

AGENDA
COUNTY COUNCIL OF BEAUFORT COUNTY
Monday, April 12, 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 – [March 29, 2010](#)
5. PROCLAMATIONS
 - Child Abuse Prevention Month
 - Zero Tolerance for Litter Campaign
 - Sexual Assault Awareness Month
6. PUBLIC COMMENT
7. [COUNTY ADMINISTRATOR’S REPORT](#)
 - Mr. Gary Kubic, County Administrator
 - County Channel Update
 - [Four - week Progress Report \(Enclosure\)](#)
 - [Presentation / Building Inspection and Code Enforcement Department Accreditation](#)
Mr. Arthur Cummings, Director
 - Presentation / Click2Enter Follow-up Report
Mr. Timothy Ogden, Building Inspections
 - Presentation / Online Material Exchange (2Good2 Waste)
Mr. Jim Minor, Supervisor, Solid Waste and Recycling

Over



- Summary / FEMA Sponsored Beaufort County Hurricane Recovery Course, Emmitsburg, Maryland
Mr. William Winn, Division Director, Public Safety
 - Discussion / Small Tidal Creeks
Mr. Ladson Howell, Staff Attorney
 - [Resolution / St. Helena Penn Center Library Development](#)
 - St. Helena Branch Library Community Meetings
8. DEPUTY COUNTY ADMINISTRATOR'S REPORT
Mr. Bryan Hill, Deputy County Administrator
- [Four-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

CONSENT AGENDA
Items 9 through 11

9. AN ORDINANCE TO AMEND CHAPTER 18 OF ARTICLE III (BUSINESS AND PROFESSIONAL LICENSE) ([Backup](#))
- Consideration of second reading to occur April 12, 2010
 - Public hearing to occur Monday, April 26, 2010, beginning at 6:00 p.m. in Council Chambers of the Administration, 100 Ribaut Road, Beaufort
 - First reading approval occurred March 29, 2010 / Vote 8:0
 - Finance Committee discussion and recommendation to approve occurred March 22, 2010 / Vote 6:0
10. USDA GRANT TRUCK PURCHASE FOR SHELDON FIRE DISTRICT ([Backup](#))
- Public Safety Committee discussion and recommendation to approve occurred April 5, 2010 / Vote 7:0
 - Purchase Price: \$275,000 for a new 257GPM Pumper to replace the 1986 pumper
 - Funding Source: USDA Rural Development Grant portion \$151,250; Sheldon Fire District portion \$123,750
11. AMENDMENT TO THE VILLAGE AT LADY'S ISLAND PLANNED UNIT DEVELOPMENT (PUD) TO EXTEND THE SUNSET DATE TO JANUARY 1, 2011
- First reading approval occurred March 29, 2010 / Vote 8:0 ([Backup](#))
 - Natural Resources Committee discussion and recommendation to approve occurred April 5, 2010 / Vote 6:1

6:00 p.m. 12. PUBLIC HEARINGS

- 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 third and final reading to occur April 12, 2010
 - Second reading approval occurred March 29, 2010 / Vote 8:0
 - First reading approval occurred March 15, 2010 / Vote 10:0
 - Natural Resources Committee discussion and recommendation to approve occurred March 1, 2010 / Vote 7:0
- 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 third and final reading to occur April 12, 2010
 - Second reading approval occurred March 29, 2010 / Vote 8:0
 - First reading approval occurred March 15, 2010 / Vote 10:0
 - Natural Resources Committee discussion and recommendation to approve occurred March 1, 2010 / Vote 7:0
- TEXT AMENDMENTS TO CHAPTER 14, ARTICLE II, ANIMAL CONTROL ORDINANCE (Rewrite of Ordinance) ([Backup](#))
 - Consideration of third and final reading to occur April 12, 2010
 - Second reading approval occurred March 29, 2010 / Vote 8:0
 - First reading approval occurred March 15, 2010 / Vote 10:0
 - Public Safety Committee discussion and recommendation to approve occurred March 1, 2010 / Vote 7:0
- COMMUNITY DEVELOPMENT BLOCK GRANT / DALE WATER EXTENSION PROJECT ([Backup](#))
 - Purpose: To add another street, Coker Lane, to the project.
 - This is a public hearing **only**.
- COMMUNITY DEVELOPMENT BLOCK GRANT / BURTON COMMUNITY WATER PROJECT ([Backup](#))
 - Consideration of resolution authorizing the County Administrator to submit the application and commit to 10% match in the amount of \$50,000
 - Funding source: Account #14000-55000

13. [COMMITTEE REPORTS](#)

14. PUBLIC COMMENT

15. EXECUTIVE SESSION

- Negotiations incident to proposed contractual arrangements and proposed purchase of property

16. 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
March 29, 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, March 29, 2010, in the large meeting room of the Hilton Head Island Branch Library, 11 Beach City Road, Hilton Head Island, South Carolina.

ATTENDANCE

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

Mr. William McBride, as Parliamentarian, chaired the meeting in the absence of both the Chairman Weston Newton and Vice Chairman D. Paul Sommerville, who were attending the FEMA / National Management Institute, National Emergency Institute, Integrated Emergency Management Course (EMC), Beaufort County Hurricane Recovery held in Emmitsburg, Maryland.

PLEDGE OF ALLEGIANCE

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

INVOCATION

Councilman William McBride gave the Invocation.

REVIEW OF PROCEEDINGS OF THE REGULAR MEETING HELD MARCH 15, 2010

It was moved by Mr. Stewart, seconded by Mr. Flewelling, that Council approves the minutes of the regular meeting held March 15, 2010. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Dawson, Mr. Newton and Mr. Sommerville. The motion passed.

ANNOUNCEMENT / 2010 CENSUS QUESTIONNAIRES

Mr. McBride announced the Beaufort County Complete Count Committee (appointed by County Council) reminds everyone the 2010 Census questionnaires are arriving at your home address. Participating in the 2010 Census helps all of us. It Ensures we receive proper funding and representation. By law all private information is kept private and secure. So please participate. It is our future.

It is 10 questions, takes 10 minutes and secures our fair share of state and federal funding for 10 years!

COMMENDATION

The Chairman commended The Heritage Classic Foundation for its generous and dynamic contributions to the quality of life in Beaufort County. The Heritage Classic Foundation brings international recognition to Beaufort County each year since 1969 through its Verizon Heritage Golf Tournament. Each year the Tournament generates \$84 million in economic benefit to the community. The scholarship program has greatly benefited many people in their quest for higher education. It generously contributes over \$1.3 million yearly to charitable causes, helping thousands of needy people each year. Mr. Steve Wilmot, Tournament Director, accepted the proclamation.

RESOLUTION - FAIR HOUSING MONTH

It was moved by Mr. Caporale, seconded by Mr. Flewelling, that Council adopts a resolution designating April 2010 as Fair Housing Month. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Dawson, Mr. Newton and Mr. Sommerville. The motion passed.

PUBLIC COMMENT

Mr. McBride recognized Mr. Perry White, a resident of Beach City Road, who has voiced opinions about the Hilton Head Island Airport and communities since 1973. He read recently about the Airport's economic value to the County. But nothing has been written about the surrounding communities and businesses. He is of the opinion equal representation has not happened. An Editorial in the *Island Packet* talked about balance, but the information dealt only with the Airport and its benefit to the County. Please consider the surrounding communities and businesses. Mr. White is strained, in a negative sense, by the actions taken by Hilton Head Island Town Council: permitting the tree clear cutting, changing the Land Management Ordinance to permit the clearcutting of trees on Airport property and trimming and / or removing of trees on properties not owned by the Airport. We have a misunderstanding or misinformation as it relates to a major live oak tree on the side of St. James Baptist Church. That tree is not on property owned by the Airport, but on SCDOT right-of-way. It has been reported the tree is 75 years old, but the tree is older. Mr. White estimates the tree is 200 years old.

Mrs. Sally McGarrett, representing the Hilton Head Island League of Women Voters, said Council is well aware of the need for all of us in Beaufort County to respond to the Census. The Hilton Head Island League of Women Voters is cooperating with the Town of Hilton Head Island (Town) to get a complete count here. Residents did a poor job responding in 2000 partly because of part-time residents. If you are a part-time resident and you receive two census forms, return both forms, but write on one of the forms that you are reporting in your home state.

Mr. Charles John, III, a Deacon at St. James Baptist Church, said his church has been in the area for more than 123 years. When Council makes its decision about extending the runway, please consider the safety of St. James Baptist Church.

COUNTY ADMINISTRATOR'S REPORT

There was no County Administrator's Report. Mr. Kubic was attending the FEMA / National Management Institute, National Emergency Institute, Integrated Emergency Management Course (EMC), Beaufort County Hurricane Recovery held in Emmitsburg, Maryland.

DEPUTY COUNTY ADMINISTRATOR'S REPORT

There was no Deputy County Administrator's Report. Mr. Hill was attending the FEMA / National Management Institute, National Emergency Institute, Integrated Emergency Management Course (EMC), Beaufort County Hurricane Recovery held in Emmitsburg, Maryland.

BURTON FIRE DISTRICT REQUEST TO USE FIRE IMPACT FEES TOWARDS THE ACQUISITION OF A NEW FIRE TRUCK

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

It was moved by Mr. Flewelling, seconded by Mr. Caporale, that Council approves Burton Fire District's request to withdraw \$295,000 from its Impact Fee Fund to apply towards the purchase of a new fire truck at a cost of \$595,407. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Dawson, Mr. Newton and Mr. Sommerville. The motion passed.

CONSTRUCTION OF PLANTATION BUSINESS PARK FRONTAGE ROADS

This item comes before Council under the Consent Agenda. It was discussed and approved at the March 23, 2010 Public Facilities Committee meeting.

It was moved by Mr. Flewelling, seconded by Mr. Caporale, that Council awards a contract to Cleland Site Prep, Inc., Ridgeland, South Carolina, in the amount of \$1,017,385.72 for the construction of the Plantation Business Park Frontage Road. The funding source is #33402-54504 (1% Road Sales Tax Program). The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Dawson, Mr. Newton and Mr. Sommerville. The motion passed.

PAULKIE ISLAND DIRT ROAD IMPROVEMENT

This item comes before Council under the Consent Agenda. It was discussed and approved at the March 23, 2010 Public Facilities Committee meeting.

It was moved by Mr. Flewelling, seconded by Mr. Caporale, that Council awards Contract #39 to REA Contracting LLC, Beaufort, South Carolina, for the construction and paving of Paulkie Island Road, Mark Avenue, Harvey's Bend, Frame Road, Wesley Avenue, Hugh Avenue, Suzanne Road, and Habersham Road in the amount of \$523,990.40. The funding source is County Transportation Committee (CTC) and Vehicle Fee (TAG) funds. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Dawson, Mr. Newton and Mr. Sommerville. The motion passed.

COURTHOUSE SECURITY SYSTEM IMPROVEMENTS

This item comes before Council under the Consent Agenda. It was discussed and approved at the March 23, 2010 Public Facilities Committee meeting.

It was moved by Mr. Flewelling, seconded by Mr. Caporale, that Council awards a construction contract to Technology Solutions, Charleston, South Carolina, in the amount of \$94,046.18 to supply and install additional equipment in the courthouse security system and a contract in the amount of \$24,954.60 to Patterson Construction Company for architectural improvements to be funded from FY02 CIP Account #11432-54426 in the amount of \$46,751 and FY02 CIP Account #11432-56000 in the amount of \$73,116. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Dawson, Mr. Newton and Mr. Sommerville. The motion passed.

COMPACT UNIT STORAGE SHELVING FOR THE COUNTY LIBRARY

This item comes before Council under the Consent Agenda. It was discussed and approved at the March 23, 2010 Public Facilities Committee meeting.

It was moved by Mr. Flewelling, seconded by Mr. Caporale, that Council approves the purchase of Compact Storage Shelving Unit in the amount of \$83,341.31 from Patterson Pope, Charleston, South Carolina, under the terms and conditions of their South Carolina State. The funding source is Public Library Foundation, #64204-54100 Library Federal Stimulus Funds and #64070-54100 General Funds. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Dawson, Mr. Newton and Mr. Sommerville. The motion passed.

BEAUFORT COUNTY AIRPORT AT LADY'S ISLAND FUEL TRUCK LEASE AGREEMENT

This item comes before Council under the Consent Agenda. It was discussed and approved at the March 23, 2010 Public Facilities Committee meeting.

It was moved by Mr. Flewelling, seconded by Mr. Caporale, that Council approves the leasing of two fuel trucks from Eastern Aviation Fuels for a total of \$1,500 per month for the Beaufort

County Airport at Lady’s Island. This lease will be funded from account #13570-51140 Equipment Rental. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Dawson, Mr. Newton and Mr. Sommerville. The motion passed.

WORK ORDER SOFTWARE FOR PUBLIC WORKS

This item comes before Council under the Consent Agenda. It was discussed and approved at the March 23, 2010 Public Facilities Committee meeting.

It was moved by Mr. Flewelling, seconded by Mr. Caporale, that Council awards a contract to Tracker Software Corporation, Snowmass Village, Colorado, the top-ranked firm, in the amount of \$66,700 for work order application software, installation, and maintenance and support service. Funding for this software will come out of account #15060-54112, which has a balance of \$66,700. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Dawson, Mr. Newton and Mr. Sommerville. The motion passed.

S.C. AERONAUTICS COMMISSION PROJECT NO. 10-002 (BEAUFORT COUNTY AIRPORT AT LADY’S ISLAND)

This item comes before Council under the Consent Agenda. It was discussed and approved at the March 23, 2010 Public Facilities Committee meeting.

It was moved by Mr. Flewelling, seconded by Mr. Caporale, that Council accepts a grant offer in the amount of \$26,644 (S.C. Aeronautics matching 2.5% share) for the runway and taxiway overlay, airfield electrical improvements, and Runway 7 Phase II tree obstruction removal projects. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Dawson, Mr. Newton and Mr. Sommerville. The motion passed.

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)

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

It was moved by Mr. Flewelling, seconded by Mr. Caporale, that Council approves on second reading text amendments to the Zoning and Development Standards Ordinance (ZDSO), Article XV, Section 106-3176(2) Signage Requirements for Corridor Overlay District (adds School and House of Worship Signs as Allowable Changeable Signs). The vote was: FOR - Mr. Baer, Mr.

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

Mr. McBride announced a public hearing on this subject would be held Monday, April 12, 2010, beginning at 6:00 p.m. in Council Chambers of the Administration Building.

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)

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

It was moved by Mr. Flewelling, seconded by Mr. Caporale, that Council approves on second 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. Caporale, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Dawson, Mr. Newton and Mr. Sommerville. The motion passed.

Mr. McBride announced a public hearing on this subject would be held Monday, April 12, 2010, beginning at 6:00 p.m. in Council Chambers of the Administration Building.

TEXT AMENDMENTS TO CHAPTER 14, ARTICLE II, ANIMAL CONTROL ORDINANCE (REWRITE OF ORDINANCE)

This item comes before Council under the Consent Agenda. It was discussed and approved at the March 15, 2010 Public Safety Committee meeting.

It was moved by Mr. Flewelling, seconded by Mr. Caporale, that Council approves on second reading text amendments to Chapter 14, Article II, Animal Control Ordinance (rewrite of ordinance). The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Dawson, Mr. Newton and Mr. Sommerville. The motion passed.

Mr. Caporale reminded Council these amendments are only a piece of achieving the goal to lower the rate of euthanasia at the Animal Shelter.

Mr. McBride announced a public hearing on this subject would be held Monday, April 12, 2010, beginning at 6:00 p.m. in Council Chambers of the Administration Building.

AN ORDINANCE TO AMEND CHAPTER 18 OF ARTICLE III (BUSINESS AND PROFESSIONAL LICENSE)

This item comes before Council under the Consent Agenda. It was discussed and approved at the March 22, 2010 Finance Committee meeting.

It was moved by Mr. Flewelling, seconded by Mr. Caporale, that Council approves on first reading the text changes to the business license ordinance with two rental units. The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Dawson, Mr. Newton and Mr. Sommerville. The motion passed.

HILTON HEAD ISLAND AIRPORT RUNWAY 21 TREE OBSTRUCTION REMOVAL DESIGN PROFESSIONAL SERVICES

Today Ms. Von Harten visited St. James Baptist Church and historic Mitchelville site/historic marker, as well as the other historic assets clustered in that area – various cemeteries site, fish haul site. If Council is serious about reconstructing Mitchelville, as a place to honor Freedmen, who made their lives here after the Civil War, we do not have any business doing it near a busy airport. We also want a thriving busy airport. She is having a hard time reconciling going in that direction, toward St. James Baptist and those other historic assets as a long-term strategy. It is not what Beaufort County is all about. It is not what Hilton Head Island is all about. This is a place where we are going to have to test our values as a people. She is willing to be open-minded until the Airport Master Plan is completed, but does not want the County to put any more money into the Hilton Head Island Airport.

Mr. Baer agrees with Ms. Von Harten completely. However, the grant offer is for survey work. They are not going to cut or touch a tree, “over his dead body,” before Council sees the Master Plan or any more data. He is content with this grant offer. He thought long and hard about it. If the federal government wants to waste 95% of our money this way, he cannot stop it. Council will hear from Mr. Baer when it starts talking about cutting. He made his peace with this one.

It was moved by Mr. Rodman, seconded by Mr. Stewart, that Council awards a contract to Wilbur Smith Associates in the amount of \$179,188 to provide professional design services for the Runway 21 Tree Obstruction Removal project at the Hilton Head Island Airport subject to FAA approval of the associated Environmental Assessment Study and commitment to fund. This project will be funded from account #13480-54285. The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman and Mr. Stewart. OPPOSED – Ms. Von Harten. ABSENT – Mr. Dawson, Mr. Newton and Mr. Sommerville. The motion passed.

S.C. AERONAUTICS COMMISSION PROJECT NO. 10-001 (HILTON HEAD ISLAND AIRPORT)

Ms. Von Harten does not want the County to put any more money into the Hilton Head Island Airport. Even if it is federal money, it is still taxpayer money.

Mr. Rodman noted this money is approved federal money. This is a 2.5% matching grant from the State. If Council does not want to approve this, then we will pay this money ourselves. He recommended Council approves the grant offer.

It was moved by Mr. Rodman, seconded by Mr. Stewart, that Council accepts a grant offer in the amount of \$65,125 for runway safety area drainage improvements, construction of an Aircraft Rescue and Firefighting facility, as well as design services for clearing Runway 3 tree obstruction to meet a 34:1 Slope and aviation easement legal expenses. Funding for this project will come from the Airports Enterprise Fund. The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman and Mr. Stewart. OPPOSED – Ms. Von Harten. ABSENT – Mr. Dawson, Mr. Newton and Mr. Sommerville. The motion passed.

COMMITTEE REPORTS

Community Services Committee

Alcohol and Drug Abuse Board

Mr. McBride, as Community Services Committee Chairman, nominated Mr. John Coaxum and Mr. Charles Hammel to serve as members of the Alcohol and Drug Abuse Board.

Beaufort/Jasper Economic Opportunity Commission

Mr. McBride, as Community Services Committee Chairman, nominated Ms. Thelma Lewis to serve as a member of the Beaufort/Jasper Economic Opportunity Commission.

Library Board

Mr. McBride, as Community Services Committee Chairman, nominated Mr. Dan Huff, representing Council District 11, to serve as a member of the Library Board.

Parks and Leisure Services Board

Mr. McBride, as Community Services Committee Chairman, nominated Mr. Tom Ertter, representing at-large; and Mr. Robert Anderson, representing southern Beaufort County, to serve as members of the Parks and Leisure Services Board.

Finance Committee

Accommodations 2% State Accommodations Tax FY 2009 -2010 Appropriations

Mr. Rodman explained the recommendation before Council was recommended by the Accommodations Tax Board, except the amounts recommended for Beaufort Regional Chamber of Commerce and the Hilton Head Island/Bluffton Chamber of Commerce were reduced by 50%. The next step is looking at how much money is left in the money coming from the state, based on a future look at how the revenues are running. The last step deals with the five entities and the confusion associated with e-mail notification; the entities failed to show up at the Board meeting. The sense is because there were more than one, there may have been some kind of systematic failure and, therefore, they should get considered. As Council, we will identify some amount of money, certainly a minimum of \$30,000 but perhaps more, to go back to the Board for consideration of those five entities, plus the two Chambers of Commerce.

At the March 12, 2010 Finance meeting there was a motion to consider \$250,000 from the hospitality tax for the Beaufort Regional and Hilton Head Island/Bluffton Chambers. That motion was tabled. The intent was so Finance Committee could hear presentations by the Chambers and take a more comprehensive look at where they are and what they need.

Ms. Von Harten commented some of the organizations are concerned because they met the deadline in terms of attending the Board meeting, with the date noted on the application. She has been asked by some of the organizations to make sure we let others know that we are getting stricter about this. As competition gets tighter, it pays to be more attentive to the application due date in the future.

It was moved by Mr. Rodman, as Finance Committee Chairman (no second required), that Council appropriates FY 2009-2010 accommodations tax (2% state) funds in the amount of \$229,100 as follows: Friends of Hunting Island \$1,500, Hilton Head Symphony Orchestra \$2,500, Black Chamber of Commerce \$40,000, Penn Center \$15,000, Hilton Head Island Concours d'Elegance \$13,000, Coastal Discovery Museum \$10,000, Daufuskie Island Foundation \$3,500, Bluffton Historical Preservation Society \$15,000, Arts Council of Beaufort County \$10,000, Main Street Beaufort, USA \$17,000, Historic Beaufort Foundation \$3,600, Lowcountry Resort & Tourism Commission/Visitor Center and Museum \$16,000, Historic Bluffton Arts & Seafood Festival \$3,000, Hilton Head Island / Bluffton Chamber of Commerce \$25,000, Exchange Club of Beaufort/Child Abuse Prevention Association \$2,000, Beaufort Regional Chamber of Commerce / Visitor and Convention Center (Destination Marketing) \$20,000, Beaufort Regional Chamber of Commerce / Visitor and Convention Center (Visitor Center) \$15,000, Arts Center of Coastal Carolina \$17,000. The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Dawson, Mr. Newton and Mr. Sommerville. The motion passed.

Natural Resources Committee

Zoning Board of Appeals

Mr. Stewart, as Natural Resources Committee Chairman, nominated Mr. Chester Williams, representing at large southern Beaufort County, to serve as a member of the Zoning Appeals Board.

Public Facilities Committee

Airports Board

Mr. Glaze, as Public Facilities Committee Chairman, nominated Mr. Derek Gilbert, representing Beaufort Regional Chamber of Commerce Board of Directors, to serve as a member of the Airports Board.

Public Safety Committee

Mr. Baer read the newspaper about the 1% sales tax for tourism and marketing initiative. He is very worried about the deals being struck in Columbia. This initiative has been tacked on to another bill, and the structure, while leaving the local municipalities to vote on it, likely has some pre-slotting — with 50% slotted to the Chambers. Does Council think it should do anything during the Public Safety Committee to at least instruct our Legislative Delegation to be more ecumenical?

Mr. Stewart, as Public Safety Committee Chairman, is certain this issue will be a topic of discussion at the April 5 meeting. The issue as Mr. Baer indicated, with respect to the funding for tourism, was coupled with the bill to enable the Town of Hardeeville to increase sales tax for The Sembler Company (Sembler) project -- Okatie Crossings. He is disappointed these issues were coupled. They are two totally independent issues. They should be taken separately on their own merit. The Senate passed a different version of the bill than the House did earlier. There will be more discussions in Columbia on this issue.

Mr. Stewart is concerned about the 1% sales tax for tourism and marketing initiative. The way the bill is written each municipality and the voters in that municipality will be able to make the decision. The revised version, assuming it would pass the House, would require a referendum rather than just a vote of the Town Councils. However, he is concerned that 30% of the tax money raised will go against and offset property taxes only in the municipalities. It excludes the unincorporated portion of the County where residents will pay the 1% sales tax addition. That is not a fair or an appropriate way to go about this. It is either voted on as a countywide referendum, or we don't do it at all.

Mr. Baer noted his calculations for Hilton Head Island show it is about a 3 mill payback, a relief from property taxes. That is highly regressive. He hopes Council makes a strong statement about what is going on here through the Public Safety Committee.

Mr. Rodman agrees with what is said. As long as their intent is to go to referendum, they would be well served to leave flexibility for the people establishing the referendum to structure it before they take it forward, as opposed to having it designated by state law. Senator Davis has done a great job with the Sembler bill. If Mr. Rodman read it correctly, it went from three pennies that would go to the state to be refunded to Sembler to one penny the City of Hardeeville (Hardeeville) could tack on. It is actually a 4% swing. It would be logical for Sembler to want it at this point in time. Basically, if Hardeeville tacked the one penny on, then Hardeeville would be collecting it. Then, at some point time, if and when Sembler can demonstrate they met the criteria, they could then get the money back from Hardeeville. It seems Hardeeville would accumulate a lot of money. Since Beaufort County has some of that property, if it were to go forward, it would be advantageous to us - notwithstanding the environmental issues. Beaufort County would collect money spent in another county and despite having criteria, to be paid by/to the developer, which may or may not be met.

Mr. Stewart replied there would be no additional taxes collected in Beaufort County. Beaufort County would be totally absolved from that collection. He believes the sales tax collection would be sent to Columbia and returned back to Hardeeville upon Sembler achieving the goals. They have the right, currently to impose a one percent local option sales tax and this would give the right for the second penny. They would be looking at a two cent increase in their sales tax for only those stores located in the Sembler development and in Hardeeville.

Mr. Stewart said it actually may be advantageous for Beaufort County to be included. What happens to the money if they collect it and Sembler is not qualified to retrieve it? Can the money be paid back to the people who paid it? The bill needs more work.

PUBLIC COMMENT

There were no requests to speak during public comment.

ADJOURNMENT

Council adjourned at 4:51 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Wm. Weston J. Newton, Chairman

ATTEST: _____
Suzanne M. Rainey, Clerk to Council

Ratified:

OFFICE OF THE COUNTY ADMINISTRATOR COUNTY COUNCIL OF BEAUFORT COUNTY

GARY KUBIC
COUNTY ADMINISTRATOR

CHERYL HARRIS
EXECUTIVE ASSISTANT

ADMINISTRATION BUILDING
100 RIBAUT ROAD
POST OFFICE DRAWER 1228
BEAUFORT, SOUTH CAROLINA 29901-1228
TELEPHONE: (843) 470-2501
FAX: (843) 470-2503
www.bcgov.net

BRYAN J. HILL
DEPUTY COUNTY ADMINISTRATOR

LADSON F. HOWELL
STAFF ATTORNEY

COUNTY ADMINISTRATOR'S REPORT Monday, April 12, 2010 County Council Chambers

ACTION / INFORMATION ITEMS:

- County Channel Update
- Four - week Progress Report (Enclosure)
- Presentation / Building Inspection and Code Enforcement Department Accreditation (Enclosure)
Mr. Arthur Cummings, Director
- Presentation / Click2Enter Follow-up Report
Mr. Timothy Ogden, Building Inspections
- Presentation / Online Material Exchange (2Good2 Waste)
Mr. Jim Minor, Supervisor, Solid Waste and Recycling
- Summary / FEMA Sponsored Beaufort County Hurricane Recovery Course
Emmitsburg, Maryland
Mr. William Winn, Division Director, Public Safety
- Discussion / Small Tidal Creeks
Mr. Ladson Howell, Staff Attorney
- Resolution / St. Helena Penn Center Library Development (Enclosure)
- St. Helena Branch Library Community Meetings



Memorandum

DATE: April 9, 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 March 15, 2010 through April 9, 2010:

March 15, 2010

- Meeting with Cristina Roberson, Director of Parks and Leisure Services (PALS)
- Finance Committee meeting
- County Council meeting

March 16, 2010

- Meeting with Lad Howell, Staff Attorney, and Edra Stephens, Director of Business Licenses re: hospitality and business license tax issues
- Meeting with Nancy Schilling, Founding Director of Friends of the River, and Dan Morgan, Director of Geographic Information Systems, re: River Smart program

March 17, 2010

- Conference call re: Sembler
- Meeting with Dan Dennis, President of Dennis Corporation, and staff re: Sales Tax Project Reorganizational Session
- Speaker - Bob Dickson's American Government Class at Technical College of the Lowcountry, Beaufort
- Meeting with Dr. Jane Upshaw, Chancellor, USC-B

March 18, 2010 (County Administrator – Bluffton Office Hours)

- Meeting with Thomas C. Barnwell, Penn Center Board of Trustee member re: Mitchelville Project / St. Helena Library at Penn Center
- Meeting with Weston Newton, Chairman, County Council, Tom Peeples, Mayor, Town of Hilton Head Island, and Steve Riley, Town Manager, to discuss county / town issues
- Meeting with Weston Newton, Council Chairman, Lisa Sulka, Mayor, Town of Bluffton, and Anthony Barrett, Town Manager, to discuss county and town issues

March 19, 2010

- Interview - WVGB Radio Station

- Teleconference re: Building Inspection and Code Enforcement Department Accreditation

March 22, 2010

- Records Management Open House at Beaufort Industrial Village #5

March 23, 2010

- Followup conference call with Charlie Tipton, Vice President of Construction, Pulte Homes, and Arthur Cummings, Director of Building Inspections re: Roof trusses at Sun City
- Meeting with Fred Leyda, Facilitator, Beaufort County Alliance for Human Services
- Conference call re: Beaufort Commerce Park

March 24, 2010

- Agenda review
- Monthly meeting with County Assessor Ed Hughes
- VoIP meeting with Sheriff's Office representatives and Ted Anderson, Chief Information Officer

March 25, 2010 (County Administrator - Hilton Head Office Hours)

- Meeting with Bill Libertoff
- Meeting with Chairman Weston Newton and Ed Modzelewski, President, Applied Management Technology
- Meeting with Chairman Weston Newton, Mayor Billy Keyserling, City of Beaufort, and City Manager Scott Dadson to discuss city / county issues

March 26, 2010

- Meeting with Chief Financial Officer David Starkey
- Rob McFee, Division Director, Engineering and Infrastructure
- All Hands PALS meeting
- Conference call with staff re: St. Helena Library at Penn Center

March 29 – April 1, 2010

- FEMA Sponsored Beaufort County Hurricane Recovery Course Training, Emmitsburg, Maryland

April 2, 2010

- No scheduled meetings

April 5, 2010

- Natural Resources Committee meeting
- Public Safety Committee meeting

April 6, 2010

- Meeting with Leslie Riley, Esquire, McNair Law Firm, and Tony Criscitiello, Division Director, Planning and Development
- Joint Initiative Council / Board of Education meeting (unable to attend due to scheduling conflict)
- Town of Hilton Head Island Town Council meeting

April 7, 2010

- Agenda review
- Meeting with Mark Roseneau, Director of Facility Management
- Meeting with Bobby Barlow, a resident of Pinewood Subdivision re: drainage issue

April 8, 2010

- Meeting with P. J. Tanner, Sheriff, and Jeff Dowling, Sheriff's Office
- Meeting with staff and Town of Hilton Head Island representatives re: US 278 bridge inspections
- Daufuskie ferry status meeting

April 9, 2010

- SC 802 Highway management meeting
- SC 46 Simmonsville management meeting
- US Highway 17 management meeting
- Meeting with Rob McFee, Division Director, Engineering and Infrastructure



International
Accreditation Service, Inc.

NEWS RELEASE

For Immediate Release
April xx, 2010
www.iasonline.org

Contact: Greg West
1-888 (427-4422), ext. 3267
Cell (562) 201-0959

Beaufort County Becomes First South Carolina Inspection and Code Enforcement Agency to Earn IAS Building Department Accreditation

The Beaufort County Inspection and Code Enforcement Department is the first building department in South Carolina to earn Building Department Accreditation from the International Accreditation Service (IAS). The accreditation is based on the IAS Accreditation Criteria for Building Departments/Code Enforcement Agencies (AC251). The accreditation verifies that the Beaufort County Inspection and Code Enforcement Department is operating at the highest legal, ethical and technical standards.

Located in the southeastern corner of South Carolina, Beaufort County is the state's fastest growing community based on population and building permits issued. According to the U.S. Census Bureau, the county grew over 24 percent from 2000 to 2008. It issued 1,375 building permits in 2008 and 1,424 in 2009 with a small but highly efficient staff of eighteen people. Added to this rapid growth, the county is in the midst of adopting the 2009 *International Building Codes*.

Arthur Cummings, Building Codes Director for Beaufort County, says, "We are especially proud to be the first South Carolina building inspection department to earn this achievement. Accreditation is the benchmark of excellence and provides our residents and

builders a high level of confidence in our ability to carry out our mission at the highest level of public service. The process has helped us become more efficient, demand more of ourselves and to always seek new ways to improve the delivery of our service.”

AC251, modeled on the international peer review process, begins with the completion of a comprehensive information questionnaire followed by an on-site evaluation. The questionnaire requires full disclosure in a report by the department on details about the size of the jurisdiction as well as its internal practices for everything from plan reviews and permits to inspections and implementation of its adopted construction codes. The report outlines basic jurisdictional information and assesses processes related to permitting, budget, construction codes, plan reviews, professional credentials, licenses, inspections, certificates of occupancy, on-site evaluations, annual reports, service goals, complaints and appeals.

Beaufort County submitted the report to the IAS Building Department Accreditation (BDA) peer evaluation team for review and consideration prior to an on-site evaluation. IAS BDA teams comprise expert peer evaluators who have worked for and studied building departments across the country using IAS’s compilation of best practices. Subsequently, the IAS evaluation team conducted a visit to assess the department’s compliance with industry best practices related to building department operations.

The County Inspection and Code Enforcement Department received IAS Building Department Accreditation on March 19, 2010.

Beaufort County Inspection and Code Enforcement Department serves a population of approximately 150,000 according to the 2008 U.S. Census report. The U.S. Marine Corps and Navy, tourism, golfing, shrimp/seafood are Beaufort County’s major economic contributors.

IAS accredits special inspection agencies, product certification agencies, inspection programs for metal building manufacturers, fabricator inspection programs, testing and calibration laboratories, inspection agencies, training agencies, curriculum developers, field evaluation bodies, building departments and building department service providers. A recognized

accreditation body since 1975, IAS is a nonprofit, public benefit corporation and a subsidiary of the International Code Council (ICC). IAS is one of the leading accreditation bodies in the United States and a signatory to several international mutual recognition arrangements (MRAs).

###

Note: Will include ICC logo in the html version of the release.

INTERNATIONAL ACCREDITATION SERVICE, INC.



5360 Workman Mill Road · Whittier, CA 90601 USA
562-699-0541 local · 866-427-4422 toll free · 562-699-8031 fax
www.iasonline.org web site · info@iasonline.org e-mail

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RAJ NATHAN

April 5, 2010

Arthur L Cummings
Director
Beaufort County Inspection and Code
Enforcement Department
PO Drawer 1228
Beaufort, SC 29901

BDA-132
Please reference this number
on all correspondence

Dear Mr. Cummings:

We are pleased to provide you with the enclosed framed certificate of accreditation for display in an appropriate location in your jurisdiction. Also, enclosed with the certificate of accreditation is a separate document noting the scope of accreditation with the referenced codes. Please note that the scope document forms a part of the certificate and both of these documents are to be issued to anyone requesting information on your accreditation status. We have also posted a copy of the certificate (with the scope) on our website: www.iasonline.org; and copies may be printed from the website.

The framed certificate symbolizes the hard work put in by your staff and reflects your commitment to meet standards of excellence in the code enforcement profession.

Your attention is drawn to Section 11.0 of the IAS Accreditation Criteria for Building Departments/Code Enforcement Agencies (AC251) which requires submission of annual reports. Approximately 90 days prior to the anniversary date, IAS will forward a checklist. To maintain your accredited status, the checklist must be completed and returned to IAS by the date shown on the notice.

Yours very truly,

C.P. Ramani, P.E., C.B.O.
President

CPR/ni

Enclosure

International Accreditation Service

CERTIFICATE OF ACCREDITATION

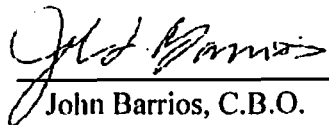
This is to signify that

**BEAUFORT COUNTY
INSPECTION AND CODE ENFORCEMENT DEPARTMENT**

MULTI GOVERNMENT CENTER 100 RIBAUT ROAD, ROOM 275
BEAUFORT, SOUTH CAROLINA 29901-1228

Building Department/Code Enforcement Agency BDA-132
Governmental Body

has demonstrated compliance with the IAS Accreditation Criteria for Building Departments/Code Enforcement Agencies (AC251), including the applicable sections of ISO/IEC Standard 17020 *General criteria for the operation of various types of bodies performing inspection*, and has been accredited commencing March 19, 2010, to provide conformity assessment and regulatory code enforcement services listed in the approved scope of accreditation.


John Barrios, C.B.O.

Vice Chair, IAS Board Committee on Accreditation



C. P. Ramani, P.E., C.B.O.
President

(see attached scope of accreditation for field(s) of inspection, including type, range, methods or procedures)

Print Date: 04/01/2010

Page 1 of 2

This accreditation certificate supersedes any IAS accreditation certificate bearing an earlier date. The certificate becomes invalid upon suspension, cancellation, revocation, or expiration of accreditation. See the IAS Accreditation Listings on the web at www.iasonline.org for current accreditation information, or contact IAS directly at (562) 699-0541.

International Accreditation Service

SCOPE OF ACCREDITATION

Beaufort County Inspection and Code Enforcement Department BDA-132
Governmental Body

Beaufort County
Inspection and Code Enforcement Department
Multi Government Center 100 Ribaut Road, Room 275
Beaufort County, South Carolina 29901-1228

Arthur Cummings, C.B.O., C.F.M.
Director
(843) 255-2068

FIELDS OF CODE ENFORCEMENT	TYPE AND RANGE OF SERVICES	REFERENCED CODES
Structural and Life Safety	Plan Review, Permitting & Inspection	2006 International Building Code ¹
Electrical	Plan Review, Permitting & Inspection	2008 National Electrical Code 2006 International Residential Code ^{1,2}
Plumbing	Plan Review, Permitting & Inspection	2006 International Plumbing Code ¹
Mechanical	Plan Review, Permitting & Inspection	2006 International Mechanical Code ¹
Fuel Gas	Plan Review, Permitting & Inspection	2006 International Fuel Gas Code ¹
Fire	Plan Review, Permitting & Inspection	2006 International Fire Code ¹
Energy	Plan Review, Permitting & Inspection	2006 International Energy Efficiency Code ¹

¹ Including code modifications adopted by the South Carolina Building Code Council (BCC). All South Carolina jurisdictions must use only the codes and modifications approved by the BCC.

² The 2006 IRC is used as it applies to electrical applications for one and two story residential structures only.

March 19, 2010
Commencement Date

Print Date: 04/01/2010

C. P. Ramani
C. P. Ramani, P.E.
President

Page 2 of 2

This accreditation certificate supersedes any IAS accreditation certificate bearing an earlier date. The certificate becomes invalid upon suspension, cancellation, revocation, or expiration of accreditation. See the IAS Accreditation Listings on the web at www.iasonline.org for current accreditation information, or contact IAS directly at (562) 699-0541.

RESOLUTION

WHEREAS, the St. Helena Island of Beaufort County is a distressed, low-to-moderate income community with a significant need for educational resources and workforce development opportunities; and

WHEREAS, it is a designated priority of Beaufort County Council to provide the children and residents of the St. Helena Island area with a full service public library to enhance their educational, historical, cultural and human resource development; and

WHEREAS, the completion of this project would directly benefit St. Helena Island residents of which fifty-six percent (56%) have low-to-moderate incomes; and

WHEREAS, the members of Beaufort County Council have designated the development and construction of the St. Helena Island public library project as a priority need; and

WHEREAS, on May 8, 2006 the members of Beaufort County Council authorized a general obligation borrowing of five million dollars (\$5,000,000) for the construction of a new St. Helena Island public library; and

WHEREAS, on September 25, 2006 the members of Beaufort County Council established a goal of ten million dollars (\$10,000,000) for the development of the St. Helena Island public library, five million dollars (\$5,000,000) from County sources, one million dollars (\$1,000,000) from the State Library System and four million dollars (\$4,000,000) from federal sources; and

WHEREAS, on March 7, 2007, Beaufort County Administration requested a four million dollar federal earmark (\$4,000,000) for the development of a St. Helena Island library; and

WHEREAS, on September 4, 2007 the members of Board of Penn Center, Inc. pledged the donation of ten acres of their Penn Center site to build the St. Helena Island public library at Penn Center; and

WHEREAS, on August 25, 2008 the members of Beaufort County Council unanimously authorized the borrowing of five million dollars (\$5,000,000) for the construction of the St. Helena Island public library at Penn Center; and

WHEREAS, on February 23, 2009 the members of Beaufort County Council unanimously ranked the construction of the St. Helena Island public library at Penn Center as the second priority for 2009 Community Development Block Grant funds; and

WHEREAS, on September 14, 2009 the members of Beaufort County Council unanimously approved a Community Development Block Enrichment grant application for five hundred thousand dollars (\$500,000) for the St. Helena Island public library at Penn Center; and

WHEREAS, on September 28, 2009 the members of Beaufort County Council received notice of the preliminary approval of a three million, seven hundred thousand dollar (\$3,700,000) American Recovery Act of 2009 (Rural Development) grant for the St. Helena Island public library at Penn Center; and

WHEREAS, on December 14, 2009 the members of Beaufort County Council acknowledged the receipt of a one and one-half million dollar (\$1,500,000) Community Enrichment Grant (CDBG) for the construction of the St. Helena Island public library at Penn Center; and

WHEREAS, on February 4, 2010 the members of Beaufort County Administration were advised of a loan and grant offer available from the United States Department of Agriculture (USDA) in conjunction with the American Recovery Act of 2009 for rural library development; and

WHEREAS, the funding goals for St. Helena Island public library at Penn Center can be achieved using these loan and grant resources; and

WHEREAS, the use of these loan and grant funding opportunities will enhance Beaufort County's 2010 Capital Improvement Program;

NOW, THEREFORE, BE IT RESOLVED by the County Council of Beaufort County, South Carolina, that

1. Members of Beaufort County Council hereby endorses the St. Helena Island public library project at Penn Center for the children and residents of St. Helena Island area; and

2. The members of Beaufort County Council on behalf of all of the residents of Beaufort County accept the generous offer of the Penn Center Board of Directors to use approximately ten acres of the Penn Center campus as the future site for the St. Helena Island public; and

3. The Beaufort County Administration is authorized to submit a request to the United States Department of Agriculture (USDA) to provide eight million, five hundred thousand dollars (\$8,500,000) in a grant and loan combination for the development and construction of the St. Helena Island public library; and

4. The USDA grant and loan combination represents a two million, five hundred thousand dollars (\$2,500,000) grant with a six million dollars (\$6,000,000), forty (40) year, four percent (4%) loan (EPR of two point four (2.4%)); and

5. The Beaufort County Administration will move expeditiously to utilize the donation of the Penn Center property, the 8.5 million USDA grant and loan and the 1.5 million dollar Community Enrichment Grant (CDBG) to develop and construct the St. Helena Island public library at Penn Center.

Adopted this _____ day of _____, 2010.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Wm. Weston J. Newton, Chairman

ATTEST:

Suzanne M. Rainey, Clerk to Council



Memorandum

DATE: April 9, 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 March 15, 2010 thru April 9, 2010:

March 15, 2010 (Monday):

- Finance Committee Meeting
- County Council

March 16, 2010 (Tuesday):

- Meet with Fire Department Heads and David Starkey re: Budget
- Work on 2011 - 2015 Budget
- Meet with Suzanne Gregory

March 17, 2010 (Wednesday):

- Meet with Gary Kubic, David Starkey, Ladson Howell, Robert McFee and Dan Dennis re: Sales Tax Project Reorganizational Session
- Attend Benefit Consulting Services for BC Employee Services RFP

March 18, 2010 (Thursday)--Bluffton:

- Work on 2011 - 2015 Budget

March 19, 2010 (Friday):

- Meet with Phyllis White and David Starkey re: Budget
- Work on 2011 -2015 Budget

March 22, 2010 (Monday):

- Work on 2011 - 2015 Budget
- Attend Records Management Open House
- Finance Committee Meeting
- Community Service Committee Meeting

March 23, 2010 (Tuesday)--Bluffton:

- Work on 2011 - 2015 Budget

March 24, 2010 (Wednesday):

- Agenda Review
- Meet with Suzanne Larson, PIO, Dave Thomas, Purchasing, Ted Anderson and Theresa Roberts, MIS and Janet Hendrickson re: Cisco Telephone Implementation Marketing and Training Issues
- PALS Visit - Burton Wells
- Work on 2011 - 2015 Budget

March 25, 2010 (Thursday):

- Attend Fire Chief Meeting with David Starkey, Chief Financial Officer
- Meet with William Winn and Eddie Bellamy re: Vehicle Maintenance
- BCSD - Budget Priority Meeting

March 26, 2010 (Friday)--Bluffton:

- Work on 2011 - 2015 Budget

March 28, 2010 (Sunday):

- Travel to Emmitsburg, VA to attend FEMA Seminar

March 29, 2010 (Monday)--Emmitsburg, VA:

- Attend FEMA Seminar

March 30, 2010 (Tuesday)--Emmitsburg, VA:

- Attend FEMA Seminar

March 31, 2010 (Wednesday)--Emmitsburg, VA:

- Attend FEMA Seminar

April 1, 2010 (Thursday)--Emmitsburg, VA:

- Attend FEMA Seminar

April 2, 2010 (Friday)--Emmitsburg, VA:

- Return Travel Day

April 5, 2010 (Monday):

- DA Meeting
- Meet with Rob McFee and David Hughes re: St. Helena Library Corner Markers
- Natural Resources Committee
- Public Safety Committee

April 6, 2010 (Tuesday):

- Meet with Mark Roseneau, Facilities Management
- Meet with Phil Foot, Detention Center Director
- Joint Initiative Council/Board of Education

April 7, 2010 (Wednesday)--Bluffton:

- Bluffton Hours
- Budget Presentation Preparation

April 8, 2010 (Thursday):

- Interviews for Assistant Director/Facility Management, Public Works
- Daufuskie Ferry Meeting with Weston Newton, William McBride, Stewart Rodman, Morris Campbell, Gary Kubic and David Starkey

April 9, 2010 (Friday)--Bluffton:

- Interviews for Assistant Director/Facility Management, Public Works

ORDINANCE 2010 / .

AN ORDINANCE TO AMEND CHAPTER 18 OF ARTICLE III (BUSINESS AND PROFESSIONAL LICENSE), OF THE COUNTY CODE OF THE COUNTY COUNCIL OF BEAUFORT COUNTY, BEAUFORT, SOUTH CAROLINA AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on November 22, 1999 the County Council adopted Article III Chapter 18 establishing the "Business License Ordinance"; and

WHEREAS, the ordinance contains various deficiencies and; and

WHEREAS, this amendment is offered to correct deficiencies;

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE COUNTY COUNCIL FOR BEAUFORT COUNTY, SOUTH CAROLINA, AND IT IS HEREBY ORDERED AND ORDAINED BY AND UNDER AUTHORITY OF SAID COUNTY COUNCIL, AS FOLLOWS:

NOTE: Underlined and bold-face typed portions indicate additions to the county code. ~~Stricken~~ portions indicate deletions to the county code.

ARTICLE III. BUSINESS AND PROFESSIONAL LICENSES

Sec. 18-46. Purpose.

The business license levied by this article is for the purpose of providing such regulation as may be required by the business subject thereto and for the purpose of raising revenue to provide ad valorem tax relief. ~~The net revenues of the business license program shall be used to reduce the county property tax levy effective in fiscal year 2000-2001.~~ **Each license shall be issued for one (1) calendar year beginning on January 1st and shall expire on December 31st; this time period shall be considered a 'license year.' The provisions of this ordinance and the rates herein shall remain in effect from year to year as amended by Beaufort County Council.**

(Ord. No. 99-36, § III, 11-22-1999)

Sec. 18-47. 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:

Business means a calling, occupation, profession or activity engaged in with the object of gain, benefit or advantage, either directly or indirectly. ~~A charitable organization shall be deemed a business unless the entire proceeds of its operation are devoted to charitable purposes.~~ In addition to the above-described activities constituting doing of business in the county, an individual shall be deemed to be in business if that individual owns and rents ~~five~~ **two (2)** or more residential rental units (or partial interest

therein) within the county, excluding the municipalities therein. This applies to both short-term and long-term rentals.

Charitable Purpose means benevolent, philanthropic, patriotic, or eleemosynary purpose which does not result in personal gain to a sponsor, organizer, officer, director, trustee or person with ultimate control of the organization. Charitable Organization shall be deemed a business subject to a license tax unless the entire net proceeds of its operation, after necessary expenses, are devoted to charitable purposes. Compensation in any form to a sponsor, organizer, officer, director, trustee or person with ultimate control of the organization shall not be deemed a necessary operating expense.

Classification means that division of businesses by major groups subject to the same license rate, as determined by a calculated index of ability to pay based on national averages, benefits, equalization of tax burden, relationship of services, or other basis deemed appropriate by county council.

County means the County of Beaufort, South Carolina.

Gross receipts means the total revenue of a business, received or accrued, for one calendar or fiscal year collected or to be collected by reason of the conduct of the businesses within the county, excepting therefrom income from business done wholly within outside of the unincorporated area of the county and fully reported to a municipality or other county, on which a license tax is paid to some other municipality or a county and fully reported to the county. Gross income from interstate commerce shall not be included in the gross income for every business subject to a business license fee. The term "gross receipts" means the value proceeding or accruing from the sale of tangible business personal property, including merchandise and commodities of any kind and character and all receipts, by the reason of any business engaged in, including interest, dividends, discounts, rentals of real estate or royalties, without deduction on the account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid, or any other expenses whatsoever and without any deductions on account of losses. Gross income for business license purposes, may be verified by inspection of returns filed with the Internal Revenue Service, the South Carolina Department of Revenue, the South Carolina Insurance Commission, or other government agency. In case of brokers or agents, gross income means commissions received or retained, unless otherwise specified. Gross income for insurance companies means gross premiums collected. Gross income for business license tax purposes shall include the value of bartered goods and/or trade-in merchandise, conform to the gross income reported to the Internal Revenue Service, the South Carolina Department of Revenue and taxation, or the South Carolina state Insurance Commission. In the case of brokers or agents, gross income shall mean gross commissions retained. Gross receipts for insurance companies shall mean gross premiums collected.

Licenseing inspector **Official** means the county employee, or other individuals, designated by the County Administrator to perform the duties set forth in this article.

Person means any individual, firm, partnership, LLP, LLC, cooperative nonprofit membership, corporation, joint venture, association, estate, trust, business trust, receiver, syndicate, holding company or other group or combination acting as a unit, in the singular or plural, and the agent or employee having charge or control of a business in the absence of the principals. ~~A governmental entity is not a person as defined in this section.~~

Wholesaler means a business where the product the business sells is to be resold (retailed); where the supplier is truly a wholesaler, a business license is not required, however if a warehouse or place of business is maintained in the county. Suppliers to grocery stores, retailers, etc., do not have to obtain a business license. Further, if the product is used as raw material or as components in a manufactured product, a business license is not required. However or if a product is sold to an end user, its ultimate customer, a business license is required. Therefore, paper goods distributors who sell

supplies to hotels and building supply distributors who sell to contractors or owners for buildings under construction are required to obtain a business license. Such distributors' customers are the end users of the products.

(Ord. No. 99-36, § II, 11-22-1999)

Cross references: Definitions generally, § 1-2.

Sec. 18-48. Administration.

The ~~Licensing inspector~~ **Official** shall administer the provisions of this article, collect license fees, issue licenses, make or initiate investigations and audits to ensure compliance, initiate denial or revocation procedures, report violators to **Code Enforcement** ~~the County Council~~, produce forms, make reasonable regulations relating to the administration of this article, and perform such other duties as may be assigned by the County Administrator.

~~With regard to the administration of this article as it pertains to license fees from insurance companies and brokers for nonadmitted insurance companies, the State Association of Counties is designated as the exclusive agent of the county and is empowered to utilize all procedures and actions authorized by ordinance or state law.~~

(Ord. No. 99-36, § IX, 11-22-1999)

Sec. 18-49. Violations.

Any persons violating any provision of this article shall be deemed guilty of an offense and subject to a fine of up to \$500.00 or imprisonment for not more than thirty (30) days or both, upon conviction. ~~punishment under section 1-6, upon conviction.~~ Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent taxes, penalties and costs provided for in this article.

(Ord. No. 99-36, § XVII(b), 11-22-1999)

Sec. 18-50. License required.

Every person engaged or intending to engage in any calling, business, occupation or profession whether listed in the rate classification index or not, shall register the business and make application for a business license and will be required to pay an annual ~~in sections 18-65-18-68, in whole or in part, within the limits of the county, including the municipalities therein, is required to pay an annual~~ license fee and obtain a business license as provided in this article. A new business shall be required to have a business license prior to operation within the county.

(Ord. No. 99-36, § I, 11-22-1999)

Sec. 18-51. License fee.

(a) The required license fee shall be paid for each business subject to this article according to the applicable rate classification on or before May 31 in each year, except for those businesses in Rate Class 8 for which a different due date is specified.

(b) A separate license shall be required for each place of business and for each classification of business conducted at one place. If gross income cannot be separated for classifications at one location, the license fee shall be computed on the combined gross income for the classification requiring the highest rate.

~~(c) However, multiple businesses consolidated under one federal identification number may choose to file for one license covering all businesses, and the license fee shall be computed on the combined gross income for the classification requiring the highest rate. A license fee based on gross income shall be computed on the gross income for the preceding calendar or fiscal year, and on a 12-month projected income based on the monthly average for a business in operation for less than one year. The fee for a new business shall be computed on the estimated probable gross income stated in the license application for the balance of the calendar year. No refund shall be made for a business that is discontinued, annexed into a municipality or has rendered an over payment of a prior year license fee.~~

(Ord. No. 99-36, § IV, 11-22-1999)

Sec. 18-52. Effective date.

~~For persons not in business for a full tax year ending December 31, 1999, the gross revenues required to be prorated shall be estimated in the same manner as provided in section 18-51, provided, however, the pro rata license fee due for calendar year 2000 by each business shall not be lower than the stated annual minimum fee for the business's category. The business license tax shall be implemented on an annual basis for calendar year 2000 and all subsequent years. The required due date for the payment of all fees and the display of license for calendar year 2000 shall be May 31, 2000. In all subsequent years the due date shall be as specified in section 18-53.~~

(Ord. No. 99-36, § XVIII(b), 11-22-1999)

Sec. 18-53. Registration required.

(a) The owner, agent or legal representative of every business subject to this article, whether listed in the classification index or not, shall register the business and make application for a business license on or before May 31 of each year, except that a new business shall be required to have a business license prior to operation within the county. A license for a bar must be issued in the name of the individual who has been issued a State ABC license and will have actual control and management of the business.

(b) Application shall be on a form provided by the license inspector License Official which shall contain the social security number and/or the federal identification number, the South Carolina Retail License Number (if applicable), the business name as reported on the state income tax return, and all other information about the applicant and the business deemed necessary to carry out the purposes of this article by the License Inspector Official. Applicants may be required to submit copies of state and federal income tax returns reflecting gross income figures.

(c) The applicant shall certify under oath that the information given in the application is true, that the gross income is accurately reported, or estimated for a new business, without any unauthorized deductions, and that all assessments and personal property taxes on business property due and payable to the county have been paid.

~~(d) With regard to registration of insurance companies and brokers for nonadmitted insurance companies, the state association of counties is designated as the exclusive agent of the county and is empowered to utilize all procedures and actions authorized by ordinance or state law. Insurance agents and brokers shall report the name of each insurance company for which a policy was issued and the total premiums collected for each company for each type of insurance coverage on a form approved by the License Official. An insurance agent not employed by an insurance company, or employed by more than one company, shall be licensed as a broker~~

(e) ~~(b)~~ Every business, which either acts as an agent, broker or representative for any other person or has contractual arrangements with persons who are acting as independent contractors for it shall supply the following information: name, address, telephone number and estimated payments or premiums due to that person. Such information shall be supplied upon the request of the License Official ~~inspector~~ and shall be a condition precedent to obtaining the license required under this article.

(f) ~~(e)~~ Elimination of commercial waste. On the business license application form, each business shall fully disclose its method of solid waste handling and shall present proof of such solid waste disposal before a license is granted.

(Ord. No. 99-36_§ V, 11-22-1999)

(g) No business license shall be issued until the applicant first submits documents necessary to establish compliance with Beaufort County Zoning Ordinance, Building Code, and other regulatory codes as adopted by Beaufort County Council.

(h) Any person desiring to peddle goods anywhere in unincorporated Beaufort County must first meet all regulations pursuant to the provisions of Section 40-41-10, S.C. Code of Laws of 1976 and are also subject to being in compliance with the zoning and building codes.

(i) Miscellaneous Sales – (Antique Malls, Flea Markets or Leased Space Sales) any person leasing space for the sale of merchandise from an established business shall be required to have a business license, whether or not the sales are made through a central cash register. Futhermore, it shall be the responsibility of the leasor of the spaces to advise the business license office of persons leasing space.

Sec. 18-54. Deductions and exemptions.

No deductions from gross income shall be made, except ~~from~~ income from business done wholly **outside of the county jurisdiction on which a license tax is paid to another county or** ~~within a municipality on which a license tax is paid to some other municipality or other jurisdiction~~, or income which cannot be taxed pursuant to state law. The applicant shall have the burden to establish the right to a deduction by satisfactory records and proof. No person shall be exempt from the requirements of this article by reason of the lack of an established place of business within the county, unless exempted by state or federal law. The **License inspector Official** shall determine the appropriate classification and licensing for each business. No person shall be exempt from this article by reason of the payment of any other tax, unless exempted by state law, and no person shall be relieved of the liability for the payment of any other tax by reason of the application of this article.

(Ord. No. 99-36, § VI, 11-22-1999)

Sec. 18-55. False application unlawful.

It shall be unlawful for any person subject to the provisions of this article to make a false application for a business license, or to give or file, or direct the giving or filing, of any false information with respect to the license or fee required by this article.

(Ord. No. 99-36, § VII, 11-22-1999)

Sec. 18-56. Display and transfer.

(a) All persons shall display the license issued to them under this article on the original form provided by the **License Official**, ~~inspector~~ in a conspicuous place, in the business establishment, at the address shown on the license. A transient or nonresident shall carry the license upon his person or in a vehicle used in the business readily available for inspection by any authorized agent of the county.

(b) A change of address must be reported to the **License Official** ~~license inspector~~ within ten **(10)** days after removal of the business to a new location, and the license will be valid at the new address upon

written notification of the License Official inspector and compliance with zoning and building codes. Failure to obtain the approval of the License Official inspector for a change of address shall invalidate the license and subject the licensee to prosecution for doing business without a license. A business license shall not be transferable, and a transfer of ownership shall be considered a termination of the old business and the establishment of a new business requiring a new business license, based on old business income. ~~prorated for the balance of the calendar year.~~
(Ord. No. 99-36, § VIII, 11-22-1999)

Sec. 18-57. Inspections and audits.

- (a)** For the purpose of enforcing the provisions of this article the License Official inspector or other authorized agent of the county is empowered to enter upon the premises of any person subject to this article to make inspections and examine and audit books and records. It shall be unlawful for any person to fail or refuse to make available the necessary books and records. during normal business hours with 24 hours' prior written notice. If an audit or inspection reveals that false information has been filed by the licensee, the costs of the audit shall be added to the correct license fee and late penalties in addition to other penalties provided in this article. Each day of failure to pay the proper amount of license fee shall constitute a separate offense.
- (b)** The License Official inspector may make systematic and random inspections of all businesses within the county to insure compliance with this article. Records of inspections and audits shall not be deemed public records. The License Official inspector shall not release the reported gross income of any person by name without permission of the licensee, provided that statistics compiled by classifications may be made public. ~~With regard to inspections and audits of insurance companies and brokers for nonadmitted insurance companies, the State Association of Counties is designated as the exclusive agent of the county and is empowered to utilize all procedures and actions authorized by ordinance or state law.~~
- (c)** The License Official, upon approval of the County Administrator, may disclose gross income of licenses to the Internal Revenue Service, South Carolina Department of Revenue, Beaufort County Tax Appraiser, Beaufort County Business License/User Fee Board of Appeals and other County and Municipal Business License Offices for the purpose of assisting tax assessments, tax collections and enforcement of the business license. Such disclosures shall be for internal, confidential and official use by these governmental agencies and shall not be deemed public records.

(Ord. No. 99-36, § X, 11-22-1999)

Sec. 18-58. Assessments.

- (a)** When any person shall have failed to obtain a business license or to furnish the information required by this article or the License Official inspector, the License Official inspector shall proceed to examine the records of the business or any other available records as may be appropriate and to conduct investigations and statistical surveys as he/she may deem appropriate to assess a license tax and penalties as provided in this article.
- (b)** A notice of assessment shall be served by certified mail and any application for adjustment of the assessment may be made to the License Official inspector within five (5) days after the notice is mailed or the assessment will become final. The License Official inspector shall establish by regulation the procedure for hearing an application for adjustment of assessment and issuing a notice of final assessment.
- (c)** A final assessment may be appealed to the Business License/User Fee Board of Appeals ~~county council~~ only by payment in full of the assessment under protest within five days and the filing of

written notice of appeal within ten days after payment pursuant to the provisions of this article relating to appeals to the Business License/User Fee Board of Appeals county council. ~~With regard to assessments of insurance companies and brokers for nonadmitted insurance companies, the state association of counties is designated as the exclusive agent of the county and is empowered to utilize all procedures and actions authorized by ordinance or state law.~~
(Ord. No. 99-36, § XI, 11-22-1999)

Sec. 18-59. Delinquent license fees.

For nonpayment of all or any part of the correct license fee under this article, the License Official inspector shall levy and collect a late penalty of ~~\$500.00 plus five percent of the unpaid fee for each month or portion thereof after the due date until paid, plus the cost of collection. Penalties shall be waived in the absence of reasonable cause.~~ If any license fee shall remain unpaid for 60 days after its due date, the License Official inspector shall issue an execution which shall constitute a lien upon the property of the licensee for the tax, penalties and cost of collection, and shall proceed to collect in the same manner as prescribed by law for the collection of other taxes. Upon identification of a delinquent account the Director of Business License or his/her designee has the authority to establish payment plans, revenue procedures, and reduce or waive penalties based upon the revenue procedures as adopted with this amendment. ~~make a report to the county attorney for appropriate action. Partial payment may be accepted by the License Official inspector to toll imposition of penalties on the portion paid, provided, however, no business license shall be issued or renewed until the full amount of the tax due, with penalties, has been paid.~~
(Ord. No. 99-36, § XII, 11-22-1999; Ord. No. 2001-17, 6-11-2001)

Sec. 18-60. Notices.

The License Official inspector may but shall not be required to serve or mail written notices that license fees under this article are due, but he shall publish a notice of the due date in a newspaper of general circulation within the county three times prior to the due date in each year. With regard to providing notice to insurance companies and brokers for nonadmitted insurance companies that license fees are due, the South Carolina State Association of Counties is designated as the exclusive agent of the county and is empowered to utilize all procedures and actions authorized by ordinance or state law. Failure to receive notice shall not constitute a defense to prosecution for failure to pay the tax due or grounds for waiver of penalties.
(Ord. No. 99-36, § XIII, 11-22-1999)

Sec. 18-61. Denial of license.

The License Official inspector shall deny a license under this article to an applicant when the application is incomplete, contains a misrepresentation, false or misleading statement, evasion or suppression of a material fact, does not comply with all other applicable county ordinances, or when the activity for which a license is sought is unlawful or constitutes a public nuisance. A decision of the License Official inspector shall be subject to appeal to the Business License/User Fee Board of Appeals county council as provided in this article. Denial shall be written with reasons stated.
(Ord. No. 99-36, § XIV, 11-22-1999)

Sec. 18-62. Suspension or revocation of license.

When the License Official inspector determines that:

- (1) A license has been mistakenly or improperly issued or issued contrary to law;
- (2) A licensee has breached any condition upon which his the license was issued or has failed to comply with the provisions of this article;

- (3) A licensee has obtained a license through a fraud, misrepresentation, a false or misleading statement, evasion or suppression of a material fact on the license application;
- (4) A licensee has been convicted of an offense under a law or ordinance regulating business, a crime involving moral turpitude, or an unlawful sale of merchandise or prohibited goods;
- (5) A licensee has engaged in an unlawful activity or nuisance related to the business; or
- (6) The business is not in compliance with all other applicable county ordinances;

The License Official ~~inspector~~ shall give written notice to the licensee or the person in control of the business within the county by personal service or certified mail that the license is suspended pending a hearing before the Business License/User Fee Board of Appeals ~~county council~~ for the purpose of determining whether the license should be revoked. The notice shall state the time and place at which the hearing is to be held, which shall be ~~at a regular or special council meeting~~ within 30 days from the date of service of the notice. The notice shall contain a brief statement of the reasons for suspension and proposed revocation and a copy of the applicable provisions of this article.
(Ord. No. 99-36, § XV, 11-22-1999)

Sec. 18-63. Appeals to County Council.

(a) Any person aggrieved by a final assessment, charge backs from an audit or a denial of a business license under this article by the License Official ~~inspector~~ may appeal the decision to the Business License/User Fee Board of Appeals ~~county council~~ by written request stating the reasons therefor filed with the License Official ~~inspector~~ within ten (10) days after the payment of the assessment under protest or notice of denial is received.

(b) An appeal or a hearing on revocation shall be held by the Business License/User Fee Board of Appeals ~~county council~~ within 30 days after receipt of a request for appeal or service of notice of suspension at a ~~regular or special~~ meeting of which the applicant or licensee has been given written notice. At the hearing all parties shall have the right to be represented by counsel, to present testimony and evidence and to cross examine witnesses. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by the board ~~county council~~ shall govern the hearing. The board ~~county council~~ shall by majority vote of members present, render a written decision based on findings of fact and the application of the standards in this article which shall be served upon all parties or their representatives. The decision of the board shall be final unless appealed to County Council a court of competent jurisdiction within ten days after service of the Board's decision. County Council shall review the record and without further hearing affirm, modify, or deny the appeal. The decision of Council shall be final unless appealed to a court of competent jurisdiction within ten (10) days after service of County Council's decision.

(c) No person shall be subject to prosecution for doing business without a license until the expiration of ten (10) days after written notice of denial or revocation which is not appealed or until after final judgment of a circuit court upholding denial or revocation.
(Ord. No. 99-36, § XVI, 11-22-1999)

Sec. 18-64. Confidentiality.

Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for any official or employee to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any report or return required under this article. Nothing in this section shall be construed to prevent the identification of particular reports or returns.
(Ord. No. 99-36, § XVII(a), 11-22-1999)

Sec. 18-65. Classification rates and schedules.

(a) The license fee for each class of business shall be computed in accordance with the rates set forth in sections 18-66--18-68 and with the Standard Industrial Classification (SIC) Manual 1987 and the North American Industrial Classification System (NAICS), except that, in cases of conflict between the provisions of the SIC and this Code, the provisions of this Code shall prevail.

(b) Unless otherwise specifically provided, all rates shall be doubled for businesses and itinerants having no fixed place of business within the county and triple for businesses located out of state. (Ord. No. 99-36, § XIX, 11-22-1999)

Sec. 18-66. Class 8 rates.

Each SIC number designates a separate subclassification. The businesses in this section are treated as separate and individual subclasses due to provisions of state law, regulatory requirements, service burdens, tax equalization considerations, etc., which are deemed to be sufficient to require individually determined rates. Nonresident rates do not apply except where indicated.

15, 16, 17 Contractors, construction, all types. See the rate schedule in section 18-68.

(1) For nonresident contractors, the total fee for the full amount of the contract shall be paid prior to issuing a building permit or commencement of work and shall entitle the contractor to complete the job without regard to the normal license expiration date. An amended report shall be filed for each new job and the appropriate additional license fee per \$1,000 of the contract amount shall be paid prior to commencement of new work. Only one base fee shall be paid in a calendar year. A trailer at the construction site, a home office or structure in which the contractor resides is not a permanent place of business under this article.

(2) No contractor shall be issued a business license until all state and county qualification examinations and trade license requirements have been met. Each contractor shall post a sign in plain view on each job identifying the contractor with the job. In addition, each contractor shall furnish the License Official with a list of all sub-contractors furnishing labor or materials for each project.

(3) Subcontractors shall be licensed on the same basis as general, prime or manager for the same job, and no deductions shall be made by a general or prime contractor or manager for value of work performed by subcontractors. General or prime contractors will be responsible and will pay for the business license of any sub-contractor doing work on the project if the sub-contractor is found to be operating without a county business license.

(4) No contractor shall be issued a business license until all performance and indemnity bonds required by the county building code have been filed and approved. Zoning permits must be obtained when required by the county zoning ordinance codified in Chapter 106.

~~(5) Each prime contractor shall file with the License Official inspector a list of subcontractors furnishing labor or materials for each project.~~

40 *Railroad companies.* See S.C. Code 1976, § 12-23-210.

41 *Passenger transportation.* ~~(4)~~ On gross income, rate class 7 plus each vehicle per year, \$25.00.

~~(2)~~ (5) Permission to use streets required. It shall be unlawful for any person to construct, install, maintain, or operate in, on, above or under any street or public place under control of the county any line, pipe, cable, pole, structure or facility for utilities, communications, cablevision or other purposes without a consent agreement or franchise agreement issued by the County Council by ordinance which prescribes the term, fees and conditions for use.

(3) (6) Consent, franchise, or business license fee required. The annual fee for use of streets or public places authorized by a consent agreement or franchise agreement shall be set by the ordinance approving the agreement and shall be based on gross revenues derived from activities in the county, the length of lines installed in streets and public places, or other formula deemed appropriate by county council. No consent fee or franchise fee shall be construed to be in lieu of a business license fee based on gross revenue unless specifically provided by ordinance. Credits for business license fees paid may be applied to fees set by ordinance granting consent or a franchise when specifically authorized by the ordinance.

481 *Telephone companies not using public streets under franchise or consent.* Establishments providing local or long distance telephone communications as described in Standard Industrial Classification (SIC) group 481 and North American Industrial Classification System (NAICS) 5733, including voice and data communications; radio telephone services; cellular telephone services; paging and beeper services; leasing lines, fiber optic cables, microwave or satellite facilities; selling access and reselling use of facilities or methods to others, shall pay an annual business license fee of 0.3 percent of gross receipts from all communications activities conducted in the county and for communications services billed to customers located in the county on which a business license tax has not been paid to another municipality.

4841 *Television, cable or pay.* Basic fee, consent or franchise.

491-493 *Electrical and gas companies.* Consent or franchise.

55 *Automotive, motor vehicle dealers and farm machinery, retail* See the rate schedule in section 18-68.

(1) One sales lot not more than 400 feet from the main showroom may be operated under this license provided that proceeds from sales at the lot are included in gross receipts at the main office when both are operated under the same name and ownership.

(2) Gross receipts from this classification shall include full sales price without deduction for trade-ins.

(3) Dealer transfers shall not be included in gross receipts.

5999 *Promoter/coordinator of arts and crafts shows.* See the rate schedule in section 18-68.

~~(1) This shall be a special license issued only for special arts and crafts events sanctioned as such by the County Council and shall be valid solely for the time period and the specific location stated thereon. This special license must be applied for and obtained before commencement of the event for which it is to be used.~~

~~(2) It is the responsibility of the special events promoter or coordinator to ensure that all participating vendors are included in this special arts and crafts license.~~

~~(3) Each participating vendor must be the creator of the art or craft which is to be sold. This includes any person who desires to engage in the business of offering for public sale flower arrangements or any handcrafted items produced in the home. Goods purchased for sale or resale cannot be vended on this special license. Inspection shall be made on site during the sale.~~

~~(4) Other merchants and vendors at such special events, not qualifying for this special license under arts and crafts, shall be required to obtain a regular business license.~~

~~(5) Merchants and vendors now operating under valid licenses shall be allowed to operate under those licenses, incorporating such gross sales in the annual gross sales to be reported on the succeeding year's application.~~

<u>5999</u>	<u>Promoter/Coordinator of Arts and Crafts Shows</u>		<u>Base Rate/ Fee</u>	<u>Incremental Rate per Thousand</u>
	<u>First</u>	<u>\$5,000.00</u>	<u>\$50.00</u>	
	<u>Over</u>	<u>5,000.00</u>		<u>\$0.49</u>
	<u>Plus, for each participating vendor</u>		<u>Class rates apply</u>	
<u>This shall be a special license issued only for special arts and crafts events sanctioned as such and be valid solely for the time period and the specific location stated thereon. This special license must be applied for and obtained before commencement of the event for which it is to be used.</u>				
<u>It is the responsibility of the special events promoter or coordinator to ensure that all participating vendors are included in this special arts and crafts license.</u>				
<u>Each participating vendor must be the creator of the art or craft which is to be sold. This includes any person who desires to engage in the business of offering for public sale flower arrangements or any hand-crafted item produced in the home. Goods purchased for sale or resale cannot be vended on this special license.</u>				
<u>Inspections may be made on site during the sale.</u>				
<u>Other merchants and vendors at such special events, not qualifying for this special license under arts and crafts, shall be required to obtain a regular business license.</u>				
<u>Merchants and vendors now operating under valid licenses shall be allowed to operate on those licenses, incorporating such gross sales in the annual gross receipts to be reported on the succeeding year's application.</u>				

63 *Insurance companies.*

(1) On gross premiums collected through offices or agents located in the county, wherever the risk is located in the county, or collected on policies written on property or risks located in the county, wherever the premiums are collected.

(2) Gross premiums shall include new and renewal business without deductions for any dividend, credit, return premiums or deposit.

(3) Solicitation for insurance, receiving or transmitting an application or policy, examination of a risk, collection or transmitting of a premium, adjusting a claim, delivering a benefit, or doing any act in connection with a policy or claim shall constitute doing business within the county whether or not an office is maintained therein. A premium collected on property or a risk located within the county shall be deemed to have been collected within the county.

631-632 Life, health and accident insurance. The rate is 0.75 percent of gross premiums. Declining rates shall not apply.

633-635 Fire and casualty insurance. The rate is two percent of gross premiums. Declining rates shall not apply.

636 Title insurance. The rate is two percent of gross premiums. Declining rates shall not apply.

6411 Brokers for fire and casualty insurers. The rate is two percent of gross premiums. Declining rates shall not apply. Nonadmitted: On gross premiums collected on policies of companies not licensed in the state, the broker shall collect and remit annually to the state association of counties, with a copy of the report required by the insurance commission showing the location of the risks insured. (Premiums for nonadmitted business are not included in broker's gross commissions for other business.) Notwithstanding any other provision of this article, license taxes for insurance companies and brokers for nonadmitted insurers shall be payable on or before May 31 in each year without penalty. Pursuant to the S.C. Code 1976, § 5-7-300, the agreement with the state association of counties on file with the clerk for collection of current and delinquent license taxes from insurers and brokers is approved.

7993 Amusement machines, (coin-operated (except gambling))

(1) Music machines, juke boxes, kiddie rides video games, pin tables with levers and other amusement machines with or without free play licensed pursuant to S.C. Code 1976, § 12-21-2720(A)(1) and (A)(2), Type I and Type II:

- a. Operator of machine (S.C. Code 1976, § 12-21-2746), \$12.50 per machine
 (12-21-2746) Plus \$12.50 business license
(For operation of all machines, not on gross income).
- b. **Distributor selling or leasing machines**
 (Not licensed by the state as an operator pursuant to S.C. Code 1976, § 12-21-2728, see schedule in section 18-68 (nonresident rates apply).

7993 Amusement machines, coin operated non-payout

Amusement machines of the non-payout type or in-line pin game licensed by SC Department of Revenue pursuant to S.C. Code 12-21-2720(A)(3) Type III

- a. Operator of nonpayout machines **\$180 per machine**
(owner of business)
(12-21-2720(B)) **plus \$12.50 business license**

~~(2) b. Video poker and amusement machines license pursuant to S.C. Code 1976, § 12-21-2720(A)(3), see section 10-26 et seq. Distributor selling or leasing machines, not licensed by the state as an operator pursuant to S.C. Code 1976, § 12-21-2728, see schedule in section 18-68 (Ord. No. 99-36, § XIX, 11-22-1999) [Nonresident rates apply]~~

7993 Billiard, Pool Tables, Football Table, Bowling Lane Table

<u>Measuring 3 ½ x 7 ft long</u>	\$5.00
<u>Tables longer than 3 ½ x 7ft</u>	\$12.50

And Gross income of all business where located, the following rates apply:

<u>First \$5,000.00 Gross Income</u>	\$43.75
<u>Over \$5,000.00</u>	\$0.38/thousand

Sec. 18-67. Rate classification index.

The rate classification index for businesses licensed pursuant to this article shall be as follows:
TABLE INSET:

SIC	Rate Class 1 Business Group
47	Travel agencies
53	General merchandise stores
54	Food stores
553--554	Automotive supply stores and gasoline service stations
56	Apparel and accessory stores
58	Eating places (
86	Membership organizations

TABLE INSET:

SIC	Rate Class 2 Business Group
01	Agricultural production, crops
02	Agricultural production, animals
20	Food and kindred products
22	Textile mill products
23	Apparel and other finished products from fabrics and similar materials
25	Furniture and fixtures
30	Rubber and miscellaneous plastic products
31	Leather and leather products
32	Stone, clay, glass and concrete products
33	Primary metal industries
34	Fabricated and metal products (except machinery and transportation equipment)
37	Transportation equipment
39	Miscellaneous manufacturing industries
50	Wholesale trade, durable goods

51	Wholesale trade, nondurable goods
52	Building materials, hardware, garden supply and mobile home dealers
57	Furniture, home furnishings and equipment stores
70	Hotels, rooming houses, camps and other lodging

TABLE INSET:

SIC	Rate Class 3 Business Group
07	Agricultural service
24	Lumber and wood products (except furniture)
26	Paper and allied products
29	Petroleum refining and related industries
36	Electrical and electronic machinery, equipment and supplies
42	Motor freight transportation and warehousing
44	Water transportation
45	Transportation by air
59	Miscellaneous retail (except vending machines, peddlers and pawnbrokers)
61	Credit agencies other than banks
75	Automotive repair, services and garages
78	Motion pictures
79	Amusement and recreation services (except motion pictures, amusement machines and carnivals)
89	Miscellaneous services

TABLE INSET:

SIC	Rate Class 4 Business Group
27	Printing, publishing and allied products
28	Chemicals and allied products
35	Machinery, except electrical
48	Communication (except telephone)
76	Miscellaneous repair services

TABLE INSET:

SIC	Rate Class 5 Business Group
09	Fishing, hunting and trapping
14	Mining -- Minerals
38	Measuring, analyzing and controlling instruments; photographic, medical and optical goods; watches and clocks
41	Local and suburban transit and interurban highway passenger transportation
62	Security and commodity brokers, dealers -- Exchanges and services
73	Business services

TABLE INSET:

SIC	Rate Class 6 Business Group
49	Sanitary services
72	Personal services

TABLE INSET:

SIC	Rate Class 7 Business Group
08	Forestry
10	Mining -- Metals
21	Tobacco manufacture
46	Pipelines (except natural gas)
64	Insurance agents, brokers and service
65	Real estate
67	Holding and other investment offices
80	Health services
81	Legal services
82	Educational services
83	Social services
87	Engineering, accounting, research, management and related services

TABLE INSET:

SIC	Rate Class 8
-----	--------------

	Business Group
15, 16, 17	Contractors, construction, all types
40	Railroad companies
4121	Taxicabs
481	Telephone communication
491--493	Electric and gas services
55	Automotive and motor vehicle dealers and farm machinery, retail (except auto supply store 553 and gasoline service stations 554)
5093	Junk and scrap dealers
5813	Drinking places (alcoholic beverages – License must be issued in the name of the individual who has been issued a State ABC license and will have actual control and management of the business)
5932	Pawnbrokers
5962	Vending machines (automatic merchandising)
5963	Peddlers, itinerant
63	Insurance companies
6411	Brokers for nonadmitted insurers
7993	Amusement machines, coin-operated
7999	Billiard or pool tables, all types
7999	Carnivals and circuses

(Ord. No. 99-36, § XIX, 11-22-1999)

Sec. 18-68. Rate schedule.

The fee schedule for businesses licensed pursuant to this article shall be as follows **except where non-resident rates apply:**

TABLE INSET:

Business Class	Gross Revenue \$0--\$5,000 Minimum Fee	Rate per 1,000 or Fraction Thereof Over \$5,000 in Gross Revenue
Class 1	\$37.50	\$0.27
Class 2	43.75	0.38
Class 3	50.00	0.49
Class 4	56.25	0.60

Class 5	62.50	0.71
Class 6	68.75	0.82
Class 7	75.00	0.93
Class 8	43.75	0.38

(Ord. No. 99-36, 11-22-1999; Ord. No. 2006/30, 12-11-2006)

ALPHABETICAL BUSINESS CLASSIFICATION INDEX

This index is not intended to be a complete listing of all types of businesses. It is an aid in finding classifications by common name and reference to the Standard Industrial Classification manual group number. All businesses not exempt by law which are in the major groups listed under each rate class are subject to a license tax whether found in the alphabetical index or not. The License Official shall determine the proper classification of a business not listed.

TABLE INSET:

<u>NAME</u>	<u>SIC</u>	<u>CLASS</u>
<u>Abattoirs</u>	<u>2011</u>	<u>2</u>
<u>Abstract land title or warranty companies</u>	<u>6541</u>	<u>7</u>
<u>Accounting and bookkeeping services</u>	<u>8721</u>	<u>7</u>
<u>Acupuncture – (except medical doctor)</u>	<u>8049</u>	<u>7</u>
<u>Administrative office</u>	<u>7389</u>	<u>5</u>
<u>Advertising agencies or agents</u>	<u>7311</u>	<u>5</u>
<u>Advertising novelties, signs, placards, etc.</u>	<u>7319</u>	<u>5</u>
<u>Air conditioning</u>		
— <u>Contractor</u>	<u>1711</u>	<u>8</u>
— <u>Service and repair</u>	<u>7623</u>	<u>4</u>
<u>Aircraft</u>		
— <u>Retail</u>	<u>5599</u>	<u>8</u>
— <u>Supplies - wholesale</u>	<u>5088</u>	<u>2</u>
— <u>Service and repair</u>	<u>4581</u>	<u>3</u>
<u>Airport limousine service</u>	<u>4111</u>	<u>5</u>
<u>Alterations, clothing</u>	<u>7219</u>	<u>6</u>
<u>Ambulance service</u>	<u>4119</u>	<u>5</u>
<u>Amusement and recreation services</u>	<u>7999</u>	<u>3</u>
<u>Amusement machines, coin operated</u>	<u>7993</u>	<u>8</u>
<u>Amusement parks</u>	<u>7996</u>	<u>3</u>

<u>Animal hospital</u>	<u>0742</u>	<u>3</u>
<u>Answering service</u>	<u>7399</u>	<u>5</u>
<u>Antenna - installation--except household</u>	<u>1799</u>	<u>8</u>
<u> Sales - household</u>	<u>5731</u>	<u>2</u>
<u> System - satellite, master</u>	<u>4841</u>	<u>4</u>
<u>Antiques - retail</u>	<u>5932</u>	<u>3</u>
<u>Apartment complexes or buildings rental</u>	<u>6513</u>	<u>7</u>
<u>Appliances household - repair</u>	<u>7629</u>	<u>4</u>
<u> Retail</u>	<u>5722</u>	<u>2</u>
<u>Appraisers, real estate</u>	<u>6531</u>	<u>7</u>
<u>Architects</u>	<u>8712</u>	<u>7</u>
<u>Armature rewinding shops</u>	<u>7694</u>	<u>4</u>
<u>Armored car services</u>	<u>7381</u>	<u>5</u>
<u>Art glass, dealers in</u>	<u>5999</u>	<u>3</u>
<u>Artificial flowers, dealers in</u>	<u>5999</u>	<u>3</u>
<u>Artists</u>		
<u> Portrait</u>	<u>8999</u>	<u>3</u>
<u> Commercial</u>	<u>7336</u>	<u>5</u>
<u> Studios</u>	<u>8999</u>	<u>3</u>
<u> Supplies, retail</u>	<u>5999</u>	<u>3</u>
<u>Assignment, purchasers of accounts, factors</u>	<u>6153</u>	<u>3</u>
<u>Astrologers</u>	<u>Prohibited</u>	
<u>Athletic arena</u>	<u>7941</u>	<u>3</u>
<u>Athletic clubs</u>		
<u> Admission charged</u>	<u>7991</u>	<u>3</u>
<u> Membership</u>	<u>7997</u>	<u>3</u>
<u>Attorneys</u>	<u>8111</u>	<u>7</u>
<u>Auction houses</u>	<u>5999</u>	<u>3</u>
<u>Auctioneers - Regulated by state law</u>		
<u>Automatic sprinklers - installation</u>	<u>1711</u>	<u>8</u>
<u>Automobile</u>		

—	<u>Accessories - retail</u>	<u>5531</u>	<u>1</u>
—	<u>Automatic car wash</u>	<u>7542</u>	<u>3</u>
—	<u>Body, paint and trim shop</u>	<u>7532</u>	<u>3</u>
—	<u>Club, membership</u>	<u>8699</u>	<u>1</u>
—	<u>Dealers new or used - retail</u>	<u>5511</u>	<u>8</u>
—	<u>Detailers</u>	<u>7542</u>	<u>3</u>
—	<u>Leasing - long term</u>	<u>7515</u>	<u>3</u>
—	<u>Manufacturing</u>	<u>3711</u>	<u>2</u>
—	<u>Parts - new - wholesale</u>	<u>5013</u>	<u>2</u>
—	<u>Parts - new - retail</u>	<u>5531</u>	<u>1</u>
—	<u>Parts - used-wholesale/retail</u>	<u>5015</u>	<u>2</u>
—	<u>Rental</u>	<u>7514</u>	<u>3</u>
—	<u>Repairs and service</u>	<u>7538</u>	<u>3</u>
—	<u>Salvage or scrap</u>	<u>5093</u>	<u>2</u>
—	<u>Service station</u>	<u>5541</u>	<u>1</u>
—	<u>Tires, recapping</u>	<u>7534</u>	<u>3</u>
—	<u>Tires - wholesale</u>	<u>5014</u>	<u>2</u>
—	<u>Tires - retail</u>	<u>5531</u>	<u>1</u>
—	<u>Towing service</u>	<u>7549</u>	<u>3</u>
<u>Awning and tent</u>			
—	<u>Makers</u>	<u>2394</u>	<u>2</u>
—	<u>Rentals</u>	<u>7359</u>	<u>5</u>
—	<u>Repair</u>	<u>7699</u>	<u>4</u>
<u>B</u>			
<u>Bags, bagging and ties, dealers in</u>		<u>5113</u>	<u>2</u>
<u>Bail bondsman</u>		<u>7389</u>	<u>5</u>
<u>Bakery</u>			
—	<u>Retail</u>	<u>5461</u>	<u>1</u>
—	<u>Wholesale</u>	<u>5149</u>	<u>2</u>
<u>Ballroom, leased or rented</u>		<u>7911</u>	<u>3</u>
<u>Barber</u>			

<u> </u>	<u>Schools</u>	<u>7241</u>	<u>6</u>
<u> </u>	<u>Shops</u>	<u>7241</u>	<u>6</u>
<u> </u>	<u>Supplies - wholesale</u>	<u>5087</u>	<u>2</u>
<u>Barrel and drum makers and dealers</u>		<u>5085</u>	<u>2</u>
<u>Bars - drinking places</u>		<u>5813</u>	<u>8</u>
<u>Baskets, boxes, crates, bags, etc. dealers</u>		<u>5113</u>	<u>2</u>
<u>Bath houses</u>		<u>7999</u>	<u>3</u>
<u>Bath, turkish, sauna or vapor</u>		<u>7299</u>	<u>6</u>
<u>Batteries</u>			
<u> </u>	<u>Manufacture</u>	<u>3692</u>	<u>3</u>
<u> </u>	<u>Vehicle - retail or wholesale</u>	<u>5531</u>	<u>1</u>
<u>Bearings - wholesale</u>		<u>5085</u>	<u>2</u>
<u>Beauty</u>			
<u> </u>	<u>Schools</u>	<u>7231</u>	<u>6</u>
<u> </u>	<u>Shops</u>	<u>7231</u>	<u>6</u>
<u> </u>	<u>Supplies - wholesale</u>	<u>5087</u>	<u>2</u>
<u>Bed and breakfast inns</u>		<u>7011</u>	<u>2</u>
<u>Beeper service, radio pager</u>		<u>4812</u>	<u>8</u>
<u>Belting - wholesale</u>		<u>5085</u>	<u>2</u>
<u>Beverage coolers - wholesale</u>		<u>5087</u>	<u>2</u>
<u>Bicycle</u>			
<u> </u>	<u>Retail</u>	<u>5941</u>	<u>3</u>
<u> </u>	<u>Rental</u>	<u>7999</u>	<u>3</u>
<u> </u>	<u>Repair</u>	<u>7699</u>	<u>4</u>
<u> </u>	<u>Supplies - wholesale</u>	<u>5091</u>	<u>2</u>
<u>Bill distributors, handbills</u>		<u>7319</u>	<u>5</u>
<u>Billboards, erection and lease</u>		<u>7312</u>	<u>5</u>
<u>Billiard or pool hall</u>		<u>7999</u>	<u>8</u>
<u>Bingo</u>		<u>7999</u>	<u>3</u>
<u>Blacksmith</u>		<u>7699</u>	<u>4</u>
<u>Blood bank</u>		<u>8099</u>	<u>7</u>

<u>Blueprinting</u>	<u>7334</u>	<u>5</u>
<u>Boarding house</u>	<u>7021</u>	<u>2</u>
<u>Boats - sightseeing operation</u>	<u>4489</u>	<u>3</u>
<u> Supplies and accessories - wholesale</u>	<u>5091</u>	<u>2</u>
<u> Supplies and accessories - retail</u>	<u>5551</u>	<u>8</u>
<u> Boat yards, storage, repair and rental</u>	<u>4499</u>	<u>3</u>
<u>Boiler</u>		
<u> Installation</u>	<u>1711</u>	<u>8</u>
<u> Repair</u>	<u>7699</u>	<u>4</u>
<u> Wholesale</u>	<u>5074</u>	<u>2</u>
<u>Bolts and screws - wholesale</u>	<u>5072</u>	<u>2</u>
<u>Bondsman</u>	<u>7389</u>	<u>5</u>
<u>Book publisher</u>	<u>2731</u>	<u>4</u>
<u>Book store - retail</u>	<u>5942</u>	<u>3</u>
<u>Bookbinder</u>	<u>3555</u>	<u>4</u>
<u>Booking Agent, films</u>	<u>7829</u>	<u>3</u>
<u>Bootblack, bootblack stand</u>	<u>7251</u>	<u>6</u>
<u>Bottlers</u>		
<u> Flavored milk</u>	<u>2087</u>	<u>2</u>
<u> Soft drinks</u>	<u>2086</u>	<u>2</u>
<u>Supplies - wholesale</u>	<u>5085</u>	<u>2</u>
<u>Bowling</u>		
<u> Apparel and accessories</u>	<u>5699</u>	<u>1</u>
<u> Lane equipment and supplies</u>	<u>5941</u>	<u>3</u>
<u> Lanes and centers</u>	<u>7933</u>	<u>3</u>
<u>Box, manufacturing</u>	<u>2653</u>	<u>3</u>
<u>Boxing or wrestling matches</u>	<u>7941</u>	<u>3</u>
<u>Brick, agents for</u>	<u>5211</u>	<u>2</u>
<u>Brokers. See heading under type of broker</u>		
<u>Building construction - general contractors</u>	<u>1541</u>	<u>8</u>
<u>Building materials and supplies:</u>		

<u>—</u>	<u>Brick and stone</u>		
<u>—</u>	<u>Wholesale</u>	<u>5032</u>	<u>2</u>
<u>—</u>	<u>Construction materials</u>		
<u>—</u>	<u>Retail</u>	<u>5211</u>	<u>2</u>
<u>—</u>	<u>Wholesale</u>	<u>5039</u>	<u>2</u>
<u>—</u>	<u>Roofing, siding & insulation - wholesale</u>	<u>5033</u>	<u>2</u>
<u>Burglar alarms - installation only</u>		<u>1731</u>	<u>8</u>
<u>—</u>	<u>Sale and installation</u>	<u>7382</u>	<u>5</u>
<u>Bus, charter</u>		<u>4141</u>	<u>5</u>
<u>Bus and motor coach company</u>		<u>Franchise / NA</u>	
<u>Bus terminal</u>		<u>4173</u>	<u>5</u>
<u>Business broker, selling businesses</u>		<u>7389</u>	<u>5</u>
<u>Business college</u>		<u>8244</u>	<u>7</u>
<u>Business consultant</u>		<u>8748</u>	<u>7</u>
<u>Business forms, manufacturing</u>		<u>2759</u>	<u>4</u>
<u>Business forms - retail</u>		<u>5943</u>	<u>3</u>
<u>Business services, not elsewhere classified</u>		<u>7389</u>	<u>5</u>
<u>C</u>			
<u>Cablevision</u>		<u>4841</u>	<u>Franchise</u>
<u>Cabaret</u>		<u>5813</u>	<u>8</u>
<u>Cabinets</u>			
<u>—</u>	<u>Custom order</u>	<u>5712</u>	<u>2</u>
<u>—</u>	<u>Manufacturing</u>	<u>2434</u>	<u>3</u>
<u>Cafeteria</u>		<u>5812</u>	<u>1</u>
<u>Camera and photo supplies</u>			
<u>—</u>	<u>Repair shop</u>	<u>7699</u>	<u>4</u>
<u>—</u>	<u>Retail</u>	<u>5946</u>	<u>3</u>
<u>—</u>	<u>Wholesale</u>	<u>5043</u>	<u>2</u>
<u>Candy</u>			
<u>—</u>	<u>Retail</u>	<u>5441</u>	<u>1</u>
<u>—</u>	<u>Wholesale</u>	<u>5145</u>	<u>2</u>

<u>Canvasser</u>	<u>5963</u>	<u>8</u>
<u>Car Rental - short term</u>	<u>7514</u>	<u>3</u>
<u>Car wash</u>	<u>7542</u>	<u>3</u>
<u>Carnival</u>	<u>7999</u>	<u>8</u>
<u>Carpenter</u>	<u>1751</u>	<u>8</u>
<u>Carpet</u>		
<u> Cleaning</u>	<u>7217</u>	<u>6</u>
<u> Installation</u>	<u>1752</u>	<u>8</u>
<u> Retail</u>	<u>5713</u>	<u>2</u>
<u> Wholesale</u>	<u>5023</u>	<u>2</u>
<u>Carriage, horse drawn for hire</u>	<u>4789</u>	<u>1</u>
<u>Cater</u>	<u>5812</u>	<u>1</u>
<u>Cement manufacture (chemical adhesives)</u>	<u>2891</u>	<u>4</u>
<u>Cement products (see Concrete)</u>		
<u>Cemetery</u>		
<u> Agent or sales of sites</u>	<u>6553</u>	<u>7</u>
<u> Caretaker</u>	<u>0782</u>	<u>3</u>
<u>Charcoal, producers</u>	<u>2861</u>	<u>4</u>
<u>Chauffeur and limousine tour services</u>	<u>4119</u>	<u>5</u>
<u>Cheese, manufacturer or processor</u>	<u>2022</u>	<u>2</u>
<u>Chemical and allied products, manufacture</u>	<u>2819</u>	<u>4</u>
<u>Chimney cleaner</u>	<u>7349</u>	<u>5</u>
<u>Chiropractor</u>	<u>8041</u>	<u>7</u>
<u>Christmas tree sales</u>	<u>5241</u>	<u>2</u>
<u>Cigarettes, cigars, tobacco</u>		
<u> Manufacture</u>	<u>21</u>	<u>7</u>
<u> Retail</u>	<u>5993</u>	<u>3</u>
<u> Wholesale</u>	<u>5194</u>	<u>2</u>
<u>Circus</u>	<u>7999</u>	<u>8</u>
<u>Claim adjustment agent or agency</u>	<u>6411</u>	<u>7</u>
<u>Clay, stone and glass products, manufacture</u>	<u>3200</u>	<u>2</u>

<u>Clipping service, press</u>		<u>8999</u>	<u>3</u>
<u>Clothing</u>			
<u>--</u>	<u>Retail</u>	<u>5651</u>	<u>1</u>
<u>--</u>	<u>Secondhand dealer</u>	<u>5932</u>	<u>3</u>
<u>--</u>	<u>Wholesale</u>	<u>5130</u>	<u>2</u>
<u>Coal, wood or coke</u>			
<u>--</u>	<u>Retail</u>	<u>5989</u>	<u>3</u>
<u>--</u>	<u>Wholesale</u>	<u>5052</u>	<u>2</u>
<u>Coffee or tea store - retail</u>		<u>5499</u>	<u>1</u>
<u>Coffee roasters and wholesale coffee dealers</u>		<u>5149</u>	<u>2</u>
<u>Coin shop - retail</u>		<u>5999</u>	<u>3</u>
<u>Cold storage warehouse</u>		<u>4222</u>	<u>3</u>
<u>Collection and claim agency</u>		<u>7322</u>	<u>5</u>
<u>Compact disks music-retail</u>		<u>5735</u>	<u>2</u>
<u>Computer</u>			
<u>--</u>	<u>Consultant</u>	<u>7379</u>	<u>5</u>
<u>--</u>	<u>Internet provider</u>	<u>7375</u>	<u>5</u>
<u>--</u>	<u>Operator Training</u>	<u>8243</u>	<u>7</u>
<u>--</u>	<u>Repairs</u>	<u>7378</u>	<u>4</u>
<u>--</u>	<u>Service (not repairs)</u>	<u>7371-7379</u>	<u>5</u>
<u>--</u>	<u>Stores-retail</u>	<u>5734</u>	<u>2</u>
<u>--</u>			
<u>Concession stands</u>		<u>5963</u>	<u>8</u>
<u>Concrete</u>			
<u>--</u>	<u>Manufacture (paving)</u>	<u>2951</u>	<u>3</u>
<u>--</u>	<u>Manufacture, ready-mixed, wholesale</u>	<u>3273</u>	<u>2</u>
	<u>Manufacture, dry ready-mix, wholesale</u>	<u>3272</u>	<u>2</u>
<u>--</u>	<u>Mixtures and products-retail</u>	<u>5211</u>	<u>2</u>
<u>--</u>	<u>Wholesale</u>	<u>5032</u>	<u>2</u>
<u>Consultant, business</u>		<u>8748</u>	<u>7</u>
<u>Contractors, construction – all types</u>		<u>15,16,17</u>	<u>8</u>

<u>—</u>	<u>Carpentry</u>	<u>1751</u>	
<u>—</u>	<u>Commercial and industrial building</u>	<u>154</u>	
<u>—</u>	<u>Concrete</u>	<u>1771</u>	
	<u>Drywall</u>	<u>1742</u>	
<u>—</u>	<u>Electrical</u>	<u>1731</u>	
<u>—</u>	<u>Flooring</u>	<u>1752</u>	
<u>—</u>	<u>General contractors, residential & commercial</u>	<u>15</u>	
<u>—</u>	<u>Grading/excavating</u>	<u>1794</u>	
<u>—</u>	<u>Heavy construction other than residential</u>	<u>16</u>	
<u>—</u>	<u>Masonry</u>	<u>1741</u>	
<u>—</u>	<u>Painting & paper hanging</u>	<u>1721</u>	
<u>—</u>	<u>Plastering, dry wall, acoustical, & insulation</u>	<u>1742</u>	
<u>—</u>	<u>Plumbing, heating & air-conditioning</u>	<u>1711</u>	
<u>—</u>	<u>Residential building</u>	<u>152</u>	
<u>—</u>	<u>Roofing, siding & sheet metal</u>	<u>1761</u>	
<u>—</u>	<u>Signs, erecting</u>	<u>1799</u>	
<u>—</u>	<u>Special trade contractors</u>	<u>17</u>	
<u>—</u>	<u>Tile, terrazzo, marble</u>	<u>1743</u>	
	<u>Convalescent home</u>	<u>8052</u>	<u>7</u>
	<u>Convenience store – primarily gasoline and limited food-retail</u>	<u>5541</u>	<u>1</u>
	<u>Convention promoter or decorator</u>	<u>7389</u>	<u>5</u>
	<u>Cosmetics</u>		
<u>—</u>	<u>Manufacture</u>	<u>2844</u>	<u>4</u>
<u>—</u>	<u>Retail</u>	<u>5999</u>	<u>3</u>
<u>—</u>	<u>Wholesale</u>	<u>5122</u>	<u>2</u>
	<u>Cotton brokers</u>	<u>6221</u>	<u>5</u>
	<u>Cotton presses and warehouses</u>	<u>4221</u>	<u>3</u>
	<u>Cotton mill</u>	<u>2211</u>	<u>2</u>
	<u>Courier Services</u>	<u>4215</u>	<u>3</u>
	<u>Court reporting services</u>	<u>7338</u>	<u>2</u>
	<u>Cracker manufacture</u>	<u>2051</u>	<u>2</u>

<u>Craft shops</u>	<u>5945</u>	<u>3</u>
<u>Crafters (peddlers)</u>	<u>5963</u>	<u>8</u>
<u>Credit reporting agency</u>	<u>7323</u>	<u>5</u>
<u>D</u>		
<u>Dairy</u>		
<u>Products – retail</u>	<u>5451</u>	<u>1</u>
<u>Products – wholesale</u>	<u>5143</u>	<u>2</u>
<u>Supplies – wholesale</u>	<u>5084</u>	<u>2</u>
<u>Dance hall</u>	<u>7911</u>	<u>3</u>
<u>Dancing school</u>	<u>7911</u>	<u>3</u>
<u>Data processing</u>		
<u>Service</u>	<u>7379</u>	<u>5</u>
<u>Systems, supplies and equipment</u>	<u>7372</u>	<u>5</u>
<u>Day care</u>		
<u>Adult and handicapped</u>	<u>8322</u>	<u>7</u>
<u>Child</u>	<u>8351</u>	<u>7</u>
<u>Decorator, interior</u>	<u>7389</u>	<u>5</u>
<u>Delicatessen</u>	<u>5411</u>	<u>1</u>
<u>Delivery service</u>		
<u>Local trucking without storage</u>	<u>4212</u>	<u>3</u>
<u>Messenger/courier (except air)</u>	<u>4215</u>	<u>3</u>
<u>Dental equipment and supplies – wholesale</u>	<u>5086</u>	<u>2</u>
<u>Dental laboratory</u>	<u>8072</u>	<u>7</u>
<u>Dentist</u>	<u>8021</u>	<u>7</u>
<u>Department store</u>	<u>5311</u>	<u>1</u>
<u>Design of machinery</u>	<u>8712</u>	<u>7</u>
<u>Detective service</u>	<u>7381</u>	<u>5</u>
<u>Diaper service</u>	<u>7219</u>	<u>6</u>
<u>Directory – telephone – distribution</u>	<u>7389</u>	<u>5</u>
<u>Dog kennel or grooming</u>	<u>0752</u>	<u>3</u>
<u>Dressmaker for retail trade</u>	<u>5699</u>	<u>1</u>

<u>Drinking place – alcoholic</u>		<u>5813</u>	<u>8</u>
<u>Driver training school</u>		<u>8299</u>	<u>7</u>
<u>Drugs – store</u>			
<u>—</u>	<u>Retail</u>	<u>5912</u>	<u>3</u>
<u>—</u>	<u>Wholesale</u>	<u>5122</u>	<u>2</u>
<u>Dry cleaning</u>			
<u>—</u>	<u>Coin operated</u>	<u>7215</u>	<u>6</u>
<u>—</u>	<u>Retail or agents</u>	<u>7212</u>	<u>6</u>
<u>—</u>	<u>Wholesale</u>	<u>7219</u>	<u>6</u>
<u>Dry goods</u>			
<u>—</u>	<u>Retail</u>	<u>5399</u>	<u>1</u>
<u>—</u>	<u>Wholesale</u>	<u>5131</u>	<u>2</u>
<u>Dyeing and finishing textiles</u>		<u>2269</u>	<u>2</u>
<u>E</u>			
<u>Eating places</u>		<u>5812</u>	<u>1</u>
<u>Electric appliances and supplies</u>			
<u>—</u>	<u>Repair</u>	<u>7629</u>	<u>4</u>
<u>—</u>	<u>Retail</u>	<u>5722</u>	<u>2</u>
<u>—</u>	<u>Wholesale</u>	<u>5064</u>	<u>2</u>
<u>Electric Power Company</u>		<u>4900</u>	<u>8</u>
<u>Electrical Contractor</u>		<u>1731</u>	<u>8</u>
<u>Electrical machinery - manufacture</u>		<u>3600</u>	<u>3</u>
<u>Electronics, consumer - retail</u>		<u>5731</u>	<u>2</u>
<u>Elevator dealer - wholesale</u>		<u>5084</u>	<u>2</u>
<u>Elevator maintenance</u>		<u>7699</u>	<u>4</u>
<u>Employment agency</u>		<u>7361</u>	<u>5</u>
<u>Engineering services</u>		<u>8711</u>	<u>7</u>
<u>Engraving, metal</u>		<u>3479</u>	<u>2</u>
<u>Entertainment</u>		<u>7929</u>	<u>3</u>
<u>Equipment rental - construction</u>		<u>7353</u>	<u>5</u>
<u>Escort service</u>		<u>7299</u>	<u>6</u>

<u>Explosives - wholesale</u>		<u>5169</u>	<u>2</u>
<u>Exterminators</u>		<u>7342</u>	<u>5</u>
<u>Excavation work</u>		<u>1794</u>	<u>8</u>
<u>F</u>			
<u>Fabrics - retail</u>		<u>5949</u>	<u>3</u>
<u>Factors</u>		<u>6153</u>	<u>3</u>
<u>Farm and industrial machinery - wholesale</u>		<u>5080</u>	<u>2</u>
<u>Farm machinery - retail</u>		<u>5599</u>	<u>8</u>
<u>Fertilizer</u>			
<u>—</u>	<u>Manufacture</u>	<u>2874</u>	<u>4</u>
<u>—</u>	<u>Retail</u>	<u>5261</u>	<u>2</u>
<u>—</u>	<u>Wholesale</u>	<u>5191</u>	<u>2</u>
<u>Field warehousing</u>		<u>7389</u>	<u>5</u>
<u>Film</u>			
<u>—</u>	<u>Developers for general public</u>	<u>7384</u>	<u>5</u>
<u>—</u>	<u>Developers for movies and TV</u>	<u>7819</u>	<u>3</u>
<u>—</u>	<u>Distributor</u>	<u>7822</u>	<u>3</u>
<u>Finance company</u>		<u>6141</u>	<u>3</u>
<u>Fire and security services</u>		<u>7382</u>	<u>5</u>
<u>Fireworks</u>			
<u>—</u>	<u>Retail + \$50.00 State License Required +</u>	<u>5999</u>	<u>3</u>
<u>—</u>	<u>Wholesale</u>	<u>5092</u>	<u>2</u>
<u>Fish and seafood</u>			
<u>—</u>	<u>Retail</u>	<u>5421</u>	<u>1</u>
<u>—</u>	<u>Wholesale</u>	<u>5146</u>	<u>2</u>
<u>Fisheries</u>		<u>0912</u>	<u>5</u>
<u>Fishermen's equipment - retail</u>		<u>5941</u>	<u>3</u>
<u>Fixtures and furniture - manufacture</u>		<u>2500</u>	<u>2</u>
<u>Flea market operator</u>		<u>7389</u>	<u>5</u>
<u>Floor covering</u>			
<u>—</u>	<u>Contractor</u>	<u>1752</u>	<u>8</u>

<u>—</u>	<u>Retail</u>	<u>5713</u>	<u>2</u>
<u>—</u>	<u>Wholesale</u>	<u>5023</u>	<u>2</u>
<u>Florist</u>			
<u>—</u>	<u>Retail</u>	<u>5992</u>	<u>3</u>
<u>—</u>	<u>Wholesale</u>	<u>5193</u>	<u>2</u>
<u>Flour - wholesale</u>		<u>5149</u>	<u>2</u>
<u>Flowers, real or artificial</u>			
<u>—</u>	<u>Retail</u>	<u>5992</u>	<u>3</u>
<u>—</u>	<u>Wholesale</u>	<u>5193</u>	<u>2</u>
<u>Food</u>			
<u>—</u>	<u>Broker</u>	<u>5141</u>	<u>2</u>
<u>—</u>	<u>Retail, not consumed on premises</u>	<u>5411</u>	<u>1</u>
<u>—</u>	<u>Wholesale</u>	<u>5141</u>	<u>2</u>
<u>Food service equipment - sale and installation</u>		<u>1799</u>	<u>8</u>
<u>Fortune telling</u>		<u>Prohibited</u>	
<u>Foundry</u>		<u>3300</u>	<u>2</u>
<u>Freight forwarder</u>		<u>4731</u>	<u>1</u>
<u>Fruit and produce</u>			
<u>—</u>	<u>Harvesting by machine</u>	<u>0722</u>	<u>3</u>
<u>—</u>	<u>Retail</u>	<u>5431</u>	<u>1</u>
<u>—</u>	<u>Wholesale</u>	<u>5148</u>	<u>2</u>
<u>Fuel oil</u>			
<u>—</u>	<u>Retail</u>	<u>5983</u>	<u>3</u>
<u>—</u>	<u>Wholesale</u>	<u>5172</u>	<u>2</u>
<u>Funeral home, mortician, crematory</u>		<u>7261</u>	<u>6</u>
<u>Fur, clothing - retail</u>		<u>5632</u>	<u>1</u>
<u>Furnace</u>			
<u>—</u>	<u>Retail</u>	<u>5075</u>	<u>2</u>
<u>—</u>	<u>Wholesale</u>	<u>5075</u>	<u>2</u>
<u>—</u>	<u>Heating contractor</u>	<u>1711</u>	<u>8</u>
<u>Furniture</u>			

--	<u>Repair, refinishing, upholstering</u>	<u>7641</u>	<u>4</u>
--	<u>Retail</u>	<u>5712</u>	<u>2</u>
--	<u>Secondhand</u>	<u>5932</u>	<u>3</u>
--	<u>Wholesale</u>	<u>5021</u>	<u>2</u>
--	<u>Manufacture</u>	<u>2500</u>	<u>2</u>
<u>G</u>			
<u>Garage, auto repairs</u>		<u>7538</u>	<u>3</u>
<u>Garbage service, collection and disposal</u>		<u>4953</u>	<u>6</u>
<u>Garbage, collection with disposal</u>		<u>4212</u>	<u>3</u>
<u>Garment pressing, alteration</u>		<u>7212</u>	<u>6</u>
<u>Gas</u>			
--	<u>Liquefied petroleum and equipment</u>	<u>5984</u>	<u>3</u>
--	<u>Natural gas company</u>	<u>4900</u>	<u>8</u>
<u>Gasoline - Service station</u>			
--	<u>Retail</u>	<u>5541</u>	<u>1</u>
--	<u>Wholesale</u>	<u>5172</u>	<u>2</u>
<u>Gift shop</u>		<u>5947</u>	<u>3</u>
<u>Glass</u>			
--	<u>Motor vehicles sale and installation</u>	<u>7536</u>	<u>3</u>
--	<u>Products, manufacture</u>	<u>3200</u>	<u>2</u>
--	<u>Retail</u>	<u>5231</u>	<u>2</u>
<u>Golf</u>			
--	<u>Courses (including miniature)</u>	<u>7992</u>	<u>3</u>
--	<u>Sporting goods-retail</u>	<u>5941</u>	<u>3</u>
<u>Grain</u>			
--	<u>Broker (Commodity)</u>	<u>6221</u>	<u>5</u>
--	<u>Dealer - wholesale or retail</u>	<u>5153</u>	<u>2</u>
--	<u>Elevator</u>	<u>4221</u>	<u>3</u>
<u>Gravel</u>			
--	<u>Retail</u>	<u>5211</u>	<u>2</u>
--	<u>Wholesale</u>	<u>5032</u>	<u>2</u>

<u>Greeting Cards - retail</u>		<u>5947</u>	<u>3</u>
<u>Grocers</u>			
<u>—</u>	<u>Retail</u>	<u>5411</u>	<u>1</u>
<u>—</u>	<u>Wholesale</u>	<u>5141</u>	<u>2</u>
<u>Guards, security</u>		<u>7381</u>	<u>5</u>
<u>Guns</u>			
<u>—</u>	<u>Retail or dealer</u>	<u>5941</u>	<u>3</u>
<u>—</u>	<u>Wholesale</u>	<u>5091</u>	<u>2</u>
<u>Gunsmith</u>		<u>7699</u>	<u>4</u>
<u>H</u>			
<u>Hair grooming</u>		<u>7231-7241</u>	<u>6</u>
<u>Hardware</u>			
<u>—</u>	<u>Retail</u>	<u>5251</u>	<u>2</u>
<u>—</u>	<u>Wholesale</u>	<u>5072</u>	<u>2</u>
<u>Hats</u>			
<u>Hats, retail</u>		<u>5611</u>	<u>1</u>
<u>Hats, wholesale</u>		<u>5136</u>	<u>2</u>
<u>Hazardous waste storage, disposal or transportation</u>		<u>4953</u>	<u>6</u>
<u>Health</u>			
<u>—</u>	<u>Club</u>	<u>7991</u>	<u>3</u>
<u>—</u>	<u>Food store</u>	<u>5499</u>	<u>1</u>
<u>—</u>	<u>Health services, HMO</u>	<u>8010</u>	<u>7</u>
<u>—</u>	<u>Health services, medical service plans (insurance)</u>	<u>6324</u>	<u>8</u>
<u>—</u>	<u>Home health care services</u>	<u>8082</u>	<u>7</u>
<u>Hearing aids – retail</u>		<u>5999</u>	<u>3</u>
<u>Heating contractor</u>		<u>1711</u>	<u>8</u>
<u>Hemstitching and pleating</u>		<u>7219</u>	<u>6</u>
<u>Hi-fi and stereo, retail</u>		<u>5731</u>	<u>2</u>
<u>Hobby shop</u>		<u>5945</u>	<u>3</u>
<u>Holding companies</u>		<u>6700</u>	<u>7</u>
<u>Home repairs (certification required)</u>		<u>1521</u>	<u>8</u>

<u>Horticulturist</u>	<u>0781</u>	<u>3</u>
<u>Hose, industrial - wholesale</u>	<u>5085</u>	<u>2</u>
<u>Hosiery</u>		
— <u>Mill</u>	<u>2200</u>	<u>2</u>
— <u>Retail</u>	<u>5632</u>	<u>1</u>
— <u>Wholesale</u>	<u>5137</u>	<u>2</u>
<u>Hospital</u>		
— <u>Animal</u>	<u>0742</u>	<u>3</u>
— <u>General medical and surgical</u>	<u>8062</u>	<u>7</u>
— <u>Psychiatric</u>	<u>8063</u>	<u>7</u>
— <u>Specialty</u>	<u>8069</u>	<u>7</u>
<u>Hotel</u>	<u>7011</u>	<u>2</u>
<u>Hotel supplies, wholesale</u>	<u>5046</u>	<u>2</u>
<u>House mover, wrecker</u>	<u>1799</u>	<u>8</u>
<u>I</u>		
<u>Ice - dealer</u>		
— <u>Retail</u>	<u>5999</u>	<u>3</u>
— <u>Manufacture</u>	<u>2097</u>	<u>2</u>
<u>Ice cream</u>		
— <u>Manufacture</u>	<u>2024</u>	<u>2</u>
— <u>Retail dairy products</u>	<u>5451</u>	<u>1</u>
— <u>Shop or stand</u>	<u>5812</u>	<u>1</u>
— <u>Wholesale</u>	<u>5143</u>	<u>2</u>
<u>Industrial chemicals - wholesale</u>	<u>5169</u>	<u>2</u>
<u>Industrial and farm machinery and equipment</u>	<u>5080</u>	<u>2</u>
<u>Inn, food and lodging</u>	<u>7011</u>	<u>2</u>
<u>Insulation contractor</u>	<u>1742</u>	<u>8</u>
<u>Insurance - adjuster</u>	<u>6411</u>	<u>7</u>
— <u>Agent, broker (see 8 for non-admitted), solicitor</u>	<u>6411</u>	<u>7</u>
— <u>Broker for non-admitted insurer</u>	<u>6411</u>	<u>8</u>
— <u>Company, fire and casualty</u>	<u>633--635</u>	<u>8</u>

<u> </u>	<u>Company, life and health</u>	<u>631--632</u>	<u>8</u>
<u> </u>	<u>Company, title and others not elsewhere classified</u>	<u>636--639</u>	<u>8</u>
<u> </u>	<u>Consultant or engineer</u>	<u>6411</u>	<u>7</u>
<u>Interior decorator</u>		<u>7389</u>	<u>5</u>
<u>Internet</u>			
<u> </u>	<u>Provider, information retrieval</u>	<u>7375</u>	<u>5</u>
<u> </u>	<u>E-Mail (electronic mail service only)</u>	<u>4822</u>	<u>4</u>
<u>Investment counselor</u>		<u>6282</u>	<u>5</u>
<u>Investment firm, general brokerage</u>		<u>6211</u>	<u>5</u>
<u>Iron and steel, semi-finished items - wholesale</u>		<u>5051</u>	<u>2</u>
<u>J</u>			
<u>Janitor or housekeeping service</u>		<u>7349</u>	<u>5</u>
<u>Janitor supplies - wholesale</u>		<u>5087</u>	<u>2</u>
<u>Jewelry</u>			
<u> </u>	<u>Repair</u>	<u>7631</u>	<u>4</u>
<u> </u>	<u>Retail</u>	<u>5944</u>	<u>3</u>
<u> </u>	<u>Wholesale</u>	<u>5094</u>	<u>2</u>
<u>Junk dealer - wholesale</u>		<u>5093</u>	<u>8</u>
<u>K</u>			
<u>Karate school</u>		<u>7999</u>	<u>3</u>
<u>Kennel</u>		<u>0752</u>	<u>3</u>
<u>Kerosene & fuel oil, heating</u>			
<u> </u>	<u>Retail</u>	<u>5983</u>	<u>3</u>
<u> </u>	<u>Wholesale</u>	<u>5172</u>	<u>2</u>
<u>Kindergarten</u>		<u>8211</u>	<u>7</u>
<u>Kitchen designers and contractors</u>		<u>1521</u>	<u>8</u>
<u>Knitting mill - textile manufacture</u>		<u>2253</u>	<u>2</u>
<u>L</u>			
<u>Laboratory, testing, commercial</u>		<u>8734</u>	<u>7</u>
<u>Lamps</u>			
<u> </u>	<u>Retail</u>	<u>5719</u>	<u>2</u>

<u> </u>	<u>Wholesale</u>	<u>5023</u>	<u>2</u>
<u>Land title or abstract company</u>		<u>6361</u>	<u>1</u>
<u>Landfill, solid waste</u>		<u>4953</u>	<u>6</u>
<u>Landscape service</u>		<u>0781</u>	<u>3</u>
<u>Lapidary</u>			
<u> </u>	<u>Retail shop</u>	<u>5999</u>	<u>3</u>
<u> </u>	<u>Supplies and equipment - wholesale</u>	<u>5085</u>	<u>2</u>
<u>Laundries</u>		<u>7215</u>	<u>6</u>
<u>Laundry agent or pickup station</u>		<u>7211</u>	<u>6</u>
<u>Lawn care service</u>		<u>0782</u>	<u>3</u>
<u>Lawnmowers</u>			
<u> </u>	<u>Repair</u>	<u>7699</u>	<u>4</u>
<u> </u>	<u>Retail</u>	<u>5261</u>	<u>2</u>
<u> </u>	<u>Wholesale</u>	<u>5083</u>	<u>2</u>
<u>Leased equipment, not otherwise listed</u>		<u>7359</u>	<u>5</u>
<u>Leasing company, vehicles, and non-expendable equipment</u>		<u>7510</u>	<u>3</u>
<u>Leather goods - retail</u>		<u>5948</u>	<u>3</u>
<u>Leather and products, manufacture</u>		<u>3111</u>	<u>2</u>
<u>Legal services, attorney</u>		<u>8111</u>	<u>7</u>
<u>Libraries, lending and depositories in stores</u>		<u>8231</u>	<u>7</u>
<u>Limousine service</u>		<u>4111</u>	<u>5</u>
<u>Linen service</u>		<u>7213</u>	<u>6</u>
<u>Livestock dealer and services</u>		<u>0751</u>	<u>3</u>
<u>Locker rental, cold storage of food</u>		<u>4222</u>	<u>3</u>
<u>Locksmith</u>		<u>7699</u>	<u>4</u>
<u>Lodging and roominghouses</u>		<u>7021</u>	<u>2</u>
<u>Luggage - retail</u>		<u>5948</u>	<u>3</u>
<u>Lumber</u>			
<u> </u>	<u>Manufacture</u>	<u>2400</u>	<u>3</u>
<u> </u>	<u>Retail</u>	<u>5211</u>	<u>2</u>
<u>M</u>			

<u>Machine shop</u>	<u>3599</u>	<u>4</u>
<u>Magazine, sales or subscriptions, door-to-door</u>	<u>5963</u>	<u>8</u>
<u>Mail order business</u>	<u>5961</u>	<u>3</u>
<u>Management consultant</u>	<u>8742</u>	<u>7</u>
<u>Manicurist</u>	<u>7231</u>	<u>6</u>
<u>Manufactured home (See mobile home)</u>		
<u>Manufacturing</u>		
<u> Apparel</u>	<u>2300</u>	<u>2</u>
<u> Chemicals and allied products</u>	<u>2800</u>	<u>4</u>
<u> Clay, stone and glass products</u>	<u>3200</u>	<u>2</u>
<u> Computer equipment</u>	<u>3500</u>	<u>4</u>
<u> Electrical machinery, equipment, supplies</u>	<u>3600</u>	<u>3</u>
<u> Furniture and fixtures</u>	<u>2500</u>	<u>2</u>
<u> Leather and leather products</u>	<u>3100</u>	<u>2</u>
<u> Lumber</u>	<u>2400</u>	<u>3</u>
<u> Machinery - industrial, commercial, computer</u>	<u>3500</u>	<u>4</u>
<u> Medicine</u>	<u>2833</u>	<u>4</u>
<u> Metals, primary</u>	<u>3300</u>	<u>2</u>
<u> Metal products</u>	<u>3400</u>	<u>2</u>
<u> Miscellaneous manufacturing (not listed)</u>	<u>3900</u>	<u>2</u>
<u> Paper and allied products</u>	<u>2600</u>	<u>3</u>
<u> Petroleum refining and related</u>	<u>2900</u>	<u>3</u>
<u> Rubber and miscellaneous products</u>	<u>3000</u>	<u>2</u>
<u> Soap</u>	<u>2841</u>	<u>4</u>
<u> Textile mill products</u>	<u>2200</u>	<u>2</u>
<u> Tobacco products</u>	<u>2100</u>	<u>7</u>
<u> Transportation equipment</u>	<u>3700</u>	<u>2</u>
<u> Manufacturing not otherwise listed</u>	<u>3900</u>	<u>2</u>
<u>Marble, building - cut and shape</u>	<u>3281</u>	<u>2</u>
<u>Marble, granite and other stone yards</u>	<u>5032</u>	<u>2</u>
<u>Marina</u>	<u>4493</u>	<u>3</u>

<u>Massage</u>	<u>7299</u>	<u>6</u>
<u>Mattress</u>		
<u> Manufacture</u>	<u>2515</u>	<u>2</u>
<u> Retail</u>	<u>5712</u>	<u>2</u>
<u>Meat processing</u>	<u>2013</u>	<u>2</u>
<u>Meat</u>		
<u> Retail market</u>	<u>5421</u>	<u>1</u>
<u> Wholesale</u>	<u>5147</u>	<u>2</u>
<u>Medical and health services</u>	<u>8000</u>	<u>7</u>
<u>Medical, dental, hospital equipment and supplies - wholesale</u>	<u>5047</u>	<u>2</u>
<u>Medicine - manufacture</u>	<u>2833</u>	<u>4</u>
<u>Men's and boys wearing apparel - retail</u>	<u>5611</u>	<u>1</u>
<u>Messenger service</u>	<u>4215</u>	<u>3</u>
<u>Metal jobber - wholesale</u>	<u>5051</u>	<u>2</u>
<u>Metal products, manufacture</u>	<u>3400</u>	<u>2</u>
<u>Milk</u>		
<u> Retail</u>	<u>5451</u>	<u>1</u>
<u> Wholesale</u>	<u>5143</u>	<u>2</u>
<u>Millinery</u>		
<u> Retail</u>	<u>5632</u>	<u>1</u>
<u> Wholesale</u>	<u>5137</u>	<u>2</u>
<u>Mining</u>		
<u> Metals</u>	<u>1000</u>	<u>7</u>
<u> Minerals</u>	<u>1400</u>	<u>5</u>
<u>Miscellaneous business services, not listed</u>	<u>8999</u>	<u>3</u>
<u>Mobile home</u>		
<u> Sites, rental</u>	<u>6515</u>	<u>7</u>
<u> Repairs</u>	<u>7699</u>	<u>4</u>
<u> Retail</u>	<u>5271</u>	<u>2</u>
<u>Money lender - industrial loans, finance company (not banks)</u>	<u>6141</u>	<u>3</u>
<u>Monuments - retail</u>	<u>5999</u>	<u>3</u>

<u>Mortgage broker</u>	<u>6163</u>	<u>3</u>
<u>Motel</u>	<u>7011</u>	<u>2</u>
<u>Motion picture</u>		
<u>— Film agent</u>	<u>7829</u>	<u>3</u>
<u>— Operator</u>	<u>7832</u>	<u>3</u>
<u>— Supply house</u>	<u>5043</u>	<u>2</u>
<u>— Theater and drive-in</u>	<u>7833</u>	<u>3</u>
<u>Motor freight line</u>	<u>4231</u>	<u>3</u>
<u>Motor vehicle driver training school</u>	<u>8299</u>	<u>7</u>
<u>Motorcycles</u>		
<u>— Dealer or agent</u>	<u>5571</u>	<u>8</u>
<u>— Parts and accessories</u>	<u>5531</u>	<u>1</u>
<u>— Rental</u>	<u>7999</u>	<u>3</u>
<u>— Repairs</u>	<u>7699</u>	<u>4</u>
<u>Motor vehicle dealer - retail</u>	<u>551-552</u>	<u>8</u>
<u>Motors, outboard - retail</u>	<u>5551</u>	<u>8</u>
<u>Movers, trucking and storage</u>	<u>4214</u>	<u>3</u>
<u>Multigraphing or photocopying</u>	<u>7334</u>	<u>5</u>
<u>Music - sheet music and musical instruments</u>		
<u>— Retail</u>	<u>5736</u>	<u>2</u>
<u>— School</u>	<u>8299</u>	<u>7</u>
<u>— Tapes & compact disks - retail</u>	<u>5735</u>	<u>2</u>
<u>— Teachers & educational services</u>	<u>8299</u>	<u>7</u>
<u>— Wire transmitted, systems</u>	<u>7389</u>	<u>5</u>
<u>Musicians - entertainers</u>	<u>7929</u>	<u>3</u>
<u>N</u>		
<u>Natatorium or swimming pool</u>	<u>7999</u>	<u>3</u>
<u>Neckwear - retail</u>	<u>5611</u>	<u>1</u>
<u>News syndicate</u>	<u>7383</u>	<u>5</u>
<u>Newspaper</u>		
<u>— Advertising</u>	<u>7311</u>	<u>5</u>

--	<u>Publishing</u>	<u>2711</u>	<u>4</u>
--	<u>Retail</u>	<u>5994</u>	<u>3</u>
--	<u>Wholesale</u>	<u>5192</u>	<u>2</u>
<u>Newsstand</u>		<u>5994</u>	<u>3</u>
<u>Nightclub</u>		<u>5813</u>	<u>8</u>
<u>Notions, novelties</u>			
--	<u>Retail</u>	<u>5947</u>	<u>3</u>
<u>Nursery, day</u>		<u>8351</u>	<u>7</u>
<u>Nursery or horticulturist</u>		<u>5261</u>	<u>2</u>
<u>Nurses registry</u>		<u>7361</u>	<u>5</u>
<u>Nursing home</u>			
--	<u>Skilled care</u>	<u>8051</u>	<u>7</u>
--	<u>Intermediate care</u>	<u>8052</u>	<u>7</u>
--	<u>Assisted living with health care</u>	<u>8053</u>	<u>7</u>
<u>O</u>			
<u>Office building, rental</u>		<u>6531</u>	<u>7</u>
<u>Office building, rental agent</u>		<u>6531</u>	<u>7</u>
<u>Office furniture</u>			
--	<u>Rental</u>	<u>7359</u>	<u>5</u>
--	<u>Retail</u>	<u>5999</u>	<u>3</u>
--	<u>Wholesale</u>	<u>5021</u>	<u>2</u>
<u>Office machines</u>			
--	<u>Rental</u>	<u>7359</u>	<u>5</u>
--	<u>Retail</u>	<u>5999</u>	<u>3</u>
--	<u>Service and repair</u>	<u>7629</u>	<u>4</u>
--	<u>Wholesale</u>	<u>5044</u>	<u>2</u>
<u>Office supplies</u>			
--	<u>Retail</u>	<u>5999</u>	<u>3</u>
--	<u>Wholesale</u>	<u>5112</u>	<u>2</u>
<u>Oil, fuel only</u>			
--	<u>Retail</u>	<u>5983</u>	<u>3</u>

<u> </u>	<u>Wholesale</u>	<u>5172</u>	<u>2</u>
<u>Ophthalmic goods - wholesale</u>		<u>5048</u>	<u>2</u>
<u>Optical goods</u>			
<u> </u>	<u>Retail</u>	<u>5995</u>	<u>3</u>
<u> </u>	<u>Wholesale</u>	<u>5048</u>	<u>2</u>
<u>Optometrist</u>		<u>8042</u>	<u>7</u>
<u>Osteopathic, physicians and clinics</u>		<u>8031</u>	<u>7</u>
<u>P</u>			
<u>Packing house, cold storage</u>		<u>4222</u>	<u>3</u>
<u>Paging service, electronic</u>		<u>4812</u>	<u>8</u>
<u>Paint</u>			
<u> </u>	<u>Manufacture</u>	<u>2851</u>	<u>4</u>
<u> </u>	<u>Retail</u>	<u>5231</u>	<u>2</u>
<u> </u>	<u>Wholesale</u>	<u>5198</u>	<u>2</u>
	<u>Contractor/wallpaper hangers</u>	<u>1721</u>	<u>8</u>
<u>Paper and allied products</u>			
<u> </u>	<u>Manufacture</u>	<u>2621</u>	<u>3</u>
<u> </u>	<u>Retail</u>	<u>5943</u>	<u>3</u>
<u> </u>	<u>Wholesale</u>	<u>5113</u>	<u>2</u>
<u>Parcel delivery company</u>		<u>4215</u>	<u>3</u>
<u>Parking lots and garages</u>		<u>7521</u>	<u>3</u>
<u>Parking spaces, trailer park</u>		<u>6515</u>	<u>7</u>
<u>Party shop</u>		<u>5411</u>	<u>1</u>
<u>Pawnbrokers, (South Carolina Certificate of Authority and Precious Metals Permit required)</u>		<u>5932</u>	<u>8</u>
<u>Peanut and popcorn stands</u>		<u>5441</u>	<u>1</u>
<u>Peddlers, all types</u>		<u>5963</u>	<u>8</u>
<u>Personal holding company</u>		<u>6719</u>	<u>7</u>
<u>Personal services, miscellaneous</u>		<u>7299</u>	<u>6</u>
<u>Personnel supply services</u>		<u>7361</u>	<u>5</u>
<u>Personnel, management consultants</u>		<u>8742</u>	<u>7</u>

<u>Pest control - exterminators</u>	<u>7342</u>	<u>5</u>
<u>Pet</u>		
<u> Grooming, kennel, boarding, training</u>	<u>0752</u>	<u>3</u>
<u> Shop</u>	<u>5999</u>	<u>3</u>
<u>Pharmacy</u>	<u>5912</u>	<u>3</u>
<u>Photocopying</u>	<u>7334</u>	<u>5</u>
<u>Photograph developing and retouching</u>	<u>7384</u>	<u>5</u>
<u>Photographer</u>		
<u> Commercial</u>	<u>7335</u>	<u>5</u>
<u> Portraits</u>	<u>7221</u>	<u>6</u>
<u>Photo supply store - retail</u>	<u>5946</u>	<u>3</u>
<u>Physical fitness center</u>	<u>7991</u>	<u>3</u>
<u>Physician</u>	<u>8011</u>	<u>7</u>
<u>Piano tuner</u>	<u>7699</u>	<u>4</u>
<u>Pianos - retail</u>	<u>5736</u>	<u>2</u>
<u>Pictures or picture frames - retail</u>	<u>5999</u>	<u>3</u>
<u>Plating, silver etc.</u>	<u>3471</u>	<u>2</u>
<u>Plumbing</u>		
<u> Contractor</u>	<u>1711</u>	<u>8</u>
<u> Supplies and equipment</u>		
<u> Retail</u>	<u>5211</u>	<u>2</u>
<u> Wholesale</u>	<u>5074</u>	<u>2</u>
<u>Pool cleaning</u>	<u>7349</u>	<u>5</u>
<u>Polygraph service</u>	<u>7381</u>	<u>5</u>
<u>Printing or duplicating, all types</u>	<u>2700</u>	<u>4</u>
<u>Produce - retail and wholesale</u>	<u>5141</u>	<u>2</u>
<u>Promoters, sports and entertainment</u>	<u>7941</u>	<u>3</u>
<u>Protective services, security</u>	<u>7381</u>	<u>5</u>
<u>Public relations</u>	<u>8743</u>	<u>7</u>
<u>Publisher</u>	<u>2731</u>	<u>4</u>
<u>Pulpwood yards, wholesale</u>	<u>5099</u>	<u>2</u>

<u>Pumps</u>			
<u>—</u>	<u>Retail</u>	<u>5999</u>	<u>3</u>
<u>—</u>	<u>Wholesale</u>	<u>5084</u>	<u>2</u>
<u>R</u>			
<u>Radiator repairs</u>		<u>7539</u>	<u>3</u>
<u>Radio and TV</u>			
<u>—</u>	<u>Retail</u>	<u>5731</u>	<u>2</u>
<u>—</u>	<u>Rental or lease</u>	<u>7359</u>	<u>5</u>
<u>—</u>	<u>Repairs</u>	<u>7622</u>	<u>4</u>
<u>—</u>	<u>Stations</u>	<u>4832</u>	<u>4</u>
<u>—</u>	<u>Supplies, parts, wholesale</u>	<u>5065</u>	<u>2</u>
<u>Railroad company</u>		<u>4000</u>	<u>8</u>
<u>Real estate</u>			
<u>—</u>	<u>Operator, lessors with more than one dwelling unit</u>	<u>651</u>	<u>7</u>
<u>—</u>	<u>Agent broker, realtor, manager</u>	<u>6531</u>	<u>7</u>
<u>—</u>	<u>Developer, subdivider</u>	<u>6552</u>	<u>7</u>
<u>Recreation center</u>		<u>7999</u>	<u>3</u>
<u>Recreation vehicle dealer - retail</u>		<u>5561</u>	<u>8</u>
<u>Refrigerators</u>			
<u>—</u>	<u>Retail</u>	<u>5722</u>	<u>2</u>
<u>—</u>	<u>Wholesale</u>	<u>5064</u>	<u>2</u>
<u>Rehabilitation house, after care</u>		<u>8081</u>	<u>7</u>
<u>Rental property income (more than one dwelling unit)</u>		<u>6514</u>	<u>7</u>
<u>Rental service, miscellaneous, not listed</u>		<u>7359</u>	<u>5</u>
<u>Repair services, miscellaneous</u>		<u>7699</u>	<u>4</u>
<u>Reporter, stenographer, fee or commission</u>		<u>7338</u>	<u>5</u>
<u>Repossession service</u>		<u>7389</u>	<u>5</u>
<u>Representative, business</u>		<u>7389</u>	<u>5</u>
<u>Residential care - home</u>		<u>8361</u>	<u>7</u>
<u>Restaurant (without alcohol)</u>		<u>5812</u>	<u>1</u>
<u>Retail trade</u>			

—	<u>Apparel and accessories</u>	<u>5699</u>	<u>1</u>
—	<u>Building materials, hardware, farm equipment, etc.</u>	<u>5200</u>	<u>2</u>
—	<u>Food</u>	<u>5411</u>	<u>1</u>
—	<u>Furniture, home equipment</u>	<u>5712</u>	<u>2</u>
—	<u>General merchandise</u>	<u>5399</u>	<u>1</u>
—	<u>Miscellaneous, not listed</u>	<u>5999</u>	<u>3</u>
<u>Retirement center</u>		<u>8361</u>	<u>7</u>
<u>Riding school, academy</u>		<u>7999</u>	<u>3</u>
<u>Roofing</u>			
—	<u>Contractor</u>	<u>1761</u>	<u>8</u>
—	<u>Manufacture</u>	<u>2952</u>	<u>3</u>
—	<u>Retail</u>	<u>5211</u>	<u>2</u>
—	<u>Wholesale</u>	<u>5033</u>	<u>2</u>
<u>Rooming house</u>		<u>7021</u>	<u>2</u>
<u>Rubber – related products – manufacture</u>		<u>3069</u>	<u>2</u>
—	<u>Stamps – manufacture</u>	<u>3999</u>	<u>2</u>
—	<u>Stamps – retail</u>	<u>5999</u>	<u>3</u>
<u>Rug cleaning</u>		<u>7217</u>	<u>6</u>
<u>Rugs and carpets – retail</u>		<u>5713</u>	<u>2</u>
<u>S</u>			
<u>Safes – dealer or agent</u>		<u>5044</u>	<u>2</u>
<u>Sales, door-to-door or by telephone</u>		<u>5963</u>	<u>8</u>
<u>Sales engineer</u>		<u>7389</u>	<u>5</u>
<u>Sales office. See heading under product</u>			
<u>Sales promotion</u>		<u>7389</u>	<u>5</u>
<u>Sand</u>			
—	<u>Retail</u>	<u>5211</u>	<u>2</u>
—	<u>Wholesale</u>	<u>5032</u>	<u>2</u>
<u>Sandwiches</u>			
—	<u>Manufacture and wholesale</u>	<u>5149</u>	<u>2</u>
—	<u>Retail</u>	<u>5812</u>	<u>1</u>

<u>Sanitarium</u>	<u>8051</u>	<u>7</u>
<u>Satellite antenna - sales and installation - household</u>	<u>5731</u>	<u>2</u>
<u>Satellite master antenna systems - services</u>	<u>4841</u>	<u>4</u>
<u>Sausage factory</u>	<u>2013</u>	<u>2</u>
<u>Saw mill, planing mill</u>	<u>2421</u>	<u>3</u>
<u>Saws - wholesale</u>	<u>5072</u>	<u>2</u>
<u>Scales</u>		
— <u>Retail</u>	<u>5999</u>	<u>3</u>
— <u>Wholesale</u>	<u>5046</u>	<u>2</u>
<u>School</u>		
— <u>Acting</u>	<u>8299</u>	<u>7</u>
— <u>Dance</u>	<u>7911</u>	<u>3</u>
— <u>Educational or vocational</u>	<u>8200</u>	<u>7</u>
— <u>Supplies and books - retail</u>	<u>5943</u>	<u>3</u>
— <u>Supplies and desks - wholesale</u>	<u>5021</u>	<u>2</u>
<u>Scrap Yards - wholesale</u>	<u>5093</u>	<u>8</u>
<u>Screens, doors, windows</u>		
— <u>Manufacture</u>	<u>2431</u>	<u>3</u>
— <u>Retail</u>	<u>5211</u>	<u>2</u>
— <u>Wholesale</u>	<u>5051</u>	<u>2</u>
<u>Secondhand goods, all types</u>	<u>5932</u>	<u>3</u>
<u>Secretarial service</u>	<u>7338</u>	<u>5</u>
<u>Security and guard services</u>	<u>7381</u>	<u>5</u>
<u>Seeds - retail</u>	<u>5261</u>	<u>2</u>
<u>Sewer pipe - wholesale</u>	<u>5032</u>	<u>2</u>
<u>Sewing machines</u>		
— <u>Manufacture</u>	<u>3634</u>	<u>3</u>
— <u>Retail</u>	<u>5722</u>	<u>2</u>
— <u>Wholesale</u>	<u>5064</u>	<u>2</u>
<u>Shipyards</u>	<u>3731</u>	<u>2</u>
<u>Shirts, manufacture</u>	<u>2326</u>	<u>2</u>

<u>Shoes</u>			
<u>—</u>	<u>Repair</u>	<u>7251</u>	<u>6</u>
<u>—</u>	<u>Retail</u>	<u>5661</u>	<u>1</u>
<u>—</u>	<u>Wholesale</u>	<u>5139</u>	<u>2</u>
<u>Shooting gallery</u>		<u>7999</u>	<u>3</u>
<u>Shopping centers leasing</u>		<u>6512</u>	<u>1</u>
<u>Shopping service for individuals</u>		<u>7299</u>	<u>6</u>
<u>Shuffleboards</u>		<u>7999</u>	<u>3</u>
<u>Sightseeing buses</u>		<u>4141</u>	<u>5</u>
<u>Sign painter</u>		<u>7389</u>	<u>5</u>
<u>Signs, erecting</u>		<u>1799</u>	<u>8</u>
<u>Silver and gold dealers – retail</u>		<u>5944</u>	<u>3</u>
<u>Skating rink – ice or rollerskate</u>		<u>7999</u>	<u>3</u>
<u>Soap</u>			
<u>—</u>	<u>Manufacture</u>	<u>2841</u>	<u>4</u>
<u>—</u>	<u>Wholesale</u>	<u>5122</u>	<u>2</u>
<u>Soda fountain</u>		<u>5812</u>	<u>1</u>
<u>Soda fountain supplies – wholesale</u>		<u>5145</u>	<u>2</u>
<u>Soda water – wholesale</u>		<u>5145</u>	<u>2</u>
<u>Soft drinks – wholesale</u>		<u>5145</u>	<u>2</u>
<u>Soft drink stands – retail</u>		<u>5812</u>	<u>1</u>
<u>Solicitor (see peddler)</u>		<u>5963</u>	<u>8</u>
<u>Spa – health club</u>		<u>7991</u>	<u>3</u>
<u>Sporting goods</u>			
<u>—</u>	<u>Retail</u>	<u>5941</u>	<u>3</u>
<u>—</u>	<u>Wholesale</u>	<u>5091</u>	<u>2</u>
<u>Stable, feed, boarding or sales</u>		<u>7999</u>	<u>3</u>
<u>Stamp shop – retail (philatelist)</u>		<u>5999</u>	<u>3</u>
<u>Stationery, including books</u>		<u>5943</u>	<u>3</u>
<u>Statuary – retail</u>		<u>5999</u>	<u>3</u>
<u>Steam, heating and cooling contractor</u>		<u>1711</u>	<u>8</u>

<u>Stenographer, fee or commission</u>	<u>7338</u>	<u>5</u>
<u>Stevedoring</u>	<u>4491</u>	<u>3</u>
<u>Stock broker or dealer</u>	<u>6211</u>	<u>5</u>
<u>Stone, clay, glass products - manufacture</u>	<u>3299</u>	<u>2</u>
<u>Stoves</u>		
<u> Repair</u>	<u>7699</u>	<u>4</u>
<u> Retail</u>	<u>5722</u>	<u>2</u>
<u> Wholesale</u>	<u>5064</u>	<u>2</u>
<u> Manufacture</u>	<u>3631</u>	<u>3</u>
<u>Sugar - wholesale</u>	<u>5149</u>	<u>2</u>
<u>Surgical instruments - wholesale</u>	<u>5047</u>	<u>2</u>
<u>Surveyor</u>	<u>8713</u>	<u>7</u>
<u>Sweeping service, road, bridges, etc...</u>	<u>4959</u>	<u>6</u>
<u>Swimming pool contractor</u>	<u>1799</u>	<u>8</u>
<u>T</u>		
<u>Tailor, custom - retail</u>	<u>5699</u>	<u>1</u>
<u>Tailor shop - repair</u>	<u>7219</u>	<u>6</u>
<u>Talent agent</u>	<u>7399</u>	<u>5</u>
<u>Tanning salon</u>	<u>7299</u>	<u>6</u>
<u>Tape recorders - retail</u>	<u>5731</u>	<u>2</u>
<u>Tapes, music - retail</u>	<u>5735</u>	<u>2</u>
<u>Tavern</u>	<u>5813</u>	<u>8</u>
<u>Tax service</u>	<u>7291</u>	<u>6</u>
<u>Taxi cab</u>	<u>4121</u>	<u>7</u>
<u>Taxidermist</u>	<u>7699</u>	<u>4</u>
<u>Tea, coffee - retail</u>	<u>5499</u>	<u>1</u>
<u>Telegraph or signal company agent</u>	<u>4822</u>	<u>4</u>
<u>Telephone</u>		
<u> Answering service</u>	<u>7389</u>	<u>5</u>
<u> Beeper service, radio pager</u>	<u>4812</u>	<u>8</u>
<u> Billing services</u>	<u>7389</u>	<u>5</u>

—	<u>Communication services (based on gross receipts</u>		
—	<u>billed to customers within the county)</u>	<u>4811</u>	<u>8</u>
—	<u>Company</u>	<u>481</u>	<u>8</u>
—	<u>Directories, distribution</u>	<u>7389</u>	<u>5</u>
—	<u>Equipment leasing</u>	<u>7359</u>	<u>5</u>
—	<u>Equipment sales - retail</u>	<u>5999</u>	<u>3</u>
—	<u>Installation</u>	<u>1731</u>	<u>8</u>
—	<u>Maintenance</u>	<u>7629</u>	<u>4</u>
—	<u>Paging service, electronic</u>	<u>4812</u>	<u>8</u>
—	<u>Pay phones, public</u>	<u>7389</u>	<u>5</u>
—	<u>Solicitation service</u>	<u>7389</u>	<u>5</u>
<u>Television</u>			
—	<u>Broadcast station</u>	<u>4833</u>	<u>4</u>
—	<u>Closed circuit system</u>	<u>4841</u>	<u>4</u>
—	<u>CATV</u>	<u>Franchise</u>	
<u>Pay TV</u>		<u>Franchise</u>	
<u>Television and VCR</u>			
—	<u>Rent or lease</u>	<u>7359</u>	<u>5</u>
—	<u>Repair</u>	<u>7622</u>	<u>4</u>
—	<u>Tape rental</u>	<u>7841</u>	<u>3</u>
<u>Temporary employment agency</u>		<u>7363</u>	<u>5</u>
<u>Tents</u>			
—	<u>Manufacture</u>	<u>2394</u>	<u>2</u>
—	<u>Repair</u>	<u>7699</u>	<u>4</u>
—	<u>Retail</u>	<u>5999</u>	<u>3</u>
<u>Textile Mill, fiber, fabric or goods production, dyeing, finishing, printing</u>		<u>2200</u>	<u>2</u>
<u>Theater</u>			
—	<u>Motion picture</u>	<u>7832</u>	<u>3</u>
—	<u>Stage</u>	<u>7922</u>	<u>3</u>
<u>Theatrical or night club act, agent</u>		<u>7922</u>	<u>3</u>

<u>Ticket agent, bureau</u>	<u>7922</u>	<u>3</u>
<u>Tile</u>		
— <u>Contractor</u>	<u>1743</u>	<u>8</u>
— <u>Manufacture</u>	<u>3253</u>	<u>2</u>
— <u>Retail</u>	<u>5211</u>	<u>2</u>
— <u>Wholesale</u>	<u>5032</u>	<u>2</u>
<u>Tin and metal shop, repair only</u>	<u>7699</u>	<u>4</u>
<u>Tires, recapping</u>	<u>7534</u>	<u>3</u>
<u>Tobacco products</u>		
— <u>Manufacture</u>	<u>21</u>	<u>7</u>
— <u>Retail</u>	<u>5993</u>	<u>3</u>
— <u>Wholesale</u>	<u>5194</u>	<u>2</u>
<u>Tour buses</u>	<u>4141</u>	<u>5</u>
<u>Tourist guides</u>	<u>7999</u>	<u>3</u>
<u>Towel service and rental - uniforms, rags, etc.</u>	<u>7213</u>	<u>6</u>
<u>Toys</u>		
— <u>Retail</u>	<u>5945</u>	<u>3</u>
— <u>Wholesale</u>	<u>5092</u>	<u>2</u>
<u>Tractors. See industrial and farm machinery</u>		
<u>Trade shows</u>		
— <u>Promoters</u>	<u>7389</u>	<u>5</u>
— <u>Sales (see peddlers)</u>	<u>5963</u>	<u>8</u>
<u>Trading stamps, dealers or companies</u>	<u>7389</u>	<u>5</u>
<u>Trailer parks</u>	<u>6515</u>	<u>7</u>
<u>Transportation - Equipment - manufacture</u>	<u>3799</u>	<u>2</u>
— <u>Freight agent, broker</u>	<u>4731</u>	<u>1</u>
— <u>Mobile unit handicapped, nursing care</u>	<u>4119</u>	<u>5</u>
<u>Travel - agency, bureau - domestic and foreign</u>	<u>4724</u>	<u>1</u>
— <u>Ticket office not operated by transportation company</u>	<u>4729</u>	<u>1</u>
— <u>Tour operator</u>	<u>4725</u>	<u>1</u>
<u>Tree trimming, arborist</u>	<u>0783</u>	<u>3</u>

<u>Trophy shop</u>	<u>5999</u>	<u>3</u>
<u>Truck and auto rental or leasing</u>	<u>7513</u>	<u>3</u>
<u>Trucking or hauling, local (without storage)</u>	<u>4212</u>	<u>3</u>
<u>Trusses, dealers</u>	<u>5999</u>	<u>3</u>
<u>Tuxedo rental</u>	<u>7299</u>	<u>6</u>
<u>Typesetting</u>	<u>2791</u>	<u>4</u>
<u>Typewriters and office machines</u>		
<u>Retail</u>	<u>5999</u>	<u>3</u>
<u>Wholesale</u>	<u>5044</u>	<u>2</u>
<u>Typing service</u>	<u>7338</u>	<u>5</u>
<u>U</u>		
<u>Uniform rental</u>	<u>7299</u>	<u>6</u>
<u>Uniform supply service</u>	<u>7213</u>	<u>6</u>
<u>Upholsterv shop</u>	<u>7641</u>	<u>4</u>
<u>V</u>		
<u>Vacuum cleaners</u>		
<u>Retail</u>	<u>5722</u>	<u>2</u>
<u>Wholesale</u>	<u>5064</u>	<u>2</u>
<u>Variety store</u>	<u>5331</u>	<u>1</u>
<u>Vehicles. See heading under type</u>		
<u>Vending machines</u>		
<u>Sale of products</u>	<u>5962</u>	<u>8</u>
<u>Wholesale</u>	<u>5046</u>	<u>2</u>
<u>Veterinarian</u>	<u>0742</u>	<u>3</u>
<u>Video poker, coin-operated machines</u>	<u>7993</u>	<u>8</u>
<u>Video tape</u>		
<u>Rental</u>	<u>7841</u>	<u>3</u>
<u>Sales - retail</u>	<u>5735</u>	<u>2</u>
<u>Vinyl siding - installation</u>	<u>1761</u>	<u>8</u>
<u>W</u>		
<u>Wall paper</u>		

<u> </u>	<u>Retail</u>	<u>5231</u>	<u>2</u>
<u> </u>	<u>Wholesale</u>	<u>5198</u>	<u>2</u>
<u>Warehouse and storage</u>		<u>4225</u>	<u>3</u>
<u>Washing cars</u>		<u>7542</u>	<u>3</u>
<u>Washing machines - retail</u>		<u>5722</u>	<u>2</u>
<u>Waste paper and rags - wholesale</u>		<u>5093</u>	<u>2</u>
<u>Watchmaker - repairs</u>		<u>7631</u>	<u>4</u>
<u>Water or steam hose - wholesale</u>		<u>5085</u>	<u>2</u>
<u>Water transportation services</u>		<u>4400</u>	<u>3</u>
<u>Waterbeds retail</u>		<u>5712</u>	<u>2</u>
<u>Weather stripping</u>			
<u> </u>	<u>Installation</u>	<u>1799</u>	<u>8</u>
<u> </u>	<u>Retail</u>	<u>5211</u>	<u>2</u>
<u>Weight control - reducing facilities</u>		<u>7991</u>	<u>2</u>
<u>Welding shop</u>		<u>7692</u>	<u>4</u>
<u>Welding supplies - wholesale</u>		<u>5085</u>	<u>2</u>
<u>Wholesalers - not otherwise listed:</u>			
<u> </u>	<u>Durable goods</u>	<u>5099</u>	<u>2</u>
<u> </u>	<u>Nondurable goods</u>	<u>5199</u>	<u>2</u>
<u>Wigs</u>			
<u> </u>	<u>Retail</u>	<u>5699</u>	<u>1</u>
<u> </u>	<u>Wholesale</u>	<u>5199</u>	<u>2</u>
<u>Window cleaning service</u>		<u>7349</u>	<u>5</u>
<u>Women's wearing apparel, retail</u>		<u>5611</u>	<u>1</u>
<u>Wood sawver, sawing wood by machinery</u>		<u>2421</u>	<u>3</u>
<u>Woodenware - retail</u>		<u>5999</u>	<u>3</u>
<u>Woolen mill</u>		<u>2282-4</u>	<u>2</u>
<u>Wrecker, towing service</u>		<u>7549</u>	<u>3</u>
<u>Wrecking buildings</u>		<u>1795</u>	<u>8</u>
<u>X</u>			
<u>X-ray laboratories</u>		<u>8071</u>	<u>7</u>

<u>X-ray machines - wholesale</u>		<u>5047</u>	<u>2</u>
<u>Y</u>			
<u>Yacht basins - operation</u>		<u>4493</u>	<u>3</u>
<u>Yacht clubs</u>		<u>7997</u>	<u>3</u>
<u>Yacht sales</u>		<u>5551</u>	<u>8</u>
<u>Yard cleaning</u>		<u>0782</u>	<u>3</u>
<u>Yard goods</u>			
<u>—</u>	<u>Retail</u>	<u>5949</u>	<u>3</u>
<u>—</u>	<u>Wholesale</u>	<u>5131</u>	<u>2</u>
<u>Yarn</u>			
<u>—</u>	<u>Manufacture</u>	<u>2281</u>	<u>2</u>
<u>—</u>	<u>Retail</u>	<u>5949</u>	<u>3</u>
<u>Yogurt</u>			
<u>—</u>	<u>Manufacture</u>	<u>2024</u>	<u>2</u>
<u>—</u>	<u>Retail shop, stand</u>	<u>5812</u>	<u>1</u>
<u>—</u>	<u>Wholesale</u>	<u>5143</u>	<u>2</u>

Sec. 18-69. Lawful employment.

(1) Definitions.

(a) When used in this section, the following words, terms and phrases shall have the meanings ascribed to them herein and shall be construed so as to be consistent with state and federal law, including federal immigration law;

1. *Business* and *business entity* shall have the same meaning as provided in Beaufort County Ordinance [Code] section 18-47.
2. *County* means the County of Beaufort, South Carolina.
3. *Employee* shall have the same meaning as in 8 C.F.R. § 274a.1(f).
4. *Employment* shall have the same meaning as in 8 C.F.R. § 274a.1(h).
5. *Independent contractor* shall have the same meaning as in 8 C.F.R. § 274a.1(j).
6. *Licensee* means both applicants for and current holders of Beaufort County business licenses.
7. *Unauthorized alien* shall have the same meaning as 8 U.S.C. § 1324(h)(3). The county shall not conclude that a person is an unauthorized alien unless and until an authorized representative of the county has verified with the federal government, pursuant to United States Code Title 8, subsection 1373(c), the person's authorization to work.

(2) Information, education and assistance.

(a) Employment of unauthorized aliens is unlawful.

1. Pursuant to 8 U.S.C. § 1324a, it is unlawful for a person or other entity to recruit, hire, or continue to hire any person who is an unauthorized alien for employment in the United States.
2. Every business or person that applies for a business license to engage in any type of work in the county shall attest under penalty of perjury, on a form designated by the county, that the licensee does not knowingly utilize the services of, engage or hire any person who is an unauthorized alien.
3. Upon request, the county will provide a business license applicant or licensee with information pertaining to the requirements of federal law regarding the unlawful employment of unauthorized aliens and unfair immigration-related employment practices.

(b) Unlawful discrimination.

1. The Federal Immigration and Nationality Act, as amended, and Title VII of the Civil Rights Act of 1964, as amended, the South Carolina Human Affairs Law, as amended, the South Carolina Unfair Trade Practices Act, as amended, among other federal and state laws and regulations prohibit employment discrimination.
2. Employers must treat all employees uniformly when completing employment eligibility verification documents. Employers may not set different employment eligibility verification standards for different groups of employees.
3. An allegation of discrimination may be filed by an individual who believes he or she is the victim of employment discrimination by contacting the appropriate state and federal agencies. The Beaufort County Business License Department provides a list of state and federal agencies authorized to accept and investigate complaints alleging employment discrimination.

(3) Enforcement.

(a) *[Business license division to enforce.]* The County of Beaufort Business License Division shall enforce the requirements of this section.

(b) Investigation.

1. An investigation will commence if an inspection or audit performed pursuant to Beaufort County Ordinance [Code] section 18-57 shows that the licensee does not meet the documentation requirements contained in 8 U.S.C. § 1324a for persons employed in Beaufort County. However, pursuant to the notice requirements provided by federal law, licensees shall be allowed three days to produce employment verification documents required under 8 C.F.R. § 274a(b)(2)(ii).
2. If the licensee fails to produce the required documentation to the business license division, the business licensing division will commence an enforcement action against the licensee.

3. If upon production and review of the required documentation, the business license division obtains verification information pursuant to 8 U.S.C. § 1373 evidencing the licensee's employment of an unauthorized alien, the business license division will notify the licensee.

(c) *Notice.*

1. Upon the commencement of an enforcement action, the business license division shall provide the licensee with written notice of the findings and notice of further action including, but not limited to possible suspension of the licensee's business license under Beaufort County Ordinance [Code] section 18-62.

2. Notice shall be sent to the licensee by United States mail.

(d) *Additional information.*

1. Upon receipt of notice of the enforcement action, the licensee may submit to the business license division any additional documentation to support that the alleged unauthorized alien is authorized to work in the United States.

2. Licensee shall file all additional documentation with the division within 15 business days from the date of notice, unless an extension up to 45 working days is requested and granted. During this period, the licensee's business license shall remain unaltered.

(e) *Suspension of license.*

1. If upon the expiration of the period referred to in subsection (3)(d)2., the licensee fails to provide additional documentation or if the License Official ~~inspector~~ finds the additional documentation does not meet the requirements of 8 U.S.C. § 1324a, the licensee shall be subject to license suspension as provided in Beaufort County Ordinance [Code] section 18-62.

2. However, the licensee's license shall not be subject to suspension or revocation if licensee produces evidence of compliance with the safe harbor provision under 8 U.S.C. § 1324a(a)(3).

(f) *Appeal.* Appeal of the business license division's findings and the suspension of a license is available as provided under Beaufort County Ordinance [Code] section 18-63.

(4) *Applicability and effective date.*

(a) This section shall become effective on January 1, 2008.

(b) The business license division is authorized to adopt guidelines, policies and procedures to implement this section.

(Ord. No. 2006/31, §§ 2–5, 12-27-2006)

Exemptions in the business license ordinance for income from business in interstate commerce are hereby repealed. Properly apportioned gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.

Section 18-70 Applicability and Effective Date.

A. This Ordinance shall become effective on

B. The Business License Department is authorized to adopt guidelines, policies and procedures to implement this Ordinance.

Section 18-71 Severability.

If any part of the Ordinance is held by a court of competent jurisdiction be unconstitutional, illegal, or invalid for any reason, it shall be construed to have been the legislative intent of the County Council of Beaufort County, South Carolina, to pass this Ordinance without such unconstitutional, illegal or invalid provision, and the remainder of this Ordinance shall be deemed and held to be constitutional, lawful and valid as if such portion had not been included. If this Ordinance or any provision thereof is held by a court of competent jurisdiction to be inapplicable to any person,

group of persons, property, kind of property, circumstances, or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

Adopted this ____ day of _____, 2009.

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: March 29, 2010
Second Reading:
Public Hearing:
Third and Final Reading

**SHELDON FIRE DISTRICT
USDA RURAL DEVELOPMENT
GRANT**

USDA RURAL DEVELOPMENT GRANT FOR \$275,000

GRANT PROJECT (NEW 1250 GPM PUMPER/ENGINE)

**SHELDON FIRE DISTRICT CAN RECEIVE 55% OF
ELIGIBLE FUNDS FOR PROJECT COST. THIS IS DUE
TO THE MEDIAN HOUSEHOLD INCOME OF SHELDON
TOWNSHIP. (LESS THAN \$26,284)**

COST

FEDERAL SHARE OF -----\$151,250

FIRE DISTRICT SHARE-----\$123,750

TOTAL---\$275,000

2010 /

AMENDMENT TO THE VILLAGE AT LADY'S ISLAND PLANNED UNIT DEVELOPMENT (PUD) TO EXTEND THE SUNSET DATE TO JANUARY 1, 2011.

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

Adopted this ___ day of _____, 2010.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:

Ladson F. Howell, Staff Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

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

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: March 15, 2010
Second Reading: March 29, 2010
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: March 15, 2010
Second Reading: March 29, 2010
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.

2010 RESOLUTIONS

<u>Title</u>	<u>Adopted</u>
1 Calling upon State Legislators to not grant tax subsidies or abatements to Sembler	1/11/2010
2 Oppose legislation which would provide that persons who commit non-violent, low-level, misdemeanor offenses sentenced to less than 180 days (or 365 days) are not sent to prison, but remain in local detention facilities	1/11/2010
3 Fee Schedule for Parks and Leisure Services Department	1/25/2010
4 Adopt the motion passed by the Beaufort Transportation Advisory Group to accept joint staff recommendations regarding the penny sales tax road projects with two exceptions: (1) delay bridge construction on Bluffton Parkway Phase 5A; and (2) maintain the widening on U.S. 28 all the way to S.C. 170	2/8/2010
5 Daufuskie Island Ferry Grant - Not to exceed \$100,000	2/22/2010
6 Fair Housing Month	3/29/2010

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 th

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.

- (l) 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: March 15, 2010
Second Reading: March 29, 2010
Public Hearing:
Third and Final Reading:

**NOTICE OF PUBLIC HEARING
REGARDING CHANGE OF SCOPE OF PROJECT**

NOTICE IS HEREBY GIVEN that on Monday, April 12, 2010, at 6:15 p.m. in Council Chambers, Beaufort County Administration Building, 100 Ribaut Road, Beaufort, SC 29901, Beaufort County will hold a public hearing to solicit public input regarding proposed changes to the Beaufort County Grant CDBG # 4-CI-09-001/ Dale II Water Extension Project to add another street Coker Lane to the project.

This public hearing and the matters to be discussed are subject to the provisions of Beaufort County's Citizens Participation Plan, developed in anticipation of participation in the State of South Carolina's Community Development Block Grant (CDBG) Program, providing for the participation of the citizens of Beaufort County in the planning and implementation of community and economic development projects which will involve CDBG funds.

The Citizen Participation Plan is available for view at the above address, from 9:00 a.m. until 5:00 p.m., Monday through Friday. Persons with questions or comments concerning the public hearing or the Citizen Participation Plan may contact Michelle Knight, Lowcountry Council of Governments, PO Box 98, Yemassee, SC 29945, (843) 726-5536.

Beaufort County does not discriminate on the basis of disability status in the admission or access to or treatment or employment in its federally assisted programs or activities. Morris Campbell, Community Services Director, Beaufort County, POD 1228, Beaufort, SC 29901, (843) 470-2600 has been designated to coordinate compliance with the non-discrimination requirements contained in the U.S. Department of Housing and Urban Development's regulations implementing Section 504 (24 CFR Part 8, dated June 2, 1988).

NOTE: Assistance will be provided to accommodate the special needs of handicapped persons upon request.

RESOLUTION

WHEREAS, the County Council of Beaufort County is committed to addressing the quality of life needs for its residents, especially those of low-moderate-income residents; and

WHEREAS, infrastructure has been identified as a priority community need for the County of Beaufort; and

WHEREAS, the County Council of Beaufort County wishes to continue addressing this need by applying to the South Carolina Department of Commerce, Division of Grant Administration for Community Infrastructure Funds for a grant; and

WHEREAS, the funding of this project would directly benefit approximately 40 households in the Burton community of the County, a majority of which is low-to-moderate income;

NOW THEREFORE, BE IT RESOLVED by the County Council of Beaufort, South Carolina, that

1. Members of County Council of Beaufort County hereby endorse the Burton Community Water Project because it will greatly improve the quality of life for these residents of Beaufort County.

2. The County Administrator is authorized to prepare and submit a Community Development Block Grant (CDBG) Community Infrastructure grant application in the amount of \$500,000 for the Burton Community Water Project and to commit funds in the amount of 10% of the grant request to meet its matching requirement of the Community Development Block Grant Program.

Adopted this 12th day of April, 2010.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Wm. Weston J. Newton, Chairman

ATTEST:

Suzanne M. Rainey, Clerk to Council

Beaufort County
CDBG Notice of Public Hearing Concerning Application

NOTICE IS HEREBY GIVEN that on Monday, April 12, 2010 at 6:00 p.m. at the County Council Chambers inside the Beaufort County Administration Building, 100 Ribaut Road, Beaufort County will hold a public hearing concerning an application to be submitted to South Carolina Department of Commerce, Grants Administration on or about April 19, 2010 for a Community Development Block Grant. *Beaufort County* is requesting approximately \$500,000 to carry out the following activities:

To use CDBG funds to extend water lines in areas of Burton to provide new service to residents.

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

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

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

Committee Reports

April 12, 2010

A. REPORTING COMMITTEES

1. Community Services

- ① Minutes are provided from the [March 22 meeting](#). (No action required.)
- ② Alcohol and Drug Abuse Board

<i>Nominated</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
03.29.10	John Coaxum	At Large	Reappoint	10 of 11
03.29.10	Charles Hammel	At Large	Appoint	6 of 11

③ Beaufort/Jasper EOC

<i>Nominated</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
03.29.10	Thelma Lewis	At Large	Reappoint	8 of 11

④ Library Board

<i>Nominated</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
03.29.10	Dan Huff	Council District 11	Reappoint	8 of 11

⑤ Parks and Leisure Services

<i>Nominated</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
03.29.10	Tom Ertter	At-Large	Appoint	6 of 11
03.29.10	Robert Anderson	Southern Beaufort County	Reappoint	8 of 11

2. Finance

- ① Minutes are provided from the [March 15 meeting](#). (No action required.)
- ② Minutes are provided from the [March 22 meeting](#). (No action required.)

3. Natural Resources

- ① Minutes are provided from the [April 5](#). (See main agenda item 11.)
- ② Zoning Board of Appeals

<i>Nominated</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

③ Historic Preservation Review Board

<i>Nominate</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
04.12.10	Rosalyn Brown	St. Helena Island	Appoint	6 of 11

④ Planning Commission

<i>Nominate</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
04.12.10	Charles Brown	Comp Plan Planning Area Sheldon Township	Appoint	6 of 11

⑤ Rural and Critical Lands Board

<i>Nominate</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
04.12.10	Stephen Olsson	Council District 7	Appoint	6 of 11

⑥ Southern Corridor Review Board

<i>Nominate</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
04.12.10	Brian Watkins	Resident of respective area served (southern Beaufort County)	Appoint	6 of 11

4. Public Facilities

- ① Minutes are provided from the [March 23](#) meeting. (No action required.)
- ② Airports Board

<i>Nominated</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
03.29.10	Derek Gilbert	Bft. Regional Chamber Board of Directors	Appoint	6 of 11

5. Public Safety

- ① Minutes are provided from the [April 5](#) meeting. (See main agenda item 10.)
- ② Lady’s Island/St. Helena Island Fire District

<i>Nominate</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
04.12.10	David Townsend	Lady’s Island	Appoint *	10 of 11

* Governor approves Council’s recommendation.

B. COMMITTEE MEETINGS

1. Community Services

William McBride, Chairman

Gerald Dawson, Vice Chairman

➔ Next Meeting – Monday, April 19 at 4:00 p.m., Building 2, Beaufort Industrial Village

2. Finance

Stu Rodman, Chairman

William McBride, Vice Chairman

➔ Next Meeting – Monday, April 19 at 2:00 p.m., Building 2, Beaufort Industrial Village

➔ Next Meeting – Monday, April 26 at 2:00 p.m., Executive Conference Room

3. Natural Resources

Paul Sommerville, Chairman

Jerry Stewart, Vice Chairman

➔ Next Meeting – Monday, May 3 at 2:00 p.m.

4. Public Facilities

Herbert Glaze, Chairman

Steven Baer, Vice Chairman

➔ Next Meeting – Tuesday, April 27 at 4:30 p.m.

5. Public Safety

Jerry Stewart, Chairman

Brian Flewelling, Vice Chairman

➔ Next Meeting – May 3 at 4:00 p.m.

6. Transportation Advisory Group

Weston Newton, Chairman

Stu Rodman, Vice Chairman

COMMUNITY SERVICES COMMITTEE

March 22, 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 22, 2010 at 4:00 p.m., in the Conference Room of Beaufort Industrial Village Building #2, Beaufort, South Carolina.

ATTENDANCE

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

County Staff: Morris Campbell, Division Director – Community Services; Brian Hill, Deputy County Administrator; David Starkey, Chief Financial Officer; Dave Thomas, Director Purchasing Department; Wlodek Zaryczny, Director Libraries

Public: Larry Holman, Beaufort County Black Chamber of Commerce; Carlotta Ungaro, Beaufort Regional Chamber of Commerce

Committee chairman William McBride chaired the meeting.

ACTION ITEMS

1. Appointments/ Reappointments

Discussion: The Community Services Committee moved forward the following nominations for appointment or reappointment to citizen volunteer boards.

Alcohol and Drug Abuse Board

Mr. Dawson moved, Mr. Glaze seconded the Community Services Committee moves forward to County Council John Coaxum for reappointment, as well as Fran Kenny and Charles Hamlin for appointment to the Alcohol and Drug Abuse Board. The vote was FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Glaze, Mr. McBride, Mr. Rodman and Ms. Von Harten. The motion passed.

Beaufort/Jasper Economic Opportunity Authority

Mr. Dawson moved, Mr. Glaze seconded the Community Services Committee moves forward to County Council Thelma Lewis for reappointment to the Beaufort/Jasper Economic Opportunity Authority. The vote was FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Glaze, Mr. McBride, Mr. Rodman and Ms. Von Harten. The motion passed.

Library Board

Mr. Glaze moved, Mr. Caporale seconded the Community Services Committee moves forward to County Council Dan Huff for reappointment to the Library Board. The vote was FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Glaze, Mr. McBride, Mr. Rodman and Ms. Von Harten. The motion passed.

Parks and Leisure Services Board

Mr. Dawson moved, Mr. Glaze seconded the Community Services Committee moves forward to County Council Robert Anderson for reappointment to the Parks and Leisure Services Board. The vote was FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Glaze, Mr. McBride, Mr. Rodman and Ms. Von Harten. The motion passed.

Mr. Baer said he wanted to bring forward Joe Kopf's name as a candidate for the open at-large seat. The Community Services Committee Members discussed whether the vacant at-large seat did, in fact, switch between North of the Broad and South of the Broad representation. Mr. Flewelling pointed out in the historical background data provided for the Committee it cites past legislation specifying the seat should alternate between "north and south." Committee members came to a consensus that Mr. Baer would bring forward Mr. Kopf's name at the County Council meeting, not the Committee meeting.

Mr. Glaze moved, Ms. Von Harten seconded the Community Services Committee moves forward to County Council Tom Ertter for appointment to the Parks and Leisure Services Board. The vote was FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Glaze, Mr. McBride, Mr. Rodman and Ms. Von Harten. The motion passed.

Recommendations: County Council approves the reappointment/appointment of the following people to their respective boards: John Coaxum to Alcohol and Drug Abuse Board, Fran Kenny to Alcohol and Drug Abuse Board, Charles Hamlin to Alcohol and Drug Abuse Board, Thelma Lewis to the Beaufort/ Jasper Economic Opportunity Authority, Dan Huff to the Library Board, Robert Anderson to the Parks and Leisure Services Board and Tom Ertter to the Parks and Leisure Services Board.

INFORMATIONAL ITEMS

2. Update on the Local Vendor Preference Ordinance

Discussion: Mr. McBride said at the last Community Services meeting several members asked for an update on the local vendor preference ordinance. Mr. Dave Thomas, Director of Purchasing, handed out copies illustrating the changes made to the local preference in August 2009. He reviewed those changes, which changed the local preference from 1 percent to \$2,500, whichever is less, and raises it to 5 percent or \$10,000. The ordinance also allowed the County, if it could find a local vendor in the area to match the GSA or state contract, to use the vendor in the solicitations or decisions on how to spend the County money. With that said, Mr. Thomas said he wanted to paint a picture of what he has done so far with regard to tracking how the County spends its money.

He looked at all of the solicitations in the second half of FY2009; he now has data for a full calendar year. He looked at the solicitations the County did, i.e. bids, requests for proposals and requests for qualifications. The contract summary for one year from January 1 to December 31, 2009 is as follows: There were 65 contracts (IFB's:37, RFP's:22, RFQs:6), of those 59 were awarded. Awarded Locally: 17, (28%); Awarded Non-Local: 42, (72%); Not awarded: 6; Dollars awarded: \$66,658,594; Non-Local: \$61,863,385 (93%); Local: \$4,795,209 (7%); Small Business: \$3,785,812 (5%); Minority Business: \$4,029,307 (6%).

Mr. Thomas said a lot of the solicitations done revolve around major construction or very technical needs or services, and Beaufort County just does not have the vendors in the community able to complete the projects and this is the cause of the chasm between local and non-local awarded contracts. For example, the construction of the S.C. 802 bridge, even though there were several small, minority businesses participation, the project went to a larger vendor. When we put out a solicitation there is certain information a prime contractor has to provide to us such as how much they pay out to subcontractors, etc. Out of those 59 contracts awarded, 27 did not have local bidders. Mr. McBride asked why Mr. Thomas thinks there were no local bidders for some of the projects. Mr. Thomas replied, that like the bridge, I think they knew they would not be able to handle the task or get the job done in time. A lot of the times the local prices were not competitive with the larger companies, they did not have enough subcontractors or their bids were unresponsive.

Mr. Caporale asked if there is an overlap between the small and minority businesses. Mr. Thomas said yes, but he did not break down the data further.

Mr. Thomas then reviewed the contract analysis for the second half of FY2009 (January 1 to June 30, 2009). There were 36 solicitations (IFB's-21, RFP's-13, RFQ's-2), and of those 34 were awarded. Further information is broken down as follows: Contracts awarded to Local Vendors: 10 (29%); Contracts awarded to Non-Local: 24 (71%); 22 out of 34 solicitations had local participation (65%); 12 out of 34 solicitations had no local participation (35%); Only one had local vendors-only ferry contract.

In the beginning of FY2010, we are seeing about the same numbers, Mr. Thomas said. He added in the first part of the year, there was more participation as far as putting in bids. From July 1 to December 31, 2009 there were: 30 total solicitations (IFB's-16, RFP's-9, RFQ's-4, RFI's-1), of those 25 were awarded; 7 or 28% of contracts awarded to Local Vendors, 18 or 72% of contracts awarded to Non-Local; 15 out of 25 solicitations had no local participation (60%); 14 out of 25 solicitations had local participation (56%).

Mr. Thomas said a lot of times local vendors' prices were not competitive, they did not have enough subcontractors or their bid was unresponsive. He said the data reflects that the number of contracts awarded locally remains about the same as the last quarter of 2009.

Mr. Flewelling said without the local option ordinance (put in place August 24, 2009) basically, we see we had 29 percent of our projects awarded to local vendors. With it in place, we had slightly less. Mr. Thomas replied the new ordinance really has not had a huge effect as shown in the data collected in the past year.

Mr. Thomas gave examples of the local contractors used. REA Contracting: \$2.2 million; Carolina Cleaning: \$850,000; JS Construction Services: \$131,000; Terry Lee Contracting: \$361,000; Brickman: \$200,000; DuPreist Construction: \$317,000; Martin Landscaping: \$119,000; Ward Edwards: \$136,000; Patterson Construction: \$250,000; Republic Waste: \$1.06 million; Butler Chrysler: \$316,000; Beaufort Construction: \$300,000; Beaufort Oil: \$186,000; Construction Associates: \$284,000; Heavy D's Maintenance: \$70,000. Mr. Thomas also gave examples of projects illustrating local preference: 1. DSN Adult Center non-local price: \$5.7 million, Local bid: \$6.6 million, a \$900,000 difference; 2. Trash Compactors: non-local bid: \$148,000, local bid: \$198,000, a \$50,000 difference; 3. ARFF Station: non-local bid: \$1.66 million versus \$1.75 million, a \$91,000 difference; 4. Animal Shelter Sewer System: non-local: \$131,000 versus \$138,000, about \$7,371 over 5%; 5. Dirt Road #40: non-local: \$810,000 versus \$836,000, a \$26,000 difference; 6. Design Build, Broad River Landing: \$1.22 million versus \$1.4 million, a \$200,000 difference.

Mr. Thomas said the local vendor preference ordinance is in line with what a lot of the other counties are doing. We spent \$13.8 million that was not related to contract awards with local contractors in 2009. Mr. Flewelling noted while the contractors' bids do not follow within the 5 percent range, they are very close. Mr. Thomas said he thinks the good faith efforts are working and prime contractors are getting the message to at least give a chance to the community.

Mr. McBride acknowledged Ms. Von Harten who asked whether there has been an increase in the number of local vendors who show up. Mr. Thomas said with the recession, we are getting about the same number of contractors as we did. Many of them are struggling to keep afloat. Ms. Von Harten asked if there is a hotline people can call if they see problems with this program, for example 1-800-Got-em. Mr. Thomas said there is a direct line in purchasing and they try to be transparent so citizens may always reach someone with concerns, however there is no hotline.

Mr. Caporale asked if there is an instance of any local vendor choosing to match the bids given by the other vendors. He said no, and for almost half of those bids no one from the County put in bids that were large enough or in half of the cases no one from the County submitted bids. Mr. Caporale said that is an issue and contemplated if it was something that could be figured out.

Mr. Flewelling said in effect we have not used the measures we put into place even once in a year. Mr. Thomas replied in the affirmative. Mr. Caporale said he would consider raising the number to capture those local contractors. Is there any way to look at municipalities, counties like us, which have local preference ordinances to see whether we are getting close to the mark? He said he thought we were close, but it seems like we are not getting close to the mark desired. He said he wants to make sure we maximize the opportunity to give an option to local and small/minority businesses.

Ms. Von Harten said if we want to change the numbers for the coming year to capture those which might have passed through, what would your recommendation be? Mr. Thomas said he is unsure about how much the County wants to actually change the ordinance, particularly when it looks like the qualified people just are not there.

Mr. Flewelling said he is not on the Committee, but suggested tweaking the ordinance to remove the \$10,000 floor, and to keep it at 5 percent. He said it might capture more vendors that way. Mr. Caporale said he liked the idea. He added we should try, if it is available, to go to a local vendor. He asked Mr. Thomas to come back with an idea about how much of the money, not the general fund, not subject, was coming from the local area. Mr. Thomas said it was close to \$10 million.

Mr. Rodman said he had a couple of comments. First, we need to allow more time to determine the responses. He said he remembers our ordinance is similar to Charleston's, but Savannah has one that is very favorable to their local guys. Also, if after we look at the ordinance for a while, the only way we could increase it significantly is to increase the cap. We have to be careful about that because we would also have to reduce the percent difference.

Mr. Thomas stated the ordinance is about putting money back into the County. He talked about a compliance officer for the next 5-year budget plan who would line up local vendors who could do work, sets a mandatory goal for each project, etc.

Mr. Rodman said we looked at it at our retreat. Council is looking at a combination of compliance officer and coach. Mr. Thomas gave an example of what the department does right now. We have a project manager from the engineering department who looks at how the contractors pay out and at the end of the project they have to turn in paperwork showing money is spent where it was promised.

Mr. Dawson said the only thing he would say is with the current ordinance in place, a large part of our locals are not applying for the contracts and those who do submit bids, the threshold is higher than the 5% or \$10,000, so the ordinance does not give them the flexibility to match the bid. With the economy as it is, I think it is probably good to leave the ordinance as it is and to watch it for a while. Maybe it will improve in an upswing economy.

Status: Informational purposes only.

3. Annual Report on the Library System

Discussion: Wlodek Zaryczny, Director of Libraries, said the annual report reflects information starting from July 1 of this fiscal year forward. He reviewed his PowerPoint. The poor economy brought on a large amount of traffic in the libraries. Library traffic and usage patterns to date project a 25% increase in overall library usage for this fiscal year. From July 2009 to February 2010, 10,023 new library cards were issued, 400,287 people walked through the doors, 578,616 items were checked out, 43,853 people used 161 public computers in our libraries, 10,478 sessions for our online databases were logged and 232,083 hits on our Web Site. As the recession deepens, people seek activities they can do for free. The Library is one of the busiest departments in the County organization, Mr. Zaryczny said. He showed the comparison of visitors. Assessor – 2,602 visits, Auditor - 1,923 visits, Business License – 440 visits, County Council – 2,410 visits, Planning – 646 visits, Register of Deeds – 7,201 visits, Solid Waste & Recycling – 432 visits, Stormwater – 318 visits, and Library - 11,435 visits.

The library provides a plethora of services: books, CD's, DVD's, Play-a-ways, popular magazines and newspapers; Adult and family literacy; Teen programming; Children's Literacy, Every Child Ready to Read School Readiness, Children's programming; Computers for the public; Workforce Development, Referrals, Job Skills Workshops, Research and 1-1 Assistance; Adult programming; Readers' Advisory; Virtual Branch Library: Web Site with 24/7/365 access to library proprietary databases, catalogue & community services information; Outreach to promote library services to school district, our military and other community partners; Local history resources, archived and rare materials and genealogy workshops; Reference transactions, referrals, interlibrary loans; Database training, computer classes for the public; Physical space for the public to meet. Mr. Zaryczny said there has been a tremendous increase in the Workforce Development services, computer training, WorkStarts, etc. lately.

Mr. Zaryczny said the libraries respond to critical needs in the form of several programs. WorkStarts at the Beaufort County Library is our public library system program to help county residents improve their career and job seeking skills in order to support a fully employable Beaufort County. The Library serves as a hub in the county for other workforce development service organizations. Our Public Library Foundation of Beaufort County received a \$5,000 grant award (for program activities and project promotion) from the Beaufort Fund of the Coastal Carolina Foundation to support this library system initiative for 2010. On Friday, April 16th we will host the first WorkStarts Partnership Summit to bring 50 county organizations together at the Bluffton Branch Library to share best-practices, leverage resources and network. The County also has an Early Childhood Literacy: SC State Library Every Child Ready to Read Initiative program. The goal is to prepare students for school. In 2007, the Public Library System adopted the South Carolina State Library's Every Child Ready to Read early childhood literacy initiative. Its purpose is to reach parents of children not yet in school to achieve the early literacy skills necessary to start school. According to the 2009 SCKidsCount Report for Beaufort County, "a serious problem exists in terms of student readiness and school success in the early grades with 23.3% assessed not consistently ready for the 1st grade, 13.9% over age in grade 3, and 11.0% of eight and nine year-olds placed in special education, unacceptably large numbers of students still begin school without good prospects of success in future school achievement and graduation." (<http://sckidscount.org>) Our system-wide Library Summer Reading Program reaches more than 12,000 children each year in an effort to address the significant community deficit. TeenZonely is a program geared toward preparing our next generation of adults. Mr. Zaryczny said TeenZonely, at one time, did not have a space specifically at the Library. The program involves engaged kids, and gives them a venue to go. The demand for these programs continues to grow. In 2007, the Public Library Foundation received a \$10,000 grant from the Community Foundation of the Lowcountry to support Teen Programming. This project served as a pilot to engage teens in leadership development and community engagement while at the same time providing them with positive experiences in and around libraries. The demand for teen programs continues to grow though we do not have staff dedicated to address this audience. According to the 2009 SCKidsCount Report: "The data on families, economic status, health, readiness, school achievement, and adolescent risk behaviors provide a troublesome picture of the condition of children in Beaufort County. The 27.4% of children in single-parent families, 15.7% in poverty, 39.2% not graduating from school, 44.7% of high school students using alcohol and 23.2% using

drugs each month, and other data profiled in this report suggest that too many children are at risk of not growing up to become self-supporting adults, good family members, and responsible community citizens.” The Committee then discussed the counting of drop-out rates for high school students.

Ms. Von Harten asked if the library has enough space for the teen programs. Mr. Wlodek replied that no, there is not. Lastly, the Library System undergoes Strategic Planning as required by State of South Carolina. The South Carolina State Library requires all public library systems in South Carolina to conduct regular strategic planning activities. Beaufort County Library is currently engaged in that required activity to develop our 2011-2013 Strategic Plan. We have distributed more than 5,000 Customer Surveys (in print, on-line, in English and Spanish) and are holding Focus Group meetings in all of our Branch Libraries. This process is intended to identify the needs of the community so that we may continue to be responsive while effectively managing our limited resources. Strategic Planning for the Library He said the process is meant to identify the community needs and there is great feedback. The Library Department sifts through that information.

The Library is also in the midst of the Beaufort District Collection Shelving Project; one of our critical issues here is the need for space. This permanent research collection records the history of Beaufort County District Area of the Lowcountry, which for many years has been in desperate need for expanded and suitable quarters. The lack of space and suitable quarters has already resulted in the loss to two valuable collections to Charleston. The project for moving the Beaufort District Collection to the 2nd floor of the Beaufort Branch Library has been short of completion for longer than 6 months. HVAC and 2nd floor area room renovations were completed with compact storage holding up the completion of the project. Funding for the shelving has been achieved with \$37,717 raised by the community through efforts of the Public Library Foundation of Beaufort County & the Friends of the Library, \$21,000 from Federal Stimulus Funds for Libraries and the remaining \$24,624.31 from the Library's Budget. A recommendation to County Facilities Committee will be presented tomorrow with County Council authorization earmarked on April 12. Mr. Zaryczny said one thing to remember is that federal funds are for very, very specific items.

St. Helena Branch Library Capital Improvement Project will build a 30,000 square-foot fully equipped branch library on St. Helena Island. So far, the library reports it has pursued and achieved the following funding: \$1.5 million from the S.C. Department of Commerce Community Development Block Grant, Funding is pending from the S.C. USDA Rural Initiative Community Facilities Grant Program, These federal funds have the following specific funding criteria: Demographic audiences that are underserved, minority and rural, areas to build libraries. We will be conducting Community Meetings at Frissell on the Penn Center campus from 9am to 8pm on Friday, April 23rd and an Open Forum from 10am to 3pm on Saturday, April 24th. This opportunity to hear from all sectors of the St. Helena and Lady's Island Communities is the next step in bringing this essential community-anchor institution to fruition. Mr. Baer asked when County Council will see the total budget for that library. Mr. Hill said Mr. Kubic is working on that with Mr. Newton, Mr. McBride, etc. First thing is first, to set the resolution with the Community Development Block Grant. He said the County needs to get an

architect in before the programming can be devised. As of right now, the guesstimate is \$750,000 operational costs. Mr. Hill said he asked Dave Hughes to provide a turnkey system. He said he is looking in the neighborhood of a \$10 million building with anywhere from \$600,000 to \$750,000 in operational costs. He added they are working with the U.S. Department of Agriculture with some leverage funding to ensure when we come to Council with all of the numbers we can assure a better concept and a better project. Mr. Hill said his goal is to get as much money into our pockets without spending it out of our CIP. Mr. Baer asked about the differences among the numbers. Mr. Hill said it is a program and they are trying to get an outline of numbers at this point; the numbers are not finalized, but once it is this group will be the first to know. Mr. Rodman asked if the library is on Penn Center itself. Mr. Hill said it is too preliminary to answer as there are two different potential sites. Committee members discussed possible naming of the library. Mr. McBride said the Beaufort County Library at Penn Center.

The library is working on Radio Frequency Identification (RFID), a data collection technology that utilizes electromagnetic waves to identify specific items by using electronic tags and a reader. Mr. Zaryczny said the real key to this is identifying specific items by an electronic tag. Beaufort County Library has been using traditional Radio Frequency since 1986/87 which is solely limited to security. Practical applications of RFID started during World War II. Basic cost runs from \$650,000 to \$950,000 for our entire library system and provides operations efficiencies, enhanced customer service, and library circulation function cost savings with pay back in less than 5 years. A presentation to Council Finance Committee is planned for May 17th.

Mr. Zaryczny concluded his presentation by saying there are 11 vacant positions. As a short-term solution, part-time staff members work longer hours. Library service and program areas are understaffed, thereby not meeting community needs. Lines are longer at the circulation desk; customers are displaying impatience and irritation waiting in line to check out materials. Should there be additional vacancies; the library system will have to reduce hours of service. Demand for library services continues to rise while our resources, especially our level of staffing, have decreased. The economic, educational and social well-being of our community is directly tied to the vibrancy of our public library system. A recent study by the University of South Carolina has found that for every dollar invested in South Carolina's public libraries there is an economic return on investment of \$4.48. Council's continued support of library services is critical.

Status: No action necessary. Informational purposes only.

**JOINT WORK SESSION
FINANCE AND PUBLIC SAFETY COMMITTEES**

March 15, 2010

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

The Finance Committee met on Monday, March 15, 2010 at 1:30 p.m., in the Executive Conference Room of the Administration Building, Beaufort, South Carolina.

ATTENDANCE:

Finance Committee members: Chairman Stu Rodman, Vice Chairman William McBride, Steven Baer, Brian Flewelling, Paul Sommerville, Jerry Stewart and Laura Von Harten attended. Non-committee member Gerald Dawson was also present.

County Staff: Brian Hill, Deputy County Administrator; Gary Kubic, County Administrator; David Starkey, Chief Financial Officer.

Press: Richard Brooks, Bluffton Today; Joe Croley, Hilton Head Association of Realtors; Josh McCann, *Island Packet*.

Public: Jane Baxter, Palmetto Electric; Jim Bequette, School Board; Senator Tom Davis; Bob Oakland, Beaufort Business Bureau; Mark Newman, Small Business Development Center; Harry Rountree, Burton Fire; Marsha Smith, Senior Leadership; Kim Statler, Lowcountry Economic Network; Susan Thomas, Hilton Head Island-Bluffton Chamber of Commerce; Carlotta Ungaro, Beaufort Regional Chamber of Commerce; Edgar Williams, Beaufort Black Chamber of Commerce.

ACTION ITEM

1. Burton Fire District – Request for Impact Fees

Discussion: Mr. Harry Rountree, Burton Fire Chief, reviewed this item with the Committee. The Burton Fire District would like Council's approval to withdraw \$295,000 from their Impact Fee Fund to use toward the purchase of a new fire truck, which was included in the Fire District's long-range Plan. The price of the pumper truck, with Pierce Inc., totals \$595,407. The \$295,000 will be used as a down payment, which will earn interest in the sum of approximately \$8,000 to \$9,000. The remaining \$250,000 will be financed through a local bank. The annual payment will be the same amount as a loan retired last year. The District does not anticipate any increase in debt service. The annual payment will be the same. This will be a six year note.

Mr. Rodman wanted to know if staff was ok with the request. Mr. Hill replied in the affirmative.

It was moved by Mr. Flewelling, seconded by Ms. Von Harten, that Committee recommends Council approves Burton Fire Districts request to withdraw \$295,000 from their Impact Fee Fund to be used toward the purchase of a new pumper truck. The vote was: FOR- Mr. Baer, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

Recommendation: Council approves Burton Fire Districts request to withdraw \$295,000 from their Impact Fee Fund to be used toward the purchase of a new pumper truck.

INFORMATION ITEMS

2. Beaufort Commerce Park Discussion

Discussion: Mr. Jerry Stewart spoke before the Committee. The resolution brought forth asks Council to give the County Administrator authorization to go forward and negotiate with the banks involved in the Beaufort Commerce Park (Park) for the acquisition of the County to acquire the Park at the best price negotiable. It also asks the County Administrator sends out a letter to the Utilities, since they have funds available for economic development that can be used by public entities. These funds could be used for improvements to the Park. We are in need of facilities and speculative (spec) buildings to attract business that, in today's climate, find it hard to find monies to build facilities. We do not have adequate facilities a majority of businesses look for. We need to think of having facilities available to help attract these companies. If the County owned the Park, we could allow companies to build on our land and partner with them, qualifying us for the Utility Fund. One concern is the financial aspect of the Lowcountry Economic Network (Network) and the finances associated with the Park. Another concern is where the funds would come from in order to make the purchase. As a result of preliminary discussion with the bank, we are going to slightly modify the request to give the County Administrator authority to negotiate a price up to \$1.5 million.

Mr. Gary Kubic, County Administrator, stated we are constantly in the process of prioritizing what we do. It is a fluid process. The first initial step to be taken or considered is concept approval. The discussion regarding the opportunity to purchase this Park is for a sizable acreage. Concept approval should be predicated on the importance and value to the community at large. Once we have concept approval, we then can get involved with the preparation of all other projects of similar/like content – library, industrial park, coroner's facility, court house renovations, etc. This concept approval will put this project in the group with previously considered projects for funding in future years. The sources could be any of the following: general fund expense, expense applied against County fund reserve, reallocation of existing CIP, new CIP or a combination of all the above. He stated he expects us to stay away from the general fund budget and general fund reserve. He would prefer placing this purchase in the new CIP allocation with the possibility of deferring some of the funds in the CIP process to this project.

Most likely administration will recommend a portion of CIP reallocation and the remaining balance be placed in a new CIP program. We are looking at a value not to exceed \$1.5 million.

Mr. Stewart stated the Park was purchased March 2006 by the Network for \$2.918 million. Since then, the terms have been 2.5% interest. We are paying interest only. When a parcel of land was sold, a portion of that would be used to pay down the principle and the remainder would be used for infrastructure. The Network has to pay interest plus principle on a monthly basis. The interest has gone up to 6.25%. It is a significant, additional cost. All of the monies that come in from the sale of land, the Network will use to pay down to the principle point of sale. It is a significant change on how the bank arrangements have fallen out. Currently, 30 to 40 acres have been sold at an average price of \$35,000 per acre. A portion of that has been used to pay down the principle from \$2.9 to \$2.43 million. There is an addition amount in the escrow account and sweep fund being used for the Park that could be brought down prior to sale to about \$2.25 million. Over the period of time, from the purchase in 2006 to now, the books for the Park have been kept separate from the Network. Monies that have been used, to date, for infrastructure, have come from proceeds of sale/assets from the Park. Ms. Statler can distribute the financial status. The books of the Network have been consolidated by an outside auditor and will be released soon. The current loan balance is \$2.25 million. We are giving the County Administrator the authority to negotiate \$1.5 million. The current appraised value is \$3.75 million. We are looking at taking property worth \$3.75 million with an outstanding loan balance of \$2.25 million, and negotiate \$1.5 million. It is a significant reduction in what was paid. There has been \$1.6 million put into the assets for the value of the Park. We now have water/sewer and gas is available at the entrance. Also a storm water system is in place. There has been some bush-hogging done and signage placed. There has been a significant amount of infrastructure done. It has been certified as an industrial park facility. We have also entered the land into the MCIP agreement which allows certain incentives and have a streamlined permitting process. A lot of counties do own land which they make available for businesses. In doing so, one qualifies for monies from the utilities. By not having any public interaction or part of a deal, we precluded ourselves and were not eligible for the funds in the past. We had not taken advantage of the MCIP and fee in lieu of structure. The counties that had taken advantage were able to take the value and assets of those properties off the tax role and does not account against their valuation for state distributing funds. By having the high valuation we are not getting any EFA funds, etc. we have not done ourselves any favor. The State Department of Commerce has monies available for alliances within the state. We have never, before last year, been able to take advantage of an alliance. Since joining the alliance, we got \$100,000 last year and are eligible for \$400,000 over the next couple years. We have always seemed to hurt ourselves. This brings jobs in to the County. Right now we have done a terrible job by not doing what is necessary for economic development and to bring jobs into the County. We are not feeling the pinch from that. It is time to step up and do what is necessary to promote jobs and job development.

Ms. Jane Baxter, Palmetto Electric, spoke before the Committee. There was legislation passed in 1996, which in lieu of paying a tax back to the State used for economic development. Jasper County and Hampton County use it. There are three specs buildings that have been built with the monies. The property has to be owned by the County or a municipality.

Mr. Steven Baer stated when this matter came before the Public Safety Committee on March 1, 2010 there was much verbal discussion of it, but no data relevant to a business plan to review before the meeting. Both Mr. Rodman and he stated we would like that information before being asked to make any decisions on such a complex topic. That request is clearly recorded in the March 1 minutes.

Now, two weeks later, we are being given more verbal information at a fast clip, including some conflicting data, but we still have no written business plan to review in advance. We heard potential benefits fly by, but have not had time to analyze them or the risks. We heard appraisal numbers fly by, but it is likely that few people in Beaufort County could sell their property for the appraised value. We seem to be asked to make some kind of rapid decision without understanding the complete picture. That, to me, represents poor supervision of the taxpayer's dollar.

Mr. Baer is comfortable with giving Mr. Kubic the authority to go out and determine the price for the land, but without any commitment to go any further or commit in any way to any kind of a deal. Before we go any further beyond that price determination, we need to see a written business plan, with time to digest it in advance, and ask questions. That plan should contain, at a minimum:

- Cost of land, cost of competing land
- Other costs such as buildings, improvements, infrastructure, environmental mitigation, etc
- How financed: impact on taxes, deferment of other projects
- Revenue, timing, method of payback to taxpayers, if any
- Benefits
- Risks
- Alternatives: e.g. let the property go to default and buy it at a lower price as Mr. Rodman once suggested, other partners, etc.
- How managed
- Other major factors to be considered

The study of this project should proceed as rapidly as we can, consistent with the need for proper due diligence and review.

Mr. Stewart stated this is a commitment to negotiate, not commit. We cannot ask for a commitment until we acquire the land. We are asking administration to figure out the best mechanism for funding. All those recommendations would come forth later as a negotiated deal has been made, as well as a business plan. It is premature at this point. All that is being asked is that we give the County Administrator the authority to negotiate a good faith effort. Part of the issue is the economy and the difficulties that exist for companies today. They are not getting financing and are not looking to buy land to build on. We are doing the best we can to move forward in that matter. The intent is that as we sell the land, and monies would come back into the County. There is no intent other than giving the County Administration the authorization to negotiate the deal.

Mr. Rodman stated he is comfortable with authorizing the negotiations subject to it coming back. He wants to know why \$1.5 million. If the County Administrator has to negotiate and come back before Council, why is there a boundary of \$1.5 million?

Mr. Dick Stewart, Network Board members stated the objective is to create a budget situation so the County Administrator is successful and Council will be able to consider whether to proceed or not without having to go through a budget amendment. The banks, as we negotiate with them, find themselves in an interesting position of having federal guidelines dictating what they can and cannot do with their loans. They have been good partners in economic development. One of the banks was originally the marketing arm for the Park in 1999. It took six-months to get a plat from them, at that time. The plat was taped together and on two different scales so the amount of acreage was unknown. Also, the property was covered in trees, was not certified, nor were there utilities. It was not even certified with the State. There was not a situation where there was the expectation of zoning. He was told, on a couple occasions, if someone wanted to build it would take between 9 to 18 months to get a building permit. That is insufficient so most folks who would have been prospect would have gone to an adjacent site location. That Park languished there for a long time. What has happened in the nine years since is that the partnership and the private sector folks have been contributing every year have seen the benefit of a coordinated regional economic development plan and its benefits. No one could have predicted the economic situation we currently find ourselves in. Banks that were unable to do the amount they were previously able to do before would have left the terms where they were, they probably would have. The Network was never a land speculator, nor should the County be. However, if you are going to have economic development, you have to have a certified site and predictable zoning. It would have been great to have a spec building, because if we did, we probably would not be having this conversation right now. At the end of the day, the measurement of a business plan is going to be success of creating jobs, diversifying the tax base, taking some unemployed families and having them live in a safe home, etc. As it relates to the \$1.5 million, there is not magic number. A year from now, the situation may be dramatically different. Today, there is the Toxic Asset Relief Program. That Program allows for our tax dollars to help banks to sell stuff for less than what is currently owed. Someone with the expertise in negotiating, as well as the County Administrator, and with the expectation of an available source of funds from Council, an agreement sufficient to the bank and County's needs should be reached. He stated he hopes in working with the Partnership/Network to provide the bank some recognition for their several years of economic support and continued expectation of support. We can provide some tax incentives for them, membership rights, and other things they may find appealing in order to facilitate a transaction like this with the County. They know economic development in Beaufort County helps their banks. Lots of notes are being sold for less than 75% value. This is about a 72% value on this note.

Mr. Stewart stated the intent of this is to provide more information to the Council. Mrs. Statler distributed the financial data. There is a slight difference in revenues versus expenses because the Network, through private funding, had a small escrow account built up over time. It was part of the initial purchase price. As we go forward, there is no intent not to develop a business plan. We need to find out where negotiations are going.

Mr. Baer stated the County Administrator is going to determine a price which will be one element of the business plan. Who is in charge of putting the business plan together? Mr. Stewart replied the Network and the County jointly.

Mr. Stewart stated he wanted to get this in the cycle so that as administration goes through the budgeting process that can all be accounted for.

Status: No action.

3. Pending Legislation

- **Sembler**
- **H.4229 and H.4344 - \$.01 Local Option Tourism Development Fee**
- **Proviso 89 – Proposed PRT Tourism Promotion Loan**

Sembler

Discussion: Senator Tom Davis spoke before the Committee. He stated Senator Pinckney, Jasper County Senator, filed Senate Bill 1054 – Sembler Incentive. Subject to certain conditions, this bill would allow \$.03 of the \$.06 sales tax to ultimately be paid out of the general fund, pass through the counties through an MCIP agreement and be used to benefit the developer. The incentive is effective over a 15-year term. Estimates by the Senator of Jasper County were that it would be about \$175 million worth of sales tax remitted back, over a 15-year period. A couple months ago, the President for Sembler indicated it would be closer to \$134 million. Estimates of \$40 million and \$70 million have also been heard. No one really knows. It depends on the number of sales in a 15-year term. It is a large chunk of money. Senator Pinckney spent last Wednesday and Thursday outlining the bill and why it was important. Senator Davis spoke for an hour as to why he thought it was bad legislation for South Carolina in general. After about an hour, the senate adjourned. Tomorrow there will not be any debate on S1054. There is going to be a process of amendments. There are 12 particular areas in which he stated he will be offering up amendments to bridge the gap between the bill as proposed and the bill as it really exists. In regard to the capital investment component – they have been talking for the last several weeks about how Sembler does not get one cent unless they put \$400 million in the ground first. Sembler has now considered the point that, by the way the legislation is drafted, it does not matter who puts the capital in the ground; it all counts toward a threshold. One thing that counts is money being put into the ground by Jasper County through a special purpose revenue bond. Another way the investment threshold is met is by looking at retailers, tenants, up-fitting costs, equipment costs, etc. One of the amendments he is going to offer is if Sembler says it is going to put a \$400 million capital investment in the ground, then make the bill reflect that Sembler, the recipient of the sales tax incentive, is going to put the capital in the ground.

Sembler has also talked about how there will be not job shifting. These will be new jobs. In fact, there is a provision in State law now, in the incentive section that says a new job must be precisely that. There is language to say the job cannot result from the shifting of other establishments nearby. In this bill, the definition of new job has been redefined so you have to take out that anti-shifting component. We offered an amendment that puts that anti-shifting

component back in if they are going to be new jobs. If they will not be poached from existing retail then they should not have a problem with that provision being inserted. Existing law requires that any recipient of an incentive present a cost benefit analysis that demonstrates the cost of the State is outweighed by the benefit being yield to the public. That is existing law and has been stripped out of this bill. If it is a good deal and will benefit the region, then the cost benefit analysis ought to be reinserted into this bill. Sembler indicate they are going to have to meet a certain target of sales every year before qualifying for the incentive however, they are allowed to take two quarters and annualize them to come up with their annual number. If one says a certain number of sales are going to occur, one should demonstrate that instead of taking two of the most profitable quarters. They talk about using local contractors and employees, when currently there is nothing in the bill that requires that. He will offer amendments that states that contractors they use will be contractors and employees from the Beaufort/Jasper area. Sembler talks about the how the average job would be about \$30,000, which he doubts. That will be inserted into the bill as a requirement. If they are going to sell it based on those numbers, there ought to be a requirement in the bill that those numbers are reached, in order to get the incentive. They talk about best management practices in regard to the environment and an amendment will be offered in that regard. They talk about how much of the business will be from tourism and there is an incentive directed toward tourism in the code currently which requires 35% of the visitors be at least 50 miles away. If this is going to be driven by tourism, there should be the same requirement. They talk about how it is going to be high end quality specialized stores. Senator Levington questioning Senator Pinckney asked him, "If that's the case, then why two-thirds of the development on one million square feet is shown as being populated by big boxes and run-of-the mill retail." There will be an amendment offered up to make sure that the establishments there are, in fact, specialized stores. Sembler indicated they fully intend to address whatever traffic problems arise as a result of Highway 170/278. If that is the case, then it needs to be included in the bill. Also, they have indicated that since 1/3 of the properties in Beaufort County, that 1/3 of the money to the pass down should come to Beaufort County. An amendment will be offered up in that regard.

There are 12 particular amendments to match up the realities of this bill. This next week the amendment process will be taken up. The bill will probably get to a point of being presented to the Senate for vote next week. It will be assigned to some Ways and Means Subcommittee and will work its way back up from there. It will be considered by the House. If they do not agree to what the Senate did to it, they will pass their own version of the bill and send it back to the Senate. The Senate can either concur or not concur with the bill. If they do not concur, there will be a conference meeting with 3 members from the house and Senate to reconcile the two bills. Once the bill has been reconciled and sent back to the Chamber, it will be voted on. Once approved it is either signed or vetoed by the Governor. If he vetoed the bill, it would go to the House for a veto override (it takes 2/3 of the members to vote to override) then it is sent to the Senate where a similar process takes place. The next two weeks will be telling in regard to the Senate.

The State Chief Economist reviewed this bill and issued a report saying this will not result in any new sales that would not have otherwise occurred without Sembler. It is important to realize what you are talking about is money that would already be going to the general fund.

The only difference is if this bill is passed, none of the money will be rebated back to service the developers' construction. He does not see how in a year, we are talking about releasing prisoners early because we do not have enough jail space. We are talking about furloughing teachers and removing 3,000 kids from the disabilities roles, cutting off autism funding entirely. How we are going to justify giving \$5 million to \$6 million away to an out-of-state developer when about a billion dollars of federal stimulus money was cut off. We have a \$500 million deficit this year.

Mr. Stewart stated for Beaufort County to qualify for the .03 sales tax, the property must be in a MCIP. When Hardeeville and Jasper set up the Park they left the section in Beaufort County out of that Park. It would have to be put into the MCIP in order to qualify.

Senator Davis replied unless the legislation or bill has an amendment that provides for alternate means of getting the dollars.

Mr. Stewart stated if it is through that MCIP and with the current law, Beaufort County cannot make the decision to put it into the MCIP since it has been annexed into Hardeeville. The request would have to come from Hardeeville. If they refuse the request, we would not qualify. We need to make sure either through the legislation or through the amendment that it is understood if Beaufort County so desires to be a part of the MCIP we would have to bring it back for vote.

Senator Davis stated he is contemplating offering up an amendment to modify the MCIP statute to the extent needed in order to get the money down to Beaufort County and not withstanding or being a part of the agreement.

Mr. Stewart stated he does not believe Hardeeville will agree because once it is part of the MCIP, it is not longer ad-valorem taxes; it is fee in lieu of and Beaufort County has 100% control of how the fee in lieu of monies are spent. That is the issue.

Senator Davis stated the danger is by amending this bill, enough legislators will say we have made this bill good enough to pass. He does not believe it could ever be good enough to pass. Incentives for retail do not make any sense. Study after study shows that all you are doing is shifting the chairs on the Titanic. You are not expanding consumption but instead shifting consumption patterns within a defined area. At the time, retail incentives are a bad use of taxpayers' dollars. Amendments will be offered but it does not mean this bill is something legislators should pass.

H.4229 and H.4344 - \$.01 Local Option Tourism Development Fee

Mr. Stewart asked for Senator Davis's comments on H.4229 and H.4344. Senator Davis stated this bill passed the House and is now in Senate Finance. After the debate in regard to Sembler is over, he will sit down and hear what Mr. Bill Miles, Hilton Head Chamber Director, and Mr. David Tigges, Hilton Head Chamber President, have to say in regard to it. There are other individuals he would like to talk to in order to assess whether it is a good or bad idea. In regard to procedure, he is leaning toward a referendum component. If there is a compelling case

to be made in favor of an increase in sales tax for this purpose, the best way of conducting business is to take it to the people and make your case. He would either like the Sembler bill to be killed in the Senate or amended to the point of being less bad. He would like to focus on local option tourism and development fee.

Mr. Stewart stated he made the comment to Mr. Tigges and the Chamber about difficulty in the bill being that it is not just for Hilton Head Island adding the \$.01. In looking at the bill, as it stands, any municipality in Beaufort County could increase by \$.01. That creates a problem in the sense that the municipality basically would be making the decision, over the County, to add \$.01 sales tax. The problem is that how the collected monies are spent would be decided by the municipalities, 30% of which would go to relieve property taxes. The people in the unincorporated County would be paying the \$.01 but there would be no mechanism for them to get any tax relief on property taxes. The municipalities would be making a decision that really should be a County decision.

Senator Davis wanted to know, assuming that it is passed, if there is coordination between marketing dollars so that there is not overlap. Is there some discussion between the various designated marketing organization (DMO) entities?

Mrs. Carlotta Ungaro, Beaufort Regional Chamber of Commerce, replied the County requires the Chambers' coordination as it relates to the 3% local accommodations tax funds.

Senator Davis wanted to know if the \$.01 money would also be included in the cooperation provision. Mrs. Ungaro replied in the affirmative. The County could be included.

Mr. Baer stated the analysis he is going to present today has not yet been reviewed by the Chamber, County or Town. It will likely be improved after that review. His goal today is to get the ball rolling on a rigorous analysis of this proposed new tax.

He has read of the new Tourism Marketing Initiative (TMI) on the Chamber's web site, and read H.4344. Recently I also received a glossy brochure from the HHI-Bluffton Chamber delivered in my Island Packet. That brochure contains basically the same material as the web site, but one area caught my eye:

"How much property tax relief for the average Island resident? For example, based on the average median sales price of \$425,000, a Hilton Head Plantation property owner would receive an estimated 5 to 10 percent reduction in their overall property taxes." He was curious to see the impact of this tax relief under various strategies.

Case 1 - Base Case: The spreadsheet shows the results of a base case tax calculation, showing all components of a total tax bill of a person in the HH PSD, without the TMI tax relief. This is the output of a tax calculator he built to use in talks on what a detailed tax bill would look like, where the money goes, and to compare with previous years. The house value is set at \$425,000 yielding a resident assessed value (at 4%) of \$17,000 and a non-resident assessed value (at 6%) of \$25,500. Note that the area boxed in yellow in all cases is the resident tax relief from school operating costs.

The total tax for a resident would be \$1,693.98 and for a non-resident would be \$4,800.99. The former figure is very close to the value the Chamber sent me, the difference likely being the \$83.23 SWU fee.

Case 2 - TMI Abatement Applied Equally to Residents and Non-Residents: Using data that the Chamber kindly sent me, the proposed 1% sales tax would raise \$8,928,204 in revenues. Assuming that 30% of that went back to property tax relief per H. 4344, results in \$2,678,461 for property tax abatement.

Using data from the HHI web site, their Town Budget for Fiscal Year 2010 is \$59,876,810. Ad valorem property taxes collected this fiscal year on real estate, personal, and vehicles were 27.59% of the Consolidated Budget or \$16.5 million. (The Town millage rate in my calculator was previously determined to be 18.54 mills.)

Subtracting the \$2,678,461 (rounded to \$2.7 million) TMI property tax abatement from the \$16.5 million collected results in new collections needed of \$13.8 million. This would require a reduced millage rate of $(13.8/16.5) \times 18.54 = 15.51$ mills. Hence the TMI abatement, if applied equally to residents and non-residents, would result in a millage rate reduction of $(18.54 - 15.51) = 3.03$ mill.

Case 2 shows the base case with the Town millage reduced by 3.03 mills (to 15.51) for both residents and non residents.

The total resident tax bill goes from \$1,693.38 to \$1,642.47 - a roughly 3% reduction

The total non-resident tax bill goes from \$4,800.99 to \$4,723.72 - a roughly 1.6% reduction.

There is more work to be done. In addition to verifying the data and methodology, we should examine at least two other major cases, plus possible variations: Case 3 - TMI Abatement Applied ONLY to Residents and NOT Non-Residents; and Case 4 - Other methods, such as a flat rebate. We can quickly run these and other cases, once we get the assumptions.

There are some other things to consider as well:

For example, the 1% sales tax will impact the cost of prepared food, restaurant meals, clothing, soda, books, paper and school supplies, garden supplies, pet supplies, tools, furniture, etc. We need to verify all the major types of expenditures to which it will apply.

We also need to understand the pain and reward. For example, is the impact of the extra 1% tax on these items more or less than will come back in property tax abatements? Who might be better off, or worse off? He can see renters and people in lower priced homes will be hit harder. Consider the case of a family with 2 children in a \$200,000 home. Their taxable expense would be high, yet their abatement low. Hence this tax appears to be regressive.

The devil will be in the details of how the abatement is applied. We need to demonstrate this benefit/cost/pain via a neutral arms-length analysis.

Mr. Stewart stated the Chamber is looking at the total amount of dollars spent in various different areas, when really one needs to look at per diem or per tourist. Other areas have many more tourists than we have and the dollars spent per tourist/resident will be substantially different and not in comparison.

Mr. Stewart asked Senator Davis about Proviso 89 – Proposed PRT Tourism Promotion Loan. Senator Davis stated he is aware of Proviso 89 only from what he reads in the newspaper. He stated he has not looked at it. His understanding is it got passed by the House Ways and Means Subcommittee and is being taken up by the full committee this week. He stated when the Senate is not in session he will sit in on the debate.

Mrs. Susan Thomas, Hilton Head Island-Bluffton Chamber of Commerce, spoke before the Committee. We look at our competitive position, in terms of funding as well as marketing effectiveness, in a number of ways. We look at it on a “per key” allocation of funding. That means for every lodging unit there is a key. When looking overall in terms of a funding comparison, the Chamber looks at how many units are being served on a short-term rental market and what’s needed to bring visitors here and put heads in beds. We compared the southern Beaufort County area to areas all across the country. We generally fall in the lower 3rd of funding available in combination with both private and public sources. When you just look at public sources, Beaufort County is in the very lowest level of funding available per key for marketing. The intention was never to compare our destination or area to Myrtle Beach in any other way except for per key funding or the amount of funding overall available they have been able to garner because they are in the state of South Carolina. The Chamber was working with the Town of Hilton Head Island and some folks with SCDOR to put those funds together. Dr. Don Shunk, economist with Coastal Carolina, he was looking at numbers based on a similar scenario, but not knowing which way the Council would go in terms of applying that to just resident owners or resident owners plus second home owners or second home owners only. That choice could be made at the local level. That 5 to 10% was based off of looking at residents only.

Mr. Rodman wanted to know if the Chambers were in support of the \$.01. Mrs. Thomas replied in the affirmative.

Mr. Rodman wanted to know if this was targeted at maintaining the Heritage Golf Tournament if need be or independent of the golf tournament. Mrs. Thomas stated there will always be the opportunity for a special application that might arise over the course of time. This is a 10-year economic stimulus package over that ten-year course of time. We would not expect to have to continue to support the Heritage. We certainly want to try to secure a private sponsor before that time period.

Mrs. Carlotta Ungaro, Beaufort Regional Chamber of Commerce, stated the Visitor and Convention Bureau, as part of the Chamber, took a position to ask that maybe the enabling legislation be passed at the state level so we cannot have a discussion at the local level. Due to the timing, it has not come before the Chamber Board who meets next week. She echoes Mrs. Thomas’s sentiment. The Regional Chamber has been trying to do some research on comparable communities – Georgetown. They are comparable to Beaufort and northern Beaufort County but

smaller. They receive about \$950,000 just for tourism marketing. We receive approximately \$450,000-\$500,000. Their County gives them \$750,000 above and beyond the 30% DMO. We receive, collectively between the three chambers, \$350,000 from Beaufort County. We are a bigger tourist attraction than Georgetown. The way Georgia's taxes are setup is that for every hotel/motel tax dollar collected they receive \$3. The comparables down there have a budget of public funds 3x what we in the County receive.

Mr. Larry Holman, Beaufort Black Chamber of Commerce, stated the Black Chamber of Commerce has not taken a position on the bill because it has come up in southern Beaufort County. If it is overall, it will be discussed in upcoming Board meetings.

Mr. George Wilson, School Board, stated one of the Districts' legislative agenda items for the last couple of years has been to make sure local school boards do not have to pay local option taxes. We are paying approximately \$140,000 for each 1% of the tax paid. This would add another \$140,000 for the School District on top of the road tax currently paid. It may not seem like a lot of money, but it is in a time when things are tough. The Board would at least like to see in this bill, that it be exempt from local school tax. It is going to impact us. If we do not provide quality education, it's unsure what this country will be like in years to come. He stated he would be against this bill if the School District will have to pay taxes.

Mr. Dick Stewart stated there are two questions here: (i) whether to raise the tax; and (ii) to have the enabling legislation. He stated he recalls the discussion of school impact fees. The state legislature took that bat out of Council's hands; Council can no longer implement those even if wanted. He stated he personally believes it is an issue of home rule and should have that right. He stated he would not support anyone raising the sales tax by \$.01. He supports, however, the authority residing with Council and the municipalities. He would like to see the legislation amended so the County would have the opportunity to choose to implement school impact fees if necessary.

Mr. Rodman wanted to know if he agreed with the concept of a referendum as an approach. Mr. Dick Stewart replied he personally believes both should be allowed. In some circumstances a referendum might not be possible. An elected body is not going to take this up lightly.

Status: Information only.

4. Tourism Overview

Discussion: Mrs. Carlotta Ungaro, Beaufort Regional Chamber of Commerce, reviewed this item with the Committee. In the fall of 2008, Mr. Adam Recica of Steamer Oyster and Steakhouse Restaurant spoke to her because he saw in the newspaper where City of Beaufort hospitality funds were being used for tourism in that area. He wanted to know what was going on with the hospitality tax dollars he paid the County. At that time the funds had specific things they had to be spent on. Some of the other restaurants wanted to see the funding used for tourism marketing. In the five years this tax has been place, none of it has been spent on tourism. She

asked that \$200,000 be put in a tourism budget for that market. Tourism is the primary economic engine here. She has a plan on how to spend the funds. We depend on tourism grants. The marketing plan for this year is underway and is being spent. The Chamber has been waiting on grant funds to make sure the rest of the program can be finished. PRT did a study in 2006 and for every tourism dollar expended, the state and local governments get \$2.46 in tax revenues. We did a joint study with Georgia Southern in 2008 - for every \$100 of jobs, new tourism demands \$46 paid in jobs. It has a multiplier of 1.28 on generating jobs. Investment in tourism does mean jobs and facilities for our area. Tourists have a very low impact on the infrastructure. They do not have kids in schools. Our tourists do not cause a lot of trouble which some other counties have issues with. We are glad to have the kind of tourists that have little impact on our infrastructure. She introduced Mr. Bob Moklin to speak before the Committee.

Mr. Moklin stated he has been a South Carolina resident for 14 years and has had the pleasure of being in the tourism industry for 25 years. In 25 years he realized tourism is the "golden goose" and needs to be protected. The dialogue around this table is important in being financially responsible in how we allocate the dollars. Equally important is what we do with those dollars. On behalf of the Chamber and the Visitors and Convention Bureau, he thanked Council for its past support and stated he would like the opportunity to present a business opportunity. We are talking about a business decision and return on investment. We can do more and need to do more.

He presented the Committee with a PowerPoint Presentation. With recent dollars, the Chamber developed a new web site launched January 2010. It gets the word out and people are getting information. In two months, there have been more inquiries and more page views and traffic than ever before. A lot of the projects either just started or are in the midst of the campaign. The current 2% accommodations tax dollars have paid a full-time public relations and marketing manager. Recent successes include *Southern Living*, *National Geographic Traveler* and *Mercedes Magazine*. Current 2% accommodations tax dollars helped with research – the Smith Travel Research and Branding Study. It also helped with the staffing of the Visitor Center. The dollars also went toward the Chamber's Advertising Campaign. Current advertising campaign is estimated to reach 10 to 15 million people, based on circulation. Also, two billboards were installed on I-95 in January 2010. Media and campaign and fulfillment included select print placements and online campaign in endemic travel content targeted toward visitors located in the Southeast. He presented the current billboards and ads to the Committee.

The mission of the Beaufort Regional Chamber of Commerce Visitor and Convention Bureau is to increase revenue of the lodging and hospitality industry by promoting Beaufort, Port Royal and the Sea Islands. Anticipated results include an increase in overall occupancy rates and prepared food sales and to build brand awareness of Beaufort, Port Royal and the Sea Islands. Strategies include increasing business through a more aggressive marketing approach to generate additional overnight visitors and expenditures and to extend the length of stay and encourage a repeat visit by enhancing visitors experience at the Arsenal Welcome Center. He reviewed the target audience with the Committee. The primary target is couples 45 - 65 years of age, with a college degree and \$100k+ household income. The secondary target is couples 35 - 55 years of age, with a college degree, \$75k+ household income and with children in the household. He

presented a chart which showed the media consumption of women 40 - 65 who live in drive-markets and have a four-year college degree. Current tactics include: (i) Advertising – online advertising to include popular and well respected travel sights; local newspaper websites in key drive markets; and SCPRT co-op opportunities. (ii) Visitor Center - to include a Historic Documentary Film and kiosks to highlight “things to do and see.” He presented to the Committee an investment Summary of the total \$200,000 budget. Measurement is about accountability and is ease of measure. It is measured by increase in occupancy and rates, visits to BeaufortSC.org and visitor guide request. The benefits include an increase in A-tax and H-tax Collections, help businesses and create jobs, reduce residential property taxes, and continue to build brand awareness.

Mrs. Susan Thomas, Hilton Head Island-Bluffton Chamber of Commerce presented the Committee with a PowerPoint Presentation. She stated we are in a position where the Town of Hilton Head Island has made an investment of an additional \$300,000 to immediately be employed to drive the markets. That campaign has been launched. It is a media programming, a layering on of existing program. She expressed their appreciation for Town Council recognizing the need for marketing and supporting the partner at the Beaufort Chamber of additional funds. Those in the tourism industry are concerned because the U.S. Travel Association and Y-Partnership’s Travel Horizon put out a report in February telling that about 56% of Americans domestically expect to travel for leisure in the coming 6 months. This is down from 63% in 2009. This is the second consecutive year-over-year decline in tourism and how that might play out in our County and destinations. The intent to travel is dropping. Consumers are demanding good value for travel dollars. Also, business travel intentions rose slightly from 13% to 15%.

This past year the Chamber was able to take market share due to deploying special programming and marketing at the right time, in the right place. The Hilton head Island-Bluffton Visitor and Convention Bureau generated in Charlotte and Atlanta about 30.3 million media impression with the \$200,000 additional investment. That generated 75,238 visitors to the Island Insider Program. A comprehensive visitor profile study has been done on the results and 81% found the Chamber’s Hilton Head Island information useful or very useful, and 56% said it was effective or very effective in persuading them to visit. This generated 20,805 inquirers with a high conversion rate. 14,653 converted to visitor parties in 2009. They spent \$2,726 per trip/per party. The average leisure party size was 4.4 people. There has been \$39,698,738 in direct visitor spending. If you account for the 56% of that (the people who said it was very effective in persuading them to visit) that is still a \$22 million direct visitor spending impact. The \$39,698,738 equates to \$172.60 of direct spending for every public dollar of the \$230,000 invested. The following was how the dollars were spent: lodging 40%; food-dining out 19%; shopping 12%; transportation 9%; food-groceries 8%; golf 4%; and tours/arts/entertainment/outdoors/miscellaneous 8%. The total taxes accumulated are as follows: \$793,975 Accommodations Taxes; \$150,855 Local Hospitality Taxes; \$1,583,979 State and Local Sales Taxes; and \$119,096 Attractions Taxes. This is a total of \$2,647,905 in taxes. The return on the tax investment is \$11.51 to \$1. Ms. Thomas showed the two different types of digital billboards in 9 premium locations – Metro Atlanta. We want to evaluate the results of the program and should be wrapped up in early May. She stated she would like to share those results

with Council and share a specific plan of how the Chamber might deploy additional funds that would come out of hospitality tax in southern Beaufort County.

Mr. Larry Holman, Beaufort Black Chamber of Commerce, spoke before the Committee. The partnership the Black Chamber has with the Beaufort Regional Chamber of Commerce and the Hilton Head Island-Bluffton Chamber of Commerce was created because of an opportunity to market to African Americans. Beaufort is marketed as a cultural heritage and historical destination. He stated they support the H-Tax dollars being distributed; however, the Beaufort Black Chamber of Commerce would like to be included in any distribution of funds from the H-Tax. He stated they would like to extend their marketing effort as well. Also, we are coming out of a recession. Any monies the County could put into the tourism industry would be a plus not a minus. The dollars we put into marketing have been well spent. We have been frugal with the dollars spent in the County and will continue to do so. In order to be competitive, the Beaufort Black Chamber of Commerce needs additional funds as well. He then introduced Mrs. Liz Mitchell, Beaufort Black Chamber of Commerce, who presented the Committee with a PowerPoint Presentation on the marketing overview for 2010. The Beaufort Black Chamber of Commerce's goal is to increase the heritage and cultural tourism to Beaufort County. Their main focus is on historical story of African American Experience, marketing Beaufort County as a destination of interest to African American travelers and marketing to general travelers interested the culture. The campaign strategies include collateral (visitors guide, brochure, and event rack card), internet (website, blog, Facebook, Twitter) and advertising (cable television, magazines, e-newsletters, and internet banners). She presented the committee with many of the different advertisements. Market segments include family reunions, religious organizations, fraternal organizations and tour groups. The demographic target audience is African American leisure traveler, historic and cultural travelers, average age of 40+ and an average income of 75k+. The geographic target audience is Atlanta, Charlotte, Raleigh/Durham and Asheville. She thanked Council for their support and investment in tourism.

Status: Information only.

5. 2% (State) Accommodation Tax Recommendations

Discussion: Mr. Rodman stated five of the organizations that requested monies did not get considered because of non-response. He asked that Council possibly consider those five organizations' request. In past years our general level of expenditure was approximately \$500,000 - \$600,000 range. This year the amount was approximately \$300,000.

Mr. David Starkey, Chief Financial Officer, stated there were more earnings in the past. Two years ago we came in with a negative balance which was made up over a period of two years instead of all at once.

Mr. Rodman wanted to know if the amount of money we receive from the State has really dropped by approximately 50%. Mr. Starkey replied in the affirmative.

Mr. Rodman stated on the table is a proposal to spend \$289,000 as designated by the Accommodations Tax Board. Five requests were not considered. He asked the Committee to consider approving the Board's recommendations, but also re-evaluate those five requests.

Mr. Starkey stated in the ordinance, originally \$250,000 would be given out. This allocates the full dollar amount. Our collections, up to this point, are \$265,000. They appear to be roughly where we need to be. If Council were to approve the full \$289,000, the fund balance would be further negative. Those collections run through January 31. It typically takes the Finance Department approximately 20 days to get all the amounts in, based on the fact that there are cash reconciliations and bank statements which do not come in until later points of the month. He stated he cannot predict the future. The \$289,000 projection was made conservatively.

Ms. Von Harten stated it is good to stick with a conservative estimate every year. We keep paying out in advance of what we get back from the State and that puts us in a precarious position. She would like to see the fund balance built up in this fund so we can eventually get to a place where we are giving out monies we have in hand.

Mr. Rodman wanted to know if anyone has issues with the specific recommendations of the Accommodations Board. Mr. Flewelling stated he is concerned about the five requests not considered. Should we send this matter back to the Accommodations Tax Board to discuss those requests given the fact we are already projecting the entire \$289,000?

Mr. Rodman suggested bringing this forward at the next Finance Committee meeting. There we can receive an update on the number projected for funding. If we believe there is enough money, we then can ask the Board to weigh in on the five requests. Also, staff can look at the 2% accommodations tax funds and come forth with a recommendation at that time.

Status: Information only. This item will be brought back before the Committee.

6. Business License Text Changes

Discussion: Mr. Rodman stated at the last meeting the Chamber and staff were in agreement with the proposed changes. We wanted time to reread those changes and bring forth any issues. One issue is the number of rental properties that would trigger requiring a fee. His sense was the two would coincide with what is happening in the municipalities. This item will be brought back before the Committee

Status: Information only. This item will be brought back before the Committee.

FINANCE COMMITTEE

March 22, 2010

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

The Finance Committee met on Monday, March 22, 2010 at 2:00 p.m., in the Conference Room, Building 2, at the Beaufort Industrial Village.

ATTENDANCE:

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

County Staff: Brian Hill, Deputy County Administrator; David Starkey, Chief Financial Officer; Edra Stevens, Business License Director.

Accommodations Tax Board: Chairman Dick Farmer, Ilyse Queen and Jeff Thomas.

Media: Joe Croley, Hilton Head Association of Realtors; Josh McCann, Island Packet.

Public: Charlotte Brown, Gullah Festival; Mary Dawson, Gullah Festival; LaNelle Fabian, Main Street Beaufort; Larry Holman, Beaufort Black Chamber of Commerce; Liz Mitchell, Beaufort Black Chamber of Commerce; Rob Moaklin, Visitor and Convention Bureau; John Moore, Block Construction; Elizabeth O'Brian, Beaufort Regional Chamber of Commerce; Jenny Roan, Arts Council of Beaufort County; Carlotta Ungaro, Beaufort Regional Chamber of Commerce; Tom Valentino, Friends of Hunting Island; Edgar Williams, Beaufort Black Chamber of Commerce;

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

Invocation: Councilman Gerald Dawson gave the invocation.

ACTION ITEM

1. Tax Discussion

2% (State) Accommodations Tax Recommendation

Discussion: Committee Chairman Stu Rodman stated last fall when Council first looked at the finance projections for 2% Accommodations Tax (A-Tax) funds the amount appeared to be an approximate \$287,000. Being unsure of the amount that we would receive, Council talked about only allocating \$250,000. That somehow fell through the crack. The A-Tax Board has

recommended allocations in the amount of \$289,100. He introduced Mr. Dick Farmer, A-Tax Board Chairman, to give the Committee an overview of the process and review the issue with the five applications who did not receive funding due to not showing up to the meeting.

Mr. Farmer stated the allocation of these funds becomes more difficult each year as we receive less money than the previous year. This year the 2% A-Tax requests were much more reasonable. It tends to be difficult in spreading the dollars. The Board has to be surgical in how the dollars are spread and the linkages have to be tighter than in the past. This year there were fewer applicants which made the process more manageable. He informed Council of a policy adopted last year wherein "no shows" applicants will not be considered. This year the application was emailed. The Chairman assigns each Board member to serve on a group based on their expertise. Interviews are then conducted. The Board determines a reasonable allocation per project. This year's Board recommendations amount to \$289,100 because that is the amount received by the County. If it needs to be adjusted, the Board will do so.

The Chairman called upon the 2% A-Tax applicants who disagree with the recommendations.

Mr. Tom Valentino, representing Friends of Hunting Island, a small amount of 2% A-Tax funding was requested for the fabrication and installation of Nature Center signs and bike racks in the amount of \$4,130. The Board, however, only recommended enough funding for the signage in the amount of \$1,500. There is not enough funding for the bike racks which are needed. He asked that the full amount be reconsidered.

Mr. Jerry Stewart spoke before the Committee. He wanted to know if there is any thought in the deliberations as to where the monies go verse where we are getting the monies from. Hunting Island is a significant contributor of incoming funding.

Mr. Farmer stated there were 25 projects requesting 2% A-Tax funding. The base decision is the quality of the project.

Mr. Stewart believes there needs to be some correlation, but appreciates that fact that the projects are looked at on their own merits.

Ms. Charlotte Brown and Ms. Mary Dawson, representing the Gullah Festival, asked that their 2% A-Tax application be reconsidered. They worked hard to make sure the application was sent on time. They never received information of a meeting due to an incorrect email address.

Ms. Laura Von Harten commented that the date the Board was meeting was on the 2% A-Tax application itself, even though the specific time was not. Applicants in the room concurred.

Mr. Rodman presented the Committee with a handout on the 2% A-Tax Funding. There was a starting balance of -\$26,000. Staff has looked at the running rate of money coming in and projected \$453,000 total. There is \$46,000 that goes to the County, by ordinance, \$304,000 that goes to marketing, leaving \$113,000 for all other. That leaves an ending balance of \$37,000. The

A-Tax Board recommended \$176,000 for marketing and \$113,000 for all other. There are two issues that need to be resolved: (i) The amount of money to be allocated and (ii) whether there is any opportunity for the applicants that missed the meeting to be considered if there are additional monies.

Mr. David Starkey, Chief Financial Officer, reviewed with the Committee the 2010 year end estimate spreadsheet. Our 2% State Accommodations Tax revenues, as of February 28, 2010, is approximately 11% below February 28, 2009. With that negative variance, he took that outward and reduced by 11%. That is assuming that trend stays the same for the entire year. With that and taking into account the contribution to the two Chambers, \$250,000 each based on original ordinance, it looks as if our negative fund balance would become a positive \$1,815 by the end of this fiscal year. The \$250,000 is a direct subsidy number. If it is \$289,100, we may end up with a negative fund balance at the end of this fiscal year. When the original estimate was made in October/November 2009, \$289,000 was projected for total revenues in 2010. Unfortunately, revenues have been shorter from that timeframe forward.

Mr. Rodman wanted to know if we are willing to run a negative fund balance or send this issue back to the Board for them to reconsider their recommendations. Also, do we want the Board to reconsider the five applicants that failed to show up for the meeting?

Mr. Flewelling stated the Chief Financial Officer originally estimated spending \$250,000 for 2% A-Tax, but it turns out that we perhaps discussed \$289,000, an additional \$40,000.

Mr. Starkey stated the original estimate was that \$289,000 was the safe margin. The resolution read \$250,000 with a contingent \$30,000 if it were able to be processed.

Mr. Flewelling stated when estimating our fund balance at the end of the year at \$1,815 is that with only having spent \$250,000. Mr. Starkey agreed.

Mr. Flewelling stated theoretically if we only do get the \$250,000, but spend the entire amount, we will be short approximately \$38,000. Mr. Starkey stated if trends continue on their current path that would happen. The tourist season will begin to pick up in May/June. Contrasting the documentation we had February 28, 2009 to this year, that percent was extrapolated. The \$452,574.66 is 11% less than last years.

Mr. Flewelling stated that is well beyond and above \$38,000. It is \$12,000 lost and even lower into debt than that of the previous year. The only option is to send the Board back for additional work. We should give them a better target. Something that is closer to the reality of our situation. We are going to have to come up with at least \$8,000 more to cut to get us to not increase in the decrease. We should shoot for a break-even point.

Mr. Rick Caporale stated it is easy to get to that amount, *i.e.*, reduce the appropriations by about 8%. Are any of the groups new or are they the same groups as previous years.

Mr. Farmer stated he is not sure. The vast majority come back yearly.

Mr. Caporale expressed his concern with “not showing” a consideration that would entirely eliminate an application.

Mr. Stewart stated we are always providing monies before collecting them. If we collect more 2% A-Tax money, we could put the money in the reserve then we will ultimately get to the point knowing how much you have to put out and are not burdening any of the groups or taking an excess amount of money. Continuing to run in the hole and increasing that is difficult because he was hoping that this year’s \$250,000 would be a safe number that would allow us to build up a reserve to use in out years. Also, if we look at where the monies are to go by ordinance and look at the Beaufort Regional Chamber of Commerce and the Bluffton-Hilton Head Chamber of Commerce it is \$64,000 each. There is nothing by ordinance for the Beaufort Black Chamber of Commerce or Lowcountry Resorts. At some point that was a reasonable number. On top of that, we are now giving significant dollars above that. He would like to look at why we are going above the ordinance numbers for the Chambers. There is also the question of whether Lowcountry Resorts should be in the ordinance or not. He is questioning whether we should be giving an additional \$125,000 to each Chamber.

3% (Local) Accommodations Tax

Mr. Rodman spoke in regard to the 3% A-Tax funding. At the beginning of 2008 we had \$1.250 million and had \$720,000 of revenues, and only \$411,000 of expenditures. Year 2009 there was revenue of \$605,000 and expenditures in the amount of \$664,000 bringing us to a balance of \$1.5 million. For year 2010 there were revenues of \$557,000 and expenditures of \$465,000. There is a balance of \$1,592,000. There are five different groups – operations, county-wide advertising, tourism infrastructure, rivers and beaches, and a reserve fund.

Mr. Starkey stated he has not received any requests for 3% A-Tax funds at this point in time. Year-to-year the countywide advertising monies are zeroed out. The remaining collections are growing each year.

Mr. Rodman stated perhaps an accumulation of money in this fund would go towards a Conference Center / Convention Hall at some point in time.

Ms. Von Harten wanted to know if some of the proposed projects for 2% A-Tax funds could possibly go under 3% A-Tax monies such as tourism infrastructure.

Mr. Starkey stated he is unsure without the ordinance in front of him but he believes that tourism infrastructure could support such things as the bike racks the Friends of Hunting Island requested under the 2% A-Tax. Monies in the reserve fund could be used as long as it is tourism related. The way the ordinance is written operations get 8%, \$350,000 goes to county-wide advertising, thereafter the remaining 60% goes to tourism and infrastructure, and 20% to each river and beach access and the reserve fund.

Mr. McBride stated initially Council discussed using these funds for bigger projects in the future, which part of the funds is that category?

Mr. Starkey stated currently operations do not have a large balance. County-wide advertising is zeroed out at the end of every year. Under current projections, tourism and infrastructure has about \$900,070, river and beach access approximately \$208,000 and \$385,000 in the reserve fund. Those groups do have some substantial balances in them. The 2% A-Tax, however, has been running in the negative for the past of couple years.

Mrs. Ungaro, Beaufort Regional Chamber of Commerce, stated the tourism funding conversation has been going on behind the scenes for four years. It started with the Treasured Coast Funds and getting them realigned into a better marketing strategy. The Chambers are in a very competitive business. We are not competing with Jasper County or any of our next door neighbors, but instead are competing with the coast of Georgia and North Carolina. The state law for Georgia is a 50/50 split with their local tax up to 7%. The County is only required to give the Chambers 30%, as a Designated Marketing Organization (DMO), out of one small pot of money. Out of the \$13 million collected in Beaufort County, Beaufort Regional Chambers receives about 25% of what she can use. She has to watch nine pots of money for the Chambers funding stream. For every \$3 Georgia is allocated, their Chamber receives \$1. They are already three-times better off funded. North Carolina is required by state law that their local A-Tax, no less than 95% go to their tourism DMO. She has not calculated how many extra dollars that is. When Council is talking about not allocating more money to the Chambers, we are the ones that support most of the applicants for A-Tax dollars. They are working with them to help market and advertise around the country. State law does say that the 2%, 3% and the Hospitality dollars be spent on tourism marketing and tourism-related activities.

Hospitality Tax and Chambers' Request for \$200,000 to each of the County's Designated Marketing Organizations

Mr. Rodman reviewed the Hospitality Tax with the Committee. In 2008 the beginning balance was \$1,547,000. Revenue collections were \$1,135,000, disbursements \$446,000 for expenditures, leaving a balance of \$2,235,000. In 2009 there were \$1,283,000 in revenues and \$833,000 in expenditures, leaving a balance of \$2,686,000. In 2010 there were \$1,270,000 in revenues collected and \$1,387,000 of expenditures allocated, leaving an ending balance of \$2,569,000. Over the three-year period we have had an increase of about \$1 million in the Hospitality Fund. The monies are distributed to the general fund, personnel and other.

Mr. Starkey spoke to the Committee as to where this money is generally allocated. It is budgeted mostly for security through the Sheriff's Office. At one point \$1,278,000 was part of the general fund processing. The way the ordinance reads protection of tourism facilities is a permitted use the hospitality tax. Sheriff's Department this year budgeted \$1.7 million. The funds are basically transferred into the general fund which is split into many different areas.

Mr. Rodman stated there was a letter from the Beaufort Regional Chamber of Commerce and Bluffton-Hilton Head Chamber of Commerce requesting \$200,000 each from Hospitality

Funds. The Bluffton-Hilton Head Chamber of Commerce removed their request because they wanted to see how the \$300,000 they received from the Town of Hilton Head played out with their advertising campaign. The Beaufort Black Chamber of Commerce reserved the right to give their request at some point in time.

Mr. Larry Holman, Beaufort Black Chamber of Commerce, stated they were not a part of the letter requesting \$200,000. The Black Chambers would like to be a part of it. Being a part of the additional 1% tax has yet to be discussed. They are requesting monies in an undisclosed amount. They have yet to put a marketing plan together for the additional monies.

Mr. Rodman reviewed his Summary Spreadsheet of all three tax funds and the projection for the year, including what was recommended for the 2% A-Tax Board, but does not include the \$200,000 requested by the Beaufort Regional Chamber of Commerce. The 2008 beginning balance was \$2,772,000. Since then three-year revenues have been \$7,079,000 and the expenditures, including this year's recommendation, have been \$5,726,000, which gives us an ending balance of \$4,125,000. The change in fund balance has been \$1,353,000. The amount, out of this, that would go to the County is \$3,021,000, Beaufort Regional Chamber of Commerce \$936,000, Hilton Head Island-Bluffton Chamber of Commerce \$599,000, Beaufort Black Chamber of Commerce \$202,000, other marketing \$209,000, Arsenal \$170, Hunting Island \$143,000 and all others \$447,000. All these add up to \$5,626,000.

Mr. Stewart stated we are increasing the balance of H-Tax fund each year and wanted to know the purpose of that increase.

Mr. Starkey stated it is not being spent at the rate of collections.

It was moved by Mr. Flewelling, seconded by Ms. Von Harten, that Committee recommends Council approves allocating \$200,000 to the Beaufort Regional Chamber of Commerce and \$50,000 to the Beaufort Black Chamber of Commerce out of the Hospitality Tax Funds.

Mr. Baer stated this is very complicated and hard to figure out how much the Chambers get from all these spigots. He is getting hit from constituents that want to know what the Chambers do with all the monies. He would like to spend the next three months figuring out what to do better next year. Let's not pour more and more money on the same ole process next year.

Ms. Von Harten disagrees that it is the same ole process. It may look like it on the surface.

Mr. Bob Moakley stated it is very hard to deal with everything Council is dealing with from the standpoint of dollars and cents. There is not enough to go around. It is a matter of priority. Everyone in the room deserves money. The fact of the matter is that as a DMO, the philosophy of rising tides lifts all boats applies here. In the bigger scope of things, Colorado, as a state, decided they didn't need to be in the tourism industry and they eliminated of their state

tourism office. They took the \$8 million to \$12 million the State was getting and gave it to the industry at large. Three years later, they realized that their tourism was in the tank and consequently was not collecting as many accommodations and hospitality taxes. Their tourism suffered and they are still trying to recover from that decision. Other states, including Florida, cut their budgets during hard times when it came to marketing sales. He cautioned those who are making tough decisions that when you take down the budget for the destination, as a whole, there will be less collected and less money to go around the next time we are going through this process. Yes, we need to look at new models, but different services have been outsourced and one agency is not being used. Things have to be done differently in this day and time. It is a very tough decision. He asked Council to please understand the outcome of the decision could be even worse.

Mr. Stewart is concerned the motion is allocating monies to an organization that has not asked for monies. He would like to not include the monies for the Beaufort Black Chamber of Commerce and should wait until they come before Council with a request. It is not Council's point to pick an arbitrary number to provide to them.

Mr. Holman stated they have a number in the amount of \$100,000.

Mr. Stewart stated there is an enormous amount of frustration and a lot of people have lost confidence in the southern part of Beaufort County in what is happening in the tourism market. He does not know what the norm is in the area regarding tourism and marketing but there are three Chambers of Commerce and a visitor's bureau and also Lowcountry Resorts all functioning and doing the same thing. He wanted to know what percentage of the monies spent is going to overhead and administration as opposed to really going into marketing. How does that number compare to other areas? He stated he would like to see some specific number and would like to know where are monies are really going. Also, we hear a lot of numbers of how many other areas spend, but it comes down to us not getting nearly the amount of tourists as other areas. We need to look at this on a comparison basis and on per diem/per tourist basis. They are spreading that number on a lot more bodies and a larger effort than we are trying to do. Without those numbers, he stated he is reluctant to do anything.

Mr. Holman stated each year the chamber has to give the Committee a budget. He stated they show within their budget the monies that are being spent and where they are being spent. It also shows what has been spent in the previous year. He stated he only makes \$15,000 a year and would not want to make more than that. There is a full time and a part time employee whom combined probably earns \$15,000. Most of the monies go towards tourism related market to bring people into Beaufort. If we get the people into Beaufort, they will support our businesses and intern our businesses will survive, pay taxes and give a return to Beaufort County.

Mr. Baer stated tourism marketing dollars are good. We need to improve our aim not eliminate tourism marketing dollars. We need to understand that we are paying the taxpayers' money.

Mr. Stewart stated we need to consolidate it. What is the total number of dollars coming into all of the chambers and groups? How many of those dollars are going to marketing and are

really trying to bring tourists here as opposed to running the operation. It would be prudent for us to know what those numbers are before we doll them out. Also, he stated he is concerned when seeing the organizations and whether or not they are getting the dollars needed to bring people to the County. We need to understand that overall process.

Mr. Flewelling stated he likes the idea of competition; however, this is a strange kind marketing. Once you develop a brand and marketing plan, it is hard to digress from that without investing a significant amount of money in gearing it up and designing it but determining where the market will be. We need to think about our plan at the current time. We need to either completely redo it or invest our money where it is already being spent and with the current plan. we need to see if we can supplement and kick it up a notch just to get the same amount of money back to the County. He stated he does not see this as a yearly increase but as a onetime supplement to plug a hole in a leaking ship. As far as looking at the costs for the chambers and where they are going, that is something we can rely on them to give to Council before this item goes before full Council for vote. Where they intend to spend the money and the Performa they may have regarding their internal structure and costs we can receive before going to Council.

Mr. Dawson stated he would ask that before the motion on the floor is considered, that the Committee consider the businesses that did not get appropriations due to not showing up at the meeting. It would be unfruitful for the Committee to go forward with the motion on floor before making a decision as to those five applicants. Tourism drives Beaufort County and is the number one sources of revenues. We must bear in mind that all of these organizations are working for tourism and to bring tourists to Beaufort County which is our number one resource for revenue. It would be ill advised of this committee to go forward with the motion on the floor

Mrs. Ungaro stated according to Destination Marketing Association International report in 2005, we were right on the money for the average DMO spending of about 16% on marketing. We are at 17%. The average DMO spent about 27% on staff. We spend about 26%.

Mr. Baer stated one issue is how to allocate the \$250,000 and we need to go back to the Board and have them come up with an alternate list. Also, we need to look at the additional H-Tax Appropriations. We should set ourselves a one month goal to decide.

Ms. Von Harten stated the big picture is going through a process where we have monies that we allocated to various groups. It sounds like we, as Council, want to move toward some new way of thinking things and doing things. That will not happen this year. Any changes to the ordinance as far as allocations will take a year to take effect. She believes we are spreading the monies too thin, giving little pots of money to small groups, but some more appropriate for parks and recreation or another category of county money. We need to possibly use our tourism money for tourism marketing. That means our DMO's. They need money right now. We need to get money pumped into the marketing channels. We are way behind schedule.

It was moved by Mr. McBride, seconded by Mr. Baer, that the Committee table, for one month, the allocation of Hospitality Tax Funds for the Beaufort Regional Chamber of Commerce and the Beaufort Black Chamber of Commerce.. The vote was: FOR- Mr. Baer, Mr. McBride, Mr. Rodman, and Mr. Stewart. OPPOSED – Mr. Flewelling and Ms. Von Harten. ABSENT – Mr. Sommerville. The motion passed.

Mr. Rodman spoke in regard to the H-Tax and how we might have some risk in directing this money to public safety or being held. None is appearing to be going into hospitality. We need to see if we are in compliance. He asked that Administration check into that.

Mr. Starkey stated that with their being a potential of about \$2.5 million by the end of the year in that fund, administration needs some direction as to where the monies need to go.

Mr. Flewelling wanted to know the legal requirement of the funds. Mr. Starkey replied that he will provide that documentation.

Mr. Rodman wanted to know, in regard to 2% A-Tax Funds, if it would make sense to approve the monies for the chambers at 70% of recommendation and 100% for the other agencies. We would ask the Board to look at where they would appropriate additional dollars.

Mr. McBride stated he is interested in knowing the reasoning of why 5 applicants did not show up at the meeting.

Mr. Rodman stated that we had switched to an electronic notification. There may have been the issue of incorrect emails.

Mr. Bob Bender stated the correct email was on file; he however, did not receive the email.

Mr. Caporale thought that there should be a confirmation of those things or an RSVP.

Ms. Von Harten stated her interpretation is that we should not nickel and dime the money or spend it in small pots. We need to save it for larger items.

Mr. Rodman stated perhaps we should approve the A-Tax Board Recommendations at the 85% level or some percentage it would leave us with additional funding to consider those we are missing. Perhaps then we could make more monies available from the H-Tax Funds.

It was moved by Mr. Stewart, seconded by Mr. McBride, that the Committee approve the 2% Accommodations Tax Recommendation with the exception of the appropriations to the Beaufort regional Chamber of Commerce and the Hilton Head Island-Bluffton Chamber of Commerce be reduced 50% and the allocation of those monies be reconsidered. The vote was: FOR- Mr. Baer, Mr. Flewelling Mr. McBride, Mr. Rodman, Mr. Stewart, and Ms. Von Harten. ABSENT – Mr. Sommerville. The motion passed.

Mr. Stewart clarified that when he asked for more information from the chambers, it was for informational purposes. Council's purpose is not to try to manage the business of the chambers or tell them what to do. The intent is not to micromanage, but as elected officials, we have the responsibility to try to understand and try to focus that the dollars get to where they need to be. That is the purpose.

Mr. Rodman wanted to know if the chambers are ready to come back within 30 days, if there would be an objection. Mr. McBride replied in the negative.

Recommendation: Council approves the 2% Accommodations Tax Recommendation with the exception of the appropriations to the Beaufort regional Chamber of Commerce and the Hilton Head Island-Bluffton Chamber of Commerce be reduced 50% and the allocation of those monies be reconsidered.

2. Business License Ordinance Text Changes

Discussion: Committee Chairman Stu Rodman stated we went through a process of changing the Business License Ordinance. There was agreement between the chamber and the County staff on the changes recommended. The only open discussion was on the number of rental units that needed to be included. The old ordinance had five, and the drafted changes included one. The research of the other locations generally came back with two rental units. That issues needs to be resolved.

Mr. Flewelling stated he knows many people that own numerous units. It does not seem like a business until you get to the rental of five units. The Town of Hilton Head allows two rentals.

Mrs. Edra Stevens, Business License Director, stated the City of Beaufort allows one unit and so does the Town of Port Royal before it is considered a business. The Town of Bluffton is the same as the County's current ordinance.

Mr. Dawson stated if someone has five rentals, they have a rental business.

Mr. Rodman stated it tends to be about one or two units without having a business.

Mrs. Stevens stated they asked for that change because due to short-term rentals, we are losing revenue and the revenue does come in the Accommodations Tax.

Mr. Flewelling stated the ordinance does not distinguish between short-term rental and long-term rental.

Mrs. Stevens stated with the long-term rentals, everything that is commercial is licensed.

Ms. Von Harten stated if people get business license to do that business then we would have to have code inspectors inspect them to make sure they are appropriate and safe to live in. is that going to be additional staff time. If those places are not up to code and we do not let them rent it out, it could turn into a mess.

Mrs. Stevens stated store front locations have to go through the approval process – fire inspection, building codes, etc. Right now we do not do an inspection.

Mr. Stewart stated if you are renting something other than your personal home, then one is already paying the 6% tax and up there in the higher bracket. Also, if it is made one unit that means if someone rents their own personal home for a period of time will have to pay for a

business license. He stated he would not want to go below two units. If it's at two, the second one is already at the 6% tax rate. They are paying the higher tax.

Mr. Flewelling stated he does not understand why we would require a business license on rental of real estate when those people already pay so much more in taxes with the 6% tax rate. Why are we getting involved, at that level?

Mr. Stewart stated five years ago there was extensive discussion as to what the purpose of the business license fee. It is a tax as it is now. Is that really what we want? The purpose of a business license fee is to support those businesses. It is not revenue bearing. There is no reason of why we should follow the lead of the municipalities. It is our responsibility to do what we do in the County. They're overstepping their bounds and probably are not being legal with what they are doing. He questions that we should even be taxing at the level that we are. If we are going to, he would like to know how the funds are being allocated and being used to promote and help support businesses/business oriented activities.

Mr. McBride stated we keep complaining how the Legislature keep restricting our hand with property taxes and raising taxes, and then when they give us alternatives, we don't want them as an alternative source of revenue. That is our additional source or revenue. The South Carolina Association of Counties lobbied the legislature to pass and to give counties and additional alternative to the property tax. That is one of the five that was approved. Council will have to raise the revenues to support the county services, one way or another.

Mr. Stewart clarified that he never said to give up the business license fee. We, however, should be charging it based on what its purpose is. It should not be another arbitrary that we use for any purpose to raise funds. He said never would he advocate that we give up the right to do it. He would like to see the funds be allocated for some purpose towards businesses.

Mr. Baer stated the purpose of this is not just to help businesses but also to help the consumer. He also spoke about us having properties in Hilton Head that are cheap rentals that people buy and turn into transit hotels. It looks terrible. If it were in the County, we could police that.

Mr. Stewart stated two is the number of rental units. We should continue this discussion of what is the purpose of this

Mr. Flewelling expressed his desire to wait another month before taking action

Mr. Rodman would like this item to be forwarded to Council for first reading, then bring forth the issue of the amount of tax fee that is being collected during the budget season and coincide with second and third reading.

Mr. Flewelling does not feel it to be justifiable that any problems/misunderstandings are a criminal offense. There is trouble with nonpayment of this fee being a criminal offense as

opposed to a civil offense. They have absolute authority to sue nonpaying business owners, but to subject them to jail time for nonpayment see isn't necessary.

The vote was: FOR- Mr. Baer, Mr. Flewelling Mr. McBride, Mr. Rodman, Mr. Stewart, and Ms. Von Harten. ABSENT – Mr. Sommerville. The motion passed.

Ms. Von Harten stated at the last meeting Mr. Bequette pointed out some inconsistencies between pages seven and nine. She would like those addressed.

Recommendation: Council approves on first reading the text changes to the business license ordinance with two rental units. This item will be brought back before the Committee to continue the discussion of the purpose of the tax.

3. Off Agenda – Chief Financial Officer Review of Financials

Discussion: Mr. David Starkey, Chief Financial Officer, presented to the Committee, financial reports for the Stormwater Utility, Lady's Island Airport, and the Hilton Head Island Airport for the Committee.

Status: Information only.

DRAFT

NATURAL RESOURCES COMMITTEE

April 5, 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, April 5, 2010 at 2:00 p.m., in the Executive Conference Room of the Administration Building, Beaufort, South Carolina.

ATTENDANCE

Committee members: Chairman Paul Sommerville, Vice Chairman Jerry Stewart, and members Steven Baer, Gerald Dawson, Brian Flewelling, William McBride, and Stu Rodman. Non Committee Member Laura Von Harten also present.

Staff: Tony Criscitiello, Division Director – Planning and Development.

Public: Reid Armstrong, Coastal Conservation League; Joe Crowley, Hilton Head Island Realtors Association; Marcus James

Media: Richard Brooks, *Bluffton Today*.

Mr. Sommerville called the meeting to order.

ACTION ITEMS

1. Amendment to the Village at Lady's Island Planned Unit Development (PUD) to extend the sunset date to January 1, 2011

Discussion: Mr. Tony Criscitiello, Division Director – Planning and Development, came to the table to explain the amendment to Natural Resources Committee members. This is a 35-acre parcel zoned Planned Unit Development (PUD) in 1996. It is styled as a neo-traditional neighborhood, which is a TND with a mix of land uses ranging from 81 single-family lots on 14 acres to 119 multi-family units on 4 acres and 12 commercial lots of which 7 can be live/work type units. The density is calculated as 6 dwelling units per acre. The PUD falls under the sunset division of the Zoning Development Standards Ordinance (ZDSO) in Section 106-7(2), low impact PUDS. The area around the PUD is zoned Lady's Island Community Preservation (LICP) and Lady's Island expanded home business. The latter zoning district calls for small-scale offices servicing civic uses. The Lady's Island district limits density to 2 units per acre. However, when the PUD was originally created, the underlying zoning was development district, which allows for 8 dwelling units per acre. In effect, the PUD when approved in 1996 was a down zoning to 6 units per acre. Things have changed since 1996: a new Comprehensive Plan, a Lady's Island CP district, the Northern Regional Plan, all of which validated the Lady's Island CP district.

Mr. Criscitiello said the PUD approved density of 6 units per acre is out of character with the planned future development of the surrounding area. The PUD is within 1 mile of U.S. 21 and 802 and could qualify as a planned community with densities of 2.6 dwelling units to the acre. Celadon and New Point are built at densities of 2.6 and 2.5 dwelling units per acre, which is in

keeping with the Comprehensive Plan and the Lady's Island CP. Based on these facts, the staff recommended denial of PUD request to be exempt from the 2010 expiration date. The staff recommended the property be rezoned as Lady's Island CP and Lady's Island expanded home business 500 feet from the center line of Sam's Point Road. The Planning Commission recommended the applicant be given an opportunity to work with staff to amend the PUD and be brought back to the Planning Commission by January 1, 2011. The Lady's Island CP Committee reviewed this, as did the Sub Committee of the Planning Commission.

Mr. Sommerville said had this been built, up to now it would have been the highest density PUD on Lady's Island. In a way, we can be grateful it was not built and part of the reason for that is the economy, he added. This is an area without a lot of infrastructure to support high density. On the positive side, this PUD has a lot to offer. It is mixed-use and everyone agrees mixed-use is something we are looking and striving for. It is a good PUD. The only thing not wanted is the density – inconsistent with what is around that particular part of Lady's Island. The developer originally asked for it to be extended for 10 years. That was turned down by the Planning Commission. The recommendation is that we allow them a little less than 12 months to meet with staff and come up with something to preserve the good, which is the mixed-use part, and alter the 6:1 density. He opened the floor for discussion.

Mr. Flewelling asked if they are looking for a motion to table this. Mr. Sommerville said they are asking for a motion to give them until January 2011 to work with staff to come up with a proposal, which would salvage the best of this development.

It was Mr. Flewelling moved, seconded by Mr. McBride, the Natural Resources Committee recommend Council approve the Planning Commission's recommendation, which gives the owners of the Village at Lady's Island Planned Unit Development until January 1, 2011 to meet with staff to create an amendment to the PUD, which modifies the density and keeps the mixed-use.

Mr. Stewart said he is unsure about why they are doing anything. The extension for the PUD was denied. There is no PUD now. What is different than if they were coming to you with a new project? Mr. Criscitiello said you have to take an affirmative action on a zoning map. What we are basically doing is saying that map remains as shown until January 2011. The recommendation of the staff, had it been accepted by the Planning Commission, was that we would not exempt the PUD from the sunset provision and that we would immediately go to amending that map to make all of that Lady's Island CP or Lady's Island expanded business district. Either way, the decision of this body and County Council is either to amend the map as following staff recommendation, or to leave the map alone and allow the developer to come back in 2011 with suggestions. Mr. Stewart said what we are really doing is allowing them to leave the map as it is. Mr. Criscitiello agreed.

Mr. Baer asked what would happen on January 1 if they agreed to the proposal. Mr. Criscitiello, said by then there would be another staff report and recommendation from the Planning Commission to some modification to the PUD, assuming the thrust of our concern is that the density is too great. Mr. Baer asked if the body would have to take a positive action at that time. Mr. Criscitiello agreed.

Ms. Von Harten asked what if they accept staff's recommendation to rezone it. Mr. Criscitiello said then Council votes on it, and tell staff that at the next Planning Commission meeting they come back with a recommendation for an amendment to that map to change it from PUD to Lady's Island CP or Lady's Island expanded home business district; then map could change. Ms. Von Harten asked if Council agreed to the map change then the developer could still work with staff to develop a PUD. Mr. Criscitiello said within the zoning district, Lady's Island CP, there is a provision in there for a Planned Community. Then just like Celadon, which worked within the context of the CP, it came back with a development by-right of 2.6 dwelling units per acre. Within the zoning district, there is the opportunity to develop like Celadon did.

Mr. Baer asked if the developer built anything in the 14 years the PUD has existed. Mr. Sommerville said he thinks it is a good thing the development has not been developed yet; he cited bridge congestion. He also said the owner spent a huge amount of money on engineering to develop what staff considers a good development, a good fit for the community. He said he is inclined to give them the extension to January 1, 2011 to come up with a modification of the PUD satisfying all parties.

Mr. McBride said assuming the motion on the table passes and by January you cannot come up with something that is acceptable to both parties, what happens? Mr. Criscitiello said he would be obligated to bring to the Planning Commission a request to change the zoning to Lady's Island CP and Lady's Island expanded home business district. At that point, we would re-engage in the debate about whether to make a change to the map, or to continue the PUD.

Mr. Baer asked if dirt moved. Mr. Sommerville said no.

Mr. Stewart asked about the area above the area in question and the density. Mr. Criscitiello said the area is New Point, one of the signature communities in the United States for a traditional neighborhood development, and the density there is 2.5 dwelling units per acre. Mr. Stewart said if this passes, it would be consistent with New Point.

Mr. Criscitiello pointed out the transportation model in affect considers the Villages at Lady's Island as existing development; that means the transportation effect was calculated into the transportation model.

Mr. Dawson asked if it extended the sunset. Mr. Criscitiello said all we are doing is just extending the "goal post a bit."

Mr. Rodman asked about language. He said it stuck him that a PUD automatically extended if it qualified for a low-density, slow rate of growth. He said he did not understand why that particular provision does not apply at this point in time. Mr. Criscitiello said what that language says, "not to exceed 2010" if it is a 106-7(2) in that areas. It reads, "the PUD is deemed low impact, i.e. develops less than 25 units or less than 10,000 square feet of commercial per year, and it is entirely complete by Jan. 1, 2010." That has not happened. "It has to do both of those to qualify?" Mr. Rodman asked.

Mr. Rodman asked if it is better to have the motion on the table to have them come back in January, or to have the zoning convert to lighter density if you do not reach an agreement by

January. Mr. Criscitiello said he thinks the developer prefers to keep the PUD as it is the “bird in hand.”

Mr. Rodman also asked if we assume we want to lower the density, what are the other attributes in the PUD that would be beneficial over the CP. Mr. Criscitiello said this is a good PUD; the sticky point is the density. He said they have provisions in there they will meet current engineering standards. He said it is a good PUD, but it is just a little bit too intense and does not respond to the general character of the island.

Mr. Baer said if we vote this down would another motion be necessary to restore this to 2 units per acre. Mr. Criscitiello said it would go back to 2 unless they came up with a PUD which would bump it back to 2.5/2.6. That is an option available with current zoning; that would be by-right. Mr. Baer said that would be compatible with the other developments nearby. He said he sees the Council has a stronger hand if they vote it down and let it revert back to the other.

Mr. Flewelling pointed out this will still go back to the Planning Commission, and we would face this question again in a month. Mr. Baer said he is anxious to get the ball rolling and is arguing against the motion.

Ms. Von Harten said if you let it stay PUD, it will only be one person to deal with as opposed to by-right development which could be subdivided.

Mr. Sommerville summarized the motion to not change the zoning map until January 1, 2011 to give the developer an opportunity to work with staff to come up with an acceptable amended PUD.

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

Mr. Reed Armstrong, Coastal Conservation League, said he had a concern about the community preservation committee not getting involved until late in the game. Mr. Criscitiello said, Reid makes a good point, however many CP committees are non-existent, dormant, etc. Some of them are nonfunctional. Mr. Sommerville said in this point he agrees the Community Preservation group could have been involved earlier in discussions.

Recommendation: Council approve on first reading an amendment to the Village at Lady’s Island Planned Unit Development (PUD) to extend the sunset date to January 1, 2011.

2. Consideration of Appointments and Reappointments

Discussion: Mr. Sommerville said there are several appointments/reappointments for the Committee to consider. The following boards and nominees were voted on:

Historic Preservation Review Board

Recommendation: Nominate Mrs. Rosalyn Brown, representing St. Helena Island, to serve as a member of Historic Preservation Review Board.

Planning Commission

Mr. Dawson said this is for Frank Mullen's vacancy. He said Charles Brown would be a good fit as he has prior experience. He served on the Planning Commission during the early 90s.

Recommendation: Nominate Charles Brown, Comprehensive Plan Planning Area Sheldon Township, to serve as a member of the Planning Committee.

Rural and Critical Lands Preservation Board

Recommendation: Nominated Stephen Olsson, District 7, to serve as a member of the Rural and Critical Lands Preservation Board.

Southern Corridor Review

Mr. Sommerville said there are 4 nominees for Stephen Wilson's vacancy. He said, Rick Caporale was supposed to come forward with a recommendation.

Mr. Stewart said the nominee Mr. Wilson was from Hilton Head Island, but if people on the island do not have a recommendation he would be happy to make a recommendation. The Committee got into a brief discussion about representation on the board.

Mr. Rodman said he is willing to bring Mr. Brian Watkins forward as a recommendation based upon his background.

Recommendation: Nominated Brian Watkins, representing resident of the respective area served, as member of the Southern Corridor Review Board.

Ms. Von Harten said this citizen volunteer process is still a mystery to her. She said she would like to see some sort of public announcements of the volunteer recruitment process, for the important positions. She said, it is confusing for us and it is confusing for the public. She said she has a stack of applications, "this thick" in her office. She said she wants a formal mechanism for finding out about this.

Mr. Sommerville said he is taking the executive session off the agenda.

Ms. Von Harten made a motion to address an off agenda item. However, Ms. Von Harten is not a committee member.

Mr. Baer said he would like to continue the previous thread regarding citizen volunteers processing. He said they should have a few months notice of openings.

Mr. Flewelling pointed out each Council member got big packets of information about each board, expirations, etc. at the beginning of the calendar year, and in each weekly packet we get letters.

Mr. Rodman said if memory serves me, Clerk to Council Sue Rainey puts out these updates periodically to Council members and on the internet. Mr. Flewelling said as far as public notice, he does not think that is necessary. I think as a representative that is part of our role, to know how people would like to serve in your district.

Mr. Stewart said he has found it difficult to find people to respond to vacancies, or to know all the people. He said he would like to see us get the word out that there are vacancies.

Mr. McBride said from time to time, when those slots come up at County Council he mentions if people are interested to contact the Clerk to Council. He said just mentioning it on TV gets some response.

Mr. Flewelling said you want people who use their own initiative to find out how to serve on their boards, etc because it shows they genuinely want to serve. Ms. Von Harten said sometimes there are people out there who would serve the boards well and just might know about it. Some of the people who watch with an "eagle's eye" sometimes have special interests.

Mr. Rodman said he is not familiar with this. He said the most logical place to look at the Web site.

Mr. Baer suggested a button on the Website with all of the openings listed. Mr. Dawson said if you ask Ms. Rainey or someone in the Public Information Office then it would be easily addressed.

DRAFT

PUBLIC FACILITIES COMMITTEE

March 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 March 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, and member Gerald Dawson, Brian Flewelling, William McBride, Paul Sommerville and Jerry Stewart attended. Committee Member Paul Sommerville was absent. Non-committee member Stewart Rodman also attended.

County staff: Paul Andres, Airports Director; Ed Bellamy, Public Works Director; Morris Campbell, Division Director – Community Services; Jian Fei, Assistant County Engineer; David Hughes, CIP Manager; Bob Klink, Director Engineering; Rob McFee, Division Director, Engineering and Infrastructure; Edra Stevens, Business License Director; David Starkey, Chief Financial Officer; Dave Thomas, Director Purchasing; Wlodek Zarcynsky, Library Director.

Media: Joe Croley, Hilton Head Association of Realtors.

ACTION ITEMS

1. Consideration of Contract Award – Construction of Plantation Business Park Frontage Roads

Discussion: Mr. Rob McFee, Division Director – Engineering and Infrastructure, reviewed this item with the Committee. On February 11, 2010, Beaufort County issued an invitation for bids to perform construction of the above mentioned project. The project consists of constructing two sections of new 22 feet wide roads between Westbury Park Way and Plantation Park Drive, and between Plantation Park Drive and Simmonsville Road in Bluffton. The Scope of the contract consists of furnishing all materials, labor and equipment for the complete construction of these new roads at a total length of .459 miles. The engineer's estimate was \$1,036,080.34 and the following firms responded, providing qualifications and corresponding bids.

Cleland Site Prep, Inc. Ridgeland, SC	\$1,017,385.72
Sanders Bros. Construction Company, Inc. North Charleston, SC	\$1,047,819.36
J.R. Wilson Construction	\$1,116,704.84

Hampton, SC

J.W. Construction Services \$1,163,432.75

Ridgeland, GA

APAC, Southeast \$1,557,773.93

Savannah, GA

REA Contracting \$1,673,080.49

Beaufort, SC

Cleland Site Prep, Inc. was the certified low bidder and met all Beaufort County Small and Minority Business participation provisions. An analysis of their bid prices was reviewed and there is not apparent cause for rejecting their bid. This project will be funded from the 1% Road Sales Tax Program Account #33402-54504.

Staff recommends the Committee to approve and recommend Council approve a contract award to Cleland Site Prep, Inc., in the amount of \$1,017,385.72 for the construction of the Plantation Business Park Frontage Road.

Mr. McBride inquired as to whether or not it was part of the original 1% sales tax. Mr. McFee replied in the affirmative.

It was moved by Mr. McBride, seconded by Mr. Flewelling, that Committee recommends Council award of contract to Cleland Site Prep, Inc., in the amount of \$1,017,385.72 for the construction of the Plantation Business Park Frontage Road. The vote was: FOR – Mr. Baer, Mr. Dawson, Mr. Flewelling, Mr. McBride and Mr. Stewart. ABSENT - Mr. Glaze. ABSENT – Mr. Sommerville. The motion passed.

Recommendation: Council award a contract to Cleland Site Prep, Inc., in the amount of \$1,017,385.72 for the construction of the Plantation Business Park Frontage Road.

2. Consideration of Contract Award – Paulkie Island Dirt Road Improvements

Discussion: Ms. Jian Fei, Assistant County Engineer, reviewed this item with the Committee. ON February 26, 2010, Beaufort County received six bids for the above referenced project. The Engineering Division reviewed the bid proposals submitted as follows.

REA Contracting \$523,990.40

Beaufort, SC

J.R. Wilson Construction Company, Inc. \$573,814.69

Hampton, SC

Cleland Site Prep, Inc. \$621,950.20

Ridgeland, SC

Griffin Contracting, Inc. \$642,868.96

Savannah, GA

Sanders Brothers Construction Company, Inc. \$694,146.70

North Charleston, SC

P.B.G. of South Carolina, Inc. Sumter, SC	\$771,993.40
Engineers Estimate	\$537,521.50

REA Contracting, LLC, submitted the lowest bid. An analysis of their bid prices was reviewed and there is no apparent cause for rejecting their bid. We also reviewed this bidder's proposal and have determined that they made a "good faith effort" in compliance with respect to Beaufort County's requirements regarding the Small and Minority Business Subcontractor Ordinance. Based on this analysis the Engineering Division recommends award of this contract to REA Contracting LLC, for \$523,990.40.

The reconstruction of the County dirt roads in this contract will be funded with BCTC/TAG Funds from the following accounts

<u>Road Name</u>	<u>Account Number</u>	<u>Construction Bid Total</u>
Paulkie Island Road	3322C-54717	\$202,787.40
Frame Avenue	3322C-54718	\$ 94,225.30
Harvey's Bend	3322C-54719	\$ 41,176.35
Mark Avenue	3322C-54720	\$ 30,441.25
Habersham Avenue	3322C-54721	\$ 39,033.80
Wesley Avenue	3322C-54722	\$ 55,688.95
Suzanne Avenue	3322C-54723	\$ 33,624.50
Hugh Avenue	3322C-54724	\$ 27,012.85
Total		\$523,990.40

Staff recommends the Committee to approve and recommend to County Council the award of Contract #39 to REA Contracting LLC, for the construction and paving of Paulkie Island Road, Mark Avenue, Harvey's Bend, Frame Road, Wesley Avenue, Hugh Avenue, Suzanne Road, and Habersham Road in the amount of \$523,990.40.

It was moved by Mr. Dawson, seconded by Mr. Flewelling, that Committee recommends to Council award Contract #39 to REA Contracting LLC, for the construction and paving of Paulkie Island Road, Mark Avenue, Harvey's Bend, Frame Road, Wesley Avenue, Hugh Avenue, Suzanne Road, and Habersham Road in the amount of \$523,990.40. The vote was: FOR – Mr. Baer, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride and Mr. Stewart. ABSENT – Mr. Sommerville. The motion passed.

Recommendation: Council award Contract #39 to REA Contracting LLC, for the construction and paving of Paulkie Island Road, Mark Avenue, Harvey's Bend, Frame Road, Wesley Avenue, Hugh Avenue, Suzanne Road, and Habersham Road in the amount of \$523,990.40.

3. Consideration of Contract Award – Courthouse Security System Improvements

Discussion: Mr. David Hughes, CIP Manager, reviewed this item with the Committee. On March 16, 2010, Beaufort County accepted bids for Beaufort County Courthouse Security System Improvements. This project includes the installation of additional cameras, additional magnetic door locks, additional card readers, and other miscellaneous components.

The County received one bid for this project from Technology Solutions of Charleston (TSC) in the amount of \$94,046.18.

TSC's bid was reviewed and found to be reasonable and is in compliance with the County's SMBE Ordinance. TSC will be self performing all work. There is no apparent cause for rejecting their bid.

The County also received a proposal from Patterson Construction thru the indefinite delivery (IDC) contract to perform architectural improvements to accommodate the additional improvements to the security system in the courthouse in the amount of \$24,954.60. the engineer's estimate for this project was \$130,000. It is to be funded from the followings:

<u>Account</u>	<u>Account Balance</u>	<u>Funds Requested</u>
FY02 CIP Act. 11432-54426 Courthouse	\$46,751	\$46,751
CY02 CIP Act. 11432-56000 General Contingency	\$94,182	\$73,116
Total		\$119,867

Staff recommends Committee approve and recommend to County Council the award of a construction contact to Technology Solutions of Charleston (TSC) in the amount of \$94,046.18 to supply and install additional equipment in the courthouse security system and a contract in the amount of \$24,954.60 to Patterson Construction Company for architectural improvements utilizing the funding sources listed above.

Mr. Baer wanted to know if these are for inside or outside security. Mr. Hughes replied inside.

Mr. Flewelling inquired as to the purpose of card readers. Mr. Hughes replied they are proximity cards that allow individuals access to offices/doors.

Mr. Flewelling wanted to know if this improvement would interfere with the outside security. Mr. Hughes replied in the negative.

It was moved by Mr. Flewelling, seconded by Mr. Baer, that Committee recommends to Council the award a construction contact to Technology Solutions of Charleston (TSC) in the amount of \$94,046.18 to supply and install additional equipment in the courthouse security system and a contract in the amount of \$24,954.60 to Patterson Construction Company for architectural improvements to be funded from FY02 CIP Account #11432-54426 in the amount of \$46,751

and FY02 CIP Account #11432-56000 in the amount of \$73,116. The vote was: FOR – Mr. Baer, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride and Mr. Stewart. ABSENT – Mr. Sommerville. The motion passed.

Recommendation: Council award a construction contact to Technology Solutions of Charleston (TSC) in the amount of \$94,046.18 to supply and install additional equipment in the courthouse security system and a contract in the amount of \$24,954.60 to Patterson Construction Company for architectural improvements to be funded from FY02 CIP Account #11432-54426 in the amount of \$46,751 and FY02 CIP Account #11432-56000 in the amount of \$73,116.

4. Consideration of Contract Award – Compact Unit Storage Shelving for the County Library

Discussion: Mr. David Hughes, CIP Manager, reviewed this item with the Committee. IN the spring of 2009, Beaufort County Council approved a contract to renovate the second floor of the Beaufort County Main Branch Library on Scott Street to create a space to house the Beaufort District Collection. The project budget would not support the purchase of the compact storage shelving unit at that time. Since the completion of the renovations, the Public Library Foundation of Beaufort County has raised \$37,717 for the purchase of the Compact Storage Shelving Units.

Patterson Pose submitted a proposal to provide all parts, materials and labor for the turn key installation of a compact storage shelving unit in the amount of \$83,341.31.

An analysis of their proposal was conducted by the Engineering Division and by the Library Director. The proposed price of \$83,341.31 was found to be fair and reasonable. Additionally, the price was found to be in compliance with the Proposer's current contract agreement with the State of South Carolina.

In addition to the \$37,717 raised by the Public Library Foundation of Beaufort County, the project will be funded by \$21,000 from Account 364204-4100 Library Stimulus Funds SFSF with the remaining \$24,624.31 from the general funds account #64070-54100.

Staff recommends the Committee to approve and recommend to County Council the purchase of the Compact Storage Shelving Unit in the amount of \$83,341.31 from Patterson Pope under the terms and conditions of their South Carolina State Contract utilizing the funding sources listed above.

It was moved by Mr. Baer, seconded by Mr. Flewelling, that Committee recommends to Council purchase of Compact Storage Shelving Unit in the amount of \$83,341.31 from Patterson Pope under the terms and conditions of their South Carolina State Contract utilizing the funding from 364204-4100 Library Stimulus Funds SFSF in the amount of \$21,000 and general fund account #64070-54100 in the amount of \$24,624.31. The vote was: FOR – Mr. Baer, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride and Mr. Stewart. ABSENT – Mr. Sommerville. The motion passed.

Recommendation: Council approve the purchase of Compact Storage Shelving Unit in the amount of \$83,341.31 from Patterson Pope under the terms and conditions of their South Carolina State Contract utilizing the funding from 364204-4100 Library Stimulus Funds SFSF in the amount of \$21,000 and general funds account #64070-54100 in the amount of \$24,624.31.

5. Consideration of Contract Award – Beaufort County Airport at Lady’s Island Fuel Truck Lease Agreement

Discussion: Mr. Paul Andres, Airport Director, reviewed this item with the Committee. The existing fuel trucks at the Lady’s Island Airport are old and experiencing mechanical problems that are extremely expensive to repair. Replacement parts are essentially no longer available. Under our existing fuel supplier agreement with Eastern Aviation Fuels, we can lease two fuel trucks for a total of \$1,500.00 per month. The initial term of the agreement would be for three years and can be extended longer. Under this arrangement, the airport would be responsible for handling routine preventative maintenance and Eastern Aviation Fuels for handling any major mechanical repairs. Funding to pay for lease these trucks has been included in the airport’s operating budget. The existing fuel trucks would be sold with proceeds remaining with the airport. A copy of the proposed lease agreement is attached for your information. The Airports Board favorably endorses this proposal. This lease will be funded from account #13570-51140 Equipment Rental.

Staff recommends that the Committee approve and recommend to Council approval of leasing two fuel trucks from Eastern Aviation Fuels for a total of \$1,500 per month for the Beaufort County Airport at Lady’s Island.

It was moved by Mr. McBride, seconded by Mr. Baer, that Committee recommend to Council approval of leasing two fuel trucks from Eastern Aviation Fuels for a total of \$1,500 per month for the Beaufort County Airport at Lady’s Island. This lease will be funded from account #13570-51140 Equipment Rental. The vote was: FOR – Mr. Baer, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride and Mr. Stewart. ABSENT – Mr. Sommerville. The motion passed.

Recommendation: Council approves the leasing of two fuel trucks from Eastern Aviation Fuels for a total of \$1,500 per month for the Beaufort County Airport at Lady’s Island. This lease will be funded from account #13570-51140 Equipment Rental.

6. Consideration of Contract Award – Hilton Head Island Airport Runway 21 Tree Obstruction Removal Professional Services

Discussion: Mr. Paul Andres, Airports Director, reviewed this item with the Committee. Over 2,400 tree obstructions have been identified that need to be removed in the approach zone to Runway 21 at the Hilton Head Island Airport. Wilbur Smith Associates in currently under contract to provide professional engineering services in support of Beaufort County airport projects. He proved the Committee with the proposed scope of work for

professional design services necessary to address these tree obstructions. Funding for this project will come from an FAA Grants (95% Pending), State Grant (2.5% Pending, and the Airport Enterprise Fund (2.5%). The Local matching share is \$4,500. Won on this project will not commence until the FAA has issued a Finding of No Significant Impact (FONSI) on the associated Environmental Assessment (EA) Study and provides a letter of intent to fund. the FAA's final determination regarding the EA is anticipated shortly. In order to meet FAA grant funding deadline, approval to proceed with this project design contract is needed in advance. The Airport Board favorably endorses this project. This project will be funded from account #13480-54285.

Staff recommends the Committee to approve and recommend to Council approval of a contract in the amount of \$179,188 to Wilbur Smith Associates to provide professional design services for the Runway 21 Tree Obstruction Removal project at the Hilton Head Island Airport subject to FAA approval of the associated Environmental Assessment Study and commitment to fund.

Mr. Flewelling clarified that this is not for tree removal only for design of tree removal.

Mr. Andres stated the total cost estimate for the north end is approximately \$3 million for the entire project.

Mr. Baer stated that Wilbur Smith Associates continues to get these contracts. Are we doing the best for our taxpayers?

Mr. Andres stated to switch to another firm would cause us to have to start from scratch and would delay proceeding on this project for at least another year. Our intention is to put out a RFP for professional services to re-evaluate this type of work.

Mr. Rodman stated there are numerous contracts, nor related to tree removal, that have gone to other companies other than Wilbur Smith Associates.

It was moved by Mr. McBride, seconded by Mr. Flewelling, that Committee recommend to Council award a contract to Wilbur Smith Associates in the amount of \$179,188 to provide professional design services for the Runway 21 Tree Obstruction Removal project at the Hilton Head Island Airport subject to FAA approval of the associated Environmental Assessment Study and commitment to fund. This project will be funded from account #13480-54285. The vote was: FOR – Mr. Baer, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride and Mr. Stewart. ABSENT – Mr. Sommerville. The motion passed.

Recommendation: Council award a contract to Wilbur Smith Associates in the amount of \$179,188 to provide professional design services for the Runway 21 Tree Obstruction Removal project at the Hilton Head Island Airport subject to FAA approval of the associated Environmental Assessment Study and commitment to fund. This project will be funded from account #13480-54285.

7. Consideration of Contract Award – Work Order Software for Public Works

Discussion: Mr. Eddie Bellamy, Public Works Director, reviewed this item with the Committee. Beaufort County issued Requests for Proposals (RFP) to firms capable of providing a comprehensive Work Order System for the County's Public Works Department. The system is a turnkey solution that provides software that will reside on county owned existing technology and network infrastructure. The scope of services will cover work order applications software, installation, maintenance support and onsite training. The evaluation committee consisted of Eddie Bellamy, Director of Public Works, Mark Roseneau, Director of Facility Management, Doug Baker, Public Works, Cynthia Martin, Storm Water Utilities, Ezekiel Miller, Storm Water Utilities Superintendent, and Heather Spaeth, MIS. The Evaluation Committee interviewed the top two firms and selected Tracker Software Corporation as the number one ranked firm. The final evaluation ranking is as follows:

1. Tracker Software Corporation, Snowmas Village, CO
2. CarteGraph Systems, Inc., Dubuque, Iowa
3. GBA Master Series, Inc., Overland Park, KS
4. Maintenance Connection, Davis, CA
5. VUEWorks, Inc., Concord, NH
6. Tyler Technologies, Inc., Falmouth, Main
7. Elation Technologies, LLC, Tampa, FL
8. MaintStar Inc., Irvine, CA

Funding for this software will come out of account #15060-54112 with a current balance of \$66,700.

Staff recommends the Committee to approve and recommend to County Council approval of a contract award to Tracker Software Corporation, the top ranked firm, in the amount of \$66,700 for work order application software, installation, maintenance and support service.

It was moved by Mr. Flewelling, seconded by Mr. Baer, that Committee recommend to Council award a contract to Tracker Software Corporation, the top ranked firm, in the amount of \$66,700 for work order application software, installation, maintenance and support service. Funding for this software will come out of account #15060-54112 with a current balance of \$66,700. The vote was: FOR – Mr. Baer, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride and Mr. Stewart. ABSENT – Mr. Sommerville. The motion passed.

Recommendation: Council award a contract to Tracker Software Corporation, the top ranked firm, in the amount of \$66,700 for work order application software, installation, maintenance and support service. Funding for this software will come out of account #15060-54112 with a current balance of \$66,700.

8. Consideration of Grant Offers – SC Aeronautics Commission Project No. 10-001 (Hilton Head Island Airport)

Discussion: Mr. Paul Andres, Airports Director, reviewed this item with the Committee. The South Carolina Aeronautics Commission has made a grant offer to Beaufort County for the Hilton Head Island Airport in the amount of \$65,125 which represents their matching 2.5% share for construction services for runway safety area drainage improvements and construction of a new Aircraft Rescue and Firefighting facility, as well as design services for clearing Runway 3 tree obstruction to meet a 34:1 Slope and aviation easement legal expenses.

Staff recommends the Committee to approve and recommend to County Council acceptance of a grant offer in the amount of \$65,125 for runway safety area drainage improvements, construction of an Aircraft Rescue and Firefighting facility, as well as design services for clearing Runway 3 tree obstruction to meet a 34:1 Slope and aviation easement legal expenses.

Mr. Flewelling wanted to know if the funding would come from the Airports Enterprise Fund. Mr. Andres replied in the affirmative.

It was moved by Mr. Stewart, seconded by Mr. Baer, that Committee recommend to Council acceptance of a grant offer in the amount of \$65,125 for runway safety area drainage improvements, construction of a Aircraft Rescue and Firefighting facility, as well as design services for clearing Runway 3 tree obstruction to meet a 34:1 Slope and aviation easement legal expenses. Funding for this project will come from the Airports Enterprise Fund. The vote was: FOR – Mr. Baer, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride and Mr. Stewart. ABSENT – Mr. Sommerville. The motion passed.

Recommendation: Council accept a grant offer in the amount of \$65,125 for runway safety area drainage improvements, construction of an Aircraft Rescue and Firefighting facility, as well as design services for clearing Runway 3 tree obstruction to meet a 34:1 Slope and aviation easement legal expenses. Funding for this project will come from the Airports Enterprise Fund.

9. Consideration of Grant Offers – SC Aeronautics Commission Project No. 10-002 (County Airport at Lady’s Island)

Discussion: Mr. Paul Andres, Airports Director, reviewed this item with the Committee. The South Carolina Aeronautics Commission has made a grant offer to Beaufort County for the Beaufort County Airport on Lady’s Island in the amount of \$26,644 which represents their matching 2.5% share for the runway and taxiway overlay, airfield electrical improvements, and Runway 7 Phase II tree obstruction removal projects.

Staff recommends the Committee to approve and recommend to County Council acceptance of a grant offer in the amount of \$26,644 for the runway and taxiway overlay, airfield electrical improvements, and Runway 7 Phase II tree obstruction removal projects.

It was moved by Mr. Flewelling, seconded by Mr. McBride, that Committee recommend to Council acceptance of a grant offer in the amount of \$26,644 for the runway and taxiway overlay, airfield electrical improvements, and Runway 7 Phase II tree obstruction removal projects. The vote was: FOR – Mr. Baer, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride and Mr. Stewart. ABSENT – Mr. Sommerville. The motion passed.

Recommendation: Council accept a grant offer in the amount of \$26,644 for the runway and taxiway overlay, airfield electrical improvements, and Runway 7 Phase II tree obstruction removal projects.

10. Consideration of Reappointments and Vacancies

• Airports Board

It was moved by Mr. Flewelling, seconded by Mr. McBride, that Committee nominate Mr. Garrett Gilbert, representing the Beaufort Chamber of Commerce, to serve as a member of the Airports Board. The vote was: FOR – Mr. Baer, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride and Mr. Stewart. ABSENT – Mr. Sommerville. The motion passed.

Recommendation: Committee nominate Mr. Garrett Gilbert, representing the Beaufort Chamber of Commerce, to serve as a member of the Airports Board.

INFORMATION ITEMS

11. Consideration of Contract Award – Beaufort and Hilton Head Island Tennis Court Resurfacing

Discussion: Mr. David Hughes, CIP Manager, reviewed this item with the Committee. In February of 2010, Beaufort County issues an invitation for bids to improve Beaufort Tennis Courts located in down town Beaufort at 1105 Bladen Street and Hilton Head Community Park Tennis Courts located at 150 William Hilton Parkway. The improvement consists of resurfacing the existing five tennis courts at Beaufort Tennis Courts and two tennis courts at Hilton Head Community Park.

The Engineering Division advertised for construction bids and received the following two bids on March 16, 2010:

NRSM	\$19,200
Myrtle Beach, SC	
Court One	\$38,820
Youngsville, NC	
Engineer's Estimate	\$39,000

Court One submitted the most qualified/responsible bid of \$38,820. Court One's bid was reviewed and found to be reasonable and in compliance with the County's SMBE Ordinance. Court One will be self-performing all work. Beaufort County will pay 100% of the construction cost initially; the State will reimburse the County 80% of the total construction cost from the PARD Grant only for the Beaufort Courts on Bladen Street. This project will be paid by FY05 CIP accounts#11435-54451 Southern Beaufort County Recreation Projects with a current balance of \$150,819.69.

Staff recommends the Committee to approve and award a contract to Court One in the amount of \$38,820 for the tennis court resurfacing of the Beaufort Tennis Courts and the Hilton Head Community Park Tennis Court.

Mr. Flewelling expressed his concerns about the use of southern Beaufort County funds for northern Beaufort County projects.

Mr. Starkey informed him that these are not PALS Impact Fee dollars but are monies borrowed through a bond that is county-wide. It does not violate any region issues.

It was moved by Mr. Stewart, seconded by Mr. Baer, that Committee recommends award of a contract to Court One in the amount of \$38,820 for the tennis court resurfacing of the Beaufort Tennis Courts and the Hilton Head Community Park Tennis Court. Beaufort County will pay 100% of the construction cost initially; the State will reimburse the County 80% of the total construction cost from the PARD Grant only for the Beaufort Courts on Bladen Street. This project will be paid by FY05 CIP accounts#11435-54451 Southern Beaufort County Recreation Projects. The vote was: FOR – Mr. Baer, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride and Mr. Stewart. ABSENT – Mr. Sommerville. The motion passed.

Status: The Committee awarded a contract to Court One in the amount of \$38,820 for the tennis court resurfacing of the Beaufort Tennis Courts and the Hilton Head Community Park Tennis Court. Beaufort County will pay 100% of the construction cost initially; the State will reimburse the County 80% of the total construction cost from the PARD Grant only for the Beaufort Courts on Bladen Street. This project will be paid by FY05 CIP accounts#11435-54451 Southern Beaufort County Recreation Projects.

12. Consideration of Contract Award – Bluffton Recreation Center Baseball Fields 1 and 2 Lighting Improvements

Discussion: Mr. David Hughes, CIP Manager, reviewed this item with the Committee. On March 4, 2010, Beaufort County accepted bids for the Bluffton Recreation Center Baseball Fields 1 and 2 Lighting. This project includes the construction of ball field lights on two baseball fields. The following seven companies submitted the following:

Quality Electrical Systems, Inc.
Beaufort, SC

\$37,475.00

West Electrical Contractors Newberry, SC	\$39,950.00
Powell Electric Beaufort, SC	\$41,263.00
J Moore Electrical Contractors Swansea, SC	\$47,967.00
Turner Electrical Bluffton, SC	\$49,900.00
Barnes & Powell Electrical Company, Inc. Elm City, NC	\$50,300.00
SITEC, LLC Aiken, SC	\$70,040.00
Engineer's Estimate	\$45,000.00

Quality Electrical Systems, Inc. submitted the lowest qualified/responsible bid of \$37,475. Quality Electrical Systems, Inc. bid was reviewed and found to be reasonable and is in compliance with the County's SMBE Ordinance. Quality Electrical System, Inc. 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 #11435-54451 Southern Beaufort County Recreation Projects which has a current balance of \$150,819.69.

Staff Recommends Committee approval and award a construction contract to Quality Electrical Systems, Inc. in the amount of \$37,475 for the Bluffton Recreation Center Baseball Fields 1 and 2 Lighting project with the funding sources listed above.

It was moved by Mr. Stewart, seconded by Mr. Baer, that Committee award a construction contract to Quality Electrical Systems, Inc. in the amount of \$37,475 for the Bluffton Recreation Center Baseball Fields 1 and 2 Lighting project with the funding coming from the FY05 CIP accounts #11435-54451 Southern Beaufort County Recreation Projects. The vote was: FOR – Mr. Baer, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride and Mr. Stewart. ABSENT – Mr. Sommerville. The motion passed.

Status: Committee awarded a construction contract to Quality Electrical Systems, Inc. in the amount of \$37,475 for the Bluffton Recreation Center Baseball Fields 1 and 2 Lighting project with the funding coming from the FY05 CIP accounts #11435-54451 Southern Beaufort County Recreation Projects.

13. Off Agenda Item – Hilton Head Island Airport

It was moved by Mr. Baer, seconded by Mr. Flewelling, that the Public Facilities Committee hear an off agenda item regarding number of aircraft operating at the Hilton Head Island Airport by major plane type and weight class for the current year. The vote was: FOR – Mr. Baer, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride and Mr. Stewart. ABSENT – Mr. Sommerville. The motion passed.

Discussion: Mr. Baer stated in previous year data on operations by airport type was provided in the studies. It however, is absent in the current master plan.

Mr. Andres stated he had spoken with the County Administrator who said if the request comes from Committee that the information could be provided.

It was moved by Mr. Baer, seconded by Mr. Flewelling, that Committee request figures for the number of aircraft operating at the Hilton Head Island Airport by major plane type and weight class for the current year.

Mr. Andres stated the consultants have gathered information on their own, from state and federal records. There may be different databases that they are queering in that regard. There are variances.

Mr. Baer stated people have poured over the master plan data and noticed it has 9,000 commercial operations, when we only have 2,600 in year 2005. There is a big difference in number.

Mr. Rodman stated if this is going to be done; it would be useful to see the information by month. Bigger planes will want to come here during the spring, fall and winter. Seeing when the planes are coming would be useful in the discussion

Mr. Andres stated the information he receives does not break it down by these categories. It is probably coming from the FAA and the information they maintain on IFR Flight Plans only. He stated he does not believe that they track aircrafts operating under VFR flight rules. What the airport tracks is simply total numbers. There is no differentiating between type and weight.

Mr. Flewelling stated he would support the proposal if it were locally produced data that we were supplying. Data that you have to get from other places should not be supplied. He stated he also believes we should be collecting that data and if not that should be rectified. Keeping track of the types of aircraft by weight has become a pertinent issue.

Mr. Andres stated the Flight Tower employees; the County has no control over.

Mr. Baer stated the data is in their flight computer. Mr. Andres stated they will receive the information for IFR flights, but not necessarily for VFR flights.

Mr. Andres stated he will have to research the ability to capture the information for the future.

Mr. Rodman stated it needs to be researched and needs to come back before the Committee with whether there is a cost impact and what the data might look like before we authorize staff to do so.

Status: The Chairman tabled the motion.

PUBLIC SAFETY COMMITTEE

April 5, 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, April 5, 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, Stu Rodman and Laura Von Harten attended. Non Committee members Steven Baer, William McBride and Paul Sommerville also attended.

County staff: Wayne Blankenship, Sheldon Fire District; Daniel Brownstein, Solicitor's Office; Bryan Hill, Deputy County Administrator; Chief Buddy Jones, Sheldon Fire District; Ed Olsen, Bluffton Fire District; Donnie Phillips, Sheldon Fire District; Solicitor Duffie Stone; Sheriff P.J. Tanner; William Winn, Division Director – Public Safety.

Legislative Delegation: Senator Tom Davis.

Public: Joe Crowley, Hilton Head Island Association of Realtors and George Simpson, Government and Business Affairs Committee Sun City.

Media: Richard Brooks, *Bluffton Today*.

ACTION ITEMS

1. USDA Grant Truck Purchase (Sheldon Fire District)

Discussion: Sheldon Fire District Chief Buddy Jones came to the podium. He said the Sheldon Fire District has the opportunity to get an U.S. Department of Agriculture (USDA) rural development grant to pay for half of a new pumper. We are looking at a \$275,000 grant to purchase a new 257GPM Pumper to replace the 1986 pumper in use. It will be 55 percent funded through federal stimulus money. Before they can get the grant, they need: 1. a letter from the County saying they support us, 2. a letter from the Finance Department saying they can pay their portion. The federal share would be \$151,250 and the Fire District's share would be \$123,750. The USDA would finance at 4.125 percent giving an annual payment, at 13 years, of \$12,300. The old pumper, which would be replaced with the new one, was already scheduled to be replaced in 2015, but by then the grant might not be available.

Mr. Stewart asked Mr. Bryan Hill, deputy county administrator, if the money is there to fund this. Mr. Hill said we can raise the millage rate 0.3 percent to allow the \$12,300 payment, or we can ask he use his fund balance for one year. It is such a small amount of money in the grand scheme of things to help an area with a better piece of equipment. Mr. Hill also pointed out Council tasked departments with coming up with alternative methods to locate funds, such as

grants. This is an example of that; the Fire Department located a grant that pays for half of the cost of a new truck.

Mr. Dawson, who represents the area in question, said he thinks it is a grand opportunity to cash in on a new vehicle at half price. If we pass this up, we will have to foot the entire bill down the road. As Mr. Hill said, a 0.3 percent mil increase would be minimal. He said he supports that.

It was moved by Mr. Dawson, seconded by Mr. Glaze, that the Public Safety Committee recommends to Council approval of the Sheldon Fire District pursuit of a USDA Grant for a truck purchase. The vote was: FOR – Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Rodman (temporarily left the room). The motion passed.

Mr. Flewelling asked if they will sell the current truck. Buddy said yes, it could be sold on GovDeals.

Recommendation: Council approves Sheldon Fire District's pursuit of an USDA grant for a truck purchase.

2. Consideration of Reappointments and appointments

Lady's Island/St. Helena Island Fire District

Recommendation: Nominate Col. David Townsend to serve as a member of the Lady's Island/St. Helena Fire District.

INFORMATIONAL ITEMS

1. Review of Legislative Issues - S.1054 addition of Local Option Extraordinary Commercial Facilities Fee Act

Discussion: Mr. Stewart said at the County Council meeting on March 29, 2010 members discussed Senate Bill 1054; Mr. Baer requested it be discussed today. The Bill amends "Chapter 1, Title 4 of the 1976 Code, relating to extraordinary commercial facilities, by adding Section 4-1-180 to allow counties that create a multicounty business park to designate a portion or all of that park as a designated economic development site for extraordinary commercial facilities," according the South Carolina Legislature Online. It is referred to as the Local Option Extraordinary Commercial Facilities Fee Act.

Mr. Baer said he wrote an e-mail to the Legislative Delegation last week. He had four concerns. First, he said he felt they were blindsided by what was H. 4344; we did not know about it until it was filed. Second, he said he was concerned with a wording of "a minimum of 50 percent for tourism marketing." The way it is worded you cannot go below 50 percent. Third, there are a lot of opinions about the pros and cons about how the rebates may work. The bill seems to be going forward opposite of how he thinks it should; to design the bill in advance rather than coming forward and designing as go. Fourth, he said he got a strong impression the

Chamber of Commerce has a special pipeline into this. These are not just his concerns, but he has been pelted by people from his district. As a last point, he did some calculations on the effect of the rebate - the 30 percent tax break that comes back to municipalities. Depending upon how it applied, if applied evenly, it ends up being about 3 mils in Hilton Head. If applied only to the "4 percenters," it would wind up at 10.6 mils. He ran other calculations on what this would mean to people in various priced houses. If a person had a \$425,000 house in the 3 mil case, it would be a \$51 rebate for a resident and a \$76.50 rebate for a non-resident. If a person had a \$100,000 house, it would be a \$12 rebate for a resident and an \$18 rebate for a non-resident. In a \$200,000 house, it would be \$24 for a resident and \$36 for a non-resident. People in that category may wind up spending more with the 1 percent tax than they get back in the rebate because school supplies, paper, soap powder, shoes, among others are taxable. He said he thinks this is a regressive tax. The bottom line is he said he wishes the Bill was discussed before.

Senate Davis said he wanted to give a synopsis. He said he spoke with a lot of people about this proposal, in particular. He said he learned about the House Bill when it was filed as well, where it passed relatively quickly and came to the Senate. He said it was assigned to the Senate Finance Committee and there it sat. He said he talked to County Council members, town officials, chamber officials, realtors, tax citizen groups and tried to get a good cross section. He said he was, quite frankly, assessing what he was going to do with this "hot potato." Generally, Senator Davis said he got the sense this was not something well received. At a minimum, he thought there is going to be a mandatory public referendum. He said he was moving further with providing Council members, when devising something to be submitted to the people, with a bit more flexibility in regard to the categories - the property tax relief, the capital improvements, the tourism. Instead of a one-size fits all approach, it could be something that best fits the community. He said all of this was in his mind as the S.C. Senate debated the Sembler Bill.

Things with the Sembler Bill began to move forward very fast. "We broke the back on it in terms of half of the 6 cent sales tax coming back," Senator Davis said. It came back with a local Hardeeville option sales tax (1 penny) to pay for public infrastructure. As they came forward with that, the votes shifted away from killing the Bill entirely because it was more along the lines of a Home Rule issue. He said he does not think it is necessarily a good idea for Hardeeville to tax its citizens to subsidize infrastructure for retail. He said that was moving rapidly and they began working on a revision; there was going to be a strike and insert into that bill. As a practical matter, that was my one window of getting this municipality sales tax, the Hilton Head sales tax moved out of the Senate. Because of the position he took so aggressively, any individual bills he had would have their names put on it and it would die. So, he had to find a vehicle to get it out of the Senate and to the House, and he had to make a decision that day. To get the Local Option Extraordinary Commercial Facilities Fee out of the Senate, he said he put in the mandatory referendum component and attached it to the Hardeeville local sales tax so it was germane with the understanding it would go back to the House. In the House, it would be assigned to Representative Herbkersman's Sub Committee, and it could be examined more deliberately. He explained he acted within about a half hour. Senator Davis said Mr. Baer made great points in regard to the nature of the property tax relief, in regard to input from other policy makers, etc. Senator Davis acknowledged the Bill was not ideal and he does not really like tacking on, even materially similar legislation, to a separate bill.

Mr. Stewart said he was glad Senator Davis explained how the two bills consolidate; in his mind they are separate and needed to stay that way. He said the disappointment with the Sembler issue is that still it does not address the concerns Beaufort County has – stormwater, roads, etc. Senator Davis responded to the issue and he has been working closely with the conservation groups up in Columbia. This is a state-wide bill. As a practical matter, the parameters of the legislation are defined so it applies really only for Sembler. Sembler is the only one far enough along in the process to take advantage of the relatively short window to apply for these incentives. When you recognize it is a state-wide bill and could apply to any project which qualifies, trying to put into the bill environmental restrictions specific to a particular site would be incongruous. The debate in regard to the environmental matters, which is very important, is going to take place throughout the Ocean and Coastal Resource Management (OCRM) process of permitting, with stormwater runoff; quality of adjacent rivers, etc. based upon regulations in place. Some of those concerns will be addressed. I do not know how to splice into S.1054 some very specific protections in regard to environmental matters without being unconstitutional.

Mr. Stewart said if the Local Option Extraordinary Commercial Facilities Fee Act of S.1054 goes forward, any municipality in Beaufort County could enact this and if each municipality enacts it people in the unincorporated parts will pay the additional tax, but will get neither any credit toward their property tax nor a say. Those in the unincorporated part have no say. Senator Davis said maybe that can be one of the things debated now that it is in the House Subcommittee. He asked how the municipalities who are spending public money for tourism ventures can ensure the efforts complement and not compete with each other. Mr. Stewart said he thinks it should be a county-wide referendum, not municipality based. He asked if the Council wants to take any position in the form of a referendum saying we oppose this.

Mr. Rodman said he thinks that would be a good idea, but he is unsure whether the Committee should necessarily craft it today. He also said he is not clear why Hardeeville/Sembler would want to have the Penny Sales tax because it would be collected for a long time before it is triggered. They would be better off to just pass it along in a lease. Senator Davis said Sembler can initially put in the public infrastructure and once they hit the capital investment requirement of \$100 million, the sales tax can be collected for use as reimbursement for Sembler. Senator Davis said the three important shifts in the Bill include talking about a local option sales tax on top of the 6 cents; a change of the purposes for which the money could be used and amount of private capital investment needed to be put into the ground as opposed to capital from any source.

Mr. Rodman said he likes the idea of the referendum for the “one penny piece,” but as long as you have a referendum you want to minimize the amount of structuring where the money goes leaving it to the local folks to decide. He said he is concerned about the concept of this could go to tax reduction. Then it may fall to the “4 percenters,” and if we do that we just have a baby Act 388. We are letting people vote for their own tax reduction at the expense of 80 percent of the tax base, which is already diminished.

Senator Davis said he did what he did in terms of the referendum so the item could be debated another day. If Council does not like what it becomes we can kill it in Senate. The goal of this was to keep the debate going.

Mr. Stewart said considering that, it behooves us to draft a resolution and move it forward to County Council. He said he thinks it should be a whole county decision as opposed to local municipalities. Maybe by having the referendum we will at least encourage a discussion of our concerns. Senator Davis also suggested including possible changes of the language to be considered.

Ms. Von Harten said we need to spend more money on tourism marketing. Mr. Baer said he agrees with that, however we need to be clever about how we spend it.

Committee members briefly discussed other items before the South Carolina Legislature. Senator Davis gave a briefing on the school funding issue, specifically a proviso. He said there are 4 counties that get 35 percent or less of the base student cost funding. The state average is 70 percent. Some of the very poor rural counties get 100 percent. Other counties like Beaufort gets zero. Charleston County gets 15 percent. Horry County gets 33 percent. Georgetown County gets about 30 percent. For purposes of developing allies and narrowly drafting the proviso so as not to talk about a huge shift of funds, the proviso taking shape in the form of benefitting those counties receiving 35 percent or less of the base student cost (Beaufort, Charleston, Georgetown and Horry). Senator Davis said the senators in those counties are on board. Last week, he spoke with the Finance Committee as they discussed provisos. This week, provisos will begin getting inserted into the budget. Next Tuesday, full Senate Finance will meet to adopt a budget package. The proviso will read something like this, "notwithstanding how the EFA allocates the dollars, counties that receive 35 percent or less of the base student cost shall receive an extra ___ dollars per weighted pupil unit for fiscal year 2010-11." That figures out to about \$200 per child, resulting in about \$4 million for Beaufort County, \$2 million for Georgetown and \$13 – 14 million for Horry and Charleston. That is just floating around as a trial balloon. The shift we are talking about is less than 2 percent of the aggregate EFA dollars being allocated. He said it will be hard in a year when there are huge cuts in EFA funding. He said that is the next battle.

Mr. Rodman asked if the money would come out of the EFA Funding. Senator Davis said it would unless the funds came out of "savings." Mr. Rodman said there is currently an issue with the school district of pairing to allocate money to lobbying effort to help regarding this. He wondered if expanding that money would be helpful. Senator Davis said the initial scope was research. He said the lobbying has been very effective to determining who the allies would be and define the scope of the effort.

Mr. Stewart mentioned a few other points: Senate 735 where local aid government is cut, allows local counties to reduce any mandated budget issues by the proportional amount cut; a proposal about funding the Criminal Justice Academy and paying for courts namely through fees to try to balance services

Status: The Public Safety will hold drafting a position on S.1054, particularly the addition of the Local Option Extraordinary Commercial Facilities Fee Act. This item will come before the committee again.

2. Presentation – Sheriff’s Office

Discussion: Sheriff P.J. Tanner came to the table to give the Public Safety Committee an update on the Sheriff’s Office. There are large-scale immigration cases ongoing, but he cannot release a ton of information on those. Other cases are results of one that just happened. It looks like the immigration cases mushroomed, and will continue to do so as the Office gets deeper into the immigration issues in Beaufort County.

The DNA Lab will soon be operational. It has been a slow process, Sheriff Tanner said. They are waiting for shrubbery to be planted, maybe azaleas. He said he thinks the grand opening will be about the end of April. There will be a media day and invite County Council to look at the Lab. They will also move drug and arson to the DNA Lab.

Mr. Stewart asked about DNA lab certification/accreditation. Sheriff Tanner said that process had been going on for about a year and half. He hopes accreditation will be accomplished in about 5 or so months to a year after they move into the Lab.

Mr. Dawson said he wanted to thank them for their swift work with the murder of Mr. Mullen’s daughter in Dale. Sheriff Tanner said we have to be very careful about how much information you give out about a case. It was a difficult case in the sense of what we had to deal with. The DNA results were in a timely fashion. In this case it was 10 days, but he said he preferred it was 24 hours. Having our own DNA lab would help expedite the process. In this case, DNA was a big factor, which was hard to argue with. Sheriff Tanner said having a Beaufort County DNA Lab will help speed up the process and allow the Sheriff’s Office to create a database to identify the 10 percent of the population committing 85 percent of the crimes.

Sheriff Tanner said there is a lot going on at the Sheriff’s Office. Mr. Glaze asked if we are planning to get additional revenue from other counties through the DNA Lab. Sheriff Tanner said when we started the Drug Lab years ago, there were 400 cases some two-years-old because they were waiting on another lab. Beaufort County’s Drug Lab, with a 30-day turn around, was funded in part by a federal grant with a regional approach. By contrast, the DNA lab is funded by Beaufort County residents. The DNA Lab belongs to Beaufort County. If outside counties want testing, it will cost \$200 per item. It could become an issue, for example the Solicitor covers 5 counties within his circuit. Beaufort County’s DNA Lab will process within 30 days and it will move the process forward, but the counties will have to be able to afford Beaufort County’s lab as opposed to the state lab. He said a problem with the South Carolina Law Enforcement Division (SLED) lab is they only allow 5 items to be tested because of the backlog. He spoke about other counties funding a state analyst working out of the County lab, which would help the issue, but that is something they are working on preliminarily.

Sheriff Tanner said they have a Memorandum of Understanding (MOU) with the state regarding alcohol enforcement, but the revenue goes to SLED. Based upon the work Beaufort

County does, they are requesting an amendment to the law so some of the revenue comes back to the County general fund based upon the County's work and efforts. He said last year they were successful for getting a 3 o'clock closing on Hilton Head Island for places with on-premise consumption of alcohol. He said he wants to ask for Beaufort County to adopt a county ordinance that all on-premise consumption of alcohol businesses institute a 2 a.m. closing time. He said he also wants the same adopted in Beaufort City, Port Royal and Yemassee for consistency.

Mr. Baer said he is getting a lot of input from citizens about illegal alien statistics. He said there were about 1,000 irregularities found in business license audits having to do with documentation of employees. He said there is not a feeling of closure and asked what was being done downstream. Sheriff Tanner said there is a difference between what is provided to them and what they determine to be fraudulent documents. 1,000 irregularities sounds low when it comes to I-9 Forms and the tracking of those. When we get a report, we go in and investigate the potential cases. What we find may or may not be what we heard. Mr. Baer asked for a slew of data – numbers reported, numbers of those exposed, those still in investigation. Sheriff Tanner said he could give him the information under the Freedom of Information Act. Mr. Baer asked if it has to go to that process. Sheriff Tanner said yes, because numbers are two-pronged and some data falls under the federal government, under ICE, with different criteria of what information can be released.

Mr. Caporale asked, of those immigration cases Sheriff Tanner first spoke of if any of them came as a result of the audits because the audits' effects seem nebulous. Sheriff Tanner said it is not necessarily protected as some of the 911 data, but some of the information we keep is also in the federal arena. He said the guidelines he follows are under a state statute and an MOU with the Department of Homeland Security.

Mr. Stewart said we are all getting questions about it and people say they do not see an effect. Is the effort we are putting forth in the Right to Work Ordinance making an impact? Sheriff Tanner said the ordinance and audits are effective and beneficial. Multiple arrests have been made as a result. Then, as a result of those cases we have gone in different directions. The audits done because of the county ordinance in some cases turn out to be federal cases because of the immigration laws we are applying to the violations we find. The information is only getting better. We have gotten deep enough in the core where we are getting very good information, and it takes us in multiple directions. Based on the ordinance and those audits, we have gotten deep enough underground that we can go where we need to go. Fighting immigration or narcotics on the surface is very difficult; if you just want small cases, that's one issue but getting to the core of the problem takes time. On the one hand, the work with the audits is really kind of clouded right now because the economy kind of went into the tank at about the same time this came to reality. Many of the individuals left on many of the cases we were investigating at the beginning when the economy tanked. He said when the economy turns back around, they will have a better handle on where we should be. He said they went into a situation and were overwhelmed and it was out of control. Sheriff Tanner said the slowing economy probably helped us, and in the long run we are getting a handle on the situation. The effort is paying off.

Mr. Stewart asked about any updates on the audits being done with the Treasurer's Office. Sheriff Tanner said he yielded comments to the Solicitor. He said the Sheriff's Office is currently waiting on some audit results.

Mr. Stewart asked about budget issues. Sheriff Tanner said the Office submitted numbers, but it is premature probably to talk about them.

Status: For information only.

3. Presentation – Solicitor Duffie Stone

Discussion: Solicitor Duffie Stone said he wanted to comment on a few things in the Sheriff's talk. He said the Sheriff is absolutely right a small percentage of people commit the majority of the crimes. He gave a report which illustrated that statement. Something to consider is the problems we see in Beaufort County are the same we see in Jasper, Hampton and Colleton counties. These people, the repeat offenders, are working throughout the 14th Circuit. The gang shootings in Colleton County have reared its head in Beaufort County. We are not an island from a criminal justice standpoint.

In November 2008, we started working on the Detention Center population issue. The Detention Center was tremendously overcrowded with close to 400 people, half were pre-trial detainees. There were about a dozen options to relieving the population. We came to a conclusion to not analyze by the number of people, but who the people in the detention center were. When we took a harder look at those people, we found of the 200, half of those were repeat offenders for tremendously violent crimes and if they were to get out on bond there was little doubt they would commit another crime within a week. This was the biggest problem we faced as a detention center; these are also the most complicated cases to try.

From that standpoint, County Council agreed with the help from Hilton Head and Bluffton to create a career criminal prosecution team aiming at that segment in the detention center. January completed the first calendar year of that team. Solicitor Stone said he wanted a 75 percent conviction rate, a reduction of 25 percent at the detention center and a 50 percent record of casing being tried within a year. What we got far surpassed his wildest dreams. For the Career Criminal Prosecution team results are as follows: Conviction rate of 91percent, 64percent of cases were prosecuted within a year, the detention center population reduced (as of 11:30 a.m. April 15, 2010 there are 203 people total). That is good teamwork. We safely alleviated the overcrowding problem at the detention center. He then reviewed a report he compiled.

The theory behind the Career Criminal Program is that it is not focused on a particular crime. The reason is because the defendants dealt with do not focus on a particular crime. They commit a number of different crimes from robbing someone one day to selling drugs the next. The report gives you an idea of the types of crimes people committed – homicides, car break-ins and thefts, robbery, burglary, rape, kidnapping, carjacking, weapons charge, aggravated assaults, intent to distribute drugs near school, trafficking/distributing drug and other. The first challenge was making sure we had a protocol, an objective way to determine career criminals. According to his report, a defendant must meet one or more of the following criteria. The defendant: 1.

Faces the possibility of life in prison without parole. 2. Is a person who has violated the public's trust. 3. Has an extensive criminal history. 4. Shows a significant degree of violence. 5. Is charged with a crime that the Solicitor has determined to be eligible for the death penalty. Solicitor Stone recently added public mistrust/corruption to the protocol for the career criminal. He said frankly public corruption does as much damage as your average crack dealer. He said he cannot imagine how much damage is done to the court system, the government, the way people view other public officials, etc. Of the 47 prosecuted, 26 percent of these people had more than 6 prior convictions. Some people had more than 20 previous convictions.

The next page is the extensive criminal history. 67 percent of the people dealt with had a prior criminal history. The other 23 percent there were because of the violent nature of their crime, or something that gave an indication they would be career criminals. There is a bar graph showing 26 percent of those had between 2 and 5 convictions, and 26 percent had more than 6 previous convictions. The report also breaks down some of the most notable cases. Interestingly enough not all of these make the newspaper and people do not always hear about these criminals, Solicitor Stone said.

The place crimes were committed breaks down as follows – Bluffton 25 percent, Hilton Head Island 22 percent, Beaufort 12 percent, Burton 7 percent, Seabrook 7 percent, Gray's Hill 5 percent, Lady's Island 5 percent, Okatie 5 percent, St. Helena 5 percent and Dale 2 percent. Offender's place of residence – Bluffton 26 percent, Hilton Head Island 16 percent, Beaufort 12 percent, St. Helena Island 12 percent, Burton 7 percent, Seabrook 7 percent, Okatie 5 percent, Yemassee 5 percent, Dale 2 percent, Gray's Hill 2 percent, Lady's Island 2 percent, Sheldon 2 percent and Out of Area 2 percent. Solicitor Stone said crime breaks down to roughly 1/3 for Hilton Head, Bluffton and North of the Broad River. However, the number fluctuates.

Solicitor Stone also spoke about the ancillary benefit; once the career criminal team focused in one courtroom, cases started moving more quickly. In 2009, we process 3,730 cases. That is an increase from the 2,643 prosecuted in 2006 when Mr. Stone became the solicitor.

Mr. Stewart said the work done by Solicitor Stone and his team has been really positive.

Mr. Baer said he loved the data.

Mr. Stewart said one thing they started last year was bad checks and he wanted to know how that was going. Solicitor Stone said the Worthless Check Program has worked really well. As a merchant all you have to do is hand the Solicitor's Office a check. We have seen exponential growth in restitution, but he does not have the numbers on him.

Mr. Rodman said one of the things you spoke about was you wanted to keep the same team on a case throughout the process. Solicitor Stone said we have moved the on-call lawyer to the career criminal team. Mr. Rodman asked if Solicitor Stone thinks people know there is a change and move out. He also asked how many teams they have. Solicitor Stone said there are three teams – one in court, one preparing for the next month and one on-call.

Ms. Von Harten said he is doing a wonderful job and is good at communicating. She asked about pursuing environmental law. Solicitor Stone said the environment is a huge concern.

Status: For information only.

4. Presentation - William Winn, Division Director – Public Safety

Discussion: Mr. William Winn gave a short overview of some things going on in the Public Safety Department. Changes at the Animal shelter include a new Web site including a list of pictures (to be operational in April), a daily e-mail bulletin to groups showing animals with a “high potential for being adopted,” rabies clinics throughout the county in April, monthly outside adoption clinics beginning in March like at farmers markets and stores, first spay/neuter clinic in May, meeting with all Animal Rescue Agencies on April 22 to discuss collaborative efforts.

Mr. Flewelling said he wanted to thank Bissel and Petco for their help on the website.

Mr. Rodman said he wanted to know what the legal issue is about the neuter clinic. Mr. Winn said it is about where they can hold the clinic and subsequent liability with the site. He said this is a good investment with a small upfront cost and large payouts. Mr. Winn said it is something greater than what Beaufort County can do, but they are trying to form some partnerships.

Mr. Caporale said they have made great progress. Mr. Stewart said it also has shown people that we do care.

Emergency Management – this month we will conduct a table-top and full-scale exercise for after storm search and rescue operations. If you remember Hurricane Katrina, they did a great job in rescuing people, but once they put them on the ground it created more problems. South Carolina asked us to look at this to find a better way to “do business.” Beaufort County will develop a prototype in the middle of April with the military, Coast Guard, Army, National Guard, Search and Rescue teams, and at the end of the month we will do a full-scale exercise with helicopters in the county. Jasper County will participate as well.

As most of you know, many of the County employees were at training in Emmitsburg, MD at FEMA training. We had a very successful week. We had almost 74 people there from Beaufort County, the municipalities, the public service districts. We are very fortunate a lot of our partners in state government also attended with us. It gave us an opportunity to focus for a week on recovery issues after a storm, and look at some of the major problems we will have to address. I will come before Council next Monday about some of the things we discovered, what we realized, the enormity of the problem and the complexity of the response we have to continue to look at. He said his bottom line was it was worth the week up there. It was interesting to work in a scenario that did devastation to Beaufort County and see how fast we have to make complex decisions, put together the sequence to enact those.

Communications – last week the state assigned two mobile repeaters to Beaufort County, one to Burton Fire District and one to Hilton Head. They are about \$15,000 each and designed to go on ladder trucks. Beaufort County also owns two of our own. This will give us four repeaters;

this is our last effort to provide communications in Beaufort County in a catastrophe. The mobile repeaters are designed to go on a ladder truck, which raise ladders to 150 feet and there is a transmitter up there. You can get a 6-mile radius of coverage. The second part of that is the state will provide us with a Motobridge, part of a system developed in South Carolina allowing communications from a wide variety of sources and converts them through an electronic control to use on your radio system. It resolves a lot of the technical problems with the old systems. The state is buying this. Part two would be funded next year. What is interesting about this is Beaufort County will be part of the control network, so if there are problems in the rest of the state instead of them having to worry about that the programming can be done in Beaufort and a signal sent out. It is about \$500,000 when they get through with our portion, funded through the state.

Detention Center – Our average daily count is 211, which is well within our operational capability.

Mosquito Control - We have a new aircraft for Mosquito Control. We completed the week-long training and certified our people on flying and maintaining the aircraft.

Mr. Stewart asked where things are in relations to the consultant for EMS. Mr. Winn said they completed their recommendations, turned it over to the County Administrator's Office and are putting the package together. As soon as it is available we will move it forward. Mr. Stewart asked if it will be ready for next month. Mr. Winn said he hopes so.

Status: For information only.