the owner of the vehicle paid.

(d) (1) A wrecker service and private property owner may enter into a written agreement authorizing towing from that property, which agreement shall be filed with the Beaufort County Sheriff's Office. Before towing a vehicle from private property without authorization from the vehicle owner, the wrecker service operator shall obtain from the property owner, or designated manager, a written authorization which shall set forth the name and signature of the property owner or his/her agent or a statement that the tow occurred pursuant to an agreement filed with the Beaufort County Sheriff's Office, the address from which the motor

vehicle is being towed, the reason for the removal, and the year, make, model vehicle identification number, state and license plate number of the motor vehicle being towed.

(2) These authorization forms shall be provided by each wrecker service providing such towing services and will be kept on file by the wrecker service for inspection by the county for not less than three (3) years.

(3) In addition, any wrecker service removing a motor vehicle from private property without the consent of the owner of the vehicle shall, within One (1) hour of its removal, telephone the Beaufort County Sheriff to verbally report the tow by providing the information on the authorization form as well as the location where the motor vehicle may be claimed by its owner.

(e) At any time a vehicle is towed without the authorization of the vehicle owner or person lawfully in possession of the vehicle (hereinafter the "vehicle owner"), the fee schedule herein shall be the maximum to be charged by any wrecker operator or company and no other fees or charges of any kind shall be required to be paid by the vehicle owner in order to recover the vehicle.

(f) No wrecker service operator shall tow a vehicle from private property without the consent of the vehicle owner unless the wrecker service shall have an operator/attendant on call at all times other than after normal business hours capable of responding to requests for release of the vehicle. The operator/attendant will be capable of and will respond to a request for release of a vehicle within forty-five (45) minutes of being called during any of these times, and shall release the vehicle upon payment of the fee as set forth in the fee schedule herein, and upon proper identification, unless the operator/attendant has reasonable belief that operation of the vehicle will be in violation of the law and in that instance will notify the appropriate law enforcement agency prior to release of the vehicle. No other fees or charges may be required, and no fees or charges shall be assessed or accrued after forty-five (45) minutes from the request for release of a vehicle.

(g) Each wrecker business shall have posted at its storage lot and at its principal place of business signs clearly indicating the procedure for release of vehicles, including the on-call number for release of vehicles, such posted signs to be in place and clearly visible and legible to any driver approaching the storage lot or place of business.

(h) If a vehicle owner returns to reclaim his or her vehicle while the tow truck is on the scene but before the vehicle is physically connected to the tow truck, the tow truck operator may charge no more than Seventy-five Dollars (\$75.00) to release the vehicle. If the owner refuses or is unable to pay, the vehicle may be towed.

(i) If the vehicle is connected to the tow truck when the vehicle owner returns to reclaim the vehicle, the tow truck operator shall disconnect the vehicle and return it to the

vehicle owner without further charge upon payment of One Hundred Dollars (\$100.00). If the owner refuses to or is unable to pay, the vehicle may be towed.

Sec. 70-77. Maximum towing charges.

(a) The attached (Appendix A) schedule of fees shall be adhered to in establishing the maximum that can be charged for a tow, except as otherwise provided by an authorized governmental agency having competent jurisdiction, and except when the owner/operator of a towed vehicle makes special arrangements with a wrecker service of his/her own choosing. These fees may be exclusive or cumulative in nature dependent upon the circumstances involved in the call for service.

(b) The schedule of fees shall be reviewed by the Beaufort County Governmental Committee, upon recommendation of the committee, the director of the division of public safety, or the program administrator. Adjustment of fees may be accomplished by simple resolution of County Council after public review in the event of any significant change in economic conditions affecting the towing industry, e.g., cost of fuel.

(c) Storage fees will not begin until twelve (12) hours after the motor vehicle has entered into the business' storage lot. Thereafter, storage fees shall accrue on a per day basis for any one (1) day or portion thereof.

(d) All entities engaged in a towing business shall adopt a fair business model which only utilizes and charges for the services and/or equipment necessary to accomplish the task under consideration. Those businesses that are found to unnecessarily utilize equipment in such a manner as to exaggerate towing charges will be found to be in violation of this article.

(e) Each business engaged in non-consensual (without the prior consent or authorization of the owner or operator of the vehicle) or wrecker service rotation program towing will post, in a prominent place, a placard which references this section and clearly identifies the current schedule of fees. Said placard will be no less than twelve (12) by eighteen (18) inches and clearly visible to vehicle owners who will be paying a towing bill.

(f) Each vehicle owner will be given an itemized invoice or receipt for the bill they have paid which details all charges that have been applied to the bill.

Sec. 70-78. Emergencies or special events.

Whenever the county determines that a state of emergency exists in Beaufort County, or during special events so designated by the county, the county administrator may request that all wrecker services engage in the towing of vehicles deemed as interfering with efforts to deal with the emergency or special event. Towing charges incurred during such times shall be in accordance with the established towing fee schedule and such charges shall remain the responsibility of the towed vehicle's owner.

Sec. 70-79. Penalties.

Unless otherwise provided herein, violation of any of the provisions of this article is a misdemeanor punishable in a court of competent jurisdiction of a fine of One Hundred Dollars (\$100) or thirty (30) days in jail.

Appendix A. Schedule of Fees

TABLE INSET:

Description	Fee
Carrier	\$200.00
Light-medium wrecker	\$200.00
No-tow (arrival only)	\$75.00
No-tow (attached)	\$100.00
Tow exceeding one hour	\$125.00 per hr.
Storage (per day) (after first 24 hours)	\$40.00

Adopted this _____ day of _____, 2011.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:

Ladson F. Howell, Staff Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

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

FY 2011-2012 BEAUFORT COUNTY SCHOOL DISTRICT BUDGET

To provide for the levy of tax for school purposes for Beaufort County for the fiscal year beginning July 1, 2011, and ending June 30, 2012; to make appropriations for said purposes; and to provide for budgetary control of the County’s fiscal affairs.

BE IT ORDAINED BY COUNTY COUNCIL OF BEAUFORT COUNTY:

SECTION 1. TAX LEVY

The County Council of Beaufort County hereby appropriates the funds as detailed in Sections 3 and 4 of this Ordinance and establishes the millage rates as detailed in Section 2 of this Ordinance. The County Council of Beaufort County reserves the right to modify these millage rates at its August 22, 2011, meeting.

SECTION 2. MILLAGE

In Fiscal Year 2011-2012 and in accordance with the laws of South Carolina, the County Auditor is hereby authorized and directed to levy a tax on the following mills on the dollar of assessed value of property within the County.

School Operations	92.97
School Debt Service	28.00

These taxes shall be collected by the County Treasurer, as provided by law, and distributed in accordance with the provisions of this Ordinance and subsequent appropriations hereafter passed by the County Council of Beaufort County.

SECTION 3. SCHOOL OPERATIONS APPROPRIATION

An amount of \$175,270,150 is appropriated to the Beaufort County Board of Education to fund school operations. This appropriation is to be spent in accordance with the school budget approved by County Council of Beaufort County, and will be funded from the following revenue sources:

- A. \$116,788,475 to be derived from tax collections;
- B. \$ 54,311,312 to be derived from State revenues;
- C. \$ 400,000 to be derived from Federal revenues;
- D. \$ 1,100,000 to be derived from other local sources;
- E. \$ 3,013,067 to be derived from inter-fund transfers.

The Beaufort County Board of Education is responsible for ensuring that school expenditures do not exceed appropriations other than as provided for in this Ordinance. As

revenues are based on projections, the Board of Education must make every effort to reduce the approved budget to allow for overestimated revenues, should this situation occur. Should the Board of Education be unable to sufficiently reduce the approved budget to allow for overestimated revenues, the Board of Education must appear before the County Council in an effort to resolve the problem. Any transfer of funds between programs as herein enacted must be in compliance with Section 7 of this Ordinance.

SECTION 4. SCHOOL DEBT SERVICE APPROPRIATION

The revenue generated by a 28.00 mill levy is appropriated to defray the principal and interest payments of school bonds.

SECTION 5. BUDGETARY ACCOUNT BREAKOUT

The Beaufort County Board of Education, as described in Section 3 of this Ordinance, line-item budgets are under separate cover but are also part and parcel of this Ordinance.

SECTION 6. OUTSTANDING BALANCE APPROPRIATION

The balance remaining in each fund at the close of the prior fiscal year, where a reserve is not required by State or Federal law, is hereby transferred to the Unreserved Fund Balance of that fund.

SECTION 7. AUTHORIZATION TO TRANSFER FUNDS

In the following Section where reference is made to "School Superintendent" it is explicit that this refers to those funds under the particular auspices of the School Superintendent requiring his approval.

Transfers of funds among operating accounts or among capital accounts within a department may be authorized by the School Superintendent or his designee, upon the written request of the Department Head. The School Superintendent, or his designee, may also transfer funds from any departmental account to their respective Contingency Accounts.

Transfer of monies/budgets between funds or programs must be authorized by the Board of Education, except amounts less than \$10,000, which may be authorized by the School Board Chairman, and/or the Finance Chairman of the respective bodies, upon the written request and consent of the School Superintendent. Transfers of less than \$5,000 may be authorized by the School Superintendent, and/or his designee.

SECTION 8. ALLOCATION OF FUNDS

The School Superintendent is responsible for controlling the rate of expenditure of budgeted funds in order to assure that expenditures do not exceed funds on hand. To carry out this responsibility, the School Superintendent is authorized to allocate budgeted funds.

SECTION 5. MISCELLANEOUS RECEIPTS ABOVE-ANTICIPATED REVENUES

Revenues other than, and/or in excess of, those addressed in Sections 3 of this Ordinance, received by the Beaufort County School District, which are in excess of anticipated revenue as approved in the current budget, may be expended as directed by the revenue source, or for the express purposes for which the funds were generated without further approval of County Council. All such expenditures, in excess of \$10,000, shall be reported, in written form, to the County Council of Beaufort County on a quarterly basis. Such funds include sales of products, services, rents, contributions, donations, special events, insurance and similar recoveries.

SECTION 6. TRANSFERS VALIDATED

All duly authorized transfers of funds heretofore made from one account to another, or from one fund to another during Fiscal Year 2012 are hereby approved.

SECTION 7. ADDITIONAL APPROPRIATIONS

This Ordinance provides that maximum school operations appropriations authorized for spending by the Beaufort County School District for Fiscal Year 2011-2012. The maximum school operations appropriation is set forth herein in Section 3. Any request to expend funds over the maximum school operations appropriation as provided in Section 3 must be approved by the Beaufort County Council by amendment to this Ordinance.

SECTION 8. EFFECTIVE DATE

This Ordinance shall be effective July 1, 2011. Approved and adopted on third and final reading this ____ day of _____, 2011.

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, By Title Only:
Second Reading:
Public Hearings:
Third and Final Reading:

2011 /

BEAUFORT COUNTY ZONING MAP AMENDMENT FOR R100 015 0000 0051 AND R100 015 0000 015A (KNOWN AS THE VILLAGE AT LADY'S ISLAND PLANNED UNIT DEVELOPMENT (PUD), APPROXIMATELY 35+ ACRES TOTAL, BORDERED BY SAM'S POINT AND OYSTER FACTORY ROADS); FROM PUD TO LADY'S ISLAND COMMUNITY PRESERVATION DISTRICT (LICP) AND LADY'S ISLAND EXPANDED HOME BUSINESS (LIEHB) ZONING DISTRICTS.

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

Adopted this ___ day of _____, 2011.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:

Ladson F. Howell, Staff Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading: April 11, 2011
Second Reading: April 25, 2011
Public Hearing:
Third and Final Reading:

(Amending 99/12)

CURRENT



**LEGEND
ZONE DISTRICT**

- Resource Conservation
- Rural
- Rural Residential
- Lady's Is CP
- Expanded Home Business LICP
- Village Center
- Planned Unit Development
- City of Beaufort

PROPOSED



REZONING AMENDMENT

R200 015 000 0051 & 051A The Village
 FROM Planned Unit Development [PUD] TO
 Lady's Island Community Preservation [LICP] and
 Lady's Island Expanded Home Business [LIEHB]

2011 /

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO AMEND CHAPTER 22, CIVIL EMERGENCIES, ARTICLE IV, DISASTER RECOVERY AND RECONSTRUCTION:

- Sec. 22-104 - Recovery management structure.
- Sec. 22-105 - Recovery plan.
- Sec. 22-106 - General provisions.
- Sec. 22-109 - Disaster and recovery emergency permitting and zoning policy and procedures.
- Sec. 22-111 - Temporary housing.
- Sec. 22-115 - Recovery and reconstruction strategy.

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

Adopted this _____ day of _____, 2011.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:

Ladson F. Howell, Staff Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading: April 11, 2011
Second Reading: April 24, 2011
Public Hearing:
Third and Final Reading:

(Amending 2008/28)

Sec. 22-104. - Recovery management structure.

(1) *Recovery task force.* A recovery task force is hereby established that is comprised of the following officers and members:

(a) The county administrator who shall be chair;

(b) ~~The director of public services~~ division director of engineering and infrastructure who shall be director and vice-chair;

(c) ~~The deputy county administrator of community services~~ division director community services who shall be deputy director, and who shall act as vice-chair in the absence of the vice-chair;

Sec. 22-105. - Recovery plan.

(1) *Recovery plan content.* The recovery plan addresses policies, implementation actions and designated responsibilities for such subjects as impact assessment (disaster assessment), continuation of government, public information/community relations, human services (short-term), individual assistance, volunteers and donations, debris management, re-entry security, health and human safety, repair and restoration of public infrastructure and buildings, building inspections and permits, rebuilding, construction, repairs, restoration, temporary housing, redevelopment (planning and zoning ordinance enforcement), economic preservation and restoration, mitigation, recovery administration and finance, county employees, mortuary operations, mutual aid protocols, pre-disaster equipment and facilities deployment and such other subjects as may be appropriate to expeditious and wise recovery.

(8) *Recovery plan validation.* The recovery plan shall be validated annually and/or following a disaster event. In order to facilitate an organized and comprehensive review of the plan, review checklists have been created for each of the recovery functions. The checklists include action items that should be reviewed and completed each year by the agency/department responsible for implementing the recovery function, in conjunction with the support agencies assigned to that recovery function. Once the review checklists have been completed, they should be turned in to the ~~deputy county administrator for public service and land management~~ the division director of engineering and infrastructure who will then make a report to county council regarding the status of recovery operations for the year. (Appendix A)

Sec. 22-106. - General provisions.

(1) *Powers and procedures.* Following the disaster declaration and/or determination that a local emergency exists, and while such declaration or determination is in force, the director of the recovery task force (~~the Beaufort County Director of the public services department~~) (the division director of engineering and infrastructure) and the deputy director of the recovery task force (~~the Beaufort County Deputy Administrator of Community Services~~, the division director of community services in the absence of the director) shall have authority to exercise powers and procedures authorized by this article, subject to extension, modification, or replacement of all or portions of these provisions by separate ordinances adopted by the Beaufort County Council. The emergency management director shall have oversight and control of issuing any curfews (section 22-107), coordinating re-entry procedures (section 22-108), and all other short-term emergency matters.

(2)(g) Make recommendations regarding moratoriums on buildings, land use regulations and permits, subject to Beaufort County Council ratification, as provided under subsection 22-109(3) (22).

Sec. 22-109. - Disaster and recovery emergency permitting and zoning policy and procedures.

(6) (a) Green card—No restrictions. A green card denotes minor damage to property. Card information will include permission to make these minor repairs without having to obtain a zoning or building permit. Structures with minor damage can be made habitable in a short period of time with minimal repairs. Damage may include doors, windows, floors, furnaces, air conditioners, water heaters and other repairable damages. ~~The baseline indicator of this category of assessment is 11 percent or less of the replacement cost of the structure at the time of damage.~~

(6)(b) Yellow card—Limited entry. A yellow card denotes major damage to the property. Card information will include instructions on how to apply for a zoning and building permit. Owner will not be allowed to occupy the structure, occupancy will be allowed only when structure is classified with a green card with no restrictions. Structures with moderate damage can be made habitable with extensive repairs. This category may include damage to the following portions of a structure: foundation, roof structure, wall sections and any other major components of the property. ~~The baseline indicator of this category of assessment is more than 11 percent but less than 75 percent of the replacement cost of the structure at the time of damage.~~

(6)(c) Red card—Unsafe. A red card denotes that the property has been destroyed. Card information will include that the structure is unsafe and may not be occupied. Buildings posted with this placard shall not be entered under any circumstances except as authorized in writing by the department that posted the building or by authorized members of damage assessment teams. The individual posting this placard shall note

in general terms the type of damage encountered. This placard is not to be considered a demolition order. Structures with major damage are considered destroyed and a total loss, meaning that damage is determined to be of such an extent that repair is not feasible. ~~The baseline indicator for this category of assessment is 75 percent or greater than the replacement cost of the structure at the time of damage.~~

(13) Issuing emergency zoning and building permits. When an emergency is officially declared, the following procedures will be implemented when issuing permits:

~~Damage 0—11 percent damage~~ (n No restriction on use or occupancy). No plans are required, no permit is required, and no inspection activity other than damage assessment is required.

~~Damage 11—49 percent~~ (u Use and occupancy restriction). A plan may be required for repairs or a detailed list of work to be done may be required. Development plan review is not required if there is no change in footprint of the building. Emergency building permit(s) is required. An affidavit stating that the owner or his/her authorized agent shall comply with all county codes will be required. Building inspections are required prior to work beginning and during construction.

~~Damage 50—74 percent~~ (u Use and occupancy restriction). Flood regulation standards shall be implemented. This standard is based upon Beaufort County Flood Map standards adopted by the County to qualify for FEMA disaster planning and reconstruction funding. Flood mapping in place at the time of the disaster will be the standard for decisions. County building official, or other designated representative, may review decisions, where information is incomplete, and/or in conflict with reality, or in error. General requirements: Plans may be required for repairs. If pre-existing structure is in compliance with zoning, and structure is not located in a flood zone or it is elevated to the proper base flood elevation, there is no change in the use or occupancy and there will be no expansion, plans will not be required. The building must be brought into full compliance with all applicable codes: zoning, building and flood regulations. Development plan review is not required. Building plan review is not required. An emergency building permit is required. An affidavit stating the owner or his/her agent will comply with all county codes is required. Building inspections are required prior to and during construction.

~~Damage >75 percent~~ (u Unsafe). If structure is not demolished, plans are required. A structural engineer report is required. Zoning and development permits are required. A building permit is required.

General requirements: Plans and structural analysis may be required for repairs. If pre-existing structure is in compliance with zoning, and structure is not located in a flood zone or it is elevated to the proper base flood elevation and there is no change in the use or occupancy and there will be no expansion the building may be repaired after obtaining the building permit; or the building must be brought into full compliance with all

applicable codes: zoning, building and flood regulations. Development plan review may not be required. Building inspections are required prior to and during construction.

(16)(c) Field inspectors will judge extent of damage both residential/commercial structures. ~~based upon this scale of values: Minor ≤ 11 percent; Major > 11 percent, but < 74 percent; Destroyed ≥ 75 percent~~

(24) (b) 1. ~~Will not be detrimental~~ not have a long-term detrimental impact to on the immediate neighborhood;

PROPOSED TEMPORARY HOUSING REVISIONS (THROUGH (d))

Temporary use permits may be issued for a period of one year following the declaration of local emergency and may be extended ~~for an additional year, on an annual basis to~~ for to a maximum of five ~~two~~ years from the declaration of emergency, provided such findings are determined to be still applicable by the end of the first year. If, during the first or any of the subsequent four years ~~or the second year~~, substantial evidence contradicting one or more of the required findings comes to the attention of the director, the temporary use permit shall be revoked.

(c) Single Family Residence Repair or Replacement. A temporary use permit shall also be granted subject to the provisions of Sec. 22-111(4) to allow the property owner of a single family residence that has been deemed as having "no restrictions on use or occupancy" Damaged 0 to 10 percent pursuant to Sec. 22-109(13) to live on his or her property until such time as the damaged house can be repaired or re-built. This temporary housing permit shall be good for one year and may be renewed each year for a maximum of five years.

(d) No Grandfathered or Nonconforming Status Acquired. No use initiated pursuant to the provisions of this section may claim grandfathered or nonconforming use status. Any use initiated under this section must terminate after five years, if not before.

Sec. 22-111. - Temporary housing.

(2) *Pre-disaster site planning.* Each year, as part of the recovery plan update process, ~~the deputy county administrator for community services~~ the division director of community services will be responsible for overseeing a planning process to determine the best sites for the placement of potential temporary housing units. The county will focus on using county-owned property and perhaps existing mobile home parks for locating temporary housing developments. This site identification will take place on an annual basis. This process will be coordinated with the affordable housing, planning, zoning, building codes, GIS and other departments as deemed necessary. The results of this annual planning process will be compiled in a selection report and presented to county council by the county administrator.

(4) PROPOSED TEMPORARY HOUSING REVISION (4)

~~Other.~~ The county is also considering adopting an ordinance that will allow homeowners issue temporary use permits to residents to place which will allow for the placement of one (1) temporary housing unit on their property owned by them (that may be occupied by the property owner and his/her family only) in the event that the property owner's house has been damaged but has been deemed as "having no restriction on use or occupancy" or destroyed in an amount greater Damage 0-10 percent as set forth in Sec. 22-109(13) above. This will allow the property owner and his or her family to live on-site until such time that the damaged house can be repaired or rebuilt. This temporary housing unit shall only be occupied by the property owner and his or her family.

Sec. 22-115. - Recovery and reconstruction strategy.

At the earliest practicable time following the declaration of local emergency in a major disaster, the director and the recovery task force shall prepare a strategic program for recovery and reconstruction based on the pre-disaster plan and its policies.

(1) *Functions.* To be known as the recovery strategy, the proposed strategic program shall identify and prioritize major actions contemplated or under way regarding such essential functions as business resumption, economic reinvestment, industrial recovery, housing replacement, infrastructure restoration, and potential sources of financing to support these functions. ~~These actions shall be tracked in the Beaufort County Recovery Decision Matrix spreadsheet to facilitate ease of tracking the recovery.~~

2011/

AN ORDINANCE TO ESTABLISH, PURSUANT TO SECTION 4-1-170 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, A MULTI-COUNTY INDUSTRIAL/BUSINESS PARK, TO BE KNOWN AS THE CYPRESS RIDGE MULTI-COUNTY PARK, IN CONJUNCTION WITH JASPER COUNTY, SOUTH CAROLINA; TO PROVIDE FOR A WRITTEN AGREEMENT WITH JASPER COUNTY AS TO THE SHARING OF THE REVENUES AND EXPENSES OF THE PARK; TO PROVIDE FOR THE DISTRIBUTION OF REVENUES FROM THE PARK AMONG TAXING ENTITIES HAVING JURISDICTION OVER THE PARK; TO PROVIDE FOR A FEE IN LIEU OF AD VALOREM TAXATION; AND OTHER MATTERS RELATED THERETO.

WHEREAS, Beaufort County, South Carolina ("Beaufort County") and Jasper County, South Carolina ("Jasper County") (collectively, the "Counties" and together with any additional counties that become parties to the MCP Agreement described below, the "Member Counties"), as authorized under Article VIII, Section 13(D) of the South Carolina Constitution and Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended (the "Act"), propose to establish jointly a multi-county industrial/business park within the geographical boundaries of one or more of the Member Counties (the "Park"); and

WHEREAS, Article VIII, Section 13(B) of the South Carolina Constitution provides that nothing in the State Constitution may be construed to prohibit any of the counties in South Carolina from agreeing to share the lawful cost, responsibility, and administration of functions with one or more governments, whether within or without the State of South Carolina; and

WHEREAS, in order to promote the economic development of Beaufort County and Jasper County, the Counties have initially agreed to include in the Park properties located in Jasper County and described in Exhibit A hereto (the "Initial Property") and as more particularly described in Exhibit A to that certain Agreement for the Establishment of Multi-County Industrial/Business Park to be entered into by the Counties as of such date as may be agreed to by the Counties (the "MCP Agreement"); and

WHEREAS, the Park shall be known as the "Cypress Ridge Multi-County Park"; and

WHEREAS, the Counties have agreed to the specific terms and conditions of the arrangement set forth in the MCP Agreement; and

WHEREAS, the Counties now desire to establish the Park to include the Initial Property;

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

Section 1. Establishment of Multi-County Park; Approval of MCP Agreement; Location of Park; Change of Park Boundaries.

(a) There is hereby authorized to be established, initially in conjunction with Jasper County, a multi-county industrial/business park to be known as the “_____ Multi-County Park” and to include therein the Initial Property. The form, provisions, terms, and conditions of the MCP Agreement now before this meeting and filed with the Clerk to County Council be and they are hereby approved, and all of the provisions, terms, and conditions thereof are hereby incorporated herein by reference as if the MCP Agreement were set out in this Ordinance in its entirety.

(b) The MCP Agreement is to be in substantially the form now before this meeting and hereby approved, or with such changes therein as shall not materially adversely affect the rights of Beaufort County thereunder and as shall be approved by the officials of Beaufort County executing the same, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of the MCP Agreement now before this meeting. The Chairman of County Council, for and on behalf of Beaufort County, is hereby authorized, empowered, and directed to do any and all things necessary or proper to effect the establishment of the Park and the execution and delivery of the MCP Agreement and the performance of all obligations of Beaufort County under and pursuant to the MCP Agreement and to carry out the transactions contemplated thereby and by this Ordinance.

(c) As of the date of enactment of this Ordinance, the Park shall consist of the Initial Property located in Jasper County. It is recognized that the Park will from time to time consist of non-contiguous properties within each Member County. The boundaries of the Park may be enlarged or diminished from time to time as authorized by (a) an ordinance of the Member County in which the property to be added or removed from the Park is actually located, and (b) a resolution (or comparable action) of the governing bodies of all other Member Counties.

Section 2. Payment of Fee-in-lieu of Taxes. (a) In accordance with Article VIII, Section 13(D) of the South Carolina Constitution, the area comprising the Park and all property having a situs therein is exempt from all *ad valorem* taxation. All owners and lessees of property situated in the Park will pay a fee in lieu of *ad valorem* taxes as provided for in the MCP Agreement. The fee paid in lieu of *ad valorem* taxes shall be paid to the county treasurer of the county in which such property is located. That portion of the fee from the Park property located in a Member County and allocated pursuant to the MCP Agreement to the other Member Counties shall be paid to the respective county treasurer (or other designated official) of the other Member Counties in accordance with the terms of the MCP Agreement. Payments of fees in lieu of *ad valorem* taxes will be due on the due date for taxes for a particular year. Penalties for late payment will be at the same rate as late tax payments. Any late payment beyond the due date will accrue interest at the rate of statutory judgment interest. The Member Counties, acting by and through the appropriate official, shall maintain all liens and rights to foreclose upon liens provided for counties in the collection of *ad valorem* taxes.

(b) Nothing herein shall be construed to prohibit any Member County from negotiating and collecting reduced fees in lieu of taxes pursuant to Title 4, Chapter 29 or Chapter

12, or Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, as amended, or any similar provision of South Carolina law.

Section 3. Sharing of Expenses and Revenues. Sharing of expenses and revenues of the Park by the Member Counties shall be as set forth in the MCP Agreement.

Section 4. Distribution of Revenues to Taxing Entities. Revenues from the Park shall be distributed to and within the Member Counties as set forth in the MCP Agreement.

Section 5. Governing Laws and Regulations. In order to avoid any conflict of laws or ordinances among the Member Counties, the ordinances or other local laws of each Member County will be the reference for such regulations or laws in connection with Park premises located within such Member County. Nothing herein shall be taken to supersede any applicable municipal, state, or federal law or regulation. The Member County in which a parcel of Park premises is located is specifically authorized to adopt restrictive covenants and land use requirements in accordance with law for each such parcel at that Member County's sole discretion. The ordinances of a Member County shall in no way apply to Park property not located in such Member County.

Section 6. Admission of Additional Parties. The MCP Agreement may be amended from time to time to add additional counties or other political subdivisions located within South Carolina or outside South Carolina, subject to any limitation contained in Article VIII, Section 13 of the Constitution of South Carolina or Title 4, Chapter 1 of the Code, by ordinances or comparable action of the governing body of each Member County. Upon approval of all Member Counties, the MCP Agreement shall be amended to admit such political subdivision as a party thereto, with such rights and obligations as shall be provided in the MCP Agreement as so amended and applicable law.

Section 7. Savings Clause. If any portion of this Ordinance shall be held void or otherwise invalid, the validity and binding effect of the remaining portions shall not be affected thereby.

Section 8. General Repealer. Any prior ordinance or resolution, the terms of which are in conflict herewith, is, only to the extent of such conflict, hereby repealed.

Section 9. Effectiveness. This Ordinance shall be effective after third and final reading

BEAUFORT COUNTY, SOUTH CAROLINA

By: _____
Chairman of County Council
Beaufort County, South Carolina

ATTEST:

Clerk to County Council
Beaufort County, South Carolina

First reading: April 11, 2011
Second reading: April 25, 2011
Public hearing: _____, 2011
Third reading: _____, 2011

EXHIBIT A

Initial Property

[Located in Jasper County]

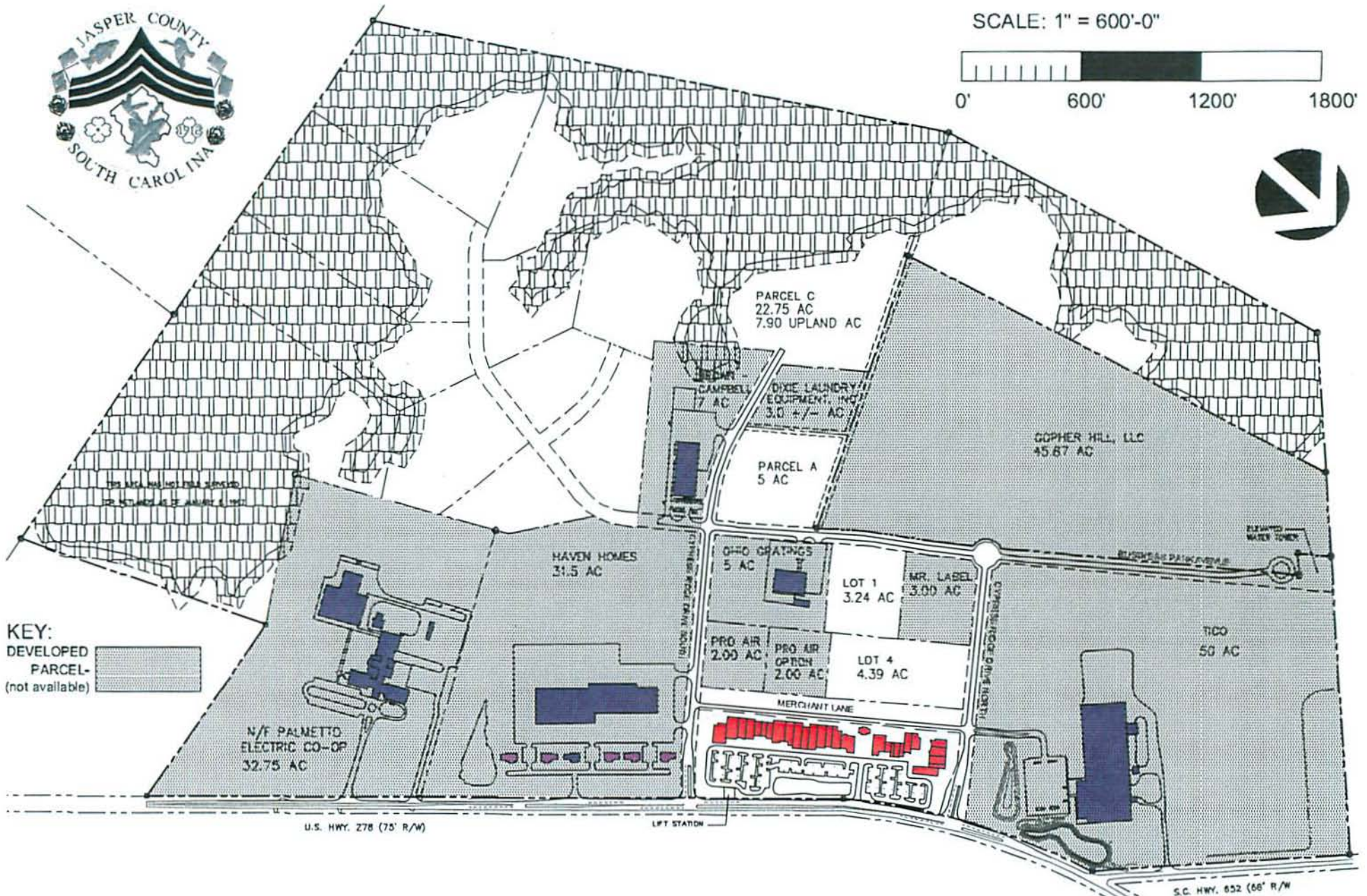
ALL THAT certain, piece, parcel or tract of land, lying and being situate near Richland, in Jasper County, South Carolina, consisting of 27.14 acres, more or less, and being more particularly bound and described as follows:

Beginning at the point along the 75' Right-of-Way of US Highway 278 and running S35 26'38"E along said Right-of-Way for a distance of 1083.86 feet, more or less, to a point; then turning and running S70 10'40"W for a distance of 1218.55 feet, more or less, along a proposed pond to a point; then turning and running N44 38'32" for a distance of 450.79 feet, more or less, along a proposed road to a point; then turning slightly and continuing to run along said proposed road N37 35'15"W for a chord distance of 114.17 feet, more or less, to a point; then turning slightly and further continuing to run along said proposed road N30 31'57" for a distance of 302.39 feet, more or less, to a point; then turning and running N59 28'03"E for a distance of 1228.51 feet, more or less, along an existing paved road, to the point of beginning.

For a more definite description reference is made to that certain Plat prepared at the request of Jasper County by Thomas G. Stanley, Jr. PLS, dated August 4, 2003 and revised August 20, 2003 and recorded in Plat Book 27 at Page 70 in the Office of the Clerk of Court for Jasper County, South Carolina.



SCALE: 1" = 600'-0"



MASTER PLAN of
CYPRESS RIDGE BUSINESS PARK
 Jasper County, South Carolina

PREPARED BY:
 Alan Glassberg
 Landscape Architecture, LLC.

LANDSCAPE ARCHITECTURE / SITE PLANNING / URBAN DESIGN
 P.O. BOX 315
 RIDGELAND, SC 29936

Cypress Ridge MCIP

Tax ID #	Acres	Owner				
1	048-00-01-006	49.83	Gopher Hill Holding LLC	taxed by County \$52.78 Ag use	taxed by DOR \$28,650.69 for School portion only	Exemption will be over for 2011
2	048-00-01-013	0.33	Town of Ridgeland - water tower	exempt		
3	048-00-01-030	5.26	Jasper County - Road	exempt		
4	048-00-01-012	11.26	Jasper County - Road	exempt		
5	048-00-01-007	25.52	Gopher Hill Holding LLC	taxed by County \$55.43 Ag use		
6	048-00-01-005	19.09	Gopher Hill Holding LLC	taxed by County \$40.19 Ag use		
7	048-00-01-008	28	Jasper County	exempt		
8	048-00-01-009	65.16	Jasper County includes road	exempt		
9	048-00-01-039	5	Jasper County	exempt		
10	048-00-01-037	3	Samuel Mock	taxed by County \$467.79 land		
11	048-00-01-010	97	Jasper County	exempt		
12	048-00-01-036	7	Jasper County - Brown Campbell	exempt		
13	048-00-01-026	1.41	Jasper County - Ohio Gratings	manufacturing	taxed by DOR \$6,004.95	Exempt for 3 more years
14	048-00-01-033	2	John & Timothy Roberts	taxed by County \$311.86 land		
15	048-00-01-032	2	Jasper County	exempt		
16	048-00-01-034	3.24	Jasper County	exempt		
17	048-00-01-035	3	Jasper County	taxed by County \$467.79 land		
18	048-00-01-029	1.24	Jasper County	exempt		
19	048-00-01-012	11.26	Jasper County	exempt		
20	048-00-01-028	27.14	Haven Homes	manufacturing	taxed by DOR \$68,706.74 for School & County	100% taxable
21	048-00-01-011	0.06	Town of Ridgeland - sewer lift station	exempt		
		367.8				
			GRAND TOTAL		\$104,758.22	

Committee Reports
May 9, 2011

A. COMMITTEES REPORTING

1. Finance

- ① Minutes are provided from the [April 25](#) meeting. Action is required. See main agenda items 11 and 15.
- ② Minutes provided May 23 from the May 5 meeting. See main agenda item 20.

2. Governmental

- ① Minutes provided May 23 from the May 2 meeting. Action is required. See main agenda items 18 and 19.

3. Natural Resources

- ① Minutes are provided from the [May 2 \(10 am\)](#) meeting. Action is required. See main agenda item 17.
- ② Minutes provided May 23 from the May 2 (2 pm) meeting. Action is required.
See main agenda items 16 and 18.
- ③ Planning Commission
Switch Bob Semmler from representative to Port Royal Island to at-large.
Switch Ron Petit from at-large to representative Port Royal Island.

4. Public Facilities

- ① Minutes are provided from the [April 26](#) meeting. Action is required. See main agenda items 12, 13, 14.

B. COMMITTEE MEETINGS

1. Community Services

William McBride, Chairman

Gerald Dawson, Vice Chairman

➔ Next Meeting – Monday, May 16 at 4:00 p.m., BIV #2

2. Executive

Weston Newton, Chairman

3. Finance

Stu Rodman, Chairman

Rick Caporale, Vice Chairman

➔ Next Meeting – Monday, May 9 at 2:30 p.m., ECR (Joint meeting with Governmental)

➔ Next Meeting – Monday, May 16 at 2:00 p.m., BIV #2

4. Governmental

Jerry Stewart, Chairman

Laura Von Harten, Vice Chairman

➔ Next Meeting – Monday, May 9 at 2:30 p.m., ECR (Joint meeting with Finance)

➔ Next Meeting – Monday, June 6 at 4:00 p.m., ECR

5. Natural Resources

Paul Sommerville, Chairman

Brian Flewelling, Vice Chairman

➔ Next Meeting – Monday, June 6 at 2:00 p.m., ECR

6. Public Facilities

Herbert Glaze, Chairman

Steven Baer, Vice Chairman

➔ Next Meeting – Tuesday, May 24 at 4:30 p.m., ECR

7. Redistricting

Weston Newton, Chairman

William McBride, Vice Chairman

➔ Next Meeting – Friday, May 13 at 9:30 a.m., ECR

8. Transportation Advisory Group

Weston Newton, Chairman

Stu Rodman, Vice Chairman

➔ Next Meeting – August 2011

FINANCE COMMITTEE

April 25, 2010

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

The Finance Committee met on Monday, April 25, 2010 at 2:30 p.m., in the Executive Conference Room, Administration Building

ATTENDANCE:

Finance Committee members: Vice Chairman Rick Caporale, Steven Baer, Brian Flewelling, William McBride, Paul Sommerville, and Jerry Stewart attended. Committee Chairman Stu Rodman absent. Non-committee member Gerald Dawson was also present. Weston Newton, as Council chairman, is a voting member of each Committee and attended the meeting.

County Staff: Sharron Burris, Auditor; Morris Campbell, Division Director – Community Service; Author Cummings, Building Codes Director; Alan Eisenman, Budget Analyst; Bryan Hill, Deputy County Administrator; Ed Hughes, County Assessor; Gary Kubic, County Administrator; Donna Ownby, EMS Director; Monica Spells, Compliance Officer; David Starkey, Chief Financial Officer; Dave Thomas, Purchasing Director; and William Winn, Division Director – Public Safety.

Media: Richard Brooks, *Bluffton Today* and Kyle Petterson, *Beaufort Gazette / Island Packet*.

Public: Jane Belle, Beaufort County Black Chamber of Commerce; Dick Farmer, Accommodations Tax Board Chairman; Doug Henderson, Treasurer Elect; Larry Holman, Beaufort County Black Chamber of Commerce; Walter Mack, Penn Center; Bob Moquin, Executive Director, Visitor and Convention Bureau; Jim Wescott, Directory of Lowcountry Resort Island Tourism Commission

Fire Districts: Gordon Bowers, Lady's Island/St. Helena Fire District member; Ed Boys, Daufuskie Island Fire Chief; Gary Bright, Burton Fire Chairman; Patricia Fennel, Bluffton Township Fire District member; Buddy Jones, Sheldon Fire Chief; Chuck Henry, Daufuskie Island Fire District Chairman; Bruce Kline, Lady's Island/St. Helena Fire Chief; Roosevelt McCollough, Lady's Island/St. Helena Fire District member; Pat Harvey-Palmer, Lady's Island/St. Helena Fire District member; Donnie Phillips, Sheldon Fire District member; Terrence Reynolds, Bluffton Township Fire District member; Harry Rountree, Burton Fire Chief; Charles Schreiner, Lady's Island/St. Helena Fire District member; John Thompson, Bluffton Township Fire Department Deputy Chief; David Townsend, Lady's Island/St. Helena Fire District Chairman; and Barry Turner, Bluffton Township Fire Chief,

Rick Caporale chaired the meeting.

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

ACTION ITEMS

1. Fire District FY 2012 Budget Presentations

- **Opening Remarks**

Discussion: Deputy County Administrator Bryan Hill spoke before the Committee. The fire chiefs worked under the parameters of no millage increase and no use of reserves. They have been following the same guidelines that Council has professed to administration. He thanked the chiefs for their hard work. This was a three-year process in understanding and defining millage rates. He thanked David Starkey, Chief Financial Officer, for nailing the millage rate for the last two years. This is the first year that the five fire chiefs can state they have not used fund balance. He thanked them all for listening to administration through this tough process and doing what they have been instructed. These budgets are between zero and .5% increase. There is one exception, which will be discussed later.

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

Discussion: Chief Bruce Kline reviewed this item with the Committee. He presented the Committee with FY2011 budget which totaled \$4,512,893 in operations and \$293,969 in debt. Their proposed budget presented for FY2012 is \$4,549,692 in operations and \$293,969 in debt. He also presented what the FY2012 budget would be with salary adjustment -- \$4,755,720 in operations and \$293,969 in debt. They are not proposing the budget with salary adjustment, not because they do not feel it is warranted, but that our taxes, revenue and economy will not support an increase in salaries. The budget proposed has no increase in operations, no increase in debt, and no capital items. The budget has been prepared, reviewed, evaluated for cost savings. Example: The District changed carriers for workman's compensation and saved over \$8,000. The District is currently working with its healthcare provider and all providers to save. Recently, the District changed provider for LP Gas and save \$1.50 per gallon. The only increase is a \$36,799 increase in personnel cost, which is less than a 1% increase. That includes annual promotions, longevity and benefits. The promotional process, all fire districts use, is a long standing program that requires firefighters to attend programs, classes, and curricula and take a written and practical exam for that promotion. It is a step process. They have to have five years worth of programs and classes in which each year they test competencies for that promotion. It is a long standing program, used for several years, and at the guidance of the Finance Committee years ago, all districts are using the same system. Also, FY2012 will be the last debt payment from impact fees. As of June 30, an audit showed that the District's fund balance was \$527,000, debt \$54,000, and Impact Fees \$281,000. The difference between the proposed budget and the budget with the salary adjustments would be \$206,000.

Mr. Sommerville wanted to know why the impact fees are being presented as an expense. Chief Kline stated it is an expense. This year will be the last time the District uses impact fees. It was a standard practice to use that as part of debt payment for new construction of facilities.

Mr. Baer stated the proposed budget is a .08% increase in cost and wanted to know if the value of the mill for this District is increasing. Mr. Starkey replied ever so slightly to the point

where one should assume flat. What tiny bit of growth we have is getting swallowed by the 6% to 4% shift that is still occurring and with the negative ATI legislation coming on board for next fiscal year.

Chief Kline stated \$139,903 is the mill value.

- **Sheldon Fire District**

Discussion: Chief Buddy Jones reviewed this item with the Committee. The District's FY2011 budget was \$1,040,352 in operations and \$77,800 in debt. The proposed FY2012 budget is \$1,049,052 in operations and \$77,800 in debt. That is an \$8,700 increase in the total budget, due to an \$8,700 increase in operations. The reason for the increase is maintenance costs. The FY2012 budget to include a salary adjustment would be \$1,103,930 for operations and \$77,800 for debt, a \$63,578 total increase from the current year budget. The District had 1.66% growth. The mill value last year was \$32,300 and this year's it is estimated to be \$32,836.

Mr. Newton wanted to know if the District had any longevity costs. Chief Jones replied in the affirmative, but payroll was able to be kept the same. A firefighter died in the line of duty in 2008. Workman's Compensation hits hard the first three to four years after an incident like that. It dropped approximately \$8,000 - \$9,000 this year. That will help to make up that difference for longevity pay.

Mr. Newton wanted to know how many households the District covers. Chief Jones replied approximately 3,000 to 4,000.

- **Bluffton Fire District**

Discussion: Chief Barry Turner reviewed this item with the Committee. The District's FY2011 budget was \$9,026,516 in operations cost and \$176,651 in total debt. The proposed budget for FY2012 includes operations costs for \$9,073,070 and debt service in the amount of \$176,650. This proposed budget reflects an increase of .51%, which is \$46,554 over the previous year's budget. The estimated revenue is \$9,205,000 and the proposed budget is well within that amount. There is no need for a millage increase. Estimated revenue for debt is \$177,837 which the proposed budget is within that amount for debt. There is no change in debt from the current year's budget. The current debt reflects paying off two fire engines by June 30 and taking the same millage to finance the construction of the fire station relocation in Old Towne Bluffton. The plans have been identified in the District's strategic plan and will result in no millage increase for debt. The reserve fund, as of June 30, 2010 was \$3,754,142. The Fire Commission has adopted a resolution to maintain a minimum reserve balance to equal three months of operating expenses. Based upon the proposed budget of \$9,073,070, this equates to approximately \$2,268,267 and leaves a positive reserve in the amount of \$1,132,000. In FY2012 the District used \$340,000 of this money for the strategic plan capital improvements and projects. It is a onetime expenditure and will leave a Reserve Fund balance above the required minimum reserve of approximately \$790,000. The District's Impact Fee balance, as of June 30, 2010, was \$328,625. The amount was used during the current budget to make the last payment

on the Headquarter Station. The District anticipates a balance in that account of approximately \$150,000 as of June 30, 2011. There are no projects to be funded by Impact Fees in FY2012. The District's budget with a salary increase would be \$9,530,427 in operations and \$176,650 in debt.

Mr. Caporale wanted to know when the District's Board passed the Minimum Fund Balance Policy. Chief Turner replied in April's meeting.

- **Daufuskie Fire District**

Discussion: Chief Ed Boys reviewed this item with the Committee. The District's FY2011 budget was \$926,299 in operation costs and zero for debt. Their FY2012 budget totals \$942,309 for total operations and zero for debt, a budget increase of 1.72%. The proposed budget includes \$16,064 increase in personnel costs. With a salary adjustment the increase in personnel costs would be \$39,266, making the total operating budget \$981,575, an increase of 4.1%. The proposed budget includes a \$54 decrease in operation costs.

- **Burton Fire District**

Discussion: Chief Harry Rountree reviewed this item with the Committee. The District's proposed budget will have no increase in salary, no cost of living adjustment, no capital and will have no tax increase. The only difference is that the District has a contractual arrangement with the City of Beaufort and the Town of Port Royal that after ten long years is bringing in a substantial amount of money, allowing the District to implement some plans that have been put on hold for many years. FY2011 budget was \$3,899,908 in total operations and \$362,952 in total debt. The proposed budget for FY2012 includes \$4,380,920 in total operations and \$368,523 in total debt. Personnel costs increased by \$461,745 and operation costs increased \$19,167. There was a change in debt service in the amount of \$5,571. The total increase over the previous year's budget would be \$486,483. The District has contractual revenue in the amount of \$349,949. The District's budget last year was approved at much less than the value of the mill was estimated at. The mill is at \$73,613. This year, the estimated collections are \$4.1 million. Once including the contractual revenue, the District will have about \$80,000 left over. The Commission's intent is to take that money and apply it toward debt service.

Mr. Flewelling stated the way it was explained earlier was that the District, without a tax increase, is receiving more money than anticipated, therefore will use that money to supplement personnel so that three men can be placed on a vehicle per call, instead of two. Chief Rountree stated that is correct. The District has five stations and 15 people on duty every day. Out of those five stations, one individual is a supervisor, so that primarily leaves one truck down one individual. With OSHA and NFA requirements it is a sticky situation to send two people to a call. Three people are more effective, safer and more efficient. The hiring of this additional person will allow, if no one is off, the three-man crew desired.

Mr. Caporale wanted to know if three firefighters per truck are standard across all of the districts. Chief Kline stated his district has the minimum manning of three men daily. Chief Jones said his is supplemented by volunteers.

It was moved by Mr. Flewelling, seconded by Mr. McBride that the Committee approves and recommends Council approves the Fire Districts FY 2012 budgets: Lady's Island/St. Helena Island - \$4,549,692 operations and \$293,969 debt; Sheldon Fire District - \$1,049,052 operations and \$77,800 debt; Bluffton \$9,073,070 operations and \$176,650 debt; Daufuskie Fire District - \$942,309 operations and zero debt; Burton Fire District - \$4,380,820 operations and \$368,523 debt. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Flewelling, Mr. McBride, Mr. Newton, Mr. Sommerville and Mr. Stewart. ABSENT – Mr. Rodman. The motion passed.

Recommendation: Council approves the Fire Districts FY 2012 budgets: Lady's Island/St. Helena Island - \$4,549,692 operations and \$293,969 debt; Sheldon Fire District - \$1,049,052 operations and \$77,800 debt; Bluffton \$9,073,070 operations and \$176,650 debt; Daufuskie Fire District - \$942,309 operations and zero debt; Burton Fire District - \$4,380,820 operations and \$368,523 total debt.

2. 2011 Accommodations Tax Board Recommendations / Hospitality Tax Distribution

Discussion: Accommodations Tax Board Chairman Dick Farmer spoke before the Committee. Council gave the Board a challenge this time. There was approximately \$400,000 worth of requests for funding. The Board recommends distribution in the amount of \$101,000. There was passionate support for several of the projects. He provided the Committee with the spreadsheet showing the amounts requested, amount recommended and which part of the event/project the Board recommends funding. No one gets 100% funding. The Board wished there were additional dollars so they could fully fund a few of the projects; one of which was the Conference Center Study, by the Beaufort Regional Chamber of Commerce.

Mr. Sommerville thanked the Board for what they do and the time they devote.

Mr. Newton stated these are additional Hospitality Tax dollars that Council asked the Board to make recommendations on allocating. At that time, Council encouraged the hospitality industry that had expressed concern relative to allocations to them not being made. He wanted to know if the spreadsheet presents all of the applications received. Mr. Farmer stated the spreadsheet shows the all of the applicants. He stated some events are hospitality related.

Mr. Newton stated the hospitality industry and their representatives had expressed concern about their ability to participate in allocations and the total of accommodations tax and Hospitality Tax allocated to them. It is interesting to note that it is not flooded with applications dramatically different from what comes forward for accommodations tax funds.

Mr. Farmer stated he was expecting fewer applications, but the amount received was in line with what is received for accommodation tax funding.

Mr. Newton wanted to know about the Conference Center Study and if they are focusing the study on a specific geographic region. Mr. Farmer replied that it was a feasibility study for

the conference center, which would research where it would be, the drawing capabilities, and the regions.

Mr. Newton wanted to know if the \$12,000 requested was the total amount of the study. Mr. Farmer replied in the affirmative. Mr. Bob Moquin, Executive Director, Visitor and Convention Bureau, clarified a few things before the Committee. The study, itself, will cost about \$45,000. The Chamber held a public charette and received 16 different properties in Northern Beaufort County. One thing the Chamber is requesting, as part of this feasibility and economic impact study, is for the third party to look beyond these 16 sites that have been submitted. The \$12,000 requested is a matching fund program that the Town of Port Royal, City of Beaufort, and the Visitor and Convention Bureau are all putting in \$12,000. The Chamber appreciates the fact that the Board recommended 83% of what was requested, but the downside is that the City and the Town will only match what the County contributes, meaning additional dollars may be lost. The Chamber, in working with the third party, wants confirmation they are on the right road. If the study comes back and there is not demand for a conference center, then it will not be pursued. They will also provide funding mechanisms and other models that have been used around the country.

Mr. Caporale wanted to know when the Chamber will know whether they have enough money to do this study. Mr. Moquin replied as soon as Council approves the recommendations, then he will go back to the City and Town to inform them how much the County is willing to put in. If the funding falls short, they will have to find other ways.

Mr. Newton wanted to know if all of the applications submitted were new applications submitted. Mr. Farmer replied yes. Mr. Newton stated many of these submitted applications for larger funding amounts or the same funding amounts though the Accommodations Tax process. Mr. Farmer stated he compared what the applicants asked for this cycle and what they previous received in terms of funding. Out of all of these groups, seven groups submitted applications for Hospitality Tax dollars, who did not submit an application for Accommodations Tax dollars.

Mr. Newton inquired as to the goal of the Board's recommendation. Mr. Farmer stated the guidelines are tourist attraction and support. Council provides the amount of money to put to that and the Board debates relative value.

Mr. Newton wanted to know if there is any consideration given to promoting tourism in the areas in which these funds are collected. Mr. Farmer replied the Board looks at what area of the County it is in, but it is not a guiding criteria.

Mr. Stewart stated several of these applicants received significantly less money than they requested. When the Board recommends a portion of funding are they funding a certain portion of the applicant's budget? What happens if they cannot come up with the rest of the money for the project? Mr. Farmer stated the Board asks the applicants what is most important for them to get funded. They are informed up front that we do not have the funding to support their project in total.

Mr. Caporale thanked Mr. Farmer and the entire Accommodation's Tax Board.

It was moved by Mr. Sommerville, seconded by Mr. McBride that the Committee approves and recommends Council approves \$101,000 of Hospitality Tax dollars to be spent as recommended by the Accommodations Tax Board which are as follows: Penn Center, Inc. - \$10,000; Beaufort County Black Chamber of Commerce - \$5,000; Main Street Beaufort, USA - \$3,000; Arts Council of Beaufort County - \$2,500; Bluffton Historical Preservation Society - \$7,000; Concours d'Elegance - \$3,500; Friends of Fort Freemont - \$4,000; Hilton Head Symphony Orchestra - \$1,000; Gullah Festival of South Carolina - \$8,000; Historic Beaufort Foundation - \$1,000; Coastal Discovery Museum - \$2,000; Lowcountry Estuarium - \$1,000; Daufuskie Island Historical Foundation - \$2,000; Mitchelville Preservation - \$8,000; Arts Center of Coastal Carolina - \$7,000; The Sandbox - \$1,000; Friends of Hunting Island State Park - \$5,000; Literacy Volunteers of the Lowcountry - \$5,000; Lowcountry Tourism - \$4,000; Hilton Head Island Chamber of Commerce - \$10,000; Main Street Youth Theater - \$1,000; and Beaufort Regional Chamber of Commerce - \$10,000.

Mr. Newton stated Council meetings over the last few weeks have compelled him to highlight a few things. Over 70% of the hospitality tax dollars last year were generated from district 600, yet in looking at these recommendations less than 9% of these dollars go back to that district. We are taking monies from these areas where they are collected and pouring them into areas where they will generate accommodation tax and hospitality tax dollars for the municipalities. He stated he is troubled by the fact that nearly 70% of these dollars are generated from Mr. Stewart and his districts yet only \$9,000 is going back to the district. As a matter of equity and fairness, he does not find that right. There have been discussions relative to the Heritage not benefiting the folks in northern Beaufort County. Yet 9 out of 10 of these recommendations have nothing to do with generating these revenues in district 600, where majority are collected. Year to date \$451,000 out of \$672,000 is coming from district 600. We are not taking any of these monies and putting them back into the area where we hope people will be spending money to generate the money we are allocating. We are spending money to promote the generation of dollars in other chafers to be spent and allocated elsewhere.

Mr. Stewart stated he shared the issue before. A lot of the accommodations tax dollars comes from the people who live here. We said before that we wanted to set aside reserve funds for parks and recreational areas, but we have not been able to accomplish.

Mr. Flewelling stated Mr. Newton is trying to make this a north / south of the Broad River issue. It is not. Regarding the Heritage, it was that Hilton Head Island and Bluffton collect their own accommodations tax and hospitality Tax dollars, but Bluffton was not contributing to the share even though they receive benefit from the Heritage. He stated he encourages more things in Bluffton to benefit A-Tax revenue for the area. He supports the recommendation brought forth by the Accommodations Tax Board.

Mr. Newton clarified this is the first time he had made the allocation. The facts are still that 70% of the monies are coming from one particular area, but less than 9% of the money is going back to that area. He finds that troublesome. He stated it is worthy of note that the lion's

share of the monies are not being reinvested in the area where they are being generated. It is disappointing.

Mr. Sommerville inquired as to the location of district 600. Mr. Newton replied it is Bluffton Unincorporated.

Mr. Stewart stated in his prospective he looks at the entire County and the things such as Rural and Critical Lands, where he stated his district might have gotten more than its fair share. He stated he averages it over everything as opposed to just one item at a time.

Mr. Newton stated he is not parochial. The idea is that if these monies are being spent to try to promote and generate additional revenues then this list of recommendations does not generate revenues in the areas where we collect it.

Mr. Caporale stated the Board does the best it can with the direction Council gives them. Maybe Council at some point should give them more direction about how the dollars should be dived up. He stated Mr. Newton, as Chairman, has the purgative to suggest that. He would be open to that point of discussion.

Mr. Moquin spoke in regard to Mr. Newton's comments saying it is a hard argument when one area is producing 70% of the revenue. However, the Chamber knows many military families staying in Bluffton are actually here for graduations. He stated the Chamber is working closely with the Marine Corps for pre and post visits to allow them to stay longer, to generate more Hospitality Tax. He agrees with the percentages, but believes it is also important to understand the facts behind those numbers. In regard to the conference center, the Chamber is proposing a facility that would generate tens of millions of dollars in both H-Tax and A-Tax.

Mr. Jim Wescott, Directory of Lowcountry Resort Island Tourism Commission, asked Mr. Newton if the figures he referenced included the Lowcountry Resort Island Tourism who promotes the businesses that collect the A-Tax. He stated there are 1,457 individual business listings of which 1,101 (76%) represent Beaufort County entities. The 440 individual business listings represent eateries that collect H-Tax in Beaufort, Bluffton, Daufuskie Island, Hilton Head Island, Lady's Island, Port Royal and St. Helena Island. Obviously, his organization is looking to promote those businesses that actually collect that H-Tax money.

Mr. Baer stated the conference center is a good idea and he is 100% in favor of it. The \$10,000 from this source, however, should be removed. We should take \$10,000 out of the Lowcountry Economic Network to give to the Chamber for the study. That would give us something concrete to generate jobs. He would be happy if someone wanted to do that.

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

Recommendation: Council approves on first reading \$101,000 of Hospitality Tax dollars to be spent as recommended by the Accommodations Tax Board which are as follows: Penn Center, Inc. - \$10,000; Beaufort County Black Chamber of Commerce - \$5,000; Main Street Beaufort, USA - \$3,000; Arts Council of Beaufort County - \$2,500; Bluffton Historical

Preservation Society - \$7,000; Concours d'Elegance - \$3,500; Friends of Fort Freemont - \$4,000; Hilton Head Symphony Orchestra - \$1,000; Gullah Festival of South Carolina - \$8,000; Historic Beaufort Foundation - \$1,000; Coastal Discovery Museum - \$2,000; Lowcountry Estuarium - \$1,000; Daufuskie Island Historical Foundation - \$2,000; Mitchelville Preservation - \$8,000; Arts Center of Coastal Carolina - \$7,000; The Sandbox - \$1,000; Friends of Hunting Island State Park - \$5,000; Literacy Volunteers of the Lowcountry - \$5,000; Lowcountry Tourism - \$4,000; Hilton Head Island Chamber of Commerce - \$10,000; Main Street Youth Theater - \$1,000; and Beaufort Regional Chamber of Commerce - \$10,000.

3. Consideration of Contract Awards

• Billing Services for Beaufort County EMS

Discussion: Mr. Dave Thomas, Purchasing Director, reviewed this item with the Committee. The evaluation committee consisted of Donna Ownby, EMS Director; Marci Taylor, EMS Administrator, Monica Spells, Compliance Officer; and Alan Eisenman, Financial Supervisor, interviewed the top two firms and selected EMS Management and Consultants as the number one ranked firm.

Mrs. Ownby presented the Committee with a PowerPoint presentation. She asked that Council consider outsourcing billing at EMS due to it becoming so integrated with Medicare and Medicaid and things becoming difficult to keep up with. The following reasons are why EMS would like to outsource the billing:

- Recommended as part of the CRA Study
- Faster billing and revenue recovery with more staff working on the billable calls
- Higher recovery rate
- More expertise for Medicare, Medicare HMO, Medicaid, and Medicaid HMO claims
- Loss of experienced Medicare, Medicaid, and commercial insurance in-house staff (position not filled)
- Current staff unable to effectively bill insurance companies

The reason for selecting EMS Management and Consultants is because they have a six member six member billing staff dedicated to Beaufort County EMS accounts and two certified coders for each team. Also they currently bill for several South Carolina Counties to include Charleston, Greenville and Richland. Two members of their staff have previous employment with Medicare and Medicaid. They also have a lobbyist on staff to address EMS billing issues in South Carolina Legislature which is very important. Currently, before the Legislature is a process where Blue Cross Blue Shield sends the patient the check, which does not always, come back to EMS.

Reasons for not selecting the second firm, CAB, LLC is that they only have a three member billing staff dedicated to Beaufort County EMS accounts, only one employee on staff for appeals, only two certified coders available, as needed, to advise billing staff and they have less experience because they currently only bills for Georgetown County EMS.

The recommended company will provide 20 Panasonic ToughBook Laptops, totaling \$66,120. They will provide 4 docking stations for Patient Care Report printing totaling \$1,140 and various accessories such as batteries, power cords, etc. in the amount of \$7,740. They will also provide Electronic Patient Care Reporting Software (emsCharts) which has an annual cost of \$13,669. It will help turnaround time and is easier to work with. The Panasonic ToughBook will have a three year protection plus through Panasonic and the emsCharts ePCR software's warranty is included in the annual cost and they will have a two day on site training as part of the package. She stated they are hoping for a return on investment. If EMS continued in-house billing net revenues would be \$1,866,874 as opposed to selecting EMS Management and Consultants making net revenues \$2,383,642. The annual increase in net revenues through EMS Management and Consultants should be \$516,768.

Mr. Eisenman stated there is a lot of quantitative analysis of why we want to select EMS Management and Consultants. He presented a spreadsheet that compared keeping the service in house or using a third party vendor. It shows that if we kept it in-house we would have the same revenues but would have to hire three additional staff member, plus purchase the software and hardware needed, making in-house net revenues \$1,866,874. If we used the third party vendor recommended, and in using a conservative collection rate of 30%, revenue would increase by \$473,000 and the savings in using EMS staff to devote in other areas, and subtracting the 7% commission rate, the net revenues would be \$2,383,642 per year.

Mr. Stewart wanted to know if this takes into account the change in what we are billing for. Mrs. Ownby stated it is not a part of this recommendation, but will come forward at a later time.

Mr. McBride stated this is for a five-year contract and wanted to know if that is considered a long length of time for a contract where there is no previous experience in the area. Mr. Thomas stated the company gave an option of a one year, three year or five year contract, but the five year contract had the best rate. It is what staff is recommending. It is not unusual for counties to do a five year contract. We could still terminate the contract, but would owe them for the computers. Mrs. Ownby added that the company had great recommendation from the counties who have dealt with them.

It was moved by Mr. Stewart, seconded by Mr. Flewelling that the Committee approves and recommends Council award a contract to EMS Management and Consultants with the anticipated cost per year of \$176,018, for a five-year contract totaling \$880,090 for billing services for Beaufort County EMS. Services are paid from the collected fees based on a percentage of money collected from the actions taken by the service provider. Commission is based on a five year contract for 7% of revenues. The account used will be 10001-44220 Emergency Medical Fees. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Flewelling, Mr. McBride, Mr. Newton, Mr. Sommerville and Mr. Stewart. ABSENT – Mr. Rodman. The motion passed.

Recommendation: Council award a contract to EMS Management and Consultants with the anticipated cost per year of \$176,018, for a five-year contract totaling \$880,090 for billing services for Beaufort County EMS. Services are paid from the collected fees based on a

percentage of money collected from the actions taken by the service provider. Commission is based on a five year contract for 7% of revenues. The account used will be 10001-44220 Emergency Medical Fees.

- **Building Code Software, Installation, Training and Maintenance for Beaufort County Building Codes Department**

Discussion: Mr. Dave Thomas, Purchasing Director, reviewed this item with the Committee. This contract is for a sole source purchase for Building Codes workflow software to Manatron in the amount of \$204,300. He introduced Arthur Cummings, Building Codes Director, to review the contract further.

Mr. Cummings stated in September 2010 the Purchasing Department sent out an RFI (Request for Information) to see what software was available to replace the current system. That system will no longer be supported by the vendor at the end of June. We received 13 responses. A Software Review Committee was then created, consisting of William Winn, Public Safety Director, Dan Morgan, MIS Director, Dave Thomas, Purchasing Director, other department key staff members and himself, to determine what was needed in the software. With all of the responses, none of the software integrated with Manatron. The Committee decided that it was in the best interest of the County to not go through the RFP process, to go forward with the Blue Prince Software that did in fact integrate with Manatron. Colleton County and the City of Columbia use the software. The Committee decided to go with Blue Prince which allows us to share information with many other County departments. It is a workflow system. The Committee believes it to be the best software available.

Mr. Flewelling stated there was a RFI sent out in September 2010 and wanted to know the results received from the RFI. Mr. Cummings stated from the responses received, none of the software would integrate with Manatron.

Mr. Thomas commented that some pricing information was obtained from the MIS Department which would be double what it would be to integrate with Manatron.

Mr. Baer wanted to know what account this money would come from and which budget year. Mr. Starkey stated it is out of CIP. There is approximately \$.5 million left as of March 31, 2011 within CIP contingency.

It was moved by Mr. McBride, seconded by Mr. Baer that the Committee approves and recommends Council award a contract to Manatron in the amount of \$204,300 for Building Codes software, installation, data conversion, training and services to be funded from account 11435-56000. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Flewelling, Mr. McBride, Mr. Newton, Mr. Sommerville and Mr. Stewart. ABSENT – Mr. Rodman. The motion passed.

Mr. Newton stated the last time County Council adjusted our local preference ordinance the chamber recommended a different version in which we said we would come back in six months and do an evaluation of the number of contracts that had been processed under the

ordinance in order to determine how successful it had been. That was 18 months ago. It is a remaining item that needs to be scheduled for review. He suggest that as we move forward with a couple substantial construction projects, in the County, later this year (St. Helena Library and Reskinning of Courthouse) he hopes the Purchasing Department is doing what they can to keep the work in Beaufort County. Mr. Thomas stated July would be a good time to give that update. Mr. Flewelling recalls that such discussion did take place, but it was brief. It was not a comprehensive review.

Recommendation: Council awards a contract to Manatron in the amount of \$204,300 for Building Codes software, installation, data conversion, training and services to be funded from account 11435-56000.

INFORMATION ITEM

4. Review of Third Quarter Results

Discussion: Mr. Ed Hughes, County Assessor, reported on 4% residential applications, ATI evaluations, and appeals. He pointed out that the 2009 and 2010 with regard to the number of applications received are static. There are deadlines for when we can receive applications for 4% assessment ratio. He noted that on the application for 4% that we require a reapplication the following year when new residents move into Beaufort County from out of state. Due to the timing of filling of income tax and the deadline for filing the residential assessment ration January 15, it is impossible for new residents to provide the South Carolina Income Tax Return. They do provide all other documents required. He stated in the Assessor's Office they developed a Memorandum of Understanding in which we ask the taxpayer to sign saying they have a one year approval only. It is based on a reapplication and resubmission of all information originally asked for and the additional South Carolina Income Tax Return. It is only provide one time to the resident. If they fail to provide the information in the second year they lose the 4% ration. The number of ATI parcels in subject to possible legislative change. The House version did pass and the Senate version is in negotiations with the Board or Realtors, Municipal Association, South Carolina Association of Counties and the School District. From his prospective he does not believe there will be any change to ATI, and that'll be implemented for the current FY2011 tax year at market values for December 2010. The number of appeals numbers for 2009 and 2010 are static. There are some 2009 and 2010 in suspension for which many are schedule for the Tax Equalization Board and some schedule for the South Carolina Administrative Law Court Division. There are 1,500 outstanding to review for 2010. It is open season for appeals for 2011 up through January 2012. We expect additional appeals once tax notices are mailed.

Mr. Caporale inquired as to why applicants must resubmit all documents rather than just a copy of their South Carolina Tax Return. Mr. Hughes stated it is very easy to change driver's license and vehicle registration.

Mrs. Sharon Burris, Auditor, distribute the Committee a handout with the Auditor's figures. The static information is the total personal property billed and the assessed value of the personal property billed. The autos billed and the assessed value of autos billed, and the

homestead exemptions processed have changed. The homestead exemptions processed, as of March 31, 2011 were 650 new applications with a total taxable assessed value of \$1,267,000. The autos billed as of March 31, 2011 were 69,477 (renewals and additions) for a total taxable assessed value of \$18,182,635.

Mr. Starkey, Chief Financial Officer, reported to the Committee the Treasurer's portion of the report. There were 178,656 real and personal properties billed as of March 31, 2011. Of the General Fund pieces there were \$69,461,640 billed, with \$65,050,597 collected. There were 56,283 autos billed as of March 31, 2011 in the amount of \$1,165,709 of which \$670,778 has been collected. We have collected about \$2,564,552 after January 18, which is when the County considers it delinquent. There is roughly \$4,411,043 still outstanding. That number can change as more appeals and 4% applications are processed.

Mr. Starkey reported on the Finance portion of the report. He stated the data reconciles with the full quarterly report. Roughly ad valorem taxes outstanding amount to \$5,320,283 for the entire fiscal year, including tax year 2010 and 2009 items that are still outstanding that were budgeted. For general operations, net revenues over expenditures were \$8,122,648 in FY 2010 and \$10,389,123 for FY2011. We made some yearend adjustments sooner this year based on the fact that we have more capabilities within the Finance Department. It is a timing effect. We are roughly dead even as we were last year at this point in time. Things can still change. If the trend holds true to last year, we are looking at another dip into our Fund Balance.

Mr. Sommerville stated he was under the assumption that the monies would come back to us. Mr. Starkey stated it will in some regards if you look at delinquent tax collection our expenditures have been pacing every fiscal year. Our general fund revenues have been plateauing and slightly declining based on trend data from the overall housing market, we have to watch our General Fund balance. It is starting to decline.

Mr. Baer stated he sent an email Mr. Starkey this morning relative to the data provided. He said if Mr. Starkey's answer to the email shows that we will use \$1 million to \$2 million of reserve in FY2011. Mr. Starkey stated that is correct under the current trend status.

Mr. Baer stated there is only two months left if FY2011 to make changes. FY2012 budget is approximately \$15 million over target. Mr. Starkey stated a lot of that is where the initial budget submissions need to be downsized to reality. Staff is working on that.

Mr. Kubic stated based on his instruction to staff, they are to present what they believe to be necessary. If they do not, we will only do what we did last year or less. The \$15 million may have an idea or two in there that Council may need to see, so we do not get stagnant. He directs staff to show their ideas. Now we begin the tricky part of taking their ideas down. We may take some of their suggestions, but we may not. We may reduce further in one part to enhance another.

Status: No action required. Information only.

NATURAL RESOURCES COMMITTEE

May 2, 2011

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

The Natural Resources Committee met on Monday, May 2, 2011 at 10:00 a.m., in the Executive Conference Room, Administration Building, 100 Ribaut Road, Beaufort, SC.

ATTENDANCE

Natural Resources Members: Chairman Paul Sommerville, Vice Chairman Brian Flewelling, and committee members Gerald Dawson, William McBride and Jerry Stewart attended the meeting. Committee members Steven Baer and Laura Von Harten were absent. Weston Newton, as Council Chairman serves as a member of each committee, attended as well.

County Staff: Tony Criscitiello, Division Director – Planning and Development; Bob Klink, County Engineer; Gary Kubic, County Administrator; Colin Kinton, County Engineer

Media: Joe Croley, Hilton Head Island Association of Realtors; Richard Brooks, *Bluffton Today*

Public: Reed Armstrong, Coastal Carolina Conservation League; Jim Hicks, Chairman Planning Commission; Ginnie Kozak, Lowcountry Council of Governments; David Tedder ; Blakely Williams, Beaufort Regional Chamber of Commerce;

Mr. Sommerville chaired the meeting.

ACTION ITEM

1. **Text Amendments To The Beaufort County Zoning And Development Standards Ordinance (ZDSO) That Allow For Control Of Stormwater Volume From “Lots Of Record But Not Built.” These Controls Will Mitigate Water Resource Impacts From Construction In Previously Approved Developments That Do Not Have Volume Controls.**
 - A. **Section 106-7. Exemptions of Development Types.**
 - B. **Section 106-8. Exemption from Subdivision Review.**
 - C. **Section 106-18. Definitions. (Adding New Definition—Best Management Practices, On-Site)**
 - D. **Section 106-732. Zoning Permit.**
 - E. **Section 106-2857. Exemptions from Site Runoff Control and Drainage Planning/Design.**
 - F. **Section 106-2861. Retention/Detention Facilities.**
 - G. **Section 106-2865. On-Site Single Family Lot, Best Management Practices (Bmp). (Adding New Section)**

Discussion: Mr. Sommerville explained that the proposed ordinance is the second of three stormwater ordinances. The first, passed by Council months ago, required certain stormwater management techniques on new homes built in Beaufort County. This proposed ordinance deals with lots that are platted, but not built. Mr. Sommerville said he recalls there are about 20,000 such pieces in Beaufort County. This is the crux of today’s discussion. Mr. Sommerville then introduced Mr. Dan Ahern, Stormwater Manager who will direct the discussion.

Mr. Ahern thanked the Committee and said he would briefly discuss the proposed controls. He noted the presence of several scientists, available to speak on the matter — Mr. Chris Marsh, Lowcountry Institute; Dr. Fred Holland, National Oceanic and Atmospheric Administration retiree; and Dr. Geoff Scott. This is the second and final step of ordinance changes needed to control stormwater runoff. It was presented to the Natural Resources Committee at the February 1, 2011 meeting. Mr. Ahern reminded the Natural Resources Committee members that this step will be followed by a third step — retrofit and areas with current impairments that do not meet current standards. This third step is moving forward, Mr. Ahern told the Committee. A study was presented to the Stormwater Utility Board in April, and five-year plan is being prepared to address areas currently impaired. Mr. Ahern added they have been busy working with stakeholders as requested by the Natural Resources Committee and he will report the results of the effort today. He said he will not go over in detail many of the items discussed at the February 1 meeting because experts are available today to answer questions should members ask. The presentation will focus on concerns raised at the previous meeting and explain actions taken in response, Mr. Ahern said. One of the key issues was the cost. It should be noted: Beaufort County is in the national forefront of volume control. Last month, the national Center for Watershed Protection requested Beaufort County presents its efforts for a training webcast to the Chesapeake Bay Stormwater Training Partnership. What is the problem being addressed? It is that there are controls in place for new developments. Those will control any major, future developments for volume. There is a large universe of developments already approved without volume controls. Mr. Ahern showed the Committee the following figures; the impact of this much development without volume controls could result in future water impairments, he added.

Total vacant parcels	22,087
Vacant parcels (PUD/SD)	15,708
By right parcels	6,379

Mr. Ahern paraphrased Mr. Marsh by saying these controls are needed to “stop the bleeding.” Mr. Ahern then showed a few slides showing future impact from development. The example used was the Rose Dhu Subbasin of the May River, which is a little less than 4,000 acres. He showed that the data monitoring sites are juxtaposed near development with connecting ponds so most flow comes out in two areas. There is a natural wetland drainage system that comes down through this area and they began monitoring areas of the natural wetland; this is before it receives discharge. Mr. Ahern pointed out the natural flow and developed flow all come together, and are monitored at another point further down the watershed, and eventually flows to

tidal-influenced areas. Mr. Ahern reviewed fecal coliform data from January in developed areas and noted the ponds are doing well. Mr. Ahern then reviewed some of the various outcomes. He said they do know that more volume at the head leads to more load going downstream, so it illustrates a volume issue. The solution is known while the cause is not. Rose Dhu subdivision is only partially developed; there are a lot of homes there that would add more volume meaning there would then be more volume going through. Mr. Ahern then addressed fecal coliform. He said marine scientists note there is an issue with the amount of fresh water. There is more fresh water flowing in than before development and as a result it leads to some rapid changes in the salinity. Marine scientists note that the change in salinity, particularly in headwaters of tidal creeks, can be toxic to fisheries. Dr. Holland's research shows in the developed areas during the summer there is a large change in the salinity levels. For example, during a rainstorm there will be very low salinity compared to the natural level. The bigger problem than the fecal coliform is the volume of freshwater flowing in from an ecological standpoint or a fishery resources perspective. The reason why Beaufort County is addressing this matter is because of the feedback from the scientists.

Mr. Flewelling said his concern is that there is a particular problem now, and a set of ordinances being prepared for passage will, in a nutshell, require that any development would turn the property to pre-development hydrology. If Council changes the law to add this ordinance, then would the County not just sustain the current problem? How are things made better?

Mr. Ahern explained that getting better is step three. He reminded the members there are two controls – one is new developments, then new developments on the books. There are developments already approved that will release fresh water substantially. In that case, it cannot be retrofit, but rather the requirement will be to say that any new development's impervious surface will have to control the volume. These on-lot controls will make it "no worse." Retrofit will deal with where there are impairments. This will be a public course, and there will be a report identifying nine sites in priority order. The first priority Mr. Ahern speculated would be the Okatie River with two potential sites. Then, there are some sites on Battery Creek that could address the actual impairments.

Mr. Allen Patterson, owner Allen Patterson Residential which is a homebuilding company, asked if that is Shim Creek shown on the presentation. He said it looks like the County is addressing a lot of areas of so-called sensitive areas – May, Okatie, Albergotti, etc. He said he does not think Shim Creek has a lot of flow to it. He said it looks like the examples are very specific, and they do not have a lot of tidal flow or wash. He pointed out that this is being applied to the entire County, where there may be thousands and thousands of gallons of tidal flow. He said he thinks there are millions of gallons of freshwater into the rivers right now with apparently no harm. He said he does not think it has been studied and would like to see exactly how much Beaufort-Jasper Water and Sewer Authority dumps. The County has not looked at that. It is millions of gallons daily, Mr. Patterson said. He added he wants specificity: these sets of data apply to critical areas. Mr. Patterson added that he does not see why this has to address every lot in the County. He asked why this is important.

Mr. Ahern said they would elaborate, but basically there are some areas in the County more critical than other areas. The question is now on controls, on-lot controls. These are just good, standard construction practices to follow for all types of construction, not just for construction in sensitive areas while not doing anything in other areas.

Mr. Chris Marsh, Lowcountry Institute, explained that something helpful for him in understanding the issue is looking at the flow in the Beaufort and Broad rivers. The issue to look at is when looking at the rivers of concern, the May River and Okatie River for example, have data to show degradation in those areas and therefore with the current conditions they are on the borderline. Given the fact that the data shows the May River and Okatie River are on the borderline, and then look at the number of undeveloped lots in those specific areas. Mr. Marsh said one thing he tried to identify was large PUDs flowing into the Broad River or directly into the Beaufort River. He said he saw they flowed into another entity before getting to those areas. Those intermediate areas are where the oyster beds were located that brought the issue up from the beginning. He added that when looking at this matter, look at signs we are at a tipping point, the way the water goes into the rivers is not a flushing. He said he thinks there needs to be a separation of the fact that there are these 15,000 in PUDs flowing into these minor tributaries. Because those areas have not been built on, and because they will be looked at in terms of other issues, those un-built areas are the one on which to focus.

Mr. Ahern reviewed what is being asked at this point. The ordinance changes: will require on-lot volume controls for small rainfall events, up to the 1.95-inch rain; are only applicable to new construction in developments lacking adequate development volume controls; will not impact existing homes or those in new developments that will be required to meet volume controls; allow existing developments to exempt on-lot controls by meeting the volume requirements on a developmental basis. The homeowner has two avenues to meet the requirements. The homeowner can develop an individual plan to be reviewed, or follow the County worksheet and get an approvable solution.

Mr. Ahern then reviewed some of the concerns raised during the February Natural Resources meeting.

1. Small subdivision home costs would be more than presented.
2. Need for controls – new homes are small percentage of total land area
3. Existing roads are the problem
4. Mixing water conservation and stormwater runoff issues
5. Why apply countywide?

He noted that added to the list above was added the Committee's concern that municipality input was needed. Since then, there has been outreach to the Homebuilders Association, had a workshop and presentation in March, and had reevaluation of small, suburban examples. The County also partnered with Coosaw Point to work on actually analyzing their development to determine how close it is to meeting the controls. In response to that, the County reached out to the municipalities – tying through intergovernmental agreements and in the process of the new 10-year agreement on stormwater utility agreement. Water quality was linked

to the agreements mentioned. The County also outreached to Jasper County with the result that the latter is studying stormwater ordinances and developing those ordinances. Changes made since the concerns have arisen were then reviewed. Mr. Ahern said the point that came out was that the County was doing too many good things by trying to control stormwater and mandate water conservation; this was a good point. The mandatory storage and reuse requirement was dropped to reduce upfront costs while leaving storage and infiltration/reuse still an option. Incentives will be included for water conservation. There will be a partnership with Beaufort-Jasper Water and Sewer Authority to provide the incentives. Worksheet was changed to reflect changes. Mr. Ahern noted that this does not affect a change in the ordinance. Additional cost analysis was conducted.

Mr. Ahern then went over some of the additional home site case studies conducted after the concerns were raised. Mr. Ahern noted that Mr. Ramsey, who worked as a consultant on this project, was skeptical of the impact on infill properties in the City of Beaufort and Town of Port Royal. After studying seven recently built projects they asked if they could have met the requirements proposed from a small urban lot to large rural lots. Case studies also examined multi-family sites, which turned out to be the lowest cost per home. The cost for the case studies Mr. Ramsey examined ranged from \$1 - \$1.70 per square foot. Then, the Homebuilders Association presented a situation on Mint Farms that would cost \$3.50 per square foot. That was because there was irrigation in the course; storage and reuse ran up the cost. This prompted removing the requirement to make mandatory storage and reuse, as well as adjusting the worksheet to make it easier to complete. Mr. Ahern noted that design solutions were achieved on existing without needing to compromise the proposed concept. The initial cost analysis varied in total cost from \$4,000 to \$14,800 with the cost per square foot averaging \$1.40. Storage and reuse requirements drove up the costs. The current analysis, however, added affordable housing to reduce cost with more options and enhance the options on the web-based program to allow more flexibility with design options. The initial cost for that starter home was \$4,500 after taking the storage and reuse out you can meet the requirement for less than \$2,000 bringing it back into the same range as the original group of case studies.

Mr. Ahern reviewed the requested actions: approval of the ZDSO amendments as follows. Changes needed to protect our County waters from impairment; Additional cost would be from zero to 2% of building cost; Reduce need for additional costs in step 3 of retrofit. Changes made since February do not change the ordinance wording; they only change the worksheet and reduce the cost to implement.

Mr. Patterson said he wanted to see an example of zero cost. How was irrigation addressed if they are doing away with irrigation? Mr. Ahern clarified they are doing away with the requirement, but it is a good long-term solution.

Mr. Ahern referring to the zero cost example said one was given in February – a mobile home on a half-acre lot with sandy soil. He added that they suspect of the 22,000 by-right homes there are many that will not have costs, but the costs will be of those in developments.

Mr. Marsh said looking at the small lot, and viewing it from an economic standpoint, one of the things helpful to him was that those areas of Beaufort County built prior to flood insurance were built on high, sandy ridges. Those are the areas where infiltration works particularly well. The question becomes in some of the newest PUDs that are in the lower-lying areas, and those are the ones less likely to have the types of soils able to handle infiltration. Talking about where there may be a zero cost, those are likely to be found in areas traditionally inhabited for the last couple hundred years in Beaufort County.

Mr. Ed Modzelewski said besides the case studies and testing some of the alternatives his group has worked in Florida on other volume control cases. In areas with high, sandy ridges it is possible to pretty much accomplish almost total retention without a lot of cost because they are able to infiltrate. In smaller projects with a small individual home an addition of more builder sand around the pad helped. It is on a case-by-case basis. He noted they see the problems are related to subdivisions with a lot of impervious surface; that will take more management. Mr. Modzelewski said he thinks ultimately the individual lot owner will be able to handle this quite well. Another issue: he said they were retained by the County to make sure that any of the work being done is in the end scientifically valid and is defensible with evidence and data. The idea is of pre- and post-development water profile. This is a good idea in Beaufort County because it is difficult to disconnect the areas that are sensitive versus non-sensitive. In a system like this, predominantly dominated by the tides without large rivers or flushing action, the organisms are much more sensitive. The logic is if an area is exempt there is not necessarily a cognizant understanding of the whole picture of how that area contributes. It may in 10 or 15 years down the road end up impairing water given the knowledge we have right now. He said given the County's goal to balance the pre- and post-development this should be a good way to go.

Dr. Scott said what the Committee is examining is a very important issue. How many around this room practice preventive health in their own life? Many of the members raised their hands. He correlated that to what this ordinance would do for the ecosystem. The reason to practice preventative measures is to save money. For every dollar spent in prevention saves almost \$1,000 in healthcare costs. He said he thinks these are reasonable costs and noted it is good there has been community feedback from the homebuilders throughout the process. An ounce of prevention is worth a pound of cure, Dr. Scott added.

Mr. Patterson said there has been a lot of analysis of the cost per house but there are not any houses on these lots. He said the real problem for him is the infrastructure in the sites and developments. The County is active in reviewing these subdivisions to determine if they can retain the stormwater on-site without releasing during storms, and Mr. Patterson said there should be an emphasis on that because it would handle road runoff, which is not addressed. Mr. Patterson mentioned he thinks the runoff comes from the roads mostly and it is not an exact science. The normal flows through the swamps are impaired such as the May River and Okatie River. He suggested redesigning the subdivisions to retain stormwater on-site and he does not think it is that big of an expense. Mr. Patterson said for his developments and costs per home it will be some major money. He noted the health of the water and estuary protection is important and the cause of impairments is the roadways and developments not houses.

Mr. Ahern said they are still working and it may be the better solution to redevelop the subdivision and that could be considered, but not mandated.

It was moved by Mr. Stewart, seconded by Mr. Flewelling, that the Natural Resources approves and forwards to Council text amendments to the Beaufort County Zoning And Development Standards Ordinance (ZDSO) That Allow For Control Of Stormwater Volume From “Lots Of Record But Not Built.” These Controls Will Mitigate Water Resource Impacts From Construction In Previously Approved Developments That Do Not Have Volume Controls. A. Section 106-7. Exemptions of Development Types. B. Section 106-8. Exemption from Subdivision Review. C. Section 106-18. Definitions. (Adding New Definition—Best Management Practices, On-Site) D. Section 106-732. Zoning Permit. E. Section 106-2857. Exemptions from Site Runoff Control and Drainage Planning/Design. F. Section 106-2861. Retention / Detention Facilities. G. Section 106-2865. On-Site Single Family Lot, Best Management Practices (BMP). (Adding New Section)

Mr. McBride asked what effects the proposals have on individual existing home sites.

Mr. Ahern said there will be no effect on existing home sites; it is on future construction. But for example on St. Helena Island, if a new home was to be built the corresponding worksheet would have to be filled out. If on a large lot it is likely no action would be required. However, if in a subdivision it is likely there will have to be some cost incurred – about \$1.50 per square foot of the home.

Mr. Flewelling clarified property where any building permit is required falls under this ordinance. Mr. Ahern added that it is only for those properties with changes or additions more than 50% of the assessed value. Those are mostly major renovations.

Mr. Flewelling stated he was prepared to object this matter when he came to the meeting, but frankly he changed his mind to think this is ready to move forward. Mr. Flewelling noted his only concern is that this will be used as an avenue for zone shopping among jurisdictions.

Mr. Marsh addressed Mr. Flewelling’s concern by saying he is also on the review committee for Jasper County stormwater ordinance revisions and they are moving toward volume control similar to Beaufort County. He said he cannot speak of Hardeeville or Ridgeland, but he said those municipalities are also represented at that stormwater ordinance revision group. This is something to expect, at least from the Jasper County neighbors, a similar set of priorities on.

Mr. Sommerville said a letter came from Hardeeville noting they looked forward to moving forward with a stormwater partnership.

Mr. Newton stated Beaufort County’s efforts should be applauded and the baseline has to be kept before the retrofit can be tackled. The May River is the primary example of what happens with significant development in a short period of time. He clarified that today’s proposal applies to the subdivided lots within PUDs without adequate volume control. He referenced the issue of other jurisdictions’ stance on this matter and added that he hopes through leadership and adopting this the County is not regulating the lowest common denominator but raising the bar for

protecting waterways. Mr. Newton said he wants to underscore the PUDs because he believes a number of the municipalities may have lots that are in approved PUDs and he said he is hopeful that through this example the municipalities will in turn do the same thing. The hope is that the municipalities will adopt the regulations that apply to existing platted lots in PUDs or development agreements and recognize this is part of being humane. As part of the Best Management Practices Manual (BMP) these are capable of being enforced. Mr. Newton concluded that he fully supports the matter.

Mr. Flewelling thanked Mr. Newton and added Council members should try to influence municipalities in their jurisdictions to get on board. He noted there will be some resistance in some of the municipalities. He added he does not think anyone can argue with the necessity for this action. The only argument is if it the right time given the economy; he said he thought it was time.

Mr. Stewart added another issue. A lot of the developments with existing covenants have restrictions on a lot of the actions that could be done to keep the water on site such as cisterns. He said he hopes that will be addressed and the covenant restrictions will be lifted or not allowed on the properties not built. Mr. Flewelling said that would be for the Planning Department to ensure it does not happen.

Mr. McIntyre, a resident, said his family has had property in the area for more than 60 years. He commended the leadership of the County and said he will take this before Bluffton and advocate they do the same.

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

Recommendation: Council approves text amendments to the Beaufort County Zoning And Development Standards Ordinance (ZDSO) That Allow For Control Of Stormwater Volume From “Lots Of Record But Not Built.” These Controls Will Mitigate Water Resource Impacts From Construction In Previously Approved Developments That Do Not Have Volume Controls. A. Section 106-7. Exemptions of Development Types. B. Section 106-8. Exemption from Subdivision Review. C. Section 106-18. Definitions. (Adding New Definition—Best Management Practices, On-Site) D. Section 106-732. Zoning Permit. E. Section 106-2857. Exemptions from Site Runoff Control and Drainage Planning/Design. F. Section 106-2861. Retention / Detention Facilities. G. Section 106-2865. On-Site Single Family Lot, Best Management Practices (BMP). (Adding New Section)

PUBLIC FACILITIES COMMITTEE

April 26, 2011

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

The Public Facilities Committee met on Tuesday, April 26, 2011 at 4:30 p.m., in the Executive Conference Room of the Administration Building, Beaufort, South Carolina.

ATTENDANCE

Public Facilities Committee Members: Vice Chairman Steven Baer and members Gerald Dawson, William McBride, and Jerry Stewart were present. Committee Member Brian Flewelling and Chairman Herbert Glaze were absent.

County staff: Paul Andres, Airports Director; Morris Campbell, Division Director – Community Services; Bob Klink, County Engineer; Gary Kubic, County Administrator; Suzanne Larson, Public Information Officer; Rob McFee, Division Director – Engineering and Infrastructure; and Dave Thomas, Purchasing Director.

Vice-Chairman Steven Baer chaired the meeting.

The Vice-Chairmen led those present in pledge of allegiance.

INFORMATION ITEMS

1. South Carolina Aeronautics Commission (SCAC) Grant Offer 11-002 for Hilton Head Island Airport

Discussion: Mr. Paul Andres, Airports Director, reviewed this item with the Committee. The South Carolina Aeronautics Commission has made a grant offer in the amount of \$32,718 for the Hilton Head Island Airport (Airport). FAA Grant #30 (\$1,243,296.00) and the associated State Grant #11-002 (\$32,718.00) will pay 97.5% of the cost for the following projects at the Hilton Head Island Airport: Runway 21 On-Airport Tree Obstruction Removal and Mitigation, Design Services for Lighted Sign Relocation, Reimbursement of Legal Expenses (Avigation Easements), and Preparation of Disadvantaged Business Enterprise. The Airports Board favorably endorses these projects.

Mr. Baer stated this is the north end trees on the Airport which have been under legal dispute. He asked Mr. Andres to give a summary of what has gone on.

Mr. Andres stated St. James Baptist Church has filed numerous appeals. Their appeals were heard by the Hilton Head Island Board of Zoning Appeals on two occasions. Those appeals were denied. They then appealed the matter to the Circuit Court in Beaufort County. There were two hearings involved. On March 21, 2011 the Judge ruled, on three of the motions in the appeal, in

favor of the Town and County. He continued the fourth, main motion until April 21, 2011 in which the Judge has not issued an official ruling. It is expected shortly. Subsequent to that last appeal in Circuit Court, the new attorney for the St. James Baptist Church has filed a lawsuit in federal court. That will further complicate matters.

It was moved by Mr. McBride, seconded by Mr. Stewart, that the Public Facilities Committee accept the South Carolina Aeronautics Commission Grant Offer 11-002 in the amount of \$32,718 for projects at the Hilton Head Island Airport. FAA Grant #30 (\$1,243,296.00) and the associated State Grant #11-002 (\$32,718.00) will pay 97.5% of the cost for the following projects at the Hilton Head Island Airport: Runway 21 On-Airport Tree Obstruction Removal and Mitigation, Design Services for Lighted Sign Relocation, Reimbursement of Legal Expenses (Avigation Easements), and Preparation of Disadvantaged Business Enterprise. The Airports Board favorably endorses these projects. The vote was: FOR – Mr. Baer, Mr. Dawson, Mr. McBride, and Mr. Stewart. ABSENT – Mr. Flewelling and Mr. Glaze. The motion passed.

Recommendation: Council accepts the South Carolina Aeronautics Commission Grant Offer 11-002 in the amount of \$32,718 for projects at the Hilton Head Island Airport. FAA Grant #30 (\$1,243,296.00) and the associated State Grant #11-002 (\$32,718.00) will pay 97.5% of the cost for the following projects at the Hilton Head Island Airport: Runway 21 On-Airport Tree Obstruction Removal and Mitigation, Design Services for Lighted Sign Relocation, Reimbursement of Legal Expenses (Avigation Easements), and Preparation of Disadvantaged Business Enterprise. The Airports Board favorably endorses these projects.

2. Consideration of Contract Award
• Buckwalter Regional Park Soccer Field III Addition

Discussion: Mr. Rob McFee, Division Director – Engineering and Infrastructure, reviewed this item with the Committee. On April 14, 2011, Beaufort County accepted bids for the Buckwalter Regional Park Soccer Field III addition. The project includes installing a third soccer field, field lights, connector sidewalk, additional parking, upgrading the existing well, installing a second well, and landscape. The six companies that submitted bids are as follows:

<u>Company</u>	<u>Bid Price</u>
JS Construction Services, Inc. Okatie, SC	\$494,695.00
Cleland Site Prep, Inc. Ridgeland, SC	\$552,623.52
J.H. Hiers Construction, LLC Walterboro, SC	\$616,332.00
J.R. Wilson Construction Company, Inc. Hampton, SC	\$624,675.00
APAC-Southeast, Inc. Savannah, GA	\$665,213.00
Newtech, Inc. Bluffton, SC	\$669,000.00

JS Construction Services, Inc. submitted the lowest qualified/responsible bid of \$494,695. Their bid was reviewed and found to be reasonable and in compliance with the County's SMBE Ordinance. There is no apparent cause for rejecting their bid. Funding source for this project is the Bluffton PALS Impact Fees which has a fund balance of \$1,229,590 as of April 20, 2011. The specific project account number is 09030-54451. Staff recommends approval.

It was moved by Mr. Stewart, seconded by Mr. McBride, that the Public Facilities Committee approve and recommend Council award a contract in the amount of \$494,695 to JS Construction Services, Inc., for the Buckwalter Regional Park Soccer Field III addition. This project is to be funded from account 09030-54451.

Mr. Dawson commented there are a lot of nonresponsive bids. It is amazing that in this day in time with the economy being the way it is you would think you would get more response for contracts being offered. There were only two subcontractors who responded to the bid.

Mr. Thomas stated we required bidders to contact companies interested in subcontracts ten days before the bid is due. He stated he himself has called and some just are not interested. The Purchasing Department is trying, as we move forward, to get more information out there to the companies and work with the big prime contractors to get them more involved with trying to get more business in the community.

Mr. Stewart wanted to know if the Park is in the Town of Bluffton or the County. Mr. McFee believes the Park to be located within the Town.

Mr. Stewart inquired about participation from the Town in regard to the recent upgrades and additions. Mr. McFee stated some of the impact fees were raised within in the Town.

Mr. Stewart stated this is County money being spent. Mr. McFee stated ultimately the PALS Impact Fees is the lion's share. He does not know how the ordinance is written, but believes the impact fees cover a house built within a municipality.

Mr. Baer stated we have capital for this because it comes out of the PALS Impact Fees, but there is ongoing maintenance. Is the maintenance of this going to be substantial in regard to our budget? Mr. McFee stated in previous budget work that has been done, there are 14 athletic complexes/fields in which field maintenance is \$2,000 to \$3,000 a year. We will be able to absorb this; but, there will come a time, in the next two to three years, where we will not be able to develop other efficiencies or reassignments that would begin then to affect maintenance. For now, it can be absorbed in operations.

Mr. Baer commented in the future we may find capital easier to get than operations expense for maintenance.

Mr. Baer wanted to know if Okatie is in Beaufort County or Jasper County. Mr. McFee replied Beaufort County.

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

Recommendation: Council awards a contract in the amount of \$494,695 to JS Construction Services, Inc. for the Buckwalter Regional Park Soccer Field III Addition. This project is to be funded from account 09030-54451.

3. Consideration of Contract Award

- **Lady's Island Community Park Phase 1 Change Order Request**

Discussion: Mr. Rob McFee, Division Director – Engineering and Infrastructure, reviewed this item with the Committee. On November 8, 2010, Council awarded a contract to JoCo Construction Inc., for the design and construction of the Lady's Island Community Park Phase I in the amount of \$514,800. Phase I included site grading, drainage, driveway, parking lot paving, signage, one multi-purpose ball field with fencing, a pavilion with picnic tables, grill, playground equipment and irrigation. At the request of the PALS Director, the Engineering Division had the contractor submit a proposed change order to add bathrooms to the pavilion, construct a second multi-purpose field and fence the remaining perimeter of the park. The amount of the change order is \$231,290. The items requested in the change order are in compliance with the master plan for the Lady's Island Community Park. Funding source for this change order request would be the Lady's Island PALS Impact Fees which has an available fund balance of \$335,184 as of April 21, 2011. The specific project account number is 09060-54450. The original contract with JoCo Construction was funded from CIP Account 11431-54455 for Lady's Island Community Park and Lady's Island PALS Impact Fees.

Mr. Stewart wanted to know what dictates whether staff asks for a change order or go to new quotes for the upgrade. Mr. McFee replied it is based on Engineering judgment and whether it is felt that the price is fair and reasonable. In this case, staff feels it is a competitive price.

Mr. McBride wanted to know why these change orders were not included in the original contract. Mr. McFee stated the original package was Phase I, while these changes are a part of Phase II. The prices were good for Phase I.

Mr. Baer clarified that Phase II items are being accelerated into Phase I. He also stated the old contract has \$252,311 left, which \$231,290 will be used. That leaves \$21,021 remaining in the Lady's Island PALS Impact Fee Account.

Mr. Baer inquired as to the expense of running this. Mr. McFee replied for the additional two fields with the pavilion, there are efficiencies we can realize to cover this, but we will be getting close to having to make internal changes in regard to continuing to take on new facilities without additional staff or monies.

Mr. Baer wanted to know if the Public Works Department does maintenance and lawn care under contract to PALS. Mr. McFee stated Public Works was reorganized. Mr. Mark Roseneau is now the Director of Facilities Maintenance and his grounds crew is responsible for maintenance at PALS facilities.

It was moved by Mr. McBride, seconded by Mr. Dawson, that the Public Facilities Committee approve and recommend Council award a change order to add bathrooms to the pavilion, construct a second multi-purpose field and fence the remaining perimeter of the park to JoCo Construction, Inc., in the amount of \$231,290 from the Lady's Island PALS Impact Fees account 09060-54450. The vote was: FOR – Mr. Baer, Mr. Dawson, Mr. McBride, and Mr. Stewart. ABSENT – Mr. Flewelling and Mr. Glaze. The motion passed.

Recommendation: Council award a change order to add bathrooms to the pavilion construct a second multi-purpose field and fence the remaining perimeter of the park to JoCo Construction, Inc., in the amount of \$231,290 from the Lady's Island PALS Impact Fees account 09060-54450.

DRAFT