AGENDA
COUNTY COUNCIL OF BEAUFORT COUNTY
Monday, April 22, 2013
4:00 p.m.
Council Chambers, Administration Building
Government Center
100 Ribaut Road, Beaufort

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.
   A. Executive Session
      1. Receipt of legal advice relating to pending and potential claims covered by the attorney-client privilege.
      B. Committee Reports (backup)
      C. Discussion is not limited to agenda items

2. REGULAR MEETING - 5:00 P.M.

3. CALL TO ORDER

4. PLEDGE OF ALLEGIANCE

5. INVOCATION

6. RECOGNITION OF VOLUNTEERS AT COUNTY ANIMAL SHELTER
   A. Amanda Bellnier
   B. Jan Hughes
   C. Cathy Parsons
   D. Rob Studley

7. ADMINISTRATIVE CONSENT AGENDA
   A. Approval of Minutes – April 8, 2013 (backup)
   B. Appointments to Boards and Commissions (backup)
   C. Receipt of County Administrator’s Two-Week Progress Report (backup)
   D. Receipt of Deputy County Administrator’s Two Week Progress Report (backup)
8. PUBLIC COMMENT

9. COUNTY ADMINISTRATOR’S REPORT
   Mr. Gary Kubic, County Administrator
   A. The County Channel / Broadcast Update

10. DEPUTY COUNTY ADMINISTRATOR’S REPORT
    Mr. Bryan Hill, Deputy, County Administrator
    A. Monthly Budget Summary (backup)
    B. Beaufort County Employee Recycling Promotional Program
    C. Beaufort County Disabilities and Special Needs Promotional Video

11. CONSENT AGENDA – ITEMS A THROUGH G
    A. AN ORDINANCE TO AMEND THE FY 2012-2013 BEAUFORT COUNTY COUNCIL BUDGET, SECTION 4, COUNTY OPERATIONS APPROPRIATION, SECTION 11 COUNTY ADMINISTRATION OPERATIONS, PARAGRAPH M. GENERAL GOVERNMENT SUBSIDIES (TO APPROPRIATE $152,817 TO THE SOLICITOR’S BUDGET) (backup)
       1. Consideration of second reading approval to occur April 22, 2013
       2. Public hearing – Monday, May 6, 2013 beginning at 6:00 p.m. in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort, SC
       3. First reading approval, by title only, occurred April 8, 2013 / Vote 10:0
       4. Finance Committee discussion and recommendation to approve occurred March 18, 2013 / Vote 6:0
    B. DISSOLUTION OF KINGS GRANT II SPECIAL PURPOSE TAX DISTRICT (backup)
       1. First reading approval, by title only, to occur April 22, 2013
       2. Finance Committee discussion and recommendation to approve occurred April 15, 2013 / Vote 6:0
    C. AN ORDINANCE TO AMEND THE MEMBERSHIP AND COMPOSITION OF THE BEAUFORT COUNTY TAX EQUALIZATION BOARD AND TO ESTABLISH THE TERM OF SERVICE FOR SUCH MEMBERS (backup)
       1. First reading approval to occur April 22, 2013
       2. Finance Committee discussion and recommendation to approve occurred April 15, 2013 / Vote 6:0
    D. CONDITIONAL APPROVAL OF BLUFFTON PARKWAY PHASE 5B / BUCKWALTER PARKWAY REALIGNMENT (backup)
       1. Public Facilities Committee discussion and recommendation to approve occurred April 15, 2013 / Vote 8:0
    E. ENGINEERING DESIGN SERVICES FOR SPANISH MOSS TRAIL PHASE 2
       1. Contract award: Andrews and Burgess, Beaufort, South Carolina (backup)
       2. Contract amount: $271,579
       3. Contract funding: Local 3% Accommodations Tax / Tourism Infrastructure
       4. Public Facilities Committee discussion and recommendation to approve occurred April 15, 2013 / Vote 7:1
F. RENEWAL OF PERRYCLEAR DRIVE ROADWAY EASEMENT (backup)
   1. Public Facilities Committee discussion and recommendation to approve occurred
      April 15, 2013 / Vote 7:1

G. CONDEMNATION OF OLD MILLER ROAD – LAKE POINT DRIVE
   CONNECTOR – BLUFFTON (backup)
   1. Public Facilities Committee discussion and recommendation to approve occurred
      April 15, 2013 / Vote 7:1

12. PUBLIC COMMENT

13. ADJOURNMENT
A. COMMITTEES REPORTING

1. Finance
   ① Minutes provided from the April 15 meeting. See main agenda items 11B and 11C.

2. Governmental
   ① Daufuskie Island Fire District Board

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<th>Nominated</th>
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<th>Position/Area/Expertise</th>
<th>Reappoint/Appoint</th>
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<td>04.08.13</td>
<td>Charles Henry</td>
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<td>Thomas Dickinson</td>
<td>Fire service area</td>
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<td>10 of 11 (3rd term)</td>
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   ② Sheldon Fire District Board

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<tr>
<th>Nominated</th>
<th>Name</th>
<th>Position/Area/Expertise</th>
<th>Reappoint/Appoint</th>
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<tbody>
<tr>
<td>04.08.13</td>
<td>John Seno</td>
<td>Fire service area</td>
<td>Appoint</td>
<td>6 of 11 (1st term)</td>
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3. Public Facilities
   ① Minutes from the April 15 meeting provided May 6. See main agenda items 11D, 11E, 11F, 11G and 11H.
   ② Southern Beaufort County Corridor Beautification Board

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<tr>
<th>Nominated</th>
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<th>Position/Area/Expertise</th>
<th>Reappoint/Appoint</th>
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<td>04.22.13</td>
<td>Douglas Novack</td>
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<td>Steve Wilson</td>
<td>Council District 11</td>
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B. COMMITTEE MEETINGS

1. Community Services
   William McBride, Chairman
   Tabor Vaux, Vice Chairman
   ➔ Next Meeting – Monday, May 20 at 1:00 p.m., Bluffton Branch Library

2. Executive
   Paul Sommerville, Chairman
   ➔ Next Meeting – Monday, May 6 at 1:00 p.m., ECR

3. Finance
   Stu Rodman, Chairman
   Rick Caporale, Vice Chairman
   ➔ Next Meeting – Monday, April 29 at 1:00 p.m., ECR / Fire Districts’ FY 2014 Budget Presentations
   ➔ Next Meeting – Monday, May 6 at 2:00 p.m., ECR
   ➔ Next Meeting – Monday, May 13 at 2:00 p.m., BIV #2
4. Governmental
   Jerry Stewart, Chairman
   Laura Von Harten, Vice Chairman
   ➔ Next Meeting – Monday, April 29 at 4:00 p.m., ECR

5. Natural Resources
   Brian Flewelling, Chairman
   Cynthia Bensch, Vice Chairman
   ➔ Next Meeting – Monday, June 3 at 2:00 p.m., ECR

6. Public Facilities
   Gerald Dawson, Chairman
   Steven Baer, Vice Chairman
   ➔ Next Meeting – Monday, May 13 at 4:00 p.m., BIV #2

7. Transportation Advisory Group
   Paul Sommerville, Chairman
   ➔ Next Meeting – To be announced.
The Finance Committee met Monday, April 15, 2013 at 2:00 p.m., in the Conference Room, Building 2, Beaufort Industrial Village, 102 Industrial Village Road, Beaufort.

ATTENDANCE

Finance Committee Members: Chairman Stu Rodman, Vice Chairman Rick Caporale and members Steven Baer, Brian Flewelling, William McBride, and Jerry Stewart were present. Non-Committee members Cynthia Bensch, Gerald Dawson, Paul Sommerville, and Tabor Vaux were also present.

County staff: Ed Allen, Coroner; Joshua Gruber, Staff Attorney; Alicia Holland, Comptroller; Ed Hughes, Assessor; Gary Kubic, County Administrator; Rob McFee, Division Director – Engineering and Infrastructure; Jerri Roseneau, Clerk of Court; David Starkey, Chief Financial Officer; Dave Thomas, Purchasing Director, and Maria Walls, Deputy Treasurer.

School District: Tonya Crosby, Chief Financial Officer; Bill Evans, Board of Education Chairman; and Phyllis White, Chief Operational Services Officer.

Media: Joe Croley, Hilton Head Island-Bluffton Chamber of Commerce.

Councilman Rodman chaired the meeting.

ACTION ITEMS

1. Dissolution of Kings Grant II Special Purpose Tax District

   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 this item with the Committee. Kings Grant II Special Purpose Tax District was created in 1990 to maintain roads within the subdivision, to include drainage and other public works incident to road maintenance. In 1999, representatives asked the County to dissolve. Nothing was resolved, at that time. The District is now obtaining petition signatures to dissolve. There is currently approximately $19,000 in the District coffers. These funds could be used on community improvements or the money could be converted to the County’s General Fund.

   Mr. Flewelling asked that Mr. Gruber contact the Division’s Homeowners Association to find out their wish list of improvements.
Motion: It was moved by Mr. Flewelling, seconded by Mr. Caporale, that Finance Committee approve and recommend to Council approval on first reading, by title only, an ordinance to dissolve Kings Grant II Special Purpose Tax District. The vote was: YEAS – Mr. Baer, Mr. Caporale, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville, and Mr. Stewart. The motion passed.

Recommendation: Council approve on first reading, by title only, an ordinance to dissolve Kings Grant II Special Purpose Tax District.

2. An Ordinance to Amend the Membership and Composition of the Beaufort County Tax Equalization Board and to Establish the Term of Service For Such Members

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 this item with the Committee. The proposal is to amend the membership of the Tax Equalization Board. The Board currently consists of seven members, two of which are at-large seats and five township seats. He spoke of the backlog of cases pending a hearing before the Board. He suggested increasing the membership from 7 to 15 thereby allowing for the creation of subcommittee hearing panels, which could meet more frequently thereby reducing the backlog appeal cases.

Motion: It was moved by Mr. McBride, seconded by Mrs. Bensch, that Finance Committee approve and recommend to Council approval on first reading an ordinance to amend the membership and composition of the Beaufort County Tax Equalization Board and to establish the term of service for such members. The vote was: YEAS – Mr. Baer, Mr. Caporale, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville, and Mr. Stewart. The motion passed.

Recommendation: Council approve on first reading an ordinance to amend the membership and composition of the Tax Equalization Board and to establish the term of service for such members.

INFORMATION ITEMS

3. Elected Official’s FY 2014 Budget Proposal
   • Clerk of Court, Jerri Roseneau

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

Discussion: Mrs. Jerri Roseneau, Clerk of Court, spoke before the Committee regarding the FY 2014 budget proposal. She said her budget contains an increase of $9,800 in general expenses and $140,000 increase in specialized equipment of which $40,000 is for purchase of office furniture, shelving and partitions for staff. The remaining $100,000 is for technology equipment in the courtrooms. The total FY 2014 proposed budget is $398,200.
County Administrator Gary Kubic has instructed Broadcast Services Manager Scott Grooms to assist the Clerk in determining equipment needs within the courtrooms.

Mr. Grooms informed the Committee that the preliminary estimates are for basic equipment upgrades. Of the six courtrooms, only three have working sound systems and none have permanent monitors. The rooms are outdated.

Mr. Baer inquired as to the possibility of using any leftover dollars from courthouse renovation project for capital equipment purchase.

Mr. David Starkey, Chief Financial Officer, stated he does not foresee many additional dollars from the Courthouse renovation project.

Mr. Baer asked about the use of courthouse fees. Mrs. Roseneau stated 50% of courthouse fees go to the State, while the other half goes to the General Fund.

Mr. Kubic spoke in regards to asking the Legislative Delegation to consider imposing a fee designed specifically to cover future technology upgrades within the courtrooms. The Committee concurred this would be a good topic to explore.

Status: This was for informational purposes.

4. Elected Official’s FY 2014 Budget Proposal
   - Treasurer Doug Henderson

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

Discussion: In the absence of Treasurer Doug Henderson, Deputy Treasurer Maria Walls provided the Committee with a PowerPoint presentation on the Treasurer Office’s FY 2014 budget proposal. She provided the Committee with a budget comparison for the current and prior years. Their proposal budget reflects a decrease over the current year of $224,570. The total FY 2014 budget proposal is $472,080. The department has been moving towards implementation of cost-effective methods, to include going paperless. Previous year budget adjustments reflect more accurate general ledger expenditures. She also spoke of coming back before Council to present an employee merit program.

Status: This was for informational purposes.
5. Elected Official’s FY 2014 Budget Proposal
   • Coroner Ed Allen

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

   **Discussion:** Coroner Ed Allen reviewed with the Committee his FY 2014 budget proposal. The Coroner’s Office realized an increase of 1,105 calls over calendar year 2012. Since January 2013 the Office has had 344 calls, and is are projecting 1,376 calls by year’s end. Even with the increased calls, this year’s budget is a decrease over the FY 2013 total budget of $435,571. The FY 2014 budget proposal is $254,128, a 41% decrease year over year. The FY 2013 budget contains one-time expenditures due to the department’s pending relocation to the newly renovated, i.e., former Disabilities and Special Needs building. Mr. Allen also spoke about the renovation project and gave a brief update on its status. We are awaiting permits from the Town of Port Royal to begin the renovation project. We hope to have the project completed within five months.

   **Status:** This was for informational purposes.


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

   **Discussion:** Board of Education Chairman Bill Evans introduced Mrs. Phyllis White, Chief Operational Services Officer, who provided the Committee with a PowerPoint presentation regarding the FY 2014 budget proposal. The presentation included the following: projected revenue with revenue assumptions, projected expenditures with expenditure assumptions, overview of the categories of the budget, review of current year and impact on FY2014 budget, and review of future years’ projections. She reviewed the increases due to state mandates, which includes step increases for certified staff and benefit increases. These increase total $3,360,189. Other increases include those due to loss of State and Federal Funding which include professional development, five bilingual liaisons, two special education teachers, special education extended school year, and other district-wide professional development. They total $898,537.

   Enrollment is projected to increase over the current year. It is projected to cost $1,698,570 for 20 additional teachers for actual growth, additional students at Riverview Charter School, and supply allocations. Operations is expected to increase by $951,853 and include student transportation, property-casualty insurance, telecommunications, school resource officers/crossing guards, utilities, athletic insurance and County Stormwater fees. Other increases are projected in the amount of $638,750 and include -- step increases for classified employees, step increases for administrative employees, dual enrollment classes for high school students, and water safety lessons. All of this totals an increase of $7.5 million.
Mrs. White She also reviewed the major decreases, which total $2,560,577 and includes maintenance and operations, and elimination of iPad purchases from previous year with adjustment to repairs budget. Total increases, minus the decreases, gives the FY 2014 budget a total increase of $4.9 million. She reviewed the expenditures assumptions that are not included in the budget proposal which include a cost of living increase for employees. The Committee received an overview of instructional and school-based program costs to the Committee, as well as district-wide support departmental costs, charter and vocational support costs, and other support costs. The total preliminary proposed budget is $182.9 million, which is a 2.75% increase over the current year.

**Status:** This was for informational purposes.

**7. Off Agenda Item – Accommodations (2% State) Tax Monies for Lt. Dan Event Concert**

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

**Motion:** It was moved by Mr. Flewelling, seconded by Mr. Baer, that Finance Committee approve to hear an off agenda item regarding accommodations (2% State) tax monies for the Lt. Dan Event Concert. The vote was: YEAS – Mr. Baer, Mr. Caporale, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville, and Mr. Stewart. The motion passed.

**Discussion:** County Administrator Gary Kubic reviewed this item with the Committee. He said he has received numerous calls regarding the accommodations (2% State) tax allocation of dollars to the Lt. Dan Event Concert in September 2013 in Beaufort. Council approved an allocation of $28,900 in two parts to support the concert in Beaufort. The concert location has changed; people are upset about it. He is asking Council’s direction on whether or not to send a demand letter to organizers of the Lt. Dan Event Concert requesting they return $13,900 of accommodations (2% state) tax dollars to the County.

**Motion:** It was moved by Mr. Flewelling seconded by Mr. Baer, that Finance Committee authorize the County Administrator to send the organizers of the Lt. Dan Event Concert a request to return $13,900 of accommodations (2% stated) tax dollars to the County. The vote was: YEAS – Mr. Baer, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville, and Mr. Stewart. NAYS – Mr. Caporale. The motion passed.

**Status:** County Administrator will send the organizers of the Lt. Dan Event Concert a letter requesting they return $13,900 of accommodations (2% state) tax dollars to the County.
CAUCUS

A caucus of the County Council of Beaufort County was held at 4:00 p.m., Monday, April 8, 2013 in Council Chambers of the Administration Building, Government Center, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

Chairman Paul Sommerville, Vice Chairman Stu Rodman and Councilmen Steven Baer, Cynthia Bensch, Rick Caporale, Gerald Dawson, Brian Flewelling, William McBride, Gerald Stewart and Roberts “Tabor” Vaux. Laura Von Harten absent.

PLEDGE OF ALLEGIANCE

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

CALL OF EXECUTIVE SESSION

It was moved by Mr. Baer, seconded by Mr. Stewart, that Council go immediately into executive session for the purpose of receiving information regarding negotiations incident to proposed contractual arrangements and proposed purchase of property as well as receipt of legal advice concerning pending or threatened litigation. The vote was: YEAS - Mr. Baer, Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart, and Mr. Vaux. ABSENT - Ms. Von Harten. The motion passed.

EXECUTIVE SESSION

RECONVENE OF REGULAR SESSION

REGULAR SESSION

The regularly scheduled meeting of the County Council of Beaufort County was held at 5:00 p.m., Monday, April 8, 2013 in Council Chambers of the Administration Building, Government Center, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

Chairman Paul Sommerville, Vice Chairman Stu Rodman and Councilmen Steven Baer, Cynthia Bensch, Rick Caporale, Gerald Dawson, Brian Flewelling, William McBride, Gerald Stewart and Roberts “Tabor” Vaux. Laura Von Harten absent.
PLEDGE OF ALLEGIANCE

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

INVOCATION

Chairman Sommerville gave the Invocation.

PROCLAMATION

Sexual Assault Awareness and Prevention Month and Child Abuse Prevention Month

The Chairman proclaimed April 2013 as Sexual Assault Awareness and Prevention Month and Child Abuse Prevention Month. Mrs. Marianne Rothnie, Board Member of Hope Haven of the Lowcountry, accepted the proclamation.

The Chairman passed the gavel to the Vice Chairman in order to receive the Administrative Consent Agenda.

REVIEW OF PROCEEDINGS OF THE REGULAR MEETING HELD MARCH 25, 2013

This item comes before Council under the Administrative Consent Agenda.

It was moved by Mr. Flewelling, seconded by Mr. Stewart, that Council approve the minutes of the regular meeting held March 25, 2013. The vote was: YEAS - Mr. Baer, Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSTAIN - Ms. Von Harten. The motion passed.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Governmental Committee

This item comes before Council under the Administrative Consent Agenda. Discussion occurred at the April 1, 2013 meeting of the Governmental Committee.

Daufuskie Island Fire District Board

Mr. Stewart, as Governmental Committee Chairman, nominated Charles Henry and Thomas Dickinson to serve as members of the Daufuskie Island Fire District Board.

Sheldon Fire District Board

Mr. Stewart, as Governmental Committee Chairman, nominated John Seno to serve as a member of the Sheldon Fire District Board.

To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2
Solid Waste and Recycling Board

David Uehling

The vote was: YEAS - Mr. Baer, Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT – Ms. Von Harten. Mr. Uehling, representing Solid Waste District 6/unincorporated Port Royal Island, garnered the eight votes required to reappoint to serve as a member of the Solid Waste and Recycling Board.

George Potts

The vote was: YEAS – Mr. Baer, Mrs. Bensch, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Sommerville and Mr. Stewart. ABSENT – Ms. Von Harten. Mr. Potts, representing Solid Waste District 9 – Bluffton Township, failed to garner the eight votes required to reappoint as a member of the Solid Waste and Recycling Board.

Dan Duryea

The vote was: YEAS - Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville and Mr. Vaux. ABSENT – Ms. Von Harten. Mr. Duryea, representing Solid Waste District 9 – Bluffton Township, garnered the six votes to appoint to serve as a member of the Solid Waste and Recycling Board.

Southern Beaufort County Corridor Beautification Board

Glen Stanford

The vote was: YEAS - Mr. Baer, Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT – Ms. Von Harten. Mr. Stanford, representing Council District 8, garnered the six votes required to appoint to serve as a member of the Southern Beaufort County Corridor Beautification Board.

County Administrator’s Two-Week Progress Report

This item comes before Council under the Administrative Consent Agenda.

Mr. Gary Kubic, County Administrator, presented his Two-Week Progress Report, which summarized his activities from March 11, 2013 through March 22, 2013.

Mr. Kubic presented the Deputy County Administrator’s Two-Week Progress Report, which summarized his activities from March 11, 2013 through March 22, 2013 as well as the Monthly Budget Summary for the period March 31, 2013.

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

The Chairman recognized Mrs. Mary Amonitti, a resident of Hilton Head Island, who asked Council to consider rearranging the agenda thereby putting prayer first and Pledge of Allegiance second.

Ms. Amelia Stevens, speaking on behalf of the Friends of the Daufuskie Island Park (Park), thanked the members of Council who attended a February 1 meeting concerning the Park. A restroom was not included in the passive Park Plan. She asked Council to apply for an 80/20 grant to fund a restroom facility at this Park.

Ms. Valerie Martin, representing God’s Deliverance Temple, stated parishioners what to help the community.

Mr. Aaron Crosby, a resident of Daufuskie Island, stated there are 83 days remaining on the current contract for ferry service to Daufuskie Island. Unfortunately, the thoroughness required of a government entity, means that it will take every moment of that time to get a ferry contract worked out.

COUNTY ADMINISTRATOR’S REPORT

The County Channel / Broadcast Update

Mr. Gary Kubic, County Administrator, said The County Channel has all programs, events and meetings available to watch online, on-demand at www.bcgov.net. The County Channel continues to serve the community by providing local content. We have been covering the University of South Carolina Beaufort Sand Sharks Baseball and Softball teams this season. The games are broadcast live on The County Channel, and streamed on the web. The next set of games will be a double-header Saturday, April 20 at Noon. This will be the regular season closer against Warner University.

The County Channel has added another Committee meeting to its growing list of transparency in government. The Joint Review Committee of the Community Development Code is chaired by Councilman Brian Flewelling, and will meet twice monthly on Wednesday at 3:00 p.m.

Resolution / Fair Housing Month

It was moved by Mr. McBride, seconded by Mr. Flewelling, that Council designate April 2013 as Fair Housing Month. The vote was: YEAS - Mr. Baer, Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT – Ms. Von Harten. The motion passed.
Resolution in Support of and Committing Required Matching Funds (10% of Grant Request) for Stuart Point Water Extension Project Application

It was moved by Mr. Dawson, seconded by Mr. Rodman, that Council adopt of resolution endorsing the Stuart Point Water Project because it will greatly improve the quality of life for the residents of the Stuart Point area of Beaufort County; and authorizing County Administrator to prepare and submit a Community Development Block Grant (CDBG) Community Infrastructure application for the Stuart Point Water Project and to commit funds in the amount of 10% of the grant request to meet the matching commitment of the Community Development Program. The County’s contribution is approximately $50,000. Funds will be included with the FY 2014 budget. The vote was: YEAS - Mr. Baer, Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT – Ms. Von Harten. The motion passed.

Flow Control Legislation

Mr. Caporale requested an update on the status of the Flow Control legislation.

Mr. Gary Kubic, County Administrator, reported Mr. Jim Minor, Solid Waste/Recycling Manager, and he had a conference call with Senator Tom Davis and Senator Chip Campsen. The purpose of the call was to go over what we believe was an attempt, predicated by the private haulers, primarily two, in our state, Waste Management and Republic, to eliminate home rule capability to manage a flow control process. Flow control is important for the development of a transfer station here in Beaufort County; because, once we capture all of the movement of the solid waste stream, we can become competitive and put it out for a bid, which removes the typical limitation imposed by distance upon communities. The further you have to go to drop it, the more expensive it becomes. We are all aware that Waste Management operates Hickory Hill landfill located in Jasper County. Waste Management operates the next closest landfill, which is in Dorchester County. Three Rivers, the third landfill, operates as a public consortium, and is the furthest out. Ironically, with the current state law of a 75-mile radius, which would preclude any development of any other landfills, we, here in the corner of the state, have really no option. The fear is that if the Legislature takes flow control from us, then we are just subject to whatever is left in terms of where we can take our waste, and then we impose more and more taxes upon our residents --- currently at 2.0 mills. Mr. Kubic believes Senator Davis feels strongly that some of the techniques available to the Senate regarding the current amendments that they can be filibustered and that those proponents do not have the votes to eliminate flow control, i.e., do not have the votes to override that potential. Mr. Kubic does not know if he would view it as we are going to be successful in preventing that from happening. What we are doing -- we have sent all of the material and all of our thoughts that Mr. Minor has primarily produced -- to the South Carolina Association of Counties (SCAC). They oppose the elimination of the flow control and they are, in part, with some members of our state delegation, the persons and agencies that are getting all of our information to all of the Senators.

Mr. Caporale inquired of counter arguments that would suggest that we have it wrong or there is a reason why we would want to pay more than the 2.0 mills we are already paying for waste disposal.

To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2
Mr. Kubic has not had an opportunity to discuss the rationale of the members of the State Delegation who favor the elimination of flow control. The private providers have set forth a notion, that, principally, a flow control ordinance is contrary to free enterprise. Ironically, as we have been explaining to anyone who would listen, if flow control were eliminated, if you understand that there are primarily two major providers in the whole State of South Carolina, and if you understand the imposition of the 75-mile radius limitation from new developing landfills, our choice would be Hickory Hill. Hickory Hill has an expected life of only ten years. If Jasper County and/or Waste Management determine not to expand and create additional cells for the disposal of a solid waste stream, we then move to Dorchester County. Waste Management owns and operates this landfill as well. The elimination of the flow control on the third landfill would eliminate the ability of a public consortium from existing, which would put that landfill up for bid from the private sector, which there are only two operators that split the State. In essence, the two private operators have a utility operation; because, there are no other groups or new businesses that are just going to suddenly, take on a ten-year development process, with millions of dollars, to create a landfill. What we are trying to say to them, “It is the reverse.” Free enterprise and competition will be created by the ability for our community to offer flow control. By way of example to prove that analogy -- tipping fees years ago were about $48 per ton for Beaufort County. When Council authorized the County Administrator to hire SAIC Energy, Environment & Infrastructure, LLC (formerly R. W. Beck Consulting, Inc.), a national company, that price immediately dropped by Waste Management from $48 or $44 currently. What is surprising about that is the mention of flow control, as an alternative for a transfer station, put them at the table and they offered a better price. Mr. Kubic has a meeting with representatives of Waste Management Friday, April 12, 2013. He is hopeful this tool will not be eliminated by the State Assembly and Senate. He is fearful that it will. If it is gone, it will be gone forever. We will be subjected to whatever the private sector demands.

Request for Off-Agenda Item

It was moved by Mr. McBride, seconded by Mr. Flewelling that Council hear an off-agenda item as it relates to a request to direct legal staff to file an appeal regarding the US Military/MCAS Beaufort and Gray's Hill Baptist Church development of a Fellowship Hall. The vote was: YEAS - Mr. Baer, Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT – Ms. Von Harten. The motion passed.

Consideration of a Request to Direct Legal Staff to file an appeal regarding the US Military/MCAS Beaufort and Gray's Hill Baptist Church development of a Fellowship Hall

Mr. Josh Gruber, County Attorney, briefed Council on the status of litigation the County has been involved in regarding the development of property at Gray’s Hill Baptist Church (Church). In 1997, the Church came to the County with a development plan for their property and initially sought a development permit to build the current sanctuary that is in place today on that property. Subsequent to the building of the sanctuary, Council imposed an Airport Overlay District (AICUZ) in and around areas of Marine Corps Air Station Beaufort. The District identified those areas, which would have a high concentration of flights, which tend to lend
themselves to the most probable areas where, if an airplane were to go down, it would be the likely area where it would go down. That AICUZ posed development restrictions on those properties under that zone that would limit the development to 15% of the existing structure. The Church, subsequent to that time, applied for a second development permit, which would have allowed them to build the proposed Fellowship Hall, which would have been adjacent to the existing sanctuary, and would have exceeded the 15% standards permitted under the AICUZ. At that time, the Planning Commission recommended denial. It was appealed to the Circuit Court. The Circuit Court sent it back down for a hearing on the variance. The Board of Zoning Appeals then heard the variance, denied the variance, and it was appealed back to the Circuit Court. The Circuit Court then sent it back down again to the Planning Commission asking for a clear record to be established as far as the grounds for denial of the permit. The Planning Commission held the hearing, and again recommended denial. It was that hearing and the Board of Zoning Appeals hearing, which were ultimately appealed this time to the Circuit Court and is the foundation for the matter that has come before Council this evening. Several days ago, the County received an Order of the Court granting the Church their requested relief and allowing them to move forward with their development. We believe that that Order, signed by the Court, is overly broad. That it contains errors of law that set a dangerous precedent for continued development in the AICUZ. Further, it would pose a substantial safety risk thereby allowing additional development to go into the areas that have specifically been zoned to minimize development because of the risk of a plane going down within that area.

Mr. Gruber is asking Council to authorize County outside litigation counsel to file a Motion for Reconsideration with the court, which extends and preserves all appellate rights that the County has in this matter.

It was moved by Mr. McBride, seconded by Mrs. Bensch, that Council direct County legal staff to file a Motion for Reconsideration to appeal a decision that recently came forward impacting the US Military/MCAS Beaufort and Gray’s Hill Baptist Church regarding development of a Fellowship Hall. It is contrary to the various ordinances and zoning restrictions that the County has currently put in place. The vote was: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. NAYS – Mr. Baer. ABSTAIN – Mr. Dawson. ABSENT – Ms. Von Harten. The motion passed.

Voting Legislation Pending

Mr. Scott Marshall, Director of Board of Elections, gave a short presentation on new suggested legislation that affects Election Boards and Commissions and some ramifications. Every year we have dozens of bills pre-filed that have to do with elections, voter registration and those types of matters. May 1 is a critical date in the General Assembly. It is the date when a bill can no longer cross from one Chamber to the other. As we get closer to May 1, we get more fidelity on the types of election bills that we should be paying more attention. In that light, Mr. Kubic has asked Mr. Marshall to review a few of those with Council today.

Mr. Marshall reviewed several bills -- early voting, candidate filing procedures, and a creation of the Division of Elections.

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Early voting. There are two bills of provenance – Senate.4 and House.3176. (i) At present S.4 has momentum. Early voting would begin ten days prior to election and end three days prior to election. Each county must have established at least one early voting center and can have no more than three early voting centers, unless the County Board of Election deems that they need more early voting centers. Then, after holding public hearings, they can authorize two additional early voting centers. Absentee laws are unaffected. The status of this bill is that it has crossed over into the House March 21, 2013. (ii) H.3176 – early voting begins nine days prior to election and ends the day prior to election. Counties can have only one early voting center and it must be in the county seat. It eliminates the possibility of casting an absentee ballot on an electronic voting machine, essentially, ending absentee in-person voting. A myriad of other items are included in this bill, i.e., quarterly election dates to standardized special elections, elimination of straight party voting, and being able to put one name on the ballot not more than once. The status of this bill is that it is still in the House Judiciary Committee.

Candidate Filing Procedures. S.2 and H.3298 seek to correct what are deemed deficiencies in the system that resulted in the filing fiascos last year. The main thrust of this bill is that candidates will file through the State Election Commission or County Election Commission as applicable depending upon the level of office. This is a misplaced attempt to correct these folly fiascos. The same incident would have occurred had the County Election Commission been in charge of the filing for the primary last year. The reason is we had a State Ethics Commission that came out with new rules two years prior to that with regard to how a candidate files a State of Economic Interest. They stated that candidates would file electronically. All County Election Commission are going by this rule. Placing this function under County Election Commission would have done absolutely no good. What this bill would do, however, is it would reward party officials, who demonstrated inconsistency across the state and how they accepted the filings. Instead of holding the party accountable, the bill would alleviate them of responsibility of filing procedures.

Division of Elections. H.3917 probably has the greatest focus of attention this week of the elections community. It abolishes the South Carolina Election Commission and it moves the functions under the Secretary of State. The Election Commission becomes the Elections Division under the Secretary of State. The Executive Director becomes the Director of the Elections Division. Four canvassers, appointed by the Governor, will replace the five commissioners. The fifth canvasser, the Secretary of State, will serve as Chairman. Canvassers will only hear protests and certify elections. They will not provide any policy guidance or give input to processes. We can expect an amendment to H.3197, which will place County Election Commissions under the Secretary of State as well. Details are not yet available; but what we expect to be in it is that Secretary of State would appoint County Directors. Local boards would be replaced with county canvassers and akin to the State function -- there would be no policy input, no process input and guidance at the local level. If this occurs, the County can expect further unfunded mandates with even less local voice in how it happens. The County can expect a lack of continuity at the county level. This bill is on the agenda for the House Judiciary Committee tomorrow.

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Tax Year 2013 Preliminary Rollforward Calculations/Gross Mil Values

Mr. David Starkey, Chief Financial Officer, distributed copies of the initial calculations for what a rollfoward will look like throughout the County. Mr. Starkey concentrated on the County and School District. He will email the schedule to all of the taxing entities Tuesday morning. There is a whole host of assumptions. These are estimates. Some of these can and will change not only prior to June and August, the latter when millage is set, as well as *Angus v. City of Myrtle Beach*, 609 S.E.2d 808 (S.C. 2004).

Section 12-37-251 of the *Code of Laws of South Carolina*, 1976, as amended, gives the rollback formula. Rollback millage is calculated by dividing the prior year property tax revenues by the adjusted total assessed value applicable in the year the values derived from a countywide equalization and reassessment program are implemented. This amount of assessed value must be adjusted by deducting assessments added for property or improvements not previously taxed, for new construction, and for renovation of existing structures. Mr. Ed Hughes, Assessor, has provided Mr. Starkey the two denominator numbers. Taking the current year's ad valorem tax billings (effective February 28, 2013), the numerator, divided by the denominator and multiplying by 1,000, County operations increase from 40.21 mills to 44.57 mills, debt from 4.44 mills to 4.93 mills, and purchase property from 3.87 mills to 4.23 mills. School District operations will increase from 91.26 mills to 100.55 mills and debt from 28.00 mills to 31.71 mills. There are two tax increment financing districts, New River and Port Royal I, rolling off this year which complicate this process. All entities that are not within those TIFs are essentially rolling forward to almost the same amount of money they received last year. However, due to the court ruling *Angus v. City of Myrtle Beach*, they will more than likely see a drop in their ad valorem tax billings by the end of tax year 2013. Those entities, within those TIFs rolling off, will have some cushion built in because when a TIF rolls off, it does not create more additional ad valorem taxes. What it does is re-routed the tax money allocated to those TIFs back to the original taxing entities that were paying into those TIFs to start with.

The County would gain an additional $2.2 million in revenue. However, because of *Angus v. City of Myrtle Beach* the County will not see that $2.2 million. Last year the County lost approximately $1.3 million in taxes. Last reassessment 90% of taxpayers hit the cap; this time it is 9%. Many people appealed during the last reassessment. Some, who won their appeal, did not see their tax bill change because it was still within the cap range. When staff talked with representatives of S&P and Moody’s last week about the three general obligation bonds refinancing, we were looking at probably adding to our fund balance this year; however, that money very well may be taken back during the next fiscal year due to all of the uncertainty due to reassessment. These numbers reflect that as of December 15, 2009 (the first information we had historically from the last reassessment) the County had real property market value of $42.6 billion. That has declined, according to the Assessor’s last estimates, to $34.2 billion. It is a $9 billion loss in market value. Assessed value is changing from $1.6 billion to $1.5 billion -- $142 million in assessed value lost. These numbers are not creating any more tax revenue or any less. If we billed one dollar last year (in rollfoward calculation) you are billing one dollar the next year. This is taking into account all of the market chaos that has existed especially for 2008 calendar year onward, *i.e.*, during the economic downturn, especially in the housing sector. As we near June, we will keep refining these numbers as the Assessor refines his numbers.
Construction Project Updates

U.S. Highway 278 Roadway Construction Project

Mr. Rob McFee, Division Director-Engineering and Infrastructure, reported this project involves widening of 4.8 miles of U.S. 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. SCDOT is managing this project for Beaufort County. The bridge substructure operations are 99% complete with pile driving operations and deck spans continue to be poured. The widening is in place and production asphalt operations have begun on the mainline.

S.C. Route 170

Mr. Rob McFee, Division Director-Engineering and Infrastructure, reported this project involves the widening of SC Highway 170 from S.C. Highway 46 to U.S. Highway 278 (approximately 4.9 miles). Improvements include multi-use path, signalization and raised median to preserve trees. The contractor is Cleland Construction of Ridgeland, South Carolina. The bid amount is $14,998,972.30. The completion date is May 2014. The project will greatly improve safety and capacity of S.C. Route 170 between U.S. Highway 278 and S.C. Highway 46. The contractor is clearing. Grubbing operations as well as utility relocations and erosion work continue. Material cleared from this project will be recycling using several different venues.

Bluffton Parkway Phase 5A

Mr. Rob McFee, Division Director-Engineering and Infrastructure, reported Bluffton Parkway Phase 5A bridges will connect U.S. Highway 278 and Bluffton Parkway roadway facilities and provide safe, grade-separated movement for the traveling public. Council awarded the $36.6 million construction contract to R.R. Dawson Bridge Company of Lexington, Kentucky February 25, 2013. The construction duration is 900 days. The project contains approximately 4,000 feet of elevated bridge roadway and 4,500 feet of roadway improvements along US Highway 278 and Bluffton Parkway at the end of the existing Phase 5 at Buckwalter Plantation. The preconstruction conference for this work is set April 6, 2013 and the Notice to Proceed is May 2, 2013.

Mr. Kubic announced representatives of R.R. Dawson, the project manager, along with our legal, financial and engineering staff had a pre, pre gathering, a.k.a., “a meeting of the minds” on our expectations as a County for the project, the flow, paperwork, change orders. We tried to reestablish our position. It was a very good meeting.

County staff has met with the project manager, representatives of both the Town of Hilton Head Island and Town of Bluffton and we have begun discussions regarding aesthetic improvements sought by various members of the community, including the Town of Hilton Head Island. One of the interesting things we are doing is there are vista views that will be available because of

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this project. Therefore, we have expanded our aesthetic consideration regarding two movements going in and two movements going out. Therefore, the vista view will be a total 360-degree evaluation. There were some suggestions about seeing if we could gather a couple of experts in terms of vista view development and design, but we are not quite there yet. A second meeting will occur soon; and as soon as we fine tune, we will report to the three governmental entities involved – County, Town of Hilton Head Island, and Town of Bluffton.

Courthouse Renovation

Mr. Rob McFee, Division Director-Engineering and Infrastructure, reported this project involves the removal of failed exterior finish, roof and all exterior doors and windows. The new brick exterior, with cast-stone elements and standing-seam metal roof, will replace the existing components. The rear balcony and main entry will be enclosed adding approximately 2,500 square feet of new office space. The contractor is Fraser Construction Company of Bluffton, South Carolina. The cost is $14,031,500. The contract completion date is November 2013. The north-elevation brick veneer is in place. Interior work on the courthouse is ongoing. The crane has been moved to the rear of the building to facilitate replacement of the rear roof sections. The Detention Center Administration roof and facade replacement is also included in this contract. Roof replacement is ongoing.

PURCHASE OF ONE BOMB SQUAD ROBOT FOR THE BEAUFORT COUNTY SHERIFF’S OFFICE

This item comes before Council under the Consent Agenda. Discussion occurred at the April 1, 2013 meeting of the Governmental Committee.

It was moved by Mr. Flewelling, seconded by Mr. Rodman, that Council award a contract to ICOR Technology, Inc., Ottawa, Canada, in the amount of $120,979.30 for the Beaufort County Sheriff’s Office Bomb Squad robot. Funding will come from an Office of Homeland grant: account 27180011-54200, OHS Grant 10SHSP15 Fund - $80,000; Account 27190011-54200, OHS Grant 12SHSP21 Fund - $40,797.30. The vote was: YEAS – Mr. Baer, Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT – Ms. Von Harten. The motion passed.

PURCHASE OF FOUR 2013 DODGE CHARGERS FOR THE BEAUFORT COUNTY SHERIFF’S OFFICE

It was moved by Mr. Flewelling, seconded by Mr. Rodman, that Council award a contract to Butler Chrysler, Beaufort, South Carolina for the purchase of four 2013 Dodge Chargers for the Sheriff’s Office in the amount of $91,672. Funding would come from account #1001202-54000, vehicle purchases. The vote was: YEAS – Mr. Baer, Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT – Ms. Von Harten. The motion passed.
AN ORDINANCE TO AMEND THE FY 2012-2013 BEAUFORT COUNTY COUNCIL BUDGET, SECTION 4, COUNTY OPERATIONS APPROPRIATION, SECTION 11 COUNTY ADMINISTRATION OPERATIONS, PARAGRAPH M. GENERAL GOVERNMENT SUBSIDIES (TO APPROPRIATE $152,817 TO THE SOLICITOR’S BUDGET)

Mr. Baer will vote against the ordinance. The additional appropriation is out of cycle two and one half months before the end of the fiscal year. Consideration of this matter should occur on a fiscal year basis.

Mr. Sommerville stated that everyone here is generally aware that the Solicitor has come forward for additional funding as well as the Public Defender. Council has asked staff to bring forward additional information on the Public Defender. Any time there is a potential for a recurring expense, Council has any obligation to vet these requests thoroughly. It would be appropriate to ask the County Administrator and his staff, that while they are bringing forward additional information on the Public Defender, to make sure that same information comes forward on the Solicitor.

Mr. Rodman commented that part of our thought process is to move this forward because it does require three readings, if, in fact, we are going to appropriate funds this fiscal year which would put the adoption in May 2013. Council would be considering the Solicitor at the same of the FY 2014 budget process so that we would know/start to have a feel as to where we are on the budget going forward. It is expedient to move it forward knowing that we have a second and third reading, and that we would not do anything ahead of the budget cycle in May 2013.

Mr. McBride will oppose the ordinance. The funding request is out of cycle. Council is making a commitment for a future budget not yet considered. The issue is not about the adjustment, but rather the process that is taking place.

Mr. Caporale stated if the funding request were a one-time appropriation, he would support the ordinance. He has a lot a faith in the Solicitor and the job he and staff perform. He had the sense that there was going to be difficulty getting the information requested of the Public Defender’s Office.

Mr. Vaux will support the motion on first reading with the understanding that the County Administrator and his staff will come to Council with the additional information that was requested of the Solicitor and Public Defender.

It was moved by Mr. Rodman, as Chairman of the Finance Committee (no second required), that Council approve on first reading, by title only, an ordinance to amend the FY 2012-2013 Beaufort County Council Budget, Section 4, county Operations Appropriation, Section 11 County Administration Operations, Paragraph M. General Government Subsidies (to appropriate $152,817 to the Solicitor’s budget). The vote was: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. NAYS – Mr. Baer and Mr. McBride. ABSENT – Ms. Von Harten. The motion passed.
RESOLUTION TO MODIFY THE COMPOSITION OF THE STEERING COMMITTEE FOR THE SOUTHERN REGIONAL PLAN IMPLEMENTATION COMMITTEE

The Chairman reported he sent a letter March 20, 2013 to Hilton Head Island Mayor Drew Laughlin and Bluffton Town Mayor Lisa Sulka asking them if they would consider increasing their representation on the Southern Regional Plan Implementation Committee (Committee) one each from the Town of Hilton Head Island and Town of Bluffton and two additional from Beaufort County. Mr. Sommerville has not heard back from Mayor Sulks; however, he did receive a letter from Mayor Laughlin saying that he did not wish to increase his representation on the Committee because of the multiple commitments that his council members have. He felt this would be an imposition on his council. He did not indicate any opposition to Mayor Sulka increasing hers or County Council increasing theirs. If there are changes mid-stream, we can make corrections as we go along.

Main motion:  It was moved by Mr. Stewart, seconded by Mrs. Bensch, that Council adopt a resolution modifying the composition of the Steering Committee for the Southern Regional Plan Implementation Committee as follows: three representatives from Beaufort County Council, two representatives from Bluffton Town Council, and two representatives from Hilton Head Island Town Council.

Motion to amend by deletion:  Council delete the Hilton Head Island Town Council representation from two members to one. The vote was: YEAS – Mr. Baer, Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT – Ms. Von Harten. The motion passed.

Vote on the amended motion which is now the main motion and includes the motion to amend by deletion:  Council adopt a resolution modifying the composition of the Steering Committee for the Southern Regional Plan Implementation Committee as follows: three representatives from Beaufort County Council, two representatives from Bluffton Town Council, and one representative from Hilton Head Island Town Council. The vote was: YEAS – Mr. Baer, Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT – Ms. Von Harten. The motion passed.

PURCHASE OF HEWLETT PACKARD HARDWARE AND SOFTWARE SUPPORT FROM SOLE SOURCE VENDOR FOR THE BEAUFORT COUNTY MIS DEPARTMENT

Mr. McBride remarked Council award of this contract makes a commitment for a future budget not yet considered.

Mr. Starkey, Chief Financial Officer, noted that Mr. Dan Morgan, MIS Director, is trying to structure all of the contracts to end June 30, which would allow the contract to become part of the budgetary process. This particular contract is important for that fact that if the MIS Department has one problem with any of it servers, if we do not renew this contract, you essentially shutdown the County’s IT system. Larger contracts require both Committee and Council approval.

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It was moved by Mr. Rodman, as Chairman of the Finance Committee, that Council approve a contract renewal with Hewlett Packard for hardware and software support maintenance for HP, VMWare, HP Server and SANS including storage. The total contract cost is $146,721.62 ($35,807.26 for the period April 1, 2013 to June 30, 2013 and $111,914.36 from July 1, 2013 to June 30, 2014). Funding would come from account #10001150-51110, maintenance contracts. The vote was: YEAS – Mr. Baer, Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT – Ms. Von Harten. The motion passed.

AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS, SERIES 2013A, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF BEAUFORT COUNTY, SOUTH CAROLINA, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING $7,600,000; FIXING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE COUNTY ADMINISTRATOR OR HIS LAWFULLY-AUTHORIZED DESIGNEE TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO

The Chairman opened a public hearing at 6:03 p.m. for the purpose of receiving information from the public regarding an ordinance authorizing the issuance and sale of General Obligation Bonds, Series 2013A, or such other appropriate series designation, of Beaufort County, South Carolina, in the principal amount of not exceeding $7,600,000; fixing the form and details of the bonds; authorizing the County Administrator or his lawfully Authorized designee to determine certain matters relating to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:04 p.m.

It was moved by Mr. Rodman, as Finance Committee Chairman (no second required), that Council approve on third and final reading an ordinance authorizing the issuance and sale of General Obligation Bonds, Series 2013A, or such other appropriate series designation, of Beaufort County, South Carolina, in the principal amount of not exceeding $7,600,000; fixing the form and details of the bonds; authorizing the County Administrator or his lawfully-authorized designee to determine certain matters relating to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto. The vote was: YEAS - Mr. Baer, Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT – Ms. Von Harten. The motion passed.
AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS, SERIES 2013B, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF BEAUFORT COUNTY, SOUTH CAROLINA, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING $25,000,000; FIXING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE COUNTY ADMINISTRATOR OR HIS LAWFULLY-AUTHORIZED DESIGNEE TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO

The Chairman opened a public hearing at 6:05 p.m. for the purpose of receiving information from the public regarding an ordinance authorizing the issuance and sale of General Obligation Bonds, Series 2013B, or such other appropriate series designation, of Beaufort County, South Carolina, in the principal amount of not exceeding $25,000,000; fixing the form and details of the bonds; authorizing the County Administrator or his lawfully-authorized designee to determine certain matters relating to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:06 p.m.

It was moved by Mr. Rodman, as Finance Committee Chairman (no second required), that Council approve on third and final reading an ordinance authorizing the issuance and sale of General Obligation Bonds, Series 2013B, or such other appropriate series designation, of Beaufort County, South Carolina, in the principal amount of not exceeding $25,000,000; fixing the form and details of the bonds; authorizing the County Administrator or his lawfully-authorized designee to determine certain matters relating to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto. The vote was: YEAS - Mr. Baer, Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT – Ms. Von Harten. The motion passed.

AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION REFINING BONDS, SERIES 2013C, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF BEAUFORT COUNTY, SOUTH CAROLINA, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING $37,500,000; FIXING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE COUNTY ADMINISTRATOR OR HIS LAWFULLY-AUTHORIZED DESIGNEE TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO

The Chairman opened a public hearing at 6:07 p.m. for the purpose of receiving information from the public regarding an ordinance authorizing the issuance and sale of General Obligation Refunding Bonds, Series 2013C, or such other appropriate series designation, of Beaufort County, South Carolina, in the principal amount of not exceeding $37,500,000; fixing the form and details of the bonds; authorizing the County Administrator or his lawfully-authorized designee to determine certain matters relating to the bonds; providing for the payment of the
bonds and the disposition of the proceeds thereof; and other matters relating thereto. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:08 p.m.

It was moved by Mr. Rodman, as Finance Committee Chairman (no second required), that Council approve on third and final reading an ordinance authorizing the issuance and sale of general Obligation Refunding Bonds, Series 2013C, or such other appropriate series designation, of Beaufort County, South Carolina, in the principal amount of not exceeding $37,500,000; fixing the form and details of the bonds; authorizing the County Administrator or his lawfully-authorized designee to determine certain matters relating to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto. The vote was: YEAS - Mr. Baer, Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT – Ms. Von Harten. The motion passed.

ST. HELENA ISLAND ZONING MAP AMENDMENT FOR R300-018-000-0290-0000 (6.55 ACRES, A PORTION OF 74.72 ACRES; SOUTH OF SEASIDE ROAD) FROM RESOURCE CONSERVATION (RC) TO RURAL (R)

The Chairman opened a public hearing at 6:09 p.m. for the purpose of receiving information from the public regarding a St. Helena Island Zoning Map amendment for R300-018-000-0290-0000 (6.55 acres, a portion of 74.72 acres; south of Seaside Road) from Resource Conservation (RC) to Rural (R). After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:10 p.m.

It was moved by Mr. Flewelling, as Chairman of the Natural Resources Committee (no second required), that Council approve on third and final reading a St. Helena Island Zoning Map amendment for R300-018-000-0290-0000 (6.55 acres, a portion of 74.72 acres; south of Seaside Road) from Resource Conservation (RC) to Rural (R). The vote was: YEAS - Mr. Baer, Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT – Ms. Von Harten. The motion passed.

TEXT AMENDMENT TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE/ZDSO, APPENDIX I. LADY’S ISLAND COMMUNITY PRESERVATION AREA, DIVISION 2., LADY’S ISLAND EXPANDED HOME BUSINESS DISTRICT, SECTION 2.5B., LIMITED AND SPECIAL USE STANDARDS FOR GAS-CONVENIENCE MARTS; DIVISION 3., NEIGHBORHOOD ACTIVITY CENTER, SECTION 3.5, LIMITED AND SPECIAL USE STANDARDS FOR GAS-CONVENIENCE MARTS; AND DIVISION 5, VILLAGE CENTER, SECTION 5.5, LIMITED AND SPECIAL USE STANDARDS FOR GAS-CONVENIENCE MARTS, TO INCREASE THE MAXIMUM SIZE OF CONVENIENCE STORES IN THESE DISTRICTS FROM 2,500 TO 4,000 SQUARE FEET

The Chairman opened a public hearing at 6:11 p.m. for the purpose of receiving information from the public regarding a text amendment to the Beaufort County Zoning and Development Standards Ordinance/ZDSO, Appendix I. Lady’s Island Community Preservation Area, Division
2, Lady’s Island Expanded Home Business District, Section 2.5B, Limited and Special Use Standards for Gas-Convenience Marts; Division 3, Neighborhood Activity Center, section 3.5, Limited and Special Use Standards for Gas-Convenience Marts; and Division 5, Village Center, Section 5.5, Limited and Special Use Standards for Gas-Convenience Marts, to increase the maximum size of convenience stores in these Districts from 2,500 to 4,000 square feet. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:12 p.m.

It was moved by Mr. Flewelling, as Chairman of the Natural Resources Committee (no second required), that Council approve on second reading a text amendment to the Beaufort County Zoning and Development Standards Ordinance/ZDSO, Appendix I, Lady’s Island Community Preservation Area, Division 2, Lady’s Island Expanded Home Business District, Section 2.5B, Limited and Special Use Standards for Gas-Convenience Marts; Division 3, Neighborhood Activity Center, section 3.5, Limited and Special Use Standards for Gas-Convenience Marts; and Division 5, Village Center, Section 5.5, Limited and Special Use Standards for Gas-Convenience Marts, to increase the maximum size of convenience stores in these Districts from 2,500 to 4,000 square feet. The vote was: YEAS - Mr. Baer, Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. The motion passed.

COMMUNITY DEVELOPMENT BLOCK GRANT - STUART POINT WATER EXTENSION PROJECT

Ms. Holly Crews, Community and Economic Development Specialist, Lowcounty Council of Governments (LCOG), remarked that LCOG has handled several Community Development Block Grant (CDBG) projects for Beaufort County. Beaufort County is applying for $500,000 in CDBG funds to extend water to approximately 181 homes in the Stuart Point area. With CDBG, you have to qualify based on low-to-moderate income and there are 100 homeowners qualifying as having low-to-moderate incomes. The total budget for the project is $750,050 with match provided by Beaufort County and Beaufort/Jasper Water and Sewer Authority. The total number of people benefiting from the project is approximately 400 and 51 of those have qualified as low-to-moderate income. Public water along with fire protection will be extended along Stuart Point Road, McNeal Circle, Crystal Street, Bernice Lane, Fred Lane, Gillison Loop, Twelve Oaks, Young Circle, Bessie’s Lane, Herbert Lane, Mamas Lane, Pearl Lane, Cornelius Drive, Yarrow Lane, Ballpark Road, Delaney Circle, Cuyler Lane and Creekmore Lane. The application will be submitted April 15, 2013.

The Chairman opened a public hearing at 6:13 p.m. for the purpose of receiving information from the public regarding a Community Development Block Grant (CDBG) application in the amount of $500,000 to extend water and fire protection in Stuart Point community. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:14 p.m.

PUBLIC COMMENT

There were no requests to speak during public comment.

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

It was moved by Mr. Stewart, seconded by Mr. McBride, that Council approve a fee simple absolute acquisition of property known as Pinckney Point located on the Okatie and Colleton Rivers in Beaufort County at 650 Pinckney Colony Road and consisting of 229 acres, more or less (legally identified as PIN: R600 014 000 001A 0000) in the amount of $6,950,000. Acquisition will be made utilizing funds from the Rural and Critical Lanes Preservation Program. The vote was: YEAS - Mr. Baer, Mrs. Bensch, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. NAYS – Mr. Caporale. ABSENT – Ms. Von Harten. The motion passed.

It was moved by Mr. Flewelling, seconded by Mr. McBride, that Council approve the fee simple absolute acquisition of property located in the Town of Port Royal adjacent to the Department of Natural Resources boat landing and historic Fort Frederick property, at 601 Old Fort Road (legally identified as PIN: R110 009 000 1421 0000) for $75,000 and will be used to provide access to Fort Frederick properties. Acquisition will be made utilizing funds from the Rural and Critical Lanes Preservation Program. The vote was: YEAS - Mr. Baer, Mrs. Bensch, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. NAYS – Mr. Caporale. ABSENT – Ms. Von Harten. The motion passed.

ADJOURNMENT

Council adjourned at 6:52 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: D. Paul Sommerville, Chairman

ATTEST

Suzanne M. Rainey, Clerk to Council
ADMINISTRATIVE CONSENT AGENDA

Appointments
Boards and Commissions

Item 07B  Backup
Governmental Committee

Daufuskie Island Fire District Board

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## Governmental Committee

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Public Facilities Committee

Southern Beaufort County Corridor Beautification Board

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DATE: April 19, 2013
TO: County Council
FROM: Gary Kubic, County Administrator
SUBJ: County Administrator’s Progress Report

The following is a summary of activities that took place April 8, 2013 through April 19, 2013:

April 8, 2013

- Employee orientation
- Meeting with David Starkey, Chief Financial Officer, and Alicia Holland, Controller re: FY 2014 Budget
- Finance Committee meeting
- Council Caucus meeting
- County Council meeting

April 9, 2013

- Guest speaker – Lady’s Island Business Professional Association
- Conference call with Councilman Jerry Stewart and County Attorney Josh Gruber re: Island West and Bluffton Parkway Phase 5B Realignment
- Staff meeting re: Kitties’ Landing, LLC

April 10, 2013

- State Department of Commerce meeting, Columbia, SC
- Meeting with John Walsh, SCDOT Deputy Secretary of Engineering, and Representative Weston Newton, Columbia, SC

April 11, 2013

- Meeting with Josh Gruber, County Attorney, and Suzanne Gregory, Director of Employee Services Re: Personnel matter
Meeting with Talbert, Bright & Ellington representative and Rob McFee, Division Director of Engineering and Infrastructure re: Hilton Head Island Airport renovations

Bimonthly meeting with Billy Keyserling, Mayor; Scott Dadson, City Manager; and Paul Sommerville, Council Chairman re: City / County issues

April 12, 2013

Staff meeting re: Impact of Revised Mil Value / Post Reassessment Analysis
Meeting with Russell Hightower and Dennis VanEvery, of Waste Management; Jim Minor, Solid Waste and Recycling Supervisor; Josh Gruber, County Attorney; and Eddie Bellamy, Director of Public Works re: Waste Management

April 15, 2013

Employee orientation
Staff meeting Re: Funding for Solicitor and Public Defender
Finance Committee meeting
Public Facilities Committee meeting

April 16, 2013

Bluffton Parkway Pre-construction meeting at Bluffton Library
Staff meeting re: Waste Management negotiations
Conference call with Russell Hightower and Dennis VanEvery Re: Waste Management

April 17, 2013

Agenda review with Chairman, Vice Chairman (telephonically) and Executive Staff
Meeting with Mark Roseneau, Director of Facilities Management, and Craig Molloy Re: Carolina Cleaning contract
County Assessor bimonthly meeting
County staff / Library Board of Trustees meeting

April 18, 2013

Staff meeting Re: Bluffton Fire / EMS / Sun City / Moss Creek
Meeting with Bob Woodman re: Property at Beaufort Industrial Village (BIV)
Meeting with Councilman Steve Baer and staff Re: Library Funding

April 19, 2013

Meeting with Pamela Ovens, President, Beaufort County Historical Society and Maxine Lutz re: Ideas for use of the Federal Courthouse
Staff meeting re: LCOG Transportation Model at BIV#2
Memorandum

DATE: April 19, 2013

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 April 8, 2013 through April 19, 2013:

April 8, 2013 (Monday):
- PLD

April 9, 2013 (Tuesday)--Bluffton:
- Attend Staff Meeting re: Public Defender and Solicitor Budgets
- Attend Meeting to discuss Kitties Landing Property

April 10, 2013 (Wednesday):
- Meet with Dan Morgan, MIS/GIS Director and Todd Ferguson, Emergency Management Director
- Meet with Joe Penale re: PALS Study
- Meet with Fred Leyda re: Outside Agency Funding
- Meet with Alicia Holland, Controller re: Budget
- Meet with Dan Morgan, MIS/GIS Director
- Meet with Linda Edwards, Esquire re: Personnel Issue

April 11, 2013 (Thursday)--Bluffton:
- Work on Budget
- Meet with Duffie Stone, Solicitor
- Conference call with Gary Kubic, County Administrator and Joshua Gruber, County Attorney re: Personnel

April 10, 2013 (Friday):
- Work on Budget
April 15, 2013 (Monday):

- PLD

April 16, 2013 (Tuesday):

- PLD

April 17, 2013 (Wednesday):

- Meet with Dan Morgan, MIS/GIS Director, and Todd Ferguson, Emergency Management Director re: Fiber
- Agenda Review
- Prepare LMO Letter to Town of Hilton Head Island re: Airport Master Plan
- Meet with Morris Campbell, Community Services Director, and Fred Leyda re: Outside Agency Budget Allocations
- Meet with Todd Ferguson, Emergency Management Director and David Zeoli re: Department Budget
- Meet with Eddie Bellamy, Public Works Director, Jim Minor, Solid Waste Director, and Joshua Gruber, County Attorney re: Waste Management
- Attend County Staff / Library Board of Trustees Meeting

April 18, 2013 (Thursday):

- Meet with Monica Spells, Compliance Officer
- Attend Meeting re: Bluffton Fire/EMS/Sun City/Moss Creek
- Meeting with Gary Kubic, County Administrator and Bob Woodman re: BIV Property
- Attend Library Funding Meeting at Hilton Head Island Government Center

April 19, 2013 (Friday):

- Meet with Fred Leyda re: Outside Funding Agencies
- Meeting with Gary Kubic, County Administrator re: LCOG Transportation Model
- Meet with Alicia Holland, Controller, re: Budget
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General Fund Expenditures

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Education Education Education Allocation 64399 3,114,200 3,114,200 2,666,667 2,666,667 3,333,333 4,000,000

General Fund Expenditures (including Transfers and Education Allocation) 75,238,895 73,809,645 68,955,954 70,090,627 74,509,664 97,150,130

Net (Surplus)/Deficit (8,568,075) (9,657,394) (14,732,813) (15,245,887) (11,432,084) -
AN ORDINANCE TO AMEND THE FY 2012-2013 BEAUFORT COUNTY COUNCIL BUDGET, SECTION 4, COUNTY OPERATIONS APPROPRIATION, SECTION 11 COUNTY ADMINISTRATION OPERATIONS, PARAGRAPH M. GENERAL GOVERNMENT SUBSIDIES (TO APPROPRIATE $152,817 TO THE SOLICITOR’S BUDGET).

Be it resolved, that County Council hereby appropriate $152,817 to the FY 2012-2013 Solicitor’s budget, account 10001198-55230.

Adopted this ___ day of ______, 2013.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY:__________________________
    D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

__________________________
Joshua A. Gruber, Staff Attorney

ATTEST:

__________________________
Suzanne M. Rainey, Clerk to Council

First Reading, By Title Only:  April 8, 2013
Second Reading:
Public Hearing:
Third and Final Reading:
ORDINANCE NO. ________

AN ORDINANCE TO AMEND THE MEMBERSHIP AND COMPOSITION OF THE BEAUFORT COUNTY TAX EQUALIZATION BOARD AND TO ESTABLISH THE TERMS OF SERVICE FOR SUCH MEMBERS

WHEREAS, Act Number 1623 of 1972 of the South Carolina General Assembly created the Beaufort County Tax Equilization Board and authorized appointment to the Board by Beaufort County Council; and

WHEREAS, Beaufort County Council subsequently adopted a charter for the Tax Equalization Board that defined the membership of the Board and its powers and duties based upon the language contained within Act Number 1623; and

WHEREAS, Act 283 of 1975, The Home Rule Act, vested Beaufort County Council with the independent authority to control all acts and powers of local governmental authority that are not expressly prohibited by South Carolina law; and

WHEREAS, Beaufort County Council believes that it is in the best interests of its citizens to amend the membership and composition of the Beaufort County Tax Equalization Board and to provide for the Terms of Service of such members.

NOW, THEREFORE, BE IT ORDAINED BY BEAUFORT COUNTY COUNCIL, that the Charter for the Beaufort County Tax Equalization Board is hereby amended and replaced with the following:


Pursuant to section 4-9-170, Code of Laws of South Carolina, 1976, and section 3 of Act 283, (the Home Rule Act), the Beaufort County Council hereby assumes all appointive powers in regard to the Beaufort County Tax Equalization Board.

SECTION 2. Composition; Terms; Vacancies.

The Beaufort County Tax Equalization Board shall be composed of fifteen (15) members to be appointed by Beaufort County Council. The Council shall appoint three members representing the unincorporated areas of Beaufort County, three members from within the geographical boundaries of Beaufort, three members from within the geographical boundaries of the Town of Port Royal, three members from within the geographical boundaries of the Town of Bluffton, and three members from within the geographical boundaries of the Town of Hilton Head. Council will then appoint members to the Board, such that there is a balance as to the geographical residency of the members of the Board and the professions of the members as they relate to the functions of the Board. The terms shall be staggered so that the first eight (8) members appointed to the Board shall serve an initial term of four (4) years. The
next seven members appointed to the Board shall serve an initial term of two
(2) years. After such initial appointments, all members appointed to the Board shall serve a term
of four (4) years. Members of the Board shall be appointed and serve until their successors are
appointed and qualified. All vacancies shall be filled by appointment in the same manner as the
original appointment for the remainder of the unexpired term.

Appeals and other hearings may be conducted by panels of five (5) members chosen from
among the 15 members of the Board. Three members of the panel shall constitute a quorum,
unless the parties agree to a lesser number.

Panels may be chosen by a method or methods determined by the Board to maximize the
efficiency and effectiveness of the Board. The method of choosing hearing panels should enable
timely consideration of appeals and other matters brought to the Board, and should also involve
considerations of members' availability and limiting overburdening individual members with
hearings.

Beaufort County Council may amend this article as it deems necessary, to reduce the
Board to a lower complement of members. When so amended, unless otherwise specified, the
Council may reappoint seven (7) members from among the existing fifteen (15) and establish
their respective terms, or may abolish and reconstitute the Board as it sees fit, seeking applicants
for the remaining positions.

SECTION 2. Duties.

The Tax Equalization Board shall meet whenever necessary to act on appeals from the
assessments of the Auditor or County Assessor as may be provided by law. The Board may
change assessments of the Auditor or County Assessor for only the current year appealed from
unless otherwise authorized by law and agreed to by the Auditor or County Assessor. Each
change shall be certified by the Board to the Auditor or County Assessor and shall be adopted by
him/her for the purpose of taxation for the year appealed from. The Tax Equalization Board shall
not make a final determination of any assessment until the Auditor or County Assessor has been
given an opportunity to present his/her justification for the assessment.

SECTION 3. Officers.

The Tax Equalization Board shall meet and elect a chairperson and secretary. Additionally each hearing panel created by the Board shall elect a chairperson for purposes of
efficiently conducting each appeal hearing.

SECTION 4. Minutes of Meetings.

Minutes shall be taken of all meetings of the Tax Equalization Board. The minutes shall
be a matter of public record. A copy of the minutes of the Board duly certified by the secretary
will be sent to the Auditor and the County Assessor. In lieu of a copy of certified minutes, an
audio or video recording of the meeting may be substituted so long as a copy of the recording is
made available to the Auditor, Tax Collector, and the general public.
SECTION 5. Availability of Auditor’s and Assessor’s Records; Attendance of Auditor or Assessor at Meetings

The records of the Auditor's Office and the County Assessor's Office shall be available to the Board and the Board may request the presence of the Auditor or County Assessor at any of their meetings.

SECTION 6. Taxpayer’s, Property Owner’s Right to Appeal Decisions.

The right is reserved to any property owner, taxpayer or his agent to appeal from the decision of the Beaufort County Tax Equalization Board to the South Carolina Administrative Law Court for such relief as may be available to him/her under the general law.

SECTION 7. EFFECTIVE DATE

This Ordinance shall be effective upon approval at third and final reading by Beaufort County Council.

DONE, this _____ day of May, 2013.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY:____________________________________
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

______________________________
Joshua A. Gruber, Staff Attorney

ATTEST:

______________________________
Suzanne M. Rainey, Clerk to Council

First Reading, By Title Only:
Second Reading:
Public Hearing:
Third and Final Reading:
April 18, 2013

Hon. Lisa Sulka, Mayor
Town of Bluffton
20 Bridge Street
Bluffton, SC 29910

Re: Beaufort County Adoption of Proposed Realignment of Bluffton Parkway Phase 5B

Dear Mayor Sulka:

Thank you for your attendance and presentation of materials at the April 15, 2013, Public Facilities Committee Meeting. As a direct result of that meeting, I have been asked to make contact with the Town, Mr. Reed, and Mr. Robertson to discuss several contingencies that were placed upon the Committee’s recommendation that the proposed realignment of the Bluffton Parkway Phase 5B be adopted as the County’s preferred design. This letter shall serve to memorialize what I believe those contingencies were that were placed upon the County’s recommendation.

First, the County would like to be assured that the necessary right of way for the Town’s preferred alignment of the Parkway would be donated to the County free of any consideration and would not be subject to any of the terms and conditions contained with the Buckwalter Development Agreement. As the County is not a signatory party to this Agreement and would not be able to enforce any of its terms nor be able to participate in any amendments that may be subsequently entered into, it is imperative that this property be donated without such restrictions.

As you are aware, there is insufficient funding to allow the County to move forward with this particular phase of the Parkway at this time. Therefore, the County is not presently requesting that the land be deeded over to it. Rather, it is requesting that it receive written assurances from both the Town and Mr. Reed that the property will be donated to under the terms discussed above at such time as funding for the project has become available and Beaufort County Council authorizes the project to move forward.

Additionally, the County would like to be provided with information relative to the design and installation of Innovation Drive that will connect to the realigned Bluffton Parkway. Specifically, the County would like to be provided with written assurances identifying which party(ies) will be financially responsible for the roadwork associated with the construction of Innovation Drive.
that will need to occur simultaneously with the County’s construction of Phase 5B. This will ensure that the County will not be expected to, nor be responsible for, carrying out this function and will eliminate concerns held by several council members regarding access to surrounding properties.

I look forward to working with you to obtain the information requested by the Public Facilities Committee. Until such time as we are able to ensure that the requests contained in the conditional recommendation for adoption of the proposed realignment has been satisfied, I will respectfully request that County Council take no further action on this matter.

Please do not hesitate to contact me if you should have any questions.

Sincerely,

[Signature]

Joshua A. Gruber
Beaufort County Attorney

cc: Paul Sommerville, Chairman Beaufort County Council
    Members of Beaufort County Council
    Members of the Town of Bluffton Council
    Gary Kubic, Beaufort County Administrator
    Anthony Barrett, Town of Bluffton Administrator
    Bryan Hill, Beaufort County Deputy Administrator
    Rob McFee, Beaufort County Director of Engineering and Infrastructure
    John Reed, University Investments, LLC
    Lewis Hammet, Lewis J. Hammet, PA
    Douglas and Luellen Robertson
    Roberts Vaux, Vaux and Marscher, PA
Approval of Preferred Alignments for Phases 5A and 5B of the Bluffton Parkway

It was moved by Mr. Glaze, as Public Services Committee Chairman (no second required), that Council approve the preferred alignments for Phase 5A and Phase 5B of the Bluffton Parkway.

Mr. Kubic, County Administrator, introduced Mr. David Beatty, an engineer with Florence & Hutcheson, Inc., who will give Council a short summary on the recommendation and the preferred alignment for Phases 5A and 5B of the Bluffton Parkway (hereinafter “Parkway”). In attendance today are representatives from the County Engineering Department, representatives from the traffic analysis, and the modeling discipline in this project.

Mr. Beatty stated that Florence & Hutchison, Inc. (hereinafter “F & H”) has been contracted by the County to study, and ultimately design, the Bluffton Parkway Phases 5A and 5B (hereinafter “Project”). The purpose of the Bluffton Parkway Phase 5 is to provide an alternative route to US Highway 278 as well as improve safety throughout the greater area. F & H conducted public meetings in August and October 2006. In April 2007 F & H presented the preferred alignment to the public. Mr. Beatty personally presented to the Beaufort Transportation Advisory Group on two separate occasions; and, most recently, to the Council Public Services Committee on December 12, 2007. This Project has been developed in accordance with SCDOT requirements and federal requirements in order to ensure future eligibility of federal or state funds. F & H previously submitted the environmental document to the Federal Highway Administration (hereinafter “FHA”) for both Phase 5A and 5B. F & H has received back and addressed FHA and SCDOT comments. F & H will submit the final document on February 1, 2008. As quickly as FHA and SCDOT approves the environmental assessments for Phase 5A and Phase 5B, F & H will make the document available to the public for review and conduct a public hearing. The latter could be held the end of February 2008. At that time, F & H will show the public the same drawings Council viewed today to include some additional detail insofar as the exact construction limits, etc. Once the public hearing is held, F & H can finalize the right-of-way plans / develop the designs, in order to acquire the rights-of-way. Then they will move into design and then final construction.

Phase 5A is the extension of the Parkway from Burnt Church Road to a point near Fording Island Road. A distance of about 3 miles. The study corridors closely follow the powerline easement. The proposed typical sections are proposed to match the existing Parkway, which includes two travel lanes in each direction and a landscaped median with joint use pedestrian / bicycle paths on each side. By way of aerial photography, Mr. Beatty showed several overview slides of the Phase 5A recommended alignment beginning at Burnt Church Road and extended to US Highway 278 near Buckingham Plantation. The new alignment parallels the existing powerline as soon as possible. Santee Cooper owns the existing powerline which measures 150 feet in width. In areas where possible, the alignment parallels the powerline easement and encroaches in it about 20 feet. The 20 feet allows a sharing of the easement without relocating or incurring...
a cost for relocating those utilities. In areas such as Heritage Lake, where effort is being made to minimize impacts, commercial on one side and residential on the other, the proposal is to go completely within the powerline easement. That will accomplish minimizing impacts, minimizing the taking of rights-of-way, and requiring Santee Cooper to relocate their two sets of utility towers to three large utility poles, one on each side of the Parkway and one in the median. The majority of the project has been designed to accommodate a speed of 45 miles per hour. In the vicinity of Heritage Lakes, in an effort to minimize impacts, the proposal is to slow traffic down to 35 miles per hour so that a sharper curve can be made. By doing that the roadway has been pulled away from the residences. Also, the median has been reduced from 24 feet in width to 4 feet in an effort to reduce the impact to the homes.

A new signal will be located at Malphrus Road. The proposal is to move the entrance to Heritage Lakes approximately 100 feet towards their existing pond. A new signal is proposed at Buckingham Plantation as well as creating a five-lane section with two lanes in each direction plus a center turn lane. As traffic approaches the intersection at Buckingham Plantation, the two lanes heading towards Hilton Head Island will go through the light and then soon thereafter, approximately 2,000 feet, drop the outside lane, and these two lanes will merge into one lane. At this point the Parkway leaves the mainland. There is one lane of traffic in each direction built upon a structure in the marsh. The structure curves toward US Highway 278 and then two ramps would be created – one lane heading towards Hilton Head Island and a bridge over Fording Island Extension impacting a portion of the BP Gas Station right-of-way, and then that one lane would reach both of the bridges and merge prior to the bridges. Heading from Hilton Head Island to an off-ramp that will fly-over US Highway 278 and then tie back in to the joint two-lane bridge.

Phase 5B is the extension from the current intersection of Phase 4 and Buckwalter Parkway, to the current intersection of Phase 3 and Buck Island Road, for a distance of approximately 2.5 miles. The study corridors closely follow the powerline easement. The proposed typical sections are proposed to match the existing Parkway, which includes two travel lanes in each direction, and a landscaped median with joint use pedestrian / bicycle paths on each side. Phase 5B is much more undeveloped and few design issues to mitigate. The new right-of-way line parallels the utility easement.

Mr. Sommerville would like clarification on the thinking of continuing the Parkway to Buckwalter as opposed to cutting it off in, perhaps, the Malphrus area / Ford Dealership. There is obviously going to be some degradation on the marsh areas as well as degradation in some of the housing developments. It is going to cost a lot more money. There is an economic piece to this. He needs to be comfortable that it really does make sense to run the Parkway to the Buckingham Plantation area i.e., the additional expense is justified and the additional degradation to the housing developments and marsh areas is justified.

Mr. Beatty replied the public has had more opportunity to comment on this Project than on any other project he has dealt with in his 13 years working on similar projects. Held were three rounds of both Tuesday and Thursday public meetings. The Project started out with the broad corridor, then came back with potential alignments above / below / through the powerline which now, basically, is the preferred alignment. This preferred alignment has been presented twice to
the members of the Transportation Advisory Group and once to the Public Services Committee. F & H has conducted a number of technical environmental studies to include wetlands, threatened and endangered species, noise, hazardous materials, relocations, etc. These studies will be referenced into the overall environmental assessment for each project. When F & H submits the environmental assessment on February 1, 2008, FHA will review the plan, indicate whether or not they approve the plan, whether or not they approve of having a formal public hearing, and once the public comment period has expired, FHA will issue a FNSI – finding of no significant impact. A FNSI is the federal action where FHA finds that there is no significant impact of the Project on the human and natural environment. Once the FSH issues FNSI, at that point they are approving the general alignment and description of the Project. However, minor adjustments can be made to the Project so long as they do not dramatically change the impacts to the human and natural environment.

Mr. Sommerville inquired of the numerous technical environmental studies.

Mr. Beatty replied the wetlands were delineated by a certified biologist. The delineation was submitted to the Corps of Engineers, and they agreed with the wetland designation. F & H has calculated the wetland impacts, the amount of wetlands that will be filled by the roadway. Phase 5A includes two to three acres; Phase 5B approximately seven acres. That would be the amount of wetlands impacted by this Project and would require mitigation during the permitting process by the Corps of Engineers. The US Fish & Wildlife Service, the certifying federal agency, has certified by letter that this project would not adversely affect any threatened or endangered species. Similarly, there has been some discussion about the bridge through the marsh. The concrete piers going down into marsh would have a direct physical impact. Shade can impact plant life and have a direct physical impact. Insofar as roadway runoff, the bridge design will allow that water to either stay on the bridge or collect into a gutter system, and treat that water on dry land before it is outletted into the marsh. This is another permitting requirement of DHEC. The Project impacts businesses and residences by its mere presence. A project of this magnitude as proposed requires zero relocation of residential properties.

Ms. L Von Harten cannot support the preferred alignment because of the wetlands situation and saltmarsh. The County is very strict with the residents about wetlands, marshlands, and building docks 200 feet longer than what is allowed by ordinance. Ms. L. Von Harten realizes this project is for the public good, but there are alternatives that have not been adequately explored within the community.

Mr. Newton noted that more wetlands are impacted by Phase 5B than Phase 5A -- twice as many acres. Council is going to have the same issues in building another bridge across the Beaufort. Should we just not do it? Mr. Newton is as concerned about the environmental impacts of every one of the projects as any Council member. He is also guided by Council’s responsibility for public safety. He is guided by the fact that two years were spent and every mayor and every elected official from the municipalities and County, voted to put this question before the voters of Beaufort County, and they approved it. There is no better public hearing than that. Mr. Newton is not delighted about this project. It is in his Council District. He has to tell people who live in his District that this roadway is coming by their house. He does not want to do it. But the fact of the matter is we failed to do what we should have done 20 years ago. We made a
collective decision to put the question before the Town Councils, to put the question before County Council, to put the question before the people, and it all passed. Do we rehash it all today, and spend another year in paralysis of the analysis, or we can move forward to that which we set about doing when the people in November 2006 overwhelmingly said we want this to be done. At Mr. Newton’s request, we had more public presentations of this Project than any other project on the penny sales tax list because of its sensitivity, because of where it is, and because of the impact to the residents. Mr. Newton wishes we did not have to do this project, but he drives in that US Highway 278 traffic every day. He was the one who has lobbied for federal money the last five years. The federal government wants to be involved in a project that is an alternative to US Highway 278, which connects from the waterway at the bridges all the way to Interstate-95. The federal government does not want to be a part of a dead end. We looked at stopping it at Buckingham Landing and wiping out all the trees at the Moss Creek light, and that was not really much of an alternative. We looked at the alternative of going through the federal preserve, and that was not an alternative. For two years plus there has been a fairly extensive amount of study on this Project. Mr. Newton is not going to put it off again simply for the idea to restudy the same things that have been studied and voted on by the citizens of Beaufort County. He does not like the Project any better today than he is going to like it two years from now. He is, however, going to appreciate the fact that it gets built sooner rather than later so that fewer people are impacted by the inadequate road system we have in Beaufort County today. This Project was not recommended based on one set of traffic count numbers. If the numbers that went into the traffic model are bad, we don’t just attack one project and say the numbers are bad – because it is everything. It is impact fees, $152 million of penny sales tax projects, and $100 million of impact fee projects. Everything is layered. We passed an impact fee based on the Project and we charged everyone building a new house to pay toward this Project. The difficulty is this is Monday morning quarterbacking this Project today. We either can continue to debate this Project for two more years or we can do what the people told us to do in November 2006 – get this Project built and do everything we can to minimize the impacts on houses along the roadway. Mr. Newton is going to do everything he possibly can, as the Council representative for this area and as Chairman, to minimize these impacts with sound walls or barriers. He is concerned about public safety. This Project needs to move forward.

Mr. Baer has studied this project quite a bit as an engineer. Especially since another engineer, Mr. Rodman, suggested the traffic numbers may be too high. Mr. Baer thinks the traffic numbers are probably too high. He recognizes there have been a lot of public meetings. Mr. Baer obtained a lot of data from one of the consultants at the Public Services Committee meeting, because that data was not presented at that meeting. Those were numbers. One of those numbers is that even if the traffic flow was lower, as Mr. Rodman suggests, it looks like 39% of the traffic coming to and from the Hilton Head Island bridges, is deflected into the Bluffton Parkway, and that is a good thing. Mr. Baer has paid a lot of attention in the last few weeks while driving that area, he can see cars backing up at Burnt Church attempting to gain access to the Bluffton Parkway. He suspects the 33% or 39% used is probably reasonable. This is very important because there is more and more congestion occurring in the Moss Creek area and Best Buy store area. That area is getting slower and slower and slower. Anything that can be done to divert traffic off that and onto the Bluffton Parkway is a good thing. There is really another short session that Council really deserves with traffic engineers to get some of the data we want. We should not be using average data, but busy hour data and peak loads. He agrees
that a lot of traffic is diverted onto the Bluffton Parkway. We need to verify that model. By his calculation from the printout that number is 39%. That is an important number. If we move 39% off US Highway 278, then that is a good thing. He is very concerned about friction in Phase 5B. If we are not careful with too many traffic lights, parking lots, stores, and developments, this very expensive road that we are building is just going to wind up being an access road to a shopping mall. The slower Phase 5B gets, the less value there is in Phase 5A.

The purpose of Phase 5A is to get traffic off US Highway 278. We really need to work on the Access Management Plan and this Council has to use its bully pulpit and minimize the number of traffic lights and curb cuts so that the Bluffton Parkway really is a deflector from US Highway 278. At the same time Council really has to use its bully pulpit to get Phase 6 thought through, and that is the connector to Interstate-95. We really need to understand ways to minimize pain. Mr. Baer is still open-minded about buying out those homes to avoid building that sound wall and putting those people though less pain. He will carry the flag to raise more money if we can do anything to minimize the pain. He will vote for the preferred alignment tonight just to move it along.

Mr. Rodman stated it is quite logical if there are two highways that are running parallel to each other, that there ought to be a way to connect them without having to go through traffic signals and left turns. Approaching Buckingham Landing there are six lanes on US Highway 278 and four lanes on Bluffton Parkway and somehow that is going to narrow down to four lanes on the bridge (ten lanes to four). Focusing on the bridge and understanding what the numbers were on bridge, it is an important discussion in the sense that it does become somewhat of a driver of the model because it is one of the major inputs. This is somewhat of an open issue in his opinion. He does not have too much of a problem with it going forward, but he does reserve the right to question as we go forward. From an overview standpoint and looking at some data, what is happening to the visitors on Hilton Head Island? The numbers are pretty constant / level over the last seven or eight years. From a construction standpoint, given the fact that Hilton Head Island is starting to approach build out, there is a significant decrease in the level of the construction industry. When the School District did their projections, they actually are showing decreasing enrollment going forward in the schools. These are all things that would say maybe the volume is not going to increase. On the other hand, they show more residents both on-Island and off-Island. It is probably a difficult number to actually project with all of those moving factors. Mr. Rodman finds that looking in history is sometimes a pretty good predictor of what is going to happen the future. The volume appears to be pretty level and is more apt to stay level than it is to definitely shoot up. The Wilbur Smith model was presented to Council six years ago. It actually showed 87,000 as the load on the bridges. As you worked away from the bridges, it showed the load declining near SC Highway 170 to approximately 40,000. The current County model is roughly the same 85,000 as the number of trips on the bridges, but it recognizes that there is tremendous growth that is taking place in the other part of the County – this model goes up. If you look at the total of Bluffton Parkway and US Highway 278 as you near SC Highway 170, the volume is approximately 100,000 cars. Therefore, we have one model at 40,000 and one at 100,000. The latter one is probably more accurate. Mr. Rodman is very concerned about whether we really would see the so-called one-third split, or 39% split, that takes place. The vast majority of people are going to want to stay on US Highway 278 based on where they are going. What we have had is an economic shift probably from Hilton Head Island to Bluffton. As Bluffton has grown – a hospital, USC-B, schools, building supply houses – there
is a piece that has happened that we did not necessarily anticipate where a lot of activity has moved off the Island. We really need to understand what happens at the peak. We really need to get a handle on that. Last week Mr. Rodman asked SCDOT to send him the data they have on the road. SCDOT has a collection point on the Island. The data is collected by lanes, directional, by hour, by day, etc. After reviewing the data, Mr. Rodman has two questions. Is the volume going to stay where it is or is it really going up to the 80,000+? Are we going to have that significant amount of people actually wanting to get on the Bluffton Parkway or just stay on US Highway 278? The current number is 80,000+, apply the 39%, the result is about 33,000 and that is in the model and the number trips, i.e., 33,000 people are going off of US Highway 278 at the bridges onto the Bluffton Parkway. If the numbers happen to stay closer to 50,000 and 10% to 15% of those people get off at the bridges, the result is about 8,000. We need to know what we are doing so that we do not end up building something with relatively little traffic on it and then we have a monument to a bad mistake. Mr. Rodman does not question any of the arguments made about why we ought to do this, but he has a very uneasy feeling that we are basing it on the wrong numbers. We are dealing with a model that may be off as much as 60% to 70% because of the volume. From an engineering standpoint, he is not used to having that kind of potential error drive a project.

Mr. Beatty stated in July 2007 at a Transportation Advisory Group meeting, Hilton Head Island Town Mayor Tom Peeples made the statement that the Island was at 85% build out so there is an opportunity for 15% additional build on Hilton Head Island. Even if there is no growth, even if the model is inaccurate, factually, F & H took counts in September 2007 and there were 52,000 cars a day crossing the bridges and that is not peak season. It is not quite factual that off-island traffic is going to generate traffic coming across the bridges. There are current portions of the Bluffton Parkway today that are carrying 17,000 cars a day. If we were to stop the project and just build a bridge, not a flyover, and just provide access to Buckingham Landing, that would do great things for Buckingham Landing, but that would completely kill the purpose of needing the overall project and getting traffic off of US Highway 278. It is possible to stage and construct this project and still maintain federal standards and federal requirements.

Mr. Stewart appreciates the problems and concerns of the people of Buckingham Landing. He, like Mr. Newton, wished that we were not proposing to do this. Mr. Newton and he represent the mainland of southern Beaufort County. Although this Project does not go through it, it greatly impacts most of the people living in the Council District he represents. The people supported the referendum and expect to see these projects moving forward. We have to look at studies, models and accept them for what they are. They are projections. They are looking into the crystal ball and trying to see what the future is going to bring. We have to use our best knowledge and understanding. It is kind of ironic the argument is to stop looking at averages and instead look at peaks. Any way you look at it a peak is always higher than the average. If you use peak hours, you are going to come up with heavier traffic loads and that accentuates the need for going forward. We need to look at the natural habit of the people who are using the roadway, and that is more important, perhaps, than looking at a model or into a crystal ball. Where are we going to go in another ten years if we put this project off? We need this highway. The longer we put it off, the more costly it is going to be, the more difficult it is going to be, impact more people negatively, and displace more people.
Mr. W.R. Von Harten stated the issue today is Phase 5A is basically a way for the Bluffton Parkway to integrate with US Highway 278 on the eastern end. We can talk about volumes, plus or minus, we can talk about use rates, but this is the best solution that we can devise at present. For more than two years Council has been studying this subject. We went through the process of finding the financial mechanisms in order to make it happen. We went to the people asking what projects they want. We went to the professionals to tell us how to go about it. We presented that to the people, and they spoke. The best advice that we can get shows us this preferred alignment. Mr. W.R. Von Harten is in favor of this alignment. Had we done this 10, 12, 15 years ago we would not be facing some of the problems that we are now. If we wait again, we are going to be facing even more problems then. He supports the preferred alignment.

Mr. Newton remarked that Mr. Baer has asked for some information. He has asked Mr. Todd Salvagin, Mr. Beatty and Ms. Jennifer Humphries to meet with Mr. Kubic for the purpose of putting together a data package regarding the formula used in deriving the 39%, the traffic count information, the actual numbers from September, etc. If there are additional questions, we ought to prove those. Please make the data available to all members of Council.

Ms. L. Von Harten does not know where everybody is coming up with this idea that we want to stop this Project from happening. That is not the case at all. She has not heard one person say they want to stop this Project. Shame on Council for implying that. We all know that the voters voted for this Project. We are just saying that there is some problem with the alignment. For Council to act like the Project should not be done at all, she cannot abide by that. No one is trying to stop this Project. We want this Project to happen. The fact of the matter is that the people of Beaufort County voted for a bridge over the Beaufort River, e.g., the McTeer Bridge. They did not vote for a bridge to Buckingham Bridge and a fly-over.

Messrs. Newton and McBride replied the referendum, which the voters approved, did, in fact, include a flyover tying into US Highway 278.

Mr. Kubic stated for the record a representative of Mr. John Reed, who is the other stakeholder, had indicated that they may have some concerns with the placement of the intersection with regards to the intersection and its associated effect of compressing a smaller area of land. A tentative peek of what was being proposed may cause some concern on Phase 5B.

Mr. Gary Wiggin, who works with Mr. John Reed, stated what was presented before was an engineering solution. We had a meeting, since then it has been moved, and we were told we were going to have a chance to take another look at it. Mr. Wiggin is seeing it today for the first time. It seems like it is set to benefit other parties.

Mr. Newton replied the preferred alignment has not changed since it was presented to the Public Services Committee on December 11, 2007, which was based on the Bluffton Town Mayor’s recommendation to Council that Mr. John Reed, and his client, Mr. Doug Robinson, had agreed. There was a letter from Bluffton Town Mayor Hank Johnson, supporting the exact preferred alignment Council is looking at today.

Mr. Wiggin stated the letter was based on the other alignment presented at an earlier meeting.
Mr. Kubic stated, for the record, the letter proposed to the two parties may or may not be in the interest of County when compared to the Access Management Plan for Phase 5B. The Access Plan for Phase 5B, once this alignment is approved, is the denominator. It is the driver. Although it is important, vital, and we are interested in learning from the experiences of the two property owners, it is not the determinate here, in Council Chambers. Mr. Kubic suggested Council approve the alignment today and then see whether or not the proposal by Mr. Reed is acceptable or not acceptable to each side, plus the County, when compared to the Access Plan. It may not be. It is not appropriate, in Mr. Kubic’s opinion, to have the County Administration render an opinion on it until all of this process comes together at one time.

It was moved by Mr. Rodman, seconded by Ms. L. Von Harten, that Council table for two weeks in order to hold a stakeholders meeting.

Mr. Newton stated it is disingenuous for Ms. L. Von Harten to say she is not attempting to stop the project when she engages in the frivolous motion to stall something for two weeks.

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

It was moved by Mr. Glaze, as Public Services Committee Chairman (no second required), that Council approve the preferred alignments for Phase 5A and Phase 5B of the Bluffton Parkway as presented to the Public Services Committee on December 11, 2007 and County Council today, January 14, 2008. The vote was: FOR – Mr. Baer, Mr. Dawson, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart, and Mr. W.R. Von Harten. OPPOSED – Ms. L. Von Harten. ABSENT – Mr. Caporale. The motion passed.
TO: Councilman Gerald Dawson, Chairman, Public Facilities Committee
FROM: Dave Thomas, CPPO, Purchasing Director
SUBJ: RFP # 1311490100217 Engineering Design Services for Spanish Moss Trail-Phase II
DATE: April 10, 2013

BACKGROUND: Beaufort County issued a Request for Proposals (RFP) to firms capable of providing engineering and design services for the Spanish Trail Phase II Project, a 2.1 mile segment of the multi-use Spanish Moss Trail extending from Depot Road to Parris Island Gateway (US-21). The project will consist of a 12' wide concrete trail along the existing abandoned railroad bed, and the retrofit of the existing concrete trestle bridge (Ealey’s Trestle) over Battery Creek. The evaluation committee consisted of the following five (5) members: Don Smith, Beaufort County Construction Manager; Colin Kinton, Beaufort County Traffic Engineer; Robert Merchant, Beaufort County Planner; Joe Devito, Operations Director, Beaufort Jasper Water and Sewer Authority; and Eliza Hill, Planner, City of Beaufort. The evaluation committee interviewed the top three firms and selected Andrews and Burgess as the number one ranked firm.

The RFP evaluation process differs from a typical construction bid, in that the qualified firms are providing professional services and are selected based upon set evaluation criteria and qualifications, not project cost. After a firm is selected, a not-to-exceed price is negotiated with the number one ranked firm. During negotiations, project budget and value added engineering concepts are considered and discussed with the firm’s design team. County staff met with the Andrews and Burgess and negotiated a final contract price not-to-exceed of $271,579.

FINAL EVALUATION RANKING:
1. Andrews and Burgess, Beaufort, SC
2. Ward Edwards, Bluffton, SC
3. Thomas & Hutton, Savannah, GA
4. Hussey, Gay, Bell & DeYoung, Savannah, GA
5. LowCountry Engineering Consultants, Beaufort, SC
6. The Land Plan Group South, Inc. Mount Pleasant, SC
7. SGA Architecture, North Charleston, SC
8. H & K Engineering Group, Savannah, GA

FUNDING: Account 48060011-54435 Rail Trail Construction. This project is contingent on the contract approval by SCDOT due to federal funding requirements. No funds will be expended until final approval by SCDOT.

FOR ACTION: Public Facilities Committee meeting occurring on April 15, 2013.
RECOMMENDATION: The Public Facilities Committee approve and recommend to County Council approval of the contract award to Andrews and Burgess in the amount of $271,579 for the engineering and design services for the Spanish Moss Trail Phase II.

CC: Gary Kubic, County Administrator
    Bryan Hill, Deputy Administrator
    David Starkey, Chief Financial Officer
    Robert McFee, Director of Engineering & Infrastructure
    Monica Spells, Compliance Officer
    Richard Dimont, Contract Specialist

Attn: Summary of Ranking
Beaufort County
RFP Spanish Moss Trail Design Services Phase 2  4/10/2013

Proposal Notice No.: 13114904100217

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The Evaluation Committee interviewed the top three firms.
Final Ranking:
1. Andrews and Burgess
2. Ward Edwards
3. Thomas & Hutton
4. HGBD
5. LEC
6. TLGS
7. SGA
COUNTY COUNCIL OF BEAUFORT COUNTY  
BEAUFORT COUNTY ENGINEERING DIVISION  
102 Industrial Village Road, Building #3, 29906  
Post Office Drawer 1228, Beaufort, SC 29901-1228  
Telephone: 843-255-2692 Facsimile: 843-255-9420

TO: Councilman Gerald Dawson, Chairman, Public Facilities Committee

VIA: Gary Kubic, County Administrator
       David Starkey, Chief Financial Officer
       Robert McFee, PE, Division Director, Engineering and Infrastructure
       Josh Gruber, County Staff Attorney

FROM: Robert Klink, PE, County Engineer

SUBJ: Renewal of Perryclear Drive Easement

DATE: April 11, 2013

BACKGROUND. On June 4, 1962, the Federal government, through the Department of the Navy, granted a 50-year easement authorizing Beaufort County to “construct, use, maintain, operate and repair” a road, now known as Perryclear Drive, on property owned by the Marine Corps Air Station – Beaufort (MCAS). The location of the easement is more clearly shown on the attached location map and easement survey. That portion of Perryclear Drive subject to the easement is the only means of access to Northview and Perryclear Subdivisions. These residential subdivisions encompass a total of 56 residential lots and 34 permanent residences.

The above described easement expired on June 4, 2012. A request to renew the easement for a period of 50 years was made to the Commanding Officer, MCAS-Beaufort. In response, the Naval Facilities Engineering Command Southeast (NAVFAC SE) has indicated the Navy’s willingness to execute another easement agreement with the provision that the County first submit a payment of $9,050 to cover the administrative and legal costs associated with the easement renewal.

RECOMMENDATION. The Public Facilities Committee accept the Navy’s demand of $9,050 in exchange for executing a new easement agreement for a period of 50 years and that it recommend the same to County Council. The funds for the easement would come from Vehicular Tag Fee Funds Acct #2342001T -51160.

REK/EWK/mjh

Attachments:  
1) Location Map
2) Original “Grant of Easement”
3) Letter to MCAS-Beaufort dated 2/14/12
4) Letter from NAVFAC SE dated 1/10/13
5) Andrew & Burgess Survey
CHART OF EASEMENT

THIS INSTRUMENT, being the 1st Day of June, 1942

between the United States of America, acting by and through the Department of the Navy, hereinafter referred to as the Government, and Beaufort County, acting by and through the Beaufort County Board of Commissioners, Beaufort, South Carolina, hereinafter referred to as the Grantee.

WHEREAS, the Government is the owner in fee simple of a parcel of land situated at the Marine Corps Air Station, Beaufort, County, South Carolina, hereinafter referred to as the Station; and

WHEREAS, the Grantee has requested the conveyance of an easement for the construction, use, maintenance, operation and repair of a road over and across the aforementioned Government-owned parcel of land, as delineated on the plan appended hereto; and

WHEREAS, the Secretary of the Navy has found that the grant of an easement on the terms and conditions hereinafter stated will not be against the public interest;

NOW, this Indenture witnesseth that, in consideration of One ($1.00) Dollar, the sum of which is hereby acknowledged as having been paid and received, the Government, pursuant to the authority of Title 10, U. S. Code, Section 256, hereby grants unto the said Beaufort County, its representatives, successors, and assigns, for a period of fifty (50) years from the date hereof, an easement for the construction, use, maintenance, operation and repair of a road, hereinafter referred to as the Road, such easement to be confined to the following described land, hereinafter referred to as the Premises:

All that certain tract or parcel of land being and lying in

Land lots Nos. 11, 12, 13, 14, 15, 16 and 17; Section 12; Township 1 North; Range 1 West; Beaufort Township; Beaufort County; South Carolina, more particularly described as follows:

From the southeast corner of Section 12, Township 1 North; Range 1 West; Beaufort Township; Beaufort County; South Carolina; thence N 00° 00' 00" E along the east line of Section 12 a distance of 1969.00 feet to a point of beginning.

Thence continues along the east line of Section 12 N 00° 00' 00" E a distance of 78.47 feet to a point; thence N 67° 11' V a distance of 1070.00 feet to a point; thence N 13° 33' 00" E a distance of 123.30 feet to a point; thence N 40° 02' 05" E a distance of 275.15 feet to a point; thence E 45° 05' 00" N a
distance of 66.99 feet to a point; thence S 60° 09' E a distance of 1950.00 feet to a point; thence S 45° 39' E a distance of 66.00 feet to a point; thence N 60° 09' E a distance of 1103.70 feet to a point; thence N 25° 07' E a distance of 67.58 feet to a point; thence E a distance of 1123.40 feet to the point of beginning, as shown on E & B Engineers No. 936075, Rev. A, attached

Also all that certain tract or parcel of land lying and

From the northwest corner of Section 7; Township 1 North;

Thence combine N 45° 09' E a distance of 66.93 feet to a point; thence N 45° 09' E a distance of 492.37 feet to a point; thence S 45° 09' W a distance of 66.83 feet to a point; thence S 45° 09' E a distance of 163.50 feet to a point for a

THIS EASEMENT is granted subject to the following terms and

1. That all work in connection with the construction, operation, repair and use of the Road shall be done without cost or expense to the Department of the Navy and in accordance with plans previously approved by the Director, Southeast Division - Bureau of Yards and Docks, hereinafter referred to as the "Director".

2. That the Grantee shall maintain the Road in good condition and shall promptly make all repairs thereto which may be necessary for the operation and the maintenance of said Road.

3. That upon termination of the easement granted herein, if desired by the Government, the Grantee, at its expense, shall remove any and all improvements installed or constructed hereunder and restore the Premises to the same or as good condition as that which existed prior to the exercise by the Grantee of its rights hereunder, such restoration to be effected to the satisfaction of the Director.

4. That the Government reserves the right to make such connections between the Road herein authorized and other roads on the Station
as the Government may consider necessary, and also
itself
rights-of-way for all purposes across, over, and/or under the right-
way herein granted; provided, however, that such rights shall be used
in a manner that will not unreasonably interfere with the use and enjoy-
ment by the Grantee of the easement rights granted herein.

5. That all or any part of the right-of-way herein granted may
be terminated for failure on the part of the Grantee to comply with any
of the terms and conditions of this grant. This easement shall terminate
upon abandonment of the rights granted herein or upon demise of such
rights for a period of two consecutive years.

IN WITNESS WHEREOF, the Government, acting by and through the
Department of the Navy, has caused this instrument to be executed the
day and year first above written.

UNITED STATES OF AMERICA

Dodge L. Whipple
Witness

Elizabeth R. Scott
Witness

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

Personally appeared before me, D Gordon Whipple*, and made
oath that he saw James L. Benson sign, seal and deliver the
within conveyance for the uses and purposes therein mentioned, and that
he with Elizabeth R. Scott, in the presence of each other,
witnessed the due execution thereof.

Dodge L. Whipple

Sworn to before me the 4th day of June, 1962.

By commission expires at the pleasure of the Governor.
February 14, 2012

Dear Colonel Murtha:

The easement agreement referenced above, a copy of which is enclosed, authorized Beaufort County to "construct, use, maintain, operate and repair" a road, now known as Perryclear Drive, on MCAS property. This easement is set to expire on 4 June 2012. It is my purpose here to request, on behalf of Beaufort County, that a new easement, identical to the original, be granted.

Please note that Perryclear Drive serves as the only means of access to Northview and Perryclear subdivisions which together encompass 56 parcels and 34 permanent residences.

Thank you for your time and consideration.

Sincerely,

Gary Kubic
County Administrator

GK/EWK

Enclosures: Easement Agreement Document
Aerial Photo/Map

cc: Robert McFee
Mr. Gary Kubic  
Beaufort County Administrator  
PO Box 1228  
Beaufort, SC 29901

Dear Mr. Kubic:

Subj: COST ESTIMATE FOR PERRYCLEAR DRIVE EASEMENT

Naval Facilities Engineering Command Southeast (NAVFAC SE) has received a copy of Marine Corps Air Station Beaufort's request to renew the grant of easement # NOY(R)-57260 to Beaufort County for Perryclear Drive. NAVFAC SE is ready to start execution on this agreement; however, the Department of the Navy (DON) does not appropriate funding for the costs associated with real estate support in the disposal, transfer, and/or out-granting of real property other than those of its own initiative. Therefore, for projects requested by non-federal entities, the requestors must reimburse the administrative costs.

In turn, NAVFAC SE is providing the below information outlining the various real estate actions required to execute the easement to Beaufort County for Perryclear Drive and the associated costs.

The actions and services include but are not limited to:

1. Administrative support by a Project Manager including negotiations, meetings, teleconferences, and document preparation.

2. Plat of Survey required for the legal description.

3. Environmental Condition of Property and NEPA reports conducted by the installation environmental staff and approved by the regional environmental staff.

4. Post execution administration, follow up, and documentation.
5. Legal support including document review, teleconferences, and meetings as necessary for agreement execution.

6. Real Estate Contracting Officer services.

The following outlines the associated costs for the actions listed above. Should the actual cost be less than the below estimate, the Government will refund to you any unused funds.

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Please prepare a check payable to The US Treasury in the amount of $22,425.00 and mail to:

Commanding Officer
NAVFAC SE
ATTN: Real Estate Contracting Officer
PO Box 30, BLDG 903, Room 260
Jacksonville, FL 32212-0030

While we shall work with you to complete the easement in an expeditious manner, since the DON does not have funding to support this action, we are unable to proceed until your organization has furnished the required funds.

My point of contact is Mr. Michael Brooks, Realty Specialist, who can be contacted by telephone at (904)542-6219 or e-mail at michael.brooks3@navy.mil.

Sincerely,

CASSANDRA S. NORRIS
Asset Management Team Lead
Real Estate Contracting Officer

Copy to: MCAS Beaufort, CPLO
TO: Councilman Gerald Dawson, Chairman, Public Facilities Committee

VIA: Gary Kubic, County Administrator
Robert McFee, Director, Engineering & Infrastructure Division
Josh Gruber, County Staff Attorney

FROM: Bob Klink, County Engineer

SUBJ: Condemnation of “Old Miller Road – Lake Point Drive Connector”

DATE: March 5, 2013

BACKGROUND: The connection between the termini of Old Miller Road and Lake Point Drive has been planned for many years and is included in both the Beaufort County Comprehensive Plan and Road CIP. This connection was also provided for in the original Grande Oaks PUD Agreement. The right-of-way needed to make the connection is approximately 2,770’ in length x 66’ in width and contains roughly 4.2 acres. The connection will be a paved, two-lane roadway constructed by the County.

It is anticipated that this connection will (1) distribute traffic in a more efficient manner, (2) improve network inter-connectivity, and (3) reduce vehicle miles of travel. For example, the connection would provide a much shorter alternate route to the Buckwalter Parkway for residents living in the various phases of Grande Oaks Subdivision. Additionally, it would allow traffic from SC Hwy. 46 (May River Road) to access the Buckwalter Parkway through the PUD via Old Miller Road and Lake Point Drive and vice versa.

The County’s efforts to acquire the right-of-way have not been successful. After having conducted exhaustive negotiations with the property owners, it is now felt that it will be necessary to use the County’s power of eminent domain to make the acquisition.

RECOMMENDATION: The Public Facilities Committee approve and recommend to County Council that a right-of-way between the termini of Old Miller Road and Lake Point Drive, as described above, be condemned.

REK/EWK/cvs

Attachments: Map (2)