

County Council Meeting
Monday, October 11, 2010

4:00 p.m.

Council Chambers
Administration Building

COUNTY COUNCIL OF BEAUFORT COUNTY

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

WM. WESTON J. NEWTON
CHAIRMAN

D. PAUL SOMMERVILLE
VICE CHAIRMAN

COUNCIL MEMBERS

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

GARY KUBIC
COUNTY ADMINISTRATOR

BRYAN J. HILL
DEPUTY COUNTY ADMINISTRATOR

LADSON F. HOWELL
COUNTY ATTORNEY

SUZANNE M. RAINEY
CLERK TO COUNCIL

AGENDA COUNTY COUNCIL OF BEAUFORT COUNTY

Monday, October 11, 2010

4:00 p.m.

Council Chambers
Administration Building

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

4:00 p.m.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. INVOCATION
4. REVIEW OF MINUTES – [September 13, 2010](#)
5. PUBLIC COMMENT
6. PROCLAMATIONS
 - Penn Center Heritage Days Celebration Week
Mr. Walter Mack, Executive Director, Penn Center
 - Friends of the Libraries Week
Mr. Bernie Kole, President of the Beaufort Friends
Ms. Lynne Miller, President of the Hilton Head Island Friends
Mrs. Maryellen Ham, President of the Bluffton Friends
 - Archeology Month
Mrs. Grace Cordial, Historical Resources Coordinator
Mr. Ian Hill, Historic Preservationist
Mr. Ian deNeeve, GIS Analyst
7. RECOGNITION
 - Citizen Volunteers / County Boards and Commissions

Over



8. [COUNTY ADMINISTRATOR'S REPORT](#)
Mr. Gary Kubic, County Administrator
 - The County Channel / Broadcast Update
 - [Two-Week Progress Report](#)
9. DEPUTY COUNTY ADMINISTRATOR'S REPORT
Mr. Bryan Hill, Deputy County Administrator
 - [Two-Week Progress Report](#)
10. UPDATE ON PROPERTY TAX SALE OCTOBER 4, 2010
Mrs. Joy Logan, County Treasurer

CONSENT AGENDA
Items 11 through 17

11. SHERIFF'S OFFICE SWAT BUILDING IMPROVEMENTS ([backup](#))
 - Public Facilities Committee discussion and recommendation to approve occurred September 28, 2010 / Vote 6:0
 - Contract award: Gordon Construction, Inc. Bluffton, South Carolina
 - Contract amount: \$541,705 plus a construction contingency of \$54,170. In the event the contingency is used, the Public Facilities Committee is to be informed.
 - Funding source: FY 07 CIP Account #11437-54464 Law Enforcement which has a total current balance of \$1,301,772
12. SHANKLIN ROAD MAINTENANCE BUILDING ADDITIONS TO BEAUFORT CONSTRUCTION CO. FOR \$59,850 FROM CIP FUNDS ([backup](#))
 - Public Facilities Committee discussion and recommendation to approve occurred September 28, 2010 / Vote 6:0
 - Contract award: Beaufort Construction Co., Beaufort, South Carolina
 - Contract amount: \$59,850
 - Funding source: FY 05 CIP Account #11435-54425, Renovations - Building & Grounds, which has a total current budget of \$88,227
13. WIMBEE CREEK BOAT LANDING IMPROVEMENTS ([backup](#))
 - Public Facilities Committee discussion and recommendation to approve occurred September 28, 2010 / Vote 6:0
 - Contract award: Alpha Construction Co., Savannah, Georgia
 - Contract amount: \$120,977
 - Funding source: SC Department of Natural Resources boating access facility improvements budget/grant of up to \$135,000, FY 07 CIP Contingency Account #11437-56000 with a current balance of \$296,686. FY 07 Contingency Fund would then be reimbursed from SCDNR grant

14. JANITORIAL SERVICES FOR BEAUFORT COUNTY FACILITIES ([backup](#))
 - Public Facilities Committee discussion and recommendation to approve occurred September 28, 2010 / Vote 6:0
 - Contract award: Island Group, Inc., dba, Carolina Cleaning, Hilton Head Island, South Carolina
 - Contract amount: \$622,320 for an initial contract term of one year with four additional one-year contract renewal periods all subject to the approval of Beaufort County
 - Funding source: Account #33020-51210, Public Facilities Cleaning Services, \$544,164; Account #13580-51210, Hilton Head Island Airport Cleaning Services, \$71,256; Account #13570-51210, Lady's Island Airport Cleaning Services \$6,900

15. WATER QUALITY MONITORING CONTRACT FOR BEAUFORT COUNTY ([backup](#))
 - Natural Resources Committee discussion and recommendation to approve occurred October 4, 2010 / Vote 7:0
 - Contract award: GEL Engineering, Charleston, South Carolina
 - Contract amount: \$123,543
 - Funding source: Stormwater Utility Fund Account #13531-51160

16. RESOLUTION ADOPTING THE CHARTER OF BEAUFORT-PORT ROYAL METROPOLITAN PLANNING COMMISSION ([backup](#))
 - Natural Resources Committee discussion and recommendation to approve occurred October 4, 2010 / Vote 7:0
 - Natural Resources Committee discussion and recommendation to appoint Planning Commission members Jim Hicks and Robert Semmler to serve as County representatives on the Metropolitan Planning Commission occurred October 4, 2010 / Vote 7:0

17. TEXT AMENDMENT TO THE ANIMAL SHELTER AND CONTROL ORDINANCE
 - Consideration of first reading to occur October 11, 2010 ([backup](#))
 - Public Safety Committee discussion and recommendation to approve occurred October 4, 2010 / Vote 7:0

18. TEXT AMENDMENTS TO COUNCIL RULES AND PROCEDURES ([backup](#))
 - Consideration of adoption to occur October 11, 2010

PUBLIC HEARINGS
Items 19 through 21

- 6:00 p.m.**
19. AN ORDINANCE PURSUANT TO SC CODE SECTION 12-43-360 TO REDUCE THE AIRCRAFT PERSONAL PROPERTY TAX FROM 10.5% TO 6% ([backup](#))
 - Consideration of third and final reading approval October 11, 2010
 - Second reading approval occurred September 27, 2010 / Vote 6:4
 - Finance Committee discussion occurred September 20, 2010
 - First reading approval occurred August 23, 2010 / Vote 7:4

- Finance Committee discussion and recommendation to approve occurred August 16, 2010 / Vote 6:0
20. TEXT AMENDMENT TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), ARTICLE XII. SUBDIVISION DESIGN (THAT REPLACE RURAL SUBDIVISION WITH RURAL SMALL-LOT SUBDIVISION):
- DIVISION 3, SECTION 106-2539. RURAL SMALL LOT SUBDIVISIONS
 - DIVISION 4, SUBDIVISION 2. SMALL LOT RURAL SUBDIVISIONS: SECTION 106-2596. MINIMUM DEVELOPMENT STANDARDS FOR SMALL LOT RURAL SUBDIVISION; AND SECTION 106-2597. CONDITIONS AND LIMITATIONS
 - Consideration of third and final reading approval October 11, 2010
 - Second reading approval occurred September 27, 2010 / Vote 10:0
 - First reading approval occurred September 13, 2010 / Vote 11:0
 - Natural Resources Committee discussion and recommendation to approve occurred September 7, 2010 / Vote 7:0 ([backup](#))
21. ZONING MAP AMENDMENTS TO CHANGE THE ZONING OF ALL LANDS CURRENTLY ZONED RURAL RESIDENTIAL TO RURAL IN THE FOLLOWING AREAS OF THE COUNTY – SHELDON TOWNSHIP, ST. HELENA ISLAND, AND PORT ROYAL ISLAND (IN AREAS LOCATED OUTSIDE OF THE AIRPORT OVERLAY DISTRICT) ([backup](#))
- Consideration of third and final reading approval October 11, 2010
 - Second reading approval occurred September 27, 2010 / Vote 10:0
 - First reading approval occurred September 13, 2010 / Vote 11:0
 - Natural Resources Committee discussion and recommendation to approve occurred September 7, 2010 / Vote 7:0
22. [COMMITTEE REPORTS](#)
23. PUBLIC COMMENT
24. EXECUTIVE SESSION – Receipt of legal advice relating to pending and potential claims
25. ADJOURNMENT

County TV Rebroadcast	
Monday	4:00 p.m.
Wednesday	9:00 p.m.
Saturday	12:00 p.m.
Sunday	6:30 a.m.

Cable Casting of County Council Meetings <i>The County Channel</i>	
Charter Cable	CH 20
Comcast	CH 2
Hargray Cable	CH 252
Hargray Video on Demand	600
Time Warner Hilton Head Cable	CH 66
Time Warner Sun City Cable	CH 63

Official Proceedings
County Council of Beaufort County
September 13, 2010

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

The regularly scheduled meeting of the County Council of Beaufort County was held at 4:00 p.m. on Monday, September 13, 2010, in the large meeting room of the Hilton Head Island Branch Library, 11 Beach City Road, Hilton Head Island, South Carolina.

ATTENDANCE

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

PLEDGE OF ALLEGIANCE

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

MOMENT OF SILENCE

Chairman Newton called for a moment of silence in recognition of the anniversary of September 11, 2001 Terrorists Attack on America.

INVOCATION

Councilman Herbert Glaze gave the Invocation.

REVIEW OF PROCEEDINGS OF THE REGULAR MEETING HELD JUNE 14, 2010

It was moved by Mr. McBride, seconded by Mr. Glaze, that Council approve the minutes of the regular meeting held June 14, 2010. The vote was: FOR –Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville and Mr. Stewart. ABSENT – Ms. Von Harten. ABSTAINED – Mr. Baer. The motion passed.

PROCLAMATIONS

Active Adult Challenge Weeks

The Chairman proclaimed October 25 through November 5, 2010 as Active Adult Challenge Weeks. Ms. Cheri Bronsky, Fitness Director at Sun City accepted the proclamation.

Reverend Manuel Holland

Rev. Manuel Holland, Beaufort County Human Services Alliance, received a proclamation in praise of his volunteer work. It was accepted on his behalf, as he was out of town.

PUBLIC COMMENT

The Chairman recognized Mrs. Babie Guscio, a Hilton Head Island Town resident, who appeared as a representative of the Bluffton Dog Park. She presented a letter from Parks and Leisure Services granting permission to have the park off of Buckwalter Parkway, as well as other materials, which she then submitted to Council.

Chairman Newton said they would get this in the hopper for consideration, after which it will go to Town of Bluffton for approval.

Mr. Reed Armstrong, representing the Coastal Conservation League, spoke in support of the Traditional Neighborhood Design (TND) ordinance which council would be reconsidering at this meeting. He said that though Council has raised concerns about the ordinance, those concerns have been answered. He went on to provide examples of this and listed supporters of the ordinance, such as the Board of Education and the Marine Corps Air Station Beaufort. He encouraged Council to support and approve the ordinance.

Mrs. Jane Frederick, a local architect and a representative of the group Friends of Beaufort County Rail Trail, urged Council to put together a delegation to go to Washington, DC to see if the TIGR grant could be re-worked to concentrate on one project.

Mr. Michael Frederick, a Lady's Island resident, spoke about the rail trail project. In regard to a gravel parkway, as opposed to a paved pathway, he said a paved pathway would serve the county better and be better utilized than a gravel pathway.

Mr. Joe DeVito, a member of the Joint Planning Commission, said the group had met to discuss the administration of the TIGR grant. He said Council had received letters from the City of Beaufort and the Town of Port Royal, and the commission hoped Council would send the grant back through the Northern Regional Planning Implementation Committee to look at the recommendations and deal with implementation.

Chairman Newton said that at a meeting the day of the Transportation Advisory Group, the Bus Livability Grant was specifically discussed. The matter will go to the Public Facilities Committee for additional discussion and recommendation. That meeting is September 28, 2010 at 4:00 pm in the Executive Conference Room.

COUNTY ADMINISTRATOR'S REPORT

The County Channel / Broadcast Update

Mr. Gary Kubic, County Administrator, reported The County Channel is working with the Sheriff and his team on another documentary on the bomb squad and SWAT team. The DNA video will be shown twice more on The County Channel. "Coastal Kingdom: Creatures of the Night" is being broadcast on The County Channel. It is our best one yet. He is receiving favorable reviews. Copies are available. In a first for The County Channel, they will broadcast two Hilton Head Island Town mayoral debates on September 28 and October 12.

New County Website

The new website will go live September 15. Council will receive a full briefing at the September 27 meeting.

Beaufort County Interactive Department

Mr. Kubic discussed the need to explore new technologies and what they can produce for the county to improve communication. Therefore he introduced a new division in his administration: the Beaufort County Interactive Department. It will reach another generation of residents, he said. He credited various staff members for leading the effort.

Ms. Alexis Garrobo and Ms. Stephanie Coccaro made a presentation about the department, which Ms. Garrobo said will blend social media and the website to provide a more interactive experience for residents and allow the county to reach a broader audience. Ms. Garrobo shared the mission and objectives of the department. The target audience is people in their mid-teens to their forties; the hope is that they'll become more involved in the civic process through social media. The components are the mobile website, mobile applications, social media, and the county website, which will be the information hub. She gave examples of how this would work with various messages that could be delivered via Twitter to get more information out to residents.

Ms. Coccaro went on to give further examples of the mobile applications, such as geo-tagging lost animals for animal control to help find the animals' owners. Ms. Garrobo discussed the precedent that has been set with other companies and organizations using social media "in professional capacities" including various government organizations.

Ms. Garrobo went on to discuss the phases of implementation and the amount of frequency for updating they are likely to do.

Ms. Coccaro said they will pull resources from MIS, the PIO and The County Channel. The proposed requirements include a three-person staff, which will entail a transfer of duties. Ms. Coccaro detailed the further direction of the department, including the building of micro sites and the integration of multiple county websites into one.

Mr. Rodman offered his congratulations. He said he believes the tourism aspects and business development of it are extremely important.

Mr. Caporale also offered his congratulations and said he believed he would understand it better when he sees it. In the future, tying the county and municipalities together in a new way might be possible. He feels it is imperative to unify the independent municipalities into a cohesive whole.

Mr. Kubic announced Mr. Ted Anderson, MIS Director, has resigned to work with CISCO in Atlanta, and his last day as MIS Director was last Friday. He thanked him for his work and wished him and his family well. He introduced Mr. Dan Morgan, the MIS interim director.

Mr. Baer remarked on the long way the county has come technologically in a short time.

Three-Week Progress Report

Mr. Gary Kubic, County Administrator, circulated copies of his Three-Week Progress Report, which summarized his activities from August 23, 2010 to September 10, 2010.

Offender Management Program

Mr. Kubic introduced Duffie Stone, County Solicitor. Mr. Stone explained Offender Management Supervision, saying it is the concept of putting teeth in court orders. Pre-trial detentions generally have a requirement attached to them, such as abstention from alcohol or random testing. The cost in the supervision of these offenders is passed on to offenders as part of the payment of their bond, which allows for more intense supervision through this monitoring system. It includes safety zones around a victim's home, etc. to keep the offenders away via an electronic monitoring device that activates a real-time reaction to the monitoring group and then to law enforcement. This can be used for anything in the court system that is ordered, at no cost to the county. To do this, his office needs a county ordinance to allow a private company to come in. He asked to be allowed to go forward with county staff to draft an ordinance.

Chairman Newton asked Mr. Stone his timeframe. Mr. Stone said Council needs to pass the ordinance before his office can do anything. He has a copy of an ordinance in Spartanburg for a similar program he could share. He said this can start at any point in time. Chairman Newton asked if this technology could be used on offenders after they have been sentenced. Mr. Stone said it can. There are state provisions for monitoring convicted sex offenders. He said this is not about being over capacity in the detention center, which the county is not, currently. Mr. Sommerville asked if Mr. Stone's office was proceeding simultaneously with other counties in which he has jurisdiction. Mr. Stone said he has discussed it preliminarily with Jasper County, but Beaufort County Council is the first he has presented it to.

Mr. Caporale asked if this would go to the Public Safety Committee. Chairman Newton said Mr. Kubic and Mr. Stone would work together to prepare an ordinance and then come forward to

Public Safety. Mr. Stone suggested setting up a presentation by one of the companies for Public Safety if that would be helpful.

Ms. Von Harten arrived at 5:00 p.m.

Mitchelville Project

Mr. Peter Ovens, chairman of Mitchelville Land Research Subcommittee, gave a brief history of the Mitchelville area and the efforts to tell the historic area's story. Mr. Ovens said the group would like to request the immediate use of the two-acre site with a warehouse on it for offices. There will be replica buildings in the park. He said the county and the Town of Hilton Head Island are each half-owners of the site.

Ms. Von Harten asked Mr. Ovens the group's perspective on the airport situation given the site's proximity to it.

Mr. Ovens said even with runway expansion, it angles away from the site. He does not think the airport will be a huge factor. There may be a concern about exhaust from the airplanes, however.

Mr. Caporale thanked Mr. Ovens and said he feels the story is important and fascinating. He pledged the Hilton Head Island county representatives will keep this as a number one priority and continue to offer their support.

Mr. Baer said to think of the museum and land as well as taking advantage of an opportunity for historical tourism.

Beaufort County Recovery Website

Mr. Rob McFee, Division Director of Engineering and Infrastructure, to discuss the Beaufort County Recovery Website requirements. Mr. McFee said the recovery homepage will be launched on the heels of the new county website. One of the applications will allow residents coming back after a hurricane to ask the county questions directly. He demonstrated some available resources on the site, including a retrofitting brochure and a detailed process for rebuilding.

Daufuskie Island Convenience Center

Mr. Jim Minor, Solid Waste / Recycling Manager, gave an update on the Daufuskie Island Convenience Center. Mr. Minor showed a slide of the existing green box site on Daufuskie. It has been at that location for 19 years. In 2009, 180.91 tons were removed from the site at a cost of \$7,117 for disposal and \$78,485 for transportation, for a total of \$85,602. The upgraded center will provide three fixed compactors with 40-cubic yard containers and a container for white goods/scrap metal. This will increase capacity and reduce pulls by 33% to 50%, saving \$25,000 to \$39,000 in transportation costs. He went on to explain recycling on Daufuskie and the decisions that had been made and why. He said everyone who lives on Daufuskie can dispose of

their waste at this site. He presented a timeline for the project. He said there have been two alternative private proposals presented. Staff analyzed these proposals, and Mr. Minor indicated staff's numerous concerns with these proposals, particularly with the Melrose Transfer Station. Some Daufuskie residents have also expressed concerns, and Mr. Minor shared these and the responses staff had given to those concerns. He said staff does not support public investment in a private facility.

Ms. Von Harten said she had heard concerns the county had taken some liberties and not required of itself what it would require of others to do the same things. She had heard the site was never actually permitted as a convenience center.

Mr. Minor said no convenience center in Beaufort County is permitted; they are not required to be. Transfer stations are required to, however. He discovered that the Melrose station never went through the county planning process; they didn't put in an amendment to their master plan for that Planned Unit Development.

Mr. Tony Criscitiello, Division Director Planning and Development, addressed this, saying the Development Review Team (DRT) followed all county procedures in regard to reviewing the application. It was treated exactly as the ordinance required. Ms. Von Harten is referring to a special use process. A community center was not included in the zoning ordinance. They had to make the site conform to the special use process. When they did, the Zoning Board of Appeals agreed with the DRT that the site should be considered a special use, making it a permitted use. Chairman Newton thanked Mr. Criscitiello for going to Daufuskie to address citizens' concerns and provide accurate information.

Ms. Von Harten said she feels that the Interactive Department will help to end the sort of miscommunications that have been seen regarding this matter on Daufuskie.

Mr. Kubic said the administration is by no means adversarial with Daufuskie residents. He wants to present information, and he feels the issue is resolvable. The greater issue for all Daufuskie residents, he said, is consistent water transportation. The consultant who will be engaged will vet a long-term investment in this island. He hopes we do not lose sight of that in this discussion of the convenience center.

Ms. Von Harten said she had received an email from the National Trust for Historic Preservation offering to look at Daufuskie for historic preservation designation. Chairman Newton said, through the CP plan adopted for the island, a commitment has been made to the islanders to engage them in the possibility of an island-wide approach at that site. He received a letter from a viable gated community there, Haig Point, suggesting that they are willing to engage in dialogue. He also had a phone call from the Daufuskie Council.

Mr. Caporale said Daufuskie Island residents are still kind of evolving as a political body. He thinks they have to be sensitive to that. He asked Mr. Minor how the unmanned site is monitored.

Mr. Ed Bellamy, Public Works Director, said the new center would be manned 35 to 40 hours a week. The center on Daufuskie is the last unmanned site.

DEPUTY COUNTY ADMINISTRATOR'S REPORT

Three-Week Progress Report

Mr. Bryan Hill, Deputy County Administrator, circulated copies of his Three-Week Progress Report, which summarized his activities from August 23, 2010 to September 10, 2010.

HILTON HEAD ISLAND AIRPORT RUNWAY 21 ON-AIRPORT TREE OBSTRUCTION REMOVAL

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

It was moved by Mr. Sommerville, seconded by Mr. Dawson, that Council award a contract for on-airport tree trimming and removal at the Hilton Head Island Airport to AllCare Tree Surgery, Inc. in the amount of \$469,948 contingent upon FAA grant funding. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

ARCHITECTURAL, ENGINEERING AND PLANNING CONSULTING FOR BEAUFORT COUNTY AIRPORT PROJECTS

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

It was moved by Mr. Sommerville, seconded by Mr. Dawson, that Council approve Talbert & Bright and LPA to provide Professional Aviation Consulting Services on an as needed basis. Further, authorize staff to negotiate individual contracts with either firm depending on the type of Airport project and the availability of the firms to meet the County's schedule and budget. Each contract will be subject to approval by the appropriate Council committee and full Council. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

STORM DEBRIS REMOVAL AND DEBRIS MANAGEMENT SITE OPERATION AND DISPOSAL SERVICES

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

It was moved by Mr. Sommerville, seconded by Mr. Dawson, that Council award a primary contract for disaster debris removal, reduction, disposal, and other emergency clean-up services

to DRC Emergency Services, LLC in the amount of \$13,971,525 and the secondary contract for those functions be awarded to CERES Environmental, Inc. in the amount of \$26,067,313. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

RECYCLING AND TRANSFER FACILITY

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

It was moved by Mr. Sommerville, seconded by Mr. Dawson, that Council purchase suitable property or properties and the construction of one or more recycling and transfer facility to create waste disposal alternatives for the future to process wastes generated within Beaufort County. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

ACCEPTANCE OF MATTHEWS DRIVE/BEACH CITY ROAD RIGHT OF WAY

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

It was moved by Mr. Sommerville, seconded by Mr. Dawson, that Council accept the SCDOT right-of-way for Beach City Road / Matthews Drive Roundabout. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

MAILING SERVICES FOR BEAUFORT COUNTY TAX BILLS AND COURTESY NOTICES

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

It was moved by Mr. Sommerville, seconded by Mr. Dawson, that Council award a contract to Southern Imaging in the amount of \$65,231.25 for mailing services the lowest responsive/responsible bidder. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

TEXT AMENDMENT TO THE BEAUFORT COUNTY COMPREHENSIVE PLAN, APPENDIX F, SECTION 8, MAY RIVER PLAN (ADDS NEW SECTION FOR MAY RIVER COMMUNITY PRESERVATION AREA PLAN)

This item comes before Council under the Consent Agenda. It was discussed and approved at the August 23, 2010 Natural Resources Committee meeting.

It was moved by Mr. Sommerville, seconded by Mr. Dawson, that Council approve on second reading a text amendment to the Beaufort County Comprehensive Plan, Appendix F, Section 8, May River Plan (adds new section for May River Community Preservation Area Plan). The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

The Chairman announced a public hearing would occur on Monday, September 27, 2010, beginning at 6:00 p.m. in Council Chambers of the Administration Building, Beaufort.

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

This item comes before Council under the Consent Agenda. It was discussed and approved at the August 23, 2010 Natural Resources Committee meeting.

It was moved by Mr. Sommerville, seconded by Mr. Dawson, that Council approve on second reading a Comprehensive Plan Future Land Use Map Amendment for the May River Community Preservation District from Rural to Rural Community Preservation Area. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

The Chairman announced a public hearing would occur on Monday, September 27, 2010, beginning at 6:00 p.m. in Council Chambers of the Administration Building, Beaufort.

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

This item comes before Council under the Consent Agenda. It was discussed and approved at the August 23, 2010 Natural Resources Committee meeting.

It was moved by Mr. Sommerville, seconded by Mr. Dawson, that Council approve on second reading a Zoning Map amendment for the May River Community Preservation District from Rural, Rural-Residential and Rural-Transitional Overlay Districts to May River Community Preservation District. (Mr. Stephen Bishof's property, R600 037 000 0090 0000, will be removed from the CP District lines per his request.). The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

The Chairman announced a public hearing would occur on Monday, September 27, 2010, beginning at 6:00 p.m. in Council Chambers of the Administration Building, Beaufort.

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

This item comes before Council under the Consent Agenda. It was discussed and approved at the August 23, 2010 Natural Resources Committee meeting.

It was moved by Mr. Sommerville, seconded by Mr. Dawson, that Council approve on second reading a requested rezoning to Lady’s Island R201-15-118, -508, -509 and -510 (four properties) from Lady’s Island Community Preservation (LICP) and Professional Office District (POD) to Village Center (VC). The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

The Chairman announced a public hearing would occur on Monday, September 27, 2010, beginning at 6:00 p.m. in Council Chambers of the Administration Building, Beaufort.

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

This item comes before Council under the Consent Agenda. It was discussed and approved at the August 23, 2010 Natural Resources Committee meeting.

It was moved by Mr. Sommerville, seconded by Mr. Dawson, that Council approve on second reading a text amendment to the Zoning and Development Standards Ordinance (ZDSO), Article V: Table 106-1098 General Use Table, Commercial Uses – Commercial Retail, Neighborhood (adds allowable use of variety stores); and Section 106-1285(D)(1) Commercial Retail, Neighborhood (adds 10,000-square feet limitation for variety stores in Rural Business Districts). The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

The Chairman announced a public hearing would occur on Monday, September 27, 2010, beginning at 6:00 p.m. in Council Chambers of the Administration Building, Beaufort.

TEXT AMENDMENT TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), ARTICLE I, SECTION 106-

9(B)(1)--NONCONFORMITIES (ADDS SUBSECTION THAT ALLOWS NONCONFORMING HISTORIC BUILDINGS TO BE ADAPTIVELY REUSED AND BECOME CONFORMING THROUGH APPROVAL OF A SPECIAL USE PERMIT)

This item comes before Council under the Consent Agenda. It was discussed and approved at the August 23, 2010 Natural Resources Committee meeting.

It was moved by Mr. Sommerville, seconded by Mr. Dawson, that Council approve on second reading a text amendment to the Beaufort County Zoning and Development Standards Ordinance (ZDSO), Article I, Section 106-9(B)(1) — Nonconformities (adds subsection that allows nonconforming historic buildings to be adaptively reused and become conforming through approval of a special use permit). The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

The Chairman announced a public hearing would occur on Monday, September 27, 2010, beginning at 6:00 p.m. in Council Chambers of the Administration Building, Beaufort.

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

It was moved by Mr. Sommerville, as Natural Resources Committee Chairman (no second required), that Council approve on first reading (i) a text amendment to the Beaufort County Zoning and Development Standards Ordinance (ZDSO), Article XII. Subdivision design (that replaces rural subdivision with rural small-lot subdivision): A. Division 3, Section 106-2539. Rural small lot subdivisions B. Division 4, Subdivision 2. Small lot rural subdivisions: Section 106-2596. Minimum development standards for small lot rural subdivision; and Section 106-2597. Conditions and limitations; and (ii) a zoning map amendments to change the zoning of all lands currently zoned Rural Residential to Rural in the Following Areas of the County – Sheldon Township, St. Helena Island and Port Royal Island (in areas located outside of the airport overlay district). The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

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

It was moved by Mr. Sommerville, as Natural Resources Committee Chairman (no second required), that Council approve on first reading text amendments to the Beaufort County Zoning and Development Standards Ordinance (ZDSO) that replaces all the community options with a Traditional Neighborhood Development Option: 1. Article V, Division 1, Table 106-1098 Use Table 2. Article VI, Division 2, Table 106-1526 Open Space and Density Standards 3. Article VI, Division 3, Table 106-1556 Lot and Building Standards 4. Article VI, Division 4, Table 106-1617 Bufferyard and Landscaping Standards 5. Article XI, Divisions 1 And 2. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

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

It was moved by Mr. Sommerville, as Natural Resources Committee Chairman (no second required), that Council approve on third and final reading text amendments to the Beaufort County Zoning and Development Standards Ordinance (ZDSO) that replaces all the community options with a Traditional Neighborhood Development Option: 1. Article V, Division 1, Table 106-1098 Use Table 2. Article VI, Division 2, Table 106-1526 Open Space and Density Standards 3. Article VI, Division 3, Table 106-1556 Lot and Building Standards 4. Article VI, Division 4, Table 106-1617 Bufferyard and Landscaping Standards 5. Article XI, Divisions 1 and 2. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

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

Mr. Baer noted this issue involves a \$1,243,296 FAA grant offer for five items. One of those items is called easement acquisition of Runway 21 off-airport tree obstruction removal legal fees. What is the amount of money and the amount of easements? He would also like to understand a little bit about Beaufort County Airport (Lady's Island) although it may not be appropriate to discuss at this time.

Mr. Paul Andres, Airports Director, replied the component part of this particular grant application and grant offer regarding reimbursement of legal expenses associated with avigation easements amounts to approximately \$7,700 out of this total grant. We have acquired

approximately 3 or 4 of the 16 required property easements needed for the off-airport properties. The primary balance of this grant is for on-airport.

It was moved by Mr. Baer, seconded by Mr. Flewelling, that Council accept an FAA grant offer in the amount of \$1,243,296 for Runway 21 on-airport tree obstruction removal and mitigation, design for relocation of lighted airfield signs, reimbursement for legal expenses, and Disadvantage Business Enterprise (DBE) Plan preparation at the Hilton head Island Airport. Funding is a local match (2.5%) in the amount of \$31,082.40 will come from the Airports Budget account #13580-59040 which has a current balance of \$88,688. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

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

Main motion.

It was moved by Mr. Sommerville, as Natural Resources Committee Chairman (no second required), that Council approve on second reading text amendment to the Zoning and Development Standards Ordinance (ZDSO), Appendix R, May River Community Preservation (CP) District (adds new appendix for development standards for the May River CP District).

Mr. Flewelling referred to paragraph (a) Development within the Scenic Road Overlay, subparagraph (1), Regulation Review “. . . The CP Committee will have the right to nominate two additional members to sit in and vote when commercial projects from the May River CP District are heard by the Joint Corridor Review Board.” How are we ever going to turn down a request from other Community Preservation (CP) Districts to be on Boards and Commissions that affect their future? How could we ever say no to the Corner’s Community Preservation District to have to two members of their CP Committee sit in and vote on the Planning Commission?

Motion to amend by substitution.

It was moved by Mr. Flewelling, seconded by Ms. Von Harten, to change paragraph (a) Development within the Scenic Road Overlay, subparagraph (1), Regulation Review, from “sit in and vote” to “sit in and advise”.

The Chairman passed the gavel to the Vice Chairman in order to be recognized.

Mr. Newton stated his immediate reaction is not only no, but absolutely not, about supporting the motion to amend. This is a rural plan on steroids (if you will). These folks wanted to have a voice and vote specifically in regards to the aesthetic concerns and the aesthetic review, not the Planning Commission review, if they are willing to create a set of rural standards that are more

restrictive than anywhere else in the county. For Council to tell them no because we are worried about some precedence elsewhere in the county, seems to turn down the very thing that we promote -- protection of our environmental resources that we have been given. This area is along the May River. These folks want to protect it to the point they are willing, so to speak, to put their money where their mouth is. The Town of Bluffton endorsement and commitment to this project is, as well, predicated on their being voting members of the aesthetic review board as it relates to projects within the CP. While Mr. Newton's understands members of our Planning Commission, who are opposed to this saying that this is bad precedence and how would you stop it, we have asked the folks to come forward with a set of standards that they want. They have come forward with even something much more restrictive than current zoning standards. All they want is to have a say about what happens. One of the concerns in the greater Bluffton area that has been expressed is that the blue roof on Best Buy is nothing that they would never have allowed. If the blue roof on Best Buy is the type of thing that is going to be approved in their CP District, then, perhaps, they are better served annexing into the Town of Bluffton where they know they will have a voice. This motion to amend is nothing Mr. Newton can even begin to support. He suspects Mr. Stewart is probably in a like position; but Mr. Stewart will speak for himself. This is something that has been recommended by staff and recommended to these folks throughout the entire process.

Mr. Flewelling said he did not hear anything about how we would stop this precedence in the future for any other CP District. Every other CP District will advocate the same thing that they are giving up certain rights of developing in acquiescing to our desire to have CP Districts to move in and help guide this. He does not know why May River is treated any differently than any other CP District. Why do they get more rights to determine their fate than any other CP District? Mr. Flewelling is not saying this is necessarily a bad thing. All he is saying is once we do this we will not be able to deny it on logical grounds to any other CP District.

Mr. Newton replied the short answer is, "they asked." If you are willing to impose that strict of a burden on yourself and you ask for it, why we would not want people in the community, who are offering up their own type of zoning standards, to be involved in the process. It is a wonderful precedence and would encourage it.

Mr. Flewelling asked, "Don't all CP Districts give up that same type of development potential"? They are all doing that same thing.

Mr. Newton replied this is joint corridor review that transcends the jurisdictional boundaries of the county and town. He does not know if we have another set of circumstances anywhere in the county where a joint corridor review board is made up of members of the two town councils as well as the county which overlays this area.

Mr. Stewart agrees with what Mr. Newton is saying. Mr. Stewart's concern now is where this joint corridor review board stands at present. If we truly have that joint relationship, he does not see any problem. The fact of the concessions that this group has made and as long as other CP Districts want to come forward and give similar types of concessions above and beyond the

current zoning standards, Council would certainly consider it and probably give them that kind of concession.

Mr. Criscitiello commented staff originally recommended we do this. It was the Planning Commission that chose to raise the issue that Mr. Flewelling is offering. It was not an easy decision on the part of the Planning Department to endorse this idea. We thought about that very thing from the very beginning when we were working with the Committee about the precedential value that this could create down the road. In reflection on this issue, whether or not it is a problem or not a problem to be concerned about in the future, many CP Districts are inactive or are defunct, consequently the opportunity is probably more apparent than real. The other aspect of it, in the future perhaps Lady's Island CP District and St. Helena Island CP District may request stricter standards. Is that a bad thing; probably not. The whole thing going forward with form-based code, it is going to really require our Corridor Review Boards to have a very large role in terms of design and appearance. If we are looking at specific areas of the county (anticipating things that have not yet come to Council), then the opportunity for design review, in terms of how things are looking or how the form is incorporated in terms of development, it may not be a bad thing.

Mr. Flewelling stated he is not necessarily opposed to CP Districts having this say on corridor review boards or any other board or commission. He just thought the matter had not been discussed in the public arena loud enough or with enough force.

Vote on the motion to amend by substitution.

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

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

Vote on the main motion.

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

The Chairman announced a public hearing would occur on Monday, September 27, 2010, beginning at 6:00 p.m. in Council Chambers of the Administration Building, Beaufort.

PUBLIC HEARINGS

AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2010C, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF BEAUFORT COUNTY, SOUTH CAROLINA, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$9,000,000

The Chairman opened a public hearing at 6:13 p.m. for the purpose of receiving information from the public regarding an ordinance authorizing the issuance and sale of General Obligation Funding Bonds, Series 2010C, or such other appropriate series designation, of Beaufort County, South Carolina, in the principal amount of not exceeding \$9,000,000. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:14 p.m.

It was moved by Mr. Rodman, as Finance Committee Chairman (no second required), that Council approve on third and final reading an ordinance authorizing the issuance and sale of General Obligation Funding Bonds, Series 2010C, or such other appropriate series designation, of Beaufort County, South Carolina, in the principal amount of not exceeding \$9,000,000. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

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

The Chairman opened a public hearing at 6:15 p.m. for the purpose of receiving information from the public regarding an ordinance authorizing a loan of hospitality tax funds to Heritage Classic Foundation for the procurement of the 2011 PGA Heritage Golf Tournament to be held on Hilton Head Island, South Carolina. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:16 p.m.

Mr. Baer remarked he has been studying the Heritage issue in detail with three goals: (1) Find a way to keep the Heritage functional here for more than just this year. (2) Preserve taxpayer funds and make sure they are used wisely. (3) Understand the Heritage's finances in order to accomplish those goals. He has felt, and continues to strongly feel that this is like GM. We need to save it, but if they want government money, they must also accept some government oversight. His first analysis is published in the minutes of the County Council Finance Committee of August 9, 2010. Since then Mr. Rodman and he has had a very productive meeting with the Heritage's CFO and obtained additional data.

Mr. Baer has a few additional observations and comments: (i) Ticket Prices - Many of the total numbers (less than 10,000 of 27,435) in the Clemson study are not really badges sold to the General public. It is good that the HCF is looking to increase ticket revenues and other options such as day passes to increase revenues. (ii) Clemson Study - This is a very fine study. There are some anecdotal cautions about their sampling method, but even if the spending numbers are discounted, the Heritage is a still a big revenue producer. One interesting point is their very cautious methodology using low indirect and multiplier assumptions. People, who quote economic studies to us, such as airport economics, which use much higher ratios, should very carefully read the discussion of this in the Clemson Study. (iii) Other Revenue Potential - One thing is clear from the Clemson Study. A lot of money (\$2,386 / Badge) is being spent here on

lodging, food, entertainment and retail. (From his previous comments it is not clear the accommodations tax is capturing all of the lodging part that it should.) But a more basic comment needs to be: The hotels (who he understands raise their rates during the tournament), restaurants and amenities that make this money need to provide their share of support, as the public is now being asked to do. (iv) Loan - As this loan is now structured he sees the probability of payback as very low. It is dependent on the value and sale of TV time - a market we do not understand, and the rules of others such as the network and PGA Tour. He doubts that a bank would make such a loan with this collateral. Hence, even though it is called a loan, we should be prepared to kiss this money goodbye.

Even given all of this, Mr. Baer still thinks that there is a good business here. It appears that a small number of \$1 million sponsors, one of whom might be the Lowcountry Council of Governments, plus careful attention to financial details, could produce a viable, valuable, and stable long term event. He has heard the PGA Tour insists on a single sponsor of around \$7 million/year for 4 years. Even though we may survive this year; that is a very tough hurdle. In the spirit of cooperation he is going to reluctantly vote for this so called loan, even though he believes our \$1 million will not be repaid.

But it is important that we also focus on the following years. Here is what we need to do: (1) Insist that the people who are making the bulk of the money from this tournament pay their fair share of running it, just as the County, Town and ticket buyers are now being asked to do. (2) Continue to focus on keeping expenses low. Also, look at the charity list. In the 2008 tax return there are several that look like they should be donating funds and not receiving them. (3) And most important: To keep the Heritage viable here, this Council should petition the PGA Tour to allow us an option to run the tournament with up to five participating sponsors, perhaps renaming it the Low Country Heritage Classic. (One of these five sponsors might be an amalgam of our State and local governments, and tourism organizations.)

It was moved by Mr. Rodman, as Finance Committee Chairman (no second required), that Council approve on third and final reading an ordinance authorizing a loan of hospitality tax funds to Heritage Classic Foundation for the procurement of the 2011 PGA Heritage Golf Tournament to be held on Hilton Head Island, South Carolina. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSTAINED – Mr. McBride. The motion passed.

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

COMMITTEE REPORTS

Community Services Committee

Alcohol and Drug Abuse Board

Judy Lohr

The vote was: FOR – Mr. Baer, Mr. Flewelling, Mr. Sommerville and Ms. Von Harten. Ms. Judy Lohr failed to garner the six votes required to serve as a member of the Alcohol and Drug Abuse Board.

Joseph Brown

The vote was: FOR – Mr. Caporale, Mr. Dawson, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman and Mr. Stewart. Dr. Joseph Brown garnered the six votes requires to serve as a member of the Alcohol and Drug Abuse Board.

Disabilities and Special Needs Board

Algeda Ford

The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. Mrs. Ford garnered the six votes required to serve as a member of the Disabilities and Special Needs Board.

Finance Committee

Extending McNair Lobbying Effort

Mr. Rodman, as Finance Committee Chairman, reported members voted to authorize the County Administrator to commit up to \$25,000 to extend the McNair lobbying effort subject to the Board of Education or School District committing no later than October 1, 2010 to continuing the 50/50 split.

The County Channel

Mr. Rodman is excited about the fact The County Channel will broadcast the Hilton Head Island Mayoral Election. This is going to set a new precedence. One of the problems we have here, in Beaufort County, is that we are in the Savannah media market so we really do not get as much coverage as we might get if we were within a different market and not across the state line.

Natural Resources Committee

Construction Adjustments and Appeals Board

Albert Thomas

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

Albert Thomas, representing design profession/contractor/building industry, garnered the six votes required to serve as a member of the Construction Adjustments and Appeals Board.

Greenheath Planned Unit Development

Mr. Sommerville, as Natural Resources Committee Chairman, reported this item would have moved forward to Council tonight, but for an amendment proposed by the applicant at the September 7, 2010 meeting. The suggested amendment is going to be looked at by Staff. The applicant is going to withdraw the suggestion in any event. It will come back to the next meeting of Natural Resources.

Public Safety Committee

SC Association of Counties

Mr. Stewart, as Public Safety Committee Chairman, reported each year the SC Association of Counties asks all counties to bring forward suggestions of items that we would like them to cover, in our behalf, with respect to the upcoming legislative session. At the September 7, 2010 meeting members were fortunate to have Representative Shannon Erickson present and had a very interesting discussion with her about action items or issues that she thought would be coming before the Legislature this year. We discussed many item and as a result of that meeting, Mr. Stewart forwarded a letter to Chairman Newton expressing the member's views and received a unanimous vote of the committee.

Beaufort County Commerce Park

Mr. Stewart, as Public Safety Committee Chairman, reported members discussed the ability to work with governmental and non-governmental entities to buyout the park. County Attorney Ladson Howell weighed in on this item and said he thought it would be advantageous to have Mr. Kubic negotiate without a limitation to fund, and/or the entities with which he could negotiate; it is less constricting.

Funding Mechanisms of the Lowcountry Economic Network

Mr. Stewart, as Public Safety Committee Chairman, reported Council adopted a resolution on April 11, 2005 regarding the funding mechanisms of the Lowcountry Economic Network. This procedure has not been followed and the County Administrator was asked to go back and to review the resolution. Once this review has been made, this matter will come back to committee as far as what the results of that recommendation or action item is.

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

PUBLIC COMMENT

There were no requests to speak during public comment.

ADJOURNMENT

Council adjourned at 7:02 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Wm. Weston J. Newton, Chairman

ATTEST: _____
Suzanne M. Rainey, Clerk to Council

Ratified:

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

GARY KUBIC
COUNTY ADMINISTRATOR

CHERYL HARRIS
EXECUTIVE ASSISTANT

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

BRYAN J. HILL
DEPUTY COUNTY ADMINISTRATOR

LADSON F. HOWELL
STAFF ATTORNEY

**COUNTY ADMINISTRATOR'S REPORT
Monday, October 11, 2010
County Council Chambers, Administration Building**

INFORMATION ITEMS:

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



Memorandum

DATE: October 8, 2010
TO: County Council
FROM: Gary Kubic, County Administrator
SUBJ: County Administrator's Progress Report

The following is a summary of activities that took place September 27, 2010 through October 8, 2010:

September 27, 2010

- Personal leave

September 28, 2010

- Conference call with Paul Andres, Airport Director, and Hilton Head Airport Master Plan Consultants re: Hilton Head Island Airport Master Plan/ Upcoming final joint presentation to County and Town Councils
- Meeting with Bryan Hill, Deputy County Administrator, Tony Criscitiello, Division Director of Planning & Development, and Ann Bluntzer, Executive Director of Beaufort County Open Land Trust Re: Rural and Critical Land parcels
- Staff meeting re: Email marketing campaign
- Public Facilities Committee meeting

September 29, 2010

- Mediation in Charleston, SC

September 30, 2010

- Meeting re: Dan Dennis Corporation Professional Services

October 1, 2010

- No scheduled meetings

October 4, 2010

- Meetings with Chairman Weston Newton

October 5, 2010

- State of the Region breakfast at The Westin, Hilton Head

October 6 – 8, 2010

- Personal leave



Memorandum

DATE: October 8, 2010
TO: County Council
FROM: Bryan Hill, Deputy County Administrator
SUBJECT: Deputy County Administrator's Progress Report

The following is a summary of activities that took place September 27, 2010 thru October 8, 2010:

September 27, 2010 (Monday):

- Meet with Dan Morgan, GIS/MIS Director re: Update
- Prepare for Executive Committee Meeting and County Council Meeting
- Executive Committee Meeting
- County Council

September 28, 2010 (Tuesday):

- Meet with Rob McFee, Public Services Director
- Meet with Luke Thompson, Island Packet Reporter, David Starkey, CFO and Ed Hughes, Assessor re: Tax Rates
- Attend Marketing Meeting with Stephanie Coccaro and Dan Morgan, MIS, Gary Kubic, County Administrator, Sue Rainey and Alexis Garrobo, County Council

September 29, 2010 (Wednesday)--Bluffton:

- Bluffton Hours
- Meet with Duffie Stone, Solicitor

September 30, 2010 (Thursday):

- Meet with Gary Kubic, County Administrator, Lad Howell, Staff Attorney, Dan Dennis, Dennis Corp., Frank Smith, Attorney for Dennis Corp and Rob McFee, Director of Engineering and Infrastructure

October 1, 2010 (Friday)--Bluffton:

- Bluffton Hours

October 4, 2010 (Monday):

- Meet with Morris Campbell, Community Services re: Smart Decline
- Attend Tax Sale
- Natural Resources Committee Meeting
- Public Safety Committee Meeting

October 5, 2010 (Tuesday)--Bluffton:

- State of the Union Breakfast, Westin Resort, HHI
- Meet with Chief Thompson, Bluffton Fire District

October 6, 2010 (Wednesday):

- Agenda Review
- Meet with David Starkey, Chief Financial Officer
- Meet with Rob McFee, Director of Engineering and Infrastructure
- Meet with Dan Morgan, GIS/MIS Director
- Rotary Club
- Administrative Duties in Mr. Kubic's absence

October 7, 2010 (Thursday):

- Administrative Duties in Mr. Kubic's absence
- Meet with Duffie Stone, Solicitor
- Bluffton Hours - Afternoon

October 8, 2010 (Friday):

- Administrative Duties in Mr. Kubic's absence



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

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

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

FROM: Bob Klink, County Engineer

SUBJ: **Beaufort County Sheriff's SWAT Team Building Improvements, Okatie, SC
IFB #2914/110808**

DATE: September 8, 2010

BACKGROUND. On September 1, 2010, Beaufort County accepted bids for County Sheriff's SWAT Team Building Improvements. The SWAT team office is located at 1021 Okatie Hwy, Okatie, SC. This project will include the addition of 1,136 sq ft of office space, improvements for the existing building and construction of a 3,000SF warehouse. A certified tabulation of the bid results is attached and totals for each of the 9 companies submitting bids as follows:

Company Name	Location	Bid Price
Gordon Construction, Inc	201 Summerton Dr, Bluffton, SC	\$541,705.00
Emory J. Infinger & Associates	4748 Franchise St, Charleston, SC	\$549,200.00
I.P. Builders, Inc.	403 W. Washington St, Walterboro, SC	\$551,430.00
Brunson Building Supply	616 Railroad Ave, Hampton, SC	\$556,500.00
Reclamation by Design, Ltd	20 Towne Dr, Bluffton, SC	\$560,000.00
Beaufort Construction Co	2732 Depot Rd, Beaufort, SC	\$560,545.00
Tom Peeples Builder, Inc.	1038 Wm Hilton Parkway, Hilton Head, SC	\$592,382.00
Blue Ridge Enterprises, Inc.	1120 W. Lebanon St, Mt. Airy, NC	\$631,900.00
Boykin Contracting	5920 Chestnut Rd, Columbia, SC	\$752,758.00
Architect's Estimate		\$626,000.00

Bid price includes base bid plus Alternate #1. Alternate #1 is for the removal and replacement of 4 windows and 2 doors. See attached bid certification.

Gordon Construction, Inc. submitted the lowest qualified/responsible bid of \$541,705.00. Gordon Construction's bid was reviewed and found to be reasonable and is in compliance with the County's SMBE Ordinance. There is no apparent cause for rejecting their bid.

FUNDING. Funding source for this project is the FY07 CIP Account #11437-54464 Law Enforcement which has a total current balance of \$1,301,772. Additionally, it is recommended that a construction contingency of \$54,170 be approved for this project also from the FY 07 CIP Account #11437-54464. Total project budget for construction would be \$595,875.

RECOMMENDATION. The Public Facilities Committee approve and recommend to County Council the award of a construction contract to Gordon Construction, Inc., in the amount of \$541,705.00 with a construction contingency of \$54,170 for the County Sheriff's SWAT Team Building Improvements utilizing the funding sources listed above.

REK/DC/mjh

Attachments: 1) Bid Certification 2) SMBE Documents



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

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

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

FROM: Bob Klink, County Engineer

SUBJ: **Beaufort County Shanklin Road Maintenance Building Additions
IFB #2914/110804**

DATE: September 16, 2010

BACKGROUND. On September 8, 2010, Beaufort County accepted bids for improvements to the County's Shanklin Road Maintenance Building located at 120 Shanklin Road, Beaufort, SC. This project will include the additions of an open shed roofed area to be attached to the maintenance building and an enclosed storage area. A certified tabulation of the bid results is attached and totals for each of the 7 companies submitting bids as follows:

<u>Company Name</u>	<u>Location</u>	<u>Bid Price</u>
Beaufort Construction Co	2732 Depot Rd, Beaufort, SC	\$ 59,850.00
Whitewater Construction	123 Bindon Circle North Charleston, SC	\$ 61,800.00
JoCo Construction	45 Shorts Landing, Beaufort, SC	\$ 71,400.00
Patterson Construction Co	40 B Shanklin Rd, Beaufort, SC	\$ 68,302.00
Commercial Building Systems	43 Brown Cove Rd, Ridgeland, SC	\$ 71,350.00
Newtech, Inc.	6 Ghost Pony Rd, Bluffton, SC	\$102,198.00
Brunson Building Supply	616 Railroad Ave, Hampton, SC	\$106,300.00
Architect's Estimate		\$ 88,785.00

Bid Price is Base Bid plus Bid Alternate #2. Bid Alternate #2 is for the additional cost to increase the floor slab thickness in the shed area. See attached bid certification.

Beaufort Construction Company submitted the lowest qualified/responsible bid of 59,850.00. Beaufort Construction Company's bid was reviewed and found to be reasonable and is in compliance with the County's SMBE Ordinance. There is no apparent cause for rejecting their bid. Funding source for this project is the FY05 CIP Account #11435-54425 Renovations - Building & Grounds which has a total current balance of \$88,227.

RECOMMENDATION. The Public Facilities Committee approve and recommend to County Council the award of a construction contract to Beaufort Construction Company in the amount of \$59,850.00 for the County's Maintenance Building Additions utilizing the funding sources listed above.

REK/DC/mjh

Attachments: 1) Bid Certification
2) SMBE Documents

cc: Mark Roseneau
Dave Thomas

ContractsFacilities/B&GMaint/pfcapp



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

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

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

FROM: Bob Klink, County Engineer

SUBJ: **Wimbee Creek Boat Landing Floating Dock Addition IFB #2912/110909**

DATE: September 17, 2010

BACKGROUND. On September 16, 2010, Beaufort County accepted bids for improvements to the County's Wimbee Creek Boat Landing located at the end of Wimbee Creek Road in Seabrook, SC. This project will include the addition of a courtesy floating dock which will provide easier access to Wimbee Creek. A certified tabulation of the bid results is attached and totals for each of the 5 companies submitting bids as follows:

<u>Company Name</u>	<u>Location</u>	<u>Bid Price</u>
Alpha Construction Co	4250 Ogeechee Rd, Savannah, GA	\$120,977.00
Salmons Dredging Inc	1884 Herbert St, Charleston, SC	\$132,200.00
Steadfast Marine Inc	157 Fripp Point Rd, St. Helena, SC	\$143,000.00
R. L. Morrison & Sons, Inc.	623 Morrison St, McClellanville, SC	\$149,279.00
O'Quinn Marine Construction	95 Sheppard Rd, Beaufort, SC	\$177,000.00
Engineer's Estimate		\$113,500.00

Alpha Construction Company submitted the lowest qualified/responsible bid of 120,977.00. Alpha Construction Company's bid was reviewed and found to be reasonable and is in compliance with the County's SMBE Ordinance. There is no apparent cause for rejecting their bid. Alpha Construction Company is also the same contractor who worked on C. C. Haigh Boat Landing Improvement project during the spring 2010 and completed the construction within a very short time frame in order for the boat landing to be opened for Memorial Day weekend.

FUNDING. Beaufort County has an agreement with SC Department of Natural Resources (SCDNR) for boating access facility improvements. The County has been granted a budget from SCDNR of up to \$135,000 for renovations to Wimbee Creek Boat Landing. It is requested that funds for this project be used from the FY 07 CIP Contingency Account #11437-56000 with a current balance of \$296,686. The FY 07 Contingency Fund would then be reimbursed from the SCDNR grant.

RECOMMENDATION. The Public Facilities Committee approve and recommend to County Council the award of a construction contract to Alpha Construction Company in the amount of \$120,977.00 for the Wimbee Creek Boat Landing Dock Addition utilizing the funding sources listed above.

REK/DC/mjh

Attachments: 1) Bid Certification
2) SMBE Documents
3) SCDNR Funding Agreement
4) SC Legislation Delegation 11/10/08 ltr

cc: Eddie Bellamy
Dave Thomas



COUNTY COUNCIL OF BEAUFORT COUNTY PURCHASING DEPARTMENT

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

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

VIA: Gary Kubic, County Administrator *GK*
Bryan Hill, Deputy County Administrator *BH*
Robert McFee, Director of Engineering and Infrastructure *RM*
David Starkey, Chief Financial Officer *DS*
Mark Roseneau, Director of Public Facilities Management *MR*

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

SUBJ: RFP # 3910/100566 Janitorial Services for Beaufort County Facilities

DATE: September 7, 2010

BACKGROUND: Beaufort County issued a Request for Proposals (RFP) to firms capable of providing janitorial services for Beaufort County Facilities located both North and South of the Broad River (29 facilities in the North, 12 in the South). The intent of the RFP is to select the most qualified responsive/responsible contractor whose schedule of service, support, and price is in the best interest of Beaufort County. The scope of services will require the contractor to provide a complete and efficient janitorial service, including all reasonable and necessary labor, supervision, equipment, licenses, insurance, and supplies in order to keep the contracted areas clean and properly supplied. The evaluation committee consisted of the following seven (7) members: Bud Boyne, Director Drug and Alcohol, Wlodek Zaryczny, Library Director, Janet Petrock, Department of Social Services, Cristina Roberson, PALS Director, Author Cummings, Building Codes Director, Mark Roseneau, Director of Facilities Management, and Paul Andres, Beaufort County Director of Airports. Beaufort County received ten (10) responses to the RFP. The evaluation committee reviewed and evaluated all responses and selected the following three (3) firms for interviews: Carolina Cleaning, The Budd Group, and Jani King.

After the interviews and based on the RFP evaluation criteria and experience, Carolina Cleaning was selected as the number one ranked contractor to provide janitorial services for Beaufort County facilities North and South of the Broad River.

FINAL EVALUATION RANKING:

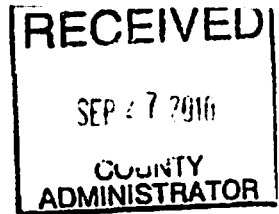
		<u>Total Cost</u>
1	<u>Island Group Inc, dba Carolina Cleaning, HHI, SC</u>	\$622,320
2	<u>The Budd Group, Charlotte, NC</u>	\$717,456
3	<u>Jani King, Charleston, SC</u>	\$702,354
4	<u>AmeriKlean, Anderson, SC</u>	\$791,172
5	<u>Facilico, Ayden, NC</u>	\$785,509
6	<u>Cleaning Solutions, Charleston, SC</u>	\$823,332
7	<u>Pegasus, Richmond, VA</u>	\$880,000
8	<u>Absolutely Clean, Bluffton, SC</u>	\$864,944
9	<u>Low Countrv Sanitation, Beaufort, SC</u>	\$1,018,800

10. **Heavy D's Maintenance, Beaufort, SC**
*North of the Broad only

\$436,680*

FUNDING: 33020-51210 (Public Facilities Cleaning Services) \$544,164, 13580-51210 (HHI Airport Cleaning Services) \$71,256, 13570-51210 (LI Airport Cleaning Services) \$6900, which totals \$622,320.

RECOMMENDATION: The Public Facilities Committee approve and recommend to County Council the contract award to Island Group Inc., dba Carolina Cleaning for Janitorial Services, the top ranked firm in the amount of \$622,320 for an initial contract term of one (1) year with four (4) additional one (1) year contract renewal periods all subject to the approval of Beaufort County.



TO: Councilman Paul Sommerville, Chairman, Natural Resources Committee

VIA: Gary Kubic, County Administrator *G Kubic*
David Starkey, Chief Financial Officer *DS*
Rob McFee, P.E., Director of Engineering & Infrastructure *RM*
Eddie Bellamy, Public Works Director *EB*
Robert Klink, P.E., County Engineer *RK*

FROM: Dan Aherh, P.E., Stormwater Manager *DA*

SUBJ: **QUALITY MONITORING CONTRACT FOR BEAUFORT COUNTY**

DATE: September 24, 2010

BACKGROUND.

The County's first year agreement with "GEL Engineering" ends on October 31, 2010. GEL was selected in a major joint County/Municipal selection process in 2009 and the solicitation stated that the contract may be extended up to 5 years. The solicitation process is described in the attached September 30, 2009 memo to the committee.

The new county contract is for \$123,543 and is less than last years contract of \$169,535. This is due to reduction and elimination of some short term monitoring sites.

The proposed contract with GEL will have two separate scopes of services. They are for monitoring north (\$77,397) and south (\$46,146) of the Broad River. The two scopes are necessary because the City of Beaufort and Town of Port Royal will be contributing approximately 25% of the cost for monitoring north of the Broad River. The Towns of Bluffton and Hilton Head Island will be negotiating separate contracts for monitoring.

The contract is expected to cover the period November 1, 2010 through October 31, 2011. It is at Beaufort County's discretion to modify the scope of work and renegotiate the price at the end of each year. This effort was budgeted from the Stormwater Utility fund account 13531-51160

RECOMMENDATION.

That the Natural Resources Committee approve and recommend Council approval of the award of the Water Quality Monitoring contract of \$123,543 to GEL Engineering.

Attachments:

September 30, 2009 memo
GEL Engineering proposal



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



TO: Councilman Paul Sommerville, Chairman, Chairman Natural Resources Committee

VIA: Gary Kubic, County Administrator
 David Starkey, Chief Financial Officer
 Rob McFee, P.E., Director of Engineering & Infrastructure
 Eddie Bellamy, Public Works Director
 Robert Klink, P.E., County Engineer

FROM: Dan Ahern, P.E., Stormwater Manager

SUBJ: SECOND YEAR WATER QUALITY MONITORING CONTRACT FOR BEAUFORT COUNTY RFP #3918/100815

DATE: September 30, 2009

BACKGROUND. The County's two-year plus agreement with "GEL Engineering" ends on October 31, 2009. The Stormwater Implementation Committee recommended that the County and Municipalities select one firm to do all the monitoring being conducted by the County and Municipalities. Therefore the County issued a request for proposals in July 2009 for a firm to do water quality monitoring for the county and municipalities. The proposed work was identified in four scopes of work.

The County received six (6) proposals by the August 27, 2009 deadline. The proposals were from:

Proposer	County Amount	Total Proposed
Terry Environmental Services, 1753 N. Main Street, Summerville, SC	\$212,100.00 *	\$359,700.00
WPC Engineering, 2201 Rowland Ave, Savannah GA	\$184,670.00 *	\$309,266.00
GEL Engineering, 2040 Savage Road, Charleston, SC	\$169,535.00	\$247,968.00
Tidewater Environmental Services, 3133 May Bank Hwy, John's Island, SC	\$147,917.00 *	\$217,417.00
BP Barber & Associates, 4016 Salt Pt Parkway, Charleston, SC	\$150,032.00 *	\$308,634.00
Integrated Science & Engineering, 6 E. Bryan St, Savannah, GA	\$176,356.00	\$281,043.00

* Added requested MST allowance to proposal amount

The proposals were evaluated by a panel of two county and four municipal committee members. On September 18, 2009, the committee selected two firms to present further information prior to final committee selection. GEL Engineering and Tidewater made additional presentations on September 29, 2009 and committee recommended GEL as monitoring contractor.

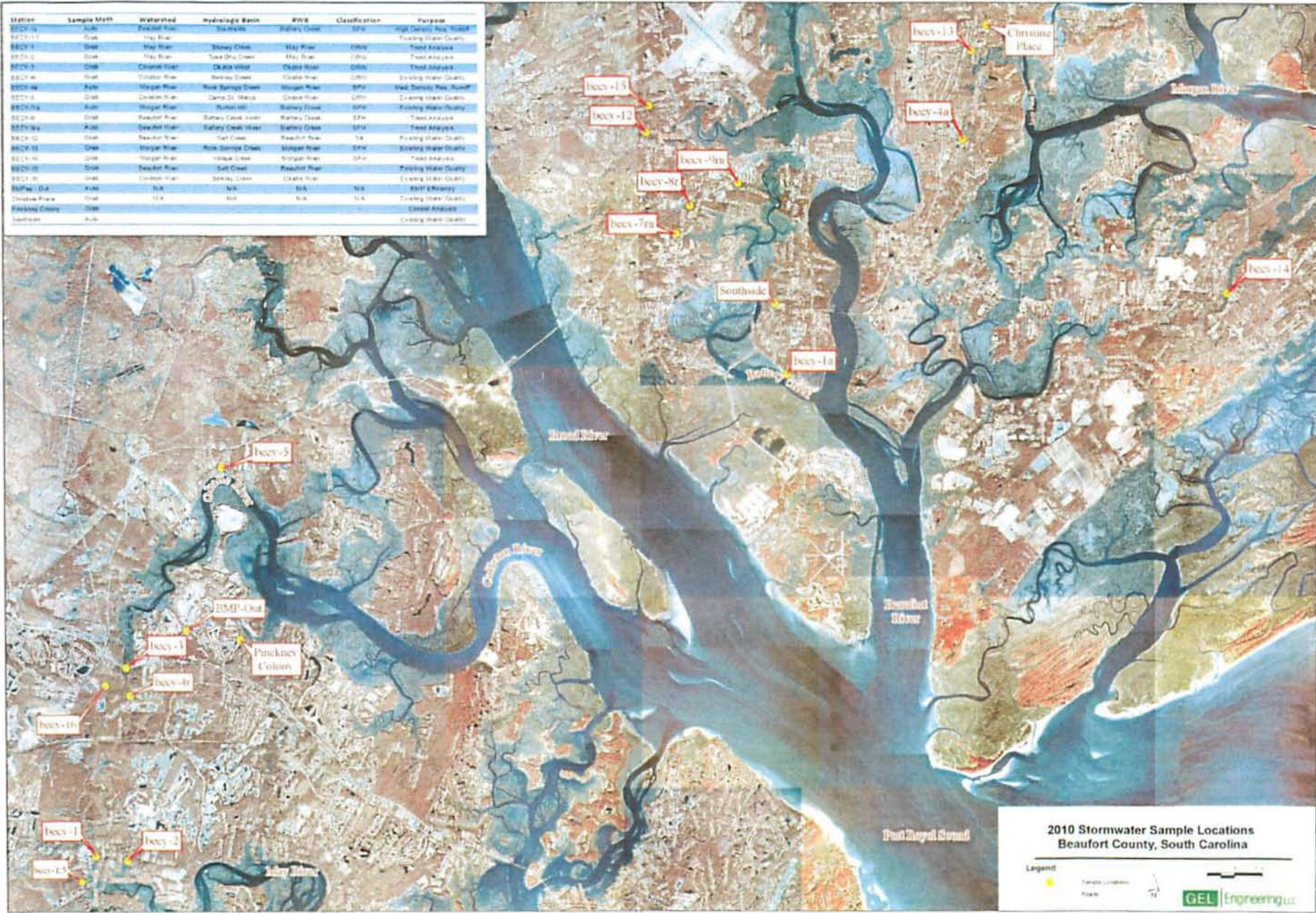
The proposed contract with GEL will have two separate scopes for services. They are for monitoring north (\$106,286) and south (\$63,250) of the Broad River. The two scopes are necessary because the City of Beaufort and Town of Port Royal will be contributing approximately 25% of the cost for monitoring north of the Broad River. The Towns of Bluffton and Hilton Head Island will sign separate contracts with GEL for \$20,508.00 and \$45,000.00 respectively.

The contract is expected to cover the period November 1, 2009 through October 31, 2010. The solicitation stated that the contract may be extended up to 5 years. It is at Beaufort County's discretion to modify the scope of work and renegotiate the price at the end of each year. This effort was budgeted from the Del Webb Agreement Stormwater Fund, Acct #23208-51160.

RECOMMENDATION. That the Natural Resources Committee approve and recommend Council approval of the award of the Water Quality Monitoring contract of \$169,535 to GEL Engineering.



Station	Sample Meth	Watershed	Hydrologic Basin	R/W	Classification	Purpose
BE2V-14	Auto	Beaufort River	Salisbury	Beaufort River	SPC	High Density Area, Road
BE2V-13	Auto	Hay River	Hay River	Hay River	SPC	Trucking Water Quality
BE2V-1	Grab	Hay River	Stoney Creek	Hay River	DMU	Food Analysis
BE2V-2	Grab	Hay River	Toke Ona Creek	Hay River	DMU	Food Analysis
BE2V-3	DMU	Crabtree Road	Crabtree Road	Crabtree Road	DMU	Food Analysis
BE2V-4	Grab	Crabtree Road	Crabtree Road	Crabtree Road	DMU	Trucking Water Quality
BE2V-16	Auto	Wingate Road	Rock Springs Creek	Wingate Road	SPC	High Density Area, Road
BE2V-17	Grab	Crabtree Road	Dane St. Marsh	Crabtree Road	DMU	Trucking Water Quality
BE2V-18	Auto	Wingate Road	Rock Hill	Wingate Road	SPC	Trucking Water Quality
BE2V-8	Grab	Beaufort River	Beaufort River	Beaufort River	SPC	Trucking Water Quality
BE2V-9	Auto	Beaufort River	Beaufort River	Beaufort River	SPC	Trucking Water Quality
BE2V-10	Auto	Beaufort River	Beaufort River	Beaufort River	SPC	Trucking Water Quality
BE2V-11	Grab	Beaufort River	Beaufort River	Beaufort River	SPC	Trucking Water Quality
BE2V-12	Grab	Beaufort River	Beaufort River	Beaufort River	SPC	Trucking Water Quality
BE2V-13	Grab	Beaufort River	Beaufort River	Beaufort River	SPC	Trucking Water Quality
BE2V-14	Grab	Beaufort River	Beaufort River	Beaufort River	SPC	Trucking Water Quality
BE2V-15	Grab	Beaufort River	Beaufort River	Beaufort River	SPC	Trucking Water Quality
BE2V-19	DMU	Wingate Road	Wingate Road	Wingate Road	DMU	Food Analysis
BE2V-20	DMU	Beaufort River	Beaufort River	Beaufort River	DMU	Trucking Water Quality
BE2V-21	DMU	Crabtree Road	Crabtree Road	Crabtree Road	DMU	Trucking Water Quality
BE2V-22	Auto	N/A	N/A	N/A	N/A	WSP Sampling
Beaufort River	Grab	N/A	N/A	N/A	N/A	Trucking Water Quality
Beaufort County	DMU	N/A	N/A	N/A	N/A	Food Analysis
Salisbury	Auto	N/A	N/A	N/A	N/A	Trucking Water Quality



2010 Stormwater Sample Locations
Beaufort County, South Carolina

Legend

- Yellow dot: Sample Location
- Red line: Road

GEL Engineering LLC

COUNTY COUNCIL OF BEAUFORT COUNTY

CHARTER OF

BEAUFORT-PORT ROYAL METROPOLITAN PLANNING COMMISSION

IN COMPLIANCE WITH BEAUFORT COUNTY ORDINANCE 89-9 (GENERAL TEMPLATE) AND PURSUANT TO TITLE 6, CHAPTER 7 OF THE CODE OF LAWS OF SOUTH CAROLINA, (SOUTH CAROLINA LOCAL GOVERNMENT COMPREHENSIVE PLANNING ENABLING ACT OF 1994, AS AMENDED)

WHEREAS, the Northern Beaufort County Regional Plan recognizes intended municipal growth areas of Northern Beaufort County, consisting of Port Royal Island and Lady's Island (the Growth Area); and,

WHEREAS, it is necessary and desired for there to be established a planning commission, consisting of representatives of the municipalities of Beaufort and Port Royal, and the County of Beaufort, to address planning issues within the Growth Area;

NOW, THEREFORE, BE IT RESOLVED by the County Council of Beaufort County, South Carolina, to charter the Beaufort-Port Royal Metropolitan Planning Commission.

I. Purpose

Pursuant to Section 6-29-330, et seq. of the Code of Laws of South Carolina, 1976, as amended, and Ordinances of the City of Beaufort, South Carolina and the Town of Port Royal, SC, there is established a Beaufort - Port Royal Metropolitan Planning Commission (the Metropolitan Planning Commission), which shall perform planning functions in the areas of jurisdiction of the City of Beaufort, South Carolina, the Town of Port Royal, South Carolina, and the unincorporated areas of what has been designated as the growth area on Map 4-5, The Growth Boundaries Map, in the Beaufort County Comprehensive Plan 2007 (collectively defined herein as the Growth Area). The Metropolitan Planning Commission is created so that the two municipalities and Beaufort County can act together to enhance present advantages, to overcome collective problems involving these three governmental entities in which joint resolution is advisable, and to engage in orderly planning for the wise conservation of historic and natural resources, and for the growth of business enterprises providing new or expanded job opportunities in the Growth Area.

II. Jurisdiction

The Metropolitan Planning Commission may exercise the power set forth in Title 6, Chapter 29 of the Code of Laws of South Carolina, 1976, as amended, in the following area: all lands within the Town of Port Royal, the City of Beaufort and the Growth Area, as defined in the Northern Beaufort County Regional Plan and

shown on Map 4-5, The Growth Boundaries Map, in the Beaufort County Comprehensive Plan 2007.

III. Membership, Terms and Compensation

1. Number, Appointment

The membership of the Metropolitan Planning Commission shall be as provided for under Section 6-29-350 of the Code of Laws of South Carolina, 1976, as amended. The Commission shall consist of six (6) members, appointed for staggered terms, two members from each municipality and two members appointed by Beaufort County Council. No member shall hold an elective public office. Beaufort County may appoint members who serve on the Beaufort County Planning Commission.

2. Terms

Terms and reappointment of County appointed members shall be pursuant to Chapter 2, Article 5, Division 1, Section 2-193(b) of the Beaufort County Code of Ordinances.

3. Removal

Removal of a County appointed member shall be pursuant to Chapter 2, Article 5, Division 1, Section 2-193(e) of the Beaufort County Code of Ordinances.

4. Compensation

Compensation of a County appointed member shall be pursuant to Chapter 2, Article 5, Division 1, Section 2-195(a) of the Beaufort County Code of Ordinances.

IV. Officers, Meetings, Quorum

1. Officers

The organization of the Metropolitan Planning Commission shall be as provided for under Section 6-29-360 of the Code of Laws of South Carolina, 1976, as amended. The Commission shall organize themselves, elect a Chairperson, who shall serve for a term of one year, elect a Vice-Chairperson for a term of one year, and appoint a secretary who may be an employee of any of the governmental entities.

2. Meetings

Meetings of the Metropolitan Planning Commission shall be held at the call of the Chairperson and at such other times as the Planning Commission may determine. All meetings of the Planning Commission shall be open to the public.

3. Quorum

A majority of the members appointed shall constitute a quorum.

4. Notice of Meetings

Reasonable notice of the time, place and agendas of the meetings shall be given to the public. The news media shall be contacted in accordance with State law.

5. Rules of Proceeding

- a. The Metropolitan Planning Commission shall adopt and adhere to rules of procedure for the conduct of business.
- b. An abstention from voting shall be considered a vote to deny the motion.

6. Minutes

The Metropolitan Planning Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating that fact.

V. Powers and Duties

The Planning Commission will have authority, pursuant to state law, for planning in the Growth Area. It will handle all matters in the Growth Area delegated to it and requiring Metropolitan Planning Commission action. In order to better coordinate growth within the Growth Area, the Planning Commission shall:

1. Promote comprehensive planning in the growth area:
2. Review all zoning and land development regulation amendments that directly affect the Growth Area for conformity with the respective Comprehensive Plans. Conflicts with the Comprehensive Plans shall be noted in any report to the respective governmental entity making the regulation amendment.
3. Review and make recommendation concerning all annexations with specific attention to those of regional impact within the Growth Area.
4. Review and make recommendation concerning all requests for zoning within the Growth Area.
5. Review and make recommendations concerning major transportation projects and other public facilities such as libraries and parks that affect the Growth Area.
6. Review and make recommendations on other matters delegated by any of the governmental entities or such other matters as may appropriately come before the Commission.

7. In matters affecting the entire Growth Area, the Beaufort – Port Royal Metropolitan Planning Commission shall report its recommendations to the respective councils for the municipalities, and to the Beaufort County Planning Commission.
8. In matters affecting only one governmental entity, the Beaufort – Port Royal Metropolitan Planning Commission shall report its recommendations to that governmental entity.
9. Municipal and County staffs will work together to share responsibility for presenting matters to the Beaufort – Port Royal Metropolitan Planning Commission as outlined in the commission’s adopted Rules of Procedure.

Adopted this 11th day of October, 2010.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Wm. Weston J. Newton, Chairman

ATTEST:

Suzanne M. Rainey, Clerk to Council

Rec 8-16-10
Criscik 110

TOWN OF HILTON HEAD ISLAND

One Town Center Court, Hilton Head Island, S.C. 29928

(843) 341-4600 Fax (843) 842-7728

www.hiltonheadislandsc.gov

Thomas D. Peeples
Mayor

Kenneth S. Heltzke
Mayor Pro Tem

Council Members

Wille (Bill) Ferguson
William D. Harkins
Drew A. Laughlin
John Safay
George W. Williams, Jr.

Stephen G. Riley
Town Manager

August 12, 2010

Wm. Weston J. Newton, Chairman
Beaufort County Council
Post Office Drawer 1228
Beaufort, SC 29901-1228

Dear Chairman Newton:

Thank you for your July 27, 2010 letter about the creation of a Beaufort-Port Royal Metropolitan Planning Commission.

The Town of Hilton Head Island has reviewed the "draft" charter to create a Beaufort-Port Royal Metropolitan Planning Commission and has no objections to the proposal.

Thank you for providing an opportunity for the Town to review the proposed charter and provide comments prior to the County Council Natural Resources Committee meeting on September 6, 2010.

Sincerely,

Thomas D. Peeples

Thomas D. Peeples, Mayor

cc: Stephen G. Riley, C.M., Town Manager
Curtis Coltrane, Assistant Town Manager
Charles Cousins, Community Development Director

COUNTY COUNCIL OF BEAUFORT COUNTY

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

**WM. WESTON J. NEWTON
CHAIRMAN**

**D. PAUL SOMMERVILLE
VICE CHAIRMAN**

COUNCIL MEMBERS

**STEVEN M. HAER
RICK CAPOALE
GERALD DAWSON
BRIAN E. FLEWELLING
HERBERT N. GLAZE
WILLIAM L. MCBRIDE
STEWART H. RODMAN
GERALD W. STEWART
LAURA VON HARTEN**

**GARY KUBIC
COUNTY ADMINISTRATOR**

**BRYAN J. HILL
DEPUTY COUNTY ADMINISTRATOR**

**LADSON F. HOWELL
COUNTY ATTORNEY**

**SUZANNE M. RAINEY
CLERK TO COUNCIL**

July 27, 2010

**The Honorable Tom Peeples, Mayor
Town of Hilton Head Island
One Town Center Court
Hilton Head Island, SC 29928**

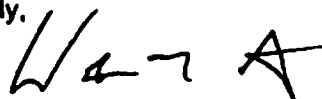
Dear Mayor Peeples:

Please find attached a draft charter to create a Beaufort - Port Royal Metropolitan Planning Commission. We are providing this information to you to apprise you of this proposed action and give you an opportunity to provide questions and comments to the Beaufort County Planning Department.

On September 6, the Natural Resources Committee of County Council will consider the creation of the Metropolitan Planning Commission which will perform planning functions in the City of Beaufort, the Town of Port Royal, and the unincorporated areas of Beaufort County on Port Royal Island and Lady's Island. The Metropolitan Planning Commission was originally recommended by the Northern Beaufort County Implementation Committee to provide a vehicle for the two municipalities and Beaufort County to engage in orderly planning for the conservation of historic and natural resources, and for the growth of business enterprises providing new or expanded job opportunities in the growth areas of northern Beaufort County.

I also believe that this proposed action presents an opportunity to call a meeting of the Southern Implementation Committee to discuss this proposed action and the potential impacts on the municipalities and unincorporated areas of southern Beaufort County. Please contact me on your thoughts concerning the reactivation of this committee, which would be consistent with the Southern Beaufort County Regional Plan goal to share and discuss projects of regional significance and mutual concern.

Sincerely,



**Wm. Weston J. Newton, Chairman
Beaufort County Council**

Attachment

COUNTY COUNCIL OF BEAUFORT COUNTY

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

**WM. WESTON J. NEWTON
CHAIRMAN**

**D. PAUL SOMMERVILLE
VICE CHAIRMAN**

COUNCIL MEMBERS

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

**GARY KUBIC
COUNTY ADMINISTRATOR**

**BRYAN J. HILL
DEPUTY COUNTY ADMINISTRATOR**

**LADSON F. HOWELL
COUNTY ATTORNEY**

**SUZANNE M. RAINEY
CLERK TO COUNCIL**

July 27, 2010

**The Honorable Lisa Sulka, Mayor
Town of Bluffton
P.O. Box 386
Bluffton, SC 29910**

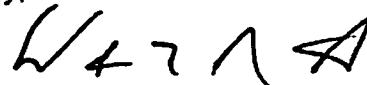
Dear Mayor Sulka:

Please find attached a draft charter to create a Beaufort - Port Royal Metropolitan Planning Commission. We are providing this information to you to apprise you of this proposed action and give you an opportunity to provide questions and comments to the Beaufort County Planning Department.

On September 6, the Natural Resources Committee of County Council will consider the creation of the Metropolitan Planning Commission which will perform planning functions in the City of Beaufort, the Town of Port Royal, and the unincorporated areas of Beaufort County on Port Royal Island and Lady's Island. The Metropolitan Planning Commission was originally recommended by the Northern Beaufort County Implementation Committee to provide a vehicle for the two municipalities and Beaufort County to engage in orderly planning for the conservation of historic and natural resources, and for the growth of business enterprises providing new or expanded job opportunities in the growth areas of northern Beaufort County.

I also believe that this proposed action presents an opportunity to call a meeting of the Southern Implementation Committee to discuss this proposed action and the potential impacts on the municipalities and unincorporated areas of southern Beaufort County. Please contact me on your thoughts concerning the reactivation of this committee, which would be consistent with the Southern Beaufort County Regional Plan goal to share and discuss projects of regional significance and mutual concern.

Sincerely,



**Wm. Weston J. Newton, Chairman
Beaufort County Council**

Attachment

COUNTY COUNCIL OF BEAUFORT COUNTY

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

**WM. WESTON J. NEWTON
CHAIRMAN**

**D. PAUL SOMMERVILLE
VICE CHAIRMAN**

COUNCIL MEMBERS

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

**GARY KUBIC
COUNTY ADMINISTRATOR**

**BRYAN J. HILL
DEPUTY COUNTY ADMINISTRATOR**

**LADSON F. HOWELL
COUNTY ATTORNEY**

**SUZANNE M. RAINEY
CLERK TO COUNCIL**

July 27, 2010

**The Honorable George Hood, Chairman
Jasper County Council
P.O. Box 1618
Ridgeland, SC 29936**

Dear Chairman Hood:

Please find attached a draft charter to create a Beaufort - Port Royal Metropolitan Planning Commission. We are providing this information to you to apprise you of this proposed action and give you an opportunity to provide questions and comments to the Beaufort County Planning Department.

On September 6, the Natural Resources Committee of County Council will consider the creation of the Metropolitan Planning Commission which will perform planning functions in the City of Beaufort, the Town of Port Royal, and the unincorporated areas of Beaufort County on Port Royal Island and Lady's Island. The Metropolitan Planning Commission was originally recommended by the Northern Beaufort County Implementation Committee to provide a vehicle for the two municipalities and Beaufort County to engage in orderly planning for the conservation of historic and natural resources, and for the growth of business enterprises providing new or expanded job opportunities in the growth areas of northern Beaufort County.

I also believe that this proposed action presents an opportunity to call a meeting of the Southern Implementation Committee to discuss this proposed action and the potential impacts on the municipalities and unincorporated areas of southern Beaufort County. Please contact me on your thoughts concerning the reactivation of this committee, which would be consistent with the Southern Beaufort County Regional Plan goal to share and discuss projects of regional significance and mutual concern.

Sincerely,


**Wm. Weston J. Newton, Chairman
Beaufort County Council**

Attachment

COUNTY COUNCIL OF BEAUFORT COUNTY

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

**WM. WESTON J. NEWTON
CHAIRMAN**

**D. PAUL SOMMERVILLE
VICE CHAIRMAN**

COUNCIL MEMBERS

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

**GARY KUBIC
COUNTY ADMINISTRATOR**

**BRYAN J. HILL
DEPUTY COUNTY ADMINISTRATOR**

**LADSON F. HOWELL
COUNTY ATTORNEY**

**SUZANNE M. RAINY
CLERK TO COUNCIL**

July 27, 2010

**The Honorable Bronco Bostick, Mayor
City of Hardeeville
PO Box 987
Hardeeville, SC 29927-0987**

Dear Mayor Bostick:

Please find attached a draft charter to create a Beaufort - Port Royal Metropolitan Planning Commission. We are providing this information to you to apprise you of this proposed action and give you an opportunity to provide questions and comments to the Beaufort County Planning Department.

On September 6, the Natural Resources Committee of County Council will consider the creation of the Metropolitan Planning Commission which will perform planning functions in the City of Beaufort, the Town of Port Royal, and the unincorporated areas of Beaufort County on Port Royal Island and Lady's Island. The Metropolitan Planning Commission was originally recommended by the Northern Beaufort County Implementation Committee to provide a vehicle for the two municipalities and Beaufort County to engage in orderly planning for the conservation of historic and natural resources, and for the growth of business enterprises providing new or expanded job opportunities in the growth areas of northern Beaufort County.

I also believe that this proposed action presents an opportunity to call a meeting of the Southern Implementation Committee to discuss this proposed action and the potential impacts on the municipalities and unincorporated areas of southern Beaufort County. Please contact me on your thoughts concerning the reactivation of this committee, which would be consistent with the Southern Beaufort County Regional Plan goal to share and discuss projects of regional significance and mutual concern.

Sincerely,


**Wm. Weston J. Newton, Chairman
Beaufort County Council**

Attachment

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

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

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

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

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

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

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

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

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

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

Sec. 14-29. - Impoundment.

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

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

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

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

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

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

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

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

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

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

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

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

Adopted this ____ day of _____, 2010.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:

Ladson F. Howell, Staff Attorney

ATTEST:

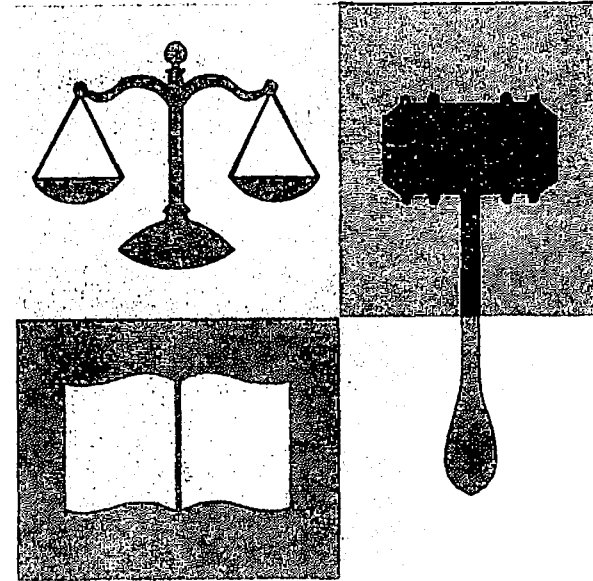
Suzanne M. Rainey, Clerk to Council

First Reading:

Second Reading:

Public Hearing:

Third and Final Reading:



Rules and Procedures

Beaufort County Council

CODE OF ETHICS FOR BEAUFORT COUNTY OFFICIALS

Preamble

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

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

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

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

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

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

Ethical Principles

The ethical County official shall:

Properly administer the affairs of Beaufort County.

Promote decisions which only benefit the public interest.

Actively promote public confidence in County government.

Keep all funds and other properties of Beaufort County safe.

Conduct and perform the duties of the office diligently, and promptly dispose of the business of the County.

Maintain a positive image to pass constant public scrutiny.

Evaluate all decisions so the best service or product is obtained at a minimal cost without sacrificing quality fiscal responsibility.

Inject the prestige of the office into everyday dealings with the public, employees and associates.

Maintain a respectful attitude toward employees, other public officials, colleagues and associates.

Effectively and efficiently work with governmental agencies, political subdivisions and other organizations in order to further the interests of the County.

Faithfully comply with all laws and regulations applicable to the County and impartially apply them to everyone.

Respect and comply with the standards of the Council-Administrator form of government adopted in Beaufort County.

The ethical Beaufort County official should not:

Engage in outside interests that are not compatible with the impartial and objective performance of his or her duties.

Improperly influence, or attempt to influence, other officials to act in his or her own benefit.

Accept anything of value from any source which is offered to influence his or her action as a public official.

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



Office of the Chairman
Administration Building
100 Ribaut Road
P.O. Drawer 1228
Beaufort, SC 29901-1228
www.bcgov.net

843.255.2000

Fax 843.255.2009

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

TABLE OF CONTENTS

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

Historical Background

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

Adopted: April 8, 1985

Amended: August 14, 2006

June 25, 2001

April 14, 1997

June 12, 1995

September 13, 1993

August 9, 1993

January 13, 1992

January 28, 1991

September 25, 1989

OFFICERS OF COUNCIL

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

A. CHAIRMAN

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

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

B. VICE CHAIRMAN

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

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

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

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

	<u>Page</u>
-A-	
Addressing the Chair.....	7
Advance Payments	20
Agenda.....	8
Agenda Packages	8
General Information	8
Potential Agenda Items.....	9
Request for Agenda Time	9
Appointments to Agencies, Boards and Commissions.....	9
Notification.....	9
Nominations.....	10
Representation.....	10
Resumé.....	10
Voting	11
Assignments	22
Attendance at Seminars and Conferences.....	22
-C-	
Chairman.....	3
Circulation of Agenda Packages.....	8
Clerk to Council.....	4
Comments From the Floor	12
Committee Meetings	5
Conclusion of Council's Term	22
Conduct at Meetings.....	6
Conferences	21
Conflict of Interest	18
Correspondence	18
Council's Jurisdiction.....	7
-D-	
Decorum in Speaking.....	7
Department Heads Request for Agenda Time	9
-E-	
Elected Officials Request for Agenda Time	9
Emergency Ordinances.....	16
Executive Session.....	6
Expense Reimbursement.....	20
-F-	
Fiscal Matters.....	8
Flow Chart of Ordinance Passage	16

E. REPORTING

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

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

Committee meeting minutes shall include the following:

Action Item(s)

Subject:

Discussion (salient points):

Recommendation(s):

Information Item(s)

Subject:

Discussion (salient points):

Staff Directive:

C. RESIDENCY REQUIREMENTS

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

D. PARLIAMENTARIAN

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

E. CLERK TO COUNCIL

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

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

CHAPTER 2

MEETINGS AND AGENDAS

A. REGULAR/SPECIAL/COMMITTEE MEETINGS

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

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

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

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

B. MEDIA NOTIFICATION

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

CHAPTER 9

STANDING COMMITTEES

A. ASSIGNMENTS

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

B. STATUS REPORT

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

C. CONCLUSION OF COUNCIL'S TERM

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

D. SCHEDULING MEETINGS

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

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

CHAPTER 8

ATTENDANCE AT SEMINARS, CONFERENCES, ETC.

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

C. EXECUTIVE SESSION

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

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

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

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

4. Investigative proceedings regarding allegations of criminal misconduct.

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

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

D. CONDUCT AT MEETINGS

1. Pledge of Allegiance

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

2. Decorum in Speaking

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

3. Addressing the Chair

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

4. Public Comment

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

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

5. Matters Not Within Council's Jurisdiction

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

6. Recognition of Person(s)

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

C. EXPENSES

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

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

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

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

D. ADVANCE PAYMENTS

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

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

E. MILEAGE REIMBURSEMENT

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

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

CHAPTER 7

TRAVEL AND EXPENSE REIMBURSEMENT

A. POLICY

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

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

B. TRAVEL

1. Private Automobile

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

2. Commercial

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

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

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

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

7. Off-Agenda Item

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

11 voting – 8 required

10 voting – 7 required

9 voting – 6 required

8 voting – 6 required

7 voting – 5 required

6 voting – 4 required

E. FISCAL MATTERS

All appropriations shall require a minimum of six affirmative votes.

F. PARLIAMENTARY PROCEDURE

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

G. AGENDA

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

1. Agenda Package

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

2. General Information

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

3. Potential Agenda Items

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

4. Request for Agenda Time

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

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

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

H. APPOINTMENTS TO AGENCIES, BOARDS, COMMISSIONS AND AUTHORITIES

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

1. Notification

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

CHAPTER 5

CORRESPONDENCE

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

CHAPTER 6

CONFLICT OF INTEREST

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

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

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

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

Emergency Ordinances expire automatically on the 61st day following enactment

Council members will have thirty (30) days to provide names and appropriate documentation (application and resumé) for consideration to the appropriate Standing Committee. The thirty (30) days will begin on the date the Clerk to Council has notified Council of the vacancy.

2. Nominations

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

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

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

3. Representation

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

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

4. Resumé

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

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

5. Voting^③

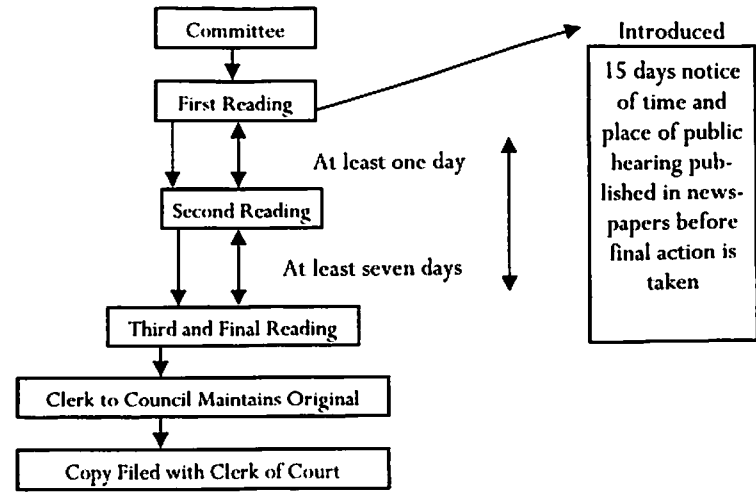
A vote by show of hands will be taken if there is a single or multiple candidate(s) seeking membership. A simple voting majority of Council members will decide the selected nominee unless a greater number of affirmative votes is necessary under the Template Ordinance.^④

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

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

^④ Reference Template Ordinance No. 2005-5, as amended.

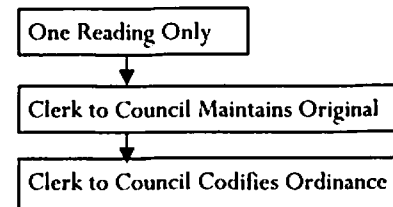
F. FLOW CHART OF ORDINANCE PASSAGE



G. PASSAGE OF EMERGENCY ORDINANCES

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

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



B. NOTICE OF PUBLIC HEARING

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

C. HANDICAP ACCESSIBILITY

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

D. ORDINANCE REVIEW

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

E. SCRIVENER'S ERRORS

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

CHAPTER 3

APPEARANCES, PRESENTATIONS AND PETITIONS TO COUNCIL

A. PUBLIC COMMENT

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

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

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

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

4. All persons making public comment shall be **limited to two (2) minutes**, so as to allow others an opportunity to be heard. (See page 8)

B. COMMENTS FROM THE FLOOR

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

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

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

CHAPTER 4

ORDINANCES

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

A. NEED FOR PUBLIC HEARING

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

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

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

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

2010 / ____

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

WHEREAS, the South Carolina Code provides, pursuant to S.C. Code Section 12-43-360, that a county may reduce the assessment ratio otherwise applicable in determining the assessed value of general aviation aircraft subject to property tax in the county to a ratio not less than four percent of the fair market value of the general aviation aircraft so long as it applies uniformly to all general aviation aircraft subject to property tax in the county;

WHEREAS, Beaufort County desires to reduce the tax on all general aviation aircraft; and

THEREFORE, pursuant to S.C. Code Section 12-43-360, Beaufort County hereby enacts an ordinance to reduce the personal property aircraft tax assessment from 10.5% to 6% effective for the tax year 2010 and thereafter.

Adopted this ____ day of _____, 2010.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:

Ladson F. Howell, Staff Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading, By Title Only: August 23, 2010

Second Reading: September 27, 2010

Public Hearings:

Third and Final Reading:

2010 /

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

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

Adopted this _____ day of _____, 2010.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:

Ladson F. Howell, Staff Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading: September 13, 2010
Second Reading: September 27, 2010
Public Hearing:
Third and Final Reading:

(Amending 99/12)

DIVISION 3. TYPES OF SUBDIVISIONS

Sec. 106-2536. Scope.

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

Sec. 106-2537. Major subdivision.

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

Sec. 106-2538. Minor subdivision.

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

Sec. 106-2539. Rural small lot subdivision.

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

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

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

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

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

(b) Use of the Small Lot Rural Subdivision option is limited to parcels of record at July 1, 2010 and cannot be transferred to any other parcel. The requirements in subdivision II of division 4 of this chapter must be met for a development to qualify as a rural small lot subdivision. Administration for rural small lot subdivisions begins and ends with the ZDA who retains final approval authority for them. Refer to articles II and III of this chapter for review responsibility and procedures for rural small lot subdivisions.

(Ord. No. 99-12, § 1 (13.230), 4-26-1999)

Secs. 106-2540–106-2565. Reserved.

DIVISION 4. SUBDIVISION LAYOUT

Subdivision I. In General

Sec. 106-2566. Scope.

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

Secs. 106-2567–106-2595. Reserved.

Subdivision II. Small Lot Rural Subdivisions

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

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

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

Number of Residential Lots	Acreage
2	30
3	45
4	60

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

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

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

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

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

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

Sec. 106-2597. Conditions and limitations.

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

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

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

2010 /

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

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

Adopted this _____ day of _____, 2010.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:

Ladson F. Howell, Staff Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading: September 13, 2010
Second Reading: September 27, 2010
Public Hearing:
Third and Final Reading:

(Amending 99/12)

Committee Reports

October 11, 2010

A. COMMITTEES REPORTING

1. Executive Committee

① [Minutes](#) provided from the September 27 meeting. No action is required.

2. Finance

① Accommodations 2% Tax Board

<i>Nominated</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
09.27.10	Anita Singleton-Prather	Cultural	Appoint	6 of 11

3. Natural Resources

① [Minutes](#) provided from the October 4 meeting. Main agenda items #15 and 16.

- Port Royal Island Zoning Map Amendment/Rezoning Request from Rural with Transitional Overlay (R-TO) and Rural-Residential with Transitional Overlay (RR-TO) to Commercial Suburban (CS) ([backup](#))

4. Public Facilities

① [Minutes](#) provided from the September 28 meeting. Main agenda items #11, 12, 13 and 14.

5. Public Safety

① [Minutes](#) provided from the October 4 meeting. Main agenda item #17.

B. COMMITTEE MEETINGS

1. Community Services

William McBride, Chairman

Gerald Dawson, Vice Chairman

➔ Next Meeting – Monday, October 18 at 4:00 p.m., Building 2, BIV

2. Executive

Weston Newton, Chairman

➔ Next Meeting – To be announced

3. Finance

Stu Rodman, Chairman

William McBride, Vice Chairman

➔ Next Meeting – Monday, October 18 at 2:00 p.m., Building 2, BIV

4. Natural Resources

Paul Sommerville, Chairman

Jerry Stewart, Vice Chairman

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

5. Public Facilities

Herbert Glaze, Chairman

Steven Baer, Vice Chairman

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

6. Public Safety

Jerry Stewart, Chairman

Brian Flewelling, Vice Chairman

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

7. Transportation Advisory Group

Weston Newton, Chairman

Stu Rodman, Vice Chairman

EXECUTIVE COMMITTEE

September 27, 2010

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

The Executive Committee met on Monday, September 27, 2010 at 2:00 p.m. in the Executive Conference Room, Administration Building, Beaufort, South Carolina.

ATTENDANCE

Executive Committee Chairman Weston Newton and members William McBride, Stu Rodman, Paul Sommerville and Jerry Stewart present. Member Herbert Glaze was absent. Non-committee members Steven Baer, Gerald Dawson, Brian Flewelling and Laura Von Harten were present.

County Staff: Tony Criscitiello, Division Director – Planning and Infrastructure; Bryan Hill, Deputy County Administrator; David Starkey, Chief Financial Officer.

Media: Joe Croley, Hilton Head Association of Realtors and Luke Thompson, *Island Packet*.

INFORMATION ITEMS

1. **Smart Decline Contingency Plan**

Discussion: Chairman Weston Newton stated the purpose of this group is to review the status of our 2010 Retreat items and to speak about our 2011 Retreat, for which we have locked in the date. We also are here to discuss the Smart Decline Contingency Plan. The last Finance Committee touched on the topic and said it would be discussed at this Committee.

At our last meeting, Mr. Ed Hughes, Assessor, highlighted, for us, this concept. We may be looking at roll-up instead of roll-back given the fact of a declining tax base. As a consequence, it causes the challenge for us to prioritize our services moving forward or to closely analyze where we are in regard to the tax base. This is a worthy exercise. It is in depth and detailed, more so than the annual budget process. We need to understand what we do and what we may not have the resources to do in the future. In understanding the declining market, recession, high unemployment, and number of foreclosures, we may see our resources need to be redeployed in some areas more heavily than others – the human services arena as opposed to other items where we are spending our revenues today. Mr. Newton stated he does not know if staff necessarily has a preconception how that process will work. It would make sense for us to begin outlining how we want to go through the process of reviewing what we do and prioritizing the service. Perhaps, first we should understand where we are today, the trends, what the recession has done for us and the opportunities and challenges it created in the budget. Some of it may be appropriate to go through at the various Council committees while some others may be appropriate progress from the Executive Committee into the other committees.

Mr. Bryan Hill, Deputy Administrator, stated he, Mr. Kubic and Mr. Starkey provided Council with a description of services – approximately 460. We do not know if some of those should be cut or bolstered. We are in the process of looking at social economic issues that we have, as well as the reassessment issues and population issues. We are trying to get a mix of all of the demographic sketches needed to go forward with this process. That grouping of services was put together specifically for the issue at hand. We hoped we would not have to discuss that issue; however it helped staff understand what we pay for and what we do for this County. The question is: What do we need to continue to do versus what we are doing? This Executive Committee is for the purpose of its members and constituents to get together and to help us get to the point of what we need to be providing to the residents of Beaufort County. There has been a lot of talk about educational opportunities. Obviously, the higher the education opportunities are in Beaufort County; the easier it is for us to bring in businesses. There is an economic stimulus associated with education. He stated he does not know how to get there. It could be a partnership with surrounding counties. That is something we all would collectively have to do.

Mr. Baer stated our budget for FY2011 is \$104.2 million. If we are talking about Smart Decline, it would seem that we would be prepared to answer the “what if” questions. Suppose we were down 10% or 15% next year. We should work those two cases and see how we can produce a budget and where we would cut. We have to do that exercise.

Mr. Hill stated staff already started that process. Mr. Criscitiello and Mr. Winn already provided documentation to that affect. Those scenarios were going to be brought to Councilman Rodman to decide the next steps. Mr. Kubic was looking for Council’s approval and process in how to move this forward. If a 10% to 15% reduction is what Council believes is the way we should go about it as a group; that is fine. He stressed Mr. Kubic does not want to be like the other communities and does not believe Council wants to be like other communities that are having budget issues. It may be an opportunity for us to reinvest in certain areas. We want to make sure we are looking at a global approach to just that. It is a bigger picture to cutting down to \$90 million. That number was just a starting point.

Mr. Baer thought we should define three cases and the parameters of those cases.

Mr. Hill wanted to know if he had those three cases.

Mr. Baer stated for each of the three cases we could look to reallocation. One case should be a minus 10% case. We should work on what if exercises.

Mr. Newton asked in doing that, how do we get the reallocation. Staff can ask everyone cut their budget by 10% next year. Mathematically they can do that. The reallocation piece and the prioritization piece, we may decide we need to put more monies in human services and look at scaling back on hours of operation on certain facilities in the County. What are your thoughts on how we do the process? We have to start from the ground up.

Ms. Von Harten thought it to be a good idea for us to put on the table, things we would be comfortable slashing. We all have certain likes and dislikes. Also, we own a lot of facilities we are not putting to optimal use. We have places with internet, air conditioning, and toilets, but after 8:00 p.m. at night there is nowhere for children to go while their parents are partying or working until midnight. We have to consider the children in our committee. A lot of their parents are working two to three jobs. We have to have some safe places for the kids to be where they can learn. That needs to be the core of what we do. She informed the Committee she is not a fan of team sports – basketball, baseball and football. We fund all of these team sports but do not buy pianos for our recreation centers so people can study piano and have the ability to play on a good piano. We make certain choices about what we do and do not fund at Parks and Leisure Services (PALS). She understands, however, that it is extremely important to a whole lot of people.

Mr. Flewelling stated everyone understands we want to avoid any kind of across the board cut. That is specifically off the table for everybody. It does not make sense in these times to do an across the board cut. We need to remember, whatever we do, it is going to require the assistance of other elected officials – Treasurer, Sheriff, Assessor, Probate Court, Coroner, Auditor and Clerk of Court. They will all be heavily involved in what we do. He thinks we should understand the impact of technology on our decisions. With the kind of technology we have available we might be able to consolidate services and use technology to our physical advantage. He asks that we not do this one councilman at a time. We need to get together as a group and make these decisions. If we are going to receive presentations from each of the directors then we do that as a group in working sessions. We can receive input and offer ideas to the administration of where cuts can be made, ones we are all willing to live with.

Mr. Newton stated it may turn out that we can use this scheduling opportunity to have a workshop of all of Council. We evaluated the merits of the programs on a case by case basis, from time to time. How do we start the process? Is it a budget by budget presentation?

Mr. Rodman said he thinks Mr. Baer is on the right track with us having a couple of alternatives. We should make the A Case the current budget. It would be worth having a model where we assume housing is down 20%. We then would have two or three factors and an 8% to 10% cut. That is the one case that perhaps the Finance Committee could help. We could work with staff on the revenue side. You have to understand the revenue side first and then the service side. He stated he tends to be a believer we are better to react to what the administration suggests than we are to do the exercise ourselves. Also, there may be some opportunities, because we do have the financial with money on hand. We could be making some investments. We may find some places where we can spend money to be more efficient along the way. Lastly, in looking at the items coming out of the Retreat, there are two pieces that were the responsibility of the Executive Committee – Smart Decline and County Services Review and Prioritization. We actually have two items in front of us. The Finance Committee has one coming out of it – the alternative revenues and fees update. Maybe we should work with staff to look at the revenue side of things which would accomplish two things: give a starting point for where we want to go from here to get some idea of the magnitude and let us start to address the one about alternative

revenues and fees. We may have some places, with the Smart Decline, we want to either increase or decrease or reallocate.

Mr. Baer stated there are about 75 line items, by department where we spend money. It is a good guiding document. We spend about \$21 million on the Sheriff and \$49,000 on stormwater for Lady's Island. There is quite a bit of detail as a guide to where to focus. We have to pay attention to fees. We have been late doing that.

Mr. Hill stated Mr. Starkey and he are trying to put out this document monthly and give a quarterly update, audited. These figures presented today are unaudited. With the audited quarterly updates you can really see what is happening in that quarter. Since we have been here, we have seen a lot of up and down. We cannot place why it has not been so streamline. If Council gives us a quarter, we can tell you what is going on and why it goes up and down. A lot of it has to do with technology or the lack of use of our technology. As we streamline our technology and educate our staff, it will be easier to tell when things are hitting.

Mr. Baer stated of the \$104.2 million of the taxpayers' money we are spending, this shows 75 places we are spending it. This is a good starting document.

Ms. Von Harten stated her major concern is that the library may face even more funding cuts from the state. They have already been heavily cut, and are likely to get cut more. If we want to keep up the level of service at the library we are going to have to do something. We need to talk about it.

Mr. Stewart stated looking at the revenue side is important. He stated he is concerned – line items are a good place to start but there are a lot of details on each of those lines. We have to be careful we do not look at it without understanding what is built into and what goes into each of those line items. That is where the staff comes in. Council does not understand the detail. We have to work hand in hand with the staff, because they understand what goes in there. When it comes to the fees and services – we talked now for two years at the Retreat about wanting an understanding of the various services we provide. There are mandated services – public safety is a large portion of those. We need to understand what services are mandated and at what level. There are also a series of services we provide that we feel are important, but there are a lot of services we are providing because they feel good. At the last couple meetings we talked about mowing the roads. That is where the prioritization comes in. What is mandated? What do we do that is really important to us but not mandated? What do we do because we think it is something we need to be doing for whatever reasons? We should look at prioritization through that process. We have yet to take a hard look at those categories.

Ms. Von Harten stated she agrees with Mr. Stewart. That is something we talked about and something she would like to look at. She stated she avoided looking at it for too long. There are things she would like to fund that are not mandated. It is painful to look at that list and see what is mandated and the things we are not required to provide but would like to provide. It is time for us, as a group, to look at that and study that.

Mr. McBride stated part of vision was the quality of life in Beaufort. What you are talking about now is reducing the quality of life concept we have. When you start talking about taking the things we are required to do as a top priority, when we do a lot of stuff that we are not required to do because it enhances the quality of life for living in Beaufort County. We need to be careful about that. Also, if we are going to look at a reduction in our allocation to various department heads and elected officials, he would like the idea of having them look at it first. If you have to cut your budget by 10%, what would you cut? That is the best place to start. They know better than we do, what is in their budget and what they can do without. The first cut should come from them.

Mr. Newton wanted to know how we outline the process of combining both what is in this handout of the services review and prioritization, which was a policy with the Smart Decline contingency plan. Those, somewhat, go hand-in-hand. It may, through the review of the fees and revenues, be that no prioritization of services is required. That there are adjustments in the budget that can be made to put the revenues in keeping or the expenses with the revenues. We have talked about this for a number of years. It may be that we need to get into an area we are not in or we want to get out of some areas. Either of which may improve the quality of life. He said he was curious about how Council could approach that inventory. Maybe we look to staff and say we want to start with an inventory of service and categorize of expenditure from largest to smallest. We are going to start by having a series of workshops before each Council meeting. The first would be the largest department, then we could work our way down.

Mr. Hill stated staff is interested in Council's process. To go forward, we have done an inventory of services under Mr. Kubic's umbrella. It is only about \$75-80 million. There is another \$35 million out there for elected officials. We are doing what we can, internally, for the general government portion of our operation. If you can define a process, we can push up to the elected and appointed officials that help us because it is mandated by Council to go forward with this process. Internally we are looking at 10%. That is a start. Staff is looking for Council to give a process in order to move forward.

Mr. McBride stated unless we find a way of getting the elected officials on board and get them to stream line their budget, we are wasting our time. Mr. Hill stated we have yet to ask.

Mr. Stewart stated we can talk about cutting but we also have to talk about reinvesting. There are things, he stated, he is concerned about – Emergency Medical Services, some public safety and ambulances. If you keep cutting back, you get to a point where it is hard to get back to normal and return to where you should be. He stated he is very concerned. We need guidance from staff. They know the places that are on the cusp of going over the cliff. He expressed his concern for safety issues. What do we need to do to retain the safety and provide the services in those areas to our citizens? That is critical. We can perhaps cut some other things. We need to look at both sides – where we should be investing and where we want to reduce. It has to come from the staff up. We do not understand the daily operations and where those critical issues happen to be. There is an issue of cutting staff in the County. Where are we? What are the critical areas? We will need to be educated and guided.

Mr. Baer stated staff has a lot of information, but each one of us can put on one piece of paper the places we want to see grow, places that should shrink, and places where fees should be derived. That, combined with the staff idea, gives us somewhere to start.

Mr. Stewart stated we have this unwritten rule there will be no increase in taxes. He stated he went along with it this year but there is a point we cannot continue to deprive ourselves. He is afraid this year we are up to the point that to keep from going into this negative position on certain areas, we will have to invest and in order to invest we will have to increase the revenue through taxes. That has to be on the table as well.

Mr. Newton stated the reallocation relates to that. It may be that we are in certain services. Recently, one of our committees spoke to the issue of landscape maintenance along one of the corridors and we said no. We may be at the point where in order to buy new ambulances; we are going to shut the convenience centers down two afternoons a week. It may be that we need to consider adjusting the hours of operation at the libraries. Maybe we need to make some reductions in PALS. Do we believe that public safety is number one? We are beginning to do the very thing we have been talking about doing – it is how we inventory what we do and how we determine what the criteria are to prioritization. We are beginning to get to that point.

Mr. Stewart stated we also have the chance to get the private sector involved. We have been assuming we have to take a certain level of support. Maybe we also have to look at whether or not to put some of this off on the private sector to pick up some of the slack we are no longer to carry. Public safety is one. Maybe there are public safety assets we are overspending and oversensitive to.

Mr. Rodman said he liked the idea of asking staff come back to say what they would do if they had to cut 10%. He, however, would add to it a couple of things – investment and the opportunities for prioritization. Also, are there some parts of what we do duplicated by other municipalities? Are there some opportunities, without cutting services, to be more efficient? One we should look at – a consolidated fire department. Some of these are not only how we are impacted but how other municipalities are impacted as well. Some parts of the country have gone to a municipal form of government. So that it is all done within one government as opposed to what we have in this County.

Mr. Newton wanted to know if he thought we should ask staff to look at what we need to cut or ask them to identify what they view a priority of the services we provide.

Mr. Rodman replied a little bit of it all. What would you do if you had to cut 10%? Where are the prioritization opportunities? Where could you invest to save money? Where should we be looking at consolidating with the municipalities?

Mr. Baer asked, where would you charge fees?

Mr. Sommerville stated if we were doing capital construction and did not know how much money we would get, we would ask our staff to give us a list of the projects they would

like to see us fund, but we would not ask them to stop at a certain dollar amount. We would go beyond that. Similarly, he does not know Mr. Kubic's exact instructions, but he is guessing it was what you would do in the event of a 10% budget cut.

Mr. Hill stated the document was provided on the first week of September. Staff also provided a description of services. We are looking for direction. We are in a stalemate of Council providing the criteria. This is going to be more difficult than the budget. There is going to be areas of interest that each council member gravitates to. We need to understand the criteria we need to grab.

Mr. Sommerville suggested we go deeper than the 10%. Suppose the budget was to be cut by 20%, how would you prioritize those cuts? We already said there will probably be areas we do not want to cut as much as others. We are the ones who ultimately make the decision of who gets cut and by how much. Similarly, what fees are charged? We are the ones who will take a look at the mandates and decide we are not going to do that anymore. 10% is not enough. If the average is 10% then someone will need to get cut 15% and someone will get cut 5%. If we knew what the Sheriff would do with a 20% cut, that would be helpful. The School Board did something like this. When you ask them to look at where they would cut the 20%, ask where they would start charging fees. Someone needs to tell us what we are doing because we are told we have to do it. That is something we can look at as a body. There are so many different pieces to this puzzle.

Mr. Flewelling said he liked Mr. Sommerville's idea. It is combined with a series of workshops, pre-Council meeting, letters and reports from staff heads. He cautioned administration to avoid allowing over dramatization in these reports. We should keep this on a realistic framework.

Mr. Stewart stated one way of looking at budget is starting at a zero-based budget. You are starting at zero and ask what is the minimum needed to perform the minimum amount of services needed. When you build it up that way, every penny you are spending is an investment. What you are looking at is the state of the economy in Beaufort County and saying where do we need to invest the dollars to perform the services absolutely necessary. Where do we make additional investments so we get the cause and effects we want to help society turn around, help us get out of this recession, and help us get out of the financial bind we are in? Those are things we also need to look at when we do this. Not only what are the minimum services but where are we making the investment and the cause and effect that we need to turn the economy and the area of the region around.

Ms. Von Harten said she thinks we need to take a look at our processes. We keep talking about the numbers, but we have processes in place that have been "set in stone" over the past few decades. We are going into a different world. It is never going to be like it was in 2000 and the boon years. We are going to a different style of communication, public participation (Facebook), and she assumes we all have constant contact newsletters in the next couple of years. We are going into a different era of how information is created, how it flows and how it is shared. We are making a mistake if we think only of the numbers. We need to look at the processes, new

software we have, and see what opportunities that provides. Look at how communication happens, so we do not have a situation like Daufuskie where one department is working on one thing and another department on another thing. There is lack of communication. There are some fundamental processes have to do with how we share information with staff and with ourselves. Staff tries to keep as much as possible from us. They try to protect us from the nitty-gritty. They do not want us to get too bogged down in it. They do not want us to lose faith in them. The more open government processes become, the more “nitty gritty” we will see. We are going to have to be able to react to that “nitty gritty” in an effective way. Sometimes it is going to be tough, like the Development Review Team meetings. It is great to have transparency but we have to create mechanisms for handling the reaction to that transparency. This is about processes and fundamentally different look at our processes.

Mr. Hill says he speaks daily to Mr. Kubic who informs him of the change in the last four years. Our goal is to give Council every piece of data we can provide. We do it in a media which we should do more training on. We have an open source media. Mr. Baer and I talk about providing him with the details, line items. Everything we have in front of Council, whether financial, planning, or public safety, is in the open media. We do that by design. All we are trying to do is get this body to provide us with some criteria so we can come forward to Council with what you are asking. We need a little guidance in going there. He stated he disagrees with Mr. Rodman. Council knows what their constituents are going to say if we cut and slash areas, we do not. We can provide Council with a plan, but you all will have to deal with it. We have a thought process of metro services. We have been putting that in place with the Planning Office. We have been working with the School Board. Everything we are doing is trying to figure out ways to economize what we have. The best economy is efficiency. We need help in understanding where you all are going forward, so we can put the plan in place.

Mr. Sommerville stated Colorado Springs is probably the worst city in the country right now in terms of finances and what they are doing. They are cutting vacant positions, encouraging early retirement, reducing parks maintenance, reducing fire fighters, reducing police jobs, and recreation departments are being laid off.

Mr. Baer stated in doing this minus 10% exercise, we have to come up with about \$10 million in cuts, including reallocation. Another thing that has to be on the table is the employee health insurance contribution. The percentage they have to pay. We have to look at that also to see if there is any money we can save there. He stated he sees a list forming of 10 pluses and minus that would be his contribution. We owe that to staff. With staff recommendations, we can come up with the first cut.

Mr. Hill asked for some level of guidance. This does not have to be iron, clad, and stone. Staff needs something to start working with, to lead staff in the right direction.

Ms. Von Harten stated Council gave signals to staff during the budget process.

Mr. Hill stated staff had three parameters, and there were three goals. What happened was that we did not get to the “nitty gritty” when it came to finances. The goals were to get a balanced budget. No tax increase.

Ms. Von Harten stated that was not generally agreed upon. Some wanted a tax increase.

Mr. Hill stated with a 10% increase in health insurance, you have to cut something, somewhere. Mr. Starkey and the finance group did a phenomenal job in looking at the “nitty gritty” to say Council does not want a tax increase, the budget has to be \$104 million. That is what they did. Council approved it 10:1.

Mr. Dawson stated staff is looking for guidance from Council. Mr. McBride gave the best suggestion for us to do a survey of our department heads and see what their feeling and thoughts are as far as doing the percentage cut that we asked for. This would give us a view of our departments and what they need. That can come back to Council and give us the time to look over it and either take their suggestions or evaluate what they gave us. We can then give suggestion/directions how we want to proceed from there. Is that workable?

Mr. Newton stated there are two items we have that we are blending together, but maybe we should not blend together. Our policy agenda to review our services and prioritize what those are has budgetary implementations, but it is not intended solely to be done in the context of reducing expenditures. It is what are we doing? What, perhaps, should we be doing differently? The recession creates pressures on some segments of the services we provide that we may be looking at needing to respond. Tied to that is the management agenda of Smart Decline. Staff started on that with the 10%. It may need to be 20%. Mr. Hughes said we are likely to have a smaller tax base as we move forward. Maybe the Smart Decline and financials issues should stay with the Finance Committee. Then the Executive Committee could focus on the services review and prioritization. The two are going to have to come back together at some point. What we said at the Retreat is that we were going to do a complete service inventory. Maybe that is where we need to start – the biggest spender, down. We can then get a full and complete evaluation. We can then try to develop our criteria for prioritization.

Mr. Baer stated the Libraries, Public Safety, Magistrate, attorneys, public defenders; Elections and Voter Registration, PALS, Solid Waste, Traffic Management, and Emergency Management Services all stand out.

Mr. Newton wanted to know if that gives a complete service report. Mr. Baer stated these are the 75 major areas of services. Mr. Newton corrected him – it is the 75 areas of spending, and services.

Mr. Baer wanted to know if there are services, that we are providing, that are not on the list.

Mr. Stewart stated they appear to be broken down by department, not service.

Mr. Baer stated from the names we know what they provide.

Mr. Hill stated every one of those line items have a description of services that was presented to Council, two to three months ago. If you define PALS, you will get a list of 16-17 services they provide. He believes the description of services is there, as well as the department buckets for dollar amounts.

Mr. Newton thinks the service inventory still needs to be done and maybe it can be done by virtue of the two documents provided. There are some things we need to look at.

Mr. McBride stated he would like to see a list of the things we are required to do by law, and the things we are doing.

Mr. Flewelling stated there may be services where we are receiving compensatory fees that it might not be a mandatory service, but it is fairly close to breaking even and improves our quality of life. It basically is revenue neutral.

Mr. McBride stated sometimes it costs more to collect the fee than what the fee is worth.

Mr. Stewart stated his understanding is that if we provide a fee and collect a fee, then that fee has to go to that service, not the general fund. If you are thinking about tacking on fees as another form of a tax, it has to be related to the service it provides.

Ms. Von Harten stated library late fees go into the general fund.

Mr. Newton stated they go to offset the amount of contribution.

Ms. Von Harten wanted to know if the room had been painted. Mr. Hill replied one wall. She stated she wants to tear all of this stuff down. She is used to work environments where there is paper all over the place and bulletin boards, so people can write stuff down and draw pictures for connections. She feels we are sitting here and spitting these words out, expecting Mr. Hill to catch them in a net. There are some ways of thinking and doing business, which we do not do it that way. That is how they do it at law firms, but not at design firms. Maybe we can strike some balance.

Mr. Hill stated we will be giving all committee chairmen a spin on the new Smart Board so we can start doing that. Unfortunately, it was just installed last week. We will be able to do that in the future.

Mr. Newton stated Mr. Baer's suggestion of taking this and melding it with the description of services to begin to go by, from those would we be able to establish criteria for prioritization or is there a need for an expanded description of service inventory.

Mr. Hill stated the description of services provided is in prioritized order by the department (staff). Mr. Flewelling made the comment that we need to understand mandated

versus non-mandated. We will figure that out. We need to know that because it helps with this process. Now we are going to have a debate on what is mandated verse non-mandated. Staff may say something is non-mandated, but Council may feel it to be mandated.

Mr. Flewelling stated mandates are a function of law – required by the constitution. There are also political mandates. He stated he wants to know what we are required to do by law.

Mr. Stewart stated there are mandated services, but there is also a level that is mandated. You may be well above the level that is mandated. You will still have to look at the services to see if more is being required, than what is mandated. It is a very complex issue. We are over simplifying.

Mr. Hill stated Council may find it too complex when the lists are married.

Mr. Newton wanted to know if this should be a workshop for all of Council or should the Executive Committee meet again. This was not intended to be a short exercise. If ultimately, our goal is to get to a criteria for prioritization, then we need to outline what the material is and get the whole Council together to establish that criteria.

Mr. Hill stated his understanding is the 75 line items and the description of services document (that will need to be regenerated) be merged together, and legal mandates and levels be presented. This Committee will meet again before the next Council meeting.

Status: No action required.

2. Status of 2010 Retreat Action Items

Discussion: Mr. Newton reviewed the Action Outlines Agenda.

Airport Master Plan for Hilton Head Island

Mr. Newton stated that is on track, based on the timing, through the Public Facilities Committee.

Rural and Critical Lands: Current Program, Future Direction

Mr. Newton stated we decided no referendum in November. We ought not to lose sight of the future, thinking about a potential referendum in 2012, sooner rather than later we need to be thinking of a green print update and what that would mean. We do not want to get halfway through next year then talk about it. They have already recommended us to put it back on the ballot. Is that in the works? Should we do it?

Mr. Sommerville replied, yes and yes.

Mr. Newton stated it is a Council decision of whether or not we are going to update the green print.

Mr. Sommerville stated it will come forward to Council, along with the 2012 ballot.

Water Quality Issue

Mr. Newton stated this was one of the casualties of the budget. Mr. Hill stated there is a line item in the FY2011 budget – approximately \$110,000. It is included in the line item document provided. It was put in as a placeholder, because we were waiting for this group to see if that is still a Council priority. If so we have a placeholder for that office to get started with some matching grants, working with the Waddell Mariculture Center, working with Department of Health and Environmental Concerns (DHEC), working with University of South Carolina - Beaufort. There is a placeholder if Council wants to move forward with it.

Mr. Stewart wanted to know if DHEC has gotten back with the County Administrator.

Mr. Hill replied he does not know but he will craft notes for Mr. Kubic and will get an answer for him.

Countywide Form-Based Code

Mr. Hill stated we have placed approximately \$250,000 (over a two year period) for that, in the budget. That is in support of Mr. Criscitiello. We are on time with that.

Mr. Newton stated we have awarded the contract and there is nothing else to do with this item.

BMP Manual: Update

Mr. Newton wanted to know if we are on target next month. Mr. Hill stated he will have to speak with Mr. McFee and Mr. Ahern. He believes we are.

Spec Building / Commerce Park

Mr. Stewart stated we contacted utilities. Mr. Kubic was given a new mandate, with fewer restrictions, to go back to the bank and negotiate. He sent a letter out last week to the bank. He is also talking with Jasper County to see if there is a possibility of working together and cost sharing. A Request for Qualifications (RFQ) went out for the building and that is back. We have reviewed the responses, picked a subset of the companies. We are sending them letters and will begin working with them for details and specifics. That is the Committee review. Everything is moving forward and is dependent upon Mr. Kubic's negotiations and what Council wants to do.

Alternative County Revenues / Fees Update

Mr. Rodman stated we are behind the curve in terms of the original dates. It makes sense to run it parallel with the exercise we talked about.

Mr. Sommerville stated when the Departments come back with their suggested list of services to cut, suggested, he would like them to also inform Council about what fees can be to charged.

Mr. Hill wanted to know if we will be speaking to the Sheriff about this as well.

Mr. Sommerville stated it is not just the Sheriff, but all elected officials.

Mr. Hill wanted to know who is going to take the lead to talk to the elected officials.

Mr. Flewelling stated he believes that falls to the Chairman.

Mental Health and Disabilities and Special Needs Program

Mr. Newton stated that was taken care of through the budget process. Mr. Hill stated Disabilities and Special Needs (DSN) received more revenue than budgeted last year. Their fund balance helped us build the new house Council approved.

Solid Waste Disposal and Recycling

Mr. Hill stated we are in a hold pattern. What we are talking about today pushed us back. We had that out there; it is still out there. There is also some talk about the reduction of hours potentially or the re-establishment of services. We have to look at other components. That process needs to happen. We are moving forward with it.

Mr. Newton stated in the last week we stepped up our inquiries of folks showing up at our convenience centers asking them where they are from. He says he had a handful of people call saying they are a property owner, but their driver's license is not in Beaufort County so they were turned away from throwing garbage. If I am a taxpayer how come I cannot throw my garbage? The point is, he stated, he does not know if we have a good mechanism for handling that issue. He told people to take a copy of their tax bill.

Mr. Hill stated he and Mr. Kubic talked about a criteria process but have to vet that first.

County Campus Building Renovations

Mr. Hill remarked in February 2010 Council awarded a sole source contract award to Glick Boehm Architecture in the amount of \$725,000 for design services for the Courthouse, the Administration Building and the Detention Center Rehabilitation. Structure documents are due February / March 2010. We will be coming to Council with redesign cost of this campus. Mr. Starkey and he envision this project as a design build with two or three funding mechanisms.

The settlement money is being used to pay Cliff and Boeing. Once we go forward with the bond, we will not be borrowing the full amount.

Mr. Stewart stated if that were to be postponed, is the building in such bad shape that the delay would cause additional costs. Mr. Hill stated when we get construction document in place we will have a complete presentation and will have Council's full and undivided attention as to what they want to do.

Mr. Baer wanted to know when we will see the CIP. Mr. Hill replied Mr. McFee and group provided us with their 5-10 year look.

St. Helena Island Library at Penn Center

Mr. Hill stated we are waiting for a letter from the U.S. Department of Agriculture (USDA) concerning our grant. If we do not have a commitment on funding, were going to have to look at a different angle.

Mr. Baer wanted to know if an architect is supposed to come out with a plan by the end of the year

Mr. Hill stated that has been put on hold.

Mr. Newton wanted to know if there is a problem with the grant.

Mr. Hill replied no. Washington needs to provide the documents saying we are receiving a \$2.5 million grant and a loan of 4% over 40 years. Why should we spend money until we get that firm commitment?

Mr. Newton wanted to know if there is a time frame on when we will know something.

Mr. Hill informed the Committee he received a call three weeks ago saying we will get a note of some sort within the next two weeks. It has been three weeks though.

Financial Planning and Reporting

Mr. Starkey stated we went through, in April, what we had at that time. We went through and reconciled it down to the cash we have. To get to that point, he stated, he met with engineering and found out what we completed and moved all monies into contingency. Thereafter, the new process coming forth, Engineering will be showing what we are looking at over the next five years. From that, we will take whatever remains if we can, in contingency. We must keep in mind that for the existing project we will need to leave a little there. We can take the other monies, and figure out the X amount of borrowing needed in out years. That will be a presentation in the short future.

Transportation Model: Update

Mr. Newton stated that will move forward with the next census. Mr. Criscitiello concurred.

Financial Policies: Review

Mr. Rodman stated this will have to be brought before the Committee in the near future. We will probably have numerous policies to bring forward. We will do them incrementally.

Compliance Officer for Small and Minority Owned Business Program

Mr. Newton wanted to know if this is in the budget.

Mr. Hill replied in the affirmative. As of today, we have not hired anyone. Mr. Starkey crafted a way for us to go forward on this. Currently, we have 78 unfilled vacancies. We may have to shift or reallocate going forward. If this body says we not put this position in the Smart Decline, and we decide to hire someone, we have the money to do so.

Mr. Newton stated this is something the Community Services Committee should take up. He stated it is his interpretation that this is a Retreat item. Rather than getting hung up in the Smart Decline where we may not have a decision for 6-8 months, it was ranked as a high priority for management to move forward this year. It seems we cannot go in standstill mode.

Transfer of Development Rights

Mr. Sommerville stated we are moving forward at a reasonably fast pace for a pilot project in the Northern Plan Implementation Committee. The Natural Resources will be hearing from that in the near future.

Daufuskie Island Plan

Mr. Newton stated this item has been moved through the processes.

Emergency Medical Services

Mr. Newton stated a consultant has been hired and a study is underway.

Status: No action required.

NATURAL RESOURCES COMMITTEE

October 4, 2010

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

The Natural Resources Committee met on Monday, October 4, 2010 at 2:00 p.m., in the Executive Conference Room, Administration Building, 100 Ribaut Road, Beaufort, SC.

ATTENDANCE

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

County Staff: Tony Criscitiello, Division Director – Planning and Development; Dan Ahern, Stormwater Utility Manager

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

Public: Reed Armstrong, Coastal Conservation League; Russell Baird, Marine Corps Air Station Community Planning Liaison, David Tedder, local attorney and applicant representative.

Mr. Sommerville chaired the meeting.

ACTION ITEMS

1. Consideration of Contract Award – Water Quality Monitoring Contract

Discussion: Mr. Dan Ahern, Stormwater Utility Manager, presented the water quality monitoring contract, which continues on the second year of the monitoring contract. Last year, there was a major countywide selection process to select GEL Engineering, of Charleston, South Carolina, as the countywide monitoring contractor. This year, we are coming in with the second year contract which allows for up to five years continuation. The new contract is for \$123,543, which is less than last year's price of \$169,535. The decrease is due to the elimination or reduction of some short-term monitoring sites. The proposed contract has two separate scopes: 1. monitoring north of the Broad River and 2. monitoring south of the Broad River. The separation is necessary because the City of Beaufort and Town of Port Royal will be contributing approximately $\frac{1}{4}$ of the cost for monitoring north of the Broad River. The primary purpose for monitoring is to establish long-term trend stations (10 years), to establish existing water quality and to document improvements made through retrofitting. According to contract documentation, the contract applies from November 1, 2010 to October 31, 2011, with the County having discretion to renegotiate or change the scope of work at the end of the year. This is budgeted in the Stormwater Utility fund account.

It was moved by Mr. Rodman, seconded by Mr. Flewelling, that Natural Resources Committee approves and recommends to Council the approval of the award of the Water Quality Monitoring Contract of \$123,543 to GEL Engineering, of Charleston, South Carolina.

Mr. Rodman asked on the southern Beaufort County portion of this, whether Bluffton was a financial partner in the first year. Mr. Ahern said they were not, but they contract separately with GEL in a coordinated effort.

Mr. Flewelling noted some of the monitoring sites will be in Battery Creek and the Beaufort River. Where in those waters? Mr. Ahern answered; they continue the ones already there. There is one new site, which was in southern Beaufort County which we will move into the Capers Creek area.

Mr. Baer asked if there is a reason the towns of Hilton Head and Bluffton are doing this separately. Mr. Ahern said they jointly selected the firm and they decided they were more comfortable with doing separate contracts. Hilton Head has a monitoring system pre-dating the County's monitoring system.

Mr. Rodman noted if two organizations separately contract and say they will coordinate, you will pay more and get less.

Mr. Sommerville asked about the Albergotti Creek where Parris Island dumped and whether the County would begin monitoring. Mr. Ahern said the state set up new monitoring there, with potential for major changes in regard to shellfish areas with the closing of the Marine Corps wastewater treatment plants.

Mr. Baer asked for a map with all the sampling points illustrated. Mr. Ahern said he would prepare it for Council before its October 11th Council meeting.

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

Recommendation: Council approves the award of the Water Quality Monitoring Contract of \$123,543 to GEL Engineering, of Charleston, South Carolina

2. **Port Royal Island Zoning Map Amendment / Rezoning Request for R-100-21-20 and 416 (8.29 acres) from rural with transitional overlay and rural-residential with transitional overlay to commercial suburban; Owner / Applicants: Timmark General Partnership / M. Carey and T. Schwartz**

Discussion: Mr. Criscitiello, Division Director Planning and Development, stated the applicants came to his office in August to ask whether there was receptiveness by the County to rezone their property to Suburban Commercial. At that time, I informed them I had no opposition to commercial zoning however the County was on the verge of rezoning the code to form-based code, which would have an effect on the staff recommendation, he said. The staff recommended

denial, with that as a consideration until such a time that the form-based code is put in place and a charette for Burton area performed the consideration of rezoning should be postponed. The Planning Commission heard the staff recommendation in September and was not persuaded, but rather felt the applicants waited long enough for resolution on the zoning of their property. Mr. Carey and Mr. Schwartz noted at the Planning Commission meeting prior to 1999 the property was zoned commercial. A massive countywide rezoning took place changing the zoning, Mr. Criscitiello explained. The applicant stated given the current use of the property, residential storage facilities, his nonconforming status hurts him in regard to bank loans, which allow refinancing of the facility. The Planning Commission made its decision based on the opinion that making the applicant wait any longer would be unfair and an imposition on him, despite staff's recommendation to wait, Mr. Criscitiello said. He proposed that if the Natural Resources Committee accepts the spirit and intent of the staff's recommendation to defer action on this until such time as a charette is held to garner a vision for the area, in the interim the applicants could appear before the Development Review Team (DRT) and proceed through the process of acquiring special use on the property. This would give the opportunity for the use to transform itself from nonconforming to conforming through special use. The applicant's ability in dealing with the bank may be allayed. This is approximately the same time it would take to go through three readings for rezoning. The net effect of rezoning could be detrimental in terms of the County's long-range interests and vision for the area, he stated.

Mr. Sommerville noted commercial zoning allows for many, many uses, and that the property is right outside the gate of Laurel Bay. Despite the Marine Corps not having a legal interest, they have an interest in what happens here. Mr. Baird said they are okay with anything as long as it is not offensive or in violation of family housing philosophy.

It was moved by Mr. Flewelling, seconded by Mr. Stewart, the Natural Resources Committee refers the proposed Port Royal Island Zoning Map Amendment/Rezoning Request from Rural with Transitional Overlay (R-TO) and Rural-Residential with Transitional Overlay (RR-TO) to Commercial Suburban (CS) back to the Development Review Team with the intent of beginning the process for special use permitting. The vote was: FOR - Mr. Baer, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville and Mr. Stewart. The motion passed.

Recommendation: Council refers the proposed Port Royal Island Zoning Map Amendment / rezoning request from Rural with Transitional Overlay (R-TO) and Rural-Residential with Transitional Overlay (RR-TO) to Commercial Suburban (CS) back to the Development Review Team (DRT) with the intent of beginning the process for special use permitting.

3. Consideration of Adoption / Charter of Beaufort-Port Royal Metropolitan Planning Commission

Discussion: Mr. Criscitiello updated the Natural Resources Committee on the status of consideration of adoption of a charter for the Beaufort-Port Royal Metropolitan Planning Commission. He informed the Natural Resources Committee that Council Chairman Weston Newton wrote letters to southern Beaufort County municipalities informing them of the intent to

charter a Beaufort-Port Royal Metropolitan Planning Commission. At this Committee's last meeting, there was a recommendation the County contacts the municipalities and Jasper County regarding the creation of the Metropolitan Planning Commission. In Mr. Newton's letter he also stated he believes this is an opportunity to revive the Southern Regional Implementation Committee to discuss the proposed action and the potential impact on the municipalities and unincorporated areas of southern Beaufort County. The Town of Hilton Head Island was the only one to reply; Mayor Peebles indicated the Town had no problem with the County moving forward. Mr. Criscitiello said he spoke offline with his counterparts in the Town of Bluffton and they fully understand what the County is attempting to do, as well as the implications, but they will probably not send a letter. The City of Beaufort and the Town of Port Royal are most anxious to move forward, he stated. He proposed the Natural Resources approves and forwards this onto Council as a resolution to create the Metropolitan Planning Commission and establishing a six-member board, two of which are appointed by the County Council.

Mr. Sommerville added this was tabled pending input from other municipalities, which they now have.

It was moved by Mr. Flewelling, seconded by Mr. Dawson, that the Natural Resources Committee approves and recommends to Council the adoption of a charter of the Beaufort-Port Royal Metropolitan Planning Commission.

Mr. McBride noted bringing the proposed forward as a resolution it would expire at the end of the calendar year when the new Council is seated, according to a recent legal interpretation. If we hold to that, this would have no effect come January. Mr. Criscitiello then amended his recommendation to say he recommends bringing this forward for first reading as an ordinance.

Mr. Flewelling suggested approving as a resolution and working toward an ordinance later because the City of Beaufort and Town of Port Royal are ready, willing and able to get this rolling.

Mr. Dawson questioned why Council goes the route of a resolution when Mr. McBride just explained why the County should go forward with an ordinance instead. Mr. Sommerville explained it would expedite the process to allow the Metropolitan Planning Commission to get started earlier.

Mr. Criscitiello stated upon further consideration if the County moves forward with the ordinance, the charter will have to go back before the Planning Commission because no ordinance can be presented to Natural Resources without it first being presented to the Planning Commission.

The Natural Resources Committee decided to move forward with a resolution, then to pursue an ordinance.

Mr. Stewart stated he is disappointed with the response in southern Beaufort County, the lack of foresight in trying to understand this and his interpretation says there is an unwillingness to work together in the joint Southern Regional Implementation Committee. He is very disappointed in this turn of events, he said. Then, he added he hoped it would be a catalyst to bring groups south of the Broad River back together to work on a vision.

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

Recommendation: Council adopts a charter of the Beaufort-Port Royal Metropolitan Planning Commission.

4. Off-agenda Item – Appointment to the Beaufort-Port Royal Metropolitan Planning Commission

It was moved by Mr. Flewelling, seconded by Mr. Rodman, that the Natural Resources Committee considers an off-agenda item. The vote was: FOR - Mr. Baer, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville and Mr. Stewart. The motion passed.

Discussion: Mr. Flewelling said he wants to put forward Mr. Jim Hicks, chairman of the Planning Commission, and Mr. Robert Semmler, Port Royal Island representative on the Planning Commission, as the County Council appointees to the Metropolitan Planning Commission. Mr. Criscitiello concurred he would also recommend those two people to serve on the Metropolitan Planning Commission.

Mr. McBride said he is not in opposition of the appointment, but wanted to note the Committee did not know of the decision to appoint to the commission beforehand.

It was moved by Mr. Flewelling, seconded by Mr. Rodman, the Natural Resources Committee forwards Mr. Jim Hicks and Mr. Robert Semmler to Council as candidates for appointment to the Beaufort-Port Royal Metropolitan Planning Commission. The vote was: FOR - Mr. Baer, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville and Mr. Stewart. The motion passed.

Recommendation: Council approves the appointment of Mr. Jim Hicks and Mr. Robert Semmler to the Beaufort-Port Royal Metropolitan Planning Commission.

5. Off-agenda Item – Creation of a development agreement negotiating team for Myrtle Park

Discussion: Mr. Sommerville said without objection, he wanted to bring up a request to appoint a development agreement negotiating team for an extension of the Myrtle Park Development Agreement, off Burnt Church Road in Bluffton. He noted Myrtle Park is in Mr. Newton's district.

Mr. Tedder came to the table to represent Myrtle Park's owners. He stated: The development agreement was done ten years ago with multiple owners. The Bluffton Parkway 5A runs through this area and as part of the development agreement there was an ability to go through there. The development agreement was done ten years ago and we are asking for an extension now that the road is going in. We have partially performed our part of the development agreement, which was to give a five acre tract to the County, which we ended up through a trade-off giving to **Yoven-Bluffton Commercial Park** a few years ago. This is an extension so we can continue to perform under terms of the original development agreement as 5A runs through there.

Mr. Sommerville stated he would like to appoint a subcommittee to take on that task and consistent with our history would like to include the Natural Resources Committee's chairman and vice chairman, as well as the Council member representing the area in question.

It was moved by Mr. Flewelling, seconded by Mr. Baer, that the Natural Resources Committee creates a development agreement negotiating subcommittee to consider an extension to the Myrtle Park development agreement. The vote was: FOR - Mr. Baer, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville and Mr. Stewart. The motion passed.

Recommendation: Council approves creation of a development agreement negotiating subcommittee to consider an extension of the Myrtle Park development agreement.

INFORMATIONAL ITEM

1. Consideration of Reappointments and Vacancies – Southern Corridor Review Board

Discussion: Mr. Sommerville requested delaying the appointment to the Southern Corridor Review Board pending input from the Town of Bluffton.

Status: Consideration of appointment to the Southern Corridor Review Board be delayed until review from the Town of Bluffton.

2010 /

BEAUFORT COUNTY ZONING MAP AMENDMENT / REZONING REQUEST ON PORT ROYAL ISLAND ZONING MAP AMENDMENT/REZONING REQUEST FOR R100-21-20 & 416 (8.29 ACRES TOTAL), FROM RURAL WITH TRANSITIONAL OVERLAY AND RURAL-RESIDENTIAL WITH TRANSITIONAL OVERLAY TO COMMERCIAL SUBURBAN.

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

Adopted this ____ day of _____, 2010.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:

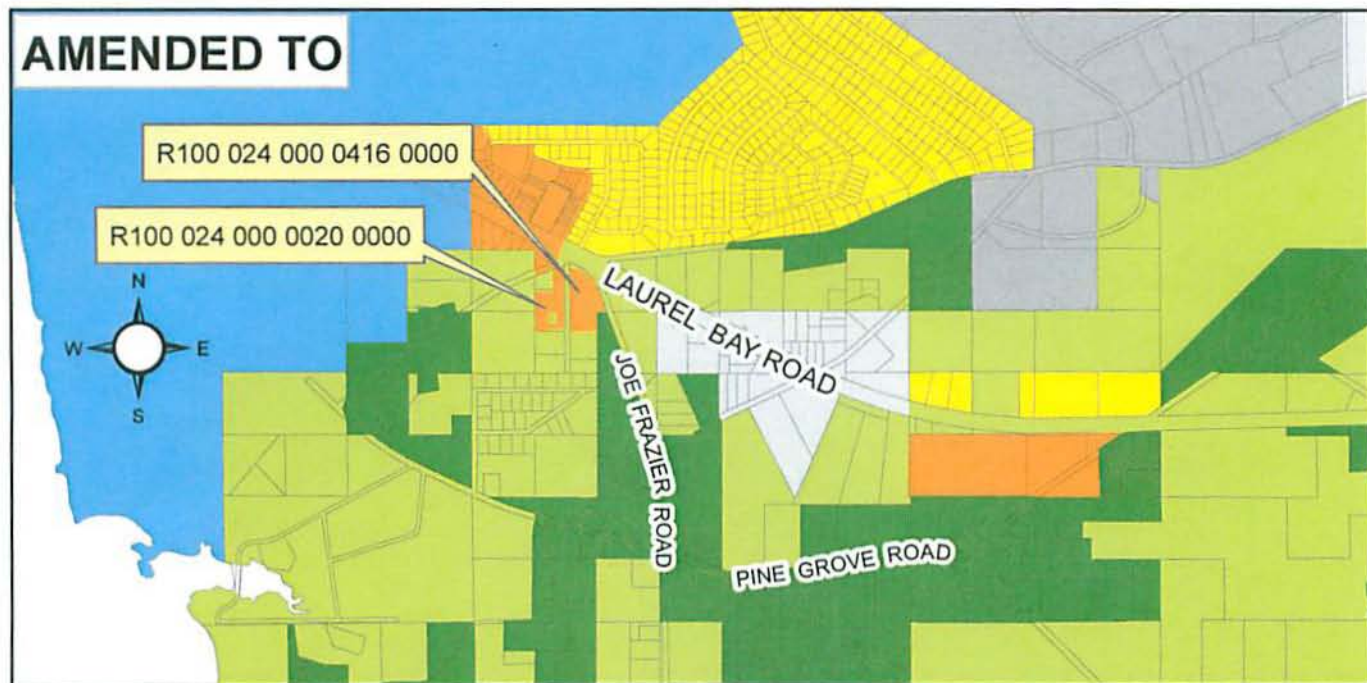
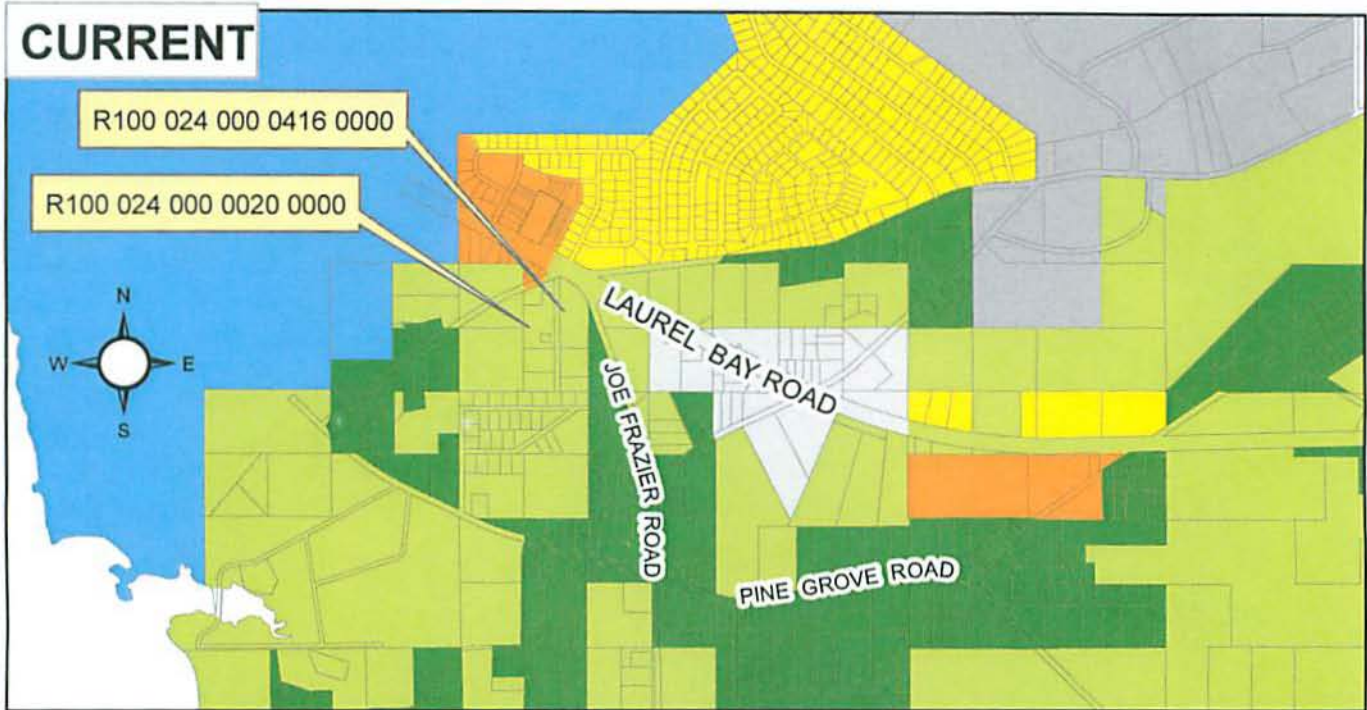
Ladson F. Howell, Staff Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

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

(Amending 99/12)

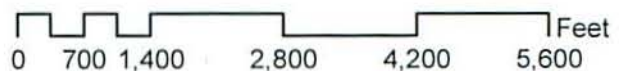


R100 024 000 0020 0000 & R100 024 000 0416 0000

REZONING AMENDMENT FROM RURAL TRANSITIONAL OVERLAY & RURAL RESIDENTIAL TRANSITIONAL OVERLAY TO SUBURBAN COMMERCIAL

LEGEND

- Rural Transitional Overlay
- Rural Residential Transitional Overlay
- Suburban
- Commercial Suburban
- Military
- Light Industry
- Industrial Park



PUBLIC FACILITIES COMMITTEE

September 28, 2010

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

The Public Facilities Committee met on Tuesday, September 28, 2010 at 4:00 p.m., in the Executive Conference Room of the Administration Building, Beaufort, South Carolina.

ATTENDANCE

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

County staff: Eddie Bellamy, Public Works Director; Colonel David Brown, Sheriff's Office; Bob Klink, County Engineering; Rob McFee, Division Director - Engineering and Infrastructure; Mark Roseneau, Public Facilities Director; David Starkey, Chief Financial Officer; Dave Thomas, Purchasing Director.

Public: Jane Frederick, Frederick and Fredrick Architects.

Media: Luke Thompson, *Beaufort Gazette/Island Packet*.

ACTION ITEMS

1. **Consideration of Contract Award**
 - **Sheriff's Office SWAT Building Improvements**

Discussion: Committee Chairman Herbert Glaze reviewed this item with the Committee. On September 1, 2010, Beaufort County accepted bids for County Sheriff's Special Weapons and Tactics (SWAT) Team Building Improvements. The SWAT team office is located at 1021 Okatie Highway, Okatie, SC. This project will include the addition of 1,136 square-feet of office space, improvements for the existing building and construction of a 3,000 square-foot warehouse. The following companies submitted bids:

Company Name	Bid Price
Gordon Construction, Inc. Bluffton, SC	\$541,705
Emory J. Infinger & Associates Charleston, SC	\$549,200
I.P. Builders, Inc. Walterboro, SC	\$551,430

Company Name	Bid Price
Reclamation by Design, Ltd. Bluffton, SC	\$560,545
Beaufort Construction Company Beaufort, SC	\$560,545
Tom Peebles Builder, Inc. Hilton Head, SC	\$592,382
Blue Ridge Enterprises, Inc. Mt. Airy, NC	\$631,900
Boykin Contracting Columbia, SC	\$752,758
Architect's Estimate	\$626,000

Bid prices include base bid, plus Alternative 1. Alternative 1 is for the removal and replacement of four windows and two doors.

Gordon Construction, Inc. submitted the lowest qualified/responsible bid of \$541,705. Their bid was reviewed and found to be reasonable and is in compliance with the County's Small and Minority Business Ordinance. There is no apparent cause for rejecting their bid.

Funding source for this project is the FY07 CIP Account #11437-54464 Law Enforcement, which has a total current balance of \$1,301,772. Additionally, it is recommended a construction contingency of \$54,170 be approved for this project also from the FY07 CIP Account #11437-54464. Total project budget for construction would be \$595,875.

It was moved by Mr. Flewelling, seconded by Mr. Dawson, that the Public Facilities Committee approves and recommends Council awards a construction contract to Gordon Construction, Inc., in the amount of \$541,705 with a construction contingency of \$54,170 for the County Sheriff's SWAT Team Building Improvements. The funding source for this project is the FY07 CIP Account #11437-54464 Law Enforcement, which has a total current balance of \$1,301,772.

Mr. Stewart questioned the reason for the built in contingency.

Mr. McFee informed him it is in the event of it being needed, for staff to make a decision, rather than it come before Council.

Mr. Starkey stated the building has asbestos and it is to deal with that situation.

Motion to amend by addition.

It was moved by Mr. Flewelling, seconded by Mr. Dawson, that Public Facilities Committee approves the contract award, with the contingency, that in the event the contingency is used, the Public Facilities Committee is to be informed. The vote was: FOR – Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Sommerville and Mr. Stewart. ABSENT – Mr. Baer. The motion passed.

Vote on the amended motion, which is now the main motion and include the motion to amend by addition.

Council award a construction contract to Gordon Construction, Inc., in the amount of \$541,705 with a construction contingency of \$54,170 for the County Sheriff's SWAT Team Building Improvements. In the event that the contingency is needed and used, the Public Facilities Committee is to be informed. The funding source for this project is the FY07 CIP Account #11437-54464 Law Enforcement, which has a total current balance of \$1,301,772. The vote was: FOR – Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Sommerville and Mr. Stewart. ABSENT – Mr. Baer. The motion passed.

Recommendation: Council awards a construction contract to Gordon Construction, Inc., in the amount of \$541,705 with a construction contingency of \$54,170 for the County Sheriff's SWAT Team Building Improvements. In the event that the contingency is needed and used, the Public Facilities Committee is to be informed. The funding source for this project is the FY07 CIP Account #11437-54464 Law Enforcement, which has a total current balance of \$1,301,772.

2. Consideration of Contract Award

• Shanklin Road Maintenance Building Additions

Discussion: Mr. Glaze reviewed this item with the Committee. On September 8, 2010, Beaufort County accepted bids for improvements to the County's Maintenance Building located at 120 Shanklin Road, Beaufort, SC. This project will include the addition of an open shed roofed area to be attached to the maintenance building and an enclosed storage area. The following seven companies submitted bids:

Company Name	Bid Price
Beaufort Construction Company Beaufort, SC	\$ 59,850
Whitewater Construction North Charleston, SC	\$ 61,800
JoCo Construction Beaufort, SC	\$ 71,400
Patterson Construction Company Beaufort, SC	\$ 68,302
Commercial Building Systems Ridgeland, SC	\$ 71,350
Newtech, Inc. Bluffton, SC	\$102,198
Brunson Building Supply Hampton, SC	\$106,300
Architect's Estimate	\$ 88,785

Bid price is the Base Bid plus Bid Alternative 2. Bid Alternative 2 for the additional cost to increase the floor slab thickness in the shed area.

Beaufort Construction Company submitted the lowest qualified/responsible bid of \$59,850. Beaufort Construction Company's bid was reviewed and found to be reasonable and is in compliance with the County's SMBE Ordinance. There is no apparent cause for rejecting their bid. Funding source for this project is the FY05 CIP Account #11435-54425 Renovations – Building and Grounds, which has a total current balance of \$88,227.

It was moved by Mr. Dawson, seconded by Mr. Stewart, that Public Facilities Committee approves and recommends Council awards a construction contract to Beaufort Construction Company in the amount of \$59,850 for the County's Maintenance Building Additions utilizing the funding from the FY05 CIP Account #11435-54425 Renovations – Building and Grounds.

Mr. Stewart wanted to know where the other parts of the fund (FY05 CIP) have been spent. Are these residual monies from the original project? Why do we have these monies here?

Mr. Starkey stated when we went through our CIP revamp in April 2005 we had a lot of contingency left.

Mr. Roseneau stated he believes it to be an original 2005 CIP project. It was held off because of other priorities.

Mr. Starkey stated what he presented in April, was account 11435-54425 is Renovations – Buildings and Grounds. The original budget, as a part of the original borrowing was \$96,300. We spent \$7,900. It is a part of the original borrowing.

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

Recommendation: Council awards a construction contract to Beaufort Construction Company in the amount of \$59,850 for the County's Maintenance Building Additions utilizing the funding from the FY05 CIP Account #11435-54425 Renovations – Building and Grounds.

3. Consideration of Contract Award

- **Wimbee Creek Boat Landing Improvements**

Discussion: Mr. Glaze reviewed this item with the Committee. On September 16, 2010, Beaufort County accepted bids for improvements to the County's Wimbee Creek Road Landing located at the end of Wimbee Creek Road in Seabrook, SC. This project will include the addition of a courtesy floating dock, which will provide easier access to Wimbee Creek. The following five companies submitted bids:

Company Name	Bid Price
Alpha Construction Company Savannah, GA	\$120,977
Salmons Dredging, Inc. Charleston, SC	\$132,200
Steadfast Marine, Inc. St. Helena, SC	\$143,000
R.L. Morrison & Sons, Inc. McClellanville, SC	\$149,279
O'Quinn Marine Construction Beaufort, SC	\$177,000
Engineer's Estimate	\$113,500

Alpha Construction Company submitted the lowest qualified/responsible bid of \$120,977. Alpha Construction Company's bid was reviewed and found to be reasonable and is in compliance with the County's SMBE Ordinance. There is no apparent cause for rejecting their bid. Alpha Construction Company is also the same contractor who worked on the C.C. Haigh Boat Landing improvement project during spring 2010 and completed the construction within a very short timeframe in order for the boat landing to be opened for Memorial Day weekend.

Beaufort County has an agreement with S.C. Department of Natural Resources (SCDNR) for boating access facility improvements. The County has been granted a budget from SCDNR of up to \$135,000 for renovations to Wimbee Creek Boat Landing. It is requested that funds for this project be used from the FY07 CIP Contingency Account #11437-56000 with a current balance of \$296,686. The FY07 Contingency Fund will then be reimbursed by SCDNR.

It was moved by Mr. Dawson, seconded by Mr. Sommerville, that Public Facilities Committee approves and recommends Council awards a construction contract to Alpha Construction Company in the amount of \$120,977 for the Wimbee Creek Boat Landing Dock Addition to be funded by the FY07 CIP Contingency Account #11437-56000 with a current balance of \$296,686. The FY07 Contingency Fund will then be reimbursed by SCDNR.

Mr. Dawson assumes this will be done in short order. Mr. Bellamy stated it would not, because of duck season starting, and fishing season. Work will begin in January.

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

Recommendation: Council awards a construction contract to Alpha Construction Company in the amount of \$120,977 for the Wimbee Creek Boat Landing Dock addition to be funded by the FY07 CIP Contingency Account #11437-56000 with a current balance of \$296,686. The FY07 Contingency Fund will then be reimbursed by SCDNR.

4. Off-Agenda Item – Janitorial Services for Beaufort County Facilities

Discussion: Mr. Glaze called for an off-agenda item for information regarding Janitorial Services for Beaufort County Facilities.

It was moved by Mr. Stewart, seconded by Mr. Flewelling, that Public Facilities Committee approves the discussion of an off-agenda item regarding the Janitorial Services for Beaufort County Facilities. The vote was: FOR – Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Sommerville and Mr. Stewart. ABSENT – Mr. Baer. The motion passed.

Mr. Dave Thomas, Purchasing Director, reviewed this item with the Committee. Beaufort County issued a Request for Proposals (RFP) to firms capable of providing janitorial services for Beaufort County facilities located both north and south of the Broad River (29 facilities north, and 12 in the south). The intent of the RFP is to select the most qualified responsive/responsible contractor whose schedule of service, support and price is in the best interest of Beaufort County. The scope of services will require the contractor to provide a complete and efficient janitorial service, including all reasonable and necessary labor, supervision, equipment, licenses, insurance, and supplies in order to keep the contracted areas clean and properly supplied. The evaluation committee consisted of the following seven members: Bud Boyne, Director – Drug and Alcohol, Wlodek Zaryczny, Library Director, Janet Petrock, Department of Social Services, Cristina Roberson, Parks and Leisure Services Director, Author Cummings, Building Codes Director, Mark Roseneau, Director of Facilities Management, and Paul Andres, Beaufort County Direct of Airports. Beaufort County received ten responses to the RFP. The evaluation committee reviewed and evaluated all responses, then selected the following three firms for interviews: Carolina Cleaning, the Budd Group, and Jani King.

After the interviews and based on the RFP evaluation criteria and experience, Carolina Cleaning was selected as the number one ranked contractor to provide janitorial services for Beaufort County facilities north and south of the Broad River.

Funding for this would come from accounts #33020-51210 (Public Facilities Cleaning Services \$544,154), #13580-51210 (Hilton Head Island Airport Cleaning Services \$71,256), #13570-51210 (Lady's Island Airport Cleaning Services \$6,900), which totals \$622,320.

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

Recommendation: Council awards a contract to Island Group Inc., dba Carolina Cleaning for janitorial services in the amount of \$622,320 for an initial contract term of one year with four additional on year contract renewal periods, all subject to the approval of Beaufort County Council. Funding for this would come from account #33020-15210 (Public Facilities Cleaning Services \$544,154), #13580-51210 (Hilton Head Island Airport Cleaning Services \$71,256), #13570-51210 (Lady's Island Airport Cleaning Services \$6,900), which totals \$622,320

INFORMATION ITEMS

5. Consideration of Contract Award

- **Land's End Public Beach Access Improvements (less than \$40,000)**

Discussion: Mr. Glaze reviewed this item with the Committee. Beaufort County has four beach accesses along Bay Point Road in the Land's End area on St. Helena Island, SC. There are only two existing stairways on site and they are both in bad shape, namely too narrow to meet any code requirements. In order to provide the public better, easier and safer usage to the Beaufort River beachfront at Land's End, Beaufort County Public Works requested that the Engineering Division issues a Request for Proposal (RFP) to design and build four new beach accesses. This including the construction of one, new 5-foot wide access stairway; replacement of two existing stairways with new 5-foot wide stairways; and the construction of one new Americans with Disabilities Act (ADA) compliant walkway at the end of Bay Point Road.

A Request for Proposals (RFP) was put out for qualified firms in June 2010. The design build proposal process differs from a typical construction bid in that the proposers submit concept drawings and outline how they will accomplish the project within the specified cost. The following four firms responded and provided proposals on August 5, 2010:

Proposer	Amount
Cleland Construction Company Ridgeland, SC	\$16,000
Patterson Construction, Inc. Beaufort, SC	\$44,203
O'Quinn Marine Construction, Inc. St. Helena, SC	\$58,525
Merit Marine Services, Inc. St. Helena, SC	\$59,045
Engineer's Estimate	\$45,000

A selection committee consisting of the Assistant County Engineer, Construction Manager, Facilities Management Director, Deputy Director for Facility's Management and Public Works General Support Superintendent assembled to review, evaluate and rank the proposals. This is a design build project and each proposer submitted their proposals based on their understanding of the work to be provided. Accordingly, each proposal was reviewed based on established criteria, including the proposers approach to work to be performed, the proposals

were ranked based on the “best value offered” rather than solely on the lowest price. Patterson Construction, Inc., was selected as the proposer providing the best value for the design and construction of this project in accordance with the requirements specified for the project. Patterson Construction’s proposal also complies with the County’s SMB Ordinance.

This project will be funded by Land’s End Public Access CIP Account #11435-54433 with a current balance of \$75,546.

It was moved by Mr. McBride, seconded by Mr. Flewelling, that Public Facilities Committee approves a contract award to Patterson Construction, Inc. to design and build the Land’s End Public Beach Access Improvements in the amount of \$44,203. Funding will come from the Land’s End Public Access CIP Account #11435-54433 with a current balance of \$75,546.

Mr. McBride inquired as to the year CIP.

Mr. Starkey stated it is a 2005 CIP, and is one of the original borrowings.

Mr. Sommerville wanted to know what we are getting for \$44,000 that we would not be getting for the \$16,000 (Cleland Construction bid).

Mr. McFee stated Cleland did not submit drawings.

Mr. Sommerville wanted to know if we will be opening new right-of-ways or are they currently there.

Mr. Bellamy stated the issue is the bluff eroded and so is the access. Issues as far as access have gone away. Currently there are no arguments for right-of-ways.

Mr. Stewart wanted to know if this fell under beach renourishment (3% local accommodations tax money) and if that would have been a better place of funding.

Mr. Starkey stated we could take it out of there, but we borrowed monies for this use.

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

Recommendation: Committee awards a contract to Patterson Construction, Inc. to design and build the Lands End Public Beach Access improvements in the amount of \$44,203. Funding will come from the Lands End Public Access CIP Account #11435-54433 with a current balance of \$75,546.

6. Off-Agenda Item - Bus Livability Project Grant

Discussion: Mr. Glaze called for an off-agenda item for information regarding the Bus Livability Project Grant.

It was moved by Mr. Dawson, seconded by Mr. Flewelling, that Public Facilities Committee hear an off-agenda item regarding the Bus Livability Project Grant. The vote was: FOR – Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Sommerville and Mr. Stewart. ABSENT – Mr. Baer. The motion passed.

Mr. Rob McFee, Division Director – Engineering and Infrastructure, informed the Committee of a teleconference call with the Federal Transit Authority (FTA) and South Carolina Department of Transportation (SCDOT) to continue to move the process forward. Next month there will be a presentation similar to that presented at the Beaufort Transportation Advisory Group (BTAG) meeting. In that time span, staff is trying to get as much information from FTA and SCDOT to make sure everything is in order. One issue of concern was the transit element. At this point, the FTA and SCDOT are telling us they expect us to look into the issue and do the due diligence in terms of a market and feasibility study to confirm we do not have the density for transit. Their guidance is that we are expected to look into and execute a study and implement the findings of the study.

Status: This item was for informational purposes only.

PUBLIC SAFETY COMMITTEE

October 4, 2010

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

The Public Safety Committee met on Monday, October 4, 2010 at 4:00 p.m., in the Executive Conference Room, Administration Building, 100 Ribaut Road, Beaufort, SC.

ATTENDANCE

Public Safety Members: Chairman Jerry Stewart, Vice Chairman Brian Flewelling and members Rick Caporale, Gerald Dawson, Herbert Glaze, Stu Rodman and Laura Von Harten attended. Non-committee members Steven Baer, William McBride and Paul Sommerville also attended.

County Staff: Audra Antonacci, Codes Enforcement supervisor; Arthur Cummings, Inspections Department; Phil Foot, Detention Center Director; Edra Stephens, Business License; Solicitor Duffie Stone; William Winn, Division Director – Public Safety.

Public: Reed Armstrong, Coastal Conservation League; Mike Eason, Offender Management Services' Director of Special Services; Cynthia Konduros, Offender Management Services; Dave Krauser, Sun City resident; George Simpson, Sun City resident; Robert Stewart, Offender Management Services.

Mr. Stewart chaired the meeting.

ACTION ITEM

1. Text Amendments to the Animal Shelter and Control Ordinance

Discussion: Mr. William Winn, Division Director – Public Safety, told the Public Safety Committee he brought forward the suggested text amendments to the Animal Shelter and Control Ordinance. He noted after adopting the ordinance, the Animal Shelter and Control Department realized the ordinance could be improved. Some of the text amendments are simple solutions to issues which arose. For example, changes include amendments in order: to more fairly deal with animals that are too old or too sick to stay in the shelter, to handle animals that are not spayed or neutered when they come into the shelter, to reduce the fine for a first offense to be more affordable given the economy, to not be held to five days holding of animals that are sick or injured and change to three days or to be put down, to enforce the ordinance with people who are not residents of Beaufort County such as tourists, to address people who chronically adopt shelter animals by inserting a 30-day wait period after they return an animal and after that one year. Mr. Winn also mentioned the success of a partnership with PetSmart, through which they have adopted out 136 animals. The changes to the ordinance are basically housecleaning steps to make it easier to enforce.

Mr. Caporale gave Mr. Winn and his staff kudos for their efforts. He asked if an injured animal comes in whether it is protocol for it to be examined by Dr. Murphy. Mr. Winn confirmed this was the case. He went on to say many of those employed at the shelter are furthering their education to become veterinary technicians.

Main motion.

It was moved by Mr. Flewelling, seconded by Ms. Von Harten, the Public Safety Committee approves and forwards to Council text amendments to the Animal Shelter and Control Ordinance.

Mr. McBride stated he had a question about the fees. He asked why the fee for the second offense of \$250 was not also reduced if the first fee was reduced. That is still a great deal of money, he said. Mr. Winn noted the ordinance gives the shelter the authority to waive some of the fee. The referenced changes occur in Section 14-30(d).

Motion to amend by addition.

It was moved by Mr. McBride, seconded by Mr. Glaze, to amend by addition to reduce the second fine in Section 14-30(d) from \$250 to \$125, and the third fine from \$500 to \$250.

Motion to amend by deletion.

It was moved by Mr. McBride, seconded by Mr. Glaze to further amend the motion to remove the sentence, “The director of the animal shelter has the discretion to remove or waive the fees.”

Ms. Von Harten said she did not like removing the discretion of the director to waive the fees. Mr. McBride noted he prefers to have this written to ensure everyone is treated the same way, as opposed to someone coming in, knowing someone and getting their fee waived.

Ms. Von Harten said the director should have the discretion to remove the fees because you get some repeat offenders who are “a-holes” and you just want to charge them as much as you can. There are others who are really trying to do the right thing and need to be given them a break. I think it is important to give the director the option to do so, she said.

Mr. Flewelling commented that he could understand Ms. Von Harten, but the discretionary power is a slippery slope which could be abused. He said he does not want any citizen to think there is a preference of one family over another.

Mr. McBride interjected to say he was not a member of the Public Safety Committee and therefore unable to make a motion.

Mr. Flewelling, as the maker of the original motion, accepted both motions to amend by addition and omission for Mr. McBride.

The vote on the motions to amend by addition and deletion.

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

Mr. Flewelling, as maker of the original motion, accepted the amendments as part of his original motion.

The vote on the amended motion, which is now the main motion and includes the motions to amend by addition and deletion.

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

Mr. Flewelling said he wants people to be aware the shelter has a fostering program where people can foster an animal for a short time.

Recommendation: Council approves on first reading text amendments to the Animal Shelter and Control Ordinance.

INFORMATIONAL ITEMS

2. Overview – Codes Enforcement Department

Discussion: Mr. Winn said this presentation will give the Public Safety Committee an overview of what the Codes Enforcement Department does and their activity in the last few months.

Ms. Audra Antonacci said Codes Enforcement falls under Building Codes, which is Mr. Arthur Cummings purview. The Codes Enforcement Department enforces all the ordinances in unincorporated Beaufort County and the office consists of four officers. The department has actively enforced County ordinances for 10 years. She stated the goal in the Codes Enforcement Department is to keep the County beautiful. The officers patrol daily, with officers designated to certain areas. She said violations originate from citizen complaints or from patrol. The officer takes pictures of the site and a warning ticket is issued for a violation. Violators have so many days to comply. Each ordinance and violation is different.

She then reviewed several ordinances enforced. Trash and Litter – 272 warning tickets issued, 52 citations issued; Junk and Abandoned Vehicles – 349 warning tickets issued, 47 citations issued, requires 90 days for compliance; Tree Cutting – 3 warning tickets issued, 1 citation issued; Signs – require a sign permit from the Zoning Office, 210 inspections of signs, 669 signs confiscated, 85 warning tickets issued, 13 citations issued; Abatement & Unsafe Buildings – 63 warnings issued, 20 citations issued, 22 unsafe buildings removed by the owner; River Buffer violations – 4 warnings issued, 1 citation issued; Zoning – specifically sheds, 66

warnings issued, 14 citations issued and 2 sheds removed by owners; Business License – enforce illegal businesses in the County, 483 warnings issued, 22 citations issued.

Public Safety members briefly discussed noise ordinances. Beaufort has a noise ordinance. Ms. Antonacci stated Beaufort County does not have a noise ordinance, but there are stipulations for construction. Mr. Stewart stated he would like to follow up on noise ordinance.

Ms. Antonacci reviewed some issues the Codes Enforcement Department has which include software not interfacing with the Business License Office, removal of unsafe structures (many owners do not have funds to remove the unsafe structure) and abandoned mobile homes. Mr. Stewart asked if the County has authority to create an ordinance to deal with unsafe structures.

Mr. Cummings said he believes the County does, but should get the County Attorney involved to develop an ordinance for the County. He said as is, the County does not have the authority to take down a dilapidated structure and place a lien on it. Mr. Cummings added he thinks this is something that needs to be addressed. To have these structures removed, the County needs the authority. Sometimes these issues go to court, but if the owners refuse there is nothing the County can do.

Ms. Antonacci said there are probably hundreds of such structures in response to Mr. Caporale's question about how prevalent unsafe structures are. She noted people rarely comply because they lack funds to demolish or move unsafe buildings.

Mr. Sommerville asked about whether there was a change in state legislation which could have an effect on the County. Mr. Cummings said the state legislation allows an owner of a property, if a tenant has problems with maintaining, can go through the magistrate to have the structure removed.

Status: No action necessary. The Public Safety Committee will examine ordinances to deal with unsafe structures and noise in the future.

3. Update – Detention Center and Solicitor's Office

Discussion: Mr. Phil Foot, Detention Center Director, told the Public Safety Committee the Detention Center is down to operational capacity. He said it is exciting because they can get back to the way things are supposed to function in terms of classification of prisoners. He noted there were talks of expansion for the Detention Center, but that would be hugely expensive. Instead, we are looking at fixing things internally, he said. Mr. Foot noted much of this is due to a good partnership with Solicitor Stone to process cases and get inmates where they need to be. Along with that and working in conjunction with Family Court, we have been able to keep a cap on the number of people in the Detention Center.

Mr. Stewart thanked them for the job being done.

Ms. Von Harten asked about housing juveniles. Mr. Food said there are two categories of juveniles: juvenile delinquents and those who are tried as adults. Depending on the classification a juvenile at least 16 years old and charged with a felony may be kept away from other prisoners at the Detention Center, or those younger than 15 who are sent up to Columbia. In order for us to do that as a County, we would have to build a separate building and train officers to be juvenile officers, specific to holding juveniles.

Solicitor Duffie Stone came before the Public Safety Committee as a follow up with the prisoner management program, an idea he wants to implement which he presented a month ago to the Committee. He asked how the County was able to put power into the paper judges put out. This is Domestic Violence Awareness month and he said those situations can be very dangerous. Very often, bonds are set on offenders and part of their bond requirement is they stay a certain distance away from the home, or person. The problem is how you manage that. It is difficult to determine how close an offender comes to a home if there is not some type of monitoring in place. He said when a bond is placed on someone and they are able to post bail, there is little monitoring of them until the court hearing. There is new technology available to help monitor in this time. Solicitor Stone noted many areas are examining adoption of this new technology. He said it takes County Council to pass an ordinance, and then it can begin review of companies.

A presentation followed by Offender Management Services illustrating several ankle monitoring devices, which can track a person's location, time, alcohol level, etc. Their presentation overviewed the various tools the technology is capable of providing. The cost for the program is paid by the offender through the bond.

Mr. Stewart noted there is a draft ordinance being reviewed by County Attorney Ladson Howell.

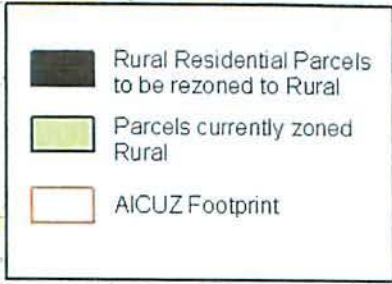
Mr. Caporale questioned the ability to collect funds. Mr. Stewart, of Offender Management Services, noted there are some people who do not pay, but most people will pay.

Status: No action necessary. For information only. An ordinance regarding the topic will come before the Public Safety Committee in the future.

Beaufort County

Proposed Zone District Amendment

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



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

