

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

GERALD W. STEWART  
VICE CHAIRMAN

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RICK CAPORALE  
GERALD DAWSON  
BRIAN E. FLEWELLING  
STEVEN G. FOBES  
ALICE G. HOWARD  
WILLIAM L. MCBRIDE  
STEWART H. RODMAN  
ROBERTS "TABOR" VAUX

GARY T. KUBIC  
COUNTY ADMINISTRATOR

JOSHUA A. GRUBER  
DEPUTY COUNTY ADMINISTRATOR  
SPECIAL COUNSEL

THOMAS J. KEAVENY, II  
COUNTY ATTORNEY

ASHLEY M. BENNETT  
CLERK TO COUNCIL

AGENDA  
COUNTY COUNCIL OF BEAUFORT COUNTY  
REGULAR SESSION  
Monday, September 26, 2016  
6:00 p.m.  
Large Meeting Room, Bluffton Branch Library  
120 Palmetto Way, Bluffton

Citizens may participate telephonically in the public comments and public hearings segments from the Hilton Head Island Branch Library as well as Mary Field School, Daufuskie Island.

1. CALL TO ORDER - 6:00 P.M.
2. REGULAR SESSION
3. PLEDGE OF ALLEGIANCE
4. INVOCATION – Council Member Cynthia M. Bensch
5. ADMINISTRATIVE CONSENT AGENDA
  - A. Approval of Minutes
    1. September 12, 2016 [caucus](#) and September 12, 2016 [regular](#) session
  - B. Committee Reports (next meeting)
    1. Community Services (October 24 at 3:00 p.m., Hilton Head Island Branch Library)
    2. Executive (October 10 at 3:00 p.m., ECR)
      - a. Minutes – [September 12, 2016](#)
    3. Finance (October 3 at 2:00 p.m., ECR)
    4. Governmental (October 3 at 4:00 p.m., ECR)
    5. Natural Resources (October 17 at 2:00 p.m., ECR)
      - a. Minutes - [September 19, 2016](#)
    6. Public Facilities (October 17 at 4:00 p.m., ECR)
      - a. Minutes – [September 19, 2016](#)
  - C. Appointments to Boards and Commissions \*[dcemw](#) +
6. PUBLIC COMMENT – Speaker sign-up encouraged no later than 5:45 p.m. day of meeting.



7. CONSENT AGENDA

- A. DAUFUSKIE ISLAND PARK TRAIL AND AMENITIES (backup)
1. Contract award: ACCI, Hilton Head Island, South Carolina
  2. Contract amount: \$135,305
  3. Project amount: \$185,177 (\$135,305 ACCI, \$13,530 project contingency and \$36,342 survey and design expenditures)
  4. Funding source: S.C. Parks, Recreation and Tourism grant \$99,808 and County Hospitality Tax fund \$85,369
  5. Public Facilities Committee discussion and recommendation to award contract occurred September 19, 2016 / Vote 7:0
- B. AN ORDINANCE TO APPROPRIATE \$85,369 FROM THE LOCAL HOSPITALITY TAX FUND FOR CONSTRUCTION OF DAUFUSKIE ISLAND PARK TRAIL AND AMENITIES
1. Consideration of first reading to occur September 26, 2016 (backup)
  2. Public Facilities Committee discussion and recommendation to approve ordinance on first reading occurred September 19, 2016 / Vote 7:0
- C. AN ORDINANCE ALLOWING NIGHTTIME USE OF GOLF CARTS IN DESIGNATED PORTIONS OF THE COUNTY
1. Consideration of first reading, by title only, to occur September 26, 2016
  2. Public Facilities Committee discussion and recommendation to approve ordinance on first reading, by title only, occurred September 19, 2016 / Vote 7:0
- D. COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT FOR R600 040 000 0209 0000, R600 040 000 0824 0000, AND R600 040 000 0825 0000 (THREE PROPERTIES KNOWN AS EXECUTIVE GOLF COURSE, TOTALING 20.99 ACRES LOCATED ALONG BLUFFTON PARKWAY BETWEEN HILTON HEAD NATIONAL DRIVE AND KELLIE COURT); FROM RURAL TO NEIGHBORHOOD MIXED USE (backup)
1. Consideration of first reading to occur September 26, 2016
  2. Natural Resources Committee discussion and recommendation to approve ordinance on first reading occurred September 19, 2016 / Vote 5:0
- E. SOUTHERN BEAUFORT COUNTY ZONING MAP AMENDMENTS FOR R600 040 000 0209 0000, R600 040 000 0824 0000, AND R600 040 000 0825 0000 (THREE PROPERTIES KNOWN AS EXECUTIVE GOLF COURSE, TOTALING 20.99 ACRES LOCATED ALONG BLUFFTON PARKWAY BETWEEN HILTON HEAD NATIONAL DRIVE AND KELLIE COURT); FROM T2-RURAL DISTRICT TO T4-NEIGHBORHOOD CENTER DISTRICT
1. Consideration of first reading to occur September 26, 2016 (backup)
  2. Natural Resources Committee discussion and recommendation to approve ordinance on first reading occurred September 19, 2016 / Vote 5:0

F. TEXT AMENDMENTS TO THE STORMWATER MANAGEMENT ORDINANCE (CHAPTER 99): AMEND ARTICLE II, STORMWATER MANAGEMENT (FOR CHANGES RELATED TO THE MS4 PERMIT IMPLEMENTATION); ADD ARTICLE III, REGULATORY GENERAL PROVISIONS; ARTICLE IV, STORMWATER MANAGEMENT STANDARDS TO BE APPLIED; ARTICLE V, ILLICIT DISCHARGES AND CONNECTIONS TO THE STORMWATER SYSTEM; AND ARTICLE VI, INSPECTION, ENFORCEMENT, AND CORRECTION ([backup](#))

1. Consideration of first reading to occur September 26, 2016
2. Natural Resources Committee discussion and recommendation to approve ordinance on first reading occurred September 19, 2016 / Vote 5:0

G. COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT FOR FIVE PARCELS (TOTALING APPROXIMATELY 125 ACRES--R600 021 000 0002 0000, R600 021 000 004A 0000, R600 021 000 0194 0000, R600 021 000 0195 0000, AND R600 021 000 0075 0000; KNOWN AS PEPPER HALL PLANTATION LOCATED ON THE NORTH SIDE OF U.S. HIGHWAY 278 BETWEEN THE OKATIE RIVER AND GRAVES ROAD) FROM:

- COMMUNITY COMMERCIAL AND RURAL FOR A TOTAL OF APPROXIMATELY 33 ACRES FRONTING U.S. HIGHWAY 278 (R600 021 000 0195 0000 AND A PORTION OF R600 021 000 004A 000) TO REGIONAL COMMERCIAL, AND
- RURAL FOR APPROXIMATELY 92 ACRES TO NEIGHBORHOOD MIXED USE (R600 021 000 0002 0000, R600 021 000 0194 0000, R600 021 000 0075 0000, AND A PORTION OF R600 021 000 004A 0000) ([backup](#))

1. Consideration of second reading to occur September 26, 2016
2. Public hearing announcement – Monday, October 10, 2016 beginning at 6:30 p.m. in Council Chambers, Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort
3. September 12, 2016 / County Council approved on first reading, as amended
4. August 15 2016 / Development Agreement Subcommittee reports to Natural Resources Committee that the parties are at impasse and will so report to County Council
5. June 30, 2016 / Development Agreement Subcommittee reaches impasse
6. June 24, 2016 / Development Agreement Subcommittee discussion
7. June 21, 2016 / Development Agreement Subcommittee discussion
8. February 16, 2016 / Development Agreement Subcommittee discussion
9. January 14, 2016 / Development Agreement Subcommittee discussion
10. January 8, 2016 / Development Agreement Subcommittee discussion
11. December 4, 2015 / Chairman reappointments Development Agreement Subcommittee members
12. November 30, 2015 / Issue appears on County Council agenda as old business. County Council voted to postpone and reestablish the Development Agreement Subcommittee
13. October 26, 2015 / Public hearing held October 26, 2015 and motion to postpone until November 30, 2015
14. October 20, 2015 / Issue appears on agenda as a public hearing. Public Hearing is held on October 26, 2015 and Council votes to postpone until November 30, 2015.
15. September 14, 2015 / Natural Resources Committee Chairman removes from consent agenda. Matter to appear on subsequent County Council agenda as a public hearing.
16. August 10, 2015 / Natural Resources Committee votes to deny Comprehensive Plan amendment and Zoning Map amendment

H. COMPREHENSIVE SOUTHERN BEAUFORT COUNTY ZONING MAP AMENDMENT FOR FIVE PARCELS (TOTALING APPROXIMATELY 125 ACRES--R600 021 000 0002 0000, R600 021 000 004A 0000, R600 021 000 0194 0000, R600 021 000 0195 0000, AND R600 021 000 0075 0000; KNOWN AS PEPPER HALL PLANTATION LOCATED ON THE NORTH SIDE OF U.S. HIGHWAY 278 BETWEEN THE OKATIE RIVER AND GRAVES ROAD) FROM:

- T2-RURAL ZONING FOR APPROXIMATELY 33 ACRES FRONTING U.S. HIGHWAY 278 (R600 021 000 0195 0000 AND A PORTION OF R600 021 000 004A 000) TO C5 REGIONAL CENTER MIXED USE, AND
- T2-RURAL ZONING FOR APPROXIMATELY 92 ACRES TO C3 NEIGHBORHOOD MIXED USE (R600 021 000 0002 0000, R600 021 000 0194 0000, R600 021 000 0075 0000, AND A PORTION OF R600 021 000 004A 0000) ([backup](#))
  1. Consideration of second reading to occur September 26, 2016
  2. Public hearing announcement – Monday, October 10, 2016 beginning at 6:30 p.m. in Council Chambers, Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort
  3. September 12, 2016 / County Council approved on first reading, as amended
  4. August 15 2016 / Development Agreement Subcommittee reports to Natural Resources Committee that the parties are at impasse and will so report to County Council
  5. June 30, 2016 / Development Agreement Subcommittee reaches impasse
  6. June 24, 2016 / Development Agreement Subcommittee discussion
  7. June 21, 2016 / Development Agreement Subcommittee discussion
  8. February 16, 2016 / Development Agreement Subcommittee discussion
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  10. January 8, 2016 / Development Agreement Subcommittee discussion
  11. December 4, 2015 / Chairman reappointments Development Agreement Subcommittee members
  12. November 30, 2015 / Issue appears on County Council agenda as old business. County Council voted to postpone and reestablish the Development Agreement Subcommittee
  13. October 26, 2015 / Public hearing held October 26, 2015 and motion to postpone until November 30, 2015
  14. October 20, 2015 / Issue appears on agenda as a public hearing. Public Hearing is held on October 26, 2015 and Council votes to postpone until November 30, 2015.
  15. September 14, 2015 / Natural Resources Committee Chairman removes from consent agenda. Matter to appear on subsequent County Council agenda as a public hearing.
  16. August 10, 2015 / Natural Resources Committee votes to deny Comprehensive Plan amendment and Zoning Map amendment

- I. AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS, SERIES 2016B, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF BEAUFORT COUNTY, SOUTH CAROLINA, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$45,000,000; FIXING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE COUNTY ADMINISTRATOR OR HIS LAWFULLY-AUTHORIZED DESIGNEE TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO ([backup](#))
1. Consideration of second reading to occur September 26, 2016
  2. Public hearing announcement – Monday, October 10, 2016 beginning at 6:30 p.m. in Council Chambers, Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort
  3. First reading, by title only, occurred September 12, 2016 / Vote 10:0
  4. Finance Committee discussion and recommendation to approve ordinance on first reading occurred September 6, 2016 / Vote 6:0
- J. AN ORDINANCE TO AMEND SECTION 66-81, *ET SEQ.* OF THE BEAUFORT COUNTY CODE OF ORDINANCES SO AS TO RENAME THE TAX EQUALIZATION BOARD AND PROVIDE AMENDMENTS TO BOARD MEMBERSHIP ([backup](#))
1. Consideration of second reading to occur September 26, 2016
  2. Public hearing announcement – Monday, October 10, 2016 beginning at 6:30 p.m. in Council Chambers, Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort
  3. First reading approval occurred September 12, 2016 / Vote 10:0
  4. Finance Committee discussion and recommendation to approve ordinance on first reading occurred September 6, 2016 / Vote 6:0
- K. AN ORDINANCE TO APPROPRIATE FUNDS NOT TO EXCEED \$250,000 FROM THE 3% LOCAL ACCOMMODATIONS TAX FUNDS TO THE COUNTY GENERAL FUND FOR CONSTRUCTION OF THE SPANISH MOSS TRAIL – PHASE 7 ([backup](#))
1. Consideration of second reading to occur September 26, 2016
  2. Public hearing announcement – Monday, October 10, 2016 beginning at 6:30 p.m. in Council Chambers, Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort
  3. First reading approval occurred September 12, 2016 / Vote 10:0
  4. Finance Committee discussion and recommendation to approve ordinance on first reading occurred September 6, 2016 / Vote 6:0
- L. SMARTNET RENEWAL FOR INFORMATION TECHNOLOGY DIVISION ([backup](#))
1. Contract award: NWN Corporation, Greenville, South Carolina (State Contract)
  2. Contract amount: \$155,896.01
  3. Funding sources: Account 10001150-51110, IT-Systems Management Maintenance Contracts
  4. Community Services Committee discussion and recommendation to occur Monday, September 26, 2016 beginning at 3:00 p.m. in the Large Meeting Room, Bluffton Branch Library, 120 Palmetto Way, Bluffton, South Carolina

## 8. PUBLIC HEARINGS

- A. AN ORDINANCE APPROVING A SUPPLEMENTAL BUDGET APPROPRIATION FROM THE COUNTY'S GENERAL RESERVE FUND TO THE GENERAL FUND TO FULFILL ITS OBLIGATION TO THE HARRIS PILLOW SUPPLY, INC. UNDER THE INCENTIVE PACKAGE ([backup](#))
1. Consideration of third and final reading to occur September 26, 2016
  2. Second reading occurred September 12, 2016 / Vote 10:0
  3. First reading approval occurred August 22, 2016 / 11:0
  4. Council approved a financial incentive package in the amount of \$225,000 to Harris Pillow Supply upon such terms as the County Administrator may negotiate in order to secure an economic expansion of their current manufacturing operations resulting in a total capital investment of \$2,100,000 and the creation of 25 new full time positions. Council approval occurred August 8, 2016 / Vote 10:0
- B. AN ORDINANCE TO APPROPRIATE \$175,000 FROM THE 3% LOCAL ACCOMMODATIONS TAX FUND TO THE SANTA ELENA FOUNDATION ([backup](#))
1. Consideration of third and final reading to occur September 26, 2016
  2. Second reading occurred September 12, 2016 / Vote 10:0
  3. First reading approval occurred August 22, 2016 / 11:0
  4. Finance Committee discussion and recommendation to approve ordinance on first reading occurred August 8, 2016 / Vote 6:0
- C. AN ORDINANCE TO AMEND THE STORMWATER MANAGEMENT UTILITY ORDINANCE AS ADOPTED SEPTEMBER 28, 2015 TO PROVIDE FOR AMENDMENT OF THE RATE STRUCTURE APPLICABLE TO PARCELS RELATED TO CONDOMINIUMS, SUBMERGED PROPERTIES, AND PARCELS CONTIGUOUS TO SALT WATER MARSH ([backup](#))
1. Consideration of third and final reading to occur September 26, 2016
  2. Second reading occurred September 12, 2016 / Vote 10:0
  3. First reading approval occurred August 22, 2016 / 11:0
  4. Natural Resources Committee discussion and recommendation to approve ordinance on first reading occurred August 15, 2016 / Vote 6:1
  5. Stormwater Management Utility Board discussion and recommendation to approve the text amendments occurred June 8, 2016 / Vote 7:0
- D. AN ORDINANCE AUTHORIZING THE RELINQUISHMENT OF EASEMENTS ENCUMBERING PROPERTY IDENTIFIED AS TMS NO. R100 028 000 0381 0000 (CREG GREEN / ABANDONING THE COUNTY'S RIGHTS TO THE TWO EASEMENTS GRANTED BY MCAS BEAUFORT IN 2013, LEAVING ONLY THE NEW, SHORTER EASEMENT ON RECORD) ([backup](#))
1. Consideration of third and final reading to occur September 26, 2016
  2. Second reading occurred September 12, 2016 / Vote 10:0
  3. First reading approval occurred August 22, 2016 / 11:0
  4. Natural Resources Committee discussion and recommendation to approve ordinance on first reading occurred August 15, 2016 / Vote 7:0

E. AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF UTILITY EASEMENTS ENCUMBERING PROPERTY OWNED BY BEAUFORT COUNTY (SCE&G REQUEST FOR THREE UTILITY EASEMENTS AT BEAUFORT COUNTY GOVERNMENT ROBERT SMALLS COMPLEX) ([backup](#))

1. Consideration of third and final reading to occur September 26, 2016
2. Second reading occurred September 12, 2016 / Vote 10:0
3. First reading approval occurred August 22, 2016 / 11:0
4. Public Facilities Committee discussion and recommendation to approve ordinance on first reading occurred August 15, 2016 / Vote 7:0

F. AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA AMENDING CERTAIN SECTIONS UNDER BEAUFORT COUNTY CODE, CHAPTER 22, CIVIL EMERGENCIES, ARTICLE IV, DISASTER RECOVERY AND RECONSTRUCTION ([backup](#))

1. Consideration of third and final reading to occur September 26, 2016
2. Second reading occurred September 12, 2016 / Vote 10:0
3. First reading approval occurred August 22, 2016 / 11:0
4. Public Facilities Committee discussion and recommendation to approve ordinance on first reading occurred August 15, 2016 / Vote 6:0

9. MATTERS ARISING OUT OF EXECUTIVE SESSION

10. PUBLIC COMMENT - Speaker sign-up encouraged.

11. ADJOURNMENT

Official Proceedings  
County Council of Beaufort County  
September 12, 2016

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

A caucus of the County Council of Beaufort County was held Monday, September 12, 2016 beginning at 5:00 p.m. in the Executive Conference Room of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort, South Carolina.

**ATTENDANCE**

Vice Chairman Gerald Stewart and Councilmen Cynthia Bensch, Rick Caporale, Gerald Dawson, Brian Flewelling, Steven Fobes, Alice Howard, William McBride, Stewart Rodman and Roberts "Tabor" Vaux. Chairman D. Paul Sommerville absent.

**PLEDGE OF ALLEGIANCE**

The Chairman led those present in the Pledge of Allegiance.

**CALL FOR EXECUTIVE SESSION**

It was moved by Mr. Flewelling, seconded by Mr. Rodman, that Council go immediately into executive session for receipt of legal advice regarding legal issues incident to airport improvement work at HXD, receipt of legal advice relating to Rural and Critical Lands Program litigation, and receipt of legal advice relating to Molloy litigation. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Stewart and Mr. Vaux. ABSENT – Mr. Sommerville. The motion passed.

**EXECUTIVE SESSION**

**ADJOURNMENT**

Council adjourned at 6:00 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: \_\_\_\_\_  
D. Paul Sommerville, Chairman

ATTEST:

\_\_\_\_\_  
Ashley M. Bennett, Clerk to Council

Ratified:



Official Proceedings  
County Council of Beaufort County  
September 12, 2016

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

The regular session of the County Council of Beaufort County was held Monday, September 12, 2016 beginning at 6:00 p.m. in Council Chambers of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort, South Carolina.

**ATTENDANCE**

Vice Chairman Gerald Stewart and Councilmen Cynthia Bensch, Rick Caporale, Gerald Dawson, Brian Flewelling, Steven Fobes, Alice Howard, William McBride, Stewart Rodman and Roberts "Tabor" Vaux. Chairman D. Paul Sommerville absent.

**PLEDGE OF ALLEGIANCE**

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

**INVOCATION**

Council member Roberts "Tabor" Vaux gave the Invocation.

**MOMENT OF SILENCE**

**Stuart Hardy**

The Vice Chairman called for a moment of silence in remembrance of Stuart Hardy on the anniversary of his passing. On September 13, 2015 at approximately 12:06 p.m., Burton Fire District Firefighter/EMT Stuart Hardy, while on duty and riding Engine 84, responded to a vehicle accident on Mroz Road, located near the Laurel Bay area. Shortly after arrival, Firefighter/EMT Hardy suffered a medical emergency in the performance of his duties. He was transported to Beaufort Memorial and later to MUSC. Firefighter/EMT Stuart Hardy passed away on September 24, 2015.

**ADMINISTRATIVE CONSENT AGENDA**

**Review of the Proceedings of the Caucus held August 22, 2016**

This item comes before Council under the Administrative Consent Agenda.

It was moved by Mr. Flewelling, seconded by Mr. Rodman, that Council approve the minutes of the caucus held August 22, 2016. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Stewart and Mr. Vaux. ABSENT – Mr. Sommerville. The motion passed.

### **Review of the Proceedings of the Regular Session held August 22, 2016**

This item comes before Council under the Administrative Consent Agenda.

The following correction and/or addition was made to the minutes of the regular session held August 22, 2016: Page 3, line 11, change “Mr. Dawson, as Chairman of the Natural Resources Committee” to “Mr. Dawson, as Chairman of the Public Facilities Committee.”

It was moved by Mr. Flewelling, seconded by Mr. Rodman, that Council approve the minutes of the regular session held August 22, 2016. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Stewart and Mr. Vaux. ABSENT – Mr. Sommerville. The motion passed.

### **Committee Reports**

#### **Community Services Committee**

##### **Disabilities and Special Needs Board**

Gregory Hall

The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Stewart and Mr. Vaux. ABSENT – Mr. Sommerville. Mr. Hall, representing at-large, garnered the six votes required to serve as a member of the Disabilities and Special Needs Board.

Marcia Metzger

The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Stewart and Mr. Vaux. ABSENT – Mr. Sommerville. Mrs. Metzger, representing at-large, garnered the six votes required to serve as a member of the Disabilities and Special Needs Board.

Frankie Middleton

The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Stewart and Mr. Vaux. ABSENT – Mr. Sommerville. Mrs. Middleton, representing at-large, garnered the six votes required to serve as a member of the Disabilities and Special Needs Board.

### **Executive Committee**

#### **Motor Vehicle Taxation Process / Annual Taxation Process Protocol**

It was moved by Mr. Rodman, seconded by Mr. Flewelling, that Council authorize the County Administrator to print the tax bills, only upon concurrence of the Auditor and Treasurer, no later than October 15. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Stewart and Mr. Vaux. ABSENT – Mr. Sommerville. The motion passed.

### **Finance Committee**

#### **Airports Board**

Mr. Stewart, as Chairman of the Finance Committee, nominated Mr. Lex Brown, representing active pilot and aircraft owner at Lady's Island Airport, to serve as a member of the Airports Board.

#### **Burton Fire District Commission**

Madison Chisum

The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Stewart and Mr. Vaux. ABSENT – Mr. Sommerville. Mr. Chisum, representing at-large, garnered the six votes required to serve as a member of the Burton Fire District Commission.

### **Governmental Committee**

#### **Economic Development Corporation**

Steven Fobes

The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Stewart and Mr. Vaux. ABSENT – Mr. Sommerville. Mr. Fobes, County Council representative, garnered the six votes required to serve as a member of the Economic Development Commission. Appointment will commence no later than six months following adoption of Ordinance 2016/19 on June 27, 2016, or immediately following the resignation of D. Paul Sommerville, who is serving temporarily as County Council's representative.

### **Natural Resources Committee**

#### **Southern Beaufort County Corridor Beautification Board**

Randy Boehme

The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Stewart and Mr. Vaux. ABSENT – Mr. Sommerville. Mr. Boehme, Bluffton Town appointee, garnered the six votes required to serve as a member of the Southern Beaufort County Corridor Beautification Board.

#### **County Transportation Committee**

Christopher England

The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Stewart and Mr. Vaux. ABSENT – Mr. Sommerville. Mr. England, representing Council District 7, garnered the six votes required to serve as a member of the County Transportation Committee.

### **PUBLIC COMMENT**

The Chairman recognized Ms. Laura Fanelli, a resident of Burton, who addressed Council concerning Beaufort County's Boards and Commissions, and the information provided online. Council should consider a policy requiring boards and commissions to post minutes within ten days of the meeting. She also commended the following County Departments for their assistance and courtesy: Code Enforcement, Public Works, Sheriff's Office, Solid Waste and Recycling, Planning Department and the Clerk to Council.

Mrs. Jill Striebinger, a resident of Lady's Island, spoke about the organizational changes needed in the Disabilities and Special Needs Department. She provided Council with a handout that included an excerpt of her comments, operating model diagrams, information from the South Carolina Department of Developmental Disabilities' website, and an article on autistic coders.

Ms. Debra Marshall, a retired school teacher, addressed Council concerning the inadequacies at the Beaufort County Disabilities and Special Needs Department. She provided Council with a handout that included an excerpt of her comments, as well as September scheduled enclaves for Beaufort versus Hilton Head Island, and information on employment services.

Mr. Eric Novoa, a client of the Disabilities and Special Needs Department, informed Council about the Disabilities and Special Needs Department's lack of support individuals to properly aid with his medical needs, as well as the lack of activities for individuals with disabilities in Beaufort.

Ms. Alicia Wynn, mother of an autistic son, spoke about the lack of information provided by the Disabilities and Special Needs Department caseworkers.

### **OLD BUSINESS**

**PEPPER HALL PLANTATION PROPERTY / REQUEST TO CHANGE THE FUTURE LAND USE DESIGNATION AND TO REZONE PORTIONS OF AN ASSEMBLAGE OF 7 PARCELS EQUALING APPROXIMATELY 113 ACRES LOCATED ON THE NORTH SIDE OF U.S. HIGHWAY 278 BETWEEN THE OKATIE RIVER AND GRAVES ROAD FROM RURAL WITH TRANSITIONAL OVERLAY (APPROXIMATELY 33 ACRES FRONTING U.S, HIGHWAY 278) AND RURAL (80 ACRES OF THE REMAINDER OF THE PROPERTIES) TO COMMERCIAL REGIONAL (APPROXIMATELY 65 ACRES FRONTING U.S. HIGHWAY 278) AND SUBURBAN (APPROXIMATELY 48 ACRES AT THE REAR OF THE PROPERTIES)**

Mr. Vaux recused himself, left the room, and was not present for any of the discussion. His law firm formerly represented the seller on this same matter.

Natural Resource Chairman Brian Flewelling stated on November 30, 2015 this issue appeared on the County Council agenda as old business and County Council voted to postpone and reestablish the Development Agreement Subcommittee. Since that meeting, members were reappointed to the Development Agreement Subcommittee, and numerous meetings were held to discuss this development agreement. On June 30, 2016, the Development Agreement Subcommittee reached an impasse. The Development Agreement Subcommittee reported the party's impasse to the Natural Resources Committee on August 15, 2016.

**Main motion:** It was moved by Mr. Flewelling, seconded by Mrs. Howard, that Council deny a request to change the future land use designation and to rezone portions of an assemblage of 7 parcels equaling approximately 113 acres located on the north side of U.S. Highway 278 between the Okatie River and Graves Road from Rural with Transitional Overlay (approximately 33 acres fronting U.S, Highway 278) and Rural (80 acres of the remainder of the properties) to Commercial Regional (approximately 65 acres fronting U.S. Highway 278) and Suburban (approximately 48 acres at the rear of the properties).

Planning Director Tony Criscitiello presented the timeline of the Graves Family rezoning requests as follows:

ZMA 2001-02: Zoning Map Amendment/Rezoning Request, Southern Beaufort County R600-21-4, 4A, 6A, 7B, 8, 194 & 195; From: Rural/R; To: Rural-Transitional Overlay/R-TO; Applicant: Robert L. Graves:

- Southern Beaufort County Subcommittee denied 12/14/2000;
- Planning Commission denied 01/04/2001;
- Committee denied 01/18/2001;
- Council denied 3/12/2001

ZMA 2001-23: Zoning Map Amendment/Rezoning Request for Southern Beaufort County R600-21-8 & part of 7B; From: Rural-Transitional Overlay/R-TO; To: Commercial Regional/CR; Applicant: Robert L. Graves:

- Southern Beaufort County Subcommittee denied 09/21/2001;
- Planning Commission denied 10/02/2001;
- Committee approved with compromise 10/18/2001;
- Applicant amended application 11/12/2001;
- Council stricken from the agenda 11/12/2001;
- Commission recommended disapproval 12/4/2001;
- Council remanded to Planning Committee for further consideration 1/28/2002;
- Council approved 4/8/2002 - Ordinance 2002/13

CMA/ZMA 2011-17: Future Land Use & Zoning Map Amendments: R603-21-4A, -6A, -7B, -194, & -195 & R600-21-2 & -75 (7 parcels); Owner/Applicant: Robert Graves

- Future Land Use from Community Commercial and Rural to Commercial Regional & Neighborhood Mixed Use;
- Zoning from Rural w/Transitional Overlay to Commercial Regional & Suburban.
- Subcommittee made no recommendation to Planning Commission 01/12/2012;
- Planning Commission approved 02/06/2012;
- Natural Resources Committee denied 04/02/2012;
- Council denied 04/09/2012

CMA/ZMA 2012-07: Future Land Use & Zoning Map Amendments: R603-21-4A, -6A, -7B, -194, & -195 & R600-21-2 & -75 (7 parcels); Owners: Robert, John & /Applicant: Robert Graves

- Future Land Use from Community Commercial and Rural to Commercial Regional & Neighborhood Mixed Use;
- Zoning from Rural w/Transitional Overlay to Commercial Regional & Suburban.
- Resubmittal of CMA 2011-17.1 that Council denied 04/09/2012
- Southern Beaufort County Subcommittee 12/13/2012--made no recommendation since no Traffic Impact Analysis was submitted by the applicant to staff for review;
- Planning Commission 1/7/2013—withdrawn by staff due to incompleteness of submittal.
- Planning Commission approved 3/4/2013 with conditions: maximum 700,000 square feet commercial development (not ground square footage), guaranteed protection of Okatie River, and buffer area set aside from development.

The Vice Chairman passed the gavel to the Parliamentarian in order to make a motion.

**Motion to amend by substitution:** It was moved by Mr. Stewart, seconded by Mr. Flewelling, that Council approve on first reading a request to change the Future Land Use designation and to rezone from Rural to C5, 33 acres in the front of the property along U.S. Highway 278 (R600-021-4A and R600-021-195), rezone from Rural to C3, 48 acres at the rear of the property, 12 acres along the Okatie, and 32 acres in the middle of the property, (R600-021-4A, R600-021-194, R600-021-75, and R600-021-2), and amend the Future Land Use Map and Comprehensive Plan as necessary to give effect to this rezoning. The vote: YEAS – Mrs. Bensch, Mr. Caporale,

Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, and Mr. Stewart. RECUSAL - Mr. Vaux recused himself, left the room, and was not present for any of the discussion. His law firm formerly represented the seller on this same matter. ABSENT – Mr. Sommerville. The motion passed.

**Vote on the amended motion, which is now the main motion, and includes the motion to amend by substitution:** Council approve on first reading a request to change the Future Land Use designation and to rezone from Rural to C5, 33 acres in the front of the property along U.S. Highway 278 (R600-021-4A and R600-021-195), rezone from Rural to C3, 48 acres at the rear of the property, 12 acres along the Okatie, and 32 acres in the middle of the property, (R600-021-4A, R600-021-194, R600-021-75, and R600-021-2), and amend the Future Land Use Map and Comprehensive Plan as necessary to give effect to this rezoning. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, and Mr. Stewart. RECUSAL - Mr. Vaux recused himself, left the room, and was not present for any of the discussion. His law firm formerly represented the seller on this same matter. ABSENT – Mr. Sommerville. The motion passed.

### **NEW BUSINESS**

#### **AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS, SERIES 2016B, OF BEAUFORT COUNTY, SOUTH CAROLINA, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$45,000,000**

Discussion occurred at the September 6, 2016 meeting of the Finance Committee.

It was moved by Mr. Stewart, as Chairman of the Finance Committee, that Council approve on first reading, by title only, an ordinance authorizing the issuance and sale of General Obligation Bonds, Series 2016B, of Beaufort County, South Carolina, in the principal amount of not exceeding \$45,000,000. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Stewart and Mr. Vaux. ABSENT – Mr. Sommerville. The motion passed.

### **CONSENT AGENDA**

#### **AN ORDINANCE APPROVING A SUPPLEMENTAL BUDGET APPROPRIATION FROM THE COUNTY'S GENERAL RESERVE FUND TO THE GENERAL FUND TO FULFILL ITS OBLIGATION TO THE HARRIS PILLOW SUPPLY, INC. UNDER THE INCENTIVE PACKAGE**

This item comes before Council under the Consent Agenda. Discussion occurred at the August 8, 2016 meeting of County Council.

It was moved by Mr. Flewelling, seconded by Mr. Flewelling, that Council approve on second reading an ordinance approving a \$225,000 supplemental budget appropriation from the County's General Reserve Fund to the General Fund to fulfill its obligation to the Harris Pillow Supply, Inc. under the incentive package. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Stewart and Mr. Vaux. ABSENT – Mr. Sommerville. The motion passed.

The Chairman announced a public hearing on Monday, September 26, 2016 beginning at 6:30 p.m. in the large meeting room of the Bluffton Branch Library, 120 Palmetto Way, Bluffton, South Carolina.

**AN ORDINANCE TO APPROPRIATE \$175,000 FROM THE 3% LOCAL ACCOMMODATIONS TAX FUND TO THE SANTA ELENA FOUNDATION**

This item comes before Council under the Consent Agenda. Discussion occurred at the August 8, 2016 meeting of the Finance Committee.

It was moved by Mr. Flewelling, seconded by Mr. Flewelling, that Council approve on second reading an ordinance to appropriate \$175,000 from the 3% Local Accommodations Tax Fund to The Santa Elena Foundation. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Stewart and Mr. Vaux. ABSENT – Mr. Sommerville. The motion passed.

The Chairman announced a public hearing on Monday, September 26, 2016 beginning at 6:30 p.m. in the large meeting room of the Bluffton Branch Library, 120 Palmetto Way, Bluffton, South Carolina.

**AN ORDINANCE TO AMEND THE STORMWATER MANAGEMENT UTILITY ORDINANCE AS ADOPTED SEPTEMBER 28, 2015 TO PROVIDE FOR AMENDMENT OF THE RATE STRUCTURE APPLICABLE TO PARCELS RELATED TO CONDOMINIUMS, SUBMERGED PROPERTIES, AND PARCELS CONTIGUOUS TO SALT WATER MARSH**

This item comes before Council under the Consent Agenda. Discussion occurred at the August 15, 2016 meeting of the Natural Resources Committee.

It was moved by Mr. Flewelling, seconded by Mr. Flewelling, that Council approve on second reading an ordinance to amend the Stormwater Management Utility Ordinance as adopted September 28, 2015 to provide for amendment of the rate structure applicable to parcels related to condominiums, submerged properties, and parcels contiguous to saltwater marsh. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Stewart and Mr. Vaux. ABSENT – Mr. Sommerville. The motion passed.



The Chairman announced a public hearing on Monday, September 26, 2016 beginning at 6:30 p.m. in the large meeting room of the Bluffton Branch Library, 120 Palmetto Way, Bluffton, South Carolina.

**AN ORDINANCE AUTHORIZING THE RELINQUISHMENT OF EASEMENTS ENCUMBERING PROPERTY IDENTIFIED AS TMS NO. R100 028 000 0381 0000 (CREG GREEN / ABANDONING THE COUNTY'S RIGHTS TO THE TWO EASEMENTS GRANTED BY MCAS BEAUFORT IN 2013, LEAVING ONLY THE NEW, SHORTER EASEMENT ON RECORD)**

This item comes before Council under the Consent Agenda. Discussion occurred at the August 15, 2016 meeting of the Natural Resources Committee.

It was moved by Mr. Flewelling, seconded by Mr. Flewelling, that Council approve on second reading an ordinance authorizing the relinquishment of easements encumbering property identified as TMS No. R100 028 000 0381 0000 (Creg Green / abandoning the County's rights to the two easements granted by MCAS Beaufort in 2013, leaving only the new, shorter easement on record). The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Stewart and Mr. Vaux. ABSENT – Mr. Sommerville. The motion passed.

The Chairman announced a public hearing on Monday, September 26, 2016 beginning at 6:30 p.m. in the large meeting room of the Bluffton Branch Library, 120 Palmetto Way, Bluffton, South Carolina.

**AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF UTILITY EASEMENTS ENCUMBERING PROPERTY OWNED BY BEAUFORT COUNTY (SCE&G REQUEST FOR THREE UTILITY EASEMENTS AT BEAUFORT COUNTY GOVERNMENT ROBERT SMALLS COMPLEX)**

This item comes before Council under the Consent Agenda. Discussion occurred at the August 15, 2016 meeting of the Public Facilities Committee.

It was moved by Mr. Flewelling, seconded by Mr. Flewelling, that Council approve on second reading an ordinance authorizing the execution and delivery of utility easements encumbering property owned by Beaufort County (SCE&G request for three utility easements at Beaufort County Government Robert Smalls Complex). The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Stewart and Mr. Vaux. ABSENT – Mr. Sommerville. The motion passed.

The Chairman announced a public hearing on Monday, September 26, 2016 beginning at 6:30 p.m. in the large meeting room of the Bluffton Branch Library, 120 Palmetto Way, Bluffton, South Carolina.

**AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA AMENDING CERTAIN SECTIONS UNDER BEAUFORT COUNTY CODE, CHAPTER 22, CIVIL EMERGENCIES, ARTICLE IV, DISASTER RECOVERY AND RECONSTRUCTION**

This item comes before Council under the Consent Agenda. Discussion occurred at the August 15, 2016 meeting of the Public Facilities Committee.

It was moved by Mr. Flewelling, seconded by Mr. Flewelling, that Council approve on second reading an ordinance of the County of Beaufort, South Carolina amending certain sections under Beaufort County Code, Chapter 22, Civil Emergencies, Article IV, Disaster Recovery and Reconstruction. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Stewart and Mr. Vaux. ABSENT – Mr. Sommerville. The motion passed.

The Chairman announced a public hearing on Monday, September 26, 2016 beginning at 6:30 p.m. in the large meeting room of the Bluffton Branch Library, 120 Palmetto Way, Bluffton, South Carolina.

**AN ORDINANCE TO AMEND SECTION 66-81, *ET SEQ.* OF THE BEAUFORT COUNTY CODE OF ORDINANCES SO AS TO RENAME THE TAX EQUALIZATION BOARD AND PROVIDE AMENDMENTS TO BOARD MEMBERSHIP**

This item comes before Council under the Consent Agenda. Discussion occurred at the September 6, 2016 meeting of the Finance Committee.

It was moved by Mr. Flewelling, seconded by Mr. Flewelling, that Council approve on first reading an ordinance to amend Section 66-81, *et seq.* of the Beaufort County Code of Ordinances so as to rename the Tax Equalization Board and provide amendments to board membership. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Stewart and Mr. Vaux. ABSENT – Mr. Sommerville. The motion passed.

**AN ORDINANCE TO APPROPRIATE FUNDS NOT TO EXCEED \$250,000 FROM THE 3% LOCAL ACCOMMODATIONS TAX FUNDS TO THE COUNTY GENERAL FUND FOR CONSTRUCTION OF THE SPANISH MOSS TRAIL – PHASE 7**

This item comes before Council under the Consent Agenda. Discussion occurred at the September 6, 2016 meeting of the Finance Committee.

It was moved by Mr. Flewelling, seconded by Mr. Flewelling, that Council approve on first reading an ordinance to appropriate funds not to exceed \$420,000 from the 3% Local Accommodations Tax Funds to the County General Fund for construction of the Spanish Moss Trail – Phase 7. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Stewart and Mr. Vaux. ABSENT – Mr. Sommerville. The motion passed.

**PUBLIC COMMENT**

The Chairman recognized Mr. Jim Beckert, County Auditor, who informed Council that the motion, as it related to the printing of tax bills, made by Mr. Rodman, in the Executive Committee meeting, does not match the motion voted on by the full body of County Council. The motion that came of the Executive Committee stated the tax bills would be printed by October 15 and was a compromise between the parties. He asked that Council consider a motion for reconsideration and the terminology used in the Executive Committee.

Mr. Flewelling directed the Clerk to Council to review the audio of the meeting as it relates to Motor Vehicle Taxation Process / Annual Taxation Process Protocol and substitute the motion approved by the full body of County Council with the motion approved by the Executive Committee.

**ADJOURNMENT**

Council adjourned at 7:45 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: \_\_\_\_\_  
D. Paul Sommerville, Chairman

ATTEST: \_\_\_\_\_  
Ashley M. Bennett, Clerk to Council

Ratified:

## EXECUTIVE COMMITTEE

September 12, 2016

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

The Executive Committee met Monday, September 12, 2016 beginning at 3:00 p.m. in the Executive Conference Room of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort, South Carolina.

### ATTENDANCE

Chairman Jerry Stewart and members Gerald Dawson, Brian Flewelling, William McBride and Stu Rodman. Non-Committee members Cynthia Bensch, Rick Caporale, Steven Fobes, Alice Howard, William McBride and Roberts "Tabor" Vaux present.

County staff: Jim Beckert, Auditor; Joshua Gruber, Deputy County Administrator/Special Counsel; Alicia Holland, Assistant County Administrator-Finance; Gary James, Assessor; Tom Keaveny, County Attorney; Gary Kubic, County Administrator; Maria Walls, Treasurer; and George Wright, Deputy Treasurer.

Media: Joe Croley, *Lowcountry Inside Track*.

Councilman Jerry Stewart chaired the meeting.

### ACTION ITEM

#### 1. **Discussion / Motor Vehicle Taxation Process / Annual Taxation**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Discussion:** Mr. Gary Kubic, County Administrator, has narrowed down his opinion about the best way to come to a consensus or some logical approach, as to how to take multiple agencies and parties (Council, Administration, Information Technology, Auditor, Treasurer) and come up with an idea that would create an opportunity to allow each of those entities to service their duty, role, and responsibility towards the product. The product would be the development and the collection of the tax bill, so that you have general agreement between the parties to develop a methodology that we could all count on. The common description of why we have an Auditor and Treasurer is a system of checks and balances.

Mr. Kubic presented three recommendations.

First recommendation: Keep the tax bill format, just the same this year and continue our work toward developing a contract or consensus.

- What does the tax bill look like?
- What language should be in the tax bill?
- What is the input of Council, Auditor, and Treasurer.
- Does the County Administrator have any ideas?
- The heart of the issue (the greater part of the issue) is the duality of achievement – billing, creating a tax roll, sending it to the Treasurer, having it looked at, saying it is okay, and then it going out.
- The Auditor wants to issue the tax bills as early as possible and, has used the day of September 30 as a reference point.
- The Treasurer has indicated that there may be some issues on her end.
- The tax bill is the single product of two agencies' checks and balances.
- The County Administrator has looked the statutes over and over again and, has not read anywhere that the tax bill must be in the mail by a specific date. It does, however, define a period of time -- September 30 as a beginning and January 15 as an end.

Second recommendation: Work on the suggested compromised date of October 15 as the date of issuance.

- We know all counties modify and change according to their needs and characteristics.
- That is a salient point that we could work on.

Third recommendation: Inability to implement between elected officials (Auditor and Treasurer).

- If this does happen, then Council, under its ability to set forth organizational policy, should consider a resolution and set forth whatever it believes is necessary (whether it is recommendation number 1 or recommendation number 2 or both) to accomplish that mission.

**Main motion:** It was moved by Mr. Rodman, seconded by Mr. McBride, that Committee approve and recommend to Council that the County Administrator, authorize the printing of the tax bill, only upon concurrence of the Auditor and Treasurer.

**Motion to amend by addition:** It was moved by Mr. Flewelling, that Committee add a date specific of no later than October 15.

Without objection, Mr. McBride withdrew his second to the main motion.

Mr. Rodman, as maker of the main motion, accepted the text “to add a date specific of no later than October 15” brought forward by Mr. Flewelling, who then seconded the main motion.

**Vote on the main motion:** It was moved by Mr. Rodman, seconded by Mr. Flewelling, that Council authorize the County Administrator to print the tax bills, only upon concurrence of the Auditor and Treasurer, no later than October 15. The vote: YEAS – Mr. Dawson, Mr. Flewelling, Mr. McBride and Mr. Rodman. NAY – Mr. Stewart. The motion passed.

**Recommendation:** Council authorize the County Administrator to print the tax bills, only upon concurrence of the Auditor and Treasurer, no later than October 15.

## **INFORMATION ITEMS**

### **2. Discussion / Outside Groups Making Appointments to County Boards**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Discussion:** Mr. Joshua Gruber, Deputy County Administrator/Special Council, provided for discussion only a draft ordinance to provide a mechanism to nominate individuals to Beaufort County Boards and Commissions when such seat has gone unfilled for a period of 45 days since the seat has become vacant.

Beaufort County has numerous boards, agencies, and commissions that provide advisory and other similar services. The purpose of the ordinance is to provide efficient appointment of individuals to these various boards, agencies and commissions. It is recommended that flexibility in the appointment of individuals be created within the appointment process so as to allow for the nomination and appointment of alternative individuals if vacant seats remain unfilled after a period of 45 days since the vacancy on the board, agency or commission occurred.

The proposed text amendment is as follows: “If an appointment to a board, agency or commission shall be unfilled after more than 45 days since the vacancy occurred, and such appointment is not otherwise specifically provided for in an individual agency’s charter, then any member of County Council shall be entitled to offer up a nomination for such appointment regardless of the geographical residency or other qualifications of such nominee.”

**Status:** This item will come back before the Committee in the near future.

### **3. Briefing / Status of Salary and Compensation Study**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Discussion:** Mr. Joshua Gruber, Deputy County Administrator/Special Council, presented this item to the Committee. The County awarded a contract to Arthur J. Gallagher & Company (Gallagher) to provide Classification and Compensation Study Services for Beaufort County’s Employee Services Department. The study involved an array of stages:

- Division and Department Directors were provided with an overview of the process and training on the “Decision Band Method” being used to accurately place positions.
- Employees completed position description questionnaire.
- Consultant met with department directors and some employees to obtain additional information on certain positions and department structures.
- Employee Services and Consultant identified 40 to 45 positions as benchmark positions.
- Consultant incorporated benchmark positions into a survey and sent out to a defined group of employers, requesting their participation.
- Consultant gathered market results and other published, relevant salary data, and developed the salary ranges for each of the 40 to 45 benchmark positions.
- Consultant developed salary schedule to include minimum, middle and maximum ranges for all positions within each band and grade.
- County received preliminary results for review and discussion. A small number of corrections and refinements were implemented upon mutual agreement between the consultant and Employee Services.
- Consultant is in the process of creating a new set of position descriptions and documentation of the processes and recommendations.

**Status:** A representative of Arthur J. Gallagher & Company to prepare and present a final report, which will include processes, findings, and recommendations within the near future.

#### **4. Initial Discussion / Development of Long-Term Financial Plan**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Status:** This item was postponed until the next meeting.

## NATURAL RESOURCES COMMITTEE

September 19, 2016

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

The Natural Resources Committee met Monday, September 19, 2016 beginning at 3:00 p.m. In the Executive Conference Room, Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort, South Carolina.

### ATTENDANCE

Committee Chairman Brian Flewelling, Vice Chairman Alice Howard and members Gerald Dawson, Steven Fobes and William McBride present. Members Jerry Stewart and Roberts "Tabor" Vaux absent. Non Committee members Cynthia Bensch, Rick Caporale and D. Paul Sommerville present. (Paul Sommerville, as County Council Chairman, serves as an *ex-officio* member of each standing committee of Council and is entitled to vote.)

County Staff: Tony Criscitiello, Planning Director; Joshua Gruber, Deputy County Administrator/Special Counsel; Thomas Keaveny, County Attorney; Gary Kubic, County Administrator; and Eric Larson, Division Director-Environmental Engineering.

Public: Herb Chase, applicant, Executive Golf Course; Mike Covert, resident of Bluffton; and Michael Kronimus, agent, Executive Golf Course.

Media: Joe Croley, *Lowcountry Inside Track* and Lucas High, *The Beaufort Gazette/The Island Packet*.

Mr. Flewelling chaired the meeting.

### ACTION ITEMS

- 1. Southern Beaufort County Map Amendments for R600 040 000 0209, 0000, R600 040 000 0824, 0000, and R600 040 000 0825 0000 (Three (3) Properties Known as Executive Golf Course, Totaling 20.99 Acres Located Along Bluffton Parkway between Hilton Head National Drive and Kellie Court); Owner/Applicant: Silver Rock BP LLC; Agent: Michael Kronimus; Future Land Use Map Amendment: from Rural (in the Growth Area) to Neighborhood Mixed Use, and Zoning Map Amendment/Rezoning Request: from T2-Rural District to T4-Neighborhood Center District**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)



**Discussion:** Mr. Tony Criscitiello, Planning Director, introduced this item to the Committee. This is a request to change the future land use designation in the Comprehensive Plan from Rural to Neighborhood Mixed-Use and change the zoning of the property from T2-Rural to T4-Neighborhood Center for property located on the south side of Bluffton Parkway, approximately 1,000 feet west of the intersection with Buckingham Plantation Drive. The subject property was the home to the Executive Golf Club, a par 3 course. The golf course was accessed from Hilton Head National Drive, which has access off of U.S. Highway 278. The land was designated as Rural in the 1997 and 2010 Comprehensive Plans due to its recreational land use. The extension of the Bluffton Parkway, approximately five years ago, greatly improved access to the property and placed it directly across from the Parkway from the Tanger 2 Outlets and the Lakes at Edgewater, a multi-family housing community. The property is bound by the Old South Golf Course to the south and the Hilton Head National Golf Course to the west.

Staff recommends the following:

- The future land use designation of the subject parcels be changed from Rural to Urban Mixed-Use rather than Neighborhood Mixed-Use. This land use designation is more consistent with the intent of the Comprehensive Plan, the character of the neighboring properties, and the mix of uses that are being proposed for the site.
- The zoning of the property be amended from T2-Rural to T4-Neighborhood Center.
- Coordinating access needs and traffic control between Executive Golf, Hilton Head National and Tanger 2 to ensure appropriate, safe access that meets the County's Access Management Ordinance is constructed and provided with appropriate spacing of traffic signals when warranted. This should include sufficient connectivity between adjacent development to ensure distribution of trips away from problematic intersections and encouragement of multi-modal trips. This will result in complete streets constructed with a connected transportation network that meets the intent of the Community Development Code.

The Planning Commission recommended Council approve the following:

- Southern Beaufort County Future Land Use Map Amendment for R600 040 000 0209, 0000, R600 040 000 0824, 0000, and R600 040 000 0825 0000 (three properties formerly known as Executive Golf, totaling 20.99 acres) from Rural (in the Growth Area) to Urban Mixed Use, as recommended by the Planning staff.
- Southern Beaufort County Zoning Map Amendment / Rezoning Request for R600 040 000 0209, 0000, R600 040 000 0824, 0000, and R600 040 000 0825 0000 (three properties formerly known as Executive Golf, totaling 20.99 acres) from T2-Rural District to T4-Neighborhood Center District, with the condition to monitor the growth intersection, as was recommended by the Planning staff.
- The following that will result in complete streets constructed on a connected transportation network that meets the intent of the Community Development Code: (1) By coordinating the access needs and traffic control between Executive Golf, Hilton Head National, and Tanger 2 to ensure that appropriate safe access meets the County's Access Management Ordinance by constructing and providing appropriate spacing of traffic signals when warranted; and (2) By including sufficient connectivity between

adjacent developments to ensure distribution of trips away from problematic intersections and encouraging multi-modal trips.

**Motion:** It was moved by Mr. Fobes, seconded by Mr. Dawson, that Natural Resources Committee recommend Council approve on first reading Southern Beaufort County Map Amendments for R600 040 000 0209, 0000, R600 040 000 0824, 0000, and R600 040 000 0825 0000 (three properties known as Executive Golf Course, totaling 20.99 acres located along Bluffton Parkway between Hilton Head National Drive and Kellie Court); Future Land Use Map Amendment: from Rural (in the Growth Area) to Neighborhood Mixed Use, and Zoning Map Amendment/Rezoning Request: from T2-Rural District to T4-Neighborhood Center District. The vote: YEAS – Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard and Mr. McBride. ABSENT – Mr. Stewart and Mr. Vaux. The motion passed.

**Recommendation:** Council approve on first reading Southern Beaufort County Map Amendments for R600 040 000 0209, 0000, R600 040 000 0824, 0000, and R600 040 000 0825 0000 (three (3) properties known as Executive Golf Course, totaling 20.99 acres located along Bluffton Parkway between Hilton Head National Drive and Kellie Court); Future Land Use Map Amendment: from Rural (in the Growth Area) to Neighborhood Mixed Use, and Zoning Map Amendment/Rezoning Request: from T2-Rural District to T4-Neighborhood Center District.

**2. Text Amendments to the Stormwater Management Ordinance (Chapter 99): Amend Article II, Stormwater Management (for changes related to the MS4 permit implementation); Add Article III, Regulatory General Provisions; Add Article IV, Stormwater Management Standards to be Applied; Add Article V, Illicit Discharges and Connections to the Stormwater System; and Add Article VI, Inspection, Enforcement, and Correction.**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Discussion:** Mr. Eric Larson, Division Director-Environmental Engineering, reviewed this item with the Committee. This is an ordinance to amend the Stormwater Management Utility Ordinance, as adopted September 26, 2016, to provide for the addition of Articles III, IV, V and VI related to adoption of Stormwater Management Standards to meet Municipal Separate Stormsewer System (MS4) permit requirements. Mr. Larson provided the Committee with a PowerPoint Presentation on the proposed ordinance amendments as follows:

Article III

- Regulatory Authority
  - Established by the EPA Clean Water Act and DHEC Pollution Control Act
  - Enables
    - Authority to set design standards
    - Illicit Discharge Detection and Elimination program
    - Plan review, permitting program
    - Inspection and enforcement program

- Sets jurisdiction and powers of the Administrator
- Appeals of the Administration’s decisions to Stormwater Utility Board
- References the BMP Manual as the technical guide

Article IV

- Stormwater Management Standards
  - All development must generally:
    - Convey, store and treat runoff
    - Design to mimic pre-existing hydrology to METF
    - Design, construct, and maintain BMPs (Specifics in the BMP Manual)
  - Waiver by the Administration and appeals to the Stormwater Utility Board
  - Annual maintenance and inspections required
  - Recorded “Maintenance Agreements”

Article V

- Illicit Discharges and Connections to the MS4
  - Non-stormwater discharges, illicit connections, and exemptions defined
  - Spill response policy (accidental release)
  - Nuisance abatement
  - Suspension of a permitted discharge due to non-compliance

Article VI

- Inspection, Enforcement, and Correction
  - County’s duty of timely inspection, right of entry
  - Escalating enforcement (times and fines)
    - Warning notice
    - Notice of violation
    - Stop work order
    - Civil citation
  - Abatement by the County and reimbursement of costs
  - Penalty = \$500 /day and/or 30 days in jail
- Interpretations, Conflict with other law, Severability

**Motion:** It was moved by Mrs. Howard, seconded by Mr. Fobes, that Natural Resources Committee recommend Council approve on first reading text amendments to the Stormwater Management Utility Ordinance, as adopted September 26, 2016: the addition of Articles III, IV, V and VI related to adoption of Stormwater Management Standards to meet Municipal Separate Stormsewer System (MS4) permit requirements. The vote: YEAS – Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard and Mr. McBride. ABSENT – Mr. Stewart and Mr. Vaux. The motion passed.

**Recommendation:** Council approve on first reading text amendments to the Stormwater Management Utility Ordinance, as adopted September 26, 2016: the addition of Articles III, IV, V and VI related to adoption of Stormwater Management Standards to meet Municipal Separate Stormsewer System (MS4) permit requirements.

**INFORMATION ITEMS**

**3. Off Agenda – Bay Point Annexation**

**Status:** Committee Chairman Brian Flewelling informed the Committee that on September 20, 2016 Hilton Head Island Town Council will consider a resolution to accept a petition for annexation filed by Bay Point Island, LLC for real property generally known as Bay Point Island.

**4. Consideration of Reappointments and Appointments / Zoning Board of Appeals**

**Status:** This item will be taken up at the next meeting of the Natural Resources Committee.

**DRAFT**

## **PUBLIC FACILITIES COMMITTEE**

**September 19, 2016**

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

The Public Facilities Committee met Monday, September 19, 2016 beginning at 4:00 p.m., in the Executive Conference Room of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort, South Carolina.

### **ATTENDANCE**

Chairman Gerald Dawson, Vice Chairman Roberts "Tabor" Vaux and members Cynthia Bensch, Rick Caporale, Steve Fobes, Alice Howard and William McBride. Non-committee members Brian Flewelling and Paul Sommerville present. (Paul Sommerville, as County Council Chairman, serves as an *ex-officio* member of each standing committee of Council and is entitled to vote.)

County Staff: Phil Foot, Assistant County Administrator-Public Safety; Joshua Gruber, Deputy County Administrator/Special Counsel; Alicia Holland, Assistant County Administrator-Finance; Alan Horton, Deputy Sheriff; Colin Kinton, Division Director-Transportation Engineering; Tom Keaveny, County Attorney; Eric Larson, Division Director-Environmental Engineering; Shannon Loper, Parks & Leisure Services Director; Robert McFee, Division Director-Facilities and Construction Engineering; Mark Roseneau, Facilities Management Director; P. J. Tanner, Sheriff; Dave Thomas, Purchasing Director; and David Wilhelm, Public Facilities Director.

Public: Mike Covert, resident of Bluffton; Mike Fowlkes, Beaufort Operation Manager, The Greenery; Tom Klein, Mayor Pro-Tem, Town of Port Royal; Joe Lee, resident of Port Royal; Sam Negron, Boundary Street Project Manager, City of Beaufort; Neal Pugliese, Senior Project Manager, City of Beaufort; and Kathy Todd, Finance Director, City of Beaufort.

Media: Joe Croley, *Lowcountry Inside Track* and Lucas High, *The Beaufort Gazette/The Island Packet*.

Mr. Dawson chaired the meeting.

### **ACTION ITEMS**

- 1. Consideration of Contract Award**
  - **Daufuskie Island Park Trail and Amenities (> \$100,000)**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Discussion:** Mr. Dave Thomas, Purchasing Director, presented this item to the Committee. Beaufort County received bids on August 23, 2016 for construction of the Daufuskie Island Park trail and amenities. This work includes 960 linear feet of walking trail, landscaping, parking area, men's and women's restroom facility, including electric service, ground water well and septic system. This project has been previously advertised five times. Therefore, it is recommended that the subject bid be awarded to ACCI, Hilton Head Island, South Carolina in the amount of \$135,305. A 10% project contingency of \$13,530 is recommended for a total construction cost of \$148,835. Expenditures to date for survey and design are \$36,342 which makes the entire project budget \$185,177.

The project was approved for a S.C. Parks, Recreation and Tourism (SCPRT) grant totaling \$99,808. The period of the original SCPRT grant was March 18, 2014 to September 30, 2015. The grant has been amended twice with now a new completion extension to March 30, 2017. Staff is requesting that the remaining funding of \$85,369 be allocated from County Local Hospitality Tax fund. The sources of funding are \$99,808 SCPRT grant and \$85,369 County Local Hospitality Tax fund.

**Motion:** It was moved by Mrs. Bensch, seconded by Mr. Caporale, that Committee approve and recommend to Council a contract award to ACCI, Hilton Head Island, South Carolina in the amount of \$135,305 for construction of the Daufuskie Island Park trail and amenities. The sources of funding are \$99,808 S.C. Parks, Recreation and Tourism grant and \$85,369 County Local Hospitality Tax fund. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Fobes, Mrs. Howard, Mr. McBride, and Mr. Vaux. The motion passed.

**Motion:** Council award a contract to ACCI, Hilton Head Island, South Carolina in the amount of \$135,305 for construction of the Daufuskie Island Park trail and amenities. The sources of funding are \$99,808 S.C. Parks, Recreation and Tourism grant and \$85,369 County Local Hospitality Tax fund.

## **2. Discussion / An Ordinance Allowing Nighttime Use of Golf Carts in Designated Portions of the County**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Discussion:** Mr. Tom Keaveny, County Attorney, presented this item to the Committee. On June 6, 2016 the Governor signed into law an amendment to S.C. Code Ann. §56-2-105 regarding golf carts and golf cart use in the state. Up until then, golf cart use was limited to daytime use. There is interest among various communities to allow nighttime use. Our local Legislative Delegation worked with other members of the Legislature to enact an amendment that would allow nighttime use under certain circumstances. Beaufort County meets the definition of a county within which one could operate golf carts at nighttime. There are certain requirements that have to be met, and staff is working through those.

This issue is before Committee for information and, perhaps, introduction of an ordinance on first reading, by title only, at the September 26, 2016 meeting of Council. There are some communities that clearly fit within this statute, specifically, Daufuskie Island as well as municipalities within barrier islands. When this Act was signed, the Legal Department staff reached out to the Mayors (Town of Bluffton, Town Hilton Head Island, Town of Port Royal, and City of Beaufort) and asked them what they wanted to move forward. We have heard from virtually all of them and are working with them to start this process.

The statute says that the County can designate portions of the county where nighttime golf cart use would be permissible. That is what we are working on. The Sheriff's Office has been involved in this process regarding their concerns. The statute generally identifies within the County where golf carts can be used, but there are certain limitations: golf carts cannot be used on streets that have a speed limit in excess of 35 miles per hour; golf carts that are being used at night need to have a headlight and a rear taillight. This provision, Section §56-2-105, is within a larger section that talks about other safety equipment that needs to be mounted on golf carts.

**Recommendation:** Committee agreed to request that this item be added to the Council agenda of September 26, 2016 for first reading, by title only.

### **3. Consideration of Reappointments and Appointments**

- **Solid Waste and Recycling Board**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Motion:** It was moved by Mr. Sommerville, seconded by Mr. McBride, that Committee approve and recommend to Council the nomination of Mr. Dave Abernathy, representing Solid Waste District #7 – Lady's Island, to serve as a member of the Solid Waste and Recycling Board. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Sommerville and Mr. Vaux. The motion passed.

**Recommendation:** Council nominate Mr. Dave Abernathy, representing Solid Waste District #7 – Lady's Island, to serve as a member of the Solid Waste and Recycling Board.

**Note:** Mr. Abernathy lives in Bluffton and, therefore, is not eligible to represent Solid Waste District #7 – Lady's Island.

## **INFORMATION ITEMS**

### **4. Jake Washington Road Abandonment**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Discussion:** Mr. Colin Kinton, Division Director-Transportation Engineering, presented this item to the Committee. Jake Washington Road is an unpaved road on Daufuskie Island that Beaufort County has maintained, a 0.20 - 0.25 mile portion for over 20 years, despite having neither a right-of-way nor easement. On August 19, 2016 the County Traffic Engineering Department received a phone call from a resident of Jake Washington Road stating they believed the street name sign, which is currently green, should be changed to blue. After investigating, it was discovered that on September 10, 2001, at the request of several property owners on Jake Washington Road, it was moved by Mr. Covington, as Public Works Committee Chairman, that Beaufort County Council authorize a change in the status of Jake Washington Road from public road to private road. The motion passed; however, through an oversight, the said road remained in the County's maintenance inventory.

Due to the fact that Council already voted to change the status of the entire road to private, Jake Washington Road will simply be removed from the maintenance inventory and street signs replaced to reflect the change.

**Status:** Information only.

#### **5. Update / Burton Wells Regional Park Football Field**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Discussion:** Mr. Joshua Gruber, Deputy County Administrator/Special Counsel, presented this item to the Committee. Several images were displayed of the turf field restoration project that began this past summer after someone drove their vehicle onto the football field the night of April 1 and did a series of “donuts.” The damage was discovered and reported the next day. Replacement sod estimates from two local landscaping companies were reported to be approximately \$50,000.

**Status:** Information only.

#### **6. Update / Litter Control Program**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Discussion:** Mr. David Wilhelm, Public Facilities Director, presented this item to the Committee. At the June 20, 2016 meeting of the Public Facilities Committee, members approved a 90-day pilot program to allow the Public Works Department (PW) to take the lead role in coordinating efforts between the respective agencies involved with litter control. The current agencies and resources for litter control are: SCDOT, Beaufort County Day Watch Program and Adopt-A-Highway (AAH) citizen volunteer groups. The goal is to improve litter collection efficiency throughout the County.



Immediately upon beginning this program, the County's AAH volunteer coordinator made a concerted effort to reach out to the general public to raise awareness and increase the number of AAH groups. There has been a tremendous response from the citizens of the County. At this time we have 86 active AAH volunteer groups. In addition to coordinating these different agencies, departments and volunteer groups, the AAH coordinator is now calling upon Public Works crews to pick up litter when no other resource is available.

The pilot program has been very successful. In the first two months more than 10,000 pounds of litter has been collected. AAH groups, SCDOT and Public Works crews responded to 14-citizen complaints. A major benefit of this program is the ability to quickly respond to a complaint. If a resource is not immediately able to respond, Public Works crews are contacted. Our crews have been able to pick up the litter no later than the day after the complaint was received. Since there is no additional cost to the County, Mr. Wilhelm is recommending continuing this program for the remainder of the calendar year. This will allow Public Works' staff to compile and evaluate more data to help us determine if this is the best method for litter control or if the program should be modified or canceled.

**Motion:** It was moved by Mrs. Howard, seconded by Mrs. Bensch, that Committee authorize the continuation of the Litter Control Program for the remainder of the calendar year. This will allow Public Works staff to compile and evaluate more data to help determine if this is the best method for litter control or if the program should be modified or canceled. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Fobes, Mrs. Howard, Mr. McBride and Mr. Vaux. The motion passed.

**Status:** Committee authorized the continuation of the Litter Control Program for the remainder of the 2016 calendar year. This will allow Public Works staff to compile and evaluate more data to help determine if this is the best method for litter control or if the program should be modified or canceled.

## **7. Update / Boundary Street Construction Project**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Discussion:** Mr. Rob McFee, Division Director-Facilities and Construction Engineering, presented this item to the Committee. This project consists of the conversion of the existing five-lane roadway to a four-lane boulevard from Neil Road to Greenlawn Drive and includes street lighting, sidewalks, a multi-use path, landscaping, undergrounding of overhead utilities and the realignment of the intersection of S.C. Highway 170 and Boundary Street. Also included in this project, is the construction of a new 0.52 mile parallel City of Beaufort road for First Street and existing Polk and Palmetto Streets as outlined in the approved Boundary Street Master Plan adopted by the City in August 2006.

Project objectives are: improved safety and traffic flow, underground utility network, promote redevelopment, balance vehicle and pedestrian use, create a landmark entrance, and expand interconnectivity.

On September 17, 2015 Council awarded a contract to Preferred Materials, Inc., Savannah, Georgia in the amount of \$18,765,274. Approved change orders #1 through #5 in the amount of \$46,319 revised the contract amount to \$18,811,593. The sources of funding are Federal Highway TIGER Grant \$12,635,000, Beaufort County Sales Tax Funds \$11,346,115, Beaufort County Northern Road Impact Fees \$1,369,243, and City of Beaufort TIF II Funds \$8,223,000. The project began 122 days ago and is 16.51% complete.

**Status:** Information only.

DRAFT

Boards and Commissions  
Reappointments and Appointments  
September 26, 2016

**1 Finance Committee**

*Airports Board*

<u>NominateD</u>	<u>Name</u>	<u>Position/Area/Expertise</u>	<u>Reappoint/Appoint</u>	<u>Votes Required</u>	<u>Term/Years</u>	<u>Expiration</u>
09.12.16	Lex Brown	Active pilot <u>and</u> aircraft owner LI Airport	Appoint	6/11	2	2/2018



**COUNTY COUNCIL OF BEAUFORT COUNTY**  
**BEAUFORT COUNTY ENGINEERING DEPARTMENT**  
104 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 Gerald Dawson, Chairman, Public Facilities Committee

VIA: Gary Kubic, County Administrator *GKubic*  
Josh Gruber, Deputy County Administrator *JG*  
Alicia Holland, Assistant County Administrator for Finance *AH*  
Dave Thomas, Purchasing Director *DT*

FROM: Robert McFee, PE, Division Director for Construction, Engineering & Facilities *RR McFee*

SUBJ: **Daufuskie Island Park – Trail and Park Amenities IFB # 082316E**

DATE: September 12, 2016

**BACKGROUND.** Beaufort County received bids on 08/23/16 for construction of the Daufuskie Island Park trail and amenities. This work includes 960 LF of walking trail, landscaping, parking area men's and women's restroom facility including electric service, ground water well and septic system. The following contractors submitted bids.

<u>PROPOSER</u>	<u>LOCATION</u>	<u>AMOUNT</u>
ACCI	Hilton Head, SC	\$135,305
E & D Contracting	Savannah, GA	\$408,640
IPW Construction Group	Charleston, SC	\$517,180
Engineers Estimate		\$185,000

An analysis of ACCI bid prices revealed no apparent cause for rejecting their bid. ACCI is the certified lowest responsible/responsive bidder and is in compliance with the County's IFB #082316E. This project has been previously advertised five times. Therefore, it is recommended that the subject bid be awarded to ACCI in the amount of \$135,305. A 10% project contingency of \$13,530 is recommended for a total construction cost of \$148,835. Expenditures to date for survey and design are \$36,342 which makes the entire project budget \$185,177. The project was approved for an SCPRT Grant totaling \$99,808. The period of the original SCPRT Grant was 3/18/14 to 9/30/15. The grant has been amended twice with now a new completion extension to 3/30/17. Staff is requesting that the remaining funding of \$85,369 be allocated from County hospitality taxes.

*AH* **FUNDING.** SCPRT Grant funds of \$99,808 and \$85,369 from County Hospitality Taxes with an available balance of \$4.6 million at 6/30/16.

**FOR ACTION.** Public Facilities Committee Meeting on September 19, 2016.

**RECOMMENDATIONS.**

1. The Public Facilities Committee approve and recommend to County Council approval of a contract award to ACCI for the construction of the Daufuskie Island Park Trail and Amenities in the amount of \$135,305.
2. The Public Facilities Committee approve and recommend to County Council approval of an overall project budget of \$185,177 funded by the SCPRT Grant totaling \$99,808 and \$85,369 from County Hospitality Taxes.

JRM/AA/mjh

Attachments: 1) IFB #082316E Bid Tabulation; 2) Hospitality Tax 6/30/16 Balance Sheet

**PRELIMINARY BID TABULATION**  
PURCHASING DEPARTMENT



Project Name:	Daufuskie Island Park and Park Amenities
Project Number:	082316E
Project Budget:	
Bid Opening Date:	August 23, 2016
Time:	3:00 PM
Location:	Building #2 106 Industrial Village Rd, Beaufort, SC
Bid Administrator:	Dave Thomas, Beaufort County Purchasing Director
Bid Recorder:	

The following bids were received for the above referenced project:

BIDDER	BID FORM	BID BOND	ALL ADDENDA	SCH OF VALUES	SUB LISTING	SMBE DOCS		BID GRAND TOTAL	
Terry Lee Contracting									
JF Contractors LLC, Sumter, SC									
The Neal Group									
E & D Contracting Services	X	X	N/A	X	X			\$408,640.00	\$39/CY, \$484/CY
jB+a, Inc.									
Griffin Contracting, Inc.									
IPW Construction Group	X	X	N/A	X	X			\$517,180.00	\$40/CY, \$150/CY
Hutter Construction									
Neal's Construction LLC									
Osprey Construction, Daufuskie Is									
Quality Enterprises USA, Inc									
Osprey Construction, Daufuskie Is									
ACCI	X	CHECK	N/A	X	X			\$135,305.00	\$42/CY, \$112/CY

Beaufort County posts PRELIMINARY bid tabulation information within 2 business days of the advertised bid opening. Information on the PRELIMINARY bid tabulation is posted as it was read during the bid opening. Beaufort County makes no guarantees as to the accuracy of any information on the PRELIMINARY tabulation. The bid results indicated here do not necessarily represent the final compliance review by Beaufort County and are subject to change. After the review, the final award will be made by Beaufort County Council and a certified bid tab will be posted online.

  
\_\_\_\_\_  
Bid Administrator Signature

\_\_\_\_\_  
Bid Recorder Signature

\_\_\_\_\_  
Bid Certification Signature

**Beaufort County  
Local Hospitality Tax  
Fiscal Year 2016 as of June 30, 2016  
Unaudited and Preliminary**

<b>Revenues</b>	
Local Hospitality Tax Revenues	\$ 1,869,290
<b>Total Revenues</b>	<u>1,869,290</u>
<b>Expenditures</b>	
Personnel	(49,114)
Purchased Services	(4,744)
Supplies	<u>(1,302)</u>
<b>Total Expenditures</b>	(55,160)
<b>Excess (deficiency) of revenues over expenditures</b>	1,814,130
<b>Other Financing Sources (Uses)</b>	
Transfers to General Fund <sup>1</sup>	(1,200,000)
Transfers from State Accommodations Tax (2%) Fund <sup>2</sup>	<u>50,000</u>
<b>Total Other Financing Sources (Uses)</b>	(1,150,000)
<b>Net Change in Fund Balance</b>	664,130
<b>Fund Balance, beginning</b>	<u>4,012,023</u>
<b>Fund Balance, ending</b>	<u>\$ 4,676,153</u>

Note 1: The general fund provides for law enforcement and other public safety services, in which police protection of tourist facilities is one of the purposes of the local hospitality tax. \$1.2 million is transferred each fiscal year.

Note 2: County Council approved a transfer of \$200,000 from the local hospitality tax fund to the state accommodation tax (2%) fund on October 27, 2014. This transfer is being repaid in four equal annual installments of \$50,000 in fiscal years 2015, 2016, 2017, and 2018.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO APPROPRIATE \$85,369 FROM THE LOCAL HOSPITALITY TAX FUND FOR CONSTRUCTION OF DAUFUSKIE ISLAND PARK TRAIL AND AMENITIES**

**WHEREAS**, County Council is authorized to utilize Local Hospitality Tax Funds for certain limited purposes including tourism related cultural, recreational and historic programs and facilities; and

**WHEREAS**, Beaufort County Code Ordinance Sec. 66-534(b) states “authorization to utilize any funds from the ‘County of Beaufort, South Carolina, Hospitality Tax Account,’ shall be by ordinance duly adopted by the County Council;” and

**WHEREAS**, improving tourism and recreational activities on Daufuskie Island is a priority for the County; and

**WHEREAS**, Beaufort County previously received a grant in the amount of \$99,808 from SCPRT to develop and construct a trail with amenities at the Daufuskie Island Park; and

**WHEREAS**, Beaufort County has decided to construct the trail and amenities which have an anticipated project cost of \$185,177; and

**WHEREAS**, Beaufort County Council believes it is in the best interests of its citizens to appropriate \$85,369 from the Local Hospitality Tax Fund to supplement the funds previously received from SCPRT to support the design and construction of the Daufuskie Island Park trail and amenities.

**NOW THEREFORE, BE IT ORDAINED** that Beaufort County Council, duly assembled, does hereby appropriate \$85,369 from the Local Hospitality Tax Fund to be used to build the Daufuskie Island Park trail and amenities.

DONE, this \_\_\_\_\_ day of \_\_\_\_\_ 2016.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: \_\_\_\_\_

D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

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Thomas J. Keaveny, II, County Attorney

ATTEST:

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Suzanne M. Rainey, Clerk to Council

First Reading:

Second Reading:

Public Hearing:

Third and Final Reading:



2016 / \_\_

COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT FOR R600 040 000 0209 0000, R600 040 000 0824 0000, AND R600 040 000 0825 0000 (THREE PROPERTIES KNOWN AS EXECUTIVE GOLF COURSE, TOTALING 20.99 ACRES LOCATED ALONG BLUFFTON PARKWAY BETWEEN HILTON HEAD NATIONAL DRIVE AND KELLIE COURT): FROM RURAL TO NEIGHBORHOOD MIXED USE

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

Adopted this \_\_\_ day of \_\_\_\_, 2016.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: \_\_\_\_\_  
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

\_\_\_\_\_  
Thomas J. Keaveny, II, County Attorney

ATTEST:

\_\_\_\_\_  
Ashley M. Bennett, Clerk to Council

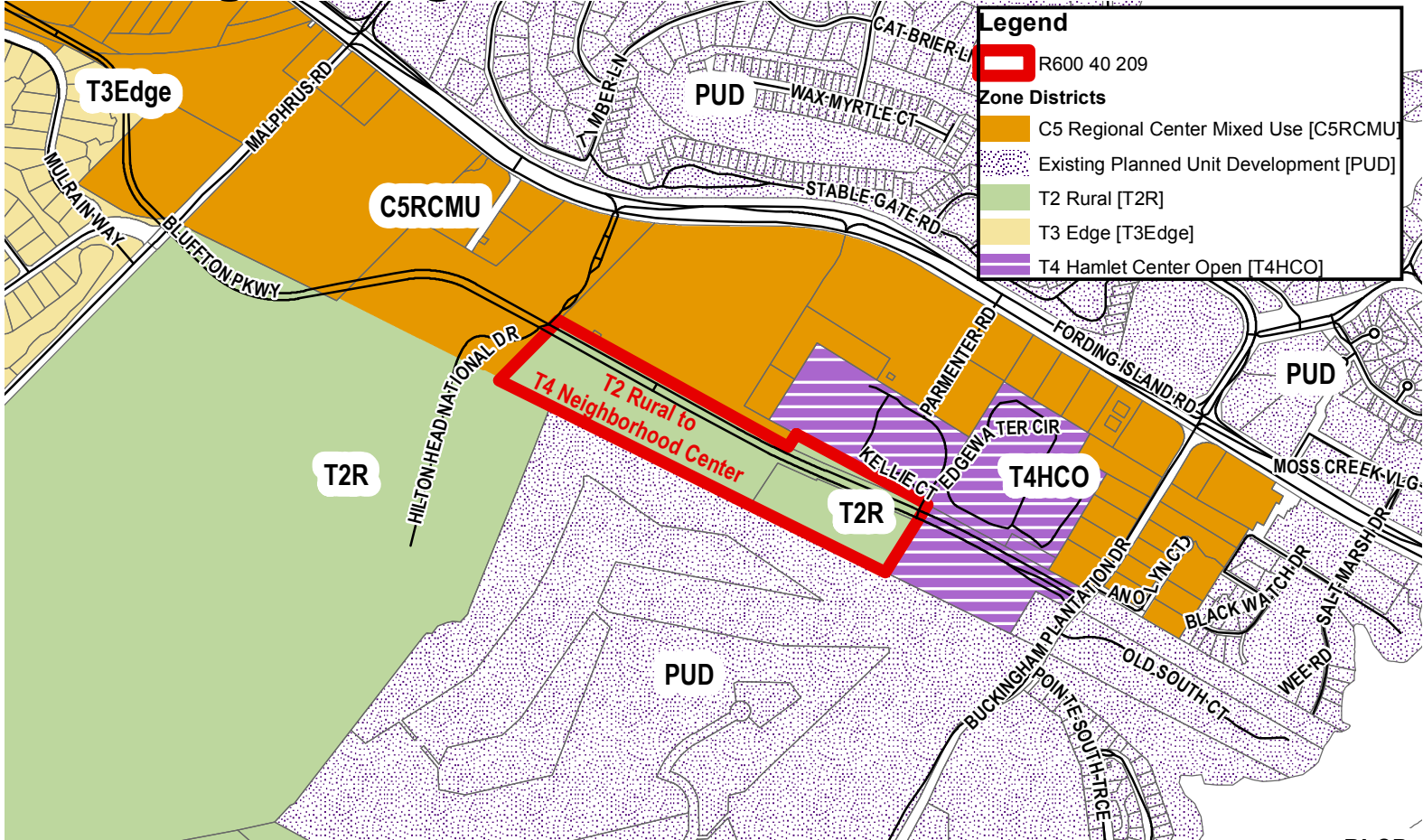
First Reading:

Second Reading:

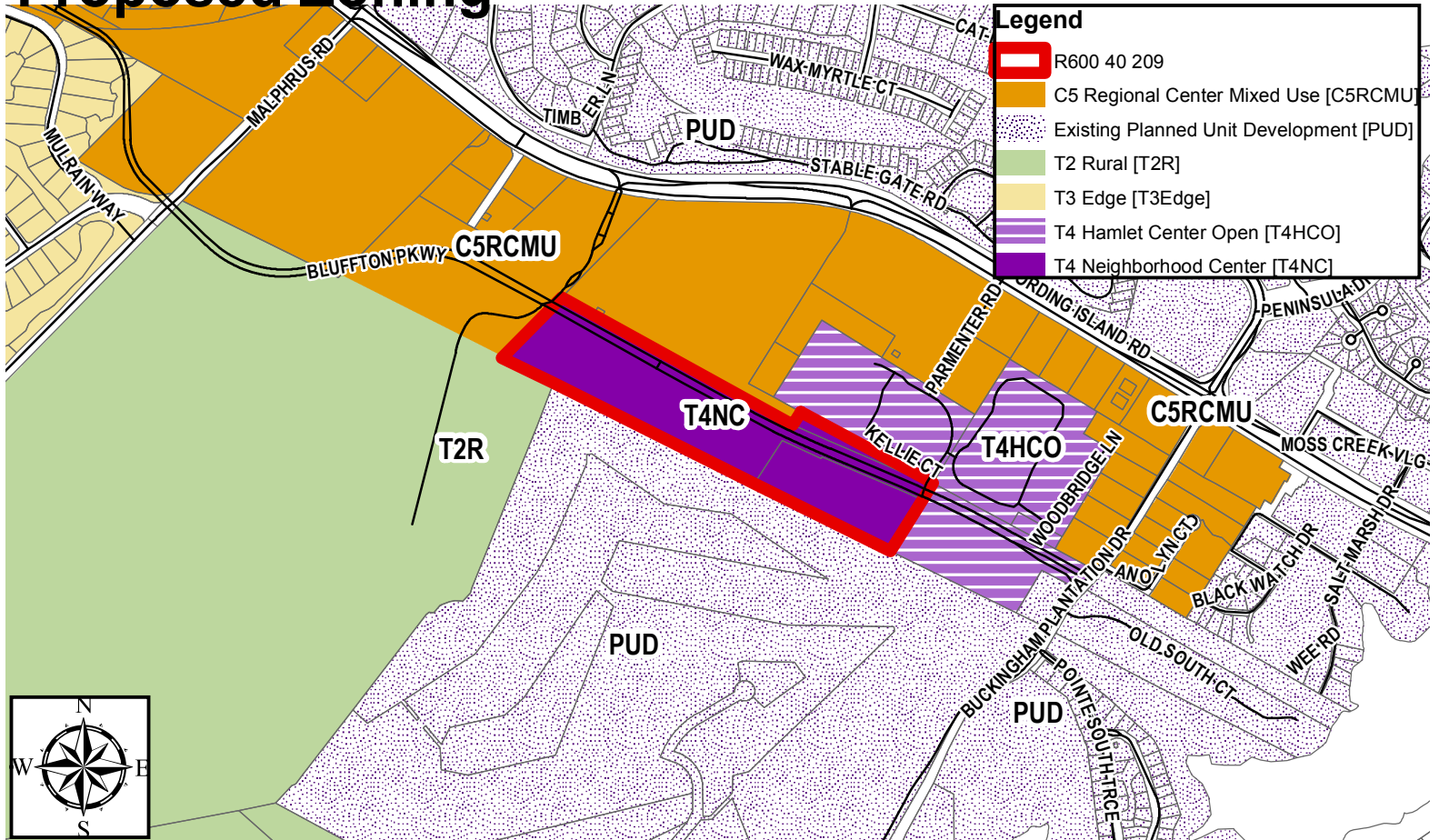
Public Hearing:

Third and Final Reading:

# Existing Zoning



# Proposed Zoning



2016 / \_\_

SOUTHERN BEAUFORT COUNTY ZONING MAP AMENDMENTS FOR R600 040 000 0209 0000, R600 040 000 0824 0000, AND R600 040 000 0825 0000 (THREE PROPERTIES KNOWN AS EXECUTIVE GOLF COURSE, TOTALING 20.99 ACRES LOCATED ALONG BLUFFTON PARKWAY BETWEEN HILTON HEAD NATIONAL DRIVE AND KELLIE COURT); FROM T2-RURAL DISTRICT TO T4-NEIGHBORHOOD CENTER DISTRICT

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 \_\_\_\_, 2016.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: \_\_\_\_\_  
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

\_\_\_\_\_  
Thomas J. Keaveny, II, County Attorney

ATTEST:

\_\_\_\_\_  
Ashley M. Bennett, Clerk to Council

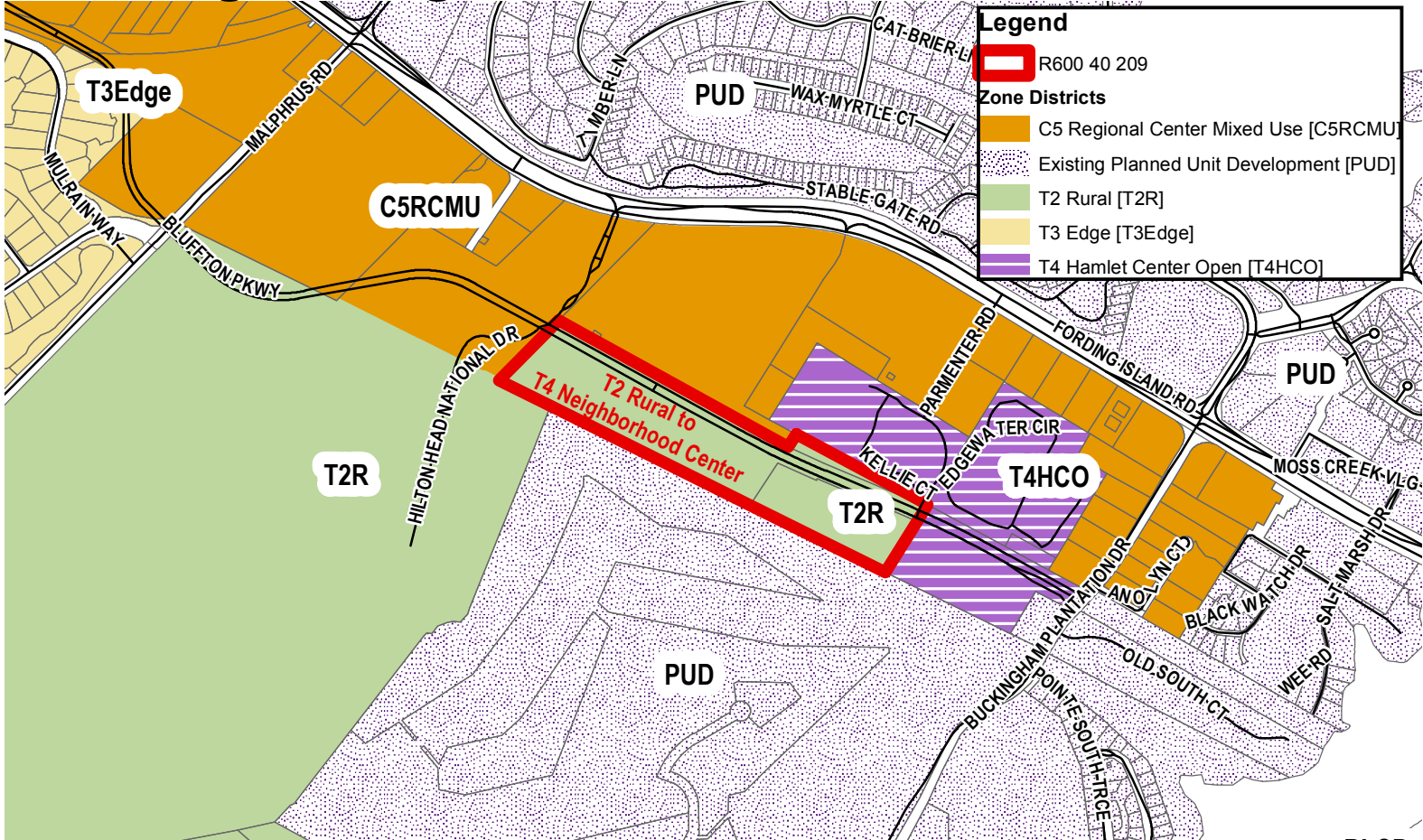
First Reading:

Second Reading:

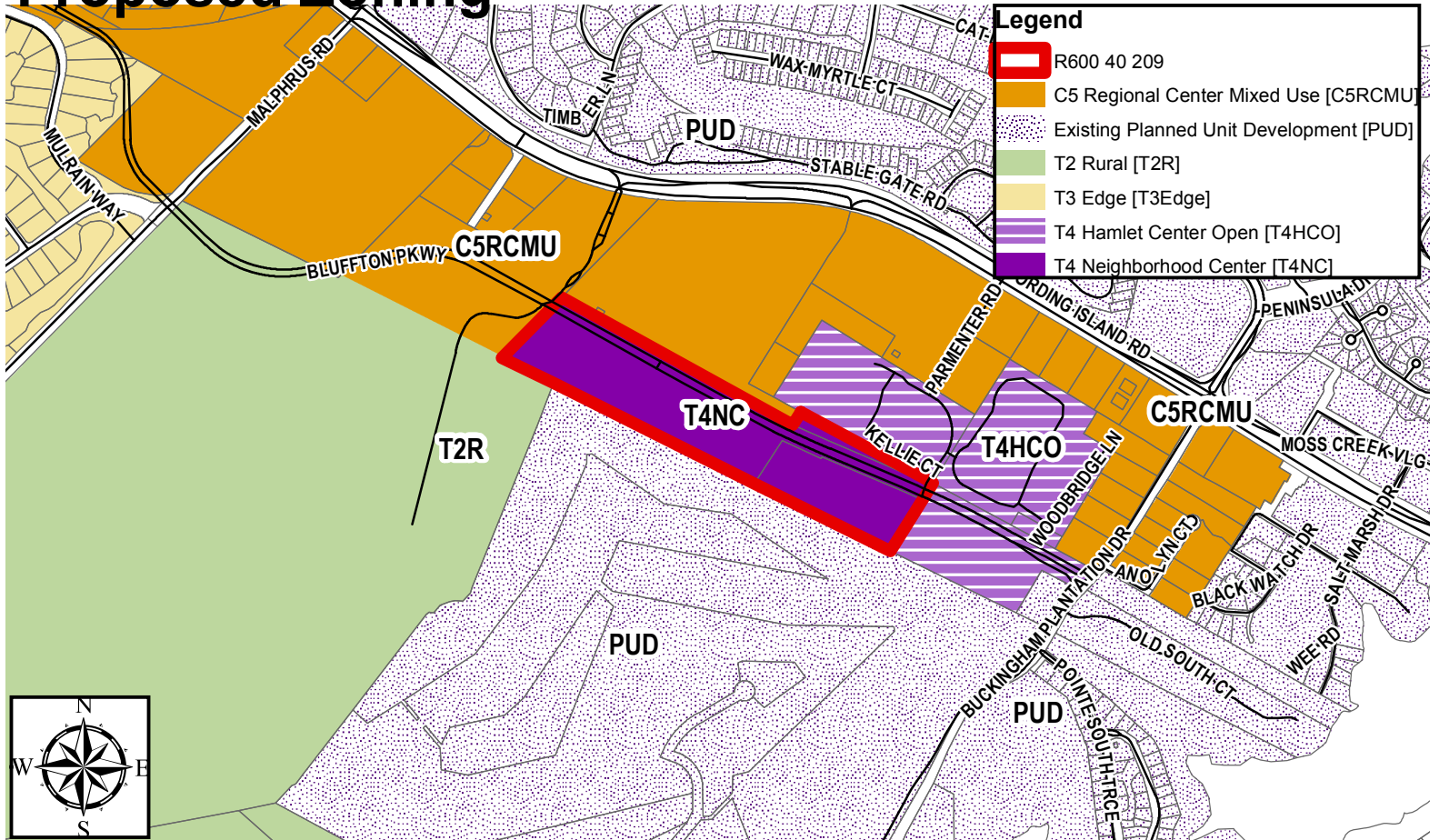
Public Hearing:

Third and Final Reading:

# Existing Zoning



# Proposed Zoning



**ORD. 2016 / \_\_\_\_\_, \_\_\_\_-\_\_\_\_- 2016**

**AN ORDINANCE TO AMEND THE STORMWATER MANAGEMENT UTILITY ORDINANCE AS ADOPTED SEPTEMBER 26, 2016 TO PROVIDE FOR THE ADDITION OF ARTICLES III, IV, V, AND VI RELATED TO ADOPTION OF STORMWATER MANAGEMENT STANDARDS TO MEET MUNICIPAL SEPARATE STORMSEWER SYSTEM (MS4) PERMIT REQUIREMENTS**

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

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

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

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

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

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

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

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

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

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

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

Chapter 99 - STORMWATER MANAGEMENT ~~UTILITY~~

ARTICLE I. - IN GENERAL

Secs. 99-1—99-100. - Reserved.

ARTICLE II. - STORMWATER MANAGEMENT UTILITY

Sec. 99-101. - Findings of fact.

The County Council of Beaufort County, South Carolina, makes the following findings of fact:

- (a) The professional engineering and financial analyses conducted on behalf of and submitted to the county properly assesses and defines the stormwater management problems, needs, goals, program priorities, costs of service, need for interlocal cooperation, and funding opportunities of the county.
- (b) Given the problems, needs, goals, program priorities, costs of service, needs for interlocal cooperation, and funding opportunities identified in the professional engineering and financial analyses submitted to the county, it is appropriate to authorize the establishment of a separate enterprise accounting unit which shall be dedicated specifically to the management, construction, maintenance, protection, control, regulation, use, and enhancement of stormwater systems and programs in Beaufort County in concert with other water resource management programs.
- (c) Stormwater management is applicable and needed throughout the unincorporated portions of Beaufort County, but interlocal cooperation between the county and the incorporated cities and towns within the county is also essential to the efficient provision of stormwater programs, services, systems, and facilities. Intense urban development in some portions of the county has radically altered the natural hydrology of the area and the hydraulics of stormwater systems, with many natural elements having been replaced or augmented by man-made facilities. Other areas of the county remain very rural in character, with natural stormwater systems predominating except along roads where ditches and culverts have been installed. As a result, the specific program, service, system, and facility demands differ from area to area in the county. While the county manages, operates, and improves stormwater programs, services, systems and facilities in the rural as well as urban areas, the need for improved stormwater management is greatest in the urban areas and nearby, including areas within incorporated cities and towns. Therefore, a stormwater utility service area subject to stormwater service fees should encompass, in so far as possible through interlocal agreements, the entirety of Beaufort County and the stormwater management utility service fee rate structure should reflect the amount of impervious area on individual properties and the runoff impact from water quantity and water quality.
- (d) The stormwater needs in Beaufort County include but are not limited to protecting the public health, safety, and welfare. Provision of stormwater management programs, services, systems, and facilities therefore renders and/or results in both service and benefit to individual properties, property owners, citizens, and residents of the county and to properties, property owners, citizens, and residents of the county concurrently in a variety of ways as identified in the professional engineering and financial analyses.

- (e) The service and benefit rendered or resulting from the provision of stormwater management programs, services, systems, and facilities may differ over time depending on many factors and considerations, including but not limited to location, demands and impacts imposed on the stormwater programs, systems, and facilities, and risk exposure. It is not practical to allocate the cost of the county's stormwater management programs, services, systems, and facilities in direct and precise relationship to the services or benefits rendered to or received by individual properties or persons over a brief span of time, but it is both practical and equitable to allocate the cost of stormwater management among properties and persons in proportion to the long-term demands they impose on the county's stormwater programs, services, systems, and facilities which render or result in services and benefits.
- (f) Beaufort County presently owns and operates stormwater management systems and facilities that have been developed, installed, and acquired through various mechanisms over many years. The future usefulness and value of the existing stormwater systems and facilities owned and operated by Beaufort County, and of future additions and improvements thereto, rests on the ability of the county to effectively manage, construct, protect, operate, maintain, control, regulate, use, and enhance the stormwater systems and facilities in the county, in concert with the management of other water resources in the county and in cooperation with the incorporated cities and towns. In order to do so, the county must have adequate and stable funding for its stormwater management program operating and capital investment needs.
- (g) The county council finds, concludes, and determines that a stormwater management utility provides the most practical and appropriate means of properly delivering stormwater management services and benefits throughout the county, and the most equitable means to fund stormwater services in the county through stormwater service fees and other mechanisms as described in the professional engineering and financial analyses prepared for the county.
- (h) The county council finds, concludes, and determines that a schedule of stormwater utility service fees be levied upon and collected from the owners of all lots, parcels of real estate, and buildings that discharge stormwater or subsurface waters, directly or indirectly, to the county stormwater management system and that the proceeds of such charges so derived be used for the stormwater management system.
- (i) The county council finds that adjustments and credits against stormwater utility service fees are an appropriate means to grant properties providing stormwater management program services that would otherwise be provided by the county and will afford Beaufort County cost savings. These reductions will be developed by the Stormwater Manager and will be reviewed on an annual basis to allow for any modifications to practices required by Beaufort County.

The county council finds that both the total gross area and impervious area on each property are the most important factors influencing the cost of stormwater management in Beaufort County and, the runoff impact from water quantity and water quality.

(Ord. No. 2015/24, 9-28-2015)

Sec. 99-102. - Establishment of a stormwater management utility and a utility enterprise fund.

There is hereby established within the Environmental Engineering Division of Beaufort County a stormwater management utility for the purpose of conducting the county's stormwater management program. The county administrator shall establish and maintain a stormwater management utility enterprise fund in the county budget and accounting system, which shall be and remain separate from other funds. All revenues of the utility shall be placed into the stormwater management utility enterprise fund and all expenses of the utility shall be paid from the fund, except that other revenues, receipts, and resources not accounted for in the stormwater management utility enterprise fund may be applied to stormwater management programs, services, systems, and facilities as deemed appropriate by the Beaufort County Council. The county administrator may designate within the stormwater management utility enterprise fund such sub-units as necessary for the purpose of accounting for the geographical

generation of revenues and allocation of expenditures pursuant to interlocal governmental agreements with the cities and towns of Beaufort County.

(Ord. No. 2015/24, 9-28-2015)

Sec. 99-103. - Purpose and responsibility of the utility.

The Beaufort County Stormwater Management Utility is established for the purpose of managing, acquiring, constructing, protecting, operating, maintaining, enhancing, controlling, and regulating the use of stormwater drainage systems in the county. The utility shall, on behalf of the county and the citizens of the county: administer the stormwater management program; perform studies and analyses as required; collect service fees; system development fees, in-lieu of construction fees and other funding as allowed by law, and obtain and administer grants and loans as authorized by the county council; prepare capital improvement plans and designs; perform routine maintenance and remedial repair of the stormwater systems; acquire, construct, and improve stormwater systems; acquire necessary lands, easements, rights-of-way, rights-of-entry and use, and other means of access to properties to perform its duties; regulate the on-site control, conveyance, and discharge of stormwater from properties; obtain federal and state permits required to carry out its purpose; enter into operating agreements with other agencies; allocate funds pursuant to interlocal governmental agreements; educate and inform the public about stormwater management; and perform, without limitation except by law, any stormwater management functions and activities necessary to ensure the public safety, protect private and public properties and habitat, and enhance the natural environment and waters of the county.

(Ord. No. 2015/24, 9-28-2015)

Sec. 99-104. - Limitation of scope of responsibility.

The purpose and responsibility of the stormwater management utility shall be limited by the following legal and practical considerations.

- (a) Beaufort County owns or has legal access for purposes of operation, maintenance, and improvement only to those stormwater systems and facilities which:
  - (1) Are located within public streets, other rights-of-way, and easements;
  - (2) Are subject to easements, rights-of-entry, rights-of-access, rights-of-use, or other permanent provisions for adequate access for operation, maintenance, monitoring, and/or improvement of systems and facilities; or
  - (3) Are located on public lands to which the county has adequate access for operation, maintenance, and/or improvement of systems and facilities.
- (b) Operation, maintenance, and/or improvement of stormwater systems and facilities which are located on private property or public property not owned by Beaufort County and for which there has been no public dedication of such systems and facilities for operation, maintenance, monitoring, and/or improvement of the systems and facilities shall be and remain the legal responsibility of the property owner, except as that responsibility may be otherwise affected by the laws of the State of South Carolina and the United States of America.
- (c) It is the express intent of this article to protect the public health, safety, and welfare of all properties and persons in general, but not to create any special duty or relationship with any individual person or to any specific property within or outside the boundaries of the county. Beaufort County expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages upon the county, its officers, employees and agents arising out of any alleged failure or breach of duty or relationship as may now exist or hereafter be created.
- (d) To the extent any permit, plan approval, inspection or similar act is required by the county as a condition precedent to any activity or change upon property not owned by the county, pursuant



to this or any other regulatory Ordinance, regulation, or rule of the county or under federal or state law, the issuance of such permit, plan approval, or inspection shall not be deemed to constitute a warranty, express or implied, nor shall it afford the basis for any action, including any action based on failure to permit or negligent issuance of a permit, seeking the imposition of money damages against the county, its officers, employees, or agents.

(Ord. No. 2015/24, 9-28-2015)

Sec. 99-105. - Boundaries and jurisdiction.

The boundaries and jurisdiction of the stormwater management utility shall encompass all those portions of unincorporated Beaufort County, as they may exist from time to time and such additional areas lying inside the corporate limits of those cities and towns in Beaufort County as shall be subject to interlocal agreements for stormwater management as approved by county council and participating municipal councils.

(Ord. No. 2015/24, 9-28-2015)

Sec. 99-106. - Definitions.

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

**Abatement.** Any action deemed necessary by the county or its officers or agents to remedy, correct, control, or eliminate a condition within, associated with, or impacting a stormwater drainage system or the water quality of receiving waters shall be deemed an abatement action.

**Adjustments.** Adjustments shall mean a change in the amount of a stormwater service fee predicated upon the determination reached by the Stormwater Manager and referenced to the Adjustments and Credit Manual.

**Bill Class.** Every property falls into one of several bill classes. The bill class determines the fee calculation of that property.

**Condominiums.** Properties with individual ownership of a particular dwelling unit in a building and the common right to share, with other co-owners, in the general and limited common elements of the real property.

**Countywide Infrastructure Operation and Maintenance and Capital Projects.** The County maintains some typically larger infrastructure within each of the four municipalities in addition to within the unincorporated area. The rate structure will allocate the costs for the County to maintain just the countywide drainage infrastructure across the entire rate base in all jurisdictions based on infrastructure linear feet per jurisdiction.

**Customers of the stormwater management utility.** Customers of the stormwater management utility shall be broadly defined to include all persons, properties, and entities served by and/or benefiting, directly and indirectly, from the utility's acquisition, management, construction, improvement, operation, maintenance, extension, and enhancement of the stormwater management programs, services, systems, and facilities in the county, and by its control and regulation of public and private stormwater systems, facilities, and activities related thereto.

**Developed land.** Developed land shall mean property altered from its natural state by construction or installation of improvements such as buildings, structures, or other impervious surfaces, or by other alteration of the property that results in a meaningful change in the hydrology of the property during and following rainfall events.

**Exemption.** Exemption shall mean not applying to or removing the application of the stormwater management utility service fee from a property. No permanent exemption shall be granted based on taxable or non-taxable status or economic status of the property owner.

**Fixed costs.** Costs associated with the public service provided equally to each property owner. These costs include, but are not limited to the following: billing and collections, data management and updating, programming, and customer support.

**Gross Area.** Gross area is the acreage of a parcel as identified by the Beaufort County Assessor records.

**Hydrologic response.** The hydrologic response of a property is the manner whereby stormwater collects, remains, infiltrates, and is conveyed from a property. It is dependent on several factors including but not limited to the size and overall intensity of development of each property, its impervious area, shape, topographic, vegetative, and geologic conditions, antecedent moisture conditions, and groundwater conditions and the nature of precipitation events. Extremely large undeveloped properties naturally attenuate but do not eliminate entirely the discharge of stormwater during and following rainfall events.

**Jurisdictional Infrastructure Operations, Maintenance and Capital Projects.** Each of the five jurisdictions maintains its own stormwater drainage infrastructure and funds those costs from utility revenue. Revenue from this fee component will be returned to the service provider, the individual jurisdiction.

**Impervious surfaces.** Impervious surfaces shall be a consideration in the determination of the development intensity factor. Impervious surfaces are those areas that prevent or impede the infiltration of stormwater into the soil as it entered in natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, compacted gravel and soil surfaces, awnings and other fabric or plastic coverings, and other surfaces that prevent or impede the natural infiltration of stormwater runoff that existed prior to development.

**Minimum Charge.** A charge that reflects the minimum amount of demand a property will place on the service provider.

**MS4 Permit.** Each jurisdiction within Beaufort County will be subject to the federally mandated MS4 permit requirements. Compliance requirements include, but are not limited to monitoring, plan review, inspections, outreach and public education,

**Nonresidential properties.** Properties developed for uses other than permanent residential dwelling units and designated by the assigned land use code in the Beaufort County tax data system.

**Other developed lands.** Other developed lands shall mean, but not be limited to, mobile home parks, commercial and office buildings, public buildings and structures, industrial and manufacturing buildings, storage buildings and storage areas covered with impervious surfaces, parking lots, parks, recreation properties, public and private schools and universities, research facilities and stations, hospitals and convalescent centers, airports, agricultural uses covered by impervious surfaces, water and wastewater treatment plants, and lands in other uses which alter the hydrology of the property from that which would exist in a natural state. Properties that are used for other than single family residential use shall be deemed other developed lands for the purpose of calculating stormwater service fees.

**Residential dwelling classifications.** The following categories will identify the appropriate dwelling unit classifications to be utilized in applying the stormwater utility fee structure to the designations contained in the Beaufort County tax data system:

Single-family

Apartments

Townhouses

Condominiums

Mobile Home

Salt Water Marsh. Those parcels, typically contiguous to water, identified as inundated daily due to tidal action and unbuildable. These properties are 100% below mean high tide and/or beyond established critical line as defined by the South Carolina Department of Health and Environmental Control's Office of Coastal Resource Management. (DHEC-OCRM). The County Tax Assessor's Office shall make this determination based on best available data.

Stormwater management programs, services, systems and facilities. Stormwater management programs, services, systems and facilities are those administrative, engineering, operational, regulatory, and capital improvement activities and functions performed in the course of managing the stormwater systems of the county, plus all other activities and functions necessary to support the provision of such programs and services. Stormwater management systems and facilities are those natural and man-made channels, swales, ditches, swamps, rivers, streams, creeks, branches, reservoirs, ponds, drainage ways, inlets, catch basins, pipes, head walls, storm sewers, lakes, and other physical works, properties, and improvements which transfer, control, convey or otherwise influence the movement of stormwater runoff and its discharge to and impact upon receiving waters.

Stormwater service fees. Stormwater service fees shall mean the service fee imposed pursuant to this article for the purpose of funding costs related to stormwater programs, services, systems, and facilities. These fees will be calculated based upon the impervious and gross area at an 80/20 allocation; storm water service fee categories; any State agricultural exemptions or caps; an account administrative fee, countywide jurisdiction operation maintenance and capital project fees; and jurisdictional operation, maintenance and capital project fee.

Single-family unit (SFU). The single-family unit shall be defined as the impervious area measurements obtained from a statistically representative sample of all detached single-family structures within Beaufort County. The representative value will be 4,906 square feet.

Stormwater service fee categories. The appropriate categories for determining SFUs will be as follows:

	SFU Calculation (SFUs equal)
Tier 1 Single-family Unit ( $\leq 2,521$ square feet)	Dwelling units x 0.5
Tier 2 Single-family Unit (2,522 to 7,265 square feet)	Dwelling units x 1
Tier 3 Single-family Unit ( $\geq 7,266$ square feet)	Dwelling units x 1.5
Mobile Home	Dwelling units x 0.36
Apartments	Dwelling units x 0.39
Townhouses	Dwelling units x 0.60
Condominiums	Dwelling units x 0.27

Commercial	Impervious area x 4,906 sq. ft.*
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\*Commercial billed at a rate of 1 SFU per 4,906 square feet or a portion thereof

Submerged property. Those parcels, typically contiguous to water, identified as eroded due to tidal action and unbuildable. These properties are 100% below mean low tide and/or beyond established critical line as defined by the South Carolina Department of Health and Environmental Control's Office of Coastal Resource Management. (DHEC-OCRM). The County Tax Assessor's Office shall make this determination based on best available data.

Townhomes. See Condominiums.

Variable Costs. An impervious and gross area rate structure that allocates some cost to each of the two variables based on the amount of impervious surface and gross area.

(Ord. No. 2015/24, 9-28-2015; Ord. No. 2016/\_\_\_, 09-26-2016)

Sec. 99-107. ~~Reserved Requirements for on-site stormwater systems: enforcement, methods and inspections.~~

- ~~(a) All property owners and developers of real property to be developed within the unincorporated portions of Beaufort County shall provide, manage, maintain, and operate on-site stormwater systems and facilities sufficient to collect, convey, detain, control, and discharge stormwater in a safe manner consistent with all county development regulations and the laws of the State of South Carolina and the United States of America, except in cases when the property is located within an incorporated city or town subject to an interlocal governmental agreement with the county for stormwater management and the city or town has regulations that are more stringent than the county, in which case the city's or town's development regulations shall apply. Any failure to meet this obligation shall constitute a nuisance and be subject to an abatement action filed by the county in a court of competent jurisdiction. In the event a public nuisance is found by the court to exist, which the owner fails to properly abate within such reasonable time as allowed by the court, the county may enter upon the property and cause such work as is reasonably necessary to be performed, with the actual cost thereof charged to the owner in the same manner as a stormwater service fee as provided for in this article.~~
- ~~(b) In the event that the county shall file an action pursuant to subsection 99-107(a), from the date of filing such action the county shall have all rights of judgment and collection through a court of competent jurisdiction as may be perfected by action.~~
- ~~(c) The county shall have the right, pursuant to the authority of this article, for its designated officers and employees to enter upon private property and public property owned by other than the county, upon reasonable notice to the owner thereof, to inspect the property and conduct surveys and engineering tests thereon in order to assure compliance with any order or judgment entered pursuant to this section.~~

(Ord. No. 2015/24, 9-28-2015; Ord. No. 2016/\_\_\_, -2016)

Sec. 99-108. - General funding policy.

- (a) It shall be the policy of Beaufort County that funding for the stormwater management utility program, services, systems, and facilities shall be equitably derived through methods which have a demonstrable relationship to the varied demands and impacts imposed on the stormwater program, services, systems, and facilities by individual properties or persons and/or the level of service rendered by or resulting from the provision of stormwater programs, systems and facilities.

Stormwater service fee rates shall be structured so as to be fair and reasonable, and the resultant service fees shall bear a substantial relationship to the cost of providing services and facilities throughout the county. Similarly situated properties shall be charged similar rentals, rates, fees, or licenses. Service fee rates shall be structured to be consistent in their application and shall be coordinated with the use of any other funding methods employed for stormwater management within the county, whether wholly or partially within the unincorporated portions of the county or within the cities and towns. Plan review and inspection fees, special fees for services, fees in-lieu of regulatory requirements, impact fees, system development fees, special assessments, general obligation and revenue bonding, and other funding methods and mechanisms available to the county may be used in concert with stormwater service fees and shall be coordinated with such fees in their application to ensure a fair and reasonable service fee rate structure and overall allocation of the cost of services and facilities.

- (b) The cost of stormwater management programs, systems, and facilities subject to stormwater service fees may include operating, capital investment, and non-operating expenses, prudent operational and emergency reserve expenses, and stormwater quality as well as stormwater quantity management programs, needs, and requirements.
- (c) To the extent practicable, adjustments to the stormwater service fees will be calculated by the Beaufort County Stormwater Manager in accordance with the standards and procedures adopted by the Stormwater Manager's office.
- (d) The stormwater service fee rate may be determined and modified from time to time by the Beaufort County Council so that the total revenue generated by said fees and any other sources of revenues or other resources allocated to stormwater management by the county council to the stormwater management utility shall be sufficient to meet the cost of stormwater management services, systems, and facilities, including, but not limited to, the payment of principle and interest on debt obligations, operating expense, capital outlays, nonoperating expense, provisions for prudent reserves, and other costs as deemed appropriate by the county council.

Beaufort County service fee rate will be based on impervious and gross area at an 80/20 allocation; storm water service fee categories; any State agricultural exemptions or caps; an account administrative fee, countywide jurisdiction operation maintenance and jurisdictional operation, maintenance and capital project fee. The rates are set by the Beaufort County Stormwater Rate Study dated August 18 and adopted August 24, 2015.

The gross area charge for all parcels, EXCEPT master account properties for condominiums, is calculated in equivalent units as follows:

First 2 acres	\$X per acre
For every acres above 2 acres and up to 10 acres	0.5 x \$X
For every acre above 10 acres, and up to 100 acres	0.4 x \$X
For very acre above 100 acres	0.3 x \$X

Condominium accounts will receive a minimum gross area charge of 0.2 x \$X. The master account associated with the condominium subdivision will not receive a gross area charge.

Each municipal jurisdiction may have a different fee predicated upon the municipal jurisdiction's revenue needs. The stormwater service fee rates shall be adopted by the municipal jurisdictions and may be amended from time to time by the individual governing body.

(Ord. No. 2015/24, 9-28-2015; Ord. No. 2016/\_\_\_\_, 09-26-2016)

Sec. 99-109. - Exemptions and credits applicable to stormwater service fees.

Except as provided in this section, no public or private property shall be exempt from stormwater utility service fees. No exemption, credit, offset, or other reduction in stormwater service fees shall be granted based on the age, tax, or economic status, race, or religion of the customer, or other condition unrelated to the stormwater management utility's cost of providing stormwater programs, services, systems, and facilities. A stormwater management utility service fee credit manual shall be prepared by the Stormwater Manager specifying the design and performance standards of on-site stormwater services, systems, facilities, and activities that qualify for application of a service fee credit, and how such credits shall be calculated.

(a) Credits. The following types of credits against stormwater service fees shall be available:

- (1) Freshwater wetlands. All properties except those classified as detached single-family dwelling units may receive a credit against the stormwater service fee applicable to the property based on granting and dedicating a perpetual conservation easement on those portions of the property that are classified as freshwater wetlands and as detailed in the stormwater management utility service fee credit manual. The conservation easement shall remove that portion of the subject property from any future development.
- (2) Salt Water Marsh. All properties except those classified as detached single-family dwelling units may receive a credit against the stormwater service fee applicable to the property based on those portions of the property that are classified as salt water marsh and as detailed in the stormwater management utility service fee credit manual.
- (3) Submerged properties. All properties may receive a credit against the stormwater service fee applicable to the property based on those portions of the property that are classified as submerged and as detailed in the stormwater management utility service fee credit manual.
- (4) Those properties that apply for consideration of an adjustment shall satisfy the requirements established by the Beaufort County Stormwater Manager and approved reduced stormwater service fee.

(b) Exemptions. The following exemptions from the stormwater service fees shall be allowed:

- (1) Improved public road rights-of-way that have been conveyed to and accepted for maintenance by the state department of transportation and are available for use in common for vehicular transportation by the general public.
- (2) Improved public road rights-of-way that have been conveyed to and accepted for maintenance by Beaufort County and are available for use in common for vehicular transportation by the general public.
- (3) Improved private roadways that are shown as a separate parcel of land on the most current Beaufort County tax maps and are used by more than one property owner to access their property.
- (4) Railroad tracks shall be exempt from stormwater service fees. However, railroad stations, maintenance buildings, or other developed land used for railroad purposes shall not be exempt from stormwater service fees.
- (5) Condominium boat slips shall be exempt from stormwater service fees.
- (6) Properties determined by the Assessor having 100% of the gross area of the property submerged, salt water marsh, or freshwater wetland will not receive an administrative charge, if applicable in the utility rate structure, AFTER the applicable credit defined in paragraph (a) above has been applied to the account.

(Ord. No. 2015/24, 9-28-2015; Ord. No. 2016/\_\_\_\_, 09-26-2016)

Sec. 99-110. - Stormwater service fee billing, delinquencies and collections.

- (a) Method of billing. A stormwater service fee bill may be attached as a separate line item to the county's property tax billing or may be sent through the United States mail or by alternative means, notifying the customer of the amount of the bill, the date the fee is due (January 15), and the date when past due (March 17 - see Title 12, Section 45-180 of the South Carolina State Code). The stormwater service fee bill may be billed and collected along with other fees, including but not limited to the Beaufort County property tax billing, other Beaufort County utility bills, or assessments as deemed most effective and efficient by the Beaufort County Council. Failure to receive a bill is not justification for non-payment. Regardless of the party to whom the bill is initially directed, the owner of each parcel of land shall be ultimately obligated to pay such fees and any associated fines or penalties, including, but not limited to, interest on delinquent service fees. If a customer is under-billed or if no bill is sent for a particular property, Beaufort County may retroactively bill for a period of up to one-year, but shall not assess penalties for any delinquency during that previous unbilled period.
- (b) Declaration of delinquency. A stormwater service fee shall be declared delinquent if not paid within 60 days of the date of billing or upon the date (March 17) of delinquency of the annual property tax billing if the stormwater service fee is placed upon the annual property tax billing or enclosed with or attached to the annual property tax billing.

(Ord. No. 2015/24, 9-28-2015)

Sec. 99-111. - Appeals.

Any customer who believes the provisions of this article have been applied in error may appeal in the following manner and sequence.

- (a) An appeal of a stormwater service fee must be filed in writing with the Beaufort County Stormwater Manager or his/her designee within 30 days of the fee being mailed or delivered to the property owner and stating the reasons for the appeal. In the case of stormwater service fee appeals, the appeal shall include a survey prepared by a registered land surveyor or professional engineer containing information on the impervious surface area and any other feature or conditions that influence the development of the property and its hydrologic response to rainfall events.
- (b) Using information provided by the appellant, the county Stormwater Manager (or his or her designee) shall conduct a technical review of the conditions on the property and respond to the appeal in writing within 30 days. In response to an appeal, the Stormwater Manager may adjust the stormwater service fee applicable to the property in conformance with the general purposes and intent of this article.
- (c) A decision of the county Stormwater Manager that is adverse to an appellant may be further appealed to the county administrator or his designee within 30 days of the adverse decision. The appellant, stating the grounds for further appeal, shall deliver notice of the appeal to the county administrator or his designee. The county administrator or his designee shall issue a written decision on the appeal within 30 days. All decisions by the county administrator or his designee shall be served on the customer personally or by registered or certified mail, sent to the billing address of the customer. All decisions of the county administrator or his designee shall be final.
- (d) The appeal process contained in this section shall be a condition precedent to an aggrieved customer seeking judicial relief. Any decisions of the county administrator or his designee may

be reviewed upon application for writ of certiorari before a court of competent jurisdiction, filed within 30 days of the date of the service of the decision.

(Ord. No. 2015/24, 9-28-2015)

Sec. 99-112. - No suspension of due date.

No provision of this article allowing for an administrative appeal shall be deemed to suspend the due date of the service fee with payment in full. Any adjustment in the service fee for the person pursuing an appeal shall be made by refund of the amount due.

(Ord. No. 2015/24, 9-28-2015)

Sec. 99-113. - Enforcement and penalties.

Any person who violates any provision of this article may be subject to a civil penalty of not more than \$1,000.00, or such additional maximum amount as may become authorized by state law, provided the owner or other person deemed to be in violation has been notified of a violation. Notice shall be deemed achieved when sent by regular United States mail to the last known address reflected on the county tax records, or such other address as has been provided by the person to the county. Each day of a continuing violation may be deemed a separate violation. If payment is not received or equitable settlement reached within 30 days after demand for payment is made, a civil action may be filed on behalf of the county in the circuit court to recover the full amount of the penalty. This provision on penalties shall be in addition to and not in lieu of other provisions on penalties, civil or criminal, remedies and enforcement that may otherwise apply.

(Ord. No. 2015/24, 9-28-2015)

Sec. 99-114. - Investment and reinvestment of funds and borrowing.

Funds generated for the stormwater management utility from service fees, fees, rentals, rates, bond issues, other borrowing, grants, loans, and other sources shall be utilized only for those purposes for which the utility has been established as specified in this article, including but not limited to: regulation; planning; acquisition of interests in land, including easements; design and construction of facilities; maintenance of the stormwater system; billing and administration; water quantity and water quality management, including monitoring, surveillance, private maintenance inspection, construction inspection; public information and education, and other activities which are reasonably required. such funds shall be invested and reinvested pursuant to the same procedures and practices established by Title 12, Section 45-70 of the South Carolina State Code for investment and reinvestment of funds. County council may use any form of borrowing authorized by the laws of the State of South Carolina to fund capital acquisitions or expenditures for the stormwater management utility. County council, in its discretion and pursuant to standard budgetary procedures, may supplement such funds with amounts from the general fund.

(Ord. No. 2015/24, 9-28-2015)

Sec. 99-115. - Responsibilities of the stormwater management utility.

The county stormwater management utility shall perform adequate studies throughout the area served by the utility to determine the following:

- (1) Baseline study of water quality in the receiving waters;
- (2) Identification of pollutants carried by stormwater runoff into the receiving waters;
- (3) Recommended mitigation efforts to address pollutants carried by stormwater runoff into the receiving waters;



- (4) Inventory of the existing drainage system;
- (5) Recommended maintenance practices and standards of the existing drainage system;
- (6) Identification of capital improvements to the system to include construction or installation of appropriate BMPs.
- (7) A five-year spending plan.
- (8) Ensure compliance with the federally mandated MS4 permit requirements
- (9) Efficient utility administration including but not limited to billing, collection, defining rate structures, data management and customer support.

(Ord. No. 2015/24, 9-28-2015)

Sec. 99-116. - Stormwater utility management board.

- (1) Purpose. In compliance with and under authority of Beaufort County Ordinance 2001/23, the Beaufort County Council hereby establishes the stormwater management utility board (hereinafter referred to as the "SWU board") to advise the council as follows:
  - (a) To determine appropriate levels of public stormwater management services for residential, commercial, industrial and governmental entities within Beaufort County;
  - (b) To recommend appropriate funding levels for provision of services in the aforementioned sectors;
  - (c) To advise the staff of the stormwater management utility on master planning efforts and cost of service/rate studies; and
  - (d) To support and promote sound stormwater management practices that mitigates non-point source pollution and enhances area drainage within Beaufort County.

Municipal councils are encouraged to organize similar boards to advise them on stormwater management programs and priorities within their boundaries.

In keeping with discussions held during the formation of the stormwater utility, it is anticipated that the municipalities will appoint staff professionals as their representative on the advisory board.

- (2) Stormwater districts. Stormwater districts are hereby established as follows:

District 1 - City of Beaufort

District 2 - Town of Port Royal

District 3 - Town of Hilton Head Island

District 4 - Town of Bluffton

District 5 - Unincorporated Sheldon Township

District 6 - Unincorporated Port Royal Island

District 7 - Unincorporated Lady's Island

District 8 - Unincorporated St. Helena Island Islands East

District 9 - Unincorporated Bluffton Township and Daufuskie Island

- (3) Membership.

- (a) The SWU board is formed in accordance with Beaufort County Ordinance 92-28 and shall consist of a total of seven voting representatives from each of the following districts as noted below:

No. of Reps.	Stormwater District	Area
1	5	Unincorporated Sheldon Township
1	6	Unincorporated Port Royal Island
1	7	Unincorporated Lady's Island
1	8	Unincorporated St. Helena Island Islands East
2	9	Unincorporated Bluffton Township and Daufuskie Island
1	—	"At large"

All members of the SWU board will be appointed by county council and shall be residents of those districts or "at large" members from unincorporated Beaufort County.

- (b) The SWU board shall also consist of one nonvoting (ex officio) representative from the following districts:

Stormwater District	Municipality
1	City of Beaufort
2	Town of Port Royal
3	Town of Hilton Head Island
4	Town of Bluffton

All ex officio members from municipalities shall be appointed by their respective municipal councils for four-year terms.

- (c) All citizen members shall be appointed for a term of four years. The terms shall be staggered with one or two members appointed each year.

- (d) While no other eligibility criteria is established, it is recommended that members possess experience in one or more of the following areas: Stormwater management (drainage and water quality) issues, strategic planning, budget and finance issues or established professional qualifications in engineering, construction, civil engineering, architectural experience, commercial contractor or similar professions.
- (4) Officers.
- (a) Officers. Selection of officers and their duties as follows:
1. Chairperson and vice-chair. At an annual organizational meeting, the members of the SWU board shall elect a chairperson and vice-chairperson from among its members. The chair's and vice-chair's terms shall be for one year with eligibility for reelection. The chair shall be in charge of all procedures before the SWU board, may administer oaths, may compel the attendance of witnesses, and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the SWU board. In the absence of the chair, the vice-chair shall act as chairperson.
  2. Secretary. The county professional staff member shall appoint a secretary for the SWU board. The secretary shall keep minutes of all proceedings. The minutes shall contain a summary of all proceedings before the SWU board, which include the vote of all members upon every question, and its recommendations, resolutions, findings and determinations, and shall be attested to by the secretary. The minutes shall be approved by a majority of the SWU board members voting. In addition, the secretary shall maintain a public record of SWU board meetings, hearings, proceedings, and correspondence.
  3. Staff. The Stormwater Manager shall be the SWU board's professional staff.
- (b) Quorum and voting. Four SWU board members shall constitute a quorum of the SWU board necessary to take action and transact business. All actions shall require a simple majority of the number of SWU board members present.
- (c) Removal from office. The county council, by a simple majority vote, shall terminate the appointment of any member of the SWU board and appoint a new member for the following reasons:
1. Absent from more than one-third of the SWU board meetings per annum, whether excused or unexcused;
  2. Is no longer a resident of the county;
  3. Is convicted of a felony; or
  4. Violated conflict of interest rules according to the county-adopted template Ordinance.
- Moreover, a member shall be removed automatically for failing to attend any three consecutive regular meetings.
- (d) Vacancy. Whenever a vacancy occurs on the SWU board, the county council shall appoint a new member within 60 days of the vacancy, subject to the provisions of this section. A new member shall serve out the former member's term.
- (e) Compensation. The SWU board members shall serve without compensation, but may be reimbursed for such travel, mileage and/or per diem expenses as may be authorized by the SWU board-approved budget.
- (5) Responsibilities and duties.
- (a) Review and recommend to the county council for approval, a comprehensive Beaufort County Stormwater Management Master Plan and appropriate utility rate study which is in accordance with the South Carolina Stormwater Management and Sediment Reduction Act; and

- (b) Review and comment to the county administrator on the annual stormwater management utility enterprise fund budget; and
  - (c) Cooperate with the South Carolina Department of Health and Environmental Control (DHEC), Office of Coastal Resource Management (OCRM), the Oversight Committee of the Special Area Management Plan (SAMP), the Beaufort County Clean Water Task Force as well as other public and private agencies having programs directed toward stormwater management programs; and
  - (d) Review and make recommendations concerning development of a multiyear stormwater management capital improvement project (CIP) plan; and
  - (e) Review and advise on proposed stormwater management plans and procurement procedures; and
  - (f) Provide review and recommendations on studies conducted and/or funded by the utility; and
  - (g) Review and advise on actions and programs to comply with regulatory requirements, including permits issued under the State of South Carolina National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Regulated Small Municipal Separate Storm Sewer Systems (MS4).
- (6) Meetings. Meetings of the SWU board shall be held as established by the SWU board on a monthly basis and a calendar will be prepared giving the date, time and location of such meetings. Additionally, meetings may be called by the chairperson or at the request of four SWU board members. The location of all SWU board meetings shall be held in a public building in a place accessible to the public. The following shall apply to the conduct of all meetings:
- (a) Meeting records. The SWU board shall keep a record of meetings, resolutions, findings, and determinations. The SWU board may provide for transcription of such hearings and proceedings, or portions of hearings and proceedings, as may be deemed necessary.
  - (b) Open to public. All meetings and public hearings of the SWU board shall be open to the public.
  - (c) Recommendations or decisions. All recommendations shall be by show of hands of all members present. A tie vote or failure to take action shall constitute a denial recommendation. All recommendations shall be accompanied by a written summary of the action and recommendations.
  - (d) Notice and agenda. The SWU board must give written public notice of regular meetings at the beginning of each calendar year. The SWU board must post regular meeting agendas at the meeting place 24 hours before any meeting. Notices and agenda for call, special or rescheduled meetings must be posted at least 24 hours before such meetings. The SWU board must notify any persons, organizations and news media that request such notification of meetings.

(Ord. No. 2015/24, 9-28-2015)

Article III. – REGULATORY GENERAL PROVISIONS

Sec. 99-200. - Authority

This Ordinance is adopted pursuant to the authority conferred upon the Beaufort County (County) by the South Carolina Constitution, the South Carolina General Assembly and in accordance with Federal Clean Water Act, the South Carolina Pollution Control Act, and regulations promulgated there under.

(Ord. No. 2016/ , - -2016)

Sec. 99-201. - Findings

The County Council makes the following findings:

- (a) Beaufort County's Waters contain some of the few remaining pristine shellfish harvesting areas in the southern coastal counties of South Carolina many of its waters have been designated by the State of South Carolina as an Outstanding Resource Waters. This use has historical and traditional significance to the area. It is in the public interest that the condition of these areas be maintained and preserved for future generations. Uncontrolled stormwater runoff may have significant, adverse impact on the health, safety and general welfare of the County and the quality of life of its citizens by transporting pollutants into receiving waters and by causing erosion and/or flooding. Development and redevelopment may alter the hydrologic response of local watersheds and increases stormwater runoff rates and volumes, flooding, soil erosion, stream channel erosion, non-point pollution, and sediment transport and deposition, as well as reducing groundwater recharge. These changes in stormwater runoff may contribute to increased quantities of water-borne pollutants and alterations in hydrology which are harmful to public health, safety, and welfare, as well as to the natural environment.
- (b) Point source pollution may have significant, adverse impact on the health, safety and general welfare of the County and the quality of life of its citizens by transporting pollutants into receiving waters. The allowance of discharge pipes and outfalls for non-stormwater discharges, illegal dumping, and improper handling of accidental spills and intentional disposals increase the quantities of water-borne pollutants which are harmful to public health, safety, and welfare, as well as to the natural environment.
- (c) The effects of point and non-point source pollution, such as uncontrolled runoff, have shown evidence of degradation of the County's receiving waters; thereby adversely affecting the unique qualities of the County's receiving waters, its recreational opportunities and commercial, oystering, boating and fishing, the ecosystem's ability to naturally reproduce and thrive, and the general ability of the area to sustain its natural estuarine resources.
- (d) These deleterious effects can be managed and minimized by applying proper design and well-planned controls to manage stormwater runoff from development and redevelopment sites, manage existing natural features that maintain hydrology and provide water quality control, and eliminate potential sources of pollution to receiving waters. Public education regarding the cause and effect of these types of pollutions and the implementation of the controls and management policies is key to fundamentally changing public behavior.
- (e) This Ordinance is not in conflict with any development agreements to which the County is a party and does not prevent the development set forth in any development agreement unless impairments to the County's receiving waters is linked to this development.
- (f) This Ordinance is essential to the public health, safety or welfare and shall apply to any development that is subject to a development agreement.
- (g) Laws of general application throughout the County necessary to protect health, safety and welfare are anticipated and are provided for in development agreements.
- (h) Substantial changes in developmental impacts have occurred since the time the development agreements were signed, which changes, if not addressed in this Ordinance would pose a threat to public health, safety or welfare.

(Ord. No. 2016/\_\_\_\_, - -2016)

Sec. 99-202. - Purpose

- (a) It is the purpose of this Ordinance to guide development in Beaufort County to protect, maintain, and enhance the environment of the County and the short and long-term public health, safety, and general welfare of the citizens of the County by establishing requirements and procedures to control the potential adverse effects of increased stormwater runoff associated with both future development, re-development, and existing developed land. Proper management of stormwater runoff will minimize damage to public

and private property, ensure a functional drainage system, reduce the effects of development on land and stream channel erosion, attain and maintain water quality standards, enhance the local environment associated with the drainage system, reduce local flooding, reduce pollutant loading to the maximum extent practicable and maintain to the extent practicable the pre-developed runoff characteristics of the area, and facilitate economic development while minimizing associated pollutant, flooding, and drainage impacts.

(b) This Ordinance specifically authorizes and enables the County to:

1. Prohibit Illicit Discharges to the Stormwater System and receiving waters.
2. Define procedures for site plan design, review, inspection, and enforcement relative to stormwater management.
3. Control the discharge of spills, dumping or disposal of materials other than stormwater to the Stormwater System and receiving waters.
4. Address specific categories of non-stormwater discharges and similar other incidental non-stormwater discharges.
5. Control importation of water that adversely impacts our receiving waters.
6. Require temporary erosion and sediment controls to protect water quality to the maximum extent practicable during construction activities, in accordance with current state regulations.
7. Define procedures for receipt and consideration of information submitted by the public.
8. Address runoff, particularly volume, rate, and quality through the control and treatment of stormwater with stormwater management facilities and/or Best Management Practices (BMPs).
9. Develop post-construction stormwater quality performance standards, through enforcement of minimum design standards for BMPs.
10. Ensure effective long-term operation and maintenance of BMPs.
11. Carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to determine compliance and noncompliance with this Ordinance and stormwater permit conditions including the prohibition of Illicit Discharges to the County's Stormwater System and the protection of water quality of the receiving waters.
12. Development, implement, and enforce regulations any and all other programs or policies to comply with the Municipal Separate Stormsewer System (MS4) permit issued by South Carolina Department of Health and Environmental Control (DHEC)

(c) The Ordinance requires prudent site planning, including special considerations for the purposes of preserving natural drainage ways incorporating on-site stormwater detention and infiltration to minimize runoff from individual sites to receiving waters by use of effective runoff management, structural and non-structural BMPs, drainage structures, and stormwater facilities.

(Ord. No. 2016/ , - -2016)

#### Sec. 99-203. - Definitions

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

Administrators. The Director of Environmental Engineering and Land Management, the Stormwater Manager and other individuals designated by the County Administrator, from time to time, to administer interpret and enforce this Ordinance.

Best Management Practices (“BMP”). Stormwater management practices, either structural, non-structural or natural that has been demonstrated to effectively control movement of Stormwater, pollutants, prevent degradation of soil and water resources, and that are compatible with the planned land use.

BMP Manual. “The Manual for Stormwater Best Management and Design Practices (BMP)” establishes technical standards as referenced and incorporated into the CDC.

Clean Water Act. The Federal Water Pollution Control Act, as amended, codified at 33 U.S.C §1251 et. seq.

Community Development Code (“CDC”). A form based code to regulate zoning and development in Beaufort County.

County. The Beaufort County, South Carolina.

County Council. The publicly elected official of Beaufort County, South Carolina.

Department. The Stormwater Department, or any duly authorized representatives thereof as designated by the County Administrator.

Development. All project construction, modification, or use of any lot, parcel, building, or structure on land and on water.

Disconnected Impervious Areas or Disconnected Impervious Surfaces. Those non-contiguous impervious areas or impervious surfaces which produce stormwater runoff that discharges through or across a pervious area or surface (i.e. vegetated cover), of sufficient width to reduce or eliminate pollutants associated with stormwater runoff, prior to discharge to the Stormwater System.

Environment. The complex of physical, chemical, and biotic factors that act upon an ecological community and ultimately determine its form and survival.

Evapotranspiration. The sum of evaporation and plant transpiration from the Earth’s land surface to atmosphere.

Excess Stormwater Volume. The additional volume of Stormwater runoff leaving the site over and above the runoff volume which existed pre-development.

Illicit Connection. A connection to the County’s Stormwater System or receiving water which results in a discharge that is not composed entirely of stormwater runoff and has a detrimental effect on the Stormwater System or receiving water except those granted coverage by an active NPDES permit.

Illicit discharge. Any activity, which results in a discharge to the County’s Stormwater System or receiving waters that is not composed entirely of stormwater except (a) discharge pursuant to an NPDES permit and (b) other allowable discharges as defined and exempted in this Ordinance.

Impervious Surface. As defined in the County’s Best Management Practices (BMP) Manual.

Improper disposal. Any disposal through an Illicit Discharge, including, but not limited to the disposal of used oil and toxic materials resulting from the improper management of such substances.

Land Disturbance or Land Disturbing Activity. The use of land by any person that results in a change in the natural vegetated cover or topography, including clearing that may contribute to or alters the quantity and/or quality of stormwater runoff.

Maintenance. Any action necessary to preserve stormwater management facilities in proper working condition, in order to serve the intended purposes set forth in this Ordinance and to prevent structural failure of such facilities.

MS4. Municipal Separate Storm Sewer System.

NPDES. National Pollutant Discharge Elimination System (see "Clean Water Act.")

Natural Resources. Land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other such resources.

Outfall. The point where County's Stormwater System discharges to waters of the United States or the State of South Carolina.

Person. Any and all persons, natural or artificial and includes any individual, association, firm, corporation, business trust, estate, trust, partnership, two or more persons having a joint or common interest, or an agent or employee thereof, or any other legal entity.

Pollutant. Those man-made or naturally occurring constituents that when introduced to a specific environment creates a deleterious effects. Typical pollutants found in stormwater include but are not limited to sediment (suspended and dissolved), nutrients (nitrogen and phosphorus, etc.), oxygen demanding organic matter, heavy metals (iron, lead, manganese, etc.), bacteria and other pathogens, oil and grease, household hazardous waste (insecticide, pesticide, solvents, paints, etc.) and Polycyclic Aromatic Hydrocarbons (PAHs).

Property Owner or Owner. The legal or equitable owner of land.

Receiving Waters. All natural water bodies, including oceans, salt and freshwater marsh areas, lakes, rivers, streams, ponds, wetlands, and groundwater which are located within the jurisdictional boundaries of County. Stormwater management ponds, man-made wetlands, ditches, and swales constructed for the sole purpose of controlling and treating stormwater are not considered Receiving Waters.

Record Drawings. A set of drawings prepared by and certified by a South Carolina registered professional engineer or landscape architect that accurately represents the actual final configuration of the stormwater and other related infrastructure constructed in a development.

Redevelopment. As defined in the County's Best Management Practices (BMP) Manual.

Regulation. Any regulation, rule or requirement and promulgated by the County pursuant to this Ordinance.

Stormwater. Stormwater runoff, precipitation runoff, and surface runoff.

Stormwater management. The collection, conveyance, storage, treatment and disposal of Stormwater in a manner to meet the objectives of this Ordinance and its terms, including, but not limited to measures that control the increased volume and rate of stormwater runoff and water quality impacts caused by manmade changes to the land.



Stormwater Management Program, Services, Systems Facilities. Those administrative, engineering, operational, regulatory, and capital improvement activities and functions performed in the course of managing the Stormwater systems of the County, plus all services. Stormwater Management Systems and Facilities are those natural and manmade channels, swales, ditches, swamps, rivers, streams, creeks, branches, reservoirs, ponds, drainage ways, inlets, catch basins, pipes, head walls, storm sewers, lakes, and other physical works, properties, and improvements which transfer, control, convey or otherwise influence the movement of Stormwater runoff and it's discharge to and impact upon receiving waters.

Stormwater Management Plan or SWMP. The set of drawings and other documents that comprise all of the information and specifications for the programs, drainage systems, structures, BMPs, concepts, and techniques for the control of stormwater.

Stormwater Pollution Prevention Plan or SWPPP. Erosion Prevention and Sediment Control (EPSC). Also See "Stormwater Management Plan".

Stormwater System. The conveyance or system of conveyances (including roads with drainage systems, highways, right-of-way, private streets, catch basins, curbs, gutters, ditches, man-made channels, storm drains, detention ponds, and other stormwater facilities) which is designed or used for collecting or conveying Stormwater.

Structural Best Management Practices ("BMP"). A device designed and constructed to trap and filter pollutants from runoff.

Total Impervious Surface. All impervious surfaces on a site regardless if they are directly connected to another and that is not constructed using permeable pavement technology.

Utility. Beaufort County Stormwater Utility as established by County Ordinance Chapter 99 Article II.

Waiver. The modification of the minimum stormwater management requirements contained in these Articles and the BMP Manual for specific circumstances where strict adherence of the requirements would result in unnecessary hardship and not fulfill the intent of this Ordinance.

Water Quality. Those characteristics of stormwater runoff that relate to the physical, chemical, biological, or radiological integrity of water.

Water Quantity. Those characteristics of stormwater runoff that relate to the rate and volume of the stormwater runoff.

Wetlands. As defined by the Army Corps of Engineers and generally means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar type areas.

Working Day. Monday through Friday, excluding all County-observed holidays.

(Ord. No. 2016/\_\_\_\_\_, - -2016)

Sec. 99-204. - Applicability

Beginning with and subsequent to its effective date, this Ordinance shall be applicable to:

(a) All Development and Redevelopment

(b) Any illicit discharges

(c) The provisions of this Ordinance shall apply throughout the unincorporated areas of the County

(Ord. No. 2016/ , - -2016)

Sec. 99-205. - Regulations

The County Council, may, in its discretion, amend or change this Ordinance, or adopt additional regulations to implement this Ordinance in order to comply with the State regulations, administer the Stormwater Management Department, or to otherwise further the goal of protecting the quality of the receiving waters into which the Stormwater System discharges.

(Ord. No. 2016/ , - -2016)

Sec. 99-206. - County Stormwater Management Administration

Stormwater Management will be administered by the Environmental Engineering and Land Management Division and the Stormwater Department to administer and implement the regulations of this Ordinance as set forth in the CDC and BMP Manual.

(Ord. No. 2016/ , - -2016)

Sec. 99-207. - Administrators of Operations, Power and Duties

(a) The Administrators shall administer, implement, and enforce provisions of this Ordinance on behalf of the County.

(b) In addition to the powers and duties that may be conferred by other provisions of the County and other laws, the Administrators shall have the following powers and duties under this Ordinance:

1. To create the BMP Manual.
2. To review and approve, approve with conditions, or disapprove applications for approval of a Stormwater Management Plan pursuant to this Ordinance;
3. To make determinations and render interpretations of this Ordinance;
4. To establish application requirements, schedules and fees for submittal and review of applications and receipt of appeals, in accordance with the standards for County Development Permits and Stormwater Permits under the County's CDC Ordinance and this Ordinance;
5. To review and make recommendations to the applications for development or redevelopment approvals;
6. To enforce the provisions of this Ordinance in accordance with its enforcement provisions;
7. To maintain records, maps, and official materials related enforcement, or administration of this Ordinance;
8. To provide expertise and technical assistance;
9. To take any other action necessary to administer the provisions of this Ordinance.

(Ord. No. 2016/ , - -2016)

Sec. 99-208. - Coordination with Other Agencies

The Administrators will coordinate the County's activities with other federal, state, and local agencies, which manage and perform functions relating to the protection of receiving waters.

(Ord. No. 2016/ , - -2016)

Sec. 99-209. - Cooperation with Other Governments

The County may enter into agreements with other governmental and private entities to carry out the purposes of this Ordinance. These agreements may include, but are not limited to enforcement, resolution of disputes, cooperative monitoring, and cooperative management of stormwater systems and cooperative implementation of stormwater management programs. Nothing in this Ordinance or in this section shall be construed as limitation or repeal of any Ordinances of these local governments or of the powers granted to these local governments by the South Carolina Constitution or statues, including, without limitation, the power to require additional or more stringent stormwater management requirements within their jurisdictional boundaries.

(Ord. No. 2016/ , - -2016)

Sec. 99-210. - Stormwater Management Standards

- (a) *Reference to Best Management Practices (BMP) Manual*  
The Administrators shall use the policy, criteria, and information, including technical specifications and standards, in the BMP Manual as the basis for decisions about stormwater plans and about the design, implementation and performance of structural and non-structural stormwater systems. The Stormwater Management Standards shall describe in detail how post-development stormwater runoff will be controlled and managed, the design of all stormwater facilities and practices, and how the proposed project will meet the requirements of this Ordinance. The BMP Manual includes a list of acceptable stormwater treatment practices, including the specific design criteria for each stormwater practice. These standards will be updated as technology improves.
- (b) *Relationship of Stormwater Management Standards to Other Laws and Regulations.* If the specifications or guidelines of the Standards are more restrictive or apply a higher standard than other laws or regulations, that fact shall not prevent application of the specifications or guidelines in the Standards.

(Ord. No. 2016/ , - -2016)

Sec. 99-211. - Review of Stormwater Management Plans

Stormwater Management Plans shall be reviewed as a component of the Development Plan review process by the Administrators. They will be reviewed for compliance with standards in this Ordinance and requirements in the CDC and BMP Manual. Procedures are outlined in BMP Manual. Requests for meetings and submission of plans will be submitted to Stormwater Department. The expected process will be as follows:

(Ord. No. 2016/ , - -2016)

Sec. 99-212. - Approvals

- (a) *Effect of Approval*  
Approval authorizes the applicant to go forward with only the specific plans and activity authorized in the plan. The approval shall not be construed to exempt the applicant from obtaining other applicable approvals from local, state, and federal authorities.
- (b) *Time Limit/Expiration*  
Time limit, expiration and extensions shall be in accordance with the County's CDC Ordinance.

(Ord. No. 2016/ , - -2016)

Sec. 99-213. - Appeals

(a) Scope of Appeal

Any person aggrieved by a decision of the Administrators may appeal the same by filing an interim written notice of appeal, with the Administrators within thirty (30) days of the issuance of said decision or Notice of Violation. The interim notice of appeal must specify with reasonable practicality the grounds of the appeal and relief sought. Stormwater Utility Management Board (SWUB) will review and provide a decision within fifteen (15) day of the next Board Meeting following the appeal. The decision of the SWUB shall be final. Appeals to SWUB's decision shall be processed in accordance with State Law.

(b) Standards

1. The SWUB is limited to the following determinations for an administrative appeal:
  - (a) The administrators made an error in reviewing whether a standard was met. The record must indicate that an error in judgment occurred or facts, plans, or regulations were misread in determining whether the particular standard was met.
  - (b) Where conflicting evidence exists, the appeal is limited to determining what evidence or testimony bears the greatest credibility in terms of documentation and qualifications of those making the determination.
  - (c) The administrators made the decision on standards not contained in this chapter or other county Ordinances, regulations, or state law, or a standard more strict or broad was applied. This chapter does not permit administrators to consider or create standards not officially adopted.
  - (d) An error in applying a standard or measuring a standard was made.
2. The board, on an appeal, shall not hear any evidence or make any decision based on hardships or special conditions.

(Ord. No. 2016/ , - -2016)

Article IV. – STORMWATER MANAGEMENT STANDARDS TO BE APPLIED

Sec. 99-300. - General Requirements

- (a) All development and redevelopment, including highways, shall use site planning, design, construction, and maintenance strategies for the property to maintain or restore, to the maximum extent technically feasible, the predevelopment hydrology of the property with regard to the temperature, rate, volume and duration of flow.
- (b) All development shall connect Impervious Surfaces to vegetative surfaces to the maximum extent practicable.
- (c) Stormwater runoff shall be controlled in a manner that:
  1. Promotes positive drainage from structures resulting from development.
  2. Includes the use of vegetated conveyances, such as swales and existing natural channels to promote infiltration and evapotranspiration.
  3. Reduces runoff velocities and maintains sheet flow condition to prevent erosion and promote infiltration.
  4. Limits its interaction with potential pollutant sources that may become water-borne and create non-point source pollution.

5. Promotes reuse of excess stormwater volume to increase evapotranspiration.
- (d) Natural vegetative buffers play an integral part in minimizing the volume of stormwater runoff by promoting infiltration and increasing evapotranspiration to reduce SW volume to receiving waters and acting as a first line of treatment of water quality pollution. Development shall observe the buffer requirements of the County's CDC Ordinance or if applicable the relevant development agreement, concept plan, and/or approved master plan.

(Ord. No. 2016/\_\_\_\_, \_\_\_\_ - \_\_\_\_-2016)

Sec. 99-301. - Stormwater Design Requirements for Development

- (a) Developments which incorporates engineered stormwater collection, conveyance, and storage systems shall be designed to the criteria established in the latest version of County's BMP Manual

(Ord. No. 2016/\_\_\_\_, \_\_\_\_ - \_\_\_\_-2016)

Sec. 99-302. - BMP Requirements

- (a) Effectiveness of infiltration practices is dependant on the site conditions. The BMP manual outlines guidance for properly siting infiltration practices and shall be reviewed prior to the design phase.
- (b) The owners of all new developments that receive a Stormwater Permit from the County shall be required to perform stormwater quantity monitoring at their expense to ensure compliance with the provisions of this Ordinance and ensure that volume reduction plans are operated as intended.
- (c) All construction and implementation of erosion and sediment control BMPs shall comply with the requirements of the South Carolina Stormwater Management and Sediment Reduction Act and submit reports in accordance with the BMP manual.
- (d) The County reserves the right to perform other monitoring as it deems appropriate to determine compliance with the State Sediment and Erosion Control Act.

(Ord. No. 2016/\_\_\_\_, \_\_\_\_ - \_\_\_\_-2016)

Sec. 99-303. – Reserved.

(Ord. No. 2016/\_\_\_\_, \_\_\_\_ - \_\_\_\_-2016)

Sec. 99-304. - Waiver

Individuals seeking a waiver in connection with a Stormwater Plan may submit to the Administrators a request for a waiver from the requirements of this Ordinance if exceptional circumstances applicable to a site exist such that adherence to the provisions of the Ordinance will result in unnecessary hardship and will not fulfill the intent of the Ordinance.

- (a) *Request of Waiver at Staff Level*  
A written request for a waiver is required and shall state the specific waiver sought and the reasons, with supporting data, a waiver should be granted. The request shall include all information necessary to evaluate the proposed waiver. Requests must outline the need for such a waiver, such as site constraints, soil characteristics, or similar engineering limitations. Cost shall not be considered cause for a waiver. The applicant will address the four areas of consideration for waiver approval as follows:
1. What exceptional circumstances to the site are evident?
  2. What unnecessary hardship is being caused?

3. How will denial of the waiver be inconsistent with the intent of the Ordinance?

4. How will granting waiver comply with intent of Ordinance?

(b) *Review of Waivers*

The Administrators will conduct a review of the request and will issue a decision fifteen within (15) working days of receiving the request.

(c) *Appeal of Decision*

Any person aggrieved by the decision of the Administrators concerning a waiver request may appeal such decision in accordance with Section 99-213 above.

(Ord. No. 2016/\_\_\_\_, \_\_\_\_ - \_\_\_\_-2016)

Sec. 99-305. – Maintenance: General Requirements

(a) *Function of BMPs as Intended*

The owner of each structural BMP installed pursuant to this Ordinance shall maintain and operate it to preserve and continue its function in controlling stormwater quality and quantity at the degree or amount of function for which the structural BMP was designed.

(b) *Right of County to Inspection*

Every Structural BMP installed pursuant to this Ordinance shall be made accessible for adequate inspection by the County.

(c) *Annual Maintenance Inspection and Report*

The person responsible for maintenance of any structural BMP installed pursuant to this Ordinance shall submit to the Administrator(s) an inspection report from a registered South Carolina Professional Engineer. The inspection report, at a minimum, shall contain all of the following:

1. The name and address of the land owner;
2. The recorded book and page number of the lot of each structural BMP or a digital representation of the geographic location of each structural BMP;
3. A statement that an inspection was made of all structural BMPs;
4. The date the inspection was made;
5. A statement that all inspected structural BMPs are performing properly and comply with the terms and conditions of the approved maintenance agreement required by this Ordinance;
6. The original signature and seal of the engineer inspecting the structural BMPs; and
7. Digital photographs of the structural BMPs and pertinent components integral to its operation, including but not limited to inlet/outlet control structures, downstream receiving channel/area, embankments and spillways, safety features, and vegetation.

All inspection reports shall be on forms supplied by the Administrators. An original inspection report shall be provided to the Administrators beginning one year from the date of record drawings certification and each year thereafter on or before the date of the record drawings certification.

(Ord. No. 2016/\_\_\_\_, \_\_\_\_ - \_\_\_\_-2016)

Sec. 99-306. - Operation and Maintenance Agreement

- (b) Prior to the conveyance or transfer of any lot or building site requiring a structural BMP pursuant to this Ordinance, the applicant or owner of the site must execute an operation and maintenance agreement (see BMP manual for form) that shall be binding on all subsequent owners of the site, portions of the site, and lots or parcels served by the structural BMP. Until the transference of all property, sites, or lots served by the structural BMP, the original owner or applicant shall have primary responsibility for carrying out the provisions of the maintenance agreement.

(b) The operation and maintenance agreement must be approved by the Administrators prior to plan approval, and it shall be referenced on the final plat and shall be recorded with the county Register of Deeds upon final plat approval. If no subdivision plat is recorded for the site, then the operations and maintenance agreement shall be recorded upon the approval of a certificate of completion with the county Register of Deeds to appear in the chain of title of all subsequent purchasers under generally accepted searching principles. A copy of the recorded maintenance agreement shall be given to the Administrators within fourteen (14) days following its recordation.

(Ord. No. 2016/ , - -2016)

Sec. 99-307. - Deed Recordation and Indications on Plat

The applicable operations and maintenance agreement pertaining to every structural BMP shall be referenced on the final plat and in covenants and shall be recorded with the county Register of Deeds upon final plat approval.

(Ord. No. 2016/ , - -2016)

Sec. 99-308. - Records of Installation and Maintenance Activities

The owner of each structural BMP shall keep records of inspections, maintenance, and repairs for at least five (5) years from the date of the record and shall submit the same upon reasonable request to the Administrator(s).

(Ord. No. 2016/ , - -2016)

Sec. 99-309. - Nuisance

The owner of each stormwater BMP shall maintain it so as not to create or result in a nuisance condition, such as but not limited to flooding, erosion, excessive algal growth, overgrown vegetation, mosquito breeding habitat, existence of unsightly debris, or impairments to public safety and health. Maintenance practices must not lead to discharges of harmful pollutants.

(Ord. No. 2016/ , - -2016)

Article V. - ILLICIT DISCHARGES AND CONNECTIONS TO THE STORMWATER SYSTEM

Sec. 99-400. - Illicit Discharges

No person shall cause or allow the discharge, emission, disposal, pouring, or pumping directly or indirectly to any stormwater conveyance, receiving water, or upon the land in manner and amount that the substance is likely to reach a stormwater conveyance or the receiving waters, any liquid, solid, gas, or other substance(including animal waste), other than stormwater.

(Ord. No. 2016/ , - -2016)

Sec. 99-401. - Non-Stormwater Discharges

(a) Non-Stormwater discharges associated with the following activities are allowed provided that acceptable BMPs are followed:  
1. Water line and hydrant flushing;

2. Landscape irrigation, unless it leads to excess SW Volume discharge
  3. Diverted stream flows;
  4. Rising ground waters;
  5. Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20));
  6. Uncontaminated pumped ground water;
  7. Discharges from potable water sources (with dechlorination BMP utilized);
  8. Foundation drains;
  9. Air conditioning condensation;
  10. Reuse water;
  11. Springs;
  12. Water from crawl space pumps;
  13. Footing drains;
  14. Individual residential car washing;
  15. Flows from riparian habitats and wetlands;
  16. Dechlorinated swimming pool discharges; typically less than one part per million.
  17. Street wash water;
  18. Other non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under EPA authority, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system;
  19. Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety;
  20. Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the test; and
  21. Firefighting.
- (b) Prohibited substances include but are not limited to: oil, anti-freeze, chemicals, animal waste, paints, garbage, and litter.

(Ord. No. 2016/\_\_\_\_, \_\_\_\_ - \_\_\_\_-2016)

Sec. 99-402. - Illicit Connections

- (a) Connections to a receiving water and/or stormwater conveyance system that allow the discharge of non-stormwater, other than the exclusions described in Section 99-401 (a) above are unlawful. Prohibited connections include, but are not limited to floor drains, waste water from washing machines or sanitary sewers, wash water from commercial vehicle washing or steam cleaning, and waste water from septic systems.
- (b) Where such connections exist in violation of this section and said connections were made prior to the adoption of this Ordinance or any other Ordinance prohibiting such connections, the property owner or the person using said connection shall remove or correct the connection.

(Ord. No. 2016/\_\_\_\_, \_\_\_\_ - \_\_\_\_-2016)

Sec. 99-403. - Spills

- (a) Spills or leaks of polluting substances released, discharged to, or having the potential to released or discharged to a receiving water or the stormwater conveyance system, shall be contained, controlled, collected, and properly disposed. All affected areas shall be restored to their preexisting condition.
- (b) Persons in control of the polluting substances shall immediately report the release or discharge to persons owning the property on which the substances were released or discharged, shall within two (2) hours of such an event shall notify the nearest Fire



Department (who will also notify the Administrators), and all required federal and state agencies of the release or discharge. Notification shall not relieve any person of any expenses related to the restoration, loss, damage, or any other liability which may be incurred as a result of said spill or leak, nor shall such notification relieve any person from other liability which may be imposed by State or other law.

(Ord. No. 2016/ , - -2016)

Sec. 99-404. - Nuisance

Illicit discharges and illicit connections which exist within the unincorporated County are hereby found, deemed, and declared to be dangerous and prejudicial to the public health, and welfare, and are found, deemed, and declared to be public nuisances. Such public nuisances shall be abated in accordance with the procedures set forth in Section 99-503 (c) & (d).

Sec. 99-405. – Suspension of a MS4 discharge due to an illicit discharge.

- a) Any person discharging to the MS4 in violation of this Ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its' MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.
- b) A person commits an offence if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the authorized enforcement agency.
- c) The Beaufort County, South Carolina staff may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

(Ord. No. 2016/ , - -2016)

Article VI. - INSPECTION , ENFORCEMENT, AND CORRECTION

Sec. 99-500. - Inspections

The County will maintain the right to inspect any and all Stormwater Systems within it jurisdiction as outlined below:

- (a) An Inspector designated by the Administrators, bearing proper credentials and identification, may enter and inspect all properties for regular inspections, periodic investigations, monitoring, observation measurement, enforcement, sampling and testing, to ensure compliance with the provisions of this Ordinance.
- (b) Upon refusal by any property owner to permit an Inspector to enter or continue an inspection, the Inspector may terminate the inspection or confine the inspection to areas concerning which no objection is raised. The Inspector shall immediately report the refusal and the grounds to the Administrators. The Administrators will promptly seek the appropriate compulsory process.
- (c) In the event that the Administrators or Inspector reasonably believes that discharges from the property into the County's Stormwater System or receiving waters may cause an imminent and substantial threat to human health or the environment, the inspection may take place at any time after an initial attempt to notify the owner of the property or a

- representative on site. The Inspector shall present proper credentials upon reasonable request by the owner or representative.
- (d) The Beaufort County, South Carolina, staff shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's stormwater discharge.
- (e) The Beaufort County, South Carolina, staff has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- (f) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the authorized enforcement agency and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- (g) Unreasonable delays in allowing the Beaufort County, South Carolina, staff access to a permitted facility is a violation of a stormwater discharge permit and of this Ordinance. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this Ordinance.
- (h) Inspection reports will be maintained in a permanent file at the offices of the County.

(Ord. No. 2016/\_\_\_\_, - 2016)

Sec. 99-501. - Notice and Warning.

- (a) Upon the County's attention to a violation of this Ordinance, the Administrators shall investigate the violation and prepare a report concerning the violation. If a violation exists, a warning notice shall be delivered within five (5) working days to any person occupying the property or linked to a discharge, whether the person is the owner, renter, or lessee. If the nature of the violation is not correctable, a stop work order shall be issued immediately. If no one is present or refuses to accept the notice, the Administrators shall post the warning notice on the residence or building entrance.
- (b) The warning notice shall contain the following:
1. The address and legal description of the property.
  2. The section of this chapter being violated.
  3. The nature and location of the violation and the date by which such violation shall be removed or abated.
  4. A notice of the penalty for failing to remove or abate the violation, stating that if the nuisance recurs by the same occupant, owner, or person in charge, a notice of violation, stop work order, or notice to appear will be issued without further notice.
  5. The notice shall specify the number of days in which the violation shall be removed or abated, which time shall be not less than three (3) days nor more than ten (10) days, except in emergency cases.

(c) If the violation occurs where the residence or building is unoccupied, the property may be posted as provided in this section. If the property is unimproved, the notice may be placed on a tree or other such object as available.

(d) A written notice containing the same information as the warning notice shall be sent to the owner or any other person having control of the property at the last known address of the owner, or at the address of the person having control, by ordinary mail.

(Ord. No. 2016/ , - -2016)

Sec. 99-502. - Recurring Violations.

Once a notice has been delivered pursuant to County CDC and the same violation recurs on the same lot or tract of land by the same person previously responsible, no further warning notice need be given. Each day a violation continues after the expiration of the warning period to abate such a violation shall constitute a separate offence. Thereafter, the County may issue a notice of violation, stop work order, or such person deemed responsible may be notified to appear in court to answer to the charge against such person.

(Ord. No. 2016/ , - -2016)

Sec. 99-503. - Failure to Act Upon Warning Notice.

Upon neglect or failure to act upon the warning notice of violation, and/or stop work order given as provided in section 99-501 & 502, the County shall issue a notice to appear and shall follow the procedures as follows:

(a) Service of notice to appear. If a warning notice is given and, after the time for removal or abatement has lapsed, the property is reinspected and the County Official finds and determines the violation has not been removed or abated, the County Official shall fill out and sign, as the complainant, a complaint and information form or a notice to appear. The notice to appear shall include the following:

1. Name of the occupant, owner, or person in charge of the property.
2. The address or legal description of the property on which the violation is occurring.
3. This chapter section or other reference the action or condition violates.
4. The date on which the case will be on the court docket for hearing.
5. Any other information deemed pertinent by the County Official.

The original copy of the notice to appear shall be forwarded to the clerk of the court for inclusion on the court's docket for the date indicated on the notice to appear.

(b) Notice to appear; delivery by mail. If no one is found at the property to accept a notice to appear for failure to remove or abate a violation, the County Official shall fill out and sign the notice to appear as the complainant and deliver the original plus one copy to the Clerk of the Court. The Clerk shall verify or insert the date the case has been set for

hearing before the Court. The Clerk shall mail the copy by certified mail to the person named in the notice to appear at that person's last known address.

(c) *Abatement by County; costs assessed to person responsible.* If the occupant, owner, or person in charge of the property for which a warning notice has been given fails to remove or abate the violation in the time specified in the notice, whether on public or private property, the County may, if severe conditions exist that affect health, welfare, safety or severe environmental degradation, remove the violation and thereby abate the violation. If necessary, the County may lawfully enter upon the property on which the violation remains unabated to remove or abate such violation at the cost of the person responsible for creating or maintaining the violation. The violation will be subject to civil fines reflecting the cost to the County, as prosecuted by the County Attorney.

(d) *Payment of costs; special tax bill or judgment.* All costs and expenses incurred by the County in removing or abating any violation on any private property may be assessed against the property as a lien on the property. Alternatively, the cost of removing or abating the violation may be made part of the judgment by the judge, in addition to any other penalties and costs imposed if the person charged either pleads or is found guilty of causing, creating, or maintaining a violation.

(Ord. No. 2016/ , - -2016)

Sec. 99-504. - Penalty for Violation.

(a) Any person, group, firm, association or corporation violating any section of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall pay such penalties as the court may decide, as prescribed by state law, not to exceed \$500.00 or 30 days imprisonment for each violation. Each day during which such conduct shall continue shall subject the offender to the liability prescribed in this article.

(b) In addition to the penalties established and authorized in subsection (a) of this section, the County Attorney shall take other actions at law or in equity as may be required to halt, terminate, remove, or otherwise eliminate any violations of this chapter.

(Ord. No. 2016/ , - -2016)

Sec. 99-505. - Interpretation

(a) *Meaning and Intent*  
All provisions, terms, phrases, and expressions contained in this Ordinance shall be construed according to the general and specific purposes set forth in Section 99-202, Purpose. If a different or more specific meaning is given for a term defined elsewhere in County's Code of Ordinances or in an existing development agreement, the meaning and application of the term in this Ordinance shall control for purposes of application of this Ordinance.

(b) *Text Controls in Event of Conflict*  
In the event of a conflict or inconsistency between the text of this Ordinance and any heading, caption, figure, illustration, table, or map, the text shall control.

(c) *Authority for Interpretation*  
The Administrators have, after consultation with County Attorney, authority to determine the interpretation of this Ordinance. Any person may request an interpretation by submitting a written request to the Administrators who shall respond in writing within thirty

(30) days. The Administrators shall keep on file a record of all written interpretations of this Ordinance.

(d) References to Statutes, Regulations, and Documents

Whenever reference is made to a resolution, Ordinance, statute, regulation, manual (including the BMP Manual), or document, it shall be construed as a reference to the most recent edition of such that has been finalized and published with due provision for notice and comment, unless otherwise specifically stated.

(e) Delegation of Authority

Any act authorized by this Ordinance to be carried out by the County Administrator may be carried out by his or her designee.

(f) Usage

1. Mandatory and Discretionary Terms

The words "shall," "must," and "will" are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words "may" and "should" are permissive in nature.

2. Conjunctions

Unless the context clearly indicates the contrary, conjunctions shall be interpreted as follows: The word "and" indicates that all connected items, conditions, provisions or events apply. The word "or" indicates that one or more of the connected items, conditions, provisions or events apply.

3. Tense, Plurals, and Gender Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

(g) Measurement and Computation

Lot area refers to the amount of horizontal land area contained inside the lot lines of a lot or site.

(Ord. No. 2016/ , - -2016)

Sec. 99-506. - Conflict of Laws

This Ordinance is not intended to modify or repeal any other Ordinance, rule, regulation or other provision of law. The requirements of this Ordinance are in addition to the requirements of any other Ordinance, rule, regulation or other provision of law, and where any provision of this Ordinance imposes restrictions different from those imposed by any other Ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human or environmental health, safety, and welfare, shall control.

(Ord. No. 2016/ , - -2016)

Sec. 99-507. - Severability

If the provisions of any section, subsection, paragraph, subdivision or clause of this Ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this Ordinance.

(Ord. No. 2016/ , - -2016)

This Ordinance will become effective upon approval by Council Council.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: \_\_\_\_\_

Paul Sommerville, Chairman

APPROVED AS TO FORM:

\_\_\_\_\_  
Thomas Keavney, County Attorney

ATTEST:

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

First Reading:

Second Reading:

Public Hearing:

Third and Final Reading:

(Ord. No. 2005/33, § 17, 8-22-2005; Ord. No. 2009/21, §§ I—VI, 5-26-2009; Ord. No. 2015/24, 9-28-2015; Ord. No. 2016/\_\_\_\_, 09-26-2016; Ord. No. 2016/\_\_\_\_, \_\_\_\_ - -2016)

2016 / \_\_

COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT FOR FIVE PARCELS (TOTALING APPROXIMATELY 125 ACRES--R600 021 000 0002 0000, R600 021 000 004A 0000, R600 021 000 0194 0000, R600 021 000 0195 0000, AND R600 021 000 0075 0000; KNOWN AS PEPPER HALL PLANTATION LOCATED ON THE NORTH SIDE OF U.S. HIGHWAY 278 BETWEEN THE OKATIE RIVER AND GRAVES ROAD) FROM:

- COMMUNITY COMMERCIAL AND RURAL FOR A TOTAL OF APPROXIMATELY 33 ACRES FRONTING U.S. HIGHWAY 278 (R600 021 000 0195 0000 AND A PORTION OF R600 021 000 004A 000) TO REGIONAL COMMERCIAL, AND
- RURAL FOR APPROXIMATELY 92 ACRES TO NEIGHBORHOOD MIXED USE (R600 021 000 0002 0000, R600 021 000 0194 0000, R600 021 000 0075 0000, AND A PORTION OF R600 021 000 004A 0000).

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

Adopted this \_\_\_ day of \_\_\_\_, 2016.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: \_\_\_\_\_  
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

\_\_\_\_\_  
Thomas J. Keaveny, II, County Attorney

ATTEST:

\_\_\_\_\_  
Ashley M. Bennett, Clerk to Council

First Reading:

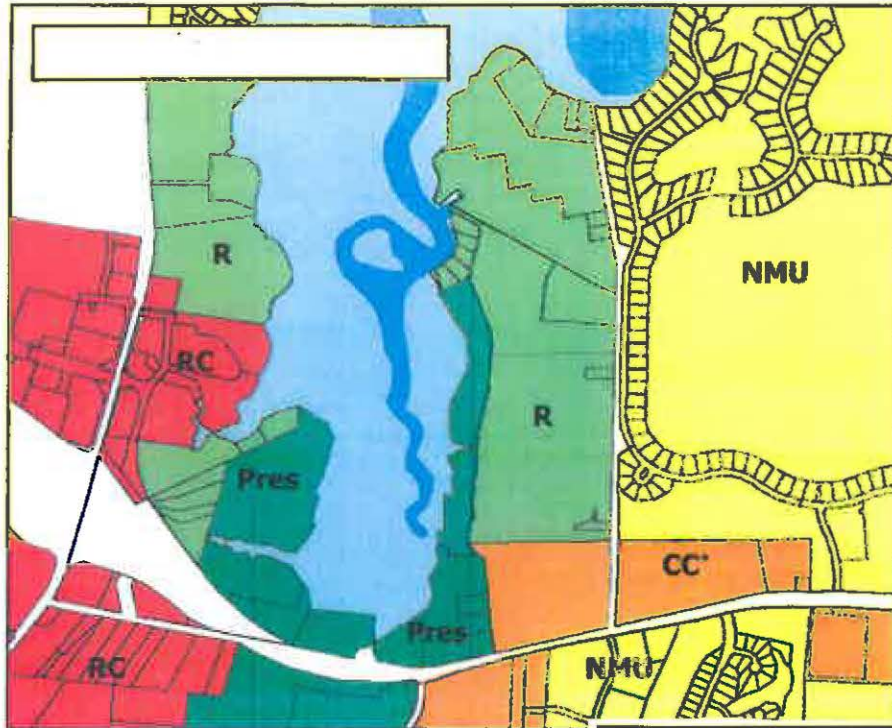
Second Reading:

Public Hearing:

Third and Final Reading:

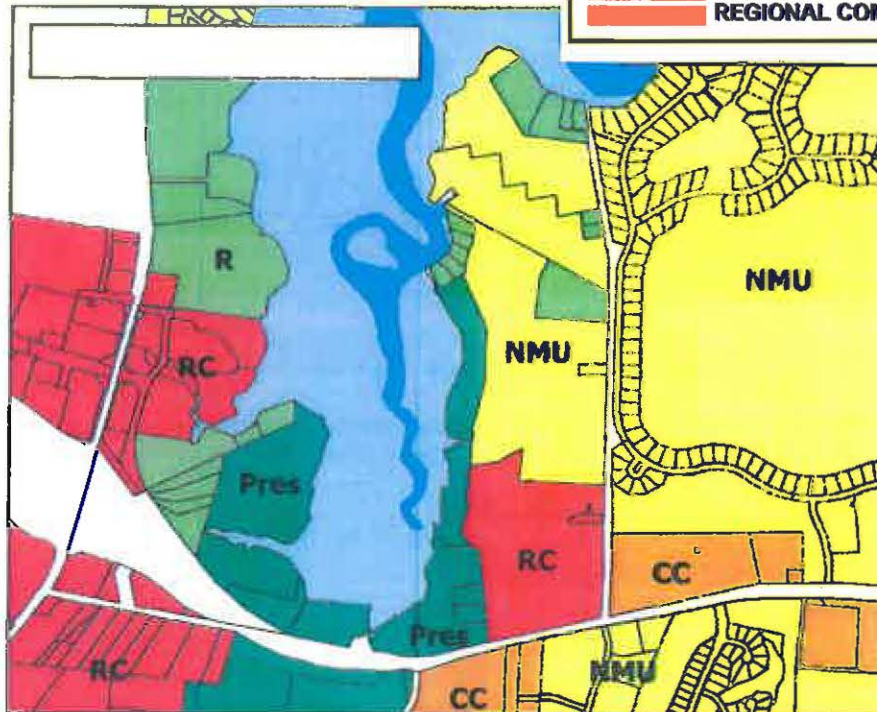
# COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT

**EXISTING:**



FUTURE LAND USE	
	PRESERVED LAND
	RURAL
	NEIGHBORHOOD / MIXED USE
	COMMUNITY COMMERCIAL
	REGIONAL COMMERCIAL

**AMENDED TO:**





2016 / \_\_

SOUTHERN BEAUFORT COUNTY ZONING MAP AMENDMENT FOR FIVE PARCELS (TOTALING APPROXIMATELY 125 ACRES--R600 021 000 0002 0000, R600 021 000 004A 0000, R600 021 000 0194 0000, R600 021 000 0195 0000, AND R600 021 000 0075 0000; KNOWN AS PEPPER HALL PLANTATION LOCATED ON THE NORTH SIDE OF U.S. HIGHWAY 278 BETWEEN THE OKATIE RIVER AND GRAVES ROAD) FROM:

- T2-RURAL ZONING FOR APPROXIMATELY 33 ACRES FRONTING U.S. HIGHWAY 278 (R600 021 000 0195 0000 AND A PORTION OF R600 021 000 004A 000) TO C5 REGIONAL CENTER MIXED USE, AND
- T2-RURAL ZONING FOR APPROXIMATELY 92 ACRES TO C3 NEIGHBORHOOD MIXED USE (R600 021 000 0002 0000, R600 021 000 0194 0000, R600 021 000 0075 0000, AND A PORTION OF R600 021 000 004A 0000).

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 \_\_\_\_, 2016.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: \_\_\_\_\_  
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

\_\_\_\_\_  
Thomas J. Keaveny, II, County Attorney

ATTEST:

\_\_\_\_\_  
Ashley M. Bennett, Clerk to Council

First Reading:

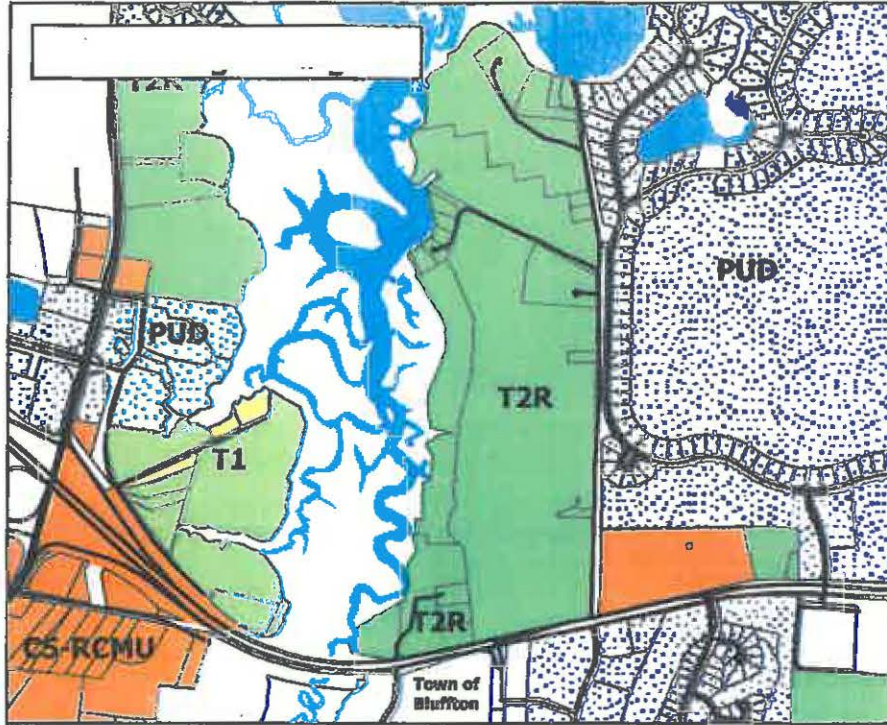
Second Reading:

Public Hearing:

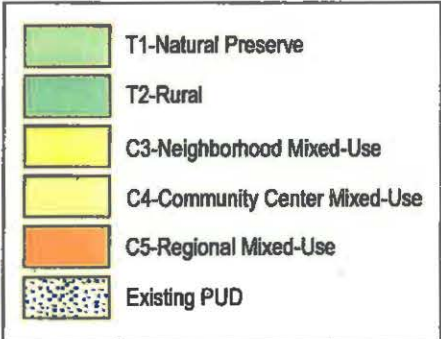
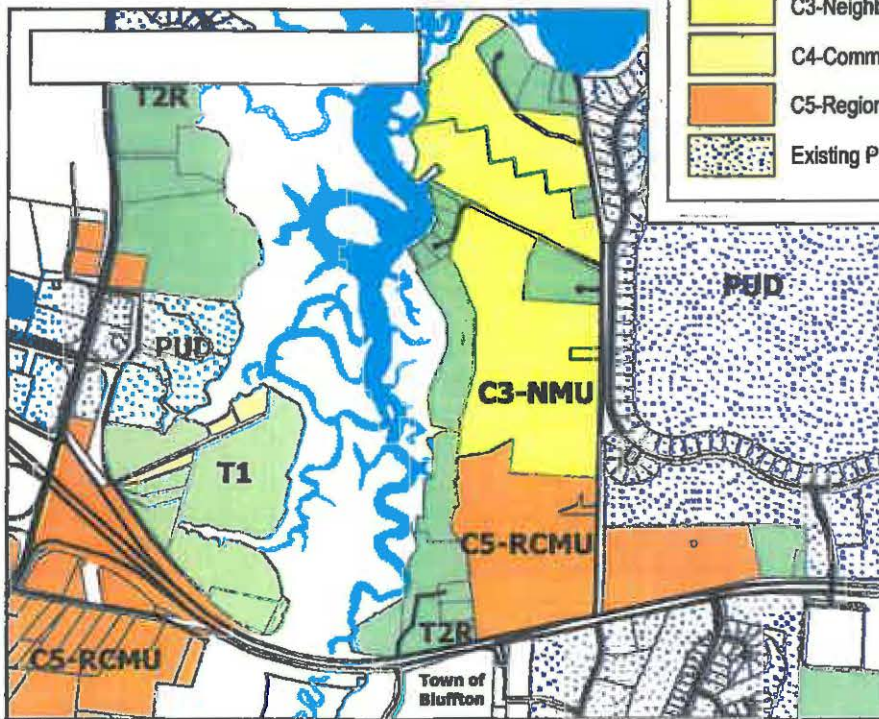
Third and Final Reading:

# SOUTHERN BEAUFORT COUNTY ZONING MAP AMENDMENT

**EXISTING:**



**AMENDED TO:**



ORDINANCE NO. 2016/\_\_\_\_\_

AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS, SERIES 2016B, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF BEAUFORT COUNTY, SOUTH CAROLINA, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$45,000,000; FIXING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE COUNTY ADMINISTRATOR OR HIS LAWFULLY-AUTHORIZED DESIGNEE TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO.

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

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

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

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

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

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

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

(f) In a referendum (the "Referendum") held in the County on November 4, 2014, the following question was submitted to the qualified electors of the County:

"Shall Beaufort County, South Carolina issue general obligation bonds, not to exceed \$20,000,000, representing a borrowing that at no time shall exceed 1 mill in debt service repayment, for the purpose of land preservation, by purchasing land, development rights

and/or conservation easements in all areas of Beaufort County, in order to protect water quality, natural lands, wildlife areas, farmland, parkland, recreational areas, coastal areas, rivers and wetlands, provided that all expenditures shall be prioritized based upon an official criteria and ranking system established for the County, and subject to an annual independent audit and provide that an amount, not to exceed 20 percent (20%) of the amount borrowed may be spent on improvements, outside the scope of general property maintenance, to those lands which have been acquired by Beaufort County, South Carolina under previous rural and critical lands programs and all such lands acquired under this current proposed borrowing?

The Referendum was duly conducted and a majority of the qualified electors of the County voted in favor of the issuance of the general obligation bonds.

(f) The assessed value of all the taxable property in the County as of August 31, 2016, is \$1,725,369,752. Eight percent of the assessed value is \$138,029,580. As of the date hereof, the outstanding general obligation debt of the County subject to the limitation imposed by Article X, Section 14(7) of the Constitution is \$88,833,101. Thus, the County may incur \$51,196,479 additional general obligation debt within its applicable debt limitation. Not to exceed \$20,000,000 of the Bonds will be issued pursuant to the Referendum and therefore will not county against the County's constitutional debt limit.

(g) It is now in the best interest of the County for County Council to provide for the issuance and sale of not exceeding \$45,000,000 principal amount general obligation bonds of the County to provide funds for the following purposes: (i) defraying the costs of the County Rural and Critical Land Preservation Program, stormwater utility projects, and public safety capital projects; (ii) paying costs of issuance of the Bonds (hereinafter defined); and (iii) such other lawful purposes as the County Council shall determine.

SECTION 2. Authorization and Details of Bonds. Pursuant to the aforesaid provisions of the Constitution and laws of the State, there is hereby authorized to be issued not exceeding \$45,000,000 aggregate principal amount of general obligation bonds of the County to be designated "\$45,000,000 (or such lesser amount issued) General Obligation Bonds, (appropriate series designation), of Beaufort County, South Carolina" (the "Bonds"), for the purposes set forth in Section 1(f) and other costs incidental thereto, including without limiting the generality of such other costs, engineering, financial and legal fees.

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

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

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

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

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

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

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

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

SECTION 6. Mutilation, Loss, Theft or Destruction of Bonds. In case any Bond shall at any time become mutilated in whole or in part, or be lost, stolen or destroyed, or be so defaced as to impair the value thereof to the owner, the County shall execute and the Registrar shall authenticate and deliver at the principal office of the Registrar, or send by registered mail to the owner thereof at his request, risk and

expense a new Bond of the same series, interest rate and maturity and of like tenor and effect in exchange or substitution for and upon the surrender for cancellation of such defaced, mutilated or partly destroyed Bond, or in lieu of or in substitution for such lost, stolen or destroyed Bond. In any such event the applicant for the issuance of a substitute Bond shall furnish the County and the Registrar evidence or proof satisfactory to the County and the Registrar of the loss, destruction, mutilation, defacement or theft of the original Bond, and of the ownership thereof, and also such security and indemnity in an amount as may be required by the laws of the State of South Carolina or such greater amount as may be required by the County and the Registrar. Any duplicate Bond issued under the provisions of this Section in exchange and substitution for any defaced, mutilated or partly destroyed Bond or in substitution for any allegedly lost, stolen or wholly destroyed Bond shall be entitled to the identical benefits under this Ordinance as was the original Bond in lieu of which such duplicate Bond is issued, and shall be entitled to equal and proportionate benefits with all the other Bonds of the same series issued hereunder.

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

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

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

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

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

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

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

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

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

- (a) comply with the applicable provisions of Sections 103 and 141 through 150 of the Code and any regulations promulgated thereunder so long as the Bonds are outstanding;
- (b) establish such funds, make such calculations and pay such amounts, in the manner and at the times required in order to comply with the requirements of the Code relating to required rebates of certain amounts to the United States; and
- (c) make such reports of such information at the time and places required by the Code.

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

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

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

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

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

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

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

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

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



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

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

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

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

“Government Obligations” shall mean any of the following:

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

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

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

Enacted this \_\_\_ day of \_\_\_\_\_, 2016.

BEAUFORT COUNTY, SOUTH CAROLINA

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Chair, County Council

(SEAL)

ATTEST:

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Clerk, County Council

First Reading, By Title Only: September 12, 2016

Second Reading:

Public Hearing:

Third and Final Reading:

**FORM OF BOND**

UNITED STATES OF AMERICA  
STATE OF SOUTH CAROLINA  
COUNTY OF BEAUFORT  
GENERAL OBLIGATION BOND, SERIES 2016B

No. R-

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

REGISTERED HOLDER:

PRINCIPAL AMOUNT: DOLLARS

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

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

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

This Bond is one of a series of Bonds of like date of original issue, tenor and effect, except as to number, denomination, date of maturity, redemption provisions, and rate of interest, aggregating \_\_\_\_\_ Dollars (\$ \_\_\_\_\_), issued pursuant to and in accordance with the Constitution and laws of the State of South Carolina, including Article X of the Constitution of the State of South Carolina, 1895, as amended; Title 4, Chapter 15, Code of Laws of South Carolina 1976, as amended; Title 11, Chapter 27, Code of Laws of South Carolina 1976, as amended; the favorable results of a referendum; and Ordinance No. \_\_\_\_\_ duly enacted by the County Council on \_\_\_\_\_, 2016.

[Redemption Provisions]

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

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

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

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

BEAUFORT COUNTY, SOUTH CAROLINA

\_\_\_\_\_  
Chair of County Council

(SEAL)

ATTEST:

\_\_\_\_\_  
Clerk of County Council

[FORM OF REGISTRAR'S CERTIFICATE OF AUTHENTICATION]

Date of Authentication:

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

\_\_\_\_\_ as Registrar

By: \_\_\_\_\_ Authorized Officer

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

TEN COM - As tenants in common

UNIF GIFT MIN. ACT

TEN ENT - As tenants by the entireties

\_\_\_\_\_ Custodian (Cust.) (Minor)

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

under Uniform Gifts to Minors

\_\_\_\_\_ (State)

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

[FORM OF ASSIGNMENT]

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

\_\_\_\_\_ (Name and address of Transferee)

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

Dated:

\_\_\_\_\_ Signature Guaranteed:

\_\_\_\_\_ (Authorizing Officer)

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

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

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

[FORM OF CERTIFICATE]

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

BEAUFORT COUNTY, SOUTH CAROLINA

By: \_\_\_\_\_  
Clerk of County Council

**FORM OF NOTICE OF PUBLIC HEARING**

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the County Council of Beaufort County, South Carolina (the "County"), County Administration Building, 100 Ribaut Road, Beaufort, South Carolina, at 6:30 p.m. on October 10, 2016.

The purpose of the public hearing is to consider an Ordinance providing for the issuance and sale of General Obligation Bonds of Beaufort County, South Carolina, in the principal amount of not exceeding \$45,000,000 (the "Bonds"). The proceeds of the bonds will be used for the following purposes: (i) defraying the costs of the County Rural and Critical Land Preservation Program, stormwater utility projects, and public safety capital projects; (ii) paying costs of issuance of the Bonds (hereinafter defined); and (iii) such other lawful purposes as the County Council shall determine.

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

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

COUNTY COUNCIL OF BEAUFORT COUNTY,  
SOUTH CAROLINA

**FORM OF NOTICE**

NOTICE OF ADOPTION OF ORDINANCE

Notice is hereby given that on \_\_\_\_\_, 2016, the Beaufort County Council adopted an ordinance entitled: “ORDINANCE NO. \_\_\_\_\_ AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS, SERIES 2016B, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF BEAUFORT COUNTY, SOUTH CAROLINA, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$45,000,000; FIXING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE COUNTY ADMINISTRATOR OR HIS LAWFULLY-AUTHORIZED DESIGNEE TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO” (the “Ordinance”).

The proceeds of the Bonds will be used for the following purposes: (i) defraying the costs of the County Rural and Critical Land Preservation Program, stormwater utility projects, and public safety capital projects; (ii) paying costs of issuance of the Bonds; and (iii) such other lawful purposes as the County Council shall determine.

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

COUNTY COUNCIL OF BEAUFORT COUNTY,  
SOUTH CAROLINA



**FORM OF NOTICE OF SALE**

OFFICIAL NOTICE OF SALE

\$\_\_\_\_\_ GENERAL OBLIGATION BONDS, SERIES 2016\_,  
OF BEAUFORT COUNTY, SOUTH CAROLINA

Time and Place of Sale: NOTICE IS HEREBY GIVEN that sealed bids, facsimile bids and electronic bids will be received on behalf of Beaufort County, South Carolina (the "County"), 100 Ribaut Road, Beaufort, South Carolina, until 11:00 a.m, South Carolina time, on \_\_\_\_\_, \_\_\_\_\_, 2016, at which time said proposals will be publicly opened for the purchase of \$\_\_\_\_\_ General Obligation Bonds, Series 2016\_, of the County (the "Bonds").

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

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

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

The Bonds will be issued in fully-registered form registered as to principal and interest; will be dated \_\_\_\_\_, 2016; will be in denominations of \$5,000 or any integral multiple thereof not exceeding the principal amount of Bonds maturing in each year; and will mature serially in successive annual installments on \_\_\_\_\_ in each of the years and in the principal amounts as follows:

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

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

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

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

[Redemption Provisions]

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

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

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

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

Good Faith Deposit: No good faith deposit is required.

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

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

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

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

Delivery: The Bonds will be delivered on or about \_\_\_\_\_, 2016, in New York, New York, at the expense of the County. The balance of the purchase price then due, including the amount of accrued interest, must be paid in federal funds or other immediately available funds.

BEAUFORT COUNTY, SOUTH CAROLINA

**FORM OF DISCLOSURE DISSEMINATION AGENT AGREEMENT**

This Disclosure Dissemination Agent Agreement (the “Disclosure Agreement”), dated as of \_\_\_\_\_, 2016, is executed and delivered by Beaufort County, South Carolina (the “Issuer”) and Digital Assurance Certification, L.L.C., as exclusive Disclosure Dissemination Agent (the “Disclosure Dissemination Agent” or “DAC”) for the benefit of the Holders (hereinafter defined) of the Bonds (hereinafter defined) and in order to provide certain continuing disclosure with respect to the Bonds in accordance with Rule 15c2-12 of the United States Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time (the “Rule”).

The services provided under this Disclosure Agreement solely relate to the execution of instructions received from the Issuer through use of the DAC system and do not constitute “advice” within the meaning of the Dodd-Frank Wall Street Reform and Consumer Protection Act (the “Act”). DAC will not provide any advice or recommendation to the Issuer or anyone on the Issuer’s behalf regarding the “issuance of municipal securities” or any “municipal financial product” as defined in the Act and nothing in this Disclosure Agreement shall be interpreted to the contrary.

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

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

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

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

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

“Bonds” means the bonds as listed on the attached Exhibit A, with the 9-digit CUSIP numbers relating thereto.

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

“Disclosure Representative” means the Finance Director, or his or her designee, or such other person as the Issuer shall designate in writing to the Disclosure Dissemination Agent from time to time as the person responsible for providing Information to the Disclosure Dissemination Agent.

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

“Failure to File Event” means the Issuer’s failure to file an Annual Report on or before the Annual Filing Date.

“Force Majeure Event” means: (i) acts of God, war, or terrorist action; (ii) failure or shut-down of the Electronic Municipal Market Access system maintained by the MSRB; or (iii) to the extent beyond the Disclosure Dissemination Agent’s reasonable control, interruptions in telecommunications or utilities services, failure, malfunction or error of any telecommunications, computer or other electrical, mechanical or technological application, service or system, computer virus, interruptions in Internet service or telephone service (including due to a virus, electrical delivery problem or similar occurrence) that affect Internet users generally, or in the local area in which the Disclosure Dissemination Agent or the MSRB is located, or acts of any government, regulatory or any other competent authority the effect of which is to prohibit the Disclosure Dissemination Agent from performance of its obligations under this Disclosure Agreement.

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

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

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

“Notice Event” means any of the events enumerated in paragraph (b)(5)(i)(C) of the Rule and listed in Section 4(a) of this Disclosure Agreement.

“Obligated Person” means any person, including the Issuer, who is either generally or through an enterprise, fund, or account of such person committed by contract or other arrangement to support payment of all, or part of the obligations on the Bonds (other than providers of municipal bond insurance, letters of credit, or other liquidity facilities), as shown on Exhibit A.

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

“Trustee” means the institution, if any, identified as such in the document under which the Bonds were issued.

“Voluntary Event Disclosure” means information of the category specified in any of subsections (e)(vi)(1) through (e)(vi)(11) of Section 2 of this Disclosure Agreement that is accompanied by a

Certification of the Disclosure Representative containing the information prescribed by Section 7(a) of this Disclosure Agreement.

“Voluntary Financial Disclosure” means information of the category specified in any of subsections (e)(vii)(1) through (e)(vii)(9) of Section 2 of this Disclosure Agreement that is accompanied by a Certification of the Disclosure Representative containing the information prescribed by Section 7(b) of this Disclosure Agreement.

**SECTION 2. Provision of Annual Reports.**

(a) The Issuer shall provide, annually, an electronic copy of the Annual Report and Certification to the Disclosure Dissemination Agent, together with a copy for the Trustee, not later than the Annual Filing Date. Promptly upon receipt of an electronic copy of the Annual Report and the Certification, the Disclosure Dissemination Agent shall provide an Annual Report to the MSRB not later than the next February 1 after the end of each fiscal year of the Issuer, commencing with the fiscal year ending June 30, 2017. Such date and each anniversary thereof is the Annual Filing Date. The Annual Report may be submitted as a single document or as separate documents comprising a package, and may cross-reference other information as provided in Section 3 of this Disclosure Agreement.

(b) If on the fifteenth (15th) day prior to the Annual Filing Date, the Disclosure Dissemination Agent has not received a copy of the Annual Report and Certification, the Disclosure Dissemination Agent shall contact the Disclosure Representative by telephone and in writing (which may be by e-mail) to remind the Issuer of its undertaking to provide the Annual Report pursuant to Section 2(a). Upon such reminder, the Disclosure Representative shall either (i) provide the Disclosure Dissemination Agent with an electronic copy of the Annual Report and the Certification no later than two (2) business days prior to the Annual Filing Date, or (ii) instruct the Disclosure Dissemination Agent in writing that the Issuer will not be able to file the Annual Report within the time required under this Disclosure Agreement, state the date by which the Annual Report for such year will be provided and instruct the Disclosure Dissemination Agent that a Failure to File Event has occurred and to immediately send a notice to the MSRB in substantially the form attached as Exhibit B, accompanied by a cover sheet completed by the Disclosure Dissemination Agent in the form set forth in Exhibit C-1.

(c) If the Disclosure Dissemination Agent has not received an Annual Report and Certification by 6:00 p.m. Eastern time on Annual Filing Date (or, if such Annual Filing Date falls on a Saturday, Sunday or holiday, then the first business day thereafter) for the Annual Report, a Failure to File Event shall have occurred and the Issuer irrevocably directs the Disclosure Dissemination Agent to immediately send a notice to the MSRB in substantially the form attached as Exhibit B without reference to the anticipated filing date for the Annual Report, accompanied by a cover sheet completed by the Disclosure Dissemination Agent in the form set forth in Exhibit C-1.

(d) If Audited Financial Statements of the Issuer are prepared but not available prior to the Annual Filing Date, the Issuer shall, when the Audited Financial Statements are available, provide in a timely manner an electronic copy to the Disclosure Dissemination Agent, accompanied by a Certification, together with a copy for the Trustee, for filing with the MSRB.

(e) The Disclosure Dissemination Agent shall:

(i) verify the filing specifications of the MSRB each year prior to the Annual Filing Date;

- (ii) upon receipt, promptly file each Annual Report received under Sections 2(a) and 2(b) with the MSRB;
- (iii) upon receipt, promptly file each Audited Financial Statement received under Section 2(d) with the MSRB;
- (iv) upon receipt, promptly file the text of each Notice Event received under Sections 4(a) and 4(b)(ii) with the MSRB, identifying the Notice Event as instructed by the Issuer pursuant to Section 4(a) or 4(b)(ii) (being any of the categories set forth below) when filing pursuant to Section 4(c) of this Disclosure Agreement:
  - “Principal and interest payment delinquencies;”
  - “Non-Payment related defaults, if material;”
  - “Unscheduled draws on debt service reserves reflecting financial difficulties;”
  - “Unscheduled draws on credit enhancements reflecting financial difficulties;”
  - “Substitution of credit or liquidity providers, or their failure to perform;”
  - “Adverse tax opinions, IRS notices or events affecting the tax status of the security;”
  - “Modifications to rights of securities holders, if material;”
  - “Bond calls, if material;”
  - “Defeasances;”
  - “Release, substitution, or sale of property securing repayment of the securities, if material;”
  - “Rating changes;”
  - “Tender offers;”
  - “Bankruptcy, insolvency, receivership or similar event of the obligated person;”
  - “Merger, consolidation, or acquisition of the obligated person, if material;” and
  - “Appointment of a successor or additional trustee, or the change of name of a trustee, if material;”
- (v) upon receipt (or irrevocable direction pursuant to Section 2(c) of this Disclosure Agreement, as applicable), promptly file a completed copy of Exhibit B to this Disclosure Agreement with the MSRB, identifying the filing as “Failure to provide annual financial information as required” when filing pursuant to Section 2(b)(ii) or Section 2(c) of this Disclosure Agreement;
- (vi) upon receipt, promptly file the text of each Voluntary Event Disclosure received under Section 7(a) with the MSRB, identifying the Voluntary Event Disclosure as

instructed by the Issuer pursuant to Section 7(a) (being any of the categories set forth below) when filing pursuant to Section 7(a) of this Disclosure Agreement:

1. “amendment to continuing disclosure undertaking;”
2. “change in obligated person;”
3. “notice to investors pursuant to bond documents;”
4. “certain communications from the Internal Revenue Service;”
5. “secondary market purchases;”
6. “bid for auction rate or other securities;”
7. “capital or other financing plan;”
8. “litigation/enforcement action;”
9. “change of tender agent, remarketing agent, or other on-going party;”
10. “derivative or other similar transaction;” and
11. “other event-based disclosures;”

(vii) upon receipt, promptly file the text of each Voluntary Financial Disclosure received under Section 7(b) with the MSRB, identifying the Voluntary Financial Disclosure as instructed by the Issuer pursuant to Section 7(b) (being any of the categories set forth below) when filing pursuant to Section 7(b) of this Disclosure Agreement:

1. “quarterly/monthly financial information;”
2. “change in fiscal year/timing of annual disclosure;”
3. “change in accounting standard;”
4. “interim/additional financial information/operating data;”
5. “budget;”
6. “investment/debt/financial policy;”
7. “information provided to rating agency, credit/liquidity provider or other third party;”
8. “consultant reports;” and
9. “other financial/operating data.”



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

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

(g) Any Information received by the Disclosure Dissemination Agent before 6:00 p.m. Eastern time on any business day that it is required to file with the MSRB pursuant to the terms of this Disclosure Agreement and that is accompanied by a Certification and all other information required by the terms of this Disclosure Agreement will be filed by the Disclosure Dissemination Agent with the MSRB no later than 11:59 p.m. Eastern time on the same business day; provided, however, the Disclosure Dissemination Agent shall have no liability for any delay in filing with the MSRB if such delay is caused by a Force Majeure Event provided that the Disclosure Dissemination Agent uses reasonable efforts to make any such filing as soon as possible.

### SECTION 3. Content of Annual Reports.

(a) Each Annual Report shall contain Annual Financial Information with respect to the Issuer, including the information provided in the Official Statement as follows:

- (i) The financial statements of the Issuer for the preceding fiscal year prepared in accordance with generally accepted accounting principles as promulgated to apply to governmental entities from time to time by the Governmental Accounting Standards Board (or if not in conformity, to be accompanied by a qualitative discussion of the differences in the accounting principles and the impact of the change in the accounting principles on the presentation of the financial information). If the Issuer's audited financial statements are not available by the time the Annual Report is required to be filed pursuant to Section 3(a), the Annual Report shall contain unaudited financial statements in a format similar to the financial statements contained in the final Official Statement, and the audited financial statements shall be filed in the same manner as the Annual Report when they become available.
- (ii) Financial and operating data for the fiscal year then ended, to the extent such information is not included in the Issuer's audited financial statements filed pursuant to clause (1) above, which shall be generally consistent with the tabular information (or other information, as otherwise noted below) contained in the Official Statement under the following headings: "THE BONDS—Security;" "DEBT STRUCTURE—Outstanding Indebtedness;" and "CERTAIN FISCAL MATTERS—Assessed Value of Taxable Property in the County," "—Estimated True Value of All Taxable Property in the County," "—Tax Rates," "—Tax Collections for Last Five Years," and "—Ten Largest Taxpayers."

Any or all of the items listed above may be included by specific reference to other documents, including official statements of debt issues of the Issuer, which have been submitted to the MSRB. If the document included by reference is a final official statement, it must be available from the MSRB. The Issuer shall clearly identify each such other document so included by reference.

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

Any annual financial information containing modified operating data or financial information is required to explain, in narrative form, the reasons for the modification and the impact of the change in the type of operating data or financial information being provided.

#### SECTION 4. Reporting of Notice Events.

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

- (i) Principal and interest payment delinquencies;
- (ii) Non-payment related defaults, if material;
- (iii) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (iv) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (v) Substitution of credit or liquidity providers, or their failure to perform;
- (vi) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Series 2016\_ Bonds, or other material events affecting the tax status of the Series 2016\_ Bonds;
- (vii) Modifications to rights of Bond holders, if material;
- (viii) Bond calls, if material, and tender offers;
- (ix) Defeasances;
- (x) Release, substitution, or sale of property securing repayment of the Series 2016\_ Bonds, if material;
- (xi) Rating changes;
- (xii) Bankruptcy, insolvency, receivership or similar event of the Obligated Person;

**Note to subsection (a)(12) of this Section 4:** For the purposes of the event described in subsection (a)(12) of this Section 4, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for an Obligated Person in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets

or business of the Obligated Person, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the Obligated Person.

- (xiii) The consummation of a merger, consolidation, or acquisition involving an Obligated Person or the sale of all or substantially all of the assets of the Obligated Person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
- (xiv) Appointment of a successor or additional trustee or the change of name of a trustee, if material.

The Issuer shall, in a timely manner not in excess of ten business days after its occurrence, notify the Disclosure Dissemination Agent in writing of the occurrence of a Notice Event. Such notice shall instruct the Disclosure Dissemination Agent to report the occurrence pursuant to subsection (c) and shall be accompanied by a Certification. Such notice or Certification shall identify the Notice Event that has occurred (which shall be any of the categories set forth in Section 2(e)(iv) of this Disclosure Agreement), include the text of the disclosure that the Issuer desires to make, contain the written authorization of the Issuer for the Disclosure Dissemination Agent to disseminate such information, and identify the date the Issuer desires for the Disclosure Dissemination Agent to disseminate the information (provided that such date is not later than the tenth business day after the occurrence of the Notice Event).

(b) The Disclosure Dissemination Agent is under no obligation to notify the Issuer or the Disclosure Representative of an event that may constitute a Notice Event. In the event the Disclosure Dissemination Agent so notifies the Disclosure Representative, the Disclosure Representative will within two business days of receipt of such notice (but in any event not later than the tenth business day after the occurrence of the Notice Event, if the Issuer determines that a Notice Event has occurred), instruct the Disclosure Dissemination Agent that (i) a Notice Event has not occurred and no filing is to be made or (ii) a Notice Event has occurred and the Disclosure Dissemination Agent is to report the occurrence pursuant to subsection (c) of this Section 4, together with a Certification. Such Certification shall identify the Notice Event that has occurred (which shall be any of the categories set forth in Section 2(e)(iv) of this Disclosure Agreement), include the text of the disclosure that the Issuer desires to make, contain the written authorization of the Issuer for the Disclosure Dissemination Agent to disseminate such information, and identify the date the Issuer desires for the Disclosure Dissemination Agent to disseminate the information (provided that such date is not later than the tenth business day after the occurrence of the Notice Event).

(c) If the Disclosure Dissemination Agent has been instructed by the Issuer as prescribed in subsection (a) or (b)(ii) of this Section 4 to report the occurrence of a Notice Event, the Disclosure Dissemination Agent shall promptly file a notice of such occurrence with MSRB in accordance with Section 2 (e)(iv) hereof. This notice will be filed with a cover sheet completed by the Disclosure Dissemination Agent in the form set forth in Exhibit C-1.

**SECTION 5. CUSIP Numbers.** Whenever providing information to the Disclosure Dissemination Agent, including but not limited to Annual Reports, documents incorporated by reference to the Annual Reports, Audited Financial Statements, Notice Event notices, Failure to File Event notices, Voluntary Event

**ORDINANCE 2016/\_\_\_**

**AN ORDINANCE TO AMEND THE MEMBERSHIP AND COMPOSITION OF THE  
BEAUFORT COUNTY TAX EQUALIZATION BOARD AND TO MODIFY THE NAME  
OF THE TAX EQUALIZATION BOARD TO BE CONSISTENT WITH S.C. CODE  
ANN. 12-60-2510, ET SEQ.**

**WHEREAS**, Act Number 1623 of 1972 of the South Carolina General Assembly created the Beaufort County Tax Equalization Board and authorized appointment to the Board by Beaufort County Council; and

**WHEREAS**, Beaufort County Council subsequently adopted a charter for the Tax Equalization Board that defined the membership of the Board and its powers and duties based upon the language contained within Act Number 1623; and

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

**WHEREAS**, Beaufort County Council believes that it is in the best interests of its citizens to amend the membership, composition and name of the Beaufort County Tax Equalization Board.

**NOW, THEREFORE, BE IT ORDAINED BY BEAUFORT COUNTY COUNCIL**, that the Charter for the Beaufort County Tax Equalization Board is hereby amended and replaced with the following:

**Section 1. Appointive powers of council**

Pursuant to section 4-9-170, Code of Laws of South Carolina, 1976, and section 3 of Act 283, (the Home Rule Act), the Beaufort County Council hereby assumes all appointive powers in regard to the Beaufort County Board of Assessment Appeals.

## **SECTION 2. Composition; terms; vacancies**

The Beaufort County Tax Equalization Board shall, upon the effective date of this Ordinance, hereafter be known as the Beaufort County Board of Assessment Appeals. Membership on, and appointment to, the board shall initially remain as it is. Through the expiration of terms the number of board members will be reduced to nine. To the extent possible County Council shall appoint members to the board such that there is a balance as to the geographical residency of the members of the board and the professional background of the members (by way of example, attorneys, licensed real estate agents, certified real estate appraisers, bankers, etc.) as they relate to the functions of the board. All members appointed to the board shall serve a term of four years. Members of the board shall be appointed and serve until their successors are appointed and qualified. All vacancies shall be filled by appointment in the same manner as the original appointment for the remainder of the unexpired term. Decisions of the board are to be guided by applicable law. The board's decisions are appealable directly to the Administrative Law Court. For this reason members of the board will be sworn to follow the law.

Appeals and other hearings may be conducted by panels of five members chosen from among the nine members of the board. Three members of the panel shall constitute a quorum, unless the parties agree to a lesser number. When only three members of the panel are present to conduct a hearing, the decision of the panel must be unanimous.

Panels may be chosen by a method or methods determined by the board to maximize the efficiency and effectiveness of the board. The method of choosing hearing panels should enable timely consideration of appeals and other matters brought to the board, and should also involve considerations of members' availability and limiting overburdening individual members with hearings.

Beaufort County Council may, by Resolution, add additional members to the board when, in its discretion or at the request of the assessor or the auditor, the number of appeals warrants such an increase. Members of the board who are added to the board under this provision shall serve for a period of two years unless otherwise designated by Council. In the appointment of these members, Council shall attempt to balance geographical residency and professional qualifications.

### **SECTION 3. Duties**

The Board of Assessment Appeals shall hold conferences to act on appeals from the assessments of the county auditor or county assessor as provided by law. When the parties are represented by counsel, the board may, in its discretion, ask counsel to submit memoranda of law and/or a proposed decision to the board and opposing counsel before and/or after the conference if the board believes such material will help it adjudicate the issues before it.

Pursuant to South Carolina law, there is a presumption that the assessor's valuation is correct. In challenging a valuation, the taxpayer bears the burden of proving the assessor's valuation is incorrect.

Conferences shall be held in accordance with the procedures set forth in the South Carolina Code of Laws. The board may meet in closed session to consider evidence presented at the conference, as permitted by state law, but it may not decide the matter in closed session. The decision of the board, and of each board member, must be announced as set forth below.

The board shall issue a decision based upon the evidence before it. The decision must be made by a majority of the board members present at the conference. In case of a tie, the assessor's determination is upheld. At the conclusion of the conference, the decision may be announced orally or it may be reserved for consideration. In either event the board shall vote in public and it shall mail a written decision to the parties within fifteen days after the date of the conference or as soon thereafter as practical. The written decision of the board shall explain the basis for the decision. It shall also identify the panel members who voted in favor of the decision and those, if any, who voted against it. The written decision shall state that if the decision is not appealed it must be certified to the county auditor for entry upon the property tax assessment rolls or tax duplicate and inform the parties of their right to request a contested case hearing before the Administrative Law Court.

The board may change assessments of the county auditor or county assessor for only the current year appealed from unless otherwise authorized by law and agreed to by the county auditor or county assessor. Each change shall be certified by the board to the county auditor or county assessor and shall be adopted by him/her for the purpose of taxation for the year appealed from. The Board of Assessment Appeals shall not make a final determination of any

assessment until the auditor or county assessor has been given an opportunity to present his/her justification for the assessment.

#### **SECTION 4. Officers**

The Board of Assessment Appeals shall meet and elect a chairperson, a vice-chairperson and secretary. The secretary is for succession purposes only. Additionally, each hearing panel shall have a chairperson appointed by the chairperson of the Board of Assessment Appeals for purposes of ensuring the efficient conduct of each hearing.

#### **SECTION 5. Minutes of meetings**

Minutes shall be taken of all conferences of the Board of Assessment Appeals by the board's administrative assistant. The minutes shall be a matter of public record. A copy of the minutes of the board duly certified by the secretary shall be sent to the county auditor and the county assessor. In lieu of a copy of certified minutes, an audio or video recording of the meeting may be substituted so long as a copy of the recording is made available to the auditor, the assessor, the tax collector, and the general public.

#### **SECTION 6. Availability of auditor's and assessor's records; attendance of auditor or assessor at meetings**

The records of the county auditor's office and the county assessor's office shall be available to the board and the board may request the presence of the county auditor or county assessor at any of their meetings.

#### **SECTION 7. Taxpayer's, property owner's right to appeal decisions**

The right is reserved to any property owner, taxpayer or his agent to appeal the decision of the Beaufort County Board of Assessment Appeals to the South Carolina Administrative Law Court for such relief as may be available to him/her under the general law.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2016.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: \_\_\_\_\_  
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

\_\_\_\_\_  
Thomas J. Keaveny, II, County Attorney

ATTEST:

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

First Reading: September 12, 2016

Second Reading:

Public Hearing:

Third and Final Reading:



ORDINANCE 2016/\_\_\_

AN ORDINANCE TO APPROPRIATE FUNDS NOT TO EXCEED \$250,000 FROM THE  
3% LOCAL ACCOMMODATIONS TAX FUNDS TO THE COUNTY GENERAL FUND  
FOR CONSTRUCTION OF THE SPANISH MOSS TRAIL – PHASE 7

WHEREAS, Beaufort County has developed a bicycle and pedestrian trail for use by the public and visitors as part of Beaufort County’s Rails to Trails program; and

WHEREAS, to complete the construction of the Spanish Moss Trail - Phase 7 project, funds not to exceed \$250,000.00 are required; and

WHEREAS, Beaufort County Council believes that it is in the best interests of its citizens and to visitors of Beaufort County, to provide them with a safe and accessible pedestrian and bicycle route that will not only become a recreational asset, but provide an alternative mode of transportation that will link people to jobs, services and schools.

NOW, THEREFORE, BE IT ORDAINED by Beaufort County Council that a transfer in the amount of \$250,000.00 is hereby authorized from the 3% Local Accommodations Tax Fund to the General Fund for the purpose of constructing the Spanish Moss Trail – Phase 7.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2016.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: \_\_\_\_\_  
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

\_\_\_\_\_  
Thomas J. Keaveny, II, County Attorney

ATTEST:

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

First Reading: September 12, 2016

Second Reading:

Public Hearing:

Third and Final Reading:



COUNTY COUNCIL OF BEAUFORT COUNTY  
PURCHASING DEPARTMENT

106 Industrial Village Road, Bldg. 2, Post Office Drawer 1228  
Beaufort, South Carolina 29901-1228

David L Thomas, Purchasing Director  
dthomas@bcgov.net 843.255.2353

**TO:** Councilman William McBride. Chairman. Community Services Committee

**FROM:** David L Thomas. CPPO. Purchasing Director

**SUBJ:** State Contract Purchase  
VoIP Licensing and Support from a State Contract Vendor

**DATE:** 09/23/2016

**BACKGROUND:**

The Information Technology Division seeks to secure SMARTnet licensing and support for its voice over Internet Protocol (VoIP) system (Cisco voice software coverage) for the period of 9/1/16 to 8/31/17 from a state contract vendor. This purchase will allow for continuity of communications in support of County operations.

**VENDOR INFORMATION:**

NWN Corporation, Greenville, SC

**COST:**

\$155,896.02

**FUNDING:**

10001150-51110, IT-Systems Management Maintenance Contracts

Funding approved: Yes By: Imaietta Date: 09/23/2016

**FOR ACTION:**

Community Services Committee meeting occurring September 26, 2016.

**RECOMMENDATION:**

The Purchasing Department recommends that the Community Services Committee approve the contract renewal of \$155,896.02 for VoIP licensing and support from NWN Corporation of Greenville, SC via State contract pricing.

Attachment:  VoIP Attachments.pdf  
1.67 MB

cc: Gary Kubic, County Administrator

Approved:  Date:

Check to override approval:  Overridden by:

Override Date:

Joshua Gruber, Deputy County Administrator/Special Counsel

Approved:  Date:

Check to override approval:  Overridden by:

Override Date:

Alicia Holland, Assistant County Administrator, Finance

Approved:  Date:

Monica Spells Assistant County Administrator, Civic Engagem

Approved:  Date:

Check to override approval:  Overridden by:

Override Date:

ready for admin:

**After Initial Submission, Use the Save and Close Buttons**



# Quote

NWN Corporation  
 124 Verdae Boulevard  
 Suite 303  
 Greenville, SC 29607  
 Phone: 864.679.4800

**Date** 8/8/2016  
**Quote #** QT112517  
**Expires** 8/31/2016  
**Sales Rep** Roland, Stacy  
**IAE** Christopher, Brent  
**Project**  
**Terms** Net 30  
**Quote Title** 2016-17 Cisco SMARTnet  
 Renewal

**Quote for:**  
 James Johnson  
 Beaufort County  
 104 Ribaut Rd., A.Horne Bldg  
 Beaufort SC 29902  
 United States

**Ship To:**  
 James Johnson  
 Beaufort County  
 104 Ribaut Rd., A.Horne Bldg  
 Beaufort SC 29902  
 United States

Item	Qua...	Description	Price	Amount
CON-ECMU-1	1	CISCO ESSENTIAL SOFTWARE WITH 8X5XNBD SERVICE RENWAL Contract 93969041	93,198.78	93,198.78
CON-SAS-1	1	SmartNet SW App Support Package-Renewal Contract 93969042	3,266.40	3,266.40
CON-SNT-1	1	SmartNet 8x5xNBD-Renewal Contract 93969052	32,640.51	32,640.51
CON-SNTP-1	1	SmartNet 24x7x4-Renewal Contract 93969052	26,790.32	26,790.32
Please see attached spreadsheet for details Coverage co-termed to 8/31/17 SC State 4400002988 Contract				
<b>Total</b>				<b>\$155,896.01</b>



QT112517

SMARTnet Renewal Details for: Beaufort County, SC 2016-17

INSTANCE NUMBER	SERIAL NUMBER	PRODUCT NUMBER	PRODUCT DESCRIPTION	QTY	CONTRACT #	SERVICE LEVEL	BEGIN DATE	END DATE	BCG price
1530647579		CIAC-PAME-EDI=	Cisco PAM Enterprise Data Integration Licent	1	93969042	SAS SW Application Supp	01-Sep-2016	31-Aug-2017	\$720.00
1530647581		CIAC-PAME-M128=	Cisco PAM 128 Module License	1	93969042	SAS SW Application Supp	01-Sep-2016	31-Aug-2017	\$600.00
1530647583		CIAC-PAME-M1X-K9	Cisco PAM Software Version 1.X (MSP )	1	93969042	SAS SW Application Supp	01-Sep-2016	31-Aug-2017	\$960.00
1530647582		L-CPS-MS-SW7=	EDelivery License for one Media Server on M-1	1	93969042	SAS SW Application Supp	01-Sep-2016	31-Aug-2017	\$136.00
1530647580		L-CPS-OM-SW7=	EDelivery License for one Operations Manage	1	93969042	SAS SW Application Supp	01-Sep-2016	31-Aug-2017	\$850.40
861574864	FCW1544LOAC	AIR-CT5508-250-K9	Cisco 5508 Series Wireless Controller for up	11	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$6,759.20
1817052080	FDO20231JD3	C1-N9K-C9372PX-E	Cisco ONE Nexus 9300 with 48p 10G SFP+ e	1	93969052	SNT 8x5xNBD	10-Jul-2017	31-Aug-2017	\$122.90
1320532966	FOC1702N44J	CIAC-GW-IP10	Cisco Physical Access Input Module	1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$35.20
1320533015	FOC1702N44S	CIAC-GW-IP10	Cisco Physical Access Input Module	1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$35.20
1320413007	FOC1702N45B	CIAC-GW-IP10	Cisco Physical Access Input Module	1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$35.20
1320452777	FOC1702N45E	CIAC-GW-IP10	Cisco Physical Access Input Module	1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$35.20
1320533059	FOC1702N463	CIAC-GW-IP10	Cisco Physical Access Input Module	1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$35.20
1320533028	FOC1703N18K	CIAC-GW-IP10	Cisco Physical Access Input Module	1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$35.20
1320413076	FOC1703N190	CIAC-GW-IP10	Cisco Physical Access Input Module	1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$35.20
1310592362	FOC1708N6JF	CIAC-GW-K9	Cisco Physical Access Gateway	1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$60.80
1350430442	FOC1708N6LK	CIAC-GW-K9	Cisco Physical Access Gateway	1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$60.80
1350430590	FOC1708N6MK	CIAC-GW-K9	Cisco Physical Access Gateway	1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$60.80
1350406790	FOC1708N6MT	CIAC-GW-K9	Cisco Physical Access Gateway	1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$60.80
1427531207	FOC1718N5GD	CIAC-GW-K9	Cisco Physical Access Gateway	1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$60.80
1589644080	FOC1833NRYE	CIAC-GW-K9	Cisco Physical Access Gateway	1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$60.80
1747582492	FOC1947N66A	CIAC-GW-K9	Cisco Physical Access Gateway	1	93969052	SNT 8x5xNBD	19-Dec-2016	31-Aug-2017	\$46.71
1318177887	FOC1702N46N	CIAC-GW-OP8	Cisco Physical Access Output Module	1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$35.20
1318177868	FOC1702N47B	CIAC-GW-OP8	Cisco Physical Access Output Module	1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$35.20
1318177894	FOC1702N47F	CIAC-GW-OP8	Cisco Physical Access Output Module	1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$35.20
1318177832	FOC1702N47G	CIAC-GW-OP8	Cisco Physical Access Output Module	1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$35.20
1318177872	FOC1703N0W2	CIAC-GW-OP8	Cisco Physical Access Output Module	1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$35.20
1318177753	FOC1703N0W0	CIAC-GW-OP8	Cisco Physical Access Output Module	1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$35.20
1310601493	FOC1651N48P	CIAC-GW-RDR	Cisco Physical Access Reader Module	1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$41.60
1308288026	FOC1701N34K	CIAC-GW-RDR	Cisco Physical Access Reader Module	1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$41.60
1308288070	FOC1701N34X	CIAC-GW-RDR	Cisco Physical Access Reader Module	1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$41.60
1308288017	FOC1701N350	CIAC-GW-RDR	Cisco Physical Access Reader Module	1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$41.60
1308287975	FOC1701N355	CIAC-GW-RDR	Cisco Physical Access Reader Module	1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$41.60
1308288032	FOC1701N369	CIAC-GW-RDR	Cisco Physical Access Reader Module	1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$41.60
1308288009	FOC1701N36Q	CIAC-GW-RDR	Cisco Physical Access Reader Module	1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$41.60
1308288055	FOC1701N36V	CIAC-GW-RDR	Cisco Physical Access Reader Module	1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$41.60
1308288040	FOC1701N377	CIAC-GW-RDR	Cisco Physical Access Reader Module	1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$41.60
1760590415	FOC2001N8VX	CIAC-GW-RDR	Cisco Physical Access Reader Module	1	93969052	SNT 8x5xNBD	29-Jan-2017	31-Aug-2017	\$26.85
1422021476	FTX1723AHTQ	CISCO3925/K9	Cisco 3925 w/SPE100(3GE,4EHWIC,4DSP) 2.1	1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$906.40
1422020293	FTX1723AHTX	CISCO3925/K9	Cisco 3925 w/SPE100(3GE,4EHWIC,4DSP) 2.1	1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$906.40
1262445761	VTW16465271	CIVS-IPC-3421V	*Cisco Video Surveillance 1MP IP Indoor Don1	1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$72.80
1262429852	VTW16465272	CIVS-IPC-3421V	*Cisco Video Surveillance 1MP IP Indoor Don1	1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$72.80
1262429843	VTW16465274	CIVS-IPC-3421V	*Cisco Video Surveillance 1MP IP Indoor Don1	1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$72.80
1262445819	VTW16465286	CIVS-IPC-3421V	*Cisco Video Surveillance 1MP IP Indoor Don1	1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$72.80
1262445898	VTW16465287	CIVS-IPC-3421V	*Cisco Video Surveillance 1MP IP Indoor Don1	1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$72.80
1262445827	VTW16465288	CIVS-IPC-3421V	*Cisco Video Surveillance 1MP IP Indoor Don1	1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$72.80





1311725781	VTW16490695	CIVS-IPC-7030=	^Cisco Video Surveillance 5MP IP Outdoor Dc 1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$130.40
1800419203	VTW20140931	CIVS-IPC-7030E	Cisco Video Surveillance 5MP IP Outdoor Do 1	93969052	SNT 8x5xNBD	25-May-2017	31-Aug-2017	\$33.75
1320496885	AMX17040007	CIVS-JOY1-USB=	USB Joystick for Operations Manager 1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$41.60
1144330507	FTX1651M0A2	CPS-MSP-1RU-K9	^MSP 1-RU Cisco Physical Security MultiServ 1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$246.40
1436750020	FTX1729M04H	CPS-MSP-1RU-K9	^MSP 1-RU Cisco Physical Security MultiServ 1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$246.40
1066848274	FTX1644M04H	CPS-MSP-2RU-K9	^MSP 2-RU Cisco Physical Security MultiServ 1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$796.80
1325434891	FTX1714M00S	CPS-MSP-2RU-K9	^MSP 2-RU Cisco Physical Security MultiServ 1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$796.80
445559014	0852080108	IPVC-3545-CHAS=	^Unified Videoconf. 3545 Chassis, 4 Slots, Dc 1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Jan-2017	\$578.46
462460019	0847080018	IPVC-3545-EMP	Unified Videoconf. 3545 Enhanced Media Pro 1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Jan-2017	\$2,699.50
462460003	0907080054	IPVC-3545-MCU	^Unified Videoconf. 3545 MCU Module, 96 Al 1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Jan-2017	\$1,771.95
1816319502	FOC2025R1R1	N2348TQ-FA-BUN	Standard airflow pack: N2K-C2348TQ, 2AC P 1	93969052	SNT 8x5xNBD	08-Jul-2017	31-Aug-2017	\$37.98
1820406409	FOC2026R1R3	N2348TQ-FA-BUN	Standard airflow pack: N2K-C2348TQ, 2AC P 1	93969052	SNT 8x5xNBD	19-Jul-2017	31-Aug-2017	\$30.38
1820434757	FOC2026R1TB	N2348TQ-FA-BUN	Standard airflow pack: N2K-C2348TQ, 2AC P 1	93969052	SNT 8x5xNBD	19-Jul-2017	31-Aug-2017	\$30.38
1820433376	FOC2026R1UQ	N2348TQ-FA-BUN	Standard airflow pack: N2K-C2348TQ, 2AC P 1	93969052	SNT 8x5xNBD	19-Jul-2017	31-Aug-2017	\$30.38
1820448988	FOC2026R1VH	N2348TQ-FA-BUN	Standard airflow pack: N2K-C2348TQ, 2AC P 1	93969052	SNT 8x5xNBD	19-Jul-2017	31-Aug-2017	\$30.38
1472017510	FCH1733R04F	VG202	^Cisco VG202 Analog Voice Gateway 1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$58.40
462245961	FHK1320F1GE	VG224-MP	^VG224 for MultiPack 1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$396.80
462246636	FHK1320F1GF	VG224-MP	^VG224 for MultiPack 1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$396.80
462245723	FHK1320F1GG	VG224-MP	^VG224 for MultiPack 1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$396.80
462245808	FHK1320F1GH	VG224-MP	^VG224 for MultiPack 1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$396.80
462246252	FHK1320F1GK	VG224-MP	^VG224 for MultiPack 1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$396.80
462246180	FHK1320F1GL	VG224-MP	^VG224 for MultiPack 1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$396.80
462246469	FHK1320F1GM	VG224-MP	^VG224 for MultiPack 1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$396.80
462246027	FHK1320F1GN	VG224-MP	^VG224 for MultiPack 1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$396.80
462245887	FHK1320F1GP	VG224-MP	^VG224 for MultiPack 1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$396.80
462246105	FHK1320F1GQ	VG224-MP	^VG224 for MultiPack 1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$396.80
462246544	FHK1320F1GR	VG224-MP	^VG224 for MultiPack 1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$396.80
462245596	FHK1320F1GS	VG224-MP	^VG224 for MultiPack 1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$396.80
462246387	FHK1320F1GT	VG224-MP	^VG224 for MultiPack 1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$396.80
462246317	FHK1320F1GU	VG224-MP	^VG224 for MultiPack 1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$396.80
462246707	FHK1320F26L	VG224-MP	^VG224 for MultiPack 1	93969052	SNT 8x5xNBD	01-Sep-2016	31-Aug-2017	\$396.80
254614384	JMX0944K09P	ASA5520-BUN-K9	^ASA 5520 Appliance with SW, HA, 4GE+1F 1	93969052	SNT 24x7x4	01-Sep-2016	31-Aug-2017	\$1,235.20
254614736	JMX0944K09V	ASA5520-BUN-K9	^ASA 5520 Appliance with SW, HA, 4GE+1F 1	93969052	SNT 24x7x4	01-Sep-2016	31-Aug-2017	\$1,235.20
464022530	FTX1322A0QR	CISCO3845-V/K9	^3845 Voice Bundle, PVD2M2-64, SP Serv, 128F 1	93969052	SNT 24x7x4	01-Sep-2016	31-Oct-2016	\$477.84
464023164	FTX1322A0QU	CISCO3845-V/K9	^3845 Voice Bundle, PVD2M2-64, SP Serv, 128F 1	93969052	SNT 24x7x4	01-Sep-2016	31-Oct-2016	\$477.84
954735796	QCI1621A8WE	UCS-C210M2-VCD2	^Bare Metal UCS C210M2 Svr, 2xE5640 CPL 1	93969052	SNT 24x7x4	01-Sep-2016	31-Aug-2017	\$796.80
340861179	SAL1126T4H9	WS-C6506E-S32-10GE	^Cat6506E chassis, WS-SUP32-10GE-3B, Fx 1	93969052	SNT 24x7x4	01-Sep-2016	31-Mar-2017	\$2,547.72
360467683	SAL114249H9	WS-C6506E-S32-10GE	^Cat6506E chassis, WS-SUP32-10GE-3B, Fx 1	93969052	SNT 24x7x4	01-Sep-2016	31-Mar-2017	\$2,547.72
437543956	SMG1247NASO	WS-C6509-E	Catalyst 6500 Enhanced 9-slot chassis, 14RU 1	93969052	SNT 24x7x4	01-Sep-2016	31-Aug-2017	\$8,736.00
437544001	SMG1247NASY	WS-C6509-E	Catalyst 6500 Enhanced 9-slot chassis, 14RU 1	93969052	SNT 24x7x4	01-Sep-2016	31-Aug-2017	\$8,736.00
<b>VOICE SOFTWARE</b>								
1537956845	ANLG-DEV-UWL	ANLG-DEV-UWL	Analog, non-app device add-on for UWL	288 93969041	ECMU SWSS UPG	01-Sep-2016	31-Aug-2017	\$1,382.40
1537956846	PUBLIC-IP-DEV-UWL	PUBLIC-IP-DEV-UWL	Public Space non-app phone add-on for UWL	100 93969041	ECMU SWSS UPG	01-Sep-2016	31-Aug-2017	\$1,200.00
1537956850	LIC-UWL-STD1K	LIC-UWL-STD1K	Services Mapping SKU, 1K-10K UWL STD us	700 93969041	ECMU SWSS UPG	01-Sep-2016	31-Aug-2017	\$28,000.00
1537956849	LIC-UWL-PRO1K	LIC-UWL-PRO1K	Services Mapping SKU, 1K-10K UWL PRO us	844 93969041	ECMU SWSS UPG	01-Sep-2016	31-Aug-2017	\$54,016.00
1576301722	L-CX85-85U-S-E-S1	L-CX85-85U-S-E-S1	^CCX 8.5 UPGRADE - 8.5 to 8.5 Qty 1 STD-E	37 93969041	ECMU SWSS UPG	01-Sep-2016	31-Aug-2017	\$5,920.00
1576301718	ER10-USR-1	ER10-USR-1	EMRGNCY RSPNDR USR LIC 1 PHN FCR N	1500 93969041	ECMU SWSS UPG	01-Sep-2016	31-Aug-2017	\$2,400.00
1691094288	LIC-TP-10X-ROOM	LIC-TP-10X-ROOM	Telepresence Room Based Endpoint, Single c	4 93969041	ECMU SWSS UPG	18-Jul-2016	31-Aug-2017	\$280.38
\$155,896.02								



**ORDINANCE 2016 / \_\_\_\_\_**

**AN ORDINANCE APPROVING A SUPPLEMENTAL BUDGET APPROPRIATION FROM THE COUNTY'S GENERAL RESERVE FUND TO THE GENERAL FUND TO FULFILL ITS OBLIGATION TO THE HARRIS PILLOW SUPPLY, INC. UNDER THE INCENTIVE PACKAGE**

**WHEREAS**, Beaufort County has committed itself to improving and enhancing business economic development in the County for the benefit of its citizens; and

**WHEREAS**, economic development has many characteristics, including attracting new businesses with new economic opportunities to the County as well as supporting through a variety of financial options available to the County, existing and established businesses which have, for years, supported our community and provided jobs to our residents; and

**WHEREAS**, Harris Pillow Supply, Inc. is one such local manufacturing business with deep, long standing connections to Beaufort County going back to 1956; and

**WHEREAS**, Harris Pillow Supply, Inc. has grown, as Beaufort itself has grown, in terms of revenue and employment opportunities for the community and continues to grow and demonstrate an ongoing commitment to the community; and

**WHEREAS**, Harris Pillow Supply, Inc. now has an opportunity to expand significantly its current manufacturing operations, which, if fully realized, will result in a total capital investment of \$2,100,000 and the anticipated creation of 25 new full-time jobs; and

**WHEREAS**, Harris Pillow Supply, Inc. has asked the County to help it take advantage of this opportunity by providing a financial incentive package with a value of \$225,000; and

**WHEREAS**, Beaufort County Council has concluded this opportunity will benefit a local business, the local business community, and the citizens and residents of Beaufort County.

**NOW, THEREFORE, BE IT ORDAINED**, that Beaufort County Council provides Harris Pillow Supply, Inc. a financial incentive package with a value of Two Hundred and Twenty-Five Thousand (\$225,000) from the General Reserve Fund upon such terms as the County Administrator may negotiate in order to assist the company in realizing the business expansion discussed above.

DONE this \_\_\_\_ day of \_\_\_\_\_, 2016.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: \_\_\_\_\_  
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

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Thomas J. Keaveny, II, County Attorney

ATTEST:

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Suzanne M. Rainey, Clerk to Council

First Reading: August 22, 2016

Second Reading: September 12, 2016

Public Hearing:

Third and Final Reading:

**ORDINANCE NO. 2016 / \_\_\_\_\_**

**AN ORDINANCE TO APPROPRIATE \$175,000 FROM THE 3% LOCAL ACCOMMODATIONS TAX FUND TO THE SANTA ELENA FOUNDATION**

**WHEREAS**, County Council is authorized to utilize the 3% Local Accommodations Tax Fund for certain limited purposes, including tourism – related buildings and the promotion of cultural, recreational or historic facilities; and

**WHEREAS**, Beaufort County Code Ordinance Sec. 66-44(b) states “the authorization to utilize any funds from the ‘County of Beaufort, South Carolina, Local Accommodations Tax Account,’ shall be by ordinance duly adopted by the County Council”; and

**WHEREAS**, the Santa Elena Foundation is a non-profit organization with a mission to expand the story of European colonization of North America through discovery, preservation, and promotion of Santa Elena, the first colonial capital in present – day United States located in Beaufort, South Carolina; and

**WHEREAS**, the Santa Elena Foundation seeks to achieve its mission through continual archeological research and through programs at a cultural interpretive center; and

**WHEREAS**, Beaufort County Council believes it is in the best interests of its citizens to appropriate \$175,000 from the 3% Local Accommodations Tax Fund to support the continued development of the cultural interpretive center at 1501 Bay Street, Beaufort, South Carolina. Of these funds, \$145,000 is to be used by the Foundation to Reimburse Beaufort County’s General Fund for payments previously made for the center’s parking needs; \$30,000 is to be used by the Foundation for HVAC, elevator and other capital maintenance needs of the center.

**NOW, THEREFORE, BE IT ORDAINED** that Beaufort County Council, duly assembled, hereby appropriates \$175,000 from the 3% Local Accommodations Tax Fund to the Santa Elena Foundation to be used as set forth above.

DONE this \_\_\_\_ day of \_\_\_\_\_, 2016.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: \_\_\_\_\_  
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

\_\_\_\_\_  
Thomas J. Keaveny, II, County Attorney

ATTEST:

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Suzanne M. Rainey, Clerk to Council

First Reading: August 22, 2016

Second Reading: September 12, 2016

Public Hearing:

Third and Final Reading:

ORD. 2016 / \_\_\_\_, \_\_-\_\_-2016

**AN ORDINANCE TO AMEND THE STORMWATER MANAGEMENT UTILITY ORDINANCE AS ADOPTED AUGUST 22, 2005 SEPTEMBER 28, 2015 TO PROVIDE FOR AMENDMENT OF THE RATE STRUCTURE APPLICABLE TO PARCELS RELATED TO CONDOMINIUMS, SUBMERGED PROPERTIES, AND PARCELS CONTIGUOUS TO SALT WATER MARSH, ADJUST UTILITY RATES, AND TO MODIFY CERTAIN TERMS TO ACCURATELY REFLECT ADMINISTRATION STRUCTURE**

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

**WHEREAS**, Chapter 99, Article II, "Stormwater Management Utility" was adopted on August 27, 2001 and was modified by ordinance on August 22, 2005 and September 28, 2015; and

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

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

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

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

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

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

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

Chapter 99 - STORMWATER MANAGEMENT UTILITY

ARTICLE I. - IN GENERAL

Secs. 99-1—99-100. - Reserved.

## ARTICLE II. - STORMWATER MANAGEMENT UTILITY

Sec. 99-101. - Findings of fact.

The County Council of Beaufort County, South Carolina, makes the following findings of fact:

- (a) The professional engineering and financial analyses conducted on behalf of and submitted to the county properly assesses and defines the stormwater management problems, needs, goals, program priorities, costs of service, need for interlocal cooperation, and funding opportunities of the county.
- (b) Given the problems, needs, goals, program priorities, costs of service, needs for interlocal cooperation, and funding opportunities identified in the professional engineering and financial analyses submitted to the county, it is appropriate to authorize the establishment of a separate enterprise accounting unit which shall be dedicated specifically to the management, construction, maintenance, protection, control, regulation, use, and enhancement of stormwater systems and programs in Beaufort County in concert with other water resource management programs.
- (c) Stormwater management is applicable and needed throughout the unincorporated portions of Beaufort County, but interlocal cooperation between the county and the incorporated cities and towns within the county is also essential to the efficient provision of stormwater programs, services, systems, and facilities. Intense urban development in some portions of the county has radically altered the natural hydrology of the area and the hydraulics of stormwater systems, with many natural elements having been replaced or augmented by man-made facilities. Other areas of the county remain very rural in character, with natural stormwater systems predominating except along roads where ditches and culverts have been installed. As a result, the specific program, service, system, and facility demands differ from area to area in the county. While the county manages, operates, and improves stormwater programs, services, systems and facilities in the rural as well as urban areas, the need for improved stormwater management is greatest in the urban areas and nearby, including areas within incorporated cities and towns. Therefore, a stormwater utility service area subject to stormwater service fees should encompass, in so far as possible through interlocal agreements, the entirety of Beaufort County and the stormwater management utility service fee rate structure should reflect the amount of impervious area on individual properties and the runoff impact from water quantity and water quality.
- (d) The stormwater needs in Beaufort County include but are not limited to protecting the public health, safety, and welfare. Provision of stormwater management programs, services, systems, and facilities therefore renders and/or results in both service and benefit to individual properties, property owners, citizens, and residents of the county and to properties, property owners, citizens, and residents of the county concurrently in a variety of ways as identified in the professional engineering and financial analyses.
- (e) The service and benefit rendered or resulting from the provision of stormwater management programs, services, systems, and facilities may differ over time depending on many factors and considerations, including but not limited to location, demands and impacts imposed on the stormwater programs, systems, and facilities, and risk exposure. It is not practical to allocate the cost of the county's stormwater management programs, services, systems, and facilities in direct and precise relationship to the services or benefits rendered to or received by individual properties or persons over a brief span of time, but it is both practical and equitable to allocate the cost of stormwater management among properties and persons in proportion to the long-term demands they impose on the county's stormwater programs, services, systems, and facilities which render or result in services and benefits.

- (f) Beaufort County presently owns and operates stormwater management systems and facilities that have been developed, installed, and acquired through various mechanisms over many years. The future usefulness and value of the existing stormwater systems and facilities owned and operated by Beaufort County, and of future additions and improvements thereto, rests on the ability of the county to effectively manage, construct, protect, operate, maintain, control, regulate, use, and enhance the stormwater systems and facilities in the county, in concert with the management of other water resources in the county and in cooperation with the incorporated cities and towns. In order to do so, the county must have adequate and stable funding for its stormwater management program operating and capital investment needs.
- (g) The county council finds, concludes, and determines that a stormwater management utility provides the most practical and appropriate means of properly delivering stormwater management services and benefits throughout the county, and the most equitable means to fund stormwater services in the county through stormwater service fees and other mechanisms as described in the professional engineering and financial analyses prepared for the county.
- (h) The county council finds, concludes, and determines that a schedule of stormwater utility service fees be levied upon and collected from the owners of all lots, parcels of real estate, and buildings that discharge stormwater or subsurface waters, directly or indirectly, to the county stormwater management system and that the proceeds of such charges so derived be used for the stormwater management system.
- (i) The county council finds that adjustments and credits against stormwater utility service fees are an appropriate means to grant properties providing stormwater management program services that would otherwise be provided by the county and will afford Beaufort County cost savings. These reductions will be developed by the Stormwater Manager and will be reviewed on an annual basis to allow for any modifications to practices required by Beaufort County.

The county council finds that both the total gross area and impervious area on each property are the most important factors influencing the cost of stormwater management in Beaufort County and, the runoff impact from water quantity and water quality.

(Ord. No. 2015/24, 9-28-2015)

Sec. 99-102. - Establishment of a stormwater management utility and a utility enterprise fund.

There is hereby established within the Environmental Engineering Division of Beaufort County a stormwater management utility for the purpose of conducting the county's stormwater management program. The county administrator shall establish and maintain a stormwater management utility enterprise fund in the county budget and accounting system, which shall be and remain separate from other funds. All revenues of the utility shall be placed into the stormwater management utility enterprise fund and all expenses of the utility shall be paid from the fund, except that other revenues, receipts, and resources not accounted for in the stormwater management utility enterprise fund may be applied to stormwater management programs, services, systems, and facilities as deemed appropriate by the Beaufort County Council. The county administrator may designate within the stormwater management utility enterprise fund such sub-units as necessary for the purpose of accounting for the geographical generation of revenues and allocation of expenditures pursuant to interlocal governmental agreements with the cities and towns of Beaufort County.

(Ord. No. 2015/24, 9-28-2015)

Sec. 99-103. - Purpose and responsibility of the utility.

The Beaufort County Stormwater Management Utility is established for the purpose of managing, acquiring, constructing, protecting, operating, maintaining, enhancing, controlling, and regulating the use of stormwater drainage systems in the county. The utility shall, on behalf of the county and the citizens of the county: administer the stormwater management program; perform studies and analyses as required; collect service fees; system development fees, in-lieu of construction fees and other funding as allowed

by law, and obtain and administer grants and loans as authorized by the county council; prepare capital improvement plans and designs; perform routine maintenance and remedial repair of the stormwater systems; acquire, construct, and improve stormwater systems; acquire necessary lands, easements, rights-of-way, rights-of-entry and use, and other means of access to properties to perform its duties; regulate the on-site control, conveyance, and discharge of stormwater from properties; obtain federal and state permits required to carry out its purpose; enter into operating agreements with other agencies; allocate funds pursuant to interlocal governmental agreements; educate and inform the public about stormwater management; and perform, without limitation except by law, any stormwater management functions and activities necessary to ensure the public safety, protect private and public properties and habitat, and enhance the natural environment and waters of the county.

(Ord. No. 2015/24, 9-28-2015)

Sec. 99-104. - Limitation of scope of responsibility.

The purpose and responsibility of the stormwater management utility shall be limited by the following legal and practical considerations.

- (a) Beaufort County owns or has legal access for purposes of operation, maintenance, and improvement only to those stormwater systems and facilities which:
  - (1) Are located within public streets, other rights-of-way, and easements;
  - (2) Are subject to easements, rights-of-entry, rights-of-access, rights-of-use, or other permanent provisions for adequate access for operation, maintenance, monitoring, and/or improvement of systems and facilities; or
  - (3) Are located on public lands to which the county has adequate access for operation, maintenance, and/or improvement of systems and facilities.
- (b) Operation, maintenance, and/or improvement of stormwater systems and facilities which are located on private property or public property not owned by Beaufort County and for which there has been no public dedication of such systems and facilities for operation, maintenance, monitoring, and/or improvement of the systems and facilities shall be and remain the legal responsibility of the property owner, except as that responsibility may be otherwise affected by the laws of the State of South Carolina and the United States of America.
- (c) It is the express intent of this article to protect the public health, safety, and welfare of all properties and persons in general, but not to create any special duty or relationship with any individual person or to any specific property within or outside the boundaries of the county. Beaufort County expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages upon the county, its officers, employees and agents arising out of any alleged failure or breach of duty or relationship as may now exist or hereafter be created.
- (d) To the extent any permit, plan approval, inspection or similar act is required by the county as a condition precedent to any activity or change upon property not owned by the county, pursuant to this or any other regulatory ordinance, regulation, or rule of the county or under federal or state law, the issuance of such permit, plan approval, or inspection shall not be deemed to constitute a warranty, express or implied, nor shall it afford the basis for any action, including any action based on failure to permit or negligent issuance of a permit, seeking the imposition of money damages against the county, its officers, employees, or agents.

(Ord. No. 2015/24, 9-28-2015)

Sec. 99-105. - Boundaries and jurisdiction.

The boundaries and jurisdiction of the stormwater management utility shall encompass all those portions of unincorporated Beaufort County, as they may exist from time to time and such additional



areas lying inside the corporate limits of those cities and towns in Beaufort County as shall be subject to interlocal agreements for stormwater management as approved by county council and participating municipal councils.

(Ord. No. 2015/24, 9-28-2015)

Sec. 99-106. - Definitions.

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

**Abatement.** Any action deemed necessary by the county or its officers or agents to remedy, correct, control, or eliminate a condition within, associated with, or impacting a stormwater drainage system or the water quality of receiving waters shall be deemed an abatement action.

**Adjustments.** Adjustments shall mean a change in the amount of a stormwater service fee predicated upon the determination reached by the Stormwater Manager and referenced to the Adjustments and Credit Manual.

**Bill Class.** Every property falls into one of several bill classes. The bill class determines the fee calculation of that property.

**Condominiums.** Properties with individual ownership of a particular dwelling unit in a building and the common right to share, with other co-owners, in the general and limited common elements of the real property.

**Countywide Infrastructure Operation and Maintenance and Capital Projects.** The County maintains some typically larger infrastructure within each of the four municipalities in addition to within the unincorporated area. The rate structure will allocate the costs for the County to maintain just the countywide drainage infrastructure across the entire rate base in all jurisdictions based on infrastructure linear feet per jurisdiction.

**Customers of the stormwater management utility.** Customers of the stormwater management utility shall be broadly defined to include all persons, properties, and entities served by and/or benefiting, directly and indirectly, from the utility's acquisition, management, construction, improvement, operation, maintenance, extension, and enhancement of the stormwater management programs, services, systems, and facilities in the county, and by its control and regulation of public and private stormwater systems, facilities, and activities related thereto.

**Developed land.** Developed land shall mean property altered from its natural state by construction or installation of improvements such as buildings, structures, or other impervious surfaces, or by other alteration of the property that results in a meaningful change in the hydrology of the property during and following rainfall events.

**Exemption.** Exemption shall mean not applying to or removing the application of the stormwater management utility service fee from a property. No permanent exemption shall be granted based on taxable or non-taxable status or economic status of the property owner.

**Fixed costs.** Costs associated with the public service provided equally to each property owner. These costs include, but are not limited to the following: billing and collections, data management and updating, programming, and customer support.

**Gross Area.** Gross area is the acreage of a parcel as identified by the Beaufort County Assessor records.

**Hydrologic response.** The hydrologic response of a property is the manner whereby stormwater collects, remains, infiltrates, and is conveyed from a property. It is dependent on several factors including but not limited to the size and overall intensity of development of each property, its impervious area, shape, topographic, vegetative, and geologic conditions, antecedent moisture conditions, and

groundwater conditions and the nature of precipitation events. Extremely large undeveloped properties naturally attenuate but do not eliminate entirely the discharge of stormwater during and following rainfall events.

Jurisdictional Infrastructure Operations, Maintenance and Capital Projects. Each of the five jurisdictions maintains its own stormwater drainage infrastructure and funds those costs from utility revenue. Revenue from this fee component will be returned to the service provider, the individual jurisdiction.

Impervious surfaces. Impervious surfaces shall be a consideration in the determination of the development intensity factor. Impervious surfaces are those areas that prevent or impede the infiltration of stormwater into the soil as it entered in natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, compacted gravel and soil surfaces, awnings and other fabric or plastic coverings, and other surfaces that prevent or impede the natural infiltration of stormwater runoff that existed prior to development.

Minimum Charge. A charge that reflects the minimum amount of demand a property will place on the service provider.

MS4 Permit. Each jurisdiction within Beaufort County will be subject to the federally mandated MS4 permit requirements. Compliance requirements include, but are not limited to monitoring, plan review, inspections, outreach and public education,

Nonresidential properties. Properties developed for uses other than permanent residential dwelling units and designated by the assigned land use code in the Beaufort County tax data system.

Other developed lands. Other developed lands shall mean, but not be limited to, mobile home parks, commercial and office buildings, public buildings and structures, industrial and manufacturing buildings, storage buildings and storage areas covered with impervious surfaces, parking lots, parks, recreation properties, public and private schools and universities, research facilities and stations, hospitals and convalescent centers, airports, agricultural uses covered by impervious surfaces, water and wastewater treatment plants, and lands in other uses which alter the hydrology of the property from that which would exist in a natural state. Properties that are used for other than single family residential use shall be deemed other developed lands for the purpose of calculating stormwater service fees.

Residential dwelling classifications. The following categories will identify the appropriate dwelling unit classifications to be utilized in applying the stormwater utility fee structure to the designations contained in the Beaufort County tax data system:

- Single-family
- Apartments
- Townhouses
- Condominiums
- Mobile Home

Salt Water Marsh. Those parcels, typically contiguous to water, identified as inundated daily due to tidal action and unbuildable. These properties are 100% below mean high tide and/or beyond established critical line as defined by the South Carolina Department of Health and Environmental Control's Office of Coastal Resource Management. (DHEC-OCRM). The County Tax Assessor's Office shall make this determination based on best available data.

Stormwater management programs, services, systems and facilities. Stormwater management programs, services, systems and facilities are those administrative, engineering, operational, regulatory, and capital improvement activities and functions performed in the course of managing the stormwater systems of the county, plus all other activities and functions necessary to support the provision of such

programs and services. Stormwater management systems and facilities are those natural and man-made channels, swales, ditches, swamps, rivers, streams, creeks, branches, reservoirs, ponds, drainage ways, inlets, catch basins, pipes, head walls, storm sewers, lakes, and other physical works, properties, and improvements which transfer, control, convey or otherwise influence the movement of stormwater runoff and its discharge to and impact upon receiving waters.

Stormwater service fees. Stormwater service fees shall mean the service fee imposed pursuant to this article for the purpose of funding costs related to stormwater programs, services, systems, and facilities. These fees will be calculated based upon the impervious and gross area at an 80/20 allocation; storm water service fee categories; any State agricultural exemptions or caps; an account administrative fee, countywide jurisdiction operation maintenance and capital project fees; and jurisdictional operation, maintenance and capital project fee.

Single-family unit (SFU). The single-family unit shall be defined as the impervious area measurements obtained from a statistically representative sample of all detached single-family structures within Beaufort County. The representative value will be 4,906 square feet.

Stormwater service fee categories. The appropriate categories for determining SFUs will be as follows:

	SFU Calculation (SFUs equal)
Tier 1 Single-family Unit (≤2,521 square feet)	Dwelling units x 0.5
Tier 2 Single-family Unit (2,522 to 7,265 square feet)	Dwelling units x 1
Tier 3 Single-family Unit (≥7,266 square feet)	Dwelling units x 1.5
Mobile Home	Dwelling units x 0.36
Apartments	Dwelling units x 0.39
Townhouses	Dwelling units x 0.60
Condominiums	Dwelling units x 0.27
Commercial	Impervious area x 4,906 sq. ft.*

\*Commercial billed at a rate of 1 SFU per 4,906 square feet or a portion thereof

Submerged property. Those parcels, typically contiguous to water, identified as eroded due to tidal action and unbuildable. These properties are 100% below mean low tide and/or beyond established critical line as defined by the South Carolina Department of Health and Environmental Control's Office of Coastal Resource Management. (DHEC-OCRM). The County Tax Assessor's Office shall make this determination based on best available data.

Townhomes. See Condominiums.

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Variable Costs. An impervious and gross area rate structure that allocates some cost to each of the two variables based on the amount of impervious surface and gross area.

(Ord. No. 2015/24, 9-28-2015; Ord. No. 2016/ , - -2016)

Sec. 99-107. - Requirements for on-site stormwater systems: enforcement, methods and inspections.

- (a) All property owners and developers of real property to be developed within the unincorporated portions of Beaufort County shall provide, manage, maintain, and operate on-site stormwater systems and facilities sufficient to collect, convey, detain, control, and discharge stormwater in a safe manner consistent with all county development regulations and the laws of the State of South Carolina and the United States of America, except in cases when the property is located within an incorporated city or town subject to an interlocal governmental agreement with the county for stormwater management and the city or town has regulations that are more stringent than the county, in which case the city's or town's development regulations shall apply. Any failure to meet this obligation shall constitute a nuisance and be subject to an abatement action filed by the county in a court of competent jurisdiction. In the event a public nuisance is found by the court to exist, which the owner fails to properly abate within such reasonable time as allowed by the court, the county may enter upon the property and cause such work as is reasonably necessary to be performed, with the actual cost thereof charged to the owner in the same manner as a stormwater service fee as provided for in this article.
- (b) In the event that the county shall file an action pursuant to subsection 99-107(a), from the date of filing such action the county shall have all rights of judgment and collection through a court of competent jurisdiction as may be perfected by action.
- (c) The county shall have the right, pursuant to the authority of this article, for its designated officers and employees to enter upon private property and public property owned by other than the county, upon reasonable notice to the owner thereof, to inspect the property and conduct surveys and engineering tests thereon in order to assure compliance with any order or judgment entered pursuant to this section.

(Ord. No. 2015/24, 9-28-2015)

Sec. 99-108. - General funding policy.

- (a) It shall be the policy of Beaufort County that funding for the stormwater management utility program, services, systems, and facilities shall be equitably derived through methods which have a demonstrable relationship to the varied demands and impacts imposed on the stormwater program, services, systems, and facilities by individual properties or persons and/or the level of service rendered by or resulting from the provision of stormwater programs, systems and facilities. Stormwater service fee rates shall be structured so as to be fair and reasonable, and the resultant service fees shall bear a substantial relationship to the cost of providing services and facilities throughout the county. Similarly situated properties shall be charged similar rentals, rates, fees, or licenses. Service fee rates shall be structured to be consistent in their application and shall be coordinated with the use of any other funding methods employed for stormwater management within the county, whether wholly or partially within the unincorporated portions of the county or within the cities and towns. Plan review and inspection fees, special fees for services, fees in-lieu of regulatory requirements, impact fees, system development fees, special assessments, general obligation and revenue bonding, and other funding methods and mechanisms available to the county may be used in concert with stormwater service fees and shall be coordinated with such fees in their application to ensure a fair and reasonable service fee rate structure and overall allocation of the cost of services and facilities.
- (b) The cost of stormwater management programs, systems, and facilities subject to stormwater service fees may include operating, capital investment, and non-operating expenses, prudent operational

and emergency reserve expenses, and stormwater quality as well as stormwater quantity management programs, needs, and requirements.

- (c) To the extent practicable, adjustments to the stormwater service fees will be calculated by the Beaufort County Stormwater Manager in accordance with the standards and procedures adopted by the Stormwater Manager's office.
- (d) The stormwater service fee rate may be determined and modified from time to time by the Beaufort County Council so that the total revenue generated by said fees and any other sources of revenues or other resources allocated to stormwater management by the county council to the stormwater management utility shall be sufficient to meet the cost of stormwater management services, systems, and facilities, including, but not limited to, the payment of principle and interest on debt obligations, operating expense, capital outlays, nonoperating expense, provisions for prudent reserves, and other costs as deemed appropriate by the county council.

Beaufort County service fee rate will be based on impervious and gross area at an 80/20 allocation; storm water service fee categories; any State agricultural exemptions or caps; an account administrative fee, countywide jurisdiction operation maintenance and jurisdictional operation, maintenance and capital project fee. The rates are set by the Beaufort County Stormwater Rate Study dated August 18 and adopted August 24, 2015.

The gross area charge for all parcels, EXCEPT master account properties for condominiums, is calculated in equivalent units as follows:

First 2 acres	\$X per acre
For every acres above 2 acres and up to 10 acres	0.5 x \$X
For every acre above 10 acres, and up to 100 acres	0.4 x \$X
For very acre above 100 acres	0.3 x \$X

Condominium accounts will receive a minimum gross area charge of 0.2 x \$X. The master account associated with the condominium subdivision will not receive a gross area charge.

Each municipal jurisdiction may have a different fee predicated upon the municipal jurisdiction's revenue needs. The stormwater service fee rates shall be adopted by the municipal jurisdictions and may be amended from time to time by the individual governing body.

(Ord. No. 2015/24, 9-28-2015; Ord. No. 2016/ . . . - -2016)

Sec. 99-109. - Exemptions and credits applicable to stormwater service fees.

Except as provided in this section, no public or private property shall be exempt from stormwater utility service fees. No exemption, credit, offset, or other reduction in stormwater service fees shall be granted based on the age, tax, or economic status, race, or religion of the customer, or other condition unrelated to the stormwater management utility's cost of providing stormwater programs, services, systems, and facilities. A stormwater management utility service fee credit manual shall be prepared by the Stormwater Manager specifying the design and performance standards of on-site stormwater services, systems, facilities, and activities that qualify for application of a service fee credit, and how such credits shall be calculated.

(a) Credits. The following types of credits against stormwater service fees shall be available:

(1) Freshwater wetlands. All properties except those classified as detached single-family dwelling units may receive a credit against the stormwater service fee applicable to the property based on granting and dedicating a perpetual conservation easement on those portions of the property that are classified as freshwater wetlands and as detailed in the stormwater management utility service fee credit manual. The conservation easement shall remove that portion of the subject property from any future development.

~~(2) Salt Water Marsh. All properties except those classified as detached single-family dwelling units may receive a credit against the stormwater service fee applicable to the property based on those portions of the property that are classified as salt water marsh and as detailed in the stormwater management utility service fee credit manual.~~

~~(3) Submerged properties. All properties may receive a credit against the stormwater service fee applicable to the property based on those portions of the property that are classified as submerged and as detailed in the stormwater management utility service fee credit manual.~~

~~(2)~~(4) Those properties that apply for consideration of an adjustment shall satisfy the requirements established by the Beaufort County Stormwater Manager and approved reduced stormwater service fee.

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(b) Exemptions. The following exemptions from the stormwater service fees shall be allowed:

(1) Improved public road rights-of-way that have been conveyed to and accepted for maintenance by the state department of transportation and are available for use in common for vehicular transportation by the general public.

(2) Improved public road rights-of-way that have been conveyed to and accepted for maintenance by Beaufort County and are available for use in common for vehicular transportation by the general public.

(3) Improved private roadways that are shown as a separate parcel of land on the most current Beaufort County tax maps and are used by more than one property owner to access their property.

(4) Railroad tracks shall be exempt from stormwater service fees. However, railroad stations, maintenance buildings, or other developed land used for railroad purposes shall not be exempt from stormwater service fees.

(5) Condominium boat slips shall be exempt from stormwater service fees.

~~(6) Properties determined by the Assessor having 100% of the gross area of the property submerged, salt water marsh, or freshwater wetland will not receive an administrative charge, if applicable in the utility rate structure, AFTER the applicable credit defined in paragraph (a) above has been applied to the account.~~

(Ord. No. 2015/24, 9-28-2015; ~~Ord. No. 2016/ , , - -2016~~)

Sec. 99-110. - Stormwater service fee billing, delinquencies and collections.

(a) Method of billing. A stormwater service fee bill may be attached as a separate line item to the county's property tax billing or may be sent through the United States mail or by alternative means, notifying the customer of the amount of the bill, the date the fee is due (January 15), and the date when past due (March 17 - see Title 12, Section 45-180 of the South Carolina State Code). The stormwater service fee bill may be billed and collected along with other fees, including but not limited to the Beaufort County property tax billing, other Beaufort County utility bills, or assessments as deemed most effective and efficient by the Beaufort County Council. Failure to receive a bill is not

justification for non-payment. Regardless of the party to whom the bill is initially directed, the owner of each parcel of land shall be ultimately obligated to pay such fees and any associated fines or penalties, including, but not limited to, interest on delinquent service fees. If a customer is under-billed or if no bill is sent for a particular property, Beaufort County may retroactively bill for a period of up to one-year, but shall not assess penalties for any delinquency during that previous unbilled period.

- (b) Declaration of delinquency. A stormwater service fee shall be declared delinquent if not paid within 60 days of the date of billing or upon the date (March 17) of delinquency of the annual property tax billing if the stormwater service fee is placed upon the annual property tax billing or enclosed with or attached to the annual property tax billing.

(Ord. No. 2015/24, 9-28-2015)

Sec. 99-111. - Appeals.

Any customer who believes the provisions of this article have been applied in error may appeal in the following manner and sequence.

- (a) An appeal of a stormwater service fee must be filed in writing with the Beaufort County Stormwater Manager or his/her designee within 30 days of the fee being mailed or delivered to the property owner and stating the reasons for the appeal. In the case of stormwater service fee appeals, the appeal shall include a survey prepared by a registered land surveyor or professional engineer containing information on the impervious surface area and any other feature or conditions that influence the development of the property and its hydrologic response to rainfall events.
- (b) Using information provided by the appellant, the county Stormwater Manager (or his or her designee) shall conduct a technical review of the conditions on the property and respond to the appeal in writing within 30 days. In response to an appeal, the Stormwater Manager may adjust the stormwater service fee applicable to the property in conformance with the general purposes and intent of this article.
- (c) A decision of the county Stormwater Manager that is adverse to an appellant may be further appealed to the county administrator or his designee within 30 days of the adverse decision. The appellant, stating the grounds for further appeal, shall deliver notice of the appeal to the county administrator or his designee. The county administrator or his designee shall issue a written decision on the appeal within 30 days. All decisions by the county administrator or his designee shall be served on the customer personally or by registered or certified mail, sent to the billing address of the customer. All decisions of the county administrator or his designee shall be final.
- (d) The appeal process contained in this section shall be a condition precedent to an aggrieved customer seeking judicial relief. Any decisions of the county administrator or his designee may be reviewed upon application for writ of certiorari before a court of competent jurisdiction, filed within 30 days of the date of the service of the decision.

(Ord. No. 2015/24, 9-28-2015)

Sec. 99-112. - No suspension of due date.

No provision of this article allowing for an administrative appeal shall be deemed to suspend the due date of the service fee with payment in full. Any adjustment in the service fee for the person pursuing an appeal shall be made by refund of the amount due.

(Ord. No. 2015/24, 9-28-2015)

Sec. 99-113. - Enforcement and penalties.

Any person who violates any provision of this article may be subject to a civil penalty of not more than \$1,000.00, or such additional maximum amount as may become authorized by state law, provided the owner or other person deemed to be in violation has been notified of a violation. Notice shall be deemed achieved when sent by regular United States mail to the last known address reflected on the county tax records, or such other address as has been provided by the person to the county. Each day of a continuing violation may be deemed a separate violation. If payment is not received or equitable settlement reached within 30 days after demand for payment is made, a civil action may be filed on behalf of the county in the circuit court to recover the full amount of the penalty. This provision on penalties shall be in addition to and not in lieu of other provisions on penalties, civil or criminal, remedies and enforcement that may otherwise apply.

(Ord. No. 2015/24, 9-28-2015)

Sec. 99-114. - Investment and reinvestment of funds and borrowing.

Funds generated for the stormwater management utility from service fees, fees, rentals, rates, bond issues, other borrowing, grants, loans, and other sources shall be utilized only for those purposes for which the utility has been established as specified in this article, including but not limited to: regulation; planning; acquisition of interests in land, including easements; design and construction of facilities; maintenance of the stormwater system; billing and administration; water quantity and water quality management, including monitoring, surveillance, private maintenance inspection, construction inspection; public information and education, and other activities which are reasonably required. such funds shall be invested and reinvested pursuant to the same procedures and practices established by Title 12, Section 45-70 of the South Carolina State Code for investment and reinvestment of funds. County council may use any form of borrowing authorized by the laws of the State of South Carolina to fund capital acquisitions or expenditures for the stormwater management utility. County council, in its discretion and pursuant to standard budgetary procedures, may supplement such funds with amounts from the general fund.

(Ord. No. 2015/24, 9-28-2015)

Sec. 99-115. - Responsibilities of the stormwater management utility.

The county stormwater management utility shall perform adequate studies throughout the area served by the utility to determine the following:

- (1) Baseline study of water quality in the receiving waters;
- (2) Identification of pollutants carried by stormwater runoff into the receiving waters;
- (3) Recommended mitigation efforts to address pollutants carried by stormwater runoff into the receiving waters;
- (4) Inventory of the existing drainage system;
- (5) Recommended maintenance practices and standards of the existing drainage system;
- (6) Identification of capital improvements to the system to include construction or installation of appropriate BMPs.
- (7) A five-year spending plan.
- (8) Ensure compliance with the federally mandated MS4 permit requirements
- (9) Efficient utility administration including but not limited to billing, collection, defining rate structures, data management and customer support.

(Ord. No. 2015/24, 9-28-2015)



Sec. 99-116. - Stormwater utility management board.

- (1) Purpose. In compliance with and under authority of Beaufort County Ordinance 2001/23, the Beaufort County Council hereby establishes the stormwater management utility board (hereinafter referred to as the "SWU board") to advise the council as follows:
- (a) To determine appropriate levels of public stormwater management services for residential, commercial, industrial and governmental entities within Beaufort County;
  - (b) To recommend appropriate funding levels for provision of services in the aforementioned sectors;
  - (c) To advise the staff of the stormwater management utility on master planning efforts and cost of service/rate studies; and
  - (d) To support and promote sound stormwater management practices that mitigates non-point source pollution and enhances area drainage within Beaufort County.

Municipal councils are encouraged to organize similar boards to advise them on stormwater management programs and priorities within their boundaries.

In keeping with discussions held during the formation of the stormwater utility, it is anticipated that the municipalities will appoint staff professionals as their representative on the advisory board.

- (2) Stormwater districts. Stormwater districts are hereby established as follows:

- District 1 - City of Beaufort
- District 2 - Town of Port Royal
- District 3 - Town of Hilton Head Island
- District 4 - Town of Bluffton
- District 5 - Unincorporated Sheldon Township
- District 6 - Unincorporated Port Royal Island
- District 7 - Unincorporated Lady's Island
- District 8 - Unincorporated St. Helena Island Islands East
- District 9 - Unincorporated Bluffton Township and Daufuskie Island

- (3) Membership.

- (a) The SWU board is formed in accordance with Beaufort County Ordinance 92-28 and shall consist of a total of seven voting representatives from each of the following districts as noted below:

No. of Reps.	Stormwater District	Area
1	5	Unincorporated Sheldon Township
1	6	Unincorporated Port Royal Island
1	7	Unincorporated Lady's Island

1	8	Unincorporated St. Helena Island Islands East
2	9	Unincorporated Bluffton Township and Daufuskie Island
1	—	"At large"

All members of the SWU board will be appointed by county council and shall be residents of those districts or "at large" members from unincorporated Beaufort County.

- (b) The SWU board shall also consist of one nonvoting (ex officio) representative from the following districts:

Stormwater District	Municipality
1	City of Beaufort
2	Town of Port Royal
3	Town of Hilton Head Island
4	Town of Bluffton

All ex officio members from municipalities shall be appointed by their respective municipal councils for four-year terms.

- (c) All citizen members shall be appointed for a term of four years. The terms shall be staggered with one or two members appointed each year.
- (d) While no other eligibility criteria is established, it is recommended that members possess experience in one or more of the following areas: Stormwater management (drainage and water quality) issues, strategic planning, budget and finance issues or established professional qualifications in engineering, construction, civil engineering, architectural experience, commercial contractor or similar professions.
- (4) Officers.
- (a) Officers. Selection of officers and their duties as follows:
1. Chairperson and vice-chair. At an annual organizational meeting, the members of the SWU board shall elect a chairperson and vice-chairperson from among its members. The chair's and vice-chair's terms shall be for one year with eligibility for reelection. The chair shall be in charge of all procedures before the SWU board, may administer oaths, may compel the attendance of witnesses, and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the SWU board. In the absence of the chair, the vice-chair shall act as chairperson.

2. Secretary. The county professional staff member shall appoint a secretary for the SWU board. The secretary shall keep minutes of all proceedings. The minutes shall contain a summary of all proceedings before the SWU board, which include the vote of all members upon every question, and its recommendations, resolutions, findings and determinations, and shall be attested to by the secretary. The minutes shall be approved by a majority of the SWU board members voting. In addition, the secretary shall maintain a public record of SWU board meetings, hearings, proceedings, and correspondence.
  3. Staff. The Stormwater Manager shall be the SWU board's professional staff.
- (b) Quorum and voting. Four SWU board members shall constitute a quorum of the SWU board necessary to take action and transact business. All actions shall require a simple majority of the number of SWU board members present.
  - (c) Removal from office. The county council, by a simple majority vote, shall terminate the appointment of any member of the SWU board and appoint a new member for the following reasons:
    1. Absent from more than one-third of the SWU board meetings per annum, whether excused or unexcused;
    2. Is no longer a resident of the county;
    3. Is convicted of a felony; or
    4. Violated conflict of interest rules according to the county-adopted template ordinance.Moreover, a member shall be removed automatically for failing to attend any three consecutive regular meetings.
  - (d) Vacancy. Whenever a vacancy occurs on the SWU board, the county council shall appoint a new member within 60 days of the vacancy, subject to the provisions of this section. A new member shall serve out the former member's term.
  - (e) Compensation. The SWU board members shall serve without compensation, but may be reimbursed for such travel, mileage and/or per diem expenses as may be authorized by the SWU board-approved budget.
- (5) Responsibilities and duties.
- (a) Review and recommend to the county council for approval, a comprehensive Beaufort County Stormwater Management Master Plan and appropriate utility rate study which is in accordance with the South Carolina Stormwater Management and Sediment Reduction Act; and
  - (b) Review and comment to the county administrator on the annual stormwater management utility enterprise fund budget; and
  - (c) Cooperate with the South Carolina Department of Health and Environmental Control (DHEC), Office of Coastal Resource Management (OCRM), the Oversight Committee of the Special Area Management Plan (SAMP), the Beaufort County Clean Water Task Force as well as other public and private agencies having programs directed toward stormwater management programs; and
  - (d) Review and make recommendations concerning development of a multiyear stormwater management capital improvement project (CIP) plan; and
  - (e) Review and advise on proposed stormwater management plans and procurement procedures; and
  - (f) Provide review and recommendations on studies conducted and/or funded by the utility; and
  - (g) Review and advise on actions and programs to comply with regulatory requirements, including permits issued under the State of South Carolina National Pollutant Discharge Elimination

System (NPDES) General Permit for Storm Water Discharges from Regulated Small Municipal Separate Storm Sewer Systems (MS4).

- (6) Meetings. Meetings of the SWU board shall be held as established by the SWU board on a monthly basis and a calendar will be prepared giving the date, time and location of such meetings. Additionally, meetings may be called by the chairperson or at the request of four SWU board members. The location of all SWU board meetings shall be held in a public building in a place accessible to the public. The following shall apply to the conduct of all meetings:
- (a) Meeting records. The SWU board shall keep a record of meetings, resolutions, findings, and determinations. The SWU board may provide for transcription of such hearings and proceedings, or portions of hearings and proceedings, as may be deemed necessary.
  - (b) Open to public. All meetings and public hearings of the SWU board shall be open to the public.
  - (c) Recommendations or decisions. All recommendations shall be by show of hands of all members present. A tie vote or failure to take action shall constitute a denial recommendation. All recommendations shall be accompanied by a written summary of the action and recommendations.
  - (d) Notice and agenda. The SWU board must give written public notice of regular meetings at the beginning of each calendar year. The SWU board must post regular meeting agendas at the meeting place 24 hours before any meeting. Notices and agenda for call, special or rescheduled meetings must be posted at least 24 hours before such meetings. The SWU board must notify any persons, organizations and news media that request such notification of meetings.

(Ord. No. 2015/24, 9-28-2015)

(Ord. No. 2005/33, § 17, 8-22-2005; Ord. No. 2009/21, §§ I—VI, 5-26-2009; Ord. No. 2015/24, 9-28-2015; ~~Ord. No. 2016/ , - -2016~~)

**Effective Date**

This Ordinance will become effective upon approval by Council Council.

Adopted this      day of      , 2016.

\_\_\_\_\_  
COUNTY COUNCIL OF BEAUFORT COUNTY

BY: \_\_\_\_\_

\_\_\_\_\_  
Paul Sommerville, Chairman

APPROVED AS TO FORM:

\_\_\_\_\_

Thomas Keavney, County Attorney

ATTEST:

\_\_\_\_\_

Suzanne M. Rainey, Clerk to Council

First Reading: August 22, 2016

Second Reading: September 12, 2016

Public Hearing:

Third and Final Reading:

DRAFT 6

**ORDINANCE NO. 2016/ \_\_\_\_\_**

**AN ORDINANCE AUTHORIZING THE RELINQUISHMENT OF EASEMENTS  
ENCUMBERING PROPERTY IDENTIFIED AS TMS NO. R100 028 000 0381 0000**

**WHEREAS**, on or about December 19, 2012, MCAS Beaufort, a Division of CPM Federal Credit Union, agreed to deed Beaufort County a thirty-foot (30') drainage easement located on the southern property line of real property identified as TMS No. R100 028 000 0381 0000 in connection with the construction of a ditch; and

**WHEREAS**, a thirty-foot (30') drainage easement was recorded with the Beaufort County Register of Deeds at Book 3204 / Pages 2401-03; and

**WHEREAS**, on or about February 7, 2013, MCAS Beaufort, a Division of CPM Federal Credit Union, agreed to deed Beaufort County another thirty-foot (30') drainage easement located on the eastern property line of real property identified as TMS No. R100 028 000 0381 0000 in connection with the construction of a ditch; and

**WHEREAS**, a thirty-foot (30') drainage easement was recorded with the Beaufort County Register of Deeds at Book 3215 / Pages 611-13; and

**WHEREAS**, Beaufort County failed at the time to build the ditch due to permitting restrictions related to the wetlands on the parcel; and

**WHEREAS**, Beaufort County has determined that construction of a short ditch on the southwest corner of the property along with maintenance of a preexisting ditch on the parcel will improve its outfall, benefit surrounding residences and eliminate the need to construct either of the ditches on the easements referred to above all to the benefit of the property owner and the County; and

**WHEREAS**, Beaufort County and the property owner now agree that the property owner will deed to Beaufort County a thirty-foot (30') drainage easement on the southwest corner of real property identified as TMS No. R100 028 000 0381 000 in exchange for the County relinquishing the two (2) previous thirty-foot (30') drainage easements referred to above; and

**WHEREAS**, Beaufort County Council has determined it is in the County's best interest to relinquish the two thirty-foot (30') easements which are attached hereto as Exhibit "A"; and

**WHEREAS**, S.C. Code Ann. §4-9-130 requires that the transfer of any interest in real property owned by the County must be authorized by the adoption of an ordinance by Beaufort County Council.

**NOW, THEREFORE, BE IT ORDAINED, BY BEAUFORT COUNTY COUNCIL**, that the County Administrator is hereby authorized to take all actions as may be necessary to relinquish the easements herein described and, with particularity, identified on Exhibit "A".

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: \_\_\_\_\_  
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

\_\_\_\_\_  
Thomas J. Keaveny, II, County Attorney

ATTEST:

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

First Reading: August 22, 2016

Second Reading: September 12, 2016

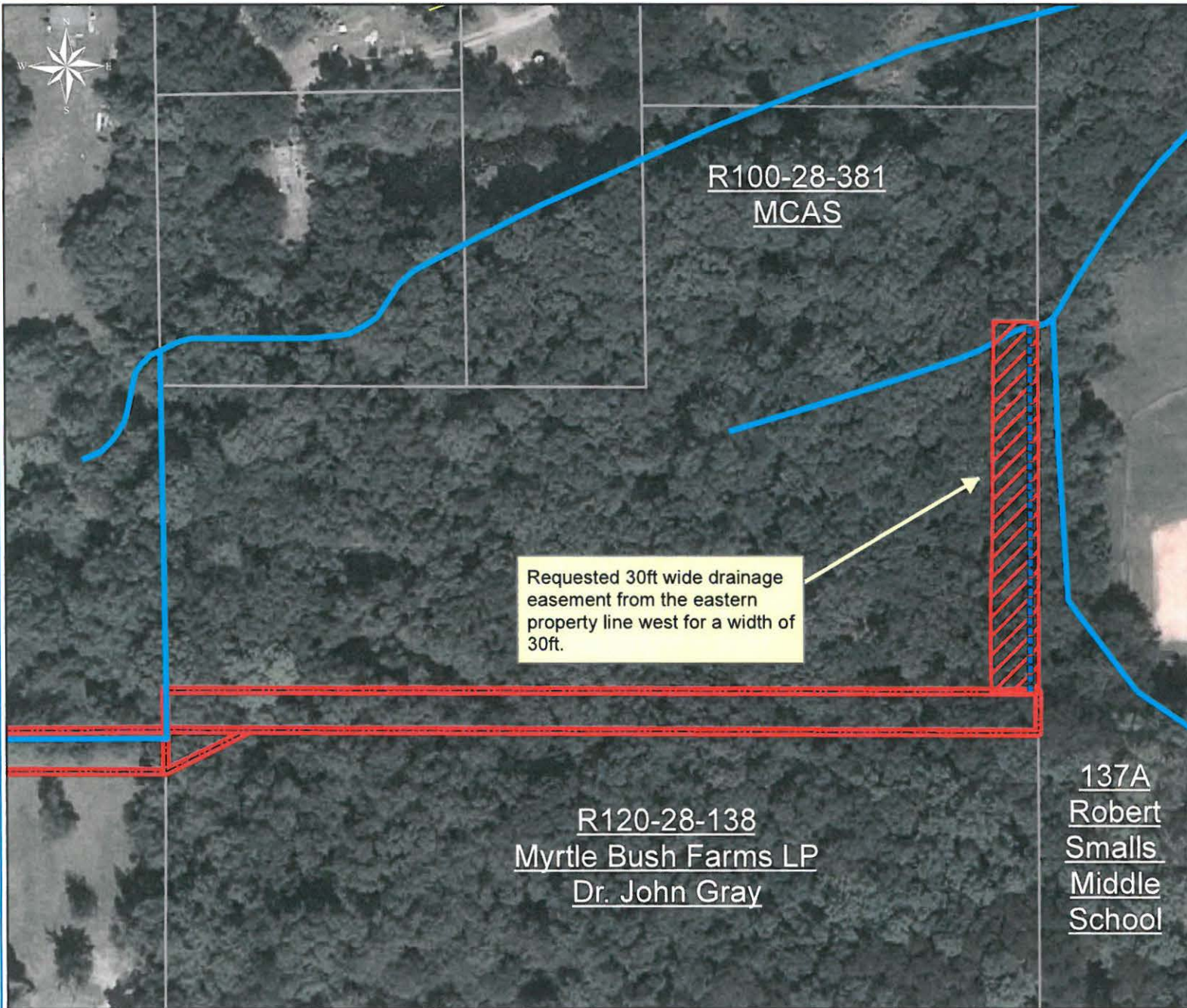
Public Hearing:

Third and Final Reading:

(Exhibit "A")  
MCAS  
R100-28-381

Activity: Drainage  
Easement Request

Township: Port  
Royal Island



**Legend**

- Ditch to be constructed
- Requested Esmt
- River
- Stream
- Outfall
- Lateral
- Lateral Pipe
- Roadside
- Roadside Pipe
- Road Pipe
- Crossline
- DW
- Access
- Piped
- Bleeder
- Parcels

R120-28-138  
Myrtle Bush Farms LP  
Dr. John Gray

137A  
Robert  
Smalls  
Middle  
School



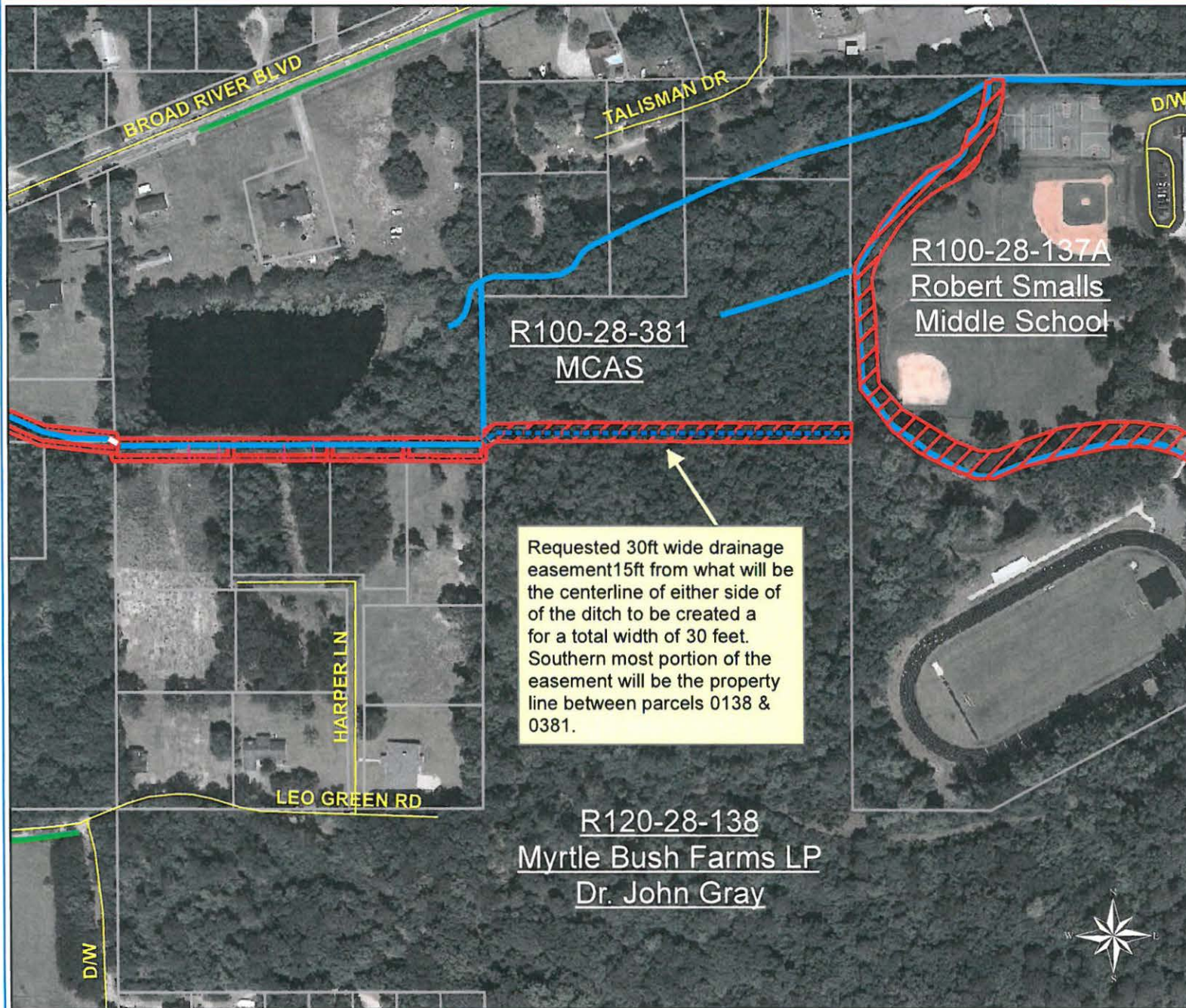
1 inch = 105 feet



(Exhibit "A")  
 Myrtle Bush Farms LP  
 Dr. John Gray  
 R120-28-138

Activity: Drainage  
 Easement Request

Township: City  
 of Beaufort



Requested 30ft wide drainage easement 15ft from what will be the centerline of either side of of the ditch to be created a for a total width of 30 feet. Southern most portion of the easement will be the property line between parcels 0138 & 0381.

**Legend**

- ▬▬▬▬ Ditch to be constructed
- ▨▨▨▨ Requested Esmt
- River
- Stream
- Outfall
- Lateral
- ▬▬▬▬ Lateral Pipe
- ▬▬▬▬ Roadside
- ▬▬▬▬ Roadside Pipe
- ▬▬▬▬ Road Pipe
- ▬▬▬▬ Crossline
- ▬▬▬▬ DW
- ▬▬▬▬ Access
- ▬▬▬▬ Piped
- ▬▬▬▬ Bleeder
- ▭▭▭▭ Parcels



1 inch = 250 feet

Prepared By: Beaufort Co, Stormwater Management Utility  
 Print Date: 11/5/12  
 File - C:\sethdata\leasement requests\2012\Myrtle Bush Farms Dr John Gray

**ORDINANCE 2016 /**

**AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF UTILITY EASEMENTS ENCUMBERING PROPERTY OWNED BY BEAUFORT COUNTY**

WHEREAS, Beaufort County owns real property located on Ribaut Road, which is more particularly known as R120-003-000-0097-0000, located at the Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort, South Carolina; and

WHEREAS, South Carolina Electric and Gas (“SCE&G”) requests three (3) utility easements for Tract 64 from Beaufort County; and

WHEREAS, SCE&G seeks to place certain equipment underground at three (3) locations on the property identified as R120-003-000-0097-0000, which is part of the Boundary Street Redevelopment Project; and

WHEREAS, SCE&G has offered to pay \$950.00 for 100 square feet, 5’ x 20’, located on the property identified as R120-003-000-0097-0000; and

WHEREAS, SCE&G has offered to pay \$1,900.00 for 200 square feet, 10’ x 20’, located on the property identified as R120-003-000-0097-0000; and

WHEREAS, SCE&G has offered to pay \$240.00 for 25 square feet, 5’ x 5’, located on the property identified as R120-003-000-0097-0000; and

WHEREAS, Beaufort County Council has determined that it is in its best interest to authorize the execution and delivery of the requested three (3) utility easements attached hereto and incorporated by reference as “Exhibit A” respectively; and

WHEREAS, S.C. Code Ann. § 4-9-130 requires that the transfer of any interest in real property owned by the County must be authorized by the adoption of an ordinance by Beaufort County Council.

NOW, THEREFORE, BE IT ORDAINED BY BEAUFORT COUNTY COUNCIL, that the County Administrator is hereby authorized to execute any and all documents necessary to execute the delivery of three (3) utility easements which is attached hereto as “Exhibit A”.

ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: \_\_\_\_\_  
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

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Thomas J. Keaveny, II, County Attorney

ATTEST:

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Suzanne M. Rainey, Clerk to Council

First Reading: August 22, 2016

Second Reading: September 12, 2016

Public Hearing:

Third and Final Reading:

**Easement # 893869**

INDENTURE, made this \_\_\_\_\_ day of \_\_\_\_\_, 2016 by and between **Beaufort County** of the County of **Beaufort** and State of South Carolina, hereinafter called "Grantor" (whether singular or plural), and the **SOUTH CAROLINA ELECTRIC & GAS COMPANY**, a South Carolina corporation, having its principal office in Cayce, South Carolina, hereinafter called "Grantee".

WITNESSETH:

That, in consideration of the sum of One Dollar (\$1.00) received from Grantee, Grantor, being the owner of land situate in the County of **Beaufort**, State of South Carolina, hereby grants and conveys to Grantee, its successors and assigns, the right to construct, extend, replace, relocate, perpetually maintain and operate an underground electric line or lines consisting of any or all of the following: conductors, lightning protective wires, municipal, public or private communication lines, cables, conduits, pad mounted transformers, and other accessory apparatus and equipment deemed by Grantee to be necessary or desirable, upon, over, across, through and under land described as follows: a portion of a tract of land containing **4.45 acres**, more or less, and being the same lands conveyed to Grantor by deed of **School District #1 of the County of Beaufort**, dated or recorded **4/11/1985**, and filed in the Register of Deeds office for **Beaufort County in Deed Book 417 at Page 361**.

**This property is located at the southwest corner of the intersection of Boundary Street and Ribaut Road, being bounded on the north by Boundary Street; on the east by Ribaut Road; on the south by Duke Street; and on the west by lands N/F of Sixteen Gate Cemetery, LLC, and Wetlands.**

**The easement is for the SCE&G facilities more fully shown on Exhibit "A" and "B", attached hereto and made a part of as reference only.**

**TMS: R120 003 000 0097 0000**

Together with the right from time to time to install on said line such additional lines, apparatus and equipment as Grantee may deem necessary or desirable and the right to remove said line or any part thereof.

Together also with the right (but not the obligation) from time to time to trim underbrush, cut underbrush and other obstructions that are within, over, under or through a strip of land ("Easement Space") extending Five (5) feet on each side of any underground wires and within, over, under or through a section of land extending Twelve (12) feet from the door side(s) of any pad mounted transformers, elbow cabinets, switchgears or other devices as they are installed; provided, however, any damage to the property of Grantor (other than that caused by trimming, cutting or removing underbrush but not trees) caused by Grantee in maintaining or repairing said lines, shall be borne by Grantee; provided further, however, that Grantors agree for themselves, their successors and assigns, not to build or allow any structure to be placed on the premises in such a manner that any part thereof will exist within the applicable above specified Easement Space, and in case such structure is built, then Grantor, or such successors and assigns as may be in possession and control of the premises at the time, will promptly remove the same upon demand of Grantee herein. Grantor further agrees to maintain minimum ground coverage of thirty six (36) inches and maximum ground coverage of fifty four (54) inches over all underground primary electric lines. Together also with the right of entry upon said lands of Grantor for all of the purposes aforesaid.

The words "Grantor" and "Grantee" shall include their heirs, executors, administrators, successors and assigns, as the case may be.

IN WITNESS WHEREOF, Grantor has caused this indenture to be duly executed the day and year first above written.

WITNESS:

**Beaufort County**

By: \_\_\_\_\_ (SEAL)

Print: \_\_\_\_\_

Title: \_\_\_\_\_

\_\_\_\_\_  
1<sup>st</sup> Witness

\_\_\_\_\_  
2<sup>nd</sup> Witness



# EXHIBIT "A"

U.S. 21 BUSINESS - BOUNDARY STREET

405







SCE&G  
Cabinet  
5'x5'

64  
BEAUFORT COUNTY  
R120 003 000 0097  
PRESENT TRANS B/W  
FILE 7-484 (1984) SCDOT

460

SOUTH CAROLINA ELECTRIC & GAS  
COMPANY ELECTRIC  
DISTRIBUTION SYMBOLS

### UNDERGROUND SYMBOLS

-  SINGLE PHASE PAD MOUNTED TRANSFORMER
-  THREE PHASE PAD MOUNTED TRANSFORMER
-  SWITCH GEAR
-  LOOP CABINET
-  LG SERVICE
-  SECONDARY PEDESTAL/HANDHOLE
- "P" FOR PERMANENT,  
"T" FOR TEMPORARY,  
"M" FOR METERED.

NOTE: SEE EASEMENT DOCUMENT FOR DETAILS  
ON DOOR CLEARANCE RESTRICTIONS

## SCE&G EASEMENT EXHIBIT FOR TRACT 64

SCALE: 1" = 40'

# EXHIBIT "B"

370

U.S. 21 BUSINESS - BOUNDARY STREET

PRESENT 47' R/W  
FILE 7.484 (1984) SCDOT

5' SCE&G EASEMENT  
5' x 20'

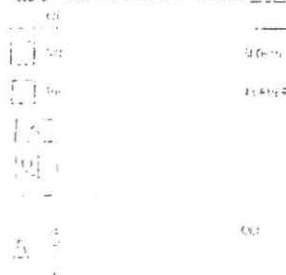
470

10' SCE&G EASEMENT  
10' x 20'

PRESENT 37.5' R/W  
FILE 7.484 (1984) SCDOT

BEAUFORT COUNTY  
R120 003 000 0097

SOUTH CAROLINA ELECTRIC & GAS  
COMPANY ELECTRIC  
DISTRIBUTION SYMBOLS



NOTE: SEE EASEMENT DOCUMENT FOR DETAILS  
ON DOOR CLEARANCE RESTRICTIONS

## SCE&G EASEMENT EXHIBIT FOR TRACT 64

SCALE: 1" = 40'

ORDINANCE 2016/\_\_\_\_\_

**AN ORDINANCE OF COUNTY OF BEAUFORT, SOUTH CAROLINA AMENDING CERTAIN SECTIONS  
UNDER BEAUFORT COUNTY CODE, CHAPTER 22, CIVIL EMERGENCIES, ARTICLE IV,  
DISASTER RECOVERY AND RECONSTRUCTION**

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: \_\_\_\_\_  
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

\_\_\_\_\_  
Thomas J. Keaveny, II County Attorney

ATTEST:

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

First Reading: August 22, 2016  
Second Reading: September 12, 2016  
Public Hearing:  
Third and Final Reading



## ARTICLE IV. - DISASTER RECOVERY AND RECONSTRUCTION

### Sec. 22-101. - Authority.

- (1) This article is adopted by the Beaufort County Council acting under authority of the South Carolina General Assembly, the Home Rule Act, South Carolina Code of Regulations 58-1, Local Emergency Preparedness Standards, and all applicable federal laws and regulations.
- (2) The provisions of this article shall become and be made part of the Code of Laws and Ordinances of Beaufort County, South Carolina. Any laws or ordinances in conflict with the Ordinance that Beaufort County is authorized to repeal are hereby repealed.
- (3) Nothing herein shall supersede the powers, duties, and authorities of the Federal Emergency Management Agency (FEMA) and/or South Carolina's Emergency Management Division (SCEMD). If any section, paragraph, sentence, clause and/or phrase or word of this article is, for any reason, held or declared by a court of competent jurisdiction to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this article.

### Sec. 22-102. - Purposes and objectives.

- (1) *Purposes.* It is the intent of the Beaufort County Council under this article to:
  - (a) Authorize creation of an organization to plan and prepare in advance of a major disaster for orderly and expeditious post-disaster recovery and to direct and coordinate recovery and reconstruction activities;
  - (b) Direct the preparation of a pre-event plan for post-disaster recovery and reconstruction to be updated on a continuing basis;
  - (c) Authorize in advance of a major disaster the exercise of certain planning and regulatory powers related to disaster recovery and reconstruction to be implemented upon declaration of a local emergency; and,
  - (d) Identify means by which Beaufort County will take cooperative action with other governmental entities (local, state and federal) in expediting recovery; and implement means by which Beaufort County will consult with and assist citizens, businesses, and community organizations during the planning and implementation of recovery and reconstruction procedures.
- (2) *Objectives.* The County has established the following general objectives for county recovery policy:
  - (a) Adopt improved and more comprehensive recovery policies and procedures that will facilitate county rebuilding after a disaster;
  - (b) Adopt improved and more comprehensive recovery policies and procedures that will facilitate meeting FEMA (Federal Emergency Management Agency)

(and other state and federal programs) requirements for rebuilding and redevelopment funding;

(c) Improve county policies and procedures for future hurricane seasons and all other disasters.

(3) *Statement of concurrent obligations.* This article is enacted to set out and clarify the authority of Beaufort County and its officers and employees with regard to emergency and disaster situations. It is intended to grant as broad a power as permitted by statutory and constitutional authority. It is further intended that the powers granted and procedures established in this article shall apply concurrently to emergency, post-emergency, recovery and reconstruction operations.

### **Sec. 22-103. - Definitions.**

As used in this article, the following definitions shall apply:

*Curfew.* A curfew is a regulation requiring the withdrawal from any person not otherwise exempt from this article from appearing in certain public areas during specified hours.

*Damage assessment team.* The primary role of the damage assessment team is to assess losses to property. Assessment will be used to determine type of permit required for repair or reconstruction, dollar amount of destruction or damage, and to determine qualifications for federal or state disaster relief assistance.

*Detailed damage assessment.* Follows the initial impact assessment and includes conducting on-site visits by the damage assessment teams for each affected property. This process may take weeks to complete and will culminate in a summary damage estimate in dollars of the total loss to all property in Beaufort County, including: real, personal, agricultural, utility, infrastructure, business, etc.

*Development moratorium.* A temporary hold, for a defined period of time, on the issuance of building permits, approval of land-use applications or other permits and entitlements related to the use, development, redevelopment, repair, and occupancy of private property in the interests of protection of life and property.

*Director.* The director of the recovery task force or an authorized representative.

*Disaster recovery centers (DRCs).* A multi-agency center organized by FEMA for coordinating assistance to disaster victims.

*Emergency.* A local emergency which has been declared by the governor or recognized as same by the Beaufort County Council through the enactment of an emergency ordinance for a specific disaster and has not been terminated.

*Event.* Any natural weather-related or other condition causing damage or destruction of property. Types of events shall include, but not limited to hurricanes, northeasters, tornadoes, earthquakes, and/or other natural disasters.

*Exempt individuals.* Unless otherwise specified herein, exempt individuals include those persons engaged in the provision of designated, essential services, such as fire, law enforcement, emergency medical services, and hospital services, military services, utility emergency repairs. The resolution of a curfew may, in the discretion of the governing authority, also exempt regular employees of local industries traveling to and from their jobs with appropriate identification, news media employees, building and repair contractors who are properly registered with the county and who are actively engaged in performing activities related to construction, repair, renovation, or improvement of buildings and other structures damaged during the disaster or emergency.

*Flood Insurance Rate Map (FIRM).* An official map of the community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

*Hazard mitigation grant program.* A federal program that assists states and local communities in implementing long-term hazard mitigation measures following a major disaster declaration.

*Historic building or structure.* Any building or structure listed or eligible for listing on the National Register of Historic Places, as specified by federal regulation, the state register of historic places or points of interest, or a local register of historic places, and any buildings and structures having historic significance within a recognized historic district.

*Individual assistance program.* A federal disaster program that brings funding to disaster victims for housing and other needs in order to expedite the victims' recovery from disaster.

*Initial impact assessment.* The initial impact assessment (windshield assessment, disaster assessment) is used to determine the extent of the disaster and to determine whether or not outside assistance will be needed. This assessment is generally performed within 24 or 48 hours after passage of an event, depending on severity and scope.

*In-kind.* The same as the prior building or structure in size, height and shape, type of construction, number of units, general location, and appearance.

*Interagency hazard mitigation team.* A team of representatives from FEMA, other federal agencies, state emergency management agencies, and related state and federal agencies, formed to identify, evaluate, and report on post-disaster mitigation needs.

*Joint field office (JFO).* A center established by FEMA for coordinating disaster response and recovery operations, staffed by representatives of federal, state, and local agencies as

identified in the National Response Framework (NRF) and determined by disaster circumstances.

*Major disaster.* Any natural catastrophe (including any hurricane, tornado, high water, wind-driven water, earthquake, winter storm, drought, etc.), or, regardless of cause, any fire, flood, or explosion, which in the determination of the President of the United States causes damage of sufficient severity and magnitude to warrant major disaster assistance under the Stafford Act to supplement the efforts and available resources of states, jurisdictions, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.

*National response framework (NRF).* A plan to coordinate efforts of the government in providing response to natural disasters, technological emergencies, and other incidents requiring federal assistance under the Stafford Act in an expeditious manner.

*Project worksheet (PW).* A claim by a local jurisdiction for financial reimbursement for repair or replacement of a public facility damaged in a major disaster, as authorized under the Stafford Act and related federal regulations, plans, and policies.

*Public assistance program.* FEMA's Public Assistance (PA) Grant Program is designed to provide assistance to states, local governments, and certain nonprofit organizations to alleviate suffering and hardship resulting from major disasters or emergencies declared by the President. Through the PA Program, FEMA provides supplemental federal disaster grant assistance for the repair, replacement, or restoration of disaster-damaged, publicly owned facilities and the facilities of certain private nonprofit (PNP) organizations. The federal share of assistance is not less than 75 percent of the eligible cost for emergency measures and permanent restoration. The grantee (usually the state) determines how the non-federal share (up to 25 percent) is split with the subgrantees (eligible applicants).

*Reconstruction.* The rebuilding of permanent replacement housing, construction of large-scale public or private facilities badly damaged or destroyed in a major disaster, addition of major community improvements, and full restoration of a healthy economy.

*Recovery functions.* The categories of activities and programs that the County and its citizens are likely to need following a disaster.

*Recovery task force.* An interdepartmental organization that coordinates Beaufort County staff actions in planning and implementing disaster recovery and reconstruction functions.

*Recovery plan.* A pre-event plan for post-disaster recovery and reconstruction, composed of policies, plans, implementation actions, and designated responsibilities related to expeditious and orderly post-disaster recovery and rebuilding, with an emphasis on mitigation.

*Recovery strategy.* A post-disaster strategic program identifying and prioritizing major actions contemplated or under way regarding such essential recovery functions as business

resumption, economic reinvestment, industrial recovery, housing replacement, infrastructure restoration, and potential sources of financing to support these functions.

*Stafford Act.* The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288, as amended).

**Sec. 22-104. - Recovery management structure.**

The primary recovery task that shall be completed in times of a disaster is assuring that all continuity of government procedures are in place and being carried out according to previously established plans. This includes having lines of succession in place for county council members and all essential Beaufort County staff (especially department heads).

The second task should be implementing a management structure that defines how recovery procedures will be managed by the county. The following structure is hereby created for the purpose of coordinating Beaufort County actions in planning and implementing disaster recovery and reconstruction activities.

- (1) *Recovery task force.* A recovery task force is hereby established that is comprised of the following officers and members, should any of the directors be unable to perform the tasks the subsequent individual shall fall within that position and the line of succession shall adjust accordingly.
  - (a) The county administrator who shall be chair; and as chair of the recovery task force shall appoint the recovery director and three deputy directors to oversee all recovery functions and to form a line of succession. Each deputy director shall provide management of recovery functions as assigned by the director;
  - (b) ~~The division director of engineering and infrastructure who shall be director and vice chair;~~ The director of environmental engineering and land management shall be the recovery director and first vice-chair of the disaster recovery taskforce.
  - (c) ~~The division director of community services who shall be deputy director, and who shall act as vice chair in the absence of the vice chair.~~ The director of public works shall be the second vice-chair.
  - (d) ~~The Beaufort County Staff Attorney who shall be legal adviser;~~ The Building Codes Director shall be the third vice chair.
  - (e) The Beaufort County Assistant County Administrator of Civil Engagement & Outreach shall be the fourth vice-chair
  - (f) The Beaufort County Attorney and staff shall be legal advisor and staff of the recovery task force.

(g) ~~Other members, including the building official, county engineer, planning director, fire chief, emergency management director, county sheriff, and the director of public works, together with representatives from such other departments and offices as the alliance for human services, assessor, county council, economic development, EMS, GIS, parks and leisure services, zoning, department of social services/emergency welfare services, municipal representatives, private sector and nonprofit organizations etc., may be deemed necessary by the chair or director for effective operation.~~ Shall include the county council, facilities and construction, engineering, transportation engineering, planning, fire chief, emergency management, sheriff, together with representatives from such other departments and offices as the alliance for human services assessor, economic development, EMS, GIS, parks and leisure services, zoning, department of social services/emergency welfare services, municipal representatives, private sector and nonprofit organizations etc., and others that may be deemed necessary by the chair or recovery director for effective recovery operations.

- (2) *Powers and duties.* The recovery task force shall have such powers as enable it to carry out the purposes, provisions, and procedures of this chapter, as identified in this chapter.
- (3) *Operations and meetings.* The director shall have responsibility for recovery task force operations. When an emergency declaration is in force (whether declared by the governor or through the enactment of an emergency ordinance adopted by Beaufort County Council), the county administrator shall authorize activation of the recovery task force and disaster recovery plan. After a declaration and/or determination that a local emergency exists, and while such declaration or determination is in force, the recovery task force shall meet daily or as frequently as determined by the director. When an emergency declaration or determination is not in force, the recovery task force shall meet monthly or more frequently, upon call of the chair or director.
- (4) *Succession.* In the absence of the director, the deputy director shall serve as acting director and shall be empowered to carry out the duties and responsibilities of the director. The director shall name a succession of department managers to carry on the duties of the director and deputy director, and to serve as acting director in the event of the unavailability of the director and deputy director.
- (5) *Organization.* The recovery task force may create such standing or ad hoc committees as determined necessary by the director.
- (6) *Relation to ~~Beaufort County Emergency Management.~~ Beaufort County Sheriff's Office Emergency Management Division.* The recovery task force shall work in concert with ~~Beaufort County Emergency Management~~ the Emergency Management Division that has interrelated functions and similar membership.
- (7) *Short-term recovery objectives.* The emergency management director is in charge of overseeing all short-term recovery activities. Beaufort County's objectives to be accomplished during short-term recovery can be found in the Beaufort County Recovery

Plan, Appendix C. This checklist is to be used to determine that short-term recovery activities have been completed properly.

- (8) *Long-term recovery objectives.* The director of ~~the public services department~~ Environmental Engineering and Land Management is responsible for overseeing all long-term recovery activities. Beaufort County's objectives to be accomplished during long-term recovery can be found in the Beaufort County Recovery Plan, Appendix C. This checklist is to be used to determine that long-term recovery activities have been completed properly.
- (9) *Ending recovery operations.* Recovery operations shall continue until the county administrator has notified staff to return to normal operations. Normal operations will not resume until either the emergency management director (for short-term emergency activities) or the director of ~~the public services department~~ Environmental Engineering and Land Management (for long-term recovery activities) has notified the county administrator that recovery activities have been completed.

### **Sec. 22-105. - Recovery plan.**

Beaufort County has developed a pre-event plan for post-disaster recovery and reconstruction, referred to as the Beaufort County Recovery Plan, which is comprised of pre-event and post-disaster policies, plans, implementation actions, and designated responsibilities related to expeditious and orderly post-disaster recovery and rebuilding, and incorporates hazard mitigation in all elements of the 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.
- (2) *Coordination of recovery plan with county and regional plans, FEMA, and other agencies.* The recovery plan identifies relationships of planned recovery actions with those of adjacent communities and state, federal, or mutual aid agencies involved in disaster recovery and reconstruction, including but not limited to the Federal Emergency Management Agency (FEMA), the American Red Cross, the Department of Housing and Urban Development (HUD), the Small Business Administration (SBA), the Environmental Protection Administration (EPA), the Department of Transportation (DOT), the South Carolina Emergency Management Division (SCEMD), the South Carolina Department of Health and Environmental Control (DHEC) and other entities

that provide assistance in the event of a major disaster. A draft copy of the plan shall be sent to the South Carolina Emergency Management Division on an annual basis for review in sufficient time for comment prior to action on the recovery plan by the Beaufort County Council.

- (3) *Recovery plan implementation.* The director and recovery task force shall be responsible for implementation of the plan both before and after a major disaster, as applicable. Before a declaration of emergency, the director, or his/her authorized representative, shall prepare and submit reports annually, or more frequently as necessary, to fully advise the Beaufort County Council on the progress of preparation or implementation of the recovery policy. After a declaration of emergency in a major disaster, the director shall report to the Beaufort County Council as often as necessary on implementation actions taken in the post-disaster setting, identify policy and procedural issues, and receive direction and authorization to proceed with plan modifications necessitated by specific circumstances.
- (4) *Recovery plan training and exercises.* The recovery task force shall organize and conduct periodic training and exercises annually, or more often as necessary, in order to develop, convey, and update the contents of the recovery plan. Such training and exercises will be conducted in coordination with similar training and exercises related to the emergency operations plan.
- (5) *Recovery plan consultation with citizens.* The recovery planning committee is comprised of representatives of business, volunteer and community organizations that represent Beaufort County citizens. Other efforts to inform the public about the recovery plan will be coordinated by the public information officer.
- (6) *Recovery plan amendments.* During implementation of the recovery plan, the director and the recovery task force shall address key issues, strategies and information bearing on the orderly maintenance and periodic revision of the plan. In preparing modifications to the plan, the recovery task force shall consult with county departments, business, and community organizations and other government entities to obtain information pertinent to possible recovery plan amendments.
- (7) *Recovery plan coordination with related plans.* The recovery plan has been prepared and shall be updated to be in coordination with related elements of the comprehensive general plan and emergency operations plan, or such other plans as may be pertinent. Such related plan elements shall be periodically amended to be consistent with key provisions of the recovery plan, and vice versa.
- (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 ~~division director of engineering and infrastructure~~ director of environmental engineering and land management who



will then make a report to county council regarding the status of recovery operations for the year. (Appendix A)

**Any changes to be made to the recovery plan, identified either by the annual review, or in an after action report, will be made at the discretion of the recovery task force and shall not require county council review and/or action.**

**Sec. 22-106. - General provisions.**

The following general provisions shall be applicable to implementation of this article:

- (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 division director of engineering and infrastructure~~) (the director of environmental engineering and land management) and the deputy director of the recovery task force (~~the division director of community services, in the absence of the director~~) (the director of public works) shall have authority to exercise powers and procedures authorized by this article, subject to extension to the other appointed deputy directors, and/or, 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.

In the absence of any declaration of emergency by the governor of the State of South Carolina, nothing shall prohibit Beaufort County Council, in its discretion, from exercising any powers necessary to protect the health, safety and welfare of its citizens. If such an emergency exists within Beaufort County, and immediate action is needed, council shall convene to declare an emergency and shall implement the provisions of this article in part or in full force. If the situation is such that council cannot convene, the declaration of local emergency shall be made by the Beaufort County Administrator or his designee. Such a declaration shall be subject to ratification, alteration, modification or repeal, by council, as soon as council can convene. Subsequent actions of council shall not affect the validity of prior actions taken by the county administrator, or his designee.

- (2) *Post-disaster recovery operations.* The director of the recovery task force (director of ~~the public services department~~ environmental engineering and land management) shall have duties in directing and controlling post-disaster recovery and reconstruction operations, including but not limited to the following:
- (a) Activate, mobilize and deploy local law enforcement to respond to any situations necessary to promote recovery and redevelopment within Beaufort County;
  - (b) Activate and deploy damage assessment teams to identify damaged structures and to determine further actions that should be taken regarding such structures;

- (c) Activate and deploy hazards evaluation teams to locate and determine the severity of natural or technological hazards that may influence the location, timing, and procedures for repair and rebuilding processes;
- (d) Maintain liaison with the Beaufort County Emergency Operations Center and other public and private entities, such as FEMA, the American Red Cross, and the South Carolina Emergency Management Division in providing necessary information on damaged and destroyed buildings or infrastructure, natural and technological hazards, street and utility restoration priorities, temporary housing needs and similar recovery concerns;
- (e) Establish "one-stop" field offices located in or near impacted areas where appropriate, staffed by trained personnel from appropriate departments, to provide information about repair and rebuilding procedures, issue repair and reconstruction permits, and provide information and support services on such matters as business resumption, industrial recovery, and temporary and permanent housing;
- (f) Activate streamlined procedures to expedite repair and rebuilding of properties damaged or destroyed in the disaster;
- (g) Make recommendations regarding moratoriums on buildings, land use regulations and permits, subject to Beaufort County Council ratification, as provided under subsection 22-109(22);
- (h) Recommend to the Beaufort County Council and other appropriate entities necessary actions for reconstruction of damaged infrastructure;
- (i) Prepare plans and proposals for action by the Beaufort County Council for redevelopment projects, redesign of previously established projects or other appropriate special measures addressing reconstruction of heavily damaged areas;
- (j) Formulate proposals for action by the Beaufort County Council to amend the comprehensive general plan, emergency operations plan, and other relevant plans, programs, and regulations in response to new needs generated by the disaster;
- (k) Such other recovery and reconstruction activities identified in the Recovery plan or by this article, or as deemed by the director as necessary to promote recovery, public health, safety, and well-being of the citizens of Beaufort County.

All County employees should be aware that in times of disasters, normal county operations are suspended and personnel may be reassigned during portions of task force operations.

- (3) *Coordination with FEMA and other agencies.* The director and the recovery task force shall coordinate recovery and reconstruction actions with those of state, federal, or mutual aid agencies involved in disaster response and recovery, including but not limited to the Federal Emergency Management Agency (FEMA), the American Red Cross, the Department of Housing and Urban Development (HUD), the Small Business Administration (SBA), the South Carolina Emergency Management Division and other

entities that provide assistance in the event of a major disaster. Intergovernmental coordination tasks including but not limited to the following:

- (a) Assign trained personnel to provide information and logistical support to the FEMA Joint Field Office, if needed;
- (b) Supply personnel to provide information support for FEMA Disaster Recovery Centers (DRCs), if needed;
- (c) Participate in damage assessment surveys conducted in cooperation with FEMA and other entities;
- (d) Participate in the development of hazard mitigation strategies with the Interagency Hazard Mitigation Team (when activated) with FEMA and other entities;
- (e) Cooperate in the joint establishment with other agencies of one-stop service centers for issuance of repair and reconstruction options and permits, business resumption support, counseling regarding temporary and permanent housing, and other information regarding support services available from various governmental and private entities;
- (f) Coordinate within county government the preparation and submission of supporting documentation for Project Worksheets (PWs) to FEMA;
- (g) Determine whether damaged structures and units are within floodplains identified on Flood Insurance Rate Maps (FIRMs) and whether substantial damage has occurred;
- (h) Implement such other coordination tasks as may be required under the specific circumstances of the disaster.

(4) *Additional staffing needs.* In times of disaster, it may be necessary to hire additional staff members to perform various recovery-related duties (for example, additional administrative support for various departments). All additional hiring will be coordinated through the human resources department at the direction of the county administrator. Whenever possible, funding for filling such positions will be provided by sources other than Beaufort County funding from state and federal programs (grant funds, federal programs). If no additional funding sources are available, emergency funds may need to be spent to fill additional staffing needs. Authorization of the expenditure of emergency funds may only be approved by the county administrator.

(5) *Consultation with citizens.* Activities undertaken by the recovery task force that require notification of, or are of interest to the Beaufort County citizenry will be presented to the public through the public information officer.

#### **Sec. 22-107. - Imposition of curfews during times of emergency and recovery.**

- (1) *Purpose.* Beaufort County Council may impose a curfew during periods of emergency or disaster to protect the health, safety, and welfare of the citizens and property of

Beaufort County during an emergency, disaster, or imminent threat thereof. The curfew will be used to protect citizens and property from the potential presence of looters, vandals, thieves and others who would take advantage of the confusion and devastation associated with such an event.

- (2) *Institution of curfew.* Upon the declaration of a state of emergency by the Governor, or upon the determination by Beaufort County Council, or its emergency manager or successor, of the existence of an emergency or disaster, county council, may adopt a resolution instituting a curfew when it is determined necessary to protect and safeguard the people and property of Beaufort County. All of the territory of the unincorporated county shall be subject to the terms of the curfew, unless otherwise specified in the resolution. The resolution instituting the curfew shall include the dates and hours that the curfew shall be in effect.
- (3) *Enforcement.* The provisions under this section shall be enforced by the Beaufort County Sheriff's ~~Department~~ Office.
- (4) *Prohibition.* It shall be prohibited for any person, other than exempt individuals, to appear in public in the territory subject to the curfew, including, but not limited to, streets, highways, alleys, sidewalks, vacant lots, parks, public buildings or any other public places in all or a delineated part of unincorporated Beaufort County during the stated hours of the curfew. Violators, if convicted, will be subject to any and all penalties allowed for in this article.

**Sec. 22-108. - Re-entry into areas affected by disasters.**

- (1) *Purpose.* It may be necessary, following an evacuation, natural or manmade disaster, or otherwise, to restrict entry into portions or all of Beaufort County by the Beaufort County Sheriff's ~~Department~~ Office. Restricted access shall occur only when absolutely necessary to protect the lives and property of its citizens. In the absence of state and/or federal oversight, Beaufort County recognizes the need to locally restrict access to areas by the general public during times of disaster and post recovery and reconstruction.
- (2) *Re-entry procedures.* It is anticipated that re-entry will occur in a tiered manner based on key roles in restoring normal operations after a disaster. It is understood that events may occur within specific areas of the county that will dictate, based on local needs and factors, what personnel will need access into the affected areas. Safety, with regard to public health, travel accessibility and rescue operations will be paramount and of crucial importance in determining access.

Immediate and unrestricted access will be granted to search and rescue agents, including agents from county and municipal fire-rescue departments, state, local,

and federal law enforcement, fire/EMS, National Guard (Military) and emergency response agencies in support of the affected area.

- (3) *Re-entry passes.* Beaufort County ~~Emergency Management~~ Sheriff's Office Emergency Management Division is responsible for the assignment of re-entry passes. Federal, state and local government agencies and law enforcement officials agree to recognize specific identification from critical infrastructure owners and operators, their contractor(s), subcontractors and others as they seek access into a restricted disaster area. Relying parties (e.g. law enforcement) will require constant communications with local emergency operations centers so that proper admittance is granted. Once identity and attributes are authenticated, access is granted at the discretion of the relying parties. Falsification or the forgery of any re-entry or access passes issued in due course by the emergency management ~~department~~ division or like state or federal agency shall be considered a violation of this article and shall be punishable in accordance with the applicable provisions of this article.
  
- (4) *Re-entry for citizens and public.* Upon the determination that an affected area is deemed to be safe, the emergency management ~~department~~ division, at its discretion, may allow for re-entry for citizens of Beaufort County, or the general public at large.

**Sec. 22-109. - ~~Disaster and recovery emergency permitting and zoning policy and procedures.~~**  
**Emergency permitting, zoning policy and zoning procedures**

- (1) *Goals and purposes.* The goal of the ~~division of building and the division of code enforcement~~ building codes and codes enforcement in a disaster is to allow rebuilding, repair and reconstruction of damaged structures in an orderly, safe and timely manner. Although speed of reconstruction is critical, the overall quality of the reconstruction process as it relates to federal, state and local building codes is a paramount issue. The purpose of these administrative procedures is to establish an emergency permitting system to be used following a declared disaster to expedite repair, restoration, or rebuilding of safe habitable structures.
- (2) *Scope.* The scope of this section includes:
  - (a) An overview of the emergency permitting process comprised of damage assessment, determination, notification, permitting and inspection.
  - (b) Description of damage categories and corresponding types of emergency permits, based upon the degree of damage.
  - (c) Procedures to determine compliance with the county's development standard ordinance.
  - (d) Procedures describing emergency permitting and inspection requirements.
  - (e) The purpose and authority of the construction board of adjustments and appeals.
  - (f) Fee structure and requirements.

(3) *Post-disaster procedures.* The ~~division of building and the division of code enforcement~~ building codes and codes enforcement will implement the following series of procedures to expedite the building permit review and permit issuance process immediately following declaration of an emergency. The ~~division of building and the division of codes~~ building codes and codes enforcement are managed by the Beaufort County Building Official. In a recovery operation the county building official is hereby authorized to make minor adjustments to these policies and procedures to meet the objectives of county recovery actions as unforeseen situations arise.

The provisions of section 22-109 shall be in effect for a period of six months from the date of a local emergency declaration following a major disaster or until termination of a state of local emergency, whichever occurs later, or until these provisions are extended, modified, replaced by new provisions, or terminated, in whole or in part, by action of the Beaufort County Council through separate ordinances.

(4) *Operational procedures.*

- (a) The ~~division of building and the division of codes~~ building codes and codes enforcement will reopen immediately upon proper notice at the current office location, or at an alternate location if the current location is damaged.
- (b) Upon re-entry all inspectors and code enforcement staff must contact the county building official, or the deputy county administrator, to receive work assignments and return to work schedules.
- (c) Inspectors will be assigned to areas of the county to monitor construction activity.
- (d) Inspectors will issue temporary permits for repair to prevent further damage in accordance with these policies: the international codes, FEMA Substantial Damage Estimation software.
- (e) Inspectors will notify owners of need to comply with construction permit requirements and to advise all concerned parties on reconstruction issues in a post-disaster situation.
- (f) Damage assessment teams shall be activated. Team will be comprised of one building inspector, one tax appraiser and other professionals, as deemed necessary to assist with structural analysis of severely damaged buildings.
- (g) If emergency staffing requirements are beyond current staff capability, staffing will be added through mutual aid agreements with surrounding and/or units of government and volunteer groups with proper qualifications.

(5) *Damage assessment procedures.*

- (a) The initial impact assessment (windshield assessment, disaster assessment) is used to determine the extent of the disaster and to determine whether or not outside assistance will be needed. This assessment is coordinated by the emergency management ~~department~~ division of the Sheriff's Office and is generally performed within 24 or 48 hours after passage of an event, depending on severity and scope.
- (b) The detailed damage assessment follows the initial impact assessment and includes conducting on-site visits by the damage assessment teams for each

affected property. This process may take weeks to complete and will culminate in a summary damage estimate in dollars of the total loss to all property in Beaufort County, including: real, personal, agricultural, utility, infrastructure, business, etc. The county building official and the assessor will determine when damage assessment teams will be assembled for conducting detailed damage assessments and make assignments to areas of the county.

- (c) Assessment teams are to establish dollar amount assessments of damage to all structures within their area of responsibility.
  - (d) Each team will have values of structures from the most recent tax records.
  - (e) Assessment team decisions will be symbolized by the use color-coded assessment cards at each structure.
  - (f) Cards will address information as to what percent of the structure has sustained damage, and what process the owner will be required to follow to correct the damage to property. Colored card system detail is found below.
- (6) *Detailed damage assessment procedures.* The county building official or an authorized representative shall direct damage assessment teams having authority to conduct field surveys of damaged structures and post color-coded placards designating the condition of such structures as follows:
- (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.
  - (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.
  - (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.

Beaufort County Field inspectors will complete the appropriate card and post in a conspicuous location. Inspector must keep a log of all structures posted in this

category. Log will include date, time, location and a damage description/justification of designation.

- (d) This article and section number, the name of the department, its address, and phone number shall be permanently affixed to each placard.
- (e) Once a placard has been attached to a building, it shall not be removed, altered or covered until done so by an authorized representative of Beaufort County or upon written notification from Beaufort County. Failure to comply with this prohibition will be considered a misdemeanor punishable by a \$300.00 fine.

(7) ~~Development~~ **Staff** review team procedures.

- (a) After an initial damage assessment is completed, the county ~~development staff~~ review team (~~DSRT~~) for development shall convene to determine what areas of the county are impacted and discuss permitting procedures under current emergency conditions.
- (b) The ~~DSRT~~ will discuss conditions, including the following matters in determining how to proceed: plan review requirements, temporary housing needs, ordinance enforcement, abatement of unsafe or unrepairable structures, emergency repairs and flood damage control regulation enforcement.
- (c) The ~~DSRT~~ shall make determinations as to what areas within the county are in need of redevelopment, or in the alternative, which areas are eligible for reconstruction. When a determination has been made that an area has been damaged to such an extent that redevelopment is appropriate, the director of planning shall coordinate the process of organizing meetings with the municipalities to determine how the affected areas are to be redeveloped. Redevelopment plans should be based on the most recent comprehensive plan.

(8) *Permitting procedures.*

- (a) The permitting process will be determined by the extent of damage that a property has sustained. Each property will be treated individually consistent with county ordinances and the international building codes requirements. Property sustaining minor damage may not require a permit based on the type of damage.

Major damage will, in most cases, require a permit. The amount of information needed to satisfy the permitting process will be determined by the type and amount of damage that the structure has received. In most situations where a property has sustained major damage, the owner or contractor conducting the repair will be required to submit a full plan of reconstruction.

- (b) During damage assessment, the inspector will leave a colored-coded placard at the site in a conspicuous location. The placard will provide instructions to the owner if a zoning or building permit is required. The color codes are discussed above in subsection 22-107(6).

(9) *Emergency nonconforming permitting procedures.* In an emergency it may be necessary to allow existing nonconforming uses to rebuild. Building owners will only be allowed to rebuild nonconforming uses under these conditions:

- (a) Owner has official copy of building plans that include overall size and dimensions of structure.



- (b) Owner has recent photographs of the structure that supply construction and appearance detail of the structure.
  - (c) In addition to meeting the conditions as stated above, building owners are also required to comply with the requirements set forth within subsection 22-109(27) with regard to the rebuilding of nonconforming structures.
- (10) *Joint county-municipal permitting.* In a large scale disaster, joint permitting by all governmental permitting bodies would greatly improve effectiveness and speed of post-disaster reconstruction. County staff will pursue implementation of a joint system with all permitting bodies.
- (11) *Administrative and clerical staff duties and roles in a disaster.*
- (a) Normal daily business routine procedures will be employed unless adjusted by the county building official.
  - (b) Telephone duty assigned to two staff members for all incoming calls.
  - (c) Screening of walk-ins by one staff person. The assigned and designated FEMA Coordinator will notify the county building code and code enforcement divisions of substantially damaged buildings requiring building services approval prior to permit release.
  - (d) All records will be retained.
  - (e) Combined staffs from these county divisions and departments: buildings, planning and zoning departments (and others if required) will perform needed clerical and related processing as needed.
- (12) *Ready information/materials/equipment (for damage assessment teams).*
- (a) Digital cameras and additional memory.
  - (b) Temporary permit forms.
  - (c) Building damage assessment forms/building tags/noncompliance forms.
  - (d) Handheld GPS equipment.
  - (e) Safety vests
  - (f) Steele toe boots
  - (g) Flash lights
  - (h) Dust face masks
  - (i) Tablets with collector app loaded
  - (j) Jet pack for tablets
  - (k) Alternative power source to charge devices
- (13) *Issuing emergency zoning and building permits.* When an emergency is officially declared, the following procedures will be implemented when issuing permits:

No restriction on use or occupancy. No plans are required, no permit is required, and no inspection activity other than damage assessment is required.

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.

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.

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.

(14) *County permit fees.* The county will continue to collect permit fees. If conditions warrant revision of this policy, recommendations will be presented to county council.

(15) *Contractor licensing.*

- (a) The county will heighten monitoring and oversight of licensing requirements during emergencies.
- (b) Contractors and subcontractors are likely to respond to construction needs from all parts of the United States.
- (c) State contractor licensing requirements will be the same as during normal operations (e.g., only contractors with appropriate credentials will be issued licenses to work in Beaufort County).
- (d) No preliminary licensing will be allowed.
- (e) High likelihood that Beaufort County, and state contractor licensing authorities, will establish offices in Beaufort County to administer contractor exams, and to manage the paperwork related to the procedure.

(16) *Zoning operations.*

- (a) Zoning permits will be required as described above.

- (b) A site plan or plat will not be required unless the house was moved from its foundation or it is being expanded.
- (c) Field inspectors will judge extent of damage both residential/commercial structures.

(17) *Flood regulations.*

- (a) Beaufort County's flood regulations requires that all pre-FIRM buildings (FEMA definition - a building for which construction or substantial improvement occurred on or before December 31, 1974, or before the effective date of an initial Flood Insurance Rate Map (FIRM)) located in the 100-year floodplain be elevated to the required base flood elevation if the building sustains > 50 percent damage of its market value.
- (b) Replacement value is determined before improvements are made to the structure.
- (c) In cases where there are questions regarding extent of damage or flood zone designation, the inspector shall complete FEMA substantial damage form to make the determination.

(18) *Electrical and gas connections.*

- (a) Electrical and gas safety inspection procedures. All buildings with a damaged electric and/or gas meter, damaged electrical service weather head, and/or with water submersion inside of the structure up to the elevation of electrical receptacles, will require an electrical safety inspection prior to electrical service being restored.
- (b) Gas lines in buildings that have experienced a fire must be inspected prior to gas service being restored.
- (c) Stop work orders (red tags) are to be conspicuously placed near utility meters that are not to be reconnected without prior inspection and release.
- (d) Records of structures deemed unsafe for utility reconnection are to be maintained and released to the applicable electrical or gas utility as quickly as possible after the determination is made.

(19) *Mutual aid building inspectors.* Mutual aid building inspectors will assist with performing substantial damage determination inspections, complete applicable forms, input data into FEMA substantial damage determination software, and perform other related duties as assigned.

(20) *Beaufort County Board of Adjustment and Appeals.*

- (a) The Beaufort County Board of Appeals will handle disputes directly associated with disaster-related reconstruction and construction.
- (b) The board will act on all matters resulting from matters in dispute. Likely areas of deliberation are: decisions related to degree of damage, new codes, floodplain issues, and other matters that may develop.
- (c) Additional responsibilities may be assigned to the board to meet needs as they develop.
- (d) Decisions will be made by majority vote, minutes and all other meetings requirements will be met as the board functions during disaster, including: open

meetings requirements, accessibility requirements and Freedom of Information requirements.

(21) *Applications and forms (to be used by county staff)*. Habitable Repair Approval, Unsafe Do Not Enter, Limited Entry - Permit Required for Repairs, Damage Checklist.

(22) *Development moratorium*. The director shall have the authority to make recommendations to county council regarding moratoriums on the issuance of building permits, approval of land use applications or other permits and entitlements related to the use, development, and occupancy of private property authorized under other chapters and sections of the Code of Ordinances. The recommendations will be based on the opinion of the director, that such action is reasonably justifiable for protection of life and property. County council shall be authorized to issue moratoriums in accordance with the provisions of this article. County council shall be authorized to issue a moratorium with regards to the requirements under this section.

(a) *Posting*. Notice of the moratorium shall be posted in a public place and shall clearly identify the boundaries of the area in which a moratorium is in effect as well as the exact nature of the development permits or entitlements that are temporarily held in abeyance.

(b) *Duration*. The moratorium shall be in effect from the earliest possible time following a disaster, and shall remain in effect until such time that the Beaufort County Council can take action to extend, modify, or terminate such moratorium by separate ordinance.

(23) *One-stop center for permit expediting*. The county building official shall oversee establishment of a one-stop center, staffed by representatives of pertinent departments, for the purpose of establishing and implementing streamlined permit processing to expedite repair and reconstruction of buildings, and to provide information support for provision of temporary housing and encouragement of business resumption and industrial recovery. The director shall establish such center and procedures in coordination with other governmental entities that may provide services and support, such as FEMA, SBA, HUD, or the South Carolina Emergency Management Division.

(24) *Temporary use permits*. The director shall have the authority to issue permits in any residential, commercial, industrial, or other zone for the temporary use of property that will aid in the immediate restoration of an area adversely impacted by a major disaster, subject to the following provisions:

(a) *Critical response facilities*. Any police, fire, emergency medical, or emergency communications facility that will aid in the immediate restoration of the area may be permitted in any zone for the duration of the declared emergency;

(b) *Other temporary uses*. Temporary use permits may be issued in any zone, with conditions, as necessary, provided written findings are made establishing a factual basis that the proposed temporary use:

1. Will not have a long-term detrimental impact on the immediate neighborhood;
2. Will not adversely affect the comprehensive plan; and

3. Will contribute in a positive fashion to the reconstruction and recovery of areas adversely impacted by the disaster.

Temporary use permits may be issued for a period of one year following the declaration of local emergency and may be extended on an annual basis for a maximum of five 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 subsequent four years, 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 subsection 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" pursuant to subsection 22-109(13) to live on his or her property until such time as the damaged house can be repaired or rebuilt. 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.
- (25) *Temporary repair permits.* Following a disaster, temporary emergency repairs to secure structures and property damaged in the disaster against further damage or to protect adjoining structures or property may be made without fee or permit where such repairs are not already exempt under other chapters of the Code of Ordinances. The building official must be notified of such repairs within ten working days, and regular permits with fees may then be required.
- (26) *Deferral of fees for reconstruction permits.* Except for temporary repairs issued under provisions of this chapter, all other repairs, restoration, and reconstruction of buildings damaged or destroyed in the disaster shall be approved through permit under the provisions of other chapters of this Code. Fees for such repair and reconstruction permits may be deferred until issuance of certificates of occupancy.
- (27) *Nonconforming buildings and uses.* Buildings damaged or destroyed in the disaster that are legally nonconforming as to use, yards, height, number of stories, lot area, floor area, residential density, parking, or other provisions of the zoning and development standards may be repaired and reconstructed in-kind, provided that:
- (a) The building is damaged in such a manner that the structural strength or stability of the building is appreciably lessened by the disaster and is less than the minimum requirements of the International Building Code for a new building;
  - (b) The cost of repair is less than 50 percent of the replacement cost of the building;
  - (c) All structural, plumbing, electrical and related requirements of the International Building Code are met at current standards;
  - (d) Any local, state or federal natural hazard mitigation requirements are met;

- (e) Reestablishment of the use or building is in conformance with the National Flood Insurance Program requirements and procedures;
- (f) The building is reconstructed to the same configuration, floor area, height, and occupancy as the original building or structure, except where this conflicts with National Flood Insurance Program (NFIP) provisions;
- (g) No portion of the building or structure encroaches into an area planned for widening or extension of existing or future streets as determined by the comprehensive general plan or applicable specific plan; and
- (h) Repair or reconstruction shall commence within two years of the date of the declaration of local emergency in a major disaster and shall be completed within two years of the date on which permits are issued.
- (i) In addition to the provisions contained herein, building owners are also required to comply with the provisions of subsection 22-109(9) with regard to the rebuilding of nonconforming structures.

Nothing herein shall be interpreted as authorizing the continuation of a nonconforming use beyond the time limits set forth under other sections of the zoning and development standards that were applicable to the site prior to the disaster.

**Sec. 22-110. - Demolition of damaged buildings.**

The director shall have authority to order the condemnation and demolition of buildings and structures damaged in the disaster under the standard provisions of the Code of Ordinances, except as otherwise indicated below:

- (1) *Condemnation and demolition.* In dealing with historic buildings, the building official shall notify the state historic preservation officer within 60 days after the disaster, that one of the following actions will be taken with respect to any historic building or structure determined by the building official to represent an imminent hazard to public health and safety or to pose an imminent threat to the public right-of-way:
  - (a) Where possible, within reasonable limits as determined by the building official, the building or structure shall be braced or shored in such a manner as to mitigate the hazard to public health and safety or the hazard to the public right-of-way;
  - (b) Whenever bracing or shoring is determined not to be reasonable, the building official shall cause the building or structure to be condemned and immediately demolished. Such condemnation and demolition shall be performed in the interest of public health and safety without a condemnation hearing as otherwise required by the building code. Prior to commencing demolition, the building official shall photographically record the entire building or structure.
- (2) *Notice of condemnation.* If, after the specified time frame noted in subsection 22-108(1) of this chapter and less than 30 days after the disaster, a historic building or structure is determined by the building official to represent a hazard to the health and safety of the public or to pose a threat to the public right-of-way, the building official shall duly notify

the building owner of the intent to proceed with a condemnation hearing within 30 business days of the notice in accordance with the building code; the building official shall also notify FEMA, in accordance with the National Historic Preservation Act of 1966, as amended, of the intent to hold a condemnation hearing.

- (3) *Request to FEMA for approval to demolish.* Within 30 days after the disaster, for any historic building or structure which the building official and the owner have agreed to demolish, the building official shall submit to FEMA, in accordance with the National Historic Preservation Act of 1966, as amended, a request for approval to demolish. Such request shall include all substantiating data.
- (4) *Historic building demolition review.* If, after 30 days from the event, the building official and the owner of a historic building or structure agree that the building or structure should be demolished, such action will be subject to the review process established by the National Historic Preservation Act of 1966, as amended.

#### **Sec. 22-111. - Temporary housing.**

- (1) Purpose. It is understood that FEMA will be responsible for all temporary housing activities following a disaster; however, it is in Beaufort County's best interest to have a plan in place for guiding where temporary housing is located, the types of temporary housing brought in and how long the housing is allowed to stay on-site.
- (2) Pre-disaster site planning. Each year, as part of the recovery plan update process, the ~~division director of community services~~ Building Codes Director 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, community development, 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.
- (3) Post-disaster policies and procedures. Upon declaration of an emergency, the county administrator shall assign staff to work with FEMA, HUD, the South Carolina Emergency Management Division, and other appropriate governmental and private entities to identify special programs by which provisions can be made for temporary or permanent replacement housing that will help avoid undue displacement of people and businesses. Such programs may include deployment of manufactured housing and manufactured housing developments under the temporary use permit procedures provided in subsection 22-107 of this article and available section 22-108 and community development block grant funds to offset repair and replacement housing costs, and other initiatives appropriate to the conditions found after a major disaster.
- (4) The county will issue temporary use permits to residents which will allow for the placement of one temporary housing unit on property owned by them in the event that the property owner's house has been damaged but has been deemed as "having no restriction on use or occupancy" as set forth in subsection 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. 22-112. - Hazard mitigation program.**

The county has established a comprehensive hazard mitigation program that includes both long-term and short-term components.

(1) *Hazard mitigation plan.* Beaufort County has adopted by resolution a hazard mitigation plan for the purpose of enhancing long-term safety against future disasters. The hazard mitigation plan identifies and maps the presence, location, extent, and severity of natural hazards, such as:

- (a) Flooding;
- (b) Dam failure;
- (c) Drought;
- (d) Wind: thunderstorms and tornadoes;
- (e) Earthquakes;
- (f) Fire;
- (g) Tsunamis;
- (h) Hazardous materials.

The hazard mitigation plan determines and assesses Beaufort County's vulnerability to such known hazards and proposes measures to be taken both before and after a major disaster to mitigate such hazards. It contains linkages between its own provisions and those of other comprehensive plan elements including, but not limited to, land use, transportation, housing, economic development, and historic preservation, and any other pertinent element so that development and infrastructure decisions will incorporate considerations of natural hazards.

(2) *Short-term action program.* A short-term hazard mitigation program is included in the recovery plan. It is comprised of hazard mitigation program elements of highest priority for action, including preparation and adoption of separate ordinances dealing with specific hazard mitigation and abatement measures, as necessary. Such ordinances may require special site planning, land use, and development restrictions or structural measures in areas affected by flooding, urban/wildland fire, wind, seismic, or other natural hazards, or remediation of known technological hazards, such as toxic contamination.

(3) *Post-disaster actions.* Following a major disaster, the director shall participate in developing a mitigation strategy as part of the interagency hazard mitigation team with FEMA and other entities, as called for in Section 409 of the Stafford Act and related federal regulations. As appropriate, the director may recommend to the Beaufort County Council that Beaufort County participate in the state's hazard



mitigation grant program, authorized in Section 404 of the Stafford Act, in order to partially offset costs of recommended hazard mitigation measures.

- (4) *New information.* As new information is obtained regarding the presence, location, extent, and severity of natural or technological hazards, or regarding new mitigation techniques, such information shall be made available to the public, and shall be incorporated as soon as practicably possible within the comprehensive plan and the recovery plan through amendment.

**Sec. 22-113. - Protection of critical county public records policies and procedures.**

- (1) *Purpose.* Effective and productive management of county business requires that critical public records be protected and stored for reuse as normalcy is reestablished within the county.
- (2) *Identification of critical records.*
  - (a) County staff will conduct meetings with appropriate county departments to access the volume and types of material.
  - (b) Recommendation report will be made and presented to the county administrator.
- (3) *Adoption of safe storage policy.*
  - (a) County staff will make recommendations as to appropriate protection and storage procedures.
  - (b) Recommendation report will be made and presented to the county administrator.

**Sec. 22-114. - Disaster emergency refuse collection and disposal policies and procedures.**

- (1) *Objectives.*
  - (a) Timely and effective refuse removal and disposal are critical factors in enabling quicker cleanup and rebuilding.
  - (b) Refuse removal and disposal are also health and safety issues.
- (2) *Procedures.* The director of public works shall be responsible for managing the removal from public rights-of-way debris and rubble, trees, damaged or destroyed cars, trailers, equipment, and other private property, without notice to owners, provided that in the opinion of the director of public works such action is reasonably justifiable for protection of life and property, provision of emergency evacuation, assurance of firefighting or ambulance access, mitigation of otherwise hazardous conditions, or restoration of public infrastructure. The director of public works shall also have the authority to secure emergency waivers of environmental regulations from state and federal authorities and to call upon outside support from such agencies for debris clearance, hazardous materials spills, and restoration of ground access. Debris clearance shall be conducted by pre-selected contractors. Other debris clearance regulations and procedures can be found in the Beaufort County Debris Management Plan.
- (3) *Identification of areas suitable for refuse, reduction and disposal.*

- (a) The county shall designate suitable refuse reduction and disposal sites throughout the county prior to an event to facilitate emergency response. Sites will be recommended and evaluated by county staff for recommendation to the county administrator.

**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.
- (2) *Review.* The recovery strategy shall be forwarded to the Beaufort County Council for review and approval following consultation with other governmental agencies and business and citizen representatives. The recovery strategy shall provide detailed information regarding proposed and ongoing implementation of initiatives necessary to the expeditious fulfillment of critical priorities and will identify amendment of any other plans, codes, or ordinances that might otherwise contradict or block strategic action. The director shall periodically report to the Beaufort County Council regarding progress toward implementation of the recovery strategy, together with any adjustments that may be called for by changing circumstances and conditions.

**Sec. 22-116. - Penalties for offenses.**

Any person, firm, company or corporation who fails to comply with this article, or the emergency measures made effective pursuant to this article, is guilty of a misdemeanor of the second degree, and upon conviction for such offense, may be punished by a fine not to exceed \$500.00 or by imprisonment not to exceed 60 days in the Beaufort County Jail, or both, in the discretion of the court hearing the case. Each day of continued noncompliance or violation will constitute a separate offense.

In addition, any construction licensee of Beaufort County or the State of South Carolina who violates any provision of this article or the emergency measures which are effective as a result of this article may be charged with a violation and the matter will be heard before the appropriate board, in a state administrative proceeding or a court of law.

Nothing contained in this section prevents Beaufort County from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any failure to comply with, or violation of, this article or the emergency measures which may be made effective according to this article. Other lawful action will include, but is not limited to, an equitable action for injunctive relief or an action at law for damages.

**Sec. 22-117. - Severability.**

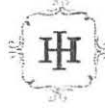
If any provision of this article is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions that can be implemented without the invalid provision and, to this end the provisions of this article are declared to be severable.

# ADD-ONS

The document(s) herein were provided to Council for information and/or discussion after release of the official agenda and backup items.

Topic: Information / Chamber of Commerce  
Date Submitted: September 26, 2016  
Submitted By: Skip Hoagland  
Venue: County Council Regular

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HILTON HEAD ISLAND-BLUFFTON  
 CHAMBER OF COMMERCE

**Southern Beaufort County DMO Budget**  
 Fiscal 2013-2014

	Total	Paid by Bluffton	Paid by Beaufort Co
<b>Revenues:</b>			
Town of Bluffton DMO	75,000	75,000	
Southern Beaufort County DMO	156,000	0	156,000
Beaufort County Local ATAX	<u>150,000</u>	<u>0</u>	150,000
<b>Total</b>	<b>381,000</b>	<b>75,000</b>	<b>306,000</b>
<b>Bluffton Marketing Expenditures:</b>			
Website SEO	6,000	1,608	4,392
Social Media			
Bluffton FaceBook page	5,000	1,340	3,660
Bluffton Blog	5,500	1,474	4,026
SEM/PPC	36,000	9,648	26,352
Print Media			
Preservation Magazine	10,000	2,680	7,320
Digital & Print Ad Production	2,500	670	1,830
VisitBluffton.org Upgrades & Mobile Site	12,000	3,216	8,784
Bluffton quarterly Enewsletter	10,000	2,680	7,320
Photography Bluffton	7,500	2,010	5,490
Videography Bluffton	3,000	804	2,196
Research	40,000	10,720	29,280
Group Tour	6,000	1,608	4,392
Select Service Program	5,000	1,340	3,660
Bluffton Collateral	23,000	6,164	16,836
Fulfillment	8,500	2,278	6,222
Marketing, Sales and Administration/ Operations Town of Bluffton DMO	25,025	25,025	
Visitor Information Services	30,000		30,000
Daufuskie Island Marketing	22,050		22,050
Marketing, Sales and Administration/ Operations Beaufort County Co-DMO	117,425		117,425
Contingency	<u>6,500</u>	<u>1,728</u>	<u>4,772</u>
<b>Total:</b>	<b>381,000</b>	<b>75,000</b>	<b>306,000</b>

How much was paid to H.H. Chamber & Beaufort Chamber for the Hilton Head APP? Was this \$48,000?

THIS DOES NOT INCLUDE HHI TOWN OR STATE

## BAY POINT ISLAND

First, this domain name [Baypointisland.com](http://Baypointisland.com) - registrant is Tom Gardo, advisor to Mayor Bennett. Registered July 1 2016

This council and Mayor's secrecy, disrespect, conflict and deception to the taxpayers they work for, is nothing new. How and why would this council approve anything like this without first having this as a public hearing? Transparency accountability - *who cares what's legal or illegal!* They did the same thing with the chamber contract hearing and the decision was already made with total disrespect to the public, who this council works for as public servants. Many on this council not only disrespected, deceived and conflicted, but they lied even worse. A good start will be to boot the 4 liars caught lying, conflicting, deceiving and disrespecting the chamber contract vote. They are Likins, Harkins, Lennox and McCann. Mayor Bennett violated rights to free speech and will be sued, the last thing we need is a part time real estate developer Mayor on HHI and a Mayor in Bluffton who is a real estate agent. We need Mayors in full power with no horse in the race and no secrets.

There is no such thing as an eco friendly develop to a natural place. This is just developer justification for profit. Lets fix Hilton Head Island, Daufuskie is a disaster, learn from Georgia and protect our coastal environment and barrier islands.

1.2 million more Atax and property tax? For what? To fund 100Kapps and give Bill miles a raise to 500k per year as Dmo? How about ambulance, fire trucks, Sun City is called Hilton Head Island, we going to annex them? Environmental impact study, first hurricane, then what?

Have you ever crossed Port Royal sound on a windy day blowing against the tide? Your first experience will be scared and probably sea sickness. Let's assume thunder storms and lighting for 2-3 days, guest coming and going, missed airplanes, guests stranded on Hilton Head Island and guests stranded on Bay Point. Pat Conroy said the "the water is wide" and it is with no car or airplane access. Boat break down, back up boats are needed. \$1000 per day per guest, why not travel to Cuba with white sand, clear water. And lets not forget the no see'ums. I am a fisherman and have lived in this area for 40yrs, lots of luck. Does it all sound great and romantic - sure, but reality paints another picture.





## BEAUFORT, SC

REGIONAL CHAMBER OF COMMERCE

**Blakely Williams, President/CEO**  
*Beaufort Regional Chamber of Commerce*

**Jim Wegmann, Chairman**  
*Weidner, Wegmann & Harper*

**Leigh Copeland, Chair Elect**  
*Technical College of the Lowcountry*

**Whitney McDaniel, Treasurer**  
*Wells Fargo Advisors*

**Cliff Mrkvicka, Director At Large**  
*Lockheed Martin*

**John Dickerson**  
*Sleep In History!*

**Chip Dinkins**  
*Plums/Saltus Restaurants*

**Edward Dukes**  
*Lowcountry Real Estate*

**Kevin Dukes**  
*Harvey & Battey, PA*

**Ben Duncan**  
*Hargray*

**Tina Gentry**  
*United Way of the Lowcountry*

**Karen Gilbert**  
*Beaufort County School District*

**Malcolm Goodridge**

**Terrance Green**  
*Coldwell Banker Realty*

**David Homyk**  
*Beaufort Memorial Hospital*

**Christian Kata**  
*Ameris Bank*

**Frank Lesesne**  
*Anchorage 1770*

**Susan Sauer**  
*Discover Tours*

**Jay Taylor**  
*Kinghorn Insurance Agency of Beaufort*

**Mary Ann Thomas**  
*The Cuthbert House Inn*

**Charlie Williams**  
*Investor*

April 22, 2016

Mr. Calvin Hoagland  
61 Sparwheel Lane  
Hilton Head Island, SC 29926

Dear Mr. Hoagland,

The Beaufort Regional Chamber of Commerce Board of Directors met on Monday, April 18, 2016 to hold a special hearing to review the Calvin Hoagland membership investment.

From the Beaufort Regional Chamber of Commerce bylaws, Article II – Membership, Section 6: Termination of Membership d) Any member may be expelled by a two-thirds (2/3) vote of the Board of Directors, at a scheduled meeting thereof, for conduct unbecoming of a member or prejudicial to the aims or repute of the Chamber after notice. Such notice shall include an opportunity for the member in question to have a hearing by the Board of Directors.

The Board voted to remove Mr. Calvin Hoagland as a member of the Beaufort Regional Chamber of Commerce and refund his initial membership investment of \$325 effective Monday, April 25, 2016. Please see the attached minutes from the meeting and a complete refund.

Thank you,

Jim Wegmann  
Chairman of the Board



## BEAUFORT, SC

REGIONAL CHAMBER OF COMMERCE

Board of Directors Meeting  
Monday, April 18, 2016  
701 Craven Street, Beaufort

Board Attendance: Jim Wegmann-Chair, Leigh Copeland-Chair Elect, Cliff Mrkvicka-Director at Large, Whitney McDaniel-Treasurer, Edward Dukes-Tourism Advisory Committee Chair, Kevin Dukes, Christian Kata, John Dickerson, Malcolm Goodridge, Mary Ann Thomas, Charlie Williams, Terrance Green, Jay Taylor, Chip Dinkins

Proxies Received: Ben Duncan, Susan Sauer to vote with Jim Wegmann

Ex Officio: Blakely Williams-Chamber President

Chamber Staff: Robb Wells - Vice President Tourism, Jason Ruhf - Business Development Manager

### **Call to Order**

Wegmann called the meeting to order at 4:06 p.m.

### **Motion to Approve the Agenda**

**Motion:** Approve the April 18, 2016 Agenda as presented.

**Motion made:** Dickerson

**Second:** Goodridge

**Motion passed:** Unanimously

### **Member Hearing**

From the Beaufort Regional Chamber of Commerce bylaws, Article II – Membership, Section 6: Termination of Membership d) Any member may be expelled by a two-thirds (2/3) vote of the Board of Directors, at a scheduled meeting thereof, for conduct unbecoming of a member or prejudicial to the aims or repute of the Chamber after notice. Such notice shall include an opportunity for the member in question to have a hearing by the Board of Directors.

Mr. Hoagland was notified of the time and date of the hearing. Mr. Hoagland asked a number of questions concerning the hearing after notice and by email, but did not attend the hearing.



## BEAUFORT, SC

REGIONAL CHAMBER OF COMMERCE

### **Motion for the expulsion of member**

**Motion:** Remove Mr. Calvin Hoagland as a member of the Beaufort Regional Chamber of Commerce and refund his initial membership investment of \$325 effective Monday, April 25, 2016.

**Motion made:** Mrkvicka

**Second:** Copeland

**Motion passed:** Unanimously

### **Motion to Adjourn**

**Motion:** There being no further business to come before the Board, a motion was made to adjourn the meeting.

**Motion made:** Mrkvicka

**Second:** Goodridge

**Motion passed:** Unanimously

The meeting was adjourned at 4:42 p.m. and the next meeting is scheduled for Thursday, May 26, 2016.



**Operating Account**

P.O. Box 910  
Beaufort, SC 29901

FIRST CITIZENS BANK  
BEAUFORT, SC 29902-5567  
67-604/539

14304

4/22/2016

PAY TO THE ORDER OF **CALVIN HOAGLAND**

\$ \*\*325.00

Three Hundred Twenty-Five and 00/100 \*\*\*\*\* DOLLARS

CALVIN HOAGLAND  
61 SPARWHEEL LANE  
HILTON HEAD ISLAND, SC 29926

MEMO  
MEMBERSHIP REIMBURSEMENT

  
AUTHORIZED SIGNATURE

⑈0 14304⑈ ⑆05390604 1⑆29000399060 1⑈

Beaufort Regional Chamber of Commerce

14304

CALVIN HOAGLAND

Date	Type	Reference	Original Amt.	Balance Due	4/22/2016 Discount	Payment
4/19/2016	Bill	MEMBERSHIP REIMBUR	325.00	325.00		325.00
					Check Amount	325.00

OPERATING ACCT MEMBERSHIP REIMBURSEMENT 325.00

Details on Back. Security Features Included

## **Proper function of a private chamber and a separately publically funded DMO (Designated Marketing Organization)**

What is a private Chamber? Mission/ Intent / Purpose / Charter / Bylaws

A private chamber function is simply a local business-to-business league to promote local business interests of members such as, doctors, plumbers, lawyers and all local businesses A-Z who join. They should not receive any public funds whatsoever to use for private member purposes. They can sell limited amounts of ads in a local business directory; they could accept perhaps a special grant for putting on a special event like a seafood festival, etc. but so can others, apply to do the same thing and if they do as a chamber member, the chamber is supposed to support their effort, not compete or attempt to run this. A chamber job is fully support local businesses, not be in a business.

In fact, a 501-c6 non-profit business league IRS tax code states should not be in any business whatsoever normally carried on by for-profit businesses. A chamber intent / mission/ purpose/ charter is not do any type of business and should fully support members who are in business. Local Business Expo, Business After Hours are more inline with their function. If they do anything that makes a profit, non related to its Core Purpose and Mission, they must pay IRS UBIT (unrelated business income taxes) and they can't do any type business that competes with members or local for-profit companies. Chambers are not a business, they exist to support business members and those who pay taxes for local schools, military, roads and police. Imagine a chamber enters into any local business and makes a profit, pays no taxes and uses public

funds to do so and looks at someone in business as a competitor versus someone they are supposed to support and help proposer in the community!

Chamber governance is basically a chamber that must duly elect its board from its members with term limits, bylaws with members rights, comply to non-profit corporation act with total access to all records for chamber members are in essence owners / investors/stakeholders. Employee's performance reviewed annually. Hilton Head Chamber should be operating with 5 employees, not 25 with \$87,500 average salary and executive director salary of 60-75k, not 400k, 1.7M home and all we don't even know about until the forensic audit is complete.

### **What is a DMO? Purpose / Intent**

A DMOs' simple function/purpose and totally non related to a chamber, is the city hires a local company put out for RFP fair bids under procurement laws (CVB/ad agency) to take these monies and simply invest these monies wisely and responsibly to promote the interest of the entire community, no one can be excluded since its public funds. No favoritism, no ad sales to favor those who spend the most. There can be more than just one DMO for creating competition.

The best DMO choices are a local/state ad agency, who easily can set up a non-profit entity to bid, and even better like 20% of all cities in America now do this as a town function in-house. Certainly a town DMO contract must be signed with proper terms and conditions such as comply with SC FOIA laws, comply to independent audits by the town when asked and cost of audit deducted from the DMO monies. DMO term should be 3 years with annual performance reviews with proven metrics. Private chamber should not even be allowed to bid.

This is not a Chamber job and should not be in any business whatsoever. A chamber is all local and ZERO to do with tourism. Even SC PRT bids out the state DMO to for-profit ad agencies to promote the state with 57M tax dollars..

DMO should be paid max 15% of the funds received for overhead and the rest invested to promote the city destination. If an app or website is produced, it must include all local businesses in the entire community, since funded with public monies. App and website would simply be free and no ad sales and just promote the destination, listing all businesses in an A-Z directory. If someone wants indepth local information, the app and website simply list all local tax paying media companies who offer this, all restaurants, hotels and all businesses (no one excluded) with direct links to all businesses websites, phone, address etc. "Again public funds". Can't exclude anyone for any reason. Cannot show favoritism for any reason! Cannot use public funds or issue public funds for private purposes. This is a misuse and misappropriation of tax dollars.

What can't continue is a private chamber receiving public funds and use these funds to build their own media products to profit from and compete with their media members and any local non-member taxpaying media businesses. A private chamber, acting as a DMO using and comingling public funds, can't just promote their private members and exclude the rest of the community! It also can't sell ads to favor others over others or favor board members business over others. This is all equal fair opportunity for all, no one gets favoritism in a private chamber 501-c6 non-profit business-to-business league. All members paying dues are equal. A separate city DMO publicly funded. Must also promote the entire community.

A chamber / DMO hybrid abuse using tax monies to promote private chamber members and excluding all local businesses must end.

Both the chamber local function and the DMO tourism function do not exist to be in business, they exist to promote those who are, and pay taxes! Does everyone understand this? If not, what part is confusing!

Note: 95% of all cities in the USA have a separate private chamber, not funded with tax dollars and if it is, it can't be private. Separate CVB's, which in many cities acts as the city DMO. 20% of all cities now run the DMO in-house as a town DMO function. This seems the best way and most efficient to control cost.

Skip Hoagland

843-384-7260

[skiphoagland@yahoo.com](mailto:skiphoagland@yahoo.com)



## **This info provided by DMAI (Destination Marketing Association International)**

You will see nothing about a DMO chamber comingling, nor ad sales or using tax monies for private chamber purposes.

### **What is a Destination Marketing Organization?**

Destination marketing organizations (DMOs) are organizations charged with representing a *specific destination and helping the long-term* development of communities through a travel and tourism strategy.

For visitors, DMOs are like a key to the city. As an unbiased resource, they can serve as a broker or an official point of contact for convention, business and leisure travelers. They assist planners with meeting preparation and encourage business travelers and visitors alike to visit local historic, cultural and recreational sites.

### **Why is a Destination Marketing Organization valuable to a visitor, business traveler or a meeting planner?**

- DMOs offer unbiased information about a destination's services and facilities
- DMOs save visitors time and energy, as they are a one-stop shop for local tourism interests
- DMOs can provide the full range of information about a destination
- Most services provided by DMOs cost nothing

### **If DMOs don't charge for their services, how do they make money?**

For most services convention and visitor bureaus do not charge their clients — the *visitor, the business traveler and the meeting planner*. Instead, most DMOs are funded through a combination of occupancy taxes, membership dues, improvement districts and government resources.

BEAUFORT COUNTY SCHOOL DISTRICT  
PROPERTY TAX LEVIES AND COLLECTIONS  
LAST TEN FISCAL YEARS  
(UNAUDITED)

TABLE 8

Fiscal Year Ended June 30,	Taxes Levied for the Fiscal Year	Collected within the Fiscal Year of the Levy		Collections in Subsequent Years	Total Collections to Date	
		Amount	Percentage of Levy		Amount	Percentage of Levy
2006	\$ 101,854,070	\$ 98,160,211	96.37%	\$ 3,510,644	\$ 101,670,855	99.8%
2007	127,223,423	124,130,307	97.57%	2,768,058	126,898,365	99.7%
2008	109,883,524	104,836,677	95.41%	4,568,163	109,404,840	99.6%
2009	119,446,408	105,462,594	88.29%	13,409,296	118,871,890	99.5%
**2010	111,564,369	108,036,902	96.84%	2,685,092	110,721,994	99.2%
2011	111,433,238	107,640,819	96.60%	3,090,281	110,731,100	99.4%
2012	112,214,859	107,699,294	95.98%	3,187,688	110,886,982	98.8%
2013	114,419,644	109,975,723	96.12%	2,972,181	112,947,904	98.7%
**2014	114,942,235	109,379,367	95.16%	4,900,478	114,279,845	99.4%
2015	n/a	115,145,623	n/a	-	115,145,623	n/a

Source: Beaufort County Treasurer

\*\* Reassessment

