

# COUNTY COUNCIL OF BEAUFORT COUNTY

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D. PAUL SOMMERVILLE  
CHAIRMAN

STEWART H. RODMAN  
VICE CHAIRMAN

## COUNCIL MEMBERS

STEVEN M. BAER  
CYNTHIA M. BENSCH  
RICK CAPORALE  
GERALD DAWSON  
BRIAN E. FLEWELLING  
WILLIAM L. MCBRIDE  
GERALD W. STEWART  
LAURA L. VON HARTEN

GARY KUBIC  
COUNTY ADMINISTRATOR

BRYAN J. HILL  
DEPUTY COUNTY ADMINISTRATOR

JOSHUA A. GRUBER  
COUNTY ATTORNEY

SUZANNE M. RAINEY  
CLERK TO COUNCIL

## AGENDA

### COUNTY COUNCIL OF BEAUFORT COUNTY

Monday, January 28, 2013

4:00 p.m.

Council Chambers, Administration Building  
Government Center, 100 Ribaut Road, Beaufort

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
2. EXECUTIVE SESSION
  - A. Discussion of matters relating to the proposed location, expansion or the provision of services encouraging location or expansion of industries or other businesses in Beaufort County
3. REGULAR MEETING - 5:00 P.M.  
Council Chambers
4. CALL TO ORDER
5. PLEDGE OF ALLEGIANCE
6. INVOCATION
7. REVIEW OF MINUTES
  - A. November 26, 2012 ([backup](#))
  - B. January 14, 2013 ([backup](#))
8. PUBLIC COMMENT
9. COUNTY ADMINISTRATOR'S REPORT  
Mr. Gary Kubic, County Administrator
  - A. The County Channel / Broadcast Update
  - B. Two-Week Progress Report ([backup](#))



10. DEPUTY COUNTY ADMINISTRATOR'S REPORT

Mr. Bryan Hill, Deputy, County Administrator

A. Two-Week Progress Report ([backup](#))

B. Board of Elections and Voter Registration 2012 Election Update

Mr. Scott Marshall, Executive Director

11. CONSENT AGENDA – ITEMS A THROUGH K

A. AN ORDINANCE TO AMEND THE CHARTERS OF THE BLUFFTON TOWNSHIP FIRE DISTRICT, DAUFUSKIE ISLAND FIRE DISTRICT AND SHELDON TOWNSHIP FIRE DISTRICT ([backup](#))

1. Consideration of second reading approval to occur January 28, 2013

2. Public hearing to occur Monday, February 11, 2013 beginning at 6:00 p.m. in Council Chambers of the Administration Building, Government Center, 100 Ribaut Road, Beaufort

3. First reading, by title only, approval occurred January 14, 2013 / Vote 8:1

4. Governmental Committee discussion and recommendation to approve occurred January 7, 2013 / Vote 5:1

B. AN ORDINANCE TO AMEND THE BLUFFTON TOWNSHIP FIRE DISTRICT FY 2013 BUDGET FOR A SUPPLEMENTAL DISTRICT GENERAL FUND APPROPRIATION OF \$554,677.00 TO COVER ADDITIONAL SALARIES AND OVERTIME ([backup](#))

1. Consideration of second reading approval to occur January 28, 2013

2. Public hearing to occur Monday, February 11, 2013 beginning at 6:00 p.m. in Council Chambers of the Administration Building, Government Center, 100 Ribaut Road, Beaufort

3. First reading, by title only, approval occurred January 14, 2013 / Vote 9:0

4. Governmental Committee discussion and recommendation to approve occurred January 7, 2013 / Vote 6:0

C. RESOLUTION APPROVING THE INCURRING OF GENERAL OBLIGATION DEBT IN AN AMOUNT NOT EXCEEDING \$6,000,000; AND AUTHORIZING A PETITION TO THE COUNTY COUNCIL OF BEAUFORT COUNTY, SOUTH CAROLINA, PURSUANT TO SECTION 6-11-830 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED ([backup](#))

1. Consideration of adoption to occur January 28, 2013

2. Finance Committee discussion and recommendation to adopt occurred January 22, 2013 / Vote 6:0

D. RESOLUTION CALLING FOR A PUBLIC HEARING TO BE HELD UPON THE QUESTION OF THE ISSUANCE OF NOT EXCEEDING \$6,000,000 OF GENERAL OBLIGATION BONDS OF THE LADY'S ISLAND-ST. HELENA ISLAND FIRE DISTRICT, SOUTH CAROLINA; PROVIDING FOR THE PUBLICATION OF THE NOTICE OF SUCH PUBLIC HEARING; AND OTHER MATTERS RELATING THERETO ([backup](#))

1. Consideration of adoption to occur January 28, 2013

2. Finance Committee discussion and recommendation to adopt occurred January 22, 2013 / Vote 6:0

- E. ORDINANCE FINDING THAT THE LADY'S ISLAND-ST. HELENA ISLAND FIRE DISTRICT, SOUTH CAROLINA, MAY ISSUE NOT EXCEEDING \$6,000,000 OF GENERAL OBLIGATION BONDS AND TO PROVIDE FOR THE PUBLICATION OF NOTICE OF THE SAID FINDING AND AUTHORIZATION ([backup](#))
1. Consideration of first reading approval to occur January 28, 2013
  2. Finance Committee discussion and recommendation to adopt occurred January 22, 2013 / Vote 6:0
- F. LIGHT DETECTION AND RANGING CONTRACT FOR STORMWATER (NON-COMPETITIVE CONTRACT) JOINT CONTRACT ([backup](#))
1. Consideration of approval to occur January 28, 2013
  2. Contract award: South Carolina Department of Natural Resources
  3. Contract amount: \$278,000
  4. Funding: County \$200,000 (Stormwater, account 13531-51160, Professional Services), City of Beaufort (7.12%), Town of Bluffton (9.46%), Town of Port Royal (2.7%)
  5. Finance Committee discussion and recommendation to adopt occurred January 22, 2013 / Vote 6:0
- G. RENEWAL OF HOUSEHOLD HAZARDOUS WASTE REMOVAL WITH CARE ENVIRONMENTAL CORP. ([backup](#))
1. Consideration of approval to occur January 28, 2013
  2. Contract award: Care Environmental Corp., Landing New Jersey
  3. Contract amount: \$87,000
  4. Funding: Solid Waste and Recycling, account 33390-51160, Professional Services
  5. Finance Committee discussion and recommendation to adopt occurred January 22, 2013 / Vote 6:0
- H. SOLE SOURCE PURCHASE FROM CYBERGENETICS SOFTWARE/HARDWARE PACKAGE AND INCLUDES TRAINING FOR TWO DNA LAB PERSONNEL ([backup](#))
1. Consideration of approval to occur January 28, 2013
  2. Contract award: Cybergenetics, Pittsburgh, Pennsylvania
  3. Funding: DNA Backlog Grant, account 21206-54803
  4. Finance Committee discussion and recommendation to adopt occurred January 22, 2013 / Vote 6:0
- I. DNA LABORATORY EQUIPMENT FROM A SOLE SOURCE VENDOR FOR THE SHERIFF'S OFFICE ([backup](#))
1. Consideration of approval to occur January 28, 2013
  2. Contract award: Qiagen, Germantown, Maryland
  3. Contract amount: \$52,078.90
  4. Funding: DNA Backlog Grant, account 21206-54803
  5. Finance Committee discussion and recommendation to adopt occurred January 22, 2013 / Vote 6:0
- J. RESOLUTION AUTHORIZING BEAUFORT COUNTY TO PARTICIPATE IN THE FUNDING OF THE LOWCOUNTRY AREA TRANSPORTATION STUDY (METROPOLITAN PLANNING ORGANIZATION) ON A PER CAPITA BASIS

BASED UPON THE CURRENT POPULATION IN THE UNINCORPORATED AREAS OF THE COUNTY ([backup](#))

1. Consideration of adoption to occur January 28, 2013
2. Finance Committee discussion and recommendation to adopt occurred January 22, 2013 / Vote 6:0

K. PERRYCLEAR DRIVE EASEMENT ([backup](#))

1. Consideration of approval to occur January 28, 2013
2. Public Facilities Committee discussion and recommendation to adopt occurred January 22, 2013 / Vote 7:0

12. PUBLIC HEARINGS - 6:00 P.M.

A. AUTHORIZING THE ISSUANCE AND SALE OF A TAX INCREMENT REFUNDING REVENUE BOND, SERIES 2013, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF BEAUFORT COUNTY, SOUTH CAROLINA, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$6,000,000 FOR THE PURPOSE OF REFUNDING CERTAIN MATURITIES OF THE BLUFFTON AREA TAX INCREMENT BONDS; FIXING THE FORM AND DETAILS OF THE BOND; AUTHORIZING THE COUNTY ADMINISTRATOR OR HIS LAWFULLY-AUTHORIZED DESIGNEE TO DETERMINE CERTAIN MATTERS RELATING TO THE BOND; PROVIDING FOR THE PAYMENT OF THE BOND AND THE DISPOSITION OF THE PROCEEDS THEREOF; AUTHORIZING THE REDEMPTION OR DEFEASANCE OF CERTAIN MATURITIES OF OUTSTANDING BLUFFTON AREA TAX INCREMENT REVENUE BONDS; AND OTHER MATTERS RELATING THERETO ([backup](#))

1. Consideration of third and final reading approval to occur January 28, 2013
2. Second reading approval occurred January 14, 2013 / Vote 9:0
3. First reading approval occurred December 10, 2012 / Vote 10:0
4. Finance Committee discussion and recommendation to approve occurred December 10, 2012 / Vote 7:0

B. AN ORDINANCE TO AMEND FY 2012-2013 BEAUFORT COUNTY SCHOOL DISTRICT BUDGET, SECTION 3, SCHOOL OPERATIONS APPROPRIATION

1. Consideration of third and final reading approval to occur January 28, 2013
2. Second reading approval occurred January 14, 2013 / Vote 9:0
3. First reading approval occurred December 10, 2012 / Vote 10:0
4. Finance Committee discussion and recommendation to approve occurred December 10, 2012 / Vote 7:0 ([backup](#))

C. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) NEEDS ASSESSMENT

1. Public Hearing Only

13. COMMITTEE REPORTS

14. PUBLIC COMMENT

15. ADJOURNMENT

Official Proceedings  
County Council of Beaufort County  
November 26, 2012

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, November 26, 2012 in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

**ATTENDANCE**

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

**DISCUSSION ITEMS**

Topics discussed during caucus included: (i) Farm-to-School Program, (ii) third and final reading on the supplement appropriation to pay off the New River Tax Increment Financing bonds, (iii) a request to clarify agenda item 10(a), an ordinance authorizing the execution of delivery of an easement encumbering property owned by Beaufort County, (iv) a request to clarify agenda item 12, an ordinance to amend by Beaufort County School District ordinance No. 2012/11, (v) status of the Animal Control Officers assigned to the Animal Shelter, (vi) a resolution regarding the Daufuskie Island Special Tax referendum that failed, (vii) revisiting the issue of an island-wide investment on Daufuskie Island, (viii) decided not to do any further state accommodations tax distribution until fiscal year 2014, (ix) discussion of the Bluffton Parkway flyovers, (x) status of Master's Way and intersection improvements, (xi) Community Services Committee to discuss the Jasper County Standards of Dress Ordinance.

**REGULAR SESSION**

The regularly scheduled meeting of the County Council of Beaufort County was held at 4:00 p.m. on Monday, November 26, 2012 in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

**ATTENDANCE**

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

### **PLEDGE OF ALLEGIANCE**

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

### **INVOCATION**

Mr. Tommy Lewis, Football Coach, Hilton Head Christian Academy, gave the Invocation.

### **REVIEW OF PROCEEDINGS OF THE REGULAR MEETING HELD OCTOBER 22, 2012**

It was moved by Mr. Caporale, seconded by Mr. Stewart, that Council approve the minutes of the regular meeting held October 22, 2012. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT - Mr. Flewelling and Mr. Glaze. The motion passed.

### **PUBLIC COMMENT**

The Chairman recognized Mr. Jayson Gardner, representing the Beaufort Regional Chamber of Commerce, who reminded Council of the Legislative Reception tomorrow evening from 6:00 p.m. to 8:00 p.m. at the Arsenal in Beaufort. Members of the Legislative Delegation will participate in a panel question and answer session. The Chamber Board of Directors will present its legislative agenda that night.

Mr. Bob Cooke, a Hilton Head Island resident, said he is the person responsible for the email petition regarding soccer fields that flooded Council members' inbox. Mr. Cooke has about 500 emails in his inbox of people who would like to continue the petition. However, he is holding them off pending the progress of his request of the County Administrator for information that will give some insight into what has happened with the \$3.1 million budget of the Parks and Leisure Services Department and how Hilton Head Island is only receiving about 4.5% of that. He has yet to receive any information. He is preparing a FOIA that will put that information on record.

Mr. Kubic, County Administrator, appreciates Mr. Cooke's comments, and a response on the information that he wants will be forthcoming. All that budget material/information is available, as it is to Council, on the County website. Mr. Kubic is in favor of upgrading the field issue. He has asked the MIS team to do an exercise -- to review the 1,200 emails sent over the last year between all of his employees and the Island Recreation Center and there are 200, and we are specifically looking for any types of complaints that relate to field management. A review of the initial 200 has revealed not one single complaint yet. Mr. Kubic plans to restructure the arrangement between the Town of Hilton Head Island and the County predicated on the result of the two consulting reports that we have commissioned. Mr. Kubic has introduced field inspection. Things happen overnight. Our team has videoed the fields on Hilton Head Island -- we have pictures of people being with their dogs unleashed on our fields; pictures of alcohol use on Sundays at our fields; and pictures of children tearing down the nets. Those types of damages

occur over night. Coaches have the responsibility, or should, of field inspection prior to any game. If any coach finds defects in the field, we, obviously, because we do not want our children exposed, cancel the game and reschedule it the following game. No one will lose a game, but we certainly do not want to put kids in a hazardous environment. It is not just about money. It is a comprehensive approach as to how those programs are treated once put in place by Council for the benefit of our children.

Mr. Kubic encouraged Mr. Cooke's efforts. We are working on the problem only in a different fashion. We will do better coordination as to our friends on Hilton Head Island. Mr. Kubic is approaching this problem, not just from field management or allocation of dollars, but challenge us to see whether or not we can find ways to reach more children and help them long term. It is not just about playing football, basketball, soccer and baseball. We can do a better job in an educational process with the Board of Education.

Mr. Thomas Barnwell, a Hilton Head Island resident, thanked Chairman Newton for his many years of committed, dedicated community service to this County. He will continue to provide those same services as a member of the State House of Representatives.

Mr. Aaron Crosby, Daufuskie Island, expressed best wishes to Chairman Newton as he leaves Council to represent Beaufort County in the State House of Representatives. He appreciates the working relationship Chairman Newton and he have had over the last few years. The effort to create a special purpose tax district did not work.

## **COUNTY ADMINISTRATOR'S REPORT**

### **Farewell to Chairman Weston Newton**

Mr. Sommerville recognized Mr. Newton and presented him a video composite of the many special events that he presided over as Chairman. Mr. Newton's fingerprints and accomplishments, particularly his ten years as Chairman, have been many. Mr. Sommerville unveiled a plaque that highlights eight items, but they do not begin to cover all of the projects Mr. Newton has helped accomplish through his vision and leadership as Chairman of County Council.

Mr. Sommerville highlighted the eight items. (i) Beaufort County governmental transparency earned national recognition in 2011. County meetings are broadcast live on multiple cable channels and streamed online, where programming can also be watched on demand after original airing. (ii) In 2012, the County celebrated the beginning of the first stretch of the Spanish Moss Trail, which will consist of the conversion of a 14.6-mile stretch of the former Port Royal Railroad into a cycling and pedestrian corridor linking Port Royal to the Whale Branch River. (iii) The result of a partnership between Beaufort County and Penn Center, the new Saint Helena Branch Library opened in 2012, contributing a much-needed cultural resource to the residents and children residing in our County's largest rural island. (iv) Citizens approved by referendum for a fourth time in 2012, the Beaufort County Rural and Critical Lands Preservation Program which continues to raise funds to buy land and development rights, protecting 21,000 acres of

valuable land, habitat, scenic vistas, and precious waterway. (v) Beaufort County now has a more accessible roadway system due to road development impact fees and a citizen approved penny sales tax. Improvements include six-laning, resurfacing, widening, parkway expansions, and a new bridge. Residents and visitors can evacuate faster and safer under threat of hurricane, protecting the economy, jobs and lives. (vi) A partnership with the University of South Carolina-Beaufort and the Technical College of the Lowcountry resulted in increased enrollment and a greater footprint for higher education in Beaufort County, bringing thousands of new students and a four-fold increased economic impact from the additional 750 jobs. (vii) A new and improved state-of-the-art facility for the County's Disabilities and Special Needs Department opened in 2012. Beaufort County was awarded the Golden Order of the Palmetto from the SC Department of Disabilities & Special Needs for this accomplishment. (viii) Beaufort County's environmentally sensitive stormwater management practices and policies are widely recognized for being progressive and stricter than those of the State of South Carolina.

On behalf of the members of all Council, Mr. Sommerville thanked the Chairman for his leadership and vision. We wish you well in Columbia.

The Chairman thanked Mr. Sommerville for his comments, Mr. Kubic and Ms. Rainey and staff for the plaque and video composite. "It has been a true honor and privilege, not only to get to serve the citizens of Beaufort County, but to serve with each member of Council and with each of the staff members, who are a tremendous group of individuals. It is a privilege to work with them, for them, and beside them for the last 13 years. Keep doing a good job. I have made many good friends over the last 13 years. It has been a tremendous honor to serve as a Council member and as Chairman. Thank you all and especially Ms. Rainey. Thank you Mr. Sommerville and former County Council Chairman Skeet Von Harten for the opportunity in your roles as Vice Chairman to work alongside both of you for ten years."

## **COUNTY ADMINISTRATOR'S REPORT**

### **The County Channel / Broadcast Update**

Mr. Gary Kubic, County Administrator, said The County Channel has all programs, events and meetings available to watch online, on-demand at [www.bcgov.net](http://www.bcgov.net). Our latest Beaufort County Moment episode is *The History of Truck Farming*. The County Channel new Coastal Kingdom episode is Lowcountry Fishes. The County Channel was there to get all the highlights at several events: Veterans Day Ceremony and Parade, Heritage Day Parade, dedication of the Coursen-Tate Memorial Park, ribbon cuttings of the St. Helena Library at Penn Center as well as the Rails to Trails Trailhead, and the Lowcountry Regional Orchestra performance.

### **Two-Week Progress Report / County Administrator**

Mr. Gary Kubic, County Administrator, presented his Two-Week Progress Report, which summarized his activities from November 5, 2012 through November 23, 2012.



## **Two-Week Progress Report / Deputy County Administrator**

Mr. Gary Kubic, County Administrator, presented the Deputy County Administrator's Two-Week Progress Report, which summarized his activities from November 5, 2012 through November 23, 2012.

## **Resolution to Endorse Port Royal Sound Area Information Signage**

It was moved by Mr. Sommerville, seconded by Ms. Von Harten, that Council adopt a resolution supporting the installation of signs along the public roadways and waterways at the entry points to the Port Royal Sound Area as well as signage identifying waterways within the Area and requests regulating bodies to cooperate to facilitate installation of such signage. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Flewelling and Mr. Glaze. The motion passed.

## **Presentation of 2013 Beaufort County Lands Preservation Calendar**

Mr. Gary Kubic, County Administrator, said the Beaufort County Lands Preservation Calendar has served as a public information tool regarding land preservation since 2006. It is one of his favorite projects. Not only is it a lot of fun, it engages our local photographers in an annual contest which provides us with beautiful photos. The theme for the 2013 calendar is Birds of Beaufort County and Their Habitats. We partnered with our local birding clubs on Fripp Island, Hilton Head Island and Sun City to get the word out about the contest and to help us with expertise. You may not know it, but birding is one of the most popular forms of recreation in the world. The photos submitted in the contest were so exceptional that we decided to add two additional months so we could use more of them. The winning photographers are here with us this evening. We want them to know how much we appreciate their contribution to our beautiful calendar.

Mr. Kubic introduced this year's photo contest winners. The cover photo – Mr. Charlie by Stony Patricia Roche; January – Mr. Charlie by Patricia Roche; February - two great egrets by Dick Henry; March - eastern Bluebird by Tom Brady; April - 'My Baby's Getting on my Last Nerve' by Chris Kirk; May - Hummingbird and Coral Honeysuckle by David Shipper; June - White Ibis with Fish by Ed Kelly; July - pair of eagles by Mary Kay Taylor; August - Which Way Did They Go?' by Sue Jarrett; September - 'Pelican Candelabra' by Chris Kirk; October - American Oystercatcher by Richard de Also; November - Gobbler by Zeke Jordan; December - Terns at Water's Edge by Joanne Long; January 2014 - Red Tailed Hawk Reflection' by William Bosley; and February 2014 - male woodpecker feeding his mate by Ed Crenshaw.

We had some expert help this year from Dr. Chris Marsh, Lowcountry Institute, who reviewed and edited all our nature facts. Mr. Pete Richards pitched this birding theme to the county and was extremely helpful in all phases of production. He also obtained the endorsement of the three

local birding clubs and their members have agreed to help us sell calendars. We very much appreciate the talents of our graphic designer Mrs. Pamela Brownstein.

Mr. Kubic thanked the calendar production team for working with retired PIO Suzanne Larson to organize and administering this wonderful 2013 calendar: Amanda Flake of the Planning Department, Joy Nelson, PIO, Teri Norris of the Planning Department and Monica Spells, Communications Team Leader and Compliance Officer.

### **Hilton Head Christian Academy Football Team / 2012 South Carolina Independent Athletic Association Class 2-A State Champions**

The Chairman announced that Beaufort County has been extremely well represented recently by its young people during football competitions. Hilton Head Christian Academy Eagles won the state football championship for the South Carolina Independent Schools Athletic Association Class 2-A for the second consecutive year. Head Coach Tommy Lewis and several members of the team are here tonight. We are proud of them. In keeping with our tradition of recognizing the exceptional achievements of our young people, Council would like to commend each player, coach, manager and trainer.

### **AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN EASEMENT ENCUMBERING PROPERTY OWNED BY BEAUFORT COUNTY, SOUTH CAROLINA**

Mr. Chairman said this item is removed from the agenda because of not having the text of the ordinance itself in front of Council to consider. Copies of that ordinance have been handed out today. It is a fairly simple and straightforward ordinance incorporating the attachment, which is the easement to SCE&G. One of the things this ordinance, as drafted, does not do, is limit or restrict the funds to the Rural and Critical Lands Program. This matter has been presented initially as a first reading, by title only. It came out of Public Facilities Committee.

**Main motion:** It was moved by Mr. Baer, as Public Facilities Committee Vice Chairman (no second required), that Council approve on second reading an ordinance authorizing the execution and delivery of an easement encumbering property owned by Beaufort County, South Carolina.

**Motion to amend by addition:** It was moved by Mr. Baer, seconded by Ms. Von Harten, that Council restrict the funds, in the amount of approximately \$25,000 to the Rural and Critical Lands Program, for the easement for SCE&G relocation of its gas line on Rural and Critical Lands acquired property, attendant to the widening of SC Highway 170.

**Vote on the amended motion, which is now the main motion and includes the motion to amend by addition:** Council approve on second reading an ordinance authorizing the execution and delivery of an easement encumbering property owned by Beaufort County, South Carolina and, further, restricting the funds, in the amount of approximately \$25,000 to the Rural and Critical Lands Program, for the easement for SCE&G relocation of its gas line on Rural and Critical Lands acquired property, attendant to the widening of SC Highway 170. The vote was:

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

**JOHN DEERE 6115M CAB TRACTOR WITH ROTARY CUTTER FOR STORMWATER MANAGEMENT DEPARTMENT**

This item comes before Council under the Consent Agenda. Discussion occurred at the November 5, 2012 Finance Committee meeting.

It was moved by Mr. Sommerville, seconded by Mr. Baer, that Council award a contract to Blanchard Equipment Company of Saint George, South Carolina in the amount of \$80,016.75 for the purchase of a new 6115M John Deere Cab Tractor and Rotary Cutter. Funding will come from account 13531-54200, Specialized Capital Equipment. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Flewelling and Mr. Glaze. The motion passed.

**SOUTHERN BEAUFORT COUNTY ZONING MAP AMENDMENT / REZONING REQUEST FOR R601 031 000 0030 0000, R601 031 000 030A 0000, R601 031 000 1572 0000 AND R619 031 000 0039 0000 (4 PARCELS TOTALING 65+/- ACRES AT THE SOUTHWEST INTERSECTION OF U.S. 278 AND S.C. 46, ACROSS FROM KITTIE'S CROSSING) FROM LIGHT INDUSTRIAL (LI) AND SUBURBAN (S) ZONING DISTRICTS TO COMMERCIAL REGIONAL (CR) ZONING DISTRICT**

This item comes before Council under the Consent Agenda. Discussion occurred at the November 8, 2012 Natural Resources Committee meeting.

It was moved by Mr. Sommerville, seconded by Mr. Baer, that Council approve on first reading a rezoning for R601 031 000 0030 0000, R601 031A 000 030 0000, R601 031 000 1572 0000 and R619 031 000 0039 0000 (4 parcels totaling 65+/- acres at the southwest intersection of U.S. 278 and S.C. 46, across from Kittie's Crossing) from Light Industrial (LI) and Suburban (S) Zoning Districts to Commercial Regional (CR) Zoning District; Georgia McCulloch (Parcels 30 and 1572), PAHH Development LLC (Parcel 30A), and S.C. Public Service Authority (Parcel 39). The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Flewelling and Mr. Glaze. The motion passed.

**TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE/ZDSO, ARTICLE V, SECTION 106-1187(B) MULTIFAMILY RESIDENTIAL-URBAN DISTRICT (ALLOWS MULTIFAMILY USES WITHIN ONE-QUARTER (1/4) MILE OF EXISTING MULTIFAMILY USES)**

This item comes before Council under the Consent Agenda. Discussion occurred at the November 8, 2012 Natural Resources Committee meeting.

It was moved by Mr. Sommerville, seconded by Mr. Baer, that Council approve on first reading an ordinance to amend the Zoning and Development Standards Ordinance (ZDSO), Article V. Use Regulations, Section 106-1187(b), Multi-family Residential-Urban District, that allows multifamily uses within one-quarter (1/4) mile of existing multifamily uses in the Urban districts. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Flewelling and Mr. Glaze. The motion passed.

### **WATER QUALITY MONITORING CONTRACT FOR BEAUFORT COUNTY**

This item comes before Council under the Consent Agenda. Discussion occurred at the November 8, 2012 Natural Resources Committee meeting.

It was moved by Mr. Sommerville, seconded by Mr. Baer, that Council award the Water Quality Monitoring contract of \$91,515 to GEL Engineering. Funding will come from the Stormwater Utility account 13531-51160. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Flewelling and Mr. Glaze. The motion passed.

### **WATER QUALITY OFFICE AND UTILITY BALANCE UTILIZATION PLAN**

This item comes before Council under the Consent Agenda. Discussion occurred at the November 8, 2012 Natural Resources Committee meeting.

It was moved by Mr. Sommerville, seconded by Mr. Baer, that Council approve a \$250,000 contribution to USC-Beaufort for lease/purchase of water quality testing equipment in establishing Beaufort Water Quality Lab Expansion. Funding will come from the Stormwater Utility account 13531-51160. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Flewelling and Mr. Glaze. The motion passed.

### **A RESOLUTION CONFIRMING THAT BEAUFORT COUNTY COUNCIL SHALL HAVE THREE APPOINTMENTS TO THE BOARD OF THE LOWCOUNTRY ECONOMIC ALLIANCE, THAT THE THREE SEATS SHALL BE OPEN FOR APPOINTMENT TO ANY CITIZEN OF BEAUFORT COUNTY AS MAY BE NOMINATED AND APPROVED BY COUNTY COUNCIL**

This item comes before Council under the Consent Agenda. Discussion occurred at the November 8, 2012 Governmental Committee meeting.

It was moved by Mr. Sommerville, seconded by Mr. Baer, that Council adopt a Resolution confirming that Beaufort County Council shall have three appointments to the Board of the Lowcountry Economic Alliance and that the three seats shall be open for appointment to any citizen of Beaufort County as may be nominated and approved by County Council. The vote

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

**AUTHORIZATION TO TRANSFER \$30,000 GRANT TO CLEMSON EXTENSION FOR FACILITY RENOVATIONS AND INFRASTRUCTURE IMPROVEMENTS FROM PENN CENTER CAMPUS TO GULLAH FARMERS COOPERATIVE ASSOCIATION**

It was moved by Mr. McBride, seconded by Mr. Sommerville, that Council authorize the transfer of a \$30,000 grant to Clemson Extension for facility renovations and infrastructure improvements from Penn Center Campus to Gullah Farmers Cooperation Association.

Mr. Baer questioned if the \$30,000 is coming out of the current year budget or is it restricted funds that were pre-allocated.

Mr. Hill, Deputy County Administrator, replied the \$30,000 is coming out of the current year budget.

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

**RESOLUTION PUBLISHING THE RESULTS OF THE DAUFUSKIE ISLAND FERRY SPECIAL TAX DISTRICT REFERENDUM AS REQUIRED BY SOUTH CAROLINA CODE OF LAWS SECTION 4-9-30(5)(A)(1)**

It was moved by Mr. Rodman, seconded by Mr. Baer, that Council adopt a resolution publishing the results of the Daufuksie Island Ferry Special Tax District referendum as required by South Carolina Code of Laws, Section 4-9-30. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Flewelling and Mr. Glaze. The motion passed.

**AN ORDINANCE TO AMEND THE BEAUFORT COUNTY SCHOOL DISTRICT ORDINANCE NO. 2012/11**

It was moved by Mr. Rodman, seconded by Mr. Sommerville, that Council approve on first reading, by title only, an ordinance to amend the Beaufort County School District Ordinance No. 2012/11. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Flewelling and Mr. Glaze. The motion passed

**PUBLIC HEARING**

**AN ORDINANCE TO AMEND THE FY 2011-2012 BEAUFORT COUNTY BUDGET ORDINANCE SO AS TO PROVIDE A SUPPLEMENTAL APPROPRIATION FROM**

**THE COUNTY'S GENERAL RESERVE FUND IN AN AMOUNT NOT TO EXCEED \$7,200,000 FOR THE PURPOSE OF SATISFYING OUTSTANDING BOND OBLIGATIONS RELATIVE TO THE NEW RIVER TAX INCREMENT FINANCING DISTRICT**

The Chairman opened a public hearing at 6:32 p.m. for the purpose of receiving information from the public regarding an ordinance to amend the FY 2011-2012 Beaufort County budget ordinance so as to provide a supplemental appropriation from the County's general reserve fund in an amount not to exceed \$7,200,000 for the purpose of satisfying outstanding bond obligations relative to the New River Tax Increment Financing District. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:33 p.m.

It was moved by Mr. Rodman, as Finance Committee Chairman (no second required), that Council approve on third and final reading an ordinance to amend the FY 2011-2012 Beaufort County budget ordinance so as to provide a supplemental appropriation from the County's general reserve fund in an amount not to exceed \$7,200,000 for the purpose of satisfying outstanding bond obligations relative to the New River Tax Increment Financing District. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Flewelling and Mr. Glaze. The motion passed.

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

**COMMITTEE REPORTS**

**Governmental Committee**

**Lowcountry Economic Alliance**

Mr. Stewart, as Governmental Committee Chairman, nominated Mr. Michael Covert to serve as a member of the Lowcountry Economic Alliance.

**Natural Resources Committee**

**Southern Corridor Review Board**

Mr. Sommerville, as Natural Resources Committee Chairman, nominated Mr. Peter Brower, representing landscape architect, 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.

**PUBLIC COMMENT**

The Chairman recognized Mr. Fred Washington, Chairman of the Board of Education, who expressed support for the Farmer-to-School Program. He encouraged Council to adopt a resolution on the issue of sequestration.

Mr. Newton said on June 11, 2012 Council adopted a sequestration resolution calling for action at the federal, state, and local levels to avoid sequestration and the automatic department of defense spending cuts.

Mr. York Glover, speaking on behalf of Clemson Extension Service, the farmers, the Gullah Farmers Cooperative, and the task force that brought forward the Farmer-to-School Program three years ago, thanked Council for the \$30,000 grant. As Chairman Newton moves on State House of Representatives, God Bless You.

**CALL FOR EXECUTIVE SESSION**

It was moved by Mr. Sommerville, seconded by Mr. Dawson, that Council go immediately into executive session regarding the employment of a person regulated by County Council as well as negotiations incident to proposed contractual arrangements and proposed purchase of property. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Flewelling and Mr. Glaze. The motion passed.

**EXECUTIVE SESSION**

**RECONVENE OF REGULAR SESSION**

**ADJOURNMENT**

Council adjourned at 7:45 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: \_\_\_\_\_  
D. Paul Sommerville, Interim Chairman

ATTEST \_\_\_\_\_  
Suzanne M. Rainey, Clerk to Council

Ratified:

Official Proceedings  
County Council of Beaufort County  
January 14, 2013

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, January 14, 2013 in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

**ATTENDANCE**

Vice Chairman Stu Rodman and Councilmen Steven Baer, Cynthia Bensch, Rick Caporale, Gerald Dawson, Brian Flewelling, William McBride, Gerald Stewart and Laura Von Harten. Chairman Paul Sommerville was absent. District 9 is vacant.

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

**DISCUSSION ITEMS**

Topics discussed during caucus included: (i) representatives from Council will meet with members of the Legislative Delegation Tuesday, January 15 at the Statehouse. (ii) proposed text amendments to the charters of the Bluffton Township Fire District, Daufuskie Island Fire District, and Sheldon Township Fire District. (iii) a date when staff anticipates making its presentation on the airports' five-year cash flow. (iv) the County's financial participation in an agreement with SCDOT; and (v) the fund balance policy approval / adoption by ordinance or resolution.

**CALL FOR EXECUTIVE SESSION**

It was moved by Ms. Von Harten, seconded by Mr. McBride, to go immediately into executive session for the purpose of receiving information regarding proposed contractual arrangements and proposed purchase of property. The vote was: YEAS - Mr. Baer, Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT - Mr. Sommerville. District 9 is vacant. The motion passed.

**EXECUTIVE SESSION**

**RECONVENE OF REGULAR SESSION**

The regularly scheduled meeting of the County Council of Beaufort County was held at 4:00 p.m. on Monday, January 14, 2013 in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort, South Carolina.



## **ATTENDANCE**

Vice Chairman Stu Rodman and Councilmen Steven Baer, Cynthia Bensch, Rick Caporale, Gerald Dawson, Brian Flewelling, William McBride, Gerald Stewart and Laura Von Harten. Chairman Paul Sommerville was absent. District 9 is vacant.

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

## **PLEDGE OF ALLEGIANCE**

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

## **INVOCATION**

Councilman Dawson gave the Invocation.

## **REVIEW OF PROCEEDINGS OF THE SPECIAL MEETING HELD JANUARY 2, 2013**

It was moved by Ms. Von Harten, seconded by Mr. McBride, that Council approve the minutes of the special meeting held January 2, 2013. The vote was: YEAS - Mr. Baer, Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT - Mr. Sommerville. District 9 is vacant. The motion passed.

## **PUBLIC COMMENT**

The Chairman recognized Mrs. Anna Marie Stefanick, a resident of Bluffton and an avid biker, who appreciates the wonderful multiuse paths and bike lanes Bluffton has provided for its residents. However, the missing section of the multiuse path, in the circle at Route 46, presents a real problem for pathway cyclists. She encouraged Council to facilitate the matter in a timely fashion, post “share the road” signs at all entry points into the circle, and construct a new section of multiuse path that will actually meet the circle on its south side and eliminate the ride on the roadway for bicyclists.

Mr. John Genovese, a resident of Palmetto Bluff, stated the issue regarding the fire station is about money and not fire protection. Bluffton Fire District (District) well serves its residents today. This is a temporary problem because the developer is committed to donating the land and constructing a fire station. The District has a strategy plan wherein at the end of that period (2015 or 2016) they will have the funds to staff the Palmetto Bluff fire station. His solution is to establish a temporary volunteer fire department by training Palmetto Bluff security personnel who are already on site 24/7.

Mr. Aaron Crosby, a resident of Daufuskie Island, said about four years ago folks on Daufuskie Island were riding the wave of optimism about the five-year planning process that was drawing

to a close to create the Daufuskie Island Comprehensive Plan. Four years ago, in an effort to organize, residents held several town hall meetings. From those meetings, by laws and an election process were established. The community took it upon itself to try to answer these questions. Three years ago, residents elected their first council, who were willing to tackle tough issues. He hopes Council will continue to put its faith in this newly elected council.

## **COUNTY ADMINISTRATOR'S REPORT**

### **The County Channel / Broadcast Update**

Mr. Gary Kubic, County Administrator, said The County Channel has all programs, events and meetings available to watch online, on-demand at [www.bcgov.net](http://www.bcgov.net). Our next segment is Beaufort County boundaries.

The County Channel is gearing up for the 2013 Sports Season. We added coverage of this year's basketball tournament, the Bobcat Classic at Bluffton High School. We will cover upcoming games at Whale Branch Early College High School as well as Battery Creek High School.

### **Five-Week Progress Report / County Administrator**

Mr. Gary Kubic, County Administrator, presented his Five-Week Progress Report, which summarized his activities from December 10, 2012 through January 11, 2013.

### **Financial Participation Agreement between SCDOT and Beaufort County**

Mr. Kubic, County Administrator, stated the proposal involves authorization to enter into a contract between SCDOT and Beaufort County for the purposes of resurfacing several streets. We are in this agreement as a 50/50 match. Federal dollars flow to SCDOT. The 50/50 match represents \$2.2 million of state and federal dollars and a County match of \$2.2 million. The County's \$2.2 million comes from \$1.1 million of the County road use fee *a.k.a.* license tag fees and the second \$1.1 million comes from the Beaufort County Transportation Committee (CTC) gas tax. The list of roads has been determined by priority; and if the total amount of \$4.4 million becomes less, the roads at the bottom of the list are dropped off. The priority list goes from high to low. Lafayette Street in Beaufort is the first priority identified in the process.

It was moved by Mr. McBride, seconded by Mr. Flewelling, that Council authorize the County Administrator to enter into a Financial Participation Agreement between SCDOT and Beaufort County for the purposes of resurfacing several streets. The vote was: YEAS - Mr. Baer, Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT - Mr. Sommerville. District 9 is vacant. The motion passed.

## **DEPUTY COUNTY ADMINISTRATOR’S REPORT**

### **Five-Week Progress Report / Deputy County Administrator**

Mr. Bryan Hill, Deputy County Administrator, presented his Five-Week Progress Report, which summarized his activities from December 10, 2012 through January 11, 2013.

### **Financial Reports**

Mr. Bryan Hill, Deputy County Administrator, submitted the actual year-to-date comparison for the period ending December 31, 2012 as well as snapshots of revenue and expenses to date.

**AUTHORIZING THE ISSUANCE AND SALE OF A TAX INCREMENT REFUNDING REVENUE BOND, SERIES 2013, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF BEAUFORT COUNTY, SOUTH CAROLINA, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$6,000,000 FOR THE PURPOSE OF REFUNDING CERTAIN MATURITIES OF THE BLUFFTON AREA TAX INCREMENT BONDS; FIXING THE FORM AND DETAILS OF THE BOND; AUTHORIZING THE COUNTY ADMINISTRATOR OR HIS LAWFULLY-AUTHORIZED DESIGNEE TO DETERMINE CERTAIN MATTERS RELATING TO THE BOND; PROVIDING FOR THE PAYMENT OF THE BOND AND THE DISPOSITION OF THE PROCEEDS THEREOF; AUTHORIZING THE REDEMPTION OR DEFEASANCE OF CERTAIN MATURITIES OF OUTSTANDING BLUFFTON AREA TAX INCREMENT REVENUE BONDS; AND OTHER MATTERS RELATING THERETO**

This item comes before Council under the Consent Agenda. Discussion occurred at the December 10, 2012 Finance Committee meeting.

It was moved by Mr. Stewart, seconded Mr. Caporale, that Council approve on second reading an ordinance authorizing the issuance and sale of a Tax Increment Refunding Revenue Bond, Series 2013, or such other appropriate series designation, of Beaufort County, South Carolina, in the principal amount of not exceeding \$6,000,000 for the purpose of refunding certain maturities of the Bluffton Area Tax Increment Bonds. The vote was: YEAS - Mr. Baer, Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT - Mr. Sommerville. District 9 is vacant. The motion passed.

The Vice Chairman announced a public hearing on this issue Monday, January 28, 2013 beginning at 6:00 p.m. in Council Chambers of the Administration Building, Government Center, 100 Ribaut Road, Beaufort.

**AN ORDINANCE TO AMEND FY 2012-2013 BEAUFORT COUNTY SCHOOL DISTRICT BUDGET, SECTION 3, SCHOOL OPERATIONS APPROPRIATION**

This item comes before Council under the Consent Agenda. Discussion occurred at the December 10, 2012 Finance Committee meeting.

It was moved by Mr. Stewart, seconded Mr. Caporale, that Council approve on second reading an ordinance to amend FY 2012/2013 Beaufort County School District Budget, Section 3, School Operations Appropriation. The vote was: YEAS - Mr. Baer, Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT - Mr. Sommerville. District 9 is vacant. The motion passed.

The Vice Chairman announced a public hearing on this issue Monday, January 28, 2013 beginning at 6:00 p.m. in Council Chambers of the Administration Building, Government Center, 100 Ribaut Road, Beaufort.

**AN ORDINANCE TO AMEND THE CHARTERS OF THE BLUFFTON TOWNSHIP FIRE DISTRICT, DAUFUSKIE ISLAND FIRE DISTRICT AND THE SHELDON TOWNSHIP FIRE DISTRICT**

Mr. Dawson will abstain because Commissioners of the Sheldon Fire District want to say in the hiring process and want to approve a candidate before that person is hired.

It was moved by Mr. Stewart, as Governmental Committee Chairman (no second required), that Council approve on first reading, by title only, an ordinance to amend the charters of the Bluffton Township Fire District, Daufuskie Island Fire District and the Sheldon Township Fire District. The vote was: YEAS - Mr. Baer, Mrs. Bensch, Mr. Caporale, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSTAIN – Mr. Dawson. ABSENT - Mr. Sommerville. District 9 is vacant. The motion passed.

**AN ORDINANCE TO AMEND THE BLUFFTON TOWNSHIP FIRE DISTRICT FY 2013 BUDGET FOR A SUPPLEMENTAL DISTRICT GENERAL FUND APPROPRIATION OF \$554,677 TO COVER ADDITIONAL SALARIES AND OVERTIME**

It was moved by Mr. Stewart, as Governmental Committee Chairman (no second required), that Council approve on first reading, by title only, an ordinance to amend the Bluffton Township Fire District FY 2013 budget for a supplemental district general fund appropriation of \$554,677 to cover additional salaries and overtime.

Mr. Baer will vote against the motion. He has never been a fan of first reading, by title only, approval because it is a short circuit of the process of three fair and detailed hearings. No backup material came with the data package. As mentioned during public comment tonight, other solutions have not been looked at, including creating a volunteer association and creating separate sub-districts with different rates for lower density area. There is a lot of precedence in

other low-density areas such as Sheldon. The whole topic needs a lot more discussion. He may decide to vote for this in the long term; but at this time, he does not have enough detailed information.

The vote was: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSTAIN – Mr. Baer. ABSENT - Mr. Sommerville. District 9 is vacant. The motion passed.

### **ADOPTION OF 2013 CAUCUS AND REGULAR MEETING SCHEDULE**

Main motion: It was moved by Mr. Caporale, seconded by Mr. Flewelling, that Council adopt its 2013 caucus and regular meeting schedule that includes holding four meetings at the Bluffton Branch Library.

Motion to amend by addition: It was moved by Mr. Baer, seconded by Mr. Flewelling, that Council add two meetings at the Hilton Head Island Branch Library. The vote was: YEAS – Mr. Baer, Mrs. Bensch, Mr. Caporale, Mr. Flewelling and Mr. Rodman. NAYS – Mr. Dawson, Mr. McBride, Mr. Stewart and Ms. Von Harten. ABSENT - Mr. Sommerville. District 9 is vacant. The motion passed.

Vote on the amended motion, which is now the main motion and includes the motion to amend by addition: Council adopt its 2013 caucus and regular meeting schedule that includes holding four meetings at the Bluffton Branch Library and two meetings at the Hilton Head Island Branch Library for a total of six meetings south of the Broad River. The vote was: YEAS - Mr. Baer, Mrs. Bensch, Mr. Caporale, Mr. Flewelling, Mr. Rodman, Mr. Stewart and Ms. Von Harten. NAYS – Mr. Dawson and Mr. McBride. ABSENT - Mr. Sommerville. District 9 is vacant. The motion passed.

### **ANNOUNCEMENT OF 2013 / 2014 COMMITTEE ASSIGNMENTS**

The Vice Chairman announced the 2013 / 2014 committee assignments. All committee meetings and Council meetings will occur, at least on a scheduled basis, Monday afternoons.

### **ESTABLISHMENT OF HAWKERS' AND PEDDLERS' LICENSE FEES**

It was moved by Mr. Caporale, seconded by Mr. Flewelling, that Council approve the hawkers and peddlers license fees for 2013 as follows: \$75 for County residents; \$500 for State, but not County residents; and \$1,000 for nonresidents. The vote was: YEAS - Mr. Baer, Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT - Mr. Sommerville. District 9 is vacant. The motion passed.

### **SOUTHERN BEAUFORT COUNTY ZONING MAP AMENDMENT / REZONING REQUEST FOR R601 031 000 0030 0000, R601 031 000 030A 0000, R601 031 000 1572 0000 AND R619 031 000 0039 0000 (4 PARCELS TOTALING 65+/- ACRES AT THE SOUTHWEST INTERSECTION OF U.S. 278 AND S.C. 46, ACROSS FROM KITTIE'S**

**CROSSING) FROM LIGHT INDUSTRIAL (LI) AND SUBURBAN (S) ZONING DISTRICTS TO COMMERCIAL REGIONAL (CR) ZONING DISTRICT**

The Vice Chairman opened a public hearing at 6:00 p.m. for the purpose of receiving comment from the public regarding a Southern Beaufort County Zoning Map Amendment / rezoning request for R601 031 000 0030 0000, R601 031 000 030A 0000, R601 031 000 1572 0000 and R619 031 000 0039 0000 (4 parcels totaling 65+/- acres at the southwest intersection of U.S. 278 and S.C. 46, across from Kittie's Crossing) from Light Industrial (LI) and Suburban (S) zoning districts to Commercial Regional (CR) zoning district. After calling three times for public comment and receiving none, the Vice Chairman declared the hearing closed at 6:01 p.m.

It was moved by Mr. Flewelling, as Natural Resources Committee Chairman (no second required), that Council approve on third and final reading a Southern Beaufort County Zoning Map Amendment / rezoning request for R601 031 000 0030 0000, R601 031 000 030A 0000, R601 031 000 1572 0000 and R619 031 000 0039 0000 (4 parcels totaling 65+/- acres at the southwest intersection of U.S. 278 and S.C. 46, across from Kittie's Crossing) from Light Industrial (LI) and Suburban (S) zoning districts to Commercial Regional (CR) zoning district. The vote was: YEAS - Mr. Baer, Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT - Mr. Sommerville. District 9 is vacant. The motion passed.

**TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE/ZDSO, ARTICLE V, SECTION 106-1187(B) MULTIFAMILY RESIDENTIAL-URBAN DISTRICT (ALLOWS MULTIFAMILY USES WITHIN ONE-QUARTER (1/4) MILE OF EXISTING MULTIFAMILY USES)**

The Vice Chairman opened a public hearing at 6:02 p.m. for the purpose of receiving comment from the public regarding text amendments to the Beaufort County Zoning and Development Standards Ordinance/ZDSO, Article V, Section 106-1187(B) Multifamily Residential-Urban District (allows Multifamily Uses within one-quarter (1/4) mile of existing Multifamily Uses). After calling three times for public comment and receiving none, the Vice Chairman declared the hearing closed at 6:03 p.m.

It was moved by Mr. Flewelling, as Natural Resources Committee Chairman (no second required), that Council approve on third and final reading text amendments to the Beaufort County Zoning and Development Standards Ordinance/ZDSO, Article V, Section 106-1187(B) Multifamily Residential-Urban District (allows Multifamily Uses within one-quarter (1/4) mile of existing Multifamily Uses). The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSTAIN – Mrs. Bensch. ABSENT - Mr. Sommerville. District 9 is vacant. The motion passed.

**AN ORDINANCE TO AMEND BEAUFORT COUNTY ORDINANCE NO. 2012/8 SO AS TO REFLECT AN INCREASE IN REVENUE AND ASSOCIATED EXPENDITURES**

**RELATIVE TO THE TERMINATION OF THE NEW RIVER TAX INCREMENT FINANCING DISTRICT**

The Vice Chairman opened a public hearing at 6:04 p.m. for the purpose of receiving comment from the public regarding an ordinance to amend Beaufort County Ordinance No. 2012/8 so as to reflect an increase in revenue and associated expenditures relative to the termination of the New River Tax Increment Financing District. After calling three times for public comment and receiving none, the Vice Chairman declared the hearing closed at 6:05 p.m.

It was moved by Mr. Flewelling, as Natural Resources Committee Chairman (no second required), that Council approve on third and final reading an ordinance to amend Beaufort County Ordinance No. 2012/8 so as to reflect an increase in revenue and associated expenditures relative to the termination of the New River Tax Increment Financing District. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSTAIN – Mrs. Bensch. ABSENT - Mr. Sommerville. District 9 is vacant. The motion passed.

**COMMITTEE REPORTS**

**Governmental Committee**

**Lowcountry Economic Alliance**

Alfred Spain

The vote was: YEAS - Mr. Baer, Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT - Mr. Sommerville. District 9 is vacant. Mr. Spain garnered the six votes required to serve as a member of the Lowcountry Economic Alliance.

**Lowcountry Council of Governments**

Herbert Glaze

The vote was: YEAS - Mr. Baer, Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT - Mr. Sommerville. District 9 is vacant. Mr. Glaze, representing at-large, garnered the six votes required to serve as a member of the Lowcountry Council of Governments.

**PUBLIC COMMENT**

There were no requests to speak during public comment.

**CALL FOR EXECUTIVE SESSION**

It was moved by Mr. Flewelling, seconded by Ms. Von Harten, that Council go immediately into executive session for the purpose of receiving information regarding proposed contractual arrangements and proposed purchase of property. The vote was: YEAS - Mr. Baer, Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT - Mr. Sommerville. District 9 is vacant. The motion passed.

**EXECUTIVE SESSION**

**ADJOURNMENT**

Council adjourned at 6:30 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: \_\_\_\_\_  
D. Paul Sommerville, Chairman

ATTEST \_\_\_\_\_  
Suzanne M. Rainey, Clerk to Council

Ratified:



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

**GARY KUBIC**  
COUNTY ADMINISTRATOR

**CHERYL HARRIS**  
EXECUTIVE ASSISTANT

ADMINISTRATION BUILDING  
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FAX: (843) 255-9401  
[www.becon.net](http://www.becon.net)

**BRYAN J. HILL**  
DEPUTY COUNTY ADMINISTRATOR

**JOSHUA A. GRUBER**  
STAFF ATTORNEY

**COUNTY ADMINISTRATOR'S REPORT**

**Monday, January 28, 2013  
5:00 p.m.  
County Council Chambers**

**INFORMATION ITEMS:**

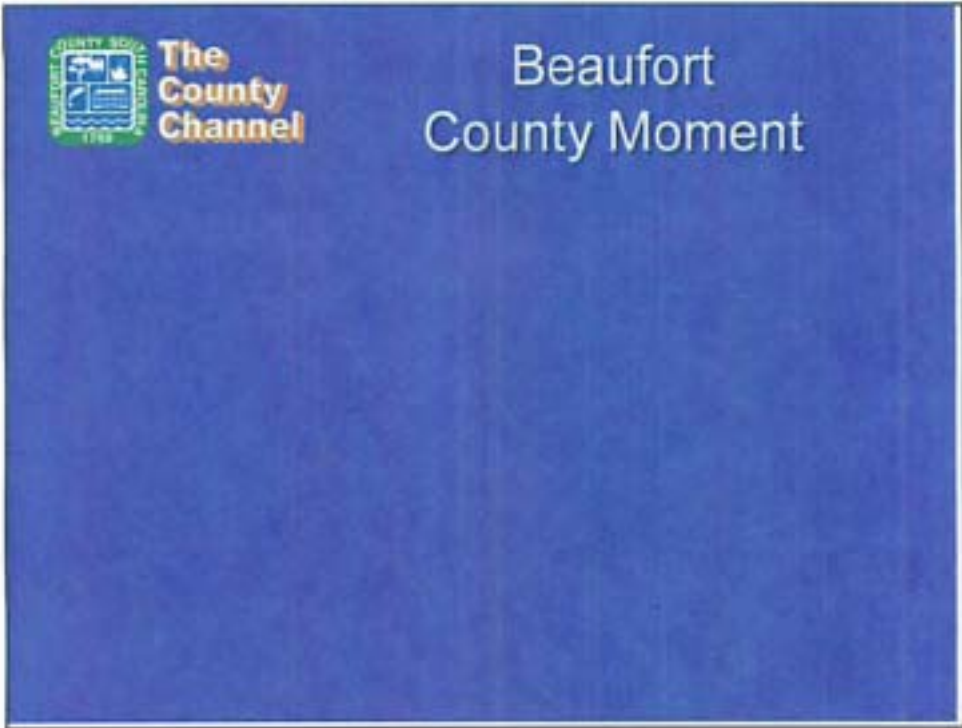
- **The County Channel / Broadcast Update (Enclosure)**
- **Two-week Progress Report (Enclosure)**



# Beaufort County Moment



{Intro} TBD... {Cue Video}



{Video plays, WITH audio}...

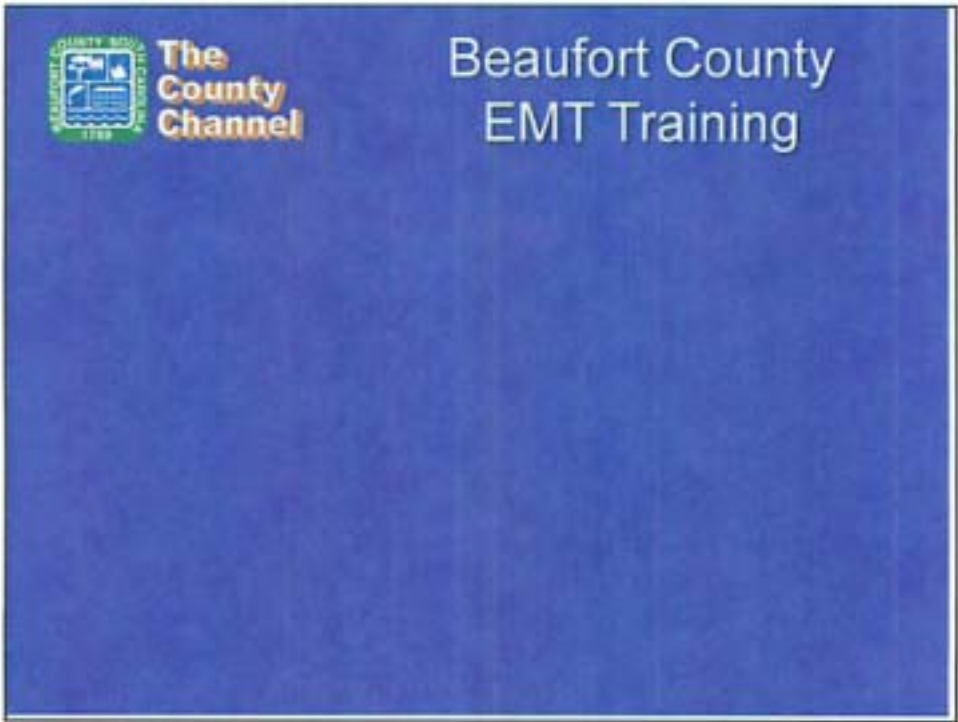


The  
County  
Channel

## Beaufort County EMT Training



Beaufort County recently hosted an EMT training course designed to help first responders properly use the stethoscope. Beaufort County's PIO Joy Nelson brings us the story... {NEXT SLIDE}



Video Plays WITH Audio



## Memorandum

DATE: January 25, 2013

TO: County Council

FROM: Gary Kubic, County Administrator

SUBJ: County Administrator's Progress Report

The following is a summary of activities that took place January 14, 2013 through January 25, 2013:

January 14, 2013

- Meeting with Deputy County Administrator Bryan Hill, Chief Financial Officer David Starkey and Master in-Equity Marvin Dukes re: Master in Equity revenue projections
- Council Caucus meeting
- County Council meeting

January 15, 2013

- Meeting with Mark Roseneau, Director of Facilities Management re: Carolina Cleaning and Custom Security
- Meeting with Detention Center Director Phil Foot and County Attorney Josh Gruber re: Payment of inmate medical bills
- Staff meeting re: Potential new access / Pinecrest and Shell Hall access onto Bluffton Parkway 5B

January 16, 2013

- Speak to ROMEO Club, The British Pub, Sun City
- County Assessor bimonthly meeting

January 17, 2013

- Meeting with Steve Riley, Hilton Head Island Town Manager re: Flyover
- Meeting with Steve Riley and Bob Gentzler, President of Palmetto Hall POA

COUNTY COUNCIL  
January 25, 2013  
Page 2

January 18, 2013

- Staff meeting re: Scheduling of meeting rooms at Bluffton and Hilton Head Island libraries
- Bluffton office

January 21, 2013

- Martin Luther King, Jr., holiday

January 22, 2013

- Employee orientation
- Meeting with Jennifer Witter re: County hiring practices
- Finance Committee meeting
- Public Facilities Committee meeting

January 23, 2013

- Town of Hilton Head Island Public Facilities Committee meeting re: Flyover Phase 5A
- Meeting with Sheldon Township Fire District (STFD) and County Attorney Josh Gruber re: STFD Charter

January 24, 2013

- Meeting with Deputy County Administrator Bryan Hill re: Reorganization
- Meeting with Bryan Hill, Deputy County Administrator, and Scott Grooms, Broadcast Services
- Staff meeting re: Waste management

January 25, 2013

- Staff meeting re: Library upgrade



## Memorandum

DATE: January 25, 2013  
TO: County Council  
FROM: Bryan Hill, Deputy County Administrator  
SUBJECT: Deputy County Administrator's Progress Report

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The following is a summary of activities that took place January 14, 2013 through January 25, 2013:

### January 14, 2012 (Monday):

- Meet with Alicia Holland, Controller, Stewart Rodman, Councilman, and Joe Mazzei, Airports Board re: HHI Airport
- Meet with Gary Kubic, County Administrator and William McBride, Councilman
- Meet with Monica Spells, Compliance Officer, and Dan Morgan, MIS/GIS Director re: Presentation Formatting
- Attend Revenue Projections Meeting with Gary Kubic, County Administrator, David Starkey, CFO, and Marvin Dukes
- Prepare for County Council
- County Council

### January 15, 2012 (Tuesday):

- Meet with David Starkey, CFO and Joshua Gruber, Staff Attorney
- Meet with Todd Ferguson, Emergency Management and Phillip Foot, Public Safety Director
- Attend Potential Access Meeting from Pinecrest and Shell Hall onto Bluffton Parkway 5B

### January 16, 2012 (Wednesday):

- Meet with Dan Morgan, MIS/GIS Director and Bill Neil, BCSO
- Meet with Joe Schaefer, EMS
- Meet with Robert McFee, Engineering & Infrastructure
- Meet with Monica Spells, Compliance Officer

### January 17, 2012 (Thursday)--Bluffton:

- Bluffton Hours



January 18, 2012 (Friday):

- Meet with Gary Kubic, County Administrator
- Meet with Gary Kubic, County Administrator, Joshua Gruber, Staff Attorney and David Starkey, CFO
- Meet re: Sheriff Procurement Process
- Meet with Anthony Criscitiello, Planning Director re: Parker's Convenience Store
- Meet with David Starkey, CFO, and Alicia Holland, Controller

January 21, 2012 (Monday)--MARTIN LUTHER KING JR. DAY:

- Meet with BJCH representative to discuss facility partnership opportunities

January 22, 2012 (Tuesday):

- Meet with Gary Kubic, County Administrator and Joshua Gruber, Staff Attorney
- Meet with Morris Campbell, Community Services Director and Mary Edmonds, DHEC Representative re: Office Space Needs and DHEC Reorganization
- Finance Committee Meeting
- Public Facilities Committee Meeting

January 23, 2012 (Wednesday):

- Agenda Review
- Meet with Gary Kubic, County Administrator

January 24, 2012 (Thursday):

- Meet with Tony Criscitiello, Planning Director and Joshua Gruber, Staff Attorney
- Attend Reorganization Meeting with Gary Kubic, County Administrator
- Attend Discussion re: Municipal Broadcasting
- Attend Meeting re: Waste Management Meeting Request with Gary Kubic, County Administrator, Eddie Bellamy, Public Works Director, Jim Minor, Solid Waste Director, Robert McFee, Engineering & Infrastructure and Joshua Gruber, Staff Attorney
- Meet with Mitzi Wagner and Beth Cody at DSN re: MUNIS

January 25, 2012 (Friday):

- Attend Library System IT Upgrade Meeting with Gary Kubic, County Administrator, David Starkey, CFO, Morris Campbell, Community Services Director, Wlodek Zaryczny, Libraries Director, Scott Grooms, Broadcasting and Dan Morgan, MIS/GIS Director
- Bluffton Hours P.M.

**COUNTY COUNCIL OF BEAUFORT COUNTY**

**CHARTER**

**BLUFFTON TOWNSHIP FIRE DISTRICT**

**ARTICLE II. FIRE DISTRICTS**

**DIVISION 1. GENERALLY**

**TO CREATE THE BLUFFTON TOWNSHIP FIRE DISTRICT**

**Section 42-51. Creation Boundaries:**

There is created a Bluffton Township Fire District in the County, which shall include all the properties in the County South of the Broad River with the exception of the Town of Hilton Head Island and Daufuskie Island.

**Section 42-51.1. Fire District Board:**

- (a) *Membership.* There is hereby established a Bluffton Township Fire District Board, composed of a seven (7) member Board appointed by the Beaufort County Council. The Board shall include one (1) member nominated by the Bluffton Town Council for appointment by the Beaufort County Council; one (1) member who resides in each of Beaufort County Council Districts 5, 6, 7, 8, and 9; and the seventh (7<sup>th</sup>) member shall be at large from one of the five (5) County Council Districts making up the Fire District. At no point in time shall an elected official for a municipal, county, state, or federal office serve concurrently as a member of the Fire District Board.
- (b) *Terms.* Terms of the office shall be four (4) years or reappointed until successors are appointed and qualify. Provided, however, that of those first appointed, three shall serve for four years and two shall serve for two years, the respective terms of office being designated by County Council in its appointments. The members of the Board shall serve without pay and shall file an annual report with the Beaufort County Council not later than the first of November of each year, showing all activities and disbursements made by the District during the fiscal year.

**Section 42-51.2. Powers, Duties and Responsibilities:**

- (a) *Bluffton Township Fire District Board.* The Board shall have the following powers, duties and responsibilities:
  - 1) To approve and adopt an Annual Budget subject to the approval by the County Council.
  - 2) To implement the Annual Budget for the operation of the District and approve the expenditure of all funds.
  - 3) To provide managerial controls to ensure the effective oversight of the Bluffton Township Fire District's annual budget.

- 4) To approve and adopt plans for the purchase of such firefighting, medical and rescue equipment as the Board deems necessary for the purpose of controlling fires and effecting medical and rescue response within the money allocated or made available to the District for such purpose.
- 5) To approve and adopt plans for the selection, procurement of land and construction of buildings, fire and EMS stations within the area where firefighting apparatus, medical and rescue equipment shall be kept and maintained subject to the approval by the County Council.
- 6) Subject to the approval by the County Council to approve and adopt plans for borrowing money on such terms and for such a period as the Bluffton Township Fire District Board may deem most beneficial for the Fire District in anticipation of taxes. The indebtedness shall be evidenced by a note issued by Beaufort County Council and the County Treasurer.
- 7) The Fire District Board shall be responsible for developing a list of qualified candidates for the position of Fire Chief which shall be presented to the County Administrator who shall have the authority, after consultation with the Fire District Board, to hire the Fire Chief.
- 8) The Fire District Board in consultation with the County Administrator shall be responsible for developing performance standards to effectively evaluate the Fire Chief. The Fire District Board shall be responsible for conducting an annual performance evaluation implementing such performance standards with such evaluation being provided to the County Administrator for purposes of promotion, demotion, and termination. The County Administrator shall have the authority to make decisions regarding the performance of the Fire Chief, after consultation with the Fire District Board, in regards to the promotion, demotion, or termination of the Fire Chief.
- 9) To manage fire and rescue resources and services for the Beaufort County citizenry residing within the Bluffton Township Fire District.
- 10) To approve and adopt policies to ensure that firefighting, rescue and medical equipment is properly utilized to the best advantage of the Fire District.
- 11) To adopt and approve a "Hiring and Retention" policy that will comply with established Beaufort County Council goals and objectives and provide the District with qualified salaried personnel to effectively provide fire suppression and medical services.
- 12) Consistent with the Beaufort County Code Sec. 2-194, the Board shall be responsible for the development of a Fire District strategic plan, including goals and objectives congruent with the comprehensive plan formulated and written by the council, which shall have a scope of five years and shall contain specific, measurable and time-phased goals for the current budget year and four out-years. In addition, the Board shall present the strategic plan to the council annually as scheduled by the County Administrator. The time period for compliance with the ordinance in this respect is six months after formulation, finalization and approval of the county's strategic plan.
- 13) To provide a forum for public opinion concerning the Bluffton Township Fire District's Strategic Plan.

- 14) All Board Members and staff will adhere to those policies that are adopted in accordance with Sections 2-191 through 2-198 of the Beaufort County Code of Ordinances when conducting administrative and managerial functions of the Fire District.

**SECTION 42-51.3. FIRE CHIEF RESPONSIBILITIES:**

(a) *Bluffton Township Fire District Fire Chief.* The Bluffton Township Fire Chief shall have certain responsibilities related to the operation of the Bluffton Township Fire Department. These responsibilities include, but are not limited to, the responsibilities outlined below:

- 1) To prepare and submit an Annual Budget to the Bluffton Township Fire District Board for all expenditures of the Bluffton Township Fire District.
- 2) To provide managerial controls to ensure the effective oversight of the Bluffton Township Fire District's Annual Budget.
- 3) To prepare and submit plans to the Bluffton Township Fire District Board for the purchase of such firefighting, medical and rescue equipment and procurement of land and construction of buildings and fire stations as the Fire Chief deems necessary for the purpose of controlling fires and effecting medical and rescue response within the money allocated or made available to the Fire Chief for such purpose and to ensure proper controls and coordination of all purchasing activities in accordance with Beaufort County Procurement requirements.
- 4) To prepare and make recommendations, including plans, to the Bluffton Township Fire District Board for the selection and procurement of firefighting, medical and rescue equipment.
- 5) To prepare and submit plans in compliance with the Bluffton Township Fire District Hiring Policy for the selection and hiring of salaried and non – salaried personnel staff to effectively provide fire protection services and serve the Beaufort County citizenry residing within the Bluffton Township Fire District.
- 6) To hire, supervise, train, promote, provide direction, discipline and terminate Bluffton Township Fire District employees in compliance with Bluffton Township Fire District policies and procedures.
- 7) To administer annual performance standards as established by the Bluffton Township Fire District policies and procedures to effectively evaluate Fire District employee's work performance.
- 8) To plan and organize activities of the Fire District regarding utilization of personnel, facilities and equipment, fire prevention, public education, training, code enforcement, fire suppression, rescue and emergency medical service.
- 9) To establish overall equipment specification requirements and major equipment purchase recommendations.
- 10) To ensure the proper upkeep, maintenance, repair and inspection of Bluffton Township Fire District fire apparatus and equipment.
- 11) To respond to public inquiries and aid in conflict resolution with citizens and fire/rescue personnel.

- 12) To represent the Bluffton Township Fire District on various community commissions, committees and public safety concerns.
- 13) To approve and adopt such operational rules and regulations as he/she may deem proper and necessary to ensure that the equipment is used and firefighting service is provided to the best advantage of the District.
- 14) To present the Bluffton Township Fire District's Strategic Plan, in coordination with the Bluffton Township Fire District Board, to the Beaufort County Council annually as scheduled by the County Administrator. The time period for compliance with the ordinance in this respect is six (6) months after formulation, finalization and approval of the County's Strategic Plan.
- 15) To provide an initial forum for public opinion concerning the Bluffton Township Fire District's Strategic Plan.
- 16) To make recommendations and presentations, in coordination with the Bluffton Township Fire District Commission, to Beaufort County Council for final judgment concerning the Bluffton Township Fire District's Strategic Plan.
- 17) To take all actions necessary to ensure that the District remains eligible to receive funds pursuant to South Carolina Code of Laws § 23-9-310 et. seq.

**SECTION 42-52. ENFORCEMENT OF FIRE LAWS:**

All members of the Bluffton Township Fire District may direct and control traffic at the scene of any fire, medical or rescue emergency in the area of the District and enforce the state laws relating to the following of fire, medical and rescue apparatus, the crossing of fire hose or interfering with firefighters in the discharge of their duties in connection with a fire, medical or rescue emergency in a like manner as provided for the enforcement of such laws by Peace Officers.

**SECTION 42-53. UNLAWFUL ACTS; PENALTIES:**

It is unlawful to interfere with a member of a fire department in the discharge of his duties in the Bluffton Township Fire District or to interfere with any fire, medical or rescue apparatus used by the Fire Department in the District and any person so offending shall be subject to a fine not to exceed \$200.00 or imprisonment not to exceed thirty (30) days.

**SECTIONS 42-54 – 42-80. – RESERVED**

DRAFT

**COUNTY COUNCIL OF BEAUFORT COUNTY**

**CHARTER**

**DAUFUSKIE ISLAND FIRE DISTRICT**

**ARTICLE II. FIRE DISTRICTS**

**DIVISION 1. GENERALLY**

**TO CREATE THE DAUFUSKIE ISLAND FIRE DISTRICT**

**Section 42-116. Creation Boundaries:**

There is created a Daufuskie Island Fire District for the purpose of serving all properties located on Daufuskie Island.

**Section 42-116.1. Fire District Board:**

- (a) *Membership.* There is hereby established a Daufuskie Island Fire District Board, composed of a five (5) member Board appointed by the Beaufort County Council. The Board members shall be appointed at large from Daufuskie Island. At no point in time shall an elected official for a municipal, county, state, or federal office serve concurrently as a member of the Fire District Board.
- (b) *Terms.* Terms of the office shall be four (4) years or reappointed until successors are appointed and qualify. Provided, however, that of those first appointed, three shall serve for four years and two shall serve for two years, the respective terms of office being designated by County Council in its appointments. The members of the Board shall serve without pay and shall file an annual report with the Beaufort County Council not later than the first of November of each year, showing all activities and disbursements made by the District during the fiscal year.

**Section 42-116.2. Powers, Duties and Responsibilities:**

- (a) *Daufuskie Island Fire District Board.* The Board shall have the following powers, duties and responsibilities:
  - 1) To approve and adopt an Annual Budget subject to the approval by the County Council.
  - 2) To implement the Annual Budget for the operation of the District and approve the expenditure of all funds.
  - 3) To provide managerial controls to ensure the effective oversight of the Daufuskie Island Fire District's annual budget.
  - 4) To approve and adopt plans for the purchase of such firefighting, medical and rescue equipment as the Board deems necessary for the purpose of controlling fires and effecting medical and rescue response within the money allocated or made available to the District for such purpose.

- 5) To approve and adopt plans for the selection, procurement of land and construction of buildings, fire and EMS stations within the area where firefighting apparatus, medical and rescue equipment shall be kept and maintained subject to the approval by the County Council.
- 6) Subject to the approval by the County Council to approve and adopt plans for borrowing money on such terms and for such a period as the Daufuskie Island Fire District Board may deem most beneficial for the Fire District in anticipation of taxes. The indebtedness shall be evidenced by a note issued by Beaufort County Council and the County Treasurer.
- 7) The Fire District Board shall be responsible for developing a list of qualified candidates for the position of Fire Chief which shall be presented to the County Administrator who shall have the authority, after consultation with the Fire District Board, to hire the Fire Chief.
- 8) The Fire District Board in consultation with the County Administrator shall be responsible for developing performance standards to effectively evaluate the Fire Chief. The Fire District Board shall be responsible for conducting an annual performance evaluation implementing such performance standards with such evaluation being provided to the County Administrator for purposes of promotion, demotion, and termination. The County Administrator shall have the authority to make decisions regarding the performance of the Fire Chief, after consultation with the Fire District Board, in regards to the promotion, demotion, or termination of the Fire Chief.
- 9) To manage fire and rescue resources and services for the Beaufort County citizenry residing within the Daufuskie Island Fire District.
- 10) To approve and adopt policies to ensure that firefighting, rescue and medical equipment is properly utilized to the best advantage of the Fire District.
- 11) To adopt and approve a "Hiring and Retention" policy that will comply with established Beaufort County Council goals and objectives and provide the District with qualified salaried personnel to effectively provide fire suppression and medical services.
- 12) Consistent with the Beaufort County Code Sec. 2-194, the Board shall be responsible for the development of a Fire District strategic plan, including goals and objectives congruent with the comprehensive plan formulated and written by the council, which shall have a scope of five years and shall contain specific, measurable and time-phased goals for the current budget year and four out-years. In addition, the Board shall present the strategic plan to the council annually as scheduled by the County Administrator. The time period for compliance with the ordinance in this respect is six months after formulation, finalization and approval of the county's strategic plan.
- 13) To provide a forum for public opinion concerning the Daufuskie Island Fire District's Strategic Plan.
- 14) All Board Members and staff will adhere to those policies that are adopted in accordance with Sections 2-191 through 2-198 of the Beaufort County Code of Ordinances when conducting administrative and managerial functions of the Fire District.



### **SECTION 42-116.3. FIRE CHIEF RESPONSIBILITIES:**

(a) *Daufuskie Island Fire District Fire Chief.* The Daufuskie Island Fire Chief shall have certain responsibilities related to the operation of the Daufuskie Island Fire Department. These responsibilities include, but are not limited to, the responsibilities outlined below:

- 1) To prepare and submit an Annual Budget to the Daufuskie Island Fire District Board for all expenditures of the Daufuskie Island Fire District.
- 2) To provide managerial controls to ensure the effective oversight of the Daufuskie Island Fire District's Annual Budget.
- 3) To prepare and submit plans to the Daufuskie Island Fire District Board for the purchase of such firefighting, medical and rescue equipment and procurement of land and construction of buildings and fire stations as the Fire Chief deems necessary for the purpose of controlling fires and effecting medical and rescue response within the money allocated or made available to the Fire Chief for such purpose and to ensure proper controls and coordination of all purchasing activities in accordance with Beaufort County Procurement requirements.
- 4) To prepare and make recommendations, including plans, to the Daufuskie Island Fire District Board for the selection and procurement of firefighting, medical and rescue equipment.
- 5) To prepare and submit plans in compliance with the Daufuskie Island Fire District Hiring Policy for the selection and hiring of salaried and non – salaried personnel staff to effectively provide fire protection services and serve the Beaufort County citizenry residing within the Daufuskie Island Fire District.
- 6) To hire, supervise, train, promote, provide direction, discipline and terminate Daufuskie Island Fire District employees in compliance with Daufuskie Island Fire District policies and procedures.
- 7) To administer annual performance standards as established by the Daufuskie Island Fire District policies and procedures to effectively evaluate Fire District employee's work performance.
- 8) To plan and organize activities of the Fire District regarding utilization of personnel, facilities and equipment, fire prevention, public education, training, code enforcement, fire suppression, rescue and emergency medical service.
- 9) To establish overall equipment specification requirements and major equipment purchase recommendations.
- 10) To ensure the proper upkeep, maintenance, repair and inspection of Daufuskie Island Fire District fire apparatus and equipment.
- 11) To respond to public inquiries and aid in conflict resolution with citizens and fire/rescue personnel.
- 12) To represent the Daufuskie Island Fire District on various community commissions, committees and public safety concerns.
- 13) To approve and adopt such operational rules and regulations as he/she may deem proper and necessary to ensure that the equipment is used and firefighting service is provided to the best advantage of the District.
- 14) To present the Daufuskie Island Fire District's Strategic Plan, in coordination with the Daufuskie Island Fire District Board, to the Beaufort County Council

annually as scheduled by the County Administrator. The time period for compliance with the ordinance in this respect is six (6) months after formulation, finalization and approval of the County's Strategic Plan.

- 15) To provide an initial forum for public opinion concerning the Daufuskie Island Fire District's Strategic Plan.
- 16) To make recommendations and presentations, in coordination with the Daufuskie Island Fire District Commission, to Beaufort County Council for final judgment concerning the Daufuskie Island Fire District's Strategic Plan.
- 17) To take all actions necessary to ensure that the District remains eligible to receive funds pursuant to South Carolina Code of Laws § 23-9-310 et. seq.

DRAFT

**SECTION 42-117. ENFORCEMENT OF FIRE LAWS:**

All members of the Daufuskie Island Fire District may direct and control traffic at the scene of any fire, medical or rescue emergency in the area of the District and enforce the state laws relating to the following of fire, medical and rescue apparatus, the crossing of fire hose or interfering with firefighters in the discharge of their duties in connection with a fire, medical or rescue emergency in a like manner as provided for the enforcement of such laws by Peace Officers.

**SECTION 42-118. UNLAWFUL ACTS; PENALTIES:**

It is unlawful to interfere with a member of a fire department in the discharge of his duties in the Daufuskie Island Fire District or to interfere with any fire, medical or rescue apparatus used by the Fire Department in the District and any person so offending shall be subject to a fine not to exceed \$200.00 or imprisonment not to exceed thirty (30) days.

**SECTIONS 42-119 – 42-121. - RESERVED**

DRAFT

**COUNTY COUNCIL OF BEAUFORT COUNTY**

**CHARTER**

**SHELDON FIRE DISTRICT**

**ARTICLE II. FIRE DISTRICTS**

**DIVISION 1. GENERALLY**

**TO CREATE THE SHELDON FIRE DISTRICT**

**Section 42-81. Creation Boundaries:**

There is created a Sheldon Fire District for the purpose of serving all properties located in the county north of the Whale Branch and Combahee Rivers, except those areas located within the town limits of Yemassee.

**Section 42-81.1. Fire District Board:**

- (a) *Membership.* There is hereby established a Sheldon Fire District Board, composed of a seven (7) member Board appointed by the Beaufort County Council. The Board members shall be appointed at large from the Sheldon service area. At no point in time shall an elected official for a municipal, county, state, or federal office serve concurrently as a member of the Fire District Board.
- (b) *Terms.* Terms of the office shall be four (4) years or reappointed until successors are appointed and qualify. Provided, however, that of those first appointed, three shall serve for four years and two shall serve for two years, the respective terms of office being designated by County Council in its appointments. The members of the Board shall serve without pay and shall file an annual report with the Beaufort County Council not later than the first of November of each year, showing all activities and disbursements made by the District during the fiscal year.

**Section 42-81.2. Powers, Duties and Responsibilities:**

- (a) *Sheldon Fire District Board.* The Board shall have the following powers, duties and responsibilities:
  - 1) To approve and adopt an Annual Budget subject to the approval by the County Council.
  - 2) To implement the Annual Budget for the operation of the District and approve the expenditure of all funds.
  - 3) To provide managerial controls to ensure the effective oversight of the Sheldon Fire District's annual budget.
  - 4) To approve and adopt plans for the purchase of such firefighting, medical and rescue equipment as the Board deems necessary for the purpose of controlling

- fires and effecting medical and rescue response within the money allocated or made available to the District for such purpose.
- 5) To approve and adopt plans for the selection, procurement of land and construction of buildings, fire and EMS stations within the area where firefighting apparatus, medical and rescue equipment shall be kept and maintained subject to the approval by the County Council.
  - 6) Subject to the approval by the County Council to approve and adopt plans for borrowing money on such terms and for such a period as the Sheldon Fire District Board may deem most beneficial for the Fire District in anticipation of taxes. The indebtedness shall be evidenced by a note issued by Beaufort County Council and the County Treasurer.
  - 7) The Fire District Board shall be responsible for developing a list of qualified candidates for the position of Fire Chief which shall be presented to the County Administrator who shall have the authority, after consultation with the Fire District Board, to hire the Fire Chief.
  - 8) The Fire District Board in consultation with the County Administrator shall be responsible for developing performance standards to effectively evaluate the Fire Chief. The Fire District Board shall be responsible for conducting an annual performance evaluation implementing such performance standards with such evaluation being provided to the County Administrator for purposes of promotion, demotion, and termination. The County Administrator shall have the authority to make decisions regarding the performance of the Fire Chief, after consultation with the Fire District Board, in regards to the promotion, demotion, or termination of the Fire Chief.
  - 9) To manage fire and rescue resources and services for the Beaufort County citizenry residing within the Sheldon Fire District.
  - 10) To approve and adopt policies to ensure that firefighting, rescue and medical equipment is properly utilized to the best advantage of the Fire District.
  - 11) To adopt and approve a "Hiring and Retention" policy that will comply with established Beaufort County Council goals and objectives and provide the District with qualified salaried personnel to effectively provide fire suppression and medical services.
  - 12) Consistent with the Beaufort County Code Sec. 2-194, the Board shall be responsible for the development of a Fire District strategic plan, including goals and objectives congruent with the comprehensive plan formulated and written by the council, which shall have a scope of five years and shall contain specific, measurable and time-phased goals for the current budget year and four out-years. In addition, the Board shall present the strategic plan to the council annually as scheduled by the County Administrator. The time period for compliance with the ordinance in this respect is six months after formulation, finalization and approval of the county's strategic plan.
  - 13) To provide a forum for public opinion concerning the Sheldon Fire District's Strategic Plan.
  - 14) All Board Members and staff will adhere to those policies that are adopted in accordance with Sections 2-191 through 2-198 of the Beaufort County Code of

Ordinances when conducting administrative and managerial functions of the Fire District.

**SECTION 42-81.3. FIRE CHIEF RESPONSIBILITIES:**

(a) *Sheldon Fire District Fire Chief.* The Sheldon Fire Chief shall have certain responsibilities related to the operation of the Sheldon Fire Department. These responsibilities include, but are not limited to, the responsibilities outlined below:

- 1) To prepare and submit an Annual Budget to the Sheldon Fire District Board for all expenditures of the Sheldon Fire District.
- 2) To provide managerial controls to ensure the effective oversight of the Sheldon Fire District's Annual Budget.
- 3) To prepare and submit plans to the Sheldon Fire District Board for the purchase of such firefighting, medical and rescue equipment and procurement of land and construction of buildings and fire stations as the Fire Chief deems necessary for the purpose of controlling fires and effecting medical and rescue response within the money allocated or made available to the Fire Chief for such purpose and to ensure proper controls and coordination of all purchasing activities in accordance with Beaufort County Procurement requirements.
- 4) To prepare and make recommendations, including plans, to the Sheldon Fire District Board for the selection and procurement of firefighting, medical and rescue equipment.
- 5) To prepare and submit plans in compliance with the Sheldon Fire District Hiring Policy for the selection and hiring of salaried and non – salaried personnel staff to effectively provide fire protection services and serve the Beaufort County citizenry residing within the Sheldon Fire District.
- 6) To hire, supervise, train, promote, provide direction, discipline and terminate Sheldon Fire District employees in compliance with Sheldon Fire District policies and procedures.
- 7) To administer annual performance standards as established by the Sheldon Fire District policies and procedures to effectively evaluate Fire District employee's work performance.
- 8) To plan and organize activities of the Fire District regarding utilization of personnel, facilities and equipment, fire prevention, public education, training, code enforcement, fire suppression, rescue and emergency medical service.
- 9) To establish overall equipment specification requirements and major equipment purchase recommendations.
- 10) To ensure the proper upkeep, maintenance, repair and inspection of Sheldon Fire District fire apparatus and equipment.
- 11) To respond to public inquiries and aid in conflict resolution with citizens and fire/rescue personnel.
- 12) To represent the Sheldon Fire District on various community commissions, committees and public safety concerns.

- 13) To approve and adopt such operational rules and regulations as he/she may deem proper and necessary to ensure that the equipment is used and firefighting service is provided to the best advantage of the District.
- 14) To present the Sheldon Fire District's Strategic Plan, in coordination with the Sheldon Fire District Board, to the Beaufort County Council annually as scheduled by the County Administrator. The time period for compliance with the ordinance in this respect is six (6) months after formulation, finalization and approval of the County's Strategic Plan.
- 15) To provide an initial forum for public opinion concerning the Sheldon Fire District's Strategic Plan.
- 16) To make recommendations and presentations, in coordination with the Sheldon Fire District Commission, to Beaufort County Council for final judgment concerning the Sheldon Fire District's Strategic Plan.
- 17) To take all actions necessary to ensure that the District remains eligible to receive funds pursuant to South Carolina Code of Laws § 23-9-310 et. seq.

DRAFT

**SECTION 42-82. ENFORCEMENT OF FIRE LAWS:**

All members of the Sheldon Fire District may direct and control traffic at the scene of any fire, medical or rescue emergency in the area of the District and enforce the state laws relating to the following of fire, medical and rescue apparatus, the crossing of fire hose or interfering with firefighters in the discharge of their duties in connection with a fire, medical or rescue emergency in a like manner as provided for the enforcement of such laws by Peace Officers.

**SECTION 42-83. UNLAWFUL ACTS; PENALTIES:**

It is unlawful to interfere with a member of a fire department in the discharge of his duties in the Sheldon Fire District or to interfere with any fire, medical or rescue apparatus used by the Fire Department in the District and any person so offending shall be subject to a fine not to exceed \$200.00 or imprisonment not to exceed thirty (30) days.

**SECTIONS 42-84-115. – RESERVED.**

DRAFT



**ORDINANCE NO. 2012 /**

**AN ORDINANCE TO AMEND THE BLUFFTON TOWNSHIP FIRE DISTRICT FY2013 BUDGET TO PROVIDE FOR A SUPPLEMENT APPROPRIATION FROM THE DISTRICT'S GENERAL FUND IN THE AMOUNT OF \$554,677 TO COVER ADDITIONAL SALARIES AND OVERTIME RELATED TO THE STAFFING OF TWO NEW TEMPORARY FIRE STATIONS.**

**WHEREAS**, on June 11, 2012, Beaufort County Council adopted Ordinance No. 2012/7 which set adopted the County's FY2012-2013 operating budget which included the operating budget necessary for the Bluffton Fire District; and

**WHEREAS**, subsequent to the adoption of Ordinance No. 2012/7, there have been drastic changes made in the insurance classification and rating system for the Palmetto Bluff and Colleton River Plantation communities resulting in exorbitant increases to homeowners insurance premiums; and

**WHEREAS**, Beaufort County Council believes that it is in the best interest of its citizens to authorize a supplemental appropriation of funds from the District's General Fund Reserve Account to provide for temporary overtime payments and training of new personnel to staff two new fire stations within the Palmetto Bluff and Colleton River communities.

**NOW, THEREFORE, BE IT ORDAINED** by Beaufort County Council, that a supplemental appropriation of \$554,677 is hereby authorized from the Bluffton Township Fire District's General Fund for the purposes stated herein.

**DONE**, this \_\_\_\_ day of \_\_\_\_\_, 2013.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: \_\_\_\_\_  
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

\_\_\_\_\_  
Joshua A. Gruber, Staff Attorney

ATTEST:

\_\_\_\_\_  
Suzanne M. Rainey, Clerk to Council

First Reading, By Title Only: January 14, 2013  
Second Reading:  
Public Hearing:  
Third and Final Reading:

## A RESOLUTION

**APPROVING THE INCURRING OF GENERAL OBLIGATION DEBT IN AN AMOUNT NOT EXCEEDING \$6,000,000; AND AUTHORIZING A PETITION TO THE COUNTY COUNCIL OF BEAUFORT COUNTY, SOUTH CAROLINA, PURSUANT TO SECTION 6-11-830 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED.**

**BE IT RESOLVED** by the Board of Fire Control of the Lady's Island-St. Helena Island Fire District, in a meeting duly assembled:

### ARTICLE I - FINDINGS OF FACT

#### Section 1.01

Incident to the adoption of this resolution (this "**Resolution**"), the Board of Fire Control of the Lady's Island-St. Helena Island Fire District (the "**Board**"), the governing body of the Lady's Island-St. Helena Island Fire District, South Carolina (the "**District**"), has made the following findings of fact:

1. The District was created as a special purpose district established in Beaufort County, South Carolina, as a body politic and corporate pursuant to the provisions of Act No. 1727 of the Acts and Joint Resolutions of the General Assembly of the State of South Carolina for the year 1972, as amended.

2. In carrying out its functions and duties, the Board has determined that a need exists at the present time to issue general obligation bonds (the "**Bonds**") in order to defray (A) the costs of (i) constructing and equipping a fire station and headquarters facility, including any costs incurred in acquiring any real property therefor, (ii) acquiring and equipping fire apparatus, including, without limitation, two pumper trucks, (iii) restructuring and refinancing existing obligations, and (iv) rehabilitating, repurposing, demolishing, or improving existing structures of the District (collectively, the "**Project**"); and (B) the costs of issuance of the Bonds. The Board estimates that the costs of designing, planning, acquiring, engineering, constructing, improving and equipping of the Project, and the cost of issuance of the Bonds described herein, will not exceed \$6,000,000.

3. The County Council of Beaufort County, South Carolina (the "**County Council**"), as the governing body of Beaufort County, South Carolina (the "**County**"), is empowered by Act No. 1189, enacted at the 1974 Session of the South Carolina General Assembly and now codified as Sections 6-11-810 through 6-11-1050, inclusive, of the Code of Laws of South Carolina, 1976, as amended (the "**Enabling Act**"), to authorize the governing body of any special purpose district to issue general obligation bonds to provide funds to be used in furtherance of any power or function committed to such special purpose district and in effect on March 7, 1973.

4. Pursuant to Section 6-11-830 of the Enabling Act, the County Council, upon petition of the Board, may determine that it is in the best interest of the District to issue general obligation bonds to raise moneys for the furtherance of any power and function of the District and order a public hearing to be held upon the question of the issuance of the Bonds.

5. In order to finance the costs of the Project, the Board has determined that it is necessary to issue the Bonds in an amount not exceeding \$6,000,000 to be issued either as a single issue or as several separate issues, and in such amount and at such times as may be determined by the Board. The Board adopts this Resolution to evidence the Board's approval of the issuance of the Bonds in an amount not exceeding \$6,000,000 and to authorize a petition to the County Council with regard to the issuance of such Bonds. Said principal amount may be issued within the debt limit of the District as permitted in Article X, Section 14(7) of the South Carolina Constitution.

ARTICLE II - SUBMISSION OF PETITION

**Section 2.01**

The petition, as attached hereto, shall be forwarded to the Clerk to County Council and presented to the County Council in accordance with and for the purposes set forth in Section 6-11-830 of the Enabling Act.

**DONE IN A MEETING DULY ASSEMBLED**, this 17th day of January, 2013.

**LADY'S ISLAND-ST. HELENA ISLAND  
FIRE DISTRICT**

(SEAL)

By: \_\_\_\_\_  
Chairman, Board of Fire Control

Attest:

\_\_\_\_\_  
Secretary, Board of Fire Control

## A PETITION

### OF THE BOARD OF FIRE CONTROL OF THE LADY'S ISLAND-ST. HELENA ISLAND FIRE DISTRICT TO THE GOVERNING BODY OF BEAUFORT COUNTY, SOUTH CAROLINA, REQUESTING A PUBLIC HEARING PURSUANT TO ARTICLE 5, CHAPTER 11, TITLE 6, CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED.

1. Lady's Island-St. Helena Island Fire District, South Carolina (the "***District***") was created as a special purpose district established in Beaufort County, South Carolina (the "***County***") as a body politic and corporate pursuant to the provisions of Act No. 1727 of the Acts and Joint Resolutions of the General Assembly of the State of South Carolina for the year 1972, as amended. The District is located entirely within the County.

2. In carrying out its functions and duties, the Board has determined that a need exists at the present time to issue general obligation bonds (the "***Bonds***") in order to defray (A) the costs of (i) constructing and equipping a new fire station and headquarters facility, including any costs incurred in acquiring any real property therefor, (ii) acquiring and equipping fire apparatus, including, without limitation, two pumper trucks, (iii) restructuring and refinancing existing obligations, and (iv) rehabilitating, repurposing, demolishing, or improving existing structures of the District (collectively, the "***Project***"), and (B) the costs of issuance of the Bonds. The Board estimates that the costs of designing, planning, acquiring, engineering, constructing, improving and equipping of the Project, and the cost of issuance of the Bonds, will not exceed \$6,000,000.

3. In order to defray the costs of the Project, the District proposes to issue the Bonds in a principal amount not exceeding \$6,000,000, which Bonds may be issued as a single issue or from time to time as several separate issues as the Board may determine. The principal amount of Bonds the Board intends for the District to issue does not exceed the general obligation bond debt limit of the District, as established pursuant to Article X, Section 14(7) of the South Carolina Constitution.

4. The County Council of Beaufort County, South Carolina (the "***County Council***"), the governing body of the County, is empowered by Act No. 1189, enacted at the 1974 Session of the South Carolina General Assembly and now codified as Sections 6-11-810 through 6-11-1050, inclusive, of the Code of Laws of South Carolina, 1976, as amended (the "***Enabling Act***"), to authorize the issuance of general obligation bonds by any special purpose district located within its boundaries pursuant to the provisions of the Enabling Act.

5. Pursuant to Section 6-11-830 of the Enabling Act, if the County Council, upon petition of the Board, determines that it may be in the best interest of the District to issue general obligation bonds to raise moneys for the furtherance of any power and function of the District, the County Council may order a public hearing to be held upon the question of the issuance of such general obligation bonds of the District.

WHEREFORE, the Board prays that the County Council order a public hearing to be held in the County on the question of authorizing the issuance of the Bonds in an amount not exceeding \$6,000,000, which Bonds may be issued as a single issue or from time to time as several separate issues as the Board may determine.

**LADY'S ISLAND-ST. HELENA ISLAND FIRE DISTRICT**

January 17, 2013

## A RESOLUTION

**CALLING FOR A PUBLIC HEARING TO BE HELD UPON THE QUESTION OF THE ISSUANCE OF NOT EXCEEDING \$6,000,000 OF GENERAL OBLIGATION BONDS OF THE LADY'S ISLAND-ST. HELENA ISLAND FIRE DISTRICT, SOUTH CAROLINA; PROVIDING FOR THE PUBLICATION OF THE NOTICE OF SUCH PUBLIC HEARING; AND OTHER MATTERS RELATING THERETO.**

**BE IT RESOLVED**, by the County Council of Beaufort County (the "*County Council*"), the governing body of Beaufort County, South Carolina (the "*County*"):

**WHEREAS**, the County Council is empowered by Act No. 1189 enacted at the 1974 Session of the South Carolina General Assembly entitled:

AN ACT TO AUTHORIZE THE GOVERNING BODIES OF ALL COUNTIES OF THE STATE WHEREIN EXIST SPECIAL PURPOSE DISTRICTS CREATED PRIOR TO MARCH 7, 1973. TO ISSUE BONDS OF SUCH DISTRICTS IN FURTHERANCE OF POWERS EXISTING IN SUCH DISTRICTS AS OF MARCH 7, 1973; TO PROVIDE THE PROCEDURES PURSUANT TO WHICH SUCH BONDS MAYBE ISSUED; TO PRESCRIBE THE TERMS AND CONDITIONS UNDER WHICH BONDS MAYBE ISSUED AND THEIR PROCEEDS EXPENDED; TO MAKE PROVISION FOR THE PAYMENT OF SUCH BONDS AND TO VALIDATE ALL BONDS OF SUCH DISTRICTS ISSUED OR SOLD PRIOR TO THE EFFECTIVE DATE OF THIS ACT.

approved July 9, 1974, as amended (hereinafter called the "*Enabling Act*"), to authorize the governing body of any special purpose district created prior to March 7, 1973 and located in whole or in part within the County to issue general obligation bonds of such special purpose district in order to provide funds to be used in the furtherance of any power or function committed to such special purpose district and in effect on March 7, 1973; and

**WHEREAS**, the Lady's Island-St. Helena Island Fire District, South Carolina (hereinafter called the "*District*") is a special purpose district located within the County created prior to March 7, 1973, having been created by Act No. 1727 of the Acts and Joint Resolutions of the General Assembly of the State of South Carolina for the year 1972, as amended, and is authorized, inter alia, to acquire and operate such facilities as shall be required for the provision of fire service within the District and to do all things necessary or convenient to carry out such authority; and

**WHEREAS**, the Board of Fire Control of the Lady's Island-St. Helena Island Fire District (the "*Board*"), has petitioned the County Council to authorize the issuance of not exceeding \$6,000,000 of general obligation bonds of the District (the "*Bonds*") in order to defray (A) the costs of (i) constructing and equipping a fire station and headquarters facility,

including any costs incurred in acquiring any real property therefor, (ii) acquiring and equipping fire apparatus, including, without limitation, two pumper trucks, (iii) restructuring and refinancing existing obligations, and (iv) rehabilitating, repurposing, demolishing, or improving existing structures of the District (collectively, the “*Project*”); and (B) the costs of issuance of the Bonds. The Board estimates that the cost of acquiring, designing, engineering, constructing, and equipping of the Project and the cost of issuance of the Bonds, will be an amount not exceeding \$6,000,000; and

**WHEREAS**, the Board will make a final determination of the scope and description of the Project prior to its adoption of a resolution authorizing the issuance of the Bonds, provided that the amount of the Bonds shall not exceed \$6,000,000; and

**WHEREAS**, the County Council is now minded to proceed in accordance with the provisions of the Enabling Act with respect to the issuance of the Bonds.

**NOW THEREFORE, BE IT RESOLVED**, by the County Council in a meeting duly assembled:

**SECTION 1.** The County Council finds that it may be in the interest of the District to raise moneys for the purpose of providing for the Project, and in that connection hereby orders a public hearing to be held upon the question of the issuance of the Bonds.

**SECTION 2.** A public hearing shall be held on the question of the issuance of the Bonds in the Beaufort County Council Chambers in the Administration Building, Government Center, located at 100 Ribaut Road, South Carolina 29902, on the 25th day of February, 2013 at \_\_\_\_\_ p.m., and the notice of such hearing attached hereto as Exhibit A shall be published once a week for three (3) successive weeks in The Beaufort Gazette, which is a newspaper of general circulation in the County. The first such publication shall not be less than sixteen (16) days prior to the hearing date.

**SECTION 3.** The aforesaid public hearing shall be conducted publicly at the time and place above stated and both proponents and opponents of the proposed issuance of the Bonds shall be given a full opportunity to be heard in person or by counsel.

**SECTION 4.** Following the above aforesaid public hearing, the County Council shall determine whether and to what extent the Bonds should be issued.

**SECTION 5.** The Chairman of the County Council is hereby authorized and empowered to take all necessary action to provide for the holding of the aforesaid public hearing in accordance with the provisions of the Enabling Act.

DONE AT BEAUFORT, SOUTH CAROLINA, this 25th day of February, 2013.

**BEAUFORT COUNTY COUNCIL**

(SEAL)

\_\_\_\_\_  
Chairman

Attest:

\_\_\_\_\_  
Clerk



**NOTICE OF PUBLIC HEARING ON THE PROPOSED ISSUE OF NOT EXCEEDING \$6,000,000 OF GENERAL OBLIGATION BONDS OF THE LADY'S ISLAND-ST. HELENA ISLAND FIRE DISTRICT, SOUTH CAROLINA**

The County Council of Beaufort County (hereinafter called the "*County Council*"), the governing body of Beaufort County, South Carolina (the "*County*"), has determined that it may be in the interest of the Lady's Island-St. Helena Island Fire District, South Carolina (hereinafter called the "*District*"), to raise moneys through the issuance of not exceeding \$6,000,000 of general obligation bonds of the District (the "*Bonds*") in order to defray (A) the costs of (i) constructing and equipping a fire station and headquarters facility, including any costs incurred in acquiring any real property therefor, (ii) acquiring and equipping fire apparatus, including, without limitation, two pumper trucks, (iii) restructuring and refinancing existing obligations, and (iv) rehabilitating, repurposing, demolishing, or improving existing structures of the District (collectively, the "*Project*"); and (B) the costs of issuance of the Bonds. The District estimates that the cost of the acquiring, designing, engineering, constructing and equipping of the Project and the cost of issuance of the Bonds, will be an amount not exceeding \$6,000,000. Therefore, the County Council has ordered a public hearing to be held upon the question of the issuance of the Bonds in accordance with the provisions of Act No. 1189 enacted at the 1974 Session of the South Carolina General Assembly, as amended (hereinafter called the "*Enabling Act*").

Accordingly, notice is hereby given that a public hearing will be held in the Beaufort County Council Chambers in the Administration Building, Government Center, located at 100 Ribaut Road, Beaufort, South Carolina 29902, on the 25th day of February, 2013 at \_\_\_\_\_ p.m., on the question of the issuance of the Bonds, the proceeds of which will be expended to defray the cost of the Project as described above and issuance costs thereof.

For the payment of principal and interest on the Bonds as they respectively mature and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of the District shall be irrevocably pledged, and there shall be levied on all taxable property in the District ad valorem taxes sufficient in amount to pay said principal and interest on the Bonds.

The District proposes the issuance of the Bonds to defray the cost of the Project as described above and the costs of issuance of the Bonds.

The aforesaid hearing shall be conducted publicly and both proponents and opponents of the proposed action shall be given full opportunity to be heard in person or by counsel. Following the hearing, the County Council shall, by ordinance, make a finding as to whether and to what extent the Bonds should be issued and may thereupon authorize the governing body of the District to issue the Bonds to the extent it shall be found necessary.

The District is located within the County. The Enabling Act provides that bonds issued thereunder must be authorized by the governing body of the County wherein the District is located.

**COUNTY COUNCIL OF BEAUFORT COUNTY**

## AN ORDINANCE

**FINDING THAT THE LADY'S ISLAND-ST. HELENA ISLAND FIRE DISTRICT, SOUTH CAROLINA, MAY ISSUE NOT EXCEEDING \$6,000,000 OF GENERAL OBLIGATION BONDS AND TO PROVIDE FOR THE PUBLICATION OF NOTICE OF THE SAID FINDING AND AUTHORIZATION.**

**WHEREAS**, by action previously taken, the County Council of Beaufort County, South Carolina which is the governing body of Beaufort County, South Carolina (the "**County Council**"), ordered that a public hearing on the question of the issuance of not exceeding \$6,000,000 of general obligation bonds (the "**Bonds**") of the Lady's Island-St. Helena Island Fire District, South Carolina (the "**District**") be held in the Beaufort County Council Chambers in the Administration Building, Government Center, 100 Ribaut Road, Beaufort, South Carolina 29902, on the 25th day of February, 2013, at \_\_\_\_\_ p.m., and notice of such hearing has been duly published once a week for three successive weeks in The Beaufort Gazette, a newspaper of general circulation in Beaufort County; and

**WHEREAS**, the said public hearing has been duly held at the above time, date and place and said public hearing was conducted publicly and both proponents and opponents of the proposed action were given full opportunity to be heard and it is now in order for the County Council to proceed, after due deliberation, in accordance with the provisions of Act No. 1189, enacted at the 1974 Session of the South Carolina General Assembly and approved July 9, 1974, now codified as Article 5 of Chapter 2 of Title 6 (Sections 6-11-810 through 6-11-1050, inclusive) (hereinafter called the "**Enabling Act**") of the Code of Laws of South Carolina, 1976, as amended (the "**Code**"), to make a finding as to whether or not the Bonds should be issued; and

**NOW THEREFORE, BE IT ORDAINED**, by the County Council in a meeting duly assembled:

**Section 1.** It is found and determined that each statement of fact set forth in the preamble of this ordinance (this "**Ordinance**") is in all respects true and correct.

**Section 2.** On the basis of the facts before County Council and those adduced at the public hearing held on February 25, 2013, it is found and determined that the Board of Fire Control of the Lady's Island-St. Helena Island Fire District, the governing body of the District (the "**Board**"), should be authorized to issue the Bonds.

**Section 3.** The County Council finds that the Board should issue the Bonds in an amount of not exceeding \$6,000,000 as a single issue or from time to time as several separate issues, as the District shall determine.

**Section 4.** The County Council hereby authorizes the Board to issue the Bonds in an aggregate principal amount of not exceeding \$6,000,000, as a single issue or from time to time as several separate issues as the Board shall determine, in order to defray (A) the costs of (i) constructing and equipping a fire station and headquarters facility, including any costs incurred in acquiring any real property therefor, (ii) acquiring and equipping fire apparatus, including,

without limitation, two pumper trucks, (iii) restructuring and refinancing existing obligations, and (iv) rehabilitating, repurposing, demolishing, or improving existing structures of the District (collectively, the "**Project**"); and (B) the costs of issuance of the Bonds. The Board estimates that the cost of the Project, together with the costs of issuance of the Bonds will not exceed \$6,000,000. For the payment of the principal of and interest on the Bonds as they respectively mature, and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of the District shall be irrevocably pledged, and there shall be levied annually a tax without limit on all taxable property within the District sufficient to pay such principal of and interest on the Bonds as they respectively mature, and to create such sinking fund therefor.

**Section 5.** The Chairman and other officers of the County Council are herewith authorized and empowered to take such further action as may be necessary to fully implement the action taken by this Ordinance.

**Section 6.** A certified copy of this Ordinance shall forthwith be transmitted to the Board to advise it of the action taken by the County Council, whereby the Board has been authorized to issue, pursuant to the provisions of the Enabling Act, the Bonds in the aggregate principal amount of not exceeding \$6,000,000.

**Section 7.** Notice of the adoption of this Ordinance, in substantially similar form to that attached hereto as Exhibit A, shall be published in The Beaufort Gazette for three successive weeks from the date hereof.

DONE AT BEAUFORT, SOUTH CAROLINA, this 25th day of February, 2013.

**BEAUFORT COUNTY COUNCIL**

(SEAL)

\_\_\_\_\_  
Chairman

Attest:

\_\_\_\_\_  
Clerk

First Reading: January 28, 2013  
Second Reading: February 11, 2013  
Public Hearing: February 25, 2013  
Third Reading: February 25, 2013

**NOTICE PURSUANT TO SECTIONS 6-11-870 AND 11-27-40(8)  
OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED**

Notice is hereby given pursuant to the provisions of Sections 6-11-870 and 11-27-40(8) of the Code of Laws of South Carolina, 1976, as amended, as follows:

Following a public hearing held on February 25, 2013, the County Council of Beaufort County (the “**County Council**”), the governing body of Beaufort County, South Carolina (the “**County**”) adopted that certain ordinance, entitled “AN ORDINANCE FINDING THAT THE LADY’S ISLAND-ST. HELENA ISLAND FIRE DISTRICT, SOUTH CAROLINA, MAY ISSUE NOT EXCEEDING \$6,000,000 OF GENERAL OBLIGATION BONDS AND TO PROVIDE FOR THE PUBLICATION OF NOTICE OF THE SAID FINDING AND AUTHORIZATION” on February 25, 2013 (the “**Ordinance**”);

The Lady’s Island-St. Helena Island Fire District, South Carolina (the “**District**”), created as a special purpose district and established in the County as a body politic and corporate pursuant to the provisions of Act No. 1727 of the Acts and Joint Resolutions of the General Assembly of the State of South Carolina for the year 1972, as amended, has been authorized by the provisions of the Ordinance to issue not exceeding \$6,000,000 of general obligation bonds of the District (the “**Bonds**”) as a single issue or from time to time as several separate issues, in order to defray (A) the costs of (i) constructing and equipping a fire station and headquarters facility, including any costs incurred in acquiring any real property therefor, (ii) acquiring and equipping fire apparatus, including, without limitation, two pumper trucks, (iii) restructuring and refinancing existing obligations, and (iv) rehabilitating, repurposing, demolishing, or improving existing structures of the District (collectively, the “**Project**”); and (B) the costs of issuance of the Bonds;

For the payment of the principal of and interest on the Bonds as they respectively mature, and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of the District will be irrevocably pledged, and there will be levied annually a tax without limit on all taxable property within the area of the District sufficient to pay the principal of and interest on the Bonds as they respectively mature, and to create such sinking fund therefor;

No election has been ordered in the District upon the question of the issuance of the Bonds; and

Any persons affected by the action aforesaid of the County Council may by action de novo instituted in the Court of Common Pleas for the County within twenty (20) days following the last publication of this Notice, but not afterwards, challenge the action of the County Council.

**COUNTY COUNCIL OF BEAUFORT COUNTY**



**COUNTY COUNCIL OF BEAUFORT COUNTY  
PURCHASING DEPARTMENT**

Building 2, 102 Industrial Village Road  
Post Office Drawer 1228, Beaufort, SC 29901-1228  
Phone: (843) 255-2353 Fax: (843) 255-9437

**TO:** Councilman Stewart H. Rodman, Chairman, Finance Committee

**VIA:** Gary Kubic, County Administrator *G. Kubic*  
 Bryan Hill, Deputy County Administrator *B. Hill*  
 David Starkey, Chief Financial Officer *D. Starkey*  
 Dan Morgan, MIS Director *D. Morgan*  
 Rob McFee, Director of Engineering and Infrastructure *R. McFee*  
 Eddie Belamy, Director of Public Works *E. Belamy*  
 Dan Ahern, Stormwater Manager *D. Ahern*

**FROM:** Dave Thomas, CPPO, Purchasing Director *D. Thomas*

**SUBJ:** Request to Contract with the South Carolina Department of Natural Resources for Beaufort County's Stormwater Department.

**DATE:** January 15, 2013

**BACKGROUND:** Beaufort County is working with the South Carolina Department of Natural Resources to acquire Light Detection and Ranging (LiDAR) data for 2013. LiDAR data was first collected in 2002 in Beaufort County to support Engineering and Stormwater management projects. This data will provide continued support of impervious surface, drainage modeling and many more projects for the Stormwater Department. This data will also be used to support GIS, Planning, and Engineering projects. The estimated cost of is \$278, 549.47. The County will initially be responsible for \$200,000 up front cost. A copy of the Inter-Governmental Contract Agreement between Beaufort County and SC Department of Natural Resources is attached. The initial LiDAR project was contracted in 2002 for approximately \$1,500,000.00. The cost sharing is divided by the following:

Joint contract with Town of Port Royal (2.7%), City of Beaufort (7.12%), Town of HHI (29.49%), Town of Bluffton (9.46%).

**VENDOR INFORMATION:**

**Cost      Project**

- |                                       |           |                                |
|---------------------------------------|-----------|--------------------------------|
| 1. SC Department of Natural Resources | \$200,000 | Light Data and Ranging Project |
|---------------------------------------|-----------|--------------------------------|

**FUNDING AND COST BREAKDOWN:**

1. Stormwater account # 13531-51160, Professional Services

**RECOMMENDATION:** The Purchasing Department recommends that the Finance Committee approve the purchase and recommend to County Council approval of the aforementioned vendor for a total amount of \$200,000.

cc: Richard Dimont  
 Att: South Carolina Inter-Governmental Contract Agreement

|| Page

**South Carolina  
Inter-Governmental Contract Agreement**

This agreement is between Beaufort County and the South Carolina Department of Natural Resources

It is agreed between the two above governmental entities that the South Carolina Department of Natural Resources (SCDNR) will provide Beaufort County with elevation data and other deliverables derived from LIDAR in accordance with the technical specifications attached to this document and which are thereby incorporated into this agreement. The cost of the LIDAR data acquisition and processing is estimated at \$278,549.47. Beaufort County agrees to provide financial consideration not to exceed \$200,000 toward the acquisition and processing of this data. The invoice for the Beaufort County contribution will be submitted upon signature of this agreement.

The SCDNR will contract with the State LIDAR vendor to acquire and process the LIDAR data in accordance with the specifications included in this agreement. The SCDNR further will provide independent third party quality assurance/quality control review and evaluation of the data including an accuracy assessment in compliance with ASPRS and NSSDA standards and procedures. The QA/QC procedures also are attached to this document and thereby are incorporated into this agreement. The exact cost of the QA/QC has not been determined due to the more detailed technical specifications required for this project but is estimated to cost \$30,000 to \$38,000 based on previous studies. The SCDNR will assume financial responsibility for the quality assurance/quality control and will require no further financial contributions from Beaufort County.

The quality assurance/quality control evaluation is an iterative process. Therefore, a delivery date for the final product is uncertain, however, all draft data and interim data products will be provided to Beaufort County for review and assessment upon delivery from the vendor. Initial draft LIDAR data for Beaufort County will be delivered on or around June 1, 2013.

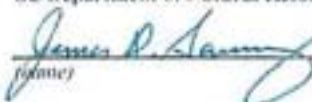
The term of the contract will be from date of signature to December 31, 2013.

The following agency representatives agree to the above temporary contract agreement as indicated by their signatures.

Beaufort County

 IT Division Director 12/10/2012  
(name) (title) (date)

SC Department of Natural Resources

 Technology Dev. Prog. Director 12/17/2012  
(name) (title) (date)



**COUNTY COUNCIL OF BEAUFORT COUNTY  
PURCHASING DEPARTMENT**

Building 2, 102 Industrial Village Road  
Post Office Drawer 1228, Beaufort, SC 29901-1228  
Phone: (843) 255-2353 Fax: (843) 255-9437

TO: Councilman Stewart H. Rodman, Chairman, Finance Committee

VIA: Gary Kubic, County Administrator *GKubic*  
 Bryan Hill, Deputy County Administrator *BHill*  
 David Starkey, Chief Financial Officer *DStarkey*  
 Robert McFee, Director of Engineering and Infrastructure *RMcFee*  
 Eddie Bellamy, Public Works Director *EBellamy*  
 Jim Minor, Solid Waste Manager *JMinor*

FROM: Dave Thomas, CPPO, Purchasing Director *DThomas*

SUBJ: Contract Renewal for Household Hazardous Waste Removal with Care Environmental

DATE: December 12, 2012

**BACKGROUND:** The Purchasing Department received a request to renew the Care Environmental Corporation contract set to expire on February 28, 2013. Care Environmental is the contractor that currently collects our household hazardous waste (HHW) through two collection events per fiscal year. In addition scheduled pick-ups at the Shanklin Public Works site are coordinated approximately every two to three months for oil based paint and other materials collected at our convenience centers. Public Works conducted a performance evaluation on this contractor and rated their service over the past fiscal year very satisfactorily.

<u>VENDOR</u>	<u>Cost Last FY</u>	<u>Description of Services</u>
Care Environmental Corp. Landing, NJ	\$87,000	HHW Collection

**Estimated Cost: \$90,000 - Volume Based Pricing**

**FUNDING:**

Funding source is from object code 33390-51160 Professional Services.

**RECOMMENDATION:** The Purchasing Department recommends that the Finance Committee approve, and recommend to County Council, the renewal of our existing contract with Care Environmental.

cc: Richard Dimont



**COUNTY COUNCIL OF BEAUFORT COUNTY  
PURCHASING DEPARTMENT**

Building 2, 102 Industrial Village Road  
Post Office Drawer 1228, Beaufort, SC 29901-1228  
Phone: (843) 255-2353 Fax: (843) 255-9437

TO: Councilman Stewart H. Rodman, Chairman, Finance Committee

VIA: Gary Kubic, County Administrator *G Kubic*  
Bryan Hill, Deputy County Administrator *B Hill*  
David Starkey, Chief Financial Officer *D Starkey*  
Michael Hatfield, Chief Deputy, Beaufort County Sheriff's Office *M Hatfield*

FROM: Dave Thomas, CPPO, Purchasing Director *D Thomas*

SUBJ: Request to Purchase DNA Laboratory Software and Equipment from a Sole Source Vendor for the Beaufort County's Sheriff's Office.

DATE: January 15, 2013

**BACKGROUND:** The Purchasing Department received a requisition from the Beaufort County Sheriff's Office requesting to purchase a new TrueAllele Casework and Quantum 220 System. Purchasing this system will automate interpretation of complex DNA mixtures and utilize the most current mathematical modeling system for interpretation, thus resulting in a more meaningful profile interpretation. The price includes training for two personnel, warranty for one year on the software, and three years on the equipment maintenance. Cybergenetics is the sole source provider for the patented TrueAllele technology and it is not available from any other distributor or dealer.

**VENDOR INFORMATION:**

1. Cybergenetics, Pittsburgh, PA

**Cost**

**Project**

\$84,800

TrueAllele Casework System

**FUNDING AND COST BREAKDOWN:**

1. DNA Backlog Grant, account #21206-54803. This purchase will be made solely with grant funds.

**RECOMMENDATION:** The Purchasing Department recommends that the Finance Committee approve the purchase and recommend to County Council approval of the aforementioned vendor for a total amount of \$84,800.

cc: Richard Dimont, Suzanne Cook  
At: Sole Source Price Quote



**BEAUFORT COUNTY SHERIFF'S OFFICE**  
**Equipment Purchase Request / Approval**

SC  
12/5/12  
P.O.

To: Chief Deputy M. Hatfield  
 From: John Donahue, DNA Technical Leader Phone: 255-3605  
 Subject: Purchase request

Branch & Division: Forensic Services

This purchase is needed to perform the following duty requirements:

DNA interpretation hardware and software to be purchase under FY2012 DNA Backlog Reduction Program Grant # 2012-DN-BX-0077. Item is sole source. Quote BCSO-11-2012 valid through December 30, 2012. *Still Valid per Sheriff's Office*

Company/Vendor/Name: Cybergenetics  
 Address: 160 N. Craig St, Suite 210, Pittsburgh PA 15213  
 Phone: 412-683-3004 Fax: 412-683-3005

Budgeted item?  Yes  No Budget # 24058 *Need account number from Alicia* Account #

Item	Qty.	Cost Each	Item Total
1 TrueAllele Casework System and Quantum 220	1	\$60,000.00	\$60,000.00
2 TrueAllele Casework Basic Training (per student)	2	\$5,000.00	\$10,000.00
3 TrueAllele Operator Course (Levels 1 and 2, per student)	2	\$5,000.00	\$10,000.00
4			
5			
6			
7			
8			
9			
10			
11			
12			

Attach another purchase request for additional items.	Subtotal	\$80,000.00
Sales Tax (if applicable): <u>6</u> %	Sales Tax	\$4,800.00
	Shipping (if applicable)	
	Other Fees/Charges	
	<b>TOTAL COST</b>	<b>\$84,800.00</b>

**APPROVAL**

Lieutenant  Captain: John Donahue Date: 12/4/12  YES  NO  
 Major: N/A Date:   YES  NO  
 Deputy Chief of Staff: N/A Date:   YES  NO  
 Chief of Staff: [Signature] Date: 12/04/12  YES  NO  
 Chief Deputy: Michael M. Hatfield Date: 12/04/12  YES  NO

Administrative Use Only



**COUNTY COUNCIL OF BEAUFORT COUNTY  
PURCHASING DEPARTMENT**

Building 2, 102 Industrial Village Road  
Post Office Drawer 1228, Beaufort, SC 29901-1228  
Phone: (843) 255-2353 Fax: (843) 255-9437

TO: Councilman Stewart H. Rodman, Chairman, Finance Committee

VIA: Gary Kubic, County Administrator *GKubic*  
Bryan Hill, Deputy County Administrator *BH*  
David Starkey, Chief Financial Officer *DS*  
Michael Hatfield, Chief Deputy, Beaufort County Sheriff's Office *MH*

FROM: Dave Thomas, CPPPO, Purchasing Director *DT*

SUBJ: Request to Purchase DNA Laboratory Equipment from a Sole Source Vendor for the Beaufort County's Sheriff's Office.

DATE: January 15, 2013

**BACKGROUND:** The Purchasing Department received a requisition from the Beaufort County Sheriff's Office requesting to purchase a new Qiagen BioRobot EZ1 Advanced XL System. Purchasing this item will double the Forensic Laboratory's sample extraction capacity and allow the DNA Laboratory to process items quicker. The price includes warranty and maintenance for one year. Qiagen is the sole source provider for the BioRobot and it is not available from any other distributor or dealer.

**VENDOR INFORMATION:**

	<u>Cost</u>	<u>Project</u>
1. Qiagen, Germantown, MD	\$52,068.90	BioRobot Advanced XL System

**FUNDING AND COST BREAKDOWN:**

1. DNA Backlog Grant, Account # 21206-54803. This purchase will be funded solely with grant funds.

**RECOMMENDATION:** The Purchasing Department recommends that the Finance Committee approve the purchase and recommend to County Council approval of the aforementioned vendor for a total amount of \$52,068.90.

cc: Richard Dimont, Suzanne Cook  
At: Sole Source Price Quote



**QIAGEN Agreement # MJG120312A**

**December 2, 2012**

John Donahue  
 Beaufort County Sheriff's Office  
 Forensics  
 111 Industrial Village Rd  
 29808 Beaufort  
 USA  
 Phone: +1 (843) 255-3605

**Delivery:** 30-75 days ARO      **F.O.B. Instrument:** Shipping Point - Freight Prepaid and Added      **Price Valid For:** March 28, 2013      **Terms:** Net 30 Days Upon Invoicing

The EZ1 Advanced XL Instrument includes a one-year warranty, which covers all parts, labor, and travel.

The EZ1, Full Agreement extends the Warranty an additional 2 years following the standard 1-year warranty

Item	Catalog #	Description	Unit Price	Qty	Extended Price
1	9001482	EZ1 Advanced XL	42,581.00	1	42,581.00
2	9019533	EZ1 Adv XL DNA Investigator Card US	Included	1	Included
4	9237721	EZ1, Full Agreement Repair service delivery: onsite Service response time (repair): 48 hours/2 business days Periodic inspection/maintenance: yes, 1 agreement year Inspection/maintenance delivery: onsite Cost coverage for repair parts: yes, included Cost coverage for labor: yes, included Cost coverage for travel: yes, included Replacement system (Loaner) provision: not included Transportation cost coverage: not applicable	3,190.00	2	6,380.00
5		State Tax	2,947.30	1	2,947.30
6	1002137	Freight charges	180.00	1	180.00

**Notes are the following:**

1. System installation is not included unless specified above. If installation is purchased, QIAGEN will install on premises, but the pretest and setup for a client system are not included.
2. QIAGEN's standard 90-day warranty is included for all instruments shipped to the United States.
3. Payment due 30 days upon receipt. QIAGEN will provide installation and necessary training upon delivery. If the Customer delays installation and/or introductory training for more than two weeks after delivery, payment for the instrument is due by the Customer.
4. This proposal is made contingent upon the acceptance by the customer without change or modification of the provisions of the proposed contract or purchase order on file with QIAGEN and if the QIAGEN standard and conditions of sale apply.

**\*Quoted Price: \$ 52,088.30**

\*Shipping Included in quoted price

This Quote shall be governed by the QIAGEN Standard Terms and Conditions available at <http://www.qiagen.com/SalesTermsUS>

Mark Guiliano, Ph.D.  
Sales Development Mgr Southeast AT  
1-800-426-6157 ext. 22326  
Mobile: 215-327-3911

**QIAGEN - Sample & Assay Technologies**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION AUTHORIZING BEAUFORT COUNTY TO PARTICIPATE IN THE FUNDING OF THE LOWCOUNTRY AREA TRANSPORTATION STUDY (METROPOLITAN PLANNING ORGANIZATION) ON A PER CAPITA BASIS BASED UPON THE CURRENT POPULATION IN THE UNINCORPORATED AREAS OF THE COUNTY.**

**WHEREAS**, 23 CFR Section 450.310(a) requires that a Metropolitan Planning Organization (MPO) be designated for each Urbanized Area with a population of more than 50,000 individuals as determined by the Bureau of the Census; and

**WHEREAS**, in March 2012, the Bureau of the Census defined a new Urbanized Area, based on the 2010 Census, when the combined population of the Town of Hilton Head Island, the Town of Bluffton, and parts of unincorporated Beaufort County reached over 50,000; and

**WHEREAS**, on August 27, 2012, Beaufort County Council, in conjunction with Jasper County, the Town Councils of Hilton Head, Bluffton, and Port Royal, and the City Councils of Beaufort and Hardeeville authorized to create the Lowcountry Area Transportation Study (LATS) and designated the Lowcountry Council of Governments (LCOG) as the fiscal agent and lead entity in the coordination of the MPO; and

**WHEREAS**, it is necessary for Beaufort County Council to determine how best to provide the local matching funds necessary to establish and operate the MPO.

**NOW, THEREFORE, BE IT RESOLVED**, by Beaufort County Council that it shall contribute its portion of the local matching funds for the MPO in an amount equal to its per capita share of the population located in the unincorporated portions of Beaufort County as designated in the boundaries of the Metropolitan Planning Area.

DONE, this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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

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ORDINANCE NO. 2013/1

AUTHORIZING THE ISSUANCE AND SALE OF A TAX INCREMENT REFUNDING REVENUE BOND, SERIES 2013, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF BEAUFORT COUNTY, SOUTH CAROLINA, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$6,000,000 FOR THE PURPOSE OF REFUNDING CERTAIN MATURITIES OF THE BLUFFTON AREA TAX INCREMENT BONDS; FIXING THE FORM AND DETAILS OF THE BOND; AUTHORIZING THE COUNTY ADMINISTRATOR OR HIS LAWFULLY-AUTHORIZED DESIGNEE TO DETERMINE CERTAIN MATTERS RELATING TO THE BOND; PROVIDING FOR THE PAYMENT OF THE BOND AND THE DISPOSITION OF THE PROCEEDS THEREOF; AUTHORIZING THE REDEMPTION OR DEFEASANCE OF CERTAIN MATURITIES OF OUTSTANDING BLUFFTON AREA TAX INCREMENT REVEUNE BONDS; AND OTHER MATTERS RELATING THERETO.

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

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

(a) The County is a body politic and corporate, a county and a political subdivision of the State of South Carolina (the “State”), and as such possesses all powers granted to counties by the Constitution and general laws o the State.

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

(c) Title 31, Chapter 7 of the SC Code (the “TIF Act”), authorizes counties of the State to finance Redevelopment Projects (as defined in the TIF Act) through the issuance of bonds payable from that portion of the ad valorem taxes levied on real property located in a redevelopment project area (as defined in the TIF Act) attributable to the increase in assessed valuation of such real property above the assessed value of such property determined at the time of the establishment of the redevelopment project area.

(d) Title 6, Chapter 1, Article 9 of the SC Code (the “Impact Fee Act”), authorizes counties of the State to impose development impact fees as a condition of the approval by a county of a development in order to pay a proportionate share of the cost of system improvements needed to serve the people utilizing the improvements.

(e) Article X, Section 12 of the Constitution of the State prohibits the enactment of laws permitting the incurring of bonded indebtedness by any county for any service or facility benefitting only a particular geographical section of the county unless a special assessment, tax or service charge in an amount designed to provide debt service on bonded indebtedness or revenue bonds incurred for such purposes shall be imposed upon the area or persons receiving the benefit therefrom.

(f) Pursuant to Ordinance No. 99/38 duly enacted by County Council on December 13, 1999, as amended by Ordinance No. 2000/21 duly enacted by County Council on April 24, 2000 (together, the Redevelopment Ordinance) adopted and approved a redevelopment plan for the redevelopment of the

“Bluffton Surface Transportation System for the East-West Highway Corridor District” and established the “Bluffton Redevelopment Project Area” (the “Project Area”).

(g) Pursuant to Ordinances duly enacted by County Council adopted in 1999 (Nos. 99/26, 99/27, 99/31, 99/32, 99/33), County Council has authorized the imposition of development impact fees (the “Impact Fees”) on developments in the Project Area.

(h) Pursuant to Ordinance No. 2003/8 duly enacted by County Council on March 24, 2003 (the “Bond Ordinance”), the County issued its Bluffton Area Redevelopment Project Tax Increment Revenue Bonds (Bluffton Area Projects), Series 2003 (the “2003 TIF Bonds”), the proceeds of which were used for the purposes of funding Redevelopment Projects (as defined in the Bond Ordinance).

(i) The 2003 TIF Bonds are currently outstanding in the amount of \$21,875,000 and are prepayable at the option of the County in whole or in part on or after February 1, 2013 without premium.

(j) The County intends from legally available funds to redeem a portion of the February 1, 2023, maturity and the entire February 1, 2028 maturity of the 2003 TIF Bonds.

(k) Based on current market conditions and projected savings, County Council finds that it is in the best interest of the County to refund the February 1, 2014 maturity, the February 1, 2015, maturity, and the remaining unredeemed portion of the February 1, 2023, maturity outstanding in the principal amount of \$6,840,000 because a savings can be effected through the refunding thereof.

(l) Pursuant to Section 31-6-40, Code of Laws of South Carolina 1976 as amended, the Council is authorized to issue the bond (hereinafter defined) for the purpose of refunding a portion of the 2003 TIF Bonds.

(m) It is now in the best interest of the County for the Council to provide for the issuance and sale of a not to exceed \$6,000,000 aggregate principal amount tax increment refunding revenue bond of the County to provide funds for the purposes of (i) refunding a portion of the 2003 TIF Bonds; and (ii) paying costs of issuance of the bond.

(n) Pursuant to Ordinance No. 2012/10 duly enacted by the County Council on August 13, 2012, the County adopted Written Procedures Related to Tax-Exempt Debt.

SECTION 2. Authorization and Details of the Bonds. Pursuant to the aforesaid provisions of the laws of the State of South Carolina, there is hereby authorized to be issued a not to exceed \$6,000,000 tax increment refunding revenue bond of the County (the “Bond”) for the purposes listed in Section 1(k) above.

The Bond shall be issued as a fully-registered bond in the name of the purchaser thereof; shall be dated as of its date of delivery; shall be in the principal amount of the Bond; shall be numbered R-1; shall bear interest at a rate to be determined at the time of sale; and shall mature in successive annual installments of principal and interest on such dates and in such amounts as agreed to by the Bank and the County Administrator.

Both the principal of and interest on the Bond shall be payable in any coin or currency of the United States of America which is, at the time of payment, legal tender for public and private debts. The County shall serve as the registrar and paying agent for the Bond.



SECTION 3. Delegation of Authority. The Council hereby delegates to the County Administrator the authority to determine (a) the principal payment amounts of the Bond and when they are paid; (b) the interest payment date of the Bond; and (c) redemption provisions, if any, for the Bond.

The Council hereby delegates to the County Administrator the authority to receive bids on behalf of the Council and the authority to award the sale of the Bond to the lowest bidder therefor, provided the net interest cost does not exceed 3%.

SECTION 4. ExecutionError! Bookmark not defined. of Bond. The Bond shall be executed in the name of the County with the manual or facsimile signature of the Chair or Vice-Chair of County Council attested by the manual or facsimile signature of the Clerk to County Council under the seal of the County impressed, imprinted or reproduced thereon. The Bond shall bear a certificate of registration authentication executed with the manual or facsimile of the Clerk to County Council

SECTION 5. Form of Bond. The form of the Bond shall be substantially as that set forth in Exhibit A hereto attached and incorporated herein by reference.

SECTION 6. Security for the Bond. The principal of and interest on the Bond shall be payable from and secured by a pledge of the Tax Revenue and the required amount of Impact Fees in and to be deposited in the Debt Service Fund (hereinafter defined) established herein. Such amounts are hereby irrevocably pledged for the payment of the principal and interest on the Bond. Notwithstanding any provision in the Ordinances imposing the Impact Fees, the purchaser of the Bond shall have a lien on so much of the Impact Fees as are pledged herein for the payment on the Bond and said pledged Impact Fees cannot be pledged or used for any other purpose.

The Bond, and the interest thereon, are special obligations of the County payable solely from the funds pledged therefor. The full faith, credit, and taxing powers of the County are not pledged for the payment of the Bond and the interest thereon.

SECTION 7. Creation of Special Tax Allocation Fund; Deposits Therein. (a) There is hereby created a special fund of the County to be designated as "Beaufort County - Special Tax Allocation Fund" (the "Special Tax Allocation Fund").

The Special Tax Allocation Fund shall contain accounts and sub-accounts as may be established by County Council.

All of the taxes ("Tax Revenues") which are attributable to the increase in the current equalized assessed valuation of all taxable real property in the Project Area over and above the total initial equalized assessed value of taxable real property in the Project Area must be allocated to and, when collected, must be deposited by the County Treasurer into the Special Tax Allocation Fund for the purpose of paying the principal of and interest on the Bond.

SECTION 8. Establishment of the TIF Debt Service Fund; Deposits Therein. There is hereby established a special fund of the County to be designated the TIF Debt Service Fund (the "Debt Service Fund") which shall be maintained on behalf of the County to be used solely to pay the principal of and debt service on the Bond.

At least five (5) days prior to the date of the upcoming payment to be made on the Bond, the County shall deposit into the Debt Service Fund Tax Revenues and Impact Fees sufficient to make such debt service payment on the Bond.

SECTION 9. Dissolution of Special Tax Allocation Fund. Upon the complete repayment of the Bond and the distribution of any surplus moneys pursuant to the Act, the County shall enact an ordinance dissolving the Special Tax Allocation Fund for the Project Area and terminating the designation of the Project Area as a “redevelopment project area” for purposes of the Act. Thereafter, the rates of the Taxing Districts must be extended and taxes levied, collected and distributed in the manner applicable in the absence of the adoption of the Redevelopment Plan and the issuance of the Bond under the Act.

SECTION 10. Investment Income. All investment income or interest earnings on the Debt Service Fund shall be applied as a credit against the next payment due on the Bond. The County shall account for all amounts earned on each of the Special Tax Allocation Fund and Debt Service Fund.

SECTION 11. Defeasance. The obligations of the County herein made or provided for, shall be fully discharged and satisfied as to the Bond, and shall no longer be deemed to be outstanding hereunder when:

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

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

“Government Obligations” shall mean any of the following:

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

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

SECTION 13. Deposit and Use of Proceeds. The proceeds derived from the sale of the Bond necessary to refund the 2003 TIF Bonds shall be deposited with Wells Fargo Bank, N.A., the Registrar/Paying Agent for the 2003 TIF Bonds to be used to redeem the 2003 TIF Bonds on February 1, 2013. The remaining proceeds shall be deposited with the County Treasurer in a special fund and shall be applied solely to the purposes for which the Bonds have been issued, including payment of costs of issuance of the Bonds.

SECTION 14. Tax Covenants. The County hereby covenants and agrees with the holders of the Bonds that no use of the proceeds of the Bond shall be made which, if such use had been reasonably expected on the date of issue of the Bond would have caused the Bond to be an “arbitrage bond,” as defined in Section 148 of the Internal Revenue Code of 1986 (the “Code”), and to that end the County hereby shall:

(a) comply with the applicable provisions of Section 103 and Sections 141 through 150 of the Code and any regulations promulgated thereunder so long as the Bond is outstanding;

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

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

(d) not take any action which will, or fail to take any action which failure will, cause interest on the Bonds to become includable in the gross income of the bondholders for federal income tax purposes pursuant to the provisions of the Code and regulations promulgated thereunder in effect on the date of original issuance of the Bond.

SECTION 15. Miscellaneous. The County Council hereby authorizes the County Administrator, Chair and Vice-Chair of the County Council, the Clerk to the County Council and County Attorney to execute such documents and instruments as necessary to effect the issuance of the Bond. The County Council hereby retains McNair Law Firm, P.A., as bond counsel and First SouthWest, as financial advisor, in connection with the issuance of the Bond. The County Administrator and the County’s Chief Financial Officer, or either of them acting alone, is further authorized to execute such contracts, documents or engagement letters as may be necessary and appropriate to effectuate these engagements and to negotiate and execute such agreements and give such directions as shall be necessary to carry out the provisions of this Ordinance, including the termination, amendment or modification of any forward delivery, repurchase or other investment agreement related to the 2003 TIF Bond.

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

[Signature Page to Follow]

Enacted this \_\_\_ day of January, 2013.

BEAUFORT COUNTY, SOUTH CAROLINA

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Vice-Chair, County Council

(SEAL)  
ATTEST:

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Clerk to County Council

First Reading: December 10, 2012  
Second Reading: January 14, 2013  
Public Hearing:  
Third and Final Reading:

(FORM OF BOND)

UNITED STATES OF AMERICA  
STATE OF SOUTH CAROLINA  
BEAUFORT COUNTY  
TAX INCREMENT REFUNDING REVENUE BOND  
SERIES 2013

KNOW ALL MEN BY THESE PRESENTS, that the County of Conway, South Carolina (the "County"), is justly indebted and, for value received, hereby promises to pay \_\_\_\_\_ in \_\_\_\_\_ (the "Bank"), its successors and assigns, the principal sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_) by the Bank. Interest shall accrue from the date of such payment at the rate of \_\_\_\_\_% per annum. Annual payments of principal and interest will be due on such dates and in such amounts as shown on Exhibit A attached hereto and incorporated herein by reference with a final maturity on \_\_\_\_\_.

The principal and any accrued but unpaid interest on this Bond may be prepaid prior to the stated maturity hereof in whole at any time or in part on any interest payment date without penalty or premium.

The principal and interest on this Bond are payable in any coin or currency of the United States of America which is, at the time of payment, legal tender for public and private debts and are payable at the principal office of \_\_\_\_\_ in \_\_\_\_\_.

This Bond is issued pursuant to and in accordance with the Constitution and laws of the State of South Carolina, including Title 31, Chapter 7, Code of Laws of South Carolina, 1976, as amended and as such may be further amended (the "Act"), Article X, Section 12, of the Constitution of the State of South Carolina, 1895, as amended; and an Ordinance adopted by the Beaufort County Council on January 28, 2013.

This Bond and the interest thereon are special obligations of the County payable solely from, and secured equally and ratably by a pledge of the funds in and to be deposited in a Special Tax Allocation Fund created pursuant to the Act and the required amount of Impact Fees deposited into the Debt Service Fund. THE FULL FAITH, CREDIT AND TAXING POWERS OF THE COUNTY ARE NOT PLEDGED FOR THE PAYMENT OF THIS BOND AND THE INTEREST HEREON.

The Ordinance contains provisions defining terms; sets forth the moneys, funds and revenues pledged for the payment of the principal of and interest on this Bond; sets forth the nature, extent and manner of enforcement of the security of this Bond and of such pledge, and the rights and remedies of the holder hereof with respect thereto; sets forth the terms and conditions upon which this Bond is issued and upon which other bonds may be hereinafter issued payable as to principal, premium, if any, and interest on a parity with this Bond and equally and ratably secured herewith; sets forth the rights, duties and obligations of the County thereunder; and sets forth the terms and conditions upon which the pledge made in the Ordinance for the security of this Bond and upon which the covenants, agreements and other obligations of the County made therein may be discharged at or prior to the maturity or prepayment of this Bond with provision for the payment thereof in the manner set forth in the Ordinance. Reference is hereby made to the

Ordinance, to all of the provisions of which any holder of this Bond by the acceptance hereof thereby assents. The provisions of the Act and the Ordinance shall be a contract with the holder of this Bond.

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

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of the State of South Carolina to exist, to happen and to be performed precedent to or in the issuance of this Bond exist, have happened and have been performed in regular and due time, form and manner as required by law; and that provision has been made for the payment of the principal of and interest on this Bond as provided in the Bond Ordinance.

IN WITNESS WHEREOF, BEAUFORT COUNTY, SOUTH CAROLINA, has caused this Bond to be signed with the manual or facsimile signature of the Chair of the County Council, attested by the signature of the Clerk to County Council, and the seal of the County impressed, imprinted or reproduced hereon, this \_\_\_\_ day of January, 2013.

BEAUFORT COUNTY, SOUTH CAROLINA

By: \_\_\_\_\_  
Chair, County Council

(SEAL)

ATTEST:

By: \_\_\_\_\_  
Clerk to County Council

FORM OF REGISTRATION

This Bond has been registered in the name of \_\_\_\_\_ in \_\_\_\_\_, on the registration books kept by the Clerk to County Council, Beaufort County, South Carolina.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Clerk, County of Conway, South Carolina

ORDINANCE NO. 2013 /

AN ORDINANCE TO AMEND THE FY 2012-2013 BEAUFORT COUNTY SCHOOL DISTRICT BUDGET, SECTION 3. SCHOOL OPERATIONS APPROPRIATION.

SECTION 3. SCHOOL OPERATIONS APPROPRIATION

An amount of \$~~177,978,690~~ 180,627,011 is hereby appropriated to the Beaufort County Board of Education to fund school operations. This appropriation is to be spent in accordance with the school budget approved by the County Council of Beaufort County, and will be funded from the following revenue sources:

- A. \$ ~~114,078,285~~ 116,726,606 to be derived from tax collections;
- B. \$ 55,434,586 to be derived from State revenues;
- C. \$ 900,000 to be derived from Federal revenues;
- D. \$ 1,363,500 to be derived from other local sources;
- E. \$ 4,357,254 to be derived from inter-fund transfers;
- F. \$ 1,276,464 to be derived from adjustment to the New River TIF;
- G. \$ 568,601 to be derived from the District's fund balance.

The Beaufort County Board of Education is responsible for ensuring that the school expenditures do not exceed those amount herein appropriated without first receiving the approval of a supplemental appropriation from County Council.

Adopted this \_\_\_\_ day of January, 2013.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: \_\_\_\_\_  
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

\_\_\_\_\_  
Joshua A. Gruber, Staff Attorney

ATTEST:

\_\_\_\_\_  
Suzanne M. Rainey, Clerk to Council

First Reading: December 10, 2012  
Second Reading: January 14, 2013  
Public Hearing:  
Third and Final Reading:

Amending Ordinance 2012/11

**Committee Reports  
January 28, 2013**

**A. COMMITTEES REPORTING**

**1. Finance**

① Minutes from the January 24 meeting provided February 11. Action is required. See main agenda items 10C, 10D, 10E, 10F, 10G, 10H, 10I and 10J.

**2. Public Facilities**

① Minutes the January 24 meeting provided February 11. Action is required. See main agenda items 10K and 10L.

② Solid Waste and Recycling Board

<i>Nominate</i>	<i>Name</i>	<i>Position/Area/Expertise</i>	<i>Reappoint/Appoint</i>	<i>Votes Required</i>
01.28.13	Dan Duryea	Solid Waste District #9	Appoint	6 of 11 (1 <sup>st</sup> term)

② Southern Beaufort County Median Beautification Committee

<i>Nominate</i>	<i>Name</i>	<i>Position/Area/Expertise</i>	<i>Reappoint/Appoint</i>	<i>Votes Required</i>
01.28.13	Glen Stanford	Council District 8	Appoint	6 of 11 (1 <sup>st</sup> term)

**B. COMMITTEE MEETINGS**

**1. Community Services**

*William McBride, Chairman*

*District 9 Representative, Vice Chairman*

➔ Next Meeting – January 28 at 2:00 p.m., ECR

**2. Executive**

*Paul Sommerville, Chairman*

➔ Next Meeting – March 11 at 2:00 p.m., ECR

**3. Finance**

*Stu Rodman, Chairman*

*Rick Caporale, Vice Chairman*

➔ Next Meeting – Monday, February 18 at 2:00 p.m., BIV#2

**4. Governmental**

*Jerry Stewart, Chairman*

*Laura Von Harten, Vice Chairman*

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

**5. Natural Resources**

*Brian Flewelling, Chairman*

*Cynthia Bensch, Vice Chairman*

➔ Next Meeting – Monday, February 4 at 2:00 p.m., ECR

**6. Public Facilities**

*Gerald Dawson, Chairman*

*Steven Baer, Vice Chairman*

➔ Next Meeting – Monday, February 18 at 4:00 p.m., BIV#2

**7. Transportation Advisory Group**

*Paul Sommerville, Chairman*

*Stu Rodman, Vice Chairman*

➔ Next Meeting – To be announced.



RESOLUTION NO. 2012 / 24

AN RESOLUTION TO CREATE THE SOUTHERN BEAUFORT COUNTY MEDIAN BEAUTIFICATION COMMITTEE TO ASSIST BEAUFORT COUNTY COUNCIL IN DESIGN, IMPLEMENTATION, FUNDRAISING AND PROMOTION OF MEDIAN BEAUTIFICATION ALONG HIGH VOLUME TRAFFIC CORRIDORS IN THE SOUTHERN AREAS OF BEAUFORT COUNTY

WHEREAS, Beaufort County desires to promote and enhance the aesthetic values of high volume traffic corridors in southern Beaufort County by the creation of the Southern Beaufort County Median Beautification Committee (the "Committee"); and

WHEREAS, the Committee will assist Beaufort County Council in the planning, design, implementation, fundraising and promotion of median beautification along certain county and state roads located in southern Beaufort county; and

WHEREAS, the Committee shall create such technical subcommittees as may be necessary to adequately assist the Committee in carry out its functions; and

WHEREAS, it is understood that in order for the Committee to maximize its fundraising potential, it is necessary for the Committee to file articles of incorporation and other such documentation as may be necessary to obtain tax exempt status with the Internal Revenue Service; and

WHEREAS, the Committee shall present a yearly operational budget to Beaufort County Council for review and adoption at the same time that the County's operation budget is presented for review and adoption.

NOW, THEREFORE, BE IT RESOLVED, by Beaufort County Council that there is hereby created a Southern Beaufort County Median Beautification Committee that shall be organized and operated as follows:

- Section 1. The Committee shall be comprised of the following membership:
- a) One member from County Council District 5
  - b) One member from County Council District 6
  - c) One member from County Council District 7
  - d) One member from County Council District 8
  - e) One member from County Council District 9
  - f) One member from County Council District 10
  - g) One member from County Council District 11
  - h) One member nominated for appointment by the Town of Bluffton
  - i) One member nominated for appointment by the Town of Hilton Head Island

- Section 2. Any vacancy on the board will be filled in the same manner as provided for under Section 2-191 through 2-198 of the Beaufort County Code of Ordinances upon nomination of the respective member of County Council, the Town of Bluffton, or Town of Hilton Head Island depending upon the seat that is vacated.
- Section 3. The members shall elect a Chairperson from its membership.
- Section 4. The Committee shall meet at the call of the Chairperson, at least quarterly, and shall be conducted in compliance with the South Carolina Freedom of Information Act. Minutes shall be kept of any meetings and the Committee shall forward a copy of said minutes to the Beaufort County Council within thirty (30) days of their completion and adoption by the Committee. A majority of the number of members on the board shall constitute a quorum for transaction of business at any meeting. A majority of those present and voting shall be required to decide any issue after a quorum has been established.
- Section 5. The name of the organization shall be known as the Southern Beaufort County Median Beautification Committee.
- Section 6. The purpose of the Committee will be to promote the design, enhancement, implementation, maintenance and funding of aesthetic median spaces along certain roadways located in Southern Beaufort County.
- Section 7. The Committee shall have the authority to take any and all lawful actions as may be necessary or appropriate to carry out the aforementioned purpose of the Committee, *provided however*, that in carrying out its purpose and exercising its powers, the Committee shall not engage in any activities which would cause it to fail to qualify for exemption from Federal income taxation purposes under the United States Internal Revenue Code as amended from time to time, or successor provisions thereto.
- Section 8. The Committee shall submit an annual budget to Beaufort County Council for review and adoption indicating all anticipated sources of revenue, all anticipated expenditures, and any remaining funds that have been carried over from previous years.
- Section 9. The Committee may appoint such other standing, special, or advisory committees from time to time as it deems appropriate. Members of such committees may include Committee members, as well as individuals representing specialized interests in areas that would be beneficial to the Committee carrying out its purpose.

Section 10. The Committee shall adhere to all conflict of interest prohibitions and disclosure requirements provided in South Carolina Code of Laws §8-13-700 *et seq.*

Section 11. These by-laws may be amended by a two-thirds majority of the voting members of the Committee, provided written notice of such proposed amendment, including a copy of any proposed amendment, is mailed to each Committee member at least two weeks prior to such meeting. All by-law amendments are conditioned upon approval and ratification of Beaufort County Council.

DONE, this 8<sup>th</sup> day of October, 2012.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: \_\_\_\_\_

  
Wm. Weston J. Newton, Chairman

ATTEST:

  
Suzanne M. Rainey, Clerk to Council