

COUNTY COUNCIL OF BEAUFORT COUNTY

ADMINISTRATION BUILDING

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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, March 28, 2011

4:00 p.m.

Council Chambers, Administration Building

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

4:00 p.m.

1. CAUCUS

Executive Conference Room, Administration Building

5:00 p.m.

2. REGULAR MEETING

Council Chambers, Administration Building

3. CALL TO ORDER

4. PLEDGE OF ALLEGIANCE

5. INVOCATION

6. REVIEW OF MINUTES – [February 28, 2011](#)

7. PUBLIC COMMENT

8. COUNTY ADMINISTRATOR'S REPORT

Mr. Gary Kubic, County Administrator

- The County Channel / Broadcast Update ([backup](#))
- Two-Week Progress Report ([backup](#))
- Introduction / Monica Spells, Compliance Officer, Purchasing Department ([backup](#))
- Presentation / Good Citizens Awards
Solicitor Duffie Stone

9. DEPUTY COUNTY ADMINISTRATOR'S REPORT

Mr. Bryan Hill, Deputy County Administrator

- Two-Week Progress Report ([backup](#))
- Update / Beaufort County Departments ([backup](#))

Over



CONSENT AGENDA
Items 10 through 13

10. TANGER HILTON HEAD OUTLET CENTER I / FIRST AMENDMENT TO DEVELOPMENT AGREEMENT BETWEEN BEAUFORT COUNTY AND COROC / HILTON HEAD I, LLC, A DELAWARE LIMITED LIABILITY COMPANY
([ordinance](#)) ([development agreement](#)) ([drawings](#)) ([signage plan](#))
 - Consideration of second reading March 28, 2011
 - Public hearings:
 - Monday, April 11, 2011, beginning at 6:00 p.m., in Council Chambers, of the Administration Building (public hearing 1 of 2)
 - Monday, April 25, 2011, beginning at 6:00 p.m., in Council Chambers, of the Administration Building (public hearing 2 of 2)
 - First reading approval occurred March 14, 2011 / Vote 8:3 (Stone/Tile) and 11:0 (Signage)
 - Natural Resources Committee discussion and recommendation to approve occurred March 14, 2011 / Vote 4:3

11. AUDITING AND CONSULTING SERVICES ([backup](#))
 - Finance Committee discussion and recommendation to approve occurred March 21, 2011 / Vote 7:0
 - Contract award: ElliottDavis, LLC, Columbia, South Carolina
 - Contract amount: \$49,500
 - Funding source: Account #12000-51160 (Professional Services) for fiscal years 2011-2015

12. GTT OPTICOM GPS EQUIPMENT ([backup](#))
 - Finance Committee discussion and recommendation to approve occurred March 21, 2011 / Vote 7:0
 - Contract award: Temple, Inc., Decatur, Alabama
 - Contract amount: \$115,046.40
 - Funding source: Account #13276-54450 – Other Improvements

13. AN ORDINANCE AUTHORIZING FUNDS IN AN AMOUNT NOT TO EXCEED \$1,000,000 OF HOSPITALITY TAX FUNDS TO BE AVAILABLE OVER A FIVE-YEAR PERIOD TO HERITAGE CLASSIC FOUNDATION FOR THE PROCUREMENT OF THE PGA HERITAGE GOLF TOURNAMENT TO BE HELD ON HILTON HEAD ISLAND, SOUTH CAROLINA
 - Consideration of first reading, by title only, March 28, 2011
 - Finance Committee discussion and recommendation to approve occurred March 21, 2011 / Vote 5:2

PUBLIC HEARING
Items 14

- 6:00 p.m.** 14. AN ORDINANCE TO PROVIDE FOR A HOME DETENTION PROGRAM AS AN ALTERNATIVE TO INCARCERATION IN CERTAIN CASES IN BEAUFORT COUNTY ([backup](#))
- Consideration of third and final reading March 28, 2011
 - Second reading approval occurred March 14, 2011 / Vote 11:0
 - First reading approval occurred February 28, 2011 / Vote 11:0
 - Public Safety Committee discussion occurred September 7, 2010
15. [COMMITTEE REPORTS](#)
16. PUBLIC COMMENT
17. ADJOURNMENT

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

Cable Casting of County Council Meetings <i>The County Channel</i>	
Charter Cable	CH 20
Comcast	CH 2
Hargray Cable	CH 9 & 252
Time Warner Hilton Head Cable	CH 66
Time Warner Sun City Cable	CH 63

Official Proceedings
County Council of Beaufort County
February 28, 2011

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, February 28, 2011, 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.

INVOCATION

Councilman William McBride gave the Invocation.

PROCLAMATION

Boys & Girls Clubs Month

Chairman Newton proclaimed March 20, 2011 through March 26, 2011 as Boys & Girls Club Week. Mr. Doug Barry, Executive Director of the Boys & Girls Clubs of the Lowcountry, and Ms. C.J. Humphrey, President of the Board of Directors, Boys & Girls Clubs of the Lowcountry accepted the proclamation.

PUBLIC COMMENT

The Chairman recognized Mr. Perry White, a Hilton Head Island resident, who stated over the years Council has become accustomed to him talking about a particular topic, but today he is going to deviate from that except to say he wished Council would just take a unanimous vote and decide we should take the Airport off Island. His purpose of addressing Council this afternoon deals with wind and hail insurance coverage. Recently, he has been searching to find if he could get a plan that was better than the one that he has. He ended up in a discussion with a representative of USAA. During that discussion, the representative gave him a quote which was no different from what he has. He was told that if he lived in North Carolina she could give him a quote for wind and hail coverage about 50% of what South Carolina is charging. His question

is, “How then can North Carolina get insurance that is less expensive than ours”? The USAA representative said the North Carolina Legislature did not permit the insurance company to raise those rates as they wanted to. Mr. Perry brings this information to Council’s attention even though he knows this is not necessarily an area of responsibility that is assigned to Council. However, Mr. Perry thinks in the general welfare of the citizens of Beaufort County and being a coastal county that we should look into that and find out exactly why South Carolina has such a higher premium when compared with neighboring states. Please look into this issue on behalf of the citizens of Beaufort County.

Mr. Tim Schwartz, a Lady’s Island resident, talked about 5 Rug Rack Road and associated zoning change. He distributed copies of a map and tax bills. Mr. Schwartz has had commercial businesses operating on it for over five decades. Never had a house built on it. The property sits on the highest traffic count at the intersection of 11 lanes of traffic right outside Laurel Bay gate. No such property like it exists within three miles. The property was commercial until 1999 in the countywide rezoning. Mr. Schwartz has been trying to rezone this property for a long time. He met with the Planning Department in 2006 that changed the zoning back to commercial. He was told to wait for a charrette, but it never happened. He tried again in 2008 and was told to subdivide it. He thought that would be a good compromise so he subdivided it. It took a long time, but got it done. He applied officially, formally for the first time in 2010 and was now told to wait for form-based code. He cannot wait any longer. He did everything the County asked him to do. Went to the Planning Subcommittee where it was moved forward to the Planning Board. He received notice, he was present, he was asked to speak, and he spoke, and received a unanimous vote of 11:0 in favor of putting the property zoning back to commercial. There was a Natural Resources Committee meeting scheduled on February 1, 2011. He was not notified, he could not speak at the meeting, it was held in his absence. The County voted against the unanimous vote of the Planning Department without asking him, the applicant, to speak on February 14, 2011. He was there. It has been past performance that when something was voted on the audience was asked if the applicant was present. That did not happen on February 14, 2011. Currently, he feels there is procedural error in not notifying him of the Natural Resources meeting or letting him speak at the February 14 County Council meeting. He risks losing his business basically because Council is being unfriendly or unfair to business. He is definitely going to lose one tenant, Dollar General. Beaufort will lose the creation of hundreds of jobs building this place and then lose the dozens of jobs that it will create to run it. Out of 11 Council people he has had a combination of three return phone calls and emails. Is not small business the backbone of the economy? It is on TV every day. His tax bill shows he is being taxed as commercial property, even vacant commercial property. His business requires the property to go back to commercial so it can grow, run, create jobs and serve the community. He was told by the Planning Department if and when a form-based code takes place, this property will go back to commercial. He needs Council’s help in getting the zoning moved back to commercial at this time.

Mr. Newton said Mr. Schwartz’s property was brought forward through the Planning Department and determination as to the zoning request has been had. An appealable decision exists today. Mr. Newton stated there is a pending request lying with county government at this point in time. Is that accurate?

Mr. Kubic, County Administrator, agreed in the affirmative.

Mr. Aaron Crosby, a Daufuskie Island resident, gave Council an update on what has been happening with the Daufuskie Island Council. We have successfully made it through our first year and have held elections to fill three seats. The new members are Colby Hofland, Julie Kapur and Ed Campbell. We look forward to building upon a good, strong first year working relationship we were able to establish with County Council and County staff. Democracy continues on the Island. We are moving forward and looking forward to making things happen in the future.

COUNTY ADMINISTRATOR'S REPORT

The County Channel / Broadcast Update

Mr. Gary Kubic, County Administrator, announced The County Channel continues to build and maintain its relationships by producing videos for numerous county agencies and organizations. The County Channel is currently working with the local fire departments on a series of fire safety public service announcements. These will air on The County Channel, local telephone television in Savannah and Charleston, movie theatres, and the audio will air on radio.

As this year's awards season rolls on, The County Channel continues to be recognized. Building on last year's Telly Award victories, this year The County Channel has been nominated for 4 Regional Emmy's. Coastal Kingdom received three nominations, and The County Channel's special on the Beaufort County Sheriff's DNA Lab received one nomination. The winners will be announced in the coming months, but as always, it is an honor just to be nominated.

Recognitions / Beaufort County Parks and Leisure Services

Mr. Gary Kubic, County Administrator, announced Beaufort County has more state championship wins, this time for soccer by two of our Beaufort County Parks and Leisure Services team. Both are Bluffton teams – the Under 10 Girls Soccer Team and the Under 13 Coed Soccer Team and the Under 13 Coed Soccer Team. We would like to honor the players and coaches of these championship teams today. We would also like to recognize our Council PALS people who do such fine work – Director Morris Campbell and Joe Penale and his staff. We have certificates for each player and will give them to the coaches to distribute.

The Chairman recognized Coach David Bonilla and Coach Larry Floyd who led the Bluffton Girls Under 10 team to win the State Championship.

The Chairman recognized the Coach Rodney Meyers, Coach James Covington and Coach Mike Chapman who led the Under 13 Coed Soccer team to win the State Championship.

Two-Week Progress Report

Mr. Gary Kubic, County Administrator, submitted his Two-Week Progress Report, which summarized his activities from February 14, 2011 through February 25, 2011.

Mr. Baer read the transmittal of a memorandum he will email to Council tonight. His statement concerns the US Piedmont trip which showed up in Mr. Kubic's report of January 24, 2011. "It was truly unfortunate to read about something as important as the US Piedmont trip in the *Island Packet* on Sunday, February 27, 2011, without having any Council pre-knowledge of the trip, agenda involvement, readout or report. That trip could have been an extremely useful opportunity to gather data missing from our Airport Master Plan, especially with attention to pre-meeting agenda planning and post-meeting discussion. That would have been especially important to fill in key information that the County's \$423,000 consultants consistently refuse to provide. That data is needed to develop a fact based, cost effective, safe, fair and reasonable strategy for Hilton Head Island Airport. Providing filtered information via the press without providing a complete report to County Council first, further, politicizes what should be a scientific, safety and business-oriented process. I have already received several comments from taxpayers on this. The email sums things up, 'The fact that information about the Piedmont trip was disclosed by the attendees to the local press and public without first informing the members of the County Council is unconscionable. It makes the entire Beaufort County decision making process suspect. What else is being hidden and handled through back door negotiations?'" All of us on Council are owed a trip report and answers to those questions.

Mr. Kubic, County Administrator, replied he understands the sensitivity regarding the Airport. One of his functions, however, is to review and discuss contracts and potential negotiations. He had one hour from which to do it. We did not discuss anything regarding the Master Plan other than saying, "Have you had a chance to see it? Would you review it and make additional comments to it." As a result of Delta Airline withdrawing from the Airport, this was Mr. Kubic's first goodwill trip in seven years with Piedmont or Delta. He is not offering any excuses. He wished he would have done it more in a customerary basis. He was very concerned at the time that Piedmont may have issues that would impact the County since they are now the primary revenue producer at the Airport. And making the assumption, as he has, since Council has not told him to close the Airport or not to cut any trees or pursue a Master Plan, Mr. Kubic decided to contact them to see if they would meet with us for a short time. He offered for them to tell him what their primary concerns were. Trees, tree height, safety and their inability to have to limit loads were number one. But then they did talk about TSA and furniture, the restroom facilities, the general lack of maintenance at the Airport, as well as one safety issue that they wanted and that was to see whether or not we would be willing to put lighting on the tarmac because of the evening requirements of their personnel to load and unload airplanes.

Mr. Baer remarked the trip was a good idea, but with some more involvement we could have gotten some good data out of that.

Mr. Kubic replied the one meeting was not designed to have them bring tons and tons a data. The meeting, from his point of view, was to be able to make sure that they knew that he, as County Administrator, was interested in their business. When you have your first introductory

meeting after seven years, we were developing issues and exchanges and opportunities. All the things that you suggest are valid and all the things that we suggest can come forward. He attended the meeting with Council Chairman Newton and Finance Chairman Rodman as they are two primary representatives of Council.

Mr. Baer commented the trip report is important. For example, the *Island Packet* sort of hints that it was the north end trees that were an issue with them, where the rumors he hears is the south end trees that were trimmed due to consultant error. Those kinds of things are best solved by a trip report.

Mr. Kubic agreed in the affirmative. We can do that.

Mr. Rodman said the meeting actually came together very quickly. He had asked a friend, if he could have a meeting with US Airways, and pitched it as a private citizen, not as a member of Beaufort County Council. Essentially, at the same time that they called back and suggested meeting within the next three or four days, and knowing that Mr. Kubic was also in the process of setting a trip, Mr. Rodman informed Mr. Newton and Mr. Kubic and it all came together for the three of us to be there. There was not any intention to go around anybody. It was a good meeting lasting the better part of two hours. It was with the President of Piedmont, which is the wholly owned subsidiary of US Airways that operates the turboprops that serve Hilton Head Island Airport.

Mr. Baer commented it has been six weeks with no trip report.

Mr. Rodman replied he does not have to write a trip report.

Presentation SCDOT / Projects Update

Mr. John D. Boylston, Program Manager, Lowcountry Region, gave Council an update on the various Beaufort County projects which were divided into four categories: recently completed projects, ongoing construction projects, upcoming construction projects, and future projects (a regional look ahead). The employees have working on transportation, Messrs. Rob McFee, Bob Klink and Colin Kinton are assets and Council should be proud of the efforts they put forth for the citizens of this County. Mr. Boylston recognized Mr. Craig Forrest, SCDOT Commissioner 2nd Congressional District, who is a Sun City resident and in attendance at today's meeting.

Mr. Bolyston started with some recently completed projects: (i) Burton Church Road Widening – US Route 278, monies are primarily federal funds with Beaufort County match, the construction cost is \$2.1 million, and includes bicycle/pedestrian facilities; (ii) Hilton Head Island Resurfacing cost is approximately \$5.0 million. The area is from Cross Island Parkway to Sea Pines Circle. The cost is approximately \$2.0 million of American Recovery and Reinvestment Act of 2009 (ARRA) stimulus funding as well as a cooperative Intergovernmental Agreement between SCDOT and Beaufort County; (iii) ACE Basin Parkway Segment 1 – Garden's Corner to north of Combahee River covers approximately 7 miles. The construction cost is \$85 million. Beaufort County construction portion is \$7.0 million. Segment 2 - Colleton

County portion, covers approximately 16 miles and construction is underway north of Combahee River to Jacksonboro.

Ongoing Construction Projects were let by one contract and are being pursued by one contractor: (i) SC Route 46 Widening – US Route 278 to west of Bluffton Parkway includes a two-lane roundabout at Bluffton Parkway, bicycle/pedestrian facilities, a completion date of May 2011, and a \$5.0 million construction cost from a combination of local and federal funding (Beaufort impact fees/ARRA, SAFETEA-LU); (ii) S-474 (Simmons Road) Widening – US Route 278 to Bluffton Parkway, includes the protection of grand oaks near US Highway 278, bicycle/pedestrian facilities, and a \$3.5 million construction cost from a combination of local and federal funding (Beaufort impact fees/ARRA, SAFETEA-LU).

Upcoming Construction Projects: (i) US Route 278 Widening – S-474 (Simmons Road) to SC Route 170 covers approximately six miles and is scheduled for letting in August 2011. There is closed drainage on the Okatie River Bridge. Because the Okatie River is designated an Outstanding Resource Water there is no stormwater runoff directly into the Okatie River. Installation of traffic signalization at the terminus of westbound US 278 ramp at SC Highway 170 and installation of decorative treatment of concrete median barrier. There is a cooperative Intergovernmental Agreement between Beaufort County and SCDOT. The project cost is \$15 million in federal funding (80/20 federal match) and Beaufort County is projecting a 20% federal match. A new federal match program covers construction shortfall with match from Beaufort County (50/50 match). (ii) US Route 21 Bridge Replacement over Albergotti Creek is near MCAS Beaufort. Stage construction will maintain four lanes of traffic during construction. There is a closed drainage system on the bridge. The project is scheduled for an August 2011 letting. Funding is federal bridge replacement funds in the amount of \$5 million.

Future Projects – A Regional Look Ahead: (i) S-79 (Spanish Wells Road) bridge replacement over Jarvis Creek. Construction is scheduled FY 2013. The project is slated for staged construction versus close and detour. Funding is federal bridge replacements funds; (ii) SC 462 bridges over Bees and Euhaw Creek – Jasper County construction FY 2014. The funding source is federal bridge replacement funds, (iii) LCOG intersection improvements – total of five intersections, SC 46/Buck Island Road Roundabout, other minor improvements; (iv) US Route 17 Widening and Back River Ridge Replacement – LCOG funded project to develop right-of-way plans and secure environmental documentation, public hearing Fall 2011, GADOT replacing Back River Bridge with two-lane structure, scheduled for construction late Fall 2011.

Mr. Newton commented he has seen some reports lately about what is happening at the State Infrastructure Bank (SIB). Beaufort County has an application still pending at SIB, which has caused compression and required us to move money around in order to finish the projects that were identified as priorities. What is the status of SIB at present?

Mr. Forrest, SCDOT Commissioner 2nd Congressional District, stated the SCDOT Commission hosted the SIB at its last meeting in Columbia. First of all there was only about \$12 million to \$15 million “left” in the SIB bank. There have been two previous requests that were submitted quite a few years -- Berkeley County and Dorchester County – and while they asked for more

than what was left in the SIB bank, each of them received approximately \$5 million and \$6 million. They have been basically taken care of as it relates to the SIB bank on their particular projects. At present we are awaiting the decision on Charleston on the extension of the Mark Clark Expressway. Certainly, intuitively, it would seem like there would be additional funding that would be back into the SIB bank. When that decision is going to be made, Mr. Forrest is not particularly sure of that at this time. He knows Beaufort County is anxiously awaiting that decision. It is a difficult one. Mr. Forrest is very cognizant that if, in fact, money is freed up he will notify Mr. Newton and Mr. Kubic immediately. The money for SC Highway 170 is not going elsewhere. Insofar as the match money is concerned, that specific program was brought about to help those counties that were helping themselves. Approximately four or five counties eligible are to get that funding. He is going to make sure that it does not disappear and go elsewhere.

Mr. Stewart inquired about a traffic light at Windmill Harbor. Mr. Forrest stated there are two blinking lights in each direction. We worked very hard, in fact, it was his first job as Commissioner, over the last several months with the Town of Hilton Head Island, SCDOT and County in coming up with some alternatives for that particular traffic signal. The residents of Windmill Harbor are happy with the new signage, speed limit, striping, median crossings, and trimming back of the hedges. SCDOT is happy with it. It bought us some time. It was the right thing to do.

DEPUTY COUNTY ADMINISTRATOR'S REPORT

Two-Week Progress Report

Mr. Bryan Hill, Deputy County Administrator, submitted his Two-Week Progress Report, which summarized his activities from February 14, 2011 through February 25, 2011.

Mr. Flewelling commented he has heard disturbing rumors about the possibility of moving the Dixie Youth Baseball World Series from Burton Wells Regional Park to Hilton Head Island.

Mr. Hill replied he, too, has heard those same rumors. Parks and Leisure Services would not be the entity to move the event, it would be Dixie Youth. They have not contacted the County. He does not know where the rumor started nor why. However, the County has spent a lot of money on field preparation at Burton Wells Regional Park, Fields 1 and 2. If they are going to move it, it would be nice to notify the County so we can stop spending money to prepare these fields up to their level / standard. We have already made agreements with local hotels to honor discount rates.

Strategic Plan Report Card 2010 – 2015

Mr. Bryan Hill, Deputy County Administrator, gave an update on the Strategic Plan Report Card 2010 – 2015. The Policy Agenda top priorities accomplished in 2010 include the Airport Master Plan for Hilton Head Island, Rural and Critical Lands current program and future direction, Countywide-Form-Based Code (Daufuskie Island) and County Services Review and

Prioritization. Establishing a Water Quality Office is outstanding, but staff is working toward opening this office in 2012. The High priorities accomplished include the BMP Manual update, Mental Health and Disabilities Special Needs Program, Solid Waste Disposal and Recycling. Alternative County revenue/fees update and Spec building/Commerce Park remain outstanding.

The management agenda top priorities accomplished in 2010 follow: the County campus building renovations, St. Helena Library at Penn Center, financial planning and reporting. Smart Decline Contingency plan continues. High priorities 2010 accomplished include transfer of development rights, Daufuskie Island Comprehensive Plan, Emergency Medical Service Study and hiring of a compliance officer. The transportation model and financial policies review remain outstanding.

Presentation / Purchase of Mobile Data and Computer System

Mr. William Winn, Deputy Director-Public Safety, gave a presentation briefly reviewing the proposed purchase of a mobile data and computer system. The current system is outdated. There are no maintenance contracts available to maintain the system. It is old proprietary software. We no longer have staff available nor do some of our support contractors have the appropriate staff available to maintain the system. Ninety percent of our laptops at present are more than nine years old. There are no parts available for them. We are actually now having to take some out of service and emergency vehicles are not having access to data because there is just nothing else to replace it with. The system that we have is not available to us on the new technology 3G and 4G. We are to the point where we have used the system to where we cannot use in any more.

We are recommending going to a Verizon 3G network terminal to house our CISCO mobile CAD and mapping system. CISCO is the company out of Florida that provides our mobile data services that allows emergency services to access data (information in the CAD) in vehicles. It also provides the infrastructure connection to the State Law Enforcement Division and to the FBI. We will be utilizing the current system of hotspots that we have in the County as part of our backup system. Verizon is the data company that currently has the state contract. They are currently used in several other counties in South Carolina.

Our proposed MDC system will be the GETAC 300x. This is the company the County has been using the last nine years. We spent over a year and a half looking at options, different types of laptops and different types of capability that we could use. This company has proposed to us a very good laptop that has the ability to handle the 100 degree to 110 degree heat in some of our vehicles. They provide the universal mounting that we need for our screen support. They offered us excellent maintenance on the laptops, basically a five-year bumper to bumper. Anything that goes wrong they have agreed to fix it. They have agreed to provide approximately \$25,000 worth of parts to the County and to certify our technicians in Beaufort County for factory maintenance. Therefore, when a MDC goes down, we do not need to send it back to the factory. We can handle the repairs in the County. In the event of a major malfunction and we have to send it back to the factory because of the bumper to bumper warranty, they will pay for shipping the laptop to and from California.

In summary this system, after a year and half of looking, we found to be the best for Beaufort County. It affords us the opportunity to take advantage of new technology as it is developed. This correlates to a faster, safer and more efficient response from our first responders to our customers, the residents of Beaufort County.

Mr. Newton remarked the County is spending approximately \$2.0 million installing laptop computers in law enforcement, fire and EMS. What capabilities does this give our firemen, EMS and law enforcement officers?

Mr. Winn replied the system provides the information that comes into our dispatch center, *i.e.*, the data typed in by the 911 dispatcher. That information is sent directly to the vehicle so the officer can actually see what the dispatcher's are seeing. It provides the address or the longitude / latitude of the caller if it is a cellular call. It provides the mapping where it locates that call on the map for the officer. It also gives them access to our mapping system to view maps and aerial photographs. It provides law enforcement officers' access to the national crime information computer (wants and warrant), it provides the information from the Highway Department on driver's license and tags, it provides the information that is subsequent to the call from the dispatchers, and it is a secured method of sending information back and forth between cars and dispatch center. With the new system it also allows to send mug shots and it will allow us also to send the jail information easier to the vehicles as well as wants and warrants.

TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), ARTICLE V. USE REGULATIONS; TABLE 106-1098. GENERAL USE TABLE; AND SECTION 106-1247. ASSEMBLY AND WORSHIP, SMALL (ALLOWS SCHOOLS AS A LIMITED USE IN SMALL ASSEMBLY AND WORSHIP USES AND REMOVES SIZE REQUIREMENT)

This item comes before Council under the Consent Agenda. It was discussed and approved at the February 1, 2011 Natural Resources Committee.

It was moved by Mr. McBride, seconded by Mr. Caporale, 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 and Section 106-1247 that will allow schools as a limited use in small assembly and worship uses and removes the size requirement. The vote was: YEAS - 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 that a public hearing on this issue would be held Monday, March 14, 2011 beginning at 6:00 p.m. in Council Chambers of the Administration Building, Beaufort.

AN ORDINANCE TO PROVIDE FOR A DAY WATCH PROGRAM AS AN ALTERNATIVE TO INCARCERATION IN CERTAIN CASES IN BEAUFORT COUNTY

This item comes before Council under the Consent Agenda. It was discussed and approved at the February 7, 2011 Public Safety Committee.

It was moved by Mr. McBride, seconded by Mr. Caporale, that Council approve on second reading an ordinance to provide for a Day Watch Program as an alternative to incarceration in certain cases in Beaufort County. The vote was: YEAS - 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.

PURCHASE OF MOBILE DATA AND COMPUTER SYSTEM

This item comes before Council under the Consent Agenda. It was discussed and approved at the February 21, 2011 Finance Committee.

It was moved by Mr. McBride, seconded by Mr. Caporale, that Council award a contract for the purchase of a mobile data computer system in the amount of \$2,184,896 to GETAC (laptop computers) \$1,494,576, CISCO Software (mobile CAD, mapping) \$538,95, Net Motion (VPN software) \$116,625, HP (servers from state contract) \$35,000. The funding source: \$100,000 (account #11435-54424, renovations EMS), \$515,635 (account #11437-54200 (upgrade radio equipment), \$4,519 (account #11439-5402 (special capital equipment-EMD), \$309,366 (#11435-56000, contingency), \$310,150 (account #11436-56000, contingency), \$650,028 (account #11437-56000, contingency), \$295,198 (account #11439-56000, contingency). The vote was: YEAS - 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.

PRIORITIZATION OF 2011 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM PROJECTS

This item comes before Council under the Consent Agenda. It was discussed and approved at the February 21, 2011 Community Services Committee.

It was moved by Mr. McBride, seconded by Mr. Caporale, that Council approve the prioritization of 2011 Community Development Block Grant Program Projects as follows: Community Infrastructure, Village Renaissance, Trails to Residential Centers, and Business Development. The vote was: YEAS - 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 TO PROVIDE FOR A HOME DETENTION PROGRAM AS AN ALTERNATIVE TO INCARCERATION IN CERTAIN CASES IN BEAUFORT COUNTY

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

It was moved by Mr. McBride, seconded by Mr. Caporale, that Council approve on first reading an ordinance to provide for a Home Detention Center Program as an alternative to incarceration in certain areas in Beaufort County. The vote was: YEAS - 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 INTERGOVERNMENTAL AGREEMENT AMONG THE COUNTY OF BEAUFORT, THE TOWN OF BLUFFTON, AND BEAUFORT MEMORIAL HOSPITAL REGARDING ROAD DESIGN AND CONSTRUCTION OF BUCKWALTER COMMERCIAL PARK FRONTAGE ROAD

Mr. Newton reported he will be abstaining from any conversation or discussion with regard to this item. One of his law partners is involved, on behalf of one of the owners of this property, that Council's determination on this potentially could impact that entity or individual. As a consequence, to avoid even the appearance of impropriety, as is his custom, he will recuse himself from this matter. He has refrained from participating in any of the discussions of this matter so far at Council level and will leave the room and ask Mr. Sommerville to take over.

Mr. Newton passed the gavel to the Vice Chairman.

Mr. Newton temporarily left the room.

Mr. Sommerville stated this is a request by Beaufort Memorial Hospital to receive credits for impact fees it is subject to pay in the future against the cost of engineering and designing an access road into and through property at the corner of Buckwalter Parkway and U.S. Highway 278, one which possibly includes a roundabout. This is a Finance Committee recommendation.

Mr. Rodman, as Finance Committee Chairman, stated this is an expansion to Beaufort Memorial Hospital (Hospital) because their facilities in the Bluffton area are too small. No one disagrees with the proposal relative to the Hospital. The Hospital suggested that they would like to incur the costs of which would be an offset of the impact fees, if and when they would be collected. Our County Attorney has reviewed this and advised that he is comfortable with the agreement as proposed. Part of the concept, from a traffic planning standpoint, is this particular access road was in the long range planning for the transportation network. It is, however, not a part of our high priorities, in the sense that it is not in the current plan for the highway construction projects underway or CIP. In terms of what is possibly being disputed – if you can picture the intersection of U.S. Highway 278 and Buckwalter Parkway, moving to the south is the location of the proposed traffic circle. Under the current regulations, it is too close to the intersection of U.S. Highway 278 and Buckwalter Parkway to be considered for a traffic signal, but it is authorized to be a stop sign. What is being proposed is a traffic circle. That piece is in dispute. He believes there to be two ways to move forward: (i) Agree to the overall proposal and the issue of whether a traffic circle is appropriate would be handled by engineering in the due course of procedures; or (ii) This item be postponed until a majority of Council are satisfied with the traffic output. It came out of committee with a vote of 4:2. There is little disagreement that it is a good idea and a

good approach, but there are concerns of whether or not there should be a traffic circle that close to the traffic signal at U.S. Highway 278 and Buckwalter Parkway.

Mr. Sommerville stated based on agreements between SCDOT, Beaufort County, and Bluffton Town, it has been agreed that an access road should be constructed. It was contemplated as part of the 1% Sales Tax Referendum. It is a prerequisite in order to close some medians on U.S. Highway 278, which cannot be closed until the access road is constructed. It is consistent with our desire and long-standing commitment to close those two medians on U.S. Highway 278. Regarding the question of whether or not there should be a roundabout / traffic circle, his understanding is that the intersection created by a non-signalized intersection will not be a failed intersection until the property is developed almost entirely. The question of building or not building a traffic circle does not have to be made today. This is supported by the Town of Bluffton. Our Impact Fee Ordinance permits this to happen and permits us to credit entities with impact fees to build roads that are part of our traffic plan in the event there is precedent. This item is time sensitive in that the Hospital needs to make a decision now of whether or not they are going to purchase the property. They cannot commit to that purchase until they have a guarantee that an access road will be built through the property, allowing egress and ingress for U.S. Highway 278 and Buckwalter Parkway. The initial expense that the Hospital is asking credit against would be an engineering study cost of approximately \$200,000, construction of the roadway, and a traffic circle.

Mr. Rob McFee, Division Director – Engineering and Infrastructure, stated there is no doubt that this fits into the long range plans for the roads with regard to U.S. Highway 278 interconnectivity frontage roads. It was a part of staff's recommendation that went to the Beaufort Transportation Advisory Group (BTAG) and County Council. Frontage roads for U.S. Highway 278 are the highest priority. Frontage roads in the Comprehensive Plan are not delineated X-Z, but frontage roads on U.S. Highway 278 are certainly in the Comprehensive Plan as a high priority. He believes we can move forward, but reserve the ability to have experts in roundabout design make sure everything is proper as we move forward. Discussions about pushing the roadway south are good ideas. We need to determine whether or not we have the appetite to do so.

Mr. Sommerville inquired as to whether or not his statement about it being speculative as to when this intersection may or may not fail in that a stop sign will work for a time, is accurate.

Mr. McFee replied certainly. The stop sign in the first phase will serve the purpose, but it will only be a matter of time before it does fail.

Mr. Rick Toomey, Beaufort Memorial Hospital Chief Executive Officer, stated there is some time sensitivity to the issue. Through a process, this land has been identified, approximately 20 acres on U.S. Highway 278 with an access road proposed to tie into the Buckwalter Parkway. The Hospital is looking at developing this over many years (15 to 20 years). The initial building would be approximately 40,000 to 60,000 square feet and a shelled in top floor for future use. The timeline is between the Hospital and sellers. There are a couple of milestone dates -- accessibility of the land to Buckwalter Parkway and the Army Corps of Engineers. The Hospital is looking at a 12 to 24 month period to work through this. The first critical decision is whether

or not the land can have accessibility to the Buckwalter Parkway. At present, it has an access road off of U.S. Highway 278. As medical and outpatient services are developed, that will not serve the Hospital's purposes. Connecting into the Buckwalter Parkway is the key variable for the Hospital to continue with the process of closing on the property. There have been a lot of technical questions in regard to the intergovernmental agreement and road design. He turned that discussion over to Hospital representative and board member, Mr. David Tedder.

Mr. Tedder stated year 2000 was the first Short-Term Needs Study which identified frontage roads along U.S. Highway 278 as a high priority. The encroachment permit from the State, for this project, at that time in 2000 recognized there needed to be an access road. Planning continued. In 2006 the County adopted its current version of the Development Impact Fee Ordinance, in which Chapter 82 provides for an identified system improvement to be funded by a developer, in this case the Hospital. In that ordinance it identified this road as one of those system improvements. In 2006 this road was identified, and a funding opportunity that could be done through a developer or an accumulation of impact fees collected.

In 2007 there was an Access Management Study for the Buckwalter Parkway completed that addressed the particular intersection identified as C-1 and showed it as a full access intersection. Thereafter, in 2008, the County engineers, as part of the 1% Sales Tax and Impact Fee Program, created an Engineering Plan for this road that detailed that particular intersection as a full access road. That access point is critical in order to be capable of servicing the needs of the community for the Hospital. This is the end result of about three years worth of strategic planning, site location, and medical demographic studies. The Hospital looked at this, identified a way to pay for it, have an identified road improvement, and decided to go to the County's engineering department. He stated the Hospital's maximum build-out is 140,000 of medical office.

The traffic access studies done in 2006 and 2007, which became part of the Access Management Plan, assumed that amount of square footage on the property in question. The Hospital consulted with the Mr. McFee, Mr. Kinton, and Mr. Klink, and it was determined when looking at this project overall in conjunction to what we have in the area, it might behoove us to see if that is the best approach in doing it. We then spent a couple of months working on whether the roundabout is the best way to deal with this. The Hospital's engineer has been interviewing roundabout engineers, because the County has asked that experts in designing roundabout be found. The Hospital currently has three in which costs is being discussed.

The terms of the Intergovernmental Agreement, brought before Council, provide for that study to be incorporated. It provides an opportunity for tweaking of the road design. The Hospital has included multi-use paths to connect the interconnectivity. The Hospital has worked with the Town of Bluffton to identify adjacent zonings and other potential uses. The Hospital believes they can accommodate those needs as this study goes forward. The timing issue on this is 14 to 20 months to get the Army Corps of Engineers permit. The milestone on this is to get the engineering done, identify the design, and get it into the permitting. A road cannot be built until permits have been attained. We do have to have the basic design in order to submit a plan to OCRM and Army Corps of Engineers that is substantially what is going to be built so we are talking about hundreds of square feet of differences and potential wetland impacts. The

Intergovernmental Agreement provides how the things are suppose to work when we are building system improvements. It is in the Capital Improvement Program (CIP) and has been. It just is not one of those projects Council chose to take the general pool of funds to build. He believes this has been used before. We believe we have the ability to move forward under the ordinance, implementing at least the design that was identified in the Access Management Plan and by County engineers, to tweak that to get what we need collectively, as the community of the Town of Bluffton, the Hospital, and the County as we move forward to design a roundabout that will service the need.

It was moved by Mr. Caporale, seconded by Mr. McBride, that Council approve an Intergovernmental Agreement among the County of Beaufort, the Town of Bluffton, and Beaufort Memorial Hospital regarding road design and construction of Buckwalter Commercial Park frontage road.

Mr. Baer thanked Mr. Tedder for the package of information provided over the weekend. The information provided changed his mind. The \$207,000 mentioned is really \$200,700 if you review previous data. Also, somewhere in the text it appears that if you build anywhere south of the Broad River, credit will be received for the impact fees.

Mr. Tedder stated there are two traffic districts for road impact fees in Beaufort County – southern and northern. Each of those had an identified set of system improvements that were then crunched by experts as to how much money was necessary to address future needs as opposed to past efficiencies. Those impact fees for what the Hospital does in the southern portion of this comes from only the system improvement area used to calculate the entire amount of traffic road facility development fees. He believes it is what the ordinance allows.

Mr. Baer stated Mr. Flewelling raised the desire to identify the properties that had impact fees that might be credited to this project (in the vicinity of the project).

Mr. Flewelling stated he will be voting against this tonight due to him not receiving the list of the identified properties.

Mr. Tedder replied that he had provided a multi-colored map as part of the package that identified each of the properties that looked like it could be extended down to the Sea Turtle Cinema, across Buckwalter Parkway, and over to Willow Run. He thanked Mr. McFee, Mr. Kubic and the GIS Department for working in creating the map, giving the mega data necessary for the Hospital's engineers to overlay the zoning with the listing of the potential uses in the PUD adjacent to Rural with Transitional that still remains in that area. We cannot quantify how many thousands of square feet might take access from the east of Buckwalter Parkway because that particular PUD can move commercial areas around that area. There is a significant amount allowed in there.

Mr. Baer's concern is that if you build far away in southern Beaufort County, why you should get credit for impact fees from that build for this project.

Mr. Tedder replied because it was in that service area. An example of this with another agency - Beaufort-Jasper Water and Sewer (BJWSA) has capacity fees and has service areas. If you over build and get capacity credits from them, you may only use them for projects within that service area. It is a common occurrence to allow credit against the service area for the impact fees, capacity credits, capacity fees, etc., for that particular area.

Mr. Baer asked, “As a Council, are we comfortable to such a broad area of applicable credit channeled into this project”?

Mr. Sommerville stated his understanding is that the guesstimate of the total impact fees that will be paid by the Hospital to Beaufort County is about \$1.6 million for this project that would not otherwise be available. That entire amount can be credited back to the Hospital that is using its own money. What happens if the costs exceed the total impact fees paid?

Mr. Baer stated suppose they build a building at Callawassee junction that generates \$1 million of impact in impact fees why is that \$1 million not devoted to fixing traffic problems near the building they are building at Callawassee. Why would it be channeled into this?

Mr. Sommerville stated under this agreement they can only recover the actual costs they incurred to build this access road. It is a finite number.

Mr. Tedder stated the area defined in the ordinance is the southern district, which includes everything in that development impact fee ordinance conglomeration of costs, then generated the fees. The Hospital is contributing to the pot regardless.

Mr. Sommerville wanted to know if it is fair to categorize this agreement as tracking the language in our ordinance.

Mr. Tedder informed Council that the County Attorney opined on that.

Mr. Sommerville stated he is referring to the development impact fee ordinance.

Mr. Tedder replied that is what is being tracked.

Mr. Rodman stated obviously if you build on the property for \$1.6 million then that offsets the impact fees. If the engineering study, costing approximately \$150,000, is complete and if the Hospital decides to go elsewhere, only that \$150,000 is subject for reimbursement.

Mr. Tedder replied in the affirmative. It is actual monies spent. It also has the caveat for whatever the Hospital spends, other than the initial engineering, has to be approved by Beaufort County to make sure the design is commensurate with what is wanted.

Mr. Rodman said it seems reasonable that the only place there would be a carryover if the Hospital went to another site would be the engineering work spent, prior to the time a decision was made, to go somewhere else.

Mr. Sommerville wanted to know if the Hospital will return with additional requests.

Mr. Tedder stated the last design build that used a process like this was the beginning of the Bluffton Parkway, then known as the east-west connector between Burnt Church Road and Highway 46. Engineers submitted a design, had the County approve it, and it was built under supervision. It was a staff level approval of the engineering because it was out of the blue book.

Mr. Flewelling stated he was under the impression that only those properties affected by this roundabout or the access road were to be included in the list of properties we were going to be collecting and applying to be used towards this project if necessary. That now is not the case.

Mr. Tedder stated it is a combination. The ordinance itself provides that if another party takes access or utilizes the system improvement, created, built, constructed by the developer, those fees would go to compensate the developer. All the properties that could potentially take access to the roundabout or the frontage road are the potential subdivisions shown down to Sea Turtle are potential donors back to the cost of this road infrastructure improvement.

Mr. Stewart stated these monies, \$1.7 million, would be at build out. When it will be built out or if it will be built out, we do not know. We are assuming it will be built out for specifications. Also, we have no idea what this total cost will be. It is difficult to make the assumption that we are going to forego impact fees on a project for which we do not have a sound idea of what the final costs will be. He believes it will be well in excess of the \$1.7 million. That is dependent upon what happens at the intersection at Buckwalter Parkway. He has no problems with the Hospital, the plans they have, the use of the land, or what they are attempting. It is a question of getting it done properly today rather than finding out five years from now we made a mistake. We have to minimize and eliminate the problems that will come back to bite us in future years. He also expressed his happiness to see all of the documentation; unfortunately, Council should have had that information when we first started this process in January. Instead, it was seen piecemeal. He also commented on the long gap between the Hospital's process and when it was brought before Council. It could have come forward sooner and in a more logical manner. He is satisfied with the Hospital; however, has some questions for Mr. McFee. Are we or are we not making the decision to do a rotary / roundabout at Buckwalter Parkway? Are we saying we do not know what we are doing there?

Mr. McFee replied their original use will be able to function with a stop sign, but their ultimate use will not. In the desire to do what is right, a roundabout appears to be the tool that needs to be implemented now for the future. That is a discussion going forward -- whether or not a roundabout should or should not go there. That goes back to what the Hospital business model says and what their investment 10 to 15 years down the road will look like. What the Hospital is trying to secure tonight is an agreement that Council, per the ordinance, agrees to allow the credit of the impact fees for them to move forward towards finalizing this design, based on their business model and all the other rules and regulations.

Mr. Stewart commented across Buckwalter Parkway the tract of land is under agreements and will be developed. We know the four-way stop will fail. It is not an acceptable end point. It would be negligent to approve something knowing it will fail sometime in the future. He does not want to approve something that is going to fail. He wants to know tonight what is going to be built there, what it is going to cost to build it, and what the County is committing to. We need to understand that now, as opposed to sometime in the future. If we go forward with this, we are making the decision that we need a roundabout and it will, at sometime and someday, need to be paid for. That way is by crediting the impact fee. We are now making a decision, in less than a month, to spend \$1.7 million plus the amount spent on the roundabout. We will be well in excess of \$2.0 million. To make that decision in short-order is very difficult, especially when we have been talking about another project, for about the same amount of money, that has been going on for well over one to two years, yet we cannot come to grips with. He wants to know, before voting on this item, what it is Council is approving.

Mr. Toomey stated if it was just a one-building concept for the Hospital, we would not be looking at having 20 acres. This is being looked at as a long-term endeavor. No one has a definitive fact to say the system will fail. In the original scoping of the site, it was designated that even with 120,000 build out, the four-way stop would work. The Hospital does not want this to fail or come close to failing. This is looked at as a multiple-building campus site. The Hospital is willing to do what is right. It is better to do it on the frontend then to do it on the backend where there is a lot more disruption of services. He would rather invest the money up front to make it right. He is in agreement with Mr. Stewart.

Mr. Tedder stated on Page 4 of the Intergovernmental Agreement, the access is defined as “Buckwalter Parkway access to the Buckwalter commercial frontage road shall be a full access roundabout unless the traffic study commission by the Hospital with the assistance and guidance of Beaufort County engineering indicates that it should only be a traditional four-way access.” We are not going to build a problem for our successors to have to deal with 10 to 20 years from now.

Mr. Stewart stated here tonight we are moving downstream to have an access point which is a roundabout. He is satisfied up to that point. He would still like to see it moved further south. It would be better suited. He encouraged everyone to find a way to move it further south to minimize the impact to the main intersection at U.S. Highway 278 and Buckwalter Parkway. He will vote in favor of the project this evening, but believes we still have some work to do.

The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. RECUSAL – Mr. Newton (He left the room, and was not present for any of the discussion or the vote). The motion passed.

Mr. Newton reentered the room.

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

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

COMMITTEE REPORTS

Community Services Committee

Parks and Leisure Services Board

Mr. Arthur Middleton

The vote was: YEAS - 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. Middleton, representing northern Beaufort County, garnered the ten votes required to serve as a member of the Parks and Leisure Services Board.

Mr. Allan Stern

The vote was: YEAS - 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. Stern, representing southern Beaufort County, garnered the ten votes required to serve as a member of the Parks and Leisure Services Board.

Alcohol and Drug Abuse Board

Mr. McBride, as Community Services Committee Chairman, nominated Mrs. Bette Goettle, Mr. Charles Hammel, and Mr. K.Z. Najaka to serve as members of the Alcohol and Drug Abuse Board.

Disabilities and Special Needs Board

Mr. McBride, as Community Services Committee Chairman, nominated Mrs. Nancy Pinkerton to serve as a member of the Disabilities and Special Needs Board.

Finance Committee

Accommodations Tax Board

Mr. Rodman, as Finance Committee Chairman, nominated Mr. Dick Farmer, representing at-large, to serve as a member of the Accommodations Tax Board.

Natural Resources Committee

Coastal Zone Management Appellate Panel

Mr. Carroll Crowther

The vote was: YEAS - 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. Crowther garnered the ten votes required to serve as a member of the Coastal Zone Management Appellate Panel. Mr. Crowther's appointment requires approval of both the Legislative Delegation and Governor.

Historic Preservation Review Board

Ms. Rita Igleheart

The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. Ms. Igleheart, representing Historic Beaufort Foundation, garnered the eight votes required to serve as a member of the Historic Preservation Review Board.

Ms. Sally Murphy

The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. Ms. Murphy, representing northern Beaufort County, garnered the eight votes required to serve as a member of the Historic Preservation Review Board.

Planning Commission

Mr. Robert Semmler

The vote was: YEAS - 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. Semmler, representing Port Royal Island, garnered the ten votes required to serve as a member of the Planning Commission.

Mr. Park Sutler

The vote was: YEAS - 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. Sutler, representing at-large, garnered the eight votes required to serve as a member of the Planning Commission.

Mr. John Thomas

The vote was: YEAS - 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. Thomas, representing at-large, garnered the eight votes required to serve as a member of the Planning Commission.

Rural and Critical Lands Board

Mr. Malcolm Goodridge

The vote was: YEAS - 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. Goodridge, representing District 11, garnered the eight votes required to serve as a member of the Rural and Critical Lands Board.

Ms. Selena Brown

The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. Ms. Brown, representing District 2, garnered the eight votes required to serve as a member of the Rural and Critical Lands Board.

Mr. Ed Pappas

The vote was: YEAS - 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. Pappas, representing District 10, garnered the eight votes required to serve as a member of the Rural and Critical Lands Board.

Mr. Jacob Preston

The vote was: YEAS - 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. Preston, representing District 4, garnered the eight votes required to serve as a member of the Rural and Critical Lands Board.

Mr. Steve Riley

The vote was: YEAS - 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. Riley, representing District 1, garnered the ten votes required to serve as a member of the Rural and Critical Lands Board.

Mr. Joseph Vercellotti

The vote was: YEAS - 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. Vercellotti, representing District 3, garnered the eight votes required to serve as a member of the Rural and Critical Lands Board.

Zoning Board of Appeals

Mr. Tim Rentz

The vote was: YEAS - 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. Rentz, representing at-large northern Beaufort County, garnered the eight votes required to serve as a member of the Zoning Board of Appeals.

Mr. Cecil Mitchell

The vote was: YEAS - 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. Mitchell, representing Lady's Island, garnered the six votes required to serve as a member of the Zoning Board of Appeals.

Public Facilities Committee

Airports Board

Mr. Will Dopp

The vote was: YEAS - 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. Dopp, representing proximity to Hilton Head Island Airport, garnered the ten votes required to serve as a member of the Airports Board.

Mr. Paul Jorgensen

The vote was: YEAS - 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. Jorgensen, representing proximity to Beaufort County Airport, garnered the ten votes required to serve as a member of the Airports Board.

Mr. Norman Kerr

The vote was: YEAS - 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.

Kerr, representing active/recently retired commercial pilot, garnered the eight votes required to serve as a member of the Airports Board.

Mr. Leonard Law

The vote was: YEAS - 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. Law, representing proximity to Hilton Head Island Airport, garnered the ten votes required to serve as a member of the Airports Board.

Mr. Joseph Mazzei

The vote was: YEAS - 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. Mazzei, representing active pilot/aircraft owner Hilton Head Island Airport, garnered the eight votes required to serve as a member of the Airports Board.

Mr. Jared Newman

The vote was: YEAS - 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. Newman, representing proximity to Beaufort County Airport, garnered the ten votes required to serve as a member of the Airports Board.

Mr. Derek Gilbert

The vote was: YEAS - 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. Gilbert, representing Beaufort Regional Chamber of Commerce, garnered the eight votes required to serve as a member of the Airports Board.

Mr. Joseph Zimmerman

The vote was: YEAS - 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. Zimmerman, representing Hilton Head Island Town Council, garnered the eight votes required to serve as a member of the Airports Board.

Mr. Richard Wirth (Mr. Wirth is one of two candidates to fill one Board seat.)

The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton and Mr. Stewart. Mr. Wirth, representing qualifications, garnered the six votes required to serve as a member of the Airports Board.

Mrs. Ann Esposito (Mrs. Esposito is one of two candidates to fill one Board seat.)

The vote was: YEAS – Mr. Rodman, Mr. Sommerville and Ms. Von Harten. Mrs. Esposito failed to garner the six votes required to serve as a member of the Airports Board.

Solid Waste and Recycling Board

Mr. Gordon Bowers

The vote was: YEAS - 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. Bowers, representing Solid Waste District 7 – Lady’s Island, garnered the ten votes required to serve as a member of the Solid Waste and Recycling Board.

Public Safety Committee

Construction Adjustments and Appeals Board

Mr. Andrew Corriveau

The vote was: YEAS - 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. Corriveau, representing design professional/contractor/building industry, garnered the ten votes required to serve as a member of the Construction Adjustments and Appeals Board.

Mr. Don Dean

The vote was: YEAS - 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. Dean, representing design professional/contractor/building industry, garnered the ten votes required to serve as a member of the Construction Adjustments and Appeals Board.

Chief Bruce Kline

The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. Chief Kline, representing design professional/contractor/building industry, garnered the eight votes required to serve as a member of the Construction Adjustments and Appeals Board.

Burton Fire District Commission

Mr. Thomas Peebles

The vote was: YEAS - 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.

Peeples garnered the ten votes required to serve as a member of the Burton Fire District Commission.

Daufuskie Island Fire District Commission

Ms. Patricia Beichler

The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. Ms. Beichler garnered the ten votes required to serve as a member of the Daufuskie Island Fire District Commission.

Lowcountry Regional Transportation Authority

Mr. Chris Hutton

The vote was: YEAS - 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. Hutton, representing at-large, garnered the ten votes required to serve as a member of the Lowcountry Regional Transportation Authority.

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.

CHAIRMAN'S REMARKS

2011 Committee Assignments

Community Services Committee – Chairman William McBride, Vice Chairman Gerald Dawson, and members Steven Baer, Rick Caporale, Herbert Glaze, Paul Sommerville and Laura Von Harten.

Finance Committee – Chairman Stu Rodman, Vice Chairman Rick Caporale, and members Steven Baer, Brian Flewelling, William McBride, Paul Sommerville and Jerry Stewart.

Governmental Committee (formerly Public Safety) – Chairman Jerry Stewart, Vice Chairman Laura Von Harten, and members Rick Caporale, Gerald Dawson, Brian Flewelling, Herbert Glaze and Stu Rodman.

Natural Resources Committee – Chairman Paul Sommerville, Vice Chairman Brian Flewelling, and members Steven Baer, Gerald Dawson, William McBride, Jerry Stewart and Laura Von Harten.

Public Facilities Committee – Chairman Herbert Glaze, Vice Chairman Steven Baer, and members Gerald Dawson, Brian Flewelling, William McBride, Stu Rodman and Jerry Stewart.

Redistricting Committee

Mr. Newton commented he anticipates appointing members to serve on the Redistricting Committee during the middle of March. It is not a standing committee of Council. The Census Bureau will deliver population counts to states for redistricting late March / April 2011.

Economic Development Task Force

Mr. Newton stated at our February 14, 2011 meeting, we approved a motion to begin a review of the model, structure and funding of the County's current economic development effort. As charged by members of Council, he has created a five-member task force whose collective experience and independence can objectively lead this mission. He is confident that their involvement will produce positive results for our community. As part of this effort, Mr. Kubic is also seeking qualification statements from economic development consultants who will assist this task force in gathering the information required for this review. Three names were discussed having experience in economic development in South Carolina. One company, The Trident Alliance, is not based in South Carolina but has national economic development to serve as a consultant to the Task Force for the purpose of helping to assemble our fact-finding information to help facilitate the group's efforts.

Mr. Caporale inquired if administration has any idea of what the consultant is going to cost us? Are we paying for it or the Lowcountry Economic Network?

Mr. Kubic replied the County is paying the cost of the consultant.

Annual Planning / Strategic Planning Session

Mr. Newton announced the annual planning / strategic planning session is open to the public. The meeting location is the Beaufort/Jasper Water and Sewer Authority building on SC Highway 170. The three-day session starts Thursday, March 3 at 1:00 p.m.; Friday, March 4 at 8:30 a.m.; and Saturday, March 5 at 8:30 a.m. Our adjournment time will be predicated on the discussion. Mr. Lyle Sumeck will serve as facilitator.

Lowcountry Economic Network Meeting

Mr. Newton announced that at the invitation of the Lowcountry Economic Network (LEN) he had attended their Board meeting held February 25, 2011. The media was duly notified of this meeting given the fact Council attendance was outside a scheduled meeting. A number of Council members attended the meeting. At the meeting the LEN brought forward a motion wherein they were going to enter into discussion with the banks about potentially taking the deed in lieu of foreclosure. At the same time we have charged Mr. Kubic, based on our February 14,

2011 Council meeting, with having the property appraised. There has been no counter instruction to Mr. Kubic to stop that activity and this point in time. Mr. Newton suggested that if somebody feels inclined that there is no need for an appraisal, given what the LEN has done, to speak up. The majority of Council moved forward with the motion that was had at that point in time and those are the parameters under which staff is moving forward.

CALL FOR EXECUTIVE SESSION

It was moved by Mr. Rodman, seconded by Mr. Stewart, that Council go immediately into executive session for the purpose of receiving advice relating to pending and potential claims covered by the attorney-client privilege. The vote was: YEAS - 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.

EXECUTIVE SESSION

ADJOURNMENT

Council adjourned at 7:50 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Wm. Weston J. Newton, Chairman

ATTEST: _____
Suzanne M. Rainey, Clerk to Council

Ratified:



The
County
Channel

In Production:

*Coastal Kingdom:
Form and Function*



The County Channel is working on its seventh show in the award-winning nature series *Coastal Kingdom*. The next episode will be a three-part special on form and function in nature. These shows will explore how animals in the Lowcountry attract mates, find food, and protect themselves. These shows will also feature some unique Lowcountry habitats, including the cypress trees that are part of the delicate freshwater wetlands in Port Royal. Naturalist Tony Mills with the LowCountry Institute hosts and produces the show along with our County Channel staff.

The County Channel **Announced:**

PRESENTED BY **MC&GS**
SOUTH CAROLINA
MCAS
BEAUFORT

AIRSHOW
2011

CELEBRATING 100 YEARS
OF NAVAL AVIATION

April 30th
May 1st, 2011

BUY NOW!
TICKETS
HERE
PRINT
TICKETS NOW!

www.beaufortairshow.com

The banner features a blue background with a white cloud layer. In the center, a formation of four blue and white fighter jets flies across the sky. To the left, a single jet is shown in profile. The text is arranged in a structured layout, with the County Channel logo and 'Announced:' at the top. The event title 'AIRSHOW 2011' is prominently displayed in large, stylized letters. A 'BUY NOW!' button with a mouse cursor is on the right. The dates and website are at the bottom.

The County Channel will be working with the US Marine Corps Air Station to provide live coverage of this year's Air Show. The County Channel will be on location with the Live Truck, and multiple cameras to catch all the action. This continues the County Channel's partnership with the Marine Corps, and our military community. The Air Show will be the weekend of April 30th-May 1st on the Marine Corps Air Station, and will feature the high-flying Blue Angels! Get your tickets at www.beaufortairshow.com

**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, March 28, 2011
4:00 p.m.
County Council Chambers**

INFORMATION ITEMS:

- The County Channel / Broadcast Update
- Two-week Progress Report (Enclosure)
- Introduction / Monica Spells, Compliance Officer, Purchasing Department
- Presentation / Good Citizen Awards
Mr. Duffie Stone, Solicitor



Memorandum

DATE: March 25, 2011
TO: County Council
FROM: Gary Kubic, County Administrator *Gary Kubic*
SUBJ: County Administrator's Progress Report

The following is a summary of activities that took place March 14, 2011 to March 25, 2011:

March 14 – 18, 2011

- Personal leave

March 21, 2011

- Staff meeting re: Disaster recovery / storm event management
- Finance Committee meeting
- Community Services Committee meeting

March 22, 2011

- Meeting with Ron Leslie and Steve Wathen, of Equity Retail Development, re: Willow Run project

March 23, 2011

- Meeting with Jerri Roseneau, Clerk of Court, and David Starkey, Chief Financial Officer, re: Clerk of Court accounts
- Agenda review with Chairman, Vice Chairman and Executive Staff
- Meeting with Ben Brezeale, of Time Warner, and Staff Attorney Lad Howell re: Check presentation for past franchise fees
- Meeting with Otis Johnson, Mayor, City of Savannah, Georgia, Bryan Hill, Deputy County Administrator, and Morris Campbell, Director of Community Services, re: Ferry Feasibility Study / Regional Ferry System

March 24, 2011

- Meeting with Bryan Hill, Deputy County Administrator, David Starkey, Chief Financial officer and Sharon Burris, Auditor re: State Auditor's Report

- Conference call with staff re: Daufuskie Island building practices
- Staff meeting re: 2011 Disaster Recovery ordinance

March 25, 2011

- Meeting with Kevin Farruggio, Mark Guenther and Frank Conder re: Bluffton Parkway right-of-way property and Old Carolina Golf Course and Wellstone at Bluffton Development Concepts

BIO
MONICA SPELLS

Monica Spells has nearly 15 years of experience in both the public and private sectors with training and development programs and contract administration, most recently at a construction and professional services firm in Columbia, SC, where she served as the Operations Manager and Construction Contract Administrator for projects with Owners including:

- Charleston County School District
- Richland County Recreation Commission
- South Carolina State University
- The Myrtle Beach Housing Authority
- The City of Columbia

In her last position she also worked on compliance issues for Beaufort County School District by assisting with business outreach initiatives for the District's Capital Improvements Program.

Monica received a Bachelor of Arts degree in United States History from College of Charleston and a Master of Public Administration from the University of South Carolina. She is also a Notary Public and a member of the National Contract Management Association, the National Association of Women in Construction, and The South Carolina Association of Governmental Purchasing Officials.



Memorandum

DATE: March 25, 2011
TO: County Council
FROM: Bryan Hill, Deputy County Administrator
SUBJECT: Deputy County Administrator's Progress Report

The following is a summary of activities that took place March 14, 2011 through March 25, 2011:

March 14, 2011 (Monday):

- Meet with Gary Kubic, David Starkey, Ladson Howell and Edra Stephens re: Business License Updates
- Meet with Gary Kubic, David Starkey, Ladson Howell, Dave Thomas and Doug Henderson re: Credit Card Services
- Natural Resources Committee Meeting
- County Council

March 15, 2011 (Tuesday):

- Hurricane Tabletop Exercise
- Meet with Hillary Austin, Zoning Director
- Meet with David Starkey and Carolina First Bank Team

March 16, 2011 (Wednesday):

- Attend Penn Center Board Meeting; Review Amendments to Plan
- Attend Stormwater Intergovernmental Agreement Workshop (Pre-Meeting)

March 17, 2011 (Thursday)--Bluffton:

- Bluffton Hours
- Attend County/Town of Bluffton Bimonthly Meeting at Chairman Weston Newton's Office

March 18, 2011 (Friday):

- Attend Intergovernmental Agreement Stormwater Meeting
- Bluffton PM Hours

March 21, 2011 (Monday):

- Meet with Dan Morgan, MIS/GIS Director
- Meet with Gregg Hunt, Mosquito Control Director
- Meet with Gary Kubic, Robert McFee, Morris Campbell and John Webber re: 2011 Storm Event Management/Departmental Continuity of Service Plans
- Finance Committee Meeting

March 22, 2011 (Tuesday):

- Meet with David Starkey, Chief Financial Officer
- Meet with Anthony Criscitiello, Ladson Howell and Gary Moore re: Okatie Regional Park Proposal
- Public Safety Committee Meeting

March 23, 2011 (Wednesday):

- Agenda Review
- Meet with Time Warner Representative re: State Franchise Renewal
- Attend meeting with Gary Kubic, Morris Campbell and Mayor Otis S. Johnson of Savannah, GA re: Ferry Feasibility Study
- Attend SOP Report Meeting (at Auditor's Office) via Telephone

March 24, 2011 (Thursday):

- Meet with Dan Morgan, MIS/GIS Director
- Meet with David Starkey and Fire Chiefs re: Budget
- Conference Call with Gary Kubic, Ladson Howell and Arthur Cummings re: Daufuskie Building Practices
- Attend 2011 Disaster Recovery Ordinance Meeting
- Meet with Monica Spells, Compliance Officer re: Compliance Procedural Changes

March 25, 2011 (Friday):

- Work on Budget!



Beaufort County, South Carolina

Beaufort County Announcements



LIBRARY 101

*A workshop detailing
BCL governance, funding, roles,
responsibilities and trends*

April 21, 2011

1:00 – 3:00 pm

SC Room, Beaufort Branch Library

Jan O'Rourke,
Assistant Director
Presenter

**A Tour of Technical Services, Inter-Library Loan,
the Beaufort District Collection, Administrative Offices
and Branch Offices to follow Workshop**





Beaufort County Baseball at Burton Wells

- ❖ 16 Teams
- ❖ 170 Players
- ❖ 25 Hotel Rooms
- ❖ 3 Future Scheduled Tournaments
- ❖ World Series – July 29, 2011



2011 /

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO APPROVE THE *FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT* BY AND BETWEEN COROC / HILTON HEAD I, LLC, A DELAWARE LIMITED LIABILITY COMPANY AND THE COUNTY OF BEAUFORT, SOUTH CAROLINA PURSUANT TO SECTION 6-31-30 OF THE *CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED*.

NOW, THEREFORE, Beaufort County Council adopts this ordinance so to amend the COROC / Hilton Head I, LLC, a Delaware limited liability company all of which is more fully set forth in the document entitled First Amendment to Development Agreement, a copy of which is attached hereto and incorporated by reference herein as if set forth verbatim.

This ordinance shall become effective upon filing of an executed First Amendment to Development Agreement with the Beaufort County Clerk to Council.

Adopted this ____ day of _____, 2011.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:

Ladson F. Howell, Staff Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading: March 14, 2011
Second Reading:
Public Hearings:
Third and Final Reading:

(Amending 2009/12)

When recorded return to:
MCNAIR LAW FIRM, P.A./WJN
23-B Shelter Cove Lane, Post Office Drawer 3
Hilton Head Island, SC 29938
(843) 785-2171

STATE OF SOUTH CAROLINA)
)
)
COUNTY OF BEAUFORT)

 FIRST AMENDMENT TO
 DEVELOPMENT AGREEMENT
 TANGER HILTON HEAD OUTLET CENTER I
 Indexing Reference: Book 2893 at Page 1

THIS FIRST AMENDMENT TO DEVELOPMENT AGREEMENT TANGER HILTON HEAD OUTLET CENTER I is made and entered into effective the ____ day of _____, 2011 by and between COROC/Hilton Head I L.L.C., a Delaware limited liability company authorized to conduct business in South Carolina (the "Owner") and the governmental authority of Beaufort County, South Carolina ("Beaufort County"), a South Carolina municipal corporation.

RECITALS

WHEREAS, the Owner as owner of certain real property located in Beaufort County, South Carolina (the "Property") and Beaufort County entered into that certain Development Agreement for the Tanger Hilton Head Outlet Center I dated March 30, 2009 and recorded in the Office of the Register of Deeds for Beaufort County in Book 2893 at Page 1 (the "Development Agreement"); and

WHEREAS, among other matters, the Development Agreement provides for the redevelopment of the Tanger Hilton Head Outlet Center I (the "Redevelopment") located on the Property; and

WHEREAS, the Redevelopment includes the construction of commercial retail buildings and associated infrastructure on the Property as well as restaurant buildings and associated infrastructure upon one (1) or more of the four (4) outparcel lots fronting U.S. Highway 278, all as depicted in the Master Plan for the Tanger Hilton Head Outlet Center I (the "Master Plan") approved together with and pursuant to the Development Agreement; and

WHEREAS, in recognition of the importance of architectural branding to the success of a retail outlet center, Article XIII Section D of the Development Agreement approves the architecture, architectural details, materials and colors of the retail portions of the Outlet Center; and

WHEREAS, it was the original intention of the parties that Development on the Property, including the outparcel lots, would not be subject to corridor review in accordance with Section 106-581 of the ZDSO; and

WHEREAS, at the time the Development Agreement was being negotiated and reviewed, the Owner did not have agreements completed for the lease or Development of the outparcel lots and therefore could not submit plans or designs for such outparcel lots in advance of the approval of the

Development Agreement; and

WHEREAS, the parties have recognized the need for increased flexibility concerning certain signage requirements for tenants and occupants of the retail buildings constructed on the Property in excess of that provided in the Development Agreement and the ZDSO for the Redevelopment; and

WHEREAS, the parties agree that the Development Agreement requires amendment to clarify the intention of the parties with respect to certain matters described in the Development Agreement and to address the matters described above.

NOW, THEREFORE, the Owner and Beaufort County, intending to be legally bound hereby and in consideration of the aforesaid premises and the covenants and agreements set forth in this Amendment hereby agree as follows:

1. Article XIII Section D. Article XIII Section D is amended with the replacement of the last sentence in that section which reads:

“Owner and Developer(s) shall, except as otherwise described in this Agreement, be subject to corridor review in accordance with Section 106-581 of the ZDSO.”

with:

“Design review and approval ~~of consistent with Chapter 106, Appendix B, Section 4, subparagraph A.1 and subparagraph A.2 of the ZDSO for any~~ Development on the Property shall be the responsibility of and made by the ~~Planning Department and Planning Director, respectively, and County Administrator~~ and not be subject to corridor review pursuant to Section 106-581 of the ZDSO.”

2. Article XII Section C. Article XII Section C is amended with the addition of the following:

“Building Signage Used by Tenants in the Outlet Center.

a. Tenant signs shall be sized per the wall area and are limited to fifteen percent (15%) of the wall area or eighty (80) square feet, whichever is less. Tenant signs along a storefront may be shifted to adjacent, logical locations on the building elevation due to the presence of features and towers. Tenant signs may be stacked on features. (See Arrow C2a on Exhibit “B-2(a)” attached hereto and made a part hereof.

b. Tenants located in Building 2 (as shown in Exhibit “B-2(a)”) may have signs on the storefront side and one on the rear wall facing Bluffton Parkway. Both the front and rear elevation signs are allowed fifteen percent (15%) of the wall area or eighty (80) square feet, whichever is less. (See Arrow C2b on Exhibit “B-2(a)”).

c. Tenants located in Building 4 (as shown in Exhibit “B-2(a)”) may have signs on the storefront side and one on the rear wall facing U.S. Highway 278.

Both the front and rear elevation signs are allowed fifteen percent (15%) of the wall area or eighty (80) square feet, whichever is less. (See Arrow C2c on Exhibit "B-2(a)").

d. In addition to front wall signage, Tenants located on the ends of Building 1 and Building 3 (as shown in Exhibit "B-2(a)") shall be allowed to have a sign on their side walls. Both the front and side elevation signs are allowed fifteen percent (15%) of the wall area or eighty (80) square feet, whichever is less. (See Arrows C2d on Exhibit "B-2(a)").

3. Definitions. Any and all defined terms used herein shall have the same meaning as set forth in the Development Agreement unless otherwise herein defined.

4. Control. In the event of any inconsistency between this First Amendment and the Development Agreement, this First Amendment shall control. Except as amended or modified by the terms recited herein, the Development Agreement and all terms and conditions thereof shall continue in full force and effect.

[signatures follow]

IN WITNESS WHEREOF, the parties hereby set their hands and seals, effective the date first above written.

WITNESSES:

Owner:
COROC/HILTON HEAD I L.L.C.

By: _____
Its: _____

STATE OF _____)
))
COUNTY OF _____)

ACKNOWLEDGMENT

I HEREBY CERTIFY, that on this ____ day of _____, 2011, before me, the undersigned Notary Public of the State and County stated below, personally appeared _____, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within document, who acknowledged the due execution of the foregoing document in the capacity indicated.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above mentioned.

Name (printed): _____
Notary Public for _____
My Commission Expires: _____

(Affix Notary Seal)

WITNESSES:

BEAUFORT COUNTY, SOUTH CAROLINA

By: _____

Its: _____

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

)
) ACKNOWLEDGMENT
)

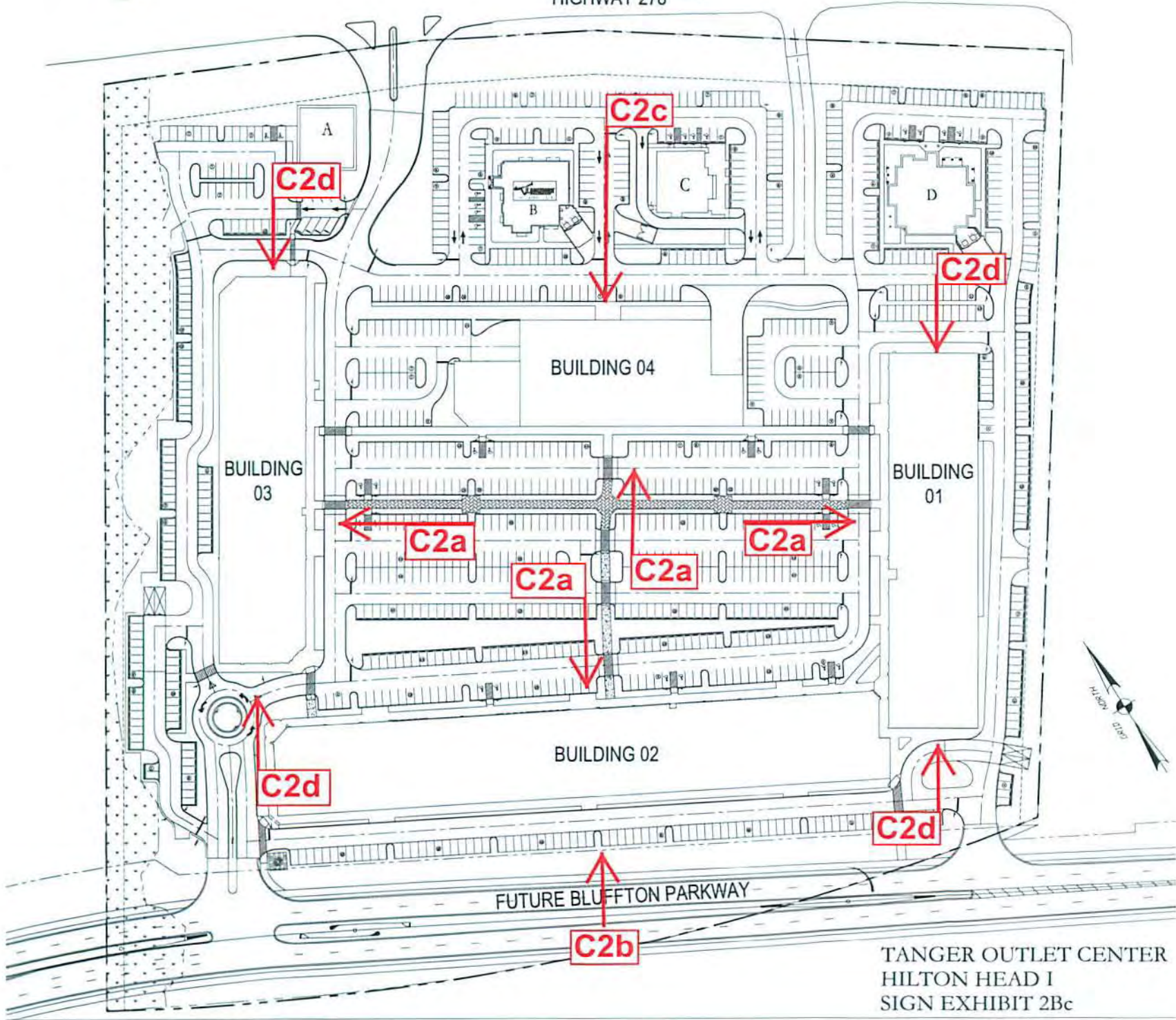
I HEREBY CERTIFY, that on this ____ day of _____, 2011, before me, the undersigned Notary Public of the State and County aforesaid, personally appeared _____, known to me (or, satisfactorily proven) to be the person whose name is subscribed to the within document, as the appropriate official of Beaufort County, South Carolina, who acknowledged the due execution of the foregoing document.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above mentioned.

Notary Public for South Carolina
My Commission Expires: _____

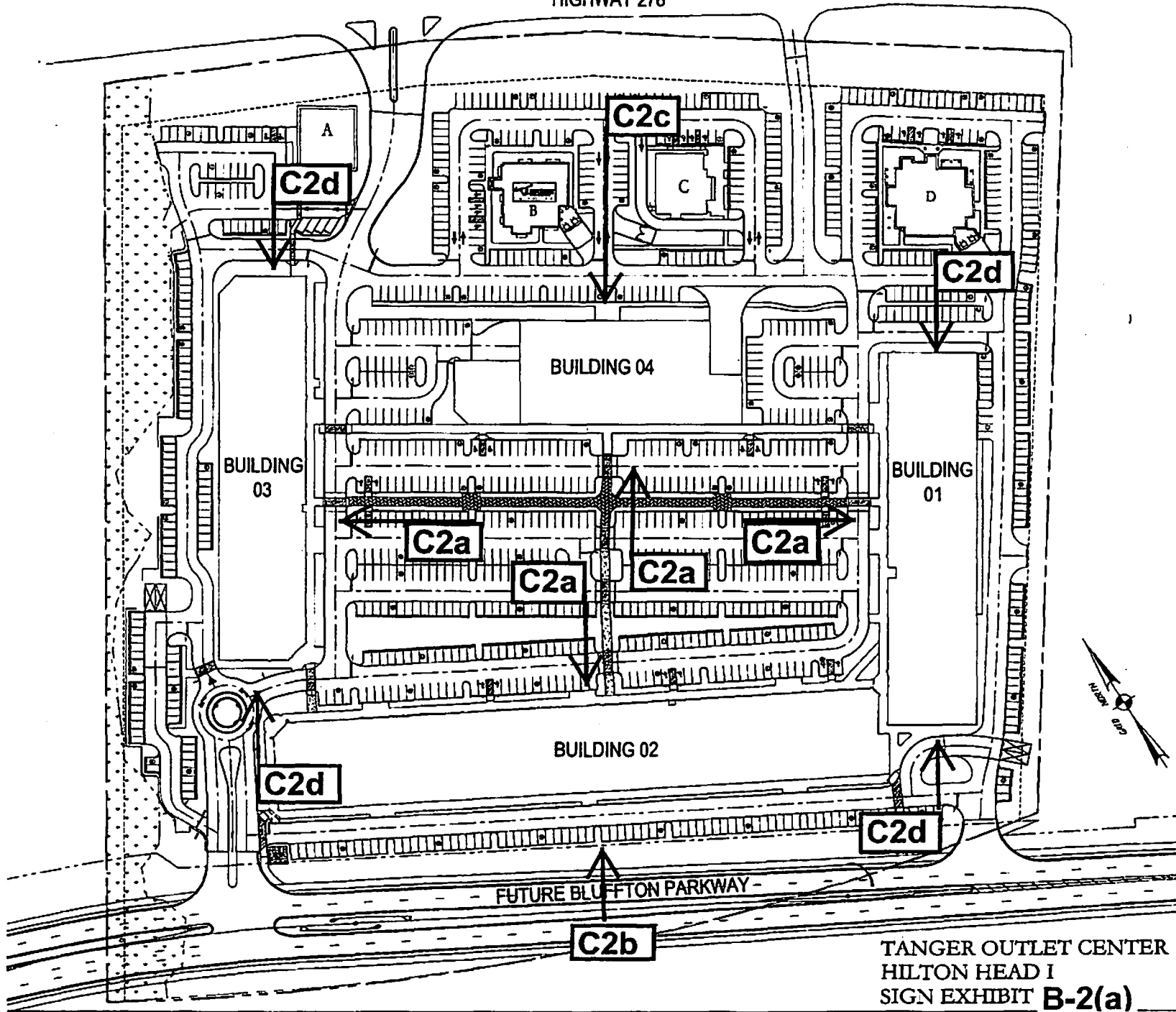
Exhibit B-2(a)
TO DEVELOPMENT AGREEMENT
TANGER OUTLET CENTER I PUD MASTER PLAN

HIGHWAY 278



TANGER OUTLET CENTER
HILTON HEAD I
SIGN EXHIBIT 2Bc

HIGHWAY 278



TANGER OUTLET CENTER
HILTON HEAD I
SIGN EXHIBIT **B-2(a)**

XII. PERMITTING PROCEDURES

C. Signage

1. Property Signage - Signage for the Property shall be governed by the Master Plan, which depicts two (2) monument signs at the signalized access points to the Property from U.S. Highway 278 and the new Bluffton Parkway, respectively. Beaufort County acknowledges and agrees that the Owner shall be permitted to construct two (2) monument signs, each at a maximum of 150 square feet, at the locations shown on the Master Plan with size, color, design and architectural elements which are the same as the monument existing at the signalized access point to the Property from U.S. Highway 278 as of the date of this Agreement.

2. Tenant Signage -

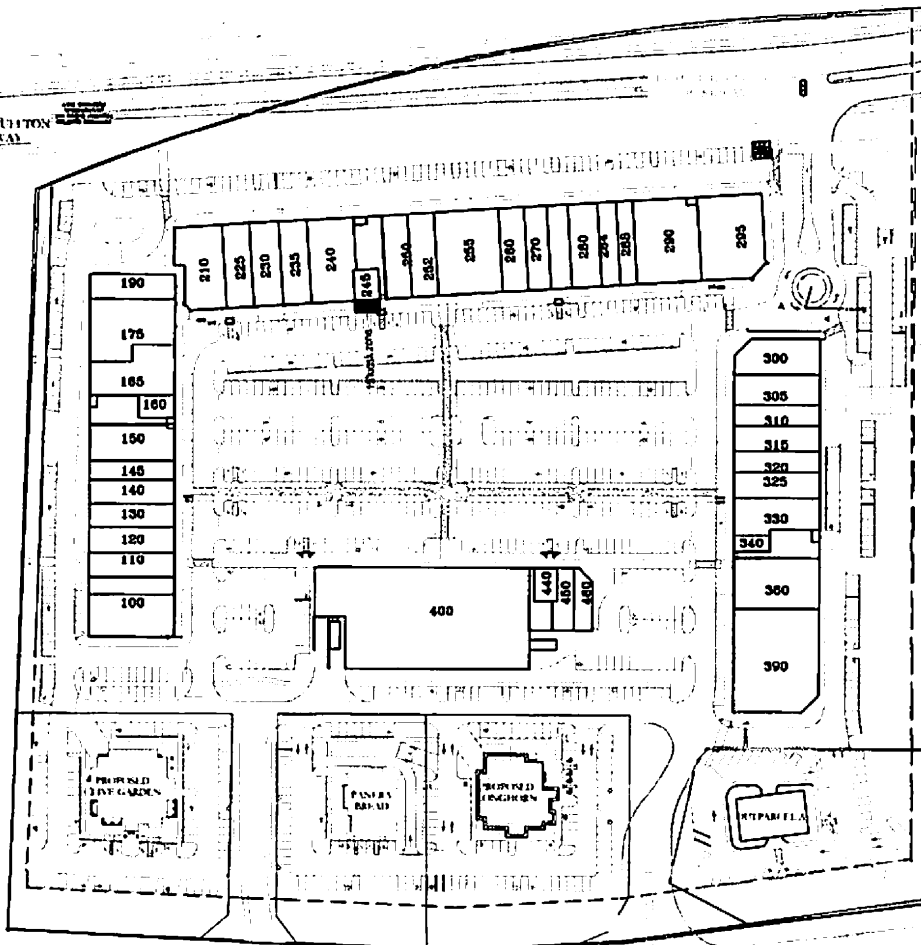
a. Tenant signs are to be sized per the wall area and are limited to 15% of the wall area or 80 Square Feet, whichever is less. Tenant signs along the storefront may be shifted to adjacent, logical locations on the building elevation due to the presence of features and towers. Tenant signs may be stacked on features. (See Arrows C2a on Exhibit 2Bc)

b. Tenants located in Building 2 may have signs on the storefront side and one on the rear wall facing Bluffton Parkway. Both the front and rear elevation signs are allowed 15% of the wall area or 80 square feet, whichever is less. (See Arrow C2b on Exhibit 2Bc)

c. Tenants located in Building 4 may have signs on the storefront side and one on the rear wall facing Highway 278. Both the front and rear elevation signs are allowed 15% of the wall area or 80 square feet, whichever is less. (See Arrow C2c on Exhibit 2Bc)

d. In addition to front wall signage, Tenants located on the ends of Buildings 1 and 3 shall be allowed to sign on their side walls. Both the front and side elevation signs are allowed 15% of the wall area or 80 square feet, whichever is less. (See Arrows C2d on Exhibit 2Bc)

FUTURE HILTON
PARKWAY



U.S. HIGHWAY 278
U.S. HIGHWAY 278

Location:
Located off Highway 278 two miles from the Hilton Head bridge.

Major Cities:
Savannah, GA 30 miles

2008 Demographics:

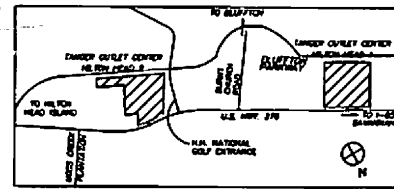
Radius	Population	Avg. Household Income
5 miles	26,703	\$88,559
10 miles	79,819	\$98,216
30 miles	460,464	\$69,444
45 miles	574,544	\$67,218
60 miles	797,113	\$63,450

Traffic Counts:
Highway 278 60,000

Retail Sensitivity:

Name and Location of Mall	Distance	Tenants
Mall at Shelter Cove Hilton Head Isle, SC	10.6 miles	
Oglethorpe Mall Savannah, GA	23.6 miles	Rich's, Bolk
Savannah Mall Savannah, GA	26.8 miles	Best Pro, Dillard's
Savannah Festival F. S. Savannah, GA	31 miles	

OUTPARCELS
A: 1.27 acres Panera
B: 1.47 acres Longhorn
C: 1.10 acres
D: 1.58 acres



Tanger Outlet Centers
HILTON HEAD 1, SOUTH CAROLINA

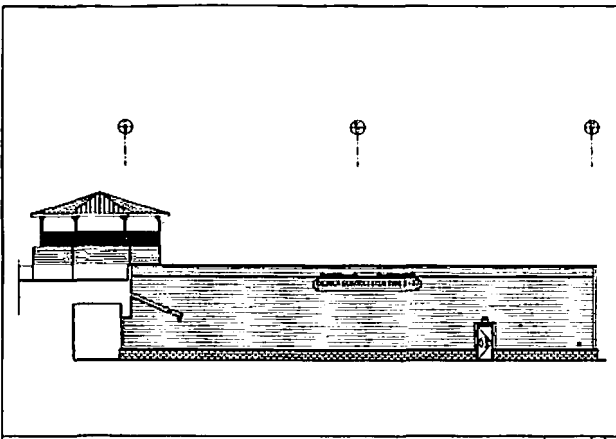
CROSS-CARABLE AREA:
Total GFA 177,204 SF.

Tenant names shown herein do not constitute a guarantee that those stores will be open in this center. We are negotiating with the listed stores, and certain stores may have leases for space within this center. The physical nature and actual conditions (including but not limited to dimensions, store locations and stores opened) are subject to change. All information shown herein should be verified by tenant through physical inspection.

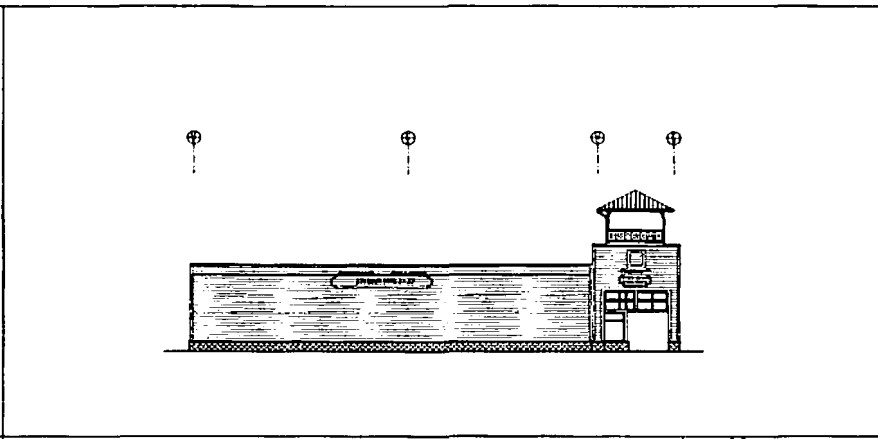
Merchandising Plan
HILTON HEAD, SOUTH CAROLINA
February 17, 2011
Tanger Factory Outlet Centers, Inc.
P.O. Box 10889
Greensboro, NC 27404
Telephone: (336) 292-3010
Fax: (336) 292-0416

ADAMS + ASSOCIATES
ARCHITECTURE

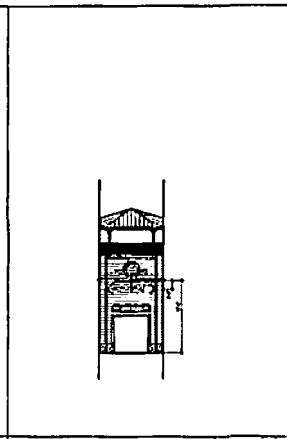




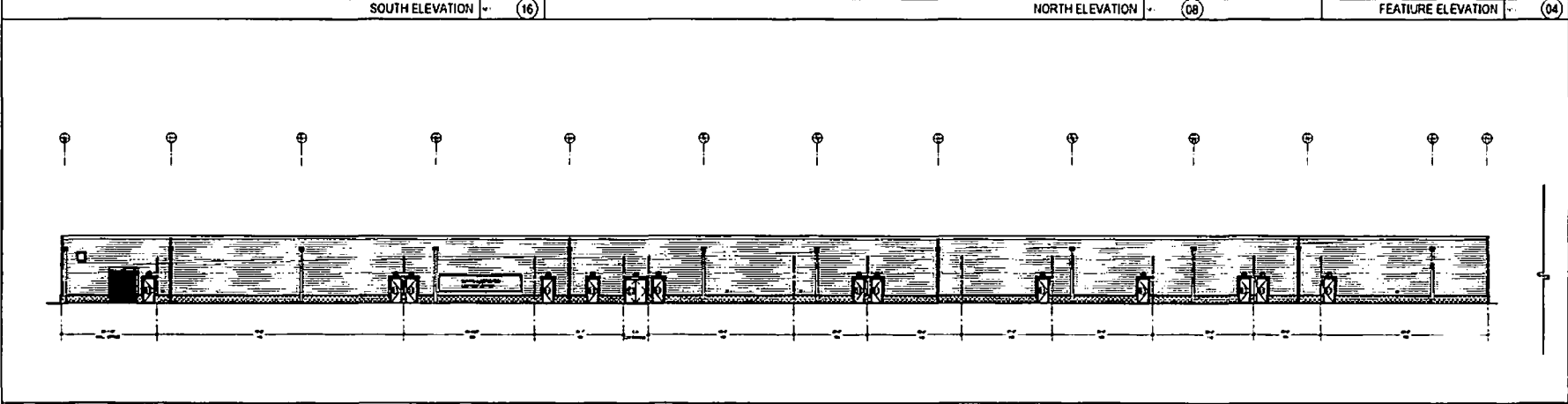
SOUTH ELEVATION (16)



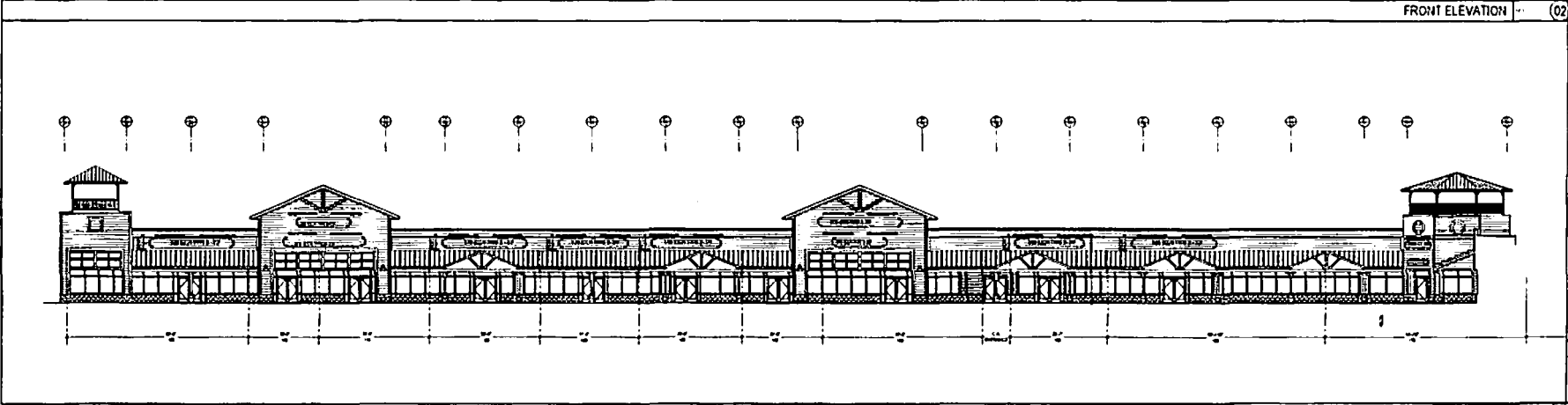
NORTH ELEVATION (08)



FEATURE ELEVATION (04)



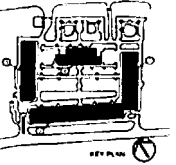
FRONT ELEVATION (02)



FRONT ELEVATION (01)

TANGER
OUTLET CENTERS
THE TANGER CENTER
ILLUSTRATION
SOUTH CAROLINA

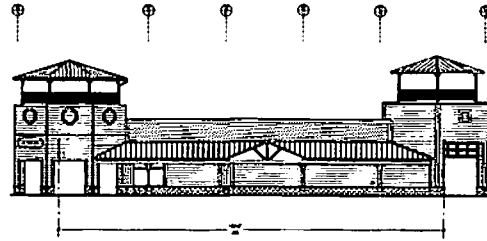
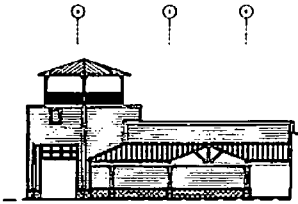
Project No. _____ Date of _____
Contract _____ & Company, Inc.
Drawn By _____
Date _____



BUILDING 1
ELEVATIONS



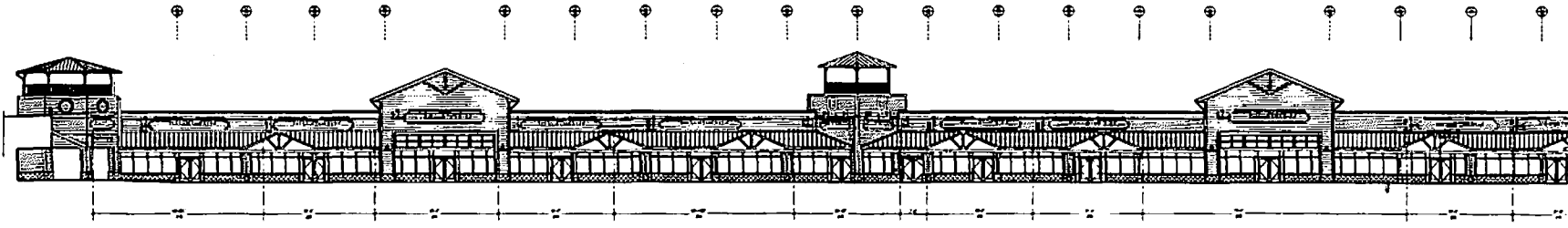
147 North Main Street, Liberty, MO 64015
Phone: 816.785.8222 Fax: 816.785.8223
www.adamsassoc.com



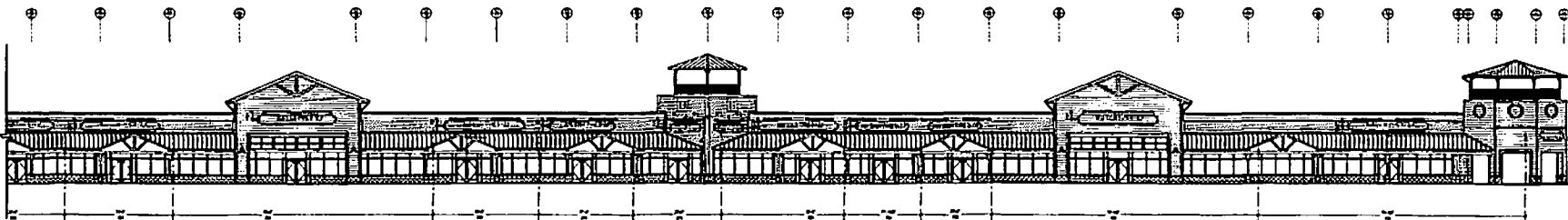
EAST ELEVATION AND FEATURE (16)

WEST ELEVATION AND FEATURE (04)

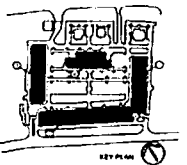
Project No. 02-01
Client TANGER
Design By ADAMS + ASSOCIATES
Date 02/01/01



FRONT ELEVATION (02)



FRONT ELEVATION (01)



BUILDING 02
ELEVATIONS

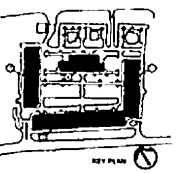
ADAMS + ASSOCIATES
ARCHITECTURE



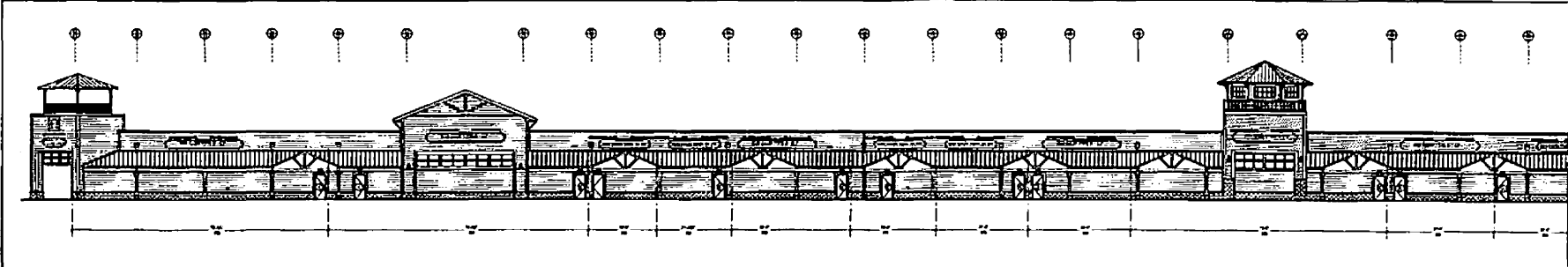
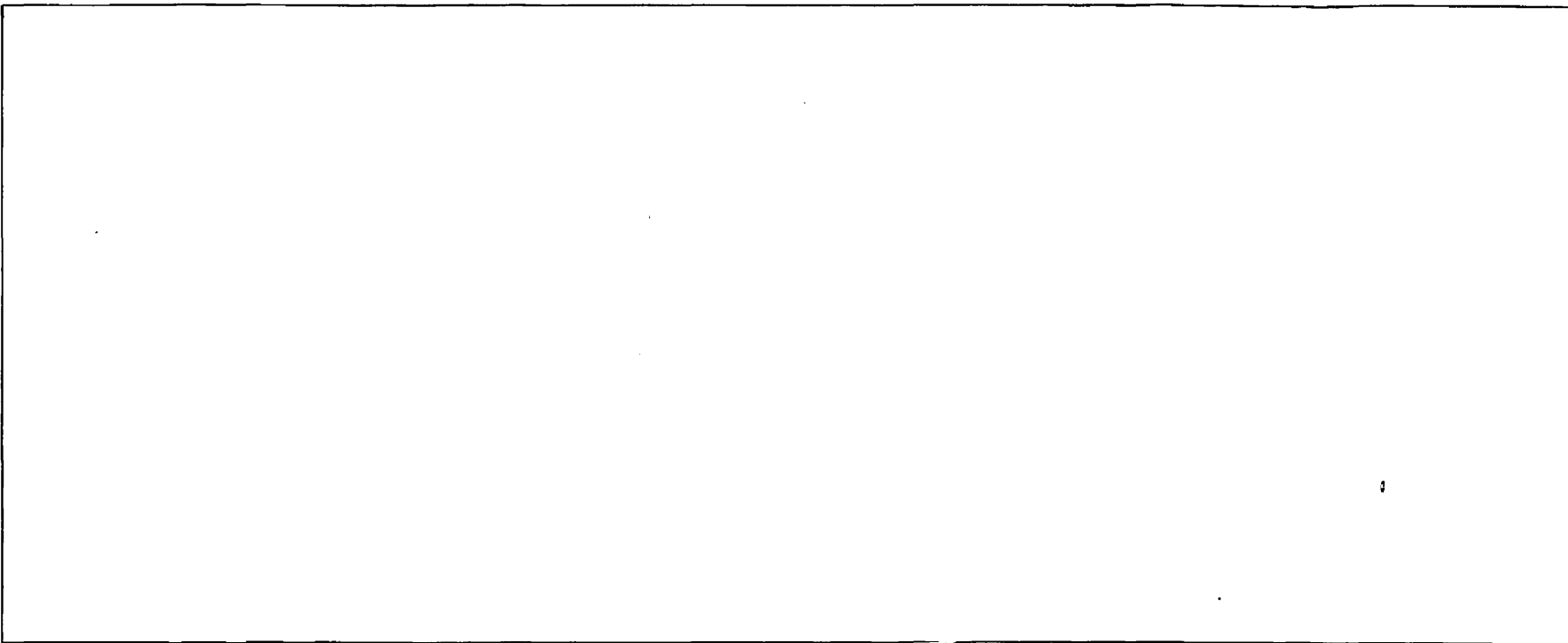
200 NORTH STATE STREET, SUITE 200, CHARLOTTE, NC 28202
PHONE: 704.333.1111 FAX: 704.333.1112
WWW.AAARCHITECTURE.COM

TANGER
OUTLET CENTERS
400 TON ROAD 1
BLUFFTON
SOUTH CAROLINA

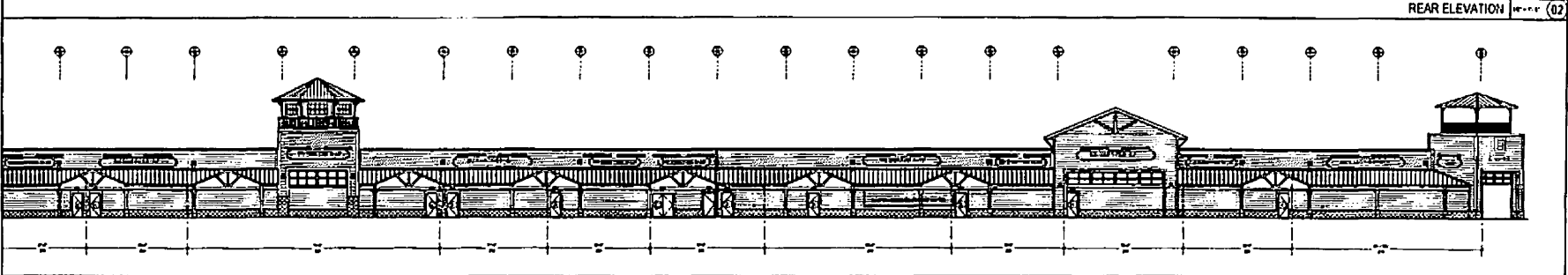
DATE: 11/11/03
DRAWN BY: J. HARRIS
CHECKED BY: J. HARRIS



BUILDING 02
ELEVATIONS



REAR ELEVATION 02



REAR ELEVATION 01

ADAMS + ASSOCIATES
ARCHITECTURE



100 North College Street, Suite 200, Raleigh, NC 27601
Phone: 919.833.1111 Fax: 919.833.1112
www.adamsassoc.com



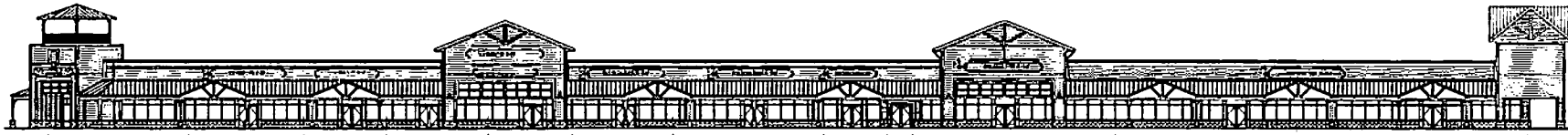
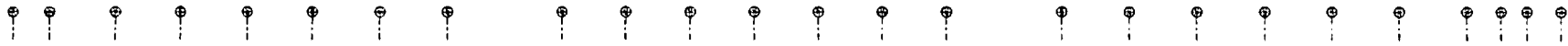
SIDE ELEVATION -- (16)



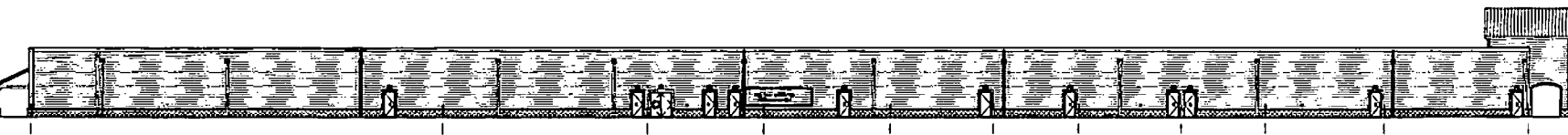
SIDE ELEVATION -- (08)



FEATURE ELEVATION -- (04)



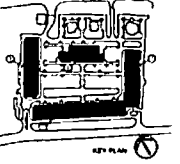
FRONT ELEVATION -- (02)



FRONT ELEVATION -- (01)

TANGER
OUTLET CENTERS
100 North College Street
Raleigh, NC 27601

Project No. 0000000000
Client: Tanger
Drawn By: JWC
Date: 08/08/00



BUILDING 3
ELEVATIONS

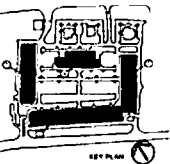
ADAMS + ASSOCIATES
ARCHITECTURE



100 South Main Street, Suite 200, Raleigh, NC 27601
919.856.1234

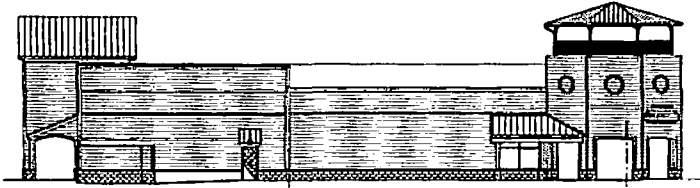
**TANGER
OUTLET CENTERS**
100 South Main Street
Raleigh, NC 27601
919.856.1234

Project No. 0401
Client TANGER
Design By ADAMS + ASSOCIATES
Date 08/20/01

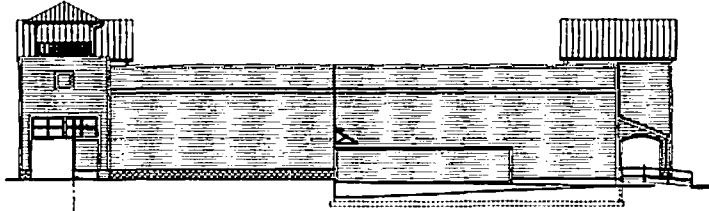


**BUILDING 04
ELEVATIONS**

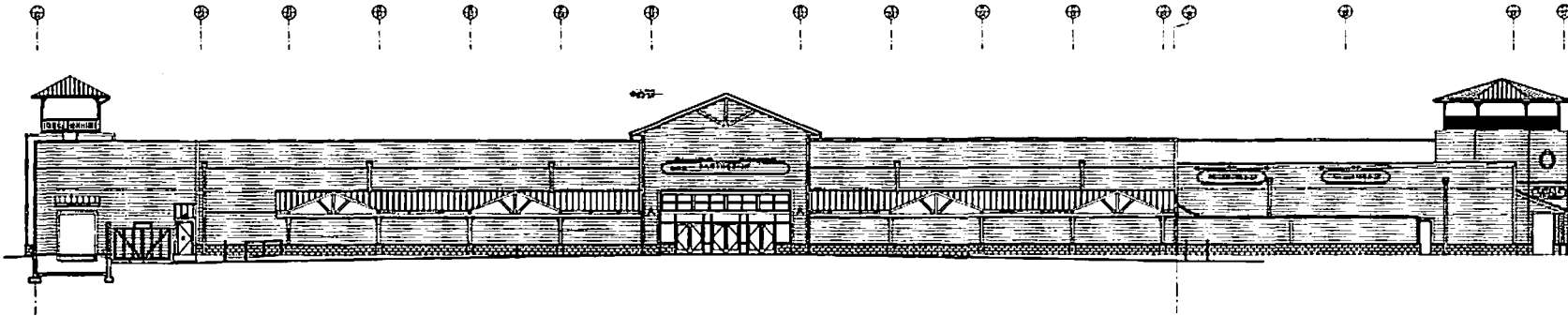
A2041



WEST ELEVATION (16)



EAST ELEVATION (04)



REAR ELEVATION (02)



FRONT ELEVATION (01)

Memo

To: Chairman and County Council
From: Tony Criscitiello, Planning Director
CC: Gary Kubic, County Administrator
Bryan Hill, Deputy County Administrator
Date: 3/24/2011
Re: Tanger 1, Master Sign Plan – Development Agreement Amendment

Background: At first reading of the proposed Amendment to the Tanger 1 Development Agreement there was an expression of concern from some members of the County Council that the portion of the amendment dealing with signs was unclear. The direction of Council to staff was that an analysis shall be prepared that describes the current sign regulations in the ZDSO, and how that differs from the proposed language in the Development Agreement.

Analysis: The operative section of the ZDSO is Sec. 106-3173. Shopping Centers or Multiple-tenant buildings and Sec. 106-3176. Signage for the Corridor overlay district. The current regulations do not contain enough clarity to handle a set of buildings that have multitude architectural features. This together with tenant spaces of differing storefront widths presents a set of complexities that can be interpreted vis-à-vis sign regulations in a variety of ways by different people. For example, the towers exist as an architectural feature to give visual interest to the buildings; yet some of the store fronts are relatively small in those locations, and the store signs are too small or located in such a way as to make stores hard to find. The ZDSO does not contemplate this kind of nuisance. The Development Agreement in Article XII Section C alleviates this problem, by helping the ZDA to work with the Shopping Center Developer to shift signs around while not sacrificing the major ZDSO objective to limit signs to 15% of wall area or 80 square feet of sign area. The delta or difference in regulations between the sign regulations in the ZDSO and the Development Agreement sign regulations is more flexibility in the development agreement to shift signs along building exteriors, or in other places that might not ordinarily be allowed i.e., towers or building end-caps.

Finally, the SDSO does not address the variety of informational signs to inform or direct the public where to go to address shopping center needs, i.e., restrooms, directories, parking locations, etc.

Recommendation: Staff recommends that the County Council approve the Development Agreement language.

Tanger Outlets

HILTON HEAD 1 SITE IDENTITY & WAYFINDING

These documents and plans have been created by and are the exclusive intellectual property of Adcon Inc. Any unauthorized use, disclosure, dissemination or duplication of any of the information contained herein may result in liability under applicable laws.

Shop Drawing for:

**Tanger Outlets
 Hilton Head 1
 South Carolina**

Sign Type: _____ Sign Site Plan

Date: Jan 12, 2011
 Drawn by: Jason J.
 Account Manager: Spencer J.
 Project Manager: Ed D.
 Design/ Estimate #: 26601
 File Name: Sign Site Plan

Client Approval

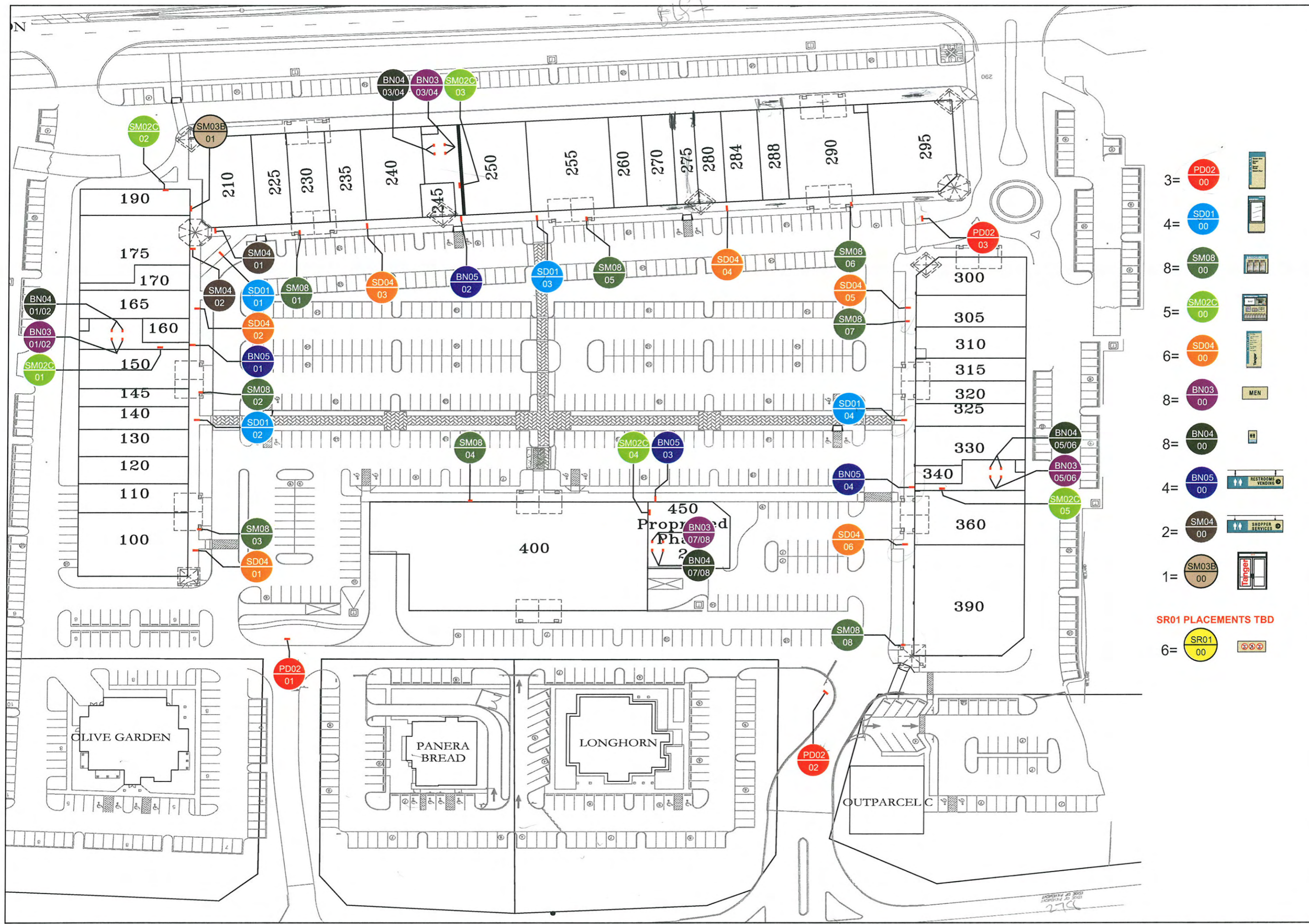
Signature _____
 Date _____
 NOTE: Please ensure all red line changes are noted on this drawing prior to returning it to ADCON. Subsequent to ADCON incorporating the red line changes requested on this drawing, any further changes will result in additional billing at the rate of \$86 per hour.
 Approved
 Approved As Noted
 Revise And Resubmit

Production Mgr. Approval	Date
Project Mgr. Approval	Date
Account Mgr. Approval	Date
P&D Mgr. Approval	Date

Revision Notes:
 BNO3, BnO4 and BNO5 qty change

Add sign location #s

Shop _____



- 3= PD02 00
- 4= SD01 00
- 8= SM08 00
- 5= SM02C 00
- 6= SD04 00
- 8= BN03 00
- 8= BN04 00
- 4= BN05 00
- 2= SM04 00
- 1= SM03E 00
- SR01 PLACEMENTS TBD
- 6= SR01 00



Shop Drawing for:

**Tanger Outlets
Hilton Head 1
South Carolina**

Sign Type: _____ Sign Summary _____

Date: _____ Jan 26, 2011

Drawn by: _____ Skip W.

Account Manager: _____ Spencer J.

Project Manager: _____ Ed D.

Design/ Estimate #: _____ 26601

File Name: _____ Sign Summary

Client Approval

Signature _____

Date _____

NOTE: Please ensure all red line changes are noted on this drawing prior to returning it to ADCON. Subsequent to ADCON incorporating the red line changes requested on this drawing, any further changes will result in additional billing at the rate of \$86 per hour.

- Approved
- Approved As Noted
- Revise And Resubmit

Production Mgr. Approval _____ Date _____

Project Mgr. Approval _____ Date _____

Account Mgr. Approval _____ Date _____

P&D Mgr. Approval _____ Date _____

Revision Notes:

Paint colors verified

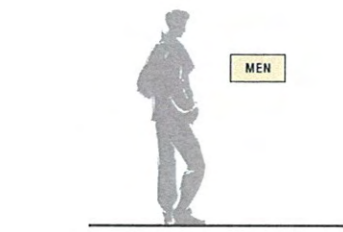
Shop _____

Seg. No. **1-12** ★★

W.O. No. **1102001**

Rev. No. **1** Date: 2-2-11
By: SAW

Sheet No. **1.0**



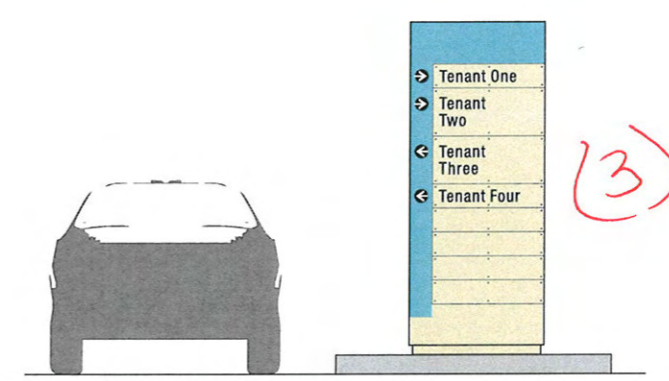
BN03
Restroom ID (Large)



BN04
Restroom ID ADA



BN05
Restroom ID (Large)



PD02 Vehicular Directional
Free-standing



SD01
Dual Cabinet
Directory



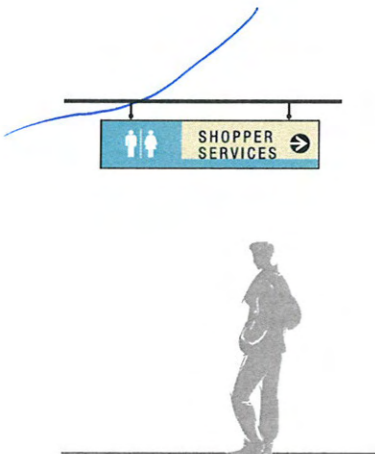
SD04
Free-standing
Directory



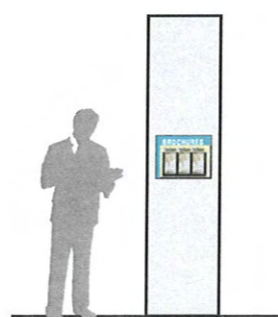
SM02
Shopper Services
Information Wall-mounted



SM03B
Shopper Services
ID at Mall Office



SM04
Shopper Services
Hanging Directional



SM08
Shopper Services
Brochures (Small)



SR01
Regulatory
(No Fun Sign)

Tanger 1

Shop Drawing for:

**Tanger Outlets
Hilton Head 1
South Carolina**

Sign Type: _____ Sign Summary _____

Date: _____ Jan 26, 2011

Drawn by: _____ Skip W.

Account Manager: _____ Spencer J.

Project Manager: _____ Ed D.

Design/ Estimate #: _____ 26601

File Name: _____ Sign Summary

Client Approval

Signature _____

Date _____

NOTE: Please ensure all red line changes are noted on this drawing prior to returning it to ADCON. Subsequent to ADCON incorporating the red line changes requested on this drawing, any further changes will result in additional billing at the rate of \$86 per hour.

- Approved
- Approved As Noted
- Revise And Resubmit

Production Mgr. Approval _____ Date _____

Project Mgr. Approval _____ Date _____

Account Mgr. Approval _____ Date _____

P&D Mgr. Approval _____ Date _____

Revision Notes:

Paint colors verified

Shop _____

Seg. No. **1-12** ★★

W.O. No. **1102001**

Rev. No. **1** Date: 2-2-11
By: SAW

Sheet No. **1.0**



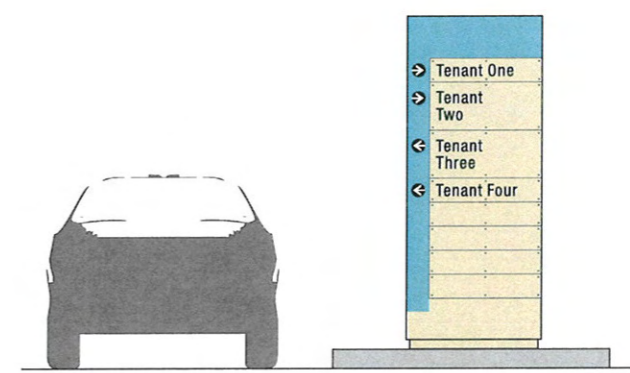
BN03
Restroom ID (Large)



BN04
Restroom ID ADA



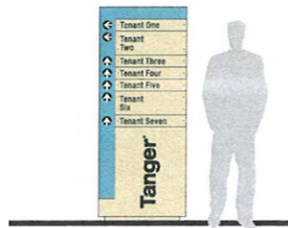
BN05
Restroom ID (Large)



PD02 Vehicular Directional
Free-standing



SD01
Dual Cabinet
Directory



SD04
Free-standing
Directory



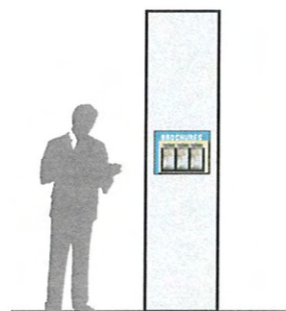
SM02
Shopper Services
Information Wall-mounted



SM03B
Shopper Services
ID at Mall Office



SM04
Shopper Services
Hanging Directional



SM08
Shopper Services
Brochures (Small)



SR01
Regulatory
(No Fun Sign)



**COUNTY COUNCIL OF BEAUFORT COUNTY
PURCHASING DEPARTMENT**

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

TO: Councilman Stewart H. Rodman, Chairman, Finance Committee
VIA: Gary Kubic, County Administrator *GKubic*
Bryan Hill, Deputy County Administrator *BHill*
David Starkey, Chief Financial Officer *DStarkey*
FROM: Dave Thomas, CPPO, Purchasing Director *DAT*
SUBJ: RFP# 3918/110128 Auditing and Consulting Services
DATE: February 18, 2011

BACKGROUND: Beaufort County issued Request for Proposals (RFP) to firms capable of providing an independent audit and consulting services for five (5) years, beginning with an audit of the financial statements for fiscal year ending June 30, 2011 through June 30, 2015. The evaluation committee consisted of the following three (3) members from the County's Finance Department: David Starkey, CFO, Alan Eisenman, Finance Supervisor, and Alicia Holland, Finance Supervisor. The evaluation committee interviewed the top three (3) firms and selected Elliott Davis, LLC as the number one ranked firm.

FINAL EVALUATION RANKING:

1. Elliott Davis LLC, Columbia, SC
2. Holland, Henry & Bromley LLP, Savannah, GA
3. S. Preston, Douglas & Associates LLP, Whiteville, NC
4. Webster Rogers LLP, Summerville, SC

Please see attachment 1 for pricing information.

FUNDING: Account # 12000-51160 (Professional Services) for fiscal years 2011-2015.

RECOMMENDATION: The Finance Committee approve and recommend to County Council approval of a contract award for auditing services to Elliott Davis LLC, the top ranked firm, with the anticipated cost for the first year of \$49,500. Additionally, recommend four annual renewals subject to approval by Beaufort County Council. Total anticipated cost for five years is \$260,200.

Cc: David Starkey, Richard Himeline, Elizabeth Wooten
Attachment 1: Pricing Information

Attachment 1, Pricing Information

Audit Pricing for each Fiscal Year	Elliott Davis LLC	Holland, Henry, & Bromley, LLP	S. Preston, Douglas & Associates, LLP	Webster Rogers LLP
2011	\$49,500	\$55,000	\$48,000	\$85,000
2012	\$50,700	\$57,000	\$49,000	\$86,900
2013	\$52,100	\$60,000	\$50,000	\$88,800
2014	\$53,300	\$62,000	\$51,000	\$91,000
2015	\$54,600	\$65,000	\$52,000	\$93,000
Total	\$260,200	\$299,000	\$250,000	\$444,700



COUNTY COUNCIL OF BEAUFORT COUNTY
BEAUFORT COUNTY TRAFFIC & TRANSPORTATION
ENGINEERING DEPARTMENT
113 Industrial Village Road, 29906
PO Drawer 1228, Beaufort, SC 29901-1228
Phone: (843) 255-2940 Fax: (843) 255-9443

TO: Councilman Stu Rodman, Chairman, Finance Committee

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

FROM: Colin Kinton, County Traffic & Transportation Engineer

SUBJ: **GTT Opticom GPS Equipment**

DATE: March 16, 2011

BACKGROUND: The Traffic Engineering and Traffic Management Departments propose expanding and improving the Intelligent Transportation System (ITS) components along SC 170 utilizing funds remaining from the 2003 SC 170 widening sales tax collections. The initial project phase includes expansion of the existing emergency vehicle pre-emption system utilized at traffic signals in southern Beaufort County.

A sole source proposal was requested from Temple, Inc. who is the exclusive provider of the GTT Opticom Emergency Pre-Emption equipment utilized by the County. Temple's price proposal is for \$115,046.40 and would include the following eight intersections, 21 emergency vehicles and sales tax:

1. SC 170 at US 21 (Boundary St)
2. SC 170 at Burton Hill Rd
3. SC170 at SC 280
4. SC 170 at Castle Rock Rd
5. SC 170 at Savannah Hwy.
6. SC 170 at Agent Blvd
7. SC 170 at Cherry Point Rd
8. SC 170 at Riverbend

The equipment provider has agreed to reduce the equipment price to meet our budget and include proprietary control management software that allows networked data collection, review and adjustment of the equipment.

FUNDING: Funding for this project will be from account #13276-54450 - Other Improvements in the amount of \$115,046.40. Available funds in this account total \$210,243.

RECOMMENDATION: The Finance Committee approves and recommends to County Council the purchase of the GTT Opticom GPS Equipment from Temple, Inc.



CK/cg

cc: William Winn, Public Safety Division Director



SC 170 PROPOSED EMERGENCY VEHICLE PREEMPTION SYSTEM

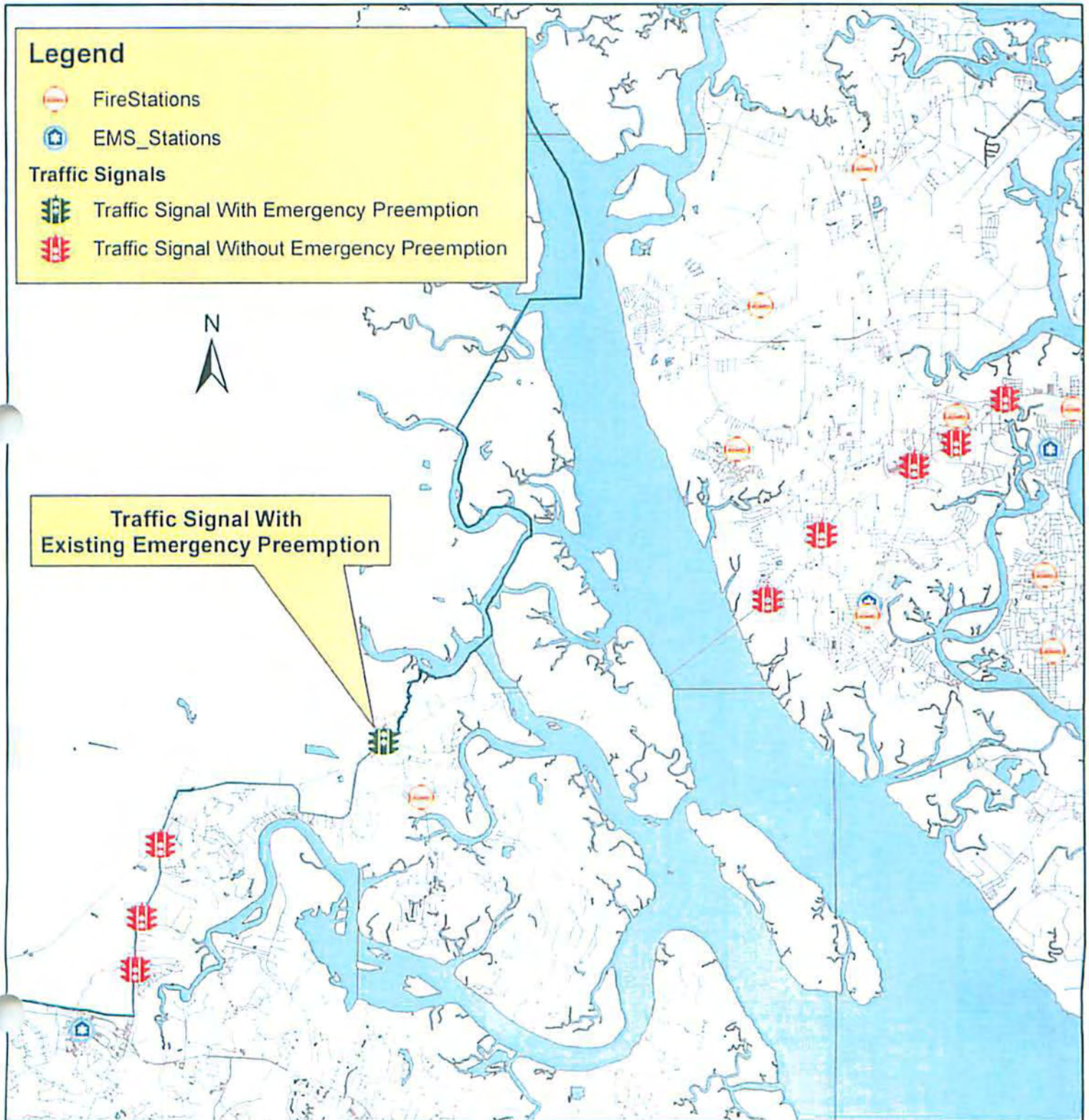
March 17, 2011

Legend

-  Fire Stations
-  EMS Stations

Traffic Signals

-  Traffic Signal With Emergency Preemption
-  Traffic Signal Without Emergency Preemption



Temple, Inc.
P.O. Box 2066
Decatur, Alabama 35602-2066
Phone 1-800-633-3221
Fax (256) 353-4578



Serving the South Since 1954!

Beaufort County
Colin Kinton

GTT Opticom GPS Equipment

DATE March 16, 2011
NET 30
DELIVERY 4 to 6 Weeks, A.R.O.
SALESMAN Byron Hood

CONDITIONS: The prices and terms on this quotation are not subject to verbal changes or other agreements unless approved in writing by Temple, Inc. All quotations and agreements are contingent upon strikes, accidents, fires, availability of materials and all other causes beyond our control. Prices are based on costs and conditions existing on date of quotation and are subject to change by Temple, Inc. before final acceptance. Freight will be prepaid and allowed unless otherwise noted on this quotation.

Quantity	Description	Price	Amount
8	GTT Opticom Intersection GPS Equipment <u>To Include:</u> (1) Opticom GPS phase selector (#78-8118-6970-6) (1) GPS Radio Unit (#76-1000-1027-0) cabinet mount (1) GPS Auxilliary Interface Panel (#78-8125-0435-1) (1) GPS Green Sense Harness (#78-8125-0454-2)	\$ 5,565.00	\$ 44,520.00
21	Opticom GPS Preemption Vehicle Kit (High Priority) (Product#: 78-8125-0430-2)	\$ 3,000.00	\$ 63,000.00
TOTAL		\$	107,520.00

*Special pricing: above equipmet must ship by 3/31/11 to qualify for the prices listed.

NOTE:

Shipping is included in the price.

Taxes are not included in the price, if applicable tax would be added.

Installation is not included in the price.

Quote Valid For 30 Days.

SALESPERSON

2011 /

**AN ORDINANCE TO PROVIDE FOR A HOME DETENTION PROGRAM AS AN
ALTERNATIVE TO INCARCERATION IN CERTAIN CASES IN BEAUFORT COUNTY**

WHEREAS, §24-13-1510, *et seq.*, *Code of Laws of South Carolina*, 1976, as amended, provides for the establishment of a Home Detention Program as an alternative to confining certain criminal offenders in Beaufort County Detention Center; and

WHEREAS, there are many financial and other advantages to Beaufort County which would result from the establishment of such a program; and

WHEREAS, it is the opinion of the Beaufort County Council that a Home Detention Program, should be established in Beaufort County as an alternative to incarceration.

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

SECTION 1. A Home Detention Program is hereby established in Beaufort County as an alternative to confinement in Beaufort County Detention Center in accordance with the Home Detention Act of 1990 (§24-13-1510, *et seq.*, *Code of Laws of South Carolina*, 1976, as amended.);

SECTION 2. Pursuant to §24-13-1530, *Code of Laws of South Carolina*, 1976, as amended, electronic and non-electronic home detention programs may be used by any court in Beaufort County having criminal or juvenile jurisdiction to sentence an individual to incarceration and whose sentences do not place them in the custody of the South Carolina Department of Corrections. The Home Detention Program hereby established shall be an alternative to incarceration for low risk, nonviolent adults and juvenile offenders who are selected by the court and who comply with the Regulations adopted by Beaufort County in accordance with §24-13-1540, *Code of Laws of South Carolina*, 1976, as amended.

SECTION 3. The Home Detention Program hereby established in Beaufort County shall comply with all applicable state and local laws and regulations, including, but not limited to, §24-13-1510, *et seq.*, *Code of Laws of South Carolina*, 1976, as amended.

SECTION 4. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby.

SECTION 5. This Ordinance shall take effect upon third reading approval.

Adopted this ____ day of _____, 2011.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:

Ladson F. Howell, Staff Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading: February 28, 2011
Second Reading: March 14, 2011
Public Hearing:
Third and Final Reading:

Committee Reports

March 28, 2011

A. COMMITTEES REPORTING

1. Community Services

① Minutes provided April 11 from the March 21 meeting. No action is required.

2. Finance

① Minutes provided April 11 from the March 21 meeting. Action is required. See main agenda #11, #12, # 13.

3. Governmental

① Minutes provided April 11 from the March 22 meeting. No action is required.

4. Natural Resources

① [Minutes](#) are provided March 14 meeting. No action is required.

B. COMMITTEE MEETINGS

1. Community Services

William McBride, Chairman

Gerald Dawson, Vice Chairman

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

2. Executive

Weston Newton, Chairman

➔ FY 2012 Budget Workshops Schedule

Tuesday, March 29, 2011 (1 of 3)

6:00 p.m.

Executive Conference Room

Administration Building, Beaufort

Monday, April 4, 2011 (2 of 3)

6:00 p.m.

Executive Conference Room

Administration Building, Beaufort

Tuesday, April 5, 2011 (3 of 3)

6:00 p.m.

Conference Room

Bluffton Branch Library

120 Palmetto Way, Bluffton

3. Finance

Stu Rodman, Chairman

Rick Caporale, Vice Chairman

➔ Next Meeting – Monday, April 11 at 2:00 p.m., ECR

➔ Next Meeting – Monday, April 18 at 2:00 p.m., BIV #2

4. Governmental

Jerry Stewart, Chairman

Laura Von Harten, Vice Chairman

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

5. Natural Resources

Paul Sommerville, Chairman

Brian Flewelling, Vice Chairman

➔ Next Meeting – Monday, April 4 at 2:00 p.m.

6. Public Facilities

Herbert Glaze, Chairman

Steven Baer, Vice Chairman

➔ Next Meeting – Tuesday, March 29 at 4:30 p.m.

7. Transportation Advisory Group

Weston Newton, Chairman

Stu Rodman, Vice Chairman

➔ Next Meeting – August 2011

NATURAL RESOURCES COMMITTEE

March 14, 2011

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

The Natural Resources Committee met on Monday, March 14, 2011 at 2:00 p.m., in the Executive Conference Room, Administration Building, 100 Ribaut Road, Beaufort, SC.

ATTENDANCE

Natural Resources Committee Members: Chairman Paul Sommerville, Vice Chairman Brian Flewelling and members Steven Baer, Gerald Dawson, William McBride and Jerry Stewart attended. Non-committee members Weston Newton and Stu Rodman also attended.

County Staff: Tony Criscitiello, Division Director – Planning and Development; Bryan Hill, Deputy County Administrator; Ladson Howell, County Attorney; Colin Kinton, County Engineer; David Starkey, County Chief Financial Officer

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

Public: Kevin Dillon, Senior Vice President of Construction and Development Tanger Outlet Centers; Mark Orlando, Assistant Town Manager Town of Bluffton; Tim Schwartz, Laurel Bay Storage

Mr. Sommerville chaired the meeting.

ACTION ITEMS

1. Development Agreement – Tanger Outlet I.

Discussion: Mr. Sommerville introduced Mr. Criscitiello to give some background.

Mr. Criscitiello said the Natural Resources Committee members have a copy of an amended development agreement between Tanger Outlet Center and Beaufort County, as related to the Tanger Planned Unit Development (PUD) and implementation of the development agreement in cooperation with the PUD. In exchanges over recent months, it became difficult for the Southern Corridor Review Board (SCRB) to review and approve an outparcel. This outparcel is for the Olive Garden restaurant within the Tanger site. There was a difference of opinion in regard to the perpetuation of the ordinance as it relates to the general powers, duties and responsibilities of the SCRB in Section 106-581 of the Zoning and Development Standards Ordinance (ZDSO), which places decision-making by the board with development in context to the general surroundings. That provides for the Corridor Review Board to make judgment calls in regard to context-sensitive design. There is another section of the ZDSO, Appendix B, dealing

with the implementation of the design and development standards as it relates to a particular project. In that section of the zoning ordinance, two things are identified: roofs and wall materials. Those are enunciated in that section of the ordinance, which provides for the board, if it so chooses, to approve tile roofs, stone and brick as a finish on the sides. There have been discussions; he said he believes the Committee Chairman Mr. Sommerville had with the SCRB, in which the board indicated it wishes to remain in its position regarding the implementation of the ordinance, relying on Section 106-581 of the ZDSO. With that said, Mr. Criscitiello pointed out several items on the amendment to the development agreement. On the bottom of the first page it says, "WHEREAS, it was the original intention of the parties that Development on the Property, including the outparcel lots, would not be subject to corridor review in accordance with Section 106-581 of the ZDSO; and ..." Mr. Criscitiello went on to explain the next paragraph. At the time of the development agreement negotiation, the owners did not have an agreement completed for the lease of or development of the outparcel lots, and therefore could not submit plans or designs for such outparcels in advance of the approval of the development agreement. With those two sections, he directed the Committee then to Article XII, Division D of the development agreement. This states the "design review and approval consistent with Chapter 106, Appendix B, Section 4, Paragraph A1 and subparagraph A2 Development of the Property shall be the responsibility of and made by the Planning Director and County Administrator and not be subject to the corridor review ..." In effect, that says the County Council, through the enactment of this section of the development agreement stipulates the zoning ordinance is internally consistent in various parts of the ZDSO. For example, if tile roofs and stones are deemed as permissible materials under the elements allowed for design review the County Council thereby stipulates in its development agreement that the Planning Director, in concurrence with the County Administrator, can approve the material specified. The development is consistent with the overall appearance of the Tanger Outlet, and these modifications can be made to the development agreement to further the project.

Mr. Sommerville thanked Mr. Criscitiello for the summary and said everyone knows this outparcel is for the new Tanger I Center, which will have a grand opening on March 31. Tanger saw fit to invest "upwards of \$50 million in our county during a down economy, for which we are eternally grateful," Mr. Sommerville said. As part of the process and investment, the County negotiated a development agreement with Tanger Outlet Center (hereafter Tanger). The County specifically excluded Tanger from the SCRB because it knew exactly what it was looking at, he explained. When it came to the outparcels – four outparcels – it was the County's intent to exclude them from the SCRB. Unfortunately, Tanger could not tell the County at the time of negotiation exactly who those outparcels would go to, and therefore the County had nothing to approve or specifically exclude from the SCRB. This left the outparcels subject to the SCRB with some caveats. One of those was that the outparcels do not have to be architecturally consistent with Tanger. This is a big deal, Mr. Sommerville explained, as often context is a focal point for the SCRB. He added that they knew whatever company chose to locate in the outparcels was likely to have a national brand that may not be consistent with Tanger. Mr. Sommerville went on to give some examples of the progression. LongHorn Steakhouse was the first to come forward to be approved and they were approved, but were approved in the context. The SCRB chose to review context, which it was specifically asked not to do although it technically has the right to do so. "The Corridor Review Board has very broad authority, very

broad, and this is not a criticism but a statement of fact,” he said. LongHorn Steakhouse was required to make major changes in order to be “contextually appropriate” with Tanger. Then, along came Panera Bread for another outparcel; same thing. Panera Bread’s branding was initially not considered consistent with Tanger I. The SCRБ had Panera Bread change significantly to become consistent with LongHorn Steakhouse and Tanger. Along comes Olive Garden, the reason for this meeting, and they had the same problem. Mr. Sommerville then handed out several sheets with Olive Garden’s proposals, each redone after the SCRБ raised concerns and asked for a revision. They made aesthetic changes to make it more appealing, but at the end of the day the Review Board was concerned about two things – natural stone and tile. Both of these are permitted in the ordinance as Mr. Criscitiello pointed out. The SCRБ basically said they do not like stone and tile. Olive Garden, from its point of view, made major changes and concessions, returning five times to say finally its branding requires the restaurant to have some stone and some tile. This resulted in an impasse. Tanger, the company which invested \$50 million in our economy, desperately needs anchor outparcels in order to make its investment successful, Mr. Sommerville said.

Mr. Sommerville further explained the Development Agreement Subcommittee of Natural Resources then met to review the Tanger – Beaufort County development agreement and possible changes to review or reinforce / emphasize the points it tried to make in the original development agreement. During the meeting of the Development Agreement Subcommittee it concluded it would return to the SCRБ and in the strongest possible language tell them there is not a problem with stone or tile and ask for a reconsideration on the position of stone and tile in order for Olive Garden to move forward to become the anchor tenant for Tanger I. Mr. Sommerville went before the SCRБ to explain this and as an effort to not insult any of the boards or “emasculate them.” In development agreements, Council has the right to put these boards in or leave them out. When Mr. Sommerville went before the Southern Corridor Review Board he explained what happened at the Development Agreement Subcommittee. However the board conveyed to Mr. Sommerville they did not care what the development agreement said or did not say, they do not approve of stone or tile. At that point, Mr. Sommerville said he realized it was pointless to send it back to the SCRБ because they do not want it, they will not approve it and it is uncertain whether they care what is recommended. Their decisions are based on aesthetics. There is a development agreement here, and the Council has every right to change it, Mr. Sommerville stated. The initial Subcommittee recommendation was to do so, and it is a method of accomplishing the result of getting the Olive Garden restaurant approved so it can be built in Tanger I. This project dragged on for a year and a half, and Tanger has \$50 million invested. LongHorn Steakhouse completely changed its branding. Panera Bread completely changed its branding. Olive Garden significantly changed its branding, but reached a point where they cannot compromise to give up all stone and all tile. Mr. Sommerville then went on to explain he sat down with representatives from Olive Garden. He asked if they cannot compromise on stone or tile whether all 750 restaurants have stone and tile. The Olive Garden representatives said no, not all of their stores have stone and tile, but they have a new president who wants all 750 restaurants to comply with the “Tuscan farmhouse” look. The “non-prototypical” ones are on track to be converted within the next few years, according to the representatives. He cited the Columbiana Mall Olive Garden restaurant as an example of “non-prototypical.” This is a very touchy situation, but as far as he is concerned the Southern Corridor Review Board did its job by

making major changes to the initial project and Olive Garden gave a lot, Mr. Sommerville said. Today, the Natural Resources Committee has a non-committee recommendation.

Mr. Criscitiello added beyond matters of stone and tile there were signage issues. Documentation covering those topics are included in the weekly packet although they were not given to Natural Resources Committee members prior to the meeting. The signage matter has to do with the placement of signs on the building, but that is a secondary, minor issue.

Mr. Sommerville asked what the recommendation for dealing with signage is, and Mr. Baer asked for examples. Committee members then reviewed a plan drawing.

Mr. Criscitiello explained the plan drawing by saying it has to do with architectural features. They do not vary from the sign surface or the amount of signage allowed, but they simply provide the opportunity to shift the sign to an appropriate location given where the tenant will be in the complex, and where architectural features such as towers will be located. Also, some of these buildings front on two streets and request signage on the front and side of buildings to correspond to that. Those are the orientations of the signage.

Mr. Baer asked for more clarification on the changes.

The changes to the development agreement – Article XII. Permitting Procedures, Section C. Signage, Subsection 2. Tenant Signage – create the ability to have signage facing multiple directions, Mr. Criscitiello explained. This allows for the signs to be placed in such an orientation as that it can be easily seen by those walking the complex. Mr. Criscitiello emphasized it is not a change to either the total amount of square-footage of signage allowed, but it has to do with where the sign can be placed on the building so tenants can be identified.

Mr. Baer asked for a “to-from” comparison. Mr. Criscitiello answered that the original development agreement was not sensitive to this type of nuance, so the development agreement allows for dealing with the design, size, orientation of buildings and the total number of signs allowed per tenants.

Mr. Stewart noted he is a member of the Development Agreement Subcommittee, although not from day one. There have been lengthy meetings with attorneys and the parties discussing this topic. This proposed amendment to the development agreement was not what was agreed upon by the Development Agreement Subcommittee. The development agreement is between Tanger and the County, not Olive Garden. Mr. Stewart said he thinks the crux of the issue is that in the original development agreement there was no agreement to keep the SCRБ from opening on the outparcels; it only excluded the retail stores. The recommendation and concern was that since the SCRБ does have the authority to weigh in on this, they are not under the control of Council but under the state ordinance. Council adopted the state procedure to have a corridor review. But there is a concern with the precedent set, Mr. Stewart stated. There are numerous examples with Greenlawn’s awning issue and the Northern Corridor Review Board not wanting to approve awnings. There are other examples of disagreements with corridor review boards such as a Food Lion in the southern part of the county or BMW in Greenville. The

problem is there has never been a step taken such as the one proposed, which would be precedent setting. Mr. Stewart concluded by saying he supports Olive Garden and the overwhelming majority of his constituents who talk with him support it as well. He added he is concerned however with what is being proposed: taking this out of the hands of the Southern Corridor Review Board and passing the decision-making authority onto the head of the Planning Department. If this is what the County wants to do and there are problems with the corridor review then those should be addressed, Mr. Stewart said. A decision should be made on whether the County wants to really continue having a corridor review or is it the intent of this Council to rewrite and eliminate the corridor review, he asked. Mr. Stewart said he is in between; he does not like the way this is going as he thinks it is a bad precedent.

Mr. Flewelling commented that he understood Mr. Stewart's concerns with setting a precedent in this particular case, but countered that it seems, perhaps, that this precedent for this particular parcel was already set by the development agreement for the remaining part of the tract. With all that being accepted from the SCRB, the Council is simply reviewing Outparcel D under the same process as the others. He said he does not have a problem with this amendment.

It was moved by Mr. Flewelling, seconded by Mr. McBride, that the Natural Resources Committee accepts and forwards to Council an amendment to development agreement between Beaufort County, South Carolina and Tanger Hilton Head Outlet Center I.

Council Chairman Weston Newton said he was on the Development Agreement Subcommittee that negotiated all the contracts with Tanger relative to this topic, and he gave a bit of background. On January 24, the Development Agreement Subcommittee met and proposed an amendment be brought to Natural Resources Committee. This proposed amendment was not that the decision should be made by the Planning Director or the County Administrator, he explained. The text of the Subcommittee's recommendation was not included in this meeting's documentation. The Subcommittee recommended instead a clarification of the intent of the original development agreement and that it be sent to the Southern Corridor Review Board reflecting the intention of the parties at the time the deal was negotiated. Mr. Newton then digressed to note that during the Council's annual retreat members discussed a desire to be more business friendly and he agrees whole-heartedly. However, Mr. Newton stated the County starts on a "slippery slope when [it] engages in a make-it-up-as-[it]-goes process." That is what this proposed amendment to the Tanger Development Agreement is, and as Mr. Stewart mentioned it sets a precedent. Mr. Newton said it would send the message that if an applicant does not like what the corridor review says just come see the County and it will get fixed. All 11 members of Council will not always agree, nor will they agree on what the aesthetics ought to be, Mr. Newton said. Further, six members may not agree with the decision being discussed currently. Under state law, once a corridor review board is created, unless the board's scope is limited which was done in the development agreement, it is the board's decision to make, Mr. Newton explained. The Southern Corridor Review Board and its establishment represents a balancing of the interests – of people in Beaufort County – to determine that the corridors have consistency and a higher level of aesthetic standards than otherwise may be there. He noted this effort feels like the County is trying to let the ends justify the means, and government just does not work when that is the approach. During the January meeting, those present agreed on an amendment

everyone recognized conceptually represented the “benefit of the bargain.” Those particular items in the ordinance were recognized as being permitted during the time the development agreement was negotiated and the language would be tightened before going back to the Southern Corridor Review Board.

Mr. Newton said he appreciated Mr. Sommerville’s comments on his having talked to the Southern Corridor Review Board and some of those members saying they did not want to see the matter again, but that is itself an abuse of discretion when the board says it is not worried about the requirements. He said he believes the decision made today should reflect the intention of the parties at the original negotiation of the development agreement rather than making up new rules by proceeding with the proposed amendment currently before the Natural Resources Committee. If the matter goes before the Southern Corridor Review Board to only be rejected again, then there is an appellate right to the courts, Mr. Newton explained. The bigger issue is given the Retreat discussion and challenges faced today with regard to more productively processing applications in the county, should there be a corridor review. Mr. Newton stated despite that, there is a corridor review today and it represents a balance of all interests as does the ZDSO. Rather than “make-it-up-as-you-go” he said he thinks to be true to the process the amendment should be made as recommended out of the Subcommittee in January and then send it back to the Southern Corridor Review Board.

Mr. Stewart said another key part discussed was that the rules cannot change after the process starts, but they should be consistent. He suggested going back to the minutes from the Development Agreement Subcommittee and pull out, then put into the amendment, specifics about the intent. That way if it goes to the courts at least there is an understanding on what the discussion entailed.

Mr. Flewelling said he could not see anyone saying this amendment was “made up on the fly” because these plans specifically have been around since June 2010 to work through this process. Ultimately, the County is responsible for this and if the decision is to remove from the Southern Corridor Review Board in order to make it consistent with the rest of the property in that it is not subject to the Southern Corridor Review Board he does not have a problem with it. Ultimately, he said he trusts Mr. Kubic and Mr. Criscitiello’s judgment in these matters. He said he never thought when voting in favor of Tanger that the outparcels would not be included at some point in the future; he never thought it would be treated any differently than the rest of the property.

Mr. Newton asked how Mr. Flewelling thinks this is being treated differently from the rest of Tanger, and Mr. Flewelling answered that the rest of Tanger was not required to go through the SCRB for approval. Mr. Newton said it was, but it was limited by the development agreement. Mr. Flewelling stated he thought those limitations were agreed upon by County Council.

Mr. Baer changed the subject to state he does not understand the sign and the figures were not attached in the documentation handed to Council prior to the meeting. He said he does not understand the demonstration and explanation Mr. Criscitiello just gave. He specified

documentation for changes in the sign rules, particularly in Paragraph D. Procedurally he said he thinks it is premature to approve this change.

Mr. Stewart said he thinks it is important to know the signage matter never came before a Subcommittee, but this has been added. Mr. Criscitiello agreed and explained that the sign issues came up as a result of review by the Zoning administrator and the ability of the Zoning administrator to issue sign permits in Tanger. This is very late in the process of the center trying to open, and the most expeditious way to provide a path forward for the developer was to present it in this manner. He said they did not know this issue was going to be an issue until tenants began showing up and the ability of tenants to be in the stores with signs directly over or above them to show the public where to find the products was limited. This change was by necessity coming forward in this manner.

Mr. Sommerville said perhaps he is confused.

Mr. Criscitiello clarified; this signage amendment is about the inability, based on the sign ordinance currently in place in Beaufort County, for this center to open with the signage in the appropriate location to correspond to the tenants inside the building. No one could foresee that until very recently, he added. Mr. Sommerville asked if this ever went before the SCRB, and he said it did not. The County's general sign ordinance that would otherwise control signs within Tanger does not provide the opportunity to address the signs in Tanger as it is needed. There is a deadline for the opening, Mr. Criscitiello noted. Mr. Sommerville summarized by saying this does not have to do with the SCRB.

Mr. Baer said he has no idea what is going on with the signs. A picture would have been handy, the exhibit would be handy, he said. Mr. Criscitiello offered that they are on the screen, but Mr. Baer stated he prefers to read the material over the weekend. He said he would probably have been happy otherwise, but he is getting information at 2:00 p.m. and it does not allow him enough time to understand the matter.

Mr. Stewart said he hopes Council members appreciate that if they are having problems with these topics, they should think about the businesses trying to come into the County to do business with the kind of archaic rules and out-of-control inconsistency in all of the County's procedures. He said a year and a half to deal with the issue of Olive Garden before it even appears before the Natural Resources Committee is too long and the County needs to take control, make revision and make it work or there will never be business.

Mr. Baer responded that Council has an obligation to understand for what it votes, to which Mr. Stewart replied even after Council votes there are major issues when items creep up because they are not dealt with.

Motion to amend by substitution

Mr. Newton handed out a different copy of a draft amendment dated March 11, 2011 to the Beaufort County – Tanger Development Agreement. He added that he knows Tanger is on a

March 31 deadline and the signage addition to the amendment does not add signage so he is not sure it matters. Tanger has spent a lot of money and invested a great deal in Beaufort County, he said. Mr. Newton explained his motion to amend by substitution. The new draft essentially amends by substituting versions of Article XIII, Section D of the Development Agreement. This is the language from Tanger's attorney to Beaufort County following the January 24 Subcommittee meeting.

It was moved by Mr. Newton, to substitute the language of Article XIII, Section D of the Development Agreement as included in the Natural Resources Committee packets for a version of the same section with language as drafted by Tanger Outlet Center's attorney.

Mr. Newton stated the SCRB already approved everything with regard to the substituted amendment other than the permitted materials. Further, this substituted amendment is an acknowledgement that the permitted materials were identified in the ordinance and that the SCRB is the existing body subject to review as limited by the development agreement. This simply clarifies what the intention of the parties was at the time of the original development agreement, Mr. Newton said.

Mr. Sommerville pointed out that the ordinance in place already states the materials are permitted, and he asked what is different.

Mr. Newton answered if the intention was that those permitted materials in the ordinance were acceptable on this project and there were specific limitations on what their authority was, this proposed amendment clarifies the intent.

Mr. Sommerville asked County Attorney Ladson Howell if he read this language, and Mr. Howell replied he had. Mr. Sommerville then asked if the SCRB had to comply with it. The Board still has the right to make a decision and turn the project down, Mr. Howell answered. It clarifies the right the Board has to choose those materials.

Mr. Sommerville reiterated that was what he expressed to the SCRB, but that he believes based on comments made to him that the Board would not change its mind, despite clarifying it is permitted. "I don't want to get up on a soapbox, and I don't want to preach, but I will say one thing. It has been hinted at and everyone knows, we have a terrible reputation in this county for being business-unfriendly," he urged. He added many people would rather take a beating than deal with Beaufort County, and he said this is a perfect example of why people do not want to deal with the County. Mr. Sommerville admitted that he agrees with Mr. Newton and Mr. Stewart that it is undesirable to change the rules mid-stream, but he does not believe that is what is happening. He said the Council has the right to do development agreements, but not everyone has a development agreement. If there is no development agreement, a company cannot do stone or tile, but there is nothing the Council can do about it. However, Council can enter into development agreements to let them know what is or is not approved. There is an absolute right to do so in regard to the two discussed items and Mr. Sommerville said it is his firm belief that is what the Council should do. It does not set a horrible precedent because it only applies to those with development agreements. "We have to do a better job of showing the people who want to

invest in Beaufort County that we want them, not that we hate them and want to run them off, to make their lives miserable,” Mr. Sommerville insisted.

Mr. Newton said he agrees with Mr. Sommerville’s overall comments about being business-friendly, but argued it was a stretch for Olive Garden to be the anchor upon which Tanger rests. He added he can point out Olive Gardens without stone or tile within a few hours of Beaufort. Mr. Sommerville interrupted that was already covered. Mr. Newton offered that he was as concerned about the matter as Mr. Sommerville, but said suppose Mr. Kubic and Mr. Criscitiello decide they will not approve this after Council theoretically opened Pandora’s Box by changing the rules. What then? He admitted to being frustrated this is taking so long, but said it is, in part, Council’s fault as well. He said he is concerned about what happens in the future. Perhaps the discussion will center on neon, golden arches and it would be justified with a down economy, he said. That is where it becomes problematic that Council decided in a narrowly focused or described issue it would sit in review of a board that Council legally does not sit in review of.

Mr. McBride stated he is very concerned about the perception or the reality that Beaufort County is not open to industry or new development, or to provide jobs for our residents. He said he thinks if the designers submitted five or six designs for Olive Garden it is enough. To keep making them resubmit and drag the process out is unnecessary. He confessed he does not often get involved in issues related only to southern Beaufort County, but he said a good faith effort has been made in this case and it is time to move it forward.

The motion to amend by substitution was seconded by Mr. Stewart.

Mr. Stewart brought forward some concerns. First, he said the Development Agreement Subcommittee met in January and it is only now being brought forward. Why did it not come forward in those two months? Second, government sets the policy it expects everyone else to follow; it should too. If Council feels the corridor review is a stumbling block to getting things done it has the authority to go back and reassess, but that is another discussion, Mr. Stewart noted. He added there is an established procedure that takes time. He confirmed that this delay was unacceptable, but at the same time cannot throw out the rules and policies.

Mr. Rodman commented that it sounds like when the County first began this development agreement process, generally the corridor review would have the ability to opine on matters within the development agreement but that outparcels could have just as easily have been included and excluded from corridor review. He added it sounds to him that stone and tile fit within what is generally desired in the ordinances so there does not appear to be a bad precedent set to revisit the development agreement. He added it is mind-boggling to him that they went through five redesigns and keep getting rejected. He asked if the SCRB votes and gives reasons for why it votes as it does. If Mr. Rodman qualified to vote on the committee, he would vote in favor of the amendment.

Mr. Newton asked if he was then in favor of “making it up as you go,” and Mr. Rodman said, “or taking back something that we could have done when we did the agreement.” Mr. Newton pointed out Council did not, so it is therefore “making it up as we go.”

Mr. Dawson commented that as elected officials they are called to sometimes make tough decisions, and this is one of those. Council likes to keep peace and harmony with boards and affiliates, but in this situation Council has the opportunity to go ahead and give the business community – Tanger and outlying parcels supporting it – the ability to go ahead and start the economic contribution for Beaufort County. Having said that, Mr. Dawson stated he would vote for the override of the SCRB view and support the motion to go ahead with Tanger’s ability to establish businesses with stone and tile because enough has been done to satisfy anyone. As Mr. Sommerville stated earlier, it does not matter what Olive Garden does, the SCRB will not approve. It has been shown with Greenline Industries and their awnings for which the corridor review gave them a hassle, Mr. Dawson cited. This matter may not be as simple as the awnings on Greenline, some things are just not worth the discussion and delay. Mr. Dawson clarified he was not supporting the amendment but the original motion when asked by Mr. Flewelling.

The vote was: FOR – Mr. Baer, Mr. Newton and Mr. Stewart. OPPOSED – Mr. Dawson, Mr. Flewelling, Mr. McBride and Mr. Sommerville. The motion fails.

Discussion and vote returns to the original motion.

Mr. Baer pointed out the newspaper listed for months the tenants in Tanger I, so he does not understand why a decision must be made on the signage in the last two weeks. Mr. Criscitiello answered that the overlying ordinance, embedded in the ZDSO, does not respond to a situation such as the one encountered. It would have to be studied at the staff level with appropriate amendment crafted in order to deal with it while in the meantime the development needs to have signage. The only way to practically do that is to deal with it in this development agreement. Mr. Baer asked if the change is not approved whether Tanger could have signs.

Mr. Criscitiello emphasized this would not allow any additional signage than is already in the ordinance; it just shifts it.

Mr. Flewelling asked how the proposed signage portion of the development agreement is different from the ZDSO. Mr. Criscitiello explained typically in a large complex it is governed by a PUD with a master signage plan, but in this instance that did not happen so consequently when the developer was trying to match a tenant with wall space it became obvious there was a problem. In dealing with Mr. Walter Nester, Tanger’s attorney, and Mr. Adams, Tanger’s architect, the proposed language was crafted not going outside of the normal signage requirements of the ordinance but allowing for a shift. This also takes advantage of wall signs that can be placed where people can see from other directions – Bluffton Parkway, the interior of the center and from U.S. 278.

Mr. Flewelling said that did not really answer his question, and asked if the County’s zoning development standards do not allow wall signs. Mr. Criscitiello answered that it does

allow wall signs, and end signs. Mr. Flewelling asked where, specifically, would the County not be able to place a sign in the context of the ZDSO that because of the change it can place one.

Mr. Criscitiello clarified that a tenant may not be obviously associated with a wall that is available for them in their specific location and may require the sign be shifted. That creates a situation where the total signage on the wall exceeds that allotted. They are trying to make the signage optimum for the tenants on the site and the architect is the best to decide based on the leasing plan that goes along.

Mr. Flewelling addressed that the specific plan for signage titled, B-2A, was not in the packages for Council members.

Mr. Newton said the sign portion should go forward, because regardless of what the SCRB told Mr. Sommerville, with all due respect, he said he does not think that is how the County should do business. He said he thinks this proposed amendment's approval opens the door to a "make-it-up-as-you-go approach." Mr. Newton observed that the current economic environment will be used as justification to change many things in the next few years. He reminded Council members present that the regulations in place, while frustrating, represent a balance of the interests of the people we serve. Knee-jerk reactions to things do not ever result in good policy, he said. Mr. Newton has been involved in the Tanger discussions from the beginning and he said there is probably no one who has a greater appreciation for what Tanger has done with this LEED-certified development than he. But he said fundamentally he thinks the Committee is making a mistake by deciding now when it does not like the results of the corridor review board Council would substitute its judgment instead. While, the project may have been through a number of reviews, everything was approved with the exception of two items. Mr. Newton said he would vote against this motion, not because he is not an advocate of Tanger but because it is a mistake to rationalize action as the ends justifying the means.

Mr. Stewart agreed with Mr. Newton in support of Tanger and the Olive Garden in Beaufort County, but he reiterated that he cannot vote in favor because it should follow the proper procedures and policies as set up. He noted he, too, is frustrated with the delay and perception of being business-unfriendly, but said he does not think this is the way to go about making change.

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

Recommendation: Council approve an amendment to the development agreement between Beaufort County, South Carolina and Tanger Hilton Head Outlet Center I.

INFORMATION ITEMS

2. **Text Amendments to the Beaufort County Zoning and Development Standards Ordinance (ZDSO), Article XII, Section 106-2796(H) and (I) (That**

Revises Access Management Standards to Encourage Roundabouts for Buckwalter and Bluffton Parkways)

Discussion: Mr. Sommerville noted this was a late-comer to the agenda for the day's meeting and by his understanding the Planning Commission unanimously passed an amendment of the ZDSO to encourage roundabouts on the Buckwalter and Bluffton Parkways. Mr. Criscitiello chimed in to say it also included a traffic light.

Mr. Criscitiello expanded to say it is to provide installation of a light at Buckwalter Parkway and Lake Point Drive and encourage, where possible, the installation of roundabouts at intersections conducive for them. The Planning Commission voted in favor of the recommendation. It is late to the agenda because of the timing of the Planning Commission meeting and the rescheduling of the Natural Resources Committee meeting. The text amendments deal with access management to Buckwalter and Bluffton Parkways with signalization and roundabouts, and the standards for access separation identified in the justification at 2,000 and 2,640-square-feet as based on access management standards.

It was moved by Mr. McBride, seconded by Mr. Flewelling, that the Natural Resources Committee approves and forwards to Council text amendments to the Beaufort County Zoning and Development Standards Ordinance (ZDSO), Article XII, Section 106-2796 (H) and (I) (that revises Access Management Standards to encourage roundabouts for Buckwalter and Bluffton Parkways).

Mr. Newton asked Mr. Criscitiello if this has to do with any particular project or whether it is in general, and the latter replied it is in general. Mr. Criscitiello went on to explain the Lake Point Drive light may in fact be related to a project, but the overall attempt is to deal with this in the future because roundabouts are considered to be, by and far, superior to the installation of traffic signals. This sets the stage for other considerations of that in the future.

Mr. Stewart said he wants to make it clear so everyone understands what is going on. There are two things in the proposed text amendments. First, there is a recommendation of roundabouts as the procedure / mechanism of choice, which is not his problem. Second, there is, before any changes, a traffic signal located at Buckwalter Parkway and Lake Point Drive, which was not approved in the original Access Management Plan. Before anything should be done, building permits issued, etc. that should have come before the Beaufort County Council, put into the ZDSO and amended prior to the building's construction, Mr. Stewart explained. Unfortunately, the building is already there, the business is operating, and it was permitted by the Town of Bluffton without coming to the County Council. Now, after the fact, the County is being asked, "oh, by the way, how about if you will do this and put a traffic signal where it never was meant to be?" Mr. Stewart explained. Further, later this afternoon there will be a recommendation for moving the 5B intersection by using roundabouts, which he said he has no idea about how they will be funded. He went on to explain that in doing so, the lighted intersection already approved for the Bluffton Parkway and Buckwalter Parkway intersection will be closer to the traffic signal proposed now; it will become more of a problem than before. Mr. Stewart stated he was appalled by people not going through the process, again, to do a

project in a way it should have been. A building should have never been built or allowed a permit prior to coming before Beaufort County Council and receiving a vote on whether or not it is willing to amend the ZDSO. He stated he is absolutely opposed and acknowledged there are good reasons because there are other ways to do this – a ride-in / ride-out, close the median strip, etc. He admitted he heard there were many meetings between many people and this was approved, but he said he was not a party to those meetings. Again, there is a procedure to go through to get things before Council's review for approval and it is high time to put Council's foot down and abide by them, Mr. Stewart reiterated.

Mr. Newton said he agreed to most of what Mr. Stewart commented on, expect the conclusion. He said he was part of the meetings with the Town of Bluffton and Beaufort County after the building in question was built and the [certificate of occupancy] was issued by the Town of Bluffton. It was an "oh my god! This issue has never been resolved" situation, Mr. Newton explained. Beaufort County issued an encroachment permit. At that meeting, Mr. Newton said he voiced his support because this is really the only way to solve. To close the median in front of Lake Point Drive, where there are more than 600 families residing, because of a collective mistake is not a good solution. He said the people penalized by turning down this amendment are the 600 families that cannot now get in and out of their neighborhood because of an unfortunate set of circumstances in the way this thing came forward. To show up and close the median cut for these people because of what was allowed to be built across the street is not something he will support. Mr. Newton noted those families are all in his district, his constituents and have begun asking why a light is not installed. While the circumstances are not idea, it is what it is, Mr. Newton admitted. He said it was a situation of "the milk has been spilt. What can we do to keep these 600 families from entering in and out of an unsafe condition?"

Mr. Stewart argued that the officials knew the milk would be spilt before moving ahead; that is wrong. The real problem is that the station was built. The permit should have never been issued, he said.

Mr. Orlando said Mr. Stewart is point at him. Mr. Stewart disagreed and said he was gesturing in general.

Mr. Flewelling asked why no maps were given with the item for the Natural Resources Committee review.

Mr. Newton said this does not allow or approve anything, yet. This just puts the vehicle in place to allow this activity to come forward. Mr. Stewart disagreed by saying this text amendment has specific language allowing the light. He cited Section 106-2796. Access (3)(b) of the proposed text amendments.

Mr. Stewart said the intersection of Bluffton Parkway and Buckwalter will move south, closer to the proposed light. He said the way to solve is to make a modification which will be presented later tonight, again coming at the nth hour. He said he would vote for it, simply because it gives the right for the traffic light.

Mr. Rodman said the way the proposed text amendments are worded, they “encourage roundabouts” and the word “encourage” to him means to spend money and override what would otherwise be good, sound traffic decisions. He did say he believes roundabouts are good where there is roughly equal traffic. However, if there is a lot of traffic in one direction, a traffic signal could work better to control the timing. He asked if there is a rush or if there is a reason to rush this item.

Mr. Sommerville asked if this text amendment is voted down what would happen, who will be hurt. Mr. Criscitiello explained this is a staff recommendation, brought forward from the Planning Commission. Council can take it up and vote yes or no. There is no actual applicant. Mr. Sommerville said there is some confusion on his part understanding all the issues. Mr. Criscitiello answered there is a spirit of intergovernmental cooperation with the Town of Bluffton.

Mr. Newton offered that, in part, the sense of urgency may be that in October there were discussions, the encroachment issued by the County in April had one of the items on it amending this ordinance to allow the driveway at that intersection. While it may be having drawings, maps, etc. may be helpful regardless of how this thing got to the point of where it is, it did. Mr. Newton said while he appreciates the suggestion of leaving the median open and closing the encroachment permit he said he does not believe all access to an up-and-running business can be cut without the prospect of litigation. There is no good solution, he admitted. It was recognized it would be better to have a roundabout at this location, as the encroachment permit issued by the County suggested but no one has the money. The County is confronted with the situation, like it or not, of an existing business across the street from 600 houses built and a curb cut. It has been acknowledged to be dangerous and that a traffic light is warranted. He offered that it does not fit with the access management plan as originally determined, but the encroachment permit issued said this could happen. In order for that to happen, the ZDSO must be amended. It is unfortunate to look at it after the business has been built.

Mr. Baer said once again, the Natural Resources Committee is asked to vote on a matter without maps, pictures or context. He said they have also been told within an hour, at the County Council meeting, something contextually connected with the matter currently being discussed may happen. Mr. Rodman whispered something in Mr. Baer’s ear, he said. Mr. Baer agreed and said this calls for putting it on hold until the Natural Resources Committee members have a chance to review some maps or context. Mr. Baer suggested postponing for 30 days until there are maps, pictures, etc.

Mr. Sommerville asked if a motion to postpone is debatable and Mr. McBride said it was.

It was moved by Mr. Baer, seconded by Mr. Stewart, to postpone for 30 days consideration of text amendments to the Beaufort County Zoning and Development Standards Ordinance (ZDSO), Article XII, Section 106-2796 (H) and (I) (that revises Access Management Standards to encourage roundabouts for Buckwalter and Bluffton Parkways).

Mr. Newton interrupted to say while Mr. Orlando is present it is appropriate to let him speak. Mr. Newton said the 5B on the Council agenda under the County Administrator's Report does not have anything to do with the matter being discussed. Mr. Newton noted when asked by Mr. Baer that realignment for 5B has been requested, but administratively the County staff says there is no need to reconsider. He said he is not opposed to a 30 day delay as it will not change the circumstances on the ground, but it will punish the 600 families who live there.

Mr. Sommerville noted there is a motion to postpone and a second. The Natural Resources Committee is in discussion. He then allowed Mr. Orlando to speak.

Mr. Orlando recapped the events for Committee members to provide the Town of Bluffton's perspective. Before September 2009, he said he received a phone call from someone wanting to put a gas station on Buckwalter Parkway. He explained it is important to have a gas station on Buckwalter Parkway because there are thousands of units along the street and a lack of gas stations not on U.S. 278. Formally, he said Bluffton realized the applicant, Parkers Market, applied for an encroachment permit in December 2009. That encroachment permit, worked through with Colin Kinton and Rob McFee to make it sound and comply with standards, somewhere along the line the access management standards were not adopted in Bluffton. He explained the standards adopted in were for the intersections of Buckwalter and Bluffton Parkways north; the Town's in the south were silent. Mr. Orlando said in good faith, as he looked at the master plan, the gas station, access, 5B, current conditions he did not realize that the access management standards were adopted in Beaufort County south of the intersection with different standards than those for the Town. He said they simply operated in good faith that those access management standards aligned. As the Town started working through this, an encroachment permit issued to allow the business to begin with some conditions. Those being things the Town needed to create a much safer intersection, especially when considering the land uses surrounding the road. Right, wrong or indifferent, the Town is here to fix this, Mr. Orlando said. They want to fulfill the conditions of the encroachment permit and know, perhaps, long term a roundabout may be warranted as the best use, but for the time being for the 600 people who live in the subdivision and drive up Buckwalter daily it is important. 5B aside, this can be figured out. There is some urgency to this. Mr. Orlando admitted the Town got itself in a situation where someone needed a signal on an opposite side of a road from where 600 houses lie and he said he did his best. It might not be the best situation, but he said he wants to fix it.

Mr. Flewelling asked Mr. Kinton for the traffic counts. Mr. Kinton said the developer did a traffic count and traffic signal warrant study for this intersection and said he would get the information to Mr. Flewelling. Mr. Flewelling said this reminded him of the discussion of the Cane Island intersection at S.C. 802 on Lady's Island in that this will make an intersection very difficult by having people travel a long way.

Mr. Stewart clarified that he is sympathetic with those who live in the subdivision and said no one wants to endanger them or create a safety problem. He admitted the light will alleviate some of the problems although it is in its own right a problem. He said he is not opposed to safety or helping those in the developments on the west side, but also that the Council is remiss in that all the developments only have one way in or out. He did say he is complaining

to Council that he is upset about the procedure and how things progress / evolved. This happens too frequently, he said and cited Olive Garden. Mr. Stewart said people are too lax at giving past or explicit approval above their ability to do so. In this case, it is clear it should have come to Council for amendment to the Access Management Plan prior to the business starting, he said. There are too many instances when they come back to solve a problem after the fact and Council needs to abide by the ordinances and rules / regulations in place, the sequence and manner, he said. Then he added it is unreasonable for this person to ask for a permit in 2009 and it is now 2011 before it was brought forward. Not only does this create a problem for the gentlemen with the gas station but also for the 600 residents. He said it might be illogical, but there must be a way to solve this without putting in a light.

Mr. Stewart then asked staff to find alternatives to putting in a traffic light. Mr. Stewart then discussed financing of the intersection, be it a traffic light or roundabout, and said that would need to be determined whether it is the developer's or Town's responsibility. He said he would support the motion to postpone the amendment and asked staff's look at alternatives to this matter.

Mr. Baer and Mr. Stewart, as maker and seconder of the original motion, accepted the addition. The vote was: FOR – Mr. Baer, Mr. Dawson, Mr. McBride and Mr. Stewart. OPPOSED – Mr. Flewelling, Mr. Newton and Mr. Sommerville. The motion passed.

Recommendation: This item will come before the Natural Resources Committee after being postponed 30 days.

3. Off-Agenda Item - Forward topic to Finance Committee regarding the \$10 million Rural and Critical Lands Referendum bond

Discussion: Mr. Sommerville explained he has an off-agenda item and Committee members agreed to hear the matter. He said it was related to the executive session to follow and the matter is to move forward from Natural Resources to Finance Committee if the Natural Resources Committee approves it would move forward a recommendation to proceed to bond the final \$10 million of approved Rural and Critical Lands Referendum money as soon as possible. That is the off-agenda item.

It was moved by Mr. Flewelling, seconded by Mr. Dawson, that the Natural Resources Committee approves and forwards to the Finance Committee the study of an issue to proceed with bond of the final \$10 million of approved Rural and Critical Lands Referendum funds, along with any other matters for CIP found necessary.

Mr. Sommerville explained if this is approved, all they are approving is forwarding to Finance Committee for discussion, which would then entail the broader subject of other CIP items that will also be included in the bond referendum, if and when it takes place.

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

Recommendation: Finance Committee considers the issue to proceed with bond of the final \$10 million of approved Rural and Critical Lands Referendum funds, along with an other matters for CIP found necessary.

4. Executive Session

Discussion: The Natural Resources Committee adjourned into Executive Committee for discussion of negotiations incident to proposed contractual arrangements and proposed purchase of land.

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