

COUNTY COUNCIL OF BEAUFORT COUNTY

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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, May 12, 2014

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.
 - A. Discussion of Consent Agenda
 - B. Executive Session
 1. Receipt of legal advice relating to pending and potential claims covered by the attorney-client privilege
 2. Discuss of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the public body
 - C. Discussion is not limited to agenda items
2. REGULAR MEETING - 5:00 P.M.
3. CALL TO ORDER
4. PLEDGE OF ALLEGIANCE
5. INVOCATION – Councilman Dawson
6. PROCLAMATIONS
 - A. Emergency Medical Services Week
 - B. Beaufort County Historical Society 75th Anniversary
 - C. Motorcycle Awareness Month
 - D. Peace Officers Memorial Day
 - E. National Moment of Remembrance
7. ADMINISTRATIVE CONSENT AGENDA
 - A. Approval of Minutes – April 28, 2014 ([backup](#))
 - B. Receipt of County Administrator’s Two-Week Progress Report ([backup](#))



C. Receipt of Deputy County Administrator's Two-Week Progress Report ([backup](#))

D. Committee Reports (next meeting)

1. Community Services (May 27 at 1:00 p.m., Bluffton Branch Library)
2. Executive (June 9 at 1:00 p.m., ECR)
3. Finance (May 19 at 2:00 p.m., BIV#3)
 - a. April 14, 2014 minutes-1:00 p.m. ([backup](#))
 - b. April 14, 2014 minutes-2:00 p.m. ([backup](#))
 - c. April 21, 2013 minutes ([backup](#))
 - d. April 28, 2014 minutes ([backup](#))
4. Governmental (May 13 at 9:30 a.m., USC-B Gateway Campus)
 - a. April 28, 2014 minutes ([backup](#))
5. Natural Resources (June 2 at 2:00 p.m., ECR)
 - a. May 5, 2014 ([backup](#))
6. Public Facilities (May 19 at 4:00 p.m., BIV#3)
 - a. April 21, 2014 ([backup](#))

E. Appointments to Boards and Commissions

8. PUBLIC COMMENT

9. CONSENT AGENDA

A. AN ORDINANCE TO INCREASE THE MINIMUM SALARY PAID TO BEAUFORT COUNTY MAGISTRATES BY ELIMINATING PROGRESSIVE STEP PAY INCREASES ([backup](#))

1. Consideration of first reading approval to occur May 12, 2014
2. Finance Committee discussion and recommendation to approve occurred April 28, 2014 / Vote 5:0

B. AN ORDINANCE FINDING THAT FRIPP ISLAND PUBLIC SERVICE DISTRICT MAY ISSUE NOT EXCEEDING \$1,000,000 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 May 12, 2014
2. Finance Committee discussion and recommendation to approve occurred May 5, 2014 / Vote 5:0

C. A RESOLUTION CALLING FOR A PUBLIC HEARING TO BE HELD UPON THE QUESTION OF THE ISSUANCE OF NOT EXCEEDING \$1,000,000 OF GENERAL OBLIGATION BONDS OF THE FRIPP ISLAND PUBLIC SERVICE DISTRICT, SOUTH CAROLINA; PROVIDING FOR THE PUBLICATION OF THE NOTICE OF SUCH PUBLIC HEARING; AND OTHER MATTERS RELATING THERETO ([backup](#))

1. Consideration of first reading approval to occur May 12, 2014
2. Finance Committee discussion and recommendation to approve occurred May 5, 2014 / Vote 5:0

D. TEXT AMENDMENT TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE/ZDSO, ARTICLE V, TABLE 106-1098 - TO ALLOW CONTRACTOR'S OFFICE WITH EXTERIOR STORAGE IN COMMERCIAL SUBURBAN DISTRICTS ([backup](#))

1. Consideration of first reading approval to occur May 12, 2014
2. Natural Resources Committee discussion and recommendation to deny occurred May 5, 2014 / Vote 6:0
3. Planning Commission discussion and recommendation to deny occurred March 3, 2013 / Vote 8:0

E. A RESOLUTION TO COMMISSION ANIMAL SERVICE OFFICER TO ENFORCE BEAUFORT COUNTY ANIMAL ORDINANCES FOR BEAUFORT COUNTY PURSUANT TO THE AUTHORITY GRANTED IN SECTION 4-9-145 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976 AS AMENDED ([backup](#))

1. Consideration of adoption to occur May 12, 2014
2. Governmental Committee discussion and recommendation to approve occurred May 5, 2014 / Vote 5:0

10. COUNTY ADMINISTRATOR'S REPORT

Mr. Gary Kubic, County Administrator

A. The County Channel / Broadcast Services

B. Introduction/Mr. Peter Sardo, new Assistant to the Director, Beaufort National Cemetery

11. PUBLIC HEARING

A. AN ORDINANCE TO AMEND CHAPTER 18 OF ARTICLE III (BUSINESS AND PROFESSIONAL LICENSE) OF THE BEAUFORT COUNTY CODE OF ORDINANCES, AND PROVIDING FOR THE SEVERABILITY AND EFFECTIVE DATE ([backup](#))

1. Consideration of third and final reading to occur May 12, 2014
2. Second reading approval occurred April 28, 2014 / Vote 9:1
3. First reading approval occurred April 14, 2014 / Vote 7:4
4. Governmental Committee discussion and recommendation to approve occurred April 7, 2014 / Vote 7:0

12. PUBLIC COMMENT

13. ADJOURNMENT

Official Proceedings
County Council of Beaufort County
April 28, 2014

The electronic and print media 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., Monday, April 28, 2014 in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

Chairman D. Paul Sommerville, Vice Chairman Stu Rodman and Councilmen Cynthia Bensch, Rick Caporale, Gerald Dawson, Brian Flewelling, William McBride, Gerald Stewart, Roberts “Tabor” Vaux and Laura Von Harten. Steven Fobes absent.

PLEDGE OF ALLEGIANCE

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

DISCUSSION ITEMS

Council discussed removing item 7a, an ordinance to amend the Business and Profession License, and item 7b, a Development Agreement between Beaufort County and JAZ 278, from the consent agenda.

CALL FOR EXECUTIVE SESSION

It was moved by Mr. Flewelling, seconded by Mr. Rodman, that Council go immediately into executive session to receive legal advice relating to pending and potential claims covered by the attorney-client privilege. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. ABSENT – Mr. Fobes. The motion passed.

EXECUTIVE SESSION

RECONVENE OF REGULAR SESSION

The regular meeting of the County Council of Beaufort County was held at 5:00 p.m., Monday, April 28, 2014 in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

Chairman D. Paul Sommerville, Vice Chairman Stu Rodman and Councilmen Cynthia Bensch, Rick Caporale, Gerald Dawson, Brian Flewelling, William McBride, Gerald Stewart, Roberts “Tabor” Vaux and Laura Von Harten. Steven Fobes absent.

PLEDGE OF ALLEGIANCE

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

INVOCATION

Councilwoman Bensch gave the Invocation.

The Chairman passed the gavel to the Vice Chairman in order to receive the Administrative Consent Agenda.

ADMINISTRATIVE CONSENT AGENDA

Review of Proceedings of the Regular Meeting held March 24, 2014

This item comes before Council under the Administrative Consent Agenda.

It was moved by Mr. Flewelling, seconded by Mr. Stewart, that Council approve the minutes of the regular meeting held March 24, 2014. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. ABSENT – Mr. Fobes. The motion passed.

Review of Proceedings of the Regular Meeting held April 14, 2014

This item comes before Council under the Administrative Consent Agenda.

It was moved by Mr. Flewelling, seconded by Mr. Stewart, that Council approve the minutes of the regular meeting held April 14, 2014. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. ABSENT – Mr. Fobes. The motion passed.

County Administrator’s Two-Week Progress Report

This item comes before Council under the Administrative Consent Agenda.

Mr. Gary Kubic, County Administrator, presented his Two-Week Progress Report, which summarized his activities from April 14, 2014 through April 25, 2014.

Deputy County Administrator’s Two-Week Progress Report

This item comes before Council under the Administrative Consent Agenda.

Mr. Bryan Hill, Deputy County Administrator, presented his Two-Week Progress Report, which summarized his activities from April 14, 2014 through April 25, 2014.

Committee Reports

This item comes before Council under the Administrative Consent Agenda.

Community Services Committee

Beaufort / Jasper Economic Opportunity Commission

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

Finance Committee

Airports Board

Allan Rae

The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. Mr. Allan Rae, representing active pilot and aircraft owner based at the Beaufort County (Lady's Island)/ARW Airport, was appointed to serve as a member of the Airports Board after garnering the six votes required to appoint.

Governmental Committee

Mr. Stewart, as Governmental Committee Chairman, announced a joint meeting of the Governmental Committee and the Lowcountry Economic Alliance on May 13 beginning at 9:30 a.m. The meeting location is the Library at the UCS-B, Gateway Campus. During the meeting, Thomas and Hutton will present its final work.

Natural Resources Committee

Mr. Flewelling, as Natural Resources Committee Chairman, reported the Planning Commission would take its final vote on the new Community Development Code at its May 5, 2014 meeting.

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

PUBLIC COMMENT

The Chairman recognized Mr. Reed Armstrong, of the Coastal Conservation League, South Coast Office, who stated he has looked over the revisions made to Section XI, paragraph H of Bluffton Gateway Development Agreement, and finds that they are very positive responses to the concerns raised earlier. Mr. Armstrong finds them acceptable, and appreciates the applicant making the changes.

Mr. Al Stokes, a resident of Bluffton since 1979 and Manager of Waddell Multicultural Center, stated he has a lot of experience dealing with marine organisms exposed to fresh water. He knows what it can do to the food web damaging the plankton foundation of everything that is in our estuaries. His concern is preventing additional water, exceeding the 10% effective impervious area goal, from entering this estuary and creating damage.

Mr. Collins Doughtie, a resident of Hilton Head Island since 1961, stated many people are very concerned with this development. They are hoping we can bring Beaufort County back to the way it was where people really cared. He cannot stress that enough. A lot of effort has been spent developing the 10% effective impervious area goal. He is adamantly against this development.

Mr. Dean Moss, Volunteer Executive Director, Friends of Spanish Moss Trail, thanked Council for its continuing support of the Trail. He encouraged Council to support both agenda items regarding the \$25,000 and \$58,000 grants to support Segment 6 of the Trail. On another issue, he will be requesting of the Capital Project Sales Tax Commission, that the Segment of the Trail between Marine Corps Air Station-Beaufort/Laurel Bay Road and Whale Branch River be included in that proposal.

Mr. Walter Nester, a local attorney who represents JAZ 278 Development, LLC of Georgia, stated this proposed Development Agreement would provide real benefits for Beaufort County. A 2001 Short-Term Needs Transportation Study, which identified a connector road across the subject property, precipitated these discussions for a Development Agreement. The developer thought it appropriate to construct that connector road and dedicate it to Beaufort County. The stormwater management plan, prepared by Kimley-Horne, captures 100% of stormwater and uses it for irrigation.

Mr. David Tedder, a resident of Lady's Island, asked Council to consider hosting a design-professional workshop about how to use the new Community Development Code.

DEPUTY COUNTY ADMINISTRATOR'S REPORT

The County Channel / Broadcast Services

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. The County Channel will once again provide coverage of the graduation and nurses' pinning ceremonies of both TCL and

USC-B. The USC-B Seniors will be walking Friday at 6:00 p.m., Gateway Campus in Bluffton. TCL's commencement is 6:00 p.m., May 9 at the All Weather Facility on Parris Island. The County Channel is currently working with Public Safety Division Director Phil Foot and Animal Services Director Tallulah Trice to produce a virtual tour and overview of the facilities at the Animal Shelter. The video will give viewers a clear picture of the day-to-day functions at the shelter.

Presentation / Quarterly Reporting Ending March 31, 2014

Mrs. Alicia Holland, Chief Financial Officer, presented the Quarterly Financial Report for the nine months ending March 31, 2014. Mrs. Holland also submitted a procurement report of the purchase orders entered into since the Procurement Ordinance was amended on February 10, 2014. The report represents all Beaufort County purchase orders entered into that are \$25,000 or greater as of April 25, 2014.

Citizen Transparency

Mrs. Alicia Holland, Chief Financial Officer, previewed the new Citizen Transparency software program, Open Books, which will organize the County's financial data into graphs and charts accessible directly from the County website. From the Open Books website, citizens and government officials alike can use the interactive site to search details of government spending by category, department, fund, government area and vendor. The detail of financial data within Open Books covers every level of government expenditures, from total spending by fiscal year to individual vendor payments.

Announcement / Capital Project Sales Tax Commission Meetings

Mr. Bryan Hill, Deputy County Administrator, announced the meeting schedule of the Capital Project Sales Tax Commission, the timeline for submitting referendum language to County Council, the criteria for reviewing proposed capital improvement projects, and all projects will be presented in open session and televised on The County Channel.

CONSENT AGENDA

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ENTER INTO A GIFT AGREEMENT WITH THE COMMUNITY FOUNDATION OF THE LOWCOUNTRY FOR ACQUISITION OF THE "SAIL" SCULPTURE

This item comes before Council under the Consent Agenda. Discussion occurred at the April 21, 2014 meeting of the Public Facilities Committee.

It was moved by Mr. Flewelling, no second required, that Council adopt a resolution authorizing the County Administrator to enter into a Gift Agreement with the Community Foundation of the Lowcountry for acquisition of the "sail" sculpture. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. ABSENT – Mr. Fobes. The motion passed.

APPROVAL OF THE SPANISH MOSS TRAIL FUNDING REQUEST / ALBERGOTTIE CREEK TRESTLE RENOVATIONS SEGMENT 6

This item comes before Council under the Consent Agenda. Discussion occurred at the April 21, 2014 meeting of the Public Facilities Committee.

It was moved by Mr. Flewelling, no second required, that Council approve a \$58,500 match allocation of the Path Foundation for the protection of all the structure piles on the Albergotti Creek trestle. The funding sources are \$54,529 Rail Trail Fund; and \$3,971 Local (3% Accommodations Tax (cultural, recreational, or historic facilities). The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. ABSENT – Mr. Fobes. The motion passed.

APPROVAL OF THE SPANISH MOSS TRAIL FUNDING REQUEST / ADDITIONAL 2,100 FEET FROM BROAD RIVER ROAD TO PARRIS ISLAND GATEWAY SEGMENT 6

This item comes before Council under the Consent Agenda. Discussion occurred at the April 21, 2014 meeting of the Public Facilities Committee.

It was moved by Mr. Flewelling, no second required, that Council approve a \$25,000 contribution to complete the additional 2,100 feet from Broad River Road to Parris Island Gateway of Segment 6 of the Spanish Moss Trail. The funding source is Local (3% Accommodations Tax (cultural, recreational, or historic facilities). The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. ABSENT – Mr. Fobes. The motion passed.

APPROVAL OF A PALMETTO ELECTRIC COOPERATIVE AGREEMENT FOR BLUFFTON PARKWAY PHASE 5A SEGMENT 2

This item comes before Council under the Consent Agenda. Discussion occurred at the April 21, 2014 meeting of the Public Facilities Committee.

It was moved by Mr. Flewelling, no second required, that Council approve the Palmetto Electric Cooperative Utility Relocation Agreement at an estimated cost of \$267,150 for the construction of the Bluffton Parkway Phase 5A Segment 2. Utility relocation costs for the Bluffton Parkway Phase 5 construction are paid from Sales Tax Project Funds, Account #33401-54500. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. ABSENT – Mr. Fobes. The motion passed.

CONSIDERATION OF CHANGE ORDERS ONE THROUGH FIVE FOR BLUFFTON PARKWAY PHASE 5A SEGMENT 2 CONSTRUCTION

This item comes before Council under the Consent Agenda. Discussion occurred at the April 21, 2014 meeting of the Public Facilities Committee.

It was moved by Mr. Flewelling, no second required, that Council approve Change Orders 1 through 5 to R. R. Dawson Bridge Company in the amount of \$417,779.28 for construction of Bluffton Parkway Phase 5A Segment 2 flyover bridges. The funding source is Sales Tax Project Funds, Account 33401-54500. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. ABSENT – Mr. Fobes. The motion passed.

CONSIDERATION OF CHANGE ORDERS ONE, THREE THROUGH EIGHT AND TEN THROUGH SEVENTEEN FOR S.C. HIGHWAY 170 WIDENING CONSTRUCTION

This item comes before Council under the Consent Agenda. Discussion occurred at the April 21, 2014 meeting of the Public Facilities Committee.

It was moved by Mr. Flewelling, no second required, that Council approve Change Orders 1, 3 through 8 and 10 through 17 to Cleland Site Prep, Inc. in the amount of \$1,240,854.27 for construction of S.C. Highway 170 widening. The funding source is Sales Tax Project Funds, Account 33403-54500. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. ABSENT – Mr. Fobes. The motion passed.

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

Main motion: It was moved by Mr. Stewart, as Governmental Committee Chairman (no second required), that Council approve on second reading an ordinance to amend Chapter 18 of Article III (Business and Professional License) of the Beaufort County Code of Ordinances, and providing for the severability and effective date.

Motion to amend by addition: It was moved by Mr. Flewelling, seconded by Mr. Stewart, that Council amend Section 18-53, Registration Required, to add a new paragraph (j) “Beaufort County shall not grant a business license to any applicant for a use identified in Section 106-1098 of and regulated by Section 106-1281 of Beaufort County's Zoning Development Standards Ordinance if such use shall be located within 500 feet of a residence, church, school or day care center.” The vote: YEAS - Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. NAY – Mrs. Bensch. ABSENT – Mr. Fobes. The motion passed.

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 to amend Chapter 18 of Article III (Business and Professional License) of the Beaufort County Code of Ordinances, and providing for the severability and effective date. Further, amend Section 18-53, Registration Required, to add a new paragraph (j) “Beaufort County shall not grant a business license to any applicant for a use identified in Section 106-1098 of and regulated by Section 106-1281 of Beaufort County's Zoning Development Standards Ordinance if such use shall be located within 500 feet of a residence, church, school or day care center.” The vote: YEAS - Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. NAY – Mrs. Bensch. ABSENT – Mr. Fobes. The motion passed.

The Chairman announced a public hearing Monday, May 12, 2014, beginning at 6:00 p.m. in Council Chambers of the Administration Building, Government Center, 100 Ribaut Road, Beaufort.

AN ORDINANCE TO APPROVE A DEVELOPMENT AGREEMENT BETWEEN BEAUFORT COUNTY AND JAZ 278, LLC, A GEORGIA LIMITED LIABILITY COMPANY, AUTHORIZED TO CONDUCT BUSINESS IN SOUTH CAROLINA PURSUANT TO SECTION 6-31-30 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED

The Chairman ruled that this issue stays at third and final reading subject to challenge. He opined that the substantive changes took place during first and second readings and subsequently removed in their entirety. Every change introduced since the matter came out of the Planning Commission is to the benefit of Beaufort County.

Mr. Vaux challenged the ruling of the Chairman.

The Parliamentarian stated it would take six votes to overrule the Chairman.

Mr. Vaux stated Section XI, paragraph H, Stormwater Management Plan, has been the subject of this Development Agreement the last two months and is the exact paragraph that has held up its approval. Council saw the rewording of Paragraph H four days ago as well as the updated Development Agreement the first time on Friday (three days ago). This was the entire issue with this Development Agreement the last two months. That is definitely a material change.

The vote: YEAS – Mr. Caporale, Mr. McBride and Mr. Vaux. NAYS – Mrs. Bensch, Mr. Dawson, Mr. Flewelling, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Fobes. The motion failed.

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 approve a Development Agreement between Beaufort County and JAZ 278, LLC, a Georgia limited liability company, authorized to conduct business in South Carolina pursuant to Section 6-31-30 of the Code of Laws of South Carolina, 1976, as amended. The vote: YEAS - Mrs. Bensch, Mr.

Caporale, Mr. Dawson, Mr. Flewelling, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. NAYS – Mr. McBride and Mr. Vaux. ABSENT – Mr. Fobes. The motion passed.

PUBLIC HEARING

AN ORDINANCE TO SELL REAL PROPERTY IDENTIFIED AS TMP: R510 005 000 010B 0000, A .075-ACRE PARCEL ON BEACH CITY ROAD, IN THE AMOUNT OF \$22,000 TO THE ADJACENT PROPERTY OWNER

The Chairman opened a public hearing beginning at 6:06 p.m. for the purpose of receiving public comment on an ordinance authorizing the County Administrator to execute and sell a .075 acre portion of the property identified as TMP: R510 005 000 010B 0000 and illustrated in “Exhibit A” upon such terms and conditions as specified in “Exhibit B,” Purchase Agreement. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:07 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 authorizing the County Administrator to execute and sell a .075 acre portion of the property identified as TMP: R510 005 000 010B 0000 and illustrated in “Exhibit A” upon such terms and conditions as specified in “Exhibit B,” Purchase Agreement. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. ABSENT – Mr. Fobes. The motion passed.

PUBLIC COMMENT

There were no requests to speak during public comment.

ADJOURNMENT

Council adjourned at 6:27 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

ATTEST _____
Suzanne M. Rainey, Clerk to Council

Ratified:



Memorandum

DATE: May 9, 2014
TO: County Council
FROM: Gary Kubic, County Administrator *Gary Kubic*
SUBJ: County Administrator's Progress Report

The following is a summary of activities that took place April 28, 2014 through May 9, 2014:

April 28, 2014

- Employee orientation
- Staff meeting to review Capital Project Sales Tax PowerPoint presentation for Sales Tax Commission meeting
- Community Services Committee meeting
- Finance Committee meeting
- Governmental Committee meeting
- Caucus meeting
- County Council meeting

April 29, 2014

- Staff meeting re: Bluffton Dog Park
- Development Agreement Subcommittee meeting (Cherokee Farms)
- Meeting with Stephen Riley, Hilton Head Island Town Manager re: CIP

April 30, 2014

- Speak to Beaufort Middle School students - Government Day
- Meeting with Shannon Loper, Deputy Director of Parks and Leisure Services
- Meeting with staff and Hargray Communications representatives re: Technology partnerships and opportunities

May 1, 2014

- Meeting with Gina Smith, Editor, The Beaufort Gazette - Island Packet; Zach Murdock, reporter; Bryan Hill, Deputy County Administrator; and Jon Rembold, Airports Director re: Airport issues

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- Meeting with Jeff Beckert re: Candidate for Auditor's position

May 2, 2014

- Meeting with Deputy County Administrator Bryan Hill and Chief Financial Officer Alicia Holland re: FY 2015 budget
- Conference call with Josh Gruber, County Attorney; Jerry Stewart, Councilman; and Kim Statler, Executive Director, Lowcountry Economic Alliance

May 5, 2014

- Employee orientation
- Finance Committee meeting
- Natural Resources Committee meeting
- Governmental Committee meeting

May 6, 2014

- Staff meeting re: Tom Zinn / Stormwater issues
- Buckwalter Tech Park / Economic Development / MCIP meeting with Attorney Roberts Vaux, Roland King, County staff, County Council representatives, School District representatives and Town of Bluffton representatives
- Meeting with Van Willis, Town Manager, Port Royal re: Capital improvement projects, Opticos, and SC 802 landscaping

May 7, 2014

- Agenda review with Chairman, Vice Chairman and Executive Staff re: Review draft agenda for May 12, 2014 Council meeting
- Development Agreement Subcommittee of Natural Resources Committee meeting (Osprey Point)
- Meeting with Pastor Johnnie Brown re: Eagle's Field

May 8, 2014

- Meeting with Mark Roseneau, Director of Facilities Management re: Health Department parking lot
- Meeting with Mayor Billy Keyserling re: Health Department parking lot
- Development Agreement Subcommittee of Natural Resources Committee meeting (Cherokee Farms)

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May 9, 2014

- Meeting with Deputy County Administrator Bryan Hill re: FY 2015 Budget
- Meeting with staff and Bluffton Township Fire District representatives re: Bluffton Township Fire District retirement benefits package
- Staff meeting re: Rental space for Magistrate's Court
- Meeting with Phyllis White, Chief Operational Services Officer, School District



Memorandum

DATE: May 9, 2014
TO: County Council
FROM: Bryan Hill, Deputy County Administrator
SUBJECT: Deputy County Administrator's Progress Report

The following is a summary of activities that took place April 28, 2014 through May 9, 2014:

April 28, 2014 (Monday):

- Attend Detention Center Status Meeting
- Community Services Committee
- Finance Committee
- County Council

April 29, 2014 (Tuesday)--Bluffton:

- Meeting re: Dog Park Designation within the Master Plan
- Work on FY2015 Budget
- Bluffton Hours

April 30, 2014 (Wednesday):

- Meet with Alicia Holland, CFO
- Meet with Suzanne Gregory, Employee Services Director and Mark Roseneau, Public Facilities Director re: Personnel Issues
- Meet with Suzanne Gregory, Employee Services Director and Vanessa Dixon, Public Facilities
- Meet with Suzanne Gregory, Employee Services Director and James Bessinger, Public Facilities
- Attend Hargray Communications Meeting

May 1, 2014 (Thursday):

- Meet with Mark Roseneau, Public Facilities Director re: One Stop Shop - Bluffton
- Meet with Island Packet Editorial Editor, Gina Smith and Gary Kubic, County Administrator, Alicia Holland, CFO and Jon Rembold, Airports Director

- Meet with Jim Beckert, Candidate for Auditor Position with Gary Kubic, County Administrator, Dan Morgan, MIS/GIS Director and Joshua Gruber, Staff Attorney

May 2, 2014 (Friday):

- Work on FY2015 Budget
- Meet with Gary Kubic, County Administrator and Alicia Holland, CFO re: FY2015 Budget
- Work on Administrator's Budget Powerpoint Presentation

May 5, 2014 (Monday):

- DA Meeting
- Finalize Administrator's Budget Powerpoint Presentation
- Finance Committee Meeting
- Natural Resources Committee Meeting
- Governmental Committee Meeting

May 6, 2014 (Tuesday):

- Meet with Chief Thompson, Bluffton Fire District
- Attend Meeting to Discuss Hwy. 170 Drainage Issues
- Attend United Way Board Meeting

May 7, 2014 (Wednesday):

- Agenda Review
- Meet with Ed Hughes, Assessor
- Meet with Eric Larson, Stormwater Director
- Meet with Eric Larson, Stormwater Director and Carolyn Wallace
- Meet with Ebony Sanders, Assessor's Office

May 8, 2014 (Thursday)--Bluffton:

- Bluffton Hours
- Work on FY2015 Budget (MUNIS Restored)

May 9, 2014 (Friday):

- Attend Bluffton Township Fire District Benefits Package Meeting
- Meet with Staff re: Potential Lease Agreement with City of Beaufort for Magistrate's Court
- Prepare for Finance Committee Meeting and County Council on Monday

**JOINT MEETING
COUNTY COUNCIL AND BOARD OF EDUCATION
FINANCE COMMITTEES**

April 14, 2014

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

A joint meeting of County Council and Board of Education Finance Committees was held Monday, April 14, 2014 beginning at 1:00 p.m., in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

Chairman Rick Caporale, Vice Chairman Steven Fobes and members Brian Flewelling, William McBride, Stu Rodman and Jerry Stewart. Non-Committee members Cynthia Bensch, Roberts “Tabor” Vaux and Laura Von Harten present.

County staff: Allison Coppage, Assistant County Attorney; Joshua Gruber, County Attorney; Bryan Hill, Deputy County Administrator; Alicia Holland, Chief Financial Officer, and Gary Kubic, County Administrator.

Board of Education: Mary Cordray, Vice Chairman; Bill Evans, Chairman; Bill Payne and Michael Rivers.

School District staff: Jeffrey Moss, Superintendent, and Phyllis White, Chief Operational Services Officer.

Media: Joe Croley, Hilton Head Island-Bluffton Chamber of Commerce, and Zach Murdock, *The Island Packet/The Beaufort Gazette*.

Councilman Caporale chaired the meeting.

INFORMATION ITEMS

1. School District / Review of FY2013/2014 Approved Revenue

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

Discussion: The School District (“District”) requested this meeting to revisit the adjusted tax rate due to the drop in collections from the prior year to the current budget year. By year-end, the revenue shortfall could be approximately \$5 million. They are requesting a one-time

millage increase for FY2015 to make up for the shortfall in revenue during FY2014. The exact number will not be determined until FY2014 ends.

Much discussion occurred between members of the Board of Education and Council regarding projection process and the effects this has on the District's budget.

Status: Information only.

2. School District / Overview of FY2014/2015 Proposed Budget

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

Status: Time did not permit discussion at this venue.

DRAFT

FINANCE COMMITTEE

April 14, 2014

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

The Finance Committee met Monday, April 14, 2014 beginning at 2:00 p.m., in the Executive Conference Room, Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

Chairman Rick Caporale, Vice Chairman Steven Fobes and members Brian Flewelling, William McBride, Stu Rodman, Paul Sommerville and Jerry Stewart. Non-Committee members Cynthia Bensch, Tabor Vaux and Laura Von Harten present. (Paul Sommerville, as County Council Chairman, serves as an *ex-officio* member of each standing committee of Council and is entitled to vote.)

County staff: Marvin Dukes, Master-in-Equity; Gene Hood, Public Defender; Bryan Hill, Deputy County Administrator; Gary Kubic, County Administrator; and Lawrence McElynn, Chief Magistrate.

School District: Mary Cordray, Vice Chairman; Tonya Crosby, Chief Financial Officer; Bill Evans, Chairman; Jeffrey Moss, Superintendent; Bill Payne, Board of Education; and Phyllis White, Chief Operational Services Officer.

Media: Joe Croley, Hilton Head Island-Bluffton Chamber of Commerce, and Zach Murdock, *The Island Packet/The Beaufort Gazette*.

Councilman Caporale chaired the meeting.

INFORMATION ITEMS

1. Presentation / School District FY2015 Budget Proposal

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

Discussion: Mrs. Phyllis White, Chief Operational Services Officer, Beaufort County School District, provided the Committee a PowerPoint presentation regarding preliminary data for the School District's FY2014/2015 General Fund Budget. The presentation provided an overview of the following areas:

- Major areas of increases and decreases in preliminary budget
- Categories of preliminary budget

- Current year and its impact on preliminary budget
- Estimated revenues and expenditures – current and future

Mrs. White reviewed with the Committee increases incurred due to state mandates that include benefit increases for retirement in the amount of \$1,612,690, step increases for certified staff in the amount of \$1,443,731, benefit increases for insurance in the amount of \$702,314, Workers' Compensation Insurance in the amount of \$200,000. These increases total \$3,958,735.

An overview of increases, due to loss in State and Federal funding, was also provided to the Committee. These include the following: \$475,500 for six Special Education teachers from Special Revenue, \$157,006 for three positions moved from Lottery Funding, and \$73,780 for ADEPT stipends moved from Special Revenue. These increases total \$706,286.

Enrollment Projections 2015 were reviewed in comparison to previous years. The increases incurred due to enrollment growth are as follows: \$1,219,400 for 18 certified school staff per allocation formula, \$650,000 for 10 teachers for future growth, \$427,149 for Riverview Charter School (38 students), \$154,770 for four classified school staff per allocation formula, \$75,000 for ROTC Instructor, \$32,000 for supply allocations to schools, and \$14,582 for athletic allocations to schools. These increases total \$2,572,901.

Operational increases for FY2014/2015 total \$1,717,045 and include the following: student transportation \$1,074,748, contractual increases \$453,807, athletic insurance \$110,000, telecommunications \$75,490, and stormwater utility fees \$3,000.

Other increases are projected for the following items: \$429,024 in step increases for classified, \$400,000 for transportation for start time change, \$156,187 for substitute increase, \$142,650 in step increase for administrators, \$100,000 for instructional software, and \$216,931 in miscellaneous areas. These increases amount to \$1,444,792.

Mrs. White stated that these increases total \$10.4 million. Of the increases, 86.5% are due to external causes, while 45.2% are due to state/federal causes.

A review of decreases was then provided to the Committee. These included the following items: \$290,267 in utilities, \$35,639 in copier leases, \$26,905 in property insurance, and \$36,944 in maintenance supplies and repairs. The total amount of decreases presented was \$389,755. After taking into consideration the decreases, the total overall increase amounts to \$10 million.

Mrs. White provided information on the expenditures assumptions that currently are not included in the FY2014/2015 preliminary budget that included Pre-K expansion, salary study implementation and cost of living increases.

Detailed itemization of the preliminary budget was provided to the Committee in the following categories: instructional and school based which totals \$143,433,338, district-wide support that totals \$41,438,663, charter and vocational support which totals \$7,249,014, and

other support costs, which totals \$795,000. The total FY2014/2015 proposed budget is \$192,916,015. This is a 5.5% increase over the current FY2013/2014 budget of \$182.9 million.

A review of the current year budget was provided to the Committee. It included an update on projected revenue and a comparison of projected revenue versus projected expenditures. A review of estimated revenue for FY2014/2015 to include information on local revenue assumptions and state revenue assumptions was provided.

Status: Information only.

2. Presentation / FY2015 Budget Proposal

- **Gene Hood, Public Defender**

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

Discussion: Mr. Gene Hood, Public Defender, presented the Committee an overview of the Public Defender's FY2015 budget proposal. Mr. Hood stated all increases are minimal. The requested increases are in the following areas: printing, professional services, and books/subscription/memberships. The Public Defender's total requested budget for FY2015 is \$1,187,384.03.

Status: Information only. The Committee requested to be provided with a detailed budget that includes revenue information.

3. Presentation / FY2015 Budget Proposal

- **Judge Lawrence McElynn, Chief Magistrate**

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

Discussion: Magistrate Judge Lawrence McElynn provided the Committee with an overview of the Magistrate Court Budget for FY2015. The Magistrate Court's mission is to provide litigants access to a court that is fair and impartial, to conduct proceedings efficiently and effectively, resulting in fair and prompt resolution of matters before the court, and to ensure compliance with SC Court Orders that require timely disposition of cases, especially those matters where jury trials have been requested. Judge McElynn provided a review of the Magistrates' priorities, which included the following items:

- Continue to implement standardized office procedures and practices ensuring compliance with the SC Chief Justice's Financial Accounting Order
- Complete Bond Court renovations
- Relocate the Beaufort Magistrate Court to a more suitable location
- Complete Bluffton Magistrate Court renovation
- Continue outstanding debt collection, including set-off debt

- Standardize scheduled time payments and NRVC bench warrant procedures
- Continue programs that efficiently process all cases with specific focus on criminal Domestic Violence, DUIs and jury trials.

A chart of cases filed for years 2007 to 2013, as well as disbursement overview was provided to the Committee. Other information provided was salary comparisons, Bond Court 2014, Bond Court 2015, and an operational improvements overview. Detailed information for deposits and disbursements was provided for years 2007 to 2016, as well as projected expenditures, both recurring operating expenditures, one-time expenditures, and salaries/wages. These expenditures total \$1,880,209.55. A breakdown of requested FY2014/2015 budget by area, as well as salary breakdown was provided as is as follows:

- Beaufort Magistrate \$194,950
- Bluffton Expenditures \$156,750
- Sheldon Expenditures \$4,775
- St. Helena Expenditures \$5,675
- Bond Court Expenditures \$103,775
- At Large \$23,123
- Salaries \$1,391,161.55

Mr. Rodman said that three months ago it was discussed about eliminating the phasing on for Magistrate salary. It was decided it would be discussed further with FY2014/2015 budget proposals.

Status: Information only.

4. Presentation / FY2015 Budget Proposal

- **The Honorable Marvin Dukes, Master-in-Equity**

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

Discussion: Judge Marvin Dukes, Master-in-Equity, stated his budget proposal contains no changes over the previous year.

Status: Information only.

5. Consideration of Reappointments and Appointments

- **Accommodations Tax Board**

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

Status: No nominations were made at this time.

FINANCE COMMITTEE

April 21, 2014

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

The Finance Committee met Monday, April 21, 2014 beginning at 1:30 p.m., in the conference room of Building 3, Beaufort Industrial Village, 102 Industrial Village Road, Beaufort, South Carolina.

ATTENDANCE

Chairman Rick Caporale, Vice Chairman Steven Fobes and members Brian Flewelling, William McBride, Stu Rodman and Jerry Stewart. Non-Committee members Gerald Dawson, Cynthia Bensch, Tabor Vaux and Laura Von Harten present.

County staff: Lt. Col. Baxley, Emergency Management Director, Joseph Bogatz, Library Board; Col. David Brown; Sharon Burris, Auditor; Morris Campbell, Division-Director Community Services; Suszanne Cook, Financial Officer; Alan Eisenman, Financial Analyst; Eileen Fitzgerald, Library Board; Ken Fulp, Probate Judge; Bryan Hill, Deputy County Administrator; Bernie Kole, Library Board Chairman; Gary Kubic, County Administrator; Lynn Miller, Library Board; Kathy Mitchell, Librarian III; Jean Morgan, Library Board; Sheriff P. J. Tanner; Dave Thomas, Purchasing Director; Maria Walls, Deputy Treasurer; and Wlodek Zaryczny, Library Director.

Public: Jane Upshaw, Chancellor, USC-Beaufort.

Media: Sandy Hawkins, *Lowcountry Inside Track*, and Zach Murdock, *The Island Packet/The Beaufort Gazette*.

Councilman Caporale chaired the meeting.

INFORMATION ITEMS

1. Consideration of Contract Award

- **Sole Source Annual Service and Licensing Support of Aerial Pictometry (< \$100,000)**

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

Discussion: Mr. Dave Thomas, Purchasing Director, reviewed this item with the Committee. This is a request from the GIS Department for the remaining payment of calendar year 2013 annual service and licensing support from sole source vendor, Pictometry International

Corporation, Rochester, New York. The service includes the aerial photography of the County and licensing support of the pictometry software. This service allows the GIS Department to continue to utilize aerial pictometry in support of the County's operations, such as Stormwater projects, disaster recovery, public safety, online County commerce and other data analysis projects. Negotiations are underway for calendar year 2015 annual service and licensing support.

Motion: It was moved by Mr. Flewelling, seconded by Mr. Fobes, that Finance Committee approve the remaining expenditure of \$75,270 for calendar year 2013 annual service and licensing support from Pictometry International Corporation, Rochester, New York, in support of County operations. Funding will come from Account 10001152-51250, GIS-Aerial Photos. The vote: YEAS – Mr. Caporale, Mr. Fobes, Mr. Flewelling, Mr. McBride, Mr. Rodman and Mr. Stewart. The motion passed.

Status: Committee approved the remaining expenditure of \$75,270 for calendar year 2013 annual service and licensing support from Pictometry International Corporation, Rochester, New York, in support of County operations. Funding will come from Account 10001152-51250, GIS-Aerial Photos.

2. Presentation / FY2015 Budget Proposal

- **Library**

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

Discussion: Mr. Wlodek Zaryczny, Library Director, provided the Committee a PowerPoint presentation of the Library's FY2015 budget request. On March 12, 2014, the Library Board of Trustees approved a FY2015 budget, which includes increases in the following areas: materials \$253,577 and personnel \$159,352. The materials line-item budget includes books, eBooks, and online electronic information. The Library's proposed personnel requests are as follows: Teen Librarian \$39,838, Computer Lab Specialist \$39,838, Website Manager \$39,838, and Library Systems Support Assistant \$39,838. The Teen Librarian and Computer Lab Specialist are to be utilized at the Bluffton Branch Library in order to equalize services south of the Broad River. The Library Website Manager and Library Systems Support Assistant are needed to support increased technology functions. The Library's total proposed FY2015 budget is \$3,716,006.

Status: Information only.

3. Presentation / FY2015 Budget Proposal

- **Sheriff's Office**

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

Discussion: Sheriff P. J. Tanner provided the Committee a PowerPoint presentation of the Sheriff's Office FY2015 budget request. The presentation contained the Organizational Chart and review of the functions of the following four divisions of the Sheriff's Office: Emergency Management Division, Office of the Sheriff, Enforcement Division, and Administration Division. Sheriff Tanner provided an overview of projected revenues for FY2015, which amounts to \$29,733,512. The Sheriff's Office is proposing a FY2015 budget with an increase of \$949,520 due to the following new requests: one DNA Analyst \$174,984, one Staff Attorney \$111,917, four Dispatchers \$208,802, and three SEU Units \$453,817, the latter to be reimbursed by the Town of Hilton Head Island.

Sheriff Tanner also provided the Committee 2013 Annual Report, which further detailed the mission, values and services of the Sheriff's Office. A revenue and expenditure spreadsheet, dated April 23, 2014, was also provided for the Committee's review, as well as a Planning document, which provides information on current and projected population trends, crime index, calls for law enforcement services and personnel levels.

Status: Information only.

4. Presentation / FY2015 Budget Proposal

- **Probate Court**

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

Discussion: Probate Judge Ken Fulp provided the Committee an overview of the Probate Court's proposed FY2015 budget request. An initiative of the Court is to increase public access to court services, with an increase on technology. All case indexes are now online, as well as forms. The Hilton Head Island Office is being utilized more frequently. The projected revenues for FY2015 are \$594,375, and proposed expenditures amount to \$733,054. There are no major increases over the current year.

Status: Information only.

5. Presentation / FY2015 Budget Proposal

- **Treasurer's Office**

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

Discussion: Mrs. Maria Walls, Deputy Treasurer; provided the Committee an overview of the Treasurer's Office proposed FY2015 budget request. She spoke about credit card fee increases, as well as revenue increases. The total projected FY2015 revenues amount to \$275,000. She also reviewed with the Committee the Office's proposed expenditures for FY2015, which total \$1,066,300. Much of the increase over the current year is due to postage

and printing, which has affected the current year budget. Implementation of current projects underway should reduce this amount in the future.

Status: Information only.

6. Presentation / FY2015 Budget Proposal

- **USC-Beaufort**

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

Discussion: Dr. Jane Upshaw, Chancellor, USC-Beaufort, provided the Committee a PowerPoint presentation titled, "Powerful Futures Discovered." The presentation outlined the mission and vision of the University of South Carolina Beaufort (USCB), enrollment for undergraduate and lifelong learning, an overview of current Baccalaureate Degrees offered community outreach programs, student financial support, 2013 graduates' survey and tuition comparison. She also reviewed with the committee the total annual economic impact of \$19.1 million and 286 jobs for year 2000 and a total annual economic impact of \$74 million and 1,001 jobs for year 2011. A recap of USCB's funding was provided. USCB requests that Beaufort County make the one-time \$125,000 allocation recurring, to fund a recurring \$500,000 scholarship program for Beaufort County residents to attend USCB, and to provide \$2,000,000 for other operating expenses. The total FY2015 budget request is \$2,625,000.

The following documents were also provided for the Committee's review:

- University of South Carolina-Beaufort Report on Financial Statements for year ended June 30, 2013
- University of South Carolina Report on Financial Statements for year ended June 30, 2013
- USCB Small Business Development Center – 2013 Performance Highlights

Status: Information only.

7. Presentation / FY2015 Budget Proposal

- **Auditor's Office**

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

Discussion: Mrs. Sharon Burris, Auditor, reviewed with the Committee the Office's FY2015 budget request. The current year operations budget was reduced tremendously over what was requested. Postage issues kept the Office from remaining within their budget allocation. The Office is requesting a budget of \$592,403, of which the majority of increases is to support the cost of postage and printing.

Status: Information only.

8. Presentation / FY2015 Budget Proposal

- **Clerk of Court / Family Court**

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

Status: The Clerk of Court's FY 2015 budget presentation will occur to the April 28, 2014 meeting of the Finance Committee.

9. Consideration of Reappointments and Appointments

- **Accommodations Tax Board**

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

Status: No nominations were made at this time.

DRAFT

FINANCE COMMITTEE

April 28, 2014

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

The Finance Committee met Monday, April 28, 2014 beginning at 1:00 p.m. in Executive Conference Room of the Administration Building, Beaufort, South Carolina.

ATTENDANCE

Chairman Rick Caporale and members Brian Flewelling, William McBride, Stu Rodman, Paul Sommerville and Jerry Stewart. Non-Committee members Gerald Dawson, Cynthia Bensch, Tabor Vaux and Laura Von Harten present. Committee Vice Chairman Steven Fobes absent. (Paul Sommerville, as County Council Chairman, serves as an *ex-officio* member of each standing committee of Council and is entitled to vote.)

County staff: Allison Coppage, Assistant County Attorney; Joshua Gruber, County Attorney; Bryan Hill, Deputy County Administrator; Gary Kubic, County Administrator; and Kathleen Schafer, Clerk of Court Office.

Public: Andy Bell, Santa Elena Project; Daryl Ferguson, Santa Elena Project; Joe Fragale, S.C. Human Affairs Commissioner; Dick Stewart, Santa Elena Project; Frank Turano, Alliance Consulting Engineers.

Media: Joe Croley, Hilton Head Island-Bluffton Chamber of Commerce, and Zach Murdock, *The Island Packet/The Beaufort Gazette*.

Councilman Caporale chaired the meeting.

ACTION ITEM

1. Consideration of an Ordinance to Establish Magistrate Salaries

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

Discussion: The Compensation Review Subcommittee vetted the issue regarding the elimination of the Magistrate's current step increase.

Motion: It was moved by Mr. Rodman, seconded by Mr. Flewelling, that Finance Committee approve and recommend Council approve on first reading an ordinance authorizing Beaufort County Magistrates currently or subsequently appointed to office by the Beaufort County Legislative Delegation shall be paid 100% of the base salary outlined in South Carolina

Code of Laws Section 22-8-40(B)(1)(e) regardless of their educational background or professional experience. This ordinance shall be effective the first full pay period occurring after July 1, 2014. The vote: YEAS – Mr. Caporale, Mr. Flewelling, Mr. McBride, Mr. Rodman and Mr. Stewart. ABSENT – Mr. Fobes. The motion passed.

Recommendation: Council approve on first reading an ordinance authorizing Beaufort County Magistrates currently or subsequently appointed to office by the Beaufort County Legislative Delegation shall be paid 100% of the base salary outlined in South Carolina Code of Laws Section 22-8-40(B)(1)(e) regardless of their educational background or professional experience. This ordinance shall be effective the first full pay period occurring after July 1, 2014.

INFORMATION ITEMS

2. Presentation / Santa Elena Project

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

Discussion: Mr. Stu Rodman and Mr. Dick Stewart provided the Committee a PowerPoint Presentation on the Santa Elena Project. The presentation included information on heritage tourism, history, the Santa Elena team, key steps, project payback, near-term financing, and the next steps.

Status: Information only.

3. Consideration of Reappointments and Appointments

• Accommodations Tax Board

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

Status: No nominations were made at this time.

4. Presentation / FY2015 Budget Proposal

• Clerk of Court

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

Discussion: Ms. Kathleen Schafer, Clerk of Court Office, provided the Committee an overview of proposed FY2015 budgets for the combined Clerk of Court and Family Court as well as the IV-D Unit. The budget contains projected revenue in the amount of \$239,900 and expenditures in the amount of \$905,638. These expenditures are a reduction over the current year

budget. Family Court revenues for FY2015 are \$376,500. The proposed expenditures have increased over those of the current year and amount to \$284,029.

Status: Information only.

5. Presentation / FY2015 Budget Proposal

- **Lady's Island / St. Helena Island Fire District**

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

Discussion: Chief Kline provided the Committee an overview of the FY2015 proposed budget for the Lady's Island / St. Helena Island Fire District. He presented a budget that contained \$4,867,372 in total revenues, \$5,005,100 in total expenditures, a decrease in fund balance in the amount of \$137,728 and debt service in the amount of \$312,737. A chart summarizing the FY2015 Fire District rates was provided.

Status: Information only.

6. Presentation / FY2015 Budget Proposal

- **Sheldon Fire District**

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

Discussion: Chief Jones provided the Committee an overview of the FY2015 proposed budget for the Sheldon Fire District. He presented a budget that contained \$1,167,548 in total revenues, \$1,167,548 in total expenditures, and no change in fund balance and Debt Service in the amount of \$72,500. A chart summarizing the FY2015 Fire District rates was provided.

Status: Information only.

7. Presentation / FY2015 Budget Proposal

- **Daufuskie Island Fire District**

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

Discussion: Chief Boys provided the Committee an overview of the FY2015 proposed budget for the Daufuskie Island Fire District. He presented a budget that contained \$1,068,509 in total revenues, \$1,068,509 in total expenditures, no change in fund balance and no debt service. A chart summarizing the FY2015 Fire District rates was provided.

Status: Information only.

8. Presentation / FY2015 Budget Proposal

- **Burton Fire District**

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

Discussion: Chief Rountree provided the Committee an overview of the FY2015 proposed budget for the Burton Fire District. He presented a budget that contained \$4,884,051 in total revenues, \$5,557,451 in total expenditures, a decrease in fund balance in the amount of \$673,400 and debt service in the amount of \$385,268. A chart summarizing the FY2015 Fire District rates was provided.

Status: Information only.

9. Presentation / FY2015 Budget Proposal

- **Bluffton Township Fire District**

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

Discussion: Chief Thompson provided the Committee an overview of the FY2015 proposed budget for the Bluffton Fire District. He presented a budget that contained \$10,674,500 in total revenues, \$10,955,243 in total expenditures, a decrease in fund balance in the amount of \$280,743 and no debt service. A chart summarizing the FY2015 Fire District rates was provided.

Status: Information only.

10. Presentation / FY2015 Budget Proposal

- **Solicitor**

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

Discussion: Solicitor Stone provided the Committee an overview of the FY2015 budget proposal for the Solicitor's Office. He presented a budget that contained \$1,724,248 in revenues and proposed total expenses in the amount of \$1,724,248. He presented the Committee a PowerPoint presentation that detailed the FY2015 budget request. The presentation provided salary information per position, a breakdown of expenses, as well as source of revenues. A financial statement for FY2013, projected FY2014, and requested FY2015 was presented. Historical funding data and staffing levels was presented for FY2010-FY2014. The proposed budget would allow the Office to eliminate the Beaufort County backlog, comply with a recent South Carolina Supreme Court mandate to immediately dispose of all cases older than 18

months, and improve the speed at which new cases get to court. The Committee was provided with a Profit and Loss spreadsheet and a Balance Sheet for the Solicitor's Office.

Status: Information only.

11. Presentation / FY2015 Budget Proposal

- **Voter Registration**

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

Discussion: Mrs. Marie Smalls, Voter Registration Director, provided the Committee with a PowerPoint presentation that reviewed the Voter Registration FY2015 budget proposal. The total proposed expenditures for FY2015 amount to \$796,736, which is an increase over the current fiscal year. The increases primarily are due to personnel and capital expenditures, which is for equipment.

Status: Information only.

DRAFT

GOVERNMENTAL COMMITTEE

April 28, 2014

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

The Governmental Committee met Monday, April 28, 2014, beginning at 3:30 p.m. in the Executive Conference Room of the Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

Chairman Jerry Stewart, Vice Chairman Laura Von Harten, and Committee members Cynthia Bensch, Rick Caporale, Gerald Dawson, Brian Flewelling and Tabor Vaux present. Non-Committee members William McBride, Stu Rodman and Paul Sommerville present. (Paul Sommerville, as County Council Chairman, serves as an *ex-officio* member of each standing committee of Council and is entitled to vote.)

County Staff: Tony Criscitiello, Division Director-Planning and Development; Matthew Fleming, Traffic Engineer; Phil Foot, Division-Director Public Safety; Joshua Gruber, County Attorney; Bryan Hill, Deputy County Administrator; Colin Kinton, County Engineer; Gary Kubic, County Administrator; and Joy Nelson, Capital Project Sales Tax Commission staff liaison.

Public: Frank Turano, Alliance Consulting Engineers.

Media: Joe Croley, Hilton Head Island-Bluffton Chamber of Commerce; and Zach Murdock, *Island Packet / Beaufort Gazette*.

Mr. Stewart chaired the meeting.

ACTION ITEM

1. Discussion / Capital Project Sales Tax Potential Issues for 2014 Referendum Ballot

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

Discussion: Mr. Colin Kinton, Transportation / Traffic Engineer, provided the Committee an overview of transportation needs in the County. A spreadsheet provided information to the Committee on the top 25 Sales Tax Capital Improvement Projects, a description of the project, a description of the benefit/need of the project, and the associated cost of each. The projects were selected based on need, public requests, infrastructure utilization and no other funding available for such project. The 25 projects presented amount to \$89,450,000.

Motion: It was moved by Ms. Von Harten, seconded by Mrs. Bensch, that Governmental Committee authorize the County Administrator to present the 25 Sales Tax Capital Improvement Projects to the members of the Capital Project Sales Tax Commission for their review and consideration. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Flewelling, Mr. Stewart, Mr. Vaux and Ms. Von Harten. ABSTAIN – Mr. Dawson. The motion passed.

Status: The Committee authorized the County Administrator to present the 25 Sales Tax Capital Improvement Projects to the members of the Capital Project Sales Tax Commission for their review and consideration.

DRAFT

NATURAL RESOURCES COMMITTEE

May 5, 2014

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

The Natural Resources Committee met Monday, May 5, 2014, beginning at 2:00 p.m. in the Executive Conference Room of the Administration Building, Beaufort, South Carolina.

ATTENDANCE

Committee Chairman Brian Flewelling and members Gerald Dawson, William McBride, Jerry Stewart, Tabor Vaux and Laura Von Harten present. Vice Chairman Cynthia Bensch was absent.

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

Public: Lottie Campenella, Lather Construction, and Darryl Snyder, Lather Construction.

Media: Joe Croley, Hilton Head Island-Bluffton Chamber of Commerce, and Zach Murdock, *The Island Packet/The Beaufort Gazette*.

Mr. Flewelling chaired the meeting.

ACTION ITEM

- 1. Text Amendment to the Beaufort County Zoning and Development Standards Ordinance/ZDSO, Article V, Table 106-1098 (to Allow Contractor's Office with Exterior Storage in Commercial Suburban Districts); Applicant: Darrell Snyder / Agent: Lillian Thomas**

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

Discussion: Mr. Tony Criscitiello, Division Director–Planning and Development, briefed the Committee regarding a text amendment request from the Planning Commission relative to property that is currently used as a general contractor's office with outdoor storage. Commercial suburban zoning districts allow outdoor storage, but this office is using an outdoor storage unit for business purposes and is only allowed in light suburban industrial parks.

Mr. Darryl Snyder, the applicant, explained that the Planning Commission unanimously denied his rezoning request, but requested that grandfathering status be considered for the property involved. Mr. Snyder said under the 1990 Zoning and Development Standards Ordinance his property was zoned Neighborhood Commercial, therefore, he should receive grandfathering status.

Motion: It was moved by Ms. Von Harten, seconded by Mr. Vaux, that Natural Resources Committee recommend Council deny the text amendment to the Beaufort County Zoning and Development Standards Ordinance/ZDSO, Article V, Table 106-1098 (to allow contractor's offices with exterior storage in Commercial Suburban Districts). The vote: YEAS - Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Stewart, Mr. Vaux and Ms. Von Harten. ABSENT – Mrs. Bensch. The motion passed.

Recommendation: Council deny a text amendment to the Beaufort County Zoning and Development Standards Ordinance/ZDSO, Article V, Table 106-1098 (to allow contractor's offices with exterior storage in Commercial Suburban Districts).

INFORMATION ITEMS

2. Reappointments and Appointments

- **Northern Corridor Review Board**

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

Status: No nominations at this time.

3. Reappointments and Appointments

- **Southern Corridor Review Board**

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

Status: No nominations at this time.

4. Reappointments and Appointments

- **Stormwater Management Utility Board**

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

Status: No nominations at this time.

PUBLIC FACILITIES COMMITTEE

April 21, 2014

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

The Public Facilities Committee met on Monday, April 21, 2014 at 4:00 p.m., in the Conference Room of Building 3, Beaufort Industrial Village, 102 Industrial Village Road, Beaufort, South Carolina.

ATTENDANCE

Chairman Gerald Dawson, Vice Chairman Steven Fobes and members Cynthia Bensch, Rick Caporale, Brian Flewelling, William McBride and Gerald Stewart present. Non-Committee member Laura Von Harten present.

County Staff: Audra Antonacci, Codes Enforcement; Allison Coppage, Assistant County Attorney; Joshua Gruber, County Attorney; Bryan Hill, Deputy County Administrator; Alicia Holland, Chief Financial Officer; Colin Kinton, Traffic/Transportation Engineer; Gary Kubic, County Administrator; Rob McFee, Division Director—Engineering and Infrastructure; Jim Minor, Solid Waste Manager; and Jon Rembold, Airport Director.

Public: Avery Cleland, Cleland Site Prep; Logan Crowther, Cleland Site Prep; Carolyn Ferguson, Marketing Vice President, Community Foundation of the Lowcountry; Elizabeth Mayo, Chairman, Public Art Committee; Lauren Martel, attorney; Jean McGowen, Treasurer, Friends of Spanish Moss Trail; and John Seehan.

Media: Joe Croley, Hilton Head Island-Bluffton Chamber of Commerce, and Zach Murdock, *The Island Packet / The Beaufort Gazette*.

Mr. Dawson chaired the meeting.

ACTION ITEMS

- 1. A Resolution Authorizing the County Administrator to Enter into a Gift Agreement with the Community Foundation of the Lowcountry for Acquisition of the “Sail” Sculpture**

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

Motion: It was moved by Mrs. Bensch, seconded by Mr. Caporale, that Public Facilities Committee approve and recommend Council adopt a resolution and authorize the County Administrator to enter into a gift agreement with the Community Foundation of the Lowcountry for acquisition of the “Sail” Sculpture for the Hilton Head Island Airport. The vote: YEAS -

Mrs. Bensch, Mr. Caporale, Mr. Dawson and Mr. Flewelling, Mr. Fobes, Mr. McBride and Mr. Stewart. The motion passed.

Recommendation: Council adopt a resolution and approve an agreement authorizing the County Administrator to enter into a gift agreement with the Community Foundation of the Lowcountry for Acquisition of the “Sail” Sculpture for the Hilton Head Island Airport.

2. Spanish Moss Trail / Request for Local (3%) Accommodations Tax Funds / Albergottie Creek Trestle Renovations / Segment 6

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

Discussion: Phase VI of the rail to trails project, completely sponsored by the Path Foundation of Atlanta, Georgia, covers that portion of old rail bed from Broad River Boulevard towards Laurel Bay and includes the crossing of the Albergottie Creek on the old railroad trestle. The donated work is valued at over \$750,000. This segment will be the third segment donated to Beaufort County by the Path Foundation.

The trestle is in fair condition but 40 of the wood piles within the substructure will need rehabilitation in order to construct the path on it. The Path Foundation of Atlanta is committed to upgrading 40 of the 105 existing piles at a cost to them of \$67,175. The remaining 65 piles will receive no treatment or upgrade under the present scope. Because of the advanced age of the structure and the continued corrosive effects of the saltwater on the 65 unprotected piles, protection of all the piles in the interest of economy and structural redundancy should be considered. The Path Foundation is willing to perform the additional work necessary to protect these pilings at a cost of \$900 per pile or a total of \$58,500.

Funding will come from account 48060011-54435 Rail Trail Fund with an available balance of \$54,529 and from the Local Accommodations Tax for Tourism Infrastructure Projects in the amount of \$3,971.

Motion: It was moved by Mr. Flewelling, seconded by Mr. McBride, that Public Facilities Committee recommend Council approve a \$58,500 match allocation of the Path Foundation for the protection of all the structure piles on the Albergotti Creek trestle. The funding sources are \$54,529 Rail Trail Fund and \$3,971 Local (3%) Accommodations Tax (cultural, recreational, or historic facilities). The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. McBride and Mr. Stewart. The motion passed.

Recommendation: Council approve a \$58,500 match allocation of the Path Foundation for the protection of all the structure piles on the Albergotti Creek trestle. The funding sources are \$54,529 Rail Trail Fund and \$3,971 Local (3%) Accommodations Tax (cultural, recreational, or historic facilities).

3. Spanish Moss Trail / Request for Local (3%) Accommodations Tax Funds / Additional 2,100 Feet from Broad River Road to Parris Island Gateway / Segment 6

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

Discussion: Friends of the Spanish Moss Trail are requesting a contribution of \$25,000 from Beaufort County for construction of Segment 6 of the Trail. The original extent of Segment 6 was from Parris Island Gateway to Laurel Bay Road, a distance of 7,485 feet. Subsequent to the fund raising for the original distance, Beaufort County and the PATH Foundation agreed that Segment 6 construction would be increased to include the approximately 2,100 feet from Broad River Road to Parris Island Gateway. This section was originally planned to be part of Segment 5, for which the County received a grant from SCDOT.

Motion: It was moved by Mr. Flewelling, seconded by Mr. Fobes, that Public Facilities Committee approve and recommend Council contribute \$25,000 to complete the additional 2,100 feet from Broad River Road to Parris Island Gateway of Segment 6 of the Spanish Moss Trail. The funding source is Local (3%) Accommodations Tax (cultural, recreational, or historic facilities). The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. McBride and Mr. Stewart. The motion passed.

Recommendation: Council approve a \$25,000 contribution to complete the additional 2,100 feet from Broad River Road to Parris Island Gateway of Segment 6 of the Spanish Moss Trail. The funding source is Local (3%) Accommodations Tax (cultural, recreational, or historic facilities).

4. Palmetto Electric Cooperative Agreement / Bluffton Parkway Phase 5A Segment 2

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

Discussion: Beaufort County received an agreement from Palmetto Electric Cooperative (PEC) for the relocation of their overhead electrical power lines located on the southern side of the Hilton Head Island causeway. The agreement will relocate PEC infrastructure as part of the construction of the Bluffton Parkway Phase 5A Segment 2 roadway flyover bridge, with a total estimated cost of \$267,150. The agreement has been executed and relocation of lines is underway. The funding source for the utility relocation is sales tax projects funds, account 33401-54500.

Motion: It was moved by Mr. Flewelling, seconded by Mrs. Bensch, that Public Facilities Committee recommend Council approve the Palmetto Electric Cooperative Utility Relocation Agreement at an estimated cost of \$267,150 for the construction of the Bluffton Parkway Phase 5A Segment 2. Utility relocation costs for the Bluffton Parkway Phase 5 construction are paid from Sales Tax Project Funds, Account #33401-54500. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, and Mr. Stewart. ABSTAIN - Mr. McBride.

The motion passed.

Recommendation: Council approve the Palmetto Electric Cooperative Utility Relocation Agreement at an estimated cost of \$267,150 for the construction of the Bluffton Parkway Phase 5A Segment 2. Utility relocation costs for the Bluffton Parkway Phase 5 construction are paid from Sales Tax Project Funds, Account #33401-54500.

5. Consideration of Change Orders / Change Orders for Bluffton Parkway Phase 5A Segment 2 Construction

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

Discussion: On February 25, 2013, Council awarded a contract to R. R. Dawson Bridge Company, LLC, for the construction of Bluffton Parkway Phase 5A Segment 2 roadway and flyover bridges. The total contract award amount was \$36,665,629.96.

Since construction commenced in May 2013, Segment 2 construction has generated five change orders totaling \$417,779.28. Change Orders 1, 2 and 5 are for added signage and pavement marking changes totaling \$6,906.62. Change Order 3 is for the deduction of concrete strain poles at \$71,329.19 from the contractor's scope of work. Change Order 4 at \$482,201.85 is for the additional costs associated with the lengthening of the shafts for the flyover bridges. A test shaft was constructed to better analyze foundation performance with present soil conditions. Because of the test-shaft load data, the design engineer and the construction manager had recommended that certain drill shafts be extended / lengthened. The extension of the shafts was required to ensure safety and stability of the flyover bridge foundations. Foundation construction has been underway for several months. Funding will come from account 33401- 54500 Sales Tax Project.

Motion: It was moved by Mr. McBride, seconded by Mr. Caporale, that Public Facilities Committee recommend Council approve Change Orders 1 through 5 to R. R. Dawson Bridge Company in the amount of \$417,779.28 for the construction of Bluffton Parkway Phase 5A Segment 2 flyover bridges. The funding source is Sales Tax Project Funds, Account 33401-54500. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. McBride and Mr. Stewart. The motion passed.

Recommendation: Council approve Change Orders 1 through 5 to R. R. Dawson Bridge Company in the amount of \$417,779.28 for the construction of Bluffton Parkway Phase 5A Segment 2 Flyover Bridges. The funding source is Sales Tax Project Funds, Account 33401-54500.

6. Consideration of Change Orders / Change Orders for SC 170 Widening Construction

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

Discussion: On July 23, 2012, Council awarded a contract to Cleland Site Prep, Inc., for the widening construction of SC 170 from US 278 (McGarvey's Comer) to SC 46. This project consists of 4.5 miles, 4-lane divided roadway with 10-foot multi-use pathways. Total contract award was \$14,998,972.30. SCDOT reviewed and approved the original design.

The SC 170 widening project has generated 17 change orders totaling \$1,317,800.11 since construction commenced in December 2012. Several of the change orders were needed to meet SCDOT standard specifications or to cover the additional costs incurred by the contractor, causing an unforeseen three-month delay on the issuing of the SCDHEC/OCRM Land Disturbance Permit. Construction work generated by these change orders has been completed with the exception of Change Order 17. Change orders 1 through 17 represents a contract increase of 8.8%. County staff, the project construction manager and SCDOT reviewed all project change orders, to the contract value with Cleland Site Prep and agreed with the change orders' total adjustments.

Motion: It was moved by Mr. McBride, seconded by Mrs. Bensch, that Public Facilities Committee recommend Council approve Change Orders 1, 3 through 8 and 10 through 17 to Cleland Site Prep, Inc. in the amount of \$1,240,854.27 for construction of S.C. Highway 170 widening. The funding source is Sales Tax Project Funds, Account 33403-54500. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. McBride and Mr. Stewart. The motion passed.

Recommendation: Council approve Change Orders 1, 3 through 8 and 10 through 17 to Cleland Site Prep, Inc. in the amount of \$1,240,854.27 for construction of S.C. Highway 170 widening. The funding source is Sales Tax Project Funds, Account 33403-54500.

INFORMATION ITEMS

7. Nuisance Abatement Action (10 Chesterfield Lake Drive)

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

Motion: It was moved by Mrs. Bensch, seconded by Mr. McBride, that Public Facilities Committee approve the Administrative staff recommendation to enact nuisance abatement action on property located on 10 Chesterfield Lake Drive as follows: (i) issue a citation in accordance with Chapter 38, Article II, Section 38-33-2 of the County Code of Ordinances, (ii) clean up the property, (iii) include DHEC in the interior home inspection, (iv) place a lien on the property to cover the costs associated with the cleanup, and (v) cap expenses at \$25,000 to cover the expenses associated with this action. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr.

Flewelling, and Mr. McBride. NAYS - Mr. Fobes, Mr. Dawson, and Mr. Stewart. The motion passed.

Status: Committee approved the Administrative staff recommendation to enact nuisance abatement action on property located on 10 Chesterfield Lake Drive as follows: (i) issue a citation in accordance with Chapter 38, Article II, Section 38-33-2 of the County Code of Ordinances, (ii) clean up the property, (iii) include DHEC in the interior home inspection, (iv) place a lien on the property to cover the costs associated with the cleanup, and (v) cap expenses at \$25,000 to cover the expenses associated with this action.

DRAFT

**REAPPOINTMENTS AND APPOINTMENTS
TO
BOARDS AND COMMISSIONS**

May 12, 2014

1. Finance Committee

① Beaufort/Jasper Equal Opportunity Commission

<i>Nominated</i>	<i>Name</i>	<i>Position/Area/Expertise</i>	<i>Reappoint/Appoint</i>	<i>Votes Required</i>
04.28.14	Joseph Kline	Beaufort County	Appoint	6 of 11 (1 st term)

2. Natural Resources Committee

① Planning Commission

<i>Nominated</i>	<i>Name</i>	<i>Position/Area/Expertise</i>	<i>Reappoint/Appoint</i>	<i>Votes Required</i>
04.14.14	Carolyn Davis	Comprehensive Plan Planning Area – Port Royal Island	Appoint	6 of 11 (1 st term)

ORDINANCE NO. _____

AN ORDINANCE TO INCREASE THE MINIMUM SALARY PAID TO BEAUFORT COUNTY MAGISTRATES BY ELIMINATING PROGRESSIVE STEP PAY INCREASES

WHEREAS, Beaufort County is required to pay newly appointed magistrates a minimum salary based upon population as outlined in South Carolina Code of Laws Sections 22-8-40(B)(1)(a) through 22-8-40(B)(1)(d); and

WHEREAS, these provisions has provided for progressive pay increases to newly appointed magistrates based upon successfully completing additional years of service and corresponding legal education requirements; and

WHEREAS, Beaufort County Council believes that it is appropriate to eliminate these progressive pay increases and pay all newly hired magistrates the full base salary outlined in South Carolina Code of Laws Section 22-8-40(B)(1)(e); and

WHEREAS, the elimination of the step pay increases shall also apply to any magistrates who is not newly appointed, but who has not been appointed for at least four (4) years and therefore has not yet attained the full 100% base salary outlined in 22-8-40(B)(1)(e).

NOW, THEREFORE, Be it Ordained by Beaufort County Council that effective for the first full pay period occurring after July 1, 2014, all Beaufort County Magistrates currently or subsequently appointed to office by the Beaufort County Legislative Delegation shall be paid 100% of the base salary outlined in South Carolina Code of Laws Section 22-8-40(B)(1)(e) regardless of their educational background or professional experience.

DONE this ___ day of _____, 2014.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Joshua A. Gruber, County Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

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

AN ORDINANCE

FINDING THAT THE FRIPP ISLAND PUBLIC SERVICE DISTRICT, SOUTH CAROLINA, MAY ISSUE NOT EXCEEDING \$1,000,000 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 \$1,000,000 of general obligation bonds (the “*Bonds*”) of the Fripp Island Public Service District, South Carolina (the “*District*”) be held in the County Council Chambers, Administration Building, Government Center, 100 Ribaut Road, Beaufort, SC 29902, on the ___ day of ___, 2014 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 11 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, 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 _____, 2014, it is found and determined that the Fripp Island Public Service District Commission, the governing body of the District (the “*Commission*”), should be authorized to issue the Bonds.

Section 3. The County Council finds that the Commission should issue the Bonds in an amount of not exceeding \$1,000,000 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 Commission to issue the Bonds in an aggregate principal amount of not exceeding \$1,000,000, as a single issue or from time to time as several separate issues as the Commission shall determine, in order to defray (A) the costs of constructing and equipping certain improvements to the District’s wastewater treatment plant (the “*Project*”), and (B) the costs of issuance of such general obligation bonds. The

Commission estimates that the cost of the Project, together with the costs of issuance of the Bonds will not exceed \$1,000,000. 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 Commission to advise it of the action taken by the County Council, whereby the Commission has been authorized to issue, pursuant to the provisions of the Enabling Act, the Bonds in the aggregate principal amount of not exceeding \$1,000,000.

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 ____ day of _____, 2014.

BEAUFORT COUNTY COUNCIL

(SEAL)

Chairman

Attest:

Clerk

First Reading:
Second Reading:
Public Hearing:
Third Reading:

**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 _____, 2014, 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 FRIPP ISLAND PUBLIC SERVICE DISTRICT, SOUTH CAROLINA, MAY ISSUE NOT EXCEEDING \$1,000,000 OF GENERAL OBLIGATION BONDS AND TO PROVIDE FOR THE PUBLICATION OF NOTICE OF THE SAID FINDING AND AUTHORIZATION” on _____, 2014 (the “**Ordinance**”);

The Fripp Island Public Service 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. 1042 of the Acts and Joint Resolutions of the General Assembly of the State of South Carolina for the year 1962, as amended, has been authorized by the provisions of the Ordinance to issue not exceeding \$1,000,000 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 constructing and equipping certain improvements to the District’s wastewater treatment plant (the “**Project**”), and (B) the costs of issuance of such general obligation 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

A RESOLUTION

CALLING FOR A PUBLIC HEARING TO BE HELD UPON THE QUESTION OF THE ISSUANCE OF NOT EXCEEDING \$1,000,000 OF GENERAL OBLIGATION BONDS OF THE FRIPP ISLAND PUBLIC SERVICE 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 Fripp Island Public Service 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. 1042 of the Acts and Joint Resolutions of the General Assembly of the State of South Carolina for the year 1962, as amended, and is authorized, inter alia, to acquire, build, operate, and maintain such facilities as shall be required for (i) the provision of water, (ii) fire-fighting, (iii) waste water treatment, (iv) beach erosion control and prevention, (v) construction and maintenance of roads, (vi) insect control, and (vii) recreational purposes, and to do all things necessary or convenient to carry out such authority; and

WHEREAS, the Fripp Island Public Service District Commission (the “*Commission*”), has petitioned the County Council to authorize the issuance of not exceeding \$1,000,000 of general obligation bonds of the District (the “*Bonds*”) in order to defray (A) the costs of

constructing and equipping certain improvements to the District's wastewater treatment facility (the "**Project**"), and (B) the costs of issuance of such general obligation bonds; and

WHEREAS, the Commission 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 \$1,000,000; 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 ___ day of _____ 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 _____ day of _____, 2014.

BEAUFORT COUNTY COUNCIL

(SEAL)

Chairman

Attest:

Clerk

NOTICE OF PUBLIC HEARING ON THE PROPOSED ISSUE OF NOT EXCEEDING \$1,000,000 OF GENERAL OBLIGATION BONDS OF THE FRIPP ISLAND PUBLIC SERVICE 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 Fripp Island Public Service District, South Carolina (hereinafter called the "*District*"), to raise moneys through the issuance of not exceeding \$1,000,000 of general obligation bonds of the District (the "*Bonds*") in order to defray (A) the costs of constructing and equipping certain improvements to the District's wastewater treatment plant (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 \$1,000,000. 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 ____ day of _____, 2014 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

A RESOLUTION

APPROVING THE INCURRING OF GENERAL OBLIGATION DEBT IN AN AMOUNT NOT EXCEEDING \$1,000,000; AND AUTHORIZING A PETITION TO THE COUNTY COUNCIL OF BEAUFORT COUNTY PURSUANT TO SECTION 6-11-830 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED.

BE IT RESOLVED by the Fripp Island Public Service District Commission, in a meeting duly assembled:

ARTICLE I - FINDINGS OF FACT

Section 1.01

Incident to the adoption of this resolution (this "**Resolution**"), the Fripp Island Public Service District Commission (the "**Commission**"), the governing body of the Fripp Island Public Service 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. 1042 of the Acts and Joint Resolutions of the General Assembly of the State of South Carolina for the year 1962, as amended.

2. In carrying out its functions and duties, the Commission has determined that a need exists at the present time to issue general obligation bonds in order to defray (A) the costs of constructing and equipping certain improvements to the District's wastewater treatment plant (the "**Project**"), and (B) the costs of issuance of such general obligation bonds. The Commission 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 \$1,000,000.

3. The County Council of Beaufort County (the "**County Council**"), as the governing body of Beaufort County, South Carolina, 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 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 Commission, may determine that it is in the best interest of the District 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 general obligation bonds of the District.

5. In order to finance the costs of the Project, the Commission has determined that it is necessary to issue not more than \$1,000,000 of general obligation bonds of the District 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 at the time of issuance thereof by the Commission. The Commission adopts this Resolution to evidence the Commission's approval of the issuance of not exceeding \$1,000,000 of general obligation bonds to defray the costs of the Project and to authorize a petition to the County Council with regard to the issuance of such general obligation 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.

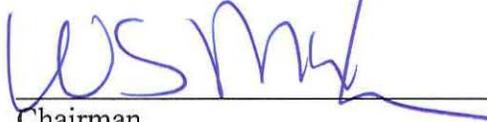
ARTICLE II - SUBMISSION OF PETITION

Section 2.01

The petition, in a form substantially similar to that form attached hereto as Exhibit A, shall be presented to the County Council in accordance with and for the purposes set forth in Section 6-11-830 of the Enabling Act; said petition shall be executed by the Chairman and the Secretary of the Commission and forwarded to the Clerk to County Council.

DONE IN A MEETING DULY ASSEMBLED, this 8th day of April, 2014.

(SEAL)



Chairman
Fripp Island Public Service District Commission

Attest:


Secretary
Fripp Island Public Service District Commission

PETITION OF THE FRIPP ISLAND PUBLIC SERVICE DISTRICT COMMISSION TO THE GOVERNING BODY OF BEAUFORT COUNTY, SOUTH CAROLINA, PURSUANT TO ARTICLE 5, CHAPTER 11, TITLE 6, CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED.

1. Fripp Island Public Service 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. 1042 of the Acts and Joint Resolutions of the General Assembly of the State of South Carolina for the year 1962, as amended. The District is located entirely within the County.

2. In carrying out its functions and duties, the Fripp Island Public Service District Commission, the governing body of the District, has determined that a need exists at the present time to issue general obligation bonds in order to defray (A) the costs of constructing and equipping certain improvements to the District's wastewater treatment facility (the "*Project*"), and (B) the costs of issuance of such general obligation bonds. The Commission estimates that the costs of designing, planning, acquiring, engineering, constructing, improving, and equipping the Project, and the cost of issuance of the bonds described herein, will not exceed \$1,000,000.

3. In order to defray the costs of the Project, the District proposes to issue general obligation bonds of the District in a principal amount not exceeding \$1,000,000, which bonds may be issued as a single issue or from time to time as several separate issues as the Commission may determine.

4. The County Council of Beaufort County (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 the District pursuant to the provisions of the Enabling Act. The principal amount of the bonds the Commission 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.

5. Pursuant to Section 6-11-830 of the Enabling Act, if the County Council, upon petition of the Commission, determines that it may be in the best interest of the District 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 general obligation bonds of the District.

WHEREFORE, the Commission prays that the County Council order a public hearing to be held on the question of authorizing the issuance of an amount not exceeding \$1,000,000 of general obligation bonds of the District, which bonds may be issued as a single issue or from time to time as several separate issues as the Commission may determine.

FRIPP ISLAND PUBLIC SERVICE DISTRICT COMMISSION

By: 
Chairman

Attest:


Secretary

April 8, 2014



MEMORANDUM

To: Natural Resources Committee of Beaufort County Council
From: Anthony J. Criscitiello, Planning & Development Director
Date: March 28, 2014
Subject: Proposed Amendment to the Zoning and Development Standards Ordinance (ZDSO)

Excerpt of PLANNING COMMISSION RECOMMENDATION from its March 3, 2013, draft meeting minutes:

Mr. Anthony Criscitiello, County Planning Director, briefed the Commissioners. The applicant is asking for outdoor storage for contractor's offices in Commercial Suburban districts. The effect is county-wide, versus property related. There are 14 uses allowed. The existing standards do not allow exterior storage. The purpose of the standards is to allow gentle transition in the area from suburban to commercial suburban to commercial regional. Light Industrial and Industrial Park Districts are best for exterior storage of contractor's offices. Staff recommended denial of the request.

Applicant's Comments:

1. Mr. Darryl Snyder, the applicant and owner of the property, noted that he had served on the Northern Corridor Review Board (NCRB) for several years. He noted that he has the zoning permit for his property was zoned neighborhood commercial with Charles Gatch's signature. He noted that he stored outdoor mechanical equipment on the property when he was using the property. There are five other commercial contractors on Parris Island Gateway who store their goods outdoors. He moved in on 1998. He said he had plans to expand and store field equipment. He said he had rights of equity at the time of the adoption of the ZDSO in 1999. Why am I being subjected to an entirely new zoning standard? He stated he had vested rights on the property and his tenant is being harassed. It violated equitable estoppel or estoppels by silence. He said the County knew that he had a landscape business with outdoor storage for 17 years. The County waived its rights to pursue any zoning issues with us. He noted his statement to an applicant of the NCRB, "A zoning ordinance is not a contract between a town and its citizens. A zoning ordinance, including a zoning classification, is subject to change and repeal at will by the governing body, subject only to the vested rights of the citizens in our community. In good faith the investment to compete, the investment on behalf of the citizens, the few changes in zoning lies with the governing body. Zoning use to control and direct not only present use and potential use is for all of us. It is the conservation of property values by which we all benefit." Mr. Snyder asked that Mr. Lather, his tenant, comment on his investment on the property. Mr. Snyder has invested an additional \$15,000.00 on the property.
2. Mr. Shawn Lather, owner of Lather Construction who is the occupant of the property, employs 15 employees. He was operating out of his house, but the business has since grown so he felt he needed a commercial property for his business. He cleared everything off the property, brought in fill dirt, etc. He's put a lot of money into the property.

3. Mrs. Shirley Snyder, wife to Darryl Synder, noted that she had worked with husband. She said they had storage, a greenhouse, etc. She does not see any difference between theirs and Mr. Lather's businesses. There are several other businesses along Parris Island that when business is sold, what will happen to those businesses?

Discussion between Commission and the applicant included the type of storage, the CRB landscaping and screening requirements, the applicant being caught in a zoning change, the applicant stating he had officially closed his business doors in October 2013, the applicant noted that he had co-operated with Lather Construction at the site until his closing, the text amendment is an issue based on a complaint to the Code Enforcement office, another issue is the continued use from the property owner's point of view, the possibility of a Zoning Board of Appeals (ZBOA) consideration, being sympathetic to the situation, acknowledging that a business license had not been issued due to the zoning issue, inquiring the grounds for grandfathering the business, noting that the property was in the Town of Port Royal growth zone, and wondering why the matter could not discussed at the Metropolitan Planning Commission before County Planning Commission makes decision.

Commission discussion included approving a County-wide text amendment that may affect other properties negatively; desiring another method of helping this property owner; acknowledging that there are only three methods of resolution—text amendment, map amendment, or ZBOA; the text amendment being advised by Mr. Criscitiello as the process of least resistance; inquiring about the grandfathering process if proper screening occurred; desiring the opinion from the Town Port Royal; reiterating that the Commission focus on the text amendment and the impact of its adoption and not the complaint that began this text amendment process; clarifying non-conformities being brought into conformity through text amendment; clarifying the grandfathering process; and not wanting to open the County to this text amendment.

Main Motion: Ms. Diane Chmelik made a motion, and Mr. John Thomas seconded the motion, **to recommend denial** to County Council of the **Text Amendment to the Beaufort County Zoning and Development Standards Ordinance/ZDSO, to allow contractor's offices with exterior storage in Commercial Suburban Districts.** Further discussion included the Commissioners' frustration regarding correcting the applicant's situation, requesting the background on determination of the grandfathering status, the ramifications should the applicant withdraw his application, and modifying the motion to request the grandfathering status for this property. The motion was modified by Ms. Chmelik and seconded by Mr. Thomas to include recommending that the application be considered to be grandfathered in the existing use.

Amended Motion: Ms. Diane Chmelik amended the main motion, and Mr. John Thomas seconded the amended motion, therefore the main motion is removed from vote, **to recommend denial** to County Council of the **Text Amendment to the Beaufort County Zoning and Development Standards Ordinance/ZDSO, to allow contractor's offices with exterior storage in Commercial Suburban Districts, and to request that grandfathering status be considered for the property involved.** The amended motion was carried unanimously (FOR: Bihl, Brown, Chmelik, Petit, Riley, Semmler, Stewart, and Thomas).

STAFF REPORT:

A. BACKGROUND:

Case No. ZTA 2014-01
Applicant: Darrell Snyder
Proposed Text Change: Text Amendment to Permit a Contractor's Office with Exterior Storage in the Commercial Suburban (CS) Zoning District

B. SUMMARY OF REQUEST:

The applicant is proposing to amend Table 106-1098 (General Use Table) so that contractors' offices with exterior storage are permitted in the Commercial Suburban (CS) District as shown below (deletions are shown as ~~strike through~~ and additions are shown underlined). This amendment was initiated because the applicant has rented property that is zoned CS to a general construction company that is using the property as an office and to store equipment, trucks, construction vehicles and materials on the site. In the ZDSO, this type of business, with exterior storage, is listed under "building, development and general contracting," which is only permitted in the Light Industrial (LI), Industrial Park (IP), and Rural Business (RB) districts.

ARTICLE V. USE REGULATIONS

Table 106-1098. GENERAL USE TABLE [Excerpt]

Land Use	Priority Areas							Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC		
COMMERCIAL USES													
Office	L	L	Y	Y	L	Y	L	N	N	L	N	106-1289	Building or buildings wherein operations are predominantly administrative, professional or clerical, and includes the following: <ol style="list-style-type: none"> 1. Finance, banks, trusts, savings and lending 2. Security, commodity brokers and investment services 3. Insurance carriers, agents, brokers, and services 4. Real estate services 5. Professional and technical services 6. Business services 7. Health services 8. Social services (except care facilities)

districts in the County. Section 106-961(b) of the ZDSO states that the standards established for the CS district are intended to “ensure that the uses have the same suburban character as the surrounding suburban residential areas. They are intended to blend with the surrounding areas, not threaten the character of the area.”

The proposed amendment would open the CS district to uses with exterior storage needs that are light industrial rather than neighborhood commercial in character. This would be in conflict with the purpose of the CS district as established by the ZDSO.

6. It addresses a new use, changing conditions, and/or clarifies existing language.

(Not Applicable)

7. It clarifies the ordinance or makes adjustments to account for interpretation.

(Not Applicable)

D. STAFF RECOMMENDATION:

After review of the guidelines set forth in Section 106-493 of the ZDSO, staff recommends denial of the requested text amendment.

BEAUFORT COUNTY, SOUTH CAROLINA
PROPOSED ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO)
ZONING MAP / TEXT AMENDMENT / PUD MASTER PLAN CHANGE APPLICATION

TO: Beaufort County Council

The undersigned hereby respectfully requests that the Beaufort County Zoning/Development Standards Ordinance (ZDSO) be amended as described below:

1. This is a request for a change in the (check as appropriate): PUD Master Plan Change
 Zoning Map Designation/Rezoning Zoning & Development Standards Ordinance Text

2. Give exact information to locate the property for which you propose a change:
Tax District Number: 100, Tax Map Number: 0031, Parcel Number(s): 014
Size of subject property: 1.91 acres Square Feet / Acres (circle one)
Location: 390 Parris Island Gateway

3. How is this property presently zoned? (Check as appropriate)
- | | | |
|---|--|---|
| <input type="checkbox"/> Urban/U | <input type="checkbox"/> Community Preservation/CP | <input type="checkbox"/> Light Industrial/LI |
| <input type="checkbox"/> Suburban/S | <input type="checkbox"/> Commercial Regional/CR | <input type="checkbox"/> Industrial Park/IP |
| <input type="checkbox"/> Rural/R | <input checked="" type="checkbox"/> Commercial Suburban/CS | |
| <input type="checkbox"/> Rural Residential/RR | | |
| <input type="checkbox"/> Rural Business/RB | <input type="checkbox"/> Research & Development/RD | <input type="checkbox"/> Resource Conservation/RC |
| <input type="checkbox"/> Planned Unit Development/PUD | | |

4. What new zoning do you propose for this property? text ammendment change to the ordinance
(Under Item 10 explain the reason(s) for your rezoning request.)

5. Do you own all of the property proposed for this zoning change? Yes No
Only property owners or their authorized representative/agent can sign this application. If there are multiple owners, each property owner must sign an individual application and all applications must be submitted simultaneously. If a business entity is the owner, the authorized representative/agent of the business must attach: 1- a copy of the power of attorney that gives him the authority to sign for the business, and 2- a copy of the articles of incorporation that lists the names of all the owners of the business.

6. If this request involves a proposed change in the Zoning/Development Standards Ordinance text, the section(s) affected are: _____
(Under Item 9 explain the proposed text change and reasons for the change.)

7. Is this property subject to an Overlay District? Check those which may apply:
- | | |
|--|--|
| <input type="checkbox"/> AOD - Airport Overlay District | <input type="checkbox"/> MD - Military Overlay District |
| <input type="checkbox"/> COD - Corridor Overlay District | <input type="checkbox"/> RQ - River Quality Overlay District |
| <input type="checkbox"/> CPOD - Cultural Protection Overlay District | |

8. The following sections of the Beaufort County ZDSO (see attached sheets) should be addressed by the applicant and attached to this application form:
- a. Section 106-492, Standards for zoning map amendments.
 - b. Section 106-493, Standards for zoning text amendments.
 - c. Sections 106-2441 and 106-2442, General and Special Considerations for Planned Unit Developments (PUDs)
 - d. Section 106-2450, Traffic Impact Analysis (for PUDs)

Rev. 4/11 ZTA 2014-01
FILE NO: _____ // Initiated by: STAFF / OWNER
(Circle One)

9. Explanation (continue on separate sheet if needed): To continue operations as we have done so over the past several months; to allow exterior storage of equipment and vehicles.

It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proof for the proposed amendment rests with the owner.

Darrell Snyder Signature of Owner
1-27-2014 Date

Printed Name: Darrell Snyder Telephone Number: 843-322-1978

Address: 390 Parris Island Gateway Beaufort SC 29906

Email: d3390pi@yahoo.com

Agent (Name/Address/Phone/email): Lillian Thomas 390 Parris Island Gateway
843.441.2187 ~~843~~ lillian@latherconstruction.com

FOR MAP AMENDMENT REQUESTS, THE PLANNING OFFICE WILL POST A NOTICE ON THE AFFECTED PROPERTY AS OUTLINED IN SEC. 106-402(D) OF THE BEAUFORT COUNTY ZDSO.

UPON RECEIPT OF APPLICATIONS, THE STAFF HAS THREE (3) WORK DAYS TO REVIEW ALL APPLICATIONS FOR COMPLETENESS. THE COMPLETED APPLICATIONS WILL BE REVIEWED FIRST BY THE BEAUFORT COUNTY PLANNING COMMISSION SUBCOMMITTEE RESPONSIBLE FOR THE AREA WHERE YOUR PROPERTY IS LOCATED. MEETING SCHEDULES ARE LISTED ON THE APPLICATION PROCESS (ATTACHED). COMPLETE APPLICATIONS MUST BE SUBMITTED BY NOON FOUR (4) WEEKS PRIOR FOR PLANNED UNIT DEVELOPMENTS (PUDs) OR THREE (3) WEEKS PRIOR FOR NON-PUD APPLICATIONS TO THE APPLICABLE SUBCOMMITTEE MEETING DATE.

PLANNED UNIT DEVELOPMENT (PUD) APPLICANTS ARE REQUIRED TO SUBMIT FIFTEEN (15) COPIES TO THE PLANNING DEPARTMENT. CONSULT THE STAFF PLANNER FOR DETAILS.

CONTACT THE PLANNING DEPARTMENT AT (843) 255-2140 FOR EXACT APPLICATION FEES.

FOR PLANNING DEPARTMENT USE ONLY:

Date Application Received:
(place received stamp below)

Date Posting Notice Issued:

Application Fee Amount Received: \$250⁰⁰

Receipt No. for Application Fee: 218082



ZTA 2014/01

Rev. 4/11

FILE NO: _____ // Initiated by: STAFF/OWNER
(Circle One)



Northern Beaufort County Zoning Map

Generated By Beaufort County GIS
August 9, 2012

Zone District Legend

- Community Preservation
- Industrial Park
- Medium Density
- Light Industry
- PLD
- Regional Commercial
- Historical Conservation
- Rural
- Rural Business
- Rural Residential
- Suburban
- Suburban Commercial
- Transitional Rural
- Transitional Rural Residential
- Urban

Community Preservation Districts [CP]

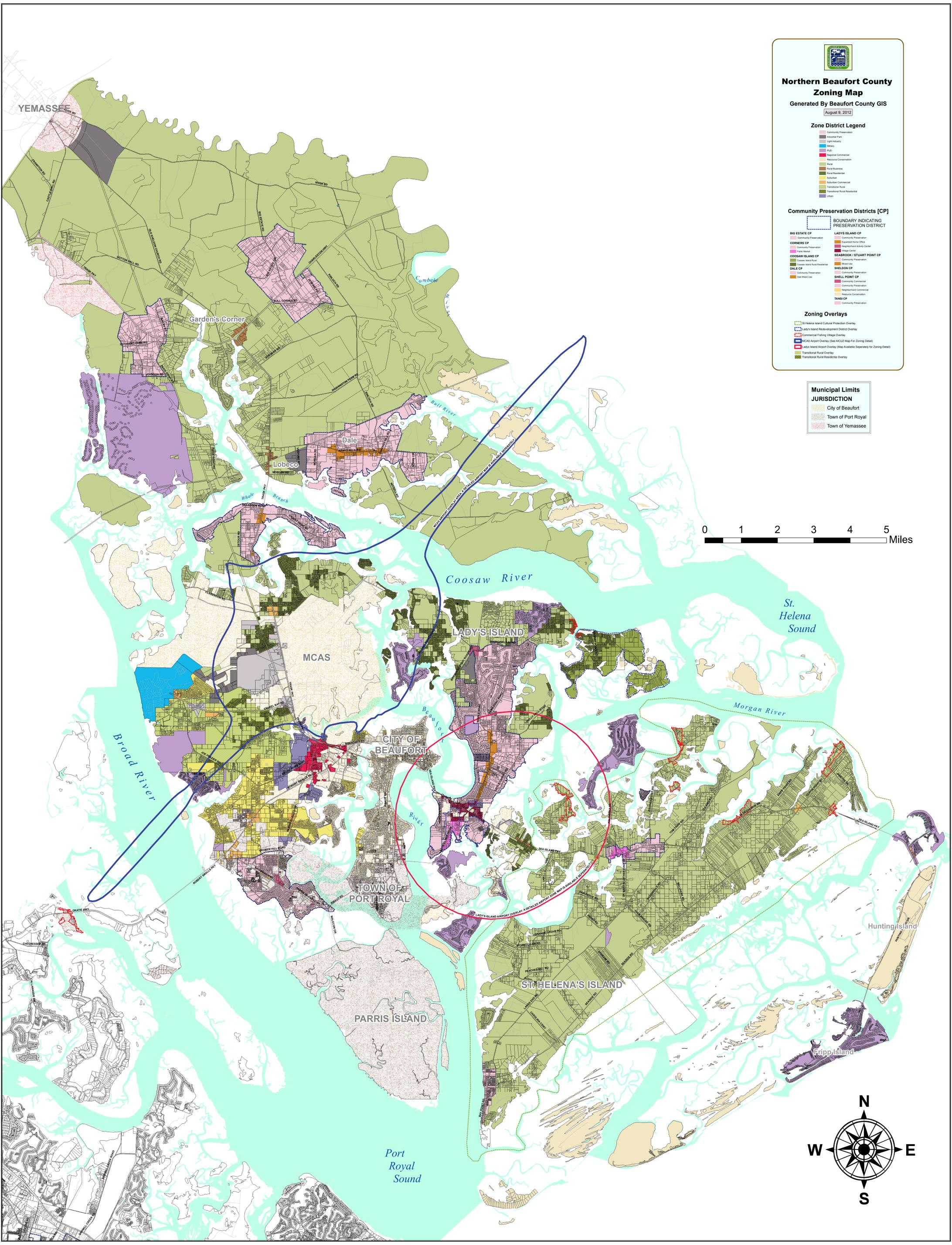
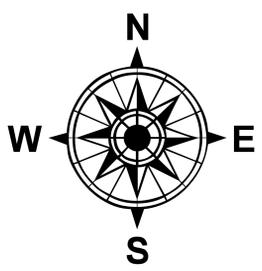
- BOUNDARY INDICATING PRESERVATION DISTRICT**
- BIG ESTATE CP**
 - Community Preservation
- CORNERS CP**
 - Community Preservation
 - Single Center
- CODSWALL ISLAND CP**
 - Coastal Residential
 - Community Preservation
 - Open Space
- DALE CP**
 - Community Preservation
 - Open Space
- LADYS ISLAND CP**
 - Community Preservation
 - Expanded Home Office
 - Neighborhood Activity Center
 - Single Center
- SEABROOK / STUART POINT CP**
 - Community Preservation
 - Neighborhood
- SHELL POINT CP**
 - Community Preservation
 - Community Commercial
 - Community Preservation
 - Neighborhood Commercial
 - Historic Conservation
- TANSI CP**
 - Community Preservation

Zoning Overlays

- St. Helena Island Cultural Protection Overlay
- Lady's Island Redevelopment District Overlay
- Commercial Fishing Village Overlay
- MCAS Airport Overlay (See ACUZ Map For Zoning Details)
- Lady's Island Airport Overlay (Map Available Separately for Zoning Details)
- Transitional Rural Overlay
- Transitional Rural Residential Overlay

Municipal Limits JURISDICTION

- City of Beaufort
- Town of Port Royal
- Town of Yemassee





**Southern Beaufort County
Zoning Map**
Generated By Beaufort County GIS

August 9, 2012

Zone District Legend

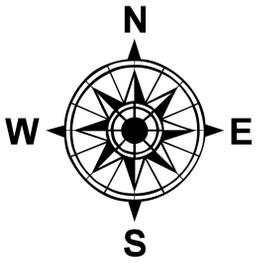
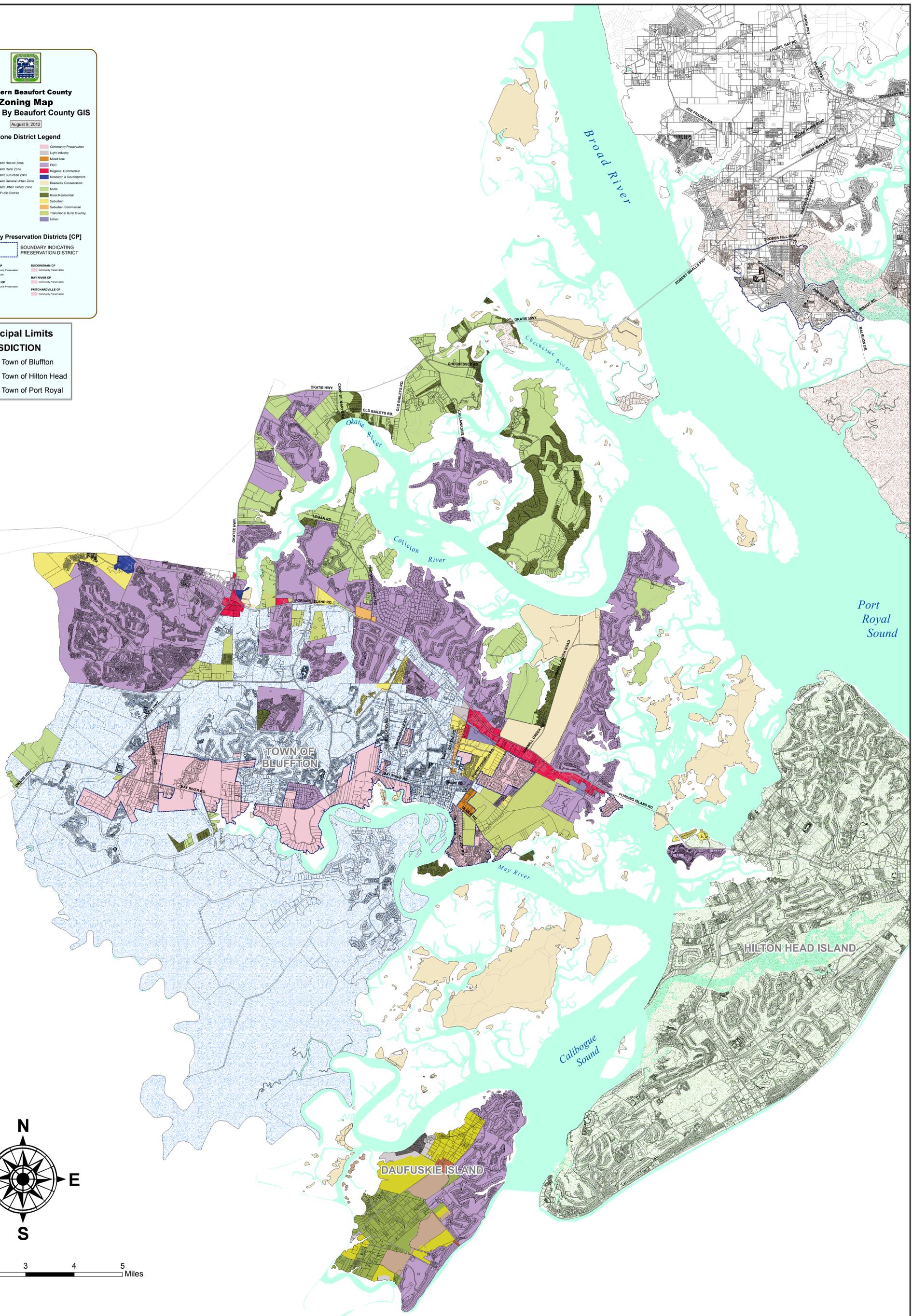
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Community Preservation Districts [CP]

- BOUNDARY INDICATING PRESERVATION DISTRICT**
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**Municipal Limits
JURISDICTION**

- | | |
|--|---------------------|
| | Town of Bluffton |
| | Town of Hilton Head |
| | Town of Port Royal |



RESOLUTION 2014 /

A RESOLUTION TO COMMISSION ANIMAL SERVICE OFFICER TO ENFORCE BEAUFORT COUNTY ANIMAL ORDINANCES FOR BEAUFORT COUNTY PURSUANT TO THE AUTHORITY GRANTED IN SECTION 4-9-145 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976 AS AMENDED.

WHEREAS, Beaufort County Council may appoint and commission as many animal service officers as may be necessary for proper security, general welfare and convenience of the County; and

WHEREAS, each candidate for appointment as a Beaufort County Animal Service Officer has completed training and whatever certification may be necessary.

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

1. County Council hereby appoints and commissions the following individual as Animal Service Officer for Beaufort County:

Ryan E. Witte, Beaufort County Animal Services

2. Each Animal Service Officer shall present the appropriate certificate to a dully-appointed magistrate for Beaufort County to take the oath of office prior to any official action as an Animal Service Officer.

Adopted this ___ day of _____, 2014.

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

ORDINANCE NO. _____

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

WHEREAS, On November 22, 1999, Beaufort County Council adopted Article III, Chapter 18 entitled “Business License Ordinance;” and

WHEREAS, Beaufort County Council subsequently amended said Ordinance via Ordinance 2012/13 which was intended to cure various deficiencies; and

WHEREAS, Beaufort County Council again subsequently amended said Ordinance via Ordinance 2013/38 which was intended to exempt agricultural based business from having to obtain a business license; and

WHEREAS, Beaufort County Council desires to further amend said Ordinance to clarify certain provisions and to remove provisions relating to the regulation of lawful employment that have been preempted by Federal and South Carolina employment regulations and are therefore likely void and unenforceable.

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

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

ARTICLE III. BUSINESS AND PROFESSIONAL LICENSES

[Sec. 18-46. Purpose.](#)

[Sec. 18-47. Definitions.](#)

[Sec. 18-48. Administration.](#)

[Sec. 18-49. Violations.](#)

[Sec. 18-50. License required.](#)

[Sec. 18-51. License tax.](#)

[Sec. 18-52. Effective date.](#)

[Sec. 18-53. Registration required.](#)

[Sec. 18-54. Deductions and exemptions.](#)

[Sec. 18-55. False application unlawful.](#)

[Sec. 18-56. Display and transfer.](#)

[Sec. 18-57. Inspections and audits.](#)

[Sec. 18-58. Assessments.](#)

[Sec. 18-59. Delinquent license fees taxes.](#)

[Sec. 18-60. Notices.](#)

[Sec. 18-61. Denial of license.](#)

[Sec. 18-62. Suspension or revocation of license.](#)

[Sec. 18-63. Appeals to county council.](#)

[Sec. 18-64. Confidentiality.](#)

[Sec. 18-65. Classification rates and schedules.](#)

[Sec. 18-66. Class 8 rates.](#)

[Sec. 18-67. Rate classification index.](#)

[Sec. 18-68. Rate schedule.](#)

[Sec. 18-69. Lawful employment.](#)

[Sec. 18-70. Applicability and effective date.](#)

[Sec. 18-71. Severability.](#)

Sec. 18-46. Purpose.

The business license levied by this article is for the purpose of providing such regulation as may be required by the business subject thereto and for the purpose of raising revenue to provide ad valorem tax relief. Each license shall be issued for one calendar year beginning on January 1 and shall expire on December 31; this time period shall be considered a license year. The provisions of this article and the rates herein shall remain in effect from year to year as amended by Beaufort County Council.

Sec. 18-47. Definitions.

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

Business means a calling, occupation, profession or activity engaged in with the object of gain, benefit or advantage, either directly or indirectly. In addition to the above-described activities constituting doing business in the county, an individual shall be deemed to be in business if that individual owns and rents two or more residential rental units (or partial interest therein) within the county, excluding the municipalities therein. This applies to both short-term and long-term rentals.

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

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

County means the County of Beaufort, South Carolina.

Gross receipts means the total revenue of a business, received or accrued, for one calendar or fiscal year collected or to be collected by the businesses, excepting income from business done wholly outside of the unincorporated area of the county and fully reported to a municipality or other county. The term "gross receipts" means the value proceeding or accruing from the sale of tangible business personal property, including merchandise and commodities of any kind and character and all receipts, by the reason of any business engaged in, including interest, dividends, discounts, rentals of real estate or royalties, without deduction on the account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid, or any other expenses whatsoever and without any deductions on account of losses. Gross income for business license purposes, may be verified by inspection of returns filed with the Internal Revenue Service, the South Carolina Department of Revenue, the South Carolina Insurance Commission, or other government agency. In case of brokers or agents, gross income means commissions received or retained, unless otherwise specified. Gross income for insurance companies means gross premiums collected. Gross income for business license ~~fee~~ tax purposes shall include the value of bartered goods and/or trade-in merchandise.

License official means the county employee, or other individuals, designated by the county administrator to perform the duties set forth in this article.

Person means any individual, firm, partnership, LLP, LLC, cooperative nonprofit membership, corporation, joint venture, association, estate, trust, business trust, receiver, syndicate, holding company or other group or combination acting as a unit, in the singular or plural, and the agent or employee having charge or control of a business in the absence of the principals.

Wholesaler means a business where the product the business sells is to be resold (retailed); where the supplier is truly a wholesaler, a business license is not required, however, if a warehouse or place of business is maintained in the county, or if a product is sold to an end user, its ultimate customer, a business license is required. Therefore, paper goods distributors who sell supplies to hotels and building supply distributors who sell to contractors or owners for buildings under construction are required to obtain a business license. Such distributors' customers are the end users of the products.

Cross reference— Definitions generally, § 1-2.

Sec. 18-48. Administration.

The license official shall administer the provisions of this article, collect license ~~fees~~ taxes, issue licenses, make or initiate investigations and audits to ensure compliance, initiate denial or revocation procedures, report violators to code enforcement, produce forms, make reasonable regulations relating to the administration of this article, and perform such other duties as may be assigned by the county administrator.

Sec. 18-49. Violations.

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

Sec. 18-50. License required.

Every person engaged or intending to engage in any calling, business, occupation or profession whether listed in the rate classification index or not, shall register the business and make application for a business license and will be required to pay an annual license ~~fee~~ tax and obtain a business license as provided in this article. A new business shall be required to have a business license prior to operation within the county.

Sec. 18-51. License fee tax.

- (a) The required license fee tax shall be paid for each business subject to this article according to the applicable rate classification on or before May 31 in each year, except for those businesses in Rate Class 8 for which a different due date is specified.
- (b) A separate license shall be required for each place of business and for each classification of business conducted at one place. If gross income cannot be separated for classifications at one location, the license fee tax shall be computed on the combined gross income for the classification requiring the highest rate.
- (c) A license fee tax based on gross income shall be computed on the gross income for the preceding calendar or fiscal year, and on a 12-month projected income based on the monthly average for a business in operation for less than one year. The fee tax for a new business shall be computed on the estimated probable gross income stated in the license application for the balance of the calendar year. No refund shall be made for a business that is discontinued, annexed into a municipality or has rendered an overpayment of a prior year license fee tax.

Sec. 18-52. Effective date.

The business license fee tax shall be implemented on an annual basis for calendar year 2000 and all subsequent years. The required due date for the payment of all fees taxes and the display of license for calendar year 2000 shall be May 31, 2000. In all subsequent years the due date shall be as specified in [section 18-53](#).

Sec. 18-53. Registration required.

- (a) The owner, agent or legal representative of every business subject to this article, whether listed in the classification index or not, shall register the business and make application for a business license on or before May 31 of each year, except that a new business shall be required to have a business license prior to operation within the county. A license for a bar must be issued in the name of the individual who has been issued a state ABC license and will have actual control and management of the business.
- (b) Application shall be on a form provided by the license official which shall contain the social security number and/or the federal identification number, the South Carolina Retail License Number (if applicable), the business name as reported on the state income tax return, and all other information about the applicant and the business deemed necessary to carry out the purposes of this article by the license official. Applicants may be required to submit copies of state and federal income tax returns reflecting gross income figures.
- (c) The applicant shall certify under oath that the information given in the application is true, that the gross income is accurately reported, or estimated for a new business, without any unauthorized deductions, and that all assessments and personal property taxes on business property due and payable to the county have been paid.
- (d) Insurance agents and brokers shall report the name of each insurance company for which a policy was issued and the total premiums collected for each company for each type of insurance coverage on a form approved by the license official. An insurance agent not employed by an insurance company, or employed by more than one company, shall be licensed as a broker.
- (e) Every business, which either acts as an agent, broker or representative for any other person or has contractual arrangements with persons who are acting as independent contractors for it shall supply the following information: name, address, telephone number and estimated payments or premiums due to that person. Such information shall be supplied upon the request of the license official and shall be a condition precedent to obtaining the license required under this article.

- (f) Elimination of commercial waste. On the business license application form, each business shall fully disclose its method of solid waste handling and shall present proof of such solid waste disposal before a license is granted.
- (g) No business license shall be issued until the applicant first submits documents necessary to establish compliance with Beaufort County Zoning Ordinance, Building Code, and other regulatory codes as adopted by Beaufort County Council.
- (h) Any person desiring to peddle goods anywhere in unincorporated Beaufort County must first meet all regulations pursuant to the provisions of S.C. Code 1976, § 40-41-10 and are also subject to being in compliance with the zoning and building codes.
- (i) Miscellaneous sales (antique malls, flea markets or leased space sales). Any person leasing space for the sale of merchandise from an established business shall be required to have a business license, whether or not the sales are made through a central cash register. Furthermore, it shall be the responsibility of the lessor of the spaces to advise the business license office of persons leasing space.
- (j) Beaufort County shall not grant a business license to any applicant for a use identified in Section 106-1098 of and regulated by Section 106-1281 of Beaufort County's Zoning Development Standards Ordinance if such use shall be located within 500 feet of a residence, church, school or day care center.

Sec. 18-54. Deductions and exemptions.

- (a) No deductions from gross income shall be made, except income from business done wholly outside of the county jurisdiction on which a license ~~fee~~ tax is paid to another county or a municipality, or income which cannot be taxed pursuant to state law. The applicant shall have the burden to establish the right to a deduction by satisfactory records and proof. No person shall be exempt from the requirements of this article by reason of the lack of an established place of business within the county, unless exempted by state or federal law. The license official shall determine the appropriate classification and licensing for each business. No person shall be exempt from this article by reason of the payment of any other tax, unless exempted by state law, and no person shall be relieved of the liability for the payment of any other tax by reason of the application of this article.
- (b) The provisions of this article shall not extended to those businesses which are contained within NAICS Major Business Group 01: agriculture production; crops, or Group 02: agriculture production; livestock and animal specialties, or Group 08: forestry, or Group 09: fishing, nor shall it apply to the manufacture or sale of sea island grass products, but shall extend and apply to vendors of every other class and kind of goods.

Sec. 18-55. False application unlawful.

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

Sec. 18-56. Display and transfer.

- (a) All persons shall display the license issued to them under this article on the original form provided by the license official, in a conspicuous place, in the business establishment, at the address shown on

the license. A transient or nonresident shall carry the license upon his person or in a vehicle used in the business readily available for inspection by any authorized agent of the county.

- (b) A change of address must be reported to the license official within ten days after removal of the business to a new location, and the license will be valid at the new address upon written notification of the license official and compliance with zoning and building codes. Failure to obtain the approval of the license official for a change of address shall invalidate the license and subject the licensee to prosecution for doing business without a license. A business license shall not be transferable, and a transfer of ownership shall be considered a termination of the old business and the establishment of a new business requiring a new business license, based on old business income.

Sec. 18-57. Inspections and audits.

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

Sec. 18-58. Assessments.

- (a) When any person shall have failed to obtain a business license or to furnish the information required by this article or the license official, the license official shall proceed to examine the records of the business or any other available records as may be appropriate and to conduct investigations and statistical surveys as he/she may deem appropriate to assess a license ~~fee~~ tax and penalties as provided in this article.
- (b) A notice of assessment shall be served by certified mail and any application for adjustment of the assessment may be made to the license official within five days after the notice is mailed or the assessment will become final. The license official shall establish by regulation the procedure for hearing an application for adjustment of assessment and issuing a notice of final assessment.
- (c) A final assessment may be appealed to county council only by payment in full of the assessment under protest within five days and the filing of written notice of appeal within ten days after payment pursuant to the provisions of this article relating to appeals to county council. With regard to assessments of insurance companies and brokers for nonadmitted insurance companies, the state association of counties is designated as the exclusive agent of the county and is empowered to utilize all procedures and actions authorized by ordinance or state law.

Sec. 18-59. Delinquent license ~~fees~~ taxes.

For nonpayment of all or any part of the correct license ~~fee~~ tax under this article, the license official shall levy and collect a late penalty of five percent of the unpaid ~~fee~~ tax for each month or portion thereof after the due date until paid. If any license ~~fee~~ tax shall remain unpaid for 60 days after its due date, the license official shall issue an execution which shall constitute a lien upon the property of the licensee for the ~~fee~~ tax, penalties and cost of collection, and shall proceed to collect in the same manner as prescribed by law for the collection of other taxes. Upon identification of a delinquent account the director of business license or his/her designee has the authority to establish payment plans, revenue procedures, and reduce or waive penalties based upon the revenue procedures as adopted with this amendment.

Sec. 18-60. Notices.

The license official may but shall not be required to serve or mail written notices that license ~~fees~~ taxes under this article are due, but he shall publish a notice of the due date in a newspaper of general circulation within the county three times prior to the due date in each year. With regard to providing notice to insurance companies and brokers for nonadmitted insurance companies that license ~~fees~~ taxes are due, the South Carolina State Association of Counties is designated as the exclusive agent of the county and is empowered to utilize all procedures and actions authorized by ordinance or state law. Failure to receive notice shall not constitute a defense to prosecution for failure to pay the ~~fee~~ tax due or grounds for waiver of penalties.

Sec. 18-61. Denial of license.

The license official shall deny a license under this article to an applicant when the application is incomplete, contains a misrepresentation, false or misleading statement, evasion or suppression of a material fact, does not comply with all other applicable county ordinances, or when the activity for which a license is sought is unlawful or constitutes a public nuisance. A decision of the license official shall be subject to appeal to county council as provided in this article. Denial shall be written with reasons stated.

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

When the license official determines that:

- (1) A license has been mistakenly or improperly issued or issued contrary to law;
- (2) A licensee has breached any condition upon which the license was issued or has failed to comply with the provisions of this article;
- (3) A licensee has obtained a license through a fraud, misrepresentation, a false or misleading statement, evasion or suppression of a material fact on the license application;
- (4) A licensee has been convicted of an offense under a law or ordinance regulating business, a crime involving moral turpitude, or an unlawful sale of merchandise or prohibited goods;
- (5) A licensee has engaged in an unlawful activity or nuisance related to the business; or
- (6) The business is not in compliance with all other applicable county ordinances;

The license official shall give written notice to the licensee or the person in control of the business within the county by personal service or certified mail that the license is suspended pending a hearing before county council for the purpose of determining whether the license should be revoked. The notice shall state the time and place at which the hearing is to be held, which shall be within 30 days from the date of service of the notice. The notice shall contain a brief statement of the reasons for suspension and proposed revocation and a copy of the applicable provisions of this article.

Sec. 18-63. Appeals to county council.

- (a) Any person aggrieved by a final assessment, or a denial of a business license under this article by the license official may appeal the decision to county council by written request stating the reasons therefor filed with the license official within ten days after the payment of the assessment under protest or notice of denial is received.
- (b) An appeal or a hearing on revocation shall be held by county council within 30 days after receipt of a request for appeal or service of notice of suspension at a regular or special meeting of which the applicant or licensee has been given written notice. At the hearing all parties shall have the right to be represented by counsel, to present testimony and evidence and to cross examine witnesses. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by county council shall govern the hearing. The county council shall by majority vote of members present, render a written decision based on findings of fact and the application of the standards in this article which shall be served upon all parties or their representatives and shall be final unless appealed to a court of competent jurisdiction within ten days after service
- (c) No person shall be subject to prosecution for doing business without a license until the expiration of ten days after written notice of denial or revocation which is not appealed or until after final judgment of court upholding denial or revocation.

Sec. 18-64. Confidentiality.

Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for any official or employee to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any report or return required under this article. Nothing in this section shall be construed to prevent the identification of particular reports or returns.

Sec. 18-65. Classification rates and schedules.

- (a) The license ~~fee~~ tax for each class of business shall be computed in accordance with the rates set forth in sections [18-66](#)—18-68 and ~~with the Standard Industrial Classification (SIC) Manual 1987 and the North American Industrial Classification System (NAICS), except that, in cases of conflict between the provisions of the SIC NAICS and this Code, the provisions of this Code shall prevail.~~
- (b) Unless otherwise specifically provided, all rates shall be doubled for businesses and itinerants having no fixed place of business within the county and triple for businesses located out of state.

Sec. 18-66. Class 8 rates.

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

[15, 16, 17 Contractors, construction, all types.](#) See the rate schedule in [section 18-68](#).

- (1) For nonresident contractors, the total ~~fee~~ tax for the full amount of the contract shall be paid prior to issuing a building permit or commencement of work and shall entitle the contractor to complete the job without regard to the normal license expiration date. An amended report shall be filed for each new job and the appropriate additional license ~~fee~~ tax per \$1,000.00 of the contract amount shall be paid prior to commencement of new work. Only one base ~~fee~~ tax shall be paid in a calendar year. A trailer at the construction site, a home office or structure in which the contractor resides is not a permanent place of business under this article.

- (2) No contractor shall be issued a business license until all state and county qualification examinations and trade license requirements have been met. Each contractor shall post a sign in plain view on each job identifying the contractor with the job. In addition, each contractor shall furnish the license official with a list of all subcontractors furnishing labor or materials for each project.
- (3) Subcontractors shall be licensed on the same basis as general, prime or manager for the same job, and no deductions shall be made by a general or prime contractor or manager for value of work performed by subcontractors. General or prime contractors will be responsible and will pay for the business license of any subcontractor doing work on the project if the subcontractor is found to be operating without a county business license.
- (4) No contractor shall be issued a business license until all performance and indemnity bonds required by the county building code have been filed and approved. Zoning permits must be obtained when required by the county zoning ordinance codified in [Chapter 106](#)

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

41 Passenger transportation. On gross income, rate class 7 plus each vehicle per year, \$25.00.

- (5) Permission to use streets required. It shall be unlawful for any person to construct, install, maintain, or operate in, on, above or under any street or public place under control of the county any line, pipe, cable, pole, structure or facility for utilities, communications, cablevision or other purposes without a consent agreement or franchise agreement issued by the county council by ordinance which prescribes the term, fees and conditions for use.
- (6) Consent, franchise, or business license ~~fee tax~~ required. The annual fee for use of streets or public places authorized by a consent agreement or franchise agreement shall be set by the ordinance approving the agreement and shall be based on gross revenues derived from activities in the county, the length of lines installed in streets and public places, or other formula deemed appropriate by county council. No consent fee or franchise fee shall be construed to be in lieu of a business license ~~fee tax~~ based on gross revenue unless specifically provided by ordinance. Credits for business license ~~fees tax~~ paid may be applied to ~~fees taxes~~ set by ordinance granting consent or a franchise when specifically authorized by the ordinance.

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

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

491—493 Electrical and gas companies. Consent or franchise.

55 Automotive, motor vehicle dealers and farm machinery, retail. See the rate schedule in [section 18-68](#).

- (1) One sales lot not more than 400 feet from the main showroom may be operated under this license provided that proceeds from sales at the lot are included in gross receipts at the main office when both are operated under the same name and ownership.
- (2) Gross receipts from this classification shall include full sales price without deduction for trade-ins.
- (3) Dealer transfers shall not be included in gross receipts.

5999 Promoter/coordinator of arts and crafts shows. See the rate schedule in [section 18-68](#).

5999	Promoter/Coordinator of Arts and Crafts Shows	Base Rate/Fee <u>Tax</u>	Incremental Rate per Thousand
	First \$5,000.00	\$50.00	
	Over \$5,000.00		\$0.49
	Plus, for each participating vendor	Class rates apply	

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

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

Each participating vendor must be the creator of the art or craft which is to be sold. This includes any person who desires to engage in the business of offering for public sale flower arrangements or any hand-crafted item produced in the home. Goods purchased for sale or resale cannot be vended on this special license.

Inspections may be made on site during the sale.

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

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

63 Insurance companies.

- (1) On gross premiums collected through offices or agents located in the county, wherever the risk is located in the county, or collected on policies written on property or risks located in the county, wherever the premiums are collected.
- (2) Gross premiums shall include new and renewal business without deductions for any dividend, credit, return premiums or deposit.
- (3) Solicitation for insurance, receiving or transmitting an application or policy, examination of a risk, collection or transmitting of a premium, adjusting a claim, delivering a benefit, or doing any act in connection with a policy or claim shall constitute doing business within the county whether or not an office is maintained therein. A premium collected on property or a risk located within the county shall be deemed to have been collected within the county.

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

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

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

6411 *Brokers for fire and casualty insurers*. The rate is two percent of gross premiums. Declining rates shall not apply. Nonadmitted: On gross premiums collected on policies of companies not licensed in the state, the broker shall collect and remit annually to the state association of counties, with a copy of the report required by the insurance commission showing the location of the risks insured. (Premiums for nonadmitted business are not included in broker's gross commissions for other business.)

Notwithstanding any other provision of this article, license ~~fees~~ taxes for insurance companies and brokers for nonadmitted insurers shall be payable on or before May 31 in each year without penalty. Pursuant to the S.C. Code 1976, § 5-7-300, the agreement with the state association of counties on file with the clerk for collection of current and delinquent license ~~fees~~ taxes from insurers and brokers is approved.

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

- (1) Music machines, juke boxes, kiddie rides, video games, pin tables with levers and other amusement machines with or without free play licensed pursuant to S.C. Code 1976, § 12-21-2720(A)(1) and (A)(2), Type I and Type II:
 - a. Operator of machine (S.C. Code 1976, § 12-21-2746) (For operation of all machines, not on gross income), \$12.50 per machine, plus \$12.50 business license.
 - b. Distributor selling or leasing machines. (Not licensed by the state as an operator pursuant to S.C. Code 1976, § 12-21-2728, see schedule in section [18-68](#) (nonresident rates apply)).

7993 *Amusement machines, coin-operated non-payout*. Amusement machines of the non-payout type or in-line pin game licensed by S.C. Department of Revenue pursuant to S.C. Code 12-21-2720(A)(3) Type III

- a. Operator of machines (owner of business): \$180.00 per machine
(S.C. Code § 12-21-2720(B)): plus \$12.50 business license
- b. Distributor selling or leasing machines, not licensed by the state as an operator pursuant to S.C. Code 1976, § 12-21-2728, see schedule in section [18-68](#). (Nonresident rates apply.)

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

Measuring three and one-half [feet wide] × seven feet long: \$5.00

Tables longer than three and one-half [feet wide] × seven feet [long]: \$12.50

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

First \$5,000.00 gross income: \$43.75

Over \$5,000.00: \$0.38/thousand

Sec. 18-67. Rate classification index.

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

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

NAICS	Rate Class 2 Business Group
01	Agricultural production, crops
02	Agricultural production, animals
20	Food and kindred products
22	Textile mill products
23	Apparel and other finished products from fabrics and similar materials
25	Furniture and fixtures
30	Rubber and miscellaneous plastic products
31	Leather and leather products
32	Stone, clay, glass and concrete products

33	Primary metal industries
34	Fabricated and metal products (except machinery and transportation equipment)
37	Transportation equipment
39	Miscellaneous manufacturing industries
50	Wholesale trade, durable goods
51	Wholesale trade, nondurable goods
52	Building materials, hardware, garden supply and mobile home dealers
57	Furniture, home furnishings and equipment stores
70	Hotels, roominghouses, camps and other lodging

SIC	Rate Class 3 Business Group
07	Agricultural service
24	Lumber and wood products (except furniture)
26	Paper and allied products
29	Petroleum refining and related industries
36	Electrical and electronic machinery, equipment and supplies
42	Motor freight transportation and warehousing
44	Water transportation
45	Transportation by air

59	Miscellaneous retail (except vending machines, peddlers and pawnbrokers)
61	Credit agencies other than banks
75	Automotive repair, services and garages
78	Motion pictures
79	Amusement and recreation services (except motion pictures, amusement machines and carnivals)
89	Miscellaneous services

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

NAICS	Rate Class 5 Business Group
09	Fishing, hunting and trapping
14	Mining — Minerals
38	Measuring, analyzing and controlling instruments; photographic, medical and optical goods; watches and clocks

41	Local and suburban transit and interurban highway passenger transportation
62	Security and commodity brokers, dealers — Exchanges and services
73	Business services

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

NAICS	Rate Class 7 Business Group
08	Forestry
10	Mining — Metals
21	Tobacco manufacture
46	Pipelines (except natural gas)
64	Insurance agents, brokers and service
65	Real estate
67	Holding and other investment offices
80	Health services
81	Legal services

82	Educational services
83	Social services
87	Engineering, accounting, research, management and related services

NAICS	Rate Class 8 Business Group
15, 16, 17	Contractors, construction, all types
40	Railroad companies
4121	Taxicabs
481	Telephone communication
491— 493	Electric and gas services
55	Automotive and motor vehicle dealers and farm machinery, retail (except auto supply store 553 and gasoline service stations 554)
5093	Junk and scrap dealers
5813	Drinking places (alcoholic beverages - License must be issued in the name of the individual who has been issued a state ABC license and will have actual control and management of the business)
5932	Pawnbrokers
5962	Vending machines (automatic merchandising)
5963	Peddlers, itinerant
63	Insurance companies

6411	Brokers for nonadmitted insurers
7993	Amusement machines, coin-operated
7999	Billiard or pool tables, all types
7999	Carnivals and circuses

Sec. 18-68. Rate schedule.

The ~~fee~~ tax schedule for businesses licensed pursuant to this article shall be as follows except where nonresident rates apply:

Business Class	Gross Revenue \$0—\$5,000 Minimum Fee -Tax	Rate per 1,000 or Fraction Thereof Over \$5,000 in Gross Revenue
Class 1	\$37.50	\$0.27
Class 2	43.75	0.38
Class 3	50.00	0.49
Class 4	56.25	0.60
Class 5	62.50	0.71
Class 6	68.75	0.82
Class 7	75.00	0.93
Class 8	43.75	0.38

Alphabetical Business Classification Index

This index is not intended to be a complete listing of all types of businesses. It is an aid in finding classifications by common name and reference to the Standard Industrial Classification manual group number. All businesses not exempt by law which are in the major groups listed under each rate class are

subject to a license ~~fee~~ tax whether found in the alphabetical index or not. The license official shall determine the proper classification of a business not listed.

Alphabetical Business Classification Index		
Name	NAICS	Class
Abattoirs	2011	2
Abstract land title or warranty companies	6541	7
Accounting and bookkeeping services	8721	7
Acupuncture - (except medical doctor)	8049	7
Administrative office	7389	5
Advertising agencies or agents	7311	5
Advertising novelties, signs, placards, etc.	7319	5
Air conditioning:		
Contractor	1711	8
Service and repair	7623	4
Aircraft:		
Retail	5599	8
Supplies - wholesale	5088	2
Service and repair	4581	3
Airport limousine service	4111	5
Alterations, clothing	7219	6
Ambulance service	4119	5

Amusement and recreation services	7999	3
Amusement machines, coin-operated	7993	8
Amusement parks	7996	3
Animal hospital	0742	3
Answering service	7399	5
Antenna - installation—except household	1799	8
Sales - household	5731	2
System - satellite, master	4841	4
Antiques - retail	5932	3
Apartment complexes or buildings rental	6513	7
Appliances household - repair	7629	4
Retail	5722	2
Appraisers, real estate	6531	7
Architects	8712	7
Armature rewinding shops	7694	4
Armored car services	7381	5
Art glass, dealers in	5999	3
Artificial flowers, dealers in	5999	3
Artists:		
Portrait	8999	3

Commercial	7336	5
Studios	8999	3
Supplies, retail	5999	3
Assignment, purchasers of accounts, factors	6153	3
Astrologers	Prohibited	
Athletic arena	7941	3
Athletic clubs:		
Admission charged	7991	3
Membership	7997	3
Attorneys	8111	7
Auction houses	5999	3
Auctioneers - regulated by state law		
Automatic sprinklers - installation	1711	8
Automobile:		
Accessories - retail	5531	1
Automatic car wash	7542	3
Body, paint and trim shop	7532	3
Club, membership	8699	1
Dealers new or used - retail	5511	8
Detailers	7542	3

Leasing - long-term	7515	3
Manufacturing	3711	2
Parts - new - wholesale	5013	2
Parts - new - retail	5531	1
Parts - used-wholesale/retail	5015	2
Rental	7514	3
Repairs and service	7538	3
Salvage or scrap	5093	2
Service station	5541	1
Tires, recapping	7534	3
Tires, wholesale	5014	2
Tires, retail	5531	1
Towing service	7549	3
Awning and tent:		
Makers	2394	2
Rentals	7359	5
Repair	7699	4
Bags, bagging and ties, dealers in	5113	2
Bail bondsman	7389	5
Bakery:		

Retail	5461	1
Wholesale	5149	2
Ballroom, leased or rented	7911	3
Barber:		
Schools	7241	6
Shops	7241	6
Supplies - wholesale	5087	2
Barrel and drum makers and dealers	5085	2
Bars - drinking places	5813	8
Baskets, boxes, crates, bags, etc., dealers	5113	2
Bath houses	7999	3
Bath, turkish, sauna or vapor	7299	6
Batteries:		
Manufacture	3692	3
Vehicle - retail or wholesale	5531	1
Bearings - wholesale	5085	2
Beauty:		
Schools	7231	6
Shops	7231	6
Supplies - wholesale	5087	2

Bed and breakfast inns	7011	2
Beeper service, radio pager	4812	8
Belting - wholesale	5085	2
Beverage coolers - wholesale	5087	2
Bicycle:		
Retail	5941	3
Rental	7999	3
Repair	7699	4
Supplies - wholesale	5091	2
Bill distributors, handbills	7319	5
Billboards, erection and lease	7312	5
Billiard or pool hall	7999	8
Bingo	7999	3
Blacksmith	7699	4
Blood bank	8099	7
Blueprinting	7334	5
Boarding house	7021	2
Boats - sightseeing operation	4489	3
Supplies and accessories - wholesale	5091	2
Supplies and accessories - retail	5551	8

Boatyards, storage, repair and rental	4499	3
Boiler:		
Installation	1711	8
Repair	7699	4
Wholesale	5074	2
Bolts and screws - wholesale	5072	2
Bondsman	7389	5
Book publisher	2731	4
Book store - retail	5942	3
Bookbinder	3555	4
Booking Agent, films	7829	3
Bootblack, bootblack stand	7251	6
Bottlers:		
Flavored milk	2087	2
Soft drinks	2086	2
Supplies - wholesale	5085	2
Bowling:		
Apparel and accessories	5699	1
Lane equipment and supplies	5941	3
Lanes and centers	7933	3

Box, manufacturing	2653	3
Boxing or wrestling matches	7941	3
Brick, agents for	5211	2
Brokers. See heading under type of broker		
Building construction - general contractors	1541	8
Building materials and supplies:		
Brick and stone		
Wholesale	5032	2
Construction materials		
Retail	5211	2
Wholesale	5039	2
Roofing, siding and insulation - wholesale	5033	2
Burglar alarms - installation only	1731	8
Sale and installation	7382	5
Bus, charter	4141	5
Bus and motor coach company	Franchise/NA	
Bus terminal	4173	5
Business broker, selling businesses	7389	5
Business college	8244	7
Business consultant	8748	7

Business forms, manufacturing	2759	4
Business forms - retail	5943	3
Business services, not elsewhere classified	7389	5
Cablevision	4841 Franchise	
Cabaret	5813	8
Cabinets:		
Custom order	5712	2
Manufacturing	2434	3
Cafeteria	5812	1
Camera and photo supplies:		
Repair shop	7699	4
Retail	5946	3
Wholesale	5043	2
Candy:		
Retail	5441	1
Wholesale	5145	2
Canvasser	5963	8
Car rental - short-term	7514	3
Car wash	7542	3
Carnival	7999	8

Carpenter	1751	8
Carpet:		
Cleaning	7217	6
Installation	1752	8
Retail	5713	2
Wholesale	5023	2
Carriage, horse drawn for hire	4789	1
Cater	5812	1
Cement manufacture (chemical adhesives)	2891	4
Cement products (see Concrete)		
Cemetery:		
Agent or sales of sites	6553	7
Caretaker	0782	3
Charcoal, producers	2861	4
Chauffeur and limousine tour services	4119	5
Cheese, manufacturer or processor	2022	2
Chemical and allied products, manufacture	2819	4
Chimney cleaner	7349	5
Chiropractor	8041	7
Christmas tree sales	5241	2

Cigarettes, cigars, tobacco:		
Manufacture	21	7
Retail	5993	3
Wholesale	5194	2
Circus	7999	8
Claim adjustment agent or agency	6411	7
Clay, stone and glass products, manufacture	3200	2
Clipping service, press	8999	3
Clothing:		
Retail	5651	1
Secondhand dealer	5932	3
Wholesale	5130	2
Coal, wood or coke:		
Retail	5989	3
Wholesale	5052	2
Coffee or tea store - retail	5499	1
Coffee roasters and wholesale coffee dealers	5149	2
Coin shop - retail	5999	3
Cold storage warehouse	4222	3
Collection and claim agency	7322	5

Compact discs music-retail	5735	2
Computer:		
Consultant	7379	5
Internet provider	7375	5
Operator training	8243	7
Repairs	7378	4
Service (not repairs)	7371—7379	5
Stores - retail	5734	2
Concession stands	5963	8
Concrete:		
Manufacture (paving)	2951	3
Manufacture, ready-mixed, wholesale	3273	2
Manufacture, dry ready-mix, wholesale	3272	2
Mixtures and products-retail	5211	2
Wholesale	5032	2
Consultant, business	8748	7
Contractors, construction - all types:	15,16,17	8
Carpentry	1751	
Commercial and industrial building	154	
Concrete	1771	

Drywall	1742	
Electrical	1731	
Flooring	1752	
General contractors, residential and commercial	15	
Grading/excavating	1794	
Heavy construction other than residential	16	
Masonry	1741	
Painting and paper hanging	1721	
Plastering, dry wall, acoustical, and insulation	1742	
Plumbing, heating and air-conditioning	1711	
Residential building	152	
Roofing, siding and sheet metal	1761	
Signs, erecting	1799	
Special trade contractors	17	
Tile, terrazzo, marble	1743	
Convalescent home	8052	7
Convenience store - primarily gasoline and limited food-retail	5541	1
Convention promoter or decorator	7389	5
Cosmetics:		
Manufacture	2844	4

Retail	5999	3
Wholesale	5122	2
Cotton brokers	6221	5
Cotton presses and warehouses	4221	3
Cotton mill	2211	2
Courier services	4215	3
Court reporting services	7338	2
Cracker manufacture	2051	2
Craft shops	5945	3
Crafters (peddlers)	5963	8
Credit reporting agency	7323	5
Dairy:		
Products - retail	5451	1
Products - wholesale	5143	2
Supplies - wholesale	5084	2
Dance hall	7911	3
Dancing school	7911	3
Data processing:		
Service	7379	5
Systems, supplies and equipment	7372	5

Day care:		
Adult and handicapped	8322	7
Child	8351	7
Decorator, interior	7389	5
Delicatessen	5411	1
Delivery service:		
Local trucking without storage	4212	3
Messenger/courier (except air)	4215	3
Dental equipment and supplies - wholesale	5086	2
Dental laboratory	8072	7
Dentist	8021	7
Department store	5311	1
Design of machinery	8712	7
Detective service	7381	5
Diaper service	7219	6
Directory - telephone - distribution	7389	5
Dog kennel or grooming	0752	3
Dressmaker for retail trade	5699	1
Drinking place - alcoholic	5813	8
Driver training school	8299	7

Drugs - store:		
Retail	5912	3
Wholesale	5122	2
Dry cleaning:		
Coin-operated	7215	6
Retail or agents	7212	6
Wholesale	7219	6
Dry goods:		
Retail	5399	1
Wholesale	5131	2
Dyeing and finishing textiles	2269	2
Eating places	5812	1
Electric appliances and supplies:		
Repair	7629	4
Retail	5722	2
Wholesale	5064	2
Electric power company	4900	8
Electrical contractor	1731	8
Electrical machinery - manufacture	3600	3
Electronics, consumer - retail	5731	2

Elevator dealer - wholesale	5084	2
Elevator maintenance	7699	4
Employment agency	7361	5
Engineering services	8711	7
Engraving, metal	3479	2
Entertainment	7929	3
Equipment rental - construction	7353	5
Escort service	7299	6
Explosives - wholesale	5169	2
Exterminators	7342	5
Excavation work	1794	8
Fabrics - retail	5949	3
Factors	6153	3
Farm and industrial machinery - wholesale	5080	2
Farm machinery - retail	5599	8
Fertilizer:		
Manufacture	2874	4
Retail	5261	2
Wholesale	5191	2
Field warehousing	7389	5

Film:		
Developers for general public	7384	5
Developers for movies and TV	7819	3
Distributor	7822	3
Finance company	6141	3
Fire and security services	7382	5
Fireworks:		
Retail + \$50.00 state license required +	5999	3
Wholesale	5092	2
Fish and seafood:		
Retail	5421	1
Wholesale	5146	2
Fisheries	0912	5
Fishermen's equipment - retail	5941	3
Fixtures and furniture - manufacture	2500	2
Flea market operator	7389	5
Floor covering:		
Contractor	1752	8
Retail	5713	2
Wholesale	5023	2

Florist:		
Retail	5992	3
Wholesale	5193	2
Flour - wholesale	5149	2
Flowers, real or artificial:		
Retail	5992	3
Wholesale	5193	2
Food:		
Broker	5141	2
Retail, not consumed on-premises	5411	1
Wholesale	5141	2
Food service equipment - sale and installation	1799	8
Fortune telling	Prohibited	
Foundry	3300	2
Freight forwarder	4731	1
Fruit and produce:		
Harvesting by machine	0722	3
Retail	5431	1
Wholesale	5148	2
Fuel oil:		

Retail	5983	3
Wholesale	5172	2
Funeral home, mortician, crematory	7261	6
Fur, clothing - retail	5632	1
Furnace:		
Retail	5075	2
Wholesale	5075	2
Heating contractor	1711	8
Furniture:		
Repair, refinishing, upholstering	7641	4
Retail	5712	2
Secondhand	5932	3
Wholesale	5021	2
Manufacture	2500	2
Garage, auto repairs	7538	3
Garbage service, collection and disposal	4953	6
Garbage, collection with disposal	4212	3
Garment pressing, alteration	7212	6
Gas:		
Liquefied petroleum and equipment	5984	3

Natural gas company	4900	8
Gasoline/Service station:		
Retail	5541	1
Wholesale	5172	2
Gift shop	5947	3
Glass:		
Motor vehicles sale and installation	7536	3
Products, manufacture	3200	2
Retail	5231	2
Golf:		
Courses (including miniature)	7992	3
Sporting goods - retail	5941	3
Grain:		
Broker (commodity)	6221	5
Dealer - wholesale or retail	5153	2
Elevator	4221	3
Gravel:		
Retail	5211	2
Wholesale	5032	2
Greeting cards - retail	5947	3

Grocers:		
Retail	5411	1
Wholesale	5141	2
Guards, security	7381	5
Guns:		
Retail or dealer	5941	3
Wholesale	5091	2
Gunsmith	7699	4
Hair grooming	7231-7241	6
Hardware:		
Retail	5251	2
Wholesale	5072	2
Hats:		
Retail	5611	1
Wholesale	5136	2
Hazardous waste storage, disposal or transportation	4953	6
Health:		
Club	7991	3
Food store	5499	1
Health services, HMO	8010	7

Health services, medical service plans (insurance)	6324	8
Home health care services	8082	7
Hearing aids - retail	5999	3
Heating contractor	1711	8
Hemstitching and pleating	7219	6
Hi-fi and stereo, retail	5731	2
Hobby shop	5945	3
Holding companies	6700	7
Home repairs (certification required)	1521	8
Horticulturist	0781	3
Hose, industrial - wholesale	5085	2
Hosiery:		
Mill	2200	2
Retail	5632	1
Wholesale	5137	2
Hospital:		
Animal	0742	3
General medical and surgical	8062	7
Psychiatric	8063	7
Specialty	8069	7

Hotel	7011	2
Hotel supplies, wholesale	5046	2
House mover, wrecker	1799	8
Ice dealer:		
Retail	5999	3
Manufacture	2097	2
Ice cream:		
Manufacture	2024	2
Retail dairy products	5451	1
Shop or stand	5812	1
Wholesale	5143	2
Industrial chemicals - wholesale	5169	2
Industrial and farm machinery and equipment	5080	2
Inn, food and lodging	7011	2
Insulation contractor	1742	8
Insurance - adjuster	6411	7
Agent, broker (see 8 for nonadmitted), solicitor	6411	7
Broker for nonadmitted insurer	6411	8
Company, fire and casualty	633—635	8
Company, life and health	631—632	8

Company, title and others not elsewhere classified	636—639	8
Consultant or engineer	6411	7
Interior decorator	7389	5
Internet:		
Provider, information retrieval	7375	5
E-Mail (electronic mail service only)	4822	4
Investment counselor	6282	5
Investment firm, general brokerage	6211	5
Iron and steel, semi-finished items - wholesale	5051	2
Janitor or housekeeping service	7349	5
Janitor supplies - wholesale	5087	2
Jewelry:		
Repair	7631	4
Retail	5944	3
Wholesale	5094	2
Junk dealer - wholesale	5093	8
Karate school	7999	3
Kennel	0752	3
Kerosene and fuel oil, heating:		
Retail	5983	3

Wholesale	5172	2
Kindergarten	8211	7
Kitchen designers and contractors	1521	8
Knitting mill - textile manufacture	2253	2
Laboratory, testing, commercial	8734	7
Lamps:		
Retail	5719	2
Wholesale	5023	2
Land title or abstract company	6361	1
Landfill, solid waste	4953	6
Landscape service	0781	3
Lapidary:		
Retail shop	5999	3
Supplies and equipment - wholesale	5085	2
Laundries	7215	6
Laundry agent or pickup station	7211	6
Lawn care service	0782	3
Lawnmowers:		
Repair	7699	4
Retail	5261	2

Wholesale	5083	2
Leased equipment, not otherwise listed	7359	5
Leasing company, vehicles, and non-expendable equipment	7510	3
Leather goods, retail	5948	3
Leather and products, manufacture	3111	2
Legal services, attorney	8111	7
Libraries, lending and depositories in stores	8231	7
Limousine service	4111	5
Linen service	7213	6
Livestock dealer and services	0751	3
Locker rental, cold storage of food	4222	3
Locksmith	7699	4
Lodging and roominghouses	7021	2
Luggage - retail	5948	3
Lumber:		
Manufacture	2400	3
Retail	5211	2
Machine shop	3599	4
Magazine, sales or subscriptions, door-to-door	5963	8
Mail order business	5961	3

Management consultant	8742	7
Manicurist	7231	6
Manufactured home (See mobile home)		
Manufacturing:		
Apparel	2300	2
Chemicals and allied products	2800	4
Clay, stone and glass products	3200	2
Computer equipment	3500	4
Electrical machinery, equipment, supplies	3600	3
Furniture and fixtures	2500	2
Leather and leather products	3100	2
Lumber	2400	3
Machinery - industrial, commercial, computer	3500	4
Medicine	2833	4
Metals, primary	3300	2
Metal products	3400	2
Miscellaneous manufacturing (not listed)	3900	2
Paper and allied products	2600	3
Petroleum refining and related	2900	3
Rubber and miscellaneous products	3000	2

Soap	2841	4
Textile mill products	2200	2
Tobacco products	2100	7
Transportation equipment	3700	2
Manufacturing not otherwise listed	3900	2
Marble, building - cut and shape	3281	2
Marble, granite and other stone yards	5032	2
Marina	4493	3
Massage	7299	6
Mattress:		
Manufacture	2515	2
Retail	5712	2
Meat processing	2013	2
Meat:		
Retail market	5421	1
Wholesale	5147	2
Medical and health services	8000	7
Medical, dental, hospital equipment and supplies - wholesale	5047	2
Medicine - manufacture	2833	4
Men's and boys wearing apparel - retail	5611	1

Messenger service	4215	3
Metal jobber - wholesale	5051	2
Metal products, manufacture	3400	2
Milk:		
Retail	5451	1
Wholesale	5143	2
Millinery:		
Retail	5632	1
Wholesale	5137	2
Mining:		
Metals	1000	7
Minerals	1400	5
Miscellaneous business services, not listed	8999	3
Mobile home:		
Sites, rental	6515	7
Repairs	7699	4
Retail	5271	2
Money lender - industrial loans, finance company (not banks)	6141	3
Monuments - retail	5999	3
Mortgage broker	6163	3

Motel	7011	2
Motion picture:		
Film agent	7829	3
Operator	7832	3
Supply house	5043	2
Theater and drive-in	7833	3
Motor freight line	4231	3
Motor vehicle driver training school	8299	7
Motorcycles:		
Dealer or agent	5571	8
Parts and accessories	5531	1
Rental	7999	3
Repairs	7699	4
Motor vehicle dealer - retail	551-552	8
Motors, outboard - retail	5551	8
Movers, trucking and storage	4214	3
Multigraphing or photocopying	7334	5
Music - sheet music and musical instruments:		
Retail	5736	2
School	8299	7

Tapes and compact discs - retail	5735	2
Teachers and educational services	8299	7
Wire transmitted, systems	7389	5
Musicians - entertainers	7929	3
Natatorium or swimming pool	7999	3
Neckwear - retail	5611	1
News syndicate	7383	5
Newspaper:		
Advertising	7311	5
Publishing	2711	4
Retail	5994	3
Wholesale	5192	2
Newsstand	5994	3
Nightclub	5813	8
Notions, novelties:		
Retail	5947	3
Nursery, day	8351	7
Nursery or horticulturist	5261	2
Nurses registry	7361	5
Nursing home:		

Skilled care	8051	7
Intermediate care	8052	7
Assisted living with health care	8053	7
Office building, rental	6531	7
Office building, rental agent	6531	7
Office furniture:		
Rental	7359	5
Retail	5999	3
Wholesale	5021	2
Office machines:		
Rental	7359	5
Retail	5999	3
Service and repair	7629	4
Wholesale	5044	2
Office supplies:		
Retail	5999	3
Wholesale	5112	2
Oil, fuel only:		
Retail	5983	3
Wholesale	5172	2

Ophthalmic goods - wholesale	5048	2
Optical goods:		
Retail	5995	3
Wholesale	5048	2
Optometrist	8042	7
Osteopathic, physicians and clinics	8031	7
Packing house, cold storage	4222	3
Paging service, electronic	4812	8
Paint:		
Manufacture	2851	4
Retail	5231	2
Wholesale	5198	2
Contractor/wallpaper hangers	1721	8
Paper and allied products:		
Manufacture	2621	3
Retail	5943	3
Wholesale	5113	2
Parcel delivery company	4215	3
Parking lots and garages	7521	3
Parking spaces, trailer park	6515	7

Party shop	5411	1
Pawnbrokers, (South Carolina Certificate of Authority and Precious Metals Permit required)	5932	8
Peanut and popcorn stands	5441	1
Peddlers, all types	5963	8
Personal holding company	6719	7
Personal services, miscellaneous	7299	6
Personnel supply services	7361	5
Personnel, management consultants	8742	7
Pest control - exterminators	7342	5
Pet:		
Grooming, kennel, boarding, training	0752	3
Shop	5999	3
Pharmacy	5912	3
Photocopying	7334	5
Photograph developing and retouching	7384	5
Photographer:		
Commercial	7335	5
Portraits	7221	6
Photo supply store - retail	5946	3
Physical fitness center	7991	3

Physician	8011	7
Piano tuner	7699	4
Pianos - retail	5736	2
Pictures or picture frames - retail	5999	3
Plating, silver etc.	3471	2
Plumbing:		
Contractor	1711	8
Supplies and equipment		
Retail	5211	2
Wholesale	5074	2
Pool cleaning	7349	5
Polygraph service	7381	5
Printing or duplicating, all types	2700	4
Produce - retail and wholesale	5141	2
Promoters, sports and entertainment	7941	3
Protective services, security	7381	5
Public relations	8743	7
Publisher	2731	4
Pulpwood yards, wholesale	5099	2
Pumps:		

Retail	5999	3
Wholesale	5084	2
Radiator repairs	7539	3
Radio and TV:		
Retail	5731	2
Rental or lease	7359	5
Repairs	7622	4
Stations	4832	4
Supplies, parts, wholesale	5065	2
Railroad company	4000	8
Real estate:		
Operator, lessors with more than one dwelling unit	651	7
Agent broker, realtor, manager	6531	7
Developer, subdivider	6552	7
Recreation center	7999	3
Recreation vehicle dealer - retail	5561	8
Refrigerators:		
Retail	5722	2
Wholesale	5064	2
Rehabilitation house, after care	8081	7

Rental property income (more than one dwelling unit)	6514	7
Rental service, miscellaneous, not listed	7359	5
Repair services, miscellaneous	7699	4
Reporter, stenographer, fee or commission	7338	5
Repossession service	7389	5
Representative, business	7389	5
Residential care - home	8361	7
Restaurant (without alcohol)	5812	1
Retail trade:		
Apparel and accessories	5699	1
Building materials, hardware, farm equipment, etc.	5200	2
Food	5411	1
Furniture, home equipment	5712	2
General merchandise	5399	1
Miscellaneous, not listed	5999	3
Retirement center	8361	7
Riding school, academy	7999	3
Roofing:		
Contractor	1761	8
Manufacture	2952	3

Retail	5211	2
Wholesale	5033	2
Rooming house	7021	2
Rubber-related products - manufacture	3069	2
Stamps - manufacture	3999	2
Stamps - retail	5999	3
Rug cleaning	7217	6
Rugs and carpets - retail	5713	2
Safes - dealer or agent	5044	2
Sales, door-to-door or by telephone	5963	8
Sales engineer	7389	5
Sales office. See heading under product		
Sales promotion	7389	5
Sand:		
Retail	5211	2
Wholesale	5032	2
Sandwiches:		
Manufacture and wholesale	5149	2
Retail	5812	1
Sanitarium	8051	7

Satellite antenna - sales and installation - household	5731	2
Satellite master antenna systems - services	4841	4
Sausage factory	2013	2
Saw mill, planing mill	2421	3
Saws - wholesale	5072	2
Scales:		
Retail	5999	3
Wholesale	5046	2
School:		
Acting	8299	7
Dance	7911	3
Educational or vocational	8200	7
Supplies and books - retail	5943	3
Supplies and desks - wholesale	5021	2
Scrap Yards - wholesale	5093	8
Screens, doors, windows:		
Manufacture	2431	3
Retail	5211	2
Wholesale	5051	2
Secondhand goods, all types	5932	3

Secretarial service	7338	5
Security and guard services	7381	5
Seeds - retail	5261	2
Sewer pipe - wholesale	5032	2
Sewing machines:		
Manufacture	3634	3
Retail	5722	2
Wholesale	5064	2
Shipyards	3731	2
Shirts, manufacture	2326	2
Shoes:		
Repair	7251	6
Retail	5661	1
Wholesale	5139	2
Shooting gallery	7999	3
Shopping centers leasing	6512	1
Shopping service for individuals	7299	6
Shuffleboards	7999	3
Sightseeing buses	4141	5
Sign painter	7389	5

Signs, erecting	1799	8
Silver and gold dealers - retail	5944	3
Skating rink - ice or rollerskate	7999	3
Soap:		
Manufacture	2841	4
Wholesale	5122	2
Soda fountain	5812	1
Soda fountain supplies - wholesale	5145	2
Soda water - wholesale	5145	2
Soft drinks - wholesale	5145	2
Soft drink stands - retail	5812	1
Solicitor (see peddler)	5963	8
Spa - health club	7991	3
Sporting goods:		
Retail	5941	3
Wholesale	5091	2
Stable, feed, boarding or sales	7999	3
Stamp shop - retail (philatelist)	5999	3
Stationery, including books	5943	3
Statuary - retail	5999	3

Steam, heating and cooling contractor	1711	8
Stenographer, fee or commission	7338	5
Stevedoring	4491	3
Stock broker or dealer	6211	5
Stone, clay, glass products - manufacture	3299	2
Stoves:		
Repair	7699	4
Retail	5722	2
Wholesale	5064	2
Manufacture	3631	3
Sugar - wholesale	5149	2
Surgical instruments - wholesale	5047	2
Surveyor	8713	7
Sweeping service, road, bridges, etc.	4959	6
Swimming pool contractor	1799	8
Tailor, custom - retail	5699	1
Tailor shop - repair	7219	6
Talent agent	7399	5
Tanning salon	7299	6
Tape recorders - retail	5731	2

Tapes, music - retail	5735	2
Tavern	5813	8
Tax service	7291	6
Taxi cab	4121	7
Taxidermist	7699	4
Tea, coffee - retail	5499	1
Telegraph or signal company agent	4822	4
Telephone:		
Answering service	7389	5
Beeper service, radio pager	4812	8
Billing services	7389	5
Communication services (based on gross receipts billed to customers within the county)	4811	8
Company	481	8
Directories, distribution	7389	5
Equipment leasing	7359	5
Equipment sales - retail	5999	3
Installation	1731	8
Maintenance	7629	4
Paging service, electronic	4812	8
Pay phones, public	7389	5

Solicitation service	7389	5
Television:		
Broadcast station	4833	4
Closed circuit system	4841	4
CATV	Franchise	
Pay TV	Franchise	
Television and VCR:		
Rent or lease	7359	5
Repair	7622	4
Tape rental	7841	3
Temporary employment agency	7363	5
Tents:		
Manufacture	2394	2
Repair	7699	4
Retail	5999	3
Textile Mill, fiber, fabric or goods production, dyeing, finishing, printing	2200	2
Theater:		
Motion picture	7832	3
Stage	7922	3
Theatrical or night club act, agent	7922	3

Ticket agent, bureau	7922	3
Tile:		
Contractor	1743	8
Manufacture	3253	2
Retail	5211	2
Wholesale	5032	2
Tin and metal shop, repair only	7699	4
Tires, recapping	7534	3
Tobacco products:		
Manufacture	21	7
Retail	5993	3
Wholesale	5194	2
Tour buses	4141	5
Tourist guides	7999	3
Towel service and rental - uniforms, rags, etc.	7213	6
Toys:		
Retail	5945	3
Wholesale	5092	2
Tractors. See industrial and farm machinery		
Trade shows:		

Promoters	7389	5
Sales (see peddlers)	5963	8
Trading stamps, dealers or companies	7389	5
Trailer parks	6515	7
Transportation - Equipment - manufacture	3799	2
Freight agent, broker	4731	1
Mobile unit handicapped, nursing care	4119	5
Travel - agency, bureau - domestic and foreign	4724	1
Ticket office not operated by transportation company	4729	1
Tour operator	4725	1
Tree trimming, arborist	0783	3
Trophy shop	5999	3
Truck and auto rental or leasing	7513	3
Trucking or hauling, local (without storage)	4212	3
Trusses, dealers	5999	3
Tuxedo rental	7299	6
Typesetting	2791	4
Typewriters and office machines:		
Retail	5999	3
Wholesale	5044	2

Typing service	7338	5
Uniform rental	7299	6
Uniform supply service	7213	6
Upholstery shop	7641	4
Vacuum cleaners:		
Retail	5722	2
Wholesale	5064	2
Variety store	5331	1
Vehicles. See heading under type		
Vending machines:		
Sale of products	5962	8
Wholesale	5046	2
Veterinarian	0742	3
Video poker, coin-operated machines	7993	8
Video tape:		
Rental	7841	3
Sales - retail	5735	2
Vinyl siding - installation	1761	8
Wall paper:		
Retail	5231	2

Wholesale	5198	2
Warehouse and storage	4225	3
Washing cars	7542	3
Washing machines - retail	5722	2
Waste paper and rags - wholesale	5093	2
Watchmaker - repairs	7631	4
Water or steam hose - wholesale	5085	2
Water transportation services	4400	3
Waterbeds retail	5712	2
Weather stripping:		
Installation	1799	8
Retail	5211	2
Weight control - reducing facilities	7991	2
Welding shop	7692	4
Welding supplies - wholesale	5085	2
Wholesalers - not otherwise listed:		
Durable goods	5099	2
Nondurable goods	5199	2
Wigs:		
Retail	5699	1

Wholesale	5199	2
Window cleaning service	7349	5
Women's wearing apparel, retail	5611	1
Wood sawyer, sawing wood by machinery	2421	3
Woodenware - retail	5999	3
Woolen mill	2282-4	2
Wrecker, towing service	7549	3
Wrecking buildings	1795	8
X-ray laboratories	8071	7
X-ray machines - wholesale	5047	2
Yacht basins - operation	4493	3
Yacht clubs	7997	3
Yacht sales	5551	8
Yard cleaning	0782	3
Yard goods:		
Retail	5949	3
Wholesale	5131	2
Yarn:		
Manufacture	2281	2
Retail	5949	3

Yogurt:		
Manufacture	2024	2
Retail shop, stand	5812	1
Wholesale	5143	2

Sec. 18-69. Lawful employment Interstate Commerce.

~~(1) Definitions.~~

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

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

~~(2) Information, education and assistance.~~

~~(a) Employment of unauthorized aliens is unlawful.~~

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

~~(b) Unlawful discrimination.~~

- ~~1. The Federal Immigration and Nationality Act, as amended, and Title VII of the Civil Rights Act of 1964, as amended, the South Carolina Human Affairs Law, as amended, the South Carolina Unfair Trade Practices Act, as amended, among other federal and state laws and regulations prohibit employment discrimination.~~

2. ~~Employers must treat all employees uniformly when completing employment eligibility verification documents. Employers may not set different employment eligibility verification standards for different groups of employees.~~
3. ~~An allegation of discrimination may be filed by an individual who believes he or she is the victim of employment discrimination by contacting the appropriate state and federal agencies. The Beaufort County Business License Department provides a list of state and federal agencies authorized to accept and investigate complaints alleging employment discrimination.~~

~~(3) Enforcement.~~

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

~~(b) Investigation.~~

1. ~~An investigation will commence if an inspection or audit performed pursuant to Beaufort County Code [section 18-57](#) shows that the licensee does not meet the documentation requirements contained in 8 U.S.C. § 1324a for persons employed in Beaufort County. However, pursuant to the notice requirements provided by federal law, licensees shall be allowed three days to produce employment verification documents required under 8 C.F.R. § 274a(b)(2)(ii).~~
2. ~~If the licensee fails to produce the required documentation to the business license division, the business licensing division will commence an enforcement action against the licensee.~~
3. ~~If upon production and review of the required documentation, the business license division obtains verification information pursuant to 8 U.S.C. § 1373 evidencing the licensee's employment of an unauthorized alien, the business license division will notify the licensee.~~

~~(c) Notice.~~

1. ~~Upon the commencement of an enforcement action, the business license division shall provide the licensee with written notice of the findings and notice of further action including, but not limited to, possible suspension of the licensee's business license under Beaufort County Code [section 18-62](#)~~
2. ~~Notice shall be sent to the licensee by United States mail.~~

~~(d) Additional information.~~

1. ~~Upon receipt of notice of the enforcement action, the licensee may submit to the business license division any additional documentation to support that the alleged unauthorized alien is authorized to work in the United States.~~
2. ~~Licensee shall file all additional documentation with the division within 15 business days from the date of notice, unless an extension up to 45 working days is requested and granted. During this period, the licensee's business license shall remain unaltered.~~

~~(e) Suspension of license.~~

1. ~~If upon the expiration of the period referred to in subsection (3)(d)2., the licensee fails to provide additional documentation or if the license official finds the additional documentation does not meet the requirements of 8 U.S.C. § 1324a, the licensee shall be subject to license suspension as provided in Beaufort County Code [section 18-62](#)~~
2. ~~However, the licensee's license shall not be subject to suspension or revocation if licensee produces evidence of compliance with the safe harbor provision under 8 U.S.C. § 1324a(a)(3).~~

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

~~(4) Applicability and effective date.~~

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

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

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

Sec. 18-70. Applicability and effective date.

(a) This article shall become effective on January 1, 2011.

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

Sec. 18-71. Severability.

If any part of the ordinance [codified in this article] is held by a court of competent jurisdiction be unconstitutional, illegal, or invalid for any reason, it shall be construed to have been the legislative intent of the county council of Beaufort County, South Carolina, to pass this Ordinance No. 2014/___ without such unconstitutional, illegal or invalid provision, and the remainder of this Ordinance No. 2014/___ shall be deemed and held to be constitutional, lawful and valid as if such portion had not been included. If this Ordinance No. 2014/___ or any provision thereof is held by a court of competent jurisdiction to be inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

Adopted this ___ day of _____, 2014.

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: April 14, 2014
Second Reading: April 28, 2014
Public Hearing:
Third and Final Reading: