

COUNTY COUNCIL OF BEAUFORT COUNTY

ADMINISTRATION BUILDING

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SUZANNE M. RAINEY
CLERK TO COUNCIL

AGENDA

COUNTY COUNCIL OF BEAUFORT COUNTY

Monday, October 10, 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.

1. CAUCUS - 4:00 P.M.
Discussion is not limited to agenda items.
Executive Conference Room, Administration Building
2. REGULAR MEETING - 5:00 P.M.
Executive Conference Room, Administration Building
3. CALL TO ORDER
4. PLEDGE OF ALLEGIANCE
5. INVOCATION
A. Moment of Silence / Martha K. Baumberger, former Chairman of County Council
6. REVIEW OF MINUTES – September 26, 2011 ([backup](#))
7. PROCLAMATION
A. Penn Center Heritage Days Celebration Week
Mr. Walter Mack, Executive Director, Penn Center
8. RECOGNITION / FORMER BOARD AND COMMISSION MEMBERS
9. PUBLIC COMMENT
10. COUNTY ADMINISTRATOR'S REPORT ([backup](#))
Mr. Gary Kubic, County Administrator
A. The County Channel / Broadcast Update ([backup](#))

Over



- B. Two-Week Progress Report ([backup](#))
- C. Report / Delinquent Tax Sale

11. DEPUTY COUNTY ADMINISTRATOR'S REPORT

Mr. Bryan Hill, Deputy, County Administrator

- A. Two-Week Progress Report ([backup](#))
- B. Update / FY 2011 - 2012 Budget ([backup](#))
- C. Construction Project Updates

Mr. Rob McFee, Division-Director Engineering and Infrastructure

One Cent Sales Tax Referendum Projects:

- New Bridge over Beaufort River / U.S. 21 / S.C. 802 Construction Project
- S.C. Highway 802 Roadway Construction Project
- Bluffton Parkway Phase 5A Roadway

Capital Improvement Projects:

- Disabilities and Special Needs Adult Day Care Center
- St. Helena Island Branch Library at Penn Center
- Lady's Island Park, Phases I and II
- Burton Wells Regional Park, Phase I

- D. Update / Master Plans Beaufort County (Lady's Island) and Hilton Head Island Airports
Mr. Paul Andres, Airports Director ([backup](#))

12. CONSENT AGENDA – ITEMS A THROUGH G

- A. AN ORDINANCE TO AMEND ORDINANCE NO. 2011-25 SO AS TO ALLOW FOR THE RENUMBERING OF THE ELEVEN SEPARATE BEAUFORT COUNTY COUNCIL DISTRICTS AND BEAUFORT COUNTY BOARD OF EDUCATION DISTRICTS ([backup](#))
 - 1. Consideration of second reading approval to occur October 10, 2011
 - 2. Public hearing – Monday, October 24, 2011, beginning at 6:00 p.m. in the large meeting room of the Hilton Head Island Branch Library, 11 Beach City Road, Hilton Head Island
 - 3. First reading, by title only, approval occurred September 26, 2011 / Vote 11:0
- B. HILTON HEAD ISLAND AIRPORT MASTER PLAN FIVE YEAR CAPITAL IMPROVEMENT PROJECTS ENVIRONMENTAL ASSESSMENT AND BENEFIT COST ANALYSIS ([backup](#))
 - 1. Contract award: Talbert, Bright and Ellington, Inc.
 - 2. Contract amount: \$582,041.53
 - 3. Funding:
 - a. FAA Grant #32 (95%), Account #13480-5432 1, Extend Runway 3/21 (Environmental Assessment), which has a current balance of \$552,939
 - b. State Grant (2.5% pending)

- c. Local 2.5% match of \$14,551.53 which will come from the Airports Operating Budget
 4. Public Facilities Committee discussion and recommendation to approve occurred September 27, 2011 / Vote 6:0
- C. EMERGENCY PROCUREMENT FOR REPAIRS TO C.C. HAIGH BOAT LANDING FISHING PIER (DISTRICT 4) (backup)
 1. Contract award: Cape Romain Contractors, Inc., Wando, South Carolina
 2. Contract amount: \$158,000
 3. Funding:
 - a. Del Webb Boat Landing Fund, Account 33208-54450, \$66,508
 - b. C.C. Haigh Boat Ramp CIP, Account 11437-54430, \$18,866
 - c. Local 3% Accommodations Tax (Boat Ramp Section), Account 12216-55120, \$66,504
 4. Public Facilities Committee discussion and recommendation to approve occurred September 27, 2011 / Vote 6:0
- D. CHANGE ORDER TO CONTRACT 44 DIRT ROAD CONSTRUCTION FOR FORMAN HILL ROAD (DISTRICT #4) (backup)
 1. Contract award: REA Contracting, LLC, Beaufort, South Carolina
 2. Contract amount: \$491,562.65
 3. Funding: Ten dollar motorized vehicle (TAG) funds, Account 3322T-54670
 4. Public Facilities Committee discussion and recommendation to approve occurred September 27, 2011 / Vote 6:0
- E. PROPOSAL TO REALIGN INTERSECTION OF BLUFFTON PARKWAY AT BUCKWALTER PARKWAY / BLUFFTON PARKWAY PHASE 5B REALIGNMENT
 1. Public Facilities Committee discussion and recommendation to approve occurred September 27, 2011 / Vote 6:0
- F. A RESOLUTION TO AMEND THE AGREEMENT FOR THE ESTABLISHMENT OF A MULTI-COUNTY INDUSTRIAL/BUSINESS PARK (CYPRESS RIDGE), BY AND BETWEEN JASPER COUNTY, SOUTH CAROLINA AND BEAUFORT COUNTY, SOUTH CAROLINA, PROVIDING FOR THE DEVELOPMENT OF A JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK, SO AS TO INCLUDE ADDITIONAL PROPERTY IN JASPER COUNTY AS PART OF THE JOINT COUNTY INDUSTRIAL PARK (backup)
 1. Governmental Committee discussion and recommendation to approve occurred October 3, 2011 / Vote 5:0
- G. AN ORDINANCE ORDERING A LAND ACQUISITION REFERENDUM AND THAT 20% OF THE PROCEEDS BE USED TO IMPROVE PROPERTIES

ACQUIRED UNDER THE PROGRAM AND ARE CONSISTENT WITH PROGRAM GUIDELINES, FOLLOWING THE FINANCE COMMITTEE DETERMINATION OF AN APPROPRIATE DOLLAR AMOUNT

1. Consideration of first reading, by tile only, to occur October 10, 2011
2. Natural Resources Committee discussion and recommendation to approve occurred October 3, 2011 / Vote 7:0

13. PUBLIC HEARINGS – A THROUGH G – 6:00 P.M.

- A. AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$50,000,000 AGGREGATE PRINCIPAL AMOUNT OF HOSPITAL REFUNDING AND IMPROVEMENT REVENUE BONDS (BEAUFORT MEMORIAL HOSPITAL) SERIES 2011; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AND LOAN AGREEMENT, A REFUNDING ESCROW DEPOSIT AGREEMENT IN CONNECTION THEREWITH; AUTHORIZING PROPER OFFICERS TO DO ALL THINGS NECESSARY OR ADVISABLE; AND OTHER MATTERS INCIDENTAL THERETO ([backup](#))
1. Public hearing **only**.
 2. Second reading approval occurred September 26, 2011 / Vote 11:0
 3. First reading approval occurred September 12, 2011 / Vote 11:0
 4. Finance Committee discussion and recommendation to approve occurred September 12, 2011 / Vote 7:0
- B. AN ORDINANCE TO AMEND THE FY2011-2012 BEAUFORT COUNTY BUDGET ORDINANCE SO AS TO PROVIDE A SUPPLEMENTAL APPROPRIATION FROM THE COUNTY'S GENERAL RESERVE FUND IN THE AMOUNT OF \$72,159.83 FOR THE PURPOSE OF FUNDING CENSUS-BASED BEAUFORT COUNTY MAGISTRATE SALARY INCREASES FOR THE PERIOD OF JULY 1, 2011 TO JUNE 30, 2012 ([backup](#))
1. Consideration of third and final reading approval to occur October 10, 2011
 2. Second reading approval occurred September 26, 2011 / Vote 9:2
 3. First reading approval occurred September 12, 2011 / Vote 9:2
 4. Finance Committee discussion and recommendation to approve occurred September 12, 2011 / Vote 7:0
- C. BEAUFORT COUNTY ZONING MAP AMENDMENT FOR R300 015 000 0101 0000 (KNOWN AS ST. HELENA STATION PLANNED UNIT DEVELOPMENT (PUD), 13.24 ACRES OFF SEA ISLAND PARKWAY/HIGHWAY 21); FROM PUD TO RURAL (R) ZONING DISTRICT ([backup](#))
1. Consideration of third and final reading approval to occur October 10, 2011
 2. Second reading approval occurred September 26, 2011 / Vote 11:0
 3. First reading approval occurred September 12, 2011 / Vote 11:0

4. Natural Resources Committee discussion and recommendation to approve occurred September 6, 2011 / Vote 5:0
- D. TEXT AMENDMENT TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), ARTICLE VII, SEC. 106-1845(6) BUFFER DISTURBANCE (ADDS RIVER BUFFER DISTURBANCE STANDARDS) ([backup](#))
1. Consideration of third and final reading approval to occur October 10, 2011
 2. Second reading approval occurred September 26, 2011 / Vote 11:0
 3. First reading approval occurred September 12, 2011 / Vote 11:0
 4. Natural Resources Committee discussion and recommendation to approve occurred September 6, 2011 / Vote 5:0
- E. AN ORDINANCE TO CALL FOR A REFERENDUM TO ALLOW THE QUALIFIED ELECTORS OF BEAUFORT COUNTY, SOUTH CAROLINA TO VOTE TO RETAIN THE COUNCIL/ADMINISTRATION FORM OF GOVERNMENT OR CHANGE TO THE COUNCIL/MANAGER FORM OF GOVERNMENT ([backup](#))
1. Consideration of third and final reading approval to occur October 10, 2011
 2. Second reading approval occurred September 26, 2011 / Vote 11:0
 3. First reading approval occurred September 12, 2011 / Vote 11:0
 4. Governmental Committee discussion and recommendation to approve occurred September 6, 2011 / Vote 5:0
- F. CONSIDERATION OF A RESOLUTION AUTHORIZING THE EXPENDITURE OF \$260,880 FROM THE TOURISM INFRASTRUCTURE SECTION OF THE COUNTY THREE PERCENT ACCOMMODATIONS TAX FUNDS ([backup](#))
1. Public hearing notification was for: An ordinance to amend the FY2011-2012 Beaufort County Budget Ordinance so as to provide a transfer from the County's general reserve fund in the amount of \$260,880.00 in matching grant funds for the Beaufort County Rails to Trails Program
 2. Council voted September 26, 2011 to authorize the expenditure of \$260,880 from the tourism infrastructure section of the County three percent accommodations tax funds / Vote 11:0
 3. Finance Committee recommended an amendment to transfer funds from Tourism Infrastructure Section of Local 3% Accommodations Tax Ordinance (2009/15), which has a balance of \$1,155,714 as of June 30, 2011 (unaudited).
 4. First reading approval occurred September 12, 2011 / Vote 10:1
 5. Finance Committee discussion and recommendation to approve occurred September 12, 2011 / Vote 7:0

G. FISCAL YEAR 2011 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM LOCAL SOLICITATION IN THE AMOUNT OF \$60,694

1. Public hearing **only**

2. This is a 100% federally funded grant in the amount of \$60,694. The grant funds will procure a Records Management System for the Beaufort County Sheriff's Office. This System will allow the sharing of information between law enforcement agencies in the Low Country of South Carolina and the Coastal Empire of Georgia. More specifically, this system will provide a Regional Information Sharing System between law enforcement in Beaufort and Jasper County in South Carolina and the Savannah Chatham Metropolitan Police Department in Georgia. This system would implement a modern web-based Records Management System for single entry of data, information sharing, and for the electronic sharing of data.

14. COMMITTEE REPORTS ([backup](#))

15. PUBLIC COMMENT

16. EXECUTIVE SESSION - Receipt of legal advice relating to pending and potential claims covered by the attorney-client privilege

17. ADJOURNMENT

Official Proceedings
County Council of Beaufort County
September 26, 2011

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

CAUCUS

A caucus of the County Council of Beaufort County was held at 4:00 p.m. on Monday, September 26, 2011 in the executive conference room 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.

DISCUSSION ITEMS

Topics discussed during the caucus included: renumbering the 11 separate Council District and Board of Education Districts, Bluffton Parkway 5B, FEMA reimbursement possibilities for private communities, 2% state and 3% local accommodations tax funds, supplement appropriation for the purpose of funding census-based Magistrate salary increases, a referendum to retain the County / Administrator Form of Government or change to the County / Manager Form of Government, and Mr. Rodman publicly calling for Mr. Morello's resignation from the Board of Education at the September 12, 2011 Council meeting.

REGULAR MEETING

The regularly scheduled meeting of the County Council of Beaufort County was held at 5:00 p.m. on Monday, September 26, 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 Gerald Dawson gave the invocation.

REVIEW OF PROCEEDINGS OF THE REGULAR MEETING HELD AUGUST 22, 2011

It was moved by Mr. McBride, seconded by Mr. Caporale, that Council approve the minutes of the regular meeting held September 12, 2011. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

PUBLIC COMMENT

The Chairman recognized Mr. Doug Henderson, County Treasurer, who spoke to the issue of changing our current form of government. At the risk of my remarks being felt as self-serving, you and I know that it wouldn't affect me in any case because I would get to serve out my term in the event of whatever happens but let me preface my remarks by saying that I understand what generated the concern about changing our form of government. The previous administration incurred situations which gave rise to concern and that's understandable. I was concerned as well. Those issues were brought to light and the public spoke. They decided a new administration was needed in the Treasurer's office and proceeded to do just that. This is, I believe, as it should be and should continue to be. Decisions made by the people. I have no doubt that administratively Mr. Kubic and his staff could manage effectively the operation of these two offices but statutorily may be another story. The reason I feel that way is elected positions is because sometimes state statutes come into conflict with local opinions and therein might lay a problem. The current form of government that we have is necessary in order that we continue the separation of powers. That's the way it was set up in the Constitution, that's the way it should remain. Although sometimes not apparent, I believe the public by and large is informed and astute enough to elect us as offices we serve. As a matter of fact they elect a sheriff, the members of County Council. I think that we can give them enough credibility to elect the County treasurer and the County auditor. I will say that I have in my short time of being Treasurer of Beaufort County, I have spoken to numerous groups throughout the County and I have not had one person, not one, come forward and say that they would favor this change. Where is the ground swell of support that would provide us whatever to go through this process, the expense of this process to bring it before the people? Each Council member here represents a small portion of the electorate of this County. These two offices, they support the entire County. They represent the entire County and I think that's the way it should be. I would think that you would think long and hard about discounting the significance or importance of continuing this form of government. Thank you for the opportunity to speak to you tonight and we look forward to going forward. We appreciate the cooperation we've received so far in the Treasurer's office; it's been wonderful. The administration has been very supportive, as has Council, and we hope that that would continue in the future.

Mrs. Sharon Burris, County Auditor, spoke to the issue of having the County form of government changed. There are 46 counties with differing, in some cases, forms of government. Only two of counties that exist in South Carolina have a Council/Manager form of government

where the auditor and treasurer are appointed. There is something to be said for that. There was a third county that, in fact, had a push to have the form of government changed to the Council/Manager manager form of government; and when that happened and the public understood what that meant, giving up their right to vote for the position and make a choice, they went to the polls and voted against it. Mrs. Burris would ask that we do the right thing – everyone that she has spoken to have been against taking away our right and privilege to vote for an elected person.

COUNTY ADMINISTRATOR'S REPORT

The County Channel

Mr. Gary Kubic, County Administrator, announced The County Channel crew was out in full force to cover the Beaufort Tercentennial Parade. The parade, which celebrated Beaufort's 300th birthday, featured Actor Gary Sinese, and commentary by Municipal Court Judge Ned Tupper and county spokeswoman Suzanne Larson. The parade will re-air on The County Channel. The County Channel is also gearing up for a new season of Parks and Leisure Services football. Coverage kicks off on Tuesday, September 27 at 6:00 p.m. The County Channel will be taping the 8 and 9 year old game, the Bulldogs Versus the Raiders, from Burton Wells Regional Park.

Two-Week Progress Report

Mr. Kubic presented his Two-Week Progress Report, which summarized his activities from September 12, 2011 through September 23, 2011.

Presentation / Economic Development Task Force Report

Mr. Kubic introduced Mr. Gary Horn, Chairman of the Economic Development Task Force, who is here today to go over the process, the objectives sought, and some of the recommendations contained within the Organizational Assessment of Beaufort County Economic Development Task Force Report (Report).

Mr. Horn introduced the members the other members of the task force who conducted this study: Mr. David Tigges, CEO of McNair Law Firm; Mr. Joe Frasier, CEO of Frasier Construction Company; Mr. Richard Gray, Founder, Grayco; and the late Mr. Don Ryan, who passed away last week.

In late February / early March 2011, Mr. Newton asked the five-member task force to interview and select a consulting firm whose area of expertise is economic development strategies. We were given two companies to interview and, we selected AngelouEconomics (hereinafter Angelou). Angelou was asked to assess the following issues and to make high level recommendations to Council. Our task force mandate was to focus on the following issues: (i) Identify the best and most commonly employed economic development business model, (ii) Provide empirical data on successful development models deployed within and outside the State of South Carolina, (iii) Provide recommendations on economic development, staffing,

professional experience and salary ranges, and (iv) Evaluate the benefits and risks associated with approaching economic development on a County only or regional basis.

After receiving the Report in full, the task force is making the following recommendations: (i) Participate in a public/private economic development entity that is regional in scope and can generate a strong foundation for financial stability, infrastructure access, market diversity and a pro-business recruitment approach. The regional economic development entity should, at a minimum, include Beaufort and Jasper Counties using the existing Lowcountry Economic Alliance as a launching pad but with a broader base of stakeholder representation on the Board of Directors. A coordinated effort should be made to expand the region to include, at a minimum, Hampton and Colleton Counties. (ii) Commit to a funding model that guarantees the financial resources to recruit and retain a skilled and experienced professional staff adequate to market the region on a national basis. (iii) Develop and maintain a focused, strategic approach to business prospects and actively engage the broader community in the economic development process. (iv) Funding mechanism should include state and federal grants, an annual county population base capitation payments, private sector annual dues for Board participation, state mandated utility contribution for infrastructure improvements. (v) Develop a broad structure that would engage a wide spectrum of stakeholders in the economic development process to include a minimum of the following: local and county entities, the private sector, local chambers of commerce, entrepreneurial supporting organizations. (vi) The Board committee structure should include the following: an executive committee that is responsible for staff oversight, executing Board strategy, financial management, reporting to stakeholders and supporting staff. (vii) Under recruitment, an issue resolution for prospective businesses. (viii) A marketing committee to develop a broad-based regional marketing strategy including media and trade missions. (ix) An investor relations committee charged with finding and supplementing funds for network operations. (x) A strategic planning committee geared to assist in identifying target industries for recruitment and economic development. (xi) Require the Economic Development Board to develop and submit a set of benchmarks that can be used to measure the performance of both key staff members and the economic development entity. Future funding should be based on the measurable success of the organization.

In closing Mr. Horn introduced Mr. Steve Vierck, President of AngelouEconomics, who assisted the task force in developing the Report.

Mr. Newton thanked the task force members for their willingness to serve as well as their hard work and participation in the formulation of these recommendations.

Mr. Stewart asked that a follow-up presentation occur at the October 3, 2011 Governmental Committee meeting in order to delve into the Report, to move forward in making some recommendations with the task force, and to report back to Council.

Mr. Baer thanked Mr. Horn and the task force for putting a lot of facts down on paper for Council to analyze. He spent the weekend reviewing the Angelou slides and, will submit in writing comments and questions. Mr. Baer noticed that the conclusions presented today were a little bit different from what were in the executive summary. Not divergent but a selection of them with a slightly different emphasis. It would be useful if you could send us the notes that

you just read from, at least the conclusions or the action items as well. They were a little more succinct than the items in the Angelou view graphs.

Mr. Newton is hopeful this is not a kind of study that gets put in a three-ring binder and put on a shelf for somebody else at some later date and time to run across remember when we looked at that back one time ago. We know, both the County and the private sector and the rest of the governmental units in Beaufort County, we can do a better job than we have done in the past. He is hopeful the task force work and recommendations is the springboard for us to be able to move forward.

Sharon Saunders Trust Property

Mr. Kubic remarked members of the Finance Committee on September 19, 2011 had the opportunity to hear about a request for a 4% assessment ratio appeal. The appeal involves the Sharon Saunders Trust. Both sides, the representatives of the trust property and the County were there making a presentation to committee. He asked County Attorney Gruber to step forward and give a briefing as to what was discussed at that committee meeting and then we will be able to hear from representatives of the trust property.

Mr. Josh Gruber's, County Attorney, briefing to Council follows:

Mr. Gruber: The item on the agenda for this evening is in regard to an application for an extension of a filing period for a 4% special assessment ratio as provided for under South Carolina law. As Mr. Kubic stated, this matter was taken up before the Finance Committee; therefore, he will not rehash all the details with you but just wanted to provide you a brief summary of kind of what the County believes the pertinent facts are regarding this situation.

On May 27, 2009, the property in question was deeded from the Sharon Saunders Trust to Atlantic Pointe, LLC. Atlantic Pointe, LLC, as a separate legal entity, does not qualify to receive the 4% special assessment ratio. As such, notice was sent from the Assessor's office that the 4% ratio had been removed from the property. On December 17, the property was then transferred back from Atlantic Pointe, LLC back to the Sharon Saunders Trust. South Carolina Code of Law in 12-43-220(c)(vi) states specifically that if a change in ownership or use of property occurs; another application is required by the new owner to qualify the residence for the 4% assessment ratio for future years. Additionally, that Section (c)(ii) states that the 4% special assessment ratio does not apply unless the owner of the property or the owner's agent applies for the 4% assessment ratio before the first penalty date for the payment of taxes. In this case, it would have been January 15, 2011. The property owner in this matter or their agents did not file the 4% special assessment ration application until June 16, 2011, approximately six months after the filing deadline date. They are before you this evening to request that under *South Carolina Code of Laws* 12-43-220 (c)(viii), which states that a failure to file the application within the prescribed time constitutes abandonment of the owner's right to the classification for the current tax year but

the local taxing authority, which is us, County Council, may extend the time for filing upon a showing satisfactory to it that the person had reasonable cause for not filing before the first penalty date. That, we believe, are the pertinent facts that are before you this evening in making a decision about whether to not to extend this filing deadline application.

Mr. Rodman stated this issue did go through the Finance Committee and the appeal was denied by a vote of 4:3. It had to come to Council regardless and that brings us back to this point. This issue seems to have some legal points which are probably a little bit confusing to Mr. Rodman; but it makes sense to hear from the folks, who are requesting the assessment and have a discussion and see where it leads us, because we do have to vote, as a Council, as he understands it.

Ms. Elizabeth Mayo's and Mr. Charles Scarminach's, representatives of the trust property, briefing to Council follows:

Mr. Scarminach: Mr. Chairman, I am Chuck Scarminach. We represent the Saunders Trust. Ms. Mayo is my law partner and she had specific client contact with the client. We think we have, we meet the conditions of the statute and we'd like to express our interpretation of the facts which are somewhat different than what has been presented to County Council.

Ms. Mayo: I do realize that there are several of you who were not on the Finance Committee. You did receive, I believe on Friday, a letter from Mr. Scarminach with a timeline and some discussion of our request. What I would like to add to Mr. Gruber's brief timeline is that from the time we received the letter from the Assessor's office on January 4, dated January 4, our request was late, we continued to negotiate with the Assessor's office in telephone conversations, emails, and at least one meeting with Mr. Hughes which eventually resulted in our filing in late, in June sometime, all of the client's information regarding the 4% application.

As I said, as we said in the letter, I believe that the Finance Committee may have misinterpreted what the statute said. I remember some specific questions at the Finance Committee that we had clearly missed the deadline. That's not what the statute says. The statute says, as Mr. Gruber indicated, that the County Taxing Authority, which is you to begin with, has the right to decide whether or not missing the deadline, there was reasonable cause for missing the deadline. And as Mr. Scarminach indicated, we clearly believe that we do have some reasonable cause for missing the deadline.

First, as we have indicated to the Finance Committee, both Mr. Scarminach and I were out of the office at the end of the year. I was out on scheduled vacation; Mr. Scarminach takes over my files when I'm gone. His mother passed away and he was called to Syracuse, NY to deal with that at the end of the year. In addition, on December 22, I provided a list of taxpayers who were to receive, for whom tax

protest letters were to be sent by the end of the year to my assistant. They were all dated on December 22. For some reason, the only one that did not go to the Assessor's office and was not postmarked until January 3 was the Sharon Saunders Trust property protest. The other four protests were received, to my knowledge, appropriately, timely by the Assessor's office. I, unfortunately, I don't want to lay blame on the post office but, it might have been the fallibility of the post office at that time.

Further, we were in receipt of a letter from early September 2011 from Mr. Hughes to Carrie Griffin, a prominent local real estate attorney, asking some questions about deadlines. The interpretation of that letter would have indicated that we had until January 15 to file this appeal. There was also some concern by the Administration that to allow appeal, to allow this 4% versus the 6%, was going to throw open the doors. The comment was there would be a line outside the door by everyone who was late in filing this. We had two meetings of the Finance Committee. This was on the agenda for both of these items. We believe that we have precedent that other taxpayers would not have. There was an error by the Assessor in the tax to begin with, both of the attorneys were out of town, and we were relying on Mr. Griffin's letter and, as I indicate in the letter, there clearly was not a line out the door. This statute is available to every taxpayer and no one, to my knowledge, has brought it up other than us because we have specific circumstances that would warrant you to find reasonable cause to allow us to have the 4%.

And finally, I would like to point out the case that starts at the bottom of the letter from Mr. Scarminach, *LJ Investment v. Richland County Assessor*. It was a South Carolina administrative law case from 2000 which indicates that the Assessor's notice should be the source of information regarding the appeals process. While the appeals process is contained in the statute, if you will look at the assessment notice that was received by the taxpayer, the front and back, it doesn't say anything about the requirements of reapplying for the 4% tax. The administrative, or the 4% rate, I'm sorry. The administrative law court in that situation said that if the form was not sufficient to include the instructions regarding the appeal requirements contained in *South Carolina Code of Laws 12-43-220 (c)(2)(ii)*, then the statute, then we should find reasonable cause and the assessor should grant or be authorized to grant the 4% rate.

Finally, on a fairness issue, as I indicated, the taxpayer or the tax assessor mis-taxed this property for 2009 and 2010. The property was land until 2008. In 2008, the building was built, the residence was built. For some reason, perhaps it was the conversion to the Manatron system, the construction / the improvements were not picked up. I'm sorry, the improvements were picked up and the real estate was not picked up. So, therefore, in 2009 and 2010, Mrs. Saunders was only taxed on the improvements and not the land.

The Assessor has gratuitously indicated that he will not back-tax those two years but will tax for 2011 both the real estate and the improvements. Unfortunately, that is a very onerous result to our client if we do not get the 4% rate. The tax, in 2009 and 2010, would have been \$9,000. If we added the real property to that at 4%, the tax would be \$13,000, a difference of \$4,000 a year. Not receiving the 4% tax ratio for reasonable cause as the statute permits, our client would pay approximately \$27,000 for tax in 2010.

It appears to us that the Assessor is attempting to correct his error for those two years, the loss of the \$4,000, by assessing our taxpayer \$27,000 for 2010. I would be happy to answer any questions that you might have. I know we've rehashed this for some of you several times.

Mr. Rodman: If you could recap again, there was the application and there was the appeal and one of them was a 90-day and it came in on the 92nd or 93rd day. Could you just distinguish for us between those two documents and what the timing was when they came in, and so on?

Ms. Mayo: It was on September 28, I believe, or it might have been the 27th of 2010. The Saunders received a notice of assessment that might not, well, it's right here, the assessment notice, the reason for the change was the removal of the 4% assessment ratio. That had a deadline of 90 days which would have been December 28, 2010. I, we sent the letter on December 22. I have no idea why it did not go out or was not postmarked until January 3. Had it been received, we would have been appropriately within the deadline. That letter of December 22 that was postmarked on the 3rd was both our protest to this assessment notice and the removal of the 4%, as well as a protest for the underlying value of the property.

Mr. Scarminach: The simple result is that for two days, it's going to cost our client an additional \$18,000. I can't imagine that's the intent of the statute.

Mr. Newton: Let me ask this question. Is the protest for the underlying value? is that something that is still an issue?

Ms. Mayo: No, sir.

Mr. Newton: So the only thing we're talking about is the 4% application at this juncture.

Mr. Scarminach: 4%, yes, sir.

Ms. Mayo: For 2010, yes. He has received another notice of assessment for 2011 and we filed that yesterday, by certified mail, return-receipt requested.

Mr. Sommerville: I think I asked most of the questions at the Finance Committee. Thank you for your forbearance. There are four things that you could arguably appeal: you could appeal the market value, the assessment ratio, and the property tax assessment, and I guess the special use value if there is one. What did your letter of December 28, say that was ultimately postmarked January 3 appeal?

Ms. Mayo: It said that we were filing a protest. And as Mr. Scarminach's letter indicates that has been our standard letter for over three years to send to the Assessor when anybody has asked us to protest whether it was the 4% or the underlying value of the property. And to my knowledge, no other taxpayer has been refused the 4% because that letter was deemed to be insufficient.

Mr. Sommerville: So your position is that the generic word "appeal" applies to all four possibilities?

Ms. Mayo: Yes, sir.

Mr. Sommerville: I'd be interested to hear the County's position on that.

Mr. Newton: Wait a minute. Does anybody else have questions at this juncture for the appellant? This is the first one of these I've done in ten years. Don't go far, somebody may have a question. Mr. Gruber, Mr. Sommerville had a question for you.

Mr. Gruber: Yes. Thank you, Mr. Sommerville. If there is anything I can do this evening, hopefully, I can make clear to Council that there is a distinction here - you have two legally and factually distinct actions going on. One is an appeal of either an assessed value or a removal of the special assessment ratio on behalf of the Trust, not the Trust, I'm sorry, the LLC. The other is the issue of whether an application as clearly stated in the statute and actually clearly defined in the statute as well, the statute states that there is specific verbatim language that must be included on the application in order for it to be considered factually significant and relevant for purposes of granting the 4%. And I quote, "under penalty of perjury I certify that the residence which is the subject of this application, is my legal residence and where I am domiciled and that neither I, nor any other member of my household, is residing and occupying any other residence in South Carolina." If that information is not contained in the document submitted to the County, it is not an application for purposes of granting the 4% assessment ratio and as the statute clearly states there must be an application filed in order for the application to be granted. Now, what is before you this evening is whether there is reasonable cause to grant the extension of a six-month period for the filing of the 4% assessment ratio. It is undisputed that it was not filed until June 16 so the fact that it was only two days late, that only applies to the appeal that is a factually and legally distinct issue from whether the application should be extended.

Mr. Newton: Mr. Gruber, let me ask you a couple of questions if I can about this.

Mr. Gruber: Yes, sir.

Mr. Newton: The property was, this assessment notice, removal of 4% ratio went out to Atlantic Pointe, LLC.

Mr. Gruber: That is correct.

Mr. Newton: Then Atlantic Pointe transferred the property on December 17 back to the Trust.

Mr. Gruber: That is correct. It is that transfer that you speak of where the application would have been necessary.

Mr. Newton: On behalf of the Saunders Trust, correct?

Mr. Gruber: It was transferred from one entity to another entity.

Mr. Newton: I understand but the appeal timeframe in the removal of the 4% ratio was an appeal timeframe relative to the tax classification or status of Atlantic Pointe, LLC.

Mr. Gruber: I would have to refer back to the letter that was submitted to appeal.

Mr. Newton: No, I'm talking about the assessment notice that was transferred to me.

Mr. Gruber: Yes, the assessment notice is in the name of Atlantic Pointe.

Mr. Newton: What was my deadline after that?

Mr. Gruber: For filing an appeal?

Mr. Newton: For filing the 4%? Because there is, it use to be until Act 388 came along that there was, the taxpayers could seek a refund for up to three years from the County.

Mr. Gruber: Correct.

Mr. Newton: And it was routinely done. There was no form, the Assessor's office and the Treasurer's office advised taxpayers just to take the regular application, write 4% on the top of it, this is a refund request, and send it in and if it was deemed to be appropriate, then they'd go back and give a refund for up to three years.

Mr. Gruber: Absolutely.

Mr. Newton: But that wasn't on any kind of specific form relative to a refund.

Mr. Gruber: That's correct, not a refund.

Mr. Newton: So, under my scenario of what I'm trying to understand; I mean I understand how this happened and I understand what happened but the appeal deadline is really an appeal deadline that deals with Atlantic Pointe.

Mr. Gruber: That is correct. And the appeal deadline is different than the deadline for filing the 4% application. Like I said two distinct issues. The appeal deadline is 90 days from the time that you receive the assessment notice that you're appealing from. The application deadline is set by statute as the first penalty date for the date that a payment of taxes for the year in which you're applying. So, in this case, it was January 15 because that is the first penalty date for the

payment of taxes following the 2010 tax year which is the tax year in question that they're looking to apply for.

Mr. Newton: Or January 14.

Mr. Gruber: Correct.

Mr. Newton: Before the imposition of the deadline.

Mr. Gruber: That's correct.

Mr. Newton: Three years ago we put on the computers pay by the 15th and I actually sent a bill over on the 15th and I was told, despite what the internet says, you had to pay it yesterday or have a penalty.

Mr. Gruber: Well, you can directly relate to it then.

Mr. Newton: Yes, I can. Although it wasn't a 4% application, it was just paying a penalty. Alright, so, the applicable timeframe was January 14 and was there, the letter that was submitted that is a protest, was it a letter that was submitted referencing the property, Atlantic Pointe, the Saunders Trust or both?

Mr. Gruber: I'm not sure; I'd have to refer to Saunders Trust. But again, it was either an appeal of the assessment value on the property, the value on the property, or an appeal of the removal of the 4%. There was no application filed.

Mr. Newton: Okay. But there wouldn't have been an appeal of the removal of the 4% for the trust because at that point of time, the Trust had received no notice of any 4% removal.

Mr. Gruber: The Trust had not because they had not applied. The removal of the 4% would have gone to Atlantic Pointe, LLC, which it did.

Mr. Newton: Based on the transfer of the property.

Mr. Gruber: That's correct.

Mr. Newton: Is actually what's before us is an appeal of the denial or removal of the 4% or just a determination of whether this 4% application should be acknowledged as being timely submitted.

Mr. Gruber: That's correct. It is a request to extend the time period from January 15 until June 16 based on whatever reasons can be brought forward by the property owners. And please note that THE County is not advocating whether reasonable cause is or is not found here. It is solely in the purview of Council whether they find that issue as met. It is my job to advise what that statute says and that statute says that you must find reasonable cause in order to grant the extension of the deadline.

Mr. Newton: Last thing, what is the, do you have a copy of the, does anybody have a copy of the letter here that was sent in on behalf of Saunders Trust?

Mr. Gruber: I do not have copies but I could have copies made if you'd like it.

Mr. Newton: That's alright; I'll just pass it around.

Mr. Sommerville: While there is this pregnant pause here, let me just ask a question. With respect to Atlantic Pointe and this notice of the removal of the 4% assessment ratio sent out on September 29, 2010, as far as we knew, Atlantic Pointe was the owner of the property. If they had, if we gave them under the first statute, I assume, 90 days.

Mr. Gruber: That is correct. The assessment notice was mailed out on September 29, 2010, so they would have had 90 days from that date. It was then, on December 17, that the property was transferred back.

Mr. Sommerville: That's talking about Atlantic Pointe. But on December 17, although I haven't seen any evidence I'm taking the attorney's word for this, I don't question it, that the property was transferred from the LLC back to the Saunders Trust. So, obviously it wasn't going to be, it wouldn't be appealed by Atlantic Pointe because Atlantic Pointe had no basis for the appeal. They didn't qualify for the 4%. Okay. So, on December 17, now we have a new entity owning it and the County doesn't know that though, does it?

Mr. Gruber: Once that deed is filed in the Register of Deeds office, the County is put on notice that the property has transferred. However, we do not know whether the property qualifies for the 4% special assessment ratio unless this application is submitted under penalty of perjury is submitted. It is that document that affirmatively tells the County that it does meet the statutory criteria to qualify.

Mr. Sommerville: So, you're aware of a transfer of ownership but beyond that you can make no judgment. Mr. Hughes' department makes no judgment because you don't know.

Mr. Gruber: That's correct.

Mr. Sommerville: Okay, so the next step on behalf of the new owner would be to file an application, which I have done personally, an application for a 4% assessment ratio and that would have been due on January 15.

Mr. Gruber: That would have been due the first. That's correct.

Mr. Sommerville: Suppose the property would have transferred on January 14.

Mr. Gruber: You're getting a little bit off topic but I'd be glad to answer that for you. You have to own the property in question during the tax year that you're applying for it. So you must be the owner of record by December 31, 2010.

Mr. Sommerville: Presumably they met that.

Mr. Gruber: Yes. I don't think there is any question, they transferred on December 17.

Mr. Sommerville: Fair enough.

Mr. Gruber: So they did meet it, it's just a question of was it filed and if not, should an extension of time be granted for the filing.

Mr. Sommerville: So the only thing at this point that is necessary post December 17 is an application for a 4% assessment ratio by January 15. That did not happen.

Mr. Gruber: That's the County's position.

Mr. Sommerville: Okay.

Mr. Newton: Mr. Gruber, another question. Prior to April, excuse me, prior to May 27, 2010 was the property at a 4% classification?

Mr. Gruber: Yes, yes, it was. It lost the 4% when it transferred to the LLC because the LLC does not qualify for the 4% special assessment ratio under the statute.

Mr. Newton: So any transfer during the calendar year, if that new owner entity is not entitled to 4%, it's lost at that point of time?

Mr. Gruber: The problem is the County cannot determine, based upon what is filed with the Register of Deeds office, whether a property does or does not qualify.

Mr. Newton: No, I understand that.

Mr. Gruber: And so, yes, it was transferred to the same entity that did previously qualify for it in the beginning of the year but we have no knowledge as to what constitutes that entity. It may be the same entity in name only or it may be the same entity in every aspect. We don't know that.

Mr. Newton: No, I understand that. I'm just trying to follow the change and some of these changes came in with Act 388 regarding no refund, at least I think that's where they came from.

Mr. Gruber: Some of the issues may have.

Mr. Newton: And maybe you can help me understand those circumstances when the property receives 4% treatment and it transfers hands that 4% treatment stays with that property through that calendar year but changes in the next year.

Mr. Gruber: It would not. Anytime that it transfers, it is going to lose that status until the new property owner comes in and makes an application for it. That's what is required by the statute.

Mr. Newton: And it loses it during that calendar year?

Mr. Gruber: That is correct.

Mr. Newton: Mr. Caporale.

Mr. Caporale: Why was this property transferred over to the other entity?

Ms. Mayo: I was not involved in that particular transfer. It was my understanding that it was transferred for asset protection purposes for Saunders who was involved in some businesses and they were attempting to protect the value of the house from creditors.

Mr. Caporale: This is probably beside the point but didn't anyone know that they were sacrificing the 4% assessment by doing it?

Ms. Mayo: I'm sure they were told that.

Mr. Scarminach: At the time they felt the issue was more pressing and the reason for the, without broadcasting it to the whole world, the reason was related to an economic situation they were in at the time and it made more sense by their tax advisor to have it in the LLC rather than the Trust. When they realized that they had an issue, that the issue went away, we transferred it back and it was the same Trust that owned it and it wasn't a new trust, the Sharon Saunders Trust owned it before and the Sharon Saunders Trust took it back.

Mr. Caporale: Forgive me if you've already addressed this but tell me again why the special assessment application wasn't filed sooner that June 16?

Ms. Mayo: I would like to say again that we're looking at reasonable cause for not filing it timely. When we got the letter on January 4 from the Assessor's office saying, sorry, bets are off, you're late, we began a series of negotiations with the Assessor and there were at least eight contacts between that date and the June date and we began to, I don't know exactly when we began to request the information from the client, it took us a while to gather the information from the client. Because we were attempting to negotiate particularly to understand how this differed from the letter from Mr. Hughes to Attorney Griffin. As I say, we continued to negotiate the issue and when we realized that we weren't going to get any place that way, we filed the information, the drivers license and copies of extensions of his federal income tax returns because he hasn't yet filed his returns and the other information that was required.

Mr. Caporale: Thank you.

Mr. Newton: Mr. Flewelling.

Mr. Flewelling: Just for clarification, you said that the deed from Atlantic Pointe back to the Saunders Trust was recorded in December 2010. I want to make sure everybody understands it wasn't recorded until January 6, 2011. It wasn't recorded until the following year.

Mr. Sommerville: One other question, on your letter of December 22, you indicate the property owner as Don Saunders.

Ms. Mayo: It's Sharon Saunders Trust; Don Saunders and Sharon Saunders are the two current lifetime income beneficiaries. And, therefore, as a lifetime income beneficiary of the trust they qualify under the statute for the 4%.

Mr. Newton: Ms. Von Harten.

Ms. Von Harten: At this point, what are we being asked to decide? Are we supposed to take a vote to say yes to give them an extension?

Mr. Newton: No, whether there is reasonable cause to accept the 4% application late.

Ms. Von Harten: Does that take a motion?

Mr. Newton: Is that right Mr. Gruber?

Mr. Gruber: Yes, sir.

Mr. Newton: There is a recommendation that comes from the Finance Committee for denial. And so the Committee recommendation is to deny. There could be a motion made once that motion is, there is no second required so it's actually lying on the table at this juncture. The motion is to deny the request for 4% special assessment ratio for the Sharon Saunders Trust Property. So, they'll be a vote on that motion and that motion will either pass or fail or you can move to amend the Committee recommendation or change the Committee recommendation but the motion that is in front of us is to deny.

Main motion: It was moved by Mr. Rodman, as Finance Committee Chairman (no second required), that Council deny the request for 4% special assessment ratio for the Sharon Saunders Trust Property.

Mr. Glaze: During the presentation I think you made a statement that there was a mistake I think in 2008 or 2009 by the Assessor and what was the mistake that was made?

Ms. Mayo: In 2009 and 2010, I indicated the property, I don't remember exactly when the Saunders purchased the property as land but they built their house in 2008. Going forward in 2009 and 2010, the only thing the Assessor taxed were the improvements. They failed to pick up the real estate. As Mr. Hughes indicated at the last Finance Committee that was probably an error from the cross-over between whatever the system was before and Manatron and that in reviewing this application, he noticed the error but he was not going to back-tax to include the real property. He was only going to do that going forward, 2011 and forward. So they were taxed on only the improvements in 2009 and 2010 and not the improvement and the underlying real estate. And that resulted in a tax of approximately \$9,000 to them at 4% versus \$13,000 to them at 4% if they added the land. So a \$4,000 a year difference versus this one going from

\$9,000 to \$27,000. Again, as Mr. Scarminach indicated, we do believe we have shown that there is a reasonable cause for being late.

Mr. Newton: Let me ask a question that is not directly related to the determination of reasonable cause; it's somewhat related. Assuming that the improvements were left off and not taxed, is there an ability to, notwithstanding what has previously been indicated, is there an ability to tax the improvements?

Mr. Gruber: I believe so. As you stated earlier, there is a three-year window in which taxes can either be refunded or collected. That would be the County's position on most issues whether that's done or not would be decided on an individual case-by-case basis and best made by the Assessor's office.

Mr. Newton: Okay. If we were to determine that there was good cause in the process there was a determination made, would it be within the province of this Council, however, to then direct that the 2008 and 2009 land be taxed as it should have been?

Mr. Gruber: That is something that we could certainly look into for you.

Mr. Newton: I'm just trying to figure out whether it's appropriate for us to direct that if we were going to get to that point in time in a motion or whether it's not.

Mr. Gruber: If that's the wishes of Council, that's something we could certainly look at. I don't think I could say yes or no without going back and looking at it just a little bit more to make sure that any kind of deadlines would be made as far as the County is concerned in providing notice of the change in the tax bill but as long as that could be done, yes.

Mr. Sommerville: To Mr. Flewelling's observation that the deed was not recorded until 2011, assuming that's accurate, that means at the end of tax year 2010, the owner was, of record, was Atlantic Pointe, LLC.

Mr. Gruber: That's correct.

Mr. Sommerville: So, does that further muddy the water, I mean, because the owner at of the end of the tax year was not eligible for 4%.

Mr. Gruber: Right. I don't like to make my things complicated for myself more than what they have to so I look at this issue: was an application for 4% filed on behalf of the property owner prior to January 15. And if not, is there reasonable cause to extend.

Ms. Mayo: The ownership is as of the date of the deed. For tax purposes, it may be the date of record when it was filed but the ownership was as of date of deed. In fact, my client told us that he had a conversation with Mr. Hughes on December 10 who indicated that if he had a deed signed by December 31 he would backdate it to the 4%. Now I don't have any, all I have is my client's comment, maybe Mr. Hughes remembers that conversation but I do have it in my notes. But it is, once it was transferred, it was back in the Trust on the 17th.

Mr. Sommerville: So what constitutes ownership – the signing of the deed not the recording of the deed? Is that your position?

Ms. Mayo: Ownership is signing the deed. For tax purposes it would be recording it.

Mr. Gruber: When it's physically turned over that's when title passes. When you receive physical possession of the deed document. Now the County is put on notice when it's recorded. I digressed.

Mr. Newton: So the recording of the deed is not a pre-requisite?

Mr. Gruber: No, only the filing of the application.

Mr. Newton: Okay. I'm all out of questions.

Mr. Flewelling: I'm still confused because if that's the case then the, if the application had been filed, oh, by the 15th. Never mind.

Mr. Gruber: That's correct, January 15.

Mr. Flewelling: I take my question back, I understand.

Mr. Newton: In my opinion, there is probably, there is enough confusing information here that given the fact that it was 4% earlier in the year and then it wasn't because of the new change in the law and then there was an effort made to try to get it back, there is probably reasonable cause. I will tell you what there certainly is, and with all due respect because I've been there too, is sloppy lawyering to have done this and I've been on the phone with Mr. Hughes, as he can tell you, a dozen times trying to understand the change in laws to make sure that it's been done. However, the death in the family, in my judgment, while it's not an excuse to the lawyering issues that came before, that is sufficient in my mind at least given the fact that this property was 4%, then went back to 6%, then the ball sort of got fumbled and dropped for whatever the reason may be that 4% was but for the filing of the application warranted at least as I understand you Josh to have said. And if the improvements can be appropriately taxed as they should have been, that's probably where I'm going to come out. Somebody wants to call the question or move forward with the Committee recommendation. Somebody wants to do something else.

Mr. Stewart: I was just going to comment and I don't want to belabor the point but I think I'm at a distinct advantage here perhaps, I'm not an attorney. So I'm looking at it from the point of fairness. And it seems to me that the property was 4%, the same parties are involved, they transferred it, they transferred it back with the intent to get back to 4%, the County was engaged with letters and I think it would have been obvious, from my perspective anyway, that the intent was to go back to 4%, that's why they were doing it. So just from a fairness perspective, not looking at it from the legality point of view, probably if you look at it strictly by the letter of law and the written intent, maybe it should not change but I think there is a reasonable doubt, a reasonableness to say there was on-going discussion, the County was engaged, it should have

been obvious that that's where all this process was headed and I would give them the benefit of the doubt and extend the date frankly.

Motion to amend by substitution: It was moved by Mr. Caporale, seconded by Mr. Stewart, that Council approve the request for 4% special assessment ratio for the Sharon Saunders Trust Property.

Mr. Rodman: I would agree and I do think I tend to look at it from a fairness issue, it does seem to me that if there is a way to do it, if we grant it, they ought to be willing to give back the \$8,000.00 of the two errors so it would essentially take us back to exactly what should have happened if everything had followed the rules. I tend to agree, I think there is a reasonable cause here, four or five different things that have been mentioned.

Ms. Von Harten: I think it's an excellent motion and I intend to vote in favor of it.

Mr. Newton: Any other comments? Mr. Dawson.

Mr. Dawson: I'm going to vote in opposition to the motion. I think this is a classic situation where the property owners were trying to save some money at one point by transferring it to the LLC and then due to lack of awareness and timeliness they tried to transfer it back to the Saunders to reap the benefit of the 4% and in the process, I think, the timeline got lost and the efforts of trying to save money at one point is going to cost them on the other hand. So I think they just got caught in a situation, a flip-flop.

Mr. Sommerville: I'm going to vote against the motion because a couple things: (1) Mr. Hughes has already ruled that we are not going to go back and collect the retroactive taxes. Whether that can be overruled, I don't know. Mr. Hughes has already indicated that the County is not going to go back and collect those taxes from those two tax years. (ii) The second thing is I think I understand the motivation behind the Saunders to put it in the LLC to protect it from creditors, that's fine but when they did that, it was a risky deal, they lost the 4% and, of course, they wanted to come back and get the 4%, I understand them wanting to do that but they missed the deadline by not just a few days but by six months and the death in the family, in my mind, doesn't excuse the six-month delay, maybe a few days, I don't see a six-month delay based on the death in the family. In all due respect to the applicants, I am going to vote against the current motion which is to grant the reasonable cause.

Mr. Newton: Mr. Baer.

Mr. Baer: I'm also going to vote against the motion. I think there was ample opportunity, there were legal firms involved and the ball was dropped for one reason or the other and I also have another comment. I recall two people in my constituency who transferred things also because they wanted to put things in the wife's name or put it in a trust of some sort, that anytime you do these transfers, it goes from 4% to 6% automatically. And those people, they couldn't afford lawyers. They had a hell of a struggle, pardon my French, to get back to where they should be. So, I think whatever happens, however this vote comes out, we ought to think of the people also

who can't afford lawyers to get this done and think of perhaps better procedures, on our part, to alert people when these ratios change from 4% to 6%.

Mr. Caporale: Good point about the procedures. If a person can read, they should be able to figure these things out on his own without the benefit of legal advice. That's partly what's on my mind.

Vote on the motion to amend by substitution: Council approve the request for 4% special assessment ratio for the Sharon Saunders Trust Property. YEAS – Mr. Caporale, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. The vote was: NAYS – Mr. Baer, Mr. Dawson, Mr. Glaze, Mr. Flewelling, Mr. McBride and Mr. Sommerville. The motion failed.

Mr. Flewelling: I have a question about the form. Is the form sufficient to the requirement of a finding of no reasonable cause for the delay?

Mr. Gruber: As long as that's stated in the motion.

Mr. Flewelling: I don't believe that the Committee recommendation exactly says that. Let's see if I can find the, it says it was moved by Mr. McBride, seconded by Mr. Sommerville, that the Finance Committee denies and recommends that the County Council deny the request for the 4% special assessment ratio for the Saunders Trust property. I'm not sure that that is sufficient to the requirement of a finding of insufficient reason for a delay.

Mr. Gruber: What that question is answering is the specific request of the applicant which is a request to extend the filing period. So if that request is denied it could only be made so upon a finding that reasonable cause was not present.

Mr. Flewelling: So you're comfortable with that? That's all I had Mr. Chairman.

Vote on the main motion: Council deny the request for 4% special assessment ratio for the Sharon Saunders Trust Property. The vote was: YEAS – Mr. Baer, Mr. Dawson, Mr. Glaze, Mr. Flewelling, Mr. McBride and Mr. Sommerville. NAYS – Mr. Caporale, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. The motion passed.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$50,000,000 AGGREGATE PRINCIPAL AMOUNT OF HOSPITAL REFUNDING AND IMPROVEMENT REVENUE BONDS (BEAUFORT MEMORIAL HOSPITAL) SERIES 2011; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AND LOAN AGREEMENT, A REFUNDING ESCROW DEPOSIT AGREEMENT IN CONNECTION THEREWITH; AUTHORIZING PROPER OFFICERS TO DO ALL THINGS NECESSARY OR ADVISABLE; AND OTHER MATTERS INCIDENTAL THERETO

This item comes before Council under the Consent Agenda. It was discussed at the September 12, 2011 Finance Committee meeting.

It was moved by Flewelling, seconded by Mr. Rodman, that Council approve on second reading an ordinance authorizing the issuance of not exceeding \$50,000,000 aggregate principal amount of Hospital Refunding and Improvement Revenue Bonds (Beaufort Memorial Hospital) Series 2011; authorizing the execution and delivery of a bond purchase and loan agreement, a refunding escrow deposit agreement in connection therewith; authorizing proper officers to do all things necessary or advisable; and other matters incidental thereto. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

The Chairman announced a public hearing on Monday, October 10, 2011 beginning at 6:00 p.m. in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

BEAUFORT COUNTY ZONING MAP AMENDMENT FOR R300 015 000 0101 0000 [KNOWN AS ST. HELENA STATION PLANNED UNIT DEVELOPMENT (PUD), 13.24 ACRES OFF SEA ISLAND PARKWAY/HIGHWAY 21]; FROM PUD TO RURAL (R) ZONING DISTRICT

This item comes before Council under the Consent Agenda. It was discussed at the September 6, 2011 Natural Resources Committee meeting.

It was moved by Flewelling, seconded by Mr. Rodman, that Council approve on second reading a Beaufort County Zoning Map amendment for R300 015 000 0101 0000 [known as St. Helena Station Planned Unit Development (PUD), 13.24 acres off Sea Island Parkway/Highway 21]; from PUD to Rural (R) Zoning District. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

The Chairman announced a public hearing on Monday, October 10, 2011 beginning at 6:00 p.m. in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

TEXT AMENDMENT TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), ARTICLE VII, SEC. 106-1845(6) BUFFER DISTURBANCE (ADDS RIVER BUFFER DISTURBANCE STANDARDS)

This item comes before Council under the Consent Agenda. It was discussed at the September 6, 2011 Natural Resources Committee meeting.

It was moved by Flewelling, seconded by Mr. Rodman, that Council approve on second reading Council approve on first reading a text amendment to the Beaufort County Zoning and Development Standards Ordinance (ZDSO), Article VII, Sec. 106-1845(6) Buffer Disturbance (adds river buffer disturbance standards). The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

The Chairman announced a public hearing on Monday, October 10, 2011 beginning at 6:00 p.m. in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

2012 Accommodations Tax Board Recommendations

This item comes before Council under the Consent Agenda. It was discussed at the September 12, 2011 Finance Committee meeting.

It was moved by Flewelling, seconded by Mr. Rodman, that Council approve the 2011 accommodations tax funding as follows: Beaufort Art Association \$500, Art League of Hilton Head Island \$1,000, Main Street Youth Theatre \$1,500, Penn Center \$10,000, Coastal Discovery \$8,500, Hilton Head Island Symphony \$4,000, Hilton Head Island Concours d'Elegance \$9,000, Community Foundation \$10,000, CAPA/Exchange Club \$1,150, Hilton Head Island Choral Society \$1,200, Historic Beaufort Foundation \$3,200, Arts Council of Beaufort County \$6,150, Beaufort County Black Chamber of Commerce \$25,000, Beaufort County Historical Society \$4,000, Hilton Head Island-Bluffton Chamber of Commerce \$30,000, Heritage Library \$2,500, Main Street Beaufort \$9,200, Arts Center of Coastal Carolina \$8,000, Historic Bluffton Arts and Seafood \$2,500, Daufuskie Island Foundation \$1,500, Old Village of Port Royal \$3,000, Literacy Volunteers \$2,500, The Sandbox \$2,000, Beaufort County Soil & Water Conservation \$1,500, Mitchelville Preservation \$10,000, Friends of Hunting Island \$7,500, Boys and Girls Club of the Lowcountry \$3,000, Beaufort Regional Chamber \$50,000, Bluffton Historical Society \$10,000, Lowcountry Resort and Visitors Center \$15,000, Beaufort Film Society \$5,000, and Lowcountry Estuarium \$3,600. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

AN ORDINANCE TO AMEND THE FY2011-2012 BEAUFORT COUNTY BUDGET ORDINANCE SO AS TO PROVIDE A SUPPLEMENTAL APPROPRIATION FROM THE COUNTY'S GENERAL RESERVE FUND IN THE AMOUNT OF \$72,159.83 FOR THE PURPOSE OF FUNDING CENSUS-BASED BEAUFORT COUNTY MAGISTRATE SALARY INCREASES FOR THE PERIOD OF JULY 1, 2011 TO JUNE 30, 2012

This item comes before Council under the Consent Agenda. It was discussed at the September 12, 2011 Finance Committee meeting.

It was moved by Flewelling, seconded by Mr. Rodman, that Council approve on second reading an ordinance to amend the FY2011-2012 Beaufort County budget ordinance so as to provide a supplemental appropriation from the county's general reserve fund in the amount of \$72,159.83 for the purpose of funding census-Based Beaufort County Magistrate salary increases for the period of July 1, 2011 to June 30, 2012. The vote was: YEAS - Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. NAYS – Mr. Baer and Mr. Caporale. The motion passed.

The Chairman announced a public hearing on Monday, October 10, 2011 beginning at 6:00 p.m. in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

AN ORDINANCE TO AMEND THE FY2011-2012 BEAUFORT COUNTY BUDGET ORDINANCE SO AS TO PROVIDE A TRANSFER FROM THE COUNTY'S GENERAL RESERVE FUND IN THE AMOUNT OF \$260,880 IN MATCHING GRANT FUNDS FOR THE BEAUFORT COUNTY RAILS TO TRAILS PROGRAM

Main motion: It was moved by Mr. McBride, seconded by Mr. Stewart, that Council approve on second reading an ordinance to amend the FY2011-2012 Beaufort County budget ordinance so as to provide a transfer from the county's general reserve fund in the amount of \$260,880 in matching grant funds for the Beaufort County Rails / Trails Program.

Motion to amend by substitution: It was moved by Mr. Rodman, seconded by Mr. Baer, that Council transfer funds from the Tourism Infrastructure Section of Local 3% Accommodations Tax Ordinance (2009/15), which has a balance of \$1,155,714 as of June 30, 2011 (unaudited). The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

Vote on the amended motion, which is now the main motion, and includes the motion to amend by substitution: Council approve on second reading an ordinance to amend the FY2011-2012 Beaufort County budget ordinance so as to provide a transfer fund from Tourism Infrastructure Section of Local 3% Accommodations Tax Ordinance (2009/15), which has a balance of \$1,155,714 as of June 30, 2011 (unaudited), in the amount of \$260,880 in matching grant funds for the Beaufort County Rails / Trails Program. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

Mr. Newton remarked a motion of Council is not necessary to expend monies from three percent local accommodations tax.

It was moved by Mr. Newton, seconded by Ms. Von Harten, that Council table further action of this matter. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

County Attorney Josh Gruber was asked to prepare a resolution authorizing the expenditure of \$260,880 from the tourism infrastructure section of the three percent accommodations tax funds for the purpose of providing matching grant funds for the Rail / Trail Program.

AN ORDINANCE TO AMEND ORDINANCE NO. 2011-25 SO AS TO ALLOW FOR THE RENUMBERING OF THE ELEVEN SEPARATE BEAUFORT COUNTY COUNCIL DISTRICTS AND BEAUFORT COUNTY BOARD OF EDUCATION DISTRICTS

It was moved by Mr. Rodman, seconded by Mr. Flewelling, that Council approve on first reading, by title only, an ordinance to amend Ordinance No. 2011-25 so as to allow for the renumbering of the eleven separate Beaufort County Council Districts and Beaufort County Board of Education Districts. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

PUBLIC HEARINGS

AN ORDINANCE TO AMEND PART I, CHAPTER 46, ARTICLE III OF THE BEAUFORT COUNTY CODE OF ORDINANCES RELATING TO THE BEAUFORT COUNTY DISABILITIES AND SPECIAL NEEDS BOARD

The Chairman opened a public hearing at 6:26 p.m. for the purpose of receiving information from the public regarding an ordinance to amend Part I, Chapter 46, Article III of the Beaufort County Code of Ordinances relating to the Beaufort County Disabilities and Special Needs Board. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:27 p.m.

It was moved by Mr. Stewart, seconded by Mr. Flewelling, that Council approve on third and final reading an ordinance to amend Part I, Chapter 46, Article III of the Beaufort County Code of Ordinances relating to the Beaufort County Disabilities and Special Needs Board. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2011A, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF BEAUFORT COUNTY, SOUTH CAROLINA, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$18,250,000; FIXING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE COUNTY ADMINISTRATOR OR HIS LAWFULLY-AUTHORIZED DESIGNEE TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO

The Chairman opened a public hearing at 6:28 p.m. for the purpose of receiving information from the public regarding an ordinance authorizing the issuance and sale of general obligation refunding bonds, Series 2011A, or such other appropriate series designation, of Beaufort County, South Carolina, in the principal amount of not exceeding \$18,250,000. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:29 p.m.

It was moved by Mr. Stewart, seconded by Mr. Flewelling, that Council approve on third and final reading an ordinance authorizing the issuance and sale of general obligation refunding bonds, Series 2011A, or such other appropriate series designation, of Beaufort County, South

Carolina, in the principal amount of not exceeding \$18,250,000; fixing the form and details of the bonds; authorizing the county administrator or his lawfully-authorized designee to determine certain matters relating to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

AN ORDINANCE TO REGULATE OUTDOOR BURNING WITHIN THE UNINCORPORATED AREAS OF BEAUFORT COUNTY; TO PROVIDE FOR THE ENFORCEMENT THEREOF, AND MATTERS RELATED THERETO

The Chairman opened a public hearing at 6:30 p.m. for the purpose of receiving information from the public regarding an ordinance to regulate outdoor burning within the unincorporated areas of Beaufort County; to provide for the enforcement thereof, and matters related thereto. After calling once for public comment, the Chairman recognized Mr. David Tedder, a Lady's Island resident, who said it is burden on us and we cannot handle leaf burning 24 / 7 certain times of years. However, he hopes the ordinance exempts fire pots, barbeque pits, and oyster roasts (a lowcountry tradition). After calling twice more for public comment and receiving none, the Chairman declared the hearing closed at 6:34 p.m.

Main motion: It was moved by Mr. Stewart, as Governmental Committee Chairman (no second required), that Council approve on third and final reading an ordinance to regulate outdoor burning within the unincorporated areas of Beaufort County; to provide for the enforcement thereof, and matters related thereto.

Mr. Newton passed the gavel to the Vice Chairman in order to make a motion.

Motion to amend by deletion: It was moved by Mr. Newton, seconded Mr. McBride, that Council delete "within 75 feet of a property line" in Section 2, Regulation of Open Burning. The vote was: YEAS – Mr. Dawson, Mr. Glaze, Mr. Flewelling, Mr. McBride, Mr. Newton, Mr. Rodman and Ms. Von Harten. NAYS –Mr. Baer, Mr. Sommerville and Mr. Stewart. ABSTAIN – Mr. Caporale. The motion passed.

Vote on the amended motion, which is now the main motion and includes the motion to amend by deletion: Council approve on third and final reading approve on third and final reading an ordinance to regulate outdoor burning within the unincorporated areas of Beaufort County; to provide for the enforcement thereof, and matters related thereto; and that Section 2, Regulation of Open Burning, shall read as follows: "The open burning of leaves, tree branches, yard trimmings, and other vegetative matter originating on the premises of residential properties located within the unincorporated areas of Beaufort County shall be permitted, provided that any such open burning must be located no less than seventy-five (75) feet from any structure or road. Adequate provisions shall be made to prevent the fire from spreading to any area within seventy-five (75) feet of any structure or road." The vote was: YEAS – Mr. Dawson, Mr. Glaze, Mr. Flewelling, Mr. McBride, Mr. Newton, Mr. Rodman and Ms. Von Harten. NAYS – Mr. Baer, Mr. Caporale, Mr. Sommerville and Mr. Stewart. The motion passed.

The Vice Chairman returned the gavel to the Chairman in order to continue the meeting.

CONSIDERATION OF A BALLOT REFERENDUM TO CHANGE THE FORM OF BEAUFORT COUNTY GOVERNMENT FROM COUNCIL / ADMINISTRATOR TO COUNCIL / MANAGER

The Chairman opened a public hearing at 6:56 p.m. for the purpose of receiving information from the public regarding a ballot referendum to change the form of Beaufort County Government from Council / Administrator to Council / Manager. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:57 p.m.

It was moved by Mr. Stewart, seconded by Mr. Flewelling, that Council approve on second reading a ballot referendum to change the form of Beaufort County Government from Council / Administrator to Council / Manager. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville and Ms. Von Harten. NAYS – Mr. Stewart. The motion passed.

The Chairman announced the second of two required public hearings would occur Monday, October 10, 2011 beginning at 6:00 p.m. in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

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

COMMITTEE REPORTS

Finance Committee

Accommodations Tax Board

Mr. Rodman, as Finance Committee Chairman, nominated Ms. Olivia Young, hospitality-lodging, to serve as a member on the Accommodations Tax Board.

Governmental Committee

Burton Fire District Commission

John Harris

The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. Mr. John Harris garnered the six votes required to serve as a member on the Burton Fire District Commission.

Natural Resources Committee

Southern Corridor Review Board

Mr. James Atkins

The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. Mr. James Atkins, architect Beaufort County, garnered the six votes required to serve as a member of the Southern Corridor Review Board.

Mr. Daniel Ogden

The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. Mr. Daniel Ogden, resident Beaufort County, garnered the six votes required to serve as a member of the Southern Corridor Review Board.

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

CALL FOR EXECUTIVE SESSION

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

EXECUTIVE SESSION

ADJOURNMENT

Council adjourned at 8:00 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Wm. Weston J. Newton, Chairman

ATTEST _____
Suzanne M. Rainey, Clerk to Council

Ratified:

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

GARY KUBIC
COUNTY ADMINISTRATOR

CHERYL HARRIS
EXECUTIVE ASSISTANT

ADMINISTRATION BUILDING
100 RIBAUT ROAD
POST OFFICE DRAWER 1228
BEAUFORT, SOUTH CAROLINA 29901-1228
TELEPHONE: (843) 255-2026
FAX: (843) 255-9403
www.bcgov.net

BRYAN J. HILL
DEPUTY COUNTY ADMINISTRATOR

LADSON F. HOWELL
STAFF ATTORNEY

COUNTY ADMINISTRATOR'S REPORT

Monday, October 10, 2011
5:00 p.m.
County Council Chambers

INFORMATION ITEMS:

- The County Channel / Broadcast Update (Enclosure)
- Two-week Progress Report (Enclosure)
- Report / Delinquent Tax Sale
Mr. Troy Hodges, Deputy Treasurer



The
County
Channel

On the Air:

Coastal Kingdom: Strategies for Survival



{VIDEO PLAYS, low audio} The County Channel's latest episode of the award-winning nature series "Coastal Kingdom" is now on the air. The episode entitled "Strategies for Survival" features lowcountry animals and their unique adaptations for protecting themselves against predators. Angel-wing Clams buried deep in the sand, hognose snakes playing dead, and caterpillars mimicking snakes are just a few of the creatures in this show. We'd also like to point out that Coastal Kingdom is available to every classroom in Beaufort County. It is now even more accessible, with the launch of COASTALKINGDOM.COM. You can watch full episodes, read information on the animals, and correlate with South Carolina Science Standards. The website was made possible through our partnership with The LowCountry Institute, and a grant from the Banburry Fund.



The
County
Channel

Upcoming Productions:

State of the Region Breakfast



HILTON HEAD ISLAND-BLUFFTON
CHAMBER OF COMMERCE

October 12, 8:00-11:00 a.m.
The Westin Hilton Head

The County Channel will also be covering the State of the Region breakfast, again hosted by the Hilton Head-Bluffton Chamber of Commerce. The event will be held at The Westin Hilton Head Island Resort & Spa on Wednesday, October 12 8:00-11:00 a.m. featuring keynote speaker South Carolina Governor Nikki Haley, along with featured speakers Beaufort County Council Chairman Weston Newton, Hilton Head Island Mayor Drew Laughlin and Bluffton Mayor Lisa Sulka will discuss topics important to our community.



Memorandum

DATE: October 7, 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 September 26, 2011 through October 7, 2011:

September 26, 2011

- Caucus meeting
- County Council meeting

September 27, 2011

- Meeting with Patty Kennedy, new Director of Beaufort County Open Land Trust, and Garrett Budds, Director of Land Protection, Re: Rural and Critical Lands Program
- Meeting with Chairman Weston Newton
- Public Facilities Committee meeting (unable to attend due to a scheduling conflict)

September 28, 2011

- Meeting with Tony Criscitiello, Division Director of Planning and Development, regarding a personnel issue

September 29, 2011

- No scheduled appointments

September 30, 2011

- Meeting with Al Stokes, Director of Waddell Mariculture Center and Eddie Bellamy, Director of Public Works

OFFICE OF THE COUNTY ADMINISTRATOR

October 7, 2011

Page 2

- Meeting with Steve Riley, Town Manager, Town of Hilton Head Island, Paul Andres, Airport Director and Rob McFee, Division Director of Engineering and Infrastructure re: Hilton Head Airport Drainage Improvements

October 3, 2011

- J. L. Richardson property condemnation court case
- Natural Resources and Government Committee meetings (unable to attend due to a scheduling conflict)

October 4, 2011

- Bus Livability grant project meeting
- Meeting with Dick Stewart, of 303 Associates

October 5, 2011

- Agenda review (unable to attend due to a scheduling conflict)

October 6, 2011

- Continuation of J. L. Richardson property condemnation court case

October 7, 2011

- Meeting with Fred Leyda, COSY Director, and representatives from the "Sea Islands 2050" group: Colonel Mark Mykleby, Retired Pentagon Official and 2050 Chair and Executive Director Mallery Baches re: "Smart Grid Technology" Project
- Site tour of consignment shop located at Parris Island Gateway with Tony Crisciello, Division Director of Planning and Development



Memorandum

DATE: October 6, 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 September 26, 2011 through October 6, 2011:

September 26, 2011 (Monday):

- Prepare for County Council
- Meet with Rick Caporale re: BCAS
- County Council

September 27, 2011 (Tuesday):

- Meet with MIS Staff re: Issues
- Meet with Suzanne Gregory, Employee Services and Tony Criscitiello, Planning re: Building Codes Director Search
- Attend Public Facilities Committee Meeting
- Meet with councilman Stewart

September 28, 2011 (Wednesday):

- Discuss SCDOT with Maggie Hickman, Engineering
- Meet with Suzanne Gregory, Employee Services re: Benefit Calculations
- Discussions with USDA re: Library Groundbreaking Date

September 29, 2011 (Thursday):

- Meet with Donna Ownby, EMS Director re: Vehicle Run Reports and Employee Issues
- Meet with Suzanne Gregory, Employee Services and Anna Hays, Staff Services
- Work on Evaluations
- Prepare Letter to Heritage Classic Foundation
- Meet with Alicia Holland, Controller

September 30, 2011 (Friday)--Bluffton:

- Bluffton Hours A.M.
- Buckwalter Hours P.M.

October 3, 2011 (Monday):

- Meet with Gary Kubic, County Administrator
- DA Meeting
- Meet with Morris Campbell, Community Services and Tony Criscitiello, Planning re: Daufuskie
- Meet with Suzanne Gregory, Employee Services and Tony Criscitiello, Planning re: Building Codes Director
- Attend Natural Resources Committee Meeting
- Attend Governmental Committee Meeting
- Meet with Councilman Sommerville re: Beaufort Water & Soil

October 4, 2011 (Tuesday):

- Bluffton Hours A.M.
- Beaufort Hours P.M.

October 5, 2011 (Wednesday):

- Attend Agenda Review
- Meet with Building Codes Staff and Ladson Howell, Staff Attorney
- Attend Treasurer Meeting to Review Office Functions and Issues
- Meet with Dan Morgan, MIS Director re: Staffing Issues

October 6, 2011 (Thursday):

- Meet with Rob McFee, Infrastructure and Engineering Director
- Meet with Toni Lytton, Animal Control Director
- Meet with William Winn
- Prepare for County Council Meeting

October 7, 2011 (Friday):

- Attend St. Helena Library Groundbreaking Ceremony Status Meeting
- Prepare for County Council Meeting



Beaufort County, South Carolina

BIRDHOUSE 2011 TOUR

Miami to NYC !!

Live at Buckwalter Skate Park

Bluffton

August 25, 2011

4:00 p.m.

Featuring Tony Hawk

0



Event Details:

- ❖ Event lasted from 4:00 p.m. to 6:30 p.m.
- ❖ One of the truly "Feel Good" Events of the Year
- ❖ Thanks to our Local Public Safety Units
- ❖ Attendance: Approx. 2,500 Children & Adults

1



PALS Staff with Tony & Kevin:



2



Tony Hawk Signing Autographs:



3



Lots of Autographs:



4



Kevin Staab Signing Autographs:



5



The Interview with Tony Hawk



6



The Interview with Kevin:



7



The Crowd:



8



More Crowd:



9



The Crowd—Video to Follow:



[Video](#)

10



The End

11

Budget FY 2012
as of 10/06/2011

Description				Organization	ORG.	FINAL 2010	Unaudited FINAL 2011	Actual to date 2012	Revised Budget 2012	Adopted Budget 2012
Cultural	Wlodek	Admin	Library		64074	203,066	111,843	30,754	127,837	128,087
Cultural	Wlodek	Admin	Library		64075	91,332	92,461	22,442	91,919	91,919
Cultural	Wlodek	Admin	Library		64076	-	-	-	-	-
Cultural	Wlodek	Admin	Library		64078	888,005	395,537	85,568	579,194	579,194
Cultural	Wlodek	Admin	Library		64079	111,974	95,890	23,363	98,678	99,178
Cultural	Benefits	Fringe	Fringe Benefits-Parks & Cultural		69699	-	897,015	282,075	834,815	834,815
Transfers	Allocation	Allocation	General Funds Transfers		99100	3,993,821	3,387,565	817,026	3,184,938	3,184,938
County General Fund Budget						96,962,942	91,786,062	28,743,236	92,303,492	92,303,492
Education	Allocation	Education	Education Allocation		64399	4,716,317	4,716,300	-	4,000,000	4,000,000
Total County Budget						101,679,259	96,502,362	28,743,236	96,303,492	96,303,492

Budget FY 2012
as of 10/06/2011

Description			Organization	ORG.	FINAL 2010	Unaudited FINAL 2011	Actual to date 2012	Revised Budget 2012	Adopted Budget 2012
Public Works	Roseneau	Admin	Bldg Facilities Maint	33030	1,034,490	1,070,643	243,033	1,061,572	1,061,572
Public Works	Roseneau	Admin	Grounds North	33040	1,328,895	1,061,342	296,204	1,759,275	1,759,275
Public Works	Roseneau	Admin	Grounds South	33042	1,111,226	877,045	165,803	-	-
Public Works	Bellamy	Admin	Public Works General	33300	990,810	701,630	182,299	709,671	709,671
Public Works	Bellamy	Admin	Public Works Roads North	33301	1,048,771	873,667	207,438	801,181	801,181
Public Works	Bellamy	Admin	Public Works Roads South	33302	588,352	602,973	106,718	539,706	539,706
Public Works	Bellamy	Admin	Public Works Admin	33305	371,265	279,610	73,567	248,018	248,018
Public Works	Klink	Admin	Engineering	33320	450,071	304,608	62,750	338,283	338,283
Public Works	Minor	Admin	SWR- Adm	33390	5,011,077	4,361,384	3,780,241	4,744,454	4,744,454
Public Works	Minor	Admin	SWR- Beaufort	33391	-	-	-	-	-
Public Works	Minor	Admin	SWR- Port Royal	33392	-	-	-	-	-
Public Works	Minor	Admin	SWR-HHI	33393	104,191	108,391	25,423	100,693	100,693
Public Works	Minor	Admin	SWR- Bluffton	33394	156,074	143,157	38,963	145,790	145,790
Public Works	Minor	Admin	SWR-Burton	33395	156,532	165,616	35,315	177,521	177,521
Public Works	Minor	Admin	SWR-Ladys Isl (7)	33396	33,298	203	-	49,356	49,356
Public Works	Minor	Admin	SWR- St., Helena (8)	33397	143,143	137,139	35,086	163,455	163,455
Public Works	Minor	Admin	SWR- Sheldon	33398	107,353	109,882	28,812	101,993	101,993
Public Works	Benefits	Fringe	Fringe Benefits-Public Works	39399	-	1,382,469	484,113	1,429,893	1,429,893
Public Health	Lytton	Admin	Animal Shelter	43180	899,340	758,681	227,262	774,061	774,061
Public Health	Hunt	Admin	Mosquito Control	43190	1,714,086	1,087,662	378,499	1,091,325	1,091,325
Public Health	Kubic	Admin	Environmental Sciences	43195	5,000	-	-	-	-
Public Health	Allocation	Fringe	Public Health Subsidy	44199	2,630,740	2,582,740	678,126	1,800,511	1,800,511
Public Health	Benefits	Admin	Fringe Benefits-Public Health	49499	-	301,388	110,133	325,265	325,265
Public welfare	Ray	Admin	Veterans	54050	194,205	139,787	35,670	143,034	143,034
Public welfare	Campbell	State	Social Services	54060	196,105	197,470	35,410	195,700	195,700
Public welfare	Campbell	Allocation	Public Welfare	54299	481,320	498,330	2,090	540,000	540,000
Public welfare	Benefits	Fringe	Fringe Benefits-Public Welfare	59599	-	37,170	10,029	29,572	29,572
Cultural	Penale	Admin	PALS	63310	407,865	361,474	62,294	284,628	264,628
Cultural	Penale	Admin	PALS	63311	143,279	158,241	94,416	120,450	120,450
Cultural	Penale	Admin	PALS	63312	1,177,361	1,041,870	226,542	924,044	924,044
Cultural	Penale	Admin	PALS	63313	80,000	80,000	20,145	80,000	80,000
Cultural	Penale	Admin	PALS	63314	900,237	792,279	134,007	145,500	145,500
Cultural	Penale	Admin	PALS	63316	523,068	396,397	141,077	847,492	917,492
Cultural	Penale	Admin	PALS	63317	854,749	611,770	140,663	767,584	717,584
Cultural	Wlodek	Admin	Library	64070	870,732	639,511	155,918	656,166	651,416
Cultural	Wlodek	Admin	Library	64071	651,413	509,831	123,781	511,847	512,347
Cultural	Wlodek	Admin	Library	64072	771,287	557,819	111,191	507,772	509,022
Cultural	Wlodek	Admin	Library	64073	707,536	613,005	140,919	570,153	572,403

Budget FY 2012
as of 10/06/2011

Description				Organization	ORG.	FINAL 2010	Unaudited FINAL 2011	Actual to date 2012	Revised Budget 2012	Adopted Budget 2012
General	Hughes	Admin	Assessor		12041	-	-	-	-	-
General	Hughes	Admin	Register of Deeds		12050	548,074	442,381	182,330	469,563	469,563
General	Mitchell	Admin	Risk Mgmt		12060	135,647	92,181	20,673	96,495	96,495
General	Davis	State	Delegation		12080	83,625	66,791	16,827	67,535	67,535
General	Criscitello	Admin	Zoning		13330	240,290	193,207	52,604	204,643	204,643
General	Criscitello	Admin	Planning		13340	852,797	706,078	177,753	696,539	696,539
General	Criscitello	Admin	Planning (Comp Plan)		13341	60,253	398,141	121,721	126,475	126,475
General	Morgan	Admin	GIS Map		13350	595,825	447,437	98,570	407,316	407,316
General	Campbell	Admin	Community Service		14000	208,001	122,782	40,470	127,785	127,785
General	Hayes	Admin	Staff Services		14010	432,565	379,669	116,297	353,193	353,193
General	Gregory	Admin	Employee Services		14020	936,766	910,938	247,703	872,760	872,760
General	Keough	Admin	Records Management		14030	199,101	146,795	47,806	208,385	208,385
General	Starkey	Admin	Finance		15010	546,441	529,164	164,647	593,166	593,166
General	Thomas	Admin	Purchasing		15040	248,317	227,897	64,505	235,383	235,383
General	Stephens	Admin	Business License		15050	474,360	153,816	14,304	97,537	97,537
General	Morgan	Admin	MIS		15060	2,504,079	1,888,131	806,608	2,360,307	2,360,307
General	Morgan	Admin	MIS		15061	1,128	-	-	-	-
General	McFee	Admin	Public Works		17000	256,898	207,564	52,477	205,382	205,382
General	Benefits	Fringe	Fringe Benefits-General Govt		19199	-	2,101,252	736,180	2,177,360	2,177,360
Public Safety	Tanner	Elected	Sheriff		21050	-	-	-	-	-
Public Safety	Tanner	Elected	Sheriff		21051	6,935,326	7,106,375	1,650,629	6,567,860	6,567,860
Public Safety	Tanner	Elected	Sheriff		21052	12,051,225	12,188,727	2,839,985	10,655,494	10,655,494
Public Safety	Tanner	Elected	Sheriff		21053	-	-	196,303	555,457	555,457
Public Safety	Tanner	Elected	Sheriff		21054	-	-	-	-	-
Public Safety	Tanner	Elected	Sheriff		21055	1,420,920	1,316,375	287,161	1,302,274	1,302,274
Public Safety	Ferguson	Admin	Emergency Management		23140	665,401	479,634	161,722	440,327	440,327
Public Safety	Ferguson	Admin	Emergency Management		23141	-	-	-	-	-
Public Safety	Ferguson	Admin	Emergency Management		23142	5,393	152,301	33,271	91,586	91,586
Public Safety	Zioli	Admin	Emergency Management - Comm		23150	4,256,015	4,212,652	2,516,626	4,602,211	4,602,211
Public Safety	Runnion	Admin	Emergency Management - DATA		23155	1,076,177	819,645	149,414	692,857	692,857
Public Safety	Ferguson	Admin	EMS		23160	5,959,606	5,080,321	1,292,442	4,898,239	4,898,239
Public Safety	Ferguson	Admin	Detention Center		23170	6,409,241	5,556,794	1,507,411	5,433,000	5,433,000
Public Safety	Kinton	Admin	Traffic-Signal Management		23322	303,325	276,816	60,342	307,314	307,314
Public Safety	Kinton	Admin	Traffic-Signal Management		23323	128,249	105,519	69,962	116,000	116,000
Public Safety	Ferguson	Admin	Building Codes		23360	1,311,688	951,547	172,513	624,837	624,837
Public Safety	vacant	Admin	Building Codes		23361	-	-	42,060	219,393	219,393
Public Safety	Benefits	Fringe	Fringe Benefits-Public Safety		29299	-	2,447,228	1,832,655	5,372,376	5,372,376
Public Works	Roseneau	Admin	Facilities Management		33020	2,443,107	2,104,691	511,285	2,055,403	2,055,403

Budget FY 2012
as of 10/06/2011

Description			Organization	ORG.	FINAL 2010	Unaudited FINAL 2011	Actual to date 2012	Revised Budget 2012	Adopted Budget 2012
41***			Taxes	41	(72,781,606)	(73,219,927)	(2,200,828)	(72,130,243)	(72,130,243)
42***			Licenses/Permits	42	(2,406,781)	(2,324,229)	(524,998)	(2,567,500)	(2,567,500)
43***			Intergovernmental	43	(7,840,692)	(7,206,532)	(87,720)	(7,422,875)	(7,422,875)
44***			Charges for Services	44	(10,871,665)	(10,955,417)	(1,474,363)	(11,226,774)	(11,226,774)
45***			Fines & Forfeitures	45	(1,114,193)	(836,282)	(144,228)	(953,000)	(953,000)
46***			Interest	46	(535,064)	(172,209)	(18,728)	(141,000)	(141,000)
47***			Miscellaneous	47	(784,642)	(822,952)	(145,267)	(705,600)	(705,600)
48***			Other Finance Sources	48	(2,754,898)	(1,428,891)	-	(1,156,500)	(1,156,500)
Revenue					(99,089,541)	(96,966,440)	(4,596,132)	(96,303,492)	(96,303,492)
General	Newton	Elected	Council	11000	635,734	642,731	129,903	623,982	623,982
General	Burris	Elected	Auditor	11010	643,652	539,431	128,452	623,510	623,510
General	Henderson	Elected	Treasurer	11020	808,954	819,081	165,392	645,070	645,070
General	Henderson	Elected	Treasurer	11021	1,327,648	490,214	-	481,000	481,000
General	Roseneau	Elected	Clerk of Court	11030	963,474	840,140	165,291	831,574	831,574
General	Roseneau	Elected	Clerk of Court	11031	337,080	215,458	71,581	249,668	249,668
General	Simon	Elected	Probate	11040	849,174	730,972	184,987	756,659	756,659
General	Allen	Elected	Coroner	11060	373,890	319,807	81,583	391,938	391,938
General	Smith	State	Magistrate	11100	34,356	652	-	-	-
General	Smith	State	Magistrate	11101	685,920	661,303	167,654	606,062	606,062
General	Smith	State	Magistrate	11102	529,107	359,034	97,662	401,125	401,125
General	Smith	State	Magistrate	11103	64,207	65,052	16,925	66,618	66,618
General	Smith	State	Magistrate	11104	82,777	82,868	20,770	82,508	82,508
General	Smith	State	Magistrate	11105	84,396	80,491	22,036	90,681	90,681
General	Smith	State	Magistrate	11106	79,900	102,164	30,154	101,058	101,058
General	Smith	State	Master in Equity	11110	309,433	284,528	73,375	295,937	295,937
General	Allocation	Allocation	General Government Subsidies	11199	1,631,125	1,364,350	259,447	1,128,340	1,128,340
General	Kubic	Admin	County Administrator	12000	919,541	589,829	152,142	567,747	567,747
General	Criscitiello	Admin	Housing	12003	3,750	-	-	-	-
General	Larson	Admin	PIO	12005	386,010	96,754	19,790	85,218	85,218
General	Grooms	Admin	Broadcast Services	12006	-	174,990	59,110	221,467	221,467
General	Gruber	Admin	Staff Attorney	12010	556,119	559,071	129,266	497,661	497,661
General	Spells	Admin	Internal Audit	12015	111,710	31,103	12,768	66,091	66,091
General	Hood	State	Public Defender	12020	-	-	-	-	-
General	Marshall	Admin	Voter Registration	12030	694,812	563,561	149,927	598,260	598,260
General	Marshall	Admin	Voter Registration	12031	(1,050)	211	820	-	-
General	Hughes	Admin	Assessor	12040	2,429,315	1,833,928	463,781	2,053,520	2,053,520

AIRPORTS UPDATE

OCT 10, 2011

BEAUFORT COUNTY AIRPORT

- **MASTER PLAN**
 - **Draft Report Distributed to Elected Officials/Airports Board**
 - **Joint Presentation to County/City Councils**
 - **Submission to FAA / State for Review/Approval**

BEAUFORT COUNTY AIRPORT (CONT)

- **TREE OBSTRUCTIONS**

- **FAA Resolving SCE&G Power Pole Issues**

- **Over 600 Tree Obstructions Remain**

- **Additional FAA Grant Funding to be Requested Next Year**

- **Property Owner Mediation Oct 11, 2011**

HILTON HEAD ISLAND AIRPORT

- **MASTER PLAN**

- **FAA Approval Received Sept 9, 2011**

- **FAA Grant Funding Received for EA/BCA**

HILTON HEAD ISLAND AIRPORT (CONT)

- **TREE OBSTRUCTIONS**

- **Runway 21 On-Airport (1,400 Trees)**

Circuit Court Denied Motion to Reconsider

Pending Further Appeal

Work Stay Lifted / Project Underway

HILTON HEAD ISLAND AIRPORT (CONT)

- **Runway 21 Off-Airport (1,000 Trees)**

Project Plans / Specifications Ready

FAA Grant Funding Received

Avigation Easements Still Needed

- **Runway 03 Off-Airport Tree Removal Design to 34:1 Slope Underway**

HILTON HEAD ISLAND AIRPORT (CONT)

- **Runway 03 Off-Airport Tree Removal
FAA Grant Funding Next Year**
- **AIRCRAFT RESCUE & FIREFIGHTING
FACILITY (ARFF)**
 - **Punchlist Items Complete**
 - **Certificate of Compliance Issued**
 - **Certificate of Occupancy Issued**

AIRCRAFT RESCUE & FIREFIGHTING FACILITY (CONT)

- **Ordering Remaining Specialized Equipment**
- **Compiling Closeout Documentation**

AIRCRAFT RESCUE & FIREFIGHTING FACILITY (CONT)



AIRCRAFT RESCUE & FIREFIGHTING FACILITY (CONT)



HILTON HEAD ISLAND AIRPORT (CONT)

- **RUNWAY SAFETY AREA DRAINAGE IMPROVEMENTS**
 - **Construction Permit Issued By Town**
 - **Taxiway F Pavement Settling Repair Underway**
 - **Coordinating with FAA / Contractor Regarding Design Modification**

HILTON HEAD ISLAND AIRPORT (CONT)

- **DESIGN PROJECTS**
 - **Commercial Terminal Improvements Pending**
 - **Runway Lighted Sign Relocation Design Underway**
- **PASSENGER FACILITY CHARGE (PFC) PROGRAM**
 - **Application Preparation Underway**
 - **Target Implementation Date Mar 1, 2012**

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NO. 2011-25 SO AS TO ALLOW FOR THE RENUMBERING OF THE ELEVEN SEPARATE BEAUFORT COUNTY COUNCIL DISTRICTS AND BEAUFORT COUNTY BOARD OF EDUCATION DISTRICTS.

WHEREAS, Beaufort County Council adopted Ordinance Number 2011-25 on September 12, 2011; and

WHEREAS, the adoption of Ordinance Number 2011-25 provided for the redistricting of the eleven separate Beaufort County Council District and the Beaufort County Board of Education Districts; and

WHEREAS, Beaufort County Council believes that it is in the best interest of its citizens to renumber the eleven separate Beaufort County Council Districts and Beaufort County Board of Education Districts in ascending order generally from North to South within the geographic boundaries of Beaufort County so as to provide greater clarity and uniformity in the labeling of these districts.

NOW, THEREFORE, BE IT ORDAINED by Beaufort County Council that Ordinance No. 2011-25 is amended to renumber the eleven separate Beaufort County Council Districts and Beaufort County Board of Education Districts in the following order:

(A) DISTRICT ONE (1) SHELDON – DALE- LOBECO – BURTON:

Beginning at the intersection of Trask Parkway and Parris Island Gateway; thence south to County Shed Road; thence west to Eastman Road; thence south crossing and parallel to the east side of Parris Island Gateway southerly to Horton Road; thence east to the northeast corner of Census Block 2037; thence south to Robert Smalls Parkway; thence southwesterly to WK Alston Drive; thence north to Broad River Boulevard; thence southwesterly to Joe Frazier Road; thence northwesterly along Joe Frazier Road to Laurel Bay Road; thence northwesterly to Laurel Bay Boulevard; thence northeasterly to Albacore Street; thence northwesterly to north of Althea Street; thence northeasterly following Althea Street to Crusaders Crossing; thence south to Silver Eagles Way; thence northeasterly to Swamp Fox Trail; thence north to Enduring Freedom Parkway; thence southwesterly to the intersection with Hawks Landing; thence northeasterly to easternmost point of Census Block 1000; thence following the north border of Laurel Bay Military Housing to the Broad River; thence northwesterly to the mouth of the Pocotaligo River; thence along the Pocotaligo River, following the western boundary of Beaufort County to the northern boundary of Beaufort County; thence northeasterly along the northern boundary of Beaufort County to the Combahee River, which describes the northeastern boundary of Beaufort County; thence winding along the Combahee River southeasterly to where the Combahee River meets the Coosaw River; thence westerly along the Coosaw River to Brickyard Creek; thence southwesterly along Brickyard Creek to the eastern boundary of the Marine Corp Air Station; thence northwesterly to

Perryclear Drive; thence following the north boundary of the Marine Corp Air Station westerly to Trask Parkway; thence southeasterly to the intersection of Trask Parkway and Parris Island Gateway, the point of beginning.

(B) DISTRICT TWO (2) MCAS – BEAUFORT – LADY’S ISLAND – FRIPP ISLAND:

Beginning at the intersection of the north boundary of the Marine Corp Air Station at Trask Parkway; thence southeasterly to the intersection of Trask Parkway and Parris Island Gateway; thence south to County Shed Road; thence west to Eastman Road; thence south crossing and parallel to the east side of Parris Island Gateway southerly to Horton Road; thence east to the northeast corner of Census Block 2037; thence south to Robert Smalls Parkway; thence northeasterly to the western-most point of Census Block 2049; thence southeast to Salem Road; thence northeast to Salem Farm Road; thence north to Robert Smalls Parkway; thence northwesterly to the intersection of Neil Road and Robert Smalls Parkway; thence north to Boundary Street; thence west to the southwest corner of Census Block 1048; thence north to Albergotti Creek; thence northeasterly to where Albergotti Creek meets the Beaufort River; thence south to the intersection of Marshe Point and Greenlawn Drive; thence south to Boundary Street; thence east to Sycamore Street; thence north along Sycamore Street; thence east on Oconnell Street; thence north to Palmetto Street; thence east along Park Avenue; thence south along Lafayette Street; thence east along National Street; thence south along Rodgers Street; thence east along Boundary Street; thence south along Scott Street; thence west along Duke Street; thence south along West Street; thence south along the West Street Extension through Waterfront Park and south into the Beaufort River, thence east to the Woods Memorial Bridge; thence southeasterly along Sea Island Parkway to the intersection of Sunset Boulevard; thence northeasterly along Sunset Boulevard; thence southeasterly along Factory Creek Road; thence northeasterly along Sam’s Point Road to the intersection with Fairfield Road; thence southeasterly along Fairfield Road; thence northeasterly along Little Capers Road to a driveway projecting on the east side of Little Capers Road between Surf Drive and Sandy Lane; thence east to Lucky Point Creek; thence south to Jenkins Creek; thence following the winding of Jenkins Creek to a small branch of Jenkins Creek as it turns to the south; thence to the west to intersect with Polowana Road; thence south to Old Polowana Road; thence southeast to Sea Island Parkway; thence easterly to Eddings Point Road; thence northeasterly to the Morgan River; thence east to the eastern shore of Eddings Point Creek; thence following the winding of Eddings Point Creek southeasterly to Dulamo Bluff Road; thence to the intersection with Sun Dog Lane; thence to the intersection of Dulamo Road and St Helenville Road; thence northeasterly to Village Creek; thence following the winding of Village Creek southeasterly to the northern point of Census Block 3040; thence easterly along Village Creek to the intersection of Fripp Point Road and Kingston Key Road; thence along the eastern shore of Village Creek to the end of Kingston Key Road, northeast, and back along the eastern side of Kingston Key Road to Fripp Point Road; thence northeasterly along Fripp Point Road to Coffin Creek; thence winding along Coffin Creek to St Helena Sound; thence southeasterly along the shoreline to the intersection of Avenue of Oaks; thence following Avenue of Oaks southwest; thence

southeasterly along Tom and Mike Road; thence southwesterly along John and Fostine Road; thence to Cee Cee Road; thence southeast to Sea Island Parkway; thence southeasterly along Sea Island Parkway to the western shore of the Harbor River; thence along the western shore of the Harbor River to Trenchard's Inlet; thence southwesterly to the Atlantic Ocean; thence northeasterly along the southeastern shoreline of Capers Island, Pritchard's Island, Fripp Island, Hunting Island, and Harbor Island to St Helena Sound; thence northwesterly along the northeastern shore of Morgan Island to the Coosaw River; thence westerly along the Coosaw River to Brickyard Creek; thence southwesterly along Brickyard Creek to the eastern boundary of the Marine Corp Air Station; thence northwesterly to Perryclear Drive; thence following the north boundary of the Marine Corp Air Station westerly to Trask Parkway, the point of beginning.

(C) DISTRICT THREE (3) BEAUFORT – LADY'S ISLAND – ST HELENA ISLAND – PARRIS ISLAND:

Beginning at the Woods Memorial Bridge in the Beaufort River; thence; thence southeasterly along Sea Island Parkway to the intersection of Sunset Boulevard; thence northeasterly along Sunset Boulevard; thence southeasterly along Factory Creek Road; thence northeasterly along Sam's Point Road to the intersection with Fairfield Road; thence southeasterly along Fairfield Road; thence northeasterly along Little Capers Road to a driveway projecting on the east side of Little Capers Road between Surf Drive and Sandy Lane; thence east to Lucky Point Creek; thence south to Jenkins Creek; thence following the winding of Jenkins Creek to a small branch of Jenkins Creek as it turns to the south; thence to the west to intersect with Polowana Road; thence south to Old Polowanna Road; thence southeast to Sea Island Parkway; thence easterly to Eddings Point Road; thence northeasterly to the Morgan River; thence east to the eastern shore of Eddings Point Creek; thence following the winding of Eddings Point Creek southeasterly to Dulamo Bluff Road; thence to the intersection with Sun Dog Lane; thence to the intersection of Dulamo Road and St Helenville Road; thence northeasterly to Village Creek; thence following the winding of Village Creek southeasterly to the northern point of Census Block 3040; thence easterly along Village Creek to the intersection of Fripp Point Road and Kingston Key Road; thence along the eastern shore of Village Creek to the end of Kingston Key Road, northeast, and back along the eastern side of Kingston Key Road to Fripp Point Road; thence northeasterly along Fripp Point Road to Coffin Creek; thence winding along Coffin Creek to St Helena Sound; thence southeasterly along the shoreline to the intersection of Avenue of Oaks; thence following Avenue of Oaks southwest; thence southeasterly along Tom and Mike Road; thence southwesterly along John and Fostine Road; thence to Cee Cee Road; thence southeast to Sea Island Parkway; thence southeasterly along Sea Island Parkway to the western shore of the Harbor River; thence along the western shore of the Harbor River to Trenchard's Inlet; thence southwesterly to the Atlantic Ocean; thence along the south shore of St Phillip's Island; thence northwesterly in Port Royal Sound to the mouth of Archer's Creek on the western side of the Marine Corp Recruiting Depot at Parris Island; thence southeasterly along the western shore of Parris Island to the intersection at Wake Boulevard and Guam Circle; thence northeasterly along Wake Boulevard; thence east along Malecon Drive; thence east along Boulevard de France; thence north along Santa Domingo Street; thence

north of Corregidor Street; thence southeasterly along Mexico Street; thence southwest along Tripoli Street; thence southerly along Cuba Street; thence along Balast Creek to the eastern shore of Parris Island at the Beaufort River; thence northerly along the Beaufort River to the intersection of Ribaut Road and Reynolds Street; thence north to the intersection of Ribaut Road and Bay Street; thence northeast to the intersection of Bay Street and North Street; thence west along North Street to North Hermitage Road; thence south on North Hermitage Road to the former Yemassee – Port Royal Railroad Line; thence northwesterly to the intersection of Neil Road and Robert Smalls Parkway; thence north to Boundary Street; thence west to the southwest corner of Census Block 1048; thence north to Albergotti Creek; thence northeasterly to where Albergotti Creek meets the Beaufort River; thence south to the intersection of Marshe Point and Greenlawn Drive; thence south to Boundary Street; thence east to Sycamore Street; thence north along Sycamore Street; thence east on Oconnell Street; thence north along Palmetto Street; thence east along Park Avenue; thence south along Lafayette Street; thence east along National Street; thence south along Rodgers Street; thence east along Boundary Street; thence south along Scott Street; thence west along Duke Street; thence south along West Street; thence south along the West Street Extension through Waterfront Park and south into the Beaufort River, thence east to the Woods Memorial Bridge that is the point of beginning.

(D) DISTRICT FOUR (4) TOWN OF PORT ROYAL – SHELL POINT – PARRIS ISLAND:

Beginning at the intersection of North Street and Bay Street; thence west along North Street to North Hermitage Road; thence south on North Hermitage Road to the former Yemassee – Port Royal Railroad Line; thence northwesterly to the intersection of Neil Road and Robert Smalls Parkway; thence southwest along Robert Smalls Parkway to Salem Farm Road; thence south along Salem Farm Road to the northern border of Census Block 2056; thence southeasterly to Battery Creek; thence winding southwesterly along Battery Creek to an unnamed inlet along the eastern border of Pickett Fences subdivision; thence along the north border of Pickett Fences subdivision to Parris Island Gateway; thence south along Parris Island Gateway; thence east along the northern border of Dowlingwood subdivision; thence southeasterly along the eastern border of Dowlingwood subdivision to the intersection of Parris Island Gateway and Savannah Highway; thence northwesterly along Savannah Highway to the intersection with Grober Hill Road; thence west to Robert Smalls Parkway; thence southwesterly to the Broad River thence southeasterly along the shoreline to where Archer's Creek empties into the Broad River from the east, along the western shore of the Marine Corp Recruiting Depot at Parris Island; thence southeasterly along the western shore of Parris Island to the intersection at Wake Boulevard and Guam Circle; thence northeasterly along Wake Boulevard; thence east along Malecon Drive; thence east along Boulevard de France; thence north along Santa Domingo Street; thence north of Corregidor Street; thence southeasterly along Mexico Street; thence southwest along Tripoli Street; thence southerly along Cuba Street; thence along Balast Creek to the eastern shore of Parris Island at the Beaufort River; thence northerly along the Beaufort River to the intersection of Ribaut Road and Reynolds Street; thence north to the intersection of Ribaut Road and

Bay Street; thence northeast to the intersection of Bay Street and North Street, which is the point of beginning.

(E) DISTRICT FIVE (5) OKATIE – BURTON – SHELL POINT:

Beginning at the intersection of Salem Road and Salem Farm Road; thence south to the southern-most point of Census Block 2049; thence northwest to Robert Smalls Parkway; thence southwesterly to WK Alston Drive; thence north to Broad River Boulevard; thence southwesterly to Joe Frazier Road; thence northwesterly along Joe Frazier Road to Laurel Bay Road; thence northwesterly to Laurel Bay Boulevard; thence northeasterly to Albacore Street; thence northwesterly to north of Althea Street; thence northeasterly following Althea Street to Crusaders Crossing; thence south to Silver Eagles Way; thence northeasterly to Swamp Fox Trail; thence north to Enduring Freedom Parkway; thence southwesterly to the intersection with Hawks Landing; thence northeasterly to easternmost point of Census Block 1000; thence following the north border of Laurel Bay Military Housing to the Broad River; thence southwesterly to Coles Creek; thence along the western shore of Buzzard Island to Euhaw Creek; thence following the winding of Euhaw Creek to Hazzard Creek; thence following Hazzard Creek southwesterly to an unnamed inlet northeast of the BJWSA Water Treatment Plant; thence southwesterly to Chelsea Plantation Drive/Snake Road; thence southeasterly to Okatie Highway; thence southwesterly to Old Bailey's Road, following Old Bailey's Road as the boundary of Beaufort County, back north to Okatie Highway; thence west to Camp Saint Marys Road; thence south to Okatie Bluff Road; thence west along Camp Saint Marys Road to the intersection with the Okatee River; thence southeasterly to the Colleton River; thence following the Colleton River along the west and south shores of Callawassie Island to Callawassie Creek; thence along the south and east shores of Spring Island to the Chechessee River; thence southeasterly along the western and southern shores of Daws Island to the Broad River; thence following the eastern shore of Daws Island north to the Broad River Bridge, that is Robert Smalls Parkway; thence northeasterly to Savannah Highway; thence east to the intersection with Grober Hill Road; thence southeasterly along Savannah Highway to Parris Island Gateway; thence north and then east along the north and east borders of Dowlingwood subdivision to Parris Island Gateway; thence north along Parris Island Gateway to the north border of Picket Fences subdivision; thence southeasterly along an unnamed inlet to the main channel of Battery Creek; thence northerly along Battery Creek to the intersection with Salem Farm Road; thence northwest to the intersection of Salem Farm Road and Salem Road, the point of beginning.

(F) DISTRICT SIX (6) SUN CITY – OKATIE – PINCKNEY COLONY:

Beginning at the intersection of Okatie Highway and Camp Saint Marys Road; thence south to Okatie Bluff Road; thence west along Camp Saint Marys Road to the intersection with the Okatee River; thence southeasterly to the Colleton River; thence following the Colleton River along the west and south shores of Callawassie Island to Callawassie Creek; thence south to the eastern end of Crane Island ; thence westerly along the southern shore of Crane Island to an unnamed inlet north of Rose Hill

Plantation along the Colleton River; thence southwesterly to the intersection with Pinckney Colony Drive; thence south to Fording Island Road; thence northwesterly to the eastern extremity of Cecil Reynolds Drive thence west to the intersection of Cecil Reynolds Drive and Okatie Highway; thence southwesterly along Okatie Highway to May River Road; thence westerly to the intersection of May River Road and the New River, that is the western border of Beaufort County; thence northerly along the western boundary of Beaufort County, which is also the western boundary of Sun City to the northern border of University Park; thence easterly to Okatie Highway; thence northerly along Okatie Highway to the intersection of Okatie Highway and Highway 462, that is Lowcountry Drive; thence easterly along Okatie Highway to the intersection of Camp Saint Marys Road and Okatie Highway, which is the point of beginning.

(G) DISTRICT SEVEN (7) BUCKWALTER IN BLUFFTON:

Beginning at the intersection of Cecil Reynolds Drive and Okatie Highway; thence southwesterly along Okatie Highway to May River Road; thence southeasterly to the intersection of May River Road and the west fork of Stoney Creek; thence northeasterly to the southern border of Hampton Lake subdivision; thence east along the southern border of Hampton Lake subdivision to Old Miller Road; thence south to the northwest corner of Census Block 1012; thence east to the northeast corner of Census Block 1012; thence south to May River Road; thence northeasterly winding along May River Road to Buck Island Road; thence north to the intersection of Buck Island Road and Simmonsville Road; thence north along Buck Island Road to Fording Island Road; thence westerly to the southwest corner of Belfair Plantation; thence following the south and east boundaries of Census Blocks 1038, 1020, & 1018 northeasterly to the Colleton River; thence southwesterly to the intersection with Pinckney Colony Drive; thence south to Fording Island Road; thence northwesterly to the eastern extremity of Cecil Reynolds Drive thence west to the intersection of Cecil Reynolds Drive and Okatie Highway, the point of beginning.

(H) DISTRICT EIGHT (8) HILTON HEAD ISLAND – BLUFFTON:

Beginning where the Colleton River meets the Chechessee River; thence southeasterly along the shoreline of Port Royal Sound to the north boundary of Census Blocks 1016 & 1018; thence southwesterly along the southern boundary Census Blocks 1010 & 2001; thence following southern border of Hilton Head Plantation to William Hilton Parkway; thence southwesterly to Central Avenue; thence north to Main Street; thence northwesterly to Wilborn Road; thence northeasterly along the boundary of Hilton Head Plantation; thence following the boundary of Hilton Head Plantation northwesterly until it reaches Skull Creek; thence westerly along Skull Creek to Jenkins Island; thence south and east along the shore of Jenkins Island in to Squire Pope Road; south to William Hilton Parkway; west to Jarvis Creek and along Jarvis Creek to where Jarvis Creek meets Mackay's Creek; thence south to the May River; thence westerly along the May River to Alljoy Landing; thence north to Ulmer Road; thence northwesterly to Foreman Hill Road; thence northeasterly to the southeast corner of Census Block 1000; thence northwesterly parallel to Fording Island Road to Simmonsville Road; thence

northeasterly to the southeast corner of Census Block 1024; thence northwesterly to the northwest corner of Census Block 1025; thence southwest to the southwest corner of Census Block 1025; thence northwesterly to Westbury Park Way; thence north to Arley Way; thence northwesterly to Buck Island Road; thence northeasterly to Fording Island Road; thence westerly to the southwest corner of Belfair Plantation; thence following the south and east boundaries of Census Blocks 1038, 1020, & 1018 northeasterly to the Colleton River; thence easterly in the Colleton River to the point of beginning.

(I) DISTRICT NINE (9) BLUFFTON – PRITCHARDVILLE- DAUFUSKIE ISLAND:

Beginning at the intersection of the Beaufort County Line at the New River and May River Road; thence following the New River southeasterly as it describes the southwestern boundary of Beaufort County until it empties into Calibogue Sound at the south end of Daufuskie Island; thence northeasterly along the western shoreline of Daufuskie Island until a point half-way north along the Melrose subdivision; thence east across Calibogue Sound to the southwestern point of Hilton Head Island; thence north in Calibogue Sound along the western shore of Hilton Head Island to the point where Calibogue Sound meets the May River; thence westerly along the May River to Alljoy Landing; thence north to Ulmer Road; thence northwesterly to Foreman Hill Road; thence northeasterly to the southeast corner of Census Block 1000; thence northwesterly parallel to Fording Island Road to Simmonsville Road; thence northeasterly to the southeast corner of Census Block 1024; thence northwesterly to the northwest corner of Census Block 1025; thence southwest to the southwest corner of Census Block 1025; thence northwesterly to Westbury Park Way; thence north to Arley Way; thence northwesterly to Buck Island Road; thence southerly along Buck Island Road to where it meets Simmonsville Road; thence south to May River Road; thence west along May River Road to Kims Way, follow Kims Way north to the northeast corner of Census Block 1012; thence west to Old Miller Road; thence along the southern border of Hampton Lake; thence following the west fork of Stoney Creek southwesterly to May River Road; thence westerly along May River Road to the New River, the point of beginning.

(J) DISTRICT TEN (10) HILTON HEAD ISLAND #2:

Beginning at the intersection of William Hilton Parkway and Squire Pope Road; thence north along Squire Pope Road and thence west to Skull Creek; thence northeasterly along Skull Creek to the intersection of Squire's Gate Road and Squire Pope Road; thence southeasterly along the border of Hilton Head Plantation to Wilborn Road; thence southwesterly to Main Street; thence easterly to Central Avenue; thence south to William Hilton Parkway; thence northeasterly to southwest corner of Census Block 2044; thence northwest to the northeast corner of Census Block 2032; thence northeasterly following the southern border of Hilton Head Plantation and then the southern borders of Census Blocks 1010 & 2001 to the Atlantic Ocean; thence along the shoreline to the south shore of Fish Haul Creek; thence southeasterly to Dillon Road; thence following the northern boundary of Port Royal Plantation and along Union Cemetery Road westerly until it

meets William Hilton Parkway; thence south to Beachwood Drive, following this to its end; thence northeasterly along Census Block 4002 to Grasslawn Avenue; thence south to Folly Field Road, following this south and then west and then north along Blackberry Lane, back to Folly Field Road; thence southwesterly along Folly Field Road to Ghost Crab Way; thence south to easterly to Sand Dollar Road; thence to the intersection with Starfish Drive; thence northwesterly to Folly Field Road; thence westerly along Folly Field Road to William Hilton Parkway; thence southwesterly to Singleton Beach Road, west along Singleton Beach Place, and thence northwesterly along Census Block 2002 back to William Hilton Parkway; thence southwesterly to Shelter Cove Lane; thence north to Newport Drive; thence westerly following the boundaries of Census Blocks 1025 & 1042 to Harbourside Lane to Chamber of Commerce Drive; thence south to William Hilton Parkway; thence southwest to Marina Side Drive, thence following the north border of Census Blocks 1023, 1033, & 1034; thence northeasterly to Turkey Hill Lane; thence northeast to Shelter Cove Lane; thence northwest to Broad Creek; thence southwesterly along Broad Creek to Brams Point Road; thence northerly along east shoreline of Calibogue Sound to the mouth of Jarvis Creek; thence northeasterly along Jarvis Creek to where Squire Pope Road meets William Hilton Parkway, the point of beginning.

(K) DISTRICT ELEVEN (11) HILTON HEAD ISLAND #3:

Beginning at the intersection of the Cross Island Parkway with the south shore of Broad Creek; thence along Broad Creek westerly to where it flows out into Calibogue Sound; thence southwesterly along the shoreline to the Atlantic Ocean; thence northeasterly along the southern shoreline of Hilton Head Island to where the shoreline bends to the north; thence north along the shoreline of Hilton Head Island to the southern shore of Fish Haul Creek; thence southeasterly to Dillon Road; thence following the northern boundary of Port Royal Plantation and along Union Cemetery Road westerly until it meets William Hilton Parkway; thence south to Beachwood Drive, following this to its end; thence northeasterly along Census Block 4002 to Grasslawn Avenue; thence south to Folly Field Road, following this south and then west and then north along Blackberry Lane, back to Folly Field Road; thence southwesterly along Folly Field Road to Ghost Crab Way; thence south to easterly to Sand Dollar Road; thence to the intersection with Starfish Drive; thence northwesterly to Folly Field Road; thence westerly along Folly Field Road to William Hilton Parkway; thence southwesterly to Singleton Beach Road, west along Singleton Beach Place, and thence northwesterly along Census Block 2002 back to William Hilton Parkway; thence southwesterly to Shelter Cove Lane; thence north to Newport Drive; thence westerly following the boundaries Census Blocks 1025 & 1042 to Harbourside Lane to Chamber of Commerce Drive; thence south to William Hilton Parkway; thence southwest to Marina Side Drive; thence following the north border of Census Blocks 1023, 1033, & 1034; thence northeasterly to Turkey Hill Lane; thence northeast to Shelter Cove Lane; thence northwest to Broad Creek; thence westerly along Broad Creek to the intersection of the Cross Island Parkway with the south shore of Broad Creek, the point of beginning.

APPROVED AND ADOPTED BY THE COUNTY COUNCIL OF BEAUFORT COUNTY, SOUTH CAROLINA, ON THIS _____ DAY OF _____, 2011.

COUNTY COUNCIL OF BEAUFORT COUNTY

**BY: _____
Wm. Weston J. Newton, Chairman**

Approved as to Form:

Joshua A. Gruber, Staff Attorney

Attest:

By: Suzanne M. Rainey, Clerk to Council

First Reading, By Title Only: September 26, 2011

Second Reading:

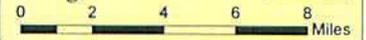
Public Hearings:

Third and Final Reading:

Beaufort County Council Districts

Prepared by
Beaufort County
GIS Division

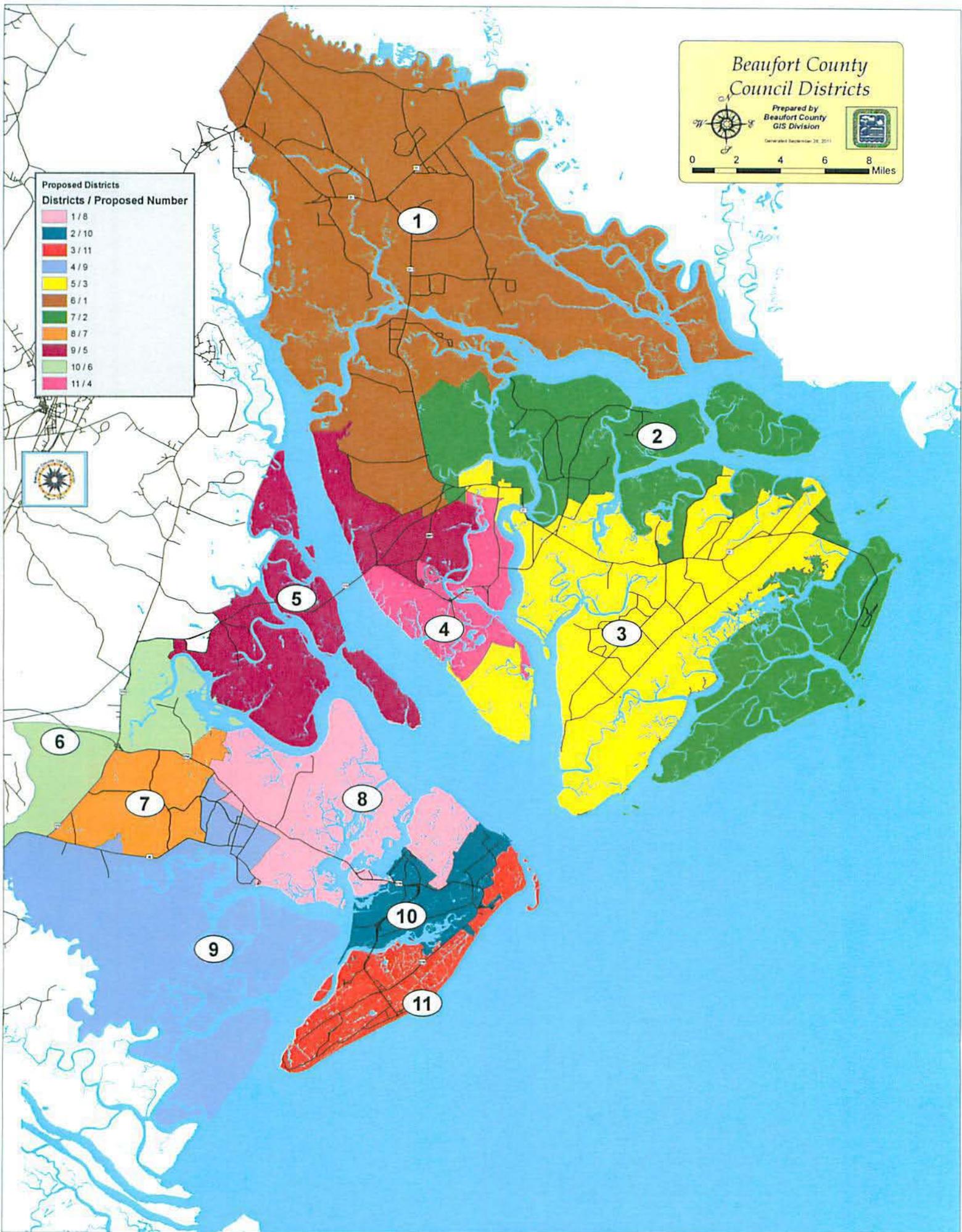
Generated September 28, 2011



Proposed Districts

Districts / Proposed Number

- 1 / 8
- 2 / 10
- 3 / 11
- 4 / 9
- 5 / 3
- 6 / 1
- 7 / 2
- 8 / 7
- 9 / 5
- 10 / 6
- 11 / 4





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

TO: Councilman Herbert Glaze, Chairman, Public Facilities Committee

VIA: Gary Kubic, County Administrator
Bryan Hill, Deputy County Administrator
David Starkey, Chief Financial Officer
Dave Thomas, Purchasing Director
Monica Spells, Compliance Officer
Rob McFee, Director, Engineering and Infrastructure Division

FROM: Paul Andres, Director of Airports PA

SUBJ: **Hilton Head Island Airport Master Plan Five Year Capital Improvement
Projects Environmental Assessment and Benefit Cost Analysis**

DATE: September 16, 2011

BACKGROUND. Talbert, Bright, and Ellington, Inc. is currently under contract to provide professional consulting and engineering services in support of Beaufort County airport projects. Attached is the proposed scope of work to prepare an Environmental Assessment and Benefit Cost Analysis needed for the Hilton Head Island Airport Master Plan's Five Year Capital Improvement Projects which include an extension of the runway to 5,000 feet. An independent fee estimate of the proposed scope of work was prepared by T. Y. Lin International, another aviation consulting firm, which is also attached for your information. The Airports Board favorably endorses this project.

FUNDING. Funding for this project will come from an existing FAA Grant #32 (95%), Account #13480-54321, Extend Runway 3/21 (Environmental Assessment), which has a current balance of \$552,939.00; a State Grant (2.5% pending); and the local 2.5% match of \$14,551.53 which will come from the Airports Operating Budget.

RECOMMENDATION. That the Public Facilities Committee approve and recommend to County Council awarding a contract in the amount of \$582,041.53 to Talbert, Bright, and Ellington, Inc. to prepare an Environmental Assessment and Benefit Cost Analysis associated with the Master Plan's Five Year Capital Improvement Projects for the Hilton Head Island Airport.

PAA/paa

Attachment: TBI Work Authorization 10-04
T. Y. Lin International Independent Fee Estimate



**COUNTY COUNCIL OF BEAUFORT COUNTY
BEAUFORT COUNTY ENGINEERING DIVISION
102 Industrial Village Road, Building #3, Beaufort, SC 29906
Post Office Drawer 1228, Beaufort, SC 29901-1228
Telephone: 843-255-2700 Facsimile: 843-255-9420**

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

VIA: Gary Kubic, County Administrator *GKubic*
 Bryan Hill, Deputy Administrator *BHill*
 David Starkey, Chief Financial Officer *DStarkey*
 Robert McFee, Director of Engineering and Infrastructure *RMcFee*
 Dave Thomas, Purchasing Director *DThomas*
 Monica Spells, Compliance Officer *MSpells*

FROM: Bob Klink, County Engineer

SUBJ: **EMERGENCY PROCUREMENT: REPAIR OF C. C. HAIGH BOAT LANDING FISHING PIER**

DATE: September 16, 2011

BACKGROUND. On April 24, 2011, to protect public health and safety, the "T" head portion of the C. C. Haigh Boat Landing Fishing Pier was closed to the public due to continued and progressive shifting of that portion of the structure. Structural analysis has confirmed that the concrete piles supporting the "T" head section are overstressed and must be replaced. Engineering plans were developed and 3 firms were contacted directly to provide cost proposals for this work to secure as much competition as practicable. These proposals are summarized below.

<u>Company Name</u>	<u>Location</u>	<u>Total Proposal Price</u>
Cape Romain Contractors, Inc.	612 Cape Romain Rd, Wando, SC	\$158,000
R. L. Morrison & Sons, Inc	623 Morrison St, McClellanville, SC	\$189,749
Alpha Construction Co	4255 Ogeechee Rd, Savannah, GA	\$228,200

Subsequent negotiations with the low proposer, Cape Romain Contractors, have resulted in a cost of \$144,000 to perform the required repairs.

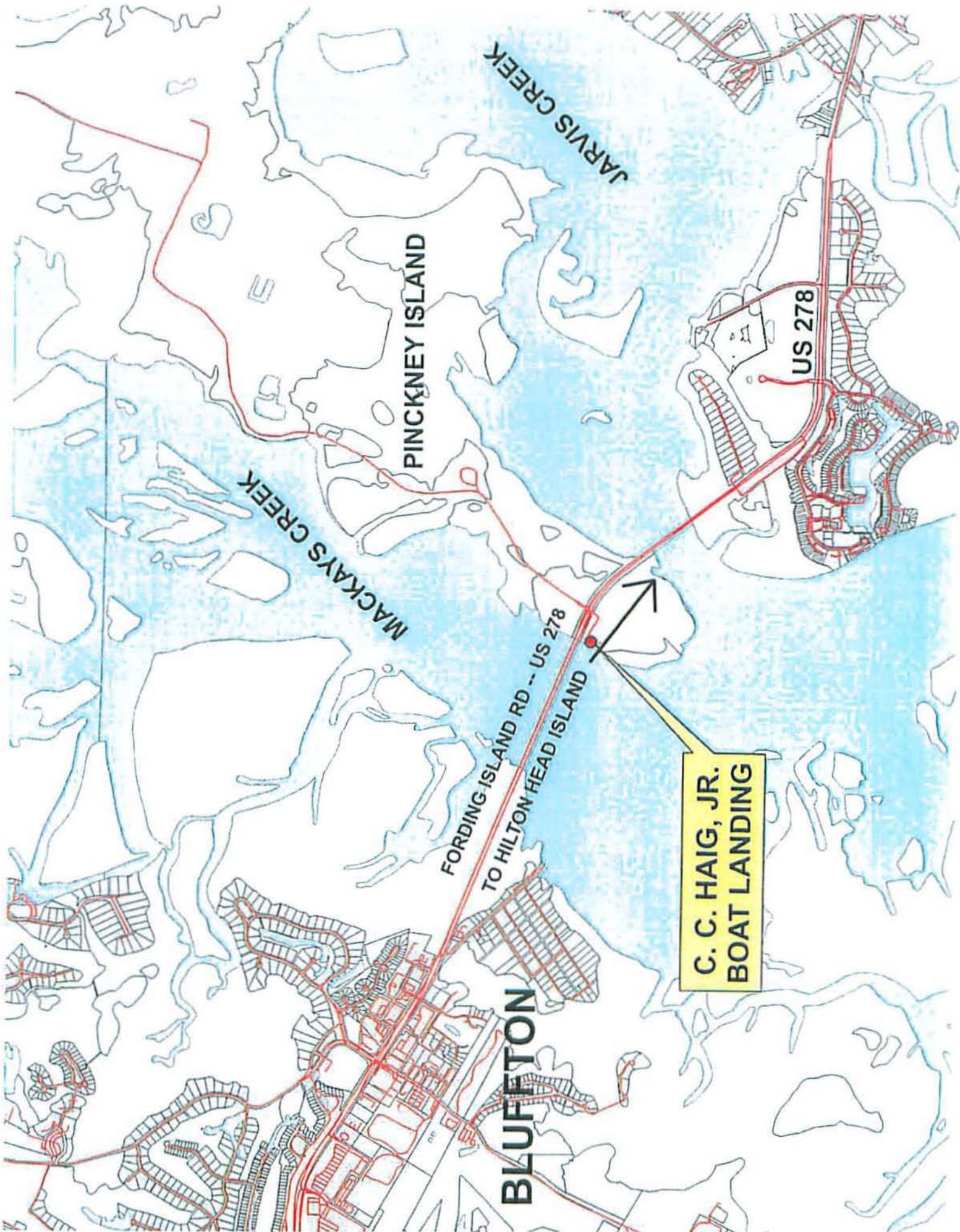
FUNDING. The funding budget for this project is recommended from the following accounts.

<u>Account Name</u>	<u>Account #</u>	<u>Balance on 9/16/11</u>	<u>Requested Funds</u>
Del Webb Boat Landing Fund	33208-54450	\$66,508	\$ 66,508
CC Haigh Boat Ramp CIP Acct	11437-54430	\$18,866	\$ 18,866
Local Accommodations Tax (Boat Ramps Section)	12216-55120	\$66,504	\$ 66,504
Total Project Budget			\$151,878

RECOMMENDATION. The Public Facilities Committee approve and recommend to County Council the award of a contract to Cape Romain Contractors, Inc. for the emergency repair of CC Haigh Boat Landing Fishing Pier for \$144,000 with funding as recommended above.

REK//mjh

Attachments: 1) 8/26/11 Cape Romain Contractors Proposal
2) Location Map



JARVIS CREEK

PINCKNEY ISLAND

US 278

MACKAYS CREEK

FORDING-ISLAND RD -- US 278
TO HILTON HEAD ISLAND

C. C. HAIG, JR.
BOAT LANDING

BLUFFTON



**COUNTY COUNCIL OF BEAUFORT COUNTY
BEAUFORT COUNTY ENGINEERING DIVISION
102 Industrial Village Road, Building #3, Beaufort, SC 29906
Post Office Drawer 1228, Beaufort, SC 29901-1228
Telephone: 843-255-2700 Facsimile: 843-255-9420**

TO: Councilman Herbert Glaze, Chairman, Public Facilities Committee

VIA: Gary Kubic, County Administrator
Bryan Hill, Deputy Administrator
David Starkey, Chief Financial Officer
Rob McFee, Director, Engineering & Infrastructure
Dave Thomas, Purchasing Director
Monica Spells, Compliance Officer

FROM: Bob Klink, County Engineer

SUBJ: **Change Order to Beaufort County Design Build Construction for Dirt Road Paving Contract #44 - Forman Hill Road (County Council District #4) RFP #2906/110130**

DATE: September 14, 2011

BACKGROUND. Beaufort County issued a Request for Proposals from qualified firms to build the Dirt Road Paving Contract #44, Forman Hill Road. The following two firms responded and provided proposals for the project on 2/10/11.

<u>PROPOSER</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
REA Contracting, LLC	42 Jeter Road, Beaufort, SC	\$491,562.65
APAC Southeast	47 Telfair Place, Savannah, GA	\$494,591.20
Engineers Estimate		\$490,000

REA submitted the most qualified/responsible proposal for the paving of Forman Hill Road at \$491,562.65. The proposal was reviewed and found to be reasonable and is in compliance with the County's SMBE Ordinance.

Project will be funded by TAG funds, Acct #3322T-54670.

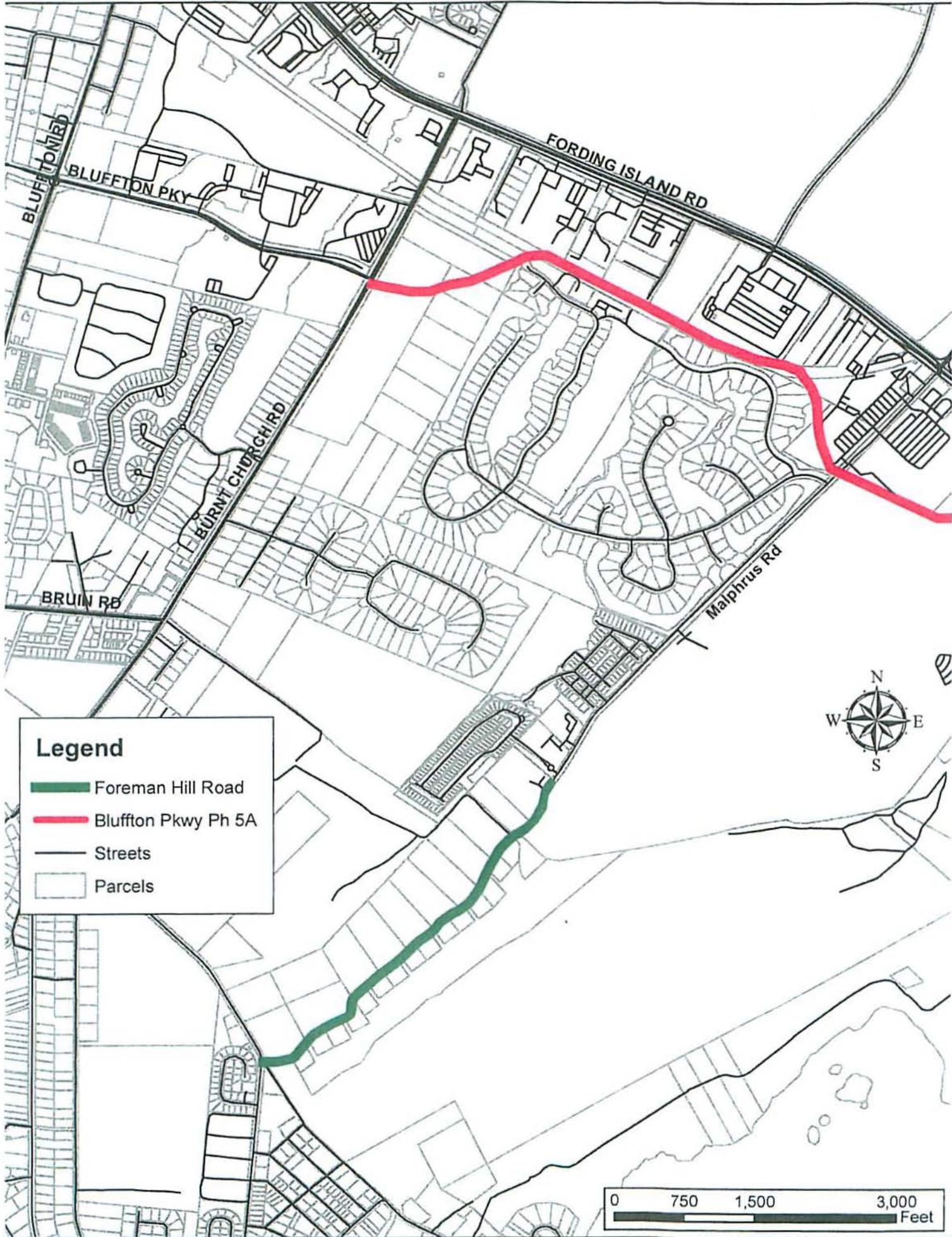
RECOMMENDATION. The Public Facilities Committee approve and recommend to County Council approval of a change order to Contract 44 to REA Contracting, LLC to build the Dirt Road Paving Contract #44, Forman Hill Road in the amount of \$491,562.65.

REK/DS/mjh

Attachments: 1) Location Map
2) 8/10/11 County Engineer Memo

cc: Eddie Bellamy

(contract/44.rds/pfcappFormanHill)



RESOLUTION

A RESOLUTION TO AMEND THE AGREEMENT FOR THE ESTABLISHMENT OF A MULTI-COUNTY INDUSTRIAL/BUSINESS PARK (CYPRESS RIDGE), BY AND BETWEEN JASPER COUNTY, SOUTH CAROLINA AND BEAUFORT COUNTY, SOUTH CAROLINA, PROVIDING FOR THE DEVELOPMENT OF A JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK, SO AS TO INCLUDE ADDITIONAL PROPERTY IN JASPER COUNTY AS PART OF THE JOINT COUNTY INDUSTRIAL PARK.

WHEREAS, Jasper County, South Carolina and Beaufort County, South Carolina (jointly the "Counties") are authorised under Article VIII, Section 13 of the South Carolina Constitution to jointly develop an industrial or business park within the geographical boundaries of one or more of the member Counties; and

WHEREAS, in order to promote the economic welfare of the citizens of the Counties by providing employment and other benefits to the citizens of the Counties, the Counties entered into an Agreement for the Establishment of a Multi-County Industrial/Business Park (Cypress Ridge) effective as of June 6, 2011 (the "Agreement"), to develop jointly an industrial and business park (the "Park"), as provided by Article VIII, Section 13 of the South Carolina Constitution and in accordance with Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended, (the "Act"); and

WHEREAS, the Agreement was initially approved by Jasper County Council by Ordinance enacted on June 6, 2011, and by Beaufort County Council by Ordinance enacted on May 9, 2011; and

WHEREAS, the Agreement contemplates the inclusion and removal of additional parcels within the Park from time to time; and

WHEREAS, the Counties desire to amend the Agreement to include an additional parcel in order to fulfil commitments made to a company which is considering expansion or location decisions;

NOW, THEREFORE, BE IT RESOLVED BY THE BEAUFORT COUNTY COUNCIL:

SECTION 1. Beaufort County hereby approves expansion of the Park premises located within Jasper County as set forth in the attached **Exhibit A**.

SECTION 2. This resolution shall take effect immediately upon its adoption by County Council.

Adopted this ___ day of _____, 2011

BEAUFORT COUNTY, SOUTH CAROLINA

By: _____
Wm. Weston J. Newton, Chairman
County Council of Beaufort County
South Carolina

ATTEST:

Clerk to County Council
Beaufort County, South Carolina

EXHIBIT A

**PROPERTY DESCRIPTION
JASPER COUNTY ADDITIONAL PARCELS**

PROPERTY DESCRIPTION FOR EACH PARCEL ADDED TO THE PARK BY THIS AMENDMENT AND INITIAL TAX YEAR (FOR TAXES WHICH WILL BE LEVIED ON PROPERTY OWNED ON DECEMBER 31 OF THE PRIOR CALENDAR YEAR).

<u>Parcels to be Added</u>	<u>Legal Description</u>	<u>Initial Tax Year</u>
Defense Management, Inc.	Parcel A (6.83 acres) and Parcel G (12.81 acres), known as [street address], located in the City of Ridgeland, Jasper County, South Carolina, and more particular described on the attached Schedule 1.	2012

SCHEDULE 1

PROPERTY DESCRIPTION

Daniel Management, Inc. Site

ALL that certain piece, parcel or tract of land, situate, lying and being in Jasper County, South Carolina, and shown and designated as "PARCEL A 6.83 ACRES" on a plat prepared by Thomas G. Stanley, Jr., PLS #18269, TGS LAND SURVEYING, entitled "A BOUNDARY SURVEY AND DIVISION OF TAX MAP #063-31-03-001, TAX MAP #63-32-04-035, TAX MAP #063-32-04-036, TAX MAP #063-032-04-037, AND TAX MAP #063-32-04-039, NEAR RIDGELAND, JASPER COUNTY, SOUTH CAROLINA" dated March 8, 2006 and recorded March 15, 2006, in Plat Book 28, Page 350-352 in the RMC Office for Jasper County, South Carolina; and

ALL that certain piece, parcel or tract of land, situate, lying and being in Jasper County, South Carolina, and shown and designated as "PARCEL G 12.81 ACRES" on a plat prepared by Thomas G. Stanley, Jr., PLS #18269, TGS LAND SURVEYING, entitled "A BOUNDARY SURVEY AND DIVISION OF TAX MAP #063-31-03-001, TAX MAP #63-32-04-035, TAX MAP #063-32-04-036, TAX MAP #063-032-04-037, AND TAX MAP #063-32-04-039, NEAR RIDGELAND, JASPER COUNTY, SOUTH CAROLINA" dated March 8, 2006 and recorded March 15, 2006, in Plat Book 28, Page 350-352 in the RMC Office for Jasper County, South Carolina.

TMS # _____

ORDINANCE

AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$50,000,000 AGGREGATE PRINCIPAL AMOUNT OF HOSPITAL REFUNDING AND IMPROVEMENT REVENUE BONDS (BEAUFORT MEMORIAL HOSPITAL) SERIES 2011; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AND LOAN AGREEMENT, A REFUNDING ESCROW DEPOSIT AGREEMENT IN CONNECTION THEREWITH; AUTHORIZING PROPER OFFICERS TO DO ALL THINGS NECESSARY OR ADVISABLE; AND OTHER MATTERS INCIDENTAL THERETO.

WHEREAS, Beaufort County, South Carolina (the "*County*"), acting by and through its County Council (the "*County Council*"), is authorized and empowered under and pursuant to the provisions of Title 44, Chapter 7, Article 11, Code of Laws of South Carolina 1976, as amended (the "*Act*"), to promote the public health and welfare by providing for the financing, refinancing, acquiring, enlarging, improving, constructing and equipping of hospital facilities (as defined in the Act) to serve the people of the State of South Carolina (the "*State*") and to make accessible to them modern and efficient hospital facilities at the lowest possible expense to those utilizing such hospital facilities; and

WHEREAS, the County is further authorized to issue revenue bonds for the purpose of defraying the cost of providing hospital facilities and to refinance or refund outstanding bonds, obligations, mortgages or advances issued, made or given by a hospital or public agency for the cost of hospital facilities; and

WHEREAS, the County is further authorized to make the proceeds of any revenue bonds available by way of a loan to a hospital or public agency pursuant to a loan agreement; and

WHEREAS, the County has heretofore issued \$28,740,000 Hospital Revenue and Refunding Bonds (Beaufort County Memorial Hospital) Series 1997, of which \$13,365,000 is currently outstanding (the "*Series 1997 Bonds*"); and

WHEREAS, the Hospital is organized and existing under the laws of the State, is empowered to operate and maintain hospital facilities, and is a "public agency" as defined in the Act; and

WHEREAS, the Hospital has deemed it necessary and desirable to acquire certain land and make improvements thereto, undertake certain additions, improvements and renovations to its hospital facilities, including the acquisition of equipment therefor, and reimbursing the Hospital for certain prior capital expenditures heretofore incurred for hospital facilities which the Hospital expressed an intent to finance (collectively, the "*Project*"); and

WHEREAS, the Hospital has deemed it necessary and desirable to refund the outstanding Series 1997 Bonds to achieve a savings in debt service; and

WHEREAS, in making the determination to refund the Series 1997 Bonds, the County has given consideration to the interest to maturity on the Series 1997 Bonds, the costs of issuance of the Series 2011 Bonds (hereinafter defined) authorized herein, a portion of the proceeds of which will be applied to refund the outstanding Series 1997 Bonds and the known earned income from the investment of a portion of the proceeds of the Series 2011 Bonds providing for refunding the Series 1997 Bonds; and

WHEREAS, the South Carolina Department of Health and Environmental Control has issued Certificates of Need with respect to those items of the Project requiring a Certificate of Need; and

WHEREAS, no certificate of need is required with respect to the refunding of the Series 1997 Bonds; and

WHEREAS, the Hospital, the County and TD Bank, N.A. propose to enter into a Bond Purchase and Loan Agreement dated as of the first day of the month in which the Series 2011 Bonds are delivered, or such other date on or before December 31, 2011 (the "*Purchase Agreement*"), with respect to the financing of the Project and the refunding of the Series 1997 Bonds; and

WHEREAS, the County desires to authorize the issuance of a series of Bonds to be designated, "Beaufort County, South Carolina, Hospital Refunding and Improvement Revenue Bonds (Beaufort Memorial Hospital) Series 2011" (the "*Series 2011 Bonds*"), for the purpose of defraying the cost of the Project, including reimbursing the Hospital for certain capital expenditures heretofore made by the Hospital which it expressed an intent to finance, and refunding the Series 1997 Bonds; and

WHEREAS, the County and the Hospital now desire to proceed with the financing; and

WHEREAS, there have been prepared and submitted to the County the forms of (a) the Purchase Agreement; (b) the Refunding Escrow Deposit Agreement (the "*Escrow Agreement*") by and among the County, the Hospital and the Paying Agent for the Series 1997 Bonds; and (c) the Tax Compliance and Non-Arbitrage Agreement to be dated the date of issuance of the Series 2011 Bonds by and between the County and the Hospital;

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

Section 1. To defray the cost of the Project, including permitting the Hospital to be reimbursed for certain capital expenditures heretofore made which the Hospital expressed an intent to finance, and to refund the Series 1997 Bonds, the issuance of hospital revenue bonds to be designated "not exceeding \$50,000,000 Beaufort County, South Carolina, Hospital Refunding and Improvement Revenue Bonds (Beaufort Memorial Hospital) Series 2011," is hereby authorized subject to the provisions of this Ordinance and the Purchase Agreement. The Series 2011 Bonds shall be dated; shall be issued in such denominations; shall be payable as to principal, interest and redemption premium, if any; shall bear interest; shall mature; shall be in the form; and shall contain provisions for execution, authentication, payment, registration, redemption and numbering as shall be set forth in the Purchase Agreement.

Section 2. The Series 2011 Bonds shall be secured by a pledge effected by the Purchase Agreement and shall be limited obligations of the County payable solely from and secured by a pledge of the gross revenues and receipts derived by the County from or in connection with the Purchase Agreement hereinafter authorized. The Series 2011 Bonds do not and shall never constitute an indebtedness of the County within the meaning of any State constitutional provision or statutory limitation and shall never constitute nor give rise to a pecuniary liability of the County or a charge against its general credit or taxing power.

Section 3. The form of the Purchase Agreement for the Series 2011 Bonds and as submitted to this meeting and appended hereto as *Exhibit A* and made a part of this Ordinance as though set forth in full herein, be and the same are hereby approved. The Chairman of the County Council (the "*Chairman*") is hereby authorized and directed to execute and deliver the Purchase Agreement with such changes, insertions and omissions as may be approved by said Chairman upon advice of counsel, said execution being conclusive

evidence of such approval; and the Clerk of the County Council (the "*Clerk*") is hereby authorized and directed to affix the corporate seal of the County to the Purchase Agreement and to attest the same.

Section 4. The form of the Escrow Agreement, as submitted to this meeting and appended hereto as *Exhibit B* and made a part of this Ordinance as though set forth in full herein, be and the same is hereby approved. The Chairman is hereby authorized and directed to execute and deliver the Escrow Agreement with such changes, insertions and omissions as may be approved by said Chairman upon advice of counsel, the execution being conclusive evidence of such approval; and the Clerk is hereby authorized and directed to affix the corporate seal of the County to the Escrow Agreement and to attest the same.

Section 5. The form of the Tax Agreement, as submitted to this meeting and appended hereto as *Exhibit C* and made a part of this Ordinance as though set forth in full herein, be and the same is hereby approved. The Chairman is hereby authorized and directed to execute and deliver the Tax Agreement with such changes, insertions and omissions as may be approved by said Chairman upon advice of counsel, the execution being conclusive evidence of such approval; and the Clerk is hereby authorized and directed to affix the corporate seal of the County to the Tax Agreement to attest the same.

Section 6. The Chairman and the Clerk, and any other proper officer of the County, be and each of them is hereby authorized and directed to execute and deliver any and all documents and instruments and to do and to cause to be done any and all acts and things necessary or proper for carrying out the transactions contemplated by this Ordinance.

Section 7. All orders, resolutions, ordinances and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 8. This Ordinance shall become effective and be in full force immediately.

BEAUFORT COUNTY, SOUTH CAROLINA

(SEAL)

By: _____
Chairman, County Council

ATTEST:

Clerk to County Council

First Reading: September 12, 2011
Second Reading: September 26, 2011
Public Hearing:
Third Reading:

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE FY2011-2012 BEAUFORT COUNTY BUDGET ORDINANCE SO AS TO PROVIDE A SUPPLEMENTAL APPROPRIATION FROM THE COUNTY'S GENERAL RESERVE FUND IN THE AMOUNT OF \$72,159.83 FOR THE PURPOSE OF FUNDING CENSUS-BASED BEAUFORT COUNTY MAGISTRATE SALARY INCREASES FOR THE PERIOD OF JULY 1, 2011 TO JUNE 30, 2012.

WHEREAS, S.C. Code of Laws Section 22-8-40(2)(a) provides that, "for those Counties with a population of one hundred fifty thousand and above, according to the latest official United States Decennial Census, the base salary (for Magistrates) is fifty-five percent of a circuit court judges salary for the state's previous fiscal year"; and

WHEREAS, the Decennial Census figures for Beaufort County became certified on March 22, 2011, and demonstrated that Beaufort County's population was in excess of one hundred fifty thousand people thus requiring the County to provide a salary increase to certain Beaufort County Magistrates in order to comply with the minimum funding percent indicated above; and

WHEREAS, by the adoption of this Ordinance, the 2011-2012 Beaufort County Budget as adopted by County Council will incorporate the necessary increases to certain Beaufort County Magistrates salaries as required by statute so as to meet the minimum salary amounts necessary to comply with the statutory funding formula.

NOW, THEREFORE, BE IT ORDAINED by Beaufort County Council that the FY2011-2012 Beaufort County Budget Ordinance is hereby amended so as to provide a supplemental appropriation in an amount of \$72,159.83 for the purpose of providing salary increases for certain Beaufort County Magistrates as a result of the certification of the Decennial Census figures.

DONE THIS _____ DAY OF _____ 2011, AT A MEETING DULY ASSEMBLED OF BEAUFORT COUNTY COUNCIL.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Wm. Weston J. Newton, Chairman

BY: _____
Gary T. Kubic, County Administrator

Approved as to Form:

Joshua A. Gruber, Staff Attorney

Attest:

Suzanne M. Rainey, Clerk to Council

First Reading: September 12, 2011

Second Reading: September 26, 2011

Public Hearings:

Third and Final Reading:

2011 /

BEAUFORT COUNTY ZONING MAP AMENDMENT FOR R300 015 000 0101 0000 (KNOWN AS ST. HELENA STATION PLANNED UNIT DEVELOPMENT (PUD), 13.24 ACRES OFF SEA ISLAND PARKWAY/HIGHWAY 21); FROM PUD TO RURAL (R) ZONING DISTRICT.

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

Adopted this ____ day of _____, 2011.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:

Ladson F. Howell, Staff Attorney

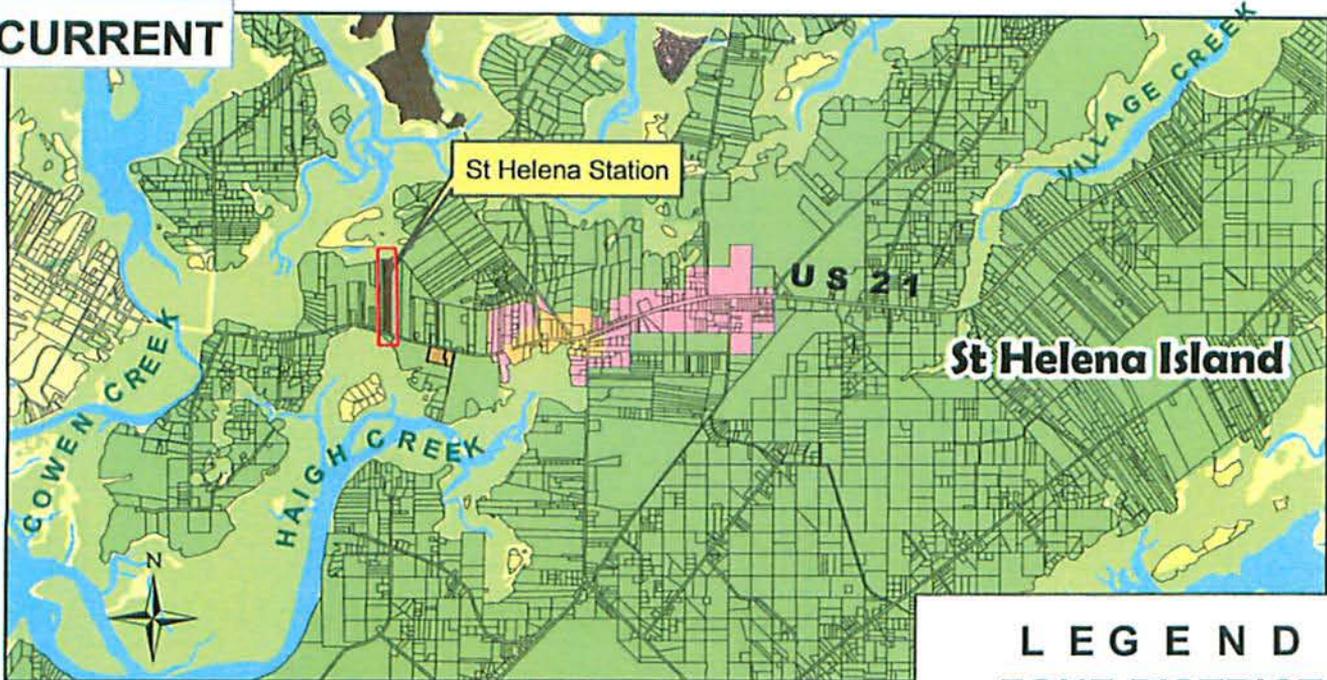
ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading: September 12, 2011
Second Reading: September 26, 2011
Public Hearing:
Third and Final Reading:

(Amending 99/12)

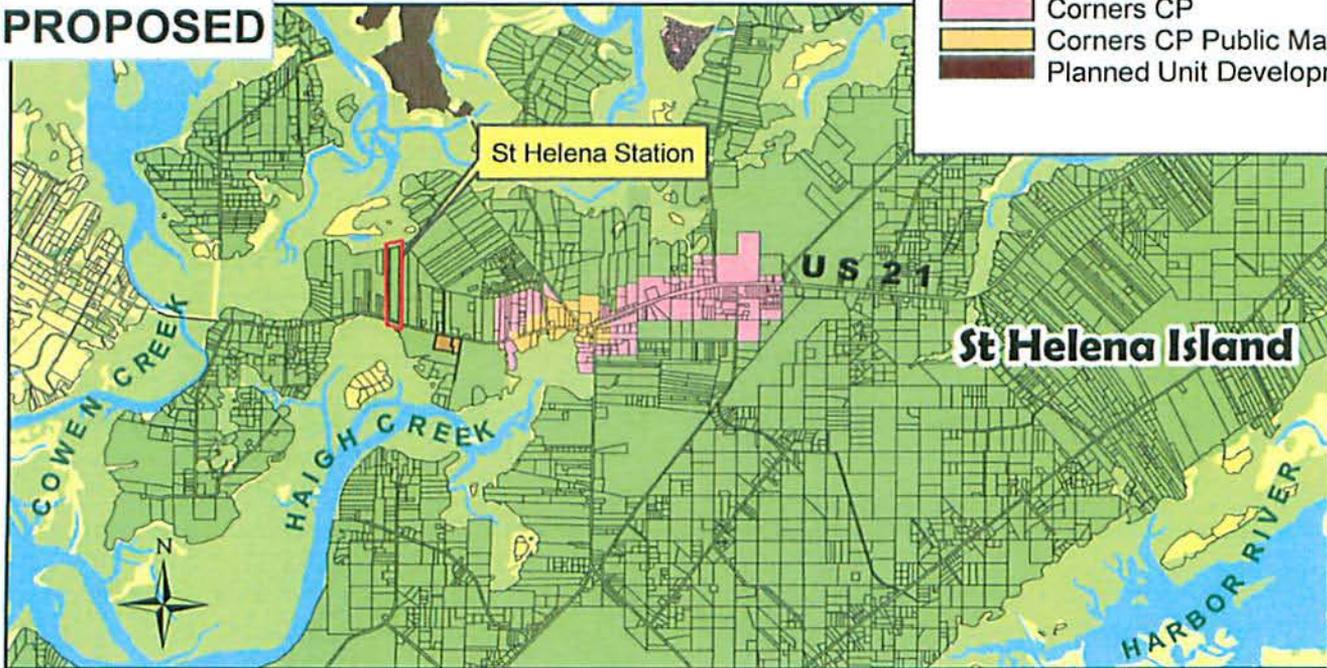
CURRENT



LEGEND
ZONE DISTRICT

-  Resource Conservation
-  Rural
-  Rural Business
-  Corners CP
-  Corners CP Public Market
-  Planned Unit Development

PROPOSED



REZONING AMENDMENT

300 015 000 0101 0000 St Helena Station
FROM Planned Unit Development [PUD] TO Rural [R]

2011

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO AMEND THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE, TEXT AMENDMENT TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), ARTICLE VII, SEC. 106-1845(6) BUFFER DISTURBANCE (ADDS RIVER BUFFER DISTURBANCE STANDARDS).

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: September 12, 2011
Second Reading: September 26, 2011
Public Hearing:
Third and Final Reading:

(Amending 99/12)

Sec. 106-1845. River buffer.

The river buffer extends inland 50 feet from all tidal waters and wetlands beginning at the OCRM critical line. The following standards are required for all development affecting the river buffer:

- (1) *Drainage.* [Ed. Note: no changes proposed.]
- (2) *Bulkheads, rip-rap and erosion control devices.* [Ed. Note: language provided for information only – no changes proposed.] All bulkheads, rip-rap or other erosion control devices in the river buffer are limited uses, subject to the required standards below.
 - a. A permit to construct the bulkhead, rip-rap or erosion control device must have been issued by OCRM.
 - b. Application for a permit for the installation of a bulkhead, rip-rap or other erosion control device more than 48 inches in total vertical height from the existing ground elevation must submit design plans, including certification from a South Carolina registered professional engineer as to the adequacy of the design standards included to prevent collapse or other failure.
 - c. The provisions of subsection 106-1846(b), tree protection and specimen trees, must be met.
 - d. Any disturbance of shoreline within the river buffer landward of the SC critical line shall require submission of a revegetation plan. A principal objective of the plan is to preserve and replace as much of the on-site preconstruction native vegetation to the extent possible. Other acceptable landscaping plants are found in the SC DHEC publication entitled "Backyard Buffers", publication CR-003206 (11/00). Such plantings shall be in the quantities set forth in Table 106-1680(e) for a maritime forest on a disturbed area prorated acre basis, i.e., a one-tenth of an acre disturbance requires one-tenth of the bufferyard planting, unless soil conditions are unfavorable to establish this type of forestation, in which case a revegetation plan more suitable for the type of soil conditions will be accepted.
 - e. Revegetation of areas landward of the critical line, having sloping topography in excess of 1:3 slope, shall also include slope stabilization measures in compliance with SCDOT standards, as set forth in section 205, Embankment Construction, of the SCDOT Standard Specifications for Highway Construction, Edition of 2000.
 - f. Landscaping and construction design plans will be submitted to the zoning development administrator (ZDA), who shall issue a development permit for construction and land disturbance if these criteria are satisfied. Inspection of the

construction and landscaping shall be done by the Beaufort County Building Inspection Department as provided for building permits.

- (3) *View corridor.* **[Ed. Note: language provided for information only – no changes proposed.]** The landowner may provide a view corridor through the river buffer. The following standards shall apply:
- a. Such a view corridor shall not extend for more than 75 feet or one-third of the lot width, whichever is less.
 - b. The view corridor shall generally involve only pruning to provide views. However, a landowner may submit a selective clearing and selective landscaping program for the view corridor. This shall only be approved by the DRT if the net result provides both ample screening of the shoreline and filtering of runoff from lawns on the lots.
- (4) *Setbacks.* **[Ed. Note: no changes proposed.]**
- (5) *Waiver.* **[Ed. Note: no changes proposed.]**
- (6) **Buffer Disturbance. There shall be no disturbance of the river buffer except as allowed for bulkheads, rip-rap and erosion control devices and view corridors outlined in this section. A buffer disturbance violation shall require a revegetation plan prepared by a landscape designer or landscape architect to be submitted for review and approval by the natural resource planner. The plant back requirements shall minimally meet those requirements outlined in Subsection (2)d above. Removal of trees shall require plant back inch for inch of trees removed. If it is determined by the natural resource planner that all tree inches can not be planted back on site due to site constraints, the remaining tree inches shall be subject to a general forestation fee.**

Beaufort County Council shall enact an Ordinance establishing the new form of government in accordance with the provisions of applicable law.

APPROVED AND ADOPTED BY THE COUNTY COUNCIL OF BEAUFORT COUNTY, SOUTH CAROLINA, ON THIS _____ DAY OF OCTOBER, 2011.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Wm. Weston J. Newton, Chairman

Approved as to Form:

Joshua A. Gruber, Staff Attorney

Attest:

Suzanne M. Rainey, Clerk to Council

First Reading: September 12, 2011
Second Reading: September 26, 2011
Public Hearings: September 26, 2011
Third and Final Reading:

ARTICLE 9.

COUNCIL-MANAGER FORM OF COUNTY GOVERNMENT (FORM NO. 4)

SECTION 4-9-810. Membership of council; election and terms of members.

The council in those counties adopting the council-manager form of government provided for in this article shall consist of not less than five nor more than twelve members who are qualified electors of the county. Council members shall be elected in the general election for terms of two or four years commencing on the first of January next following their election.

SECTION 4-9-820. Employment and qualifications of manager; term of office; compensation; procedure for removal.

The council shall employ a manager who shall be the administrative head of the county government and shall be responsible for the administration of all the departments of the county government which the council has the authority to control. He shall be employed with regard to his executive and administrative qualifications only, and need not be a resident of the county at the time of his employment. The term of employment of the manager shall be at the pleasure of the council and he shall be entitled to such compensation for his services as the council may determine. The council may, in its discretion, employ the manager for a definite term. If the council determines to remove the county manager, he shall be given a written statement of the reasons alleged for the proposed removal and the right to a hearing thereon at a public meeting of the council.

Within five days after the notice of removal is delivered to the manager, he may file with the council a written request for a public hearing. This hearing shall be held at a council meeting not earlier than twenty days nor later than thirty days after the request is filed. The manager may file with the council a written reply not later than five days before the hearing. The removal shall be stayed pending the decision at the public hearing.

SECTION 4-9-830. Powers and duties of manager.

The powers and duties of the manager shall include, but not be limited to, the following:

- (1) to serve as the chief administrative officer of the county government;
- (2) to execute the policies, directives and legislative actions of the council;
- (3) to direct and coordinate operational agencies and administrative activities of the county government;
- (4) to prepare annual operating and capital improvement budgets for submission to the council and, in the exercise of that authority, he shall be empowered to require such reports, estimates and statistics on an annual or periodic basis as he deems necessary from all county departments and agencies for the performance of his duties in budget preparation;
- (5) to supervise the expenditure of appropriated funds;
- (6) to prepare annual, monthly and other reports for council on finances and administrative activities of the county;
- (7) to be responsible for the administration of county personnel policies including salary and classification plans approved by council;
- (8) to be responsible for employment and discharge of personnel subject to the provisions of subsection (7) of Section 4-9-30 and subject to the appropriation of funds by the council for that purpose; and
- (9) to perform such other duties as may be required by the council.

SECTION 4-9-840. Preparation and submission of budget and descriptive statement.

The county manager shall prepare the proposed operating and capital budgets and submit them to the council at such time as the council determines. At the time of submitting the proposed budget, the county manager shall submit to the council a statement describing the important features of the proposed budgets including all sources of anticipated revenue of the county government and the amount of tax revenue required to meet the financial requirements of the county.

SECTION 4-9-850. Authority of county manager over elected officials; authority of council and its members over county officers and employees.

With the exception of organizational policies established by the governing body, the county manager shall exercise no authority over any elected officials of the county.

Except for the purposes of inquiries and investigations, neither the council nor its members shall give orders or instructions to county officers or employees.

SECTION 4-9-860. Election or appointment of county treasurer and auditor.

The county treasurer and county auditor, or their counterparts, by whatever terms those officials are designated may be elected or appointed by council as the council may determine by ordinance. If such officials are appointed, they shall be subject to control by council and the manager in the same manner as other appointed county department heads.

SECTION 4-9-870. Applicability of Article 1.

Except as specifically provided for in this article, the structure, organization, powers, duties, functions and responsibilities of county government under the council-manager form shall be as prescribed in Article 1 of this chapter.

RESOLUTION

AUTHORIZING THE EXPENDITURE OF \$260,880.00 FROM THE TOURISM INFRASTRUCTURE SECTION OF BEAUFORT COUNTY'S THREE PERCENT ACCOMMODATION TAX FUNDS FOR THE PURPOSE OF PROVIDING MATCHING GRANT FUNDS FOR THE BEAUFORT COUNTY RAILS TO TRAILS PROGRAM.

WHEREAS, Beaufort County holds a 13.6 mile easement on the Federal Rail Banked Yemassee to Port Royal Rail Road Right-of-Way and desires to develop bicycle and pedestrian trails for use by the public and visitors as part of Beaufort County's Rails to Trails program; and

WHEREAS, Beaufort County applied for and was awarded a grant from the Transportation, Community, and System Preservation Program of the Federal Highway Administration in an amount of \$1,043,520.00; and

WHEREAS, as a condition of accepting the grant, Beaufort County must provide a local match of funds of 20% of the overall grant award, or in this case \$260,880.00; and

WHEREAS, Beaufort County Council believes that it is in the best interests of its citizens, and to visitors of Beaufort County, to provide them with a safe and accessible pedestrian and bicycle route that will not only become a recreational asset, but provide an alternative mode of transportation that will link people to jobs, services, and schools.

NOW, THEREFORE, BE IT RESOLVED by Beaufort County Council that an expenditure in the amount of \$260,880.00 is hereby authorized from the Tourism Infrastructure Section of Beaufort County's Three Percent Accommodation Tax Funds for purposes of providing matching funds for the Federal Highway Administration grant to support Beaufort County's Rails to Trails program.

DONE THIS _____ DAY OF _____ 2011, AT A MEETING DULY ASSEMBLED OF BEAUFORT COUNTY COUNCIL.

Wm. Weston J. Newton, Chairman

Gary Kubic, County Administrator

As to Form:

Joshua A. Gruber, Staff Attorney

Attest:

Suzanne M. Rainey, Clerk to Council

Committee Reports

October 10, 2011

A. COMMITTEES REPORTING

1. Finance

- ① Accommodations Tax Board

<i>Nominated</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
09/26/11	Olivia Young	Hospitality-Lodging	Appoint	6 of 11

2. Governmental

- ① Minutes are provided from the [October 3](#) meeting. Action is required. See main agenda item 12F.

3. Natural Resources

- ① Minutes are provided from the [October 3](#) meeting. Action is required. See main agenda item 12G.

4. Public Facilities

- ① Minutes are provided from the [September 27](#) meeting. Action is required. See main agenda items 12B, 12C, 12D and 12E

- ② Solid Waste / Recycling Board

<i>Nominated</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
09/12/11	Ben Wheatley	Solid Waste District 7	Appoint	6 of 11

B. COMMITTEE MEETINGS

1. Community Services

William McBride, Chairman

Gerald Dawson, Vice Chairman

➔ Next Meeting – Monday, October 17 at 4:00 p.m., BIV #2

2. Executive

Weston Newton, Chairman

➔ Next Meeting – October 2011

3. Finance

Stu Rodman, Chairman

Rick Caporale, Vice Chairman

➔ Next Meeting – Monday, October 17 at 2:00 p.m., BIV #2

4. Governmental

Jerry Stewart, Chairman

Laura Von Harten, Vice Chairman

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

5. Natural Resources

Paul Sommerville, Chairman

Brian Flewelling, Vice Chairman

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

6. Public Facilities

Herbert Glaze, Chairman

Steven Baer, Vice Chairman

➔ Next Meeting – Tuesday, October 25 at 4:00 p.m., ECR

7. Redistricting

Weston Newton, Chairman

William McBride, Vice Chairman

8. Transportation Advisory Group

Weston Newton, Chairman

Stu Rodman, Vice Chairman

➔ Next Meeting – October 2011

GOVERNMENTAL COMMITTEE

October 3, 2011

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

The Governmental Committee met on Monday, October 3, 2011 at 4:00 p.m., in the Executive Conference Room, Administration Building, 100 Ribaut Road, Beaufort, SC.

ATTENDANCE

Governmental Committee Members: Chairman Jerry Stewart, Vice Chairman Laura Von Harten and Committee members Rick Caporale, Gerald Dawson, Brian Flewelling, Herbert Glaze and Stu Rodman attended the meeting. Non-Committee members Steven Baer, William McBride, Weston Newton and Paul Sommerville also attended. Chairman Newton, who serves *ex-officio* on all committees, was also present.

County Staff: Tony Criscitiello, Division Director – Planning and Infrastructure; Joshua Gruber, County Attorney; Bryan Hill, Deputy County Administrator.

Media: Joe Croley, Hilton Head Island Association of Realtors; and Kyle Peterson, *Beaufort Gazette / Island Packet*.

Public: Anthony Barrett, Bluffton Town Manager; Joseph Frazier, Economic Development Task Force Chairman; Richard Gray, Economic Development Task Force member; Gary Horn, Economic Development Task Force member; Larry Hughes, Bluffton resident; Kim Statler, Executive Director of Lowcountry Economic Alliance; Steve Riley, Hilton Head Island Town Manager; Lisa Sulka, Bluffton Town Mayor; Steve Vierck, President of AngelouEconomics; Carl Kelley, Clemson Extension; and Jason Gardner, Beaufort Regional Chamber of Commerce.

Mr. Stewart chaired the meeting.

ACTION ITEMS

- 1. Presentation and Discussion / Organizational Assessment of Beaufort County Economic Development Task Force Report**

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2.

Discussion: Committee Chairman Jerry Stewart introduced the Economic Development Task Force members and AngelouEconomics to present their findings and additional details to the Committee.

Mr. Gary Horn, Chairman of the Economic Development Task Force (hereinafter Task Force) said the Task Force identified the best economic development model, staffing and other findings. He then described the assignment/goal of the Task Force and AngelouEconomics.

Mr. Steve Vierck, AngelouEconomics, presented the Committee with the strengths, weaknesses, opportunities and threat analysis and identified the best practices and other recommendations to strengthen the current effort. He identified the strong foundation of the current organization and the solid/committed group we have. Mr. Vierck spoke about the organization structure, current programs and services, job creation, budget and board size and presented the Committee with graphs that related. He presented the Committee with recommendations on the organization structure, programs and competitiveness, and regional connectivity.

Mr. Horn and the Task Force members drafted a plan, after review of the consultant's report. They suggest that the regional economic development entity, at minimum, should include Beaufort and Jasper Counties using the existing Lowcountry Economic Alliance as the launching pad but with a broader base of stakeholder representation on the Board of Directors. A coordinated effort should be made to expand the region to include at least Hampton and Colleton Counties. Also, Beaufort County should commit to a funding model that guarantees the financial resources to recruit and retain a skilled and experienced profession staff adequate to market the region on a national basis, develop and maintain a focused strategic approach to business prospects and actively engage the broader community in the economic development process. The funding mechanism suggested are state and federal grants, an annual county population based capitation payment, private sector annual dues for board participation, and state mandated utility contributions for infrastructure improvements. Also, they suggest the structure of the board to include local and county government entities, the private sector, local chambers of commerce and entrepreneurial support organizations. He also reviewed the suggested committee structure of the board. The Task Force suggests that the Board be required to develop and submit a set of benchmarks that can be used to measure the performance of both key staff members and the economic development entity. Future funding can then be based on the measurable success of the organization.

There was much discussion between Committee members, the Task Force, and AngelouEconomics.

Motion: It was moved by Mr. Rodman, seconded by Mr. Caporale, that the Governmental Committee accept the Organizational Assessment of Beaufort County Economic Development Task Force Report including the concept of using the Lowcountry Economic Alliance to build economic development and request that by year's end they provide a business plan and proposed board structure. The vote was: FOR – Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. The motion passed.

Recommendation: Committee accepts the Organizational Assessment of Beaufort County Economic Development Task Force Report including the concept of using the

Lowcountry Economic Alliance to build economic development and request that by year's end they provide a business plan and proposed board structure.

2. A Resolution to amend the Agreement for the Establishment of a Multi-County Industrial/Business Park (Cypress Ridge), by and between Jasper County, South Carolina and Beaufort County, South Carolina, providing for the development of a Jointly Owned and Operated Industrial/Business Park, so as to include additional property in Jasper County as part of the Joint County Industrial Park

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2.

Discussion: Committee Chairman Jerry Stewart reviewed this item to the Committee. This is a resolution to amend the agreement for the establishment of a Multi-County Industrial/Business Park (Cypress Ridge), by and between Jasper County, South Carolina and Beaufort County, South Carolina, providing for the development of a jointly owned and operated industrial/business park, so as to include additional property in Jasper County as part of the joint county industrial park.

Motion: It was moved by Mr. Flewelling, seconded by Mr. Sommerville, that the Governmental Committee approves and forwards to Council a resolution to amend the agreement for the establishment of a Multi-County Industrial/Business Park (Cypress Ridge), by and between Jasper County, South Carolina and Beaufort County, South Carolina, providing for the development of a jointly owned and operated industrial/business park, so as to include additional property in Jasper County as part of the joint county industrial park. The vote was: FOR – Mr. Caporale, Mr. Flewelling, Mr. Newton, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Dawson, Mr. Glaze and Mr. Rodman. The motion passed.

Recommendation: Council adopt a resolution to amend the agreement for the establishment of a Multi-County Industrial/Business Park (Cypress Ridge), by and between Jasper County, South Carolina and Beaufort County, South Carolina, providing for the development of a jointly owned and operated industrial/business park, so as to include additional property in Jasper County as part of the joint county industrial park.

INFORMATION ITEMS

3. Update / Town of Bluffton Clemson Initiative

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2.

Discussion: Bluffton Town Mayor Lisa Sulka introduced Mr. Carl Kelley, Clemson Extension, who presented the Committee with a PowerPoint presentation on a pilot project to build a “technology village” in Bluffton. It would be one of five in the state. CareCore will

provide the space for the storefront incubator project. It would be community owned and operated by a non-profit supported by Bluffton Town and private investment. They hope it is the beginning of growth and development of innovative technology across the state. The project will serve the entire region and should be up and running by the end of the year.

Status: No action required. Informational purposes only.

4. Consideration of Reappointments and Vacancies
• Lowcountry Regional Transportation Authority

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2.

Status: This item was delayed until the next meeting.

5. Discussion / USS Olympia / Return To South Carolina Lowcountry

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2.

Status: A presentation of this item will occur at a future meeting of Council.

NATURAL RESOURCES COMMITTEE

October 3, 2011

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

The Natural Resources Committee met on Monday, October 3, 2011 at 3:00 p.m., in the Executive Conference Room, Administration Building, 100 Ribaut Road, Beaufort, SC.

ATTENDANCE

Natural Resources Members: Chairman Paul Sommerville, Vice Chairman Brian Flewelling, and committee members Steve Baer, Gerald Dawson, William McBride, Jerry Stewart and Laura Von Harten attended the meeting. Non-Committee members Rick Caporale and Stu Rodman were also present.

County Staff: Tony Criscitiello, Division Director – Planning and Development; Joshua Gruber, County Attorney; Bryan Hill, Deputy County Administrator; David Starkey, Chief Financial Officer.

Public: Steve Riley, Rural and Critical Lands Board member.

Media: Joe Croley, Hilton Head Island Association of Realtors; and Kyle Peterson, *Island Packet/Beaufort Gazette*.

Mr. Sommerville chaired the meeting.

ACTION ITEM

1. 2012 Bond Referendum / Rural and Critical Lands Preservation Program

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2.

Discussion: Committee Chairman Paul Sommerville introduced this item to the Committee. This comes as a recommendation from the Rural and Critical Lands Preservation Board that County Council proceed with a land acquisition referendum on the November 2012 ballot for an amount that can be supported by a one mil increase in property taxes financed over a 20- to 25-year period. And that up to 20% of the proceeds may be used to improve properties acquired under the program; consistent with the program guidelines. Also, County Council, working with county staff, should identify a specific dollar amount for the referendum question based on the best available estimates of property values at the time they adopt the referendum ordinance. This item is before Committee for a decision of whether or not it should go forward to the Finance Committee for them to determine an appropriate amount, and also whether or not

this Committee wants a percentage of the proceeds to be used for improvement of current properties.

Motion: It was moved by Mr. Flewelling, seconded by Mr. Stewart, that the Natural Resources Committee approves and forward to County Council approval of placing a land acquisition referendum on the November 2012 ballot, and that 20% of the proceeds be used to improve properties acquired under the program and are consistent with program guidelines and forward to the Finance Committee for determination of an appropriate dollar amount. The vote was: FOR – Mr. Baer, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

Recommendation: County Council approve placing a land acquisition referendum on the November 2012 ballot, and that 20% of the proceeds be used to improve properties acquired under the program and are consistent with program guidelines, following the Finance Committee determination of an appropriate dollar amount.

INFORMATION ITEMS

2. Annual Report / Rural and Critical Lands Preservation Program

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2.

Status: This report will be made at a future County Council meeting.

3. Consideration of Reappointments and Appointments

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2.

- **Planning Commission**

Status: This item will be taken up at a future meeting.

- **Zoning Board of Appeals**

Status: This item will be taken up at a future meeting.

PUBLIC FACILITIES COMMITTEE

September 27, 2011

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

The Public Facilities Committee met on Tuesday, September 27, 2011 at 4:00 p.m., in the Executive Conference Room of the Administration Building, Beaufort, South Carolina.

ATTENDANCE

Public Facilities Chairman Herbert Glaze, Vice Chairman Steven Baer, and members, Gerald Dawson, Brian Flewelling, William McBride, and Jerry Stewart were present. Non Committee members Rick Caporale and Paul Sommerville were also present.

County staff: Paul Andres, Airports Director; Tony Criscitiello, Division Director – Planning and Infrastructure; Joshua Gruber, County Attorney; Bryan Hill, Deputy County Administrator; Bob Klink, County Engineer; Rob Merchant, Long Range Planner; Jim Minor, Solid Waste and Recycling Manager; and Dave Thomas, Purchasing Director.

Public: Earl Dietz, Marsh Oak Property Owners Association; John Gatch, Walling Grove; Jennifer Drinky, Habersham; Judy Elder, Talbert and Bright; Carl Ellington, Talbert and Bright; Bob Fletcher, Town of Bluffton; John Gasp and Jim Gross, Colleton River Plantation; Tom Hender, Callawassie Island; Kate Hudson Fripp Island Property Owners Association, Hilton Head Island Property Owners Association; Karen Jarrett, Town of Bluffton; Mika Johnson, Towns at Buckwalter; Bob Martin and Mark Orlando, Town of Bluffton; Bright Pickle, Habersham; Ed Potter, Moss Creek; Rick Seamore, Battery Point Homeowners Association; and Lisa Sulka, Bluffton Town Mayor.

Media: Joe Croley, Hilton Head Island Association of Realtors; and Kyle Peterson, *Beaufort Gazette/Island Packet*.

Mr. Glaze chaired the meeting.

ACTION ITEMS

- 1. Consideration of Contract Award - Hilton Head Island Airport Master Plan Five Year Capital Improvement Projects Environmental Assessment and Benefit Cost Analysis**

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Discussion: Mr. Paul Andres, Airports Director, reviewed this item with the Committee. Talbert, Bright, and Ellington, Inc. is currently under contract to provide professional consulting and engineering services in support of Beaufort County airport projects. The proposed scope of work to prepare an Environmental Assessment and Benefit Cost Analysis is needed for the Hilton Head Island Airport Master Plan's Five Year Capital Improvement Projects which includes an extension of the runway to 5,000 feet. An independent fee estimate of the proposed scope of work was prepared by T. Y. Lin International, another aviation consulting firm. The Airports Board favorably endorses this project.

Motion: It was moved by Mr. Flewelling, seconded by Mr. Baer, that Public Facilities Committee approve and recommend to Council awarding a contract in the amount of \$582,041.53 to Talbert, Bright, and Ellington, Inc. to prepare an Environmental Assessment and Benefit Cost Analysis associated with the Master Plan's Five-Year Capital Improvement Projects for the Hilton Head Island Airport. Funding for this project will come from an existing FAA Grant #32 (95%), Account #13480-5432 1, Extend Runway 3/2 1 (Environmental Assessment), which has a current balance of \$552,939; a State Grant (2.5% pending); and the local 2.5% match of \$14,551.53 which will come from the Airports Operating Budget. The vote was: YEAS - Mr. Mr. Baer, Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, and Mr. Stewart. The motion passed.

Recommendation: Council award a contract in the amount of \$582,041.53 to Talbert, Bright, and Ellington, Inc. to prepare an Environmental Assessment and Benefit Cost Analysis associated with the Master Plan's Five-Year Capital Improvement Projects for the Hilton Head Island Airport. Funding for this project will come from an existing FAA Grant #32 (95%), Account #13480-5432 1, Extend Runway 3/2 1 (Environmental Assessment), which has a current balance of \$552,939; a State Grant (2.5% pending); and the local 2.5% match of \$14,551.53 which will come from the Airports Operating Budget.

2. Consideration of Contract Award - Emergency Procurement for Repairs to C.C. Haigh Boat Landing Fishing Pier (District 4)

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Discussion: Mr. Bob Klink, County Engineer, reviewed this item with the Committee. On April 24, 2011, to protect public health and safety, the "T" head portion of the C. C. Haigh Boat Landing Fishing Pier was closed to the public due to continued and progressive shifting of that portion of the structure. Structural analysis has confirmed that the concrete piles supporting the "T" head section are overstressed and must be replaced. Engineering plans were developed and three firms were contacted directly to provide cost proposals for this work to secure as much competition as practicable. The proposals are as follows: Cape Romain Contractors, Inc. \$158,000; R. L. Morrison & Sons, Inc. \$189,749; and Alpha Construction Company \$228,200. Subsequent negotiations with the low proposer, Cape Romain Contractors, have resulted in a cost of \$144,000 to perform the required repairs.

Motion: It was moved by Mr. Baer, seconded by Mr. Stewart, that Public Facilities Committee approve and recommend to Council award a contract to Cape Romain Contractors, Inc. for the emergency repair of C.C. Haigh Boat Landing Fishing Pier in the amount of \$144,000 with funding from Del Webb Boat Landing Fund, Account 33208-54450 in the amount of \$66,508; C.C. Haigh Boat Ramp CIP, Account 11437-54430 in the amount of \$18,866; and Local 3% Accommodations Tax (Boat Ramp Section), Account 12216-55120 in the amount of \$66,504. The vote was: YEAS - Mr. Mr. Baer, Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, and Mr. Stewart. The motion passed.

Recommendation: Council award a contract to Cape Romain Contractors, Inc. for emergency repair of C.C. Haigh Boat Landing Fishing Pier in the amount of \$144,000 with funding from Del Webb Boat Landing Fund, Account 33208-54450 in the amount of \$66,508; C.C. Haigh Boat Ramp CIP, Account 11437-54430 in the amount of \$18,866; and Local 3% Accommodations Tax (Boat Ramp Section), Account 12216-55120 in the amount of \$66,504.

3. Consideration of Contract Award - Change Order to Contract 44 Dirt Road Construction for Forman Hill Road (District 4)

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Discussion: Mr. Bob Klink, County Engineer, reviewed this item with the Committee. Beaufort County issued a Request for Proposals from qualified firms to build the Dirt Road Paving Contract #44, Forman Hill Road. The following two firms responded and provided proposals for the project on February 10, 2011: REA Contracting, LLC in the amount of \$491,562.65 and APAC Southeast in the amount of \$494,591.20.

Motion: It was moved by Mr. Flewelling, seconded by Mr. Stewart, that Public Facilities Committee approve and recommend to Council approval of a change order to Contract 44 to REA Contracting, LLC to build Dirt Road Paving Contract #44, Forman Hill Road in the amount of \$491,562.65. Project will be funded by \$10 motorized vehicle (TAG) funds, Account #3322T-54670. The vote was: YEAS - Mr. Mr. Baer, Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, and Mr. Stewart. The motion passed.

Recommendation: Council approve a change order to Contract 44 to REA Contracting, LLC to build the Dirt Road Paving Contract #44, Forman Hill Road in the amount of \$491,562.65. Project will be funded by \$10 motorized vehicle (TAG) funds, Account #3322T-54670.

4. Discussion / Bluffton Parkway Phase 5B

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Discussion: Ms. Karen Jarrett, Transportation Project Manager, Town of Bluffton, presented the Committee with a PowerPoint presentation on the alternatives to Phase 5B and much discussion followed.

She gave reasons the alignment should be moved north. She said it will improve economic development, improve connectivity and other things. She showed maps and drawings. The overall cost will save about \$4.5 million. They have looked at the environmental impact and moving the road would not eliminate additional trees.

Motion: It was moved by Mr. Stewart, seconded by Mr. Flewelling, that Public Facilities Committee approve the position that Council takes no issue with the Town of Bluffton conducting entirely, at its own expense, an alternative alignment plan for segment Phase 5B of the Bluffton Parkway that is commensurate with the future development plans of the Town of Bluffton. It is further understood that the Town of Bluffton is doing so on its own initiative, with no prior commitment of Council for either consideration and/or adoption of any alternative plan. Furthermore, for any alternative plan to be considered by the County, the alternative plan must contain all components of the existing plan for Bluffton 5B as currently adopted by Council, including, but not limited, to engineering drawings, cost analysis, noise studies, environmental impact studies, public hearings, permits, etc., and reimburse for costs. The vote was: YEAS - Mr. Mr. Baer, Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, and Mr. Stewart. The motion passed.

Recommendation: Council approve taking no issue with the Town of Bluffton conducting entirely, at its own expense, an alternative alignment plan for segment Phase 5B of the Bluffton Parkway that is commensurate with the future development plans of the Town of Bluffton. It is further understood that the Town of Bluffton is doing so on its own initiative, with no prior commitment of Council for either consideration and/or adoption of any alternative plan. Furthermore, for any alternative plan to be considered by the County, the alternative plan must contain all components of the existing plan for Bluffton 5B as currently adopted by Council, including, but not limited, to engineering drawings, cost analysis, noise studies, environmental impact studies, public hearings, permits, etc., and reimburse for costs.

INFORMATION ITEMS

5. Discussion / Beaufort County Rails Trails Program

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Discussion: Beaufort County Long Range Planner Rob Merchant presented the Committee with a PowerPoint presentation relative to Beaufort County Rails Trails Program and discussion followed. The committee discussed funding for the grant match. Mr. Stewart recommended a line item in the budget. He said the \$125,000 match for the Bluffton Parkway has been sitting there for a couple of years. How do we prioritize these competing needs for matching funds in a fair and reasonable process? Bryan Hill said Mr. Kubic is reviewing some creative options.

Status: This item was for informational purposes only. No action was taken.

6. Discussion / FEMA Reimbursement Possibilities for Private Communities

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Discussion: This item came before the committee to discuss Beaufort County's current ordinance relative to Disaster Recovery and Reconstruction. The ordinance currently states that the County will provide removal from public roads, not private roads. FEMA was created in 1979 to fund removal by reimbursing local governments 75% of the costs incurred. With the wording in the current ordinance, FEMA reimbursement is not available to private communities which some feel is problematic. The Committee discussed this issue, and allowed for public comment from many residents of the private communities.

Mr. Earl Dietz, Chairman of the Marsh Oak Property Association, said there are more than 20 private communities in unincorporated Beaufort County. He reminded the ordinance says the county is responsible (per ordinance) for cleaning up in public rights of way only. Private communities cannot apply to FEMA for reimbursement, but changing the County ordinance will allow the county to do so. Without these changes – private communities must pay the full cost of debris removal along with making repairs. This may break many of them.

Representatives from gated communities also spoke and asked the county to change its ordinance to include the private communities. The Marsh Oak Property Association will produce a final report on this for the committee. They said private communities pay about 30% of the County's property taxes and all communities deserve equal treatment.

A discussion followed regarding what would constitute a 'private community' and how much of the 'private community' would the county be responsible for. Would it include golf courses? Mr. Deitz said no on the golf courses. Various categories need to be identified for what would be cleaned besides roads.

Mr. Jim Minor, Solid Waste / Recycling Manager, said it is a complicated process. Whether you have an ordinance or not legal responsible (ordinance) is one criterion FEMA uses. Another is a determination of life, safety and economic value. They must look at each property on a case-by-case basis. Sometimes in a widespread disaster they cover the entire county. Some private communities do not want to wait on this process; but if they do not get approval, there will be no reimbursement. The federal government will look at the level of our responsibility by judging whether we already provide first responder services and whether we have an ordinance or not, it will still be a case-by-case consideration.

Status: Public Facilities Committee directed the County Administrator to study legal options, FEMA requirements, and strategies for resolving the issue and report back to committee.