

COUNTY COUNCIL OF BEAUFORT COUNTY

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WM. WESTON J. NEWTON
CHAIRMAN

D. PAUL SOMMERVILLE
VICE CHAIRMAN

COUNCIL MEMBERS

STEVEN M. BAER
RICK CAPORALE
GERALD DAWSON
BRIAN E. FLEWELLING
HERBERT N. GLAZE
WILLIAM L. McBRIDE
STEWART H. RODMAN
GERALD W. STEWART
LAURA VON HARTEN

GARY KUBIC
COUNTY ADMINISTRATOR

BRYAN J. HILL
DEPUTY COUNTY ADMINISTRATOR

LADSON F. HOWELL
COUNTY ATTORNEY

SUZANNE M. RAINEY
CLERK TO COUNCIL

AGENDA

COUNTY COUNCIL OF BEAUFORT COUNTY

Monday, January 24, 2011
4:00 p.m.
Council Chambers
Administration Building

Citizens may participate in the public comment periods and public hearings from telecast sites at the Hilton Head Island Branch Library as well as Mary Field School, Daufuskie Island.

- 4:00 p.m.**
1. CALL TO ORDER
 2. PLEDGE OF ALLEGIANCE
 3. INVOCATION
 4. REVIEW OF MINUTES – [January 3, 2011](#) and [January 10, 2011](#)
 5. PUBLIC COMMENT
 6. COUNTY ADMINISTRATOR’S REPORT ([backup](#))
Mr. Gary Kubic, County Administrator
 - The County Channel / Broadcast Update
 - Two-Week Progress Report
 - Permission to Execute Settlement Agreement / Sam’s Point Landing
 7. DEPUTY COUNTY ADMINISTRATOR’S REPORT ([backup](#))
Mr. Bryan Hill, Deputy County Administrator
 - Two-Week Progress Report

CONSENT AGENDA

Items 8 through 12

8. TEXT AMENDMENT TO THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), APPENDIX S. DAUFUSKIE ISLAND CODE (ADDS A NEW

Over



APPENDIX WITH DEVELOPMENT STANDARDS FOR DAUFUSKIE ISLAND COMMUNITY PRESERVATION DISTRICT) ([backup](#))

- Consideration of second reading January 24, 2011
 - Public hearing Monday, February 14, 2011 beginning at 6:00 p.m. in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort
 - First reading approval occurred January 10, 2011 / Vote 11:0
 - Natural Resources Committee discussion and recommendation to approve occurred January 4, 2011 / Vote 7:0
9. BEAUFORT COUNTY ZONING MAP AMENDMENT FOR DAUFUSKIE ISLAND (CHANGES THE ZONING DISTRICTS TO IMPLEMENT THE NEW DAUFUSKIE ISLAND CODE) ([backup](#))
- Consideration of second reading January 24, 2011
 - Public hearing Monday, February 14, 2011 beginning at 6:00 p.m. in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort
 - First reading approval occurred January 10, 2011 / Vote 11:0
 - Natural Resources Committee discussion and recommendation to approve occurred January 4, 2011 / Vote 7:0
10. TEXT AMENDMENT TO THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), APPENDIX D. COMMUNITY PRESERVATION AREAS (DELETES ALL INTERIM STANDARDS RELATED TO BRIGHTON BEACH, BUCKINGHAM, BLUFFTON-MAY RIVER/HIGHWAY 46 CORRIDOR, AND DAUFUSKIE ISLAND, INCLUDING SECTIONS 9 AND 10—DAUFUSKIE ISLAND BUFFER DISTRICT AND GATEWAYS) ([backup](#))
- Consideration of second reading January 24, 2011
 - Public hearing Monday, February 14, 2011 beginning at 6:00 p.m. in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort
 - First reading approval occurred January 10, 2011 / Vote 11:0
 - Natural Resources Committee discussion and recommendation to approve occurred January 4, 2011 / Vote 7:0
11. AN ORDINANCE TO APPROVE THE APPROPRIATION OF FUNDS NECESSARY TO ACQUIRE REAL PROPERTY KNOWN AS THE BEAUFORT COMMERCE PARK AND TO PROVIDE THE SOURCE OF SUCH FUNDS FOR ACQUISITION ([backup](#))
- Consideration of second reading January 24, 2011
 - Public hearing Monday, February 14, 2011 beginning at 6:00 p.m. in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort
 - Finance Committee discussion and recommendation to approve January 18, 2011 / Vote 6:1
 - First reading, by title only, approval occurred January 10, 2011 / Vote 10:1

12. RESOLUTION AGREEING TO APPLY TO SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR A GRANT IN AN AMOUNT NOT TO EXCEED \$100,000 TO ASSIST WITH FERRY SERVICE TO AND FROM DAUFUSKIE ISLAND ([backup](#))
- Community Services Committee discussion and recommendation to approve January 18, 2011 / Vote 5:0

PUBLIC HEARINGS
 Items 13 through 16

- 6:00 p.m.** 13. AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO AMEND THE STORMWATER UTILITY ORDINANCE, ARTICLE II, SECTION 99-108, GENERAL FUNDING POLICY (TO INCREASE THE SINGLE-FAMILY UNIT RATE) ([backup](#))

- Consideration of third and final reading January 24, 2011
- Second reading approval January 10, 2011 / Vote 11:0

<u>Jurisdiction</u>	<u>Annual Stormwater Service Fee (\$/SFU/year)</u>	
	<u>Existing Rate</u>	<u>New Rate</u>
City of Beaufort	\$44.43	\$65.00
Town of Bluffton	\$98.00	No change
Town of Hilton Head Island	\$50.76	\$108.70
Town of Port Royal	\$44.43	\$50.00 (increase effective 2008)
Unincorporated Beaufort County	\$50.00	No change

- First reading approval occurred December 13, 2010 / Vote 10:0
- Natural Resources Committee discussion and recommendation to approve occurred December 6, 2010 / Vote 7:0

14. FUTURE LAND USE MAP AMENDMENT FOR R603-008-000-0623-0000 (1.13 ACRES AT THE NORTHWEST CORNER OF S.C. HIGHWAYS 170 AND 462, OKATIE, SC) FROM RURAL SERVICE AREA TO COMMUNITY COMMERCIAL ([backup](#))

- Consideration of third and final reading January 24, 2011
- Second reading approval occurred January 10, 2011 / Vote 11:0
- First reading approval occurred December 13, 2010 / Vote 10:0
- Natural Resources Committee discussion and recommendation to approve occurred December 6, 2010 / Vote 6:1

15. ZONING MAP AMENDMENT/REZONING REQUEST FOR R603-008-000-0623-0000 (1.13 ACRES AT THE NORTHWEST CORNER OF S.C. HIGHWAYS 170 AND 462, OKATIE, SC) FROM RURAL (R) TO COMMERCIAL SUBURBAN (CS) ZONING DISTRICTS ([backup](#))

- Consideration of third and final reading January 24, 2011
- Second reading approval occurred January 10, 2011 / Vote 11:0
- First reading approval occurred December 13, 2010 / Vote 10:0
- Natural Resources Committee discussion and recommendation to approve occurred December 6, 2010 / Vote 6:1

16. TEXT AMENDMENT TO THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), APPENDIX J - DALE COMMUNITY PRESERVATION (DCP), DIVISION 2 - DALE MIXED USE DISTRICT (DMD), SECTION 106-1357 - COMMERCIAL COMMUNICATION TOWERS ([backup](#))
 - Consideration of third and final reading January 24, 2011
 - Second reading approval occurred January 10, 2011 / Vote 11:0
 - First reading approval occurred December 13, 2010 / Vote 10:0
 - Natural Resources Committee discussion and recommendation to approve occurred December 6, 2010 / Vote 7:0
17. [COMMITTEE REPORTS](#)
18. PUBLIC COMMENT
19. EXECUTIVE SESSION - Negotiations incident to proposed contractual arrangements and proposed purchase of property
20. ADJOURNMENT

County TV Rebroadcast	
Monday	4:00 p.m.
Wednesday	9:00 p.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 9 & 252
Time Warner Hilton Head Cable	CH 66
Time Warner Sun City Cable	CH 63

Official Proceedings
County Council of Beaufort County
Oath of Office
January 3, 2011

A special meeting of the County Council of Beaufort County was held at 4:00 p.m. on Monday, January 3, 2011, in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort, South Carolina. The purpose of the meeting was to administer the oath of office to seven members of County Council and to elect a Chairman and Vice Chairman of Council.

County Administrator Gary Kubic chaired the meeting until the Chairman was elected.

ATTENDANCE

Council members Gerald Dawson, Brian Flewelling, Herbert Glaze and William McBride.

Council members-elect Steven Baer, Rick Caporale, Wm. Weston J. Newton, Stewart Rodman, D. Paul Sommerville, Gerald Stewart and Laura Von Harten.

PLEDGE OF ALLEGIANCE

Mr. Gary Kubic, County Administrator, led those present in the Pledge of Allegiance to the Flag.

INVOCATION

Mr. Arthur Cummings, Pastor of Bethel Deliverance Church and also County Director of Building Codes, gave the Invocation.

OATH OF OFFICE

The Honorable Marvin H. Dukes, III, Master-in-Equity for Beaufort County, administered the oath of office to each Council member-elect individually: Steven Baer, Rick Caporale, Wm. Weston J. Newton, Stewart Rodman, D. Paul Sommerville, Gerald Stewart and Laura Von Harten.

ELECTION OF CHAIRMAN

Mr. Gary Kubic, County Administrator, stated pursuant to Chapter 1, Section A, paragraph 1, of *Council's Rules and Procedures of 1985*, as amended, "Council shall elect one of its members to serve as Chairman for a two-year term on the first business day in January following each General Election. Nominations for Chairman need not be seconded. Members may vote for any Council member whether or not that member has been nominated. Six votes shall be required to elect." If there is no objection, Council will conduct this election with a vote by a show of hands.

There was no objection to voting with a show of hands.

Mr. Kubic opened the floor for nominations for Chairman of County Council.

Mr. Sommerville nominated Mr. Weston Newton for the position of Chairman. Mr. Newton has been the Chairman in the four years Mr. Sommerville has served on Council. During those four years, Mr. Sommerville has found Mr. Newton to be, among other things, collegial, articulate, always prepared, knowledgeable, considerate, respectful, even-handed, conciliatory, cooperative, intelligent, fair-minded, dignified and pleasant. Mr. Sommerville hopes Council members will join him in re-electing Weston Newton for the next two years.

The County Administrator called again for nominations and receiving none, closed the nominations.

The vote was: YEAS - Mr. Baer, Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. Mr. Newton was elected to serve as Chairman of the 2011 / 2012 Beaufort County Council.

PASSING OF THE GAVEL

The County Administrator passed the gavel to the Chairman.

Mr. Newton thanked Council members for their vote of confidence. It is a privilege and an honor to serve as Chairman of this body. He truly views the role as that of a coordinator as the eleven of us work collectively, together, in the best interest of Beaufort County. As he has indicated before, he trusts and hopes that at any time or occasion, if a member believes that not to be the case as to what is happening or going on, that you reach out to him in every way possible and to share that. He takes seriously the role and appreciates the opportunity to serve.

ELECTION OF VICE CHAIRMAN

Mr. Newton opened the floor for nomination of Vice Chairman.

Ms. Von Harten nominated Mr. Sommerville to serve as Vice Chairman.

Mr. Newton stated if there is no objection, Council will conduct this election with a vote by a show of hands.

There was no objection to voting with a show of hands.

The vote was: YEAS - Mr. Baer, Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. Mr. Sommerville was elected to serve as Vice Chairman of the 2011 / 2012 Beaufort County Council.

Mr. Sommerville stated he is honored to serve as Council Vice Chairman. It is his job to support the Chairman and to work with and help the members of Council in any way possible. He looks forward to doing that. It is an honor. Thank you for that honor.

ADJOURNMENT

Council adjourned at 4:16 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Wm. Weston J. Newton, Chairman

ATTEST:

Suzanne M. Rainey, Clerk to Council

Ratified:

DRAFT

Official Proceedings
County Council of Beaufort County
January 10, 2011

The electronic and print media was 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, January 10, 2011, in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

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

PLEDGE OF ALLEGIANCE

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

INVOCATION

Councilman Herbert Glaze gave the Invocation.

REVIEW OF PROCEEDINGS OF THE REGULAR MEETING HELD DECEMBER 13, 2010

It was moved by Mr. Flewelling, seconded by Mr. Glaze, that Council approve the minutes of the regular meeting held December 13, 2010. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Glaze, Mr. Flewelling, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville and Mr. Stewart. ABSENT - Ms. Von Harten. The motion passed.

PUBLIC COMMENT

The Chairman recognized Mrs. Jane Kenny, a Bluffton resident, who has a few questions about the Lawful Employment Ordinance that was adopted in 2006. Its purpose, as she understands it, was to identify businesses that actively employ illegal aliens and to assess penalties, including suspension of a company's license if they hire illegals. Her questions follow: Is this ordinance still in effect? How many audits were conducted during the last three years? How many businesses had their licenses suspended because they hire illegals? Were the illegal alien employees referred to the Sheriff's Office? Were any deported? What is the difference between incorporated and unincorporated? It is her understanding that 4,300 businesses are licensed in Beaufort County, but the auditing firm Council hired to do the investigations was only authorized to audit about 470 of the businesses. Those businesses with municipal licenses were

exempted. Her additional questions follow: Are the incorporated areas considered sanctuary cities? Does the County Council not have jurisdiction over the entire County? When the State Illegal Immigration Reform Law went into effect last year, did that then allow the auditing company to extend their audits to the municipally licensed businesses? The reason she came here today is that she saw the 2010 Census and it said that South Carolina had increased immigrant population by 150%. Knowing that Beaufort County is a popular destination for illegal aliens, she is concerned about the dramatic affects on our law enforcement and on public safety and security. Another county located in Virginia also three years ago passed a similar law to ours. They recently announced their results. Over a three-year time period crime was reduced by 22%, residential overcrowding was reduced cut by 62%, vehicle accidents were cut by 17% and their school budget was reduced by about \$10 million a year which should be of interest and value to Beaufort County. Some say even the sale of Corona beer went down. With that in mind, she has just two more questions: What specific results were produced for our County after three years of enforcement? Has the illegal population increased? If the businesses audits are still being done, would the County consider setting up a hotline so that citizens could call in to report businesses that are still hiring, employing illegal aliens? This is a suggestion based on Secretary of Homeland Security Janet Napolitano's national campaign, "If You See Something, Say Something." Citizens might be able to help Beaufort County in its law enforcement that way.

The Chairman stated from time to time a report is made to Council from the administrative staff as to the number of audits conducted and various components of findings from those audits. The public part of the information is shared, but certain information is for the Sheriff's Office and is not for public dissemination. To the extent that a report will be compiled in the near future for Council, Mrs. Kenny will receive a copy of it as well.

Mrs. Carol Chamberlin, a Bluffton resident and a former planning commissioner for Palm Beach County, Florida, realizes the importance of the input from the public on matters that concern their interest. Her purpose in appearing here today is to make certain Council is aware that there are many residents of Beaufort County, in particular, those who reside, as she does, in the Bluffton / Hilton Head Island area, that support the opening of an Olive Garden Restaurant in the Tanger I Outlet Redevelopment. We have several fast-food restaurants as well as a number of small, independent restaurants along the 278 Corridor, but our choices are severely limited when it comes to affordable, high-quality, nationally branded sit-down restaurants. To have an Olive Garden Restaurant serving the community will be a definite benefit, not only to the residents of Beaufort County, but to the increasing number of tourists who come to the Hilton Head Island area expecting the dining choices that they would find in other resort areas. Darden Restaurants, the parent company of Olive Garden, is the largest casual dining restaurant company in the world. Their Olive Garden restaurants are the number one Italian in their category. There is a definite reason for their success. And part of that is related to their nationally recognized and easily identifiable Tuscan farmhouse design. She would urge Council to approve their typical and customary Tuscan farmhouse design so that both residents and tourists can benefit from your decision.

Mr. Bob Bender, curator of the Lowcountry Estuarium, stated the Port Royal estuary system stretches from the marshes and creeks of Port Royal, St. Helena, Lady's Island, the landward side of Hunting Island all the way south to the Savannah River. It is one system. The Broad River does not divide, but rather it is simply a part of it. It is a natural, cultural, social and economic resource which benefits all of the constituents of each Council district. For eight years the Lowcountry Estuarium, a coastal learning center, has been the only facility based organization with environmental education outreach programs serving the entire County and beyond. Its motto is conservation through education. Its goal is to instill a sense of public stewardship for this valuable resource. Mr. Bender is here, today, to invite Council to attend the annual meeting of the Lowcountry Estuarium, January 30, between 2:00 p.m. and 4:00 p.m.

Ms. Von Harten arrived at 4:31 p.m.

COUNTY ADMINISTRATOR'S REPORT

The County Channel / Broadcast Update

Mr. Gary Kubic, County Administrator, announced The County Channel Sports is kicking back in. Coming soon, The County Channel will be recording new Parks and Leisure Services basketball games, and in February, will be doing USC-B Sand Sharks Baseball. The Sand Sharks had a great season last year, and are hoping to make another run at the playoffs this year. The County Channel will work with USC-B faculty and students to produce high-quality recordings of some of their home games, played at the Municipal Sports Complex in Hardeeville.

The County Channel will be covering the debate to fill the Hilton Head Island Town Council Seat for Ward 3. The debate will be on February 3 beginning at 4:00 p.m. The County Channel will record the debate live, and replay it on TV and on the web. The County Channel continues its partnerships with the municipalities in taping and broadcasting important events and programs throughout Beaufort County.

Our next episode of the nature series "Coastal Kingdom" will be about how animals survive the winter months. It showcases local animals and habitats, including fox, squirrels, alligators, hawks and egrets. Mr. Tony Mills, a naturalist with the Lowcountry Institute, will continue their partnership with Beaufort County in producing this award-winning show for 2011.

Another quality of life feature is "The Night Skies of Beaufort County" showcase production brought by The County Channel. This project will be a partnership with The County Channel Broadcast Team and the University of South Carolina Astrophysicists Team. We will be dedicating program for this series one type of show for elementary school, another for middle school, another for high school and last for all residents who want to enjoy the night sky. We will be getting together soon and developing a strategy for that.

Four-Week Progress Report

Mr. Gary Kubic, County Administrator, submitted his Four-Week Progress Report, which summarized his activities from December 13, 2010 through January 7, 2011.

Recognitions / Beaufort County Parks and Leisure Services Youth Sports Program

Mr. Gary Kubic, County Administrator, thanked Mr. Morris Campbell, Ms. Cristina Roberson and Mr. Harold Sanders of the County Parks and Leisure Services (PALS) Department for their dedication in working with the youth of our County to produce these good athletes.

Our PALS 8 and 9 year old Beaufort All-Star Football Team took the 2010 state championship. Our PALS under-15 year-old Beaufort Boys All-Star Soccer Team also took the top state title. And our PALS under-10 year-old Beaufort Boys All Star Soccer Team took second place at the state championships.

We would like to recognize these successful players and their coaches today. The Chairman presented certificates for each team to the coaches to distribute.

2010 State Champions / Beaufort All-Star Football Team (8 and 9 year-old) - Head Coach Chris Kaminsky, Assistant Coach Damon Hazel, Assistant Coach Chris Hamilton and the 8 and 9 year-old football team players.

2010 State Champions/ Beaufort Boys All-Star Soccer Team (15-year-old and under) - Head Coach Jose Aquino and Assistant Coach Trevor Strever and the age 15 and under soccer team players.

2010 State Champions Second Place /Beaufort Boys All-Star Soccer Team (9-year-old and under) - Head Coach Stoney Londono, Assistant Coach Pat Kase, Assistant Coach Teresa Jepson and the age 15 and under soccer team members.

DEPUTY COUNTY ADMINISTRATOR'S REPORT

Four-Week Progress Report

Mr. Bryan Hill, Deputy County Administrator, submitted his Four-Week Progress Report, which summarized his activities from December 13, 2010 through January 7, 2011.

Update / St. Helena Public Library at Penn Center

Mr. Bryan Hill, Deputy County Administrator, updated Council on the St. Helena Public Library at Penn Center. At the December 13, 2010 Council meeting county officials signed the Rural Development Letter of Conditions, which spell out the requirements that must be met by the County in order to move this project forward from this point, through the bidding stage, to the construction phase, and to the loan and grant closing. Administrative staff is meeting with Mr.

George W. Hicks, Jr., Area Director, USDA Rural Development, and Mr. Jesse Risher, Area Director, USDA Rural Development, to finalize the USDA \$8.5 million loan and grant. A meeting is scheduled this week with Liollo Architecture to provide the county a redesign and rescoping of the current library project. Once staff has met with representatives of both USDA and Liollo, a formal presentation of the entire project will be made to Council during February 2011.

FY 2012 Budget Process

Mr. Bryan Hill, County Administrator, commented March 11, 2011 begins the FY 2012 budget process. That is less than 60 days from today. The Finance Team will review all department submissions. As Mr. Kubic has requested, we are on a five-year budget cycle. Five Finance Committee meetings have been scheduled to discuss the budget as we embark on developing a trimmer FY 2012 budget. The budget schedule is posted on the county website. The Finance Team will present in February a budget expectation schedule identifying key areas. The Finance Team has been able to understand, in the last two and one-half years working with Council, that the shift from 6% non-owner occupied to 4% owner-occupied taxpayers has impacted County revenues. Staff is looking at assessable transfer of interest (ATI) scenarios because that has also impacted the bottom line as well the decline in automobile taxes. These concepts will be fully vetted with the Auditor, Assessor and Finance Team. The Finance Team is moving forward quickly in developing a budget process and ensuring the budget comes in at the appropriate revenue and expenditure for FY 2012.

Mr. Dawson questioned what staff is doing to verify the 6% to 4% valuation homeownership in Beaufort County.

Mr. Hill replied the Assessor's Office makes an on-site visit of each and every application received. A state statute requires that if the homeowner provides certain documents (state and federal income tax return), the county accept those documents. Council will receive an update on the shift from 6% to 4% valuation within the next several weeks.

Mr. Baer questioned if Council will shortly be able to see a comparison and 2011 total funding by department versus 2012 expected funding on a year-by-year basis. For example, are the libraries going down 20% versus another department going down 30% or 8%? Mr. Baer would like to compare how departments are taking hits.

Mr. Caporale inquired of the meeting date between the Auditor, Assessor and Finance Team. What is the status of the audit special procedures findings?

Mr. Hill replied staff is making sure it can provide Council with a balanced budget. A meeting is planned within the next two weeks with all groups in order for the Finance Team to put together the documents before the March 3 Annual Meeting. The audit special procedures findings will be addressed at a Finance meeting. Department budgets are due March 11.

Mr. Kubic commented staff is making some assumptions in the budget like it did last year – the budget not using reserve, hopefully growing the reserve, and making some assumptions about millage rates remaining constant. That is only for a baseline purpose in our budgetary process, but those are the type of issues we are starting to format currently.

Mr. Rodman commented last year staff did a super job of including in the budget, with no tax increase, offsetting the monies that we were being shorted for social services from the state. He anticipates we are going to see a lot more of that this year. Therefore, we need to be taking that into consideration as we go forward as to whether it is something we can contain within a no tax increase or we may actually have to consider something like that given what Mr. Rodman anticipates is the magnitude of the shortfall. The state is talking about revenues \$800 million lower for FY 2011-12 than they were for this year (approximately 15% of the state general fund budget) and that goes into schools, a lot of social services, mental health, etc. It is not going to be an easy year.

Mr. Newton remarked while there is some overlay in the discussion, an Executive Committee meeting has been scheduled January 24 to continue our discussion regarding longer range, rather than just a single budget year and identification of what the services are that Beaufort County is engaged in. These services will be grouped by what is mandated / required by law and what we have determined to do, whether historically, or as Mr. Rodman points out, some of the social services functions that are not mandated by state law. Perhaps some are not even historical, but we have determined / believe is the right thing to do in terms of funding social services, or higher education, or some of the ideas we have, and then some that are probably described a politically expedient or politically generated as to why we fund certain items.

U.S. Highway 17 Widening

Mr. Rob McFee, Division Director-Engineering and Infrastructure, reported the U.S. Highway 17 project is a design-build contract for the widening of six miles of divided highway and major intersection in Beaufort County. The contractor is Phillips and Jordan of Knoxville, Tennessee. The project cost is \$100,471,305. The contract completion date is October 15, 2010. The project is 99% complete. The contractor continues to work on ramp 4 from US 17 north to US 21 at the Gardens Corner interchange. Paving and landscape work is underway.

Mr. Baer remarked last weekend he travelled US Highway 17 to Charleston. It is a really nice road and the turnaround at Gardens Corner, the underpass and the circle work very effectively. As he travelled north to Charleston, still in Beaufort County, the road was constrained to two lanes, but there was a whole other two lanes to the right that were still closed.

Mr. McFee replied there are sections at ramp 4 in Gardens Corner where the surface has not been placed. The final surface on this road will be open-grade friction course which is used on high volume primaries. It is a low-noise profile and the water actually goes through it. Open-grade friction course, developed in Europe in the mid-1980 and 1990s, allows water to travel through the first inch and one half and then laterally drain off to the sides. That mix is a very temperature-sensitive mix and will not be going down until spring.

Mr. Baer asked if the speed limit will increase. At present it is 45 mph and seems very low.

New Bridge over Beaufort River / U.S. 21 / S.C. 802 Construction Project

Mr. Rob McFee, Division Director-Engineering and Infrastructure, reported the new bridge over the Beaufort River will be a 4,200-foot bridge. The contractor is United Contractors, Inc. of Great Falls, South Carolina. The cost is \$34,573,368. The completion date is August 2011. The contractor completed drill shaft foundations and is working on girder deck spans, columns and footings.

Mr. Hill reported a meeting was held with all parties constructing the bridge as well as the Port Royal Town Manager and Port Royal Police Chief regarding some noise concerns at the 802 bridge. We worked all issues out with the Town Manager. The contractors will now do a lot of work during day time as opposed to night. They have less than 12 pours in the evening and reduced their pouring schedule in respect to the residents in that area. It was a very productive meeting. County staff attorney Ladson Howell has spoken with the homeowners association to brief them on the county schedule. When we make a change to the schedule, the homeowners association will be notified within ten days of that change in schedule. We are very close to moving from that end of the bridge to the other side where the noise levels will be at a low rate for the residents. The residents were pleased with Mr. Howell speaking with them concerning the noise level and our responsiveness.

S.C. Highway 802 Roadway Construction Project

Mr. Rob McFee, Division Director-Engineering and Infrastructure, reported this project involves the widening of 5.2 miles of SC Highway 802 (two sections). The contractor is Sanders Bros. of Charleston, South Carolina. The cost is \$10,852,393. The completion date is December 2010. Final asphalt surface was placed on the Lady's' Island section from Meridian Road to US Highway 21. Shell Point grading and asphalt base operations continue.

Mr. McBride inquired as to when the barrels would be removed. The county has indicated to the contractor that they may remove the barrels. The barrels were in place as the contractor was finishing dressing up the shoulders. The barrels in the southbound lane will remain in place. There is a concern at US 21 intersection wherein if we have two-lane traffic in the area and as it gets to Meridian Road it goes back down to two lanes opposing traffic, it has been our experience on other projects that it turns into something of a raceway when folks know that this left lane ends, they will try to pass as many cars as possible in order to get back in front. At this point, insofar as a capacity issue, but for the barrels being there and being a little obtrusive, it serves no purpose, because the capacity is going to be throttled down at Meridian Road. If we were to open it to two lanes, that would not be a good situation.

SC Highway 46 and Simmonsville Road

Mr. Rob McFee, Division Director-Engineering and Infrastructure, reported this project involves the widening of SC Highway 46 to the Bluffton Branch Library and Simmonsville Road to Bluffton Parkway for a total of 2.15 miles. SCDOT is administering this project. The contractor is Rea Contracting of Columbia, South Carolina. The cost is \$7,503,367.03. The completion date is May 2011. Pipe placement and storm drain basin construction is complete on SC Highway 46. Asphalt base is 90% complete. Curb, gutter and sidewalk work is 97% complete. Simmonsville pipe placement is complete.

Mr. Baer stated a February 2011 estimate is when the bid would be out on Route 278 to 170 and we would know how much money we were short on the project. Is that still correct?

Mr. McFee replied SCDOT would be ready to advertise and accept bids in April 2011.

Mr. Baer stated we will not know, on the one percent sales tax projects, if we have money left or if we are short until after that point. That is an important fact to know. That almost says that we cannot start any other projects other than the one percent sales tax projects until we know if we have money left in the one percent money.

Disabilities and Special Needs Adult Day Care Center and Administration Center

Mr. Rob McFee, Division Director-Engineering and Infrastructure, reported this project is a 25,000 square foot multi-use facility with client activity and program areas and administrative space. The contract is Emory J. Infinger and Associates of Charleston, South Carolina. The cost is \$6,436,974. The completion date is March 2011. Staff is in the process of evaluating a delay claim from the contractor. We will probably add approximately 60 days to that contract due to a permit delay that was experienced during mobilization and set up. Sixty-five percent of the masonry wall brick veneer is in place. Installation of roof system and geothermal wells continues.

Hilton Head Airport Aircraft Rescue Firefighting Facility

Mr. Rob McFee, Division Director-Engineering and Infrastructure, reported this project is a 7,200 square foot facility with two equipment bays and administrative space. The contractor is Creative Structures of Knoxville, Tennessee. The cost is \$1,787,638.43. The completion date is March 2011. Exterior walls for the building are complete. Working on interior ceiling and vanishes.

US Highway 278 Resurfacing

Mr. Rob McFee, Division Director-Engineering and Infrastructure, reported this project involves milling and resurfacing of US Highway 278 on Hilton Head Island from Sea Pines to Pinckney Island. The contractor is APAC Southeast of Ridgeland, South Carolina. The cost is \$3,898,690.24. The completion date is March 2011. Resurfacing is complete. The contractor is

working on shoulders and permanent markings will go in down in spring due to a temperature and seasonal restriction on thermoplastic.

Donated Items for Animal Shelter Department

Mr. William Winn, Division-Director Public Safety, announced in December 2010 Dan Vaden Chevrolet presented a \$500 check to the Animal Shelter for the spay and neuter clinics. There are two PetSmart stores in Beaufort County. PetSmart set a goal last year for 245 animals to be adopted out of the Bluffton PetSmart. All of us working together were able to exceed that and 319 animals were adopted. In the Beaufort PetSmart, when it opened in August 2010, they set a goal of adopting 84 animals. Since they opened, 286 animals were adopted in that store. The County Channel is in the process of developing a documentary on the rescue agencies in Beaufort County. PetSmart has a program where they return a certain amount of the fees and a certain amount of money for adoptions back to our Animal Shelter. PetSmart presented a \$2,515 check to support the County spay / neuter program and other projects we are working on in Beaufort County.

Dan Vaden Chevrolet and PetSmart community involvement is an example of what staff has been trying to accomplish as our new day at the Animal Shelter.

SCDOT Implementation of 511 System for Traffic Information on Interstate Highways

Mr. William Winn, Division Director-Public Safety, reported SCDOT implemented the "SC511 Travel Information Service", a voice-activated phone system and website that provide real-time traffic and travel information to travelers statewide. 511 is the national 3-digit telephone number for travel information. It is an easy to remember way to access important information on road conditions, and construction via the web at or phone - 24/7. Travelers can dial the three-digit number on traditional landline telephones and many mobile phones. Travel information is currently disseminated to the public using Highway Advisory Radio, and Dynamic Message Signs. 511 in South Carolina was implemented in 2010.

The South Carolina system is part of a national effort, the U.S. Department of Transportation petitioned the Federal Communications Commission (FCC) in 1999 for a three-digit telephone number to make it easier for consumers to access travel information services. The FCC assigned "511" to the transportation community July 21, 2000. The term "511" has now become synonymous with traveler information. Beaufort County's Traffic Management partnered with SCDOT and inputs real time traffic information for Highways 17, 21, 170 and 278.

ADOPTION OF 2011 REGULAR MEETING SCHEDULE

It was moved by Mr. Sommerville, seconded by Mr. Dawson, that Council adopt its 2011 regular meeting schedule which includes holding four meetings at the Hilton Head Island Branch Library. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Glaze, Mr. Flewelling, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

ESTABLISHMENT OF HAWKERS' AND PEDDLERS' LICENSE FEES

It was moved by Mr. McBride, seconded by Mr. Glaze, that Council approve the hawkers and peddlers license fees for 2011 as follows: \$75 for County residents; \$500 for State, but not County residents; and \$1,000 for nonresidents. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Glaze, Mr. Flewelling, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

AMBULANCES FOR BEAUFORT COUNTY EMS

This item comes before Council under the Consent Agenda. It was discussed and approved at the January 4, 2011 Public Facilities Committee.

It was moved by Mr. Flewelling, seconded by Mr. Dawson, that Council award a contract for a second ambulance in the amount of \$145,300 to Southeastern Specialty Vehicles of West Jefferson, North Carolina, the lowest responsive / responsible bidder. The funding source is from #11437-56000 (2010 general obligation bonds fund contingency). The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Glaze, Mr. Flewelling, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO AMEND THE STORMWATER UTILITY ORDINANCE, ARTICLE II, SECTION 99-108, GENERAL FUNDING POLICY (TO INCREASE THE SINGLE-FAMILY UNIT RATE)

This item comes before Council under the Consent Agenda. It was discussed and approved at the December 6, 2010 Natural Resources Services Committee.

It was moved by Mr. Flewelling, seconded by Mr. Dawson, that Council approve on second reading an amendment to the Stormwater Utility Ordinance, Article II, Section 99-108, General Funding Policy (to increase the single-family unit rate). The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Glaze, Mr. Flewelling, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

Mr. Kubic, County Administrator, noted the proposed changes in the stormwater rates are brought forward to Council individually by the municipalities. The only rate that Council directly entertains is the unincorporated rate which has not been increased. The other rates, reflected in the ordinance, are a result of the individual municipalities bringing forward that proposed change to Council. It is ratification rather than an implementation.

The Chairman announced a public hearing on this issue would be held on Monday, January 24, 2011 beginning at 6:00 p.m. in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

FUTURE LAND USE MAP AMENDMENT FOR R603-008-000-0623-0000 (1.13 ACRES AT THE NORTHWEST CORNER OF S.C. HIGHWAYS 170 AND 462, OKATIE, SC) FROM RURAL SERVICE AREA TO COMMUNITY COMMERCIAL

This item comes before Council under the Consent Agenda. It was discussed and approved at the December 6, 2010 Natural Resources Services Committee.

It was moved by Mr. Flewelling, seconded by Mr. Dawson, approve on second reading the Future Land Use amendment for R603-008-000-0623-00000 (1.13 acres at the northwest corner of S.C. Highways 170 and 462, Okatie, SC) from Rural Service Area to Community Commercial, in accordance with the staff recommendation there be no access to S.C. Highways 170 and 462. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Glaze, Mr. Flewelling, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

The Chairman announced a public hearing on this issue would be held on Monday, January 24, 2011 beginning at 6:00 p.m. in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

ZONING MAP AMENDMENT/REZONING REQUEST FOR R603-008-000-0623-0000 (1.13 ACRES AT THE NORTHWEST CORNER OF S.C. HIGHWAYS 170 AND 462, OKATIE, SC) FROM RURAL (R) TO COMMERCIAL SUBURBAN (CS) ZONING DISTRICTS

This item comes before Council under the Consent Agenda. It was discussed and approved at the December 6, 2010 Natural Resources Services Committee.

It was moved by Mr. Flewelling, seconded by Mr. Dawson, that Council approve on second reading the zoning map amendment / rezoning request for R603-008-000-0623-0000 (1.13 acres at the northwest corner of S.C. Highways 170 and 42, Okatie, South Carolina) from Rural (R) to Commercial Suburban (CS) Zoning Districts, in accordance with the staff recommendation there be no access to S.C. Highways 170 and 462. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Glaze, Mr. Flewelling, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

The Chairman announced a public hearing on this issue would be held on Monday, January 24, 2011 beginning at 6:00 p.m. in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

TEXT AMENDMENT TO THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), APPENDIX J - DALE COMMUNITY PRESERVATION (DCP), DIVISION 2 - DALE MIXED USE DISTRICT (DMD), SECTION 106-1357 - COMMERCIAL COMMUNICATION TOWERS

This item comes before Council under the Consent Agenda. It was discussed and approved at the December 6, 2010 Natural Resources Services Committee.

It was moved by Mr. Flewelling, seconded by Mr. Dawson, that Council approve on second reading a text amendment to the Zoning and Development Standards Ordinance (ZDSO) that adds Special Use Standards allowing commercial communication towers in the Dale Community Preservation Mixed Use District (DMD): Appendix J. Dale Community Preservation (DCP), Division 2. Dale Mixed Use District (DMD), Section 2.4/Table 1. Land Uses; and Appendix J. Dale Community Preservation (DCP), Division 2. Dale Mixed Use District (DMD), Section 2.5 Limited and Special Use Standards. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Glaze, Mr. Flewelling, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

The Chairman announced a public hearing on this issue would be held on Monday, January 24, 2011 beginning at 6:00 p.m. in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

TEXT AMENDMENT TO THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), APPENDIX S. DAUFUSKIE ISLAND CODE (ADDS A NEW APPENDIX WITH DEVELOPMENT STANDARDS FOR DAUFUSKIE ISLAND COMMUNITY PRESERVATION DISTRICT)

This item comes before Council under the Consent Agenda. It was discussed and approved at the January 4, 2011 Natural Resources Services Committee.

It was moved by Mr. Flewelling, seconded by Mr. Dawson, that Council approve on first reading text amendments to the Zoning and Development Standards Ordinance, Appendix S. Daufuskie Island Code (adds a new appendix with development standards for Daufuskie Island Community Preservation District). The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Glaze, Mr. Flewelling, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

BEAUFORT COUNTY ZONING MAP AMENDMENT FOR DAUFUSKIE ISLAND (CHANGES THE ZONING DISTRICTS TO IMPLEMENT THE NEW DAUFUSKIE ISLAND CODE)

This item comes before Council under the Consent Agenda. It was discussed and approved at the January 4, 2011 Natural Resources Services Committee.

It was moved by Mr. Flewelling, seconded by Mr. Dawson, that Council approve on first reading a Beaufort County Zoning Map amendment for Daufuskie Island (changes the zoning district to implement the new Daufuskie Island Code). The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Glaze, Mr. Flewelling, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

TEXT AMENDMENT TO THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), APPENDIX D. COMMUNITY PRESERVATION AREAS (DELETES ALL INTERIM STANDARDS RELATED TO BRIGHTON BEACH, BUCKINGHAM, BLUFFTON-MAY RIVER/HIGHWAY 46 CORRIDOR, AND DAUFUSKIE ISLAND, INCLUDING SECTIONS 9 AND 10—DAUFUSKIE ISLAND BUFFER DISTRICT AND GATEWAYS)

This item comes before Council under the Consent Agenda. It was discussed and approved at the January 4, 2011 Natural Resources Services Committee.

It was moved by Mr. Flewelling, seconded by Mr. Dawson, that Council approve on first reading text amendments to the Zoning and Development Standards Ordinance, Appendix D. Community Preservation Areas (deletes all interim standards related to Brighton Beach, Buckingham, Bluffton-May River/Highway 46 Corridor, and Daufuskie Island, Including Sections 9 and 10—Daufuskie Island Buffer District And Gateways). The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Glaze, Mr. Flewelling, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

AUTHORITY TO PURCHASE BEAUFORT COMMERCE PARK

Mr. Stewart, as Chairman of the Public Safety Committee, reported this item comes forward from the economic development portion of that committee in which we had asked the County Administrator to look at possible business relations or the best deal that he could get with respect to purchase of the Beaufort Commerce Park (Park) and to bring that forward to Council. At the January 18 Finance Committee meeting Mr. Kubic will bring forward his findings and various recommendations or possible ways in which to move forward with that purchase.

It was moved by Mr. Stewart, seconded by Mr. Flewelling, that Council approve on first reading, by title only, an ordinance authorizing the purchase of the Beaufort Commerce Park.

The Chairman stated voting in favor of the first reading, by title only, tonight does not commit purchase of the property. There is a timing issue with regard to the administration and the current maturity of the financing on the Park that exists today that will allow us to shorten this process by having already proceeded with one of three required readings. This a procedural issue to advance the ball at the County Administrator's request to the Finance Committee meeting for a full and complete discussion regarding potential financing opportunities, how this purchase may be affected, and what impact it may otherwise have on our budget.

Mr. Baer would like to vote for this, but cannot. We have been kicking this can down the road for the better part of a year. We asked for a business plan for the Park. We never really got a complete business plan. We never really got data on alternatives, other locations that are available, buildings that could be converted. Since that time, other buildings have come on the market. In terms of looking out for the people's interest, we do not know if this is a good plan or not that we are rushing forward to finance. We do not know what the alternatives are. We do not know what the total costs are. We have asked, for about nine months, total costs including

both the land and potential spec building, which he hears is in the works. This is all well and good to accelerate things and if we were merely drawing attention to the meeting on January 18, he would not have any objection at all. What we are doing here, without any more data, is taking two weeks out of the review process of the people, the taxpayers and Council with zero more data. It looks like a conclusion has almost been made without the business plan. The fact is we are looking at how to finance this acquisition that we do not know anything about or anything about its alternatives. It seems to Mr. Baer to be bad policy from a taxpayer viewpoint of how well we take care of their finances, how well we look at alternatives and cost benefits for how we spend their money and achieve their goals. This might be the finest project in the world, but not knowing more, he cannot take two weeks out of the review process.

Ms. Von Harten remarked the spec building/commerce park was identified as a high priority on the policy agenda at the 2010 Retreat.

The Chairman commented the intention is to have a full airing of Mr. Baer's concerns and issues at the January 18 Finance meeting as well as get a commitment from committee on the proposals as to how this purchase may be affected and, further, that there be a recommendations coming out of that committee. As Ms. Von Harten notes, a decision regarding the Park was actually a 2010 Retreat priority, not necessarily the acquisition. There was a Public Safety Committee recommendation September 7, 2010, authorizing Mr. Kubic to negotiate with banks in a buyout of the loan on the Park. There has not yet been discussion about identifying what the funding source is as well as asking for justification. However, external circumstances relative to the current state of the Park is what has led administration to ask for going ahead and proceed with first reading, by title only. If there is a need to cause a further period of time between potential readings or that there is not the will of the majority of Council to move forward, that can certainly be reflected as well. In the event the majority of Council is committed to purchase this property and is satisfied with the funding mechanisms, it puts this on a potential trajectory so that the current funding mechanism does not create further problems relative to the property.

Mr. Rodman referred to his January 10, 2011 email to Council, "It seems it would be beneficial to have all ordinances come to council first in the form of a first reading, but title only, and then go to committee before returning for second reading. The term, by title only, somewhat suggests this approach and perhaps it is the way it occurred in the past." Perhaps a discussion of this issue could occur at the March 2011 Retreat.

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

COMMITTEE REPORTS

Community Services Committee

Alcohol and Drug Abuse Board

There are two candidates for one board vacancy.

Ms. Frances Kenney

The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Glaze, Mr. Flewelling, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. Ms. Frances Kenney garnered the six votes required to serve as a member of the Alcohol and Drug Abuse Board.

Ms. Judy Lohr

Since Ms. Kenny garnered a unanimous vote of Council, no vote was taken on Ms. Lohr's nomination.

Library Board

Mr. Charles Morse

The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Glaze, Mr. Flewelling, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. Mr. Charles Morse, representing Council District 4, garnered the six votes required to serve as a member of the Library Board.

Public Safety Committee

Possible Control of Towing Truck Operations

Mr. Stewart, as Public Safety Committee Chairman, reported at the request of Chairman Newton members discussed the possible control of towing truck operations in the County. It was a consensus of the Committee that we ask County Staff Attorney Lad Howell to bring forward a draft document, similar to what is being used currently in Horry County, to look into the possibility of some control primarily over the fee structure. Members also asked Mr. Howell to confer with tow truck operators in preparing this document as well as talking with municipalities to see if there was any interest on their behalf of maybe participating or at least having input into what the county was doing. This topic will be discussed at the February 7 meeting.

CALL FOR EXECUTIVE SESSION

It was moved by Ms. Von Harten, seconded by Mr. Glaze, that Council go immediately into executive session for the purpose of receiving of legal advice relating to pending and potential claim. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Glaze, Mr. Flewelling, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

EXECUTIVE SESSION

RECONVENE OF REGULAR SESSION

PUBLIC HEARING

ADOPTION OF THE 2010 BEAUFORT COUNTY COMPREHENSIVE PLAN (A COMPILATION OF PREVIOUSLY APPROVED UPDATED ELEMENTS, THE DEMOGRAPHICS ELEMENT, A NEW INTRODUCTION AND HISTORY CHAPTER, AND ALL OF THE 1997 COMPREHENSIVE PLAN APPENDICES)

The Chairman opened a public hearing at 6:03 p.m. for the purpose of receiving information from the public regarding an ordinance adopting the 2010 Beaufort County Comprehensive Plan (a compilation of previously approved updated Elements, the Demographics Element, a new introduction and History Chapter, and all of the 1997 Comprehensive Plan Appendices). After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:04 p.m.

It was moved by Mr. Sommerville, as Natural Resources Committee Chairman (no second required), that Council approve on third and final reading an ordinance adopting the 2010 Beaufort County Comprehensive Plan (a compilation of previously approved updated Elements, the Demographics Element, a new introduction and History Chapter, and all of the 1997 Comprehensive Plan Appendices). The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Glaze, Mr. Flewelling, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

PUBLIC COMMENT

There were no requests to speak during public comment.

RECONVENE OF EXECUTIVE SESSION

EXECUTIVE SESSION

ADJOURNMENT

Council adjourned at 6:44 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
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BRYAN J. HILL
DEPUTY COUNTY ADMINISTRATOR

LADSON F. HOWELL
STAFF ATTORNEY

COUNTY ADMINISTRATOR'S REPORT

**Monday, January 24, 2011
4:00 p.m.
County Council Chambers
Administration Building**

INFORMATION ITEMS:

- The County Channel / Broadcast Update
 - ° US 17 Ribbon Cutting Ceremony – February 10, 2011 at 3:00 p.m.
(Under the Oaks at Gardens Corner)
- Two-week Progress Report (Enclosure)

ACTION ITEM:

- Permission to Execute Settlement Agreement / Sam's Point Landing



Memorandum

DATE: January 21, 2011
TO: County Council
FROM: Gary Kubic, County Administrator
SUBJ: County Administrator's Progress Report

The following is a summary of activities that took place January 10, 2011 through January 21, 2011:

January 10, 2011

- County Council meeting

January 11, 2011

- Meeting with Town of Bluffton representatives re: Proposed Medical Facility in the Town of Bluffton, at Hampton Hall Clubhouse, Bluffton
- Meeting with Sheriff P. J. Tanner re: Various issues

January 12, 2011

- Meeting with Ladson Howell, Staff Attorney, and Edra Stephens, Director of Business Licenses re: Homeowners Association (HOA) fees
- Staff meeting re: I-9's and financial audits
- Meeting with Ed Modzelewski, of Applied Technology Management (ATM) re: Beaufort County stormwater
- Meeting with Tony Criscitiello, Division Director, Planning and Development re: various issues

January 13, 2011

- Meeting with Chairman Weston Newton and US Piedmont Officials re: Hilton Head Island Airport Strategy, Charlotte, NC

January 14, 2011

- Conference call with Manatron and staff
- Meeting with J. L. Goodwin, Mayor re: Town of Yemassee Water System Improvements
- Meeting with Kyle Peterson, reporter with The Beaufort Gazette / Island Packet
- Meeting with Herb Graves re: Beaufort Commerce Park

COUNTY COUNCIL

January 21, 2011

Page 2

- **Conference call Karl Hufnagel, Senior Project Manager, and Abby Goldsmith, Senior Director, of R. W. Beck company, and staff re: transfer station at Lobeco site**
- **Meeting with Attorneys Robert Achurch, and Walter Nester re: Beaufort County vs. Dorothy Gnann case**

January 17, 2011

- **Holiday (Martin Luther King, Jr. Day)**

January 18, 2011

- **Meeting with Tim Schwartz re: Planning and zoning issues**
- **Finance Committee meeting**
- **Community Services Committee meeting**

January 19, 2011

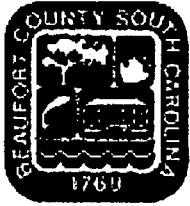
- **Agenda review Vice Chairman Paul Sommerville and Executive Staff**
- **Dredging meeting at Town of Hilton Head Island**

January 20, 2011

- **Meeting with Mark Roseneau, Director of Facilities Management re: Myrtle Park Building (Bluffton Government Center)**
- **Hearing re: Stop Work Order / Armas Chemicals site at County Courthouse**

January 21, 2011

- **Budget meeting with Deputy County Administrator Bryan Hill**
- **Staff meeting re: Airports**



Memorandum

DATE: January 21, 2011
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 January 10, 2011 thru January 21, 2011:

January 10, 2011 (Monday):

- Meet with Mark Roseneau, Facilities Manager re: Various Issues
- Work with Mike Devore, MIS re: Computer Capabilities
- County Council

January 11, 2011 (Tuesday):

- Meet with Duffie Stone, Solicitor
- Meet with David Starkey, Chief Financial Officer

January 12, 2011 (Wednesday):

- Meet with William Winn, Public Safety Director
- Meet with Gary Kubic, County Administrator, David Starkey, CFO, Ladson Howell, Staff Attorney and Edra Stephens, Business License Director re: I'9's/Financial Audits
- Attend Motorola LTE Briefing

January 13, 2010 (Thursday):

- Attend St. Helena Library, Penn Center Status Meeting

January 14, 2010 (Friday):

- Meet with Gary Kubic, County Administrator, David Starkey, CFO, Robert McFee, Engineering and Infrastructure Director, and Jim Minor, Public Works re: Arrmas Chemical Site

January 17, 2010 (Monday)--MARTIN LUTHER KING, JR. DAY:

- CLOSED

January 18, 2010 (Tuesday):

- DA Meeting
- Finance Committee Meeting
- Community Services Committee Meeting

January 19, 2010 (Wednesday):

- Agenda Review
- Meet with William Winn, Public Safety Director re: Organization Discussion

January 20, 2010 (Thursday):

- Attend CCH Work Paper Management Meeting

January 21, 2010 (Friday):

- Meet with Gary Kubic, County Administrator
- Meet with Gary Kubic, County Administrator, Robert McFee, Engineering & Infrastructure Director and Paul Andres, Airports Director re: Operational Aspects of Lady's Island and HHI Airports
- Meet with David Starkey, CFO and Monica Spells
- Meet with David Starkey, CFO re: Budget Meeting

2011 /

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO AMEND THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE, APPENDIX S. DAUFUSKIE ISLAND CODE (ADDS A NEW APPENDIX WITH DEVELOPMENT STANDARDS FOR DAUFUSKIE ISLAND COMMUNITY PRESERVATION DISTRICT).

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

Adopted this ____ day of _____, 2011.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:

Ladson F. Howell, Staff Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading: January 10, 2011

Second Reading:

Public Hearing:

Third and Final Reading:

(Amending 99/12)

2011 /

BEAUFORT COUNTY ZONING MAP AMENDMENT FOR DAUFUSKIE ISLAND
(CHANGES THE ZONING DISTRICTS TO IMPLEMENT THE NEW DAUFUSKIE ISLAND
CODE).

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

Adopted this ____ day of _____, 2011.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:

Ladson F. Howell, Staff Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading: January 10, 2011

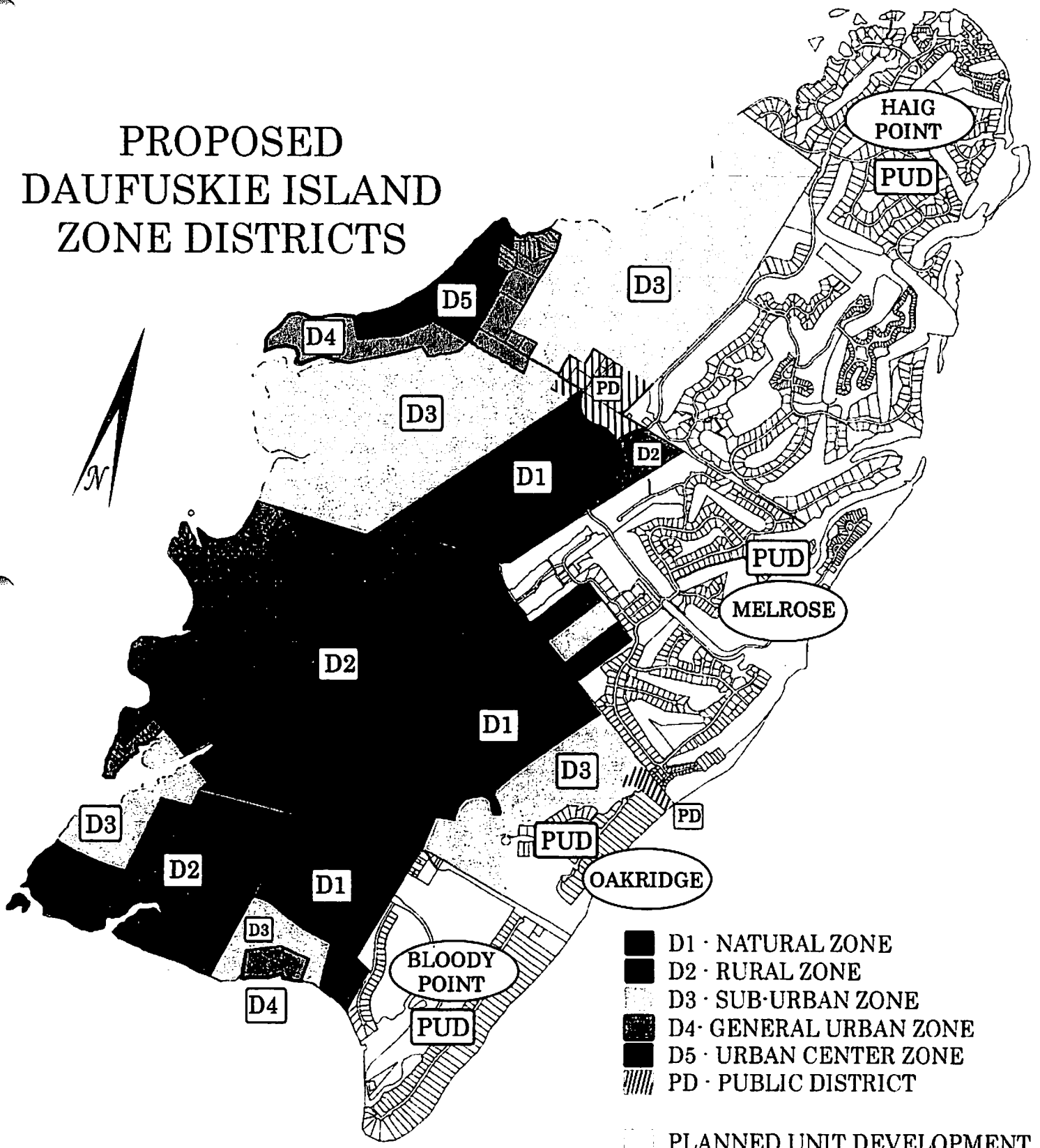
Second Reading:

Public Hearing:

Third and Final Reading:

(Amending 99/12)

PROPOSED DAUFUSKIE ISLAND ZONE DISTRICTS



- D1 - NATURAL ZONE
- D2 - RURAL ZONE
- D3 - SUB-URBAN ZONE
- D4 - GENERAL URBAN ZONE
- D5 - URBAN CENTER ZONE
- ▨ PD - PUBLIC DISTRICT

⋯ PLANNED UNIT DEVELOPMENT

2011 /

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO AMEND THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE, APPENDIX D. COMMUNITY PRESERVATION AREAS (DELETES ALL INTERIM STANDARDS RELATED TO BRIGHTON BEACH, BUCKINGHAM, BLUFFTON-MAY RIVER/HIGHWAY 46 CORRIDOR, AND DAUFUSKIE ISLAND, INCLUDING SECTIONS 9 AND 10—DAUFUSKIE ISLAND BUFFER DISTRICT AND GATEWAYS).

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

Adopted this ____ day of _____, 2011.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:

Ladson F. Howell, Staff Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading: January 10, 2011

Second Reading:

Public Hearing:

Third and Final Reading:

(Amending 99/12)

- Delete all interim standards or references to Brighton Beach, Buckingham, Bluffton-May River/Highway 46 Corridor, and Daufuskie Island in Appendix D, especially in Tables 1, 2 and 4, and in Sec. 5(b)(5)—see below:
 - (5) Grocery stores are limited to 10,000 square feet within Big Estates and Sheldon ~~and on Daufuskie Island.~~
- Delete Sections 9 and 10 (Daufuskie Island Buffer District and Gateways) in Appendix D, in their entirety.
- Renumber Section 11 (Coosaw Island Rural and Rural Residential Districts) as Section 9; renumber all its subparagraphs accordingly – 11.1, 11.2, etc. should be 9.1, 9.2, etc.; and renumber any reference to Section 11 within Appendix D to Section 9.
- Renumber all the tables in the newly numbered Section 9 (Coosaw Island Rural and Rural Residential Districts) as indicated below, and renumber any references to Tables 8, 9 and 10 within Appendix D to Tables 5, 6, and 7, respectively:
 - **TABLE ~~8~~ 5. PERMITTED USES FOR COOSAW ISLAND RURAL AND COOSAW ISLAND RURAL RESIDENTIAL DISTRICTS**
 - **TABLE ~~9~~ 6. RESIDENTIAL LOT SIZE AND DENSITY STANDARDS FOR COOSAW ISLAND DISTRICTS**
 - **TABLE ~~10~~ 7. DEVELOPMENT STANDARDS FOR COOSAW ISLAND DISTRICTS**

2011/ ____

**AN ORDINANCE TO APPROVE THE APPROPRIATION OF FUNDS
NECESSARY TO ACQUIRE REAL PROPERTY KNOWN AS THE
BEAUFORT COMMERCE PARK AND TO PROVIDE THE SOURCE OF
SUCH FUNDS FOR ACQUISITION**

WHEREAS, South Carolina Statutes encourage counties and political subdivisions to purchase properties and provide incentives to new industries; and

WHEREAS, economic development through recruitment of viable nonpolluting commercial and light industrial companies is a vital part of the mission of Beaufort County; and

WHEREAS, the use of the Beaufort Commerce Park to attract new nonpolluting industries would be of great financial and economic value in providing jobs as well as interstate and intrastate commerce; and

WHEREAS, the Beaufort Commerce Park has become available for purchase at a reasonable price by reason of the current economic conditions in Beaufort County as well as the nation.

**NOW THEREFORE, BE IT ORDAINED BY COUNTY COUNCIL OF BEAUFORT
COUNTY:**

SECTION 1. APPROPRIATION

The County Council of Beaufort County hereby appropriates funds in the approximate amount of \$2,500,000.00 necessary to purchase the Beaufort Commerce Park.

SECTION 2. SOURCE OF FUNDS

The County Council of Beaufort County approves the source of funding for the purchase of the Beaufort Commerce Park, which is approximately 165 acres, from the following sources:

A. Funds will be obtained from the St. Helena Library Bond Monies, which are in excess of the cost of the project by reason of a grant received from the United State Department of Agriculture.

B. Excess funds, which are currently available from the proceeds recovered from litigation to renovate certain parts of the Courthouse and Administration Buildings.

C. Reimbursements to these funds will occur from future borrowings necessary to coordinate the fiscal affairs of Beaufort County Capital Improvement Projects.

SECTION 3. EFFECTIVE DATE

This Ordinance shall be effective February ____, 2011 upon the approval and adoption by Beaufort County Council on third and final reading and a public hearing.

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, By Title Only: January 10, 2011
Second Reading:
Public Hearing:
Third and Final Reading:

Francenia B. Heizer

fheizer@mcnair.net
T (803) 799-9800
F (803) 933-1463

MEMORANDUM

To: Gary Kubic, Beaufort County Administrator
Bryan Hill, Beaufort County Assistant Administrator
David Starkey, Beaufort County Chief Financial Officer
Ladson Howell, Esquire, Beaufort County Attorney

From: Francenia B. Heizer, Esquire

Date: January 21, 2010

Subject: Change in Projects Funded with Bond Proceeds

We have been asked whether Beaufort County Council (the "Council") has the legal authority to make changes in project lists attached to and associated with Ordinance No. 2006/11 (the "2006 Ordinance") and Ordinance No. 2008/34 (the "2008 Ordinance"). Inasmuch as the County's General Obligation Bond Anticipation Notes, Series 2009 (the "2009 BANS") have been satisfied and are no longer outstanding, our review would be of Ordinance No. 2010/3 (the "2010 Bond Ordinance," together with the 2006 Ordinance the "Bonds Ordinances").

A review of the Bond Ordinances indicates that each of them contains language allowing Council to make changes in the purposes for which the bond proceeds may be used. The Council has the legal authority to add, delete, or modify any of the projects referenced in the 2006 Ordinance and the 2008 Ordinance.

I understand that Council may be considering eliminating the general obligation bond expenditures identified for St. Helena Library (the "Library") to reflect the fact that other sources of revenue including a loan and grant from the USDA and a grant from the CDBG are now available for that project. I also understand that the amount originally borrowed for the Library may be redirected to a renovation project at the County's administrative complex and the purchase of land for a commerce park. I see no problem with Council making these changes in the approved projects as part of an ordinance which would be given three readings and a public hearing. We understand that the adoption of an ordinance is in process. Below is language that could be included in the ordinance.

Amendment of Project Lists. Council hereby amends Exhibit A Project List attached to Ordinance No. 2006/11 and Exhibit A Project List attached to Ordinance No. 2008/34 by deleting references to St. Helena Library from each list and adding restoration of exterior of administrative complex and development of commerce park including purchase of land.

McNair Law Firm, P. A.
1221 Main Street
Suite 1800
Columbia, SC 29201

Mailing Address
Post Office Box 11390
Columbia, SC 29211

If you have any questions or need additional information, please let us know.

mcnair.net

FBH:laf

Motion for Council consideration January 24, 2011

Council approve on second reading the acquisition of the Beaufort Commerce Park in the amount of approximately \$2.5 million in order to payoff the Lowcountry Economic Network bank note. The financing of this endeavor will be achieved by borrowing \$2.5 million from the County administrative complex reskin project, which will be replenished via a future County borrowing. This option temporarily reduces millage increases and keeps the General Fund reserve up.

RESOLUTION

WHEREAS, Daufuskie Island is a barrier island to which ingress and egress can only be attained by use of water transportation; and

WHEREAS, County Council of Beaufort County and South Carolina Department of Transportation provide funds to assist in the transportation of Daufuskie Island property owners and residents to and from the mainland; and

WHEREAS, County Council desires to assist in maintaining opportunities for Island property owners and residents to travel to and from the island in the pursuit of life-sustaining activities, *i.e.*, employment, medical services, clothing, food, etc.; and

WHEREAS, use of this service has increased significantly due to the loss of a previous provider, thus making it the primary source of transportation for most of the property owners and residents; and

WHEREAS, the County Council of Beaufort County agrees with the need to submit an application to the South Carolina Department of Transportation for a dollar-to-dollar matching grant in the amount of One Hundred Thousand Dollars (\$100,000) for ferry service for property owners and residents of Daufuskie Island.

NOW, THEREFORE, BE IT RESOLVED, that the County Council of Beaufort County does hereby agree to apply to the State of South Carolina Department of Transportation for a matching grant to assist with ferry service to and from Daufuskie Island.

Adopted this ____ day of January, 2011.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Wm. Weston J. Newton, Chairman

ATTEST:

Clerk to Council

2011 /

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO AMEND THE STORMWATER UTILITY ORDINANCE, ARTICLE II, SECTION 99-108, GENERAL FUNDING POLICY (TO INCREASE THE SINGLE-FAMILY UNIT RATE).

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

Adopted this ____ day of _____, 2011.

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: December 13, 2010

Second Reading: January 10, 2011

Public Hearing:

Third and Final Reading:

(Amending 2005/33)

Sec. 99-108. General funding policy.

(d) The stormwater service fee rate may be determined and modified from time to time by the Beaufort County Council so that the total revenue generated by said fees and any other sources of revenues or other resources allocated to stormwater management by the county council to the stormwater management utility shall be sufficient to meet the cost of stormwater management services, systems, and facilities, including, but not limited to, the payment of principle and interest on debt obligations, operating expense, capital outlays, nonoperating expense, provisions for prudent reserves, and other costs as deemed appropriate by the county council. Each jurisdiction may have a different fee predicated upon the individual jurisdiction's revenue needs. The following stormwater service fee rates shall apply:

TABLE INSET:

Jurisdiction	Annual Stormwater Service Fee (\$/SFU/year)
City of Beaufort	\$44.43 <u>65.00</u>
Town of Bluffton	98.00
Town of Hilton Head Island	50.76 <u>108.70</u>
Town of Port Royal	44.43 <u>50.00</u>
Unincorporated Beaufort County	50.00

2011 /

COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT FOR R603-008-000-0623-0000 (1.13 ACRES AT THE NORTHWEST CORNER OF S.C. HIGHWAYS 170 AND 462, OKATIE, SC) FROM RURAL SERVICE AREA TO COMMUNITY COMMERCIAL.

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

Adopted this _____ day of _____, 2011.

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: December 13, 2010

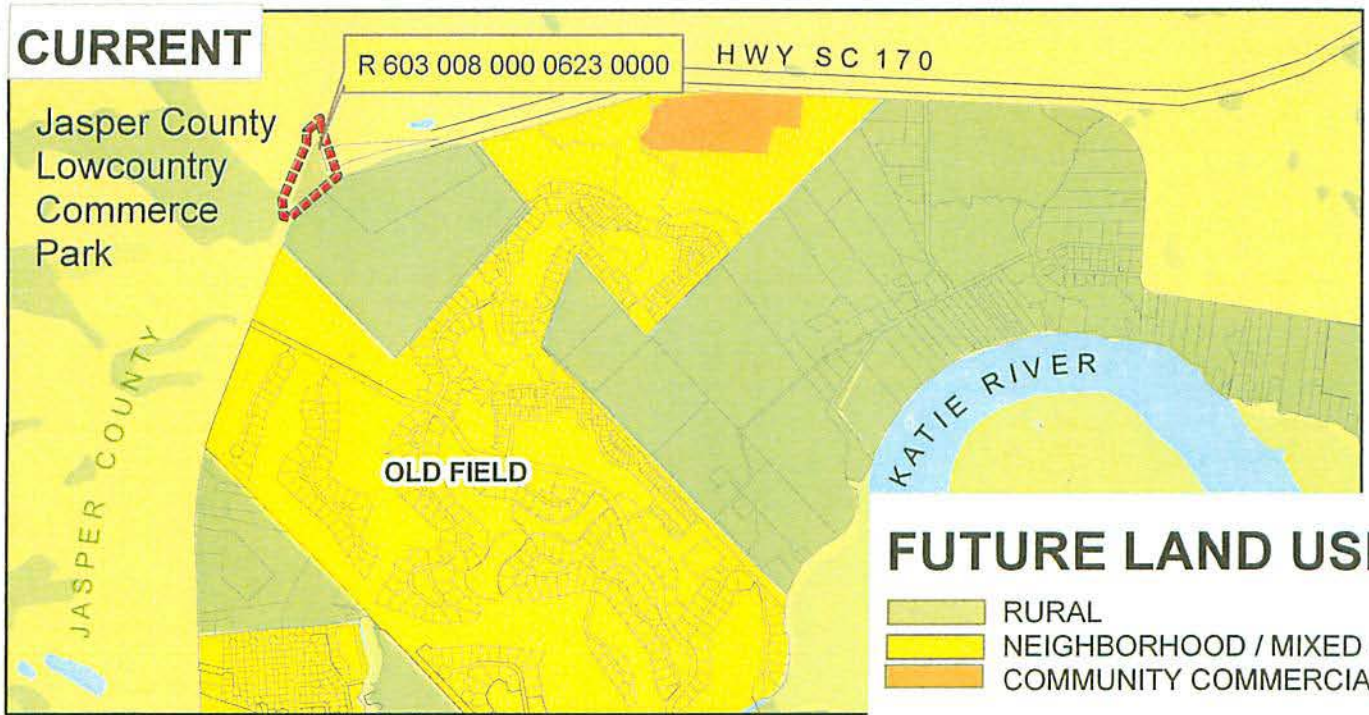
Second Reading: January 20, 2011

Public Hearing:

Third and Final Reading:

(Amending 99/12)

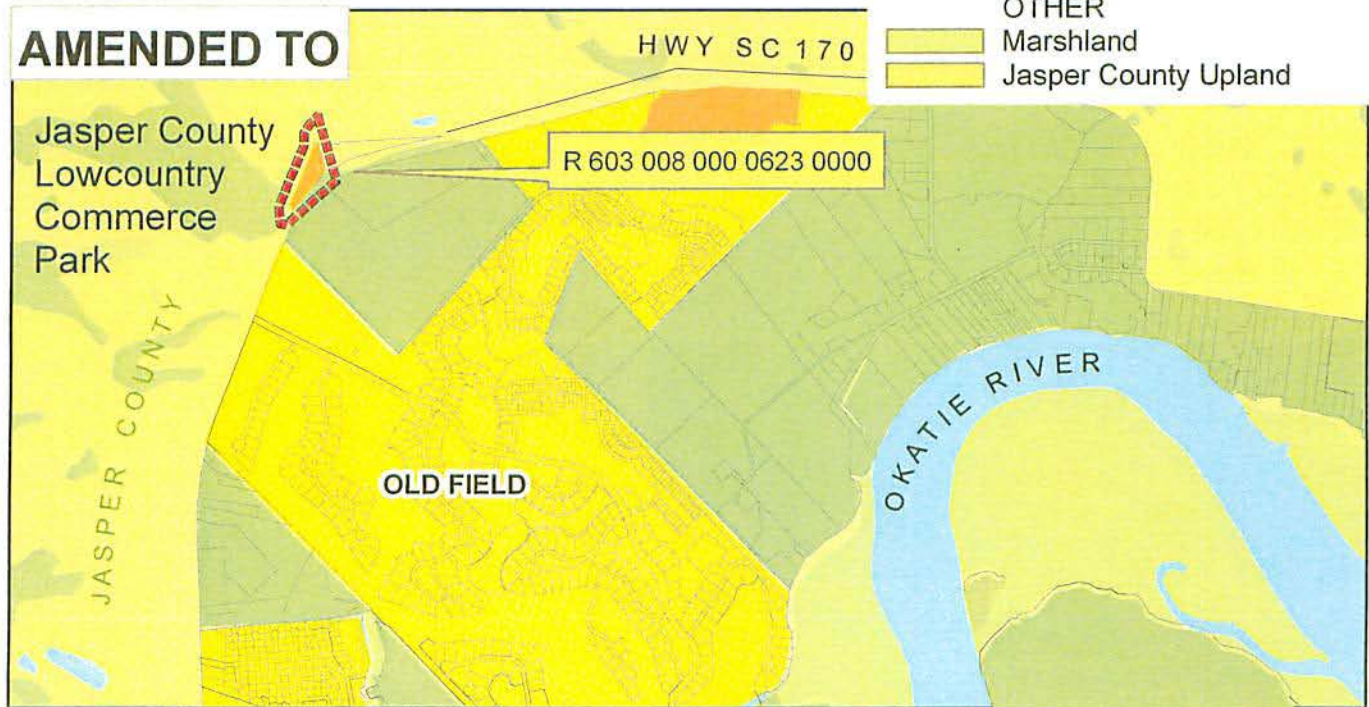
CURRENT



FUTURE LAND USES

- RURAL
- NEIGHBORHOOD / MIXED USE
- COMMUNITY COMMERCIAL
- OTHER
 - Marshland
 - Jasper County Upland

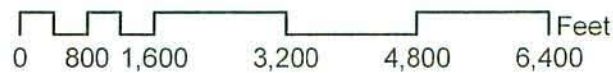
AMENDED TO



FUTURE LAND USE MAP

R 603 008 000 0623 0000

FROM RURAL TO COMMUNITY COMMERCIAL



2011 /

BEAUFORT COUNTY ZONING MAP AMENDMENT / REZONING REQUEST FOR R603-008-000-0623-0000 (1.13 ACRES AT THE NORTHWEST CORNER OF S.C. HIGHWAYS 170 AND 462, OKATIE, SC) FROM RURAL (R) TO COMMERCIAL SUBURBAN (CS) ZONING DISTRICTS.

BE IT ORDAINED, that County Council of Beaufort County, South Carolina, hereby amends the Zoning Map of Beaufort County, South Carolina subject to the following condition:

- There will be no direct access from this parcel to S.C. Highways 170 and 462.

The map is attached hereto and incorporated herein.

Adopted this ____ day of _____, 2011.

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

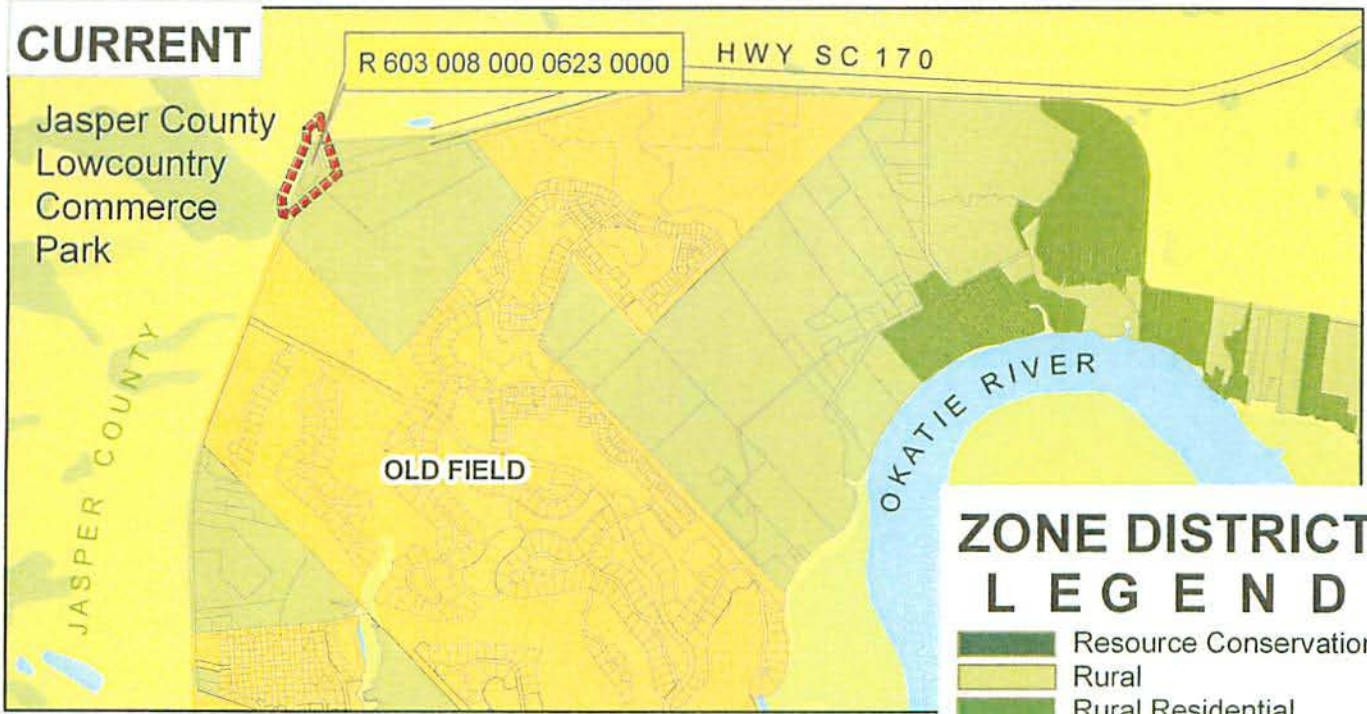
First Reading: December 13, 2010

Second Reading: January 10, 2011

Public Hearing:

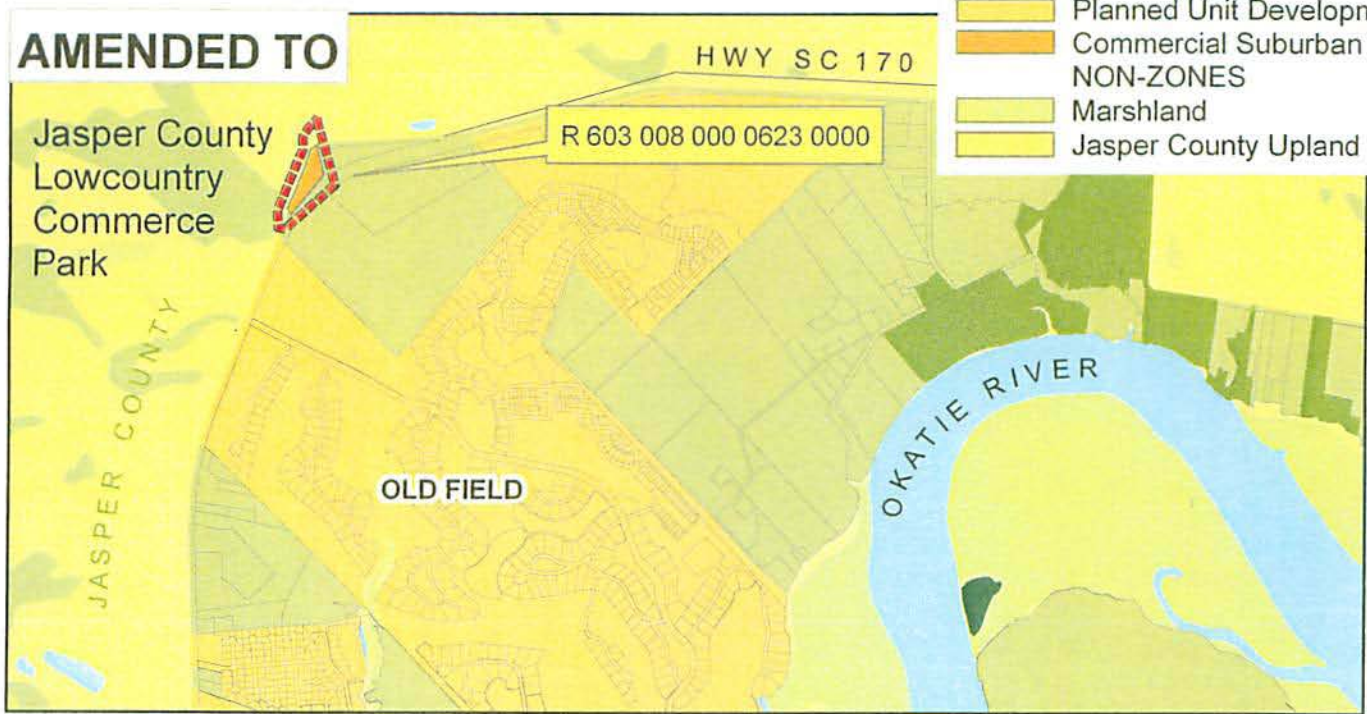
Third and Final Reading:

(Amending 99/12)



**ZONE DISTRICT
LEGEND**

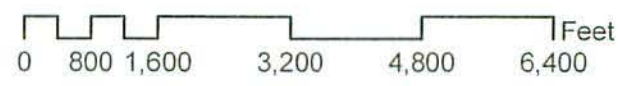
-  Resource Conservation
-  Rural
-  Rural Residential
-  Planned Unit Development
-  Commercial Suburban
- NON-ZONES**
-  Marshland
-  Jasper County Upland



REZONING AMENDMENT

R 603 008 000 0623 0000

FROM RURAL [R] TO COMMERCIAL SUBURBAN [CS]



2011 /

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO AMEND THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), APPENDIX J - DALE COMMUNITY PRESERVATION (DCP); DIVISION 2 - DALE MIXED USE DISTRICT (DMD), SECTION 2.4, TABLE 1 (LAND USES) AND SECTION 2.5 (LIMITED AND SPECIAL USE STANDARDS); AND ARTICLE V (USE REGULATIONS), SECTION 106-1357 - COMMERCIAL COMMUNICATION TOWERS.

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

Adopted this ____ day of _____, 2011.

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: December 13, 2010

Second Reading: January 20, 2011

Public Hearing:

Third and Final Reading:

(Amending 99/12)

DIVISION 2. DALE MIXED USE DISTRICT (DMD)

Sec. 2.4. Permitted activities.

The permitted uses are restricted to residential uses and consumer-oriented businesses catering primarily to the needs of the local population. For the purpose of this section, the allowable uses in the DMD zoning district and are controlled by the land use development standards of this section, the Beaufort County Comprehensive plan, the ZDSO, and the chart of permitted uses (Table 1). The following are descriptions of permitted uses, permitted accessory uses and structures for DMD districts:

TABLE 1. LAND USES

<i>Land Use</i>	<i>Use Definition</i>	<i>Use Permission</i>
Accessory dwelling unit	A second dwelling unit, clearly subordinate to the principal unit, either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility. Maximum building size shall not exceed 50% of the principal unit's floor area.	L
<u>Industrial Uses</u>		
<u>Commercial communication towers</u>	<u>A tower, pole or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, freestanding or guyed, or atop a structure. This does not include television antennas or satellite dishes. Towers for radio or television station use are regulated as regional utilities. Speculation towers are prohibited.</u>	<u>S</u>

Sec. 2.5. Limited and special use standards.

RESIDENTIAL USES

The affordable housing density bonuses allowed in section eight of the Beaufort County Zoning and Development Standards Ordinance shall not apply to the permitted densities within the Dale CP Districts.

Accessory Dwelling

- This use is limited to 50 percent of the floor area (heated) of the primary structure.

INDUSTRIAL USES

Commercial Communication Towers

- **This use must comply with the standards set forth in Section 106-1357.**

ARTICLE V. USE REGULATIONS

DIVISION 2. LIMITED AND SPECIAL USE STANDARDS

*Subdivision VIII. Industrial**

Sec. 106-1357. Commercial communication towers.

The purpose of this section is to provide service to the public while minimizing the number of towers, and the individual impact of towers, in Beaufort County.

- (a) *Collocation.* Procedures for collocation of commercial communication towers are as follows:
- (1) All new applications for this use shall provide a collocation study to demonstrate that there is not a suitable collocation site that can serve needs of the user. Placement on water towers or other tall structures shall be fully considered prior to making an application. Existing uses shall be required to demonstrate cooperation in that there is not an undue proliferation of towers.
 - (2) All new towers shall provide for collocation. This means the tower shall have additional location points and the design of the ground structures shall be such that modular expansion is feasible. The following collocation standards shall also apply:
 - a. All structures less than 125 feet in height shall make provision for at least two locations.
 - b. Towers between 125 feet and 200 feet in height shall have at least four locations.
 - c. When a tower is proposed within two miles of an existing tower, the applicant will be expected to prove that there is no technologically and structurally suitable space available within the search ring. The applicant shall submit satisfactory written evidence such as correspondence, agreements, contracts etc., that alternative towers are not available for use within the search ring. The proposed tower, if approved, must be either camouflaged or stealth in design.
- (b) *Maximum height.* Maximum height shall be as follows:
- (1) For towers with provisions for one to three locations, 125 feet.
 - (2) For towers with provisions for four to five locations, 200 feet.
 - (3) In the rural district, where the tower is located on a property with a conservation easement in place, such locations shall only be approved where the location of the structure will be completely screened at least one mile in sight distance, from roads or riverways having visual access of the subject property. In the rural district, the required resource protection plan shall show how harvesting of the buffer will be done so as to retain the screening of the tower.
- (c) *Lighting.* Lighting shall be in accordance with Federal Aviation Administration (FAA) Advisory Circular AC 70/7460-1K (and all future updates) and FAA Advisory Circular AC 150/5345-43E (and all future updates) and shall be red strobe lights (L-864) at night and medium intensity flashing white lights (L-865) during daylight and twilight use unless otherwise required by the FAA. No general illumination shall be permitted. All towers 150 feet or taller shall be lighted. All commercial

communication towers approved by Beaufort County and by the South Carolina State Historic Preservation Office prior to the adoption of this amendment [Ord. No. 2007/1] and operating in conformance with those approvals shall be deemed to be lawful nonconforming uses and structures and are not subject to these lighting requirements. Status as a lawful nonconforming use or structure under this section shall terminate upon the expiration or revocation of a commercial communication tower's permit or upon any modification to the height of the tower.

(d) *Additional standards for all towers.* Additional standards for all towers are as follows:

- (1) No structure shall adversely affect any historic structure or site.
- (2) A 50-foot forested buffer shall be provided around all sites. For camouflage and stealth towers, the DRT may approve a buffer modulation based on site design. If a forested buffer does not exist, a new buffer shall be planted in accordance with section 106-1680.
- (3) A collapse zone shall be designed so that tower collapse will occur only within the property owned or controlled by an easement.
- (4) A sign of no more than two square feet shall be mounted in an easily noticeable location, no more than four feet above the ground, providing tower identification and an emergency notification number.
- (5) If disputed evidence occurs before the DRT or ZBOA, the county may hire, at the developer's expense, a communications expert or engineer of its own choosing to assist in determining the facts.
- (6) When any tower is abandoned for 60 days, it shall be removed by the landowner and the site restored within six months.
- (7) Speculation towers are prohibited.
- (8) New uses are strictly prohibited in corridor overlay, historic overlay and community preservation areas, unless expressly provided for in a specific community preservation district (CPD) plan, and shall not adversely affect any property, road or waterway which has been officially recognized or designated as scenic within the county. The expansion or replacement of existing towers in a community preservation area shall require a special use permit and are limited to 150 feet in height.
- (9) The base of any new tower shall be set back no closer to a residential structure than a distance equal to one foot for each one foot in height of the proposed tower, plus an additional 50 feet.
- (10) No tower shall be located within 500 feet, plus one foot for each foot of height of the proposed tower, of the OCRM critical line. All towers shall comply with the airport overlay district standards.

(e) *Reports/studies required.* All applications for this use shall include a community impact statement including a visual impact analysis.

(Ord. No. 99-12, § 1 (03.244), 4-26-1999; Ord. No. 2000-6, 2-14-2000; Ord. No. 2004/32, 10-4-2004; Ord. No. 2007/1, 1-8-2007)

Article V. Use Regulations, Section 106-1357. Commercial Communication towers, Subparagraph (D)(8) – Additional standards for all towers by changing the first sentence of the subparagraph to read: “New uses are strictly prohibited in corridor overlay, historic overlay and community preservation areas, unless expressly provided for in a specific community preservation district (CPD) plan, and shall not adversely affect any property, road or waterway which has been officially recognized or designated as scenic within the county.”

Committee Reports

January 24, 2011

A. COMMITTEES REPORTING

1. Community Services

- ① [Minutes](#) are provided from the January 18 meeting. See main agenda item #12.
- ② Beaufort Memorial Hospital Board

<i>Nominate</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
1/24/2010	Terry Murray	At-Large	Reappointment	8 of 11
1/24/2010	James Simmons	At-Large	Reappointment	8 of 11

③ Disabilities and Special Needs Board

<i>Nominate</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
1/24/2010	Algedra Ford	At Large	Reappointment	6 of 11

④ Parks and Leisure Services Board

<i>Nominate</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
1/24/2010	Arthur Middleton	Northern Beaufort County	Reappointment	10 of 11
1/24/2010	Allan Stern	Southern Beaufort County	Reappointment	10 of 11

2. Finance

- ① Minutes provided February 14 from the January 18 meeting. See main agenda item #11.

3. Natural Resources

- ① [Minutes](#) provided from the January 4 meeting. No action required.

4. Public Safety

- ① Minutes provided from the January 4 meeting. No action required.

B. COMMITTEE MEETINGS

1. Community Services

William McBride, Chairman

Gerald Dawson, Vice Chairman

➔ Next Meeting – Monday, February 21 at 4:00 p.m., BIV #2

2. Executive

Weston Newton, Chairman

➔ Next Meeting – Monday, January 24 at 2:30 p.m.

3. Finance

Stu Rodman, Chairman

William McBride, Vice Chairman

➔ Next Meeting – Monday, February 7 at 1:00 p.m., ECR (meeting time subject to change)

➔ Next Meeting – Monday, February 21 at 2:00 p.m., BIV #2

4. Natural Resources

Paul Sommerville, Chairman

Jerry Stewart, Vice Chairman

➔ Next Meeting – Monday, February 7 at 2:00 p.m.

5. Public Facilities

Herbert Glaze, Chairman

Steven Baer, Vice Chairman

➔ Next Meeting – Tuesday, January 25 at 4:30 p.m.

6. Public Safety

Jerry Stewart, Chairman

Brian Flewelling, Vice Chairman

➔ Next Meeting – Monday, February 7 at 4:00 p.m.

7. Transportation Advisory Group

Weston Newton, Chairman

Stu Rodman, Vice Chairman

➔ Next Meeting – February or March 2011

COMMUNITY SERVICES COMMITTEE

January 18, 2011

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

The Community Services Committee met on Tuesday, January 18, 2011 at 4:00 p.m. in the Conference Room, Building 2 of the Beaufort Industrial Village, 102 Industrial Village Road, Beaufort, South Carolina.

ATTENDANCE

Community Services Committee members: Chairman William McBride, Vice Chairman Gerald Dawson, and members Steven Baer, Rick Caporale, Herbert Glaze and Stu Rodman. Member Laura Von Harten left just after the meeting was called to order. Non-committee member Paul Sommerville also attended.

County staff: Morris Campbell, Division Director – Community Services; David Starkey, County Chief Financial Officer.

Public: Michelle Knight, Lowcountry Council of Governments Community and Economic Development Director; Fred Leyda, Alliance for Human Services Facilitator.

ACTION ITEMS

- 1. Resolution Agreeing to Apply to South Carolina Department of Transportation for a Grant in an Amount Not to Exceed \$100,000 to Assist With Ferry Service to and from Daufuskie Island.**

Discussion: Mr. Campbell, Division-Director Community Services, explained each January the Community Services Committee reexamines the local match fund for the Daufuskie Island Ferry. This year, the request is for \$100,000 to parlay with the S.C. Department of Transportation (SCDOT) for the coming year. The application to the SCDOT is due February 5, so the intent is to get a commitment from Council and make this a part of the application package as required. Last year, the SCDOT committed to \$50,000 for the grant, but also allowed the County to use the fares and revenue it is able to garner from the ferry service to supplement local match. Mr. Campbell said the projection, based on experience thus far, is the County will probably put in about \$175,000 to \$180,000 to the ferry service along with state funds.

It was moved by Mr. Glaze, seconded by Mr. Baer, that the Community Services Committee approves and forwards to Council a resolution agreeing to apply to the South Carolina Department of Transportation for a grant in an amount not to exceed \$100,000 to assist with ferry service to and from Daufuskie Island. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Glaze and Mr. McBride. ABSENT – Mr. Rodman and Ms. Von Harten. The motion passed.

Recommendation: Council approves a resolution agreeing to apply to the South Carolina Department of Transportation for a grant in an amount not to exceed \$100,000 to assist with ferry service to and from Daufuskie Island.

2. Consideration of Reappointments and Vacancies

Discussion: Mr. McBride reviewed the following reappointments and vacancies before the Community Services Committee for action.

Alcohol and Drug Abuse Board

Mr. McBride said this was taken care of at the last meeting. He was referring to the Council appointment of Frances Kenney on January 10, 2011. However, Bette Goettle, Charles Hammel and K.Z. Najaka all have terms that are up for reappointment.

Beaufort Memorial Hospital Board

Mr. McBride explained that Beaufort Memorial Hospital Board recommends the reappointment of the individuals whose terms are up. There was a change to procedure so the hospital no longer has to provide several alternative names for a reappointment position, but only the two names of the people up for reappointment. Those are Terry Murray and James Simmons.

It was moved by Mr. Dawson, seconded by Mr. Baer that the Community Services Committee forwards to Council the recommendation to reappoint Terry Murray and James Simmons to the Beaufort Memorial Hospital Board. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Glaze, and Mr. McBride. ABSENT – Mr. Rodman and Ms. Von Harten. The motion passed.

Mr. McBride said he and Mr. Sommerville often attend hospital board meetings as they are able and he is very impressed with these two individuals. He said he is delighted to continue to see them serve.

Children's Foster Review Board

Mr. McBride said according to the documentation Mona Huff resigned and he asked Mr. Campbell for verification. Mr. Campbell said he was unsure and attempted to reach Mr. Davis today but he was not in the office. Mr. McBride held the item until there is additional information.

Disabilities and Special Needs Board

Mr. McBride said this is a reappointment for Algredda Ford, who was appointed September 13, 2010 to a partial term. She would like to continue to serve, Mr. McBride said.

It was moved by Mr. Dawson, seconded by Mr. Caporale that the Community Services Committee forwards to Council the recommendation to reappoint Algredda Ford to the Disabilities and Special Needs Board. The vote was: FOR- Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Glaze and Mr. McBride. ABSENT – Mr. Rodman and Ms. Von Harten. The motion passed.

Parks and Leisure Services Board

Lastly, Mr. McBride explained Arthur Middleton, who serves as chairman of this board, is up for reappointment.

It was move by Mr. Dawson, seconded by Mr. Caporale, that the Community Services Committee forwards to Council the recommendation to reappoint Arthur Middleton to the Parks and Leisure Services Board. The vote was: FOR- Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Glaze and Mr. McBride. ABSENT – Mr. Rodman and Ms. Von Harten. The motion passed.

Mr. Dawson pointed out Allan Stern, the vice chairman, also was up for reappointment to the Parks and Leisure Services Board.

It was moved by Mr. Caporale, seconded by Mr. Baer, that the Community Services Committee forwards to Council the recommendation to reappoint Allan Stern to the Parks and Leisure Services Board. The vote was: FOR- Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Glaze and Mr. McBride. ABSENT- Mr. Rodman and Ms. Von Harten. The motion passed.

Recommendation: Council reappoints the following people to their respective committees: Terry Murray – Beaufort Memorial Hospital Board, James Simmons – Beaufort Memorial Hospital Board, Algedra Ford – Disabilities and Special Needs Board, Arthur Middleton – Parks and Leisure Services Board, Allan Stern – Parks and Leisure Services Board.

INFORMATION ITEM

1. Discussion on Establishing Community Development Block Grant (CDBG) Priorities for 2011

Discussion: Mr. Campbell said the Community Services division of the County normally works on the Community Development Block Grant (CDBG) in concert with the Planning Department. In the past, two meetings were held to discuss CDBG; today's meeting is for Michelle Knight, Lowcountry Council of Governments Community and Economic Development Director, to give an overview of CDBG and opportunities for application. The plan is to have this meeting, and then Mrs. Knight will come to the first Council meeting in February where she will give overview. Council will seek public input. Following that, the next meeting of the Community Services Committee will be to prioritize the efforts to pursue for CDBG.

Mrs. Knight passed out a copy of her presentation, which went as follows. She said they are in the process with the South Carolina Department of Commerce to go through a public comment period for the program statement to solicit comments across the state on changes. Not a lot has changed, other than some items related to threshold. The S.C. CDBG program was established under the U.S. Department of Housing and Urban Development (HUD) in 1982 as a part of the Housing and Community Development Act of 1974. The S.C. Department of Commerce – Division of Grant Administration oversees these funds. All counties and municipalities considered rural areas of the state apply to the S.C. Department of Commerce for

these funds. There are 10 cities and six counties that get their money directly from HUD as entitlements. As of yet, Beaufort County is not one of those.

For 2011, there are basically the same “set-asides” with differing money amounts. South Carolina has been allocated approximately \$23,928,185 this year for the CDBG program. \$19,610,339 goes into Community Development programs. \$3,000,000 goes into Business Development programs, and the remaining balance goes for regional planning, which helps organizations such as Lowcountry Council of Governments (LCOG) come to meetings, pays for administration, etc. The Community Development program has four subsets: Community Infrastructure (\$7,610,339), Community Enrichment (\$3,000,000), Village Renaissance (\$7,000,000) and “Ready to Go” Public Facilities program (\$2,000,000). All projects must meet a national objective. Those objectives to meet are to benefit low-to-moderate income (LMI) persons; to aid in the prevention or elimination of slums or blight; to meet other urgent community needs posing a serious threat to the health or welfare of the community, where other financial resources are not available to meet such financial needs. Mrs. Knight said the reality is that in South Carolina most of the projects are based on low-to-moderate income benefits. To determine who qualifies as low-to-moderate income in Beaufort County, she referenced the table below, and said it is those who fall under the 80% limit. For example, a family of four with an income of less than \$53,100 would be considered low-to-moderate income in Beaufort County and qualify for this program.

Beaufort County		1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8+ Person
Median Family Income: \$66,400	30% Limits	\$13,950	\$15,950	\$17,950	\$19,900	\$21,500	\$23,100	\$24,700	\$26,300
	50% Limits	\$23,250	\$26,600	\$29,900	\$33,200	\$35,900	\$38,550	\$41,200	\$43,850
	80% Limits	\$37,200	\$42,500	\$47,800	\$53,100	\$57,350	\$61,600	\$65,850	\$70,100

Mr. Rodman asked if this was gross income or adjusted gross income. Mrs. Knight said it is supposed to be adjusted gross income, but the reality is when most people fill out the form they look at gross income.

Mrs. Knight added that Beaufort County and LCOG is committed to fair housing and promotes the fact that both entities support fair housing. If a person has been a victim of unfair housing practices, they can contact LCOG at 843-726-5536, which will direct them to the

appropriate venues to discuss those matters. Also, as part of the Lowcountry Council of Governments Housing Consortium, there will be a regional analysis of impediments to fair housing. In the next few months, there will be several community meetings in this area and in surrounding communities to talk with people who deal with housing topics on a day-to-day basis.

Mrs. Knight then returned the discussion to the Community Development Program, which in general is designed to produce outcomes that improve citizens' quality of life and create a competitive environment for jobs and investment by addressing priority community development needs. It does so by addressing what are deemed priority community needs. Any application in the following categories is required to address a priority need. Three of the subcategories that follow are competitive; the "Ready to Go" program is non-competitive.

First, the Community Infrastructure subcategory is the spring round to look at public facilities and infrastructure such as water, sewer, road, drainage and other activities that address one or more of the priorities listed in order of importance. Those priorities are:

1. Significant improvements to existing infrastructure to address health concerns, meet required quality standards and ensure community / regional infrastructure solutions.
2. Projects that result in a more viable, regional infrastructure solution or that provide new access to services near business centers where it is cost effective to address a documented health threat.
3. Upgrades to infrastructure to address quality standards or provide new services where it is cost effective to address a documented health threat.

Second, the Community Enrichment subcategory is a fall round designed to fund facilities, services and other activities that strengthen existing communities and support a high quality of life within the following state priority areas: workforce development, safe and healthy communities, obstacles to economic competitiveness. Mrs. Knight then expanded on the state priority work areas mentioned above. Examples of workforce development projects include libraries, Workforce Quick Jobs Training Centers and publicly owned facilities that offer extended education for at-risk, low-to-moderate income youth or children. Examples of safe and healthy communities include public safety facilities in low-to-moderate income neighborhoods, demolition of vacant, dilapidated structures in targeted low-to-moderate income areas (as a way to combat crime), firefighting facilities or equipment and health clinic facilities or equipment in underserved areas. Lastly, examples of obstacles to economic competitiveness include increasing energy efficiency or accessibility for public facilities, Brownfield projects / demolition of obsolete buildings, building re-use / conversion, downtown streetscape infrastructure, transportation and planning regional infrastructure, smart growth or sustainable development (with cost reasonable cap).

The third subcategory is Village Renaissance, which is a multi-activity project designed to assist in the development of sustainable communities by revitalizing in-town residential neighborhoods. Projects need to incorporate comprehensive strategies consistent with neighborhood plans for commercial revitalization success with adjacent neighborhoods. Each

project should be a five-year, three phased project. Phase I typically requires a neighborhood revitalization plan, and Phases II and III involve activities, such as construction, to implement the plan. Beaufort County does not have any Village Renaissance projects, but two were recently funded within Beaufort County – one in Bluffton for the Buck Island / Simmonsville neighborhood and the other in Beaufort’s Northwest Quadrant. Mrs. Knight further broke down the phases of Village Renaissance. In Phase I, the comprehensive revitalization plan includes improving neighborhood involvement and interaction, providing sense of safety and neighborhood pride, addressing pressing infrastructure and public facilities needs, identifying in-fill, affordable housing opportunities, improving the overall physical appearance and property values, and promoting sustainability and conservation. In Phase II and III, activities include infrastructure such as water, sewer, roads and drainage, public facilities such as sidewalks, security lighting and cameras, police substation, technology, homework centers, walking trails, green space and landscaping, housing such as construction of rental or single-family affordable and workforce housing that has significant leveraging, demolition / clearance of vacant and dilapidated properties, and public services such as crime watch or drug / gang education.

Mr. Baer said Mrs. Knight is here to explain unincorporated Beaufort County opportunities. He asked if she also deals with the municipalities. She confirmed; she does.

The fourth subcategory Mrs. Knight reviewed was the non-competitive, “Ready to Go” Public Facilities program. Basically, this is for projects with design work, environmental review, permitting and acquisition already done, but for having money could not go forward with construction. This non-competitive “set-aside” could be applied for. It is designed to stimulate the local economy by encouraging the timely implementation of CDBG-eligible public facilities. Projects must be eligible under the Community Infrastructure or Community Enrichment program and all required project activities leading up to bidding must be complete prior to submission of application. Another, the Business Development Program is ongoing. The idea is to provide new or expanded infrastructure to businesses committed to bringing more or retaining existing jobs. For example, if a prospect comes in looking at an area without existing stormwater drainage. The grant funds could be used to provide the public infrastructure that will be in place permanently, and the company commits to a certain amount of investment in the area in job creation. The maximum amount that can be applied for is \$500,000.

The request deadlines follow. “Ready to Go” and Business Development projects have an open-ended request deadline. Community Infrastructure’s deadline is by 5 p.m. on March 18, 2011. Community Enrichment and Village Renaissance have a deadline of 5 p.m. on August 19, 2011. Applications are typically due 30 days following the request. So for Community Infrastructure, applications are due by 5 p.m. on April 18, 2011, and for Community Enrichment and Village Renaissance by 5 p.m. on September 19, 2011. Mrs. Knight reviewed maximum and minimum amounts as shown in the table below. She cited the different amount for studies, which can be from \$25,000 to \$50,000. Equipment maximum is \$300,000, and there is actually a caveat with the state program about equipment projects putting a ceiling of \$1,500,000 of CDBG funds allocation toward equipment projects, Mrs. Knight said. Match requirements hold steady at 10% of the grant request. However, providing more money and leveraging helps a project be more competitive, Mrs. Knight explained.

<i>Minimum \$50,000 for any Project</i>	Minimum	Maximum
• Community Infrastructure	\$50,000	\$ 500,000
• Community Enrichment		
– Facilities	\$50,000	\$ 500,000
– Services Other Activities	\$50,000	\$ 300,000
• Village Renaissance	\$50,000	\$ 500,000
• “Ready to Go”	\$50,000	\$ 500,000
• Economic Development	\$50,000	\$ 500,000

She mentioned, for thought, that the County has two community development projects and one stimulus project. The County can have up to three open grant projects at one time. As it stands today, the County could apply for another project. Of the existing projects, one may close before the spring funding round, but if not, it will close within its 24-month period in the summer. Last year’s County priorities, ranked highest to lowest, were infrastructure, community facilities, housing and economic development.

Mr. Sommerville stated he would love to see the County prioritize areas of the County that could use sewer most. He said he would love to see sewer lines because it would be good for the environment, good for the citizens and many people would qualify. Mrs. Knight commented that she is not sure whether Beaufort-Jasper Water and Sewer Authority has a full, prioritized list as such, but she does know they keep a capital improvement plan. She added some of the municipalities made efforts in terms of prioritizing areas within municipalities not served by sewer. The best example of that is Bluffton with their Buck Island / Simmonsville area plans for sewer.

Mr. Baer said his public service district did a prioritization by need and proximity to water, density. He said special attention was paid to proximity to town properties with lines already in place, because it cuts to cost for those around to tie in.

Mr. Sommerville said he feels like this holds opportunity for the County and Beaufort-Jasper Water and Sewer Authority, as well as the municipalities, to start focusing on this so we know where the direst needs for sewer are located. Then, the problem can be addressed accordingly. “The need for sewers is crying [out],” he said.

Mrs. Knight suggested another approach could be to examine low-to-moderate income areas, which qualify for grants, for a study to generate a list of areas with need for sewer. The trouble or situation is that whatever the defined area for study is would have to be low-to-moderate income, not the County as a whole.

Status: For information only. No action necessary.

DRAFT

NATURAL RESOURCES COMMITTEE

January 4, 2011

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

The Natural Resources Committee met on Tuesday, January 4, 2010 at 2:00 p.m., in the Executive Conference Room, Administration Building, 100 Ribaut Road, Beaufort, SC.

ATTENDANCE

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

County Staff: Tony Criscitiello, Division Director – Planning and Development; Brian Herrmann, County Long-range Planner; Colin Kinton, County Traffic / Transportation Engineer; Gary Kubic, County Administrator.

Media: Joe Croley, Hilton Head Island Association of Realtors.

Public: David Tedder, Beaufort Memorial Hospital Board Member; Cooter Ramsey, Allison-Ramsey Architects, Inc; Steve Andrews, Andrews and Burgess, Inc. which is working with Beaufort Memorial Hospital.

Mr. Sommerville chaired the meeting.

ACTION ITEMS

- 1. Text Amendment to the Zoning and Development Standards Ordinance (ZDSO), Appendix S, Daufuskie Island Code (Adds a New Appendix with Development Standards for Daufuskie Island Community Preservation District).**

Discussion: *Items 1 and 2 were discussed in conjunction.*

Mr. Herrmann said this has been a two-part process, with the first part being the adoption of the Daufuskie Island Plan. The second part is the zoning ordinance, which follows the Daufuskie Island Plan. He quickly thanked Cooter Ramsey, Allison and Ramsey Architects, for help with the project on Daufuskie Island. Mr. Herrmann noted a variety of topics in review of the situation on Daufuskie Island. He noted the last survey done of everyone on Daufuskie Island showed at least 50% of the residents consider Savannah their primary port-of-entry, not Hilton Head Island. He also said: the Community Preservation District (CP) comprises one-third of the

island, services are very expensive, no consolidation or economies of scale, planned unit developments (PUD) have infrastructure and governance but there is a lack of that elsewhere, etc. He said the current regulations encourage sprawl, automobile use on a bridgeless island, no critical mass around ferry, and no preserved or meaningful open space. He noted there have been more than 3,300 units approved if the PUD's are considered. Mr. Herrmann stated the above facts prompted the decision to create a plan for the community based on habitats. This is becoming known as transect-based planning.

Mr. Herrmann reviewed the basics of the Daufuskie Island Code. The County came up with a vision-based document, which was very graphic, sustainable, creates critical mass around ferry landings, consolidates services, addresses the National Historic District designation, uses a form-based code, is predictable and transect-based and experiments in the planning process by reviewing through planning, as opposed to going through zoning. Mr. Herrmann said a Sustainable Planning Team, a committee of local participants who will review projects the Planning Department is not quite comfortable with, provides for local input. The Daufuskie Island Code differs from others in that it has a future urbanization plan — allocates infrastructure, services and transportation, etc.

Mr. Herrmann then reviewed some of the sample tables included in his PowerPoint presentation. The Island Place Type Map coincides with the work Opticos is doing for the County, he added. Two major terminals have been identified on Daufuskie Island near ferries or portal land. The Daufuskie Island Code includes “visioning,” showing how the areas may play out in the future, Mr. Herrmann said. Island streets are divided into three different types: rural road, greenways or oak alley; neighborhood drive; and main street. The road types coincide with zoning districts and street frontages. Details such as curbs, walkways, planters, etc. are addressed. The zoning code is a fine-grained look at the island, he said. The idea was to take the rural-to-urban transect and transform it to Daufuskie Island. Zoning and Development Standards are as graphic as possible, for the rural and urban zones. Some of the larger issues, such as civic space, are addressed through transects. Stormwater and landscaping are addressed through a tool referred to as the Light Imprint New Urbanism, a manual showing all types of ways to deal with stormwater. As far as development standards at the single-lot level, the County addresses those and shows how it wants the lots to look, as well as provide building archetypes and standards for configuration. Architectural standards are also included in the code. At the community scale, there are what are called traditional communities in both the rural zones and urban zones. Lastly, he reviewed the process. It is not intended to be a precursor to the larger, countywide form-based code as Daufuskie Island is unique. However, some ideas are being tried out on Daufuskie Island. Mr. Herrmann again thanked Mr. Ramsey, Mr. Bill Harris of Allison and Ramsey Architects and Port Royal Town Planner Linda Bridges for their help.

It was moved by Mr. Baer, seconded by Mr. Flewelling, the Natural Resources Committee approves and forwards to Council a text amendment to the Zoning and Development Standards Ordinance (ZDSO), Appendix S, Daufuskie Island Code (adds a new appendix with development standards for Daufuskie Island Community Preservation District).

Mr. Flewelling asked a few questions about the process. He asked if there is any anticipation of the Planning Department becoming overburdened with the proposal to deal with zoning items as well.

Mr. Criscitiello answered that they do not anticipate it to become a burden and that the Planning Department will continue to rely on the relationship between Planning and Zoning.

Mr. Flewelling also asked about the push for golf carts on Daufuskie Island. Is there anticipation that it will become law?

Mr. Herrmann said he should have said smaller vehicles, not golf carts. He said they addressed the issue of creating a law, but it was not actually put into the code because there is an expectation it will come about naturally as a result of the incentives offered.

Mr. Stewart stated under the current ZDSO, a lot of time is taken up by Council to deal with zoning changes, applications, etc. It appears most of that lies on the Planning Department for a decision, now. Once passed, what will be Council's role?

Mr. Criscitiello answered; any change in law is a function of Council's policy-making duties so those would have to come to the Planning Commission, and subsequently to Council as a result. In respect to appeals, there is a function in state law. Prior to circuit court to making a determination, there is a pathway for that, which would continue to exist. However, the division of labor among Planning, Zoning and the Zoning Board of Appeals stays in place; it is a question of decision making points are administered in the code. There is a slight shift, more of an emphasis.

Mr. Stewart noted this seems to alleviate Council from continuously making changes to zoning and code.

Mr. Criscitiello said it the hope that because the plan is so predictive, rather than restrictive, it would lead to such a result. The fact of the matter is, there is current zoning on the island which will have to be deal with part-in-parcel of this. So Council will be given opportunity with the Daufuskie Island Code to retire some of the PUDs on the island so the Plan kicks into place. This will have to be coordinated so at the end of the day the regulating plan, which is the zoning map in the future and the current maps are reconciled, Mr. Criscitiello said. This is coming through the Planning Commission and the Council will see it in due course.

Mr. Baer said it strikes him that Daufuskie Island is not heavily developed and not moving forward rapidly, and his gut feeling is it is due to a lack of transportation. If transportation were solved, the value of land would increase. Mr. Criscitiello agreed. Mr. Baer asked if anyone had thought of doing a Tax Increment Finance District (TIF) for the whole island to kick start a solution to the transportation problem.

Remember, through the Comprehensive Plan amendments there were directions in there that once Council adopted the Comprehensive Plan, the staff and administration would pursue

solutions to roads, infrastructure, ferries, etc., Mr. Criscitiello said. Administration is looking at the ferry issue, he added.

Mr. Sommerville stated that Mr. Baer brought up an interesting point; with a TIF there is a certain amount of risk associated with bond purchases because the TIF assumes there will be incremental tax revenue; that only happens with development. If you have a TIF, someone has to back it if there are incremental taxes and so the County would have to be on the hook for whatever the bonding amount is for the TIF.

Mr. Criscitiello said Council should bear in mind there is a transfer of development rights (TDR) associated, providing for increase in density at certain locations.

Mr. Kubic said he wanted to give the Natural Resources Committee an update because “How do we finance water ferry service to Daufuskie Island?” is a good question. If you recall, at last year’s Retreat, a topic that evolved was to pursue water transportation studies. That is different than how to finance it. The study is to find out what type of ferry system works the best way. Thus far, the County has solicited RFP’s, created a selection team, deferred the evaluation and recommendation to the Natural Resources Committee of a consultant because the County is now talking with Georgia, the Mayor of Savannah and the Chatham County Commissioners, as well as their transportation network with the idea to include multiple partners. The idea is to determine if there is a way a Savannah tourist could begin his vacation at the Savannah waterfront, catch a ferry and go to Hilton Head Island, the City of Beaufort or Daufuskie Island. By expanding the partners at the table, we expand financial opportunities, Mr. Kubic stated. If the hypothetical is something Georgia would want to pursue, we want them at the table for the selection process of the consultant. The group then determines how to incorporate all. He stated, staff thinks a larger possibility may give more opportunities. In regard to the assumption of constant travel ferry service anchors residents on commercial, it does. The effects of bankruptcy on Melrose Resort delayed everything. The fire district will have to consider how many mills are necessary in an interim step to supplement what the bankruptcy court will hold until it figures out what it will do. The correlation of having transportation, allowing it to enhance enterprise, and affecting future millage rates for Daufuskie Island, and the County as a whole, is accurate. That is how the County is trying to pursue the situation, Mr. Kubic said. He added that he was advised by the staff of the Mayor of Savannah that they are preparing a recommendation to the Mayor for a favorable kick start to their presence on the table for consultant selection.

Mr. Rodman said it is interesting that Hilton Head Island is in the process of looking at how they can reinvent themselves; part of that is redevelopment. He said one of the interesting parts is whether or not Hilton Head Island will modify the current Land Management Ordinance or whether it shifts to a form-based approach. He also asked if there is an opportunity to set aside land on Daufuskie Island so when / if the island develops the land would be a preserve.

To this Mr. Herrmann answered, “No. No specific piece of land was considered.” He said the feeling is if the TDR program is up and running, it should provide key parcels for purchase for civic space. He added the staff did look at having a river-to-ocean trail from the old Melrose

landing to one of the beach accesses. Through zoning, there are about four or five key purchases needed to accomplish that trail.

Mr. Rodman said he was interested in the Savannah piece; he said he always believed a closer relationship with Savannah would be part of what would make Daufuskie Island successful. He also brought forward the idea of eliminating automobiles, and it probably creates quite a bit of value for residents should they agree it is a worthwhile thing to do. Parking on the island will also be a concern should the island develop, Mr. Rodman predicted.

Mr. Criscitiello emphasized there are several other pieces to this Daufuskie Island plan: looking at current zoning on the island for synchronization for example. He noted the County has received positive feedback from the PUD developers on Daufuskie Island. Mr. Herrmann said Webb and Oakridge are considering coming back into the district, Haig Point has no intention to and Melrose is in turmoil.

Mr. Sommerville expressed his pleasure in aligning with Savannah, a natural ally.

Mr. Stewart commented on the discussion with Savannah and noted there is a tremendous push for regionalism for development. He said he thinks all the initiatives should be brought together and discussed.

Mr. Rodman stated as he understands it, Daufuskie Island is probably one of the most underdeveloped islands on the East Coast.

Mr. Herrmann said when the Council members were talking about the details of the Daufuskie Code, it was mentioned it was very detailed. He said, to be blunt, it is probably longer than needed but because it was the first, form-based code in the County the staff attempted to make sure every element presented graphically was also covered by language to ensure all was covered.

Mr. Flewelling asked Mr. Herrmann if the Daufuskie Island Code will be used as a sort of library for reference in the rest of the County.

Mr. Herrmann answered this has been a learning process and it will factor into the knowledge as the County deals with other areas.

Mr. Baer said when he read through the Planning Commission minutes he tries to look for complaints, but he was surprised to not find any. He asked if people will express discontent when they realize the impact. Mr. Herrmann said the County has been out there five years and most folks are fairly aware of what is going on and looks forward to the opportunity.

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

Recommendation: Council approves on first reading a text amendment to the Zoning and Development Standards Ordinance (ZDSO), Appendix S, Daufuskie Island Code (adds a new appendix with development standards for Daufuskie Island Community Preservation District).

2. **Beaufort County Zoning Map Amendment for Daufuskie Island (Changes the Zoning Districts) (See Page 29 of the Daufuskie Island Code for the Regulating Plan, Which Show the New Zoning Districts).**

Discussion: *Items 1 and 2 were discussed in conjunction. See Item 1 for detail.*

It was moved by Mr. Baer, seconded by Mr. Flewelling, the Natural Resources Committee approves and forwards to Council a Beaufort County Zoning Map Amendment for Daufuskie Island Code (Changes the Zoning Districts) (See Page 29 of the Daufuskie Island Code for the Regulating Plan, Which Shows the New Zoning Districts). The vote was: FOR – Mr. Baer, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Sommerville, Mr. Stewart and Mr. Rodman. The motion passed.

Recommendation: Council approves on first reading a Beaufort County Zoning Map Amendment for Daufuskie Island Code (Changes the Zoning Districts) (See Page 29 of the Daufuskie Island Code for the Regulating Plan, Which Shows the New Zoning Districts).

3. **Text Amendment to the Zoning and Development Standards Ordinance (ZDSO), Appendix D. Community Preservation Areas (Deletes All Interim Standards Related to Brighton Beach, Buckingham, Bluffton-May River / Highway 46 Corridor, and Daufuskie Island, Including Sections 9 and 10 — Daufuskie Island Buffer District and Gateways).**

Discussion: Mr. Criscitiello explained this text amendment is simply a housekeeping matter in the Zoning and Development Standards Ordinance (ZDSO). The listed areas were covered under the interim standards. As these CP's have been worked and completed, the areas are now the proper zoning requirements and need to be removed from the document. He stated, Daufuskie Island was just discussed at length, so members can understand why this change is occurring.

It was moved by Mr. Flewelling, seconded by Mr. Stewart, the Natural Resources Committee approves and forwards to Council a text amendment to the Zoning and Development Standards Ordinance (ZDSO), Appendix D. Community Preservation Areas (Deletes All Interim Standards Related to Brighton Beach, Buckingham, Bluffton-May River / Highway 46 Corridor, and Daufuskie Island, Including Sections 9 and 10—Daufuskie Island Buffer District and Gateways).

Recommendation: Council approves on first reading a text amendment to the Zoning and Development Standards Ordinance (ZDSO), Appendix D. Community Preservation Areas (Deletes All Interim Standards Related to Brighton Beach, Buckingham, Bluffton-May River /

Highway 46 Corridor, and Daufuskie Island, Including Sections 9 and 10 — Daufuskie Island Buffer District and Gateways).

INFORMATIONAL ITEM

1. Off-agenda Item: Penny Sales Tax and Beaufort Memorial Hospital Property

Discussion: Mr. Sommerville said he wished to bring forward an off-agenda item, which deals with two, dovetailing items. He explained; when the penny sales tax passed part of it was access roads along U.S. 278 but it was not specific, secondly Beaufort Memorial Hospital has actively searched for some time for decent property in Bluffton to build a hospital in Bluffton. The hospital has identified such a parcel and it happens to be along U.S. 278, along one of the areas where an access road is required. He would like, if the Natural Resources Committee approves discussing an off-agenda item, to explain what the hospital needs and how it relates to those of the County.

The Natural Resources Committee consented to discuss an off-agenda item as brought forward by Mr. Sommerville.

Introduction of the item

Mr. Sommerville explained the Penny Sales Tax referendum language talks about access roads on U.S. 278, but it lacks specificity. The reports by Dennis Corporation illustrate it did not take long to identify where and how many access roads there should be — one of which is at the intersection of U.S. 278 and Buckwalter Parkway. Mr. Sommerville pointed out the property on a map circulated during the meeting. He noted the property is 20 acres, but the road to it does not exist. Wherever the access road is built, will be a County road and will accomplish a number of things — make the property accessible. Mr. Sommerville stated the map is a proposal for the access road, which will take pressure off the intersection. Members then examined the map and property orientation in relation to Sea Turtle Cinemas, Island West, etc. The property is proposed for a new hospital, Mr. Sommerville explained, and as a result could come before Finance Committee as well. He said what will come is the hospital cannot buy this property until it is assured of a road with full access to U.S. 278 and Buckwalter Parkway.

The hospital proposed that in order to develop this property, it will pay \$1 million in impact fees from beginning to end, take \$200,000 to do an engineering study on an access road, and would like to front the money and have the County agree to credit the hospital for the \$200,000 for the study at such time the hospital begins paying impact fees, Mr. Sommerville explained. He added the County needs to know a lot more background and to do so Mr. Kinton and Mr. Tedder, a member of the Beaufort Memorial Hospital Board, are in attendance.

Mr. Sommerville said one question that will arise is if there is an obligation to build an access road there, and just like other projects contemplated in the Penny Sales Tax it gets in the queue somewhere, but there is not a firm commitment. He asked Mr. Kinton to address the County's desire.

Mr. Kinton gave additional history on the subject. He said Mr. Sommerville indicated this topic came about when Mr. Dan Dennis, Dennis Corporation, was tasked with frontage roads, but that is not accurate. The topic has been around for some time, going back to 2001 with the U.S. 278 short-term needs study developed and a series of frontage roads were laid out; this was one of them. This was indicated in the 2001, U.S. 278 study.

Mr. Baer asked how long this is. Mr. Kinton answered the road is roughly no more than a half-mile. Mr. Baer then asked how expensive the road is, but Mr. Kinton said he does not have cost estimates right now.

Mr. Flewelling said he thinks it is about \$1 million per lane mile.

Mr. Baer stated he thinks it seems like a good thing, but he recalls there is no money left in the Penny Sales Tax Projects.

Mr. Flewelling stated that earlier in the meeting, the Natural Resources Committee brought up the idea of a TIF and this is another situation where a TIF would be a perfect solution. The investment will lead to other investments. As far as draining the County coffers for this, he does not anticipate this is something the County would want to do, he said. If the hospital wants a commitment for the County to credit impact fees for specific ideas, that is a reasonable expectation with a foreseeable impact and needs for additional roads.

Mr. Sommerville said he sees this as a “TIF wannabe.” He said focusing on the 20 acres, the hospital is asking to build the road, for which it will pay, but that it wants credit for the impact fees paid on the 20 acres.

Mr. Tedder stated he is on the hospital board, as well as employed by the hospital to get this project going, which has been floundering for the last six months. He said the road was thought of as long as 2001, has been in County plans and in CIP for years. The County has an impact fee program for which this would qualify. Mr. Tedder said his thought process was that the County did this type of project at Myrtle Park and Oaks, where there was a TIF—the developer design / built the beginning of the Bluffton Parkway between Burnt Church Road and S.C. 46 under County supervision. The TIF funds were used to pay the developer back. What the hospital is suggesting is it will consider acting as the TIF bond, if you will. It has a source of money and can build the access road, but the hospital does not want to pay for road impact fees so let the hospital credit back the first initial bill, anticipated at about \$500,000 based on the current rate on commercial square-footage rates. He suggested an intergovernmental agreement, as allowed under the statues, to say: the hospital is allowed to build and design, under the County’s supervision, and dedicate the County road for it, and impact fees otherwise paid to traffic get a credit against it. He summarized by saying the hospital is not asking the County for money, but is asking the County for an earmark of future monies against the credit financed out of the hospital’s general accounts to build the access road. Mr. Tedder stated the hospital anticipates the road will cost between \$1 million and \$2 million. Part of the problem is the initial \$200,000 discussed for the study. There is a wetland that needs to be crossed, and that

necessitates a wetland-crossing permit. Mr. Tedder also noted most of the data for the site is too old to be relevant and it would require more studies such as archeological and ecological, to bring the property to the point where it can apply for the permit. The hospital wants the County to enter into an intergovernmental agreement with the Town of Bluffton, because the property is located in Bluffton, and the hospital so the three entities cooperatively file for the national permit; the County agrees to let the hospital build the road as built to its specifications; accept the road as a County road and let the hospital have credit for expended monies against future impact fees.

Mr. Flewelling asked if the impact fees are collected by the County or the Town of Bluffton. Mr. Tedder answered that the fees are collected by Bluffton, but given directly to the County under an intergovernmental agreement.

Mr. Flewelling asked if the potential agreement included right-of-way purchase possibility across property the hospital owns. Mr. Tedder explained the hospital has the area under contract and obtained permission to cross over with intent to provide it over to the County. Mr. Flewelling asked who owns the surrounding properties, and Mr. Tedder answered that it is mostly private owners, and also pointed out the wetlands.

Mr. Baer asked how large the building would be. Mr. Tedder replied the hospital is initially looking at 50,000 – 60,000-square feet, but it is a primary care facility, not hospital. Mr. Baer asked if the hospital pays property taxes, to which Mr. Tedder answered sometimes yes and sometimes no. He expanded by saying that the for-profit entities would pay property taxes, to which the committee members asked if the proposed site would be a for-profit. Mr. Tedder answered it is planned to be hospital-owned facility with no tax.

Mr. Baer stated hospitals are good in that they create jobs, but they also create traffic. As the project moves forward, he asked to see number of employees, pluses and minuses, etc. Mr. Tedder said within the scope of services presented to the County in 2007 is a traffic impact study supervised by Mr. Kinton, which deals with all these things.

Mr. Tedder then stated one of the reasons the hospital needs the access roads as laid out is to be able to provide service to people coming from Sun City and on the opposite direction from Hilton Head Island. He stated this is the third year of studying properties in southern Beaufort County to figure out the optimum location for the project.

Mr. Rodman reiterated the hospital is essentially requesting a \$200,000 credit against actual impact fees if and when collected.

Mr. Tedder disagreed, and clarified that the hospital knows it has \$200,000 worth of permitting fees to determine if the road will be built, there is also a potential of \$800,000 to \$1 million more of construction fees on top of that. The hospital needs to find a way to deal with that “delta.” He stated they have at least \$6,000 to \$8,000 coming off initial build. Again, this is a capital improvement program. Impact fees are available for it under the impact fee program.

Mr. Tedder said he knows the County has other outstanding projects and that is why it becomes a financing matter.

Mr. Rodman asked for the amount requested for the credit. He stated he thought it was the \$200,000.

Mr. Tedder replied the \$200,000 is the permitting, but the hospital believes, without having engineering estimates finished, the construction cost of the road will be around \$1 million to \$1.1 million.

Mr. Rodman clarified that the hospital is really looking for about \$1.25 million as a credit in the long-term against the impact fees from this property. Mr. Tedder interrupted, “actual funds expended.” He added other properties share in the benefit of the road, and noted other properties will feed into the impact fees.

Mr. Stewart stated the area that Mr. Tedder pointed out are in Bluffton and their impact fees would go to the Town of Bluffton, not the County per say.

Mr. Kinton elaborated by explaining the County has an intergovernmental agreement with the Town of Bluffton; they are County road impact fees and the Town collects the fees as the permitting agency, then the Town writes the County a check. The Town retains 10% as an administrative fee.

Mr. Stewart then asked for clarification on: 1. This being a CIP project but not explicitly a part of the Penny Sales Tax but drawn into by inference. Therefore, there is not a commitment of funds from the Penny Sales Tax to build this road. 2. The impact fees discussed are already pledged to other road projects. So the fees would be removed from the projects already pledged to the Penny Sales Tax and on the books. He stated he is very concerned on the impact this potential would have on U.S. 278 and 170, as well as other frontage roads. 3. This is a CIP project, but where does the County responsibility end and the property owner’s responsibility begin to build the road to specification. When does it turn over? He cited the frontage road relative to St. Gregory the Great Catholic Church in Bluffton. Where is the County’s responsibility in initial building of the road? Should it design, engineer and build the road or does that lie with the owners? Mr. Stewart said if you consider the long-term benefits and impact on the County, he supports it. However, he said the County must be careful when pledging citizens’ money to a project, whether it is the responsibility of the County versus the individual landowners’. He noted the property has technically been annexed into the Town of Bluffton, and the County must be sure the commitment is signed by the Town of Bluffton.

Mr. Sommerville said there is not a question of whether the County has a responsibility; he does not think it does in the sense that Mr. Stewart asked. The County is being made a proposal by the hospital: if the hospital buys the property, pays the impact fees, can the hospital use the impact fees to build the road. From the County’s point of view, if it does not agree what happens to the property? The property may or may not develop, sell, or go to someone willing to

put in a road. Mr. Sommerville referred to the effects on taxpayers, but the only taxpayer involved is the hospital, which will pay the money when buying the property.

Mr. Flewelling said he had to counter, ever so slightly. He said there are other impacts, road impacts, the development of this property will have — increased traffic on U.S. 278, increased traffic along Buckwalter Parkway, both of which were paid for by taxpayers. If the County earmarks this 100% of the impact fees to help build their driveway, which is basically what this is — a driveway for a commercial project for the hospital. He stated he has a problem with that. Offsetting some of the cost, yes, he said. There are other impacts here that need to be accounted for, he countered. He stated he wanted to discuss and review further.

Mr. McBride said he looks at the situation in a slightly different vein. First, Beaufort Memorial Hospital is a County hospital, a public hospital. We, as Council, are concerned about the long-term viability of Beaufort Memorial Hospital for the citizens of Beaufort County. If this project moves forward, it would enhance the potential for Beaufort Memorial Hospital to remain a very viable, well-run, effective hospital into the future. He said there are tremendous cost-benefit, cost analyses to the citizens of the County with keeping Beaufort Memorial Hospital a viable medical institution.

Mr. Flewelling stated that Mr. Tedder said the project was not a hospital. The initial build is not hospital beds, but primary care and ancillary services to avoid making customers drive to the main facilities, Mr. Tedder said. Mr. McBride said he never implied hospital beds, but this project is part of the entire hospital package.

Mr. Baer said Mr. Tedder initially said the build project would be around 50,000- to 60,000-square feet, making it a build of around \$15 million, of which \$1 million is the driveway. So the hospital paying a fair share of the driveway cost would not terribly burden the project. Having said that, Mr. Baer commented that he was amenable to some type of sharing once the Council sees the economic study. He asked what the road impact fees are.

Mr. Kinton explained that the road impact fees are calculated based on the land use and square-footage of the land use. For example, a medical office has a certain square-footage and the County charges a certain dollar amount per square feet.

Mr. Baer asked how much in road impact fees would be generated by the project, in the initial build. He said he would like to see how much the hospital project could potentially bring into the pool. Mr. Tedder said he knows he has done the calculations, but could not recall the number at the time. He said the medical office space was and the square-footage, and thinks it is close to \$10 per square-foot for medical offices.

Mr. Sommerville said two people have referred to this as a driveway. He said he does not see it that way at all, but rather an access road the County, which the County decided it wanted an access road in the location in 2001 before anyone looked at it. If this is a driveway, that is one argument, but as an access road it is a different one. He stated he believes it is an access road, which will be used as a cut-through road by many people.

Mr. Kinton said part of the purpose of the access road under debate was to be able to close another median crossover farther down the road. Much of the problem on U.S. 278 is with unregulated median crossovers.

Mr. Stewart then said the key from his perspective is the property is zoned commercial and if doing a commercial development with a road or street through it, that would be one thing. The way it looks to be laid out, the road goes through the hospital parking lot. Mr. Kinton answered he has made some suggestions to make the configuration more road-like and less parking lot-like.

Mr. Tedder addressed the design by saying it is a preliminary drawing, not the final design, to assess wetland impacts in order. The original road is shown on the monthly One-Cent Sales Tax Reports; it appears as a typical frontage road. That has two problems. It does not match the topography. It impacts more wetlands than coming down in the proposed way. The preliminary design is intended to get the hospital project to the point where they can get the scope of services.

Mr. Stewart referenced the access management plan for Buckwalter and that the County was very concerned about where the intersection comes out, and that it was a sufficient distance from U.S. 278. Mr. Kinton replied the access road is about 950 to 1,000 feet from the intersection.

Mr. Stewart said, the land on the other side of Buckwalter also wanted access into their property with a median cut but the County answered it did not want the access unless there was a signal light, otherwise a frontage road is used. He stated he is very concerned the County is forgetting the intent of the access management plan, to not have that come out there unless there was a light. Mr. Kinton stated that was never approved in the access management plan. Mr. Stewart said it was discussed and he believes, as the person who brought it forward, that was the intent of Council. The intent was to put the light in, but to also have a frontage road, so there is not a crossover. Mr. Stewart said he also wanted to address his comments. He intended that this project is being brought forward, at least initially, and the County through the CIP has an obligation to do this; therefore, the County has a decision to make on whether it wants to use the citizens' money or not. He said it is a good thing for the hospital, but other factors have to be considered. It is not a foregone conclusion and Council has to go through to determine whether this is an appropriate use. Furthermore, it seems most commercial developments, are looked to, to develop access roads and internal roads needed. This is a slightly different application because it is the County hospital, and maybe the County wants to cost share because it is important to the County. He concluded by saying the Council has to discuss the topic and come to a consensus.

Mr. Baer said he would like to see a five or six-page study with maps and showing roads, etc. There is not enough data yet.

Background on potential Beaufort Memorial Hospital site in southern Beaufort County

Mr. Sommerville stated he asked Steve Andrews, of Andrews and Burgess, Inc. working with Mr. Tedder and Beaufort Memorial, to attend and provide information.

Mr. Andrews explained this plan is a very simple concept plan to see if the property would fit the square-foot needs, so curb cuts, parking lots, etc. are only illustrated to show that what the hospital needed could fit on the property. It was not the intent to illustrate how this property will be designed. He summarized progress thus far: talks with Mr. Kinton and Mr. Rob McFee, discussion with the Town of Bluffton and information about its area plans, examination of the wetlands, review of the turn lane improvements on Buckwalter Parkway and U.S. 278, have looked at potential needs for interconnectivity to the west and south. He offered to let Mr. Kinton explain the history, location and purpose with the median closure.

Mr. Kinton summarized for the Committee. The topic dates back to 2001 with the County access management plan for U.S. 278. The future development potential was seen in the area and the existing median crossover on U.S. 278, as well as the fact that it is too close to Buckwalter Parkway and U.S. 278. With the eventual widening of U.S. 278, it was seen that the crossover would need to be closed. That is where the County worked out, with the property owner and through the adopted access management plan, this frontage road concept. This would be a frontage road, providing connectivity between Buckwalter Parkway and U.S. 278 to allow for development of this road. Then, the County brought it into the road CIP, which went through Planning Commission and Council, to identify funding through the road impact fee program. It is on the list for the road impact fee projects. Then, the County went through the Buckwalter access management plan and it was indicated on the Buckwalter management plan as an access location, but not for traffic signal. That concludes the history for this project, Mr. Kinton said. He added the County hired Florence & Hutcheson, Charleston-based consulting engineers, as part of the One-Cent Sales Tax, to do preliminary design work on the project. They did preliminary design work, and that was what Mr. Tedder mentioned in the area. The proposed hospital design's alignment works as well, if not better than the previous alignment, and allows for eventual connection down toward Sea Turtle Cinema. This project is providing for this commercial property to have sufficient access without have undue impacts on U.S. 278.

Mr. Stewart stated before Council can give a clear indication to the hospital, it needs to have more detail as to how this will unfold.

Mr. Tedder stated, Mr. Ladson Howell, Mr. Terry Finger and he were tasked by Mr. Kubic, Mr. Anthony Barrett and Beaufort Memorial Hospital to reach a preliminary intergovernmental agreement that is called for under the development impact fee act, which addresses the potential for earmarking these impact fees as credits under the act for this particular road, and includes the details of what we have to date of what that scope of services for the initial \$200,000 would be. That is our initial task. He said he saw an email dated for the day of the meeting between Mr. Kubic and Mr. Howell to begin the process. There will be more information; at this particular point it is a meet-and-greet.

Mr. Sommerville thanked the men and stated he wanted the Council members to have as much information as possible. He said he thinks the next question is where the Council, as a body, would like to consider this topic.

Mr. Flewelling suggested a Natural Resources Committee Development Agreement Subcommittee be the proper place for discussion on the above topic. Mr. McBride stated he thinks the Chairman of County Council determines where the topic is discussed.

Mr. Rodman asked about how much of the non-wetland area would be developed and the location of the development relative to Sea Turtle Cinemas. He brought forward the possibility that if the area in between is not developed people will make two right turns to avoid the intersection. Mr. Kinton replied, the two right turns could be de incentivized by making them slow enough that it does not make sense to do so.

Mr. Stewart clarified that what will happen is traffic will end up coming from two different directions and he said he wanted to emphasize that what the Council talked about with access management to Buckwalter is the intent to not eliminate the crossover, but the intent was to have the frontage road back where it is to the Cinema so if a person wants to crossover he does it by crossover roads, not U.S. 278. The traffic pattern has to be a logical, safe pattern and now is the time to do so.

Mr. Baer agreed and said the more this is a frontage road rather than a driveway, the better.

Status: No action necessary. The topic will come forward as directed by the Chairman.