

# COUNTY COUNCIL OF BEAUFORT COUNTY

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D. PAUL SOMMERVILLE  
VICE CHAIRMAN

## COUNCIL MEMBERS

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

GARY KUBIC  
COUNTY ADMINISTRATOR

BRYAN J. HILL  
DEPUTY COUNTY ADMINISTRATOR

LADSON F. HOWELL  
COUNTY ATTORNEY

SUZANNE M. RAINEY  
CLERK TO COUNCIL

## AGENDA COUNTY COUNCIL OF BEAUFORT COUNTY

Monday, July 25, 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.

1. CAUCUS - 4:00 p.m.  
Discussion is not limited to agenda items.  
Executive Conference Room, Administration Building
2. REGULAR MEETING - 5:00 p.m.  
Council Chambers, Administration Building
3. CALL TO ORDER
4. PLEDGE OF ALLEGIANCE
5. INVOCATION
6. REVIEW OF MINUTES – [June 13, 2011](#) and [June 27, 2011](#)
7. PUBLIC COMMENT
8. COUNTY ADMINISTRATOR'S REPORT ([backup](#))  
Mr. Gary Kubic, County Administrator
  - A. The County Channel / [Broadcast Update](#)
  - B. Four-Week Progress Report ([backup](#))
  - C. Update / Stormwater Billing  
Ladson Howell, Staff Attorney
9. DEPUTY COUNTY ADMINISTRATOR'S REPORT  
Mr. Bryan Hill, Deputy County Administrator
  - A. Four-Week Progress Report ([backup](#)) ([employee chart](#)) ([FY2012 memo](#))

Over



- B. Update / Beaufort County (Lady's Island) and Hilton Head Island Airports  
Mr. Paul Andres, Airports Director
- C. Construction Project Updates  
Mr. Robert McFee, Division Director, Engineering and Infrastructure
  - One Cent Sales Tax Referendum Projects:
    - New Bridge over Beaufort River / U.S. 21 / S.C. 802 Construction Project
    - S.C. Highway 802 Roadway Construction Project
    - Bluffton Parkway Phase 5A Roadway
  - Capital Improvement Projects:
    - Disabilities and Special Needs Adult Day Care Center

#### CONSENT AGENDA

Items 10 and 11

- 10. TEXT AMENDMENT TO THE BEAUFORT COUNTY COMPREHENSIVE PLAN, APPENDIX 10-D. BUCKWALTER PARKWAY ACCESS MANAGEMENT PLAN, WITH A NEW FIGURE 5 THAT ALLOWS THE INSTALLATION OF A TEMPORARY LIGHT AT PARKER DRIVE WHICH SHALL BE REMOVED UPON COMPLETION OF PHASE 5B OF THE BUCKWALTER PARKWAY, AND THE MEDIAN OPENING AT PARKER DRIVE WILL BE CLOSED UPON COMPLETION OF PHASE 5B, AND PHASE 5B ALIGNMENT SHALL REMAIN AS IS, AND AS PART OF PHASE 5B CONSTRUCTION, TWO ADDITIONAL RESIDENTIAL ACCESS POINTS WILL BE SIMULTANEOUSLY BUILT TO PROVIDE ADDITIONAL RESIDENTIAL ACCESS POINTS FOR ADJACENT RESIDENTS ([backup](#))
  - A. Consideration of third and final reading July 25, 2011
  - B. Public Facilities Committee discussion June 20, 2011
  - C. Third and final reading postponed June 13, 2011 and referred to Public Facilities Committee
  - D. Second reading approval occurred May 23, 2011 / Vote 11:0
  - E. First reading approval occurred May 9, 2011 / Vote 11:0
  - F. Natural Resources Committee discussion and recommendation to approve occurred May 2, 2011 / Vote 4:0
- 11. WIRELESS COMMUNICATION SERVICES FOR BEAUFORT COUNTY ([backup](#))
  - A. Contract award: Verizon Wireless, Laurel, Maryland
  - B. Contract amount: \$176,584
  - C. Funding: Services are paid from each departments telephone account 51050
  - D. Finance Committee discussion and recommendation to approve occurred July 18, 2011 / Vote 5:0
- 12. PUBLIC HEARINGS – 6:00 p.m.
  - A. Community Development Block Grant / Dale Water Extension Project ([backup](#))

B. Community Development Block Grant / Disabilities and Special Needs Center  
([backup](#))

13. [COMMITTEE REPORTS](#)

14. PUBLIC COMMENT

15. ADJOURNMENT

County TV Rebroadcast	
Monday	4:00 p.m.
Wednesday	8:30 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  
June 27, 2011

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

**CAUCUS**

A caucus of the County Council of Beaufort County was held at 4:00 p.m. on Monday, June 27, 2011 in the Executive Conference Room of the Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

**ATTENDANCE**

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

**PLEDGE OF ALLEGIANCE**

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

**DISCUSSION ITEMS**

Mr. Rodman talked about the County budget proposal which remains the same as was approved at first and second reading approvals. The only two issues that remain somewhat open, but do not need discussion beyond this point, follow: (i) In the event we had to deplete our fund balance during the third quarter, which is when we are most apt to get hit by a hurricane, staff may want to consider having a tax anticipation note. Section 11. Authorization of Tax Anticipation Notes provides, "The Administrator, with the advice and consent of Council, may provide for the issuance of Notes in an amount sufficient to provide the County with sufficient cash to meet its projected needs and to maintain on hand an amount not less than 5% of the actual operating expenditures for the fiscal year ending June 30, 2012." and (ii) The question was raised about transferring approximately \$750,000 from the operating budget into debt service for the CIP fund and Rural and Critical Lands fund. That decision is not impacted by the approval of the budget, but Mr. Rodman believes, and staff concurs, that those are worthy of discussion at Finance Committee before that actually takes place.

Mr. Baer circulated copies of his three-part FY 1012 budget summary and questions. Section A, Background, Major Budget Changes Between FY 2008 and FY 2012. Section B, Major Remaining Questions and watch-list Items. Section C, Questions and Comments on Section 9, Transfers of County Budget Ordinance. Council should receive a quarterly report of budget transfers.

Mr. Newton commented that Mr. Kubic, County Administrator, would like to move forward a request to permit the Economic Task Force the use of County funds in the amount of \$37,500. Mr. Newton will support the funding request. During the time Council was discussing the Beaufort Commerce Park, Mr. Newton was tasked with the responsibility of setting up the Task Force to review the model, structure and funding of the County's current economic development effort, including, the Lowcountry Economic Network (LEN). The Task Force has completed the consultant solicitation and selection process. The LEN has voted to dissolve. Beaufort County is a member of the Lowcountry Economic Development Alliance (Alliance). There are some issues, obviously, to be worked through the Governmental Committee about the Alliance and our participation. Receiving the Task Force recommendation is tantamount to helping understand where we are going, unless, the majority of Council members believe now that they are not interested in the Task Force recommendation and input.

Ms. Von Harten commented for years we have been hearing from various experts that the County needs to have possession of a Park. She does not feel like paying almost \$40,000 to hear more of the same thing. It is one of the fundamental things that we have yet to do in Beaufort County to spur economic development -- to have possession of a Park.

Mr. Newton stated there is a fair amount of disagreement as to whether owning a piece of dirt is the fundamental one-key element to economic development in Beaufort County. If we do not want this Task Force recommendation, we can tell them, "Thank you. We understand you have asked for the tools to do the job we asked you to do, but now we do not think that funding is appropriate." Then, we are rudderless at that point. At our retreat we all said we were committed to economic development, but we needed more information, we needed to know where we are going, and we needed to know where we ought to be going. As of today, where are we going? The LEN does not exist anymore.

Mr. Rodman will support the motion. He is in favor of moving forward with the study. It is appropriate for Council to approve the funding request regardless of the amount because there are some potential follow-on amounts, and we need to know where we are headed.

Mr. Baer will vote against the funding request for several reasons. He does not think anybody on Council had any say as to who was on this Task Force. He sees many of the same old names on it associated with the former LEN. He has not seen any report or output of the Task Force, including a recommendation of this consultant. He has not seen the statement of work for this consultant. In fact, most of what he knows about this consultant, he learned in *The Island Packet*. The County will wind up spending more than \$37,500. We are going to spend every cent that is authorized and probably go to \$150,000. If we get a good economic development plan that we are all a part of putting together and comfortable with, that is not a bad expenditure. He sees the County going down the same path as with economic development. Furthermore, we have to start spending the taxpayers' money as if it were our own. Would you spend your own \$37,500 on some consultant knowing exactly what you know right now? Do you know the consultant? Do you know anything about them? Do you know their statement of work? This is a premature decision tonight. We have to build up to it.

Mr. Newton clarified at the February 14, 2011 Council meeting, he was charged with the responsibility of putting together a list of names. He submitted that list of names he received not one objection from members of Council. To suggest that these members are the “same old guys associated with the LEN” disparages their efforts in trying, from a business community perspective, to make recommendation to Council. Each and every one of those individuals is qualified. Either we are interested in giving this Task Force the tools or not. Mr. Newton’s point about being rudderless is that at this juncture we do not have a vehicle or a mechanism other than the Alliance (we are a participant), which directs us where we ought to be going in terms of economic development. Is the Alliance now going to assume the role of the former LEN? Some people suggested it come back in house. All those questions are still out there. Either the independence of this group is going to be recognized and we are going to give the tools that they have suggested, or we want to micromanage it and control who they get to hire, what questions they get to ask them, and then we are back to whether we actually have received an independent recommendation or not.

Mr. Baer agrees we are rudderless and without a plan. He first heard about this Task Force during the retreat. Mr. Baer thinks Council needs to develop the plan, decide who to hire, develop the statement of work, decide how much money to authorize, as well as the methodology and characteristics about the company we are about to hire. Council has not seen any of that. Council has been asked to authorize \$37,500, which is the start of a freight train which is going to get to \$150,000 pretty quickly.

Mr. Newton remarked that Task Force members Mr. Joseph B. Fraser, Mr. Richard Gray, Mr. Gary Horn, Mr. Donald Ryan, and Mr. David Tigges have been involved in all aspects of this community (in some cases a complete generation) -- construction, finance, healthcare, and banking. If that is not the group we like, who are the group of experts? That group of local businessmen, who each are responsible for making payrolls today, both here in the County and elsewhere, have suggested they want to help, want to be a part of the process, would like to have a consultant work with us to tell us what is working both by model and by structure in other places in South Carolina to help Council.

Mr. Kubic described briefly how we go to this point. Mr. Kubic received from Council the mission to facilitate, but remain apart from the deliberation and focus of the five-member Task Force so that the review could look at past practices and determine strengths and weaknesses and obviously enhance the strengths and attack the weaknesses to make them strengths. Mr. Kubic only provided a role where he described to them the opportunity for solicitation to determine how to bring professionals into Beaufort County so that they would determine scope of work, professionalism, so forth. In that process they narrowed it down to one consultant, but they were also keenly aware that the LEN, as previously structured, was to dissolve (which is in the process of doing that), and the Alliance was actively seeking a larger scale review of the demographics of our region, not of Beaufort County *per se*. The Task Force narrowed it down to a scope that would answer the issue, “If Beaufort County would consider joining the Alliance, which seems to be the way the State of South Carolina prefers doing work, what structure should that Alliance take so that each partner would have the ability to promote its own characteristics, its own type of economic development. Mr. Kubic, interpreting his mission as working as clerk of the Task

Force, is that they would undertake that process, they would hire the consultant, and they would independently report to Council findings at which time Council would have something to deliberate upon. What we are talking about is: How badly do you want to create a job? How well do we, as government officials, understand the profit making and sustainability of making that profit for 20 to 30 years? In the last seven years Mr. Kubic has said the same thing – Beaufort County has major issues well beyond \$37,500 to answer. We are talking literally about millions of dollars in the future to create jobs. Looking at the 2010 population census it shows that after you reach age 24 the next highest level of population is 64. In other government units, where Mr. Kubic worked as their economic development director, he had the ability to negotiate with potential businesses -- knowing he could give property away, knowing he could offer tax abatements, knowing he would offer site development grants -- because in those communities they wanted to capture the job and they recognized that profit, the ability of that investor to make a sustainable profit, for a period of years, 20 or 30, was those key ingredients. None of which exist currently in Beaufort County. If we do not have structure in Beaufort County, now that the LEN has dissolved, it is fairly logical to assume that the default position would be to join the Alliance, but we would not just join an Alliance without knowing the beneficial parts of what position we would want to take so that the joining has results for Beaufort County.

Mr. Stewart is not involved with the Task Force. Beaufort County is a formal member of the Alliance. Council is a policy setting body, not an operational body. You set a policy that causes an effect that you want to have happen, happen. You then bring in professionals to get it done. It sounds to Mr. Stewart Council wants to be educated to become professionals in the world of economic development. Regarding the Alliance, the State of South Carolina has made it very clear they fund only Alliances. They will not fund individual counties or municipalities. They look for regions of economic development, not local clusters. At present there is money in the coffers of the Alliance to do an economic study. A contract has been awarded in the amount of \$125,000 (the funding source is state and utility money) to do a study. The Alliance's hands are sort of tied, because they are waiting for Beaufort County to say how it is going to participate or is it going to participate in this Alliance. The two studies would be complementary to each other. The Alliance is looking regionally at marketing segments and structuring.

### **REGULAR MEETING**

The regularly scheduled meeting of the County Council of Beaufort County was held at 5:00 p.m. in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

### **ATTENDANCE**

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

### **PLEDGE OF ALLEGIANCE**

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

### **INVOCATION**

Councilman Gerald Dawson gave the Invocation.

### **REVIEW OF PROCEEDINGS OF THE REGULAR MEETING HELD MAY 9, 2011**

It was moved by Mr. Flewelling, seconded by Mr. Glaze, that Council approve the minutes of the regular meeting held May 9, 2011. The vote was: YEAS - Mr. Baer, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Caporale. The motion passed.

### **PROCLAMATION – MICRO-ENTERPRISE MONTH**

The Chairman proclaimed June Micro-Enterprise Month in the Beaufort County. Mr. Jason Gardner, Government Affairs Manager, Beaufort Regional Chamber of Commerce; and Ms. D.J. Moore, Lowcountry Small Business Hub, accepted the proclamation.

### **PUBLIC COMMENT**

Mr. Charlie Marshall, of Jasmine Hall in Seabrook, said he is at the Beaufort County Council meeting regarding an email he sent to Mr. Dawson. In the email, he explained one of his vehicles was towed this past week. The car was towed four miles from the area near Wal-Mart to an area near the Starving' Marvin', at the Beaufort Auto Repair. There was nothing wrong with the vehicle, but it ran out of gas. There was no wreck to clean up or damage of any kind. It was a simple clean up and tow the vehicle there, and the charge was \$390 at \$100 per mile. In addition to that, the company lost his key, which is a computer-controlled chip key. He had to have a locksmith make another \$125 key for him to pick up his car. When the locksmith made the key, Mr. Marshall said he went to turn on the car and it shut off because it had no gas. Mr. Marshall said he then pushed his car off the tow lot and around the corner to the gas station. This is Beaufort Auto Repair. They are not by themselves. Mr. Marshall said he heard about his neighbor who owns Lowcountry Produce and he had the same thing happen to him with another company in Beaufort two weeks ago. There were the same kinds of charges and a similar situation. Mr. Marshall said he is not sure what the County is doing about this. He had one of his employees call to get the car, which ran out of gas, towed to his home in Rosita. He asked what they charged for the distance of about 1 mile and it was \$125. Mr. Marshall said to him that logic would dictate if someone is picking up a vehicle on a volunteer tow or an impound tow it should be the same cost. There should be the same cost to insure the tow trucks and the drivers, but if they are not and there is a discrepancy of three and a half times there is something wrong somewhere. He said he knows the County is working on the towing matter and there was a more serious situation where someone was shot and killed. This is a matter the County needs to take care of now. Mr. Marshall said his attitude about this is that he had no choice but to pay because



he wanted his car back. There are a lot of folks who could not afford to get their cars back from this company. He asked the County to check by running a history on several of the tow companies on rotation in Beaufort County. They end up with some of the automobiles when people are unable to pay the tow fees. That is not the intent and purpose of having regulations of these towing services. Mr. Marshall said he does not know where the County is in the ordinances, but this is plainly wrong when something like this is done. Mr. Marshall passed his receipts for the towing service to Mr. Dawson to be included in the record of the meeting.

Mr. David Tedder thanked Council for allowing him to speak. He said he did not want to steal any of Mr. Kubic's thunder when he recognizes one of Beaufort County's longstanding employees, but he said he has known this gentleman for many years and would like to take the time to speak to the qualities to one of the finest employees: Arthur Cummings, Director of Building Codes. Mr. Tedder said he has been practicing law in Beaufort County for almost 30 years now and has had many opportunities to deal with Mr. Cummings. He is always accessible, accommodating and helpful. Always with a smile and an attitude Mr. Tedder said he wished every public servant would have. Mr. Cummings has helped Mr. Tedder on behalf of his various clients numerous times. Many of the clients were just purchasing or refinancing a house, getting over certificate of occupancy issues, construction issues or something as simple as a flood map discrepancy. On a professional level, as a municipal attorney Mr. Tedder has looked to Mr. Cummings to help him many times with building codes revisions over the years. Sitting on the Building Codes Council, Mr. Cummings is a very good source of knowledge on those items. Mr. Cummings' retirement is a loss to the community, to those who practice with him and everyone else. Mr. Tedder said it is a well-deserved retirement, but he did want to stand and say from a consumer perspective that Mr. Cummings is a very fine public servant, one of the best Beaufort County ever had. Mr. Tedder said he will miss having Mr. Cummings on the other end of the phone.

## **COUNTY ADMINISTRATOR'S REPORT**

### **The County Channel / Broadcast Update**

Mr. Gary Kubic, County Administrator, reported in addition to The County Channel being nominated for two Emmy awards, and winning three more national Telly Awards with our Nature Series Coastal Kingdom, and our feature on the Sherriff's DNA Lab, The County Channel has been awarded the 2011 Achievement Award from the National Association of Counties for its role in Transparency of Government. The County Channel broadcasts 94% of County meetings, and airs approximately 38 hours of live meetings per month. In the spirit of continuing our coverage, and making our content even more readily available to the public, we are launching our new video-on-demand service. Mr. Scott Grooms, Broadcast Services Manager, accepted the award.

Mr. Jack Melnicoff, from Granicus, gave Council a PowerPoint presentation on video streaming services. Granicus was founded in 1999 and recently acquired LegiStar to give 30+ years of combined experience. Its mission is to change the way citizens interact with government and develop solutions designed exclusively for government. Granicus has delivered more than 30

million government webcasts and has 900 government clients from the Country's most prominent local, state, and federal government agencies. Granicus open platform includes government transparency, citizen participation, meeting efficiency, legislative management and training management. The future of open government includes mobile streaming, iPad agenda packets, and searchable voting records. At present Beaufort County currently has the ability to stream unlimited amounts of video content in both live and on-demand fashion with an indefinite retention schedule. With Granicus the County will retain the content and have the ability to key search it by different index points within that criterion and to use different reporting tools to understand exactly what the audience is actually trying to get. iLegislate is an application that is going to give one the ability to download agenda packets to iPad, Blackberry or Droid. This will allow the ability to view the agenda and supporting documentation, bookmark it, and take notes.

### **Two-Week Progress Report**

The County Administrator submitted his Two-Week Progress Report, which summarized his activities from June 13, 2011 to June 24, 2011.

### **Contract Renewal / Beaufort County Open Land Trust**

Mr. Kubic reminded Council that the Beaufort County Open Land Trust, our current professional service provider for the Rural and Critical Lands Program, that their contract has been renewed. Representatives of the Open Land Trust will be asked to schedule a session for a complete performance report of all their activity through Natural Resources Committee.

### **Five-Member Economic Task Force**

Mr. Kubic reported the Task Force has completed the required County solicitation and selection process. The selected project team will perform a scope of work created and managed by the members of the Task Force. Their project team will assist them in an organizational assessment and benchmarking comparison of our current organizational strengths and weaknesses. The other deliverables will include information on economic drivers, workforce development, education, technology, fund raising, business retention, marketing, site assessments, quality of life issues, and regional collaboration.

Mr. Kubic asked Council to consider by motion, acknowledgment of the approval to allow the Task Force to use up to \$40,000 for the purpose of hiring a professional consultant to continue in their work assessing the economic process.

It was moved by Mr. Sommerville, seconded by Mr. Dawson, that Council approve the Economic Task Force use of County funds in an amount not to exceed \$40,000 for the purpose of selecting the project team to perform a scope of work created and managed by the members of the Task Force.

Mr. Baer will vote against the motion. Council never saw any outward recommendations from the Task Force. We never had the ability to choose the members of the Task Force. We never

saw of the credentials of the vendor. We never saw the precise statement of work. We need to start thinking about this money as our own money. We are spending taxpayers' money. It is \$40,000 now, and it could go to \$150,000 or more. The most Mr. Baer knows about it he reads in *The Island Packet*. Mr. Baer is completely in favor of economic development and anxious to start it, but over the last years we have spent between \$2 million and \$3 million on it. We do not even know how much because we just found another \$376,000 spent on a waterline we did not know about. We have very meager results. We are just proceeding down the same path, with the same people, without a really good plan amongst ourselves of how we are going to proceed.

Mr. Kubic reported the consulting company is Angelo Economics. They are located in Austin, Texas. They have had experience in South Carolina. Their proposal is for \$37,500, but Mr. Kubic upped it to \$40,000 because there might be some miscellaneous costs, and he assumes some formal presentations by the firm, here, in Beaufort County. They are going to conduct a comprehensive organizational review, which was primarily designed to assist Council in reviewing and determining structural aspects of the Lowcountry Economic Development Alliance. They are going to do a survey and an analysis of available properties as a task. It is limited to 45 days of work. In terms of Mr. Kubic's ability to facilitate this, he acted in a role as a clerk for the Task Force. He allowed them to choose freely the approaches and thoughts that they felt were necessary in the review.

Mr. Stewart, as a member of Council who has been intimately involved over many years now with economic development in Beaufort County, stated everyone is aware we have gone through a very contentious period in the county here, discussing economic development. He is looking forward to having this review. It will be a positive review and it will probably show a lot of things that have been going on in the County and activities have been handled in the right manner, properly and professional. Mr. Stewart is looking forward to the report. He hopes Council will go forward with this process, and looks forward to coming out the other end stronger, better, and able to move forward with what is critical and important for this County/region -- economic development. He supports it wholeheartedly. He asked Council to put its support behind it as opposed to trying to always find something wrong with it or finding out what is not correct or what we are possibly not doing.

Mr. Rodman will support the motion. In typical times there are a lot more people looking to build; but now, with the downturn in the economy and number of empty buildings, there needs to be the factor of how do we make sure that there is a good look-see at all of the buildings that are available due to the downturn. Secondly, and more importantly, we do know that some of the states have been overreaching and there are a lot of stories about a lot of companies, even in these most difficult times, looking to relocate, to get out from under high taxes, high regulations. Mr. Rodman thinks Beaufort County and South Carolina would be an attractive place for those to relocate. Hopefully, that concept is something that might be addressed in the study. It is new and different than what we have had in the past. It is an opportunity for us. This may be a golden opportunity for us.

Mr. Newton appointed the Task Force members, at the direction of Council, in February 2011. The members are: Mr. Joseph B. Fraser, President, Fraser Construction; Mr. Richard Gray,

Founder, Grayco; Mr. Gary Horn, Market President, Coastal Banking Co., Inc.; Mr. Donald Ryan, Chief Executive Officer, CareCore National; Mr. David Tigges, Chief Executive Officer, McNair Law Firm. They deserve our thanks for being willing to serve. They deserve our thanks for being employers in Beaufort County and creating and making payroll and jobs every day. They have made a recommendation and a request for a consultant to help them answer the questions that we put to them and that is to review the model, structure and funding of the County's current economic development efforts -- how we ought to be doing it, what we are doing, and how we can do it because we have all acknowledged and agreed that things could be done better whether that is from a regulatory perspective, whether that is for a funding perspective, whether that is through a regional alliance. Mr. Newton looks forward to receiving the consultant's information and moving forward with trying to prompt economic development both in Beaufort County and in this region. Mr. Newton wholeheartedly supports their request and looks forward to their good work.

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

### **Beaufort County Vendor Guide**

Ms. Monica Spells, Procurement / Contract Compliance Officer, Purchasing Department, introduced Beaufort County's new Vendor Guide (Guide) which was a necessary update as we continue the process of doing business with Beaufort County more open and transparent. In Ms. Spells' experience, when used to their fullest potential, brochures combine the informative nature of written content with the eye appeal of attention-grabbing images. The new Guide was designed with this in mind. In addition to providing basic information about the Purchasing Department to include a staff listing and department hours and location, the Guide has images highlighting some reasons why we believe Beaufort County is a remarkable place to live, work and play. Information about the County's solicitation methods and purchasing thresholds are provided as well as how to get added to our vendor list. Plus, the new Guide also mentions how Beaufort County is one of South Carolina's fastest growing counties and how the County has been recognized as a great place to operate a business. We have also expanded sections about the County's Local Vendor Preference and Small and Minority Business Program and provided information about obtaining a business license as well as how to go online and view the Procurement Code and the Code of Ordinances. Finally, we made sure to advertise the County's website and the same portal for obtaining information, not just about Beaufort County, but about the County in general. We provided a new email address just for vendors to use for contacting the purchasing team.

### **Presentation on Rail/Trail**

Mr. Rob Merchant, long range planner, explained the Rail/Trail project. The Beaufort Rail/Trail project will convert a 20-mile stretch of the former Port Royal Railroad into a cycling and pedestrian corridor. It will provide a safe and accessible pedestrian and bicycle route that will not only be a recreation asset, but provide an alternative mode of transportation that will link people

to jobs, services, and schools. The trail will be a great asset for Beaufort County residents and visitors, adding tremendously to the quality of life in our region. The project background follows: in 1873 the Port Royal Railroad was established, 2003 the Railroad was abandoned, 2009 the Beaufort Jasper Water Sewer Authority (BJWSA) acquired railroad right-of-way, 2010 BJWSA contracted to have rails, ties, and ballast were removed, and in 2011 BJWSA and County signed a Easement Agreement for use of surface for a trail.

The Project has been supported by local plans throughout this decade: Northern Beaufort County Greenways and Blueways Master Plan (2003), Boundary Street Master Plan (2006), Northern Beaufort County Regional Plan (2007), Comprehensive Plan for City of Beaufort, Town of Port Royal, and Beaufort County (2009-2010).

Benefits of Trail include recreational amenities with health and social benefits, alternative transportation mode, public access to the water, economic development tool, accessible to the elderly and persons with disabilities.

The County received a Bus and Bus Facilities Livability Program in the amount of \$1.38 million for the Trail. Grants pending follow: (i) SC Parks, Recreation and Tourism Recreational Trails Grant awarded to Beaufort County in the amount of \$96,000, (ii) SC Parks, Recreation and Tourism awarded to the City of Beaufort in the amount of \$100,000, and (iii) FHA Transportation, Community, and System Preservation Program in the amount of \$1.6 million.

Mr. Merchant announced the creation of the Rail Trail website [www.railtrailbeaufort.wordpress.com](http://www.railtrailbeaufort.wordpress.com), which will offer the public an opportunity to see the Project status, look at maps and frequently asked questions, give them an opportunity to comment, show meetings and upcoming events for the Trail. A public workshop for the Rail / Trail to develop a Master Plan and to tackle issues such as users and trail surface is scheduled for September. This is a joint workshop with the City of Beaufort and Town of Port Royal. The County Channel is working on a Program that will air late summer / early fall. The Northern Regional Plan Implementation Committee directed staff to initiate the establishment of the Establish Rail / Trail Steering Committee. This would be an appointed committee with representation from Beaufort County, City of Beaufort, Town of Port, BJWSA, and the trail advocacy groups.

### **Simmonsville Road / Highway 46 Project**

Mr. Kubic reported that Chairman Newton released a press release announcing the completion of the SC Highway 46 road improvement project in Bluffton. The construction barrels will be removed from the completed roadway any day. This project is an important component in Beaufort County's roadway improvement plan for greater Bluffton. It improves connections to US 278 and complements the recently completed frontage road connecting Plantation Business Park to Simmonsville and Buck Island Roads.

Mr. Kubic reported receipt of an email from Chairman Newton asking if the County could now venture into a more comprehensive plan county-wide of working with our partners at SCDOT,

perhaps the Chambers of Commerce, businesses, volunteers, Detention Center to put together a plan to address the landscaping needs of those areas. We are doing that at present.

## **PUBLIC HEARINGS**

### **BOARD OF EDUCATION TO AMEND THE SCHOOL DISTRICT 2010-2011 GENERAL FUND BUDGET TO ACCOMMODATE THE CHANGE IN STATE FUNDING SOURCES PURSUANT WITH PROVISIO 1.79 OF THE GENERAL APPROPRIATIONS ACT OF 2010**

The Chairman opened a public hearing at 6:07 p.m. for the purpose of receiving information from the public regarding an ordinance based on the request from the Beaufort County Board of Education to amend the School District 2010-2011 general fund budget to accommodate the change in state funding sources pursuant with Proviso 1.79 of the General Appropriations Act of 2010. After call three times for public comment and receiving none, the Chairman declared the hearing closed at 6:08 p.m.

It was moved by Mr. Rodman, as Finance Committee Chairman (no second required), that Council approve on third and final reading an ordinance based on the request from the Beaufort County Board of Education to amend the School District 2010-2011 general fund budget to accommodate the change in state funding sources pursuant with Proviso 1.79 of the General Appropriations Act of 2010. The vote was: YEAS - Mr. Baer, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Caporale. The motion passed.

### **AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO AMEND COUNTY COUNCIL STIPEND TO INSTALL A CAP**

The Chairman opened a public hearing at 6:09 p.m. for the purpose of receiving information from the public regarding an ordinance to amend County Council stipend to install a cap. After call three times for public comment and receiving none, the Chairman declared the hearing closed at 6:10 p.m.

It was moved by Mr. Rodman, as Finance Committee Chairman (no second required), that Council approve on third and final reading an ordinance to amend County Council stipend to install a cap of 144 meetings per fiscal year which represents a 6% reduction in total compensation. The vote was: YEAS - Mr. Baer, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Caporale. The motion passed.

## **FY 2011 / 2012 SCHOOL DISTRICT BUDGET PROPOSAL**

Mr. Rodman stated Council has the responsibility to review and approve the proposed budget from the Board of Education (Board) for operations. It does not have that responsibility/authority on the debt service side. Council goes through a process of reviewing this item at Finance

Committee and it is then brought forward to Council for three readings. We are at third reading today. It is fair to say that there was no disagreement with the Board on the amount to be appropriated for operations, but the School District (District) has a request pending that Council consider a millage increase rather than having them draw money out of their fund balance.

The Chairman opened a public hearing at 6:14 p.m. for the purpose of receiving information from the public regarding the FY 2011 / 2012 School District budget proposal. After calling once for public comment, the Chairman recognized Mr. Steven Morello, Board of Education, Representative District 1, stated his request for the day is simple. Beaufort County Board of Education has shown the amount of money needed to pay the 29,000 employees who depend on the District for income and keep the currently existing student services. Please either approve the budget or do not. Approving the Beaufort County Board of Education budget without funding it is an exercise in futility. It is misleading and in his mind it is a copout. Either approve the budget appropriately or do not. Have the courage to make the message clear to the public. What the Board of Education's constituents have been hearing is statements like this: "Once we adjust the millage rate on the funds based on the 98.6% collection rate, which is different from Beaufort County's 97% collection rate, and add in the current [tax increment finance] TIF funds based on the previous student allocations, the reserve can be paid down. Then, we'll see." To most people who hear statements like that it sounds like as George Bush, Sr. used to say "voodoo economics." The budget gets approved, and then it does not get funded. This looks shady. Beaufort County School District employees want to know they can count on a paycheck and parents want to know if their kids' schools will stay open. They want to know if they will have school supplies and books provided or not. They need an answer. The Beaufort County schools have presented Council with the amount of money needed to educate the county's children and keep its employees paid. Please tell us in one decisive action if the School District can count on the County's support, Mr. Morello requested.

Mr. Bill Evans, Beaufort County Board of Education Representative District 7, said those who know him in Beaufort County know him as an educator, but those who know him in New York and Pennsylvania know his family as owners of a 160-bed skilled nursing facility. He presented this to Council to tell Council he has a strong interest and knowledge about business. Mr. Evans said he recognizes that the economic environment the budget is being considered in. He referred to a document that the School District prepared in response to questions posed by Mr. Rodman. In reviewing the document, he said several things stood out to him and those follow. In six of the last eight years the actual revenue collected was less than what was projected, and this forced the School District to either cut programs or go into reserves. The School District has cut its fund balance quite a bit in the last couple of years. There have been no raises for its classified staff and this year for administrators and teachers. The School District reduced more than 169 positions in the last three years and in February cut \$6.8 million from the upcoming budget. What Council is aware of is that the revenue for the coming year is essentially the same as it was in 2008-2009. That makes some sense considering the economic climate and trying to hold costs down, but this does not really reflect some of the conditions going on such as the mandatory increases everyone experiences. Mr. Evans said in the last three years the School District has had somewhere around \$10 million in mandatory state increases with health, retirement and other related items. Additionally, there is the cost of opening a number of schools, primarily in the

Bluffton area. The School District has an active committee that will probably recommend the closure of several facilities to cut back on operating expenses. As a businessperson, Mr. Evans said he recognizes the need to reduce costs. The economic situation forces it. As an educator, he said he is worried about how close they are getting to cutting essential services. His concerns are about the positions cut, the essential positions cut this year such as academic coaches and these will have a major impact on the academic performance. Mr. Evans is also concerned about the increase in class sizes put in place for the upcoming school year. Where is the end of this with reduction in operating, cutting the School District budget, closing schools, reducing the fund balance? We need to know where the end will be, Mr. Evans concluded.

Mrs. Valerie Truesdale, School District Superintendent, said the documents Mr. Evans mentioned are available for Council. As Mr. Rodman indicated, there is no disagreement on the amount of the budget. However, this is a bit of a disagreement on the source of the funds. Mrs. Truesdale said she would like to share with Council the strategic impact of the differences for a few moments. She stated hard copies are available. Mrs. Truesdale asked Mrs. Phyllis White, School District CFO, to come to the podium.

Mrs. Phyllis White, School District Chief Operations Officer, took a few moments to talk about what transpired over the last few weeks and her comments follow. A lot has been said about the New River TIF (tax increment finance district) and for the public it is important to go through the steps of what occurred. In 2002, the Beaufort County School District entered into an agreement with Beaufort County called a TIF agreement for the New River development. The TIF agreement has parts that stipulated Beaufort County School District would be held harmless and not sustain a loss. There was also a part of the agreement allowing for a per pupil amount to be paid to the School District in the event that the development of the New River TIF would produce students. It has. When the initiation of the TIF came into effect in 2002 there were zero students. Now, the School District has submitted to Beaufort County that there are 148 students. So, the process of advance has been that the School District expressed its concern over the past two years of the TIF, particularly New River because that is where really there are the most 4% homes (where students live). The School District voiced their concerns about the District's revenue as well as the effect of reassessment, Mrs. White said, and they saw an assistant from their legal counsel and an outside audit firm. The District brought its position to the County Council at several meetings and submitted its budget in accordance with findings. Two issues surfaced. One is the per pupil student amount. She said that she thinks a consensus has been reached on this and it is included in the School District's budget. The second issue is the impact of removal of the New River TIF revenue from local tax revenue and the impact on the mill rate. The School District and County have not reached consensus, she said. That is where the mill rate difference came into play. Mrs. White said the School District hopes they can still reach some type of consensus on the mill rate. The mill rate at rollback in 2010 was rolled back 12 mills. This is where the problem started as far as the District's revenue starting to decline. The District is lower in revenue than it was in 2009. What is in front of Council is the ordinance as presented by Mr. Rodman and the numbers being changed. Mrs. White said she would just like to demonstrate the impact this has on the School District. Mrs. White referenced column D. There is a difference in the District and County numbers because she said she and County CFO Mr. Starkey have come up with a mill value not including TIF values. Column D is a net of TIFs,



which is a point of disagreement. The mill revenue the County states is \$2 million, while the School District states it is \$1.8 million. That fund balance percentage is less than 60 days. The Government Finance Officers Association recommends 60 days. However this is 50 days. That is, those percentages of fund balance are only if the School District can keep its budget flat for the next two years. Mrs. White said the School District had to cut almost \$6 million out of its current budget for 2012, and there will be about as much for 2011 just to bring in a flat budget. State mandates are always salary increases and benefit increases, which accounted for \$2 million absorbed. This all means the District will have to go back and do this again. Closing a school, where they would love to see substantial savings will not actually translate to substantial savings. Mrs. White said it would typically be about \$800,000 at the most per school. A lot of schools will have to close to make up \$6 million. She then referenced Column E. That fund balance represents 39 days at 10.6%. Again, if there is any type of catastrophic event the School District Disaster Recovery Plan states that the District has 60 days of fund balance on hand to be able to pay all employees and obligations. That alone will not sustain. Mrs. White said she wanted to make sure all Council is aware of the actions of Council. She then called attention to Column F. That is reassessment and if the mill rate is not adjusted. Obviously there is an Attorney General opinion out there, but what the District is asking is to be involved during reassessment in order to work with the County to make sure it is again following the spirit of the TIF agreement and following the spirit of “revenue neutrality.”

Mr. George Wilson, Board of Education Vice Chairman, stated when the rollback was done several years ago he did an analysis, which said the District is losing \$2 million somewhere. It is not correct, Mr. Wilson claimed he said, to which he heard that the District does not need the money anyway because there are enough reserves. He said he replied that the District is giving the taxpayer a tax cut and they do not know it, but later they will have to come back for a tax increase. That is basically what happened back then. The taxpayers got a tax cut. Nobody cared about the future and no one got credit for that tax cut. A rollback is supposed to be a revenue neutral act and knowing the School District was losing money told him that it was not done correctly or that something was affecting it. Mr. Wilson asked what happened. He replied next year’s budget, the School District’s revenue, was forecasted below the year before with the same collection rate. Why? Mr. Wilson referred back to say because something happened in the calculation that hurt the School District and its revenue stream. Mr. Arndell did the same analysis with a different type of calculation showing individual taxpayers who were having decreases in their taxes despite assessment increasing more than the average person. At the time, he said he was told the reason was because the District was not collecting as many funds in the TIF accounts. He said that cannot be correct because the TIF accounts are for the same taxpayers. It makes no sense, Mr. Wilson repeated. He said he asked the County Council three or four times to provide an analysis showing what is going on. He said when he heard state law requires the School District to pay money it was not receiving in the TIF toward the TIF’s debt, then finding out that money was being taken from their other revenues, it is no wonder the tax collection rate is not correct. He said the County had money in there not being billed coming out of other funds. That is what created the error in the rollback. Mr. Wilson noted he is not saying anyone made a mistake; state laws are very confusing and make no sense in many cases. Now, we know what happened, he said. The TIF agreement says if the School District should be held harmless for anything affected by changes in state law. Last Thursday, the School District

representatives met with Beaufort County representatives who told them they were harmed by the transaction. Then, the meeting shifted to the mechanics. The bottom line is the School District was harmed in the rollback and is asking for that money back. The County was not harmed in the rollback. County Council has not had to worry the last three years that every time a taxpayer goes from 6% to 4%. The County keeps the 4% but the School District loses all 6%. If everyone is on an equal field, all should be playing under the same rules about what revenues are being lost or not. When Mr. Rodman says that the School District is again asking for a tax increase, we are not. Mr. Wilson phrased it that the School District is asking for a correction that was done before, which they think they are legally allowed and should receive under the TIF agreement in order to keep them from holds harmless. The Council spun this matter four years ago by again saying the School District is asking for a tax increase. We are not, Mr. Wilson said. We are asking for a correction that if not made now will follow through year after year after year. He said he knows the County Council took a position that the School District's reserve is too high. It will at the end of the year be in the 14% range, Mr. Wilson said. That is where the bond consultant says it should be and where the credit people say it should be. Mr. Wilson also noted the School District has some bonds coming due that they can pay and refinance thereby saving other funds. Giving up a credit rating is not good business, particularly in a bad environment such as this, Mr. Wilson concluded.

Chairman Weston Newton asked that a final presentation for the District be done right now to allow Council to properly move the matter into debate.

Mr. Fred Washington, Board of Education Chairman, we are a policy making group and have tried to establish policies that meet the requirements that our professionally hired educators say we need to educate the children in Beaufort County. That is what the Board abides by. The Board is essentially saying that if we want to continue the growth and development, and have the outcomes we have proven and generated in the past four years, there is a level of funding that must be had that should not be ambiguous, but should be there and needs to be provided. As a Board, certain policies have been established that have been enumerated by the folks preceding. Policies regarding fund balance, policies on programs and things needed to continue the positive trend that have been exceeded in the District. He stated he is not trying to engage in second guessing and doing the operational things. His concern is making sure policies are in place and that we establish expectations in terms of outcomes. Those outcomes are not always the economic dollars. We need reform. Some of that reform means that there are things on the state level which you do not control, but you can help the District generate. The reform also means the District can take advantage of those citizens we have in our community whom are retired and have expertise we are trying to capture and imply to the system that needs to be reformed. The Board is determined not to retrogress. The District's professional folks have told what it takes to continue to have educational progress in this community. Council has talked extensively about economic development. You will not have a strong economic development component if you don't have a strong public education system. We think we can be a partner that will pay dividends or returns on investment made in our citizens. The Board has established policies based on professional advice gotten from people who are experts in their field that this is what it takes and that Council has established a contract with the Board that we would be in violation of if not made whole. The adjustment is an increase. It is to make the District whole. Policy to

policy let's be people enough to tell the public this is what occurred. We are going to adjust it and move forward. He stated he guarantees the Board will do all possible to hold costs down. Decisions will be made about schools. He asked, let's do the right things.

After calling twice more for public comment and receiving none, the Chairman declared the hearing closed at 6:31 p.m.

Mr. Rodman stated in front of Council is Section 2 and Section 3 from the Ordinance on third reading consideration. We have some numerical changes to update and correct. Also, there is the issue that the Board is raising of whether there should be an adjustment in the millage amount. There are three numbers in parenthesis. The 91.85 in right hand corner is the Board's requested millage, and below is \$113,200,000, which would be the amount that would come in at the 91.85 and the \$36,159,000 would be what the draw on fund balance would be. The numbers displayed that are not in parenthesis are not in dispute. We need to amend the ordinance, as approved at second reading, in order to make the corrections. The four changes are (i) first sentence of Section 3 talks of an amount to be appropriated of \$173,970,150. The District was at \$175,000,000 last year then as the State Legislature removed the mandatory requirement to put in the step, the Board decided not to do the step and came back with a budget of \$173,970,150. (ii) State Budget Proviso - Senator Davis was successful in getting a proviso in the amount of \$633,148. (3) New River TIF - staff has spent some time and is in agreement that as part of the TIF question and how it affects this budget to increase it to \$1,276,464. (4) The draw on fund balance - the State Budget Proviso at \$633,148, the change in the New River TIF of approximately \$200,000, reduce the draw from \$2,800,000 million to \$2,000,000 on the fund balance.

Main motion.

It was moved by Mr. Rodman, as Finance Committee Chairman (no second required), that Council approve on third and final reading the School District FY 2012 budget tax levy of 90.26 mills for school operations and 28.00 mills for school debt service and the corresponding adjustments to Section 3, School Operations Appropriation.

Motion to amend by substitution.

It was moved by Mr. Rodman, seconded by Mr. Flewelling, that Council amend the ordinance as follows: \$173,970,150 operating appropriation, the addition of \$633,148 to be derived from State Budget Proviso, the increase of \$1,276,464 to be derived from adjustment to the New River TIF, and \$2,042,789 to be derived from the District's fund balance million.

Mr. Newton stated this amendment does not change the millage rate approved on second reading, nor the amount of local tax collections approved on second reading. He asked the Parliamentarian if this is considered a non-substantive amendment.

Mr. Newton stated if it is a substantive amendment then it will not be held on third reading tonight and will require additional activity.

Mr. Sommerville talked about the New River TIF amount of \$1,276,000. He assumes there was no New River TIF amount in last year's budget and that it is new this year. How did it go from \$1 million to approximately \$1.2 million?

Mr. Newton said at second reading there was an acknowledgement that under the mechanics of the TIF formula, when the District made the County aware of the student population count within the TIF area, that the statutory formula / agreement drove a particular number and was estimated to be \$1,091,589. Upon examination of the population in the area, based on the District's request having been made this year, and in consultation with the June 23, 2011 meeting between the two administrative staff, there was a determination made that the appropriate calculation is \$1,276,464 from the collected TIF revenues. This is a new item for this budget. The District appropriately said, that based on the agreement, they gave the student count and are due monies collected within the TIF.

Mr. Sommerville said the word TIF has become a "four letter word". Our Finance Department gets a lot of credit for spending time trying to sort it out. Since 2004 there should have been a number in the budget to reflect the number of students. TIFs are confusing. It seems to him as if that money has always been there, but because of the confusion the District did not know enough to ask for it. Had they known that it was in there for them, they would have asked for it. We all agreed to this in 2004. If the District is asking for this year \$1,276,000 and they are saying they do not want to go into their fund balance, is a decision they make. We approve the amount, but do not tell them where they can get the money from. We approve the amount of the budget, and the amount of the millage. We do not tell them that the TIF money, that they have been eligible for since 2004, has been sitting in the bank account and the District never asked for it. If they take out all of the TIF money that they are entitled to since 2004, then all that does is extend the length of the TIF by a number of months until paid off. It seems as if we are out of our depth to say to the District that they cannot access that money that they are indeed entitled to now or later. It does not just go away. The money that is due them for these kids that they have been educating since 2004 is still sitting there.

Mr. Rodman said the District did make a calculation. If you go back to the beginning of the TIF, the equivalent number was approximately \$9 million. The School District said they would forego the request to be retroactive. There is no disagreement on the \$1,276,000 for this year, relative to this budget. There is two pieces to the discussion. One has to deal with the calculation relative to the 148 students, and the other has to do with how all of this impacts the reassessment going forward. There is a difference of opinion between the District and County staff on that side of the TIF piece. His sense is that this is not necessarily an issue for this year, but an issue on a going forward basis. District staff and County staff are in discussions as to whether they can reach consensus on some of the other issues. That is beyond the scope of this particular budget.

Mr. Glaze said he is confused as to what transpired.

Mr. Newton said the TIF is a separate issue we could discuss once we get through the mechanics.

Mr. Sommerville wanted to know where the numbers came from.

Chairman Newton said they are the District's number, with exception of the fund balance. Mrs. White added that their numbers were submitted in a letter.

Mr. Rodman said his understanding is that other than the \$111 million and the fund balance number of \$2 million, the County and District are in total agreement, including the \$1,276,000.

Mr. Dawson said he was absent from the June 20, 2011 Finance Committee. He wanted clarification that the District is requesting the \$1,073,970,150 budget. That includes the state proviso of \$633,000, the New River TIF of \$1,276,000, and the use of \$2 million of fund balance.

Mr. Newton clarified the District request is to not use fund balance, but to increase taxes. The state proviso and TIF numbers that are being inserted by this amendment are not in disagreement.

Mr. Newton clarified the main motion, unamended, uses \$2.8 million of fund balance. This first amendment simply acknowledges the numbers to which there are no disagreements. It adds the state revenues of \$633,148, increases the amount from second reading in regard to the New River TIF, and lowers the amount appropriated from fund balance.

Ms. Von Harten stated she intends to vote against the amendment and encourages others to do the same. There is no way we are going to solve this to everyone's satisfaction with what Mr. Rodman has proposed. We do not set millage anyway until August. We can straighten this all out then. Contrary to our attorney's opinion, this is substantially different from what was approved at first and second readings. We need to vote against this amendment and approve the ordinance at first and second readings.

Mr. Newton stated that is contrary to the wishes of the District. It means the District has to use more fund balance than is being proposed now. It also does not include the state budget proviso at all, and includes a lesser amount for the New River TIF.

Mr. Sommerville stated his concern is that there is a lot more available in the New River TIF for the District to draw on than \$1,276,000. He understands that is the number that was agreed upon for the current fiscal year, but he also understands that the objective of the District is to have zero coming out of fund balance. The only way they can do that is to have a tax increase, which will probably be voted down, and change the millage retroactively or to dig deeper into the New River TIF monies. His concern is that the numbers suggested could be \$3,276,000 and the fund balance goes to zero. If that is not what the District wants, he is fine with voting on it as is.

Mr. Flewelling said that would constitute as a substantial change in the ordinance we are about to pass and would require three readings and public hearings all over again. He does not believe

anyone is 100% convinced that the actual amount is going to be \$3 million. We can safely say that we are within the range of at least \$1,276,000 that we can appropriate for this coming year. We can spend the next year resolving the issue of potentially how much is owed from the New River TIF to the District and specifically how much the District thinks they should have. He supports the motion to amend and believes Council should too.

Mrs. White thanked Senator Davis for his work. The proviso has not been signed by the Governor. The District is still vulnerable. Also, Mr. Flewelling asked whether we know about the per pupil amounts which is yes. A chart was given in regard to those. There has been some work, and the students can be identified.

Mr. George Wilson, Board member, said there are two issues in the New River TIF. Chairman Newton asked that he only speak to the two numbers in the amendment. The numbers come from correspondence dated June 22, 2011 from the District -- \$633,148 dollars to be derived from a special EFA State Budget Proviso, and \$1,276,464 to be derived from other tax revenue pursuant to a per pupil allocation for pupils residing in New River TIF.

Mr. McBride said the Governor has not signed the budget yet. What happens if the Governor vetoes \$633,000? Dr. Truesdale stated the District would come back to Council for an amendment.

Vote on the motion to amend by substitution.

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

Mr. Newton stated the District is not in agreement with the issue of using \$2 million worth of fund balance. They would recommend a collection of \$113,200, as opposed to the use of fund balance.

Mr. Rodman said this will be the seventh year in a row that we have approved the budget, as requested, for operations from the District. It has nothing to do with school closings and nothing to do with whether people are going to get paid in the next year. He pointed out that the District has performed well in terms of student performance. He believes Council, over these seven years, has approved, with minor exceptions, the amount of money needed, particularly when state revenues were falling. One year it fell \$16 million. We are not talking about what is going to happen in this year. The issue is -- do we have a millage increase so that we collect \$2 million more so we have \$2 million more in fund balance at the end of this year. We do have the option to make a final determination in August, if we were to approve it and the District disagreed. There are three Council meetings before August. We could certainly go back through the process. We talked about the TIF. There is a piece of it that is not in disagreement, the \$1,276,000, but some of the other pieces are clearly in disagreement between District staff and County staff. That is the issue. Do we have a tax increase so that we end up with \$2 million more

in the fund balance, or do we go with the flat tax from last year which means they will have \$2 million less and draw \$2 million down on the numbers projected.

Mr. Sommerville stated he understand the Board's objective is to not take anything out of fund balance this year. Our instruction to our Administrator was no tax increase and no use of fund balance. He understands the District is saying they do not want to use their fund balance, but how could they get there? One way is to ask for a tax increase, which he does not believe there is any chance it would pass. The second possibility is the rollback. There has been a lot of discussion in regard to it. As he understands it, the TIF money was taken out of the numerator and the millage was calculated net of the TIF money. If that is true, then the resulting millage calculation had to be less than it should have been. Seven percent of our county revenues are TIF revenues. If you take that 7% out of the numerator and calculated the rollback millage, meaning the new millage would be 7% short of achieving the revenue from the previous year. He is unsure what can be done about what happened several years ago. He is not challenging that it is incorrect. There are several ways it could be done. When you take the 7% out of the numerator and then divide it out, it is going to be short. If we do it again in 2012, it is going to be short again. We are stair stepping ourselves down -- the county millage, municipal millage and the school district. The District is not the only one getting a low millage recompilation. The County and municipalities are as well. There are three ways for the District to get money to compensate so they do not have to go into the fund balance: increasing taxes, revisiting rollback millage, and looking at the TIF money which is available for them if they ask for it. The New River TIF is an agreement between the municipality, County and District. It was agreed that when children were added to the equation, the District would get compensated per child. They have not been drawing that down. He will not vote for a tax increase. His constituents are saying no tax increase. He would support the idea of having the District drawdown additional funds from the New River TIF if their objective is to not use their fund balance in fiscal year 2011/2012. We will have to approve the rollback millage in 2012. When that issue comes up, he will ask "Where the TIF money is and whether it had been taken out".

Mr. McBride spoke in regard to Mr. Sommerville's scenario about making that adjustment and asked the Chief Financial Officer if that is doable.

Mr. Newton said if there should have been a payment out of TIF in years' past, and if pursued by the District, based on statutes, those monies would go into the District's general fund. The budget that has been presented tonight that includes \$2 million of fund balance could include TIF money. If there is an appropriate adjustment that legally is supposed to be made, the District can get it.

Mr. David Starkey, Chief Financial Officer, stated we are talking about are two different issues. Issue 1 - In the New River TIF agreement there is a reimbursement for a per pupil basis (tuition). In the first couple years of the life of that TIF, according to the District schedule, there were no students. Two of the three major developments in the New River TIF are Sun City and Riverbend which have stipulations regarding school-aged children. The New River TIF was incepted in 2002. We never received the student age populations of those TIFs until three weeks ago. That is where the calculation of roughly \$9 million comes from. While going through the

calculations and looking at the parcels, the \$1,276,000 does appear to be reasonable. Going retroactive, Mr. Starkey cannot answer the legal interpretation or the statute of limitations. The numbers were never received. There was a discussion regarding this issue two years ago. Issue 2 - The millage calculation. The District is saying that the proper amount of school revenues has been allocated to the New River TIF. The question is what bucket do you take it from? The District receives in Tier III monies, roughly \$1.9 million. That is reimbursement for Act 388. Concurrently, the New River TIF takes \$1.9 million in allocations from District operations and puts that into the TIF. The operation is their ad valorem taxes. That is the legal discussion we are having at this point in time. What bucket do you take it from? If you take it from the Tier III monies, yes, it impacts the rollback calculation. If you take it from the ad valorem tax monies, it does not and is calculated as is. The District has basically said that it is not a question of whether the mechanics of it are correct, but what legal interpretation you take on this. What Mr. Sommerville is talking about is basically the per pupil calculation. It is correct that they are asking for this year forward, but have not asked for it retroactively. If that were applied retroactively, yes, there would be monies owed from that TIF prior.

Mr. Gary Kubic, County Administrator, said in review of the TIF and who did what, when and where, is not of interest to him. Statutorily and by agreement there is definition that will lead us to resolution of that issue. Whether the District should have billed us or whether we should have notified the District of that obligation, either way stands as a moot issue. It is clear that the student tuition reimbursement should be applied. What we have is an agreement of \$1.2 million. We are still working on the remaining balance. He stated his thoughts are full disclosure regarding the student reimbursement/tuition rollback has been known in part by the table furnished by the school through their CPAs. The County is reviewing that. The Board is not going to go away. The District operation is not going to go away. What we do not know is, hypothetically, if the New River TIF monies would have been applied in previous decision making of past budgets, whether or not the total number of mills would be 90. It may have been something less or depending up on the circumstances of that year it could have been more. We know what it was last year. What we are saying is that we know that it is \$1.2 million. No one has asked to waive any contractual right or statutory obligation requiring student enrollment and reimbursement from that TIF. When you have full disclosure of what that value is, you begin to ask the consequences of paying down the bonds early. We heard from the folks who drafted that instrument originally. In a lot of discussions relative to the creation of the New River TIF, a lot of the discussions surrounded the idea of trying to accrue a large balance and when we were able to call those bonds in (2014) we would aggressively do so. There may be a benefit to the restoration of the tax base that has been essentially frozen for that 12-year period. He is at the point where they are at \$1.2 million, but we are continuing to discuss with the District as to what those future amounts should be. It will involve a lot of different folks, including people who are responsible for implementing statutes or advising how it should be implemented. He knows we cannot go backwards and make assumptions as to how that would or would not have impacted our current position. It is better to look forward, in terms of what that may be, as future budgets are developed. We are going back to the millage rate. Then we will be getting into the difficult discussion of how you calculate the value of a mill and the collection rates. Administration understands what they are saying in terms of the \$1.2 million, and does not have any disagreement with it. The base ordinance is the topic of discussion.



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

Council amend the ordinance as follows: \$173,970,150 operating appropriation, the addition of \$633,148 to be derived from State Budget Proviso, the increase of \$1,276,464 to be derived from adjustment to the New River TIF, and \$2,042,789 to be derived from the District's fund balance million. YEAS - Mr. Baer, Mr. Flewelling, Mr. Newton, Mr. Rodman, Mr. Sommerville and Mr. Stewart. NAYS – Mr. Dawson, Mr. Glaze, Mr. McBride and Ms. Von Harten. ABSENT – Mr. Caporale. The motion passed.

Mr. Newton stated the issue of the TIF is something that will be taken up by the Finance Committee and the Finance Team.

Mr. McBride said a statement he has heard many times is that the County uses a different collection rate calculation than used for the School District. Is that true?

Mr. Hill stated the County has 4% to 6% assessment ratios that fuel is budget while the District has a 6% assessment ratio. When someone converts from 6% to 4% ratio, it removes them from the District's budget all together. Mr. Hill stated the County uses 97% collection rate, same that was used last year.

Mr. McBride inquired whether or not the County tells the District what percentage to use. Mr. Hill doesn't feel the County should tell the District anything relative to the collection rate they should use. It is discussed. Mrs. White knows we use 97%.

Mr. McBride said it seems their collection rate should be the same as the County's, if not lower.

Mr. Newton said there is credit to be given to Senator Davis in regard to the \$633,000. Council initiated, in conjunction with the Board, involving the McNair Law Firm to provide Senator Davis the tools to get that done. We are ready to continue to do that. We should not let the differences of the budget discussion be lost on the fact that the single largest component of funding education in the State of South Carolina, Beaufort County gets nothing from. We should remain unified in our pursuit and our voice to our Legislative Delegation so we can do everything we can to intensify our complaint and our concerns until we get real reform. We need to continue, and he hopes to continue to work together.

Mr. Glaze said when the public looks and sees the TIF monies that were there and no communication between the County and District it brings forth a bad picture. We need to make sure we have such relationship.

### **FY 2011 / 2012 COUNTY BUDGET PROPOSAL**

The Chairman opened a public hearing at 6:47 p.m. for the purpose of receiving information from the public regarding the proposed FY 2011 / 2012 budget at 40.21 mills County Operations,

2.76 mills Purchase of Real Property Program, and 4.57 mills County Debt Service. Additionally, Bluffton Fire District at 19.67 mills operating and .38 mills debt service, Burton Fire District at 55.87 mills operating and 5.53 mills debt service, Daufuskie Island Fire District at 30.71 mills operating and 0.00 mills debt service, Lady's Island/St. Helena Island Fire District 31.00 mills operating and 1.50 mills debt service, and Sheldon Fire District 32.22 mills operating and 2.18 mills debt service. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 7:48 p.m.

It was moved by Mr. Rodman, as Finance Committee Chairman (no second required), that Council approve on second reading the proposed FY 2011 / 2012 budget at 40.21 mills County Operations, 2.76 mills Purchase of Real Property Program, and 4.57 mills County Debt Service. Additionally, Bluffton Fire District at 19.67 mills operating and .38 mills debt service, Burton Fire District at 55.87 mills operating and 5.53 mills debt service, Daufuskie Island Fire District at 30.71 mills operating and 0.00 mills debt service, Lady's Island/St. Helena Island Fire District 31.00 mills operating and 1.50 mills debt service, and Sheldon Fire District 32.22 mills operating and 2.18 mills debt service. The vote was: YEAS - Mr. Baer, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Caporale. The motion passed.

### **MOTION TO EXTEND**

It was moved by Mr. Rodman, seconded by Mr. Glaze, that Council extend beyond 8:00 p.m. The vote was: YEAS - Mr. Baer, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Caporale. The motion passed.

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

### **COMMITTEE REPORTS**

#### **Governmental Committee**

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

Mr. Gordon Bowers

The vote was: YEAS - Mr. Baer, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Caporale. Mr. Bowers garnered the ten votes required to serve as a member of the Lady's Island /St. Helena Island Fire District.

Mr. Roosevelt McCollough

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

Caporale. Mr. Bowers garnered the ten votes required to serve as a member of the Lady’s Island /St. Helena Island Fire District.

**Public Facilities Committee**

**Seabrook Point Special Purpose Tax District**

Mr. Frank Emminger

The vote was: YEAS - Mr. Baer, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Caporale. Mr. Emminger garnered the eight votes required to serve as a member of the Seabrook Point Special Purpose Tax District.

Mr. Steve Jones

The vote was: YEAS - Mr. Baer, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Caporale. Mr. Jones garnered the eight votes required to serve as a member of the Seabrook Point Special Purpose Tax District.

Mr. Judy Daigle

The vote was: YEAS - Mr. Baer, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Caporale. Mr. Daigle garnered the eight votes required to serve as a member of the Seabrook Point Special Purpose Tax District.

Mr. Bill Waldron

The vote was: YEAS - Mr. Baer, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Caporale. Mr. Waldon garnered the eight votes required to serve as a member of the Seabrook Point Special Purpose Tax District.

Mr. Glaze, as Public Facilities Committee Chairman, nominated Mr. Al Truesdale to serve as a member of the Seabrook Point Special Purpose Tax District.

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.

**EXECUTIVE SESSION**

It was moved by Mr. Rodman, seconded by Mr. Glaze, that Council go immediately into executive session for the purpose of receiving information regarding negotiations incident to proposed contractual arrangements and proposed purchase of property. The vote was: YEAS - Mr. Baer, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Caporale. The motion passed.

**ADJOURNMENT**

Council adjourned at 8:20 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: \_\_\_\_\_  
Wm. Weston J. Newton, Chairman

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

Ratified:

Official Proceedings  
County Council of Beaufort County  
June 13, 2011

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

**CAUCUS**

A caucus of the County Council of Beaufort County was held at 4:00 p.m. on Monday, June 13, 2011 in the Executive Conference Room of the Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

**ATTENDANCE**

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

**PLEDGE OF ALLEGIANCE**

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

**DISCUSSION ITEMS**

Mr. McBride encouraged the Chairmen of the various committees to consider holding their July meetings during August in order to preserve the tradition of Council not meeting during the first several weeks of July.

Mr. Caporale inquired as to when redistricting becomes effective. Mr. Newton replied prior to the primary 2012. Mr. Flewelling stated January / February 2012.

Mr. Flewelling commented about the agenda item regarding abandonment of a portion of Bostick Road. This item was voted on unanimously by members of the Public Facilities Committee. The meeting minutes, however, need clarifying as follows – the owners and the county would cross quit claim opposing interests so that the county is ending up with a 50-foot right-of-way. There are some areas where the 50-foot right-of-way is actually in question. Therefore, Mr. Flewelling wants the appropriate owners to be cross quit claiming their interests resulting in a 50-foot right-of-way that would be uncontested by all owners along that side of the road.

Mr. Glaze requested more discussion about the Transfer of Development Rights Program (TDRs) relative to heirs' property. Mr. Criscitiello, Division-Director Planning and Development, commented TDRs are oriented to properties that have certain attributes that have conservation value. This Program is designed for small properties where we want to transfer the development rights from a sending area deemed beneficial to have lesser densities to areas that

we believe should receive attention for development and to promote MCAS Beaufort continued existence.

Mr. Newton focused attention on the agenda topic relative to Appendix L, Buckwalter Parkway Access Management Plan. The proposed text amendment to the Comprehensive Plan allows installation of a traffic light at Parker's Convenience Store and across Long Point Road because of the concern of the residents who live in that area. The language has come forward with some limitations requiring the light to be removed, the median to be closed when Bluffton Parkway Phase 5B gets built, and that Phase 5B will not be relocated. There is a great deal of confusion as to what this either does or does not do or what it is intended to do. Mr. Newton wants to introduce an amendment tonight that changes the mandatory language to permissive – "may" rather than "shall". There was a request from the Town of Bluffton and Reed Development Company that the County look at what it might take to consider a reroute of Bluffton Parkway Phase 5B. The issue was discussed at Public Facilities Committee and members asked the County Administrator to assemble certain information to come back to committee. That process is underway at present. This proposed amendment to the Comprehensive Plan, because of those qualifications that Buckwalter Parkway cannot be adjusted, are being viewed as, "you have already answered the question, but you did not give anybody the opportunity to participate in the discussion." Mr. Newton has tried to explain that that is not the case. That that is not what this does. And the information is still being collected and assembled by the County Administrator to come back to Public Facilities or all of Council regarding that possibility.

Ultimately, when this traffic light, if it is approved and a temporary light installed, there is a three-part arrangement (Memorandum of Understanding) between Beaufort County, Mr. Greg Parker, and Town of Bluffton regarding a three-way cost share with respect to the temporary light. Mr. Newton was advised the afternoon of June 10, 2011 that Mr. Parker's company is not willing to participate in a cost share regarding that traffic light, if, at some point, it is going to be removed in the future, without any mechanism as to how to reimburse him or otherwise for the cost he would have advanced and participated in this traffic light. In addition, there was a community meeting held and it was reported through some circles that the County was advocating closing the median cut to encourage folks, who live in that community, to come down Buckwalter Parkway and make a U-turn in front of Church of the Cross. Now the folks at Church of Cross, obviously, have expressed their concern about that volume of traffic making a U-turn at the median cut where people would otherwise come in and out of the church.

Mr. Newton thought the immediate concern was the traffic light for safety reasons. This amendment is based on future events; and, that when those events occur, we have the ability to look at this, not in a vacuum, because it did include additional access points to these communities. There was a suggestion, on all fronts, that this issue be postponed until all those issues are worked out. Mr. Newton's concern with that approach is that routing of Bluffton Parkway Phase 5B is based today on a federal permit that has been issued; and, further, it could take a year or more if there was determination made to go forward with considering that reroute. The County's consultants have told the County Administrator a new Noise Study likely is needed because it potentially brings the road 800 feet closer to the Towns at Buckwalter. This new Noise Study may either require certain activities to take place in that regard and the Federal

Highway Administration could say, you have another alternative and since it does not bring this road that close to those folks, their answer is “no.” If we postpone installation of the temporary light, until all issues are resolved, it may take a year or more. In thinking how to move forward now, Mr. Newton will ask Council to consider changing this language to permissive. Further, have the County Staff Attorney negotiate with Mr. Greg Parker (owner of Parkers Convenience Store) as well as the Town of Bluffton with regard to the Memorandum of Understanding as to what may be acceptable to Mr. Parker, in the event that light is removed, and what would he require to participate.

Mr. Stewart stated it is very unclear whether Phase 5B would be actually constructed. Council had already passed an alignment decision as to where Phase 5B would go, or at least the interchange, and how it would affect the existing portion of Bluffton Parkway. Mr. Stewart felt it necessary to separate the two issues – the safety issue now where the median cut is and how Bluffton Parkway is going to proceed in the future. Council has approved a given alignment. Let’s go ahead and assume that is what it is going to be. If there is a decision by other parties involved bringing it forward, which they have, and the County Administrator is already looking into it and seeing what the cost is, it will work itself out later on. Right now, the issue is Parkers Convenience Store.

Mr. Stewart suggested installing the temporary light, but because of its close proximity to the interchange with Bluffton Parkway, Parkers Convenience Store entrance, and the entrance into the developments across the highway from it, the close proximity was not consistent with the Access Management Plan that had been agreed to. Mr. Stewart’s feeling was that we should look for alternatives: when Phase 5B and the Bluffton Parkway is completed, the temporary light would come out; the medians would come out; but concurrent with that and as part of completing the Parkway, there would be two accesses to those developments (which is what the people involved had agreed to) would come out onto the Bluffton Parkway. In addition, there is a third access on to Old Miller Road, which had been agreed to in the Planned Unit Development. Therefore, there would be three new access points, entrance/exit, to those developments and would give residents complete flexibility going in any direction/manner they wanted to. This also gives Parkers Convenience Store another access directly onto the Bluffton Parkway to the north. This seems a logical alternative. It solves the problem, assuming that the Parkway is developed as planned. If that changes, we have the ability to go back and change our thought process, but that is not clear to Mr. Stewart and it is a long way down the road. We need to solve the safety problem. He would like to see those other access points, entrance/exit, developed even faster if there can be some agreement among the parties. Right now there appears to be a stalemate. It was unfortunate that curbcut at Parkers Convenience Store, when it was approved, it should have come back to County Council because it was inconsistent with the Access Management Plan. We should have looked at the total alignment before anything was built, before anything was in the ground and functioning, and we should have some resolution between the County, Mr. Parker, and Town of Bluffton. Unfortunately, they were given an invalid permit for curbcut and this has created all the problems. We need to have a better working relationship with the Town of Bluffton when we have issues of this type coming up.

Mr. Criscitiello stated in the Grande Oaks Planned Unit Development (PUD), the Planning Commission in 1989 made reference to the fact that when 200 homes became developed, two additional access points would be provided as a result of the implementation of the PUD. The illustrations in the Master Plan are not clear in terms of exactly where those access points would be built.

Mr. Rodman remarked this issue is a bit confusing, a bit complex. We clearly have two developers that do not see eye-to-eye. They were in attendance at Public Facilities Committee. Their attorney indicated there may have been some agreements. We have not actually seen those yet. The concept of “may versus shall/mandatory” may or may not be material since we are at third and final reading. There are dollars at issue. Mr. Rodman is not one to kick the issue down the road one year, but wonders if there is not some wisdom in postponing it for one or two meetings so Council is a lot more intelligent about these particular issues as opposed to making a final determination tonight.

Mr. Rob McFee, Division-Director Engineering and Infrastructure, commented staff was asked at Public Facilities Committee to look at the options with regard to Lake Point as well as to review the options for Phase 5B alignment. Staff is to receive this week return from Florence & Hutchenson on what that study revealed as different options open to us and at that point staff will offer that to Council for consideration. Insofar as the developers working together in order to achieve a mutually-satisfactory access for themselves as well as one that works for the County and Town of Bluffton, is certainly achievable, but at present we have more variables than we have equations. We have to get something settled.

Mr. Rodman spoke to the proposed ordinance to install a cap on Council stipend. At first reading a cap of 120 meetings per year was approved. Since then there was some discussion about whether that number should increase to 150 meetings. After running some numbers, Mr. Rodman is suggesting a cap of 144 meetings per year representing a 6% reduction in our total compensation while 120 meetings represent an 11% reduction.

Mr. Stewart circulated copies of the motion the Board of the Lowcountry Economic Network passed June 8, 2011. The motion, “The Board authorizes the appointment of a committee of the board to engage in discussions and negotiations with the lending banks with regard to the future of the Commerce park property in response to overtures from the banks that included some proposed terms that might be suggested for discussion. The Board authorizes the staff of the Network to wind up its business and to conclude the activities of the Network by June 30 of this year. The Board authorizes counsel for the Network to draft a plan of dissolution for consideration by the Underwriter Members of the Network.”

### **REGULAR MEETING**

The regularly scheduled meeting of the County Council of Beaufort County was held at 5:00 p.m. in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort, South Carolina.



### **ATTENDANCE**

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

### **PLEDGE OF ALLEGIANCE**

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

### **INVOCATION**

Councilman Gerald Dawson gave the Invocation.

### **REVIEW OF PROCEEDINGS OF THE REGULAR MEETING HELD MAY 9, 2011**

It was moved by Mr. Flewelling, seconded by Mr. Glaze, that Council approve the minutes of the regular meeting held May 9, 2011. The vote was: YEAS - Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Baer and Mr. Sommerville. The motion passed.

### **PUBLIC COMMENT**

Mr. Aaron Crosby, Daufuskie Island resident, spoke to the Council over the teleconference phone. He thanked Chairman Newton and members of Council, and thanked them for the ability to be able to speak to the Council via telephone. He said keeping open the lines of communication will be increasingly more important. The primary reason being that assets on Daufuskie Island that were in bankruptcy are now emerging from bankruptcy, and people who are preparing to purchase the resort at Bloody Point. Those people are looking at how to help the local economy grow, and it will be critical, now with the opportunity, that there is this cooperation with Beaufort County, as opposed to the old way of doing things. He informed the Council there would be discussions, and there are creative conversations going on. He mentioned Rob McFee, who has helped look at the situation of an island without a bridge. He noted that Council, as it looks at its budget, is looking at helping out the Lowcountry Regional Transportation Authority (LRTA) and the form-based code. Mr. Crosby stated he was grateful that Beaufort County is taking a new look at how we do things on Daufuskie Island and added he looks forward to a new period of cooperation that benefits the entire County.

Mr. Bernie Kole, President of the Friends of Beaufort County Library, explained the organization is a South Carolina corporation that is nonprofit and tax-exempt under IRS rules, and its sole function is to support the libraries. That support includes raising money for library expenses not covered by state and county budgets. He said his comments relate to the upcoming approval of the line item for the Beaufort County FY 2012 Budget having to do with libraries. He asked for more money for the libraries. This is once again late in the game to hope to change those things, but under current economic conditions the use of libraries has skyrocketed, Mr. Kole explained.

In 2010, the libraries had 87,488 library cardholders; 567,000 library visits; 102,000 computer users; 981 children attending children and teen programs and 56 different adult programs. The libraries have computer systems that are available to the public and the people using them are those who cannot afford computers. The computers are quite old and many of the new programs or updates will not load onto the computers so this creates a problem, within a short time, and need to fund computer access for the public. Public uses it for research, but more importantly today the vast majority of use is for job searching, Mr. Kole explained. He added they are seeing the library budget constantly cut. Right now, the staff has been reduced by 33% and those positions are frozen at this time. The funding for materials and books for the library has been cut by 70%. Friends of Beaufort County Library are doing what it can to supplement that, but it is a big hole that is getting bigger and bigger. The hole is one the private sector cannot fill, Mr. Kole said. He added that this week he was dealing with \$36,000 worth of spending requests from the libraries. Mr. Kole encouraged the Council to give more thought to the library and keep in mind that the library has always been an integral part of society. He cited the Carnegies and the Melons in the 1910s and 1920s. Libraries now are underfunded and this is not helping people, Mr. Kole said. He concluded by citing the weekend newspaper's *Shoe* cartoon, in which a bird is talking to his waitress. *Shoe* says, "First it was Doctors Without Borders, now it is Libraries Without Books." Please, consider helping the libraries, Mr. Kole requested.

Mr. James Haberberger, President of Edgefield Homeowners Association, stated he is at the Council meeting to urge Council to stop its plans with the median in front of Parkers Convenience Center on Buckwalter Parkway. He said the Grande Oaks Subdivision, which consists of Edgefield, Sandy Point, Arbor Wood and the Willows, has had to put up with many different things since the communities were built. First, there was one route for egress and ingress. There were supposed to be two by the County regulations, but they never got the two. Second, the streets were allowed to be so narrow on-street parking is not allowed. Yet, the developer was allowed to make the driveways so short that cars do not fit in driveways. Next, there was the temporary light that was supposed to be installed at the intersection of Lake Point Drive and Buckwalter Parkway. The temporary light was to be put in to address a safety issue that the residents would not take their lives into their own hands, Mr. Haberberger explained. They have been waiting for more than a year for that to happen. The new plan for Buckwalter Parkway Phase 5B shows the parkway coming closer to the Edgefield community, and there were mentions of plan egress points but there are not definite plans. Everything is up in the air and Mr. Haberberger said he thinks that is why egress points have been forgotten for the past six years. Mr. Haberberger asked the Council to hold off on voting on Buckwalter Parkway Phase 5B until there is a definite plan, including the 700 plus homes in the Grande Oaks Subdivision and thousands of people traveling in the area daily. He said he is not sure who is behind the changes or who is benefited, but he is sure it does not benefit their 700 homes in his community. He said it is plain for those living there that the new median will only cause another traffic hazard at the church up the street because with the new configuration residents are forced to turn right onto Buckwalter Parkway then make a u-turn at the church. He said they are just trying to avoid creating another problem and added residents are more than happy to sit down with the Planning Department to review possible ideas.

Mr. Bruce Moriarty, Bluffton resident, said he wants to address the matter of Buckwalter Parkway Phase 5B. It seems like there are a lot of things being battered around, he said, and in that the people living in those 700 homes are being forgotten. Mr. Moriarty said the County turn around and cut off their access into the community from one direction, and it is something the residents cannot live with. He added he does not think they should have to be forced to live with a configuration like this. A gentleman, Mr. Parker, will speak after him and this man spent a lot of money on that gas station, Mr. Moriarty explained. He elaborated to say Mr. Parker has been told and volunteered to pay for a traffic light but is being told somewhere down the road the light will be removed after new entrances are built. We do not need a new entrance to our development. Mr. Moriarty said Rusk Construction representatives are present and that company came up with an alternative to what was presented to the residents. The alternative is very practical and less invasive on the wetlands in the area, Mr. Moriarty explained. He asked Council to consider and to explain to those who live in this area. He said they are not concerned about those traveling to Hilton Head Island or to the movies, but they are concerned about their community. Please take this into consideration because somebody is going to get killed at that intersection; something has to be done at that intersection.

Mr. Greg Parker, owner of the Parkers Convenience Store on Buckwalter Parkway and The Parker Companies, said he has worked with the County in good faith since he first came to Beaufort County. He referenced an earlier mention during the Council meeting that the Town of Bluffton had inadvertently given Parkers Convenience Store permission to do this too soon. Mr. Parker said the first person he met with when he examined the possible scenario was Mr. Colin Kinton, County Engineer. The County has been actively engaged in this process since Mr. Parker first started at least a year and half ago, he said. Mr. Parker said his plan for Phase 5B was based on the plan that already exists. The road beside Parkers would connect with Buckwalter Parkway based on the plan given to them. They went through five different iterations of what the County wanted, and each time Parkers said yes and agreed to build in accordance with what the SCDOT specs and County specs were. Mr. Parker said they spent \$3 million on a convenience store and did something they thought the County would be very proud of. He said they even reduced gas prices and all these things were done because Parkers wants to be good corporate citizens of Beaufort County. Mr. Parker said he agreed to spend \$75,000 of the first \$125,000, with the Town of Bluffton contributing \$25,000 and the County contributing \$25,000. According to the memorandum of understanding drafted by the County Attorney, Parkers would pay for everything above the \$125,000. "Imagine how surprised I was when I got a call from the Town of Bluffton last week telling him there was a plan underway to change this," Mr. Parker said. He added he did not know about the plan nor were they informed. His attorney has worked with the County Attorney for months and he knew nothing of the change. Mr. Parker told the Council their proposal will cost the County more money; it is a longer road with a wider sweep.

Mr. Newton said there is nothing on the Council agenda for the night related to realigning the Buckwalter Parkway Phase 5B. There is a Comprehensive Plan issue on the agenda dealing with the light at Parkers and Lake Point Drive and conditions. There is a belief, with unsure origins, that the County realigned Buckwalter Parkway Phase 5B. Much to the contrary the County has a federal permit issued three years ago that is in place today. Therefore, the business about new roads costing more has nothing to do with what is on the agenda.

Mr. Parker asked if that is true, how is it that it is 800 feet closer requiring removal of the traffic light and installation of the median.

Mr. Newton said he is not sure what plan Mr. Parker is referring to, but the document for which the federal permit was issued upon has been of public record for more than three years. That is the route accepted by Beaufort County and previously accepted by the Town of Bluffton. As of late, the Town of Bluffton asked that be changed and has recommended that be changed; there is on-going discussion about re-routing that alignment. Mr. Newton said he is afraid the unintentional misinformation has created this confusion that the County is in the process of re-routing Buckwalter Parkway Phase 5B.

Mr. Parker thanked Mr. Newton. He said his understanding had been that because the route was going 800 feet closer it would be too close to Parkers, thereby requiring the removal of the traffic light and median installation. If the plan was based on that, and it was accepted “a year and half ago, and it was accepted a year ago, and accepted three months ago...” Why is the County now considering removal of the light and placement of a median, Mr. Parker asked. If this happens, it would mean the light goes in then is removed, then a median is put in; all this means it will cost more to build, to remove the light, more to put the median in and there will have to be further negotiations with the property owners. Mr. Parker said another thing that seems quirky to him about this is that what is said in the plan two sites will be added. The thing he learned about Beaufort County is one must do a traffic study, and everything known to mankind to put a curb cut in. Mr. Parker said he cannot imagine the County would at sometime in the future find from some property owners who will allow their property to be crossed for another curb cut to be put in.

Mr. Newton addressed Mr. Parker by saying that hopefully some of the confusion he and others have about the plan will be clarified when they get to the matter later in the agenda.

Mrs. Ann Ubelis, Beaufort Tea Party, said she wants to speak on the transfer of development rights (TDR) matter currently up for final vote that evening. She said she has read the TDR from cover to cover and unfortunately, it was based on a plan offered almost 10 years ago and has been rejected several times. It does pose a lot of problems and needs a lot of fine-tuning. She suggested voting “no” on the matter tonight. The main problems are that the sending and receiving areas do not reflect the new Air Installation Compatible Use Zone (AICUZ) footprint of the F-35Bs because there is no current sound study. Having spoken to several people familiar with the F-35B development programs, they are telling her the AICUZ area may extend anywhere from 4 to 8 miles beyond what is included in this report. That would then replace the receiving areas directly in the AICUZ. That is something not taken into consideration. The heirs’ property and private property will not be protected from predatory purchases, and they will not receive their full values because of the manner in which these TDRs are set up. Mrs. Ubelis said the only safeguard from predatory and unscrupulous TDR buyers is to “educate” the landowners. It does not create a clearinghouse for any sales done on the private end in order to prevent these predatory practices. It will not offer a fair market price on the TDRs initially because the TDRs will be under market price until the program becomes successful, if it becomes successful. It does not take into consideration what will happen to the properties that have sold their TDRs

once the Marine Corps Air Station – Beaufort closes. It is not if the station will close, but one day this station will close and will leave an economic sinkhole in northern Beaufort County from which we will never recover. There will be a strip on U.S. 21 heading to Interstate 95 that could attract good industry, but the County will not be able to develop because once the TDR is sold, it is in perpetuity. It can never be replaced. A conservation easement does have an expiration date but a TDR does not. Beaufort County is looking to bring businesses; this is not the way to do it. People who sell the TDRs do not realize their property values are going to sink drastically because a TDR does not compensate a person for the entire price of the property. When the landowner decides to sell the property after having sold the TDR, they will find they do not get their investment back. Furthermore, people who live on heirs' property will have buildings that for whatever reason could be destroyed and if those buildings are destroyed they will not have mortgages or insurance on their properties. When they try to rebuild they will not have the financial resources to rebuild because they cannot get loans to rebuild those homes. Mrs. Ubelis asked the Council to vote against the TDR and said she does not want to see an economic sinkhole in northern Beaufort County.

Mr. Phillip Grubb, Beaufort County Tea Party, said Mrs. Ubelis said everything that needed to be said. He said he simply wanted to reiterate that he believes the less the government gets involved in what should be private matters the better. He also asked the Council to vote against the TDR.

Mr. Anthony Barrett, Town of Bluffton Town Manager, thanked the members of Council for the opportunity to speak this evening. He said the Town of Bluffton is concerned about the Buckwalter Parkway Phase 5B matter. The Town has requested a realignment of Phase 5B, and this seemed to cause all sorts of consternation with a number of people. He reiterated what he said when last he was before the body, "the times have changed." The Town is in the process of going through a code change. That particular area of the Town of Bluffton is an area designated for full development, and with that full development the Town views the economic opportunities for that are better served with the realignment the Town is proposing. Mr. Barrett acknowledged that on the agenda there is a Comprehensive Plan amendment, however the way that Comprehensive Plan amendment was written it would prohibit any change in the alignment. Mr. Barrett said he was directed by one of members of Council that when they appeared before the Public Facilities Committee to go back and get the property owners together. Then that the County Administrator would collect additional information from an engineering and legal standpoint with a report to be given to Council. Following that it would return to the Committee. Mr. Barrett said all of a sudden this thing has been preempted and he is asking for direction of where they are supposed to go. Mr. Barrett said the Town of Bluffton and its Council hope the County will not take the amendment to the Comprehensive Plan because if it is approved it preempts all of the changes Bluffton thinks it wants to do in terms of economic development. Mr. Barrett noted the traffic light has been entwined in that as well. He urged the Council to find a way to keep both entities talking, collecting information on engineering and collaborating on this matter.

Mrs. Kathryn Hoffmann, resident of the Willows neighborhood in Bluffton, said her neighborhood would be affected by any changes to the traffic light and Buckwalter Parkway. To

make Council aware, there are 700 homes back there, she said. Assuming an average demographic for a middle-class single family, three-bedroom, two-car garage kind of neighborhood there are two adults with two and two-tenths kids leaving in two cars leaving from each house every day. There are about 1,400 drivers, 1,500 children for a total 2,900 uses of the intersection that is currently deadly. She said she almost got “slammed” coming out of there to attend tonight’s meeting. There are 1,500 children who will become mobile. It is summer and they are ready to rip. They want to walk to Parkers, but there is no crosswalk or anywhere to stop halfway. Instead they run and hope cars stop in time. Council has to be aware that is almost 3,000 of their constituents. They do not care to bear the burden of the future Grande Oaks development with its commercial/multi-family development, she said. Mrs. Hoffmann said they bought single-family homes that they do not want to have to enter or exit through a commercial development. As far as the adjacent properties go and the ways the County could possibly make other access without majorly infringing on some other neighborhood, the community does not see how it can be pulled off, Mrs. Hoffman said. The community needs a light, needs one now, and needs a light that will stay. The only person who would benefit from moving the intersection is the owner of the property at Grande Oaks. Mrs. Hoffman concluded by saying there is a great deal of concern with this because it will have a major economic impact on the value of the homes. Those homes are on the edge, and it could turn around or go south. If it is the latter, Mrs. Hoffman said the County would then be looking at 700 vacant houses.

Mr. Dough Fernung, Vice President of Edgefield Property Owners Association, said he wants to reiterate on the median near Parkers Convenience Store on Buckwalter Parkway. Mr. Fernung referred to a mention that the amendment, and said the document he is looking at states that “upon completion of Phase 5B of the Buckwalter Parkway, the median opening of Parker Drive will be closed upon completion of Phase 5B.”

Mr. Newton said it was suggested that Council was entertaining a realignment of Buckwalter Parkway Phase 5B tonight because there was a continued representation of the proposal that it would cost more to build the road with a greater loop. There is no discussion of rerouting Buckwalter Parkway Phase 5B.

Mr. Fernung said he is not concerned with the rerouting, but is concerned more with the median and the subsequent lack of a stoplight. There is nothing in the amendment other than a temporary traffic light. It is a hazard and has been for years. Mr. Fernung said he is tired of driving in a hazard every day. He said if Council lived in the area they would be up in arms as well. He said if there is not a stoplight there will be a fatal accident; it is a matter of time. He said he hopes Council is ready to make the right decision to avoid such an accident.

Mr. Phil Williams, Board Member of the Home Owners Association at Willows and Arbor wood, said he wanted to address the matter of the median and light at Parkers Convenience Center and Buckwalter Parkway. He noted that he lives in the Willows and has to exit there. It is a very dangerous intersection right now. Mr. Williams said he can say that because he took the opportunity to sit at the intersection for four hours last Wednesday and he counted about 16 near-misses. People honk their horns. People give each other the finger. They are trying to get out of Parkers, which is a very busy gas station. Then, there are about 3,000 people trying to get out of

the Willows. He said watching this possible tragedy unfold and after four hours there were so many possible accidents he said he was surprised none occurred. Mr. Williams asked Council to project those four hours out to envision what a daily possible of accidents looks like at that intersection. He repeated that they need a light, but do not need a median. The median will not prevent the hazard when there are so many kids and adults trying to get across the street to Parkers. Mr. Williams stated he wants to get Council to realize putting in a median will be a mistake because it will make the road a speedway and cause accidents. Mr. Williams noted he is a retired state police officer from California and he knows what he is talking about. The only solution is to put a permanent light at the intersection, he said.

Mrs. Leilani Bessinger said she can zone her property but not her neighbor's property. If that is the case, she asked the Council how it allows the Marine Corps Air Station Beaufort (hereafter Air Station) to zone residents out of their property rights. In essence, this means Council has allowed the Air Station to zone away the liability and put it all on homeowners and taxpayers. Mrs. Bessinger stated she understands there was another meeting at the local church with members of the Grays Hill community concerning transfer of development rights (TDR). If that is the case, she reminded the Council there is always supposed to be a separation of church and state. To use ministers in the churches to get out a message of the state is an unfair advantage to not only them but to all other citizens who may be affected by the decisions. The whole matter was based on economic development and that can be far from the truth. Mrs. Bessinger referenced the day's newspaper regarding the F-35B contracts for construction and pointing out that the jobs are not guaranteed. Property has been taken off the tax rolls and values have decreased, Mrs. Bessinger noted. TDR's are called a voluntary program, but she asked what is voluntary about losing one's right to develop their property. If a person finds a developer on their own, that landowner has to compete with the County's TDR program to get a fair market value. As an example, Mrs. Bessinger said if her neighbor sells his rights under the TDR program he not only decreases the value of his property but also her property. The greatest asset a person can own is their property and Mrs. Bessinger reminded Council it is from their property that the County derives its income. If property values decrease, so do the County's revenue. Heaven forbid a hurricane hit the area. Mrs. Bessinger said the property owners and business owners she talked to will not rebuild in Beaufort County until the millage rates required to bring this area back up have subsided. Should the right to rebuild be lost due to the provision of the Air Installation Compatible Use Zone (AICUZ) or Air Station Overlay Plan then so be it. In both cases, everyone loses, Mrs. Bessinger concluded.

Mr. Dawson noted for public information and clarification that there was a meeting held in the Grays Hill Community, at the Grays Hill Community Center not a church.

Mrs. Lynne Miller, President of Hilton Head Friends of the Library Board, spoke from Hilton Head Island. Mrs. Miller referenced the Beaufort County Library website, which has a vision spelled out for St. Helena Island. She asked those listening to imagine building a learning environment that can harness the power of knowledge, the tools of technology, and a place to transform new generations while maintaining a culture of strong family ties with caring spirit. She countered by saying the reality is that the libraries' tools of technology do not work. Most of the time the tools are not able to get up and running. It takes an Act of Congress to get someone

to fix a computer. A culture of strong family ties and caring spirit? A large percentage of citizens come to the library for help finding jobs only to find either the library is closed, the computers are not working or there are no librarians to help figure out the software. In Bluffton, many of those who have searched for jobs came to the library to apply online. Many of those jobs were for local companies such as grocery stores. It turns out that now most applications have to now be submitted online. However, many citizens cannot afford to subscribe to the internet let alone know how to apply to these jobs, Mrs. Miller explained. The new generations of teens need computers because their homework must all be done on computers, yet many families do not have those resources. We are falling behind on that technology. Mrs. Miller further referenced “imagine building an environment that can harness the power of learning.” There is no environment of learning in our libraries, she said. The programs have been cut because there is so little staff and it is impossible to hold the programs. For example, the summer reading program cut out three and four-year olds. Is the County gambling that all these library programs will not impact the literacy of Beaufort County’s citizens in the future? Mrs. Miller also said libraries are seeing reduced hours, but there are more people coming to the library now. She noted parking, which always created a problem, but has recently swelling into the grass. Our libraries need to be supported in a much better way than they are being supported now, Mrs. Miller said. She concluded if the above vision for St. Helena is true, then those same things should be given to all libraries, now. Council needs to help its citizens, who are not getting the support they have a right to expect from the County library system.

Mr. Tom Green, speaking from Hilton Head Island, said he is a computer instructor at the Hilton Head Library and has been there for more than 10 years. When the lab opened in 2001 or so, the computers were very adequate. However today they are woefully out of date. They are two generations behind in operating systems. Mr. Green shared his assessment that the computers cannot be updated and should be replaced. There are times when students come but want to learn more about Vista or Windows 7, not XP as is installed on the library computers. He said he also understood the St. Helena Branch Library will have 14 or 15 computers in their lab. It would be nice if six or seven of those could be brought to Hilton Head Island to update the systems.

Mr. Newton read the following email from Mrs. Robin Townsend, Executive Director of the Binyah Foundation. “Honorable Beaufort County Council men and Council woman; I am unable to attend today’s session, in person, so I respectfully ask to have this statement entered into the Beaufort County Public record [on] my behalf. I am Robin Townsend, Executive Director of the Binyah Foundation. Our mission is to support Daufuskie Island and the Lowcountry regions’ historical/structural, nature, wildlife and ecological preservation efforts. In addition, the Binyah Foundation provides support for the natural environment while promoting tourism and creating jobs. Since early in 2010, the Binyah Foundation has been taking the lead role in the development of a Lowcountry Regional Ferry System. The project’s intent is to develop a ferry system that will serve the Lowcountry and Coastal Empire. And in doing so will return multitudes to traveling on the waterways much as was done effectively by previous generations. It will alleviate the need to take valuable land and pave it with asphalt. It will allow our visitors/tourist[s] to get out onto our beautiful waterways, which is, after all, a large part of why they visit Beaufort County, the Lowcountry and the Coastal Empire. We have named this projects SIFT, Sea Islands Ferry Transportation, and have already begun the grassroots efforts to



form a ‘regional task force.’ We invited the Beaufort County Council to assign members to work with the Binyah Foundation to bring the Sea Islands Ferry Transportation, SIFT, to fruition for the betterment of our Lowcountry citizens and the surrounding communities. I thank you for your time and I look forward to working with Beaufort County Council to soon bring SIFT to a ferry portal near each and [every one] of you.”

### **COUNTY ADMINISTRATOR’S REPORT**

In the absence of the County Administrator, Mr. Bryan Hill, Deputy County Administrator, gave the County Administrator’s Report.

#### **The County Channel**

Mr. Bryan Hill, Deputy County Administrator, announced The County Channel, in partnership with the Beaufort County School District, produced a round-table style television show highlighting the top seniors from each high school. Students talked with Dr. Valerie Truesdale, Superintendent, about being a leader, participating in school activities, and where they will attend college next year. We hope that this production helps foster our partnership with the School District, and showcases some of the most outstanding students in our community.

The County Channel was also busy last week working with Mr. Todd Ferguson, Emergency Management Director; Mr. William Winn, Division-Director Public Safety, and Emergency Management employees. Governor Nikki Haley stopped by, and gave a press conference about Hurricane procedures. The Governor talked about the State of South Carolina's response and about working closely with County officials in the event of a major disaster. The County Channel, in partnership with the Hilton Head Island/Bluffton Chamber of Commerce, hosted a Hurricane Preparedness Forum. The panel included Mr. William Winn, and WSAV's Russ Riesinger and Kris Posman. The show featured call-in questions from viewers. It aired live on The County Channel, and on WSAV, and will be rebroadcast during the upcoming storm season.

#### **Three-Week Progress Report**

The Deputy County Administrator submitted the Three-Week Progress Report, which summarized his activities from May 23, 2011 to June 10, 2011.

#### **The Independence Fund / The 2011 Lowcountry Lt. Dan Weekend**

Mr. Steve Danyluk, representing The Independence Fund, a South Carolina registered 501(c)3 organization, is sponsoring a second Lt. Dan Weekend in Beaufort September 14 through 18, 2011. This year again, Gary Sinise and the Lt. Dan Band will head line the event. Mr. Danyluk asked Council to help pay for the concert stage for this year’s Lt. Dan Concert. Mr. Danyluk introduced Justin and James, two combat veterans severely wounded on the battlefields of Iraq and Afghanistan. Justin and James shared their experiences with Council and talked about how The Independence Fund provided them the tools, therapies, and guidance at rehabilitative hospitals like the Shepherd Center in Atlanta.

Mr. Newton referred the funding request to Finance Committee.

## **DEPUTY COUNTY ADMINISTRATOR'S REPORT**

### **Three-Week Progress Report**

Mr. Bryan Hill, Deputy County Administrator, submitted his Three-Week Progress Report, which summarized his activities from May 23, 2011 to June 10, 2011.

### **Recognition / 2011 State Track and Field Champions**

Mr. Glaze, who is also long-time coach with the School District, presented certificates to three Beaufort High School students for outstanding track and field achievements.

Ms. Madeline Aune took First Place among the students qualifying for the Twelve Foot Pole Vault State Competition at the Spring Valley High School in Columbia, S.C. on May 7. Madeline had vaulted a height of 12 feet to allow her to compete in the State Meet the following week. At the State Meet she repeated her performance with a winning height of 12 feet. Madeline competed for the 12 foot 2 inch category but missed the mark by a fraction of an inch. Had she cleared this vault she would have been one of the top ninth graders in the United States. Madeline is a dedicated athlete and has a bright future in track and field.

Ms. Vaneshia Holme is a rising senior at Beaufort High School. On May 7 she participated at the State Events for students who qualified for this competition, which was held at Spring Valley High School in Columbia, S.C. Vaneshia competed in both the 4x100 and 4x400 Relays, as well as the 400 Meter competition. She is a State Champion in the Long Jump with a jump of 17 feet 6 inches. Vaneshia is a dedicated and hard working student athlete, a natural competitor and gives 100 percent each time she walks onto on the track.

Mr. Akeem Smalls is a rising senior at Beaufort High School. He was a valuable participant in the State Events for students who qualified for this competition, which was held at Spring Valley High School in Columbia, S. C. on May 7. He took All State in the 400 Meters with a time of 48.21 seconds. He also took All State in the 200 Meters with a time of 21.57 seconds. Akeem is a hard working student athlete with a bright future in Track.

Mr. Glaze recognized several students who participated in the 2011 State Track and Field competition. Shot Put, 40-0, 2nd Place, Deja Jackson; Discus, 116-6, 5th Place, Deja Jackson; 200m Dash, 21.57, 3rd Place, Akeem Smalls; 4x100m Relay Girls, 48.61, 2nd Place, Veneshia Holmes, LaToya Smalls, Tiffany Robinson and Stephanie Pollock-Taylor; 4x100m Relay Boys, 42.50, 3rd Place, D'Vonte Cohen, Desmond Howard, Akeem Smalls and Randy Thomas; 4x400m Relay Girls, Bre-Anna Heyward-White, Geneshia Holmes, Veneshia Holmes, Stephanie Pollock-Taylor.

### **Construction Project Updates**

#### **New Bridge over Beaufort River / U.S. 21 / S.C. 802 Construction Project**

Mr. Rob McFee, Division Director-Engineering and Infrastructure, reported the new bridge over the Beaufort River will be a 4,200-foot bridge. The contractor is United Contractors, Inc. of Great Falls, South Carolina. The cost is \$34,573,368. The completion date is August 2011. The contractor has completed all substructure elements. All of the girders have been set and 94% of the deck spans have been poured.

#### **S.C. Highway 802 Roadway Construction Project**

Mr. Rob McFee, Division Director-Engineering and Infrastructure, reported this project involves the widening of 5.2 miles of SC Highway 802 (two sections). The contractor is Sanders Bros. of Charleston, South Carolina. The cost is \$10,852,393. The completion date was December 2010. Final asphalt surface was placed on the Lady's Island section from Meridian Road to US Highway 21. Shell Point signal was installed. Asphalt operations continue.

#### **SC Highway 46 and Simmonsville Road**

Mr. Rob McFee, Division Director-Engineering and Infrastructure, reported this project involves the widening of SC Highway 46 to the Bluffton Branch Library and Simmonsville Road to Bluffton Parkway for a total of 2.15 miles. SCDOT is administering this project. The contractor is REA Contracting of Columbia, South Carolina. The cost is \$7,503,367.03. The completion date is May 2011. Asphalt surface on Simmonsville Road and SC Highway 46 is complete. Sodding of raised medians is underway.

#### **Disabilities and Special Needs Adult Day Care Center and Administration Center**

Mr. Rob McFee, Division Director-Engineering and Infrastructure, reported this project is a 25,000 square foot multi-use facility with client activity and program areas and administrative space. The contract is Emory J. Infinger and Associates of Charleston, South Carolina. The cost is \$6,436,974. The completion date is summer 2011. Interior equipment placement and finishing is underway.

#### **Tire-Baler Building**

Mr. Rob McFee, Division Director-Engineering and Infrastructure, reported this project involves an 11,000 square foot receiving facility for recyclables, tires and other selected solid waste streams. The contractor is Beaufort Construction. The cost is \$491,022. The completion date is May 2011. This project is complete. Certificate of Occupancy has been issued.

### **Bluffton Parkway Phase 5A Roadway**

Mr. Rob McFee, Division Director-Engineering and Infrastructure, reported this project involves the construction of 2.31 miles of a new four-lane divided highway between Burnt Church Road and Buckingham Plantation Road. The contractor is Cleland Construction of Ridgeland, South Carolina. The project cost is \$11,578,720. The contract completion date is July 2012. Clearing has been completed and embankment operations are underway.

### **Plantation Business Park**

Mr. Rob McFee, Division Director-Engineering and Infrastructure, reported this project involves the construction of 0.5 miles of 22 foot wide connector road between Westbury Park Way and Simmonsville Road. The contractor is Cleland Construction of Ridgeland, South Carolina. The project cost is \$1,017,385.72. The contract completion date is April 2011. This project is complete and opened to traffic.

### **BOARD OF EDUCATION TO AMEND THE SCHOOL DISTRICT 2010-2011 GENERAL FUND BUDGET TO ACCOMMODATE THE CHANGE IN STATE FUNDING SOURCES PURSUANT WITH PROVISIO 1.79 OF THE GENERAL APPROPRIATIONS ACT OF 2010**

This item comes before Council under the Consent Agenda. It was discussed at the May 16, 2011 Finance Committee.

It was moved by Mr. Flewelling, seconded by Mr. Stewart, that Council approve on second reading an ordinance based on the request from the Beaufort County Board of Education to amend the School District 2010-2011 general fund budget to accommodate the change in state funding sources pursuant with Proviso 1.79 of the General Appropriations Act of 2010. The vote was: YEAS - Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Baer and Mr. Sommerville. The motion passed.

The Chairman announced a public hearing would be held Monday, June 27, 2011, beginning at 6:00 p.m. in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort.

### **BURTON WELLS REGIONAL PARK PHASE 2 CONSTRUCTION**

This item comes before Council under the Consent Agenda. It was discussed at the May 24, 2011 Public Facilities Committee.

It was moved by Mr. Flewelling, seconded by Mr. Stewart, that Council award a contract to Beaufort Engineering Services, Beaufort, South Carolina, for construction of Burton Wells Phase 2 for \$1,812,011 to be funded from the following accounts: Burton Wells Phase II CIP Account 11437-54451 \$1,666,015.40; PALS Impact Fees (Port Royal) Account 09050-54450 \$145,995.60. The vote was: YEAS - Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze,

Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Baer and Mr. Sommerville. The motion passed.

**HILTON HEAD ISLAND AIRPORT RUNWAY 03 TREE OBSTRUCTION REMOVAL IDENTIFICATION OF PENETRATIONS / OBSTRUCTIONS**

This item comes before Council under the Consent Agenda. It was discussed at the May 24, 2011 Public Facilities Committee.

It was moved by Mr. Flewelling, seconded by Mr. Stewart, that Council award a contract to Talbert, Bright, and Ellington, Inc., Columbia, South Carolina, in the amount of \$42,873 to prepare preliminary survey data regarding obstructions in the 34:1 approach slope for Runway 03 at the Hilton Head Island Airport. Funding for this project will come from an existing FAA Grant (95%), Account 13480-54293, Remove Obstructions South End Design, which has a current balance of \$97,391; an existing State Grant (2.5%); and the local 2.5% match of \$1,071.83 which will come from the Airports Operating Budget. The vote was: YEAS - Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Baer and Mr. Sommerville. The motion passed.

**SCRAP METAL AND WHITE GOOD SERVICES**

This item comes before Council under the Consent Agenda. It was discussed at the May 24, 2011 Public Facilities Committee.

It was moved by Mr. Flewelling, seconded by Mr. Stewart, that Council award a contract to provide scrap metal and white goods services to Charleston Steel and Metal Company, the top ranked firm for an initial three year contract with two one-year renewal options. Revenues received will be deposited into Account 10001-47440, Sale of Recyclables. The vote was: YEAS - Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Baer and Mr. Sommerville. The motion passed.

**HAULING SERVICES FOR BEAUFORT COUNTY SOLID WASTE CONTINGENT UPON RESOLUTION OF PROTEST**

This item comes before Council under the Consent Agenda. It was discussed at the May 24, 2011 Public Facilities Committee.

It was moved by Mr. Flewelling, seconded by Mr. Stewart, that Council award a contract to provide solid waste hauling services to Waste Pro, Inc, the top ranked firm. The agreement is for an initial three-year contract with two one-year renewals options. Services will be paid to the firm through budget Account 33390-51165, Solid Waste Hauling Services. The vote was: YEAS - Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Baer and Mr. Sommerville. The motion passed.

**AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO AMEND COUNTY COUNCIL STIPEND TO INSTALL A CAP**

Main motion.

It was moved by Mr. Rodman, as Finance Committee Chairman (no second required), that Council approve on second reading an ordinance to amend County Council stipend to install a cap of 120 meetings per fiscal year.

Motion to amend by substitution.

It was moved by Mr. Rodman, seconded by Mr. Dawson, to substitute 120 meetings per fiscal year with 144 meetings. The vote was: YEAS - Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Baer and Mr. Sommerville. The motion passed.

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

Council approve on second reading an ordinance to amend County Council stipend to install a cap of 144 meetings per fiscal year which represents a 6% reduction in total compensation. The vote was: YEAS - Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Baer and Mr. Sommerville. The motion passed.

The Chairman announced a public hearing would be held Monday, June 27, 2011, beginning at 6:00 p.m. in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort.

**ABANDONMENT OF A PORTION OF BOSTICK ROAD, BEAUFORT**

Main motion.

It was moved by Mr. Flewelling, seconded by Mr. Glaze, that Council quit claim a 10 foot-wide strip along the entire length of Bostick Road, thus reducing the County's right-of-way to 50 foot, in order to remedy this situation with the owners of Lots 1-D and 2-D, Alan Williams, Melanie Williams and Mildred Simpson.

Motion to amend by substitution in order to clarify the May 24 minutes of the Public Facilities meeting.

It was moved by Mr. Flewelling, seconded by Mr. Glaze, that Council quit claim all property beyond its 50-foot easement to adjoining property owners in exchange for quit claim deeds from those owners for any property interest they have within the 50 foot county right-of-way.

Mr. Flewelling remarked the way the Public Facilities May 24, 2011 minutes are written it appears the County is giving up more than it is receiving. It actually is contemplated an exchange of property interest from the County that has, in some places, a 60 foot right-of-way and in some places a little bit less than a 50 foot right-of-way. Therefore, when we exchange the property, there will be a regular 50 foot right-of-way which meets the County requirements for rights of way. If the Bostick property would ever be developed, it could possibility be used as emergency access in our normal procedures for a planned unit and development.

Vote on the motion to amend by substitution in order to clarify the May 24 minutes of the Public Facilities meeting: YEAS - Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Baer and Mr. Sommerville. The motion passed.

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

Council quit claim all property beyond its 50-foot easement to adjoining property owners in exchange for quit claim deeds from those owners for any property interest they have within the 50-foot county right-of-way. The vote was: YEAS - Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Baer and Mr. Sommerville. The motion passed.

## **PUBLIC HEARINGS**

### **TEXT AMENDMENT TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE, ADDING A NEW ARTICLE: ARTICLE XVII. TRANSFER OF DEVELOPMENT RIGHTS (TDR)**

Mr. Flewelling commented when the AICUZ was adopted, the then seated Council contemplated that there was a reduction of use of property. Over the years the Planning Department and MCAS Beaufort sought ways to compensate the owners who lost some value on their property. Eventually, the process resulted in the Transfer of Development Rights (TDR) Program. The County will be able to receive assistance financially from the Department of Defense-Office of Economic Adjustment and from the state to create a TDR fund and bank and the ordinance explains those items in detail.

The Chairman opened a public hearing at 6:39 p.m. for the purpose of receiving information from the public on text amendment to the Beaufort County Zoning and Development Standards Ordinance, adding a new article: Article XVII. Transfer of Development Rights. After calling once for public comment, the Chairman recognized Mr. Jason Gardner, Beaufort Regional Chamber of Commerce, who said on behalf of the Chamber, its Board of Directors, the Military Enhancement Committee and the more than 700 Chamber members he requests the Council's support of the TDR Program on final reading. As the Council is no doubt aware, both military installations are the primary economic driver in northern Beaufort County. Marine Corps Air Station Beaufort alone has an economic impact of more than \$600 million annually. Beaufort

County is in the forefront nationally in the effort to protect the Air Station from encroachment. The TDR Program is the next step in preventing residential encroachment near the Air Station, promoting compatible uses near the air station while still allowing those who live in the AICUZ the opportunity to realize return on their property, if they so desire. Mr. Gardner, on behalf of his organization, thanked the County staff, the Air Station staff, the Lowcountry Council of Governments and the Northern Regional Planning Committee for their efforts over the past few years to develop this program. Mr. Gardner thanked Council for its continued support of the TDR Program, local military installations and ultimately the business community.

Mr. Reed Armstrong, Coastal Conservation League, said the League has been an active participant in developing the TDR Program. The League is pleased to offer its support for what has evolved in this ordinance coming before the Council tonight. Mr. Armstrong said the TDR Program is viewed by the U.S. Department of Defense as an outstanding example of cooperation between local community and military installations. It is also seen as a model and test bed for a countywide TDR Program, which would be a necessary component when moving for implementation of form-based code in Beaufort County. Mr. Armstrong pointed out to Council that last week the Town of Port Royal Council passed a resolution endorsing this ordinance as well.

Mr. David Tedder, Lady's Island resident, said he was part of the technical advisory committee that worked for a long time putting the TDR Program together, and wanted to take an opportunity to thank some of the other people on the committee not mentioned. He listed Mrs. Alice Howard of the Air Station, Ms. Amber Lofkowski from Office of Economic Assistance, South Carolina Realtors Association and local realtors, Chris Steele from Rep. Joe Wilson's office, Jan Malinowski of Palmetto State Bank and others who assisted. Mr. Tedder said he thinks the TDR ordinance before Council meets as a pilot program. He said some of his suggested changes have been incorporated to make sure not only those who have taken an unfair hit, in their mind, because of the AICUZ on their property value or others who classify as non-conformities could voluntarily participate in a program to figure out how to get some of the equity out of the property as part of this program. Mr. Tedder recommended approval of the TDR ordinance. It is not often Mr. Armstrong and he are on the same side of a development question.

Mrs. Ann Ubelis, Beaufort County Tea Party, told the Council they have a problem with the funding that is supposed to be going to set up this program. The program will cost approximately \$500,000 to set up and that is depending upon state and federal funds, which are not guaranteed. This is putting chickens before the eggs actually hatch. With cuts in state and federal budgets, Council cannot rely on that money showing up, Mrs. Ubelis said. Furthermore, the budget for Rural and Critical Lands' budget has already been cut, yet Council relies heavily on Rural and Critical Lands to administer this program. The cost of doing that will increase by \$144,000 per year. Where in the taxes would the County get it within its own budget, which is imploding this year? Mrs. Ubelis said the County has been laying off employees and scrambling all over the place to see where it can save funds. At this time, it is not the time to spend this type of money, Mrs. Ubelis said. She referenced the TDR Program ordinance documents and read "inherent in the process of annexation and rezoning, it is uncertainty for developers who petition for



annexation without knowing how their property will subsequently be zoned by the City recognizing the economic and social harm of undue certainty in the development process.” Mrs. Ubelis said South Carolina has authorized local governments to enter into pre-annexation development agreements, with one caveat that such an agreement may be difficult to obtain from developers. A developer may not look favorably upon a zoning that requires the purchase of TDRs. Here the program speaks directly toward the fact that this plan offers a fee-in-lieu for any developer or investor who purchases a TDR. If that occurs, the actual TDR certificate will continue to devalue because why would a developer buy a TDR when he can go to Council and say he would rather do a fee-in-lieu? Who will buy these TDRs? It will just continue to decrease the value of the properties. The program is said to be voluntary, but if one person participates and their value decreases so does his neighbors property value, whether he participates or not. The receiving land will be very unpopular to sell to any residents, who will not want to see a massive development with these TDRs and fee-in-lieu of. Mrs. Ubelis referenced Appendix C of Page C-1 saying it will take a very long time, even on revolving fund basis to acquire all of the Marine Corps Air Station development rights given current resources. She asked Council to keep that in mind and to postpone a vote in order to change the plan so as to not harm the people of the community.

Mrs. Ginnie Kozak, Lowcountry Council of Governments, clarified a few matters related to the Transfer of Development Rights program. She said the TDR program has the money. \$250,000 has been sitting in a bank account at Lowcountry Council of Governments for a couple of years, specifically as seed money for this project. Lowcountry Council of Governments has also just received another \$50,000 plus from the Department of Defense to help pay administrative charges for Beaufort County. There is other potential money coming, but there is definitely more than \$300,000 accounted for already, Mrs. Kozak said. To say Beaufort County is being asked to find this money is not really accurate, she concluded.

After calling twice more for public comment and receiving none, the Chairman declared the hearing closed at 6:48 p.m.

Mr. Flewelling said he whole-heartedly endorses this program though there are some things he does not like about it. He does not like that the receiving area for TDRs does not include the City of Beaufort and the Town of Port Royal. He said he thinks that would spur development in all areas eventually, but those municipalities have chosen not to participate. However, the City of Beaufort and the Town of Port Royal, through their representatives on the Northern Regional Plan Implementation Committee, whole-heartedly endorse this program. This program uses free market principles to alleviate a problem. A bank of money is created so that the free market can purchase those development rights and then sell them to potential users in other areas where coincidentally the County is trying to spur growth because they are areas with the proper transportation nexus and are outside of the Air Installation Compatibility Use Zone (AICUZ). Mr. Flewelling said he also heard that in one of the statements that people have heard with the F-35B there will be a four-mile increase in the AICUZ, and he said he does not think anyone has confirmed or contemplated that. Yes, the AICUZ will change a little bit but most of the TDR receiving areas are beyond that area, so most likely will not be affected by any change in the AICUZ. Also, the TDR program is not dependent upon the AICUZ as it is going to be under the

F-35B, but it is the AICUZ as it sits right now. Eventually, this is a pilot program and perhaps it could be amended when the F-35B changes the AICUZ. Potentially when all the rights have been bought up the County could use this program to further other County goals such as preserving farmland on St. Helena Island and Sheldon Township. There are other goals constantly talked about that, in Mr. Flewelling's view, would potentially be a takings issue. Using a free market principle like the TDR program to purchase the development rights in order to further those goals to pay for the rights, then means everyone is a winner. He whole-heartedly recommends the TDR program.

It was moved by Mr. Flewelling, as Natural Resources Committee Vice Chairman (no second required), that Council approve on third and final reading text amendment to the Beaufort County Zoning and Development Standards Ordinance, adding a new article: Article XVII. Transfer of Development Rights. The vote was: YEAS - Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. NAYS – Mr. Glaze. ABSENT – Mr. Baer and Mr. Sommerville. The motion passed.

**AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO AMEND THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO) THAT ALLOW FOR CONTROL OF STORMWATER VOLUME FROM “LOTS OF RECORD BUT NOT BUILT.” THESE CONTROLS WILL MITIGATE WATER RESOURCE IMPACTS FROM CONSTRUCTION IN PREVIOUSLY APPROVED DEVELOPMENTS THAT DO NOT HAVE VOLUME CONTROLS. SECTION 106-7. EXEMPTIONS OF DEVELOPMENT TYPES; SECTION 106-8. EXEMPTION FROM SUBDIVISION REVIEW; SECTION 106-18. DEFINITIONS. (ADDING NEW DEFINITION—BEST MANAGEMENT PRACTICES, ON-SITE); SECTION 106-732. ZONING PERMIT; SECTION 106-2857. EXEMPTIONS FROM SITE RUNOFF CONTROL AND DRAINAGE PLANNING/DESIGN; SECTION 106-2861. RETENTION/DETENTION FACILITIES; AND SECTION 106-2865. ON-SITE SINGLE FAMILY LOT, BEST MANAGEMENT PRACTICES (BMP (ADDING NEW SECTION))**

Mr. Flewelling said the stormwater volume controls have been an issue now for a couple of years. Council has talked about potentially attacking the problem of degradation of the water supply in a three-phase attack. The first one was to put controls concerning the volume of freshwater runoff into the saltwater estuaries, which seems to be negatively impacting the quality of the water in estuaries. It is not that freshwater carries pollution but rather that it allows for pollution and for degradation of the system just by its very presence in the saltwater. Anyway, the three-phase attack was going to be first through putting controls on undeveloped properties, in other words, if a large tract of land wanted to subdivide it would be required to control the water in the entire subdivision. The second phase of the attack is what Council is attacking tonight, which is for controls on property that has previously been platted but not built upon. The third phase would be retroactively going to put controls on property developed and roads built. That will be attacked later on. There has been a lot of help the County received from Lowcountry Council of Governments and other naturalist organizations including input from the development

industry. Many people have had input from throughout town. The ordinance has been changed a little bit over time since the first iterations. Mr. Flewelling said he thinks the ordinance is one that seems to be more effective, in that it allows more flexibility to the landowner or developer to make sure goals are met. Again, this comes from the Natural Resources Committee as a unanimous recommendation.

The Chairman opened a public hearing at 7:00 p.m. for the purpose of receiving information from the public on text amendments to the Beaufort County Zoning and Development Standards Ordinance (ZDSO) that allow for control of stormwater volume from “lots of record but not built.” After calling once for public comment, the Chairman recognized Mr. Reed Armstrong, Coastal Conservation League, said it is clear the County must move forward in protecting and improving the quality of the waterways. The County Stormwater Utility laid out a good, three-step approach to address water quality. What is proposed here is the second step in the process. Much has been said in the press and other places about what is probably the most expensive option. This could be used for controlling runoff volume from these lots “of record, but not yet built.” Mr. Armstrong emphasized that this is not a one-method only approach. The ordinance drafted offers a number of options, many of which can be used to address concerns that the municipalities have raised about accommodating in-fill construction. These options are in both the ordinance and Best Management Practices Manual, and can be much less expensive and equally viable. Mr. Armstrong noted it may add some cost to construction, but it is worth it to protect the waters. The alternative of waiting then doing clean up later is far more expensive and have far less chance of success. He asked Council’s support of the ordinance.

After calling twice more for public comment and receiving none, the Chairman declared the hearing closed at 7:02 p.m.

It was moved by Mr. Flewelling, as Natural Resources Committee Vice Chairman, (no second required), that Council approve on third and final reading text amendments to the Beaufort County Zoning and Development Standards Ordinance (ZDSO) that allow for control of stormwater volume from “lots of record but not built.” These controls will mitigate water resource impacts from construction in previously approved developments that do not have volume controls. Section 106-7. Exemptions of Development Types; Section 106-8. Exemption from Subdivision Review; Section 106-18. Definitions. (adding new definition—Best Management Practices, On-Site); Section 106-732. Zoning Permit; Section 106-2857. Exemptions from Site Runoff Control and Drainage Planning/Design; Section 106-2861. Retention / Detention Facilities; Section 106-2865. On-Site Single Family Lot, Best Management Practices (BMP) (adding new section). The vote was: YEAS - Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Baer and Mr. Sommerville. The motion passed.

**TEXT AMENDMENT TO THE BEAUFORT COUNTY COMPREHENSIVE PLAN, APPENDIX L. BUCKWALTER PARKWAY ACCESS MANAGEMENT PLAN, WITH A NEW FIGURE 5 THAT ALLOWS THE INSTALLATION OF A TEMPORARY LIGHT AT PARKER DRIVE WHICH SHALL BE REMOVED UPON COMPLETION OF PHASE 5B OF THE BUCKWALTER PARKWAY, AND THE MEDIAN OPENING AT**

**PARKER DRIVE WILL BE CLOSED UPON COMPLETION OF PHASE 5B, AND PHASE 5B ALIGNMENT SHALL REMAIN AS IS, AND AS PART OF PHASE 5B CONSTRUCTION, TWO ADDITIONAL RESIDENTIAL ACCESS POINTS WILL BE SIMULTANEOUSLY BUILT TO PROVIDE ADDITIONAL RESIDENTIAL ACCESS POINTS FOR ADJACENT RESIDENTS**

Mr. Newton stated this is a Natural Resources Committee matter and asked Mr. Flewelling to give a brief synopsis. Mr. Flewelling asked to defer to Mr. Stewart because Mr. Stewart has more knowledge of the matter.

Mr. Stewart said it is, as stated in the text of the agenda, an amendment to Beaufort County Comprehensive Plan, Appendix L. Buckwalter Parkway Access Management Plan. Basically, it allows the installation of a temporary light at Parker Drive, the light of which will be removed upon completion of Phase 5B of Buckwalter Parkway. The median opening at Buckwalter Parkway and Parker Drive will also be closed upon completion of Phase 5B. Phase 5B is the alignment currently in existence, and has been approved. Additionally, as part of Phase 5B construction two additional residential access points will be simultaneously built to provide additional residential access points.

Mr. Newton added that by way of supplement and clarification that the current Beaufort County Comprehensive Plan, Appendix L. Buckwalter Parkway Access Management Plan does not allow a traffic light to be installed in this location. The action before County Council this evening is to change current law to allow a traffic light to be built, and there are certain conditions as explained included. He opened the floor for public hearing.

The Chairman opened a public hearing at 7:10 p.m. for the purpose of receiving information from the public a text amendment on the Beaufort County Comprehensive Plan, Appendix L. Buckwalter Parkway Access Management Plan, with a new Figure 5 that allows the installation of a temporary light at Parker Drive which shall be removed upon completion of Phase 5B of the Buckwalter Parkway, and the median opening at Parker Drive will be closed upon completion of Phase 5B, and Phase 5B alignment shall remain as is, and as part of Phase 5B construction, two additional residential access points will be simultaneously built to provide additional residential access points for adjacent residents.

After calling once for public comment, the Chairman recognized Mr. Lewis Hammet, who represents John Reed a Buckwalter area developer, said Mr. Reed granted the right-of-way for the existing Bluffton Parkway west of Buckwalter Parkway and is a party who may grant the right-of-way east. Mr. Hammet explained some of his past relationship with the County and conversations related to the current configuration of Phase 5B. He said the concerns he specifically raised were legal concerns, which are very technical but very real. Those have, frankly, not been aired until now. It was suggested they work with the Town of Bluffton to see Phase 5B in a different place and that was done, Mr. Hammet said. Both in the land and road planning, and as the Council knows, the Town of Bluffton put forward a new location for Phase 5B. That has gone through the Committee-level, where they appeared to agreed upon certain assignments for engineers and clients to meet, etc. All of those of which, from their standpoint,

they have completed, Mr. Hammet said. He added he thinks they need more meetings about the potential impacts of the development plan. Mr. Hammet explained they worked through the Town of Bluffton as the County advised with the understanding they would come back probably to the Council to discuss the current Bluffton proposal as backed by redevelopment. Mr. Hammet said they were concerned when they saw this agenda, which they were unaware of. Mr. Hammet sent the Council members a memo. This memo discusses what they have been doing, and goes over some of the detail about the impacts on Mr. Reed and the community wide financial impacts if this is not worked out. There is room to work this out. A meeting with Mr. Robertson has taken place, and there is room to work this out voluntarily. Frankly, it would also solve the question of the traffic light because the distance would become further. Additionally, Mr. Hammet said there is a concern that the current language appears to foreclose the past month's discussions. He said he did not know this matter would be addressed during the Caucus. However, he thinks he understands the County will pursue that in good faith, both the evaluation and ultimate decision. Mr. Hammet said they would like it if the County did not submit the ordinance into the Comprehensive Plan though.

Mr. John Reed, Reed Development, said he has been in front of many of the members of Council before. He said Reed Development has been developing in Beaufort County for 35 years and negotiations with the County for more than three years over this realignment. When they first heard of the realignment, they said it will not work nor is it best for Beaufort County. However, somehow Reed Development could never get a full hearing before the County. He said for some reason there was no communication between the two. Somehow we have not fully communicated with Council. Reed Development wants to resolve a major conflict and this Buckwalter Parkway realignment proposal is a major conflict. Reed Development originally gave the land to Beaufort County with covenant, and to the Town of Bluffton which then gave it to the County, that said the Parkway could not be moved without consent of Reed Development. Reed Development came up with a plan that would save the County millions of dollars as Reed Development would give the new right-of-way as well as not having to destroy a major Master Planned Commercial Village, a breach of contract or a taking. Reed Development also offered the Robersons, who own the property south of Reed Development, three access easements for his property and the 3,000 residents represented here tonight conditioned on a positive agreement on the realignment. Mr. Reed said they have always tried to work with everyone on this matter and ask for a full hearing on the matter, as Mr. Kubic recently asked Reed Development's attorney, engineers, to meet with the County attorney, engineers, and for the Town of Bluffton to set up a meeting among them and the Robersons. All three were done, but Reed Development has not been asked to come back and report. Mr. Reed said they would like to report what was found. He said he knows the light is tied to this realignment, but he does not understand the need to have it. He acknowledged there could be a need for a light, but would rather the two issues not be tied together. The safety issues should be taken care of, and the light, for the 3,000 people represented tonight, Mr. Reed said. That is a major issue. There is another major issue: this realignment. The two may fall together some way, but Reed Development's position is that they should be settled separately. Please set up a meeting with Beaufort County, the Town of Bluffton, Reed Development and the local stakeholders to fully work out this three years plus matter.

Mr. Greg Parker, owner of the Parker Companies, said he spoke to Town of Bluffton Manager Mr. Anthony Barrett after the beginning of the meeting and was assured the Town of Bluffton Mayor, Manager and Town Council oppose this amendment. The amendment is trying to couple the light with the removal of the light and median installation. As a point of clarification, Parker Companies went to Beaufort County first, and they have dealt with Beaufort County the entire time. Mr. Parker said he heard at the last Council meeting this was something done with the Town of Bluffton before Beaufort County was involved; that is not true. The property owners clearly oppose doing this. The neighborhood clearly opposes doing this. Why is it that the Council is connecting the installation of a red light with the future edict that the red light will be removed and a median will be put there? I do not understand it, Mr. Parker said. He wants to know from Mr. Stewart if he can explain to him and the audience why he has done this and why it is an issue. Mr. Stewart said he would once Mr. Parker concludes his comments. Mr. Parker said he was done.

After calling twice more for public comment and receiving none, the Chairman declared the hearing closed at 7:28 p.m.

Mr. Stewart remarked this issue began with the traffic light and safety issues associated with the residents in the communities on the west side of Buckwalter Parkway. Now, however, with development of Parkers Convenience Store on the east side, it has created more traffic than what existed in the past. Not to say it is any better, it was a bad situation that needed to be rectified prior to the development. It is not reasonable to have 700 homes with only one way in and out of four developments. There needed to be and should have been, a long time ago, more access points for these residents to get in and out of that community safely. If the traffic light were permanent at that point, knowing that the path of the Parkway had already been approved and permitted, that that would create a problem where the traffic light for the intersection of the Parkway and Parker development and median cut would be far too close and would not be within the guidelines of the County Access Management Plan for the spacing between traffic lights in those intersections. It then became a process where realignment, changing the alignment of Phase 5B, and the intersection with Buckwalter Parkway crept into the whole process.

The point here is we want to go forward with a traffic light. We want this process to happen in a reasonable period of time and to deal with the safety issue. It is obvious, as the Chairman has pointed out earlier, that any realignment that has already been agreed upon and been permitted is going to take an extensive period of time -- far longer than we want to wait to install a traffic light. It seems to Mr. Stewart appropriate to install a temporary light or say it is temporary, based upon the alignment as it has been approved, to go forward and look at the possibility of the alternatives that have been brought forward, what the cost would be, and what the reasonableness of those changes would be. But right now we have to assume that what has been permitted is what is going to happen. In that case Mr. Stewart thought it worthwhile to put forward the motion – it will be a temporary light. When Phase 5B is completed, that that light would then be taken out, that the curbcut would be taken out, but there would be three other access points for the developments in that area to access Bluffton Parkway, including the one that should have been built a long time ago, that was permitted with the Development Agreement on Old Miller Road. That is the purpose here. It is not to keep from bringing forward other alternatives.

Perhaps there will be a change with respect to the alignment of Bluffton Parkway with Buckwalter Parkway. If that happens so be it. We will then deal with the appropriate changes at that time.

Mr. Newton remarked when this matter first came to Natural Resources, he argued, unsuccessfully, that closing the median cut as an approach to deal with this problem at this intersection was not acceptable. Mr. Newton recognizes that the light, in this location, in relation to Phase 5B, raises some challenges given the spacing, but staff has not recommended that this traffic light come out. He is concerned that tying this with mandatory language to alternative access points that we do not know where they are in the future, is not appropriate. Despite the language in the motion and what gets passed, the analysis for potential consideration of the proposed realignment of the Parkway Phase 5B, other than what has been permitted under the Federal Highway Administration guidelines and based on those requirements, is on-going with the County administrative staff and Florence & Hutchenson. County administration is awaiting input back from the public utilities, among others, as to the requirements necessary and the steps that would be required to formally entertain the process of an alternative realignment – the public hearings that would be required, what the process would require, what noise study would be necessitated, etc. Mr. Newton's goal from the beginning, regardless of how we got to this set of circumstances, with regard to this light, was to get a traffic light installed. All the folks, who live in the Grande Oaks communities, are his constituents. With all due respect to Mr. Parker and his gas station, the safety of the folks, who live across the street from the gas station, is a bigger concern to Mr. Newton than people getting into the gas station. Putting in a median and telling the 7,000 people, who have been turning in and out of that intersection ten years, that no longer are you going to get into this intersection, but go down the street and make a U-turn, now the church up in arms to the extent that that has been interpreted as the way these folks will get in there. It may be in the future that that median can be closed. It may be in the future that that traffic light may come out. It may be in the future that a roundabout would be built there as suggested by the Town of Bluffton. It may be that these two access points will get built on the Parkway either where it is today or where it, perhaps, is being suggested by the developments. The problem is that as presented, at this moment, we are approving mandatory language that says these certain things shall happen in the future when we are not able to answer what those specific items are going to be in the future.

Main motion.

It was moved by Mr. Flewelling, as Natural Resources Committee Vice Chairman (no second required), that Council approve on second reading a text amendment on the Beaufort County Comprehensive Plan, Appendix L. Buckwalter Parkway Access Management Plan, with a new Figure 5 that allows the installation of a temporary light at Parker Drive which shall be removed upon completion of Phase 5B of the Buckwalter Parkway, and the median opening at Parker Drive will be closed upon completion of Phase 5B, And Phase 5B alignment shall remain as is, and as part of Phase 5B construction, two additional residential access points will be simultaneously built to provide additional residential access points for adjacent residents.

The Chairman passed the gavel to Mr. McBride, as Parliamentarian, in order to make a motion.

Motion to amend by substitution.

It was moved by Mr. Newton, seconded by Mr. Flewelling, that Council change the mandatory language “shall/will” that appears in four places to “may.” The vote was: YEAS - Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Baer and Mr. Sommerville. The motion passed.

The Parliamentarian returned the gavel back to the Chairman in order to continue the meeting.

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

Council approve on second reading a text amendment on the Beaufort County Comprehensive Plan, Appendix L. Buckwalter Parkway Access Management Plan, with a new Figure 5 that allows the installation of a temporary light at Parker Drive which may be removed upon completion of Phase 5B of the Buckwalter Parkway, and the median opening at Parker Drive may be closed upon completion of Phase 5B, And Phase 5B alignment may remain as is, and as part of Phase 5B construction, two additional residential access points may be simultaneously built to provide additional residential access points for adjacent residents. The vote was: YEAS - Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Baer and Mr. Sommerville. The motion passed.

### **MOTION TO EXTEND**

It was moved by Ms. Von Harten, seconded by Mr. Glaze, that Council extend beyond 8:00 p.m. The vote was: YEAS - Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Baer and Mr. Sommerville. The motion passed.

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

The Chairman opened a public hearing at 7:59 p.m. for the purpose of receiving information from the public regarding an ordinance to establish, pursuant to Section 4-1-170 of the *Code of*



*Laws of South Carolina, 1976, as amended, a multi-county industrial/business park, to be known as the Riverport Multi-county Park, in conjunction with Jasper County. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 8:00 p.m.*

It was moved by Mr. Stewart, as Governmental Committee Chairman (no second required), that Council approve on third and final reading an ordinance to establish, pursuant to Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended, a multi-county industrial/business park, to be known as the Riverport Multi-county Park, in conjunction with Jasper County, South Carolina, such park to be geographically located in Jasper County, South Carolina; to provide for a written agreement with Jasper County as to the sharing of the revenues and expenses of the park; to provide for the distribution of revenues from the park among taxing entities having jurisdiction over the park; to provide for a fee in lieu of ad valorem taxation; and other matters related thereto. The vote was: YEAS - Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Baer and Mr. Sommerville. The motion passed.

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

The Chairman opened a public hearing at 8:03 p.m. for the purpose of receiving information from the public regarding an ordinance for regulation of towing from private property in Beaufort County. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 8:04 p.m.

It was moved by Mr. Stewart, as Governmental Committee Chairman (no second required), that Council approve on third and final reading an ordinance for regulation of towing from private property in Beaufort County. The vote was: YEAS - Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT - Mr. Baer and Mr. Sommerville. The motion passed.

#### **FY 2011 / 2012 SCHOOL DISTRICT BUDGET PROPOSAL**

Mr. Newton announced that third and final reading of the FY 2011 / 2012 School District budget proposal has been postponed at the request of the School District and recommendation of the Finance Committee.

The Chairman opened a public hearing at 8:05 p.m. for the purpose of receiving information from the public regarding the FY 2011 / 2012 School District budget proposal. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 8:06 p.m.

#### **FY 2011 / 2012 COUNTY BUDGET PROPOSAL**

Mr. Rodman commented the millage rates are basically set to remain the same as last year for both operating and capital/debt service. Council has been through a process where staff has

highlighted what were the changes that they were recommending. Council members, if they so desired, could obviously question a particular line item and vote on that. Mr. Stewart is not aware that that has happened in any cases. Mr. Baer was kind enough, since he had the majority of the questions, to serve the role of receiving those questions. Most of the questions have been resolved at this point in time. There are three or four questions that are still open. Mr. Stewart anticipates Council addressing those questions next week. Mr. Baer also had requested that Council have a workshop, or at least spend some time in Finance Committee, to understand the library. Staff had also identified, in a letter from Mr. Bryan Hill to Mr. Gary Kubic, where the majority of the cuts were coming from, both within the County budgets and what the County allocates to other organizations (such as Beaufort Memorial Hospital, University of South Carolina-Beaufort, Technology College of the Lowcountry). To the best of Mr. Rodman's knowledge he has not heard back from any of those entities that they disagree. In fact, one organization called and said that was fine, but would only want to come before Council if they had to protect their position, in other words, not to be cut anymore. Staff has done a fine job guiding Council through a difficult time. This budget proposal means about a \$6 million reduction year-over-year. Section 11 of the Budget Ordinance provides authorization of tax anticipation notes, which allows administration to borrow money in order to protect the fund balance in advance of taxes that would come in during the January / February 2012 timeframe.

The Chairman opened a public hearing at 8:09 p.m. for the purpose of receiving information from the public regarding the proposed FY 2011 / 2012 budget at 40.21 mills County Operations, 2.76 mills Purchase of Real Property Program, and 4.57 mills County Debt Service. Additionally, Bluffton Fire District at 19.67 mills operating and .38 mills debt service, Burton Fire District at 55.87 mills operating and 5.53 mills debt service, Daufuskie Island Fire District at 30.71 mills operating and 0.00 mills debt service, Lady's Island/St. Helena Island Fire District 31.00 mills operating and 1.50 mills debt service, and Sheldon Fire District 32.22 mills operating and 2.18 mills debt service. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 8:10 p.m.

Mr. Newton commented the FY 2011 / 2012 budget does not require a millage increase or use of reserve.

Mr. Stewart expressed a concern with one feature of the budget, *i.e.*, in order to have no tax increase for both the operational budget and capital/debt service budget, we are taking monies from operating and transferring it to capital/debt service in order to keep from having an increase in capital millage. We are cutting into the operating budget and cutting into services and programs. At some point we are going to reach the bottom where we have taken as much as we can and we are really going to start reducing services beyond an acceptable point. Once you do that, it is very hard to recover.

Mr. McBride shares the same concerns as Mr. Stewart. Transferring money from operating to capital/debt service in order to avoid a tax increase for bond indebtedness, not knowing the long-term effects, is of great concern.

It was moved by Mr. Rodman, as Finance Committee Chairman (no second required), that Council approve on second reading the proposed FY 2011 / 2012 budget at 40.21 mills County Operations, 2.76 mills Purchase of Real Property Program, and 4.57 mills County Debt Service. Additionally, Bluffton Fire District at 19.67 mills operating and .38 mills debt service, Burton Fire District at 55.87 mills operating and 5.53 mills debt service, Daufuskie Island Fire District at 30.71 mills operating and 0.00 mills debt service, Lady's Island/St. Helena Island Fire District 31.00 mills operating and 1.50 mills debt service, and Sheldon Fire District 32.22 mills operating and 2.18 mills debt service. The vote was: YEAS - Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Baer and Mr. Sommerville. The motion passed.

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

## **COMMITTEE REPORTS**

### **Community Services Committee**

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

Mr. David Green

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

Mr. Murray Wiener

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

### **Governmental Committee**

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

Mr. Stewart, as Governmental Committee Chairman, nominated Mr. Gordon Bowers and Mr. Roosevelt McCollough for reappointment to serve as Board members of the Lady's Island / St. Helena Island Fire District.

### **Public Facilities Committee**

**Seabrook Point Special Purpose Tax District**

Mr. Glaze, as Public Facilities Committee Chairman, nominated Mr. Frank Emminger, Mr. Steve Jones, Mr. Judy Daigle, and Mr. Bill Waldron to serve as members of the Seabrook Point Special Purpose Tax District.

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

**PUBLIC COMMENT**

There were no requests to speak during public comment.

**ADJOURNMENT**

Council adjourned at 8:20 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: \_\_\_\_\_  
Wm. Weston J. Newton, Chairman

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

Ratified:

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

**GARY KUBIC**  
COUNTY ADMINISTRATOR

**CHERYL HARRIS**  
EXECUTIVE ASSISTANT

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

**BRYAN J. HILL**  
DEPUTY COUNTY ADMINISTRATOR

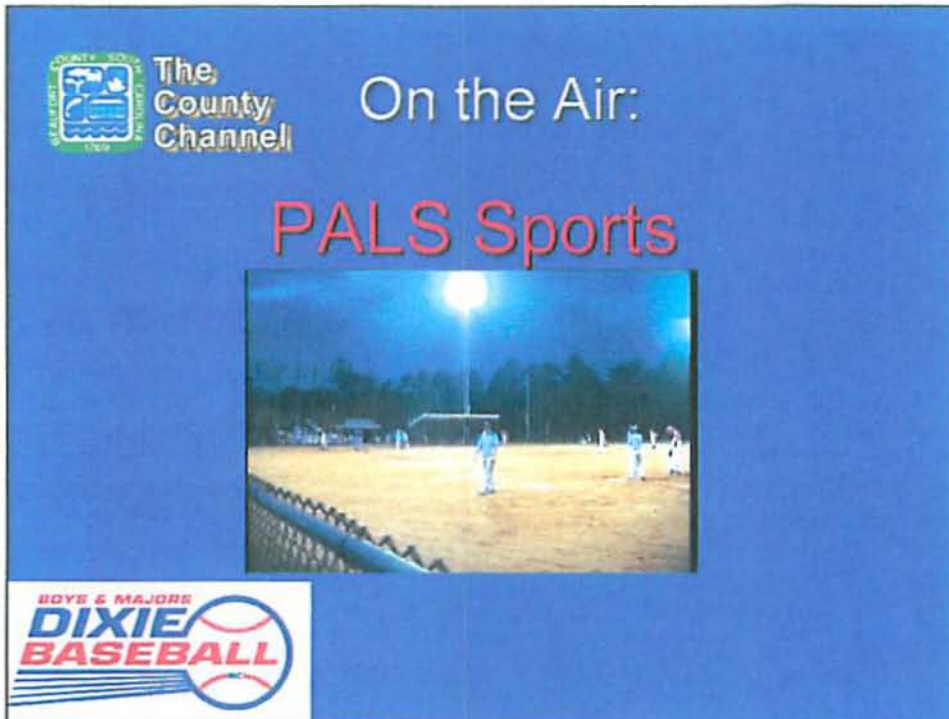
**LADSON F. HOWELL**  
STAFF ATTORNEY

**COUNTY ADMINISTRATOR'S REPORT**

**Monday, July 25, 2011  
5:00 p.m.  
County Council Chambers**

**INFORMATION ITEMS:**

- The County Channel / Broadcast Update (Enclosure)
- Four-week Progress Report (Enclosure)
- Update / Stormwater Billing  
Ladson Howell, Staff Attorney



The County Channel crew successfully broadcast a PALS Youth Baseball game LIVE from Burton Wells Park. The game was Hilton Head All Stars VS Beaufort All Stars. It was a great highlight of our facility at Burton Wells, and of our wonderful PALS Baseball program. The broadcast was done in partnership with PALS, and in preparation for the Dixie Youth World Series. Teams from all over the Southeast will converge on Burton Wells Recreation Facility on July 30<sup>th</sup> -Through- August 3<sup>rd</sup> to play in the tournament. The County Channel will broadcast the games live over the web...



In Production:

## Coastal Kingdom



{VIDEO PLAYS, no audio} Our latest episode of Coastal Kingdom, "Finding A Mate," is on the air now. This episode features Corn Snakes, Blue Birds, and Great Egrets. Our guys are currently in production of the 8<sup>th</sup> show in the series. "How Animals Protect Themselves," will focus on unique strategies that Lowcountry animals have developed to fend off predators. Coastal Kingdom is hosted by naturalist Tony Mills, our partner with the LowCountry Institute on Spring Island.



## Memorandum

DATE: July 22, 2011

TO: County Council

FROM: Gary Kubic, County Administrator

SUBJ: County Administrator's Progress Report

The following is a summary of activities that took place June 27, 2011 through July 22, 2011:

June 27, 2011

- Meeting with Leroy Gilliard, Executive Director of BJ-EOC re: Head Start Program, Hilton Head
- Redistricting Committee meeting
- Council Caucus meeting
- County Council meeting

June 28, 2011

- Staff meeting re: Cat Island stormwater issues
- Public Facilities Committee meeting

June 29, 2011

- Meeting with David Starkey, Chief Financial Officer, Ed Hughes, County Assessor, and Phyllis White, School District Chief Operational Services Officer re: 4% audits
- Meeting with William Winn, Director of Public Safety, re: Building Inspections Department
- Meeting with William Winn, Director of Public Safety, Steve Tilton, President of Hilton Head Homebuilders Association, and Allen Patterson, President of Beaufort Homebuilders Association re: County Building Inspections Department

June 30, 2011

- Meeting with Ed Modzelewski, President of Applied Technology Management (ATM) re: Stormwater Ordinance Part 3 Retrofits
- Meeting with Sheriff's employee re: Service tenure



**COUNTY COUNCIL OF BEAUFORT COUNTY**

**July 22, 2011**

**Page 2**

**July 1, 2011**

- **No scheduled meetings**

**July 4, 2011**

- **County holiday**

**July 5, 2011**

- **No scheduled meetings**

**July 6, 2011**

- **Meeting with Van Willis, Port Royal Town Manager, re: Stormwater**
- **Meeting with Ron Leslie of Equity Retail Development re: Willow Run CIP**

**July 7, 2011**

- **Greater Island Council of Hilton Head and Bluffton meeting**

**July 8, 2011**

- **Meeting with Thomas C. Barnwell re: Mitchelville**
- **Meeting with Joseph Lamkowski, Hilton Head Island resident re: Bluffton Parkway**

**July 9, 2011**

- **CAVE workshop at Whale Branch Early College High School**

**July 11, 2011**

- **Meeting with Bud Boyne, Director of Alcohol and Drug Abuse**
- **Interview with Economic Development Task Force Consultant**

**July 12, 2011**

- **Meeting with Councilmember Laura Von Harten and Robin Townsend re: Ferry system**

COUNTY COUNCIL OF BEAUFORT COUNTY

July 22, 2011

Page 3

July 13, 2011

- Staff meeting re: Rail Trail Easement
- Staff meeting re: St. Helena Library Campaign
- Staff meeting re: Outstanding bench warrants

July 14, 2011

- Meeting regarding Myrtle Park Building (Bluffton Government Center)
- Meeting with Chairman Weston Newton, Vice Chairman Paul Sommerville and Ed Modzelewski of ATM re: Stormwater

July 15, 2011

- Personal leave

July 18 – 22, 2011

- Personal leave



## *Memorandum*

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

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The following is a summary of activities that took place June 27, 2011 through July 22, 2011:

June 27, 2011 (Monday):

- Prepare for County Council Presentation
- Redistricting Committee Meeting
- County Council

June 28, 2011 (Tuesday):

- Meet with Ladson Howell, Staff Attorney and William Winn, Public Safety Director
- Meet with Monica Spells, Compliance Officer
- Work on Budget

June 29, 2011 (Wednesday):

- Meet with Morris Campbell, Community Services Director
- Meet with Morris Campbell, Joe Penale and Vikki Hill re: Pool Facilities
- Meet with Gregg Hunt, Mosquito Control Director re: Personnel Adjustments
- Work on Budget

June 30, 2011 (Thursday)--Bluffton:

- Bluffton Hours
- Work on Budget\*
- 

July 1, 2011 (Friday)--Bluffton:

- Bluffton Hours
- Work on Budget

July 4, 2011 (Monday)--JULY 4TH!:

- Closed

July 5, 2011 (Tuesday):

- Meet with Ladson Howell and Joshua Gruber, Staff Attorneys re: Personnel Issues
- Work on Budget

July 6, 2011 (Wednesday):

- Attend Public Safety Directors Meeting at Mosquito Control
- Work on Budget
- Attend PALS Personnel Meeting at Lynn Brown Center

July 7, 2011 (Thursday):

- Attend Garage Billing Meeting
- Meet with Eddie Bellamy, Public Works Director re: Organization Structure
- Work on Budget
- Meet with Shannon Loper, PALS re: Budget Adjustments

July 8, 2011 (Friday)--Bluffton:

- Bluffton Hours
- Work on Budget

July 11, 2011 (Monday):

- DA Meeting
- Meet with Ladson Howell and Joshua Gruber, Staff Attorneys re: Personnel Issues

July 12, 2011 (Tuesday):

- Meet with Mark Roseneau, Facilities Maintenance re: Various Issues
- Meet with Gary Kubic, David Starkey, Joshua Gruber and Ladson Howell re: Bluffton Oyster Factory
- Telephone conference with Reece Williams, Esquire re: Towne Center vs. Beaufort County Mediation to be held in Florence, SC (Bluffton Parkway Land Acquisition)
- Meet with David Starkey, CFO, and Phil Foot, Detention Center Director
- Meet with Elizabeth Wooten and Shakeeya Polite, Purchasing, Janet Andrews and Alicia Holland, Financing and Monica Spells, Compliance Officer re: P-Cards

July 13, 2011 (Wednesday):

- Attend Mediation in Florence, SC for Towne Center vs. Beaufort County (Bluffton Parkway Land Acquisition)

July 14, 2011 (Thursday)--Bluffton:

- Bluffton Hours
- Conference call with Gary Kubic, Doug Henderson, David Starkey, Ladson Howell and Joshua Gruber re: Overpayments
- Attend Myrtle Park Office Building Meeting
- Meet with Chief Thompson, Bluffton Fire District

July 15, 2011 (Friday):

- Meet with Ladson Howell and Joshua Gruber, Staff Attorneys re: Personnel Issues
- Meet with Doug Henderson, Treasurer re: Budget Issues
- Meet with Todd Ferguson, David Zeoli and Charles Runnion, Emergency Management
- Meet with Suzanne Gregory, Employee Services re: Various Issues
- Meet with Ed Hughes, Assessor and Joshua Gruber, Staff Attorney
- Meet with Toni Lytton, Animal Shelter Director re: Various Issues

July 18, 2011 (Monday):

- Meet with William Winn, Public Safety Director
- Meet with MIS Group and P-Card Group
- Attend St. Helena Library Bid Review Meeting
- Meet with Ann Bluntzer, BCOLT
- Attend Finance Committee Meeting
- Attend Redistricting Public Hearing

July 19, 2011 (Tuesday):

- Meet with William Winn, Public Safety Director
- Meet with Public Works and P-Card Group
- Meet with Monica Spells re: Purchasing Priorities
- Meet with Sharon Burris, Auditor re: Personnel Issues
- Meet with Chief Kline re: New Fire Station

July 20, 2011 (Wednesday):

- Attend Public Safety Director Meeting at Detention Center
- Attend Agenda Review
- Attend Redistricting Committee Meeting
- Meet with Duffie Stone, Solicitor

July 21, 2011 (Thursday):

- Prepare for County Council Meeting on Monday
- Meet with Joshua A. Gruber, County Staff Attorney re: St. Helena Library Project
- Attend Finance Team Meeting with Alicia Holland and Alan Eisenman re: A-Tax, H-Tax and Accommodations

July 22, 2011 (Friday):

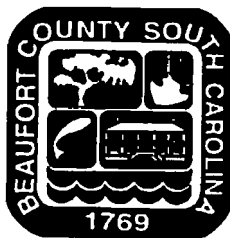
- Meet with Gerald Stewart
- Attend Legal Review Meeting
- County Council Rehearsal of Presentations

**BEAUFORT COUNTY**  
**EMPLOYEE OVERVIEW**

**BY**

**DEPARTMENT**

**(7/1/2011)**



## Employee overview July 1, 2011

**GENERAL GOVERNMENT**

<b>Department:</b>	<b>Full time</b>	<b>Part time</b>
County Council	3	11
Auditor	11	0
Treasurer	21	0
Clerk of Court	13	0
Family Court	6	0
Probate	15	0
Magistrate	26	1
Master In Equity	5	0
County Administrator	5	0
Public Information Officer	1	0
Broadcast Services	3	0
Staff Attorney	2	0
Voter Registration/Elections	9	0
Assessor	39	0
Register of Deeds	9	0
Risk Management	2	0
Legislative Delegation	2	0
Zoning	4	0
Planning	11	0
GIS	6	0
Staff Services	6	0
Employee Services	7	0
Records Management	3	0
Finance	10	0
Purchasing	5	0
Business Lincenses	3	0
MIS	14	0
	<b>241</b>	<b>12</b>

**PUBLIC SAFETY**

<b>Department:</b>	<b>Full time</b>	<b>Part time</b>
Hazmat	1	0
Coroner	3	3
Airport LI	1	5
Airport HH	14	0
Sheriff	244	0
Emergency Management	5	0
Public Safety	2	0
Communications	45	0
Traffic Management	6	2
EMS	72	13
Detention Center	89	0
E911 DATA	5	0
Traffic Engineering	3	1
Building Codes/Codes Enforcement	15	0
Animal Control	13	0
	<b>518</b>	<b>24</b>



**PUBLIC WORKS:**

Department:	Full time	Part time
Storm Water Administration	2	0
Storm Water Utility	31	0
Facilities Management	3	0
Facilities Maintenance	17	0
Grounds Maintenance	40	0
SW&R Grant	1	0
General Support	13	0
R&D North	16	0
R&D South	9	0
Public Works Administration	5	0
Engineering	8	0
SW&R	11	40
	<b>156</b>	<b>40</b>

**PUBLIC HEALTH:**

Department:	Full time	Part time
Mosquito Control	11	1
DSN	94	14
Alcohol & Drug	16	0
	<b>121</b>	<b>15</b>

**PUBLIC WELFARE:**

Department:	Full time	Part time
Public Defender	20	0
Veterans Administration	3	0
COSY	3	0
	<b>26</b>	<b>0</b>

**CULTURAL:**

Department:	Full time	Part time
PALS	36	23
Library	49	14
	<b>85</b>	<b>37</b>
Grand Totals	<b>1147</b>	<b>128</b>

**1275**

Kubic-General	617
Kubic All	784
Elected	119
Sheriff	244
Total	1147

**COUNTY COUNCIL OF BEAUFORT COUNTY**  
P.O. DRAWER 1228  
BEAUFORT, SC 29901-1228  
**COUNTY DEPUTY ADMINISTRATOR**  
TELEPHONE: (843) 255-2025  
FACSIMILE: (843) 255-9414

**MEMORANDUM**

**To: County Council**

**From: Bryan Hill, Deputy County Administrator**

**Date: July 25, 2011**

**Subject: FY 2012 Budget**

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In accordance with the General Statutes of the General Assembly of the State of South Carolina, I hereby submit to you the Beaufort County Fiscal Year 2012 budget. The budget ordinance attached has been filed with the Clerk of Council, and will be available on the county website ([www.bcgov.net](http://www.bcgov.net)).

The FY 2012 budget is modeled per the direction of County Council, with a no millage increase and no usage of fund balance. Using these defined parameters, Departments were challenged to develop a budget that provided the same level of public services as in years past, while utilizing fewer resources to achieve those results.

**Summary of Proposed Base Budget:**

The base budget proposed for the General Fund for FY 2012 is \$96,303,492. This is a decrease of \$8 million from FY 2011. This budget includes no C.O.L.A or merit increases for staff for the third consecutive year and reduces contributions to outside agencies in education, public safety and community services. This budget includes \$700,000 to ensure debt millage remains constant as well as a reduction in staff. The reduction of service delivery is incorporated in the parks and cultural activities. The State Highway Emergency Program (SHEP), which was designed to help stranded motorists on two of our major road arteries, will no longer be funded. This program will cease operations on SC 170 as of July 1, 2011, followed by a complete termination of operations on US 278 after Labor Day weekend. During fiscal year 2011, Finance reduced an approved budget of \$104,192,036. On January 24, 2011, Council received a memorandum regarding reducing the budget during FY 2011, as well as making the needed changes to ensure a responsible budget for FY 2012. The County budget reduces operations by 8.3% from the approved FY 2011 budget. The proposed budget has eliminated 105 full time positions. The removal of these positions, as well as reducing county purchases and contributions to outside agencies, resulted in an \$8 million reduction.

**Revenue Overview:**

Description:	Actual FY 2010	Budget FY 2011	Proposed FY 2012
Taxes	(72,781,606)	(73,838,451)	(72,130,243)
Licenses/Permits	(2,406,781)	(2,384,785)	(2,567,500)
Intergovernmental	(7,840,690)	(7,672,521)	(7,422,875)
Charges for Services	(10,971,664)	(11,443,050)	(11,226,774)
Fines & Forfeitures	(1,114,192)	(655,550)	(953,000)
Interest	(535,064)	(275,805)	(141,000)
Miscellaneous	(784,642)	(823,755)	(705,600)
Other Finance Sources	(2,754,899)	(1,394,274)	(1,156,500)
<b>Total Revenue:</b>	<b>(99,189,538)</b>	<b>(98,488,191)</b>	<b>(96,303,492)</b>

Ad valorem tax collections are projected downward based on Act 388 and the continuing shift of non-resident homeowners. The devaluation of property values, coupled with assessable transfer of interest (ATI), has placed a significant challenge in projecting potential revenue. Finance is working diligently with the Assessor, Treasurer and Auditor to trend the data. The data must be gathered and analyzed monthly to ensure our ability to react swiftly to budget changes. While fees for services are remaining constant, services for the Master-in-Equity continue to trend upward. Data is being collected to analyze the areas most impacted. Each month, Council will be provided a detailed analysis regarding potential budget factors that would decrease our ability to receipt the budgeted fiscal year 2012 projected revenues. During the month of January, Beaufort County Council will be provided a 6-month projection detailing our collections to date and refining our projected collections as of June 30, 2012.

**Expenditure Overview:**

Description:	Actual FY 2010	Budget FY 2011	Proposed FY 2012
General Government	22,865,201	20,990,511	20,820,135
Public Safety	40,522,567	41,956,471	41,796,643
Public Works	15,078,653	14,636,355	14,483,490
Public Health	5,249,167	4,818,835	4,000,283
Public Welfare	871,630	879,396	908,306
Cultural	8,381,904	7,481,818	7,109,384
Contributions	3,993,821	2,971,079	3,185,251
Education	4,716,317	4,716,300	4,000,000
<b>Totals</b>	<b>101,679,259</b>	<b>98,450,765</b>	<b>96,303,492</b>

The Administration has made significant strides in reducing the overall budget through the strategic use of impact fees during FY 2012. As presented in a January 24, 2011 memorandum to County Council, Administration has reduced agency allocations, revised operational hours within parks and cultural activities, and finally removed more than \$2 million in purchased services. The removal of purchased services facilitates a shift in resources and operations South of the Broad River. Administration is actively looking to relocate the staff at the Myrtle Park Office by December 31, 2011.

**Conclusion:**

Beaufort County is poised to move forward into FY 2012 with a fiscally conservative budget. The approved FY 2012 budget of \$96,303,492 for operations equates to an 8.3% reduction from our proposed FY 2011 budget. The key element towards positive progression as a county is to ensure a smooth assessment process that will impact our tax collection during FY 2014. An emphasis must be developed regarding the changes Beaufort County is experiencing based on the reduction in property values as well as the shift from non-resident to resident homeowners. The past 10 years shows an increased need for continued infrastructure development, job creation and sensible land management practices.

Direction regarding the declining economy, coupled with our current demographics, will facilitate the need to review essential versus non-essential services. Administration appreciates the efforts of County Council and looks forward to continued dialogue to navigate the upcoming years.

**County Channel locations:**



Charter -20  
Comcast -2  
Hargray-9 & 252  
Time Warner HHI -66  
Time Warner Sun City-63

**Facebook:**



<http://www.facebook.com/pages/BCGovSC>

**Twitter:**



<http://twitter.com/#!/bcgovsc>

2011 / 23

FY 2011-2012 BEAUFORT COUNTY BUDGET

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

BE IT ORDAINED BY COUNTY COUNCIL OF BEAUFORT COUNTY:

SECTION 1. TAX LEVY

The County Council of Beaufort County hereby appropriates the funds as detailed in Sections 4, 5 and 6 of this Ordinance. Further, that the County Council of Beaufort County hereby establishes the millage rates as detailed in Sections 2 and 3 of this Ordinance. However, the County Council of Beaufort County reserves the right to modify these millage rates at its August 22, 2011 meeting.

SECTION 2. MILLAGE

The County Auditor is hereby authorized and directed to levy in Fiscal Year 2011-2012 a tax of 47.54 mills on the dollar of assessed value of property within the County, in accordance with the laws of South Carolina. These taxes shall be collected by the County Treasurer, as provided by law, and distributed in accordance with the provisions of this Ordinance and subsequent appropriations hereafter passed by the County Council of Beaufort County.

County Operations	40.21
Purchase of Real Property Program	2.76
County Debt Service	4.57

SECTION 3. SPECIAL DISTRICT TAX LEVY

The County Auditor is hereby authorized and directed to levy, and the County Treasurer is hereby authorized and directed to collect and distribute the mills so levied, as provided by law, for the operations of the following special tax districts:

Bluffton Fire District Operations	19.67
Bluffton Fire District Debt Service	.38
Burton Fire District Operations	55.87
Burton Fire District Debt Service	5.53
Daufuskie Island Fire District Operations	30.71
Daufuskie Island Fire District Debt Service	0.00
Lady's Island/St. Helena Island Fire District Operations	31.00
Lady's Island/St. Helena Island Fire District Debt Service	1.50
Sheldon Fire District Operations	32.22
Sheldon Fire District Debt Service	2.18

**SECTION 4. COUNTY OPERATIONS APPROPRIATION**

An amount of \$96,303,492 is appropriated to the Beaufort County General Fund to fund County operations and subsidized agencies. The detailed Operations budget containing line-item accounts by department and/or agency is hereby adopted as part of this Ordinance. This appropriation will be funded from the following revenues sources:

- A. \$72,130,243 to be derived from tax collections;
- B. \$ 2,567,500 to be derived from fees for licenses and permits;
- C. \$ 7,422,875 to be derived from Intergovernmental revenue sources;
- D. \$11,226,774 to be derived from charges for services;
- E. \$ 953,000 to be derived from fines and forfeitures' collections;
- F. \$ 141,000 to be derived from interest on investments;
- G. \$ 705,600 to be derived from miscellaneous revenue sources;
- H. \$ 1,156,500 be derived from inter-fund transfers;

Additional operations of various County departments are funded by Special Revenue sources. The detail of line-item accounts for these funds is hereby adopted as part of this Ordinance.

**SECTION 5. PURCHASE OF DEVELOPMENT RIGHTS AND REAL PROPERTY PROGRAM**

The revenue generated by a 2.76 mill levy is appropriated for the County's Purchase of Development Rights and Real Property Program.

**SECTION 6. COUNTY DEBT SERVICE APPROPRIATION**

The revenue generated by a 4.57 mill levy is appropriated to defray the principal and interest payments on all County bonds and on the lease-purchase agreement authorized to cover other Capital expenditures.

**SECTION 7. BUDGETARY ACCOUNT BREAKOUT**

The foregoing County Operation appropriations have been detailed by the County Council into line-item accounts for each department. The detailed appropriation by account and budget narrative contained under separate cover is hereby adopted as part of this Ordinance. The Fire Districts, as described in Section 3 of this Ordinance, line-item budgets are under separate cover but are also part and parcel of this Ordinance.

**SECTION 8. OUTSTANDING BALANCE APPROPRIATION**

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

## **SECTION 9. AUTHORIZATION TO TRANSFER FUNDS**

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

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

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

## **SECTION 10. ALLOCATION OF FUNDS**

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

## **SECTION 11. AUTHORIZATION OF TAX ANTICIPATION NOTES**

(A) The Council hereby finds and determines that:

(i) The monies necessary to fund this budget will come primarily from ad valorem property taxes levied against property located in the County (the "Local Taxes").

(ii) Notices for the collection of Local Taxes will be prepared and mailed by the County Auditor sometime after September 1, 2011, and the Local Taxes are payable without penalty on or before January 15, 2012.

(iii) Local Taxes represent a substantial portion of the County's revenues for its operations. Payment of the operating costs of the County, especially for wages, salaries and a number of other expenses cannot be delayed pending receipt of Local Taxes. The County's fund balance and other sources of revenue are not sufficient cash to provide for current payment of all operating costs pending receipt of Local Taxes.

(iii) The Council has been advised that the cash requirements to pay currently the costs of operation of the County during the period of July 1, 2011 to January 15, 2012, will exceed the amount of cash available.

(B) The Council intends hereby to provide for the issuance of tax anticipation notes (the "Notes") authorized by Article X, Section 14 of the Constitution of the State of South Carolina, 1895, as amended, and Chapter 27, Title 11 of the *Code of Laws of South Carolina*.

1976, as amended. The Administrator, with the advice and consent of Council, is hereby authorized and directed to take such action as the Administrator deems necessary to issue the Notes without further Council action, whenever the current or projected cash position of the County requires such interim financing, subject to the following:

(i) The Administrator shall prepare schedules showing the projected cash requirements of the County and the funds that will be available to meet such requirements, including the general fund balance and receipts from all sources.

(ii) The Administrator, with the advice and consent of Council, may provide for the issuance of Notes in an amount sufficient to provide the County with sufficient cash to meet its projected needs and to maintain on hand an amount not less than 5% of the actual operating expenditures for the fiscal year ending June 30, 2011 (the "2011-2012 Fiscal Year"); provided, however, that in no event shall the principal amount of the Notes exceed 75% of the amount of Local Taxes to be levied for the 2011-2012 Fiscal Year without further authorization from the Council.

(iii) The Administrator, with the advice and consent of Council, may provide for the issuance of the Notes at one or more times and may provide for such Notes to be fully funded at the time of issuance or to be drawn against a stated principal amount over time.

(iv) The Administrator may provide for the Notes to mature at any time up to and including 90 days after January 15, 2012, and may provide for the prepayment of the Notes under such terms as are deemed desirable.

(v) The Notes may be sold at public sale or by invitation limited to local financial institutions or any particular kind of investor at the discretion of the Administrator; provided that the Administrator shall seek offers to purchase or fund the Notes from at least three sources. The Administrator shall exercise discretion in the manner of offering the Notes after considering the total amount to be funded and all costs in connection therewith, and shall endeavor to select that method of offering the Notes which is expected to provide the funding needed at the lowest total cost to the County.

(vi) The Administrator is further directed to obtain the advice of bond counsel as to the details of the Notes and the manner of offering thereof and to observe any limitations required under Federal tax laws to maintain the tax-exemption of interest thereon.

C) For payment of the Notes and the interest thereon, there shall be pledged the ad valorem taxes levied for operating purposes for the 2011-2012 Fiscal Year and the full faith, credit and taxing power of the County and the Administrator is hereby authorized to provide for such pledge and security in the Notes.

(D) The Administrator and all other officials of the County are hereby authorized and directed to take all action necessary or desirable to arrange for the issuance and placement or sale of the Notes and to enter into such agreements as are customary in connection therewith.



**SECTION 12. MISCELLANEOUS RECEIPTS ABOVE-ANTICIPATED REVENUES**

Revenues other than, and/or in excess of, those addressed in Sections 4, 5 and 6 his Ordinance, received by Beaufort County, and all other County agencies fiscally responsible to Beaufort County, which are in excess of anticipated revenue as approved in the current budget, may be expended as directed by the revenue source, or for the express purposes for which the funds were generated without further approval of County Council. All such expenditures, in excess of \$10,000, shall be reported, in written form, to the County Council of Beaufort County on a quarterly basis. Such funds include sales of products, services, rents, contributions, donations, special events, insurance and similar recoveries.

**SECTION 13. TRANSFERS VALIDATED**

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

**SECTION 14. EFFECTIVE DATE**

This Ordinance shall be effective July 1, 2011. Approved and adopted on third and final reading this 27<sup>th</sup> day of June, 2011.

COUNTY COUNCIL OF BEAUFORT COUNTY

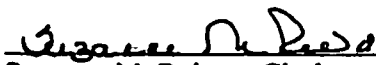
BY: 

Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:

  
Ladson F. Howell, Staff Attorney

ATTEST:

  
Suzanne M. Rainey, Clerk to Council

First Reading: May 23, 2011

Second Reading: June 13, 2011

Public Hearings: June 27, 2011

Third and Final Reading: June 27, 2011

2011 /

TEXT AMENDMENT TO THE BEAUFORT COUNTY COMPREHENSIVE PLAN, APPENDIX 10-D. BUCKWALTER PARKWAY ACCESS MANAGEMENT PLAN, WITH A NEW FIGURE 5 THAT ALLOWS THE INSTALLATION OF A TEMPORARY LIGHT AT PARKER DRIVE WHICH ~~SHALL~~ MAY BE REMOVED UPON COMPLETION OF PHASE 5B OF THE BUCKWALTER PARKWAY, AND THE MEDIAN OPENING AT PARKER DRIVE ~~WILL~~ MAY BE CLOSED UPON COMPLETION OF PHASE 5B, AND PHASE 5B ALIGNMENT ~~SHALL~~ MAY REMAIN AS IS, AND AS PART OF PHASE 5B CONSTRUCTION, TWO ADDITIONAL RESIDENTIAL ACCESS POINTS ~~WILL~~ MAY BE SIMULTANEOUSLY BUILT TO PROVIDE THREE RESIDENTIAL ACCESS POINTS FOR ADJACENT RESIDENTS.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2011.

COUNTY COUNCIL OF BEAUFORT COUNTY

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Ladson Howell, Staff Attorney

ATTEST:

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

First Reading: May 9, 2011  
Second Reading: May 23, 2011 and June 13, 2011  
Public Hearing: June 13, 2011  
Third and Final Reading:

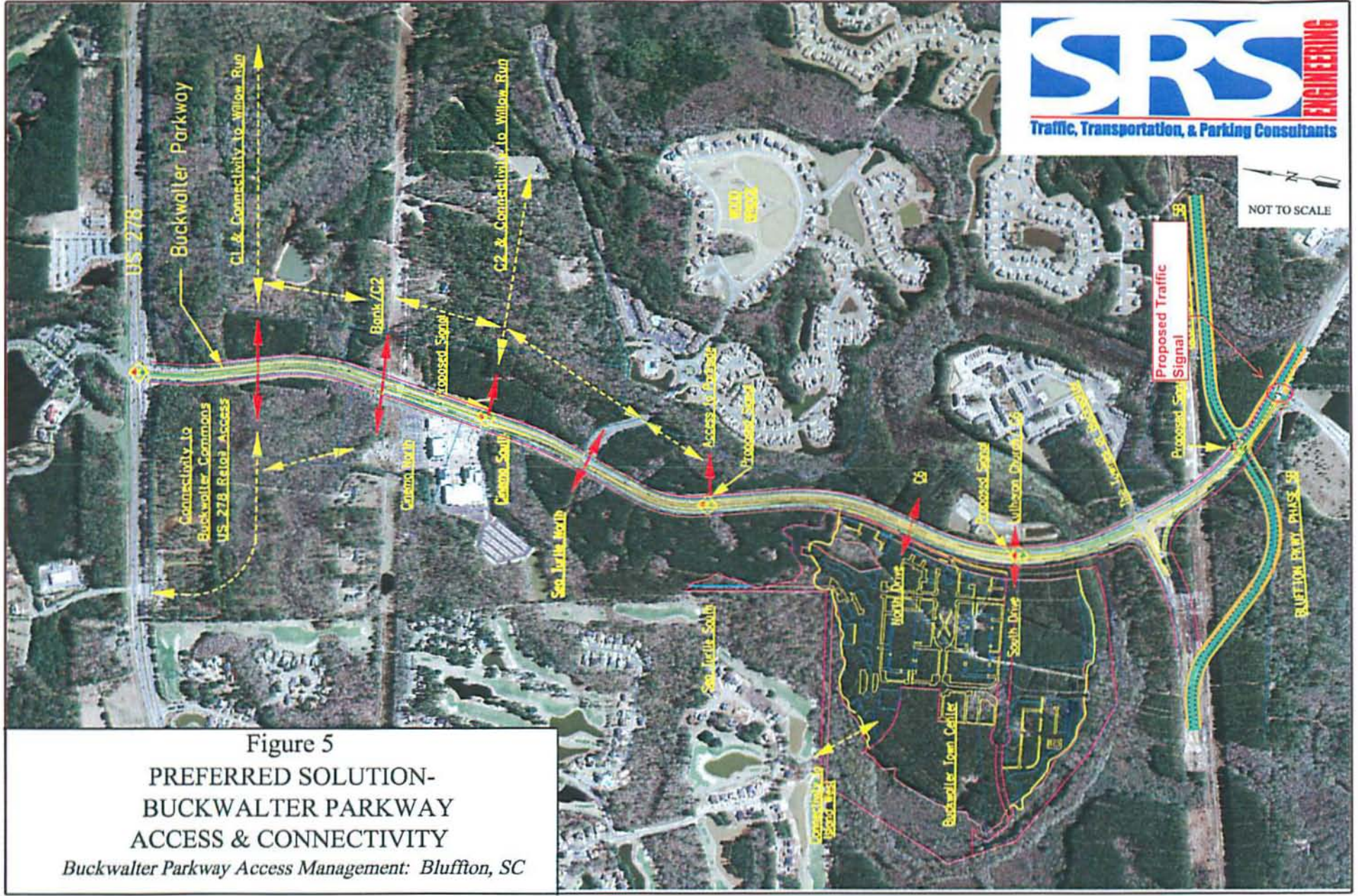


Figure 5

**PREFERRED SOLUTION-  
 BUCKWALTER PARKWAY  
 ACCESS & CONNECTIVITY**

*Buckwalter Parkway Access Management: Bluffton, SC*



**COUNTY COUNCIL OF BEAUFORT COUNTY  
PURCHASING DEPARTMENT**

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

**TO:** Councilman Stewart H. Rodman, Chairman, Finance Committee

**VIA:** Gary Kubic, County Administrator *GK*  
Bryan Hill, Deputy County Administrator *BH*  
David Starkey, Chief Financial Officer *DS*  
Dan Morgan, MIS Director *DM*  
Monica Spells, Compliance Officer *MS*

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

**DATE:** July 11, 2011

**SUBJ:** RFP# 3725/110125 Wireless Communication Services for Beaufort County

**BACKGROUND:** Beaufort County issued a Request for Proposals (RFP) to solicit proposals from qualified firms to provide wireless cell phone service and equipment. Proposals from three firms, Verizon Wireless, T-Mobile, and Sprint, were received and evaluated by an evaluation selection committee. The evaluation selection committee consisted of Dan Morgan, MIS Director, Theresa Roberts, MIS Telephony Support, Mary Heyward, MIS Computer Tech, and Lieutenant Matt Averill, Beaufort County Sheriff's Office. Oversight of the process was provided by the Purchasing Director. All three vendors were interviewed and their recommended phones were tested for service reliability. In accordance with the RFP selection criteria, Verizon Wireless received the highest ranking by the committee, due to offering the lowest price, record of excellent customer service, overall best cell phone coverage testing results, their emergency preparedness plan, and their implementation plan. The contract includes cellular service for 382 phones and accessories. For more information, please see the attached presentation for a detailed review of the committee's findings.

**FINAL EVALUATION RANKING**

**Estimated Annual Cost**

1.	Verizon Wireless, Laurel, MD	\$176,594
2.	Sprint, Reston, VA	\$177,645
3.	T-Mobile, Charlotte, NC	\$183,294

**FUNDING:** Services are paid from each department's telephone account 51050.

**RECOMMENDATION:** The Finance Committee approve and recommend to County Council the contract award to Verizon Wireless, the top ranked firm, with the anticipated cost for the first year of \$176,594. Additionally, there are four optional annual renewals to this contract that are subject to County Council for approval. With the four annual renewals, the total anticipated cost for five years is \$882,970.

cc: Richard HineLine, Elizabeth Wooten

Attachment: Power Point Presentation

**Community Development Block Grant  
Notice of Public Hearing  
Concerning Program Performance and Accomplishments**

**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that on Monday, July 25, 2011 at 6:00 pm in the Council Chambers, at Beaufort County Administrative Building located at 100 Ribaut Road, Beaufort SC. Beaufort County will hold a public hearing to review program performance and accomplishments conducted under a Community Development Block Grant (CDBG) project known as the Dale Water Extension Project CDBG #: 4-CI-09-001, wherein the following activities were undertaken:

*Water service was extended to residents in the Dale Community.*

This public hearing and the matters to be discussed are subject to the provisions of the County's Citizens Participation Plan, developed in anticipation of participation in the State of South Carolina's Community Development Block Grant (CDBG) Program, providing for the participation of the citizens of Beaufort County in the planning and implementation of community and economic development projects which will involve CDBG funds.

The Citizen Participation Plan is available for review in the Council Chambers, Beaufort County Administrative Building, from 9:00 AM until 5:00 PM, Monday through Friday. Persons with questions or comments concerning the public hearing or the Citizen Participation Plan may contact Michelle Knight, Lowcountry Council of Governments, PO Box 98, Yemassee, SC 29945 (843) 726-5536.

Beaufort County, SC does not discriminate on the basis of disability status in the admission or access to, or treatment or employment in its federally assisted program or activities. Morris Campbell, 100 Ribaut Road, Beaufort SC 29901, (843) 255-6050 has been designated, to coordinate compliance with the nondiscrimination requirements contained in the U.S. Department of Housing and Urban Development's regulations and implementing Section 504 (24 CFR Part 8, dated June 2, 1988).

*Note: Assistance will be provided to accommodate the special needs of disabled persons upon request.*

**Community Development Block Grant  
Notice of Public Hearing  
Concerning Program Performance and Accomplishments**

**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that on Monday, July 25, 2011 at 6:10 pm in the Council Chambers, at Beaufort County Administrative Building located at 100 Ribaut Road, Beaufort SC. Beaufort County will hold a public hearing to review program performance and accomplishments conducted under an Energy Efficiencies project known as the Beaufort DSN Center Project CDBG-R#: 4-S-08-002, wherein the following activities were undertaken: Funds were used to install materials and systems that will promote energy efficiencies and green building technologies to complement the construction of a 26,000 square foot center complex that will house programs to assist the developmentally disabled in Beaufort County to function and live with a measure of independence. The project consists of construction of two buildings with interconnected canopies, site work for the building and Contingency.

This public hearing and the matters to be discussed are subject to the provisions of the County's Citizens Participation Plan, developed in anticipation of participation in the State of South Carolina's Community Development Block Grant (CDBG) Program, providing for the participation of the citizens of Beaufort County in the planning and implementation of community and economic development projects which will involve CDBG funds.

The Citizen Participation Plan is available for review in the Council Chambers, Beaufort County Administrative Building, from 9:00 AM until 5:00 PM, Monday through Friday. Persons with questions or comments concerning the public hearing or the Citizen Participation Plan may contact Michelle Knight, Lowcountry Council of Governments, PO Box 98, Yemassee, SC 29945 (843) 726-5536.

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***Note: Assistance will be provided to accommodate the special needs of disabled persons upon request.***

## Committee Reports

July 25, 2011

### A. COMMITTEES REPORTING

#### 1. Public Facilities

- ① [Minutes](#) are provided from the June 28 meeting. Action is required.
- ② Seabrook Point Special Purpose Tax District

<i>Nominated</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
06.27.11	Al Truesdale	At-Large	Reappoint	6 of 11

#### 2. Finance

- ① [Minutes](#) are provided from the July 18 meeting. Action is required. See main agenda item #11.
- ② Request to permanently table 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. (First reading, by title only, March 38, 2011.)
- ③ Lady's Island / St. Helena Island Fire District – Land Acquisition
- ④ [Minutes](#) are provided from the June 20 meeting. No action is required.

#### 3. Redistricting

- ① [Minutes](#) are provided from the July 20 meeting. No action is required.
- ② [Minutes](#) are provided from the July 18 public hearing. No action is required.

### B. COMMITTEE MEETINGS

#### 1. Community Services

*William McBride, Chairman*

*Gerald Dawson, Vice Chairman*

➔ Next Meeting – August 15 at 4:00 p.m., BIV #2

#### 2. Executive

*Weston Newton, Chairman*

#### 3. Finance

*Stu Rodman, Chairman*

*Rick Caporale, Vice Chairman*

➔ Next Meeting – Wednesday, August 3 at 11:00 a.m., ECR

This is a joint meeting with Governmental Committee and Beaufort City Council.

➔ Next Meeting – Monday, August 15 at 2:00 p.m., BIV #2

#### 4. Governmental

*Jerry Stewart, Chairman*

*Laura Von Harten, Vice Chairman*

➔ Next Meeting – Wednesday, August 3 at 11:00 a.m., ECR

This is a joint meeting with Finance Committee and Beaufort City Council.

➔ Next Meeting – Monday, August 1 at 4:00 p.m., ECR ←Cancelled

**5. Natural Resources**

*Paul Sommerville, Chairman*

*Brian Flewelling, Vice Chairman*

➔ Next Meeting – Tuesday, July 26 at 2:00 p.m., ECR

➔ Next Meeting – Tuesday, September 6 at 2:00 p.m., ECR

**6. Public Facilities**

*Herbert Glaze, Chairman*

*Steven Baer, Vice Chairman*

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

**7. Redistricting**

*Weston Newton, Chairman*

*William McBride, Vice Chairman*

➔ Next Meeting – Wednesday, August 3 at 9:30 a.m., ECR

➔ Public Hearings

- May 23, 2011, 6 p.m., Council Chambers, 100 Ribaut Road
- June 15, 2011, 6 p.m., Hilton Head Island Branch Library, 11 Beach City Road
- July 18, 2011, 6 p.m., Bluffton Branch Library, 120 Palmetto Way
- August 22, 2011, 6 p.m., Council Chambers, 100 Ribaut Road
- September 12, 2011, 6 p.m., Council Chambers, 100 Ribaut Road

**8. Transportation Advisory Group**

*Weston Newton, Chairman*

*Stu Rodman, Vice Chairman*

➔ Next Meeting – August 2011



## **PUBLIC FACILITIES COMMITTEE**

**June 28, 2011**

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

The Public Facilities Committee met on Tuesday, June 28, 2011 at 4:00 p.m., in the Executive Conference Room of the Administration Building, Beaufort, South Carolina.

### **ATTENDANCE**

Public Facilities Chairman Herbert Glaze, Vice Chairman Steven Baer and members Gerald Dawson, William McBride, and Jerry Stewart were present. Committee member Brian Flewelling was absent. Non Committee member Sommerville was also present.

County staff: Rob McFee, Division Director – Engineering and Infrastructure; and Mr. Paul Andres, Airports Director.

Mr. Glaze chaired the meeting.

### **ACTION ITEMS**

#### **1. Consideration of Contract Award – Hilton Head Island Airport Airfield Guidance Sign Relocation Design**

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

**Motion:** It was moved by Mr. Dawson, seconded by Mr. McBride, that the Public Facilities Committee approve awarding a contract to Talbert, Bright and Ellington, Inc. in the amount of \$46,887 to design, bid, and provide construction administration services for relocating airfield signs and replacing sign panels at the Hilton Head Island Airport. The vote was: YEAS – Mr. Baer, Mr. Dawson, Mr. Glaze, Mr. McBride, and Mr. Stewart. ABSENT - Mr. Flewelling, The motion passed.

**Status:** Public Facilities Committee awarded a contract to Talbert, Bright and Ellington, Inc. in the amount of \$46,887 to design, bid, and provide construction administration services for relocating airfield signs and replacing sign panels at the Hilton Head Island Airport.

#### **2. Consideration of Contract Award – Hanger Rental Rates**

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

**Motion:** It was moved by Mr. Baer, seconded by Mr. McBride, that the Public Facilities Committee approve a 5% increase in hangar rental rates at both the Hilton Head Island Airport and Beaufort County Airport (Lady's Island). Rates at the Hilton Head Island Airport follow: T-Hangar from \$379.70/month to \$399.00/per month; Corp Hangar from \$1,128.69/month to \$1,185.00/month; Box Hanger from \$2,315.24/month to \$2,431.00/month. Rates at the Beaufort County Airport (Lady's Island) follows: T-Hangar from \$252.00/month to \$265.00/month. The vote was: YEAS - Mr. Baer, Mr. Dawson, Mr. Glaze, Mr. McBride, and Mr. Stewart. ABSENT - Mr. Flewelling. The motion passed.

**Status:** Public Facilities Committee approved a 5% increase in hangar rental rates at both the Hilton Head Island Airport and Beaufort County Airport (Lady's Island). Rates at the Hilton Head Island Airport follow: T-Hangar from \$379.70/month to \$399.00/per month; Corp Hangar from \$1,128.69/month to \$1,185.00/month; Box Hanger from \$2,315.24/month to \$2,431.00/month. Rates at the Beaufort County Airport (Lady's Island) follows: T-Hangar from \$252.00/month to \$265.00/month.

DRAFT

## FINANCE COMMITTEE

July 18, 2011

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

The Finance Committee met on Monday, July 18, 2011 at 2:30 p.m., in the Large Meeting Room, Bluffton Branch Library, 120 Palmetto Way, Bluffton South Carolina.

### ATTENDANCE

Finance Committee Members: Chairman Stu Rodman, and members Brian Flewelling, William McBride, Paul Sommerville and Jerry Stewart were present. Committee Vice Chairman Rick Caporale and member Steven Baer absent. Non Committee members Gerald Dawson and Herbert Glaze were also present.

County staff: Paul Andres, Airports Director; Joshua Gruber, Attorney; Bryan Hill, Deputy County Administrator; Dan Morgan, GIS/MIS Director; Monica Spells, Compliance Officer; Dave Thomas, Purchasing Director.

Media: Joe Croley, Hilton Head Association of Realtors;

Public: Bob Bender, Lowcountry Estuarium; Bob Moquin, Executive Director of Beaufort Regional Chamber of Commerce Visitor & Convention Bureau; Jeff Thomas, Past President of Beaufort Regional Chamber of Commerce Visitor & Convention Bureau; and Charlie Williams, Board Member, Lowcountry Estuarium.

Councilman Rodman chaired the meeting.

### ACTION ITEM

#### **1. Consideration of Contract Award – Wireless Communication Services for Beaufort County**

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

**Motion:** It was moved by Mr. Flewelling, seconded by Mr. Stewart, that the Finance Committee approves and recommends County Council award a contract to Verizon Wireless, the top ranked firm, with the anticipated cost for the first year of \$176,594. Additionally, there are four optional annual renewals to this contract that are subject to County Council for approval. With the four annual renewals, the total anticipated cost for five years is \$882,970. Services are paid from each department's telephone account 51050. The vote was: FOR – Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville and Mr. Stewart. ABSENT – Mr. Baer and Mr. Caporale. The motion passed.

**Recommendation:** Council award a contract to Verizon Wireless, the top ranked firm, with the anticipated cost for the first year of \$176,594. Additionally, there are four optional annual renewals to this contract that are subject to County Council for approval. With the four annual renewals, the total anticipated cost for five years is \$882,970. Services are paid from each department's telephone account 51050.

## **INFORMATION ITEMS**

### **2. Land Acquisition / Lady's Island / St. Helena Island Fire District**

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

**Status:** Committee agreed with request of Lady's Island / St. Helena Island Fire District plan to move the fire station from near the Lady's Island airport to the former MCAS Credit Union, which is nearer the new bridge on Lady's Island. They wish to put it on land owned by the fire district. This will not raise taxes but will improve services and reduce insurance costs for many residents of the district.

### **3. Discussion / Funding Request Lowcountry Estuarium**

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

**Status:** The Lowcountry Estuarium, which is in danger of closing due to lack of funds. Mr. Bender, curator, is asking for a one time request of \$24,000 in hospitality tax funds. The facility has lost funding from both the School District and Town of Hilton Head Island.

### **4. Hangar Rental Rates / Hilton Head Island Airport**

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

**Status:** The committee deferring an airport hangar increase until the master study is complete.

### **5. Discussion / Resolution Substituting the Beaufort, Port Royal & Sea Islands Visitor & Convention Bureau for the Beaufort Regional Chamber of Commerce as the County's Designated Marketing Organization**

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

**Status:** Committee members want input from City of Beaufort and the Beaufort Regional Chamber of Commerce. Staff was asked to schedule a workshop on the issue.

**Status:** No action required. Information only.

## **6. Discussion / FY 2011-2012 County Budget**

### **a. Tax Anticipation Notes**

### **b. Transfer of Funds to Rural and Critical Lands Dept Service**

### **c. Transfer of Funds to CIP Debt Service**

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

**Status:** When the County budget was approved there were a couple of line items pending. One was the potential need for TAN's and secondly a \$700,000 in transfers to debt service.

Mr. David Starkey, Chief Financial Officer, said he had been waiting for the new treasurer Mr. Doug Henderson, to take office and will review with Mr. Henderson around the first of August and "get it sorted out." He said there will not be any transfers from the general fund. He said there are factors beyond our control, mostly from the federal government and that if they do not come to an agreement, our interest rates can skyrocket.

Mr. Bryan Hill, Deputy County Administrator, said the County needs to transfer \$700,000 to pay for capital debt. Mr. Stewart disagrees and wants to set a time to discuss this before setting the millage. Mr. Rodman said it was his understanding that it would be in the budget but that staff would not do anything without coming to Council first. Mr. Rodman wants to put something in place with the TAN in case of a disaster.

## **7. \$10 Million Rural and Critical Lands Borrowing**

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

**Status:** Mr. Rodman said we have bonded all but the last \$10 million that has been approved by voters and that Council had agreed we would not borrow in the current budget or increase the millage for this Program. He asked, "When do we want the last \$10 million to be used? Even though we are in hard times, this may be a time for a referendum because the price of land is lower. Should we do this in the 2012 election cycle?"

Mr. Flewelling said the Open Land Trust plans to discuss the possible 2012 referendum among its Board and then share recommendations with Council. Council may allow them to go negative due to anticipation of funds forthcoming.

## FINANCE COMMITTEE

June 20, 2011

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

The Finance Committee met on Monday, June 20, 2011 at 2:30 p.m., in the Executive Conference Room of the Administration Building, Beaufort, South Carolina.

### ATTENDANCE

Finance Committee Members: Chairman Stu Rodman, and members Steven Baer, Brian Flewelling, William McBride, Paul Sommerville and Jerry Stewart were present. Committee Vice Chairman Rick Caporale absent.

County staff: Bryan Hill, Deputy County Administrator; Gary Kubic, County Administrator; David Starkey, Chief Financial Officer.

Media: Joe Croley, Hilton Head Association of Realtors; Richard Brooks, *Bluffton Today* and Kyle Petterson, *Beaufort Gazette / Island Packet*.

Public: Bernie Cole, President of Beaufort County Friends of the Library; Steve Danyluk, The Independence Fund / The 2011 Lt. Dan Weekend; ; Mary Ellen Ham, President of Bluffton Friends of the Library; Larry Holman, Beaufort County Black Chamber of Commerce; Lynn Miller, President of Hilton Head Friends of the Library.

Stu Rodman chaired the meeting.

### INFORMATION ITEMS

#### **1. Funding Request The Independence Fund / The 2011 Lt. Dan Weekend**

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

**Motion:** It was moved by Mr. Flewelling, seconded by Mr. Baer, that the Finance Committee approves \$10,000 from hospitality tax monies for The Independence Fund / The 2011 Lt. Dan Weekend. The vote was: FOR – Mr. Baer, Mr. Flewelling, Mr. McBride, Mr. Rodman and Mr. Stewart. ABSENT – Mr. Caporale and Mr. Sommerville. The motion passed.

**Status:** Committee approved \$10,000 from hospitality tax monies for The Independence Fund / The 2011 Lt. Dan Weekend.

## 2. Parks and Leisure Services (PALS) Gymnasium User Fee

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

**Motion:** It was moved by Mr. Baer, seconded by Mr. Flewelling, that the Finance Committee approves a \$5.00 daily fee for non-county resident use of Parks and Leisure Services (PALS) gymnasium facilities. The vote was: FOR – Mr. Baer, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville and Mr. Stewart. ABSENT – Mr. Caporale. The motion passed.

**Status:** Finance Committee approved a \$5.00 daily fee for non-county resident use of Parks and Leisure Services (PALS) gymnasium facilities.

## 3. County FY 2011/2012 Budget Proposal: Library System; Tax (Hurricane) Anticipation Note; and Transfers from Operations Budget to Debt Service

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

**Status:** No action was required. Informational only.

## REDISTRICTING COMMITTEE

July 20, 2011

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

The Redistricting Committee met on Wednesday, July 20, 2011 at 10:00 a.m., in the Executive Conference Room, Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

### ATTENDANCE

Redistricting Members: Vice Chairman William McBride, and members Gerald Dawson, Brian Flewelling, Herbert Glaze, Stu Rodman and Jerry Stewart attended. Committee member Weston Newton was absent. Non-Committee member Paul Sommerville also attended.

County Staff: Ian deNeeve, GIS; Josh Gruber, Staff Attorney; Ladson Howell, Staff Attorney; Scott Marshall, Director of Elections and Voter Registration; Dan Morgan, Director of GIS/MIS

Media: Richard Brooks, *Bluffton Today*; Joe Croley, Hilton Head Island Association of Realtors; Kyle Peterson, *Beaufort Gazette/Island Packet*.

Mr. McBride chaired the meeting.

### INFORMATIONAL ITEM

#### 1. Discussion on Redistricting Plans

**Discussion:** Mr. McBride noted Redistricting Committee Chairman Weston Newton was unable to attend due to another commitment. However, he asked committee members to consider another meeting tentatively to be held on August 3. No one objected to the date and members tentatively discussed meeting at 10:00 a.m. that day.

Mr. Flewelling said he has been working with the GIS Department on possible alternatives for Plan 3 as it relates to the northern parts of Beaufort County, but has not reached an acceptable conclusion at this time.

Mr. Stewart stated there are three maps before the Committee, each with different options for the northern parts of Beaufort County. In addition, there has been a great deal of discussion on redistricting as it relates to Hilton Head Island and he said representatives for that area are mostly in agreement. Mr. Stewart reviewed some of the goals for redistricting in the southern part of Beaufort County such as making sure Alljoy area is in Mr. Newton's district and examining Mr. Caporale's district. He then presented an alternative he worked on with the GIS Department; he focused on the Westbury Park area.



The Redistricting Committee then worked with Mr. Ian DeNeeve, of GIS Department, on the ESRI software to overlay the proposal Mr. Stewart presented earlier in the meeting with an alternative Mr. Baer suggested (the proposal where part of the coast in Hilton Head Island is contiguous).

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

**Status:** Before the next meeting Committee members will meet with the GIS Department to finalize a southern Beaufort County option, one combining Mr. Stewart's and Mr. Baer's proposal. The Redistricting Committee tentatively set its next meeting for 10:00 a.m., Wednesday, August 3.

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Official Proceedings  
County Council of Beaufort County

Public Hearing on Redistricting

July 18, 2011

A public hearing on redistricting was held on Monday, July 18, 2011 at 6:00 p.m., in the Large Meeting Room, Bluffton Branch Library, 120 Palmetto Way, Bluffton, South Carolina.

**ATTENDANCE**

Redistricting Members: Vice Chairman William McBride and members Gerald Dawson, Brian Flewelling, Herbert Glaze, Stu Rodman and Jerry Stewart attended. Chairman Weston Newton was absent. Non-Committee members Steven Baer, Paul Sommerville and Rick Caporale also attended.

County Staff: Ian deNeeve, GIS; Josh Gruber, County Attorney; Bryan Hill, County Deputy Administrator; Ladson Howell, County Attorney; Monica Spells, Compliance Officer.

Media: Richard Brooks, *Bluffton Today*; Joe Croley, Hilton Head Island Association of Realtors; Kyle Peterson, *Island Packet / Beaufort Gazette*.

Public: Ten members of the public attended the Redistricting Committee public hearing, however, of those ten only one spoke: Mrs. Joy Guyer, 16 Lexington Drive, Bluffton.

Mr. McBride chaired the meeting.

**REPORT ON CENSUS DATA**

Mr. McBride gave a brief background on the redistricting process and status for Beaufort County.

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

**PUBLIC HEARING**

Mr. McBride began the public hearing at 6:13 p.m. After calling for comments no one immediately came forward to speak. Members of the public and Redistricting Committee members mingled in the back of the Bluffton Branch Library's Large Meeting Room perusing the maps and statistics on display. Displayed maps, with a statistics chart below, included one with current district lines given the 2000 Census data, a map with current district lines given the 2010 Census data, a map showing Plan 1, a map showing Plan 2 and a map showing Plan 3. At 6:29 p.m. Mr. McBride called attendees back to their seats. He noted there was a question while

people were milling over the maps about what the first two maps represent. The first shows the current districting lines with 2000 Census data and the second shows those same lines but with the 2010 Census data. This is done to demonstrate the population changes in Beaufort County, Mr. McBride explained. After calling again for comment, Mrs. Joy Guyer came to the podium to speak.

Mr. Joy Guyer, of 16 Lexington Drive in Bluffton, suggested the Redistricting Committee gives concern and consideration to Belfair, which is a small community but a cohesive one. She suggested very strongly keeping this community together and not splitting it.

After calling twice more for public comment at receiving none, the Chairman declared the hearing closed 6:32 p.m.

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