

AGENDA
COUNTY COUNCIL OF BEAUFORT COUNTY
Monday, March 15, 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 – [February 22, 2010](#)
5. PROCLAMATION - DISABILITIES AWARENESS MONTH
Ms. Liz Santagati, Chairman
Ms. Beverly Smith-Dore and Mr. Jim Mathews, Board Member
6. PUBLIC COMMENT
7. [COUNTY ADMINISTRATOR'S REPORT](#)
Mr. Gary Kubic, County Administrator
 - Three-Week Progress Report Two - week Progress Report
 - Presentation / Department of Social Services
Mr. Keith Davis, Director, Department of Social Services
 - Video / Disabilities and Special Needs Adult Day Care Center Ground Breaking
8. DEPUTY COUNTY ADMINISTRATOR'S REPORT
Mr. Bryan Hill, Deputy County Administrator
 - [Three-week Progress Report](#)
 - 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
Mr. Robert McFee, Division Director, Engineering and Infrastructure

Over



CONSENT AGENDA
Items 9 through 19

9. RE-ROOFING FOR THE COUNTY MAIN BRANCH LIBRARY AND HUMAN SERVICES BUILDING ([Backup](#))
 - Public Facilities Committee discussion and recommendation to approve February 23, 2010 / Vote 6:0
 - Contract award: CEI Group, LLC, Hilton Head Island, South Carolina
 - Contract amount: \$225,500
 - Funding source: 11435-54427 (Human Services Building)

10. ENGINEERING DESIGN SERVICES FOR BOUNDARY STREET STREETScape ([Backup](#))
 - Public Facilities Committee discussion and recommendation to approve February 23, 2010 / Vote 6:0
 - Contract award: Thomas & Hutton Engineering Company, Savannah, Georgia
 - Contract amount: \$550,000
 - Funding source: One Percent Sales Tax Program Funds

11. C. C. HAIGH BOAT LANDING IMPROVEMENTS ([Backup](#))
 - Public Facilities Committee discussion and recommendation to approve February 23, 2010 / Vote 6:0
 - Contract award: Alpha Construction Company, Savannah, Georgia
 - Contract amount: \$275,555
 - Funding source: FY 2008 CIP

12. HILTON HEAD ISLAND AIRPORT PARKING CONCESSION ([Backup](#))
 - Public Facilities Committee discussion and recommendation to approve February 23, 2010 / Vote 6:0
 - Contract award: Republic Parking System, Chattanooga, Tennessee
 - Funds generated: Between \$25,000 and \$30,000 per year in revenue to the Hilton Head Island Airport

13. SOLE SOURCE CONTRACT FOR DESIGN SERVICES FOR COURTHOUSE, ADMINISTRATION BUILDING AND DETENTION CENTER REHABILITATION ([Backup](#))
 - Public Facilities Committee discussion and recommendation to approve February 23, 2010 / Vote 6:0
 - Contract award: Glick Boehm Architecture, Charleston, South Carolina
 - Contract amount: \$725,000
 - Funding source: 11440-51160 (Courthouse Renovations)

14. PROFESSIONAL SERVICES FOR SOLID WASTE TRANSFER STATION FATAL FLAW ANALYSIS ([Backup](#))
 - Public Facilities Committee discussion and recommendation to approve February 23, 2010 / Vote 6:0
 - Contract award: R. W. Beck, Inc., Atlanta, Georgia
 - Contract amount: \$79,800
 - Funding source: Solid Waste and Recycling Department FY 2010 budget

15. SIGNATURE FLIGHT SUPPORT HANGAR PROPOSAL ([Backup](#))
 - Public Facilities Committee discussion and recommendation to approve February 23, 2010 / Vote 4:1:1
 - Contract award: Leasing of additional land to Signature Flight Support and subleasing of this land to Coin Toss, LLC for the purpose of building two aircraft storage hangars at Hilton Head Island Airport
 - Funds generated: \$2,035.86 per year in ground rent at a current ground lease rate of .1248 per square foot

16. AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO AMEND THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE, ARTICLE XV, SECTION 106-3176(2). SIGNAGE REQUIREMENTS FOR CORRIDOR OVERLAY DISTRICT (ADDS SCHOOL AND HOUSE OF WORSHIP SIGNS AS ALLOWABLE CHANGEABLE SIGNS) ([Backup](#))
 - Consideration of first reading approval March 15, 2010
 - Natural Resources Committee discussion and recommendation to approve March 1, 2010 / Vote 7:0

17. AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO AMEND THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE, APPENDIX I, DIVISION 5, SECTION 5.8.E (SIGNAGE – SPECIAL CONDITIONS) (ALLOWS ADDITIONAL SIGNS FOR SINGLE OCCUPANCY BUILDINGS DESIGNED WITH A MULTIPLE STOREFRONT FACADE IN LADY’S ISLAND VILLAGE CENTER) ([Backup](#))
 - Consideration of first reading approval March 15, 2010
 - Natural Resources Committee discussion and recommendation to approve March 1, 2010 / Vote 7:0

18. PRIORITIZATION OF 2010 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM PROJECTS ([Backup](#))
 - Community Services Committee discussion and recommendation to approve March 1, 2010 / Vote 7:0
 - Ranked Priorities: Infrastructure, community facilities, housing and economic development.

19. TEXT AMENDMENTS TO CHAPTER 14, ARTICLE II, ANIMAL CONTROL ORDINANCE (Rewrite of Ordinance) ([Backup](#))
 - Consideration of first reading approval March 15, 2010
 - Public Safety Committee discussion and recommendation to approve March 1, 2010 / Vote 7:0

PUBLIC HEARINGS
Item 20 and 22

20. TEXT AMENDMENT TO THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), ARTICLE XIII, SEC. 106-2729. STREET DESIGN STANDARDS (TO ESTABLISH CONSTRUCTION STANDARDS FOR UNPAVED ROADS AND TO PERMIT ACCEPTANCE OF UNPAVED ROADS BY THE COUNTY FOR MAINTENANCE OR OWNERSHIP FOR AFFORDABLE HOUSING DEVELOPMENTS WHEN APPROVED BY COUNTY COUNCIL) ([Backup](#))
 - Consideration of third and final reading March 15, 2010
 - Second reading approval February 22, 2010 / Vote 10:0
 - First reading approval February 8, 2010 / Vote 9:0
 - Natural Resources Committee discussion and recommendation to approve February 1, 2010 / Vote 7:0
21. 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 ([Backup](#))
 - Consideration of third and final reading March 15, 2010
 - Second reading approval January 25, 2010 / Vote 6:5
 - First reading approval January 11, 2010 / Vote 6:5
 - Natural Resources Committee discussion and recommendation to approve January 4, 2010 / Vote 5:0
22. TEXT AMENDMENT TO THE BEAUFORT COUNTY COMPREHENSIVE PLAN, POPULATION AND DEMOGRAPHICS, CHAPTER 2 (REPLACES IN-KIND)
 - Public Hearing **Only**
 - First reading approval February 8, 2010 / Vote 9:0
 - Natural Resources Committee discussion and recommendation to approve February 1, 2010 / Vote 7:0
23. [COMMITTEE REPORTS](#)

24. PUBLIC COMMENT

25. EXECUTIVE SESSION

- Discussion of current status of litigation
- Briefing Regarding Investigative Proceedings With Regard to Allegations of Criminal Misconduct in Two Offices of Elected Officials

26. 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

Official Proceedings
County Council of Beaufort County
February 22, 2010

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. on Monday, February 22, 2010, in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

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

PLEDGE OF ALLEGIANCE

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

INVOCATION

Councilman William McBride gave the Invocation.

MOMENT OF SILENCE

The Vice Chairman called for a moment of silence in remembrance of Mr. Howard Ellis Newton, Jr., 75, father of Chairman Weston Newton, who died Thursday, February 18, 2010, in Greenville, South Carolina.

The Vice Chairman called for Council's prayers to remember Mrs. Sue Devoe, sister of Councilman Brian Flewelling, who is gravely ill.

The Vice Chairman chaired the meeting in the absence of the Chairman.

PUBLIC COMMENT

There were no requests for speak during public comment.

COUNTY ADMINISTRATOR'S REPORT

Two-Week Progress Report

Mr. Gary Kubic, County Administrator, circulated copies of his Two-Week Progress Report, which summarized his activities from February 8, 2010 through February 19, 2010.

Broadcast Services

Mr. Gary Kubic, County Administrator, announced USC-Beaufort and Beaufort County teamed up to bring broadcasts of USC-B Sand Shark baseball to the community. The County will utilize its state-of-the-art “live” truck to make viewing the home games possible for fans unable to make it to Sand Shark Field. Three games were televised the weekend of February 20, 2010. The beauty of the webcast program and live streaming is the ability to keep an account of the number of hits in terms of participation. During those games, the range was between 987 to 1,045 viewers. Mr. Kubic deems that a good success simply given the fact that the County had limited amount of time for marketing and advertising of the baseball games. Based on the calls and responses, plus the University indicating they were happy with that, the County is going to broadcast five more Sand Shark home games during the next two months. That is a fair amount of games. It is a new area for the County. We will bring to the community the dates and times of those broadcasts.

The County Channel is broadcasting the *Coastal Kingdom* series, the second of six, on Mammals of the Lowcountry. The first series was on Reptiles and Amphibians. The third series will be on Birds of Beaufort County. The County is now in the process of contacting the Beaufort County School District and our plan is to take this six-part series, with their approval, into the classrooms.

Hilton Head Island Airport Master Plan

Mr. Gary Kubic, County Administrator, reported the first results for the Hilton Head Island Airport Master Plan by Talbert Bright are now in. We scheduled a presentation of the consultants of a joint session of Beaufort County Council and the Town Council of Hilton Head Island. It will be held on Tuesday, March 9 at 6:00 p.m. in the Performing Arts Theatre at Hilton Head High School. Hard copies will also be available for public review at the Hilton Head Island branch of the Beaufort County Library. In addition two public comment sessions are been scheduled during the following week to allow citizens the opportunity to examine, question and offer their input. They will be held at the County library, Hilton Head Island, on Monday, March 15 from 1:00 p.m. to 7:00 p.m. and on Tuesday, March 16 from 9:00 a.m. to 3:00 p.m. A comment form will also be available on the airport’s website for anyone who would like to comment.

Presentation /Advancements in Aerial Photography

Mr. Dan Morgan, GIS Director, said one of the Department’s projects involves the collaboration of all aerial photography in Beaufort County. At present the inventory includes aerials from 1959 through 2009. The earliest aerials – 1959, 1965 and 1972 – are available only in a hard copy format. The goal is to digitize those aerials. In addition the S.C. Department of Archives and History has County 1939, 1941 and 1943 aerial photography. The goal is to digitize those

aerials. The Department, using the 1825 Mills Atlas, identified the monuments, as best it could, and overlaid them with the current road lines. They line pretty well with the 1825 atlas maps.

Mr. Morgan gave an update on pictometry. In 2007 the Department invested in pictometry, which are some aerials in Bing maps and Google, and the County now has those available for its use. They flew the County in 2007 and now they have shared with us some of the things they are doing. Pictometry online is one of the things. It is called POL. They are allowing the County to self host and show it over an intranet browser. Rather than having to use software loaded to each computer, it is now available on an intranet browser is available to more users in the County. There are potential pictometry users of more than 500+ between emergency management, police, fire and county office. City of Beaufort has 50+ users, Town of Hilton Head Island 100+, Town of Port Royal 50+ and Town of Bluffton 90+. Benefits include serving more users, spending less money on infrastructure since the data is housed in one location and upgrading one computer enabling all users to see the upgrade.

Mr. Morgan gave a demonstration on how this works and 2009 imagery. February 2009 is when we flew the County. That imagery is available on Bing maps as well as birds-eye view on the internet page. To access this service, log in using an internet address and it will come up as a browser on an interface on your computer. This service will allow the municipalities to tie in, as they have access to the County network, and use the data for their infrastructure. The user will have access to all the imagery available at this site. The user can click on the compass and look north, south, east or west of the area. Clicking on the map tool gives geographic data and aerial views. Clicking on the centralized tools gives distance, location and elevation. Using the search tool allows the user to search by address, parcel number or street name. Query tools are also available to provide information such as building height.

Presentation / Efforts to Win a Complete Count for US Census 2010

Mr. Gary Kubic, County Administrator, introduced Dr. Paul Shepherd, a U.S. Census Partner Specialist. He works for the U.S. Department of Commerce 2010. Paul is not a stranger to Beaufort County. He served as President of the Kiwanis Club on Hilton Head Island. He has a PhD and has been affiliated with several academic achievements.

Mr. Shepherd reported a Complete Count Committee operates at the County level, which is chaired by Messrs. Herman Gaither and Eric Esquivel and staffed by Mrs. Teri Norris, County Planning and Research Analyst. Their efforts have made what we are trying to do in Beaufort County move much more smoothly than otherwise would have been the case. In addition, local committees operate in the Sheldon Township, Human Services Alliance, City of Beaufort and Town of Hilton Head Island, the latter is directed by the League of Women Voters. There are several different efforts designed to make sure we have the best count in Beaufort County. In 2000 and the previous decennial censuses, the more we can get community groups of volunteers together the more likely we are to get the best count possible and, therefore, this community the resources that it deserves.

Mailing or delivering of Census questionnaires to households will occur during February/March 2010. The questionnaire is easy, important and safe. With only ten questions, the 2010 Census questionnaire takes approximately ten minutes to complete. Households are asked to provide key demographic information, including whether a housing unit is rented or owned, the address of the resident, and the names, genders, ages and races of others living in the housing. By law, the Census Bureau cannot share an individuals' response with anyone, including other federal agencies and law enforcement entities. The important date is April 1, which is the official census date. "March to the mailbox" (returning of the questionnaire) occurs April 10. This date involves identifying certain tracks. Sheldon Township is a target area.

Presentation / Oyster Factory Park Grant Opportunity

Mr. Gary Kubic, County Administrator, commented over the years Beaufort County and the Town of Bluffton have had various partnerships. Another partnership is the Oyster Factory Park (hereinafter Park) and the two entities have entered into collaborative agreements for application and granting of funds for the Oyster Factory Park improvements. Mr. Kubic said he realizes from time to time Council has questions regarding what phase we are on and when the monies were first set forth in the CIP. We have those answers. Mr. Kubic thought it helpful the Town of Bluffton would appear before Council tonight to make presentation to tell the community what has been planned, what is going on with the Oyster Factory Park and what lies ahead in the future.

Ms. Laura Budak, Project Manager, Town of Bluffton, explained County and Town of Bluffton (Town) entered into agreements over time for the Park. The first agreement was signed October 25, 2004 by County Administrator Gary Kubic and then Town Manager Josh Martin. This agreement includes two important points are: (1) shared expenses – "Whereas, the County and the Town desire to enter into this Agreement for a joint undertaking to share in the use and expenses associated with the Park . . ." Often times when Ms. Budak appears before the Public Facilities Committee, she feels like she is begging for money. It is not a good position to be in. She reminded Council the County has an agreement to share in these expenses of the Park. It is a partnership. (2) capital improvements – "Capital Improvements including demolition shall be jointly reviewed by the County and the Town . . . Initial capital improvements consisting of sanitary facilities shall be the responsibility of the County. Thereafter, the County and the Town shall jointly fund all capital improvements on such terms and conditions as both parties mutually agree." Ms. Budak said the agreement refers to a partnership undertaking the development of this Park. Over time Ms. Budak has presented to Public Facilities Committee as well as the Parks and Leisure Services Board a Master Plan. That plan has been revised since the 2004 agreement. Each revision has been approved by the County. The current version provides for a dock at some point to be determined. A dock has always been part of the Master Plan.

Three different parcels comprise the Park. Parcels 190 and 165 are owned by Beaufort County and have an Open Land Trust conservation easement. Parcel 191 is co-owned by the County and Town. This is a partnership. The parcels have different ownerships. The Park is located within the Town limits, but the County and Town are in this together.

The County 2005 CIP budget included a \$200,000 set aside for development of the Park. Ms. Budak is unsure what happened between 2005 and 2008. She became project manager in 2008 and was told by then Town Manager Bill Workman \$200,000 was available. Town Director of Finance Shirley Freeman inquired about having the County release the funds to the Town. Town representatives were told they needed to appear before the Public Facilities Committee with a specific project and Council would fund a specific project. The first phase focused on the most critical issues facing the Park -- road and drainage -- and that was the project the Town sought funding. Wharf Street at the time until recently was a SCDOT-owned road. As part of this project, the Town has now requested ownership of that road. Ms. Bubak appeared before the Public Facilities Committee in March 2009 where members approved the project in concept. She was asked to come back after the project went through design, which it has as well as and approval by the County Engineering staff. Project funding in the amount of \$200,000 was approved on October 27, 2009. The monies have been released to the Town.

From the beginning the Town knew it had three projects it needed to bundle – road and drainage, bluff stabilization and boat launch improvements. These projects are located in the OCRM critical line. They either touch or are within 100 feet of the water. It made sense to submit all three projects for permitting simultaneously. Between October 2009 and February 2010 the Town finalized the designs with Ward Edwards. Because the projects occur either in or directly adjacent to the May River, the plans must be reviewed by OCRM and Army Corps of Engineers for critical area impact. This process also requires a public comment period. As of this date, permit approvals are expected around April 26, 2010. In the meantime, the Town will issue an Invitation for Bids on construction and will be ready to break ground when all of the permits are received.

The Town's current request involves an opportunity to apply for a S.C. Department of Parks, Recreation & Tourism, Land and Water Conservation Fund Grant. This project is a partnership. Given the fact the County owns the property the Town must have the County partner in this grant. The Town applied in 2009 with a mixed bag of projects focused on passive enjoyment – oyster roast pavilion, more picnic tables, more pathways and additional parking. The Town and County partnered on the grant application, with each pledging \$125,000 and the grant to match with \$250,000. The Town and Parks and Leisure Services Department co-hosted a public meeting on February 26, 2009 as part of the grant application requirements. Unfortunately, the Town did not receive the grant. It was a competitive cycle and scored high in the rankings, third, but there was only one grant awarded in South Carolina last year. The winning project ranked higher than the Town's because it focused more on water recreation and trails. This year the Town is applying with a project it thinks will score higher – a dock. A dock is something citizens have asked for at numerous public meetings and design charrettes. This grant is one of the most significant funding sources available for park development funds and is a good match for the phased development of the Park. These are federal dollars funneled through state agencies for regional projects. Town has been told that more funds are available this year than normal and that several projects may be funded. This is a 50/50 matching grant with a maximum award of \$250,000. It is a good opportunity leverage of Town and Council funds. The Town is estimating this project to between \$450,000 and \$500,000.

Mr. Baer remarked there are significant expenses other than capital associated with this project, such as operating expenses which the County shares with the Town. Ms. Bubak replied much like the other county boat landings, there is not much upkeep to the dock proposed.

Mr. Baer asked if the project is in the CIP. Is it ranked in some way with other uses of capital? Mr. Kubic replied administration would recommend the use of southern Beaufort County Parks and Recreation impact fees with an approximate balance of \$450,000 currently of uncommitted funds simply because the money is not related to the general fund. The CIP would then tie in to the general fund and we would want to stay away from that.

Mr. Sommerville's understanding of the agreement is that the County agreed to pay 50% of the capital and committed, in February 2009, \$125,000 as part of a matching grant that did not materialize. The Town is going to reapply and wants the County to partner. Where would that money have come from? Mr. Kubic replied southern Beaufort County Parks and Recreation impact fees.

Mr. Sommerville inquired of the historic structure, an 1870 Freedman's cottage, on the site. Ms. Budak replied the Town was awarded a grant to hire a consultant to write a conservation preservation plan. The preservation plan was completed July 2009. The Agreement has language to the effect that the County and Town acknowledge there is historic structure on the property. But no plans were detailed for it at the time. The preservation plan was given to County Historic Preservationist Ian Hill, who had a discussion with representatives of the Parks and Leisure Services (PALS) Department. The issue did not proceed beyond that point. At this point, without a commitment from the County, the Town is reluctant to fund the preservation by itself. At present the structure is stabilized, but will continue deteriorating over time.

Mr. Sommerville understands this structure has a potential of being a highlight on a Gullah Geechee Heritage Corridor tour. He believes the Corridor will be funded; it just has not been funded yet. Hopefully, some of that money will be available for that structure because we are working very hard on Mitchelville. Ms. Budak said she has appeared before the Lowcountry Civil War Roundtable. She is trying to build awareness, interest and support. She as well as other local historians believes the structure is significant.

Mr. Stewart inquired of the discussion with staff of the PALS Department. Ms. Budak replied she was looking for some level of interest. She was not privileged to the conversations. All she is knows is that Mr. Hill tried to get PALS engaged.

Mr. Stewart said he wondered if Ms. Budak was looking for the County and Town to fund the project or go after more money from some other source. She replied we need to open a line of communication. We need to figure out what we are going to do. There needs to be a commitment that this structure is worth saving and this heritage is worth it. She would like to be a part of the discussion with the people who can make that decision.

Mr. Kubic remarked the collaboration as partners from a prior agreement with PALS involvement primarily was to ensure the Master Plan development was more of the physical

location, amenities and pathways that the county was part of that development. A year ago Chairman Newton wanted to make sure that if the Town was working on the Master Plan and if we were applying for Phase II, what they were bringing forward in the grant application Council actually had the opportunity to see, understand, and agree with. Part of it was not only as a financial partner, but it was also partnering in what was going to be put on the ground and if it was agreeable to Council as a whole. That is when we started to bring the material forward to Council to get both a financial agreement in place, but also the cooperation of the physical improvements itself.

It was moved by Mr. Rodman, seconded by Mr. Flewelling, that Council partners with the Town of Bluffton in the submission of a \$250,000, to be split 50/50 or \$125,000 each, potential grant from the S.C. Department of Parks, Recreation of Tourism - Land and Water Conservation Fund Grant for dock construction at the Oyster Factory Park. The funding source of County money is southern Beaufort County Parks and Recreation impact fees. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Newton. The motion passed.

DEPUTY COUNTY ADMINISTRATOR'S REPORT

Mr. Bryan Hill, Deputy County Administrator, circulated copies of his Two-Week Progress Report, which summarized his activities from February 8, 2010 through February 19, 2010. Regarding the upcoming budget cycle, the Finance Team set February 5, 2010 as the due date for department goals and objections as well as a description of services. The team is about 80% complete combing that information. A description of 450 services has been outlined, detailed and costed out through the general fund budget. Once that task is completed, Mr. Hill plans put forth the document to Council for its review. Going forward staff wants a 60 day lead time to allow Council to review the budget proposal. On March 12, Mr. Hill expects all revenues to be in. The Finance Team is working diligently in trying to understand the collection rate which is of importance to crafting this year's budget as well as developing a five-year budget concept.

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 project is 26% complete. The contractor continues to drive piles, pour caps and decks on the Lady's Island side. Drill shafts continue on the Port Royal side.

S.C. Highway 802 Roadway Construction Project

Mr. Rob McFee, Division Director-Engineering and Infrastructure, reported the S.C. 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. The project is 30% complete. Utility relocations, fill operations and pipe placement are underway on both sections.

Buckwalter Recreation Center Skate Park

Mr. Rob McFee, Division Director-Engineering and Infrastructure, reported the Buckwalter Recreation Center Skate Park is designer is Pillar Design Studios and Clancy Wells Architects. The contractor is Mashburn Construction. The cost is \$599,693 and has March 2010 completion date.

Broad River Boat Ramp Improvements

Mr. Rob McFee, Division Director-Engineering and Infrastructure, reported the Broad River Boat Ramp improvements is a design build project which includes dredging of the river bed for ramp access, design and replacement of the existing ramp with new floating dock. The funding source is the remainder of S.C. Highway one cent sales tax funds and CIP funds. The contractor / engineer team is R.L. Morrison of McClellanville and John Guerry Taylor of Mt. Pleasant. Both firms are located in South Carolina. The contract amount is \$1,227,143 and contract length is 334 days. Dewatering and removal of dredging of material is underway.

One Cent Road Project 2A

Mr. Baer stated Project 2A costs over five months have doubled, according the monthly reports prepared by Dennis Corporation, an increase of about \$4.5 million. It went from \$3.297 million to \$7.611 million. Whatever reconciliation we are hopefully in the middle of now, trying to find out how much money is left to extend U.S. Highway 278 and do a couple of couple of other things, is going to be thrown in shambles because we have spent another \$400 million we did not expect. From a project management sense, Mr. Baer is concerned because this is a very important thing that happened. There should have been red flags flashing all over this report and it was not. He is troubled by two things: (i) all of a sudden \$4.5 million more than we expected and (ii) the project management report did not spot it. We had to go page by page and compare to previous books. Why did the price go up so much? When can we get a better set of project management reports?

Mr. McFee replied the price for the project did not go up. There is a little bit of apples and oranges going on. What Mr. Baer has reviewed as well as some asphalt price changes, the bottom line is the first phase cost \$2.2 million lock, stock and barrel while the second phase will cost approximately \$3.9 million lock, stock and barrel. The third phase is included in the second phase plus the added Pinckney Island work, which was not contemplated in the original scope. The reason the report has \$7.6 million rather than \$6.1 million, the report is a living document. SCDOT received bids on Phase II and III February 9 and the report will be corrected in the new report. The new report will be much different than the February 22 report. Council will have the new report next month. Mr. McFee noted the low bid for Phase I was \$2.6 million. That project was bid at the height when gasoline was \$4.10 per gallon. SCDOT indexes all asphalt prices to a national standard. If the price of gasoline goes up, the price of asphalt goes up and vice versa. Being a petroleum product it is all linked. What was bid in October 2008 for \$2.6 million only cost \$2.1 million in fact.

Mr. Baer remarked there seems to be a decreasing pot available for the other projects like the extension of U.S. Highway 278. When a project goes up in cost significantly in a few months, it is important that it is flagged in the project management report.

Mr. McFee informed Council Mr. Starkey and he met February 13, 2010, with Dennis Corporation staff. What we are going to do is get a unified statement for all of these projects. That is going to be the two or three pages Council receives in the future.

Ms. Von Harten posed a question about the new S.C. Highway 802 Bridge that relates to a letter from Port Royal Town Mayor Samuel Murray expressing concern about the City of Beaufort wanting to reroute U.S. Highway 21 through Port Royal and across the bridge. Ms. Von Harten supports that rerouting. However, Port Royal Town officials are worried about those residents who live in the condominiums, the DHEC office, the senior center as well as the assisted living facilities. The Town knows this area does not require a traffic signal, but given the rerouting, perhaps the County will reconsider installing a traffic signal when the project is completed.

Mr. McFee remarked Mr. Colin Kinton, Traffic/Transportation Engineer, and he work closely with officials from both the City of Beaufort and the Town of Port Royal. The Town will need to request a study at the appropriate time. That is part of the agreement with the SCDOT. Traffic signals that are installed that are unwarranted are enormous liabilities. It is extremely difficult of say to someone a traffic signal did not meet any objective assessment, but it is installed anyway, someone gets hurt it is very difficult to defend that decision. On the other hand if you hold everyone to the same standard and if it meets the objective that is certainly, from a professional standpoint, the way to go.

BRIEF SUMMARY / ANNUAL PLANNING MEETING (DAYS 1 AND 2)

Mr. Sommerville summarized the activities that took place Day 1 and Day 2 of three-day annual planning meeting (retreat). The retreat was facilitated by Mr. Lyle Sumeck, who is a professional facilitator and works for many, many municipalities and county governments around the country. Locally, he has worked with the Town of Hilton Head Island, when Mayor Peebles was elected, and more recently started representing the Town of Bluffton. He is very familiar with the Lowcountry. He has facilitated at several County Council retreats in prior years.

What Mr. Sumeck put together for Council's retreat in broad terms is an opportunity to identify the issues that are most important to all of us and to help us identify these issues, to prioritize these issues, and to come up with a strategic plan and ultimately an implementation plan to put these into effect, or to ask staff to put these into effect during the coming year. What will come out of this will be a strategic plan and an action plan which will tell staff exactly what Council wants during 2010 and perhaps beyond. The retreat was held at the B/J Water and Sewer Authority. On Day 1, Council received an interesting economic report from Dr. Donald Schunk, a Research Economist for Economic Development at Coastal Carolina University. What he gave Council was a five-year projection for the macro-economic projection particularly for South

Carolina and also for Beaufort County. Dr. Schunk's projections for the economy over the next five years, is not a particularly happy one.

Next, Council looked at its four guiding principles for the county: personal liveability, environmental stewardship, economic opportunity and community building. In each one of these categories there were many subcategories. Part of the exercise was not just to prioritize, but to learn that our pet issue may or may not rise to the top. Then, Council set up specific goals and each goal has many, many components to it. The goals: (i) create a financially sound county providing quality core services efficiently; (ii) upgrade county infrastructure and facilities, (3) growing a diversified regionally economy; (iii) preservation of Beaufort County Lowcountry character, natural beauty, heritage and (iv) a more livable sustainable county through planned managed growth.

Not only did Council talk about the things it would like to do during the coming year, members also talked about the things it accomplished in 2009. It is probably worth the time to review what Council accomplished: (1) the financial condition of the county is sound in spite of the fact we are in a terrible economic climate/environment. (2) county reorganization under the leadership of Mr. Kubic, County Administrator, which is quite successful. (3) major county facilities and infrastructure completion. (4) public access to information. (5) stormwater management is taking great strides in 2009 and more to come in 2010. (6) Northern Regional Plan has been completed.

Council will meet again to fine tune the recommendations and a path forward for 2010 along with an action plan to accompany a strategic plan.

VOICE OVER INTERNET PROTOCOL (VoIP) TELEPHONE SERVICES FOR MIS DEPARTMENT

This item comes before Council under the Consent Agenda. It was discussed and approved at the February 15, 2010 meeting of the Finance Committee.

It was moved by Mr. McBride, seconded by Mr. Flewelling, that Council awards a contract to Internetwork Engineering Services, of Charlotte, North Carolina, for voice over internet protocol services for MIS Department in the amount of \$93,130 paid by the special capital equipment account. The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Newton. The motion passed.

RESOLUTION AGREEING TO APPLY TO SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR A GRANT IN AN AMOUNT NOT TO EXCEED \$100,000 TO ASSIST WITH FERRY SERVICE TO AND FROM DAUFUSKIE ISLAND

This item comes before Council under the Consent Agenda. It was discussed and approved at the February 15, 2010 meeting of the Community Services Committee.

It was moved by Mr. McBride, seconded by Mr. Flewelling, that Council adopts a resolution agreeing to submit an application to the South Carolina Department of Transportation for a dollar-to-dollar matching grant in an amount not be exceed \$100,000 to assist with ferry service for property owners and residents to and from Daufuskie Island. The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Newton. The motion passed.

TEXT AMENDMENT TO THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), ARTICLE XIII, SEC. 106-2729. STREET DESIGN STANDARDS (TO ESTABLISH CONSTRUCTION STANDARDS FOR UNPAVED ROADS AND TO PERMIT ACCEPTANCE OF UNPAVED ROADS BY THE COUNTY FOR MAINTENANCE OR OWNERSHIP FOR AFFORDABLE HOUSING DEVELOPMENTS WHEN APPROVED BY COUNTY COUNCIL)

This item comes before Council under the Consent Agenda. It was discussed and approved at the February 1, 2010 meeting of the Natural Resources Committee.

It was moved by Mr. McBride, seconded by Mr. Flewelling, that Council approves on second reading a text amendment to the Zoning and Development Standards Ordinance (ZDSO), Article III, Section 106-2729. Street Design Standards (to establish construction standards for unpaved roads and to permit acceptance of unpaved roads by the county for maintenance or ownership for affordable housing when approved by County Council). The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Newton. The motion passed.

The Vice Chairman announced a public hearing on this issue would be held Monday, March 15, 2010, beginning at 6:00 p.m. in Council Chambers of the Administration Building

PUBLIC HEARING

2010 COMMUNITY DEVELOPMENT BLOCK GRANT NEEDS ASSESSMENT

Mrs. Michelle Knight, Community & Economic Development Director, gave a PowerPoint presentation on the S.C. Community Development Block Grant Program (CDBG). CDBG Program is designed to provide assistance to units of local government in improving economic opportunities and meeting community revitalization needs, particularly for person of low and moderate income (LMI). The program has been funded through the State since 1982 by U.S. Department of Housing and Urban Development under Title I of the Housing Community Development Act of 1974. The annual allocation from HUD for the program is administered by the S.C. Department of Commerce, Division of Grant Administration.

South Carolina has been allotted approximately \$22,169,273 CDBG funds for 2010. This allocation has been divided among the program as follows: Community Development Programs \$16,904,195 and Business Development Programs \$4,000,000. All projects have to meet a national objectives meaning: benefit low and moderate income persons, aid in the prevention or

elimination of slums or blight and meet other urgent community needs posing a serious threat to the health or welfare of the community, where other financial resources are not available to meet such needs.

Community Development (CD) Programs are designed to produce outcomes that improve citizens' quality of life and create a competitive environment for jobs and investments by addressing priority community developmental needs. A CD application will compete within the following subcategories that have the same general submission requirements. Category I - Community Infrastructure: Must contribute to the creation of healthy and sustainable residential communities through water, sewer, roads, drainage, or other activities that address one or more of the priority listed in order to importance. Category II - Community Enrichment: Designed to fund facilities, services and other activities that strengthen existing communities and support a high quality of life within the state priority areas – workforce development, safety and health communities and obstacles or economic competitiveness. Category III Village Renaissance: Designed to assist in the development of sustainable communities by revitalizing in-town residential neighborhoods. Projects need to incorporate comprehensive strategies to link commercial revitalization success with improvements to adjacent neighborhoods. Each project should involve a five-year, three-phased program. Phase I requires Neighborhood Revitalization Plan and Phases II and III involve activities to implement the plan. Category IV - "Ready to Go" Public Facilities Program will not be funded in a competitive round.

Business Development Programs involve economic development activities not associated with job creation. Area new or expanding businesses tied to job creation as well as new or expanding businesses that provide essential goods and services in predominately low and moderate income communities.

Applications are due April 19, 2010 at 5:00 p.m. for Community Infrastructure and September 20, 2010 at 5:00 p.m. for Community Enrichment and Village Renaissance.

The Vice Chairman opened a public hearing at 6:30 p.m. for the purpose of receiving information from the public on the Community Development Block Grant Needs Assessment for 2010. After calling once for public comment, the Vice Chairman recognized Mr. Thomas C. Barnwell, Jr., a 74½ year resident of Hilton Head Island and representing the Mitchelville Committee, requests the use of property at 200 Dillon Road for a Mitchelville Welcome Center. We are asking for a historic planning grant of \$50,000 and a facility upgrading grant of \$15,000 for planning and renovating the facility, which the County jointly owns for a total grant request of \$65,000. We would like to utilize the property as soon as possible. Please, your positive action will be a signal for other opportunities such as the Gullah Geechee Corridor potential funds and private funds. There will be jobs for low-and-moderate income residents through workforce programs. When it is fully developed, Mitchelville will become the largest and most prestigious historic tourist attraction in the southern part of Beaufort County. Thank you for allowing me to appear here tonight. There are seven members of our committee present tonight – Ezra Cal Callahan, Irvine Campbell, Herbert Ford, Dot Law, Peter Ovens, Ben Williams and Charles Young.

Mr. Ed Boyd, Executive Director of the Beaufort Housing Authority, said the mission of the Authority is to assist low-to-moderate income families with housing. He thanked Council for the past assistance it granted to the Authority. It seems like every time the Authority appeared before Council, it has responded in some fashion to assist us with our mission of providing housing. Based on a recent conversation he had with Planning Director Tony Criscitiello, there may be some other opportunities where we can work together. Mr. Boyd plugged affordable housing one more time. He asked Council to keep affordable housing for low-to-moderate income people in its priorities because there are various programs and avenues available to assist them. Some activities are acquisition of property, permanent housing, rehabilitation to permanent housing, conversion of a non-residential structure to permanent housing, newly constructed housing when eligible and assistance to household down payment assistance for down payment and closing costs. Affordable housing has been on Council's agenda and he feels sure it is still there. He asked Council to keep it in the forefront as it considers alternative programs.

Mr. Larry Holman, President of the Beaufort County Black Chamber of Commerce, stated the Black Chamber of Commerce had a project last year presented; but, unfortunately, was not funded. He is here again this year, hopefully, to get it funded. The project involves replacing the dilapidated building at 711 Bladen Street (the old liquor store) in the Northwest Quadrant, a blighted area, of the City of Beaufort. A new two-story building is proposed. The first floor will be used as an incubator for small businesses while the second floor will provide livable space for low-to-moderate income families making less than \$52,000. The cost to purchase and demolish the dilapidated building is between \$850,000 and \$900,000. The property is in foreclosure. The bank is working with the Chamber in an effort to reach an acceptable purchase price.

Mr. Michael Bostwick, Chief Executive Officer of the YMCA of Beaufort County, asked Council to consider funding affordable educational childcare. The *Together for Beaufort* report identifies the cost of childcare in Strategic Goal One, Objective: by 2012, the cost of childcare will not exceed 25% of a working families' income. More than 5,000 people use the YMCA each month. One of the biggest obstacles is affordable daycare. At present the YMCA is not licensed nor offers all day daycare, but classroom space is available. He requested \$150,000 to help convert classroom space to all day daycare.

After calling twice more for public comment and receiving none, the Vice Chairman declared the hearing closed at 6:40 p.m.

COMMITTEE REPORTS

Community Services Committee

Disabilities and Special Needs Board

Grace Dennis

The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Newton. Mrs. Dennis garnered the ten votes required to serve as a member of Disabilities and Special Needs Board.

Beverly Dore

The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Newton. Mrs. Dore garnered the ten votes required to serve as a member of Disabilities and Special Needs Board.

Library Board

Theresa Dunn

The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Newton. Mrs. Dunn, representing Council District 1, garnered the ten votes required to serve as a member of Library Board.

Katrina Johnson

The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Newton. Mrs. Johnson, representing Council District 4, garnered the eight votes required to serve as a member of Library Board.

Janet Kuchler

The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Newton. Mrs. Kuchler, representing Council District 6, garnered the ten votes required to serve as a member of Library Board.

Beaufort Memorial Hospital Board

Gerald Schulze

The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Newton. Mr. Schulze garnered the ten votes required to serve as a member of Beaufort Memorial Hospital Board.

Finance Committee

Tax Equalization Board

Sheila Chesney

The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Newton. Ms. Chesney, representing Sheldon Township, garnered the ten votes required to serve as a member of the Tax Equalization Board.

Natural Resources Committee

Construction Adjustments and Appeals Board

Herbert Brown

The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Newton. Mr. Brown, representing design professional, garnered the eight votes required to serve as a member of the Construction Adjustments and Appeals Board.

Historic Preservation Review Board

Carolyn Donaghy

The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Newton. Ms. Donaghy, representing Port Royal Island, garnered the six votes required to serve as a member of the Construction Adjustments and Appeals Board.

Northern Corridor Review Board

Kevin Farruggio

The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Newton. Mr. Farruggio, representing landscape architect, garnered the eight votes required to serve as a member of the Construction Adjustments and Appeals Board.

Planning Commission

Mary River LeGree

The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Newton. Ms. LeGree, representing Comprehensive Plan Planning Area, garnered the eight votes required to serve as a member of the Planning Commission.

Southern Corridor Review Board

Ed Pinckney

The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Newton. Mr. Pinckney, representing resident of area served, garnered the eight votes required to serve as a member of the Planning Commission.

James Tiller

The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Newton. Mr. Tiller, representing landscape architect, garnered the ten votes required to serve as a member of the Planning Commission.

Stormwater Management Utility Board

Donald Smith

The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Newton. Mr. Smith, representing Stormwater District #5, garnered the ten votes required to serve as a member of the Stormwater Management Utility Board.

Allyn Schneider

The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Newton. Mr. Schneider, representing Stormwater District #9, garnered the eight votes required to serve as a member of the Planning Commission.

Zoning Board of Appeals

Edgar Williams

The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Newton. Mr. Williams, representing north of Whale Branch River, garnered the eight votes required to serve as a member of the Zoning Board of Appeals.

Public Facilities Committee

Airports Board

Pete Buchanan

The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Newton. Mr. Buchanan, representing qualifications, garnered the ten votes required to serve as a member of the Airports Board.

Will Dopp

The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Newton. Mr. Dopp, representing proximity to Hilton Head Island Airport, garnered the eight votes required to serve as a member of the Airports Board.

Paul Jorgensen

The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Newton. Mr. Jorgensen, representing proximity to Beaufort County (Lady’s Island) Airport, garnered the six votes required to serve as a member of the Airports Board.

Leonard Law

The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Newton. Mr. Law, representing proximity Hilton Head Island Airport, garnered the eight votes required to serve as a member of the Airports Board.

Jared Newman

The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Newton. Mr. Newman, representing proximity to Beaufort County (Lady’s Island) Airport, garnered the eight votes required to serve as a member of the Airports Board.

Ross “Max” Sanders

The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Newton. Mr. Sanders, representing active pilot/aircraft owner Lady’s Island Airport, garnered the six votes required to serve as a member of the Airports Board.

Public Safety Committee

Bluffton Fire District Commission

Rainie Steedley

The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Newton. Ms. Steedley, representing at large, garnered the ten votes required to serve as a member of the Bluffton Fire District Commission.

Daufuskie Island Fire District Commission

Jon Michael Bryant

The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Newton. Mr. Bryant, representing at large, garnered the six votes required to serve as a member of the Daufuskie Island Fire District Commission.

George Jenkins

The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Newton. Mr. Jenkins, representing at large, garnered the six votes required to serve as a member of the Daufuskie Island Fire District Commission.

Lowcountry Regional Transportation Authority

Craig Forrest

The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Newton. Mr. Forrest, representing at large, garnered the eight votes required to serve as a member of the Lowcountry Regional Transportation Authority.

Dick Stewart

The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Newton. Mr. Stewart, representing at large, garnered the six votes required to serve as a member of the Lowcountry Regional Transportation Authority.

PUBLIC COMMENT

There were no requests to speak during public comment.

ADJOURNMENT

Council adjourned at 6:45 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____

Wm. Weston J. Newton, Chairman

ATTEST: _____
Suzanne M. Rainey, Clerk to Council

Ratified:

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

GARY KUBIC
COUNTY ADMINISTRATOR

CHERYL HARRIS
EXECUTIVE ASSISTANT

ADMINISTRATION BUILDING
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BRYAN J. HILL
DEPUTY COUNTY ADMINISTRATOR

LADSON F. HOWELL
STAFF ATTORNEY

**COUNTY ADMINISTRATOR'S REPORT
Monday, March 15, 2010
County Council Chambers**

INFORMATION ITEMS:

- Three - week Progress Report (Enclosure)
- Presentation / Department of Social Services
Mr. Keith Davis, Director, Department of Social Services
- Video / Disabilities and Special Needs Adult Day Care Center Ground Breaking



Memorandum

DATE: March 12, 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 February 22, 2010 thru March 12, 2010:

February 22, 2010

- County Council meeting

February 23, 2010

- Staff meeting re: Travel Policies
- Meeting with Councilman Jerry Stewart, Kim Statler, Executive Director of Lowcountry Economic Network (LEN), Jan Baxter, Chairman of LEN, and David Starkey, Chief Financial Officer re: Beaufort Commerce Park
- Public Facilities Committee meeting

February 24, 2010

- Beaufort Senior Leadership Day in Council Chambers
- Staff meeting re: "Pros and Cons of County Using "Facebook / Twitter" applications
- Meeting with Charlie Tipton, Vice President of Pulte Homes, and Arthur Cummings, Director of Building Inspections re: Roof Truss Inspections at Sun City

February 25, 2010 (Hilton Head Office Hours)

- Meeting with Tom Zinn and Matt Green re: Buckwalter drainage issues
- Sun City homeowners meeting re: roof truss inspections at Sun City

February 26, 2010

- Monthly meeting with County Assessor Ed Hughes

March 1, 2010

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

- Natural Resources Committee meeting
- Public Safety Committee meeting

March 2, 2010

- Deposition – Executive Golf Club vs. Beaufort County
- Hilton Head Island Town Council meeting

March 3, 2010

- Agenda review meeting

March 4, 2010

- Department Head meeting
- Meeting with Jim Minor, Supervisor, Solid Waste and Recycling, and Bryan Hill, Deputy County Administrator re: Town of Hilton Head Island recycling initiatives
- Tour of Sea Turtle with Scott Marshall, Director of Elections and Voters Registration and Marilyn Caprielian, Board Chairman

March 5, 2010

- USCB Golden Jubilee Community celebration

March 8, 2010

- Property Tax Review committee meeting
- Meeting with Ed Allen, Coroner

March 9, 2010

- Joint County Council and Hilton Head Island Town Council meeting re: Hilton Head Island Airport Master Plan Update at Hilton Head High School Performing Arts Theater

March 10, 2010

- Agenda review
- Manatron Executive Committee meeting
- Meeting with Scott Dadson, City Manager, re: library impact fees

March 11, 2010

- County Council Annual Planning Meeting (Day 3)

March 12, 2010

- SC 802 Highway management meeting
- SC 46 / Simonsville management meeting
- US Highway 17 management meeting
- Meeting with Mark Roseneau, Director of Facility Management re Facility update
- Meeting with Tony Criscitiello, Division Director of Planning and Development re: River Smart



Memorandum

DATE: March 12, 2010
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 February 22, 2010 thru March 12, 2010:

February 22, 2010 (Monday):

- County Council

February 23, 2010 (Tuesday):

- Meet with William Winn, Missy Easler and Janet Hendrickson re: FEMA Travel Issues
- Meet with Gary Kubic, David Starkey, Matt Averill and SSgt. Baird
- Meet with Gary Kubic, David Starkey, Alan Eiseman and Suzanne Gregory re: Travel Policies
- Public Facilities

February 24, 2010 (Wednesday):

- DSN Groundbreaking Ceremony
- Meet with Todd Ferguson, Ted Anderson and Theresa Roberts re: Telephone Numbering Issues
- Meet with Suzanne Rainey, Suzanne Larson, Alexis Garrobo, Ted Anderson and Theresa Roberts re: Pros and Cons of Facebook & Twitter as New Source for County

February 25, 2010 (Thursday)--Bluffton:

- Meet with Anthony Barrett, Town of Bluffton Manager
- Meet with Duffie Stone, Solicitor

February 26, 2010 (Friday):

- Meet with Dave Thomas, Purchasing re: RCLP Request for Proposal

- Meet with Gary Kubic, County Administrator, Robert McFee, Public Services Director, Anthony Criscitiello, Planning Director re: DRT Reorganization

March 1, 2010 (Monday):

- DA Meeting
- Natural Resources Committee Meeting
- Meet with Gary Kubic, David Starkey, Matt Averill and Brian Baird
- Public Safety Committee Meeting

March 2, 2010 (Tuesday):

- Work on 2011 - 2015 Budgets

March 3, 2010 (Wednesday):

- Meet with William Winn, David Zeoli, Todd Ferguson of Emergency Management and Ted Anderson and Theresa Roberts of Management Information Systems re: Telephone Conversion Update
- Attend Brickyard Holdings Mediation Meeting with Gary Kubic, Robert McFee and Robert Achurch, Esquire
- Meet with Gary Kubic, David Starkey, Robert McFee and Morris Campbell re: St. Helena Penn Center Library

March 4, 2010 (Thursday):

- Department Heads Meeting
- Meet with Gary Kubic, Robert McFee, Jim Minor and Eddie Bellamy re: Town of Hilton Head Island Curbside Recycling Initiative
- Meet with David Starkey, Chief Financial Officer
- Work on Budget

March 5, 2010 (Friday)--Bluffton:

- Work on Budget
- Meet with Mark Roseneau re: Staffing Needs

March 8, 2010 (Monday):

- Meet with Toni Lytton at Animal Shelter re: Budget
- Meet with Gary Kubic, David Starkey and Carlotta Ungaro re: MEC Expenditures
- Tour Possible Coroner Office Location with Gary Kubic and Ed Allen

March 9, 2010 (Tuesday):

- Meet with Solicitor Stone and David Starkey
- Attend Brickyard Holdings vs. Beaufort County Mediation with Robert Achurch, Esquire

March 10, 2010 (Wednesday):

- Agenda Review
- Attend Manatron Executive Meeting

March 11, 2010 (Thursday):

- Meet with Donna Ownby, EMS re: Budget
- Meet with Mitzi Wagner and Gary Stowe from DSN re: Budget
- Attend County Council Retreat

March 12, 2010 (Friday)--Bluffton:

- Work on Budget



COUNTY COUNCIL OF BEAUFORT COUNTY
BEAUFORT COUNTY ENGINEERING DIVISION
Building 3, 102 Industrial Village Road
Post Office Drawer 1228, Beaufort, SC 29901-1228
Phone: (843) 470-2625 Fax: (843) 470-2630

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

VIA: Gary Kubic, County Administrator
Bryan Hill, Deputy County Administrator
David Starkey, Chief Financial Officer
Robert McFee, Director of Engineering & Infrastructure

FROM: Bob Klink, County Engineer

SUBJ: **Re-Roofing for the Beaufort County Main Branch Library & Human Services Building IFB # 2909/101236**

DATE: February 5, 2010

BACKGROUND. On January 7, 2010, Beaufort County accepted bids for the re-roofing of the Beaufort County Main Branch Library at 311 Scott Street, Beaufort and the Beaufort County Human Services Building at 1905 Duke Street, Beaufort. This project will include the complete removal of the existing roofing and installation of a new roofing system on both buildings. A certified tabulation of the bid results is attached and totals for each of the 9 companies submitting bids as follows:

<u>Company Name</u>	<u>Location</u>	<u>Bid Price</u>
CEI Group, LLC	32 Courtyard Building, Hilton Head, SC	\$225,500.00
Alternative Roofing Solutions	1750 Hwy 160 W, Fort Mill, SC	\$231,990.00
AAR of NC	655 Peddycord Rd, Kernersville, NC	\$279,300.00
Coastal Commercial Roofing Co	4355 Adrian Hwy, Conway, SC	\$328,424.00
Peach State Roofing, Inc.	260 Chad Wesley Blvd, Rock Hill, SC	\$336,100.00
Southern Roof & Wood Care	145 Island Drive, Hilton Head, SC	\$331,645.00
Carolina Roofing, Inc.	4675 Franchise St., N. Charleston, SC	\$390,000.00
C. E. Bourne & Co	140 Industrial Dr, Greenwood, SC	\$402,562.00
Davis Roofing & Sheet Metal	4210 Piggly Wiggly Dr, Charleston, SC	\$419,557.00
Architect's Estimate		\$247,000.00

CEI Group, LLC submitted the lowest qualified/responsible bid of \$225,500.00. CEI Group, LLC bid was reviewed and found to be reasonable and is in compliance with the County's SMBE Ordinance. CEI Group, LLC will be self performing all work. There is no apparent cause for rejecting their bid. Funding source for this project is the FY05 CIP accounts #11435-54421 Library and #11435-54427 Human Services Building which have a total current balance of \$292,762.66.

RECOMMENDATION. The Public Facilities Committee approve and recommend to County Council the award of a construction contract to CEI Group, LLC in the amount of \$225,500.00 for the re-roofing improvements to County's Main Branch Library and the Human Services Building utilizing the funding sources listed above.

REK/DC/mjh
Dc | D4

Attachments: 1) Bid Certification
2) SMBE Documents

cc: Mark Roseneau
Dave Thomas

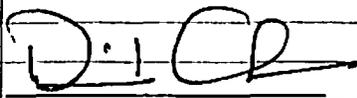
Award Recommendation for Public Facilities Committee February 23, 2010

PROJECT:	Re-Roofing Main Branch Library & Human Services Building IFB # 2909/101236
NUMBER OF BIDS/PROPOSALS RECEIVED	9
	CEI Group, Hilton Head, SC \$225,500
	Alternative Roofing Solutions, Fort Mill, SC \$231,990
	AAR of NC, Kernersville, NC \$279,300
	Coastal Commercial Roofing, Conway, SC \$328,424
	Peach State Roofing, Rock Hill, SC \$336,100
	Southern Roof & Wood Care, Hilton Head, SC \$331,645
	Carolina Roofing, N. Charleston, SC \$390,000
	C.E. Bourne & Co., Greenwood, SC \$402,562
	Davis Roofing & Sheet Metal, Charleston, SC \$419,557
BIDDER/PROPOSER RECOMMENDED:	CEI Group, Hilton Head, SC
BID OFFER:	\$225,500.00
FUNDING SOURCE:	FY 05 CIP
COMMENTS:	Award approval for Public Facilities Committee Meeting on February 23, 2010

Re-Roofing for Beaufort County Library Main Branch & Beaufort County Human Services Building

IFB #2909/101236

Opened January 7, 2010 at 3:00 p.m.

	Company	Location	Library Main Branch Roof	Human Services Roof	Grand Total
1	CEI Group, LLC	Hilton Head, SC	\$ 125,500.00	\$ 100,000.00	\$ 225,500.00
2	Alternative Roofing Solutions, Inc.	Fort Mill, SC	\$ 127,250.00	\$ 104,740.00	\$ 231,990.00
3	AAR of North Carolina	Kernersville, NC	\$ 170,900.00	\$ 108,400.00	\$ 279,300.00
4	Coastal Commercial Roofing Company, Inc.	Conway, SC	\$ 184,318.00	\$ 144,106.00	\$ 328,424.00
5	Peach State Roofing, Inc.	Rock Hill, SC	\$ 194,600.00	\$ 141,500.00	\$ 336,100.00
6	Southern Roof & Wood Care	Hilton Head, SC	\$ 206,145.00	\$ 125,500.00	\$ 331,645.00
7	Carolina Roofing	N. Charleson, SC	\$ 253,000.00	\$ 137,000.00	\$ 390,000.00
8	C. E. Bourne & Co., Inc.	Greenwood, SC	\$ 233,336.00	\$ 169,226.00	\$ 402,562.00
9	Davis Roofing & Sheet Metal, Inc	Charleston, SC	\$ 245,390.00	\$ 174,167.00	\$ 419,557.00
	Bid Certification				
					
	Signature				
	1/8/10				
	Date				



COUNTY COUNCIL OF BEAUFORT COUNTY
BEAUFORT COUNTY ENGINEERING DIVISION
Building 3, 102 Industrial Village Road
Post Office Drawer 1228, Beaufort, SC 29901-1228
Phone: (843) 470-2625 Fax: (843) 470-2630

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

VIA: Gary Kubic, County Administrator
Bryan Hill, Deputy County Administrator
David Starkey, Chief Financial Officer
Robert McFee, Director of Engineering & Infrastructure

FROM: Robert Klink, County Engineer

SUBJ: Engineering Design Services for Boundary Street Streetscape – RFP #3907/090566

DATE: November 17, 2009

BACKGROUND. In May of 2009, Beaufort County issued a Request for Proposal soliciting Engineering Design Services for Boundary Street Streetscape. This project will be funded by the Beaufort County 1% Sales Tax Program Funds Acct #33405-54500 for Sales Tax Project #5.

The following 8 consultant firms responded and provided proposals for the project on June 17, 2009:

<u>CONSULTANT</u>	<u>ADDRESS</u>
Kimley-Horn Associates	710 Boundary, St. 1D, Beaufort, SC 29902
Thomas & Hutton Engineering Co.	50 Park of Commerce Way, Savannah, GA 31405
Parsons Brinckerhoff	1501 Main St., Suite 700, Columbia, SC 29201
Wilbur Smith Associates	1301 Gervais St., Suite 1600, Columbia, SC 29201
Hussey, Gay, Bell & DeYong	329 Commercial Dr., Savannah, GA 31416
Empire Engineering, LLC	4930 Rivers Ave., North Charleston, SC 29406
Coleman-Snow Consultants, LLC	1951 Clements Ferry Road, Suite 100, Charleston, SC 29492
Florence & Hutcheson, Inc.	501 Huger St., Columbia, SC 29201

A selection committee consisting of the Beaufort County Director of Engineering & Infrastructure, Beaufort County Engineer, Beaufort County Assistant County Engineer, City of Beaufort City Manager and City of Beaufort Planning Director was assembled to review the proposals, evaluate and rank the proposals using established criteria on the basis of the “best experience and value offered” rather than solely on the lowest price. As a result, two consultant firms – Thomas & Hutton Engineering Company and Kimley-Horn Associates were chosen for the interviews. Based on their extensive project analysis and planning, their level of experience with urban roadway design, the selection committee recommends that Thomas & Hutton Engineering Company offers the overall best vision for the design of Boundary Street Streetscape.

RECOMMENDATION. That the Public Facilities Committee approve and recommend to County Council approval of an award to Thomas & Hutton Engineering Company for The Boundary Street Streetscape Engineering Design Services in the amount of \$550,000.

REK/JF/mjh

Attachment Location Map

cc: Dave Thomas, Purchasing

Award Recommendation for Public Facilities Committee February 23, 2010

PROJECT:	Engineering Design Services for Boundary Street Streetscape Sales Tax Project #5 RFP 3907/090566
NUMBER OF BIDS/PROPOSALS RECEIVED	8
	Kimley-Horn Associates, Beaufort, SC
	Thomas & Hutton Engineering, Savannah, GA
	Parsons Brincherhoff, Columbia, SC
	Wilbur Smith Associates, Columbia, SC
	Hussey, Gay, Bell & DeYoung, Savannah, GA
	Empire Engineering, North Charleston, SC
	Coleman Snow Consultants, Charleston, SC
	Florence & Hutcheson, Columbia, SC
BIDDER/PROPOSER RECOMMENDED:	Thomas & Hutton Engineering Company, Savannah, GA
BID OFFER:	\$550,000.00
FUNDING SOURCE:	1% Sales Tax Program Funds
COMMENTS:	Award approval for Public Facilities Committee Meeting on February 23, 2010



COUNTY COUNCIL OF BEAUFORT COUNTY
BEAUFORT COUNTY ENGINEERING DIVISION

Building 3, 102 Industrial Village Road
Post Office Drawer 1228, Beaufort, SC 29901-1228
Phone: (843) 470-2625 Fax: (843) 470-2630

TO: Councilman Herbert N. Glaze, Chairman, Public Facilities Committee
VIA: Gary Kubic, County Administrator
Bryan Hill, Deputy Administrator
David Starkey, Chief Financial Officer
Robert McFee, Director of Engineering & Infrastructure
FROM: Robert Klink, County Engineer
SUBJ: C. C. Haigh Public Boat Landing Improvement IFB #2971/100140
DATE: February 16, 2010

BACKGROUND. In December 09, Beaufort County issued an invitation for bids for improvements to C. C. Haigh Boat Landing located on Wm Hilton Parkway (US 278) between the two bridges before Hilton Head Island. The improvements consists of replacement of the existing concrete ramp with a new 128'x28' two-lane concrete boat ramp, a 108'x 8' aluminum "groundout" floating dock, a 43'x8' concrete abutment, riprap for protection, and replacement of one existing timber pile dolphin. The following seven bids were received on February 16, 2010.

<u>Contractors</u>	<u>Total Bid</u>	<u>Comments</u>
L-J, Inc. 220 Stoneridge Dr., Columbia, SC	\$238,210.00	Non-responsive bid due to non-compliance with County SMBE Ordinance
Henley's Construction Co 2876 Hwy 9, Cheraw, SC	\$258,600.00	Non-responsive bid due to non-compliance with County SMBE Ordinance
Alpha Construction Co 4250 Ogeechee Rd, Savannah, GA	\$275,555.00	Lowest response Bidder
AP Reale and Sons, Inc 4491 Hwy 17, Murrells Inlet, SC	\$287,000.00	Non-responsive bid due to non-compliance with County SMBE Ordinance
Steadfast Marine Services, Inc. 157 Fripp Pt. Rd, St. Helena, SC	\$316,750.00	
Cape Romain Contractors, Inc. 612 Cape Romain Rd, Wando, SC	\$328,000.00	
O'Quinn Marine Construction 95 Sheppard Rd, Beaufort, SC	\$380,000.00	
Engineer's Estimate	\$325,000.00	

Alpha Construction Company, Inc submitted the most qualified/responsible bid of \$275,555.00. Alpha Construction Company's bid was reviewed and found to be reasonable and is in compliance with the County's SMBE Ordinance. This project will be funded by FY 08 CIP Account #11437-54430 with a current balance of \$721,595.00

RECOMMENDATION The Public Facilities Committee approve and recommend to County Council approval of a contract award to Alpha Construction Company for \$275,555.00 for the C. C. Haigh Boat Landing Improvement project to be funded from the account listed above.

REK/JF/mjh

Attachments: 1). Bid Certification, 2) Location Map 3) SMBE Documentation

Award Recommendation for Public Facilities Committee February 23, 2010

PROJECT:	C. C. Haigh Boat Landing Improvements IFB # 2906/100140
NUMBER OF BIDS/PROPOSALS RECEIVED	7
	Alpha Construction Co, Savannah, GA \$275,555
	Steadfast Marine Services, St. Helena, SC \$316,750
	Cape Romain Contractors, Wando, SC \$328,000
	O'Quinn Marine Construction, Beaufort, SC \$380,000
	Following 3 contractors bids were non-responsive due to non-compliance with County SMBE Ordinance
	L-J, Inc., Columbia, SC \$238,210
	Henley's Construction, Cheraw, SC \$258,600
	AP Reale & Sons, Murrells Inlet, SC \$287,000
BIDDER/PROPOSER RECOMMENDED:	Alpha Construction Co, Savannah, GA
BID OFFER:	\$275,555.00
FUNDING SOURCE:	FY 08 CIP
COMMENTS:	Award approval for Public Facilities Committee Meeting on February 23, 2010

C.C. Haigh Public Boat Landing Improvements

IFB #2971/100140

Opened February 16, 2010 at 3:00 pm

	Vendor	Location	Total
1	L-J, Inc	Columbia, South Carolina	\$ 238,210.00
2	Henley's Construction Company	Cheraw, South Carolina	\$ 258,600.00
3	Alpha Construction Company, Inc.	Savannah, Georgia	\$ 275,555.00
4	AP Reale and Sons, Inc	Ticonderoga, New York	\$ 287,000.00
5	Steadfast Marine Services, Inc.	Beaufort, South Carolina	\$ 316,750.00
6	Cape Romain Contractors, Inc.	Wando, South Carolina	\$ 328,000.00
7	O'Quinn Marine Construction	Beaufort, South Carolina	\$ 380,000.00
8			
9			
10			
	Bid Certification BY: <u>JFe:</u>	Date: <u>2/16/10</u>	



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

TO: Councilman Herbert Glaze, Chairman, Public Facilities Committee

VIA: Gary Kubic, County Administrator
David Starkey, Chief Financial Officer
Lad Howell, County Attorney
Rob McFee, Director, Engineering and Infrastructure Division

FROM: Paul Andres, Director of Airports *PA*

SUBJ: **Hilton Head Island Airport Parking Concession**

DATE: February 19, 2010

BACKGROUND. In response to our Request for Proposals, two proposals were received to handle the public parking concession at the Hilton Head Island Airport. A committee consisting of the Airport Director and two Beaufort County Airports Board members evaluated the proposals and ranked the firms in the following priority order: (1) Republic Parking System and (2) Potomac Parking Management. Subsequent negotiations with Republic Parking System have resulted in reaching an acceptable agreement. A copy of this proposed agreement is attached for your information. The initial term of the agreement is for five years with an additional five year option. Republic Parking System will install \$80,700.00 worth of new equipment at their expense subject to depreciation over the entire ten year period. A review of Republic Parking System's proposal indicates that they made a good faith effort with respect to local S/MBE participation. Copies of their good faith efforts are also attached. This agreement is anticipated to generate between \$25,000.00 to \$30,000.00 per year in revenue to the Hilton Head Island Airport. The Airports Board favorably endorses this agreement.

RECOMMENDATION. Request that the Public Facilities Committee approve and recommend to County Council approval of a contract with Republic Parking System to handle the public parking concession at the Hilton Head Island Airport in accordance with the attached proposed agreement.

Attachments: Agreement for Public Parking Facilities Hilton Head Airport
S/MBE Good Faith Effort Documentation

PAA/paa



COUNTY COUNCIL OF BEAUFORT COUNTY
BEAUFORT COUNTY DIVISION DIRECTOR OF
ENGINEERING & INFRASTRUCTURE
Building #3, 102 Industrial Village Road
Post Office Drawer 1228, Beaufort, SC 29901-1228
Telephone: 843-470-2821 Facsimile: 843-470-2823

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

VIA: Gary Kubic, County Administrator
Bryan Hill, Deputy Administrator
David Starkey, Chief Financial Officer
Dave Thomas, Purchasing Director

FROM: Robert McFee, Director of Engineering & Infrastructure

SUBJ: Sole Source Contract for Design Services for Courthouse, Administration Building
and Detention Center Rehabilitation

DATE: February 16, 2010

BACKGROUND. Glick Boehm Architecture (GBA) served as the County's technical professionals in the litigation dealing with the 3 defective and failed building envelopes (County Courthouse, Administration Building and Detention Center). This litigation was well handled and recently settled in Beaufort County's favor for \$8.2 million dollars. We must now design specific repairs for the defective elements for these 3 structures. Based on the intensity of their previous work and immeasurable familiarity with these structures and their needs, GBA possesses the technological superiority over any other firm. In addition, their recent work on the Charleston County Courthouse provided crucial insight into how the rehabilitation must take place in a courthouse situation (security, staging and scheduling).

The development and advertisement of the Request for Proposals (RFP), staff review of the submitted proposals and subsequent interviews and contract award would add an additional 6 to 8 months to this process and cost the county approximately \$400,000.00 more in staff allocations and inflation costs based on the combined construction estimate of \$12.47 million.

GBA, by virtue of their role in the litigation, has a unique level of understanding regarding the problems that must be corrected in the 3 buildings. That their observations, opinions and conclusions have been subjected to the scrutiny of successful litigation and speaks to the value of this knowledge. Unfortunately this knowledge is very difficult, if not impossible, to impart to other professionals not intimately involved. If another bidder was to obtain this work, this 'information gap' easily has the potential to create risk to the County in the form of missed or incorrect plan details and poor design assumptions which will lead to cost overruns and change orders in the construction phase.

GBA has been involved with condition surveys, damage assessments, failure analysis and testimony on these buildings for over 6 years. During those many years of discovery and litigation, GBA was the expert witness on the behalf of Beaufort County. This thorough and demonstrated level of comprehension and familiarity makes it virtually impossible another firm would be able to provide equal or better service.

GBA has provided the County with a quote for design services totaling \$725,000 for the Courthouse, Administration Building and Detention Center Rehabilitation and would be funded from Acct #11440-51160.

RECOMMENDATION The Public Facilities Committee approve and recommend to County Council approval of a sole source contract award to Glick Boehm Architecture for \$725,000.00 for the design services for the Courthouse, Administration Building and Detention Center Rehabilitation.

JRM/mjh

Attachments: 1) GBA Quote
2) Sole Source Justification



BEAUFORT COUNTY PUBLIC WORKS
 120 Shanklin Road
 Beaufort, South Carolina 29906
 Voice (843) 470-6400 Facsimile (843) 470-6418



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

VIA: Gary Kubic, County Administrator
 Bryan Hill, Deputy Administrator
 David Starkey, Chief Financial Officer
 Robert McFee, Division Director, Engineering and Infrastructure

FROM: Eddie Bellamy, Public Works Director

SUBJ: RFP# 3918/100928 – Professional Services for Solid Waste Transfer Station Fatal Flaw Analysis

DATE: February 16, 2010

BACKGROUND. Beaufort County issued a Request for Proposals (RFP) to solicit proposals from qualified firms to provide solid waste consulting services for Beaufort County to conduct a Solid Waste Transfer Station Fatal Flaw Analysis for up to three pre-determined sites and update the results of a previous study conducted by R.W. Beck, Inc. in February 2005. Responses were received from the following firms: (1) R. W. Beck, Inc. (2) HDR Engineering, Inc. of the Carolinas (3) Hatch Mott McDonald in Association with Andrews Burgess Inc (4) Mid Atlantic Solid Waste Consultants in Association with BP Barber and Associates (5) Eagle Engineering (6) Richardson Smith Gardner & Associates. Please refer to attached bid table.

A review panel consisting of the Public Works Director, the Solid Waste Manager, Solid Waste Information Coordinator/Data Analyst, a representative of the Solid Waste Citizen Advisory Board, and a Special Projects Planner from the Beaufort County Planning Department evaluated the proposals and ranked them according to the selection criteria. The four highest ranked firms were interviewed by the panel and presented their proposals. Final ratings were assigned by the panel and negotiations with the highest ranked firm. We have reached an agreement with R. W. Beck, Inc. the highest ranked firm, featuring a phased approach for each step in the process. This approach offers the County flexibility and ensures the County is not obligated for tasks we may choose not to conduct. R. W. Beck, Inc. was not the lowest cost proposal but was rated by the panel as the highest value and strongest proposing firm. R. W. Beck, Inc. is the firm most familiar with our current issues and the firm has provided excellent guidance over the last five years, resulting in substantially reduced solid waste disposal and recycling costs. The agreement was reviewed with the Solid Waste and Recycling Advisory Board at their meeting on February 18, 2010 and is forwarded with their approval/endorsement. Funds are available in the Solid Waste and Recycling division FY 2010 Budget in account 33390-51160 – Professional Services balance of \$79,800.

Special consideration was given to the proposal submitted by Hatch Mott McDonald as they had partnered with the local engineering firm of Andrews Burgess, Inc. The project team represented in their proposal was deemed to be lacking in sufficient direct experience with Solid Waste Transfer Station projects when compared to other proposers and received lower scores in that area.

RECOMMENDATION.

Recommend that the Public Services Committee approve and recommend to Council award of the contract for Solid Waste consulting services to R. W. Beck, Inc.



BID TABLE
RFP 3918/100928
Professional Services for Solid Waste Transfer Station Fatal Flaw Analysis

Company Name	Headquarters	Proposed Cost	Ranking
R.W. Beck, Inc.	Atlanta, GA	\$55,800 (1 site) \$67,800 (2 sites) \$79,800 (3 sites)	1
HDR Engineering, Inc.	Charlotte, NC	\$90,000 (1 site)	2
Hatch Mott McDonald Andrews & Burgess Inc.	New Jersey Beaufort SC	\$46,180 (3 sites)	3
MSW Consultants BP Barber & Associates	Maryland/Oriando Columbia, SC	\$36,930 (1 site) \$53,130 (2 sites) \$66,830 (3 sites)	4
Eagle Engineering	Atlanta/Charlotte	\$23,300 (1 site) \$32,000 (2 sites) \$40,700 (3sites)	5
Richardson Smith Gardner	Raleigh, NC	\$6,100 (1 site) \$9,900 (2 sites) \$13,700 (3 sites)	6



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

TO: Councilman Herbert Glaze, Chairman, Public Facilities Committee

VIA: Gary Kubic, County Administrator
Lad Howell, County Attorney
David Starkey, Chief Financial Officer
Rob McFee, Director, Engineering and Infrastructure Division

FROM: Paul Andres, Director of Airports PA

SUBJ: **Signature Flight Support Hangar Proposal**

DATE: January 7, 2010

BACKGROUND. Signature Flight Support is seeking approval to lease and subsequently sublease additional land for the purpose of constructing two privately owned aircraft storage hangars at the Hilton Head Island Airport. Attached is a copy of the proposal and proposed sublease agreement for your consideration. Coin Toss, LLC, whose principals are Mr. Don Ryan and Mr. Ed Grisham, desire to build two hangars with a common center wall, one approximately 78 feet x 75 feet and the other 67 feet x 75 feet for the purpose of storing aircraft. The total area to be leased would be approximately 16,313 square feet. At the current ground lease rate of .1248 per square foot, the Airport would receive \$2,035.86 per year in ground rent. Coin Toss would be responsible for obtaining all approvals, permits, as well as paying all construction, maintenance, and utility costs. They are seeking a total of 30 years on the sublease arrangement to recapture their capital investment. This proposal is similar to another sublease arrangement approved by County Council in 2006 where HH&M, LLC built another private hangar facility with three separate storage compartments. The Airports Board favorably endorses this proposal with the caveat that County Council consider allowing private hangar development at the Lady's Island Airport as well.

RECOMMENDATION. That the Public Facilities Committee approve and recommend to County Council approval of leasing additional land to Signature Flight Support and further approving the subleasing of this land to Coin Toss, LLC for the purpose of building two aircraft storage hangars at the Hilton Head Island Airport in accordance with the attached proposal.

PAA/paa

Attachment: Signature Flight Support Hangar Proposal

2010 /

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO AMEND THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE, ARTICLE XV, SECTION 106-3176(2). SIGNAGE REQUIREMENTS FOR CORRIDOR OVERLAY DISTRICT (ADDS SCHOOL AND HOUSE OF WORSHIP SIGNS AS ALLOWABLE CHANGEABLE SIGNS).

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

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)

Sec. 106-3176. Signage requirements for corridor overlay district.

The following standards for signage for the corridor overlay district are in addition to those prescribed in this article and shall be reviewed and require approval by the ZDA:

- (1) *Sign placement.* Any freestanding sign must be no closer than ten feet from the highway right-of-way.
- (2) *Sign design and materials.* Sign design and materials shall be as follows:
 - a. Signage, including overall design, materials, colors and illumination must be compatible with the overall design of the main building. Details of the sign, such as typeface and layout, shall be subject to minimal review only to prevent obtrusive designs.
 - b. An integrated sign system shall be required for all new commercial and residential subdivisions and land developments. These systems shall be reviewed for materials, colors, shapes, sizes, compatibility with architecture and establishment of unity of design for the proposed development. In addition, the following standards shall apply:
 1. Pole signs are permitted; however, no pole shall be higher than four feet from the ground to the base of the sign. The overall height of any pole sign shall not exceed ten feet, measured from the ground.
 2. Political and temporary signs are exempt from this article and shall subscribe to the requirements of this article.
 3. Any graphic accent color (i.e., black, dark blue, grays and other dark or strong colors) may be used for graphic accents only. Corporate logos shall be reviewed on a case-by-case basis.
 4. Changeable copy signs that are permitted must be displayed on a single sign.

Not permitted are changeable copy signs, except for school signs, house of worship signs, gasoline price signs, directory signs listing more than one tenant, and signs advertising restaurant food specials, films and live entertainment which change on a regular basis. These items shall be included in the overall maximum allowed square footage of the sign.

2010 /

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO AMEND THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE, APPENDIX I, DIVISION 5, SECTION 5.8.E (SIGNAGE – SPECIAL CONDITIONS) (ALLOWS ADDITIONAL SIGNS FOR SINGLE OCCUPANCY BUILDINGS DESIGNED WITH A MULTIPLE STOREFRONT FACADE IN LADY’S ISLAND VILLAGE CENTER).

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

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)

Section 106, Appendix I, Division 5, Section 5.8.E

E. *Signage.* Signage, including overall design, materials, colors and illumination must be compatible with the overall design of the main building. Details of the sign, such as typeface and layout, shall be subject to minimal review only to prevent obtrusive designs.

1. *Types of signage:* All businesses and other uses in this district may choose to use only one of the two following permanent types of signs: wall signs and projecting signs. One portable sandwich board sign with a maximum height of 48 inches and maximum width of 30 inches is also permitted per business.
2. *Maximum size of signage:* Wall signs are limited to 40 square feet in area. Projecting signs are limited to 32 square feet in area and may project no more than six feet outward from the wall.
3. *Illumination of signage:* Lighting for signs shall be of a moderate intensity and designed and arranged to minimize glare and reflection. Internally illuminated outdoor signs are not permitted. One interior neon sign is permitted per business. Neon signs are limited to 16 square feet. All other types of internally illuminated interior signs are prohibited.
4. *Special considerations:*
 - (a) a. Interior Lots. All businesses and other uses located on interior lots and having less than 50 feet of street frontage may utilize a ground sign not exceeding eight feet in overall height with a maximum allowable area of 40 square feet.
 - (b) b. Interior lots with multiple tenants or an interior complex may erect one 80-square foot freestanding ground sign, which may be used as an identification sign, directory listing or combination thereof. Individual businesses within a complex may not have separate freestanding signs along Highway 21, Highway 802 or along a High Visibility Site. The multiple listing sign or directory sign may be off-premises provided that it is placed within the complex.
 - c. When single occupancy buildings are required by the Corridor Review Board to present a façade of multiple store fronts to eliminate long and unarticulated walls in an effort to meet the village center architecture guidelines the following shall be applied:
 - (1) In addition to a wall sign or projecting signs as allowed under subsection E (1) & (2), one 10 square foot wall sign shall be allowed per store front with the following exceptions:

- (a) The 10 square foot sign may not be placed on the same wall as the 40 square foot wall sign or on the same walls where projecting signs are placed.
- (b) The number of additional wall signs shall not exceed 3 – 10 square foot signs per single occupancy buildings.
- (2) The additional signs shall advertise only special services offered by the business such as, but not limited to, repairs, rentals, garden supplies, etc. (service sign verbiage to be approved by the Corridor Review Board Administrator).
- (3) To ensure the sign design complements the building architecture, the sign size (length and width) shall be designed to fit the space in which they are placed. This requirement could mean the square footage may be less than 10 square feet per store front. The Corridor Review Board Administrator shall review and approve this requirement.
- (4) A single occupancy building may have 1 - 18 square foot interior neon sign for the entire building or 1- 6 square foot interior neon sign per store front not to exceed 3 interior neon signs.
5. *Replacement of nonconforming signs:* Businesses and other uses along High Visibility Sites, not presently built within the Build-to Zone, may replace nonconforming pole signs with a ground sign that does not exceed eight feet in overall height and has a maximum allowable area of 40 square feet.
6. *Gasoline service stations and cinemas:* Gasoline service stations and cinemas may utilize one 80-square foot sign to accommodate a change out copy panel. These signs are subject to the corridor review board approval.
7. *Height bonus:* Signs surrounded by a permanent raised planter may be built to a height of ten feet. The landscaped area surrounding the sign shall be equal to the square footage of the sign and must be maintained with approved landscaping.

COMMUNITY SERVICES COMMITTEE

March 1, 2010

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

The Community Services Committee met on Monday, March 1, 2010 at 6:00 p.m., in the Executive Conference Room of the Administration Building, Beaufort, South Carolina.

ATTENDANCE

Community Services Committee Members: Chairman William McBride, Vice Chair Gerald Dawson, Steven Baer, Rick Caporale, Herbert Glaze, Stu Rodman and Laura Von Harten attended. Non-Committee members Brian Flewelling and Paul Sommerville also attended.

County Staff: Morris Campbell, Division Director – Community Services; Michelle Knight, Lowcountry Council of Governments Community and Economic Development.

Public: Larry Holden, Beaufort County Black Chamber of Commerce

Media: Richard Brooks, *Bluffton Today*.

ACTION ITEMS

1. **Prioritization of 2010 Community Development Block Grant Program Projects**

Discussion: Mr. McBride told Committee members they called a special Community Services Committee meeting to address the Community Development Block Grant Program Project Prioritization in a timely manner. He introduced Michelle Knight, Lowcountry Council of Governments Community and Economic Development.

Ms. Knight briefed the Committee on where current projects stand and reviewed last year's priorities, as well as this year's projects.

Beaufort County has three active grant projects. One is an economic development project connected to Penn Center. The project is on its way to being closed out, Ms. Knight said. Currently, there is monitoring and finishing touches. The second project is a community development project connected to the Dale waterline extension, a second phase. That project was awarded in spring 2009. There is a construction bid in to do the work on the project and the contract awaits state approval to begin. The third active project is the recently awarded project for the St. Helena Library, which is in the startup phase consisting of grant paperwork. Those projects are considered to be on schedule. Right now, the County is in the position where it

could, theoretically, within the next 12 months apply for one more project. This is why this prioritization is important.

Last year's priorities were infrastructure (water or sewer projects in low-income areas), construction of the library on St. Helena Island and a multi-purpose community facility to tie in some of the low- to moderate-income groups needing space in Southern Beaufort County. Honorable mention for last year's priorities included economic development, affordable housing, demolition and clearance of dilapidated homes, parks and recreation in low-income areas.

Comments this year for CDBG money: There were four public comments regarding CDBG money, tied to community facilities, downtown revitalization and housing issues. First, Mitchelville Committee commented on a Mitchelville Welcome Center; the project is actually in the Town of Hilton Head Island and therefore would be their project. Second, was the Beaufort Housing Authority and its needs; Ms. Knight said housing is eligible for CDBG money but it is not a high priority. Third, regarded a mixed-use property of in-fill housing/business incubator through the Beaufort Black Chamber of Commerce and a request to help with the Northwest Quadrant; this would be a City of Beaufort project as it is in their boundaries. Fourth, the YMCA of Beaufort County requested help expanding their facility to address affordable daycare with an educational component; this organization is within Port Royal's boundaries and would therefore be their project. Ms. Knight added several other possible projects for CDBG money stemming from her conversations with the Planning Department. Those include emergency medical services facilities in low-income areas (Burton area specifically; Community Facilities) and facilities, particularly transition homes related to the Disabilities and Special Needs Department (Housing). Mr. Glaze said he wanted to reintroduce the Burton water infrastructure project, which has all the necessary due diligence performed and was postponed for the Dale project last year. He said Burton is designated as a growth area and people do not have the necessary water supplies. Ms. Von Harten asked for planning money to build a facility for Daufuskie Island ferry service.

The Committee discussed priorities for this year and voted on ranking of infrastructure, community facilities, housing and economic development. Ms. Knight said the individual projects would fall under those prioritized categories. After discussion the group decided to rank four categories from most important to least important: infrastructure, community facilities, housing and economic development and share those priorities. Mr. Baer, Dawson, Glaze, Rodman and Ms. Von Harten all selected the same order – Infrastructure, community facilities, housing and economic development. Mr. Caporale ordered the items as community facilities, housing, infrastructure and economic development. Mr. McBride chose infrastructure, community facilities, economic development and housing. The final rankings were infrastructure, community facilities, housing and economic development.

It was moved Mr. Glaze, seconded by Mr. Baer, that Council approves the prioritization of 2010 Community Development Block Grant Program Projects as follows: infrastructure, community facilities, housing and economic development The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Glaze, Mr. McBride, Mr. Rodman and Ms. Von Harten. The motion passed.

Recommendation: Council approves the prioritization of the 2010 Community Development Block Grant Program Projects as follows: infrastructure, community facilities, housing and economic development.

DRAFT

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO AMEND CHAPTER 14, ARTICLE II, ANIMAL CONTROL ORDINANCE.

ARTICLE II. ANIMAL CONTROL

Sec. 14.26 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal means any live, vertebrate creature, domestic or wild.

Animal control director means any person so appointed by the county administrator.

Animal control officer means any person designated by the county administrator and/or commissioned to perform such duties under the laws of the county and the state.

Animal shelter means any facility so designated by the county council.

Confined means kept in an enclosure designed to restrain an animal from leaving the owner's premises; a fully fenced pen or kennel.

Dangerous animal means any animal which the owner knows or reasonably should know has a propensity, tendency or disposition to attack unprovoked, cause injury, or otherwise endanger the safety of human beings or domestic animals; an animal which makes an unprovoked attack that causes bodily injury to a human being and the attack takes place other than the place where the animal is confined; or an animal that commits unprovoked attacks any place other than the place where the animal is confined and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a human being. A dog will be considered a dangerous animal if it is used as a weapon in the commission of a crime.

~~*Licensing authority* means any participating veterinary hospital or animal shelter.~~

Owner means any person owning, keeping or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more (S.C. Code 1976, § 47-5-20).

Pet means any animal kept for pleasure rather than utility.

Public nuisance means any animal which:

- (1) Molests passersby or passing vehicles;
- (2) Attacks other animals;
- (3) Trespasses on school grounds;
- (4) Is repeatedly at large;
- (5) Damages private or public property; or
- (6) Barks, whines, howls, screeches or crows in an excessive, continuous or untimely fashion.
- (7) Causes harm to the public's health, safety or well being.

Restraint means an animal secured by a leash or lead, under the control of a responsible person within the boundaries of the owner's property or any public property.

Running at large means a pet or domestic animal which is off the property or premises of the owner and which is not under the physical control of owner by means of a leash or confinement.

Veterinary hospital means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

Wild animal means any warm-blooded animal such as a monkey (subhuman primate), raccoon, opossum, squirrel, rat, leopard, panther, tiger, lion, lynx, or other warm-blooded animal which can normally be found in the wild state.

(Code 1982, § 4-6)

Cross references: Definitions generally, § 1-2.

Sec. 14-27. Sterilization and microchip identification.

- (a) *Sterilization.* No impounded pet may be redeemed without (a) first having been surgically sterilized and a fee paid therefore, which fee shall not exceed the fee charged by the shelter for the sterilization of animals prior to adoption, or (b) paying a redemption fee of Two Hundred Dollars (\$200) to redeem the pet intact. If an intact pet comes to be impounded for a second or subsequent time in a calendar year, the intact redemption fee shall be One Thousand Dollars (\$1,000). These provisions shall apply to pets whose owners' residence is within Beaufort County.

Sterilization under this section may not take place sooner than after the fifth (5th) working day following the pet's placement in the custody of the shelter, or when the owner appears at the shelter to redeem the animal, whichever is sooner.

If the owner declines to pay the intact redemption fee, such owner may arrange for the pet to be sterilized by a veterinarian of the owner's choosing, and the owner must pay all costs of such sterilization. If an owner chooses this method, the shelter shall transport the animal to the veterinarian for sterilization, unless the

veterinarian or his/her designee transports the pet to the veterinary facility. The owner may retrieve the pet from the veterinarian's office following sterilization. The owner must provide proof of sterilization to the shelter.

The shelter must give written notice of the policies and options regarding redemption and sterilization set forth herein to owners seeking to redeem their pets.

(b) *Microchip identification and fee.* When a dog or cat is adopted from the county animal shelter, the animal shelter may implant a microchip in the dog or cat identifying the owner and all other information as provided by law. The county animal shelter shall charge a fee for implantation of a microchip in an amount recommended by the County Administrator.

(c) *Fee for redemption of a microchipped animal.* A microchipped animal returned to the county animal shelter may be reclaimed by the owner upon the owner's payment to the county animal shelter of a redemption fee. A redemption fee shall be in the amount recommended by the County Administrator.

Sec. 14-28. Restraint of animals by owners.

- (a) *Running at large.* It shall be unlawful for any owner or custodian of any dog, cat, or other animal to permit the dog, cat, or other animal to run at large at any time upon any street or highway or other property within the county (S.C. Code 1976 § 47-7-110).
- (b) *Control of animals generally.* No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance.
- (c) *Female dogs and cats in heat.* Every female dog and cat in heat shall be confined in a building or veterinary hospital in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.

Sec. 14-29. Impoundment.

- (a) *Seizure of animals running at large generally.* Any dog, cat, dangerous animal, or other animal running at large may be seized by an animal control officer and transported to the county animal shelter and there confined in a humane manner for a period of not less than five (5) working days and may thereafter be disposed of in a humane manner if not claimed by the owner.
- (b) *Disposition of animals at large.* When an animal is found running at large and its ownership is known to an animal control officer, such animal need not be impounded but can be returned to the owner, and the officer may cite the owner of such animal to appear before a county magistrate to answer to charges of violation of this Article. Upon the seizure of any animal found running at large with a

rabies tag, the county animal shelter and control will screen the rabies records and attempt to notify the owner or custodian by written notice and/or telephone that the animal is being held by a shelter for disposition (S.C. Code 1976, § 47-3-540).

All animals will be scanned for microchip identification.

- (c) *Disposition of unclaimed animals.* Animals not claimed by their owners after notification or attempted notification or before the expiration of five (5) working days, shall become the property of a county animal shelter and control and may be placed for adoption or euthanized at the discretion of the director of the county animal shelter and control.
- (d) *Records of impounded animals.* It shall be the duty of the director of the county animal shelter and control or other persons designated by the county council to keep accurate and detailed records of seizures and dispositions of all animals coming into their custody and to file this report with the county administrator or his designee each month. Any reports prepared by a designee shall also be filed with the director of the county animal shelter and control.
- (e) *Abandoned animals.* When determined that an animal has been left unattended for a period of twenty-four (24) hours or longer, it will be considered abandoned. The animal control officers may enter the property for the purpose of removing the animal. The animal will then be taken to the animal shelter and confined there for a period five (5) working days. It is unlawful to abandon an animal.
- (f) *Diseased animals.* Any diseased animal presented to a county animal shelter and control whose condition endangers the health of other animals in the shelter or any severely injured animal may be euthanized immediately, notwithstanding the five (5) working day holding period, as specified in subsections (a) and (c) of this section.
- (g) *Shelter space allocations.* At any time the number of animals presented to the county animal shelter and control for holding exceeds the holding space available, the animal shelter director shall ration the available spaces among the municipal, county and military animal control officers and the general public.

(Code 1982, § 4-9)

Sec. 14-30. Redemption of impounded animals.

- (a) *Procedure.* The owner shall be entitled to resume possession of any impounded animal upon proof of ownership and payment of impoundment fees as set forth in this section.
- (b) *Failure to redeem within holding period.* The owner of an animal impounded and not redeemed within the required holding period shall be responsible for any costs incidental to impoundment in the amount set forth in this section.

- (c) *Payment of fees.* Any impounded animal may be redeemed as provided in this section upon payment of the fees by the owner to the county animal shelter and control.
- (d) *Redemption fees.* The redemption fee shall be One Hundred Dollars (\$100) for the first twenty-four (24) hours of confinement for the first impoundment; the redemption fee for the second impoundment will be Two Hundred Fifty Dollars (\$250), and the redemption fee for the third impoundment and each subsequent offense will be Five Hundred Dollars (\$500). The Director of the Animal Shelter has discretion to reduce or waive fees.
- (e) *Boarding fee.* A boarding fee not to exceed Twenty-Five Dollars (\$25) a day will be imposed following the first twenty-four (24) hours.
- (f) *Posting of fees.* All fees shall be published and posted in a prominent place within the county animal shelter and control.
- (g) *Proof of rabies.* In order to redeem an impounded animal from the county animal shelter and control, a current and valid rabies certificate must be presented at the time of redemption or obtained from a licensed veterinarian within three (3) business days and provided to the county animal shelter. Proof of the rabies vaccination certificate must be presented or obtained at the time of the redemption.

(Code 1982 § 4-10)

Sec. 14-31. Adoption fees and sterilization.

- (a) *Adoption fee established.* Animal adoption fees shall be established by the administrator and the director of the county animal shelter and control.
- (b) *Sterilization.* Animals adopted from the county animal shelter and control will be sterilized prior to going into the adopted home. Sterilization fees shall be collected by the county animal shelter and control at the time of adoption.
- (c) *Authority to refuse adoption.* The county animal shelter and control director or designee shall have the authority to refuse adoption of an animal to any person deemed unable to provide proper shelter, confinement, medical care and food or to any person who has a past history of inhumane treatment of or neglect to animals. Any person seeking adoption of an animal more frequently than ninety (90) days shall be subject to refusal of adoption. Any person who has been refused adoption of an animal may appeal his case to the deputy administrator for community services.

(Code 1982, § 4-11)

Sec. 14-32. Cruelty.

- (a) *Animals care generally.* No owner shall fail to provide his animals with sufficient, good and wholesome food and water at all times; proper shelter and protection from the weather; a clean and sanitary environment; veterinary care when needed to prevent suffering; and humane care and treatment. Failure to comply with the animal control officer's instructions or directions will result in the animal control officer impounding the animals pending the ruling of the court.
- (b) *Mistreatment.* No person shall beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse an animal or cause, instigate or permit any fight or other combat between animals or animals and humans.
- (c) *Cropping or dubbing of ears, tails, comb, wattles, spurs or earlobes.* No person shall crop or dub an animal's ears or tail or wattle or comb, except a licensed veterinarian who is qualified to perform such an operation.
- (d) *Giving away for commercial purpose.* No person shall give away any live animal, fish, reptile, or bird as a prize for or as an inducement to enter any contest, game, or other competition or as an inducement to enter a place of amusement or offer such vertebrate as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.
- (e) *Striking with motor vehicle.* Any person, as the operator of a vehicle, who strikes a dog or cat should, if reasonably possible, report the accident to the owner, and should call 911 and ask that the animal control division be notified of the time and place of the accident.
- (f) *Poisoning.* No person shall expose any known poisonous substance, whether mixed with food or not, in such a manner as to endanger any animal.
- (g) *Leaving unattended.* No person shall leave an animal unattended for more than twenty-four (24) hours. This shall constitute abandonment. After a twenty-four (24) hour period, if no contact has been made with an owner, the animal control officer will pick up the animal and transport it to the animal shelter.
- (h) *Locking in vehicle.* It shall be illegal for any person to leave an animal unattended in a vehicle. The animal control officer assisted by another law enforcement officer will remove the animal when the officer's opinions are that the animal is in distress.
- (i) *Denial of shelter.* No person shall fail to provide shelter or deny shelter for any animal, fish, bird, fowl or reptile of any kind in any manner without shading same from the sun, any direct light, heat or cold and providing adequate ventilation for their use.

- (j) *Denial of treatment.* No person shall fail to provide humane treatment or deny humane treatment for any disease, sick or injured animal.

(Code 1982, § 4-12)

Sec. 14-33. Rabies control.

- (a) *State law adopted.* The provisions of S.C. Code 1976, § 47-5-10 et seq. are adopted by this Article.
- (b) *Duty to report animal bites.* It shall be the duty of every physician or other practitioner to report to the county public health department or an authorized agent the names and addresses of persons treated for bites inflicted by animals, together with such information as will be helpful in rabies control. Any person bitten by an animal must report the bite to the county health department within twenty-four (24) hours of the incident.
- (c) *Sheriff's office to report animal bites.* It shall be the duty of the Sheriff's department to forward a copy of each report involving an animal bite to the county health department within twenty-four (24) hours of receipt of such report.
- (d) *Uninoculated animals biting humans.* If an uninoculated animal has bitten a person, the animal will be seized and the county health department contacted for necessary forms for processing. After authority is given by DEHEC following a waiting period, the animal will be euthanized at the county animal shelter and taken to a consenting veterinarian, who will remove the head. Once the head is removed, the county health department will pick up and ship the head to the authorities for examination.
- (e) *Inoculated animals biting humans.* When an animal that has been inoculated against rabies is involved in an incident where a person is bitten, the owner of the animal must take the animal to a licensed veterinarian for examination. The owner must also notify the county health department within twenty-four (24) hours of the incident. The county health department will direct the owner to quarantine the animal for ten (10) days at the owner's residence or at a veterinary clinic as the department may determine. Subsequent to the ten (10) days' quarantine, the animal will again be examined by a licensed veterinarian and the results of the examination furnished by the owner to the county health department. If a bite is considered severe by the medical director, the director may process such animal for a determination of rabies contamination as he determines necessary, whether or not the animal has been vaccinated.
- (f) *Uninoculated animal not considered property.* Animals that have not been inoculated against rabies shall not be held to be property in any of the courts of the county.

- (g) *Inoculation of dogs and cats required.* All dogs and cats three (3) months of age or more are required to be inoculated against rabies. A rabies tag issued at the time of rabies inoculation shall be attached to a collar or harness and worn by the animal at all times.

(Code 1982, § 4-16)

Sec. 14-34. Management of Feral Cat Colonies.

Definitions:

Animal means any live, vertebrate creature, domestic or wild.

Caregiver means any person who provides food, water or shelter to or otherwise cares for a feral cat colony.

Caregiver Manager means any person in charge of a caregiver program.

Eartipping means straight-line cutting of the tip of the left ear of a cat while the cat is anesthetized.

Feral cat means a cat which currently exists in a wild or untamed state.

Feral cat colony means a group of cats that congregates. Although not every cat in a colony may be feral, any non-feral cats that routinely congregate with a colony shall be deemed to be a part of it.

Nuisance means disturbing the peace by (a) habitually or continually howling, crying or screaming, or (b) the habitual and significant destruction of property against the wishes of the owner of the property.

Suitable shelter means shelter that provides protection from rain, sun and other elements and is adequate to protect the health of the cat.

TNR means Trap, Neuter and Return.

TNA Program means a program pursuant to which cats are trapped, neutered or spayed, vaccinated against rabies, eartipped or tattooed and returned to the current location of the managed colony.

- (a) *Feral cat colonies.*

- (1) Feral cat colonies shall be permitted and caregivers shall be entitled to maintain them in accordance with the terms and conditions of this Section.

- (2) **Caregiver Requirements:** It shall be the duty of the caregiver to:
- (a) **Report bi-annually to the county animal control on the following:**
 - (1) **Number of colonies in the county if the caretaker maintains more than one colony.**
 - (2) **Providing the county animal control with descriptions of each cat in the colony and copies of documents evidencing that the cats have been vaccinated and spayed/neutered.**
 - (b) **Help to resolve any complaints over the conduct of a colony or a cat within a colony.**
 - (c) **Maintain records on the size and location of the colonies as well as the vaccination and spay/neuter records of cats in the colonies.**
 - (d) **Mandatory vaccination of the colony population for rabies and making reasonable efforts to update the 5-way or equivalent vaccinations on cats that can be recaptured.**
 - (e) **Mandatory spaying/neutering of all cats within the colony by a licensed veterinarian. In facilitating the spaying/neutering of cats, caregivers shall be presumed to have acted in good faith in concluding that cats routinely congregating within the colony are feral.**
 - (f) **Providing food, water and suitable shelter for colony cats.**
 - (g) **Observe the colony cats daily and keeping a record of any illnesses or unusual behavior noticed in any colony cats.**
 - (h) **Obtaining proper medical attention to any colony cat who appears to require it.**
 - (i) **Obtaining written approval of the owner of any property, on which the colony resides, or to which the Caregiver requires access, to provide colony care.**
 - (j) **In the event that kittens are born to a colony cat, the caregiver shall remove the kittens from the colony after they have been weaned and be responsible for the placement of the kittens in homes or foster homes for the purpose of subsequent permanent placement.**
 - (k) **Caregivers shall make reasonable efforts to find permanent inside homes for colony cats who exhibit the potential for acclimating to such a placement.**

- (1) Caregiver shall make reasonable effort to maintain the colony as to prevent the colony from running at large beyond the confines of the designated area. (S.C. Code 1976 § 47-7-110)
- (b) *Ordinance enforcement.* Nothing shall interfere with the animal control officer's ability to:
 - (1) Seize/remove a cat from a colony that is creating a nuisance as defined above if the caregiver has failed to cure the nuisance within a reasonable timeframe.
 - (2) Seize/remove a feral cat colony when the caregiver fails to comply with the requirements of this section.

Sec. 14-35. Regulation of Dangerous Animals.

Definition:

Dangerous animal means any animal which the owner knows or reasonably should know has a propensity, tendency or disposition to attack unprovoked, cause injury, or otherwise endanger the safety of human beings or domestic animals; an animal which makes an unprovoked attack that causes bodily injury to a human being and the attack takes place other than the place where the animal is confined; or an animal that commits unprovoked attacks any place other than the place where the animal is confined and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a human being. A dog will be considered a dangerous animal if it is used as a weapon in the commission of a crime.

- (a) *Confinement.* Every dangerous animal, as determined by the animal control officer, magistrate or licensing authority, shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner (S.C. Code 1976, § 47-3-720).
 - (1) All dangerous animals shall be securely confined within an occupied house or residence or in a securely enclosed and locked pen or kennel, except when leashed as provided in this section. Such pen, kennel or structure must have secure sides and a secure top attached to the sides.
 - (2) All pens or other structures designed, constructed or used to confine dangerous animals must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom, floor or foundation attached to the sides of the pen, or the sides of the pen must be embedded in the ground no less than two (2) feet so as to prevent digging under the walls by the confined animal.

- (3) All structures erected to house dangerous animals must be adequately lighted and ventilated and kept in a clean and sanitary condition. No dangerous animal may be kept on a porch, patio or in any part of a house or structure that would allow the animal to exit such building on its own volition.
 - (4) No person shall permit a dangerous animal to go outside its kennel or pen unless such animal is securely leashed and muzzled with a leash no longer than six (6) feet in length. No person shall permit a dangerous animal to be kept on a chain, rope or other type of leash outside its kennel or pen unless both the animal and the leash are under the actual physical control of a person eighteen (18) years of age or older.
 - (5) Such animals may not be leashed to inanimate objects such as trees, posts, buildings, or any other object or structure.
- (b) *Declaring an animal dangerous.*
- (1) An animal control officer, in his or her discretion, observes that a particular animal is a dangerous animal as defined in this Article, may declare such animal a dangerous animal by delivering a written notice of declaration to the owner. The notice shall include a description of the animal and the basis for the declaration of dangerousness. The notice shall be served upon any adult residing at the premises where the animal is located or may be posted on the premises if no adult is present.
 - (2) The person owning, keeping, sheltering or harboring the animal in question must comply with the requirements as designated in this section within seventy-two (72) hours of the receipt of the animal control officer's declaration.
 - (3) Any animal that is alleged to be dangerous and that is under impoundment or quarantine at the animal shelter shall not be released to the owner, until such time that the owner is capable of confining the animal to his/her property in accordance with this section.
 - (4) All dangerous animals shall have an identification microchip implant placed under the animal's skin once the animal has been declared dangerous. The owner shall pay the actual fee charged by the shelter or the licensed veterinarian who performed the microchip identification procedure.

Sec. 14-36. Enforcement.

- (a) *Duties.* The division of animal control shall be charged with the responsibility of:
- (1) Cooperating with the health officers of various state government units and assisting in the enforcement of laws of the state with regard to the control of animals, and especially with regard to the vaccination of dogs and cats against rabies.
 - (2) Investigating all complaints with regard to animals covered by this Article.
 - (3) Enforcing within the unincorporated areas of the county and municipalities, all of the state laws, ordinances enacted by the county and contracts entered into the county for the care, control and custody of animals covered by this Article.
- (b) *Entering the premises.* The animal control officer shall patrol the properties of the county, public and private, for the purpose of checking animals for the following:
- (1) Rabies.
 - (2) Inhumane treatment and the health of animals.
 - (3) Boarding.
- (c) *Interference with officers.* No person shall interfere with or hinder an animal control officer or any such agent of the county in the performance of such officer's duty or seek to release animals in the custody of the animal control officer or any such agent of the county.
- (d) *Penalties.* Any person who violates the provisions of this Article shall be guilty of a misdemeanor and upon conviction, shall be subject to a fine up to Five Hundred Dollars (\$500) or thirty (30) days in jail. Each day's violation of any provision of this Article shall constitute a separate offense.

Cross reference: Health and sanitation, ch. 46.

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:

2010 /

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO AMEND THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE ARTICLE XIII, SECTION 106-2729. STREET DESIGN STANDARDS (TO ESTABLISH CONSTRUCTION STANDARDS FOR UNPAVED ROADS AND TO PERMIT ACCEPTANCE OF UNPAVED ROADS BY THE COUNTY FOR MAINTENANCE OR OWNERSHIP FOR AFFORDABLE HOUSING DEVELOPMENTS WHEN APPROVED BY COUNTY COUNCIL).

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

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: February 8, 2010
Second Reading: February 2, 2010
Public Hearing:
Third and Final Reading:

(Amending 99/12)

ARTICLE XIII. SUBDIVISION AND LAND DEVELOPMENT STANDARDS

DIVISION 2. STREET STANDARDS

Sec. 106-2729. Street design standards.

(e) *Minimum construction specifications for, and County acceptance of, unpaved roads.* For the purposes of this article, unpaved road shall not mean dirt road, per se, but shall be referred to as “stabilized aggregate” road. Unpaved roads are to be utilized for residential, low volume traffic usage only. ~~For subdivision of land, low volume traffic shall mean that the highest traffic potential of traffic than can be generated based on the underlying zoning district.~~ All minor subdivisions of land, as long as no more than four lots are served by the proposed road, may utilize a stabilized aggregate, per county standards as follows: 6” of crushed granite or equal as approved by the County Engineer. All major subdivisions shall require paved roads, per county standards. Unpaved roads shall remain private roads and not be accepted by the county for maintenance or ownership unless specifically approved by County Council for an affordable housing development as defined in Sec. 106-2081(3)(a).

Scott F. Dadson
CITY MANAGER
843-525-7070
FAX 843-525-7013



CITY OF BEAUFORT
P. O. DRAWER 1167
BEAUFORT, SOUTH CAROLINA 29901-1167

COUNCIL MEMBERS:
Billy Keyserling, Mayor
Donnie Beer
Gary Fordham
Mike Sutton
Mike McFee

February 3, 2010

Mr. Tony Crisitiello, Planning Director
Beaufort County Planning Department
P.O. Drawer 1228
Beaufort, South Carolina 29901

RE: Traditional Neighborhood Development Ordinance

Dear Mr. Crisitiello:

I am writing to express the City's support for the County's proposed Traditional Neighborhood Development (TND) Ordinance. The City sees the TND ordinance as an implementation action for the Northern Regional Plan. The Future Land Use Map in the Northern Regional Plan designates a good deal of land on Port Royal Island north of Robert Smalls Parkway as "Neighborhood Residential." Neighborhood Residential areas are envisioned by the Plan to be "pedestrian-friendly, have a mix of housing types, a mix of land uses and interconnected streets." The City believes the proposed TND ordinance will help new development achieve the vision described in the Northern Regional Plan in a manner that is not currently allowed under the Zoning and Development Standards Ordinance (ZDSO).

In addition, the draft ordinance is based on the form-based code concept, a zoning approach recommended in the City's new comprehensive plan and which the County is considering in its update of the ZDSO.

Finally, in an effort to provide a range of housing options in TND developments, the County has included an innovative workforce housing component.

The City encourages the County to move ahead with implementation of the Northern Regional Plan by adopting the proposed TND ordinance.

Sincerely,

Scott Dadson
City Manager

cc: Gary Kubic

Town of Port Royal, South Carolina

Council

Samuel E. Murray
Mayor

Mary Beth Heyward
Mayor Pro Tempore

Vernon H. DeLoach
Joe Lee
Henry Robinson



Van Willis
Town Manager

James L. Cadien
Chief of Police

Jeffrey S. Coppinger
Daniel G. Lemieux
Operations

Linda Bridges
Planning

February 4, 2010

Beaufort County Council
P.O. Drawer 1228
Beaufort, SC 29901

Dear Council Members:

At your next meeting, there is scheduled to be a third and final reading of a proposed Zoning and Development Standards Ordinance text amendment that will create a Traditional Neighborhood Development option. As it has been explained to us by the county's planning staff this text amendment will have an effect on development within the unincorporated Growth Area of the Northern Beaufort County Regional Plan, an area that is and has been an area of cooperative planning efforts for several years now.

The standards proposed by this amendment, traditional neighborhood design standards, are part and parcel of the New Urbanism design model. The New Urbanism design model was first embraced by Port Royal's town council, when the council adopted The Traditional Town Overlay District as part of the town's zoning code. With few exception most newly designed and built projects within the town have followed these design precepts and we predict that this trend will continue into the future. These design standards have been proven to create sustainable projects. As the town continues to grow it is expected that traditional neighborhood design standards will be the controlling development standard. Additionally, as we in the region continue the process to adopt a form based code, it should be pointed that the adoption of these TND standards will provide a mechanism to allow for a better form of development, one that will be compatible with the form based code and that does not promote suburban sprawl.

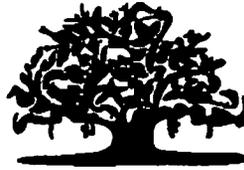
In summary, the town staff feels that the adoption of the traditional neighborhood development standard is an appropriate interim measure that furthers the implementation of the Northern Beaufort County Regional Plan.

Sincerely,

A handwritten signature in black ink that reads "Linda Bridges". The signature is written in a cursive style with a large, looping initial "L".

Linda Bridges
Planning Administrator

Cc: Tony Criscitiello



**COASTAL
CONSERVATION
LEAGUE**

March 12, 2010

Mr. Weston Newton, Chairman
Beaufort County Council
100 Ribaut Road
Beaufort, SC 29902

Dear Mr. Newton,

I am writing regarding the proposed adoption of a Traditional Neighborhood Development (TND) section into the Beaufort County Zoning and Development Standards Ordinance (ZDSO). The TND section would replace the Medium and Large Community sections of the ZDSO, as they were inoperative and rarely if ever used.

Actual parcels throughout the County that could take advantage of the proposed TND section are limited. Moreover, only certain properties possess the requisite characteristics to develop as TND. The idea that TND will spread wholesale across the County is simply incorrect. However, those properties that do qualify would be allowed to develop as walkable neighborhoods adjacent to existing public amenities and infrastructure. This development pattern represents that which will be prescribed in any iteration of a Form-based Code – the regional regulating plan the County is currently pursuing. Over the short term, while the new Form-based Code is being developed, authored and implemented, any development going forward under the TND section will allow County staff, commissioners, and council members to become familiar with how the new code will operate. This will provide an opportunity for those that will eventually work intimately with the new code to “kick the tires.”

Both the City of Beaufort and the Town of Port Royal have endorsed the adoption of the TND section. Its adoption follows the spirit and recommendation of the Northern Regional Plan, allowing the County to work in concert with the northern municipalities to achieve consistent standards and services across the entire region. The Northern Regional Plan explicitly calls for new development to be in the form of mixed use neighborhoods. The text amendment creates the mechanism to allow this type of development. Moreover, I believe the municipalities see value in taking a regional approach to planning and land management that will ultimately allow each jurisdiction

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to develop as it should, with the municipalities fostering strong urban centers, while the County strives for optimal sub-urban, rural and protected natural areas. This is, in short, transect-oriented development, yet another tenet of a Form-based code. The result will be a diverse, functional, connected community that maintains resident's sense of place and quality of life. Adopting the TND section is a small, but crucial, step toward achieving that goal.

I believe it important to emphasize the reason that this amendment, as well as an entirely new code, is necessary. It is well accepted - as I have heard it in both committee meetings and council meetings - that the current ZDSO is an ineffective regulatory tool in that it promotes an unsustainable growth pattern. Our sprawling growth has brought with it an extremely high cost to service, that is also unsustainable long term. As we continue to grow as a community, we must shift our growth pattern to take advantage of existing infrastructure and services, maximizing currently underutilized space. This in turn creates a more cohesive community fabric, promoting healthy lifestyles and enhanced social interaction. We will be returning to the way we originally envisioned and constructed our "traditional neighborhoods," that have served us well for hundreds of years.

Sprawling growth also has a substantial impact on our natural resources. Sprawl consumes as much as eight (8) acres of land for every new resident. Elimination of our natural infrastructure along with high percentages of impervious surface leads to an exponential impact on our wetlands and waterways – the hallmark of the Lowcountry. Traditional neighborhoods represent the sustainable alternative that minimizes impacts to our natural environment. If we can reduce the amount of natural landcover disturbed and consumed, the amount of impervious surface we lay across our landscape, the number of car trips per day that people are taking, simply by creating mixed-use walkable neighborhoods, then we are reducing the single, largest polluter of our waterways, and the number one contributor to our local carbon footprint.

I applaud the County for taking this first, important step toward sustainable regional planning and community preservation. Please share my comments with other Council members for consideration during the 3rd reading of the TND section and public hearing on Monday, March 15th, 2010.

As always, thank you for your time.

Most respectfully yours,

Garrett James Budds
Director, South Coast Office

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www.CoastalConservationLeague.org

2010 /

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO AMEND 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.

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

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: January 11, 2010
Second Reading: January 25, 2010
Public Hearing:
Third and Final Reading:

(Amending 99/12)

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.

(g) *Workforce Housing Units*. A workforce housing unit is any housing unit that is affordable to individuals and families with an income ranging from 65% to 120% of Beaufort County's median income as produced annually by the US Department of Housing and Urban Development (HUD). In order to be affordable, the annual cost of all housing expenses including, but not limited to, mortgage payments, rent, property tax, mortgage insurance, housing insurance (including flood insurance), essential utilities (gas and electric), regime fees, and property owners association fees cannot exceed 35% of the gross annual income of the occupant.

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) Diversity of Housing Choices. Traditional Neighborhood Developments are required to provide a diversity of housing options and prices to encourage a mix of incomes among its residents.

(1) Workforce Housing Units. A minimum of 10% of the dwelling units in a Traditional Neighborhood Development shall be workforce housing units in accordance with Section 106-2382.

(2) Accessory Dwelling Units. Accessory dwelling units are permitted in accordance with Section 106-1188 with the exception that there are no restrictions on the percentage of principle dwelling units that can have accessory dwelling units.

(g) *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.

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

(i) *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.

(j) *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	

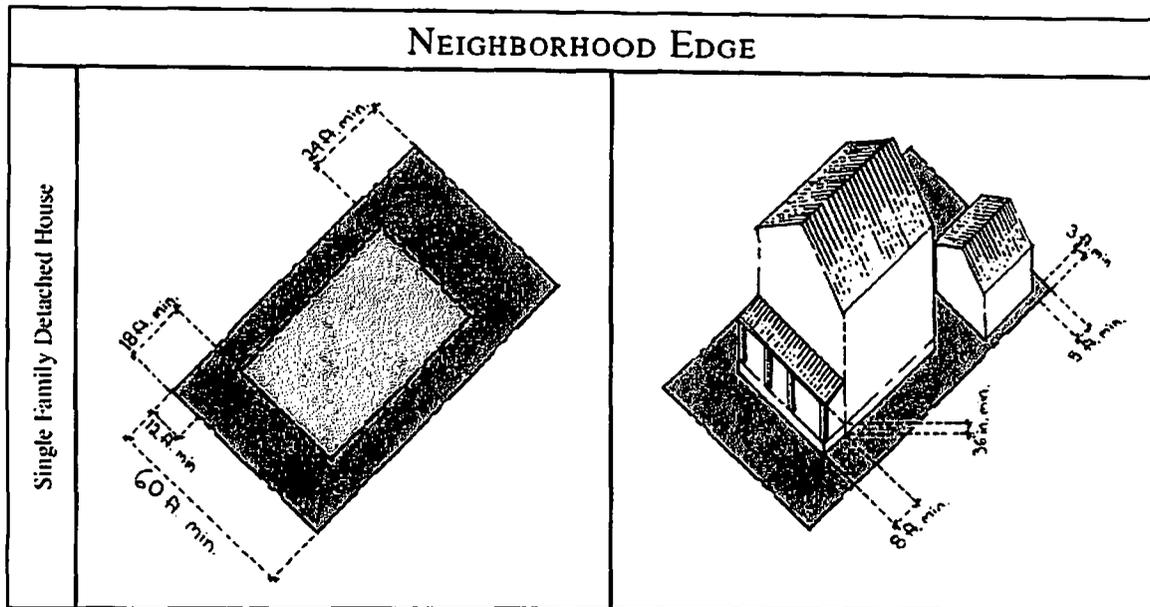
Figure 106-2379(a): Neighborhood Center Lot and Building Standards (continued)

NEIGHBORHOOD CENTER	
Duplex	
Multiplex	
Apartment House	

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.

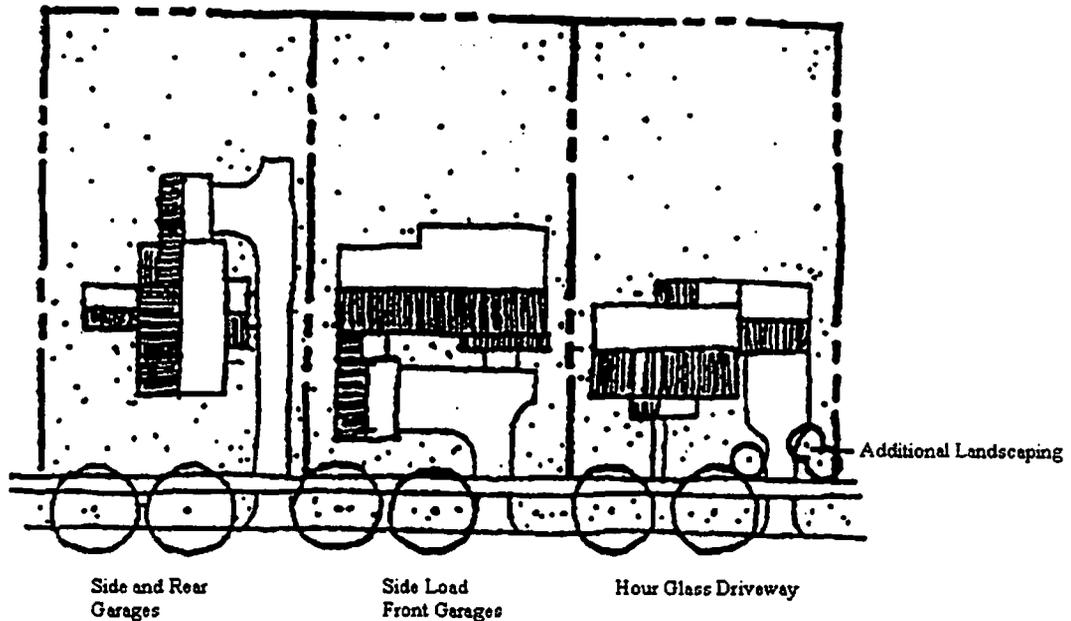
(4) *Garages.* Front loaded garages are permitted on lots with widths of 50' or greater, and the following shall be used to reduce the impact of drives and garages (figure 106-2378(b)):

- 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	NA	3' minimum	Continuous	NA	Varies
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(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.

Sec. 106-2382. Workforce Housing

A minimum of 10% of the dwelling units in a Traditional Neighborhood Development shall be workforce housing units. The location of workforce housing units shall be shown on the conceptual plan. A workforce housing agreement shall be submitted with the conceptual plan that delineates how the TND will meet all of the requirements provided in Section 106-2382.

(a) *Location of Workforce Units.* Except as provided in Section 106-2382(g) workforce housing units shall be built on the site of the Traditional Neighborhood Development.

(b) *Timing of Development.* The workforce housing agreement shall include a phasing plan which provides for the timely development of the workforce housing units as the TND is built out. The phasing plan shall provide for development of the workforce housing units concurrently with the market rate units.

(c) *Unit Size.* Workforce housing units shall accommodate diverse family sizes by including a mix of studio, one, two and three-bedroom units as determined by the Development Review Team.

(d) *Exterior Appearance.* Workforce housing units shall be visually compatible with the market rate units. External building materials and finishes shall be the same type and quality for workforce housing units as for market rate units.

(e) *Affordability Agreement.* Prior to issuing a certificate of occupancy, an agreement in a form acceptable to the County that addresses price restrictions, homebuyer or tenant qualifications, long-term affordability, and any other applicable topics of the workforce housing units shall be recorded with the County Register of Deeds. This agreement shall be a covenant running with the land and shall be binding on the assigns, heirs and successors of the applicant. Workforce housing units that are provided under this section shall remain as workforce housing for a minimum of 5 years from the date of initial owner occupancy for ownership workforce housing units.

(f) *Occupancy Requirement.*

(1) *Rental Units.* Any person who occupies a rental Workforce Unit shall occupy that Unit as his or her principal residence.

(2) For-Sale Units. During the period of affordability the owner who purchases a for-sale workforce housing unit shall occupy that unit as his or her principal residence.

(g) Provision of Workforce Housing Units Off-Site. If it is not feasible to develop workforce housing units within the TND, an applicant may develop, construct or otherwise provide workforce units equivalent to those required in this section off-site. All requirements of this ordinance that apply to on-site provision of workforce units, shall apply to provision of off-site workforce units. In addition, the location of the off-site units to be provided shall be approved by the Development Review Team as an integral element of the review and approval process. Off-site units may be located in a neighboring municipality.

(h) Fees-in-Lieu-of Workforce Housing Unit Provision. An applicant may opt to contribute to an established local housing trust fund to be used for the development of workforce housing in lieu of constructing and offering workforce units within the locus of the proposed development or off-site. The fee will be calculated as the amount required to provide the workforce housing unit discount necessary to make the unit workforce (e.g. median sale price of market rate unit minus maximum sale price of a three-bedroom workforce dwelling unit). Fees in lieu of unit payments shall be made according to the schedule set forth in Section 106-2382(b).

(i) Restrictions on Resale. Each workforce unit created in accordance with this ordinance shall have limitations governing its resale. The purpose of these limitations is to preserve the affordability of the unit and to ensure its continued availability for workforce income households. The resale controls shall be established through a restriction on the property and shall be in force for a period of five (5) years. Sales beyond the initial sale to a qualified workforce income purchaser shall include the initial discount rate between the sale price and the unit's appraised value at the time of resale. This percentage shall be recorded as part of the restriction on the property noted in Section 106-2382(e). For example, if a unit appraised for \$100,000 is sold for \$75,000 as a result of this ordinance, it has sold for 75 percent of its appraised value. If, several years later, the appraised value of the unit at the time of proposed resale is \$150,000, the unit may be sold for no more than \$112,500--75 percent of the appraised value of \$150,000.

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 TND	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	LG TND	Y	Y	N	N	N	LG 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	LG N	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	LG 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	LG TND	Y	L	N	Y	N	LG N	N	L	N	106-1285	<p>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:</p> <ol style="list-style-type: none"> 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	<p>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.</p>
Commercial retail, regional	N	N	Y	N	N	L	N	N	N	L	N	106-1287	<p>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:</p> <ol style="list-style-type: none"> 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	LG 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	LG TND	LG 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	LG 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	LG TND	Y	Y	L	Y	N	LG 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	LJ	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	Min. OSR or LSR	Density		Floor Area Ratio		Sewer	ARDR Req.	Min. Site Area
		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.
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	1/du	5	1/10		250	250	50	--	100	250	300	250	200	300	300	300	300	300	300	300	300
Community, medium	1/du	5	1/10					--	100	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						
<u>Traditional Neighborhood Development</u>							--			--	25			25	25	25	25	--	50	50	
Community, large	1/du	5	1/10		100	100	50					100		100					100	100	100
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
<u>Traditional Neighborhood Development</u>							--			--	25			25	25	25	25	--	50	50	
Community, medium					100	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:			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
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																					

Committee Reports
March 15, 2010

A. REPORTING COMMITTEES

1. Community Services

① Minutes are provided from the meeting held [March 1](#). (See main agenda item 18.)

2. Finance

➔ Accommodations Tax Funding

3. Natural Resources

① Minutes are provided from the meeting held [March 1](#). (See main agenda items 16 and 17.)

② Zoning Board of Appeals

<i>Nominate</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
03.15.10	Chester Williams	At Large, Southern Beaufort County	Reappoint	10 of 11

4. Public Facilities

① Minutes are provided from the meeting held [February 23](#). (See main agenda items 9 through 15.)

➔ Land Acquisition / Beaufort Commerce Park from Lowcountry Economic Network Development

5. Public Safety

① Minutes are provided from the meeting held [March 1](#). (See main agenda item 19 and 20).

B. COMMITTEE MEETINGS

1. Community Services

William McBride, Chairman

Gerald Dawson, Vice Chairman

➔ Next Meeting – Monday, March 22 at 4:00 p.m., Building 2, Beaufort Industrial Village

➔ Next Meeting Joint Initiative Committee – Tuesday, April 6 at 4:00 p.m., Ex. Conference Room

2. Finance

Stu Rodman, Chairman

William McBride, Vice Chairman

➔ Next Meeting – Monday, March 22 at 2:00 p.m., Building 2, Beaufort Industrial Village

3. Natural Resources

Paul Sommerville, Chairman

Jerry Stewart, Vice Chairman

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

4. Public Facilities

Herbert Glaze, Chairman

Steven Baer, Vice Chairman

➔ Next Meeting – Tuesday, March 23 at 4:30 p.m.

5. Public Safety

Jerry Stewart, Chairman

Brian Flewelling, Vice Chairman

➔ Next Meeting – April 5 at 4:00 p.m.

6. Transportation Advisory Group

Weston Newton, Chairman

Stu Rodman, Vice Chairman

COMMUNITY SERVICES COMMITTEE

March 1, 2010

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

The Community Services Committee met on Monday, March 1, 2010 at 6:00 p.m., in the Executive Conference Room of the Administration Building, Beaufort, South Carolina.

ATTENDANCE

Community Services Committee Members: Chairman William McBride, Vice Chair Gerald Dawson, Steven Baer, Rick Caporale, Herbert Glaze, Stu Rodman and Laura Von Harten attended. Non-Committee members Brian Flewelling and Paul Sommerville also attended.

County Staff: Morris Campbell, Division Director – Community Services; Michelle Knight, Lowcountry Council of Governments Community and Economic Development.

Public: Larry Holden, Beaufort County Black Chamber of Commerce

Media: Richard Brooks, *Bluffton Today*.

ACTION ITEMS

1. **Prioritization of 2010 Community Development Block Grant Program Projects**

Discussion: Mr. McBride told Committee members they called a special Community Services Committee meeting to address the Community Development Block Grant Program Project Prioritization in a timely manner. He introduced Michelle Knight, Lowcountry Council of Governments Community and Economic Development.

Ms. Knight briefed the Committee on where current projects stand and reviewed last year's priorities, as well as this year's projects.

Beaufort County has three active grant projects. One is an economic development project connected to Penn Center. The project is on its way to being closed out, Ms. Knight said. Currently, there is monitoring and finishing touches. The second project is a community development project connected to the Dale waterline extension, a second phase. That project was awarded in spring 2009. There is a construction bid in to do the work on the project and the contract awaits state approval to begin. The third active project is the recently awarded project for the St. Helena Library, which is in the startup phase consisting of grant paperwork. Those projects are considered to be on schedule. Right now, the County is in the position where it

could, theoretically, within the next 12 months apply for one more project. This is why this prioritization is important.

Last year's priorities were infrastructure (water or sewer projects in low-income areas), construction of the library on St. Helena Island and a multi-purpose community facility to tie in some of the low- to moderate-income groups needing space in Southern Beaufort County. Honorable mention for last year's priorities included economic development, affordable housing, demolition and clearance of dilapidated homes, parks and recreation in low-income areas.

Comments this year for CDBG money: There were four public comments regarding CDBG money, tied to community facilities, downtown revitalization and housing issues. First, Mitchelville Committee commented on a Mitchelville Welcome Center; the project is actually in the Town of Hilton Head Island and therefore would be their project. Second, was the Beaufort Housing Authority and its needs; Ms. Knight said housing is eligible for CDBG money but it is not a high priority. Third, regarded a mixed-use property of in-fill housing/business incubator through the Beaufort Black Chamber of Commerce and a request to help with the Northwest Quadrant; this would be a City of Beaufort project as it is in their boundaries. Fourth, the YMCA of Beaufort County requested help expanding their facility to address affordable daycare with an educational component; this organization is within Port Royal's boundaries and would therefore be their project. Ms. Knight added several other possible projects for CDBG money stemming from her conversations with the Planning Department. Those include emergency medical services facilities in low-income areas (Burton area specifically; Community Facilities) and facilities, particularly transition homes related to the Disabilities and Special Needs Department (Housing). Mr. Glaze said he wanted to reintroduce the Burton water infrastructure project, which has all the necessary due diligence performed and was postponed for the Dale project last year. He said Burton is designated as a growth area and people do not have the necessary water supplies. Ms. Von Harten asked for planning money to build a facility for Daufuskie Island ferry service.

The Committee discussed priorities for this year and voted on ranking of infrastructure, community facilities, housing and economic development. Ms. Knight said the individual projects would fall under those prioritized categories. After discussion the group decided to rank four categories from most important to least important: infrastructure, community facilities, housing and economic development and share those priorities. Mr. Baer, Dawson, Glaze, Rodman and Ms. Von Harten all selected the same order – Infrastructure, community facilities, housing and economic development. Mr. Caporale ordered the items as community facilities, housing, infrastructure and economic development. Mr. McBride chose infrastructure, community facilities, economic development and housing. The final rankings were infrastructure, community facilities, housing and economic development.

It was moved Mr. Glaze, seconded by Mr. Baer, that Council approves the prioritization of 2010 Community Development Block Grant Program Projects as follows: infrastructure, community facilities, housing and economic development The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Glaze, Mr. McBride, Mr. Rodman and Ms. Von Harten. The motion passed.

Recommendation: Council approves the prioritization of the 2010 Community Development Block Grant Program Projects as follows: infrastructure, community facilities, housing and economic development.

DRAFT

NATURAL RESOURCES COMMITTEE

March 1, 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, March 1, 2010 at 2:00 p.m., in the Executive Conference Room of the Administration Building, Beaufort, South Carolina.

ATTENDANCE

Natural Resources Committee Members: Chairman Paul Sommerville; Vice Chairman Jerry Stewart; Steven Baer, Gerald Dawson, Brian Flewelling, William McBride and Stewart Rodman attended. Non-Committee member Rick Caporale also attended.

County Staff: Tony Criscitiello, Division Director – Planning and Development; Brian Hill, County Deputy Administrator; Rob Merchant, long-range planner.

Public: Reid Armstrong, Coastal Conservation League.

Media: Richard Brooks, *Bluffton Today*.

ACTION ITEMS

- 1. Text Amendment To The Zoning And Development Standards Ordinance (ZDSO), Appendix I, Division 5, Section 5.8.E (Signage – Special Conditions) (Allows Additional Signs For Single Occupancy Buildings Designed With A Multiple Storefront Façade In Lady’s Island Village Center)**

Discussion: Mr. Sommerville introduced the item, but there was no discussion among Committee members.

It was moved Mr. Flewelling, seconded by Mr. McBride, that the Committee recommends to Council approval on first reading a text Amendment to the Zoning and Development Standards Ordinance (ZDSO), Appendix I, Division 5, Section 5.8.E (Signage – Special Conditions) (Allows Additional Signs For Single Occupancy Buildings Designed With A Multiple Storefront Façade In Lady’s Island Village Center) The vote was: FOR – Mr. Baer, Mr. Gerald Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville and Mr. Stewart. The motion passed.

Recommendation: Council approves on first reading a text amendment to the Zoning and Development Standards Ordinance (ZDSO), Appendix I, Division 5, Section 5.8.e (signage – special conditions) (allows additional signs for single occupancy buildings designed with a multiple storefront façade in Lady’s Island Village Center).

2. Text Amendment to the Zoning and Development Standards Ordinance (ZDSO), Article XV, Section 106-3176(2) Signage Requirements For Corridor Overlay District (Adds School And Church Signs As Allowable Changeable Signs)

Discussion: Mr. Baer suggested amending the text amendment wording. He suggested replacing “church” with “house of worship.” The committee members all voiced support of the wording change.

It was moved by Mr. Baer, seconded by Mr. Flewelling, that the Committee recommends to Council first reading approval on first reading text amendments to the Zoning and Development Standards Ordinance (ZDSO), Article XV, Section 106-3176(2) Signage Requirements for Corridor Overlay District (add School and House of Worship Signs as Allowable Changeable Signs). The vote was FOR - Mr. Steven Baer, Mr. Gerald Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville and Mr. Stewart. The motion passed.

Recommendation: Council approves on first reading text amendments to the Zoning and Development Standards Ordinance (ZDSO), Article XV, Section 106-3176(2) Signage Requirements for Corridor Overlay District (add School and House of Worship Signs as Allowable Changeable Signs).

3. Consideration of Appointments and Reappointments

Discussion: The following boards have a vacancy, but no applicant has come forward so the reappointments/appointments are tabled pending an applicant: Historic Preservation Review Boards, Planning Commission and the Rural and Critical Lands Board. Mr. Sommerville asked Mr. Criscitiello to review the applicants for the Southern Corridor Review Board and come to the next Committee meeting with a recommendation.

Mr. McBride suggested Chester Williams be reappointed to the Zoning Board of Appeals. The reappointment discussion segued into a discussion about the *ex-officio* slot on the Board. Members said a lawyer typically occupies the position to weigh in on legal issues presented before the Zoning Board of Appeals. Mr. Sommerville said he would ask Board Chairman Mr. Gasparini to weigh in on the matter before the Committee goes forward with filling the slot.

It was moved by Mr. McBride, seconded by Mr. Flewelling, that the Committee recommends to Council Chester Williams reappointment to the Zoning Board of Appeals. The vote was FOR – Mr. Steven Baer, Mr. Gerald Dawson, Mr. Brian Flewelling, Mr. Bill McBride, Mr. Paul Sommerville and Mr. Stewart. ABSENT – Mr. Rodman. The motion passed.

Recommendation: Council approves the reappointment of Chester Williams, representing at-large southern Beaufort County, to the Zoning Board of Appeals.

INFORMATION ITEMS

1. Presentation on Approach and Status of Beaufort County Formed-Based Code

Discussion: Mr. Tony Criscitiello said Mr. Rob Merchant, long-range planner, would give the Committee a status presentation to review Form-Based Code, who Beaufort County's partners would be and what the effect could be. Mr. Criscitiello said at the 2009 Retreat Council said the current zoning ordinance out-lived its life expectancy; it is no longer relevant as it was in 1999. He said the Planning Department believes the current code has many deficiencies leading to patches, which over time allow the code to get larger and more complex. Mr. Criscitiello said he thinks the current code does not allow for innovation or entrepreneurship, a detriment to Beaufort County's economic development and a form-based code will be the way out.

Mr. Merchant's form-based code presentation is as follows. "Basics about form-based code are: Form-based codes place a primary emphasis on building type, dimensions, parking location and façade features, and less emphasis on uses; They stress the appearance of the streetscape, or public realm, over long lists of different use types; Form Based Codes are place-based, requiring new development to fit within the context of the existing community. Limitations of conventional zoning are: Relies too heavily on use tables resulting in administrative issues and rezoning requests; Projects are reviewed on a parcel by parcel basis – physical results are unpredictable and development may not be cohesive. Doesn't necessarily prevent urban sprawl; Overuse of PUD's for developers seeking flexibility. However, the benefits of form-based code are: Designed to produce desired outcomes, rather than prohibit undesired outcomes; Simpler, more user-friendly, alternative to conventional zoning. It employs simple and clear illustrations and fewer words; Puts less emphasis on specific land uses and, therefore, better responds to market economics; It supports Community vision, Local character, Conservation of open lands, Walkable and mixed-use neighborhoods; It prevents Sprawl and Auto-dominated development. Mr. Merchant compared and contrasted conventional with form-based codes. Conventional codes use words while form-based codes use pictures; zoning districts are based primarily on use while form-based codes are based upon intensity and urban form. Many form-based codes establish commonly accepted qualities associated with the different areas that make up a community, town, county, or region. These qualities can be relegated to 6 primary zones, or transects, that extend along a continuum from the very rural to the very urban (T1 to T6). Mr. Merchant provided examples of transects in Beaufort County. He also said the Traditional Town Overlay District - Town of Port Royal, Boundary Street Redevelopment District: City of Beaufort and Old Town District Code – Town of Bluffton are examples of form-based code locally.

"Beaufort County's code will be multi-jurisdictional, developed in tandem with the City of Beaufort and the Town of Port Royal, as well as closely coordinated with the Town of Bluffton. Form-based code will build on previous planning work including: Regional Plans, County Comprehensive Plan, Municipal Comprehensive Plans, Community Preservation Plans, Existing form-based code work (Boundary Street, Port Royal Town Overlay, Daufuskie Island, draft TND ordinance), and it will respect rural densities, AICUZ, the Northern

Intergovernmental Agreement, etc. The code will not be parallel or optional. It will replace existing zoning districts with form-based zoning districts. It will apply to undeveloped land and developed land where redevelopment is appropriate. However, code will accommodate existing subdivisions and PUDs where redevelopment is not warranted. It will use tables with greater emphasis on scale and performance, establish thoroughfare standards. Environmental, signage, lighting, and other development standards will be arranged along transects.

“The current status of form-based code in Beaufort County: Sept. 2009 - Request for Proposals was published; Nov. 2009 – Committee reviewed proposals; Dec. 2009 – Committee conducted interviews; Feb. 2010 – Refining scope of work with the leading firm; spring 2010 – Finalize contract and Begin work –12 to 18 months to completion.”

A sampling of questions members asked for clarification regarding Mr. Merchant's presentation follows. Mr. Stewart asked if the form-based code shifts decision-making more to DRT and less for the Planning Commission than in the past. Mr. Merchant said typically such issues only go that route when there is a zoning change, but the goal is to limit the use of those tools and use the ordinance instead, which keeps it staff-centered. Mr. Sommerville said community vision is a great thing, but he wanted to know if the County was committing to the different geographical areas/neighborhoods' input before things are finalized. Mr. Merchant said yes. Mr. Rodman asked if this is basically a format with zoning differing by area. For example, Daufuskie would be different than Burton. Mr. Merchant replied yes, it may have appropriate districts for more urbanized areas of the county, but there might be separate standards for the rural areas with unique areas interspersed. Mr. Rodman asked what sort of recourse the public would have. Mr. Merchant said the goal is to avoid radically changing a vision of an established community, or PUD; they would be accommodated by this ordinance. Mr. Sommerville asked about where the limitations come into play with form-based code, when you can say someone cannot do something. Mr. Merchant said when developing the code this will become a big thing in undeveloped areas, areas not mapped to the degree of the more developed areas. He said a big question to be answered is which areas will get mapped and which will be less mapped out. Mr. Baer asked about how the County could prevent undesired uses. Mr. Merchant said there are still use restrictions in form-based code; they are just more general and not the central element. Mr. Stewart asked if this will be a regional approach, how to avoid conflict on the County lines if both sides are not in agreement. Mr. Merchant said right now, Beaufort County communicates with Jasper County but it is far from the ideal. Ideally, there would be similar tools in place across the county line. Mr. Dawson agreed there are concerns on the border, particularly with growth and two communities not having the same vision. How do you balance that?

PUBLIC FACILITIES COMMITTEE

February 23, 2010

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

The Public Facilities Committee met on Tuesday, February 23, 2010 at 4:30 p.m., in the Executive Conference Room of the Administration Building, Beaufort, South Carolina.

ATTENDANCE:

Public Facilities Committee Members: Chairman Herbert Glaze, Vice Chairman Steven Baer, Brian Flewelling, William McBride, Paul Sommerville and Jerry Stewart attended. Committee member Gerald Dawson was absent. Non-committee member Stewart Rodman also attended.

County staff: Ed Bellamy, Public Works Director; Bob Klink, Director Engineering; Gary Kubic, County Administrator; Rob McFee, Division Director, Engineering and Infrastructure; David Starkey, Chief Financial Officer; Dave Thomas, Director Purchasing; and Paul Andres, Airports Director.

Chairman Glaze called the meeting to order at 4:30 p.m.

ACTION ITEMS

1. Consideration of Contract Award - Lighting Improvements for County Health Department

Discussion: Chairman Glaze said Beacon/Lowcountry Electrical submitted the lowest qualified bid for the replacement of light fixtures at the Beaufort County Health Department with energy-efficient fixtures for \$28,000. Beacon Electrical will perform all work. There was no apparent cause for rejecting the bid. Mr. Stewart moved to approve the award for the construction contract to Beacon Electrical. Mr. Baer seconded.

It was moved by Mr. Stewart, seconded by Mr. Baer, that the Public Facilities Committee recommends to Council it approves a \$28,000 contract with Beacon/Lowcountry Electrical to replace light fixtures at the Beaufort County Health Department with energy-efficient fixtures. The vote was: FOR – Mr. Baer, Mr. Flewelling, Mr. Glaze, Mr. McBride and Mr. Stewart. ABSENT – Mr. Dawson and Mr. Sommerville. The motion passed.

Recommendation: Council approves a \$28,000 contract for the replacement of light fixtures at the Beaufort County Health Department with energy-efficient fixtures.

2. Consideration of Contract Award - Re-Roofing of the County Main Branch Library and Human Services Building

Discussion: Chairman Glaze said this project includes the complete removal of existing roofing at the main branch of the library and the Human Services building on Duke Street, as well as installation of a new roofing system. CEI Group, LLC submitted the lowest bid at \$225,500. They will perform all the work, and there was no apparent cause for rejecting the bid. Mr. Baer moved to recommend to Council the approval of the award for the contract to CEI Group, LLC. Mr. Stewart seconded.

Mr. Baer wanted to know if there was enough money in each organization's Capital Improvement Plan (CIP) to cover their part of the re-roofing project. Mr. Starkey said the Human Services building has \$235,024 and the library has \$57,767 available. The bid is co-mingling. What was meant for one is allocated toward the other under 2005 borrowing. They are not taking away from one and paying the other. Mr. McBride asked the ages of the roofs. Mr. McFee said they are original roofs, but he did not know the age. Mr. McBride said he wanted to know how long a roof *should* last on this type of building. Mr. McFee said this is about average.

Mr. Stewart asked if impact fees could be used for this type of project. Mr. Kubic said it depends on the type of study. Mr. Stewart asked if there were more discussions to get the city to charge impact fees. Mr. Kubic said in other areas, typically there are not 4 to 5 library districts as there are here. A collection system could be automated everywhere but in Beaufort, so he agrees that it is appropriate to encourage Beaufort to begin with impact fees. Mr. Stewart said part of this project is about preserving historical documents, which is important to both the city and county. Mr. Baer would like to see Beaufort contribute to the impact fees. Mr. Kubic said he would set up a meeting with the committee's permission. Mr. Stewart offered the recommendation and there was assent among the committee.

It was moved by Mr. Baer, seconded by Mr. Stewart, that the Public Facilities Committee recommends Council approves a \$225,500 contract with CEI Group, LLC to re-roof the Beaufort County Main Branch Library and Human Services Building. The vote was: FOR – Mr. Baer, Mr. Flewelling, Mr. Glaze, Mr. McBride and Mr. Stewart. ABSENT – Mr. Dawson and Mr. Sommerville. The motion passed.

Recommendation: Council approves a \$255,500 contract with CEI Group, LLC to re-roof the Beaufort County Main Branch Library and Human Services Building.

3. Consideration of Contract Award - Engineering Design Services For Boundary Street Streetscape

Discussion: Mr. McFee said the selection committee evaluated proposals based on "best experience and value offered," not just lowest bid price. Thomas & Hutton Engineering Co. and Kimley-Horn Associates were both interviewed. Thomas & Hutton Engineering Co. was chosen. Mr. McBride asked for an estimate of what the project would cost. Mr. McFee said funding

sources for the BSP are being re-tooled to represent only the 1-cent sales tax funds. The whole facility will be designed, and then let to contract in an a la carte fashion block-by-block. Mr. Flewelling asked for the engineer's estimate for design services. Mr. McFee replied \$550,000, which in his experience is a reasonable price based on the proposals he has reviewed.

Mr. Flewelling said one of the two finalists was Kimley-Horn Associates of Beaufort and he wondered why a Savannah-based company was selected. Mr. McFee said Thomas & Hutton has done extensive work for the county. The firm was chosen on their expertise and ability to provide services.

Mr. Baer said this will be the last 1-cent sales tax thing he will vote for "until we see the accounting." He said he does not like to authorize money that they may not be available, and without a priority list. Mr. Rodman said he believes there are two sources for this. Mr. Kubic said this recommendation emerged multi-jurisdictionally. Kimley-Horn Associates' feasibility study will not be what is built because it requires more money than is available. Mr. Kubic said early in the process of reconfiguring the sales tax impact fee process, all new awards were stopped until the reconciliation process, but this one is coming before the committee/council because the mayor asked for it and because of the BTAG committee's decision, but he is moving it along with restraint.

Mr. Flewelling moved to approve and recommend to Council the approval of the award for the contract to Thomas & Hutton Engineering Co. for \$550,000 for engineering design services for the Boundary Street Streetscape. Mr. McBride seconded.

It was moved by Mr. Flewelling, seconded by Mr. McBride, that the Public Facilities Committee recommends Council approves the contract to Thomas & Hutton Engineering Co. for \$550,000 for engineering design services for Boundary Street Streetscape. The vote was: FOR – Mr. Baer, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Sommerville and Mr. Stewart. ABSENT – Mr. Dawson. The motion passed.

Recommendation: Council approves the contract to Thomas & Hutton Engineering Co. for \$550,000 for engineering design services for Boundary Street Streetscape.

4. Consideration of Contract Award - C.C. Haigh Boat Landing Improvements

Discussion: Chairman Glaze said this project's improvements include replacing the concrete ramp with a new two-lane ramp, a floating dock, an abutment, riprap scour protection and replacement of one existing timber pile dolphin. The first two lowest bids were not responsive bidders because they were non-compliant with the County SMBE ordinance. The lowest responsive bidder was Alpha Construction Co. Mr. Stewart asked if the SMBE Ordinance was the only reason they were not chosen, and Mr. McFee said yes. Mr. Stewart said he wondered if it makes sense to spend additional money that could be left in the state and going to a Savannah bidder at a significant increase in dollar value. Chairman Glaze said they could have remained in the county if they selected Steadfast Marine Services on St. Helena, but they want to send a message that bidders need to follow the Small Business ordinance. Mr. McBride said

there is a significant price difference, but it is a question of commitment to the SMBE ordinance. Mr. Baer said the lowest bidder would be \$40,000 less than the one chosen, and that money could be spent on a compliance officer or other efforts. Chairman Glaze said that is necessary but needs to be considered later on.

Mr. Sommerville asked for a definition of the non-compliance. Mr. McFee said it is when they have to demonstrate they reached out to small minority businesses in Beaufort County to be a party to the bid; the first 2 made no outreach at all. Mr. Sommerville asked how they show attempts to contact. Mr. McFee indicated the attachments in the county's packets show who the bidders contacted. Mr. McFee said "if they didn't submit it, they didn't do it." Mr. Sommerville asked if the bidders who were not chosen are contacted and given a chance to respond. Mr. McFee said in the pre-bid meeting, they are instructed on how to respond to the bid, which makes the omission more glaring. It can be an oversight or an indication of attention to details. They are sent a note afterward saying "you might have won if you had done this." Mr. Flewelling said he is not interested in non-responsive bidders. Mr. Kubic said disclosure is part of the public bid project even though they are non-responsive.

Mr. McBride made a motion to approve and recommend to Council the approval of the award to Alpha Construction Company for \$275,555.00 for the project. Mr. Flewelling seconded. Mr. Baer asked what the name of the account was and Mr. McFee said "the CC Haigh account." Mr. Baer asked Ed Bellamy about the piling piece. Mr. Bellamy said this is a dolphin in front of the original floating dock to the north and does not apply to a previously discussed pylon. They will involve that in the repairs to the existing fixed pier once they determine what repairs are needed. Mr. McFee said they have repair procedures coming – commons engineers – for the damaged pile at the fixed pier. Mr. Baer said at some point they may want to go back and use the docks for the ferry to Daufuskie Island, and he wondered if they were doing anything on this project to meet that potential as a ferry landing. Mr. Bellamy said this is just an upgrade/update to the boat ramp itself and it has nothing to do with future or present operations.

It was moved by Mr. McBride moved, seconded by Mr. Flewelling, that the Public Facilities Committee recommends Council approves the award of a contract to Alpha Construction Company for \$275,555 to improve the C.C. Haigh Boat Landing. The vote was: FOR – Mr. Baer, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Sommerville and Mr. Stewart. ABSENT – Mr. Dawson. The motion passed.

Recommendation: Council approves the award of a contract to Alpha Construction Company for \$275,555 to improve the C.C. Haigh Boat Landing.

5. Consideration of Contract Award - Hilton Head Island Airport Parking Concession

Discussion: Paul Andres said their selection committee received two proposals; Republic Parking System reached an acceptable agreement. The agreement is to generate \$25,000 to \$30,000 per year in revenue to the Hilton Head Island Airport at no expense.

Mr. Sommerville made a motion, seconded by Mr. Baer, to approve and recommend to Council the approval of a contract with Republic Parking System to handle the public parking concession at the Hilton Head Island Airport. Mr. Baer asked whether the revenue to be generated was new and Mr. Andres said it is anticipated to be \$5,000 to \$10,000 more than this year because of a rate increase. Mr. Baer asked gross revenues last year, and Mr. Andres estimated around \$150,000. Mr. Flewelling asked if it was a 5-year contract with an additional 5-year option. Mr. Andres said if the contract does not go over the 5 years, the airport will be responsible for the remainder of the capital expense in the parking upgrades.

Mr. Rodman referred to the list of fees on page 5 and said the \$2 short-term parking fee for 20 minutes seems steep to him. He feels short-term should be encouraged for short terms. He feels the \$1 per hour could run for 24 hours and the car would be charged \$24. Mr. Andres replied the company recommended these rates, which are based on other similar facilities. Mr. Rodman added he observed the short-term lot has space available and the long-term lot is often full.

It was moved by Mr. Sommerville, seconded by Mr. Baer, that the Public Facilities Committee recommends to Council the approval of a contract with Republic Parking System to manage the public parking concession at the Hilton Head Island Airport. The vote was: FOR – Mr. Baer, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Sommerville and Mr. Stewart. ABSENT – Mr. Dawson. The motion passed.

Recommendation: Council approves a contract with Republic Parking System to manage the public parking concession at the Hilton Head Island Airport.

6. Consideration of Contract Award - Sole Source Contract for Design Services for Courthouse, Administration Building and Detention Center Rehabilitation

Discussion: Mr. McFee said at the retreat Council saw a presentation by Glick Boehm Architecture (GBA). They aided in the litigation on the failed building envelopes; the case settled for \$8.2 million. There was no competition in securing this proposal in order to save time and money to move forward with the design and contracting for the improvements required on the structures. It is “a very sick building,” Mr. McFee said, and the images seen at the retreat were 3 years old. GBA, because they were involved in the litigation, possess valuable knowledge about the problems in the 3 buildings. It would be difficult or impossible to pass this information on to other professionals. Staff recommends Public Facilities Committee approves and recommends to council for approval of the sole source contract award to GBA for \$725,000 for design services for the 3 buildings.

Mr. Flewelling asked if these kinds of design services were typically 10%. Mr. McFee said the state engineer has a guideline for work of this magnitude and work like this; it is higher than the percentage here, but there are other reimbursable expenses associated with that. Mr. Flewelling made a motion, seconded by Mr. McBride, to approve and recommend to Council for approval of a contract award to GBA for \$725,000 for design services for the 3 buildings.

Mr. Baer asked what the account is called. Mr. McFee said “the courthouse renovation fund.” Mr. Kubic called it “the capital land and asset trust fund,” the settlement money repository. He said at the time the settlement was proffered he asked that the fund be restricted and remain untouched until council decided a course of action.

Mr. Rodman said the Arthur Horne building was a tear-down and that decision should be made before this work is done. He asked Mr. Kubic to speak to that. Mr. Kubic said it would be taken down, but the question was if it would be rebuilt at that site. The county discussed opportunities with the city. The pipelines were put in for emergency management purposes because of the police department being associated with the emergency management team. They can look at whether MIS is transferrable at a reasonable cost; if the magistrate court can be reconfigured; or look at the city of Beaufort; or have a combination of both. It is more likely this week than in the recent past that they will rebuild the Horne Building. There might be good results by combining with the city’s resources. The city needs to commit in the long-term. Mr. Rodman said if that building were gone it would open the complex and make it look better. Mr. Kubic said the Horne Building has some history associated with it, and they are cognizant of that.

Mr. Stewart asked what type of relationship is being envisioned with the city. Mr. Kubic said he and Scott Dadson have only had preliminary discussions. Mr. Kubic said typically long-term might be ten years with a ten-year option to renew.

It was moved by Mr. Flewelling, seconded by Mr. McBride, that the Public Facilities Committee approves and recommends to Beaufort County Council for approval of the sole source contract award to Glick Boehm Architecture (GBA) for \$725,000 for design services for the Courthouse, the Administration Building and the Detention Center Rehabilitation. The vote was: FOR – Mr. Baer, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Sommerville and Mr. Stewart. ABSENT – Mr. Dawson. The motion passed.

Recommendation: Council approves the sole source contract award to GBA for \$725,000 for design services for the Courthouse, the Administration Building and the Detention Center Rehabilitation.

7. Consideration of Contract Award - Professional Services For Solid Waste Transfer Station Fatal Flaw Analysis

Discussion: Mr. Bellamy said the current contract for municipal solid waste disposal expires June 30, 2015. They issued an RFP to solicit solid waste consulting services to conduct a solid waste transfer station fatal flaw analysis for up to 3 sites, as well as to update the results of the previous R.W. Beck study. A review panel chose R.W. Beck, Inc. as the highest-ranked firm among the 6 responders. Their proposal offered a phased approach for County’s flexibility. Though not the lowest cost, they are the most familiar with current issues and have given excellent guidance over 5 years to reduce waste disposal and recycling costs. The agreement was

reviewed with Solid Waste and Recycling Advisory Board, which endorsed it. The funds are available in the 2010 budget for “professional services” with a balance at \$79,800.

Mr. Baer noted the “remarkable coincidence” that the amount available in the budget for this was the same as the bid amount. Mr. Starkey said he was able to shift from other areas in the budget to cover this item so they could bring it to the committee with money available. Mr. Bellamy said there are funds encumbered from upcoming events, so they are not “totally broke.” If only 2 sites are identified, it would not cost as much and that is also why they liked the structured approach Beck offered.

Mr. Bellamy elaborated; if they conduct a fatal flaw analysis on one site, and they get to the second site and it is immediately eliminated as unworkable, all they spend is \$1,000. The county does not pay the full \$12,000 for the second site. The county will only pay for what is completed to a certain point. At least one potential site has been identified; considering the waste stream and other elements over the next 20 years, they “don’t want to leave anything out of the picture.” Not considering the county as a whole would be short-sighted. Mr. Stewart asked if they are looking at potential sites north and south throughout the county. Mr. Bellamy said Beck will do that. Mr. Stewart asked if they will consider financial impact, and Mr. Bellamy said yes, and in the previous study, Beck canvassed through their extensive network of landfills that expressed interest in working with the county to take their waste. Mr. Flewelling asked if they were considering sites *out* of the county. Mr. Kubic said anything is possible, but there are practical aspects to consider: distance, time, profitability, etc.

It was moved by Mr. Flewelling, seconded by Mr. Baer, that the Public Facilities Committee recommends Council approve the \$79,800 contract for solid waste consulting services to R.W. Beck, Inc. to conduct a solid waste transfer station fatal flaw analysis for up to 3 sites, as well as to update the results of the previous R.W. Beck study. The vote was: FOR - Mr. Baer, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Sommerville and Mr. Stewart. ABSENT – Mr. Dawson. The motion passed.

Recommendation: Council approves the \$79,800 contract for solid waste consulting services to R.W. Beck, Inc. to conduct a solid waste transfer station fatal flaw analysis for up to 3 sites, as well as to update the results of the previous R.W. Beck study.

8. Consideration Of Signature Flight Support Hangar Proposal

Discussion: Mr. Andres said for some time Signature Flight Support sought approval to lease and sublease additional land to construct two privately owned hangars at the Hilton Head Island Airport. The agreement for consideration and all due diligence were reviewed by the county attorney, Mr. Andres and others; the information was presented to the committee in their packets

Mr. Andres said Don Ryan and Ed Grisham are the principals of Coin Toss, LLC; the two hangars would have a common center wall and would be used for storing aircraft. The airport would receive \$2,035 per year in ground rent. The sublease agreement would be for 30 years but

Signature can only carry it out until 2018. This proposal is very similar to a 2006 sublease arrangement approved by Council to HH&M, LLC for a private hangar with three storage compartments. The Airports Board endorsed the proposal with the caveat that Council should consider allowing private hangar development at the Lady's Island Airport also.

He showed a visual of the current hangars and the area where this hangar could go. The recommendation is the Public Facilities Committee approves and recommends to Council approval of leasing additional land to Signature Flight Support and approves the subleasing of this land to Coin Toss LLC to build two aircraft storage hangars at the Hilton Head Island Airport.

Mr. Flewelling asked if this was included within the area that Signature can lease, and Mr. Andres said yes. They have an ability to option an additional 3 acre parcel southeast of their current leasehold. There are only about 1.5 acres of land in that complex now. Mr. Flewelling asked how much of the \$2,035 the airport gets; Mr. Andres said that is what the airport is charging for rent, so they will get it all. Mr. Flewelling asked how much Signature will get beyond that. Mr. Andres said "they're probably charging a little over that." Mr. Flewelling asked how much. Mr. Andres said "probably a few thousand more per year" from Coin Toss, and then they will pay the airport \$2,035.

Mr. Baer said he looked at this intensively last year and is in favor of leasing directly to Coin Toss. Mr. Caporale and he last November wrote a letter to Mr. Kubic encouraging a direct lease (attached at end of minutes). Mr. Baer said he cannot vote for this as it stands for several reasons. One is the profit-making by Signature for the land leased to them inexpensively by the county at \$5,000 per acre per year, which is 1% of its value. He said "that's an awfully low lease." The taxpayers are not getting their value for such a cheap lease. Another problem is that the contract is clear that Signature is allowed to lease an additional two parcels at 1.5 acres each but they have not. Instead, they leased it piecemeal. Then it was re-leased at a higher price to others, making the county a "land banker," and not making any money. He said he is in favor of leasing directly from the county to Coin Toss at a fair price.

Mr. Sommerville asked if Signature had a right of first refusal. Mr. Andres answered Signature has an option on the three acres of land in the hangar complex. He said Coin Toss cannot be approached directly for procurement because, at a publically-funded airport they would have to put out an RFP, etc. process. This is a mechanism to offer the opportunity to Coin Toss. Mr. Stewart said he feels there is a contract with Signature until 2018 and the bottom line is that "we need to go forward" under the terms they have, though it will certainly be an issue when the contract comes up for renewal. It is a mutually binding contractual agreement. Mr. Baer said last year they proposed Signature exercise the option they should have exercised in 2004 and pay the county \$60,000 to \$70,000 to bring their agreement into compliance. Mr. Stewart asked if they have the right to enforce it. Mr. Baer said it is "2 one-and-half acre clumps. They can buy one clump or both." They asked in November for an independent legal opinion on that. Mr. Andres said the open area is approximately 1.5 to 1.7 acres and has common access to the hangars. He does not think there is a total of 1.5 acres available exclusively to Signature because of the hangars the county built. Mr. Andres said there is an open public procurement

process. Mr. Sommerville said he will support it as it is because he does not want to walk on their option. Mr. Stewart said he thinks it is important to maintain goodwill with Coin Toss. Chairman Glaze asked if they can turn around and sell the hangars if they build them. Mr. Andres said any future sale of the hangars would be subject to the same terms, etc. of the original proposal.

Mr. Andres said it was unanimously supported by the Airports Board with the proviso Council should consider allowing private hangar development at the Lady's Island Airport also. Mr. Flewelling said he is happy to see the process go forward so Coin Toss can have the hangar they have been waiting for. But he said he also understands Mr. Baer's concern about the "piecemeal" leasing and would really like an opinion from the staff attorney about whether it is in the spirit of the contract with Signature, and if it is not, that they pursue getting their money back.

Mr. Stewart made a motion, seconded by Mr. Sommerville, that the Public Facilities Committee approves and recommends to Council approval of leasing additional land to Signature Flight Support and approve the subleasing of this land to Coin Toss LLC to build two aircraft storage hangars at the Hilton Head Island Airport.

Mr. Rodman asked what happens at the end of the 30-year depreciation period, and Mr. Andres said "hangars revert to county property." Mr. Rodman said the county can re-negotiate the contract in 2018, and from Mr. Ryan's perspective, he wondered if they should provide some protection to Mr. Ryan to continue the ground lease at a reasonable price. Mr. Flewelling said these are market-driven prices, so he is not worried about the county pricing him off the land.

Mr. Baer asked the following be entered into the record:

It is a shame the Coin Toss lease has taken so long. On November 18, 2009, Mr. Caporale and I wrote to the administration suggesting a way to work rapidly by having the County lease directly to Coin Toss. I am including a copy of that letter in this official record, at the end.

The deal currently being proposed through Signature is bad for the taxpayers of Beaufort County. I want to emphasize Signature has done nothing wrong. In fact, I have heard they are well regarded in the aviation community. They are merely acting in their own best financial interests, as any corporation would do.

But someone needs to look after the financial interests of the taxpayers of Beaufort County. Who is doing that? There are several things bad about the deal being proposed:

The taxpayer's land involved in this contract is extremely valuable. Based on surrounding sales it is likely to be in the \$400,000 to \$500,000 per acre range. It may be even more valuable since it is among the last hangar suitable land we

currently own. I do not believe anyone representing the taxpayers' interest did an analysis of the value of this land.

The price we are being asked to lease it for is \$.1248 per square foot, equivalent to \$5,000 per acre per year. That amounts to a yearly land lease rate of roughly 1% - quite low.

Signature realizes the value of the land as well. According to its own documents, as soon as they get the lease from taxpayers, they will re-lease it to Coin Toss at a 108% premium.

Some say Signature-CACI has a right to lease this land under Paragraph 3.1.6 of its contract. That paragraph states starting in 2004 they have a right to lease two parcels of 1.5 acres each. One of these remains. Signature has not leased these as 1.5 acre parcels. Instead they have used the County as a land bank, leasing much smaller parcels ala-carte as they find it profitable. That is what they are attempting to do again now. It would be much better for taxpayers for us to have full control of all of our 1.5 acres and lease them as we see fit, not as Signature sees fit. Also, if we are not careful, a Signature use of part of this land could preclude the County from using the rest of it, decreasing taxpayer's value.

In our November 18, 2009 letter to the administration, Mr. Caporale and I proposed the best way to handle this is for the County taxpayers to lease this land directly to Coin Toss at a fair market rate. This is public land. Why would we not want to get the public the best price for it, especially since we know it is a valuable parcel?

Signature is already the beneficiary of a management contract (provided without a competitive process) for the County hangars. Their 25% fee on rents in that contract is the primary reason the County hangars continue to lose money and require a taxpayer subsidy, despite increasing rents to users. Why would we want to repeat another non-competitive contract grant?

Someone needs to look after the financial interests of Beaufort County taxpayers. Who is doing that? As a last resort it seems to be up to County Council. It is neither in the taxpayer's interest nor that of airport users for us to condone non-competitive processes that sap the airports of revenue and thereby require subsidies from the already strapped general taxpayer.

Previous letter to be included

November 18, 2009

Gary:

We have examined the issues regarding the pending Coin Toss hangar contract and have come to the following conclusions:

1 - There is no issue with Coin Toss itself. Rather, there is a real question as to who has the actual right to lease the ground, the County or the FBO. The Coin Toss hangar should move forward expeditiously. The County should consider issuing them an immediate commitment letter consistent with resolving the following items.

2 – The core issue is that CACI (rights now assigned to Signature) never exercised its option under Paragraph 3.1.6 of the lease agreement which gave them the option to lease a three acre parcel for hangar construction. Had it exercised that option, CACI would have been required to pay the County \$10.4k which was the specified ground rent, commencing in 2004. They did nothing in 2004. Instead, in 2005, they took a much smaller parcel (for which the County only receives \$1.2k annually), and now Signature wants a similar small parcel for Coin Toss.

Instead of exercising its option on the full 3 acres per 3.1.6, and paying the County accordingly, Signature is trying to lease land ala-carte from the County as it needs it, and then sublease it at a profit to itself. This has deprived the County from receiving a cumulative \$61k through 2009, plus an additional \$14k in 2010 and years thereafter, and as much as \$22k in the last year (2028) of the lease.

3 – As a result of CACI/Signature, not exercising and paying for its option back in 2004 and since, we feel that they should not be able to come back now and sub lease portions of County-owned land to others such as Coin Toss.

4 – We encourage the construction of privately built and owned hangars on County airport land since it maximizes income to the County and Airports. This can best be achieved by the County becoming the direct net lessor to Coin Toss, or by having Signature retroactively pay the full back rent as per No 2 above, and continue to pay the specified rent on the full 3 acre option parcel per Section 3.1.6.

As we see it, and recognizing the additional revenue that appears to be available, there is enough evidence to warrant a few hours of an independent legal review to determine if our position has merit.

Sincerely,

Rick Caporale
Steve Baer

It was moved by Mr. Stewart, seconded by Mr. Sommerville, that the Public Facilities Committee recommends Council approves the leasing additional land to Signature Flight Support and approves the subleasing of this land to Coin Toss LLC to build two aircraft storage hangars at the Hilton Head Island Airport. The vote was FOR – Mr. Glaze, Mr. Flewelling, Mr. Sommerville and Mr. Stewart. AGAINST – Mr. Baer. ABSTAINING – Mr. McBride. The motion passed.

Recommendation: Council approves leasing additional land to Signature Flight Support and approves the subleasing of this land to Coin Toss LLC to build two aircraft storage hangars at the Hilton Head Island Airport.

ADJOURNMENT

There being no further business to come before the committee, the meeting adjourned at 5:55 p.m.

DRAFT

PUBLIC SAFETY COMMITTEE

March 1, 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, March 1, 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, Rick Caporale, Gerald Dawson, Herbert Glaze, Stewart Rodman and Laura Von Harten were in attendance. Non Committee members Steven Baer, William McBride and Paul Sommerville also attended.

County Staff: Brian Hill, County Deputy Administrator; Gary Kubic, County Administrator; Toni Lytton – Director Animal Shelter and Control; William Winn, Division Director Public Safety.

Legislative Delegation: State Senator Tom Davis.

Public: Kim Statler, Lowcountry Economic Network; George Simpson, Sun City; Amy Campanini, Executive Director Palmetto Animal League; Hilda Hyatt, President of Spay Inc.

Media: Richard Brooks, *Bluffton Today*.

Committee Chairman Jerry Stewart chaired the meeting.

ACTION ITEMS

1. Text Amendments to the Animal Control Ordinance

Discussion: Mr. Caporale asked that the public in attendance be acknowledged in order to speak first. Ms. Campanini came to the table and thanked Council for addressing the animal control problem in the area. However, she said she does not support an additional ordinance to achieve a reduced kill-rate at the shelter. The revised ordinance does not contribute to reducing the kill-rate, with the exception of the TNR (trap, neuter and return) component, she said. She said mandatory spay-neuter laws will work for owned animals, but not feral animals, which are a huge part of the problem. She sincerely urged the Committee to seriously look at the research out there, tap into other animal organizations doing this work locally before it adopts a change to the ordinance. She gave 10 steps to adopt to help reduce the kill-rate to the lowest possible level: trap, neuter and return; high volume, low cost spay-neuter; working with rescue groups; foster care; comprehensive adoption programs; pet retention counseling; medical and behavioral

rehabilitation; Public Relations and community involvement; volunteers and a compassionate director.

Hilda Hyatt, Spay Inc., came to the podium and said she totally concurred with what Ms. Campinini said. She added before the Council does anything “fancy as far as re-trapping cats,” the County should focus on a cheap, easy spay-neuter assistance program to get the feral colonies in a manageable situation.

Then, Mr. Caporale read a short e-mail:

“with regard to Section 14-34 Management of Feral Cat Colonies, I applaud the revisions, but would consider further refinements. Colony management should be outlined specifically as the ordinance suggests. The caregiver should make every attempt to adhere to strict guidelines; this is for the protection of the cats and to build community support, which is critically important. Caregivers who abandon colonies or who do not give medical attention for injuries nor spay/neuter, provide a disservice to the community.

I would like to see the following: further definition of caregiver, for example identifying the primary caregiver or manager who is responsible for record keeping, etc. As the opposed ordinance reads now, anyone who feeds the cats is equally responsible; requirement/provision for termination for the management of a cat colony; amend the portion of the ordinance requiring cats to remain in a defined area, which is nearly impossible; Section A, 2F providing the appropriate amount of food daily and ensuring food is not sitting out after dusk is important.”

The Committee discussed feral cat colonies further, definitions, possible changes to the ordinance and wording of the text amendments to the ordinance. Ms. Von Harten said she wanted to clarify the purpose of the ordinance. She asked if the Committee should put in some policy statements, which address the no-kill issue. Mr. Stewart said there are two levels the Committee is looking at. First, he said they do not want to put policy statements into an ordinance; the ordinance is the law and the policy statement would be included in a procedural manual. Second, he said he does not see any inconsistencies previously mentioned, and much of the procedural application of the ordinance will be up to the discretion of staff.

Mr. Dawson clarified Section 14-30 Redemption of Impounded Animals, “the redemption fee shall be \$100 for the first 24 hours of confinement for the first impoundment.” Then, it specifies the fee for the second impoundment. He asked if for the first impoundment after the 24 hours fee, what happens? Mr. Stewart said the next fee, the boarding fee, then will be applied at \$25 per day.

Ms. Von Harten asked if it could be specified to be “at the director’s discretion” in order to reduce to a reasonable rate. Mr. Caporale asked to address that question, as it begins to get to the heart of the discussion he has had with rescue groups. He said Mr. Winn would meet with various animal groups in the area in the next several weeks; in addition, the operational manual will be brought before the Committee for review once drafted. He said when looking at the ordinance, people have to consider the effects of the costs. Basically, while there is no unanimity

about the proposed ordinance change, the ordinance strives to address a consensus that irresponsible pet owners will be irresponsible no matter what is done, yet some sort of ordinance will have a positive effect in improving the matter. In terms of the \$100, for most people if they have to pay it once when a pet escapes they will make sure they are not going to have to pay it again; it will affect behavior toward a desired direction. To address the irresponsible pet owners, he said the one thing all groups seem to agree upon is a low cost spay-neuter, which is a large piece of any solution.

Mr. Stewart asked for other comments relevant to the ordinance. Mr. Caporale said not to belabor it, but he has been the intermediary for the public. He said he received tons of e-mails and correspondence on the issue. Among those, there were questions about cost and transporting animals around the county, about confinement of animals in heat and about the 5-day versus 3-day consideration. He said many people feel it should be clarified to be working days. Committee members agreed the change should be added to the text amendments. Mr. Stewart asked if there was any specific change, other than adding the specification of working days to the ordinance language. Mr. Flewelling agreed he would like to see an added specification that it is 5 working-days after a capture that an animal will be held at the shelter.

Ms. Von Harten said she thinks giving the shelter the option to deny adoption could be a sticky point in the future and it should be removed. Mr. Flewelling said, again it was an issue which would be up to the director; also, the ordinance says, “*may* deny adoption.” Mr. Sommerville agreed with Mr. Flewelling; the language does not need to be altered, and the choice is only at the discretion of the director.

Mr. Stewart called the topic to question. He asked if the Committee wanted to move the ordinance forward or to table.

It was moved by Ms. Von Harten, seconded by Mr. Caporale, to table the Animal Control Ordinance issue until next meeting. The vote was: FOR – Mr. Caporale, Mr. Flewelling and Ms. Von Harten. AGAINST – Mr. Dawson, Mr. Glaze, Mr. Rodman and Mr. Stewart. The motion failed.

It was moved by Mr. Flewelling, seconded by Mr. Dawson, to recommend to Council first reading the approval of text amendments to the Animal Control Ordinance. The vote was: FOR – Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. Rodman, Mr. Stewart and Ms. Von Harten. The motion passed.

Recommendation: Council approves the first reading text amendments to the Animal Control Ordinance.

2. Lowcountry Economic Network/Activity Update

Discussion: Mr. Stewart said the last item is a continuation of the discussion about the Beaufort Commerce Park’s status at the February 1, 2010 meeting. He acknowledged Ms. Kim Statler, Director of the Lowcountry Economic Network, who is available to answer questions.

Mr. Stewart reminded the Committee last month it received an update about where the Beaufort Commerce Park is in terms of the new loan agreement: instead of making quarterly payments there are monthly payments; money has been taken from the reserve fund; and it has become a much more onerous commitment. Basically, the banks want to get rid of the loan, he said. The Lowcountry Economic Network, County Administrator Gary Kubic and County staff have been in discussions with the banks to work the best kind of deal to remedy the situation.

Mr. Stewart mentioned an e-mail from Jan Baxter, chairman of the Lowcountry Economic Network, which outlined the position of the Network as requesting the County consider acquiring the land of the Commerce Park. Mr. Stewart said the County staff followed up with a meeting among Mr. Kubic, County Chief Financial Officer David Starkey, Kim Statler and Mr. Stewart to discuss this and options for the Beaufort Commerce Park. Out of that meeting, the suggestion is the following: to recommend the County go forward acquiring the land at the best possible price negotiable; that as the decision is approved to go forward with purchasing the land, Mr. Kubic sends a letter indicating the County's desire to acquire the land to the various utilities since all have earmarked funds they can contribute to government entities for economic development; finally, the County encourages the Network to go out to the private sector with the intent to get Request for Proposal (RFP) for constructing a spec building on the property in question. He said other than making a commitment to buying the land, the County is not making any other commitments at this point; it is only seeing what the private sector would do, whether they would participate and it would give the County options based on the potential deals that come out of the RFP process. Mr. Stewart said the three-part recommendation is fully supported by the Network's executive board as well.

It was moved Mr. Flewelling moved, seconded by Mr. Dawson, Committee recommends Council authorizes the County Administrator to enter into negotiations to acquire the Lowcountry Economic Network's development property at the Beaufort Commerce Park at the best negotiated price. Concurrently, to encourage the Beaufort County Administration to seek help from various utilities in developing spec buildings and to ask the Lowcountry Economic Network to go forward with the RFP process for spec buildings.

The vote was: FOR - Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. Rodman, Mr. Stewart and Ms. Von Harten. The motion passed.

Ms. Von Harten asked if the County would have to sell the building to anyone with the highest bid, even if it is a disagreeable use, or could there be some sort of economic development easement in the language. Mr. Stewart said there are already covenants, restrictions with the land. Part of the situation of the County purchasing the land would be to retain those covenants and use the Network as the sales and marketing arm.

Mr. Baer said before the issues come before Council he wants to understand some issues. He asked if the County pays the Network now in some way for the land, do they use some of these funds to offset the costs. He asked for a few pages of numbers and financials on the property before it appears to the full Council. Mr. Stewart said simply about 50 percent of the money through the Network come from private membership, and then state allocations and some

money allocated by County Council. Kim Statler said the park is separate. There are two sets of books looked at by the Network – an operating account with the County partnership, County allocations and private membership, which matches; and a separate set of books to monitor the park. The board mandated three years ago when the park was purchased to keep the park transaction very separate so it was able to see how proceeds from sales impacted the park. So, at no time would membership nor County money subsidize the park. It was done for several reasons, among those to avoid political entanglement. Ms. Statler further said land sales created an 80-20 scenario; when a sales transaction took place 20 percent of that retained by the Network to create an escrow account and the 80 percent went to pay down the principle. Over time, the Network used the 20 percent of cash buildup and the \$250,000 injection from stormwater system/dirt sale maneuvering to ride out the downturn. In the renegotiation, there is no interest-only, quarterly scenario for the Network. It is now in a principal and interest scenario, Ms. Statler said. As the letter stated, the Network is no different than any other private sector businessperson out there in that there is a tough renegotiation process. She emphasized this property has a public purpose – to encourage economic development. Mr. Baer asked Ms. Statler to take what she just said, put it on paper, and bring to Council before the next meeting.

Mr. Rodman said he looks forward to seeing the financial report from the Network. He said the business case has two potential scenarios: the value to the County is higher than the amount of money we would be paying the bank, or the bank could be underwater. He suggested if that is the case, renegotiating the amount due on the loan and the terms. Ms. Statler said some board members are going to have that conversation with the banks, but as it stands today the Network owes about \$2.4 million. She said it is appraised at \$3.7 million, but in this day it does not matter what property appraises it but what you can sell it for. She said there are five banks involved with each carrying \$0.5 million. There 116 upland acres left, with a total of 150 acres if you include wetlands.

Recommendation: Council authorizes the County Administrator to enter into negotiations to acquire the Lowcountry Economic Network's development property at the Beaufort Commerce Park at the best negotiated price. Concurrently, to encourage the Beaufort County Administration to seek help from various utilities in developing spec buildings and to ask the Lowcountry Economic Network to go forward with the RFP process for spec buildings.

INFORMATION ITEMS

1. Discussion of Issues before the Legislature that Would Affect Beaufort County and the Surrounding Region

Discussion: Mr. Stewart said the Legislature has been very active lately. He acknowledged State Senator Tom Davis, who was in the room to join in the discussions.

A. Senator Davis told the Committee members next week the Senate will take up the much anticipated Sembler debate as a special order item. The Senate voted last week 27-12, or about, to set up for a special order to get the item heard first. He said he does not think it is a good bill for the state, nor for the County. Senator Davis also said S.C. Chief Economist William

Gillespie examined the bill and found while it will cost tax payers \$65.7 million in tax breaks, it does not create any new jobs nor does it bring in new revenue or sales. Senator Davis said in a budget year when the state may have to release prisoners early or make cuts at schools, it does not make sense to grant tax breaks to a company which will not bring in new money or jobs. Senator Davis said if this passes it will open the floodgates for every future industry you can think of and it will become a favor factory up [in Columbia] like you would not believe. He said while this year the budget was tight, it will be worse in the coming years and he does not want to add to the strain by passing legislation that gives Sembler a break.

Mr. Sommerville said the Sembler legislation while it technically will not affect the penny school tax; the penny tax is a small portion of the school funding. However, the Education Finance Act money will be hugely affected, so every school district in the state of South Carolina except Beaufort County will take a hit on EFA money. Mr. Rodman said the money is not coming out of the general fund, so it is easy to look the other way and not examine where it comes from. He said all of the other counties in South Carolina are going to pay for this. Senator Davis said this year was bad (financially), but that next year will be a bloodbath – prisoners will be released early and teachers will be on furlough to save money. Mr. Rodman added that it is clearly a no-sum game in the state; this bill hurts and is illogical; a lower percentage may be more digestible.

B. The Committee briefly discussed School Funding issues before the S.C. Legislature. The Sembler discussion segued into a discussion on school funding, because according to Committee discussion the lost tax revenue, if Sembler receives tax breaks, will decrease the funding available for education.

1. **Education Finance Act/ House Bill 4409** sponsored by Rep. Richard Chalk. Chalk's bill that would alter the 1977 Education Finance Act.

Mr. Stewart said he wanted to know what the Beaufort County School District's position was on the bill; he had not heard of it speaking against the bill. Senator Davis said there have been conversations with the School District and it is his understanding that in a year with furloughs the District is very upset with Sembler and school funding connection.

Mr. Rodman said he felt that for Beaufort County, having the state fund education in any manner would be a disaster for the County. The state would have to reach into property taxes and redistribute; a procedure in which the County has always come out on the short end of the stick.

2. **Public-Private partnerships for pre-Kindergarten programs** - this bill has backing from Senator Shannon Erickson. Ms. Von Harten said she hopes even if people do not support the bill, they will continue to explore public-private partnerships in regard to funding education in South Carolina. Senator Davis said he thinks the term, "public-private partnership", has been perverted. It used to mean taking public functions and leveraging private firms to help make it more efficient. It has been perverted to have the public sector going into the private sector and interfering with the free market.

C. The Committee also discussed a bill regarding the 1 percent sales tax tailored to Hilton Head Island tourism. Senator Davis said he had issues with raising taxes during a recession, in regard to whether or not it is power you want to give on a local basis. He said he was interested to find out what the County Council members felt about: giving the power to the Town Council to begin with; giving the power to them without it subject to a referendum; giving them the power even if it is subject to a referendum without the Town Council being able to massage how they want the money to be spent.

Mr. Stewart said there is a lot of uncertainty in the bill left up to interpretation. He said it most directly affects Hilton Head. Mr. Baer said most of his constituents are very much against it unless it is better explained. He said they do not like the way the money is distributed, the efficiency, how it will be used, how the tax relief will come back and whether the numbers are valid, that it is regressive to lower-priced homes. Mr. Sommerville said there is already a special local-option sales tax out there, which is what this new sales tax is basically; but people are not given the opportunity to vote. He said he is considerably bothered by it. Mr. Rodman agreed that without a referendum, he is reluctant to favor the bill. Mr. Stewart said he really wanted to see more clarification on the bill. Mr. Stewart asked Senator Davis if there could be amendments introduced. Senator Davis replied it could be introduced as a local bill at the subcommittee level.

D. Mr. William Winn, Division Director – Public Safety, came to the table to ask the Committee to discuss Senate Bill 1147, House Bill 4551, which changes 911 communications services requirements. He said technology has outraced 911 Legislation and in South Carolina 20 percent of cellular calls are made on pre-paid cards. These cards are not subject to the state 911 fee. This bill will correct that problem and allow charging to pre-paid cell phones. The second part of the bill starts charging for Voice Over Internet Protocol (VOIP) access to 911. Both the S.C. Nina chapter and ABCO chapter endorsed the bill. He said they would like to see action on this bill as it represents 20 percent of the department's revenue which it currently is not getting. He said it is in the Judicial Committee, and the County should support this bill as it would help the County tremendously.

Status: These topics were up for Committee and Legislative Delegation members' discussion and information only. No action necessary.

2. Public Safety Update

Discussion: Mr. Winn gave a brief PowerPoint presentation to bring the Committee up to date on the Public Safety Department divisions.

Emergency Management - received two federal grants through the State of South Carolina - a LEMPG \$5,000 equipment grant, and an ELMPG \$60,280 grant for BROC computer network upgrade, Communications Trailer – generator and Incident Command Vehicle – communications upgrade. The Communications Trailer is used as backup during emergency evacuations for hurricanes. Mr. Stewart asked if there was any matching of the grants. Mr. Winn said they are matching grants; LEMPG is matched with the salary of the EMS person. Beaufort County had received money from these programs since about 1960. The Car Seat Safety

Inspection Day was held on February 21, 2010. During the event, 44 car seats were inspected and 6 seats were given away to families with outdated seats.

Communications - the rebanding of frequencies was completed on February 10, 2010; 7X switch was upgraded to the next generation and the switch over to the new system will begin by the end of March or first of April. He said the rebanding of frequencies happened with little interruption to EMS services (9 of 10 frequencies were changed). He said the switch from 7X to the next generation will take an estimated 60 to 90 days for complete turnover. It has been tested since January in the Mosquito Control department, as a Beta.

E911 - there is new legislation that adds 911 fees to prepaid telephone cards and VoIP.

Traffic Management - is in the process of switching to Seimler Software, which will make the Traffic Management Center digital. The software was purchased for the County by the S.C. Department of Transportation, which is going through a massive upgrade statewide. The upgrade will allow Beaufort County to fully upgrade its system with the state traffic management system, access to their system and fully integrate our Intelligence Traffic System, etc. It is a beginning step toward 511, a state transportation network.

Animal Shelter – January euthanasia rate was down to 62.5 percent. He said some dogs and cats go to rescue organizations such as two dogs to Great Dane Rescue in N.C., one to Jasper Animal Rescue Mission, one to Maranatha Farms in Ridgeland, one to Last Resort Rescue in N.J., among many others. Mr. Stewart asked about a monthly graphical representation. Mr. Winn said the information is being compiled and it will be included in the next report. Mr. Winn said the point in showing the Committee about the work with rescue organizations is to illustrate that the Shelter is trying to do different things. He said he will take a tour of the different organizations in the County. He has met with one group and in the next 30 days will meet with them individually to get a more comprehensive picture. He also said they hope to host a large meeting in April to come to a consensus about approaching the issue. A newly established Spay-Neuter Fund received \$1,304.50 in donations - \$1,000 Ceres Foundation; \$250 Lowcountry Rotary; \$54.50 Hale Pet Door Company. He showed Council numbers from December 2008 to February 2010 showing euthanasia at the owner's request. Those rates are as follows: dogs 73; cats 20; ferret 1; Guinea pig 1; mouse 1; rats 3. The Committee then discussed the true cost of doing this service, despite the Shelter providing it free to owners.

Mosquito Control – has a new aircraft with spare parts donated from NASA in Maryland (the value of a tow bar, 2 tripod jacks, nose wheel assembly, 2 main wheel assemblies and a nose tire come to more than \$7,500). Mr. Winn said he hopes more parts become available as the program continues.

RMAT – Regional Medical Team with capabilities to respond in South Carolina to set up a very basic hospital for three days until the national DMET begin arriving. There are four teams in South Carolina, with Beaufort County serving Southeast South Carolina. It is funded through Homeland Security funds through Columbia, with money received yearly to maintain the operation.

Detention Center – The average daily holding count is 240. The rated capacity for the facility is 255 beds and operational capacity is 204. Mr. Winn said the department is very concerned to see what happens in Columbia with funding and if the court systems begin cutting back it could increase the number of prisoners held at the Detention Center. Right now, the count is holding at 240, which is acceptable not ideal.

Status: No action is necessary. The presentation was for Committee information only.

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