

AGENDA
COUNTY COUNCIL OF BEAUFORT COUNTY
Monday, January 11, 2010
4:00 p.m.
Council Chambers
Administration Building

Citizens may participate in the public comment periods and public hearings from a telecast site at the Hilton Head Island Branch Library.

- 4:00 p.m.**
1. CALL TO ORDER
 2. PLEDGE OF ALLEGIANCE
 3. INVOCATION
 4. REVIEW OF MINUTES – [December 14, 2009](#)
 5. PUBLIC COMMENT
 6. COUNTY ADMINISTRATOR’S REPORT ([text](#))
Mr. Gary Kubic, County Administrator
 - Four-Week Progress Report
 - Announcement / New NXX Code for Beaufort County Government
Mr. Ted Anderson, Division-Director Information and Technology
 7. DEPUTY COUNTY ADMINISTRATOR’S REPORT ([text](#))
Mr. Bryan Hill, Deputy County Administrator
 - Four-week Progress Report
 - Introduction / Mr. Todd Ferguson, Emergency Management
 - Construction Project Updates:
 - One Cent Sales Tax Referendum Projects:
 - New Bridge over Beaufort River / US 21 / SC 802 Construction Project
 - SC Highway 802 Roadway Construction Project

Capital Improvement Projects:
Broad River Boat Landing Improvements
Buckwalter Regional Park

- Post Disaster Manual

8. ADOPTION OF 2010 REGULAR MEETING SCHEDULE ([schedule](#))
9. ESTABLISHMENT OF HAWKERS' AND PEDDLERS' LICENSE FEES ([text](#))

CONSENT AGENDA

Items 10 through 14

10. LEASE EXTENSION FOR DAUFUSKIE ISLAND CO-OPERATIVE STORE ([text](#))
 - Community Services Committee discussion and recommendation December 21, 2009 / Due to lack of a quorum, this item will require a motion and second at full Council.
 - Lease: Beaufort County and Daufuskie Island Cooperative, Inc.
 - Terms: Five-year Extension
11. RESOLUTION OPPOSING ANY STATE LEGISLATION OFFERING SALES TAX ABATEMENT TO THE SEMBLER PROPERTY LOCATED IN JASPER AND BEAUFORT COUNTY ([proposed resolution](#))
 - Public Safety Committee discussion and recommendation to adopt January 4, 2010 / Vote 5:0
12. RESOLUTION OPPOSING HOUSING OF STATE PRISONERS IN COUNTY DETENTION CENTERS ([proposed resolution](#))
 - Public Safety Committee discussion and recommendation to adopt January 4, 2010 / Vote 5:0
13. BEAUFORT COUNTY ZONING MAP AMENDMENT/REZONING REQUEST FOR THREE (3) LADY'S ISLAND PROPERTIES TOTALING 0.917 ACRE AT THE INTERSECTION OF SAM'S POINT ROAD AND MAYFAIR COURT: R201-015-517 AND R201-015-518 FROM PROFESSIONAL OFFICE DISTRICT/POD TO VILLAGE CENTER/VC, AND R201-105-519 FROM LADY'S ISLAND COMMUNITY PRESERVATION/LICP TO VILLAGE CENTER/VC ([text](#))
 - Consideration of first reading approval January 11, 2010
 - Natural Resources Committee discussion and recommendation to approve November 30, 2009 / Vote 5:0
 - Council consideration of first reading approval October 12, 2009 / Tie vote 5:5
 - Natural Resources Committee discussion and recommendation to deny October 5, 2009 / Vote 3:2

14. TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO) THAT REPLACES ALL THE COMMUNITY OPTIONS WITH A TRADITIONAL NEIGHBORHOOD DEVELOPMENT OPTION: ARTICLE V, DIVISION 1, TABLE 106-1098 USE TABLE; ARTICLE VI, DIVISION 2, TABLE 106-1526 OPEN SPACE AND DENSITY STANDARDS; ARTICLE VI, DIVISION 3, TABLE 106-1556 LOT AND BUILDING STANDARDS; ARTICLE VI, DIVISION 4, TABLE 106-1617 BUFFERYARD AND LANDSCAPING STANDARDS; ARTICLE XI, DIVISIONS 1 AND 2 ([proposed text](#))
 - Council consideration of first reading approval January 11, 2010
 - Natural Resources Committee discussion and recommendation to approve January 4, 2010 / Vote 5:0

15. AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS, IN ONE OR MORE SERIES, WITH APPROPRIATE SERIES DESIGNATIONS, OF BEAUFORT COUNTY, SOUTH CAROLINA, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$48,755,000; AUTHORIZING THE BONDS TO BE ISSUED AS TAX-EXEMPT BONDS OR TAXABLE BUILD AMERICA BONDS; 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 ([text](#))
 - Council consideration of first reading, by title only, approval January 11, 2010

PUBLIC HEARING
Item 16

- 6:00 p.m.**
16. AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE MASTER PARK AGREEMENT GOVERNING THE MULTI-COUNTY INDUSTRIAL/BUSINESS PARK BY AND BETWEEN BEAUFORT COUNTY, SOUTH CAROLINA AND JASPER COUNTY, SOUTH CAROLINA, IN ORDER TO EXPAND THE BOUNDARIES OF THE PARK TO INCLUDE ALL THOSE PROPERTIES LOCATED IN THE INDUSTRIAL PARK KNOWN AS “BEAUFORT COMMERCE PARK” LOCATED IN BEAUFORT COUNTY, SOUTH CAROLINA ([text](#))
 - Consideration of third and final reading approval January 11, 2010
 - Second reading approval December 14, 2009 / Vote 11:0
 - Public Safety Committee discussion and recommendation to approve December 7, 2009 / Vote 7:0
 - First reading, by title only, approval November 9, 2009 / Vote 11:0

 17. COMMITTEE REPORTS ([Community Service](#)) ([Natural Resources](#)) ([Public Safety](#))

18. PUBLIC COMMENT

19. ADJOURNMENT

County TV Rebroadcast	
Wednesday	11:00 p.m.
Friday	9:00 a.m.
Saturday	12:00 p.m.
Sunday	6:30 a.m.

Cable Casting of County Council Meetings <i>The County Channel</i>	
Charter Cable	CH 20
Comcast	CH 2
Hargray Cable	CH 252
Hargray Video on Demand	600
Time Warner Hilton Head Cable	CH 66
Time Warner Sun City Cable	CH 63

2010 Annual Planning Meeting
Thursday, February 18, 2010
Friday, February 19, 2010
Saturday, February 20, 2010
Conference Room
Beaufort/Jasper Water and Sewer Authority
6 Snake Road, Okatie

Official Proceedings
County Council of Beaufort County
December 14, 2009

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

The regularly scheduled meeting of the County Council of Beaufort County was held at 4:00 p.m. Monday, December 14, 2009, in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

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

PLEDGE OF ALLEGIANCE

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

INVOCATION

Councilman Gerald Dawson gave the Invocation.

REVIEW OF PROCEEDINGS OF THE REGULAR MEETING HELD OCTOBER 26, 2009

It was moved by Mr. Rodman, seconded by Mr. Baer, that Council approves the minutes of the regular meeting held October 26, 2009. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Sommerville. The motion passed.

REVIEW OF PROCEEDINGS OF THE REGULAR MEETING HELD NOVEMBER 9, 2009

It was moved by Mr. Rodman, seconded by Mr. Baer, that Council approves the minutes of the regular meeting held November 9, 2009. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Sommerville. The motion passed.

REVIEW OF PROCEEDINGS OF THE REGULAR MEETING HELD NOVEMBER 23, 2009

It was moved by Mr. Rodman, seconded by Mr. Baer, that Council approves the minutes of the regular meeting held November 23, 2009. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Sommerville. The motion passed.

SANTA’S BLESSED HELPERS

Mrs. Wagner, Disabilities and Special Needs Department Director, stated this is a special time of year. It is a time of happiness and joy. The people we serve have come together and worked really hard under the direction of Mrs. Ann Coaxum, Day Program Director, to give Council a gift – some made and some put together with a lot of thought.

PUBLIC COMMENT

The Chairman recognized Mr. David Coe, a James Island resident, who distributed materials on the subject of getting yacht owners to pay taxes to Council in advance on today’s meeting.

Mr. Garrett Budds, Executive Director of the Beaufort Office of the S.C. Coastal Conservation League (Conservation League), read a prepared statement regarding the proposed Intergovernmental Agreement between the County and Town of Bluffton for Water Quality Management. The document, as written, highlights some very important issues – the need to protect our watersheds and outstanding natural resources, to establish the long-term natural resources preservation and coordination strategy, to coordinate actions to protect the Okatie River, to implement reductions as required by the soon-to-be issued TMDL for that river, to coordinate requirements for stormwater and stormwater treatment, as well as coordinating land management activities. The Conservation League put forth most of those suggestions within the proposed Intergovernmental Agreement in its Watershed Plan as well as a series of recommendations on how to prioritize growth and natural resource protection. First and foremost of these being the need to protect land near or directly adjacent to the headwaters of our river systems. Those are the most ecologically sensitive areas within our respective watersheds. As Council is likely aware, there are a number of threats around the Okatie headwaters river system. There are two proposed developments directly adjacent to the headwaters of the Okatie River on the eastside of the County’s Barrel Landing property, one development by Crosland Reed and another identified as Barrel Landing. There is another proposal for review going before the Bluffton Town Council on December 15, 2009; that is the potential annexation of another 19 distinct parcels at the intersection of US Highway 278 and SC Highway 170. This is, of course, in addition to the Grave’s tract discussed for annexation by the Town of Bluffton on several occasions. Taken in concert, those separate development and / or annexation actions pose a serious threat to the health and viability of that headwaters region and the Okatie River system. It could very well prevent long-term recovery and stabilization of that system, and perhaps, ever recovering to the point where we can actually harvest shellfish again, which has been impaired

since 1995. The County did a wonderful job promoting preservation in that area. The County invested millions of dollars through the Rural and Critical Lands Program and protecting land in and around the headwaters. Council took on, over the course of this last year, to reassess the direction growth in the County is going and reassess that growth and move towards greater protection for our landscape as well reorganizing where and how we grow as a County. As Council looks at the proposed Intergovernmental Agreement, the Conservation League very much supports regional planning, the protection and wants to see our governments working together.

Mr. Edgar Williams, a Dale resident, stated he has a plethora of items to bring forward, but since it is a time of great joy and it is Christmas, he will not make public comment tonight. He hopes and prays Council will continue to work for the citizens of Beaufort County. We can disagree, but we should disagree in harmony.

Mr. Charles Young, III, President of Baygall Property Owners Association and Executive Board Member of the NAACP, stated members held a meeting to discuss a tax exemption. He asked Council to extend the reassessment appeal period.

COUNTY ADMINISTRATOR'S REPORT

Presentation – 2009 Comprehensive Annual Financial Report

Mr. David Starkey, Chief Financial Officer, gave a PowerPoint presentation on FY 2009 Comprehensive Annual Financial Report (CAFR). This is the first time since FY 2002 the CAFR was issued within the same calendar year and is the earliest issuance since FY 1998. Quicker issuance means fresher, more relevant information and meets deadlines for issuance for federal agencies, State of South Carolina agencies and Governmental Finance Officers Association (GFOA). There was an effort to obtain the GFOA Certificate of Achievement for Excellence in the Financial Reporting Program, which has never been achieved by the County. An additional 79 pages were added since the FY 2008 CAFR and 97 pages since the FY 2007 CAFR. Also, better controls were addressed in FY 2009: (i) All Finance Department journal entries now reviewed by a different employee than the preparer, (ii) All bank and investment accounts are reconciled monthly, (iii) All bank reconciliations performed by the Finance Department are reviewed by a different employee than the preparer, (iv) Hiring of new employees with proper education/experience background to further the Finance Department's capabilities.

The first two exhibits shown in the CAFR are government-wide statements. Government Accounting Standards Board-Statement 34 (GASB 34) pronounced it wanted to make some governmental statements to look more like a company's financial statement. Prior to GASB 34, when the County bought a capital asset, it was expended. The amounts of what the County had on hand were not reported. When the County issued debt, it would recognize it as other revenue. When the debt was paid down each year, it became expenditure. One never saw the actual balances along with certain accrued liabilities. GASB 34 changed this; the County still has the fund statements but other exhibits give the information for one to see.

As of June 30, 2009, on a government-wide basis, the County had approximately \$221,965,693 in net assets. As of June 30, 2008, on a government-wide basis, the County had approximately \$186,562,593 in net assets. The majority of this \$35.4 million increase came from \$28.9 million investments in capital assets; those investments in capital assets were part of the following \$32.7 million increases, which highlight the big increases: (i) \$19.2 million in one percent sales tax road projects and other road projects, (ii) \$4.8 million in purchases of land, (iii) \$4.0 million in emergency management equipment, (iv) \$2.6 million in the County's Voice of Internet Phone (VoIP) system, and (v) \$2.1 million for the Buckwalter Park Recreation Center.

The fund balance was \$20,940,144 as of June 30, 2009 and \$19,756,991 as of June 30, 2008. The key factors of this \$1.2 million increase are as follows: (i) Revenues. The original budget was \$103,695,374. The actual was \$99,271,546. The negative budget variance was \$4.4 million (property taxes were \$2.6 million under budget, licenses and permits were \$1.4 million under budget and Charges for services were \$1.5 million under budget); (ii) Expenditures. The original budget was \$101,476,130. The actual budget was \$96,145,793. The positive budget variance was \$5.3 million due to a reduction in expenditures from original budget and no layoffs. (iii) Transfers to Other Funds. The original budget was \$2,219,244 net to other funds. The actual was a \$1,942,600 net to other funds. This resulted in a positive budget variance of \$.2 million.

The County-wide General Obligation Bonds (GOB) fund balance as of June 30, 2009 was \$4,361,432 and \$21,807,616 as of June 30, 2008. The fund balance decreased \$17.4 million due to a bond refunding of FY 2001 GOBs in FY 2009.

The New River Tax Increment Financing (TIF) bonds fund balance as of June 30, 2009 was \$16,800,449 and was \$11,820,641 as of June 30, 2008. The fund balance increased \$5 million due to continued growth in increments and will lead to an early payoff of bonds.

The Sales Tax Projects fund balance as of June 30, 2009 was \$38,331,126 and as of June 30, 2008 was \$22,899,230. The fund balance increase of \$15.4 million was due to the fact that sales tax revenues were on budget. The expenditures related to the fund started in earnest last fiscal year but did not catch up to the revenues generated at the tail end of 2007, 2008 and 2009.

The Real Property Program fund balance by June 30, 2009 was \$19,011,102 and \$3,130,185 as of June 30, 2008. The increase of \$15.9 million is due to the combination of \$20 million additional borrowed for the bonds, and of the \$90 million approved by two referendums, \$80 million of which was borrowed. The County has the capacity to borrow \$10 million additionally. The offset of the \$20 million, \$4.8 million was spent on property and fees related to the purchase of those rural and critical lands properties.

Last year the County had four proprietary funds, but this year has three due to a GFOA comment and recommendation. The funds included are the Stormwater Utility Fund, Lady's Island Airport and Hilton Head Island Airport. The net assets, as of June 30, 2009 were \$21,006,664 and \$21,606,804 in June 30, 2008. The key factors of the \$.6 million net asset decrease were due to the following: (i) The stormwater utility fund had a \$142,000 net asset decrease and stormwater utility collections were \$247,000 under budget, (ii) The Lady's Island Airport had a \$67,000 net

asset decrease, \$35,000 of capital expenditures were not reimbursed by the FAA for tree cutting (tree cutting will be reimbursed by a new FAA grant in FY 2010) and there was a \$103,000 additional advance from the general fund in FY 2009. (iii) The Hilton Head Island Airport had a \$391,000 net asset decrease. Loss of Delta Airlines for an entire year led to most of the \$554,000 operating loss. Non-operating net revenues amounted to \$163,000 which helped to offset the operating loss. There was \$36,000 of advances from the general fund paid back in FY 2009

The Internal Service Funds Performance net asset as of June 30, 2009 was \$236,602 and as of June 30, 2008 was \$183,300. The GFOA recommended the County change the title of its proprietary fund for the garage to an Internal Service Fund. It is treated much like a proprietary fund but is now considered a governmental activity. The \$53,000 net asset increase is due to the fact the County services outside parties.

Looking to FY 2010 and FY 2011 we anticipate the following: (i) Continued slow payment of property taxes, (ii) Continued strong monitoring of expenditures, (iii) Refinancing of bond anticipation notes will lead to increased debt service needed in FY 2011 for County debt and County purchase property and (iv) Further implementation of better controls.

Mr. Tom McNeish, CPA, a shareholder with ElliottDavis, LLC, remarked the external audit firm, Elliott Davis, LLC, went through, designed and implemented tests to determine the balances and footnotes are presented in a materially correct fashion and in accordance with Generally Accepted Accounting Principles (GAAP). The result can be found on Page 8 of the CAFR, and says based on the tests performed the County's financial statements are presented fairly and in accordance with GAAP. This is an unqualified opinion. It is where one wants to be in terms of an opinion being clean and as it relates to the GAAP factor. You have the presentation in accordance with GAAP and also internal control functions which, as part of the audit, are considered separately.

When completing the Financial Statement Audit, audit standards require ElliottDavis, LLC to consider the County's internal controls on financial reporting and the County's compliance with significant laws and regulations to which the County is subject. Many of which would be in the form of the compliance factor would be the single audit and federal money awarded to the County. Those funds have to be spent in accordance with the grant requirement. The risk is if the County is out of compliance and a granting agency, in terms of oversight, does an audit and determines the funds have not been spent in accordance with the grant requirements, it could result in the County having to repay the federal agency. That applies to all who make use of federal funds. The County needs to make sure, as a risk area, those compliance factors are dealt with.

Mr. McNeish referenced page 236 of the CAFR and stated ElliottDavis, LLC is required to come in under the pretense and cannot test the financial statements unless there is a thorough understanding of the processes, procedures and internal controls. Much of the time is spent interviewing people in and outside of Finance and determining where internal controls are, where they are lacking, and becoming familiar with the process and procedures to adequately design effective audit tests. ElliottDavis is required to report whether or not any material weaknesses or

significant deficiencies were noted, based on the evaluation. Three findings, referenced on page 236, were deemed relevant to report. Significant deficiencies are circumstances/conditions that exist in the financial reporting or recordkeeping functions that could result in a misstatement in the County's financial statements that could be "more than inconsequential." From a probability standpoint there could be more than remote likelihood of that occurring. Something as simple as a bank reconciliation not performed on a regular basis heightens the probability a misstatement in cash could occur due to the lack of a strong process in place with proper oversight. The three significant deficiencies were in contrast to a material weakness that was not found. If a material weakness was found, that would mean a significant error was found that had to be corrected via a restatement. From a severity standpoint, that is a higher risk finding.

Mr. McNeish referenced page 238 of the document and stressed the significance of federal awards. The government is going to stipulate if it has expenditures in excess of \$500,000 that a specific audit be performed on the major programs. ElliottDavis looks at the County's schedule of federal financial assistance and goes through certain processes to determine what the major programs are in terms of what needs to be tested. That ends up being a single audit and is related to, but is a separate event from the overall financial statement audit. ElliottDavis looks at the grant document, looks at 14 attributes applied to almost any federal grant, and looks at all transactions on a sample basis and determine that those monies are being spent in compliance with the grant. Based on the testing, nothing was identified as a material weakness nor significant efficiencies. An unqualified opinion was issued on that aspect of the County's activities.

Mr. McNeish referenced page 240 of the document and stated a summary of reports was provided. Elliott Davis looked at specific areas with previous findings to check the status and perform testing to see if had been alleviated. That was the case in the majority of reoccurring findings and allows the audit firm to devote resources to looking at other areas. The Treasurer's Office was one area identified as a risk area in the past and will be for any county due to the fact that the majority of funds flow through that area. There are two separate general ledgers processes or separate accounting processes that have to be married and we must get comfortable with. To some extent, some of this year's testing found several items, specific to the Treasurer's Office. The environment, however, is being cultivated to where those are being addressed. Next year, Elliott Davis will look at the areas specifically and report whether or not there has been improvement. The three deficiencies are: (i) sufficient documentation of journal entries necessary for accuracy and are representatives of transactions/changes that need to be changed in general ledger for accuracy. What needs to happen? There needs to be a process in place to determine proper segregation of duties. (ii) As part of testing of tax transactions, there was an instance where a payment from a delinquent taxpayer was unable to be traced into the bank statement and recorded in general ledger. The amount of payment was not significant, but it presents the possibility if there are not proper controls in place to address these issues, it could end up becoming material. Regardless of the amount, it is not something one wants happening on a reoccurring basis. (iii) Regard bank reconciliations, one should make sure they are properly prepared and reviewed. None of the problems are complex but are areas that simple controls could address the problem easily.

Two-Week Progress Report

Mr. Gary Kubic, County Administrator, circulated copies of his Two-Week Progress Report, which summarized his activities from November 23 through December 11, 2009.

Resolution Supporting Local Shopping

It was moved by Ms. Von Harten, seconded by Mr. Glaze, that Council adopts a resolution urging all individuals, businesses, not-for-profits and governments in Beaufort County to spend at least 10% of their annual budget on goods and services provided by local, independent businesses. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Sommerville. The motion passed.

Resolution to Enter Into a Memorandum of Understanding with the Town of Bluffton for Water Quality Management

It was moved by Mr. McBride, seconded by Mr. Caporale, that Council adopts a resolution to enter into a Memorandum of Understanding with the Town of Bluffton for Water Quality Management.

Mr. Newton stated this recommendation comes out of the Town of Bluffton May River Implementation Committee, of which Dr. Chris Marsh is the County's representative. This was one of Dr. Marsh's discussion points along with the recommended provision that we recently completed with regard to new construction and our standards as well as the Stormwater Utility Department. This resolution is an acknowledgement of our desire to work together to protect both the May and Okatie Rivers. It does not obligate the County to spend any funds. It is not an appropriating instrument. It is, however, a demonstration of an intergovernmental cooperation and commitment to work together.

Mr. Stewart made a few comments on the proposed resolution. He attended a meeting of the May River Implementation Committee and some residents of the Town of Bluffton (hereinafter Town) expressed their concern the County was not doing its share or was not adequately addressing the problems of the May River and they wanted an Intergovernmental MOU to try to encourage the County to step up and do its part. It has always been Mr. Stewart's belief the County has done a very good job / an excellent job and has worked very well with the Town. Mr. Stewart does not have any problem with what the County Stormwater Management Utility Department has been doing and the effort and support they have given to improve the water quality of the May River. Mr. Stewart has no problem in supporting this Memorandum of Agreement (MOU) because the County is doing everything the County needs to be doing right now. Before Mr. Stewart will support the MOU, he wanted to see the Town: (i) agree to suspend all of its further annexation until the issue is solved. The ordinances are in place as well as the plans and mechanism for solving the problem. (ii) open discussions with the developers that already have Development Agreements to try to resolve and to improve and act on the new regulations the County had proposed and acted upon. (iii) seriously consider the watershed plan

recommendations presented by the S.C. Coastal Conservation League. Actions speak louder than words in these areas. While the County has tried to solve the issues (this MOU includes the Okatie River and we really should be talking about the New River and all the watersheds in Beaufort County as a whole), there are now numerous annexation efforts being taken by the Town, which are inconsistent with what we are about here. All of these annexations are on the headwaters of the Okatie River. At the same time, the Town is annexing and allowing growth in these areas, the County has been going in the opposite direction with its Rural and Critical Lands Program, i.e., buying up lands and putting them under conservation easements. The County spent more than \$10 million so far and continues to look at more land in that area to protect. Council rezoned Barrel Landing to protect it from an automobile dealership from going in. It is now being considered for annexation into the Town. The County has a park area on the south side of US Highway 278 it is trying to develop and right next to it, the Town is going to annex a large parcel of land at the corners of US Highway 278 and SC Highway 170. There are rampant rumors that it is again an area where a big-box retail store would be going in as a development. Based on discussions today, perhaps that is more than a rumor. We need to follow up on that. All of these things are inconsistent with what it is the County is trying to accomplish. Mr. Stewart views this in many ways very similar to what is happening with the Sembler property across S.C. Highway 170 on the northwest side, which has been annexed by the City of Hardeeville. Again, it is an annexation process where 1.8 million-square-feet of retail development is going in, and we, as a County, stop all further actions insofar as taking any support of that development, until we clear up issues regarding stormwater runoff, highway traffic problems, etc. These same issues are consistent with what Council is doing tonight in this MOU. Mr. Stewart finds a lot of problems here. It is also inconsistent with the land management plan that was worked out in the Southern Regional Plan Implementation Committee between the Town and the County -- giving adequate notification, allowing the County input into and participation in discussion on annexation, as well as what was going to happen if there were changes in the zoning or development issues in that part of the county. Mr. Stewart is very frustrated with what is happening. He would like to see the Town step up to the plate, take some responsibility and show they are, indeed, trying to solve problems as opposed to adding to, amplifying and continuing to increase the problem. He finds it very difficult to support this MOU. However, he fully supports everything that is behind it. He is in total support of protecting our waterways, protecting our environment and protecting our future the way we are going to live in this county. Personally, he is not going to support the MOU in hopes that maybe it sends a message to the Town that we, as a County, expect them to step up to the plate, participate and do the right thing in trying to help protect the environment and what we are about here in southern Beaufort County.

Mr. Baer recalls at one point one part of the actions for the May River Plan were to protect the waters up the Colleton River. He is surprised it is not mentioned here.

Mr. Rodman stated Mr. Stewart makes some very good points. Is there a rebuttal to the points he made? Has the Town addressed those issues he suggested?

Mr. Newton replied Mr. Stewart is correct when he references the Southern Regional Plan and the annexation protocol regarding the development of parcels of regional significance. Mr.

Newton asked Planning Director Tony Criscitiello if these activities in the Town reached his desk. Has your input been sought pursuant to the Southern Regional Plan? Mr. Criscitiello replied in the negative.

Mr. Newton made several observations. There are concerns such as compliance with the Southern Regional Plan, our protocol with what happens in the waterway and rumors of commercial activities of 800,000 square-feet at the headwaters of the Okatie River. All of these are items of great significance to all Council members who have taken steps to change the Stormwater Ordinance and otherwise. However, Mr. Newton's concern is the Implementation Committee whose members recommended Council enter into a MOU, which is a joint governmental expressed commitment to protect the waterways (Okatie and May Rivers). Every other river in Beaufort County ought to be included as well; however, the Town footprint does not extend to all the other rivers in the County. This MOU was a starting point for both governments to formally commit an expression to work together and recognize the importance of protecting our water quality. Without diminishing any of the points made by Mr. Stewart and Mr. Newton agrees with everyone, he does, however, he disagreed in saying we should not support this as a demonstration of our protesting of those other things that happen. Council is still committed to the waterways. This MOU does not detract from our concerns, but it does represent the collective commitment of this body to preserve and protect the waterways. Mr. Newton's fear is that a no vote is interpreted as something other than Council's commitment to do it. Mr. Newton urged members of Council to approve the resolution. It is not giving up. It is not only accepting half a loaf. It is clearly our putting words in an MOU that are indicative of the commitments Council made by changing our ordinances and using our rural and critical lands program to protect the headwaters in those areas. Mr. Newton is hopeful that at the annual planning meeting February 18, 2010 this MOU will serve as the precursor for a new joint Office of Water Quality; it would work with the municipalities assembling the studies and various information from all of the regions within our County so we are not duplicating efforts nor wasting taxpayer resources having multiple agencies and entities testing in areas. He is concerned a no vote on this resolution could be interpreted as being the County backing away from protection commitment the river. For that reason, he would hopes there is support for this resolution.

Mr. Stewart said whether or not this resolution passed or not, Beaufort County continues to do everything it can to protect its waterways. The County has done this without this MOU. We have shown in very good faith we mean what we say. Our actions speak for themselves. If we do not standup at some point and say enough is enough, when will we do it. It is time. We have passed, accepted and gone to stronger stormwater requirements. We have entered into the Southern Regional Plan. We adopted a resolution for a joint review of regionally significant projects (as recommended by the Southern Regional Plan Implementation Committee). We have gone down this road and every time we have participated, stepped up and done what we said we would do. It is time we get a reciprocal response and agreement from the other side. Mr. Stewart fully supports everything the County is doing and in no way would he recommend we stop doing or diminish our efforts. But at some time we have to step up and say no, we want this to change. That is all Mr. Stewart is asking here. Frankly, he thought very seriously about tabling the issue, like Council did with Sembler.

Ms. Von Harten's perception is the Town wanted to annex some of these places as a preemptive strike because if the Town does not annex them, the City of Hardeeville will. It is just a matter of who controls the destiny of these locations. She would rather it be the Town, rather than the City of Hardeeville. She is willing to cut them some slack if that is the case. The County needs to ask for further cooperation from the Town in protecting our rivers. She intends to support the resolution tonight.

Mr. Rodman said this issue is important, but not urgent. It lends itself to tabling and getting the Town's response. He will not make the tabling motion, but would second it, if someone wanted to make a motion.

Mr. Newton said he does not believe the County is drawing a line in the sand. The MOU does not obligate the County to do anything. The County already demonstrated its commitment by changing its rules. But, if this is a step toward heightened recognition of the need to protect the rivers, and a further demonstration of our willingness to protect these waterways, we ought to pass it, move it on and not table it. There is a Town Council meeting tomorrow night. Mr. Newton is sure Council's presence would be welcome if we wanted to attend. But holding this up, which is our official vote in saying we want to work with the Town, we want to do everything we can to protect these waterways, does not make good sense. It is a little bit like a resolution that says – we value drinking water – but we are going to vote against it because we prefer Coke Cola. The very sentiments Mr. Stewart expressed as to why Beaufort County will not move forward, are capable of being interpreted that we have not moved forward with the MOU to protect these water bodies because of a lack of full and complete understanding of our issues. Mr. Newton thinks Council is sending the wrong signal by voting this down tonight.

Mr. Stewart believes he made it very clear that he is not trying to hold it up. He also made it very clear he is using this as a mechanism to make a point. He will probably be the only Councilman voting against it.

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

Recognition of Jim Long, Senior Crew Chief, Emergency Medical Services

Mr. Gary Kubic, County Administrator, recognized Mr. Jim Long, Beaufort County Paramedic. Mr. Long is the recipient of the EMS Professional of year Award bestowed by the Harmony Masonic Lodge #22. The award is named for the late Asa Godowns, who was the Deputy Director of EMS for more than 24 years and who lost his life in an automobile accident in March 2001. Nominations for this award are submitted by EMS employees and it is an honor to receive. Jim Long has been with the County EMS nearly 20 years. He is a senior crew chief and known for his dedicated patient care and as one who demonstrates well the professionalism necessary for skilled and caring service. Jim has also been an emergency medical technician

instructor at TCL for the past 14 years. He teaches CPR and specialty classes to both professionals and laypersons.

Recognition of SCDOT Commission Chairman Henry Taylor

The Chairman congratulated Mr. Henry on his recent appointed as Commission Chairman. Commissioner Taylor has been an invaluable friends and partner by helping Beaufort County identify and obtain funding for highway projects and for serving as an advocate for local roadway needs. In late 2008, Mr. Taylor helped to make Beaufort County's case before the State Infrastructure Bank Board as it sought matching grant money to fund some of our major projects. Mr. Taylor continues to push for such money even as the state waits for the Bank to be funded. In early 2009, Mr. Taylor went to great lengths to ensure Beaufort County received a fair share of the federal stimulus funds and the American Recovery & Reinvestment Act (ARRA) funds we already have been awarded would not have been granted without his help. More than \$9.2 million has been awarded to Beaufort County this year and we certainly hope there will be more in the future. Mr. Taylor went out of his way to champion Beaufort County's highway needs before the SCDOT Commission. He always admired Beaufort County's efforts to help ourselves by funding projects on our own through methods such as the current One Percent Sales Tax Road Improvement Program.

Discount Prescription Drug Card Program

Mr. Fred Leyda, Human Services Alliance Director, gave a PowerPoint presentation on the Discount Prescription Drug Card Program (hereinafter "Program"). Citizens can save an average of 20% on prescriptions at participating pharmacies (more than 8 out of 10 pharmacies participate). This program is not insurance, it is a prescription discount card for savings at participating pharmacies. There is no enrollment fee, no membership fee and no claim forms. The Program is only for use on prescriptions not covered by insurance. There are no limits or restrictions on how many times you use the card.

Residents may obtain discount cards at the following locations: libraries, recreation centers, senior centers, veterans' affairs office, health department offices, County Administration Buildings as well as Town and City Administration Buildings.

What It Is: The drug discount card helps consumers save money on their medications any time their prescriptions are not covered by insurance. The free cards are distributed in the sponsoring county and may be used at any participating retail pharmacy. The discount card is not insurance.

Who It's For: The cards may be used by all county residents, regardless of age, income or existing health coverage. There is no enrollment form, no membership fee and no restrictions or limits on frequency of use. Cardholders and their family members may use the card when prescriptions are not covered by insurance.

What It Costs: There is no enrollment cost or membership fee. The cardholder pays the negotiated discount price or the pharmacy's retail price, whichever is lower.

Participation: More than 59,000 pharmacies nationwide accept the card, including most chain pharmacies and many independents.

Additional: The program has a safety feature that alerts pharmacists when one drug may conflict with another medication the cardholder is taking, if the prescriptions were obtained with the discount card. The discount card remains a useful option now that Medicare Part D has been implemented. For example, the card can be used when a Medicare Part D plan does not cover a drug.

Overview of 2010 Tax Notice Mailing

Mrs. Sharon Burris, County Auditor, gave an overview of the 2010 tax notice mailing. Generation of the annual tax notice falls to the County Auditor. All 172,000 notices that were mailed out for the 2009 tax run travel through the Auditor's Office in one way or another. In the past, a lot of paper work was involved. There is still some paperwork, but most of it now travels through cyberspace and gets out to the public. The new software, Manatron, when all the kinks are gone, ironed out and it is in working condition, totally, it will be a marvelous, wonderful system. At first she was a little hesitant, but it is really going to be a great system once we get in all worked out. The County Assessor is responsible for certifying the values of all real property to the County Auditor. The County Auditor is responsible for placing on the tax rolls all personal property located in the county. Personal property is watercraft, aircraft, signs, business personal property, furniture/fixtures and equipment used to conduct business. Businesses that charge a sales tax or sales tax are involved. The county receives a file from the state and business personal property is mailed out in that regard.

Rental residential, which has been a problem this year, is residential property is on the rental market and furnished by the owner. Unlike the County Assessor, who has certified appraisers, the generation of personal property tax notices is accomplished using returns from either the individual or from a state agency. For example motor vehicles are taxed by either an individual who appears in the County Auditor's Office wishing to place a vehicle on the tax rolls initially or taxation occurs for a renewal of that vehicle in the second year and thereafter. That occurs when a file is sent to the appropriate county from the S.C. Department of Motor Vehicles or through a return through a South Carolina dealer, which is what the County Auditor's Office refers to as "pinks" where the person is allowed to get their tax notice before they actually pay the taxes for a newly purchased vehicle. It does not have to be a new vehicle, but a newly purchased vehicle.

Watercraft is placed on the tax rolls specifically from the S.C. Department of Natural Resources through an electronic file. Documented vessels are returned to the county by the S.C. Department of Revenue from a Coast Guard listing by zip code of the county they claim as the hailing port. Commercial watercraft is reported to the appropriate county from S.C. Department of Natural Resources or an individual who wants to be taxed at the commercial rate of 5% rather than 6%.

Aircraft is placed on the tax rolls from the SC Department of Revenue, which receives a listing from the FAA. Signs are taxed based on collective returns from the County Building Codes

Office. Rental residential is taxed based on a return the County Auditor mails out. Herein is one of the problems. The explanation to the Manatron software developers did not come across allowing the Auditor to be able to “bump” a 6% residential return against the 10.5% rental residential return against a 6% residential property. All 6% residential properties are potentially rental residential. The Auditor sends out a return, normally, that asks if this property is rented and furnished. If the answer to either of those questions is no, the person signs off on the return, sends in back to the office, and a new tax notice is generated. The “bumping process” did not occur this year. There was no program in Manatron (the new system), as in Legacy (the old system), that allowed staff to do that. Therefore, rental residential were mailed at 10% of the building value to all 6% residential homeowners. Ms. Burris said she has been trying to make it as easy as possible taking these off. We are trying to get the information out on the website, telephone calls, newspaper and through community meetings asking the person to send back the return saying it is not rental property and staff will take it off the books. In addition rental residential for whatever reason many people received two rental notices on the same property. She does have an answer as to why that happened. The other furniture/fixtures and equipment return that goes out is a PT100 handled through the state, which sends an electronic file with an assessed value the County Auditor taxes. The discovery of all of these taxes of personal property is made using either a local or state return. The County Auditor is responsible for placing this information on the tax rolls. Additionally, information received from outside sources, specifically, individuals reporting a boat, aircraft or other taxable personal property is researched and is either discarded as not meeting the taxable requirements or placed on the county tax rolls and sent an appropriate notice.

Mrs. Burris is responsible for three offices – the main office in Beaufort, a two-person office in Bluffton, and a two-person office on Hilton Head Island. There are 12 employees; she included, to run the three offices. There are 13 telephone lines answered by the 12 employees. Six window clerks at the three offices, who handle all duties required by the Auditor’s Office which includes, by law, all adjustments needed on any account existing on the tax rolls, homestead applications for our senior citizens and disabled taxpayers who meet South Carolina law requirements, all initial motor vehicles that come into the County must be addressed by an employee of the Auditor’s Office and a tax notice generated.

This year’s tax notice was, unlike past tax notices, confusing to the taxpayer. One big issue was the fact the real estate notice on a primary resident home whose owner is 65 or older and who applied for homestead exemption (and has gotten homestead exemption in the past) did not show the homestead exemption, as it did in the past, on the tax notice as “homestead exemption \$50,000.” That is the way the tax notices have always read in the past. That is the way Mrs. Burris assumed the tax notice would read this year. It did not. It read homestead exemption zero. In about 99.9% of the cases, if the homestead existed in the past, it actually existed on the tax notice. In the middle of the tax notice is a breakdown of the taxes -- assessed value and taxable value. The homestead exemption of \$50,000 times 4% equals an assessment of \$2,000. The homestead exemption was given to the taxpayer, but it did not show up on the tax notice. It is very confusing. The problem is the tax notice shows \$2,000 (\$50,000 times 4% is \$2,000) and the taxpayer wants to know the whereabouts of the \$48,000? Mrs. Burris is working with

Manatron representatives, who are in the process of replacing the \$2,000 with \$50,000. This correction will alleviate confusion next year.

Of the 120,000 tax notices that were generated and mailed, usually those notices would be mailed, by laws, by September 30th. This year's tax notices were mailed a week later than the normal mail out of November 6th. In addition the new Voice over Internet Protocol (VoIP) telephone system was introduced. It is wonderful system, once you learn to use the telephone. VoIP went into affect the same day the taxpayer received their tax notice. The biggest problem the taxpayer is experiencing is getting through one of the 13 telephone lines. Mrs. Burris makes a point of having the taxpayer standing at the window waited on first; therefore, telephone callers are placed on hold.

Mrs. Burris stated in her 27 years applying the millage, it has been correct. This year, however, she applied the millage correct in all respects except the Town of Bluffton (hereinafter Town). She received the original ordinance setting the millage for the Town at 40 mills. She anticipated receiving an amended ordinance from the Town with a rollback millage. Mrs. Burris would like to say she did not receive that amended ordinance, but she did. It was received on 4:00 p.m. on September 30, 2009. If she had an answer to give Council why she did not place it on the tax notice, she would give it to Council. The error is hers and hers alone. She apologized. She is sorry. There are 1,377 tax notices that had to be rebilled and of those 839 already paid. The Office is in the process of making refunds of those two mills. The two mills represent \$8 on a \$100,000 primary residence. It represents \$12 on 6% property. Her written explanation of what happened and the fact the taxpayer will receive a refund has been forwarded to the print vendor for inclusion in the corrected tax notice.

Mrs. Burris apologized sincerely to all of those who were affected by the actions of her office, and promised to work diligently to correct all errors and to make the process as seamless and as effortless to the taxpayer as possible.

Ratification / County Administrator Letter of November 24, 2009 to Opt-Out of City of Beaufort Tax Incremental Financing District III Redevelopment Plan

It was moved by Mr. Caporale, seconded by Mr. Dawson, that Council ratifies action of the County Administrator's letter dated November 24, 2009 and to reaffirm the appropriate notification to the City of Beaufort that under the terms and conditions of the State statute regarding tax increment financing, the County opts out of the tax increment district at this point in time. Under the technical terms and consideration of §31-6-80, the County formally objects to the Redevelopment Plan and inclusion in the TIF District. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Sommerville. The motion passed.

Announcement / Receipt of \$1.5 Million Community Enrichment Grant

Mr. Gary Kubic, County Administrator, announced receipt of correspondence dated December 4, 2009, from Governor Sanford announcing Beaufort County received a \$1.5 million Community

Enrichment Grant from the Community Development Block Grant Program. Funds will be used to construction a library facility to serve the St. Helena Community in Beaufort County.

RECESS

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

RECONVENE OF REGULAR SESSION

DEPUTY COUNTY ADMINISTRATOR’S REPORT

Mr. Bryan Hill, Deputy County Administrator, circulated copies of his Two-Week Progress Report, which summarized his activities from November 23 through December 11, 2009.

US Highway 17 Improvements

Mr. Rob McFee, Division Director-Engineering and Infrastructure, reported the US Highway 17 project is a design-build contract for the widening of six miles of divided highway and major intersection in Beaufort County. The contractor is Phillips and Jordan of Knoxville, Tennessee. The project cost is \$100,471,305. The contract completion date is October 1, 2010. The project is 78% complete. The contractor continues work on ramp embankment and Gardens Corner improvements. The temporary signal is now operational.

SC Highway 46 and Simmonsville Road Contracts

Mr. Rob McFee, Division Director-Engineering and Infrastructure, reported the SC Highway 46 and Simmonsville Road contract involves the widening of SC Highway 46 to the Bluffton Branch Library and Simmonsville to the Bluffton Parkway, totaling 2.15 miles. SCDOT is administering this project. The contractor is Rea Contracting of Columbia, South Carolina. The cost is \$7,503,367.03. The completion date is December 2010. Clearing and grubbing is complete on SC Highway 46 and Simmonsville Road. Utility relocations are approximately 80% complete.

Buckwalter Recreation Center Construction Project

Mr. Rob McFee, Division Director-Engineering and Infrastructure, reported Buckwalter Recreation Center is a 21,500-square-foot multi-use facility with restrooms, concessions, and administrative space. The contractor is Mashburn Construction of Charleston, South Carolina. The cost is \$3,871,706. The completion date is February 2010. The project is 100% complete. The ribbon cutting is scheduled at 5:00 p.m. on December 15, 2009.

Ms. Cris Roberson, Parks and Leisure Services Director, said that in her more than 25 years in the recreation field, the Buckwalter Recreation Center is probably one of the finest facilities she has seen both from the federal construction side and local county / municipal efforts. A building is only a building. The key component is to staff it with people who generate warmth, who

generate programs and who reach out into the community. That is a challenge to both she and her staff. The furniture has been ordered and delivery is expected before closure of December 2009. The Center will open immediately for public use. Basketball season begins the first week of January 2010.

New Bridge over Beaufort River / US 21 / SC 802 Construction Project

Mr. Rob McFee, Division Director-Engineering and Infrastructure, reported the new bridge over the Beaufort River will be a 4,200-foot bridge. The contractor is United Contractors Inc. of Great Falls, South Carolina. The cost is \$34,573,368. The completion date is August 2011. The contractor continues to drive piles and pour caps on the Lady's Island side. The contractor is preparing for the first deck pour later this week. Work trestle construction is ongoing in the river.

SC Highway 802 Roadway Construction Project

Mr. Rob McFee, Division Director-Engineering and Infrastructure, reported the SC Highway 802 roadway project involves the widening of 5.2 miles (two sections). The contractor is Sanders Bros. of Charleston South Carolina. The cost is \$10,852,393. The completion date is December 2010. Utility relocations, fill operations and pipe placement are underway on both sections.

Broad River Boat Landing Improvements

Mr. Rob McFee, Division Director-Engineering and Infrastructure, reported this is a design-build project which includes hydraulic dredging of the river bed for ramp access, design and replaces the existing boating ramp to include a new ground out floating document. The funding source is SC Highway 170 excess one (1%) percent sales tax funds and some CIP funds. The contract is R.L. Morrison & Sons, McCleallanville, South Carolina. The engineer is Jon Guerry Taylor & Associates, Inc. of Mt. Pleasant, South Carolina. The contract amount is \$1,227,143 and contract length is 334 days. The project design is complete. Final construction plans have been approved. OCRM permit has been issued. The Corps of Engineers permit has been issued and pumping of dredge material has commenced.

Broad River Fishing Pier Restrooms

Mr. Rob McFee, Division Director-Engineering and Infrastructure, reported the project involves the construction of a small restroom facility with covered open air shelter for picnic tables and benches. The project also includes construction of a sewer force main. The funding source is SC Highway 170 excess one (1%) percent sales tax funds. The contractor is DuPriest Construction Company of Beaufort, South Carolina. The contract amount is \$311,153 and contract length is 130 days. The project is 98% complete. Lift station, force main and water line installation is complete. The contractor is working on plumbing fixtures now and anticipates a Certificate of Occupancy this week.

Bridge Over Mulligan Creek

Mr. Rob McFee, Division Director-Engineering and Infrastructure, reported at the request of the County, SCDOT inspected the bridge over Mulligan Creek. SCDOT recommended a posting of 10 tons. This bridge will be posted on Tuesday at 10 tons. Mr. McFee asked a consulting firm to look at the bridge and begin discussions about how we may best rehabilitate this bridge in order to get it off the 10 ton posting.

Disabilities and Special Needs Adult Day Care Center

Mr. David Hughes, CIP Implementation Manager, said the County is ready to start construction on a new Disabilities and Special Needs Adult Day Care Center. On December 16, 2009 Mr. Hughes will issue a Notice to Proceed to the contractor. Within the five to ten days the contractor will mobilize on site. The project will take approximately one year to complete. Council will receive bi-monthly updates along with photographs of the projects.

Burton Well Regional Park, Phase II

Mr. David Hughes, CIP Implementation Manager, reported the Master Plan is complete. The budget will be completed in January 2010. Staff will present the item to the Parks and Leisure Services Board. Following that presentation, staff will present the item to the Public Safety Committee of Council.

One Cent Sales Tax Monthly Report

A copy the One Cent Sales Tax Road Improvement Projections Monthly Report effective November 23, 2009, was distributed to each member of Council.

ENGINEERING SERVICES FOR THE STORMWATER BMP RETROFIT, PHASE 1

This item comes before Council under the Consent Agenda. It was discussed and approved at the November 30, 2009 meeting of the Natural Resources Committee.

Mr. Newton addressed correspondence dated December 14, 2009 to Vice Chairman Sommerville relative to a proposed contract award for engineering services for the Stormwater BMP Retrofit, Phase I. In Mr. Sommerville's absence, Mr. Newton passed the correspondence to Mr. McBride, Parliamentarian. "Please allow this correspondence to serve as notice that I will be recusing myself from Council's deliberation of the above-referenced matter on today's agenda. While my law firm is not involved in the above request, my firm has represented Ward Edwards in the past, accordingly I intend to abstain from Council's deliberation to avoid even an appearance of impropriety. In accordance with *South Carolina Code of Laws*, Section 8-13-700(B)4, please cause this statement to be printed in the minutes of all Council meetings at which the matter is considered. I will continue to excuse myself from all votes and deliberations on this matter."

The Chairman passed the gavel to the Parliamentarian in order to chair the meeting.

Mr. Newton temporarily left the room.

It was moved by Mr. Flewelling, seconded by Mr. Baer, that Council awards a contract to Ward Edwards, Bluffton, South Carolina for Phase I, of the Stormwater BMP Retrofit contract, in the amount of \$136,000. The funding source is the FY 2010 Stormwater Utility budget. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Sommerville. RECUSAL – Mr. Newton. The motion passed.

Mr. Newton returned to the room.

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

CONTRACT #41 – DIRT ROAD RECONSTRUCTION FOR CHEROKEE FARM ROAD, BESSIE LANE, FAIR ROAD, JOHN FRIPP CIRCLE, MAMMY GRANT, NATHAN POPE, RILEY, SCIPIO, WEBB ROADS AND MEDIAN CUTS PARCELS C-5A AND C-6 ON BUCKWALTER PARKWAY

This item comes before Council under the Consent Agenda. It was discussed and approved at the November 30, 2009 meeting of the Public Facilities Committee.

It was moved by Mr. Stewart, seconded by Mr. Flewelling, that Council approves the award of Contract #41 to REA Contracting LLC, for the construction and paving Cherokee Farm Road, Bessie Lane, Fair Road, John Fripp Circle, Mammy Grant, Nathan Pope, Riley, Scipio, Webb Roads and Median Cuts Parcels C-5A and C-6 on Buckwalter Parkway in the amount of \$1,182,053.30. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Sommerville. The motion passed.

ACQUISITION OF STATIONARY COMPACTORS AND CONTAINERS FOR BEAUFORT COUNTY

This item comes before Council under the Consent Agenda. It was discussed and approved at the November 30, 2009 meeting of the Public Facilities Committee.

It was moved by Mr. Stewart, seconded by Mr. Flewelling, that Council awards a contract to provide and install solid waste equipment in accordance with the specification of IFB #1450/091232 in the amount of \$148,372.62 to Wastequip of Greenville. Funding for the purchase provided through the Energy Efficiency and Conservation Block Grant (EECBG) Program. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Sommerville. The motion passed.

FLEET MANAGEMENT AND MAINTENANCE OPERATION FOR BEAUFORT COUNTY GOVERNMENT

This item comes before Council under the Consent Agenda. It was discussed and approved at the November 30, 2009 meeting of the Public Facilities Committee.

It was moved by Mr. Stewart, seconded by Mr. Flewelling, that Council awards a contract award to First Vehicle Services for Fleet Maintenance Services, the top-ranked firm, with the anticipated cost per year of \$1,377,345.00 for a initial contract term of three years six months from January 1, 2010 to June 30, 2013, This Contract, at the mutual discretion of both the County and Contractor, maybe extended for up to two successive additional two year terms provided the terms are mutually agreeable to the parties. The parties shall begin good faith negotiations for the target price for each year at least 120 days prior to the anniversary date of the Contract. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Sommerville. The motion passed.

AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE MASTER PARK AGREEMENT GOVERNING THE MULTI-COUNTY INDUSTRIAL/BUSINESS PARK BY AND BETWEEN BEAUFORT COUNTY, SOUTH CAROLINA AND JASPER COUNTY, SOUTH CAROLINA, IN ORDER TO EXPAND THE BOUNDARIES OF THE PARK TO INCLUDE ALL THOSE PROPERTIES LOCATED IN THE INDUSTRIAL PARK KNOWN AS “BEAUFORT COMMERCE PARK” LOCATED IN BEAUFORT COUNTY, SOUTH CAROLINA

This item comes before Council under the Consent Agenda. It was discussed and approved at the December 7, 2009 meeting of the Public Safety Committee.

It was moved by Mr. Stewart, seconded by Mr. Flewelling, that Council approves an second reading an ordinance amending the Master Park Agreement governing the Multi-County Industrial/Business Park by and between Beaufort County, South Carolina and Jasper County, South Carolina, in order to expand the boundaries of the park to include all of those properties located in the industrial park known as “Beaufort Commerce Park” located in Beaufort Count, South Carolina. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Sommerville. The motion passed.

PUBLIC HEARINGS

TEXT AMENDMENT TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), ARTICLE VII, SECTION 106-1845(2). BULKHEADS, RIP-RAP AND EROSION CONTROL DEVICES (ADDS THE REQUIREMENT OF A REVEGETATION PLAN FOR ANY DISTURBANCE OF THE RIVER BUFFER)

The Chairman opened a public hearing at 6:44 p.m. for the purpose of receiving information from public regarding text amendments to the Beaufort County Zoning and Development Standards Ordinance (ZDSO), Article VII, Section 106-1845(2). Bulkheads, Rip-Rap and Erosion Control Devices (adds the requirement of a revegetation plan for any disturbance of the river buffer). After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:45 p.m.

It was moved by Mr. Stewart, as Natural Resources Committee Chairman (no second required), that Council approves on third and final reading text amendments to the Beaufort County Zoning and Development Standards Ordinance (ZDSO), Article VII, Section 106-1845(2). Bulkheads, Rip-Rap and Erosion Control Devices (adds the requirement of a revegetation plan for any disturbance of the river buffer). The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Sommerville. The motion passed.

BEAUFORT COUNTY EMERGENCY MANAGEMENT DEPARTMENT IS IN RECEIPT OF JUSTICE ASSISTANCE GRANT (JAG) LOCAL SOLICITATION GRANT

The Chairman opened a public hearing at 6:48 p.m. for the purpose of receiving information from the public on a Justice Assistance Grant (JAG) Local Solicitation Grant for the Emergency Management Department. This is a 100% federally funded grant in the amount of \$76,239. The purpose of the grant is for additional ITS/camera equipment that will ensure interconnectivity to cameras throughout Beaufort County to the Traffic Management Center. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:49 p.m.

BEAUFORT COUNTY EMERGENCY MANAGEMENT DEPARTMENT IS IN RECEIPT OF JUSTICE ASSISTANCE GRANT (JAG) LOCAL SOLICITATION GRANT

The Chairman opened a public hearing at 6:50 p.m. for the purpose of receiving information from the public on a Justice Assistance Grant (JAG) Local Solicitation Grant for the Emergency Management Department. This is a 100% federally funded grant in the amount of \$24,476. The grant is for the installation of 11 wireless hot spots in various locations throughout Beaufort County. These hotspots will enable all public services agencies to contact the Beaufort County intranet and download up to the minute information. This also supports access to WEBEOC, CAD and enables NCIC inquiries to certified users. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:51 p.m.

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

COMMITTEE REPORTS

Finance Committee

Bluffton Fire District Purchase of 5.79 Acres from International Paper Corporation

It was moved by Mr. Rodman, as Finance Committee Chairman (no second required), that Council approves the Bluffton Fire Districts purchase of 5.79 acres from the International Paper Corporation in the amount of \$170,000 to come from the impact fee fund. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Sommerville. The motion passed.

Public Facilities Committee

Airports Board

Mr. Glaze, as Public Facilities Committee Chairman, nominated Mr. Joseph Zimmerman, representing Hilton Head Island Town Council, to serve as a member of the Airports Board.

Airports Capital Improvement Program Plans

It was moved by Mr. Glaze, as Public Facilities Committee Chairman Council (no second required), that Council approves the FY 2010 Updates and Five-Year Airports Capital Improvement Program Plans for both the Hilton Head Island Airport and Beaufort County Airport (Lady's Island) for submission to the FAA. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Sommerville. The motion passed.

Airports Board Correspondence to Hilton Head Island Town Council Regarding Tree Obstruction at the Airport

It was moved by Mr. Glaze, as Public Facilities Committee Chairman Council (no second required), that Council forwards a correspondence from the Beaufort County Airports Board to Hilton Head Island Town Council supporting the proposed Land Management Ordinance (LMO) changes that would facilitate the removal of tree obstruction at the Hilton Head Island Airport. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. OPPOSED – Mr. Baer. ABSENT – Mr. Sommerville. The motion passed.

Closing of the Lady's Island Convenience Center

It was moved by Mr. Glaze, as Public Facilities Committee Chairman Council (no second required), that Council approves closing of the Lady's Island Convenience Center and the opening of the Shanklin Convenience Center. The vote was: FOR – Mr. Baer, Mr. Caporale,

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

PUBLIC COMMENT

There were no requests to speak during public comment.

CALL FOR EXECUTIVE SESSION

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

EXECUTIVE SESSION

MOTION TO EXTEND

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

RECONVENE OF REGULAR SESSION

It was moved by Mr. Stewart, seconded by Mr. Flewelling, that Council accepts the donation of development rights on 50 +/- acres of land fronting on the May River, owned by Einar and Carolyn Trosdal, through the Rural and Critical Lands Program. The conservation easement will be held by the Beaufort County Open Land Trust in accordance with the terms of the donation agreement with Conservation Consultant Company. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Sommerville. The motion passed.

It was moved by Mr. Baer, seconded by Mr. Rodman, that Council purchases through the Rural and Critical Lands Program a one-half undivided interest in four parcels, totaling 4.65 acres of land fronting on Jarvis Creek, on Spanish Wells Road, in the Town of Hilton Head Island for a purchase of \$1,259,500 to be paid by the County with the balance paid by the Town of Hilton Head Island all in accordance with the terms of the agreement with Conservation Consulting Company. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Sommerville. The motion passed.

ADJOURNMENT

Council adjourned at 8:18 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Wm. Weston J. Newton, Chairman

ATTEST: _____
Suzanne M. Rainey, Clerk to Council

Ratified:

DRAFT

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

GARY KUBIC
COUNTY ADMINISTRATOR

CHERYL HARRIS
EXECUTIVE ASSISTANT

ADMINISTRATION BUILDING
100 RIBAUT ROAD
POST OFFICE DRAWER 1228
BEAUFORT, SOUTH CAROLINA 29901-1228
TELEPHONE: (843) 470-2501
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BRYAN J. HILL
DEPUTY COUNTY ADMINISTRATOR

LADSON F. HOWELL
STAFF ATTORNEY

**COUNTY ADMINISTRATOR'S REPORT
Monday, January 11, 2010
County Council Chambers, Administration Building**

INFORMATION ITEMS:

- Four – week Progress Report (Enclosure)
- Presentation / New NXX Code for BCGOV
Mr. Ted Anderson, Chief Information Officer, Information and Technology



Memorandum

DATE: January 8, 2010
TO: County Council
FROM: Gary Kubic, County Administrator
SUBJ: County Administrator's Progress Report

The following is a summary of activities that took place December 14, 2009 through January 8, 2010:

December 14, 2009

- Meeting with Jerry Stewart, Council member, Rick Caporale, Council member, PJ Tanner, Sheriff, and William Winn, Director of Public Safety, re: Animal Shelter issues
- Meeting with Bryan Hill, Deputy County Administrator, David Starkey, Chief Financial Officer, and Tom McNeish, of Elliott Davis
- Finance Committee meeting
- County Council meeting

December 15, 2009

- Meeting with The Island Packet Editorial Board re: education funding
- Meeting with Nancy Schilling, Founding Director, Friends of the River re: River Smart
- Meeting with Property Owners' Associations to discuss business license issues at Belfair Clubhouse.
- Bluffton Township Fire District Commissioners' meeting

December 16, 2009

- US Airways meeting at Hilton Head Island Airport
- Meeting with Councilmember William McBride re: Penn Center Library
- Buckwalter Recreation Center Grand Opening

December 17, 2009 (County Administrator Hilton Head Office Hours)

- Meeting with Rick Caporale, Councilmember, and Chuck Laine, Chairman of the Hilton Head Island Humane Association Board re: animal control issues

December 18, 2009

- Staff meeting re: Hampton Hall
- Meeting with Lad Howell, Staff Attorney

- Meeting with Bryan Hill, Deputy County Administrator, and David Starkey, Chief Financial Officer

December 21, 2009

- Biweekly meeting with Cristina Roberson, Director of Parks and Leisure Services
- Meeting with Kim Statler, President and CEO of Lowcountry Economic Network
- Community Services Committee meeting

December 22, 2009

- Conference call with County Council Chairman Weston Newton, Buck Limehouse, Executive Director of South Carolina Department of Transportation (SCDOT), & Henry Taylor, SCDOT Commission Chairman re: funding for highway projects
- Public Facilities Committee meeting (unable to attend due to scheduling conflict)

December 23, 2009

- No scheduled meetings

December 24 – 25, 2009

- Christmas holidays (County offices closed)

December 28, 2009

- Meeting with Bryan Hill, Deputy County Administrator

December 29, 2009

- Meeting with Sheriff P. J. Tanner
- Meeting with Staff Attorney Lad Howell re: dock ordinance development

December 30, 2009

- Meeting with Councilman Jerry Stewart and Craig Gordon re: Buckwalter Parkway
- Meeting with Dr. John Salazar re: Port Study at USC-B-South

December 31, 2009

- Meeting with Leslie Riley, Attorney, McNair Law Firm, Charleston, and Tony Criscitiello, Division Director, Planning and Development.

January 1, 2010

- New Year's holiday.

January 4, 2010

- Meeting with City Manager Scott Dadson re: Planning Commission
- Natural Resources Committee meeting
- Public Safety Committee meeting

January 5, 2010

- Biweekly meeting with Cristina Roberson, Director of Parks and Leisure Services

January 6, 2010

- Agenda review to review proposed agenda for January 11, 2010 County Council meeting
- Treasurer's Manatron Issues Meeting

January 7, 2010

- Meeting with Councilmember Brian Flewelling
- Meeting with Penn Center Board and staff re: Penn Center / St. Helena Library

January 8, 2010

- SC 802 management meeting
- SC 46 Simonsville Road management meeting
- US Highway 17 management meeting
- Biweekly meeting with Rob McFee, Division Director of Engineering and Infrastructure
- Manatron followup staff meeting



Memorandum

DATE: January 8, 2009
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 December 14, 2009 thru January 8, 2010:

December 14, 2009 (Monday):

- Meet with Michael Brock from Ward Edwards
- Finance Committee Meeting
- Meet with Gary Kubic, County Administrator and Tom McNeish of Elliott Davis
- County Council

December 15, 2009 (Tuesday):

- Meet with Mark Roseneau, Deputy Director of Facility Management
- Meet with Anthony Criscitiello, Director of Planning and Robert McFee, Director of Public Services
- Meet with Morris Campbell, Director of Community Services, Lad Howell, Staff Attorney and Mark Roseneau, Deputy Director of Facility Management

December 16, 2009 (Wednesday):

- Work on Budget
- Meet with David Starkey, Chief Financial Officer re: Accommodations Meeting
- Accommodations Tax Board Meeting
- EIFS Update Meeting
- Buckwalter Recreation Center Grand Opening

December 17, 2009 (Thursday)--Bluffton:

- MUNIS/Sharepoint Training for PALS Employees
- Bluffton Hours

- Work on Budget

December 18, 2009 (Friday):

- Meet with Suzanne Gregory, Employee Services and Mary Ellen Keough, Records Management re: Additional Staffing
- Meet with Gary Kubic, County Administrator and David Starkey, Chief Financial Officer
- Meet with Gary Kubic, County Administrator, David Starkey, Chief Financial Officer, Lad Howell, Staff Attorney and Edra Stephens, Business Licenses re: HOA Taxes
- Work on Budget

December 21, 2009 (Monday):

- Work on Budget

December 22, 2009 (Tuesday):

- Work on Budget

December 23, 2009 (Wednesday)--Bluffton:

- Work on Budget
- Bluffton Hours

December 24, 2009 (Thursday)--CHRISTMAS:

- CLOSED

December 25, 2009 (Friday)--CHRISTMAS:

- CLOSED

December 28, 2009 (Monday):

- Meet with Gary Kubic, County Administrator
- Meet with David Starkey, Chief Financial Office

December 29, 2009 (Tuesday):

- Manatron Backdating Meeting with David Starkey, Chief Financial Officer and Joanne Romine, MIS

December 30, 2009 (Wednesday):

- BAN Refinancing Conference Call with David Starkey, Chief Financial Officer

December 31, 2009 (Thursday)--Bluffton:

- Meet with Duffie Stone, Solicitor
- Bluffton Hours

January 1, 2010 (Friday)--NEW YEARS DAY:

- CLOSED

January 4, 2010 (Monday)--Bluffton:

- Bluffton Hours
- Work on Budget

January 5, 2010 (Tuesday):

- DA Meeting
- Meet with Mark Roseneau, Facility Management
- Meet with Michelle Kelley, Deputy Controller
- Meet with Kathy Mitchell, Libraries re: Budget

January 6, 2010 (Wednesday):

- Agenda Review
- Meet with Dave Thomas, Purchasing re: RFQ's
- Manatron Status Meeting

January 7, 2010 (Thursday)--Bluffton:

- Bluffton Hours
- Work on Budget

January 8, 2010 (Friday):

- Attend EMD Turnover
- Manatron Follow-up Meeting

Budget FY 2010
November unaudited

Category Description	Organization	ORG.	2009 Actuals	Actual to date 2010	Budget 2010	Revised 2010	
41***	Taxes	41	(9,305,526)	(4,925,570)	(78,875,528)	(78,875,528)	
42***	Licenses/Permits	42	(755,987)	(480,240)	(2,783,000)	(2,783,000)	
43***	Intergovernmental	43	(1,961,228)	(1,547,355)	(8,378,606)	(7,348,403)	
44***	Charges for services	44	(3,951,621)	(3,272,601)	(9,957,714)	(9,957,714)	
45***	Fines & Forfeitures	45	(406,402)	(458,416)	(850,150)	(850,150)	
46***	Interest	46	(95,024)	(36,104)	(790,000)	(790,000)	
47***	Miscellaneous	47	(225,649)	(145,564)	(523,500)	(523,500)	
48***	Other Finance Sources	48	(366,762)	(615,812)	(1,610,732)	(2,819,974)	
	Revenue		(17,068,200)	(11,481,661)	(103,769,230)	(103,948,269)	
General	Newton	Council	11000	357,194	253,143	732,348	732,348
General	Newton	Auditor	11010	271,920	264,620	623,751	623,751
General	Newton	Treasurer	11020	411,585	388,771	595,199	595,199
General	Newton	Clerk of Court	11030	421,652	424,630	1,101,881	1,101,881
General	Newton	Clerk of Court	11031	187,558	136,126	399,268	399,268
General	Newton	Probate	11040	349,953	358,540	880,961	880,961
General	Newton	Coroner	11060	165,627	157,333	400,249	400,249
General	Newton	Magistrate	11100	45,322	26,881	81,736	81,736
General	Newton	Magistrate	11101	242,777	273,627	776,451	776,451
General	Newton	Magistrate	11102	226,155	241,997	631,381	631,381
General	Newton	Magistrate	11103	22,218	24,276	55,156	55,156
General	Newton	Magistrate	11104	33,265	33,930	83,029	83,029
General	Newton	Magistrate	11105	37,025	35,279	86,795	86,795
General	Newton	Magistrate	11106	43,327	29,740	77,635	77,635
General	Newton	Master in Equity	11110	129,233	129,498	303,923	303,923
General	Starkey	General Government Subsidies	11199	482,284	532,484	1,325,462	1,325,462
General	Kubic	County Administrator	12000	190,900	345,097	627,344	627,344

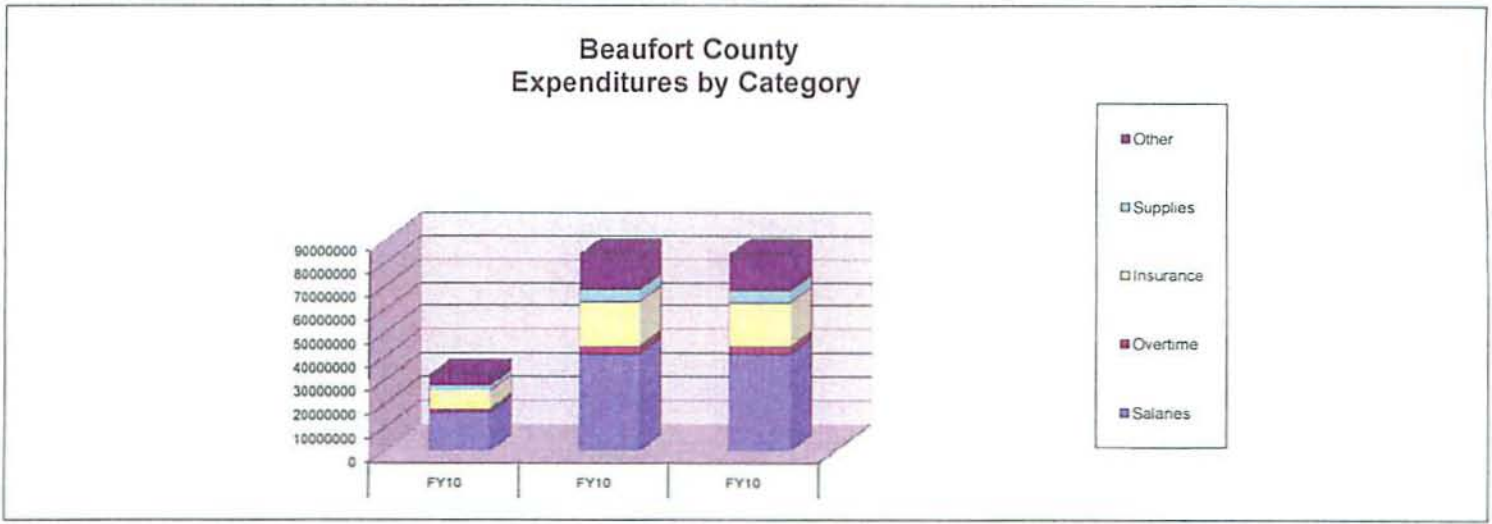
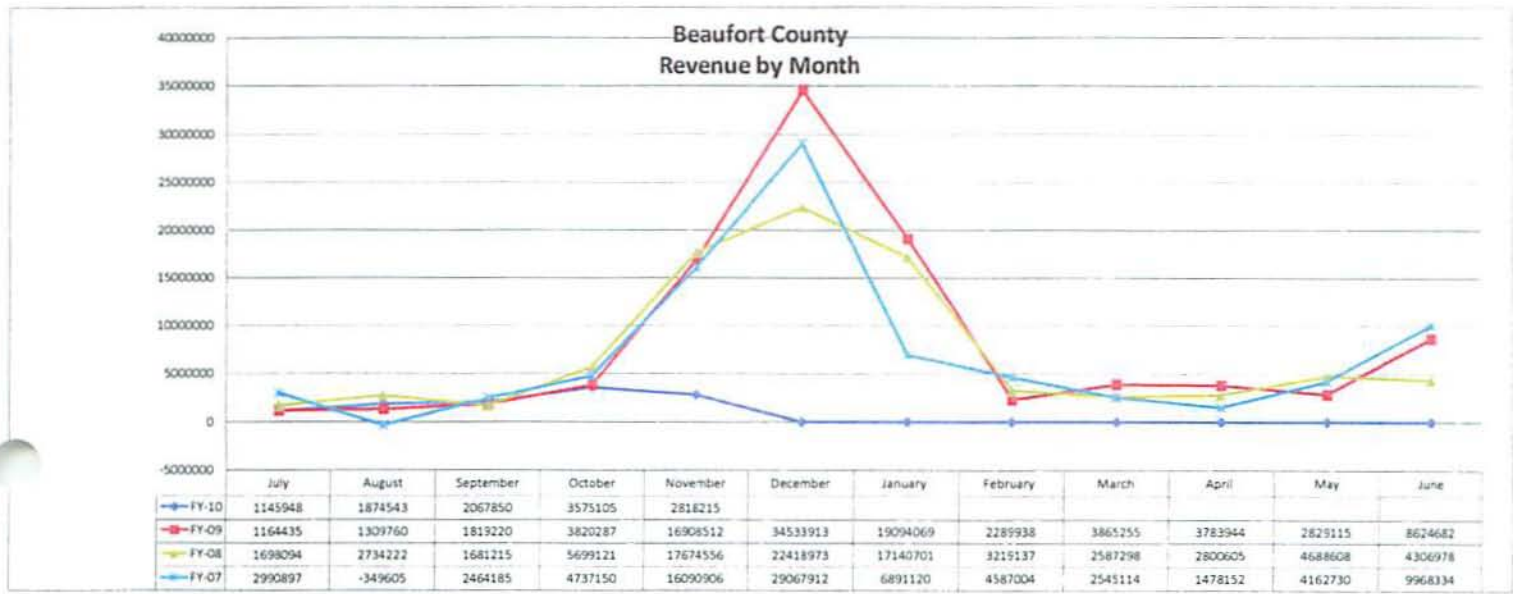
General	Criscitiello	Housing	12003	50,021	0	0	0
General	Kubic	PIO	12005	126,258	210,215	255,122	255,122
General	Kubic	Staff Attorney	12010	328,233	240,407	576,084	576,084
General	Starkey	Internal Audit	12015	0	47,213	107,351	107,351
General	Newton	Public Defender	12020	153,115	872	0	0
General	Campbell	Voter Registration	12030	613,144	294,422	727,566	727,566
General	Campbell	Voter Registration	12031	360	-1,050	0	0
General	Hughes	Assessor	12040	979,545	1,024,496	2,562,392	2,562,392
General	Hughes	Register of Deeds	12050	337,047	294,955	588,307	588,307
General	Starkey	Risk Mgmt	12060	60,193	55,288	136,573	136,573
General	Newton	Delegation	12080	35,750	35,005	84,813	84,813
General	Criscitiello	Zoning	13330	104,684	101,270	253,330	253,330
General	Criscitiello	Planning	13340	369,117	368,942	857,120	857,120
General	Criscitiello	Planning (Comp Plan)	13341	60,083	15,722	140,000	140,000
General	Hughes	GIS Map	13350	204,806	290,020	545,165	545,165
General	Campbell	Community Service	14000	90,830	94,829	257,171	257,171
General	Kubic	Staff Services	14010	197,813	149,735	415,582	415,582
General	Gregory	Employee Services	14020	329,803	375,150	805,564	805,564
General	Anderson	Records Management	14030	108,573	89,543	246,037	246,037
General	Starkey	Finance	15010	292,119	225,901	554,338	554,338
General	Starkey	Purchasing	15040	98,908	121,786	267,769	267,769
General	Starkey	Business License	15050	345,997	216,102	609,026	609,026
General	Anderson	MIS	15060	875,929	1,132,515	2,474,593	2,474,593
General	Anderson	MIS	15061	770	1,128	0	0
General	McFee	Public Works	17000	93,016	117,039	275,503	275,503
Public Safety	Tanner	Sheriff	21051	2,886,391	2,941,181	7,136,386	7,166,112
Public Safety	Tanner	Sheriff	21052	5,278,906	4,931,611	12,112,617	12,002,594
Public Safety	Tanner	Sheriff	21053	0	0	0	0
Public Safety	Tanner	Sheriff	21055	493,406	556,611	1,430,909	1,511,156
Public Safety	Winn	Emergency Management	23140	280,696	294,970	743,176	743,176
Public Safety	Winn	Emergency Management - Comm	23150	2,495,452	2,413,468	4,534,434	4,534,434
Public Safety	Winn	Emergency Management - DATA	23155	234,653	350,764	1,009,725	1,009,725
Public Safety	Winn	EMS	23160	2,879,173	2,576,947	6,346,528	6,346,528
Public Safety	Winn	Detension Center	23170	2,866,645	2,896,343	6,779,845	6,779,845

Public Safety	Winn	Traffic-Signal Management	23322	133,664	130,559	340,592	337,392
Public Safety	Criscitiello	Building Codes	23360	632,992	563,208	1,321,593	1,321,593
Public Works	McFee	Facilities Management	33020	835,864	883,048	2,206,189	2,206,114
Public Works	McFee	Bldg Facilities Maint	33030	536,081	426,293	1,100,072	1,100,072
Public Works	McFee	Grounds North	33040	592,084	580,007	1,556,730	1,562,730
Public Works	McFee	Grounds South	33042	504,749	487,209	1,205,436	1,199,436
Public Works	McFee	Public Works General	33300	338,489	366,140	892,976	892,976
Public Works	McFee	Public Works Roads North	33301	449,147	424,507	1,145,909	1,145,909
Public Works	McFee	Public Works Roads South	33302	222,239	358,480	594,945	772,984
Public Works	McFee	Public Works Admin	33305	183,215	163,958	400,445	400,445
Public Works	McFee	Engineering	33320	437,445	183,996	552,111	552,111
Public Works	McFee	SWR- Adm	33390	512,115	5,330,869	5,564,875	5,564,875
Public Works	McFee	SWR- Beaufort	33391	258,882	0	0	0
Public Works	McFee	SWR- Port Royal	33392	303,254	0	0	0
Public Works	McFee	SWR-HHI	33393	1,344,758	46,241	109,360	109,360
Public Works	McFee	SWR- Bluffton	33394	1,292,714	67,634	167,747	167,747
Public Works	McFee	SWR-Burton	33395	731,721	60,626	136,528	136,528
Public Works	McFee	SWR-Ladys Isl (7)	33396	424,438	23,754	52,232	52,232
Public Works	McFee	SWR- St., Helena (8)	33397	515,348	60,873	183,636	183,636
Public Works	McFee	SWR- Sheldon	33398	252,968	48,257	113,504	113,504
Public Works	McFee	SWR-Bluffton	33399	125,071	0	100,000	100,000
Public Health	Winn	Animal Shelter	43180	431,254	375,096	925,516	925,516
Public Health	Winn	Mosquito Control	43190	829,775	803,411	1,787,846	1,787,846
Public Health	Kubic	Environmental Sciences	43195		0	300,000	300,000
Public Health	Starkey	Public Health Subsidy	44199	1,155,768	1,054,409	2,613,567	2,613,567
Public welfare	Campbell	Veterans	54050	94,581	90,230	232,859	232,859
Public welfare	Campbell	Social Services	54060	84,841	85,513	247,355	247,355
Public welfare	Campbell	Public Welfare	54299	47,000	176,368	484,000	484,000
Cultural	Campbell	PALS-Admin	63310	141,832	156,951	361,931	361,931
Cultural	Campbell	PALS-summer	63311	93,903	110,523	212,172	212,172
Cultural	Campbell	PALS-Aquatics	63312	505,988	542,297	1,108,581	1,108,581
Cultural	Campbell	PALS-HH	63313	164,649	104,161	80,000	80,000
Cultural	Campbell	PALS-Bluffton	63314	277,054	242,215	872,061	872,061
Cultural	Campbell	PALS-Athletic Programs	63316	304,786	244,542	663,993	663,993

Cultural	Campbell	PALS-Rec Centers	63317	407,405	377,905	1,056,565	1,056,565
Cultural	Campbell	Library Admin	64070	381,627	338,104	856,940	890,631
Cultural	Campbell	Library Beaufort	64071	298,190	285,232	721,616	719,676
Cultural	Campbell	Library Bluffton	64072	352,240	340,216	810,247	798,917
Cultural	Campbell	Library Hilton Head	64073	334,989	305,824	789,484	787,644
Cultural	Campbell	Library Iobeco	64074	82,085	93,902	229,825	229,785
Cultural	Campbell	Library St. Helena	64075	42,300	41,547	110,061	110,909
Cultural	Campbell	Library Technical Services	64078	354,374	314,839	900,260	881,064
Cultural	Campbell	Library SC Room	64079	49,600	48,303	115,428	115,235
Transfers	Starkey	General Funds Transfers	99100	1,272,810	1,755,062	4,212,148	4,212,148
		County General Fund Budget		45,223,722	44,211,681	99,052,930	99,227,644
Education	Starkey	Education Allocation	64399			4,716,300	4,716,300
		Total County Budget				103,769,230	103,943,944

BEAUFORT COUNTY
Monthly Report
Nov-09

Description	FY 2010 Actual Expenditures	FY 2010 Adopted Budget	Percentage Expended
General Government	9,157,480	21,521,975	43%
Public Safety	17,655,661	41,755,805	42%
Public Works	9,511,890	16,082,695	59%
Public Health	2,232,917	5,626,929	40%
Public Welfare	352,111	964,214	37%
Cultural and Rec	3,546,560	8,889,164	40%
Fund Transfers	1,755,062	4,212,148	42%
Education Allocation		4,716,300	0%
Total Fund Allocation	44,211,681	103,769,230	43%



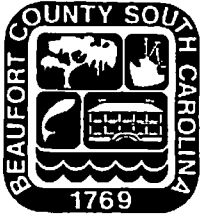
County Council of Beaufort County 2010

Regular Meetings

	<u>Time</u>	<u>Location</u>
January 11, 2010	4:00 p.m.	Council Chambers
January 25, 2010	4:00 p.m.	Large Meeting Room Hilton Head Island Library
February 8, 2010	4:00 p.m.	Council Chambers
February 22, 2010	4:00 p.m.	Council Chambers
March 15, 2010 *	4:00 p.m.	Council Chambers
March 29, 2010 *	4:00 p.m.	Large Meeting Room Hilton Head Island Library
April 12, 2010	4:00 p.m.	Council Chambers
April 26, 2010	4:00 p.m.	Council Chambers
May 10, 2010	4:00 p.m.	Council Chambers
May 24, 2010	4:00 p.m.	Large Meeting Room Hilton Head Island Library
June 14, 2010	4:00 p.m.	Council Chambers
June 28, 2010	4:00 p.m.	Council Chambers
July 26, 2010	4:00 p.m.	Large Meeting Room Hilton Head Island Library
August 9, 2010	4:00 p.m.	Council Chambers
August 23, 2010	4:00 p.m.	Council Chambers
September 13, 2010	4:00 p.m.	Large Meeting Room Hilton Head Island Library
September 27, 2010	4:00 p.m.	Council Chambers
October 11, 2010	4:00 p.m.	Council Chambers
October 25, 2010	4:00 p.m.	Large Meeting Room Hilton Head Island Library
November 8, 2010	4:00 p.m.	Council Chambers
November 29, 2010 *	4:00 p.m.	Council Chambers
December 13, 2010	4:00 p.m.	Council Chambers

* In lieu of 2nd and 4th Mondays.

Adopted:



COUNTY COUNCIL OF BEAUFORT COUNTY
BEAUFORT COUNTY INSPECTION DEPARTMENT

Multi Government Center • 100 Ribaut Road, Room 275

Post Office Drawer 1228, Beaufort, SC 29901-1228

Phone: (843) 470-2680 • FAX: (843) 470-2686

DATE: December 30, 2009
TO: Sue Rainey, Clerk to Council
FROM: Arthur Cummings, Director *AC*
SUBJECT: Hawkers and Peddlers License

During calendar year 2009 we issued 28 hawkers and peddlers licenses. Fees collected totaled \$3,025. The current fee schedule is as follows:

County Resident	\$ 75.00
State Resident	\$ 500.00
Out of State	\$1,000.00

The following vendors are exempt from the licensing requirement: vendors of newspapers, magazines, vegetables, tobacco, and provisions of any kind of agricultural products.

ALC:mpa

DATE: January 6, 2010

TO: Honorable Members of County Council

VIA: Gary Kubic, County Administrator

FROM: Morris C. Campbell, Executive Director, Community Services

RE: Daufuskie Island Co-operative Store lease renewal

This information is provided as follow-up to the Community Services Committee meeting of December 21, 2009.

The Committee members asked staff to provide additional information on the repairs necessary to bring the store into compliance with health and safety codes issues and what would be the County's responsibilities in the process.

Attachment "Exhibit A" list of deficiencies and requirements the Co-op will need to address as in accordance with the agreement. The Co-op has secured cost estimates to do the work (\$9,200.00). They have assured us that they have the funds to complete the work within the time frame outlined in the agreement.

Per the agreement, County is responsible for any major structural repairs to the facility. Staff will recommend funding for replacement of the roof, soffit, fascia boards and entrance steps in next year's budget. The cost estimate is \$25,000.

Staff recommends that County Council renew the lease for the Daufuskie Island Store to the Daufuskie Island Co-op for a period of five years in accordance with the attached agreement that includes two changes, the addition of Paragraphs 1.4.4 and 3.5.

Please let me know if we can need to provide any additional information. Thank you.

c: Ladson F. Howell, County Staff Attorney
Bryan Hill, Deputy County Administrator
Mark Roseneau, County Facilities Manager

STATE OF SOUTH CAROLINA)
)
)
COUNTY OF BEAUFORT)
_____)

LEASE AND SUBLEASE AGREEMENT
DAUFUSKIE ISLAND COOPERATIVE, INC.
AND
MARSHIDE MAMAS

THIS LEASE AND SUBLEASE AGREEMENT, dated as of this ____ day of _____, 20__ (together with any amendments hereto made in accordance herewith, hereinafter, the "Lease"), is made and entered by and between **BEAUFORT COUNTY**, a political subdivision of the State of South Carolina (hereinafter the "County"), the **DAUFUSKIE ISLAND COOPERATIVE, INCORPORATED**, a business corporation authorized to do business in the State of South Carolina (hereinafter, the "Tenant") and **BETH SHIPMAN**, in her individual capacity and doing business as **MARSHIDE MAMAS** (hereinafter, "Subtenant").

WHEREAS, the County is a political subdivision of the State of South Carolina, existing as such under and by virtue of the Constitution, statutes and laws of the State of South Carolina; and

WHEREAS, the County owns improved real property located on Daufuskie Island, South Carolina, and is desirous of entering into a Lease of the improved real property with Tenant and by this same instrument consent to the Tenant's sublease of the improved real property to Subtenant; and

WHEREAS, by ordinance duly adopted by the Beaufort County Council on the 1st day of June, 2004, the Beaufort County Council authorized the County to enter into this Lease and Sublease and further authorized the execution of the Lease and Sublease on the part of the County by the County Administrator, Gary Kubic, under the terms and conditions provided herein.

NOW, THEREFORE, for and in consideration of the mutual promises, conditions and covenants provided herein and such other good and valuable consideration, the receipt and sufficiency of which is acknowledged by Tenant and Subtenant, the parties agree as follows:

ARTICLE 1

1.1 Demise of the Property: The County hereby leases and lets to Tenant and Tenant hereby takes and hires from County and, simultaneously, the Tenant hereby subleases and lets to Subtenant and Subtenant hereby takes and hires from Tenant, upon and subject to the terms, covenants, and provisions hereof, the property described below consisting of two (2) buildings containing approximately 1650 square feet to be used as a general mercantile store and restaurant with adjacent public restroom facilities:

All that certain piece, parcel, and tract of land situated, lying and being on Daufuskie Island, County of Beaufort, South Carolina, containing 0.76 acres more or less, and being particularly described as follows:

Beginning at a point a concrete marker at the NE corner of the property and running thence 269.94 feet in a southerly direction to a concrete marker; thence 154.32 feet in an easterly direction to a concrete marker; thence 132.20 feet in an easterly direction to the point of beginning as shown more particularly on a plat prepared by R.D. Trogdon, Jr., for Beaufort County, dated April 17, 1975, and revised December 8, 1975, and attached hereto and incorporated by reference.

Save and except a forty foot (40') wide easement on the southern side of the property to provide an egress from the dock and river onto the island (the "Property").

1.2 Tenant and Subtenant Accept Property "AS IS": The Tenant and Subtenant represent and warrant that they have examined the Property, title to the Property, use restrictions on the Property and accept the same "as is", and without representation or warranty, express or implied, in fact or in law, by the County, and without recourse to the County as to the title thereto, availability of water, sewer, electricity or telephone service, the nature, condition or usability thereof, or the uses to which the Property is or may be put. In no case shall the County have any liability to the Tenant and/or Subtenant for any defect in the Property; conditions existing in, or about, the Property or any limitation on the uses which may be made of the Property.

1.3 Exception: The Property which is the subject of this Lease and Sublease is specifically described herein and specifically excludes from this Lease and Sublease by way of saving and excepting the forty foot (40') easement on the southern side of the Property to provide ingress from the dock and river onto the island.

1.4 Permissible Uses of Property: The Tenant's and Subtenant's use of the Property shall be for a "general mercantile store and restaurant" open to the general public. The Tenant shall not cause or allow and Subtenant shall not engage in or permit any use of the Property, or any part thereof, other than the uses specifically enumerated in the paragraphs below. Permissible uses of the Property by the Tenant and the Subtenant are limited to those stated herein. A use not specifically provided herein is not, and shall not be, permitted without written notice to, and written consent by, the County. Permissible uses of the Property are:

- 1.4.1** The operation of an island community store of general merchandise intended for sale to the citizens of Daufuskie Island and the public in general; and
- 1.4.2** Operation of a restaurant in the pavilion building for breakfast, lunch and/or dinner services during normal business hours. The pavilion may also be used for special catered events, functions, tour groups, and island community events; and
- 1.4.3** If Subtenant acquires a lawful permit for same, Subtenant may sell beer, wine and liquor and, if a lawful permit is granted to Subtenant for same, permit the consumption of alcohol in the restaurant; provided, however, no sale of or sale for on premise consumption of alcoholic beverages on or about the Property may be

undertaken or permitted by the Tenant or Subtenant without a current, lawful permit issued for same; and

- 1.4.4 Subtenant may and agrees to serve as an outlet for the sale of ferry tickets to the general public or any person desiring to utilize the ferry service; and
 - 1.4.5 Subtenant may, with the consent of Tenant, provide additional services to the public consisting of and limited to postal and check cashing services; and
 - 1.4.6 Subtenant may, at its sole cost and expense, establish a community services information area such as a bulletin or notice board for island events and services.
- 1.5 **Prohibited Actions and Activities:** Tenant and/or Subtenant shall not allow, permit or condone any of the following to occur on the Property: any act, sale or storage of any article, product or substance that is or may be prohibited by County's fire insurance policies or fire safety standards or requirements, nor allow, permit or condone the use of the Property for any such purpose; and
- 1.5.1 Tenant and Subtenant covenant and agree that the Property will, at all times, be kept in a clean and orderly fashion and neither Tenant nor Subtenant shall cause, permit or condone any use or activity on the Property that is, in the sole opinion of the County, the cause of offensive noise or other nuisance nor cause, permit or condone any use or activity which may interfere with the safety, comfort and/or quiet enjoyment of other island residents or the public in general; and
 - 1.5.2 Tenant and Subtenant shall not cause, permit nor condone any use of the Property for any illegal or other lawful purpose or purposes.
- 1.6 **Compliance with Laws:** Tenant and Subtenant agree to comply with all local, state, and federal statutes, guidelines or ordinances governing the operation of a public accommodation and general merchandise store, including permits, licenses, health permits or any other regulatory matters concerning operation of the store.
- 1.7 **Daufuskie Day:** Tenant and Subtenant shall enter into a separate written agreement between themselves with regard to the use of the Property on "Daufuskie Day" and the distribution of profits from same. At a minimum, the agreement shall provide that Tenant shall be entitled to use the grounds of the Property and shall be permitted to conduct activities which are traditionally associated with Tenant's use of the Property on "Daufuskie Day", including the sale of arts, crafts and specialty food sales. Tenant will be entitled to all profits from the sale of arts, crafts and specialty food sales sold on the Property's grounds on "Daufuskie Day". Subtenant will be entitled to conduct its normal restaurant services on "Daufuskie Day" and Subtenant shall retain all profits from sales of food and beverages sold within the restaurant on "Daufuskie Day".
- 1.8 **Funeral and Other Church Function Days:** Tenant shall have the exclusive use of the Property's Pavilion and Pavilion areas, on and after Subtenant's noon meal service, for

Tenant's uses related to the conduct of a funeral for a Daufuskie Island resident or conducting a church function of a church located on Daufuskie Island. Tenant will give Subtenant prior notice of the scheduling of the Pavilion and Pavilion grounds for these purposes.

ARTICLE 2

- 2.1 Limited Obligation of County:** The County shall not be required to furnish and has no obligation to furnish the Tenant or Subtenant any facilities or furnish any services of any kind, such as, but not limited to, water, sewage disposal, sewage capacity, electricity, light, power, telephone service and cable television.
- 2.2 Utilities and Other Services:** Subtenant shall be solely responsible for the payment of any and all charges for water, sewage disposal, electricity, telephone or other communications services and any other utility service or supply used, rendered or supplied to or upon the Property or in connection with the Subtenant's use of the Property. Subtenant shall initiate, contract for and obtain, in its name, all utility services required on the Property. Subtenant shall timely pay all charges for these services as they become due. The County may terminate this Lease if Subtenant fails or refuses to pay the charges for utility services as assessed or incurred. Tenant and Subtenant shall be solely liable and responsible for all expenses associated for the services provided herein.

ARTICLE 3

- 3.1 Maintenance of Property:** Subtenant shall be solely liable to keep and maintain in good and workmanlike condition the building(s), drive(s), parking facilities, storage areas, and other improvements situated upon the Property.
- 3.2 Governmental Permits or Authorizations:** It shall be the sole responsibility of the Subtenant to procure and pay for any required municipal, county or other governmental permit or authorization of the various municipal, county or other governmental subdivisions having jurisdiction over the Property.
- 3.3 Mechanic's or Other Liens Prohibited:** The Tenant and the Subtenant shall not suffer or permit any mechanic's lien or other lien to be placed against the Property arising out of the maintenance of or improvement to any part of the Property's improvements. In the event that such a lien is filed, the Tenant and Subtenant shall promptly cause the same to be removed of record, and shall further indemnify and hold the County harmless from any costs or expenses, damages, suits, or attorney's fees arising from the filing or enforcement of any mechanic's lien or any other lien affecting the Property.
- 3.4 Costs of Maintenance and Repairs:** Subtenant agrees that Subtenant shall be solely liable and responsible for any and all expenses, including all necessary repairs to the Property and the buildings situated thereon, excluding repairs to structural features of the buildings, reasonable wear and tear excepted. Subtenant shall be solely liable to County for any damage it may cause or allow to be caused to the Property and improvements

thereon. Subtenant shall be solely and exclusively liable to maintain the Property and buildings thereon and maintain same. During the term of this Lease, the Subtenant shall, at its sole cost and expense, provide for the maintenance and upkeep of the Property, improvements thereon and fixtures therein, and shall keep the Property, improvements and fixtures in a neat, safe, and sanitary condition.

- 3.5 List of Repairs:** Subtenant agrees to perform certain repairs as set forth on the attached Exhibit A to the leased premises and will further provide County with the requested documentation also listed on Exhibit A within ninety (90) days from the date of execution of this Lease.

ARTICLE 4

- 4.1 Term:** The term of this Lease to Tenant and Sublease to Subtenant shall be for a period of five (5) years commencing on January 1, 2010 and terminating on December 31, 2015. On December 31, 2015, the Subtenant and Tenant shall surrender the Property to County in a neat and sanitary condition.
- 4.2 Renewal:** An additional annual term or term of years may, at the sole discretion of the County, be agreed upon if all terms and conditions of this Lease and Sublease, including the use of the Property as provided herein, have been complied with by the Tenant and Subtenant.

ARTICLE 5

- 5.1 Rent Payment:** Commencing on January 1, 2010, Subtenant shall pay in advance to the Tenant the sum of Six Hundred Dollars (\$600) for each month of occupancy and for each following month of occupancy until this Lease is terminated.

ARTICLE 6

- 6.1 Abandonment of Property:** Subtenant shall not vacate or abandon the premises at any time during the term, but if the Subtenant does vacate or abandon the premises or is dispossessed by process of law, any personal property belonging to the Subtenant and left on the premises shall be deemed abandoned and become the property of the County; provided, however, Subtenant shall have the right, in the event of an impending flood, hurricane, conflagration or other natural disaster, to remove its equipment from the premises to protect these items from loss and this shall not be considered abandonment.

ARTICLE 7

- 7.1 No Agency:** The parties hereto intend only to provide for a Lease and Sublease of improved real property as provided herein, and affirmatively state that no master/servant, principal/agent or employee/employer relationship is created or intended to be created by this Lease. Nothing herein creates any relationship between the County and the Tenant and Subtenant other than that which is expressly stated herein. No employee, volunteer

or agent of the Tenant or Subtenant shall be considered an employee or agent of the County for any purpose whatsoever, and none shall have any status, right, or benefit of employment with the County.

- 7.2 **No Third Party Beneficiaries:** The County shall not be liable to Tenant, Subtenant or any third party for personal injury or property damage resulting from the negligent operation or faulty maintenance, inspection or use of the premises by the Subtenant. The parties hereto affirmatively represent that this Lease and Sublease is made solely for the benefit of the parties hereto and not for the benefit of any third party who is not a signature party hereto. No party other than the signature parties hereto shall have any enforceable rights hereunder, or have any right to the enforcement hereof, or any claim for damages as a result of any alleged breach hereof.

ARTICLE 8

- 8.1 **Condition of Premises:** Subtenant shall take good care of the premises and shall not alter or change the premises without the consent of the County. Any and all alterations, improvements or changes to the Property made by the Subtenant shall be done solely at the expense of the Subtenant, shall become the property of the County and shall remain on the premises unless otherwise agreed upon by the County. Subtenant shall, at the termination of this Lease and Sublease, surrender the premises to the County in good condition and repair. Tenant and Subtenant shall permit Tenant and County, and their agents or employees, to enter the premises at any reasonable time to inspect the premises, to enforce the terms of this Lease and determine any default of the Subtenant.
- 8.2 **Public Restrooms:** Subtenant further agrees to maintain in a sanitary, neat, hygienic and orderly fashion the public restrooms located in a separate building on the subject premises, including, but not limited to, daily inspections, daily maintenance and preservation of sanitary conditions, and keeping free and clear of debris and trash which would interfere with safety, health, comfort and welfare of the residents or visitors. Subtenant shall have the right to lock the public restrooms at all times with keyed access during normal business hours.

ARTICLE 9

- 9.1 **Indemnification and Hold Harmless:** Subtenant, on behalf of themselves, their heirs and assigns, and Tenant, on behalf of itself, its successors and assigns, agree to indemnify and hold harmless the County from any loss, damage or liability arising out of or on account of any injury or damage to any person or property arising out of or from or in any way relating to the use of the Property by the Subtenant, its agents, employees, independent contractors, guests or invitees, or by the failure of the Subtenant to keep the Property in good condition as provided herein.

Subtenant, on behalf of themselves, their heirs and assigns, and Tenant, on behalf of itself, its successors and assigns, agrees that they will be liable for and cause the immediate payment of any and all damages caused to the Property and improvements

thereon, including fixtures, as well as all damage or injury suffered by the occupants thereof, caused by misuse or neglect of the premises by the Tenant and Subtenant.

ARTICLE 10

- 10.1 Assignment Prohibited:** This Lease and Sublease shall not be assigned by the Tenant or the Subtenant for any reason. In addition, the Property and/or the improvements situated thereon shall not be subleased as a whole or in part by the Tenant or the Subtenant.

ARTICLE 11

- 11.1 Event of Default:** Each of the following events shall constitute an "Event of Default" under this Lease and Sublease:

11.1.1 Tenant or Subtenant files a petition in bankruptcy or reorganization under any bankruptcy act, or makes an assignment for sake of creditors or involuntary proceedings are instituted against the Tenant or the Subtenant under any bankruptcy act; or

11.1.2 Subtenant fails to pay rent when due and does not make the delinquent payment within fifteen (15) days after receipt of notice thereof from Tenant; or

11.1.3 Subtenant fails to perform or comply with any of the covenants or conditions of this Lease and failure continues for a period of fifteen (15) calendar days after receipt of notice thereof from Tenant.

11.1.4 Tenant or Subtenant fails or neglects to honor or correct any condition that is a term of this Lease within sixty (60) calendar days from the date the County provides written notice to cure to the Tenant and Subtenant.

- 11.2 Possession After Default:** Upon the occurrence of an Event of Default, the County may terminate this Lease and take possession of the Property, exclude the Tenant and the Subtenant, as the case may be, from possession of the Property and hold Tenant and Subtenant liable for all rent and other amounts due and payable hereunder.

- 11.3 Performance:** County may take whatever action at law or in equity may appear necessary or desirable to collect the rent and other amounts then due and thereafter to become due or to enforce the performance and observance of any obligation or covenant under this Lease.

ARTICLE 12

- 12.1 Hazard Insurance:** County will keep the Property insured for its loss or damage by fire or damage by fire or other natural causes for which insurance can be obtained to the extent of the insurable value thereof.

12.2 General Liability Insurance: Subtenant shall, throughout the term of this Lease, maintain comprehensive general liability insurance with limits of liability in an amount equal to or exceeding Three Hundred Thousand Dollars (\$300,000) per person and Six Hundred Thousand Dollars (\$600,000) per occurrence protecting it and the County from claims for bodily injury (including death) and property damage which may arise from or in connection with the Subtenant's use or occupation of the premises.

12.3 Forms of Insurance: All such insurance required in Article 12.2 shall be in companies and on forms acceptable to the County and shall provide that the coverage thereunder may not be reduced or cancelled unless thirty (30) days notice thereof is furnished to the County. Certificates of insurance shall be furnished to the County upon execution of this Lease.

ARTICLE 13

13.1 Entire Agreement: This Lease and Sublease Agreement constitutes the entire agreement between the parties, no representations, warranties or promises pertaining to the Sublease have been made or shall be binding upon any of the parties except as expressly stated herein.

13.2 Binding Effect: This Lease shall inure to the benefit of and shall be binding on the Tenant and the Subtenant.

13.3 Amendments, Changes and Modifications: Except as otherwise provided herein, this Lease and Sublease may not be effectively amended, changed, modified or altered without the prior written consent of the County.

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

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

13.6 Applicable Law: This Lease and Sublease shall be governed and construed in accordance with the laws of the State of South Carolina. In action brought to enforce the terms of this Lease and Sublease or to defend a cause of action for same shall be brought in the County of Beaufort, South Carolina.

IN WITNESS WHEREOF, the parties hereto have set their hands and seal the dates shown below.

WITNESSES:

BEAUFORT COUNTY

By: _____

Gary T. Kubic
County Administrator
P. O. Drawer 1228
Beaufort, SC 29901-1228
843-470-2501

**DAUFUSKIE ISLAND COOPERATIVE,
INC.**

By: _____

Name: _____

Its: _____

Address: _____

Telephone: _____

**BETH SHIPMAN, IN HER
INDIVIDUAL CAPACITY AND DOING
BUSINESS AS "MARSHSIDE MAMAS"**

By: _____

Beth Shipman
P. O. Box 22
Daufuskie Island, SC
843-842-5073

EXHIBIT A

Repairs:

1. Exposed wires in the rear storage area. Wires must be in conduit and junction boxes.
2. No exit signs or emergency lighting. Exit signs and emergency lighting must be provided at each egress.
3. Receptacle plate covers were missing or damaged. Need replacement.
4. Electric panel needs to be relabeled and tape removed from water heater breaker.
5. Excessive use of extension cords.
6. Exit doors and egress paths must remain clear and unlocked.
7. Exhaust fan needs cover.
8. Outside receptacles need weather proof covers.
9. Restrooms require cleaning. Please provide cleaning schedule.
10. Painting as needed.
11. Pump hose needs painting.
12. Install romex connector.
13. Replace insect/rodent screens in attic.
14. Remove walk-in cooler door handle.
15. Repair exterior light fixture.
16. Remove debris from crawl space.
17. Remove old appliances, A/C equipment and trash. Clean debris from rear of building.
18. Remove rain gutter system.
19. Repair/replace light fixtures and wiring.
20. Remove wiring from tree.
21. Remove granite stone from entry/exit.

Please Supply:

- A. Copy of the liability insurance policy.
- B. Copy of the alcohol consumption license.
- C. Copy of the latest Fire Marshall's report.
- D. Copy of the latest DHEC deep well inspection.

RESOLUTION

WHEREAS, the State Legislature of South Carolina is currently considering whether or not to grant significant sales tax abatement to the owners and developers of Sembler retail mall and outlet to be located at or near the intersection of highways 170 and 278 in Jasper (and partially in Beaufort) Counties; and

WHEREAS, this proposed legislation may or may not specifically mention Sembler by name but is clearly designed to provide significant tax abatement to Sembler; and

WHEREAS, this development was initially presented as a "high end" shopping and dining experience that would not in any way compete with existing outlet malls, specifically Tanger I and Tanger II located nearby in Beaufort County; and

WHEREAS, Sembler has directly solicited the current tenants of both Tanger I and Tanger II indicating a clear intent to become an outlet mall in clear competition with Tanger I and Tanger II; and

WHEREAS, while Beaufort County has no problem with competition, we feel it should be on an even playing field and not one economically distorted by giving vast amounts of taxpayer money to one to the detriment of the other; and

WHEREAS, Beaufort County does not believe it should be up to the State Legislature to pick winners and losers in an otherwise healthy economically competitive environment; and

WHEREAS, Beaufort County believes that if Sembler wishes to build an outlet mall in Jasper County to compete with a nearby Beaufort County outlet mall they have that right but not with Beaufort County taxpayer money as a subsidy.

NOW, THEREFORE, Beaufort County Council calls upon all State Legislators to not grant tax subsidies or abatements to Sembler, directly or indirectly in interference with otherwise fair and open competition between two competitors and directs the Clerk to Council to provide a copy of this Resolution to each member of the Legislature.

Adopted this 11th day of January, 2010.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Wm. Weston J. Newton, Chairman

ATTEST:

Clerk to Council

RESOLUTION

WHEREAS, a subcommittee of the S.C. Sentencing Reform Commission (work group 1) adopted a recommendation to the full Sentencing Reform Commission which would "provide that persons who commit non-violent, low-level, misdemeanor offenses sentenced to less than 180 days (or 365 days) are not sent to prison, but remain in local detention facilities"; and

WHEREAS, this action has been calculated on current numbers of inmates based on an annual basis to cost Beaufort County approximately \$3,484,000 per year; and

WHEREAS, the cost of this action would require a millage increase and increase the taxes of all Beaufort County taxpayers; and

WHEREAS, this action would most likely require the Beaufort County Council to increase taxes to expand the capacity of the Detention Center to house these prisoners.

NOW, THEREFORE, BE IT RESOLVED, that Beaufort County Council is opposed to these recommendations and encourages the Beaufort County Legislative Delegation to also oppose these proposals and directs the Clerk to Council to provide a copy of this Resolution to each member of the Legislature.

Dated this 11th day of January, 2010.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Wm. Weston J. Newton, Chairman

ATTEST:

Clerk to Council

2010 /

BEAUFORT COUNTY ZONING MAP AMENDMENT / REZONING REQUEST FOR THREE (3) LADY'S ISLAND PROPERTIES TOTALING 0.917 ACRE AT THE INTERSECTION OF SAM'S POINT ROAD AND MAYFAIR COURT: R201-015-517 AND R201-015-518 FROM PROFESSIONAL OFFICE DISTRICT/POD TO VILLAGE CENTER/VC, AND R201-105-519 FROM LADY'S ISLAND COMMUNITY PRESERVATION/LICP TO VILLAGE CENTER/VC.

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

Adopted this _____ day of _____, 2010.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____

Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:

Ladson F. Howell, Staff Attorney

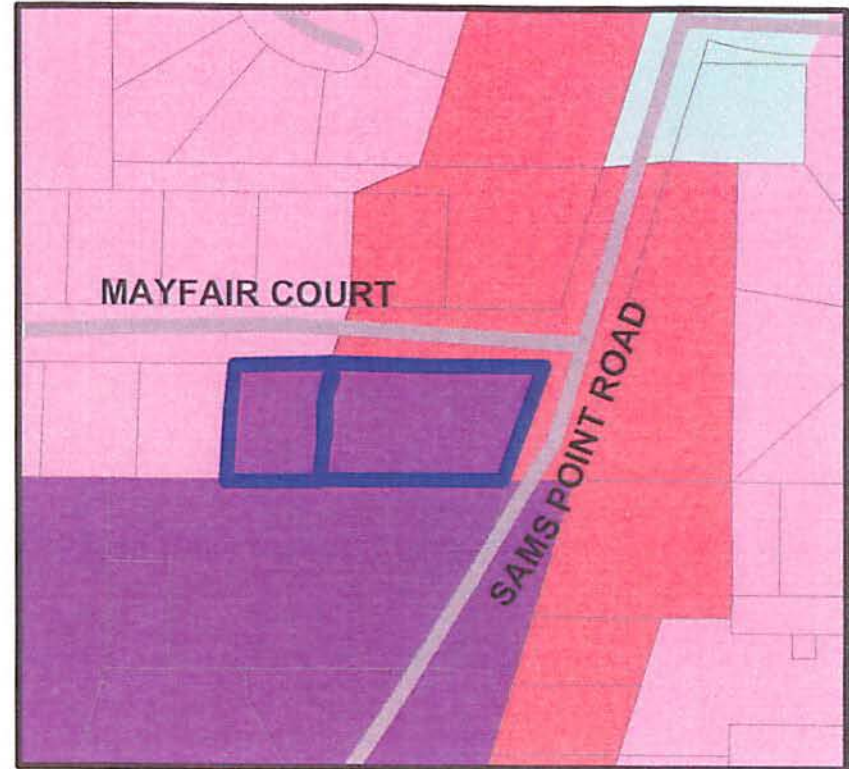
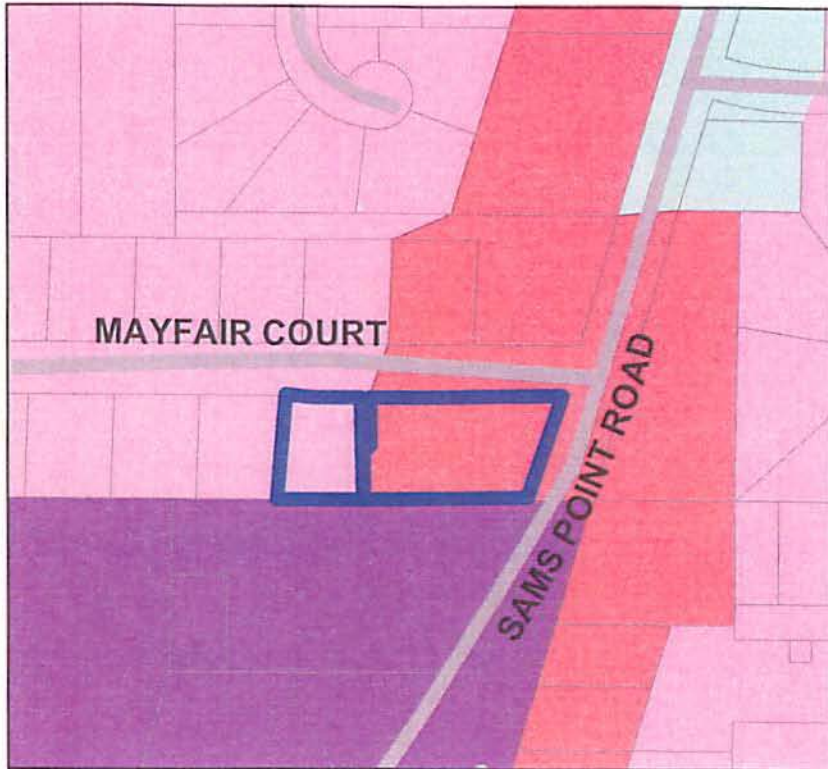
ATTEST:

Suzanne M. Rainey, Clerk to Council

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

(Amending 99/12)

R-201-015-517, -519 rezoning from Professional Office and Community Preservation to Village Center





MEMORANDUM

TO: Beaufort County Council
FROM: Anthony Criscitiello, Beaufort County Planning Division *TC*
DATE: December 30, 2009
RE: Traditional Neighborhood Development Ordinance – Fiscal Analysis

At the November 2, 2009, Natural Resources Committee meeting, the Committee reviewed a proposed Traditional Neighborhood Development (TND) ordinance that facilitated the development of mixed-use, walkable communities within the Suburban and Urban zoning districts. At that meeting the Committee expressed concern that the TND ordinance would create a disincentive for property owners to pursue a Planned Unit Development (PUD), which triggers a \$6,000 per dwelling unit School Development Fee. The Committee requested that Planning Staff conduct a brief fiscal analysis that would quantify how many parcels would be eligible for the proposed TND ordinance and weigh the fiscal benefits of developing mixed-use neighborhoods above conventional subdivisions.

Eligible Parcels

The proposed TND ordinance has several size and locational criteria:

- The land must be zoned Suburban or Urban.
- The minimum site area is 40 acres in Suburban and 20 acres in Urban.
- The site must have direct access to an existing arterial or major collector roadway, or
- The site must be within ¼ mile of a public park or school.

Based on these criteria, 13 sites, making up a total of 706 acres, were eligible to utilize the TND ordinance (See attached map. Please note that several of the sites require consolidation of adjacent properties to qualify). All of the sites are located in the Burton area in northern Beaufort County. Based on the density permitted in Urban and Suburban, a total of 2,524 dwelling units could be created with the proposed TND provision versus 1,564 under conventional, by-right, single-family development.

Fiscal Analysis

The fiscal analysis compares the potential school tax yield per dwelling unit of a conventional suburban development to a mixed-use TND. The question being asked is whether the tax benefits of a mixed-use TND development are significant enough to equal or surpass the \$6,000 per dwelling unit School Development Fee.

Development Scenarios: The analysis considers the development of the 105-acre Cherokee Farms property. This site was used because there is a known master plan for this site that conforms to the proposed TND ordinance.

- Scenario 1 - Baseline Scenario: This scenario assumes that the 105 acre parcel develops as a conventional suburban subdivision at 2 dwelling units per gross acre, yielding 210 houses.
- Scenario 2 - By-Right Mixed-Use Scenario: This scenario utilizes the mixed-use options available in the existing Suburban district. The scenario assumes 86 single-family units, 300 multi-family units and 10,000 square feet of professional office space.
- Scenario 3 - Traditional Neighborhood Development: This scenario derives its mix of residential types and commercial square footage from the Cherokee Farms master plan. This scenario also makes the assumption that housing values in TNDs are on average 15% higher than in conventional subdivisions. This scenario assumes 311 dwelling units and 150,000 square feet of office and retail.

Assumptions: The following assumptions are used in this analysis:

- Average price of conventional development homes is taken from MLS data in Burton since Jan. 2009
- Conventional multi-family housing information was taken from the tax records of the Oaks apartment complex on Broad River Blvd. in Burton.
- TND tax information was taken from tax records of existing commercial uses in neighboring Habersham.
- Student yields per dwelling unit are similar in conventional subdivision and TNDs.
- Commercial development in mixed-use communities is built at the same rate as residential units. Therefore if 10 % of residential units are built, it is assumed that 10% of the commercial development is built.
- The analysis only looks at millage that goes toward school operations and school debt.

Results: The following table summarizes the results of this analysis. A more detailed spreadsheet is attached to this report.

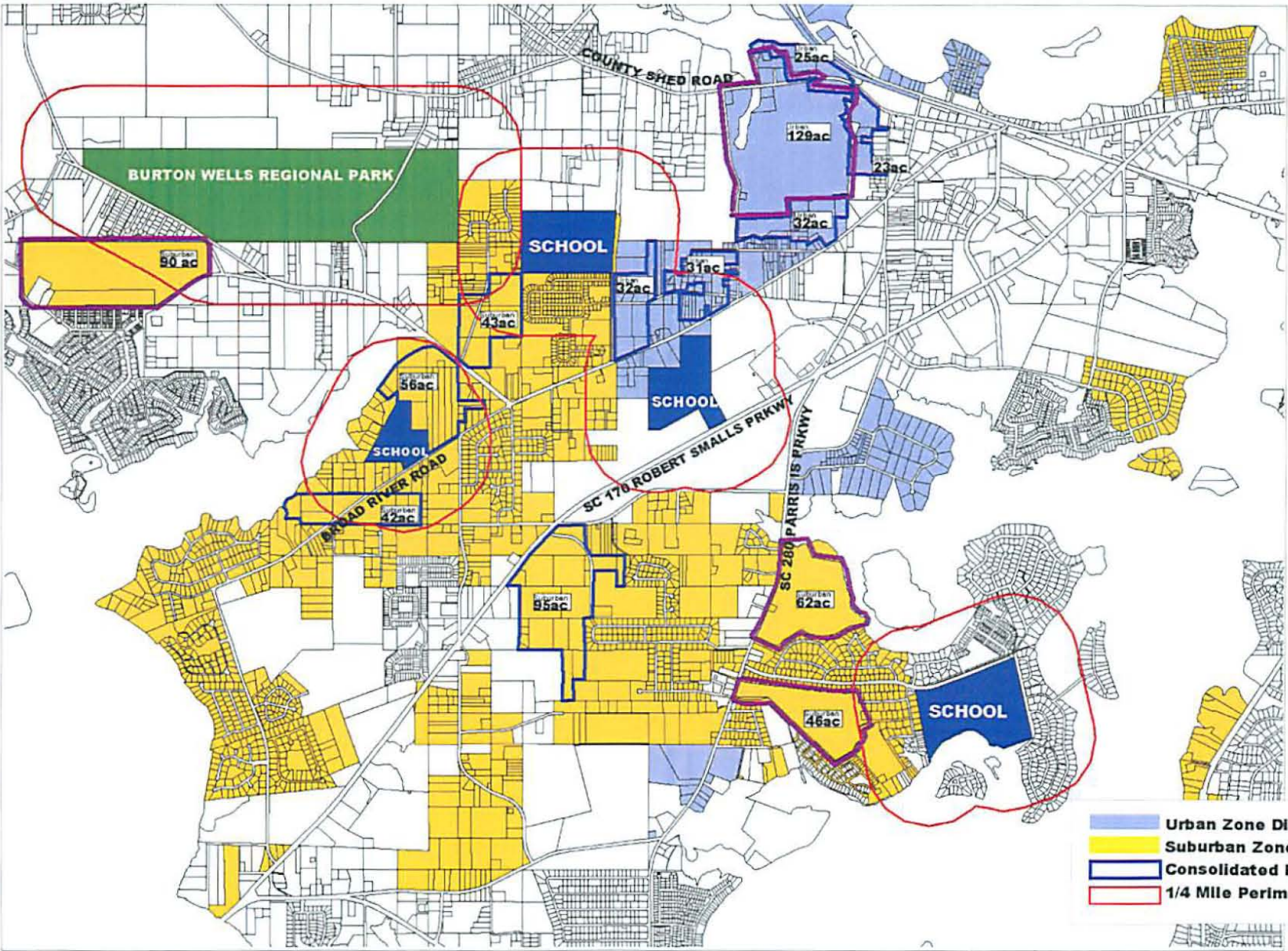
Scenario	Annual School Revenue per Dwelling Unit ¹	Revenue per Unit Above Conventional Subdivision	# of Years to Equal School Development Fee
1. Conventional Subdivision	\$544.56	\$0.00	--
2. By-right Mixed-Use Dev.	\$603.66	\$59.10	--
3. TND (15% Premium)	\$1,165.85	\$621.29	9.7

¹Total annual commercial and residential school property tax revenue divided by the # of dwelling units.

Conclusions:

1. Based on this analysis, in about 10 years the cumulative fiscal benefits of a TND will surpass a one-time \$6,000 School Development Fee. The fiscal premium per dwelling unit in a TND is dependent on two factors. The first is that the average assessed value of a dwelling unit in a TND is higher than a similar unit in a conventional subdivision. The second and most important factor is the degree of commercial development within a TND.
 2. Even though they were not quantified in this analysis, the County and the Burton Fire District would also benefit fiscally from TNDs.
- There are many non-fiscal benefits of TNDs including walkability and reduction in vehicle miles traveled.

**Parcels Eligible
For
Traditional
Neighborhood
Development**



Minimum Acres to Qualify
Urban - 20ac
Suburban - 40ac

- Urban Zone District
- Suburban Zone District
- Consolidated Parcel to Qualify
- 1/4 Mile Perimeter

	Unit Type	Acreage	# of Units	Commercial SF Square Footage	Average Unit Value	Annual Tax Revenue per Unit	Total Annual Tax Revenue	Total Annual School District Revenue	Annual School Revenue Per Unit	Revenue Per Unit Above Conv. Dev.
Single-Family Subdivision	Single-family	105	210		\$200,000.00	\$1,054.32	\$221,407.20	\$114,357.99	\$544.56	\$0.00
By-Right Mixed-Use Development	Single-family Multi-family Office Total	43 60 2 105	86 300 386	10,000 10,000	\$200,000.00	\$1,054.00 \$1,161.63 \$1.20	\$90,644.00 \$348,489.00 \$12,000.00 \$451,133.00	\$233,012.58	\$603.66	\$59.10
TND Development (15% Premium)	Residential Commercial	105	311	150,000	\$215,000.00 \$175/sf	\$1,133.39 \$2.33	\$352,484.29 \$349,500.00 \$701,984.29	\$362,578.60	\$1,165.85	\$621.29



MEMORANDUM

TO: Natural Resources Committee of Beaufort County Council
FROM: Anthony Criscitiello, Beaufort County Planning Director
DATE: December 29, 2009
RE: Traditional Neighborhood Development (TND) Ordinance

EXCERPT OF NATURAL RESOURCES COMMITTEE RECOMMENDATION from its November 2, 2009, meeting minutes:

ATTENDANCE

Natural Resources Committee Members: Vice Chairman Jerry Stewart and members Steven Baer, Gerald Dawson, Brian Flewelling, William McBride, and Stu Rodman present. Chairman Paul Sommerville absent.

County Staff: Tony Criscitiello, Division Director – Planning and Development; Brian Herman, Planning; Suzanne Larson, Public Information Officer and Robert Merchant, Long-Range Planner.

Public: Joe Croley, Hilton Head Association of Realtors; and Glenn Stanford, Conservation Consulting Company.

Media: Richard Brooks, *Bluffton Today*

Committee Vice Chairman Jerry Stewart chaired the meeting.

Discussion: Mr. Tony Criscitiello, Division Director – Planning and Development, reviewed this item with the Committee. The purpose of the Traditional Neighborhood Development (TND) option is to support the development of human scale, walkable communities where residences, business and commercial uses are within walking distance of one another. This type of development is prescribed in the Neighborhood Mixed-Use and Urban Mixed-Use future land use districts in the Land Use chapter of the County's Comprehensive Plan. The TND option will replace the Community Use option in the Suburban and Urban Zoning Districts. The Community Use option will be eliminated in Rural.

When Beaufort County adopted its current ZDSO in 1999, the County eliminated its planned unit development (PUD) ordinance and replaced it with Article XI, which provided several options for the creation of large, mixed-use, master-planned developments. Unlike the PUD, which promotes flexibility in design, the Community Use option has very specific requirements for the mix of uses and building types and requires a large portion of the total site area to be set aside for

open space (e.g. 85% in rural and 45% in suburban). The Community Use option also requires a minimum site area of 200 acres in rural and suburban. It is likely that the restrictive nature of the Community Use option coupled with the fact that the County adopted a new PUD ordinance in 2003, that the Community Use option has never been used.

The TND option is meant to be an interim step. The Beaufort County Planning Department is at the beginning stages of developing a form-based code that will prescribe the same type or development as the TND, only in a much more comprehensive, county-wide approach.

On October 5, 2009, the Planning Commission moved to approve the Text Amendments to the Beaufort County ZDSO that replaces all the Community Options with a Traditional Neighborhood Development Option: Article V, Division 1, Table 106-1098 Use Table; Article VI, Division 2, Table 106-1526 Open Space And Density Standards; Article VI, Division 3, Table 106-1556 Lot and Building Standards; Article VI, Division 4, Table 106-1617 Bufferyard and Landscaping Standards; and Article XI, Divisions 1 And 2.

Mr. Robert Merchant, Long-Range Planner, presented the Committee with a PowerPoint Presentation. The purpose of the TND is to support the development of human scale, walkable communities where residences, business and commercial uses are within walking distance of one another. The TND option will replace the Community Use option. The TND option is only available in Suburban and Urban zoning district. The TND is meant to be an interim step until the ZDSO rewrite. General Requirements for TND include the following:

- Site Requirements : Min. 40 ac in Suburban, 20 ac in Urban; on an arterial or major collector or near a public park or school.
- Density : 3 d.u. per ac. in Suburban; 4 ½ d.u. per ac. in Urban
- Open Space : 35% in Suburban; 20% in Urban – Combination of passive and civic open space
- Uses : Mix of land uses and lot sizes are required; Uses indicated as “TND” in use table
- Street Network : Interconnected street network is required; public access to all streets is required; street trees and sidewalks; no gates

TND's are required to have at least two of the first three Neighborhood Zones. Those Zones are as follows:

1. Neighborhood Center – Mixed-use hub within walking distance of the surrounding neighborhood general and edge zones.
2. Neighborhood General – Primarily higher density residential – mixture of housing types and limited non-residential uses.
3. Neighborhood Edge – Low to moderate residential.
4. Neighborhood Reserve. Areas set aside as passive open space

Mr. Merchant presented the Committee with photographs of the different Zones and a diagram that of the Zones.

Mr. Stewart wanted to know if the purpose of doing this is to allow Cherokee Farms a way to develop. Mr. Criscitiello stated this was brought forward as directed by the Chairman of the Zoning Board of Appeals to fix the ordinance which is inoperative. The question originated from the individuals developing Cherokee Farms.

Mr. Stewart stated the Cherokee Farms PUD fell through because of the requirement of the development agreement and them not being willing to adhere to the school capital construction fees. This is a way to circumvent the school capital construction fee issue.

Mr. Criscitiello stated this is a way where they would not have to comply with the school capital construction fee.

Mr. Rodman wanted to know if this has any impact with Daufuskie Island form-based ordinance.

Mr. Brian Herman, Community Planner, stated this is similar to Daufuskie Island traditional design. We are forwarding the plan to the Planning Commission tonight. It is moving forward. Daufuskie would still be an entity on its own. This was not written into the Daufuskie code which is more design specific.

Mr. Stewart wanted to know if this could be adopted by Greenheath and would it be appropriate for what they are trying to accomplish. Mr. Criscitiello stated Greenheath is a PUD. Council would have to do away with the PUD and would go to the local zoning district which is CP where this is not allowed.

Mr. Baer stated on the surface this seems like a good thing, but if it is a vehicle to evade school capital construction fees, it is worrisome.

Mr. Stewart stated we are basically eliminating development fees and making it no longer a mechanism of providing funding in that manner short of going to an impact fee which are not allowed.

Mr. Baer wanted to know if there was any other way to handle the impact it will have on schools. Mr. Criscitiello asked Council why they would want an inoperable part of their zoning code to continue if it is fixable.

Main Motion: It was moved by Mr. Flewelling, seconded by Mr. Rodman, that the Committee recommend Council approve text amendments to the Beaufort County ZDSO that replaces all the Community Options with a Traditional Neighborhood Development Option: Article V, Division 1, Table 106-1098 Use Table; Article VI, Division 2, Table 106-1526 Open Space And Density Standards; Article VI, Division 3, Table 106-1556 Lot and Building Standards; Article VI, Division 4, Table 106-1617 Bufferyard and Landscaping Standards; and Article XI, Divisions 1 and 2.

Motion to amend by addition: It was moved by Mr. Flewelling, seconded by Mr. Rodman, to amend the motion by adding that an economic impact study, relative to the school capital construction fees, be done on this item, before it goes before County Council.

Mr. Stewart stated he would not want to oppose this on the basis of what we are going to do relative to school capital construction for the School District. We are already coming to grips with issues we did not fully understand.

Mr. Baer stated we owe it to the taxpayers to understand the economic burden or advantage we generate.

Mr. McBride stated he will support this item going forward to Council, but will not support approving it at the Council level.

Mr. Dawson stated moving in this direction may be good, but at the same time we should be cautious in undoing development agreements and the collection of school capital construction fees. The County is still growing. We will need additional schools. He will support this issue going forward to Council, but at Council we need to give this careful consideration so that we understand the implications and ramifications as to what this will do for future growth and development.

Mr. Stewart stated since we are waiting for some economic analysis and want to continue this discussion – should we bring this back to the Committee rather than forward to full Council.

Mr. Criscitiello asked for more direction from the Committee. He wanted to know if the Committee wants him to look at strictly the effect of school impact fees as it relates to an implied instance where the impact fee (i.e. Cherokee Farm) takes place, not a full economic analysis of the Cherokee Farm's proposal as it relates to using this option.

Mr. Rodman stated we do not need anything else from Planning but there needs to be a parallel discussion on the school development fees. Whatever comes out of that will be useful information as this piece is moving forward.

Mr. Flewelling stated he was looking at how many properties will be affected, County-wide. How many opportunities to implement an impact fee will be lost because of this?

Mr. Baer stated if this comes to pass, what happens with Cherokee Farms. Also, how does this scale up to the rest of the County.

Mr. Flewelling also inquired as to how many properties we could put the TND on.

Mr. Stewart stated if the answer is that it can be put on all properties without having to have a PUD, then any new school, if we continue with development fees and PUD in the rural part of the County, then we are saying the rural part of the County will support any development fees.

Vote on the motion to amend by addition: The vote was: FOR - Mr. Baer, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, and Mr. Stewart. ABSENT – Mr. Sommerville. The motion passed.

Vote on the amended motion, which is now the main motion, and includes the motion to amend by addition. The vote was: FOR - Mr. Baer, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, and Mr. Stewart. ABSENT – Mr. Sommerville. The motion passed.

Status: This item will be brought back before the Committee, before being forwarded to Council for their approval.

- - - - -
EXCERPT OF PLANNING COMMISSION RECOMMENDATION from its October 5, 2009, meeting minutes:

Mr. Criscitiello noted that the Traditional Neighborhood Development (TND) text amendments are to replace the Community option which has not been used since the adoption of the Planned Unit Development (PUD) ordinance in 2003. He introduced Mr. Rob Merchant who provided a power point presentation on the proposed text amendments that would be used by developers interested in a human scale development with walkable communities where residences, business and commercial uses are included. Mr. Merchant noted several TND requirements—site, density, open space uses and street network. The TND option would have four neighborhood zones that could be used for a mixed-use development.

Discussion included a clarification on the term “pedestrian shed”, concern for the maintenance of the open space, the size of a commercial center in a subdivision being market driven, kudos for promoting walkable communities, comparing TNDs to PUDs, TNDs bypassing the political process and the school impact fee requirement that are required for PUDs, the availability to use TNDs only in suburban and urban zoning districts, concern whether TNDs have been discussed/accepted by the municipalities’ elected officials and planning staff, TNDs being a segway for the form-based code, the rationale for the 45-foot maximum height level, limiting the height to zones for commercial and residential combinations, and an affirmation that all adult uses are not allowed in TNDs.

Public Comment: Mr. Garrett Budds of Coastal Conservation League said the Commission has brought up all the points he would have addressed. The TND is a much more sustainable development model. This tool addresses neighborhood design in conjunction with the development pattern so that water quality improvements can be achieved. The functionality will be activated as we see more of these communities adjacent to each other. He does support the TND text amendments.

Motion: Mr. Petit made a motion and Mr. Sutler seconded the motion, to **forward a recommendation of approval** to County Council on the Text Amendments to the Beaufort County Zoning and Development Standards Ordinance (ZDSO) that replaces all the Community Options with a Traditional Neighborhood Development Option:

- Article V, Division 1, Table 106-1098 Use Table
- Article VI, Division 2, Table 106-1526 Open Space and Density Standards
- Article VI, Division 3, Table 106-1556 Lot and Building Standards
- Article VI, Division 4, Table 106-1617 Bufferyard and Landscaping Standards

- Article XI, Divisions 1 and 2.

The motion was **carried unanimously** (9-0; FOR: Diane Chmelik, Jim Hicks, Mary LeGree, Frank Mullen, Ronald Petit, Edward Riley III, Robert Semmler, E. Parker Sutler and John Thomas).

STAFF REPORT:

Please find attached proposed revisions to the Zoning and Development Standards Ordinance (ZDSO) to adopt a Traditional Neighborhood Development (TND) option. The purpose of the TND option is to support the development of human scale, walkable communities where residences, business and commercial uses are within walking distance of one another. This type of development is prescribed in the Neighborhood Mixed-Use and Urban Mixed-Use future land use districts in the Land Use chapter of the County's Comprehensive Plan. The TND option will replace the Community Use option in the Suburban and Urban Zoning Districts. The Community Use option will be eliminated in Rural.

When Beaufort County adopted its current ZDSO in 1999, the County eliminated its planned unit development (PUD) ordinance and replaced it with Article XI, which provided several options for the creation of large, mixed-use, master-planned developments. Unlike the PUD, which promotes flexibility in design, the Community Use option has very specific requirements for the mix of uses and building types and requires a large portion of the total site area to be set aside for open space (e.g. 85% in rural and 45% in suburban). The Community Use option also requires a minimum site area of 200 acres in rural and suburban. It is likely that the restrictive nature of the Community Use option coupled with the fact that the County adopted a new PUD ordinance in 2003, that the Community Use option has never been used.

The TND option is meant to be an interim step. The Beaufort County Planning Department is at the beginning stages of developing a form-based code that will prescribe the same type of development as the TND, only in a much more comprehensive, county-wide approach.

ARTICLE XI. COMMUNITY USE AND NONRESIDENTIAL DESIGN

DIVISION 1. GENERALLY

Sec. 106-2346. Purpose.

(a) This article addresses the design standards to be applied to Traditional Neighborhoods Developments, Planned and Multi-Family Communities, Manufactured Home Communities, and nonresidential developments, and Planned Unit Developments. It also provides regulations to ensure the quality of development and prevent monotony. These ~~community~~ development options require special design controls if they are to be successful. In traditional communities and neighborhoods around the nation, as well as in the county, buildings were built incrementally in small numbers so blocks developed over an extended period. The result is a great diversity in scale, style, and detail.

(b) All nonexempt development occurring along or requiring access from the following county highways: U.S. 278, S.C. 170, S.C. 46, S-163, Bluffton Parkway, Buckwalter Parkway, U.S. 21, U.S. 17, S.C. 802, S.C. 280, S.C. 21, and S.C. 116, shall require approval from the appropriate corridor review board, before consideration by the DRT. Refer to subdivision VI of division 2 of article II of this chapter and division 5 of article III of this chapter for additional guidelines and procedures for these reviews.

Secs. 106-2347--106-2375. Reserved.

~~DIVISION 2. COMMUNITY USE DESIGN AND STANDARDS~~ TRADITIONAL NEIGHBORHOOD DEVELOPMENTS

[Note: Division 2 is replaced in its entirety]

Sec. 106-2376. Purpose

The purpose of the Traditional Neighborhood Development option is to support the development of human scale, walkable communities where residences, business and commercial uses are within walking distance of one another. These can range from moderate infill or redevelopment projects located in already-developed areas and relying on adjacent land uses, to larger new towns complete within their own village centers and hundreds of acres of mixed housing types. Buildings within these communities can vary as well, from neighborhoods consisting primarily of single-family attached and detached dwellings, to mixed use centers, complete with integrated retail, civic, office and residential uses, including live-work units, and housing units located on top of shops.

The various uses are connected and unified by a network of streets providing a pedestrian and bicycle-friendly environment. Within this street network on-street parking is provided as a traffic-calming and pedestrian-safety device, while street trees and sidewalks create a pleasant and safe walking environment. The pedestrian-oriented nature of the district is reinforced by human-scaled buildings that relate to the street, provide safe pedestrian access, and create a distinct district identity. In addition, the master planned nature of this district allows building

setbacks to be reduced from conventional standards as part of a carefully programmed and cohesive design.

This district also supports the preservation of environmentally and historically sensitive or significant sites and the incorporation of a variety of open space, civic space, and recreational amenities into new development. Traditional neighborhood developments require specific design controls if they are to be successful. In traditional neighborhoods around the nation, as well as in the county, buildings were built incrementally in small numbers so blocks developed over an extended period. The result is a great diversity in scale, style, and detail.

Sec. 106-2377. Definitions

(a) *Bungalow Court*. Bungalow courts consist of between 6 and 10 single story or 1-½ story differentiated semi-detached units grouped around a shared pedestrian courtyard. The courtyard must be entered from the street through some form of gateway and be of sufficient size to create a hierarchical transition from the public street to the semi-private courtyard, and then to the individual bungalow.

(b) *Community Garden*. Green spaces that are communally cultivated and tended for the purpose of providing produce, a gardening experience, and/or education to residents of the surrounding community. A community garden may be divided into individual plots or tended in a communal fashion.

(c) *Green Finger*. Reserve areas along a natural feature such as a stream, vegetation, or topographic feature that extend into developed residential and commercial areas of the traditional neighborhood development.

(d) *Live/Work Unit*. An attached building type with a small home business on the ground floor that is owned and operated by the resident of the residential unit above.

(e) *Pedestrian Shed*. The pedestrian shed is the area that is within a 5 minute walk of an activity center such as a park, civic building or commercial center. A five minute walk or ¼ mile represents the distance most people are willing to walk to get to the center.

(f) *Town Cottage*. A Town Cottage is an urban detached single-family dwelling on a small lot that is potentially shared by one or more ancillary buildings. Because of the urban condition, there are no minimum front or side setbacks. Garages and/or surface parking shall be provided in the rear yard or ground level and accessed from an alley if possible. Town Cottages are only permitted in the Neighborhood Center.

Sec. 106-2378. General Requirements

(a) *Minimum Site Area*. Traditional Neighborhood Developments that are zoned Suburban must have a minimum site area of 40 acres, while those that are zoned Urban must have a minimum site area of 20 acres.

(b) *Location Requirements*. Traditional Neighborhood Developments shall meet at least one of the following locational standards:

- (1) The site must have direct access to an existing arterial or major collector roadway.
- (2) The site must be within ¼ mile of public park or school.

(c) *Mix of Neighborhood Zones.* Traditional Neighborhood Developments are required to have a minimum of two of the following three Neighborhood Zones – Neighborhood Center, Neighborhood General, and Neighborhood Edge.

(d) *Pedestrian Shed.* Where environmental conditions, site size and shape permits, all structures should be situated within ¼ miles of an activity center such as a park, civic building or commercial center.

(e) *Mix of Land Uses and Lot Sizes.* There shall be a variety of housing types in the overall development: single-family detached of various sizes; single-family attached; and multifamily dwellings. While multifamily is permitted, the majority of multifamily units are expected to occur in mixed-use structures or in multifamily housing structures designed to appear to be large, single-family structures.

(f) *Interconnected Street Network.* Where environmental conditions, site size and shape permits, the site should be developed using an interconnected network of streets with public access that form appropriate size blocks that are no longer than 600' between any two intersections.

(g) *Public Access to All Streets.* All streets shall have no gates or any other fixture that prevents general public access to the streets.

(h) *Direct Frontage on Arterials and Major Collectors.* Where it is deemed essential to the successful development of the community, the DRT may approve frontage on an existing arterial or major collector. However, no typical strip commercial uses will be permitted and development shall adhere to the requirements established in this section and the design guidelines that are adopted with the final approval of the Traditional Neighborhood Development.

(i) *Conceptual Plan Submission.* The Conceptual Plan submission shall include the following:

- (1) A regulating plan consisting of one or more maps showing the following, in compliance with the standards described in this article:
 - a. Location of Neighborhood Zones (Edge, General, Center, and Preserve)
 - b. Mix of uses
 - c. Location, types and sizes of open spaces
 - d. Thoroughfare Network including location of sidewalks and pathways.
- (2) Preliminary design guidelines that assure a cohesiveness of the vernacular and style typical of the Lowcountry (final design guidelines are submitted with the final plan submission).

Sec. 106-2379. Neighborhood Zones

Each Traditional Neighborhood Development may consist of the following Neighborhood Zones: Neighborhood Center, Neighborhood General, Neighborhood Edge; and Neighborhood Reserve.

(a) *Neighborhood Center.* This is a social, mixed-use hub within walking distance of the surrounding neighborhood general and edge zones. Housing is in more dense rearyard and sideyard buildings, often combining upper floor residential with ground floor commercial. All buildings are served by alleys. Thoroughfares typically are streets and avenues with parallel parking on both sides. Open Space is organized into parks and squares. Traditional Neighborhood Developments are required to limit commercial development to the Neighborhood Center. Such areas shall be designated in the concept plan. The county may require phasing of the development to ensure the commercial area is produced. The following shall govern commercial development:

- (1) Commercial uses in the neighborhood center shall be limited to the uses in the Urban Zoning District in Table 106-1098 of this chapter of the ZDSO.
- (2) The build-to setback for commercial buildings shall be from zero to 8 feet. The build-to line shall be specifically approved in the concept plan for the design and landscaping of the community center area.
- (3) Drive-in uses are prohibited, except where they are accessed via a rear alley.
- (4) The total area of commercial uses in the neighborhood center area shall be in proportion to accepted planning standards, allowing for excellence in project design.
- (5) The vehicular access to units shall be via alleys. This permits the rather narrow building fronts to be free from driveways and garage doors.

(b) *Neighborhood General.* This is the most widespread urban fabric, with a mixture of housing types and limited non-residential uses. Housing is typically in rearyard, sideyard, and all yard buildings, with accessory structures at the rear. The thoroughfares are streets or roads with or without curb, and parallel parking. Open space is organized into parks and playgrounds.

- (1) Non-residential uses in the neighborhood general shall be limited to the following:
 - a. Home occupational use on the ground floor as long as the activity is that of the property owner and the property owner is in residence in the dwelling. Home occupational uses shall follow the standards set forth in this chapter.
 - b. Home business use in an accessory structure as set forth in this chapter.
 - c. Institutional uses, such as churches and schools.
- (2) The vehicular access to units shall be via alleys.

(c) *Neighborhood Edge*. This is a residential fabric with low to moderate density. Housing is exclusively in all yard or sideyard buildings. Non residential uses are limited to home occupational use and special recreational or civic uses, relating to adjacent forests or waterfront. Home occupational uses shall follow the same standards as the neighborhood general zone set forth in this section. The thoroughfares are roads with soft edges and no curbs. Periodic parking is accommodated on the roadside.

(d) *Neighborhood Reserve*. The Neighborhood Reserve consists of all areas within the traditional neighborhood development that are set aside as passive open space including lands delineated to meet the protected resource requirements of Section 106-1782 and the bufferyard requirements in Section 106-1617. The neighborhood reserve shall be counted as part of the minimum open space required by table 106-1526.

- (1) With the exception of green fingers and community gardens, the neighborhood reserve should be situated generally outside of the pedestrian sheds established in the traditional neighborhood development.
- (2) To the greatest extent feasible, the neighborhood reserve should consist of a continuous network of contiguous open space, buffers and preserved lands within the traditional neighborhood development.
- (3) Where there are natural features and preserved lands located on abutting properties to the traditional neighborhood development, the neighborhood reserve shall adjoin these features.
- (4) Agricultural uses, community farms and community gardens are permitted within the Neighborhood Reserve with the following restrictions.
 - a. Habitable structures, bed and breakfasts, other commercial structures and parking areas that are part of a community farmstead are not permitted within the neighborhood reserve. Community farmsteads shall be situated so that these structures are located in an adjoining Neighborhood Edge or Neighborhood General zone.
 - b. Agricultural structures such as barns, coops, storage sheds, and education facilities are permitted within the neighborhood reserve.
- (5) Uses and development standards within the neighborhood reserve shall meet the requirements of Article VII, Division 4.

Table 106-2379: Lot and Building Standards for Neighborhood Zones

Development Type	Lot Area	Lot Width	Street Yard	Side Yard	Building Spacing	Rear Yard	Maximum Height*	Maximum Side Load Garage Setback	Minimum Garage Rear Setback	Minimum Garage Side Setback	Range in % in Width along frontage	Minimum Front Porch Depth	Minimum Front Porch % of Façade	Minimum First Floor Height above Grade
NEIGHBORHOOD CENTER														
Single Family														
Town Cottage	864	18	0/8 maximum	0	0	5	45		5		50%	8	20%	29 inches
Bungalow Court House	1500	30	6/24 maximum	3	6	5	45		5		50%-80%	8	30%	29 inches
Single Family Attached														
Townhouse	864	18	0/8 maximum	0	0	5	45		5		50%	8/3 for balconies	20%	29 inches
Multi-Family														
Duplex	4800	48	0/8 maximum	3	6	5	45		5		50%-80%	8/3 for balconies	30%	29 inches
Multiplex	4800	48	0/8 maximum	3	6	5	45		5		50%-80%	8/3 for balconies	30%	29 inches
Apartment	4800	48	0/8 maximum	3	6	5	45		5		50%-80%	8/3 for balconies	30%	29 inches
Commercial														
Live-Work	864	18	0/8 maximum	0	0	5	45		5		50%	8/3 for balconies	20%	0
Shopfront	864	18	0/8 maximum	0	0	5	45		5		50%	8/3 for balconies	20%	0
Institutional/ Civic			0/8 maximum	0	0	5	45				50%			0

*Height is measured from grade to average height of the highest roof surface

Table 106-2379: Lot and Building Standards for Neighborhood Zones (continued)

Development Type	Lot Area	Lot Width	Street Yard	Side Yard	Building Spacing	Rear Yard	Maximum Height*	Maximum Side Load Garage Setback	Minimum Garage Rear Setback	Minimum Garage Side Setback	Range in % in Width along frontage	Minimum Front Porch Depth	Minimum Front Porch % of Façade	Minimum First Floor Height above Grade
NEIGHBORHOOD GENERAL														
Single Family														
Single Family Detached	4800	48	6/24 maximum	3/shall total 12	6	24	45		5		50%-80%	8	30%	29 inches
Bungalow Court House	1500	30	6/24 maximum	3	6	5	45		5		50%-80%	8	30%	29 inches
Multi-Family														
Duplex	4800	48	6/24 maximum	3/shall total 12	6	24	45		5		50%-80%	8	30%	29 inches
Commercial														
Institutional/Civic			6/24 maximum	3			45							29 inches
Live-Work	864	18	0/8 maximum	0	0	5	45		5		50%	8/3 for balconies	20%	0
NEIGHBORHOOD EDGE														
Single Family														
Single Family Detached	6000	60	18	12		24	45	24	5	3	40%	8	40%	36 inches
Commercial														
Institutional/Civic			18	12			45				40%			

*Height is measured from grade to average height of the highest roof surface

Figure 106-2379(a): Neighborhood Center Lot and Building Standards

NEIGHBORHOOD CENTER	
Town Cottage	
Bungalow Court House	
Attached Townhouse Commercial Shopfront • Commercial Live-Work	

Figure 106-2379(a): Neighborhood Center Lot and Building Standards (continued)

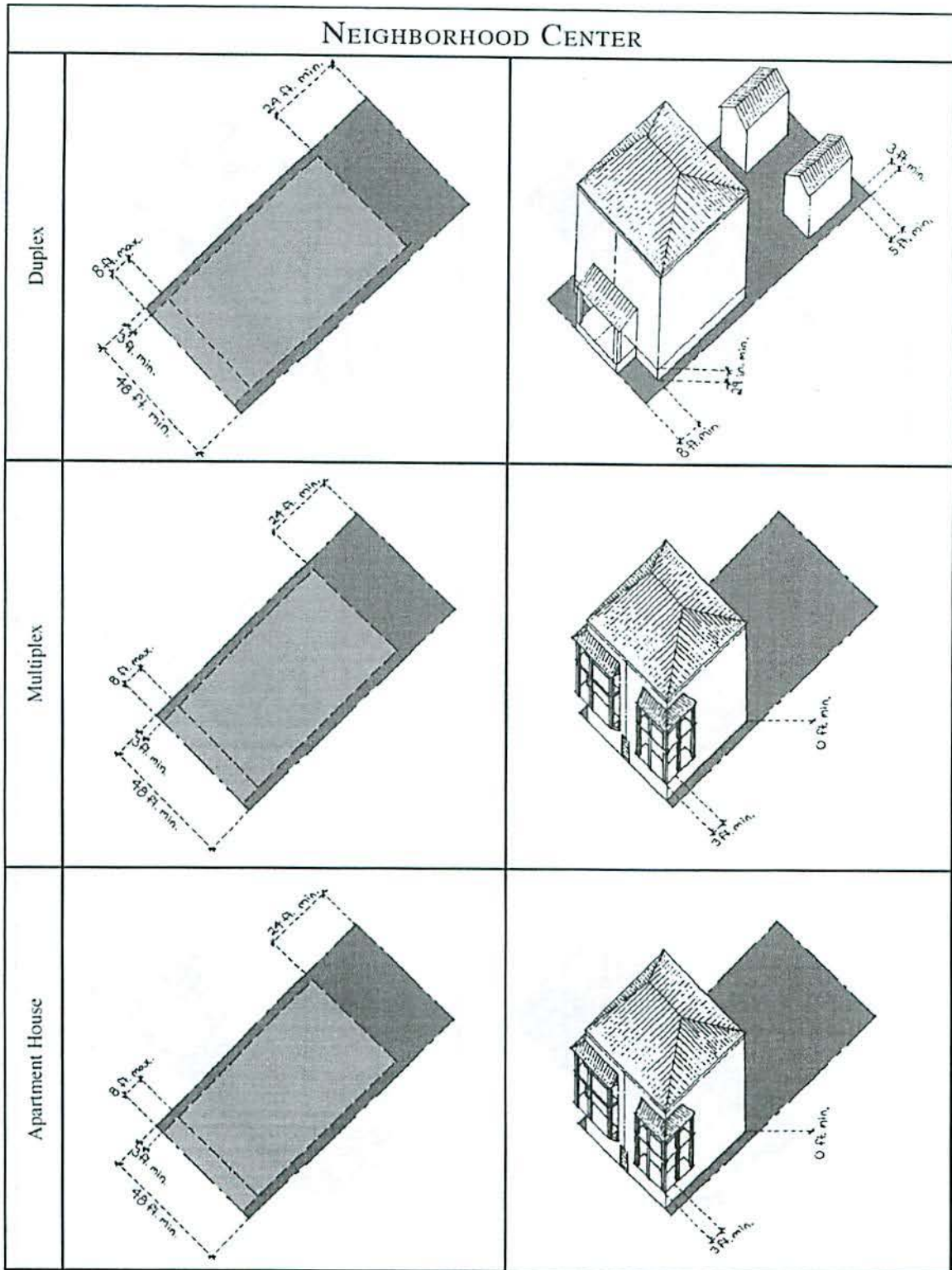
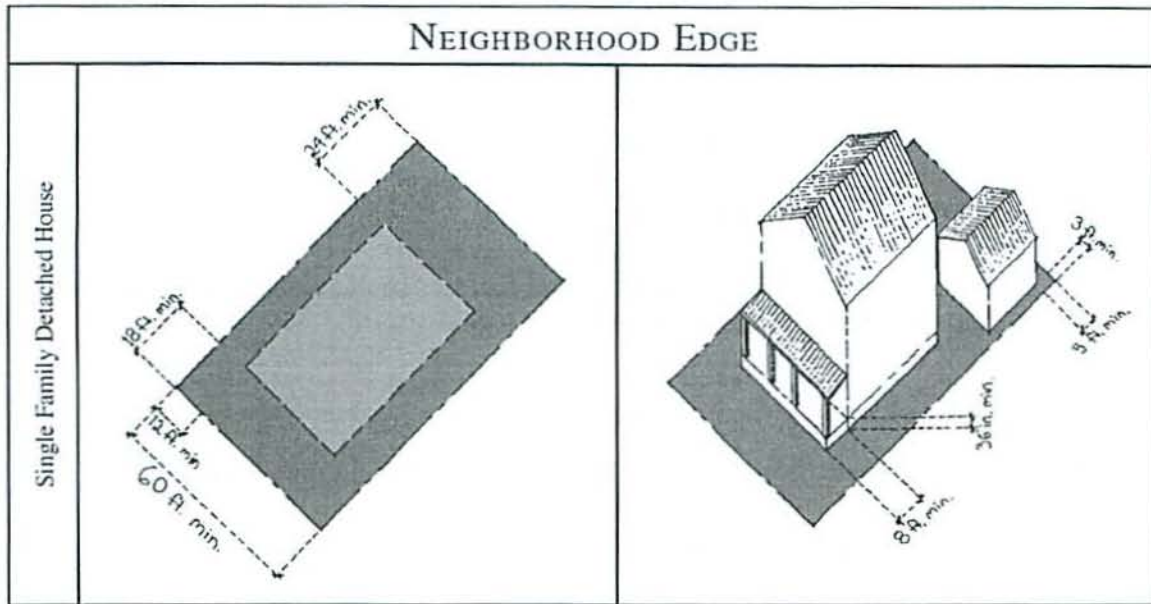


Figure 106-2379(b): Neighborhood General Lot and Building Standards

NEIGHBORHOOD GENERAL	
Single Family Detached House	
Bungalow Court House	
Duplex	

Figure 106-2379(c): Neighborhood Edge Lot and Building Standards



(e) *Development Standards Applicable to All Neighborhood Zones:*

(1) *Principal Building and Yard.*

- a. Stoops, balconies, porches, and bay windows may encroach within front and corner side setbacks. Balconies and Arcades may encroach within the right-of-way the width of the sidewalk only in the Neighborhood Center zone.
- b. Double frontage buildings shall have the required front setback along both frontages unless otherwise designated on the Regulating Plan.
- c. Buildings shall show 2, 4, or 6, projecting corners to frontage, but no more than 6.
- d. Attached buildings on corner lots may move required front setback forward or backward a maximum of 6'.
- e. Fences, garden walls, and hedges may be built on property lines or as a continuation of building walls.

(2) *Principal Building Height.*

- a. Within the Traditional Neighborhood Development, building height is measured from grade to average height of the highest roof surface.
- b. Residential ground floors shall have a minimum height of 9'. Commercial ground floors shall have a minimum height of 12'.

- c. Structures such as, but not limited to, observation towers shall be allowed to reach an accessible height of 60 feet if all of the following conditions are met:
 - 1. Structure is constructed on other than residential lot.
 - 2. Structure with a footprint of 250 square feet or less.
 - 3. Structure that is uninhabitable.
 - 4. Structure meets conditions for construction stated by Beaufort County building codes and local fire officials.
- d. Church steeples and other architectural features shall be allowed to reach a height of 100 feet from finished grade.

(3) *Accessory Structures.*

- a. Accessory structures shall have a maximum of 625 habitable square feet.
- b. Maximum building height shall be 22', measured from grade to eave.
- c. Home occupational uses are permitted within an accessory structure if the activity is that of the property owner and the property owner is in residence in the primary dwelling. Accessory units cannot be rented to businesses.
- d. Only one habitable accessory structure with a kitchen permitted per residential lot.
- e. Accessory Dwelling Units shall follow the standards set forth in Sec. 106-1188.

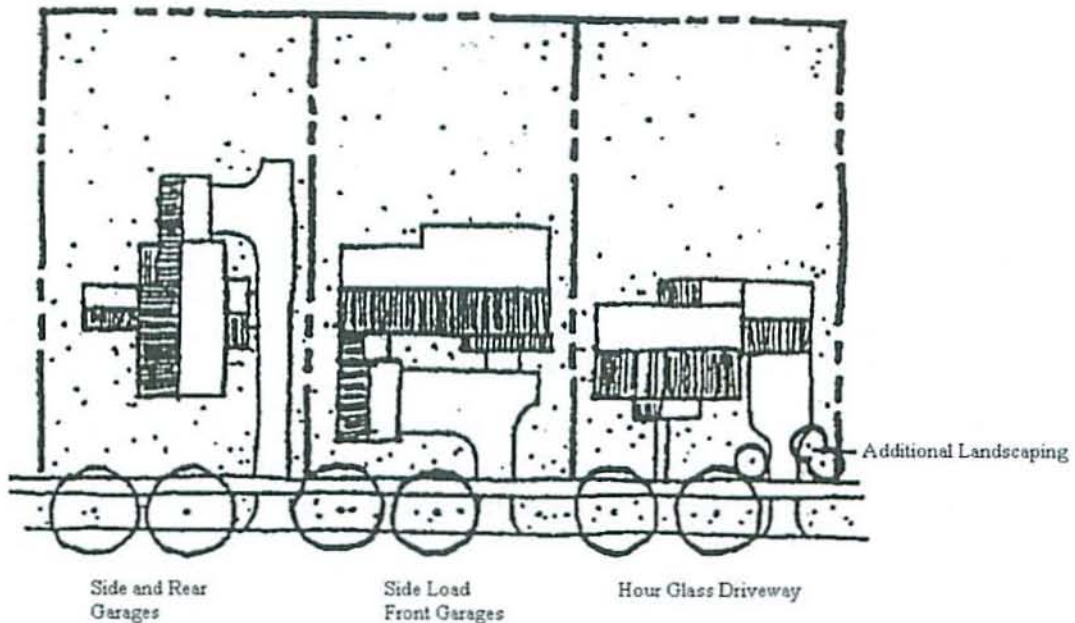
(4) *Garages.* Front loaded garages are permitted on lots with widths of 50' or greater, and the following shall be used to reduce the impact of drives and garages (figure 106-2378(b)):

- a. Garages shall be recessed from the primary building façade a minimum of 20' with a drive of no more than ten feet in width providing access and may include pervious medians.
- b. Side load front garages shall be used on at least 40 percent of lots where the garage is not to the rear of the lot.

(5) *Live Work Units.*

- a. Uses within the live work units are limited to those uses that are permitted in the Neighborhood Zone in which the unit is located.
- b. In the Neighborhood Center Zone, where there is a mix of residential and non-residential uses in a live-work Unit, residential uses are limited to the second, third and fourth floors.
- c. In the Neighborhood General Zone, non-residential uses are limited to the first floor.

Figure 106-2379(e) VEHICULAR GARAGE ACCESS



(6) *Parking.*

- a. Parking shall be 2 per principal dwelling unit; 1 per apartment unit; and 1 per every 400 square feet of commercial use.
- b. Required parking shall include on street parking along the frontage.
- c. Required parking in the Neighborhood Center shall include mid-block parking, on street parking, and private parking as long as the parking spaces are within 700' of the intended use.

- (7) *Lot and Building Standards Applicable to All Neighborhood Zones.* Housing types used in traditional neighborhood developments are contained in table 106-2379. Housing types and lot configurations are illustrated in figures 106-2379(a), 106-2379(b), and 106-2379(c).

Sec. 106-2380. Civic Open Space

Each Neighborhood Zone shall assign at least 5% of its area to appropriate types of civic open spaces. Civic open space shall be counted as part of the minimum open space required by table 106-1526. Formal activity areas are encouraged to be built into open spaces. These include fountains, formal gardens and sitting areas, gazebos or similar facilities. These should serve the residents and provide a sense of identity to the various open spaces. The concept plan and preliminary plan shall provide increasing detail on the types of structures to be provided. Six

types of civic open spaces – parks, boulevards, greens, squares, plazas, playgrounds – are permitted and shall conform to the following standards:

- (1) *Parks.* Park areas shall be designed to provide a range of unstructured recreational opportunities for the development's residents. A park may be independent of surrounding building frontages. Its landscape shall consist of paths and trails, meadows, water bodies, woodland and open shelters, all naturalistically disposed. Parks may be lineal, following the trajectories of natural corridors. The minimum size shall be ½ acres. Golf courses may be counted toward park space; however, fairways must be deleted from reserve area calculations.
- (2) *Boulevards.* A divided street with a reserve area in the center is considered a boulevard. In order to qualify as civic open space, the median shall be at least 20 feet wide feet, with a minimum area of 5,000 square feet. Such areas shall be designed to permit passive or active recreational use by the community where appropriate.
- (3) *Greens.* Greens are smaller reserve areas available for unstructured recreation. A green may be spatially defined by landscaping or building frontages. Its landscape shall consist of lawn and trees, naturalistically disposed. The minimum size shall be ½ acre and the maximum shall be 8 acres.
- (4) *Squares.* Squares are a reserve area available for unstructured recreation and civic purposes. A square is spatially defined by building frontages. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important thoroughfares. The minimum size shall be ¼ acre and the maximum shall be 5 acres.
- (5) *Plazas.* Plazas are a reserve area available for civic purposes and commercial activities. A plaza shall be spatially defined by building frontages. Its landscape shall consist primarily of hardscaping. Trees are optional but encouraged. Plazas should be located at the intersection of important streets. The minimum size shall be ¼ acre and the maximum shall be 2 acres.
- (6) *Playgrounds.* Playgrounds are a reserve area designed and equipped for the recreation of children. A playground should be fenced and may include an open shelter. Playgrounds shall be interspersed within residential areas and may be placed within a block. Playgrounds may be included within parks and greens. There shall be no minimum or maximum size.

Sec. 106-2381. Traditional Neighborhood Thoroughfare Standards

(a) *General Standards.*

- (1) Thoroughfares are intended for use by vehicular and pedestrian traffic and to provide access to lots and Community Reserve Areas.
- (2) Thoroughfares shall generally consist of vehicular lanes and public frontages.

- (3) Thoroughfares shall be designed in context with the urban form and desired design speed of the Neighborhood Zones through which they pass. The public frontages of thoroughfares that pass from one Neighborhood Zone to another shall be adjusted accordingly or, alternatively, the Neighborhood Zone may follow the alignment of the thoroughfare to the depth of one lot, retaining a single public frontage throughout its trajectory.
- (4) Within the most rural zones (Neighborhood Edge), pedestrian comfort shall be secondary consideration of the thoroughfare. Design conflict between vehicular and pedestrian generally shall be decided in favor of the vehicle. Within the more urban Neighborhood Zones (Neighborhood General and Neighborhood Center), pedestrian comfort shall be a primary consideration of the thoroughfare. Design conflict between vehicular and pedestrian movement generally shall be decided in favor of the pedestrian.
- (5) The thoroughfare network shall be designed to define blocks not exceeding the sizes set forth in this chapter. The perimeter shall be measured as the sum of lot frontage lines. Block perimeter at the edge of the development parcel shall be subject to approval by the DRT.
- (6) All thoroughfares shall terminate at other thoroughfares, forming a network. Internal thoroughfares shall connect wherever possible to those on adjacent sites. Cul-de-sacs shall be subject to approval by the DRT to accommodate specific site conditions only.
- (7) No more than 20 % of lots within any neighborhood zone shall front a passage or a shared pedestrian courtyard (bungalow court).
- (8) Curbless thoroughfares that do not have on-street parallel parking shall have a minimum asphalt width of 18' with 1' of stabilized shoulder on each side to meet emergency access standards. This standard also applies to curbless one-way thoroughfares with on-street parallel parking on one side.

(b) *Vehicular Lanes.* Thoroughfares may include vehicular lanes in a variety of widths for parked and for moving vehicles, including bicycles. The standards for vehicular lanes shall be as shown in Table 106-2381.

(c) *Thoroughfare Landscaping Standards.* The following landscaping standards apply to street trees, lawns, and other landscaping within the rights-of-way of thoroughfares within the traditional neighborhood development. Landscaping shall meet the requirements prescribed in Table 106-2381. Tree spacing may be adjusted by the DRT to accommodate specific site conditions.

(1) *Neighborhood Edge.*

- a. Landscaping shall include trees of various species, naturalistically clustered, as well as understory.
- b. The introduced landscape shall consist primarily of native species requiring minimal irrigation, fertilization and maintenance. Lawns should be minimal.

Table 106-2381: Thoroughfare Standards

Thoroughfare Type	Neighborhood Zones	Design Speed	Right of Way Width	Pavement Width (from face of curb)	Traffic Flow / Lane Width	No. of Parking Lanes	Curb Type	Curb Radius	Planter Width	Planter Type	Sidewalks	Sidewalk Width
Commercial Street A	Center	20-25 MPH	68'	36'	Two-way / 10'	2	Raised Vertical	10' max	5'	Individual Tree Wells	Both Sides	16'
Commercial Street B	Center	20-25 MPH	60'	36'	Two-way / 10'	2	Raised Vertical	10' max	5'	Individual Tree Wells	Both Sides	12'
Commercial Drive	Center	20 MPH	40' (each way)	18'	One-way / 10'	1	Raised Vertical / Swale	10' max at curb / 25' max at swale	5' at curb	Individual Tree Well	One side	12'
Street	Center	20 MPH	50'	28'	Two-way / 10'	1	Raised Vertical	10' max	5'	Individual Tree Well or Continuous	Both sides	5'-11'
Residential Street A	Center and General	20 MPH	50'	26'	Two-way / 9'	1	Raised Vertical	15' max	7'	Continuous	Both sides	5'
Residential Street B	General	20 MPH	40'	18'	Two-way / 9'	0	Swale	15' max	6'	Continuous	Both sides	5'
Urban Drive	Center and General	20 MPH	48'	26'	Two-way / 9'	1	Raised Vertical / Swale	15' max at curb / 25' max at swale	5' at curb	Individual Tree Grate	One side	12'
Residential Drive	Center, General, Edge	20 MPH	40'	18'	One-way / 10'	1	Raised Vertical / Swale	15' max at curb / 25' max at swale	7' at curb	Continuous	One Side	5'
Residential Road A	General and Edge	20-25 MPH	50'	18'	Two-way / 9'	0	Swale	25' max	11' both sides	Continuous	One Side	5'
Residential Road B	Edge	20-25 MPH	40'	18'	Two-way / 9'	0	Swale	25' max	6'-16' both	Continuous	Walking Path Optional	5'-8'
Rear Alley	Center, General, and Edge	NA	24'	12' pervious material	One-Way Yield / 12'	0	Swale	15' max	NA	NA	NA	NA
Pedestrian Passage	Center, General, and Edge	NA	12'	varies	NA	NA	NA	NA	3' minimum	Continuous	NA	Varies

(2) *Neighborhood General.* Landscaping shall include trees planted in a regularly-spaced allee pattern of single or alternated species with shade canopies of a height that, at maturity, clears at least one story.

(3) *Neighborhood Center.*

- a. Landscaping shall include trees planted in a regularly-spaced, allee pattern of single species with shade canopies of a height that, at maturity, clears at least one story. At retail frontages, the spacing of the trees may be irregular, to avoid visually obscuring the shopfronts.
- b. Streets with a right-of-way width of 40 feet or less shall be exempt from the tree requirement.

DIVISION 3. LOT AND BUILDING STANDARDS FOR PLANNED, ~~COMMUNITY~~ USE AND MULTIFAMILY HOUSING DEVELOPMENTS

Sec. 106-2406. Scope.

Housing types used in planned ~~and community~~ developments or multifamily housing are contained in table 106-2406. Housing types and lot configurations are illustrated in figure 106-2406. The requirements for a mix of dwelling units are contained in table 106-2408. The following explanations describe the columns for table 106-2406; see sections 106-13 through 106-18 for the full and complete definitions of these terms.

TABLE 106-2406. LOT AND BUILDING STANDARDS FOR PLANNED, ~~COMMUNITY~~ AND MULTIFAMILY HOUSING DEVELOPMENTS

Sec. 106-2408. Dwelling unit mix requirements.

All planned ~~and community~~ developments shall meet the mix requirements (table 106-2408) regarding the number of different dwelling unit types that must be provided. The mix provides a variety of housing types to meet all residents' needs. If the development is to be phased, each phase shall contain a share of the largest unit types generally proportional to the percentage of the total dwelling units. Where more unit types are provided than required, the developer may determine the percentage of those types to be provided.

TABLE 106-2408. DWELLING UNIT MIX REQUIREMENTS FOR PLANNED ~~AND COMMUNITY~~ DEVELOPMENTS

ARTICLE V. USE REGULATIONS

DIVISION 1. GENERALLY

Sec. 106-1097. Uses generally.

(a) All land uses or structures shall be permitted in zoning districts only as indicated in this division. All uses are subject to ZDA or DRT approval except placement of a single-family house on a single lot, which is subject to all applicable county building codes. Prohibited uses in any district shall not be permitted. The following symbols are used in table 106-1098:

(1) "Y" indicates a permitted use, where the use is permitted as a matter of right subject to all performance standards.

(2) "N" indicates a prohibited use.

(3) "L" indicates a use whose permission is limited, depending on locational, design, or other criteria of division 2 of this article being met for the proposed site. Not all properties may meet these requirements, thus limiting the sites upon which the use may be built.

~~(4) "LC" designates a limited use that is permitted only in one of the residential community use options, meeting all other criteria of division 2 of this article and community design standards in division 2 of article XI of this chapter.~~

(4) "TND" designates a limited use that is permitted only in the Traditional Neighborhood Development option, meeting all other criteria of division 2 of this article and the standards in division 2 of article XI of this chapter.

(5) "S" indicates a use permitted only if a special use permit is approved by the zoning board of appeals per subdivision IV of division 3 of article III of this chapter. The use must conform to the locational, design, or other conditions of division 2 of this article. Not all properties may meet these requirements, thus limiting the sites upon which the use may be built.

(b) Military (M) district permissions are not included since regulation of these lands is not under the jurisdiction of the county.

Sec. 106-1098. Use table.

According to generalized land uses, table 106-1098 lists the type of use permission in each district, as well as definitions for each use listed. References for additional limited and special use standards are also contained in this table and are detailed in division 2 of this article. Should a use not be identified in sections 106-13 through 106-18 or table 106-1098, refer to division 4 of article III of this chapter pertaining to administrative interpretations. See articles V, VI and VII of this chapter for additional standards.

TABLE 106-1098. GENERAL USE TABLE

[Note: Only those Land Use Categories with Proposed Changes are Shown]

Land Use	Priority Areas							Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC		
AGRICULTURAL USES													
Agriculture	N	L	N	N	N	N	N	Y	Y	Y	S	106-1156	Crop (see below: Clearcutting, #3) and animal production, plant nurseries, tree farms. (NAICS 111, 112)
Forestry	L	L	L	L	L	L	L	L	L	L	S	106-1157	Perpetual management, harvesting and enhancement of forest resources for ultimate sale or use of wood products, requiring replanting, and subject to S.C. Forestry Commission BMPs. (NAICS 113)
Clearcutting	L	L	L	L	L	L	L	L	L	L	S	106-1158	1. Management, harvesting and use of forest or woodland (NAICS 113) for sale or use of wood products, without replanting or regeneration of the tree crop. 2. Clearing, grubbing or other destruction and cutting of ground cover, grading or otherwise moving the topsoil, or burning of the vegetative cover of more than 10,000 sq. ft. of land. Landscaping improvements to private residential properties shall not be considered clearcutting, and shall not require a development permit. 3. Cultivation of any land as an agricultural use, and gardens of less than 10,000 sq. ft. shall not be considered clearcutting, and shall be a permitted use.
Farmstead	N <u>TND</u>	L	N	N	N	N	N	Y	Y	Y	S	106-1159	Residential-agricultural unit in which the land is used for agriculture and residential purposes by the owner/operator of the agricultural operation.
Farmworker housing	N	N	N	N	N	N	N	L	N	N	N	106-1159(a)	Housing located on farmsteads for temporary occupancy during seasonal farming activity. Farmworker housing is exempt from permit requirements. This type of housing may be provided at one unit per 50 acres for the first 100 acres, and one unit per each 100 acres after that.

Land Use	Priority Areas							Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC		
Commercial stables	N TND	S	N	S	N	S	N	L	Y	Y	N	106-1160	Stabling, training, feeding of horses, mules, donkeys, or ponies, or the provision of riding facilities for use other than by the resident of the property, including riding academies. Also includes any structure or place where such animals are kept for riding, driving, or stabling for compensation or incidental to the operation of any club, association, ranch or similar purpose.
Agricultural support services	N	N	Y	Y	N	Y	N	L	Y	Y	N	106-1161	Farm supply services, equipment dealers, grain storage, veterinary uses for agricultural animals and seasonal packing sheds, pet care services. (NAICS 1151, 1152, 49313, 4225, 54194, 812910)
RESIDENTIAL USES													
Single-family detached	Y	Y	N	N	N	N	N	Y	Y	Y	Y	N.A.	Detached dwelling unit intended for only one family. Includes any one-family dwelling unit which complies with the county building code.
Single-family cluster	N	Y	N	N	N	N	N	Y	N	N	Y	N.A.	Two or more single-family detached residential uses in a subdivision, or on an individual lot that include, as part of the subdivision or lot design, significant common open space.
Family compound	N	N	N	N	N	N	N	Y	Y	Y	N	article IX	Form of traditional rural development which provides affordable housing for family members allowing additional family dwelling units on, and/or subdivisions of, a single lot owned by the same family for at least 50 years.
Planned	L	L	N	L	N	N	N	L	N	N	N	106-1186, articles VI and XI	A development that consists of two or more of the following housing types: single-family, single-family lot line, village houses, patio houses, atrium houses, townhouses of several types, duplexes, multiplexes and apartments. Such developments shall be planned as a unit.
Multifamily	L	L	N	L	N	N	N	N	N	N	N	106-1187, articles VI and XI	This use permits duplexes, multiplexes and apartments only.
Commercial apartment	Y	L TND	Y	Y	N	N	N	L N	N	N	N	N.A.	One to four dwelling units located above or to the rear of a nonresidential structure on the same lot.

Land Use	Priority Areas							Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC		
Community--small-scale	N	N	N	N	N	N	N	Y	N	N	N		The details of this use are found in articles VI and XIA form of planned development that is of such scale, extent and design that it creates a community with a mix of residential and nonresidential land uses and a clear sense of identity. Design potential includes small, medium, and large communities depending on the applicable zoning district.
Community--medium-scale	Y	N	N	N	N	N	N	Y	N	N	N		
Community--large-scale	Y	Y	N	N	N	N	N	N	N	N	N		
<u>Traditional Neighborhood Development</u>	L	L	N	N	N	N	N	N	N	N	N	Article XI	
Group home	Y	Y	N	N	N	N	N	Y	Y	Y	N	N.A.	A building that would otherwise be categorized as a single-family home, except for the fact that the number of unrelated individuals living in the unit does not qualify under the definition of family. The operation of a group home shall be self-operating and controlled by the residents in a family living environment, as opposed to an institutional environment, whereby operations are mainly controlled by a professional staff. If the unit would otherwise qualify as other types of dwelling units defined in this chapter, such as apartment or attached housing, then the use shall be treated as such.
													Not included are co-ops, nursing homes, other institutional residential and boardinghouse types of operations since these are institutional or commercial lodging uses.

Land Use	Priority Areas							Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC		
Manufactured home community	L	L	N	N	N	N	N	L	N	N	N	106-2409	A parcel of land planned and improved for the placement of three or more manufactured homes for use as residential dwellings where home sites within the development are leased to individuals who retain customary leasehold rights. Subdivision of land as a single-family detached, single-family cluster, family compound, planned community or small single-family affordable land use and intended for fee-simple sale of lots for manufactured homes does not constitute it being defined under this use. For purposes of this definition, a manufactured home is a residential dwelling built in accordance with the Federal Manufactured Home Construction and Safety Standards (FMHCSS). This does not include recreational vehicles, travel trailers or motorized homes licensed for travel on highways, nor manufactured housing units designed and built to meet applicable requirements of the South Carolina Modular Buildings Construction Act.
Small single-family, affordable	L	L	N	L	N	N	N	N	N	N	N	106-2104	An affordable residential unit especially designed and built to serve the needs of individuals or small households who need small, compact, affordable housing. It is not intended to meet the needs of large families. Three types of housing are provided: (i) single-family detached one story, (ii) single-family detached two story, and (iii) single story attached. The small scale of these units permits them to fit into existing neighborhoods without threatening the neighborhood character.
Accessory dwelling unit	L	L	N	N	N	N	N	L	L	L	N	106-2106	A second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility.

Land Use	Priority Areas							Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC		

INSTITUTIONAL USES													
Assembly and worship, large	L	L	Y	L	N	N	N	L	N	L	N	106-1246	Museums, libraries, aquariums, cultural or arts centers, historic sites and churches with or without schools (except Sunday schools occupying no more than 50 percent of the floor area) as part of the complex and having 15,000 or greater square feet of floor area. (NAICS 6111, 8131, 8134) Places of worship may establish "on-site" social programs such as health care, food banks, child care, and the like as accessory uses in the principal structure and/or auxiliary buildings. These uses must be nonprofit. The sum of all principal and accessory structures may not exceed the allowable floor area ratio for the use / district. Additionally, the floor area of all accessory uses may not exceed the floor area of the principal building. (NAICS 624210, 624410, 813212, 8134)
Assembly and worship, small	Y	Y	Y	Y	N	N	N	L	L	L	N	106-1247	Museums, aquariums, cultural or arts centers, historic sites and churches with no schools (except Sunday schools occupying no more than 50 percent of the floor area) as part of the complex and having less than 15,000 sq. ft. of floor area. In the rural district, there shall be no minimum lot size for this use when less than 15,000 sq. ft. of floor area, and/or when no school is involved. (NAICS 6111, 8131, 8134) This use includes all cemeteries. (NAICS 81222) Places of worship may establish "on-site" social programs such as health care, food banks, child care, and the like as accessory uses in the principal structure and/or auxiliary buildings. These uses must be nonprofit. The sum of all principal and accessory structures may not exceed the allowable floor area ratio for the use / district. Additionally, the floor area of all accessory uses may not exceed the floor area of the principal building. (NAICS 624210, 624410, 813212, 8134)
Colleges and professional schools	S	S	N	S	L	N	N	S	N	N	N	106-1248	Colleges, universities, and professional schools; other advanced education. (NAICS 6112, 6113)

Land Use	Priority Areas							Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC		
Schools, neighborhood (elementary and middle school)	L	L	N	L	N	N	N	S	N	S	N	106-1248	Institutions of learning or instruction primarily catering to minors, whether public or private, which are licensed by either the county or the state. The definition includes nursery schools, kindergarten, elementary schools, middle schools or any special institution of learning under the jurisdiction of the state department of education catering to those age groups. This does not include charm schools, dancing schools, music schools or similar limited schools.
Schools, community (high schools)	L	L	N	L	N	N	N	S	N	S	N	106-1248	Institutions of learning or instruction primarily catering to minors, whether public or private, which are licensed by either the county or the state. The definition includes senior high schools or any special institution of learning under the jurisdiction of the state department of education catering to those age groups. This does not include professional and vocational schools, charm schools, dancing schools, music schools or similar limited schools nor public or private universities or colleges.
Institutional residential	L	Y	Y	Y	N	N	N	S	N	N	N	106-1249	1. Convents or monasteries.
													2. Skilled nursing facility. Twenty-four hour care to ill persons in a controlled setting providing daily and medical care. Residents often have limited or no mobility. Requires licensing.
													3. Assisted living facility. Residential care facility catering to the frail elderly who require assistance with daily activities. Requires licensing.
													4. Independent living facility. Facility catering to more mobile, healthy senior adults. Individual living units may contain kitchens, while common dining is available. Planned recreation, housekeeping, transportation, etc. may also be provided. Does not require licensing.

Land Use	Priority Areas							Rural Areas				Additional Standards (See Section)	Use Definition	
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC			
														5. Sheltered care facilities or group living facilities where the residents live in an institutional environment and are generally under the care or control of staff. All sheltered care, group care, and group homes, (total occupancy >8) shall be considered institutional residential use. These residents would be members of an institution, have institutional care, or would be treated by staff in an institutional setting rather than living independently. (NAICS 623, 62422, 62423)
														6. Institutional housing where there is commercial rental or condominium ownership combined with any of the following: common food service, nursing, or health care. Assisted living facilities shall also be included. (NAICS 623311, 6239, 624229)
														7. Dormitories, fraternities, or sororities.
														8. Schools with live-in facilities on site, other than universities, colleges or preparatory schools. (NAICS 61111)
														9. Emergency shelters and residential substance abuse facilities. (NAICS 62322)
Day care, commercial (Day care, family, see home uses)	L	L	L	Y	L	Y	L	L	Y	L	N	106-1250		All day care facilities not classified as "Day care, Family" and including more than eight children. (NAICS 62441)
Protective care	N	N	N	N	N	N	N	S	N	N	N	106-1251		Housing where the residents are assigned to the facility and are under the protective care of the county, state, or federal government. This use includes jails, prisons, work release, other similar facilities, and psychiatric hospitals. (NAICS 92214, 6222)
Local utilities	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	L	106-1252		Utility substations or transmission and local distribution facilities, including telephone, and all government-owned utilities. Not included are generation facilities, storage of combustibles, regional facilities, and landfills or mining operations. (NAICS 221122, 22121)

Land Use	Priority Areas							Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC		
Public services	Y	Y	Y	Y	Y	Y	Y	L	Y	Y	N	106-1255	These uses include emergency service, buildings, or garages (e.g., ambulance, fire, police, rescue, and public works) or other garages or areas where vehicles are stored and dispatched. (NAICS 62191, 92212, 92216, see office uses, below)
Government office	L	L	Y	Y	Y	Y	L	LN	N	S	N	106-1253	County, state, or federal office buildings or other facilities that are primarily devoted to public office uses or services. (NAICS 921, 92211, 92213, 923)
Recreational institutional	Y	L	Y	Y	N	N	N	S	S	S	N	106-1254	Nonprofit organizations chartered to provide community-based recreational services.
COMMERCIAL USES													
Adult uses (not indoor gambling)	N	N	N	N	N	L	N	N	N	N	N	106-1281	1. Adult bookstore. Establishment having, as a substantial or significant portion of its stock in trade, books, magazines or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this chapter, or an establishment with an area or section devoted to the sale or display of such material. 2. Adult entertainment establishment. Enclosed building used for presenting material and/or conduct distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this chapter, for observation by patrons therein. This includes bars, restaurants, movie theaters, theaters, peep shows, strip halls, special cabarets, physical culture establishments, photographic studios, or any other normally permitted use where specified sexual activities are displayed, or where specified anatomical areas are exposed to customers. (NAICS 71399, 72241)

Land Use	Priority Areas							Rural Areas				Additional Standards (See Section)	Use Definition	
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC			
														3. Massage parlors. Establishments offering massage, manipulation, rubbing, vibration, stroking or tapping of the human body with the hand or an instrument, staffed by one or more persons who do not belong to any nationally recognized massage therapy association, or by persons who are not graduates of any recognized training school in massage therapy.
Bed and breakfast	S	S	N	N	N	N	N	S	N	N	N	106-1282		This is any place of lodging in which there are no more than eight guestrooms, or suites of rooms available for temporary occupancy for varying lengths of time, with compensation to the owner, by the general public, and in which meals may be prepared for them, provided that no meals may be sold to persons other than such guests, and that the owner resides therein as his principal place of residence. (NAICS 721191)
Body branding, body piercing and tattoo facilities	N	N	N	N	N	L	N	N	N	N	N	106-1283		An establishment whose principal business, either in terms of operation or as held out to the public, is the practice of one or more of the following: (1) any invasive procedure in which a permanent mark is burned into or onto the skin using either temperature, mechanical or chemical means (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decorations (3) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin. This definition for the purpose of this code does not include ear piercing.
Commercial lodging (hotel and motel)	Y	N	Y	Y	L	Y	N	LC N	N	N	N	106-1284		Hotels, motels, boardinghouses and roominghouses, or a building or group of buildings offering transient lodging accommodations on a daily rate to the general public. Additional services may include a restaurant, meeting rooms, and recreational facilities. (NAICS 7211, 7213)

Land Use	Priority Areas							Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC		
Commercial retail, neighborhood	L	LC TND	Y	L	N	Y	N	LC N	N	L	N	106-1285	The maximum size of any neighborhood commercial retail use shall be 10,000 sq. ft. These uses are retail uses that primarily serve their immediate neighborhoods, and include the following types: 1. Hardware stores 2. Grocery store with general merchandise for resale, with limited uses allowable in CS and CP districts up to 40,000 sq. ft., exclusive of 10,000 sq. ft. of ancillary uses 3. Food and beverage stores 4. Boutiques, gift shops, antique shops, liquor stores, bookstores and drugstores 5. Garden centers 6. Vehicular service uses, as listed elsewhere in this table.
Commercial retail, traditional shop	N	N	N	N	N	N	N	L	L	L	N	106-1286	This use reflects existing small, traditional, community-oriented necessity stores found in rural areas that sell mainly grocery items and household supplies, but not gasoline. Since these are neighborhood oriented, their maximum size is 1,500 sq. ft. Certain limitations to this use are intended to preserve the character of the communities that they serve.
Commercial retail, regional	N	N	Y	N	N	L	N	N	N	L	N	106-1287	These uses include all retail uses in neighborhood commercial, but which exceed the service character and scale of neighborhood commercial, above. Any retail use having exterior sales or storage shall be considered regional commercial, even if its scale does not require that. In addition to the types of retail uses listed in neighborhood commercial above, the following uses shall be permitted: 1. All miscellaneous retail not included in neighborhood commercial, above 2. Clothing and accessory stores 3. Furniture stores 4. Paint, glass, wallpaper specialty stores 5. Greenhouses (retail only and with garden supplies) 6. Repair shops and related services 7. Vehicular sales, rental and service uses, listed elsewhere in this table 8. Hospitals and medical facilities

Land Use	Priority Areas							Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC		
Conference center	Y	N	Y	Y	Y	Y	N	LC N	N	N	N	N.A.	One or more buildings owned by a business entity in which there are no more than ten guestrooms, or suites of rooms, available for temporary occupancy for varying lengths of time, by employees, customers, and other persons whose presence in the building coincides with a particular meeting occurring at the venue. (NAICS 72111 part)
Drive-through restaurant	LC TND	LC TND	Y	L	N	L	N	N	N	N	N	106-1288	Drive-in and drive-through restaurants that provide service to customers while in their vehicles. This use may include inside service to customers, as well.
Office	L	L	Y	Y	L	Y	L	LC N	N	L	N	106-1289	Building or buildings wherein operations are predominantly administrative, professional or clerical, and includes the following:
													1. Finance, banks, trusts, savings and lending (NAICS 521, 522, 525)
													2. Security, commodity brokers and investment services (NAICS 523)
													3. Insurance carriers, agents, brokers, and services (NAICS 524)
													4. Real estate services (NAICS 531)
													5. Professional and technical services (NAICS 5411--5419)
													6. Business services (NAICS 55, 5611--5616, 5619, 8139)
													7. Health services (NAICS 621)
													8. Social services (NAICS 624) (except care facilities)
													9. Educational services, such as business schools (NAICS 6114), technological, and trade schools (excluding public and private schools defined as institutional) (NAICS 6115)
													10. Civic and social organizations (NAICS 8132--8134)
													11. Agricultural support and services (offices only) (NAICS 115)
													12. Governmental offices (NAICS 92 excluding public service)
													13. Parking lots (NAICS 81293)
													14. Contractor's office without exterior storage (NAICS 233)
Restaurant	L	LC TND	Y	Y	L	Y	N	LC N	N	L	N	106-1290	Establishment that serves food and beverages to persons seated within the building. Outside terrace or sidewalk seating is permitted subject to all other required codes. Bars, taverns, saloons and nightclubs are permitted subject to applicable state liquor licensing requirements and standards. (NAICS 722110)
Land Use	Priority Areas							Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC		

Services	L	L	Y	Y	N	L	N	LG N	N	L	N	106-1291	A wide variety of personal and commercial services including the following:
													1. Educational services (NAICS 611 except 611512, 61162)
													2. Social assistance (NAICS 624)
													3. Hospitals and medical laboratories (NAICS 339116, 62151, 62211, 62221, 62231), including general medical and surgical hospitals, and specialty hospitals, except alcoholism, drug, rehabilitation.
													4. Kennel service and domestic veterinary clinics (NAICS 11521)
													5. Postal service buildings, except regional distribution centers, couriers and messengers (NAICS 491, 492)
													6. Miscellaneous repair services and shops (NAICS 44311, 8112, 8113, 8114)
													7. Health and exercise clubs; dance studios (NAICS 71394)
													8. Parking lots (NAICS 81293)
													9. Funeral homes (NAICS 81221)
													10. Laundry services (NAICS 8123)
													11. Personal services (NAICS 8121, 8129, except body branding, body piercing and tattoo facilities.)
													12. Transit and ground passenger transportation (NAICS 485). (This use is excluded from the rural districts.)
													NOTE: Drive-through facilities are not permitted as part of this use.
Mixed use	Y	L TND	Y	Y	N	N	N	N	N	N	N	106-1293	1. A building containing two or more use categories with five or more residential dwelling units comprising a minimum of 25 percent of the total floor area.
													2. A building or group of buildings arranged around a pedestrian precinct, containing four or more different uses including: commercial retail, commercial lodging, office, service, residential, institutional, or exhibition center. Residential use shall be one of the required uses.
RECREATION AND AMUSEMENT USES													
Campground	N	N	N	N	N	N	N	L	N	N	S	106-1321	Form of commercial lodging where guests bring tents, travel trailers, campers, or other similar forms of shelter to experience more rustic setting and natural environments. Campgrounds rent pads or spaces to the guests.

Land Use	Priority Areas							Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC		
Commercial amusement, indoor	LG TND	LG TND	L	L	N	N	N	LG N	N	N	N	106-1322	Includes but is not limited to: bowling alleys, indoor sports arenas, movie theaters, performing arts companies, indoor skating rinks (ice or roller), amusement game machine complex, pool halls, and shooting arcades. (NAICS 512131, 7111, 7112 part, 7113, 712 part, 713 part)
Commercial amusement, indoor gambling	N	N	S	N	N	S	N	N	N	N	N	106-1323	The use of coin-operated gambling devices and includes video poker parlors, and secondary uses, as described by state law. (NAICS 7132 part, 71329)
Commercial amusement, indoor casino gambling	N	N	N	N	N	N	N	N	N	N	N	106-1323	Casino gambling for land-based or as a port of call for an ocean-going vessel.
Commercial amusement, outdoor	N	N	L	S	N	L	N	S	N	N	N	106-1324	Includes but is not limited to: fairgrounds, outdoor stadiums, racing facilities, rodeos, music arenas, theme parks, amusement parks, water slides, batting cages, shooting ranges, zoos, and botanical gardens. (NAICS 512132, 71311, 71212, 71213, 71219)
Indoor recreation	Y	Y	Y	Y	L	L	L	LG N	N	N	N	106-1325	Recreational uses including community recreation centers, gymnasiums, indoor swimming pools, tennis, racquetball, or handball courts. (NAICS 71394) Specifically excluded are health and exercise clubs, and uses listed as service uses, above.
Outdoor recreation	Y	Y	Y	Y	Y	Y	Y	Y	N	N	S	106-1326	1. Active recreational activities and supporting services including but not limited to: jogging, cycling, tot-lots, playing fields, playgrounds, outdoor swimming pools, and tennis courts (NAICS 7113); game preserves and shooting, trapping and fishing clubs (NAICS 71391, 71393, 71394); marinas. 2. Passive recreational uses including but not limited to: arboretums, wildlife sanctuaries, forests, areas for hiking, nature areas, and other passive recreation-oriented parks. 3. Picnic areas, garden plots, and beaches.

Land Use	Priority Areas							Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC		
Resort	L	L	N	N	N	N	N	L	N	N	N	106-1327	Lodging that serves as a destination point for visitors, located and designed with some combination of recreational uses or natural areas, such as marinas, beaches or pools, tennis, golf, equestrian, other special recreation opportunities, and/or a variety of restaurants and shops to serve the guests. Buildings and structures in the resort shall complement the scenic and natural qualities of the location and area where it is situated.
Ecotourism	N	N	N	N	N	N	N	L	L	L	S	106-1328	Organized, educational and mainly outdoor recreation with or without lodging, which invites participants to learn about and promote ecological preservation, conservation and sustainability. This use shall include at least two of the following characteristics:
													1. Located near or within a wilderness setting, park or protected area;
													2. Interpretive educational program with or without guides;
													3. Outdoor activities; or
													4. Cultural experiences.
Golf course	L	L	L	L	N	N	N	L	N	N	N	106-1329	Regulation and par 3 golf courses and associated amenities having nine or more holes. A driving range may be an ancillary use to the operation. (NAICS 71391)
Miniature golf course	L	L	L	L	N	N	N	N	N	N	N	106-1330	Putting courses installed on artificial surfaces, practice facilities that are driving ranges, or which have several practice holes or putting areas. (NAICS 71399)
Recreational equipment rental	L	L	L	L	N	N	N	N	N	L	N	106-1331	Establishments primarily engaged in renting recreational equipment, such as bicycles, canoes, motorcycles, skis, sailboats, beach chairs, and beach umbrellas (NAICS 532292)
Use Permission													
Y = Permitted use													
L = Limited use													
S = Special use													
N = Prohibited use													
LC = Permitted use only in residential community use option - TND = Permitted use only in traditional neighborhood development.													
Community preservation district - Please refer to the CP area standards in appendix E to this chapter.													

ARTICLE VI. OPEN SPACE AND DENSITY, LOT AND BUILDING INTENSITY, BUFFERYARDS AND LANDSCAPING, EXTERIOR STORAGE AND ILLUMINATION

TABLE 106-1526. OPEN SPACE AND DENSITY STANDARDS

Zoning District and Development Type	Density			Floor Area Ratio		Sewer	ARDR Req.	Min. Site Area
	Min. OSR or LSR	Max. Gross	Max. Net	Max. Gross	Max. Net			
Resource Conservation (RC)								
Single-family	0.50	0.09	0.18	N.A.	N.A.	OS	N	10 ac.
Single-family cluster	0.85	0.10	0.80	N.A.	N.A.	OS	N	50 ac.
Other permitted uses	0.95	N.A.	N.A.	0.02	0.34	OS	N	50 ac.
Rural (R)								
Farmstead	0.00	0.02	0.02	N.A.	N.A.	OS	N	50 ac.
Single-family subdivision	0.40	0.34	1.06	N.A.	N.A.	OS	N	6 ac.
Single-family cluster	0.70	0.40	1.58	N.A.	N.A.	OS	N	10 ac.
Planned	0.75	0.45	2.20	N.A.	N.A.	CS	N	20 ac.
Community, small	0.80	0.51	2.59	N.A.	N.A.	CS	N	200 ac.
Community, medium	0.80	0.57	3.13	N.A.	N.A.	CS	N	800 ac.
Manufactured home community	0.40	1.00	1.66	N.A.	N.A.	CS	N	10 ac. Max. 30 ac.
Other permitted uses	0.85	N.A.	N.A.	0.07	0.46	OS	N	*
Rural Residential (RR)								
Single-family	0.20	1.2	2.0	N.A.	N.A.	OS	N	0.5 ac.
Other permitted uses	0.20	1.2	2.0	0.25	0.25	OS	N	0.5 ac.
Rural Business (RB)								
Single-family	0.20	1.2	2.0	N.A.	N.A.	OS	N	0.5 ac.
Commercial uses	0.50	N.A.	N.A.	0.10	0.29	OS	N	1.0 ac.
Other uses	0.50	N.A.	N.A.	0.10	0.29	OS	N	2.0 ac.
Rural - River Quality (RQ) Overlay (pending recommendations)								
Farmstead	0.00	0.02	0.0	N.A.	N.A.	OS	N	50 ac.
Single-family	0.50	0.30	1.06	N.A.	N.A.	OS	N	3 ac.
Single-family cluster	0.75	0.40	2.20	N.A.	N.A.	CS	N	10 ac.
Planned	0.80	0.45	2.59	N.A.	N.A.	CS	N	30 ac.
Community, small	0.85	0.51	4.10	N.A.	N.A.	CS	N	200 ac.
Community, medium	0.85	0.57	4.80	N.A.	N.A.	CS	N	800 ac.
Other permitted uses	0.85	N.A.	N.A.	0.07	0.46	CS	N	10 ac.
Community Preservation (CP) Standards, see Appendix E								
Suburban (S) Priority								
Single-family	0.20	2.00	3.00	N.A.	N.A.	P	Y	21,780 sf
Single-family cluster	0.35	2.60	3.60	N.A.	N.A.	P	Y	5 ac.
Planned	0.40	2.60	4.00	N.A.	N.A.	P	Y	5 ac.
Traditional Neighborhood Development	0.35	3.00	4.50	N.A.	N.A.	P	Y	40 ac.
Community, large	0.45	3.00	4.50	N.A.	N.A.	P	Y	200 ac.
Multifamily	0.40	5.0	10.0	N.A.	N.A.	P	Y	5 ac.
Manufactured home community	0.40	4.00	7.00	N.A.	N.A.	P	Y	2 ac. Max. 20 ac.
Institutional residential	0.00	7.1 rms.	17.7 rms.	N.A.	N.A.	P	N	5 ac.
Other permitted uses	0.60	N.A.	N.A.	0.18	0.46	P	N	2 ac.
Suburban - River Quality (S-RQ) (pending recommendations)								
Single-family	0.30	1.34	2.18	N.A.	N.A.	P	Y	32,670 sf
Single-family cluster	0.45	1.54	2.86	N.A.	N.A.	P	Y	2 ac.
Planned	0.50	2.01	4.50	N.A.	N.A.	P	Y	25 ac.
Community, large	0.55	2.51	7.00	N.A.	N.A.	P	Y	200 ac.
Manufactured home community	0.70	2.00	6.66	N.A.	N.A.	P	Y	10 ac.
Institutional residential	0.60	8 rms.	20.0	N.A.	N.A.	P	N	2 ac.
Other permitted uses	0.60	N.A.	N.A.	0.18	0.46	P	N	3 ac.
Urban (U)								
Single-family	0.12	2.60	2.93	N.A.	N.A.	P	Y	32,670 sf
Single-family cluster	0.40	3.50	6.00	N.A.	N.A.	P	Y	2 ac.
Planned	0.20	3.50	6.00	N.A.	N.A.	P	Y	5 ac.
Traditional Neighborhood Development	0.20	4.50	6.10	N.A.	N.A.	P	Y	20 ac.

Zoning District and Development Type	Min. OSR or LSR	Density		Floor Area Ratio		Sewer	ARDR Reqd.	Min. Site Area
		Max. Gross	Max. Net	Max. Gross	Max. Net			
Community, small	0.20	4.50	6.10	N.A.	N.A.	P	Y	20 ac.
		Density		Floor Area Ratio				
Zoning District and Development Type	Min. OSR or LSR	Max. Gross	Max. Net	Max. Gross	Max. Net	Sewer	ARDR Reqd.	Min. Site Area
Community, medium	0.20	4.50	6.10	N.A.	N.A.	P	Y	100 ac.
Community, large	0.20	5.20	7.40	N.A.	N.A.	P	Y	200 ac.
Manufactured home community	0.40	4.00	7.00	N.A.	N.A.	P	Y	2 ac. Max. 20 ac.
Multifamily	0.25	15.00	24.00	N.A.	N.A.	P	Y	2--15 ac.
Institutional residential	0.40	12.00	20.00	N.A.	N.A.	P	N	4 ac.
Other permitted uses	0.40	N.A.	N.A.	0.28	0.46	P	N	4 ac.
Urban - River Quality (U-RQ) (pending recommendations)								
Single-family	0.20	2.60	3.66	N.A.	N.A.	P	Y	21,780 sf
Planned	0.30	3.00	5.68	N.A.	N.A.	P	Y	10 ac.
Community, medium	0.30	4.95	8.00	N.A.	N.A.	P	Y	200 ac.
Community, large	0.30	5.72	8.50	N.A.	N.A.	P	Y	500 ac.
Multifamily	0.30	17.34	24.00	N.A.	N.A.	P	Y	2 ac.
Institutional residential	0.50	13.5	27	N.A.	N.A.	P	N	4 ac.
Other permitted uses	0.50	N.A.	N.A.	0.23	0.46	P	N	4 ac.
Commercial Suburban (CS)								
Planned	0.45	2.28	4.50	N.A.	N.A.	P	Y	1--10 ac.
Multifamily	0.50	8.30	18.73	N.A.	N.A.	P	Y	1--5 ac.
Offices	0.50	N.A.	N.A.	0.26	0.53	P	N	0.5 ac.
Retail	0.45	N.A.	N.A.	0.18	0.34	P	N	1 ac.
Other commercial uses	0.50	N.A.	N.A.	0.18	0.37	P	N	1 ac.
Other permitted uses	0.50	N.A.	N.A.	0.23	0.46	P	N	2 ac.
Commercial Regional (CR)								
Offices	0.35	N.A.	N.A.	0.50	0.82	P	N	0.5 ac.
Retail	0.20	N.A.	N.A.	0.31	0.39	P	N	1 ac.
Other commercial uses	0.20	N.A.	N.A.	0.37	0.47	P	N	1 ac.
Mixed uses	0.20	N.A.	N.A.	1.00	1.40	P	N	2 ac.
Other permitted uses	0.25	N.A.	N.A.	0.39	0.53	P	N	1 ac.
Research & Development (RD)								
Offices, commercial lodging	0.35	N.A.	N.A.	0.34	0.54	P	N	10 ac.
Industrial	0.30	N.A.	N.A.	0.40	0.57	P	N	10 ac.
Restaurants	0.25	N.A.	N.A.	0.14	0.20	P	N	10 ac.
Other permitted uses	0.30	N.A.	N.A.	0.26	0.38	P	N	10 ac.
Light Industry (LI)								
Offices, commercial lodging	0.20	N.A.	N.A.	0.37	0.47	P	N	10 ac.
Restaurants	0.15	N.A.	N.A.	0.16	0.20	P	N	10 ac.
Industrial	0.15	N.A.	N.A.	0.48	0.57	P	N	10 ac.
Other permitted uses	0.20	N.A.	N.A.	0.30	0.38	P	N	20 ac.
Industrial Park (IP)								
Offices, commercial lodging	0.20	N.A.	N.A.	0.37	0.47	P	N	10 ac.
Restaurants	0.15	N.A.	N.A.	0.16	0.20	P	N	10 ac.
Industrial	0.15	N.A.	N.A.	0.48	0.57	P	N	10 ac.
Other permitted uses	0.20	N.A.	N.A.	0.30	0.38	P	N	20 ac.

Depends on specific use. Refer to special/limited use standards in article V, division 2 (sections 106-1126--106-1425.) (Ord. No. 99-12, § 1 (div. 04.100), 4-26-1999; Ord. No. 2001-29, 12-10-2001; Ord. No. 2002-14, 4-22-2002; Ord. No. 2005/40, 11-28-2005; Ord. No. 2008/8, 2-25-2008)

TABLE 106-1556. LOT AND BUILDING* STANDARDS

Zoning District and Development Type	Minimum					Maximum
	Lot Area (ac./sq. ft.)	Lot Width (feet)	Street Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Height (feet)***
Resource Conservation (RC)						
Single-family	5 ac.	300	50	50	100	35
Single-family cluster	1 ac.	150	50	18	75	35
Other permitted uses	10 ac.	400	100	50	100	35
Rural (R)						
Farmstead	50 ac.	600	50	50	50	50
Single-family	1 ac.	150	50	18	50	35
Single-family cluster	21,780 sq. ft.	100	35	12	50	35
Planned	See table 106-2406					
Community, small	See table 106-2406					
Community, medium	See table 106-2406					
Manufactured home community	See section 106-2409					
Other permitted uses	**	400	100	50	100	35
Rural Residential (RR)						
Single-family	21,780 sq. ft.	100	35	12	50	35
Other permitted uses	21,780 sq. ft.	100	50	18	50	35
Rural Business (RB)						
Single-family	21,780 sq. ft.	100	35	12	50	35
Commercial uses	0.5 ac.	100	25	7/20	20	35
Other permitted uses	2 ac.	200	25	7/20	30	35
Rural - River Quality (RQ) Overlay (pending recommendations)						
Farmstead	50 ac.	600	50	50	50	50
Single-family	1 ac.	150	50	18	75	35
Single-family cluster	14,520 sq. ft.	85	35	10	40	35
Planned	See table 106-2406					
Community, small	See table 106-2406					
Community, medium	See table 106-2406					
Other permitted uses	10 ac.	400	100	30	100	40
Community Preservation (CP) Standards, see Appendix E						
Suburban (S) Priority						
Single-family	10,780 sq. ft.	70	35	12	50	35
Single-family cluster	8,000 sq. ft.	50	30	10	40	35
Planned	See table 106-2406					
Community, Large Traditional Neighborhood Development	See table 106-2406-106-2379					
Multifamily	See table 106-2406					
Manufactured home community	See table 106-2409					
Institutional residential	5 ac.	300	75	40	75	32
Other permitted uses	2 ac.	280	100	40	100	32
Suburban - River Quality (S-RQ) (pending recommendations)						
Single-family	14,520 sq. ft.	85	35	10	40	35
Single-family cluster	10,780 sq. ft.	80	35	6/15	35	35
Planned	See table 106-2406					
Community, large	See table 106-2406					
Manufactured home community	See section 106-2409					
Institutional residential	5 ac.	300	75	40	75	32
Other permitted uses	3 ac.	200	40	15	25	40
Urban (U)						
Single-family	8,000 sq. ft.	50	35	6/15	35	35
Single-family cluster	5,000 sq. ft.	50	50	6/15	35	35
Planned	See table 106-2406					

Zoning District and Development Type	Minimum					Maximum
	Lot Area (ac./sq. ft.)	Lot Width (feet)	Street Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Height (feet)***
Community, Small Traditional Neighborhood Development	See table 106-2406-106-2379					
Community, medium	See table 106-2406					
Community, large	See table 106-2406					
Manufactured home community	See section 106-2409					
Multifamily	See table 106-2406					
Institutional residential	4 ac.	300	50	25	50	35
Other permitted uses	4 ac.	300	50	25	50	35
Urban - River Quality (U-RQ) (pending recommendations)						
Single-family	8,500 sq. ft.	75	25	12	30	35
Planned	See table 106-2406					
Community, medium	See table 106-2406					
Community, large	See table 106-2406					
Multifamily						
Institutional residential	4 ac.	300	50	25	50	35
Other permitted uses	4 ac.	300	50	25	50	35
Commercial Suburban (CS)						
Planned	See table 106-2406					
Multifamily	See table 106-2406					
Offices	0.5 ac.	100	25	None	20	35
Retail	1 ac.	150	25	None	20	35
Other commercial uses	1 ac.	150	25	None	20	35
Other permitted uses	2 ac.	200	25	None	20	35
Commercial Regional (CR)						
Offices	0.5 ac.	150	25	20	20	40
Retail	21,780 sq. ft.	150	25	20	20	40
Other commercial uses	21,780 sq. ft.	150	25	20	20	35
Mixed uses	2 ac.	200	25	20	20	40
Other permitted uses	1 ac.	150	25	20	20	35
Zoning District and Development Type	Lot Area (ac./sq. ft.)	Lot Width (feet)	Street Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Height (feet)***
Zoning District and Development Type	Lot Area (ac./sq. ft.)	Lot Width (feet)	Street Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Height (feet)***
Research & Development (RD)						
Offices, commercial lodging	1 ac.	150	40	20	20	55
Industrial	1 ac.	150	40	20	20	120*
Restaurants	1 ac.	150	40	20	20	30
Other permitted uses	1 ac.	150	40	20	20	40
Light Industry (LI)						
Offices, commercial lodging	20,000 sq. ft.	100	40	20	20	55
Restaurants	20,000 sq. ft.	100	40	20	20	30
Industrial	20,000 sq. ft.	100	40	20	20	60
Other permitted uses	20,000 sq. ft.	100	40	20	20	40
Industrial Park (IP)						
Offices, commercial lodging	20,000 sq. ft.	100	40	20	20	55
Restaurants	20,000 sq. ft.	100	40	20	20	30
Industrial	20,000 sq. ft.	100	40	20	20	120*
Other permitted uses	20,000 sq. ft.	100	40	20	20	40

* Buildings must be in conformance with Standard Building Code and National Fire Safety Standards.

**Depends on specific use. Refer to special/limited use standards in article V, division 2 (sections 106-1126 through 106-1425.)

***All structures that are 150 feet or higher must be in conformance with subsection 106-1363(a)(4).

TABLE 106-1617. BUFFERYARD AND TREE

Zoning District & Development Type	Number of Landscaping Canopy or Existing Trees Per:			Street Tree Spacing Per Feet of ROW	Bufferyard Width (ft.) Adjoining Streets			Bufferyard Width (ft.) Adjoining District*													
	Lot	Acre Open Space	Parking Spaces		Arterial	Collector	Local	RC	RQ	RB	RR	R	S	U	CP	CS	CR	RD	LI	IP	M
Resource Conservation (RC)																					
Single-family	--	8	--	50	N.A.	N.A.	50	--	100	--	--	--	--	--	--	--	--	--	--	--	--
Single-family cluster	2/du	8	1/10							--	--	--	--	--	--	--	--	--	--	--	--
Other permitted uses	5/ac.	8	1/10	40	N.A.	N.A.	50	--	100	--	--	--	--	--	--	--	--	--	--	--	--
Rural (R)																					
Farmstead	--	--	--	50	--	--	--	--	100	--	--	--	--	--	--	--	--	--	--	--	--
Single-family	--	--	--		50	50	--	--	100	--	25	25	--	--	--	25	25	25	25	25	50
Single-family cluster	2/du	5	1/10		100	100	50	--	100	--	25	25	25	25	25	25	25	25	25	25	50
Planned	1/du	5	1/10					--	100	50	50	50	50	50	50	50	50	50	50	50	100
Community, small	4/du	5	4/10		250	250	50	--	400	250	300	250	200	300	300	300	300	300	300	300	300
Community, medium	4/du	5	4/10					--	400	250	300	250	200	300	300	300	300	300	300	300	300
Man. home comm.	See § 106- 2409	1/10		100	100	50	--	100		50	50	50	50	50	50	50	50	50	50	50	100
Other permitted uses	5/ac	4	1/10		100	100	50	--	100	50	50	50	50	50	50	50	50	50	50	50	100
Rural Residential (RR)																					
Single-family	--	0	--	50	50	50	50	--	100	--	--	--	--	--	--	--	--	--	--	--	50
Other permitted uses	3/ac	4	1/10		100	100	50	--	100	25	--	25	--	--	25	--	--	--	--	--	50
Rural Business (RB)																					
Single-family	--	--	--	N.A.	50	50	--	--	100	--	25	25	--	--	--	25	25	25	25	25	50
Commercial uses	6/ac.	8	1/10	50	50	50	20	100	150	10	50	50	--	--	25	--	--	--	--	--	--
Other permitted uses	6/ac.	8	1/10	50	50	50	20	100	150	10	50	50	--	--	25	--	--	--	--	--	--
Suburban (S)																					
Single-family	2/du	5	None	50	50	50	--	--	--	--	--	25	--	--	--	--	--	--	--	--	50
Single-family cluster	1/du	5	1/10		100	50	25			--		50	25		25		25		25	25	
Planned	1/du	5	1/10		100	50	50			--		100	50		50						
Traditional Neighborhood Development							--			--	25			25	25	25	25	--	50	50	
Community, large	4/du	5	4/10		400	400	50			--			400		400				400	400	400
Multifamily	25/ac	5	1/10		100	100	50			--									50	100	100
Man. home comm.	See § 106- 2409	1/10		100	100	50				--									50	100	100
Institutional residential	6/ac	8	1/10		100	100	50			--			50		50				50	50	50
Other permitted uses	6/ac	8	1/10		100	100	50			--											
Urban (U)																					
Single-family	1/du	5	1/10	50	50	50	--	--	100	--	--	100	--	--	--	--	--	--	--	--	50
Single-family cluster										--	--		50		--	--	--	--	--	--	
Planned										--	25		100	25	25	--	--	--	25	25	100
Traditional Neighborhood Development							--			--	25			25	25	25	25	--	50	50	
Community, medium					400	75	--			--	25			25	25	25	25	--	50	50	
Community, large										--											
Man. home comm.	See § 106- 2409			75	50	25				--											

Zoning District & Development Type	Number of Landscaping Canopy or Existing Trees Per:				Bufferyard Width (ft.) Adjoining Streets			Bufferyard Width (ft.) Adjoining District*													
	Lot	Acre Open Space	Parking Spaces	Street Tree Spacing Per Feet of ROW	Arterial	Collector	Local	RC	RQ	RB	RR	R	S	U	CP	CS	CR	RD	LI	IP	M
Multifamily	25/ac	5								--	50			50	50	25	25	--			
Institutional residential	6/ac				50					--	25			25	25	--	--	--			
Other permitted uses										--	50										50
Community Preservation (CP) Standards See Appendix E																					
Commercial Suburban (CS) District																					
Planned	1/du	8	1/10	50	50	50	20	--	150	--											
Multifamily	3/du									--			--	25	100	--					
Offices	6/ac									--											
Retail										--											
Other commercial										--											
Other permitted uses										--											
Commercial Regional (CR)																					
Offices/commercial lodging	8/ac	6	1/10	50	50	50	50	--	200	--	100	100	100	50	100	30	--	30	--	25	--
Retail										--											
Other commercial uses										--											
Other permitted uses										--											
Research and Development (RD)																					
Offices/commercial lodging/research	10/ac	10	1/10	40	100	100	50	--	300	--	100	100	100	50	100	--	50	50	--	--	--
Industrial										--											
Restaurants										--											
Other permitted uses										--											
Light Industry (LI)																					
Offices/commercial lodging	4/ac	4	1/10	50	50	50	25	--	300	--	100	100	100	50	100	50	25	50	--	--	--
Restaurants										--											
Industrial										--											
Other permitted uses										--											
Industrial Park (IP)																					
Offices/commercial lodging	4/ac	4	1/10	50	50	50	25	--	300	--	100	100	100	100	100	50	25	50	--	--	--
Restaurants										--											
Industrial										--											
Other permitted uses										--											

ORDINANCE NO. _____

AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS, IN ONE OR MORE SERIES, WITH APPROPRIATE SERIES DESIGNATIONS, OF BEAUFORT COUNTY, SOUTH CAROLINA, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$48,755,000; AUTHORIZING THE BONDS TO BE ISSUED AS TAX-EXEMPT BONDS OR TAXABLE BUILD AMERICA BONDS; FIXING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE COUNTY ADMINISTRATOR OR HIS LAWFULLY-AUTHORIZED DESIGNEE TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO.

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

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

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

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

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

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

(e) The American Recovery and Reinvestment Act of 2009 (the "ARRA"), Pub. L. 111-5, Feb. 17, 2009, 123 Stat. 115, amends the Internal Revenue Code of 1986, as amended (the "Code"), to provide for the issuance of Build America Bonds ("BABs") if (a) the interest on such obligation would otherwise be excludable from gross income under Section 103 of the Code; (b) such obligation is issued before January 1, 2011; and (c) the issuer makes an irrevocable election to have Section 54AA of the Code apply to the obligation. BABs are taxable obligations which provide a tax credit in the amount of 35% of the interest payable by the issuer, either as an annual credit to the respective bondholders under

Section 54AA(a) of the Code, or, if the bond is qualified under Section 54AA(g) of the Code, and the issuer so elects, as an annual direct payment to the issuer under Section 6431 of the Code.

(f) In a referendum (the "Referendum") held in the County on November 7, 2006, the following question was submitted to the qualified electors of the County:

Shall the County be empowered to issue, either at one time as a single issue or from time to time as several separate issues, general obligation bonds of the County in the aggregate principal amount not to exceed \$50,000,000, the proceeds of which shall be used for the purpose of defraying the costs of the County Rural and Critical Land Preservation Program which preserves land by purchasing open land, development rights and conversation easements in all areas of Beaufort County, in order to alleviate traffic congestion in high growth areas and to protect water quality, natural lands, wildlife areas, farmland, parkland, coastal areas, rivers and wetlands, legal fees and costs of issuance of such bonds, provided that all expenditures shall be prioritized based upon the official criteria and ranking system established for the County and subject to annual audit?

The Referendum was duly conducted and a majority of the qualified electors of the County voted in favor of the issuance of the general obligation bonds.

(g) Article X, Section 15 of the Constitution further provides that general obligation bond anticipation notes may be issued in anticipation of the proceeds of general obligation bonds which may lawfully be issued under such terms and conditions that the General Assembly may prescribe by law.

(h) Pursuant to the provisions of Title 11, Chapter 17 of the Code of Laws of South Carolina, 1976, as amended ("Title 11, Chapter 17"), any county, whenever authorized by general or special law to issue bonds, may, pending the sale and issuance thereof, borrow in anticipation of the receipt of the proceeds of the bonds. Such provisions also provide that if any approval be necessary prior to the issuance of bonds by the county, the county must obtain the same approval prior to the issuance of temporary financing provided therein.

(i) Pursuant to the Constitution, the Referendum and Title 11, Chapter 17, the County issued its \$48,755,000 General Obligation Bond Anticipation Notes, Series 2009 (the "2009 Notes") which mature on March 10, 2010.

(j) The assessed value of all the taxable property in the County as of June 30, 2009, is \$1,794,765,540. Eight percent of the assessed value is \$143,581,243. As of the date hereof, the outstanding general obligation debt of the County subject to the limitation imposed by Article X, Section 14(7) of the Constitution is \$106,425,458. Thus, the County may incur not exceeding \$37,155,785 of additional general obligation debt within its applicable debt limitation.

The calculation above includes the portion (\$28,755,000) of the County's 2009 Notes which counts against the County's constitutional debt limit and which will be paid at maturity with the proceeds of the bonds authorized herein. Upon the issuance of the bonds authorized herein and payment of the 2009 Notes, the County's available debt limitation will remain unchanged.

(k) It is now in the best interest of the County for the County Council to provide for the issuance and sale of not exceeding \$48,755,000 aggregate principal amount general obligation bonds of the County, the proceeds of which along with other available funds of the County will be used for the

following purposes: (i) paying at maturity the 2009 Notes; (ii) paying legal and financial advisor fees and other costs of issuance of the Bonds (hereinafter defined); and (iii) such other lawful purposes as the County Council shall determine.

SECTION 2. Authorization and Details of Bonds. Pursuant to the aforesaid provisions of the Constitution and laws of the State, there is hereby authorized to be issued not exceeding \$48,755,000 aggregate principal amount of general obligation bonds of the County to be designated "48,755,000 (or such lesser amount issued) General Obligation Bonds (appropriate series designation), of Beaufort County, South Carolina" (the "Bonds"), for the purpose set forth in Section 1(k) and other costs incidental thereto, including without limiting the generality of such other costs, engineering, financial and legal fees.

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

Wells Fargo Bank, N.A., Atlanta, Georgia, shall serve as registrar and paying agent (the "Registrar/Paying Agent") for the Bonds.

SECTION 3. Delegation of Authority to Determine Certain Matters Relating to the Bonds. Without further authorization, the County Council hereby delegates to the County Administrator his lawfully-authorized designee the authority to determine which Bonds, if any, shall be issued as traditional tax-exempt bonds and which bonds, if any, shall be issued as BABs.

In connection with the issuance of traditional tax-exempt bonds, the County Council hereby delegates to the County Administrator or his lawfully-authorized designee the authority to determine: (a) the maturity dates of the Bonds and the respective principal amounts maturing on such dates; (b) the interest payment dates of the Bonds; (c) redemption provisions, if any, for the Bonds; (d) the date and time of sale of the Bonds; (e) the authority to receive bids on behalf of the County Council; and (f) the authority to award the sale of the Bonds to the lowest bidder therefor in accordance with the terms of the Notice of Sale for the Bonds.

In connection with the issuance of BABs, the County Council hereby delegates to the County Administrator or his lawfully-authorized designee the authority to determine: (a) the maturity dates of the Bonds and the respective principal amounts maturing on such dates; (b) the interest payment dates of the Bonds; (c) redemption provisions, if any, for the Bonds; (d) the date and time of sale of the Bonds; (e) the authority to receive bids on behalf of the County Council; (f) the authority to award the sale of the Bonds to the lowest bidder therefor in accordance with the terms of the Notice of Sale for the Bonds, provided it reflects the lowest cost of borrowing to the County; (g) whether the tax credit shall be provided as a credit to the bondholders or as a direct payment to the County, and (h) to make an irrevocable election to have Section 54AA of the Code apply to the Bonds issued as BABs.

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

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

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

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

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

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

Ordinance as was the original Bond in lieu of which such duplicate Bond is issued, and shall be entitled to equal and proportionate benefits with all the other Bonds of the same series issued hereunder.

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

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

SECTION 8. Form of Bonds. The Bonds and the certificate of authentication shall be in substantially the form set forth in Exhibit A attached hereto and incorporated herein by reference. For any Bonds issued as BABs, appropriate changes will be made in the form of the bonds attached hereto.

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

The County Council shall give the County Auditor and County Treasurer written notice of the delivery of and payment for the Bonds and they are hereby directed to levy and collect annually, on all taxable property in the County, a tax, without limit, sufficient to pay the principal of and interest on the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor. To the extent allowed by law, the County Auditor and County Treasurer, may consider the amounts available as an annual direct payment to the County under Section 6431 (or other relevant section) of the Code when levying and collecting the taxes provide for herein, for any Bonds issued as BABs.

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

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

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

SECTION 13. Tax Covenants. The County hereby covenants and agrees with the holders of the Bonds that it will not take any action which will, or fail to take any action which failure will, cause interest on the Bonds to become includable in the gross income of the holders of the Bonds for federal income tax purposes pursuant to the provisions of the Code and regulations promulgated thereunder in effect on the date of original issuance of the Bonds; provided, however, that for purposes of this covenant only, the County shall not be in violation of this covenant solely because it makes the irrevocable election under Section 54AA(d) or (g) (as applicable) of the Code with respect to Bonds to be issued as BABs. The County further covenants and agrees with the holders of the Bonds that no use of the proceeds of the Bonds shall be made which, if such use had been reasonably expected on the date of issue of the Bonds would have caused the Bonds to be "arbitrage bonds," as defined in Section 148 of the Code, and to that end the County hereby shall:

(a) comply with the applicable provisions of Sections 54(A)(A), 103 and 141 through 150 of the Code and any regulations promulgated thereunder so long as the Bonds are outstanding;

(b) establish such funds, make such calculations and pay such amounts, in the manner and at the times required in order to comply with the requirements of the Code relating to required rebates of certain amounts to the United States; and

(c) make such reports of such information at the time and places required by the Code.

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

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

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

If (a) DTC determines not to continue to act as securities depository for the Bonds, or (b) the County has advised DTC of its determination that DTC is incapable of discharging its duties, the County shall attempt to retain another qualified securities depository to replace DTC. Upon receipt by the County the Initial Bonds together with an assignment duly executed by DTC, the County shall execute

and deliver to the successor securities depository Bonds of the same principal amount, interest rate, and maturity registered in the name of such successor.

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

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

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

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

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

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

SECTION 19. Deposit and Use of Proceeds. The proceeds derived from the sale of the Bonds shall be deposited with the County Treasurer in a special fund and shall be applied solely to the purposes for which the Bonds have been issued, including payment of costs of issuance of the Bonds, except that any premium shall be placed in the sinking fund established for the Bonds.

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

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

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

“Government Obligations” shall mean any of the following:

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

SECTION 21. Authorization to Issue General Obligation Bond Anticipation Notes. Pursuant to the Constitution and Title 11, Chapter 17, pending the issuance of the Bonds, County Council hereby authorizes the issuance of general obligation bond anticipation notes in an amount not to exceed \$48,755,000 (the “Notes”) for the purposes set forth in Section 1(k) herein. In the event, Notes are issued prior to issuing the Bonds, County Council will adopt a resolution prior to the issuance thereof setting forth the details of the Notes.

SECTION 22. Miscellaneous. The County Council hereby authorizes the County Administrator, Chair of the County Council, the Clerk to the County Council and County Attorney to execute such documents and instruments as necessary to effect the issuance of the Bonds. The County Council hereby retains McNair Law Firm, P.A., as bond counsel and Ross, Sinclair & Associates, LLC, as financial advisor in connection with the issuance of the Bonds.

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

Enacted this ____ day of _____, 2009.

BEAUFORT COUNTY, SOUTH CAROLINA

Chair, County Council

(SEAL)

ATTEST:

Clerk, County Council

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

FORM OF BOND

UNITED STATES OF AMERICA
 STATE OF SOUTH CAROLINA
 COUNTY OF BEAUFORT
 GENERAL OBLIGATION BOND, SERIES 2010_

No. R-

<u>INTEREST</u> <u>RATE</u>	<u>MATURITY</u> <u>DATE</u>	<u>ORIGINAL</u> <u>ISSUE DATE</u>	<u>CUSIP</u>
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REGISTERED HOLDER:

PRINCIPAL AMOUNT: DOLLARS

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

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

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

This Bond is one of a series of Bonds of like date of original issue, tenor and effect, except as to number, denomination, date of maturity, redemption provisions, and rate of interest, aggregating _____ Dollars (\$ _____), issued pursuant to and in accordance with the Constitution and laws of the State of South Carolina, including Article X of the Constitution of the State of South Carolina, 1895, as amended; Title 4, Chapter 15, Code of Laws of South Carolina 1976, as amended; Title 11, Chapter 27, Code of Laws of South Carolina 1976, as amended; and Ordinance No. _____ duly enacted by the County Council on _____, 2010.

[Redemption Provisions]

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

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

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

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

BEAUFORT COUNTY, SOUTH CAROLINA

Chair of County Council

(SEAL)

ATTEST:

Clerk of County Council

[FORM OF REGISTRAR'S CERTIFICATE OF AUTHENTICATION]

Date of Authentication:

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

_____ as Registrar

By: _____ Authorized Officer

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

TEN COM - As tenants in common

UNIF GIFT MIN. ACT

TEN ENT - As tenants by the entireties

_____ Custodian _____
(Cust.) (Minor)

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

under Uniform Gifts to Minors

(State)

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

[FORM OF ASSIGNMENT]

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

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

Dated:

Signature Guaranteed:

(Authorizing Officer)

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

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

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

[FORM OF CERTIFICATE]

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

BEAUFORT COUNTY, SOUTH CAROLINA

By: _____
Clerk of County Council

FORM OF NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the County Council of Beaufort County, South Carolina (the "County"), _____, South Carolina, at 6:00 p.m. on _____, 2010.

The purpose of the public hearing is to consider an Ordinance providing for the issuance and sale of General Obligation Bonds of Beaufort County, South Carolina, in the principal amount of not exceeding \$5,000,000 (the "Bonds"). The proceeds of the bonds will be used together with other available funds of the County for the following purposes: (i) paying at maturity the County's \$48,755,000 General Obligation Bond Anticipation Notes, Series 2008; (ii) paying legal and financial advisor fees and other costs of issuance of the bonds; and (iii) such other lawful purposes as the County Council shall determine.

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

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

COUNTY COUNCIL OF BEAUFORT COUNTY,
SOUTH CAROLINA

FORM OF NOTICE

NOTICE OF ADOPTION OF ORDINANCE

Notice is hereby given that on _____, 2010, the Beaufort County Council adopted an ordinance entitled: "ORDINANCE NO. _____ AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS, IN ONE OR MORE SERIES, WITH APPROPRIATE SERIES DESIGNATIONS, OF BEAUFORT COUNTY, SOUTH CAROLINA, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$48,755,000; AUTHORIZING THE BONDS TO BE ISSUED AS TAX-EXEMPT BONDS OR TAXABLE BUILD AMERICA BONDS; 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 "Ordinance").

The proceeds of the bonds will be used together with other available funds of the County for the following purposes: (i) paying at maturity the County's \$48,755,000 General Obligation Bond Anticipation Notes, Series 2008; (ii) paying legal and financial advisor fees and other costs of issuance of the bonds; and (iii) such other lawful purposes as the County Council shall determine.

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

COUNTY COUNCIL OF BEAUFORT COUNTY,
SOUTH CAROLINA

FORM OF NOTICE OF SALE

OFFICIAL NOTICE OF SALE

\$ _____ GENERAL OBLIGATION BONDS, SERIES 2010_,
OF BEAUFORT COUNTY, SOUTH CAROLINA

Time and Place of Sale: NOTICE IS HEREBY GIVEN that sealed bids, facsimile bids and electronic bids will be received on behalf of Beaufort County, South Carolina (the "County"), _____, Beaufort, South Carolina, until 11:00 a.m, South Carolina time, on _____, _____, 2009, at which time said proposals will be publicly opened for the purchase of \$ _____ General Obligation Bonds, Series 2010_, of the County (the "Bonds").

Sealed Bids: Each hand delivered proposal shall be enclosed in a sealed envelope marked "Proposal for \$ _____ General Obligation Bonds, Series 2010_, Beaufort County, South Carolina" and should be directed to the County Administrator at the address in the first paragraph hereof.

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

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

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

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

The Bonds will be issued in fully-registered form registered as to principal and interest; will be dated _____, 2010; will be in denominations of \$5,000 or any integral multiple thereof not exceeding the principal amount of Bonds maturing in each year; and will mature serially in successive annual installments on _____ in each of the years and in the principal amounts as follows:

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

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

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

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

[Redemption Provisions]

Registrar/Paying Agent: Wells Fargo Bank, N.A., will serve as Registrar/Paying Agent for the Bonds.

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

Award of Bid. The Bonds will be awarded to the bidder or bidders offering to purchase the Bonds at the lowest true interest cost (TIC) to the County. The TIC will be the nominal interest rate which, when compounded semiannually and used to discount all debt service payments on the Bonds (computed at the interest rates specified in the bid and on the basis of a 360-day year of twelve 30-day months) to the dated date of the Bonds, results in an amount equal to the price bid for the Bonds. In the case of a tie bid, the winning bid will be awarded by lot. The County reserves the right to reject any and all bids or to waive irregularities in any bid. Bids will be accepted or rejected no later than 3:00 p.m., South Carolina time, on the date of the sale.

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

Good Faith Deposit: No good faith deposit is required.

Bid Form: Proposals should be enclosed in a separate sealed envelope marked "Proposal for \$ _____ General Obligation Bonds, Series 2010_ of Beaufort County, South Carolina" and should be directed to the County Administrator at the address in the first paragraph hereof. It is requested but not required that you submit your bid on the Proposal for Purchase of Bonds supplied with the Official Statement.

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

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

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

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

Delivery: The Bonds will be delivered on or about _____, 2010, in New York, New York, at the expense of the County. The balance of the purchase price then due, including the amount of accrued interest, must be paid in federal funds or other immediately available funds.

BEAUFORT COUNTY, SOUTH CAROLINA

s/ _____
Chair of County Council

FORM OF DISCLOSURE DISSEMINATION AGENT AGREEMENT

DISCLOSURE DISSEMINATION AGENT AGREEMENT

This Disclosure Dissemination Agent Agreement (the “Disclosure Agreement”), dated as of _____, 2010, is executed and delivered by Beaufort County, South Carolina (the “Issuer”) and Digital Assurance Certification, L.L.C., as exclusive Disclosure Dissemination Agent (the “Disclosure Dissemination Agent” or “DAC”) for the benefit of the Holders (hereinafter defined) of the Bonds (hereinafter defined) and in order to provide certain continuing disclosure with respect to the Bonds in accordance with Rule 15c2-12 of the United States Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time (the “Rule”).

SECTION 1. Definitions. Capitalized terms not otherwise defined in this Disclosure Agreement shall have the meaning assigned in the Rule or, to the extent not in conflict with the Rule, in the Official Statement (hereinafter defined). The capitalized terms shall have the following meanings:

“Annual Filing Date” means the date, set in Sections 2(a) and 2(f), by which the Annual Report is to be filed with the Repository.

“Annual Financial Information” means annual financial information as such term is used in paragraph (b)(5)(i) of the Rule and specified in Section 3(a) of this Disclosure Agreement.

“Audited Financial Statements” means the financial statements (if any) of the Issuer for the prior fiscal year, certified by an independent auditor as prepared in accordance with generally accepted accounting principles or otherwise, as such term is used in paragraph (b)(5)(i) of the Rule and specified in Section 3(b) of this Disclosure Agreement.

“Annual Report” means an Annual Report described in and consistent with Section 3 of this Disclosure Agreement.

“Bonds” means the obligations of the Issuer as listed on the attached Exhibit A, with the 9-digit CUSIP numbers relating thereto.

“Certification” means a written certification of compliance signed by the Disclosure Representative stating that the Annual Report, Audited Financial Statements, Voluntary Report or Notice Event notice delivered to the Disclosure Dissemination Agent is the Annual Report, Audited Financial Statements, Voluntary Report or Notice Event notice required to be submitted to the Repository under this Disclosure Agreement. A Certification shall accompany each such document submitted to the Disclosure Dissemination Agent by the Issuer and include the full name of the Bonds and the 9-digit CUSIP numbers for all Bonds to which the document applies.

“Disclosure Representative” means the Chief Financial Officer, the senior member of the Issuer or his or her designee, or such other person as the Issuer shall designate in writing to the Disclosure Dissemination Agent from time to time as the person responsible for providing Information to the Disclosure Dissemination Agent.

“Disclosure Dissemination Agent” means Digital Assurance Certification, L.L.C, acting in its capacity as Disclosure Dissemination Agent hereunder, or any successor Disclosure Dissemination Agent designated in writing by the Issuer pursuant to Section 9 hereof.

“Holder” means any person (a) having the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, any Bonds (including persons holding Bonds through nominees, depositories or other intermediaries) or (b) treated as the owner of any Bonds for federal income tax purposes.

“Information” means the Annual Financial Information, the Audited Financial Statements (if any) the Notice Event notices, and the Voluntary Reports.

“Notice Event” means an event listed in Sections 4(a) of this Disclosure Agreement.

“MSRB” means the Municipal Securities Rulemaking Board established pursuant to Section 15B(b)(1) of the Securities Exchange Act of 1934.

“Official Statement” means that Official Statement prepared by the Issuer in connection with the Bonds as listed on Appendix A.

“Repository” means the MSRB through its Electronic Municipal Market Access (“EMMA”) system at www.emma.msrb.org.

“Trustee” means the institution identified as Registrar/Paying Agent in the document under which the Bonds were issued.

“Voluntary Report” means the information provided to the Disclosure Dissemination Agent by the Issuer pursuant to Section 7.

SECTION 2. Provision of Annual Reports.

(a) The Issuer shall provide, annually, an electronic copy of the Annual Report and Certification to the Disclosure Dissemination Agent, together with a copy for the Trustee, not later than 30 days prior to the Annual Filing Date. Promptly upon receipt of an electronic copy of the Annual Report and the Certification, the Disclosure Dissemination Agent shall provide an Annual Report to the Repository not later than 210 days after the end of each fiscal year of the Issuer, commencing with the fiscal year ending June 30, 2010. Such date and each anniversary thereof is the Annual Filing Date. The Annual Report may be submitted as a single document or as separate documents comprising a package, and may cross-reference other information as provided in Section 3 of this Disclosure Agreement.

(b) If on the fifteenth (15th) day prior to the Annual Filing Date, the Disclosure Dissemination Agent has not received a copy of the Annual Report and Certification, the Disclosure Dissemination Agent shall contact the Disclosure Representative by telephone and in writing (which may be by e-mail) to remind the Issuer of its undertaking to provide the Annual Report pursuant to Section 2(a). Upon such reminder, the Disclosure Representative shall either (i) provide the Disclosure Dissemination Agent with an electronic copy of the Annual Report and the Certification) no later than two (2) business days prior to the Annual Filing Date, or (ii) instruct the Disclosure Dissemination Agent in writing that the Issuer will not be able to file the Annual Report within the time required under this Disclosure Agreement, state the date by which the Annual Report for such year will be provided and instruct the Disclosure Dissemination Agent that a Notice

Event as described in Section 4(a)(12) has occurred and to immediately send a notice to the Repository in substantially the form attached as Exhibit B.

(c) If the Disclosure Dissemination Agent has not received an Annual Report and Certification by 12:00 noon on the first business day following the Annual Filing Date for the Annual Report, a Notice Event described in Section 4(a)(12) shall have occurred and the Issuer irrevocably directs the Disclosure Dissemination Agent to immediately send a notice to the Repository in substantially the form attached as Exhibit B.

(d) If Audited Financial Statements of the Issuer are prepared but not available prior to the Annual Filing Date, the Issuer shall, when the Audited Financial Statements are available, provide in a timely manner an electronic copy to the Disclosure Dissemination Agent, accompanied by a Certificate, together with a copy for the Trustee, for filing with each National Repository and the State Depository (if any).

(e) The Disclosure Dissemination Agent shall:

- (i) upon receipt, promptly file each Annual Report received under Section 2(a) with the Repository;
- (ii) upon receipt, promptly file each Audited Financial Statement received under Section 2(d) with the Repository;
- (iii) upon receipt, promptly file the text of each disclosure to be made with the Repository together with a completed copy of the MSRB Material Event Notice Cover Sheet in the form attached as Exhibit C, describing the event by checking the box indicated below when filing pursuant to the Section of this Disclosure Agreement indicated:
 - 1. "Principal and interest payment delinquencies," pursuant to Sections 4(c) and 4(a)(1);
 - 2. "Non-Payment related defaults," pursuant to Sections 4(c) and 4(a)(2);
 - 3. "Unscheduled draws on debt service reserves reflecting financial difficulties," pursuant to Sections 4(c) and 4(a)(3);
 - 4. "Unscheduled draws on credit enhancements reflecting financial difficulties," pursuant to Sections 4(c) and 4(a)(4);
 - 5. "Substitution of credit or liquidity providers, or their failure to perform," pursuant to Sections 4(c) and 4(a)(5);
 - 6. "Adverse tax opinions or events affecting the tax-exempt status of the security," pursuant to Sections 4(c) and 4(a)(6);
 - 7. "Modifications to rights of securities holders," pursuant to Sections 4(c) and 4(a)(7);
 - 8. "Bond calls," pursuant to Sections 4(c) and 4(a)(8);

9. "Defeasances," pursuant to Sections 4(c) and 4(a)(9);
10. "Release, substitution, or sale of property securing repayment of the securities," pursuant to Sections 4(c) and 4(a)(10);
11. "Ratings changes," pursuant to Sections 4(c) and 4(a)(11);
12. "Failure to provide annual financial information as required," pursuant to Section 2(b)(ii) or Section 2(c), together with a completed copy of Exhibit B to this Disclosure Agreement;
13. "Other material event notice (specify)," pursuant to Section 7 of this Agreement, together with the summary description provided by the Disclosure Representative.

(iv) provide the Issuer evidence of the filings of each of the above when made, which shall be by means of the DAC system, for so long as DAC is the Disclosure Dissemination Agent under this Disclosure Agreement.

(f) The Issuer may adjust the Annual Filing Date upon change of its fiscal year by providing written notice of such change and the new Annual Filing Date to the Disclosure Dissemination Agent, Trustee (if any) and the Repository, provided that the period between the existing Annual Filing Date and new Annual Filing Date shall not exceed one year.

SECTION 3. Content of Annual Reports.

(a) Each Annual Report shall contain Annual Financial Information with respect to the Issuer, including the information provided in the Official Statement under the headings: "THE BONDS - Security," "DEBT STRUCTURE - Outstanding Indebtedness," "CERTAIN FISCAL MATTERS - Assessed Value of Taxable Property in the County," "- Estimated True Value of All Taxable Property in the County," "- Tax Rates," "- Tax Collections for Last Five Years," and "- Ten Largest Taxpayers."

(b) Audited Financial Statements prepared in accordance with GAAP as described in the Official Statement will be included in the Annual Report.

Any or all of the items listed above may be included by specific reference from other documents, including official statements of debt issues with respect to which the Issuer is an "obligated person" (as defined by the Rule), which have been previously filed with the Repository. If the document incorporated by reference is a final official statement, it must be available from the Repository. The Issuer will clearly identify each such document so incorporated by reference.

SECTION 4. Reporting of Notice Events.

(a) The occurrence of any of the following events, if material, with respect to the Bonds constitutes a Notice Event:

1. Principal and interest payment delinquencies;
2. Non-payment related defaults;
3. Unscheduled draws on debt service reserves reflecting financial difficulties;

4. **Unscheduled draws on credit enhancements relating to the Bonds reflecting financial difficulties;**
5. **Substitution of credit or liquidity providers, or their failure to perform;**
6. **Adverse tax opinions or events affecting the tax-exempt status of the Bonds;**
7. **Modifications to rights of Bond holders;**
8. **Bond calls;**
9. **Defeasances;**
10. **Release, substitution, or sale of property securing repayment of the Bonds;**
11. **Rating changes on the Bonds;**
12. **Failure to provide annual financial information as required; and**
13. **Other material event notice (specify) _____.**

The Issuer shall promptly notify the Disclosure Dissemination Agent in writing upon the occurrence of a Notice Event. Such notice shall instruct the Disclosure Dissemination Agent to report the occurrence pursuant to subsection (c). Such notice shall be accompanied with the text of the disclosure that the Issuer desires to make, the written authorization of the Issuer for the Disclosure Dissemination Agent to disseminate such information, and the date the Issuer desires for the Disclosure Dissemination Agent to disseminate the information.

(b) The Disclosure Dissemination Agent is under no obligation to notify the Issuer or the Disclosure Representative of an event that may constitute a Notice Event. In the event the Disclosure Dissemination Agent so notifies the Disclosure Representative, the Disclosure Representative will within five business days of receipt of such notice, instruct the Disclosure Dissemination Agent that (i) a Notice Event has not occurred and no filing is to be made or (ii) a Notice Event has occurred and the Disclosure Dissemination Agent is to report the occurrence pursuant to subsection (c), together with the text of the disclosure that the Issuer desires to make, the written authorization of the Issuer for the Disclosure Dissemination Agent to disseminate such information, and the date the Issuer desires for the Disclosure Dissemination Agent to disseminate the information.

(c) If the Disclosure Dissemination Agent has been instructed by the Issuer as prescribed in subsection (a) or (b)(ii) of this Section 4 to report the occurrence of a Notice Event, the Disclosure Dissemination Agent shall promptly file a notice of such occurrence with the Repository.

SECTION 5. CUSIP Numbers. Whenever providing information to the Disclosure Dissemination Agent, including but not limited to Annual Reports, documents incorporated by reference to the Annual Reports, Audited Financial Statements, notices of Notice Events, and Voluntary Reports filed pursuant to Section 7(a), the Issuer shall indicate the full name of the Bonds and the 9-digit CUSIP numbers for the Bonds as to which the provided information relates.

SECTION 6. Additional Disclosure Obligations. The Issuer acknowledges and understands that other state and federal laws, including but not limited to the Securities Act of 1933 and Rule 10b-5 promulgated under the Securities Exchange Act of 1934, may apply to the Issuer, and that the failure of the

Disclosure Dissemination Agent to so advise the Issuer shall not constitute a breach by the Disclosure Dissemination Agent of any of its duties and responsibilities under this Disclosure Agreement. The Issuer acknowledges and understands that the duties of the Disclosure Dissemination Agent relate exclusively to execution of the mechanical tasks of disseminating information as described in this Disclosure Agreement.

SECTION 7. Voluntary Reports.

(a) The Issuer may instruct the Disclosure Dissemination Agent to file information with the Repository, from time to time pursuant to a Certification of the Disclosure Representative accompanying such information (a "Voluntary Report").

(b) Nothing in this Disclosure Agreement shall be deemed to prevent the Issuer from disseminating any other information through the Disclosure Dissemination Agent using the means of dissemination set forth in this Disclosure Agreement or including any other information in any Annual Report, Annual Financial Statement, Voluntary Report or Notice Event notice, in addition to that required by this Disclosure Agreement. If the Issuer chooses to include any information in any Annual Report, Annual Financial Statement, Voluntary Report or Notice Event notice in addition to that which is specifically required by this Disclosure Agreement, the Issuer shall have no obligation under this Disclosure Agreement to update such information or include it in any future Annual Report, Annual Financial Statement, Voluntary Report or Notice Event notice.

SECTION 8. Termination of Reporting Obligation. The obligations of the Issuer and the Disclosure Dissemination Agent under this Disclosure Agreement shall terminate with respect to the Bonds upon the legal defeasance, prior redemption or payment in full of all of the Bonds, when the Issuer is no longer an obligated person with respect to the Bonds, or upon delivery by the Disclosure Representative to the Disclosure Dissemination Agent of an opinion of nationally recognized bond counsel to the effect that continuing disclosure is no longer required.

SECTION 9. Disclosure Dissemination Agent. The Issuer has appointed Digital Assurance Certification, L.L.C. as exclusive Disclosure Dissemination Agent under this Disclosure Agreement. The Issuer may, upon thirty days written notice to the Disclosure Dissemination Agent and the Trustee, replace or appoint a successor Disclosure Dissemination Agent. Upon termination of DAC's services as Disclosure Dissemination Agent, whether by notice of the Issuer or DAC, the Issuer agrees to appoint a successor Disclosure Dissemination Agent or, alternately, agrees to assume all responsibilities of Disclosure Dissemination Agent under this Disclosure Agreement for the benefit of the Holders of the Bonds. Notwithstanding any replacement or appointment of a successor, the Issuer shall remain liable until payment in full for any and all sums owed and payable to the Disclosure Dissemination Agent. The Disclosure Dissemination Agent may resign at any time by providing thirty days' prior written notice to the Issuer.

SECTION 10. Remedies in Event of Default. In the event of a failure of the Issuer or the Disclosure Dissemination Agent to comply with any provision of this Disclosure Agreement, the Holders' rights to enforce the provisions of this Agreement shall be limited solely to a right, by action in mandamus or for specific performance, to compel performance of the parties' obligation under this Disclosure Agreement. Any failure by a party to perform in accordance with this Disclosure Agreement shall not constitute a default on the Bonds or under any other document relating to the Bonds, and all rights and remedies shall be limited to those expressly stated herein.

SECTION 11. Duties, Immunities and Liabilities of Disclosure Dissemination Agent.

(a) The Disclosure Dissemination Agent shall have only such duties as are specifically set forth in this Disclosure Agreement. The Disclosure Dissemination Agent's obligation to deliver the information at the times and with the contents described herein shall be limited to the extent the Issuer has provided such information to the Disclosure Dissemination Agent as required by this Disclosure Agreement. The Disclosure Dissemination Agent shall have no duty with respect to the content of any disclosures or notice made pursuant to the terms hereof. The Disclosure Dissemination Agent shall have no duty or obligation to review or verify any Information or any other information, disclosures or notices provided to it by the Issuer and shall not be deemed to be acting in any fiduciary capacity for the Issuer, the Holders of the Bonds or any other party. The Disclosure Dissemination Agent shall have no responsibility for the Issuer's failure to report to the Disclosure Dissemination Agent a Notice Event or a duty to determine the materiality thereof. The Disclosure Dissemination Agent shall have no duty to determine, or liability for failing to determine, whether the Issuer has complied with this Disclosure Agreement. The Disclosure Dissemination Agent may conclusively rely upon certifications of the Issuer at all times.

THE ISSUER AGREES TO INDEMNIFY AND SAVE THE DISCLOSURE DISSEMINATION AGENT AND ITS RESPECTIVE OFFICERS, DIRECTORS, EMPLOYEES AND AGENTS, HARMLESS AGAINST ANY LOSS, EXPENSE AND LIABILITIES WHICH THEY MAY INCUR ARISING OUT OF OR IN THE EXERCISE OR PERFORMANCE OF THEIR POWERS AND DUTIES HEREUNDER, INCLUDING THE COSTS AND EXPENSES (INCLUDING ATTORNEYS FEES) OF DEFENDING AGAINST ANY CLAIM OF LIABILITY, BUT EXCLUDING LIABILITIES DUE TO THE DISCLOSURE DISSEMINATION AGENT'S GROSS NEGLIGENCE OR WILLFUL MISCONDUCT.

The obligations of the Issuer under this Section shall survive resignation or removal of the Disclosure Dissemination Agent and defeasance, redemption or payment of the Bonds.

(b) The Disclosure Dissemination Agent may, from time to time, consult with legal counsel (either in-house or external) of its own choosing in the event of any disagreement or controversy, or question or doubt as to the construction of any of the provisions hereof or its respective duties hereunder, and neither of them shall incur any liability and shall be fully protected in acting in good faith upon the advice of such legal counsel. The fees and expenses of such counsel shall be payable by the Issuer.

SECTION 12. Amendment; Waiver. Notwithstanding any other provision of this Disclosure Agreement, the Issuer and the Disclosure Dissemination Agent may amend this Disclosure Agreement and any provision of this Disclosure Agreement may be waived, if such amendment or waiver is supported by an opinion of counsel expert in federal securities laws acceptable to both the Issuer and the Disclosure Dissemination Agent to the effect that such amendment or waiver does not materially impair the interests of Holders of the Bonds and would not, in and of itself, cause the undertakings herein to violate the Rule if such amendment or waiver had been effective on the date hereof but taking into account any subsequent change in or official interpretation of the Rule; provided neither the Issuer or the Disclosure Dissemination Agent shall be obligated to agree to any amendment modifying their respective duties or obligations without their consent thereto.

Notwithstanding the preceding paragraph, the Disclosure Dissemination Agent shall have the right to adopt amendments to this Disclosure Agreement necessary to comply with modifications to and interpretations of the provisions of the Rule as announced by the Securities and Exchange Commission from time to time by giving not less than 20 days written notice of the intent to do so together with a copy of the proposed amendment to the Issuer. No such amendment shall become effective if the Issuer shall, within 10

days following the giving of such notice, send a notice to the Disclosure Dissemination Agent in writing that it objects to such amendment.

SECTION 13. Beneficiaries. This Disclosure Agreement shall inure solely to the benefit of the Issuer, the Trustee of the Bonds, the Disclosure Dissemination Agent, the underwriter, and the Holders from time to time of the Bonds, and shall create no rights in any other person or entity.

SECTION 14. Governing Law. This Disclosure Agreement shall be governed by the laws of the State of New York (other than with respect to conflicts of laws), except the capacity of the Issuer to enter into this Disclosure Agreement and its enforceability against the Issuer shall be governed by and construed in accordance with the laws of the State of South Carolina.

SECTION 15. Counterparts. This Disclosure Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

The Disclosure Dissemination Agent and the Issuer have caused this Disclosure Agreement to be executed, on the date first written above, by their respective officers duly authorized.

DIGITAL ASSURANCE CERTIFICATION, L.L.C.,
as Disclosure Dissemination Agent

By: _____
Name: _____
Title: _____

BEAUFORT COUNTY, SOUTH CAROLINA,
as Issuer

By: _____
Name: Gary Kubic
Title: County Administrator

EXHIBIT A
NAME AND CUSIP NUMBERS OF BONDS

Name of Issuer	Beaufort County, South Carolina
Obligated Person(s)	David Starkey Chief Financial Officer
Name of Bond Issue:	General Obligation Bonds, Series 2010, \$ _____
Date of Issuance:	_____, 2010
Date of Official Statement	_____, 2010

CUSIP Number:

EXHIBIT B
NOTICE TO REPOSITORIES OF FAILURE TO FILE ANNUAL REPORT

Name of Issuer Beaufort County, South Carolina
Obligated Person(s) David Starkey, Chief Financial Officer
Name of Bond Issue: General Obligation Bonds, Series 2010, \$ _____
Date of Issuance: _____, 2010
Date of Official Statement _____, 2010

NOTICE IS HEREBY GIVEN that the Issuer has not provided an Annual Report with respect to the above-named Bonds as required by the Disclosure Agreement, dated as of _____, 2010, between the Issuer and Digital Assurance Certification, L.L.C., as Disclosure Dissemination Agent. The Issuer has notified the Disclosure Dissemination Agent that it anticipates that the Annual Report will be filed by _____.

Dated: _____

Digital Assurance Certification, L.L.C., as Disclosure Dissemination Agent, on behalf of the Issuer

cc: Issuer
 Obligated Person

EXHIBIT C
MATERIAL EVENT NOTICE COVER SHEET

This cover sheet and material event notice should be sent to the Municipal Securities Rulemaking Board or to all Nationally Recognized Municipal Securities Information Repository, and the State Information Depository, if applicable, pursuant to Securities and Exchange Commission Rule 15c2-12(b)(5)(i)(C) and (D).

Issuer's and/or Other Obligated Person's Name: _____

Issuer's Six-Digit CUSIP Number: _____

or Nine-Digit CUSIP Number(s) of the bonds to which this material event notice relates:

Number of pages of attached material event notice: ____

Description of Material Events Notice (Check One):

1. Principal and interest payment delinquencies
2. Non-Payment related defaults
3. Unscheduled draws on debt service reserves reflecting financial difficulties
4. Unscheduled draws on credit enhancements reflecting financial difficulties
5. Substitution of credit or liquidity providers, or their failure to perform
6. Adverse tax opinions or events affecting the tax-exempt status of the security
7. Modifications to rights of securities holders
8. Bond calls
9. Defeasances
10. Release, substitution, or sale of property securing repayment of the securities
11. Rating changes
12. Failure to provide annual financial information as required
13. Other material event notice (specify)
14. _____

I hereby represent that I am authorized by the issuer or its agent to distribute this information publicly:

Signature: _____

Name: _____ Title: _____

Employer: Digital Assurance Certification, L.L.C.

Address: _____

City, State, Zip Code: _____

Voice Telephone Number: _____

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE MASTER PARK AGREEMENT GOVERNING THE MULTI-COUNTY INDUSTRIAL/BUSINESS PARK BY AND BETWEEN BEAUFORT COUNTY, SOUTH CAROLINA AND JASPER COUNTY, SOUTH CAROLINA, IN ORDER TO EXPAND THE BOUNDARIES OF THE PARK TO INCLUDE ALL THOSE PROPERTIES LOCATED IN THE INDUSTRIAL PARK KNOWN AS "BEAUFORT COMMERCE PARK" LOCATED IN BEAUFORT COUNTY, SOUTH CAROLINA

WHEREAS, Article VIII, Section 13(d) of the Constitution of South Carolina provides that counties may develop jointly an industrial or business park with other counties within the geographical boundaries of one or more of the member counties and Section 4-1-170, Code of Laws of South Carolina of 1976, as amended, provides the statutory vehicle whereby a joint county industrial park may be created; and

WHEREAS, under the authority granted to them pursuant to Article VIII, Section 13(d) of the Constitution of South Carolina and Section 4-1-170 of the Code of Laws of South Carolina of 1976, as amended, the County Councils of Beaufort County, South Carolina ("Beaufort County") and Jasper County, South Carolina ("Jasper County") entered into that certain Agreement for Development of Joint County Industrial and Business Park dated as of December 31, 1999 (as amended from time to time, the "Agreement"), and have thereafter developed the industrial park described in such Agreement (the "Park"); and

WHEREAS, Beaufort County and Jasper County, having determined that an enlargement in the boundaries of the Park would promote economic development and thus provide additional employment opportunities within both of said counties, desire to amend the terms of the Agreement to enlarge the boundaries of the Park as described on Exhibit A by adding the property described on Exhibit B attached hereto, which Property is located in Beaufort County.

NOW, THEREFORE, BE IT ORDAINED by the Beaufort County, South Carolina County Council in meeting duly assembled:

Section 1. The Beaufort County Council hereby authorizes and directs the Chairman of the County Council and the Clerk to County Council to execute and deliver the Amendment to Agreement for Development of Joint County Industrial and Business Park (the "Amendment"), together with such changes from the form of such Amendment presented at this meeting as such officers may approve, their execution and delivery of such documents to constitute conclusive evidence of their approval of any such changes or revisions. The form of the Amendment presented to this meeting and all terms, provisions, and conditions of the Amendment are hereby incorporated herein by reference as if the Amendment were set out in this Ordinance in its entirety. The appropriate officers of the County are hereby authorized to perform any task and sign any such ancillary agreements, certificates, or documents as it is determined by the Chairman to be necessary or convenient to effectuate the provisions of this Ordinance.

Section 2. Any business enterprise locating in the Park shall pay a fee-in-lieu of *ad valorem* taxes as provided for in the Agreement, Article VIII, Section 12 of the South Carolina Constitution, and the Act. The user fee paid in lieu of *ad valorem* taxes shall be distributed among Jasper County and Beaufort County as set forth hereunder and in the Agreement and Amendment.

Section 3. Beaufort County hereby specifies that the distribution of the fee in lieu of *ad valorem* taxes received by Beaufort County pursuant to the Amendment (the 99% portion) be paid as follows: (1) first, to Beaufort County to reimburse Beaufort County for any expenses incurred by Beaufort County in connection with development and marketing of the Park, including without limitation, expenses incurred in connection with the acquisition and construction of land and improvements thereon; the acquisition and construction of infrastructure improvements serving the Park such as roads, water and sewer lines and improvements, drainage improvements, signage, and lighting, whether or not located on the land comprising the Park; and expenses related to providing land, site work, and other incentives to induce companies to locate in the Park; and (2) the balance shall be distributed to each of the taxing entities in Beaufort County which levy and *ad valorem* property tax in any of the areas comprising the Park in the same percentage as is equal to that taxing entity's percentage of the millage rate being levied in the then current tax year for property tax purposes; provided that Beaufort County may, from time to time, by ordinance, amend the distribution of the fee in lieu of tax payments as set forth in this Section 3. A portion of the fee in lieu of *ad valorem* taxes which Beaufort County receives pursuant to this Agreement for Park premises may be, from time to time and by ordinance of Beaufort County Council or its successor, designated for the payment of Special Source Revenue Bonds or Credits in lieu of such Bonds.

Section 4. Should any section of this Ordinance be, for any reason, held void or invalid, it shall not affect the validity of any other section hereof which is not itself void or invalid.

Section 5. That property designated as being within the Park shall be those premises more fully described in the Exhibits attached to the Agreement and to the Amendment, and such Exhibits are hereby incorporated herein as if set out in their entirety.

Section 6. The boundaries of the Park shall be enlarged or diminished from time to time as authorized by Ordinances of the County Councils of the Counties. It is specifically recognized that the Park will from time to time consist of non-contiguous properties.

Section 7. This Ordinance shall take effect immediately upon third reading of the Beaufort County Council and shall supersede any inconsistent ordinances.

[End of Ordinance - Signature Page to Follow]

Enacted and approved this ____ day of _____, 20__.

BEAUFORT COUNTY, SOUTH CAROLINA

Wm. Weston J. Newton, Chairman of County
Council

ATTEST:

Suzanne M. Rainey, Clerk of County
Council

First reading, By Title Only: November 9, 2009

Second Reading: December 14, 2009

Public Hearing:

Third Reading:

EXHIBIT A

PARK PROPERTY

All that certain piece, parcel or tract of land lying, being and situate in Beaufort County, South Carolina, designated as 209.824 acres, more or less, known as Beaufort Commerce Park, as shown on a plat prepared by David S. Youmans, RLS, dated February 8, 2006, which is recorded in Plat Book 112 at Page 68 in the office of the Register of Deeds for Beaufort County, South Carolina.

Said tract of land is comprised of several parcels of land consisting of 21.0 acres, 37.761 acres, 54.41 acres, 37.293 acres, 46.69 acres, 1.23 acres and 11.44 acres respectively, as depicted on the plat referenced above.

SAVE AND EXCEPT, ALL those certain pieces, parcels or lots of land, situate, lying and being in Beaufort County, South Carolina, shown and designated as Lot 19 containing 6.8149 acres, more or less and Lot 20, containing 8.0802 acres, more or less, in Beaufort Industrial Park as shown on a plat prepared by Steven Wade Andrews of Andrews Engineering Co., Inc. dated May 9, 2005, which is recorded in Plat Book 112 at Page 68 in the office of the Register of Deeds for Beaufort County, South Carolina.

TMS Numbers:

- R100 024 000 0408 - 54.41 acres
- R100 024 000 0409 - 21.00 acres
- R100 020 000 0267 - 11.44 acres
- R100 020 000 0268 - 1.23 acres
- R100 020 000 0269 - 46.69 acres
- R100 020 000 0270 - 37.293 acres
- R100 024 000 0407 - 37.761 acres

EXHIBIT B

ADDITIONAL PROPERTY

ALL that certain piece, parcel of lot of land, with improvements thereon, situate, lying and being in Beaufort County, South Carolina containing 7.87 acres, and being more particularly shown as Parcel Two (2) on that certain plat prepared by Bock & Clark's National Surveyors Network, David S. Youmans, R.L.S. No. 9765, dated the 10th day of February, 1997, revised March 21, 1997, with latest revision dated the 30th day of May, 1997 and entitled "Boundary and As-Built Survey Prepared for LTIC, Columbus Project for Borden, Inc.", a copy of which is recorded in the Office of the RMC for Beaufort County, South Carolina, in Plat Book 60 at Page 164. For a more accurate description of said property as to metes and bounds, courses and distances, reference is craved to the aforementioned plat of record.

This being the same property conveyed to James A. Trumps by Deed of BDH One, Inc., successor by merger to the interest of OFI, Inc. dated May 30, 1997 and recorded in Deed Book 947 at Page 2417 in the Beaufort County, South Carolina Register of Deeds Records.

IN WITNESS WHEREOF, the duly authorized and appointed officers of Beaufort County, South Carolina and Jasper County, South Carolina have set their hands and seals hereto to be effective as of the ____ day of _____, 20__.

BEAFUORT COUNTY, SOUTH CAROLINA

(SEAL)

By: _____
Wm. Weston J. Newton, Chairman

ATTEST:

Suzanne M. Rainey, Clerk to County Council
Beaufort County, South Carolina

JASPER COUNTY, SOUTH CAROLINA

(SEAL)

By: _____
George Hood, Chairman

ATTEST:

Judy Frank, Clerk to County Council
Jasper County, South Carolina

EXHIBIT A

PARK PROPERTY

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Said tract of land is comprised of several parcels of land consisting of 21.0 acres, 37.761 acres, 54.41 acres, 37.293 acres, 46.69 acres, 1.23 acres and 11.44 acres respectively, as depicted on the plat referenced above.

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- R100 020 000 0268 - 1.23 acres
- R100 020 000 0269 - 46.69 acres
- R100 020 000 0270 - 37.293 acres
- R100 024 000 0407 - 37.761 acres

EXHIBIT B

ADDITIONAL PROPERTY

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**Committee Reports
January 11, 2010**

A. REPORTING COMMITTEES

1. Community Services

① Minutes are provided from the meeting held December 21. (Main agenda item #10)

2. Natural Resources

① Minutes are provided from the meeting held January 4. (Main agenda item #14)

3. Public Facilities

① Airports Board

<i>Nominated</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
12.14.09	Joseph Zimmerman	Hilton Head Island Town Council	Appoint	6 of 11

4. Public Safety

① Minutes are provided from the meeting held January 4. (Main agenda items #11 and #12)

B. COMMITTEE MEETINGS

1. Community Services

William McBride, Chairman

Gerald Dawson, Vice Chairman

➔ Next Meeting – Tuesday, January 19 at 4:00 p.m. / Meeting location: ECR not BIV

➔ Next Meeting Joint Initiative Committee– Tuesday, February 2 at 4:00 p.m., Executive Conference Room

2. Finance

Stu Rodman, Chairman

William McBride, Vice Chairman

➔ Next Meeting – Tuesday, January 19 at 2:00 p.m. / Meeting location: ECR not BIV

3. Natural Resources

Paul Sommerville, Chairman

Jerry Stewart, Vice Chairman

➔ Next Meeting – Monday, February 1 at 2:00 p.m.

4. Public Facilities

Herbert Glaze, Chairman

Steven Baer, Vice Chairman

➔ Next Meeting – Tuesday, January 26 at 4:30 p.m.

5. Public Safety

Jerry Stewart, Chairman

Brian Flewelling, Vice Chairman

➔ Next Meeting – Monday, February 1 at 4:00 p.m.

6. Transportation Advisory Group

Weston Newton, Chairman

Stu Rodman, Vice Chairman

COMMUNITY SERVICES COMMITTEE

December 21, 2009

The electronic and print media were duly notified in
Accordance with the South Carolina Freedom of Information Act

A meeting of the Community Services Committee was held Monday, December 21, 2009, at 4:00 p.m. in the Executive Conference Room of the Administration Building, Beaufort, South Carolina.

ATTENDANCE

Chairman William McBride, Vice-Chairman Gerald Dawson and members Steven Baer, Stu Rodman were present. Committee Members Steven Baer, Rick Caporale, Herbert Glaze and Laura Von Harten were absent. Non-Committee Members Brian Flewelling and Paul Sommerville were also present. A quorum was not present.

Staff: Morris Campbell, Division Director – Community Services; and Dave Thomas, Purchasing Director

Public: Rodney Baker, Ideas 4 Success.

Vice-Chairman Gerald Dawson chaired the meeting.

ACTION ITEM

1. **Proposal to Extend Lease for Daufuskie Island Co-Operative Store**

Discussion: Mr. Morris Campbell, Division Director – Community Services, reviewed this item with the Committee. The lease agreement between Beaufort County Council and the Daufuskie Island Cooperative, Inc. (hereinafter Co-op) expires December 31, 2009. The Board of the Daufuskie Co-op requested the County to renew the lease for at least an additional five years. For the past five years, the Co-op subleased the facility and plans on continuing that approach for efficiency and consistency. The facility will continue to be used as a general store and restaurant. Over the years, the use of the facility has changed from a small corner store to a community general store that has been an attractive facility on the island for visitors. In the evaluation of the facility and the evaluation to extend the lease for an additional five years, staff found the store needed some repair work done to it. The Co-op is willing to bring it up to code. The County must also hold their end of the bargain. Once we get the people of Daufuskie Island to do their part of the agreement, we will begin our part of the agreement. We would like to begin the agreement with the understanding that they have a 90-day period to come into compliance. Staff recommends approval of the lease extension for five years with a list of conditions that will be outlined in the lease agreement to be prepared by the County Staff Attorney. The conditions include: 1) The Cooperative must complete all the upgrade

requirements to the facilities as outlined by the County Facilities Manager. 2) The Cooperative will obtain the necessary approvals from the regulatory agencies for operation of the facility, i.e., DHEC, Building Codes/Inspections, etc. 3) The Cooperative will ensure that the facility is properly insured and maintained for the duration of the lease. 4) The County will handle the facility issues outlined as its responsibility.

Mr. Flewelling stated we are leasing this for a commercial enterprise and are receiving no money from it. All we receive is an obligation to keep it in good repair, at our expense. If the County is going to be required to do repairs, it should be self-sustaining. The cost of the repairs should be borne by the people using it.

Mr. Campbell stated the stipulation of the grant was if it was going to be an economic opportunity for the community, the County would accept it as a pass through. Most of the work on the building has been done by the community using funds generated through the lease agreement to ensure it will remain a part of the community. The economic part of it is the facility employs six people, who are a part of the economic cycle on Daufuskie Island. The County portion of the entire repairs will be about 10%.

Mr. Flewelling stated he would like to see the financial layout/details. Mr. Morris replied he would supply those figures.

Recommendation: The Committee recommends approval of the lease extension for five years with a list of conditions outlined in the lease agreement to be prepared by the County Staff Attorney. They include: 1) The Cooperative must complete all the upgrade requirements to the facilities as outlined by the County Facilities Manager. 2) The Cooperative will obtain the necessary approvals from the regulatory agencies for operation of the facility, i.e., DHEC, Building Codes/Inspections, etc. 3) The Cooperative will ensure the facility is properly insured and maintained for the duration of the lease. 4) The County will handle the facility issues that are outlined as its responsibility. *Due to lack of a quorum, this item will require a motion and second at full Council.*

INFORMATION ITEM

2. Monthly Report – Contract Compliance Program

Discussion: Mr. Rodney Baker, Ideas 4 Success, reviewed this item with the Committee. He expressed his appreciation to Council for the opportunity to serve as a mutual constituency and his appreciation for Mr. Steve Green, who worked well beyond his contracted 20 hours a week.

He stated they submitted their written final report. During the second engagement/extension of engagement, Ideas 4 Success was fortunate enough to fill in the puzzle

as it relates to working on skills of local business people. The first session covered how to do business with local government. Then, there was an electronic commerce session in which bringing a company into electronic transactions to increase sales and increase visibility was the main focus. The final session was how to do business with the federal government. There has been excellent participation from prime contractors in Beaufort County. As a result of earlier sessions, contractors got excited and were there in mass for the federal government session. There were reports that they have begun to look locally at doing business with local firms and now see the advantages with joining forces with local businesses. Since being at Penn Center, Ideas 4 Success was given space. He stated they believe it is a good idea to have plans and specs for a Plan Room. One complaint is that businesses do not have the money to purchase plans and specs. The Purchasing Department was asked for a set of plans and specs for the projects coming out. Ray Contracting and Patterson Construction provided furniture. They would like to start working with the smaller businesses on how to bid. It is a skill everyone needs. The prime contracting community in Beaufort County has “gotten on the band wagon” in seeing the seriousness and importance of increasing business with locally based firms. Hopefully, they will put their money into it by offering subcontracts to smaller contractors.

If the County decides it wants to have a compliance officer, it is felt that it is an important function, said Mr. Baker. In the few meetings and bid openings Mr. Green had the opportunity to participate in, he noticed there is a different type of reception received. Prime contractors started to call the office and are more active at seeking names/contact information of subcontractors. That is a significant change.

Also, one problem for small businesses is that a lot of contracts are out of capacity. Teaming with a concept produced marginal success. Today, one constituent qualified for the 8A Program and is not interested in going after an 8A set aside, but is instead teamed with another company. It is a contract valued in excess of \$5 million. They will put together their joint venture and go after this contract. This type of teaming and partnering is how small, local businesses begin to progress. That is an institutional change. Prime contractors are now looking at partnering with disadvantaged companies, etc. That is beneficial for the area.

If we are to move forward, access to capital remains critical in all parts of the small business community. Businesses need lines of credit. Those are hard to find. The government has not picked up their programs to promote that. Now the public sector seems to be the big player in any money circulation and revenue generation through bonding. If one is going to do business with a public entity, bonding is required. There are some out-of-town entities interested in setting up surety programs for local businesses. Bonding has been critical and remains critical.

What can Beaufort County do in the future to generate more revenue with our constituency? Mr. Baker recommended looking at the Atlanta model, where a prime contractor manages the entire construction project but has smaller subcontractors work in all facets. There are not a whole lot of projects like that, but Beaufort County could consider it for more projects.

It would be worth discussing. In Atlanta, they found it did not drive up the cost of the projects. They were able to save money where they came up with pricing using the construction managing technique. This could be an effective tool to create additional opportunity for locally based businesses, to create teaming arrangements and to keep local funds local.

As the budget picture improves, he stated he strongly encourages Beaufort County to consider creating a compliance officer position. It will allow an individual to have the ability to focus on issues and to listen to complaints. A compliance officer will keep conflicts down. The concept of the compliance officer will be important if the County can afford it.

Mr. Flewelling asked for the final report. Mr. Baker stated he will e-mail it to all Council members.

Mr. Rodman asked what the compliance office does and if the position could be shared with the School District.

Mr. Baker stated a contract compliance officer is a mutual partner who checks information during and after projects. A compliance officer also consults with the Purchasing Director and Council to explain what is agreed to and the requirements in accepting certain money.

Mr. Rodman wanted to know to whom the compliance officer would report. Mr. Baker stated typically the responsibility falls in the purchasing department. He, however, suggested a compliance program that goes beyond the scope of purchasing. There are other entities within the County structure that receive federal funds. He suggests a full compliance officer who will report to either the County Administrator and/or Council.

Mr. Dave Thomas, Purchasing Director, stated he looked at two issues. If we are not going to use the Governor's Office Certification Program then we need something in-house to certify the small business enterprises. The only thing the Purchasing Department is certifying is whether they are local, County business. We need someone in-house who will certify local vendors, thereby creating an SBE Program, not a compliance office program. Mr. Baker is talking about a bigger picture in bringing people together. We need to either do what he is recommended or find the local vendors to bring the prime contractors together.

Mr. Dawson stated earlier in the discussion to enhance minority participation in awarding of contracts, certification aspect was an integral part to ensure the primes live up to the contractual agreement and utilizes the subcontractor listed was missing.

Mr. McBride wanted to know if a compliance officer could be shared between the School District and the County. Mr. Baker replied in the affirmative. The School District does have an

internal auditor but that individual advises the School Board of awards. The verification process is the key thing.

Mr. Thomas stated the County receives stimulus money for updating lighting and buying trash compactors. We, as Purchasing staff, have to put together the quarterly reports to the federal government agencies to show how we are spending the money and how we comply with the Davis Bacon Act, which covers mandatory wages.

Mr. Baker stated when one receives money from the federal government; it comes with a number of conditions. Local governments, especially with stimulus, have failed to submit the required reports. There is a significant amount of reporting overlooked. A compliance officer would be the one who would review the information and make sure it is assembled and submitted to the appropriate recipient.

Mr. Baker stated Beaufort County is in a unique geographic position. Jasper County is getting ready to move dirt and build a shipping port facility. Over a month ago, Boeing announced they are building the 787 Dreamliner in North Charleston. With the Boeing piece, one talks about the possibility of 150 plus subcontractors and sub-assembly entities moving into the area. He suggested we begin to talk with the economic development people here with the County. Once they begin building, there are sub-assembly entities that are going to be looking. Beaufort County is in the area for the delivery process. There is a good possibility Beaufort County could take advantage for being a little bit aggressive, utilizing the Chambers and our economic development people to talk with Boeing. The National Minority Supplier Development Council is getting ready to beef up their presence in the Charleston area. He stated he is trying to convince them to call it the Lowcountry Council and consider meeting in Beaufort County to bring attention to the area. The next thing involving economic development is the recommendation of developing a trade-free zone, which could be anywhere with a series of industrial buildings.

Mr. Dawson stated Mr. Baker mentioned the changes with our prime and subcontractors mutually coming together. That is a plus and a thing that did not happen before. Mr. Baker also spoke of the need to work with subcontractors regarding how to submit the contracts and put the bids together. The other needs include lines of credit and bonding. These need to be examined. Mr. Dawson wanted to know if we could begin looking at the process of a managing contractor and if it could be applied to our situation in Beaufort County. Mr. Thomas stated he will look into that further.

Mr. McBride wanted to know how one works around line of credit regarding local people. Is there something that can be done to help these individuals?

Mr. Baker stated there are a number of models available. There are micro lenders who receive funding from SBA and other agencies and the Department of Agriculture. They have a

risk loan pool where they will give a direct loan or establish a line of credit with that pool of money. There is risk because they are willing to accept lower credit scores than banks accept. Also, Suntrust Bank established similar type risk pools. It is a locally managed revolving loan fund and line of credit guarantee funds. The sponsor of the program will either put a certain amount of money in the bank to support the risks of the lines of credit. Then the institution will issue the line of credit. It is monitored and involves a lot of paperwork. There are a number of different models out with different risks. The number one problem you hear from business owners is access to capital. Bringing micro lenders in would be a small start, but at least it would be a start.

Mr. McBride wanted to know if Mr. Baker planned to extend his contract. Mr. Baker stated he will speak with the County Administrator come January.

Status: No action required. Information only.

NATURAL RESOURCES COMMITTEE

January 4, 2010

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

The Natural Resources Committee met on Monday, January 4, 2010 at 3:00 p.m., in the Executive Conference Room of the Administration Building, Beaufort, South Carolina.

ATTENDANCE

Natural Resources Committee Members: Committee Chairman Paul Sommerville, Vice Chairman Jerry Stewart and members Steven Baer, Brian Flewelling, and William McBride were present. Non-Committee members Rick Caporale and Herbert Glaze were also present.

County Staff: Tony Criscitiello, Division Director, Planning and Development and Rob Merchant, Long-range planner.

Public: Reed Armstrong, Coastal Conservation League and Joe Crowley, Hilton Head Association of Realtors.

Media: Richard Brooks, *Bluffton Today*.

ACTION ITEM

1. **Text Amendments to the Beaufort County Zoning and Development Standards Ordinance (ZDSO) that Replaces All the Community Options with a Traditional Neighborhood Development Option: Article V, Division I, Table 106-1098 Use Table; Article VI, Division 2, Table 106-1526 Open Space and Density Standards; Article VI, Division 3, Table 106-1556 Lot and Building Standards; Article VI, Division 4, Table 106-1617 Bufferyard and Landscaping Standards; Article XI, Divisions 1 and 2**

Discussion: Mr. Sommerville, Natural Resources Committee chairman, introduced a text amendment to the ZDSO to replace all community options with Traditional Neighborhood Development.

He said the item was discussed at great length at the Natural Resources Committee on chaired by Mr. Stewart on November 2, 2009. He said at that time it was the Committee's wish to have staff look at the financial implications, vis-à-vis school fees, which we can receive as part of a negotiated development agreement; that has been done. The community option was in effect in 1999. He said he does not know if it was in existence before 1999. In 1999, County Council moved to remove the PUD from our zoning ordinance. Planned community was in

existence then, however was not used between then and 2003, at which time it was put back on the zoning ordinance and it has not been used since 2003. Point of fact is it has been there for nearly 10 years without being used.

Mr. Sommerville said the planned community came up most recently vis-à-vis an application by Cherokee Farms to use it as a method of developing 700 acres they have near Habersham. It was denied at staff-level and it went to the Zoning Board of Appeals. The Zoning Board of Appeals said it did not meet the letter of the ordinance and denied the request. The Board asked staff to go back and look at the community option and rewrite it in some intelligible form.

Mr. Sommerville asked members if they read Ralph Nader's *Unsafe at Any Speed*. He said he would call the community option "unintelligible at any speed." He said he gave up on trying understanding. It needed to be redone, he said. The wording has been redone and he said it will apply to someone. Part of today's discussion will be to whom the changes will apply. Mr. Sommerville referred to the November 2nd meeting and said, if the Traditional Neighborhood Development (TND) passes in present form, it arguably could remove from Beaufort County the option of requiring as part of the development agreement \$6,000 per rooftop for school fees and \$2.50 per square-foot in school fees. Mr. Sommerville said that is certainly one argument on the topic.

Mr. Sommerville introduced Mr. Tony Criscitiello, Division Director, Planning and Development Department, who discussed what could happen if some developments opt for the Traditional Neighborhood Development (TND), as opposed to a Planned Unit Development (PUD) or a development agreement. He also spoke about how widespread the application might be.

Mr. Criscitiello introduced Rob Merchant, the Beaufort County long-range planner in charge of this topic. Mr. Criscitiello said the staff report contains the materials asked for by the Committee at the November 2nd meeting – a brief financial analysis and the effect of this change, which is relatively limited in areas based on what is allowed in suburban and urban. The Community option was removed from rural zoning as an effort to focus the TND into areas that could sustain the development in terms of infrastructure. Mr. Criscitiello said this is an improvement in an inoperable section of our zoning ordinance.

Mr. Rob Merchant came to the table to present a PowerPoint covering the TND. Mr. Merchant explained the Zoning Department looked at the requirements for a TND and possible locations, and then it created a map based on criteria. The change only applies in suburban and urban areas. There are several restrictions. Parcels eligible for TND zoning must be labeled suburban or urban, site area is at least 40 acres in suburban and 20 acres in urban, the site must have direct access to an existing arterial or major collector roadway and the site must be within ¼ mile of a public park or school. There are 13 parcels, totaling 706 acres, which meet those criteria in Beaufort County. There are a potential 2,524 dwelling units compared to 1,564 under conventional zoning. Mr. Merchant then pulled up a map illustrating where the properties are in the County – all are in the Burton area. This is a factor of where our urban and suburban land is.

There are very few parcels which could qualify for the TND left in Southern Beaufort County and a lot of what is there is developed.

Mr. Sommerville stopped to ask about the school. Is it the old Battery Creek School?

Mr. Merchant replied in the affirmative. Mr. Merchant said it applied to many of the parcels around that school, which front Parris Island Gateway.

Mr. Baer asked if there are additional parcels in Okatie near a school, which was recently zoned.

Mr. Merchant replied they are either rural or part of the Okatie PUD and zoned as such.

Mr. Baer asked if they could petition for up-zoning. Mr. Merchant replied they could, but could then be subject to school development fees.

Mr. Merchant said the biggest concern when going through this review was how many parcels could theoretically not go through the process of having a formal zoning amendment that would trigger the development agreement process.

Mr. Sommerville asked if the comparison of 2,524 dwelling units by-right versus 1,564 dwelling units in traditional neighborhood development. Mr. Merchant replied yes. Mr. Sommerville said he asks because In Scenarios 1, 2 and 3 of the staff report, Scenario 2 is by-right, mixed-use scenario and it is more than the TND number of units. If we computed using by-right, mixed-use rather than baseline scenarios, could you actually come up with totally different numbers?

Mr. Merchant said yes. He explained base density in suburban as 2 units per acre, or more if in a cluster. He said in multi-family development option it's 5 units per acre. He said it's trying to find that base to compare everything to and the department simply used the conventional subdivision using base zoning. He said you are right; someone could create higher density zoning.

Mr. Merchant then went over the three scenarios used for fiscal analysis. Scenario 1, as baseline, is a 105-acre parcel, which develops as a conventional suburban subdivision at 2 dwelling units per gross acre, yielding 210 houses. Scenario 2, an aggressive development, consists of mixed-use options available in Suburban districts with possible 86 single-family units, 300 multi-family units and 10,000 square-feet of office space. Lastly, Scenario 3 is the Traditional Neighborhood Development. This scenario derives its mix of residential types and commercial square footage from the Cherokee Farms master plan. This scenario assumes housing values in TNDs are 15 percent higher than in conventional subdivisions. This scenario assumes 311 dwelling units and 150,000 square-feet of office and retail.

Then, Mr. Merchant reviewed the fiscal analysis using those three scenarios. In the conventional subdivision, the annual school revenue per dwelling is \$544.56, the revenue per

unit above conventional subdivision is \$0 and zero years to equal school development fee. In the by-right, mixed-use development the annual school revenue per dwelling unit is \$603.66, the revenue per unit above conventional subdivision is \$59.10 and will take zero years to equal school development fee. In a TND with a 15 percent premium, the annual school revenue per dwelling is \$1,165.85, the revenue per unit above conventional subdivision is \$621.29 and it will take 9.7 years to equal school development fee. In about 10 years, the cumulative fiscal benefits of a TND will surpass a one-time \$6,000 School Development Fee. The fiscal premium per dwelling unit in a TND is dependent on two factors: The average assessed value of a dwelling unit in a TND is higher than a similar unit in a conventional subdivision and the amount of commercial development within a TND. According to the presentation, even though they were not quantified in this analysis, the County and the Burton Fire District would also benefit fiscally from TNDs. There are many non-fiscal benefits of TNDs including walkability and reduction in miles vehicles travel. Mr. Merchant said the department assumed in this analysis and in the TND that commercial development would occur incrementally with the housing, so whatever tax benefit there would be in that particular area was divided by the number of housing units in that area.

Mr. Flewelling asked Mr. Merchant to review the methodology of this report once more. He said he's afraid it could be skewed a bit. He said if it is per dwelling unit it could be skewed because there might be more units in the mixed-use. Mr. Flewelling also asked if school revenues are calculated by unit or by acres.

Mr. Merchant replied the calculation is per unit. Mr. Merchant said it is calculated by units because each unit can ultimately have a certain impact on the school, have a potential student yield. He said the bottom line is the average tax yield per unit is about \$620 more than the conventional subdivision and overtime this would yield a great amount of tax revenue.

Mr. Sommerville said the numbers for TND assume there is 3,000 feet of commercial, but he could not tell what would stop someone from not building out the commercial development.

Mr. Merchant said that is a very good point and this scenario gives a good range of possible outcomes.

Mr. Stewart asked of these potential areas to be developed under the TND, could those also be developed under PUD. Mr. Merchant replied in the affirmative. Mr. Stewart said if the development goes the PUD route and not the TND route, you could get the \$6,000 and ad velorum tax. In the PUD you would never catch up with the school fees because you have the up-front \$6,000.

Mr. Baer asked about the average price per dwelling unit and the average number of kids per dwelling unit.

Mr. Merchant said they used between .3 and .5 students per household, based on a countywide average.

Mr. Rick Caporale said that number seems very low.

Mr. Baer said the first is 210 units, second 386 units and third 311 units. Mr. Merchant agreed.

Mr. Caporale wanted to know if the County tracks housing starts. Mr. Caporale said he just wondered what the numbers look like.

Mr. Flewelling replied the building permits office would have them. Mr. Merchant added it has dropped significantly in Beaufort County.

Mr. Baer asked about finer details for school kid average and said he feels like that low number is skewed by retirees.

Mr. Stewart replied the Bureau of Labor Statistics uses an average 1.5 kids per household. He said you have to look at it by development and the area, not countywide.

Committee members also pointed out commercial development will not produce schoolchildren.

Mr. Sommerville said in the proposed changes to the ZDSO the total area of commercial uses in the neighborhood center shall be in proportion to accepted planning standards. I am assuming the DRT has to sign off on it. Toni said the 150,000-square-foot Cherokee Farms Master Plan is derived directly from that language. It's stated, it all depends on the specific project. It depends on how it's created in the master plan.

According to the presentation, the Traditional Neighborhood Development Ordinance:

- Purpose is to support the development of human scale, walkable communities where residences, business and commercial uses are within walking distance of one another.
- The TND option will replace the Community Use option.
- TND option only available in Suburban and Urban zoning districts (community use option is eliminated in rural).
- The TND option is meant to be an interim step until ZDSO rewrite.

The general requirements for Traditional Neighborhood Development are:

- Site Requirements - a minimum of 40 acres in suburban, 20 acres in urban; on an arterial or major collector or near a public park or school
- Density: 3 dwelling units per acre in suburban; 4.5 dwelling units per acre in urban
- Open Space: 35% in suburban; 20% in urban – Combination of passive and civic open space
- Uses: Mix of land uses and lot sizes are required; Uses indicated as TND in use table
- Street Network: Interconnected street network is required; public access to all streets is required; street trees and sidewalks; no gates

The neighborhood zones are as follows:

1. Neighborhood Center
2. Neighborhood General
3. Neighborhood Edge
4. Neighborhood Reserve. Areas set aside as passive open space

All TND's are required to have at least two of the first three Neighborhood Zones

Mr. Merchant concluded we have a time factor that, based on scenario 3, in about 10 years the cumulative benefits will surpass that initial fee. He said the two biggest factors are the average assessed values of the dwelling units and the amount of commercial development. So obviously, the higher property values the greater the tax yield will be. Also, the County and Burton Fire District will benefit as well, but it was not factored into this study. He said there are also other non-fiscal benefits. This is the type of development the County is trying to encourage.

Mr. Sommerville said we will not know about the demographics, specifically the number of kids per household. Secondly, he mentioned the non-fiscal benefits and their importance. It would be more water-quality friendly and that's just one of many non-fiscal benefits, I'm sure. He invited anyone who could speak on those non-fiscal benefits to address the Council.

Mr. Flewelling said he had a few questions. He said he was concerned about the potential impact, knowing all the properties affected will be in my district or the one next to mine, particularly with relation to the Northern Regional Plan. This increases density, will it impact the Northern Regional Plan.

Mr. Merchant said it is still within the range of density asked for within those future land use districts. Mr. Flewelling said there would be a minimum impact. Mr. Merchant agreed.

Second, Mr. Flewelling asked where in the ordinance would it be decided how much of the development would be for low, moderate or workforce housing. Is that something we to discuss at this point or is that discussed elsewhere?

Mr. Merchant said there's nothing in this ordinance addressing workforce housing, but in our affordable housing section of our zoning ordinance we do have options available for developments with density bonuses if they create affordable housing.

Mr. Flewelling asked if this would be a good point to address mandatory workforce housing in this kind of development.

Mr. Sommerville he understands there is nothing that requires workforce housing be added, but it could be added as a bonus. If they want affordable housing, they would have to say they want the bonus. This could be an affordable housing unit. Mr. Sommerville and Mr. Flewelling went back and forth about what could be considered affordable housing, whether there should be a number placed on housing.

Mr. Glaze asked about Cherokee Farms initial proposal and an affordable housing guideline. He said it seems to have dwindled away.

Mr. Flewelling said without making it a requirement it easily could be deleted from the Cherokee Farms development if they wanted to do a TND. He added it goes along with the outline the Council wants in its Comprehensive Plan and the possibility for a workforce housing requirement. He said he would be willing to make a motion to include it and leave it up to staff to find a manner to include it in the ordinance.

Mr. Sommerville said his only concern is what exactly the committee is referring to. It becomes a bit difficult to pin down. He clarified and said if there is a development with homes in the range of, whatever, does that include what we consider as affordable house or not? I think that has to be part of the conversation and it has to be considered. He said it has to be very specific to what is being asked. I think if we have a motion we need to have something very specific.

It was moved by Mr. Flewelling, seconded by Mr. Baer, the Natural Resources Committee moves forward with the recommendation that Council approves of first reading a text amendment to the Beaufort County Zoning and Development Standards Ordinance (ZDSO) that replaces all the community options with a traditional neighborhood development option: Article V, Division I, Table 106-1098 Use Table; Article VI, Division 2, Table 106-1526 Open Space and Density Standards; Article VI, Division 3, Table 106-1556 Lot and Building Standards; Article VI, Division 4, Table 106-1617 Bufferyard and Landscaping Standards; Article XI, Divisions 1 and 2, as well as the Committee recommend staff determine a way to add some element of workforce housing to the ordinance and bring it before the Committee in February.

Mr. Stewart pointed out that the Council members tend to talk about affordable housing and workforce housing in the same breath, but they are very different. They are spelled out in the Comprehensive Plan. Mr. Stewart said workforce housing is significantly more costly than workforce housing.

Mr. Flewelling said he was talking about specifically workforce housing.

Mr. Stewart added not knowing beforehand what type of development one will propose, not all developments fit workforce housing/affordable housing. Not all developments would appropriately accommodate some of this. You can have a very high-end area. I know some of the places I've lived before this became a very significant stumbling block and problem which ultimately ended up with a transfer of development rights.

Mr. Flewelling said those options are already available and included.

Mr. Stewart asked Mr. Criscitiello to address that. Mr. Stewart said he thinks we have to be careful when demanding a person does something and should be specific.

Mr. Criscitiello came to the podium and agreed, saying it is always in the details about whether it will work or not. He said the first thing that comes to his mind is in particular kinds of development; you may have particular Homeowners Association dues, which affect the ability to actually deliver the affordable housing. Consequently, the housing may be affordable but the cost associated with living in the community is not practical. I would suggest what we do if you are interested in having language put in here that makes it optional, possible or based on the type of housing workforce housing density bonus might be permissible in the development and then you provide for that unit to be created on the shoulders of the market rate units. That way, the developer could say if you want an additional 30 units, half of those could be affordable or workforce and that additional percentage would be made possible based on how that is available to the developer as an option. I have a real hard time saying that if we make it a mandatory requirement this will really work.

Mr. Flewelling mentioned the Beaufort County housing trust fund. He said he could see having payments in lieu of building that workforce housing, you could make payments to the Housing Trust Fund in a certain amount.

Mr. Sommerville asked if Mr. Flewelling's motion is broad enough to let staff have some latitude.

Mr. Flewelling replied yes. Mr. Criscitiello asked if it would be brought to Council.

Mr. Baer asked if there is a minimum square-footage requirement for residence. Mr. Criscitiello said no. Mr. Baer asked how the department came up with 300 in its model. Mr. Criscitiello said the 300 was off of the Cherokee Farms plan. He asked why the developer would not build 450 units at 500-square-feet each.

Mr. Merchant said there is a cap in suburban of three dwelling units per acre.

Mr. Baer said the units could still be tiny and sell for about \$150,000 to \$160,000 and get 1.5 kids per house and you'd blow up the schools. He asked if there was a way to preclude that.

Mr. Merchant said there is no way to preclude it, but the County encourages a mix of housing types. He said we do not require people to have a minimum square-footage, or a maximum.

Mr. Sommerville asked Reed Armstrong, Coastal Conservation League, to address the Committee on the issue.

Mr. Armstrong said it's an issue the League is pushing for pretty strong – to push development into a central core area and thereby reducing the amount of sprawl over a watershed. He said it's one proven tool in addressing water quality.

The vote was: FOR – M. Sommerville, Mr. Stewart, Mr. Baer, Mr. Flewelling and Mr. McBride. The motion passed.

Recommendation: Council approves on first reading a text amendment to the Beaufort County Zoning and Development Standards Ordinance (ZDSO) that replaces all the community options with a traditional neighborhood development option: Article V, Division I, Table 106-1098 Use Table; Article VI, Division 2, Table 106-1526 Open Space and Density Standards; Article VI, Division 3, Table 106-1556 Lot and Building Standards; Article VI, Division 4, Table 106-1617 Bufferyard and Landscaping Standards; Article XI, Divisions 1 and 2. The Committee asked staff determine a way to add some element of workforce housing to the ordinance and bring it before the Committee in February.

PUBLIC SAFETY COMMITTEE

January 04, 2010

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

The Public Safety Committee met on Monday, January 4, 2010 at 4:00 p.m., in the Executive Conference Room of the Administration Building, Beaufort, South Carolina.

ATTENDANCE

Public Safety Committee Members: Chairman Jerry Stewart, Vice-Chairman Brian Flewelling and members Rick Caporale, Herbert Glaze and Laura Von Harten were present. Non-committee members Steven Baer, William McBride, and Paul Sommerville were also present. Committee members Gerald Dawson and Stu Rodman were absent.

County Staff: William Winn, Division Director – Public Safety; Donna Ownby, Director—Beaufort County Emergency Medical Services; Toni Lytton, Director — Animal Shelter and Animal Control; Ladson Howell, County Attorney.

Public: Joe Crowley, Hilton Head Association of Realtors; Sen. Tom Davis; Jan Hughes, Human Association of the Lowcountry Board Member; Barry Turner, Bluffton Fire District.

Media: Richard Brooks, *Bluffton Today*.

ACTION ITEMS

- 1. Discussion Of Upcoming South Carolina Legislative Session's Consideration Of Bill 3772, Whether Or Not To Grant Significant Sales Tax Abatement, Directly Or Indirectly, To Owners And Developers Of The Semler Retail Mall And Outlet To Be Located At Or Near The Intersection Of Highways 170 And 278 In Jasper, And Partially Beaufort County.**

Discussion: Mr. Jerry Stewart, Public Safety Committee Chairman, introduced the first item of discussion to the Committee. He informed the Committee this topic is up for consideration by the S.C. Legislature in its upcoming session, beginning January 12, and has effects on Beaufort County. Mr. Stewart then asked Sen. Tom Davis to come to the table in order to add to the Committee discussion.

Mr. Stewart said he believes this is a hot topic. He said a lot of discussion has taken place in the past year. The S.C. Association of Counties (SCAC) and the Municipal Association of South Carolina both are against the bill, as well as many cities and towns which have passed resolutions voicing opposition to the bill. This bill adds a significant cost to the County, he said.

Sen. Davis said, looking through the information from the Association of Counties, millage rate increases would not offset the cost of lost revenues. He heard there would be an amendment offer allowing millage increases above and beyond what is now permitted provided there is a super majority vote. At one point, there was discussion in that regard, but he said he was not sure the status of it at this time. Mr. Stewart said in mid-December negotiations broke off.

Mr. Stewart said the Association of Counties and Municipal Association brought forward amendments, which were turned down by the state. Mr. Sommerville said this is because the state legislature felt it has the necessary votes to pass. He said the cost to Beaufort County would be about \$2 to 3 million, and about \$5 million to the School District. This is a big problem on top of what we already have. Mr. Stewart said it is a sensitive issue with realtors. He said he thinks the state delegation is in favor of amending the bill.

Sen. Davis said he recognizes the impact the bill will have on local governments. He said the problem of defense from an equity standpoint is trying to explain why someone on the street who pays taxes is at one level, while another with an identical property may pay eight or nine times more. How do you unravel what Act 388 is rocked? He said he thinks there is a way to comprehensively address this if Act 388 were allowed to be a part of the updated code. He said there are 112 sales tax exemptions, which together constitute about \$2.5 billion worth of tax breaks annually. We have a budget of a little over \$5 billion to give a sense of the scale of these exemptions. Many of the exemptions make sense, while others do not. He suggested closing off loopholes which no longer serve a purpose, and using that to provide some tax equity to even up the scale.

Mr. Stewart thanked Sen. Davis for his comments, but said it is just kicking the can down the road to the County, the legislature does not want to handle the problem and wants to pass it to the local government. He said it is a real problem and it is one the state legislature should solve.

Mr. McBride said he has trouble with the approach of raising taxes at the local level with a super majority because it is advocating governing by a minority.

Sen. Davis acknowledged both points, but said he believes the bill will pass and he is looking for ways to ameliorate the impact on local government and ways to mitigate the financial consequence when it passes.

Mr. Flewelling mentioned the sales taxes and essential realignment of sales taxes. He said he is opposed to having any of the money added to the aid to local government funds, which are already being rated this year to help balance the state income tax, if a loophole is closed. He said he wants to make sure any offset does not go to the local government funds, but instead directly to counties. Sen. Davis disagreed with advocating that approach. He said he wanted to see the money from the closed loopholes benefitting everyone across the board.

Mr. Stewart said he was surprised by the number of pre-filed legislation asking for special exemptions. Sen. Davis said there is one example down the street on Highway 278, which is a “front burner issue.” Mr. Stewart clarified Sen. Davis refers to the Sembler item.

Sen. Davis asked what the difference is of money going to aid subdivision compared with money directly to counties. Is there some sort of jockeying for those funds; it’s not formulaic?

Mr. Flewelling replied the problem is the state government rated the fund and took the money away from the county. If you add it to a pot, which is then reduced by you, what is the point of adding it to the pot? Mr. Stewart added the money is divvied up among county municipalities once it gets here.

Sen. Davis said in other words, do not mask previous cuts to aid the subdivision by putting this revenue source in.

Mr. Stewart said this issue will come up for debate before the state legislature. Sen. Davis said this point-of-sale item will be second on the agenda.

Mr. Sommerville said the state is asking the local government to either make millions of dollars in cuts of services or millions of dollars of increases in taxes. The legislature has a clean hand on this thing. It will fall upon the County to make the tough decision. He said the Council must have a way to communicate with constituents this is being done to it, whether it is liked or not. Second, he commented on Sembler, which he called a bait and switch operation.

Mr. Sommerville motioned the County issue a resolution calls upon all State Legislators to not grant tax subsidies or abatements to Sembler, directly or indirectly in interference with otherwise fair and open competition between two competitors and directs the Clerk to Council to provide a copy of this Resolution to each member of the Legislature.

It was moved by Mr. Sommerville, seconded by Mr. Flewelling, Beaufort County Council calls upon all State Legislators to not grant tax subsidies or abatements to Sembler, directly or indirectly in interference with otherwise fair and open competition between two competitors and directs the Clerk to Council to provide a copy of this Resolution to each member of the Legislature. The vote was: FOR – Mr. Stewart, Mr. Flewelling, Mr. Caporale, Mr. Glaze and Ms. Von Harten. ABSENT – Mr. Dawson and Mr. Rodman. The motion passed.

Recommendation: Council adopt a resolution that Beaufort County Council calls upon all state legislators to not grant tax subsidies or abatements to Semler, directly or indirectly interference with otherwise fair and open competition with Beaufort County taxpayer money as a subsidy.

2. Discussion Of Upcoming South Carolina Legislative Session’s Consideration Of The S.C. Sentencing Reform Commission (Work Group 1) Adopted Recommendation To The Full Sentencing Reform Commission, Which Would "Provide That Persons Who Commit Non-Violent, Low-Level, Misdemeanor Offenses Sentenced To Less Than 180 Days (Or 365 Days) Are Not Sent To Prison, But Remain In Local Detention Facilities"

Discussion: Mr. Jerry Stewart, chairman Public Safety Committee, informed the Committee this topic also is up for consideration by the S.C. Legislature in its upcoming session, beginning January 12, and has effects on Beaufort County.

Mr. Stewart said he believes this is another hot topic for Beaufort County. It was brought to the County’s attention by the Association of Counties and deals with the handling of prisoners at the Detention Center. It is basically a reform proposal that provides people with nonviolent, low-level, misdemeanor offenses and sentenced to less than 180 days or 365 days would not be sent to the prison system, which is run by, patrolled, paid and administered by the state. The prisoners instead would remain in the Beaufort County Detention Center. Mr. Stewart said he believes currently it is 90 days, and those convicted with 90 days or more are then transported to the state penitentiary system. This change in state legislation would mean we could then potentially hold these prisoners and be financially responsible for the prisoners. It has not only a financial impact, but also an impact on overcrowding.

Mr. William Winn, Division Director- Public Safety, came to the table to give the Public Safety Committee an idea about the effect this bill would have on Beaufort County. In 2009, 473 inmates were sent to the South Carolina prison system. If this bill passes, 179 of those 473 inmates would return to Beaufort County for their one-year sentence. This would be 179 prisoners in addition to the 250 to 260 prisoners in the Beaufort County Detention Center, which far exceeds the capacity.

Mr. Caporale said this would put the County at the level of overcrowding seen two years prior. Mr. Winn agreed, but added there is also a difference in the types of prisoners, sentenced and not sentenced, which have to be separated. The County is equipped to handle about 40 sentenced prisoners sentenced to 90 days. This would add 179 to that number. Mr. Caporale asked what the additional cost would be to house those prisoners. He estimated it to be about \$3.5 million, which would come from Beaufort County taxpayers.

Sen. Tom Davis said Mr. Caporale put his finger on the issue by quantifying the cost of the change to the taxpayers. It drives the point home. Mr. Stewart agreed that the more specific the fiscal details the better an argument could be made.

Mr. Stewart added Mr. Phil Foot, Director — Beaufort County Detention Center, said the sentencing habits of judges may be affected by the bill and timing. In the 90 days, judges will take people who are not “hard offenders” and will tend to keep them at the 90 days. Now, they will be more likely to give people a year to two-and-half year sentence. So, Mr. Foot said he is

concerned this bill will lead to more people sentenced to a one-year period.

Ms. Von Harten said she wants to know about the quality of service for sentenced prisoners. She said she wondered about education requirements for sentenced prisoners compared with those who were not. Mr. Stewart said he thinks he heard similar things.

Mr. Stewart said this bill is important enough he thinks the Committee and County Council should bring forward a resolution to send onto state committee members, the Beaufort County delegation and legislators as a whole.

Mr. Flewelling made a motion that Beaufort County Council pass a resolution it is opposed to the S.C. Sentencing Reform Commission (work group 1) adopted recommendation to the full Sentencing Reform Commission, which would "provide that persons who commit non-violent, low-level, misdemeanor offenses sentenced to less than 180 days (or 365 days) are not sent to prison, but remain in local detention facilities," and encourages the Beaufort County Legislative Delegation to also oppose these proposals and directs the Clerk to Council to provide a copy of this Resolution to each member of the Legislature. Mr. Sommerville seconded the motion.

Sen. Davis added he thinks this bill is something to worry about. He cautioned it could pass as either a standalone or a proviso, especially in the current economic climate where the state is looking to relieve some of the financial costs and balance its budget.

It was moved by Mr. Flewelling, seconded by Mr. Sommerville a resolution be passed that the Beaufort County Council is opposed to the S.C. Sentencing Reform Commission (work group 1) adopted recommendation to the full Sentencing Reform Commission, which would "provide that persons who commit non-violent, low-level, misdemeanor offenses sentenced to less than 180 days (or 365 days) are not sent to prison, but remain in local detention facilities," and encourages the Beaufort County Legislative Delegation to also oppose these proposals and directs the Clerk to Council to provide a copy of this Resolution to each member of the Legislature. The vote was: FOR – Mr. Caporale, Mr. Flewelling, Mr. Glaze, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Dawson and Mr. Rodman The motion passed.

Recommendation: Council adopt a resolution that opposes the S.C. Sentencing Reform Commission (work group 1) adopted recommendation to the full Sentencing Reform Commission, which would "provide that persons who commit non-violent, low-level, misdemeanor offenses sentenced to less than 180 days (or 365 days) are not sent to prison, but remain in local detention facilities," and encourages the Beaufort County Legislative Delegation to also oppose these proposals and directs the Clerk to Council to provide a copy of this Resolution to each member of the Legislature.

INFORMATION ITEMS

3. Discussion / Animal Shelter And Control Department – Department Overview From Director Toni Lytton, Text Amendment To The Animal Control Ordinance And Final Thoughts

Discussion: Mr. Jerry Stewart, Public Safety chairman, introduced the discussion of the Animal Shelter and Control Department as it relates to a proposed amendment to Code of Ordinances, Chapter 14 Animals; Article II Animal Control. The changes include: Section 14-26. Definitions redefining of *Public Nuisance* and the addition of definition of *Motor Vehicle*; Section 14-27. Enforcement correct numbering in ordinance and replacement of (c) violations with (c) penalties; Section 14-28. (change of section) by replacing Section 14-28. Penalties. (which was moved to Section 14-27) with Section 14-28 Police Canine; Section 14-29. Licensing and Microchip Identification a redefinition of (a) Licensing specifically establish in Ordinance the new License fees; Section 14-30. Restraint of Animals by Owner replacement of (d) Dangerous Animals with (d) Nuisances; Section 14-32. Redemption of Impounded Animals redefinition of (g) Proof of Rabies and License; Section 14-34. Cruelty redefinition of (a) Animal Care Generally, Redefinition of (b) Mistreatment, as per updated S.C. Code, Redefinition of (c) Cropping or Dubbing, Replacement of (h) Locking in Vehicle with (h) Confinement in Motor Vehicles, Addition of (i) Authority of Law Enforcement Officers, Change wording of (k) Penalty for Violation; Section 14-35. Keeping Wild Animals further research; Section 14-38. Canine and Feline Waste; Section 14-39. Management of Feral Cat Colonies TNR (trap, neuter, return); Section 14-40. Kennel License; and Section 14-41. Dangerous Animals.

Mr. Stewart gave background saying the Committee talked for a long time about bringing forward the issue of animal control, the animal shelter and how the County deals with the care of animals within Beaufort County. This is an extremely controversial issue, he said. He reminded members to maintain order during the discussions. Today's purpose is to get some facts on the table and start the discussion so all members are begin at the same point. He acknowledged William Winn, Division Director –Public Safety, and Council member Rick Caporale for their work on the matter. Mr. Stewart said Mr. Winn will give a presentation on Animal Shelter and Control and Mr. Ladson Howell, county attorney, will weigh in. Mr. Stewart said he wants to figure out what the Committee wants to accomplish, as well as how to rewrite or change the ordinance consistent with state law. He said he wants to the ordinance amendment to cause the desired changes to take place.

Mr. Caporale said he agreed with Mr. Stewart and believes the Committee can avoid controversy. Ms. VonHarten said she would keep her mouth shut.

Mr. Caporale asked the Committee to be patient and understand today is just the beginning, just one piece, in starting to understand the issues and deal with. He said the ordinance is important and a good step in first reducing the rate of euthanasia in the shelter. Another piece the Committee will have to address is the financial piece, with regard to capital improvements of the shelter among other things. The third part Mr. Caporale said he hopes to

address is outreach including cooperative liaisons with other animal rescue groups in the county, education with the schools. He said it is an opportunity to begin what would be a fairly long-term process of three to five years before the goal of reduced euthanasia is reached.

Mr. Stewart asked Mr. Winn to come to the podium. Mr. Winn said the staff presentation gives an idea of what the people in the trenches think need to be done with the Animal Control ordinance. By no means, is it a complete list of all that should be done, but it is provided as a concept of the direction the Animal Shelter and Control thinks should go. He also said he asked County Attorney Ladson Howell to give a legal overview of the text of the proposed ordinance, as well as ideas or concerns. Mr. Winn said staff continues to review some of the situations it runs into as there are considerable state laws affecting what's done as well as county ordinance. He said the department is still going through the process of identifying what direction to take.

Mr. Howell came to the table for a legal overview of the proposed amendments to the Animal Control ordinance. He said the staff did an extraordinary job including almost every facet of animal control, which he said fulfills the comprehensive purpose. He cautioned the Committee and Council that state law covers a great deal of the subject matter being discussed. He respectfully asked the Committee to allow him to do a preliminary review of it and give the Committee his opinion about the terms of the ordinance as it's written here. He said he believes granting him the additional time to review the proposed ordinance would save a significant amount of time with respect to legal issues and controversy surrounding of some of the provisions. Mr. Howell said state law deals with some of the provisions and does not deal with others and he cautioned against criminalizing some of the provisions. He offered to look at those issues and come back to the Committee with those findings before members deal with the matter from a public standpoint.

Mr. Stewart said there are a lot of specifics in the state code with respect to the various issues. Could you give us a feel of the law, the implementation and how to go about it, adherence to the law and how much leeway the County has to make things stricter?

Mr. Howell replied the County will have some leeway from administrative standpoints. The criminal penalties section of the state law is pretty exhaustive. Some of the proposed ordinance is stronger than the state laws and perhaps we should not be stronger in certain situations than existing criminal aspects because in certain situations you deal with agriculture, livestock, the health department, carnivals and circuses, all of which require a huge amount of expertise on the part of the County. He said he remembers having a hard time prosecuting a litter case and this ordinance is so comprehensive we would have a hard time with the expertise required from County staff.

Mr. Stewart said he looks forward to adding Mr. Howell's opinion to the ordinance. Mr. Stewart, as a pet owner with a soft place in his heart for them, said he feels strongly this could have a positive outcome. He said he has no problem deferring the item until Mr. Howell returns to the Committee with his legal perspective. The two agreed Mr. Howell shall return with his opinion on the ordinance at the Feb. 1, 2010 meeting at 4 p.m. in the Executive Conference Room.

Mr. Winn returned to the podium to give a presentation to the Public Safety Committee on Animal Control, what the Animal Shelter looks like and what's done there. He asked Toni Lytton, Director Animal Control, to come forward.

Ms. Lytton approached the podium to give a presentation on the shelter, statistics for the past year and what is done. According to the presentation:

The staff consists of 13 full-time workers (a director, six animal control officers, four animal care technicians and two administrative technicians).

There are four main buildings at the shelter — two are holding for cats and dogs. There is a clinic where animals are processed. The administration building is where adoptions take place. She said there are runs for the animals to exercise. There are 20 dog runs which are not climate-controlled. The runs are used by animal control officers when an animal is brought in to the Shelter. The cat holding building is one of the oldest buildings on the facility, with capacity for about 38 cats. It was built in the 1970s and was used as the clinic, as a snake facility, etc. The Dog Adoption facility holds 18 cages and has four outdoor play yards. The clinic is also used for holding and surgeries. There are 20 cages. Veterinarians do spray/neuters on-site. In this building, animals are also processed for adoption, animals are euthanized, laundry is done and it is the heart of the shelter. Most of the areas should be separated, Ms. Lytton said.

The Foster Program – involves many people and helps animals not quite ready for adoption or which need special care. There is also a Foster Program involving the public. When someone wants an animal, they can go home with the animal for a week on a trial basis. Through November 2009, 1,377 animals went into foster care.

The Volunteer Program — not steady, but there are several people who come on a regular basis, whether it is sitting and playing with the animals or helping the animal care technicians with cleaning. Some volunteers even help with office procedures.

Disaster Preparedness and Recovery – the shelter has a complete recovery system in place. Each staff has a binder with assigned duties and tasks. Supplies are packed and ready at all times. National associations will assist shelter with recovery (The Humane Society of the United States, Code Three Associates, The American Humane Association & South Carolina Animal Care and Control Association). All animals are removed from the shelter if there is a hurricane standby, Ms. Lytton said. They normally are transferred to Columbia or Spartanburg, not put to sleep despite some public rumors. Staff takes animals out of town until they are cleared to come back, Ms. Lytton said.

The Beaufort County Agricultural Rescue Team (C.A.R.T.) – helps with disaster recovery and assistance of large animals, holds large animal equipment and has a mobile clinic, livestock trailer and portable corral (obtained through the Department of Homeland Security). Beaufort County C.A.R.T.'s recent rescues include a draft horse stuck in marsh mud, a goat falling off the Hilton Head Island bridge into the mud, "Carolina Marsh Tacky" horse from Penn

Center that was injured and caught for treatment, a small herd of buffalo in Bluffton that escaped their enclosure and invaded a neighborhood.

Ms. Lytton presented the statistics from January to November 2009. According to her presentation, 5,023 animals were taken into the shelter. For 2009, there were a total of 5,234 animals taken in. However, additional annual data was not complete as the comprehensive report has not been finalized. It is down from the past couple of years, Ms. Lytton said. Of those, 937 animals were adopted and/or released to rescues, which is 18.5 percent. Owners reclaimed 6.5 percent, or 339, of their pets. A majority of the animals are euthanized at 72 percent, or 3,620. The remaining 3 percent are in the shelter or foster care.

Mr. Sommerville said he thought it was 6,600 in 2008. Ms. Lytton agreed it was somewhere close to that figure.

Mr. Stewart asked if there are many animals beyond saving, seriously ill, etc. included in the euthanized group. Is there a feel for those percentages of animals beyond recovery? Ms. Lytton said she does not know that information because there are only limited categories for reasons owners turn in pets.

Ms. Lytton told the Public Services Committee animal control goes on 2,400 calls annually, not including follow-ups or patrols. This covers initial calls, cruelty investigations and citations. Within the Animal Control sector, there were 258 cruelty cases. There were 68 court appearances and 138 tickets written in 2009. There is a high rate of conviction for tickets written in animal cruelty cases, which includes Abandonment, No food, water or shelter, No health care (Hair loss), Locked/left in vehicles, Emaciation (Extremely Skinny), Collar grown into necks or severe injuries or Dog fighting injuries. Animal Control also does educational events at schools, civic gatherings, etc. It also inspects facilities such as pet stores, circuses and petting zoos.

In the last four years, the Animal Shelter has made some improvements to the site. A commercial washer and dryer were added, as well as a commercial freezer used for euthanized animals before they are transported to the landfill. The department also has new computers, network printer and shelter management software. A new sewer system is in the works, with most of the work completed but the switch has not occurred.

Ms. Lytton added the department wants to head toward more education in schools and civic meetings, using more rescues and the Web site, new training manuals for the volunteer program and increasing participation in the volunteer and foster programs. That concluded Ms. Lytton's presentation.

Ms. Laura Von Harten first asked if the department has a wireless network and second, what enforcement powers the department has over the rhesus monkey breeders. Ms. Lytton replied the Animal Shelter and Control Department does not have any control over the monkey for one because it is not within Beaufort County. However, she did say they deal with the monkey breeders for hurricane recovery because the monkeys on Morgan Island, or if the monkeys get lose. She added they department does not have wireless.

Mr. McBride asked how the canine and feline micro chipping program has come along. Ms. Lytton said nearly everyone who adopts an animal from the shelter gets a microchip, and the department has made it mandatory for people reclaiming animals, per state laws. He asked if it was a success and Ms. Lytton replied in the affirmative.

Ms. Von Harten asked if vets provide micro chipping as a service. Ms. Lytton replied it is, just like the shelter does not provide vet services to the public it does not provide micro chipping to the public.

Mr. Winn added three observations on the Animal Shelter that would help the Committee as it reviews adjusting the ordinance and improving its relations with public/private organizations. First, the shelter facilities need to be upgraded. Some of the buildings are in horrible condition with rafters rusted through, he said. He said it will need to be addressed in the near future. Second, there is insufficient staffing to staff the shelter and officers have to be brought off the street to do the daily tasks around the shelter instead of keeping them on the street where they are able to do their job. This has been a continuing problem with the shelter. Mr. Winn said there is a partnership with the Detention Center to bring out trustees to assist the shelter, which has been somewhat successful. However, the rules and regulations pertaining to that are very, very strict and it's very difficult to maintain the program. Third, even though there has been good progress this year technology will need to be upgraded, integrated into the mainstream Public Safety, interconnect the officers in the field to the Shelter computers and updates will be needed. Updated mapping has been made at the shelter to help find some addresses, so there is progress. However there are several additional places which need work as the department and the Committee move forward, Mr. Winn said.

Mr. Stewart asked about the financial aspects and whether they would be brought forward in the budgeting process, as well as where it stands with the Capital Improvement Plan list. Mr. Winn replied there have been preliminary discussions on the Capital Improvement Plan list, but they are not prepared to bring forth any of them.

Ms. Von Harten asked about marketing, how it will help to think about the animals in terms of products to be marketed, and if the vocabulary will change. Mr. Winn replied it will change as it is addressed, based on the direction from Council on the policy and ordinance. The selling of the Animal Shelter, spray/neuter and tactics to reduce animals will all become part of the program, Mr. Winn said. The basics have to be set in place first, he said.

Mr. Stewart wrapped up the discussion by thanking Ms. Lytton and Mr. Winn for their presentation and he reminded the Public Services Committee it is the beginning of the examination of the Animal Shelter and Control.

Status: Presentation was for Public Safety Committee members' information purposes only. No action was necessary. Mr. Ladson Howell, County Attorney, will review the proposed amendments to the Animal Control ordinance and present his legal opinion at the February 1, 2010 meeting.

4. Text Amendments to the Bluffton Fire District Ordinance

Discussion: Mr. Jerry Stewart, Public Safety Committee chairman, introduced the proposed amendment to the Bluffton Fire District Ordinance. He asked Mr. William Winn, Division Director – Public Safety, to come forward.

Mr. Winn gave some background on the Fire Districts. He said a committee in the 1970s created many of the fire districts. The Burton Fire District was created in 1973. Then, came the Lady's Island/St. Helena Fire Department. It went on the Sheldon Fire District and Daufuskie. Those fire districts were created in a time when Beaufort County was a very rural county; most of the fire departments were volunteer. Mr. Winn said he was a young volunteer when the Burton fire district was created and when they got their first three trucks he said he thought he "died and went to Heaven." The Bluffton Fire Department was a take-off of the City of Bluffton Fire Department, and was switched over to the Fire District with a used fire truck obtained through civil defense off of the U.S. Marine Corp. Air Station Beaufort. Since 1978, they have operated on the concept of a volunteer fire department. As you can imagine, the Bluffton Fire District changed dramatically within that time. It is now a fully paid department, professional, with a considerable amount of resources and capabilities – not only in fire fighting, but in the medical service and hazardous materials and heavy rescue programs. The Fire District suggested the time has come where they change their ordinance to bring it up-to-date and in alignment to what the fire department is currently doing.

Mr. Winn said he is not asking for any action today by the Public Safety Committee, simply introducing it to the Committee as a proposal from the Fire District for its consideration, thoughts and guidance as the Department moves through the process. He said there are other events in the county that will probably affect this, and other, fire districts. Today, he suggested initiating the review process. He introduced Chief Barry Turner in case the Committee has any questions.

Mr. Stewart said there are issues, which Mr. Winn alluded to, as well as the fact there is a Request for Proposal to bring someone in to examine all emergency services of the County, how they function and operate. He said the Council owes it to the districts and citizens to find out what the results of that study effort will be and incorporate that. Mr. Stewart suggested viewing this topic in terms of a larger picture. He said the key thing to look at, despite not looking like there are significant changes, is the significant changes primarily in the role and duties of the fire commission as opposed to the fire chief. He said there are significant consequences and an impact on how those changed. He then asked if Committee members had questions.

Ms. Von Harten asked if the proposed changes altered the tax status. Mr. Winn replied it is basically an administration change.

Mr. Stewart added there are implications in respect to decision making on spending of types of funds, who has the authority to do so, in here that are different than in the past. He said these are issues which need to be brought out and he encouraged the Committee members to read

the compare and contrast, be prepared to listen and be prepared to ask questions because we need to be very diligent in making the decision. There were no other questions.

Status: The presentation was for the Public Safety Committee's information only and no action was necessary. The item will be brought before the Committee as the review process moves forward in the County.