

COUNTY COUNCIL OF BEAUFORT COUNTY

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COUNTY ADMINISTRATOR

BRYAN J. HILL
DEPUTY COUNTY ADMINISTRATOR

JOSHUA A. GRUBER
COUNTY ATTORNEY

SUZANNE M. RAINEY
CLERK TO COUNCIL

AGENDA COUNTY COUNCIL OF BEAUFORT COUNTY

Monday, February 13, 2012

4:00 p.m.

Council Chambers, Administration Building

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

1. CAUCUS - 4:00 P.M.
Discussion is not limited to agenda items.
Executive Conference Room
2. REGULAR MEETING - 5:00 P.M.
Council Chambers
3. CALL TO ORDER
4. PLEDGE OF ALLEGIANCE
5. INVOCATION
6. REVIEW OF MINUTES – [December 12, 2011](#), [January 9, 2012](#), [January 18, 2012](#),
[January 23, 2012](#)
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. Introduction / Mr. Rod H. Sproatt, Beaufort County Chief Magistrate
 - D. Resolution Authorizing the County Administrator to Execute a Lease Agreement with Option to Purchase Real Property located at 4819 Bluffton Parkway, Bluffton, South Carolina ([backup](#))
 - E. Home Consortium Update and 2012 Funding
Ms. Barbara Johnson, Lowcountry Council of Governments

Over



- F. Presentation / Beaufort County's New Vendor List
Ms. Monica Spells, Procurement Officer, Purchasing Department
- G. Refinancing of 2003 General Obligation Bonds
Mr. David Starkey, Chief Financial Officer

9. DEPUTY COUNTY ADMINISTRATOR'S REPORT

- Mr. Bryan Hill, Deputy, County Administrator
- A. Three-Week Progress Report ([backup](#))
- B. FY 2012 Budget Update ([backup](#))
- C. Update / US 278 Widening / Hampton Parkway Intersection
Mr. Rob McFee, Division-Director, Engineering and Infrastructure
- D. Introduction / Mr. Chuck Atkinson, Building Codes Director ([backup](#))

10. CONSENT AGENDA – ITEMS A THROUGH C

- A. AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED \$6,000,000 GENERAL OBLIGATION BONDS, SERIES 2012B, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF BEAUFORT COUNTY, SOUTH CAROLINA ([backup](#))
 - 1. Consideration of second reading approval to occur February 13, 2012
 - 2. Public hearing announcement – Monday, February 27, 2012 beginning at 6:00 p.m. in the large meeting room of the Hilton Head Island Branch Library, 11 Beach City Road, Hilton Head Island
 - 3. First reading approval occurred January 23, 2012 /Voter 11:0
 - 4. Finance Committee discussion and recommendation to approve occurred January 17, 2012 / Vote 7:0
- B. DEBRIS MANAGEMENT AND COLLECTION FOLLOWING A DISASTER ([backup](#))
 - 1. Recommendations:
 - a. County Public Works Debris teams and/or Contractor will perform initial road clearance on public and private roads;
 - b. When directed by County Council, the County Debris Manager will request approval to remove debris from private property using the suggested policy guidelines;
 - c. Private communities will be responsible to the County for any unreimbursed expenses associated with debris removal.
 - 2. Public Facilities Committee discussion and recommendation to approve occurred January 25, 2012 / Vote 6:0
- C. PORT ROYAL ISLAND ZONING MAP AMENDMENT / REZONING REQUEST FOR R100 024 000 0020 0000 AND R100 024 000 0416 0000 (2 PARCELS TOTALING 8.29 ACRES AT THE INTERSECTION OF RUG RACK, LAUREL BAY, AND JOE FRAZIER ROADS IN BURTON, SC) FROM RURAL WITH TRANSITIONAL OVERLAY (R-TO) ZONING DISTRICT TO COMMERCIAL SUBURBAN (CS) ([backup](#))
 - 1. Natural Resources Committee discussion and recommendation to defer action on the rezoning until staff has conducted a charrette as soon as possible at an area school. This action occurred February 6, 2012 / Vote 4:1:1

11. PUBLIC HEARINGS – 6:00 P.M.

- A. AN ORDINANCE TO AMEND AND CLARIFY BEAUFORT COUNTY ORDINANCE NO. 2005/9 AND AS SUBSEQUENTLY AMENDED WITH REGARDS TO THE DEFINITION OF ESTABLISHMENTS UNDER THE BEAUFORT COUNTY LOCAL HOSPITALITY TAX ([backup](#))
 - 1. Consideration of third and final reading approval to occur February 13, 2012
 - 2. Second reading approval occurred January 23, 2012 / Vote 11:0
 - 3. First reading approval occurred January 9, 2012 / Vote 11:0
 - 4. Finance Committee discussion and recommendation to approve occurred December 12, 2011 / Vote 7:0
- B. TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), APPENDIX S. DAUFUSKIE ISLAND CODE, TABLE 3.8 (SPECIFIC USES D2) SOLID WASTE GATHERING, TRANSFER AND RECYCLING FACILITY, WASTE TRANSFER, BY SPECIAL USE PERMIT ([backup](#))
 - 1. Consideration of third and final reading approval to occur February 13, 2012
 - 2. Second reading approval occurred January 23, 2012 / Vote 11:0
 - 3. First reading approval occurred January 9, 2012 / Vote 11:0
 - 4. Natural Resources Committee discussion and recommendation to approve occurred January 3, 2012 / Vote 6:0
- C. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) NEEDS ASSESSMENT ([backup](#))
 - 1. Public Hearing Only

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

13. PUBLIC COMMENT

14. EXECUTIVE SESSION

- A. Receipt of legal advice relating to pending and potential claims covered by the attorney-client privilege
- B. Discussion of negotiations incident to proposed contractual arrangements and proposed purchase of property

15. ADJOURNMENT

Annual Planning Meeting

Thursday, February 16 at 1:00 p.m.

Friday February 17 at 8:00 a.m.

Saturday, February 18 at 8:00 a.m.

Disabilities and Special Needs Day Program and Administration Building
“Great Expectations Place”
100 Clear Water Way, Beaufort

Official Proceedings
County Council of Beaufort County
December 12, 2011

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

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.

REGULAR MEETING

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

PLEDGE OF ALLEGIANCE

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

INVOCATION

Councilman Stu Rodman gave the invocation.

SANTA'S BLESSED HELPERS

Mr. Gary Kubic, County Administrator, remarked several years ago we thought it very appropriate that in this season of recognizing all the wonderful things that we share with each other here in Beaufort County, we always have to be appreciative of the fact that it takes a total community, each one of us, making a contribution. We decided that because of Council's support for our Disabilities and Special Needs Program and, in return, the people who work with us, our staff, our clients, and the families of our clients that we would have a tradition where on our last meeting of Council in December, that Mrs. Mitzi Wagner, Disabilities and Special Needs Director, would bring members of her staff and some of our clients to Council to discuss and thank each other for the wonderful things we share throughout the year.

Mrs. Mitzi Wagner, Disabilities and Special Needs Director, stated our blessings come in very small increments. You do not know what it is like when you have an individual who is limited in a lot of ways, but who knows the name of every staff person and every day says hello to you by name and asks you how your family has been. Or a gentleman, who, for ten years, has had difficulties relating to people, and all of a sudden, just this past week, he walked up and gave her a big hug. Or the individual, who takes out the trash in her office as part of his employment, and

comes by and says, “I prayed for you last night.” Those are the joys you give to us by allowing us to serve people with developmental disabilities.

Mrs. Wagner asked the Day Program Coordinators to talk with some of the individuals we serve and asked them what they were thankful for and what they were looking forward to. Mrs. Wagner read what they said – “I really like it when the staff gives me a cup of coffee. I am looking forward to new bathrooms in the brand new building.” “I really like doing my job. I cannot wait to see inside that building.” “I am thankful for my job and for seeing my daughter at Christmas. I am looking forward to working at the new building.” “I like seeing my friends at the Day Program. I like the new basketball court there.” “I am looking forward to having more space in that new building.” And last, but certainly not least, a lady who lives in one of our residential facilities and is relatively new to us said, “I am very thankful that I am alive. I have a new dresser. I have cable TV. I have a hearing aid and my teeth are coming soon. I am looking forward to learning how to live independently.” That is what Council does by the effort that you give to us. We appreciate everything that you do in this community to support us. We are very blessed.

PROCLAMATION

100 Best Communities for Youth

The Chairman announced Beaufort County, in collaboration with America’s Promise Alliance and ING, celebrate Beaufort County as one of the nation’s 100 Best Communities for Young People for 2011. Mr. Fred Leyda, Human Services Alliance Director; and Dr. Valerie Truesdale, School District Superintendent, accepted the proclamation.

Tate / Coursen Memorial Walk / Run

The Chairman proclaimed Saturday, January 7 and Sunday, January 8, 2012 as Tate / Coursen Weekend in Beaufort County. Mrs. Marie Tate accepted the proclamation.

Hilton Head Christian Academy Eagles – 2011 SCISAA Class 2-A Football Champions

The Chairman announced Beaufort County has been extremely well represented recently by its young people during football competitions. Hilton Head Christian Academy Eagles won the state football championship for the South Carolina Independent Schools Athletic Association Class 2-A. They are here tonight and we are very proud of them. In keeping with our tradition of recognizing the exceptional achievements of our young people, Council would like to commend each player, coach, manager and trainer. Head coach Tommy Lewis introduced the team members. The Chairman presented a certificate to each coach and team member.

In addition, the Bluffton High School football team went all the way to the state championships where they came in second place. We are very proud of them and invited them to join us tonight, but they are involved in another athletic event and will visit with us next month.

PUBLIC COMMENT

The Chairman recognized Mr. Ron Smetek, Vice President, Palmetto Hall Plantation Property Owners Association, who addressed consent item 10A, South Carolina Aeronautics Commission Grant for Tree Removal and Tree Mitigation into Runway 21. He requested that Council engage directly, early, and often on this issue with the communities such as Palmetto Hall Plantation that are directly impacted by the potential actions to be partially underwritten by this grant. To date, there has been absolutely no interaction by anyone representing the County or the airport with our community on this issue. Frankly, Council sets a terrible precedent by not engaging with us on the massive tree removal about to be completed on airport property but adjacent to our community. Council created an eyesore with the massive removal it has undertaken. Council has not kept its promises with regard to buffer zones. Council has not kept its promises with regard to noise mitigation. Council has not even had the courtesy of sitting down with us to discuss our joint Port Royal Plantation, Palmetto Hall Plantation compromise proposal on a safe, reasonable runway length that most minimizes the impact to our communities and supports safe, commercial flight operations. Our community has no intent of letting those irresponsible set of actions be repeated. We want to be good neighbors to the airport. We want the airport to be a better neighbor to us than Council has been to date.

Mr. Bob Richardson, past president of the Palmetto Hall Plantation Property Owners Association, stated we had tried to engage the County's Attorney on a response to a letter for navigation agreement. We had, in fact, requested several questions to be answered, we had several things we wanted to understand about the navigation agreement, obviously, before we would entertain signing such a document. It is unfortunate that we were not able to, in that earlier timeframe, a quieter timeframe, sit down and understand exactly the impact on our plantation, also talk about the noise mitigation potential possibilities, and pollution mitigation potential. Following up on earlier comments, we are most anxious to get involved in an on-going dialogue with the County Attorney so that this issue, with respect to the trees, can be done in an equitable and reasonable fashion.

RECESS

Holiday Tree Lighting

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

RECONVENE OF REGULAR SESSION

COUNTY ADMINISTRATOR'S REPORT

The County Channel

Mr. Gary Kubic, County Administrator, announced The County Channel is getting into the spirit this holiday season, with a couple of festive live events. We covered the Beaufort High School Christmas Concert. The concert featured music by the Beaufort High "Voices" choir group, and

the exclusive "Inner Voices." The concert is available on-demand, and will be replayed on The County Channel throughout the Holiday season.

The County Channel also covered the 2011 Bluffton Christmas Parade. The parade featured over 100 floats, including, as always, the dancing reindeer. This year Best Performance went to the Boys and Girls Club, while the "Bluffton State of Mind" award went to the Mayberry-style Police Car that was broken down, and had to be pushed along the parade route.

Two-Week Progress Report

Mr. Kubic presented his Two-Week Progress Report, which summarized his activities from November 29, 2011 through December 9, 2011.

Report / Achievements of the Technical College of the Lowcountry

Dr. Tom Leitzel, President of the Technical College of the Lowcountry, stated the vision of TCL is to be the premier academic institution – visionary, vibrant and valued – engaged in leading the region to economic prosperity by providing innovative workforce solutions. TCL offers classes at five locations and offers 81 academic programs. It has a student enrollment of 3,924, financial aid award of \$9,009,409, 94% graduate placement rate, and affordable tuition of about \$900 per semester. TLC has an \$80,000,000 economic impact on the region.

Update / Form-Based Code Charrettes

Mr. Rob Merchant, Long-Range Planner, gave an update of the development code public workshops. The workshop objectives are to develop a community vision for each neighborhood, public outreach, ground-truth the draft development code, and develop a draft regulating plan (zoning map). Workshops were held in the Port Royal / Shell Point area, greater Bluffton area, St. Helena Island and Lady's Island. Components of the workshops included an opening presentation, open house, open design studio, stakeholder meetings, and closing presentation.

Resolution Authorizing Beaufort County as a Qualified Local Public Agency for the Rails to Trails Program

It was moved by Mr. Flewelling, seconded by Mr. Sommerville, that Council adopt a resolution expressing its desire to be designated as the Qualified Local Public Agency, agreeing to comply with all applicable federal law, including the rules and regulations of the Federal Highway Administration, and all applicable state law and rules and regulations associated therewith. Further, authorizing the County Administrator to execute all documents as may be necessary to appoint Beaufort County as a qualified local public agency. 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.

DEPUTY COUNTY ADMINISTRATOR’S REPORT

Two-Week Progress Report

Mr. Hill, Deputy County Administrator, presented his Two-Week Progress Report, which summarized his activities from November 29, 2011 through December 9, 2011.

SOUTH CAROLINA AERONAUTICS COMMISSION PROJECT NO. 11-015 GRANT OFFER / HILTON HEAD ISLAND AIRPORT IN THE AMOUNT OF \$45,372.00 WHICH REPRESENTS THEIR MATCHING 2.5% SHARE FOR RUNWAY 21 OFF-AIRPORT TREE OBSTRUCTION REMOVAL, MITIGATION, AND EASEMENT ACQUISITION

This item comes before Council under the Consent Agenda. It was discussed at the November 29, 2011, Public Facilities Committee.

It was moved by Mr. Glaze, as Public Facilities Committee Chairman (no second required), that Council accept the SC Aeronautics Commission grant offer in the amount of \$45,372 which represents their matching 2.5% share for Runway 21 off-airport tree obstruction removal, mitigation, and easement acquisition at Hilton Head Island Airport.

Mr. Baer stated he is going to vote for this grant offer tonight, but a number of issues need to be addressed before Council approves the actual contracts for this work: (i) This work can be done in a community-friendly way including trimming vs. cutting, and attention to noise and visual mitigation. That is probably the fastest way, with the minimum legal expense. It can also be done in a brute-force way. That may appear to be the cheapest, but has long delays and large legal fees attached to it. At the Lady’s Island Airport, we are close to the third year of legal haggling, instead of tree work. Both methods have the same glide slope result, but a negotiated plan produces results much more rapidly.

(ii) There are a number of areas impacted by this proposed work including Palmetto Hall, Baygal, Mitchelville, St. James Church, Ft. Howell and Port Royal Plantation. No one in these impacted areas (nor this Council) has been told the details of this proposed work including: What is to be trimmed vs. what is to be cut, and why? What are the visual and noise mitigation plans? What is the plan for archeological and historic sites? When and how will the impacted communities be involved in these decisions? Mr. Baer asked and could not find anyone in these communities who has been briefed on this. These issues need to be resolved before we see the contracts for this work.

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

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN EASEMENT ENCUMBERING PROPERTY OWNED JOINTLY BY BEAUFORT COUNTY AND THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA

The Chairman opened a public hearing beginning at 6:02 p.m. for the purpose of receiving information from the public regarding an ordinance authorizing the execution and delivery of an easement encumbering property owned jointly by Beaufort County and the Town of Hilton Head Island. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:03 p.m.

It was moved by Mr. Glaze, seconded by Mr. Sommerville, that Council approve on third and final reading an ordinance authorizing the execution and delivery of an easement encumbering property owned jointly by 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. he motion passed.

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

COMMITTEE REPORTS

Finance Committee

Sole Source Purchase of One Gas Chromatograph Mass Spectrometer System for the Beaufort County Sheriff's Office

This item comes before Council under the Consent Agenda. It was discussed at the December 12, 2011, Finance Committee.

It was moved by Mr. Rodman, as Finance Committee Chairman (no second required), that Council approve the sole source purchase of one gas chromatograph mass spectrometer system in the amount of \$107,596.95 from Agilent Technologies. Funding will come from the Federal Justice Assistance Grant (JAG) 1G11027 in the amount of \$85,000, with the remaining \$22,096.95 to be funded through the existing DNA Department's FY 2012 General Fund Budget. 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. he motion passed.

Daufuskie Island Ferry Service Contract Extension

This item comes before Council under the Consent Agenda. It was discussed at the December 12, 2011, Finance Committee.

It was moved by Mr. Rodman, as Finance Committee Chairman (no second required), that Council approve the contract renewal for a total contract price of \$198,500 to J & W of

Greenwood for a term beginning December 15, 2011 and ending June 30, 2012, with the option to renew for another year beginning July 1, 2012 and ending June 30, 2013. 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.

Patriot System

This item comes before Council under the Consent Agenda. It was discussed at the December 12, 2011, Finance Committee.

It was moved by Mr. Rodman, as Finance Committee Chairman (no second required), that Council award a three-year contract to Savannah Communications totaling \$1,372,740, which is a turn-key price covering installation, removal of old equipment, software, maintenance and warranty of a new call handling system. This is to be funded with account #23205-54142, E911 Regional Fund. 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 Vice Chairman passed the gavel back to the Chairman in order to continue the meeting.

CALL FOR EXECUTIVE SESSION

It was moved by Mr. Caporale, seconded by Mr. Glaze, that Council go immediately into executive session for the purpose of receiving legal advice relating to pending and potential claims covered by the attorney-client privilege. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT - Mr. Flewelling. The motion passed.

PUBLIC COMMENT

There were no requests to speaking during public comment.

EXECUTIVE SESSION

ADJOURNMENT

Council adjourned at 7:30 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Wm. Weston J. Newton, Chairman

ATTEST _____
Suzanne M. Rainey, Clerk to Council
Ratified:

Official Proceedings
County Council of Beaufort County
January 9, 2012

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, January 9, 2012 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, Gerald Stewart and Laura Von Harten.

DISCUSSION ITEMS

Topics discussed during the caucus included: (i) Beaufort County has received written correspondence from the US Department of Justice, Civil Rights Division, stating that it does not oppose the redistricting plan adopted by Council that redraws both the County Council and School Board Districts. Chairman Newton will be sending out a memorandum disbanding the Redistricting Committee. (ii) Council was engaged to approve the Water Quality Restoration Plan. Staff and Stormwater Management Utility Board worked hard to develop the plan. Five years is an appropriate timeframe in which to accomplish that. They have been strategic in choosing some goals that are doable in two different watersheds – Battery Creek and Okatie River. (iii) Council has received Staff suggested definitions and research on what constitutes essential vs. non-essential broken down by the statutory requirements for the provision of services and otherwise. This matter can be discussed in the executive committee, a workshop of Council, or a portion of annual planning meeting, or fold into the budget process. This is a longer-term issue as we move toward reassessment and the challenges and opportunities that follow. Staff will attach the numerical appropriation to each service. (iv) The annual planning meeting dates are February 16, 17 and 18. (v) The establishment of a reserve transfer policy. (vi) The \$377,000 the County paid for a waterline in the Beaufort Commerce Park as part of some sort of agreement for a developer to build or occupy a building there. (vii) Anticipated installation of the sound barrier at the foot of the new two-lane McTeer Bridge. (viii) Update on the Island West intersection. (viii) City of Beaufort Boundary Street improvement and its effect on stormwater. (ix) Update on the SC Transportation Infrastructure Bank Board of Evaluation Committee meeting as it relates to the County's SIB application. (x) During the County Administrator's Report, Council will be asked to consider approving two renewal contracts: an addendum to the Town of Hilton Head Island/Beaufort County/Sheriff's Office Agreement as well as the McNair Law firm contract extension for providing lobbying efforts as it relates to the

Education Funding formula. (xi) Legislative Delegation public meetings regarding considering delegating increased fiscal authority to the Board of Education for managing the fiscal affairs of the School District. (xii) Town of Bluffton letter regarding their payment relative to the realignment of Bluffton 5B. (xiii) Town of Port Royal request to Council to participate in their new tax increment financing district. (xiv) Removal of item 9G from the consent agenda - a resolution outlining the policy of Beaufort County with regards to public-private ventures for use on properties acquired through the Rural and Critical Land Preservation Program.

REGULAR MEETING

The regularly scheduled meeting of the County Council of Beaufort County was held at 4:00 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 NOVEMBER 14, 2011

It was moved by Mr. Flewelling, seconded by Mr. Baer, that Council approve the minutes of the regular meeting held November 14, 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.

REVIEW OF PROCEEDINGS OF THE REGULAR MEETING HELD NOVEMBER 28, 2011

It was moved by Mr. Flewelling, seconded by Mr. Baer, that Council approve the minutes of the regular meeting held November 28, 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.

REVIEW OF PROCEEDINGS OF THE SPECIAL MEETING HELD DECEMBER 5, 2011

It was moved by Mr. Flewelling, seconded by Mr. Baer, that Council approve the minutes of the special meeting held December 5, 2011.

The following correction was made to the minutes: page 1, line 17, delete “McBride”.

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 Mr. David Maschka, a Dataw Island resident, who read from a prepared statement, “On February 16, 2011, I, Dave Maschka, was ticketed by a Beaufort County Sheriff Deputy for criminal breach of peace pursuant to South Carolina law, Section 22.5.150. The exact nature of the offense was loud music. The music was being produced and amplified via a stereophonic sound system located within In Shape, a commercial health and exercise studio solely owned and operated by my wife, Kathy Maschka, continuously since the year 2000 located at 43 Tide Watch, Lady’s Island; further, within the confines of the Lady’s Island Village District. South Carolina law, and I’ve listed the section here, deals specifically with breach of peace stating ‘magistrates may cause to be arrested all affrayers, rioters, disturbers and breakers of the peace and all who go armed offensively to the terror of the people such as those who utter menaces or threatening speeches and too, those otherwise dangerous and disorderly persons. The offense of breach of peace within the State of South Carolina is defined as a violation of public order, a disturbance of the public tranquility by any act of conduct inciting to violence which includes any violation of any law enacted to preserve peace and good order.’ I have cited preferences, legal precedence, excuse me, below. While it is not necessary that the peace actually be broken in order to sustain a conviction for the offense of breach of peace, there must be dear members, at least commission of an unlawful and unjustifiable act tending with sufficient directness to breach of peace and I cite legal precedence. Perkins on Criminal Law, the definitive legal textbook which integrates both common law and the model penal code, defines breach of peace as ‘any willful deed done without lawful jurisdiction or excuse which unreasonably disturbs the public peace and tranquility.’ Again, South Carolina law states clearly ‘while it is not necessary that the peace actually be broken in order to sustain a conviction or the offense of breach of peace, there must be at least.’ according to South Carolina law, ‘be the commission of an unlawful and unjustifiable act tending with sufficient directness to breach of peace.’ Dear members of County Council, the alleged actions of Dave Maschka could not have been unlawful or unjustifiable or illegal in this case as they were made perfectly legal, perfectly justifiable, and perfectly lawful by virtue of Beaufort County noise ordinance as decreed by Beaufort County Council. This fits the definition of Perkins on Criminal Law precisely as cited above. I would ask that you please review the following. Let me get to my third page here, I’m sorry. Actually, I would like you to review the uniform traffic ticket which is proof of the incident that took place in February 2011. If you will go three pages hence and

you will look at the bottom, at the Beaufort County noise ordinance, the very last three-page, I'm sorry, three-line statement: specifically excluded from the noise ordinances and regulations regarding noise transmitted adjoining commercial establishments are commercial health and exercise clubs. Ladies and gentlemen, I would ask you to, I hereby request that Beaufort County Council appoint a committee to conduct a thorough review of the alleged incident and to subsequently advise Kathy and Dave Maschka as to the validity of the Beaufort County noise ordinance as it is written and as it applies to Mrs. Maschka's commercial health and exercise studio, In Shape. More importantly, I would ask that Beaufort County Council duly ratify the legal soundness of the Beaufort County ordained noise ordinance as this ordinance was, is, and continues to be the basis for the lawful and justifiable playing of music at In Shape. Additionally, I respectfully request one member of said committee be dutifully summoned to appear at my trial, which has not occurred yet, and provide enlightened testimony on my behalf. I also have included in your summary that you have before you a letter from me to Josh Gruber, County Attorney, and his response confirming and affirming positively that In Shape, being a commercial fitness studio, is not subjected to the Beaufort County noise ordinance. Why I would ask then, County Council members, has the Beaufort County Sheriff's office sent over three dozen officers on over three dozen separate occurrences over the last almost one year to my wife's business harassing her about this noise. This is a civil matter and when at a motion to dismiss hearing in front of the magistrate last November, it was pointed out by me and by my attorney to the magistrate and to the Sheriff's Officer, Deputy Sheriff, who was conducting this prosecution against me, that 1) we have full legal jurisdiction to proceed with the music as playing as done for the last ten years, 2) if we are justified by virtue of the County ordinance giving us the right to play the music and the South Carolina law says that the only way that you can sustain a conviction for breach of peace is that we are unlawful and unjustifiable, why in the world is Beaufort County's Sheriff's office continuing to prosecute?"

Mr. Jim Cuff, representing Island West Homeowners Association, stated over a year ago, in anticipation of the 278 expansion, all the homeowners (more than 500) signed a petition for a light at the intersection of Island West and 278 as part of the expansion project. We were then contacted by County engineers, called in, and we talked about, in lieu of a light, that they would provide a side gate into Hampton Parkway that would come up to a new light at the intersection of the new Hampton Parkway and 278. This past November, during our annual meeting, we had one of the traffic engineers giving us an update before the work had started. At that time we found out that there was no money in the budget to do the side gate issue. We also found out that the crossover lanes would be operating at about 55 mph and the acceleration and deceleration lane into and out of our development onto 278 were not going to be adequate, especially, for larger vehicles like school buses and pulling RVs. We then wrote to Weston Newton asking to reinstate our original petition to get a light and/or the side gate as promised. We have about 240 homes at Island West with more than 1,000 people. Our usage rate is over 1,000 cars, trucks on a daily basis, most of that occurring between 6:00 a.m. to 9:00 a.m. and 3:00 p.m. to 6:00 p.m. at the peak rush hours. Our three main concerns with 278, the expansion, and entering and leaving 278 are: safety, safety, and safety. Most of the parents, who drive their kids to school, kids who use the school bus, students who drive themselves to school, USCB or TCL make a left turn out of Island West and go across three lanes. We are really concerned about the safety issues on the crossover. We are also concerned about emergency vehicles. Our first responder is the Bluffton

Fire Department that is adjacent to St. Gregory's Catholic Church and School. Fire vehicles make a left across 278 to come into Island West. A majority of the people, who are taken to emergency, opt to go to Coastal Carolina which also means they have to make a left when they leave. We think with the expanded lanes and the traffic that that is becoming even more of a safety issue. Within the last two weeks, we had a major accident in front of the intersection with one of our neighbors who was T-boned as he was exiting, making a left turn. The Board of Island West requests all the help that you can give us with these issues to give us a safe entrance and exit.

Ms. Gerallyn Kurowski, a resident of Island West the past eight year and former member of the Board of the Homeowners Association, has been involved with the previous discussions we have had with the County, SCDOT, transportation engineers, about the need for a second exit and entrance at our community. We had, as Jim Cuff has explained, been promised that a side gate leading out to Hampton Parkway and a proposed traffic light at that intersection with 278 would be fast-tracked along with the extension and expansion of Highway 278. Since we have learned that that is not going to happen, we are incredibly concerned about safety in our community. We have been told the computer models show that we do not really require a traffic light; but computer models are not real life experiences. If you could live in our community for a day and see what we have to put up with on a daily, hourly, basis, it would be scary for you as much as it is scary for us right now. It is even worse in peak tourist season. Tourists are eager to get to their timeshares. They do not allow us access to 278. They block our entrance all the time and we cannot get out. In fact, we have to plan our lives around when the tourists are in town. Again, safety is what we are all about. We are asking for you to consider safety of our children, our families and our visitors. We just learned today through your caucus that there is \$50 million that may become available to the County to be used for future transportation projects. Please consider using some of that money towards our safety by installing a traffic light at Island West Boulevard and 278.

Mr. Steve Peters, a resident of Island West, spoke for the case for a traffic light at the Island West entrance on Route 278. You heard Jim Cuff tell you the count of the people going into Island West. However, it does not include the number of people traveling east and making illegal left turns and U-turns at that intersection also. There is a Goodwill store. An Enmark gas station is coming soon. Several stores and restaurants are expected to arrive in the near future. There is a planned traffic light at the intersection of Hampton Parkway. It is closer to Route 170 bridge and more likely to back up traffic onto that bridge which is a concern for the engineers. It would be better if we had that light. However, if Hampton Parkway must have a light, he sees no problem having a light at Island West also. He hails from Brooklyn, New York where there were 20 traffic lights to every mile. They all were timed to change together. It created no problem, not even during rush hour. He thinks it would work very well. The County, in closing the crossovers without traffic lights, implies that those left open are unsafe and may open the County to lawsuits for each accident that occurs at those crossovers.

Mr. Steven Moskowitz, a resident of Island West, addressed the loss of the acceleration lane out. Each day, during the past three weeks, he has left Island West during rush hour and has to exceed the speed limit in the acceleration lane in order to keep up with traffic. Fifty five mph on 278 is

a myth. That may be what is driving the computer models. We need personal attention and we need to remind Mr. Kubic of the promise he made to our group. Number 1 – you all will never get the light. We do not believe in lights. Number 2 - because of safety we would get a side gate. We were told at the last meeting that \$500,000 separates us from having our side gate which is a reasonable alternative to a traffic light and probably not much less expensive or not much more expensive. We had agreed at one point to contribute \$100,000 of our money to the project. He asked Council to direct Mr. Kubic and the SCDOT to take money from the end of the project which is about two years away and make the beginning of the project safe for us and our children.

Ms. Nancy Schwartz, a resident of Sun City, goes in and out of Island West and, at best, crossing over the two-lane road to go west on 278 is difficult and especially at night. Either a traffic light or the side road would be wonderful. She has seen on several occasions people trying to make a left turn to go into the dealership and there is no left turn there. She has also seen people coming into Island West and having difficulty getting across. They, of course, have the right-of-way. There needs to be some sort of safety. What price do you put on lives?

Mr. John Flynn, a resident of Island West for eight years, stated there have been a lot of changes in the area over that period of time -- some good, some bad. It was very disappointing to learn at our last HOA meeting that the acceleration lanes were going to be eliminated at the entrance of Island West. Elimination of the acceleration lanes to our entrance is a huge safety issue. People drive 55 mph to 60 mph. Think about a school bus, somebody towing a utility trailer, a bus, and RV turning into that oncoming traffic. It is clear how wide the median is going to be after the project is completed. It was said in your caucus \$50 million may become available. You could take \$2 million or \$3 million and give us a side entrance as well as a light.

Mr. Steven Morris, a resident of Island West, stated his wife wrote a letter to Weston Newton right after the last meeting. She was so upset. He has not seen his wife that way in a long time. Believing that what we really thought was going to happen looked like it might not happen; it wasn't in the overall plan. He does not know how that happened. It just disappeared. Somebody somewhere made it disappear – magic. It was also mentioned by the engineer, who was at the meeting, that the decision was based on information that they had that was three years old. A lot has changed. He has lived in Island West for almost seven years now. An awful lot, as you all know, has changed in even the last three years with the Honda, Mercedes and Toyota dealerships, Goodwill, and a gas station. It is a very busy area. Much, much busier than when you all decided to put a light on Buckwalter Parkway where they only go 40 mph as opposed to 60 mph. There are a lot of kids in our development who take the bus in the morning to Okatie School. The bus makes a left turn. Either that or they have to get up to speed and make a right turn, make another U-turn but they have to head up in that direction. He hopes Council will consider doing something as soon as possible.

Mr. Jim Bequette, a resident of Lady's Island and self-appointed representative for the taxpayers and citizens of Beaufort County, has read the newspaper article about a non-profit being formed to help the poverty people and to raise money for the poverty people because of the increases in Parks and Leisure fees. He understands Council is going to vote tonight on Parks and Leisure

fees. When is a tax increase not a tax increase, but a fee increase, but it is a tax increase if it is still for the same level of service in my mind. One of the interesting, the small community centers which had been rented for \$75.00 for three days will now cost \$200.00. That is a slight increase. Then if we turn to page two and there is some stuff on here that quite follow on the front page, turn to page two, go down the line, there is an increase on an item of 33%, 50%, 33%, 25%, right on down the line. The football program increase went in last year, it got slipped in without a lot of publicity, but it was raised \$10.00. If a poverty family has two children that is \$20.00, if they have three, its \$30.00. He can remember hearing some awful statements from this County Council when the School Board asked for millage increase that amounted to \$20.00. He does not think any of you should vote for these increases here. Otherwise he would say you are not speaking the same language you spoke at some of the votes on school budgets in the past. He would like to see you speaking the same language you spoke then because there are some real substantial increases in there. If you went to a CPR lesson, it would cost you 33% more than it did last year. If you went back to update CPR, it would cost you 50% more. Is this what we want to do to the people of Beaufort County? Now, as a retired CPA and corporate financial executive, if you need some help finding other ways to cut your spending, he would be glad to volunteer.

COUNTY ADMINISTRATOR'S REPORT

The County Channel

Mr. Gary Kubic, County Administrator, announced The County Channel has finished moving into its renovated space in the County Administration building. The mailroom has been converted to master control for The County Channel and they have added much-needed office and studio space where staff services department was formerly located. Starting in January, they will begin a heavy rotation of live sports from both Parks and Leisure Services and USC-B, in addition to the normal County Channel productions.

The County Library's Beaufort branch has a new musical exhibit on loan from the Smithsonian National Museum. The New Harmonies exhibit features examples of many styles of roots music, including bluegrass, gospel, and blues. Amanda Brewer guides you through the interactive display, which includes several listening stations, and musical instruments that visitors can play. Check the Beaufort County Library's webpage for a schedule of events throughout the county while the exhibit is in town.

The County Channel began its coverage of Parks and Leisure Services Basketball this past week. The 11- and 12-year olds gold league game was taped live at the Buckwalter Recreation Facility. Our Bryan Hill, along with Registrar of Deeds Dale Butts was on hand to call the action. Chairman Newton even dropped by to catch some of the action. The game will air on The County Channel and on the webpage Friday night at 8:00 p.m. This begins a season of The County Channel sports coverage.

Four-Week Progress Report

Mr. Kubic presented his Four-Week Progress Report, which summarized his activities from December 12, 2011 through January 6, 2012.

Bluffton Library Community Room

Mr. Kubic reported very shortly, through Public Facilities Committee, Council will be seeing the results of a bid process that are directly tied to the upgrades for the Bluffton Library community room. Those items are done. They are bid separately. Council will get a chance to collectively see all of the improvements and weigh in and, hopefully, we will be able to bring that community room to the level that we want and then, once again, be to able to have Council sessions and community meetings broadcast from that facility.

Resolution Agreeing to Apply to South Carolina Department of Transportation For a Ferry Grant in an Amount Not to Exceed \$100,000 to Assist with Ferry Service to and from Daufuskie Island

It was moved by Mr. McBride, seconded by Mr. Glaze, that Council adopt a resolution agreeing to apply to South Carolina Department of Transportation for a ferry grant in an amount not to exceed \$100,000 to assist with ferry service to and from Daufuskie Island.

Ms. Von Harten commented that she would like to see the County change its purchasing procedures in the future so that we allow smaller boats to get in on the bid process. At present the way we have our request for proposals set up, there is only a couple of providers able to provide. If we asked for smaller boats, we would be giving out opportunities to more people.

Mr. Baer said the resolution commits us to \$100,000 if the other side of the grant comes in. How much did we spend this past year on this? Mr. Kubic replied approximately \$235,000 of county dollars toward this service.

Mr. Harten inquired if this dollars amount include what we pay Haig Point to transport county employees. Mr. Kubic replied the amount he quoted, “yes.”

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.

Addendum to Town of Hilton Head Island/Beaufort County/Sheriff's Agreement

It was moved Mr. Caporale, seconded by Mr. Sommerville, that Council authorize the County Administrator to execute an addendum to the Town of Hilton Head Island/Beaufort County/Sheriff's Agreement to extend the contract for three-years on the same terms and conditions. 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.

McNair Law Firm Legal Consulting Services / Lobbying Efforts

Mr. Kubic asked Council to retain the McNair Law Firm for legal consulting services / lobbying efforts for the period commencing in January 2012 and ending June 2012. The 2012 contract mirrors the 2011. In 2011, the County contracted with McNair for \$37,500. The Board of Education contracted for \$25,000.

Main motion: It was moved Mr. Sommerville, seconded by Mr. Dawson, that Council retain the McNair Law Firm for legal consulting services / lobbying efforts for the period commencing in January 2012 and ending June 2012. The 2012 contract mirrors the 2011, i.e., the County contribution is \$37,500 and the Board of Education \$25,000.

Mr. Rodman recalled the history of this issue was that we agreed to be 50:50 partners and the estimated contract was \$75,000 or \$37,500 each. The County ended up putting forward \$37,500, while the Board of Education was getting its own approvals. Perhaps, the \$25,000 came from the balance and they did not need the full amount of the \$75,000. The spirit we went into this was for us to help the School District with the lobbying and that we were 50:50 partners.

Motion to amend by substitution: It was moved by Mr. Rodman, seconded by Mr. Baer, that Council retain the McNair Law Firm for legal consulting services / lobbying efforts for the period commencing in January 2012 and ending June 2012. Further, the agreement and future payments are modified retroactive to January 1, 2011 such that the County and the School District be 50:50 participants.

Mr. Newton said the original contract, as Mr. Rodman indicated, was presented at \$75,000. The Board of Education (“Board”) approved \$25,000 last year. Council had already authorized \$37,500 to move forward and the McNair Law Firm (“McNair”) agreed to perform the task for the reduced amount at that point in time to move it forward. Our Legislative Delegation, without exception, has indicated that they believe that having McNair’s assistance in working on the significantly flawed Education Funding Formula is needed to help build a coalition beyond the boundaries of Beaufort County. It paid for itself this year in \$633,148 directly identified funds as a result of the work that has been done. The proposal was to carry forward the same dollar amount. Mr. Newton questioned the basis for an adjustment for 2011, and is concerned that with the Legislative Session starting tomorrow we may find ourselves caught up in a period of time without having the ability/the assistance of McNair which our Delegation has requested. Mr. Newton is concerned that the retroactive component, back to 2011, is going to cause us to get bogged down and not afford the tool to our Delegation that they have asked for to help the citizens of Beaufort County. He does not disagree with Mr. Rodman that we are taking, as we stated last year, County operating dollars and putting them toward a partnership effort with the School District (District) to help return school funding which ultimately benefits all of the taxpayers in Beaufort County and, probably, a more direct link for the District than for County

government. He does want Council to be pennywise and pound foolish or miss the opportunity that our Delegation has requested.

Mr. Rodman said as a mechanism all it means is the District would make the next set of payments until we got to 50:50 and then we would be 50:50 going forward. It is not a big deal with the mechanism. In the spirit of it, it ought to be 50:50 from the beginning. He does not think Council was ever advised that the District had not agreed to fund the full \$37,500. In reality, there is a case to be made that having gotten the \$633,148, it demonstrated it was a worthwhile expenditure. The District ought to be willing to do it on their own, but in the spirit of cooperation, we ought to be 50:50. Mr. Rodman will vote against the motion if we are not going to be 50:50 over the life of the whole piece.

Ms. Von Harten said if we are going 50:50 she would rather go 50:50 next year when we have had time to talk with the Board about it.

Mr. Sommerville made two points: First, 2011 has already been paid. Obviously, nobody here can speak for the Board how they are going to vote on this issue whether they are going to authorize \$25,000, \$35,000, or whatever they are going to authorize, who knows. Second, the Chairman has already articulated, but Mr. Sommerville will say it again. This is the best investment we have made in a long time because \$633,148 coming back to the same taxpayers for \$37,500 of the \$75,000 investment is a tremendous deal for the taxpayers. It would be a shame if this issue bogged down in some kind of interscene dispute over \$12,000 of \$25,000, what the number is, and did not go forward with continuity of lobbying with McNair. He does not care how we do it. He wants to make sure there is no interruption in it, and does not want to leave it to chance that in the event the District decides they are only going to commit a certain number that this issue dies on the vine and we have no contract with McNair. He is looking after the taxpayer as is every member of Council. In order to do that continuing this contract makes all the sense in the world no matter the number, whether 50:50 or 60:40.

Mr. Baer talked about the numbers. Last year the County over paid by \$62,500 and the Board underpaid by \$62,500. A reasonable compromise is to go forward with the \$25,000 tonight.

Mr. Newton replied the County did not overpay. We committed independently to pay McNair \$37,500. His only concern is that our Delegation has suggested this is an appropriate tool and we are going to get caught up over the principle of \$6,000 and lose the chance with the momentum to change the Education Funding formula.

Mr. Stewart will support what Council is doing going forward because it is important for the entire County and we, as Council, have to worry about the citizens and all aspects of this. He would hope, however, and what we did not see was any of the details behind this. He would hope that there is a detailed work statement of what McNair is going to do. He is concerned that it is the same price that they did work last year and a lot of the preliminary leg work had been done. He is not sure why we are spending the same about of money this year. He would hope that Mr. Kubic and Mr. Washington and all those who were involved in putting this together do have a work statement that justifies the amount of expenditures Council is approving.

Mr. Newton replied the briefing Council received two years ago, included a multi-year recommendation that identified what would be done in year one and recommended what would be done in year two. He thought this was the same engagement that they were involved with last year.

Mr. Caporale said it is not going to be any easier this year to get money just because we got some last year. In fact, it will probably be harder. He could not buy notion that they are going to do less, or just as much. They are going to have to work just as hard or probably harder even to get what they got last year.

Mr. Newton recalled McNair said the first year not to expect much of a return other than a single-year budget proviso, that the real change would be in the second year of the 119th Session of the General Assembly because that would be at the time when they believed, not being an election year, that it would be more meaningful as well as building partnerships with both Horry and Charleston Counties that are now penalized by the Education Funding formula as well. Senator Davis believes that the momentum that was established last year continues to build and with the alliances, he believes, that there is an opportunity for change this year beyond just a single-year proviso adjustment.

Mr. McBride concurred that it is very late with the Legislative Session starting tomorrow. It does not matter where the source of funds come from, they still come from the taxpayers of this County. It is a little ridiculous to try to change our portion this late in the game. He will vote against the motion to amend by substitution.

Mr. Flewelling asked if there is any possibility that the maker of the motion would remove the retroactive component of the motion to amend by substitution.

Mr. Rodman, as make of the motion, and Mr. Baer, who made the second, agreed to delete the retroactive component of the motion to amend by substitution.

Mr. Dawson said, for the record, he would vote against the motion to amend by substitution even with the retroactive component removed. Council should move forward with its original contract amount of \$37,500 and \$25,000 from the District.

Mr. Newton said if the motion is approved, we have no engagement with McNair until the Board holds its next meeting. Then, after that, depending upon what they do, we continue to have no assistance from McNair until this Council reacts to that Board meeting. We have a lost the month of January in having McNair advocate on our behalf and work on the formula changes. Perhaps the approach would be to match that which has been done by the Board, \$25,000, so that the McNair folks will hit the ground running and then we can each go back and talk about the additional \$12,000 between the two bodies and how that would be split. Mr. Newton submitted his proposal for consideration to the maker of the motion.

Mr. Rodman said it seems to be the same as taking the retroactive out.

Mr. Rodman, as maker of the motion, and Mr. Baer, who made the second, agreed to change the contribution to \$25,000 to match the \$25,000 from the Board of Education.

Mr. Sommerville will vote against the amendment. He does not want to leave any chance, whatsoever, that this relationship could die because of something that may or may not happen at the District. He wants to ensure that this issue goes forward. He is uncomfortable with the motion; it might put us in a position where that might happen. Senator Davis said to this Council that it was instrumental, integral, and critical in getting that \$633,148.

Vote on the motion: It was moved Mr. Sommerville, seconded by Mr. Dawson, that Council retain the McNair Law Firm for legal consulting services / lobbying efforts for the period commencing in January 2012 and ending June 2012. The 2012 contract mirrors the 2011, i.e., the County contribution is \$37,500 and the Board of Education \$25,000. The motion was: YEAS –Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton Mr. Sommerville, Mr. Stewart and Ms. Von Harten. NAYS – Mr. Baer and Mr. Rodman. The motion passed.

Island West

Mr. Rob McFee, Division-Director Engineering and Infrastructure, displayed a drawing from SCDOT showing what the access ingress/egress is at Island West. We have had many discussions, meetings, meetings with Island West residents with regard to their alternate access. It is identified in the Short-Term Needs Study. We have worked very closely with SCDOT as they developed this project, and what we are planning to do. He showed an alternate route that connects several segments that presently exist that have been built by developers to some degree or other. At the January 18 Transportation Advisory Group (BTAG) meeting, we were going to again give Council an update of all the information that is available.

Where US Highway 278 and Island West connect today, is a two-lane facility in each direction with the median that has no geometry whatsoever to separate traffic or to preclude illegal left-turns, etc. The entrance across the way is right-in, right-out and there is a deceleration lane as well as an acceleration lane. The improvements contemplated are obviously three lanes in each direction. There will be a left-turn ingress to Island West and there will be and left-turn egress, ingress and egress. There is space in the median for storage of a bus or a RV with length is sufficient; it has approximately 60' between the through lines for a vehicle to make refuge and make the left or to merge into traffic. There is a deceleration lane, right turn lane, that goes into Island West and the acceleration lane is not going to be replaced on the six-lane program that we did previously from Moss Creek to Simmonsville. None of the acceleration lanes were added back in that. A number of the concerns are similar that were raised previously on the six-laning of the first lane portion. We are sensitive to that.

The next exhibit shows the segments of the side entrance that would be required to affect the connection between Island West and the Hampton Parkway future segment. The estimated cost of that improvement construction is about \$300,000 and the design fees are about \$30,000 to

\$40,000. Regarding the right-of-way we have not begun title work, therefore, he does not know what the right-of-way cost would be but that is what we anticipate doing. In previous BTAG meetings, recommendations from municipal staffs and combined municipal staffs held that frontage roads were the highest and best use of funds as they support safety, interconnectivity and preserve capacity of existing roadways. At the January 18 BTAG meeting, this concept is going to be discussed for approval.

Mr. Newton commented the 278 widening project, even though the County procured the money for that project, is a SCDOT widening project. SCDOT is responsible for the widening of 278. Based on the petition originally submitted by the residents in Island West, SCDOT said what with regard to a traffic light at this intersection?

Mr. McFee replied SCODT designed it; SCDOT said two things. First, the traffic signal at that intersection is not consistent with the documents that Beaufort County has developed in the past in their short-term immediate needs, long-term on 278. Secondly, with 1,000 residents, the warrants at that intersection would likely not be met for a signal in any case; but the DOT is quick to point out that they anticipated us constructing a series of access roads such as this so that these folks did have access to Hampton Parkway, which is slated for a signal there.

Mr. Newton commented Hampton Parkway is where the traffic light is identified (five, six, seven years ago) when there was competing interest all along there as to where the traffic light would be on Graves Road, the Hampton Parkway right over the bridge. This is that location? Is that correct?

Mr. McFee agreed in the affirmation.

Mr. Newton stated he is at a little loss to understand based on what he has heard Mr. McFee say today. What information was conveyed at the homeowners meeting -- that this is not moving forward?

Mr. McFee replied he cannot speak to that; he does not know.

Mr. Newton asked if Mr. McFee attended the meeting.

Mr. McFee replied, "No, sir. Colin Kinton of my staff was there and I believe what was conveyed. Possibly misunderstood is the fact that we are preparing to present to BTAG the entire financial picture on the future projects. Staff cannot guarantee any project moving forward."

Mr. Newton is trying to understand what the change is. The only thing that he is aware of is that Hampton Parkway was suppose to be a road built by a developer, as required by the Town of Bluffton in their development agreement; but only a part of that has been built. Is that correct?

Mr. McFee agreed in the affirmative.

Mr. Newton inquired in order to accomplish this (based on the diagram displayed the monitor) does the private developer need to have, need to be doing anything else? Not an Island West developer, but the person responsible to build Hampton Parkway. Do they need to have done anything else?

Mr. McFee replied they need to build about 300' of road.

Mr. Newton asked, "Have we determined, based on the inquiry a while ago, what the trigger is with the Town of Bluffton to require that landowner to build that road?"

Mr. McFee replied Mr. Josh Gruber, staff attorney, and he have discussed but not yet determined exactly what the trigger is, at least not to his knowledge. Mr. Gruber may know, but he does not know what the trigger is.

Mr. Newton asked, "How far back from 278 would that road need to be built for this frontage road to be built to tie into it?"

Mr. McFee replied there is approximately 110' there now, give or take, and it needs to go back about 200' more in order to get to the point where this frontage road would tie in is 300 feet.

Mr. Newton remarked it was Mr. Cuff, perhaps, who indicated that there had been a commitment by Island West of \$100,000 toward the overall project?

Mr. McFee replied, "He, too, heard that."

Mr. Newton remarked that that is not new information, he heard it before and heard it from our staff so what is the total price tag? What does this cost including the 300' that the developer had not built that he was suppose to build?

Mr. McFee replied exclusive of right-of-way, the roadway itself would cost about \$425,000 and the right-of-way cost on top of that. We are going to try, at first blush, gratis right-of-way easements; and if that is unsuccessful, we will buy it if we are given the approval to move forward with this project.

Mr. Newton asked, "Is the only thing that changed is that the developer has not put in this road that they were supposed to put in?"

Mr. McFee replied that has been one of the issues. He has not built the road. The second issue, of course, is the commencement of construction on 278 which has raised the urgency of this.

Mr. Newton clarified as much as we would love to spend that \$50 million, it is identified project specific. That does not mean that we are not going to work to try to find \$325,000 plus right-of-way cost. He is pleased to hear Mr. McFee say today that which he thought was contrary to what may have been reported to these folks at their annual homeowners' association meeting.

Mr. Stewart expressed a couple of concerns. Number one, the future of Hampton Parkway, as he understands it and as the Chairman had indicated as well, the developer was committed to build at some point per the development agreement. Then we were concerned about the purchasing the right-of-way easement for that 200' of road. It would seem that should not be an issue if the developer was to build the road, he has to provide that.

Mr. McFee replied, "It is the other 1100' / 1200' of alignment." The first two sections, segments that were shown on the previous exhibit, that's what we have to come to terms with.

Mr. Stewart replied we only need to come from 278 back to the where the T would be and that the intersection would go over to Island West. That is what he concerned with; it's just building that portion. That is all we would need to do to make this work, right?

Mr. McFee replied "No, sir. We would have to build those two portions previously shown in blue in order to connect to the Hampton Parkway."

Mr. Stewart stated the part at the intersection that turns over to Island West from the Buckwalter Parkway, I assume that was already in our budget at some point in time.

Mr. McFee replied the frontage roads as a whole they were, it was in our budgets at the initial stages but again that is much changed since lack of impact fees, etc.

Mr. Stewart remarked he is just trying to get down to the facts. Granted we may not have the money but that was originally there so the only thing that is different is the fact that the developer did not put in that future road and we really would need to build that 200' of road assuming we could do the frontage.

Mr. McFee said we will come to some accommodation.

Mr. Stewart does not know what the agreement with the Town of Bluffton is but it would seem it would not be unreasonable under those circumstances that we would have some leverage to go back to the developer and just bill the developer for that 200' and/or at least try to somehow, somehow push that issue and make it happen. It makes a lot of sense to support these citizens and the requests that they have from the safety perspective. He is equally concerned about St. Gregory's Catholic Church and School – it is moving along at a snail's pace for legal reasons. As the County, we would want to look at working with the developer in some way trying to get him to put that 200' of road in and/or if he does not, try to somehow force the issue or we build it and charge it back to him. It seems like that was originally the intent and all of this is predicated on that happening.

Mr. Newton remarked Hampton Parkway is among those roads that the Town of Bluffton sent a letter asking Beaufort County to put all those roads on the CIP list to be paid for by the taxpayers. There is no CIP list today for roads so that whole road is supposed to be paid for by, pursuant to the development agreement, the Town of Bluffton and whoever that is. These

connections were in the Short-Term Wilbur Smith's Needs Study so it is a question of funding but it is not penny sales tax funding, correct?

Mr. McFee stated the Short-Term Needs Study at that point, as well as immediate and long-term, at that point, he believes is a mischaracterization, is the genesis of the Impact Fee Program and creating that baseline that we have to create. he was not employed with the County at that time but in any case, those documents are relevant and what we had tried to stick to as closely as possible because they are very good documents and they represent the investment that the County made in trying to manage the corridor which he thinks have done a very good job with but it is difficult to maintain especially here. This is the last piece up to 170 to maintain through the whole game as it were.

Mr. Newton inquired of frontage road funding. Is that penny sales tax frontage road money or is that frontage road money from a different revenue source?

Mr. McFee replied while there is some minor income associated with development and impact fees, it is not significant, nowhere near the \$100+ million that we had relied on at the time of the referendum and so its penny money.

Mr. Kubic, County Administrator, stated what we are trying to do and the reason why Mr. McFee is bringing up BTAG relating to this improvement is the failure to generate sufficient impact fees which was the original pathway, the original choice to create these opportunities.

Mr. Kubic noted this project was not on the impact fee list.

Mr. Kubic stated staff is looking at the alternate ways because if you do not have impact fees the only recourse is that County Council, as a body, has to consider the allocation of penny sales tax for this improvement.

Mr. Newton does not want to belabor this tonight but is heartened to hear that there is money and to hear that this is potentially moving forward under the penny sales tax project summary. It says revisions committed 278 frontage roads, The Gatherings to Graves Road. Graves Road is on the opposite side of where this connection is and that traffic light was identified

Mr. McFee noted The Gatherings is at the other end of 278.

Mr. Newton replied, "That is correct. That whole span is \$3.8 million and the money is to potentially cover this?"

Mr. McFee stated we have built Plantation Business Park and the Gatherings. We were engaged and still in litigation with St. Gregory. The balance would be sufficient to do this work.

Mr. Stewart knows that there are monies through LCOG for different road projects and part of what is being considered is some monies toward 170. Perhaps there is money in the LCOG funds that we should be looking at to do this. Here is a case where we, as a County, basically

were taken out of this issue through an annexation process in which the infrastructure was not adequately dealt with, who was going to do it, what was the timing for doing it, how this was going to be accomplished. The Town of Bluffton has a responsibility here as well. He would like to think that the citizens of Island West would go to the Town of Bluffton and also present its case. The Town really needs to step up to the plate here and help.

Mr. Newton commented Hampton Parkway is in the Town of Bluffton. That is where the town boundaries start. It is in the Buckwalter Development Agreement required to be built.

Mr. Stewart stated that is the 200' he is talking about. If that is in the Town of Bluffton they have a responsibility to step forward as well and consider how to solve that problem. Island West is not but certainly the part that we are dealing with that is a problem on the future Hampton Parkway if that is the case. Again, his problem is through annexation, that is why we need to have more clarification, and we need to find how infrastructure is going to be built when, who is going to do it, the timing, all the things that are considered that right we do not have the authority to do that as a County.

Mr. Newton thanked Mr. McFee for providing this information. We are going to watch this pretty closely through BTAG to make sure that this moves forward. He is not sure what has caused there to be a perception this was not going to move forward. Maybe you need to speak to Colin about that. Are the plans for 278 on the web? Now that these final design plans are out there, there are a lot of folks who have questions. They want to know how big their median is in front of their house, the people down at Moss Creek with the revised intersection want to know. Maybe the newspaper might even run a good schematic drawing of this in various places. It has been, perhaps a while, since the drawings were put out there, at least final drawings, so that people will know what is happening. Some of Mr. McFee's explanation tonight this is going to be a little bit like Sheridan Park entrance which is across three lanes, no acceleration lane coming out of Sheridan Park. There is a pretty high volume of traffic there, and it has worked pretty well. Perhaps that alleviates some of the concerns that exist but coupled with getting this back entrance done will be fairly significant.

Mr. Newton asked staff to post the plans on the webpage.

Mr. Fred Washington, Board of education Chairman / New River Tax Increment Financing District

Mr. Fred Washington, Board of Education Chairman, is before Council to talk about the New River Tax Increment Financing (TIF) District. The issue of reconciling the accounting for the TIF Agreement has been ongoing for many months. It is his hope that after today's session, we can find a mutually agreeable resolution to the challenges that confront us. In a nutshell not considering the 2002 TIF Agreement during reassessment caused the loss of 3.2 mills to the School District. The loss is compounded over the past three years and we have had to make drastic cuts, a couple good, but many impeding student-academic we are achieving. We have consolidated schools, raised class sizes, and reduced fund balance by \$8.3 million to absorb the loss. We are here to seek closure. Mrs. Phyllis White, Finance and Operations Chief, will walk

Council through the numbers so we can all understand how we got to this point. Mr. Washington will return at the end of Mrs. White's presentation, to present out proposed solutions.

Mrs. White said this is a very complicated topic. The TIF Agreement was signed in 2002. Issues regarding the New River TIF have been expressed for several years without resolution. Reassessment with associated rollback in millage exacerbated the issues. Legal counsel for both parties have been involved, as well as an external auditing firm to review some of the information. Five small group meetings were held between August and November that consisted of Board Chairman Fred Washington, County Council Chairman Weston Newton, Superintendent Valerie Truesdale, County Administrator Gary Kubic, County Chief Finance Officer David Starkey as well as District Finance and Operations Chief Phyllis White. The meetings were held August 10, 2011; August 17, 2011; October 6, 2011; November 9, 2011; and November 30, 2011. Some meetings did involve legal counsel. There are still some issues that need resolution.

Next, Mrs. White discussed both resolved and unresolved issues.

Issue 1 – Resolved issue for FY 2012 is the per pupil amount, *i.e.*, compliance with SC Code Section 31-7-90(D). All the students in the TIF District that have identified that there is a per pupil amount that will be paid to the School District in the form of other revenue. In the Redevelopment Plan there was a section that estimated the impact and that District has identified 148 students. Going back to the inception of the TIF Agreement the calculation was \$9.9 million for the per pupil calculation. \$1.2 million of that \$9.9 million was included in the District current year budget. To date the School District is not making a claim for the prior amounts due. We want to move forward.

Issue 1 – Unresolved issue for FY 2012 is payment that need to be made to the TIF Fund – to be compliant with Section 11-11-156(D) and Section 3 of the 2002 Agreement. At present the County is removing TIF amounts that are due on 4% homes from the local tax collections. As you know, we no longer receive revenue on 4% homes. That revenue is reimbursed from the State in a form called Tier III, basically, property tax relief. We are requesting that this cease and that the deduction from the local tax and start being deducting from where the revenue resides that is owed to the TIF fund. It does matter which pot of money you take the money out of because it has an adverse effect on our millage rate calculation. The amounts follow: (i) FY 2008 – revenue removed from District operations \$1,621,864; mill rate 100.2. (ii) FY 2009 – revenue removed from District operations \$1,875,316; mill rate 102.6. The difference in mill rate from FY 2008 to FY 2009 was handed by a mill swap. Mill rate for debt service was offset (decreased) by 2.4 mills. (iii) FY 2010 – revenue removed from District operations \$1,933,192; mill rate 90.26. (iv) FY 2011 – revenue removed from District operations \$1,932,184; mill age 90.26. The source of these amounts is the County Chief Financial Officer. The District hired an external auditing firm to validate the amounts.

Issue 2 – Unresolved issue for FY 2012 is compliance with Section 3 of 2002 of the TIF Agreement. This Section specifically states that if there is any changes in the state base formula

that the District would still be in compliance with this Section of the Agreement. It also says, “. . . the County agrees that millage for the School District shall be adjusted so as to replace any such lost or foregone revenues.

Issue 3 – Unresolved issue for FY 2012 is an audited tax revenue that demonstrates a significant loss as a result of the reassessment in tax year 2009 (FY-2010) in the rollback calculation. There is a drop of \$4.4 million. Of that drop, \$3.6 million of the \$4.4 million loss is a direct result of the millage calculation during rollback calculations relating to the New River TIF. The local of \$3.6 million is approximately 3 millage points. If the TIF monies had been included in the calculation of the millage rate in Compliance with Section 3 of the 2002 Agreement, millage rate would be set 3.20 mills higher.

In conclusion the District agrees that the County FY 2010 (tax year 2009) reassessment calculation was an acceptable methodology under State law. However, the contractual obligations of the 2002 TIF Agreement was not taken under consideration. Millage rate should have been set at approximately 93 rather than 90.26. This has been compounded over three years. The impact has caused the district to sustain losses of approximately \$.6 million per year in tax revenue since FY 2010 thus contributing to the use of \$8.3 million in fund balance reserves. It is important to note that this continued use of reserves has caused Standard & Poor’s to state in December 5, 2011 report that if ongoing use of the reserves for operational purposes continues, the rating of the School District could be lowered. An external auditing firm stated publically that if rating were lowered would have cost tax payers \$6 million additional interest costs.

Mr. Washington stated during our small group meetings, the following resolution has been proposed by the School District. (i) Attempt to resolve issue without need for legal action. (ii) Not request past amounts due, *i.e.*, \$8.7 million in per pupil and \$11.4 million in lost revenue due to lower millage rate. (iii) Need to resolve going forward: (a) continue to comply with SC Code Section 31-7-80(D), per pupil allocation, as begun in July 2012. (b) Begin to comply with Section 11-11-156(D) removing 4% TIF monies from State Tier III funds not local tax revenue (c) Begin to comply with Section 3 of 2002 Agreement during the next reassessment (tax year 2013, FY 2014) by calculating the millage rate using TIF monies or implement a multi-year plan to restore the millage rate beginning next fiscal year (FY 2013). (d) Simplify the District budget ordinance. (e) Maintain a 15% fund balance for District operations.

AN ORDINANCE TO AMEND AND CLARIFY BEAUFORT COUNTY ORDINANCE NO. 2005/9 AND AS SUBSEQUENTLY AMENDED WITH REGARDS TO THE DEFINITION OF ESTABLISHMENTS UNDER THE BEAUFORT COUNTY LOCAL HOSPITALITY TAX

This item comes before Council under the Consent Agenda. It was discussed at the December 12, 2011 Finance Committee.

It was moved by Mr. Flewelling, seconded by Mr. Sommerville, that Council approve on first reading an ordinance to amend and clarify Beaufort County Ordinance No. 2005/9 and as

subsequently amended with regards to the definition of establishments under the Beaufort County Local Hospitality Tax. 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 ADJUSTING PARKS AND LEISURE SERVICES FEES

This item comes before Council under the Consent Agenda. It was discussed at the December 19, 2011 Community Services Committee.

It was moved by Mr. Flewelling, seconded by Mr. Sommerville, that Council adopt a resolution approving the proposed fee structure for Parks and Leisure Services Department. 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.

ESTABLISHMENT OF AN AMNESTY MONTH FOR RETURN OF LIBRARY MATERIAL

This item comes before Council under the Consent Agenda. It was discussed at the December 19, 2011 Community Services Committee.

It was moved by Mr. Flewelling, seconded by Mr. Sommerville, that Council approve the establishment of an amnesty month for return of library material. 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.

ESTABLISHMENT OF A COLLABORATIVE ORGANIZATION OF SERVICES FOR YOUTH (COSY) TRUST FUND

This item comes before Council under the Consent Agenda. It was discussed at the December 19, 2011 Community Services Committee.

It was moved by Mr. Flewelling, seconded by Mr. Sommerville, that Council approve the establishment of a Collaborative organization of Services to oversee the management of the Collaborative Organization of Services for Youth (COSY) Trust Account. 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.

TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), APPENDIX S. DAUFUSKIE ISLAND CODE, SECTION 3.8 (SECTION 3-CONSERVATION TRANSECT ZONE); SECTION 3.8.1 NON-CONFORMING USES (SECTION 3-CONSERVATION TRANSECT ZONE; TABLE 1.1 (SECTION 1-PROCEDURES) (THAT ADDS ADDITIONAL REQUIREMENTS IN THE APPROVAL AND PERMITTING PROCESS)

This item comes before Council under the Consent Agenda. It was discussed at the January 3, 2012 Natural Resources Committee.

It was moved by Mr. Flewelling, seconded by Mr. Sommerville, that Council approve on first reading text amendments to the Beaufort County Zoning and Development Standards Ordinance (ZDSO), appendix S. Daufuskie Island Code, Section 3.8 (Section 3-Conservation Transect Zone); Section 3.8.1 Non-Conforming Uses (Section 3-Conservation Transect Zone; Table 1.1 (Section 1-Procedures) (that adds additional requirements in the approval and permitting process). 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.

WATER QUALITY RESTORATION PLAN

This item comes before Council under the Consent Agenda. It was discussed at the January 3, 2012 Natural Resources Committee.

It was moved by Mr. Flewelling, seconded by Mr. Sommerville, that Council approve the Water Quality Restoration 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.

A RESOLUTION OUTLINING THE POLICY OF BEAUFORT COUNTY WITH REGARDS TO PUBLIC-PRIVATE VENTURES FOR USE ON PROPERTIES ACQUIRED THROUGH THE RURAL AND CRITICAL LAND PRESERVATION PROGRAM

Mr. Flewelling stated this item comes forward from Natural Resources Committee and a recommendation to approve what was originally a recommendation from the Planning staff had been worked on in detail by Mr. David Tedder, a local lawyer, and himself submitting what we had hoped would be a critical comment to be incorporated into a final resolution that you see here today. Mr. Flewelling has reviewed it, has no substantial problems with it, has endorsed it, and seeks Council approval as written by the Planning staff.

It was moved by Mr. Flewelling, seconded by Mr. Sommerville, that Council adopt a resolution Council adopt a resolution outlining the policy of Beaufort County with regards to public-private ventures for use on properties acquired through the Rural and Critical Land Preservation Program. 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.

ADOPTION OF 2012 REGULAR MEETING SCHEDULE

It was moved by Mr. Rodman, seconded by Mr. Glaze, that Council adopt its 2012 regular meeting schedule which includes holding four meetings at the Hilton Head Island Branch

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

ESTABLISHMENT OF HAWKERS' AND PEDDLERS' LICENSE FEES

It was moved by Mr. Glaze, seconded by Mr. Caporale, that Council approve the hawkers and peddlers license fees for 2012 as follows: \$75 for County residents; \$500 for State, but not County residents; and \$1,000 for nonresidents. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Glaze, Mr. Flewelling, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

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

COMMITTEE REPORTS

Natural Resources Committee

Zoning Board of Appeals

Mr. Sommerville, as Natural Resources Committee Chairman, nominated Mr. Gregory Baisch, representing Beaufort/Port Royal Island, to serve as a member on the Zoning Board of Appeals.

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

PUBLIC COMMENT

There were no requests to speaking during public comment.

ADJOURNMENT

Council adjourned at 7:00 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Wm. Weston J. Newton, Chairman

ATTEST _____
Suzanne M. Rainey, Clerk to Council

Ratified:

OFFICIAL PROCEEDINGS

Joint Session

Beaufort County Council and Beaufort City Council

January 18, 2012

USCB Performing Arts Center

In attendance were: County Council Chairman Weston Newton, Vice Chairman Paul Sommerville, and Council members Steve Baer, Rick Caporale, Gerald Dawson, Brian Flewelling, Herbert Glaze, William McBride, Stu Rodman, Jerry Stewart and Laura Von Harten. Beaufort County Administrator Gary Kubic was also present.

In attendance were: Beaufort City Mayor Billy Keyserling, Mayor Pro-Tem Donnie Beer, and Council members Mike McFee, George O'Kelley and Mike Sutton. Beaufort City Manager Scott Dadson was also present.

Chairman Newton called the meeting to order at 6:00 p.m. and explained the purpose and procedures of the meeting. All appropriate public notice for the meeting was made to publications, the Town of Port Royal, USCB, planned communities, and others. He said the two councils are trying to solicit as much public input as possible.

Mayor Keyserling explained the history of the airport and the decision to make the review of the plan a collaborative effort.

ADMINISTRATIVE REPORT

Tony Davis said his firm was hired by the county to perform the master plan for the Beaufort County airport. He defined the airport master plan as a 20-year plan for the airport consisting of a Master Plan Technical Report and an Airport Layout Plan Set. This master plan is intended to build on previous efforts and previous master plan documents, he said. It has not been updated since the late 1970s. The South Carolina Aviation system plan from 2008 is also being considered.

He showed a graphic of the master planning process. He reviewed the inventory of existing features which lay "the groundwork for the study and demonstrate base conditions." These include background and history, interviews, etc.

The airport currently has 41,000 total operations. 56 single and twin engine aircraft are based there, and they have 114 corporate jet landings and take-offs. He described jets that used the airport previously but said because the runway length is less than 5000, jet operations have decreased significantly. The existing and future critical aircraft is the Beech King Air. The projected operations for the airport are 74,100 by 2028.

The key recommendations from the study are to improve the Runway Safety Area (RSA) to meet the required size of 150' x 300'. Runway 7 is short by 175' and Runway 25 is 170' short. Adequate runway length for existing and future based aircraft should be 4400' (a 966' extension) and the capability for an ultimate 5000' beyond the planning period to accommodate increased jet activity. According to the RSA requirements, to meet the standards, Runway 7 would need to expand by 175'. On the other end, the RSA would be expanded 170'. This is a short-term project, he said, because of an FAA mandate.

A runway of 4400' would require a 966' extension intended to better accommodate the critical and other similar aircraft that use the airport that currently take reductions in take-off weight in order to use the runway at its current length. The alternatives evaluated were to extend toward Highway 21, extend into the marsh, to reorient the runway, or to do no extension.

1. Extending the runway to Highway 21: There are "significant impacts."
2. Extending into marsh: The impact is great environmentally but very little on the other side of the highway.
3. Reorient the runway: It would have an impact residentially and on the highway but not environmentally.
4. No extension: This was considered as a matter of course.

Extending into the marsh is the chosen alternative. It meets demand, has an impact on the marsh / ocean and coastal resource management, but requires no land acquisition, has no residential or business impact, and no cemetery impact, according to Mr. Davis.

A comparable study on a North Carolina airport which plans to extend its runway was considered very similar to this project and had significant environmental impact. This project in North Carolina has been accepted through the master planning phase.

Terminal area development was also considered, and the consultants recommend a full length parallel taxiway, T-hangar and conventional hangars, and airport apron expansion as well as improved access and parking, expanded terminal building, relocated fuel facility, and a helipad.

Mr. Davis showed a graphic of the recommended plan and the phases that would be accomplished in the various stages of development in the planning period. The estimated capital program costs total \$24,245,000 in the 20-year time period. The FAA contributes 95% of eligible project costs toward airport development which is collected from fuel and passenger taxes. That would amount to \$14.7 million. \$400,000 would be provided by the state; the county would contribute about \$400,000. Private sources would contribute about \$8.7 million for hangar development.

The remaining steps, Mr. Davis said, would be the adoption of the master plan by the county, SCEC, and the FAA. Follow-on studies could include a cost-benefit analysis, economic impact analysis, new airport site feasibility study, and an environmental assessment / impact statement which would ultimately lead to securing funding from local, state and federal sources.

PUBLIC COMMENTS

Reed Armstrong, Coastal Conservation League, asked if the “remaining steps” in the slide were in chronological order, and Mr. Davis said no. Mr. Armstrong asked if there was a plan to proceed early with meeting the standards level of the runway and expanding later. Mr. Davis said in the next 5 years, the RSA should be addressed, but then extended in the 6-10 year time frame. Mr. Armstrong asked when the environmental assessment would take place. Mr. Davis said the FAA would determine that. The runway extension into the marsh would require an environmental impact statement which is a multi-year process, and then additional efforts are required before the runway extensions are carried out.

Bruce Wiles said he has 77 undeveloped lots across from the airport. He said there are two schools within the area of the airport. He said he’d like to know “what the airport expansion is for.” He doesn’t see where it would lead to more jobs. He said the Ridgeland town manager has said that they’re getting a new airport, and Walterboro has an airport, so he doesn’t see the purpose for it, including the Savannah and Hilton Head Island airports. Since there’s no major industry moving in to use it, he doesn’t see the purpose. Bringing in jets and flying over Dataw and Lady’s Island, without creating jobs, “just seems stupid,” he said.

William Peters also owns property near the airport “that the county wants to fill in.” Keeping the area rural is what most people moved here for, Mr. Peters said. 4 years ago, a couple thousand trees were removed by the county and have never been replanted until the community affected filed a lawsuit, from which Mr. Peters said they collected a “pittance.” His house borders that water, and the project will have an impact on him and his neighbors. They still haven’t recovered from the tree removal, Mr. Peters said, and now filling in the marsh “is

thinking (he) can't understand in Beaufort." He feels the airport is unnecessary. Mr. Peters said he doesn't want this in his backyard, especially when they have no shade trees now, and because of the noise that would come with it. He feels few would want to use this airport, and he feels the idea is "wrong-headed."

Rob Hendricks said the environmental assessment needs to be more in-depth than just looking at how many acres of pluff mud is gone. The main impact he sees is "blinding light" that will pollute the surrounding communities. Beaufort County is meant to be a unique environment, and the assessment needs to talk about those things.

Peter Buchanan of the Beaufort County Airports Advisory Board said there will be a meeting the following day at 1:30 at the County Chambers with "a presentation about why this expansion is necessary."

Judy Parichy also lives across the street from the airport. The neighborhood "has gone through so much turmoil" when the airport "started taking out trees willy-nilly," and she felt there was deceit and promises were not honored. So she lacks trust in airport officials because they did not fulfill promises in the past. Ms. Parichy said she doesn't know where the number 41,000 comes from, based on her experience. They could hear planes landing, but she feels there were not 41,000 of them. Ms. Parichy said people move to this area for the beauty of nature, and this makes no sense to her. She added that most people would like to hear what will be in the next day's presentation about why the airport is needed; she was told by several people that hearing from Mr. Buchanan's presentation would not be possible.

Fred Washington Jr., Beaufort County school board, said one impact that was not mentioned is on the schools in close proximity to the airport, and that should be added to the list.

George Johnson of Dataw Island said expansion would create a lot of noise, and he hopes the increase in air traffic and plane size will not affect the noise level over all the communities adjacent to the airport. The solitude in the area should be a major concern.

Robert Hendricks said "the selling of the EIS" (environmental impact statement) is "disingenuous" in that it sets up pressure to expand because a master plan assumes the expansion with all its future impacts will take place.

William Peters commented again that he had reported a grave in the cemetery that was badly damaged during the airport tree removal. He had concerns that his property would be used by port-a-johns during construction. He is concerned that the county is not concerned about the citizens and the environmental. He said "it was never meant to be that kind of airport."

Mayor Keyserling asked Mr. Davis to elaborate on how the need was established for the airport. Mr. Davis said the need for the runway expansion is chiefly driven by the critical design aircraft (the King Air) that is based at the airport today. It takes reductions in its load today. Mayor Keyserling said there's only one King Air there. Mr. Davis said he didn't know how many were there, and he assumed that it was owned by a business, but he wasn't sure. Mayor Keyserling said the need for expansion seems to be set on a baseline for an aircraft of which there are probably very few. The hangar expansion, etc. is based on a forecast of expanded use numbers, Mr. Davis said.

Monty Jones said he uses the airport a lot. He asked Mr. Davis where the projections came from that go out to 20 years. Mr. Davis said they're from a combination of sources: population and socio-economic data, population growth, estimates for growth in disposable income, etc. Mr. Jones clarified that Mr. Davis feels that Beaufort will experience this, and Mr. Davis said yes. Mr. Jones said he is not in favor of lengthening the runway. He said the information on the King Air should be "revisited." He asked if they were digging a bigger hole than they have now in regard to county subsidies if the consultants' projections aren't accurate. He feels general aviation is "not on a big upswing, anyway." Mr. Jones suggested starting another airport elsewhere instead of expanding this one.

Joseph Mazzie, chairman of the Airport Board for Beaufort County, said the design criteria is not really around one aircraft. Several corporations bring in aircraft that are that size or larger. In the presentation tomorrow, he said, the uses will be "more spelled out" than they were at this meeting. They also have a business that trains pilots in Beaufort, and people from all over the US train on simulators based here. They are planes like the King Air, and students come here and spend money in the county. There are many reasons for the expanded runway that will be noted tomorrow, and the meeting will be broadcast on TV and on the Internet.

Mr. Davis reiterated that the King Air is not the only type of aircraft that operates at that airport. There are many that have similar characteristics that come and go frequently but "may not match the 500 design aircraft number." He went on to describe some of those aircraft but said they "don't operate at the level the King Air does."

Bruce Wiles said he knows the instructor of the pilots Mr. Mazzie had just mentioned. That gentleman was ill and unable to attend this meeting, but had said that the simulators don't need an expanded airport.

Councilman Baer said he had questions and comments to be submitted into the record. The methodology deals with expanding this airport, not with how many airports are needed in the area. He feels a better, cheaper, less environmentally negative airport could be built and get

the business in here that they want. Councilman Baer said the county needs to address how to best meet their aviation needs in the right place at the right price. Councilman Baer said the operations numbers are “flat.” Another 25,000 local operations have been added as an estimate, and they “may be touch and go’s.” He would like those numbers to be closely looked at. With regard to noise, Councilman Baer said the FAA uses a long-term average. Many loud events could take place and still meet the FAA requirements, and the neighbors could have a problem with that. The comment on noise pollution heading toward Dataw concerns him. They need a stronger enforcement method if they do use this option. He said his main urge is to look at the region as a whole and centralize it at the best cost-benefit and with the least environmental impact.

Councilman O’Kelley said he had lived on Lost Island, which is near the airport. They never had a problem with aircraft noise, but he’s not sure what would happen if there were constant King Air, Leer jets, etc. He said at one time a regional corporate jet service was based in Brunswick and made stops in Beaufort, using the Air Station; the terminal is where the dog pound is now. With the F-35’s coming, he doesn’t know if that’s feasible, but he urged the study group to look at MCAS again for jets and “let the little planes stay at Lady’s Island.” The flight patterns of the Marine Corps jets will have to be taken into account. He suggested there might be a need to look around and see if something else is available.

Councilman Rodman asked what the runway would be based on in the marsh. Mr. Davis said fill. Councilman Rodman asked if the other areas would be filled as well, and Mr. Davis said yes, to withstand the aircrafts’ weight.

Chairman Newton asked if the applause in regard to Councilman Baer’s comments was directed against the expansion of the airport or the existence of the airport in general. He wondered if there were sentiment that the airport should be closed altogether. An unidentified member of the public said it makes sense to combine the area’s airports, and he is concerned that this project is “being done to get free money from the FAA.”

Chairman Newton said the consultants made the recommendation based on FAA guidelines. He explained what the councils’ role is in this. On Hilton Head Island, some want to get rid of that airport, but the majority want it. He wondered again if the concerns of those in attendance were about the expansion, or if they object to the airport altogether. A small number in the audience indicated that they’d like it shut down altogether.

Councilwoman Von Harten said this is a public hearing, so names need to be stated. She said she’d never heard of anyone wanting to shut down the airport. There’s some need for hangars,

and the parallel taxiway expanding the runway “creates queasiness,” but they need to talk about it, and their aviation interests should be taken seriously.

Mr. Davis said extending the runway and an environmental assessment would involve the study of additional alternatives including an airport elsewhere.

Councilman Glaze asked for a show of hands as to how many people would like to see the airport remain open. Then Mayor Keyserling asked how many would like to see it expanded; that number was fewer than for the previous question.

Councilman Caporale asked Mr. Davis how the numbers for operations are calculated. He said the statistics for the level of operation are on par with Hilton Head Island’s. Mr. Davis said aircraft and operations both have scenarios developed based on per capita income growth estimates, population estimates, and other socio-economic data. The developed scenarios are put up against the FAA’s forecast for General Aviation. It is then determined which is the most realistically attainable growth scenario in terms of percent of annual growth in each scenario.

Mr. Davis said the forecasts are speculative, but the historical operations data is fact. Councilman Caporale asked if he’d looked at the 1978 projections to see how close they were to reality, and Mr. Davis said the information was too out of date because it was more than 20 years old. That’s why the FAA recommends a master plan every 10 years, even though the plan itself is for 20 years. Councilman Caporale said it would seem to be important for the consultants to look at historical studies as a model based in reality. Whatever was predicted has to be tested against something. Hilton Head Island has grown enormously. The things Mr. Davis talked about, such as per capita income, don’t seem to add up to what they are seeing on Hilton Head Island, which he is more familiar with. They haven’t kept pace with the modeling data Mr. Davis is using for plans.

Ms. Parichy said no one wants the airport closed, but the tree-felling was so traumatic that that could make someone want to close the airport.

Councilman Baer said he’s never advocated airport closing but only “slowing massive growth.” The FAA TAF data is, in actuality, all less than what was forecasted; he used the airport at Savannah as an example. Mr. Davis said they rely on other data for that reason.

Councilman Rodman said they are all concerned with economic development in the county, and the aeronautics development is full of people who like to fly larger planes. If a small number of large aircraft could fly into MCAS that might be worth looking at. If it was done historically, it might be able to be done again.

Councilman O’Kelley said Jim Hicks and his committee should be consulted because of the new guidelines for what should *be* rural and what should *stay* rural so that the airport is put in the right place for the city’s comprehensive plan.

Councilman Sutton asked, if the City of Beaufort doesn’t endorse the plan, if it would have an impact on the funding for future FAA projects. Chairman Newton said no. The airport is in the city, but the runway isn’t; the runway could move forward without the city’s input. He said county council and he want to approach the issue together, however.

Councilman Caporale said the optimism of the projections and the millions of FAA money prevent some serious conversations.

Mayor Keyserling said this would be reviewed in council workshops. Mr. Kubic said they will take all the comments, answer the questions, and make the material available for public review on the city and county web sites. The city and county representatives will have that information, too. Councilman Caporale reiterated when the following day’s meeting starts - at 1:30 - at council chambers and that it will be on TV and the Internet.

Mayor Keyserling thanked everyone for coming.

ADJOURNMENT

The meeting was adjourned at 7:25 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Wm. Weston J. Newton, Chairman

ATTEST _____
Suzanne M. Rainey, Clerk to Council
Ratified:

CONSULTANT'S RESPONSES

PUBLIC COMMENTS AND COUNCILMEN QUESTIONS

Joint Session

Beaufort County Council and Beaufort City Council

January 18, 2012

USCB Performing Arts Center

PUBLIC COMMENTS

Reed Armstrong, Coastal Conservation League, asked if the “remaining steps” in the slide were in chronological order, and Mr. Davis said no. Mr. Armstrong asked if there was a plan to proceed early with meeting the standards level of the runway and expanding later. Mr. Davis said in the next 5 years, the RSA should be addressed, but then extended in the 6-10 year time frame. Mr. Armstrong asked when the environmental assessment would take place. Mr. Davis said the FAA would determine that. The runway extension into the marsh would require an environmental impact statement which is a multi-year process, and then additional efforts are required before the runway extensions are carried out.

Additional input: It is important to remember that recommendations from the master plan are simply that. They may or may not be carried out in the recommended timeframe or at all. They are dependent upon the wishes of the County and available funding.

Bruce Wiles said he has 77 undeveloped lots across from the airport. He said there are two schools within the area of the airport. He said he'd like to know “what the airport expansion is for.” He doesn't see where it would lead to more jobs. He said the Ridgeland town manager has said that they're getting a new airport, and Walterboro has an airport, so he doesn't see the purpose for it, including the Savannah and Hilton Head Island airports. Since there's no major industry moving in to use it, he doesn't see the purpose. Bringing in jets and flying over Dataw and Lady's Island, without creating jobs, “just seems stupid,” he said.

Additional input: The expansion of ARW is intended to meet FAA design standards and accommodate demand within the planning period. Additional studies can and should consider alternative airport development options.

William Peters also owns property near the airport “that the county wants to fill in.” Keeping the area rural is what most people moved here for, Mr. Peters said. 4 years ago, a couple thousand trees were removed by the county and have never been replanted until the community affected filed a lawsuit, from which Mr. Peters said they collected a “pittance.” His house borders that water, and the project will have an impact on him and his neighbors. They still haven’t recovered from the tree removal, Mr. Peters said, and now filling in the marsh “is thinking (he) can’t understand in Beaufort.” He feels the airport is unnecessary. Mr. Peters said he doesn't want this in his backyard, especially when they have no shade trees now, and because of the noise that would come with it. He feels few would want to use this airport, and he feels the idea is “wrong-headed.”

Additional input: It is the decision of the County, with input from concerned citizens, to accept this master plan and if/when to carry out recommended improvements.

Rob Hendricks said the environmental assessment needs to be more in-depth than just looking at how many acres of pluff mud is gone. The main impact he sees is “blinding light” that will pollute the surrounding communities. Beaufort County is meant to be a unique environment, and the assessment needs to talk about those things.

Additional input: The environmental assessment or environmental impact statement prepared ahead of major airport improvements will provide an in-depth analysis of all environmental factors impacts. This includes, but is not limited to, wetlands, light pollution, noise, etc.

Peter Buchanan of the Beaufort County Airports Advisory Board said there will be a meeting the following day at 1:30 at the County Chambers with “a presentation about why this expansion is necessary.”

Judy Parichy also lives across the street from the airport. The neighborhood “has gone through so much turmoil” when the airport “started taking out trees willy-nilly,” and she felt there was deceit and promises were not honored. So she lacks trust in airport officials because they did not fulfill promises in the past. Ms. Parichy said she doesn't know where the number 41,000 comes from, based on her experience. They could hear planes landing, but she feels there were not 41,000 of them. Ms. Parichy said people move to this area for the beauty of nature, and this makes no sense to her. She added that most people would like to hear what will be in the next day’s presentation about why the airport is needed; she was told by several people that hearing from Mr. Buchanan’s presentation would not be possible.

Additional input: This meeting was intended to present the results of this master plan , inform the public and county/city officials as well as solicit feedback and answer questions. The county decision makers should consider public input in their decision-making process.

Fred Washington Jr., Beaufort County school board, said one impact that was not mentioned is on the schools in close proximity to the airport, and that should be added to the list.

Additional input: Nearby schools are not within the limits of study for this master plan, but will be considered in an environmental assessment or environmental impact statement as limits are expanded in those studies.

George Johnson of Dataw Island said expansion would create a lot of noise, and he hopes the increase in air traffic and plane size will not affect the noise level over all the communities adjacent to the airport. The solitude in the area should be a major concern.

Additional input: Noise levels in and around the airport were studied as a part of the master plan. Existing and future noise impacts are within FAA established limits. The additional study of noise impacts will be included in any effort prior to significant airport expansion, including runway extension.

Robert Hendricks said “the selling of the EIS” (environmental impact statement) is “disingenuous” in that it sets up pressure to expand because a master plan assumes the expansion with all its future impacts will take place.

Additional input: On the contrary, an EIS takes a “fresh look” at development alternatives and does not assume the expansion will take place. A primary element of the EIS is Purpose and Need, which defines why the expansion is needed and what it is intended to do. The EIS also evaluates the “no-build alternative” as well as airport development in an alternate location.

William Peters commented again that he had reported a grave in the cemetery that was badly damaged during the airport tree removal. He had concerns that his property would be used by port-a-johns during construction. He is concerned that the county is not concerned about the citizens and the environmental. He said “it was never meant to be that kind of airport.”

Mayor Keyserling asked Mr. Davis to elaborate on how the need was established for the airport. Mr. Davis said the need for the runway expansion is chiefly driven by the critical design aircraft (the King Air) that is based at the airport today. It takes reductions in its load today. Mayor Keyserling said there’s only one King Air there. Mr. Davis said he didn’t know how many were there, and he assumed that it was owned by a business, but he wasn’t sure. Mayor Keyserling said the need for expansion seems to be set on a baseline for an aircraft of which there are probably very few. The hangar expansion, etc. is based on a forecast of expanded use numbers, Mr. Davis said.

Additional input: Operations by based aircraft represent only a portion of overall airport activity. While the King Air based at the airport represents the critical aircraft (500 annual operations) there are likely other similar aircraft that operate at the airport on a routine basis.

Monty Jones said he uses the airport a lot. He asked Mr. Davis where the projections came from that go out to 20 years. Mr. Davis said they're from a combination of sources: population and socio-economic data, population growth, estimates for growth in disposable income, etc. Mr. Jones clarified that Mr. Davis feels that Beaufort will experience this, and Mr. Davis said yes, based on accepted economic projections prepared by Woods & Poole Economics, Inc. Mr. Jones said he is not in favor of lengthening the runway. He said the information on the King Air should be "revisited." He asked if they were digging a bigger hole than they have now in regard to county subsidies if the consultants' projections aren't accurate. He feels general aviation is "not on a big upswing, anyway." Mr. Jones suggested starting another airport elsewhere instead of expanding this one.

Additional input: The forecast prepared for this master plan considered various FAA accepted methodologies to develop a range of forecast scenarios. The chosen scenarios for based aircraft and operations projections fell within the mid-range of overall projections. The forecast was submitted to the FAA for review and was accepted.

Joseph Mazzei, chairman of the Airport Board for Beaufort County, said the design criteria is not really around one aircraft. Several corporations bring in aircraft that are that size or larger. In the presentation tomorrow, he said, the uses will be "more spelled out" than they were at this meeting. They also have a business that trains pilots in Beaufort, and people from all over the US train on simulators based here. They are planes like the King Air, and students come here and spend money in the county. There are many reasons for the expanded runway that will be noted tomorrow, and the meeting will be broadcast on TV and on the Internet.

Mr. Davis reiterated that the King Air is not the only type of aircraft that operates at that airport. There are many that have similar characteristics that come and go frequently but "may not match the 500 design aircraft number." He went on to describe some of those aircraft but said they "don't operate at the level the King Air does."

Bruce Wiles said he knows the instructor of the pilots Mr. Mazzei had just mentioned. That gentleman was ill and unable to attend this meeting, but had said that the simulators don't need an expanded airport.

Councilman Baer said he had questions and comments to be submitted into the record. The methodology deals with expanding this airport, not with how many airports are needed in the area. He feels a better, cheaper, less environmentally negative airport could be built and get

the business in here that they want. Councilman Baer said the county needs to address how to best meet their aviation needs in the right place at the right price. Councilman Baer said the operations numbers are “flat.” Another 25,000 local operations have been added as an estimate, and they “may be touch and go’s.” He would like those numbers to be closely looked at. With regard to noise, Councilman Baer said the FAA uses a long-term average. Many loud events could take place and still meet the FAA requirements, and the neighbors could have a problem with that. The comment on noise pollution heading toward Dataw concerns him. They need a stronger enforcement method if they do use this option. He said his main urge is to look at the region as a whole and centralize it at the best cost-benefit and with the least environmental impact.

Additional input: The questions and comments referenced above have been received and addressed in a separate document and submitted to the airport manager for dissemination.

Councilman O’Kelley said he had lived on Lost Island, which is near the airport. They never had a problem with aircraft noise, but he’s not sure what would happen if there were constant King Air, Lear jets, etc. He said at one time a regional corporate jet service was based in Brunswick and made stops in Beaufort, using the Air Station; the terminal is where the dog pound is now. With the F-35’s coming, he doesn’t know if that’s feasible, but he urged the study group to look at MCAS again for jets and “let the little planes stay at Lady’s Island.” The flight patterns of the Marine Corps jets will have to be taken into account. He suggested there might be a need to look around and see if something else is available.

Additional input: Flight patterns to/from the MCAS with respect to the Beaufort County airport were studied through the Alternatives evaluation process. The current alignment of the ARW runway does not conflict with approaches/departures at the MCAS. A realignment of the runway may conflict with operations at the MCAS. Additionally, the study of an alternate airport should include the evaluation of airspace and how it affects nearby airports.

Councilman Rodman asked what the runway would be based on in the marsh. Mr. Davis said fill. Councilman Rodman asked if the other areas would be filled as well, and Mr. Davis said yes, to withstand the aircrafts’ weight.

Additional input: The Runway Safety Area surrounding the runway measures 150 feet wide and extends 300 feet beyond the end of the runway. This area is intended to provide an over-run area for aircraft veering off the runway and should be constructed based on FAA standards, which include proper sloping and the ability to support the aircraft’s weight.

Chairman Newton asked if the applause in regard to Councilman Baer’s comments was directed against the expansion of the airport or the existence of the airport in general. He wondered if

there were sentiment that the airport should be closed altogether. An unidentified member of the public said it makes sense to combine the area's airports, and he is concerned that this project is "being done to get free money from the FAA."

Chairman Newton said the consultants made the recommendation based on FAA guidelines. He explained what the councils' role is in this. On Hilton Head Island, some want to get rid of that airport, but the majority want it. He wondered again if the concerns of those in attendance were about the expansion, or if they object to the airport altogether. A small number in the audience indicated that they'd like it shut down altogether.

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Councilman Glaze asked for a show of hands as to how many people would like to see the airport remain open. Then Mayor Keyserling asked how many would like to see it expanded; that number was fewer than for the previous question.

Councilman Caporale asked Mr. Davis how the numbers for operations are calculated. He said the statistics for the level of operation are on par with Hilton Head Island's. Mr. Davis said aircraft and operations both have scenarios developed based on per capita income growth estimates, population estimates, and other socio-economic data. The developed scenarios are put up against the FAA's forecast for General Aviation. It is then determined which is the most realistically attainable growth scenario in terms of percent of annual growth in each scenario.

Mr. Davis said the forecasts are speculative, but the historical operations data is fact.

Councilman Caporale asked if he'd looked at the 1978 projections to see how close they were to reality, and Mr. Davis said the information was too out of date because it was more than 20 years old. That's why the FAA recommends a master plan every 10 years, even though the plan itself is for 20 years. Councilman Caporale said it would seem to be important for the consultants to look at historical studies as a model based in reality. Whatever was predicted has to be tested against something. Hilton Head Island has grown enormously. The things Mr. Davis talked about, such as per capita income, don't seem to add up to what they are seeing on Hilton Head Island, which he is more familiar with. They haven't kept pace with the modeling data Mr. Davis is using for plans.

Additional input: The development of the forecast was consistent with FAA approved methodologies. Demographic and socio-economic trends and estimates for population, employment and earning have been long-standing factors in projecting aviation activity. In addition, specific industry activity factors, such as active pilots, aircraft hours flown, and general aviation aircraft mix, are all resources for computing estimated airport activity. Trends in regional and national aviation have changed greatly in the past 20 years. What was appropriate for forecasting activity in the 1978 master plan does not influence what will drive activity for the next 20 years.

Ms. Parichy said no one wants the airport closed, but the tree-felling was so traumatic that that could make someone want to close the airport.

Councilman Baer said he's never advocated airport closing but only "slowing massive growth." The FAA TAF data is, in actuality, all less than what was forecasted; he used the airport at Savannah as an example. Mr. Davis said they rely on other data for that reason.

Additional input: It is important to remember, that the recommendations in the master plan are intended to help preserve the airspace and funding for future projects should the county choose to pursue them.

Councilman Rodman said they are all concerned with economic development in the county, and the aeronautics development is full of people who like to fly larger planes. If a small number of large aircraft could fly into MCAS, that might be worth looking at. If it was done historically, it might be able to be done again.

Additional input: An alternate airport feasibility study or similar effort could include the evaluation of using the MCAS as a joint-use facility. The approval of such an option would require FAA and Department of Defense involvement.

Councilman O'Kelley said Jim Hicks and his committee should be consulted because of the new guidelines for what should *be* rural and what should *stay* rural so that the airport is put in the right place for the city's comprehensive plan.

Councilman Sutton asked, if the City of Beaufort doesn't endorse the plan, if it would have an impact on the funding for future FAA projects. Chairman Newton said no. The airport is in the city, but the runway isn't; the runway could move forward without the city's input. He said county council and he want to approach the issue together, however.

Councilman Caporale said the optimism of the projections and the millions of FAA money prevent some serious conversations.

Mayor Keyserling said this would be reviewed in council workshops. Mr. Kubic said they will take all the comments, answer the questions, and make the material available for public review on the city and county web sites. The city and county representatives will have that information, too. Councilman Caporale reiterated when the following day's meeting starts - at 1:30 - at council chambers and that it will be on TV and the Internet.

Mayor Keyserling thanked everyone for coming, and the meeting was adjourned at 7:25 p.m.

CONSULTANT'S RESPONSES

STEVE M. BAER QUESTIONS

DISTRICT 2

BEAUFORT COUNTY COUNCIL

Joint Session

Beaufort County Council and Beaufort City Council

January 18, 2012

USCB Performing Arts Center

1. The methodology does not consider using a more centrally located airport that would aggregate demand, have a longer runway to handle large planes and jets, have much less environmental and community impact, could be brought on line more rapidly, and would be more cost effective.

Response: A master plan is intended to present a development plan for the airport being studied. Other studies may be conducted that consider alternate airport locations. Any expansion of the airport would require additional study including, but not limited to, an Environmental Assessment or Environmental Impact Study which would evaluate other airport locations and alternatives.

2. You seem to be defining the Airport's Service Area as all of Beaufort County, and none of Jasper County (Chapter 1 Page 5). What is the actual practical service area claimed? Where do the owners of the present based planes (Table 1-4) reside? What is the population and growth of that area?

Response: For small general aviation airports such as Beaufort County Airport, the service area is typically defined as the county in which it resides. This is reinforced by the fact that the Airport sits in what can be considered the middle of Beaufort County. Larger, commercial service airport service areas generally include multiple counties. Individual aircraft owners were not tracked as a part of this study. It is important to note, however, that based aircraft operations represent only a portion of existing and future total airport

operations. Historical demographic and projected population figures that aided in the development of aviation projections for Beaufort County are presented in Tables 2-1 through 2-3.

3. Including the newest data for 2009 (13,756), 2010 (14, 199) and 2011 (15,063) in Table 2-8 (Ch. 2 page 13) would indicate no growth in Itinerant Operations from 1999 through 2011 (actually a slight loss). The data seems to be dominated by local GA Operations which looks like a blanket approximation of 25,000. How many of those 25,000 are touch and go, and what do we really know about that approximation? Can we install tube counters on Taxiway A, or do a local survey?

Response: Without an air traffic control tower, planners must rely on industry accepted standards to estimate touch and go operations. Even with an air traffic control tower, and the day-to-day experience of traffic controllers, touch and go operations at towered airports are still estimates. Based on FAA accepted methodologies for calculating airport capacity, it was assumed that approximately 60 percent of total operations at ARW are touch and go. There are a variety of instruments available for installation by airports that can be used to count airport operations. It should be noted, however, that some of these systems have shortcomings and have been known to present erroneous readings.

4. Re Based Planes: Are we collecting property taxes on all these based planes, or are they registered elsewhere?

Response: Collecting data on the property taxes paid by owners of based aircraft was not within the scope of this study. For further information about this issue, please contact the airport manager or South Carolina Aeronautics Commission.

5. Re Noise: The FAA estimation technique uses long term average 24 hour - 365 day averages. It does not use specific events. Hence, there could be many loud local events per hour yet averaging in the quiet spaces would still result in meeting the 65 DNL limit. Local residents need to consider that.

Response: The FAA establishes a 65 DNL limit to identify incompatible land uses around an airport as it relates to noise. Existing and future noise contours for the airport were developed in Chapter 5, *Environmental Overview*. For the 20-year noise contour, an insignificant amount of noise falls beyond the airport property line. The affected areas are small in size and do not appear incompatible with identified land uses. The existing noise contour is smaller than the 20-year contour. Before any significant development is carried out at the airport, additional study of noise will be a part of an Environmental Assessment or Environmental Impact Statement

6. Chapter 4 page 12 notes that Dataw Island residents “may seek to revise approach procedures into ARW as a result of a 1500 foot runway extension in this direction” It should be noted that:

Residents near HH Island Airport worked for years on similar flight pattern avoidance. Over objections from some on the Airport Board they finally got the FAA to publish the desired routes. However, the routes are voluntary. The FAA does not set mandatory flight paths, and I would estimate that no more than 50% of planes use the voluntary paths, with the rest regularly and repeatedly using the routes that are the fastest and most fuel-saving. The HH Airport does maintain a hotline for resident complaints, but there is no follow-up with pilots and it seems to serve merely as a "placebo". Since the hotline effectiveness is very low, most residents have given up on it, and hence, and its accuracy is highly questionable. The control tower has no ability or charter to regulate voluntary flight paths.

Based on the above experience, I would caution that any flight path mitigation promises made to Dataw Island residents would have a low rate of success.

Response: It is important to note, that the 1,500 foot runway extension evaluated in this section of the master plan, resulted in a 25-foot decrease in aircraft approach height over Dataw Island, from 1,200 feet above ground to 1,175 feet above ground. The runway extension recommended in the master plan is 966 feet and would lower the aircraft approach height by 16 feet, or to 1,184 feet over Dataw Island.

7. Re Finances: The LI Airport needed a \$100,000 cash infusion from the Beaufort County General Fund in FY 2010. Including that amount, through the end of FY 1Q12 (9/30/11) it has required \$442,862 from the County General Fund to keep its cash balance from going negative. This number is slowly increasing. This does not include any depreciation effects.

Response: Historical financial data was provided by Beaufort County. The financial evaluation presented in Chapter 7, *Capital Improvement Program/Financial Plan* provides a projection of operating revenues and expenses over the planning period (Table 7-6). The result of this analysis estimates that the airport will increasingly improve profitability within the planning period. This is partly driven by increased revenues resulting from airport improvements presented in the master plan.

8. Re Personnel Costs, Tables 7-5 and 7-6: Why are personnel costs lower in 2015 than in 2011?

Response: Projected personnel costs were estimated by aligned those costs closer to actual historical costs, rather than budgeted costs presented for FY2011. Essentially, the actual historical costs are deemed more reliable as a basis for estimating future expenses. The personnel costs for FY2008, FY2009 and FY2010 were \$109,969, \$111,540, and \$108,032, respectively. Personnel costs within those periods were adjusted for inflation and

interpolated to estimate personnel costs for future years, resulting in the following estimates:

2015 - \$160,000

2020 - \$186,000

2025 - \$205,000

2030 - \$225,000

Steven M. Baer – Beaufort County Council District 2; January 18, 2012

Responses provided by Tony Davis, CDM Smith, January 26, 2012

Official Proceedings
County Council of Beaufort County
January 23, 2012

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, January 23, 2012 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, Gerald Stewart and Laura Von Harten.

DISCUSSION ITEMS

Topics discussed during the caucus included: (i) Town of Port Royal Tax Increment Finance District; (ii) funding, shifting, managing of one cent sales tax road projects; (iii) Rug Rack Road rezoning; (iv) a request for Burton area citizens to participate in a form-based code charrette; and (iv) agenda item #13, motion to reconsider parks and leisure services fees.

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 Rodman gave the Invocation.

PROCLAMATIONS

Bluffton High School Lady Bobcats Golf Team: South Carolina 3-A High School 2011 State Golf Champions

The Chairman announced the Bluffton High School Lady Bobcats Golf Team won the state championship. They are here tonight and we are very proud of them. In keeping with our tradition of recognizing the exceptional achievements of our young people, Council would like to commend each player, coach, manager and trainer. The Chairman recognized Athletic Director Charles Adams, Coaches David Crosby, and the players. The Chairman presented a certificate to each coach and team member.

Bluffton High School Bobcats: Lower State Champions and Runner Up for the State 3-A High School Football Championship

The Chairman announced Beaufort County has been extremely well represented recently by its young people during football competition. The Bluffton High School Bobcats: Lower State Champions and Runner Up for the State 3-A High School Football Championship. They are here tonight and we are very proud of them. In keeping with our tradition of recognizing the exceptional achievements of our young people, Council would like to commend each player, coach, manager and trainer. The Chairman recognized Coach Ken Cribb, Assistant Head Coach John Houpt and the players. The Chairman presented a certificate to each coach and team member.

PUBLIC COMMENT

The Chairman recognized Rev. Venice Young, a resident of Seabrook, who is before Council this afternoon because he is a little bit disappointed. Last year he came before Council with a problem. The County Administrator met with him one time and he was looking into that problem. Rev. Young made several attempts to get back to him because he never got a call from him concerning that situation. His secretary said she would inform him. He said, “Okay, I’m waiting on a return call.” Up to this very hour, he has not received that call. To gain respect, you have to first give respect. He respects Mr. Kubic, but has not gained that respect from him. And again, he is very much hurt. We are the ones who put Council in office. We are looking for you to live up to your expectation to all of the residents in Beaufort County.

Mr. Jim Cuff, President of the Island West Homeowners Association, said since the January 9, 2012 Council meeting, a meeting was held with Weston Newton. Thank you for the fast progress, your efforts as well as Mr. Kubic’s, Mr. McFee’s and staff. We presented some issues and we see work going ahead on it. Some of the things that came up that we really want considered include the new Hampton Parkway. We were told it is going to have to wait until road traffic warrants a traffic light there. As homeowners, we are concerned about crossing the two lanes, traffic increasing 50%, and six lanes -- three in each direction. If Highway 278 warrants additional expansion, then we think trying to cross that safely warrants putting that light

up as fast as it can go up. Their road warrants a light or have “x” amount of people killed. In summary he went through the SCDOT documents, and a lot of state’s use the USDOT manual and on the back it reads, “. . . still one of the most efficient means of controlling traffic flow both safely and not only safely but also economically is through the use of traffic lights especially when synchronized with the overall flow of the traffic in the desired route.” He believes all are in agreement that we are going to have to have a traffic light. Timing of it is the issue.

Mr. John Moore, a resident of St. Helena Island, is here on two issues. One is property taxes. When he opened his property tax bill this year instead of going down, it went up. He thought the values of houses were going down, but he did not see that on his tax bill. He called the Assessor’s office and was told no changes were made taxes. An appeal form was not, but should be, included with each tax bill. His second issue pertains to school taxation. He does not mind educating the young kids, but they are not being educated in Beaufort County. He has appeared before Council in the past and screamed and hollered about the construction of schools; it was too much and the contract was taking money out of Beaufort County. Now we have too many schools for the number students. That money needs to go to the teachers, the counselors, and we need some social workers in those schools every day, and even on weekends to go to some of these houses and see the environments that some of these kids are living in. It needs to be corrected because you must educate the parents before the kids could be educated. He sees kids in his neighborhood come home from school with no books and start playing the time they get off the school bus. We need somebody there to tell the parents, “Please make your kids study to make it easy on the teachers.” He is not putting everything on the teachers because before his kids went back out to play, they studied. You make your kids proud; show them what education is all about. Statistics say people with an education, kids get educated; people without education, their kids don’t get educated. There are a lot of families around here with parents who are not educated. So please get those social workers, counselors and teachers more money and quit putting the money in buildings that are sitting nearly empty.

Ms. Julia Blake, a resident of Beaufort, said she talked to Mr. Glaze about a mobile home she bought from M & LLC. Mrs. Blake read from a prepared statement, “I bought the mobile home for \$1,776.50. The lady, Ms. Anne, said I have to pay property tax. So I ended up paying the property tax \$223.50 but when I got this, this said \$409.65 and I looked on it, it goes all the way back to 2009. So, I’m saying, I’m not being rude, I hope not, I pray to God to lead me, and you all can understand me more. When I purchased this home, you know I thought that the tax would be in like 2013 or pay one tax but I see on here this lady wasn’t paying taxes in a long time and if it was us, you all would have put our home or property on sheriff sale. Now these people were selling mobile homes on top of mobile homes and a lot of people paid the tax which when you come down to me, I couldn’t pay all the tax. And these taxes, they’re looking for their money. And I don’t see it’s fair to me that buying a home, you got to pay a lot of tax on a home, why shouldn’t that ownership or somebody force them to pay the tax before they start selling the mobile homes out of the park. And the second question I brought to his attention, I went to the court house and the trailer is on my lot, I have two trailers. They said that if I’m staying in one which they said I have to get rid of it if they let it stay on the property I have to pay \$1,000 and I wouldn’t receive lights in the new home that I’m in. Well, that’s another problem. Paying \$1,000 in order for the light man to come and turn the lights on. You know the trailer is going to

be there for a while because I have to move everything out of one and put it in the other; it takes time but if they is not going to give me lights long as the trailer is on the property. So I need some information. I need what can I do about that? What can I do about the property; why I have to pay all these back tax which I don't owe? I didn't accumulate this bill. I can see that if it was my trailer before then I have to pay these taxes. And this one, you all can look at it, I paid the lady the money and everything else. It is not fair. It's not fair. If I have to come up with \$1,000.00 in order to get lights it's not fair. It's not fair if I have to pay all this money for taxes. I thought when you buy something in the next year you have to pay your tax because you were living in it; in that home but in this home, there's no one living in it. This is someone else bill I'm paying and it shouldn't be. It shouldn't be like this. If I didn't pay my bill for my home last year it would go on tax sale and somebody else would have bought it. It's not going back for 2009, 2010, 2011. That's too much money for any person, any person, will let a mobile home park go without paying tax. Somebody tell me something. I need to hear something.”

The Chairman asked Mr. Gruber, County Attorney, to speak with Mrs. Blake in the hallway and see he can answer her questions. Obviously, the unpaid taxes are a lien against that property and they were, based on his hearing your explanation, they were actually a lien against that property at the time you acquired that property. The fact that they were not paid by the previous owner it is still a lien in favor of the Beaufort County government against the property for the unpaid taxes. As to the \$1,000 fee, he is guessing that is impact fees.

Mr. Glaze explained he spoke with Mrs. Blake on Friday and visited the property Saturday. She is trying to upgrade the home she is living in now. She bought another home and wants to put the home she has now in that spot. One home was already there. He got confused as to the \$1,000 Mrs. Blake is paying. He will explain that to her later on.

Mr. Newton replied she has to get rid of one in order not to have the impact fee for the new house.

Mr. Glaze commented the second one she has, also needs some remodeling so she is going to be doing that before she can move into the other one. He does not know if there is a timeline as to when she has to pay that \$1,000; but it should be a situation where when she completes the trailer that she's going to move to, then she will eradicate that particular trailer that is there now. The \$1,000 is where the question comes in as to what time she has to pay the \$1,000. Because of her economical status, she cannot immediately just go ahead and do the trailer. You have to do it at different intervals so that's the concern now.

Ms. Latishia Doctor, a resident of Beaufort, talked about the after-school program at Burton Wells Regional Park. Her son attends that after-school program and the fee went up from \$50 to \$75. Some people may say that is not a lot; but she had budgeted \$50 expecting the pay that dollar amount for the year. The fee increase from \$50 to \$75 is astronomical. Other parents have concerns. A lot of parents utilize the after-school program because they have second jobs and they have other family members picking up their kids. A \$25 increase is a lot of money to impose on families in the middle of the year.

Mr. Edgar Williams, a resident of Yemassee, echoed Mrs. Doctor's comment. He asked Council reconsider the parks and leisure services fee scheduled. Beaufort County is a good community and we want to keep it that way but let's try to be fair with the people of Beaufort County.

COUNTY ADMINISTRATOR'S REPORT

The County Channel

Mr. Gary Kubic, County Administrator, announced The County Channel has been working, in conjunction with the School District, and our local partners, to produce two Public Service Announcements highlighting diversity. They feature music from our all-county band, and football practice from the state runners-up Bluffton High School bobcats. They will air on The County Channel, and create a positive message about the power of diversity.

The County Channel taped the strings concert at Beaufort High School. The concert was held last Tuesday at the high school, and The County Channel was there with the broadcast truck to catch it on tape. The concert is part of our continuing effort to reach out and cover community events all around the county.

The County Channel is continuing coverage of Parks and Leisure Services basketball this week. Deputy County Administrator Bryan Hill has been helping out calling the games. This is all part of an expanded season for The County Channel sport coverage.

Two-Week Progress Report

Mr. Kubic presented his Two-Week Progress Report, which summarized his activities from January 9, 2012 through January 20, 2012.

Annual Report – Rural and Critical Lands Program

Mrs. Patty Kennedy, Beaufort County Open Land Trust Director, said in 1999 she was lucky enough to actually have a seat on the Rural and Critical Lands Board right after it had formed. We were very much in the initial stages of this important program, and were able to see it as a start-up. In September 2011 she was appointed Director of the Beaufort County Open Land Trust (Open Land Trust). It has been ten years since the first taxpayer referendum on this issue and she was an organizing principle.

This is such a robust program that it impacts us in many, many ways. Some of the benefits follow: (i) Work with the Marine Corps Air Station, which is arguably one of the largest economic drivers, particularly, in northern Beaufort County. The military plays a huge role in providing jobs. Our work through this program is to partner with them to preserve those buffers around the air station that keeps that Air Station open. What you can honestly say this program is helping to preserve those jobs and preserve the increase of jobs that we hope will occur when the F35 comes into town. It also increases jobs.

(ii) Eco-tourism sometimes is a pie-in-the-sky concept but, inarguably, is another economic driver for Beaufort County on both southern and northern Beaufort County. Eco-tourism has been a huge selling proposition and is one of the leading and most prominent industries that is continuing to do well world-wide.

(iii) The land preservation program. The partnerships we have been able to achieve are continuing our work at making Beaufort County a preservation destination. Mr. Kubic has so admirably learned that this is a focus area and it will continue to drive the economy here on the local level. It goes without saying that land preservation, both access to nature parks directly, indirectly, or in proximity to, helps with property values and increases and maintains those property values. From an economic perspective, the agricultural work and the rural protection, we have actually partnered with USDA to keep farmers farming and that is large landowners as well as small landowners and again in a direct and indirect fashion.

(iv) The historical and cultural lifestyle aspects of this program, has benefits to the program. The County has directly purchased and preserved historical sites: Fort Frederick, Fort Fremont, and Altamaha. There is an actual, tangible tool that the county has to identify historically rich parcels and preserve them forever and keep that treasure going. The work that the Gullah-Geechee populations have done both in southern Beaufort County with Mitchelville as well as northern Beaufort County with Penn Center both of which have been targeted through this program, both collaboratively and independently, to allow the embrace of the culturally rich and diverse back step for Beaufort County to be celebrated.

(v) Preserving the way of life. A lot of the residents understand the rural nature and the rural character of many parts of Beaufort County. Through the program, going out and actively working in rural areas to protect large tracts of land thereby taking the development or the pressure off of the smaller landowners on increased property taxes, allows the county to very proactively and in a very positive way protect and maintain the rural quality of life in the rural communities.

(vi) Improved quality of life, of course, is access -- direct, visual access to open space, scenic vistas, landscape views whether it is a drive or whether it is a park. There are both direct and indirect benefits from protecting these properties.

(vii) Protecting water quality. It goes without saying that protecting upland areas, particularly in highly developing areas but in also in areas that are just naturally pristine will go to benefit the water quality issue as well as habitat for flora, fauna.

(viii) The nitty gritty success of the program that has really been fully realized over the last couple of years is partnerships -- the doubling of the money through partnerships as well as driving those dollars down. A great story to tell is being able to leverage dollars from the Department of Defense, the USDA, the State Conservation Bank, even municipalities.

Mr. Garrett Budds, Open Land Trust Conservation Director, stated Mrs. Kennedy is a phenomenal leader and expert in this field and we are very lucky to call her our new Director.

We are very excited because this is our first year reporting on the program; it is the first fiscal year we have been involved in the program. We took over about a year and half ago and spent that first several months really gearing up. We took a hard look at the program, we did a lot of strategic planning, we overhauled some of the policies/procedures and how we approach land protection. As a result we think what we did was really devise a very effective, efficient, strategic way to approach land preservation in the county. One of the outputs of that planning process is our watershed planning region map which breaks up the County into seven regions.

Watershed planning, planning by a watershed, is really the name of the game when it comes to environmental conservation. That was our driver or our leading tool but into that we also wove other factors; geopolitical issues, municipalities' jurisdictions, things of that nature and what we distilled out was seven distinct regions each with independent natural features, independent natural resource issues, independent calls for conservation, and within each of those seven distinct planning regions, we were able to then prioritize projects for protection. Every region actually had its own priorities. We worked actively in the seven regions over the course of the last year developing those priorities and trying to protect as many of them as we could and then going forward again. It gives us a template for how we will approach it in subsequent years. We think it is a wonderful tool, it is comprehensive, it is driven by natural resources but it also becomes very flexible and efficient.

The County had a couple of notable milestones last year. The program has been active since about 2000, one decade under the County's belt, and in that time the County has now completed 75 projects. Seventy-five project properties have been protected through the Rural and Critical Lands Program, so quite notable, and last year the County crossed the 20,000 acre mark. As of December 31, 2011, the County has protected over 20,000 acres of land in Beaufort County. That is quite an achievement for this program. You should all be very, very proud of that success. To highlight 2011 in a snapshot four projects are quite notable.

First, the County protected 14 independent properties this year. This is quite an accomplishment, likely more than any individual year through the program in its history, as well, over 2800 acres. Almost 1/8 of the total property that protected through the program occurred last year. What is more astounding is that Beaufort County tax dollars paid only \$2,287 per acre on average across those properties last year which was quite remarkable --- a wonderful price point for protection and conservation. That is a very, very aggressive price point for conservation across the state, if not across the nation, and Council should be very proud of that fact as well. Lastly, and this might be most important, having the Rural and Critical Lands Program active in Beaufort County brings dollars to this county that would not be available otherwise. There are matching programs, both at the state and at the federal level, that require a local match. Beaufort County's Rural and Critical Lands Preservation Program is one of the only matching sources left in the State of South Carolina. As a result, we are able to enjoy the lion's share of those dollars coming from both state and federal sources. As an example, last year and the year before, we received all of the USDA allocation of Farm Bill money to the State of South Carolina in Beaufort County because we had the local match. No one else in the State had that match, we did. As a result last year alone we brought \$6,875,000 to the state for conservation we would not have been able to otherwise if we did not have the program. Just a note on how remarkable that is, we brought

more money matching to the state that we actually spent out of our own program. We brought in between \$6,800,000 to \$6,900,000, when we spent about \$500,000 less of our own money to protect land. We brought in more than we actually spent in conservation last year. Quite a feat.

Mr. Budds gave a snapshot on the 2001 preservation successes: (i) Mitchelville Road Beach Parcel, a 21-acre beach front parcel was purchased in partnership with the Town of Hilton Head Island to preserve an important historic site as well as to provide public access to an incredible park and Preserve.

(ii) Beach City Road lots, 3 lots were purchased to protect the boarder of Fish Haul Park in partnership with the Town of Hilton Head Island. These lots not only extend the boundaries of a wonderful park and provide public water access, but preserve the Mitchelville archaeological and historic site.

(iii) New River Headwater, 170 acres at the New River headwater was preserved though purchased conservation easements, permanently eliminating development for these environmentally significant tracts.

(iv) Orange Grove Plantation, an 800 acre farm on St. Helena Island was preserved in partnership with the USDA/NRCS.

(v) Penn Center Farm, a 92 acre farm on St. Helena Island was preserved with a conversation easement in partnership with the USDA/NRCS. This land will protect both the rural character of Beaufort County and culturally significant operations of Penn Center

(vi) Halbrook Sanders, a conversation easement was purchased on 10 acres of land to extend the McLeod Farms preservation project in partnership with the Department of Defense. A .33 acre parcel was bought to serve as the entrance to McLeod Park in the Seabrook area of northern Beaufort County.

(vii) Coosaw Plantation, 1,529 acre plantation in Dale was preserved through a conservation easement purchase in partnership with the Department of defense to protect both environmentally significant lands, as well as to secure a buffer from the Marine Corps Air Station.

(viii) Land's End Plantation, 231 acres at the southern tip of St. Helena Island was preserved through the purchase of conversation easement to protect the rural character of this island, as well as water quality in Station Creek a major tributary of the Beaufort River and Port Royal Sound.

(ix) Factory Creek Park, four lots comprising one acre at the base of the Woods Memorial Bridge will provide a water front park and public scenic vista for Beaufort County residents. The property was purchased by a partnership with the Beauport County Open Land Trust and the City of Beaufort.

(x) Karr Parcel, a small but stunning riverfront tract in the Town of Port Royal that preserved the maritime forest edge and marshes of the mighty Broad River.

(xi) Henry Farm, a 290 acres farm in the heart of St. Helena Island, the parcel epitomized the agricultural heritage of our Lowcountry sea islands. A purchase conservation easement will ensure that the Henry Family can farm the land in perpetuity, preserving the island's rural character.

FAA Grant #29 Amendment

It was moved by Mr. Rodman, seconded by Mr. Sommerville, that Council submit a grant amendment in the amount of \$164,813.91 (\$156,573.21 Federal share). This will amend Grant 3-45-0030-029-2009 from \$2,605,016.54 (\$2,474,766 Federal) to \$2,769,830.75 (\$2,631,339.21 Federal). 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.

DEPUTY COUNTY ADMINISTRATOR'S REPORT

Mr. Kubic presented his Two-Week Progress Report, which summarized his activities from January 9, 2012 through January 20, 2012. He submitted an Actual Four-Year Budget Comparison for the month of November as well as.

Construction Project Updates

US Highway 278 Roadway Construction

Mr. Rob McFee, Division Director-Engineering and Infrastructure, reported this project involves widening of a total of 4.8 miles of US Highway 278 including the bridges over the Okatie River. The contractor is APAC Southeast of Savannah, Georgia. The cost is \$23,637,119. The contract completion date is November 2013. The contractor is 80% complete with clearing. Erosion control measures are in place.

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. Paving of mainline is underway.

Disabilities and Special Needs Adult Day Care Center and Administration Center

Mr. Rob McFee, Division Director-Engineering and Infrastructure, reported this project is a 25,000 square foot multi-use facility with client activity and program areas and administrative

space. The contractor is Emory J. Infinger and Associates of Charleston, South Carolina. The cost is \$6,436,974. This project is complete. The dedication ceremony will take place Friday, February 3, beginning at 9:00 a.m.

St. Helena Library at Penn Center

Mr. Rob McFee, Division Director-Engineering and Infrastructure, reported this project is a 25,000 square foot library facility (LEED certified) and associated infrastructure. The contractor is Choate Construction Company of Pooler, Georgia. The cost is \$7,332,403. The contract completion date is October 2012. The contractor has completed all water, sewer and access infrastructure. Masonry block work is complete. Floors are 80% complete and steel erection 60%.

Lady's Island Community Park

Mr. Rob McFee, Division Director-Engineering and Infrastructure, reported this project is a design / build contract covering the first two phases of this facility including two multi-use fields, playground and pavilion with bathrooms and picnic tables. The contractor is JoCo Construction of Beaufort, South Carolina. The cost is \$746,090. The contract completion date is December 2011. Both fields are complete. Infield clay diamonds is under final construction. Picnic pavilion is complete.

Burton Wells Park

Mr. Rob McFee, Division Director-Engineering and Infrastructure, reported this project involves construction of Phase II improvements including terraced lawn amphitheater, pond development and pavilion, pedestrian trails, landscaping and restrooms. The contractor is Beaufort Engineering Services of Beaufort, South Carolina. The cost is \$1,812,011. The contract completion date is January 2012. Pond excavation, fencing, irrigation and dog park is complete. Pavilions are 85% complete. Plantings 80% complete. Asphalt paving to begin next week.

Huspah Creek Trestle

Mr. McFee remarked Beaufort County owns Huspah Creek trestle (northwest rail bed). It spans the two reaches of Huspah Creek in northern Beaufort County just north of US Highway 21 crossing at Whale Branch River. The County obtained the trestle in 1987 from Seaboard Airline. The reason the fishing pier is closed is the structure cannot support itself. The steel beams are supported by pile bents that are inferior in condition. Staff is in the process of obtaining emergency bids for the emergency removal of this entire trestle to include the fishing pier. We will attempt to salvage what aluminum is in the fishing pier that will be delivered to Public Works. We have received one quote from a contractor and anticipate receiving another quote this week. The carriage beams are steel and the contract includes salvage. We have already begun the process of permitting (DHEC and US Coast Guard) to deal with this structure and its removal. The two primary permitting issues include: conducting an asbestos survey before demolishing the structure as well as making sure that all the original 1916 and 1946 permit

provisions for removal are satisfied. The contractor will be responsible for complying with all regulatory specifications regarding recycling and removing the steel and creosote piers.

Mr. Dawson asked if there has been any thought or consideration given to restoring the fishing pier on the Lobeco side of the Whale Branch River.

Mr. McFee replied, “Most definitively.” With the successful contractor, whomever that may be, that after we get the regulatory, schedule and cost down (another major financial consideration because the money has to come from somewhere), staff will discuss with the contract if there is any component of this work that can be salvaged and is consistent with the existing permits that we have to do something at that location.

Mr. McFee reported all boat ramps, etc. are inspected quarterly. The portion of the pier that is open to the public has new piles driven on the outboard side of the existing piles.

May River Stormwater Update

Mr. Dan Ahern, Stormwater Manager, gave an update on the May River stormwater. He is joined by Mr. Ron Bullman, Town of Bluffton Stormwater Manager. Today’s update will include: Town of Bluffton May River support, County-Town coordination, history of actions, current plans, and next steps in watershed plan.

Town of Bluffton May River support – Town representatives have created the Water Quality Technical Advisory Committee as well as the May River Waterbody Management Plan Implementation Committee. The May River Watershed Action Plan consultant is AMEC with subs Ward Edwards, Thomas & Hutton, and Center for Watershed Protection.

County / Town Coordination – The Town appoints an *ex-officio* member to serve on the County Stormwater Management Utility Board. The Town has representation on the Countywide Stormwater Implementation Committee. The County and Town are engaged in joint monitoring initiatives, special studies with USC-Beaufort and B/JWSA, as well as cooperation outside the May River. The third item is now the driver in the Town’s prevention and restoration activities. The Utility and Town are coordinating on many levels. These are some of the activities.

Current Plans / Activities – The May River Watershed Action Plan is now the driver for activities in the May River. It came out of work as part of the Town’s 319 grant and is dynamic and adaptable document that can be modified and our knowledge and experience increases. The Town is taking a different approach to addressing vacant lots and some of the restoration projects will also address future lot construction.

Restoration Projects - On January 10, 2012 Town staff briefed Town Council on the first four potential restoration projects: (i) New Riverside Pond - This a potential new pond in a relatively undeveloped watershed, Monitoring by the County and Town indicated that high concentrations of fecal coliform were coming out of the watershed. Construction of this pond is estimated to cost around \$466,000. It is also in a watershed where we have just completed a special study

with USC-B and B/JWSA on impacts of freshwater discharges into wetlands. We are in the final touches of developing a paper to be presented at the SC Environmental Conference in March. Last year we partnered with B/JWSA to test the impacts of the Aquifer Storage and Recovery permit required freshwater discharges. B/JWSA had to pump drinking water into aquifers and then pump out and discharge. We had a known discharge of clean fresh water and we partnered with USC-B and local scientists to develop a monitoring protocol to determine the impacts of fecal coliform loads going to May River. Results showed considerable fecal coliform load that existed in the wetlands that the discharge was going into.

(ii) Hampton Lake Lagoon Retrofit – This is a large 200 acre lake. The low cost retrofit of \$125,000 will modify the outfall to extend the storage time for smaller rainfall events and reduce slugs of freshwater going through wetlands and carrying bacteria into the May River. This project will address an area that originally led the County and Town into volume control. The 23 acre pond, costing \$85,000, will apply a control called extended detention. Small rainfall events will be slowly released and will spread out the volume over a number of tidal cycles. This will reduce the salinity flashiness that our marine scientists are saying post a threat to our fisheries. The Town has monitored upstream and downstream as well as coming out of the two major ponds (HH2 and HH3). The Hampton Hall Lagoon has very low bacterial levels but just below we get increase concentrations – while upstream there was no flow in the wetlands.

(iv) Stoney Creek Wetland Restoration - This is a special type of retrofit that is going to be tried in the Okatie River as well as Stoney Creek. The extensive wetland system has been ditched and flows quickly leaving the area carrying large loads of bacteria. This project, like the Okatie River project, will back up small rainfall events back out onto wetlands and especially in the summer will lead to additional evapotranspiration. We are calling these “pilot” projects because we know they will reduce volume; but, we do not know the impacts on bacterial loads. If these pilot projects are successful, we have a number of low cost solutions. The Okatie River pilot is only estimated at \$100,000. This project is bigger and is estimated at \$500,000.

In summary the May River is the watershed focus spanning a five-year effort versus longer term. It includes four retrofit projects. Examples of Battery Creek retrofit projects are: Administration park lot \$300,000; Burton Hill (Cross Creek) \$736,000; and Grober Hill \$2,470,000. Challenges include the level of effort, watershed funding mechanisms, timeline completion, willing to temporarily increase fees if necessary and bonding.

Result of Court Case / *Beaufort County vs. Towne Center, LLC and First South Bank*

Mr. Kubic reported the result of the County’s efforts on the court case that Attorney Josh Gruber, Attorney Reese, Attorney McDonald and he worked last week at the courthouse in the case of *Beaufort County vs. Towne Center, LLC and First South Bank*. A full briefing on this matter will be forthcoming because there are several moving parts in the litigation.

This litigation is about condemnation involving the right-of-way acquisition along the Bluffton Parkway. This particular piece of property, the take was 3.3 acres of a gross amount of approximately of 10.1. There are two facets involving condemnation. One is the value of the

taking and the second is the effect or impact upon the remaining piece of property in this case 6.88 acres. Condemnation actions are permitted when the property owner feels that that amount that we place in escrow, based upon appraised value, is insufficient, and therefore, we go to trial. The case starts with Beaufort County because we are the condemnor. Our position was that we placed in escrow originally an amount of \$341,000 for the taking, later we revised our appraisal to an amount that reflected about \$388,000. The landowner appraisal was at \$3,700,000 and it was later revised downward to \$3,100,000. We spent a week in court going through a series of motions, legal arguments and presentation of evidence and obviously that included both sides. The jury was instructed by the Judge to deliberate on Friday evening. They did so and returned a verdict at about 8:30 p.m. The amount was set by the jury at \$1,650,000. We do not have a Court Order which will serve as the basis for all of the timing and subsequent opportunities to appeal. Both sides have that opportunity. We will be setting a team together to determine what course of action administration will recommend to Council. That will come in due course. If you can imagine after a week of testimony and all of the various motions that were made by both sides, some granted some denied by the Judge, each one of those motions and subsequent rulings present an opportunity to appeal if we believe that that is the direction we will go. Typically in the other two cases along the Bluffton Parkway or two cases that involved the penny sales tax, the jury in whose two prior cases did almost exactly what this jury did and that is you take what the value of the property owner and what the value of governmental agency and split the difference. We believe that the statute in this case at the setting of \$1,650,000 because that number is closer to our appraised value that we set in escrow, \$388,000, that court costs and attorney's fees have to be absorbed by the property owner. The bank in this issue, Mr. Kubic believes, has an outstanding mortgage of about \$2.4 million.

SIX-MONTH TREASURER'S REPORT

Mr. Doug Henderson, County Treasurer, read from a prepared statement, "I am proud to share with Council the activities and progress of The Beaufort County Treasurer's office. The week after taking office I eliminated five staff members, as well as two full time temps, which I felt was in the best interest of the individuals as well as Beaufort County. In so doing I immediately replaced two positions: Deputy Treasurer, Troy Hodges and Deputy Treasurer, Maria Walls, CPA. We began the process of reorganizing and streamlining staff and positions and continue to analyze this on an ongoing basis. On July 1 we had a total of 24 staff members and two full time temps. We now have 22 staff members and two full time temps, (which are truly temps and will be eliminated after the rush of tax season is over.) I instituted a policy of no overtime without the Treasurer's approval and have virtually eliminated the need for overtime.

The following are highlights and events that have occurred during the past six months:

- (i) Implemented checks and balances, that was heretofore, non-existent. This includes negative items identified in last year-end audit. This has greatly reduced the opportunity for embezzlement or theft.

(ii) Improved internal controls by implementing review and approval procedures, such as journal entry approvals, separation of duties, along with insuring that everyone is being cross-trained for at least two jobs, restricting access to checks and limiting authorized check signers.

(iii) Improved customer service as evidenced by fewer complaints and many unsolicited positive comments.

(iv) Instituted a “Tax Amnesty Program” which resulted in clearing over 2000 delinquent accounts, reduction of 30% in properties taken to tax sale, and a reduction in advertising cost of approximately \$32,000.

(v) Renegotiated legal fees with a savings of \$30,000.

(vi) Transitioned to a banking relationship that has successfully increased efficiency and office resources. This is resulted in (a) significant reduction in the amount of mail and in-person tax payments in the office, (b) reduced lines and waiting times in the office, (c) increased employees availability to aid taxpayers in person and to answer the almost 22,000 phone calls our office received in November and December, (d) faster processing of customer payments and receipts, (e) faster and more secure deposits with utilization of an armored car service, (f) eliminated the 30 day backlog of mail payments which existed at this time of year. (g) The banking transition also included changing the credit card processor which was charging a monthly fee (in addition to discount rate) of \$1,000. This saved the county \$12,000 annually.

(vii) Taxpayer refunds previously up to nine months behind are now up to date within 15 days and being maintained.

(viii) Reacquired duties and responsibilities being performed by other departments on behalf of the Treasurer’s office (example, the TIF reconciliation).

(ix) Transitioning our filing system to an electronic system, this will save valuable office space and costs.

(x) Reduced convenience fees on Credit Cards and also added back American Express.

(xi) We have consolidated other department deposits under the control of the Treasurer’s office and have improved the investment earnings significantly.

(xii) We are currently working with The Department of Motor Vehicles to institute the process of issuing auto decals at all of our offices.

(xiii) We are also in the planning stages of renovating our office which will enable us to (a) better serve the taxpayers and (b) bring all of our staff together in one location which we believe will result in more efficiencies and increased productivity.

During the month of December, BB&T accepted 1,563 tax payments in their branches. During the months of November and December BB&T processed in excess of 30,000 payments through the lock-box system. We are reducing all procedures to written form and putting together a Policies and Procedures Manual for the Treasurer's office which should be very helpful to succeeding administrations. The Treasurer's office must be proactive in structuring ourselves to meet the challenges we face in the future and not just react to them.

In my position I have to look at the total tax revenue of the County as opposed to just that portion associated with the general fund. We will not know the actual collection rate, until we run a report after all payments are posted prior to the penalty period beginning.”

AN ORDINANCE TO AMEND AND CLARIFY BEAUFORT COUNTY ORDINANCE NO. 2005/9 AND AS SUBSEQUENTLY AMENDED WITH REGARDS TO THE DEFINITION OF ESTABLISHMENTS UNDER THE BEAUFORT COUNTY LOCAL HOSPITALITY TAX

This item comes before Council under the Consent Agenda. It was discussed at the December 12, 2011 Finance Committee meeting.

It was moved by Mr. Sommerville, seconded by Mr. Flewelling, that Council approve on second reading an ordinance to amend and clarify Beaufort County Ordinance No. 2005/9 and as subsequently amended with regards to the definition of establishments under the Beaufort County Local Hospitality Tax. 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 will be held by Council on Monday, February 13, 2012 beginning at 6:00 p.m. in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort.

TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), APPENDIX S. DAUFUSKIE ISLAND CODE, TABLE 3.8 (SPECIFIC USES D2) SOLID WASTE GATHERING, TRANSFER AND RECYCLING FACILITY, WASTE TRANSFER, BY SPECIAL USE PERMIT

This item comes before Council under the Consent Agenda. It was discussed at the January 3, 2012 Natural Resources Committee meeting.

It was moved by Mr. Sommerville, seconded by Mr. Flewelling, that Council approve on second reading text amendments to the Beaufort County Zoning and Development Standards Ordinance (ZDSO), Appendix S. Daufuskie Island Code, Table 3.8 (Specific Uses D2) solid waste gathering, transfer and recycling facility, waste transfer, by special use permit. 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 will be held by Council on Monday, February 13, 2012 beginning at 6:00 p.m. in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort.

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED \$6,000,000 GENERAL OBLIGATION BONDS, SERIES 2012B, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF BEAUFORT COUNTY, SOUTH CAROLINA

This item comes before Council under the Consent Agenda. It was discussed at the January 17, 2012 Finance Committee meeting.

It was moved by Mr. Sommerville, seconded by Mr. Flewelling, that Council approve on first reading an ordinance authorizing the issuance and sale of not to exceed \$6,000,000 general obligation bonds, series 2012B, or such other appropriate series designation, of Beaufort County, South Carolina. 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 PASSENGER FACILITY CHARGE PROGRAM

This item comes before Council under the Consent Agenda. It was discussed at the January 17, 2012 Finance Committee meeting.

It was moved by Mr. Sommerville, seconded by Mr. Flewelling, that Council approve the Hilton Head Island Airport Passenger Facility Charge Program as presented to the Committee. 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.

TOWN OF PORT ROYAL TAX INCREMENT FINANCING (TIF) DISTRICT

The County administrative staff has reviewed the Seaport Redevelopment Plan that has been submitted by the Town of Port Royal and which forms the foundation for the creation of the TIF. Upon review of the Redevelopment Plan, staff recommends approval for the creation of the TIF. The grounds for providing this recommendation are that the properties which form the significant majority of the TIF are all currently exempt from taxation as they are owned by state or local governments. Therefore, the county is currently receiving a *de minimus* amount of revenue from these parcels. By creating the TIF, these properties will be transferred from public to private hands thus enabling them to be placed in the tax rolls and generate revenue in the future for the county and the other taxing district is involved in this projects.

It was moved by Mr. Rodman, as Finance Committee Chairman (no second required), that Council participate in the Town of Port Royal Tax Increment Financing District. 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.

CALL FOR RECONSIDERATION - COUNCIL JANUARY 9, 2012 ADOPTION OF A RESOLUTION ENDORSING AND APPROVING THE PARKS AND LEISURE SERVICES DEPARTMENT CHANGES TO THE FEE SCHEDULE

It was moved by Mr. Glaze, seconded by Mr. Dawson, that Council reconsider its January 9, 2012 vote regarding the adoption of a resolution endorsing and approving the Parks and Leisure Services Department changes to the fee schedule. The vote was: YEAS – Mr. Dawson, Mr. Glaze and Mr. Rodman. NAYS - Mr. Baer, Mr. Caporale, Mr. Flewelling, Mr. McBride, Mr. Newton, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion failed.

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

COMMITTEE REPORTS

Community Services Committee

Alcohol and Drug Abuse Board

Mr. McBride, as Community Services Committee Chairman, nominated Mrs. Mary Johnson and Mrs. Frances Kennedy to serve as members on the Alcohol and Drug Abuse Board.

Beaufort Memorial Hospital Board

Mr. McBride, as Community Services Committee Chairman, nominated Mr. David Tedder and Mr. David House to serve as members on the Beaufort Memorial Hospital Board.

Children's Foster Care Review Board

Mr. McBride, as Community Services Committee Chairman, nominated Mrs. Queen M. Davis to serve as a member on the Children's Foster Care Review Board.

Disabilities and Special Needs Board

Mr. McBride, as Community Services Committee Chairman, nominated Mr. Jonathan Brown, Mr. David Green and Mrs. Garden Simmons-White to serve as members on the Disabilities and Special Needs Board.

Library Board

Mr. McBride, as Community Services Committee Chairman, nominated Ms. Susan Barnwell, Ms. Yolanda Riley and Mr. Bernard Kole to serve as members on the Library Board.

Parks and Leisure Services Board

Mr. McBride, as Community Services Committee Chairman, nominated Mr. Tom Ertter, representing at-large, and Mr. Brian Watkins, representing southern Beaufort County, to serve as members on the Parks and Leisure Services Board.

Mr. Newton nominated Mr. Bruce Yeager, representing southern Beaufort County, to serve as a member of the Parks and Leisure Services Board.

Finance Committee

Accommodations Tax Board

Mr. Rodman, as Finance Committee Chairman, nominated Mrs. Anita Singleton-Prather, representing cultural, to serve as a member on Accommodations Tax Board.

Tax Equalization Board

Mr. Rodman, as Finance Committee Chairman, nominated Mr. Robert Cummins, representing St. Helena Township, and Mr. Merritt Patterson, representing Beaufort Township, to serve as members of the Tax Equalization Board.

Stormwater Audit Agreed Upon Procedures

Main motion: It was moved by Mr. Rodman, as Finance Committee Chairman, that Council authorize \$57,760 to conduct a stormwater audit agreed upon procedures to look back over the last ten years of the Stormwater Utility Program, which has spent approximately \$30 million, for the purpose of satisfying the public that there has been no irregularities. The funding source is County Administrator's contingency budget.

Motion to amend by substitution: It was moved by Mr. Stewart, seconded by Mr. Flewelling, that Council authorize \$57,760 to conduct a stormwater audit agreed upon procedures to look back over the last ten years of the Stormwater Utility Program, which has spent approximately \$30 million, for the purpose of satisfying the public that there has been no irregularities. The funding source is the Stormwater Management Utility budget. 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.

Vote on the amended motion: Council authorize \$57,760, with an available balance of \$68,000, to conduct a stormwater audit agreed upon procedures to look back over the last ten years of the Stormwater Utility Program, which has spent approximately \$30 million, for the purpose of satisfying the public that there has been no irregularities. The funding source is the Stormwater Management Utility budget. 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.

Natural Resources Committee

Zoning Board of Appeals

Gregory Baisch

The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. Mr. Gregory Baisch, representing Beaufort/Port Royal Island, garnered the six votes required to serve as a member on the Zoning Board of Appeals.

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

PUBLIC COMMENT

There were no requests to speaking during public comment.

ANNOUNCEMENTS

Annual Planning Retreat

Council's annual planning retreat dates are February 16, 17 and 18, 2012. The meeting will be held at the Disabilities and Special Needs Day Program and Administration Building, "Great Expectations Place", 100 Clear Water Way, Beaufort.

BRAC Process

Last Friday General Parks, Chairman of Military Enhance Committee; Billy Keyserling, Beaufort City Mayor; and he discussed recent comments and / or media reports from Washington about possibilities of additional and future BRAC processes. General Parks is aware of those. He is in tune with what is happening on the Statewide Task Force, and will be reporting back to us as need be for perhaps additional funding.

Jasper County Council / Lowcountry Economic Alliance ByLaws

Later this week, at the request of the Chairman of the Lowcountry Economic Alliance, Mr. Kubic and he will be meeting with officials of Jasper County to discuss primarily their concerns regarding the Bylaws we passed. They have not passed the Bylaws. They believe it would be appropriate to have voting elected officials on the executive committee. What we approved on November 28, 2011 where the AngelouEconomics Study recommendations that elected officials should not serve on the executive committee except as non-voting members.

Weston Newton Candidacy Announcement / House of Representative District 120

Mr. Newton stated, “On a personal note. As you know as a result of the 2010 census and state redistricting, Beaufort County has picked up an additional House of Representative seat, District 120. After prayerful consideration I have, earlier today, announced my candidacy for the House 120 seat. While nothing with my role on County Council will change, I wanted you to hear it directly from me rather than reading it in the newspaper.”

ADJOURNMENT

Council adjourned at 7:36 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Wm. Weston J. Newton, Chairman

ATTEST _____
Suzanne M. Rainey, Clerk to Council

Ratified:

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

GARY KUBIC
COUNTY ADMINISTRATOR

CHERYL HARRIS
EXECUTIVE ASSISTANT

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

BRYAN J. HILL
DEPUTY COUNTY ADMINISTRATOR

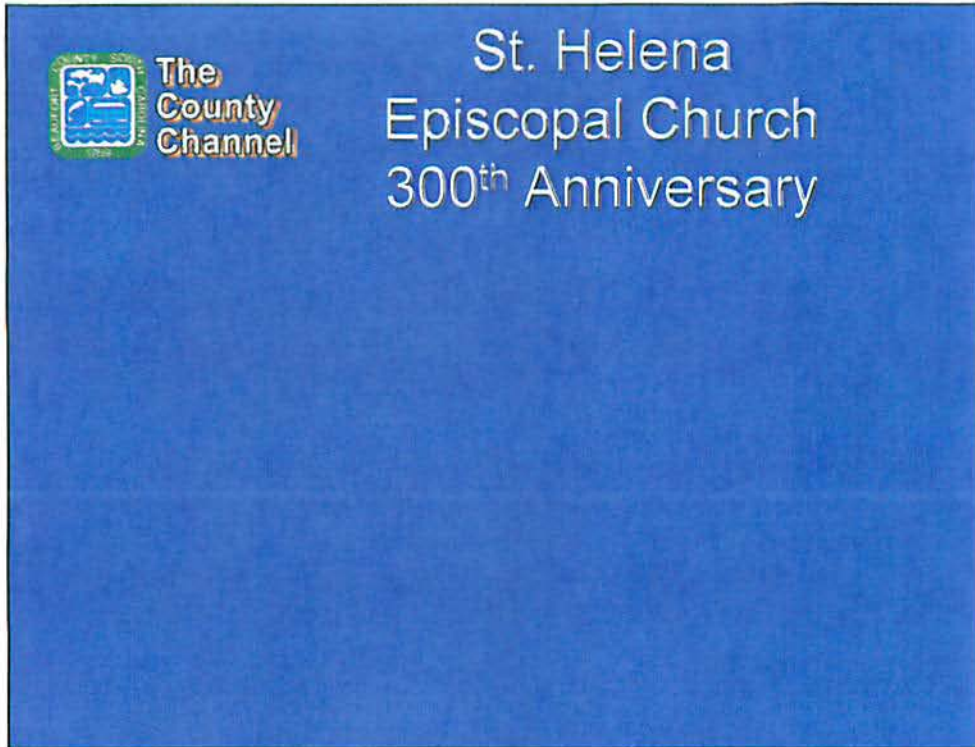
JOSHUA A. GRUBER
STAFF ATTORNEY

COUNTY ADMINISTRATOR'S REPORT

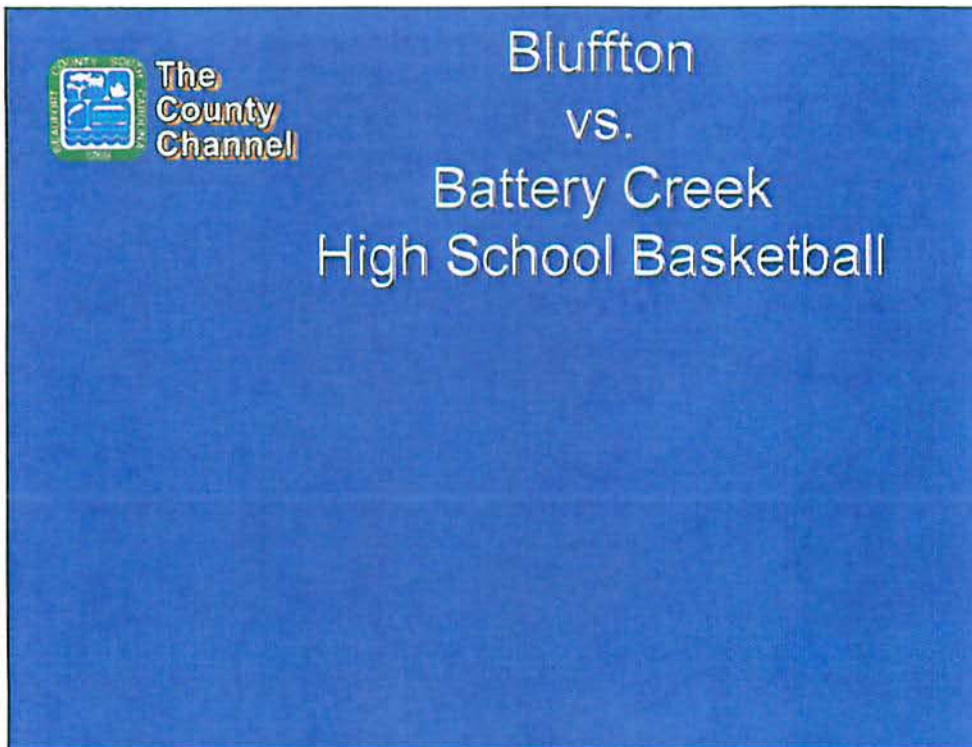
**Monday, February 13, 2012
5:00 p.m.
County Council Chambers
Administration Building**

ACTION / INFORMATION ITEMS:

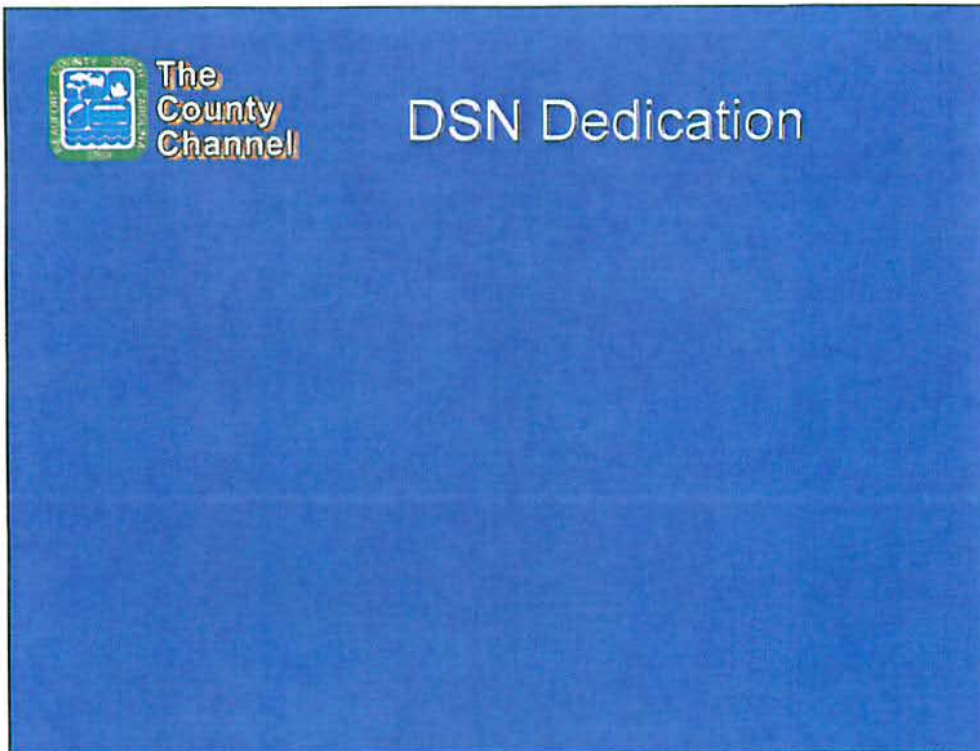
- The County Channel / Broadcast Update (Enclosure)
- Three-Week Progress Report (Enclosure)
- Introduction / Rod H. Sproatt, Beaufort County Chief Magistrate
- Resolution Authorizing the County Administrator to Execute a Lease Agreement with Option to Purchase Real Property located at 4819 Bluffton Parkway, Bluffton, South Carolina (Enclosure)
- Home Consortium Update and 2012 Funding
Ms. Barbara Johnson, Lowcountry Council of Governments
- Presentation / Beaufort County's New Vendor List
Ms. Monica Spells, Procurement Officer, Purchasing Department
- Refinancing of 2003 General Obligation Bonds
Mr. David Starkey, Chief Financial Officer



{Video Plays} The County Channel is working with Beaufort County historian Ian Hill, and public information officer Suzanne Larson to produce a short segment about the recent tri-centennial of St. Helena Episcopal church in downtown Beaufort. The church is the second-oldest Episcopal Parish in South Carolina. Hundreds turned out to mark the celebration, which included the ringing of a bell gifted to the church in 1749.



{Video Plays} The County Channel was out in full force last week, as the Bluffton High School Bobcats took on the Battery Creek Dolphins. Both the boys and girls games were recorded live, and played back on the County Channel. We won't spoil the games for you, if you haven't seen them yet, but there was some spectacular play in both matchups... including this block from behind by the Bobcats BJ Hill. Our own Bryan Hill and Dale Butts called the games.



{Video Plays} Beaufort County recently dedicated the brand new DSN facility. The 25,000-square-foot building is located in the Town of Port royal, and contains activity rooms, a pottery making facility, and a cafeteria. Weston Newton, and members of Beaufort County Council, as well as local dignitaries were in attendance. Donations are being sought for the ABLE Garden in the enclosed courtyard, including plants, trees, fountains, benches, bird feeders, etc.



Memorandum

DATE: February 10, 2012

TO: County Council

FROM: Gary Kubic, County Administrator

SUBJ: County Administrator's Progress Report

The following is a summary of activities that took place January 23, 2012 through February 10, 2012:

January 23, 2012

- County Council - Caucus meeting
- County Council meeting

January 24, 2012

- Mediation re: Doug Trogdon vs. Beaufort County
- Public Facilities Committee meeting (unable to attend)

January 25, 2012

- Participant - Beaufort County 2012 Senior Leadership Class

January 26, 2012

- Meeting with Todd Ferguson, Director of Emergency Management
- Meeting with County Assessor Ed Hughes
- Bimonthly meeting with Council Chairman Weston Newton, Mayor Billy Keyserling and City Manager Scott Dadson re: County / City issues
- Conference call re: Lowcountry Economic Alliance - proposed by-law changes

January 27, 2012

- Lowcountry Economic Alliance Board meeting
- Conference call with staff and Manatron representatives re: Manatron issues as it relates to monthly motor vehicle tax notices

COUNTY COUNCIL
February 10, 2012
Page 2

January 30, 2012

- Meeting with Burton Sauls, owner of CityTrex re: Books Sandwiched In 2012 presentation of "Unbroken" by Laura Hillenbrand - scheduled for February 20th at USC-Beaufort Performing Arts Center

January 31, 2012

- Bimonthly meeting with Council Chairman Weston Newton, Bluffton Town Mayor Lisa Sulka and Town Manager Anthony Barrett re: County / Town issues

February 1, 2012

- Staff meeting re: Dick's Sporting Goods impact fees
- Meeting with Colin Kinton, Traffic Engineer, Jim Westmoreland of Stantec, and Morris Campbell, Director of Community Services re: Ferry services / options
- Meeting with Sheriff P. Tanner and Town of Hilton Head Island representatives re: Sheriff's Building
- Meeting with Kim Statler, Executive Director, of Lowcountry Economic Alliance

February 2, 2012

- Meeting with Airports Director Paul Andres
- Meeting with Ron Leslie, Senior Vice President-Retail Development, of Equity, Inc. re: Proposed Willow Run development
- Lowcountry Economic Alliance Board meeting

February 3, 2012

- Disabilities and Special Needs dedication ceremonies
- Interview re: PALS Director's position
- Staff meeting re: Special Purpose Tax Districts
- Meeting with Mrs. Jerri Roseneau, Clerk of Court

February 6, 2012

- Myrtle Park Building conference call
- Finance Committee meeting
- Natural Resources Committee meeting
- Governmental Committee meeting

February 7, 2012

- Meeting with staff and Captain Hubbard of Bluffton Township Fire District re: Daufuskie EMS

February 8, 2012

- Agenda review with Chairman, Vice Chairman and Executive Staff re: February 13, 2012 Council agenda
- Interview – Animal Shelter Director's position

February 9, 2012

- Conference call with Lyle Sumeck re: Council Annual Planning Meeting
- State Transportation Infrastructure Bank (STIB) meeting at SCDOT Headquarters Building, Columbia

February 10, 2012

- Meeting with Associate Judge Darlene Smith
- Meeting with Chief Magistrate Rod Sproatt
- Meeting with Anne Christnovich, Island Packet reporter
- Meeting with Hilton Head Island Town Manager Stephen G. Riley

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A LEASE AGREEMENT WITH OPTION TO PURCHASE REAL PROPERTY LOCATED AT 4815 BLUFFTON PARKWAY, BLUFFTON, SOUTH CAROLINA

WHEREAS, Myrtle Plantation Partnership, LLC., own an approximately 22,244 square feet office building and associated parking facilities situated on 6.117 acres of real property located at 4815 Bluffton Parkway, Bluffton, South Carolina; and

WHEREAS, Beaufort County has previously rented the above described property to Beaufort County for the purposes of providing office space for Beaufort County departments, elected officials, and various state agencies in the Bluffton area; and

WHEREAS, Myrtle Plantation Partnership, LLC and Beaufort County desire to enter into an agreement providing for an extension of the County's current lease agreement for a period of five (5) years based upon terms to be mutually agreeable to both parties; and

WHEREAS, Beaufort County desires an option to purchase the above described property for and in consideration of the sum of Three Million Dollars and xx/100 (\$3,000,000) in exchange for a limited warranty deed together with a bill of sale for the personal property appurtenant to the property.

NOW, THEREFORE, BE IT RESOLVED, at a meeting duly assembled of the County Council of Beaufort County, that the County Administrator is hereby authorized to enter into and execute a lease agreement with option to purchase the property located at 4815 Bluffton Parkway, Bluffton, South Carolina as more fully described above.

DONE this _____ day of _____, 2012.

BEAUFORT COUNTY, SOUTH CAROLINA

Wm. Weston Newton, Chairman
BEAUFORT COUNTY COUNCIL

ATTEST:

Suzanne M. Rainey
Clerk to County Council

Myrtle Park Building

22,244 Square Feet

DHEC – Health Services	6,765 square feet
DSN	225 square feet
DSS	600 square feet
Assessor	225 square feet
Auditor	220 square feet
Treasurer	445 square feet
Magistrate Court	6,700 square feet
Alcohol and Drug Abuse	3,599 square feet
Business License	187 square feet
Sheriff's Department	3,278 square feet

**Beaufort County
Myrtle Park Options
Fiscal Year 2012**

Option 1: Immediate Purchase

Option 2: 15-Year Lease to Own

Cost:		Cost:	
Operations:	-	Operations:	5,227,886
Debt:		Debt:	
Principal	3,000,000	Principal	-
Less Borrowed CIP	(500,000)	Less Borrowed CIP	-
Interest	<u>800,000</u>	Interest	<u>-</u>
Total Debt:	3,300,000	Total Debt:	-
Total Cost:	3,300,000	Total Cost:	5,227,886

Charge in Total Millage

Charge in Total Millage

Year 1	0.15	Year 1	0.18
Year 2	0.15	Year 2	0.19
Year 3	0.14	Year 3	0.19
Year 4	0.14	Year 4	0.19
Year 5	0.14	Year 5	0.19
Year 6	0.13	Year 6	0.19
Year 7	0.13	Year 7	0.20
Year 8	0.13	Year 8	0.20
Year 9	0.12	Year 9	0.20
Year 10	0.12	Year 10	0.20
Year 11	0.11	Year 11	0.20
Year 12	0.11	Year 12	0.21
Year 13	0.11	Year 13	0.21
Year 14	0.10	Year 14	0.21
Year 15	<u>0.10</u>	Year 15	<u>0.21</u>
	1.88		2.98

Charge in Ops Millage

Charge in Ops Millage

Year 1	-	Year 1	0.18
Year 2	-	Year 2	0.19
Year 3	-	Year 3	0.19
Year 4	-	Year 4	0.19
Year 5	-	Year 5	0.19
Year 6	-	Year 6	0.19
Year 7	-	Year 7	0.20
Year 8	-	Year 8	0.20
Year 9	-	Year 9	0.20
Year 10	-	Year 10	0.20
Year 11	-	Year 11	0.20
Year 12	-	Year 12	0.21
Year 13	-	Year 13	0.21
Year 14	-	Year 14	0.21
Year 15	<u>-</u>	Year 15	<u>0.21</u>
	-		2.98

Charge in Debt Millage

Charge in Debt Millage

Year 1	0.15	Year 1	-
Year 2	0.15	Year 2	-
Year 3	0.14	Year 3	-
Year 4	0.14	Year 4	-
Year 5	0.14	Year 5	-
Year 6	0.13	Year 6	-
Year 7	0.13	Year 7	-
Year 8	0.13	Year 8	-
Year 9	0.12	Year 9	-
Year 10	0.12	Year 10	-
Year 11	0.11	Year 11	-
Year 12	0.11	Year 12	-
Year 13	0.11	Year 13	-
Year 14	0.10	Year 14	-
Year 15	<u>0.10</u>	Year 15	<u>-</u>
	1.88		-

Assumptions:

1. Mill Value Set at \$1,757,156
2. Borrowing Rate at 4% with Constant Principal Payments
3. CAM Fees Estimated at \$70,000 per Year (\$5,500 per Month Plus \$4,000 Annual True-Up)
4. The Ad Valorem Taxes on the Myrtle Park Facility Remain at \$40,022.31 per Year

**Beaufort County
Myrtle Park Return of Investment Analysis
as of February 8, 2012**

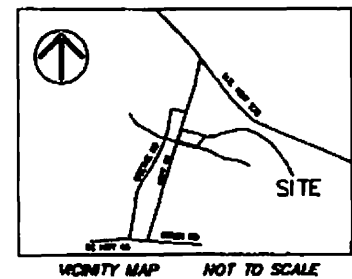
	<u>Option 1**</u>	<u>Option 1 Rolling Total</u>	<u>Current*</u>	<u>Current Rolling Total</u>
Year 1	993,941	993,941	322,681	322,681
Year 2	260,000	1,253,940	326,138	648,819
Year 3	253,334	1,507,274	329,647	978,466
Year 4	246,667	1,753,941	333,208	1,311,674
Year 5	240,000	1,993,940	336,823	1,648,497
Year 6	233,334	2,227,274	340,492	1,988,989
Year 7	226,667	2,453,941	344,216	2,333,205
Year 8	220,000	2,673,940	347,996	2,681,201
Year 9	213,334	2,887,274	351,833	3,033,034
Year 10	206,667	3,093,941	355,727	3,388,761
Year 11	200,000	3,293,940	359,680	3,748,441
Year 12	193,334	3,487,274	363,692	4,112,133
Year 13	186,667	3,673,941	367,764	4,479,897
Year 14	180,000	3,853,940	371,897	4,851,794
Year 15	<u>173,334</u>	<u>4,027,274</u>	<u>376,092</u>	<u>5,227,886</u>
	4,027,274		5,227,886	

Conclusion - By the end of year 8, a positive cost savings is realized with option 1 over the current option.

* - The current option includes leasing the Myrtle Park facility for 15 years at an increasing rate with the building and land being donated to the County at the end of the 15-year lease.

** - Option 1 includes the use of "Southern County Office Space" 2005 Bond CIP monies. Of the \$727,274 in available and budgeted CIP funds, \$500,000 will be used to offset the purchase price of \$3 million and the remaining \$227,274 will be used for improvements to the facility. The full \$727,274 will be considered to be expended in year 1 of this calculation. The remaining \$2.5 million of the purchase price is assumed to be borrowed on 15-year bonds at 4%.

5/24
10/10

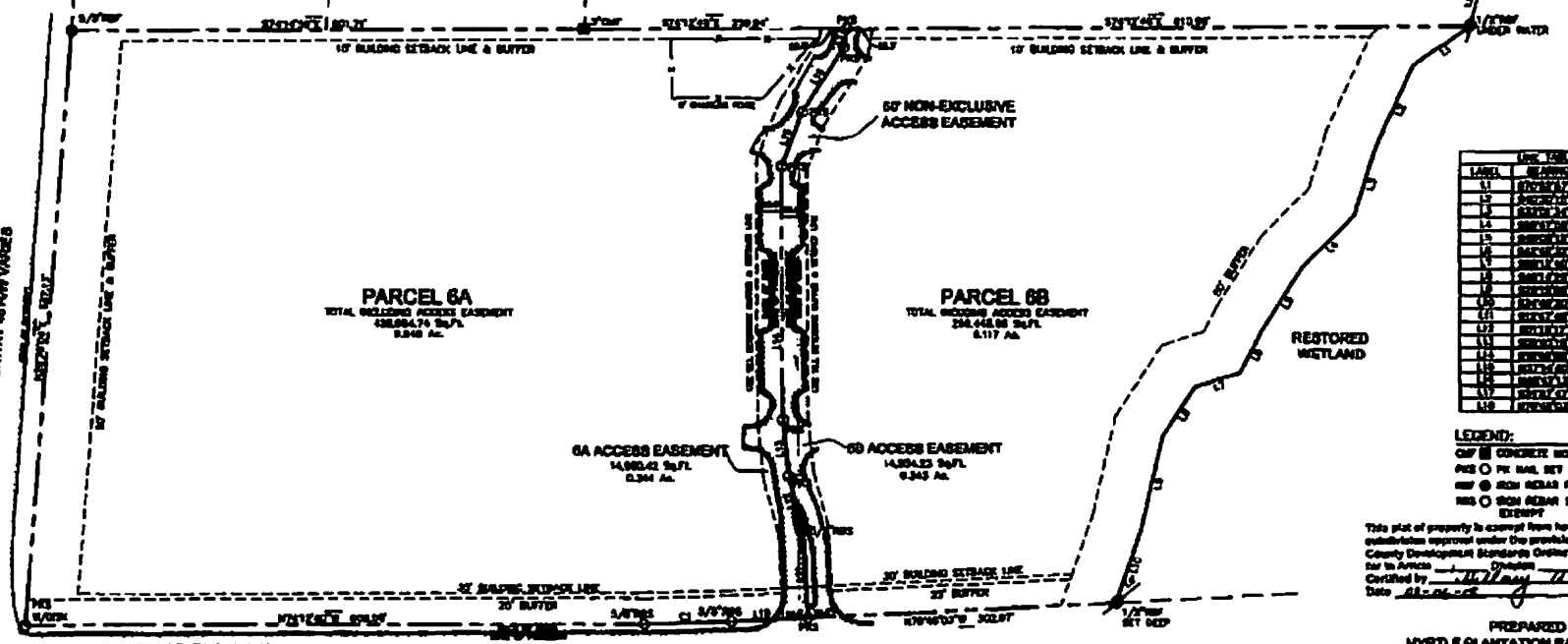


After Receiving Return to:
Credentia L&M Firm
P.O. Box 10
101 West Street, S.C. 29936
(803) 784-3333

N/F
PARS ORIENTAL BLDG INC
TAX PARCEL
R001 031 000 014 0000

N/F
MHO INVESTMENTS INC
TAX PARCEL
R001 031 000 0132 0000

N/F
LAMAR ASSOCIATED
TAX PARCEL
R001 031 000 0003 0000



LINE	NUMBER	DISTANCE
L1	200.0000	0.0000
L2	200.0000	0.0000
L3	200.0000	0.0000
L4	200.0000	0.0000
L5	200.0000	0.0000
L6	200.0000	0.0000
L7	200.0000	0.0000
L8	200.0000	0.0000
L9	200.0000	0.0000
L10	200.0000	0.0000
L11	200.0000	0.0000
L12	200.0000	0.0000
L13	200.0000	0.0000
L14	200.0000	0.0000
L15	200.0000	0.0000
L16	200.0000	0.0000
L17	200.0000	0.0000
L18	200.0000	0.0000
L19	200.0000	0.0000
L20	200.0000	0.0000

LEGEND:
 CIP = CONCRETE IMPROVEMENT FOUND
 PWS = P.W. MARK SET
 RWS = IRON REBAR FOUND
 RRS = IRON REBAR SET
 EXEMPT

This plat of property is exempt from having to obtain a subdivision approval under the provision of the Santeeville County Development Standards Ordinance as provided for in Section 10-10-100. Certified by *William H. Gentry* Date *03-06-2024*

PREPARED FOR:
MYRTLE PLANTATION PARTNERSHIP, LLC
A BOUNDARY SURVEY AND SUBDIVISION PLAT OF

PARCEL 6
TAX PARCEL NO.
R001 031 000 0003 0000
BLUFFTON
SALFORD COUNTY, SOUTH CAROLINA

ATLAS
SURVEYING & MAPPING, INC

48 BROWN'S CONE ROAD, SUITE 20
WISCONSIN, SC 29638
PHONE: (803) 646-8277
FAX: (803) 646-8277
E-MAIL: BOUNDARY@ATLASMAPPING.COM

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE AMERICAN ENGINEERING SOCIETY FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND SUBJECT TO CHOICES AND REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN.

William H. Gentry 4/1/24
WILLIAM H. GENTRY
S.C.P.L.S. No. 22744
MAY 14, 2024 EXPIRES



REFERENCE PLAT:
 1. A PLAT OF MYRTLE PLANTATION, A PORTION OF PARCEL 22, N. E. LAMAR TRACT.
 DATE: 03-08-2024
 BY: FORESTER F. BUSHNAGA, SR.
 S.C.P.L.S. No. 4923

NOTES:
 1. THIS PARCEL APPEARS TO BE IN FEDERAL FLOOD ZONE C, COMMUNITY GROUP MAP 0000-0.
 2. BUILDING SETBACK LINES AND BUFFERS PER REFERENCE PLAT.



SALFORD COUNTY SC - NOO
 WE CODED PG 0708
 FILE NUM 202404140
 07:00:00 14:00:00 AM
 HELD BY S BIRTH RIGHTS 00140
 RECORDED FEES 10.00



Memorandum

DATE: February 10, 2012
TO: County Council
FROM: Bryan Hill, Deputy County Administrator
SUBJECT: Deputy County Administrator's Progress Report

The following is a summary of activities that took place January 23, 2011 through February 10, 2012:

January 23, 2012 (Monday):

- Meet with Joshua Gruber, Staff Attorney and David Starkey, CFO
- Meet with Chuck Atkinson, Building Codes Director, Edra Stephens, Business License Director and Audra Antonacci, Codes Enforcement re: Organizational Structure
- Meet with Marsha Galyon, Animal Shelter
- Finance Committee Meeting
- County Council

January 24, 2012 (Tuesday):

- Meet with Hillary Austin, Zoning Director
- Meet with Gregg Hunt, Mosquito Control Director re: Presentation
- Meet with Joshua Gruber, Staff Attorney and David Coleman, Engineering re: DSN Issues
- Meet with Gary Kubic, County Administrator, Joshua Gruber, Staff Attorney and David Starkey, CFO re: Various Issues
- Visit Animal Shelter
- Meet with Suzanne Gregory, Employee Services and County Employee
- Meet with Alicia Holland, Controller re: Vendor Contract
- Public Facilities Committee Meeting

January 25, 2012 (Wednesday):

- Meet with Joe Penale, Pals Interim Director and Suzanne Gregory, Employee Services
- Prepare for Ipad Training
- Ipad Training

January 26, 2012 (Thursday):

- Meet with Alicia Holland, Controller
- Meet with Judge Rod Sproat, Magistrate Director
- Meet with Dan Morgan and Mike Devore, MIS

January 27, 2012 (Friday):

- PLD

January 30, 2012 (Monday):

- PLD

January 31, 2012 (Tuesday):

- DA Meeting
- Public Safety Director Meeting
- Meet with Chuck Atkinson, Building Codes Director
- Meet with Alicia Holland, Controller
- Meet with David Starkey, CFO

February 1, 2012 (Wednesday):

- Meet with Gary Kubic, County Administrator, Joshua Gruber, Staff Attorney, Tony Criscitiello, Planning Director, Robert McFee, Infrastructure & Engineering Director and Colin Kinton, Traffic Control Director re: Impact Fees for Dick's Sporting Goods
- Attend Hurricane Evacuation Study
- Meet with David Starkey, CFO re: Debt/Bond Refinancing
- Meet with Morris Campbell, Community Services Director, Wlodek Zaryczny, Director of Libraries and Mark Roseneau, Facilities Management re: Beaufort Library Parking Lot

February 2, 2012 (Thursday)--Bluffton:

- Meet with Scott Grooms re: Planning
- Meet with Scott Grooms at Bluffton High School to discuss Filming of Games
- Meet with Duffie Stone, Solicitor
- Work on Retreat Successes

February 3, 2012 (Friday):

- Attend DSN Dedication
- Meet with Dan Morgan, MIS Director, Mark Roseneau, Facilities Management and David Starkey, CFO re: Security Issues
- Attend Interview with Gary Kubic, County Administrator and Suzanne Gregory, Employee Services Director
- Attend Special Purpose Tax District Meeting

February 4, 2012 (Saturday):

- PALS - Work Clock and Book for 6 hours

February 6, 2012 (Monday):

- Meet with Robert McFee, Infrastructure & Engineering re: Huspah Creek Trestle Quotes
- Meet with David Starkey, CFO re: Processing of Payments and Change Orders
- Meet with Brian Hermann, Planning
- Finance Committee Meeting
- Natural Resources Committee Meeting
- Governmental Committee Meeting

February 7, 2012 (Tuesday):

- Visit to Animal Control Shelter
- Meet with Alicia Holland, Controller and David Starkey, CFO
- Meet with Suzanne Gregory, Employee Services
- Attend Daufuskie EMS Meeting
- Bluffton P.M. Hours

February 8, 2012 (Wednesday):

- Agenda Review
- Public Safety Grants Meeting with Alicia Holland, Controller and Missy Easler, Finance
- Tour South Beaufort County Convenience Centers with Jim Minor, Public Works

February 9, 2011 (Thursday):

- Attend Title VI Mandatory Training
- Work on Budget
- Meet with David Starkey, CFO

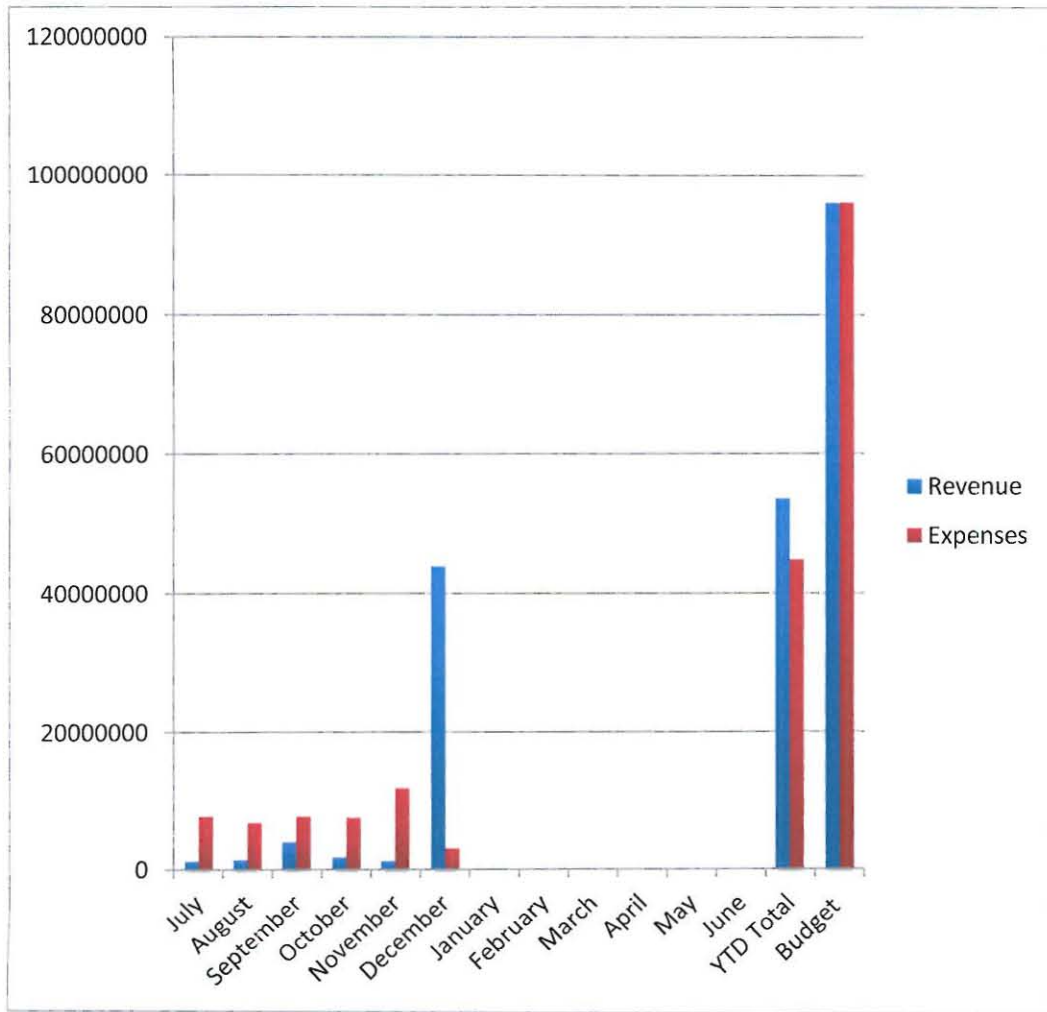
February 10, 2011 (Friday)--Bluffton:

- Bluffton Hours

Budget FY 2012 As of 2/9/2012				February 9th	Adopted	Budget	Revised		
Description		Organization	ORG	As of Dec 31st FY 2012	Actual to Date FY 2012	Budget FY 2012	Xfers/Adj FY 2012	Budget FY 2012	
		Taxes	41000	(44,509,416)	(66,937,605)	(72,130,243)	-	(72,130,243)	
		Licenses & Permits	42000	(839,940)	(974,558)	(2,567,500)	(600)	(2,568,100)	
		Intergovernmental	43000	(2,778,127)	(2,948,114)	(7,422,875)	92,285	(7,330,590)	
		Charges for Services	44000	(4,226,674)	(5,649,977)	(11,226,774)	(14,950)	(11,241,724)	
		Fines & Forfeitures	45000	(390,865)	(427,339)	(953,000)	(7,200)	(960,200)	
		Interest	46000	(91,725)	(110,774)	(141,000)	(550)	(141,550)	
		Miscellaneous	47000	(210,371)	(279,067)	(705,600)	(78,985)	(784,585)	
		Other Financing Sources	48000	(601,665)	(784,998)	(1,156,500)	-	(1,156,500)	
		General Fund Revenue		(53,648,783)	(78,112,432)	(96,303,492)	(10,000)	(96,313,492)	
General	Newton	Elected	COUNTY COUNCIL	11000	286,805	366,135	623,982	-	623,982
General	Burriss	Elected	AUDITOR	11010	252,616	301,447	623,510	-	623,510
General	Henderson	Elected	TREASURER	11020	406,646	399,748	645,070	-	645,070
General	Henderson	Elected	TREASURER TAX BILLS & CC FEES	11021	97,245	97,245	481,000	-	481,000
General	Roseneau	Elected	CLERK OF COURT	11030	405,172	468,694	831,574	-	831,574
General	Roseneau	Elected	FAMILY COURT	11031	122,246	141,721	249,668	-	249,668
General	Simon	Elected	PROBATE COURT	11040	366,082	434,833	756,659	-	756,659
General	Allen	Elected	CORONER	11060	169,377	192,365	391,938	-	391,938
General	Smith	State	HILTON HEAD MAGISTRATE	11100	-	-	-	-	-
General	Smith	State	BEAUFORT MAGISTRATE	11101	354,684	423,906	606,062	-	606,062
General	Smith	State	BLUFFTON MAGISTRATE	11102	199,851	241,204	401,125	-	401,125
General	Smith	State	SHELDON MAGISTRATE	11103	33,328	39,621	66,618	-	66,618
General	Smith	State	ST HELENA MAGISTRATE	11104	40,069	45,515	82,508	-	82,508
General	Smith	State	MAGISTRATE BOND COURT	11105	46,838	55,159	90,681	-	90,681
General	Smith	State	MAGISTRATE AT-LARGE	11106	61,020	72,740	101,058	-	101,058
General	Dukes	State	MASTER IN EQUITY	11110	144,432	171,604	295,937	-	295,937
General	Allocation	Allocation	GEN GOVT DIRECT SUBSIDIES	11199	489,170	570,698	1,128,340	-	1,128,340
General	Admin	Admin	COUNTY ADMINISTRATOR	12000	290,280	330,075	567,747	-	567,747
General	Planning	Admin	HOUSING	12003	-	-	-	-	-
General	Admin	Admin	PUBLIC INFORMATION OFFICER	12005	42,341	50,132	85,218	-	85,218
General	Admin	Admin	BROADCAST SERVICES	12006	98,165	122,285	221,467	-	221,467
General	Admin	Admin	STAFF ATTORNEY	12010	324,518	372,134	497,661	-	497,661
General	Finance	Admin	INTERNAL AUDITOR	12015	28,453	33,324	66,091	-	66,091
General	Hood	State	PUBLIC DEFENDER	12020	-	-	-	-	-
General	Communit	Admin	VOTER REGISTRATION/ELECTIONS	12030	271,851	380,750	598,260	-	598,260
General	Communit	Admin	ELECTION WORKERS	12031	820	940	-	-	-
General	Real	Admin	ASSESSOR	12040	881,426	1,038,424	2,053,520	-	2,053,520
General	Real	Admin	ASSESSOR	12041	-	-	-	-	-
General	Real	Admin	REGISTER OF DEEDS	12050	251,359	285,651	469,563	-	469,563
General	Finance	Admin	RISK MANAGEMENT	12060	44,887	53,921	96,495	-	96,495
General	Delegation	State	LEGISLATIVE DELEGATION	12080	33,653	40,516	67,535	-	67,535
General	Planning	Admin	ZONING & DEVELOPMENT ADM	13330	102,402	117,460	204,643	-	204,643
General	Planning	Admin	PLANNING	13340	355,182	421,362	696,539	-	696,539
General	Planning	Admin	COMPREHENSIVE PLAN	13341	81,972	82,972	126,475	-	126,475
General	MIS	Admin	AUTOMATED MAPPING/GIS	13350	168,015	194,591	407,316	-	407,316
General	Communit	Admin	DIRECTOR OF COMMUNITY SERVICES	14000	65,439	75,098	127,785	-	127,785
General	Admin	Admin	STAFF SERVICES	14010	152,141	186,474	353,193	-	353,193
General	Employee	Admin	EMPLOYEE SERVICES	14020	466,661	508,449	872,760	-	872,760
General	MIS	Admin	RECORDS MANAGEMENT	14030	106,701	150,311	208,385	-	208,385
General	Finance	Admin	FINANCE DEPARTMENT	15010	308,107	361,633	593,166	-	593,166
General	Finance	Admin	PURCHASING	15040	118,891	139,045	235,383	-	235,383
General	Finance	Admin	BUSINESS LICENSES	15050	27,505	31,213	97,537	-	97,537
General	MIS	Admin	MANAGEMENT INFORMATION SYSTEMS	15060	1,100,184	1,203,932	2,360,307	-	2,360,307
General	MIS	Admin	MANAGEMENT INFORMATION SYSTEMS	15061	-	-	-	-	-

Budget FY 2012				February 9th	Adopted	Budget	Revised
As of 2/9/2012				As of Dec 31st	Actual to Date	Budget	Budget
Description	Organization	ORG	FY 2012	FY 2012	FY 2012	FY 2012	FY 2012
General Engineerin Admin	DIRECTOR OF PUBLIC SERVICES	17000	104,825	124,918	205,382	-	205,382
General Fringe Fringe	GENERAL GOVT BENEFITS POOL	19199	1,067,904	1,435,994	2,177,360	-	2,177,360
Public Safe Tanner Elected	SHERIFF	21050	-	149	-	-	-
Public Safe Tanner Elected	SHERIFF	21051	3,058,102	3,611,539	6,567,860	(22,097)	6,545,763
Public Safe Tanner Elected	SHERIFF	21052	5,396,422	6,275,941	10,655,494	-	10,655,494
Public Safe Tanner Elected	SHERIFF	21053	322,258	359,726	555,457	-	555,457
Public Safe Tanner Elected	SHERIFF	21054	-	-	-	-	-
Public Safe Tanner Elected	SHERIFF	21055	553,910	662,771	1,302,274	-	1,302,274
Public Safe Public Safe Admin	EMERGENCY MANAGEMENT	23140	241,211	276,365	440,327	-	440,327
Public Safe Public Safe Admin	EMERGENCY MANAGEMENT	23141	-	-	-	-	-
Public Safe Public Safe Admin	EMERGENCY MANAGEMENT	23142	72,747	72,801	91,586	-	91,586
Public Safe Public Safe Admin	EMERGENCY MANAGEMENT - Comm	23150	2,446,834	2,701,830	4,602,211	-	4,602,211
Public Safe Public Safe Admin	EMERGENCY MANAGEMENT - DATA	23155	284,896	334,415	692,857	-	692,857
Public Safe Public Safe Admin	EMERGENCY MEDICAL SERVICE	23160	2,515,851	2,959,656	4,898,239	-	4,898,239
Public Safe Public Safe Admin	DETENTION CENTER	23170	2,582,738	3,032,302	5,433,000	-	5,433,000
Public Safe Public Safe Admin	TRAFFIC - Signal Management	23322	114,541	153,582	307,314	-	307,314
Public Safe Public Safe Admin	TRAFFIC - Signal Management	23323	83,219	84,409	116,000	10,000	126,000
Public Safe Public Safe Admin	BUILDING CODES	23360	336,802	401,603	624,837	-	624,837
Public Safe Public Safe Admin	BUILDING CODES ENFORCEMENT	23361	96,391	111,233	219,393	-	219,393
Public Safe Fringe Fringe	PUBLIC SAFETY BENEFITS POOL	29299	2,489,163	3,405,490	5,372,376	-	5,372,376
Public Wor Engineerin Admin	FACILITIES MANAGEMENT	33020	876,540	1,005,956	2,055,403	-	2,055,403
Public Wor Engineerin Admin	BUILDINGS MAINTENANCE	33030	534,447	605,300	1,061,572	-	1,061,572
Public Wor Engineerin Admin	GROUPS MAINTENANCE - NORTH	33040	591,452	664,522	1,759,275	-	1,759,275
Public Wor Engineerin Admin	GROUPS MAINTENANCE - SOUTH	33042	303,061	353,309	-	-	-
Public Wor Engineerin Admin	PUBLIC WORKS GEN SUPPORT	33300	342,420	390,516	709,671	-	709,671
Public Wor Engineerin Admin	ROADS/DRAINAGE - NORTH	33301	396,472	444,643	801,181	-	801,181
Public Wor Engineerin Admin	ROADS/DRAINAGE - SOUTH	33302	222,312	253,725	539,706	-	539,706
Public Wor Engineerin Admin	PUBLIC WORKS ADMINISTRATION	33305	134,862	159,224	248,018	-	248,018
Public Wor Engineerin Admin	ENGINEERING	33320	123,666	144,355	338,283	-	338,283
Public Wor Engineerin Admin	SWR ADMINISTRATION	33390	2,095,270	2,155,285	4,744,454	-	4,744,454
Public Wor Engineerin Admin	SWR	33391	-	-	-	-	-
Public Wor Engineerin Admin	SWR	33392	-	-	-	-	-
Public Wor Engineerin Admin	SWR HILTON HEAD	33393	50,057	59,724	100,693	-	100,693
Public Wor Engineerin Admin	SWR BLUFFTON	33394	75,772	88,696	145,790	-	145,790
Public Wor Engineerin Admin	SWR BURTON	33395	71,116	85,326	177,521	-	177,521
Public Wor Engineerin Admin	SWR DAUFUSKIE	33396	-	-	49,356	-	49,356
Public Wor Engineerin Admin	SWR ST HELENA	33397	68,475	83,118	163,455	-	163,455
Public Wor Engineerin Admin	SWR SHELDON	33398	52,143	61,802	101,993	-	101,993
Public Wor Engineerin Fringe	PUBLIC WORKS BENEFITS POOL	39399	653,142	895,198	1,429,893	-	1,429,893
Public Heal Public Safe Admin	ANIMAL SHELTER & CONTROL	43180	433,525	490,331	774,061	-	774,061
Public Heal Public Safe Admin	MOSQUITO CONTROL	43190	510,333	603,356	1,091,325	-	1,091,325
Public Heal Admin Admin	ENVIRONMENTAL SCIENCE	43195	-	-	-	-	-
Public Heal Communit Allocation	PUBLIC HEALTH DIRECT SUBSIDIES	44199	1,114,880	1,298,628	1,800,511	105,000	1,905,511
Public Heal Fringe Fringe	PUBLIC HEALTH BENEFITS POOL	49499	147,128	202,194	325,265	-	325,265
Public Well Communit Admin	VETERANS AFFAIRS	54050	71,104	84,071	143,034	-	143,034
Public Well Communit State	DEPT OF SOCIAL SERVICES	54060	60,655	70,997	195,700	-	195,700
Public Well Communit Allocation	PUBLIC WELFARE DIRECT SUBSIDIES	54299	207,127	194,680	540,000	(105,000)	435,000
Public Well Engineerin Fringe	PUBLIC WELFARE BENEFITS POOL	59599	14,452	19,467	29,572	-	29,572
Cultural Communit Admin	PALS CENTRAL ADMINISTRATION	63310	121,694	145,951	264,628	20,000	284,628
Cultural Communit Admin	PALS SUMMER PROGRAM	63311	94,416	94,416	120,450	-	120,450
Cultural Communit Admin	PALS AQUATICS PROGRAM	63312	506,678	592,509	924,044	-	924,044
Cultural Communit Admin	PALS HILTON HEAD PROGRAMS	63313	40,068	60,068	80,000	-	80,000
Cultural Communit Admin	PALS BLUFFTON PROGRAMS	63314	67,911	75,087	145,500	-	145,500
Cultural Communit Admin	PALS ATHLETIC PROGRAMS	63316	389,588	440,930	917,492	(36,073)	881,419
Cultural Communit Admin	PALS RECREATION CENTERS	63317	309,599	357,547	717,584	16,073	733,657

Budget FY 2012				February 9th	Adopted	Budget	Revised	
As of 2/9/2012				As of Dec 31st	Actual to Date	Budget	Budget	
Description	Organization	ORG	FY 2012	FY 2012	FY 2012	FY 2012	FY 2012	
Cultural	Communit Admin	LIBRARY ADMINISTRATION	64070	314,198	369,853	651,166	5,500	656,666
Cultural	Communit Admin	LIBRARY BEAUFORT BRANCH	64071	244,214	290,130	512,347	100	512,447
Cultural	Communit Admin	LIBRARY BLUFFTON BRANCH	64072	225,417	266,767	509,272	(1,500)	507,772
Cultural	Communit Admin	LIBRARY HILTON HEAD BRANCH	64073	279,469	326,630	572,403	(2,250)	570,153
Cultural	Communit Admin	LIBRARY LOBECO BRANCH	64074	62,228	73,334	128,087	(750)	127,337
Cultural	Communit Admin	LIBRARY ST HELENA BRANCH	64075	45,751	54,414	91,919	-	91,919
Cultural	Communit Admin	LIBRARY	64076	-	-	-	-	-
Cultural	Communit Admin	LIBRARY TECHNICAL SERVICES	64078	248,502	272,477	579,194	-	579,194
Cultural	Communit Admin	LIBRARY SC ROOM	64079	49,435	57,993	99,178	(1,100)	98,078
Cultural	Communit Fringe	CULTURAL & RECRE BENEFITS POOL	69699	404,465	545,502	834,815	-	834,815
General Fund Expenditures				43,118,392	50,646,082	89,118,554	(12,097)	89,106,457
Transfers	Allocation Allocation	GENERAL FUND XFERS OUT	99100					
		Miscellaneous Grant		-	-	-	-	-
		Daufuskie Ferry		50,000	66,667	100,000	-	100,000
		EMS Grants		3,000	4,000	6,000	-	6,000
		Real Property		-	-	333,859	-	333,859
		DSN Programs Fund		679,750	906,333	1,359,500	-	1,359,500
		A&D Programs Fund		149,844	199,791	299,687	-	299,687
		DNA Laboratory		-	-	-	-	-
		Victims Assistance		53,817	71,757	107,635	-	107,635
		School Resource Officer		66,726	88,967	133,451	-	133,451
		Sheriff Grant		2,403	3,204	4,806	-	4,806
		DNA Grant Fund		22,097	22,097	-	22,097	22,097
		COSY Program		70,000	93,333	140,000	-	140,000
		Debt Service Fund		-	-	400,000	-	400,000
		LI Airport		-	-	-	-	-
		HHI Airport		-	-	-	-	-
		Public Defender		150,000	200,000	300,000	-	300,000
		Total General Fund Transfers Out		1,247,637	1,658,621	3,184,938	22,097	3,207,035
Education	Education Education	Education Allocation	64399	666,667	1,333,333	4,000,000	-	4,000,000



Charles R. Atkinson

catkinson@iccsafe.org; Work (888) 422-7233 Ext. 7532; Cellular (843) 597-9091
56 White Pond Blvd. Beaufort, SC 29902

Summary

Government industry leader with over fourteen years of progressive management experience. Solid business and government services background with extensive knowledge of local, state, and federal building/planning/zoning regulations and requirements. Highly motivated team leader with a track record of success. Resourceful problem solver who places a premium on customer service as well as building lasting relationships with professional contacts.

Experience

International Code Council, Chicago, IL 2008 to Current

Manager of Instructional Quality:

Lead and manage all aspects of ICC's 186 member instructor cadre. Make executive level decisions concerning instructor appointment and appropriate usage. Coordinate course oversight with instructors who act as subject matter experts and curriculum development staff. This includes content quality, accuracy, usability, technical reliability, and consistency. Course curriculum includes subjects such as: International Building / Plumbing/ Mechanical Codes, Ordinance Writing, Code Administration, Credibility, Ethics, Green Building and Sustainability Concepts, Land Use Planning, and Zoning. Goals are achieved through personal and web-based interaction and follow-up with our chapter/membership base. Instructor performance evaluations are also reviewed to insure that the services we offer are of exceptional quality and relevance. Work extensively with ICC membership and chapter leaders to ensure that their specific educational needs are understood by ICC instructors and met in the classroom.

Florence County, Florence, SC 2006 to 2008

Director of Building Codes (Building Official):

Supervise and lead a staff of inspectors, plans examiners, administrative assistants, and three supervisors. Make executive level decisions concerning all areas of the community development and planning process. Work extensively with Florence County Economic Development staff to secure relationships with companies such as QVC, FedEx, Johnson Control, and H.J. Heinz. This includes land and utilities planning, design review, historic and environmental preservation, budget analysis, codes enforcement, and project/plan review. Ensure that all staff members are well trained and prepared to serve the citizens of Florence County on a daily basis. Florence County is unique in the fact that all municipalities (nine) within its borders contract with the county building, zoning, and planning departments for these services. Additional duties include budget management, public relations, and ordinance writing and review.

- Maintains a high level of motivation and productivity from employees.
- Encourages and facilitates employee career development.
- Skilled in determining departmental needs through needs and task analysis.

Town of Port Royal, Port Royal, SC 2005 to 2006

Building Inspector:

Participate in all aspects of the Building Inspection Department. Provide input concerning all areas of the community development process. This includes utilities planning, project review, historic preservation, codes enforcement, and on-site inspections.

- Served as governmental representative to the Beaufort County Disaster Recovery Committee.
- Participated in the development and implementation of Town Ordinances used to regulate construction.
- Identified new methods for cutting operating costs while increasing services to the Town's citizens.

Beaufort County Government, Beaufort, SC 2003 to 2005

Chief Plans Examiner:

Managed all aspects of the commercial project review process. Managed the design and development of the process that ensures all permitted projects within Beaufort County meet or exceed local, state, and federal building requirements. Streamlined staffing requirements by re-allocating task responsibilities and rewriting relevant job descriptions in the department. Met with contractors, architects, and engineers on a daily basis to resolve design criteria errors in an effort to improve the compliance level of each project.

Beaufort County Government, Beaufort, SC 2002 to 2003

Chief Building Inspector:

Lead team of inspectors in performing on-site compliance inspections at all phases of the construction process. Referenced written plans and specification as well as applicable building codes in the performance of this duty.

- Consistently able to obtain high productivity from employees.
- Skilled in determining program needs through task analysis.
- Comfortable motivating and supervising culturally diverse work forces.

Atkinson Construction Company, Beaufort, SC 1995 to 2002

Construction Project Manager:

Managed all aspects of the construction process. (Both residential and commercial)

- Planned and organized numerous projects.
- Modified time lines and work schedules according to company needs.
- Expertise in management, training, development, negotiation and budgeting.
- Extensive budgetary and purchasing experience.

U.S. Navy, Norfolk, VA 1991 to 1995

Air Traffic Controller:

FAA Certified Air Traffic Controller. Served in the first Gulf War aboard multiple navy carriers and honorably discharged upon successful completion of obligated service.

Education

Webster University, Naval Hospital Beaufort, SC 12/2006
M.A., Management
GPA: 3.85

Excelsior College, Albany, NY 5/1999
B.S., PSYC/HIST (Liberal Studies)
GPA: 3.92

Volunteer

- Beaufort County Parks and Leisure Services Board (Finance Chairman) 97'-99'
- Habitat for Humanity
- United Way

Skills

- Budgeting -- Capital and Operating
- Project Planning, Staffing, and Management
- Policy and Procedure Development
- Customer Service and Employee Retention

Training

FEMA Emergency Management Institute. Subject: National Flood Insurance Program / CRS
International Codes Council - Subject: Building Codes Management

Licenses

International Codes Council: Certified Building Official / Commercial and Residential Inspector
State of South Carolina Residential Home Builder
Certificated Private Pilot

Veterans Preference: Eligible

ORDINANCE NO. 2012/ ____

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF A NOT TO EXCEED \$6,000,000 GENERAL OBLIGATION BOND, SERIES 2012B, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF BEAUFORT COUNTY, SOUTH CAROLINA; FIXING THE FORM AND DETAILS OF THE BOND; AUTHORIZING THE COUNTY ADMINISTRATOR TO PRESCRIBE CERTAIN MATTERS RELATING TO THE BOND; PROVIDING FOR THE PAYMENT OF THE BOND AND 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 "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 incorporated municipality 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 may be incurred only for a public and corporate purpose in an amount not exceeding eight percent of the assessed value of all taxable property of such incorporated municipality.

(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. Thus, the County may incur \$52,519,314 of additional general obligation debt within its applicable debt limitation.

(f) It is now in the best interest of the County for the Council to provide for the issuance and sale of a not exceeding \$6,000,000 principal amount general obligation bond of the County, the proceeds of which will be used to construct and equip the St. Helena Island Branch Library to be located on property leased from the Penn Center in the vicinity of Penn Center Road, St. Helena Island, South Carolina.

(g) Pursuant to the terms and conditions of Letter of Conditions addressed to the County dated September 24, 2010, and a Loan Resolution adopted by the County Council on December 13, 2010, the County Administrator has heretofore executed the necessary documents, including the Loan Resolution, to sell the Bond to The United States of America, acting through the United States Department of Agriculture (the "Federal Government") and the County Council authorized such actions pursuant to Ordinance No. 2010/25 duly enacted on December 13, 2010.

SECTION 2. Authorization and Details of Bond. Pursuant to the aforesaid provisions of the Constitution and laws of the State, there is hereby authorized to be issued a not to exceed \$6,000,000 general obligation bond of the County to be designated "\$6,000,000 (or such lesser amount issued) General Obligation Bond of Beaufort County," (the "Bond") for the purpose stated in Section 1(f) of this Ordinance.

The Bond shall be issued in fully registered form, shall be registered as to principal and interest in the name of the Federal Government; shall be dated as of the date of its delivery; shall be in the denomination of its par amount; shall be payable by electronic debit through the preauthorized debit payment process to the Area Office of Rural Development of the United States Department of Agriculture ("Rural Development") in Walterboro, South Carolina, or at such other place or to such other fiscal agent as the Federal Government shall designate; and shall bear interest from its date at the rate of not to exceed four percent (4%) per annum.

The County shall have the option to prepay the Bond in whole or in part at any time prior to maturity without penalty.

The Bond 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 signature of the Clerk to County Council under the seal of the County to be impressed or affixed thereon.

SECTION 3. Form of Bond. The Bond and the provisions for registration to be endorsed thereon shall be in substantially the form attached hereto as Exhibit A and incorporated herein by reference.

SECTION 4. Security for the Bond. 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 Bond as they respectively mature, and for the creation of such sinking fund as may be necessary therefor. The County Auditor and the County Treasurer shall be notified as to the delivery and payment of the Bond and is hereby directed to levy and collect annually, on all taxable property in the County, an ad valorem tax, without limitation as to rate or amount, sufficient to pay the principal of and interest on the Bond as they respectively mature and to create such sinking fund as may be necessary therefor.

SECTION 5. 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 and is canceled or subject to cancellation by the County; 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:

- (i) 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;
- (ii) non-callable, U. S. Treasury Securities - State and Local Government Series (“SLGS”); and
- (iii) general obligation bonds of the State, its institutions, agencies, school districts and political subdivisions.

SECTION 6. Notice of Initiative and Referendum; Notice of Private Sale. The Council hereby delegates to the Mayor 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 5, Chapter 17 of the Code shall be given with respect to this Ordinance and any and all other notices required by law including the Notice of Private Sale required by Section 11-27-40, Code of Laws of South Carolina 1976, as amended. If said Notice is given, the Mayor is authorized to prescribe the form of the Notice and cause such Notice to be published in a newspaper of general circulation in the County, such notice in the form attached hereto as Exhibit B.

SECTION 7. Exemption from State Taxes. Both the principal of and interest on the Bond shall be exempt, in accordance with the provisions of Section 12-2-50 of the South Carolina Code, from all State, county, municipal, school district, 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 8. Deposit and Use of Proceeds. The proceeds derived from the sale of the Bond shall be disbursed by Rural Development at such time and from time to time as it is requested to do so by the County pursuant to a requisition for same.

SECTION 9. 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 10. Filings with Central Repository. In compliance with Section 11-1-85 of the South Carolina Code, the County covenants that it will file or cause to be filed with a central repository for further availability in the secondary bond market when requested: (a) a copy of the annual audit of the County within thirty (30) days of the County's receipt thereof; and (b) within thirty (30) days of the occurrence thereof, relevant information of an event which, in the opinion of the County, adversely affects more than five (5%) of the County's revenue or its tax base.

SECTION 11. 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 in connection with the issuance of the Bonds. The County Administrator is authorized to execute such contracts, documents or engagement letters with such parties as may be necessary and appropriate.

SECTION 12. Repeal of Conflicting Ordinances. All orders, resolutions, ordinances and parts thereof, procedural or otherwise, in conflict herewith or the proceedings authorizing the issuance of the Bond are, to the extent of such conflict, hereby repealed and this Ordinance shall take effect and be in full force from and after its passage and approval.

SECTION 13. Codification. This Ordinance shall be forthwith codified in the Code of County Ordinances in the manner required by law.

Enacted this ____ day of _____, 2012.

BEAUFORT COUNTY, SOUTH CAROLINA

Chair, County Council

(SEAL)

ATTEST:

Clerk, County Council

First Reading: January 23, 2012

Second Reading:

Public Hearing:

Third and Final Reading:

(FORM OF BOND)

UNITED STATES OF AMERICA
STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT
GENERAL OBLIGATION BOND
SERIES 2012B

\$ _____

For value received, Beaufort County, South Carolina (the "County") hereby promises to pay to The United States of America, acting through the United States Department of Agriculture (the "Federal Government"), or its registered assigns, the aggregate principal sum of _____ Dollars (\$ _____). Interest shall accrue on such principal from the date hereof at the rate of _____ percent (_____%) per annum, and the County hereby promises to pay interest on the principal amount hereof from time to time unpaid. Equal annual installments of principal and interest on this Bond in the amount of _____ (\$ _____) shall be payable commencing one year after its delivery date and continuing on the same day of each year thereafter, until this Bond is paid. Such installments shall be applied first to the payment of interest on the principal amount hereof from time to time unpaid and then to the payment of principal as a principal installment hereon; provided that the final payment, if not sooner paid, shall be due and payable 40 years from the date hereof and shall be an amount equal only to the principal amount hereof then unpaid plus the interest accrued thereon to the date of such final payment, notwithstanding that such amount is more or less than \$ _____

Both the principal of and the interest on this Bond shall be paid by electronic debit through the preauthorized debit payment process to the registered owner hereof. Payment and prepayment of the principal installments and interest due hereon shall be payable to the Federal Government at the Area Office of Rural Development of the United States Department of Agriculture ("Rural Development") in Walterboro, South Carolina, or at such other place or to such other fiscal agent as the Federal Government shall designate, and, except for the final payment of the principal hereof, shall be made without presentation and surrender by the Federal Government of this Bond. Such payment and prepayment shall fully discharge the obligation of the County to the extent of the payments and prepayments so made.

The County reserves the right to redeem this Bond at its option in whole at any time or in part at any time and from time to time, provided, however, that any such payment of principal upon redemption shall be accompanied by the interest accrued on the Bond to the date fixed for redemption. There shall be no premium paid by the County upon any redemption of this Bond.

For the payment hereof, both principal and interest, as they respectively mature; and for the creation of a sinking fund to aid in the retirement and payment thereof the full faith, credit and taxing power of the County are irrevocably pledged, and there shall be levied and collected, annually upon all taxable property in the County an ad valorem tax, without limitation as to rate or amount, sufficient for such purposes.

This Bond is issued pursuant to and in accordance with the constitution of the laws of the state of South Carolina, including Article X, Section 14 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 on _____, 2012, by the County Council of the County for the purpose of authorizing the issuance and sale of a not to exceed \$60,000,000 general obligation bond.

The County hereby certifies that it is unable to obtain sufficient credit elsewhere to finance its actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in or near its community for loans for similar purposes and periods of time.

If at any time it shall appear to the Federal Government that the County may be able to obtain a loan from a reasonable cooperative or private credit source at reasonable rates and terms for loans for similar purposes and periods of time, the County will, at the Federal Government's request, apply for and accept such loan in sufficient amount to repay the Federal Government.

This Bond is given as evidence of a loan to the County made by the Federal Government pursuant to the Consolidated Farm and Rural Development Act and shall be subject to the present regulations of the Federal Government and to its future regulations not inconsistent with the express provisions hereof.

This Bond and the interest hereon are exempt from all State, county, municipal, school district and all other taxes or assessments, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, except inheritance, estate or transfer taxes.

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 annually upon all taxable property in the County an ad valorem tax, without limitation as to rate or amount, sufficient to pay the principal and interest on this Bond as the same shall respectively mature and to create a sinking fund to aid in the retirement and payment thereof.

IN WITNESS WHEREOF, BEAUFORT OUNTY, SOUTH CAROLINA, has caused this Bond to be executed in its name by the manual or facsimile signature of the Mayor and attested by the manual or facsimile signature of the County Clerk under the seal of the County impressed, imprinted or reproduced hereon and this Bond to be dated the _____ day of _____, 2012.

BEAUFORT COUNTY, SOUTH CAROLINA

Chairman of County Council

(SEAL)

ATTEST:

Clerk of County Council

REGISTRATION

This Bond has been registered in the name of The United States of America on the registration books kept by the Treasurer of Beaufort County, South Carolina.

Dated this ____ day of _____, 2012.

Treasurer, Beaufort County, South Carolina

ASSIGNMENT

For value received _____ hereby sells, assigns and transfers unto _____ the within-mentioned Bond and hereby irrevocably constitutes and appoints _____, Attorney, to transfer the same on the books of registration in the office of the County Treasurer with full power of substitution in the premises.

By _____

Dated: _____

Witness: _____

NOTE: The signature to this assignment must correspond with the name as written on the face of the within Bond in every particular, without alteration, enlargement or any change whatsoever.

CERTIFICATE OF ADVANCES

The County has received the following amounts of moneys in payment for this Bond.

<u>Date of Payment</u>	<u>Amount of Payment</u>	<u>Signature of Authorized Officer</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

NOTICE

NOTICE IS HEREBY GIVEN that the County Council (the "County Council") of Beaufort County, South Carolina (the "County"), on _____ enacted Ordinance No. 2012/___ entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF A NOT TO EXCEED \$6,000,000 GENERAL OBLIGATION BOND, SERIES 2012B, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF BEAUFORT COUNTY, SOUTH CAROLINA; FIXING THE FORM AND DETAILS OF THE BOND; AUTHORIZING THE COUNTY ADMINISTRATOR TO PRESCRIBE CERTAIN MATTERS RELATING TO THE BOND; PROVIDING FOR THE PAYMENT OF THE BOND AND DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO" (the "Ordinance"). The Ordinance authorized the issuance and sale of a not to exceed \$6,000,000 General Obligation Bond (the "Bond") of the County.

NOTICE is further given that the Bond will be sold to The United States of America, acting through the United States Department of Agriculture at a purchase price of \$ _____; will bear interest at the rate of _____% per annum; will be dated as of the date of its delivery; and will mature in forty (40) annual installments of principal and interest of \$ _____ beginning _____.

The proceeds of the Bond will be used to construct and equip the St. Helena Island Branch Library to be located on property leased from the Penn Center in the vicinity of Penn Center Road, St. Helena Island, South Carolina.

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 5-17-10 to 5-17-30, 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.

BEAUFORT COUNTY, SOUTH CAROLINA

Debris Management Planning and Debris Operations



Phases of Debris Removal

*Initial clearance necessary to eliminate life
and safety threats*

*Debris removal begins when initial clearance
is complete and is one of the first steps
required for recovery*

Debris Types

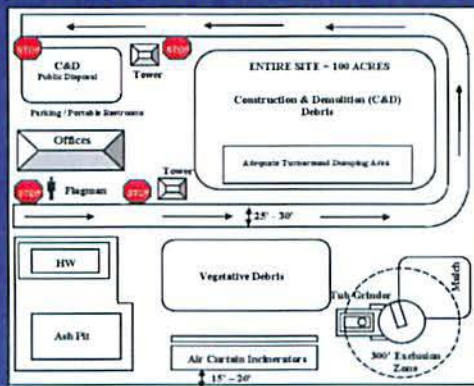
- ▣ Vegetative
- ▣ C&D- Construction and Demolition
- ▣ Mixed (both vegetative and C&D "mixed")
- ▣ Hazardous waste
- ▣ White goods

Beaufort County Debris Estimate

- A Category 3 hurricane generates:

3,260,000 cubic yards of debris

DEBRIS MANAGEMENT SITE TYPICAL LAYOUT



Debris Management Site (DMS)

- ▣ Choose before disaster
- ▣ Environmental studies of site
- ▣ Permits
- ▣ DMS management plan
- ▣ DMS site restoration-

Debris Reduction

- Chipping/grinding
 - Typically tub grinders
 - 4:1 reduction (75% reduction)
- Burning
 - Air curtain pit incineration
 - 20:1 reduction (95% reduction)
 - Open burning
 - Uncontrolled
 - Controlled

Tub Grinder



Air Curtain Burning



Debris Disposal

- Landfill
 - Must be properly permitted
 - Can not charge above their normal charges because of the disaster
- Others locations
 - Assure debris is handled properly and disposal meets environmental and FEMA requirements
 - Ultimately, you are responsible for your debris
 - Monitor all contractors' work
 - Document all work where requesting FEMA funding

Debris Management Eligibility and Documentation

- Eligibility

- Funds are available through FEMA's Public Assistance grant program to reimburse Applicants for eligible expenses incurred in performing disaster-related debris management operations. Determination of eligibility is a FEMA responsibility

Debris Management Eligibility and Documentation

- Debris on private property generally is not eligible for funding under the Public Assistance Program.
- Under extenuating circumstances, FEMA may approve removal of debris from private property on a case-by-case basis.

Most Likely Scenario

- Storm Hits

- County Public Works Debris teams and/or County Debris Contractor will perform initial road clearance on public and private roads following a debris generating event to restore access by emergency services.

- FEMA debris specialists staff will visit the area and make determination of eligible private communities on a case by case basis.

- If damage is minor FEMA will pick and choose what private communities/roads are approved. If damage is widespread, FEMA will likely provide blanket approval.

- *No guarantees*, but recent history is favorable.

Staff Recommendation

- County Public Works Debris teams and/or Contractor will perform initial road clearance on public and private roads.
- When directed by County Council, the County Debris Manager will request approval to remove debris from private property using the suggested policy guidelines.

Staff Recommendation

- Private communities will be responsible to the County for any unreimbursed expenses associated with debris removal.



FEMA

DISASTER ASSISTANCE POLICY

DAP9523.13

I. TITLE: **Debris Removal from Private Property**

II. DATE: JUL 18 2007

III. PURPOSE:

This policy describes the criteria that the Federal Emergency Management Agency (FEMA) will use to evaluate the eligibility of debris removal work from private property under the Public Assistance Program.

IV. SCOPE AND AUDIENCE:

The policy is applicable to all major disasters and emergencies declared on or after the date of publication of this policy. It is intended for FEMA personnel involved in the administration of the Public Assistance Program.

V. AUTHORITY:

Sections 403(a)(3)(A), 407, and 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), 42 U.S.C. 5170b, 42 U.S.C. 5173, 42 U.S.C. 5192, and 44 CFR 206.224.

VI. BACKGROUND:

A. Sections 403(a)(3)(A) and 407 of the Stafford Act, 42 U.S.C. 5170b and 5173, respectively, provide FEMA authority to fund debris removal from private property provided that the State or local government arranges an unconditional authorization for removal of the debris, and agrees to indemnify the Federal government against any claim arising from the removal.

B. The regulations implementing Sections 403 and 407 of the Stafford Act at 44 CFR 206.224 establish the requirement that debris removal be in the "public interest" in order to be eligible for reimbursement. "Public interest" is defined as being necessary to:

1. eliminate immediate threats to life, public health, and safety; or
2. eliminate immediate threats of significant damage to improved public or private property; or



FEMA

DISASTER ASSISTANCE POLICY

DAP9523.13

3. ensure economic recovery of the affected community to the benefit of the community-at-large.

C. Generally, debris removal from private property following a disaster is the responsibility of the property owner. However, large-scale disasters may deposit enormous quantities of debris on private property over a large area resulting in widespread immediate threats to the public-at-large. In these cases, the State or local government may need to enter private property to remove debris to: eliminate immediate threats to life, public health, and safety; eliminate immediate threats of significant damage to improved property; or ensure economic recovery of the affected community to the benefit of the community-at-large. In these situations, debris removal from private property may be considered to be in the public interest and thus may be eligible for reimbursement under the Public Assistance Program (44 CFR 206.224).

VII. POLICY:

A. Definitions.

1. Disaster-generated debris: Any material, including trees, branches, personal property and building material on public or private property that is directly deposited by the disaster.

2. Improved property: Any structure, facility, or equipment that was built, constructed, or manufactured. Examples include houses, sheds, car ports, pools, and gazebos. Land used for agricultural purposes is not improved property (44 CFR 206.221(d)).

3. Legal responsibility: A statute, formally adopted State or local code, or ordinance that gives local government officials responsibility to enter private property to remove debris or to perform work to remove an immediate threat (44 CFR 206.223(a)(3), 44 CFR 206.221(c), and 44 CFR 206.225(a)(3)).

4. Private property: Land and structures, to include contents within the structures, built on land that is owned by non-governmental entities (44 CFR 206.224(b)).

5. Private road: Any non-public road for which a subdivision of the State is not legally responsible to maintain. Private roads include roads owned and maintained by homeowners associations, including gated communities, and roads for which no entity has claimed responsibility. Local police, fire, and emergency medical entities may use these roads to provide services to the community (44 CFR 206.224(b)).



FEMA

DISASTER ASSISTANCE POLICY

DAP9523.13

B. Approval for FEMA Assistance. FEMA will work with states affected by a disaster to designate those areas where the debris is so widespread that removal of the debris from private property is in the “public interest” pursuant to 44 CFR 206.224, and thus is eligible for FEMA Public Assistance reimbursement on a case-by-case basis.

1. Any State or local government that intends to seek reimbursement to remove debris from private property within a designated area will, prior to commencement of work, submit a written request for reimbursement to, and receive approval from, the Federal Coordinating Officer (FCO). The written request will include the following information:

a. Public Interest Determination (44 CFR 206.224(a)):

i. Immediate Threat to Life, Public Health, and Safety Determination. The basis of a determination by the State, county or municipal government's public health authority or other public entity that has legal authority to make such a determination that disaster-generated debris on private property in the designated area constitutes an immediate threat to life, public health, and safety; or

ii. Immediate Threat to Improved Property Determination. The basis of the determination by the State, county, or municipal government that the removal of disaster-generated debris is cost effective. The cost to remove the debris should be less than the cost of potential damage to the improved property in order for the debris removal to be eligible; or

iii. Ensure Economic Recovery of the Affected Community to the Benefit of the Community at Large Determination. The basis of the determination by the State, county, or municipal government that the removal of debris from commercial properties will expedite economic recovery of the community-at-large. Generally, commercial enterprises are not eligible for debris removal.

b. Documentation of Legal Responsibility (44 CFR 206.223(a)(3)).

A detailed explanation documenting the requesting State or local government's authority and legal responsibility at the time of disaster to enter private property to remove debris, and confirmation that all legal processes and permission requirements (e.g., right-of-entry) for such action have been satisfied.

i. The eligible applicant requesting assistance must demonstrate the legal basis as established by law, ordinance, or code upon which it exercised or intends to exercise its responsibility following a major disaster to remove disaster-related debris from private property. Codes and ordinances must be germane to the condition representing an immediate



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threat to life, public health, and safety, and not merely define the applicant's uniform level of services. Typically, solid waste disposal ordinances are considered part of an applicant's uniform level of services.

States and local governments ordinarily rely on condemnation and/or nuisance abatement authorities to obtain legal responsibility prior to the commencement of debris removal work. There may be circumstances, however, where the State or local government determines that ordinary condemnation and/or nuisance abatement procedures are too time-consuming to address an immediate public health and safety threat. In such circumstances, applicants do not have to precisely follow their nuisance abatement procedures or other ordinances that would prevent the State or local government from taking emergency protective measures to protect public health and safety (44 CFR 206.225(a)).

ii. The applicant's legal responsibility to take action where there is an immediate threat to life, public health, and safety must be independent of any expectation, or request, that FEMA will reimburse costs incurred for private property debris removal. In addition, legal responsibility is not established solely by an applicant obtaining signed rights-of-entry and hold harmless agreements from property owners.

c. Authorization for Debris Removal from Private Property (44 CFR 206.223(a)(3)). Confirmation that a legally-authorized official of the requesting applicant has ordered the exercise of public emergency powers or other appropriate authority to enter onto private property in the designated area in order to remove/reduce threats to life, public health, and safety threat via debris removal.

d. Indemnification (44 CFR 206.9). The requesting entity indemnifies the Federal government and its employees, agents, and contractors from any claims arising from the removal of debris from private property.

2. The FCO will approve or disapprove in writing each written request submitted by the State or local government for FEMA to designate areas eligible for private property debris removal. After receiving approval from the FCO, the State or local government may begin identifying properties and the specific scope of work for private property debris removal activities and apply for supplemental assistance through the Public Assistance Program.

C. Duplication of Benefits (44 CFR 206.191). FEMA is prohibited by Section 312 of the Stafford Act from approving funds for work that is covered by any other source of funding. Therefore, State and local governments must take reasonable steps to prevent such an occurrence, and verify that insurance coverage or any other source of funding does not exist for the debris removal work accomplished on each piece of private property.



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1. When debris removal from private property is covered by an insurance policy, the insurance proceeds must be used as the first source of funding. Public Assistance grant funding may be used to pay for the remainder of the costs of debris removal from private property.

2. If FEMA discovers that a duplication of benefits from any other source of funding has occurred, FEMA will de-obligate funds from the Grantee in the amount that such assistance duplicates funding that the property owners received from other sources.

D. Eligibility of Debris Removal Work from Private Property (44 CFR 206.224(b)).

1. Eligible debris removal work from private property includes removal of:

a. Large piles of disaster-generated debris in the living, recreational, and working areas of properties in urban, suburban, and rural areas, including large lots.

b. Disaster-generated debris obstructing primary ingress and egress routes to improved property.

c. Disaster-damaged limbs and leaning trees in danger of falling on improved property, primary ingress or egress routes, or public rights-of-way.

i. Hazardous tree removal is eligible only if the tree is greater than six inches in diameter (measured at diameter breast height) and meets any of the following criterion: more than 50% of the crown is damaged or destroyed; the trunk is split or broken branches expose the heartwood; or the tree is leaning at an angle greater than 30 degrees and shows evidence of ground disturbance.

ii. Hazardous limb removal is eligible only if the limb is greater than two inches in diameter measured at the point of break.

d. Debris created by the removal of disaster-damaged interior and exterior materials from improved property.

e. Household hazardous wastes (such as household cleaning supplies, insecticides, herbicides, etc.)

f. Disaster-generated debris on private roads, including debris originating from private property and placed at the curb of public or private rights-of-way, provided that the



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removal of the debris is the legal responsibility of an eligible applicant, on the basis of removing an immediate threat to life, public health, and safety.

2. Ineligible debris removal work on private property includes the removal of:

- a. Debris from vacant lots, forests, heavily wooded areas, unimproved property, and unused areas.
- b. Debris on agricultural lands used for crops or livestock.
- c. Concrete slabs or foundations-on-grade.
- d. Reconstruction debris consisting of materials used in the reconstruction of disaster-damaged improved property.

E. Debris Removal from Commercial Property. The removal of debris from commercial property is generally ineligible for Public Assistance grant funding. It is assumed and expected that these commercial enterprises retain insurance that can and will cover the cost of debris removal. However, in some cases as determined by the FCO, the removal of debris from private commercial property by a State or local government may be eligible for FEMA reimbursement only when such removal is in the public interest (44 CFR 206.224(a) and (b)).

Industrial parks, golf courses, commercial cemeteries, apartments, condominiums, and mobile homes in commercial trailer parks are generally considered commercial property with respect to Public Assistance funding.

F. Environmental and Historic Review Requirements. Eligible debris removal activities on private property must satisfy environmental and historic preservation compliance review requirements as established by 44 CFR Parts 9 and 10, the National Historic Preservation Act, the Endangered Species Act, and all other applicable legal requirements.



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VIII. ORIGINATING OFFICE: Disaster Assistance Directorate (Public Assistance Division)

IX. SUPERSESSION: This policy supersedes Recovery Policies 9523.13 and 9523.14, dated October 23, 2005, and all previous guidance on this subject.

X. REVIEW DATE: Three years from date of publication.

A handwritten signature in blue ink, appearing to read "C. Castillo", written over a horizontal line.

Carlos J. Castillo
Assistant Administrator
Disaster Assistance Directorate



MEMORANDUM

TO: Natural Resources Committee of Beaufort County Council

FROM: Delores Frazier, AICP, Beaufort County Assistant Planning Director *DF*

DATE: January 31, 2012

SUBJECT: Rezoning Request for 8.29 acres at the Junction of Joe Frazier, Laurel Bay and Rug Rack Roads from Rural Zoning District with a Transitional Overlay (R-TO) to Commercial Suburban (CS) Zoning District

**EXCERPT OF PLANNING COMMISSION RECOMMENDATION from its draft
January 5, 2012, meeting minutes:**

Ms. Delores Frazier noted that the applicant came in 2010 with a rezoning request. At that time the Planning Department was planning a charrette for the area and recommended that the applicant wait until then. Unfortunately, the staff had charrettes elsewhere, but not for the area. The applicant has returned for a rezoning. The future land use map shows the property is within the future growth area for the City of Beaufort. The area is intended for residential and supporting commercial businesses. The rezoning map shows the upzoning if the infrastructure can manage the upzoning. There is water to the site, and the applicant said there is sewer located within ¼ mile of the property. The County Transportation Engineer noted unusual roadway alignments and access issues, with specific recommendations such as:

1. Access to the site should be internal from Timmark Drive only, with no access to SC 116 (Laurel Bay Road).
2. Access may be permitted to Joe Frazier Road; however, SCDOT and Beaufort County driveway and access separation standards shall be met.
3. A Traffic Impact Analysis is required for any development that generates 50 peak-hour trips or greater based on Section 106-367(g)(4) of the ZDSO.

Also, County Council has adopted a Transfer of Development Rights (TDR) program around the U.S. Marine Corps Air Station and the property is within the designated receiving area. If applicant were to develop the property, they would have to purchase development rights.

Staff found the rezoning change was consistent with the neighboring area. The character of the area is rural, with suburban development along Laurel Bay Road. The neighboring military housing is suburban in nature. There is potential for residential development and several family compounds in the area. If commercial development occurs on the property, a buffer will be required to mitigate the adverse effect to the surrounding residential uses. Staff recommends approval of the rezoning request with the additions of a TDR overlay district and the three conditions recommended by the Traffic and Transportation Engineer.

Applicant Comments: Mr. Mark Carey is a partner in Timmark Partnership--the owner of the property. He noted that his partner, Mr. Tim Schwartz, had been dealing with the issue, but had

a personal emergency and was unable to attend this meeting. Mr. Carey noted that the property was zoned commercial until 1999 when it was changed to rural. They continue to pay taxes as commercial. They were told to subdivide the land. They waited for the charrette but it had not occurred. They were denied their last rezoning request. They need the commercial zoning to refinance their property. The banks and insurance company require the zoning to match the usage. Mr. Cary said, in response to a Planning Commission query as to why a rezoning was reapplied for when a charrette was promised, he and Mr. Schwartz are following instructions. In response to another Planning Commission query whether they were aware of the TDR process of purchasing development rights should they develop their property, Mr. Cary indicated they understood.

Public Comments:

- Mr. Reed Armstrong, of the Coastal Conservation League, noted that the applicant can continue without the rezoning because the use was grandfathered. Rezoning in this area should conform to the future land use plans of the City of Beaufort per its 2009 Comprehensive Plan update. The area is within the City's neighborhood center and at first thought the rezoning might be appropriate. He asked the Commission to consider two points. First, a neighborhood center is for mixed use activity with retail services, civic uses and higher density housing; so the question is if the self-storage units fit into one of these uses the City has designated for the area. Second, if a neighborhood center should be anchored by a grocery store, then the neighborhood center should be at the 40,000-square foot Food Lion about a mile down the street from this property and not at this property. Guiding principles must be conformed to the City of Beaufort's growth plan. If the rezoning is recommended then this property would be appropriate as a neighborhood center, and the Food Lion would become a non-conforming use in the City's growth plan.
- Mr. Donald Middleton, one of the landowners next to the property, is against the rezoning. Mr. Middleton indicated there was confusion as to why the rezoning was requested—to assist in a bank loan or develop the property. There are other commercial buildings not being used in the area. In a few years, the business might leave and another unused building will add to the neighborhood.
- Ms. Janie Middleton, mother of Donald Middleton, said the property is in a residential neighborhood. If a business is placed there, it will affect the neighborhood. There should not be another business on the property. She heard that they wanted to put a Dollar Store on the property. There would be too much traffic in the area from that business. If that does not happen, they might sell to someone else who would develop the property. They said they wanted to put security lights on the property—if the existing storage sheds are broken into, what about a dollar store?
- Mr. Donald Middleton mentioned the proposed charrette. He asked if the form-based code had been activated and was told that the code would occur sometime this year. He asked the Commission to consider the neighborhood.

Commission discussion included a clarification on the road accesses to the property, including potential redesign of the intersection; an explanation of the TDR overlay process; the 15% allowed expansion on the property; an explanation on the non-inclusion of the cell tower parcel; the 100-foot buffer requirement for commercial uses abutting residential uses; the 1999 rezoning of the area that was previously zoned commercial; a explanation of spot zoning; advice on

considering what uses could occur with the proposed rezoning rather than what is currently on the property; a clarification on the special use process through the Zoning Board of Appeals; the potential for sale of the property to someone else who could place whatever is allowed in commercial suburban zoning; and the favorable vote of 3-2 by the Metropolitan Planning Commission regarding this rezoning request.

Motion: Mr. Semmler made a motion, and Mr. Petit seconded the motion, to recommend approval to County Council on the Port Royal Island Zoning Map Amendment / Rezoning request for R100 024 000 0020 0000 and R100 024 000 0416 0000 (2 parcels totaling 8.29 acres at the intersection of Rug Rack, Laurel Bay, and Joe Frazier Roads in Burton, SC) from Rural with Transitional Overlay (R-TO) Zoning District to Commercial Suburban (CS) with the following conditions:

1. Inclusion into the Transfer of Development Rights (TDR) overlay district; and
2. Requiring the three conditions stated by the Traffic and Transportation Engineer:
 - Access to the site should be internal from Timmark Drive only, and there shall be no access to SC 116 (Laurel Bay Road);
 - Access may be permitted to Joe Frazier Road; however, SCDOT and Beaufort County driveway and access separation standards shall be met; and
 - A Traffic Impact Analysis is required for any development that generates 50 peak-hour trips or greater based on Section 106-367(g)(4) of the ZDSO.

The motion was carried unanimously (FOR: Chmelik, Hicks, LeGree, Petit, Riley, and Semmler).

STAFF REPORT:

A. BACKGROUND:

Case No.	ZMA-2011-16
Applicant:	Timothy J. Schwartz
Property Owner:	Timmark General Partnership
Property Location:	Junction of Joe Frazier, Laurel Bay and Rug Rack Roads – Port Royal Island
District/Map/Parcel:	R100-024-0020 and 0416
Property Size:	8.29 acres
Current Future Land Use Designation:	Neighborhood Mixed Use
Proposed Future Land Use Designation:	No Change Proposed
Current Zoning District:	Rural with Transitional Overlay (R-TO)
Proposed Zoning District:	Commercial Suburban (CS)

B. SUMMARY OF REQUEST:

There is a self-storage business on these two properties that is nonconforming under the R-TO zoning district. The applicant would like to rezone these properties to Commercial Suburban (CS), which would make the use conforming. The applicant states that these properties have been used commercially since 1979. The properties were previously zoned General Commercial prior to 1999.

In 2010, the applicant applied for a rezoning to CS for the two parcels that are the subject of this application. The applicant was informed at the time that the County was in the early stages of drafting a new Form-Based Code (FBC), a process that involved both the City of Beaufort and the Town of Port Royal. The Burton/Laurel Bay region was identified at that time as a specific area of focus. Staff recommended denial of the rezoning request in anticipation of a Burton/Laurel Bay charrette that was to take place as part of the process to develop the FBC. County Council agreed with staff's request to postpone a rezoning action until the FBC was developed and, in the meantime, urged the applicant to apply for a Special Use Permit to bring the site into conformity. Council ultimately voted to deny the rezoning request.

Since that time (nearly a year ago), a draft FBC has been completed, and staff is reviewing it in anticipation of a public draft being released early next year. The County and its consultants have held three charrettes: one for Shell Point/Town of Port Royal, one south of the Broad River, and one for St. Helena/Lady's Islands. It has now been determined that the Burton/Laurel Bay charrette will likely be done by staff at some point in the future. In the meantime, the draft FBC contains new development standards for conventional (non-transect) zones that greatly improves existing standards for new development and allows conventional zones to, essentially, transition into transect zones over time.

C. ANALYSIS: Section 106-492 of the ZDSO states that a zoning map amendment may be approved if the weight of the findings describe and prove:

- 1. The change is consistent with the County's Comprehensive Plan and the purposes of the ZDSO.***

The requested change is consistent with the Comprehensive Plan and Future Land Use Map. The 2010 Beaufort County Comprehensive Plan states that the area in question is located within the region's "urban growth boundary," as well as the future growth area for the City of Beaufort, although the properties are not contiguous to the City of Beaufort.

The Future Land Use Map classifies this area as "Neighborhood Mixed-Use." In neighborhood mixed-use areas, residential is the primary use, with supporting neighborhood retail establishments. New development is encouraged to be pedestrian-friendly, have a mix of housing types, a mix of land uses and interconnected streets.

The property is currently zoned Rural with a Transitional Overlay (R-TO). Land zoned "Rural" outside of the County's growth boundary is intended to remain rural during the life of the

Comprehensive Plan. Being zoned “Rural with a Transitional Overlay” means that the property is within the growth boundary and the County anticipates the property will be upzoned in conformance with the Comprehensive Plan, and developed when adequate infrastructure and services are available to accommodate more intense development.

Section 106-492(2) of the ZDSO requires that the applicant prove that adequate infrastructure and services are available to accommodate the proposed development of the site. At this time, the applicant is not proposing any additional development beyond the existing self-storage units. Public water is available to the site and sewer is located 1,500 feet away, according to the applicant. Please see the response to item #8 below for transportation comments.

Since the last time this rezoning was considered, County Council adopted a Transfer of Development Rights (TDR) program for the unincorporated portions of Port Royal Island. The applicant’s property falls within a designated “Receiving Area,” meaning that a TDR overlay district must accompany any rezoning that increases residential density or commercial intensity potential. Future development of this site will require that one TDR be retired for every 5,000 additional square feet of commercial development beyond what is permitted in the underlying R-TO zoning district.

2. The change is consistent with the character of the neighborhood.

The applicant’s property is located at the congruence of several roadways and sits adjacent to a cluster of existing and vacant commercial establishments, which include a barber shop, car repair, a daycare center, and a pizza shop. The location is logical for neighborhood commercial uses and the requested rezoning is consistent with this character.

The character of the larger surrounding area is a mixture of rural and suburban residential development with a few small commercial establishments located along Laurel Bay Road. Residential homes (single-family and family compounds) occupy the properties bordering the parcel to the south, southeast and southwest. Though not immediately adjacent to the site, the Laurel Bay military housing development is located northwest of the property. This area is gated and is suburban in character.

3. The extent to which the proposed zoning and use of the property are consistent with the zoning and use of nearby properties.

The proposed Commercial Suburban (CS) zoning is consistent with the CS district located at the gate to the Laurel Bay military housing development. The existing use of the property (self-storage units) is a permitted use in the CS district; which, if the rezoning is approved, would make the property conforming. The site is surrounded on all sides except for the northwest corner by R-TO districts. One of the parcels under consideration “wraps” a parcel that is currently zoned R-TO and contains a cellular tower.

4. *The suitability of the property for the uses to which it has been proposed.*

The property already contains a commercial use (a self-storage business) that is permitted in the proposed Commercial Suburban district. The site does not contain any environmental features that would prohibit other uses allowed in the CS district.

5. *Allowable uses in the proposed district would not adversely affect nearby property.*

Much of the surrounding properties are currently being utilized for residential purposes. This zoning change could have an adverse affect on these properties, as it may afford additional opportunities for commercial development in this area. However, these potential impacts can be mitigated because the ZDSO requires a 100-ft bufferyard between commercial development in the CS zoning district and adjoining rural properties.

6. *The length of time a property has remained vacant as zoned, where the zoning is different from nearby developed properties.*

The applicant states that several commercial businesses have operated from this property since 1979. Currently, a nonconforming storage business is located on the site.

7. *The current zoning is not roughly proportional to the restrictions imposed upon the landowner in light of the relative gain to the public health, safety and welfare provided by the restrictions.*

The public interest will be served by ensuring that development of this property is consistent with the Beaufort County Comprehensive Plan.

8. *A traffic impact analysis (TLA) indicates that the rezoning request to a higher intensity will not adversely impact the affected street network and infrastructure in the higher zoning classification.*

The rezoning request was reviewed by the County's Traffic & Transportation Engineer, who noted that the unusual roadway alignments and intersections existing in the immediate area create concerns for safe access to the property with any additional development. Several conditions are recommended in Section D below.

D. RECOMMENDATION:

After review of the guidelines set forth in Section 106-492 of the ZDSO, staff recommends approval of this rezoning request from Rural with Transitional Overlay District to Commercial Suburban District with the addition of a TDR (Transfer of Development Rights) Overlay District as required by Section 106-3303 of the ZDSO, subject to the following conditions:

1. Access to the site should be internal from Timmark Drive only. There shall be no access to SC 116 (Laurel Bay Road).

2. Access may be permitted to Joe Frazier Road; however, SCDOT and Beaufort County driveway and access separation standards shall be met.
3. A Traffic Impact Analysis is required for any development that generates 50 peak-hour trips or greater based on Section 106-367(g)(4) of the ZDSO.

E. BEAUFORT – PORT ROYAL METROPOLITAN PLANNING COMMISSION MEETING

Members Present: Jim Hicks & Robert Semmler, Beaufort County representatives; Joe DeVito & James Crower, Town of Port Royal representatives; and Alan Dechovitz, City of Beaufort representative. (Note: 1 vacancy – City of Beaufort representative).

Staff Present: Delores Frazier, Beaufort County Assistant Planning Director
Libby Anderson, City of Beaufort Planning Director
Linda Bridges, Town of Port Royal Planning Administrator

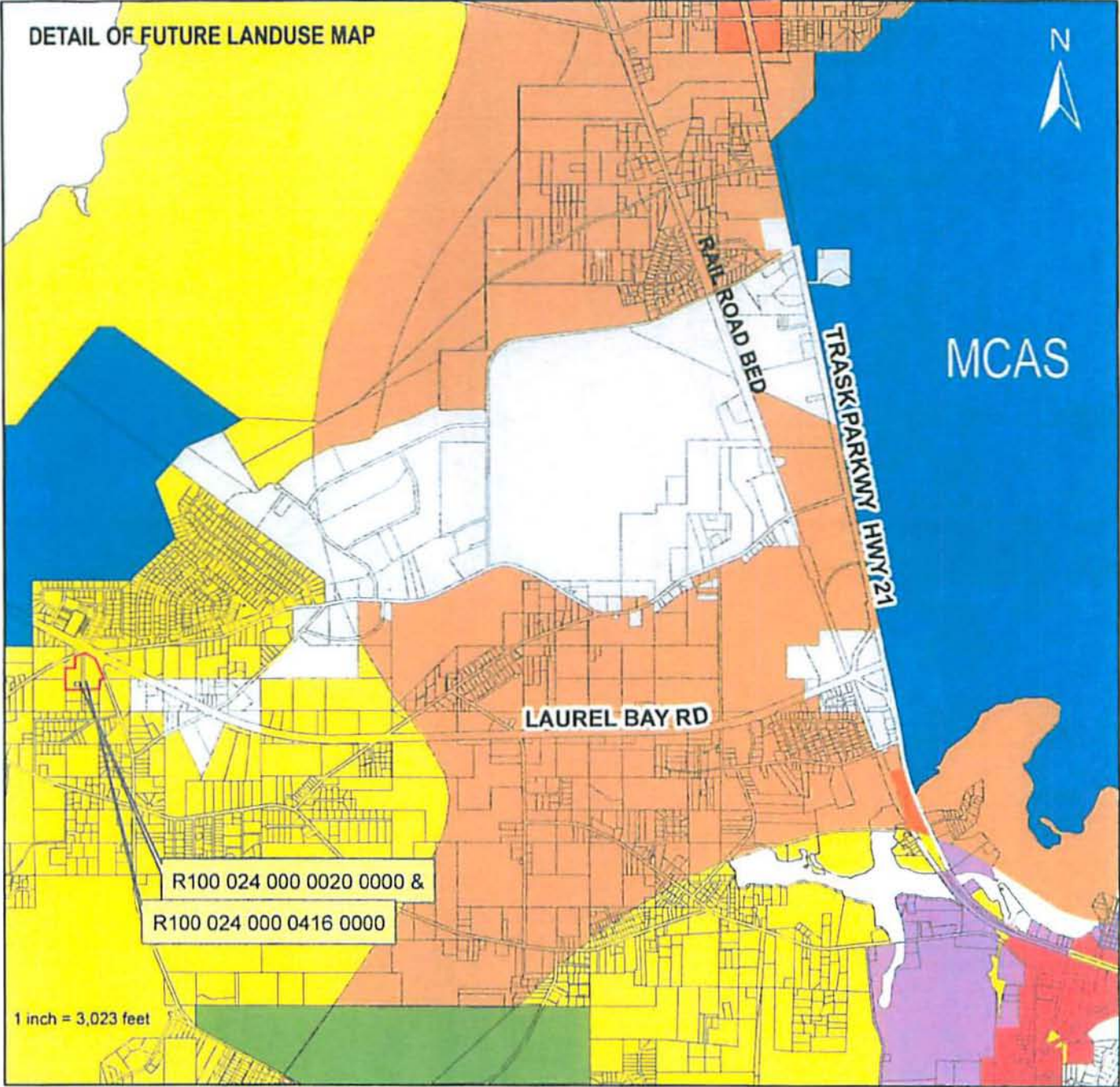
Summary of Meeting:

The Beaufort – Port Royal Metropolitan Planning Commission, which has taken the place of the Port Royal Island Subcommittee, met on December 19, 2011, to consider this request. Staff gave the presentation. The applicant was not present, nor was a representative at the meeting to speak on behalf of the applicant. There were a number of residents from the surrounding area in attendance. One spokesman addressed the Commission on behalf of these residents. His major concerns were that some of the residents did not receive notification letters, and that the rezoning could increase property taxes in the area. Staff provided him a copy of the mailing list. Mr. Hicks noted that the staff recommended denial of this request a year ago because they anticipated a charrette for the area. That charrette did not occur, and there is no timeframe for conducting one in the future. Mr. Dechovitz (City of Beaufort member) wanted to know how the area was treated in the City's Comprehensive Plan. Libby Anderson, City of Beaufort Planning Director, showed a copy of the City's Future Land Use Map, which indicated a future Neighborhood Center in the vicinity of the applicant's property. Mr. Dechovitz explained that he believed the center was actually developing around the Food Lion shopping center, about a quarter of a mile to the east, and that the proposed rezoning amounted to stripping commercial development along Laurel Bay Road.

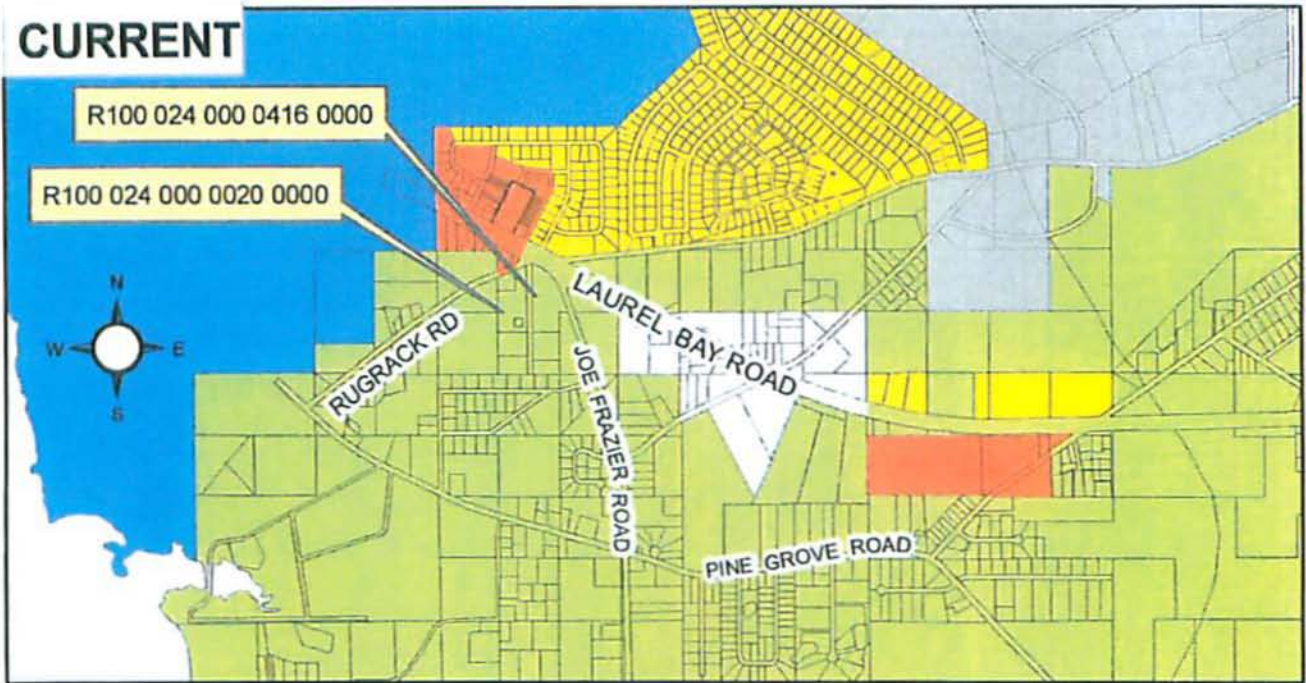
Motion: It was moved by Mr. Semmler, and seconded by Mr. Hicks, to recommend the Planning Commission approve the staff's recommendation. The motion passed 3 to 2 (FOR: Crower, Hicks and Semmler. AGAINST: DeVito and Dechovitz).

F. ATTACHMENTS:

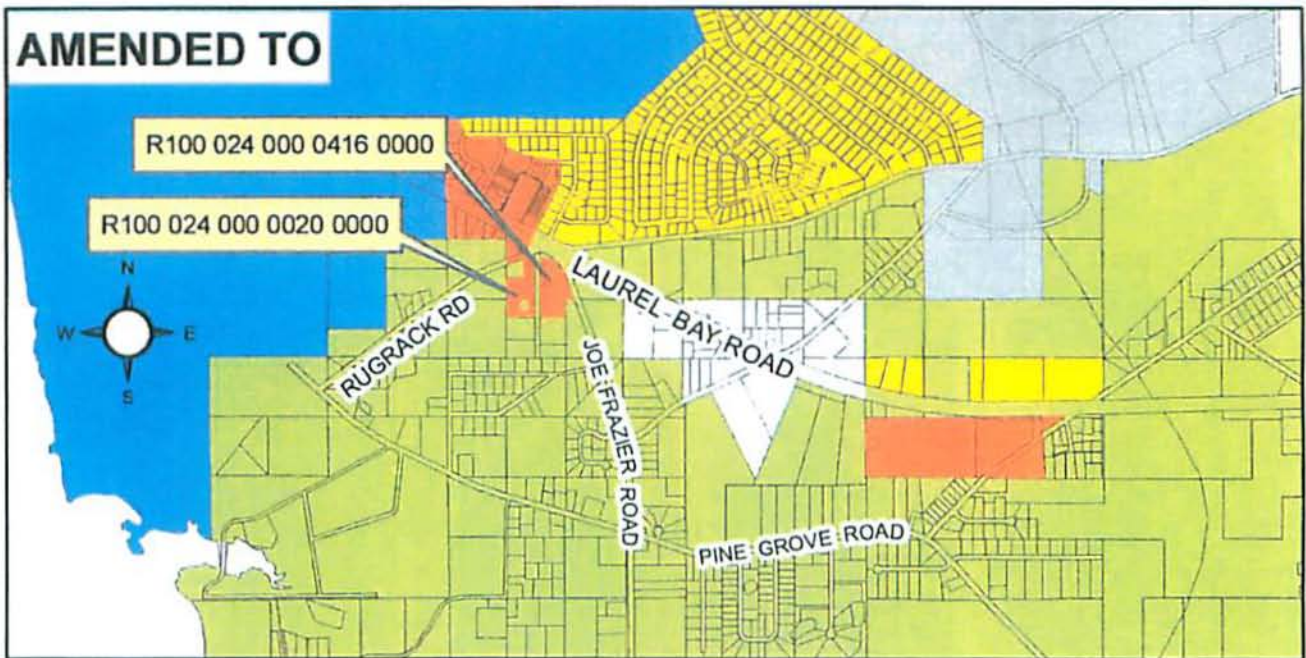
- Zoning Map
- Rezoning Application



CURRENT



AMENDED TO



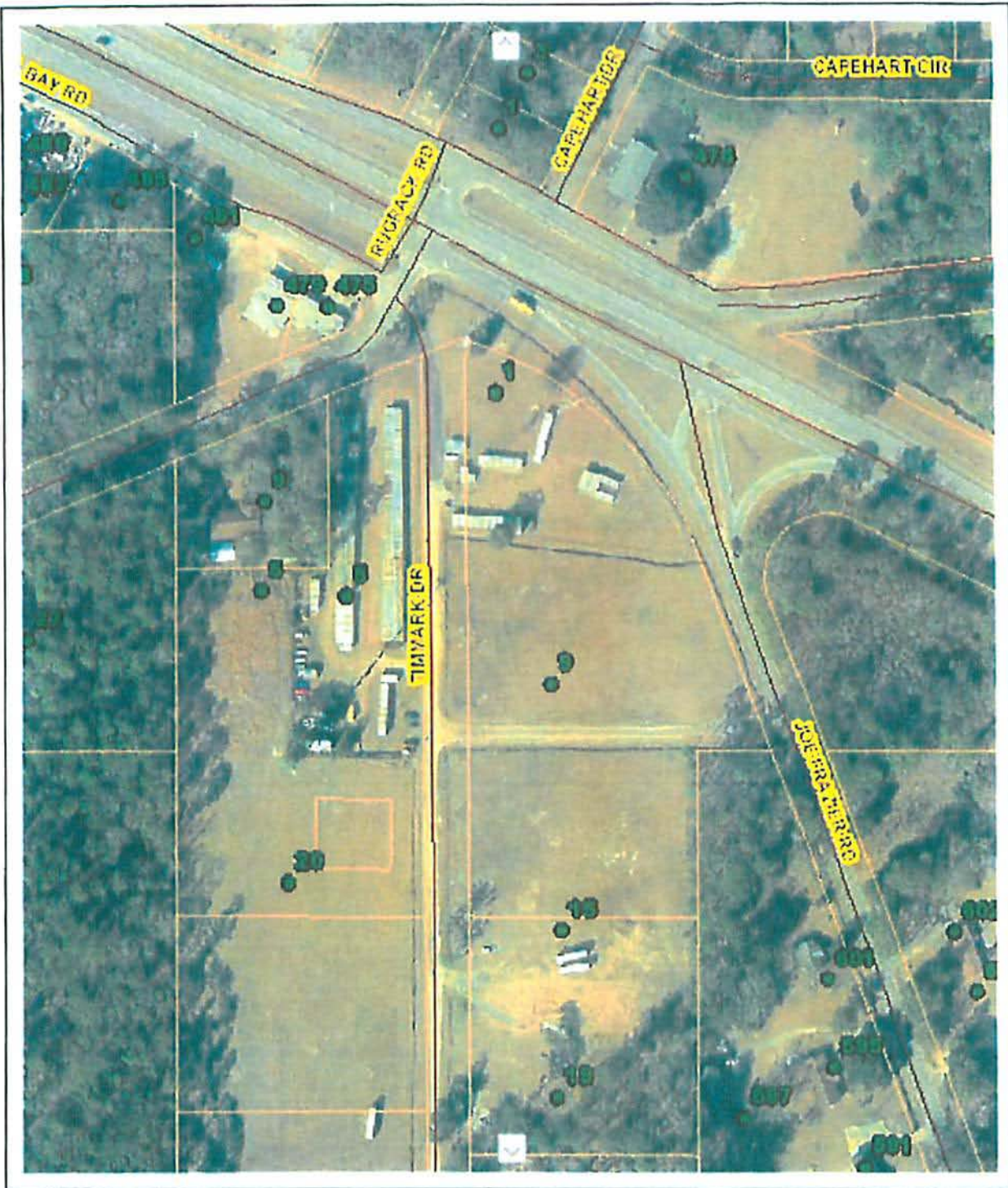
R100 024 000 0020 0000 & R100 024 000 0416 0000

LEGEND

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

REZONING AMENDMENT FROM RURAL TRANSITIONAL OVERLAY TO COMMERCIAL SUBURBAN





BEAUFORT COUNTY GIS WEB SITE/DATA USE POLICY

The information contained on this web site is made available to the public as a service of the Beaufort County GIS Department. This data is intended for general reference purposes only. Although the Beaufort County GIS Department strives to maintain/obtain the most accurate data possible, some errors and inconsistencies may still exist within the maps and data contained on this site.

Therefore, Beaufort County makes this service, as well as all the data and information pertaining to this service, available to the public AS IS WITHOUT WARRANTY OF ANY KIND. It is the responsibility of the users of this data to contact the necessary public entity for verification of the information obtained from this site.

Legend

- County Deline
- State Hwy
- Address Point
- US Hwy
- Street
- Interstate
- Canals
- Water
- Parks
- Traffic Camera
- State Layer



BEAUFORT COUNTY, SOUTH CAROLINA
PROPOSED ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO)
ZONING MAP / TEXT AMENDMENT / PUD MASTER PLAN CHANGE APPLICATION

TO: Beaufort County Council

The undersigned hereby respectfully requests that the Beaufort County Zoning/Development Standards Ordinance (ZDSO) be amended as described below:

1. This is a request for a change in the (check as appropriate): PUD Master Plan Change
 Zoning Map Designation/Rezoning Zoning & Development Standards Ordinance Text

2. Give exact information to locate the property for which you propose a change:
Tax District Number: R100, Tax Map Number: 024, Parcel Number(s): 0020 0416
Size of subject property: 8 +/- Square Feet (Acres) (circle one)
Location: 5 RUGRACK ROAD

3. How is this property presently zoned? (Check as appropriate)
 Urban/U Community Preservation/CP Light Industrial/LI
 Suburban/S Commercial Regional/CR Industrial Park/IP
 Rural/R Commercial Suburban/CS Transitional Overlay/TO
 Rural Residential/RR Research & Development/RD Resource Conservation/RC
 Planned Unit Development/PUD

4. What new zoning do you propose for this property? COMMERCIAL SUBURBAN/CS
(Under Item 10 explain the reason(s) for your rezoning request.)

5. Do you own all of the property proposed for this zoning change? Yes No
Only property owners or their authorized representative/agent can sign this application. If there are multiple owners, each property owner must sign an individual application and all applications must be submitted simultaneously. If a business entity is the owner, the authorized representative/agent of the business must attach: 1- a copy of the power of attorney that gives him the authority to sign for the business, and 2- a copy of the articles of incorporation that lists the names of all the owners of the business.

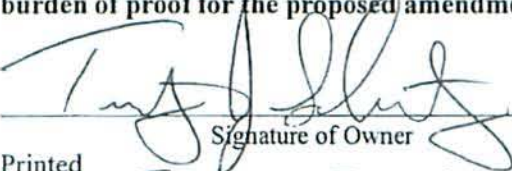
6. If this request involves a proposed change in the Zoning/Development Standards Ordinance text, the section(s) affected are: _____
(Under Item 10 explain the proposed text change and reasons for the change.)

7. Is this property subject to an Overlay District? Check those which may apply:
 AOD - Airport Overlay District MD - Military Overlay District
 COD - Corridor Overlay District RQ - River Quality Overlay District
 CPOD - Cultural Protection Overlay District

8. The following sections of the Beaufort County ZDSO (see attached sheets) should be addressed by the applicant and attached to this application form:
a. Section 106-492, Standards for zoning map amendments.
b. Section 106-493, Standards for zoning text amendments.

9. Explanation (continue on separate sheet if needed): SEE ATTACHED.

It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proof for the proposed amendment rests with the owner.


Signature of Owner _____ Date 11-15-11
Printed Name: TIMOTHY S. SCHWARTZ Telephone Number: 843-263-3400
Address: 24 SEAGULL DRIVE, BEAUFORT, SC 29907
Email: NDISC@LIVE.COM
Agent (Name/Address/Phone/email): _____

FOR MAP AMENDMENT REQUESTS, THE PLANNING OFFICE WILL POST A NOTICE ON THE AFFECTED PROPERTY AS OUTLINED IN SEC. 106-402(D) OF THE BEAUFORT COUNTY ZDSO.

UPON RECEIPT OF APPLICATIONS, THE STAFF HAS THREE (3) WORK DAYS TO REVIEW ALL APPLICATIONS FOR COMPLETENESS. THE COMPLETED APPLICATIONS WILL BE REVIEWED FIRST BY THE BEAUFORT COUNTY PLANNING COMMISSION SUBCOMMITTEE RESPONSIBLE FOR THE AREA WHERE YOUR PROPERTY IS LOCATED. MEETING SCHEDULES ARE LISTED ON THE APPLICATION PROCESS (ATTACHED). COMPLETE APPLICATIONS MUST BE SUBMITTED BY NOON THREE (3) WEEKS PRIOR TO THE APPLICABLE SUBCOMMITTEE MEETING DATE.

PLANNED UNIT DEVELOPMENT (PUD) APPLICANTS ARE REQUIRED TO SUBMIT MULTIPLE COPIES TO THE PLANNING DEPARTMENT. CONSULT THE APPLICABLE STAFF PLANNER FOR DETAILS.

CONTACT THE PLANNING DEPARTMENT AT (843) 255-2140 FOR EXACT APPLICATION FEES.

FOR PLANNING DEPARTMENT USE ONLY:

Date Application Received:
(place received stamp below)



Date Posting Notice Issued:

Application Fee Amount Received: 7250.00

Receipt No. for Application Fee: 11149

ZMA
16

TIMMARK G.P.
TIMOTHY J. SCHWARTZ
30 Robert Smalls Parkway, Ste. 1
Phone: (843) 263-3400
Fax: (843) 521-5052
ndisc@live.com



November 15, 2011

Beaufort County
Planning Department

RE: 5 Rug Rack Road, Zoning Change

9. Explanation.

The property was previously zoned "commercial" until the County did a large County-wide rezoning in 1999.

The property has had a least one commercial business operating on it continually for 32 years. It has been zoned commercial property (prior to 1999), been used as commercial property and it is requested the zoning go back to commercial zoning.

The contiguous property owned by the Middleton family was zoned Suburban Commercial and was/is used as residential. The 10 acres zoning was recently re-zoned to Rural zoning for their residential use.

Our property is on the intersection of a four lane State highway with two intersecting; two lane State highways.

Our property has been used commercially since 1979 and it is respectfully requested the zoning be changed back to a commercial zoning being, Suburban Commercial.

During the first preliminary meeting with the Beaufort County Planning Department, I was told to sub-divide the property because it would not be recommended for the entire property to be rezoned. The property is now sub-divided. Rezoning the front/highway portion with the businesses on it; "commercial suburban", will still allow acreage of Rural zoning between the Suburban Commercial and Mr. Landon's Rural Residential properties.

Thank you for your consideration in this matter,

**PROPERTY OWNERS NOTIFIED OF REZONING REQUEST FOR R100-24-20 -416
(8.46 ACRES AT CORNER OF RUG RACK, LAUREL BAY AND JOE FRAZIER ROADS) FROM RURAL TO COMMERCIAL SUBURBAN**

PIN_	Owner1	MailingAdd	City	State	ZIP
R100 24 0397	BRANCH BANKING AND TRUST COMPANY	2301 LUCIEN WAY STE 395	MAITLAND	FL	32751
R100-24A-41, -42, -6B	CITY OF BEAUFORT	1911 BOUNDARY STREET	BEAUFORT	SC	29902
R100 24 0026	CORBIN LUTHER E JR--TRUSTEE	POST OFFICE BOX 973	BEAUFORT	SC	29901-0973
R100 24A 1	FIRST UNITED PENTECOSTAL CHURCH	484 LAUREL BAY ROAD	BEAUFORT	SC	29906
R100 24A 0039	GENTRY REVOCABLE MARITAL TRUST AGREEMENT	2847 ROYAL OAKS DRIVE	BEAUFORT	SC	29902
R100-24-44 & -45, 314 TO -318	LANDON LOWELL N ETHELEEN	573 JOE FRAZIER ROAD	BEAUFORT	SC	29906
R100-24A-43 & -45	LANDON'S LP	573 JOE FRAZIER ROAD	BEAUFORT	SC	29906
R100 24 020C	LAPSLEY MARK C LEANOR A	6 EDGEWOOD COURT	HILTON HEAD ISL	SC	29926
R100 24 019A	LAUREL BAY TOWNHOMES OWNERS ASSOCIAT	6815 OAKMONT DRIVE	BEAUFORT	SC	29906
R100 24A 0119	LBL OF BEAUFORT LLC	215 BURROUGHS AVENUE	BEAUFORT	SC	29902
R100 24A 0102	MARTIN CECIL W JR	52 TANGLEWOOD	BEAUFORT	SC	29906
R100 24 020B	MCCARTHY KAREN M PATRICK L	4 WOLCOTT ROAD	FREDERICKSBURG	VA	22405
R100 24 020D	MCCARTHY PATRICK L KAREN G	4 WOLCOTT ROAD	FREDERICKSBURG	VA	22405
R100 24 0385	MENNE JANICE MCCARTHY KAREN MENNE JA	2920 STARMOUNT DRIVE	VALRICO	FL	33594
R100 24 020A	MIDDLETON DONALD	9 RUG RACK ROAD	BURTON	SC	29902
R100 24 0027	MIDDLETON JOHN I & ROSA HRS OF MIDL	595 JOE FRAZIER ROAD	BURTON	SC	29906
R100 24 006C	PEEPLES WM JOINER	367 GENEVA DRIVE	EARLY BRANCH	SC	29916
R100 24 6	PORT ROYAL OIL CO INC	485 LAUREL BAY ROAD	BEAUFORT	SC	29906
R100 24A 0040	ROGERS LYNN M	5 CAPEHART DRIVE CAPEHART S/D	BEAUFORT	SC	29906
R100 24 0021	SMALLS HRS OF J W % VIRGINIA LIVINGS	18 RUG RACK ROAD	BEAUFORT	SC	29906
R100 24 006D	SPORTS CAR CENTRE LTD	485 LAUREL BAY ROAD	BEAUFORT	SC	29906
R100-24-20, -415 TO -418	TIMMARK GENERAL PARTNERSHIP	30 ROBERT SMALLS PARKWAY	BEAUFORT	SC	29906
R100 24 0019	TRASK HAROLD E Jr	8 FIR TREE LANE	ASHEVILLE	NC	28803



COUNTY COUNCIL OF BEAUFORT COUNTY
BEAUFORT COUNTY PLANNING DIVISION
Multi-Government Center • 100 Ribaut Road, Room 115
Post Office Drawer 1228, Beaufort SC 29901-1228
Phone: (843) 255-2140 • FAX: (843) 255-9432

December 7, 2011

RE: Notice of Public Meetings to Consider a Port Royal Island Map Amendment/Rezoning Request for R100 024 000 0020 0000 and R100 024 000 0416 0000 (totaling 8.29 acres at the junction of Joe Frazier, Laurel Bay and Rug Rack Roads, with both parcels separated by Timmark Drive); zoned from Rural Zoning District with Transitional Overlay (R-TO), to Commercial Suburban (CS) Zoning District; Owner: Timmark General Partnership / Applicant: T. Schwartz

Dear Property Owner:

In accordance with the Beaufort County Zoning & Development Standards Ordinance, Section 106-402, a public hearing is required by the Beaufort County Planning Commission and the Beaufort County Council before a rezoning proposal can be adopted. You are invited to attend the following meetings and public hearings to provide comments on the referenced proposed map amendment in your neighborhood. A map of the properties is attached to this letter.

1. The **Beaufort-Port Royal Metropolitan Planning Commission** (acting as a subcommittee of Beaufort County Planning Commission for the unincorporated parts of Port Royal Island and Lady's Island): **Monday, December 19, 2011, at 5:30 p.m.** at City of Beaufort Council Chambers (second floor of City Hall), 1911 Boundary Street, Beaufort, SC 29902.
2. The **Beaufort County Planning Commission** of Beaufort County Council: **Thursday, January 5, 2012, at 6:00 p.m.** in the Beaufort County Council Chambers, on the first floor of the Beaufort County Administration Building, 100 Ribaut Road, Beaufort, SC.
3. The **Natural Resources Committee** of the County Council: **Monday, February 6, 2012, at 2:00 p.m.** in the Executive Conference Room, located on the first floor of the Beaufort County Administration Building, 100 Ribaut Road, Beaufort, SC.
4. **Beaufort County Council** – generally meets second and fourth Mondays at 5:00 p.m. in the County Council Chambers of the Beaufort County Administration Building, 100 Ribaut Road, Beaufort, SC., or at the Beaufort County Library, Hilton Head Island Branch, 11 Beach City Road, Hilton Head Island, SC. County Council must meet three times prior to making a final decision on this case. Please contact the County Planning Department at (843) 255-2140 for specific dates, times and location.

Notification Letter to Abutting Property Owners for R100 024 000 0020 0000 & R100 024 000 0416 0000
December 7, 2011
Page 2 of 2

Documents related to the proposed amendment are available for public inspection between 8:00 a.m. and 5:00 p.m., Monday through Friday, in the Beaufort County Planning Department office located in Room 115 of the Beaufort County Administration Building. If you have any questions regarding this case, please contact the Planning Department at (843) 255-2140.

Sincerely,

A handwritten signature in blue ink that reads "Delores Frazier". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Delores Frazier
Assistant Planning Director

Attachment: Map of the Affected Properties

BEAUFORT COUNTY ORDINANCE NO. _____

**AN ORDINANCE TO AMEND AND CLARIFY BEAUFORT COUNTY
ORDINANCE NO. 2005/9 AND AS SUBSEQUENTLY AMENDED WITH
REGARDS TO THE DEFINITION OF ESTABLISHMENTS UNDER
THE BEAUFORT COUNTY LOCAL HOSPITALITY TAX**

WHEREAS, Beaufort County desires to preserve the general health, safety and welfare of its residents and visitors, and

WHEREAS, Beaufort County desires to support tourism-related buildings including but not limited to parks, recreational facilities, civic centers, coliseums, aquariums, tourism-related cultural, recreational, or historical facilities, beach access and renourishment, highways, roads, streets and bridges providing access to tourist destinations, advertisements and promotions related to tourism development, water and sewer infrastructure to serve tourism-related demand, police, fire protections, emergency medical services and emergency-preparedness operations directly attendant to the foregoing facilities in order to promote and further encourage tourism in the County, and

WHEREAS, Beaufort County was authorized to enact Ordinance No. 2005/9 pursuant to S.C. Code §6-1-700 *et seq.*, 1976, as amended; and

WHEREAS, Beaufort County Council believes that it is in the best interest of its citizens to amend and clarify a portion of Ordinance No. 2005/9 to further clarify its intent that all businesses meeting the definition of an establishment, as defined under this Ordinance, participate in the collection of local hospitality taxes.

NOW THEREFORE, BE IT ORDAINED, by the County Council of Beaufort County, South Carolina, duly assembled and by the authority of the same does hereby amend a portion of Chapter 66 the following:

Sec. 66-532. - Hospitality tax—Definitions.

(a) Local hospitality tax is a tax imposed within the unincorporated areas of Beaufort County on the sales of prepared meals and beverages sold in establishments or sales of prepared meals and beverages sold in establishments licensed for on-premises consumption of alcoholic beverages, beer, or wine. In addition, the tax shall be imposed for all food and beverages prepared or modified by convenience stores or grocery stores within the unincorporated areas of Beaufort County.

(b) A hospitality tax equal to two percent is hereby imposed on the gross proceeds derived from the sale of prepared meals and beverages sold in establishments located in unincorporated areas of Beaufort County.

(c) Beverages shall include all beverages, including, but not limited to, alcoholic beverages, beer, wine, and any nonalcoholic beverage.

(d) Establishments shall mean any individual, partnership, corporation or business entity, regardless of form which, as a part of its business offers prepared meals, ~~for sale to the general public~~ whether for consumption on the premises or off.

(e) Establishments licensed for on-premises consumption of alcoholic beverages, beer or wine shall mean any individual, partnership, corporation or business entity, regardless of form, which is licensed by the State of South Carolina alcoholic beverage commission to offer alcoholic beverages, beer or wine for sale or consumption on its premises.

(f) Gross sales price shall mean the total charge for any prepared meal or beverage, exclusive of any other taxes, fees or gratuity.

(g) Prepared meals shall mean any prepared food item prepared or offered for sale by any establishments or establishments licensed for on-premises consumption of alcoholic beverages, beer or wine, whether consumed on the premises or off.

Adopted 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:

Suzanne M. Rainey, Clerk to Council

First Reading: January 9, 2012

Second Reading: January 23, 2012

Public Hearing:

Third and Final Reading:

2012 /

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO AMEND THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), APPENDIX S. DAUFUSKIE ISLAND CODE, TABLE 3.8 (SPECIFIC USES D2) SOLID WASTE GATHERING, TRANSFER AND RECYCLING FACILITY, AND WASTE TRANSFER, BY SPECIAL USE PERMIT.

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

Adopted this _____ day of _____, 2012.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:

Joshua A. Gruberl, Staff Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading: January 9, 2012
Second Reading: January 23, 2012
Public Hearing:
Third and Final Reading:

(Amending 99/12)

Table 3.8

Specific Uses

Permitted Uses	D2	
CIVIL SUPPORT		
Solid Waste Gathering, Transfer, and Recycling Facility		+ <u>By Special Use Permit</u>
Other	By Special Use Permit – Historically Significant Buildings Only	By Special Use Permit
AGRICULTURAL & INDUSTRIAL		
Waste Transfer		+ <u>By Special Use Permit</u>
Other	By Special Use Permit – Historically Significant Buildings Only	By Special Use Permit

-A Use that is listed and demarcated with a + shall be permitted "By Right".

-A Use that is listed, but is not demarcated with a + shall be prohibited, and shall not be eligible for consideration as a Special Use.

-A Use that is not listed (Other Use) shall be eligible for a Special Use Permit.

CDBG Notice of Public Hearing Concerning Needs Assessment**BEAUFORT COUNTY**

NOTICE IS HEREBY GIVEN that on Monday, February 13, 2012 at 6:00 p.m. in County Council Chambers inside the Beaufort County Administration Building, 100 Ribaut Road, Beaufort, SC, Beaufort County will hold a public hearing to solicit public input on community needs and priorities for housing, public facilities, and economic development. At this public hearing Beaufort County will provide the results of its needs assessment and the activities which might be undertaken to meet identified needs, including the estimated amount proposed to be used for activities that will benefit persons of low and moderate income.

This public hearing and the matters to be discussed are subject to the provisions of the County's Citizen Participation Plan, developed in anticipation of participation in the State of South Carolina's Community Development Block Grant (CDBG) Program, providing for the participation of the citizens of County in the planning and implementation of community and economic development projects which will involve CDBG funds. The Citizen Participation Plan is available for review at Beaufort County, Monday through Friday between the hours of 9:00a.m. and 5:00p.m. Persons with questions or comments concerning the public hearing or the Citizen Participation Plan may contact Michelle Knight, Lowcountry Council of Governments, PO Box 98, Yemassee, SC 29945, (843) 726-5536.

Beaufort County does not discriminate on the basis of age, color, religion, sex, national origin, familial status or disability in the admission or access to, or treatment or employment in its federally assisted programs or activities. Morris Campbell, Beaufort County Community Services Director, PO Drawer 1228, Beaufort, SC 29901, (843) 470-2600 has been designated to coordinate compliance with the nondiscrimination requirements contained in the U. S. Department of Housing and Urban Development's regulations.

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

**Committee Reports
February 13, 2012**

A. COMMITTEES REPORTING

1. Community Services

① Alcohol and Drug Abuse Board

<i>Nominated</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
01.23.12	Mary Johnson	Countywide	Reappoint	10/11
01.23.12	Frances Kenney	Countywide	Reappoint	8/11

② Beaufort Memorial Hospital Board

<i>Nominated</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
01.23.12	David Tedder	Countywide	Reappoint	8/11
01.23.12	David House	Countywide	Appoint	6/11

③ 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>
01.23.12	Queen M. Davis	Countywide	Appoint	6/11

④ Disabilities and Special Needs Board

<i>Nominated</i>	<i>Name</i>	<i>Position/Area Expertise</i>	<i>Reappoint/Appoint</i>	<i>Votes Required</i>
01.23.12	Jonathan Brown	Countywide	Reappoint	8/11
01.23.12	David Green	Countywide	Reappoint	8/11
01.23.12	Garden Simmons-White	Countywide	Reappoint	10/11

⑤ Library Board

<i>Nominated</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
01.23.12	Susan Barnwell	District 2	Reappoint	8/11
01.23.12	Yolanda Riley	District 6	Appoint	6/11
01.23.12	Bernard Kole	District 7	Appoint	6/11

⑥ Parks and Leisure Services Board

<i>Nominated</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
01.23.12	Tom Ertter	At-Large	Reappoint	8/11
01.23.12	Brian Watkins *	Southern Beaufort County	Appoint	6/11
01.23.12	Bruce Yeager *	Southern Beaufort County	Appoint	6/11

* Two candidates are nominated for one vacancy – southern Beaufort County.

2. Finance

- ① Minutes are provided from the [January 23](#) meeting. No action is required.
- ② Minutes are provided from [February 3](#) meeting. No action is required.
- ③ Accommodations Tax Board

<i>Nominated</i>	<i>Name</i>	<i>Position/Area/Expertise</i>	<i>Reappoint/Appoint</i>	<i>Votes Required</i>
01.23.12	Anita Singleton-Prather	Cultural	Reappoint	8/11

④ Tax Equalization Board

<i>Nominated</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
01.23.12	Robert Cummins	St. Helena Township	Reappoint	10/11
01.23.12	Merritt Patterson	Beaufort Township	Reappoint	10/11

3. Governmental

- ① Minutes are provided from the [February 3](#) meeting. Action is required – nominations.
- ② Bluffton Township Fire Commission

<i>Nominate</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
02.13.12	Jack Bennett	Barrel Landing/Pritchardville	Reappoint	8/11
02.13.12	Terrence Reynolds	Moss Creek/Buckingham	Reappoint	8/11

③ Lowcountry Council of Governments

<i>Nominate</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
02.13.12	Joseph McDomick	At-Large Minority	Reappoint	10/11
02.13.12	James Outlaw	At-Large	Reappoint	10/11

④ Sheldon Township Fire Commission

<i>Nominate</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
02.13.12	Gregory Gilbert	Sheldon fire service area	Reappoint	10/11
02.13.12	Rudolph Glover	Sheldon fire service area	Reappoint	8/11
02.12.12	George Williams	Sheldon fire service area	Reappoint	10/11
02.13.12	John Kerner	Sheldon fire service area	Appoint	6/11

4. Natural Resources

- ① Minutes are provided from the [February 3](#) meeting. See main agenda item 10C.
- ② Planning Commission

<i>Nominate</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
02.13.12	Diane Chemlik	At-large	Reappoint	10/11
02.13.12	Edward Riley	Bluffton/Daufuskie Island	Reappoint	8/11

5. Public Facilities

- ① Minutes are provided from the [January 24](#) meeting. Action is required. See main agenda Item 10B.
- ② Airports Board

<i>Nominate</i>	<i>Name</i>	<i>Position/Area/Expertise</i>	<i>Reappoint/Appoint</i>	<i>Votes Required</i>
02.13.12	Will Dopp	Proximity to HHI Airport	Reappoint	10/11
02.13.12	Ronald Semtek	Proximity to HHI Airport	Appoint	6/11
02.13.12	Pete Buchanan	Qualifications	Reappoint	10/11
02.13.12	Mac Sanders	Active pilot/act aircraft owner LI Airport	Reappoint	10/11

③ Stormwater Management Utility Board

<i>Nominate</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint/Appoint</i>	<i>Votes Required</i>
02.13.12	John Youmans	Stormwater Dist #6 – unincorp Port Royal Island	Reappoint	10/11
02.13.12	David Cargile	Stormwater Dist #7 – unincorp Lady’s Island	Appoint	6/11

B. COMMITTEE MEETINGS

1. Community Services

William McBride, Chairman

Gerald Dawson, Vice Chairman

➔ Next Meeting – Monday, February 20 at 4:00 p.m., BIV#2

2. Executive

Weston Newton, Chairman

3. Finance

Stu Rodman, Chairman

Rick Caporale, Vice Chairman

➔ Next Meeting – Monday, February 20 at 2:00 p.m., BIV #2

4. Governmental

Jerry Stewart, Chairman

Laura Von Harten, Vice Chairman

➔ Next Meeting – Monday, March 5 at 4:00 p.m., ECR

5. Natural Resources

Paul Sommerville, Chairman

Brian Flewelling, Vice Chairman

➔ Next Meeting – Monday, March 5 at 2:00 p.m., ECR

6. Public Facilities

Herbert Glaze, Chairman

Steven Baer, Vice Chairman

➔ Next Meeting – Tuesday, February 28 at 4:30 p.m., ECR

7. Transportation Advisory Group

Weston Newton, Chairman

Stu Rodman, Vice Chairman

FINANCE COMMITTEE

January 23, 2012

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

The Finance Committee met on Monday, January 23, 2012 at 2:30 p.m., in the Executive Conference Room, Administration Building, 100 Ribaut Road, Beaufort, SC.

ATTENDANCE

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

County staff: Paul Andres, Airports Director; Joshua Gruber, County Attorney; Doug Henderson, Treasurer; Bryan Hill, Deputy County Administrator; Gary Kubic, County Administrator; and David Starkey, Chief Financial Officer.

Public: Jim Bequette; Lynn Murray, lobbyist consultant, McNair Law Firm; and David Tigges, McNair Law Firm.

School District: Laura Bush, Board of Education; Valerie Truesdale, Superintendent; Fred Washington, Board of Education Chairman; and Phyllis White, Chief Financial Officer.

Media: Joe Croley, Hilton Head Island-Bluffton Chamber of Commerce; and Kyle Petterson, *Island Packet/Beaufort Gazette*.

Councilman Rodman chaired the meeting.

INFORMATION ITEMS

1. Discussion of New River Tax Increment Financing (TIF)

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

Discussion: Committee Chairman Stu Rodman provided the Committee with background on this item. At the January 9, 2012 meeting Fred Washington, Board of Education Chairman, made a presentation before Council and Chairman Weston Newton referred the issue to the Finance Committee to resolve quickly and appropriately. There was a meeting thereafter that included Council member Rick Caporale, Council Vice Chairman Paul Sommerville and Finance Chairman Stu Rodman to understand the different issues. Today's meeting is merely to bring the Finance Committee up to date and see where the discussion leads us. He gave the Committee a PowerPoint presentation regarding open issues and School District's requests. The issues include

how the TIF is funded, reassessment amounts, a more simplified ordinance, a consistent fund balance, and opportunities with short-term borrowings. Discussions followed between Council members, the School District and County administration relative to these issues.

Status: No action required. Informational purposes only.

2. Discussion – McNair Law Firm / K-12 School Funding for 2011 - 2012

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

Discussion: Ms. Lynn Murray, lobbyist consultant with McNair Law Firm, presented the Committee with a packet of information regarding K-12 funding. The packet contained a comprehensive report of all of the legislation that was worked on in the past session. Those items included a proviso adopted in the Appropriations bill to provide a supplement to a school district that receives zero EFA funding by an amount based on 70% of the least State funded school District, S.310 which addresses the index of taxpaying ability, and S.433 which is enabling legislation that would revise EFA weights.

Status: No action required. Informational purposes only.

3. FY 2012 General Fund to Debt Service Funds Budgeted Transfers Notification

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

Discussion: Committee Chairman Stu Rodman presented the Committee with the history of this item. The County budget included transfers of \$400,000 from the General Fund to the Debt Service fund and \$333,000 from the General Fund to the Rural and Critical Lands Fund. The budget was not changed, but it was said that administration would bring this back to Council for revision and to make sure all are in agreement of the transfer. He then introduced Mr. David Starkey, Chief Financial Officer, to give the Committee an update on the item.

Mr. Starkey stated tax collection will play a big part in what revenues these funds generate. These funds have a set debt service every year that they are required to take. The County Debt Service Fund takes all General Obligation Bonds and certain bonds that have revenues attached to them. Rural and Critical Lands bonds are handled by the purchased property millage. That is from the \$90 million worth of referendums that have occurred. Essentially, with Council deciding not to raise millage, that required the County to then transfer monies based on the attempt not to use any fund balances. At this point in time, administration does have a good idea of the December revenues number will be, but the distributions have not taken place. The January 17 numbers will determine how much we really have coming in on these funds, as the majority of collections will have then happened. It is understood that we will more than likely have to use those transfers. The Rural and Critical Lands needed \$333,000. The County Debt Service needed much more than the \$400,000, but that is all the General Fund can stomach without dipping into that Fund Balance. We are now at the point of making the transfer.

Administration can report back to Council if it appears at the end of the year that we can take back some of those initial transfers to even the funds out to zero, if it is Council's purgative to do so. Any other change would require the budget to be adjusted accordingly.

County Administrator Gary Kubic spoke before the Committee. He stated each time we anticipate a transfer from this General Fund line item to debt service, prior to the transfer administration will report to Council as to whether or not the full amount is needed. We have to take the position that we have an ordinance that indicates that this transfer will be made to Debt Service. The timing and the amount gives us a second crack towards the end of the year. Administration will have a clearer view in February.

Status: No action required. Informational purposes only.

4. Stormwater Agreed-Upon Procedures

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

Discussion: Mr. Gary Kubic, County Administrator, informed the Committee of his intent in this item. The stormwater fee, when it was established, has charged our residents collectively over \$32 million. Focusing on what we do in the Stormwater Management Program, he asked staff if there was an annual audit or annual performance report, and found out there was not. He felt it an opportunity to create a record for us to go through the process in a different fashion – conduct a numerical audit as to where the money went and was spent, but also carry forward what the money was used for with a description of the capital improvement, what the capital improvement was designed to do and where it was located. He believes this is beneficial in helping us with our future decision-making process. We began the program and entered into \$24,000 to \$25,000 to do the project. He is now asking that the additional amount be granted to complete the audit. The source could be stormwater fees or County administrator's professional services account. He wants this to be an annual expenditure which would only be about \$5,000 annually. He would also like to extend to the municipalities for them to do the same reporting mechanism so citizens no matter their location can see the collective report.

Status: This item was previously approved and before the Committee for a second time for discussion purposes.

5. Executive Session

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

Motion: It was moved by Mr. Sommerville, seconded by Mr. Baer, that the Finance Committee go into executive session for the purpose of discussions incident to proposed contractual arrangements. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville, and Mr. Stewart. The motion passed.

FINANCE COMMITTEE

February 6, 2012

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

The Finance Committee met on Monday, February 6, 2012 at 1:30 p.m., in the Executive Conference Room, Administration Building, 100 Ribaut Road, Beaufort, SC.

ATTENDANCE

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

County staff: Paul Andres, Airports Director; Joshua Gruber, County Attorney; Bryan Hill, Deputy County Administrator; Greg Hunt, Mosquito Control Director; Gary Kubic, County Administrator; Colin Kinton, Traffic/Transportation Engineer; David Starkey, Chief Financial Officer; and John Webber, Special Projects.

Media: Joe Croley, Hilton Head Island-Bluffton Chamber of Commerce; and Anne Christnovitch, *Island Packet/Beaufort Gazette*.

Councilman Rodman chaired the meeting.

INFORMATION ITEMS

1. Discussion of Bus Livability Grant

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

Discussion: County Administrator Gary Kubic informed the Committee of his desire to have Planning Director Tony Criscitiello to review this item with Council prior to March 1. This would allow Council an opportunity to discuss and direct staff whether to withdraw from grant or proceed.

Status: This item will be discussed at a later meeting.

2. Funds Transfer Policy

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

Discussion: Staff Attorney Joshua Gruber reviewed with the Committee the revised proposed ordinance which prompted much discussion between staff and Committee members.

Mr. Baer expressed his concerns about detecting transfers at a summary level, but also felt it did not need to be too detailed. We need to find a middle level of reporting.

Mr. Stewart felt information regarding transfers within departments is not needed. Mr. McBride agreed with Mr. Stewart's position.

Mr. Flewelling suggested that Mr. Baer provide a list of the extra detail he is wanting.

Mr. Kubic stated staff will provide Council with whatever details they request. He wanted to know what provisions are desired in the ordinance and what supplemental information is being requested.

Mr. McBride wanted to know if this would be problematic in the event of an emergency. Mr. Kubic replied in the negative. Council will be informed as soon as possible in that type of situation.

Status: No action required. This is a working document.

3. Executive Session

- **Receipt of legal advice relating to pending and potential claims covered by the attorney-client privilege**
- **Discussion of negotiations incident to proposed contractual arrangements and proposed purchase of property**

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

Motion: It was moved by Mr. Stewart, seconded by Mr. Caporale, that Finance Committee go immediately into executive session for the purpose of discussions of receipt of legal advice relating to pending and potential claims covered by the attorney-client privilege and to discuss negotiations incident to proposed contractual arrangements and proposed purchase of property. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Flewelling, Mr. McBride, Mr. Rodman, and Mr. Stewart. ABSENT – Mr. Sommerville. The motion passed.

Reconvene of Regular Session

Motion: It was moved by Mr. Caporale, seconded by Mr. Baer, that Finance Committee forward to Council consideration of two Airport contract awards. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Flewelling, Mr. McBride, Mr. Rodman, and Mr. Stewart. ABSENT – Mr. Sommerville. The motion passed.

Recommendation: This item will be discussed in an executive session of Council.

4. Discussion of Financial Items for Council Retreat

- **Update on 2011 Retreat Items**
- **2012 Items**

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

Discussion: Deputy Administrator Bryan Hill stated staff will present Council a report at the Retreat on where we are.

Committee Chairman Stu Rodman asked Committee members to please forward any particular topics regarding financials that they would like to discuss to administration.

Mr. Baer would like to continue to work on reporting projections, transfers and CIP. He would also like to talk about economic development strategy, considering reevaluation impacts on future funding availability, and a modest employee raise.

Mr. Kubic said he sent out a list of items to Lyle Sumeck. He also informed the Committee that the Planning Department is preparing a profile breakdown of the 11 districts with summaries to provide key data as to what the 2012 Census contains. Each Council member will be provided that book. He hopes it serves as a useful tool.

Mr. Rodman presented the Committee a chart on the Uncommitted One Cent Sales Tax Projects. He would like to ask the voters of Beaufort County via referendum for permission to continue the current Program in order to do the projects that did not get done due to the impact fees shortfall. He would like staff to see if it is feasible.

Mr. Baer presented the Committee with two handouts regarding the Once Cent Sales Tax Program. He is unclear how much has been spent, how much more will come in, and how much is required to complete the projects on the list. He feels we owe it to the voters to explain where the money has been spent, then, he would be in favor of asking for a tax extension.

Status: This item was for informational purposes only.

5. November 2011 and December 2011 Standard Operating Procedures Report

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

Discussion: Chief Financial Officer David Starkey reviewed the financial section of this report with the Committee.

Status: No action required. Information only.

GOVERNMENTAL COMMITTEE

February 6, 2012

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

The Governmental Committee met on Monday, February 6, 2012 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, Gerald Dawson, Brian Flewelling, Herbert Glaze, and Stu Rodman attended the meeting. Non-Committee members William McBride and Steven Baer also attended.

County Staff: Todd Ferguson, Emergency Management Director; Bryan Hill, Deputy County Administrator; Greg Hunt, Mosquito Control; David Starkey, Chief Financial Officer; and David Zeoli, Emergency Management Assistant Director.

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

Mr. Stewart chaired the meeting.

INFORMATION ITEMS

1. Discussion – Upcoming Legislative Session

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

Discussion: Committee Chairman Jerry Stewart informed the Committee that many Legislators are currently in Columbia and are unable to attend.

Status: This item was for informational purposes only.

2. Mosquito Control Department Yearly Update

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

Discussion: Mr. Greg Hunt, Mosquito Control Director, gave overview the 2011 highlights of the Mosquito Control Program. Mosquito Control in run with 11 full time employees and 3 part time employees. They run six spray trucks, one helicopter and one airplane. Using GovDeals the Department was able to sell one of the planes for \$87,000. In

2011, 18,500 catch basins were treated. These catch basins provide an ideal habitat for West Nile Virus. Five employees started the treatment at the beginning of April, and finished by mid June. We paid \$55,000 for the public health insecticides used during that process. For the second year, Mosquito Control participated in the Emergency Management / Emergency Medical Services Training at Ridgeland Airport. We offered pickup trucks and utility vehicles to assist in the transportation in injured citizens from the National Guard helicopters to a nearby medical treatment facility. Mosquito Control has organized the painting of the OV-10 Bronco. The plane cost \$2,400, paint \$10,500. The current replacement of the airplane is \$500,000. The plane was featured at the MCAS Beaufort Air Show and received numerous compliments about the plane.

The GPS equipment used showed a visual demonstration of a condensed version of spraying an area. The GPS equipment monitors aircraft speed, direction and height. Other equipment monitor wind speed, wind direction, temperature, humidity and other data needed to create the best strategic application within a target zone. The same GPS technology is used to identify the location of beehives, no spray residences, organic farms, and vertical constructions.

During 2011, the helicopter was used for other County activity to include monitoring five construction projects. During several reconnaissance flights, we discovered the illegal dumping of waste tires in several protected salt marsh habitat. Using the helicopter and airplane, Mosquito Control organizes training events for Emergency Management and Sheriff's Office.

He stated they are very grateful to have a surveillance lab to monitor mosquitoes and mosquito born diseases in Beaufort County. It represents one of two labs in South Carolina. They did not see any mosquito born diseases in 2011. He stated Savannah experience a significant West Nile Virus last year and provided in-depth details of that.

Mosquito Control received 937 complaints / request for services from March through November, and observed three peaks. He presented the Committee a map of the GPS coordinates for complaints in 2011. 87% of the complaints were north of the Broad River.

Mr. Hunt spoke about future growth in southern Beaufort County and future problems with the current program. He also spoke about future plans to control these problems.

Status: This item was for informational purposes only.

3. Emergency Management Department Upcoming Schedule of Events

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

Discussion: Emergency Management Director Todd Ferguson reviewed this item with the Committee. Emergency Management will be participating in three exercises: (i) Mass Fatality Exercise, in coordination with coroner and SCDHEC; (ii) National Guard Exercise; and (iii) State Hurricane Exercise.

Status: This item was for informational purposes only.

4. Overview – 911 Operations

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

Discussion: Mr. Todd Ferguson, Emergency Management Director, reviewed with Committee the history of dispatch from 1989 to date. He presented the future needs that include the fact that the Microwave System has reached its life cycle and the need for a new and updated Computer Aided Dispatch (CAD) System. Future concerns include the following:

- Physical Space
- ISO Ratings, as the number of calls increase there will be a need to increase our dispatcher numbers
- NG 911, Social Media
- As the dispatching continues to become more technical, qualifications may need to be increased to ensure we are able to attract the best.

Status: This item was for informational purposes only.

5. 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.

- **Bluffton Fire District**

Recommendation: Council nominate Mr. Jack Bennett and Mr. Terrence Reynolds for reappointment to serve as members of the Bluffton Fire District.

- **Lowcountry Council of Governments**

Recommendation: Council nominate Mr. Joseph McDonick and Mr. James Outlaw for reappointment to serve as members of the Lowcountry Council of Governments.

- **Sheldon Fire District Commission**

Recommendation 1: Council nominate Messrs. Gregory Gilbert, Rudolph Glover, and George Williams for reappointment to serve as members of the Sheldon Fire District Commission.

Recommendation 2: Council nominate Mr. John C. Kerner to serve as a member of the Sheldon Fire District Commission.

6. Announcement

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

Status: The Chairman announced the 2012 Lobbying Day to meet with Legislators will be held Tuesday, March 13, 2012.

DRAFT

NATURAL RESOURCES COMMITTEE

February 6, 2012

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

The Natural Resources Committee met on Monday, February 6, 2012 at 3:00 p.m., in the Executive Conference Room of the Administration Building, Beaufort, South Carolina.

ATTENDANCE

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

County Staff: Delores Frazier, Assistant Planning; Joshua Gruber, County Attorney; Colin Kinton, Traffic/Transportation Engineer; and David Starkey, Chief Financial Officer;

Public: Reid Armstrong, Coastal Conservation League Beaufort Office; Garrett Budds, Coastal Conservation League, Jocelyn Staiger; Tim Swartz, Property Owner; and David Tedder, lawyer.

Media: Joe Croley, Hilton Head Island-Bluffton Chamber of Commerce.

ACTION ITEMS

- 1. Port Royal Island Zoning Map Amendment / Rezoning Request for R100 024 000 0020 0000 and R100 024 000 0416 000 (2 Parcels totaling 8.29 Acres at the Intersection of Rug Rack, Laurel Bay, and Joe Frazier Roads in Burton, SC) from Rural with Transitional Overlay (R-TO) Zoning District to Commercial Suburban (CB); Owner: Timmark General Partnership / Applicant: T. Schwartz**

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

Discussion: Mrs. Delores Frazier, Assistant Planning Director, presented three maps and reviewed this item with the Committee. There is a self-storage business on these two properties that is nonconforming under the R –TO zoning district. The applicant would like to rezone these properties to Commercial Suburban (CS), which would make the use conform. The applicant states that these properties have been used commercially since 1979. The properties were previously zoned General Commercial prior to 1999. In 2010, the applicant applied for a rezoning to CS for the two parcels that are the subject of this application. The applicant was informed at the time that the County was in the early stages of drafting a new Form-Based Code

(FBC), a process that involved both the City of Beaufort and the Town of Port Royal. The Burton/Laurel Bay region was identified at that time as a specific area of focus. Staff recommended denial of the rezoning request in anticipation of a Burton/Laurel Bay charrette that was to take place as part of the process to develop the FBC.

Council agreed with staff's request to postpone a rezoning action until the FBC was developed and, in the meantime, urged the applicant to apply for a Special Use Permit to bring the site into conformity. Council ultimately voted to deny the rezoning request. Since that time (nearly a year ago), a draft FBC has been completed, and staff is reviewing it in anticipation of a public draft being released early next year. The County and its consultants have held three charrettes: one for Shell Point/Town of Port Royal, one south of the Broad River, and one for St. Helena/Lady's Islands. It has now been determined that the Burton/Laurel Bay charrette will likely be done by staff at some point in the future. In the meantime, the draft FBC contains new development standards for conventional (non-transect) zones that greatly improves existing standards for new development and allows conventional zones to, essentially, transition into transect zones over time. The Planning Commission and the Beaufort – Port Royal Metropolitan Planning Commission both recommend approval with the three conditions stated by the Traffic and Transportation Engineer: (i) Access to the site should be internal from Timmark Drive only, and there shall be no access to SC 116 (Laurel Bay Road); (ii) Access may be permitted to Joe Frazier Road, however, SCDOT and Beaufort County driveway and access separation standards shall be met; and (iii) A Traffic Impact Analysis is required for any development that generates 50 peak-hour trips or greater based on Section 106-367(g)(4) of the ZDSO.

Mr. Glaze stated he feels as if the County is not fulfilling its obligations. We said we were going to do a charrette, and feels we need to give the people in that area an opportunity to voice their opinions. Mr. Dawson concurred with Mr. Glaze.

Mr. Baer inquired as to how quickly we could do the charrette?

Mr. Flewelling replied the goal is to have the Form-Based Code complete and codified. In order for that to happen, it means the earliest the charrette could occur is January 2013. The other charrettes that were completed were budgeted and contracted with Opticos Design, Inc. It was determined to be a greater need for the Shell Point area, rather than Laurel Bay.

Mr. Joshua Gruber, County Attorney provided Committee additional information. There was a motion to defer this item previously because of the Form-Based Code. This prompted a lawsuit. He warns of extending merits.

Mr. Flewelling feels that Council should not continue to delay the applicant and feels a vote to approve or deny needs to be made.

Mr. Stewart stated if this item is delayed, he will vote against it.

Mr. Flewelling added this is a non-conforming use. The applicant is merely asking to get the property zoned as if he were the previous property owner.

Mr. Schwartz, the applicant, stated historically the property was commercial and feels as if it needs to go back to what it was. He did say that the property was zoned rural when he purchased it; however, he obtained a business license and is being taxed vacant-commercial.

Mr. Reid Armstrong, SC Coastal Conservation League, Beaufort Office, feels we need to change the way we look at applications when they come in.

Motion: It was moved by Mr. Dawson, seconded by Mr. Stewart that Natural Resources Committee recommends Council postpone the Port Royal Island Zoning Map Amendment and rezoning request for R100 024 000 0020 0000 and R100 024 000 0416 0000 (2 parcels totaling 8.29 acres at the intersection of Rug Rack, Laurel Bay and Joe Frazier Roads in Burton, SC) from rural with transitional overlay (R-TO) zoning district to commercial suburban (CS) until a charrette has been completed.

Motion to amend by addition: It was moved by Mr. Dawson, seconded by Mr. Stewart, that Natural Resources Committee amend the motion to add that staff expedite the charrette and use a local school to facilitate. The vote was: FOR – Mr. Baer, Mr. Dawson, Mr. Stewart, and Ms. Von Harten. OPPOSED – Mr. Flewelling. Abstained – Mr. McBride. The motion passed.

Recommendation: Council postpone the Port Royal Island Zoning Map Amendment and rezoning request for R100 024 000 0020 0000 and R100 024 000 0416 0000 (2 parcels totaling 8.29 acres at the intersection of Rug Rack, Laurel Bay and Joe Frazier Roads in Burton, SC) from rural with transitional overlay (R-TO) zoning district to commercial suburban (CS) until a charrette has been completed and direct staff to expedite the charrette and use a local school to facilitate.

2. 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

- **Northern Corridor Review Board**

Status: This item was postponed.

- **Planning Commission**

Motion: It was moved by Mr. McBride, seconded by Mr. Stewart, that the Natural Resources Committee nominate Mrs. Diane J. Chmelik, representing at-large; and Mr. W. Edward Riley, representing Bluffton/Daufuskie Island, for reappointment to serve as members of the Planning Commission. The vote was: FOR – Mr. Baer, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Stewart and Ms. Von Harten. The motion passed.

Recommendation: Council nominate Mrs. Diane J. Chmelik, representing at-large; and Mr. W. Edward Riley, representing Bluffton/Daufuskie Island, for reappointment to serve as members of the Planning Commission.

DRAFT

PUBLIC FACILITIES COMMITTEE

January 25, 2012

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

The Public Facilities Committee met on Tuesday, January 25, 2012 at 4:30 p.m., in the Executive Conference Room of the Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

Public Facilities Chairman Herbert Glaze, Vice Chairman Steve Baer, and members Gerald Dawson, Brian Flewelling, William McBride and Jerry Stewart. Non-committee members Rick Caporale and Paul Sommerville present.

County staff: Bryan Hill, Deputy County Administrator; David Starkey, Chief Financial Officer; Josh Gruber, Staff Attorney; Rob McFee, Division Director – Engineering and Infrastructure; and Paul Andres, Airports Director; Bob Klink, County Engineer; Eddie Bellamy, Public Works Director; Mr. Jim Minor, Solid Waste and Recycling Manager; and John Webber, Disaster Recovery.

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

Mr. Glaze chaired the meeting.

ACTION ITEMS

1. Discussion / FEMA Reimbursement Possibilities for Private Communities / Debris Management and Collection Following a Disaster

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

Discussion: Mr. Jim Minor, Solid Waste and Recycling Manager, gave a presentation on debris management and collection following a disaster. He reviewed the County's Recovery Debris Management Plan which includes plans for collection within gated communities. The plan requires gated communities to contact the county in advance and request this. Then, the county must have approval from FEMA before the county can be reimbursed. FEMA will decide this on a case-by-case basis.

Debris will be chipped or burned after a disaster. There are smoke-clearing devices to protect air quality. Citizens will be asked to separate debris for disposal. Public and private roads will be cleared first.

Motion: It was moved by Mr. Flewelling, seconded by Mr. Baer, that Committee recommend Council approve staff recommendation for debris management and collection following a disaster: (i) County Public Works Debris teams and/or Contractor will perform initial road clearance on public and private roads; (ii) When directed by County Council, the County Debris Manager will request approval to remove debris from private property using the suggested policy guidelines; and (iii) Private communities will be responsible to the County for any unreimbursed expenses associated with debris removal. The vote was: YEAS – Mr. Baer, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride and Mr. Stewart. The motion passed.

Recommendation: Council approve staff recommendation for debris management and collection following a disaster: (i) County Public Works Debris teams and/or Contractor will perform initial road clearance on public and private roads; (ii) When directed by County Council, the County Debris Manager will request approval to remove debris from private property using the suggested policy guidelines; and (iii) Private communities will be responsible to the County for any unreimbursed expenses associated with debris removal.

2. 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

- Airports Board

Mr. Baer nominated Will Dopp, proximity to Hilton Head Island Airport, for reappointment to serve as a member of the Airports Board.

Mr. Baer nominated Mr. Ronald Smetek, proximity to Hilton Head Island Airport, to serve as a member of the Airports Board to replace Mr. Leonard Law.

Mr. McBride nominated Mr. Ross “Mac” Sanders, active pilot/aircraft owner Lady’s Island Airport, for reappointment to serve as a member of the Airports Board.

Mr. McBride nominated Mr. Pete Buchanan, qualifications, for reappointment to serve as a member of the Airports Board.

- Stormwater Management Utility Board

Mr. Dawson nominated Mr. John Youmans, stormwater district #6-unincorporated Port Royal Island, for reappointment to serve as a member of the Stormwater Management Utility Board.

Mr. Sommerville nominated Mr. David Cargile, Stormwater District #7, unincorporated Lady’s Island, to serve as a member of the Stormwater Management Utility Board.

INFORMATION ITEMS

3. Proposed Changes / Airports Board Enabling Legislation

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

Discussion: Mr. Caporale plans to submit some changes to the charter at the next meeting. He wants to make “proximity” members’ terms longer than one year as originally intended for the purpose of reducing strife. He said the ‘proximity’ members have worked out well and should get longer terms.

4. Update / Drainage Projects

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

Discussion: Mr. Eddie Bellamy, Public Works Director, gave an overview of efforts to improve stormwater drainage in the County. A discussion followed regarding the progress being made. Committee members congratulated Mr. Bellamy and crew for their good work. Mr. Dawson and Mr. McBride, who represents rural areas, said they still have problems with ditches that need to be addressed.

Twenty man-hole covers have been stolen.

5. Update / Road Projects

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

Discussion: Mr. Rob McFee,, Division-Director Engineering and Infrastructure, talked about the work done on dirt roads. He announced completion of several roads and the status of others in progress.