



Beaufort County Airports Board

Chairman

CHRIS BUTLER

Vice Chairman

JAMES STARNES

Committee Members

HOWARD ACKERMAN

MARK BAILEY

ANNE ESPOSITO

LESLIE ADLAM FLORY

NICHOLAS MESENBURG

DAVID NELEMS

RICH SELLS

THOMAS SHEAHAN

BRIAN TURRISI

Airports Director

JON REMBOLD

Interim

County Administrator

JOHN ROBINSON

Administrative Specialist

ROCIO REXRODE

Administration Building

Hilton Head Island Airport

120 Beach City Road

Hilton Head Is, SC 29926

Contact

Post Office Drawer 1228

Beaufort, SC 29901

(843) 255-2942

www.beaufortcountysc.gov

MEETING ACCESS

[MEETING LINK](#)

ID: 161 714 8655

Passcode: 791968

Beaufort County Airports Board Agenda

Council Chambers - Administration Building

100 Ribaut Road, Beaufort, SC 29901

Thursday, June 20, 2024, at 1:30 PM

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. PUBLIC NOTIFICATION OF THIS MEETING HAS BEEN PUBLISHED, POSTED, AND DISTRIBUTED IN COMPLIANCE WITH THE SOUTH CAROLINA FREEDOM OF INFORMATION ACT (FOIA)
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES – [APRIL 25, 2024](#)
- VI. PUBLIC COMMENT (Limit comments to three minutes)
- VII. DIRECTOR'S REPORT
- VIII. UNFINISHED BUSINESS
- IX. NEW BUSINESS

ACTION ITEMS:

1. GRANT ACCEPTANCE - RECOMMENDATION TO ACCEPT FAA BIL GRANT IN THE AMOUNT OF \$2,993,835 FOR HXD TAXIWAY "F" PAVEMENT REHABILITATION - [VOTE](#)
 2. GRANT ACCEPTANCE - RECOMMENDATION TO ACCEPT FAA GRANT IN THE AMOUNT OF \$137,209 FOR HXD AIRFIELD DRAINAGE IMPROVEMENTS - [VOTE](#)
 3. GRANT ACCEPTANCE – RECOMMENDATION TO ACCEPT FAA BIL ATP GRANT IN THE AMOUNT OF \$5,000,000 FOR HXD TERMINAL IMPROVEMENTS - [VOTE](#)
 4. COMMERCIAL OPERATING AGREEMENT – RECOMMENDATION TO APPROVE A NON-TENANT COMMERCIAL OPERATING AGREEMENT BETWEEN BEAUFORT COUNTY AND CONSTANT AVIATION - [VOTE](#)
- X. CHAIRMAN UPDATE
 - XI. COMMITTEE REPORTS
 - XII. CITIZEN COMMENT (Limit comments to three minutes)
 - XIII. ADJOURNMENT

NEXT MEETING:

THURSDAY, JULY 18, 2024, AT 1:30 PM

COUNCIL CHAMBERS, 1 TOWN CENTER COURT, HILTON HEAD, SC 29928

MINUTES

Beaufort County Airports Board

April 25, 2024 | 1:30 pm | Meeting called to order by Chairman Howard Ackerman

ATTENDANCE

Present: Howard Ackerman, Chris Butler, Anne Esposito, Mark Bailey, Thomas Sheahan, David Nelems, Rich Sells, Jim Starnes, Leslie Adlam Flory and Brian Turrisi

Absent: Nick Mesenburg

County Staff: Jon Rembold, Airports Director; Stephen Parry, Deputy Airports Director; Eric Townsend, Airport Manager; Brian Cronin, Airports Finance Manager; and Rocio Rexrode, Administrative Specialist.

Beaufort County Council Liaison: Thomas Reitz

Hilton Head Island Town Council Liaison: David Ames

Public: Judy Elder, Talbert, Bright and Ellington, Inc. and Chris Eversmann, SCAC;

AGENDA ADOPTION

Rich Sells made a motion to adopt the April 25, 2024, BCAB meeting agenda. Brian Turrisi seconded the motion. All were in favor and the motion passed.

APPROVAL OF MINUTES

Leslie Adlam Flory made a motion to approve the March 21, 2024, BCAB meeting minutes. Chris Butler seconded the motion. All were in favor and the motion passed.

PUBLIC COMMENT

There were no Public Comments

DIRECTOR'S REPORT

Jon Rembold introduced Chris Eversmann, SCAC Director of Airport Development. Rembold mentioned that it is Aviation Week, and Chris has been visiting various airports around the state.

Rembold invited Chris to say a few words.

Chris Evermann said that he was glad to be back in Beaufort County. He mentioned the last time he visited the County was in the 2008/2009 timeframe, and seeing the progress made and the level of funding being extended to the two airports is tremendous. He assured that the State is a project partner and is here to help. He stated that he looks forward to continuing to work with everyone, building relationships, and doing great things for the Lowcountry.

Rembold added that there was a conversation regarding the need to implement a continuing education program to meet and learn from the local planning departments to better understand their ordinances and to educate the planning departments to better understand the needs of the airports.

- a. **Airports Budget – FY2025:** Brian Cronin provided a detailed presentation of the proposed budget, including Grants revenue.

It was stated that both airports are doing well financially.

Cronin mentioned that he will prepare financial statements for the end of FY2024, and quarterly reports starting in FY2025.

- **DEPARTMENT UPDATE:**

RBC Heritage Presented by Boeing: Rembold remarked that it was an exciting event and a fantastic investment of marketing funds. He shared that many folks have approached him to express that seeing the Airport represented at the tournament was good. He said the branding was noticed and was great publicity.

ASOS School: Rembold mentioned that Dan Neeson attended an advanced operations course --Airport Safety Operations Specialist (ASOS) School in Buffalo, NY.

Chamber Leadership 2024 Class Airport Tour: Rembold mentioned that six leadership class members had an opportunity to tour the Tower and ride in one of the ARFF firetrucks.

Terminal Improvement Project Updates: Rembold reported that the project is progressing smoothly, and the weather has been favorable for the most part. He informed that the canopies on the front of the building have been removed, the roof has been repaired, and it looks like nothing was ever there. He said the final pour of the footers has been completed. He said the next step is to build some of the blocks; then, steel will come in, and vertical construction will start soon after.

Rembold said that Steve Parry and he visit the site almost daily to check on the progress.

- **AIRPORTS' BUSINESS UPDATE:**

House Bill 5310: Rembold noted that between the last meeting and this meeting, he asked the Board members to email and write letters to the Delegates in Columbia about House Bill 5310. He said this bill would have decimated funding for the SCAA and, in turn, affect funding for the South Carolina airports and South Carolina's economic development. He informed that the bill was successfully stopped for this session.

- **SJBC:** Rembold stated that there is a 4 million dollar line item in the SC budget that the Senate sent to the House for the relocation of St. James Baptist Church. Rembold said he has been in touch with the Delegation, and they know how important it is for this line item to remain in the budget. He encouraged the Board members to contact Bill Herbkersman and let him know how important it is for this line item to stay in the Budget.

Rembold added that, to his knowledge, the SJBC project started in 1975.

He said the plan is to relocate the little schoolhouse to the new site but not the church itself because it's not a historical building.

- **HXD Hangar Locks:** Rembold informed that the HXD hangar locks will be replaced, and the hangar tenants will receive master/do not copy keys with strict rules.

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS – ACTION ITEMS

1. ELECTION OF OFFICERS – CHAIR AND VICE-CHAIR.

CHAIR: Rich Sells nominated Chris Butler as the BCAB Chair. Leslie Adlam Flory seconded the motion. All were in favor and the motion passed.

VICE-CHAIR: Chris Butler made a motion to nominate Jim Starnes as the BCAB Vice-chair. Brian Turrisi seconded the motion. All were in favor and the motion passed.

2. RECOMMENDATION TO APPROVE AIRPORTS DEPARTMENT FY2025 PROPOSED BUDGET

Rich Sells made a motion to approve the recommendation to approve the Airports Department FY2025 Proposed Budget. Anne Esposito seconded the motion. All were in favor and the motion passed.

COMMITTEE REPORTS

1. Finance Committee

Members: Howard Ackerman (Chair), Chris Butler, Tom Sheahan, and Brian Turrisi.

The Committee had nothing new to report this month. They will keep the board informed of any new developments.

2. Communications and Marketing Committee

Members: Anne Esposito (Chair), Howard Ackerman, and Leslie Adlam Flory.

The Committee had nothing new to report this month. They will keep the board informed of any new developments.

3. Passenger Service Committee

Members: Leslie Adlam Flory (Chair), David Nelems, Jim Starnes, and Tom Sheahan

Leslie informed us that the Ambassadors Program will start in June. She thanked the Board members who have volunteered in the past and asked for additional volunteers. She said there would be a training session at the end of May.

4. ARW Facilities Use and Improvement Committee

Members: Chris Butler (Chair), Mark Bailey, David Nelems, Jim Starnes, and Nick Mesenburg

The Committee had nothing new to report this month. They will keep the board informed of any new developments.

5. The HHI Airport Improvement Committee (HXD)

Members: Brian Turrisi (Chair), Howard Ackerman, Rich Sells, Chris Butler, and Anne Esposito

The Committee had nothing new to report this month. They will keep the board informed of any new developments.

LEO UPDATE: Rembold explained that the Sheriff's Office will provide 56 hours of security per week (8 hours/7 days per week), which will be augmented with private security. He mentioned that it is an amendment to the Airport Security Plan, so it has to get approved by the TSA.

PUBLIC COMMENT

There were no Public Comments.

ADJOURNMENT

The motion to adjourn the public portion of the meeting was made at 2:36 p.m. It passed unanimously.

NEXT MEETING

May 23, 2024 | 1:30 pm

Town of Hilton Head Island, 1 Town Center Ct., Hilton Head Island, SC 29928

Fiscal Year 2025 Budget Review



HILTON HEAD ISLAND

— AIRPORT —



BEAUFORT EXECUTIVE

A I R P O R T

32-24-43.8° N * 80-38-3.675° W

Hilton Head Island Airport (HXD)

Fiscal Year 2025 Proposed Budget vs. Fiscal Year 2024 Budget

Revenue	FY2025 Proposed Budget	FY2024 Budget	Increase/(Decrease)
Intergovernmental	\$230,000	\$512,730	(\$282,730)
Charges for Services	4,517,630	3,718,043	799,587
Miscellaneous	<u>80,000</u>	<u>71,234</u>	<u>8,766</u>
Total Revenue	4,827,630	4,302,007	525,623
Expense			
Personnel	1,485,400	1,512,976	(27,576)
Purchases	2,095,300	1,958,228	137,072
Supplies	47,000	49,272	(2,272)
Debt	52,300	56,000	(3,700)
Capital Outlay	585,830	260,000	325,830
Local Grant Match	160,000	160,531	(531)
General Contingency	-	-	-
Depreciation Expense	401,800	305,000	96,800
Transfer out	<u>-</u>	<u>-</u>	<u>-</u>
Total Expense	<u>4,827,630</u>	<u>4,302,007</u>	<u>525,623</u>
Total Revenues vs. Expense Budget	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

Beaufort Executive Airport (ARW)

Fiscal Year 2025 Proposed Budget vs. Fiscal Year 2024 Budget

Revenue	FY2025 Proposed Budget	FY2024 Budget	Increase/(Decrease)
Charges for Services	\$996,600	\$939,038	\$57,562
Miscellaneous	216,700	195,500	21,200
Transfers In	<u>1,433,200</u>	<u>1,466,500</u>	<u>(33,300)</u>
Total Revenue	2,646,500	2,601,038	45,462
Expense			
Personnel	274,203	274,203	-
Purchases	182,100	164,835	17,265
Supplies	10,797	9,000	1,797
Capital Outlay	1,433,200	1,466,500	(33,300)
General Contingency	-	-	-
Purchases - Enterprise	701,200	632,500	68,700
Depreciation Expense	<u>45,000</u>	<u>54,000</u>	<u>(9,000)</u>
Total Expense	<u>2,646,500</u>	<u>2,601,038</u>	<u>45,462</u>
Total Revenues vs. Expense Budget	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

HXD Airport Grants

Fiscal Year 2025 Proposed Budget vs. Fiscal Year 2024 Budget

Revenue	FY2025 Proposed Budget	FY2024 Budget	Increase/(Decrease)
FAA Grant Revenue	\$21,106,352	\$24,005,249	(\$2,898,897)
SCAC Grant Revenue	<u>16,806,586</u>	<u>16,128,044</u>	<u>678,542</u>
Total Revenue	37,912,938	40,133,293	(2,220,355)
Expense			
Grant Expenditures	<u>37,912,938</u>	<u>40,133,293</u>	<u>(2,220,355)</u>
Total Expense	<u>37,912,938</u>	<u>40,133,293</u>	<u>(2,220,355)</u>
Total Revenues vs. Expense Budget	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

HXD Federal Grant Summary

Grant Name	Date Awarded	Award Amount	Remaining Award Amount
SCASDP (Small Community Air Service Development Program)	9/15/2023	\$ 250,000	\$ 209,859
Grant 53-Federal Contract Tower (FCT) Project	9/22/2023	273,045	273,045
Grant 51-Airport Rescue Grant Offer	12/27/2021	1,900,312	1,663,376
Grant 50-Terminal Expansion II	9/7/2022	11,626,638	11,626,638
Grant 49-Airport Coronavirus Response Grant Program	3/21/2021	1,392,897	9,530
Grant 47-Airport Improvement Program-Taxiway Strengthening	9/9/2021	1,233,622	215,653
Grant 46-Commercial Apron Expansion	9/3/2020	5,301,583	849,577
Grant 45-Airport Improvement Project	7/13/2020	<u>10,000,000</u>	<u>6,258,674</u>
Total		\$ 31,978,097	\$ 21,106,352

HXD State Grant and Entitlement Summary

Grant Name	Date Awarded	Award Amount	Remaining Award Amount
SCAC 23-025-Taxiway F Strengthening/Exec Air Land Acquisition	8/15/2023	\$ 378,044	\$ 378,044
SCAC 24-001-Lighted Sign Panel Replacement	TBD	29,440	29,440
SCAC Legislative Entitlement	1/15/2024	1,000,000	1,000,000
Terminal Construction Project	4/14/2024	12,000,000	12,000,000
SCAC 23-019-Terminal Construction Project	4/14/2023	3,000,000	2,907,339
SCAC Entitlement 22-023	7/1/2023	750,000	241,763
SCAC Entitlement 2025	TBD	<u>250,000</u>	<u>250,000</u>
Total		\$ 17,407,484	\$ 16,806,586

Beaufort Executive Airport Grants

Fiscal Year 2025 Proposed Budget vs. Fiscal Year 2024 Budget

Revenue	FY2025 Proposed Budget	FY2024 Budget	Increase/(Decrease)
FAA Grant Revenue	\$192,480	\$288,345	(\$95,865)
SCAC Grant Revenue	74,999	-	74,999
Total Revenue	267,479	288,345	(20,866)
Expense			
Grant Expenditures	267,479	288,345	(20,866)
Total Expense	267,479	288,345	(20,866)
Total Revenues vs. Expense Budget	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

ARW Federal Grant Summary

Grant Name	Date Awarded	Award Amount	Remaining Award Amount
Grant 18-Airport Rescue Offer	1/25/2022	\$ 32,000	\$ 498
Grant 17-Airport Improvement Program	8/15/2022	<u>260,917</u>	<u>191,982</u>
	Total	\$ 292,917	\$ 192,480

ARW State Grant and Entitlement Summary

Grant Name	Date Awarded	Award Amount	Remaining Award Amount
SCAC 23-025-Taxiway F Strengthening/Exec Air Land Acquisition	1/13/2023	\$ 14,495	\$ 10,665
SCAC Entitlement 2025	10/24/2022	<u>112,500</u>	<u>64,334</u>
	Total	\$ 126,995	\$ 74,999



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
RECOMMENDATION TO ACCEPT FAA GRANT IN THE AMOUNT OF \$2,993,835 FOR HXD TAXIWAY “F” PAVEMENT REHABILITATION – CONSTRUCTION AND CONSTRUCTION ADMIN - CONTINGENT UPON FINAL FAA OFFER
MEETING NAME AND DATE:
Public Facilities and Safety Committee; June 24, 2024
PRESENTER INFORMATION:
Jon Rembold; Airports Director 3 minutes
ITEM BACKGROUND:
This grant will fund the Taxiway F Rehabilitation project. Beaufort County Airports Board approved the proposed resolution to accept the funding during its regular meeting on June 20, 2024.
PROJECT / ITEM NARRATIVE:
Taxiway “F” is the commercial airline taxiway at the Hilton Head Island Airport. As such, it is a critical piece of the national transportation system, and it plays a crucial role in providing commercial airline service to Hilton Head Island and Beaufort County. Pavement maintenance is one of the guarantees the County makes to the FAA when accepting grant funds. A recent pavement analysis found that the taxiway needs rehabilitation. This project addresses that need and satisfies the FAA requirement.
FISCAL IMPACT:
The FAA will provide 90% (\$2,993,835) of the total project cost, and the SCAC will fund 10% (\$332,648). Grant Expenditures - GL Code 5402-90-0000-57130 (This line item provides initial funding since all grants are reimbursable)
STAFF RECOMMENDATIONS TO COUNCIL:
Staff recommends acceptance of FAA Grant in the amount of \$2,993,835 for HXD Taxiway “F” Pavement Rehabilitation – Construction and Construction Admin contingent upon final FAA offer
OPTIONS FOR COUNCIL MOTION:
Motion to approve/deny acceptance of FAA Grant in the amount of \$2,993,835 for HXD Taxiway “F” Pavement Rehabilitation – Construction and Construction Admin contingent upon final FAA offer Move forward to Council for Approval on July 8, 2024

RESOLUTION 2024/_____

A RESOLUTION TO ACCEPT FAA GRANT FUNDING FOR THE HILTON HEAD ISLAND AIRPORT (HXD) TAXIWAY F REHABILITATION PROJECT

WHEREAS, the Hilton Head Island Airport Taxiway F rehabilitation is necessary to comply with the Federal Grant Sponsor Assurance that requires airfield pavement maintenance; and

WHEREAS, the Taxiway F rehabilitation will provide enhanced safety and service life for the commercial airline taxiway at HXD; and

WHEREAS, the project will include the overlay of the existing taxiway, new pavement markings, required edge light adjustments, sediment/erosion control; and

WHEREAS, this project includes construction and construction administration services for the rehabilitation of Taxiway F; and

WHEREAS, the total FAA grant is \$2,993,835.

NOW, THEREFORE, BE IT RESOLVED that Beaufort County Council, duly assembled, does hereby authorize the County Administrator to accept FAA Grant Funding for Hilton Head Island Airport (HXD) Taxiway F Rehabilitation project.

Adopted this ____ day of _____, 2024.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, Clerk to Council

Application for Federal Assistance SF-424

*1. Type of Submission:

- Preapplication
- Application
- Changed/Corrected Application

*2. Type of Application

- New
- Continuation
- Revision

* If Revision, select appropriate letter(s):

* Other (Specify)

*3. Date Received:

4. Applicant Identifier:

HXD

5a. Federal Entity Identifier:
3-45-0030-XXX-2024

*5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

*a. Legal Name: Beaufort County, South Carolina

*b. Employer/Taxpayer Identification Number (EIN/TIN):
57-6000311

*c. UEI:
XFSKWHHQMF58

d. Address:

*Street 1: 120 Beach City Road
Street 2: _____
*City: Hilton Head Island
County/Parish: Beaufort
*State: SC
*Province: _____
*Country: USA: United States
*Zip / Postal Code 29926-0000

e. Organizational Unit:

Department Name:
Department of Airports

Division Name:
Hilton Head Island Airport

f. Name and contact information of person to be contacted on matters involving this application:

Prefix: Mr. *First Name: Jon
Middle Name: _____
*Last Name: Rembold
Suffix: _____

Title: Director of Airports

Organizational Affiliation:

*Telephone Number: 843-255-2952

Fax Number: (843) 255-9434

*Email: jrembold@bcgov.net

Application for Federal Assistance SF-424

***9. Type of Applicant 1: Select Applicant Type:**

B: County Government

Type of Applicant 2: Select Applicant Type:

Pick an applicant type

Type of Applicant 3: Select Applicant Type:

Pick an applicant type

*Other (Specify)

***10. Name of Federal Agency:**

Federal Aviation Administration

11. Catalog of Federal Domestic Assistance Number:

20.106

CFDA Title:

Airport Improvement Program

***12. Funding Opportunity Number:**

*Title:

Bipartisan Infrastructure Law

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

***15. Descriptive Title of Applicant's Project:**

Taxiway F Strengthening (Construction)

Attach supporting documents as specified in agency instructions.

Application for Federal Assistance SF-424

16. Congressional Districts Of:
*a. Applicant: SC-001 *b. Program/Project: SC-001

Attach an additional list of Program/Project Congressional Districts if needed.

17. Proposed Project:
*a. Start Date: 03/31/2024 *b. End Date: 09/30/2025

18. Estimated Funding (\$):

*a. Federal	\$ 2,993,835
*b. Applicant	\$ 0
*c. State	\$ 332,648
*d. Local	\$ 0
*e. Other	\$ 0
*f. Program Income	\$ 0
*g. TOTAL	\$ 3,326,483

***19. Is Application Subject to Review By State Under Executive Order 12372 Process?**
 a. This application was made available to the State under the Executive Order 12372 Process for review on _____.
 b. Program is subject to E.O. 12372 but has not been selected by the State for review.
 c. Program is not covered by E.O. 12372.

***20. Is the Applicant Delinquent On Any Federal Debt?**
 Yes No
If "Yes", explain:

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U. S. Code, Title 218, Section 1001)
 ** I AGREE
** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:
Prefix: Mr. *First Name: Jon
Middle Name: _____
*Last Name: Rembold
Suffix: _____

*Title: Director of Airports

*Telephone Number: 843-255-2952 Fax Number: 843-255-9424

* Email: jrembold@bcgov.net

*Signature of Authorized Representative: Jon Rembold, C.M. Digitally signed by Jon Rembold, C.M.
Date: 2024.05.22 14:28:59 -04'00' *Date Signed: 5/22/2024

HILTON HEAD ISLAND AIRPORT (HXD) PROGRAM NARRATIVE

3-45-0030-XXX-2024 (BIL)

Taxiway F Rehabilitation (Construction): The project includes construction and construction administration services for the rehabilitation of Taxiway F. The project will include the overlay of the existing taxiway, grooving of the overlay, new pavement markings, construct paved shoulders along the taxiway, required edge light adjustments, sediment/erosion control.

Construction Administration Services (Talbert, Bright & Ellington)	\$154,883.00
Construction (APAC-Atlantic, Inc.)	\$3,171,600.00
TOTAL	\$3,326,483.00
FAA BIL	\$2,993,835.00
SCAC	\$332,648.00
Local	\$0.00
TOTAL	\$3,326,483.00

Estimated Cost: \$3,326,483.00

FAA BIL Cost: \$2,993,835.00

Project	Total	Federal	State	Local
Taxiway F Rehabilitation (Construction)	\$3,326,483.00	\$2,993,835.00	\$332,648.00	\$0.00



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
RECOMMENDATION TO ACCEPT FAA GRANT IN THE AMOUNT OF \$137,209 FOR HXD AIRFIELD DRAINAGE IMPROVEMENTS – DESIGN AND BIDDING CONTINGENT UPON FINAL FAA OFFER
MEETING NAME AND DATE:
Public Facilities and Safety Committee; June 24, 2024
PRESENTER INFORMATION:
Jon Rembold; Airports Director 3 minutes
ITEM BACKGROUND:
This grant will fund the Airfield Drainage Improvements project design and bidding. This is a time-sensitive, mandatory safety project. Beaufort County Airports Board approved the proposed resolution to accept the funding during its regular meeting on June 20, 2024.
PROJECT / ITEM NARRATIVE:
The Hilton Head Island Airport's airport reference code has changed which also changed some of the dimensions of protective areas on the field. One of those areas, the runway safety area, was expanded. Consequently, several drainage structures that previously were located outside the runway safety area are now in that area. As such, they are subject to stricter standards and must be upgraded. This mandatory safety project will provide the engineering design and bidding services for the structures. This project is eligible for funding through the FAA. Following bidding, a separate construction phase grant will be coordinated with the FAA.
FISCAL IMPACT:
The FAA will provide 90% (\$137,209) of the funding, and airport operations will fund 10% (\$15,245). FAA funds for this project are already budgeted in the FAA account. Grant Expenditures - GL Code 5402-90-0000-57130
STAFF RECOMMENDATIONS TO COUNCIL:
Staff recommends acceptance of FAA Grant in the amount of \$137,209 for HXD Airfield Drainage Improvements – Design and Bidding contingent upon final FAA offer
OPTIONS FOR COUNCIL MOTION:
Motion to approve/deny acceptance of FAA Grant in the amount of \$137,209 for HXD Airfield Drainage Improvements – Design and Bidding contingent upon final FAA offer Move forward to Council for Approval on July 8, 2024

RESOLUTION 2024/_____

A RESOLUTION TO ACCEPT FAA GRANT FOR THE HILTON HEAD ISLAND AIRPORT (HXD) AIRFIELD DRAINAGE IMPROVEMENTS PROJECT

WHEREAS, the Hilton Head Island Airport's airport reference code has been increased from C-II to C-III, and the width of the runway safety area has been increased from 400 feet to 500 feet; and

WHEREAS, several drainage structures are located within the redefined runway safety area and need to be strengthened to support the design aircraft; and

WHEREAS, this project involves the design and bidding efforts associated with the project; and

WHEREAS, the FAA has determined the project is justified and is eligible for grant funding; and

WHEREAS, the grant will be used to fund the design and bidding of the airfield drainage improvement project at the Hilton Head Island Airport. The total FAA grant is \$137,209.

NOW, THEREFORE, BE IT RESOLVED that Beaufort County Council, duly assembled, does hereby authorize the County Administrator to accept FAA Grant for the Hilton Head Island Airport (HXD) Airfield Drainage Improvement project.

Adopted this ____ day of _____, 2024.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, Clerk to Council

Application for Federal Assistance SF-424

*1. Type of Submission:

- Preapplication
- Application
- Changed/Corrected Application

*2. Type of Application

- New
- Continuation
- Revision

* If Revision, select appropriate letter(s):

* Other (Specify)

*3. Date Received:

4. Applicant Identifier:

HXD

5a. Federal Entity Identifier:
3-45-0030-XXX-2024

*5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

*a. Legal Name: Beaufort County, South Carolina

*b. Employer/Taxpayer Identification Number (EIN/TIN):
57-6000311

*c. UEI:
XFSKWHHQMF58

d. Address:

*Street 1: 120 Beach City Road
Street 2: _____
*City: Hilton Head Island
County/Parish: Beaufort
*State: SC
*Province: _____
*Country: USA: United States
*Zip / Postal Code 29926-0000

e. Organizational Unit:

Department Name:
Department of Airports

Division Name:
Hilton Head Island Airport

f. Name and contact information of person to be contacted on matters involving this application:

Prefix: Mr. *First Name: Jonathan
Middle Name: P
*Last Name: Rembold
Suffix: _____

Title: Director of Airports

Organizational Affiliation:

*Telephone Number: 843-2552952

Fax Number: (843) 255-9434

*Email: jrembold@bcgov.net

Application for Federal Assistance SF-424

***9. Type of Applicant 1: Select Applicant Type:**

B: County Government

Type of Applicant 2: Select Applicant Type:

Pick an applicant type

Type of Applicant 3: Select Applicant Type:

Pick an applicant type

*Other (Specify)

***10. Name of Federal Agency:**

Federal Aviation Administration

11. Catalog of Federal Domestic Assistance Number:

20.106

CFDA Title:

Airport Improvement Program

***12. Funding Opportunity Number:**

*Title:

BIL AIG

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Town of Hilton Head Island, Beaufort County South Carolina

***15. Descriptive Title of Applicant's Project:**

Airfield Drainage (Design and Bidding)

Attach supporting documents as specified in agency instructions.

Application for Federal Assistance SF-424**16. Congressional Districts Of:**

*a. Applicant: SC-001

*b. Program/Project: SC-001

Attach an additional list of Program/Project Congressional Districts if needed.

17. Proposed Project:

*a. Start Date: 08/01/2024

*b. End Date: 06/30/2025

18. Estimated Funding (\$):

*a. Federal	\$ 137,209
*b. Applicant	\$ 15,245
*c. State	\$ 0
*d. Local	\$ 0
*e. Other	\$ 0
*f. Program Income	\$ 0
*g. TOTAL	\$ 152,454

***19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- a. This application was made available to the State under the Executive Order 12372 Process for review on _____.
- b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- c. Program is not covered by E.O. 12372.

***20. Is the Applicant Delinquent On Any Federal Debt?** Yes No

If "Yes", explain:

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U. S. Code, Title 218, Section 1001)

 ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: Mr. *First Name: Jonathan
Middle Name: P
*Last Name: Rembold
Suffix:

*Title: Director of Airports

*Telephone Number: 843-255-2952

Fax Number: 843-255-9424

* Email: jrembold@bcgov.net

*Signature of Authorized Representative: Jon Rembold, C.M.

Digitally signed by Jon Rembold, C.M.
Date: 2024.06.03 10:19:24 -04'00'

*Date Signed: 6/3/2024



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
RECOMMENDATION TO ACCEPT FAA BIL AIRPORT TERMINAL PROGRAM GRANT IN THE AMOUNT OF \$5,000,000 FOR HXD TERMINAL IMPROVEMENTS - CONTINGENT UPON FINAL FAA OFFER
MEETING NAME AND DATE:
Public Facilities and Safety Committee; June 24, 2024
PRESENTER INFORMATION:
Jon Rembold; Airports Director 3 minutes
ITEM BACKGROUND:
This grant was awarded as part of the 2021 Bipartisan Infrastructure Law (BIL) that provides for competitive grants for airport terminal projects. The funds will allow the project team to expand the first phase of the project, currently under construction, adding to the benefits that will be enjoyed by the airport's customers. Beaufort County Airports Board approved the proposed resolution to accept the funding during its regular meeting on June 20, 2024.
PROJECT / ITEM NARRATIVE:
The additional funding provided by the grant enables the airport to deliver more benefit to the customers in this initial phase of the terminal improvements project. Some of the key items include: <ul style="list-style-type: none">• Two additional passenger boarding bridges• An additional passenger screening lane at the new TSA checkpoint• Increased circulation space in the existing lobby and ticketing areas• Renovation of all restrooms on the pre-screening side of the terminal• Installation of additional aircraft apron lighting• Additional gate area furniture and finishes
FISCAL IMPACT:
The BIL ATP program provides 95% of the project funding (\$5,000,000) of the funding, and airport operations will fund 5% (\$263,158). Grant Expenditures - GL Code 5402-90-0000-57130
STAFF RECOMMENDATIONS TO COUNCIL:
Staff recommends acceptance of FAA BIL ATP Grant in the amount of \$5,000,000 for HXD Terminal Improvements – contingent upon final FAA offer
OPTIONS FOR COUNCIL MOTION:
Motion to approve/deny acceptance of FAA BIL ATP Grant in the amount of \$5,000,000 for HXD Terminal Improvements – contingent upon final FAA offer Move forward to Council for Approval on July 8, 2024

RESOLUTION 2024/_____

A RESOLUTION TO ACCEPT FAA BIPARTISAN INFRASTRUCTURE LAW (BIL) AIRPORT TERMINAL PROGRAM (ATP) GRANT FOR THE HILTON HEAD ISLAND AIRPORT (HXD) AIRPORT TERMINAL IMPROVEMENTS PROJECT

WHEREAS, as part of the Bipartisan Infrastructure Law passed in November, 2021, there exists competitive grant opportunities to fund airport terminal projects; and

WHEREAS, the Hilton Head Island submitted a competitive application with the goal of securing additional funding for the terminal project at HXD, and received \$5 million in funding through the BIL ATP program; and

WHEREAS, the items to be funded with these grant funds were part of the June 2023 Phase I Terminal Improvements Project bid as alternate items but are not currently funded in the construction program; and

WHEREAS, the completion of these usable units of work will provide an improved level of service for commercial service passengers and enhance safety for aircraft using HXD; and

NOW, THEREFORE, BE IT RESOLVED that Beaufort County Council, duly assembled, does hereby authorize the County Administrator to accept FAA BIL ATP Grant Funding for Hilton Head Island Airport (HXD) Terminal Construction Project.

Adopted this ____ day of _____, 2024.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____

Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, Clerk to Council

Application for Federal Assistance SF-424

*1. Type of Submission:

- Preapplication
- Application
- Changed/Corrected Application

*2. Type of Application

- New
- Continuation
- Revision

* If Revision, select appropriate letter(s):

* Other (Specify)

*3. Date Received:

4. Applicant Identifier:

HXD

5a. Federal Entity Identifier:
3-45-0030-XXX-2024

*5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

*a. Legal Name: Beaufort County, South Carolina

*b. Employer/Taxpayer Identification Number (EIN/TIN):
57-6000311

*c. UEI:
XFSKWHHQMF58

d. Address:

*Street 1: 120 Beach City Road
Street 2: _____
*City: Hilton Head Island
County/Parish: Beaufort
*State: SC
*Province: _____
*Country: USA: United States
*Zip / Postal Code 29926-0000

e. Organizational Unit:

Department Name:
Department of Airports

Division Name:
Hilton Head Island Airport

f. Name and contact information of person to be contacted on matters involving this application:

Prefix: Mr. *First Name: Jonathan
Middle Name: P
*Last Name: Rembold
Suffix: _____

Title: Director of Airports

Organizational Affiliation:

*Telephone Number: 843-255-2952

Fax Number: (843) 255-9434

*Email: jrembold@bcgov.net

Application for Federal Assistance SF-424

***9. Type of Applicant 1: Select Applicant Type:**

B: County Government

Type of Applicant 2: Select Applicant Type:

Pick an applicant type

Type of Applicant 3: Select Applicant Type:

Pick an applicant type

*Other (Specify)

***10. Name of Federal Agency:**

Federal Aviation Administration

11. Catalog of Federal Domestic Assistance Number:

20.106

CFDA Title:

Airport Improvement Program

***12. Funding Opportunity Number:**

*Title:

BIL ATP

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Town of Hilton Head Island, Beaufort County, South Carolina

***15. Descriptive Title of Applicant's Project:**

Terminal Construction

Attach supporting documents as specified in agency instructions.

Application for Federal Assistance SF-424**16. Congressional Districts Of:**

*a. Applicant: SC-001

*b. Program/Project: SC-001

Attach an additional list of Program/Project Congressional Districts if needed.

17. Proposed Project:

*a. Start Date: 08/01/2024

*b. End Date: 09/30/2025

18. Estimated Funding (\$):

*a. Federal	\$ 5,000,000
*b. Applicant	\$ 263,158
*c. State	\$ 0
*d. Local	\$ 0
*e. Other	\$ 0
*f. Program Income	\$ 0
*g. TOTAL	\$ 5,263,158

***19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- a. This application was made available to the State under the Executive Order 12372 Process for review on _____.
- b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- c. Program is not covered by E.O. 12372.

***20. Is the Applicant Delinquent On Any Federal Debt?** Yes No

If "Yes", explain:

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U. S. Code, Title 218, Section 1001)

 ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: Mr. *First Name: Jonathan
Middle Name: P
*Last Name: Rembold
Suffix:

*Title: Director of Airports

*Telephone Number: 843-255-2952

Fax Number: 843-255-9424

* Email: jrembold@bcgov.net

*Signature of Authorized Representative: Jon Rembold, C.M. Digitally signed by Jon Rembold, C.M.
Date: 2024.05.31 10:06:49 -04'00'

*Date Signed: May 31, 2024

**HILTON HEAD ISLAND AIRPORT (HXD)
PROGRAM NARRATIVE**

**3-45-0030-XXX-2024
BIL ATP**

As part of the ongoing terminal expansion project at HXD, Beaufort County received \$5 million in funding through the BIL ATP program. The items below were part of the June 2023 program bid as alternate items but are not currently funded in the construction program. These useable units of work will be funded by this grant. The costs are shown using a 95 percent BIL ATP funding share and a 5 percent airport funding obligation.

DESCRIPTION	TOTAL
Bid Alternate No. 1B - Gate 2 Aircraft Gate Equipment To Include 2A \$35,000 Spare Parts Allowance	\$1,414,000.00
Bid Alternate No. 1c - Gate 3 Aircraft Gate Equipment To Include 2A \$35,000 Spare Parts Allowance	\$1,502,000.00
Bid Alternate No. 2 - Furniture Allowance	\$42,361.46
Bid Alternate No. 3 - Alternate Canopy Entrance	\$1,121,000.00
Bid Alternate No. 5 - Seal/Rejuvenate Existing Asphalt Parking Pavement To Remain After Demolition-Landside	\$30,832.00
Bid Alternate No. 6 - Non-Reflectorized White Pavement Marking Of Existing Parking Spaces To Remain In Existing Asphalt Parking Pavement After Sealing/Rejuvenating- Landside	\$4,588.50
Bid Alternate No. 8 - Second Manned Checkpoint Lane	\$106,000.00
Bid Alternate No. 12 - 3-Luminaire Led Apron Floodlight Pole With 35-Ft Mounting Height, Complete	\$76,000.00
Bid Alternate No. 13 - 2-Luminaire Led Apron Floodlight Pole With 35-Ft Mounting Height, Complete	\$76,000.00
Non-Secure Restrooms Renovation	\$890,375.93
TOTAL	\$5,263,157.89

Estimated Cost: \$5,263,157.89

FAA BIL Cost: \$5,000,000.00

Project	Total	Federal	State	Local
BIL ATP	\$5,263,157.89	\$5,000,000.00	\$0.00	\$263,157.89

STATE OF SOUTH CAROLINA) NON-TENANT COMMERCIAL OPERATING
) AGREEMENT
COUNTY OF BEAUFORT)

This Non-Tenant Commercial Operating Agreement (the "Agreement") is entered into by and between the County of Beaufort, a political subdivision of the State of South Carolina, as the governing body of the Hilton Head Island Airport, a body politic and corporate, existing under and by virtue of the laws of the State of South Carolina ("County"), and **Constant Aviation** (the "Operator"), having its principal office at 18601 Cleveland Parkway, Cleveland Ohio 44135.

WITNESSETH:

WHEREAS, County is the owner and operator of the Hilton Head Island Airport (the "Airport") located at 120 Beach City Road, Hilton Head Island, South Carolina 29926; and

WHEREAS, Operator is engaged in the business of **AIRCRAFT MAINTENANCE** and desires to use certain areas and facilities owned by the County and acquire from County certain rights and privileges in connection with its use of Airport; and

WHEREAS, County has the right to permit use of the Airport upon the terms and conditions hereinafter set forth and has full power and authority to enter into this Agreement.

NOW, THEREFORE, for and in consideration of the promises and the mutual covenants, agreements and conditions contained herein, the parties hereto agree as follows:

ARTICLE I
TERM

The term of this Agreement shall commence on 1 August 2024 ("Date of Commencement") and shall end on 31 July 2025.

After that time, this Agreement may be renewed up to four (4) additional, one (1) year terms after the initial term, unless thirty (30) days prior written notice of intent not to renew is given by either party, one to the other, and provided further that such renewal be upon terms mutually agreeable to both parties hereto.

ARTICLE II
USES AND PRIVILEGES

The County hereby grants to Operator, subject to all the terms and conditions of this Agreement the following rights, uses, and privileges:

1. Scope of Privilege. The Operator shall only have the non-exclusive right and privilege to access the Airport to provide **AIRCRAFT MAINTENANCE**. Operator understands and agrees that it shall not engage in any other business at the Airport under this Agreement. Operator acknowledges that no right or privilege has been granted to Operator which would operate to prevent any person, firm or corporation from operating an aircraft on the Airport. It is

not the intent of this Agreement to grant to Operator the exclusive right to provide any or all of the services described in this article at any time during the term of this Agreement. County reserves the right, at its sole discretion, to grant others certain rights and privileges upon the Airport, which are identical in part or in whole to those granted to Operator.

Operator may engage in the following specific activities and services:

(a) Aircraft AOG/Line/Scheduled Maintenance

Any other activity to be engaged in by Operator will require advance written permission from County and any unauthorized activity by Operator is grounds for immediate termination of this Agreement.

2. Access. Subject to the provisions hereof, the Rules, Regulations and Ordinances and such restrictions as County may impose, County hereby grants to Operator and employees, access to public areas and public facilities at the Airport and the privilege of restricted Airport access, ingress and egress governed by regulations set forth in Federal Aviation Administration (FAA) Federal Aviation Regulation (FAR) Part 139, Certification and Operation of Airports, TSA Part 1542, and the Airport Security Program. To enter upon or use the Airport or any part thereof is conditioned upon compliance with these Rules and Regulations. Entry upon or onto the Airport by any person shall constitute an agreement by such person to comply with Rules and Regulations.

The ingress and egress provided for above shall not be used, enjoyed or extended to any person engaging in any activity or performing any act of furnishing any service for or on behalf of Operator that Operator is not authorized to engage in or perform under the provisions hereof unless expressly authorized by County.

County shall have the right at any time or times to close, relocate, reconstruct, change, alter, or modify any such means of access provided for Operator's use pursuant to this Agreement or otherwise, either temporarily or permanently; provided that reasonable notice to Operator and a reasonably convenient and adequate means of access, ingress and egress shall exist or be provided in lieu thereof. County shall suffer no liability by reason thereof and such action shall in no way alter or affect any of Operator's obligations under this Agreement.

Operator agrees that there shall be no restrictions or interference with public use and access of any public facilities.

ARTICLE III CHARGES AND FEES

1. Manner and Extent of Payment. Commencing with the Date of Commencement, the Operator, in return for use of the Airport facilities and privileges granted hereunder, agrees to pay County without deduction or setoff, during the term of this Agreement, certain charges and fees as set forth herein, in the following manner unless specified otherwise: **RAMP ACCESS FEE OF \$150.00 FOR EACH AOG SERVICE REQUEST.**

- (a) All payments herein are to be made in lawful money of the United States of America and are payable to: **Beaufort County Council, Hilton Head Island Airport**

Mail to: Airport Director, Hilton Head Island Airport
120 Beach City Rd.
Hilton Head Island, SC 29926

2. Delinquent Charges or Fees. Without waiving any other right or action available to County in the event of default in payment of charges or fees hereunder, in the event that Operator is delinquent for a period of fifteen (15) days or more after invoice in paying to County any charge or fee payable to County pursuant to this Agreement, Operator shall pay to County interest thereon at the rate of eighteen (18%) percent per annum from the date such item was due and payable until paid.

In the event County retains counsel to collect any sums owing to it from Operator, Operator agrees to pay to County the sums expended by County on account of the retention of such counsel as well as court costs and expenses incurred by County, including all direct salary costs, materials, supplies, and administrative overhead.

ARTICLE IV PERFORMANCE AND SERVICE STANDARDS

1. Personnel. Operator shall, in the operation of the services under this Agreement, employ or permit the employment of only such personnel as will assure a high standard of service to the public. All such personnel, while on duty, shall be clean, neat in appearance, and courteous at all times, and shall be appropriately attired, with uniforms in such instances as are appropriate. No personnel employed by Operator while on or about the Airport shall use improper language, act in a loud, boisterous or otherwise improper manner, or be permitted to solicit business in an inappropriate manner.

ARTICLE V INSURANCE

1. Operator shall carry, during the term of this Agreement or any extension hereof, the liability insurance coverage with limits as hereinafter stated, but the carrying of such insurance coverage shall not relieve Operator of any of its obligations under this Agreement.

2. Operator shall, upon commencement of the term hereof, obtain and cause to be kept in force liability insurance coverage insuring against the liabilities set forth in the indemnification paragraph below, such insurance to include, by way of example but not by way of limitation, comprehensive general liability coverage and shall be in not less than the amounts hereinafter stated. Such insurance coverage shall be provided by policies issued by a company or companies of sound and adequate financial responsibility. Such insurance policies shall contain an endorsement providing that County will be given not less than thirty (30) days' notice prior to the cancellation or change of any of the provisions provided by said policies. The comprehensive general liability policies shall include contractual liability coverage and shall

make reference to this Agreement. Such policies shall name County as an additional insured and Operator shall cause a certificate of insurance to be furnished to County evidencing such insurance coverage prior to Operator's use of the Airport pursuant to the terms of this Agreement. The following statement is required on the face of the insurance certificate: "Beaufort County, its officials, servants, agents and employees are named as additional insured." In the event County is notified that any of the coverage required herein is to be cancelled or changed in such a manner as not to comply with the requirements of this Agreement, Operator shall, immediately obtain and provide County with certificates evidencing the re-establishment of the insurance coverage required hereby.

3. The minimum limits of coverage shall be as follows:
 - a. Commercial General Liability Insurance including, but not limited to, Personal Injury, Broad Form Contractual and Broad Form Property Damage (per accident). Combined Limit: One Million Dollars (\$1,000,000) per occurrence.
 - b. Automobile Liability (\$1,000,000)
 - c. Worker's Compensation – As required by SC law

Please ensure that the certificate holder is listed as Beaufort County (not the department name), PO Box 1228, Beaufort, SC 29902

Evidence of current coverage is to be kept on file with the airport.

4. Insofar as said commercial general liability insurance provides protection against liability for damages to third parties for personal injury, death and property damage, County shall be included as a named insured; provided, however, such liability insurance coverage shall also extend to damage, destruction, and injury, to County owned or leased property and County personnel, and caused by, or resulting from work, acts, operations, or omissions of Operator, its officers, agents, employees, and independent contractors on the Airport. County shall have no liability for any premiums charged for such coverage, and the inclusion of County as a named insured is not intended to, and shall not, make County a partner or joint venturer with Operator in its operations on the Airport.

ARTICLE VI INDEMNIFICATION

Operator agrees to indemnify and hold harmless County from and against any and all claims, demands, suits, judgments, costs and expenses asserted by any person or persons, including agents, servants, employees or independent contractors of Operator or County, by reason of death or injury to persons or loss or damage to property, resulting from Operator's operations or acts or omissions of Operator's agents, servants, employees, officers, contractors, or anything done or omitted by Operator, under this Agreement except to the extent that such claims, demands, suits, judgments, costs and expenses may be attributed to the negligent acts or omissions of County or its agents or employees.

ARTICLE VII

EQUIPMENT, LICENSES, PERMITS AND SUPPLIES

Operator will provide all its own equipment, licenses, permits and supplies if applicable. If a license, registration or permit of any kind is required of the Operator, its employees, agents or subcontractors, by federal or state law, Operator warrants that such license, registration or permit has been obtained, is valid and in good standing, and that any applicable bond has been posted in accordance with applicable laws and regulations.

ARTICLE VIII RULES, REGULATIONS AND ORDINANCES

Operator shall observe and obey all lawful and reasonable Rules, Regulations and Ordinances promulgated, from time to time during the term hereof, by County governing conduct on and operations at the Airport and use of its facilities. Copies of the Rules, Regulations and Ordinances adopted, shall be available to Operator.

ARTICLE IX MISCELLANEOUS

1. Entire Agreement. This Agreement constitutes the entire understanding between the parties, and as of its effective date supersedes all prior representations, agreements and understandings, oral or written, relating to the subject matter hereof. Any change or modification hereof must be in writing signed by both parties.

2. Governing Law and Venue. This Agreement is made and entered into in the State of South Carolina and shall be construed in accordance with the laws of the State of South Carolina. Venue for any litigation arising from this Agreement is to be in the Circuit Court for Beaufort County, South Carolina.

3. Severability. If a provision hereof shall be finally declared void or illegal by any court or administrative agency having jurisdiction, the entire Agreement shall not be void, but the remaining provisions shall continue in effect as nearly as possible in accordance with the original intent of the parties.

4. Notices. Any notice given by one party to the other in connection with this Agreement shall be in writing and shall be sent by certified mail, return receipt requested, with postage and registration fees prepaid. Either party shall have the right, by giving written notice to the other, to change the address at which its notices are to be received. Until any such change is made, notices shall be delivered as follows:

AS TO COUNTY:
Airport Director
120 Beach City Road
Hilton Head Island, SC 29926

With a Copy to:
Beaufort County Staff Attorney
P. O. Drawer 1228
Beaufort, SC 29901-1228

With a Copy to:
Beaufort County Administrator
P. O. Drawer 1228
Beaufort, SC 29901-1228

AS TO OPERATOR:

With a Copy to:

Notices shall be deemed to have been received on the date of receipt as shown on the return receipt.

5. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors, legal representatives and assigns where permitted.

Company Financial Billing Contact(s):

Name:

Address:

Telephone:

E-mail:

IN WITNESS WHEREOF, the parties have executed this Agreement effective as of the latest dated of execution as noted below.

ATTEST:

BEAUFORT COUNTY

By: _____
 , County Administrator

Date: _____

ATTEST:

OPERATOR:

By: _____

Printed Name: _____

Title: _____

Date: _____