

U.S. Department of Justice
Civil Rights Division - Chief Voting Section
950 Pennsylvania Ave. NW - Room 7524-NWB
Washington, D.C. 20530
Attn: Ms. Ricky Dopson

VIA: Federal Express
Chief, Voting Section - Civil Rights Division
Room 7254 - NWB - Department of Justice
1800 G St., N.W. - Washington, D.C. 20006

Beaufort County, South Carolina
Authorizing a bond issue in the amount of not more than
Fifty Million (\$50,000,000) Dollars in order to continue the
Beaufort County Rural and Critical Land Preservation Program
Pre-clearance Submission

Exhibits 1 - 11

1	Article X Finance, Taxation and Bonded Dept
	Code 1976 § 11-27-40 Title 11, Chapter 27
3	Beaufort County Ordinance 2006/2
4	Land Management Committee Minutes of Nov. 21, 2005
5	Finance Committee Meeting Minutes of Nov. 28, 2005
6	Beaufort County Council Minutes of Dec. 12, 2005
7	Beaufort County Ordinance 2006/3
8	Beaufort County Council Minutes of July 24, 2006
9	Letter dated Aug. 15, 2006 From Agnes Garvin
10	Misc. Newspaper Article
11	List of County Council Members
12	

WILLIAM WESTON J. NEWTON
CHAIRMAN

W. R. "SKEET" VON HARTEN
VICE CHAIRMAN

COUNCIL MEMBERS

FANK BRAFMAN
GERALD DAWSON
MARK D. GENERALES
HERBERT N. GLAZE
MARGARET E. GRIFFIN
STARLETTA HAIRSTON
PETER LAMB
WILLIAM L. McBRIDE
RICHARD H. STEWART

COUNTY COUNCIL OF BEAUFORT COUNTY
ADMINISTRATION BUILDING
100 RIBAUT ROAD
SUITE 270
POST OFFICE DRAWER 1228
BEAUFORT, SOUTH CAROLINA 29901-1228
TELEPHONE: (843) 470-5380 FAX: (843) 470-5383
kgolden@bcgov.net

GARY T. KUBIC
COUNTY ADMINISTRATOR

KELLY J. GOLDEN
STAFF ATTORNEY

SUZANNE M. RAINEY
CLERK TO COUNCIL

September 5, 2006

Chief, Voting Section
Civil Rights Division
Room 7254 - NWB
Department of Justice
1800 G St., N.W.
Washington, D.C. 20006
Attn.: Ms. Ricky Dopson

VIA: Federal Express

RE: Submission Under Section 5 of the Voting Rights Act

In Re: County-Wide General Election Referendum Question
Authorizing a bond issue in the amount of not more than Fifty Million (\$50,000,000) Dollars in order to continue the Beaufort County Rural and Critical Land Preservation Program.

Dear Ms. Dopson:

The purpose of this submission is to obtain pre-clearance pursuant to Section 5 of the Voting Rights Act regarding a proposed county-wide referendum scheduled for Tuesday, November 7, 2006. The question proposed to be submitted would authorize the County of Beaufort, South Carolina, to issue bond(s) in an amount not to exceed Fifty Million (\$50,000,000) Dollars for the purpose of continuing the Beaufort County Rural and Critical Land Preservation program.

I. SUBMITTED DOCUMENTS

In support of this pre-clearance request, Beaufort County submits the following documents:

1. S.C. Constitution: A copy of Article X, Section 14 of the Constitution of the State of South Carolina, 1895, as amended, (the "Constitution"). **Exhibit 1.**
2. S.C. Code of Laws: A copy of Title 11, Chapter 27, Section 40, Code of Laws of South Carolina, 1976, as amended, (the "Code"). **Exhibit 2.**
3. County Rural and Land Preservation: A copy of Ordinance 2006/2 (the "Rural and Critical Lands

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Preservation”), which, *inter alia*, establishes the Rural and Critical Lands Preservation Program. **Exhibit 3.**

4. Land Management Committee Minutes: A copy of the minutes of the Land Management’s meeting (the “Land Management Minutes”) of November 21, 2005, which, *inter alia*, advises the funding mechanism and recommendation to the Finance Committee to formulate the referendum question that is to appear on the ballot, all in accordance with the Constitution and the Code. **Exhibit 4.**
5. Finance Committee Minutes: A copy of the Finance Committee minutes (the “Finance Committee Minutes”) of November 28, 2005, which includes, *inter alia*, recommendations to Beaufort County Council to approve authorizing the placement of a public question on the official ballot for the general election in November 7, 2006. **Exhibit 5.**
6. Council Minutes: Certified copies of the minutes of the Council’s public meeting held on December 12, 2005, January 9, 2006 and January 23, 2006, wherein the Ordinance was adopted subject to pre-clearance. **Exhibit 6.**
7. Ordinance: A certified copy of Beaufort County Ordinance 2006/3 dated January 23, 2006, which, *inter alia*, authorizes the placement of a public question on the official ballot for the general election to be held on November 7, 2006 concerning a proposition authorizing Beaufort County to issue general obligation bonds not to exceed Fifty Million (\$50,000,000) Dollars to continue to acquire lands for preservation and to pay certain costs and debt service related thereto. **Exhibit 7.**
8. Council Minutes: A certified copy of the minutes of the Council’s public meeting held on July 24, 2006, wherein a Motion to Authorize Staff Attorney to Correct Schedule of Precincts in the Rural and Critical Lands Preservation \$50 Million Bond Ordinance was passed. **Exhibit 8.**
9. Correspondence: A letter addressed to Mrs. Agnes Garvin, Executive Director of Beaufort County Board of Elections and Voter Registration time stamped on August 15, 2006 stating the referendum question has been submitted. **Exhibit 9.**
10. Other Publicity: Copies of various newspaper articles that appeared in *The Beaufort Gazette*, *The Island Packet* and *Carolina Morning News*, newspapers of general circulation in Beaufort County, South Carolina are attached. **Exhibit 10.**
11. Minority Contacts: The following persons have agreed to serve as “minority contacts.”

Mr. Emory S. Campbell
528 Spanish Wells Road
Hilton Head Island, SC 29926
843-681-5836

Mr. Peter H. Dawson
P.O. Box 4491
Burton, SC 29903
843-524-8814

Mrs. B. Gloria Cartwright
1729 Longfield Drive
St. Helena Island, SC 29920
843-838-4382

Mrs. Dorothy W. Giddens
496 Keans Neck Road
Dale, SC 29940
843-846-4204

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Mr. York L. Glover
31 Oaks Plantation Road
St. Helena, SC 29920
843-838-3647

Mr. James E. Moore
P.O. Box 357
Seabrook, SC 29940
843-846-0881

Mr. Harold J. Wesley
77 Seabrook Road
Seabrook, SC 29940
843-846-4856

Mr. Scott Davis
116 Robert E. Lee Lane
Bluffton, SC 29909
843-705-5115

Mrs. Mae Frances Scott
215 Honey Hill Drive
Bluffton, SC 29909
843-705-7828

Mrs. Laura Bush
5 Bush Lane
Bluffton, SC 29910
843-470-4656

Mrs. Vera Rogers
36 Fernlakes Drive
Bluffton, SC 29910
843-757-5392

Mr. Thomas Barnwell
P.O. Box 21057
Hilton Head Island, SC 29925
843-681-3575

Mrs. Regina Ragland
2 Bryant Road
Hilton Head Island, SC 29928
843-681-3620

Ms. Thelma Lewis
1012 15th Street
Port Royal, SC 29935
843-524-5225

Mr. Will Rogers
1903 Royal Pines
Port Royal, SC 29935
843-470-1238

Mr. Frederick Drake
2410 Sargeants Drive
Port Royal, SC 29935
843-524-1099

Mr. LeRoy Gilliard
21 Shorts Landing Road
Lady's Island, SC 29907
843-470-4508

Mr. Thomas Mack
P.O. Box 313
St. Helena, SC 29920
843-838-3063

Mrs. Margie Miller
221 Scott Hill Road
St. Helena, SC 29920
843-838-2794

Mrs. Lynn Nelson
219 Dulamo Road
St. Helena, SC 29920
843-838-5108

Mr. Michael F. Rivers
734 Seaside Road
St. Helena, SC 29920
843-838-2277

Mr. Dwayne V. Gaston
2201 National Street
Beaufort, SC 29902
843-812-5403

Ms. Ricky Dopson
September 5, 2006

Mrs. Alice Wright
1309 Church Street
Beaufort, SC 29902
843-524-6388

In addition, any member of the Beaufort County Council may be contacted regarding the ballot referendum question. A list of those members with their respective daytime telephone numbers and the racial composition of the Council appears in **Exhibit 11**.

II. SUBMITTED STATEMENTS

In support of this pre-clearance request, Beaufort County affirmatively states and submits the following: (1) the referendum has not yet been held, enforced or administered; (2) there is no past or pending litigation regarding the referendum; and (3) the referendum is authorized by the South Carolina Constitution and the South Carolina Code of Laws.

III. SUBMITTED EXPLANATORY INFORMATION

In support of this pre-clearance request, Beaufort County submits the following explanatory information.

Article X, Section 14 of the Constitution of the State of South Carolina, 1895, as amended provides that Counties of the State shall have the power to incur bonded indebtedness in such manner and upon such terms and conditions as the General Assembly may have heretofore or may hereinafter subscribe. See Exhibit 1. The Council is the county governing body of the County of Beaufort, South Carolina.

Article X, Section 14, subsection (6) of the Constitution provides that if general obligation debt is authorized by a majority vote of the qualified electors of the County voting in a referendum authorized by law, there shall be no conditions or restrictions limiting the incurring of such indebtedness except (i) those restrictions and limitations imposed in the authorization to incur such indebtedness; (ii) such general obligation debt shall be issued within five years of the date of such referendum; and (iii) general obligation debt may be incurred only for a purpose which is a public purpose and which is a corporate purpose of the County and such debt shall mature within 40 years from the time such indebtedness shall be incurred.

The provisions of Title 11, Chapter 27, Section 40, Code of Laws of South Carolina, 1976, as amended, empower the County Council to order any such referendum as is required by Article X of the Constitution, to prescribe the notice thereof and to conduct or cause to be conducted such referendum in the manner prescribed by Title 7, Code of Laws of South Carolina, 1976.

In accordance with the procedure set forth in the Constitution and the Code, the Beaufort County Council passed an Ordinance to place a bond referendum on the general election ballot to be held on November 7, 2006. The Ordinance was duly introduced, read three times with public hearing at third reading, and passed by the Council.

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IV. CONCLUSION

I believe this submission includes all necessary and required information and documentation needed to support the County of Beaufort's request for pre-clearance of Beaufort County Ordinance No. 2006/3.

Please contact me if there are any other items or information necessary to pre-clear this referendum.

With kindest regards,



Kelly J. Golden

KJG/sdb

Enc.: as stated

cc: The Honorable Henry McMaster, South Carolina Attorney General
Members: Beaufort County Council
Members: Beaufort County Board of Elections and Voter Registration
Mr. Gary Kubic, Beaufort County Administrator
Ms. Agnes M. Garvin, Executive Director,
Beaufort County Board of Elections and Voter Registration

1

**2005 South Carolina Constitution
(Unannotated)**

Disclaimer

This statutory database is current through the 2005 Regular Session of the South Carolina General Assembly. Changes to the statutes enacted by the 2006 General Assembly, which will convene in January 2006, will be incorporated as soon as possible. Some changes enacted by the 2006 General Assembly may take immediate effect. The State of South Carolina and the South Carolina Legislative Council make no warranty as to the accuracy of the data, or changes which may have been enacted since the 2005 Regular Session or which took effect after this database was prepared and users rely on the data entirely at their own risk.

ARTICLE X.

FINANCE, TAXATION AND BONDED DEBT

SECTION 1. Taxation and assessment.

The General Assembly may provide for the ad valorem taxation by the State or any of its subdivisions of all real and personal property. The assessment of all property shall be equal and uniform in the following classifications:

- (1) All real and personal property owned by or leased to manufacturers, utilities and mining operations and used by the manufacturer, utility or mining operation, in the conduct of such business shall be taxed on an assessment equal to ten and one-half percent of the fair market value of such property.
- (2) All real and personal property owned by or leased to companies primarily engaged in transportation for hire of persons or property and used by the company in the conduct of such business shall be taxed on an assessment equal to nine and one-half percent of the fair market value of such property.
- (3) The legal residence and not more than five acres contiguous thereto shall be taxed on an assessment equal to four percent of the fair market value of such property.
- (4) Agricultural real property which is actually used for such purposes shall be taxed on an assessment equal to:
 - (A) four percent of its value for such purposes when owned or leased to individuals or partnerships and certain corporations which do not:
 - (i) have more than ten shareholders;
 - (ii) have as a shareholder a person (other than an estate) who is not an individual;
 - (iii) have a nonresident alien as a shareholder; and
 - (iv) have more than one class of stock.
 - (B) six percent of its value for such purposes when owned or leased to corporations, except for certain corporations specified in (A) above. Provided, that the General Assembly shall by general law provide for a penalty system on lands classified as agricultural lands to insure the proper utilization of this classification.
- (5) All other real property not herein provided for shall be taxed on an assessment equal to six percent of the fair market value of such property.
- (6) All inventories of business establishments shall be taxed on an assessment equal to six percent of the fair market value of such property.

(7) All farm machinery and equipment except motor vehicles licensed for use on the highways owned by farmers and used on agricultural lands shall be taxed on an assessment equal to five percent of the fair market value.

(8)(A) Except as provided in subitem (B) of this item, all other personal property must be taxed on an assessment equal to ten and one-half percent of the fair market value of the property.

(B)(1) Personal motor vehicles which must be titled by a state or federal agency, limited to passenger motor vehicles and pickup trucks, as defined by law, must be taxed on an assessment equal to the following percentage of fair market value of the property:

Property Tax Year Percentage

year 1 9.75

year 2 9.00

year 3 8.25

year 4 7.50

year 5 6.75

year 6 and after 6.00

(2) This subitem applies for property tax years beginning after 2001 or for earlier tax years as the General Assembly may provide by law (2001 Act No. 10, Section 1, eff March 6, 2001).

SECTION 2. Defining classes of property and values for property tax purposes thereof; transition to assessment ratios; continuance of existing statutes pertaining to assessment methods; changing assessment ratios.

(a) The General Assembly may define the classes of property and values for property tax purposes of the classes of property set forth in Section 1 of this article and establish administrative procedures for property owners to qualify for a particular classification.

(b) The General Assembly may provide for a gradual transition to any ratio as set out in Section 1 over a period not to exceed seven years.

(c) Statutes pertaining to the methods of assessment of property for ad valorem taxation not in conflict with this article shall continue in force until changed by an act of the General Assembly.

(d) The General Assembly may change the ratios as set forth in Section 1, but only with the approval of at least two-thirds of the membership of each house. (1976 (59) 2217; 1977 (60) 90.)

SECTION 3. Property exempt from ad valorem taxation.

There shall be exempt from ad valorem taxation:

(a) all property of the State, counties, municipalities, school districts and other political subdivisions, if the property is used exclusively for public purposes;

(b) all property of all schools, colleges and other institutions of learning and all charitable institutions in the nature of hospitals and institutions caring for the infirmed, the handicapped, the aged, children and indigent persons, except where the profits of such institutions are applied to private use;

(c) all property of all public libraries, churches, parsonages and burying grounds;

(d) all property of all charitable trusts and foundations used exclusively for charitable and public purposes;

(e) all household goods and furniture used in the home of the owner of such goods and furniture, but this exemption shall not apply to household goods used in hotels, rooming houses, apartments or other places of business;

(f) all inventories of manufactures, except manufactured articles which have been offered for sale at retail or which have been available for sale at retail;

(g) all new manufacturing establishments located in any of the counties of this State after July 1, 1977, for five years from the time of establishment and all additions to the existing manufacturing establishments located in any of the counties of this State for five years from the time each of these additions is made if the cost of the addition is fifty thousand dollars or more. The additions shall include additional machinery and equipment installed in the plant. The exemptions authorized in this item for manufacturing establishments, and additions to those manufacturing establishments, do not include exemptions from school taxes or municipal taxes but include only county taxes. All manufacturing establishments and all additions to existing manufacturing establishments exempt under existing statutes are allowed their exemptions provided for by statute until the exemptions expire. Municipal governing bodies may by ordinance exempt from municipal ad valorem taxation for not more than five years all new manufacturing establishments located in any of the municipalities of this State after July 1, 1985, and all additions to the existing manufacturing establishments, including additional machinery and equipment, located in any of the municipalities of this State costing fifty thousand dollars or more made after July 1, 1985. Exemptions from municipal taxation granted pursuant to this item may not result in any refund of taxes;

The governing body of a municipality may by ordinance exempt from municipal ad valorem taxation for not more than five years:

(1) all new corporate headquarters, corporate office facilities, distribution facilities located in the municipality, and additions to such facilities; and

(2) all facilities of new enterprises engaged in research and development activities located in the municipality, and additions to such facilities.

The exemptions allowed pursuant to this paragraph are subject to those terms and conditions that the General Assembly may provide by law.

(h) all facilities or equipment of industrial plants which are designed for the elimination, mitigation, prevention, treatment, abatement or control of water, air or noise pollution;

(i) a homestead exemption for persons sixty-five years of age and older, for persons permanently and totally disabled and for blind persons in the amount of ten thousand dollars of the fair market value of the homestead under conditions prescribed by the General Assembly by general law; provided, that the amount may be increased by the General Assembly by general law, passed by a majority vote of both houses;

(j) intangible personal property.

The exemptions provided in subitems (c) and (d) for real property shall not extend beyond the buildings and premises actually occupied by the owners of such real property. Homestead exemptions from ad valorem taxation not specifically provided for in this section may be provided for by the General Assembly by general law. In addition to the exemptions listed in this section, the General Assembly may provide for exemptions from the property tax, by general laws applicable uniformly to property throughout the State and in all political subdivisions, but only with the approval of two-thirds of the members of each House. All exemptions not specifically provided for or authorized in this article shall be repealed March 1, 1978. The General Assembly shall provide for methods and procedures in applying for the exemption of any property as is described in this section.

In addition to the exemptions provided and authorized in this section, subject to statutory authorization, the governing body of a county by ordinance may impose a sales and use tax in order to exempt all or a portion of the value of private passenger motor vehicles, motorcycles, general aviation aircraft, boats, and boat motors from property taxes levied in the county. This exemption, or its subsequent rescission, is allowed only pursuant to a referendum held in the county in the manner that the General Assembly provides by law (1976 (59) 2217; 1977 (60) 90; 1985 Act No. 19, eff March 13, 1985; 1995 Act No. 47, Section 1, eff May 11, 1995; 2001 Act No. 9, Section 1, eff March 6, 2001.)

SECTION 4. One assessment for all taxes.

The General Assembly shall provide for the assessment of all property for taxation, whether for state, county, school, municipal or any other political subdivision. All taxes shall be levied on that assessment. (1976 (59) 2217; 1977 (60) 90.)

SECTION 5. No tax without consent; taxes shall be levied in pursuance of law.

No tax, subsidy or charge shall be established, fixed, laid or levied, under any pretext whatsoever, without the consent of the people or their representatives lawfully assembled. Any tax which shall be levied shall distinctly state the public purpose to which the proceeds of the tax shall be applied. (1976 (59) 2217; 1977 (60) 90.)

NOTE: Because Article X was "amended to read" when ratified by Act 71 of 1977, and Acts 8, 9, and 10 of 1977 added three local provisions to the former Section 5, Article X, there exists a question as to the validity of these local provisions.

SECTION 6. Assessment and collection of taxes in political subdivisions.

The General Assembly may vest the power of assessing and collecting taxes in all of the political subdivisions of the State. Property tax levies shall be uniform in respect to persons and property within the jurisdiction of the body imposing such taxes; provided, that on properties located in an area receiving special benefits from the taxes collected, special levies may be permitted by general law applicable to the same type of political subdivision throughout the State, and the General Assembly shall specify the precise condition under which such special levies shall be assessed.

Whenever there is a merger of governments authorized under Section 12 of Article VIII, tax districts may be created, based upon the services rendered in each district, but tax levies must be uniform in respect to persons and property within each such district. (1976 (59) 2217; 1977 (60) 90.)

SECTION 7. Limitation on annual expenditures of state government and number of state employees; annual budgets and expenses of political subdivisions and school districts.

(a) The General Assembly shall provide by law for a budget process to insure that annual expenditures of state government may not exceed annual state revenue. (1985 Act No. 10, Section 1, eff February 26, 1985).

(b) Each political subdivision of the State as defined in Section 14 of this article and each school district of this State shall prepare and maintain annual budgets which provide for sufficient income to meet its estimated expenses for each year. Whenever it shall happen that the ordinary expenses of a political subdivision for any year shall exceed the income of such political subdivision, the governing body of such political subdivision shall provide for levying a tax in the ensuing year sufficient, with other sources of income, to pay the deficiency of the preceding year together with the estimated expenses for such ensuing year. The General Assembly shall establish procedures to insure that the provisions of this section are enforced. (1976 (59) 2217; 1977 (60) 90.)

(c) The General Assembly shall prescribe by law a spending limitation on appropriations for the operation of state government which shall provide that annual increases in such appropriations may not exceed the average growth rate of the economy of the State as measured by a process provided for by the law which prescribes the limitations on appropriations; provided, however, the limitation may be suspended for any one fiscal year by a special vote as provided in this subsection.

During the regular session of the General Assembly in 1990 and during every fifth annual regular session thereafter, the General Assembly shall conduct and complete a review of the law implementing this subsection. During such session, only a vote of two-thirds of the members of each branch present and voting shall be required to change the existing limitation on appropriation. Unless that is done, the existing limitations shall remain unchanged.

Upon implementation of the provisions of this subsection by law, such law may not be amended or repealed except by the special vote as provided in this subsection.

The special vote referred to in this subsection means an affirmative vote in each branch of the General Assembly by two-thirds of the members present and voting, but not less than three-fifths of the total membership in each branch. (1985 Act No. 10, Section 2, eff February 26, 1985).

(d) The General Assembly shall prescribe by law a limitation on the number of state employees which shall provide that the annual increase in such number may not exceed the average growth rate in the population of the State measured by a process provided for in the law which prescribes that employment limitation; provided, however, the limitation may be suspended for any one fiscal year by a special vote as provided in this subsection.

Upon implementation of the provisions of this subsection by law, such law may not be amended or repealed except by the special vote provided in this subsection.

The special vote referred to in this subsection means an affirmative vote in each branch of the General Assembly by two-thirds of the members present and voting, but not less than three-fifths of the total membership in each branch. (1985 Act No. 10, Section 3, eff February 26, 1985.)

SECTION 8. Payments from treasuries.

Money shall be drawn from the treasury of the State or the treasury of any of its political subdivisions only in pursuance of appropriations made by law. (1976 (59) 2217; 1977 (60) 90.)

SECTION 9. Statement of receipts and expenditures.

An accurate statement of the receipts and expenditures of the public money shall be published annually in such manner as may be prescribed by law. (1976 (59) 2217; 1977 (60) 90.)

SECTION 10. Claims against State.

The General Assembly may direct, by law, in what manner claims against the State may be established and adjusted. (1976 (59) 2217; 1977 (60) 90.)

SECTION 11. Credit of State and political subdivisions.

The credit of neither the State nor of any of its political subdivisions shall be pledged or loaned for the benefit of any individual, company, association, corporation, or any religious or other private education institution except as permitted by Section 3, Article XI of this Constitution. Neither the State nor any of its political subdivisions shall become a joint owner of or stockholder in any company, association, or corporation. The General Assembly may, however, authorize the South Carolina Public Service Authority to become a joint owner with privately owned electric utilities, including electric cooperatives, of electric generation or transmission facilities, or both, and to enter into and carry out agreements with respect to such jointly owned facilities.

Provided, however, the General Assembly may obligate or appropriate state funds in order to participate in federal or federally aided disaster related grant or loan programs for individuals or families, but only to the extent that such state participation is a prerequisite to federal financial assistance.

Provided, however, that endowment funds donated specifically to state-supported institutions of higher learning and held by the State Treasurer may be invested and reinvested in equity securities of a corporation within the United States that is registered on a national securities exchange, as provided in the Securities Exchange Act of 1934 or a successor act, or quoted through the National Association of Securities Dealers Automatic Quotations System or similar service. The General Assembly shall implement this paragraph by enacting legislation in which these endowment funds held and invested by the State Treasurer must be invested pursuant to a plan recommended by the State Retirement Systems Investment Panel which must be submitted to and approved by the boards of trustees of the respective colleges and universities.

Notwithstanding any other provision of this section, a municipality, county, special purpose district, or public service district of this State which provides firefighting service and which administers a separate pension plan for its employees performing this service may invest and reinvest the funds in this pension plan in equity securities traded on a national securities exchange as provided in the Securities Exchange Act of 1934 or a successor act, or in equity securities quoted through the National Association of Securities Dealers Automatic Quotations System or similar service. (1976 (59) 2217; 1977 (60) 90; 1979 Act No. 1, eff January 24, 1979; 1985 Act 7, eff February 26, 1985; 1999 Act No. 11, Section 1, eff March 17, 1999; 2003 Act No. 93, Section 1, eff June 3, 2003.)

SECTION 12. Counties not to incur bonded indebtedness for special services in certain areas without special tax or charge on area or persons benefitted.

No law shall be enacted permitting the incurring of bonded indebtedness by any county for sewage disposal or treatment, fire protection, street lighting, garbage collection and disposal, water service or any other service or facility benefitting only a particular geographical section of the county unless a special assessment, tax or service charge in an amount designed to provide debt service on bonded indebtedness or revenue bonds incurred for such purposes shall be imposed upon the area or persons receiving the benefit therefrom. (1976 (59) 2217; 1977 (60) 90.)

SECTION 13. Bonded indebtedness of State.

(1) Subject to the conditions and limitations in this section, the State shall have power to incur indebtedness in the following categories and in no others: (a) general obligation debt; and (b) indebtedness payable only from a revenue-producing project or from a special source as provided in subsection (9) hereof.

(2) "General obligation debt" shall mean any indebtedness of the State which shall be secured in whole or in part by a pledge of the full faith, credit and taxing power of the State.

(3) General obligation debt may not be incurred except for a public purpose and all general obligation debt shall mature not later than thirty years from the time such indebtedness shall be incurred.

(4) In each act authorizing the incurring of general obligation debt the General Assembly shall allocate on an annual basis sufficient tax revenues to provide for the punctual payment of the principal of and interest on such general obligation debt. If at any time any payment due as the principal of or interest on any general obligation debt shall not be paid as and when the same become due and payable, the State Comptroller General shall forthwith levy and the State Treasurer shall collect an ad valorem tax without limit as to rate or amount upon all taxable property in the State sufficient to meet the payment of the principal and interest of such general obligation debt then due.

(5) If general obligation debt be authorized by (a) two-thirds of the members of each House of the General Assembly; or (b) by a majority vote of the qualified electors of the State voting in a referendum called by the General Assembly there shall be no conditions or restrictions limiting the incurring of such indebtedness except (i) those restrictions and limitations

imposed in the authorization to incur such indebtedness, and (ii) the provisions of subsection (3) hereof.

(6) General obligation debt may be also incurred on such terms and conditions as the General Assembly may by law prescribe under the following limitations:

(a) General obligation bonds for highway purposes (highway bonds) may be issued if such bonds shall be additionally secured by a pledge of the revenues derived from the "sources of revenue" as such term is defined in this subsection; provided, that the maximum annual debt service on all highway bonds so additionally secured which shall thereafter be outstanding shall not exceed fifteen percent of the proceeds received from the sources of revenue for the fiscal year next preceding.

For the purpose of this subsection, the term "sources of revenue" shall mean so much of the revenues as may be made applicable by the General Assembly for state highway purposes from any and all taxes or licenses imposed upon individuals or vehicles for the privilege of using the public highways of the State.

(b) General obligation bonds for any state institution of higher learning designated by the General Assembly (state institution bonds) may be issued, if such bonds shall be additionally secured by a pledge of the revenues derived from the tuition fees received by the particular institution of higher learning for which such state institution bonds are issued; provided, that the maximum annual debt service on all state institution bonds so additionally secured issued for such state institution thereafter to be outstanding shall not exceed ninety percent of the sums received by such state institution of higher learning from tuition fees for the fiscal year next preceding.

(c) General obligation bonds for any public purpose including those purposes set forth in (a) and (b) may be issued; provided, that the maximum annual debt service on all general obligation bonds of the State thereafter to be outstanding (excluding highway bonds, state institution bonds, tax anticipation notes, and bond anticipation notes) must not exceed five percent of the general revenues of the State for the fiscal year next preceding (excluding revenues which are authorized to be pledged for state highway bonds and state institution bonds).

Upon implementation of the provisions of this item by law, the percentage rate of general revenues may be reduced to four or increased to seven percent by legislative enactment passed by a two-thirds vote of the total membership of the Senate and a two-thirds vote of the total membership of the House of Representatives.

During the regular session of the General Assembly in 1990 and during every fifth annual regular session thereafter, the General Assembly shall conduct and complete a review of the law implementing this item. Unless during such session that review results in an amendment to or repeal of the law implementing this item, which must be accomplished by legislative enactment passed by a two-thirds vote of the total membership of the Senate and a two-thirds vote of the total membership of the House of Representatives. (1985 Act 10, Section 4, eff February 26, 1985.)

(7) General obligation indebtedness may be incurred in anticipation of state tax collections (tax anticipation notes) under such terms and conditions as the General Assembly may prescribe by law. Such tax anticipation notes shall be secured by a pledge of such taxes and by a pledge of the full faith, credit and taxing power of the State. All tax anticipation notes shall be expressed to mature not later than ninety days from the end of the fiscal year in which such notes are issued.

(8) General obligation notes may be issued in anticipation of the proceeds of general obligation bonds which may be lawfully issued (bond anticipation notes) under terms and conditions which the General Assembly may prescribe by law. Such bond anticipation notes shall be secured by a pledge of the proceeds of the bonds in anticipation of which such bond anticipation notes are issued and by a pledge of the full faith, credit and taxing power of the State.

Bond anticipation notes shall be expressed to mature not later than one year following the date of issuance, but if the General Assembly shall so authorize by law, bond anticipation notes may be refunded or renewed.

(9) The General Assembly may authorize the State or any of its agencies, authorities or institutions to incur indebtedness for any public purpose payable solely from a revenue-producing project or from a special source, which source does not involve revenues from any tax but may include fees paid for the use of any toll bridge, toll road or tunnel. Such indebtedness may be incurred upon such terms and conditions as the General Assembly may prescribe by law. All indebtedness incurred pursuant to the provisions of this subsection shall contain a statement on the face thereof specifying the sources from which payment is to be made. (1976 (59) 2217; 1977 (60) 90.)

SECTION 14. Bonded indebtedness of political subdivisions.

(1) For the purposes of this section, the term "political subdivisions" shall mean the counties of the State, the incorporated municipalities of the State, and special purpose districts, including special purpose districts which are located in more than one county or which are comprised of one or more counties. The term does not include regional planning agencies which are expressly forbidden to incur general obligation debt.

(2) The political subdivisions of the State 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 within the limitations set forth in this section and Section 12 of this article.

Such political subdivisions shall have the power to incur indebtedness in the following categories and in no others:

(a) General obligation debt; and

(b) Indebtedness payable only from a revenue-producing project or from a special source as provided in subsection (10) of this section.

(3) "General obligation debt" shall mean any indebtedness of the political subdivision which shall be secured in whole or in part by a pledge of its full faith, credit and taxing power.

(4) General obligation debt may be incurred only for a purpose which is a public purpose and which is a corporate purpose of the applicable political subdivision. The power to incur general obligation debt shall include general obligation debt incurred by counties within the limitations prescribed by Section 12 of this article, and general obligation debt incurred by any political subdivision for purposes permitted by Section 13 of Article VIII of this Constitution. All general obligation debt shall mature within forty years from the time such indebtedness shall be incurred.

(5) No general obligation debt shall be incurred by any political subdivision unless prior to the delivery thereof a schedule showing the date and the principal and interest payments to become due thereon shall be filed in the office of the State Treasurer. If at any time any political subdivision shall fail to effect the punctual payment of the principal or interest on its general obligation debt, then, in such instance, the State Treasurer shall withhold from such political subdivision sufficient moneys from any state appropriation to which such political subdivision may be entitled and apply so much as shall be necessary to the payment of the principal and interest on the indebtedness of the political subdivision then due. Any and all appropriations for political subdivisions of the State shall be subject to the provisions of this subsection.

(6) If general obligation debt be authorized by a majority vote of the qualified electors of the political subdivision voting in a referendum authorized by law, there shall be no conditions or restrictions limiting the incurring of such indebtedness except:

(a) those restrictions and limitations imposed in the authorization to incur such indebtedness;

(b) the provisions of subsection (4) hereof; and

(c) such general obligation debt shall be issued within five years of the date of such referendum.

(7) Subject to the provisions of subsection (4) of this section and on such terms and provisions as the General Assembly may, by general law, prescribe, general obligation debt may also be incurred by the governing body of each political subdivision:

(a) For any of its corporate purposes in an amount not exceeding eight percent of the assessed value of all taxable property of such political subdivision; or

(b) General obligation debt incurred pursuant to and within the limitations prescribed by Section 12 of this article.

In determining the debt limitations imposed by the provisions of subsection (7) of this section, bonded indebtedness incurred pursuant to the authorizations of subsection (6), bonded indebtedness existing on the date of this section becomes a part of the Constitution in 1977, and bonded indebtedness incurred pursuant to subsection (b) of this section, shall not be considered.

(8) General obligation debt may also be incurred in anticipation in the collection of ad valorem taxes or licenses (tax anticipation notes) under such terms and conditions as the General Assembly may prescribe by general law. Such tax anticipation notes shall be secured by a pledge of such taxes or license fees and a pledge of the full faith, credit and taxing power of the political subdivision. All tax anticipation notes shall be expressed to mature not later than ninety days from the date as of which such taxes or license fees may be paid without penalty.

(9) General obligation notes may also be issued in anticipation of the proceeds of general obligation bonds which may be lawfully issued (bond anticipation notes) under such terms and conditions that the General Assembly may prescribe by general law. Such bond anticipation notes shall be secured by a pledge of the proceeds of the bonds in anticipation of which such bond anticipation notes are issued and by a pledge of the full faith, credit and taxing power of the political subdivision.

Bond anticipation notes shall be expressed to mature not later than one year following the date of issuance, but if the General Assembly shall so authorize by law, bond anticipation notes may be refunded or renewed.

(10) indebtedness payable solely from a revenue-producing project or from a special source, which source does not involve revenues from any tax or license, may be issued upon such terms and conditions as the General Assembly may prescribe by general law; provided, that the General Assembly may authorize by general law that indebtedness for the purpose of redevelopment within incorporated municipalities and counties may be incurred, and that the debt service of such indebtedness be provided from the added increments of tax revenues to result from any such project. Any and all indebtedness incurred pursuant to the provisions of this subsection shall contain a statement on the face thereof specifying the sources from which payment is to be made and shall state that the full faith, credit, and taxing powers are not pledged therefor. (1976 (59) 2217; 1977 (60) 90; 1999 Act 11, Section 2, eff March 17, 1999.)

SECTION 15. Bonded indebtedness of school districts.

(1) The school districts of the State shall have the power to incur general obligation debt only in such manner and upon such terms and conditions as the General Assembly shall prescribe by law within the limitations set forth in this section.

(2) General obligation debt shall mean any indebtedness of the school district which shall be secured in whole or in part by a pledge of its full faith, credit and taxing power.

(3) General obligation debt may be incurred only for a purpose which is a public purpose and which is a corporate purpose of the applicable school district. The power to incur general obligation debt shall include general obligation debt incurred by any school districts for the purposes permitted by Section 13 of Article VIII of this Constitution. All general obligation debt shall mature within thirty years from the time such indebtedness shall be incurred.

(4) No general obligation debt shall be incurred by any school district unless prior to the delivery thereof a schedule showing the date and the principal and interest payments to become due thereon shall be filed in the office of the State Treasurer. If at any time any school district shall fail to effect the punctual payment of the principal and interest of its general obligation debt, the State Treasurer shall withhold from such school district sufficient moneys from any state appropriation to which such school district may be entitled and apply so much as shall be necessary to the payment of the principal and interest on the indebtedness of the school district then due. All appropriations for school districts of the State shall be subject to the provisions of this paragraph.

(5) If the general obligation debt be authorized by a majority vote of the qualified electors of the school district voting in a referendum authorized by law, there shall be no conditions or restrictions limiting the incurring of such indebtedness except:

- (a) those restrictions and limitations imposed in the authorization to incur such indebtedness;
- (b) such general obligation debt shall be issued within five years of the date of such referendum; and
- (c) the provisions of subsection (3) hereof.

(6) In addition to the bonded indebtedness authorized by subsection (5), during the period beginning on the date of the ratification of this article in 1977 and ending on the fifth anniversary of that date, the governing body of any school district may incur bonded indebtedness to the limit authorized by Section 5, Article X of the Constitution as of January 1, 1976, and upon such terms and conditions as the General Assembly may have heretofore or may hereafter prescribe; provided, however, that in determining the limit authorized by Section 5, Article X of the Constitution, in the event the assessed value of all taxable property in any school district decreases in any year during the aforesaid five-year period to an amount less than the assessed value of all taxable property in any such school district as of December 31, 1975, the assessed value of all taxable property of any such school district as of December 31, 1975, shall be applied in determining any such school district's bonded indebtedness during the aforesaid five-year period. After the fifth anniversary of that date, the governing body of any school district may incur general obligation debt in an amount not exceeding eight percent of the assessed value of all taxable property of such school district subject to the provisions of subsection (3) of this section and upon such terms and conditions as the General Assembly may prescribe.

In computing the eight percent debt limitation imposed by the provisions of this subsection, bonded indebtedness existing on the date of the fifth anniversary of the ratification of this article in 1977 and bonded indebtedness incurred under the provisions of subsection (5) of this section shall not be considered in the computation of the eight percent limitation.

(7) General obligation debt may also be incurred in anticipation of the collection of ad valorem taxes (tax anticipation notes) under such terms and conditions as the General Assembly may prescribe by law. Such tax anticipation notes shall be secured by a pledge of such taxes and a pledge of the full faith, credit and taxing power of the school district. All tax anticipation notes shall be expressed to mature not later than ninety days from the date as of which such taxes may be paid without penalty.

(8) General obligation notes may be issued in anticipation of the proceeds of general obligation bonds which may lawfully be issued (bond anticipation notes) under such terms and conditions that the General Assembly may prescribe by law. Such bond anticipation notes shall be secured by a pledge of the proceeds of the bonds in anticipation of which such bond

anticipation notes are issued and by a pledge of the full faith, credit and taxing power of the school district.

Bond anticipation notes shall be expressed to mature not later than one year following the date of issuance, but if the General Assembly shall so authorize by law, bond anticipation notes may be refunded or renewed. (1976 (59) 2217; 1977 (60) 90.)

SECTION 16. Regulation of benefits, funding and membership contributions of state-operated retirement systems; investment of funds; State Retirement Systems Investment Panel.

The governing body of any retirement or pension system in this State funded in whole or in part by public funds shall not pay any increased benefits to members or beneficiaries of such system above the benefit levels in effect on January 1, 1979, unless such governing body shall first determine that funding for such increase on a sound actuarial basis has been provided or is concurrently provided.

The General Assembly shall annually appropriate funds and prescribe member contributions for any state-operated retirement system which will insure the availability of funds to meet all normal and accrued liability of the system on a sound actuarial basis as determined by the governing body of the system.

Assets and funds established, created and accruing for the purpose of paying obligations to members of the several retirement systems of the State and political subdivisions shall not be diverted or used for any other purpose.

Notwithstanding the provisions of Section 11 of this article, the funds of the various state-operated retirement systems may be invested and reinvested in equity securities of any corporation within the United States that is registered on a national securities exchange as provided in the Securities Exchange Act of 1934 or any successor act or quoted through the National Association of Securities Dealers Automatic Quotations System or similar service. Upon the enactment of the implementing legislation required by this paragraph, there is established the State Retirement Systems Investment Panel. The panel shall consist of five members, one each appointed by the Governor, the State Treasurer, the Comptroller General, and the chairmen of the respective committees of the Senate and House of Representatives having subject matter jurisdiction over appropriations. The appointee of the Governor shall serve as chairman. All persons appointed must possess substantial financial investment experience and no person may be appointed or continue to serve who is an elected or appointed officer or employee of the State or any of its political subdivisions, including school districts. The General Assembly shall implement this paragraph by enacting legislation establishing the panel and providing for the terms, duties, and compensation of its members, and which specifically authorizes the investments allowed by this paragraph, and may provide limitations on investments in equity securities as it considers prudent. The panel established by this paragraph shall not exist until it is established in the implementing legislation required pursuant to this paragraph. (1979 Act No. 3, eff January 24, 1979; 1997 Act No. 77, Section 1, eff June 4, 1997.)

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Title 11. Public Finance

Chapter 27. Effect of New Article X of Constitution on Bonded and Other Types of Indebtedness

§ 11-27-40. Effect of New Article X on bonds of political subdivisions.

The governing body of each of the political subdivisions of the State shall be empowered to incur general obligation debt for their respective political subdivisions as permitted by Section 14 of New Article X and in accordance with its provisions and limitations. All laws shall continue in force and effect after the ratification date, but each of such laws is amended as follows:

1. If no election be prescribed in such law and an election is required by New Article X, then in every such instance, a majority vote of the qualified electors of the political subdivision voting in the referendum herein authorized is declared a condition precedent to the issuance of bonds pursuant to such law. The governing body of each of the political subdivisions shall be empowered to order any such referendum as is required by New Article X or any other provision of the Constitution, to prescribe the notice thereof and to conduct or cause such referendum to be conducted in the manner prescribed by Title 7, Code of Laws of South Carolina, 1976.

2. If an election be prescribed by the provisions of such law, but is not required by the provisions of New Article X, then in every such instance, no election need be held (notwithstanding the requirement therefor in such law) and the remaining provisions of such law shall constitute a full and complete authorization to issue bond in accordance with each remaining provisions.

3. If a statutory debt limitation be prescribed by any such law, then in lieu thereof, the debt limitation shall be that resulting from the provisions of Section 14 of New Article X.

4. Notwithstanding any contrary provision in any law, any issue of general obligation bonds maturing not later than ten years from their date of issuance and in the amount of not exceeding one million five hundred thousand dollars may be sold at private sale and without advertisement, if not less than seven days prior to their delivery, notice of intention to sell such bonds at private sale shall be given by publication in a newspaper of general circulation in such political subdivision. Such notice shall set forth the purchaser, the purchase price, interest rates, and maturity schedule of such bonds.

5. As permitted by paragraph 8 of Section 14 of New Article X, all political subdivisions are authorized and empowered to incur general obligation debt in anticipation of the collection of ad valorem taxes or licenses (tax anticipation notes). Tax anticipation notes shall be expressed to mature not later than ninety days from the date on which such taxes or license fees may be paid without penalty. In the case of counties and incorporated municipalities, tax anticipation notes shall be issued pursuant to an ordinance adopted in the manner provided by law. In the case of any special purpose district, tax anticipation notes may be authorized by a resolution of its governing body but such action shall be authorized, approved, or ratified by an ordinance of the governing body or governing bodies (as the case may be) of the county or counties wherein such special purpose district is situate. The provisions of this item shall take effect upon May 30, 1977.

6. The provisions of Chapter 17 of Title 11, relating to the issuance of bond anticipation notes, shall continue in force and effect after the ratification with respect to all political subdivisions and the governing body of each political subdivision is hereby authorized and empowered to issue bond anticipation notes pursuant to and in accordance with the provisions of that chapter and the limitations imposed by paragraph 9 of Section 14 of New Article X.

7. All laws now in force permitting any political subdivisions to incur indebtedness (and to issue bonds or other evidences of debt) which shall be payable solely from a revenue-producing project or from a special source, which source does not involve revenues from any tax or license, shall continue in force and effect after the ratification date. Evidences of such indebtedness shall contain a statement on the face thereof specifying the sources from which payment is to be made and shall state that the full faith, credit, and taxing powers of the issuer are not pledged therefor.

Any law containing any provisions inconsistent herewith (including Chapter 19 of Title 11, as amended) is herewith amended by the removal therefrom of such inconsistent provisions.

8. The initiative and referendum provisions contained in Article 13, Chapter 9 of Title 4 and Chapter 17 of Title 5 of the 1976 Code shall not be applicable to any other ordinance authorizing the issuance of general obligation bonds unless a notice, signed by not less than five qualified electors, of the intention to seek a referendum, be filed both in the office of the clerk of court of the county wherein such political subdivision is situate and with the clerk or other recording officer of the political subdivision. Such notices of intention to seek a referendum shall be so filed within twenty days following the publication by the governing body of the political subdivision of notice in a newspaper of general circulation in such political subdivision of the adoption of such ordinance.

9. Notwithstanding any other provision of law, a political subdivision may issue general obligation bonds in accordance with one or more of the following provisions:

(a) The principal amount of the bonds maturing in a given year shall be in an amount as prescribed by the governing body of the political subdivision. The first maturing bonds of an issue shall mature within five years from the date on which they are issued; and no bond shall mature later than thirty years from the date on which it is issued.

(b) The bonds shall be sold at public sale, after advertisement of the sale in a newspaper having general circulation in the State or in a financial publication published in the City of New York. The advertisement must appear not less than seven days prior to the date set for the sale. The advertisement may set as a sale date a fixed date not less than seven days following publication, or the advertisement may advise that the sale date will be at least seven days following the date of publication. If a fixed date of sale is not set forth in the notice of sale published in accordance with this subitem, the date selected for the receipt of bids must be disseminated via an electronic information service at least forty-eight hours prior to the time set

for the receipt of bids. If a fixed date of sale is set forth in the notice of sale, it may be modified by notice disseminated via an electronic information service at least forty-eight hours prior to the time set for the receipt of bids on the modified date of sale. No bonds may be sold pursuant to this subitem on a date that is more than sixty days after the date of the most recent publication of the notice of sale. Bids for the purchase of bonds may be received in such form as determined by the governing body of the issuer.

(c) The bonds may be disposed of at private sale if there are no bids received or if all bids are rejected. The provisions of this section shall not prevent a sale at private sale to the United States of America or any agency thereof.

(d) Bonds issued pursuant to this section may be issued with a provision for their redemption prior to their maturity at par and accrued interest, plus such redemption premium as may be prescribed by the governing body of the issuer, but no bond shall be redeemable before maturity unless it contains a statement to that effect. In the proceedings authorizing the issuance of the bonds, provisions shall be made specifying the manner of call and the notice that must be given.

HISTORY: 1977 Act No. 125 § 5.

HISTORY: Amended by 1999 Act No. 113, § 22, eff June 30, 1999.

EFFECT OF AMENDMENT

The **1999** amendment changed "eight years" to "ten years", "five hundred thousand dollars" to "one million five hundred thousand dollars" and "ten days" to "seven days" in subsection (4) and added subsection (9).

CROSS REFERENCES

Refunding bond issuance, see § 11-15-440.

ATTORNEY GENERAL'S OPINIONS

A county may incur indebtedness in anticipation of a federal grant as provided by article X, section 14(10) of the South Carolina Constitution and Chapter 19 of the Title 11 of the *South Carolina Code of Laws*, 1976. 1989 Op Atty Gen, No 89-109, p 293.

NOTES OF DECISIONS

In general 1

1. In general

Section 11-27-40 and SC Const Art X § 14(8) both provide that tax anticipation notes must mature no later than ninety days after the due date of the taxes anticipated, and this limitation effectively restricts the notes to repayment out of taxes levied for the current fiscal year. Davenport v. City of Rock Hill (S.C. 1993) 315 S.C. 114, 432 S.E.2d 451.

Code 1976 § 11-27-40, SC ST § 11-27-40

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AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO AMEND ARTICLE III, RURAL AND CRITICAL LANDS PRESERVATION ORDINANCE.

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

Adopted this 9th day of January, 2006.

COUNTY COUNCIL OF BEAUFORT COUNTY

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

APPROVED AS TO FORM:

Kelly J. Golden
Kelly J. Golden, Staff Attorney

ATTEST:

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

First Reading: November 28, 2005
Second Reading: December 12, 2005
Public Hearing: January 9, 2006
Third and Final Reading: January 9, 2006

(Amending 99/19)

Certified True Copy
Clerk to Council
Beaufort County, SC
By: Suzanne M. Rainey
Suzanne M. Rainey
Date: 1/13/06

ARTICLE III. RURAL AND CRITICAL LANDS PRESERVATION

DIVISION 1. GENERALLY

Sec. 94-61. Title.

This article shall be known as the Rural and Critical Lands Preservation Ordinance.

(Ord. No. 99-19, § 1, 7-26-1999)

Sec. 94-62. Declaration of purpose.

It is the purpose of this article to:

- (1) Provide a means by which rural and critical lands may be protected and enhanced as economic and environmental resources of major importance;
- (2) ~~Provide a means whereby private rural landowners can maintain and preserve the rural character of their land;~~ Encourage landowners to make a voluntary longterm commitment to rural and critical land protection by offering landowners financial incentives and security of land use;
- (3) ~~Encourage landowners to make a voluntary longterm commitment to rural and critical land protection by offering landowners financial incentives and security of land use;~~ Preserve open space and protect critical and natural resources;
- (4) ~~Protect lands in rural service areas and resource conservation areas from incompatible uses that may render rural uses, such as agriculture and forestry operations, nonviable;~~ Leverage state, federal, local, and private conservation efforts and development rights purchase funds and protect the investment of taxpayers in purchased and donated conservation easements;
- (5) ~~Reduce and defer the need for major urban infrastructure improvements in the rural areas of the county and the expenditure of public funds for such improvements;~~ Provide a means whereby rural landowners can maintain and preserve the rural character of their land through land conservation;
- (6) ~~Preserve open space and protect critical and natural resources;~~ Provide compensation to landowners in exchange for their relinquishment of the right to develop their private property;
- (7) ~~Provide compensation to landowners in exchange for their relinquishment of the right to develop their private property; and~~ Reduce and defer the need for major urban infrastructure improvements in the rural areas of the county and the expenditure of public funds for such improvements through land conservation;

~~(8) Leverage state, federal, local, and private conservation efforts and development rights purchase funds and protect the investment of taxpayers in purchased and donated conservation easements. Provide for the purchase of fee simple interests in lands deemed critical to provide for the protection of the natural resources, historic and cultural significance, regional or local passive-recreation potential, viewsapes or lands suitable for public use; and~~

~~(9) Provide for purchase of fee simple interest in lands threatened by development, which if it occurs will have detrimental effects on land use patterns, traffic, storm water runoff, water quality or other conservation objectives.~~

(Ord. No. 99-19, § 2, 7-26-1999)

Sec. 94-63. Findings.

For the purposes of this article, the county council finds as follows:

~~(1) It is the declared policy of the county to provide a voluntary program to permanently protect rural lands; Rural and critical lands in many parts of the county are under significant development pressure from expanding urban areas.~~

~~(2) It is the policy of the county that rural lands are valued natural and ecological resources which provide needed open space for wildlife habitat, clean air, clean water, groundwater recharge, and protection of cultural resources; This urban pressure takes the form of scattered development in wide belts around urban areas, and brings conflicting land uses into juxtaposition, creates high costs for public services, and stimulates land speculation;~~

~~(3) Rural lands in many parts of the county are under significant development pressure from expanding urban areas; Many of the rural and critical lands in the county are in jeopardy of being lost due to these activities;~~

~~(4) This urban pressure takes the form of scattered development in wide belts around urban areas, and brings conflicting land uses into juxtaposition, creates high costs for public services, and stimulates land speculation; These rural and critical lands constitute unique and irreplaceable land resources of countywide importance;~~

~~(5) Many of the rural lands in the county are in jeopardy of being lost due to these activities; There are additional critical lands which are also valued natural and ecological resources which provide open space for wildlife habitat, clean air, clean water, groundwater recharge, and protection of cultural resources.~~

~~(6) These rural lands constitute unique and irreplaceable land resources of countywide importance; and It is the declared policy of the county to provide a voluntary program to acquire or otherwise permanently protect rural lands and other lands containing critical natural, cultural and historic resources;~~

~~(7) There are additional critical lands which are also valued natural and ecological resources which provide open space for wildlife habitat, clean air, clean water, groundwater recharge, and protection of cultural resources. It is the policy of the county that rural and critical lands are valued natural and ecological resources which provide certain needed open space for wildlife habitat, clean air, clean water, groundwater recharge, and protection of historic and cultural resources; and~~

(8) It is the policy of the county to provide opportunities, through acquisition of development rights or conservation easements, to offer opportunities to landowners to protect agricultural lands so that they may continue to farm the land, as well as to acquire such rights to protect other parcels where the landowner wishes to retain an ownership interest.

(Ord. No. 99-19, § 3, 7-26-1999)

Sec. 94-64. Definitions.

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

~~*Active farmer* means a landowner or operator of land who manages the production of agricultural or forest crops.~~

Conservation easement means a nonpossessory interest in land, the terms of which restrict or prevent development or improvement of the land.

Critical lands means any lots, tracts, parcels or areas, ~~in addition to rural lands,~~ within the county that possess unique, significant, or important characteristics as may be identified by the Beaufort Council Rural and Critical Lands Preservation Board and subject to final approval by the county council. Unique, significant, or important characteristics include but are not limited to protection of cultural and historic resources and sites, the potential for ~~commercial or~~ medium to high density development, the ability to use the land for walking or cycling trails, the ability to use the land for public access to waterways, the ability of the land to be used for the preservation of public views of waterways or other scenic vistas, the quality of the land for purposes of a wildlife sanctuary, or such other and further characteristics which may be used to further the goals of the council.

Development right means the right to legally develop or subdivide property under current county codes and ordinances. The term includes but is not limited to the right to develop property for any commercial, industrial or residential use except as expressly permitted by this article and as further defined by article VIII of chapter 106 pertaining to zoning and development standards, as adopted and amended by the county council.

~~*Fiscal year* means the fiscal year of the county.~~

~~*Fund* means the county land preservation fund as established by the county.~~

~~*Joint ownership* means joint tenancy in a conservation easement purchase as the interests of the parties appear.~~

~~*Land preservation board* means a board established to oversee this article; also known as the county rural and critical land preservation board.~~

~~*Land trust* means a conservation organization which meets the requirements of Internal Revenue Code section 170 and which is active in conservation efforts in the county.~~

~~*Landowner* means the record owner(s) of the land or the authorized contract purchaser of the land.~~

~~*Market value* means the price as of the valuation date for the highest and best use of the property which a willing and informed seller who is not obligated to sell would accept for the property and which a willing and informed buyer who is not obligated to buy would pay for the property.~~

~~*Resource conservation area* means those areas of land in the county designated as "resource conservation areas" on the official zoning map of the county, as adopted and amended by the county council.~~

~~*Rural land* means those areas designated as rural service areas and resource conservation areas as defined in this article: that are zoned for agricultural or farming uses, or which are being used, or which have the ability to be used, for such purposes.~~

~~*Rural landowner* means the landowner of a parcel located in the rural service areas or resource conservation areas of the county who also maintains a principal residence in the county.~~

~~*Rural service areas* means those areas of land in the county designated as "rural service areas" on the official zoning map of the county, as adopted and amended by county council.~~

~~(b) Any terms left undefined by this section shall take the meanings as otherwise defined by the county zoning and development standards in chapter 106, as adopted and amended by the county council. If there are conflicting meanings, the definitions of this section shall control.~~

(Ord. No. 99-19, § 4, 7-26-1999)

Cross references: Definitions generally, § 1-2.

Secs. 94-65--94-90. Reserved.

DIVISION 2. COUNTY RURAL AND CRITICAL LANDS PRESERVATION BOARD*

***Cross references:** Boards and commissions, § 2-191 et seq.

Sec. 94-91. Appointment.

An 11-member county rural and critical land preservation board shall be appointed by the county council. One member shall be appointed from each of the 11 county council districts. (Ord. No. 99-19, § 5(1), 7-26-1999; Ord. No. 2003-22, § 1, 8-25-2003)

Sec. 94-92. ~~Chairman.~~ Officers.

The county rural and critical land preservation board shall elect annually one member of the ~~land preservation board to serve as chairman of the board~~ and one member to serve as vice chairman.

(Ord. No. 99-19, § 5(2), 7-26-1999)

Cross references: Officers and employees, § 2-56 et seq.

Sec. 94-93. Terms.

~~The term of the initial rural landowner appointees to the county rural and critical land preservation board is for three years; and the initial term of all other members is for one year.~~ The terms of the initial appointees to the county rural and critical land preservation board shall coincide with the expiration of the term of the county council district representative who serves the district which the appointee has been selected to represent. Thereafter, all members shall be appointed for four-year terms. A vacancy in the membership must be filled for the unexpired term in the same manner as the initial appointment. The membership is subject to division 1 of article V of chapter 2 of this Code regulating boards and commissions and appointments thereto as well as the county template ordinance.

(Ord. No. 99-19, § 5(2), 7-26-1999)

Sec. 94-94. Compensation.

Members of the county rural and critical land preservation board shall serve without salary, but the county council shall entitle each member to reimbursement for his actual and necessary mileage ~~reimbursement~~ expenses incurred in the performance of his official duties.

(Ord. No. 99-19, § 5(3), 7-26-1999)

Sec. 94-95. Conflicts of interest.

No member of the county rural and critical land preservation board shall be disqualified by reason of his membership from selling any parcel or the development rights of any parcel in which he has a financial interest, but any member with a direct or indirect financial interest in such parcel shall recuse himself from any board vote, discussion, or decision regarding such parcel.

(Ord. No. 99-19, § 5(4), 7-26-1999)

Sec. 94-96. Rules of procedure.

The county rural and critical land preservation board shall promulgate procedures necessary to promote the efficient, uniform, and countywide administration of this article.

(Ord. No. 99-19, § 5(5), 7-26-1999)

~~Sec. 94-97. Establishment of prioritization system.~~

~~The county rural and critical land preservation board shall establish a prioritization system to rank landowner applications in the rural land purchase of development rights program, as identified in subsection 94-128(d), which shall be subject to approval by the county council.~~

(Ord. No. 99-19, § 5(6), 7-26-1999)

Sec. 94-987. Powers and duties.

The county rural and critical land preservation board shall have, but is not limited to, the following powers and duties:

(1) ~~Identify and prioritize rural and critical lands for the purpose of the purchase of development rights, the option to purchase development rights, the fee simple purchase of property, and the exchange and transfer of title to parcels;~~ Develop and recommend to County Council, for adoption by resolution, a set of Beaufort County Rural and Critical Land Preservation Program Policies and Guidelines to guide the identification, prioritization, and management of parcels to be acquired through the county rural and critical preservation program. The Board may make recommendations to County Council for amendments to the Policies and Guidelines as the need arises;

(2) ~~Record conservation easements purchased by the county in the office of the county register of deeds; Identify, prioritize and recommend to county council rural and critical lands to be acquired through purchase of development rights, the option to purchase development rights, the fee simple purchase of property, or the exchange and transfer of title to parcels, as provided for in the county council's adopted Beaufort County Rural and Critical Land Preservation Program Policies and Guidelines;~~

~~(3) Make such disposition of the development rights acquired by the county as determined by the county council; Promote, educate and encourage landowners to participate in the article county rural and critical land preservation program; and~~

~~(4) After prior approval by the county council, recommend the hiring of staff, the maintenance of offices, and the engaging of consultants to promote the purposes of this article. The county council shall approve the amount of the program's annual revenue used to cover the cost of program administration; Perform such other duties as may be assigned by county council.~~

~~(5) Provide for the monitoring and maintenance of conservation easements purchased by the county;~~

~~(6) Enforce the obligations under conservation easements in concert with the county attorney;~~

~~(7) Promote, educate and encourage landowners to participate in the programs established under this article;~~

~~(8) Identify location of sites for public uses (i.e., parks and affordable housing) as may be approved by the county council; and~~

~~(9) Recommend critical lands to the county council.~~

(Ord. No. 99-19, § 5(7), 7-26-1999)

Secs. 94-998--94-128168. Reserved.

Cross references: Administration, ch. 2.

DIVISION 3. RURAL LAND PURCHASE OF DEVELOPMENT RIGHTS PROGRAM

Sec. 94-126. Applicability and general process.

~~(a) The rural land purchase of development rights program shall apply in those portions of the county designated "rural service areas" and "resource conservation areas" on the official zoning map of the county, as adopted and amended by the county council.~~

~~(b) The designation of rural service areas and resource conservation areas shall be reviewed and revised in compliance with the program review schedule of the South Carolina Local Government Comprehensive Planning Enabling Act of 1994.~~

~~(c) The rural land purchase of development rights program is a multistep program whereby, at a minimum, the land preservation board:~~

- (1) Receives landowner applications pursuant to section 94-127;
- (2) Evaluates landowner applications for eligibility in the program pursuant to section 94-127;
- (3) Ranks landowner applications based on a prioritization system to be established by the land preservation board pursuant to subsection 94-128(b); and
- (4) Prioritizes and recommends the purchase of development rights to the county council pursuant to section 94-131.

(Ord. No. 99-19, § 6.1, 7-26-1999)

Sec. 94-127. Landowner application procedure.

(a) Applications to sell development rights shall be on a form prescribed by the county rural and critical land preservation board and shall be signed by the landowner or designated agent (referred to as "applicant") and shall include a plat of the subject parcel. The application shall be submitted to the land preservation board at a time prescribed by the land preservation board. The land preservation board may require supporting documentation, including deeds, surveys, or other legal instruments, to be submitted with the application. An applicant may submit an application for each parcel or may submit a single application for more than one contiguous parcels. Applications for batched parcels shall follow the same procedure, but shall be signed by all landowners or designated agents.

(b) The land preservation board shall only consider applications for the purchase of development rights from applicants whose land is within the rural service areas and resource conservation areas.

(c) The land preservation board shall begin each application period by giving notice in newspapers of general circulation which will reach the public throughout the county. The notice shall describe the areas of applicability listed in subsection 94-126(b), explain the general procedure to be followed in the rural land purchase of development rights program, and invite landowners of such properties to make applications for the purchase of development rights by the county.

(d) Upon closing of the application period, the land preservation board shall review each application to determine whether the eligibility criteria set forth in subsection 94-128(c) are met generally and all required information is provided. Incomplete or otherwise deficient applications shall be returned to the landowner with a statement of reasons for the rejection. Landowners shall be allowed a reasonable time in which to revise, complete and resubmit deficient applications.

(e) If an application fails to meet the eligibility criteria set forth in subsection 94-128(c), it shall not be eligible for inclusion in the program. For multiple parcel applications where the land preservation board determines that any one or more parcel is ineligible, the land

~~preservation board may accept the application as if the application was submitted without the ineligible parcel.~~

~~(f) The submission of an application shall not be deemed to constitute a binding contractual offer to convey any interest in the landowner's property, but shall be revocable at will by the landowner prior to the execution of a purchase agreement, without penalty.~~

~~(Ord. No. 99-19, § 6.2, 7-26-1999)~~

~~Sec. 94-128. Purchase of development rights criteria.~~

~~(a) Subsequent to the deadline for applications as provided in this division, the county rural and critical land preservation board shall review and prioritize applications. The land preservation board shall establish a prioritization system to rank landowner applications based on the criteria in subsection (b) of this section. The system shall be subject to final approval by the county council.~~

~~(b) The following positive criteria shall be applied by the land preservation board in determining which development rights to recommend the purchase of to the council:~~

~~(1) Quality of the rural land subject to a proposed conservation easement, including soils classified as prime, unique, or of statewide importance.~~

~~(2) The likelihood that the rural lands would be converted to nonrural use unless subject to a conservation easement.~~

~~(3) Sufficient size to ensure stability of rural uses or to preserve sensitive environmental areas.~~

~~(4) Proximity of the rural lands subject to proposed conservation easements to other rural lands in the county which are subject to conservation easements or other methods of permanent protection.~~

~~(5) Benefits, including but not limited to enhancement of wildlife habitat, air and water quality, groundwater recharge, preservation of historic or other cultural features and preservation of scenic qualities.~~

~~(6) The stewardship of the land and use of conservation practices and best land management practices, including but not limited to soil erosion and sedimentation control and nutrient management.~~

~~(7) Price of the conservation easement, with priority given to those easements offered at a bargain sale or other pricing mechanisms which maximizes the use of public and private funds to further preserve rural lands.~~

~~(c) The land preservation board shall consult with the county's planning department to evaluate an application's satisfaction of the criteria.~~

~~(d) Once applications are ranked, the land preservation board shall recommend to the council the purchase of development rights in order of each application's rank.~~

~~(Ord. No. 99-19, § 6.3, 7-26-1999)~~

~~Sec. 94-129. Conservation easement requirements.~~

~~—To qualify under this article a conservation easement shall be subject to the following terms, conditions, restrictions, and limitations:~~

~~(1) The duration of a conservation easement shall be perpetual except as provided for in subsection (2) of this section.~~

~~(2) If the land surrounding the land subject to a conservation easement is no longer rural in character, the county council, upon recommendation of the county rural and critical land preservation board, may sell, lease, or convey the conservation easement to the current owner of record of the rural land subject to the easement after the expiration of 30 years from the date of purchase of the easement for a price equal to the value at the time of reconveyance determined pursuant to section 94-130. If federal, state or private funds were used to purchase development rights, the contributing entity must also give its approval to the county's selling, leasing or conveying a conservation easement to the current owner of record of the rural land subject to the easement. The purchase price must be payable to the county. Any payment received by the county pursuant to this section must be paid into a county account that may be used only for the purpose of purchasing development rights.~~

~~(3) Land subject to a conservation easement may not be subdivided unless such subdivision is subject to the specific terms, conditions and duration of the conservation easement. Land may be subdivided prior to the granting of a conservation easement if subdividing will not harm the rural or open space character of the land subject to the easement.~~

~~(4) The instruments and documents for the purchase, sale, and conveyance of any conservation easements must be approved by the county attorney or his designee prior to execution and delivery. Proper releases from mortgage holders and lienholders must be obtained, executed, and properly recorded with the register of deeds to ensure that all conservation easements are purchased free and clear of all encumbrances.~~

~~(5) Upon approval of the county council, the land preservation board may transfer title to a conservation easement purchased pursuant to this article to a land trust. The land preservation board may also purchase a conservation easement from a land trust. In these events, all sections of this article remain in effect.~~

(Ord. No. 99-19, § 6.4, 7-26-1999)

Sec. 94-130. Valuation.

(a) Valuation of land or development rights pursuant to this division shall be determined by appraisal and shall be equal to the difference between the market value of the property without encumbrance by a conservation easement and market value of the property so encumbered. Value shall be established by an appraisal process where a land preservation board shall retain a real estate appraiser, certified by the state.

(b) Appraisals shall be in writing and shall be furnished to the respective landowners for review. Errors of fact in any appraisal may be called to the attention of the county rural and critical land preservation board and the land preservation board's appraiser, but corrections to the appraisal may be made only by the land preservation board's appraiser.

(c) If a landowner disagrees with the appraisal made by the land preservation board's appraiser, a landowner has the right to select and retain a separate, independent, state-certified general real estate appraiser within 30 days of receipt of the appraisal of the land preservation board's appraiser to determine value of the development rights. The landowner's appraisal shall then be filed with the land preservation board. The land preservation board shall use both appraisals to attempt to reach an agreement as to the appropriate value of the development rights.

(d) The entire acreage within the parcel under consideration must be included in the determination of the value of the development rights. The land preservation board's appraiser and the landowner's appraiser shall take into account the potential increase in the value of any parcel retained by the landowner because of the placement of the conservation easement on the remaining rural land.

(e) The purchase price may be paid in a lump sum, in installments over a period of years, or in any other lawful manner of payment. If payment is to be made in installments or another deferred method, a person selling development rights may receive, in addition to the selling price, interest in an amount or at a rate set forth in the agreement of purchase.

(Ord. No. 99-19, § 6.5, 7-26-1999)

Sec. 94-131. Development rights purchase procedure.

(a) Upon the ranking in priority of the landowners' applications and approval by the council pursuant to this division, the county rural and critical land preservation board shall by and through the county administrator convey to the owners of the selected parcels, in writing, an offer to purchase development rights from the subject property. Such offer shall be in an amount determined by the land preservation board in section 94-130 and approved by the council. Such offer shall also contain the specific terms of the conservation easement. It shall also be conditioned upon the absence of any defects in title or other restrictions or

encumbrances which may adversely affect the county's interest in accomplishing the purposes of this article.

(b) ~~The landowner shall have 60 days following receipt of the county's offer in which to respond by acceptance, rejection or counteroffer. Failure to respond after 60 days will be considered a rejection of the offer. The landowner may reject the offer to purchase up to the point of settlement. A landowner who rejects a county offer to purchase development rights will forfeit the right to sell development rights to the county for a period of 12 months from the date of rejection.~~

(c) ~~Settlement will occur following the landowner's acceptance and the county council's approval of the county's offer to purchase development rights. The county's acquisition of a conservation easement shall be recorded in the office of the register of deeds. The land preservation board, its staff, or the land preservation board's designee shall monitor the properties under conservation easement in this program at least biannually to ensure compliance with the conservation easement.~~

(d) ~~The land preservation board shall maintain an official map and files of all development rights held by the county or its its designee.~~

~~(Ord. No. 99-19, § 6.6, 7-26-1999)~~

~~Sec. 94-132. Purchase and resale.~~

~~—Subject to county council approval on a case-by-case basis, the county rural and critical land preservation board may acquire in fee simple rural land located in areas designated in subsection 94-126(a). The intent of such purchase will be to place a conservation easement on the property and to resell or make such other disposition of the property as restricted. Best efforts shall be used by the land preservation board to sell the property within 12 months of purchase. The purchase and resale method is intended to be limited to those properties which are offered for sale or which may otherwise be available for purchase, on which development pressure or the chance of use of the property are very high, and whose location is such that the property's continued rural use is important to the purpose of this article.~~

~~(Ord. No. 99-19, § 6.7, 7-26-1999)~~

~~Sec. 94-133. Rural activity.~~

~~—The county shall encourage the continuity, development and viability of agricultural production within rural lands by not enacting local laws or ordinances which would unreasonably restrict agricultural production within the rural lands in contravention of the purposes of this article unless restrictions or ordinances bear a direct relationship to the public health or safety.~~

~~(Ord. No. 99-19, § 6.8, 7-26-1999)~~

~~Sec. 94 134. Land preservation board report.~~

~~—The county rural and critical land preservation board shall submit to the county council an annual report based on all of the activities carried out pursuant to the purchase of development rights program. The report shall include but is not limited to the following:~~

- ~~(1) Map indicating the location of rural lands in the county and the location of the parcels from where development rights are purchased;~~
- ~~(2) Number of acres in the county's rural lands;~~
- ~~(3) Total number of conservation easements and number of acres of each of the conservation easements in the rural lands throughout the county;~~
- ~~(4) Nature, scope, and extent of development activity in the rural lands where development rights have been purchased;~~
- ~~(5) Number of landowner applications for the given year for the rural land purchase of development rights program; and~~
- ~~(6) Number of conservation easements and number of acres of each of the conservation easements in the rural land throughout the county for the given year.~~

~~(Ord. No. 99 19, § 6.9, 7 26 1999)~~

~~Sec. 94 135. Appropriations to fund.~~

~~—The county council shall appropriate annually such funds as the county council may deem appropriate to the rural land purchase of development rights program.~~

~~(Ord. No. 99 19, § 6.10, 7 26 1999)~~

~~Sec. 94 136. Conflicting laws.~~

~~—If any section of this article pertaining to the rural land purchase of development rights program conflicts with state law, state law shall control.~~

~~(Ord. No. 99 19, § 6.11, 7 26 1999)~~

~~Secs. 94 137 94 165. Reserved.~~

DIVISION 4. CRITICAL LAND PROGRAM

~~Sec. 94 166. Established.~~

~~—The county shall establish a critical land purchase of development rights/fee interest program whereby tracts, parcels or areas, in addition to rural lands, within the county that possess unique, significant, or important characteristics may be purchased in fee, optioned, or the development rights purchased therefrom or otherwise in order to further the purpose of this article.~~

~~(Ord. No. 99-19, § 7, 7-26-1999)~~

~~Sec. 94-167. Applicability.~~

~~—The critical land purchase of development rights program shall be applicable in all areas of the county, including those areas described in subsection 94-126(a) of this article. If those areas described in subsection 94-126(a) are considered under this program, there shall be a preference to purchase development rights in those areas.~~

~~(Ord. No. 99-19, § 7.1, 7-26-1999)~~

~~Sec. 94-168. Administration.~~

~~—The critical land program shall be administered under the same provisions and procedures as are applicable to the rural land purchase of development rights program in division 3 of this article; however the county rural and critical land preservation board shall prioritize, value, and recommend the fee simple purchase of, the optioning of, or the purchase of development rights of lands deemed to be critical lands to the council. Funds for the critical land purchase of development rights/fee interest program shall be appropriated separately from the other program under this article. All meetings by the board or council related to the purchase of critical lands shall be held in executive session, and all attendees at such meetings shall agree to hold any information from such meetings strictly confidential. Nothing in this section shall prohibit or limit the power of the council to initiate the purchase of critical or other lands absent a recommendation by the board.~~

~~(Ord. No. 99-19, § 7.2, 7-26-1999)~~

~~Cross references: Administration, ch. 2.~~

4

LAND MANAGEMENT COMMITTEE

November 21, 2005

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

The Land Management Committee met Monday, November 21, 2005 at 4:00 p.m., in the Executive Conference Room, Administration Building.

ATTENDANCE

Chairman W. R. "Skeet" Von Harten, Vice Chairman Peter Lamb, members Frank Brafman, Gerald Dawson, Mark Generales, Margaret Griffin and Dick Stewart present. Non-Committee member Herbert Glaze also present.

Staff: Gary Kubic, County Administrator; Buz Boehm, Public Services Director; Tony Criscitiello, Planning Division Head; John Holloway, Natural Resources Planner; Suzanne Larson, Public Information Officer; Rob Merchant, Long Range Planner.

ACTION ITEMS

1. Text Amendments to the Rural and Critical Land Preservation Ordinance

Discussion: The Rural and Critical Land Preservation Board ("Board"), with assistance from the Trust for Public Land ("TPL") and County Planning staff, have undertaken the revision of the Rural and Critical Land Preservation Ordinance - Ord. No. 99-19 (RCLP), development of the Rural and Critical Land Program Policies and Guidelines and recommendations for funding the Program into the future.

The proposed revisions to the RCLP Ordinance and the Program Policies and Guidelines reflect how the Board and the Program are operating since TPL has been employed to assist with the RCLP Program. A list of funding recommendations, as outlined by a letter from Chairman Riley, was approved by the Board at a series of meetings, including a special meeting, in an effort to get the information to County Council in a timely manner.

Mr. Tony Criscitiello, Planning Division Head, summarized the issue for the Committee, saying this issue is in conformance with the County's Comprehensive Plan and Staff was streamlining and simplifying the ordinance and guidelines.

The Committee discussed changing the terms of appointed Board members to go in tandem with the term of the Councilmatic representative for that District. Ultimately it was agreed to reference the County's Template Ordinance regarding terms.

The changes agreed to by the Committee are: (i) page 5 of 5, Article III, Rural and Critical Land Preservation. Sec. 94-97. Powers and duties. (3). Delete "article." (ii) Page 4 of 5, Program Policies and Guidelines. 6. Resale or lease of property acquired- a. Substitute county council for county staff.

Certified True Copy
Clerk to Council
Beaufort County, SC
By: Suzanne M. Rainey
Suzanne M. Rainey
Date: 3-6-06

Committee member Mr. Peter Lamb commended Staff, TPL and RCLP Board members on a vast improvement over the previous ordinance and guidelines.

Recommendation: Council approve on first reading text amendments to the Critical and Rural Land Preservation Ordinance as amended.

2. Off- Agenda Item - An Ordinance Authorizing the Lease of County-Owned Real Property

Discussion: The County has purchased approximately 71 acres of property formally owned by Hubert and Marie Lucky. A lease has been drawn up, leasing the property on a month-to-month basis, with 30 days notification of vacancy from the date of acquisition with Mr. Gene Bardo in the amount of \$650 per month.

The Committee unanimously agreed to recommend approval to Council.

Recommendation: Council approve on first reading an ordinance authorizing the lease of County-owned real property.

INFORMATION ITEMS

3. Discussion of Funding Mechanism for Rural and Critical Land Preservation Program

Discussion: The Committee discussed funding mechanisms for the Rural and Critical Land Preservation Program. In 2000 County taxpayers approved a bond referendum for \$40 million for the purchase of open space. To date, almost 10,000 acres have been purchased. There is approximately \$3.3 million remaining, yet there is a 2006 wish list of \$20 million. Five-year projected future funding needs are about \$114 million.

It was agreed the best way to approach this was in increments. The Committee agreed to a bond referendum of \$40 million, showing the taxpayers that the Board was a good steward of the funds, and then coming back to the taxpayers with another bond referendum request. This issue is to be forwarded to the Finance Committee for consideration.

One additional funding source is the sale of County-owned properties, with the proper conservation easements, that aren't suitable for parks or public access.

Recommendation: Refer to the Finance Committee for the formulation of the question on the ballot in the November 2006 elections regarding a bond referendum for \$40 million for the County's Rural and Critical Land Preservation Program.

Recommendation: Refer to the Finance Committee the question regarding a strategy for continued funding of the County's Rural and Critical Land Preservation Program until a successful referendum in the November 2006 elections.

4. Status Report on Consultant Selection Process for Northern Regional Plan

Discussion: Mr. Tony Criscitiello updated the Committee. At present there are two viable candidates under consideration for the position of consultant for the Northern Regional Plan.

The Town of Hilton Head Island, the Town of Bluffton and Staff have performed a monumental task of gathering the data for the Southern Regional Plan. This should facilitate the development of the Northern Regional Plan.

Committee Chairman Mr. Skeet Von Harten observed that the development of the Southern Regional Plan and the Northern Regional Plan brings together County government, municipal governments, our sister counties and other decision-making bodies in one room, at one time, together. The end result is a document embraced by all.

Mr. Lamb added it is time for Staff and the Planning Commission to begin to discuss the County's Comprehensive Plan in segments. He would like to see them come forward with a chart by February 1, 2006, demonstrating they are going to start with Chapter One and progress through the Plan.

Status: No action required. Informational only.

5. Executive Session

The Committee went into executive session for discussion of negotiations incident to proposed contractual arrangements and proposed purchase of property. After coming out of the executive session, the Committee voted to proceed with the acquisition and sale of the Lucky property.

5

FINANCE COMMITTEE MEETING

November 28, 2005

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

The Finance Committee met Monday, November 28, 2005 at 2:00 p.m. in the Executive Conference Room of the Administration Building.

ATTENDANCE

Members: Chairman Mark Generales, Vice Chairman Frank Brafman, members Starletta Hairston, Peter Lamb, William McBride, Dick Stewart and W. R. "Skeet" Von Harten present. Non-committee members Gerald Dawson and Margaret Griffin also present.

Staff: Gary Kubic, County Administrator; Chad Beauchamp, Financial Analyst; Sharon Burris, Auditor; Tony Criscitiello, Planning Division Head; Kelly Golden, Staff Attorney; Frank Guth, Chief Information Officer; Tom Henrikson, Chief Financial Officer; John Holloway, Natural Resource Planner; Ed Hughes, Tax Assessor; and Suzanne Larson, Public Information Officer.

ACTION ITEMS

1. **Consideration of Reappointments and Appointments**
 - **Library Board**

Recommendation: Council appoint Ms. Katrina Johnston, representing Council District 4, to serve as a member of the Library Board.

2. **Bridge Funding and Funding Solution for Continued Rural and Critical Land Program**

Discussion: The Committee discussed different ways to come up with the bridge funding and discussed different funding solutions for continuing the County's Rural and Critical Land Program. Mr. Generales stated that we have a two-sided issue in front of us. We need to resolve whether we are bringing forth a referendum in November 2006 or not, how much we plan on raising and, what structure we look to raise it under. Secondly, what do we do within the time period between now and when we start seeing funds from the referendum?

Mr. Von Harten stated that the Finance Committee has come up with the target number of \$40 million to be put in front of the taxpayers, with their knowledge that Council may be back for more money. He asked the Finance Committee to address the agreed \$40 million figure and decide what mechanism to use in coming up with the money. He wants to know if there are any funds that are being raised and are not being used to service the debt on the original \$40 million bond issue and, if so, could it be applied to the bridge funding.

Certified True Copy
Clerk to Council
Beaufort County, SC
By: Suzanne M. Rainey
Suzanne M. Rainey
Date: 3-7-06

Mr. Henrikson replied that whether we take it to a referendum or not, a referendum is only required when talking about issuing debt in excess of the 8% debt limit. If a referendum were to be held, would voters of Beaufort County approve a borrowing by Beaufort County for \$40 million for this program and exclude that from the bonded debt limit. County Council would then be required to establish an appropriate mileage sufficient to pay the debt service on that debt. We have approximately \$40 million worth of outstanding debt currently, in which approximately 1.5 mils were issued to service that debt. Therefore, if we borrow another \$40 million, a 1.5 mil increase would be necessary in the future. When the original structure was set up to borrow \$40 million, we borrowed \$10 million initially, \$10 million on a second issue, and \$20 million on a third and final issue.

The requirements of a referendum are that all of the debt relative to that referendum be issued within a five-year period of the date of the referendum. The issuance was achieved within that five-year period. It was staggered that way so that the monies that were coming in initially were more than necessary to pay the debt service on the debt, building up a reserve of dollars so in years when the taxes were not sufficient to pay the debt, there would be money left over to pay that debt. It could be considered as a sinking fund or a reserve fund. The tax collections have been ahead of what has been projected and the debt issued at less than what was projected. There is a little bit of excess reserve or sinking fund monies there. He hates to recommend that we use some of the reserve fund today. That could put us in a bind in the future. He would hesitate using those dollars at this time.

Mr. Von Harten had another thought of a way to come up with the monies. He wants to know the difference between the 8% limit and the 8% debt, where we are and where is the margin. Is it available to us and is it wise to approach that question? Mr. Henrikson replied in saying that our 8% limit is approximately \$120 million worth of debt. The County has approximately \$68 million worth of debt outstanding against that \$120 million. Within the next six weeks Beaufort County will issue approximately \$25 million worth of debt against that difference. Also, we have numerous capital projects that have been put on hold for a couple of years and should be coming forward within the next six months relative to utilizing some of the 8% limitation. Therefore, currently we have approximately \$25 million worth of 8% capacity available. We need to look at that capacity in the context of the other projects and needs that we have. The debt that we are getting ready to issue, that is going against the 8%, is only going against 8% until the impact fees on the roads in northern and southern Beaufort County are sufficient to begin to pay that debt along with the admission fees that are coming in. We retire approximately \$5,000,000 worth of general obligation debt a year.

Mr. Von Harten asked Mr. Henrikson for a professional recommendation on how to bridge this gap.

Mr. Generales stated that if we word this right, it should pass.

Mr. Stewart stated that there has been some discussion about a sales tax. If we are going to pursue a sales tax under the current law, we would have to list what properties are going to be purchased with those funds. We could identify the amount of money that is necessary to provide

Trust for Public Land as our agent, the resources to go out and tie up option critical properties, then by November of next year could satisfy the requirement for a referendum as a strategy. That gives us approximately six months, because in June of 2006, we would need to have it in front of the taxpayer. That list of properties has to be decided. That number is dramatically less and is much more approachable. That would require a mileage increase.

He suggested some options to consider. First, would be a structure that deals with the Rural and Critical Land Program in the context of the appurtenance of sprawl and some other issues that many folks identify with. Example: There are zoning requirements either in the County or in the municipalities, requiring 20% open space. The owner, rather than providing the open space, would like to provide the financial resources in the amount to be determined. In this example, the County might be able to take those dollars and do something in the Rural and Critical Land Program that would be much more valuable to a broad-base of citizens in Beaufort County. This scenario fits in the older subdivisions. We should seriously consider putting in place a structure that says if there is an economic reason why someone would rather give us money to use for Rural and Critical Land Program, our Natural Resource Planner should have an option to evaluate that and do what is in our best interest. He is suggesting that someone provide an amount of money that goes for this plan under the perception that our administration of those funds will be efficient.

Mr. Brafman stated that there is a downside of moving the benefit somewhere else at the expense of the person who does not want that density where he is living.

Mr. Generales stated that ultimately this is an ideal that is worth hearing out, but is not going to be an ultimate solution to everything we need to do right now.

Mr. Von Harten stated that with the properties that are currently under construction or negotiation at the present time, over the next 18 months, we can easily expend \$5 million - \$10 million. That would be in the purchasing mode.

It was said that we could get long-term options on several properties if there is no pressure to the land owners.

Mr. Stewart stated that if we approach that and say that this is a property tax amount, we would be talking about 1.8 mils to pay it back. Last referendum we said 2.2 mils have been set aside; we will not increase your taxes, but borrow that to pay it off. This time we would have to pass to increase those 3.3 mils or we have to recommend the question of adding 1.8 mils to your property tax bill to pay for this project. If we go to a sales tax referendum, we will need to have the property delineated if we approve a 1% sales tax and produce \$23 million; these are the properties we will buy. Are we talking about a referendum question that next year is solely focused on being paid out of property taxes? Mr. Von Harten replied that under the rules of property identification that would be the only way.

Mr. Lamb stated that if we are serious about this and are going to use bonds to do it, we do not have to go to the voters. At the rate our real estate is appreciating, there is appreciation in

our real estate value to use \$40 million of our current 8% bonding capability. We do not have to go to a referendum to do so. It makes sense if you are going to go to a referendum to use a ½ or ¼% of sales tax. Get the \$40 million out of the increase in appreciation since it has doubled in the last 4 years.

Mr. Von Harten stated that if you do just the .5% on sales tax, then there will be other questions brought before the people. The Legislature will most likely do something relative to property taxes by June 2006.

Mr. Stewart stated that the last referendum was 82% effective. He personally has no problem with the mileage rate staying at 2.0 mils, but anything beyond that he would like to ask the voters what they think of that. For a \$40 million transaction, we are looking at about 2.3 or 2.5 mils more than we have now.

Recommendation 1: Council approve on first reading an ordinance authorizing the placement of a public question on the official ballot for the general election of November 7, 2006 concerning a proposition authorizing Beaufort County to issue not to exceed \$50 million general obligation bonds to acquire lands for preservation and to pay certain costs and debt service related thereto.

Recommendation 2: Council recommends a 1.5 mil increase in FY 2006-2007 budget to fund the Rural and Critical Land Program. (Note: Mr. Henrikson advised the Committee the opportunity to implement this recommendation would be during the budget process for next fiscal year, July 1, 2006.)

INFORMATION ITEM

3. 3% Local Accommodations Tax Grant Funding Cycle

Discussion: Mr. Tom Henrikson, Chief Financial Officer, reviewed this item with the Committee. In Ordinance 2005/10, adopted March 28, 2005, it states that the 3% local accommodations tax funds would be allocated as follows:

- A. Fund the approved annual operating expenditures of the program at an amount not to exceed 8% of the funds collected.
- B. Allocate \$350,000 annually for county-wide advertising and promotion program related to tourism development (section 4, item 5).
- C. Allocate the remaining balance of collections as follows: (i) 20% to establish a reserve fund for emergency or other unforeseen needs; (ii) 20% for river/beach access and renourishment (section 4, item 3); (iii) 60% for tourism-related buildings, including, but not limited to, civic centers, coliseums and aquariums (section 4, item 1); cultural, recreational, or historic facilities; highways, roads, streets, bridges and boat ramps providing access to tourist destinations (section 4, item 2); water and sewer infrastructure to serve tourism related demand (section 4, item 6); the operation and maintenance, including police, fire protection, emergency medical services and emergency preparedness operations directly

attendant to those facilities as reference above (section 4, item 7); and for all other proper purposes (section 4, item 8).

He continues in saying that he expects approximately \$900,000 in funds this year. After the 8% for annual operating expenditures and the \$350,000 for County-wide advertisement are allocated out, we will be left with approximately \$500,000 to allocate out. We then would put approximately \$100,000 in the reserve fund and \$100,000 towards beach access, leaving approximately \$300,000 to allocate to infrastructure.

Mr. Generales stated that we need to give entities guidelines on applying for this fund.

Mr. Stewart asked if we were going to use the same review process as with the 2% funds.

Mr. Henrikson replied that it is Council's decision whether or not there will be a Committee to review the 3% accommodation tax applications. He believes that based on the restrictions for receiving the 3% funds, that there will not be nearly as many applicants as there was with the 2% accommodations tax. An ad will be placed in the newspaper, applications will be posted on the County website, and a letter will be mailed to all 2% applicants.

Mr. Von Harten stated that since we have many needs, we should not be too eager to spend these funds. Mr. Stewart agrees with Mr. Von Harten, as long as we spend a little of the funds each year.

Mrs. Hairston commented that we need to be careful of the small organizations that need the funding.

Mr. McBride's concerns are the same as Mr. Von Harten's. He thinks that the funds should be held for long-term projects and needs.

Status: No action required. Informational only.

4. Assessor's Report

Discussion: Mr. Ed Hughes, Tax Assessor, presented the Committee with an update on work in the Assessor's Office. The Assessor's Office has held four meetings dealing with appeals. There has been low turn out and dismal participation in each meeting. Many taxpayers forgot about the meetings. The Assessor's staff makes two attempts by phone and then they send a Letter of Appointment. Approximately 6,000 appeals have been addressed, with approximately 2,600 left to do. The task is expected to be completed by the middle of January 2006. It hoped that 2005 appeals are addressed by early spring 2006. There are 450 commercial property owners' appeals that have not been looked at. There has recently been some software problems which are being worked on. The office has engaged the services of a certified contractor.

Status: No action required. Informational only.

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**Beaufort County Council Minutes
December 12, 2005**

Official Proceedings
County Council of Beaufort County
December 12, 2005

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

The regularly scheduled meeting of the County Council of Beaufort County was held at 4:00 p.m., Monday, December 12, 2005, in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

Chairman Weston Newton, Vice Chairman W. R. "Skeet" Von Harten, and members Frank Brafman, Gerald Dawson, Mark Generales, Herbert Glaze, Margaret Griffin, Starletta Hairston, Peter Lamb, William McBride and Dick Stewart.

PLEDGE OF ALLEGIANCE

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

INVOCATION

Councilman Gerald Dawson gave the Invocation.

REVIEW OF PROCEEDINGS OF THE REGULAR MEETING HELD NOVEMBER 28, 2005

There were no corrections and/or additions made to the minutes of the meeting held November 28, 2005.

It was moved by Mr. Generales, seconded by Mr. Glaze, that Council approve the proceedings of the regular meeting held November 28, 2005. The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. Lamb, Mr. McBride, Mr. Newton, Mr. Stewart and Mr. Von Harten. The motion passed.

NATIONAL WEATHER SERVICE PRESENTATION

Mr. Mike Emlaw, Meteorologist, Charleston Office of the National Weather Service, recognized the efforts of Beaufort County, and, in particular, Mr. William Winn, Emergency Management Director, and his employees in meeting and/or exceeding all of the requirements to recertify Beaufort County as Storm Ready. Being Storm Ready does not mean being storm proof, but it does mean that pro-active steps have been taken to prepare for, and respond to, weather emergencies. Mr. Winn and staff are extremely pro-active. This includes dispatching personnel to areas of threatening weather and using the road-camera system to relay critical information to the National Weather Service. There have been several instances when we have been in constant

Certified True Copy
Clerk to Council
Beaufort County, SC
By: Suzanne M. Rainey
Suzanne M. Rainey
Date: 3-7-06

telephone contact with the County during weather emergencies. This allows the National Weather Service the best opportunity to keep the citizens of Beaufort County informed about dangerous weather. The recertification plaque reads, "Beaufort County, South Carolina, having maintained community preparedness standards, is hereby renewed as Storm Ready by the National Weather Service and the Storm Ready Community Advisory Board."

Chairman Newton and Mr. Winn accepted the plaque.

RECOGNITIONS

Asa C. Godowns EMS Professional of the Year Award

The Chairman announced that Ms. Dianna Krimmer, an Intermediate EMT, has been awarded the Asa C. Godowns EMS Professional of the Year Award for 2005. Harmony Masonic Lodge #22 presents this award annually to a member of EMS who demonstrates outstanding contributions to the delivery of emergency medical care to the citizens and visitors of Beaufort County. Ms. Krimmer has been a trusted asset to the community. Dianna has put in countless hours of training this year, along with assisting in off-duty activities related to EMS, such as working parades and car seat inspections. She was one of the first EMTs in the County to be certified as a Child-Passenger Safety Inspector. She has worked to better EMS and to promote it through school and community events.

The award is named for Asa C. Godowns, Deputy Director of Beaufort County EMS for more than 24 years, who was killed in an automobile accident in March 2001.

Career EMS Professional Award

The Chairman announced that Ms. Michele Galbraith, a Paramedic, has been awarded the Career EMS Professional Award. Harmony Lodge #22 presents this award annually to a member of EMS. She has been with EMS for more than 15 years. Michele is an example of the great talent that exists within the Beaufort County EMS Department. She has trained and kept current with today's life-saving actions. Her dedication to the Beaufort County community is without question. As a single mother she finds time to both excel in her job as a paramedic, as well as to maintain a close family structure. Michele was recognized in the November 2005 issues of *Pink*, a local woman's monthly magazine that highlights women's issues.

Nominations for the above-mentioned two awards are submitted by fellow EMS personnel.

PUBLIC COMMENT

The Chairman recognized Mr. Shemuel Yierall, a Yemassee Town resident, who stated, "On September 26, 2005, I came here before Council asking that you block my being unjustly imprisoned by Mayor Joseph L. Goodwin of the Town of Yemassee. Your efforts, if any, have failed, and I just completed 69 days of unlawful imprisonment in the Beaufort and Hampton County Detention Centers, being falsely charged by Yemassee Police Chief Jack Hagy for littering. One again, I ask that Council block Mayor Goodwin from placing me in jail on false

charges. Within four days, on Thursday, December 15, 2005, at 2:00 p.m., I am scheduled to be in Hampton County at the Yemassee Town Hall to choose a jury for yet another false proceeding. This time I am being charged with failure to have a Yemassee business license for the years 2001, 2002, 2003, 2004 and 2005. Why is Major Goodwin charging me now? He is abusing the courts. He seeks to interfere with the lawsuits that I have pending against him. I cannot proceed with the civil suits while I am in jail. His evil methods work. One of the civil actions was recently dismissed before I got out of jail. One evil act of Major Goodwin has, and shall, affect us all adversely. If you help me, you will help yourselves. I would also remind you that should a warrant for my arrest exist at any time in the future, I will turn myself in, upon notice, from any Beaufort County Sheriff's Deputy. Many innocent people have been physically and mentally harmed because law enforcement personnel handled me in an unlawful manner. Let's stop the nonsense and allow me to turn myself in."

Mr. Tim Bennett, representing the Hilton Head Island/Bluffton Chamber of Commerce, thanked Council members Mark Generales and Dick Stewart for their upcoming participation in the Chambers of Commerce Coastal Alliance meeting on Kiawah Island. The purpose of this meeting is for members of the Coastal Alliance, comprised of all the Chambers along the coast of South Carolina, to present a legislative agenda to our coastal Senators and Representatives. Council members Generales and Stewart are panelists in a discussion about property tax reform. Councilman Stewart is also a panelist in a discussion about education funding. Additionally, Mr. Ken Keitzke, Town of Hilton Head Island Mayor Pro Tem, will be on the panel for property tax reform. Mr. Stu Rodman, Chairman of the School Board Finance Committee, will be on the panel for education funding. Mr. Barry Connor, Chairman of the Bluffton/Okatie Business Council, will participate on a panel about highways and transportation along with Mrs. Elizabeth Mabry, Executive Director of SCDOT. Mr. William Winn, Emergency Management Director, will participate in a panel along with Mrs. Mabry and others concerning disaster planning.

COUNTY ADMINISTRATOR'S REPORT

Two-Week Progress Report

Mr. Gary Kubic, County Administrator, circulated copies of his Two-Week Progress Report, which summarized the activities that took place November 28 through December 9, 2005.

Staff Reports Provided to Council

Mr. Gary Kubic, County Administrator, reported that Council has received the following department reports: Treasurer - Cash Flow Weekly Report as of December 5, Business License – Review Report as of October 31, Animal Shelter – Monthly Report, Detention Center – Bi-Monthly Status Report, and Clerk to Council – Ordinance Pending Monthly Report, Citizen Volunteers Reappointment/Vacancy Monthly Report, and Committee Assignments Monthly Report.

Summary of SCDOT US Highway 278 Widening Project Weekly Meeting

Mr. Gary Kubic, County Administrator, gave a brief construction update on the SCDOT US Highway 278 Widening Project. Approximately 93% of the storm drainage is now installed. This is considered a milestone in terms of getting this work done and the coordination with the various utilities and the effort it does take. APAC-Southeast, the contractor, is laying base course for the widening, which should be started very soon. They are continuing to put down asphalt and they are hauling dirt in for the widening. They are averaging about 100 truck-loads of dirt a day. They are trying to get all of the widening in before laying any base. The time frame for that is before Christmas. Over the holidays APAC is to get the construction area clean and temporarily seed the slopes in the widening areas to avoid erosion. APAC will also be running a 24-hour maintenance of traffic checks for the holiday period. Very soon paving will begin in the Moss Creek area. There is some concern about anxious motorists who are deciding to make U-turns and creating their own roadways as a result. At Kitty's Crossing there are motorists cutting through the grass median. At Crescent there are drivers who are doing U-turns at the entrance in order to crossover onto US Highway 278 and US Highway 46.

County Assessor's Progress Report

Mr. Ed Hughes, County Assessor, stated today marks the beginning of his twelfth week of employment with Beaufort County. He recognized the efforts of his department staff. He is very fortunate to have a group of dedicated employees who know their job and who understand the importance of their job. Reassessment has challenged all of their patience. They are very durable. They are resilient.

Appeals Process. The appeals process that began in 2004 commenced with the original 11,687 applications. The appeals process in the State of South Carolina is a multi-tiered/four-level process. The Assessor's Office (hereinafter "Office") is involved in all four levels involving tax year 2004.

Level 1 – Involves the submission of an appeal. It is truly just the beginning of the process and involves a meeting with either a staff member or the Assessor to go over the issues specific to that property taxpayer's concern. The Assessor then has the responsibility to respond back to the taxpayer with either resolution or sustaining the appraisal.

Level 2 - This level involves a formal written application to the Office in which the taxpayer sets forth specifics regarding their particular situation as a result of the Office's notification with respect to that original first meeting. That involves both the submission of additional information and, perhaps, a resolution at that time.

Level 3 - There are four taxpayers scheduled to appear before the Tax Equalization Board, whose members are appointed by County Council, in January 2006.

Level 4 - There are a couple of taxpayers who pursued the first level, second and third levels and now they are going to present their case before the Administrative Law Court in Columbia. At

this particular level, the Office is involved with all four level processes. It takes more time. As we move through each of the respective levels, staff is required to document, prepare appraisals, and prepare testimony, in support of the position that the Assessor has taken. There is just not a single appeal. Each appeal can progress through the various levels.

Currently, in tax year 2004, the anticipated completion dates for 2004 reassessment appeals, and those received in 2005 and 2006, have been pushed out. The reason for that is several employees have resigned in the last year, which certainly leaves a void. In tax year 2004 there are 2,230 pending first-level appeals with a forecast completion date of April 1, 2006. There are 268 second-level protest appeals. There are four third-level appeals to be heard by the Tax Equalization Board. There are two, fourth-level appeals to be heard before the Administrative Law Court.

In tax year 2005 the Office has not commenced any work regarding 2005 appeals. There are 1,189 pending first-level appeals with a forecast completion date of June 15, 2006. The Office will complete 2004 appeals first, and then address 2005 appeals.

In tax year 2006 the Office has received approximately 1,000 first-level appeals, with a forecast completion date of July 30, 2006.

Appraisal Section/Indicators/Staffing Comparisons. At present the Office has three Residential Appraiser vacancies, one Director of Reappraisal vacancy, and one Commercial Appraiser vacancy. The current parcel count is 114,000 parcels (excludes condominiums and mobile homes). Of the 114,000, with a full staff of 9 appraisers, the workload per appraiser would be just short of 13,000 parcels. But the office has only five appraisers, hence the delay in the processing of the appeals through July 2006. Unless Mr. Hughes is successfully able to recruit and retain, based on the current five employees, the parcel responsible is at 22,800 parcels. By comparison, Spartanburg County has approximately 145,000 parcels, employs 19 licensed appraisers (excludes supervisors/deputy assessor/assessor) or 7,630 parcels per appraiser. Charleston County has approximately 150,000 parcels, employs 22 licensed appraisers (excludes supervisors/deputy assessor/assessor) or approximately 6,800 parcel per appraiser. Chatham County has approximately 99,725 parcels, employs 23 licensed appraisers, (excludes supervisors/deputy assessor/assessor) or approximately 4,335 parcels per appraiser. Chatham County is required to reappraise annually.

The "Fixes". Mr. Hughes intends to engage in serious discussions with Mr. Kubic and the Finance Committee regarding retooling the office. The retooling involves: (i) appraiser compensation levels based upon comparable counties; (ii) implement pay for performance based upon education, training, and experience, regardless of department vacancies; (iii) retool specific job categories as they relate to reassessment and annual work requirements; (iv) revisit and recommend physical space allocations and needs; and (v) make training and public relations a priority.

Solicitor's Staff Status Report – Beaufort County Detention Center

Mr. Duffie Stone, Deputy Solicitor, explained there are two numbers to deal with when talking about the Detention Center. One is the number of people actually in the Detention Center, which is a day-to-day changing number. That is a number that, as a Solicitor, he has nothing to do with. It is simply something that none of us here have anything to do with. It is a crime statistic. The number of people in the Detention Center is directly related to the number of people arrested. The number of people arrested is a direct result of the Sheriff's Office doing its job by arresting the people who should be arrested. The number that concerns the Solicitor is the amount of time that it takes the Solicitor's Office to get these people to court, i.e., the number of people awaiting General Sessions Court (criminal prosecution). The reason behind that is the County starts paying for them the minute that they go to prison, or the minute the Solicitor's Office finishes their criminal prosecution (Murder, Armed Robbery, Assault and Battery of a High and Aggravated Nature, etc.).

The Detention Center statistics for three periods are as follows: Period 1 – July 2005. The time before any major changes--additional funding and the addition of another trial team and some other administrative people--were made in the Solicitor's Office. Period 2 – The first quarter results. Period 3 – The current data available. On July 7 there were 135 inmates, on October 25 there were 134 inmates, and on December 9, 153 inmates. These 153 inmates include a number of people, despite the fact of a just-completed court term. The Narcotics Division made a sweep of Beaufort County drug cases. They arrested 24 people - four of whom received personal recognizance bonds. The rest of them went to the Detention Center.

On July 7, 2005 the County paid for 13,356 days in jail. This is the number of days people are actually sitting in jail awaiting trial. The average on that is 101.5 days, which means the average inmate at the Beaufort County Detention Center was going to stay there for 101.5 days before the Solicitor Office's did anything with them.

On October 25, 2005, the end of the first quarter, the number dropped to 12,178 days in jails. But the important number is that the average dropped 10 days, which means the average inmate is only spending 90 days in the Detention Center.

On December 9, 2005 the County paid for 13,000 days spent in jail, but the average was 89 days in the Detention Center. Despite the fact that the numbers of inmates at the Detention Center are going up, the average time that the inmates await trial is going down. Is 89 days significant from 101? The lowest estimate is that it costs the taxpayer approximately \$35 per inmate/per day. If that is the case, and there is an 11-day drop for 153 inmates, it is more than \$60,000. It is basically an expense the County did not have to pay for because that number is dropping.

Mr. Stone can make no promises whatsoever about that top number. If crime rises, and the Sheriff's Office arrests 20 or 30 more people tonight, that number will continue to go up.

Disabilities and Special Needs Program

Mrs. Mitzi Wagner, Director for the Disabilities and Special Needs Department, (hereinafter "DSN") stated Christmas is a time when we not only celebrate, but look back on all the wonderful things that have happened in the past year. She introduced four very special people

who want to tell Council some of the wonderful things that Council has made possible for them in the last year through financial support. Mrs. Cynthia Davis introduced her sister, Ms. Barbara Hodge, who works at Old Shell Gift Shop. She thanked Council for providing the necessary funding that allows Barbara to work, greet customers, and to earn a paycheck. Ms. Annie Lee Sumpter introduced her grandson, Mr. Varian Braye, who receives exceptional care from the DSN staff. Mrs. Grace Dennis, introduced her daughter, Beth, who works at McDonald's on Lady's Island. She thanked Council for supporting Beth as well as the other clients enrolled in the DSN Program. We have finally been able to put together a Foundation to help provide funding for special items. It is a wonderful opportunity for young people to have jobs. Paychecks are really important.

Mrs. Wagner remarked good work does not happen without having good staff to do that good work. DSN employs two excellent staff members, Ms. Ann Coaxum, Training Coordinator, and Ms. Rebecca Lawton, Training Specialist, who provide direct care to several clients.

Each member of Council received a gift bag containing items made by the clients in the Day Program, which is part of Old Shell Gift Shop.

RURAL AND CRITICAL LANDS PROGRAM YEAR-END REPORT

Mr. Russ Marane, State of Georgia Director for the Trust for Public Land, remarked it is a privilege for representatives of the Trust for Public Land (hereinafter "TPL") to work here in Beaufort County. TPL's work here, while it furthers the County's goals and objectives through the Rural and Critical Lands Program (hereinafter "Program"), it also furthers TPL's mission of conserving land for people. TPL's work begins with the Rural and Critical Lands Board, whose members have provided immense help and counsel in selecting the projects that we bring to you for review and approval to the Land Management Committee and then on to County Council. County staff has also been particularly helpful in developing these projects, Mr. John Holloway, Natural Resource Planner; Mr. Ian Hill, Historic Preservationist; Mr. Tony Criscitiello, Planning Director; Ms. Kelly Golden, Staff Attorney; and Mr. John Miller, Parks and Leisure Services Director.

Mr. Slade Gleaton, TLP Coastal Programs Director, stated two-and-a-half years ago TPL began engaging in conversations with the County about the Program. TPL really entered at a time when the Program was somewhat on the rocks. TPL presented a pro-active program led by the people. In 2004 TPL went into the community, obtained public input, incorporated that input into what is known as the Greenprint Map, and that is what is guiding this Program today. Beaufort County has a very strong working relationship between Council, County government, and the citizens of this community. As we go forward, one thing is certain. Growth is going to continue to happen here. TPL looks at this issue as a total landscape. As growth occurs, the landscape will change. The Program is really a drop in the bucket to really go out and protect those pieces of legacy in this community—the natural, historic, and cultural attributes that bring people, and will continue to bring people, to Beaufort County. He encouraged Council to continue funding the Program, and to allow the citizens of Beaufort County to make that decision.

Next, Mr. Morane gave a brief PowerPoint presentation on the Program's Year-End Report. TPL's mission in Beaufort County is to help manage the Program, provide guidance on land acquisition priorities, and acquire properties/conservation easements.

Summary of the work in 2005 includes: the acquisition of 200 acres in fee simple or in conservation easement with a total value of \$7.9 million and using \$4.6 million of the Rural and Critical Lands funds. This means that for \$.60 of RCLP funds, TPL has been able to preserve \$1.00 worth of land.

Summary of the projects completed in 2005 include: (i) Crystal Lake - 9 acres, North and Dupriest properties which added to the donation of the lake and the Butler Marine property that was acquired in 2004, (ii) three acquisitions at Marine Corps Air Station - 164 acres, Battey, Rathbun and Lucky properties. (iii) eight chain islands at Harbor River Basin - Johnson Creek and Machette Flats, and (iv) Fort Frederick Historic Site - 2 acres, Town of Port Royal. In summary of projects completed to date involve 9,539 acres preserved from the RCLP representing \$39.4 million of RCLP funds invested, generating \$55,760,000 land value protected, and representing a leverage of \$.70 of RCLP investment for every \$1.00 of land purchased or protected.

Types of projects are distributed as follows: (i) Historic Sites – total 118 acres: Fort Frederick, 2 acres, Town of Port Royal; Fort Fremont, 15 acres, St. Helena Island; Altamaha 101 acres, Okatie, (ii) Conservation Easements - 798 acres: Calhoun Plantation, 151 acres; Battey/Wilson, 65 acres; Lucky, 71 acres; Rathbun, 28 acres; Winn, 72 acres; Lemon Island, 411 acres (iii) Parks and park preserves - 228 acres: Okatie Preserve, 148 acres; Pinckney Colony Preserve, 28 acres; Crystal Lake - 21 acres; Bluffton Oyster Company, 5 acres; Ford Shell Rink, 7 acres; Green Shell Pak, 3 acres; Aranda, 4 acres; Baringer boat Landing, 2 acres; and (iv) Islands - 8,602 acres: Lemon Island, 411 acres; Palm/Murdaugh/Legree, 25 acres; Charlotte Island, 34 acres; North Willimin Island, 8,000 acres; Buzzard Island, 120 acres; Machette Flats and Johnson Creek, 12 acres.

Potentials projects for 2006 include: (i) new riverside -700 acres, (ii) conservation easements - 6 projects or 2,500± acres, (iii) fee simple acquisitions - 3 projects 50± acres, and (iv) Marine Corps Air Station - 3± projects. In November 2005 the County dedicated Pinckney Colony Preservation, the first piece of property acquired through the Program, to be opened as a public park. Other projects are underway, in both the planning and development stages, which include the Okatie Preserve, Fort Fremont, Altamaha and Crystal Lake. All of these projects are being funded with the private gifts of landowners representing a total of \$1 million, whose interest was seeing that this land that they sold to the County would be available and opened to the public at the earliest possible day. It is also important to know that federal and state governments recognize the success and effectiveness of this Program. Approximately \$2.5 million of federal and state money was made available for this Program for projects next year. Not to be forgotten is the impact that these acquisitions have had on the infrastructure in Beaufort County. More than 1,000 residential units, and 30 acres of commercial development, have been eliminated in the US Highway 278 Corridor, as an example, thereby reducing the potential traffic impact in the Corridor by as many as 10,000 cars per day. Therefore, the success of this Program that County Council created in 1998 can be felt now, and certainly felt in the future.

The Chairman stated the success of the Program speaks for itself. Council gives accolades to the TPL for being such a successful partner of the County in this worthy endeavor. He thanked both Mr. Morane and Mr. Gleaton for all their efforts, as well as the TPL.

RECESS

Council recessed at 5:30 p.m. in order to participate in the annual holiday tree lighting festivities.

RECONVENE OF REGULAR SESSION

ADOPTION OF A RESOLUTION REGARDING THE EMERGENCY MANAGEMENT DIVISION COMPENSATION MODEL

Mr. Generales, as Finance Committee Chairman, explained the increased amount of funds for this compensation model for the remainder of FY 05-06 is approximately \$60,000, which is available in the budget through a variety of combinations. If the compensation model is approved for this fiscal year and in future years, the annualized amount of approximately \$500,000 to \$600,000 is needed.

It was moved by Mrs. Griffin, as Employee Services Committee Chairman (no second required), that Council adopt a resolution directing the County Administrator to implement this Emergency Management, Communication Center Compensation Model, dated October 2005. The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. Lamb, Mr. Newton, Mr. Stewart and Mr. Von Harten. ABSTAINED - Mr. McBride. The motion passed.

AN ORDINANCE AUTHORIZING THE LEASE OF COUNTY-OWNED REAL PROPERTY

Mr. Von Harten, as Land Management Committee Chairman, explained that Council recently approved the purchase of 71 acres, known as the Lucky property, in the Grays Hill area through the Rural and Critical Lands Program. The County is now in possession of that property. When the County took possession there was a single-family home on the property. It was rented by the then owner. That tenant desires to remain in the house. The Land Management Committee recommends the County authorize the leasing of that property to that same person, Mr. Gene Bardo. It is in the best interest of the people of Beaufort County to allow for the property to be occupied. The lease is month-to-month, with 30 days notice by either party. The leasing is set at \$650 per month. This ordinance allows the County Administrator to execute the lease.

It was moved by Mr. Von Harten, as Land Management Committee Chairman, that Council approve on second reading an ordinance authorizing the lease of County-owned real property to Mr. Gene Bardo. The leasing is \$650 per month. The terms of the lease is month-to-month with 30 days notice by either party. The vote was: FOR –Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. Lamb, Mr. McBride, Mr. Newton, Mr. Stewart and Mr. Von Harten. ABSENT – Mr. Brafman temporarily left the room. The motion passed.

The Chairman announced a public hearing on this issue would be held Monday, January 9, 2006, beginning at 6:00 p.m. in Council Chambers of the Administration Building.

TEXT AMENDMENTS TO THE RURAL AND CRITICAL LANDS PRESERVATION ORDINANCE

Mr. Von Harten, as Land Management Committee Chairman, explained the proposed text amendments bring the written language of the Rural and Critical Lands Ordinance into agreement with the way we do business today. Since the employment of the Trust for Public Land, the process has evolved. This proposed ordinance change brings the official language into a more useable, user-friendly, progress-generating document. It has worked well for the past three years.

It was moved by Mr. Von Harten, as Land Management Committee Chairman (no second required), that Council approve on second reading text amendments to the Rural and Critical Lands Preservation Ordinance. The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. Lamb, Mr. McBride, Mr. Newton, Mr. Stewart and Mr. Von Harten. The motion passed.

The Chairman announced a public hearing on this issue would be held Monday, January 9, 2006, beginning at 6:00 p.m. in Council Chambers of the Administration Building.

AN ORDINANCE AUTHORIZING THE PLACEMENT OF A PUBLIC QUESTION ON THE OFFICIAL BALLOT FOR THE GENERAL ELECTION OF NOVEMBER 7, 2006 CONCERNING A PROPOSITION AUTHORIZING BEAUFORT COUNTY TO ISSUE NOT TO EXCEED \$50,000,000 GENERAL OBLIGATION BONDS TO ACQUIRE LANDS FOR PRESERVATION AND TO PAY CERTAIN COSTS AND DEBT SERVICE RELATED THERETO

Mr. Von Harten, as Land Management Committee Chairman, explained this issue involves a joint recommendation put forward by the Land Management Committee and Finance Committee, which deals specifically with continuation of funding for the Rural and Critical Lands Program. The original bond issue was in the amount of \$40 million. The question we are suggesting to you now is in the amount of \$50 million, and goes to the proposition of the continuation of funding during the period until this authorization, hopefully, is approved by the voters in November 2006. It goes without saying that we continue to look for alternative funding and, as opportunities come forward, we will bring them to you. If it turns out in the end that we do not have to issue general obligation bonds, we will bring that recommendation forward.

Mr. Generales, as Finance Committee Chairman, stated the reason for the \$50 million is the assumption that we will use the \$40 million at a rate of approximately \$10 million per year. If the voters approve this referendum November 2006, we will have one year to close the gap/bridge the funding. In discussions with representatives for the Trust for Public Land, they have indicated that they can work through a good portion of the year with most of the properties

that we are looking to purchase, and the \$10 million extra would be used to cover that. The additional \$40 million will be used as we have used it in the last period.

The program originally started with former Council members Mrs. Dorothy Gnann and Mrs. Elizabeth Grace, and was funded with a 2 mil levy. That 2 mil levy was later used to pay the debt service on the \$40 million general obligation bonds.

It was moved by Mr. Von Harten, seconded by Mr. Generales, that Council approve on first reading an ordinance authorizing the placement of a public question on the official ballot for the general election of November 7, 2006 concerning a proposition authorizing Beaufort County to issue not to exceed \$50,000,000 general obligation bonds to acquire lands for preservation and to pay certain costs and debt service related thereto. The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. Lamb, Mr. McBride, Mr. Newton, Mr. Stewart and Mr. Von Harten. The motion passed.

TEXT AMENDMENT TO THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE/ZDSO, APPENDIX D, COMMUNITY PRESERVATION INTERIM STANDARDS, TABLE I AND TABLE 2, RESIDENTIAL LOT SIZE AND DEVELOPMENT STANDARDS FOR COMMUNITY PRESERVATION AREAS FOR BUCKINGHAM, BLUFFTON, PRITCHARDVILLE

Mr. Lamb reported the Southern Beaufort County Regional Plan is moving ahead on schedule. The document will come forward to Council in early 2006. Part of that document's purpose is to encourage cooperation between the County and the municipalities in its long-range planning activities.

It was moved by Mr. Lamb, seconded by Mr. Von Harten, that Council approve on first reading, by title only, a text amendment to the Zoning and Development Standards Ordinance/ZDSO, Appendix D, Community Preservation Interim Standards, Table I and Table 2, Residential Lot Size and Development Standards for Community Preservation Areas for Buckingham, Bluffton, Pritchardville. This motion is intended to have prospective application from today forward which is commonly referred to as the Pending Ordinance Doctrine.

Mr. Lamb noted the purpose of the text amendment is to reduce Community Preservation activities to one-unit per acre. This amendment will allow an opportunity, once the Southern Beaufort County Regional Plan is adopted and a rewrite of the Comprehensive Plan occurs these neighborhoods will be preserved in the interim.

Mr. Newton fully supports the motion. Buckingham, Bluffton, and Pritchardville Community Preservation Districts are the three districts the Planning Department will be recommending as part of the Southern Regional Plan, a joint effort between the two municipalities and Beaufort County for the remaining 11% of uncommitted lands in southern Beaufort County. This is an effort to preserve *status quo* until that effort can happen and effectively taking the density in these three Community Preservation Districts from a higher level and reducing it to one unit per acre until the public joint planning process can get underway. It is an attempt to maintain the *status quo*.

The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. Lamb, Mr. McBride, Mr. Newton, Mr. Stewart and Mr. Von Harten. The motion passed.

PUBLIC HEARINGS

AN ORDINANCE TO CLARIFY ORDINANCE 2005/28 ENTITLED AN ORDINANCE TO IMPOSE A TWO AND ONE-HALF PERCENT FEE ON THE PRICE OF ADMISSIONS TO PLACES OF AMUSEMENT WITHIN BEAUFORT COUNTY

Mr. Newton stated that following the State of South Carolina Department of Revenue's reluctance to share their information regarding actual state taxpaying entities in South Carolina, there was confusion as to whether Beaufort County's admissions fee was imposed on the privilege to be admitted, or the actual admission. Before Council tonight is consideration of third and final reading of the ordinance which clarifies that the fee in Beaufort County being imposed, is akin to a user fee on actual admission, not on the privilege to be admitted.

The Chairman opened a public hearing at 6:04 p.m. for the purpose of receiving information from the public regarding an ordinance to clarify Ordinance 2005/28 entitled, "An ordinance to impose a two and one-half percent fee on the price of admissions to places of amusement within Beaufort County." After calling once for public comment, the Chairman recognized Mr. Ron Mather, a member of the Board of Governors for the Country Club of Hilton Head Island and representing the 1,200 club members, who read from a prepared statement, "We strongly support the amendment to the original ordinance. The changes noted in the amendment are clear and concise and fair. Our objections have been in the way dues were treated. The amendment recognizes and addresses the unfairness of the original arguments in that it applies the fee only to the amount of charge for actual entry into places of amusement. There is a distinct difference between actually using, and the non-accountable privilege of using. Also, by eliminating taxation on all dues, this creates a second concern we had relating to the way for-profit clubs and non-profit clubs were taxed. The dues of for-profit clubs are taxed. The dues of non-profit clubs were not taxed. This was unfair because these two types of organizations were made up of the same type of members who enjoy the same activity. The institution that owns the club does not pay the tax, it is the members and, this, we felt, was discriminating. A total of six for-profit clubs thought the original ordinance as written was unfair for the reasons stated. This represents about 2,200 members for approximately 3,800 people. The changes noted in the amendment are alleviating the concerns of these people. In conclusion, we applaud Council for recognizing the changes needed and we hope that Council, in this final vote, would approve the amendment."

Mr. Danny Robinson, Chief Financial Office for Fripp Island Company, stated that he did not realize until this morning that certain classifications of dues that members pay as part of their membership to join a club would not be exempt from the 2½% admissions fee. Evidently, there is a distinction between social dues and golf- or full-member dues. He has asked for a clarification of how you define the difference between those as it relates to the payment of the tax on the monthly basis. Fripp Island has four different categories of dues: social, golf, tennis, and full. Are all of these categories exempt from the admissions fee?

After calling twice more for public comment and receiving none, the Chairman declared the hearing closed at 6:10 p.m.

Mr. Tom Henrikson, Chief Financial Officer, stated a membership fee that is paid solely to allow entry to a particular facility is exempt from the Beaufort County admissions fee ordinance. However, if the membership fee paid allows for some other privilege other than entry, as an example, a specific number of rounds of golf or unlimited rounds of golf or use of tennis courts or things of that nature where a fee would be charged, then that component of the membership fee that is relative to that use is subject to the Beaufort County admissions fee ordinance. Regarding Fripp Island and the four different categories of dues, if a full membership is \$500 per annum, it allows for unlimited golf, but the club also has a \$50 per year membership that is a social membership that allows one to eat and pay in the dining room, then the difference between those two fees--the \$500 that allows full privileges and the \$50 that is somewhat limited/allows access--means that \$450 of that membership fee would be subject to the Beaufort County admissions fee. The actual return that is prepared at this point allows for the business to indicate to the County what amount they have reported to the State of South Carolina for their admissions fees. In turn, a separate line that indicates that amount is subject to Beaufort County admissions fee and then the computation based on that revenue stream as opposed to the revenue stream that is taxed by the State of South Carolina.

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

It was moved by Mr. Newton, seconded by Mr. Generales, that Council approve on third and final reading an ordinance to clarify Ordinance 2005/28 entitled, "An Ordinance to Impose a Two and One-Half Percent Fee on the Price of Admissions to Places of Amusement Within Beaufort County." The vote was: FOR – Mr. Dawson, Mr. Generales, Mrs. Griffin, Mrs. Hairston, Mr. Lamb, Mr. Newton, Mr. Stewart and Mr. Von Harten. OPPOSED – Mr. Brafman, Mr. Glaze and Mr. McBride. The motion passed.

The Vice Chairman returned the gavel to the Chairman in order to continue the meeting.

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INTERLOCAL AGREEMENT WITH CAPITAL TRUST AGENCY AND OTHER MATTERS RELATED THERETO

Mr. Glaze, as Chairman of the Grants and Minority Affairs Committee, explained the proposed resolution would authorize the execution and delivery of an Interlocal Agreement with Capital Trust Agency and other matters related thereto.

Ms. Kelly Golden, Staff Attorney, stated last year, in 2004, a very similar resolution came before Council at the request of the public organization named Capital Trust Agency ("Capital Trust"), and a non-profit 501(c)(3) organization known as Atlantic Housing Foundation ("Foundation"). Under the Internal Revenue Code of 1986, Section 1479(f) in order for Capital Trust, the public agency, to issue tax-exempt bonds to generate funds to loan to various affordable housing entities for the purpose of creating affordable housing, they are required to obtain a public

hearing by the jurisdiction in which the property is located approving the issue of those bonds. It is not an obligation of the County nor does it incur to the debt of the County, or in anyway impair the County's financial status one way or the other. It is simply a requirement under the Internal Revenue Code to conduct a public hearing. Unfortunately, the bond issue at that time was \$700,000,000, given the brut of the project it was delayed under the Internal Revenue Regulations. The County's resolution, which Council adopted, expired one year from the date of your approval. They have come back to you and asked you to renew your approval by way of this resolution. The minor changes that you see on the staff document indicate that there has been a reduction in the amount of bonds issued to approximately \$250,000,000. The second change is found on page 2. The property at issue is Parkview Apartments, located on Duke Street in the City of Beaufort. It is presently owned by a private taxpaying entity that pays *ad valorem* taxes. Under the law, if the Foundation is successful in acquiring title to the property, they apply to the Department of Revenue for a tax exemption to provide affordable housing to persons based upon income. They pay a service fee instead of the *ad valorem* taxes that would normally assess against the property. We had attempted to clarify that to say that they would negotiate with the City of Beaufort, as well as the County, for a specified service fee. Those service fees are reflected at the top of page 3. That would not occur until if and when the Department of Revenue grants the Foundation a tax-exempt status. More likely than not, that is not going to happen until the following year, because they do not have title to the property at this time, so they will be paying property taxes next year. They will then apply for the tax exemption and, at that time, come back and negotiate with the County to pay these service fees instead of property taxes which are subject to the approval of Council.

The Chairman opened a public hearing at 6:36 p.m. for the purpose of receiving information from the public regarding a resolution which would authorize the execution and delivery of an Interlocal Agreement with Capital Trust Agency and other matters related thereto. After calling once for public comment the Chairman recognized Rev. Tim Shupp, representing Atlantic Housing Foundation, who stated he is responsible for developing social services for the Foundation. The Foundation's core belief is that every child deserves an even playing field of educational opportunity. We try to help each child stay on track, to get their education, and to provide university scholarships. Sixteen students at present are receiving scholarships. Two additional students were selected for scholarship award from Orangeburg. There are two students from Beaufort selected for scholarships. However, their paperwork has not been returned. The Foundation exists to provide quality affordable housing for low-to-moderate income families, and related services which are tailored toward education. Education is the window of opportunity that moves people out of one environment into a better environment.

Mr. Lewis Levy, representing Atlantic Housing Foundation, stated this resolution was presented to Council in December 2004. The bonds are intended to be issued by Capital Trust Agency of Florida. This does not entail any indebtedness on the part of the County or City of Beaufort or anybody in South Carolina. This resolution is before Council as a result of a technicality in the Internal Revenue Code. The resolution adopted December 2004 has expired. Atlantic Housing Foundation, Inc. requests Council renew that resolution. After calling twice more for public comment and receiving none, the Chairman declared the hearing closed at 6:40 p.m.

PUBLIC COMMENT

There were no requests to speaking during public comment.

CALL FOR EXECUTIVE SESSION

It was moved by Mr. Von Harten, seconded by Mr. Generales, for the purpose of discussing negotiations incident to proposed contractual arrangements and proposed purchase of property. The vote was: FOR - Mr. Brafman, Mr. Generales, Mr. Dawson, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. Lamb, Mr. McBride, Mr. Newton, Mr. Stewart and Mr. Von Harten. The motion passed.

EXECUTIVE SESSION

RECONVENE OF REGULAR SESSION

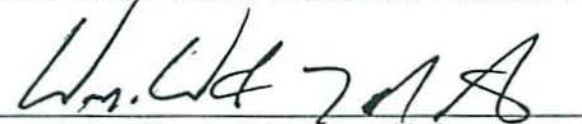
It was moved by Mr. Dawson, seconded by Mr. Von Harten, that Council accept a donation of a 22-acre tract on US Highway 21 from the Trust for Public Land and, further, place a restrictive easement on the property consistent with Marine Corps Air Station Beaufort Air Installation Compatible Use Zone (AICUZ). The vote was: FOR - Mr. Brafman, Mr. Generales, Mr. Dawson, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. Lamb, Mr. McBride, Mr. Newton, Mr. Stewart and Mr. Von Harten. The motion passed.

ADJOURNMENT

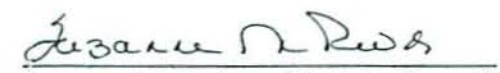
Council adjourned at 7:30 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By:


Wm. Weston J. Newton, Chairman

ATTEST:


Suzanne M. Rainey, Clerk to Council

Ratified: January 9, 2006

**Beaufort County Council Minutes
January 9, 2006**

Official Proceedings
County Council of Beaufort County
January 9, 2006

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

The regularly scheduled meeting of the County Council of Beaufort County was held at 4:00 p.m., Monday, January 9, 2006, in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

Chairman Weston Newton, Vice Chairman W. R. "Skeet" Von Harten, and members Frank Brafman, Gerald Dawson, Mark Generales, Herbert Glaze, Margaret Griffin, Starletta Hairston, Peter Lamb, William McBride and Dick Stewart.

PLEDGE OF ALLEGIANCE

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

INVOCATION

Councilman Herbert Glaze gave the Invocation.

REVIEW OF PROCEEDINGS OF THE REGULAR MEETING HELD DECEMBER 12, 2005

There were no corrections and/or additions made to the minutes of the meeting held December 12, 2005.

It was moved by Mr. Generales, seconded by Mrs. Hairston, that Council approve the proceedings of the regular meeting held December 12, 2005. The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. Lamb, Mr. McBride, Mr. Newton, Mr. Stewart and Mr. Von Harten. The motion passed.

PROCLAMATION

School Board Recognition Month

The Chairman proclaimed January 2006 as School Board Recognition Month and encouraged all citizens to publicly and privately thank the members of the Beaufort County Board of Education for their dedicated service to our children. Ms. Dale Friedman, School Board Chairman, and Mr. Tom Hudson, Public Information Coordinator accepted the proclamation.

Certified True Copy
Clerk to Council
Beaufort County, SC
By: Suzanne M. Rainey
Suzanne M. Rainey
Date: 3-7-06

PUBLIC COMMENT

The Chairman recognized Reverend V. A. Young, a Seabrook resident, who inquired of the purpose of the proposed \$50 million bond referendum. Every time Council pushes a bond referendum property taxes skyrocket. People are screaming about it. This referendum will not help, one iota, the citizens. Persons living on a fixed income cannot afford these high taxes. Council is not looking out for the citizens of Beaufort County.

Mr. Newton replied this issue relates to the public's consideration of a second Rural and Critical Lands Program borrowing. Council is hoping that the State Legislature will do something this year about property tax burdens and shift the financial responsibility on issues that should never have been there in the first place.

Mrs. Hairston informed Mrs. Ruth Germany, a Hilton Head Island resident, the County Administrator has authorized the Public Works Department to perform a one-time repair to Ned Court Road. Work should commence the latter part of the week of January 9, 2006. Mr. Kubic stated this issue is a joint effort with the Town of Hilton Head Island and their staff did most of the legwork.

COUNTY ADMINISTRATOR'S REPORT

Two-Week Progress Report

Mr. Gary Kubic, County Administrator, circulated copies of his Two-Week Progress Report, which summarized the activities that took place December 12, 2005 through January 6, 2006.

Staff Reports Provided to Council

Mr. Gary Kubic, County Administrator, reported Council has received the following department reports: Treasurer - Cash Flow Weekly Reports for the weeks of December 15, December 19 and December 27, 2005 and January 1, 2006; Clerk to Council – 2006 Citizens Volunteer Composite, and Ordinance Pending Monthly Report; Chief Financial Officer – Impact Fee Collection Report for the period ended October 31, 2005; Business License – Month Report for the period ended November 30, 2005; and Detention Center – Population Report for the two-week period December 5 through 19, 2005 and a Status Report for the week period ended December 19, 2005.

Mr. Lamb suggested the Treasurer's Report include a comparison of month and year as well as a footnote regarding any deviation or unexpected characteristics.

Summary of SCDOT US Highway 278 Widening Project Weekly Meeting

Mr. Gary Kubic, County Administrator, gave a brief construction update on the SCDOT US Highway 278 Widening Project. APAC-Southeast, the contractor, is continuing to pave and

level the new median. The widening operations actually will begin in the third week of January 2006 at Simmonsville Road eastbound. Masonry and concrete work will begin soon at Moss Creek. They will begin to pull out curbs for a barrier wall and then the first leveling in that area is complete. The work will not impair or occur in the intersection area. Also, along the complete 278 construction zone, 87% of the pipe and stormwater installation is now complete. During the week of January 9, 2005, APAC will continue with the leveling operation and widening in the medians. The drainage work, the remaining 13%, will continue and it is primarily located at the Tanger Outlet Center I. There are some large concrete chamber boxes for stormwater collection and retention that are being done there. The plan review for the right-of-way acquisition to build a new intersection located at Home Depot and Target to facilitate that entrance is near completion. That should take another week to ten days to receive those approvals, primarily, to obtain the approval of the property owners for that easement. Two median openings presently, one at Home Depot and one at Target, will be eliminated and consolidated into this new intersection. It will have a signal. He has been told that this was something that has been discussed and everybody agrees will improve the safety and access to both those areas. He is happy to report that the travelers along 278 in the construction zone have been heeding the speed zone. We had three minor collisions in that area. The County has updated the website with some new frequently asked questions and answers. We are getting about 1,000 hits a week at the website. We have begun our discussions with APAC and the State regarding hurricane evacuation westbound off of Hilton Head Island and are going through "what to do" scenarios, based on anticipated construction in June and July 2006 so that we are ready in the event we have to have utilization of the new median and widening areas for evacuation purposes.

Mr. Newton reported the County received \$26.6 million earmarked for US Highway 278 in the US Transportation Bill. In last year's annual appropriation, Beaufort County received an additional \$2.5 million, which does not come out of the \$26.6 million allocation for US Highway 278.

Report on SC Association of Counties Legislative Conference

Mr. Kubic reported the Legislative Conference held by the South Carolina Association of Counties (hereinafter "SCAC") occurred between November 30 and December 2, 2005. The conference was held in Charleston, South Carolina. Council members Messrs. William McBride, W. R. Von Harten, Dick Stewart, and Weston Newton attended the conference.

Mr. McBride reported SCAC has adopted a systematic consensus building legislative policy development process. The central goal in the process is to solicit and develop the expertise of county officials from all 46 counties on legislative issues affecting county government. Through participation in four legislative policy steering committees, county officials, meet, discuss, and identify issues to be considered by the Legislative Committee.

The timeline for development of Legislative Policy follows: (i) Late August – County officials are encouraged to provide their thoughts and ideas on legislative issues for inclusion on a steering committee's agenda. SCAC staff collects this input and prepares it for the steering

committee meeting. (ii) Mid-September – Each steering committee meets to discuss and analyze legislative policy issues and draft an initial report on proposed legislative policy recommendations. (iii) Mid-September to mid-November – The County Council Coalition meets in October to review and discuss the initial draft of proposed legislative policy recommendations. Each steering committee chairperson presents the steering committee report to the Coalition. During the fall, various groups of county officials' organizations meet and determine their group's legislative agenda for the coming session of the General Assembly. This information is collected and assigned to this particular steering committee responsible for that legislative area. (iv) Mid-November – Each steering committee meets for the second time to incorporate additional issues into their proposed legislative policy recommendations. Each steering committee adopts a final proposed legislative policy recommendation. (v) The SCAC Legislative Committee meets at the Legislative Conference to receive the reports of the four legislative policy steering committees. Each steering committee chairperson will present their committee report at a general session meeting at the Legislative Committee. The members of the Legislative Committee will discuss each proposed legislative policy position, and then either amend, adopt or reject the recommendation. If adopted by the Legislative Committee, that policy position will then be incorporated with the other steering committees' reports into an SCAC Consensus Legislative Report. Once the SCAC Consensus Legislative Report has been adopted by the Legislative Committee, it is the responsibility of the membership and SCAC staff to advocate for its implementation.

Beaufort County was very successful at every level during the process. The 12 resolutions Council adopted in August 2005 (prepared and adopted by the Intergovernmental Relations/Economic Development Committee, chaired by Mr. Stewart) were part of the initial legislative review process. Several of the resolutions Beaufort County submitted include: (i) Calculation of Economic Incentive Awards by the State – SCAC agreed to defer this issue for further study, (ii) State Funding of Local School Districts – SCAC recognized that only using the assessed value as a measure of taxpaying ability can lead to inequities in school EFA funding. SCAC supports a minimum percentage of EFA funding from the state. (iii) Real Estate Transfer Fees – SCAC supports legislation to permit local governments to assess a transfer fee on the sale of real estate. (iv) Reassessment Frequency – SCAC supports legislation to permit counties to opt for more frequent reassessments, but not less frequently than every five years. (v) Capital Projects Sales Tax for Land Preservation Programs – SCAC supports legislation to amend the Capital Projects Sales Tax Act to authorize the funding of an established rural and critical lands preservation program without predetermination of properties to be considered for acquisition.

Mr. Newton stated Council has been more active and involved in developing the Policy Positions agenda. In a large part credit goes to Mr. McBride's effort at the Legislative Conference. Mr. Newton is pleased with the results of the Conference. It was a good meeting. Unfortunately, Mr. McBride's term has expired as an SCAC Board of Director, but Beaufort County is gaining a seat with Mr. Von Harten's election to the Board. We look forward to maintaining the same level of influence in future years.

Mr. Von Harten remarked, "Involvement counts." If Council simply sends its resolutions forward, as initiated out of Intergovernmental Relations/Economic Development Committee,

chaired by Mr. Stewart, to SCAC they might get read but, of course, strong consideration may, or may not be given to them. Therefore, by Council attending those conferences, we can express our thoughts, our position, and impose our will, to at least a degree, upon the decision-making body at those conferences. During his term on the SCAC Board of Directors, Mr. Von Harten asked Council for their assistance in that regard, and to attend those meetings with him and lend your voice, judgments, and opinions to those discussions. We learned very clearly that it really counts. We were successful in turning some positions around by simply being there and expressing ourselves. Had we not, it just would never have happened.

South Carolina Association of Counties Board of Directors

William L. McBride, 20 Years of Service

Mr. Newton announced Mr. McBride has been a long-standing member in various capacities with the South Carolina Association of Counties (SCAC). Bill has served on the SCAC Board of Directors for 20 years. Bill has been recognized by the SCAC in 1998 with the award of the President's Cup, which is one of the SCAC most prestigious honors. Bill has been recognized as a devoted and dedicated public servant. Combined with his 29 years on the Beaufort County Council and his service in various capacities over the last 30 years, roughly here, in Beaufort County, and 20 years to SCAC, his presence will be greatly missed. Bill presently serves as a member of the Lowcountry Council of Governments Board of Directors. It is appropriate that Council lend its appreciation to Bill for his service as one of Beaufort County's most dedicated and devoted public servants and pause to recognize him for his contributions to SCAC. Mr. Newton represented a plaque given to Mr. McBride by the SCAC and thanked him for his efforts both for the SCAC and Beaufort County.

W. R. "Skeet" Von Harten, Newly-Appointed SCAC Member

Mr. McBride remarked the SCAC Board of Directors consists of 29 members. Each county in South Carolina does not have a member on the Board and Beaufort County is fortunate to have a member. Prior to Mr. McBride's Board appointment, Mr. Charles Haig, former Beaufort County Public Works Supervisor, served as a member. Mr. Von Harten will now represent Beaufort County as a member.

SCAC Coordinated County Councils' Trip to 2006 Session of SCAC General Assembly

Mr. Newton announced SCAC is planning a series of lobby days for the first two months of the Legislative session to facilitate County Council members' participation in this process at the State House. For the first time, and as a part of that coordination, is an invitation for Beaufort County to attend a "lobby day" on Tuesday, January 17, 2006. The plan is to meet at the SCAC office at 10:30 a.m. to receive a briefing on the latest legislative information and tips on how and where to find the key legislators. At 11:00 a.m. travel to the State House and legislative offices to visit with legislators, not necessarily just our delegation. The session of the House and Senate begin at 12:00 Noon and key committees in this debate (Senate and House Judiciary, Senate

Finance and House Ways & Means Committees) typically meet that afternoon beginning between 2:00 and 3:00 p.m.

Report on Presentation to the State Transportation Infrastructure Bank

Mr. Kubic, County Administrator, reported the State Transportation Infrastructure Bank ("STIB") Board of Directors held a meeting in Columbia, South Carolina, on December 15, 2005. It was attended by Chairman Weston Newton, Vice Chairman Skeet Von Harten, Councilman Gerald Dawson, Transportation Planner Colin Kinton, Lowcountry Council of Governments Director Chris Bickley, and himself. The purpose was emphasizing to STIB our concern that the widening and improvement along US Highway 17 was necessary. As you know, that project was, at one time, estimated to cost \$150 million. The final estimate is approximately \$173 million. It is truly a partnership between Beaufort County and Colleton County. Beaufort County has already put in place \$2 million in impact fees to be available for this project. Chairman Newton spoke to STIB, emphasizing the fact that this was necessary. It is 22 miles of which 6 to 7 miles are in Beaufort County. The meeting went rather well. It was, at times, a very emotional period where some of the presenters speaking, on behalf of the application that was submitted for this improvement, were talking about how dangerous and how many lives were lost along this road. We did very well. Our contingency made a point to the Board members there that this was a project of primary concern for Beaufort County.

Mr. Newton noted Beaufort County is looking forward to hearing the report back from the Board. Pointed questions were asked of SCDOT by members of STIB, regarding this project in the past. It was an application jointly submitted by SCDOT and Beaufort and Colleton Counties. The application includes the financial participation by both Beaufort and Colleton Counties. It was a good presentation. Hopefully, the project will get funded. Beaufort County had some support from House of Representatives Catherine Ceips and Kenneth Hodges, SC Highway Commissioner John Hardee, State Senator Clementa Pinckney, and Governor Mark Sanford sent a letter of support. The Board had a number of applications, not the least of which was a \$700 million application by Charleston County.

Introduction of Carlotta Ungaro, President of CEO, Beaufort Regional Chamber of Commerce

Mr. Kubic, County Administrator, introduced Mrs. Carlotta Ungaro, newly appointed President and CEO of the Beaufort Regional Chamber of Commerce.

Farewell Announcement – Paula Edgerly and Tom Olson

Mr. Kubic, County Administrator, announced Ms. Paula Edgerly, Purchasing Director, has tendered her resignation and Mr. Tom Olson, Airports Manager, has decided to retire. He thanked Ms. Edgerly and Mr. Olson for their service to Beaufort County. At present Mr. Kubic is in the process of considering interim appointments and will be advertising for their replacements in due course.

Admissions Fee Clarification Ordinance

Mr. Kubic, County Administrator, reported County staff held two information public meetings on the Admissions Fee Clarification Ordinance. The two meetings were held on Friday, January 6, 2005. One meeting was held at 10:00 a.m. in Council Chambers and a second meeting at 1:00 p.m. at the Hilton Head Island Branch Library. The meetings were attended by Ms. Reba Pazant, Business License Manager; Mr. Tom Henrikson, Chief Financial Officer; Mr. Brent Jeffcoat, bond lawyer; and himself. We were able to explain the ordinance, took questions from participants at the meetings and tried, our best, to offer the answers to their questions. Mr. Kubic thought the meetings went well. He will submit a written report in two weeks in order for Council to see who attended and the nature and type of questions. Approximately 15 individuals attended the 10:00 a.m. session and approximately 40 individuals were at the 1:00 p.m. meeting.

Annual Planning Meeting

Mr. Kubic, County Administrator, working with Chairman Newton, announced the Annual Planning Meeting would be held on Friday, January 20 and Saturday, January 21, 2006. The meetings will be held in the Heritage Room of the Hargray Building at the University of South Carolina-Beaufort (South Campus) in Bluffton. Dr. Marge Yanker will again serve as facilitator.

Resolution authorizing the County Administrator to negotiate and enter into a Lease Agreement to secure warehouse space 2,200 square feet at Beaufort Industrial Village

It was moved by Mr. Lamb, seconded by Mr. Generales, that Council adopt a resolution authorizing the County Administrator to negotiate and enter into a Lease Agreement at the Beaufort Industrial Village to secure 2,200 square feet of warehouse space to store the Board of Elections voting machines and to create additional office space. The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. Lamb, Mr. McBride, Mr. Newton, Mr. Stewart and Mr. Von Harten. The motion passed.

Memorandum of Understanding between Beaufort and Jasper Counties for Case Management System Support

It was moved by Mr. Generales, seconded by Mr. Lamb, that Council authorize the County Administrator to enter into a Memorandum of Understanding between Beaufort and Jasper Counties for Case Management System Support. The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. Lamb, Mr. McBride, Mr. Newton, Mr. Stewart and Mr. Von Harten. The motion passed.

Proposed Resolution Incident to the Federal Communication Commission's Proposed Rule Making Regarding County Authority to Award and Regulate Franchise Holders

It was moved by Mr. Generales, seconded by Mrs. Hairston, that Council adopt a resolution incident and in response to the Federal Communications Commission's *Notice of Proposed Rulemaking*, MB Docket No. 05-311, in the matter of implementation of Section 621(a)(1) of the

Cable Communications Policy Act of 1984, as amended, by the Cable Television Protection and Competition Act of 1992. The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. Lamb, Mr. McBride, Mr. Newton, Mr. Stewart and Mr. Von Harten. The motion passed.

CONSIDERATION OF CONTRACT AWARDS

Telephone Service for Detention Center

It was moved by Mr. McBride, as Community Services/Public Safety Committee Chairman (no second required), that Council award a two-year contract renewal to Pay Tel Communications, Greensboro, North Carolina, for the provision of inmate telephone services for the County Detention Center. The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. Lamb, Mr. McBride, Mr. Newton, Mr. Stewart and Mr. Von Harten. The motion passed.

Fuel Service (Jet-A and Av-Gas) Beaufort County Airport, Lady's Island

It was moved by Mr. Lamb, seconded by Mr. Generales, that Council authorize the renewal of an existing fuel contract for one year with Eastern Aviation Fuels of North Carolina, Inc., New Bern, North Carolina, for fuel service to Beaufort County Airport, Lady's Island. The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. Lamb, Mr. McBride, Mr. Newton, Mr. Stewart and Mr. Von Harten. The motion passed.

HAWKERS' AND PEDDLERS' LICENSE FEES

The Chairman explained during calendar year 2005, the County issued 14 hawkers and peddlers licenses. Fees collected totaled \$1,050. Exempted from the licensing requirements are vendors of newspapers, magazines, vegetables, tobacco, and provisions of any kind of agricultural products.

It was moved by Mr. Generales, seconded by Mr. Glaze, that Council approve the Hawkers' and Peddlers' License fees for 2006 as follows: \$75 for County residents; \$500 for State, but not County residents; and \$1,000 for nonresidents. The vote was: Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. Lamb, Mr. McBride, Mr. Newton, Mr. Stewart and Mr. Von Harten. The motion passed.

ADOPTION OF 2006 REGULAR MEETING SCHEDULE

Main motion.

It was moved by Mr. Von Harten, seconded by Mr. McBride, that Council adopt its 2006 regular meeting schedule to include holding the February 27 and August 14, 2006 meetings at the Hilton Head Island Library and the May 8 and October 23, 2006 meetings at the Bluffton Library. All meetings begin at 4:00 p.m.

Motion to amend by addition No. 1

It was moved by Mr. Lamb, seconded by Mr. Generales, that Council hold two additional meetings in southern Beaufort Council, one on Hilton Head Island and a second in Bluffton. The net result is 6 regular meetings in southern Beaufort County and 16 in northern Beaufort County.

Mr. Newton noted in the past year Council has instituted an electronic format (interactive link) specifically to provide for better access to people in the southern portion of the County. He is mindful of the needs of staff members in moving their resources around to our various Council meetings but, will certainly support six meetings in the southern portion of the County and 16 meetings in northern Beaufort County. He would like to reach a point where Council does not revisit this issue each and every year but, instead, to reach a schedule where we are comfortable and leave it at that.

Mr. Generales understands the objections to this by Council members, but every time we hold a meeting south, the room is full. In fairness, knowing that we are in the County seat 16 meetings here is a substantive amount, holding two on Hilton Head Island and two in Bluffton for the entire year and moving it to three meetings each is not a great degree of unsettlement to the County staff. It is appropriate.

Mr. Lamb stated the County installed an interactive link at the Hilton Head Island Library. He does not know the installation cost, but if it was more than \$50, Council is not getting its money's worth, nor are the people. On any given meeting, since activation of the link, have there been more than four people in attendance at Hilton Head Island Library. Certainly, by the time we have reached the half-way point in a Council meeting, there are usually no people in the facility. He questioned whether the County is spending its money wisely. On the other hand, when we hold meetings on Hilton Head Island or Bluffton there is certainly as many, if not more, folks in attendance than the folks who are sitting in Council Chambers tonight. The fundamental fairness of holding three meetings in Bluffton and three on Hilton Head Island, out of 22 meetings, is not an outrageous request.

Mr. Newton remarked there have been discussions with various Committee Chairmen throughout the last year about holding committee meetings at their discretion in, potentially, the southern portion of the county, rather than here, in Council Chambers. On Council days we are already holding meetings in the southern portion of the County. It would seem an appropriate compromise to consider going to six meetings in southern Beaufort County and simply saying that unless we are having a meeting in a remote location, committee meetings will be held here, in the Administration Building.

Mrs. Griffin stated rather than voting on this issue tonight should we not allow the Clerk to Council to identify two dates based on room availability.

Motion to amend by addition No. 2

It was moved by Mr. Newton, seconded by Mr. Generales, that in conjunction with the addition of two meetings in southern Beaufort County, it is the policy of County Council to tie the location of committee meetings where Council meetings are being held.

Mr. Brafman noted this kind of scheduling ties the hand of the committee chairman. There are issues that involve the southern portion of the County. We ought to leave the meeting location to the discretion of the committee chairman, assuming he/she is going to use good judgment.

Mr. Von Harten will vote in favor of the motion to amend by addition No. 2 in order to protect against the possibility that the motion to amend by addition No. 1 passes. The main situation he is trying to avoid is leaving the committee meeting location to the discretion of the Chairman. We have just heard about the revenge factor just a moment ago—that Public Services Committee might routinely meet south of the Broad River. He does not want to see that. His basic argument has been since 1989 that Beaufort City is the County seat. He directed holding Council meetings in southern Beaufort County in 1991 to give some fairness. This is the system Council operates under today. It is like Chinese water torture. Every year we come here and we have to hear the argument about one more, one more, and one more meeting. Pretty soon it is going to be 22 meetings in southern Beaufort County and none here. He knows Mr. Lamb is going to say as soon the voting block equation flips over that is exactly what is going to happen, but this will require moving the County seat. Beaufort City is the County seat. This is where our body should meet. We have bent to the wind in order to allow for the four meetings in southern Beaufort County. He has accommodated himself to that even though he does not like it. He will continue to go along with that as an accommodation to his friends from south of Broad River. But to make it six meetings, he will not support that. Council needs to keep its business in the County seat.

Mr. Lamb stated the motion to amend by addition No. 2 is an inappropriate amendment. He concurs with Mr. Brafman's observation. Until this very moment, the location of standing committee meetings, according to *Roberts Rules and Order*, could be held when and where the Chairman called or at the request of other members of the committee. It is an undue restriction. He is unaware of any committee chairman who has abused the possibility of holding meetings somewhere else other than the Administration Building. This is an undue restriction. It is an unnecessary restriction.

Mr. Generales stated many members of Council listened to the discussion by the School Board about their reasons for wanting to move their headquarters to a southern location. He remembers thinking how silly their argument was that so many folks and the public had to drive to Beaufort consistently for meetings and never having an opportunity to see anything south so we should move the entire School District Office south so they could be in meetings. He remembers his response to several of the School Board members was that they have plenty of facilities in southern Beaufort County to do exactly what Council does—move your School Board meetings to the southern portion of the county. We have nearing 50% of our public south of the Board River. It is, therefore, not reasonable to increase the number of meetings by a small number to go ahead and give them a little better access than they currently have. It is appropriate. As a Council member from north of the Broad River, he will support the motion.

Mrs. Hairston believes the two motions to amend are a compromise. She supports the motion to increase holding two additional meetings in southern Beaufort County. Hopefully, Council can reach an agreement and that we will not contemplate changing any more meetings until at least two more election cycles.

Mr. Glaze remarked it is difficult for those Council members who work to attend committee meetings starting earlier than 4:00 p.m.

Mr. Stewart stated it would seem recent events ought to provide some information to Council. If annexations continue as they are, Port Royal and Bluffton are going to be somewhere in the Okatie area. There is going to be very little unincorporated area there. Council will not be making the zoning and planning decisions there unless something changes. The City of Beaufort has announced its decision to annex MCAS Beaufort. It is reasonable to assume that they will, at some point, arrive at the Whale Branch River. If rumors are true, the Town of Yemassee is marching south with some flourish. For Council to move its meetings all over the County because we may have zoning issues in one location may not prove to be the issue. In fact, public access to committee meetings may be more important than actually attending County Council meetings. Mr. Stewart is personally and mostly concerned about the burden this issue places on staff. We have had two resignations of department heads today. We have a lot of other issues to contend with. It is relatively expensive to be hauling staff and equipment around. He has absolutely no problem improving access to the citizens in any way possible. But the folks in Mr. Dawson's district and the folks of Daufuskie Island do not seem to be the folks we are talking about here. The big issue is about how people have influence and access to their Council member, not how they have access to this Council meeting. If a business person were proposing to do this, they would run a cost analysis and say, "Don't do it." Mr. Stewart will vote against the motion because it is a waste of taxpayer dollars and a waste of resources.

Mr. Dawson is aware of the strong desire in this county to split the School District and, perhaps, to move the County seat to southern Beaufort County. If that should ever happen, so be it. In the meantime he will vote against the motion. He supports the 2006 meeting schedule as presented.

Vote on the motion to amend by addition No. 2

It is the policy of County Council to tie the location of committee meetings where Council meetings are being held. FOR – Mrs. Griffin, Mrs. Hairston, Mr. Newton, Mr. Stewart and Mr. Von Harten. OPPOSED – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mr. Lamb and Mr. McBride. The motion failed.

Vote on the motion to amend by addition No. 1

That Council hold two additional meetings in southern Beaufort Council, one on Hilton Head Island and a second in Bluffton. The net result is 6 regular meetings in southern Beaufort County and 16 in northern Beaufort County. FOR – Mr. Brafman, Mr. Generales, Mrs. Hairston,

Mr. Lamb and Mr. Newton. OPPOSED – Mr. Dawson, Mr. Glaze, Mrs. Griffin, Mr. McBride, Mr. Stewart and Mr. Von Harten. The motion failed.

Vote on the main motion.

That Council adopt its 2006 regular meeting schedule to include holding the February 27 and August 14, 2006 meetings at the Hilton Head Island Library and the May 8 and October 23, 2006 meetings at the Bluffton Library. All meetings begin at 4:00 p.m. The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. McBride, Mr. Newton, Mr. Stewart and Mr. Von Harten. OPPOSED – Mr. Generales and Mr. Lamb. The motion passed.

CONSIDERATION OF CITIZEN VOLUNTEER APPOINTMENT/REAPPOINTMENT PROCESS

Mr. McBride remarked in recent weeks and months Council has had some discussion about the appointment process and various vacancies on boards, agencies, commissions, and authorities (ABC) that Council has the authority to appoint or to not appoint. It is time Council undertakes a review of its reappointment/appointment process, the composition of the various ABCs, expanding the membership to 11 and granting the Council member recommending and appointing authority. He asked that this issue be an agenda item during Council's Annual Planning Meeting.

TEXT AMENDMENTS TO THE RURAL AND CRITICAL LANDS PRESERVATION PROGRAM POLICIES AND GUIDELINES

Mr. Von Harten, as Land Management Committee Chairman, explained the proposed text amendments involve paragraph 6 which clarifies the process for resale or lease of acquired property.

It was moved by Mr. Von Harten, as Land Management Committee Chairman (no second required), that Council approve the text amendments to the Rural and Critical Lands Preservation Program Policies and Guidelines which clarify the process for resale and lease of acquired property. The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. Lamb, Mr. McBride, Mr. Newton, Mr. Stewart and Mr. Von Harten. The motion passed.

AN ORDINANCE AUTHORIZING THE PLACEMENT OF A PUBLIC QUESTION ON THE OFFICIAL BALLOT FOR THE GENERAL ELECTION OF NOVEMBER 7, 2006 CONCERNING A PROPOSITION AUTHORIZING BEAUFORT COUNTY TO ISSUE NOT TO EXCEED \$50,000,000 GENERAL OBLIGATION BONDS TO ACQUIRE LANDS FOR PRESERVATION AND TO PAY CERTAIN COSTS AND DEBT SERVICE RELATED THERETO

Mr. Von Harten, as Land Management Committee Chairman, circulated to Council a new ordinance ordering a referendum in Beaufort County to submit the question whether the County

shall issue not exceeding \$50 million aggregate principal amount general obligation bonds for the specified purpose of continuing the Beaufort County Rural and Critical Lands Preservation Program. Council is receiving a new ordinance because it was discovered that the language, in the copy that it is Council's portfolio, needed correction.

Main motion.

It was moved by Mr. Von Harten, seconded by Mr. Generales, that Council approve on first reading an ordinance authorizing the placement of a public question on the official ballot for the general election of November 7, 2006 concerning a proposition authorizing Beaufort County to issue not to exceed \$50,000,000 general obligation bonds to acquire lands for preservation and to pay certain costs and debt service related thereto.

Motion to amend by substitution.

It was moved by Mr. Generales, seconded by Mr. McBride, that Council substitute the ordinance included in their portfolio with a new ordinance from Staff Attorney Kelly Golden which includes the provisions of the newly-adopted federal Health Americans Vote Act (HAVA), but substantively does not impact the borrowing or the language authorizing the borrowing.

Attorney Kelly Golden explained the ordinance attempts to bring into one document the newly-adopted federal Health Americans Vote Act (hereinafter HAVA). Those requirements, which appear predominantly not in the ordinance *per se*, but predominately enumerated in Appendix C, deal with the methodology used for voter certification and because this ordinance must be submitted to the United States Justice Department for preclearance. We included in the ordinance: (i) Provisions concerning the applicability and effective date of the ordinance stating that it is subject to preclearance or other action by the US Department of Justice. (ii) An enumeration of all of our precincts, because we have many new precincts this year. (iii) Because the referendum question is being conducted at a general election in November 2006, we had to meld together the County Bond Act Notice requirements and the General Election Referendum requirements notices in Appendix B. Because we are having this referendum at a general election there is a statutory requirement that the final ordinance be provided to the Board of Elections by August 15, 2006. That date is more significant in terms of passage of the County budget with respect to any debt service that would accompany this ordinance.

Vote on the motion to amend by substitution.

The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. Lamb, Mr. McBride, Mr. Newton, Mr. Stewart and Mr. Von Harten. The motion passed.

Vote on the amended motion, which is now the main motion, and includes the motion to amend by substitution.

It was moved by Mr. Von Harten, seconded by Mr. Generales, that Council approve on second reading an ordinance authorizing the placement of a public question on the official ballot for the

general election of November 7, 2006 concerning a proposition authorizing Beaufort County to issue not to exceed \$50,000,000 general obligation bonds to acquire lands for preservation and to pay certain costs and debt service related thereto. Further, to include the provisions of the newly-adopted federal Health Americans Vote Act (HAVA). The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. Lamb, Mr. McBride, Mr. Newton, Mr. Stewart and Mr. Von Harten. The motion passed.

The Chairman announced a public hearing on this issue will be held on Monday, January 23, 1006, beginning at 6:00 p.m. in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort.

PUBLIC HEARINGS

AN ORDINANCE AUTHORIZING THE LEASE OF COUNTY-OWNED REAL PROPERTY

Mr. Von Harten, as Land Management Committee Chairman, explained Council recently approved the purchase of 71 acres, known as the Lucky property, in the Grays Hill area through the Rural and Critical Lands Program. The County is now in possession of that property. When the County took possession there was a single-family home on the property. It was rented by the then owner. That tenant desires to remain in the house. The Land Management Committee recommends the County authorize the leasing of that property to that same person, Mr. Gene Bardo. It is in the best interest of the people of Beaufort County to allow for the property to be occupied. The lease is month-to-month, with 30 days notice by either party. The leasing is set at \$650 per month. This ordinance allows the County Administrator to execute the lease.

The Chairman opened a public hearing at 6:08 p.m. for the purpose of receiving information from the public regarding an ordinance authorizing the lease of County-owned real property to Mr. Gene Bardo. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:09 p.m.

It was moved by Mr. Von Harten, as Land Management Committee Chairman, that Council approve on third and final reading an ordinance authorizing the lease of County-owned real property to Mr. Gene Bardo. The leasing is \$650 per month. The terms of the lease is month-to-month with 30 days notice by either party. The vote was: FOR –Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. Lamb, Mr. McBride, Mr. Newton, Mr. Stewart and Mr. Von Harten. The motion passed.

TEXT AMENDMENTS TO THE RURAL AND CRITICAL LANDS PRESERVATION ORDINANCE

Mr. Von Harten, as Land Management Committee Chairman, explained the proposed text amendments bring the written language of the Rural and Critical Lands Ordinance into agreement with the way we do business today. Since the employment of the Trust for Public Land, the process has evolved. This proposed ordinance change brings the official language into

a more useable, user-friendly, progress-generating document. It has worked well for the past three years.

The Chairman opened a public hearing at 6:10 p.m. for the purpose of receiving information from the public regarding text amendments to the Rural and Critical Lands Preservation Ordinance. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:11 p.m.

Mr. Lamb stated over the last five years the process of the Rural and Critical Lands Board and its relationship to the Land Management Committee and County Council has become a very, very successfully-working operation. The adoption of these amendments to the ordinance reflects how business is conducted day-to-day. It is a very significant achievement and, will help in the future to provide that our constituents support additional funding for the Rural and Critical Lands Program.

It was moved by Mr. Von Harten, as Land Management Committee Chairman (no second required), that Council approve on third and final reading text amendments to the Rural and Critical Lands Preservation Ordinance. The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. Lamb, Mr. McBride, Mr. Newton, Mr. Stewart and Mr. Von Harten. The motion passed.

The Vice Chairman returned the gavel to the Chairman in order to continue the meeting.

COMMITTEE REPORTS

Community Services/Public Safety Committee

Disabilities and Special Needs Board

Mr. McBride, as Community Services/Public Safety Committee Chairman, nominated Mrs. Elizabeth Wirz to serve as a member of the Disabilities and Special Needs Board.

Disabilities and Special Needs Facilities – Report on Status and Opportunity

Mr. McBride, as Community Services/Public Safety Committee Chairman, reported members received a report from Mrs. Mitzi Wagner, Disabilities and Special Needs Director, regarding the conditions of the community resident homes. At present, the County has four Community Training Homes (“CTH”). Two homes have three bedrooms and the other two have four bedrooms. None of the four homes are in compliance with the American Disabilities Act’s (“ADA”) requirements and none can be converted to those standards. There are space and safety concerns. The ADA requires facilities serving people with disabilities and other public buildings be handicapped accessible. This means that the homes should be on one level, have the space to accommodate wheelchairs and walkers, and allow the residents to function as independently as possible. There is deep concern that should a fire develop in any of the four CTH homes, the residents would be unable to exit the facility due to the high placement of the windows (6’) from

the ground. Building a new, fifth CTH home is estimated at a cost of \$350,000, funded by a grant from SCDDSN estimated at \$100,000 plus the County's contribution. Because of funding, it would need to be completed by July 1, 2006. Selling the current four homes and replacing them with four, four-bedroom CTH homes is also estimated at \$350,000 each. To construct a new Administrative/Day Program building would cost about \$3,787,000, the property about \$500,000. The County's contribution is estimated at \$3,367,000. The Department is seeking Council's approval by January 31, 2006 to begin construction by April 15, 2006.

Since this issue involves a capital expenditure of a considerable dollar amount Committee members recommending forwarding this issue to the Finance Committee for consideration.

Various Batteries for Emergency Management Department

Mr. McBride, as Community Services/Public Safety Committee Chairman, reported members awarded a one-year contract, with two additional one-year renewals, to be offered in the future at the discretion of Beaufort County to Chief Supply Inc., Eugene, Oregon, in the amount of \$28,006.21 for the purchase of various batteries to be used by the Emergency Management Department, primarily for radio equipment.

Employee Services Committee

Public Works Division Recruitment and Retention Issues

Mrs. Griffin, as Employee Services Committee Chairman, reported members received a presentation from Mr. Eddie Bellamy, Public Works Division Head, regarding the Public Works Division recruitment and retention issues. Committee members approved the Public Works Department's recruitment and retention issues to be forwarded to the Finance Committee to discuss the impact on the proposed FY 2006-2007 budget.

Finance Committee

Library Board

Katrina Johnston

Mrs. Katrina Johnston, representing Council District 4, garnered the six votes required to serve as a member of the Library Board. The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. Lamb, Mr. McBride, Mr. Newton, Mr. Stewart and Mr. Von Harten. The motion passed.

Future Finance Committee Meetings and Topics

Mr. Generales, as Finance Committee Chairman, distributed a two-page memorandum identifying future Finance Committee meeting dates, times, and agenda topics.

Grants and Minority Affairs Committee

Elections Assistance for Individuals with Disabilities (“EAID”) Grant

Mr. Glaze, as Grants and Minority Affairs Committee Chairman, reported members received a presentation from Ms. Marie Smalls, Voter Registration Assistant Division Head, regarding an Elections Assistance for Individuals with Disabilities (“EAID”) grant. The grant request was approved by the South Carolina State Election Commission in the amount of \$36,150 for accessibility repairs to be made at eight Beaufort County polling locations. This grant would be used to repair, renovate and upgrade them to be American Disabilities Act (“ADA”) compliant. This is a reimbursable grant, in that the County must first pay for the repairs, and the State will reimburse the County Treasurer. Under ADA, all polling places, along with parking, must be accessible to voters with disabilities and special needs, effective January 2006.

It was moved by Mr. Glaze, seconded by Mr. Lamb, that Council approve the Elections Assistance for Individuals with Disabilities (EAID) Grant request in the amount of \$36,150 for the upgrading of eight County polling locations to ADA standards. The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. Lamb, Mr. McBride, Mr. Newton, Mr. Stewart and Mr. Von Harten. The motion passed.

Land Management Committee

Discussion of Port Royal Island Map Amendment/Rezoning Request for R100-28-77; from Rural with Transitional Overlay/R-TO to Planned Unit Development/PUD (46.88 acres to be added to the Habersham PUD); Applicant: T&D Land Holding, LLC/Agent: Habersham Land Company, Inc.

Mr. Von Harten, as Land Management Committee Chairman, reported members had considerable discussion and information relative to Habersham Planned Unit Development and Cherokee Farms Planned Unit Development. Mr. Johnson, of Habersham Land Company, presented to members the outline of his/their agreement with Cherokee Farms principal, Mr. Tim Rentz. These two developments are being melded into one. The net of that is going to be a redesign of the roadway systems leading into those two now and combined into one project. The suggested changes have been reviewed and given preliminary approval by the County Planning Department and Transportation Engineer. The entire concept was a substantive change to the original proposition. Therefore, we took the information and have referred the entire position back to the Planning Board for their review and recommendation to the Land Management Committee and to Council.

Northern Corridor Review Board

Mr. Von Harten, as Land Management Committee Chairman, nominated Mr. Kevin Farruggio, as landscape architect, to serve as a member of the Northern Corridor Review Board.

Southern Corridor Review Board

Mr. Von Harten, as Land Management Committee Chairman, nominated Mr. Robert Hull, as architect, to serve as a member of the Southern Corridor Review Board.

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

CALL FOR RECONSIDERATION – 2006 REGULAR MEETING SCHEDULE

It was moved by Mrs. Griffin, seconded by Mr. Generales, that Council reconsider a motion regarding the locations of its 2006 regular meeting schedule. The vote was: FOR – Mr. Brafman, Mr. Generales, Mrs. Griffin, Mrs. Hairston, Mr. Lamb and Mr. Newton. OPPOSED – Mr. Dawson, Mr. Glaze, Mr. McBride, Mr. Stewart and Mr. Von Harten. The motion passed.

It was moved by Mrs. Griffin, seconded by Mr. Generales, that Council hold two additional meetings in southern Beaufort Council, one on Hilton Head Island and a second in Bluffton. The net result is 6 regular meetings in southern Beaufort County and 16 in northern Beaufort County.

Mr. Stewart stated it is a terrible waste of taxpayer dollars to be trotting around. The staff is already overworked, underpaid and understaffed. The Employee Services Committee members say Council needs to compensate these people better. To be spending money hauling equipment around instead of doing that seems to be a poor way to conduct the peoples' business. He will oppose the motion.

Mr. McBride remembers being at a Council meeting on Hilton Head Island and most people in the audience were County employees. He will oppose the motion.

Mr. Lamb noted Mr. Kubic assigns who from his staff needs to attend Council meetings. If his staff is not needed for those meetings, then there is no reason for them to travel there if they do not have a contribution to make to the agenda item(s) before Council.

Mr. Von Harten talked about the County seat. Council Chambers is located in the County seat. The City of Beaufort is the County seat. In an effort to be as fair and generous to all concerned, Council decided that several meetings in the outlying areas of the County were reasonable things to do. Holding additional meetings in southern Beaufort County is an erosion of the principles of government. The County seat is the County seat for a good and valid reason. It was placed in the City of Beaufort for all of the reasons established in the Constitutional structure of South Carolina. For Council, because of population geographical shifts, to move and to flow with that tide is irresponsible in Mr. Von Harten's humble opinion. He has said it before and it did not seem to make any difference, to those who voted to have these displaced meetings, but when this country was formed and Washington, DC was determined to be its capitol city, the main population of the United States was along the eastern seaboard. In the intervening 260± years, the population has moved westward. California is the most populous state in the Nation. Those representatives and those citizens from California still have to fly to Washington, DC if they wish to address the national government. The fact that the national government seat is on the east coast of the United States is a historical fact. The fact that the seat of government of

Beaufort County is in the northern half of the county is a historical fact. Just because we now have a population center in the southern part of the county which is growing and will outstrip the northern portion, if it has not already, in the near future, has nothing to do with it. The State Constitution prevails. Our Constitution provides that the City of Beaufort is the county seat. For County Council to move its meetings to someplace else is, if not legally unconstitutional, at least morally unconstitutional. He abhors the fact that County Council is flowing with what is here today. It might be someplace else tomorrow. If St. Helena Island or Lobecko become heavily-populated and economic-thriving areas, are we going to move the meetings there? Pretty soon the people will not know what is going on, who is in charge, or where to go to get services. It is an erosion of principle. He stands on principle. He will vote against the motion.

Mr. Generales, as a former resident of California, reminded the Vice Chairman most Californians feel displaced. The last thing he would rather do is to use the federal government as a model of efficiency as to how Council can operate. To the extent that this smaller government has the ability to bring its role to the grassroots as closely as possible, he does not think driving 30, 40 or 50 minutes down the roadway, to give folks an opportunity to attend two additional meetings, is a big erosion of the principle of giving people an opportunity to get close to their government. He will support the motion.

Mrs. Hairston is hopeful Council can resolve this issue today. She appreciates Mr. Von Harten's remarks. She believes that this government can be flexible and work together. As a taxpayer of Beaufort County, if this subject is brought up again, she will vote to hold all meetings in the County seat, i.e., the City of Beaufort.

Mr. Brafman gave a very brief explanation of his experience in federal taxation. In the absence of going to a US Tax Court in Washington, the Tax Circuit Court rides to every major city in this country to make it easier for taxpayers to appear before that Tax Court and to litigate a tax case. This is somewhat comparable to what Council is talking about. The City of Beaufort is the County seat, this is where the staff is, and this is where business is conducted. However, when we are looking at input from the public, it is appropriate for Council to adjust its meeting schedule to make it more convenient for them to share in the process.

Mr. Glaze remarked the County is losing employees because of salary issues. Perhaps we should cut out the interactive link on Hilton Head Island and use that money to offset salaries. It looks bad to call for reconsideration and then to discuss the issue at the same meeting when Council should have waited at least two weeks. He will oppose the motion.

Mr. Newton noted Council is talking about adding two additional meetings in southern Beaufort County or a net result of 6 regular meetings in southern Beaufort County and 16 in northern Beaufort County. He does not view this issue as an erosion of the principles of government. At the end of the day what we are all trying to promote is public access. He will support this motion.

The motion was: FOR – Mr. Brafman, Mr. Generales, Mrs. Griffin, Mrs. Hairston, Mr. Lamb and Mr. Newton. OPPOSED – Mr. Dawson, Mr. Glaze, Mr. McBride, Mr. Stewart and Mr. Von Harten. The motion passed.

PUBLIC COMMENT

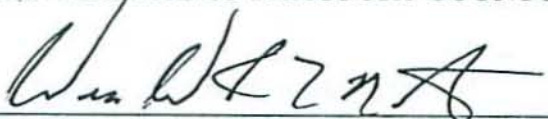
The Chairman recognized Rev. Reuben Greene, a Burton resident, who stated Mr. Glaze's church, Second Mt. Carmel Baptist Church, is located in a cancerous field. Approximately 32 people have died from cancer in Burton. There is a lot of cancer in Burton. Why are people driving so fast on US Highway 17? If the road is widened, where will the frogs go, the deer, the rabbits, and the people? Trees are healthy. Cutting trees makes more germs. We all need dirt, trees, flowers, and plants. Frogs need clean water.

Mr. Dawson replied preserving and protecting the natural environment along US Highway 17 is a key concern for all of us. But, at the same time, people are dying, too, too often. There is a need to preserve human life that supersedes the natural elements. While we take every effort, through SCDOT to preserve the trees and natural environment, the widening of US Highway is critical.

ADJOURNMENT

Council adjourned at 6:50 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: 
Wm. Weston J. Newton, Chairman

ATTEST:


Suzanne M. Rainey, Clerk to Council

Ratified: January 23, 2005

Beaufort County Council Minutes
January 23, 2006

Official Proceedings
County Council of Beaufort County
January 23, 2006

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

The regularly scheduled meeting of the County Council of Beaufort County was held at 4:00 p.m., Monday, January 23, 2006, in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

Chairman Weston Newton, Vice Chairman W. R. "Skeet" Von Harten, and members Frank Brafman, Gerald Dawson, Mark Generales, Herbert Glaze, Margaret Griffin, Starletta Hairston, Peter Lamb, William McBride and Dick Stewart.

PLEDGE OF ALLEGIANCE

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

MOMENT OF SILENCE

Mrs. Yvonne Butler

The Chairman called for a moment of silence in remembrance of Mrs. Yvonne Butler, who died at home, January 10, 2006. She had served on the Port Royal Town Council for the past 20 years. She was a Beaufort County resident since 1930 and a 1945 Beaufort High School graduate.

INVOCATION

Councilman Gerald Dawson gave the Invocation.

REVIEW OF PROCEEDINGS OF THE REGULAR MEETING HELD JANUARY 9, 2006

The following correction and/or addition was made to the minutes of the meeting held January 9, 2006: Page 19, line 23, change "District" to "Tax."

It was moved by Mr. McBride, seconded by Mr. Generales, that Council approve the proceedings of the regular meeting held January 9, 2006. The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. Lamb, Mr. McBride, Mr. Newton, Mr. Stewart and Mr. Von Harten. The motion passed.

Certified True Copy
Clerk to Council
Beaufort County, SC
By: *Suzanne M. Rainey*
Suzanne M. Rainey
Date: *3-7-06*

EMPLOYEE OF THE MONTH

Ms. Linda Bogan, Administrative Technician III, Veterans Affairs Office

Mr. Gary Kubic, County Administrator, introduced Ms. Linda Bogan, Administrative Technician III, Veterans Affairs Office, as Employee of the Month. Linda, the daughter of a US Marine, has a soft spot for veterans. Her duties include assisting in development, coordination and presentation of the annual Veterans Day Parade ceremony and military flyover. She is involved in the annual post-Veterans Day Program held at Bayview Manor and Life Care of Hilton Head Island. Linda also helps coordinate military participation in the annual Memorial Day Parade and annual POW/MIA Program. She coordinates drivers and transportation for our veterans to and from Charleston Veterans Affairs Medical Center for doctor's appointments and prescription refills. She prepares relevant and comprehensive documents as required by the State Director of Veterans Affairs and annual departmental budgets. Linda performs many other tasks that are not part of her job description and does them willingly and without being asked, such as: (i) performs home visits/outreach visits to housebound veterans and widows, (ii) coordinates three bi-weekly group sessions and hourly one-on-one appointments between the Post Traumatic Stress veterans and Clinical Physiologist from the Savannah Veterans Center, (iii) functions as the Veterans Affairs quality-assurance person, ensuring that the services provided and outreach programs are of the best quality, and (iv) volunteers frequently to give a ride or run an errand if it is to benefit a veteran or dependent. When you serve many clients with a small staff, you must have an exceptional team with the right skills and attitude. We appreciate the valuable contributions Linda makes to our veterans and families.

Mr. Ben Washington, Director of Veterans Affairs, remarked Linda possesses the attributes of a well-prepared commander. She is always alert and pays attention to details. Her work is neat and completed in a timely manner. Her appearance is always pleasant and respectful. She is courteous and professional in her dealings with clients. She is tireless in her commitment.

PUBLIC COMMENT

The Chairman recognized Ms. Joni Dimond, a Hilton Head Island resident, who read from a prepared statement. "I'm concerned that my book in the reference department of the local library is somehow being overlooked. In it is all of the law that places thousands of Sea Islands between Charleston, South Carolina and Savannah, Georgia in federal territory. These islands do not now nor have they ever belonged to the state, yet no one has the courage to confront me. While I try to follow the law, many people around me do not. Curtis Coltrane was appointed as a Master-in-Equity by Governor Sanford. Jean Toal, S.C. Supreme Court Justice, has appointed Coltrane a Special Circuit Court Judge. The Governor and Jean Toal must both know that dual office holding is illegal in South Carolina and yet they each played a role in turning Coltrane into a dual office holder. This Council should act ethically and push Coltrane to resign from one of the positions. I'm concerned with the inconsistencies of this Council. Spending \$40 million dollars to buy up surrounding islands does nothing to stop development. Why islands? Could it be that they really are in federal territory? You are getting ready to hold another referendum in

November to ask the taxpayers for another \$50 million to buy up more land and more islands and put the citizens of Beaufort County further into debt. We citizens here in Beaufort County, are being hoodwinked, flimflammed and bamboozled by the outrageous spending of our tax dollars on land that is not even in the state or the county. You are not in the real estate business and you should not be buying land on the backs of the unsuspecting taxpayers who seem to be losing their homes and their land under the guise of your stopping development. Some of what you should be doing is paving dirt roads, trying to find out why 100 children are pushed out of school every year, and looking into why so many fishing docks have been closed over the last 15 years. You should also be looking into why so many Black and poor White families were never connected into the water and sewer systems until those from up north started building homes here. After all, most Blacks never really expected anything from this out-of-control system and that's what they got. All the Blacks ever wanted were a quiet place to fish and an education. Blacks have been getting an inferior education in most of the mobile classrooms behind the real schools for years. We now know that most of the fishing docks have been taken from the Blacks and the others closed.”

Mr. William Ladson, a Sheldon resident, supports the recommendations of the Planning Staff, Planning Commission, and the Land Management Committee to deny a rezoning request for R700-37-39E, 59.97 acres, currently zoned as Rural and Dale Community Preservation (DCP), to be entirely zoned as DCP. DCPs should not consist of more than 23 acres. He cannot support the proposed \$50 million general obligation bond referendum to fund the Rural and Critical Lands Program, because the School District, too, is proposing a \$366 million bond referendum and taxpayers are up to their necks in taxes. Council members are elected to protect the interest and well-being of the citizens. Hopefully, Council will keep that promise and treat them accordingly.

Mr. Bill Coleman, President of Friends of Hilton Head Island Branch Library, which has a membership between 550 and 600 paid members, stated the Friends' two main sources of income are membership dues and sales of used books by the volunteer group from the ranks of our membership. On average the majority of our members pay \$15 a year dues. The average price of a book sold in our store is between .65 and .75 cents. Yet, in the last five years, going on six, we have contributed between \$50,000 and \$75,000 each year for the benefit of our Hilton Head Island Branch Library (“Library”). We are caring custodians of the money entrusted to us by our community. In fact, we are known to throw nickels around like manhole covers. The Friends Board of Directors, made up of 15 volunteers, have come to the conclusion that County Council is treating us with benign neglect hoping we will go away through delay, no answers, no support, and that we will give up. Wrong guess--you have awakened a slumbering giant. We have gone out of our way to work with you, but with your continued avoidance of what we feel are import issues, Mr. Coleman is here to ask Council face-to-face for some reasonable answers to the following questions. Why don't we have any answer to our computer plan to buy six new computers for the Library? We also included a unique plan for financing and offered to pay half of the cost for these acquisitions, sent three weeks ago? Answer, nothing. Why don't we have any answer to our computer lab plan for the Library using the same unique financing plan and offering to pay half the cost? Sent three weeks ago--no answer. Why is it that there has been no follow-through to Mr. Kubic's plan to adopt a town in the Hurricane Katrina ravaged area. We

are prepared to donate to an impoverished-area library. Time lapsed over two months—no answer. Why did the Friends have to come up with \$472 to clean the furniture at the Library something that hasn't been done in eight years. Can you imagine having approximately 1,200,000 (150,000 visitors annually times 8 years) guests to your home and never cleaning your furniture? Why is the Bluffton Branch Library opened on Sundays, but the Beaufort and Hilton Head Branch libraries are not given the same opportunity? Why did the Southern Beaufort County Regional Plan drop the cost of growth of our library system from early studies? Why, when we give money to the library to buy books, CDs, DVDs, periodicals, etc. it takes an unbelievable time before they are available? We want to be placed on the capital improvement plan in order to expand our library six years out. We will never have enough money for roads and schools. Must we forever pay for our past mistakes by ignoring our other assets?

Mr. Edgar Williams, a Sheldon Township resident, referenced a proposed rezoning request for R700-37-39E, 59.97 acres, currently zoned as Rural and Dale Community Preservation (DCP), to be entirely zoned as DCP. He supports the Planning Commission's recommendation to deny the proposed rezoning request. However, he does not understand how Council can place an additional burden on someone, such as, requiring a perk test, a soil test, etc. Council passed a stormwater management utility fee. It assessed the fee, yet has done nothing in almost three years. Nothing has changed in Sheldon Township in the past two years. It is about time the residents get something in return for their money. He supported the one-cent sales tax referendum for road improvements, but then Council voted itself a pay raise (which is just selfish), a week before the election. This makes no sense. Council wants a \$50 million referendum. The School Board wants a referendum. People cannot afford to pay their light bill. Some people live on \$550 per month.

COUNTY ADMINISTRATOR'S REPORT

Two-Week Progress Report

Mr. Gary Kubic, County Administrator, circulated copies of his Two-Week Progress Report, which summarized the activities that took place January 9 through January 20, 2006.

Staff Reports Provided to Council

Mr. Gary Kubic, County Administrator, reported Council has received the following department reports: Treasurer - Cash Flow Weekly Reports for the weeks of January 9 and 17, 2006; Animal Shelter - Monthly Report for the period ended December 2005 and Annual Report 2005 Statistics; and Detention Center – Population Report for the two-week period January 2 to January 15, 2006. Council will receive information soon on the 3% local accommodations tax collection report.

Summary of SCDOT US Highway 278 Widening Project Weekly Meeting

Mr. Gary Kubic, County Administrator, gave a brief construction update on the SCDOT US Highway 278 Widening Project. It concerns him that there was an extensive time delay on US

Highway 278 due to an automobile accident at the location of Moss Creek Plantation entrance. A variety of things occurred, but primarily the inability to get people at the site where the accident occurred as quickly as we would have liked began the stacking process. Our SHEP (State Highway Emergency Program) people, staff and Sheriff's Deputies, physically, themselves, put the vehicles involved in the incident on the side of the road. Mr. Kubic reminded the folks who travel US Highway 278 that when an accident occurs, our primary responsibility is to take care of those injured and, at times, because of what we are doing for public safety and the treatment of injured parties, that they have patience. We have made some changes. We will be assigning the SHEP truck at the Moss Creek Plantation entrance early in the morning, from 6:00 a.m. to 8:30 a.m. The Sheriff is also evaluating the policy and coordination between the Highway Patrol Department and his department involving response time. As was indicated at Council's Annual Planning Meeting, staff will be preparing an analysis, in conjunction with the final completion of this widening program, as to the partnership with SCDOT and Beaufort County with the signalization and other responses to emergencies and work that occurs on a day-to-day fashion with both of us.

The construction work on US Highway 278 is proceeding very, very well in terms of widening. In the last week 10,000 yards have been added in 7 days. There have been problems with asphalt. Those problems involve the plant not being fully operational with supplies and materials to us. Nevertheless, APAC-Southeast ("APAC"), the contractor, is averaging 460,000 tons of asphalt a night. Mr. Kubic has been told that that is not considered a sufficient amount that we want to have on our night production. The plant has a problem in getting aggregate. This is a statewide problem. Apparently, the demand is high and there is shortage throughout the state. However, APAC has started laying the base and will continue to do so. The laying of the pipe for stormwater drainage is now near complete except for minor work on the outside shoulders and at Tanger Outlet 2. Next week APAC will continue to work on binder and the leveling of westbound for the next two weeks. All eastbound widening should be paved within the next four weeks. Savannah asphalt plant has been pre-inspected and should be available to provide asphalt soon. This will enable the use of double crews for paving and speed up the process. The County webpage has had approximately 6,000 inquires. SCDOT is finalizing construction drawings for the new intersection located at Target/Home Depot.

Report on 2006 Annual Council/Administration Strategic Planning Session

Mr. Gary Kubic, County Administrator, reported Council held its Annual Planning Meeting (Retreat) on Friday, January 20 and Saturday, January 21, 2006, at USC-Beaufort, South Campus. It was a 12-hour session. The session opened with a discussion of the County's five-year plan and reviewing those goals and defined objectives within those five goals. Council spent a great deal of time looking at the statistics involved in Beaufort County, the Southern Regional Plan findings, the anticipation of the Northern Regional Plan development, and the schedule/process that will be included in the revisions of the Comprehensive Plan due in the next couple of years. As a result of the statistics and planning process, a great deal of attention was paid to the anticipated population growth, the associated delivery of services, and public services the County is required to provide. As part of the County's Action Plan, we will be submitting and working on a review, three- to five-years out of Beaufort County's level of service for those

public services demanded and the associated costs. It will be tied in with the Finance Committee and the request for a multi-year budget three to five years out. It was decided as a second part to the Action Plan that will be necessary to conduct more elaborate workshops which would involve a more detailed discussion of singular topics on various issues, such as: (i) inclusion of the municipalities' participation in the Comprehensive Plan, Southern Regional Plan, Northern Regional Plan, and annexation to include an understanding of the consequences for both the unincorporated and incorporated areas of the County, changes in zoning, and the impact on service for the County and the municipalities. (ii) Law enforcement to include the Sheriff's Office, prosecution, and detention. These three issues consume the majority of the County's general fund budget. (iii) Pursuing, with increased vigor, the efforts of the Joint Initiative County Council/School Board Committee to discuss future locations, sitings, and the cost associated with the anticipated need for, what some say, is upwards of seven to ten new school facilities throughout the County. (iii) Pursuing the issue of potential land purchase in anticipation of some of the requirements of schools and/or county facilities in the future. (iv) Discussion of transportation and compensation issues. In summary, Council talked a little bit about some of their organization issues with regard to citizen appointments to various boards. The Retreat focused on one of the primary issues, our future, and the coordination required between the various municipalities in the County to make sure the delivery of services is effective, not only in terms of cost, but also meeting the needs of our people.

Beaufort County Northern Regional Plan

Mr. Gary Kubic, County Administrator, reported unlike recent articles reported through the media, Beaufort County and the unveiling of the Northern Regional Plan ("Plan") is on schedule. We have said for several months now, through the various committees and reports through the Planning Department, that our consultant selection would come online January 2006 and it will come online January 2006. In fact, it has been a coordinated effort in the selection process with the various staffs of the municipalities involved. We will be making an announcement, bringing information forward to Council, but it will be a recommendation that Clarion Associates of Colorado, LLC, the consultant for the Southern Regional Plan, continue to be the consultant for the Northern Regional Plan. Mr. Kubic reported that in some of his discussions recently with the Town of Port Royal ("Town") and the idea of the Town paying a one-time \$40,000 share, it may not be commensurate with their capability in terms of the size and total appropriation of their budget. Therefore, we are talking to them about participating in that amount and spreading it out over a few years. Mr. Kubic and Mr. Van Willis, Town Manager, will both carry that message to the Town Mayor and Town Council. Mr. Kubic feels positive that this issue can be resolved. The County has the financial commitment from the City of Beaufort and also the Town of Yemassee. We are well on our way toward establishing a financial partnership that we think is necessary for the Plan. The County is on time, and on schedule, for the Northern Regional Plan.

Resolution Approving Parks and Recreation Development (PARD) Funds

It was moved by Mr. Stewart, seconded by Mr. Glaze, that Council adopt a resolution and submit to the Legislative Delegation for their consideration and approval the FY 2005-2005 distribution of Parks and Recreation Development funds in the amount of \$33,243.73 as follows: (i)

Beaufort County - \$16,954.29 Burton Wells Bleachers, (ii) City of Beaufort - \$3,656.81 Phase IV Master Plan of Pigeon Point Park, (iii) Town of Bluffton - \$997.32 Dubois Park Improvements, (iv) Town of Hilton Head Island - \$9,308.25 Shelter Cove Community Park Expansion (FY 2005-2006) and \$10,387.05 Shelter Cove Community Parks Expansion (FY 2004-2005), and (v) Town of Port Royal - \$2,327.06 14th Street Park Renovation. The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. Lamb, Mr. McBride, Mr. Newton, Mr. Stewart and Mr. Von Harten. The motion passed.

Resolution Regarding Transportation Services for Senior Services of Beaufort County

It was moved by Mr. Glaze, as Grants/Minority Affairs Committee Chairman (no second required), that Council adopt a resolution authorizing Beaufort County Senior Services to apply for a grant in the amount of \$25,000 to provide transportation for seniors and persons with disabilities. The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. Lamb, Mr. McBride, Mr. Newton, Mr. Stewart and Mr. Von Harten. The motion passed.

CONSIDERATION OF CONTRACT AWARDS

Dump Trucks for Public Works Division

Mr. Kubic, County Administrator, reported the Public Works Department is seeking approval for the purchase of two 2007 model M2-112 Freightliner dump trucks in the amount of \$182,116, inclusive of tax. The trucks are to be used for drainage and stormwater operations. Staff released the solicitation and received three responses by the deadline. Columbia Freightliner, Columbia, South Carolina, was determined to be the lowest, responsible bidder. The trucks will have 16-foot long dump bodies and a gross weight rating of 64,000 pounds load capacity. The trucks are appropriately specified to withstand adverse terrain and maneuvering conditions and will have all required safety, operator, suspension and high-tensile strength steel-reinforced plating in the dump body floor, sides, and tailgate. The units will carry a standard 100 percent parts and labor warranty on the engine for five years/500,000 miles, a two-year unlimited miles transmission warranty, and a three-year warranty on the Oxbody cylinder/chassis body. Delivery is within 120 days after an order is placed.

It was moved by Mr. Lamb, as Public Services Committee Chairman (no second required), that Council award a contract to Columbia Freightliner, Columbia, South Carolina, in the amount of \$182,116, for the purchase of two 2007 model M2-112 Freightliner dump trucks. The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. Lamb, Mr. McBride, Mr. Newton, Mr. Stewart and Mr. Von Harten. The motion passed.

Food Service Program for Detention Center

Mr. Kubic, County Administrator, stated staff is requesting Council award a one-year contract extension for the first of four renewal options to ABL Management Inc., Baton Rouge, Louisiana, for the provision of food services for the County Detention Center. They have

successfully serviced this facility for the past year, and an extension of their contract is requested by that department. The company is in the business of providing comprehensive food service contracts to correctional facilities nationally and to jail facilities within the State of South Carolina. ABL Management has provided to the County a competitively priced, quality per meal charge of \$1.12 that has worked well in the Detention Center.

It was moved by Mr. McBride, as Community Services/Public Safety Committee Chairman (no second required), that Council award a one-year contract extension for the first of four renewal options to ABL Management Inc., Baton Rouge, Louisiana, for the provision of food services for the County Detention Center. The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. Lamb, Mr. McBride, Mr. Stewart and Mr. Von Harten. Mr. Newton temporarily left the room. The motion passed.

Ned Court Road, Hilton Head Island

Mrs. Hairston, speaking on behalf of Mrs. Ruth Germany and several other residents living along Ned Court Road, thanked the employees of both the County Public Works Department as well as Town of Hilton Head Island for the great job they did performing a one-time repair to Ned Court Road.

NORTHERN BEAUFORT COUNTY MAP AMENDMENT/REZONING REQUEST FOR R700-37-39E (59.97 ACRES), CURRENTLY ZONED AS RURAL (R) AND DALE COMMUNITY PRESERVATION (DCP), TO BE ENTIRELY ZONED AS DCP; OWNER: WALTER O. EVANS

Mr. Von Harten, as Land Management Committee Chairman, explained the recommendation of the Committee is to support the findings of the Planning Commission, which is to deny a Northern Beaufort County Map Amendment/Rezoning request for R700-37-39E (59.97 acres), currently zoned as Rural and Dale Community Preservation (DCP), to be entirely zoned as DCP, and to allow reconsideration of this property when and if the applicant has DHEC determine if the land perks to show that it is an appropriate design. The particular concern was expressed for access availability through the causeway, marginal soils and a lack of public water.

It was moved by Mr. Von Harten, as Land Management Committee Chairman, that Council decline the Northern Beaufort County Map Amendment/rezoning request for R700-37-39E (59.97 acres), currently zoned as Rural (R) and Dale Community Preservation (DCP), to be entirely zoned as DCP, and to allow reconsideration of this property when and if the applicant has DHEC determine the land perks to show that it is an appropriate design.

Mr. Newton remarked this issue is a request for rezoning. The Staff Attorney has advised that it is not simply a matter that comes forward with no committee recommendation, but it comes forward with a committee recommendation of denial and requires a vote of this Council.

Mr. Lamb remarked this issue was a touchy situation. It involves one of two islands that are immediately adjacent by causeway to the Dale CP District. The other island was taken into the

Dale CP District. There was some discussion as to whether or not the property owner had been duly alerted. What concerned Mr. Lamb the most was, based upon standardized soil tests available in the generally geological classification of Beaufort County and, in particular, this general area of Dale, the Planning Commission denied the rezoning based solely upon the probable inability of this dirt to perk. He found it quit difficult that that was the sole basis because the island immediately adjacent was classified in the Dale CP District. Committee members inquired of planning staff as to whether or not the sole reason for the denial was this possibility of lack of perking. At that point, it was felt the only alternative was to recommend to the landowner that he select spots and have DHEC determine if the land will perk. Hopefully, the landowner would then have the will to present those results to staff and a recommendation at the Planning Commission. Mr. Lamb very reluctantly voted against this, but it seemed there might be a way around the perk issue. He finds it totally incongruous that one island standing next to another island one would qualify for the Dale CP District and the other would not.

Mr. Dawson explained the motion was made to accept denial, but at the same time a request or suggestion was made to the applicant to ask DHEC to test the soil in order to determine if the land will perk. He believes the applicant is being denied his due process and should have the same opportunity as other islands were to be included in the Dale CP District. It is unreasonable and unjust to ask this landowner to have a perk test.

Motion to postpone.

It was moved by Mr. Dawson, seconded by Mr. Generales, that Council postpone the motion until further discussion by the Land Management Committee on February 20, 2006.

Mr. Brafman stated according to Mr. Lamb the only issue the Planning Commission considered was the quality of the soil and that it would not perk. But, Mr. Brafman referred to the Planning Commission minutes dated January 5, 2006, and read what they considered: "Discussion included the date of the subdivision on Brown's Island, the rationale behind the staff's recommendation of denial, the lack of public water and sewer and the density increase of the requested rezoning, the applicable soil types, the number of units on Brown's Island the CP process, the non-merited change in Dale CP since the area has not changed dramatically, the rights of the owner, the Commission's role to protect the CP plans, the non-concern of the Dale CP committee members regarding this rezoning, the problematic increased density involved, the environmental concerns, the importance of a planning consideration rather than a popular vote, and the awareness of managing growth in the County." It appears the Planning Commission did consider issues other than just the quality of the soil.

It is Mr. Generales' recollection of the committee meeting that members asked Mr. Criscitiello, Planning Director, his position on this rezoning, which then lead to the discussion on perk, soil test, etc.

Mr. Newton stated, without objection from members of Council, he would prefer referring this issue back to the Land Management Committee for additional discussion. Mr. Von Harten, as Land Management Committee Chairman, does not object.

Mr. Dawson, as maker of the motion; and Mr. Generales, who seconded the motion, withdrew the motion.

Mr. Newton sent the issue back to the Land Management Committee for further discussion at their February 20, 2006 meeting.

The Vice Chairman returned the gavel to the Chairman in order to continue the meeting.

COMMITTEE REPORTS

Community Services/Public Safety Committee

Alcohol and Drug Abuse Board

Mr. McBride, as Community Services/Public Safety Committee Chairman, nominated Mr. John Coaxum to serve as a member of the Alcohol and Drug Abuse Board.

Beaufort Memorial Hospital Board

Mr. McBride, as Community Services/Public Safety Committee Chairman, nominated Mr. Gerald Schulze and Dr. Patricia Thompson to serve as members of the Beaufort Memorial Hospital Board.

Bluffton Fire District

Mr. McBride, as Community Services/Public Safety Committee Chairman, nominated Ms. Rainie Steedley to serve as a member of the Bluffton Fire District Board.

Daufuskie Island Fire District

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

Disabilities and Special Needs Board

Mr. McBride, as Community Services/Public Safety Committee Chairman, nominated Ms. Margaret Gatch, Ms. Grace Dennis and Ms. Beverly Dore to serve as members of the Disabilities and Special Needs Board.

Disabilities and Special Needs Board

Mrs. Elizabeth Wirz

The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. Lamb, Mr. McBride, Mr. Newton, Mr. Stewart and Mr. Von Harten. Mrs. Wirz garnered the six votes required to serve as a member of the Disabilities and Special Needs Board.

Logistics Support Team for Emergency Services

Mr. William McBride, as Community Services and Public Safety Committee Chairman, reported members received a presentation from Mr. William Winn, Emergency Management Division Director, regarding an application for up to \$85,000 in grant funds to establish the personnel and equipment necessary to enable the County to respond to any County or State to carry out disaster assistance. This will allow our personnel to be self-sustaining, and provide a quick and easy way to respond swiftly to help with disaster relief efforts. This system will also enable the County to receive reimbursement at a future date. The goal is to supply housing, food, water, communications, health amenities, etc. to emergency services as they provide assistance to our communities. To date, approximately \$70,000 in grant funding has been obtained, and other grants have been applied for. Maintenance for vehicles and trailers will come from Emergency Management's budget, not to exceed \$10,000 per year. Mr. Winn advised Committee members the Department proposes to budget, not to exceed, \$10,000 in FY 06-07.

Mr. William McBride, as Community Services and Public Safety Committee Chairman, Council approve the submission of an application for up to \$85,000 in grant funds to establish the personnel and equipment necessary to enable the County to respond to any County or State and to carry out disaster assistance. The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. Lamb, Mr. McBride, Mr. Newton, Mr. Stewart and Mr. Von Harten. The motion passed.

Update on Beaufort Memorial Hospital

Mr. William McBride, as Community Services and Public Safety Committee Chairman, reported members received a presentation from Mr. David Brown, Beaufort Memorial Hospital Chief Executive Officer, regarding the four major initiatives they want to achieve within the next three years: (i) business and revenue growth. A Beaufort Memorial Hospital facility (offering physical therapy, lab and x-ray services) will be opening in Westbury Park in Bluffton within the next 60 days. (ii) programs oriented towards patient care; (iii) expanding upon what has already been done, such as furthering their mental health program, by more concentration on adolescent psychiatry, and a mental health response for cancer patients (a large facility will be opening soon in Port Royal); and (iv) a commitment to make their people even better, become the "Employer of Choice."

Employee Services Committee

Parks and Leisure Services Compensation Plan

Mrs. Margaret Griffin, as Employee Services Committee Chairman, reported members received a presentation from Mr. John Miller, Parks and Leisure Services (PALS) Director (north), regarding the Department's proposed Compensation Plan. The total amount of increases is approximately \$90,265, from an annual \$1,682,524 to a proposed \$1,771,008.

Mrs. Griffin stressed the importance of Council holding a workshop(s) to discuss employee compensation, space allocation, and service levels prior to first reading approval on the proposed FY 06-07 budget.

Land Management Committee

Northern Corridor Review Board

Mr. Kevin Farruggio

The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. Lamb, Mr. McBride, Mr. Newton, Mr. Stewart and Mr. Von Harten. The motion passed. Mr. Kevin Farruggio, as landscape architect, garnered the six votes required to serve as a member of the Northern Corridor Review Board.

Southern Corridor Review Board

Mr. Robert Hull

The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. Lamb, Mr. McBride, Mr. Newton, Mr. Stewart and Mr. Von Harten. The motion passed. Mr. Robert Hull, as architect, garnered the six votes required to serve as a member of the Southern Corridor Review Board.

Military Affairs Committee

Mr. Von Harten, as Military Affairs Committee Chairman, reported Council has received notification relative to the return of Marine Flight Attack Squadron 312 from Japan and other places in the Far East and VMFA-322 will be returning from the Middle East in the near days. These young men and women have been deployed overseas, serving our country and doing the things that we ask of them to do. As they return home, Mr. Von Harten hopes we would walk up to them, shake their hand, and say, "thank you very much."

Public Services Committee

Quit Claim for Allens Corner Road, Bluffton

Mr. Lamb, as Public Services Committee Chairman, explained members discussed the issue regarding consideration of a quit claim for Allens Corner Road located in Bluffton. Allens Corner is an old farm road located in Pinckney Colony on property owned by John David Pinckney. This road is unpaved, approximately 875 feet long, and serves as a driveway leading from Pinckney Colony Road to Mr. Pinckney's home. Because Allens Corner is located entirely on property owned by a single individual, it fits the County's definition of a driveway. Allens Corner has been treated as a County road. It has been maintained by the County and is included on the County's Dirt Road Rating List. However, Council adopted a policy on October 11, 1993, to "cease maintenance of private driveways" such as Allens Corner. Pursuant to this policy, Mr. Pinckney is now requesting the County recognize Allens Corner as a private road, and remove it from the maintenance schedule and the Dirt Road Rating List. It should be noted that two very similar roads, Lady Cobra Lane and Dove Field Road, also located entirely on Mr. Pinckney's property, are listed as private roads.

It was moved by Mr. Lamb, as Public Services Committee Chairman (no second required), that Council quit claim Allens Corner Road, Bluffton, to Mr. John David Pinckney as a private road and, further, instruct the County Administrator to ensure all legal steps have been met.

It is Mr. Stewart's understanding, anytime the County abandons a roadway a notice provision is required and the property is posted. If Council passes this motion, will this action occur?

Mr. Lamb replied this issue is more than a matter of the County not knowing it ever had a right-of-way or an easement over this process. The purpose of the quit claim deed is to remove any possible interest the County may, or may not, or might not have had.

Recognizing the contentiousness of the motion, Mr. Stewart will support the motion, but wants to make certain the County is taking the appropriate actions to shield against any claims of any of those folks who are currently being contentious.

In addition to the Committee recommendation, Mr. Newton is happy not to give any deed. If the County is being asked to take some step to provide a deed to something which we may or may not have interest in, then we need to err on the side of caution and ensure all legal steps, whatever they may be, have been met?

Mr. Von Harten asked if Council votes to approve the motion, does that then become part of the instruction to the County Administrator--to make sure all legal requirements are met.

Mr. McBride replied it is a conditional approval. Is a title search required?

Mr. Lamb explained Pinckney Colony Road runs from US Highway 278 to Jackass Island. At some point down that road it narrows and goes onto another of Mr. Pinckney's property, which is the property that is contentious at the moment. If you backup from that property, there are a number of parcels on both sides of the road. Mr. Pinckney's property has a road that comes in to

Allens Corner Road. It runs perpendicular to Pinckney Colony Road. It is no more than a driveway. These roads in the past have been repaired, even though there are no easements. There are no rights-of-way, because of the manner in which this County heretofore had exercised its prerogative in grading people's driveways. There is no question this particular piece of dirt is a driveway.

The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. Lamb, Mr. McBride, Mr. Newton, Mr. Stewart and Mr. Von Harten. The motion passed.

Rough Rider Road, Port Royal Island

Mr. Lamb, as Public Services Committee Chairman, explained members discussed Rough Rider Road, a private, unpaved road located on Port Royal Island near the intersection of Robert Smalls Parkway and Broad River Boulevard. It is approximately 1,950 feet long, has a 50-foot right-of-way, and abuts 8 parcels. Mr. William Trask owns the land underlying Rough Rider Road. He would like to convey the subject roadway to Beaufort County, by quit claim deed, for One Dollar (\$1.00). Staff recommends that the County not accept Rough Rider Road into the County's road system because it is actually a driveway serving two houses, and does not meet the County's policy of serving a minimum of six dwelling units.

The Committee disapproved the property owner's request to accept Rough Rider Road into the County's road system on the basis that it is a driveway.

Stormwater Management Utility Board

Mr. Lamb, as Public Services Committee Chairman, nominated Mr. Don Smith, representing unincorporated Sheldon Township, and Mr. Ron McKenney, representing unincorporated St. Helena Island/Islands East, to serve as members of the Stormwater Management Utility Board.

Mr. William Hodgins, unincorporated Bluffton Township, has resigned, but will continue to serve until replaced.

Discussion of Architect/Engineer and Other Professional Services

Mr. Lamb, as Public Services Committee Chairman, reported Mr. Buz Boehm, Deputy Administrator for Public Services and Land Management, presented a proposal to attempt to streamline projects under \$25,000. Over the past three years the County has used Indefinite Delivery Contracts with three separate architectural and engineering firms to obtain professional design services for small construction projects. These contracts expired December 31, 2005. In an effort to involve more firms and, hopefully, further expedite the accomplishment of capital projects, the procedures for securing these design services for smaller projects are being revised. These new procedures apply only to those projects where the total design fees are expected to be \$25,000 or less. For larger projects, where the design fees exceed \$25,000, the established formal Request for Proposals process will continue to be used. These new, small contract

procedures for professional services are consistent with the provisions of the applicable County Council Ordinance. A minor revision to the local Purchasing Regulations Manual will need to be made. Committee members concurred with the proposal. No formal action is required.

Update on Ned Court

Mr. Lamb, as Public Services Committee Chairman, reported members received a brief update on Ned Court. This road has been a problem for all of the residents thereon. The majority of the problems have been caused by the fact that the area between Gum Tree and where all of the residents live (this road comes onto Gum Tree), the road is about a foot-and-a-half lower than the drainage system that serves it. Once the water had subsided, the road was smoothed out, and salvaged material was put in as a base. Dirt will be added and rolled out with 2 inches to 4 inches of asphalt on top. In essence, a causeway is being constructed.

Transportation Advisory Group

Mr. Newton, as Transportation Advisory Group Chairman, reported members discussed a capital improvement plan for roads in southern Beaufort County which was a summary of 33 projects at the cost of \$180 million. The various matters recommended from the Transportation Advisory Group (BTAG) are going through the Public Services Committee and in various stages in the municipalities. The Southern Beaufort County Highway Improvement Team, made up of staff from the Town of Bluffton, Town of Hilton Head Island, and Beaufort County, have reached a consensus on the top 33 projects needed in the southern portion of the county and funding recommendations including revising the Southern Beaufort County Traffic Impact Fees to cut the deficiency from \$180 million worth of projects down to \$71 million. Some of the action items included a recommendation to continue discussion on exploration of a penny sales tax initiative in November 2006, as well as exploration and potential pursuit of a State Infrastructure Bank application of \$180 million worth of projects seeking only \$71 million in funding to move forward. It was very significant in terms of work the three staffs have done. The development of a consensus represents a solid body of work. He is delighted to say BTAG approved it and moved it forward now through the various steps that have to be taken by the government entities.

The Vice Chairman returned the gavel to the Chairman in order to continue the meeting

PUBLIC COMMENT

There were no requests to speaking during public comment.

EXECUTIVE SESSION

It was moved by Mr. Lamb, seconded by Mr. McBride, that Council go immediately into executive session for the purpose of discussing negotiations incident to proposed contractual arrangements and proposed purchase of property. The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. Lamb, Mr. McBride, Mr. Newton, Mr. Stewart and Mr. Von Harten. The motion passed.

RECONVENE OF REGULAR SESSION

AN ORDINANCE AUTHORIZING THE PLACEMENT OF A PUBLIC QUESTION ON THE OFFICIAL BALLOT FOR THE GENERAL ELECTION OF NOVEMBER 7, 2006 CONCERNING A PROPOSITION AUTHORIZING BEAUFORT COUNTY TO ISSUE NOT TO EXCEED \$50,000,000 GENERAL OBLIGATION BONDS TO ACQUIRE LANDS FOR PRESERVATION AND TO PAY CERTAIN COSTS AND DEBT SERVICE RELATED THERETO

Mr. Von Harten, as Land Management Committee Chairman, explained this issue deals specifically with continuation of funding for the Rural and Critical Lands Program. The original bond issue was in the amount of \$40 million. The question we are suggesting to you now is in the amount of \$50 million, and goes to the proposition of the continuation of funding during the period until this authorization, hopefully, is approved by the voters in November 2006. It goes without saying that we continue to look for alternative funding and, as opportunities come forward, we will bring them to you. If it turns out in the end that we do not have to issue general obligation bonds, we will bring that recommendation forward.

Mr. Generales, as Finance Committee Chairman, stated the reason for the \$50 million is the assumption that we will use the \$40 million at a rate of approximately \$10 million per year. If the voters approve this referendum November 2006, we will have one year to close the gap/bridge the funding.

The Chairman opened a public hearing at 6:00 p.m. for the purpose of receiving information from the public regarding an ordinance authorizing the placement of a public question on the official ballot for the general election of November 7, 2006 concerning a proposition authorizing Beaufort County to issue not to exceed \$50,000,000 general obligation bonds to acquire lands for preservation and to pay certain costs and debt service related thereto. After calling once for public comment, the Chairman recognized Mr. Reed Armstrong, representing the Beaufort Office of the SC Coastal Conservation League, who remarked the Rural and Critical Lands Program is a real success story. Overwhelmingly approved by voters in 2000, this bold and innovative program has met or exceeded expectations under the able leadership of the Trust for Public Land and the numerous citizens who have served on this Board, and the unwavering support given by Council to the program. Let us build on this success by renewing the bond referendum program.

Mr. Dean Moss, President of, and representing the members of the Beaufort County Open Land Trust, stated the Open Land Trust wholeheartedly supports the placing of this referendum on the ballot and will wholeheartedly support that referendum when the opportunity comes to vote for it. Personally, it is an extremely important program. The County has done a tremendous job on it. We need to continue it.

Mrs. Terry Murray, Vice Chairman of the Rural and Critical Lands Board, spoke in favor of the referendum. Others have said this has been a very, very successful program having preserved

almost 10,000 acres of land. It is important to note that many of these parcels of land will be open to the public eventually for passive recreation. In this County that is a very important aspect of this program. It is important also for the folks who live in the southern part of the County to realize that by protecting 10,000 acres, we are avoiding approximately 20,000 vehicle trips a day. Anything any of us can do to alleviate traffic congestion in the future, benefits us all. The last bond referendum carried with it the requirement that there be citizen involvement in all of the land purchase decisions. It is very important for the voters to understand that this Council and previous Councils have kept faith with that requirement. Every land purchase decision was made with the very active participation of citizens serving on the Rural and Critical Lands Board. And, of course, that is planned for the future. As everyone else has said, given the pace of development in Beaufort County, the pace at which open land is being converted to roof tops, "time's a wasting." After calling twice more for public comment and receiving none, the Chairman declared the hearing closed at 6:12 p.m.

It was moved by Mr. Generales, seconded by Mr. Von Harten, that Council approve on third and final reading an ordinance authorizing the placement of a public question on the official ballot for the general election of November 7, 2006 concerning a proposition authorizing Beaufort County to issue not to exceed \$50,000,000 general obligation bonds to acquire lands for preservation and to pay certain costs and debt service related thereto.

Due to the annexations occurring in the Burton area, Mr. Glaze encouraged the Rural and Critical Lands Board members to consider purchasing land in this particular area.

The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. Lamb, Mr. McBride, Mr. Newton, Mr. Stewart and Mr. Von Harten. The motion passed.

ADJOURNMENT

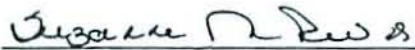
Council adjourned at 6:15 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: 

Wm. Weston J. Newton, Chairman

ATTEST:


Suzanne M. Rainey, Clerk to Council

Ratified: February 13, 2006

7

ORDINANCE 2006/3

ORDERING A REFERENDUM IN BEAUFORT COUNTY, SOUTH CAROLINA, TO SUBMIT THE QUESTION WHETHER THE COUNTY SHALL ISSUE NOT EXCEEDING \$50,000,000 AGGREGATE PRINCIPAL AMOUNT GENERAL OBLIGATION BONDS FOR THE SPECIFIED PURPOSE OF CONTINUING THE BEAUFORT COUNTY RURAL AND CRITICAL LANDS PRESERVATION PROGRAM; PROVIDING FOR THE FORM OF THE BALLOT QUESTION TO BE USED; PROVIDING FOR NOTICE OF THE REFERENDUM; AND PROVIDING FOR ALL OTHER THINGS NECESSARY TO SUBMIT THE AFORESAID QUESTION.

Adopted By

THE COUNTY COUNCIL
OF
BEAUFORT COUNTY, SOUTH CAROLINA

RECEIVED
BEAUFORT COUNTY
BOARD OF ELECTIONS
2006 AUG 15 A 9:58 AM
VOTER REGISTRATION

THE 23rd DAY OF JANUARY, 2006

Certified True Copy
Clerk to Council
Beaufort County, SC
By: Suzanne M. Rainey
Suzanne M. Rainey
Date: February 14, 2006

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ORDINANCE

ORDERING A REFERENDUM IN BEAUFORT COUNTY, SOUTH CAROLINA, TO SUBMIT THE QUESTION WHETHER THE COUNTY SHALL ISSUE NOT EXCEEDING \$50,000,000 AGGREGATE PRINCIPAL AMOUNT GENERAL OBLIGATION BONDS FOR THE SPECIFIED PURPOSE OF CONTINUING THE BEAUFORT COUNTY RURAL AND CRITICAL LANDS PRESERVATION PROGRAM; PROVIDING FOR THE FORM OF THE BALLOT QUESTION TO BE USED; PROVIDING FOR NOTICE OF THE REFERENDUM; AND PROVIDING FOR ALL OTHER THINGS NECESSARY TO SUBMIT THE AFORESAID QUESTION.

WHEREAS, Beaufort County is, and has been, experiencing the largest population growth rate of any county in the State of South Carolina; and

WHEREAS, the Beaufort County Council finds exigent circumstances exist necessitating the need to provide funding sufficient to continue the land preservation and conservation program known as the Beaufort County "Rural and Critical Lands Preservation" program (the "Program") as enacted by Beaufort County Ordinance 99-19, as amended; and

WHEREAS, heretofore, the Program has been extraordinarily successful under the stewardship of the citizen advisory committee, the Beaufort County "Rural and Critical Lands Preservation Board," (the "Board") which carries out the Program with the advice, consent and final approval of the Beaufort County Council; and

WHEREAS, in the last five years, interests in nearly 10,000 acres of land have been acquired by the County under the Program with the initial funding providing therefore; and

WHEREAS, in order to continue the Program, additional funding is necessary; and

WHEREAS, it is the desire of the County Council to place on the November 7, 2006, general election ballot a referendum question which, if approved by a majority vote of the qualified electors of Beaufort County, would authorize an issue of not to exceed \$50,000,000 in general obligation bonds designated exclusively for use in the Program,

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE COUNTY COUNCIL OF BEAUFORT COUNTY, AND IT IS ORDAINED BY THE AUTHORITY OF SAID COUNCIL THAT:

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

(a) Article X, Section 14 of the Constitution of the State of South Carolina, 1895, as amended (the "Constitution"), provides that Counties of the State shall have the power to incur bonded indebtedness in such manner and upon such terms and conditions as the General Assembly may have heretofore or may hereafter prescribe.

(b) Article X, Section 14, subsection (6) of the Constitution provides that if general obligation debt is authorized by a majority vote of the qualified electors of the County voting in a referendum authorized by law, there shall be no conditions or restrictions limiting the incurring of such indebtedness except (i) those restrictions and limitations imposed in the authorization to incur such indebtedness; (ii) such general obligation debt shall be issued within five years of the date of such referendum; and (iii) general obligation debt may be incurred only for a purpose which is a public purpose and which is a corporate purpose of the County and such debt shall mature within 40 years from the time such indebtedness shall be incurred.

(c) The provisions of Title 11, Chapter 27, Section 40, Code of Laws of South Carolina, 1976, as amended (the "Code"), empower the County Council to order any such referendum as is required by Article X of the Constitution, to prescribe the notice thereof and to conduct or cause to be conducted such referendum in the manner prescribed by Title 7 Code of Laws of South Carolina, 1976.

(d) The County Council finds that additional funding is needed in order to continue land acquisition under the Program enacted by Beaufort County Ordinance 99-19, as amended, and that in addition to the use of other funds available, the costs of the Program must be defrayed with the proceeds of general obligation bonds of the County.

(e) The amount of general obligation bonds required for such purposes exceeds the County's present constitutional debt limitation unless the question of issuing such bonds is submitted to and approved by the qualified electors of the County.

(f) It is in the best interest of the County for the County Council to order a referendum to be held in the County to submit to the qualified electors of the County the question of whether the County shall be empowered to issue not exceeding \$50,000,000 aggregate principal amount of general obligation bonds for the purpose of funding the Program and costs of issuance of such bonds, including counsel fees.

(g) In order to comply with 42 U.S.C. § 1973c, Section 5 of the Voting Rights Act, the County Council must seek pre-clearance from the United States Department of Justice, Voting Rights Division, for conducting the referendum. The request for pre-clearance must be received by the Department of Justice more than 60 days prior to the referendum.

(h) The County Council finds that immediate funding measures must be undertaken as soon as feasible in order to avoid escalating land costs and lost acquisition opportunities that would be detrimental to the Program and the citizens of the County and has, therefore, determined that a referendum shall be held on November 7, 2006. Therefore, the County Council has determined to adopt this Ordinance to order the holding of a referendum, to authorize the submission of a request for pre-clearance pursuant to the Voting Rights Act, to prescribe the form of notice of election, and to authorize publication of the same.

SECTION 2. *Use of Bond Proceeds.* The Program, subject to review and modification by the County Council as circumstances warrant, was approved by the County Council substantially in the form set forth in Appendix A consisting of a copy of Beaufort County Ordinance 99-19 which is incorporated by reference herein as if set forth verbatim.

SECTION 3. *Order to Hold Referendum.* Pursuant to the aforesaid provisions of the Constitution and laws of the State of South Carolina, there is hereby ordered a referendum to be held in the County (the "Referendum") on November 7, 2006, at which Referendum there shall be submitted to all persons residing in the County and qualified to vote under the Constitution and laws of the State of South Carolina the question of whether the County shall be empowered to issue, either at one time as a single issue or from time to time as several separate issues, general obligation bonds of the County in the aggregate principal amount of not to exceed \$50,000,000 for the purpose of funding the costs of the Program as provided herein and related costs which question shall be substantially in the form set forth in Appendix B, with such changes, if any, as may be deemed necessary by the appropriate state and local officials upon the concurrence of the Chairman of the County Council.

Pursuant to Title 7, Chapter 13, Section 355, the Referendum question shall be submitted to the Beaufort County Board of Elections and Voter Registration to be placed on the ballot no later than 12:00 noon on August fifteenth or, if August fifteenth falls on Saturday or Sunday, not later than 12:00 noon on the following business day.

SECTION 4. *Voting, Polling Places and Hours of Election.* The voting precincts in the County for the Referendum shall be those designated pursuant to Section 7-7-110 of the Code of Laws of South Carolina, 1976, as amended. The polling places for each of such precincts shall be designated by the Beaufort County Voter Registration and Elections Board (the "Elections Board").

The polls shall be opened at 7:00 a.m. and closed at 7:00 p.m. on the date fixed for the Referendum and shall be held open during said hours without intermission or adjournment.

SECTION 5. *Ballots.* The Referendum shall be conducted using either voting machines or paper ballots as provided by State law. Upon approval by the Elections Board, the form of ballots to be used in the Referendum and the instructions to voters appearing thereon shall be in substantially the form set forth in Appendix B with such other changes as may be deemed necessary by the appropriate state and local officials upon concurrence of the Chairman of the County Council.

SECTION 6. *Qualifications of Voters.* Every person offering to vote must be at least 18 years of age on the date of the Referendum, must reside in the County and must be duly registered on the books of registration for Beaufort County as an elector in the precinct in which he or she resides and offers to vote on or before the date on which said books of registration are closed for the Referendum, and must present his or her registration certificate or valid South Carolina driver's license or other form of identification containing a photograph issued by the South Carolina Department of Public Safety, if not licensed to drive. Any registered elector who meets the requirements set forth in the preceding sentence and who has moved his or her place of residence within the County after the date on which said books of registration are closed for the Referendum, but before the date of the Referendum, shall be entitled to vote in his or her previous precinct of residence in the Referendum.

SECTION 7. *Notice of Referendum.* A Notice of Referendum substantially in the form set forth in Appendix C, shall be published in compliance with the provisions of Sections 7-13-35 and 4-15-50 of the Code of Laws of South Carolina, 1976, as amended, not less than 60 days prior to the Referendum, not later than two weeks after such first notice is published, and once not less than 15 days prior to the occasion set for the holding of the Referendum.

The Elections Board is authorized to change any of the locations of polling places for the Referendum as deemed necessary or advisable. Appropriate changes are to be made to the Notice of Referendum.

SECTION 8. *Voter Registration and Elections Board.* A certified copy of this Resolution shall be filed with the Elections Board accompanied by written notice from the Chairman of the County Council establishing the date for the Referendum as November 7, 2006. The Elections Board is hereby requested as follows:

- (a) To join in the action of the County in providing for the Notice of Referendum in substantially the form contained herein;
- (b) To prescribe the form of a ballot to be used in the Referendum;
- (c) To arrange for polling places for each precinct, or any part of a precinct within the County;
- (d) To appoint Managers of Election;
- (e) To provide a sufficient number of ballots or voting machines, as the case may be, for the Referendum;
- (f) To conduct the Referendum, receive the returns thereof, canvass such returns, declare the results thereof, and certify such results to the County Council; and
- (g) To take other steps and prepare such other means as shall be necessary or required by law in order to properly conduct the Referendum.

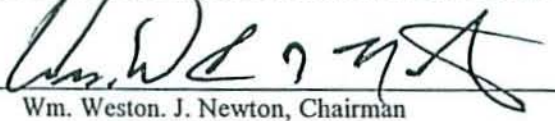
SECTION 9. *Pre-clearance Application.* Request for pre-clearance of the Referendum pursuant to the Section 5 of the Voting Rights Act shall be submitted on behalf of the County in a timely fashion by counsel.

SECTION 10. *Applicability and Effective Date.* This Ordinance shall not be effective until it is reviewed and pre-clearance is granted by the United States Justice Department pursuant to Section 5 of the Voting Rights Act of 1965, as amended. This Ordinance shall become effective upon approval and, or, other indication of compliance with the Voting Rights Act of 1965, as amended, by the United States Department of Justice. Upon compliance with the provisions of the Voting Rights Act, this Ordinance shall be effective immediately and shall govern the election for the County of Beaufort, South Carolina.


SECTION 11. *Severability.* If any part of this Ordinance is held by a court of competent jurisdiction to be unconstitutional, illegal, or invalid for any reason, it shall be construed to have been the legislative intent of the County Council of Beaufort County, South Carolina, to pass this Ordinance without such unconstitutional, illegal or invalid provision, and the remainder of this Ordinance shall be deemed and held to be constitutional, lawful and valid as if such portion had not been included. If this Ordinance or any provision thereof is held by a court of competent jurisdiction to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

APPROVED AND ADOPTED BY THE COUNTY COUNCIL OF BEAUFORT COUNTY, SOUTH CAROLINA ON THIS 23RD DAY OF JANUARY, 2006.

COUNTY COUNCIL OF BEAUFORT COUNTY

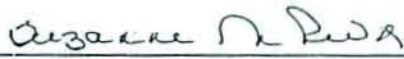

Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM


Kelly J. Golden, Esquire
Beaufort County Staff Attorney

(SEAL)

ATTEST:


Suzanne M. Rainey, Clerk to Council

First Reading: December 12, 2005
Second Reading: January 9, 2006
Public Hearing: January 23, 2006
Third and Final Reading: January 23, 2006

APPENDIX A
COPY OF BEAUFORT COUNTY ORDINANCE 2006/2
THE BEAUFORT COUNTY RURAL AND CRITICAL LAND PRESERVATION ORDINANCE, AS
AMENDED

DIVISION 1. GENERALLY

Sec. 94-61. Title.

This article shall be known as the Rural and Critical Lands Preservation Ordinance.

(Ord. No. 2006/2, 1-9-2006)

Sec. 94-62. Declaration of purpose.

It is the purpose of this article to:

- (1) Provide a means by which rural and critical lands may be protected and enhanced as economic and environmental resources of major importance;
- (2) Encourage landowners to make a voluntary longterm commitment to rural and critical land protection by offering landowners financial incentives and security of land use;
- (3) Preserve open space and protect critical and natural resources;
- (4) Leverage state, federal, local, and private conservation efforts and development rights purchase funds and protect the investment of taxpayers in purchased and donated conservation easements;
- (5) Provide a means whereby rural landowners can maintain and preserve the rural character of their land through land conservation;
- (6) Provide compensation to landowners in exchange for their relinquishment of the right to develop their private property;
- (7) Reduce and defer the need for major urban infrastructure improvements in the rural areas of the county and the expenditure of public funds for such improvements through land conservation;
- (8) Provide for the purchase of fee simple interests in lands deemed critical to provide for the protection of the natural resources, historic and cultural significance, regional or local passive recreation potential, viewscapes or lands suitable for public use; and
- (9) Provide for purchase of fee simple interest in lands threatened by development, which if it occurs will have detrimental effects on land use patterns, traffic, stormwater runoff, water quality or other conservation objectives.

(Ord. No. 2006/2, 1-9-2006)

Sec. 94-63. Findings.

For the purposes of this article, the county council finds as follows:

- (1) Rural and critical lands in many parts of the county are under significant development pressure from expanding urban areas;

- (2) This urban pressure takes the form of scattered development in wide belts around urban areas, and brings conflicting land uses into juxtaposition, creates high costs for public services, and stimulates land speculation;
- (3) Many of the rural and critical lands in the county are in jeopardy of being lost due to these activities;
- (4) These rural and critical lands constitute unique and irreplaceable land resources of countywide importance;
- (5) There are additional critical lands which are also valued natural and ecological resources which provide open space for wildlife habitat, clean air, clean water, groundwater recharge, and protection of cultural resources;
- (6) It is the declared policy of the county to provide a voluntary program to acquire or otherwise permanently protect rural lands and other lands containing critical natural, cultural and historic resources;
- (7) It is the policy of the county that rural and critical lands are valued natural and ecological resources which provide certain needed open space for wildlife habitat, clean air, clean water, groundwater recharge, and protection of historic and cultural resources; and
- (8) It is the policy of the county to provide opportunities, through acquisition of development rights or conservation easements, to offer opportunities to landowners to protect agricultural lands so that they may continue to farm the land, as well as to acquire such rights to protect other parcels where the landowner wishes to retain an ownership interest.

(Ord. No. 2006/2, 1-9-2006)

Sec. 94-64. Definitions.

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

Conservation easement means a nonpossessory interest in land, the terms of which restrict or prevent development or improvement of the land.

Critical lands means any lots, tracts, parcels or areas within the county that possess unique, significant, or important characteristics as may be identified by the Beaufort Council Rural and Critical Lands Preservation Board and subject to final approval by the county council. Unique, significant, or important characteristics include but are not limited to protection of cultural and historic resources and sites, the potential for medium to high density development, the ability to use the land for walking or cycling trails, the ability to use the land for public access to waterways, the ability of the land to be used for the preservation of public views of waterways or other scenic vistas, the quality of the land for purposes of a wildlife sanctuary, or such other and further characteristics which may be used to further the goals of the council.

Development right means the right to legally develop or subdivide property under current county codes and ordinances. The term includes but is not limited to the right to develop property for any commercial, industrial or residential use except as expressly permitted by this article and as further defined by article VIII of chapter 106 pertaining to zoning and development standards, as adopted and amended by the county council.

Landowner means the record owner(s) of the land or the authorized contract purchaser of the land.

Rural land means those areas that are zoned for agricultural or farming uses, or which are being used, or which have the ability to be used, for such purposes.

(Ord. No. 2006/2, 1-9-2006)

Cross references: Definitions generally, § 1-2.

Secs. 94-65--94-90. Reserved.

DIVISION 2. COUNTY RURAL AND CRITICAL LANDS PRESERVATION BOARD*

***Cross references:** Boards and commissions, § 2-191 et seq.

Sec. 94-91. Appointment.

An 11-member county rural and critical lands preservation board shall be appointed by the county council. One member shall be appointed from each of the 11 county council districts.

(Ord. No. 2006/2, 1-9-2006)

Sec. 94-92. Officers.

The county rural and critical lands preservation board shall elect annually one member of the board to serve as chairman and one member to serve as vice chairman.

(Ord. No. 2006/2, 1-9-2006)

Cross references: Officers and employees, § 2-56 et seq.

Sec. 94-93. Terms.

The terms of the initial appointees to the county rural and critical lands preservation board shall coincide with the expiration of the term of the county council district representative who serves the district which the appointee has been selected to represent. Thereafter, all members shall be appointed for four-year terms. A vacancy in the membership must be filled for the unexpired term in the same manner as the initial appointment. The membership is subject to division 1 of article V of chapter 2 of this Code regulating boards and commissions and appointments thereto as well as the county template ordinance.

(Ord. No. 2006/2, 1-9-2006)

Sec. 94-94. Compensation.

Members of the county rural and critical lands preservation board shall serve without salary, but the county council shall entitle each member to reimbursement for his actual and necessary mileage expenses incurred in the performance of his official duties.

(Ord. No. 2006/2, 1-9-2006)

Sec. 94-95. Conflicts of interest.

No member of the county rural and critical lands preservation board shall be disqualified by reason of his membership from selling any parcel or the development rights of any parcel in which he has a financial interest, but any member with a direct or indirect financial interest in such parcel shall recuse himself from any board vote, discussion, or decision regarding such parcel.

(Ord. No. 2006/2, 1-9-2006)

Sec. 94-96. Rules of procedure.

The county rural and critical lands preservation board shall promulgate procedures necessary to promote the efficient, uniform, and countywide administration of this article.

(Ord. No. 2006/2, 1-9-2006)

Sec. 94-97. Powers and duties.

The county rural and critical lands preservation board shall have, but is not limited to, the following powers and duties:

- (1) Develop and recommend to county council, for adoption by resolution, a set of Beaufort County Rural and Critical Lands Preservation Program Policies and Guidelines to guide the identification, prioritization, and management of parcels to be acquired through the county rural and critical [lands] preservation program. The board may make recommendations to county council for amendments to the policies and guidelines as the need arises;
- (2) Identify, prioritize and recommend to county council rural and critical lands to be acquired through purchase of development rights, the option to purchase development rights, the fee simple purchase of property, or the exchange and transfer of title to parcels, as provided for in the county council's adopted Beaufort County Rural and Critical Lands Preservation Program Policies and Guidelines;
- (3) Promote, educate and encourage landowners to participate in the county rural and critical lands preservation program; and
- (4) Perform such other duties as may be assigned by county council.

(Ord. No. 2006/2, 1-9-2006)

Cross references: Administration, ch. 2.

Secs. 94-98--94-168. Reserved.

APPENDIX B
FORM OF BALLOT

OFFICIAL BALLOT -- REFERENDUM
AUTHORIZATION FOR ISSUANCE OF NOT TO EXCEED
\$50,000,000 GENERAL OBLIGATION BONDS
TO FUND THE COST OF CONTINUANCE OF THE
BEAUFORT COUNTY RURAL AND CRITICAL LAND PRESERVATION PROGRAM
AND MATTERS RELATING THERETO

BEAUFORT COUNTY, SOUTH CAROLINA

Precinct _____
No. _____

Initials of Issuing Officer

Local Question 1

Shall the County be empowered to issue, either at one time as a single issue or from time to time as several separate issues, general obligation bonds of the County in the aggregate principal amount not to exceed \$50,000,000, the proceeds of which shall be used for the purpose of defraying the costs of the County Rural and Critical Land Preservation Program which preserves land by purchasing open land, development rights and conservation easements in all areas of Beaufort County, in order to alleviate traffic congestion in high growth areas and to protect water quality, natural lands, wildlife areas, farmland, parkland, coastal areas, rivers and wetlands, legal fees and costs of issuance of such bonds, provided that all expenditures shall be prioritized based upon the official criteria and ranking system established for the County and subject to annual audit?

Yes, in favor of the question []

No, opposed to the question []

If you are in favor of the question, place a check or cross-mark in the square after the words "Yes, in favor of the question"; if you are opposed to the question, place a check or cross-mark in the square after the words "No, opposed to the question."

Court, Hilton Head Island, South Carolina 29928. All new registration applicants must provide a social security number and photo identification or other document that shows the applicant's name and address in Beaufort County. Mailed registration applications should attach a copy of the required forms of identification. All applicants not providing the required forms of identification will be required to provide the information prior to casting a ballot. Any such registered elector who has moved his or her place of residence within the County after the date on which the books of registration are closed for the Referendum, but before the date of the Referendum, shall be entitled to vote in his or her previous precinct of residence in the Referendum; provided, however, in case any registered elector shall have moved from one precinct in the County to another precinct in the County within 30 days prior to November 7, 2006, and shall have surrendered his or her voter registration card and has received a new certificate, such elector may vote in the precinct provided for by such new certificate. Persons who become of age during the 30-day period preceding the Referendum shall be entitled to register before the closing of the books if otherwise qualified.

Any person eligible to register to vote in the Referendum who has been discharged or separated from his or her service in the Armed Forces of the United States and has returned home too late to register at the time when registration is required is entitled to register for the purpose of voting in the Referendum after the discharge or separation from service up to 5:00 p.m. on the day of the Referendum. A copy of his or her discharge papers is required. The application for registration must be made at the office of the Beaufort County Board of Elections and Voter Registration, located at 102 Industrial Village Road, Beaufort, South Carolina 29902, or at 1 Town Center Court, Hilton Head Island, South Carolina 29928, and if qualified, the person shall be allowed to cast a vote on the Referendum at the Beaufort County Board of Elections and Voter Registration office, and shall be issued a registration certificate stating the precinct in which he or she is entitled to vote in future elections.

The polls shall be open from 7:00 a.m. until 7:00 p.m. at the polling places designated below and shall be open during these hours without intermission or adjournment. An appropriate number of Direct Recording Electronic Voting systems will be provided at the polling places for the casting of ballots on the aforesaid question. Managers of Election will be appointed by the Beaufort County Board of Elections and Voter Registration. The Managers of Election shall see that each person offering to vote takes the oath that he or she is qualified to vote at the Referendum according to the Constitution of this State and that he or she has not voted before in this Referendum. The precincts within the County and locations of the several polling places for the Referendum are as follows:

BEAUFORT COUNTY VOTING PRECINCTS

PRECINCTS	LOCATIONS	TELEPHONE NUMBER
Beaufort 1	Neighborhood Activity Center Green Street Gym 1001 Hamar Street Beaufort, South Carolina	843-525-7066
Beaufort 2	Neighborhood Activity Center Green Street Gym 1001 Hamar Street Beaufort, South Carolina	843-525-7066
Beaufort 3	Neighborhood Activity Center Green Street Gym 1001 Hamar Street Beaufort, South Carolina	843-525-7066
Burton 1A	Broad River Elementary School 474 Broad River Boulevard Beaufort, South Carolina	843-322-8400
Burton 1B	Robert Smalls Middle School 43 W.K. Alston Road Beaufort, South Carolina	843-322-2500

Burton 1C	Joseph Shanklin Elementary School 121 Morrall Drive Beaufort, South Carolina	843-466-3400
Burton 2A	Shell Point Elementary School 81 Savannah Highway Beaufort, South Carolina	843-322-2800
Burton 2B	District Service Center (Old Name) District Instructional Support Center (Name Change – New) (Old Battery Creek School) 2900 Mink Point Boulevard Beaufort, South Carolina	843-322-0744
Burton 2C	District Service Center (Old Name) District Instructional Support Center (Name Change – New) (Old Battery Creek School) 2900 Mink Point Boulevard Beaufort, South Carolina	843-322-0744
Burton 3	Robert Smalls Middle School 43 W.K. Alston Road Beaufort, South Carolina	843-322-2500
Chechessee	Comprehensive Health Center (Meeting Room) 721 Okatie Highway Okatie, South Carolina	843-987-7400
Dale / Lobeco	James J. Davis Elementary School 364 Keans Neck Road Beaufort, South Carolina	843-466-3600
Lady's Island 1A	Lady's Island Middle School 30 Cougar Drive Beaufort, South Carolina	843-322-3100
Lady's Island 1B	Lady's Island Elementary School 73 Chowan Creek Bluff Beaufort, South Carolina	843-322-2240
Lady's Island 2A	Coosa Elementary School 45 Middle Road Beaufort, South Carolina	843-322-6100
Lady's Island 2B	Coosaw Island Community Center (David Smith Coosaw Island Sams Point Community center – Name Change) 140 Coosaw River Drive Beaufort, South Carolina	843-525-0822
Lady's Island 3A	Broomfield Recreation Center 205 Brickyard Point Road Beaufort, South Carolina	843-525-4094
Lady's Island 3B	Lady's Island Airport 39 Airport Circle Beaufort, South Carolina	843-770-2003
Mossy Oaks 1A	Corner Stone Christian Church (Formerly Central Christian Church) 2301 First Boulevard	843-525-9228

	Beaufort, South Carolina	
Mossy Oaks 1B	Beaufort Middle School 2501 Mossy Oaks Road Beaufort, South Carolina	843-322-5700
Mossy Oaks 2	Mossy Oaks Elementary School 2510 Mossy Oaks Road Beaufort, South Carolina	843-322-2900
Port Royal 1	Port Royal Fire Station 1750 Paris Avenue Port Royal, South Carolina	843-986-2248
Port Royal 2	Port Royal Fire Station 1750 Paris Avenue Port Royal, South Carolina	843-986-2248
Seabrook 1	Beaufort County Public Works (Road and Bridges Department) 120 Shanklin Road Beaufort, South Carolina	843-846-3910
Seabrook 2	Seabrook Community Center – (Subject to Change) 56 Center Road Seabrook, South Carolina Whale Branch Middle School – (Tentative New Site) 2009 Trask Parkway Beaufort, South Carolina	843-846-3612
Seabrook 3	Grays Hill Community Center 45 Bruce K. Smalls Boulevard Beaufort, South Carolina	TBA (To Be Announced)
Sheldon 1	Elijah Washington Health Clinic 211 Paige Point Road Sheldon, South Carolina	843-846-8148
Sheldon 2	Booker T. Washington Community Center 182 Booker T. Washington Circle Big Estate, South Carolina	843-846-3960
St. Helena 1A	Penn Center, Inc. (Frissell Community House) 6 Penn Center Circle West St. Helena Island, South Carolina	843-838-2432
St. Helena 1B	Scott Community Center 242 Scott Hill Road St. Helena Island, South Carolina	843-838-8300
St. Helena 1C	Polawanna Fire Station 24 (Lady's Island / St. Helena Station 24 – Name Change) 100 Polowanna Road St. Helena Island, South Carolina	843-838-8308
St. Helena 2A	St. Helena Elementary School 1025 Sea Island Parkway St. Helena Island, South Carolina	843-838-0300
St. Helena 2B	Seaside Community Center 130 Seaside Road St. Helena Island, South Carolina	843-838-8118
St. Helena 2C	Fripp Island Community Center – All Faith Chapel 205 Tarpon Boulevard	843-838-2207

	Fripp Island, South Carolina	
Bluffton 1A	Bluffton Town Hall 20 Bridge Street Bluffton, South Carolina	843-706-4500
Bluffton 1B	The Bluffton Township District Station 30 2 Bridge Street Bluffton, South Carolina	843-757-2800
Bluffton 1C	Bluffton Town Hall 20 Bridge Street Bluffton, South Carolina	843-706-4500
Bluffton 1D (New Precinct)	M.C. Riley Elementary School 200 Burnt Church Road Bluffton, South Carolina	843-706-8300
Bluffton 2A	M.C. Riley Elementary School 200 Burnt Church Road Bluffton, South Carolina	843-706-8300
Bluffton 2B	Bluffton Elementary School 160 H.E. McCracken Circle Bluffton, South Carolina	843-706-8500
Bluffton 2C	Bluffton Elementary School 160 H.E. McCracken Circle Bluffton, South Carolina	843-706-8500
Bluffton 3A	Bluffton Recreation Center Ulmer Road Bluffton, South Carolina	843-757-1503
Bluffton 3B	M.C. Riley Elementary School 200 Burnt Church Road Bluffton, South Carolina	843-706-8300
Bluffton 4A	H.E. McCracken Middle School 250 McCracken Circle Bluffton, South Carolina	843-706-8700
Bluffton 4B	H.E. McCracken Middle School 250 McCracken Circle Bluffton, South Carolina	843-706-8700
Bluffton 4C (New Precinct)	Bluffton Community Center Goethe Road Bluffton, South Carolina	TBA (To Be Announced)
Bluffton 5 (New Precinct)	Bluffton Elementary School 160 H.E. McCracken Circle Bluffton, South Carolina	843-706-8500
Palmetto Bluff (New Precinct)	Village of Palmetto Bluff 6 Boat House Street Bluffton, South Carolina	TBA (To Be Announced)
Belfair (New Precinct)	Belfair Activity Center 2 Summertown Drive Bluffton, South Carolina	TBA (To Be Announced)
Sun City 1A	Pinckney Hall 114 Sun City Lane Bluffton, South Carolina	843-705-4049
Sun City 1B	Pinckney Hall	843-705-4049

	114 Sun City Lane Bluffton, South Carolina	
Sun City 2	Pinckney Hall 114 Sun City Lane Bluffton, South Carolina	843-705-4049
Sun City 3A	Pinckney Hall 114 Sun City Lane Bluffton, South Carolina	843-705-4049
Sun City 3B (New Precinct)	Hidden Cypress 672 Col. Thomas Heyward Road Bluffton, South Carolina	TBA (To Be Announced)
Sun City 4A (New Precinct)	Hidden Cypress 672 Col. Thomas Heyward Road Bluffton, South Carolina	TBA (To Be Announced)
Sun City 4B (New Precinct)	Hidden Cypress 672 Col. Thomas Heyward Road Bluffton, South Carolina	TBA (To Be Announced)
Daufuskie	Daufuskie Fire Station 400 Haig Point Road Daufuskie, South Carolina	843-785-2116
Hilton Head 1A	Hilton Head Elementary School for the Creative Arts (Blue Building) 10 Wilborn Road Hilton Head Island, South Carolina	843-342-4380
Hilton Head 1B	Hilton Head Elementary School for the Creative Arts (Blue Building) 10 Wilborn Road Hilton Head Island, South Carolina	843-342-4380
Hilton Head 2A	Indigo Pines 110 Gardner Drive Hilton Head Island, South Carolina	843-342-3228
Hilton Head 2B	Hilton Head Recreation Association (Name Change) 20 Wilborn Road Hilton Head Island, South Carolina	843-681-7273
Hilton Head 2C (New Precinct)	Indigo Run Community Center Indigo Pines Plantation Hilton Head Island, South Carolina	TBA (To Be Announced)
Hilton Head 3	St. James Baptist Church Annex Beach City / Dillon Road Hilton Head Island, South Carolina	843-681-6446
Hilton Head 4A and 4B	The Cypress Club 20 Lady Slipper Lane Hilton Head Island, South Carolina	843-689-7000
Hilton Head 4C	Plantation House 235 Seabrook Drive Hilton Head Island, South Carolina	843-681-8090
Hilton Head 4D	Plantation House 235 Seabrook Drive Hilton Head Island, South Carolina	843-681-8090
Hilton Head 5A	Plantation House	843-681-8090

	235 Seabrook Drive Hilton Head Island, South Carolina	
Hilton Head 5B	Plantation House 235 Seabrook Drive Hilton Head Island, South Carolina	843-681-8090
Hilton Head 5C	Plantation House 235 Seabrook Drive Hilton Head Island, South Carolina	843-681-8090
Hilton Head 6A	First Presbyterian Church 540 William Hilton Parkway Hilton Head Island, South Carolina	843-681-3696
Hilton Head 6B	First Presbyterian Church 540 William Hilton Parkway Hilton Head Island, South Carolina	843-681-3696
Hilton Head 7A	Christ Lutheran Church 829 William Hilton Parkway Hilton Head Island, South Carolina	843-785-5560
Hilton Head 7B	Self Family Art Center (Old Name) Arts Center of Coastal Carolina (Name Change) 14 Shelter Cove Lane Hilton Head Island, South Carolina	843-686-3945
Hilton Head 8A	St. Luke's Episcopal Church 50 Pope Avenue Hilton Head Island, South Carolina	843-785-4099
Hilton Head 8B	St. Luke's Episcopal Church 50 Pope Avenue Hilton Head Island, South Carolina	843-785-4099
Hilton Head 9A	Central Church 975 William Hilton Parkway Hilton Head Island, South Carolina	843-686-5995
Hilton Head 9B	Central Church 975 William Hilton Parkway Hilton Head Island, South Carolina	843-686-5995
Hilton Head 10	Spanish Wells Club Pavilion 1 Brams Point Road Hilton Head Island, South Carolina	843-681-2819
Hilton Head 11	St. Andrews By-The-Sea UMC 20 Pope Avenue Hilton Head Island, South Carolina	843-785-4711
Hilton Head 12	The Seabrook of Hilton Head, Inc. 300 Woodhaven Drive Hilton Head Island, South Carolina	843-842-3747
Hilton Head 13	First Baptist Church 2100 South Forest Beach Drive Hilton Head Island, South Carolina	843-785-4478
Hilton Head 14	Sea Pines Plantation Club 100 North Sea Pines Drive Hilton Head Island, South Carolina	843-842-1498
Hilton Head 15A	Community Services Associates, Inc. 1785 Greenwood Drive	843-671-1343

	Hilton Head Island, South Carolina	
Hilton Head 15B	Sea Pines Plantation Club 100 North Sea Pines Drive Hilton Head Island, South Carolina	843-842-1498
Absentee / Fail Safe (Beaufort)	Beaufort County Board of Elections and Voter Registration Office 102 Industrial Village Road Beaufort, South Carolina	843-470-3752
Absentee / Fail Safe (Hilton Head)	Hilton Head Town Center 1 Town Center Court Hilton Head Island, South Carolina	843-341-4604

Voters who are visually impaired, who are physically handicapped, or who are unable to read or write are entitled to assistance in casting his or her ballot. Assistance may be given by anyone the voter chooses except his or her employer, an agent of his or her employer, or an officer or agent of his or her union. The Managers of Election must be notified if assistance is needed. Voters who are unable to enter his or her polling place due to physical handicap or age may vote in the vehicle in which he or she drove, or were driven. When notified, the Managers will help voters effectuate curbside voting provision. At least One (1) Direct Recording Electronic iVotronic audible ballot system will be provided at each precinct for use by disabled voters.

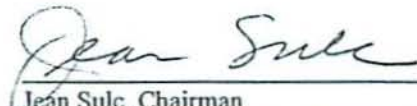
Registered voters may be eligible to vote by absentee ballot. Persons wishing more information concerning absentee balloting should contact the Beaufort County Board of Elections and Voter Registration, at 102 Industrial Village Road, Beaufort, South Carolina, Telephone 843-470-4752 or 843-470-3759 or at 1 Town Center Court, Hilton Head Island, South Carolina 29928, Telephone, 843-341-4604 or 843-341-4625.

The Beaufort County Board of Elections and Voter Registration shall hold a hearing on ballots challenged in the election on Friday, November 10, 2006, at 10:00 a.m., at the office of the Beaufort County Board of Elections and Voter Registration, 102 Industrial Village Road, Beaufort, South Carolina 29902, Telephone 843-470-3759.

The process of examining the mailed absentee ballot envelopes will begin at 2:00 p.m. on November 7, 2006, at the offices of the Beaufort County Board of Elections and Voter Registration, 102 Industrial Village Road, Beaufort, South Carolina, Telephone 843-470-3759.



Wm. Weston J. Newton, Chairman
Beaufort County Council



Jean Sulc, Chairman
Beaufort County Board of Elections and
Voter Registration

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

I, the undersigned, Clerk to Council of the Beaufort County Council, South Carolina (the "County Council"), do hereby certify that attached hereto is a true, correct and verbatim copy of an Ordinance duly enacted on the 23rd day of January, 2006, by the County Council, having been read three times at duly called and properly held public meetings at which a quorum of members attended and remained present throughout. Copies of the form of the documents referred to therein as presented to the meeting are on file in the offices of the County.

The Ordinance was enacted by unanimous vote of the members of the County Council. No member of the Beaufort County Council was absent from the meeting at the time the Ordinance was adopted.

WITNESS my hand this 13th day of February 2006

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

(SEAL)

8

Official Proceedings
County Council of Beaufort County
July 24, 2006

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

The regularly scheduled meeting of the County Council of Beaufort County was held at 4:00 p.m., Monday, July 24, 2006, in the large meeting room of the Bluffton Branch Library, 120 Palmetto Way, Bluffton, South Carolina.

ATTENDANCE

Chairman Weston Newton*, Vice Chairman W. R. "Skeet" Von Harten, and members Frank Brafman, Gerald Dawson, Mark Generales, Herbert Glaze, Margaret Griffin, Starletta Hairston, William McBride and Dick Stewart. *Serving *de facto*. Council District 3 is vacant. Peter Lamb resigned July 18, 2006, therefore, Council District 4 is vacant.

* Mr. Newton is serving as a member of Beaufort County Council in a *de facto* status. He has moved to Bluffton effective Saturday, June 10, 2006. On May 19, 2006, a letter was dispatched to the Governor advising of Mr. Newton's plan to move and relocate his residence from Beaufort County Council District 3 to District 4. Mr. Newton's understanding of the law has been confirmed by the Attorney General that, since there are fewer than 180 days prior to the next general election, Mr. Newton will continue to serve in his capacity as a member of Beaufort County Council until, and unless, the Governor appoints a successor. If the Governor appoints no successor, Mr. Newton will continue to serve throughout the remainder of the term he was elected to serve.

PLEDGE OF ALLEGIANCE

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

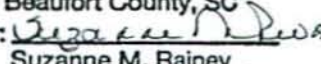
INVOCATION

Councilman Gerald Dawson gave the Invocation.

REVIEW OF PROCEEDINGS OF THE PUBLIC HEARING HELD JUNE 7, 2006

There were no corrections and/or additions made to the minutes of the public hearing held June 7, 2006.

It was moved by Mr. Generales, seconded by Mr. Brafman, that Council approve the proceedings of the public hearing held June 7, 2006. The vote was: FOR – Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. McBride, Mr. Newton*, Mr. Stewart and Mr. Von

Certified True Copy
Clerk to Council
Beaufort County, SC
By: 
Suzanne M. Rainey
Date: 8-15-06

Harten. ABSTAINED – Mr. Brafman. The motion passed. *Serving de facto. Council District 3 is vacant. Council District 4 is vacant.

REVIEW OF PROCEEDINGS OF THE PUBLIC HEARING HELD JUNE 8, 2006

There were no corrections and/or additions made to the minutes of the public hearing held June 8, 2006.

It was moved by Mr. Generales, seconded by Mr. Brafman, that Council approve the proceedings of the public hearing held June 8, 2006. The vote was: FOR – Mr. Brafman, Mr. Glaze, Mrs. Hairston, Mr. McBride, Mr. Stewart and Mr. Von Harten. ABSTAINED – Mr. Dawson, Mr. Generales, Mrs. Griffin and Mr. Newton*. The motion passed. *Serving de facto. Council District 3 is vacant. Council District 4 is vacant.

REVIEW OF PROCEEDINGS OF THE REGULAR MEETING HELD JUNE 12, 2006

There were no corrections and/or additions made to the minutes of the regular meeting held June 12, 2006.

It was moved by Mr. Generales, seconded by Mr. Brafman, that Council approve the proceedings of the regular meeting held June 12, 2006. The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. McBride, Mr. Newton*, Mr. Stewart and Mr. Von Harten. The motion passed. *Serving de facto. Council District 3 is vacant. Council District 4 is vacant.

REVIEW OF PROCEEDINGS OF THE REGULAR MEETING HELD JUNE 26, 2006

There were no corrections and/or additions made to the minutes of the regular meeting held June 26, 2006.

It was moved by Mr. Generales, seconded by Mr. Brafman, that Council approve the proceedings of the regular meeting held June 26, 2006. The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. McBride, Mr. Newton*, Mr. Stewart and Mr. Von Harten. The motion passed. *Serving de facto. Council District 3 is vacant. Council District 4 is vacant.

PRESENTATION TO COUNCILMAN PETER LAMB

The Chairman presented Councilman Peter Lamb a plaque for his five years of service as a member of the Beaufort County Council, representing Council District 4, Bluffton/Daufuskie Island. Mr. Lamb was elected April 3, 2001, to fill the term left vacant by Mr. Barry Connor. Mr. Lamb served as Chairman of the Public Services Committee and Development Agreement Committee. He served as Vice Chairman of the Land Management Committee and was a member of Employee Services, Finance, Grants/Minority Affairs Committees, Lowcountry

Council of Governments and Transportation Advisory Group. Mr. Lamb has been administered the oath of office to serve as Bluffton Magistrate.

EMPLOYEE OF THE MONTH

Mr. Gary Kubic, County Administrator, announced that Mr. Mike Taylor, System/Network Analyst, Management Information Systems Department, has been selected as Employee of the Month for July 2006. Mike works for the MIS Department but his name was brought forward by a grateful Jack Sullivan, Register of Deeds Director. Mike single-handedly worked through an entire weekend to prevent destruction of valuable documents in the Register of Deeds. Mike has, on numerous occasions, given up entire weekends and many evenings to fix serious problems in order to ensure that computers are up and running the next day and to minimize disruption to on-going operations. Mike put the MIS 'system crash' planning and preparation policy into action one recent weekend and saved the day for the Register of Deeds. He discovered that two vital hard drives, which contained the Register of Deeds database, had 'crashed' irreparably. During that weekend he had to find a source to replace the hard drives, order the equipment, and then determine how he could re-establish the database in such a way that there would be no interference with operations on Monday. He worked many, many hours both Saturday and Sunday to complete a seamless continuation of operations. Mike has responsibility for technical support of a number of major automated systems throughout the country. Mike Taylor exemplifies the highest work ethic, and is certainly deserving of this recognition.

PUBLIC COMMENT

The Chairman recognized Mr. Joe Croley, a Bluffton resident, who asked Council to vote "no" to the proposed Barrel Landing Planned Unit Development.

Mrs. Karen Heitman, a Sun City resident, stated she is amazed Council is ignoring the Planning Staff and Planning Board's recommendation to deny a request to rezone R600-21-11 and R600-21-11B (7.14 acres), from Light Industrial to Planned Unit Development, to be known as Barrel Landing Chevrolet.

Mr. Charlie Wetmore, a Bluffton resident, stated there are sites other than McGarvey's Corner to locate an automobile dealership. He encouraged Council to deny a request to rezone R600-21-11 and R600-21-11B (7.14 acres), from Light Industrial to Planned Unit Development, to be known as Barrel Landing Chevrolet.

Mr. Tommy O'Brien, a Burton resident, asked Council why the County wants to sell the old jailhouse located on King Street. The School District could use the land for a new administration building.

COUNTY ADMINISTRATOR'S REPORT

Two-Week Progress Report

Mr. Gary Kubic, County Administrator, circulated copies of his Two-Week Progress Report, which summarized his activities that took place June 26, 2006 through July 21, 2006.

Staff Reports Provided to Council

Mr. Gary Kubic, County Administrator, reported Council has received reports from the following departments: (i) Chief Financial Officer – Del Webb Agreement Fund (effective May 31, 2006) and Impact Fee Collection Report (effective May 31, 2006); (ii) Animal Shelter and Control – Monthly Report (June 2006); (iii) Treasurer – Cash Flow Reports (weeks of June 13 and July 11); (iv) Detention Center – Population Report and Status Report (weeks of June 10 to July 16); and (v) County Administrator – 2005 Adjusted Tax Summary Report.

Summary of SCDOT US Highway 278 Widening Project Weekly Meeting

Mr. Gary Kubic, County Administrator, gave a brief construction update on the SCDOT US Highway 278 Widening Project. APAC-Southeast, the contractor, continues westbound asphalt widening operations on the outside lanes. Asphalt production has been good. APAC is almost complete with intermediate binder course eastbound except in several turn lanes. Remaining work for eastbound will be surface course. Next week two paving crews will be working. APAC will continue asphalt structural paving operations eastbound in right turn lanes and intersections from Simmonsville Road to Burnt Church Road. Crews are completing base widening westbound. A project completion date of November 10, 2006 is still good and on schedule. There will be one more month of tourist traffic. After August 15, 2006, traffic should reduce. School started this week. Traffic Management Control has not seen any impact on US Highway 278 traffic.

Bluffton Parkway Phases 3A, 3B, 3C and 4 Update Report

Mr. Gary Kubic, County Administrator, gave a brief update on Bluffton Parkway Phases 3A, 3B, 3C and 4. Phase 3A - Buckwalter Parkway through Pinecrest Subdivision is 25% complete. Phase 3B – Pinecrest Subdivision to Simmonsville Road is 9% complete. Phase 3C – Buckwalter Parkway Overlap Section is 54% complete. Phase 4 – SC Highway 170 to Buckwalter Parkway is 41% complete.

Buckwalter Parkway Phases 1A and 1B

Mr. Gary Kubic, County Administrator, gave a brief update on Buckwalter Parkway Phases 1A and 1B. Phase 1A begins at US Highway 278 and ends at Bluffton Parkway Phase 4. Council awarded a change order on June 26, 2006, to add construction of Phase 1A to the current Bluffton Parkway Phases 3 and 4 contract to Malphrus Construction Company.

Phase 1B begins at SC Highway 26 and ends at Bluffton Parkway Phase 3. Design work is underway with an estimated completion date of September 2006.

Update on County Contracts

Mr. Gary Kubic, County Administrator, reported as of July 21, 2006, the Purchasing Department has received 386 contracts from the various County departments. The next task is to digitize all contracts and then make them available on both the intranet and internet.

Announcement of Council Special Meeting

Mr. Gary Kubic, County Administrator, announced a special meeting of Council will be held on Monday, August 28, 2006, beginning at 6:00 p.m. in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort, South Carolina. The purpose of the meeting is to vote to override the tax limitation, as determined by the South Carolina Department of Revenue, and to increase the millage rate for School District operations for FY 2006-2007.

Acceptance of Grant Offered by the South Carolina Department of Commerce, Aeronautics Commission, Project No. 06-016, Beaufort County Airport (Lady's Island)

It was moved by Mr. Generales, seconded by Mr. McBride, that Council accept a grant in an amount up to \$2,968 offered by the Department of Commerce, Aeronautics Commission, for replacement of Precision Approval Path Indication (PAPI) light on the end of Runway 25 located at the Beaufort County Airport (Lady's Island). The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. McBride, Mr. Newton*, Mr. Stewart and Mr. Von Harten. The motion passed. *Serving de facto. Council District 3 is vacant. Council District 4 is vacant.

Acceptance of Grant Offered by the US Department of Transportation, FAA, Project No. 3-45-0030-26

It was moved by Mr. Generales, seconded by Mr. Stewart, that Council accept a grant in an amount up to \$305,643 offered by the United States Department of Transportation, Federal Aviation Administration, to pay the United States' share of 95% of the allowable costs incurred in accomplishing the project consisting of the following: (i) Conduct Environmental Study (Stormwater Pollution Prevention) Plans. The contract was awarded to Wilbur Smith Associates on or about May 23, 2006. The fee estimate is \$15,434; (ii) Conduct Miscellaneous Study (Wildlife Assessment Study). The contract was awarded to the United States Department of Agriculture on or about January 4, 2005. The fee estimate (excluding reimbursable expenditures) is \$12,452; (iii) Final AIP grant relating to land acquisition costs incurred on or about October 16, 2000. The cost of land acquisition at the Hilton Head Island Airport was \$1,875. The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. McBride, Mr. Newton*, Mr. Stewart and Mr. Von Harten. The motion passed. *Serving de facto. Council District 3 is vacant. Council District 4 is vacant.

Motion to Authorize Staff Attorney to Correct Schedule of Precincts in the Rural and Critical Lands Preservation \$50 Million Bond Ordinance

It was moved by Mr. McBride, seconded by Mr. Von Harten, that Council authorize the Staff Attorney to correct the Schedule of Precincts stated in the Rural and Critical Lands Program \$50 Million Bond Authorization Ordinance so to correct and delete certain precincts which did not receive Legislative approval for use in the 2006 General Election. The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. McBride, Mr. Newton*, Mr. Stewart and Mr. Von Harten. The motion passed. *Serving de facto. Council District 3 is vacant. Council District 4 is vacant.

Presentation on Pandemic Flu Planning

Mr. Matthew Petrofess, DHEC Director for the Lowcountry Health District, introduced Mr. Nick Davidson, DHEC Region 8 Director of Public Health Preparedness. Mr. Davidson stated each fall and winter DHEC prepares for and vaccinates residents for the seasonal flu. Outbreaks follow predictable seasonal patterns, occur annually, and usually in the winter. A pandemic flu occurs rarely. It occurred three times in the 20th Century with the last in 1968. The Asian strain of bird flu (HP H5N1) is not in the United States currently. There is no human-to-human spread of HP H5N1; therefore, there is no pandemic. The bird virus would have to change in order to easily infect human-to-human, but this has not happened yet. The longer the current bird HP H5N1 virus exists in the poultry populations in Asia, then the greater the risk this change will have time to occur. A pandemic flu impact on South Carolina could last a year or more coming in multiple waves each lasting six to eight weeks. Being prepared can reduce its duration. It could infect 15% to 30% of the population thereby disrupting everyday life. Employers would experience personnel shortages. The medical profession would experience shortages in medical supplies, equipment, and hospital beds. Between 500,000 and 1,200,000 people would require doctor visits. Between 7,000 and 17,000 people would need hospital care. There could be from 2,000 to 5,000 deaths.

A pandemic influenza will happen sooner or later. No one knows when a pandemic will occur. It could be many years from now. No one knows whether the pandemic virus will evolve from the current bird flu. The people, who caught "bird flu", caught it by having close contact with infected birds. At this time it does not spread from one person to another. Health officials are, however, very concerned about this bird flu virus changing and becoming able to spread from one person to another.

CONSIDERATION OF CONTRACT AWARDS

Sale of Old Beaufort County Jail (King Street)

Mr. Gary Kubic, County Administrator, explained the former Beaufort County jail is a two-story structure with approximately 7,775 gross square feet of interior space. It is located on approximately 0.87 acres of land in the City of Beaufort. The facility was decommissioned in 1992. It has remained vacant due to the following reasons: (i) inflexible and inefficient interior design; (ii) restrictions on demolition and exterior modifications due to the facility's historic registration; and (iii) significant cost to renovate and meet the needs of present-day code requirements. In May 2006, Staff decided to solicit offers from the public to sell the old jail

located on King Street “as is”. On June 15, 2006, the following purchase proposals were received, along with deposits equaling ten percent (10%) of each proposal: (i) Gumbo Limbo, LLC, Hilton Head Island, \$511,142 (ii) Factory Creek Landings Group, LLL, Beaufort, \$475,000, (iii) BIV, LLC, Beaufort, \$471,000, and (iv) Prince Street Group, Beaufort, \$225,000.

Staff developed two estimates. The first estimate is for the value of the land without discounting the financial liabilities. The second estimate is for the cost to provide a minimum level of essential improvements required to make the jail safe and fit for any type of commercial use. This second estimate does not include any allowance for alterations to improve the usability/efficiency of the space. After discounting the \$800,000 estimated land value by the \$340,000 estimated cost to make the structure habitable, Staff recommended an adjusted fair market value of \$460,000.

It was moved by Mr. Glaze, as Public Services Committee Chairman (no second required), that Council award a contract to Gumbo Limbo, LLC, Hilton Head Island, SC, to purchase the old Jail, for the amount of \$511,142 pending the City of Beaufort’s approval of the subdivision of the Jail/SC Health and Environmental Control lot. The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mr. McBride, Mr. Newton* and Mr. Stewart. ABSTAINED – Mrs. Hairston and Mr. Von Harten. The motion passed. *Serving de facto. Council District 3 is vacant. Council District 4 is vacant.

Tree Obstructions at Beaufort County Airports

Mr. Gary Kubic, County Administrator, explained Wilbur Smith Associates (“WSA”) is currently under contract to provide professional design and consulting services for aviation-related projects at both Beaufort County airports. Over the past few years, numerous trees have grown to heights where they are protruding into obstacle-free approach airspace at both airports. The FAA and State Division of Aeronautics have expressed concerns over this matter and requested the County takes steps to expeditiously correct these problems. Aviation easements have been obtained on most of the affected properties to allow the County to trim or remove the trees as required. WSA Task Orders #7 and #8 provide professional design and construction management services needed to remove and mitigate the tree obstructions at both airports. Funding for these professional services contracts will initially come from the Airports Enterprise Fund. Tree obstruction removal projects are eligible for both FAA and State Division of Aeronautics grant reimbursement once the work has been completed and both agencies have indicated their willingness to do so. The Aviation Board concurs with these projects.

It was moved by Mr. Glaze, as Public Services Committee Chairman (no second required), that Council award a contract to Wilbur Smith Associates Task Order #7 in the amount of \$95,618 and Task Order #8 in the amount of \$72,426, totaling \$168,044, for professional services contracts for the removal of tree obstructions at both Beaufort County airports. The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. McBride, Mr. Newton*, Mr. Stewart and Mr. Von Harten. The motion passed. *Serving de facto. Council District 3 is vacant. Council District 4 is vacant.

Aerial Photography for Calendar Year 2007

Mr. Gary Kubic, County Administrator, explained the Geographic Information Systems (“GIS”) Department is requesting \$153,379 to acquire aerial photography of Beaufort County for calendar year 2007. This would be a two-year contract with the first year cost of \$76,987 and the second year cost of \$76,392. Pictometry International Corporation, Rochester, NY, provides a patented unique overhead and oblique imagery that no other aerial company has yet marketed.

It was moved by Mr. Von Harten, as Land Management Committee Chairman (no second required), that Council award a contract to Pictometry International Corporation, Rochester, NY, in the amount of \$153,379 for aerial photography of Beaufort County for calendar year 2007. The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. McBride, Mr. Newton*, Mr. Stewart and Mr. Von Harten. The motion passed. *Serving de facto. Council District 3 is vacant. Council District 4 is vacant.

AN ORDINANCE TO CORRECT THE BEAUFORT COUNTY ZONING MAP FOR LADY’S ISLAND PARCEL R200 011 000 0041 0000 (7.20 ACRES), FROM RURAL TO LADY’S ISLAND COMMUNITY PRESERVATION DISTRICT

It was moved by Mr. Von Harten, as Land Management Committee Chairman (no second required), that Council approve on second reading a map correction for a 7.20 acre parcel on Lady’s Island from Rural (R) to Lady’s Island Community Preservation (CP) District. The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. McBride, Mr. Newton*, Mr. Stewart and Mr. Von Harten. The motion passed. *Serving de facto. Council District 3 is vacant. Council District 4 is vacant.

The Chairman announced that a public hearing on this issue would be held on Monday, August 14, 2006, beginning at 6:00 p.m. in Council Chambers of the Administration Building, Beaufort.

TEXT AMENDMENTS TO THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE, ARTICLE V, SECTIONS 106-1357(c) AND 106-1363, AND TABLE 106-1556 (LIGHTING STANDARDS FOR COMMERCIAL COMMUNICATION TOWERS)

Mr. Newton left the room prior to the discussion and vote on the proposed text amendment to the Zoning and Development Standards Ordinance, Article V, Sections 106-1357(c) and 106-1363, and Table 106-1556 (Lighting Standards for Commercial Communication Towers).

Mr. Von Harten, as Vice Chairman, read correspondence from Mr. Newton, dated June 26, 2006, “Please allow this correspondence to serve as notice that I will be recusing myself from Council’s deliberation of the above-referenced matter on today’s agenda. While not required by law, because my firm serves as legal counsel for Hargray Communications Group, Inc., I intend to abstain from Council’s deliberation to avoid even an appearance of impropriety. In accordance with *South Carolina Code of Laws*, Section 8-13-700(B)4, please cause this statement to be printed in the minutes of all Council meetings at which the matter is considered. I will continue to excuse myself from all votes and deliberations on this matter.”

Mr. Von Harten stated the essence of the proposed text amendment is that all towers 150 feet and taller shall be lighted unless otherwise required by the FAA. All communication towers existing prior to adoption of this amendment shall have nine months from the effective date of this amendment to comply with Section 106-1357(c).

It was moved by Mr. Von Harten, as Land Management Committee Chairman (no second required), that Council approve on second reading text amendments to the Zoning and Development Standards Ordinance, Article V, Sections 106-1357(c) and 106-1363, and Table 106-1556 (Lighting Standards for Commercial Communication Towers). The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. McBride, Mr. Stewart and Mr. Von Harten. ABSTAINED – Mr. Newton*. The motion passed. *Serving de facto. Council District 3 is vacant. Council District 4 is vacant.

The Chairman reentered the room.

The Vice Chairman returned the gavel to the Chairman in order to continue the meeting.

The Chairman announced that a public hearing on this issue would be held on Monday, August 14, 2006, beginning at 6:00 p.m. in Council Chambers of the Administration Building, Beaufort.

TEXT AMENDMENTS TO THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE ARTICLE III, ADMINISTRATIVE PROCEDURES, DIVISION 2, PROVISIONS GENERALLY APPLICABLE TO REVIEWS AND ACTIONS

Mr. Von Harten stated the proposed text amendments take the language of the development approval document and formalize it into language of the Zoning and Development Standards Ordinance to give it the force of law. Any violation of the development permit, noted in Section 106-372(b), shall result in a stop-work order to be issued by the Zoning and Development Administrator for the project for a minimum of 30 days or upon resolution of the violation.

Main motion.

It was moved by Mr. Von Harten, as Land Management Committee Chairman (no second required), that Council approve on second reading text amendments to the Zoning and Development Standards Ordinance Article III, Administrative Procedures, Division 2, provisions generally applicable to reviews and actions.

Motion to amend by substitution.

It was moved by Mr. Von Harten, seconded by Mr. Generales, that Council amend the text in Section 106-372(b) as follows: The Zoning Administrator in concert with the DRT will ascertain the extent and the nature of the violation and determine appropriate mitigation measures which will resolve the violation. Any violation that the Zoning Administrator/DRT determines shall have a thirty-day (30) day stop-work order imposed upon it will require a notification and

approval of the County Administrator. If the violation has not been resolved prior to the expiration of the stop-work order, the County Administrator shall be advised and the stop-work order may be extended with the express consent of the County Administrator. The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. McBride, Mr. Newton*, Mr. Stewart and Mr. Von Harten. The motion passed. *Serving de facto. Council District 3 is vacant. Council District 4 is vacant.

Vote on the amended motion, which is now the main motion, and includes the motion to amend by substitution.

Council approve on second reading text amendments to the Zoning and Development Standards Ordinance Article III, Administrative Procedures, Division 2, provisions generally applicable to reviews and action and, further to amend the text in Section 106-372(b) as follows: The Zoning Administrator in concert with the DRT will ascertain the extent and the nature of the violation and determine appropriate mitigation measures which will resolve the violation. Any violation that the Zoning Administrator/DRT determines shall have a thirty-day (30) day stop-work order imposed upon it will require notification and approval of the County Administrator. If the violation has not been resolved prior to the expiration of the stop-work order, the County Administrator shall be advised and the stop-work order may be extended with the express consent of the County Administrator. The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. McBride, Mr. Newton*, Mr. Stewart and Mr. Von Harten. The motion passed. *Serving de facto. Council District 3 is vacant.

The Chairman announced that a public hearing on this issue would be held on Monday, August 14, 2006, beginning at 6:00 p.m. in Council Chambers of the Administration Building, Beaufort.

TEXT AMENDMENTS TO THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE ARTICLE VII, DIVISION 4, OPEN SPACE USES AND STANDARDS, SECTION 106-1876 (USES IN OPEN SPACE) AND ADD A NEW SECTION 106-1917 (RESIDENTIAL ACCESSORY USES)

Mr. Von Harten stated the original language restrained the homeowner from putting things such as a fence or play apparatus for their children or, perhaps, an observation deck. The residential lot may contain, under this provision, none solid-type fences, playground equipment, benches, picnic tables, observation decks (not exceeding 100 total square feet), pathways and other similar outdoor recreation uses within the river buffer provided that the ground surface remains permeable.

It was moved by Mr. Von Harten, as Land Management Committee Chairman (no second required), that Council approve on second reading text amendments to the Zoning and Development Standards Ordinance Article VII, Division 4, Open Space Uses and Standards, Section 106-1876 (Uses in Open Space) and add a new Section 106-1917 (Residential Accessory Uses).

Prior to consideration of third and final reading Mr. Newton asked Mr. Criscitiello, Planning Director, to contact the municipalities to find out what type uses are permitted in their river buffers.

Prior to consideration of third and final reading Mr. Von Harten asked Planning Staff to examine the questions of headwaters definition and what buffering we may or may not wish to enforce.

The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. McBride, Mr. Newton*, Mr. Stewart and Mr. Von Harten. The motion passed.

*Serving de facto. Council District 3 is vacant. Council District 4 is vacant.

The Chairman announced that a public hearing on this issue would be held on Monday, August 14, 2006, beginning at 6:00 p.m. in Council Chambers of the Administration Building, Beaufort.

SOUTHERN BEAUFORT COUNTY MAP AMENDMENT/REZONING REQUEST FOR R600-21-11 AND R600-21-11B (7.14 ACRES), FROM LIGHT INDUSTRIAL (LI) TO PLANNED UNIT DEVELOPMENT (PUD), TO BE KNOWN AS BARREL LANDING CHEVROLET

Mr. Von Harten remarked the applicant, seeks approval of a Planned Unit Development (PUD) district to place a Chevrolet dealership and an automotive service center at this site. The current zoning of the property is Light Industrial, which does not permit an automotive dealership. In exchange for the PUD zoning, the applicant claims the proposed use would reduce the daily traffic impact as compared to allowable by-right uses under the current zoning. The applicant is also submitting additional commercial and office uses for this site should unanticipated conditions occur that would not allow the development of the car dealership and automotive center.

Both Planning Staff and the Planning Commission have recommended denial of this request. Staff believes the PUD would not be consistent with the County's Comprehensive Plan. The Southern Regional Plan says that the County and the municipalities (the Town of Hilton Head Island and the Town of Bluffton) will work out a detailed land use plan for the remaining 11% of uncommitted land in the County. This area would be a part of this specific land use plan and that everything would be kept status quo until such time as the Plan was in place so it could all be done together.

Mr. Von Harten suggested a car dealership did not belong at this particular location, primarily because the property abuts a 32-acre park recently purchased by the County for \$1.2 million.

Mr. Stewart remarked the current Light Industrial zoning was probably part of a regional planning effort at that time. The current zoning gives the property owners a reasonable expectation that they can do something on the property they own. A PUD is a tool by which the citizen's interests and those of the applicant can be reconciled.

Mr. Criscitiello stated that a part of this PUD application is that the car dealership, if approved, would be in place for only two years, after which time those successor uses may come to light. The applicant will provide: (i) a concept plan for providing signage and parking for the Barrel Landing Park. (ii) Underground storage of retention ponds. (iii) A 100-foot buffer to the May River. (iv) Upsized plantings to decrease the visibility from US Highway 278 and Highway 170. (v) No balloons. (vi) No outside speakers. (vii) No strobe lights or bright lighting. (viii) A specific traffic count cap (cannot exceed "X" intensity) and any replacement use also meets this intensity requirement. (ix) Any future alternative uses and proposed plan use/zoning changes will be addressed by the Planning Commission and forwarded to the Land Management Committee.

It was moved by Mr. Von Harten, as Land Management Committee Chairman (no second required), that Council approve on first reading a Southern Beaufort County Map amendment/rezoning request for R600-21-11 and R600-21-11B (7.14 acres), from Light Industrial (LI) to Planned Unit Development (PUD), to be known as Barrel Landing Chevrolet. The vote was: FOR – Mr. Brafman, Mr. Generales, Mrs. Griffin, Mr. McBride and Mr. Stewart. OPPOSED – Mr. Glaze, Mr. Newton* and Mr. Von Harten. ABSTAINED – Mr. Dawson and Mrs. Hairston. The motion passed. *Serving de facto. Council District 3 is vacant. Council District 4 is vacant.

The Chairman announced that a public hearing on this issue would be held on Monday, August 14, 2006, beginning at 6:00 p.m. in Council Chambers of the Administration Building, Beaufort.

LADY'S ISLAND ZONING MAP AMENDMENT TO INCLUDE R201-18-7C (0.49 ACRE), R201-18-7D (0.85 ACRE) AND R201-18-573 (0.74 ACRE) WITHIN THE LADY'S ISLAND REDEVELOPMENT DISTRICT

Mr. Von Harten explained these parcels lie to the north of Rue De Bois along F & B Lane. The original proposed rezoning from Lady's Island Community Preservation District (LICPD) to Lady's Island Professional Office District would allow commercial activity on the parcels which could permit development size, type and scale incompatible with the existing neighborhood. Once the parcels in question were examined more closely, it became apparent that inclusion in the LICPD would be the most appropriate course of action. Inclusion in the LICPD would permit a higher density of residential development than the LICPD, while protecting the existing neighborhood by requiring increased buffering and architectural standards to reach the higher densities. No commercial activity would be permitted. One of the three parcels is already included in the LICPD.

It was moved by Mr. Von Harten, as Land Management Committee Chairman (no second required), that Council approve on first reading a Lady's Island Zoning Map amendment to include R201-18-7C (0.49 acre), R201-18-7D (0.85 acre), and R201-18-573 (0.74 acre) within the Lady's Island Redevelopment District. The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. McBride, Mr. Newton*, Mr. Stewart and Mr. Von Harten. The motion passed. *Serving de facto. Council District 3 is vacant. Council District 4 is vacant.

TEXT AMENDMENTS TO THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE/ZDSO, APPENDIX B, SECTION 5, LANDSCAPE DESIGN GUIDELINES (ADDS STANDARDS PROHIBITING EARTHEN BERMS AND NOISE ABATEMENT WALLS IN THE U.S. HIGHWAY 21 CORRIDOR BETWEEN CHOWAN CREEK AND HARBOR RIVER)

Mr. Von Harten explained that SCDOT has been working on a design for widening US Highway 21 on St. Helena Island. They have been offering adjacent land owners the option of earthen berms for noise attenuation. Acceptance by scattered property owners could result in an intermittent wall of earthen berms along the highway. Visually attractive earthen berms have been successfully installed in other parts of Beaufort County, such as at the entrance to River Bend at the intersection of SC Highway 170 and US Highway 278. Because the creation of raised berms along the roads on St. Helena Island would be determined by each property owner, the resulting intermittent nature of the berms would result in a visual anomaly and be detrimental to both the physical character of the Island and to the traditional landscape that the residents are trying to preserve. Local residents agreed to using landscaping instead of earthen berms where needed.

It was moved by Mr. Von Harten, as Land Management Committee Chairman (no second required), that Council approve on first reading text amendments to the Zoning and Development Standards Ordinance/ZDSO, Appendix B, Section 5, Landscape Design Guidelines (adds standards prohibiting earthen berms and noise abatement walls in the U.S. Highway 21 Corridor between Chowan Creek and Harbor River). The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. McBride, Mr. Newton* and Mr. Von Harten. ABSTAINED – Mr. Stewart. The motion passed. *Serving *de facto*. Council District 3 is vacant. Council District 4 is vacant.

PUBLIC HEARINGS

AN ORDINANCE TO IMPOSE A TRANSPORTATION TAX WITHIN BEAUFORT COUNTY TO FUND MULTIPLE CAPITAL PROJECTS IN THE AMOUNT OF \$147 MILLION FOR NOT MORE THAN SIX YEARS OR WHICHEVER COMES FIRST

Mr. Newton reported members of the Public Services Committee met on July 18, 2006. At that meeting, Mr. Colin Kinton, County Traffic Engineer, distributed an updated list of projects for the proposed transportation tax referendum and a copy of a letter he received from SCDOT regarding the US Highway 17 widening project. Members were advised that there have been some changes in available funding for the projects, and some changes in the potential cost estimates for the capital roadway projects. This newly revised list was mailed to the municipalities last week for their comments. A letter dated July 18, 2006, from Mr. Wilson Elgin, SCDOT Project Manager, to Mr. Colin Kinton describes an anticipated shortfall of \$19 million for the US Highway 17 widening project. There are changes to the new list, totaling \$152 million, compared to \$147 million on the original list. Deleted from the original list was transit service (LRTA) at \$5 million. Two projects on Hilton Head Island are included under US

Highway 278 improvements, totaling \$28 million. The Public Services Committee is recommending the imposition of a transportation tax in the amount of \$152 million.

Mr. Kinton gave an overview of the ten projects included in the referendum question.

Bluffton Parkway Phase 5. This project begins at Buckwalter Parkway and ends at Mackays Creek. It is five miles in length. It includes eight-foot pathways. The total project cost is \$60 million (\$10 million County Road Impact Fee and \$50 million County Roadway Sales Tax).

US Highway 278 Improvements. This project begins at Sea Pines Circle and ends at SC Highway 170. It is 15 miles in length. It includes paved shoulders. The total project cost is \$39 million (\$8.1 million State/Federal funding, \$2.9 million Updated County Road Impact Fee, \$28 million County Roadway Sales Tax).

SC Highway 170 Widening. This project begins at Bluffton Parkway Phase 4 and ends at Ride Watch Drive (Rivers Bend). It is 6 miles in length. It includes pathways and paved shoulders. The total project cost is \$13.5 million (\$7.5 million updated County Road Impact Fee and \$6 million County Roadway Sales Tax).

US Highway 17 Widening. This project begins at US Highway 21 (Garden's Corner) and ends at Combahee River. It is 6 miles in length. It includes pathways. The total project cost is \$79.2 million (\$72.2 million State/Federal funding, \$2 million updated County Road Impact Fee, \$5 million County Roadway Sales Tax).

US Highway 21 (Boundary Street) Improvements. This project begins at Broad River Boulevard and ends at Palmetto Street. It is 2 miles in length. It includes a pathway on Southside Boulevard. The total project cost is \$13.250 million (\$3.750 County Road Impact Fee and \$9.5 million County Roadway Sales Tax).

Boundary Street Parallel Road. This project begins at Robert Smalls Parkway and ends at Palmetto Street. It is one mile in length. It includes sidewalks. The total project cost is \$8.750 million (\$4.550 million County Road Impact Fees, \$4.2 million County Roadway Sales Tax).

SC Highway 802 (Ribaut Road) Improvements. This project begins at Lenora Drive (near Russell Bell Bridge) and ends at Lady's Island Drive. It is 1.5 miles in length. It includes sidewalks. The total project cost is \$2.265 million (\$450,000 State/Federal funding, \$1.215 million County Road Impact Fee, \$600,000 County Roadway Sales Tax).

SC Highway 21/SC Highway 802 (Lady's Island Drive) Widening. This project begins at SC Highway 802 (Ribaut Road) and ends at US Highway 21 (Sea Island Parkway). It is 2.8 miles in length. It includes pathways and/or shoulders. The total cost is \$35.5 million from County Roadway Sales Tax.

Northern Beaufort Bypass. This project begins at US Highway 21 and ends at SC Highway 802. It is 9 miles in length. It includes pathways. The total project cost is \$6 million from County Roadway Sales Tax.

SC Highway 802 (Savannah Highway) Widening. This project begins at SC Highway 170 (Robert Smalls Parkway). It is 2.1 miles in length. It includes pathways and/or shoulders. The project cost is \$7.2 million from County Roadway Sales Tax.

The Chairman opened a public hearing at 6:50 p.m. for the purpose of receiving information from the public regarding an ordinance to impose a Transportation Tax within Beaufort County to fund multiple capital projects in the amount of \$152 million for not more than six years or whichever comes first. After calling once for public comment, the Chairman recognized Mrs. Karen Heitman, representing Greater Bluffton Pathways, who stated GBP appreciates the inclusion of pathways in the referendum question. GBP supports the Lowcountry Regional Transportation Authority and would like to see bus service provided between USC-Beaufort (South Campus) to Hilton Head Island. Alternative transportation is badly needed in southern Beaufort County.

Mr. Charlie Wetmore, a Bluffton resident, asked Council to please consider reinstating the bus route along US Highway 278. Please consider installing pathways along the roadways. They are important to the residents of Beaufort County.

Mr. Bill Coleman, a Hilton Head Island resident, expressed opposition to the proposed transportation tax referendum.

Mr. Perry White, a Hilton Head Island resident, suggested Council take another look at making public transportation available to the residents and visitors of Beaufort County.

Mr. Roberts Vaux, a Bluffton resident, urged Council to approve on second reading an ordinance to impose a transportation tax to fund multiple capital projects in the amount of \$152 million.

Mr. Michael Sampogna, a Bluffton resident, stated the extension of the Bluffton Parkway is a benefit to developers. It will take 30 years for the infrastructure to catch up with the on-going development.

Mr. Bill Dever, representing Crowne Plaza Resort, urged Council to include some funding for bus service in the referendum question.

Mrs. Fran Gellman, a Hilton Head Island resident, urged Council to approve on second reading an ordinance to impose a transportation tax to fund multiple capital projects in the amount of \$152 million. She encouraged Council to include some concept for mass transportation in the referendum question.

Mr. William Kamins, a Windmill Harbor resident, encouraged Council to include a traffic signal at the entrance to Windmill Harbor.

Mr. Henry Sanders, a Hilton Head Island resident, urged Council to approve on second reading an ordinance to impose a transportation tax to fund multiple capital projects in the amount of \$152 million.

Mr. Hank Johnston, Town of Bluffton Mayor, encouraged Council to approve on second reading an ordinance to impose a transportation tax to fund multiple capital projects in the amount of \$152 million. He encouraged Council to consider including some type of funding for public transportation in the referendum question.

Mrs. Rochelle Ferguson, Lowcountry Regional Transportation Authority Director, urged Council to include some type of funding for public transportation in the referendum question.

After calling twice more for public comment and receiving none, the Chairman declared the public hearing closed at 7:33 p.m.

Main motion.

It was moved by Mr. Glaze, as Public Services Committee Chairman (no second required), that Council approve on second reading an ordinance to impose a transportation tax within Beaufort County to fund multiple capital projects in the amount of \$152 million for not more than six years or whichever comes first.

Motion to amend by substitution.

It was moved by Mr. Generales, seconded by Mr. Dawson, that Council amend the motion to apply an additional \$6 million toward the US Highway 17 Widening Project beginning at US Highway 21 (Garden's Corner) and ending at the Combahee River and, in turn, reduce the \$6 million designed for planning and engineering for the Northern Beaufort Bypass Project beginning at US Highway 21 and ending at SC Highway 802. The vote was: FOR – Mr. Dawson, Mr. Generales and Mr. Glaze. OPPOSED – Mr. Brafman, Mrs. Griffin, Mrs. Hairston, Mr. McBride, Mr. Newton*, Mr. Stewart and Mr. Von Harten. The motion failed. *Serving *de facto*. Council District 3 is vacant. Council District 4 is vacant.

Vote on the main motion.

Council approve on second reading an ordinance to impose a transportation tax within Beaufort County to fund multiple capital projects in the amount of \$152 million for not more than six years or whichever comes first. FOR – Mr. Brafman, Mr. Generales, Mrs. Griffin, Mr. McBride, Mr. Newton*, Mr. Stewart and Mr. Von Harten. ABSTAINED - Mr. Dawson, Mr. Glaze and Mrs. Hairston. The motion passed. *Serving *de facto*. Council District 3 is vacant. Council District 4 is vacant.

MOTION TO EXTEND

It was moved by Mr. Generales, seconded by Mr. Von Harten, that Council extend beyond 8:00 p.m. The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. McBride, Mr. Newton*, Mr. Stewart and Mr. Von Harten. The motion passed. *Serving de facto. Council District 3 is vacant. Council District 4 is vacant.

ORDINANCE TO AMEND THE ROAD, LIBRARY, AND PARK FACILITIES IMPACT FEES WITHIN SOUTHERN BEAUFORT COUNTY

Mr. Tony Criscitiello, Planning Director, explained the proposed Impact Fee revisions in Southern Beaufort County. State statute Section 6-1-9 enables local governments to exact impact fees on new development to fund the cost local government will incur to provide capital improvements to accommodate that new development. The County has engaged Clarion Associates to assist with the revision of the County's Impact Fee Program and ordinance. Since Beaufort County has a Comprehensive Plan, state law authorizes the imposition of impact fees for roads, parks and libraries. To develop an Impact Fee Program and Ordinance, one must: establish Level of Service (LOS) standards for each public facility, determine existing conditions and deficiencies, prepare a Capital Improvements Plan (CIP) for the public facilities, establish service units for each public facility, prepare proportionate share impact fees based on the CIP, and establish policy to address existing deficiencies. The impact fees proposed to be updated are transportation, parks/recreation, and libraries.

Transportation. The Southern Regional Plan has identified \$229.9 million in transportation projects needed to accommodate future growth. Existing Transportation Impact Fees are estimated to generate \$38.8 million and are committed to the Bluffton Parkway (Phases 1 – 4) and the Buckwalter Parkway. A revision to the Impact Fee Program is being proposed in conjunction with the Capital Projects Sale Tax to address the funding gap for future transportation needs.

Parks and Recreation. The Southern Regional Plan identified the need for an additional 525 acres of park land and \$48.8 million in park facilities to serve future population growth. This amount does not cover operations and maintenance. Current impact fees are estimated to generate only \$16.2 million. Current impact fees only pay for park facilities, not land purchases. Currently, there is no dedicated funding source for the purchase of active park land.

Libraries. The Library staff is currently working with the Library Board of Trustees to review its Facilities Master Plan and determine the proper level of service for a revised Impact Fee Program. Revisions may include: adjusting building construction cost estimates, covering the cost of future furniture, fixtures and equipment needs, and covering the cost of future land purchases.

The Chairman opened a public hearing at 8:12 p.m. for the purpose of receiving information from the public regarding an ordinance to amend the Road, Library, and Park Facilities Impact

Fees within southern Beaufort County. The Chairman recognized Mr. Charlie Wetmore, a Bluffton resident, who expressed support for a proposed increase in Road, Library and Park Facilities Impact Fees within southern Beaufort County.

Mr. John Geisler, a Hilton Head Island resident, expressed support for a proposed increase in Road, Library and Park Facilities Impact Fees within southern Beaufort County.

Mr. Greg Goldberg, representing the Hilton Head Island Homebuilders Association, expressed concern about the proposed increase in Road, Library and Park Facilities Impact Fees within southern Beaufort County.

Mr. Mark Ellis, a Hilton Head Island resident, expressed opposition to the proposed increase in Road, Library and Park Facilities Impact Fees within southern Beaufort County.

Mrs. Wesley Murdaugh, a Hilton Head Island resident, expressed opposition to the proposed increase in Road, Library and Park Facilities Impact Fees within southern Beaufort County.

Mr. Henry Sanders, a Hilton Head Island resident, expressed support for the proposed increase in Road, Library and Park Facilities Impact Fees within southern Beaufort County.

Mr. Jim Garman, a Hilton Head Island resident, expressed concern about Council increasing Road, Library and Transportation Facilities Impact Fees in southern Beaufort County.

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

COMMITTEE REPORTS

Community Services and Public Safety Committee

Disabilities and Special Needs Board

Carol Myers

The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. McBride, Mr. Newton*, Mr. Stewart and Mr. Von Harten. Ms. Myers garnered the six votes required to serve as a member of the Disabilities and Special Needs Board.

*Serving *de facto*. Council District 3 is vacant. Council District 4 is vacant.

James Matthews

The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. McBride, Mr. Newton*, Mr. Stewart and Mr. Von Harten. Mr. Matthews garnered the six votes required to serve as a member of the Disabilities and Special Needs Board.

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Intergovernmental Relations Committee

Local Legislative Agenda Resolutions

It was moved by Mr. Stewart, as Intergovernmental Relations Committee Chairman, that Council adopt a 2007 Local Legislative Agenda consisting of 12 resolutions as follows: (i) Support the enactment of legislation which would alter the State's method of calculating award of economic incentives to counties from income-based to average wage rate-based; (ii) Support the enactment of legislation which would include average wage rates in its formula for calculating tax-paying ability as used to determine the State's allocation of public education funding; (iii) Support the enactment of legislation which would permit local governments to assess a transfer fee on the sale of real estate provided the use of such fees is restricted to those uses currently allowed within the Town of Hilton Head Island; (iv) Support the enactment of legislation which would allow Counties to opt for more frequent reassessments than currently provided for by the SC Code; (v) Support the enactment of legislation that would authorize Counties to enact School Impact Fees; (vi) Support the enactment of legislation which would ensure that no County (School District) receive less than 50% of the per student base allocation from the State in each fiscal year; (vii) Support enactment of legislation that would require some measure of "Tourism" to be included in the formula for determining support of local road improvements and maintenance; (viii) Support enactment of Legislation (amending current State law) which would allow, as an authorized purpose, the consideration of a local sales tax funding for established Rural and Critical Lands Preservation Programs without predetermination of properties to be considered for acquisition; (ix) Encourage the South Carolina Association of Counties and the Legislature to explore all opportunities for property tax relief including, but not limited, to the ability to conduct annual reassessments, point of sale valuations, and the consideration of circuit breakers on property valuations; (x) Support the enactment of legislation to adequately fund the South Carolina Department of Transportation to allow maintenance and improvements of existing roads and the construction of new roads as needed to preserve and protect the well-being of South Carolina's citizens, visitors and commerce; (xi) Support the enactment of legislation to allow collection of property taxes beginning in the first full month after issuance of a certificate of occupancy of newly constructed or improved properties; and (xii) Support the enactment of legislation that will allow the use of fair market value of property at the time it is sold for tax purposes. The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. McBride, Mr. Newton*, Mr. Stewart and Mr. Von Harten. The motion passed. *Serving *de facto*. Council District 3 is vacant. Council District 4 is vacant.

Land Management Committee

Northern Corridor Review Board

Mr. Von Harten, as Land Management Committee Chairman nominated Mr. William Harris, representing architect, to serve as a member of the Northern Corridor Review Board.

Planning Board

It was moved by Mr. McBride, seconded by Mr. Glaze, that Council suspend its Rules and Procedures to allow for a second name to be placed in nomination. The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. McBride, Mr. Newton*, Mr. Stewart and Mr. Von Harten. The motion passed. *Serving de facto. Council District 3 is vacant. Council District 4 is vacant.

Mr. Von Harten, as Land Management Committee Chairman, nominated Ms. Mary Legree, representing Comprehensive Plan planning area, St. Helena Township, to serve as a member of the Planning Board.

Mrs. Bernice Wright was nominated on January 25, 2005, to serve as a member of the Planning Board.

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

Committee Assignments

The Chairman assigned Mr. Glaze to serve as Chairman of the Public Services Committee due to the resignation of Mr. Lamb.

The Chairman assigned Mr. Brafman to serve as Vice Chairman of the Land Management Committee due to the resignation of Mr. Lamb.

The Chairman assigned Mr. Dawson to serve as a member of the Lowcountry Council of Governments to complete the unexpired term left vacant by the resignation of Mr. Lamb.

PUBLIC COMMENT

There were no requests to speak during public comment.

ADJOURNMENT


Council adjourned at 8:40 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: 

Wm. Weston J. Newton, Chairman

ATTEST:


Suzanne M. Rainey, Clerk to Council

Ratified: August 14, 2006

RECEIVED
BEAUFORT COUNTY
BOARD OF ELECTIONS

2006 AUG 15 A 11:15 8

Motion to Authorize Staff Attorney to Correct Schedule of Precincts in the Rural and Critical Lands Preservation \$50 Million Bond Ordinance

It was moved by Mr. McBride, seconded by Mr. Von Harten, that Council authorize the Staff Attorney to correct the Schedule of Precincts stated in the Rural and Critical Lands Program \$50 Million Bond Authorization Ordinance so to correct and delete certain precincts which did not receive Legislative approval for use in the 2006 General Election. The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. McBride, Mr. Newton*, Mr. Stewart and Mr. Von Harten. The motion passed. *Serving de facto. Council District 3 is vacant. Council District 4 is vacant.

Presentation on Pandemic Flu Planning

Mr. Matthew Petrofess, DHEC Director for the Lowcountry Health District, introduced Mr. Nick Davidson, DHEC Region 8 Director of Public Health Preparedness. Mr. Davidson stated each fall and winter DHEC prepares for and vaccinates residents for the seasonal flu. Outbreaks follow predictable seasonal patterns, occur annually, and usually in the winter. A pandemic flu occurs rarely. It occurred three times in the 20th Century with the last in 1968. The Asian strain of bird flu (HP H5N1) is not in the United States currently. There is no human-to-human spread of HP H5N1; therefore, there is no pandemic. The bird virus would have to change in order to easily infect human-to-human, but this has not happened yet. The longer the current bird HP H5N1 virus exists in the poultry populations in Asia, then the greater the risk this change will have time to occur. A pandemic flu impact on South Carolina could last a year or more coming in multiple waves each lasting six to eight weeks. Being prepared can reduce its duration. It could infect 15% to 30% of the population thereby disrupting everyday life. Employers would experience personnel shortages. The medical profession would experience shortages in medical supplies, equipment, and hospital beds. Between 500,000 and 1,200,000 people would require doctor visits. Between 7,000 and 17,000 people would need hospital care. There could be from 2,000 to 5,000 deaths.

A pandemic influenza will happen sooner or later. No one knows when a pandemic will occur. It could be many years from now. No one knows whether the pandemic virus will evolve from the current bird flu. The people, who caught "bird flu", caught it by having close contact with infected birds. At this time it does not spread from one person to another. Health officials are, however, very concerned about this bird flu virus changing and becoming able to spread from one person to another.

CONSIDERATION OF CONTRACT AWARDS

Sale of Old Beaufort County Jail (King Street)

Mr. Gary Kubic, County Administrator, explained the former Beaufort County jail is a two-story structure with approximately 7,775 gross square feet of interior space. It is located on approximately 0.87 acres of land in the City of Beaufort. The facility was decommissioned in

Certified True Copy
Clerk to Council
Beaufort County, SC
By: Suzanne M. Rainey
Suzanne M. Rainey
Date: 8-15-06

BEAUFORT COUNTY VOTING PRECINCTS

PRECINCTS

Beaufort 1, 2, and 3

Burton 1A

Burton 1B

Burton 1C

Burton 2A

Burton 2B and 2C

Burton 3

Chechessee

Dale/Lobeco

Lady's Island 1A

Lady's Island 1B

Lady's Island 2A

Lady's Island 2B

Lady's Island 3A

LOCATIONS

Neighborhood Activity Center
Green Street Gym
1001 Hamar St 525-7066 or 525-7068

Broad River Elem. School
474 Broad River Blvd. 322-8400

Robert Smalls Middle School
43 W.K. Alston Road 322-2500

Joseph Shanklin Elementary School
121 Morrall Dr. 466-3400

Shell Point Elementary School
81 Savannah Hwy. 322-2800

District Service Center (Old Name)
(District Instructional Support Center –
Name Change)
2900 Mink Point Blvd. – 322-0744

Robert Smalls Middle School
43 W.K. Alston Rd 322-2500

Comp. Health Center (Meeting Room)
721 Okatie Hwy. 987-7400

James J. Davis Elem. School
364 Keans Neck Road 466-3600

Lady's Island Middle School
30 Cougar Dr. 322-3100

Lady's Island Elementary School
73 Chowan Crk. Bluff 322-2240

Coosa Elem. School
45 Middle Rd. 322-6100

Coosaw Isl. Community Center
(David Smith Coosaw Isl. Sam's Point
Community Center-**Name Change**)
140 Coosaw River Dr. 525-0822

Broomfield Recreation Center
205 Brickyard Pt. Rd. 525-4094

Lady's Island 3B	Lady's Island Airport Bldg. 39 Airport Cir. 770-2003
Mossy Oaks 1A	Corner Stone Christian Church (Formerly Central Christian Church) 2301 First Blvd., Beaufort 525-9228
Mossy Oaks 1B	Beaufort Middle School 2501 Mossy Oaks Rd. 322-5700
Mossy Oaks 2	Mossy Oaks Elem. School 2510 Mossy Oaks Rd. 322-2900
Port Royal 1 & 2	Port Royal Fire Station 1750 Paris Ave. 986-2248
Seabrook 1	Bft Co. Public Works (Roads & Bridges) 120 Shanklin Road 470-6401
Seabrook 2 (New Location)	Whale Branch Middle School 2009 Trask Pkwy 466-3000
Seabrook 3	Grays Hill Community Center 45 Bruce K. Smalls Blvd.
Sheldon 1	Elijah Washington Health Clinic 211 Paige Point Road 846-8148
Sheldon 2	Booker T. Washington Comm. Ctr. 182 Booker T. Washington Circle Big Estate 846-3960
St. Helena 1A	Penn Center Inc. (Frissell Comm House) 6 Penn Center Circle West 838-2432
St. Helena 1B	Scott Community Center 242 Scott Hill Rd. 838-8300
St. Helena 1C	Polawanna Fire Station #24 (Lady's Island/St. Helena Sta. #24 – Name Change) 100 Polawanna Rd. 838-8308
St. Helena 2A	St. Helena Elementary School 1025 Sea Island Pkwy. 838-0300
St. Helena 2B	Seaside Community Center 130 Seaside Rd. 838-8118

St. Helena 2C	Fripp Island Community Center 205 Tarpon Blvd. 838-2207
Bluffton 1A	Bluffton Town Hall 20 Bridge Street 706-4500
Bluffton 1B	The Bluffton Township District Sta. #30 2 Bridge Street 757-2800
Bluffton 1C (Location Change) (For this election ONLY)	Bluffton Library 120 Palmetto Way 757-1519
Bluffton 2A	M.C. Riley Elementary School 200 Burnt Church Rd. 706-8300
Bluffton 2B	Bluffton Elem. School 160 H.E.. McCracken Cir. 706-8500
Bluffton 2C (Location Change) (For this election ONLY)	Bluffton High School 12 H.E. McCracken Cir. 706-8800
Bluffton 3A	Bluffton Recreation Center 61B Ulmer Road – Cellular 757-1503
Bluffton 3B	M.C. Riley Elementary School 200 Burnt Church Rd.706-8300
Bluffton 4A and 4B	H.E. McCracken Middle School 250 McCracken Cir. Bluffton 706-8700
Sun City 1A, 1B and 2	Pinckney Hall 114 Sun City Ln. 705-4027
Sun City 3 (New Location)	Hidden Cypress 672 Col. Thomas Heyward Rd
Daufuskie	Daufuskie Fire Station 400 Haig Point Rd. 785-2116
Hilton Head 1A and 1B	School for the Creative Arts (Blue Bldg.) (NAME CHANGE) 10 Wilborn Rd. 342-4380
Hilton Head 2A	Indigo Pines 110 Gardner Drive 342-3228
Hilton Head 2B	HH Island Recreation Association- (Name Change) 20 Wilborn Rd. 681-7273

Hilton Head 3	St. James Baptist Church Annex 209 Beach City/Dillon Rd 681-6446
Hilton Head 4A and 4B	The Cypress Club 20 Lady Slipper Ln. 689-7000
Hilton Head 4C and 4D	Plantation House 235 Seabrook Dr 681-8090
Hilton Head 5A, 5B and 5C	Plantation House 235 Seabrook Dr 681-8090
Hilton Head 6A and 6B	First Presbyterian Church 540 William Hilton Pkwy 681-3696
Hilton Head 7A	Christ Lutheran Church 829 William Hilton Pkwy 785-5560
Hilton Head 7B	Self Family Art Center (Old Name) Arts Center of Coastal Carolina (Name Change) 14 Shelter Cove Ln 686-3945
Hilton Head 8A and 8B	St. Luke's Episcopal Church 50 Pope Ave. 785-4099
Hilton Head 9A and 9B	Central Church 975 Wm. Hilton Pkwy 686-5995
Hilton Head 10	Spanish Wells Club Pavilion 1 Brams Point Rd. 681-2819
Hilton Head 11	St. Andrew By-the-Sea UMC 20 Pope Ave. 785-4711
Hilton Head 12	The Seabrook of HH, Inc 300 Woodhaven Dr. 842-3747
Hilton Head 13	First Baptist Church 100 South Forest Beach Dr 785-4478
Hilton Head 14 and 15B	Sea Pines Plantation Club 100 North Sea Pines Dr. 842-1498
Hilton Head 15A	Community Services Associates, Inc. 175 Greenwood Dr. 671-1343
Absentee/Fail Safe (Beaufort)	Voter Registration/Elections Office 102 Industrial Village Rd 470-3752

Absentee/Fail Safe (Hilton Head)

Hilton Head Town Hall
1 Town Center Court 341-4604

9

WILLIAM WESTON J. NEWTON
CHAIRMAN

W. R. "SKEET" VON HARTEN
VICE CHAIRMAN

COUNCIL MEMBERS

FANK BRAFMAN
GERALD DAWSON
MARK D. GENERALES
HERBERT N. GLAZE
MARGARET E. GRIFFIN
STARLETTA HAIRSTON
PETER LAMB
WILLIAM L. McBRIDE
RICHARD H. STEWART

COUNTY COUNCIL OF BEAUFORT COUNTY
ADMINISTRATION BUILDING
100 RIBAUT ROAD
SUITE 270
POST OFFICE DRAWER 1228
BEAUFORT, SOUTH CAROLINA 29901-1228
TELEPHONE: (843) 470-5380 FAX: (843) 470-5383
kgolden@bcgov.net

GARY T. KUBIC
COUNTY ADMINISTRATOR

KELLY J. GOLDEN
STAFF ATTORNEY

SUZANNE M. RAINY
CLERK TO COUNCIL

August 15, 2006

Mrs. Agnes Garvin, Executive Director
Beaufort County Board of Elections and Voter Registration
P.O. Drawer 1228
Beaufort, SC 29901-1228

RE: Beaufort County Rural and Critical Land Preservation \$50 Million Ordinance
\$152 Million Penny Sales Tax Ordinance

Dear Mrs. Garvin:

Attached please find certified copies of both ordinances regarding the above mentioned, filed pursuant to S.C. Code 7-13-355, which states the referendum question shall be submitted to the Beaufort County Board of Elections and Voter Registration to be placed on the ballot no later than 12:00 noon on August fifteenth, or if August fifteenth falls on Saturday or Sunday, not later than 12:00 noon on the following business day.

Please send back a clocked copy of each ordinance for my files.

Should you have any questions or comments please do not hesitate to contact me.

With kindest regards,



Kelly J. Golden

KJG/sdb

enc.: Ordinance 2006/3
Ordinance 2006/15

cc: Gary Kubic, Administrator w/o enc.
Members, Beaufort County Council w/o enc.

RECEIVED
BEAUFORT COUNTY
BOARD OF ELECTIONS
2006 AUG 15 A 9:58 AM
VOTER REGISTRATION

10

ancy Bradshaw

From: Suzanne Larson
Sent: Monday, August 28, 2006 10:42 AM
To: County Distribution (pio@bcgov.net)
Subject: IP: Editorial: Officials have right attitude on service

Officials have right attitude on service

TA plans to move on fixed routes

Published Mon, Aug 28, 2006

[Comments \(0\)](#) [Add Comment](#)

Encouraging to see the Lowcountry Regional Transportation Authority not giving up on the idea of fixed bus routes.

Beaufort County Council dropped \$6 million for bus service along U.S. 278 from the list of projects to be paid for through a local sales tax. Voters will decide on the sales tax in November.

Fixed public transportation can be an important part of solving our traffic problems, and with gasoline prices continuing to climb, it can be a way for commuters and shoppers to save money.

TA officials hope to sell their vision of fixed bus routes to local businesses. The authority, which now provides transportation to Hilton Head Island jobs for workers from outlying areas, plans to seek support from hotels, shopping malls and theaters to get the regular bus service up and running, said Ginnie Kozak, the planning director for the Lowcountry Council of Governments, which is spearheading the effort.

The transportation authority also is pursuing state and federal grants for the proposed bus service that would include at least 19 regularly scheduled stops along U.S. 278 from the Coastal Carolina Medical Center in Hardeeville to The Mall at Shelter Cove on Hilton Head Island, Kozak said.

People working on this idea have a healthy attitude about getting cut from the sales tax list in favor of \$5 million going to help pay for widening U.S. 17 in northern Beaufort County. "It would have been a nice bonus," Kozak said of being included on the project list. "But it doesn't mean we're not going to do it."

In the lead, the council of governments is working with the transportation authority to develop a business plan it can shop around to local businesses. Kozak said they hope businesses would donate money or agree to purchase bus passes for their workers and customers. The authority's chairman, Thomas Heyward, also has the right attitude when he says, "It has been my experience in Beaufort County that things that are tried on the cheap or tried halfway are doomed to failure. And this project is so vital and so important to so many people and the welfare of the community that we need to slow down a bit, take some time, and maybe we'll get something going by next spring."

The bus authority has made great strides in cleaning up operations, improving service and shoring up its financial situation over the past several years. We have confidence that it can figure out how to make fixed bus routes work.

The Island Packet

Suzanne Larson, Public Information Officer
Beaufort County
Work: (843) 470-2810
Home: (843) 812-1072
Fax: (843) 470-2812
pio@bcgov.net

Stand in the light, plant your feet and tell the truth.
-- James Cagney

Stacy Bradshaw

From: Suzanne Larson
Sent: Friday, August 04, 2006 9:54 AM
To: County Distribution (pio@bcgov.net)
Subject: BT: Fri. 8/4/06: Joe croley Column

He says ...

'Save Land, Save Money' makes perfect sense

When life is fair, someone smarter than I am will help me understand the proposed rural and critical lands referendum sure to be on the November ballot.

While we may be faced with a multitude of potential fund-raising questions in this coming election, I want to think of the rural and critical lands question as a no-brainer. I'd like to just say I will vote for it, and then move on to thinking about the other, more controversial questions, like the two that involve raising the sales tax.

Somehow, however, I find myself whistling the old Broadway tune, "What Kind of Fool Am I," even though I know the rural and critical lands referendum may be the last hope for Beaufort County to save any meaningful parcels of land.

In the Bluffton area, we won't have anyone left to kick out of office (which is always a pleasant reward for voting). So the state and local referendum questions will be the main reason to vote this November.

I attended a meeting last week with a group of dedicated volunteers working to convince the public that the rural and critical lands program deserves to be funded a second time around, if for no other reason than the obvious success of the first one.

I even received a bumper sticker with the catchy slogan, "Save Land, Save Money." I assume that means the less land to be developed, the less money we will have to pay in our own locally controlled tax venues to make up the shortfalls in lopsided development agreements we have signed.

I left that meeting more convinced than ever that a "yes" vote is the correct choice.

My problem came when I started to think—which always scares my wife—do I want to give this County Council, as a unit, \$50 million more to spend at their discretion? Certainly not THIS one; they vote to put car dealerships next to "critical land." But the next council will have six new members.

Assuming all of them are sound, logical thinkers—not always a sure thing—there could be a 6-to-5 majority of doing things the "new way" versus the "old way." On the other hand, two of the presumed new members come from the current Beaufort County School Board, and that's not exactly a ringing endorsement of their fiscal responsibility or good decision-making. That makes for a possible 7-to-4 majority for doing things the old way. I have already made up my mind how I am going to vote on the other questions on the ballot, barring any unforeseen changes in their wording or intent.

In the meantime, unless I am convinced otherwise, I will soon put the bumper sticker on my car, since the possible good to come out of this particular referendum outweighs the alternative of seeing more commercial development on rural and critical land.

Plus, "Save Land, Save Money" makes sense to me. You can contact me at Whenlifeisfair@hargray.com

Suzanne Larson, Public Information Officer
Beaufort County
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Cell: (843) 812-1072
Fax: (843) 470-2812
pio@bcgov.net

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Elacy Bradshaw

From: Suzanne Larson
Sent: Wednesday, July 19, 2006 6:41 PM
To: County Distribution (pio@bcgov.net)
Subject: IP: Online Blog: County referendum

islandpacket.com
the island packet online

islandpacket.com - The Island Packet Online

Hilton Head Island - Bluffton, SC

Wednesday, July 19, 2006

David Lauderdale Blog

Citizens For Open Space

Submitted by [dlauderdale](#) on July 19, 2006 - 9:29am.



The following was sent to me via e-mail:

As you may know there will be a ballot referendum in November authorizing County Council to in effect continue the work of open space acquisition begun in 2000. The (now depleted) \$40m Bond Referendum resulted in the protection of over 10,000 acres of Beaufort County land.

At a recent meeting, it was proposed and agreed that citizen endorsement of our renewed effort would be advantageous. If you are willing to have your name used in conjunction with other supporters (and have not already done so), we would appreciate hearing from you. Your name might appear in a list on letterhead, in newspaper ads etc. depending on space etc. If you are agreeable to lending your name publicly in aid of this important effort kindly reply to [Lindsey.Brown\(at\)CNSGHiltonhead.com](mailto:Lindsey.Brown(at)CNSGHiltonhead.com)

Please spell out your name as you would like to have it appear.

Below are our vision and mission statements for your ready reference.

If you need additional information you can email [gkathitide\(at\)islc.net](mailto:gkathitide(at)islc.net)

Thanking you in advance,

Your co-chairs:

Tom Taylor

Farry Connor

George Johnston

CITIZENS FOR OPEN SPACE

2006

Our Vision

Our vision for Beaufort County is a living, working community that cherishes its natural splendor, protects its environment, respectfully plans the use of its lands and preserves its unique heritage for the benefit of all citizens -- present and future.

Our Mission

Create and execute a program to generate voter support for the successful passage of the November 7 referendum that will

says ...

Save Land, Save Money' makes perfect sense

When life is fair, someone smarter than I am will help me understand the proposed rural and critical lands referendum sure to be on the November

While we may be faced with a multitude of potential fund-raising questions in this coming election, I want to think of the rural and critical lands question as a no-brainer. I'd like to just say I will vote for it, and then move on to thinking about the other, more controversial questions, like the two that involve raising the sales tax.

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So, "Save Land, Save Money" makes sense to me. You can contact me at Whenlifeisfair@hargray.com

Shirley Larson, Public Information Officer

Beaufort County

Work: (843) 470-2810

Home: (843) 812-1072

Cell: (843) 470-2812

shirley@bcgov.net

Stand in the light, plant your feet and tell the truth.

— James Cagney

He says ...

It pays to have low expectations

When life is fair, I will start making a living from winning sucker bets with the editor of this paper. He, being an optimist, will jump on a bet that less than 10 people show up to voice their opinions at the two public hearings to be held Monday in the Bluffton Library. Although public hearings only occur after the County Council has already twice said "yes" to the issue at hand, and the chances of them changing their minds are minuscule, they, by law, have to have them.

Anyway, almost everyone in Beaufort County has an opinion on these subjects: Should the county increase impact and development fees, then impose a 1 percent capital sales tax for road and infrastructure improvements?

On the first issue, for southern Beaufort County increasing the fees is somewhat like telling the gorged fox as it comes out of your now barren hen house, that the next time he does this it will cost him.

Foxes, being natural predators, will just move on to the closest populated hen house (Jasper County). We are just about out of hens and land south of the Broad River.

Once the city of Beaufort and the towns of Port Royal and Yemassee finish annexing all the property they currently have their greedy little eyes on, there will not be much land where the increase in fees would even apply.

Nevertheless, go ahead and increase those fees if it clears your conscience.

Next up to bat, facing an 0-2 count, is the ever-popular local capital sales tax increase. As usual, the proposed projects are spread out all over the county map, probably once again in hopes of appeasing those feeling neglected because they haven't received their share of the pork pie.

Most of them are the same projects proposed in the last two defeated sales tax referendums. Why didn't they go after the root cause of them – uncontrolled development – and attempt to raise the development and impact fees after each defeat?

If nothing else, this current County Council has a wonderful sense of comedic timing. They just passed a budget increasing our property taxes, after we recently approved a school referendum to borrow about \$44 million caused by the above-mentioned foxes, and they want us to approve a rural and critical land referendum for \$50 million because we don't have any open space left. In addition, the promise of another school referendum looms for 2007.

So let's try it again with the capital sales tax, to make the taxpayers ante up for the lopsided development agreements of the past.

No wonder not one eligible incumbent was renominated.

In the meantime, this November ballot is sure to make me want to take the "over" percentage on the next bet with the editor for possible turnout.

Since I doubt I will have to take off my shoes and socks to count over 10 at the meeting, you can contact me at

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Stand in the light, plant your feet and tell the truth.
– James Cagney

Planning must lead to the greater good

County park resources are under stress

Published Wed, Jul 5, 2006

Comments (0) [Add Comment](#)

Beaufort County officials discuss a 6,000-seat stadium for Burton Wells

Park, it should be kept in the context of the Northern Beaufort County Regional Plan that is under way.

A discussion of a stadium arose in March after the May 20 school bond referendum was trimmed by \$100 million to \$43.6 million. Some people immediately took umbrage that it would eliminate an athletic stadium for the school. County Councilman Dick Cartwright said he had spoken with members of the council about a stadium at the county's Parks and Leisure Services Burton Wells Sports Complex. If feasible the county should explore it, he said.

As the stadium plan has resurfaced in recent weeks, people have called for an examination of all recreation needs and that the northern county is suffering a dearth of parks and playing fields.

In recent weeks, too, Beaufort Mayor Bill Rauch has floated the idea of a tennis complex and other sports facilities to attract a wide range of players and tournaments to enhance tourism.

Beaufort County's surging population is putting a strain on recreation facilities. With so many people clamoring for additional parks and playing fields, a \$50 million referendum to preserve open space becomes critically important. Not only would the money purchase land, but taking land out of the available pool for development could lower demand of services.

Some may complain that the north county has received sufficient money with the addition of park land on Lady's Island and the \$8.3 million spent on expansion of the Burton Wells Park. But the 306-acre park is but part of the hundreds of acres necessary to satisfy the Beaufort County Comprehensive Plan's assessment of 5 acres of land per 1,000 residents.

While the county attempts to close in on the goal of adequate park land for residents, the target continues to move as the population increases. Just four years ago, projections said that the county would need an additional 725 acres of parks in the next 8 years. The growth of housing developments indicates the need is greater than ever.

Since 2000, the county has spent more than \$41 million to protect 10,035 acres of land from development. But only 55 acres of land protected through the Rural and Critical Lands program are open to the public. Opening and maintaining parks takes personnel and money.

As government representatives discuss the Northern Beaufort County Regional Plan, all of them should bring park needs to the table and discuss how each can cooperate to use county, municipal and school district money for the betterment of all Beaufort County residents. The financial resources come from the same purse -- taxpayers. Find a way to use it wisely in both ends of the county.

County donates islands to park

Published Thu, Jun 29, 2006

By GREG HAMBRICK

The Beaufort Gazette

 Comments (0) [Add Comment](#)

Hunting Island State Park has grown by 12 acres but not because of the recently completed beach nourishment project. The recent donation of nine marsh islands by Beaufort County will extend the park west.

Beaufort County purchased the islands, a collection of Johnson Creek islands and the Machette Flats on the Harbor River, for \$650,000 through the county's land preservation program and a \$300,000 donation from the S.C. State Conservation Bank.

The new islands could mean primitive camping areas and other low-impact activities that could work around the natural bird and fish habitats, said park manager Jeff Atkins.

Although the remote islands wouldn't be prime for large-scale development, prospective buyers were pursuing the islands for docks and fishing camp homes that could have marred the view and environment.

"Damage to the marshes and the shoreline would have affected the fish and bird habitats," said Russ Marane, local director of the county's nonprofit land-buying partner Trust for Public Land.

The state has been acquiring many of the small islands west of Fripp Island to preserve the ecosystem and provide adequate bird and wildlife habitat, which included the purchase and shuttering of nine fishing camps west of Fripp in 2004.

The county's \$350,000 came from its Rural and Critical Lands Preservation Program, paid for through a \$40 million bond referendum approved by voters in 2000. With that money largely spent, the county will be going back to voters in November to ask for another \$50 million bond to continue the program.

Contact Greg Hambrick at 986-5548 or ghambrick@beaufortgazette.com. To comment: beaufortgazette.com.

County donates nine marsh islands to Hunting Island State Park

Published Thursday, June 29, 2006

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Hunting Island State Park has grown by 12 acres as the recent donation of nine marsh islands by Beaufort County will extend the park west.

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The state has been acquiring many of the small islands west of Fripp Island to preserve the ecosystem and provide adequate bird and wildlife habitat.

Business fees raised to keep taxes down

BY LOLITA HUCKABY
BLUFFTON TODAY

The County Council's Finance Committee found a way on Monday to balance the county's \$89 million operating budget without a property tax increase.

The early budget plan had called for a 3 mill increase, estimated to cost the owner of an average \$200,000 home an additional \$40. Then, last week, the council cut the proposed increase to 2 mills, voting to take money from the projected fund balance.

Committee members decided on Monday they could prevent any property tax hike by increasing business license fees—a proposal they had rejected last week — and taking more money from the fund balance.

The committee also agreed to raise the cost-of-living increases for employees from 2 percent to 2.5 percent.

"It's all because Columbia has given us a 10 mill (school district) increase we can do nothing about. We have to do something," Council Chairman Weston Newton said.

Because of a reduction in state funding, there will be a local tax increase to cover education expenses.

Newton led the push Monday to take even more money away from the fund balance to reduce the needed additional mill to 1.

Councilman Dick Stewart, whose proposal to increase the business license fee was rejected last week, was successful Monday when he suggested the additional revenue could be used to maintain a fund balance without a tax rate increase.

"What we've accomplished here today is a budget with zero additional mills for county operations," Newton said.

A plan for the new business license fees is to be drafted by early August for implementation Jan. 1.

The committee, at Newton's suggestion, also agreed to reduce the number of mills in the county budget from 2 to 1 for continuation of the Rural and Critical Lands Program.

County voters will be asked in a November referendum to support a \$50 million bond issue for the continued purchase of open land. The council had included 2 mills in the budget to provide interim funding for the program until the referendum.

Adoption of the amendments would require approval at the full council's Monday meeting.

Up to back land preservation

BY GINNY SKALSKI, *The Island Packet*

Published Friday, June 2, 2006

[Comments \(0\)](#) → [Add Comment](#)

Development got you down?

Well, Beaufort County officials hope to stave off growth by preserving \$50 million worth of land as open space. But the county needs voters to agree to raise their property taxes to do it.

That could be a tricky task at a time when some residents are jaded by the county's rapid growth, but a recently revived organization hopes to convince voters it's the right thing to do.

Friends for Open Space is gearing up to promote the passage of a \$50 million bond referendum so the county can buy land and development rights. On Thursday, the group announced that three community members will lead the effort to persuade voters to use their tax dollars to reduce development.

While some voters might be eager to contribute toward the county's preservation efforts, others could need a little persuading. But rather than debate the development choices the Beaufort County Council has made over the years, Friends for Open Space co-chairman Barry Connor says the group will point to the successes of a similar referendum approved in 2000.

"A lot of the other stuff is political discussions and those are very, very valid concerns that people have," he said, "but we're going to hang our hat on past successes."

Long-term repayment of the bonds would increase property taxes by between \$12 and \$20 annually for a \$200,000 home, county officials have said. Connor, a former county councilman, will focus his rallying efforts on the Bluffton and Okatie areas.

"I agree that development is going really strong here," Connor said. "It's been economically good for the community ... people want to come to the coast of South Carolina.

"The strain is not unique to us, and I think that people need to realize that they should step up" and contribute toward the preservation of open space.

The group's other co-chairmen, former County Council chairman Tom Taylor and St. Helena Island resident George Johnston, will try to win support on Hilton Head Island and in northern Beaufort County, respectively.

The group hopes to raise upwards of \$80,000 in private donations to buy advertising; create educational materials, including a Web site; send promotional mailings; and even poll voters on the issue, said Tom Gardo, the group's spokesman.

"A large part of the bond referendum is getting in front of groups -- civic groups, neighborhood groups -- to explain what's going on," Gardo said. "The need is the biggest selling point. I think that everybody understands that growth control is a significant issue for this county."

County officials: Tax hike inevitable

BY GREG HAMBRICK, *The Beaufort Gazette*

Published Tuesday, May 23, 2006

[Comments \(0\)](#) → [Add Comment](#)

BEAUFORT -- New staff, rising costs and a \$15 million reduction in state aid for the school district all but assure sharp tax increases for Beaufort County residents when tax bills are sent out in October, based on estimates the Beaufort County Council received Monday.

The projected increases would mean an additional \$150 in taxes on a \$200,000 home, with \$110 going to the school district and \$40 to county operations. That amount does not include changes in tax collections for municipalities or other public service districts.

Giving initial approval to both budgets, council members were resolved that a majority of the hikes were inevitable. But they pledged to look for ways to reduce the final number, possibly by eliminating some discretionary spending in the school budget or using county reserves.

"This is going to be scary in the end if we don't do something between now and then," said County Council Vice Chairman Skeet Von Harten.

The County Council will have to vote two more times on the budgets before the fiscal year begins July 1 and will hold public hearings June 7 in Beaufort and June 8 on Hilton Head Island.

The school district's proposed \$147 million budget is about a \$10 million increase over the current fiscal year, but taxpayers also will have to replace \$15 million the district lost in state aid because of state funding formulas based largely on property values.

District representatives told the council that there was only nearly \$3 million in discretionary spending, largely tied to salary adjustments.

Superintendent Edna Crews said that if the council is looking for substantial cuts, it would have to look at teachers.

"Our board has taken us over the coals to make sure there's no fluff in here," she said of the budget. "It would have to come from our classrooms."

The county's budget includes an about \$9 million increase, including money for 47 new employees, 33 new vehicles and some salary adjustments. The county also would add \$3.17 million annually to its Rural and Critical Lands Preservation Program.

The work to preserve open space and ward off development on some busy corridors has been paid for through \$40 million in bonds approved by voters in 2000, but that money is mostly spent.

The county is asking voters in November to approve leveraging the new funding with an additional \$50 million in bonds.

Once the budget totals were presented, some council members flinched at promises last week to maintain \$12 million in the county's reserve balance, now suggesting that a portion of that could be used to lessen the tax hike.

County Councilman Dick Stewart again called on the council to raise business license fees to encourage economic development and fund some of the county's operating costs.

"I cannot explain why the council wouldn't ask businesses to pay at least the average of what's collected in business licenses (in regional municipalities and counties)," Stewart said, noting that those collections could add \$3 million a year to county coffers.

Monday, the council approved the county's Stormwater Management Master Plan. The new plan doesn't include a
increase.

contact Greg Hambrick at 986-5548 or ghambrick@beaufortgazette.com.

Officials: Money to maintain parks difficult to come by

BY GINNY SKALSKI, *The Island Packet*

Published Monday, May 1, 2006

[Comments \(0\)](#) → [Add Comment](#)

Beaufort County has spent more than \$41 million to protect 10,035 acres from development, but county officials say coming up with money to maintain and operate parks on those preserved lands has been difficult.

Only 55 acres of the land protected through the county's Rural and Critical Lands program are open to the public. Most of that land is maintained by volunteers.

But the county's Parks and Leisure Services Department hopes its proposal to hire three park rangers during the fiscal year that begins July 1 could help open the gates of another park.

John Miller, director of parks north of the Broad River, said hiring the rangers -- at a total annual cost of \$80,428 -- would allow the county to keep a closer eye on Fort Fremont Park on St. Helena Island.

Still, Miller said adding three rangers to the county's payroll is just an inkling of things the county must do to open nine more protected properties to the public.

"I have to and (Joe Penale, southern Beaufort County parks director) has to think, 'How are we going to maintain the parks?' " Miller said.

"Can we get the park rangers and can we get the staffing to operate these parks and supervise these parks?"

The county has received more than \$685,000 from the former owners of four properties -- Fort Fremont, the Pinckney Colony Preserve, the Okatie Preserve and Altamaha -- to help develop parks, according to Russ Marane, project manager for The Trust for Public Land, a national nonprofit organization hired by the county to manage its land-acquisition programs.

But that money only goes so far, Miller said. The county must come up with a way to pay for trail and parking lot construction not covered by the gifts, as well as additional staff to operate and maintain them.

"It's a struggle in the budgetary process all of the time," county administrator Gary Kubic said. "You can't buy 10,000 acres of land and not have an associated expense with it for maintenance and the like."

The county has paid for most of the land it purchased through a \$40 million bond approved by voters in 2000. In November, voters again will be asked to approve a bond -- this time for \$50 million -- so the county can buy more land.

Kubic said his employees are researching whether some of that bond money can be used to help offset the costs of developing and maintaining parks.

In the meantime, Public Works director Eddie Bellamy said the undeveloped land doesn't require much maintenance, but his workers are "already stretched thin." If more parks are developed, he said, his department will need more resources.

"I have not been given any additional people or any additional funds for any of the undeveloped rural and critical lands purchased," Bellamy said. "The only thing I'm doing is mowing around the signs, and I'm not sure I'm mowing around all the signs."

The County Council will consider Miller's request for park rangers when it reviews the budget for fiscal year 2006-07 in the coming weeks. Regardless of whether the rangers are added this year, Marane said, the county eventually will have to put more money toward the planned parks.

"They're going to get a lot of public use," Marane said. "They're going to need things like park rangers."

What this program is doing is introducing an entirely different kind of park into the inventory of parks for people to use. They're used to taking care of ball fields. These are passive parks with camp sites and trails and those sorts of things."

Contact Ginny Skalski at 706-8144 or gskalski@islandpacket.com. To comment on this story, please go to islandpacket.com.

Retired Realtor pushes for moratorium on development

Published Mon, Apr 17, 2006

By GINNY SKALSKI

The Island Packet

[Comments \(0\)](#) [Add Comment](#)

While stuck in traffic in greater Bluffton last month, Hilton Head Island resident Lynn Baskin started to notice the entrances to several new housing developments. And she got upset.

"I was thinking -- where's the infrastructure, where's the schools, where's the roads?" she said.

That's when the retired Realtor decided local governments should implement a one-year moratorium on development and use that time to map out exactly how they will bring infrastructure up to snuff.

The burgeoning growth in southern Beaufort County has left other residents asking whether it's time to put the brakes on construction of new homes and businesses.

But stopping development until roads are widened, schools are built and new parks are created can be tricky, requiring much planning, according to Howard Duvall, executive director of the Municipal Association of South Carolina.

"You can't just say, 'We're going to pass a moratorium on development,'" Duvall said.

The pending ordinance doctrine allows local governments to enact a moratorium on development while it changes its zoning ordinances. The moratorium can affect only those things being changed in the ordinance. It's essentially the only way for a city, town or county to impose a moratorium on development, Duvall said.

But because Beaufort County isn't planning to overhaul its zoning ordinances, it can't pursue a development moratorium, according to county planning director Tony Criscitiello.

However, other ways exist to manage growth, Duvall said, such as limiting building permits, increasing minimum lot sizes and promoting the development of single-family residences instead of multifamily homes.

Capping growth

In Mount Pleasant town leaders started a program in 2001 that limits the number of residential building permits that can be issued each year. The program keeps the town from growing by more than 3 percent each year until 2010, when the rule expires.

"The town just couldn't keep up in terms of infrastructure and services, with traffic and roads being the major thing," said Kelly Cousino, who oversees the program for Mount Pleasant.

So far, Cousino says, the program has made it easier to make intersection improvements, widen roads, build fire stations, upgrade communication systems for the police department and create parks.

Criscitiello said a similar program would have a chance of being effective in southern Beaufort County if Bluffton and Hilton Head Island agreed to it.

"It would serve no purpose if the county was limiting the building permits and the municipalities are not," Criscitiello said.

Regional planning

County Council Chairman Weston Newton said a moratorium or even a limit on building permits could compromise the county's ability to pay off debt it took on to build the Bluffton Parkway and other projects. Those debt payments are being made with impact fees collected from developers when they build homes or businesses.

Instead, Newton points to the recently completed Southern Beaufort County Regional Plan as an effective way to ensure county, Bluffton and Hilton Head officials are focusing on the same issues when it comes to growth and infrastructure. The plan identifies more than \$370 million in infrastructure deficiencies expected to arise in the next 15 years as a result of growth in southern Beaufort County.

1 regional plan itself has demonstrated the need for common denominators -- common understandings to collective problems,"
2 ton said. "That is a great first step in trying to bring everyone together in trying to figure out how to address what's
3 ppening."

4 county can slow the pace of development south of the Broad River by continuing to purchase land through its Rural and
5 ritical Land Preservation Program. "I could seriously imagine it shrinking rather substantially," Councilman Peter Lamb said.

6 act Ginny Skalski at 706-8144 or gskalski@islandpacket.com.

Putting a moratorium on growth is not easy

BY GINNY SKALSKI, *The Island Packet*

Published Monday, April 17, 2006

[Comments \(0\)](#) → [Add Comment](#)

While stuck in traffic in greater Bluffton last month, Hilton Head Island resident Lynn Baskin started to notice the entrances to several new housing developments. And she got upset.

"I was thinking -- where's the infrastructure, where's the schools, where's the roads?" she said.

That's when the retired Realtor -- who stresses that she's not against growth -- decided local governments should implement a one-year moratorium on development and use that time to map out exactly how they will bring schools, roads and other infrastructure up to snuff.

The burgeoning growth in southern Beaufort County has left other residents asking whether it's time to put the brakes on construction of new homes and businesses.

But stopping development until roads are widened, schools are built and new parks are created can be tricky, requiring much planning, according to Howard Duvall, executive director of the Municipal Association of South Carolina.

"You can't just say, 'We're going to pass a moratorium on development,' " Duvall said. "You have to have a document that you're actually considering that would do that before you could invoke the pending ordinance doctrine."

The pending ordinance doctrine allows local governments in South Carolina to enact a moratorium on development while it changes its zoning ordinances. The moratorium can affect only those things being changed in the ordinance. It's essentially the only way for a city, town or county to impose a moratorium on development, Duvall said.

But because Beaufort County isn't planning to overhaul its zoning ordinances, it can't pursue a development moratorium, according to county planning director Tony Criscitiello.

However, other ways exist to manage growth, Duvall said, such as limiting building permits, increasing minimum lot sizes and promoting the development of single-family residences instead of multifamily homes.

CAPPING GROWTH

In Mount Pleasant, which is just across the bridge from Charleston, town leaders started a program in 2001 that limits the number of residential building permits that can be issued each year. The program keeps the town from growing by more than 3 percent each year until 2010, when the rule expires.

"The town just couldn't keep up in terms of infrastructure and services, with traffic and roads being the major thing," said Kelly Cousino, who oversees the program for Mount Pleasant. "There was also a concern with hurricane evacuations and trying to get all these people out of town."

So far, Cousino says, the program has made it easier to make intersection improvements, widen roads, build fire stations, upgrade communication systems for the police department, and create parks.

Criscitiello said a similar program would have a chance of being effective in southern Beaufort County only if Bluffton and Hilton Head Island agreed to it.

"It would serve no purpose if the county was limiting the building permits and the municipalities are not," Criscitiello said. "And since most of the development in southern Beaufort County is in the municipalities, the effect of that moratorium would be lost based on the preponderance of where that development is coming from."

REGIONAL PLANNING

County Council Chairman Weston Newton said a moratorium or even a limit on building permits could compromise the county's ability to pay off debt it took on to build the Bluffton Parkway and other projects. Those debt payments are being made with impact fees collected from developers when they build homes or businesses.

Instead, Newton points to the recently completed Southern Beaufort County Regional Plan as an effective way to ensure Bluffton, Bluffton and Hilton Head officials are focusing on the same issues when it comes to growth and infrastructure. The plan identifies more than \$370 million in infrastructure deficiencies that are expected to arise in the next 15 years as a result of growth in southern Beaufort County.

The regional plan itself has demonstrated the need for common denominators -- common understandings to collective problems," Newton said. "That is a great first step in trying to bring everyone together in trying to figure out how to address what's happening."

Ultimately, the southern regional plan and a similar plan in the works for northern Beaufort County will be used to revise the county's comprehensive plan. The municipalities didn't have much input when the last comprehensive plan was drawn in 1997, Newton said.

Gone are the days where zoning and permitting on Hilton Head impacts only Hilton Head or permitting and construction in Bluffton only impacts Bluffton," Newton said. "What happens in all the areas impacts all the people in the southern portion of the county, regardless of where they are."

Councilman Peter Lamb, who represents Bluffton, said he's not sure that limiting development on the 11 percent of land identified as being uncommitted in the southern regional plan would do much to help officials catch up with infrastructure needs. That's because, he said, any steps to limit development would prompt developers to sue the county, and if they're successful, the county would have to pay legal fees and potential damages.

It's one thing to put a moratorium on when you've got raw land and you want to stop issuing building permits," Lamb said. "The problem here is you've got these development agreements and (planned unit developments) throughout southern Beaufort County."

The county can slow the pace of development south of the Broad River by continuing to purchase land through its Rural and Critical Land Preservation Program. Lamb plugged the county's planned \$50 million bond question in November for land acquisition as a way to reduce development.

I could seriously imagine it shrinking rather substantially," he said.

Annexation may kill the golden goose

Published Sun, Apr 16, 2006

[Comments \(0\)](#) [Add Comment](#)

Residents of Beaufort, wake up. In just a few weeks, five members of the City Council will vote whether to annex more than 5,000 acres.

Zoning that allows one house per 3 acres will be overturned to allow more than 16,000 houses in the flyway of Marine Corps Air Station Beaufort. Such a decision could allow 50,000 new residents into the city of Beaufort, which has about 15,000 residents. The annexation will cause county taxes to go up, and it could jeopardize Beaufort's ability to retain the Marine Corps air station in an ever-tightening cycle of base closures.

What do certain members of the City Council see that is more beautiful than the drive across the Whale Branch River? Roll your window down, smell the salt marsh and marvel at the beautiful expanse of rural vistas that welcome people to Beaufort. Imagine annexing much of that property and filling the corridor with cars and buses, fast-food restaurants, chain stores and gas stations while your taxes increase to build more schools and infrastructure. Close your eyes and imagine yourself in south Florida or southern Beaufort County. The reality is weeks away.

What is occurring with this annexation is a result of a county zoning plan that is worthy in its goals but doomed under the current status of state law. Cities can legally annex any land that is contiguous to their borders -- at the request of the landowner. In Yemassee, one large landowner has purchased a 20-foot swath connecting his plantation to the town and awaits final reading for annexation.

Yet, in fairness, why shouldn't large landowners seek the highest value for the land they've been stewards of for generations? Why should they subsidize the public vistas when through annexation into a municipality they can achieve a much higher market value for their property? The inevitable result of current trends will be a county government that reigns over disjointed spits of land while the municipalities of Port Royal, Beaufort and Yemassee have annexed the map.

If the public values open vistas, then it will have to pay for them by purchasing development rights or properties outright. Two successful tools to do this are the land preservation bond referendum, which voters can decide on in the fall, and a real-estate transfer fee. The land preservation bond will create a fund of \$50 million to purchase tracts of land and open vistas. However, rather than fighting this battle every several years with voters, creating a real-estate transfer fee similar to the town of Hilton Head Island's would establish a steady income stream that could be dedicated to preserving open vistas. State law allows for such a transfer fee only for Hilton Head Island and thus needs to be changed if we are going to find an equitable way to preserve our rural character.

This county is on fire with development, and the idea that certain members of historic Beaufort's City Council would facilitate higher density living, more congested highways and higher county taxes is frightening and shortsighted. With the looming annexation of the McLeod and Cox properties, 50,000 residents may soon greet you on your arrival into the city. Rather than providing leadership to preserve our quality of life, our town's future is on the verge of being hijacked. Speak up. Call your mayor and members of the City Council. Sign the petitions against this misguided governance. Show up at the pivotal City Council meeting in several weeks.

Let's defeat the annexation. Let us then be realistic about why annexation is occurring and work as a county and community to preserve the golden goose.

The writing is on the wall. Let's not let it become graffiti at the entrance to our town.

Clark Trask is a physician. He lives in Beaufort. His e-mail address is clarktraskmd@hargray.com.

From: Suzanne Larson
Sent: Monday, April 17, 2006 8:56 AM
To: County Distribution (pio@bcgov.net)
Subject: IP: Editorial: Real work just beginning on county's regional plan

Real work just beginning on county's regional plan

Coordinated planning effort critical to managing growth

Published Sunday, April 16, 2006
[Comments \(2\)](#) [Add Comment](#)

After 18 months, the real work is yet to come in the Southern Beaufort County Regional Plan.

The next steps -- if the plan gets final approval from the full Beaufort County Council -- call for creating committees to coordinate planning and funding for roads, parks and schools; developing baseline ordinances for protecting natural resources; and coordinating land use planning among the county and municipalities. The plan also calls for pushing for state legislation to come up with additional ways to pay for new roads and open space.

Efforts to draft a regional plan for the northern end of the county are just starting. All of it is to culminate in a new countywide comprehensive plan to be developed in 2007.

It seems as if the planning never stops, it doesn't. And we are coming perilously close to "planning" until all the new homes and stores are built -- particularly in southern Beaufort County.

When it's all said and done -- when the goals, subgoals and objectives all are laid out -- the most important thing these plans must accomplish is a unified approach to managing growth. No more zoning shopping. No more playing one government entity off another.

No more undoing a lot of hard work with a single development agreement.

As they move forward, officials from municipalities in northern Beaufort County have to set aside current and past differences. No more complaints about not being at the table for the county's first comprehensive plan (they were invited, and many came). They are at the table now, and they need to do right by all the taxpayers in Beaufort County.

That's what it all comes down to. We're in this together. Northern Beaufort County taxpayers are being asked to pay for new schools in Bluffton. Southern Beaufort County taxpayers do the same -- and more, given our tax base -- for their counterparts. Taxpayers countywide -- if they say yes -- will see a tax increase to spend \$50 million for the county's rural and critical lands program.

And that's why it's discouraging to see officials from the town of Port Royal and the city of Beaufort set themselves up to repeat mistakes made in southern Beaufort County. The impacts of growth that comes too fast and without adequate funding doesn't stop at a city's borders. We all pay the price.

Gov. Mark Sanford sees it. His recent criticism of Port Royal's move to annex across the Broad River and into southern Beaufort County is right on the money. Sanford plans to ask the state Department of Transportation not to pay for any road projects associated with Port Royal's annexation into southern Beaufort County.

"This is about drawing a line in the sand with respect to taxpayers across the state footing the bill for poorly planned annexations and infrastructure investments," Sanford said in a news release. "This annexation runs counter to the spirit of a planning process that Beaufort County has spent more than \$200,000, a year and a half and two dozen public meetings

putting forth."

Marine Corps officials see it. Marine Corps Air Station Beaufort's commanding officer has asked Beaufort to scale back proposed development agreements for more than 5,000 acres that surround the airfield, fearful that new homes and businesses that could spring up would interfere with training flights and negatively affect the base's future.

Perhaps the most intriguing bullet point in Clarion Associates' presentation on the Southern Beaufort County Regional Plan is the recommendation to consider adopting an "adequate public facilities" regulation for a regional road network. The consultants told Bluffton officials that York County is in the process of adopting such an ordinance. It allows a local government to defer the approval of development projects based on a finding that public facilities would not be adequate to support the proposed development at build-out. As practiced in North Carolina, the idea is that developers can wait to build until infrastructure catches up or pay a fee toward building the infrastructure.

If individual developers opt for the fee, the catch would be getting enough money in hand quickly enough to build the public facilities needed and stay ahead of developers' building.

Impact fees for roads, parks, libraries and fire services now in place, in theory, do the same thing. But we don't seem to get out ahead of the problem. What we need are bigger fees and a way to pace development.

Otherwise, we're overwhelmed. And that's what we have today in southern Beaufort County. Northern Beaufort County can look forward to the same unless they learn from our mistakes.

Let's check the egos at the door and do this right.

Timberland sales illustrate market incentives to develop

Purchasing land, development rights effective way to manage impact

Published Wednesday, April 12, 2006

[Comments \(0\)](#) → [Add Comment](#)

To better appreciate the development pressures we face in the Lowcountry, South Carolina and the South, just review two recent announcements from International Paper Corp.

On March 28, the company announced it was selling 218,000 acres in 10 Southeastern states to The Nature Conservancy and The Conservation Fund for \$300 million. That purchase includes 39,000 acres in South Carolina, which The Nature Conservancy plans to sell to the state of South Carolina. The announcement was lauded in conservation and government circles.

One week later, International Paper announced it was selling 5.1 million acres of forestland for \$6.1 billion to two investor groups. More than 4.7 million acres lie in Southern states. The sale involves 475,000 acres in South Carolina, including 3,000 acres in Jasper County.

The difference in scope and impact between the two sales is enough to make one catch one's breath. But it shouldn't discourage us from making conservation purchases where we can and when we can.

In fact, it just makes all the more important those instances when we can take tracts out of development, either through outright purchase or through the purchase of development rights. And it makes it all the more critical that state and local governments bolster their conservation programs.

We have a chance to do that in Beaufort County in November when we vote on a ballot question to allow the county to borrow \$50 million for its land-buying program. The strategic importance of the program was brought home last week with the county's adoption of the Southern Beaufort County Regional Plan.

One of the most sobering facts in the plan is that only about 11 percent of the land in southern Beaufort County is committed for development. The plan also estimates that current funding sources will result in a shortfall of more than \$370 million for roads, parks and schools.

We can't build our way out of this problem. We must buy land and development rights to reduce the demand on public services over the long haul. That includes buying development rights for projects already permitted, but not yet built.

As northern Beaufort County begins its planning process, officials there, too, need to focus on this program. Buying development rights and establishing conservation easements on such parcels as the 4,292-acre Clarendon Farm tract, with a proposal for more than 13,000 homes and commercial development, would go a long way toward avoiding the debacle that is the southern Beaufort County road system and our overcrowded schools.

The joint county and Town of Hilton Head Island purchase of development rights on about 1,500 acres owned by the Dunner family in southern Beaufort County is an example of this type of purchase. If the 1,450 acres were developed to their maximum potential, county officials estimate as many as 5,000 homes and up to 100 acres of commercial development could have been built. An estimated 100,000 vehicle trips a day will be prevented at that notorious bottleneck, the Moss Creek intersection of U.S. 278.

A citizens committee organized to get support for the \$50 million bond referendum is just starting its work to get the measure passed. And we hope state lawmakers see the light on allowing real estate transfer fees outside of Hilton Head Island to raise money to buy open space and land for parks.

There are few more effective ways to manage growth than to take the land out of development.

1) Main Editorial:

Good news at state, local levels on vital conservation purchases

Land, rights purchases protect areas from development

Published Thursday, March 30, 2006

[Comments \(0\)](#) → [Add Comment](#)

The \$3 million to purchase development rights and establish conservation easements on 450 acres in southern Beaufort County will be money well spent.

Beaufort County and Hilton Head Island should be congratulated.

Beaufort County Council voted unanimously Monday to spend \$1.5 million to purchase the development rights to 450 acres owned by Alan Ulmer Jr. near the Old South Golf Course. Hilton Head's Town Council is expected to approve the agreement next week and pay the other half of the purchase price.

There is no better way to control growth than to take land out of development.

The purchase also leads the way for other Ulmer family members to sell similar rights on 1,000 more acres.

Officials don't know yet what the price will be to buy development rights on the additional 1,000 acres, said Steve Riley, Hilton Head's town manager and chairman of the county Rural and Critical Lands Board. That will depend on what specifically is negotiated in the next six months. But the price tag is likely to be at least \$15 million and is expected to be split between the county and town.

That may seem a hefty price tag, but if the 1,450 acres that stand to be preserved were developed to their maximum potential, county officials estimate, as many as 5,000 homes and up to 100 acres of commercial development could have been built. An estimated 100,000 vehicle trips a day will be prevented at that notorious bottleneck, the Moss Creek intersection. This purchase is a good reason to support the county's effort to raise another \$50 million for land acquisition through a ballot question in November.

The 450 acres include 107 acres of mainland, nine islands totaling 8 acres and 335 acres of marsh. The remaining 1,000 acres include about 650 acres of uplands, three islands totaling 25 acres and 325 acres of May River marshes.

Ulmer will maintain ownership of the 450 acres, but a conservation easement will be placed on the property, limiting its use to farming, said Russ Marane, project manager for The Trust for Public Land, the national nonprofit organization hired by the county and the town to manage their land acquisition programs. Four homes also can be built on the property.

The county will pay for the development rights with what remains from the sale of \$40 million in bonds, approved by voters in 2000. The town has a long-standing land purchase program, funded in part by a 0.25 percent real estate transfer fee. Hilton Head is the only entity in the state with that kind of funding source.

Mayor Tom Peeples described the Ulmer purchase as a wise investment for the county and town, particularly because of the effect major development could have had on traffic. Peeples said it makes sense for Hilton Head to participate in the acquisition even though the land is not on the island.

He's right. It's not the first time the town and the county have partnered on a purchase, and we hope it's not the last.

Other good news in the land purchasing arena is the sale of about 218,000 acres in 10 Southeastern states to The Nature Conservancy and The Conservation Fund. The land is owned by International Paper Corp.

The \$300 million purchase includes about 39,000 acres of timberland near Myrtle Beach, as well as land along the Savannah River in Hampton County. The price tag for the two tracts is \$51 million.

The 25,668-acre Woodbury tract lies between the Little Pee Dee and Pee Dee rivers in Marion County, 15 miles west of Myrtle Beach and upriver from the federal Waccamaw National Wildlife Refuge and the state's Sandy Island Preserve.

The Hamilton Ridge tract has 13,281 acres on the Savannah River and is next to the state's James W. Webb Wildlife Management Area.

The idea is for the state to partner with the conservation groups to buy the land. To that end, state lawmakers have approved allowing the Department of Natural Resources to sell bonds for land acquisition to be paid with money from the state's Heritage Land Trust.

Gov. Mark Sanford signed the bill into law Tuesday.

The sale of timber holdings to developers sparked the southern Beaufort County mainland development boom. International Paper and Union Camp Corp., bought by International Paper in 1999, have sold tens of thousands of acres in Beaufort and Jasper counties over the past eight years, including the 20,600-acre Palmetto Bluff, the 5,600-acre Buckwalter tract and the 4,400-acre Jones tract.

We're only sorry such a conservation purchase could not have been worked out for some of the company's holdings here.

Local commuters take backseat

Published Thursday, March 30, 2006

Comments (0) → [Add Comment](#)

to the Packet:

In the interest of all registered voters, I am curious as to why commuters have to sit in traffic hours and hours. Last summer, when we had a major snafu that lasted into the midnight hour or longer, it was quickly fixed by adjusting the traffic lights.

I believe this was in July, the peak tourist season, and after the lights were adjusted, commuters like me sailed off the island to arrive in the Bluffton area 30 to 35 minutes later, never stopping for a traffic light. Then this quickly changed in late September going right back to the traffic back-up again.

Why is it that no one can figure out how to adjust the traffic lights to let traffic flow off the island for a reasonable two-hour time frame for the going-home rush hour?

Unless the April tourists that arrive for the Heritage are more important, and we commuters just take the backseat from day to day. How sad. We all should remember this come election day.

Einhaus
Bluffton

Dennis Adams, MA, MLIS, Information Services Coordinator
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Island association survey online

Published Fri, Feb 17, 2006

[Comments \(0\)](#) [Add Comment](#)

The Lady's Island Business and Professional Association is conducting an internet survey on its Web site, libpa.org, on continuing the county's Rural and Critical Lands Preservation program.

Beaufort County has preserved nearly 10,000 acres since the program began in 1998, largely paid for through \$40 million in bonding approved by voters in 2000. Last month, the County Council agreed to ask residents for an additional \$50 million to continue the program.

The Lady's Island association holds monthly meetings with guest speakers on government and education issues and plays an active role in infrastructure needs and development standards on the island.

Tax applications due Feb. 28

Published Fri, Feb 17, 2006

[Comments \(0\)](#) [Add Comment](#)

Applications are due by Feb. 28 for allocations from the county's 3 percent accommodations tax. Permitted use of those funds collected on overnight stay in unincorporated Beaufort County include civic centers, coliseums or aquariums and cultural, recreational or historic facilities.

The grants also may be used for river or beach access and beach nourishment, roadways, bridges, boat ramps and tourism advertising. Other eligible uses include water and sewer improvements for tourism related facilities and public services, including fire protection, law enforcement and emergency medical services.

Applications are available at the Beaufort County Web site, bcgov.net, or by calling the clerk to council at 470-2590.

County gets conservation report card

Published Thursday, February 16, 2006

[Comments \(0\)](#) → [Add Comment](#)

A statewide, nonpartisan organization that encourages public participation in policy decisions regarding the environment issued a "report card" for Beaufort County.

Conservation Voters of South Carolina Education Fund has published its first "Conservation Counts in Beaufort" report card. The document describes four major conservation issues important to the future way of life in Beaufort County and reports on how County Council addresses them.

Local residents monitor how council members vote on land conservation, growth management, regional planning and stormwater management.

The "Vote Tracker" included in the report card informs citizens that council members unanimously cast two "pro-conservation" votes by adopting a rate structure for a stormwater utility fee and by approving a new \$50 million Rural and Critical Lands Preservation bond referendum which will be put before voters in the November general election.

The one "anti-conservation" vote was the council's unanimous decision to approve the creation of rural business districts in two communities near U.S. 21.

The fourth issue the group is following is the development of the Northern Beaufort County Regional Plan. The organization will publish a second report card in July and will follow the funding decision for that plan.

The "Conservation Counts in Beaufort" Report Card can be viewed on the organization's Web site:
<http://www.makeconservationcount.org>.

Local Briefs

Published Wed, Feb 15, 2006

Comments (0) Add Comment

Moonlighter jets set to return Thursday from Iraq

About 24 Marines and 12 F/A-18 Hornets from Marine All-Weather Fighter Attack Squadron 332 are scheduled to return from a seven-month deployment in Iraq on Thursday afternoon at the Marine Corps Air Station Beaufort, according to an air station press release.

The bulk of the squadron, about 110 Marines, returned Monday, from Camp Al Asad.

Road closures scheduled

There will be road closures and detours in Jasper and Colleton counties on S.C. 462 through Friday. The road will be temporarily closed from the intersection of S.C. 462 and S.C. 601 to the intersection of S.C. 15 and S.C. 462.

The closures will last from 8:30 a.m. to 4:30 p.m. and are the result of resurfacing and pipe work.

Tax applications due Feb. 28

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Island association survey online

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Beaufort County has preserved nearly 10,000 acres since the program began in 1998, largely paid for through \$40 million in bonding approved by voters in 2000. Last month, the County Council agreed to ask residents for an additional \$50 million to continue the program.

The Lady's Island association holds monthly meetings with guest speakers on government and education issues and plays an active role in infrastructure needs and development standards on the island.

Neighborhood group to meet

The Old Commons Neighborhood Association will meet at 5:30 p.m. Thursday in Wesley Methodist Church at 701 West St.

Details: Jerry Stocks, 524-6997.

Morgan-Major death penalty case rescheduled for June 19

Scheduled Tue, Feb 14, 2006

Comments (0) Add Comment

sentencing hearing for a Burton woman who pleaded guilty to the 2004

murder of a physically disabled man is scheduled to begin June 19, 14th Circuit Court Solicitor Duffie Stone said Monday.

The hearing to decide whether Samantha Morgan-Major receives the death penalty was scheduled to begin Monday, but the defense filed a motion for a continuance Friday, and Circuit Court Judge Roger Young officially granted it Monday at the Beaufort County Courthouse, Stone said.

Morgan-Major pleaded guilty in January to the beating death of Brett Kinney. John Dykeman Jr. also faces charges of murder, armed robbery and kidnapping in the case.

Road closure scheduled

There will be road closures and detours in Jasper and Colleton counties on S.C. 462 starting Wednesday through Friday. The road will be temporarily closed from the intersection of S.C. 462 and S.C. 601 to the intersection of S.C. 15 and S.C. 462.

The closures will last from 8:30 a.m. to 4:30 p.m. and are the result of resurfacing and pipe work.

Webb appointed to land trust board

Lowcountry Open Land Trust, a land conservation nonprofit, held its annual meeting Monday and elected three new board members, including Charles Webb of Beaufort. In 2005, the trust preserved 12 properties totaling 6,789 acres, including 1,006 acres in Jasper County at Cypress Creek and the 910-acre Hunter's Choice property.

Tax applications due Feb. 28

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Applications are available at the Beaufort County Web site, www.bcgov.net, or by calling the clerk to council at 470-2590.

Bluffton hires new police chief

BLUFFTON -- A 36-year-old Delaware man has been tapped to be the next chief of the Bluffton Police Department, which has been run by an interim leader since September.

David F. McAllister of Hockessin, Del., will start Feb. 22 with an annual salary of \$72,500, Bluffton Town Manager Josh Martin said.

McAllister will move into a position held on a temporary basis by Alex Ferguson since September. He took control of the department when John Brown was reassigned.

The new chief was selected from a pool of more than 100 applicants, including finalist William R. Neill from the South Carolina Department of Public Safety.

"I'm very, very excited," McAllister said Friday. "Bluffton is a great town and I'm looking forward to really making sure it has the best police department possible."

Ferguson will stay on until March 15 to help with the transition.

Island conservation survey online

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The Lady's Island association holds monthly meetings with guest speakers on government and education issues and plays an active role in infrastructure needs and development standards on the island.

Officials to hype program

Effort to focus on preservation

By GREG HAMBRICK, *The Beaufort Gazette*

Published Friday, February 10, 2006

[Comments \(0\)](#) → [Add Comment](#)

BEAUFORT -- Voters can expect newspaper inserts, videos and community workshops on the county's land-preservation program as Beaufort County officials prepare for a \$50 million bond question on the November ballot.

The Beaufort County Council approved the question last month in order to continue its Rural and Critical Lands Preservation Program that works to slow encroaching development. While election laws prevent the county from campaigning for the referendum, county staff, consultants and the preservation board will push an education campaign to inform voters.

"We don't want anyone who wants information about this program to go away empty-handed," said Russ Marane, the regional coordinator for the Trust for Public Land, the county's land-buying partner.

The county has preserved nearly 10,000 acres through purchases and conservation easements since the program began in 1998. The work has been funded largely from \$40 million in bonds approved by voters in 2000.

Although that ballot question overwhelmingly was approved, it did not include a tax increase. If approved, the new \$50 million bonding would mean an additional \$12 to \$20 in county taxes on a \$200,000 home.

"I hear people say the program needs to go on, but then people say, 'I don't want another tax,'" said Gloria Cartwright, a board member.

The education program is expected to include in-depth newspaper inserts that lay out each of the purchases through the program and a five- to 10-minute video.

The board and the trust also will coordinate community workshops along with residents to review what's considered to be target areas and provide input. Expected to cost up to \$50,000, Marane said financial assistance for the education program should come from private donations and foundation grants.

The board also is planning to bring supporters of the 2000 referendum together to gauge individual interest in leading the promotional campaign for the bond question. The board will look for critiques on the work the program has done in the past six years, said Terry Murray, vice chairwoman of the board.

"We have such a good story to tell, I think a lot of what we'll receive is applause," she said.

Contact Greg Hambrick at 986-5548 or ghambrick@beaufortgazette.com. To comment on this story, please go to beaufortgazette.com.

Board sees plans for referendum

Three alternatives pitched to fund school buildings

BY DIANE KNICH, *The Island Packet*
Published Wednesday, February 1, 2006

[Comments \(0\)](#) → [Add Comment](#)

Photo:

[Special to The Packet](#)
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BEAUFORT -- The Beaufort County school board soon will decide whether to ask voters to approve money for new school buildings and renovations for the next five years in one big gulp, or to break up the request into smaller bites.

At a school board meeting at the District Office on Tuesday, Superintendent Edna Crews presented to the board three alternative plans for a future school building referendum. The plans are preliminary and a starting point for discussion, she told the board.

The school board will begin discussing the options at a special meeting at 3:30 p.m. Feb. 10 at the District Office.

The first option would ask voters to approve \$239.4 million for new buildings and renovations to existing buildings. That plan would come before voters in November 2006 or February 2007.

The plan's southern Beaufort County projects are: three new elementary schools, a middle school and a high school in Bluffton; an expansion to Hilton Head Middle School; and renovations at Michael C. Riley Elementary and Hilton Head elementary, middle and high schools.

If the plan is adopted, the district would not have to bring another referendum to voters for at least five years, Crews said.

After the presentation Tuesday, John Williams, the district's assistant superintendent for communications and operations, said the district would need until at least until November to prepare and educate the public about such a large referendum.

But waiting until November or later could make a school building referendum harder to pass.

Beaufort County voters already will face a \$50 million bond referendum when they go to the polls in November. Beaufort County Council wants them to approve a referendum to help pay for land purchases under its Rural and Critical Lands Preservation program.

County officials also are evaluating whether a sales-tax referendum should be included on November ballots to help pay for road improvements. That decision could hinge on whether state legislators decide to ask voters to raise sales taxes to pay for property tax relief.

The second alternative Crews presented, which would go to voters in May 2006 or September 2006, would ask voters to approve \$138.8 million for immediate building needs.

The plan's southern Beaufort County projects are: two new elementary and one middle school in Bluffton; an expansion at

tion on Head Middle School and renovations at Hilton Head Middle and High schools.

Williams said the plan "serves the immediate needs for the next two or three years."

The third alternative would be comprised of two parts. Voters would decide whether to approve \$75.5 million in May 2006 and \$88.5 million in February 2007. That plan includes all projects from the first plan except one new elementary school and a new high school in Bluffton.

The plans include \$7.5 million to complete a high school in northern Beaufort County. In a referendum in 2000, voters approved \$28.7 million for that project, but the school remains unbuilt and building costs have skyrocketed in the past six years.

Island Packet staff writer Ginny Skalski contributed to this report.

Contact Diane Knich at 706-8141 or dknich@islandpacket.com. To comment on this story, please go to islandpacket.com.

Council OKs land referendum on November ballot

BY GREG HAMBRICK, *The Beaufort Gazette*

Published Tuesday, January 24, 2006

[Comments \(0\)](#) → [Add Comment](#)

BEAUFORT -- Voters will decide in November whether Beaufort County continues its Rural and Critical Lands preservation program using \$50 million in future property tax collections.

The Beaufort County Council voted unanimously Monday to send the question to voters. The county has about \$3 million left from the \$40 million bond referendum approved by voters in 2000 for conservation efforts.

Through the program, the county has purchased more than 9,500 acres, including planned parks at Crystal Lake on Lady's Island and Fort Fremont on St. Helena Island.

Preservationists spoke in support of the referendum Monday, saying the county's rivers and other natural assets continue to be threatened by encroaching development.

"Time's a wasting," said Terry Murray, vice chairwoman of the Rural and Critical Lands Preservation Board, a citizen group that helps select land purchases.

If approved, long-term repayment of the bond would increase property taxes for county services by between \$12 and \$20 annually for a \$200,000 home, according to county officials.

Sheldon resident Edgar Williams said tax bills are already overburdening residents and that the county's conservation plan, along with planned referendums for schools and roads, will be too much to shoulder.

"Where are we going to get the money from?" he asked.

The county had sought out other funding for preservation, but limitations in state law prevents establishing new fees or using a special sales tax to pay for the program.

"We continue to look for alternative funding," said Council Vice Chairman Skeet Von Harten of lobbying for state changes. "If we don't have to put the question in front of voters, we won't."

The county has been successful in defraying some costs for purchases through agreements with the Department of the Navy and state and federal conservation grants, meaning the county has spent 70 cents for every \$1 of land purchased.

Contact Greg Hambrick at 986-5548 or ghambrick@beaufortgazette.com. To comment on this story, please go to beaufortgazette.com.

1 Week Ahead

Published Mon, Jan 23, 2006

[Comments \(0\)](#) [Add Comment](#)

for the week of Jan. 23-27.

Monday

9 a.m.: The Beaufort County Transportation Advisory Group will meet in council chambers, 100 Ribaut Road, to discuss planned improvements in the Bluffton area and to receive updates on state Department of Transportation projects, including the widening of U.S. 278, U.S. 17 and U.S. 21. Details: 470-2800.

10 p.m.: The Beaufort County Council's Finance Committee will meet in the executive conference room, 100 Ribaut Road, to discuss business license fees and proposed increases. Details: 470-2800.

7 p.m.: The Beaufort County Council will meet in council chambers, 100 Ribaut Road, to give a final vote on a \$50 million bond referendum to go before voters in November that, if approved, would continue funding for the county's rural and critical lands program. Details: 470-2800.

Tuesday

10:30 p.m.: The Beaufort/Jasper Higher Education Commission will meet in the Palmetto Electric Trust Conference Room in the Gray Building on the University of South Carolina Beaufort South Campus on U.S. 278. The agenda includes setting 2006 meeting dates, an executive session to discuss a property deal and updates on academic affairs and finance.

7 p.m.: The Beaufort City Council will meet in County Council chambers, 100 Ribaut Road, to consider preliminary approval for annexation of 4,115 acres in Seabrook at Clarendon Farms and 1,008 acres in Seabrook at the McLeod Farm as well as planned permit development agreements for each property. The council will also hold a public hearing for proposed demolitions of buildings at 2001 Greene Street and 2705 Waddell Road. Details: 525-7070.

Wednesday

8:30 a.m.: The Beaufort Memorial Hospital board of trustees will meet in the hospital's board room, 955 Ribaut Road, to receive finance and quality reports. Details: 522-5138.

7 p.m.: The Beaufort Housing Authority board of commissioners will meet at 1009 Prince St., to discuss the redevelopment of the Marsh Pointe duplexes at the end of Greenlawn Drive. Details 525-7059.

Land board foresees vote in near term

2005 referendum targeted to refill preservation coffers

BY GREG HAMBRICK, *The Beaufort Gazette*
Published Friday, January 14th, 2005

BEAUFORT – A tax referendum aimed at protecting the county's open land could reach Beaufort County voters by November, members of the county's Rural and Critical Lands Board said Thursday.

With the value of a list of prime properties exceeding the \$11 million remaining from a \$40 million land-preservation referendum approved by voters in 2000, the County Council-appointed board formalized its request for additional money Thursday.

County Council probably would take up the request at its Jan. 24 meeting, said council Vice Chairman Skeet Von Harten, noting it would receive his support.

"The same reason that we began the program continues to be a viable reason to extend it," he said.

The board agreed that the referendum could come as early as this year.

County officials don't know how much they'll borrow for future conservation, but the amount is expected to exceed the county's 8 percent borrowing debt limit, forcing a voter referendum.

Although a new referendum may be the only way to leverage money needed for future purchases, Von Harten said the county should be open to other alternatives.

"There might be an idea that none of us is thinking of right now," he said.

While the original \$40 million borrowed in 2000 will be paid off over the next 20 years through 2 mills dedicated for land purchases by the County Council in 1998, any additional borrowing would require a property tax increase.

Another referendum calling for new tax money to pay for conservation would go before voters who have turned down sales-tax hikes in 2002 and 2004 for a mix of road and park improvements. Some taxpayers also are wrestling with higher property tax bills due to last year's reassessments.

"This is going to be a trying year for taxpayers in Beaufort County," board member York Glover said.

A new referendum also may expand the scope of the county's land-buying opportunities.

The first referendum limited park purchases to so-called passive parks, typically including walking trails and picnic areas.

But as the county grows, the need increases for new active parks, including ball fields and community centers, said Steve Riley, the board's chairman and Hilton Head Island's town manager.

"The county has a lot of funding needs ... and not a lot of funding sources," he said.

After originally struggling to make quality purchases with the bond money, the county switched to its current nonprofit partner, the Trust for Public Land. The organization has helped with purchases of several high-profile plots in areas throughout the county over the past year, preserving historical sites and others eyed for development.

The county has purchased land on busy U.S. 278 to curb the highway's continued development; St. Helena Island's Fort Fremont, an abandoned century-old relic eyed for high-dollar beachfront homes; and Crystal Lake, expected to be the first park on Lady's Island.

It's impossible to quantify how much land preservation is enough, said Slade Gleaton, Charleston district director for the nonprofit trust.

"The truth of the matter is the work is never done," he said.

Development will continue to press toward the corners of the county.

"This is a tool," Gleaton said, "to maintain a balance."

aring is a chance for land-plan queries

the county seeks voter OK of \$50 million bond

ublished Wed, Jan 11, 2006

omments (0) Add Comment

Public hearing on Jan. 23 will afford the public an opportunity to ask pertinent questions about a proposed \$50 million bond referendum voters will decide in the November general election.

The vast amount of annexation and development that has been announced in Beaufort and Jasper counties since the initial land preservation program was funded through a \$40 million bond referendum in 2000 should be concern enough to attract an audience to the hearing.

Beaufort County has acquired nearly 10,000 acres of rural properties and eliminated the possibility of development. Many of those lots were marsh or marsh-front property.

The council may have a hard sell. For starters, the referendum will ask for \$10 million more than in 2000. Funding the program may require a tax increase.

Approval of additional funds for land preservation is important to traffic safety and volume and reduction of government spending (keeping taxes lower) in the long run. If the government can preserve land as open space, it means less urban sprawl, fewer miles of paved roads, fewer miles of water and sewer lines, fewer county employees. The taxpayer won't be subsidizing these government services. Taxpayers will be saving money.

In the 2000 election, 67.9 percent of voters who participated in the election favored the referendum, but many people had reservations about the plan and its implementation. Some still think the county has wasted money, buying land that couldn't be developed.

While this has been a successful program, the county needs to do a better job of telling the public what the purchase of the land has achieved. Drive around Beaufort County and signs proclaim the success of the Beaufort County Open Land Trust to achieve preservation of open vistas. The county should erect some better signage to tell its story.

The county could borrow the informative concept used by the Town of Hilton Head Island. The town staff proclaims its achievements and gives voters a tally of the reduction cars, motel rooms, commercial space and housing units -- and people.

While planning this project, the council should continue to pressure for a permanent source of funding for land preservation. Monday the council announced a lobbying trip to the state capitol next week to lobby for a real estate transfer fee that could become the permanent source of funding as it has on Hilton Head Island, the state's only government entity that is allowed to use the fee.

Absent the fee, the county needs to tell a compelling story to convince voters to approve the referendum.

Beaufort gives nod to land preservation bond referendum

BY GREG HAMBRICK, *The Beaufort Gazette*

Published Tuesday, January 10, 2006

[Comments \(0\)](#) → [Add Comment](#)

BEAUFORT -- The Beaufort County Council gave the second of three required approvals Monday to a \$50 million bond referendum to continue the county's land preservation program.

The county will soon drain the last of a \$40 million referendum approved by voters in 2000 to pay for land purchases or conservation easements to prevent encroachment by commercial and residential growth.

A public hearing will be held Jan. 23 before a final vote on the referendum, which, if approved, would be put before voters on the November ballot.

Property taxes would be used to pay for the program, adding between \$12 and \$20 annually to county property taxes for a \$200,000 home.

The Rev. Venice Young told council members Monday to oppose the measure.

"Every time you push a bond referendum, these taxes are skyrocketing," he said.

The council has considered other options, but faces opposition in state statute on establishing new fees or using a special sales tax to pay for the program, said Chairman Weston Newton.

Also Monday, the council approved, 6-5, an annual meeting calendar that adds two more meetings to four that had been scheduled south of the Broad River. Under the new calendar, the county will meet at public

libraries in Bluffton or on Hilton Head Island every other month.

"When we're looking for input from the public, I don't think it's inappropriate to make it easier for them to participate in the process," said Councilman Frank Brafman of Hilton Head.

Five northern Beaufort County representatives -- Council Vice Chairman Skeet Von Harten and councilmen Gerald Dawson, Herbert Glaze, William McBride and Dick Stewart -- opposed the measure. Councilman Mark Generales of Lady's Island supported adding the southern Beaufort County meetings.

Adding more southern Beaufort County meetings will waste additional money and resources to transport the staff and materials needed for meetings, said Stewart.

"It seems to me to be a poor way to conduct the people's business," he said.

In other business:

- The council announced a Jan. 17 lobbying trip to Columbia in support of local initiatives, including a real estate transfer fee, education funding reforms and economic development aid; and
- County administrator Gary Kubic announced the resignation of county Purchasing Director Paula Edgerly and the retirement of Airport Director Tom Olson.

Contact Greg Hambrick at 986-5548 or ghambrick@beaufortgazette.com.

Public meetings schedule

Published Monday, January 9, 2006

[Comments \(0\)](#) → [Add Comment](#)

for the week of Jan. 9-14.

Monday

9 a.m.: The Public Safety Committee of Hilton Head Island's Town Council meets in council chambers at Town Hall. Agenda items include the annual activity report for the town's Fire and Rescue Division.

11 a.m.: The Public Facilities Committee of Hilton Head Island's Town Council meets in council chambers at Town Hall. Agenda items include discussion of the groin management study and whether fire stations 2 and 6 should rebuild or remodel.

1 p.m.: Bluffton's Watershed Advisory Committee meets at Shults Park. Agenda items include discussion of the committee's 2006 goals and a stormdrain stencil update.

2 p.m.: The Beaufort County Council meets in the council chambers at the county administration building, 100 Ribaut Road, Beaufort. Agenda items include consideration of a contract award for telephone service for the detention center; establishment of hawkers' and peddlers' license fees; and second reading of an ordinance to add a question to November ballots asking whether the county should authorize \$50 million in bonds to buy land for preservation.

5:30 p.m.: The Community Relations Committee of the Beaufort County Aviation Advisory Board meets at the old terminal building off Dillon Road at the Hilton Head Island Airport. Agenda items include reports on airport activity and feedback from the island communities.

Tuesday

10 a.m.: Bluffton's Finance Committee meets at Town Hall, 20 Bridge St. Agenda items include requests to seek bids for the Oyster Factory Park site survey; the public works facility site survey at the former police firing range; and the Dubois Park site survey.

1:15 p.m.: Hilton Head Island's Design Review Board meets in council chambers at Town Hall. Agenda items include minor external changes to Truffles Cafe at the former Hofbrauhaus; Carolina Beach Club and Ocean Dunes Villas; renovation/additions to the Island Funeral Home; new development at the Courtyard at Skull Creek; and a waiver for the Health and Wellness Clinic. There also will be a presentation of the program developed by the Public Art Committee.

5 p.m.: The Beaufort County school board's Finance Committee meets in the board room at the district office, 1300 King St., Beaufort. The agenda includes a review of the fiscal 2005 audit results.

8 p.m.: The Beaufort County Public Services Committee meets in the executive conference room of the county administration building in Beaufort. The agenda includes discussion of a quit claim for Allen's Corner Road in Bluffton, and consideration of a contract award for dump trucks for Public Works.

8:30 p.m.: The Beaufort County school board meets at the district office, 1300 King St., Beaufort. The agenda includes presentations on the external audit report and general information on a referendum.

Wednesday

3 p.m.: The Beaufort County Affordable Housing Committee meets in the executive conference room in the county administration building. The agenda includes a status report on workforce housing and a proposed affordable housing compliance agreement.

4 p.m.: The Beaufort County Employee Services Committee meets in the executive conference room in the county

administration building. The agenda includes discussion of a compensation plan for the Parks and Leisure Services Department.

5 p.m.: The Beaufort County Community Services and Public Safety Committee meets in the executive conference room in the county administration building. The agenda includes consideration of a contract award for food service management for the detention center.

5 p.m.: Bluffton Town Council meets at Town Hall. Agenda items include a final reading on the business license ordinance agreement; an update on the Buckwalter Regional Park; a Bluffton Village compliance review; and an update on the crossing guards stationed at the Bluffton School Complex.

Thursday

9 a.m.: Hilton Head Island's Public Art Committee meets in conference room 4 at Town Hall. Agenda items include discussion of possible locations for public art.

11 a.m.: The Lowcountry Workforce Investment Board and the Lowcountry Workforce Youth Council will meet at the Lowcountry Council of Governments in Point South. For more information call 843-726-5536.

1:30 p.m.: The Beaufort County Aviation Advisory Board meets at the old terminal building off Dillon Road at the Hilton Head Island Airport. Agenda items include updates of the airport's stormwater project and the Lady's Island Airport runway extension; and discussion of the five-year capital improvements plan for 2007-2011. The board also will discuss changes to the charter, responsibilities and scope of the board's Finance Committee and board member reappointment.

3:30 p.m.: Hilton Head Island's Parks and Recreation Commission meets in council chambers at Town Hall. Agenda items include classification on remodeling the Cordillo Courts and discussion of public meeting regarding the courts.

Friday

10 a.m.: The Hilton Head Public Service District Commission meets at the utility's offices, 21 Oak Park Drive, to discuss approval of series 2006 bond resolution.

Saturday

9 a.m.: Bluffton Town Council meets at Town Hall to discuss its 2006 goals and review its 2005 goals.

Land preservation vote gets early approval

BY GREG HAMBRICK, *The Beaufort Gazette*

Published Tuesday, December 13, 2005

[Comments \(0\)](#) → [Add Comment](#)

Beaufort County Council voted unanimously Monday to continue the county's land preservation program through a \$40 million bond referendum to be put before voters in November.

Beaufort County has spent all but \$3.3 million of the \$40 million bond referendum approved by voters in 2000 to protect land threatened by encroaching development.

With as much as \$20 million in prospective purchases in the next year alone, the council expects to ask voters in November for additional property taxes to continue the program.

The measure approved Monday will require two more votes from the council and a public hearing before it can appear on the Election Day ballot.

The county has dedicated about \$2 million a year over the next 25 years to pay off 2000's \$40 million referendum. If approved by voters, the new referendum could mean an increase of between \$12 and \$20 annually on county property taxes for a \$200,000 home.

Council members have said that the program would likely win voter support based on a record of more than 9,500 acres purchased, including planned parks at Fort Fremont on St. Helena Island and Crystal Lake on Lady's Island.

"The success of the program speaks for itself," County Council Chairman Weston Newton said of the work of the county's 17-member group charged with overseeing the program along with the Trust for Public Land, the county's land-buying partner.

Through property owner contributions and federal and state grants, including \$2.5 million recently secured for purchases through 2006, the county has spent 70 cents for every \$1 in preserved land, said Russ Marane, local coordinator for the trust.

The county also has used partnerships with the Navy to purchase development rights on four properties that, if developed, would encroach on Marine Corps Air Station Beaufort. On Monday, the council accepted a donation of 22 acres on U.S. Highway 1 that is expected to continue that effort.

"The council had weighed several ways to continue the land preservation program, including sales tax referendums and a real estate transfer fee. But officials said sales tax programs are too restricting, and state law doesn't allow the transfer fee to be charged off of Hilton Head Island.

"We continue to look for alternative funding," said County Council Vice Chairman Skeet Von Harten. "But we need to get along with it."

Also Monday, the council voted 8-3 to modify the county's 2.5 percent admissions fee, limiting collections at golf clubs to only the portion of a membership tied to actual use of amenities, including golf courses and tennis courts.

Councilmen Herbert Glaze and William McBride said they opposed the measure because it deviates from state collections of the entire membership fee under its 5 percent admissions tax. Councilman Frank Brafman said the fee would unfairly collect from club members by charging them for the ability to golf whether they actually played or not.

A resolution accepting an updated compensation model for county dispatchers also was approved by a 10-0 vote Monday. It was the first in what's expected to be several efforts by county administration to address exits by county staff to better-aid, private-sector jobs.

McBride abstained from the vote, suggesting the council should look at all salary deficiencies among the county's more than 1,000 other employees.

Land preservation needs new funding

After referendum, transfer fee

Published Sun, Dec 11, 2005

Comments (0) | Add Comment

Beaufort County voters may be asked next year to back their dreams of beautiful vistas, open fields and fewer cars and parking lots. The County Council has used nearly all of a \$40 million bond referendum for land preservation that voters approved in the 2000 general election.

The council may have a hard sell this time around. It may ask for \$50 million this time, \$10 million more than in 2000. Funding the land-purchase program also may require a tax increase. And the board of education may ask voters to approve a school building program that could cost \$256 million in the first phase and an additional \$164 million in the second.

Voters were generous in 2000 when they approved nearly \$200 million for schools and the additional \$40 million for land, but the preservation plan didn't require a tax increase.

Approval of additional funds for land preservation is important to traffic safety and volume and reduction of government spending (keeping taxes lower) in the long run. If government can preserve land as open space, it means less urban sprawl, fewer miles of paved roads, fewer miles of water and sewer lines, fewer county employees. The taxpayer won't be subsidizing these government services. Taxpayers will be saving money.

In the 2000 election, 67.9 percent voters who participated in the election favored the referendum, but many people had reservations about the plan and its implementation. Some still think the county has wasted money, buying land that couldn't be developed. But the land plan has been successful.

Since 1998, the county land-purchase program has partnered with other organizations and government entities and spent nearly \$30 million to buy or protect nearly 10,000 acres of land from development. According to a report updated through Dec. 1, the county protected 868 acres (\$23.2 million) of land in southern Beaufort County and 8,671 acres (\$15.7 million) north of the Broad River. By buying the land, the county has prevented development in the fast-growing southern county and maintained the rural character of the north county.

While this has been a successful program, the county needs to do a better job of telling the public what the purchase of the land has achieved. The town of Hilton Head Island has done a good job of keeping its citizens informed. As reported by The Island Packet, town leaders gave specific accomplishments. In announcing its most recent purchase Nov. 15, the town reported this: "The acquisition pushed the program inventory to 109 parcels totaling 1,133.79 acres, with a total expenditure of \$126.1 million. Taken together, these parcels have resulted in a reduction of 4.23 million square feet of commercial development, 1,365 motel rooms, 3,277 multi-family and time-share units, and the preclusion of 26,910 p.m. peak-hour driving trips."

The county must do this in order to sell this program to voters.

But the council shouldn't stop with a \$50 million request to county voters for money to buy land. The council should continue its search for legislation to renew a 0.25 percent real estate transfer fee. A real estate transfer fee is charged when property changes hands from seller to buyer, with the buyer absorbing the cost. But as the measure gained momentum in local government, legislators caved to real estate groups and their powerful lobbyists, doing away with the special taxes statewide. Hilton Head Island, which levied the fees for years, successfully defended its collecting measure, as future revenue was earmarked for specific projects.

Last year the 0.25 percent fee earned Hilton Head Island a staggering \$6 million for parks and preservation. According to the Beaufort County Association of Realtors, a 0.25 percent real estate transfer fee would have provided \$690,000 to Beaufort, Port Royal and unincorporated northern Beaufort County in 2004.

The state collects 3.7 percent on property transfers as a deed recording fee, but it returns a portion of the money to local governments -- \$5.2 million for Beaufort County in 2004. It is absorbed into county and court operating budgets. Opponents of an additional fee argue that the state allocations should be used for land programs, while county officials maintain that the loss of general fund revenue would be passed onto the backs of residents.

These efforts will take hard work. As the council lobbies voters for approval, it also should work hand in hand with the school district since it seems destined to hire a lobbyist to sell its school-funding proposal in the General Assembly.

Public meetings schedule

Published Monday, December 12, 2005

[Comments \(0\)](#) → [Add Comment](#)

For the week of Dec. 12-16.

Monday

1:45 p.m.: The Beaufort County Public Services Committee meets at the county administration building in Beaufort. Agenda items include consideration of contract awards for fuel service at Beaufort County Airport and for improvements to damaged sections of the Huspah Creek fishing pier.

2 p.m.: The Beaufort County Finance Committee meets at the county administration building to receive a presentation of the internal audit report on the county Assessor's Office.

4 p.m.: The Beaufort County Council meets in the council chambers at the county administration building. Agenda items include a presentation from the National Weather Service; consideration of a resolution adopting the emergency management compensation model; first reading of an ordinance authorizing the placement of a \$50 million bond referendum on November ballots to acquire lands for preservation; a 5:30 p.m. recess for the holiday tree-lighting; and final reading of an ordinance to clarify the 2.5 percent fee on admission prices to amusement places in the county.

Tuesday

10:30 a.m.: The Hilton Head Public Service District Commission holds a workshop in the Community Room at the district office. Agenda items include low-pressure sewer systems policies and procedures; 1998 revenue bond refinancing; October financials; and Beaufort-Jasper Water Sewer Authority contract/white paper.

1:15 p.m.: Hilton Head Island's Design Review Board meets in council chambers at Town Hall. Agenda items include Edgewater, 15 Trellis Court, Westin Resort, Lettrs, Langford building, Grandview on Skull Creek and 5 New Orleans Road.

3 p.m.: The Hilton Head Public Service District Commission meets in the Community Room of the district's office. Agenda items include re-election of commission officers and setting of the 2006 meeting schedule.

4 p.m.: The Beaufort County Board of Education Advocacy Committee meets in the conference room of the District Office, 1300 King St., Beaufort.

6 p.m.: The Beaufort County Board of Education meets in the conference room of the District Office, 1300 King St., Beaufort. Agenda items include a recommendation on the north-area high school and discussion of measures of academic progress.

Wednesday

11:15 a.m.: The Beaufort County Development Review Team meets in the county administration building to discuss Easter Beach Villas on Daufuskie Island and The Cottages at Stillwell in Bluffton.

3 p.m.: The Beaufort County Employee Services Committee meets at the county administration building to discuss recruitment and retention issues for the Public Works Division.

4 p.m.: The Beaufort County Community Services/Public Safety Committee meets at the county administration building. Agenda items include discussion of the status and opportunity for Disabilities and Special Facilities; consideration of contract awards for both telephone service at the county's detention center; and a self-contained breathing apparatus for the center.

4 p.m.: The Planning and Development Standards Committee of Hilton Head Island's Town Council meets in council

Members at Town Hall. Agenda items include land management ordinance amendments dealing with public notice requirements; sign permits; special exception review and standards for height, buffers, signs, wetland buffers, parking and loading, among other issues. The committee also will hear a presentation on the Southern Beaufort County Regional Plan implementation memo on land use patterns and trends.

p.m.: The Beaufort County Grants/Minority Affairs Committee meets at the county administration building to discuss local preference ordinance and the status of grants.

p.m.: Bluffton Town Council meets at Town Hall, 20 Bridge St. Agenda items include public hearings on the Buckland/Simmonsville Road annexation and the Bluffton Village development agreement amendment. Also, the council will review initial master plans for Alston Park in New Riverside and Midpoint at New Riverside.

Thursday

p.m.: Bluffton Planning Commission meets at Town Hall, 20 Bridge St. Agenda items include an old town master plan update and a certificate of appropriateness for the Village of Verdier Highway Corridor.

From: Suzanne Larson [mailto:lobos@hargray.com]
Sent: Sunday, December 04, 2005 5:49 PM
To: Public Information
Subject: IP: County must put together game plan for referendum

County must put together game plan for referendum

A \$50 million borrowing plan can be sold to voters

Published Sunday, December 4, 2005

[Comments \(0\)](#) → [Add Comment](#)

Beaufort County officials may have a tough sell when they seek voter approval for another \$50 million to buy land. But they must do it.

The county's land-buying program is an important tool in an effort that can protect our environment, preserve open space, develop parks and reduce demand for expensive government services.

What makes it a tough sell is that this time it likely will mean a property tax increase. That was not the case in 2000 when county voters approved borrowing \$40 million to buy land.

It might help if county officials give a better idea of the types of purchases and the general locations they are targeting. And to the extent they can, they need to put into concrete terms what preserving this property does for the county.

That's what the Town of Hilton Head Island has done over the 15 years its land-buying program has been in place. Town officials have been clear on what the No. 1 goal has been -- reducing the ultimate number of residential units and businesses built on the island, thus reducing the demands on roads such development brings.

Each time the town announces a land purchase it reiterates in specific terms what it has accomplished. In announcing its most recent purchase Nov. 15, the town reported this: "(The) acquisition pushed the program inventory to 109 parcels totaling 1,133.79 acres, with a total expenditure of \$126.1 million. Taken together, these parcels have resulted in a reduction of 4.23 million square feet of commercial development, 1,365 motel rooms, 3,277 multi-family and time-share units, and the preclusion of 26,910 p.m. peak-hour driving trips."

That kind of detail is a result of specific goals and a game plan for getting there. That's the kind of specificity the county needs to make its case, and it needs to do so consistently.

Hilton Head voters have said "yes" in four separate referendums to borrowing a total of \$62 million for the town's land-buying program. The bonds sold have been paid back through a combination of real estate transfer fees and property tax revenues.

Along with the growth control has come other benefits: parks, open vistas and better access to water. But it also has helped the Volunteers in Medicine Clinic, the Hilton Head Branch of the Beaufort County Library and the Hilton Head Early Childhood Center, all built on land purchased through the town's program.

The county program does have some specific numbers it can tout. Since 1998, the county has spent nearly \$39 million buying or protecting from development 9,539 acres, according to a report updated through Dec. 1 from the Trust for Public Land, the group that helps run the county program. That includes 868 acres in southern Beaufort County for a total of \$23.2 million.

In northern Beaufort County, the county has purchased 8,671 acres for \$15.7 million.

the difference in acres and dollars spent. That encapsulates the difference between the types of land purchases made in northern Beaufort County and those made in booming southern Beaufort County. It also illustrates the complexity the county faces in making a case for its land-buying program countywide.

The differences between the southern and northern halves of the county may make it more difficult to come up with a single overarching message to bring to voters. Purchases in the northern Beaufort County largely help preserve its rural character. In the south, it is a potent growth management tool.

The county has a good story to tell. Now, it must go out and tell it.

Land plan could be hard sell

Published Wed, Nov 30, 2005

By GREG HAMBRICK
The Beaufort Gazette

[Comments \(0\)](#) [Add Comment](#)

Seabrook resident Doug Cappelman supported a 2000 referendum to pay for land preservation, but a long-term property tax increase to pay for an additional \$50 million in land buys over the next five years is asking too much of an already overtaxed public, he said Tuesday.

The county has spent all but about \$3.2 million of the \$40 million approved by voters in 2000 to protect land threatened by encroaching development. On Monday, the Beaufort County Council's Finance Committee agreed to pursue a \$50 million bond referendum next November to continue the land program.

The measure is expected to go before the full council Dec. 12. "The chances as far as I'm concerned are low or none at all," Cappelman said of his support for the proposed referendum.

Although specific costs won't be available until the borrowing is determined, county staff expects that the new referendum could mean an increase of between \$12 and \$20 annually in county property taxes on a \$200,000 home.

Cappelman said residents are struggling with climbing property taxes as well as a 2004 reassessment that pushed home values higher, with some values increasing by more than 500 percent.

The \$40 million bond referendum won approval in 2000 by 73 percent, but that was a vote to appropriate taxes the county already was collecting. The county will have to dedicate a \$2.1 million portion of its budget, money set aside for land preservation since 1998, to pay off the 2000 referendum over the next 25 years.

Hesitant of any tax increase since the county began talking about future conservation efforts earlier this year, council members said Tuesday that they have exhausted other options.

A 0.25 percent transfer fee on real property sales only allowed on Hilton Head Island provided the town with more than \$6 million last year for a variety of needs, including land preservation.

The fee would mean an additional \$500 on the sale of a \$200,000 home.

Some state Realtors and legislators oppose extending the fee to the rest of the county because they say it would slow the market and hurt first-time homebuyers.

Sales tax plans the county also considered don't directly support a sales tax exclusively for land preservation and require providing details to voters on specific sales that would likely drive up land costs.

Details about how the referendum will be marketed to voters hasn't been determined, but County Council Vice Chairman Skeet Von Harten said he's prepared to campaign the program on its merits.

"It has been a success," he said. "We've did what (voters) asked us to do."

Voters should be able to see tangible benefits from the land preservation program, Councilman Mark Generales said.

"It's a reduction in growth and a preservation of land for residents to enjoy," he said.

County purchases have included the 101-acre Altamaha Indian village in Okatie, the 15-acre Fort Fremont planned for improved beach access, more than 20 acres at Crystal Lake on Lady's Island for a park with walking trails and picnic benches, eight small islands west of Hunting Island eyed for fishing camps, and four purchases of land or development rights in coordination with the U.S. Navy to prevent encroachment at Marine Corps Air Station Beaufort.

Because the bonding would be spread out over a number of years it would not exceed the county's debt limit, which means voters don't have to approve the land program's extension, according to county officials.

id and town manager of Hilton Head Island.

“If you’re going to use property taxes, you ought to go to the voters,” he said.

While the 2006 election cycle could include referendums for roads, schools and property tax relief, Von Harten said he expects the land program to succeed standing against other initiatives.

“We’ll let the voting public pick and choose what they think is appropriate,” he said.

Contact Greg Hambrick at 986-5548 or ghambrick@beaufortgazette.com. To comment: beaufortgazette.com.

Voters may decide on land money

BY GREG HAMBRICK, *The Beaufort Gazette*

Published Wednesday, November 30, 2005

[Comments \(0\)](#) → [Add Comment](#)

Seabrook resident Doug Cappelman supported a 2000 referendum to pay for land preservation. But a long-term property tax increase to pay for an additional \$50 million in land buys over the next five years is asking too much of an already overtaxed public, he said Tuesday.

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The measure is expected to go before the full council Dec. 12.

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Because the bonding would be spread out over a number of years it would not exceed the county's debt limit, which

From: Suzanne Larson [mailto:lobos@hargray.com]
Sent: Tuesday, November 29, 2005 7:11 AM
To: Public Information
Subject: IP & BG: \$50M bond referendum sought

\$50M bond referendum sought

Finance committee moves proposal to council

BY GREG HAMBRICK, *The Beaufort Gazette*

Published Tuesday, November 29, 2005

[Comments \(0\)](#) → [Add Comment](#)

Beaufort County voters could be faced with a \$50 million decision next November over whether to continue the county's land preservation program, likely through an increase in property taxes.

The county has spent all but \$3.2 million of a \$40 million bond referendum approved by voters in 2000 and is looking for a way to continue paying for the program that buys up land threatened by encroaching development.

The proposal for a \$50 million bond referendum, paid for through a limited amount of property taxes spread over 15 to 30 years, was approved by the Beaufort County Council's Finance Committee on Monday and will be forwarded to the full council Dec. 12.

Council members abandoned talk Monday of a sales tax for the conservation efforts, citing other potential sales tax referendums that may come before voters next year for roads, schools and property tax relief, as well as a concern that the statute doesn't clearly indicate a sales tax could exclusively pay for a land preservation program.

It's expected that, if approved by voters, the program could mean an increase of \$12 to \$20 on the tax bill for a \$200,000 home.

The tax increase will be dictated by how the county organizes the borrowing and debt payment, said county controller Tom Henrikson, but details about the cost to taxpayers will be determined before the referendum is put to voters.

The committee also agreed Monday that it would set aside an additional \$720,000 in the budget for the next fiscal year, which begins July 1, for land purchases until the referendum and the continued payment to land-buying partner The Trust for Public Land.

The Trust for Public Land operates under a monthly \$21,200 contract with the county.

The \$720,000 likely will be absorbed by growth in the county's tax base and not include a property tax increase, said Councilman Mark Generales, chairman of the Finance Committee.

While the bond referendum could be presented to voters at any time, Councilman Dick Stewart suggested the county wait until a legislative session that's likely to produce property tax reform.

"We'd make the task a lot harder with a special election while everyone else is fighting to reduce property taxes," he said.

Also Monday, the council unanimously approved the creation of rural business districts in the Eustis and Lobeco communities.

Contact Greg Hambrick at 986-5548 or ghambrick@beaufortgazette.com

Officials to appear on 'Coastline'

Published Thu, Nov 17, 2005

[Comments \(0\)](#) [Add Comment](#)

Beaufort County Council Chairman Weston Newton and County Administrator Gary Kubic are expected to appear on WJWJ-TV's call-in show "Coastline" at 8 p.m. today.

The two are expected to discuss funding needs for transportation and land preservation which could lead to plans for a referendum next year. They also will discuss the county's new admissions fee.

Newton, Kubic on 'Coastline' today

Published Thursday, November 17, 2005

[0 Comments \(0\)](#) → [Add Comment](#)

Beaufort County Council Chairman Weston Newton and county administrator Gary Kubic are expected to appear on WJTV-TV's call-in show "Coastline" at 8 p.m. today.

The men are expected to discuss funding needs for transportation and land preservation, which could lead to plans for a referendum next year. They also will discuss the county's new admissions fee.

Viewers may call in with questions at 524-0808.

Stacy Bradshaw

From: Suzanne Larson [slarson@bcgov.net]
Sent: Tuesday, November 15, 2005 8:26 AM
To: Public Information
Subject: IP & BG: County to buy eight islands to add to Hunting Island park

County to buy eight islands to add to Hunting Island park

BY GREG HAMBRICK, *The Beaufort Gazette*

Published Tuesday, November 15, 2005

[Comments \(0\)](#) → [Add Comment](#)

BLUFFTON -- Beaufort County plans to buy eight islands west of Hunting Island, expecting to give the 11.7 acres to the state to grow the island's popular park, while the county's top staff member received a contract extension but passed on a salary increase.

At a meeting held at the Bluffton library, the County Council unanimously approved the \$650,000 purchase Monday, which would include a \$300,000 donation from the S.C. Conservation Bank.

Only one of the small islands could be developed for a home, but the county's interest in preservation stemmed from the demand for small fishing camps that could have enveloped the land.

"They've got people calling them every day," said Russ Marane, local coordinator for the Trust for Public Land, the county's land-buying partner.

The state has been acquiring many of the small islands behind Fripp and Hunting islands to preserve the ecosystem and provide adequate bird and wildlife habitat, which included the purchase and shuttering of nine fishing camps west of Fripp Island late last year.

The county's Rural and Critical Lands Program will provide \$350,000 for its contribution through what remains of the \$400 million bond referendum voters approved in 2000. There's about \$3.5 million left for preservation projects.

The islands will be given to the state Department of Natural Resources to be maintained by Hunting Island State Park, said Council Chairman Weston Newton.

State grants similar to the one used for the purchase had been unobtainable in previous attempts because of legislation preventing counties from receiving conservation bank money. The grant was awarded to the Trust for Public Land to avoid the law.

"The Trust for Public Land, as our partner, is enabling us to stretch our dollars further," Newton said.

Also Monday, the council unanimously voted to extend county administrator Gary Kubic's contract three more years. Set to complete his second year at the end of the month, the extension will keep Kubic in his role until December 2009.

Newton said the Kubic has done an "outstanding" job with his responsibilities, with an open door for residents and savings through outsourcing and competitive bids for county contracts.

"We needed to be innovative in our thinking and rebuild and restore our citizens confidence in county government," Newton said.

With a \$131,500 salary, Kubic requested the council delay any adjustment until other county staff receive a salary review

tacy Bradshaw

From: Suzanne Larson [slarson@bcgov.net]
Sent: Friday, November 04, 2005 11:42 AM
To: Public Information
Subject: IP: Land preservation board considers tax options

Land preservation board considers tax options

BY GREG HAMBRICK, *The Beaufort Gazette*
Published Friday, November 4, 2005
[Comments \(0\)](#) → [Add Comment](#)

BEAUFORT -- Beaufort County's land preservation board examined funding options Thursday to continue the program, but it encountered hurdles with the tax and fee hikes permitted that make public sentiment the least of their worries.

About \$4 million remains from a \$40 million bond referendum approved by voters in 2000. The county will be paying off that borrowing for about 20 years, requiring any additional funding for the Rural and Critical Lands program to come from new taxes or fees.

A dedicated sales tax of up to 1 percent could provide solvency for the program. But the state's sales-tax options allow a tax for transportation needs or other capital improvements but include no language regarding using a sales tax exclusively for land preservation.

"The definition of what the sales tax allows doesn't specifically include us," said Steve Riley, board chairman and Hilton Head Island town manager.

Another sales-tax option that provides for property tax relief gives local governments discretion for some spending, he said, but only for a limited amount of the collections.

Raising property taxes or pulling money from another county source is an option. But some County Council members have suggested they would not support a property tax increase with taxpayers already getting pinched from other rising costs.

The county should continue a push for a real estate transfer fee, said Russ Marane, local coordinator for the nonprofit Trust for Public Land, the county's land-buying partner.

The 0.25 percent fee is added to the sale of a property for several different purposes, including park and open space preservation. Collected exclusively on Hilton Head because of state restrictions, the fee provided more than \$6 million to the town last year.

"More and more people believe this is really the only way to finance this program that makes some sense," Marane said.

Local legislators are split over the fee. Supporters see it as growth paying for itself, while opponents consider the fee an added burden on homeowners.

"It's crazy we don't have that option," Marane said. "Why can't we just let voters decide?"

By the end of the year, the county expects to have spent \$48 million in its program to protect about 10,000 acres since 1998. With shared expenses with municipalities and the Department of the Navy on purchases, as well as seller gifts, the value of the sales is estimated at \$75 million.

In other action Monday, the council voted 10-1 for the second of three required readings to clarify that the county's 2.5 percent admissions fee does not apply to general country club memberships, but to specific golf green fees, and to institute penalties for businesses that fail to collect the fee. County Councilman Herbert Glaze disagrees with the admissions fee.

Contact Greg Hambrick at 986-5548 or ghambrick@beaufortgazette.com. To comment on this story, please go to beaufortgazette.com.

Referendum ideas need solid details

County, district to seek capital funds

Published Fri, Oct 21, 2005

[Comment \(1\)](#) [Add Comment](#)

Local government is poised to discuss referendums to pay for a list of items that could be beneficial to the future of area residents. The Beaufort County Board of Education has a two-phase building program that totals more than \$400 million, and the County Council has a list that includes tax relief, roads and land preservation.

Plans on the lists are needed, but local government has a lot of planning and explaining to perform before trying to sell a plan to the public.

The board of education still has two buildings from the 2000 referendum that haven't even been started, and it has a trust problem, as does the County Council. Neither have planned very well.

The public, especially parents, doesn't want children in crowded classrooms or in mobile classrooms, but they also understand that bricks and mortar alone don't improve education. They want to know when the two will intersect.

In the previous two general elections, the county asked for funding of a long list of items. The margin of defeat was narrower in 2004 than in 2002, but the score is the same -- 0-2.

As the county begins discussions, it has several options that may entice voters to say yes this go round:

- A capital project sales tax referendum that would pay for specific road improvements or other needs through an additional percentage to the state's 5 percent sales tax;

- A local option sales tax referendum that would provide at least 71 percent of the revenue to property tax relief, leaving the remainder to the discretion of the county and municipalities where the money is collected;

- A transportation sales tax referendum that allows broad discretionary spending that could include roads, greenspace and other needs; or

- Bond referendums that dedicate a portion of property taxes or other local revenue toward roads or a land preservation program.

The County Council agreed in February that the conservation program should continue. Although the council didn't know how the plan would be financed, there was little doubt that it should exist. With competition for every dollar the county can raise, the council should take every opportunity to show residents what it has bought and the importance of continuing the program.

The council also must explain to voters not only what it wants but why it's necessary and the benefit. As a reader wrote after the November 2004 referendum: "There were many reasons to vote against the 1-cent sales-tax increase, mostly for building roads ... No reasons were given for the overall situation and what is being done to prevent recurrence. Have the causes been identified and corrective actions taken? We should expect reasonable management to eliminate these problems."

People face gasoline prices that are nearly \$1 more than a year ago, housing prices that continue to increase, medical costs that continue to increase and wages that don't keep up. County Council and the board of education will have to do a lot of explaining to get more people buy into their vision of the future via referendum.

County Council to weigh 2006 referendum options

BY GREG HAMBRICK, *The Beaufort Gazette*

Published Friday, October 21, 2005

[Comments \(0\)](#) → [Add Comment](#)

BEAUFORT -- The Beaufort County Council will begin talks next month on funding options for roads, tax relief and land preservation to prepare for potential referendums in the 2006 general election.

Voters narrowly defeated a 2004 capital project sales tax referendum that included \$121 million in road, park and building needs. A similar program in 2002 was defeated more soundly.

While council members stress that the questions in front of voters will be more limited in scope and cost, the breadth alone could break voter sentiment with as many as four sales tax or bond referendums being considered by the county and the school district.

According to 2003 numbers, the latest available, the state collected about \$20 million from 1 percent of sales tax in Beaufort County.

The council was criticized in 2002 for having too much control over the capital project sales tax program list, so the 2004 referendum was driven by a citizens group that selected projects. But the council probably went too far in its effort to remain hands-off, County Councilman Mark Generales said.

"Next time," he said, "we'll insert ourselves in the education process."

County Councilman Gerald Dawson said his northern Beaufort County constituents don't have the faith in the council that's needed for a referendum to succeed.

"It's going to be a tough sale," he said.

Rising property taxes, spurred by state school funding shortfalls, probably will be an issue that might encourage opposition, Generales said.

Council Vice Chairman Skeet Von Harten said he's hopeful for a property tax relief referendum, but that the county's decision probably will depend on efforts in the General Assembly next year to lessen the burden on property taxpayers.

Competition on the ballot might be an issue, with only 2 percent of additional sales-tax revenue allowed by the state.

The Beaufort County School District has identified \$256 million in needs over the next five years, including building construction, renovation and technology needs.

With about \$4 million left in the county's conservation land-buying program, voters probably will see a referendum regarding land needs. Possibilities include a sales-tax referendum to pay for continuing the program or a bond referendum earmarking a portion of county property tax.

The county's program initially was funded in a 2000 referendum putting property tax dollars aside for \$40 million in land preservation. But the county is negotiating more than \$20 million in potential purchases with only \$4 million to spend, Von Harten said.

From: Suzanne Larson [mailto:lobos@hargray.com]
Date: Sunday, October 16, 2005 12:42 PM
To: Public Information
Subject: BG: County to begin tax, bond referendum talks

County to begin tax, bond referendum talks Tax relief, roads and preservation lead needs

Published Sun, Oct 16, 2005

By GREG HAMBRICK

Beaufort Gazette

[Comment \(1\)](#) [Add Comment](#)

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The county has several options for referendums, including:

- a capital project sales tax referendum that would pay for specific road improvements or other needs through an additional percentage to the state's 5 percent sales tax;

- A local option sales tax referendum that would provide at least 71 percent of the revenue to property tax relief, leaving the remainder to the discretion of the county and municipalities where the money is collected;

- a transportation sales tax referendum that allows broad discretionary spending that could include roads, greenspace and other needs; or

- bond referendums that dedicate a portion of property taxes or other local revenue toward a roads or land preservation program.

According to 2003 numbers, the latest available, the state collected about \$20 million from 1 percent of sales tax in Beaufort County.

Earlier the council was criticized in 2002 for having too much control over the capital project sales tax program list, the 2004 referendum was driven by a citizens group that selected projects. But the council likely went too far with its effort to remain hands-off, said County Councilman Mark Generales.

"Next time, we'll insert ourselves in the education process," he said.

County Councilman Gerald Dawson said his constituents in northern Beaufort County don't have the faith in the council that's needed for a referendum to succeed.

"It's going to be a tough sale," he said.

Rising property taxes, spurred by state school funding shortfalls, likely will also be an issue that might encourage opposition, Generales said.

"There's only so much money that people have," he said.

Council Vice Chairman Skeet Von Harten said he's hopeful for a property tax relief referendum, but that the county's decision likely will depend on traction in the General Assembly next year to lessen the burden on property tax payers.

While the local option sales tax provides a component for limited capital improvements for counties and municipalities, Von Harten said it would be a sneaky way to make money through a sales tax hike.

"People are smarter than that," he said.

Competition on the ballot might be an issue, with only 2 percent of additional sales tax revenue allowed by the state.

The Beaufort County School District has identified \$256 million in needs over the next five years, including building construction, renovation and technology needs.

Funding has not been identified, but could include currently allowed district borrowing, a sales tax referendum or bond referendums on additional property taxes. A school district referendum does not have to wait for November and district officials have discussed a summer vote.

Generales said it makes little difference whether the district decides to approach voters with a referendum in 2006.

"The district is separate," he said. "Their success or failure won't have any impact on us."

Land buys

With about \$4 million left in the county's conservation land buying program, voters likely will see a referendum regarding land needs. Possibilities include a sales tax referendum to pay for continuing the program or a bond referendum earmarking a portion of county property tax bills to go toward land preservation.

The county's program initially was funded in a 2000 referendum putting property tax dollars aside for \$40 million in land preservation. But the county is negotiating more than \$20 million in potential purchases with only \$4 million to spend, Von Harten said.

Purchases have included a planned Crystal Lake park on Lady's Island, abandoned Fort Fremont in the Lands End community and four shared purchases with the Department of the Navy to protect Marine Corps Air Station Beaufort from encroachment.

While approval of a roads referendum might hinge on how specific the county is with the nature, location and cost of each project, a conservation referendum will need to speak in general terms.

Negotiations for properties are almost always in private until the County Council has to make a decision on whether to purchase the property. Once an individual property is publicly identified, the price inevitably climbs, said Slade Gleaton, regional director for the nonprofit Trust for Public Land, the county's land buying partner.

Council members said the county should be successful, even without specific spending identified, because the program has shown the county's good stewardship.

"Our land preservation efforts to date have been well received," Von Harten said.

Contact Greg Hambrick at 986-5548 or ghambrick@beaufortgazette.com. To comment: beaufortgazette.com.

From: slarson@bcgov.net
Sent: Tuesday, August 02, 2005 10:23 AM
To: Public Information
Subject: BG & IP: Graham commends conservation program

Graham commends conservation program

Senator vows to work for federal funding for plan

BY GREG HAMBRICK, *The Beaufort Gazette*
Published Tuesday, August 2nd, 2005

[Comments \(0\)](#) → [Add Comment](#)

BEAUFORT -- Sen. Lindsey Graham praised Beaufort County's conservation efforts Monday and pledged support from federal coffers as he spent part of his first days off during Congress' August recess to tour the county and chat with local officials and voters.

Beaufort County has protected more than 9,000 acres through its Rural and Critical Lands Preservation Program, paid for primarily through about \$34 million of \$40 million from the sale of bonds approved by voters in 2000.

Graham said he's working to bring \$3 million in federal money to help pay for 770 acres in the New Riverside tract, near the intersection of S.C. 170 and S.C. 46.

The South Carolina Republican congratulated the county on purchases that preserve the natural beauty and historic nature of the county, while not impeding growth.

"It's the best balance of preservation and economic development that I've seen," Graham said. "Other parts of South Carolina could benefit from this way of thinking."

The federal Commerce, Justice and Science Appropriations Bill working its way through Congress includes \$3 million in funding toward the \$4.75 million purchase of the 770 acres on the New River, Graham said.

"We probably won't keep the amount, but we'll keep the concept," he said, noting this won't be the last federal preservation funding for the region. "Where the local community steps up to do things beneficial to the state as a whole, I want to be your partner."

The New River purchase also would include a donation valued at \$1 million for the Bluffton linear trail.

Graham also applauded recent shared purchases with the Department of the Navy to prevent encroachment around Marine Corps Air Station Beaufort.

"You let the Department of Defense know, 'If you stay here, we'll take care of you,'" he said.

Last year, the county and the Navy purchased 69 acres north of the air station on Port Royal Island, splitting the \$311,250 price tag.

Graham announced a \$1 million federal allocation to the air station in March split the cost with the county on future easements.

With about \$6 million left in conservation funding and potentially more than 30 properties being eyed for preservation efforts, the county and its land-buying partner, Trust for Public Land, are looking toward 2006 for additional local funding, possibly through a 1 percent sales tax referendum.

With few other sources, County Council Chairman Weston Newton said Beaufort also would lobby state legislators to allow a 0.25 percent real estate transfer fee. Hilton Head Island is the only entity in the state with the fee, which was grand-fathered in 1997.

The fee is added to the sale of real property, netting the town about \$6 million in the fiscal year that ended in June.

"Local government has a limited number of venues to raise revenue," Newton said.

Contact Greg Hambrick at 986-5548 or ghambrick@beaufortgazette.com. To comment on this story, please go to beaufortgazette.com.

Stacy Bradshaw

From: slarson@bcgov.net
Sent: Wednesday, August 03, 2005 10:55 AM
To: Public Information
Cc: Slade Gleaton
Subject: BG: Editorial: Graham praises land buying plan

Graham praises land buying plan Referendum money is running out

Published Wed, Aug 3, 2005

[Comments \(0\)](#) [Add Comment](#)

Beaufort County residents were praised Monday for efforts to preserve open space throughout the county, and a pledge of support was delivered to help those who help themselves.

Sen. Lindsey Graham, R-S.C., delivered the praise for the county's voter-approved \$40 million commitment to protect land. Thus far the county has spent \$34 million preserving more than 9,000 acres through its Rural and Critical Lands Preservation Program.

"It's the best balance of preservation and economic development that I've seen," Graham said. "Other parts of South Carolina could benefit from this way of thinking." Graham said that he wants to be a partner with a community that steps up to preserve land that is beneficial to the state. In fact, his plans are that federal funds will be directed to Beaufort County to match local donations and funds for a linear trail along the New River.

But sooner or later the remaining \$6 million in the Rural and Critical Lands Preservation Program will run out, depleting the funds allocated by voters in 2000.

The county will need additional funds to continue the preservation of open land that enhances the quality of life in this corner of South Carolina.

Council Chairman Weston Newton said this week that the county is searching for money to continue its partnership with the Trust for Public Lands. A 1 percent sales tax referendum is a possibility. The Council also will approach the Legislative Delegation seeking support for a real estate transfer fee that could be used for this purpose.

Beaufort was the first S.C. county to fund a land conservation program. Beaufort's program even preceded the state's. Beaufort County's plan preceded recommendations of the S.C. Council on Coastal Futures to preserve as much land as possible. The council says the state's valuable resources are being compromised and need to be preserved.

Projections are that South Carolina will gain at least 1 million people within two decades, and half of those people will live on the coastal plain. A good portion of them will move to Beaufort County, the fastest-growing county in the state in the previous decade. County Council Vice Chairman Skeet Von Harten has said the county could have 228,000 people by 2025. His estimate may be low since the county already has about 140,000 residents.

While success can be measured in many ways -- preservation of scenic vistas and remote parcels of land -- one of the promises that sold the preservation idea to locals was the concept of taking land out of the development arena. This would slow development in critical areas, lowering the density of vehicles on the highways. The process needs to continue.

Graham's comments were appreciated, but any money he can channel in the county's direction will be appreciated. In the meantime, voters must decide whether to pay for more highways or more open space.

From: Suzanne Larson
Sent: Monday, April 04, 2005 8:42 AM
To: County Distribution (pio@bcgov.net)
Subject: IP: Property purchases shift south

Property purchases shift south

BY TRAVIS LOLLER, *The Island Packet*
Published Friday, April 1st, 2005

After years of making purchases mostly north of the Broad River, Beaufort County's land-buying program has intensified its efforts in the southern part of the county – while there still is some undeveloped land left.

Before the nonprofit Trust for Public Land began working with the county's Rural and Critical Lands program in late 2003, only 457 of the 8,839 acres the county had purchased for preservation was in southern Beaufort County – 411 of those on Lemon Island. But since the Trust for Public Land began scouting properties for the program, the county has purchased 518 acres, 418 of them on this side of the Broad, according to a report from the Rural and Critical Lands program.

It's not to say the trust is focused entirely on southern Beaufort County. The total number of acres purchased by the county still weighs heavily in favor of its northern half, but trust project manager Russ Marane said recent purchases in Buckwalter and Pinckney Colony have helped spread the conservation effort around the county more evenly.

"If there's another reason to spend money south of the Broad – open land is disappearing more quickly here, and what is available is increasing in price.

"Land doesn't get any cheaper," Marane said, "and they're not making more of it."

Before the trust became involved with the land-buying program, the nonprofit Nature Conservancy had a contract with the county to broker land deals. The conservancy worked with the county for about a year in 2001 and 2002, but that relationship ended in part because the group's focus was entirely on preserving rural land, some county council members have said.

The mission of the Trust for Public Land more closely matches the county's goals of preserving both rural land and critical land, which Marane defined as "land that, if it is developed, will have an adverse impact not only on the environment, but also on things like traffic."

The first purchase the trust was involved in for Beaufort County, in December 2003, exemplified that mission. It was an 82-acre parcel fronting the south side of U.S. 278 in Bluffton's Buckwalter tract, known as the Buckwalter West property.

The purchase not only protected a portion of the Okatie River headwaters – an area particularly vulnerable to pollution because it is so far from the ocean that it does not flush out pollutants easily – but also prevented the construction of 500 homes and 15 acres of commercial development that had been assigned to the property by agreements between Bluffton and developers, Marane said.

Since then, the trust has helped the county purchase an adjoining property, the 38-acre Buckwalter South, preventing another 150 homes from being built, and obtained a conservation easement on a third adjoining property on the east side of the headwaters.

That easement protects a 100-foot-wide buffer that encompasses about 4.5 acres. Bluffton requires a 50-foot buffer, Marane said. Along with a neighboring property to the northwest, the 31-acre Barrel Landing that the county purchased in 2000, the Okatie headwaters properties will form a regional park.

A second focus area for the trust has been Pinckney Colony in greater Bluffton. There the trust helped the county purchase a conservation easement on the 151-acre

Calhoun Plantation where Mary O. Pinckney Merrick has a daffodil farm. The easement prevents the farm from ever being developed. The county purchased a second property outright, the 38-acre Pinckney Colony Preserve that fronts U.S. 278 at the corner of Pinckney Colony Road.

The purchase of 100 acres near Heyward Pointe and Callawassie Island where the Yemassee Indian town of Altamaha was settled in 1690 also was facilitated by the trust.

Because part of the trust's mission is to preserve land for people to use and enjoy, most of the properties will be open to the public. The trust asked for and received a total of \$450,000 from the former owners of the Okatie River property, Altamaha and Pinckney Colony Preserve.

Lots of times, property owners have an interest in what happens to their property," Marane said. "That gives us the opportunity to say, 'With your help, we can get things done sooner.' "

The money is not enough to provide more than parking spaces, fences and a few picnic tables at any of the properties, but it jump-starts the process of opening up the land that otherwise would have to wait for the allocation of county funds.

Several other purchases are in the works, including 770 acres on the New River in Bluffton that the trust has an option to buy. Marane said he is trying to raise money from various sources, including the Rural and Critical Lands program, for that purchase.

The trust also has letters of intent to purchase conservation easements on two properties of about 100 acres combined. Marane would not give the exact location of the properties, but he said they are between S.C. 170 and the Okatie River in the area of the Riverbend development and have significant river frontage. The group is in negotiations with the owners of four other unspecified properties, he said.

The Rural and Critical Lands program is supported by a \$40 million bond issue approved by voters in 2000, but the land-buying program actually began in 1997 when it started to receive tax dollars. County Council members are looking for ways to extend funding for the program.

Marane is optimistic about the future of the land-buying program southern Beaufort County, although he laments that the trust was not on the job here 10 years ago.

"Still," he said, "there are significant opportunities to limit development and also protect wetlands and marshes south of the Broad."

Contact Travis Loller at 706-8140 or tloller@islandpacket.com.

ancy Bradshaw

From: Suzanne Larson
Sent: Friday, April 01, 2005 9:48 AM
To: County Distribution (pio@bcgov.net)
Subject: IP: Program slows to frugal finish

Program slows to frugal finish

Council looks to spend last of land funds carefully

By ROBERT SANDLER, *The Island Packet*
Published Friday, April 1st, 2005

In the final five months of last year, Beaufort County Council went on something of a land-buying spree, approving the purchase of development rights on eight properties to keep the sites undeveloped or as parkland.

In the last council meeting of 2004, held Dec. 13, the council was told that the last \$11 million dedicated for the Rural and Critical Lands program probably would be spent within six months or a year.

At the council meeting, the council tried to find money to extend the program beyond its apparent end, approving a 2 percent hospitality tax on prepared food and drinks, with the possibility that that tax and its \$600,000 annual revenue could be dedicated toward land preservation. Council members also are considering whether to raise more money for the program, possibly by asking voters to increase the sales tax.

But since that Dec. 13, 2004, meeting, the council hasn't considered any additional land acquisitions.

In 1999, the council raised property taxes to create the Rural and Critical Lands program, which is intended to buy open land or development rights to keep properties undeveloped. The county actually started setting aside tax money for the program in 1997, and voters approved a \$40 million bond issue in 2000 to accelerate the purchases.

The county briefly hired The Nature Conservancy to buy land and negotiate deals, but was dissatisfied with the group's performance. In 2003, County Council turned to the Trust for Public Land to find the specific properties and work out the purchase prices.

Chris Marane, a project manager with the trust, said several properties are being discussed and his agency is finalizing details before the acquisitions go before County Council within a month or so.

"The program certainly isn't stalled, it's just the nature of the beast," Marane said. "Normally, these things tend to bunch up at the end of the year because sellers who sell property and take tax credits usually do it in the second half of the year. So we typically have a light beginning of the year and then a big flurry at the end of the year."

The Trust for Public Land typically looks for properties that are on water, on busy highways or in areas that are rapidly developing and need parkland, Marane said.

County Councilman Mark Generales has said he wants to find a way to improve some of the land bought through the program so that the public can access and use it.

Some of the program's "focus areas" in the southern part of the county include Pinckney Colony and Okatie, land along U.S. 278 and S.C. 170, as well as property on the Colleton and Okatie rivers, Marane said.

"We continue to look at opportunities for large tracts on (U.S.) 278 that make sense," he said. "Some of them, you just can't afford to buy them. Land prices are nuts. (But) there are a few property owners that are interested in preserving significant portions of their property."

Councilman Skeet Von Harten, chairman of the council's Land Management Committee, said council members wanted to proceed slowly and surely with the remaining money.

"We don't want to rush into any particular parcel, understanding that we only have the \$11 million left," he said. "If we wanted to

between now and the end of the calendar year, we could spend considerably more than the \$11 million."

The county's Rural and Critical Lands Board, made up of local residents, oversees the program and does much of the work in instructing the Trust for Public Land where to acquire property. Realizing that the money for land purchases was being depleted rapidly, that board recommended that County Council ask voters to levy a one-half percent sales tax to extend the program's life.

Generales, chairman of the Finance Committee, said he expects the council will put some sort of referendum on the ballot this year or next year.

"My hope is we will find some form (of funding) – a quarter- or half-cent sales tax," he said. "I think the public is in agreement that this program is of value."

Contact Robert Sandler at 706-8144 or rsandler@islandpacket.com.

_tacy Bradshaw

From: Suzanne Larson
Sent: Friday, March 11, 2005 12:47 PM
To: County Distribution (pio@bcgov.net)
Subject: CMN: County Council urged to focus on land preservation for future

County Council urged to focus on land preservation for future referenda

WHELSEA: Finance committee still considering options

3/11/05

Lolita Huckaby
Carolina Morning News

The Beaufort County Council pursues another sales tax or bond referendum to buy open space, Rural and Critical Lands Preservation Board members say it should focus the question on just that - land acquisition.

Land preservation board members said Thursday a referendum has the greatest chance of succeeding by focusing on a single issue.

"In my opinion, that's what happened to the last referendum question - it got too 'loaded up,'" said board member Gloria Cartwright. "The public has been very supportive of this program and we need to build on that."

Members of the council's Finance and Land Management Committees two weeks ago agreed they want to see the land acquisition program continue.

But they couldn't agree on how additional funds for the program should be raised once the last \$11 million from a \$40 million bond issue approved by the voters in 2000 is spent.

Council Vice Chairman W.R. "Skeet" Von Harten, who serves as liaison to the board, asked the 11-member panel for funding recommendations, although the final decision will be left to the council.

The council is scheduled to give the second of three necessary readings Monday to an ordinance establishing a 2 percent hospitality tax in the unincorporated areas.

Council members said they want to use at least a percentage of the revenues from the tax, estimated to generate \$500,000 annually, as a short-term solution to the land acquisition program.

But they've also discussed a sales tax or bond referendum which would be held in November 2006 for a long-term funding possibility.

Board members agreed they favored a cent sales tax for a five year period, which would generate an estimated \$10 million to \$11 million.

The board also asked Slade Gleaton and Russ Murane with the Trust for Public Lands to make recommendations for updating the 1999 ordinance recreating the Rural and Critical Lands program plus an operations handbook which helps guide land buying recommendations.

The county has preserved approximately 9,000 acres of land for a cost of \$29 million since 1999.

Reporter Lolita Huckaby can be reached at 524-5448 or bftbay@charter.net

hell rings and the remains of a freedmen's cottage.

Another factor driving several county purchases was the need to curb traffic on often congested U.S. 278.

The first purchase in the preservation program was for 3 acres on U.S. 278 on Hilton Head Island and the program has since gone back again and again to purchase property on the busy highway in greater Bluffton to stave off the growth that continues to slow traffic on the lone connector to Hilton Head.

Limited park plans, including walking trails and picnic areas, have been planned for 125 acres at the headwaters of the Okatie River and 38 acres at the Pinckney Colony property. The 2000 purchase of 30.7 acres at Barrel Landing near U.S. 278 and S.C. 170 was also expected to curb development.

With more manageable growth on Lady's Island, the goal for three purchases there was to address a long-standing public demand for park space.

An initial \$1.25 million purchase last year for the Butler Marine property on the island was followed in December by the donation of the neighboring 8 acre Crystal Lake by the family of Councilman Stewart and the \$300,000 purchase of nearly 4 acres on U.S. 21.

"It gives us a park for our downtown," said Councilman Mark Generales, Lady's Island representative to the council.

Throughout the program, the county also has purchased development rights for three properties, offering a financial incentive for owners who promise any future use of their property will be strictly limited.

The deals have ensured protection of 195 acres of timberland at Penn Center on St. Helena and 151 acres at the Calhoun Plantation in southern Beaufort County. The most unique land deal was likely a shared purchase between the county and the Department of the Navy for 69 acres next to Marine Corps Air Station Beaufort.

As the federal government moves forward with plans to shutter a quarter of its bases in closure and realignment later this year, the county will likely continue purchasing property around the air station, Von Harten said, even if Beaufort's bases make it out of this year's cuts.

"Ninety-five was supposed to be the last (base realignment)," he said. "In 10 years, we're doing it again."

Even as the program continues to move quickly, the narrowing stream of funding has officials closely scrutinizing each potential property with the understanding the money may not be there to protect every piece of land.

"There's a whole lot more than \$10 million in property that you want," said Steve Riley, Hilton Head's town manager and chairman of the Rural and Critical Lands board.

Contact Greg Hambrick at 986-5548 or ghambrick@beaufortgazette.com.

The Trust's) expertise is the linchpin of the whole thing," Von Harten said.

Respective properties are pursued by the nonprofit, vetted by the lands board and the council's Land Management Committee, before review by the full council.

Council members say they pay close attention to the costs for maintaining the property when considering a purchase.

The stewardship of those lands costs money," Von Harten said, noting the county pursues other funding sources, but that the responsibility will likely be placed on the county's tax rolls.

The need for protection must also outweigh the affect of eliminating a potential source of tax dollars available if a property was left open for private development, said County Councilman Dick Stewart.

I continue to be concerned that we must have balanced tax rolls," he said.

Purchases throughout the program also have included state and federal grants as well as seller donations, meaning that each \$7 spent by the county has resulted in \$10 in land value.

Expectations are that future funding will come from a collection of new and increased local taxes, grants and donations.

Protecting county funds will continue to be a priority, said Slade Gleaton, the trust's Charleston district director.

Every dollar in the program is precious," he said.

The County Council recently approved first reading of a 2 percent hospitality tax that would be charged on food and beverages prepared in the unincorporated sections of the county.

Officials have said some of the money raised through that tax, plus another bond referendum that could go before voters in 2006, are two possible funding options for the land-buying program.

Land preserved

Most of the early purchases under the land-buying program focused on marsh islands threatened by high-priced residential development, including Palm, Murdaugh, Legare, Buzzard, the 411 acre Lemon and 8,000 acre North Williman islands.

The program had since focused on other priorities, like parks and traffic mitigation, letting a cumbersome state bridge application process hold up most plans to build on marsh islands.

But after a state Supreme Court decision last month weakened the state's ability to regulate bridges to the marsh islands, of which Beaufort County has more than 1,000, county officials are again looking at the needs to protect those areas.

"They provide a nursery for so many wildlife," Von Harten said. "That just has to be protected."

Several of the more recent land buys are expected to result in parks for needed areas including St. Helena and Lady's islands and greater Bluffton.

Islands End residents have started talks with county park planners to develop a Fort Fremont park at the abandoned relic of the Spanish-American War.

Valued at \$5.83 million, the beachfront property benefited from a healthy canopy and a secluded locale, but demolition was expected to replace the structurally-preserved relic with up to nine high-priced homes.

With memories of exploring the site as a boy, Von Harten said he's excited to see it preserved with walking trails and safer beach access after years of neglect and periodic vandalism.

"I wanted to see it brought out of the trash bin and brought up to good use," he said.

Other historic properties preserved include the St. Helena Market, an early more than 8 acre purchase on St. Helena Island at Chowan Creek; the Bluffton Oyster Company, a 5 acre property that houses a functioning oyster-shucking facility and enough room for community events; and the nearly 7 acre Ford Shell Ring property on Hilton Head Island, home to ceremonial American Indian

Stacy Bradshaw

From: Suzanne Larson
Sent: Monday, March 07, 2005 9:22 AM
To: County Distribution (pio@bcgov.net)
Subject: BG: Conservation Concerns

Conservation Concerns

County seeks to bolster land program

Published Sun, Mar 6, 2005

by GREG HAMBRICK

The Beaufort Gazette

Beaufort County officials hope that a solid year of quality land preservation buys will cement taxpayer support for the future of a land-buying program set to drain the last dollars of a \$40 million bond referendum approved by voters in 2000.

The county has \$10 million left that's expected to last the next six months and wrap up a struggling five-year conservation drive that found enough momentum in the past year to unite the County Council in searching out new dollars for the program.

Sluggish land buys during the program's early years have been replaced by a breakneck pace that consumed almost \$20 million in 12 months.

But officials remain concerned about continued operation and maintenance costs for the land the county has pledged to protect and the passive parks eyed for development.

The county first earmarked a portion of property tax revenues for conservation in 1998 as developments began to replace some of the county's expansive farmlands and coastal vistas. After nearly \$3 million in purchases in two years, the increased pace of development led voters to overwhelmingly approve bonding \$40 million in future tax collections for faster, larger acquisitions while land was still available.

But by 2003, the county had spent less than \$10 million on remote properties under a system that required a property owner to approach the county if they wanted to sell their land.

"We were going nowhere fast," said council Vice Chairman W.R. "Skeet" Von Harten.

Competing agendas on whether to use the program for growth management or to protect rural views also held up the program's success.

"There was a lot of mixed signals coming from the County Council," Von Harten said.

A new partner

Ditching conservation partner The Nature Conservancy, the county revamped its Rural and Critical Lands Board tasked with selecting purchases and hired a new partner, The Trust for Public Land, to oversee acquisitions.

Following the nonprofit's entrance in late 2003, the county held public meetings throughout the region to form a so-called greenprint of resident concerns for protection and began actively courting property owners in high-risk areas.

With the help of the Trust for Public Land, the county has since purchased 11 properties that often address both rural and growth management concerns and ensured the preservation of another two, spending more than \$22 million in about a year.



Megan Lovett/Gazette

A hammock placed by Heyward Pointe developers hangs between trees at the edge of the historic Altamaha village, where the Okatie and Colleton Rivers converge. The county purchased the land last year to preserve as a passive park.

[+ Enlarge Image](#)



Megan Lovett/Gazette

Wiggs Gate Road is a single lane dirt track that runs through the 101 acre Altamaha Preserve from Old Bailey Road in Okatie. In the county's plan, it will become Wiggs Gate Trail for pedestrian and bicycle access to the marsh.

[+ Enlarge Image](#)

tacy Bradshaw

From: Suzanne Larson
Sent: Tuesday, March 01, 2005 3:51 PM
To: County Distribution (pio@bcgov.net)
Subject: IP: Editorial: County stays on right track with land conservation plan

County stays on right track with land conservation plan

Buying land cheaper than building roads; it's time to act

Published Tuesday, March 1st, 2005

A year ago, Beaufort County residents were center stage establishing priorities for land purchases to preserve a good quality of life in the corner of South Carolina. This year residents should get an opportunity to expand the \$40 million land-conservation program.

County Council agreed last week that the conservation program should continue. Although council doesn't know how the plan will be financed, there is little doubt that it should exist. With competition for every dollar the county can raise, council should take every opportunity to show residents what it has bought and the importance of continuing the program.

Residents approved in a 2000 referendum the money to preserve open land. After two years of struggling, the County Council, the Rural and Critical Lands Board and the Trust for Public Land have begun rapid-fire land acquisition. The groups have bought several high-profile properties, preserving historical sites and land designated for potential development. Purchases include land along congested S.C. 278, Fort Fremont on St. Helena, which was being considered as a site for high-dollar beachfront homes, and Crystal Lake off S.C. 802 on Lady's Island.

Beaufort was the first South Carolina county to fund its land-conservation program. Beaufort County's program even preceded the state's. Beaufort County's plan predates recommendations of the S.C. Council on Coastal Futures to preserve as much land as possible. The council says the state's valuable resources are being compromised and need to be preserved.

Projections are that South Carolina will gain at least 1 million people within two decades, and half of those people will live on the coastal plain. A good portion of them will move to Beaufort County, the state's fastest-growing county in the previous decade.

As South Carolina becomes more urban, development encroaches on rural and irreplaceable natural areas of the state. The public and the Trust for Public Land last year developed a county "greenprint" to help guide conservation. The process should continue.

County staff suggests that a tax hike will be necessary to finance future preservation. County Council has suggested that taxes could take several forms: sales tax, property tax, development fees or property transfer fee.

The transfer fee has been successful for the Town of Hilton Head Island, which is the only local government in the state allowed to use it. Use by the county, or any other local government, would require a change in state law.

In this county especially, land acquisition and conservation are important to the quality of life. Local governments and the private sector must be major players. In order for the public to be a consistent player, it must continually approve referenda, or it must find a permanent revenue source in addition to the millage it already wisely dedicates to land acquisition.

Local governments need to make a strong case for at least a property transfer fee to the county's Legislative Delegation, which must load the charge in the General Assembly. In the long run, conserving developable land might be cheaper than building roads and power infrastructure.

he council also gave first-round approval to giving local vendors a slight preference in the awarding of county contracts.

he ordinance also would allow businesses with an office and business license in Beaufort County to match the lowest bidder on a project if the bids are no more than 1 percent or \$2,500 apart from each other.

he proposal also would require general contractors to make portions of the project available to "a broad base" of minority-owned businesses or companies with less than \$3 million in annual gross income.

he contractors proposal also requires council votes at two future meetings before it takes effect.

1 other business:

The council voted 11-0 to give final approval to an ordinance extending the deadline for active duty military personnel serving in combat zones to pay their property taxes.

The council passed a resolution 11-0 supporting the establishment of a commerce park near the intersection of Interstate 95 and U.S. 17. Councilman Dick Stewart has said the county needs to attract more businesses to bring in higher-paying jobs and lessen the tax burden on residential property.

The council approved 10-0 a change to the county zoning ordinance to allow temporary roadside produce stands on a section of S.C. 802 on Lady's Island. The approval came after Generales, the councilman who represents Lady's Island, said he was worried about the impact it would have on longtime permanent businesses that have to clear more stringent state regulations. Councilman Frank Brafman abstained.

The Finance Committee was told that the May River Regional Technology Park, planned for the west side of Buckwaller Parkway in Bluffton, faces "an uphill battle" in securing grant money. The S.C. Department of Commerce awarded the tech park a \$450,000 grant – half of what was requested – and the U.S. Department of Commerce also is unlikely to award the full request, consultant Kir Statler said.

tacy Bradshaw

From: Suzanne Larson
Sent: Tuesday, March 01, 2005 8:24 AM
To: County Distribution (pio@bcgov.net)
Subject: IP & BG: Council: Tax to aid land buys

Council: Tax to aid land buys

Proceeds to fund preservation plan

By ROBERT SANDLER, *The Island Packet*
Published Tuesday, March 1st, 2005

AUFORT -- County Council members gave first-round approval Monday to a proposal to levy a 2 percent tax on all prepared food and beverages sold in restaurants and other businesses in unincorporated areas and to spending the proceeds on extending the land preservation program.

The proposal was suggested by Finance Committee Chairman Mark Generales, who estimated the tax would raise about \$500,000 to \$600,000 a year.

The county's Rural and Critical Lands program has resulted in the protection of 9,300 acres since it was created in 1999.

In 2000, voters approved a \$40 million land-buying referendum so that more land or development rights could be purchased. About \$29 million of that money has been spent, and council members expect to spend the rest by the end of the year.

So council members have been considering whether to extend the preservation program as well as a possible funding source.

In separate 11-0 votes Monday, the full council decided to continue the program and to give preliminary approval to the 2 percent food-and-beverage tax, known as a hospitality tax.

The council must approve the tax proposal at two future meetings and a public hearing before it can take effect.

Generales also said he wanted to consider again asking voters to approve a bond issue. But he said state law requires that such a referendum wait until November 2006, the next general election year.

The council also approved a plan for how to spend future revenue generated by the county's 3 percent accommodations tax on overnight lodging.

State law requires accommodations tax revenue to be spent on tourism.

Since it was enacted in 2002, most of the tax revenue has been spent on the county's Treasured Coast marketing campaign in conjunction with local chambers of commerce. Other revenue has been spent based on applications each year.

This year, the tax is expected to generate about \$700,000, county finance director Tom Henrikson said.

The spending plan given first-round approval Monday would send the first \$350,000 in revenue to countywide advertising such as the Treasured Coast campaign.

After that, the next 20 percent would be set aside into a reserve fund for emergencies. Another 20 percent would be spent on river and beach access and nourishment, while the remaining 60 percent would be directed toward buildings, highways, cultural facilities and other infrastructure that are used largely for tourism-related purposes.

The accommodations tax plan requires council votes at two future meetings.

Stacy Bradshaw

From: Suzanne Larson
Sent: Monday, February 28, 2005 10:09 AM
To: County Distribution (pio@bcgov.net)
Subject: BG: Conservation plan will need funding

Conservation plan will need funding

Buying land is cheaper than roads

Published Sun, Feb 27, 2005

A year ago, Beaufort County residents were center stage establishing priorities

for land purchases to preserve a good quality of life in this corner of South

Carolina. This year residents should get an opportunity to expand the \$40 million land-conservation program.

County Council agreed on Monday that the conservation program should continue. Although council doesn't know how the plan will be financed, there is little doubt that it should exist. With competition for every dollar the county can raise, council should take every opportunity to show residents what it has bought and the importance of continuing the program.

Voters approved in a 2000 referendum the money to preserve open land. After two years of struggling, the County Council, the Rural and Critical Lands Board and the Trust for Public Land have begun rapid-fire land acquisition. The groups have bought several high-profile properties, preserving historical sites and land designated for potential development. Purchases include land along congested U.S. 278, Fort Fremont on St. Helena, which was being considered as a site for high-dollar beachfront homes, and Crystal Lake off S.C. 802 on Lady's Island.

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As South Carolina becomes more urban, development encroaches on rural and irreplaceable natural areas of the state. The public and the Trust for Public Land last year developed a county "greenprint" to help guide conservation. The process should continue.

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As the state's fastest-growing county, land acquisition and conservation are important to the quality of life in this county. Local governments and the private sector must be major players. In order for the public to be a consistent player, it must continually approve referenda, or it must find a permanent revenue source.

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Lucy Bradshaw

From: Suzanne Larson
Sent: Monday, February 28, 2005 10:08 AM
To: County Distribution (pio@bcgov.net)
Subject: BG: Editorial: Conservation plan will need funding

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Need funding

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Published Sun, Feb 27, 2005

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Stacy Bradshaw

From: Suzanne Larson
Sent: Friday, February 11, 2005 11:16 AM
To: County Distribution (pio@bcgov.net)
Subject: CMN: Land preservation program contends for national award

Land preservation program contends for national award

Feb. 11, 2005

EAUFORT: Preservation board hoping County Council will seek additional funding.

Lolita Huckaby
Carolina Morning News

Beaufort County's Rural and Critical Lands program continues to draw accolades.

The program, which started in 1998 with the allocation of 2 tax mills, is one of three finalists for the National Association of Counties' Leadership in Conservation Award.

"It's a very exciting recognition and all of you are to be commended for your role in making it happen," county Public Information Officer Suzanne Larson told members of the Rural and Critical Lands Board Thursday.

The program, which has seen the preservation of approximately 9,000 acres through purchases and conservation easements, was nominated for the award by The Trust for Public Land.

The awards will be announced later this month at the National Association of Counties' conference in Washington.

The nonprofit entity has been working under contract with the county program since October 2003 and had a second year renewal contract signed in October 2004.

In January, the board officially asked the Beaufort County Council to consider getting additional funding for the program. Estimates show only \$11 million remaining from the original \$40 million bond sale.

The board, working with The Trust for Public Land, has been reviewing a lengthy list of additional proposed acquisitions.

Council Vice Chairman W.R. "Skeet" Von Harten said Thursday his Land Management Committee will consider the additional funding request when it meets Feb. 21.

"I've asked our finance director to present us a list of funding alternatives, whether it be another bond referendum in November, additional taxes, (or) whatever form we can devise," Von Harten said.

The board has been working with Larson on a public relations campaign aimed at increasing public awareness of the land acquisition program.

Larson has proposed a brochure, video documentary and educational exhibits at the local library.

Board members agreed production of the materials should wait until the County Council decides whether to pursue a second bond referendum later this year.

Other accolades coming to the county were announced earlier this month by the S.C. Coastal Conservation League which cited the county for its land preservation efforts, specifically the Zoning Board of Appeals' decision to reject the school district's plans to build a new high school north of the Whale Branch.

That decision has been appealed to the courts by the school district.

Reporter Lolita Huckaby can be reached at 524-5448 or lolita.huckaby@lowcountrynow.com

Stacy Bradshaw

From: Suzanne Larson
Sent: Tuesday, February 22, 2005 10:37 AM
To: County Distribution (pio@bcgov.net)
Subject: BG: County opts to retain land preservation program

County opts to retain land preservation program

Published Tue, Feb 22, 2005

By GREG HAMBRICK

The Beaufort Gazette

Beaufort County officials agreed Monday that they need to continue the county's five-year-old land preservation program but couldn't provide answers on where new money for the land buys will come from.

Links

[Beaufort County Council](#)

With almost \$11 million left over from a \$40 million land conservation bond referendum approved by voters in 2000 expected to be spent by the summer, the County Council's Land Management Committee voted 7-0 Monday to extend the land program in some fashion.

But the approval comes with no designated source to pay for future land purchases, an issue that will be sent to the council's Finance Committee.

After years of sluggish action on a few remote sites, the county's Rural and Critical Lands Board began purchasing priority sites eyed for encroaching commercial and residential development in late 2003, curbing traffic congestion and protecting timber land, viewsapes and historical sites.

But more property is in need of preservation, board member Terry Murray told the committee Monday. "There are many priority areas we haven't been able to touch yet," she said.

Asked to give funding options for future land buys, County Controller Tom Henrikson said any plan would cause a tax increase.

Although praising past purchases, councilmen Gerald Dawson and Dick Stewart said their support for future land preservation may have its limits.

"It's going to be a whole different deal if it's a property tax increase," Stewart said.

Suggestions to pay for the program included a sales tax increase that would require voter approval; a real estate transfer fee prohibited by the state; or additional impact fees charged to developers.

More work will have to be done to see what are viable options, said council Vice Chairman W.R. "Skeet" Von Harten, chairman of the Land Management Committee.

"With some you're going to have to bite the bullet and with others you're going to have to swallow the whole ammo box," he said.

Also Monday, county staff was instructed to review sanctions for zoning and development abuses to consider more stringent penalties for habitual offenders.

"This is going on all the time," said Councilman Peter Lamb.

Penalties now include a \$500 fee plus court costs or 30 days in jail for each offense.

Contact Greg Hambrick at 986-5548 or ghambrick@beaufortgazette.com.

Lacy Bradshaw

From: Suzanne Larson
Sent: Friday, January 14, 2005 8:49 AM
To: County Distribution (pio@bcgov.net)
Subject: IP & BG: Land board foresees vote in near term

Land board foresees vote in near term

2005 referendum targeted to refill preservation coffers

By GREG HAMBRICK, *The Beaufort Gazette*
Published Friday, January 14th, 2005

BEAUFORT -- A tax referendum aimed at protecting the county's open land could reach Beaufort County voters by November, members of the county's Rural and Critical Lands Board said Thursday.

When the value of a list of prime properties exceeding the \$11 million remaining from a \$40 million land-preservation referendum approved by voters in 2000, the County Council-appointed board formalized its request for additional money Thursday.

The county Council probably would take up the request at its Jan. 24 meeting, said council Vice Chairman Skeet Von Harten, noting it would receive his report.

"The same reason that we began the program continues to be a viable reason to extend it," he said.

The board agreed that the referendum could come as early as this year.

County officials don't know how much they'll borrow for future conservation, but the amount is expected to exceed the county's 8 percent borrowing limit, forcing a voter referendum.

Although a new referendum may be the only way to leverage money needed for future purchases, Von Harten said the county should be open to other alternatives.

"There might be an idea that none of us is thinking of right now," he said.

While the original \$40 million borrowed in 2000 will be paid off over the next 20 years through 2 mills dedicated for land purchases by the County Council in 1998, any additional borrowing would require a property tax increase.

Another referendum calling for new tax money to pay for conservation would go before voters who have turned down sales-tax hikes in 2002 and 2004 for a mix of road and park improvements. Some taxpayers also are wrestling with higher property tax bills due to last year's reassessments.

"This is going to be a trying year for taxpayers in Beaufort County," board member York Glover said.

A new referendum also may expand the scope of the county's land-buying opportunities.

The first referendum limited park purchases to so-called passive parks, typically including walking trails and picnic areas.

Just as the county grows, the need increases for new active parks, including ball fields and community centers, said Steve Riley, the board's chairman and Hilton Head Island's town manager.

"The county has a lot of funding needs ... and not a lot of funding sources," he said.

After originally struggling to make quality purchases with the bond money, the county switched to its current nonprofit partner, the Trust for Public Land. The organization has helped with purchases of several high-profile plots in areas throughout the county over the past year, preserving historical sites and others eyed for development.

The county has purchased land on busy U.S. 278 to curb the highway's continued development; St. Helena Island's Fort Fremont, an abandoned 19th-century-old relic eyed for high-dollar beachfront homes; and Crystal Lake, expected to be the first park on Lady's Island.

It's impossible to quantify how much land preservation is enough, said Slade Gleaton, Charleston district director for the nonprofit trust.

The truth of the matter is the work is never done," he said.

Development will continue to press toward the corners of the county.

This is a tool," Gleaton said, "to maintain a balance."

Stacy Bradshaw

From: Suzanne Larson
Sent: Monday, December 27, 2004 9:00 AM
To: County Distribution (pio@bcgov.net)
Subject: IP & BG: County eyes renewal of land program

County eyes renewal of land program

BY ROBERT SANDLER, *The Island Packet*
Published Saturday, December 25th, 2004

Just a few years after Beaufort County voters approved a major investment of taxpayer dollars into keeping land free of development, several county Council members say they want the public to extend the program.

In 1999, the county increased its property tax rate to begin purchasing land, development rights and associated easements. The following year, voters approved a \$40 million bond sale that has spurred the purchase of dozens of properties.

Since the Rural and Critical Lands program began five years ago, the county has protected 24 properties, including more than 9,300 acres, according to the Trust for Public Land, a San Francisco-based company that coordinates the county's efforts. The county has spent \$34 million of its bond, but it acquired properties valued at \$48 million, including funds from outside

organizations and gifts from landowners.

But the county's land-buying money is about to dry up. Officials with the Trust for Public Land have tentative commitments for where they intend to spend most of the \$6 million that remains.

One property at the Okatie River headwaters was included in a referendum that would have raised the county sales tax to pay mostly for transportation projects, but that measure was rejected by

voters last month. In separate deals, the county program has purchased 125 acres surrounding the

headwaters. But officials still want to buy much more property throughout the county, including the piece at the Okatie headwaters.

Now, County Council members say the program has been such a success that they want voters

to approve an extension at

the next general election in November 2006.

"There are properties that are on the highly desirable list now which cannot be either purchased or the development rights secured because of the lack of funds," said Councilman Peter Lamb of Bluffton. "The current \$40 million seemed to be a number that seemed to be acceptable to voters, and the hope would be that (another) one might be equally acceptable."

Councilman Frank Brafman of Hilton Head Island agreed that the program should be extended, but he wanted to ensure that the county wouldn't be bringing back debt on the previous bond issue and any future bond issue at the same time.

"The program is good," Brafman said. "When these funds are exhausted or it looks like they're going to be exhausted, I would want to do it again."

But the timing of a referendum could make voters question its worth, as November 2006 also is the next year they could be asked to approve another 1 percent sales tax for transportation or capital improvements projects.

Voters rejected that proposal last month by 0.3 percent — a

margin of 135 votes out of 53,000 cast. And officials, desperate for a solution to southern Beaufort County's traffic congestion, say they wouldn't be surprised if a similar proposal is on the November 2006 ballot.

County Council Chairman Weston Newton said it was too early to predict whether officials would ask voters to approve both money for land preservation and for transportation projects. But the problems probably aren't going away, he said.

Stacy Bradshaw

From: Pete Nardi
Sent: Monday, May 03, 2004 9:51 AM
To: Pete Nardi
Subject: IP editorial--County land program now has solid framework

County land program now has solid framework

'Greenprint' shows long-term countywide vision

Published Monday, May 3rd, 2004

Beaufort County's land-acquisition program has taken a major step forward and now is poised to move with a greater sense of purpose and vision.

The program now literally has a road map. More importantly, the map, which is called a greenprint, is a compilation of community wishes. It shows areas the county would like to see preserved. It reflects input from citizens in seven public meetings held around the county, from the county planning staff, municipalities and the local conservation community.

County Council has approved the greenprint in its latest move to bring vitality to the program. It had previously contracted with the Trust for Public Land to bring a new perspective and expertise to the program. And it refined the Rural and Critical Lands Preservation Board.

As a result, there is a plan in place that should lead to action. The county has \$28 million remaining from the \$40 million bond referendum for land acquisition overwhelmingly approved by the public in 2000. That will quickly disappear, but it should result in tangible assets the community as a whole can take pride in. It also should result in things the people will not see: buildings, parking lots and vehicle trips that will be taken off the market when land is saved from development.

The program targets only willing sellers, and it includes the option of buying development rights rather than buying land outright.

The program now can be proactive, seeking land where we know the public wants conservation and where the land can meet criteria established by a community vision for clean waterways, less congestion and more open space.

With this groundwork laid at considerable time and expense, results should follow. And if that happens, two things will be obvious:

Beaufort County residents should be asked to make more money available for the land-acquisition program.

The state legislature should cooperate by fully funding the state Conservation Bank and by allowing local communities to decide whether to impose a real estate transfer fee to pay for land acquisition.

As the greenprint shows, there is simply too much to be done to preserve Beaufort County's envied quality of life for there to be any delay in a continual land-acquisition program. County Council has devoted resources to the task, but the need will not go away soon.

Stacy Bradshaw

From: Pete Nardi
Sent: Monday, May 03, 2004 9:58 AM
To: Pete Nardi
Subject: CMN--'Greenprint' maps county preservation

'Greenprint' maps county preservation

BEAUFORT: Drawing shows where \$28 million will be spent to buy land.

By Lolita Huckaby
Carolina Morning News

At first glance, Beaufort County's new "greenprint" for future land acquisitions might appear staggering.

The thousands of acres identified by citizens during a series of public meetings last month show there is much to be done.

The general map was drawn by the nonprofit Trust for Public Lands, which the County Council contracted with last October to oversee the land-buying program, after the seven public meetings were conducted throughout the county.

"We had an average of 30 to 35 citizens at every meeting, but more important than the numbers who turned out is the input they gave to this process," said Slade Gleaton, director for the TPL Charleston office, who is working on the county project with Russ Marane of Hilton Head Island.

The citizens identified areas they would like to see the county purchase for protection from development, areas ranging from almost all of St. Helena Island to areas along S.C. 170. The State Ports Authority's railroad line from Yemassee to Port Royal is on the map, a 25-mile strip of right of way that the SPA has said it will consider selling and which some county officials have said they'd like to develop as a bike trail or alternate road to U.S. 21 into Beaufort.

Gleaton, who has visited most of the spots on the map, said he's enjoyed the education.

"I don't have to tell you this is an interesting and diverse county," he said during a recent interview. "And when people told me it was a series of islands and hummocks strung together, they weren't kidding."

Protection of some of those islands, which have been the target for development in past years, was a part of the process identified by concerned citizens. The County Council has already recognized the importance of protecting such small islands, having already purchased six in northern Beaufort County since the county's land-buying program began in 1997 with a special two-mill appropriation.

In 2000, voters approved a \$40 million bond referendum for the purchase of additional space. Approximately 8,200 acres, including the Bluffton Oyster Factory and land near the Okatie River headwaters on U.S. 278, have been bought.

The purchases leave the county with a little less than \$28 million. The balance could be spent in a hurry, given the geographic size of the county.

"But the key is, using the map, which was drawn up by the citizens and reflects the citizens' wishes, as a

guideline for our purchases," County Council Vice Chairman W.R. "Skeet" Von Harten said last week. He chairs the council's Land Management Committee.

"There's still a process in place and a great deal of negotiations takes place before any purchase is finalized," he said.

The TPL team shares its negotiations with members of the county's 11-member Rural and Critical Lands Board, which makes recommendations to first the council's Land Management Committee and then the County Council for a final go-ahead.

The Land Management Committee and Council have been meeting behind closed doors to discuss unspecified land acquisitions regularly for the past several months as the process continues. County officials won't discuss which parcels are under consideration because such public information is believed to drive land prices even higher.

"But we are making progress and the process, as I see it, is working very well," said Von Harten. "We're trying to be good stewards of the taxpayers' dollars."

TPL is working under a September deadline, which is when its \$279,000 contract with the county will be subject for renewal.

"Our intention is to do a good job and give the community what they want to see, working with the dollars available," Gleaton said.

County officials are hopeful the program will prove so successful that voters will be willing to consider another bond referendum in the future.

"While there's been some talk at the Rural and Critical Lands Board level about when and how much (for the next referendum), right now we've got our plate full with the 1 percent sales tax question, reassessment and general budget talks," Von Harten said. "It's a slow process but an important one."

Bought and paid for

Properties purchased by Beaufort County as part of the open-land preservation program since 2000 include:

- * Charlotte Island, in the upper reaches of Battery Creek, 30 acres bought in June 2000 for \$980,000.
- * Barrel Landing, on the upper reaches of the Okatie River, near the intersection of U.S. 278 and S.C. 170; 30.7 acres bought in August 2000 for \$2.875 million.
- * Palm, Murdaugh and Legare islands, small islands off St. Helena Sound, bought in September 2000 for \$1.8 million.
- * North Williman, Buzzard islands, in the Bull River and upper reaches of St. Helena Sound, bought in May 2002 with The Nature Conservancy. The county paid \$1 million of the \$4 million purchase price for North Williman, 8,463 acres; and \$150,000 of \$600,000 for Buzzard Island, 120 acres.
- * Bluffton Oyster Factory, a 5-acre property the County Council approved buying in December 2002 from the Beaufort County Open Land Trust for \$2.5 million.
- * Squire Pope Road Shell Rings, 6.9 acres bought in March 2003 in a joint venture with the State Heritage Trust

and the town of Hilton Head Island; cost was \$3.95 million.

*Development rights on Penn Center; the 195-acre tree farm was bought in 2003 from Penn Center with help from the U.S. Department of Agriculture. Cost was \$419,000.

*A tract of commercial real estate on U.S. 278, which is part of the Buckwalter planned unit development near the Okatie River headwaters. The 82 acres were bought from BHR Acquisition Co. LLC, in December 2003, with negotiating assistance from the Trust for Public Lands. Cost was \$4.95 million.

This list does not include Lemon Island, 411 acres on S.C. 170 in the Broad River, which the Beaufort County Open Land Trust purchased in 1999 with the county purchasing the conservation easement rights for \$2.5 million.

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2006 BEAUFORT COUNTY COUNCIL MEMBERS

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