

COUNTY COUNCIL OF BEAUFORT COUNTY

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COUNTY ADMINISTRATOR

BRYAN J. HILL
DEPUTY COUNTY ADMINISTRATOR

LADSON F. HOWELL
COUNTY ATTORNEY

SUZANNE M. RAINEY
CLERK TO COUNCIL

AGENDA

COUNTY COUNCIL OF BEAUFORT COUNTY

Monday, September 12, 2011

4:00 p.m.

Hilton Head Island Branch Library
11 Beach City Road, Hilton Head Island

Citizens may participate in the public comment periods and public hearings telephonically from Council Chambers of the Administration Building, Government Center, 100 Ribaut Road, Beaufort as well as Mary Field School, Daufuskie Island.

1. CAUCUS - 4:00 p.m.
Discussion is not limited to agenda items.
Large meeting room, Hilton Head Island Branch Library
2. REGULAR MEETING - 5:00 p.m.
Large meeting room, Hilton Head Island Branch Library
3. CALL TO ORDER
4. PLEDGE OF ALLEGIANCE
5. INVOCATION
6. REVIEW OF MINUTES – [August 22, 2011](#)
7. PUBLIC COMMENT
8. COUNTY ADMINISTRATOR'S REPORT ([backup](#))
Mr. Gary Kubic, County Administrator
 - A. The County Channel / Broadcast Update ([backup](#))
 - B. Three-Week Progress Report ([backup](#))
 - C. Beaufort County Treasurer Doug Henderson / Update on Amnesty Program / Depository Agreement Selection Process
 - D. Heritage Classic Foundation / Mr. Simon Fraser and Mr. Steve Wilmot / Status Report
 - E. Impacts of state legislation to create presidential preference primaries for South Carolina
Mr. Scott Marshall, Executive Director, Board of Elections and Registration
 - F. Beaufort-Jasper Water and Sewer Authority / Mr. Dean Moss / Mr. Ken Griffin

Over



- G. Beaufort Memorial Hospital Refunding and Improvement Revenue Bonds
Mr. Jeff White, Chief Financial Officer, Beaufort Memorial Hospital
- H. Approval / Town of Bluffton Intergovernmental Agreement on Stormwater Utility Operation ([backup](#))
- I. Approval / One-Year Extension City of Beaufort Intergovernmental Agreement on Stormwater Utility Operation
- J. Approval / One-Year Extension Town of Port Royal Intergovernmental Agreement on Stormwater Utility Operation

9. CONSENT AGENDA – ITEMS A THROUGH M

- A. AN ORDINANCE TO AMEND PART I, CHAPTER 46, ARTICLE III OF THE BEAUFORT COUNTY CODE OF ORDINANCES RELATING TO THE BEAUFORT COUNTY DISABILITIES AND SPECIAL NEEDS BOARD ([backup](#))
 - 1. Consideration of second reading approval to occur September 12, 2011
 - 2. Public hearing – Monday, September 26, 2011, beginning at 6:00 p.m. in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort
 - 3. Consideration of first reading approval occurred August 22, 2011 / Vote 11:0
 - 4. Community Services Committee discussion and recommendation to approve occurred August 15, 2011 / Vote 8:0
- B. AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2011A, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF BEAUFORT COUNTY, SOUTH CAROLINA, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$18,250,000; FIXING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE COUNTY ADMINISTRATOR OR HIS LAWFULLY-AUTHORIZED DESIGNEE TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO
 - 1. Consideration of second reading approval to occur September 12, 2011
 - 2. Public hearing – Monday, September 26, 2011, beginning at 6:00 p.m. in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort
 - 3. Consideration of first reading approval occurred August 22, 2011 / Vote 11:0
 - 4. Finance and Governmental Committees discussion and recommendation to approve occurred August 15, 2011 / Vote 9:0 ([backup](#))
- C. AN ORDINANCE TO REGULATE OUTDOOR BURNING WITHIN THE UNINCORPORATED AREAS OF BEAUFORT COUNTY; TO PROVIDE FOR THE ENFORCEMENT THEREOF, AND MATTERS RELATED THERETO ([backup](#))
 - 1. Consideration of second reading approval to occur September 12, 2011
 - 2. Public hearing – Monday, September 26, 2011, beginning at 6:00 p.m. in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort

3. Consideration of first reading approval occurred August 22, 2011 / Vote 10:0
 4. Governmental Committee discussion and recommendation to approve occurred August 16, 2011 / Vote 4:0
- D. FISCAL YEAR-2011 FAA GRANT OFFERS IN THE AMOUNT OF \$2,842,129 / AIRPORT IMPROVEMENT PROGRAM AT THE HILTON HEAD ISLAND AIRPORT ([backup](#))
1. Public Facilities Committee discussion and recommendation to approve occurred August 23, 2011 / Vote 5:0
 2. Grant Projects: Runway 21 Off-Airport Tree Obstruction Removal and Mitigation as well as Air Carrier Apron Joint Material Replacement
 - a. Grant amount: \$1,724,154
 - b. Funding source: State matching funds (2.5%) will be requested and the local match (2.5%) will be \$45,373; Fund 580
 3. Grant Project: Master Plan Reimbursement and to conduct the Environmental Assessment and Benefit Cost Analysis for implementation of Phase I of the Master Plan
 - a. Grant amount: \$813,591
 - b. Funding source: State matching funds (2.5%) will be requested and the local match (2.5%) will be \$21,410; Fund 580
 4. Grant Project: Part 150 Noise Compatibility Study Reimbursement
 - a. Grant amount: \$304,384
 - b. Funding source: This grant is for reimbursement of previous expenditures.
 - c. This grant offer may be delayed until next year's grant cycle.
- E. ROCK PURCHASE FOR COUNTY DIRT ROAD IMPROVEMENTS ([backup](#))
1. Public Facilities Committee discussion and recommendation to approve occurred August 23, 2011 / Vote 5:0
 2. Contract Award: JR Wilson Construction Company, Hampton, SC
 3. Contract Amount: \$75,924.53
 4. Dirt Road Improvements: Rice Road (Port Royal Island), Stoney Hill Loop (Bluffton), Waters Avenue (Bluffton), and Echo Tango Road (Okatie)
 5. Funding Source: \$10 motorized vehicle (TAG) funds, Account #3322T-54901
- F. A RESOLUTION MAKING APPLICATION TO THE STATE BUDGET AND CONTROL BOARD OF SOUTH CAROLINA FOR APPROVAL OF THE ISSUANCE BY BEAUFORT COUNTY, SOUTH CAROLINA, OF ITS HOSPITAL REFUNDING AND IMPROVEMENT REVENUE BONDS (BEAUFORT MEMORIAL HOSPITAL) SERIES 2011, IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$50,000,000; PURSUANT TO THE PROVISIONS OF TITLE 44, CHAPTER 7, ARTICLE 11, CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED
1. Consideration of adoption to occur September 12, 2011 ([backup](#))
 2. Finance Committee discussion September 12, 2011

- G. AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$50,000,000 AGGREGATE PRINCIPAL AMOUNT OF HOSPITAL REFUNDING AND IMPROVEMENT REVENUE BONDS (BEAUFORT MEMORIAL HOSPITAL) SERIES 2011; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AND LOAN AGREEMENT, A REFUNDING ESCROW DEPOSIT AGREEMENT IN CONNECTION THEREWITH; AUTHORIZING PROPER OFFICERS TO DO ALL THINGS NECESSARY OR ADVISABLE; AND OTHER MATTERS INCIDENTAL THERETO ([backup](#))
1. Consideration of first reading approval to occur September 12, 2011
 2. Finance Committee discussion September 12, 2011
- H. AN ORDINANCE TO AMEND THE FY2011-2012 BEAUFORT COUNTY BUDGET ORDINANCE SO AS TO PROVIDE A TRANSFER FROM THE COUNTY'S GENERAL RESERVE FUND IN THE AMOUNT OF \$260,880.00 IN MATCHING GRANT FUNDS FOR THE BEAUFORT COUNTY RAILS TO TRAILS PROGRAM ([backup](#))
1. Consideration of first reading approval to occur September 12, 2011
 2. Finance Committee discussion September 12, 2011
- I. AN ORDINANCE TO AMEND THE FY2011-2012 BEAUFORT COUNTY BUDGET ORDINANCE SO AS TO PROVIDE A SUPPLEMENTAL APPROPRIATION FROM THE COUNTY'S GENERAL RESERVE FUND IN THE AMOUNT OF \$72,159.83 FOR THE PURPOSE OF FUNDING CENSUS-BASED BEAUFORT COUNTY MAGISTRATE SALARY INCREASES FOR THE PERIOD OF JULY 1, 2011 TO JUNE 30, 2012 ([backup](#))
1. Consideration of first reading approval to occur September 12, 2011
 2. Finance Committee discussion September 12, 2011
- J. BEAUFORT COUNTY ZONING MAP AMENDMENT FOR R300 015 000 0101 0000 (KNOWN AS ST. HELENA STATION PLANNED UNIT DEVELOPMENT (PUD), 13.24 ACRES OFF SEA ISLAND PARKWAY/HIGHWAY 21); FROM PUD TO RURAL (R) ZONING DISTRICT ([backup](#))
1. Consideration of first reading approval to occur September 12, 2011
 2. Natural Resources Committee discussion and recommendation to approve occurred September 6, 2011 / Vote 5:0
- K. TEXT AMENDMENT TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), ARTICLE VII, SEC. 106-1845(6) BUFFER DISTURBANCE (ADDS RIVER BUFFER DISTURBANCE STANDARDS) ([backup](#))
1. Consideration of first reading approval to occur September 12, 2011

2. Natural Resources Committee discussion and recommendation to approve occurred September 6, 2011 / Vote 5:0

L. CONSIDERATION OF A BALLOT REFERENDUM TO CHANGE THE FORM OF BEAUFORT COUNTY GOVERNMENT FROM COUNCIL / ADMINISTRATOR TO COUNCIL / MANAGER

1. Consideration of first reading, by title only, approval to occur September 12, 2011
2. Governmental Committee discussion and recommendation to approve occurred September 6, 2011 / Vote 6:0

M. CONSIDERATION OF AN APPLICATION FOR APPROVAL OF AN EXTENSION TO THE FIVE-YEAR PARTIAL MANUFACTURING EXEMPTION GRANTED TO MISTER LABEL, INCORPORATED, OF 34 BLUFFTON ROAD, BLUFFTON, SC 29910, AS PROVIDED FOR BY SOUTH CAROLINA CODE OF LAWS SECTION 12-37-220(C)

1. Consideration of approval to occur September 12, 2011
2. Governmental Committee discussion and recommendation to approve occurred September 6, 2011 / Vote 6:0

10. PUBLIC HEARINGS – A THROUGH D

A. CONSIDERATION OF AN ORDINANCE REDISTRICTING THE COUNTY COUNCIL OF BEAUFORT COUNTY ([backup](#))

1. Consideration of third and final reading to occur September 12, 2011
2. Second reading approval and public hearing occurred August 22, 2011 / Vote 11:0
3. Redistricting Committee discussion occurred August 18, 2011
4. First reading, by title only, approval occurred August 8, 2011 / Vote 11:0
5. Redistricting Committee discussion occurred August 3, 2011
6. Redistricting Committee discussion occurred July 20, 2011
7. Public hearing held July 18, 2011 at Bluffton Branch Library
8. Redistricting Committee discussion occurred June 27, 2011
9. Redistricting Committee discussion occurred June 16, 2011
10. Public hearing held June 15, 2011 at Hilton Head Island Branch Library
11. Public hearing held May 24, 2011 in Council Chambers
12. Redistricting Committee discussion occurred May 13, 2011
13. County Council update occurred April 25, 2011 Council Meeting
14. Redistricting Committee discussion occurred April 18, 2011
15. County Council briefing occurred November 29, 2010

B. BEAUFORT COUNTY ZONING MAP AMENDMENT (MASTER PLAN AMENDMENT) FOR R300 009 000 0050 (KNOWN AS OAK ISLAND), PART OF THE DATAW ISLAND PLANNED UNIT DEVELOPMENT (PUD), 31.7 ACRES

ADJACENT TO DATAW ISLAND; TO ALLOW 21 DUPLEX UNITS (42 TOTAL DWELLING UNITS) RATHER THAN THE 35 SINGLE FAMILY DWELLING UNITS ORIGINALLY APPROVED ([backup](#))

1. Consideration of third and final reading to occur September 12, 2011
2. Second reading approval occurred August 22, 2011 / Vote 11:0
3. First reading approval occurred August 8, 2011 / Vote 11:0
4. Natural Resources Committee discussion and recommendation to approve occurred July 26, 2011 / Vote 4:0

C. AN ORDINANCE TO ADOPT THE BEAUFORT COUNTY HAZARD MITIGATION PLAN ([backup](#))

1. Consideration of third and final reading to occur September 12, 2011
2. Second reading approval occurred August 22, 2011 / Vote 11:0
3. First reading approval occurred August 8, 2011 / Vote 11:0
4. Natural Resources Committee discussion and recommendation to approve occurred July 26, 2011 / Vote 4:0

D. AN ORDINANCE AUTHORIZING FUNDS IN THE AMOUNT OF \$30,000 TO PENN CENTER FOR DEVELOPMENT OF A LOWCOUNTRY FARMERS / SCHOOL DISTRICT ECONOMIC PARTNERSHIP ([backup](#))

1. Consideration of third and final reading contingent upon the County Administrator finalizing the process to establish a collaborative effort between S.C. Coastal Community Development Corporation (CDC) and Penn Center as well as obtaining a firm estimate for all costs to upgrade the Penn Center dairy barn building to Department of Agriculture standards.
2. Second reading approval occurred August 22, 2011 / Vote 11:0
3. Community Services Committee discussion and recommendation to approve occurred August 15, 2011 / Vote 8:0
4. First reading, by title only, occurred May 23, 2011 / Vote 11:0
5. Community Services Committee discussion and recommendation to approve occurred August 15, 2011 / Vote 8:0

11. COMMITTEE REPORTS ([backup](#))

12. PUBLIC COMMENT

13. EXECUTIVE SESSION - Receipt of legal advice relating to pending and potential claims covered by the attorney-client privilege

14. ADJOURNMENT

Official Proceedings
County Council of Beaufort County
August 22, 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, August 22, 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, Rick Caporale, Gerald Dawson, Brian Flewelling, Herbert Glaze, William McBride, Stu Rodman and Gerald Stewart. Laura Von Harten arrived at 4:40 p.m.

DISCUSSION ITEMS

Redistricting

Mr. Newton announced the presentation at the regular meeting will include a walkthrough of Plan 1 and Plan 4. The public hearing will include an overlay of the current districts versus those proposals that have been recommended by the Committee. If there is a departure tonight, substantively from either Plan 1 or Plan 4, it will necessitate a repeat of a first reading.

Mr. McBride has concern about Section 3 of the proposed redistricting ordinance. Renumbering the districts was suggested by one committee member; but, the committee never agreed, even conceptually, to renumber the districts. He objects to Section 3 being included in the proposed ordinance.

Mr. Josh Gruber, staff attorney, stated Section 3 is included as a placeholder at this point. The numbering will go in ascending order from 1 to 11 moving with the southern-most portions of the county moving north. The reason for having that in there is if Council wanted to renumber the districts in any kind of order than what is currently proposed by the maps. The districts are still going to have to be labeled at some point when they are submitted to the U.S. Justice Department.

Millage implications / Transfers from operations to debt service funds and Rural and Critical Lands fund

Mr. Baer was aware of the approximate \$770,000 transfer from county operations to county debt service and Rural and Critical Lands funds. He did not realize there was another \$1,000,000 to be taken from other sources.

Mr. David Starkey, Chief Financial Officer, said the \$1,000,000 would have been out of the fund balances of the two (operations and Rural and Critical Lands) based on the fact that is all the general fund could afford without further reducing services. Principal and interest due on all debt next year is going to be about \$15,300,000. Revenues out of those two items would be deficient by roughly \$1,700,000 and we will have to find this money from somewhere – either from fund balances or revenues in those accounts. Of the \$1,700,000, Rural and Critical Lands is \$351,000 (0.2 mills) and \$1,477,000 is debt service. The \$351,000 is where the debt service outstrips revenues coming from that fund. All \$351,000 came out of the \$770,000 county operations funds; and if it were not, it would add 0.2 mills.

Rural and Critical Lands has enough funds left to take the \$351,000 from fund balance for fiscal year 2012 only. In 2013 the fund balance is at zero. If the additional \$10,000,000 is borrowed, the debt service will increase in fiscal year 2013.

Paying Debt Service out of Operating Funds

Mr. Stewart understands it is difficult, without raising taxes, to pay debt service out of operating funds. In this process Council is actually transferring some of the funds and is not covering capital or debt service out of the millage and debt funds themselves. *The Island Packet / Beaufort Gazette* editorial implied this was a last-minute discussion, which it clearly is not. He is also disappointed that another news article indicated we had excess funds in the operating budget, and that is not true. This issue is also compared with actions Council takes on the School District budget. This issue is focusing on the county capital debt funding. Council has no input with regard to the School District capital debt because Council only approves the operations portion of their budget. Mr. Stewart said there are discussions about issuing \$10 million for Rural and Critical Lands and perhaps we could mitigate some of those monies coming out of operations from monies that are there. We are also talking about refinancing some debt on some outstanding bonds which would have some savings.

Mr. David Starkey, Chief Financial Officer, stated the 2003 bonds would cover just general obligation debt because the 2003 bonds did not have Rural and Critical Lands items in it. That money would increase the fund balance of the debt service fund. In an effort to keep our fund balances to an acceptable level in case a disaster hit and especially for our rating agencies, what administration will do is when these items come up for refinancing, we can use those proceeds to bolster those balances without any millage increases from that particular angle.

An ordinance authorizing funds in the amount of \$30,000 to Penn Center for development of a Lowcountry Farmers / School District Economic Partnership

Mr. Sommerville remarked the School District likes this project. It directly affects 17 African-American small farmers. It is agricultural as opposed to residential housing. However, his

concern is whether the \$30,000 is going to be used for possibly two purposes. One purpose is to create an entity that is going to be the entity that oversees the transfer and conveyance of produce from the small farmer to the School District. Another part is going to renovate a building to do this on the Penn Center campus. These are two separate projects – setting up a business and renovating a building. If the building came to Council as an item for funding, it might well pass on its own merits. Mr. Sommerville has been trying and does not yet have all the background on this issue. Some years ago a USDA grant was applied for the purpose of creating a kitchen culinary entity in Frogmore where folks could come and process vegetables, produce. He is unclear if the County had a role in the grant. He wants to see the grant, read the grant. What was the county's role? Do we have any leverage, and who was the grant applicant? This kitchen has a lot of expensive equipment in it. He does not know how well-utilized it is. His sense is the kitchen is not heavily utilized. Penn Center representatives approached the S.C. Coastal Community Development Corporation (CDC) and asked them to use that kitchen because it made perfect sense for what they are trying to do. The equipment, facility and building are already there. For whatever reason the CDC declined to give them what they wanted. Penn Center went back to their drawing board and decided to renovate a building on their campus and buy the equipment (some degree of duplication). He voiced his concern. We have a huge kitchen with all this equipment underutilized, paid for by the taxpayers, sitting in Frogmore, a stone's throw from Penn Center. Penn Center wants to use it, so are we doing the right thing with the taxpayers' money to proceed in what may well be a complete duplication of effort and equipment just because somebody has said, "no you cannot use our equipment." This is a great project. We are talking about providing the School District with food. MCAS Beaufort and Beaufort Memorial Hospital both have shown some interest. Walmart has committed publically to buying local produce. He asked staff to obtain a copy of the grant, find out what our role was in the application of that grant, and who administered the grant. There are a lot of unanswered questions here. He is not comfortable with this at all. He is very comfortable with what Penn Center is doing, but not comfortable with the way the county is talking about funding it.

Mr. McBride remarked whether the project is at Penn Center or CDC the \$30,000 is still needed no matter what facility is used. At CDC this money would be used to retrofit the facility and at Penn Center it would be used to refurbish the dairy building. The \$100,000 grant Penn Center received is going to be used to purchase equipment that does not exist.

Mr. Baer would like the Finance Department to approve the business plan. Where does the \$30,000 come from and what will be displaced when we take it from that place.

Mr. Kubic, County Administrator, remarked it was his impression when this issue was discussed last that the \$30,000 was not part of the operations expense, but was purely to go towards creating a renovation project. They had chosen this particular facility at Penn Center. Mr. Kubic had sent his staff out to conduct a review of the requested site. They have produced a series of photographs because he wanted to make sure that if we were applying our \$30,000 that it would take a building on the historic campus and make it useable. If that money goes for capitalization, then he felt Penn Center and the other authorities would worry more about the business approach toward the relationship of the entities involved from taking product out of the ground, processing

it, and getting it to where it needed to go and the county function would simply be to provide money for restoration of the facility.

Mr. Hill believes the \$30,000 Council has pledged is to retrofit the dairy barn.

Mr. Stewart finds the whole project to be very confusing in that business plans provided at committee were very sketchy. They did not, in any way, represent what you would expect to have in a business plan and *pro forma* financials were far from being sufficient to understand. After speaking with Mr. Martin Goodman, of the Small Business Development Center, he learned that Mr. Goodman had written a business plan and it was revised after receipt of the grant and change in location. It was then sent to Mr. York Glover. At the beginning it seemed like we were giving the money to a farmers' group, but now it seems like it is nailed down to Penn Center, which makes sense as it is a more reasonable place to put the money. He is concerned with two items. One, the monies that had been granted by the federal government was for \$254,000, and \$100,000 was received, and there was a long litany of what that was to go for – stainless steel work surfaces, refrigerated truck to deliver the produce, bagging machinery, chopping equipment, refrigeration, etc. in the facility which far exceeds the amount of monies in the \$100,000 received. How are they going to make up the difference? Based on the business plan, they are relying on the farmers, who are providing the produce and selling it to this group which will then mark it up 20% and market it to the schools, the end user, to put in capital upfront to keep this going because they are going to show a loss in operations the first two years. They are going to need some banking and working capital, line of credit, etc. Mr. Stewart strongly urged them to obtain some agreement or understanding whether a bank will support this activity or not before they go forward in this operation. It would be good for a bank to weigh in on the business plan.

Mr. Newton, having sat in on the initial meeting 18 months ago, stated this project is a way to create real job opportunity for some of our homegrown products here in Beaufort County and build a market place for them. He applauds the thought of obtaining additional information. There is an effort to have this project up and running as quickly as possible to try to get the products to the School District in 2011.

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, Rick Caporale, Gerald Dawson, Brian Flewelling, Herbert Glaze, William McBride, Stu Rodman, Gerald Stewart and Laura Von Harten.

PLEDGE OF ALLEGIANCE

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

INVOCATION

Councilman Herbert Glaze gave the Invocation.

REVIEW OF PROCEEDINGS OF THE REGULAR MEETING HELD AUGUST 8, 2011

It was moved by Mr. McBride, seconded by Mr. Glaze, that Council approves the minutes of the regular meeting held August 8, 2011. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

PUBLIC COMMENT

The Chairman recognized Mrs. Blakely Williams, Executive Director, and Mr. Jayson Gardner, Governmental Affairs Liaison, of the Beaufort Regional Chamber of Commerce, who shared with Council several recently won awards for Operation F-35 Beaufort. The awards were from the American Chamber of Commerce Executives. The Best Campaign and Program in the country was won for the F-35 Beaufort, and the Chamber was informed at the award ceremony that they also won Best in Show, among 83 nominations, and Best Overall Communications Program in the country. They thanked Council for its support.

Mr. Walter Quackenbush, a resident of Lady's Island, addressed Council in regard to an ordinance authorizing funds in the amount of \$30,000 to Penn Center for development of the Lowcountry Farmers / School District Economic Partnership. He is objecting to the fact that Council is having the public hearing September 12 on Hilton Head Island, while the folks are on St. Helena Island. That seems to be ludicrous. He also spoke in regard to an ordinance to regulate outdoor burning. He would like it modified, if possible, to an ordinance banning outdoor burning and providing for the enforcement by both the fire department and the Sheriff's Office matters related to fines and leans for those causing an infraction of the rules.

Chairman Newton clarified that as with all of our public hearings if we are meeting south of the Broad River, Council Chambers is open for the public to have the opportunity to make comments directly to members of County Council.

Mr. Fred Washington read from a prepared statement regarding the issue of millage setting. The millage rate to be established today represents another no tax increase, keeping the district operating millage rate at 90.26. As you are probably aware, in 2010, rollback calculation reduced the millage from 102.6 mills to 90.26. While it is true that there are many methodologies to performing a rollback, we believe the rollback performed was inconsistent with the language set forth in the New River Tax Increment Finance (TIF) agreement. As recently demonstrated by the

County CFO, the New River TIF impacted our district by slightly more than 3 mills or almost \$4 million. Last year's revenue and the revenue about to be set today, is \$5.6 million less than in FY 2009. Revenue recently established by the New River TIF, per pupil tuition, will assist with closing some of the gap. We are grateful for that, however, without our millage being reestablished to equal the revenue in 2008-2009 we will continue to face serious deficits, similar to this year. In March 2011, the Board of Education cut \$6.8 million out of the budget to meet mandated increases and shortfalls facing us for this fiscal year, *i.e.*, 2011-2012 school year. Significant reductions have also been made in the past three years to absorb mandated increases. A total of 169 positions, local jobs, have been eliminated. Operating costs have been reduced and will be further reduced with school closures planned for FY 2012/2013 as well as some partial closures this year. Despite these reductions, our District has demonstrated continued gains and economic achievements. We have also seen continued enrollment increases. He was informed they topped the 20,000 mark today. He urged Council to join the District in the success of our students by finding a funding solution that will provide future financial stability for the children of our school district. He is heartened by the fact that there have been productive meetings with administration and Council, but believes we need to go a step forward and come to an agreement for us all to live with. The track we are on now dooms us for not being able to provide the needs of the children of Beaufort County.

COUNTY ADMINISTRATOR'S REPORT

The County Channel

Mr. Gary Kubic, County Administrator, announced The County Channel crew is putting the finishing touches on a video featuring the Beaufort County Sheriff's SWAT Team and Bomb Squad. The video was shot over several months, and features some action-packed training exercises, including repelling, flash-bang grenades, target practice, and suspect take-downs. The video will serve as an informative piece about how these special forces operate, and as a recruiting tool for the Sheriff's office.

The County Channel has also been working on a documentary following the construction of the new overpass on the McTeer Bridge. Bridge construction has been going on for close to two years. We have documented the construction at different stages along the way, and worked closely with County Engineering and Infrastructure Director Rob McFee.

Two-Week Progress Report

Mr. Kubic presented his Two-Week Progress Report, which summarized his activities from August 8, 2011 through August 19, 2011.

Two-Week Progress Report

Mr. Kubic presented his Two-Week Progress Report, which summarized his activities from August 8, 2011 through August 19, 2011.

Mr. Kubic spoke about the opportunity he had visiting the Three Rivers Solid Waste Administration offices in Aiken, South Carolina to begin the process of looking at alternate sites, beyond that of Hickory Hill in Jasper County. A whole day was spent at the facility and discussed, at length, opportunities that might be presented by capturing our volume and using techniques, such that of a transfer station for recycling. The most important part is for us to structure either this or some other area for us to lock in on a long-term basis. There is interest in learning more about Hickory Hill, particularly in regard to their life expectancy. It may not be as long as we think. This is a very significant piece in terms of the long-range planning for our County. Beaufort County does not have a landfill facility currently, and he does not believe the thought would ever be entertained to producing one in the future. Next, the County will submit a series of questions dealing with the fact that the Department of Energy owns the property. It is a consortium of other counties. There are lease agreements, volume controls and flows. We are putting our concerns in writing and submitting them to the folks to respond in writing. This will be reported to Council, through committee.

Mr. Kubic also pointed out that he met with Mr. Rick Toomey, Chief Executive Officer of Beaufort Memorial Hospital, who is looking at refinancing their portfolio as an opportunity. They brought the issue forward. County Administration agrees with that process for Beaufort Memorial Hospital, but on a pure procedure matter they need to start first reading at Council on September 12, 2011. It generally goes to committee first. The next Finance meeting is September 12, 2011.

Stormwater Utility Intergovernmental Agreement between Beaufort County and Town of Hilton Head Island

Mr. Kubic stated administration is asking for Council's permission to execute a Stormwater Utility Intergovernmental Agreement between Beaufort County and the Town of Hilton Head. Staff has reviewed the agreement. It has been presented to the Stormwater Management Utility Board who has recommended approval.

It was moved by Mr. Caporale, seconded by Mr. Sommerville, that Council approve a Stormwater Utility Intergovernmental Agreement between Beaufort County and the Town of Hilton Head Island. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

Mr. Kubic informed Council that the Stormwater Program is a consortium with the municipalities. The County collects the money and distributes it by Memorandums of Understanding. It is logical because the fee does appear on our tax bills. That process has been going on for ten years. He has asked the Chief Financial Officer to begin the research of finding a local auditing firm, in Beaufort County, to review the \$24 million that has been collected since day one of billing / collecting. The idea is to have a report to Council, who can share it with the residents of the County so they can see how the Program is organized, how much was paid, and how it was applied toward the improvements we have implemented. Having an independent group review the process, allows us to have an extra pair of eyes. We will be sending out

requests to the municipalities to have them prepare to develop the research information on all of the capital improvement projects, as well as any administrative or legal fees. Council will be informed as to the progress of this.

Mr. William McBride commented he is still waiting relief on ditches dug 40 to /50 years ago in the rural areas. Those are now overgrown with trees, and residents continue to complain. They want to know why they are paying the stormwater utility fee if these issues are not being addressed. He would like to see some plan to address these long existing drainage ditches.

Mr. Kubic stated his hope is that the report will give an idea as to where the \$24 million was spent, and a starting point to have discussions as to the long-term plan for the rural communities and their ditches.

Mr. Caporale stated previously there were arguments about how the monies were divvied amongst our partners and wanted to know if there were any outstanding claims or issues with any of the partners.

Mr. Kubic stated the one outstanding issue that has a significant bearing on all of the public entities is the billing and outstanding amount of U.S. Military Installations. They recently have had a change in command and in legal staff, and are currently reviewing the County's request.

Resolution / National Moment of Remembrance of the 10th Anniversary of September 11th

It was moved by Mr. McBride, seconded by Mr. Glaze, that Council adopt a resolution joining the national moment of remembrance of the 10th anniversary of September 11th. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

Hilton Head Island Airport / Tree Removal

Mr. Kubic reminded Council that the appeal on the tree removal for the trees located at the Hilton Head Island Airport was decided. The Judge ruled in favor of the County. We are meeting with the construction company and the Town of Hilton Head to secure all of the procedural requirements to commence that program.

Rail / Trail Grant Award

Mr. Kubic stated the South Carolina Department of Transportation (SCDOT) has issued a grant award for the Rail Trail in Beaufort County. The amount of the award, with local match, is \$1,304,400. It is a program in concert with SCDOT and the Federal Highway Administration. The project will involve the development of the Rail Trail, approximately two to four miles in the populated area between Laurel Bay Road and Ribaut Road. We are looking at ways to come up with the 20% local match. We are very excited and proud of the Planning Department for taking the initiative and filing these grants. He hopes everyone notices the trend that we are aggressively looking at federal dollars wherever we can find them. Thanks to Mr. Criscitiello and

planning staff for their success in obtaining this grant. Mr. Tony Criscitiello will provide Council with a detailed briefing of what this means to Beaufort County at a later meeting.

DEPUTY COUNTY ADMINISTRATOR'S REPORT

Two-Week Progress Report

Mr. Bryan Hill, Deputy County Administrator, submitted his Two-Week Progress Report, which summarized his activities from August 8, 2011 through August 19, 2011.

Birdhouse Skateboards 2011 Tour

Mr. Hill, Deputy County Administrator, announced Tony Hawk, skateboarding legend and owner of Birdhouse Skateboards, along with Kevin Staab and Willy Santos will bring their tour to Bluffton on Thursday, August 25, 2011 at 4:00 p.m. He has picked Bluffton to stop and feature his Birdhouse Crew. The skateboard park is an 11,500 square foot facility. It was designed by Pillar Design Studios. The budget was \$500,000 which included the skateboard park, stormwater management, shade pavilion, sidewalks, benches and drinking fountain. The challenge was the water table. This park serves beginners to advance skaters. Tony Hawk is featured in numerous video games. He distributes skateboards and related products worldwide. He prefers to skate at parks designed by Pillar Design Studios.

Construction Project Update

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 27, 2011. The contractor has completed all substructure elements and deck. The contractor is working on barrier walls and the grooving.

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 S.C. 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.

Shell Point asphalt operations are underway and the Port Royal side of the bridge embankment and pipe are complete.

Bluffton Parkway Phase 5A Roadway

Mr. Rob McFee, Division Director-Engineering and Infrastructure, reported this project involves construction of 2.31 miles of new four lane divided highway between Burnt Church Road and Buckingham Plantation Road. The contractor is Cleland Construction of Ridgeland, South Carolina. The cost is \$11,578,729. The contract completion date is July 2012. The embankment is approximately 80% complete and pipe placement is about 65% complete.

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 fall 2011. Interior equipment placement and finishing is underway.

BEAUFORT COUNTY ZONING MAP AMENDMENT (MASTER PLAN AMENDMENT) FOR R300 009 000 0050 (KNOWN AS OAK ISLAND), PART OF THE DATAW ISLAND PLANNED UNIT DEVELOPMENT/PUD, 31.7 ACRES ADJACENT TO DATAW ISLAND; TO ALLOW 21 DUPLEX UNITS (42 TOTAL DWELLING UNITS) RATHER THAN THE 35 SINGLE FAMILY DWELLING UNITS ORIGINALLY APPROVED

This item comes before Council under the Consent Agenda. It was discussed at the July 26, 2011 Natural Resources Committee meeting.

It was moved by Mr. Sommerville, seconded by Mr. Flewelling, that Council approves on second reading the Beaufort County Zoning Map Amendment (Master Plan Amendment) for R300-009-000-0050 [known as Oak Island, part of the Dataw Island Planned Unit Development (PUD), 31.7 acres adjacent to Dataw Island] to allow 21 duplex units (42 total dwelling units) rather than the 35 single-family dwelling units originally approved. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

The Chairman announced that a public hearing on this issue would be held Monday, September 12, 2011 beginning at 6:00 p.m. in the large meeting room of the Hilton Head Island Branch Library.

AN ORDINANCE TO ADOPT THE BEAUFORT COUNTY HAZARD MITIGATION PLAN

This item comes before Council under the Consent Agenda. It was discussed at the July 26, 2011 Natural Resources Committee meeting.

It was moved by Mr. Sommerville, seconded by Mr. Flewelling, that Council approves on second reading the Beaufort County Hazard Mitigation Plan. The vote was: YEAS - Mr. Baer,

Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

The Chairman announced that a public hearing on this issue would be held Monday, September 12, 2011 beginning at 6:00 p.m. in the large meeting room of the Hilton Head Island Branch Library.

AN ORDINANCE TO AMEND PART I, CHAPTER 46, ARTICLE III OF THE BEAUFORT COUNTY CODE OF ORDINANCES RELATING TO THE BEAUFORT COUNTY DISABILITIES AND SPECIAL NEEDS BOARD

This item comes before Council under the Consent Agenda. It was discussed at the August 15, 2011 Community Services Committee meeting.

It was moved by Mr. Sommerville, seconded by Mr. Flewelling, that Council approves on first reading an ordinance to amend Part I, Chapter 46, Article III of the Beaufort County Code of Ordinances relating to the Beaufort County Disabilities and Special Needs Board. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

RESOLUTION ADOPTING THE SCHOOL DISTRICT FISCAL YEAR 2011 / 2012 MILLAGE RATES

This item comes before Council under the Consent Agenda. It was discussed at the August 15, 2011 joint meeting of Finance and Governmental Committees.

It was moved by Mr. Sommerville, seconded by Mr. Flewelling, that Council adopts a resolution approving the School District fiscal year 2011 / 2012 millage rates as follows: school operations 90.26 and school debt service 28.00. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

RESOLUTION ADOPTING THE FIRE DISTRICTS' FISCAL YEAR 2011 / 2012 MILLAGE RATES

This item comes before Council under the Consent Agenda. It was discussed at the August 15, 2011 joint meeting of Finance and Governmental Committees.

It was moved by Mr. Sommerville, seconded by Mr. Flewelling, that Council adopts a resolution approving the fire districts' fiscal year 2011 / 2012 millage rates as follows: (i) Bluffton Fire District operations 19.67 and debt service 0.38; (ii) Burton Fire District operations 55.87 and debt service 5.53; (iii) Daufuskie Island Fire District operations 31.74 and debt service 0.00; (iv) Lady's Island / St. Helena Fire District operations 32.04 and debt service 1.50; (v) Sheldon Fire District operations 32.22 and debt service 2.18. The vote was: YEAS - Mr. Baer, Mr. Caporale,

Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2011A, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF BEAUFORT COUNTY, SOUTH CAROLINA, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$18,250,000; FIXING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE COUNTY ADMINISTRATOR OR HIS LAWFULLY-AUTHORIZED DESIGNEE TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO

This item comes before Council under the Consent Agenda. It was discussed at the August 15, 2011 joint meeting of Finance and Governmental Committees.

It was moved by Mr. Sommerville, seconded by Mr. Flewelling, that Council approves on first reading an ordinance authorizing the issuance and sale of general obligation refunding bonds, Series 2011a, or such other appropriate series designation, of Beaufort County, South Carolina, in the principal amount of not exceeding \$18,250,000; fixing the form and details of the bonds; authorizing the county administrator or his lawfully-authorized designee to determine certain matters relating to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

AN ORDINANCE AUTHORIZING FUNDS IN THE AMOUNT OF \$30,000 TO PENN CENTER FOR DEVELOPMENT OF A LOWCOUNTRY FARMERS / SCHOOL DISTRICT ECONOMIC PARTNERSHIP

It was moved b Mr. Sommerville, seconded by Mr. Flewelling, that Council approves on second reading an ordinance to authorize funds in the amount of \$30,000 to Penn Center for the Development of a Lowcountry Farmers/School District Economic Partnership. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

The Chairman announced that a public hearing on this issue would be held Monday, September 12, 2011 beginning at 6:00 p.m. in the large meeting room of the Hilton Head Island Branch Library.

AN ORDINANCE TO REGULATE OUTDOOR BURNING WITHIN THE UNINCORPORATED AREAS OF BEAUFORT COUNTY; TO PROVIDE FOR THE ENFORCEMENT THEREOF, AND MATTERS RELATED THERETO

It was moved by Mr. Sommerville, seconded by Mr. Flewelling, Council approves on first reading an ordinance to regulate outdoor burning within the unincorporated areas of Beaufort County; to provide for the enforcement thereof, and matters related thereto. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. OPPOSED – Mr. McBride. The motion passed.

RESOLUTION ADOPTING THE COUNTY AND FIRE DISTRICTS FISCAL YEAR 2011 / 2012 MILLAGE RATES

Mr. Rodman, as Finance Chairman, remarked as Council was going through the budgeting process, it had asked staff to not only hold the millage rate flat, but to also not dip into the fund balances. There was two potential transfers in the general operating fund totaling approximately \$700,000 and in order to meet that objective, staff had proposed to transfer that out of that fund and over to the capital side. There was some discussion in June regarding whether or not that approach was or was not the right thing to do. We can always transfer from the operating side to capital side, but not vice-versa. This was discussed at the Finance Committee where there was thought about the possibility of considering an alternate way to do this. There was also discussion relative to an analysis that staff had prepared which shows a five-year period and the ending fund balances. Essentially, if we do not transfer for Rural and Critical Lands Program, that fund balance will decrease. Given the probability that they will proceed with the drawdown of the last \$10 million, we should be fine on a cash basis. In the case of the general obligation debt, if we do not transfer, we will end up with approximately \$4.5 million, and if we do transfer we will end up with about \$5 million. The millage rates proposed are the same millage rates discussed in June 2011.

It was moved by Mr. Rodman, seconded by Mr. Stewart, that Council adopts a resolution approving the County fiscal year 2011/2012 millage rates as follows: County operations 40.21 mills, Purchase of Real Property 2.76 mills, and County debt service 4.57 mills. These millage rates represent a zero mill increase.

Mr. Baer is uncomfortable with using operation millage to subsidize or transfer to debt service. It could be rationalized on the county operations side, but finds it difficult to do for the purchase of real property because that is voted debt. The taxpayers should bear the impact of that, and not have it come out of the County operations side of the budget. During caucus, additional data was received which showed there is \$350,000 involved that Rural and Critical Lands Program need. There is three ways in obtaining that: (i) transfer from our operations budget; (ii) raise taxes by 2/10 of a mill; or (iii) have the Rural and Critical Lands' folks take that money from their debt reserve. He is in favor of approving this resolution if it states we are not authorizing any transfer of funds from the operations side to the debt service side, at this point, or until a further vote of Council at a later date.

Motion to amend by addition.

It was moved by Mr. Baer, seconded by Mr. Rodman, to amend the motion by addition that no transfers from operations to the Rural and Critical Lands Program or the County debt service fund to cover those two debt items can take place without approval by County Council.

Mr. Flewelling commented this motion would undo the approved budget which allowed the transfer.

Mr. Rodman does not feel this motion would undo the approved budget. He leaves \$700,000 that could either be used to build up the reserve, or used for something else.

Mr. Newton stated assuming that the two amounts came from transfers from the fund balances then logic would say that the operation budget would end up with \$700,000 more at the end of the year. The \$700,000 has been budgeted in the operations budget to cover debt service payments. We need to decide whether or not to allow the transfer from general fund to pay those debt obligations, without coming to County Council, and that the monies can be taken from fund balance and be used for that purpose. It seems as if we had previously dealt with this issue. If administration believes that a different recommendation is appropriate, given the collection rates, etc., they have the ability to come back before County Council.

Mr. Flewelling stated said Council appears to be rehashing something that was previously decided. The motion should be denied.

Mr. Baer disagrees and feels there is new information and felt in June it was decided that we needed a better understanding of the transfers. In the last few days, that new information has been received. There seems to be sufficient money in these fund balance, so that we do not need to proceed with the transfers from the operation side. He feels down the road, Council will authorize the transfer for the County debt service, but not that of the Purchase of Real Property, because they should pay their own debt service.

Vote on motion to amend by addition.

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

Vote on main motion.

Council adopts a resolution approving the County fiscal year 2011/2012 millage rates as follows: County operations 40.21 mills, Purchase of Real Property 2.76 mills, and County debt service 4.57 mills. These millage rates represent a zero mill increase. Further, no transfers from operations to the Rural and Critical Lands Program or the County debt service fund to cover those two debt items can take place without approval by County Council. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

PUBLIC HEARING

CONSIDERATION OF AN ORDINANCE REDISTRICTING THE COUNTY COUNCIL OF BEAUFORT COUNTY

Mr. Newton stated the public hearing relates to the redistricting plan that is before Council tonight. Council has two redistricting maps that have been forwarded from the Redistricting Committee to Council. The charge, when the committee first convened in April 2011, was to adopt the criteria that are prescribed by both state and federal law, the US Constitution, the 1965 Voting Rights Act, and the requirements of the United States Department of Justice. Tantamount to those are the one person, one vote principle (mathematically equal districts), avoid retrogression which is the dilution of the minority population's ability to elect, the contiguity and compactness and to work with the Public Law or new census data that was brought forward. There have been seven committee meetings and a series of public hearings previously held.

Mr. Dan Morgan, Management Information Services Director, walked Council through Plan 1 (Office of Research, Bobby Bowers, baseline plan) and Plan 4 (the result of numerous discussions at the committee as well as 15+ individual sessions with the map drawing exercises and review with the GIS Department. Committee had asked staff to compare the existing districts with Plan 4 and to identify the major changes.

District 1 (Mr. Caporale) – This district no longer represents Port Royal area. It moves into the Bluffton area from Buckingham Plantation to Alljoy Road and following the May River out to Calibogue Sound. North of U.S. Highway 278 follow all the down of Rose Hill Plantation.

District 2 (Mr. Baer) – The movement changes from the Folly Field area and Greenlawn area into District 1 and also the change in Point Comfort area and moves into Port Royal Plantation area around the Hilton Head Island Airport area and Mitchelville area.

District 3 (Mr. Rodman) – The movement goes into the Port Royal Plantation area and also movement into the Point Comfort area.

District 4 (Mr. Newton) – The movement in the Buckingham Plantation area is going into District 1. The Buckwalter area and Pritchardville area go into a new district.

District 5 (Mr. McBride) – This is a large area and encompasses many of the island areas. The movement relinquishes Fripp Island, Hunting Island, and Harbor Island area and gains the Beaufort historic district area, Polk Village area, and Parris Island.

District 6 (Mr. Dawson) – The movement is into what is currently District 8 and goes to U.S. Highway 170 area.

District 7 (Mr. Sommerville) – This district gains Fripp Island, Hunting Island and Harbor Island areas as well as the MCAS Beaufort area and relinquishing the Lady's Island area which goes into District 5.

District 8 (Mr. Glaze) – Due to the census movement and the population this district would be combined into District 6 and District 9. The movement is in the Buckwalter area, Pritchardville area, and Rose Hill Plantation area.

District 9 (Mr. Flewelling) – The movement relinquishes some of the area in the Shell Point area and moves across the Broad River into the Okatie area to Camp St. Mary's.

District 10 (Mr. Stewart) – The movement compacts the district geographically to the Sun City area up to Oldfield area and Pinckney Colony.

District 11 (Ms. Von Harten) – The movement shrinks the City of Beaufort area and moves into the Shell Point area as well as onto Parris Island.

Mr. Newton stated the significant issue would be retrogression and the population data and total deviation as it relates to Plan 1 and Plan 4.

Mr. Morgan replied Plan 1 total deviation is 3.13 and Plan 4 is 2.74. In terms of retrogression in the minority districts under Plan 4 in District 6 it moves to approximately 58%, District 5 is approximately 51%. Under Plan 1 in District is it approximately 56% and District 5 is about 50% to 51%.

Mr. Newton remarked in terms of total deviation and retrogression Plan 4 has a lower deviation and a higher minority percentage with regard to District 6. What was the target number for the new districts?

Mr. Morgan replied 14,748 compared to the existing 11,500.

The Chairman opened a public hearing at 6:35 p.m. for the purpose of receiving information from the public regarding an ordinance redistricting the County Council of Beaufort County. After calling once for public comment, the Chairman recognized Mr. Walter Quackenbush, a Lady's Island resident, who stated his comments are directly focused on Districts 5 and 7. In looking at the maps, he sees gerrymandering being alive and active in Beaufort County. This is not a good thing. He stands in opposition to both these plans presented to Council. Why? It seems that District 5 is voted on in 2012. District 7 is voted on in 2014. During that two year interim, who becomes the Council representative or the School Board representative? There are a lot of non-contiguous parcels which result in election splits. There are 60 polling locations and 85 precincts in this County. It becomes a serious issue. It can be worked out but he does not feel it to be necessary. He does not believe the Department of Justice is going to approve these plans. Mr. McBride has run unopposed for many years. This is like an attempt to have him removed because it will encourage additional wannabes to run for Council. The same applies for Mr. Sommerville, who now has to travel across Mr. McBride's district to reach these outlying islands of Fripp and Harbor Island. There are more changes in Districts 5 and 7 than any other district in the County. It is too much, too soon, and feels it goes too far. It may be legal by previous decisions, but it is not practical or ethical.

Mr. Fred Washington, Chairman of the Board of Education, said the Board of Education has not had an opportunity to full vet the information received, but will have official comments on September 12. Today he is speaking as an individual. What are we trying to accomplish as a community? Does either plan promote community consensus or do they promote the status quo or polarization? Do we want to be more cohesive as a community and have we designed these lines to foster that? Do we represent or have to consider more than one element in our community to try to bring about consensus as a community? Are we moving in that direction? Are we moving in a different direction? These are questions we have to answer as a community. He stated he is for making sure that we all move forward together. We need to have districts that bring us all forward together.

Ms. Fran White, National Association for the Advancement of Color Peoples - Hilton Head Island/Bluffton Chapter, thanked Council for the opportunity to work together and is grateful to Mr. Steven Baer who has worked with the extensively to work through the plans proposed. The NAACP has come to the conclusion that Plan 1 is not a plan that the NAACP-Hilton Head Island/Bluffton could support. It is retrogressive, and does not follow the interest of the residents on the Island who will need representation that we have not seen before. We are in favor of Plan 4, as it stands. She stated they are in favor of it for the Council Districts and have not considered how that would affect the School Board Districts.

Mr. Leroy Gilliard stated as a minority he believes that redistricting plans as presented will dilute minority representation, almost as much as voter ID will suppress minority participation in the process. We presently have three minority representatives under the current system. By putting two of those in the same district, they will have to run against each other, meaning we will only have two. That is a guaranteed elimination of one. He stated he is not a statistician, however it does appear that minority opportunities to be elected is diminished based upon the plans. He encourages Council to reconsider these plans and to try to make them more inclusive of minority population to include African American and Hispanic American.

After calling twice more for public comment, the Chairman declared the hearing closed at 6:44 p.m.

Mr. Newton remarked on April 25, 2011 Council adoption a resolution to approve the criteria to redistrict County Council districts. One of those items is adherence to the 1965 Voting Rights Act, as amended, and requiring that Council avoid retrogression. Unfortunately, with the change in population and percentages at the outset of this process Mr. Bobby Bowers, Director, State Budget and Control Board, advised Council that one of the impacts of our population growth was that that it was his opinion that as we went through this process what we would begin to understand more fully, and as recommended in his plan, is that if we tried to preserve three separate and distinct districts, we might be left with what would be interpreted as refrigeration by the Department of Justice in trying to protect two majority minority districts, we would be left with two minority districts without over 50% minority population in that district. Through the committee's work what we have found is that that is what the numbers have shown us. There was great effort made by individual members of this Council to avoid having the very election circumstances Mr. Gilliard spoke to, *i.e.*, Mr. Glaze and Mr. Dawson running in the same district

and there were a number of efforts made to work with the numbers and work with the district lines recognizing that one of our paramount concerns was the 1965 Voting Rights Act and the legal requirement that we avoid retrogression. Unfortunately, we are left with natural retrogression as opposed to policy retrogression given the changes in population. Mr. Newton appreciates the committee's hard work looking at this issue and the number of meetings held as a body. As individuals Mr. Newton thanked Mr. Glaze, Mr. Stewart, Mr. Glaze, Mr. McBride and Mr. Dawson for serving on the committee. Tonight we are bringing forward the body of our work. Many of our sessions were attended by almost the entire complement of Council. The committee brings forward tonight two plans one of which we must advance as the plan on second reading we are moving forward with or a separate plan to be brought forward.

It was moved by Mr. McBride, seconded by Mr. Flewelling, that Council approves on second reading Plan 4. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

The Chairman announced a public hearing on this issue would be held Monday, September 12, 2011, beginning at 6:00 p.m. in the large meeting room of the Hilton Head Island Branch Library.

Mr. Newton remarked a draft ordinance is presented this evening that reflects the metes and bounds description of the 11 County Council districts for approval. There is reference, Section 3, to anticipated renumbering of the districts that is included in the text of the ordinance. Mr. McBride had indicated his opposition to the renumbering process in the caucus meeting.

It was moved by Mr. Sommerville, seconded by Mr. McBride, that Council approves on second reading an ordinance to abolish previous County Council district boundaries; to provide that the County Council of Beaufort County and the Board of Education of Beaufort County continue to be comprised of eleven (11) members; to provide that the council members of the County Council and the members of the Beaufort County Board of Education shall be elected from eleven (11) separate districts; to establish the boundaries of the new eleven (11) districts; and to provide for severability and an effective date. Further, that Section 3 is deleted from the ordinance.

Mr. McBride stated neither committee nor council made any decision about redistricting the district. Section 3 is preemptive of the decision which rests with council in the future if it wants to renumber the district.

Mr. Newton remarked as confirmed by Mr. Josh Gruber, staff attorney, during the caucus meeting, we do not have to submit the renumbering of the districts to the department of Justice. That can occur at a later date and time.

Mr. Glaze will not support the motion. He does not see any problem with renumbering the districts. Mr. Glaze's situation is different from any one else on Council in that his District 8 is

going to District 6. He expressed concern with the expense he will incur changing his District 8 campaign literature and signs to District 6. What harm is there in changing the numbers?

Mr. Rodman's sense was that we do not have the renumbering in the text of ordinance now, but we may very well come back and discuss it and possibly readdress numbering at a subsequent time since it did not have to go US Justice Department.

Ms. Von Harten asked if there is something in the law that says districts have to have numbers. Can they have a team name, flowers name or animal names? People have a hard time remembering their district numbers.

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

Mr. Gruber spoke with Mr. Bowers this morning about renumbering the districts. Mr. Bowers had asked what our status was and Mr. Gruber gave him an update and an indication that Plan 4 seemed to have momentum behind it and that the numbers actually decreased the deviation and increased minority representation. Mr. Bowers said, "It sounds like you are good to go."

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

COMMITTEE REPORTS

Community Services Committee

New Harmonies Smithsonian Exhibit at Beaufort Branch Library

Mr. McBride, as Community Services Committee Chairman, reported members received a presentation on the New Harmonies Smithsonian Exhibit coming to the Beaufort Branch Library and the benefits it will provide to the local community. Committee endorsed the project. The library system is also requesting \$5,000, which committee did not consider.

It was moved by Mr. McBride, as Community Services Committee Chairman (no second required), that Council endorses the New Harmonies Smithsonian Exhibit coming to the Beaufort Branch Library. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

Local Vendor Preference Ordinance

Mr. McBride, as Community Services Committee Chairman, reported members received a presentation on local preference as it currently stands and where the Purchasing Department is headed.

Children’s Foster Care Review Board

Mr. McBride, as Community Services Committee Chairman, nominated Mr. Curtis McDaniel to serve as a member of the Children’s Foster Care Review Board.

Finance Committee

Available 2011 2% Accommodations Tax Monies

It was moved by Mr. Rodman, as Finance Committee Chairman, that Council approves of \$252,000 for 2% accommodations tax monies to be used by the Accommodations Tax Board in coming up with grant allocation recommendations to tourism-related organizations. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

USCB Regional Identity

Mr. Rodman, as the Chairman’s representative on the Branding Committee of USCB, reported they are in the process of figuring out what, if any name change they might go through both at the USC Columbia as what the individual campuses would be called.

Governmental Committee

County Forms of Government

Mr. Stewart, as Governmental Committee Chairman, reported that Mr. Robert Croom, Director of Legal and Legislative Affairs, SC Association of Counties, presented to Committee a comparison of the manager form of government and administrator form of government. He also explained what the requirements and possible timeline to change the county form of government would be. The only real difference between the two forms is that under the current form of government, Council-Administrator, the Treasurer and Auditor are elected officials. Under the Council-Manager form of government, the Treasurer and Auditor would be hired the Manager. They would no longer be elected positions. The information provided that we need to consider in making the change, if we so desired, was that prior to moving forward we would need to obtain consent from the US Justice Department to authorize us to even consider this process. Once that was received, we must receive a favorable vote of a majority of those persons voting in a referendum, presumably in the 2012 election process. All persons who are serving terms of office on the date on which there is a change in the form of government, they would serve out their term of office for which they were elected. Upon the successful referendum, the US Justice Department must also consent to a change to finally take place. Mr. Croom recommended to have sufficient time for review of US Justice Department to final a petition for the next election and to have time to educate the electorate, it was, in his mind, suggested that a decision prior to no later than December 31 would be required, preferably earlier if we wanted to go forward.

Legislative Policy Issues

It was moved by Mr. Stewart, seconded by Mr. McBride, that Council adopts its list of Legislative Policy Issues and submit to the S.C. Association of Counties. The vote was: YEAS - Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Somerville, Mr. Stewart and Ms. Von Harten. ABSTENTION – Mr. Baer. The motion passed.

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

ADJOURNMENT

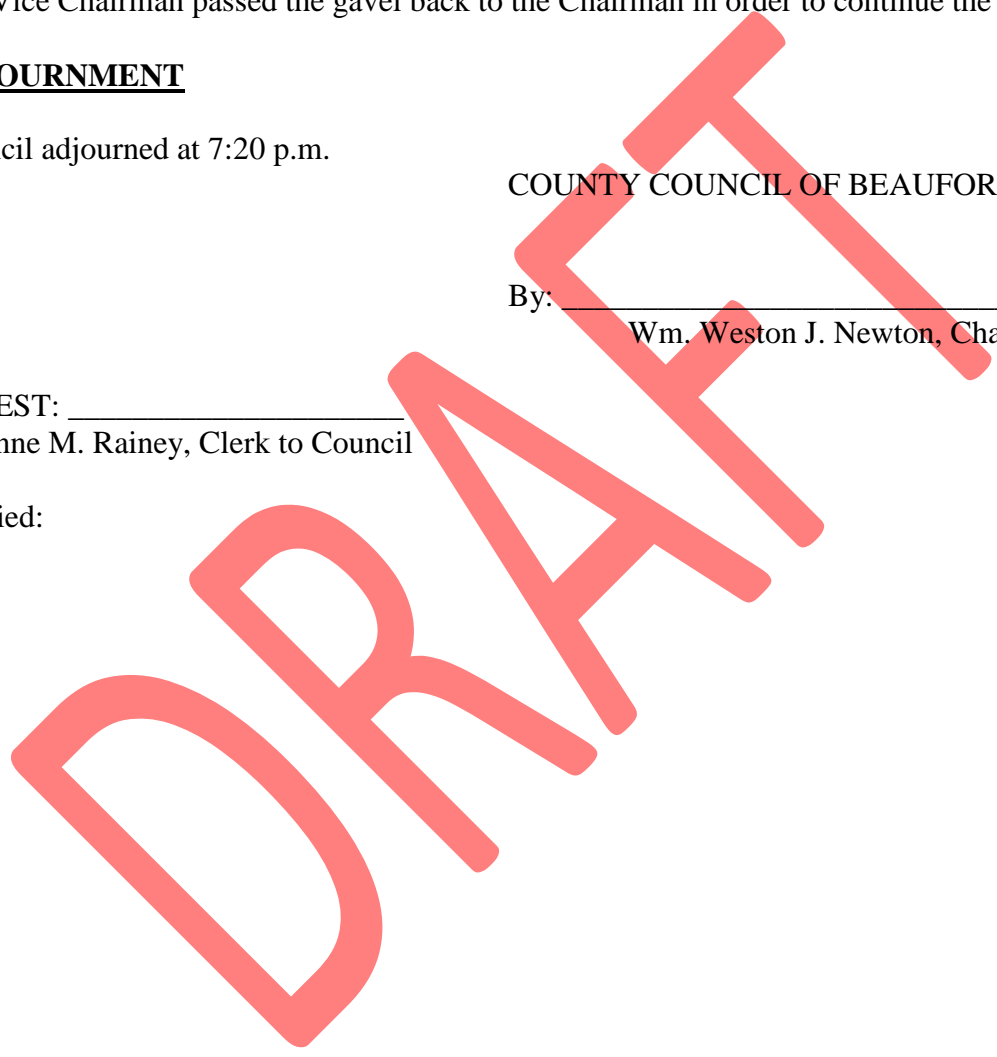
Council adjourned at 7:20 p.m.

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
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BRYAN J. HILL
DEPUTY COUNTY ADMINISTRATOR

LADSON F. HOWELL
STAFF ATTORNEY

COUNTY ADMINISTRATOR'S REPORT

Monday, September 12, 2011
5:00 p.m.
Hilton Head Island Library

ACTION / INFORMATION ITEMS:

- The County Channel / Broadcast Update (Enclosure)
- Three-week Progress Report (Enclosure)
- Beaufort County Treasurer Doug Henderson / Update on Amnesty Program / Depository Agreement Selection Process
- Heritage Classic Foundation Status Report
- Impacts of State Legislation to Create Presidential Preference Primaries for South Carolina
Mr. Scott Marshall, Executive Director, Board of Elections and Registration
- Beaufort-Jasper Water and Sewer Authority / Mr. Dean Moss / Mr. Ken Griffin
- Beaufort Memorial Hospital Refunding and Improvement Revenue Bonds
Mr. Jeff White, Chief Financial Officer, Beaufort Memorial Hospital
- Approval of Town of Bluffton Intergovernmental Agreement on Stormwater Utility Operation (Enclosure)
- Approval of One-Year Extension City of Beaufort Intergovernmental Agreement on Stormwater Utility Operation
- Approval of One-Year Extension Town of Port Royal Intergovernmental Agreement on Stormwater Utility Operation



USCB Soccer



The County Channel continues its partnership with USC-Beaufort. This is the inaugural season for Sand Shark Women's Soccer. The County Channel is providing live coverage of a number of teams home games as well as internet coverage so families can view their players all over the world. The team is coached by Ed Heberling. The game you are seeing is the first game against USC-Salkahatchie. USCB won this game 2-0.



Memorandum

DATE: September 9, 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 August 22, 2011 through September 9, 2011:

August 22, 2011

- Council Caucus meeting
- County Council meeting

August 23, 2011

- Southern Regional Plan Implementation Committee meeting
- Meeting with representatives from County staff, school board, municipalities, fire districts, and public service districts re: Preparing for the 2012 Reassessment
- Conference call with the Governor's Office re: Hurricane Irene
- Public Facilities Committee meeting (unable to attend)

August 24, 2011

- Meeting with Troy Hammond of Parker Hannifin, Josh Gruber, Staff Attorney, and Edra Stephens, Director of Business License re: Abatement of business license penalties
- Staff meeting re: Stormwater related issues
- Meeting with Staff Attorney Josh Gruber re: Sheriff's contract for Police Services

August 25, 2011

- Meeting with Al Stokes, Director of Waddell Mariculture Center, Bluffton

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September 9, 2011
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August 26, 2011

- Meeting with Buck Limehouse re: Transportation projects
- Meeting with Ed Allen, Coroner re: The Blood Alliance
- Meeting with Fred Leyda, Director of Human Services Alliance re: Office space agreement with USC-B

August 29, 2011

- Meeting with Chief Magistrate Darlene Smith
- Follow-up staff meeting re: Vehicle / Delinquent taxes

August 30, 2011

- County / Town of Hilton Head Island bimonthly meeting

August 31, 2011

- Staff meeting re: Myrtle Park Building
- Meeting with Kenneth Elroy, Josh Gruber and Edra Stephens Re: Creative Concrete Coatings business license

September 1, 2011

- Guest speaker - Beaufort Federation of Republican Men at Lady's Island Airport

September 2, 2011

- Meeting with County Treasurer Doug Henderson
- Meeting with Kevin Farruggio re: Parcel 46

September 5, 2011

- Labor Day holiday

September 6, 2011

- Natural Resources Committee meeting
- Public Safety Committee meeting

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September 7, 2011

- **Agenda review with Chairman, Vice Chairman and Staff**
- **Meeting with Rochelle Ferguson, Director of Palmetto Breeze, Morris Campbell, Director of Community Services, and Dave Thomas, Director of Purchasing re: Daufuskie Island Ferry**

September 8, 2011

- **Staff meeting Re: Reassessment / Roll Forward Documentary**
- **County / City of Beaufort bimonthly meeting**

September 9, 2011

- **No scheduled meetings**

Lisa Sulka
Mayor
Fred Hamilton Jr.
Mayor Pro Tempore
Anthony Barrett
Town Manager



Council Members
Michael Raymond
Oliver Brown
Allyne Mitchell
Sandra Lunceford
Town Clerk

August 25, 2011

Mr. Gary Kubic
Beaufort County Administrator
Beaufort County
P.O. Drawer 1228
Beaufort, SC 29901

RE: Storm Water Inter-Governmental Agreement

Dear Mr. Kubic:

The Town of Bluffton is happy to submit our Stormwater Management and Utility Agreement (IGA) with Beaufort County. The Town Council approved the negotiation and execution of the IGA on August 9, 2011. Please find attached the Town of Bluffton's executed copy for your review and execution.

As previously indicated, the Town of Bluffton appreciates all of the hard work your staff has dedicated to this agreement. As always, feel free to contact me with any questions you may have

Kind regards,

Anthony Barrett
Town Manager

CC: Rob McFee, Director of Engineering & Infrastructure Division
Robert Fletcher, Director of Engineering
Ron Bullman, Stormwater Engineer

A STORMWATER MANAGEMENT AND UTILITY AGREEMENT

BETWEEN BEAUFORT COUNTY, SOUTH CAROLINA, AND

THE TOWN OF BLUFFTON, SOUTH CAROLINA

DATED: 8-24-11

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WHEREAS, this Agreement is made on this 24th day of August, 2011, by and between Beaufort County, South Carolina, and the Town of Bluffton, South Carolina, for the purpose of establishing the terms and conditions of the participation by the Town in a county-wide stormwater utility, which utility shall be operated by the County.

ARTICLE 1 - TITLE AND PURPOSE

1.00 Title: This intergovernmental agreement between Beaufort County, South Carolina, and the Town of Bluffton, South Carolina, shall be known as the "Storm Water Management and Utility Agreement Between Beaufort County, South Carolina, and the Town of Bluffton, South Carolina."

1.01 Purpose: This Agreement is made for the purpose of defining the roles, responsibilities and financial relationship between the County and the Town with respect to the establishment, administration and operation of the Beaufort County Stormwater Utility, which includes the following:

- (a) Establishment of rates;
- (b) Use of revenue;
- (c) Acquisition of existing storm water infrastructure;
- (d) Construction of new storm water infrastructure;
- (e) Maintenance of storm water infrastructure;
- (f) Operation of storm water infrastructure;
- (g) Regulation and use of stormwater infrastructure; and,
- (h) Enhancement of water quality.

1.02 References to County Ordinances: This Agreement hereby incorporates by reference Beaufort County, South Carolina, Ordinances 2005-33 2008-29, and 2009-21 regarding the establishment of a Stormwater Utility. In the case of any conflict between the provisions of the Ordinances and this Agreement, the provisions of this Agreement shall control.

ARTICLE 2 - DEFINITIONS

2.00 Definitions: When used in this “Stormwater Management and Utility Agreement between Beaufort County, South Carolina, and the Town of Bluffton, South Carolina,” the following words shall have the meanings set forth in this Article 2:

2.01 Agreement: This Stormwater Management and Utility Agreement between Beaufort County, South Carolina, and the Town of Bluffton, South Carolina.

2.02 County: Beaufort County, South Carolina.

2.03 County Wide Stormwater Management Study: The study conducted by the County to determine the drainage infrastructure and maintenance needs within the various watersheds within the County. This became the Beaufort County Stormwater Master Plan dated February 20, 2006.

2.04 Cost of Service Analysis and Rate Study: The study conducted by the County which was adopted by County Council August 22, 2005 to determine an equitable and appropriate rate structure for Stormwater Utility User Fees within all areas of the County, so that fees charged by the Stormwater Utility will be in compliance with provisions of S. C. Code Ann. 48-14-120(C)(Supp. 2010), and S. C. Regs. 72-310 (Supp. 2010).

2.05 Stormwater Utility Service Fee; Single Family Unit Rate (SFU). The single-family unit fee rate shall be defined as the impervious area measurements obtained from a statistically representative sample of all detached single-family structures within Beaufort County. The representative value will be 4,906 square feet.

2.06 NPDES: The National Pollutant Discharge Elimination System stormwater regulatory program established by the United States Environmental Protection Agency to address pollutants in stormwater discharged to waters of the United States. Phase II of this regulatory program will impact communities under 100,000 population, small construction sites between one acres and five acres, and industrial sites owned and operated within communities under 100,000 population.

2.07 Public Stormwater: Stormwater runoff which is conveyed through a public drainage easement or public road right of way, and/or which some portion is generated from a public road right of way.

2.08 Stormwater Infrastructure: Real property, interests in real property, improvements to real property such as ditches, drains, pipes, culverts, catch basins, pumps, or the like, or any combination of them, used or useful in the collection and disbursement of storm and surface water, or the control of flooding. As used herein, Stormwater Infrastructure does not include drainage systems or facilities that are not publicly owned, and which do not carry public stormwater.

2.09 Stormwater Management: Control of storm and surface water, erosion, storm water quality protection and flooding through the use of Stormwater Infrastructure, and the creation and enforcement of development standards related to storm and surface water.

2.09 Stormwater Management Plan: The plan developed by the County that addresses planning, design and construction of capital improvements to the Stormwater Infrastructure; acquisition of real property or interests in real property for the purposes of Stormwater Management; maintenance and repair of Stormwater Infrastructure; regulation of the use of Stormwater Infrastructure; acquisition of equipment and other assets; regulation of impacts including any that may be mandated under the NPDES Phase II regulations, contracting with engineering, financial, legal, construction and other professionals for services in support of the Stormwater Utility, emergency preparedness related to storms and hurricanes, acquisition or construction of Stormwater Infrastructure, or any other functions required, useful or prudent for a program of Stormwater Management.

2.10 Stormwater Utility User Fees: Stormwater Utility User Fees shall mean the service fee imposed pursuant to this article for the purpose of funding costs related to stormwater programs, services, systems, and facilities. These fees will be calculated based upon the residential category for a parcel and/or the nonresidential parcel's impervious area and/or the vacant/undeveloped land category, as pursuant to the provisions of Beaufort County Ordinance 2005-33.

2.11 Stormwater Utility: The administrative organization created for the purposes of planning, designing, overseeing, funding, building, and maintaining Stormwater Infrastructure, either directly or through cooperative arrangements with other governmental bodies; and for administering and managing Stormwater Management throughout Beaufort County.

2.12 Town: The Town of Bluffton, South Carolina.

ARTICLE 3 - TERM OF THIS AGREEMENT

3.00 Term of This Agreement: The term and duration of this Agreement shall be as follows in

this Article 3.

3.01 Initial Term of this Agreement: The Initial Term of this Agreement shall be for a period of ten (10) years, commencing on the date of the execution hereof.

3.02 Periodic Review of this Agreement: The Beaufort County Stormwater Management Plan Implementation Committee shall conduct periodic review of this Agreement to insure that it remains current with the state of the art stormwater management and practices and shall provide recommendations for updates to the agreement if necessary.

3.03 Extension of this Agreement: The term of this Agreement may be extended at any time by the mutual agreement of the parties hereto, or upon the expiration of the initial ten (10) year term set forth in Article 3.01 above.

3.04 Termination of this Agreement: This Agreement may be terminated by either party hereto, by delivering written notice of the termination to the other party. Termination under this Article shall only be effective on the final day of any given County fiscal year. The written notice of termination shall be provided by the party terminating the Agreement no less than one hundred eighty days prior to the date the termination will be effective.

3.05 Effect of Termination: Upon termination of this Agreement under any provision of this Article 3, or otherwise, all rights and obligations of any party hereto, specifically including but not limited to the right of the County to charge Stormwater Utility User Fees to property owners in the Town, shall immediately end.

3.06 Conveyance of Assets: Upon termination of this Agreement under any provision of this Article 3, the County shall convey to the Town all of its right, title and interest in any Stormwater Infrastructure, including any storm water easements, within the municipal limits of

the Town. However, this shall not include Stormwater Infrastructure on County owned parcels or County road rights of way within the limits of the Town.

3.07 Rebate of User Fees: Upon termination of this Agreement under any provision of this Article 3, the County shall return to the Town any collected but unspent or unobligated Stormwater Utility User Fees collected from within the Town Limits.

ARTICLE 4 – FINANCE AND FUNDING

4.00 Financial and Funding Relationship: The Town shall provide the County with its Stormwater Utility User Fee collection Rate for its fiscal year prior to August 15 each year of this Agreement. This will be in the form of a letter to the County Administrator from the Town Manager. In the event that the Town fails to submit this letter in accordance with Article 4 of this agreement, the previous year's rate shall apply. If requested by the County, the Town shall also provide to the County an annual report of its storm water fee expenditures for each fiscal year.

4.01 Use of Revenue: In accordance with the provisions of S. C. Code Ann. 48-14-120(C) (Supp. 2010), and S. C. Regs. 72-310 (Supp. 2010), all Stormwater Utility User Fees collected within the Town, less an administrative fee, shall be returned to the Town. The administrative fee is to be calculated as a fixed dollar amount for each equivalent single family unit (SFU) billed and collected by the Stormwater Utility. The Utility shall define its administrative costs each year during the annual budget process. For fiscal year 2012 the fee shall be \$2.80 per Single Family Unit (SFU) base rate applied to the fee paying lands within the limits of the Town. After FY 2012, the Beaufort County Stormwater Management Plan

Implementation Committee shall conduct annual reviews of the Utility's administrative budget and recommend any changes to the amount billed per SFU and the Utility shall provide the Town and itemized proposal for the administrative services and deliverables to be provided in the coming fiscal year. This proposal shall be submitted to the Town by March 15 of each calendar year. The Town shall provide a written recommendation of acceptance to the Utility by April 15 of the same year. This shall serve as the basis for the annual administrative fee to be calculated per Town SFU, and included in each entity's annual budget.

(a) The administrative fee shall be used by the County to defray the County's administrative cost in managing the Stormwater Utility.

(b) The Town shall use Stormwater Utility User Fees to provide Stormwater Management within the Town, including, but not limited to:

(i) The acquisition, design, construction, and maintenance of Stormwater Infrastructure, or repayment of bonded indebtedness issued to fund construction of Stormwater Infrastructure, in so far as the law and covenants of the bonds allow, or for repayment to the Town for general fund or other funds spent by the Town to fund Stormwater Management activities;

(ii) Acquisition of Stormwater Infrastructure, including any easements or other interests in real property which shall be held in the name of the Town;

(iii) Maintenance of Stormwater Infrastructure by the Town and its contractor(s,) or by direct services of the Stormwater Utility. Charges for services by the Stormwater Utility; shall be negotiated and approved by the County and

the Town, as is provided in Articles 4.03, 4.05(a), 5.05, and 5.07 below; The Town shall have the right of non exclusive use of direct maintenance services, and there shall be no minimum dollar amount required to be spent annually by the Town on any services provided by the Stormwater Utility;

(iv) Plan review and site inspections related to compliance with stormwater ordinances and standards for development within the Town as set forth in Articles 4.05, 4.06 and 4.07 below;

(v) NPDES Phase II permit compliance;

(vi) Payment of bond indebtedness or repayment of funds borrowed from the general fund or any other fund; and,

(vii) Any other services related to Stormwater Management.

4.02 Further Agreements Authorized: The Town and the County may negotiate and enter into agreements to share costs and responsibilities related to NPDES permit compliance. Such agreements and cost allocations shall be reflected in each entities annual budget and must be authorized by the Town Council and County Council.

4.03 Cost of Services: If the Town chooses to utilize the direct services of the Stormwater Utility, however described, they shall be accounted for at the County's actual cost of the equipment, materials, and personnel utilized in the delivery of the services.

4.04 Setting of Stormwater Utility User Fee Rate (SFU's): The Town shall be responsible each year for setting the Storm Water Utility User Fee Rate to be assessed on parcels within the Town. The Stormwater Utility User Fee rate shall be set in accordance with S. C. Code Ann. 48-14-120(C) (Supp. 2010), and S. C. Regs. 72-310(G) (Supp. 2010), or any other applicable law or

regulation.

4.05 Plan Review and Site Inspection: For all activities that constitute development within Town limits, the Town will provide review of plans and site inspections to ensure compliance with all applicable laws, ordinances and regulations.

4.06 Coordination of Services: The Town shall identify a representative of its staff to serve as the contact person and coordinator for Stormwater Management Services, including services provided by the County within the Town, long range planning and water quality initiatives such as the NPDES Phase II requirements compliance, notification of problems, facilitating access within any planned or future Planned Unit Developments within the Town, and advising the County on site-specific conditions within the Town.

ARTICLE 5 – ADMINISTRATION OF STORMWATER UTILITY

5.00 Stormwater Utility: The County has established a Stormwater Utility that administers funds and conducts a Stormwater Management program throughout the County.

5.01 Stormwater Management Plan: The County shall have the responsibility to maintain the Stormwater Management Plan to be administered by the Stormwater Utility .

5.02 Relationship of Plan to Agreement: The Stormwater Management Plan developed and maintained by the Stormwater Utility shall incorporate the obligations of the County and Town under this Agreement. In the case of any conflict between the provisions of the Stormwater Management Plan and this Agreement, the provisions of this Agreement shall control.

5.03 Stormwater Utility User Fees: The Stormwater Utility shall bill and collect parcel based Stormwater Utility User Fees from property owners, tenants, or other appropriate parties, pursuant to its authority and subject to any intergovernmental agreements, including this

Agreement, and may also apply for, acquire and use any other funding from any public or private source in support of the Stormwater Management Plan as allowed by law.

5.04 County Responsibilities: The County, through the Stormwater Utility, shall have the following responsibilities:

(a) *Collection and Distribution of Fees:* Stormwater Utility User Fees within the Town limits shall be charged and collected by the County in accordance with the provisions of Article 4.0 of this Agreement; the Stormwater Utility User Fees shall be collected in accordance with S. C. Code Ann. 48-14-120(C) (Supp. 2010), and S. C. Regs. 72-310(G) (Supp. 2010), or any other applicable law or regulation, and shall not include provisions for relief from the payment of the Stormwater Utility User Fees; the County shall distribute the Town's Stormwater Utility User Fees less the County administrative costs as defined in Article 4.01, in the same manner as ad valorem taxes are distributed for each year this Agreement is in effect;

(b) *Provision of Services:* Provision of the services required under this Agreement.

(c) *Budgeting and Expenditure:* Setting the budget for the Stormwater Utility, and spending the revenues in accordance with any applicable ordinances or agreements, including this Agreement;

(d) *Administrative Activities:* Managing all administrative activities of the Stormwater Utility, including but not limited to, fee assessment, collection and distribution, maintenance of accounting records, maintenance of storm water data,

implementation of the master plan, acquisition of easements, coordination with other agencies, reporting to the storm water utility board;

(e) *Accounting:* Maintaining an accounting of revenues and expenditures on a jurisdictional or geographic basis, as may be set or described under any applicable ordinance or agreement, including this Agreement, the County shall provide the Town with an itemized annual accounting of all Stormwater Utility User Fees within the Town limits in the form of a budget report, including but not limited to: how parcel fees were determined, calculated, and assessed; total fees collected; total Administrative costs retained by the County; total fees in arrears, on which parcels and the status of the collection attempt(s) on such parcels; fee credits applied for; fee credits paid; and fees that required adjustment since the last billing. This budget report shall be parcel based and provided to the Town annually prior to February 15 throughout the term of this agreement as a electronic document compatible with the most current version of Microsoft Office. The County shall also maintain an annual accounting of all administrative costs associated with operating the Utility. Either the Town or County, at the sole expense of the requesting jurisdiction, may request a professional audit of any of the budget reports;

(f) *Operation and Maintenance:* At the direction and approval of the Town, provide for the operation and maintenance of Stormwater Infrastructure within the Town; and,

5.05 *Delivery of Services:* The County shall coordinate the delivery of services hereunder

through the Town Manager or his designee, via a Job Order Process as agreed to by the Town and County. All delivery of County services upon parcels within the Town limits shall be approved in writing by the Town before any work is performed or any funds may be returned to the County, and all delivery of storm water infrastructure services within County Rights of Ways shall be coordinated with the Town.

5.06 Coordination with Other Jurisdictions: From time to time a need for coordination between all incorporated jurisdictions within the County and the County may occur, and it shall be the responsibility of the County to facilitate such coordination. The County will work with designated representatives from all jurisdictions within the County to ensure effective communication regarding issues impacting the Stormwater Infrastructure and the Stormwater Management Plan.

5.07 Qualifications and Extents of Service: Stormwater infrastructure in road Rights of Ways, whether Federal, State, County or Municipal, shall be maintained by the owner, as these areas are exempt from Stormwater Utility User Fees per Section 99-109 (b) of County Ordinance 2005-33. The Town shall retain the right to determine the qualifications for, extent of, and level of service required to maintain the Stormwater Infrastructure within the limits of the Town, with the exception of County and State road Rights of Way, which shall be designed and maintained in accordance with their current standards.

5.08 Fee Credits: The Town shall have the authority to review and comment on all County stormwater fee credit applications requested upon parcels within the Town limits.

5.09 Easements: The Town and County will allow mutual blanket encroachments upon each other's existing easements, but only to enable the Town and/or County to perform stormwater

utility related work within the limits of the Town.

ARTICLE 6: STORMWATER ORDINANCES AND DEVELOPMENT STANDARDS

6.00 *Applicable Standards:* The current hydrologic and hydraulic engineering and design standards of the Town shall prevail in the design, construction, operation and maintenance of any portion of the Stormwater Infrastructure within the Town, unless superseded by the hydrologic and hydraulic engineering and design standards of the County or State, as may be required for specific work performed in County or State rights of way.

6.01 *State or Federal Laws or Regulations:* The Town and the County shall at all times comply with any applicable State or Federal Laws or regulations relating to Stormwater Management, Stormwater Infrastructure, erosion control or pollution.

6.02 *Regulatory Obligations of the Town:* The Town and County shall adopt and enforce ordinances and development standards as necessary to comply with State and Federal standards regarding stormwater management, erosion and sedimentation, pollution control, and flooding. Minimum water quality controls in jurisdictions shall be protective enough to reach and maintain state designated water uses.

6.03 *Plan Review and Site Inspection:* The Town and the County shall be responsible for the review and approval of all development plans within their respective jurisdictions, to ensure that all applicable regulations pertaining to construction site erosion, sedimentation, and pollution control as well to post-construction stormwater quantity and quality control are met. Each jurisdiction shall be responsible for providing inspections during construction to ensure that construction is following the approved development plan.

ARTICLE 7 – NPDES MS4 PHASE II PERMIT COMPLIANCE

7.00 NPDES Compliance: Should the Town be designated by the State of South Carolina for compliance with the NPDES program, the Town shall be responsible for the development of the NPDES MS4 Phase II permit application, the development of Best Management Practices required by the permit, and the implementation of the program of Best Management Practices set forth in the permit.

7.01 Roles and Responsibilities: The Town and County shall hold separate NPDES MS4 Phase II permits and shall each be responsible for maintaining compliance with their respective permit requirements.

7.02 Coordination of Activities: It is expected that some aspects of NPDES MS4 Phase II requirements will lend themselves to coordination and cooperation between the Town and the County. In such instances, coordination between the Town and the County shall be on the basis of a specific Minimum Control Measure (MCM) and shall be established by a separate written agreement that specifies the objectives, product deliverables, schedules, funding distribution, and the roles and responsibilities of each party in addressing these measures.

7.03 Annual Reporting: The Town and County will each be responsible for preparing an annual report documenting the activities undertaken in support of NPDES MS4 Phase II permit requirements during the previous year and submitting the report to the South Carolina Department of Health and Environmental Control.

7.04 Permit Related Costs: All costs related to the NPDES MS4 Phase II permit shall be borne by the permit holder. In instances where the Town and County coordinate to meet permit requirements, costs may be shared on a basis that is detailed in a separate written agreement.

ARTICLE 8 – DATA ACQUISITION AND MANAGEMENT

8.00 Roles and Responsibilities: The Town and County shall each be responsible for acquiring and maintaining data sets that are relevant to Stormwater Management in their respective jurisdictions.

8.01 Cost Sharing: Cost sharing agreements for data acquisition may be made between the Town and County on a project-specific basis. The terms and details of any cost sharing agreement shall be detailed in a separate written agreement between the Town and County.

8.02 Data Sharing: The Town and County shall share acquired data at the request of the other. In such instances the Town and County will agree to abide by each entity's current data distribution policy.

8.03 Data Types: Types of data that the Town and County will acquire, maintain, and may share include but are not limited to, GIS data, aerial photography, LIDAR data, water quality monitoring data, stream gage data, financial and accounting data.

ARTICLE 9 – OTHER AGREEMENTS

9.00 Scope and cost sharing: From time to time various projects may be shared in scope and/or cost between the County and the Town, or the County and multiple Municipalities within the County via Memos of Understanding, Contracts, and/or Joint Resolutions.

9.01 Agreement Recommendations: The Stormwater Implementation Committee shall be the vehicle whereby agreements of project scope and cost sharing between the County and multiple Municipalities within the County are reviewed and recommended to the Municipalities and County. For agreements solely between the Town and the County, the Stormwater Implementation Committee Review is not required.

9.02 Agreement approvals: Other agreements between the County and the Town must be approved by the Town Council and the County Council or their designees.

ARTICLE 10 - MISCELLANEOUS

10.00 Provisions Applicable to This Agreement: The following general provisions are applicable to this Agreement:

10.01 Binding Effect: This Agreement shall inure to the benefit of and shall be binding upon the Town and County and their respective successors and assigns, if any are permitted hereunder.

10.02 Amendment, Changes and Modifications: Except as otherwise provided herein, this Agreement may not be effectively amended, changed, modified or altered without the written consent of the Town and the County.

10.03 Severability: In the event that any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

10.04 Execution in Counterparts: This Agreement may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

10.05 Applicable Law: This Agreement shall be governed by and construed in accordance with the laws of the State of South Carolina.

10.06 Captions: The captions or headings herein are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Agreement.

10.08 Plural/Singular: Where appropriate, the use of the singular herein shall include and be deemed to be the plural, and the use of the plural herein shall be deemed to include the singular.

10.09 No Third Party Beneficiaries:The Town and the County hereto affirmatively represent that this Agreement is made solely for the benefit of the parties hereto and their respective successors and assigns and not for the benefit of any third party who is not a signature party hereto. No party other than the signature parties and their respective successors and assigns hereto shall have any enforceable rights hereunder, or have any right to the enforcement hereof, or any claim for damages as a result of any alleged breach hereof.

10.10 Notices: All notices, applications, requests, certificates or other communications hereunder shall be sufficiently given and shall be deemed given when delivered in person, or mailed by regular first class mail, postage prepaid (in such case, delivery shall be deemed complete upon mailing), addressed as follows, or to such other place as may be designated in writing by the parties.

To the Town: THE TOWN OF BLUFFTON
Anthony Barrett, Town Manager
20 Bridge Street,
PO Box 386
Bluffton, SC 29928

To the County: BEAUFORT COUNTY, SOUTH CAROLINA
Gary Kubic, Manager
Post Office Box 1128
Beaufort, SC, 29902

10.11 *No Waiver:* No failure of either party hereto to exercise any power or right given to such party hereunder, or to insist on strict compliance by any other party to its obligations hereunder, and no custom or practice of the parties at variance with the terms hereof shall constitute a waiver of any party's right to thereafter demand strict compliance with the terms of this Agreement.

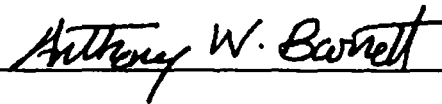
10.12 *Further Assurances and Corrective Documents:* The Town and the County agree to do, execute, acknowledge, deliver or cause to be done all such further acts as may be reasonably determined to be necessary to carry out this Agreement and give effect to the provisions hereof. The Town and the County agree that each shall, upon request, execute and deliver such other or corrective documents as may be reasonably determined to be necessary to carry out this Agreement and each of the provisions hereof.

In Witness Whereof, The Town of Bluffton, South Carolina, and Beaufort County, South Carolina, by and through their duly authorized officers, have set their hands and seals on this 24th day of August, 2011.


WITNESSES:

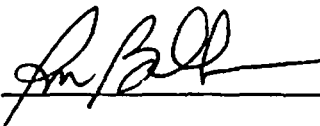
THE TOWN OF BLUFFTON,
SOUTH CAROLINA



By: 

Anthony Barrett, Town Manager



Attest: 

WITNESSES:

BEAUFORT COUNTY, SOUTH CAROLINA

By: _____

Gary Kubic, County Administrator

Attest: _____

ORDINANCE NO. _____

AN ORDINANCE TO AMEND PART I, CHAPTER 46, ARTICLE III OF THE BEAUFORT COUNTY CODE OF ORDINANCES RELATING TO THE BEAUFORT COUNTY DISABILITIES AND SPECIAL NEEDS BOARD AND PROVISIONS RELATING THERETO

Whereas, Beaufort County Ordinance 2002/33 (General Template) and South Carolina Code Ann. Section 44-20-10 et. seq., establishes the authority for development of County Disabilities and Special Needs Boards; and

Whereas, from time to time it is necessary for County Council to reexamine its codes and ordinances to ensure that they are current in their wording and executions; and

Whereas, it is apparent that certain language contained in Sections 46-91 and 46-92 should be amended to reflect the current processes, characteristics, and purposes of the Beaufort County Disabilities and Special Needs Board.

Now, THEREFORE, BE IT ORDAINED, by Beaufort County Council that Part I, Chapter 46, Article III of the Beaufort County Code of Ordinances be amended to read as follows:

Sec. 46-91. – Purpose.

The purpose of the Beaufort County Board of Disabilities and Special Needs is to advocate for the individuals with disabilities and special needs who are served by the Beaufort County Disabilities and Special Needs Department; to provide assistance and advice to the Beaufort County Disabilities and Special Needs Department staff concerning matters of policy; and to promote community awareness of Beaufort County Disabilities and Special Needs Department programs and services.

Sec. 46-92. – Membership; terms of office.

- (a) The membership of the Board shall be at least seven (7) members, but not more than eleven (11), and shall be appointed by Beaufort County Council.
- (b) Board members shall serve a term of office of four (4) years as identified in their appointment letter subject to the following voting requirements for appointment and reappointment:
 - a. 1st Term- Requires an affirmative vote of no less than six (6) Council members;
 - b. 2nd Term- Requires an affirmative vote of no less than eight (8) Council members; and
 - c. 3rd or Subsequent Term- Requires and affirmative vote of no less than ten (10) members of Council.
- (c) Members of the Board shall serve without compensation from either the State of South Carolina or Beaufort County, with the exception that limited travel or other expenses may be reimbursed upon prior written approval of the County Administrator.

(d) Any member desiring to resign from the Board shall do so by submitting his or her resignation in writing to the Chairman of County Council and the Chairman of the Board of Disabilities and Special Needs. Members who fail to attend 3 consecutive meetings without prior written notice will be subject to recommendation for removal to County Council.

Adopted this _____ day of _____, 2011.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:

Ladson F. Howell, Staff Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading: August 22, 2011

Second Reading:

Public Hearing:

Third and Final Reading:

ORDINANCE NO. 2011/ _____

AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2011A, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF BEAUFORT COUNTY, SOUTH CAROLINA, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$18,250,000; FIXING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE COUNTY ADMINISTRATOR OR HIS LAWFULLY-AUTHORIZED DESIGNEE TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO.

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

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

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

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

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

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

(e) The assessed value of all the taxable property in the County as of June 30, 2011, is \$1,823,808,541. Eight percent of the assessed value is \$145,904,683. As of the date hereof, the outstanding general obligation debt of the County subject to the limitation imposed by Article X, Section 14(7) of the Constitution is \$93,385,369 which includes the Bonds to be Refunded (hereinafter defined). Thus, the County may incur \$52,519,314 of additional general obligation debt within its applicable debt limitation.

(f) Pursuant to constitutional and statutory authorizations and Ordinance No. 2003/9 duly enacted by the County Council on March 24, 2003 (the "2003 Ordinance"), the County issued its \$25,500,000 General Obligation Bonds, Series 2003, dated June 15, 2003 (the "Series 2003 Bonds").

(g) The 2003 Bonds are subject to the 8% constitutional debt limit. The difference between the outstanding principal amount of the maturities to be refunded of the 2003 Bonds and the amount needed to refund the certain maturities of the 2003 Bonds will also count against the County's 8% constitutional debt limit.

(h) Sections 11-21-10 to 11-21-80 of the Code of Laws of South Carolina 1976, as amended, empower any "public agency" to utilize the provisions of Article 5, Chapter 15, Title 11 (the "Refunding Act") of the Code of Laws of South Carolina 1976, as amended, to effect the refunding of any outstanding general obligation bonds.

(i) The Series 2003 Bonds are currently outstanding in the amount of \$18,900,000. The Series 2003 Bonds maturing on or after February 1, 2014, are subject to redemption at the option of the County on or after February 1, 2013, in whole or in par at any time, and if in part in such order of maturity as selected by the County, at par, together with the interest accrued thereon to the date fixed for redemption.

(j) Based on current market conditions and projected savings, the County Council finds that it is in the best interest of the County to effect a refunding of certain maturities of the Series 2003 Bonds (the "Bonds to be Refunded") because a savings can be effected through the refunding of such Series 2003 Bonds. The County Council recognizes, however, that current market conditions may change and that, as of the date of enactment of this Ordinance, a determination cannot be made as to the amount of such savings, if any, realized through the refunding of the Bonds to be Refunded and that certain authority relating to such refunding is delegated to the County Administrator and/or his lawfully-authorized designee through this Ordinance. Because the Refunding Act requires that refunding bonds be sold at public sale, there can be no assurance that market conditions at the time of such sale will be similar to the prevailing rates on the date of the enactment of this Ordinance. If the rates of interest on the refunding bonds authorized by this Ordinance do not result in satisfactory debt service savings, the County Council, through the authority delegated to the County Administrator and/or his lawfully-authorized designee, will be empowered to reject bids for the purchase of the refunding bonds.

(k) It is now in the best interest of the County for County Council to provide for the issuance and sale of not exceeding \$18,250,000 principal amount general obligation refunding bonds of the County to provide funds for (i) refunding the Bonds to be Refunded; (ii) costs of issuance of the Bonds (hereinafter defined); and (iii) such other lawful purposes as the County Council shall determine.

SECTION 2. Authorization and Details of Bonds. Pursuant to the aforesaid provisions of the Constitution and laws of the State, there is hereby authorized to be issued not exceeding \$18,250,000 aggregate principal amount of general obligation refunding bonds of the County to be designated "\$18,250,000 (or such lesser amount issued) General Obligation Refunding Bonds (appropriate series designation), of Beaufort County, South Carolina" (the "Bonds"), for the purpose set forth in Section 1(k) and other costs incidental thereto, including without limiting the generality of such other costs, engineering, financial and legal fees.

The refunding of the Bonds to be Refunded shall be effected with a portion of the proceeds of the Bonds which proceeds shall be used for the payment of the principal of such Bonds to be Refunded as and when such Bonds to be Refunded mature and are called for redemption in accordance with the provisions of the 2003 Ordinance and interest on such Bonds to be Refunded as and when the same becomes due. If necessary, notice of the aforesaid refunding for which a portion of the proceeds of the Bonds will be used shall be given in a financial paper published in the City of New York, State of New York.

Upon the delivery of the Bonds, the principal proceeds thereof, less issuance expenses, shall be deposited with an escrow agent to be named (the "Escrow Agent") and held by it under a written refunding trust agreement between the Escrow Agent and the County (the "Refunding Trust Agreement") in an irrevocable trust account. It shall be the duty of such Escrow Agent to keep such proceeds invested and reinvested to the extent that it shall be practical in obligations of the United States or any agency thereof and to apply the principal and interest of the trust so established in the manner prescribed in such Refunding Trust Agreement.

The County Administrator and/or his lawfully-authorized designee are hereby authorized and directed for and on behalf of the County to execute such agreements and give such directions as shall be necessary to carry out the provisions of this Ordinance, including the execution and delivery of the Refunding Trust Agreement. The Refunding Trust Agreement shall be dated the date of delivery of the Bonds to the initial purchasers thereof.

Upon the award of the Bonds, the County shall designate the Bonds to be Refunded for redemption on a date determined by the County Administrator and/or his lawfully-authorized designee in accordance with the 2003 Ordinance.

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

Within twenty-four (24) hours after the receipt of bids, the County Administrator is hereby authorized to designate the registrar and paying agent (the "Registrar/Paying Agent") for the Bonds. The Registrar/Paying Agent shall be a bank, trust company, depository or transfer agent located either within or without the State of South Carolina.

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

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

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

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

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

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

SECTION 6. Mutilation, Loss, Theft or Destruction of Bonds. In case any Bond shall at any time become mutilated in whole or in part, or be lost, stolen or destroyed, or be so defaced as to impair the value thereof to the owner, the County shall execute and the Registrar shall authenticate and deliver at the principal office of the Registrar, or send by registered mail to the owner thereof at his request, risk and expense a new Bond of the same series, interest rate and maturity and of like tenor and effect in exchange or substitution for and upon the surrender for cancellation of such defaced, mutilated or partly destroyed Bond, or in lieu of or in substitution for such lost, stolen or destroyed Bond. In any such event the applicant for the issuance of a substitute Bond shall furnish the County and the Registrar evidence or proof satisfactory to the County and the Registrar of the loss, destruction, mutilation, defacement or theft of the original Bond, and of the ownership thereof, and also such security and indemnity in an amount as may be required by the laws of the State of South Carolina or such greater amount as may be required by the County and the Registrar. Any duplicate Bond issued under the provisions of this Section in

exchange and substitution for any defaced, mutilated or partly destroyed Bond or in substitution for any allegedly lost, stolen or wholly destroyed Bond shall be entitled to the identical benefits under this Ordinance as was the original Bond in lieu of which such duplicate Bond is issued, and shall be entitled to equal and proportionate benefits with all the other Bonds of the same series issued hereunder.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

If the County is unable to retain a qualified successor to DTC or the County has determined that it is in its best interest not to continue the book-entry system of transfer or that interests of the beneficial owners of the Bonds might be adversely affected if the book-entry system of transfer is continued (the County undertakes no obligation to make any investigation to determine the occurrence of any events that would permit it to make any such determination), and has made provision to so notify beneficial owners of the Bonds by mailing an appropriate notice to DTC, upon receipt by the County the Initial Bonds together with an assignment duly executed by DTC, the County shall execute, authenticate and deliver to the DTC participants Bonds in fully-registered form, in substantially the form set forth in Section 8 of this Ordinance in the denomination of \$5,000 or any integral multiple thereof.

Notwithstanding the foregoing, at the request of the purchaser, the Bonds will be issued as one single fully-registered bond and not issued through the book-entry system.

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

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

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

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

SECTION 19. Deposit and Use of Proceeds. The proceeds derived from the sale of the Bonds necessary to refund the Bonds to be Refunded shall be deposited with the Escrow Agent pursuant to the terms of the Refunding Trust Agreement. The remaining proceeds, if any, shall be deposited with the

County Treasurer in a special fund to the credit of the County and shall be applied solely to the purposes for which the Bonds have been issued, including payment of costs of issuance of the Bonds.

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

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

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

“Government Obligations” shall mean any of the following:

- (a) direct obligations of the United States of America or agencies thereof or obligations, the payment of principal or interest on which, in the opinion of the Attorney General of the United States, is fully and unconditionally guaranteed by the United States of America;
- (b) non-callable, U. S. Treasury Securities - State and Local Government Series (“SLGS”); and
- (c) general obligation bonds of the State, its institutions, agencies, school districts and political subdivisions.

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

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

Enacted this _____ day of September, 2011.

BEAUFORT COUNTY, SOUTH CAROLINA

Chair, County Council

(SEAL)

ATTEST:

Clerk, County Council

First Reading: August 22, 2011

Second Reading:

Public Hearing:

Third and Final Reading:

FORM OF BOND

UNITED STATES OF AMERICA
STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT
GENERAL OBLIGATION REFUNDING BOND, SERIES 2011_

No. R-

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

REGISTERED HOLDER:

PRINCIPAL AMOUNT: DOLLARS

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

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

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

This Bond is one of a series of Bonds of like date of original issue, tenor and effect, except as to number, denomination, date of maturity, redemption provisions, and rate of interest, aggregating _____ Dollars (\$ _____), issued pursuant to and in accordance with the Constitution and laws of the State of South Carolina, including Article X of the Constitution of the State of South Carolina, 1895, as amended; Title 4, Chapter 15, Code of Laws of South Carolina 1976, as amended; Title 11, Chapter 27, Code of Laws of South Carolina 1976, as amended; and Ordinance No. _____ duly enacted by the County Council on _____, 2011.

[Redemption Provisions]

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

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

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

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

BEAUFORT COUNTY, SOUTH CAROLINA

Chair of County Council

(SEAL)

ATTEST:

Clerk of County Council

[FORM OF REGISTRAR'S CERTIFICATE OF AUTHENTICATION]

Date of Authentication:

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

_____ as Registrar

By: _____ Authorized Officer

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

TEN COM - As tenants in common

UNIF GIFT MIN. ACT

TEN ENT - As tenants by the entireties

_____ Custodian _____
(Cust.) (Minor)

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

under Uniform Gifts to Minors

(State)

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

[FORM OF ASSIGNMENT]

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

(Name and address of Transferee)

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

Dated:

Signature Guaranteed:

(Authorizing Officer)

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

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

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

[FORM OF CERTIFICATE]

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

BEAUFORT COUNTY, SOUTH CAROLINA

By: _____
Clerk of County Council

FORM OF NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the County Council of Beaufort County, South Carolina (the "County"), County Administration Building, 100 Ribaut Road, Beaufort, South Carolina, at 6:00 p.m. on _____, 2011.

The purpose of the public hearing is to consider an Ordinance providing for the issuance and sale of General Obligation Refunding Bonds of Beaufort County, South Carolina, in the principal amount of not exceeding \$18,250,000 (the "Bonds"). The proceeds of the bonds will be used for the following purposes: (i) refunding certain maturities of the County's original principal amount \$25,500,000 General Obligation Bonds, Series 2003, dated June 15, 2003; (ii) paying costs of issuance of the Bonds; and (iii) such other lawful purposes as the County Council shall determine.

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

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

COUNTY COUNCIL OF BEAUFORT COUNTY,
SOUTH CAROLINA

FORM OF NOTICE

NOTICE OF ADOPTION OF ORDINANCE

Notice is hereby given that on _____, 2011, the Beaufort County Council adopted an ordinance entitled: "ORDINANCE NO. _____" (the "Ordinance").

The proceeds of the bonds will be used together with other available funds of the County for the following purposes: The proceeds of the bonds will be used for the following purposes: (i) refunding certain maturities of the County's original principal amount \$25,500,000 General Obligation Bonds, Series 2003, dated June 15, 2003; (ii) paying costs of issuance of the Bonds; and (iii) such other lawful purposes as the County Council shall determine.

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

COUNTY COUNCIL OF BEAUFORT COUNTY,
SOUTH CAROLINA

FORM OF NOTICE OF SALE

OFFICIAL NOTICE OF SALE

\$ _____ GENERAL OBLIGATION REFUNDING BONDS, SERIES 2011_,
OF BEAUFORT COUNTY, SOUTH CAROLINA

Time and Place of Sale: NOTICE IS HEREBY GIVEN that sealed bids, facsimile bids and electronic bids will be received on behalf of Beaufort County, South Carolina (the "County"), 100 Ribaut Road, Beaufort, South Carolina, until 11:00 a.m, South Carolina time, on _____, _____, 2011, at which time said proposals will be publicly opened for the purchase of \$ _____ General Obligation Refunding Bonds, Series 2011_, of the County (the "Bonds").

Sealed Bids: Each hand delivered proposal shall be enclosed in a sealed envelope marked "Proposal for \$ _____ General Obligation Refunding Bonds, Series 2011_, Beaufort County, South Carolina" and should be directed to the County Administrator at the address in the first paragraph hereof.

Facsimile Bids: The County will accept the facsimile transmission of a manually signed Official Bid Form at the risk of the Bidder. The County shall not be responsible for the confidentiality of bids submitted by facsimile transmission. Any delay in receipt of a facsimile bid, and any incompleteness or illegible portions of such bid are the responsibility of the bidder. Bids by facsimile should be transmitted to the attention of the County Administrator, fax number (843) _____.

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

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

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

The Bonds will be issued in fully-registered form registered as to principal and interest; will be dated _____, 2011; will be in denominations of \$5,000 or any integral multiple thereof not exceeding the principal amount of Bonds maturing in each year; and will mature serially in successive annual installments on _____ in each of the years and in the principal amounts as follows:

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

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

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

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

[Redemption Provisions]

Registrar/Paying Agent: Within twenty-four (24) hours after the receipt of bids, the County will designate the registrar and paying agent (the “Registrar/Paying Agent”) for the Bonds. The Registrar/Paying Agent shall be a bank, trust company, depository or transfer agent located either within or without the State of South Carolina.

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

Award of Bid. The Bonds will be awarded to the bidder or bidders offering to purchase the Bonds at the lowest true interest cost (TIC) to the County. The TIC will be the nominal interest rate which, when compounded semiannually and used to discount all debt service payments on the Bonds (computed at the interest rates specified in the bid and on the basis of a 360-day year of twelve 30-day months) to the dated date of the Bonds, results in an amount equal to the price bid for the Bonds. In the case of a tie bid, the winning bid will be awarded by lot. The County reserves the right to reject any and

all bids or to waive irregularities in any bid. Bids will be accepted or rejected no later than 3:00 p.m., South Carolina time, on the date of the sale.

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

Good Faith Deposit: No good faith deposit is required.

Bid Form: Proposals should be enclosed in a separate sealed envelope marked "Proposal for \$ _____ General Obligation Refunding Bonds, Series 2011_ of Beaufort County, South Carolina" and should be directed to the County Administrator at the address in the first paragraph hereof. It is requested but not required that you submit your bid on the Proposal for Purchase of Bonds supplied with the Official Statement.

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

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

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

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

Delivery: The Bonds will be delivered on or about _____, 2011, in New York, New York, at the expense of the County. The balance of the purchase price then due, including the amount of accrued interest, must be paid in federal funds or other immediately available funds.

BEAUFORT COUNTY, SOUTH CAROLINA

s/ _____
Chair of County Council

FORM OF DISCLOSURE DISSEMINATION AGENT AGREEMENT

ORDINANCE NO.

AN ORDINANCE TO REGULATE OUTDOOR BURNING WITHIN THE UNINCORPORATED AREAS OF BEAUFORT COUNTY; TO PROVIDE FOR THE ENFORCEMENT THEREOF, AND MATTERS RELATED THERETO.

WHEREAS, smoke from outdoor burning in populated areas can present a serious health hazard to individuals with respiratory ailments, including children, elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease; and

WHEREAS, smoke from outdoor burning is a common cause of complaints between neighbors and may become a public nuisance to residents of Beaufort County and the traveling public; and

WHEREAS, smoke from outdoor burning may pose significant visibility problems for individuals driving within Beaufort County resulting in accidents and other public safety issues; and

WHEREAS, Beaufort County Council finds that it is in the interest of the public health, safety, and welfare of the citizens of the County, to strictly regulate outdoor burning.

NOW, THEREFORE, BE IT ORDAINED by Beaufort County Council that the following regulations are hereby adopted with regards to outdoor burning:

Section 1. Compliance With Ordinance. No person shall kindle or maintain any open burning or authorize any open burning to be kindled or maintained within the unincorporated areas of Beaufort County, excepted as stated in this ordinance.

Section 2. Regulation of Open Burning. The open burning of leaves, tree branches, yard trimmings, and other vegetative matter originating on the premises of residential properties located within the unincorporated areas of Beaufort County shall be permitted, provided that any such open burning must be located no less than seventy-five (75) feet from any structure, road, or property line. Adequate provisions shall be made to prevent the fire from spreading to any area within seventy-five (75) feet of any structure, road, or property line. The open burning as provided for under this section must be started only between the hours of 9:00 a.m. and 3:00 p.m. No combustible material may be added to the fire between 3:00 p.m. of one day and 9:00 a.m. the following day. Any open burning as provided for under this section shall be fully extinguished and shall not allow any smoke to be produced beyond the time of official sunset as determined by The United States Naval Observatory.

Section 3. Open Burning on Premises of Undeveloped Properties for Purposes of Land Clearing or Right-of-Way Maintenance. Open burning for purposes of land clearing or right-of-way maintenance on the premises of undeveloped properties upon which no residential structure is situated, shall be permitted, provided that such burning is conducted in accordance with the South Carolina Department of Health and Environmental Control (DHEC) Air Quality Regulations 61-62.2 and South Carolina Code of Laws Section 48-35-10, and provided that authorization for the open burning is obtained from the South Carolina Forestry Commission prior to ignition of the fire.

Section 4. Attendance and Fire Extinguishing Equipment Required for Open Burning; notice to State Forester; adherence to State Law. The open burning permitted under section 2 above shall at all times be attended by a competent person from the time that such fire is kindled, until such time as all embers of said fire have been extinguished. Such responsible person shall have a garden hose connected to a constant water supply, or other fire extinguishing equipment readily available for use, in such quantities and amounts as shall prevent the spread of any open burning beyond permitted areas. Proper notification shall be given to the State Forester or his duly authorized representative or other persons designated by the State Forester by calling the South Carolina Forestry Commission at 1-800-895-7062. The notice shall contain all information required by the State Forester. The open burning must be conducted in accordance with related State Laws and regulations including, but not limited to, DHEC Air Quality Regulations 61-62.2 and 61-62.4 and South Carolina Code of Laws Section 48-35-10.

Section 5. Fires Shall Be Prohibited as Follows.

a. The County Designated Fire Code Official, in coordination with the Fire Chief's of the individual Fire Districts in Beaufort County, may prohibit open burning during such times as may be necessary depending upon atmospheric conditions, local weather patterns, or other such circumstances as would exist to make open burning hazardous.

b. The only materials that may be lawfully burned as permitted in Section 2 above, are those vegetative materials which shall have originated on the site in which they are proposed to be included in any open burning. All other materials or items are prohibited from being burned on properties located within the unincorporated areas of Beaufort County, which materials shall include, but not be limited to; asphalt and asphaltic materials, paint, plastics, metals, treated wood, paper, petroleum products, demolition debris, dead animals, construction debris, household chemicals, household garbage, tires, trade waste and cardboard.

Section 6. Criteria for Determining When Open Burning Deemed Hazardous. When a Red Flag Alert has been declared in Beaufort County by the South Carolina Forestry Commission, it shall automatically constitute a hazardous condition. Thereafter, no open burning of any material, vegetative or otherwise, will be permitted within the unincorporated areas of the County for so long as the alert may remain active. Beaufort

County Council may also from time to time establish by resolution, reasonable criteria to assist in determining what conditions are present that may pose a hazardous situation for the burning of outdoor fires. These criteria may include, but are not limited to, air quality standards, fire danger indexes, atmospheric conditions, or local weather patterns. Additionally, should any Fire Chief of any Individual Fire District, or the County Designated Fire Official, certify in writing to the County Administrator that any current condition or set of conditions pose a present or imminent hazardous situation for purposes of banning open burning, then a ban shall take immediate effect and may last for a period of no more than thirty (30) days or until such time as County Council may have had an opportunity to hear and render a decision on the necessity of an open burning ban, whichever is shorter.

Section 7. Prohibition on Open Burning in County Maintained Drainage Ditches and on County Maintained Roads and Right-of-Way. Open burning of any material, vegetative or otherwise, shall be prohibited on all County maintained roads and right-of-ways, and within County maintained drainage ditches. At no time shall the ash or remnants of open burning be allowed to enter into County maintained drainage ditches or upon County maintained roads and right-of-ways.

Section 8. Exemptions.

a. Nothing in this Ordinance shall apply to regulate the burning of vegetative material as related to the management of forestry, wildlife, or agriculture areas, as expressly authorized by the State Forestry Commission.

b. Nothing in this Ordinance shall be meant to restrict open burning in connection with the preparation of food for consumption, campfires or other like fires intended solely for recreational purposes, or those fires necessary for religious or ceremonial occasions, or for providing human warmth, so long as said fires are maintained in a safe manner.

c. Nothing in this Ordinance shall apply to the open burning of storm debris that shall result from major storms such as severe thunderstorms, tornadoes, or hurricanes. Any fire that is contemplated under the exemption contained in this section shall require the review and approval of the County Designated Fire Code Official and the Fire Chiefs of the individual Fire Districts in which the fire is intended to occur.

d. Nothing in this Ordinance shall apply to limit the training of fire-fighting personnel so long as the kindling of any such fire has been authorized by an appropriate governmental entity, has been done in consultation with the South Carolina Department of Health and Environmental Control, is solely for the purposes of fire-fighter training, and is immediately extinguished upon the completion of all training activities.

Section 9. Hazardous or Toxic Materials. At no time shall hazardous or toxic materials be burned within the unincorporated areas of Beaufort County.

Section 10. Penalties.

Enforcement of this Ordinance shall fall under the jurisdiction of both the Beaufort County Sheriff's Office and Beaufort County Codes Enforcement. Officers of the Beaufort County Sheriff's Office and Beaufort County Codes Enforcement shall have the authority to exercise full discretion in deciding whether to issue a warning or a citation when investigating complaints that arise under this Ordinance. Any violation of this Ordinance may be punishable by a fine of up to \$110.00, or up to 30 days imprisonment.

DONE THIS _____ DAY OF _____, 2011, AT A MEETING
DULY ASSEMBLED OF BEAUFORT COUNTY COUNCIL.

COUNTY COUNCIL OF BEAUFORT COUNTY

By _____
Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:

Joshua A. Gruber, Staff Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading: August 22, 2011

Second Reading:

Public Hearing:

Third and Final Reading:

Title 48 - Environmental Protection and Conservation
CHAPTER 35.
REGULATION OF FIRES ON CERTAIN LANDS

SECTION 48-35-10. Starting fire in woodlands, grasslands, and other places unlawful unless certain precautions are taken.

It shall be unlawful for any owner or lessee of land or any employee of such owner or lessee or other person to start, or cause to be started, a fire in any woodlands, brushlands, grasslands, ditchbanks, or hedgerows or in any debris, leaves or other flammable material adjacent thereto, except under the following conditions:

- (a) Proper notification shall be given to the State Forester, or his duly authorized representative or other persons designated by the State Forester. The notice shall contain all information required by the State Forester or his representative.
- (b) Such persons shall have cleared around the area to be burned and have immediately available sufficient equipment and personnel to adequately secure the fire and prevent its spread.
- (c) The person starting the burning shall supervise carefully the fire started and have it under control prior to leaving the area.

**SOUTH CAROLINA
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
AIR POLLUTION CONTROL REGULATIONS AND STANDARDS**

**REGULATION 61-62.2
PROHIBITION OF OPEN BURNING**

OPEN BURNING IS PROHIBITED EXCEPT AS PROVIDED BELOW:

SECTION I - Exceptions

- A. Open burning of leaves, tree branches or yard trimmings originating on the premises of private residences and burned on those premises.
- B. Open burning in connection with the preparation of food for immediate consumption.
- C. Campfires and fires used solely for recreational purposes, ceremonial occasions, or human warmth. Fires set for the purpose of human warmth must use only clean wood products (woody vegetation, leaves, or wood which is not coated with stain, paint, glue or other coating material, and not treated lumber).
- D. Fires purposely set in accordance with Smoke Management Guidelines for Vegetative Debris Burning Operations in South Carolina, administered by the South Carolina Forestry Commission and acceptable to the Department to include the following:
 - 1. Prescribed burning of forest lands for specific management practices; and
 - 2. Fires purposely set for agricultural control of diseases, weeds, pests, and for other specific agricultural purposes.
 - 3. Open burning of trees, brush, grass and other vegetable matter for game management purposes.
- E. Open burning in areas other than predominantly residential for the purpose of land clearing or right-of-way maintenance. This will be exempt only if the following minimum conditions are followed:
 - 1. The location of the burning must be a sufficient distance but not less than 1000 feet, from public roadways and all residential, commercial, and industrial sites not a part of the contiguous property on which the burning is conducted.
 - 2. Winds during the time of the burning must be away from any area in which the ambient air may be significantly affected by smoke from the burning if that area contains a public roadway or a residential, commercial, or industrial site.
 - 3. The material to be burned must have been generated onsite and not moved to the site from another location;

4. The amount of dirt on the material being burned must be minimized;
5. No heavy oils, asphaltic materials, items containing natural or synthetic rubber, or any materials other than plant growth may be burned;
6. The initial burning must be started only between the hours of 9:00 a.m. and 3:00 p.m.; no combustible material may be added to the fire between 3:00 p.m. of one day and 9:00 a.m. the following day;
7. No more than two piles 30' x 30' or equivalent may be burned within a six-acre area at one time; and
8. In the case of land clearing, all salvageable timber and pulpwood must be removed.

F. Fires set for the purposes of training fire-fighting personnel and conducted at permanent fire-fighter training facilities. Prior Department approval is required in order to obtain the exemption as a permanently established training site. Fires set for the purpose of fire-fighter training at non-permanent locations must receive Department approval prior to the initiation of any burning activity. Materials used for fire-fighter training cannot contain asbestos, heavy oils, asphaltic material, plastic or rubber without express written consent from the Department.

G. Open burning on the property where it occurs of residential construction waste from building and construction operations will be exempt only if the following conditions are met:

1. The material being burned is residential construction waste associated with the building and construction of one and two family dwellings only;
2. The location of the burning is at least five hundred (500) feet from any occupied structure other than a dwelling or structure located on the property on which the burning is conducted;
3. Heavy oils, treated wood products, asphaltic materials, items containing natural or synthetic rubber, or any other trade wastes which produce smoke in excess of forty (40) percent opacity are not burned;
4. The burning does not occur during the ozone season (April 1 through October 30); and
5. The burning is conducted only between the hours of 9:00 a.m. and 3:00 p.m.;

H. Open burning, in remote or specified areas:

1. For non-recurring unusual circumstances.
2. For experimental burning for purposes of data gathering and research.

However, prior approval for these types of burning (in subparagraph H above) must be obtained from the Department.

SECTION II - General

A. A written report or warning to a person of a violation at one site shall be considered adequate notice of the Regulation and subsequent observed violations at the same or different site will result in appropriate legal action.

B. Open burning may be conducted in certain situations if no undesirable levels are or will be created. The authority to conduct open burning under this Regulation does not exempt or excuse the person responsible for the burning from the consequences of or the damages or injuries resulting from the burning and does not exempt or excuse anyone from complying with other applicable laws and with ordinances, regulations, and orders of governmental entities having jurisdiction, even though the burning is otherwise conducted in compliance with this Regulation.

C. The Department reserves the right to impose other or different restrictions and exemptions on open burning in addition to those enumerated above, whenever in the judgment of the Department such is necessary to realize the purpose of this Regulation.

R. 61-62.2 History - *South Carolina State Register*:

Vol. 7, Issue No. 4, (Doc. No. 296), April 22, 1983.

Vol. 9, Issue No. 5, (Doc. No. 457), May 24, 1985.

Vol. 28, Issue No. 6, (Doc. No. 2872), June 25, 2004.

**SOUTH CAROLINA
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
AIR POLLUTION CONTROL REGULATIONS AND STANDARDS**

**REGULATION 61-62.4
HAZARDOUS AIR POLLUTION CONDITIONS**

A. DEFINITIONS

The following words and phrases when used in this regulation shall have the meanings respectively ascribed to them:

1. Hazardous Conditions (or hazardous levels) — Conditions created by the release or discharge into the ambient air of one or more air contaminants which because of the characteristics and/or quantity of material involved may pose an imminent threat to the health of anyone who might come in contact with the material through this release as well as involving substantial risk of injury, to include injury to property or plant and animal life. This includes the indirect threat to human life and property by the creation of traffic hazards.

2. Traffic Hazards — Impairment of visibility whenever the concentration of dust, fumes, condensed vapor, or any other substance is such that the horizontal visibility at or near ground level is reduced to 2400 feet or less.

B. GENERAL

The owner or operator of any source, in addition to complying with all applicable regulations and standards, shall take all steps necessary to protect human health and welfare and otherwise minimize the effects of unintended, short-term or other releases of air contaminants and other substances which produce unintended hazardous conditions.

C. TRAFFIC HAZARDS

The emission of smoke, dust, fumes, condensed vapor, or any other substance which creates a traffic hazard on public roads by impairment of visibility, or intensifies an existing condition to the extent that a traffic hazard is created is prohibited.

D. EMERGENCY ACTIONS

In the event that releases of dust, fumes, smoke, gases, mists, vapors or other substances occur in such quantity as to create imminently hazardous levels, the owner or operator of the source shall take all necessary emergency acts to cause the release to cease, to notify nearby residents and occupants, to assist in evacuation if deemed necessary, to notify the Department immediately and to take such other action as responsible officials deem advisable.

E. CLEANUP

If releases to the atmosphere of air contaminants result from spillage and cause such concentrations as to produce an imminently hazardous level, clean up activities shall begin as soon as possible and shall be completed to the satisfaction of the Commissioner.

F. NOTIFICATION

The affected public, the Department, the South Carolina Disaster Preparedness Agency, and all law enforcement officials having jurisdiction shall be notified promptly by the owner or operator of the source in the event of releases of material which may cause imminently hazardous levels. If traffic hazards are created, notification shall be made to appropriate state or local agencies of the possible existence of such a condition and of the corresponding need for posting of appropriate signs, warning devices or flagmen. When the concentrations of materials are reduced sufficiently as to no longer present an imminent hazard, public announcement will be made, and normal operations may resume.

R. 61-62.4 History - *South Carolina State Register*:
Vol. 2, Issue No. 5, (Doc. No. ?), May 29, 1978;
Vol. 9, Issue No. 5, (Doc. No. 457), May 24, 1985.



County Council of Beaufort County
Hilton Head Island Airport – www.hiltonheadairport.com
Beaufort County Airport – www.beaufortcoairport.com
Post Office Box 23739 – 120 Beach City Road
Hilton Head Island, South Carolina 29925-3739
Phone: (843) 689-5400 - Fax: (843) 689-5411

TO: Councilman Herbert Glaze, Chairman, Public Facilities Committee

VIA: Gary Kubic, County Administrator *GL*
Bryan Hill, Deputy County Administrator *BH*
David Starkey, Chief Financial Officer *DS*
Rob McFee, Division Director, Engineering and Infrastructure *J.R. McFee*

FROM: Paul Andres, Director of Airports *PA*

SUBJ: **FAA Grant Offers**

DATE: August 16, 2011

BACKGROUND. The recent FAA furlough has resulted in a delay in issuing grant offers for this year. The FAA intends to make two or three grant offers for the Airport Improvement Program at the Hilton Head Island Airport. One of the grant offers will be for the Runway 21 Off-Airport Tree Obstruction Removal and Mitigation as well as Air Carrier Apron Joint Material Replacement. The approximate amount of this grant offer is expected to be \$1,724,154.00. State matching funds (2.5%) will be requested and the local match (2.5%) will be \$45,373.00. Another grant offer will be for Master Plan Reimbursement and to conduct the Environmental Assessment and Benefit Cost Analysis for implementation of Phase I of the Master Plan. This grant offer will be approximately \$813,591.00. Again, State matching funds (2.5%) will be requested and the local match (2.5%) should be \$21,410.00 for the EA/BCA portion. A third grant offer in the amount of \$304,384.00 is expected for Part 150 Noise Compatibility Study Reimbursement. There will be no local match required since this grant is for reimbursement of previous expenditures. The official grant offers will be forwarded as soon as they are received. These grant offers must be approved and returned to the FAA **not later than September 15, 2011** before expiration of the latest short term FAA funding authorization. The Airports Board favorably endorses these projects.

RECOMMENDATION. That the Public Facilities Committee approve and recommend to full Council acceptance of FY-11 FAA Grant Offers in the total amount of approximately \$2,842,129.00 for the Hilton Head Island Airport.

PAA/paa

Attachments: FAA Email dated August 16, 2011
Runway 21 Off-Airport Tee Obstruction Removal Grant Application Summary
Master Plan Reimbursement and EA/BCA Grant Application Summary
Part 150 Noise Compatibility Study Reimbursement Grant Application Summary

Hilton Head Island Airport (HXD)
 FY 2011 AIP Application - Cost Summary
 8/8/2011

#	Work Item	Cost	Code A = Actual E = Estimate	Comment
1	Off-Airport Tree Obstruction Removal - Runway 21 Approach			
	Construction	\$ 580,000	E	Rec'd in September 2011
	On-Site Project Arborist	\$ 80,000	E	
	CA / CEI	\$ 51,000	A	CA + Part-time CEI
	Grant Application & Closeout	\$ 5,200	A	All Work Items (1 thru 5)
		<u>Sub-Total \$ 696,200</u>		
		95% of Sub-Total \$ 661,390		
2	Off-Airport Tree Removal Mitigation - Runway 21 Approach			
	Construction	\$ 365,000	E	Bid in early 2012
	CA / CEI	\$ 42,000	A	CA + Part-time CEI
		<u>Sub-Total \$ 407,000</u>		
		95% of Sub-Total \$ 386,650		
3	Repair Apron Joint Material			
	Construction	\$ 31,700	A	Design & Bid Phase Services
		<u>Sub-Total \$ 31,700</u>		
		95% of Sub-Total \$ 30,115		
4	Easement Acquisition for Off-Airport Tree Obstruction Removal - Runway 21 Approach			
	Acquisition & Legal Fees	\$ 680,000	E	
		<u>Sub-Total \$ 680,000</u>		
		95% of Sub-Total \$ 646,000		

Requested Grant Amount: **\$ 1,724,154**
 Applicant Share \$ 45,373
 State Share \$ 45,373
 Total \$ 1,814,900



COUNTY COUNCIL OF BEAUFORT COUNTY
BEAUFORT COUNTY ENGINEERING DIVISION
102 Industrial Village Road, Building #3, Beaufort, SC 29906
Post Office Drawer 1228, Beaufort, SC 29901-1228
Telephone: 843-255-2700 Facsimile: 843-255-9420

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

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

FROM: Robert Klink, County Engineer

SUBJ: ROCK PURCHASE FOR COUNTY DIRT ROAD IMPROVEMENTS IFB #1750/120806

DATE: August 17, 2011

BACKGROUND. In July 2011, Beaufort County issued an invitation for bids to purchase 2,500 tons of CR14 crushed granite stone for improvements to County maintained dirt roads. The work will be performed by the County Public Works Department. The road names and locations are listed below:

<u>Road Name</u>	<u>Length</u>	<u>Location</u>
EchoTango Road	.30	Okatie
Stoney Hill Loop	.20	Bluffton
Rice Road	.20	Port Royal Island
Waters Avenue	.15	Bluffton

The County received the following three bids on August 16, 2011:

<u>Contractors</u>	<u>Address</u>	<u>Total Bid</u>
J R Wilson Construction Co	4985 Savannah Hwy, Hampton, SC	\$ 75,924.53
Murray Sand Company	156 Checker Road Rd, Summerville, SC	\$ 78,125.52
REA Contracting, LLC	42 Jeter Road, Beaufort, SC	\$ 82,657.50
Estimate		\$ 75,000

J. R. Wilson Construction Company submitted the most qualified/responsible bid. The bid was reviewed and found to be reasonable and is in compliance with the County's SMBE Ordinance. J. R. Wilson will be self-performing all the work. There is no apparent cause for rejecting their bid.

Project will be funded by TAG funds, Acct #3322T-54901.

RECOMMENDATION The Public Facilities Committee approve and recommend to County Council approval of a contract award to J R Wilson Construction Company in the amount of \$75,924.53 for the purchase of CR14 crushed granite stone for the improvements to EcoTango Road, Stoney Hill Loop, Rice Road, and Waters Avenue with the funding source listed above.

REK/mjh

Attachments: 1) Bid Tabulation
2) Location Maps

EXECUTIVE SUMMARY

TO: Gary T. Kubic

FROM: Kathleen C. McKinney

CC: Ladson Howell, Esq.
Joshua A. Gruber, Esq.

DATE: August 22, 2011

FILE #: 12904-0004

RE: Not Exceeding \$50,000,000 Beaufort County, South Carolina, Hospital Refunding and Improvement Revenue Bonds (Beaufort Memorial Hospital) Series 2011 (the "Bonds")

Beaufort Memorial Hospital last issued bonds in 1997. Pursuant to the Hospital Revenue Bond Act and the legislation establishing Beaufort Memorial Hospital, Beaufort Memorial Hospital issues bonds through Beaufort County. The Bonds are not an obligation of the County but are payable solely from the revenues of the Hospital. The Act requires that the following language must be stated on the face of each Bond:

This bond is a limited obligation of the County payable solely from and secured by a pledge of Pledged Revenues and funds provided therefor under the Bond Purchase and Loan Agreement. This bond shall never constitute an indebtedness of Beaufort County or the State of South Carolina within the meaning of any State constitutional provision or statutory limitation and shall never constitute nor give rise to a pecuniary liability of Beaufort County or the State of South Carolina or a charge against their general credit or taxing powers.

The Bonds do not count against the debt limit of Beaufort County and the County has no liability for payment of the Bonds.

The Bonds will be issued for two purposes:

1. Refund the Series 1997 Bonds, of which \$13,365,000 is outstanding. There is a significant debt service savings to refunding the bonds since interest rates are considerably lower.
2. Defray the cost of acquiring certain land and making improvements thereto, undertaking certain additions, improvements and renovations to the Hospital's facilities in the County, including the acquisition of equipment therefor, and reimbursing the Hospital for certain prior capital expenditures .

Gary T. Kubic
August 22, 2011
Page 2

Other approvals:

1. The South Carolina Department of Health and Environmental Control has approved the projects being financed by the Hospital and has approved the refunding of the Series 1997 Bonds.
2. Upon receipt of the petition of the County, the State Budget and Control Board will place this matter on its agenda for approval at the September 20 meeting of the Board.

Because the refunding portion of the bond issue is rate sensitive, the Hospital would like to close the bond issue in October following third reading of the Ordinance.

RESOLUTION

A RESOLUTION MAKING APPLICATION TO THE STATE BUDGET AND CONTROL BOARD OF SOUTH CAROLINA FOR APPROVAL OF THE ISSUANCE BY BEAUFORT COUNTY, SOUTH CAROLINA, OF ITS HOSPITAL REFUNDING AND IMPROVEMENT REVENUE BONDS (BEAUFORT MEMORIAL HOSPITAL) SERIES 2011, IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$50,000,000, PURSUANT TO THE PROVISIONS OF TITLE 44, CHAPTER 7, ARTICLE 11, CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED.

WHEREAS, Beaufort County, South Carolina (the "*County*"), acting by and through its County Council (the "*County Council*"), is authorized and empowered under and pursuant to the provisions of Title 44, Chapter 7, Article 11, Code of Laws of South Carolina 1976, as amended (the "*Act*"), to promote the public health and welfare by providing for the constructing, equipping and providing of hospital facilities to serve the people of the State and to make accessible to them modern and efficient hospital facilities at the lowest possible expense to those utilizing such hospital facilities; and

WHEREAS, the County is further authorized to issue revenue bonds, defined in the Act to include notes, for the purpose of defraying the cost of providing hospital facilities and to refinance or to refund outstanding obligations, mortgages or advances issued, made or given by a hospital or public agency for the cost of hospital facilities; and

WHEREAS, the County is further authorized to make the proceeds of any revenue bonds available by way of a loan to a hospital or public agency pursuant to a loan agreement; and

WHEREAS, the County is further authorized to pledge or assign any money, rents, charges, fees or other revenues, including any proceeds of insurance or condemnation awards pursuant to any loan agreement to the payment of the bonds issued pursuant to such loan agreement; and

WHEREAS, the County proposes to issue its not exceeding \$50,000,000 aggregate principal amount Hospital Refunding and Improvement Revenue Bonds (Beaufort Memorial Hospital) Series 2011 (the "*Series 2011 Bonds*"), under and pursuant to the Act, and to make certain of the proceeds of the Series 2011 Bonds available to the Hospital by way of a loan for the purpose of (a) acquiring certain land and making improvements thereto, undertaking certain additions, improvements and renovations to the Hospital's facilities in the County, including the acquisition of equipment therefor, and reimbursing the Hospital for certain prior capital expenditures (collectively, the "*Project*"); (b) refunding the \$28,740,000 Beaufort County, South Carolina, Hospital Revenue and Refunding Bonds (Beaufort County Memorial Hospital), Series 1997 (the "*Series 1997 Bonds*"), currently outstanding in the principal amount of \$13,365,000, and together with a premium, if any, and interest then or thereafter to become due; and (c) paying certain costs of issuance of the Series 2011 Bonds, by way of a loan pursuant to a bond purchase and loan agreement; and

WHEREAS, the Project constitutes "Hospital Facilities" as defined in the Act; and

WHEREAS, the refunding of the outstanding Series 1997 Bonds will result in a debt service savings to the Hospital; and

WHEREAS, it is now deemed advisable by the County Council to file with the State Budget and Control Board of South Carolina, in compliance with Section 44-7-1590 of the Act, the petition of the County requesting approval of the proposed financing by the State Budget and Control Board;

NOW, THEREFORE, BE IT RESOLVED by the County Council of Beaufort County, South Carolina, as follows:

Section 1. It is hereby found, determined and declared as follows:

(a) The County Council constitutes the "County Board" as that term is defined in the Act.

(b) The Hospital is a public agency as defined in the Act with established credit and is financially responsible and capable of fulfilling its obligations and discharging its responsibilities which may be imposed under the Bond Purchase and Loan Agreement by and among the County, the Hospital, and a financial institution as purchaser with respect to the Series 2011 Bonds (the "**Purchase Agreement**"); and is financially responsible and capable of fulfilling its obligations and discharging its responsibilities which may be imposed under the Purchase Agreement with respect to the Series 2011 Bonds.

(c) Adequate provisions shall be made for the payment of principal of, interest thereon and premium, if any, on the Series 2011 Bonds and the Series 1997 Bonds to be refunded, and any necessary reserves therefor, and for the operation, repair and maintenance of the Hospital Facilities financed or refinanced with the proceeds of the Series 2011 Bonds at the expense of the Hospital.

(d) The public facilities, including utilities and public services necessary for the Hospital Facilities initially financed with the Series 1997 Bonds, will continue to be made available and will further be made available to the Hospital Facilities financed or refinanced with the Series 2011 Bonds.

(e) The issuance of the Series 2011 Bonds will subserve the purposes and in all respects conform to the provisions and requirements of the Act, including without limitation Section 44-7-1560 of the Act.

(f) Neither the Hospital Facilities financed with a portion of the proceeds of the Series 2011 Bonds nor the Series 1997 Bonds to be refunded with a portion of the proceeds of the Series 2011 Bonds, nor any documents or agreements entered into by the County in connection therewith will constitute an indebtedness of the County within the meaning of any State constitutional provision or statutory limitation and shall never constitute nor give rise to a pecuniary liability of the County or a charge against its general credit or taxing powers.

(g) The issuance of the Series 2011 Bonds in the aggregate principal amount of not exceeding \$50,000,000 will be required in order to loan the proceeds thereof to the Hospital for the purpose of defraying the cost of the Project and refunding the outstanding Series 1997 Bonds.

Section 2. There is hereby authorized and directed to be submitted, on behalf of the County, a petition of this County Council requesting the approval of the proposed financing by the State Budget and Control Board of South Carolina pursuant to the provisions of Section 44-7-1590 of the Act, said petition to be in substantially the form attached hereto as *Exhibit A* with such changes, insertions and omissions as may be approved by the Chairman of County Council, said execution being conclusive evidence of such approval.

Section 3. The Chairman of the County Council is hereby authorized and directed to execute said petition in the name and on behalf of the County and the Clerk to County Council is hereby authorized and directed to affix the seal of the County Council to said petition and to attest the same and thereafter to submit an executed copy of this resolution along with said petition to the State Budget and Control Board in Columbia, South Carolina.

Section 4. All orders and resolutions and parts thereof in conflict herewith are to the extent of such conflict hereby repealed and this resolution shall take effect and be in full force from and after its passage and approval.

Passed and approved this 12th day of September, 2011.

BEAUFORT COUNTY, SOUTH CAROLINA

Chairman, County Council

(SEAL)

ATTEST:

Clerk to County Council

STATE OF SOUTH CAROLINA)
)
 COUNTY OF BEAUFORT)

 TO THE STATE BUDGET AND CONTROL)
)
 BOARD OF SOUTH CAROLINA)

P E T I T I O N

This Petition of the County Council (the "**County Board**") of Beaufort County, South Carolina (the "**County**"), is submitted pursuant to Title 44, Chapter 7, Article 11, Code of Laws of South Carolina 1976, as amended (the "**Act**"), and specifically Section 44-7-1590 thereof, and respectfully shows:

1. The County Board is the governing body of the County, and as such constitutes a "County Board" as referred to in the Act with respect to hospital facilities located in such County.

2. The Act, among other things, empowers the County, functioning through its County Board, subject to obtaining approval from the State Budget and Control Board (the "**State Board**"), required by Section 44-7-1590 of the Act and from the Department of Health and Environmental Control ("**DHEC**"), if applicable, required by Section 44-7-1490 of the Act to enter into agreements with any hospital agency or public agency necessary or incidental to the issuance of bonds as defined in the Act to include notes; to enter into loan agreements with any hospital agency or public agency, prescribing the payments to be made by the hospital agency or public agency to the County or its assignee to meet the payments that shall become due on the bonds, including terms and conditions relative to the acquisition and use of hospital facilities and the issuance of bonds; to issue bonds for the purpose of defraying the cost of providing hospital facilities and to secure the payment of such bonds; to issue bonds to refinance or refund outstanding obligations, mortgages or advances heretofore or hereafter issued, made or given by a hospital agency or public agency for the cost of hospital facilities; and to make the proceeds of any bonds available by way of a loan to a hospital agency or public agency pursuant to a loan agreement.

3. The County Board has agreed with Beaufort Memorial Hospital, a public agency under the Act (the "**Hospital**"), having hospital facilities as defined in the Act in the County, that the County Board will undertake to issue not exceeding \$50,000,000 Beaufort County, South Carolina, Hospital Refunding and Improvement Revenue Bonds (Beaufort Memorial Hospital) Series 2011 (the "**Series 2011 Bonds**"), pursuant to the Act, to (a) acquire certain land and make improvements thereto, undertake certain additions, improvements and renovations to the Hospital's facilities in the County, including the acquisition of equipment therefor, and to reimburse the Hospital for certain prior capital expenditures (collectively, the "**Project**"); (b) refund the \$28,740,000 Beaufort County, South Carolina, Hospital Revenue and Refunding Bonds (Beaufort County Memorial Hospital) Series 1997, currently outstanding in the principal amount of \$13,365,000 (the "**Series 1997 Bonds**"), together with any interest and premium, if any, then or thereafter to become due; and (c) pay certain costs of issuance in connection therewith.

4. The Project constitutes "Hospital Facilities" as defined in the Act.

5. The County Board has found and determined that:

(a) A portion of the proceeds of the Series 2011 Bonds will be used to defray the cost of the Project and there is a need for the Project to be located in the County.

(b) A portion of the proceeds of the Series 2011 Bonds will also be used to refund the outstanding Series 1997 Bonds, together with any interest and premium, if any, then or thereafter to become due and certain expenses in connection therewith for the purpose of achieving a debt service savings to the Hospital.

(c) The Hospital is a public agency as defined in the Act with established credit and is financially responsible and capable of fulfilling its obligations and discharging its responsibilities which may be imposed under the Bond Purchase and Loan Agreement to be entered into by the County, the Hospital and a financial institution as purchaser with respect to the Series 2011 Bonds.

(d) Adequate provision shall be made for the payment of principal, interest, and redemption premium, if any, on the Series 2011 Bonds and the Series 1997 Bonds, and any necessary reserves therefor, and for the operation, repair and maintenance of the Hospital Facilities financed or refinanced with the proceeds of the Series 2011 Bonds at the expense of the Hospital. The Hospital is unconditionally obligated to pay, as and when they become due and payable, amounts sufficient to pay the principal, interest and redemption premium, if any, on the Series 2011 Bonds. The Hospital is also obligated to pay the operation, repair and maintenance of the Hospital Facilities.

(e) The public facilities, including utilities and public services necessary for the Hospital Facilities, will continue to be made available with respect to the Hospital Facilities refinanced with the proceeds of the Series 2011 Bonds and will be made available to the Project to be financed with the remaining proceeds of the Series 2011 Bonds.

(f) The issuance of the Series 2011 Bonds will subserve the purposes and in all respects comply with the provisions and requirements of the Act, including without limitation Section 44-7-1560 of the Act.

(g) Neither the Project, the Series 2011 Bonds, the refunding of the Series 1997 Bonds, nor any documents or agreements entered into by the County in connection therewith will constitute an indebtedness of the County within the meaning of any State constitutional provision or statutory limitation shall never constitute nor give rise to a pecuniary liability of the County or a charge against its general credit or taxing powers.

(h) The County has been informed by the Hospital that the issuance of the Series 2011 Bonds will result in a debt service savings to the Hospital.

6. Pursuant to Section 44-7-1590 of the Act, the County Board sets forth the following information:

(a) In connection with the Project, DHEC has issued its Certificates of Need with respect to any portion of the Project requiring a Certificate of Need. The issuance of the Series 2011 Bonds to refund the Series 1997 Bonds does not require a Certificate of Need.

(b) In general, the terms and conditions of the proposed Purchase Agreement for the Series 2011 Bonds provide that:

(i) The County will, at the request of the Hospital, issue its not exceeding \$50,000,000 Hospital Refunding and Improvement Revenue Bonds (Beaufort Memorial Hospital) Series 2011, to defray the cost of the Project and to refund the Series 1997 Bonds, together with any interest, premium, if any, then or thereafter to become due, and certain other expenses to be incurred in connection therewith.

(ii) The Purchase Agreement contains no provisions imposing an indebtedness on the County within the meaning of any State constitutional provision or statutory limitation and shall never constitute nor give rise to a pecuniary liability of the County or a charge against its general credit or taxing powers.

(iii) The Purchase Agreement contains provisions whereby the Hospital pledges and assigns to the County and agrees to pay to the bondholder, for the benefit of the County, certain gross revenues of the Hospital.

(iv) The Purchase Agreement contains covenants (i) obligating the Hospital to effect the completion of the Project if the proceeds of the Series 2011 Bonds prove insufficient, and (ii) obligating the Hospital to make payments which shall be sufficient (a) to pay the principal of and interest on the Series 2011 Bonds, (b) to build up and maintain any reserves deemed by the County Board to be advisable in connection therewith, and (c) to pay the costs of maintaining the Hospital Facilities financed or refinanced with the proceeds of the Series 2011 Bonds in good repair and the cost of keeping all such Hospital Facilities, including the Project, properly insured.

Upon the basis of the foregoing, the County Board respectfully prays:

That the State Budget and Control Board (i) accept the filing of the Petition presented herewith; (ii) as soon as practicable, make such review as it deems appropriate of the Project, the refunding of the Series 1997 Bonds, together with any interest then or thereafter to become due, and certain other expenses to be incurred in connection therewith, and the terms and provisions of the Purchase Agreement, as it deems advisable; (iii) thereafter make a finding that the issuance of the Series 2011 Bonds to defray the cost of the Project and to refund the Series 1997 Bonds is intended to promote the purposes of the Act and that it is reasonably anticipated the issuance of the Series 2011 Bonds will effect such results; (iv) make a finding that the proposed financing is economically feasible, and on the basis of such finding, approve the issuance of not exceeding \$50,000,000 Beaufort County, South Carolina, Hospital Refunding and Improvement Revenue Bonds (Beaufort Memorial Hospital) Series 2011, including changes in any details of the said financing as finally consummated which do not materially affect the issuance of the Series 2011 Bonds or the refunding of the Series 1997 Bonds, together with any interest and premium, if any, then or thereafter to become due, and certain other expenses to be incurred in connection therewith; and (v) give published notice of its approval in the manner set forth in Section 44-7-1590 of the Act.

Respectfully submitted,

BEAUFORT COUNTY, SOUTH CAROLINA

(SEAL)

By: _____
Chairman, County Council

ATTEST:

By: _____
Clerk to County Council

Dated: September 12, 2011

ORDINANCE

AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$50,000,000 AGGREGATE PRINCIPAL AMOUNT OF HOSPITAL REFUNDING AND IMPROVEMENT REVENUE BONDS (BEAUFORT MEMORIAL HOSPITAL) SERIES 2011; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AND LOAN AGREEMENT, A REFUNDING ESCROW DEPOSIT AGREEMENT IN CONNECTION THEREWITH; AUTHORIZING PROPER OFFICERS TO DO ALL THINGS NECESSARY OR ADVISABLE; AND OTHER MATTERS INCIDENTAL THERETO.

WHEREAS, Beaufort County, South Carolina (the "*County*"), acting by and through its County Council (the "*County Council*"), is authorized and empowered under and pursuant to the provisions of Title 44, Chapter 7, Article 11, Code of Laws of South Carolina 1976, as amended (the "*Act*"), to promote the public health and welfare by providing for the financing, refinancing, acquiring, enlarging, improving, constructing and equipping of hospital facilities (as defined in the Act) to serve the people of the State of South Carolina (the "*State*") and to make accessible to them modern and efficient hospital facilities at the lowest possible expense to those utilizing such hospital facilities; and

WHEREAS, the County is further authorized to issue revenue bonds for the purpose of defraying the cost of providing hospital facilities and to refinance or refund outstanding bonds, obligations, mortgages or advances issued, made or given by a hospital or public agency for the cost of hospital facilities; and

WHEREAS, the County is further authorized to make the proceeds of any revenue bonds available by way of a loan to a hospital or public agency pursuant to a loan agreement; and

WHEREAS, the County has heretofore issued \$28,740,000 Hospital Revenue and Refunding Bonds (Beaufort County Memorial Hospital) Series 1997, of which \$13,365,000 is currently outstanding (the "*Series 1997 Bonds*"); and

WHEREAS, the Hospital is organized and existing under the laws of the State, is empowered to operate and maintain hospital facilities, and is a "public agency" as defined in the Act; and

WHEREAS, the Hospital has deemed it necessary and desirable to acquire certain land and make improvements thereto, undertake certain additions, improvements and renovations to its hospital facilities, including the acquisition of equipment therefor, and reimbursing the Hospital for certain prior capital expenditures heretofore incurred for hospital facilities which the Hospital expressed an intent to finance (collectively, the "*Project*"); and

WHEREAS, the Hospital has deemed it necessary and desirable to refund the outstanding Series 1997 Bonds to achieve a savings in debt service; and

WHEREAS, in making the determination to refund the Series 1997 Bonds, the County has given consideration to the interest to maturity on the Series 1997 Bonds, the costs of issuance of the Series 2011 Bonds (hereinafter defined) authorized herein, a portion of the proceeds of which will be applied to refund the outstanding Series 1997 Bonds and the known earned income from the investment of a portion of the proceeds of the Series 2011 Bonds providing for refunding the Series 1997 Bonds; and

WHEREAS, the South Carolina Department of Health and Environmental Control has issued Certificates of Need with respect to those items of the Project requiring a Certificate of Need; and

WHEREAS, no certificate of need is required with respect to the refunding of the Series 1997 Bonds; and

WHEREAS, the Hospital, the County and a financial institution propose to enter into a Bond Purchase and Loan Agreement dated as of the first day of the month in which the Series 2011 Bonds are delivered, or such other date on or before December 31, 2011 (the "**Purchase Agreement**"), with respect to the financing of the Project and the refunding of the Series 1997 Bonds; and

WHEREAS, the County desires to authorize the issuance of a series of Bonds to be designated, "Beaufort County, South Carolina, Hospital Refunding and Improvement Revenue Bonds (Beaufort Memorial Hospital) Series 2011" (the "**Series 2011 Bonds**"), for the purpose of defraying the cost of the Project, including reimbursing the Hospital for certain capital expenditures heretofore made by the Hospital which it expressed an intent to finance, and refunding the Series 1997 Bonds; and

WHEREAS, the County and the Hospital now desire to proceed with the financing; and

WHEREAS, there have been prepared and submitted to the County the forms of (a) the Purchase Agreement; (b) the Refunding Escrow Deposit Agreement (the "**Escrow Agreement**") by and among the County, the Hospital and the Paying Agent for the Series 1997 Bonds; and (c) the Tax Compliance and Non-Arbitrage Agreement to be dated the date of issuance of the Series 2011 Bonds by and between the County and the Hospital;

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

Section 1. To defray the cost of the Project, including permitting the Hospital to be reimbursed for certain capital expenditures heretofore made which the Hospital expressed an intent to finance, and to refund the Series 1997 Bonds, the issuance of hospital revenue bonds to be designated "not exceeding \$50,000,000 Beaufort County, South Carolina, Hospital Refunding and Improvement Revenue Bonds (Beaufort Memorial Hospital) Series 2011," is hereby authorized subject to the provisions of this Ordinance and the Purchase Agreement. The Series 2011 Bonds shall be dated; shall be issued in such denominations; shall be payable as to principal, interest and redemption premium, if any; shall bear interest; shall mature; shall be in the form; and shall contain provisions for execution, authentication, payment, registration, redemption and numbering as shall be set forth in the Purchase Agreement.

Section 2. The Series 2011 Bonds shall be secured by a pledge effected by the Purchase Agreement and shall be limited obligations of the County payable solely from and secured by a pledge of the gross revenues and receipts derived by the County from or in connection with the Purchase Agreement hereinafter authorized. The Series 2011 Bonds do not and shall never constitute an indebtedness of the County within the meaning of any State constitutional provision or statutory limitation and shall never constitute nor give rise to a pecuniary liability of the County or a charge against its general credit or taxing power.

Section 3. The form of the Purchase Agreement for the Series 2011 Bonds and as submitted to this meeting and appended hereto as *Exhibit A* and made a part of this Ordinance as though set forth in full herein, be and the same are hereby approved. The Chairman of the County Council (the "**Chairman**") is hereby authorized and directed to execute and deliver the Purchase Agreement with such changes, insertions and omissions as may be approved by said Chairman upon advice of counsel, said execution being conclusive

evidence of such approval; and the Clerk of the County Council (the "*Clerk*") is hereby authorized and directed to affix the corporate seal of the County to the Purchase Agreement and to attest the same.

Section 4. The form of the Escrow Agreement, as submitted to this meeting and appended hereto as *Exhibit B* and made a part of this Ordinance as though set forth in full herein, be and the same is hereby approved. The Chairman is hereby authorized and directed to execute and deliver the Escrow Agreement with such changes, insertions and omissions as may be approved by said Chairman upon advice of counsel, the execution being conclusive evidence of such approval; and the Clerk is hereby authorized and directed to affix the corporate seal of the County to the Escrow Agreement and to attest the same.

Section 5. The form of the Tax Agreement, as submitted to this meeting and appended hereto as *Exhibit C* and made a part of this Ordinance as though set forth in full herein, be and the same is hereby approved. The Chairman is hereby authorized and directed to execute and deliver the Tax Agreement with such changes, insertions and omissions as may be approved by said Chairman upon advice of counsel, the execution being conclusive evidence of such approval; and the Clerk is hereby authorized and directed to affix the corporate seal of the County to the Tax Agreement to attest the same.

Section 6. The Chairman and the Clerk, and any other proper officer of the County, be and each of them is hereby authorized and directed to execute and deliver any and all documents and instruments and to do and to cause to be done any and all acts and things necessary or proper for carrying out the transactions contemplated by this Ordinance.

Section 7. All orders, resolutions, ordinances and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 8. This Ordinance shall become effective and be in full force immediately.

BEAUFORT COUNTY, SOUTH CAROLINA

(SEAL)

By: _____
Chairman, County Council

ATTEST:

Clerk to County Council

First Reading: September 12, 2011
Second Reading: September 26, 2011
Public Hearing: October 10, 2011
Third Reading: October 10, 2011

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND THE FY2011-2012 BEAUFORT COUNTY BUDGET
ORDINANCE SO AS TO PROVIDE A TRANSFER FROM THE COUNTY'S GENERAL
RESERVE FUND IN THE AMOUNT OF \$260,880.00 IN MATCHING GRANT FUNDS
FOR THE BEAUFORT COUNTY RAILS TO TRAILS PROGRAM.**

WHEREAS, Beaufort County Council adopted the FY 2011/2012 County Operating Budget on June 27, 2011; and

WHEREAS, it has become necessary for Beaufort County Council to amend the budget as adopted to allow for a transfer of funds from the County's General Reserve Fund; and

WHEREAS, Beaufort County holds a 13.6 mile easement on the Federal Rail Banked Yemassee to Port Royal Rail Road Right-of-Way and desires to develop bicycle and pedestrian trails for use by the public and visitors as part of Beaufort County's Rails to Trails program; and

WHEREAS, Beaufort County applied for and was awarded a grant from the Transportation, Community, and System Preservation Program of the Federal Highway Administration in an amount of \$1,043,520.00; and

WHEREAS, as a condition of accepting the grant, Beaufort County must provide a local match of funds of 20% of the overall grant award, or in this case \$260,880.00; and

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

NOW, THEREFORE, BE IT ORDAINED by Beaufort County Council that the FY2011-2012 Beaufort County Budget Ordinance is amended only to the extent so as to provide a transfer in the amount of \$260,880.00 from the County's General Reserve Fund for the express purpose of providing matching funds for the Federal Highway Administration grant to support Beaufort County's Rails to Trails program.

**DONE THIS _____ DAY OF _____ 2011, AT A MEETING DULY
ASSEMBLED OF BEAUFORT COUNTY COUNCIL.**

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Wm. Weston J. Newton, Chairman

BY: _____
Gary T. Kubic, County Administrator

Approved as to Form:

Joshua A. Gruber, Staff Attorney

Attest:

By: Suzanne M. Rainey, Clerk to Council

First Reading,
Second Reading:
Public Hearings:
Third and Final Reading:

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE FY2011-2012 BEAUFORT COUNTY BUDGET ORDINANCE SO AS TO PROVIDE A SUPPLEMENTAL APPROPRIATION FROM THE COUNTY'S GENERAL RESERVE FUND IN THE AMOUNT OF \$72,159.83 FOR THE PURPOSE OF FUNDING CENSUS-BASED BEAUFORT COUNTY MAGISTRATE SALARY INCREASES FOR THE PERIOD OF JULY 1, 2011 TO JUNE 30, 2012.

WHEREAS, S.C. Code of Laws Section 22-8-40(2)(a) provides that, "for those Counties with a population of one hundred fifty thousand and above, according to the latest official United States Decennial Census, the base salary (for Magistrates) is fifty-five percent of a circuit court judges salary for the state's previous fiscal year"; and

WHEREAS, the Decennial Census figures for Beaufort County became certified on March 22, 2011, and demonstrated that Beaufort County's population was in excess of one hundred fifty thousand people thus requiring the County to provide a salary increase to certain Beaufort County Magistrates in order to comply with the minimum funding percent indicated above; and

WHEREAS, by the adoption of this Ordinance, the 2011-2012 Beaufort County Budget as adopted by County Council will incorporate the necessary increases to certain Beaufort County Magistrates salaries as required by statute so as to meet the minimum salary amounts necessary to comply with the statutory funding formula.

NOW, THEREFORE, BE IT ORDAINED by Beaufort County Council that the FY2011-2012 Beaufort County Budget Ordinance is hereby amended so as to provide a supplemental appropriation in an amount of \$72,159.83 for the purpose of providing salary increases for certain Beaufort County Magistrates as a result of the certification of the Decennial Census figures.

DONE THIS _____ DAY OF _____ 2011, AT A MEETING DULY ASSEMBLED OF BEAUFORT COUNTY COUNCIL.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Wm. Weston J. Newton, Chairman

BY: _____
Gary T. Kubic, County Administrator

Approved as to Form:

Joshua A. Gruber, Staff Attorney

Attest:

By: Suzanne M. Rainey, Clerk to Council

First Reading,
Second Reading:
Public Hearings:
Third and Final Reading:

2011 /

BEAUFORT COUNTY ZONING MAP AMENDMENT FOR R300 015 000 0101 0000
(KNOWN AS ST. HELENA STATION PLANNED UNIT DEVELOPMENT (PUD), 13.24
ACRES OFF SEA ISLAND PARKWAY/HIGHWAY 21); FROM PUD TO RURAL (R)
ZONING DISTRICT.

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

Adopted this ____ day of _____, 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:

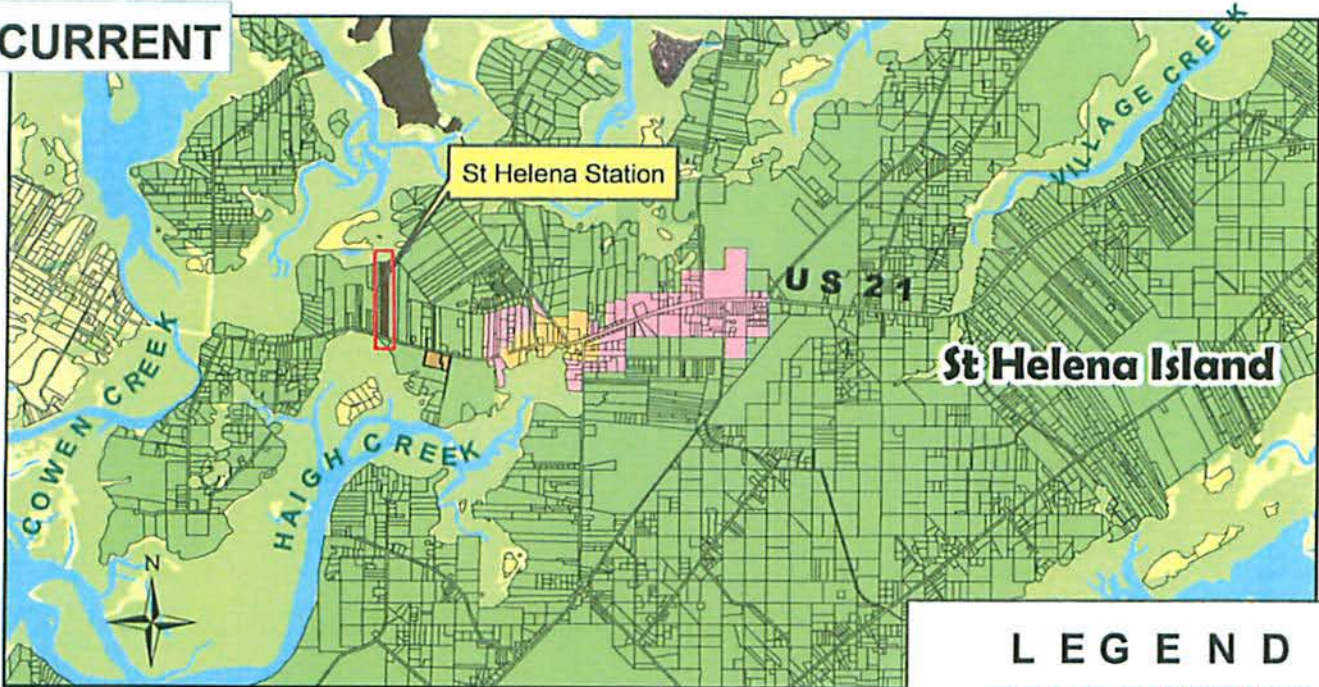
Second Reading:

Public Hearing:

Third and Final Reading:

(Amending 99/12)

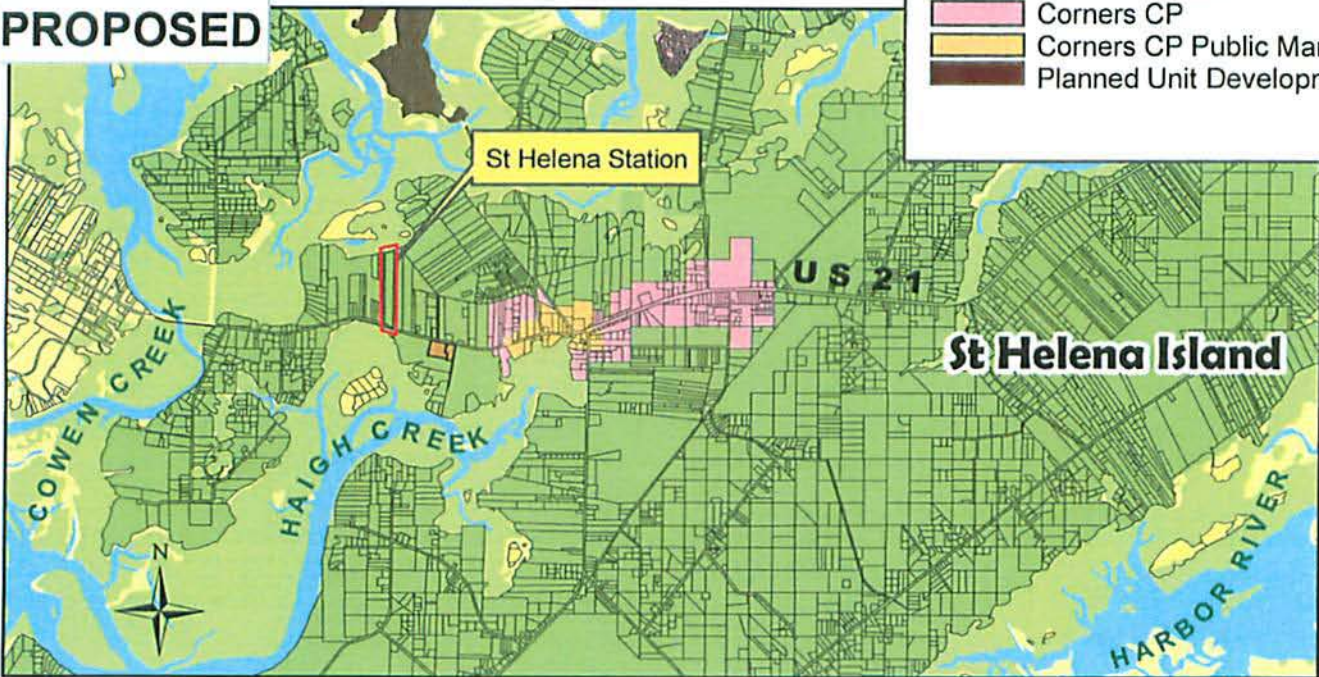
CURRENT



LEGEND ZONE DISTRICT

- Resource Conservation
- Rural
- Rural Business
- Corners CP
- Corners CP Public Market
- Planned Unit Development

PROPOSED



REZONING AMENDMENT

300 015 000 0101 0000 St Helena Station
FROM Planned Unit Development [PUD] TO Rural [R]

2011

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO AMEND THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE, TEXT AMENDMENT TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), ARTICLE VII, SEC. 106-1845(6) BUFFER DISTURBANCE (ADDS RIVER BUFFER DISTURBANCE STANDARDS).

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

Adopted this ____ day of _____, 2011.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:

Ladson F. Howell, Staff Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

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

(Amending 99/12)

Sec. 106-1845. River buffer.

The river buffer extends inland 50 feet from all tidal waters and wetlands beginning at the OCRM critical line. The following standards are required for all development affecting the river buffer:

- (1) *Drainage.* [Ed. Note: no changes proposed.]
- (2) *Bulkheads, rip-rap and erosion control devices.* [Ed. Note: language provided for information only – no changes proposed.] All bulkheads, rip-rap or other erosion control devices in the river buffer are limited uses, subject to the required standards below.
 - a. A permit to construct the bulkhead, rip-rap or erosion control device must have been issued by OCRM.
 - b. Application for a permit for the installation of a bulkhead, rip-rap or other erosion control device more than 48 inches in total vertical height from the existing ground elevation must submit design plans, including certification from a South Carolina registered professional engineer as to the adequacy of the design standards included to prevent collapse or other failure.
 - c. The provisions of subsection 106-1846(b), tree protection and specimen trees, must be met.
 - d. Any disturbance of shoreline within the river buffer landward of the SC critical line shall require submission of a revegetation plan. A principal objective of the plan is to preserve and replace as much of the on-site preconstruction native vegetation to the extent possible. Other acceptable landscaping plants are found in the SC DHEC publication entitled "Backyard Buffers", publication CR-003206 (11/00). Such plantings shall be in the quantities set forth in Table 106-1680(e) for a maritime forest on a disturbed area prorated acre basis, i.e., a one-tenth of an acre disturbance requires one-tenth of the bufferyard planting, unless soil conditions are unfavorable to establish this type of forestation, in which case a revegetation plan more suitable for the type of soil conditions will be accepted.
 - e. Revegetation of areas landward of the critical line, having sloping topography in excess of 1:3 slope, shall also include slope stabilization measures in compliance with SCDOT standards, as set forth in section 205, Embankment Construction, of the SCDOT Standard Specifications for Highway Construction, Edition of 2000.
 - f. Landscaping and construction design plans will be submitted to the zoning development administrator (ZDA), who shall issue a development permit for construction and land disturbance if these criteria are satisfied. Inspection of the

construction and landscaping shall be done by the Beaufort County Building Inspection Department as provided for building permits.

- (3) *View corridor.* [Ed. Note: language provided for information only – no changes proposed.] The landowner may provide a view corridor through the river buffer. The following standards shall apply:
- a. Such a view corridor shall not extend for more than 75 feet or one-third of the lot width, whichever is less.
 - b. The view corridor shall generally involve only pruning to provide views. However, a landowner may submit a selective clearing and selective landscaping program for the view corridor. This shall only be approved by the DRT if the net result provides both ample screening of the shoreline and filtering of runoff from lawns on the lots.
- (4) *Setbacks.* [Ed. Note: no changes proposed.]
- (5) *Waiver.* [Ed. Note: no changes proposed.]
- (6) **Buffer Disturbance. There shall be no disturbance of the river buffer except as allowed for bulkheads, rip-rap and erosion control devices and view corridors outlined in this section. A buffer disturbance violation shall require a revegetation plan prepared by a landscape designer or landscape architect to be submitted for review and approval by the natural resource planner. The plant back requirements shall minimally meet those requirements outlined in Subsection (2)d above. Removal of trees shall require plant back inch for inch of trees removed. If it is determined by the natural resource planner that all tree inches can not be planted back on site due to site constraints, the remaining tree inches shall be subject to a general forestation fee.**

STATE OF SOUTH CAROLINA)
)
) ORDINANCE 2011-____
COUNTY OF BEAUFORT)

AN ORDINANCE TO ABOLISH PREVIOUS COUNTY COUNCIL DISTRICT BOUNDARIES; TO PROVIDE THAT THE COUNTY COUNCIL OF BEAUFORT COUNTY AND THE BOARD OF EDUCATION OF BEAUFORT COUNTY CONTINUE TO BE COMPRISED OF ELEVEN (11) MEMBERS; TO PROVIDE THAT THE COUNCIL MEMBERS OF THE COUNTY COUNCIL AND THE MEMBERS OF THE BEAUFORT COUNTY BOARD OF EDUCATION SHALL BE ELECTED FROM ELEVEN (11) SEPARATE DISTRICTS; TO ESTABLISH THE BOUNDARIES OF THE NEW ELEVEN (11) DISTRICTS; AND TO PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, The County Council of Beaufort County, South Carolina, did previously adopt Article 7, Code of Laws of South Carolina, (1976) Title 4-9-610 which provides for the membership of Counties adopting the council-administrator form of government; and

WHEREAS, Article 7, Code of Laws of South Carolina, (1976) Title 4-9-610 allows for the County Council to consist of not less than three (3) nor more than twelve (12) members; and

WHEREAS, Act 583 Section 1 .A, South Carolina Acts & Joint Resolutions (1992) states in part... "the Board of Education of Beaufort County shall consist of eleven members elected from the same defined single member districts as members of the Beaufort County Council"; and

WHEREAS, Section 4-9-90, Code of Laws of South Carolina, (1976 Cum. Supp.), provides in part ..."[a]ll districts must be reapportioned as to population by the county council within a reasonable time prior to the next scheduled general election which follows the adoption by the State of each federal decennial census.

WHEREAS, The County Council of Beaufort County finds that the results of the 2010 census show a significant increase in the population, and change in the demographics, of certain areas within the County; and

WHEREAS, The County Council of Beaufort County, finds that in order to comply with the Voting Rights Act of 1965, the County Council of Beaufort County must now re-draw and/or reapportion the electoral boundaries (redistrict) whereby the total deviation of all districts does not exceed the maximum 10% de minimus rule and,

WHEREAS, The County Council of Beaufort County finds that the best interest of the County Council of Beaufort County and its citizens will be served by continuing the form of Government of the County to a council that is comprised of eleven (11) members, each elected from eleven (11) single - member districts; and

WHEREAS, this ordinance shall establish, subject to the approval of the requirements of the Voting Rights Act of 1965, the composition of future County Councils and Board of Education membership of Beaufort County, shall abolish any former compositions by which

County Council members and Board of Education members of Beaufort County were elected, and shall provide for designation of the new eleven (11) district boundaries;

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

Section 1: ABOLISHMENT OF FORMER COUNTY COUNCIL DISTRICTS: Subject to the approval requirements of the Voting Rights Act of 1965, the method of electing County Council Members and Board of Education Members as outlined in Beaufort County Ordinance Sec. 30-26 whereby Eleven (11) members were elected from Eleven (11) designated districts within Beaufort County, Beaufort, South Carolina is abolished.

Section 2: COMPOSITION AND METHOD OF ELECTING COUNCIL MEMBERS: The County Council of Beaufort County and the Beaufort County Board of Education shall consist of Eleven (11) members. The Eleven (11) County Council members and the Eleven (11) Board of Education members shall be elected from Eleven (11) Districts within the County. The Council and Board of Education Members from the Eleven (11) Districts shall be residents of the District from which they are elected. The Council and the Board of Education Members from each of the Eleven (11) Districts shall be elected solely by the voters residing in each of their respective Districts.

Section 3: DISTRICT BOUNDARIES: For the purpose of electing County Council members and members of the Board of Education for the County of Beaufort, there shall be Eleven (11) Single-member Districts within the County of Beaufort, South Carolina. The boundaries for the Eleven (11) Single-member Districts shall be as set forth in the following narrative description and on the accompanying map:

(A) DISTRICT ONE (1) HILTON HEAD ISLAND – BLUFFTON:

Beginning where the Colleton River meets the Chechessee River; thence southeasterly along the shoreline of Port Royal Sound to the north boundary of Census Blocks 1016 & 1018; thence southwesterly along the southern boundary Census Blocks 1010 & 2001; thence following southern border of Hilton Head Plantation to William Hilton Parkway; thence southwesterly to Central Avenue; thence north to Main Street; thence northwesterly to Wilborn Road; thence northeasterly along the boundary of Hilton Head Plantation; thence following the boundary of Hilton Head Plantation northwesterly until it reaches Skull Creek; thence westerly along Skull Creek to Jenkins Island; thence south and east along the shore of Jenkins Island in to Squire Pope Road; south to William Hilton Parkway; west to Jarvis Creek and along Jarvis Creek to where Jarvis Creek meets Mackay's Creek; thence south to the May River; thence westerly along the May River to Alljoy Landing; thence north to Ulmer Road; thence northwesterly to Foreman Hill Road; thence northeasterly to the southeast corner of Census Block 1000; thence northwesterly parallel to Fording Island Road to Simmonsville Road; thence northeasterly to the southeast corner of Census Block 1024; thence northwesterly to the northwest corner of Census Block 1025; thence southwest to the southwest corner of Census Block 1025; thence northwesterly to Westbury Park Way; thence north to Arley Way; thence

northwesterly to Buck Island Road; thence northeasterly to Fording Island Road; thence westerly to the southwest corner of Belfair Plantation; thence following the south and east boundaries of Census Blocks 1038, 1020, & 1018 northeasterly to the Colleton River; thence easterly in the Colleton River to the point of beginning.

(B) DISTRICT TWO (2) HILTON HEAD ISLAND #2:

Beginning at the intersection of William Hilton Parkway and Squire Pope Road; thence north along Squire Pope Road and thence west to Skull Creek; thence northeasterly along Skull Creek to the intersection of Squire's Gate Road and Squire Pope Road; thence southeasterly along the border of Hilton Head Plantation to Wilborn Road; thence southwesterly to Main Street; thence easterly to Central Avenue; thence south to William Hilton Parkway; thence northeasterly to southwest corner of Census Block 2044; thence northwest to the northeast corner of Census Block 2032; thence northeasterly following the southern border of Hilton Head Plantation and then the southern borders of Census Blocks 1010 & 2001 to the Atlantic Ocean; thence along the shoreline to the south shore of Fish Haul Creek; thence southeasterly to Dillon Road; thence following the northern boundary of Port Royal Plantation and along Union Cemetery Road westerly until it meets William Hilton Parkway; thence south to Beachwood Drive, following this to its end; thence northeasterly along Census Block 4002 to Grasslawn Avenue; thence south to Folly Field Road, following this south and then west and then north along Blackberry Lane, back to Folly Field Road; thence southwesterly along Folly Field Road to Ghost Crab Way; thence south to easterly to Sand Dollar Road; thence to the intersection with Starfish Drive; thence northwesterly to Folly Field Road; thence westerly along Folly Field Road to William Hilton Parkway; thence southwesterly to Singleton Beach Road, west along Singleton Beach Place, and thence northwesterly along Census Block 2002 back to William Hilton Parkway; thence southwesterly to Shelter Cove Lane; thence north to Newport Drive; thence westerly following the boundaries of Census Blocks 1025 & 1042 to Harbourside Lane to Chamber of Commerce Drive; thence south to William Hilton Parkway; thence southwest to Marina Side Drive, thence following the north border of Census Blocks 1023, 1033, & 1034; thence northeasterly to Turkey Hill Lane; thence northeast to Shelter Cove Lane; thence northwest to Broad Creek; thence southwesterly along Broad Creek to Brams Point Road; thence northerly along east shoreline of Calibogue Sound to the mouth of Jarvis Creek; thence northeasterly along Jarvis Creek to where Squire Pope Road meets William Hilton Parkway, the point of beginning.

(C) DISTRICT THREE (3) HILTON HEAD ISLAND #3:

Beginning at the intersection of the Cross Island Parkway with the south shore of Broad Creek; thence along Broad Creek westerly to where it flows out into Calibogue Sound; thence southwesterly along the shoreline to the Atlantic Ocean; thence northeasterly along the southern shoreline of Hilton Head Island to where the shoreline bends to the north; thence north along the shoreline of Hilton Head Island to the southern shore of Fish Haul Creek; thence southeasterly to Dillon Road; thence following the northern boundary of Port Royal Plantation and along Union Cemetery Road westerly until it meets William Hilton Parkway; thence south to Beachwood Drive, following this to its

end; thence northeasterly along Census Block 4002 to Grasslawn Avenue; thence south to Folly Field Road, following this south and then west and then north along Blackberry Lane, back to Folly Field Road; thence southwesterly along Folly Field Road to Ghost Crab Way; thence south to easterly to Sand Dollar Road; thence to the intersection with Starfish Drive; thence northwesterly to Folly Field Road; thence westerly along Folly Field Road to William Hilton Parkway; thence southwesterly to Singleton Beach Road, west along Singleton Beach Place, and thence northwesterly along Census Block 2002 back to William Hilton Parkway; thence southwesterly to Shelter Cove Lane; thence north to Newport Drive; thence westerly following the boundaries Census Blocks 1025 & 1042 to Harbourside Lane to Chamber of Commerce Drive; thence south to William Hilton Parkway; thence southwest to Marina Side Drive; thence following the north border of Census Blocks 1023, 1033, & 1034; thence northeasterly to Turkey Hill Lane; thence northeast to Shelter Cove Lane; thence northwest to Broad Creek; thence westerly along Broad Creek to the intersection of the Cross Island Parkway with the south shore of Broad Creek, the point of beginning.

(D) DISTRICT FOUR (4) BLUFFTON – PRITCHARDVILLE- DAUFUSKIE ISLAND:

Beginning at the intersection of the Beaufort County Line at the New River and May River Road; thence following the New River southeasterly as it describes the southwestern boundary of Beaufort County until it empties into Calibogue Sound at the south end of Daufuskie Island; thence northeasterly along the western shoreline of Daufuskie Island until a point half-way north along the Melrose subdivision; thence east across Calibogue Sound to the southwestern point of Hilton Head Island; thence north in Calibogue Sound along the western shore of Hilton Head Island to the point where Calibogue Sound meets the May River; thence westerly along the May River to Alljoy Landing; thence north to Ulmer Road; thence northwesterly to Foreman Hill Road; thence northeasterly to the southeast corner of Census Block 1000; thence northwesterly parallel to Fording Island Road to Simmonsville Road; thence northeasterly to the southeast corner of Census Block 1024; thence northwesterly to the northwest corner of Census Block 1025; thence southwest to the southwest corner of Census Block 1025; thence northwesterly to Westbury Park Way; thence north to Arley Way; thence northwesterly to Buck Island Road; thence southerly along Buck Island Road to where it meets Simmonsville Road; thence south to May River Road; thence west along May River Road to Kims Way, follow Kims Way north to the northeast corner of Census Block 1012; thence west to Old Miller Road; thence along the southern border of Hampton Lake; thence following the west fork of Stoney Creek southwesterly to May River Road; thence westerly along May River Road to the New River, the point of beginning.

(E) DISTRICT FIVE (5) BEAUFORT – LADY’S ISLAND – ST HELENA ISLAND – PARRIS ISLAND:

Beginning at the Woods Memorial Bridge in the Beaufort River; thence; thence southeasterly along Sea Island Parkway to the intersection of Sunset Boulevard; thence northeasterly along Sunset Boulevard; thence southeasterly along Factory Creek Road;

thence northeasterly along Sam's Point Road to the intersection with Fairfield Road; thence southeasterly along Fairfield Road; thence northeasterly along Little Capers Road to a driveway projecting on the east side of Little Capers Road between Surf Drive and Sandy Lane; thence east to Lucky Point Creek; thence south to Jenkins Creek; thence following the winding of Jenkins Creek to a small branch of Jenkins Creek as it turns to the south; thence to the west to intersect with Polowana Road; thence south to Old Polowanna Road; thence southeast to Sea Island Parkway; thence easterly to Eddings Point Road; thence northeasterly to the Morgan River; thence east to the eastern shore of Eddings Point Creek; thence following the winding of Eddings Point Creek southeasterly to Dulamo Bluff Road; thence to the intersection with Sun Dog Lane; thence to the intersection of Dulamo Road and St Helenville Road; thence northeasterly to Village Creek; thence following the winding of Village Creek southeasterly to the northern point of Census Block 3040; thence easterly along Village Creek to the intersection of Fripp Point Road and Kingston Key Road; thence along the eastern shore of Village Creek to the end of Kingston Key Road, northeast, and back along the eastern side of Kingston Key Road to Fripp Point Road; thence northeasterly along Fripp Point Road to Coffin Creek; thence winding along Coffin Creek to St Helena Sound; thence southeasterly along the shoreline to the intersection of Avenue of Oaks; thence following Avenue of Oaks southwest; thence southeasterly along Tom and Mike Road; thence southwesterly along John and Fostine Road; thence to Cee Cee Road; thence southeast to Sea Island Parkway; thence southeasterly along Sea Island Parkway to the western shore of the Harbor River; thence along the western shore of the Harbor River to Trenchard's Inlet; thence southwesterly to the Atlantic Ocean; thence along the south shore of St Phillip's Island; thence northwesterly in Port Royal Sound to the mouth of Archer's Creek on the western side of the Marine Corp Recruiting Depot at Parris Island; thence southeasterly along the western shore of Parris Island to the intersection at Wake Boulevard and Guam Circle; thence northeasterly along Wake Boulevard; thence east along Malecon Drive; thence east along Boulevard de France; thence north along Santa Domingo Street; thence north of Corregidor Street; thence southeasterly along Mexico Street; thence southwest along Tripoli Street; thence southerly along Cuba Street; thence along Balast Creek to the eastern shore of Parris Island at the Beaufort River; thence northerly along the Beaufort River to the intersection of Ribaut Road and Reynolds Street; thence north to the intersection of Ribaut Road and Bay Street; thence northeast to the intersection of Bay Street and North Street; thence west along North Street to North Hermitage Road; thence south on North Hermitage Road to the former Yemassee – Port Royal Railroad Line; thence northwesterly to the intersection of Neil Road and Robert Smalls Parkway; thence north to Boundary Street; thence west to the southwest corner of Census Block 1048; thence north to Albergotti Creek; thence northeasterly to where Albergotti Creek meets the Beaufort River; thence south to the intersection of Marshe Point and Greenlawn Drive; thence south to Boundary Street; thence east to Sycamore Street; thence north along Sycamore Street; thence east on Oconnell Street; thence north along Palmetto Street; thence east along Park Avenue; thence south along Lafayette Street; thence east along National Street; thence south along Rodgers Street; thence east along Boundary Street; thence south along Scott Street; thence west along Duke Street; thence south along West Street; thence south along the West Street Extension through Waterfront Park and south into the Beaufort River, thence east to the Woods Memorial Bridge that is the point of beginning.

(F) DISTRICT SIX (6) SHELDON – DALE- LOBECO – BURTON:

Beginning at the intersection of Trask Parkway and Parris Island Gateway; thence south to County Shed Road; thence west to Eastman Road; thence south crossing and parallel to the east side of Parris Island Gateway southerly to Horton Road; thence east to the northeast corner of Census Block 2037; thence south to Robert Smalls Parkway; thence southwesterly to WK Alston Drive; thence north to Broad River Boulevard; thence southwesterly to Joe Frazier Road; thence northwesterly along Joe Frazier Road to Laurel Bay Road; thence northwesterly to Laurel Bay Boulevard; thence northeasterly to Albacore Street; thence northwesterly to north of Althea Street; thence northeasterly following Althea Street to Crusaders Crossing; thence south to Silver Eagles Way; thence northeasterly to Swamp Fox Trail; thence north to Enduring Freedom Parkway; thence southwesterly to the intersection with Hawks Landing; thence northeasterly to easternmost point of Census Block 1000; thence following the north border of Laurel Bay Military Housing to the Broad River; thence northwesterly to the mouth of the Pocotaligo River; thence along the Pocotaligo River, following the western boundary of Beaufort County to the northern boundary of Beaufort County; thence northeasterly along the northern boundary of Beaufort County to the Combahee River, which describes the northeastern boundary of Beaufort County; thence winding along the Combahee River southeasterly to where the Combahee River meets the Coosaw River; thence westerly along the Coosaw River to Brickyard Creek; thence southwesterly along Brickyard Creek to the eastern boundary of the Marine Corp Air Station; thence northwesterly to Perryclear Drive; thence following the north boundary of the Marine Corp Air Station westerly to Trask Parkway; thence southeasterly to the intersection of Trask Parkway and Parris Island Gateway, the point of beginning.

(G) DISTRICT SEVEN (7) MCAS – BEAUFORT – LADY’S ISLAND – FRIPP ISLAND:

Beginning at the intersection of the north boundary of the Marine Corp Air Station at Trask Parkway; thence southeasterly to the intersection of Trask Parkway and Parris Island Gateway; thence south to County Shed Road; thence west to Eastman Road; thence south crossing and parallel to the east side of Parris Island Gateway southerly to Horton Road; thence east to the northeast corner of Census Block 2037; thence south to Robert Smalls Parkway; thence northeasterly to the western-most point of Census Block 2049; thence southeast to Salem Road; thence northeast to Salem Farm Road; thence north to Robert Smalls Parkway; thence northwesterly to the intersection of Neil Road and Robert Smalls Parkway; thence north to Boundary Street; thence west to the southwest corner of Census Block 1048; thence north to Albergotti Creek; thence northeasterly to where Albergotti Creek meets the Beaufort River; thence south to the intersection of Marshe Point and Greenlawn Drive; thence south to Boundary Street; thence east to Sycamore Street; thence north along Sycamore Street; thence east on Oconnell Street; thence north to Palmetto Street; thence east along Park Avenue; thence south along Lafayette Street; thence east along National Street; thence south along Rodgers Street; thence east along Boundary Street; thence south along Scott Street; thence west along Duke Street; thence south along West Street; thence south along the

West Street Extension through Waterfront Park and south into the Beaufort River, thence east to the Woods Memorial Bridge; thence southeasterly along Sea Island Parkway to the intersection of Sunset Boulevard; thence northeasterly along Sunset Boulevard; thence southeasterly along Factory Creek Road; thence northeasterly along Sam's Point Road to the intersection with Fairfield Road; thence southeasterly along Fairfield Road; thence northeasterly along Little Capers Road to a driveway projecting on the east side of Little Capers Road between Surf Drive and Sandy Lane; thence east to Lucky Point Creek; thence south to Jenkins Creek; thence following the winding of Jenkins Creek to a small branch of Jenkins Creek as it turns to the south; thence to the west to intersect with Polowana Road; thence south to Old Polowana Road; thence southeast to Sea Island Parkway; thence easterly to Eddings Point Road; thence northeasterly to the Morgan River; thence east to the eastern shore of Eddings Point Creek; thence following the winding of Eddings Point Creek southeasterly to Dulamo Bluff Road; thence to the intersection with Sun Dog Lane; thence to the intersection of Dulamo Road and St Helenville Road; thence northeasterly to Village Creek; thence following the winding of Village Creek southeasterly to the northern point of Census Block 3040; thence easterly along Village Creek to the intersection of Fripp Point Road and Kingston Key Road; thence along the eastern shore of Village Creek to the end of Kingston Key Road, northeast, and back along the eastern side of Kingston Key Road to Fripp Point Road; thence northeasterly along Fripp Point Road to Coffin Creek; thence winding along Coffin Creek to St Helena Sound; thence southeasterly along the shoreline to the intersection of Avenue of Oaks; thence following Avenue of Oaks southwest; thence southeasterly along Tom and Mike Road; thence southwesterly along John and Fostine Road; thence to Cee Cee Road; thence southeast to Sea Island Parkway; thence southeasterly along Sea Island Parkway to the western shore of the Harbor River; thence along the western shore of the Harbor River to Trenchard's Inlet; thence southwesterly to the Atlantic Ocean; thence northeasterly along the southeastern shoreline of Capers Island, Pritchard's Island, Fripp Island, Hunting Island, and Harbor Island to St Helena Sound; thence northwesterly along the northeastern shore of Morgan Island to the Coosaw River; thence westerly along the Coosaw River to Brickyard Creek; thence southwesterly along Brickyard Creek to the eastern boundary of the Marine Corp Air Station; thence northwesterly to Perryclear Drive; thence following the north boundary of the Marine Corp Air Station westerly to Trask Parkway, the point of beginning.

(H) DISTRICT EIGHT (8) BUCKWALTER IN BLUFFTON:

Beginning at the intersection of Cecil Reynolds Drive and Okatie Highway; thence southwesterly along Okatie Highway to May River Road; thence southeasterly to the intersection of May River Road and the west fork of Stoney Creek; thence northeasterly to the southern border of Hampton Lake subdivision; thence east along the southern border of Hampton Lake subdivision to Old Miller Road; thence south to the northwest corner of Census Block 1012; thence east to the northeast corner of Census Block 1012; thence south to May River Road; thence northeasterly winding along May River Road to Buck Island Road; thence north to the intersection of Buck Island Road and Simmonsville Road; thence north along Buck Island Road to Fording Island Road; thence westerly to the southwest corner of Belfair Plantation; thence following the south and east boundaries of Census Blocks 1038, 1020, & 1018 northeasterly to the Colleton

River; thence southwesterly to the intersection with Pinckney Colony Drive; thence south to Fording Island Road; thence northwesterly to the eastern extremity of Cecil Reynolds Drive thence west to the intersection of Cecil Reynolds Drive and Okatie Highway, the point of beginning.

(I) DISTRICT NINE (9) OKATIE – BURTON – SHELL POINT:

Beginning at the intersection of Salem Road and Salem Farm Road; thence south to the southern-most point of Census Block 2049; thence northwest to Robert Smalls Parkway; thence southwesterly to WK Alston Drive; thence north to Broad River Boulevard; thence southwesterly to Joe Frazier Road; thence northwesterly along Joe Frazier Road to Laurel Bay Road; thence northwesterly to Laurel Bay Boulevard; thence northeasterly to Albacore Street; thence northwesterly to north of Althea Street; thence northeasterly following Althea Street to Crusaders Crossing; thence south to Silver Eagles Way; thence northeasterly to Swamp Fox Trail; thence north to Enduring Freedom Parkway; thence southwesterly to the intersection with Hawks Landing; thence northeasterly to easternmost point of Census Block 1000; thence following the north border of Laurel Bay Military Housing to the Broad River; thence southwesterly to Coles Creek; thence along the western shore of Buzzard Island to Euhaw Creek; thence following the winding of Euhaw Creek to Hazzard Creek; thence following Hazzard Creek southwesterly to an unnamed inlet northeast of the BJWSA Water Treatment Plant; thence southwesterly to Chelsea Plantation Drive/Snake Road; thence southeasterly to Okatie Highway; thence southwesterly to Old Bailey's Road, following Old Bailey's Road as the boundary of Beaufort County, back north to Okatie Highway; thence west to Camp Saint Marys Road; thence south to Okatie Bluff Road; thence west along Camp Saint Marys Road to the intersection with the Okatee River; thence southeasterly to the Colleton River; thence following the Colleton River along the west and south shores of Callawassie Island to Callawassie Creek; thence along the south and east shores of Spring Island to the Chechessee River; thence southeasterly along the western and southern shores of Daws Island to the Broad River; thence following the eastern shore of Daws Island north to the Broad River Bridge, that is Robert Smalls Parkway; thence northeasterly to Savannah Highway; thence east to the intersection with Grober Hill Road; thence southeasterly along Savannah Highway to Parris Island Gateway; thence north and then east along the north and east borders of Dowlingwood subdivision to Parris Island Gateway; thence north along Parris Island Gateway to the north border of Picket Fences subdivision; thence southeasterly along an unnamed inlet to the main channel of Battery Creek; thence northerly along Battery Creek to the intersection with Salem Farm Road; thence northwest to the intersection of Salem Farm Road and Salem Road, the point of beginning.

(J) DISTRICT TEN (10) SUN CITY – OKATIE – PINCKNEY COLONY:

Beginning at the intersection of Okatie Highway and Camp Saint Marys Road; thence south to Okatie Bluff Road; thence west along Camp Saint Marys Road to the intersection with the Okatee River; thence southeasterly to the Colleton River; thence following the Colleton River along the west and south shores of Callawassie Island to Callawassie Creek; thence south to the eastern end of Crane Island ; thence westerly

along the southern shore of Crane Island to an unnamed inlet north of Rose Hill Plantation along the Colleton River; thence southwesterly to the intersection with Pinckney Colony Drive; thence south to Fording Island Road; thence northwesterly to the eastern extremity of Cecil Reynolds Drive thence west to the intersection of Cecil Reynolds Drive and Okatie Highway; thence southwesterly along Okatie Highway to May River Road; thence westerly to the intersection of May River Road and the New River, that is the western border of Beaufort County; thence northerly along the western boundary of Beaufort County, which is also the western boundary of Sun City to the northern border of University Park; thence easterly to Okatie Highway; thence northerly along Okatie Highway to the intersection of Okatie Highway and Highway 462, that is Lowcountry Drive; thence easterly along Okatie Highway to the intersection of Camp Saint Marys Road and Okatie Highway, which is the point of beginning.

(K) DISTRICT ELEVEN (11) TOWN OF PORT ROYAL – SHELL POINT – PARRIS ISLAND:

Beginning at the intersection of North Street and Bay Street; thence west along North Street to North Hermitage Road; thence south on North Hermitage Road to the former Yemassee – Port Royal Railroad Line; thence northwesterly to the intersection of Neil Road and Robert Smalls Parkway; thence southwest along Robert Smalls Parkway to Salem Farm Road; thence south along Salem Farm Road to the northern border of Census Block 2056; thence southeasterly to Battery Creek; thence winding southwesterly along Battery Creek to an unnamed inlet along the eastern border of Pickett Fences subdivision; thence along the north border of Pickett Fences subdivision to Parris Island Gateway; thence south along Parris Island Gateway; thence east along the northern border of Dowlingwood subdivision; thence southeasterly along the eastern border of Dowlingwood subdivision to the intersection of Parris Island Gateway and Savannah Highway; thence northwesterly along Savannah Highway to the intersection with Grober Hill Road; thence west to Robert Smalls Parkway; thence southwesterly to the Broad River thence southeasterly along the shoreline to where Archer’s Creek empties into the Broad River from the east, along the western shore of the Marine Corp Recruiting Depot at Parris Island; thence southeasterly along the western shore of Parris Island to the intersection at Wake Boulevard and Guam Circle; thence northeasterly along Wake Boulevard; thence east along Malecon Drive; thence east along Boulevard de France; thence north along Santa Domingo Street; thence north of Corregidor Street; thence southeasterly along Mexico Street; thence southwest along Tripoli Street; thence southerly along Cuba Street; thence along Balast Creek to the eastern shore of Parris Island at the Beaufort River; thence northerly along the Beaufort River to the intersection of Ribaut Road and Reynolds Street; thence north to the intersection of Ribaut Road and Bay Street; thence northeast to the intersection of Bay Street and North Street, which is the point of beginning.

Section 4: DATA AND MAP: The County Council and Board of Education districts contained in this ordinance, the statistical data pertaining to such districts, and the maps delineating these districts have been provided by and are maintained in the Beaufort County office of GIS and Automated Mapping. A copy of the map delineating the geographic boundaries of the County Council and Board of Education districts and the census information pertaining to

such districts are incorporated by reference as if set forth verbatim herein and are attached to this ordinance.

Section 5: APPLICABILITY: This ordinance shall not be effective until it is reviewed and pre-clearance granted by the United States Justice Department pursuant to Section 5 of the Voting Rights Act of 1965, as amended.

Section 6: SEVERABILITY: If any part of this Ordinance is held to be unconstitutional, illegal or invalid for any reason, it shall be construed to have been the legislative intent of the County Council of Beaufort County, South Carolina, to pass this Ordinance without such unconstitutional provision, and the remainder of said Ordinance shall be deemed and held to be valid as if such portion had not been included. If this Ordinance, or any provision thereof, is held to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

Section 7: EFFECTIVE DATE: This Ordinance shall become effective upon approval and/or other indication of compliance with the Voting Rights Act of 1965 by the United States Department of Justice. Upon compliance with the provisions of the Voting Rights Act, this Ordinance shall be effective immediately and shall govern the election for the County Council and the Board of Education of Beaufort County, South Carolina.

APPROVED AND ADOPTED BY THE COUNTY COUNCIL OF BEAUFORT COUNTY, SOUTH CAROLINA, ON THIS _____ DAY OF _____, 2011.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Wm. Weston J. Newton, Chairman

Approved as to Form:

Joshua A. Gruber, Staff Attorney

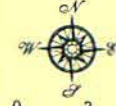
Attest:

By: Suzanne M. Rainey, Clerk to Council

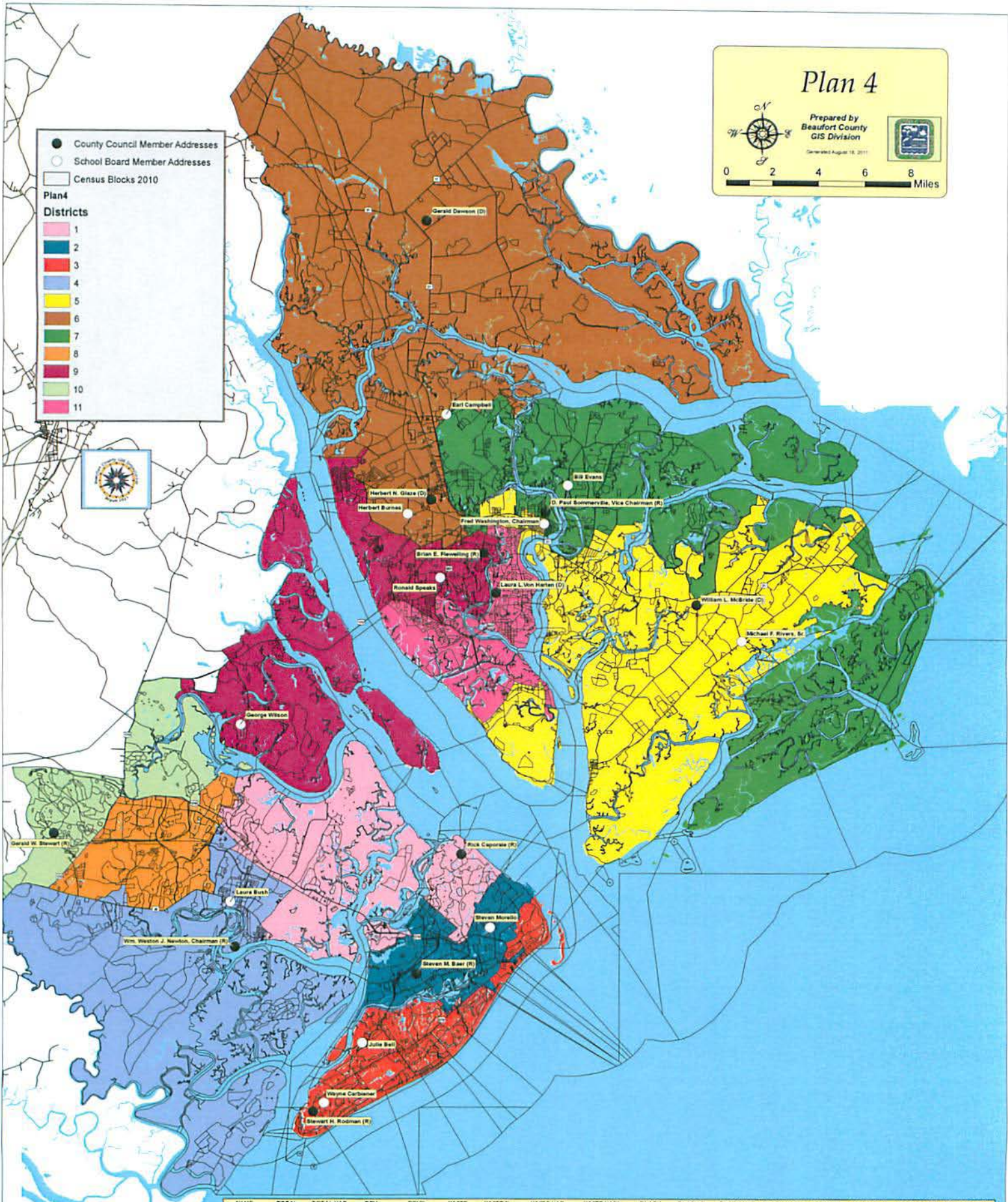
First Reading, By Title Only: August 8, 2011
Second Reading: August 22, 2011
Public Hearings: August 22, 2011
Third and Final Reading:

Plan 4

Prepared by
Beaufort County
GIS Division
Generated August 18, 2011



- County Council Member Addresses
 - School Board Member Addresses
 - Census Blocks 2010
- Plan4**
- Districts**
- 1
 - 2
 - 3
 - 4
 - 5
 - 6
 - 7
 - 8
 - 9
 - 10
 - 11



NAME	TOTAL	TOTAL VAP	DEV	DEV%	WHITE	WHITE %	WHITE VAP	WHITE VAP%	BLACK	BLACK %	BLACK VAP	BLACK VAP%	HISPANIC	HISPANIC %	HISPANIC VAP	HISPANIC VAP%
District 1	14747	12701	-1	-0.01	12008	87.54	11428	89.96	805	5.42	865	2.78	1164	7.84	788	6.28
District 2	14925	11366	177	1.2	7979	53.46	6629	83.33	2309	16.47	1671	14.7	4582	29.16	2971	25.26
District 3	14793	13136	16	0.1	12925	86.97	11668	89.82	356	2.41	270	2.06	1382	9.36	1042	7.83
District 4	14773	12787	-26	-0.17	9588	65.56	8006	81.36	2037	13.79	1345	12.8	4066	27.82	2600	24.17
District 5	14672	11341	-71	-0.48	8611	58.23	4786	42.92	1760	11.66	6470	44.23	1151	7.8	819	7.32
District 6	14880	10620	-180	-1.22	4919	33.7	3052	26.27	9608	68.29	6002	46.82	908	6.08	844	6.31
District 7	14629	11666	-118	-0.81	11892	79.24	8449	81.7	1906	13.03	1332	11.82	706	4.83	800	6.32
District 8	14989	10662	-241	-1.63	10212	68.15	7610	71.91	1884	10.87	888	8.31	2690	18	1666	15.74
District 9	14585	11067	-162	-1.11	8706	59.56	7393	89.86	2976	20.42	2018	19.22	1423	9.82	810	7.71
District 10	14796	13779	48	0.33	13388	90.48	12732	92.4	723	4.89	844	3.96	813	3.47	344	2.64
District 11	14781	11831	8	0.02	9780	66.3	7971	89.15	3062	20.76	2208	19.15	1302	8.83	908	7.87

Plan 4 - Effective August 18, 2011

NAME	TOTAL	TOTAL VAP	DEV	DEV%	WHITE	WHITE%	WHITE VAP	WHITE VAP%	BLACK	BLACK%	BLACK VAP	BLACK VAP%	HISPANIC	HISPANIC%	HISPANIC VAP	HISPANIC VAP%
1	14747	12701	-1	-0.01	12909	87.54	11428	89.98	505	3.42	353	2.78	1156	7.84	798	6.28
2	14925	11365	177	1.20	7979	53.46	6629	58.33	2309	15.47	1671	14.70	4352	29.16	2871	25.26
3	14763	13136	15	0.10	12825	86.87	11668	88.82	356	2.41	270	2.06	1382	9.36	1042	7.93
4	14773	10757	25	0.17	8358	56.58	6600	61.36	2037	13.79	1345	12.50	4066	27.52	2600	24.17
5	14677	11341	-71	-0.48	5611	38.23	4765	42.02	7580	51.65	5470	48.23	1101	7.50	819	7.22
6	14598	10620	-150	-1.02	4919	33.70	3852	36.27	8508	58.28	6002	56.52	888	6.08	564	5.31
7	14629	11566	-119	-0.81	11592	79.24	9449	81.70	1906	13.03	1332	11.52	706	4.83	500	4.32
8	14989	10582	241	1.63	10212	68.13	7610	71.91	1584	10.57	985	9.31	2698	18.00	1666	15.74
9	14585	10507	-163	-1.11	9706	66.55	7353	69.98	2978	20.42	2019	19.22	1403	9.62	810	7.71
10	14796	13779	48	0.33	13388	90.48	12732	92.40	723	4.89	544	3.95	513	3.47	364	2.64
11	14751	11531	3	0.02	9780	66.30	7971	69.13	3062	20.76	2208	19.15	1302	8.83	908	7.87

Legend	
Dev. =	deviation
%Dev. =	percentage deviation
VAP =	voting age population

2011 /

BEAUFORT COUNTY ZONING MAP AMENDMENT (MASTER PLAN AMENDMENT) FOR R300 009 000 0050 (KNOWN AS OAK ISLAND), PART OF THE DATAW ISLAND PLANNED UNIT DEVELOPMENT/PUD, 31.7 ACRES ADJACENT TO DATAW ISLAND, TO ALLOW 21 DUPLEX UNITS (42 TOTAL DWELLING UNITS) RATHER THAN THE 35 SINGLE FAMILY DWELLING UNITS ORIGINALLY APPROVED.

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

Adopted this _____ day of _____, 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: August 8, 2011
Second Reading: August 22, 2011
Public Hearing:
Third and Final Reading:

(Amending 99/12)



MAP AMENDMENT

For Oak Island - a part of Dataw Island PUD

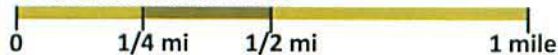
R300 009 000 0050 0000

ST HELENA ISLAND

ZONE DISTRICT

- [RC] Resource Conservation
- [R] Rural
- [CP] Community Preservation
- [PUD] Planned Unit Development

MAP GENERATED 03.30.11 PLANNING -TN



BEAUFORT COUNTY ORDINANCE NO. _____

**AN ORDINANCE TO ADOPT AN UPDATED BEAUFORT COUNTY
HAZARD MITIGATION PLAN**

WHEREAS, Section 409 of the Robert T. Stafford Disaster Relief Act and Emergency Assistance Act (Public Law 93-228, as amended), Title 44 CFR, as amended by Section 102 of the Federal Disaster Mitigation Act of 2000, as administered by the Federal Emergency Management Agency, requires and provides a framework for all state and local governments to review and evaluate a local hazard mitigation strategy to protect life and property through an assessment of risk and mitigation practices, as a condition of receiving Federal and State disaster and hazard mitigation assistance; and,

WHEREAS, Beaufort County implemented a previous Hazard Mitigation Plan through adoption of Resolution R-2004-23; and,

WHEREAS, the Beaufort County Hazard Mitigation Planning Committee, along with the Low Country Council of Governments, has been involved in the development of a required update to the Beaufort County Hazard Mitigation Plan; and,

WHEREAS, Beaufort County supports the enhancement and refinement of the Plan in accordance with guidance from the South Carolina Emergency Management Agency and the Federal Emergency Management Agency; and,

WHEREAS, the Beaufort County Hazard Mitigation Plan has been reviewed by the South Carolina Emergency Management Agency and the Federal Emergency Management Agency and has obtained approval pending adoption by local legislative bodies; and,

WHEREAS, Beaufort County recognizes that no community is immune from natural hazards whether it be tornado/severe thunderstorm, flood, hurricane, drought, heat wave, earthquake, or wildfire and recognizes the importance enhancing its ability to withstand natural hazards as well as the importance of reducing the human suffering, property damage, interruption of public services and economic losses caused by those hazards.

NOW, THEREFORE, BE IT ORDAINED by Beaufort County Council hereby adopts the Beaufort County Hazard Mitigation Plan, attached to this Ordinance as Exhibit A and incorporated herein by reference, as a stand-alone document to be referenced in the Beaufort County Comprehensive Plan.

Done this _____ day of _____ 2011.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Wm. Weston J. Newton, Chairman

AS TO FORM:

Joshua A. Gruber, Staff Attorney

ATTEST:

Suzanne M. Rainey, Clerk of Council
First Reading: August 8, 2011
Second Reading: August 22, 2011
Public Hearing:
Third and Final Reading:

2011 / ____

AN ORDINANCE AUTHORIZING FUNDS IN THE AMOUNT OF \$30,000.00 TO ~~CLEMSON EXTENSION~~ PENN CENTER FOR THE DEVELOPMENT OF A LOWCOUNTRY FARMERS / SCHOOL DISTRICT ECONOMIC PARTNERSHIP

WHEREAS, Beaufort County desires to support local farmers by making it possible for them to market their produce locally;

WHEREAS, ~~Clemson Extension has a facility on St. Helena Island, which contains a commercial type kitchen that can be utilized for food processing; and~~ Penn Center has a building on campus that will be renovated as the processing site; and

WHEREAS, the School District can use this locally grown produce in conjunction with its lunch programs.

NOW, THEREFORE, BE IT ORDAINED, by the County Council in a meeting duly assembled that \$30,000.00 be appropriated to ~~Clemson Extension~~ Penn Center to upgrade the building for use in the economic development of a Lowcountry Farmers / School District Economic Partnership to provide a facility to process their produce that would be used by the ~~a local agricultural market for local farmers to market and process their produce to be utilized by~~ the local School District in its lunch programs.

Adopted this ____ day of _____, 2011.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:

Ladson F. Howell, Staff Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading by Title Only: May 23, 2011

Second Reading: August 22, 2011

Public Hearing:

Third and Final Reading:

	Year One Total	Year Two Total
Penn Center-Gullah Farmers		
Year 1		
	9/1/2011	
Sale of Products	\$304,000	\$584,000
Monthly Production in Pounds	190,000	365,000
Goods Purchased From Farmers	\$95,000	\$182,500
Gross Profit	\$209,000	\$401,500
Operating Expenses:		
Salaries		
Production Manager	\$22,800	\$35,000
Production Workers	\$41,000	\$69,222
Truck Driver/Production	\$8,450	\$25,000
Payroll Taxes Expense	\$7,225	\$12,922
Employee Benefits	\$0	\$34,000
Advertising & Promotion	\$0	\$0
Delivery	\$7,600	\$12,100
Insurance	\$4,800	\$6,000
Legal/Professional	\$0	\$0
Office Expense	\$1,200	\$1,200
Rent	\$6,000	\$12,000
Repairs & Maintenance	\$1,200	\$2,400
Supplies, Packaging	\$13,800	\$31,500
Taxes & Licenses	\$150	\$200
Telephone	\$1,920	\$1,920
Truck Lease	\$14,400	\$14,400
Utilities	\$9,996	\$15,333
Uniforms	\$1,200	\$1,200
Miscellaneous	\$0	\$0
Total Operating Expenses	\$141,741	\$274,397
Earn. Bef. Int. & Taxes	\$67,259	\$127,103
Net Income	<u>\$67,259</u>	<u>\$127,103</u>

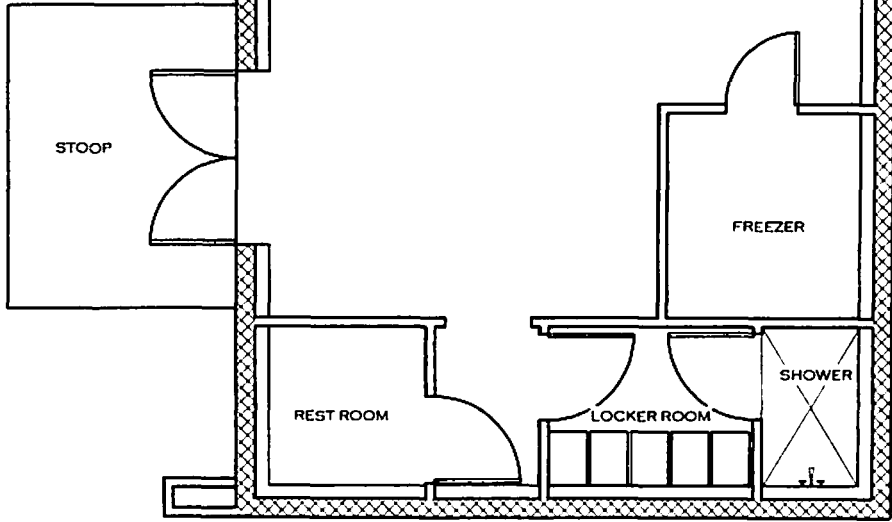
CASH FLOW PROJECTIONS

Cash Receipts	\$272,000	\$552,000
Purchases	\$95,000	\$182,500
Total Operating Expense	\$141,741	\$274,397
Loan Payment	\$0	
Net Cash Flow	\$35,259	\$95,103

Projected Cash Balances

Ending Cash Balance	\$35,259	\$130,362
----------------------------	-----------------	------------------

NOT TO SCALE



Drawn
A02

PLANS BY OTIS SMITH, LLC. DESIGN BUILDER.
182 LAUREL BAY ROAD
BEAUFORT, SOUTH CAROLINA 29906
PHONE: 843 975 2540 FAX: 866 230 7691 EMAIL: OTIS@OTISSMITH.COM

PROJECT

DATE
AUGUST 30 2010

CLEMSON
UNIVERSITY

August 10, 2011

Mr. William McBride
Beaufort County Council
P.O. Box 1228
Beaufort, SC 29901

Dear Mr. McBride:

On behalf of the Gullah Farmers Cooperative Association, Penn Center, Inc. received a grant from USDA-Rural Development in the amount of \$100,000 to purchase processing equipment. Although the requested amount was \$245,000, the Cooperative will still be able to process fresh vegetables without compromising quality. The processing will require more physical labor during operation.

However, with new food safety regulations for school lunch programs, the Gullah Cooperative will have to move the processing operation to another site. The regulations require both farmer and processor to be certified under Good Agriculture Practices (GAP). These requirements and procedures must be adhered to and documented in writing. Under GAP the burden of proof lies with the farmer and/or processor.

The new site is located on Penn Center's campus. It is the old dairy barn that was last used for processing seafood. This concrete block building (23' x 46') has proper drainage and all the necessary utility infrastructures. This building will need to be retro-fitted for operation. This will require 1) lowering the ceiling, 2) insulating the walls and ceiling, 3) installing sheet rock and applying epoxy paint to the walls and ceiling, 4) up-grading current bathroom, 5) installing shower and locker room area, 6) providing adequate room temperature for cooling vegetables, and 7) providing a loading dock.

Although the building at Penn Center is slightly larger than the room at the Coastal Community Development Corporation, the requested \$30,000 to retro-fit the room at the CDC should be adequate to accomplish the task. Farmers will also provide sweat-equity to achieve the end results. Any changes to the structure will be in line with the historic preservation plans that are at Penn Center.

Representatives from the Processing Facility Task Force, Penn Center, and the Gullah Farmers Cooperative Association will be available to answer any questions.

Sincerely,



York Glover, Cooperative Extension Agent



BEAUFORT COUNTY EXTENSION

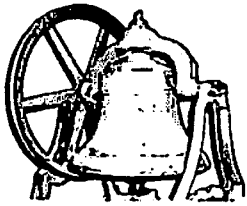
P.O. Box 189 Beaufort, SC 29901-0189 102 Industrial Village Road, Suite 101 Beaufort, SC 29906 843.470.3655 FAX 843.470.3650

The Clemson University Cooperative Extension Service offers its programs to people of all ages, regardless of race, color, gender, religion, national origin, disability, political beliefs, sexual orientation, marital or family status and is an equal opportunity employer.

Clemson University Cooperating with U.S. Department of Agriculture, South Carolina Counties, Extension Service, Clemson, S.C.
Issued in Furtherance of Cooperative Extension Work in Agriculture and Home Economics, Acts of May 8 and June 30, 1914

Public Service Activities

Rec 8-10-11



Penn Center, Inc.

Penn School Historic Landmark District

August 10, 2011

Mr. Wm. Weston J. Newton, Chairman
Beaufort County Council
Accommodations Tax Board
P.O. Drawer 1228
Beaufort, SC 29901-1228

Dear Mr. Newton:

Penn Center, Inc. has been one of the planning agencies to establish the Gullah Farmers Cooperative Fruit and Vegetable Processing Facility. As a conduit, Penn has been awarded a grant in the amount of \$100,000.00 from the United States Department of Agricultural (USDA) Rural Development to purchase the necessary equipment for the facility.

In addition, Penn Center is committed to using a building on campus which was previously used as a seafood (conch) processing facility. We have a "shovel ready" drawing and schematic which could be utilized to upgrade the building for the Fruit and Vegetable Processing Facility.

Again, we highly endorsed the establishment of this facility, and I hope Beaufort County Council would support this project which would provide a positive economic impact for the community and provide locally-grown farm commodities.

If you have questions or required additional information, please contact me at (843) 838-2432.

Sincerely,

Walter R. Mack
Executive Director



BEAUFORT COUNTY BOARD OF EDUCATION

FRED WASHINGTON, JR.
Chairman, District 11
Beaufort, Port Royal

August 12, 2011

GEORGE WILSON
Vice Chairman, District 10
Bluffton, Okatie

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

LAURA BUSH
Secretary, District 4
Bluffton, Daufuskie

P.O. Drawer 1228
Beaufort, SC 29901

STEVE MORELLO
District 1
Hilton Head Island

Re: Farm-to-School Program

JULIE BELL
District 2
Hilton Head Island

Dear Chairman Newton:

DR. WAYNE CARBIENER
District 3
Hilton Head Island

The Beaufort County School District student nutrition department has been approached by the SC Department of Education Student Nutrition Department, Clemson Extension (Beaufort office) and the SC Department of Agriculture to determine if the District would be interested in participating in a "Farm-to-School" program. The program will provide local farmers the opportunity to provide fresh, locally grown produce (tomatoes, squash, greens, cucumbers, etc.) to local schools for the federally funded *National School Lunch Program*. The oversight provided by Clemson extension will ensure all food safety/sanitation practices are in place and monitored including liability insurance.

MICHAEL RIVERS, SR.
District 5
St. Helena Island

EARL CAMPBELL
District 6
Dale, Lobeco, Seabrook

BILL EVANS
District 7
Lady's Island, Beaufort

The Board of Education is confident that the program will meet all the necessary requirements of the National School Lunch program and therefore, on May 17, 2011 approved the participation of the District.

HERBERT BURNES
District 8
Burton

RONALD SPEAKS
District 9
Burton

Sincerely,

DR. VALERIE TRUESDALE
Superintendent

ROBYN CUSHINGBERRY
Executive Assistant to the Board

Fred S. Washington, Jr.
Chairman

Committee Reports

September 12, 2011

A. COMMITTEES REPORTING

1. Community Services

- ① Children's Foster Care Review Board

<i>Nominated</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
08/22/11	Curtis McDaniel	At-Large	Appoint	6 of 11

2. Governmental

- ① Minutes are provided from the [September 6](#) meeting. Action is required. See main agenda items 9L, 9M.
② Burton Fire Commission

<i>Nominate</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
09/12/11	John Harris	At-Large	Appoint	6 of 11

- ③ Lowcountry Regional Transportation Authority

<i>Nominate</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
09/12/11	Alexander Wattay	At-Large	Appoint	6 of 11

3. Natural Resources

- ① Minutes provided from the [September 6](#) meeting. Action is required. See main agenda items 9J, 9K.
② Southern Corridor Review Board

<i>Nominate</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
09/12/11	James Atkins	Architect Beaufort County	Appoint	6 of 11
09/12/11	Daniel Ogden	Resident Beaufort County	Appoint	6 of 11

4. Public Facilities

- ① Minutes are provided from the [August 23](#) meeting. Action is required. See main agenda items 9D, 9E.
② Solid Waste and Recycling Board

<i>Nominate</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
09/12/11	Ben Wheatley	Solid Waste District 7	Appoint	6 of 11

5. Redistricting

- ① Minutes are provided from the [August 18](#) meeting. No action is required.

B. COMMITTEE MEETINGS

1. Community Services

William McBride, Chairman

Gerald Dawson, Vice Chairman

➔ Next Meeting – Monday, September 19 at 4:00 p.m., BIV #2

2. Executive

Weston Newton, Chairman

➔ Next Meeting – September 2011

3. Finance

Stu Rodman, Chairman

Rick Caporale, Vice Chairman

➔ Next Meeting – Monday, September 19 at 2:00 p.m., BIV #2

4. Governmental

Jerry Stewart, Chairman

Laura Von Harten, Vice Chairman

➔ Next Meeting – Tuesday, October 3 at 4:00 p.m., ECR

5. Natural Resources

Paul Sommerville, Chairman

Brian Flewelling, Vice Chairman

➔ Next Meeting – Tuesday, October 3 at 2:00 p.m., ECR

6. Public Facilities

Herbert Glaze, Chairman

Steven Baer, Vice Chairman

➔ Next Meeting – Tuesday, September 27 at 4:00 p.m., ECR

7. Redistricting

Weston Newton, Chairman

William McBride, Vice Chairman

8. Transportation Advisory Group

Weston Newton, Chairman

Stu Rodman, Vice Chairman

➔ Next Meeting – September 2011

GOVERNMENTAL COMMITTEE

September 6, 2011

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

The Governmental Committee met on Tuesday, September 6, 2011 at 4:00 p.m., in the Executive Conference Room, Administration Building, 100 Ribaut Road, Beaufort, SC.

ATTENDANCE

Governmental Committee Members: Chairman Jerry Stewart, Vice Chairman Laura Von Harten and Committee members Rick Caporale, Brian Flewelling, Herbert Glaze and Stu Rodman attended the meeting. Committee member Gerald Dawson was absent. Non-Committee members Steven Baer, William McBride and Paul Sommerville also attended.

County Staff: Audra Antonnaci, Codes Enforcement; Joshua Gruber, County Attorney; Gregg Hunt, Mosquito Control; Gary Kubic, County Administrator; Sheriff P.J. Tanner

Media: Kyle Peterson, *Beaufort Gazette / Island Packet*.

Public: Todd Elliot, owner of Mr. Label .

Mr. Stewart chaired the meeting.

ACTION ITEMS

1. Discussion / County Forms of Government

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2.

Discussion: Mr. Stewart said at the July meeting the Governmental Committee received an explanation of two different forms of county government from the S.C. Association of Counties' Mr. Robert Croom. The two types of government being discussed were the county administrator form, which is the current form in Beaufort County, and the county manager form of government. The primary difference is whether the Treasurer and Auditor are elected officials as opposed to being employed by the county administrator; the latter would be the case in the county manager form of government. That has been an ongoing discussion. Mr. Stewart noted there is a time constraint to get a change to the County's form of government on the November 2012 ballot as a referendum. It must be to the U.S. Department of Justice by December.

County attorney Mr. Joshua Gruber weighed in on the matter advising the Committee on the questions they brought up. Then, Mr. Rodman gave a brief presentation explaining the differences of the two forms of government.

Motion: It was moved by Mr. Caporale, seconded by Mr. Flewelling, that the Governmental Committee approves and forwards to Council consideration of ballot referendum to change the form of Beaufort County government from Council-Administrator to Council-Manager form. The vote was: FOR – Mr. Caporale, Mr. Flewelling, Mr. Glaze, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Dawson. The motion passed.

Recommendation: Council approves on first reading, by title only, a ballot referendum to change the form of Beaufort County government from Council-Administrator to Council-Manager form.

2. Consideration of Reappointments and Vacancies

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2.

Discussion:

Burton Fire District

Mr. Flewelling said before the meeting he spoke with Mr. Dawson, who represents the area, and during the conversation he expressed that he would like to see Mr. John Harris nominated for the vacancy on the Burton Fire Commission.

Motion: It was moved by Mr. Flewelling, seconded by Mr. Glaze, that the Governmental Committee approves and forwards to Council recommending approval of the appointment of Mr. John Harris to the Burton Fire Commission at-large seat. The vote was: FOR – Mr. Caporale, Mr. Flewelling, Mr. Glaze, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Dawson. The motion passed.

Lowcountry Regional Transportation Authority

Motion: It was moved by Mr. Rodman, seconded by Ms. Von Harten that the Governmental Committee approves and forwards to Council recommending approval of the appointment of Alexander Wattay to the Lowcountry Regional Transportation Authority. The vote was: FOR - Mr. Caporale, Mr. Flewelling, Mr. Glaze, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Dawson. The motion passed.

Recommendation: Council approves the appointment of Mr. John Harris to the Burton Fire Commission at-large seat. Council also approves the appointment of Alexander Wattay to the Lowcountry Regional Transportation Authority.

3. Executive Session –Receipt of legal advice relating to pending and potential claims covered by the attorney-client privilege

Motion: It was moved by Mr. Stewart that the Governmental Committee approves and forwards to Council recommending approval of the consideration of an application for approval of an extension to the five-year partial manufacturing exemption granted to Mister Label, Incorporated, of 34 Bluffton Road, Bluffton, SC 29910, as provided for by South Carolina Code of Laws Section 12-37-229(c). The vote was: FOR – Mr. Caporale, Mr. Flewelling, Mr. Glaze, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Dawson. The motion passed.

Recommendation: Council approves consideration of an application for approval of an extension to the five-year partial manufacturing exemption granted to Mister Label, Incorporated, of 34 Bluffton Road, Bluffton, SC 29910, as provided for by South Carolina Code of Laws Section 12-37-220(c)

INFORMATIONAL ITEMS

4. Video / Winner of 2011 Barrett Lawrimore Memorial Regional Cooperation Award – Beaufort and Jasper Counties “Career Criminal” Program

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2.

Discussion: Mr. Stewart said Solicitor Duffie Stone will not be at the meeting. Committee members then watched the brief video.

Status: Information to be taken under advisement. No action necessary.

5. Department Updates: Codes Enforcement Department, Mosquito Control Department and Sheriff P.J. Tanner

Discussion:

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2.

Codes Enforcement Department

Mrs. Antonacci explained the Codes Enforcement Department consists of three officers who patrol all of Beaufort County to enforce the Beaufort County Ordinances. During her presentation she focused on unsafe structures, enforcing that ordinance and how those were brought into compliance. The presentation included photographs of many structures.

Mosquito Control Department

Mr. Gregg Hunt, Mosquito Control Department Director, informed the Natural Resources Committee that West Nile Virus has been detected in 209 cases in nearby Savannah. He showed a map illustrating West Nile is fairly widespread in South Carolina, including some documented cases in Beaufort County. There are more than 56 types of mosquitoes, but Mr. Hunt said there are really only two types of mosquitoes that are the pests. One type of mosquito is associated with West Nile, and this species breeds in water-holding containers or catch basins. Mr. Hunt's presentation focused on the efforts that have kept West Nile Virus at bay in Beaufort County, as well as outlined the strategy to respond to West Nile outbreaks.

Sheriff P.J. Tanner

Sheriff Tanner gave the Natural Resources Committee an update on recent Sheriff's Office activities and statistics. From January 1 to September 5, the Sheriff's Office responded to 210,000 calls for service countywide, as compared with all of last year there were 303,000 calls for services. Sheriff Tanner then went over updates related to the Immigrations and Customs Enforcement (ICE) unit. During his update on the alcohol enforcement Sheriff Tanner asked that the Council to consider passing an ordinance to close bars at 3 a.m. He then gave an overview of the DNA and Drug Lab, its progress and challenges. Sheriff Tanner also mentioned gang activity in Beaufort County is much higher than would be expected.

Status: No action necessary, discussion was for information only.

NATURAL RESOURCES COMMITTEE

September 6, 2011

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

The Natural Resources Committee met on Tuesday, September 6, 2011 at 2:00 p.m., in the Executive Conference Room, Administration Building, 100 Ribaut Road, Beaufort, SC.

ATTENDANCE

Natural Resources Members: Chairman Paul Sommerville, Vice Chairman Brian Flewelling, and committee members Steve Baer, William McBride, Jerry Stewart and Laura Von Harten attended the meeting. Committee member Gerald Dawson was absent.

County Staff: Dan Ahern, Stormwater Utility Manager; Audra Antonacci, Codes Enforcement Director; Tony Criscitiello, Division Director – Planning and Development; Joshua Gruber, County Attorney

Public: Reed Armstrong, Coastal Conservation League.

Mr. Sommerville chaired the meeting.

ACTION ITEMS

- 1. Beaufort County Zoning Map Amendment for R300 015 000 0101 0000 [known as St. Helena Station Planned Unit Development (PUD)], 13.24 Acres off Sea Island Parkway/Highway 21); from PUD to Rural (R) Zoning District; Owners: Gary M. Meyer, E. Linwood Johnson and Michael J. Myers; Applicant: Beaufort County Planning Staff.**

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2.

Discussion: Mr. Criscitiello explained when County Council passed an amendment to Article 106-7 it intended to address the issue of dormant or slow-growing planned unit developments (PUD by providing a “sunset provision” so that, at the pleasure of the Council, it could consider removing the PUD designation and revert the zoning back to the underlying zoning. The underlying zoning for the St. Helena Station PUD is Rural, which is consistent with the Comprehensive Plan designation of Rural. He pointed out the nearby zoning on a map to explain the staff’s recommendation to revert the zoning back to Rural zoning. The original St. Helena Station PUD was adopted in 1989 with the front half of designated for an “undesignated commercial use” and the back half designated for up to 12 units per acre.

Motion: It was moved by Mr. Flewelling, seconded by Mr. McBride, that the Natural Resources Committee approves and forwards to Council recommending approval of a Beaufort County Zoning Map Amendment/Rezoning for R300 015 000 0101 0000 [known as St. Helena Station Planned Unit Development (PUD), 13.24 acres off Sea Island Parkway / Highway 21]; from PUD to Rural (R) Zoning District. Beaufort County Planning Staff. The vote was: FOR – Mr. Baer, Mr. Flewelling, Mr. McBride, Mr. Sommerville and Mr. Stewart. ABSENT – Mr. Dawson and Ms. Von Harten. The motion passed.

Recommendation: Council approves on first reading a Beaufort County Zoning Map Amendment for R200 015 000 0101 0000 [known as St. Helena Station Planned Unit Development (PUD), 13.24 acres off Sea Island Parkway / Highway 21]; from PUD to Rural (R) Zoning District.

2. Text Amendment to the Beaufort County Zoning and Development Standards Ordinance (ZDSO), Article VII, Sec. 106-1845(6) Buffer Disturbance (adds River Buffer Disturbance Standards)

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2.

Discussion: Mr. Criscitiello introduced Mrs. Antonacci, Director of Codes Enforcement, to explain details about how the river buffer disturbance is enforced. Mr. Criscitiello explained Mrs. Antonacci brought it to the Planning Department's attention that she was having difficulties in front of the judges in regard to enforcing the river buffer ordinance in place. It was brought to the Planning staff's attention through the Stormwater Utility Board, which has had to deal with the matter on numerous occasions when people violate the river buffer setback. In some instances people very obviously dilute the river buffer, which is an important component of the water quality strategy in Beaufort County. The language in Zoning and Development Standards Ordinance, Article VII, Sec. 106-1845 as it relates to the river buffer ordinance was thought to be strong, but it has not been strong enough to allow judges to penalize violators, Mr. Criscitiello explained. There is a suggested addition of Sec. 106-1845 (6) for River Buffer Disturbance.

Mrs. Antonacci said the difficulty is in the ordinance not specifically stating the river buffer cannot be disturbed.

Motion: It was moved by Mr. McBride, seconded by Mr. Stewart, that the Natural Resources Committee approves and forwards to Council recommending approval of a text amendment to the Beaufort County Zoning and Development Standards Ordinance (ZDSO), Article VII, Sec. 106-1845(6) Buffer Disturbance (adds river buffer disturbance standards). The vote was: FOR - Mr. Baer, Mr. Flewelling, Mr. McBride, Mr. Sommerville and Mr. Stewart. ABSENT – Mr. Dawson and Ms. Von Harten. The motion passed.

Recommendation: Council approves on first reading a text amendment to the Beaufort County Zoning and Development Standards Ordinance (ZDSO), Article VII, Sec. 106-1845(6) Buffer Disturbance (adds river buffer disturbance standards).

3. Presentation of Final Town of Bluffton Intergovernmental Agreement on Stormwater Utility Operation and Requests for One-Year Extension of Existing Agreements for City of Beaufort and Town of Port Royal

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2.

Discussion: Mr. Dan Ahern, Stormwater Manager, gave a presentation explaining the request for approval of the final Town of Bluffton intergovernmental agreement on Stormwater Utility Operation, and the requests for a one-year extension to the current intergovernmental agreements for the City of Beaufort and the Town of Port Royal. The Town of Bluffton's intergovernmental agreement draft was first presented at the July 26 meeting of the Natural Resource. The Town of Bluffton approved on August 8, and the agreement closely follows the same agreement with the Town of Hilton Head Island. The City of Beaufort and Town of Port Royal requested one-year extensions under the existing agreements. The reason for extension was 1. There was not enough time to get engaged in the debate of the template suggested by the Town of Hilton Head. 2. The municipalities wanted to examine the interaction with form-based code. Some of the correspondence related to the requests by the City of Beaufort and Town of Port Royal for an extension generated discussion about restoration; he briefed the Committee on where that matter is headed. Mr. Ahern gave an explanation of the five-year restoration plan focusing on Battery Creek.

After Mr. Ahern's presentation Committee members asked more specific questions. Mr. Stewart inquired on how the restoration plan would affect other watersheds such as the Okatie River, and also asked what Beaufort and Port Royal would be examining in relation to the form-based code impact.

Motion: It was moved by Ms. Von Harten, seconded by Mr. Stewart, that the Natural Resources Committee approves and forwards to Council recommending approval of the Town of Bluffton intergovernmental agreement for stormwater utility operation, and approval of one-year extensions for existing agreements for the City of Beaufort and Town of Port Royal. The vote was: FOR - Mr. Baer, Mr. Flewelling, Mr. McBride, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Dawson. The motion passed.

Recommendation: Council approves the Town of Bluffton intergovernmental agreement for stormwater utility operation and one-year extensions for existing agreements for the City of Beaufort and Town of Port Royal.

4. Consideration of Reappointments and Appointments

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2.

Planning Commission

Discussion: Ms. Von Harten postponed, without any disagreement, referred this matter until the next Natural Resources Committee meeting.

Southern Corridor Review Board

Mr. Stewart said he spoke with Mr. Newton and suggested Mr. James Atkins for the vacancy of architect of Beaufort County, and Mr. Daniel Ogden for the vacancy for Beaufort County.

Motion: It was moved by Mr. Stewart, seconded by Mr. Flewelling, that the Natural Resources Committee forwards to Council recommending the approval of Mr. James Atkins to the Southern Corridor Review Board seat of architect Beaufort County, and Mr. Daniel Ogden to the Southern Corridor Review Board seat for Beaufort County. The vote was: FOR - Mr. Baer, Mr. Flewelling, Mr. McBride, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Dawson. The motion passed.

Zoning Board of Appeals / Waiver of Template Ordinance Sec. 2-193(e) (2)

Discussion: Mr. Sommerville explained that the Zoning Board of Appeals chairman Mr. Thomas Gasparini has missed three meetings, which is in violation of the attendance policy. Mr. Gasparini has submitted a request to waive the attendance requirement stating the absences were based on health matters.

Ms. Von Harten asked to postpone, with no objections, consideration of the appointment until the next Natural Resources Committee meeting.

Motion: It was moved by Mr. Flewelling, seconded by Mr. McBride, that the Natural Resources Committee grants a request to waive the attendance requirements for the Southern Corridor Review Board's member Mr. Thomas Gasparini based upon his written request. The vote was: FOR - Mr. Baer, Mr. Flewelling, Mr. McBride, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Dawson. The motion passed.

Recommendation: Council approves appointment of the following: Mr. James Atkins to the Southern Corridor Review Board seat of architect Beaufort County; and Mr. Daniel Ogden to the Southern Corridor Review Board seat for Beaufort County.

PUBLIC FACILITIES COMMITTEE

August 23, 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, August 23, 2011 at 4:00 p.m., in the Executive Conference Room of the Administration Building, Beaufort, South Carolina.

ATTENDANCE

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

County staff: Paul Andres, Airports Director; Colin Kinton, Traffic Engineer; Bob Klink, County Engineer; Rob McFee, Division Director – Engineering and Infrastructure; Jim Minor, Solid Waste and Recycling Manager; Dave Thomas, Purchasing Director.

Public: Anthony Barrett, Town of Bluffton; Terry Finger, Bluffton Town Attorney; Louis Hammett, Attorney representing Mr. Reed; Karen Jared, Town of Bluffton; Mika Johnson, Towns at Buckwalter; John Reed, Reed Development; Julian Robinson, Bluffton; Doug Robinson, Bluffton; David Smith, Woodbridge POA; Lisa Sulk, Bluffton Town Mayor; Robert Vaux, Bluffton; Gary Wiggin, Reed Development.

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

Mr. Glaze chaired the meeting.

ACTION ITEMS

1. FAA Grant Offers

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Discussion: The recent FAA furlough has resulted in delay in issuing grant offers for this year. The FAA intends to make two or three grant offers for the Airport Improvement Program at the Hilton Head Island Airport. One of the grant offers will be for the Runway 21 Off-Airport Tree Obstruction Removal and Mitigation, as well as Air Carrier Apron Joint Material Replacement. The approximate amount of this grant offer is expected to be \$1,724,154. State matching funds (2.5%) will be requested and the local match (2.5%) will be \$45,373. Another grant offer will be for the Master Plan Reimbursement and to conduct the

Environmental Assessment and Benefit Cost Analysis for Implementation of Phase 1 of the Master Plan. This grant offer will be approximately \$813,591. Again, State matching funds (2.5%) will be requested and the local match (2.5%) should be \$21,410 for the EA/BCA portion. A third grant offer in the amount of \$304,384 is expected for Part 150 Noise Compatibility Study Reimbursement. There will be no local match required since this grant is for reimbursement of previous expenditures. The official grant offers will be forwarded as soon as they are received. These grant offers must be approved and returned to the FAA no later than September 15, 2011, before expiration of the latest short term FAA funding authorization. The Airport Board favorably endorses these projects

Motion: It was moved by Mr. Flewelling, seconded by Mr. Stewart, that Public Facilities Committee approve and recommend to Council the acceptance of FY11 FAA Grant Offers in the amount of approximately \$2,842,129 for the Hilton Head Island Airport. The three grant projects follow: (i) Runway 21 Off-Airport Tree Obstruction Removal and Mitigation as well as Air Carrier Apron Joint Material Replacement, the grant amount is \$1,724,154, the funding source is state matching funds (2.5%) will be requested and the local match (2.5%) will be \$45,373; (ii) Master Plan Reimbursement and to conduct the Environmental Assessment and Benefit Cost Analysis for implementation of Phase I of the Master Plan, the grant amount is \$813,591, the funding source is state matching funds (2.5%) will be requested and the local match (2.5%) will be \$21,410; and (iii) Part 150 Noise Compatibility Study Reimbursement, grant amount \$304,384. This grant is for reimbursement of previous expenditures. The vote was: YEAS - Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, and Mr. Stewart. ABSENT – Mr. Baer and Mr. Rodman. The motion passed.

Recommendation: Council accepts the FY11 FAA Grant Offers in the amount of approximately \$2,842,129 for the Hilton Head Island Airport. The three grant projects follow: (i) Runway 21 Off-Airport Tree Obstruction Removal and Mitigation as well as Air Carrier Apron Joint Material Replacement, grant amount \$1,724,154, the funding source is state matching funds (2.5%) will be requested and the local match (2.5%) will be \$45,373; (ii) Master Plan Reimbursement and to conduct the Environmental Assessment and Benefit Cost Analysis for implementation of Phase I of the Master Plan, the grant amount is \$813,591, funding source is state matching funds (2.5%) will be requested and the local match (2.5%) will be \$21,410 for the EA/BCA portion; and (iii) Part 150 Noise Compatibility Study Reimbursement, grant amount \$304,384. This grant is for reimbursement of previous expenditures.

2. Consideration Of Contract Award - Rock Purchase for County Dirt Road Improvements (Rice Road, Stoney Hill Loop, Waters Avenue and Echo Tango)

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Discussion: In July 2011, Beaufort County issued an invitation for bids to purchase 2,500 tons of CR14 crushed granite stone for improvements to County maintained dirt roads. The work will be performed by the County Public Works Department. The road names, lengths and locations are as follows: Echo Tango Road, .30 miles (Okatie); Stoney Hill Loop, .20 miles (Bluffton); Rice Road, .20 miles (Port Royal Island); and Waters Avenue, .15 miles (Bluffton).

The County received three bids on August 16, 2011 which are as follows: J.R. Wilson Construction Company \$75,924.53, Murray Sand Company \$78,125.52, and REA Contracting, LLC \$82,657.50. J.R. Wilson Construction Company submitted the most qualified/responsible bid. The bid was reviewed and found to be reasonable and is in compliance with the County's SMBE Ordinance. J.R. Wilson will be self-performing all the work and there is no apparent cause for rejecting their bid.

Motion: It was moved by Mr. McBride, seconded by Mr. Flewelling, that Public Facilities Committee approve and recommend to Council approval of a contract award to J.R. Wilson Construction Company in the amount of \$75,924.53 for the purchase of CR14 crushed granite stone for improvements to Rice Road (Port Royal Island), Stoney Hill Loop (Bluffton), Waters Avenue (Bluffton), and Echo Tango Road (Okatie). The funding source is \$10 motorized vehicle (TAG) funds to Account 3322T-54901. The vote was: YEAS - Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, and Mr. Stewart. ABSENT – Mr. Baer and Mr. Rodman. The motion passed.

Recommendation: Council award a contract to J.R. Wilson Construction Company in the amount of \$75,924.53 for the purchase of CR14 crushed granite stone for improvements to Rice Road (Port Royal Island), Stoney Hill Loop (Bluffton), Waters Avenue (Bluffton), and Echo Tango Road (Okatie). The funding source is \$10 motorized vehicle (TAG) funds to Account 3322T-54901.

3. Consideration of Reappointments and Appointments – Solid Waste and Recycling Board

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Discussion: There is a vacancy slot on the Solid Waste and Recycling Board due to the resignation of Gordon Bowers. This vacancy is for District 7.

Motion: It was moved by Mr. Dawson, seconded by Mr. Flewelling, that Public Facilities Committee approve and recommend to Council nomination of Mr. Ben Wheatley, representing Solid Waste District 7, to serve as a member of the Solid Waste and Recycling Board. The vote was: YEAS - Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, and Mr. Stewart. ABSENT – Mr. Baer and Mr. Rodman. The motion passed.

Recommendation: Council nominates Mr. Ben Wheatley, representing Solid Waste District 7, to serve as a member of the Solid Waste and Recycling Board.

INFORMATION ITEM

4. Update / Town of Bluffton Proposal to Realign Intersection of Bluffton Parkway at Buckwalter Parkway / Bluffton Parkway Phase 5B Realignment

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Discussion: The Committee Chairman stated in previous discussions of this item it was hoped that the parties would come to some sort of an agreement. We need to make certain that is done in the process. At today's meeting, the intention and hope is that the following is accomplished: (i) Reach an agreement on the dedication of right-of-way for Bluffton Parkway Phase 5B, pending County endorsement of realignment. (ii) Reach an agreement on access location to Robertson property. (iii) Reach an agreement on access width. (iv) Reach an agreement on immediate dedication and Innovation Drive access. (v) Provide a cost comparison that is compelling in documenting cost savings. (vi) Await County endorsement on the realignment for dedication of the access east and west of the Innovation Drive access. This is the purpose of the discussion today.

Status: This item was postponed until September 27, 2011 Public Facilities Committee meeting.

DRAFT

REDISTRICTING COMMITTEE

August 18, 2011

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

The Redistricting Committee met on Thursday, August 18, 2011 at 8:30 a.m., in the Large Meeting Room, Bluffton Branch Library, 120 Palmetto Way, Bluffton, South Carolina.

ATTENDANCE

Redistricting Members: Chairman Weston Newton and Vice Chairman William McBride, as well as members Gerald Dawson, Brian Flewelling, Herbert Glaze, and Jerry Stewart attended. Committee member Stu Rodman participated by telephone. Non-Committee members Steven Baer and Paul Sommerville also attended.

County Staff: Ian deNeeve, GIS; Josh Gruber, Staff Attorney; Ladson Howell, Staff Attorney; Gary Kubic, County Administrator; Dan Morgan, Director of GIS/MIS.

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

Mr. Newton chaired the meeting.

ACTION ITEM

1. Discussion on Redistricting Plans

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2.

Discussion: The first thirty minutes were spent examining the redistricting maps on display. Those maps included plans under formal consideration by the Redistricting Committee, as well as maps showing current district lines with 2000 and 2010 Census data.

Mr. Newton called the meeting to order formally and briefly explained to those present at the meeting that the Redistricting Committee is at the point of formally forwarding up to three plans to County Council. Council will have second reading of a redistricting ordinance on August 22, 2011. The goal for the meeting is to get to that point, he explained. The Redistricting Committee already voted to forward Plan 1 to Council for consideration. At the last Redistricting Committee meeting, Plan 4 was formally recommended, and there is support behind this plan by Committee members. Some tweaks or adjustments to Plan 4 have been discussed.

The discussion then shifted to Plan 4 and its details. Representatives from Hilton Head Island, where many of the modifications took place, were asked for their input. Mr. Baer noted there are three Census tracts, with a grand total of two people in them, that if moved from District 2 would provide more land continuity to District 3. Using redistricting software, Committee members checked how the move would affect statistics.

It was moved by Mr. Flewelling, seconded by Mr. Stewart, that the Redistricting Committee adopts for formal consideration Plan 4.1, which moved Census blocks 5002, 5005 and 5004 from District 2 to District 3, as a substitute for Plan 4, and then renames Plan 4.1, Plan 4. The vote was: FOR – Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton and Mr. Stewart. ABSENT – Mr. Rodman (participated telephonically). The motion passed.

Mr. Newton said he thinks the consensus of the group is that one of these plans is a standout. Given the collective input that went into Plan 4, which tightens the deviation from the baseline plan and increases the minority majority percentages from the baseline it is the standout. Plan 4 appears to be consistent with all criteria for redistricting. It does not meet the Committee's goal of having Mr. Glaze and Mr. Dawson in separate districts. Mr. Stewart added that under Plan 4 Jenkins Island is in one district, the Belfair and Rose Hill communities are together, and Spring Island is represented by a northern Beaufort County representative. In terms of the northern part of Beaufort County there is very little change, Mr. Dawson contributed. Committee members then expressed their agreement that Plan 4 go forward to Council.

It was moved by Mr. Flewelling, seconded by Mr. Stewart, that the Redistricting Committee forwards Plan 4, as amended, to County Council for consideration. The vote was: FOR – Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton and Mr. Stewart. ABSENT – Mr. Rodman. The motion passed.

It was moved by Mr. Glaze, seconded by Mr. Newton for purposes of discussion, that the Redistricting Committee forwards Plan 2 to County Council for consideration.

Committee members discussed the differences between Plan 1 and Plan 2 as they related to Plan 4.

Mr. Glaze, as maker of the motion, and Mr. Newton, as seconder of the motion, withdrew the motion.

There was a brief discussion about renumbering the districts, and the outcome was that this topic could be revisited later. Mr. Newton requested Plan 1 and Plan 4 be sent to the School Board and municipalities within the county.

Recommendation: Council considers Plan 4, which is favored by the Redistricting Committee, for Beaufort County redistricting.