

COUNTY COUNCIL OF BEAUFORT COUNTY
ADMINISTRATION BUILDING
BEAUFORT COUNTY GOVERNMENT ROBERT SMALLS COMPLEX
100 RIBAUT ROAD
POST OFFICE DRAWER 1228
BEAUFORT, SOUTH CAROLINA 29901-1228
TELEPHONE: (843) 255-2000
FAX: (843) 255-9401
www.bcgov.net

D. PAUL SOMMERVILLE
CHAIRMAN

GERALD W. STEWART
VICE CHAIRMAN

COUNCIL MEMBERS

CYNTHIA M. BENSCH
RICK CAPORALE
GERALD DAWSON
BRIAN E. FLEWELLING
STEVEN G. FOBES
ALICE G. HOWARD
WILLIAM L. MCBRIDE
STUART H. RODMAN
ROBERTS "TABOR" VAUX

GARY T. KUBIC
COUNTY ADMINISTRATOR

JOSHUA A. GRUBER
DEPUTY COUNTY ADMINISTRATOR
SPECIAL COUNSEL

SUZANNE M. RAINEY
CLERK TO COUNCIL

AGENDA
COUNTY COUNCIL OF BEAUFORT COUNTY
Monday, April 13, 2015
4:00 p.m.
Council Chambers
Administration Building
Beaufort County Government Robert Smalls Complex
100 Ribaut Road, Beaufort

Citizens may participate in the public comment periods and public hearings from telecast sites at County Council Chambers, Beaufort as well as Mary Field School, Daufuskie Island.

1. CAUCUS - 4:00 P.M.
 - A. Discussion of Consent Agenda
 - B. 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 Steven Fobes
6. ADMINISTRATIVE CONSENT AGENDA
 - A. Approval of Minutes – March 23, 2015 ([backup](#))
 - B. Receipt of County Administrator’s Three-Week Progress Report ([backup](#))
 - C. Receipt of Deputy County Administrator/Special Counsel’s Three-Week Progress Report ([backup](#))
 - D. Committee Reports (next meeting)
 1. Community Services (April 27 at 2:00 p.m., ECR)
 - a. Minutes – March 23, 2015 ([backup](#))
 2. Executive (June 8 at 1:00 p.m., ECR)
 - a. Minutes – March 9, 2015 ([backup](#))
 3. Finance (April 20 at 2:00 BIV #3)
 4. Governmental (May 4 at 4:00 p.m., ECR)
 - a. Minutes – April 6, 2015 ([backup](#))
 - b. Minutes – March 23, 2015 ([backup](#))
 5. Natural Resources (May 4 at 2:00 p.m., ECR)
 - a. Minutes – April 6, 2015 ([backup](#))



6. Public Facilities (April 20 at 4:00 p.m., BIV #3)
 - a. Minutes – March 16, 2015 ([backup](#))
- E. Appointments to Boards and Commissions ([backup](#))
7. PROCLAMATION
 - A. Sexual Assault Awareness/Prevention and Child Abuse Prevention Month ([backup](#))
Ms. Meredith Bannon, Board of Directors, Hope Heaven
8. PUBLIC COMMENT
9. CONSENT AGENDA
 - A. AN ORDINANCE TO AMEND BEAUFORT COUNTY ORDINANCE 2014/14, FY 2014-2015 BEAUFORT COUNTY BUDGET BY DELETING EXISTING APPROPRIATION LEVELS SO AS NOT TO EXCEED ANTICIPATED GENERAL REVENUES (DELETES \$1.9 MILLION FROM GENERAL FUND BUDGET) ([backup](#))
 1. Consideration of second reading approval to occur April 13, 2015
 2. Public hearing announcement – Monday, April 27, 2015 beginning at 6:00 p.m. in Council Chambers of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort
 3. First reading approval occurred March 23, 2015 / Vote 11:0
 4. Finance Committee discussion and recommendation to approve ordinance on first reading occurred March 16, 2015 / Vote: 5:0
 - B. AN ORDINANCE TO APPROPRIATE \$150,000 FROM THE 3% LOCAL ACCOMMODATIONS TAX FUND TO THE SANTA ELENA FOUNDATION (CULTURAL INTERPRETIVE CENTER) ([backup](#))
 1. Consideration of second reading approval to occur April 13, 2015
 2. Public hearing announcement – Monday, April 27, 2015 beginning at 6:00 p.m. in Council Chambers of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort
 3. First reading approval occurred March 23, 2015 / Vote 11:0
 4. Finance Committee discussion and recommendation to approve ordinance on first reading occurred March 16, 2015 / Vote: 4:1
 - C. AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A LEASE AGREEMENT WITH DIAMOND TRANSPORTATION, LLC (PARKING OF VEHICLES AT 16 HUNTER ROAD, HILTON HEAD ISLAND) ([backup](#))
 1. Consideration of second reading approval to occur April 13, 2015
 2. Public hearing announcement – Monday, April 27, 2015 beginning at 6:00 p.m. in Council Chambers of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort
 3. First reading approval occurred March 23, 2015 / Vote 11:0
 4. Finance Committee discussion and recommendation to approve ordinance on first reading occurred March 16, 2015 / Vote: 5:0

D. AN ORDINANCE TO APPROPRIATE NOT TO EXCEED \$76,810 FROM THE 3% LOCAL ACCOMMODATIONS TAX FUND TO THE GENERAL FUND FOR THE BROAD RIVER FISHING PIER REHABILITATION PROJECT ([backup](#))

1. Consideration of second reading approval to occur April 13, 2015
2. Public hearing announcement – Monday, April 27, 2015 beginning at 6:00 p.m. in Council Chambers of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort
3. First reading approval occurred March 23, 2015 / Vote 11:0
4. Public Facilities Committee discussion and recommendation to approve ordinance on first reading occurred March 16, 2015 / Vote: 5:1

E. AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED \$12,000,000 GENERAL OBLIGATION BONDS AND \$12,000,000 GENERAL OBLIGATION BOND ANTICIPATION NOTES, IN ONE OR MORE SERIES, IN ONE OR MORE YEARS, WITH APPROPRIATE SERIES DESIGNATIONS, OF BEAUFORT COUNTY, SOUTH CAROLINA; FIXING THE FORM AND DETAILS OF THE BOND AND THE NOTES; DELEGATING TO THE COUNTY ADMINISTRATOR CERTAIN AUTHORITY RELATED TO THE BONDS AND THE NOTES; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE NOTES AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO (PEPPER HALL PLANTATION) ([backup](#))

1. Consideration of first reading approval to occur April 13, 2015
2. Finance Committee discussion and recommendation to approve ordinance on first reading occurred March 16, 2015 / Vote: 5:0

F. A RESOLUTION ENDORSING THE RELOCATION OF THE OLD SHELDON CHURCH ROAD ELECTRIC TRANSMISSION LINE AS PROPOSED BY SOUTH CAROLINA ELECTRIC AND GAS COMPANY ([backup](#))

1. Natural Resources Committee discussion and recommendation to approve ordinance on first reading occurred April 6, 2015 / Vote: 7:0

10. A RESOLUTION TRANSFERRING 43.57 ACRES OF PROPERTY LOCATED ON THE CHECHESSEE RIVER TO THE BEAUFORT COUNTY RURAL AND CRITICAL PROGRAM ([backup](#))

11. PUBLIC HEARINGS

A. AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA TO AMEND SECTION 2-346, *ET SEQ.* OF THE BEAUFORT COUNTY CODE OF LAWS ESTABLISHING THE SALARIES FOR VARIOUS ELECTED OFFICIALS, EXCLUDING COUNTY COUNCIL MEMBERS (TO AMEND SECTION 2-347– ENTRY LEVEL SALARY, TO INCLUDE MAGISTRATES AND MASTER-IN-EQUITY) ([backup](#))

1. Consideration of third and final reading approval to occur April 13, 2015
2. Second reading approval occurred March 23, 2015 / Vote 11:0
3. First reading approval occurred March 9, 2015 / Vote 8:1:1:1
4. Finance Committee discussion and recommendation to approve ordinance on first reading occurred February 16, 2015 / Vote: 4:1

B. AN ORDINANCE TO APPROPRIATE FUNDS NOT TO EXCEED \$806,727 FROM THE 3% LOCAL ACCOMMODATIONS TAX FUND TO THE COUNTY GENERAL FUND FOR CONSTRUCTION OF THE SPANISH MOSS TRAIL – PHASE 2 (1.7 MILES FROM DEPOT ROAD TO BROAD RIVER BOULEVARD) ([backup](#))

1. Consideration of third and final reading approval to occur April 13, 2015
2. Second reading approval occurred March 23, 2015 / Vote 11:0
3. First reading approval occurred March 9, 2015 / Vote 11:0
4. Public Facilities Committee discussion and recommendation to approve ordinance on first reading occurred February 16, 2015 / Vote: 4:1

C. TEXT AMENDMENT TO THE ORDINANCE ESTABLISHING A ROAD MAINTENANCE FEE ON ALL VEHICLES WHICH ARE DOMICILED AND GARAGED IN BEAUFORT COUNTY AND THEREBY USE THE ROADWAYS AND BRIDGES OWNED AND MAINTAINED BY BEAUFORT COUNTY AND THE STATE TO INCREASE THE FEE FROM \$10.00 TO \$16.50 AND PROVIDE FOR SUBSEQUENT INCREASES AS APPROPRIATE BASED ON THE CONSUMER PRICE INDEX ([backup](#))

1. Consideration of third and final reading approval to occur April 13, 2015
2. Second reading approval occurred March 23, 2015 / Vote 11:0
3. First reading approval occurred March 9, 2015 / Vote 8:3
4. Public Facilities Committee discussion and recommendation to approve ordinance on first reading occurred February 16, 2015 / Vote: 4:1

12. PUBLIC COMMENT

13. ADJOURNMENT

Official Proceedings
County Council of Beaufort County
March 23, 2015

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 Monday, March 23, 2015 beginning at 4:00 p.m. in the large meeting room of the Hilton Head Island Branch Library, 11 Beach City Road, Hilton Head Island, South Carolina.

ATTENDANCE

Chairman D. Paul Sommerville, Vice Chairman Gerald Stewart and Councilmen Cynthia Bensch, Rick Caporale, Gerald Dawson, Brian Flewelling, Steven Fobes, Alice Howard, William McBride, Stewart Rodman and Roberts "Tabor" Vaux.

DISCUSSION ITEMS

At the request of Mr. Flewelling, agenda item 10C, text amendment to the ordinance establishing a road maintenance fee on all vehicles which are domiciled and garaged in Beaufort County and thereby use the roadways and bridges owned and maintained by Beaufort County and the state to increase the fee from \$10.00 to \$20.00 and provide for subsequent increases as appropriate based on the consumer price index, was removed from the consent agenda.

At the request of Mr. Rodman, agenda item 10A, an ordinance of the County of Beaufort, South Carolina to amend section 2-346, *et seq.* of the Beaufort County Code of Laws establishing the salaries for various elected officials, excluding County Council members, was removed from the consent agenda.

At the request of Mr. Rodman, agenda item 10D, an ordinance to amend Beaufort County Ordinance 2014/14, FY 2014-2015 Beaufort County budget by deleting existing appropriation levels so as not to exceed anticipated general revenues, was removed from the consent agenda.

At the request of Mr. Rodman, agenda item 10E, a resolution to amend Resolution No. 2003-23 and subsequent resolutions so as to terminate health care benefits for certain retirees, was removed from the consent agenda.

CALL FOR EXECUTIVE SESSION

It was moved by Mr. Flewelling, seconded by Mr. Dawson, that Council go immediately into executive session regarding: (i) discussion of negotiations incident to proposed contractual arrangements and proposed purchase of property, and (ii) receipt of legal advice for pending or threatened claims, The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

EXECUTIVE SESSION

RECONVENE OF REGULAR SESSION

REGULAR MEETING

The regular meeting of the County Council of Beaufort County was held Monday, March 23, 2015 beginning at 4:00 p.m. in the large meeting room of the Hilton Head Island Branch Library, 11 Beach City Road, Hilton Head Island, South Carolina.

ATTENDANCE

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

PLEDGE OF ALLEGIANCE

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

INVOCATION

Councilman Brian Flewelling 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 9, 2015

This item comes before Council under the Administrative Consent Agenda.

It was moved by Mr. Sommerville, seconded by Mr. Dawson, that Council approve the minutes of the regular meeting held March 9, 2015. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. 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 March 9, 2015 through March 20, 2015.

Deputy County Administrator/Special Counsel’s Two-Week Progress Report

This item comes before Council under the Administrative Consent Agenda.

Mr. Josh Gruber, Deputy County Administrator/Special Counsel, presented his Two-Week Progress Report, which summarized his activities from March 9, 2015 through March 20, 2015.

Committee Reports

Community Services Committee

Alcohol and Drug Abuse Board

Mr. McBride, as Chairman of the Community Services Committee, nominated Charles Hammel, for reappointment, and Ray Spellerberg, for appointment, to serve as members of the Alcohol and Drug Abuse Board.

Disabilities and Special Needs Board

Mr. McBride, as Chairman of the Community Services Committee, nominated Robert Collar, Nancy Pinkerton and Jill Striebinger for reappointment to serve as members of the Disabilities and Special Needs Board.

Parks and Leisure Services Board

Mr. McBride, as Chairman of the Community Services Committee, nominated Erac Priester, representing northern Beaufort County, and Arthur Middleton, representing northern Beaufort County, for reappointment to serve as members of the Parks and Leisure Services Board.

Finance Committee

Accommodations Tax (2% State) Board

Vimal Desai

Mr. Stewart, as Chairman of the Finance Committee, nominated Vimal Desai, representing lodging/hospitality, to serve as a member of the Accommodations Tax (2% State) Board.

Walter Young

Consideration of Walter Young, representing lodging/hospitality, was referred to the Finance Committee.

Airports Board

Will Dopp

The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. Mr. Will Dopp, representing proximity to Hilton Head Island Airport, was reappointed to serve as a member of the Airports Board after garnering the ten votes required to reappoint.

Anne Esposito

The vote: YEAS - Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. NAYS – Mrs. Bensch and Mr. Caporale. Mrs. Anne Esposito, representing active pilot/aircraft owner at Hilton Head Island Airport, was reappointed to serve as a member of the Airports Board after garnering the six votes required to reappoint.

Mr. Stewart announced the resignation of Mr. Norman Kerr as a member of the Airports Board. Mr. Kerr was appointed May 2009 to represent active/recently retired commercial pilot.

Leslie Adlman

The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. Mrs. Leslie Adlman, representing qualifications, was appointed to serve as a member of the Airports Board after garnering the six votes required to reappoint.

Motion to Suspend Rules of Council / Vote on Ronald Smetek

It was moved by Mr. Rodman, seconded by Mr. Caporale, that Council suspend its rules for the purpose of voting on the reappointment of Ronald Smetek, representing proximity to Hilton Head Island Airport. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Fobes and Mr. Vaux. NAYS – Mr. Flewelling, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Stewart and Mr. Sommerville. The motion failed.

James Buckley

The vote: YEAS - Mr. Dawson, Mr. Flewelling, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Stewart and Mr. Sommerville. NAYS - Mrs. Bensch, Mr. Caporale, Mr. Fobes and Mr. Vaux. Mr. James Buckley, representing proximity to Hilton Head Island Airport, was appointed to serve as a member of the Airports Board after garnering the six votes required to reappoint.

Robert Richardson

The previous vote of Council to appoint Mr. Buckley, representing proximity to Hilton Head Island Airport, to serve as a member of the Airports Board, ended the discussion thereby eliminating the need to vote for Robert Richardson.

Mr. Stewart, as Chairman of the Finance Committee, nominated Dan Ahern, representing proximity to Lady's Island Airport, for reappointment to serve as a member of the Airports Board.

Mr. Stewart, as Chairman of the Finance Committee, nominated Lawrence Roberts, representing proximity to Lady's Island Airport, for appointment to serve as a member of the Airports Board.

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

PUBLIC COMMENT

The Chairman recognized Mrs. Susan Zellman, liaison to the Beaufort County Council on the Government and Business Affairs Committee of Sun City, distributed copies of *Sunsations Magazine* and invited Council to attend a reception celebrating Sun City's 20th Anniversary on May 8, 2015.

Mr. David Arnal, representing Experience Green, requested \$30,000 from the remaining funds of the Lowcountry Economic Alliance dissolution to non-profit organizations.

Ms. Lynn Miller, a member of the Library Board, reviewed with Council some of the services offered by the County's libraries. She hopes some members of Council will help find adequate funding for the libraries.

Ms. Majken Johnson, a member of the Board of Directors for the Townes at Buckwalter, spoke in opposition to the most recent Phase 5B realignment of the Buckwalter Parkway as it relates to removing the traffic light at the intersection of Buckwalter Parkway, Bluffton Parkway and The Townes Boulevard. She requested the County make an exception to the minimum distance requirement between lights.

Ms. Sue Gibson, a resident of the Towns at Buckwalter, asked Council to keep the traffic light at the intersection of Buckwalter Parkway, Bluffton Parkway and The Townes Boulevard.

Mr. Tom Herman, representing Ameris Bank, asked Council to keep the traffic light or at least install a traffic circle at the intersection of Buckwalter Parkway, Bluffton Parkway and The Townes Boulevard.

Dr. David Kim, representing the Georgia Eye Institute, asked Council to keep the traffic light at the intersection of Buckwalter Parkway, Bluffton Parkway and The Townes Boulevard.

Mr. Tom Zinn, owner of Buckwalter Commercial, LLC-Team, asked Council to keep the traffic light at the intersection of Buckwalter Parkway, Bluffton Parkway and The Townes Boulevard.

Mr. William Smith stated libraries are an important component of our community. Please ensure the libraries are fully funded.

Mr. Kelly Stewart, a County employee, spoke about the elimination of health care benefits for certain retirees. Please table this issue and consider other options.

Ms. Karen Lavery, a resident of The Townes at Buckwalter and a Bluffton Town Council member, asked Council to keep the traffic light at the intersection of Buckwalter Parkway, Bluffton Parkway and The Townes Boulevard.

PRESENTATION / USC-BEAUFORT SMALL BUSINESS DEVELOPMENT CENTER

Mr. Martin Goodman, Executive Director, and Ms. Pat Cameron, Business Consultant, USC-Beaufort Small Business Development Center (SBDC), explained that the SBDC is a federal, state and local program that provides one-on-one business consulting at no charge. The program is available in all 50 states and U.S. territories. SBDC assists new business owners as well as existing business owners. SBDC helps entrepreneurs market research data, develop financial projections and analysis, prepare business plan(s), prepare and package loan documents, set-up bookkeeping (QuickBooks® training), set-up payroll and payroll tax training, prepare license and permit data applications, and answer general business questions. Existing business services include assistance with loan packages, business analysis, strategic planning, buying and selling business, financial analysis, human resource assistance, employee manuals, payroll tax assistance, and assistance with government contracting and procurement. The 2014 local economic impact follows: SBDC assisted 143 clients; created 155 jobs, 15 new business starts, served 232 citizens, loans and owner investment of \$6,240,550, and wages into the local economy of \$5,553,805.

RESOLUTION DESIGNATING APRIL 2015 AS FAIR HOUSING MONTH

It was moved by Mr. Flewelling, seconded by Mr. McBride, that Council adopt a resolution designating April 2015 as Fair Housing Month and encouraging all citizens to endorse Fair Housing opportunities for all, not only during Fair Housing month, but also throughout the year. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA TO AMEND SECTION 2-346, ET SEQ. OF THE BEAUFORT COUNTY CODE OF LAWS ESTABLISHING THE SALARIES FOR VARIOUS ELECTED OFFICIALS, EXCLUDING COUNTY COUNCIL MEMBERS

It was moved by Mr. Stewart, as Finance Committee Chairman (no second required), that Council approve on second reading an ordinance of the County of Beaufort, South Carolina to amend Section 2-346, et seq. of the Beaufort County Code of Laws establishing the salaries for various elected officials, excluding County Council members. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

The Chairman announced a public hearing Monday, April 13, 2015 beginning at 6:00 p.m. in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort.

TEXT AMENDMENT TO THE ORDINANCE ESTABLISHING A ROAD MAINTENANCE FEE ON ALL VEHICLES WHICH ARE DOMICILED AND GARAGED IN BEAUFORT COUNTY AND THEREBY USE THE ROADWAYS AND BRIDGES OWNED AND MAINTAINED BY BEAUFORT COUNTY AND THE STATE TO INCREASE THE FEE FROM \$10.00 TO \$20.00 AND PROVIDE FOR SUBSEQUENT INCREASES AS APPROPRIATE BASED ON THE CONSUMER PRICE INDEX

Motion to reconsider the action of March 9, 2015: It was moved by Mr. Caporale (who voted on the prevailing side), seconded by Mrs. Bensch (who voted on the prevailing side), that Council reconsider the motion that Council increase the fee from \$10.00 to \$20.00 and provide for subsequent annual increases as appropriate based on the Consumer Price Index. The was: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mrs. Howard, Mr. McBride, Mr. Rodman and Mr. Vaux. NAYS – Mr. Fobes, Mr. Stewart and Mr. Sommerville. The motion passed.

Substitute motion, which replaces the original motion of March 9, 2015: It was moved by Mr. Flewelling, seconded by Mrs. Bensch, that Council increase the road maintenance fee from \$10.00 to \$16.50 and provide for subsequent increases as appropriate based on the Consumer Price Index. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

The Chairman announced a public hearing Monday, April 13, 2015 beginning at 6:00 p.m. in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort.

AN ORDINANCE TO AMEND BEAUFORT COUNTY ORDINANCE 2014/14, FY 2014-2015 BEAUFORT COUNTY BUDGET BY DELETING EXISTING APPROPRIATION LEVELS SO AS NOT TO EXCEED ANTICIPATED GENERAL REVENUES (DELETES \$1.9 MILLION FROM GENERAL FUND BUDGET)

Mr. Gary Kubic, County Administrator, explained that when Council adopted the FY 2014-15 budget ordinance, in the appropriation ordinance, it called for administration to restructure approximately \$1.9 million so that at the end of a full 12 months and not replacing approximately 40 employees, that the revenue collected would support the appropriations in that ordinance. In other words, he had to reduce the expenditure movements during this fiscal year by \$1.9 million -- a requirement in the base ordinance. The actual vacancy factor that we were reviewing with each payroll indicated that we were not going to make the original projection that we needed for 40 non-replaced positions. We are somewhere between six and nine. As a result of that projection, it became clear to us that we would not be able to meet the original intent of that restructuring of \$1.9 million by simply not replacing employees. The purpose of this ordinance is to delete \$1.9 million out of the operating budget. It cuts approximately \$2.0 million from this fiscal year's appropriation ordinance so that at the end of 12 months, the revenue that we collect will match the actual appropriation, which, as a result of this ordinance, will go from \$102 million down to approximately \$100 million.

There are several features involved in this beside the individual cuts by the various areas. It is to position us going into FY 2016 and not having to utilize any of the reserves that would be required if we did not have this piece during FY 2015. Mr. Kubic thanked all of the department heads, state agencies, and elected officials who came up with the cost cuts. He reminder the community that we are deleting \$1.9 million of the general fund budget.

It was moved by Mr. Flewelling, seconded by Mr. Dawson, that Council approve on first reading an ordinance to amend Beaufort County Ordinance 2014/14, FY 2014-2015 Beaufort County Budget by deleting existing appropriation levels so as not to exceed anticipated general revenues (deletes \$1.9 million from general fund budget). The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

The Chairman announced a public hearing Monday, April 13, 2015 beginning at 6:00 p.m. in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort.

A RESOLUTION TO AMEND RESOLUTION NO. 2003-23 AND SUBSEQUENT RESOLUTIONS SO AS TO TERMINATE HEALTH CARE BENEFITS FOR CERTAIN RETIREES

Mr. Gary Kubic, County Administrator, stated this item is before Council as an administrative recommendation regarding the termination of a benefit voted on by Council November 10, 2003 (effective January 1, 2004): “For all new retirees and currently participating retirees, the County pays the employer’s portion of the premium for group health insurance for retirees based on length of service with the County, and adopted by the Bluffton Township Fire District, as follows: ‘28 or more years of service – 100%; 21 through 27.99 years of service – 75%; and 15 through 20.99 years of service - 50%.’” During the last year, particularly in the focus of employee hospitalization, and to put this into a sense of cost, the County is expecting in FY 2016 an increase in hospitalization expenses countywide of over \$2.0 million. The projections by the consultants and the accountants indicate that these retiree benefits first, in the Bluffton Township Fire District, that they face a catastrophic dilemma as the years go if this benefit continues; and second, to the County, the pool of 590 eligible employees because we saw that we needed to begin constraining this benefit when we took it away as an option for new employees so we locked it down to a specific pool. That pool currently has 95 retirees who are receiving this benefit. What we planned on doing as a result, if this resolution is adopted, is that we are going to address all 500 employees who are affected as we proceed towards next year when the anticipated termination date would be July 1, 2016. It is very difficult to discuss this for individuals who are in that pool. It is equally difficult to look at the taxpayers -- on one hand we know we have former employees involved, on the other hand the obligation to the taxpayers today and in the future – as this benefit continues, will take the required tax hikes or the cuts to current services to make up what this is going to cost.

After consulting with the Fire District on this issue, we collaborated with them in conferring with the benefit consultants as well as the folks who are assisting us in the legal matters. It is a consensus of the Fire District Board and our administration that unfortunately we have to present this resolution as a recommendation to terminate these benefits for retirees. We are not the only governmental agency involved in these types of decisions. We know of one that is preceding us that went into effect with the cuts last year. This is a cost containing recommendation.

It was moved by Mr. Flewelling, seconded by Mr. Dawson, that Council adopt a resolution authorizing the County Administrator to take all actions necessary, appropriate, or required to carry out the termination of the benefits created under Resolution 2003-23 and that Resolution 2003-23 is hereby rescinded with an effective termination of benefits date of July 1, 2016. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

CONSENT AGENDA

AN ORDINANCE TO APPROPRIATE FUNDS NOT TO EXCEED \$806,727 FROM THE 3% LOCAL ACCOMMODATIONS TAX FUND TO THE COUNTY GENERAL FUND FOR CONSTRUCTION OF THE SPANISH MOSS TRAIL – PHASE 2 (1.7 MILES FROM DEPOT ROAD TO BROAD RIVER BOULEVARD)

This item comes before Council under the Consent Agenda. Discussion occurred at the February 16, 2015 meeting of the Public Facilities Committee.

It was moved by Mr. Flewelling, seconded by Mr. Dawson, that Council approve on second reading an ordinance to appropriate funds not to exceed \$806,727 from the 3% Local Accommodations Tax fund to the County General Fund for construction of the Spanish Moss Trail – Phase 2 (1.7 miles from Depot Road to Broad River Boulevard). The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

The Chairman announced a public hearing Monday, April 13, 2015 beginning at 6:00 p.m. in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort.

AN ORDINANCE TO APPROPRIATE \$150,000 FROM THE 3% LOCAL ACCOMMODATIONS TAX FUND TO THE SANTA ELENA FOUNDATION (CULTURAL INTERPRETIVE CENTER)

This item comes before Council under the Consent Agenda. Discussion occurred at the March 16, 2015 meeting of the Finance Committee.

It was moved by Mr. Flewelling, seconded by Mr. Dawson, that Council approve on first reading an ordinance to appropriate \$150,000 from the 3% Local Accommodations Tax fund to the Santa Elena Foundation (cultural interpretive center). The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A LEASE AGREEMENT WITH DIAMOND TRANSPORTATION, LLC (PARKING OF VEHICLES AT 16 HUNTER ROAD, HILTON HEAD ISLAND)

This item comes before Council under the Consent Agenda. Discussion occurred at the March 16, 2015 meeting of the Finance Committee.

It was moved by Mr. Flewelling, seconded by Mr. Dawson, that Council approve on first reading an ordinance authorizing the County Administrator to execute a lease agreement with Diamond Transportation, LLC for the use of the property located at 16 Hunter Road, Hilton Head Island, South Carolina (parking of vehicles). The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

PURCHASE OF TWO NEW 2015 VOLVO MODEL G930 MOTOR GRADERS FOR PUBLIC WORKS DEPARTMENT

This item comes before Council under the Consent Agenda. Discussion occurred at the March 16, 2015 meeting of the Public Facilities Committee.

It was moved by Mr. Flewelling, seconded by Mr. Dawson, that Council award a contract to ASC Construction Equipment, Savannah, Georgia for the purchase of two new 2015 Volvo Model G930 motor graders in the amount of \$313,000. The source of funding is account #400090011-54213, 2014 Bonds, Special Capital Equipment, Public Works. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

AN ORDINANCE TO APPROPRIATE NOT TO EXCEED \$76,810 FROM THE 3% LOCAL ACCOMMODATIONS TAX FUND TO THE GENERAL FUND FOR THE BROAD RIVER FISHING PIER REHABILITATION PROJECT

This item comes before Council under the Consent Agenda. Discussion occurred at the March 16, 2015 meeting of the Public Facilities Committee.

It was moved by Mr. Flewelling, seconded by Mr. Dawson, that Council approve on first reading an ordinance to appropriate not to exceed \$76,810 from the 3% Local Accommodations Tax Fund to the General Fund for the Broad River Fishing Pier Rehabilitation Project. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

PURCHASE OF THREE MINI VANS WITH WHEELCHAIR TIE-DOWN AND RAMP CONVERSION FOR DISABILITIES AND SPECIAL NEEDS DEPARTMENT

This item comes before Council under the Consent Agenda. Discussion occurred at the March 23, 2015 meeting of the Community Services Committee.

It was moved by Mr. Flewelling, seconded by Mr. Dawson, that Council award a contract to Mobility Supercenter of Charleston, South Carolina in the amount of \$144,945 for the purchase of three mini vans with wheelchair tie-down and ramp conversion for the Disabilities and Special Needs Department. The source of funding is accounts 24420011-54000-Day Program, 24470011-54000-Port Royal and 24450013-54000-Peyton Way CTHII Disabilities and Special Needs-Vehicle Purchases (DSN). The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson,

Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

A RESOLUTION AGREEING TO REQUEST A SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION MATCHING GRANT IN THE AMOUNT OF \$80,000 FOR FERRY SERVICE TO AND FROM DAUFUSKIE ISLAND

This item comes before Council under the Consent Agenda. Discussion occurred at the March 23, 2015 meeting of the Community Services Committee.

It was moved by Mr. Flewelling, seconded by Mr. Dawson, that Council adopt a resolution agreeing to request a South Carolina Department of Transportation matching grant in the amount of \$80,000 for ferry service to and from Daufuskie Island. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

A RESOLUTION ENDORSING AN APPLICATION AND COMMITMENT OF 10% LOCAL FUNDS (\$55,000 ESTIMATE) REQUIRED FOR A COMMUNITY DEVELOPMENT BLOCK GRANT OF APPROXIMATELY \$556,000 FOR INSTALLATION OF WATER LINES IN THE SEABROOK COMMUNITY

This item comes before Council under the Consent Agenda. Discussion occurred at the March 23, 2015 meeting of the Community Services Committee.

It was moved by Mr. Flewelling, seconded by Mr. Dawson, that Council adopt a resolution endorsing an application and commitment of 10% local funds (\$55,000 estimate) required for a Community Development Block Grant of approximately \$556,000 for installation of water lines in the Seabrook Community. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

A RESOLUTION TO COMMISSION AN 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

This item comes before Council under the Consent Agenda. Discussion occurred at the March 23, 2015 meeting of the Community Services Committee.

It was moved by Mr. Flewelling, seconded by Mr. Dawson, that Council adopt a resolution to commission an 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. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

PUBLIC COMMENT

The Chairman recognized Mr. Sharif, a resident of Hilton Head Island, who asked Council to reduce the funding level for both the Fire District and Sheriff’s Office.

Ms. Karen Lavery a resident of the Townes at Buckwalter and a Bluffton Town Council member, asked Council to keep the traffic light at the intersection of Buckwalter Parkway, Bluffton Parkway and The Townes Boulevard.

Mr. Tom Zinn, owner of Buckwalter Commercial, LLC-Team, stated we need to come to a conclusion regarding th Georgia Eye Institute locating at the intersection of Buckwalter Parkway, Bluffton Parkway and The Townes Boulevard.

REQUEST FOR OFF-AGENDA ITEM

It was moved by Mr. Dawson, seconded by Mr. Vaux, that Council hear an off-agenda item regarding a passive park that may include a gun range on the Duncan Farms property. The vote: YEAS – Mr. Caporale, Mr. Dawson, Mrs. Howard, Mr. Rodman, Mr. Stewart and Mr. Vaux. NAYS – Mrs. Bensch, Mr. Flewelling, Mr. Fobes, Mr. McBride and Mr. Sommerville. The motion failed due to the lack of the required a two-thirds vote to hear an off-agenda item.

ADJOURNMENT

Council adjourned at 7:26 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

ATTEST _____
Suzanne M. Rainey, Clerk to Council

Ratified:



Memorandum

DATE: April 10, 2015

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 March 23, 2015 through April 10, 2015:

March 23, 2015

- Employee orientation
- Joshua Gruber and Eric Larson re: Stormwater Master Plan Proposal / Disaster Recovery Task Force Deputy Director vacancy
- Shannon Loper
- Community Services Committee
- Governmental Committee
- Caucus
- County Council

March 24, 2015

- Joshua Gruber, Jim Minor and Abby Goldsmith, of SAIC Energy, Environment & Infrastructure, LLC re: Waste Management contract
- Joshua Gruber, Monica Spells, Andrew Dalkos, Chris McCordendale, Vice President of Operations and Strategic Sales, Hargray, and Gerrit Albert, Vice President of Sales and Marketing, Hargray re: Broadband initiative
- Joshua Gruber, Phil Foot and Chuck Laine, Chairman, Hilton Head Humane Association re: Hilton Head Humane Association / Animal Shelter partnership
- Joshua Gruber, Marc Orlando and Terry Finger re: County / Town issues

March 25, 2015

- Paul Sommerville, Jerry Stewart, Anita Zucker, Chair-elect, and Lonnie Carter, Board Chairman, Charleston Regional Development Alliance re: Economic Development discussions

COUNTY COUNCIL

April 10, 2015

Page 2

March 26, 2015

- Personal leave

March 27, 2015

- Personal leave

March 30, 2015

- Employee orientation
- Interview / County Attorney Position

March 31, 2015

- Beaufort Middle School Students - Government Day

April 1, 2015

- Chairman Paul Sommerville, Jerry Stewart, and Allison Coppage re: Bluffton Parkway Phases 6 & 7

April 2, 2015

- Interview / Library Director Position
- Joshua Gruber re: Deputy County Administrator Six-Month Performance Evaluation

April 3, 2015

- Joshua Gruber, Alicia Coppage and Suzanne Gregory re: Beaufort County Employee Handbook (Draft)

April 6, 2015

- Employee orientation
- Natural Resources Committee
- Governmental Committee

April 7, 2015

- Colin Kinton re: Buckwalter Parkway Access Management Plan
- Kerri Colditz, of Neace Lukens Insurance Agency re: County Health Benefits
- Joshua Gruber

COUNTY COUNCIL

April 10, 2015

Page 3

April 8, 2015

- Agenda review with Chairman, Vice Chairman and Executive Staff
- Mare Baracco / Rule to Show Cause Hearing
- Joshua Gruber and Jim Minor re: Abby Goldsmith's Letter / Transfer and Waste Disposal options

April 9, 2015

- Joshua Gruber, Eric Larson, and Tony Maglione re: Solid Waste Rate Study
- Joshua Gruber, Bluffton Fire Chief John Thompson, Alicia Holland, Allison Coppage and Suzanne Gregory re: Retiree Health Plan benefits

April 10, 2015

- Beaufort Leadership Class of 2015
- Conference Call / Councilman Stu Rodman, Joshua Gruber and Jon Rembold re: Airport Project Status
- Joshua Gruber, Eddie Bellamy, Eric Larson, Jim Minor and Russell Hightower re: Waste Management
- Community Leaders Reception and Presentation / Boeing Corporation / Education Division



Memorandum

DATE: April 13, 2015
TO: County Council
FROM: Joshua A. Gruber, Deputy County Administrator
SUBJECT: Deputy County Administrator's Progress Report

The following is a summary of activities that took place March 23, 2015 through April 10, 2015:

March 23, 2015 (Monday):

- Telephone conference with Gary Kubic, County Administrator and Eric Larson, Environmental Engineering re: Stormwater Master Plan Proposal
- Community Services Committee
- Governmental Committee
- County Council

March 24, 2015 (Tuesday):

- Meet with Gary Kubic, County Administrator, Jim Minor, Solid Waste Director and Abby Goldsmith re: Waste Management Contract
- Meet with Gary Kubic, County Administrator, Monica Spells, Assistance County Administrator for Civic Engagement & Outreach, Andrew Dalkos, IT Director and Chris McCorkendale, Hargray Representative re: Broadband Initiative
- Meet with the Honorable Kenneth Fulp, Probate Judge re: Probate Court Relocation
- Meet with Gary Kubic, County Administrator, Phil Foot, Public Safety Director and Chuck Lane, HHI Humane Association Representative
- Meet with Gary Kubic, County Administrator, Marc Orlando, Town of Bluffton and Terry Finger, Esquire re: Various Agenda Items

March 25, 2015 (Wednesday):

- Meet with Rob McFee, Facilities and Construction Engineering and Mark Roseneau, Facilities Maintenance Director re: Myrtle Park and Animal Shelter Projects
- Meet with Mason Sullivan and Senator Lindsay Graham's Support Team
- Review Draft Employee Handbook Update with Gary Kubic, County Administrator

March 26, 2015 (Thursday):

- Attend SCAC Webinar - Making the Right Hire
- Beaufort County Hours

March 27, 2015 (Friday):

- Meet with Jerry Stewart, Finance Committee Chairman and Alicia Holland, CFO re: A-Tax Review
- Meet with Suzanne Gregory, Employee Services Director

March 30, 2015 (Monday):

- Attend 2015 National Hurricane Conference in Austin, Texas
- Attend 2-Day EMI Course #3 - Debris Management Planning for State, Tribal and Local Officials

March 31, 2015 (Tuesday):

- Attend 2015 National Hurricane Conference in Austin, Texas
- Attend 2-Day EMI Course #3 - Debris Management Planning for State, Tribal and Local Officials

April 1, 2015 (Wednesday):

- Return Travel from Conference in Texas

April 2, 2015 (Thursday):

- Meet with Mark Roseneau, Facilities Maintenance Director and William Prokop, City of Beaufort to Review Municipal Court / Probate Court Offices
- Meet with Gary Kubic, County Administrator and Chuck Atkinson, Building Codes Director
- Meet with Gary Kubic, County Administrator for Six-Month Performance Evaluation

April 3, 2015 (Friday):

- Meet with Gary Kubic, County Administrator, Suzanne Gregory, Employee Services and Allison Coppage, Assistant County Attorney to Review BC Employee Handbook
- Meet with Phil Foot, Public Safety Director
- Meet with Alicia Holland, CFO re: Updated FY2016 Budget Figures

April 6, 2015 (Monday):

- Conference call with Charleston County Attorney re: Heirs Property
- Natural Resources Committee
- Governmental Committee

April 7, 2015 (Tuesday):

- Department Head Meeting
- Fire Department Chiefs – Budget Presentations with Alicia Holland, CFO
- Meeting with Gary Kubic, County Administrator re: State Ethics Commission

April 8, 2015 (Wednesday):

- Agenda Review
- Mare Baracco Rule to Show Cause Hearing
- Attend Transfer and Waste Disposal Options Meeting

April 9, 2015 (Thursday):

- Meet with Palmetto Electric Representatives to Discuss Economic Development and Myrtle Park Building
- Conference Call Regarding Rate Study with Gary Kubic, County Administrator and Eric Larson, Stormwater Director
- Meeting to Discuss Retiree Health Benefits
- Scott Center Meeting with LeRoy Washington and Representatives

April 10, 2015 (Friday):

- Meeting with Mark Sanford re: FAA Congressional Inquiry
- Conference Call with Stewart Rodman, Councilman, Gary Kubic, County Administrator and Jon Rembold, Airports Director
- Waste Management Meeting with Gary Kubic, County Administrator, Eddie Bellamy, Public Works Director, Jim Minor, Solid Waste Director and Russ Hightower, Waste Management
- Attend Boeing Corporation/Education Division Reception

COMMUNITY SERVICES COMMITTEE

March 23, 2015

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

The Community Services Committee met Monday, March 23, 2015, beginning at 1:30 p.m. in the Large Meeting Room, Hilton Head Island Branch Library, 11 Beach City Road, Hilton Head Island, South Carolina.

ATTENDANCE

Chairman William McBride, Vice Chairman Gerald Dawson and Committee members Rick Caporale, Steven Fobes, Alice Howard and Roberts Vaux. Non-committee members Cynthia Bensch, Brian Flewelling, Stu Rodman, Gerald Stewart 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: Morris Campbell, Division Director-Community Services; Phil Foot, Assistant County Administrator-Public Safety; Gary Kubic, County Administrator; Fred Leyda, Human Services Alliance; Monica Spells, Assistant County Administrator-Civil Engagement and Outreach; Dave Thomas, Purchasing Director; and Mitzi Wagner, Disabilities and Special Needs Director.

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

Public: Deborah Johnson, Lowcountry Affordable Housing Coalition Facilitator; Jocelyn Staiger, Hilton Head Association of Realtors.

Councilman William McBride chaired the meeting.

ACTION ITEMS

1. Consideration of Contract Award

- **Three mini vans with wheelchair tie-down and ramp conversion for Disabilities and Special Needs Department (> \$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. The Purchasing Department received a request from the Department of Disabilities and Special Needs to purchase three new minivans from Mobility Supercenter, the lowest responsible and responsive bidder. These vans are to replace a Day Program 2006 Ford lift van

with 103,502 miles which is out of service due to repairs, a Peyton Way CTH II 2006 Ford lift van with 204,482 miles currently being used by the Day Program because of a shortage of lift vehicles to transport consumers to and from homes in Port Royal, and a 2006 Ford 15 passenger vehicle with 70,081 miles which was totaled in an accident. The vans offered by Mobility Supercenter offered the best configuration solution after testing the loading and unloading of consumers. Although Mobility Supercenter was the highest bidder with a total of \$144,945, the van's configuration is the best solution for the County. Funding will come from the following accounts: 24420011-54000, Day Program; 24470011-54000, Port Royal; and 24450013-54000 Peyton Way CTHII Disabilities and Special Needs, Vehicle Purchases.

Motion: It was moved by Mr. Fobes, seconded by Mrs. Howard, that Committee approve and recommend to Council an award of contract to Mobility Supercenter of Charleston, South Carolina in the amount of \$144,945 for the purchase of three mini vans with wheelchair tie-down and ramp conversion for the Disabilities and Special Needs Department. The source of funding is accounts 24420011-54000-Day Program, 24470011-54000-Port Royal and 24450013-54000-Peyton Way CTHII Disabilities and Special Needs-Vehicle Purchases (DSN). The vote: YEAS – Mr. Caporale, Mr. Fobes, Mrs. Howard, Mr. McBride and Mr. Vaux. ABSENT – Mr. Dawson. The motion passed.

Recommendation: Council award a contract to a Mobility Supercenter of Charleston, South Carolina in the amount of \$144,945 for the purchase of three mini vans with wheelchair tie-down and ramp conversion for the Disabilities and Special Needs Department. The source of funding is accounts 24420011-54000-Day Program, 24470011-54000-Port Royal and 24450013-54000-Peyton Way CTHII Disabilities and Special Needs-Vehicle Purchases (DSN).

2. A Resolution agreeing to request a South Carolina Department of Transportation matching grant in the amount of \$80,000 for ferry service to and from Daufuskie Island

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

Discussion: Ms. Monica Spells, Assistant County Administrator–Civil Engagement and Outreach, reviewed this item with the Committee. This is a resolution to submit an application to the State of South Carolina Department of Transportation for a matching grant to assist with ferry services to and from Daufuskie Island.

Motion: It was moved by Mr. Vaux, seconded by Mr. Fobes, that Committee approve and recommend to Council the adoption of a resolution agreeing to request a South Carolina Department of Transportation matching grant in the amount of \$80,000 for ferry service to and from Daufuskie Island. The vote: YEAS – Mr. Caporale, Mr. Fobes, Mrs. Howard, Mr. McBride and Mr. Vaux. ABSENT – Mr. Dawson. The motion passed.

Recommendation: Council adopt a resolution agreeing to request a South Carolina Department of Transportation matching grant in the amount of \$80,000 for ferry service to and from Daufuskie Island.

3. A resolution endorsing an application and commitment of 10% local funds (\$55,000 estimate) required for a Community Development Block Grant of approximately \$556,000 for installation of water lines in the Seabrook Community

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

Discussion: Ms. Monica Spells, Assistant County Administrator–Civil Engagement and Outreach, reviewed this item to the Committee. This is a resolution to endorse the Seabrook Water Lines Installation Project as well as authorize the Beaufort County Administrator to prepare and submit a Community Development Block Grant (CDBG) Community Infrastructure application for the Seabrook Water Lines Installation Project, and to commit funds in the amount of 10% of the grant request to meet matching commitment of the Community Development Program.

Motion: It was moved by Mr. Vaux, seconded by Mrs. Howard, that Committee approve and recommend to Council the adoption of a resolution to endorse an application and commitment of 10% local funds required for a Community Development Block grant of approximately \$556,000 for installation of water lines in the Seabrook Community. The vote: YEAS – Mr. Caporale, Mr. Fobes, Mrs. Howard, Mr. McBride and Mr. Vaux. ABSENT – Mr. Dawson. The motion passed.

Recommendation: Council adopt a resolution to endorse an application and commitment of 10% local funds required for a Community Development Block grant of approximately \$556,000 for installation of water lines in the Seabrook Community.

4. Consideration of Reappointments and Appointments

• Disabilities and Special Needs Board

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 Mr. Dawson, seconded by Mr. Vaux, that Committee nominate Robert Collar, Nancy Pinkerton, and Jill Streibinger for reappointment to serve as members of the Disabilities and Special Needs Board. The vote: YEAS – Mr. Caporale, Mr. Dawson, Mr. Fobes, Mrs. Howard, Mr. McBride and Mr. Vaux. The motion passed.

Recommendation: Council nominate Robert Collar, Nancy Pinkerton, and Jill Streibinger for reappointment to serve as members of the Disabilities and Special Needs Board.

5. Consideration of Reappointments and Appointments
• Alcohol and Drug Abuse Board

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 Mr. Vaux, seconded by Mr. Caporale, that Committee nominate Charles Hammel for reappointment to serve as a member of the Alcohol and Drug Abuse Board. The vote: YEAS – Mr. Caporale, Mr. Dawson, Mr. Fobes, Mrs. Howard, Mr. McBride and Mr. Vaux. The motion passed.

Motion: It was moved by Mr. Caporale, seconded by Mr. Fobes, that Committee nominate Ray Spellerberg for appointment to serve as a member of the Alcohol and Drug Abuse Board. The vote: YEAS – Mr. Caporale, Mr. Dawson, Mr. Fobes, Mrs. Howard, Mr. McBride and Mr. Vaux. The motion passed.

Recommendation: Council nominate Charles Hammel for reappointment and Ray Spellerberg for appointment to serve as members of the Alcohol and Drug Abuse Board.

6. Consideration of Reappointments and Appointments
• Parks and Leisure Services Board

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 Mr. Dawson, seconded by Mr. Vaux, that Committee nominate Erac Priester, representing southern Beaufort County, and Arthur Middleton, representing northern Beaufort County, for reappointment to serve as members of the Parks and Leisure Services Board. The vote: YEAS – Mr. Caporale, Mr. Dawson, Mr. Fobes, Mrs. Howard, Mr. McBride and Mr. Vaux. The motion passed.

Recommendation: Council nominate Erac Priester, representing southern Beaufort County, and Arthur Middleton, representing northern Beaufort County, for reappointment to serve as members of the Parks and Leisure Services Board.

INFORMATION ITEMS

7. Consideration of Contract Awards
• Hewlett Packard computers and equipment from New Century Systems, Inc. for Bluffton Branch Library (< \$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. The Purchasing Department received a purchase request from the Library Department to purchase 36 new Hewlett Packard thin client computers and monitors, 33 standards PCs and 4 laptops, through the South Carolina State contract with New Century Systems, Inc. These computers are for public and staff use and will replace current equipment that is beyond its useful lifespan. The total cost is \$69,610 and funding will come from account 26160011-52610, Del Webb Library Impact Fees, Data Processing equipment.

Motion: It was moved by Mr. Vaux, seconded by Mr. Fobes, that Committee award a contract to New Century Systems, Inc., Charlotte, North Carolina, in the amount of \$69,610 to purchase 36 Hewlett Packard thin client computers and monitors, 33 standard PCs, and 4 laptops. The source of funding is from account 26160011-52610, Del Webb Library Impact Fees, Data Processing equipment. The vote: YEAS – Mr. Caporale, Mr. Fobes, Mrs. Howard, Mr. McBride and Mr. Vaux. ABSENT – Mr. Dawson. The motion passed.

Status: Committee awarded a contract to New Century Systems, Inc., Charlotte, North Carolina, in the amount of \$69,610 to purchase 36 Hewlett Packard thin client computers and monitors, 33 standard PCs, and 4 laptops. The source of funding is from account 26160011-52610, Del Webb Library Impact Fees, Data Processing equipment.

8. Consideration of Contract Awards

- **Two 2015 Ford E450 buses with wheelchair conversion for Disabilities and Special Needs Department (< \$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. The Purchasing Department received a purchase request from the Department of Disabilities and Special Needs to purchase two new 2015 Ford E450 conversion buses from National Bus Sales and Leasing Inc., Marietta, Georgia, the lowest responsible and responsive bidder. These are to replace a 2004 Ford lift van with 151,736 miles which is out of service due to repairs costing \$1,894 and a 2008 Goshen Coach with 158,364 miles which is out of service with repairs costing \$4,921. Both vehicles are no longer in service due to required repairs costing more than the value of the vehicles. Total cost of the two conversion buses would be \$90,590 and would be funded from account 24420011-54000, Disabilities and Special Needs, Vehicle Purchases.

Motion: It was moved by Mrs. Howard, seconded by Mr. Fobes, that Committee award a contract to National Bus Sales and Leasing Inc., of Marietta, Georgia in the amount of \$90,590 for two new 2015 Ford E450 conversion buses for the Department of Disabilities and Special Needs. The source of funding is from account 24420011-54000, Disabilities and Special Needs, Vehicle Purchases. The vote: YEAS – Mr. Caporale, Mr. Fobes, Mrs. Howard, Mr. McBride and Mr. Vaux. ABSENT – Mr. Dawson. The motion passed.

Status: Committee awarded a contract to National Bus Sales and Leasing Inc., of Marietta, Georgia, in the amount of \$90,590 for two new 2015 Ford E450 conversion buses for the Department of Disabilities and Special Needs. The source of funding is from account 24420011-54000, Disabilities and Special Needs, Vehicle Purchases.

9. Presentation – Lowcountry Affordable Housing Coalition

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

Discussion: Ms. Deborah Johnson, Lowcountry Affordable Housing Coalition facilitator, provided the Committee with an overview of affordable housing plans and priorities of Beaufort County, including the municipalities.

Status: Information only.

10. Consideration of Reappointments and Appointments

• Children’s Foster Care 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 action taken.

11. Consideration of Reappointments and Appointments

• Library Board

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

Status: No action taken.

EXECUTIVE COMMITTEE

March 9, 2015

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

The Executive Committee met Monday, March 9, 2015 beginning at 2:00 p.m. in the Executive Conference Room of the Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

Chairman Jerry Stewart and members Gerald Dawson, Brian Flewelling, William McBride and Stu Rodman. Non-Committee members Cynthia Bensch, Rick Caporale, Steve Fobes, Alice Howard, Paul Sommerville and Roberts Vaux 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: Allison Coppage, Assistant County Attorney; Phil Foot, Assistant County Administrator-Public Safety; Suzanne Gregory, Employee Services Director; Josh Gruber, Assistant County Administrator/Special Counsel; and Gary Kubic, County Administrator.

Public: Reed Armstrong, Beaufort Office, S.C. Coastal Conservation League; David Green, representing Osprey Village; Christine Glaister, resident of Lady's Island; Mike Glaister, resident of Lady's Island; George Jones, resident of Lady's Island; William Henry Kleindienst, lawyer, Phlug Law Firm; Chaun Phlug, partner, Phlug Law Firm; Sharon Riley, resident of Burton; Sandra Stephen, resident of Lady's Island; Rob Pollard, resident of Lady's Island; Chief John Thompson, Bluffton Township Fire District; and Lolita Huckaby Watson, Friends of the Library.

Media: Joe Croley, *Lowcountry Inside Track* and Zach Murdaugh, *The Island Packet/The Beaufort Gazette*; and Scott Thompson, *Bluffton Today*.

Councilman Jerry Stewart chaired the meeting.

ACTION ITEMS

- 1. A Resolution of Beaufort County Council in Support of the Creation of an Outlying Airfield for use of the Marine Corps Air Station Beaufort**

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 Mr. Flewelling, seconded by Mr. Rodman, that Committee approve and recommend to Council the adoption of a resolution supporting the need for an outlying airfield for use by aircrew stationed at MCAS Beaufort to support day and night field carrier landing practice (FCLP) operations by the U.S. Marine Corps aircraft. The vote: YEAS –

Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville and Mr. Stewart. The motion passed.

Recommendation: Council adopt a resolution supporting the need for an outlying airfield for use by aircrew stationed at MCAS Beaufort to support day and night Field Carrier Landing Practice (FCLP) operations by the U.S. Marine Corps aircraft.

2. A Resolution of Beaufort County Council Supporting the Adoption of South Carolina House Bill 3562 to Allow a One-Cent Local Option Sales Tax The Revenue of Which Would Be Used to Provide a Credit Against Property Taxes Levied in the County for School Operations

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 Mr. Rodman, seconded by Mr. Flewelling, that Committee approve and recommend to Council the adoption of a resolution expressing its support for the adoption of South Carolina House Bill 3562 to allow for a one-cent local option sales tax the revenue of which would be used to provide credit against property taxes levied within the County for school operations. The vote: YEAS – Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville and Mr. Stewart. The motion passed.

Recommendation: Council adopt a resolution expressing its support for the adoption of South Carolina House Bill 3562 to allow for a one-cent local option sales tax the revenue of which would be used to provide credit against property taxes levied within the County for school operations.

3. A Resolution of Beaufort County Council Directing all Appropriated Funds in the Possession of the Lowcountry Economic Alliance to the Beaufort County Human Services Alliance

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 Mr. Flewelling, seconded by Mr. McBride, that Committee approve and recommend to Council the adoption of a resolution authorizing the Beaufort County Administrator to execute any and all documents to effectuate the transfer and management of such appropriated Lowcountry Economic Alliance funds to Beaufort County Human Services Alliance as well as any credits against any future appropriation amounts. The vote: YEAS – Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville and Mr. Stewart. The motion passed.

Recommendation: Council adopt a resolution authorizing the Beaufort County Administrator to execute any and all documents to effectuate the transfer and management of

such appropriated Lowcountry Economic Alliance funds to Beaufort County Human Services Alliance as well as any credits against any future appropriation amounts.

INFORMATION ITEM

4. Discussion / Capital Sales Tax

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

Discussion: Mr. Stewart, Chairman of the Executive Committee, discussed this item with the committee. This item came forward last year. At that time, Council created a Commission to look into possible items to fund and whether or not to put it on the ballot as a referendum for the 2014 general election. A decision of Council was not to forward at that time. But, at the February 2016 annual planning retreat, Council said it was a topic they wanted to follow up and perhaps pursue.

Do we want to move forward with creating a Commission and bringing forward a referendum question for the 2016 general election?

Before creating the Commission and during the creation of the resolution, Council has the ability to make some forward statements / give guidelines regarding high priority projects (roads, capital infrastructure needs), reasonable bonding, and duration of the tax.)

In order to ensure the adoption of the referendum, Council needs a sufficient period of time for a public education campaign – projects, financial impact, and duration of the tax.

Council is responsible for passing the ordinance before it goes forward to the ballot.

Section 4-10-310 of the Code of Laws, provides the guidelines on how the sales tax is implemented. The governing body of any county is authorized to create a commission subject to the provisions of this section. The commission consists of six members, all of whom must be residents of the county, appointed as follows: (1) the governing body of the county must appoint three members of the commission. (2) The municipalities in the county must appoint three members, who must be residents of incorporated municipalities within the county, and who are selected according to a specified mechanism.

Mr. Sommerville identified the four different types of local sales taxes:

1. Local Option Sales Tax for Property Tax Relief
2. Capital Projects Sales Tax
3. School Improvement (Capital) Sales Tax
4. Transportation Sales Tax

Status: There is a consensus amongst the Committee members to pursue the referendum and reach out to the municipalities regarding names / recommendations for commission members.

5. Discussion / Purchase of Pepper Hall Plantation

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

Mr. Vaux recused himself, left the room, and was not present for any of the discussion.

Discussion: Mr. Gary Kubic, County Administrator, stated that if Council is committed to the purchase of Pepper Hall Plantation, he would suggest that Council give the administration the ability to affect the purchase as soon as possible and not wait until the last day in June when the option expires. The reason is to allow administration to begin marketing the property which cannot occur until we own it. We have talked about possible concepts for the use of the land, but until we actually own it, he cannot effectively negotiate with potential developers for that particular piece of property.

Mr. Josh Gruber, Deputy County Administrator, stated administration is still in the process of gathering some additional information. During the annual planning meeting, we had identified several possible funding sources in order to exercise the option:

- Rural and Critical Lands Program money, if appropriated, to expand the current and existing buffer on the headwaters of the Okatie River. If the Rural and Critical Lands Board members decide to make a contribution, based on acreage they feel is necessary to enhance the protection beyond what they currently purchased, then Council members have that to incorporate in its decision-making capability;
- Approach this transaction if we were not to receive any money from the Rural and Critical Land Program;
- Borrow the largest amount through a bond anticipation note or some other kind of short-term financing under the County's 8% capacity, which is approximately \$40 million;
- Drawdown a nominal amount of the reserve fund, which has an approximate \$23 million balance;
- Use a modest contribution from the stormwater utility fee, assuming that we can identify remediation so that we keep those funds eligible for use in this purchase.

Status: Administration is to provide some number strategies for discussion at the March 16 meeting of the Finance Committee.

Mr. Vauxr reentered the room.

6. Call for Executive Session

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 Mr. Flewelling, seconded by Mr. Rodman, that Council go immediately into executive session regarding discussion of negotiations incident to proposed contractual arrangements and proposed purchase of property. The vote: YEAS –Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville and Mr. Stewart. Mr. Dawson temporarily left the room. The motion passed.

DRAFT

GOVERNMENTAL COMMITTEE

April 6, 2015

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

The Governmental Committee met Monday, April 6, 2015 beginning at 4:00 p.m. in the Executive Conference Room of the Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

Chairman Stu Rodman, Vice Chairman Rick Caporale, and Committee members Cynthia Bensch, Gerald Dawson, Brian Flewelling, Alice Howard and Jerry Stewart. Non-Committee members William McBride and Paul Sommeville 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: Allison Coppage, Assistant County Attorney; Phil Foot, Assistant County Administrator-Public Safety; Joshua Gruber, Deputy County Administrator/Special Counsel; Gary Kubic, County Administrator; and Rob McFee, Division-Director Engineering & Infrastructure.

Public: Reed Armstrong, Beaufort Office, S.C. Coastal Conservation League; Craig Forrest, resident of Bluffton; Hannah Horne, Hilton Head Island/Bluffton Chamber of Commerce; Jason Ruhf, Business Development Manager, Beaufort Regional Chamber of Commerce; and Frank Turano, Lowcountry Regional Manager, Alliance Consulting Engineers.

Media: Joe Croley, *Lowcountry Inside Track* and Scott Thompson, *Bluffton Today*.

Mr. Rodman chaired the meeting.

ACTION TEM

- 1. Consideration of Reappointment and Appointment**
 - Lowcountry Regional Transportation Authority**

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

Motion: It was moved by Mr. Flewelling, seconded by Mrs. Howard, that Committee nominate Timothy Kilty for appointment to serve as a member of the Lowcountry Regional Transportation Authority. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mrs. Howard, Mr. Rodman and Mr. Stewart. The motion passed.

Recommendation: Council nominate Timothy Kilty for appointment to serve as a member of the Lowcountry Regional Transportation Authority.

INFORMATION ITEMS

2. Legislative Update with Senator Tom Davis

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

Discussion: Senator Davis commented briefly on the state budget. He serves on the K-12 subcommittee. He is particularly interested in the increases in base-student cost funding, *i.e.*, how the state proposes to handle the so-called transition, which holds counties harmless from last year's funding formula. He wants to make sure that existing EIA dollars, which are distributed more or less on a per capita basis, are not diverted and funded through of EFA which, of course, prejudices Beaufort County because we get relatively less EFA dollars.

There is a \$7.0 million appropriation to USCB for a facility on their campus in Bluffton. He wants to ensure that appropriation stays in the budget.

There is an appropriation to TLC for transitioning military personnel into our workforce. He wants to ensure that appropriation stays in the budget.

He is working with the S.C. Parks, Recreation, and Tourism and S.C. Department of Archaeology to continue the initiative regarding Santa Elena.

The ethics reform bill is on the Senate calendar, but, the House and Senate versions are worse than what we have now. It does not provide for an independent means oversight of legislators.

Status: Information only.

3. Beaufort County Sales Tax Referendum

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

Status: Fine-tune the proposed resolution to enact legislation to allow County Governments the ability to develop local sales and use tax referenda to better address the needs of their respective Counties, crafted by Mrs. Allison Coppage, Assistant County Attorney. Send it to the Legislation Delegation for review and edit. Then run it through the Governmental Committee.

Status: Senator Davis agreed to draft language as it relates to expanded use of the referendum money.

4. Economic Development / Reflections on Input from Municipalities at March 3 Work Session / Alliances

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

Discussion: The structure of the work session brought the municipalities into the fold. They were clear that they would like the County not to enter into an alliance with other counties at this time because they want to try them and us.

Status: Information only.

5. Mandatory Devolution of State Roads

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

Discussion: Mr. Joshua Gruber, Deputy County Administrator/Special Counsel, reviewed this item with the Committee. The resolution before the Committee was generated by the S.C. Association of Counties for Council's consideration. H.3579 transfers over 19,000 miles of state roads to counties. The roads have been identified; therefore, the one-third of county roads has been identified within Beaufort County. There is a website link that Council can access to see what specific roads, if this were to move forward, would be devolved to ownership and maintenance responsibilities of the County.

One of the issues that we are continuing to monitor is the County Transportation Committee (CTC). The bill as currently drafted requires a mandatory statement by the CTC that it is choosing not to accept the roads by a certain point in time, that if that statement is not made, then the transfer would automatically take place by operation of the statutory language.

One of the questions is going to be the makeup of the CTC because as of July 1, 2015 all current CTCs will be abolished and new CTCs will be created. It is a question about how that makeup is going to occur and who is going to be responsible for it. One of the options is that the CTC functions can be given to the County Council.

According to figures provided by the Beaufort County Public Works Department, it costs approximately \$1,800 to maintain a paved road and \$3,600 for a dirt road. If there are 500 miles of state roads, and if Beaufort County gets roughly one-half of them (we are not going to get the ones that are eligible for federal subsidies), that is approximately 250 miles of roads. If you multiply 250 miles x \$1,800 paved road maintenance, it is less than \$500,000 a year, which is not that much money when you consider that county taxpayers have been taking care of these

roads for the last 10 to 20 years and spending about \$1.5 billion on these state roads. It is all about the money.

The resolution should include language to address a funding mechanism for the devolution of the roads. There needs to be control or discretion over that funding exercised by the local governing entity.

County Council must have the option of whether or not to accept state roads.

County Council must appoint the members of the CTC.

Status: Senator Davis will work with Mrs. Allison Coppage, Assistant County Attorney, to develop language to devolve the appointment of the county transportation committee (CTC) from the Legislative Delegation to County Council.

DRAFT

GOVERNMENTAL COMMITTEE

March 23, 2015

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

The Governmental Committee met Monday, March 23, 2015 beginning at 2:30 p.m., in the Large Meeting Room, Hilton Head Island Branch Library, 11 Beach City Road, Hilton Head Island, South Carolina.

ATTENDANCE

Chairman Stu Rodman, Vice Chairman Rick Caporale, and Committee members Cynthia Bensch, Gerald Dawson, Brian Flewelling, Alice Howard and Jerry Stewart. Non-Committee members Steve Fobes, William McBride, Paul Sommeville and Tabor Vaux 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: Morris Campbell–Community Services Director; Allison Coppage, Assistant County Attorney; Tony Criscitiello, Planning Director; Alicia Holland, Assistant County Administrator–Finance; Phil Foot, Assistant County Administrator–Public Safety; Joshua Gruber, Deputy County Administrator/Special Counsel; Gary Kubic, County Administrator; and Monica Spells, Assistant County Administrator–Civic Engagement and Outreach.

Public: David Bennett, Hilton Head Island Town Mayor; Billy Keyserling, Beaufort City Mayor; Don Kirkman, Hilton Head Island Town Economic Development Director; Samuel Murray, Port Royal Town Mayor; Stephen Murray, Beaufort City Councilman; Marc Orlando, Bluffton Town Manager/Director of Growth Management; Steve Riley, Hilton Head Island Town Manager; Jocelyn Staiger, Hilton Head Island Association of Realtors; Lisa Sulka, Bluffton Town Mayor; Roberts Vaux, Bluffton Public Development Corporation Board; Van Willis, Port Royal Town Manager.

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

Mr. Rodman chaired the meeting.

ACTION ITEM

- 1. A Resolution to Commission an 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**

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

Discussion: This is a resolution to commission Danny Capers, of the Animal Services Department, as an Animal Services Officer to enforce Beaufort County Animal Ordinances.

Motion: It was moved by Mr. Flewelling, seconded by Mrs. Howard, that Committee approve and recommend to Council adoption of a resolution to commission Danny Capers, as an 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. The vote: YEAS – Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Stewart, Mr. Vaux. NAYS – Mrs. Bensch and Mr. Caporale. The motion passed.

Recommendation: Council adopt a resolution to commission Danny Capers, as an 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.

INFORMATION ITEMS

- 2. Consideration of Reappointment and Appointment**
 - Burton Fire District Commission**

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

Status: No action taken at this time.

- 3. Consideration of Reappointment and Appointment**
 - Lowcountry Regional Transportation Authority**

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

Status: The Lowcountry Regional Transportation Authority Executive Board recommends Timothy Kilty for appointment to serve as a member of the Lowcountry Regional Transportation Authority.

4. Discussion / Development of an Economic Development Strategy

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

Discussion: Mr. Rodman, Chairman of Finance Committee, stated there are several different moving pieces regarding the development of an economic development strategy: understanding the possibilities of Alliances, understanding what we are doing with the S.C. Department of Commerce, and hopefully, a solution we will agree to with our counterparts in the municipalities. Each Mayor was invited to join today's work session for the purpose of hearing from them regarding their economic development strategies: what they are doing, what they would like to do, and where the County could help them move forward.

- David Bennett, Mayor, Town of Hilton Head Island
- Steve Riley, Manager, Town of Hilton Head Island
- Don Kirkman, Economic Development Director, Town of Hilton Head Island
- Lisa Sulka, Mayor, Town of Bluffton
- Marc Orlando, Manager, Town of Bluffton Town/Director of Growth Management
- Roberts Vaux, Board member, Bluffton Public Development Corporation
- Billy Keyserling, Mayor, City of Beaufort
- Stephen Murray, Councilman, Beaufort City Council
- Samuel Murray, Mayor, Town of Port Royal
- Van Willis, Manager, Town of Port Royal

Status: Information only.

NATURAL RESOURCES COMMITTEE

April 6, 2015

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

The Natural Resources Committee met Monday, April 6, 2015 beginning at 2:00 p.m., in the Executive Conference Room, Administration Building, Beaufort, South Carolina.

ATTENDANCE

Committee Chairman Brian Flewelling, Vice Chairman Alice Howard and members Gerald Dawson, William McBride, Jerry Stewart and Tabor Vaux present. Steven Fobes absent. Non-committee members Rick Caporale, Cynthia Bensch 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: Coppage, Assistant County Attorney; Tony Criscitiello, Planning Director; Joshua Gruber, Deputy County Administrator / Special Counsel; Gary Kubic, County Administrator; and Eric Larson, Environmental Engineering Director.

Media: Joe Croley, Hilton Head Island-Bluffton Chamber of Commerce and Scott Thompson, *Bluffton Today*.

Public: Sallie Bridgwater, Southern Beaufort County Corridor Beautification Board; Henry Diercxsens, Southern Beaufort County Corridor Beautification Board; Ken Driggers, Rural and Critical Lands; Dean Moss, Coastal Conservation League; Kate Schaeffer, Coastal Conservation League; Glen Standord, Vice Chairman, Southern Beaufort County Corridor Beautification Board; and Stephen Wilson, Chairman, Southern Beaufort County Corridor Beautification Board.

Mr. Flewelling chaired the meeting.

ACTION ITEM

1. Resolution in Support of Movement of Electric Transmission Lines on Old Sheldon Church Road

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

Discussion: Mr. Dean Moss and Ms. Kate Schaeffer presented to the Committee the relocation of electric transmission lines on Old Sheldon Church Road. This is a resolution to endorse the relocation of the Old Sheldon Church Road electric transmission line as proposed by

South Carolina Electric and Gas Company for its willingness to improve the beauty of one of South Carolina's scenic highways.

Motion: It was moved by Mr. Sommerville, seconded by Mr. Dawson, that Natural Resources Committee approve and recommend Council adopt a resolution endorsing the relocation of the Old Sheldon Church Road electric transmission line as proposed by South Carolina Electric and Gas. The vote: YEAS – Mr. Dawson, Mr. Flewelling, Mrs. Howard, Mr. McBride, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT – Mr. Fobes. The motion passed.

Recommendation: Council adopt a resolution endorsing the relocation of the Old Sheldon Church Road electric transmission line as proposed by South Carolina Electric and Gas.

INFORMATION ITEMS

2. U.S. Highway 278 and Bluffton Parkway Pipe Overtopping Report

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

Discussion: Mr. Eric Larson, Director–Environmental Engineering, provided the Committee with a report on perceived stormwater issues for U.S. Highway 278 (US 278) and Bluffton Parkway to include recommended solutions and action taken to date.

The issue of the US 278 cross line pipe and spillover potential was first raised in 2006 with the completion of the Stormwater Management Plan (Plan). The Plan modeled all watersheds in the County, including the sizing of pipes to identify conveyance problems in the system during a 100-year storm event, or the 1% chance that a storm will exceed 10 inches in 24 hours and having a peak intensity of 7.6 inches in 15 minutes. The Study identified several pipes crossing under US 278 that were undersized for future build out conditions and could potentially cause flooding of the road during the extreme rain event. The two overtopping locations along US 278, Sawmill Creek (Forby site) and Kitty's Crossing (JAZ site), have been brought up in recent discussions to ask this question – Why weren't the pipes upsized, as recommended in the Management Plan, when US 278 was widened?

The Plan was not finalized until 2006. The US 278 widening project design was complete and under construction. County staff did contact SCDOT and advise them of the Plan results. However, SCDOT chose not to pursue any design changes. The reasons provided included budget, time delay, and lack of design level detail in the Plan to justify the additional cost and time. Since 2006, County staff has noted several extreme storm events that meet the criteria of a 100-year storm. There has been no incident of overtopping at these locations. In addition, development patterns have changed. While the Plan did predict a future condition for development, the County has updated Codes to include volume control and water quality goals which change the base assumptions of the future condition of the model.

The Plan estimated a cost of \$367,000 to upsize the culverts under US 278 at Kitty's Crossing and \$413,000 to upsize the culverts under US 278 at Sawmill Creek. Given that nearly a decade has passed since the initial report, along with the change in the future conditions, these projects are no longer recommended by staff without additional study. The proposed 2016 update to the Plan will perform this analysis. Even with this recommendation, the County has pursued an alternate means to improve conveyance at these sites. The County purchased the Forby Tract in 2014. Stormwater staff has proposed the site be used to detail water during larger stormwater events, reducing or eliminating the need to upsize the culvert. Currently, only preliminary design is proposed for funding in the five-year capital plan. The proposed JAZ development at the intersection of US 278 and US 46 presents an opportunity for private development to contribute to the solution. The proposed stormwater design for that site includes a retention basin and significant stormwater runoff reuse plan, reducing downstream volume and flow rate and potentially eliminating the need for culvert upsizing at that site as well.

The Bluffton Parkway pipe issue near Red Cedar Street first arose in 2008 and was studied by the Town of Bluffton (Town). It is perceived that the improper elevation on cross line pipes under Bluffton Parkway, just east of the Red Cedar Street intersection causing a backup of runoff from Hidden Lakes and Bluffton Park, Commercial Subdivisions located south of the parkway, resulting in spillover into the May River watershed at the Verdier Cove via a retention basin in the Bluffton Park Residential Subdivision. The solution recommended was to install additional pipes at lower elevations under Bluffton Parkway and a portion of Red Cedar Street south of the elementary school to prevent the higher water surface elevation. Other solutions recommended was to remove a drainage pipe at the "teardrop" retention pond and/or raise the berms surrounding the retention basin and/or use the grading of the future streets within the subdivision to prevent the spillover. The County did not perform the recommended solution of adding additional pipes. The Town did perform some ditch cleaning in the areas to improve conveyance in 2010. Future sections of the Bluffton Park Residential Subdivision removed the "teardrop" basin pipe and created additional elevation changes through grading to better define the watershed boundary and reducing the number of spillover incidents. The Town monitors rainfall amounts a depth gage near Bluffton Parkway weekly. They document any problems with localized flooding. The Town is also scheduling additional routine maintenance of the ditches in 2015. Neither to Town nor the County believes this to be a continued problem and have not scheduled or budgeted for any capital project for major reconstruction of the drainage system.

Status: No action required. Information only.

3. Progress Update from the Southern Beaufort County Corridor Beautification Board

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

Discussion: Mr. Steve Wilson, Chairman, Southern Beaufort County Corridor Beautification Board provided the Committee with a PowerPoint presentation on the progress of the Southern Beaufort County Corridor Beautification Board (Board). The Board was created by

ordinance, members were appointed to serve in 2013, and a professional consultant was selected to advise the Board. Since the program began, the County authorized J.K. Tiller Associates to create a Master Plan. They identified project segments and a Master Plan was adopted by the Board, and approved by Council. Since then, the Board has identified initial projects. Images of the various projects were displayed showing the different sections between the S.C. Highway 170 intersection and the Hilton Head Island bridges. The next steps include the following:

- Belfair Segment has been identified as the Demonstrated Project
- Complete Belfair Segment in the Spring of 2015
- Second Segment will be from Tanger 1 to Tanger 2
- Complete Tanger Segment in 2015

Mr. Glen Stanford, Board Vice Chairman, reviewed with the Committee the funding challenges of the Board. The Board has limited sources of funding; the only adequate source is 3% Local Accommodations Tax funding. The current projects are being funded by their development agreements as well as the County Reforestation Fund.

Status: Committee requested staff provide legal evaluation for use of 3% Local Accommodations Tax money.

4. Consideration of Reappointments and Appointments

- **Zoning Board of Appeals**

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

Status: No action taken at this time. Currently, there is one vacancy on the Zoning Board of Appeals to be filled by a resident of southern Beaufort County.

5. Executive Session

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 Mr. Stewart, seconded by Mrs. Howard, that Natural Resources Committee go immediately into executive session regarding discussion of negotiations incident to proposed contractual arrangements and proposed purchase of property; and legal advice for receipt of pending and threatening claims. The vote: YEAS – Mr. Dawson, Mr. Flewelling, Mrs. Howard, Mr. McBride, Mr. Stewart and Mr. Vaux. ABSENT – Mr. Fobes. The motion passed.

Status: Committee went into executive session for discussion of negotiations incident to proposed contractual arrangements and proposed purchase of property and legal advice for receipt of pending and threatening claims.

PUBLIC FACILITIES COMMITTEE

March 16, 2015

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

The Public Facilities Committee met Monday, March 16, 2015 beginning at 4:00 p.m., in the Conference Room of Building 3, Beaufort Industrial Village, 104 Industrial Village Road, Beaufort, South Carolina.

ATTENDANCE

Chairman Gerald Dawson, Vice Chairman Tabor Vaux, and members Cynthia Bensch, Steven Fobes, Alice Howard and William McBride. Rick Caporale absent 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: Eddie Bellamy, Public Works Director; Allison Coppage, Assistant County Attorney; Joshua Gruber, Deputy County Administrator/Special Counsel; Colin Kinton, Division Director-Transportation Engineering; Eric Klatt, Right-of-Way Manager; Gary Kubic, County Administrator; Eric Larson, Division Director-Environmental Engineering; Rob McFee, Division Director-Facilities & Construction Engineering; and Dave Thomas, Purchasing Director.

Public: Charlotte Brown, Robert Smalls Alumni Association; Walter Clark, Robert Smalls Alumni Association; Marilyn Harcharik, President, Friends of Beaufort Branch Library; and Linda Robinson, Robert Smalls Alumni Association.

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

Mr. Dawson chaired the meeting.

ACTION ITEM

1. Consideration of Contract Award / Two Motor Graders for Public Works Department (> \$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, presented this item to the Committee. The Purchasing Department received a request from the Public Works Department to purchase two 2015 Volvo Model G930 motor graders from a State contract vendor. The new motor graders are replacements for a 2000 John Deere Model 770CH motor grader assigned to

Roads & Drainage North (RDN) and a 1984 John Deere Model 7708 assigned to Roads & Drainage South (RDS). The RDN Section currently has three motor graders, all of which have in excess of 7,000 operating hours. Public Works intends to replace the least reliable of the three. RDS has two motor graders, a 2001 with more than 7,000 hours that is used on the mainland and a 1984 with more than 10,000 hours on Daufuskie Island. Public Works intends to keep the new motor grader on the mainland and transfer the 2001 to Daufuskie Island. Both replaced motor graders will be sold on GovDeals.

Motion: It was moved by Mr. Fobes, seconded by Mr. McBride, that Committee approve and recommend to Council an award of contract to ASC Construction Equipment, Savannah, Georgia for the purchase of two new 2015 Volvo Model G930 motor graders in the amount of \$313,000. The source of funding is from account #400090011-54213, 2014 Bonds, Special Capital Equipment, Public Works. The vote: YEAS – Mrs. Bensch, Mr. Dawson, Mr. Fobes, Mrs. Howard, Mr. McBride and Mr. Vaux. ABSENT – Mr. Caporale. The motion passed.

Recommendation: Council award a contract to ASC Construction Equipment, Savannah, Georgia for the purchase of two new 2015 Volvo Model G930 motor graders in the amount of \$313,000. The source of funding is from account #400090011-54213, 2014 Bonds, Special Capital Equipment, Public Works.

INFORMATION ITEMS

2. Signage Approval / Beaufort County Government Robert Smalls Complex

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 Mr. Vaux, seconded by Mrs. Bensch, that Committee approve Sign Option 3, consisting of equal-size lettering of 4.5” in height, but somewhat narrower in width, in order to accommodate the number of letters/length of the words “Beaufort County Government Robert Smalls Complex.” The vote: YEAS – Mrs. Bensch, Mr. Dawson, Mr. Fobes, Mrs. Howard, Mr. McBride and Mr. Vaux. ABSENT – Mr. Caporale. The motion passed.

Status: Committee approved Sign Option 3, consisting of equal-size lettering of 4.5” in height, but somewhat narrower in width, in order to accommodate the number of letters/length of the words “Beaufort County Government Robert Smalls Complex.”

3. Jenkins Island Access Management System Study (< \$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. Colin Kinton, Division Director-Transportation Engineering, reviewed this item with the Committee. Beaufort County sought requests for the Jenkins Island Access Management along the U.S. Highway 178 corridor. The selected firm shall be responsible for the evaluations of existing traffic and safety concerns, will evaluate design solutions, complete environmental screening, NEPA coordination, preliminary stormwater evaluation, development of design criteria, preliminary utility report and budget estimates in developing purpose and need for a conceptual and feasible solution.

Motion: It was moved by Mr. Fobes, seconded by Mr. McBride, that Committee award a contract to HDR/ICA Engineering, Columbia, South Carolina for the Jenkins Island Access Management System Study in the amount of \$92,302. Additionally, approve a project contingency of 8%, bringing the total budget to \$99,686. The source of funding is account #11410-51160, Professional Services, Sales Tax Road Projects. The vote: YEAS – Mrs. Bensch, Mr. Dawson, Mr. Fobes, Mrs. Howard, Mr. McBride and Mr. Vaux. ABSENT – Mr. Caporale. The motion passed.

Status: Committee awarded a contract to HDR/ICA Engineering, Columbia, South Carolina for the Jenkins Island Access Management System Study in the amount of \$92,302. Additionally, approve a project contingency of 8%, bringing the total budget to \$99,686. The source of funding is account #11410-51160, Professional Services, Sales Tax Road Projects.

4. Broad River Fishing Pier Rehabilitation Project (< \$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. Rob McFee, Division Director–Facilities & Construction Engineering, reviewed this item with the Committee. Beaufort County issued a request for proposals for qualified firms to inspect, design and provide rehabilitation recommendations for the Broad River Fishing Pier. In 2013, an inspection of the pier was completed and a report was prepared which indicated that while the pier was in fair condition, a deeper evaluation, analysis and preservation plan should be pursued to ensure the appropriate and timely repair of the facility. The original structure was constructed in 1957 and Beaufort County converted the northernmost 1,800 feet of the bridge, not fishing pier, when traffic was shifted to the new span in 2004.

Motion: It was moved by Mr. McBride, seconded by Mr. Fobes, that Committee award a contract to O’Quinn Marine Construction, Inc., Beaufort, South Carolina in the amount of \$76,801 to complete Stage 1 – Inspection and Engineering, for the rehabilitation/preservation of the Broad River Fishing pier. The source of funding is from the 3% Local Accommodations Tax Fund. The vote: YEAS – Mrs. Bensch, Mr. Dawson, Mr. Fobes, Mrs. Howard, Mr. McBride and Mr. Vaux. ABSENT – Mr. Caporale. The motion passed.

Status: Committee awarded a contract to O’Quinn Marine Construction, Inc., Beaufort, South Carolina in the amount of \$76,801 to complete Stage 1 – Inspection and Engineering, for the rehabilitation/preservation of the Broad River Fishing pier. The source of funding is from the 3% Local Accommodations Tax Fund.

5. Construction Engineering Inspection / Construction Management Services for S.C. Highway 170 Widening Project (< \$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. Rob McFee, Division Director–Facilities & Construction Engineering, reviewed this item with the Committee. In 2012 Council awarded a contract in the amount of \$2,030,714 to Infrastructure Consulting & Engineering (ICE) for construction engineering inspection/construction management services (CEI/CM) for the S.C. Highway 170 Widening Project. Due to construction delays associated with S.C. Highway 170 project, CEI/CM services needed to be extended. For the month of February 2015, ICE and CEI/CM services charges for the S.C. Highway 170 widening totaling \$78,398.89.

Motion: It was moved by Mr. McBride, seconded by Mrs. Bensch, that Committee authorize the payment of \$78,398.89 for the February 2015 construction, engineering inspection/construction management services performed by Infrastructure Consulting & Engineering. The source of funding is account #33403-54500, S.C. Highway 170 Widening Sales Tax Project. The vote: YEAS – Mrs. Bensch, Mr. Dawson, Mr. Fobes, Mrs. Howard, Mr. McBride and Mr. Vaux. ABSENT – Mr. Caporale. The motion passed.

Status: Committee authorized the payment of \$78,398.89 for the February 2015 construction, engineering inspection/construction management services performed by Infrastructure Consulting & Engineering. The source of funding is account #33403-54500, S.C. Highway 170 Widening Sales Tax Project.

6. Update / Spanish Moss Trail Phase 2 Contract Award Concurrence by SCDOT

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

Discussion: Mr. Rob McFee, Division Director–Facilities & Construction Engineering, reviewed this item with the Committee. The County rebid the Spanish Moss Trail Phase 2 and staff recommended the Committee award to Lewallen Construction Company, Inc. (Lewallen), the second-placed bidder. Committee and Council offered approval upon that contingency upon review by the Federal Highway Administration (FHA) and SCDOT.

Staff submitted the package to SCDOT five weeks ago. SCDOT and FHA, going through the package, have concerns with the County's disadvantaged business enterprise (DBE) participation. This contract had a federally mandated DBE goal of 15%, which is the highest that a project can carry. Lewallen had an 11% DBE participation. The difference in the math is 0.4% out of \$1.5 million of the contract total. Staff has provided to SCDOT additional justification for award. Essentially, there are two issues:

- Lewallen does a considerable amount of the work as a self-performing contractor so there only a few elements available for the DBE to pursue.
- By virtue of Beaufort County's geography situation within the state, firms from Columbia, Greenville and Charleston, the latter to a lesser degree, find it very difficult to bid on work in this area and still maintain a positive cash flow, these being DBA firms.

The FHA is concerned the County failed to meet its goal and that they are reviewing the additional information provided to them. SCDOT and FHA have all of this information submitted to them for their review.

Status: Update only. No action required.

7. Update / Woods Memorial Bridge Openings

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, Division Director-Transportation Engineering, reviewed this item with the Committee. Beaufort County and the City of Beaufort jointly requested a review of the Woods Memorial Bridge (U.S. Highway 21 Business) opening schedule by the United States Coast Guard (USCG) on October 2, 2014. Mr. Christopher L. Rulcman, BOSN4 of the USCG, met with Mr. Kinton on February 17, 2015. During this meeting, County collected traffic data and bridge opening/delay data were shared with USCG.

Potential revised opening schedules discussed included limiting openings between 6:30 a.m. - 9:00 a.m. and 3:00 p.m.- 6:00 p.m. Monday through Friday. Between these times, the bridge would open hourly if pleasure boats are waiting to pass (9:00, 10:00, 11:00 a.m., Noon, 1:00, 2:00, 3:00 p.m.). The Saturday opening schedule would also be limited to hourly openings during daytime hours. The bridge would still have to open for commercial vessels on demand because of their size.

If the USCG agrees to the above-opening schedule, a six-month trial period will be enacted. During the trial period, if overall operations are improved, the USCG will begin the process to modify the United States Code of Federal Regulations (CFR23), which regulates all moveable span/drawbridges within the United States.

Status: Information only. No action required.

8. Update / Daufuskie Island Park / Trail Project

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

Discussion: Mr. Rob McFee, Division Director–Facilities & Construction Engineering, reviewed this item with the Committee. In March of 2014, Beaufort County was awarded a grant by the South Carolina Department of Parks, Recreation and Tourism (SCPRT) for the development of a recreational trail and associated amenities including restrooms on Daufuskie Island. Beaufort County solicited proposals for the project under the design-build project delivery approach in the fall of 2014 and the winter of 2015. Neither solicitation resulted in a proposal submittal.

The project is to be completed and all project billings are to be submitted by September 30, 2015. Given the historical lack of response and existing constraints, it is highly unlikely this project can be accomplished in this timeline. In discussions with the SCPRT staff, extensions are sometimes granted, but given the past experience, adjustments to the project scope or county budgeted match contribution should be made in order to justify an extension request.

Status: Information only. No action required.

9. Road Acceptance / Nickels Place Subdivision

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

Discussion: Mr. Eric Klatt, Right-of-Way Manager, reviewed this item with the Committee. Nickels Place Subdivision is a 40-lot residential subdivision located off of Reeds Road on Lady's Island. It was developed in 1995 by SPAD Co., LLC. There are three paved streets: Katelyn's Way (1,300'), Chloe's Way (490'), and Peyton's Way (490'). The street rights-

of-way is 50 feet. The Development Review Team (DRT) documents indicate that the streets would be accepted by the County.

The developer included a "dedication stamp" on the subdivision plat dedicating the streets and drainage to Beaufort County. The developer was, apparently, not aware that the right-of-way and drainage should have been conveyed by deed. Eventually, ownership of the unsold lots, drainage, and right-of-way changed hands. The right-of-way was subsequently conveyed to the homeowners association on December 30, 2011 by Broad River Construction, Inc.

Prior to this date, the Nickels Place Subdivision streets were designated as County streets. Once they were conveyed to the homeowners association, the designation was changed from the County to private.

Motion: It was moved by Mr. McBride, seconded by Mrs. Bensch, that Committee accept the roads in Nickels Place Subdivision located off of Reeds Road on Lady's Island into the County road maintenance inventory. The vote: YEAS – Mrs. Bensch, Mr. Dawson, Mrs. Howard, Mr. McBride and Mr. Vaux. ABSENT – Mr. Caporale. Mr. Fobes left the room and was not present when the vote was taken. The motion passed.

Status: Committee accepted the roads in Nickels Place Subdivision located off of Reeds Road on Lady's Island into the County road maintenance inventory.

BOARDS AND COMMISSIONS

Reappointments and Appointments April 13, 2015

1. Community Services Committee

① Alcohol and Drug Abuse Board

Nominated	Name	Position/Area/Expertise	Reappoint/Appoint	Votes Required	Term/Years	Expiration
03.23.15	Charles Hammel	At-Large	Reappoint	10/11	4	February 2019
03.23.15	Ray Spellerberg	At-Large	Appoint	6/11	4	February 2019

② Disabilities and Special Needs Board

Nominated	Name	Position/Area/Expertise	Reappoint/Appoint	Votes Required	Term/Years	Expiration
03.23.15	Robert Collar	At-Large	Reappoint	8/11	4	February 2019
03.23.15	Nancy Pinkerton	At-Large	Reappoint	10/11	4	February 2019
03.23.15	Jill Striebinger	At-Large	Reappoint	8/11	4	February 2019

③ Parks and Leisure Services Board

Nominated	Name	Position/Area/Expertise	Reappoint/Appoint	Votes Required	Term/ Years	Expiration
03.23.15	Erac Priester	Southern Beaufort County	Reappoint	6/11	4	February 2019
03.23.15	Arthur Middleton	Northern Beaufort County	Reappoint	10/11	4	February 2019

2. Finance Committee

① Accommodations Tax (2%) Board

Nominated	Name	Position/Area/Expertise	Reappoint/Appoint	Votes Required	Term/Years	Expiration
03.23.15	Vimal Desai	Lodging/Hospitality	Appoint	6/11	4	February 2019

② Airports Board

Nominated	Name	Position/Area/Expertise	Reappoint/Appoint	Votes Required	Term/Years	Expiration
03.23.15	Dan Ahern	Proximity to LI Airport	Reappoint	8/11	2	February 2017
03.23.15	Lawrence Roberts	Proximity to LI Airport	Appoint	6/11	2	February 2017

3. Governmental Committee

① Lowcountry Regional Transportation Authority

Nominate	Name	Position/Area/Expertise	Reappoint/Appoint	Votes Required	Term/Years	Expiration
04.13.15	Timothy Kilty	At Large	Appoint	6/11	4	February 2019

PROCLAMATION

FOR

SEXUAL ASSAULT AWARENESS AND PREVENTION MONTH AND CHILD ABUSE PREVENTION MONTH



Whereas, Sexual Assault Awareness and Prevention Month and Child Abuse Prevention Month are intended to draw attention to the fact that sexual violence and child abuse is widespread and has public health implications for every community member of Beaufort County; and

Whereas, Rape and sexual assault impact our community as seen by statistics indicating that 1 in 5 women and 1 and 33 men will be a victim of sexual violence in their lifetime; and

Whereas, Hope Haven of the Lowcountry, our local Children's Advocacy and Rape Crisis Center, served 544 primary victims and 965 secondary victims of child abuse and sexual assault in 2014; and

Whereas, 76% of victims served through Hope Haven were 17 years of age and under with 55% being under the age of 11 and the median age of victims served being 7; and

Whereas, We must work together to educate our community about what can be done to prevent sexual violence and child abuse and how to support survivors; and

Whereas, Staff and volunteers of Hope Haven of the Lowcountry encourage every person to speak out when witnessing acts of violence however small; and

Whereas, Beaufort County has dedicated individuals and organizations who work daily to counter the problem of child maltreatment, sexual assault, and who help victims obtain the assistance they need; and

Whereas, With leadership, dedication, and encouragement, there is compelling evidence that we can be successful in reducing sexual violence and child abuse in the Beaufort County through prevention, education, increased awareness, and holding perpetrators who commit violence responsible for their actions; and

Now, Therefore, Be It Resolved, that Beaufort County Council joins advocates and supports service programs in the belief that all community members must be part of the solution to end sexual violence and child abuse. We, along with the United States Government and the State of South Carolina, do hereby proclaim April as "Sexual Assault Awareness and Prevention Month" and "Child Abuse Prevention Month".

Dated this 13th day of April, 2015.



D. Paul Sommerville, Chairman
Beaufort County Council

ORDINANCE NO. 2015/

AN ORDINANCE TO AMEND BEAUFORT COUNTY ORDINANCE 2014/14, FY 2014-2015
BEAUFORT COUNTY BUDGET BY DELETING EXISTING APPROPRIATION LEVELS SO AS
NOT TO EXCEED ANTICIPATED GENERAL REVENUES

WHEREAS, on June 23, 2014, Beaufort County Council adopted Ordinance 2014/14 which established the County's FY 2014-2015 budget; and

WHEREAS, an amount of \$102,258,280.00 was appropriated to the General Fund; and

WHEREAS, this Ordinance contained a three percent (3%) vacancy restructuring factor in the amount of \$1,916,536.00 which restricts General Fund expenditures to \$100,341,744.00; and

WHEREAS, the midyear analysis of the three percent (3%) vacancy restructuring factor projects an achievable reduction of approximately \$400,000.00, it is now necessary to delete General Fund appropriations throughout the current authorized budget so as to avoid a reduction in the County's General Reserve Fund or additional staffing eliminations; and

WHEREAS, the County has reviewed the approved elected official budgets, the corresponding current and anticipated rate of General Fund expenditures and has identified the capability to make one-time reductions in appropriations for this budget year to achieve the \$1,916,536.00 restructuring target; and

WHEREAS, South Carolina Code of Laws Section 8-15-65 states that any reduction of expenditures in the operations of the offices of county elected officials without the elected official's consent may result in a corresponding reduction to the distribution that would otherwise be due the county pursuant to Chapter 27 of Title 6, the State Aid to Subdivisions Act.

NOW, THEREFORE, Beaufort County Council does hereby amend Ordinance 2014/14 so as to reflect a reduction in the amount of authorized appropriations so as to not exceed the anticipated amount of revenue identified in the FY 2014-2015 budget.

Those items that are underscored are hereby added to the document and those items that contain a ~~striketrough~~ are hereby stricken from the document.

SECTION 4. COUNTY OPERATIONS APPROPRIATION

An amount of ~~\$100,341,744~~ includes a three percent (3%) vacancy factor in the amount of ~~\$1,916,536~~ and \$99,977,030 is appropriated to the Beaufort County General Fund to fund County operations and subsidized agencies as follows:

I. Elected Officials and State Appropriations:

A. Sheriff	\$	24,750,664	<u>24,450,664</u>
Emergency Management	\$	7,407,119	
B. Magistrate	\$	2,133,759	
C. Clerk to Court	\$	<u>1,404,379</u>	<u>1,304,379</u>
D. Treasurer	\$	<u>1,178,584</u>	<u>1,078,584</u>
E. Probate Court	\$	868,289	
F. County Council	\$	760,963	
G. Auditor	\$	686,416	
H. Public Defender	\$	600,000	
I. Coroner	\$	<u>506,566</u>	<u>481,566</u>
J. Master-in-Equity	\$	344,234	
K. Social Services	\$	147,349	
L. Legislative Delegation	\$	93,840	
M. Solicitor	\$	1,060,000	
Total	\$	<u>41,942,162</u>	<u>41,417,162</u>

Management of these individual accounts shall be the responsibility of the duly elected official for each office. At no time shall the elected official exceed the budget appropriation identified above without first receiving an approved appropriation by County Council.

II. County Administration Operations:

A. Public Works	\$	<u>14,613,967</u>	<u>14,463,967</u>
B. Detention Center	\$	6,463,861	
C. Administration	\$	<u>6,214,868</u>	<u>6,014,868</u>
D. EMS	\$	6,800,513	
E. Library	\$	3,852,812	
F. Education Allocation	\$	4,000,000	
G. Parks and Leisure Services	\$	3,547,784	
H. Community Services	\$	<u>3,670,097</u>	<u>3,220,097</u>
I. Assessor	\$	2,000,452	
J. Public Health	\$	<u>1,423,789</u>	<u>923,789</u>
K. Mosquito Control	\$	1,639,417	
L. General Government Subsidies	\$	<u>436,629</u>	<u>380,379</u>
M. Employee Services	\$	<u>1,033,095</u>	<u>633,095</u>
N. Building Codes and Enforcement	\$	999,795	
O. Voter Registration	\$	797,173	
P. Planning	\$	592,640	
Q. Animal Shelter	\$	815,556	
R. Traffic Engineering	\$	634,136	
S. Register of Deeds	\$	575,011	
T. Zoning	\$	204,523	
Total	\$	<u>60,316,118</u>	<u>58,559,868</u>

The detailed Operations budget containing line-item accounts by department and/or agency is hereby adopted as part of this Ordinance.

This Ordinance shall become effective upon its adoption.

DONE this ____ day of April, 2015.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Joshua A. Gruber, Deputy County Administrator
Special Counsel

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading: March 23, 2015

Second Reading:

Public Hearing:

Third and Final Reading:

ORDINANCE NO. _____

AN ORDINANCE TO APPROPRIATE \$150,000 FROM THE 3% LOCAL ACCOMMODATIONS TAX FUND TO THE SANTA ELENA FOUNDATION

WHEREAS, County Council is authorized to utilize the 3% Local Accommodations Tax Fund for certain limited purposes including tourism – related buildings and the promotion of cultural, recreational or historic facilities; and

WHEREAS, Beaufort County Code Ordinance Sec. 66-44(b) states “the authorization to utilize any funds from the ‘County of Beaufort, South Carolina, Local Accommodations Tax Account,’ shall be by ordinance duly adopted by the County Council;” and

WHEREAS, the Santa Elena Foundation is a non-profit organization with a mission to expand the story of European colonization of North America through discovery, preservation, and promotion of Santa Elena, the first colonial capital in present – day United States located in Beaufort, South Carolina; and

WHEREAS, the Santa Elena Foundation seeks to achieve its mission through continual archeological research and through programs at a cultural interpretive center; and

WHEREAS, Beaufort County Council believes that it is in the best interests of its citizens to appropriate \$150,000.00 from the 3% Local Accommodations Tax Fund to support the establishment and development of the cultural interpretive center at 1501 Bay Street, Beaufort, South Carolina.

NOW, THEREFORE, BE IT ORDAINED by Beaufort County Council, duly assembled, hereby appropriates \$150,000.00 from the 3% Local Accommodations Tax Fund to the Santa Elena Foundation.

DONE this ____ day of ____, 2015.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Joshua A. Gruber, Deputy County Administrator
Special Counsel

First Reading: March 23, 2015

Second Reading:

Public Hearing:

Third and Final Reading:

ORDINANCE 2015 _____

**AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE
A LEASE AGREEMENT WITH DIAMOND TRANSPORTATION, LLC**

WHEREAS, Beaufort County is the owner of certain property located at 16 Hunter Road, Hilton Head Island, South Carolina (the "Property"); and

WHEREAS, Diamond Transportation, LLC has occasionally used this Property for the parking of vehicles and it is the desire of both Beaufort County and Diamond Transportation, LLC to formalize an agreement regarding such use; and

WHEREAS, Diamond Transportation LLC's intended use of the Property is to park vehicles that service the Hilton Head Island Airport on a portion of the Property that is not identified as within the airport obstacle free area; and

WHEREAS, Beaufort County Council believes that it is in the best interests of its citizens to lease certain Property upon such terms and conditions as provided in the "Rental Agreement."

NOW, THEREFORE, BE IT ORDAINED by Beaufort County Council, duly assembled, to hereby authorize the County Administrator to execute any and all documents necessary to execute a lease agreement with the Diamond Transportation, LLC for the use of the property located at 16 Hunter Road, Hilton Head Island, South Carolina.

Adopted this ____ day of ____, 2015.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Joshua A. Gruber, Deputy County Administrator
Special Counsel

First Reading: March 23, 2015

Second Reading:

Public Hearing:

Third and Final Reading:

RENTAL AGREEMENT

THIS RENTAL AGREEMENT ("Agreement") is made and entered into this ____ day of _____, 2015, by and between BEAUFORT COUNTY (the "Landlord") and DIAMOND TRANSPORTATION, LLC (the "Tenant").

WITNESSETH:

WHEREAS, Beaufort County is the owner of that certain property located at 16 Hunter Road, Hilton Head Island, South Carolina (the "Property"); and

WHEREAS, Diamond Transportation, LLC has occasionally used this Property to park its rental vehicles that service the Hilton Head Island Airport and it is the desire of the Landlord and Tenant to formalize an agreement by which Diamond Transportation, LLC may rent this Property on a month-to-month basis from Landlord.

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged by the parties hereto, Landlord and Tenant agree as follows:

1. Rent. The rent to be paid by the Tenant to the Landlord shall be Three Hundred Fifty and No/100 (\$350.00) Dollars per month.
2. Term. The term of this Agreement will commence on _____ and shall terminate on an undetermined time unless sooner terminated pursuant to the provisions of this Agreement. See Paragraph 11.
3. Use of the Property. Tenant's intended use of the Property is to park vehicles that service the Hilton Head Island Airport. Such use shall be limited to the area designated on the attached Exhibit "A" as being green and/or that area closest to Dillon Road. Landlord shall also physically mark the parking line on the Property.
4. Subletting and Assignment. Tenant shall not be allowed to sublet, assign, share or rent the Property to any other entity, company, corporation, contractor, subcontractor, their agents, officers, employees or assigns without the prior written consent of Landlord.
5. Insurance. Tenant understands and agrees that Tenant bears full responsibility for insuring Tenant's personal property. Tenant shall also carry comprehensive general liability insurance insuring Landlord and its agents and Tenant. Tenant shall obtain and keep in force during the term of this Agreement public liability insurance insuring Tenant against liability arising out of ownership, use, occupancy or maintenance of the Property.
6. Indemnification. Tenant shall indemnify Landlord from any loss or damage, fraud, gross negligence, or willful misconduct on the part of Tenant or Tenant's employees, agents, contractors, subcontractors or members and shall protect, defend, indemnify and hold Landlord harmless from and against any and all claims, liabilities, losses, or expenses arising from injury

to any person or property in, about, on, or in connection with the Property from any cause whatsoever.

7. Condition of the Property. Tenant is fully familiar with the physical condition of the Property. Landlord has made no representation in connection with the condition of the Property and shall not be liable for any latent defects therein; provided however, that if such latent defects render the Property untenantable for the purposes of this Agreement, Tenant may, at its option, upon prior written notice to Landlord, terminate this Agreement.

8. Repairs. Subject to applicable law, Tenant shall keep and maintain the Property and all equipment and fixtures thereon or used therewith repaired, whole and of the same kind, quality and description and in such good repair, order and condition as the same are at the beginning of the term of this Agreement or may be put in thereafter, reasonable and ordinary wear and tear and damage by fire and other unavoidable casualty (not due to Tenant's negligence) only excepted. If Tenant fails within a reasonable time to make such repairs, or makes them improperly, then and in any such event or events, Landlord may (but shall not be obligated to) make such repairs and Tenant shall reimburse Land lord for the reasonable cost of such repairs in full, as additional rent, upon demand.

9. Alterations and Improvements. Tenant shall not make any improvements to the Property and shall not construct any other structures on the Property.

10. Condemnation. If the Property is partially or wholly taken for any public use, Landlord or Tenant may terminate this Agreement by giving written notice to the other party within thirty (30) days of such notification.

11. Entry, Inspection and Maintenance. Tenant shall allow Landlord or its agents during the term, at any time, to enter and view the Property and to make repairs and alterations if it should elects to do so.

12. Termination. Tenant agrees to quit and deliver up the Property peaceably and quietly to Landlord, or its attorney, or other duly authorized agent, at the expiration of other termination of this Agreement. This Agreement may be terminated by either party upon thirty (30) days notice to the other party.

13. Notices. Notices and requests shall be made in writing and delivered to Landlord or Tenant at the addresses listed below:

As to Landlord: Beaufort County
 Attn: Jon Rembold
 P. O. Box 1228
 Beaufort, SC 29901-1228

As to Tenant: Diamond Transportation, LLC

14. Compliance with Law. The Tenant shall comply with all laws, orders, ordinances and other public requirements now or hereafter pertaining to the Tenant's use of the Property.

15. Default. If a party shall breach a provision of this Agreement and fails to cure the default within ten (10) days of written notice thereof, the non-defaulting party shall have the right to pursue any and all available remedies at either law or equity.

16. Entire Agreement. The parties acknowledge that they have read and understand the terms of this Agreement. This Agreement contains the entire agreement and understanding between the parties regarding the Property and is subject to no agreements, conditions or representations that are not expressly set forth herein. This Agreement may only be amended in a writing signed by both the Landlord and the Tenant.

17. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors, legal representatives and assigns where permitted.

IN WITNESS WHEREOF, the parties have executed this Rental Agreement on the day and year first written above.

LANDLORD:

BEAUFORT COUNTY

By: _____
Name: _____
Title: _____

TENANT:

DIAMOND TRANSPORTATION, LLC

By: _____
Name: _____
Its: _____

ORDINANCE NO. _____

AN ORDINANCE TO TRANSFER FUNDS NOT EXCEED \$78, 810 FROM THE 3% LOCAL ACCOMMODATIONS TAX FUND TO THE GENERAL FUND FOR THE BROAD RIVER FISHING PIER REHABILITATION PROJECT

WHEREAS, County Council is authorized to utilize the 3% Local Accommodation Tax Fund for certain limited purposes including cultural, recreational or historic facilities and highways, roads, streets, bridges and boat ramps providing access to tourist destinations; and

WHEREAS, Beaufort County Code Ordinance Sec. 66-44(b) states “the authorization to utilize any funds from the ‘County of Beaufort, South Carolina, Local Accommodations Tax Account,’ shall be by ordinance duly adopted by the County Council”; and

WHEREAS, the northernmost 1800 feet of the former Broad River Bridge originally constructed in 1957, was converted to a fishing pier in 2004; and

WHEREAS, the Broad River Fishing Pier provides access to the Broad River for the enjoyment of both Beaufort County citizens and tourists; and

WHEREAS, in 2013 an inspection of the pier was completed and the subsequent report indicated the pier was in fair condition and a preservation plan should be pursued to ensure appropriate and timely repair of the facility; and

WHEREAS, Beaufort County issued a Request for Proposals for qualified firms to inspect, design and provide rehabilitation recommendations for the Broad River Fishing Pier; and

WHEREAS, a selection committee reviewed all responses to the Request for Proposal and recommend approving the contract award to O’Quinn Marine to complete Stage I – Inspection and Engineering for the rehabilitation and preservation of the Broad River Fishing Pier; and

WHEREAS, Beaufort County Council believes that it is in the best interests of its citizens to transfer funds not exceed \$78,810.00 from the 3% Local Accommodations Tax Fund to the general fund for the Broad River Fishing Pier Project.

NOW, THEREFORE, BE IT ORDAINED by Beaufort County Council, duly assembled, hereby transfers funds not to exceed \$78,810.00 from the 3% Local Accommodations Tax Fund to the General Fund for the Broad River Fishing Pier Project.

DONE this ___ day of _____, 2015.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Joshua A. Gruber, Deputy County Administrator
Special Counsel

First Reading: March 9, 2015
Second Reading: March 23, 2015
Public Hearing:
Third and Final Reading:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR BEAUFORT COUNTY
ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED \$12,000,000 GENERAL OBLIGATION BONDS AND \$12,000,000 GENERAL OBLIGATION BOND ANTICIPATION NOTES, IN ONE OR MORE SERIES, IN ONE OR MORE YEARS, WITH APPROPRIATE SERIES DESIGNATIONS, OF BEAUFORT COUNTY, SOUTH CAROLINA; FIXING THE FORM AND DETAILS OF THE BOND AND THE NOTES; DELEGATING TO THE COUNTY ADMINISTRATOR CERTAIN AUTHORITY RELATED TO THE BONDS AND THE NOTES; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE NOTES AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO.

Pursuant to the authority by the Constitution of the State of South Carolina and the General Assembly of the State of South Carolina, BE IT ENACTED BY BEAUFORT COUNTY COUNCIL:

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

(a) Pursuant to Section 4-9-10, Code of Laws of South Carolina 1976, as amended, the County operates under the Council-Administrator form of government and the County Council constitutes the governing body of the County.

(b) Article X, Section 14 of the Constitution of the State of South Carolina, 1895, as amended (the "Constitution"), provides that each county shall have the power to incur bonded indebtedness in such manner and upon such terms and conditions as the General Assembly shall prescribe by general law. Such debt must be incurred for a public purpose and a corporate purpose in an amount not exceeding eight percent (8%) of the assessed value of all taxable property of such county.

(c) Pursuant to Title 4, Chapter 15 of the Code (the same being and hereinafter referred to as the "County Bond Act"), the governing bodies of the several counties of the State may each issue general obligation bonds to defray the cost of any authorized purpose and for any amount not exceeding their applicable constitutional limit.

(d) The County Bond Act provides that as a condition precedent to the issuance of bonds an election be held and the result be favorable thereto. Title 11, Chapter 27 of the Code of Laws of South Carolina 1976, as amended, provides that if an election be prescribed by the provisions of the County Bond Act, but not be required by the provisions of Article X of the Constitution, then in every such instance, no election need be held (notwithstanding the requirement therefor) and the remaining provisions of the County Bond Act shall constitute a full and complete authorization to issue bonds in accordance with such remaining provisions.

(e) The assessed value of all the taxable property in the County as of June 30, 2014, is \$1,688,809,792. Eight percent of the assessed value is \$135,104,783. As of the date hereof, the outstanding general obligation debt of the County subject to the limitation imposed by Article X, Section 14(7) of the Constitution is \$87,994,710. Thus, the County may incur \$47,110,073 additional general obligation debt within its applicable debt limitation.

(f) Article X, Section 14 of the Constitution further provides that general obligation bond anticipation notes may be issued in anticipation of the proceeds of general obligation bonds which may lawfully be issued under such terms and conditions that the General Assembly may prescribe by law.

(g) Pursuant to the provisions of Title 11, Chapter 17 of the Code of Laws of South Carolina, 1976, as amended (“Title 11, Chapter 17”), any county, whenever authorized by general or special law to issue bonds, may, pending the sale and issuance thereof, borrow in anticipation of the receipt of the proceeds of the bonds

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

(i) Pending the issuance and sale of general obligation bonds, it is necessary and in the best interest of the County for the County Council to provide for the issuance and sale of general obligation bond anticipation notes in an amount of not to exceed \$12,000,000 for: (i) the acquisition of a parcel of property known as Pepper Hall Plantation (the “Project”); (ii) paying costs of issuance of the Bonds (hereinafter defined); and (iii) such other lawful purposes as the County Council shall determine.

SECTION 2. Authorization and Details of Bonds. Pursuant to the aforesaid provisions of the Constitution and laws of the State, there is hereby authorized to be issued not exceeding \$12,000,000 aggregate principal amount of general obligation bonds of the County to be designated “\$(amount issued) General Obligation Bonds, (appropriate series designation), of Beaufort County, South Carolina” (the “Bonds”) for the purpose of retiring any outstanding bond anticipation notes, and to pay costs of issuance of the Bonds.

The Bonds shall be issued as fully registered Bonds registerable as to principal and interest; shall be dated as of the first day of the month in which they are delivered to the initial purchaser(s) thereof; shall be in denominations of \$5,000 or any integral multiple thereof not exceeding principal amount of Bonds maturing each year; shall be numbered from R-1 upward, respectively; shall bear interest from their date payable at such times as hereafter designated by the Administrator of the County (the “Administrator”) at such rate or rates as may be determined by the Administrator at the time of sale thereof; and shall mature serially in successive annual installments as determined by the Administrator.

Both the principal of and interest on the Bonds shall be payable in any coin or currency of the United States of America which is, at the time of payment, legal tender for public and private debts.

SECTION 3. Authorization and Details of Notes. Pursuant to the aforesaid provisions of the Constitution and laws of the State, there is hereby authorized to be issued not exceeding \$12,000,000 aggregate principal amount of general obligation bond anticipation notes of the County, in one or more series, in one or more years, with appropriate series designations, to be designated “(amount issued) General Obligation Bond Anticipation Notes, (appropriate series designation) of Beaufort County, South Carolina”(the “Notes”) to fund the Project, and to pay costs of issuance of the Notes.

The Notes shall be issued as fully registered Notes registerable as to principal and interest; shall be dated as of their date of delivery to the initial purchaser(s) thereof; shall bear interest from their dated date payable at maturity at such rate or rates as may be determined by the County Administrator at the time of sale thereof.

Both the principal of and interest on the Notes shall be payable in any coin or currency of the United States of America which is, at the time of payment, legal tender for public and private debts.

If it is determined that it would be in the County's best interest to renew the Notes at maturity rather than to issue the Bonds, said renewal will be authorized by Resolution adopted by County Council.

SECTION 4. Approval by County Council; Delegation of Authority Relating to the Bonds. County Council shall by written resolution approve the issuance and sale of each series of bonds. Subject to County Council's approval, County Council hereby delegates to the Administrator or his lawfully-authorized designee the authority with respect to each Series of Bonds: (a) to determine the par amount of Bonds; (b) to determine maturity dates of the Bonds and the respective principal amounts maturing on such dates; (c) to determine the interest payment dates of the Bonds; (d) to determine redemption provisions, if any, for the Bonds; (e) the date and time of sale of the Bonds; (f) to receive bids on behalf of the County Council; and (g) to award the sale of the Bonds to the lowest bidders therefor in accordance with the terms of the Notices of Sale for each series of Bonds.

After the sale of each series of Bonds, the Administrator or his lawfully-authorized designee shall submit a written report to the County Council setting forth the results of the sale of each series of Bonds.

SECTION 5. Delegation of Authority Relating to the Notes. The County Council hereby delegates to the Administrator or his lawfully-authorized designee the authority: (a) to determine the par amount of the Notes; (b) to determine the maturity date of the Notes; (c) to determine redemption provisions, if any, for the Notes; (d) the date and time of sale of the Notes; (e) to receive bids on behalf of the County Council; and (f) to award the sale of the Notes to the lowest bidders therefor in accordance with the terms of the Notice of Sale for the Notes.

After the sale of the Notes, the Administrator or his lawfully-authorized designee shall submit a written report to the County Council setting forth the results of the sale of the Notes.

SECTION 6. Registration, Transfer and Exchange of Bonds and Notes. The County shall cause books (herein referred to as the "registry books") to be kept at the offices of the Registrar/Paying Agent, for the registration and transfer of the Bonds and Notes. Upon presentation at its office for such purpose the Registrar/Paying Agent shall register or transfer, or cause to be registered or transferred, on such registry books, the Bonds and Notes under such reasonable regulations as the Registrar/Paying Agent may prescribe.

Each Bond and Note shall be transferable only upon the registry books of the County, which shall be kept for such purpose at the principal office of the Registrar/Paying Agent, by the registered owner thereof in person or by his duly authorized attorney upon surrender thereof together with a written instrument of transfer satisfactory to the Registrar/Paying Agent duly executed by the registered owner or his duly authorized attorney. Upon the transfer of any such Bond the Registrar/Paying Agent on behalf of the County shall issue in the name of the transferee a new fully-registered Bond, Bonds, Note or Notes, of the same aggregate principal amount, interest rate and maturity as the surrendered Bond or Note. Any Bonds or Notes surrendered in exchange for a new registered Bond or Note pursuant to this Section shall be canceled by the Registrar/Paying Agent.

The County and the Registrar/Paying Agent may deem or treat the person in whose name any fully-registered Bond and Note shall be registered upon the registry books as the absolute owner of such Bond and Note, whether such Bond and Note shall be overdue or not, for the purpose of receiving payment of the principal of and interest on such Bond and Note and for all other purposes and all such payments so made to any such registered owner or upon his order shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the County nor the Registrar/Paying Agent shall be affected by any notice to the contrary. For every such transfer of Bonds and Notes, the County or the Registrar/Paying Agent may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such transfer, and, except as otherwise provided

herein, may charge a sum sufficient to pay the cost of preparing each Bond and Note issued upon such transfer, which sum or sums shall be paid by the person requesting such transfer or by the County as a condition precedent to the exercise of the privilege of making such transfer. Neither the County nor the Registrar/Paying Agent shall be obliged to make any such transfer of Bonds during the fifteen (15) days preceding an interest payment date on such Bonds or Notes.

SECTION 7. Record Date. The County hereby establishes a record date for the payment of interest or for the giving of notice of any proposed redemption of Bonds, and such record date shall be the fifteenth (15th) day of the calendar month preceding each semiannual interest payment date on such Bond or in the case of any proposed redemption of Bonds, such record date shall be the fifteenth (15th) day prior to the giving of notice of redemption of bonds.

SECTION 8. Mutilation, Loss, Theft or Destruction of Bonds or Notes. In case any Bond or Note shall at any time become mutilated in whole or in part, or be lost, stolen or destroyed, or be so defaced as to impair the value thereof to the owner, the County shall execute and the Registrar shall authenticate and deliver at the principal office of the Registrar, or send by registered mail to the owner thereof at his request, risk and expense a new Bond or Note of the same series, interest rate and maturity and of like tenor and effect in exchange or substitution for and upon the surrender for cancellation of such defaced, mutilated or partly destroyed Bond, or in lieu of or in substitution for such lost, stolen or destroyed Bond or Note. In any such event the applicant for the issuance of a substitute Bond or Note shall furnish the County and the Registrar evidence or proof satisfactory to the County and the Registrar of the loss, destruction, mutilation, defacement or theft of the original Bond or Note, and of the ownership thereof, and also such security and indemnity in an amount as may be required by the laws of the State of South Carolina or such greater amount as may be required by the County and the Registrar. Any duplicate Bond or Note issued under the provisions of this Section in exchange and substitution for any defaced, mutilated or partly destroyed Bond or Note or in substitution for any allegedly lost, stolen or wholly destroyed Bond shall be entitled to the identical benefits under this Ordinance as was the original Bond or Note in lieu of which such duplicate Bond or Note is issued, and shall be entitled to equal and proportionate benefits with all the other Bonds or Notes of the same series issued hereunder.

All expenses necessary for the providing of any duplicate Bond or Note shall be borne by the applicant therefor.

SECTION 9. Execution of Bonds and Notes. The Bonds and Notes shall be executed in the name of the County with the manual or facsimile signature of the Chair of the County Council attested by the manual or facsimile signature of the Clerk of the County Council under a facsimile of the seal of the County impressed, imprinted or reproduced thereon; provided, however, the facsimile signatures appearing on the Bonds or Notes may be those of the officers who are in office on the date of adoption of this Ordinance. The execution of the Bonds or Notes in such fashion shall be valid and effectual, notwithstanding any subsequent change in such offices. The Bonds or Notes shall not be valid or become obligatory for any purpose unless there shall have been endorsed thereon a certificate of authentication. Each Bond and Note shall bear a certificate of authentication manually executed by the Registrar.

SECTION 10. Form of Bonds and Notes. The Bonds and Notes shall be in substantially the form attached to the Resolution setting forth the details of the Bonds and Exhibit A hereto, respectively, and incorporated herein by reference.

SECTION 11. Security for Bonds. The full faith, credit, and taxing power of the County are hereby irrevocably pledged 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. There shall be levied annually by the County Auditor and collected by the County Treasurer, in the same manner as other county

taxes are levied and collected, a tax, without limit, on all taxable property in the County sufficient to pay the principal of and interest on the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

SECTION 12. Security for Notes. The Notes shall constitute general obligations of the County and the proceeds of the Bonds are irrevocably pledged to the payment of the Notes as well as the full faith, credit and taxing power of the County.

SECTION 13. Defeasance. The obligations of the County under this Ordinance and the pledges, covenants and agreements of the County herein made or provided for, shall be fully discharged and satisfied as to any portion of the Notes or Bonds, and such Note or Notes or Bond or Bonds shall no longer be deemed to be outstanding hereunder when:

(a) Such Note or Notes or Bond or Bonds shall have been purchased by the County and surrendered to the County for cancellation or otherwise surrendered to the County or the Paying Agent and is canceled or subject to cancellation by the County or the Paying Agent; or

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

“Government Obligations” shall mean any of the following:

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

(c) Such Bond or Bonds shall be defeased as provided in Section 11-14-110 of the S.C. Code as such may be amended from time to time.

SECTION 14. Exemption from State Taxes. Both the principal of and interest on the Notes and the Bonds shall be exempt, in accordance with the provisions of Section 12-2-50 of the Code, from all State, county, municipal, school district and all other taxes or assessments, except estate or other transfer taxes, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise.

SECTION 15. Eligible Securities. The Notes and Bonds initially issued (the “Initial Notes” or the “Initial Bonds”) will be eligible securities for the purposes of the book-entry system of transfer maintained

by The Depository Trust Company, New York, New York (“DTC”), and transfers of beneficial ownership of the Initial Bonds shall be made only through DTC and its participants in accordance with rules specified by DTC. Such beneficial ownership must be of \$5,000 principal amount of Bonds or Notes of the same maturity or any integral multiple of \$5,000.

The Initial Bonds or Notes shall be issued in fully-registered form, one Bond or Note for each of the maturities of the Bonds or Notes, in the name of Cede & Co., as the nominee of DTC. When any principal of or interest on the Initial Notes or Initial Bonds becomes due, the Paying Agent, on behalf of the County, shall transmit to DTC an amount equal to such installment of principal and interest. DTC shall remit such payments to the beneficial owners of the Bonds or Notes or their nominees in accordance with its rules and regulations.

Notices of redemption of the Initial Bonds or any portion thereof shall be sent to DTC in accordance with the provisions of the Ordinance.

If (a) DTC determines not to continue to act as securities depository for the Bonds or Notes, or (b) the County has advised DTC of its determination that DTC is incapable of discharging its duties, the County shall attempt to retain another qualified securities depository to replace DTC. Upon receipt by the County the Initial Bonds together with an assignment duly executed by DTC, the County shall execute and deliver to the successor securities depository Bonds or Notes of the same principal amount, interest rate and maturity registered in the name of such successor.

If the County is unable to retain a qualified successor to DTC or the County has determined that it is in its best interest not to continue the book-entry system of transfer or that interests of the beneficial owners of the Bond or Notes might be adversely affected if the book-entry system of transfer is continued (the County undertakes no obligation to make any investigation to determine the occurrence of any events that would permit it to make any such determination), and has made provision to so notify beneficial owners of the Bonds or Notes by mailing an appropriate notice to DTC, upon receipt by the County of the Initial Notes or Initial Bonds together with an assignment duly executed by DTC, the County shall execute, authenticate and deliver to the DTC participants Bonds or Notes in fully-registered form, in substantially the form set forth in Section 2 of this Ordinance in the denomination of \$5,000 or any integral multiple thereof.

Notwithstanding the foregoing, at the request of the purchaser, the Bonds or Notes will be issued as one single fully-registered Bond or Note and not issued through the book-entry system.

SECTION 16. Sale of Bonds and Notes, Form of Notice of Sale. The Bonds and Notes shall be sold at public sale. A Notice of Sale for the Notes in substantially the form attached hereto as Exhibit B and incorporated herein by reference shall be distributed to prospective bidders and a summary of such Notice of Sale shall be published in a newspaper having general circulation in the State of South Carolina or in a financial publication published in the City of New York, State of New York, or both, not less than seven (7) days prior to the date set for such sale. The Notice of Sale for the Bonds will be attached to the Resolution of the County setting forth the details of the Bonds.

SECTION 17. Preliminary and Final Official Statement. The County Council hereby authorizes and directs the Administrator to prepare, or cause to be prepared, a Preliminary Official Statement to be distributed to prospective purchasers of the Bonds and Notes, respectively, together with the Notice of Sale. The County Council authorizes the Administrator to designate the Preliminary Official Statement as “near final” for purposes of Rule 15c2-12 of the Securities Exchange Commission. The Administrator is further authorized to see to the completion of the final form of the Official Statement upon the sale of the Bonds and Notes, respectively, so that it may be provided to the purchaser of the Bonds and Notes.

SECTION 18. Filings with Central Repository. In compliance with Section 11-1-85, South Carolina Code of Laws 1976, as amended, the County covenants that it will file or cause to be filed with a central repository for availability in the secondary bond market when requested: (a) a copy of an annual independent audit of the County within thirty (30) days of the County's receipt thereof; and (b) within thirty (30) days of the occurrence thereof, event specific information of an event which adversely affects more than five (5%) percent of the tax revenues of the County or the County's tax base.

SECTION 19. Continuing Disclosure. In compliance with the Securities and Exchange Commission Rule 15c2-12 (the "Rule") the County covenants and agrees for the benefit of the holders from time to time of the Notes to execute and deliver prior to closing, and to thereafter comply with the terms of a Disclosure Dissemination Agent Agreement in substantially the form appearing as Exhibit C to this Ordinance. In the event of a failure of the County to comply with any of the provisions of the Disclosure Dissemination Agent Agreement, an event of default under this Ordinance shall not be deemed to have occurred. In such event, the sole remedy of any bondholder or beneficial owner shall be an action to compel performance by the Ordinance. The County will execute and deliver a Disclosure Dissemination Agent Agreement in connection with the issuance of the Bonds, the form of which will be attached to the Resolution setting forth the details of the Bonds.

SECTION 20. Deposit and Use of Proceeds. The proceeds derived from the sale of the Bonds shall be deposited with the Treasurer of the County in a special fund to the credit of the County, separate and distinct from all other funds, and shall be expended from time to time and made use of by the County Council as follows:

- (a) Any premium shall be placed in the sinking fund established pursuant to Section 4-15-150 of the Code;
- (b) A portion will be used to retire any outstanding Notes; and
- (c) The balance of the proceeds shall be applied to costs and expenses of issuing the Bonds.

The proceeds derived from the sale of the Notes shall be deposited with the Treasurer of the County in a special fund to the credit of the County, separate and distinct from all other funds, and shall be expended from time to time and made use of by the County Council for the purposes set forth in this Ordinance including defraying the costs and expenses of issuing the Notes.

SECTION 21. Notice of Public Hearing. The County Council hereby ratifies and approves the publication of a notice of public hearing regarding the Bonds, the Notes and this Ordinance, such notice in substantially the form attached hereto as Exhibit D, having been published in *The Beaufort Gazette and Island Packet*, a newspaper of general circulation in the County, not less than 15 days prior to the date of such public hearing.

SECTION 22. Reimbursement of Certain Expenditures. The County Council hereby declares that this Ordinance shall constitute its declaration of official intent pursuant to Treasury Regulation § 1.150-2 to reimburse the County from the proceeds of the Bonds and Notes for expenditures with respect to the Project (the "Expenditures"). The County anticipates incurring Expenditures with respect to the capital improvements prior to the issuance by the County of the Bonds and Notes for such purposes. To be eligible for reimbursement of the Expenditures, the reimbursement allocation must be made not later than 18 months after the later of (a) the date on which the Expenditures were paid, or (b) the date the Project was placed in service, but in no event more than three (3) years after the original Expenditures. The Expenditures are incurred solely to acquire, construct or rehabilitate property having a reasonably

expected economic life of at least one (1) year. The source of funds for the Expenditures with respect to the Project will be the County's general reserve funds or other legally-available funds.

SECTION 23. Tax Covenants. The County hereby covenants and agrees with the Holders of the Bonds and Notes that it will not take any action which will, or fail to take any action which failure will, cause interest on the Bonds to become includable in the gross income of the Bondholders or Noteholders for federal income tax purposes pursuant to the provisions of the Internal Revenue Code of 1986, as amended and regulations promulgated thereunder (the "IRC") in effect on the date of original issuance of the Bonds and Notes. The County further covenants and agrees with the holders of the Bonds that no use of the proceeds of the Bonds and Notes shall be made which, if such use had been reasonably expected on the date of issue of the Bonds and Notes would have caused the Bonds or Notes to be "arbitrage bonds," as defined in Section 148 of the IRC, and to that end the County hereby shall:

(a) comply with the applicable provisions of Sections 103 and 141 through 150 of the IRC and any regulations promulgated thereunder so long as the Bonds are outstanding;

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

(c) make such reports of such information at the time and places required by the IRC.

SECTION 24. Miscellaneous. The County Council hereby authorizes any one or more of the following officials to execute such documents and instruments as necessary to effect the issuance of the Bonds: Chair of the County Council, County Administrator, Clerk to the County Council and County Attorney. The County Council hereby retains McNair Law Firm, P.A., as bond counsel and FirstSouthwest, as Financial Advisor in connection with the issuance of the Notes and the Bonds. The County Administrator is authorized to execute such contracts, documents or engagement letters as may be necessary and appropriate to effectuate these engagements.

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

[Signature Page to follow]

Enacted this ____ day of _____, 2015.

BEAUFORT COUNTY, SOUTH CAROLINA

By: _____
Chair, County Council

(SEAL)

ATTEST THIS ____ DAY OF

_____, 2015:

Clerk to Council

Date of First Reading:
Date of Second Reading:
Date of Public Hearing:
Date of Third Reading:

FORM OF NOTE

UNITED STATES OF AMERICA
 STATE OF SOUTH CAROLINA
 BEAUFORT COUNTY
 GENERAL OBLIGATION BOND ANTICIPATION NOTE
 SERIES _____

No. R-

<u>INTEREST</u>	<u>MATURITY</u>	<u>ORIGINAL</u>	
<u>RATE</u>	<u>DATE</u>	<u>ISSUE DATE</u>	<u>CUSIP</u>

REGISTERED OWNER:

PRINCIPAL AMOUNT: DOLLARS

KNOW ALL MEN BY THESE PRESENTS that Beaufort County, South Carolina (the “County”) hereby acknowledges itself indebted, and for value received promises to pay to the registered owner hereof, the principal sum of _____ Dollars (\$_____) at the principal office of _____, in the City of _____, State of _____ on the ___ day of _____, 2015, and to pay interest (calculated on the basis of a 360-day year of twelve 30-day months) on said principal sum from the date hereof, at the rate of _____%, payable upon the maturity of this note. This note is not subject to prepayment prior to its maturity.

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

This note represents a series of general obligation bond anticipation notes (the “Notes”), issued by the County, pursuant to the authorization of Title 11, Chapter 17, Code of Laws of South Carolina 1976, as amended, in anticipation of the receipt of the proceeds to be derived from the general obligation bonds of the County to be issued pursuant to and in accordance with the provisions of the Constitution and Laws of the State of South Carolina including Article X, Section 15 of the Constitution of the State of South Carolina, 1895, as amended; Title 11, Chapter 27, Code of Laws of South Carolina, 1976, as amended; Title 59, Chapter 71, Code of Laws of South Carolina, 1976, as amended; and an ordinance duly enacted by County Council on _____, 2015 (the “Ordinance”). The proceeds to be derived from the sale of bonds are irrevocably pledged for the payment of the principal of and interest on the Notes.

The Notes are being issued by means of a book-entry system with no physical distribution of certificates to be made except as provided in the Ordinance. One certificate registered in the name of the Securities Depository Nominee is being issued and is required to be deposited with the Securities Depository. The book-entry system will evidence positions held in the Notes by the Securities Depository’s participants, beneficial ownership of the Notes in the principal amount of \$5,000 or any multiple thereof being evidenced in the records of such Participants. Transfers of ownership shall be

effected on the records of the Securities Depository on the records of the Securities Depository and its participants pursuant to rules and procedures established by the Securities Depository and its Participants.

Wells Fargo Bank, N.A., as Registrar/Paying Agent will recognize the Securities Depository Nominee, while the registered owner of the Notes, as the owner of the Notes for all purposes, including payments of principal of and redemption premium, if any, and interest on the Notes, notices and voting. Transfer of principal and interest payments to Participants of the Securities Depository will be the responsibility of the Securities Depository, and transfer of principal, redemption premium, if any, and interest payments to beneficial owners of the Notes by Participants of the Securities Depository will be the responsibility of such participants and other nominees of such beneficial owners. The County and Registrar/Paying Agent will not be responsible or liable for such transfers of payment or for maintaining, supervision or reviewing the records maintained by the Securities Depository, the Securities Depository Nominee, its Participants or persons acting through such Participants. While the Securities Depository Nominee is the owner of the Notes, notwithstanding the provision hereinabove contained, payments of principal of, redemption premium, if any, and interest on the Notes shall be made in accordance with existing arrangements between the Registrar/Paying Agent or its successors under the Resolution and the Securities Depository.

This note and the interest hereon are exempt from all State, county, municipal, and all other taxes or assessments of the State of South Carolina, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, except inheritance, estate and transfer taxes but the interest on this note may be included for certain franchise fees or taxes.

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions and things required by the Constitution and Laws of the State of South Carolina to exist, to happen, or to be performed precedent to or in the issuance of this note, do exist, have happened, and have been performed in regular and due time, form and manner, and the amount of this note, and the issue of which this note is one, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, BEAUFORT COUNTY, SOUTH CAROLINA, has caused this Note to be signed with the signature of the Chair of the County Council, attested by the signature of the Interim Clerk to the County Council and the seal of the County impressed, imprinted, or reproduced hereon.

BEAUFORT COUNTY, SOUTH CAROLINA

(SEAL)

Chair, County Council

ATTEST:

Interim Clerk to County Council

[FORM OF REGISTRAR/PAYING AGENT'S CERTIFICATE OF AUTHENTICATION]

Date of Authentication:

This note is one of the Notes described in the within mentioned Ordinance of Beaufort County, South Carolina.

[REGISTRAR/PAYING AGENT] as Registrar/Paying Agent

By: _____
Authorized Officer

The following abbreviations, when used in the inscription on the face of this Note, shall be construed as though they were written out in full according to applicable laws or regulations.

TEN COM - as tenants in common

UNIF GIFT MIN ACT -

TEN ENT - as tenants by the
entireties

_____ Custodian _____
(Cust) (Minor)

JT TEN - as joint tenants with right
of survivorship and not as
tenants in common

under Uniform Gifts to Minors
Act _____
(state)

Additional abbreviations may also be used though not in above list.

(FORM OF ASSIGNMENT)

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto _____

(Name and Address of Transferee)

_____ the within Note and
does hereby irrevocably constitute and appoint _____
attorney to transfer the within Note on the books kept for registration thereof, with full power of
substitution in the premises.

Dated: _____

Signature Guaranteed

(Authorized Officer)

Signature must be guaranteed by
a participant in the Securities Transfer
Agent Medallions Program (STAMP)

Notice: The signature to the assignment must correspond
with the name of the registered owner as it appears
upon the face of the within Note in every particular,
without alteration or enlargement or any change
whatever

FORM OF NOTICE OF SALE

NOTICE OF SALE
\$ _____ GENERAL OBLIGATION BOND ANTICIPATION NOTES, SERIES _____
OF BEAUFORT COUNTY, SOUTH CAROLINA

Sealed, facsimile and electronic bids for the purchase of all but not part of the above notes (the "Notes") will be received by Beaufort County, South Carolina (the "County"), in the case of sealed and facsimile bids, at the offices of the County Administrator, 100 Ribaut Road, Beaufort, South Carolina, and in the case of electronic bids, via PARITY (as explained below) until _____ (Eastern Time) on _____, _____, 2015.

BID SUBMISSION: Sealed and facsimile bids must be submitted on bid forms furnished by the County. Sealed bids shall be enclosed in a sealed envelope marked on the outside "Proposal for the Purchase of the County of Beaufort County, South Carolina, \$ _____ General Obligation Bond Anticipation Notes, Series _____." Bids submitted by facsimile should be preceded by a cover sheet addressed to the Superintendent and should be sent only once to (843) _____. Electronic proposals must be submitted through i-Deal's Parity Electronic Bid Submission System ("Parity"). No electronic bids from any other providers of electronic bidding services will be accepted. Information about the electronic bidding services of Parity may be obtained from i-Deal, 1359 Broadway, 2nd Floor, New York, New York 10018, Customer Support, telephone (212) 404-8102. The County, McNair Law Firm, P.A. and FirstSouthwest shall not be responsible for any failure, misdirection or error in the means of transmission selected by any bidder.

GOOD FAITH DEPOSIT: No good faith deposit will be required.

NOTE DETAILS: The Notes will be issued in book-entry form in the denomination of \$5,000 or any integral multiple thereof. The Notes will be dated as of _____, 2015, the expected date of delivery, and due on _____, 2015. Interest, calculated on the basis of a 360-day year of twelve 30-day months, will be payable at maturity on _____, 2016.

REDEMPTION PROVISIONS: The Notes are not subject to optional redemption prior to maturity.

RATINGS: Moody's and S&P ratings have been applied for.

INTEREST RATES: Bidders must specify the fixed rate of interest the Notes shall bear according to the following restrictions: (a) the interest rate may not exceed six percent (6%) and (b) the interest rate specified must be a multiple of 1/100th of one percent.

REGISTRAR/PAYING AGENT: Wells Fargo Bank, N.A., Atlanta, Georgia will serve as Registrar/Paying Agent (the "Registrar/Paying Agent") for the Notes.

BASIS OF AWARD: The Notes will be awarded to the responsive bidder whose bid results in the lowest NET INTEREST COST (the "NIC") to the County. The NIC will be calculated as the total interest from _____, 2015 to _____, 2016, minus any premium. If two or more bids provide for the same lowest NIC, the County shall award the bid to the bidder whose bid is in the best interest of the County to be determined by the County in its sole discretion, and such determination shall be final. Any bid for less than par will be rejected. The County reserves the right to reject any and all bids and to waive informalities in any or all bids.

In order to calculate the yield on the Notes for federal tax law purposes and as a condition precedent to the award of the Notes, the successful bidder will be required to disclose to the County the price (or yield to maturity) at which the Notes will be reoffered to the public.

The Notes will be awarded or all bids will be rejected by no later than 2:00 P.M. (Eastern Time) on the day bids are opened, _____, 2015.

SECURITY: The full faith, credit and taxing power of the County and the proceeds derived from the sale of bonds are pledged to the payment of the principal of and interest on the Notes.

AUTHORIZATION: The Notes are being issued pursuant to Article X, Section 15 of the Constitution of the State of South Carolina, Title 11, Chapter 17, Code of Laws of South Carolina, 1976, as amended, and an Ordinance duly adopted by the County Council of the County on _____, 2015.

INTEREST AND PRINCIPAL PAYMENTS: Payment of principal of and interest on the Notes will be made directly by the Registrar/Paying Agent to Cede & Co., as the registered owner of the Notes and nominee for The Depository Trust Company ("DTC"), on _____, 2015, in immediately available funds.

CUSIP NUMBERS: It is anticipated that CUSIP numbers will be printed on the Notes, but neither the failure to print such numbers on the Notes nor any error with respect thereto shall constitute cause for failure or refusal by the successful bidder to accept delivery of and pay for the Notes.

DELIVERY AND PAYMENT: Delivery of the properly executed Notes is expected to be made through DTC on or about _____, 2015. Payment for the Notes shall be made in immediately available funds.

OFFICIAL STATEMENT: The Preliminary Official Statement, dated _____, 2015, has been deemed final by the County for purposes of paragraph (b)(1) of Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") but is subject to revision, amendment and completion in a final Official Statement as provided in the Rule. Within seven (7) business days of the bid opening date, the County will deliver the final Official Statement to the successful bidder in sufficient quantity to comply with the Rule.

LEGAL OPINION AND CLOSING CERTIFICATES: The County will furnish upon delivery of the Notes: a Receipt for the Notes; a Signature and No-Litigation Certificate; a Rule 15c2-12 Certificate; a Federal Tax Certificate, and the approving opinion of McNair Law Firm, P.A., Columbia, South Carolina, as Bond Counsel, all without cost to the purchasers.

INFORMATION FROM PURCHASER: At or before delivery, the purchaser of the Notes shall provide a certificate to the County in a form acceptable to Bond Counsel stating the information necessary to enable the County to determine the issue price of the Notes as defined in Section 1273 or 1274 of the Internal Revenue Code of 1986, as amended.

ADDITIONAL INFORMATION: The Preliminary Official Statement, Official Notice of Sale and Official Bid Form of the County with respect to the Notes are available via the internet at <http://www.i-dealprospectus.com> and will be furnished to any person interested in bidding for the Notes upon request to Francenia B. Heizer, McNair Law Firm, P. A., Post Office Box 11390, Columbia, South Carolina 29211, attention: Francenia B. Heizer, Esquire, telephone (803) 799-9800, e-mail: fheizer@mcnair.net. The Preliminary Official Statement shall be reviewed by bidders prior to submitting a bid. Bidders may not rely on this Official Notice of Sale as to the complete information concerning the Notes. For additional information, please contact the County's Bond Counsel, Francenia B. Heizer, Esquire, McNair Law Firm, P. A., Post Office Box 11390, Columbia, South Carolina 29211, telephone (803) 799-9800, e-mail: fheizer@mcnair.net

_____, 2015

FORM OF DISCLOSURE DISSEMINATION AGENT AGREEMENT

This Disclosure Dissemination Agent Agreement (the “Disclosure Agreement”), dated as of _____, 2015, is executed and delivered by Beaufort County, South Carolina (the “Issuer”) and Digital Assurance Certification, L.L.C., as exclusive Disclosure Dissemination Agent (the “Disclosure Dissemination Agent” or “DAC”) for the benefit of the Holders (hereinafter defined) of the Notes (hereinafter defined) and in order to provide certain continuing disclosure with respect to the Notes in accordance with Rule 15c2-12 of the United States Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time (the “Rule”).

The services provided under this Disclosure Agreement solely relate to the execution of instructions received from the Issuer through use of the DAC system and do not constitute “advice” within the meaning of the Dodd-Frank Wall Street Reform and Consumer Protection Act (the “Act”). DAC will not provide any advice or recommendation to the Issuer or anyone on the Issuer’s behalf regarding the “issuance of municipal securities” or any “municipal financial product” as defined in the Act and nothing in this Disclosure Agreement shall be interpreted to the contrary.

SECTION 1. Definitions. Capitalized terms not otherwise defined in this Disclosure Agreement shall have the meaning assigned in the Rule or, to the extent not in conflict with the Rule, in the Official Statement (hereinafter defined). The capitalized terms shall have the following meanings:

“Annual Report” means an Annual Report described in and consistent with Section 3 of this Disclosure Agreement.

“Annual Filing Date” means the date, set in Sections 2(a) and 2(f), by which the Annual Report is to be filed with the MSRB.

“Annual Financial Information” means annual financial information as such term is used in paragraph (b)(5)(i) of the Rule and specified in Section 3(a) of this Disclosure Agreement.

“Audited Financial Statements” means the financial statements (if any) of the Issuer for the prior fiscal year, certified by an independent auditor as prepared in accordance with generally accepted accounting principles or otherwise, as such term is used in paragraph (b)(5)(i) of the Rule and specified in Section 3(b) of this Disclosure Agreement.

“Series 2015 Notes” means the notes as listed on the attached Exhibit A, with the 9-digit CUSIP numbers relating thereto.

“Certification” means a written certification of compliance signed by the Disclosure Representative stating that the Annual Report, Audited Financial Statements, Notice Event notice, Failure to File Event notice, Voluntary Event Disclosure or Voluntary Financial Disclosure delivered to the Disclosure Dissemination Agent is the Annual Report, Audited Financial Statements, Notice Event notice, Failure to File Event notice, Voluntary Event Disclosure or Voluntary Financial Disclosure required to be submitted to the MSRB under this Disclosure Agreement. A Certification shall accompany each such document submitted to the Disclosure Dissemination Agent by the Issuer and include the full name of the Notes and the 9-digit CUSIP numbers for all Notes to which the document applies.

“Disclosure Representative” means the Finance Director, or his or her designee, or such other person as the Issuer shall designate in writing to the Disclosure Dissemination Agent from time to time as the person responsible for providing Information to the Disclosure Dissemination Agent.

“Disclosure Dissemination Agent” means Digital Assurance Certification, L.L.C, acting in its capacity as Disclosure Dissemination Agent hereunder, or any successor Disclosure Dissemination Agent designated in writing by the Issuer pursuant to Section 9 hereof.

“Failure to File Event” means the Issuer’s failure to file an Annual Report on or before the Annual Filing Date.

“Force Majeure Event” means: (i) acts of God, war, or terrorist action; (ii) failure or shut-down of the Electronic Municipal Market Access system maintained by the MSRB; or (iii) to the extent beyond the Disclosure Dissemination Agent’s reasonable control, interruptions in telecommunications or utilities services, failure, malfunction or error of any telecommunications, computer or other electrical, mechanical or technological application, service or system, computer virus, interruptions in Internet service or telephone service (including due to a virus, electrical delivery problem or similar occurrence) that affect Internet users generally, or in the local area in which the Disclosure Dissemination Agent or the MSRB is located, or acts of any government, regulatory or any other competent authority the effect of which is to prohibit the Disclosure Dissemination Agent from performance of its obligations under this Disclosure Agreement.

“Holder” means any person (a) having the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, any Notes (including persons holding Notes through nominees, depositories or other intermediaries) or (b) treated as the owner of any Notes for federal income tax purposes.

“Information” means, collectively, the Annual Reports, the Audited Financial Statements (if any), the Notice Event notices, the Failure to File Event notices, the Voluntary Event Disclosures and the Voluntary Financial Disclosures.

“MSRB” means the Municipal Securities Rulemaking Board established pursuant to Section 15B(b)(1) of the Securities Exchange Act of 1934.

“Notice Event” means any of the events enumerated in paragraph (b)(5)(i)(C) of the Rule and listed in Section 4(a) of this Disclosure Agreement.

“Obligated Person” means any person, including the Issuer, who is either generally or through an enterprise, fund, or account of such person committed by contract or other arrangement to support payment of all, or part of the obligations on the Notes (other than providers of municipal bond insurance, letters of credit, or other liquidity facilities), as shown on Exhibit A.

“Official Statement” means that Official Statement prepared by the Issuer in connection with the Notes, as listed on Appendix A.

“Trustee” means the institution, if any, identified as such in the document under which the Notes were issued.

“Voluntary Event Disclosure” means information of the category specified in any of subsections (e)(vi)(1) through (e)(vi)(11) of Section 2 of this Disclosure Agreement that is accompanied by a

Certification of the Disclosure Representative containing the information prescribed by Section 7(a) of this Disclosure Agreement.

“Voluntary Financial Disclosure” means information of the category specified in any of subsections (e)(vii)(1) through (e)(vii)(9) of Section 2 of this Disclosure Agreement that is accompanied by a Certification of the Disclosure Representative containing the information prescribed by Section 7(b) of this Disclosure Agreement.

SECTION 2. Provision of Annual Reports.

(a) The Issuer shall provide, annually, an electronic copy of the Annual Report and Certification to the Disclosure Dissemination Agent, together with a copy for the Trustee, not later than the Annual Filing Date. Promptly upon receipt of an electronic copy of the Annual Report and the Certification, the Disclosure Dissemination Agent shall provide an Annual Report to the MSRB not later than the next February 1 after the end of each fiscal year of the Issuer, commencing with the fiscal year ending June 30, 2015. Such date and each anniversary thereof is the Annual Filing Date. The Annual Report may be submitted as a single document or as separate documents comprising a package, and may cross-reference other information as provided in Section 3 of this Disclosure Agreement.

(b) If on the fifteenth (15th) day prior to the Annual Filing Date, the Disclosure Dissemination Agent has not received a copy of the Annual Report and Certification, the Disclosure Dissemination Agent shall contact the Disclosure Representative by telephone and in writing (which may be by e-mail) to remind the Issuer of its undertaking to provide the Annual Report pursuant to Section 2(a). Upon such reminder, the Disclosure Representative shall either (i) provide the Disclosure Dissemination Agent with an electronic copy of the Annual Report and the Certification no later than two (2) business days prior to the Annual Filing Date, or (ii) instruct the Disclosure Dissemination Agent in writing that the Issuer will not be able to file the Annual Report within the time required under this Disclosure Agreement, state the date by which the Annual Report for such year will be provided and instruct the Disclosure Dissemination Agent that a Failure to File Event has occurred and to immediately send a notice to the MSRB in substantially the form attached as Exhibit B, accompanied by a cover sheet completed by the Disclosure Dissemination Agent in the form set forth in Exhibit C-1.

(c) If the Disclosure Dissemination Agent has not received an Annual Report and Certification by 6:00 p.m. Eastern time on Annual Filing Date (or, if such Annual Filing Date falls on a Saturday, Sunday or holiday, then the first business day thereafter) for the Annual Report, a Failure to File Event shall have occurred and the Issuer irrevocably directs the Disclosure Dissemination Agent to immediately send a notice to the MSRB in substantially the form attached as Exhibit B without reference to the anticipated filing date for the Annual Report, accompanied by a cover sheet completed by the Disclosure Dissemination Agent in the form set forth in Exhibit C-1.

(d) If Audited Financial Statements of the Issuer are prepared but not available prior to the Annual Filing Date, the Issuer shall, when the Audited Financial Statements are available, provide in a timely manner an electronic copy to the Disclosure Dissemination Agent, accompanied by a Certification, together with a copy for the Trustee, for filing with the MSRB.

(e) The Disclosure Dissemination Agent shall:

- (i) verify the filing specifications of the MSRB each year prior to the Annual Filing Date;

- (ii) upon receipt, promptly file each Annual Report received under Sections 2(a) and 2(b) with the MSRB;
- (iii) upon receipt, promptly file each Audited Financial Statement received under Section 2(d) with the MSRB;
- (iv) upon receipt, promptly file the text of each Notice Event received under Sections 4(a) and 4(b)(ii) with the MSRB, identifying the Notice Event as instructed by the Issuer pursuant to Section 4(a) or 4(b)(ii) (being any of the categories set forth below) when filing pursuant to Section 4(c) of this Disclosure Agreement:
 - “Principal and interest payment delinquencies;”
 - “Non-Payment related defaults, if material;”
 - “Unscheduled draws on debt service reserves reflecting financial difficulties;”
 - “Unscheduled draws on credit enhancements reflecting financial difficulties;”
 - “Substitution of credit or liquidity providers, or their failure to perform;”
 - “Adverse tax opinions, IRS notices or events affecting the tax status of the security;”
 - “Modifications to rights of securities holders, if material;”
 - “Bond calls, if material;”
 - “Defeasances;”
 - “Release, substitution, or sale of property securing repayment of the securities, if material;”
 - “Rating changes;”
 - “Tender offers;”
 - “Bankruptcy, insolvency, receivership or similar event of the obligated person;”
 - “Merger, consolidation, or acquisition of the obligated person, if material;” and
 - “Appointment of a successor or additional trustee, or the change of name of a trustee, if material;”
- (v) upon receipt (or irrevocable direction pursuant to Section 2(c) of this Disclosure Agreement, as applicable), promptly file a completed copy of Exhibit B to this Disclosure Agreement with the MSRB, identifying the filing as “Failure to provide annual financial information as required” when filing pursuant to Section 2(b)(ii) or Section 2(c) of this Disclosure Agreement;
- (vi) upon receipt, promptly file the text of each Voluntary Event Disclosure received under Section 7(a) with the MSRB, identifying the Voluntary Event Disclosure

as instructed by the Issuer pursuant to Section 7(a) (being any of the categories set forth below) when filing pursuant to Section 7(a) of this Disclosure Agreement:

1. “amendment to continuing disclosure undertaking;”
2. “change in obligated person;”
3. “notice to investors pursuant to bond documents;”
4. “certain communications from the Internal Revenue Service;”
5. “secondary market purchases;”
6. “bid for auction rate or other securities;”
7. “capital or other financing plan;”
8. “litigation/enforcement action;”
9. “change of tender agent, remarketing agent, or other on-going party;”
10. “derivative or other similar transaction;” and
11. “other event-based disclosures;”

(vii) upon receipt, promptly file the text of each Voluntary Financial Disclosure received under Section 7(b) with the MSRB, identifying the Voluntary Financial Disclosure as instructed by the Issuer pursuant to Section 7(b) (being any of the categories set forth below) when filing pursuant to Section 7(b) of this Disclosure Agreement:

1. “quarterly/monthly financial information;”
2. “change in fiscal year/timing of annual disclosure;”
3. “change in accounting standard;”
4. “interim/additional financial information/operating data;”
5. “budget;”
6. “investment/debt/financial policy;”
7. “information provided to rating agency, credit/liquidity provider or other third party;”
8. “consultant reports;” and
9. “other financial/operating data.”

- (viii) provide the Issuer evidence of the filings of each of the above when made, which shall be by means of the DAC system, for so long as DAC is the Disclosure Dissemination Agent under this Disclosure Agreement.

(f) The Issuer may adjust the Annual Filing Date upon change of its fiscal year by providing written notice of such change and the new Annual Filing Date to the Disclosure Dissemination Agent, Trustee (if any) and the MSRB, provided that the period between the existing Annual Filing Date and new Annual Filing Date shall not exceed one year.

(g) Any Information received by the Disclosure Dissemination Agent before 6:00 p.m. Eastern time on any business day that it is required to file with the MSRB pursuant to the terms of this Disclosure Agreement and that is accompanied by a Certification and all other information required by the terms of this Disclosure Agreement will be filed by the Disclosure Dissemination Agent with the MSRB no later than 11:59 p.m. Eastern time on the same business day; provided, however, the Disclosure Dissemination Agent shall have no liability for any delay in filing with the MSRB if such delay is caused by a Force Majeure Event provided that the Disclosure Dissemination Agent uses reasonable efforts to make any such filing as soon as possible.

SECTION 3. Content of Annual Reports.

(a) Each Annual Report shall contain Annual Financial Information with respect to the Issuer, including the information provided in the Official Statement as follows:

- (i) The financial statements of the Issuer for the preceding fiscal year prepared in accordance with generally accepted accounting principles as promulgated to apply to governmental entities from time to time by the Governmental Accounting Standards Board (or if not in conformity, to be accompanied by a qualitative discussion of the differences in the accounting principles and the impact of the change in the accounting principles on the presentation of the financial information). If the Issuer's audited financial statements are not available by the time the Annual Report is required to be filed pursuant to Section 3(a), the Annual Report shall contain unaudited financial statements in a format similar to the financial statements contained in the final Official Statement, and the audited financial statements shall be filed in the same manner as the Annual Report when they become available.
- (ii) Financial and operating data for the fiscal year then ended, to the extent such information is not included in the Issuer's audited financial statements filed pursuant to clause (1) above, which shall be generally consistent with the tabular information (or other information, as otherwise noted below) contained in the Official Statement under the following headings: "THE BONDS—Security;" "DEBT STRUCTURE—Outstanding Indebtedness;" and "CERTAIN FISCAL MATTERS—Assessed Value of Taxable Property in the County," "—Estimated True Value of All Taxable Property in the County," "—Tax Rates," "—Tax Collections for Last Five Years," and "—Ten Largest Taxpayers."

Any or all of the items listed above may be included by specific reference to other documents, including official statements of debt issues of the Issuer, which have been submitted to the MSRB. If the document included by reference is a final official statement, it must be available from the MSRB. The Issuer shall clearly identify each such other document so included by reference.

Any or all of the items listed above may be included by specific reference from other documents, including official statements of debt issues with respect to which the Issuer is an “obligated person” (as defined by the Rule), which have been previously filed with the Securities and Exchange Commission or available on the MSRB Internet Website. If the document incorporated by reference is a final official statement, it must be available from the MSRB. The Issuer will clearly identify each such document so incorporated by reference.

Any annual financial information containing modified operating data or financial information is required to explain, in narrative form, the reasons for the modification and the impact of the change in the type of operating data or financial information being provided.

SECTION 4. Reporting of Notice Events.

(a) The occurrence of any of the following events with respect to the Notes constitutes a Notice Event:

- (i) Principal and interest payment delinquencies;
- (ii) Non-payment related defaults, if material;
- (iii) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (iv) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (v) Substitution of credit or liquidity providers, or their failure to perform;
- (vi) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Notes, or other material events affecting the tax status of the Notes;
- (vii) Modifications to rights of Bond holders, if material;
- (viii) Bond calls, if material, and tender offers;
- (ix) Defeasances;
- (x) Release, substitution, or sale of property securing repayment of the Notes, if material;
- (xi) Rating changes;
- (xii) Bankruptcy, insolvency, receivership or similar event of the Obligated Person;

Note to subsection (a)(12) of this Section 4: For the purposes of the event described in subsection (a)(12) of this Section 4, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for an Obligated Person in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the Obligated Person, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in

possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the Obligated Person.

- (xiii) The consummation of a merger, consolidation, or acquisition involving an Obligated Person or the sale of all or substantially all of the assets of the Obligated Person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
- (xiv) Appointment of a successor or additional trustee or the change of name of a trustee, if material.

The Issuer shall, in a timely manner not in excess of ten business days after its occurrence, notify the Disclosure Dissemination Agent in writing of the occurrence of a Notice Event. Such notice shall instruct the Disclosure Dissemination Agent to report the occurrence pursuant to subsection (c) and shall be accompanied by a Certification. Such notice or Certification shall identify the Notice Event that has occurred (which shall be any of the categories set forth in Section 2(e)(iv) of this Disclosure Agreement), include the text of the disclosure that the Issuer desires to make, contain the written authorization of the Issuer for the Disclosure Dissemination Agent to disseminate such information, and identify the date the Issuer desires for the Disclosure Dissemination Agent to disseminate the information (provided that such date is not later than the tenth business day after the occurrence of the Notice Event).

(b) The Disclosure Dissemination Agent is under no obligation to notify the Issuer or the Disclosure Representative of an event that may constitute a Notice Event. In the event the Disclosure Dissemination Agent so notifies the Disclosure Representative, the Disclosure Representative will within two business days of receipt of such notice (but in any event not later than the tenth business day after the occurrence of the Notice Event, if the Issuer determines that a Notice Event has occurred), instruct the Disclosure Dissemination Agent that (i) a Notice Event has not occurred and no filing is to be made or (ii) a Notice Event has occurred and the Disclosure Dissemination Agent is to report the occurrence pursuant to subsection (c) of this Section 4, together with a Certification. Such Certification shall identify the Notice Event that has occurred (which shall be any of the categories set forth in Section 2(e)(iv) of this Disclosure Agreement), include the text of the disclosure that the Issuer desires to make, contain the written authorization of the Issuer for the Disclosure Dissemination Agent to disseminate such information, and identify the date the Issuer desires for the Disclosure Dissemination Agent to disseminate the information (provided that such date is not later than the tenth business day after the occurrence of the Notice Event).

(c) If the Disclosure Dissemination Agent has been instructed by the Issuer as prescribed in subsection (a) or (b)(ii) of this Section 4 to report the occurrence of a Notice Event, the Disclosure Dissemination Agent shall promptly file a notice of such occurrence with MSRB in accordance with Section 2 (e)(iv) hereof. This notice will be filed with a cover sheet completed by the Disclosure Dissemination Agent in the form set forth in Exhibit C-1.

SECTION 5. CUSIP Numbers. Whenever providing information to the Disclosure Dissemination Agent, including but not limited to Annual Reports, documents incorporated by reference to the Annual Reports, Audited Financial Statements, Notice Event notices, Failure to File Event notices, Voluntary Event Disclosures and Voluntary Financial Disclosures, the Issuer shall indicate the full name of the Notes and the 9-digit CUSIP numbers for the Notes as to which the provided information relates.

SECTION 6. Additional Disclosure Obligations. The Issuer acknowledges and understands that other state and federal laws, including but not limited to the Securities Act of 1933 and Rule 10b-5 promulgated under the Securities Exchange Act of 1934, may apply to the Issuer, and that the duties and responsibilities of the Disclosure Dissemination Agent under this Disclosure Agreement do not extend to providing legal advice regarding such laws. The Issuer acknowledges and understands that the duties of the Disclosure Dissemination Agent relate exclusively to execution of the mechanical tasks of disseminating information as described in this Disclosure Agreement.

SECTION 7. Voluntary Filing.

(a) The Issuer may instruct the Disclosure Dissemination Agent to file a Voluntary Event Disclosure with the MSRB from time to time pursuant to a Certification of the Disclosure Representative. Such Certification shall identify the Voluntary Event Disclosure (which shall be any of the categories set forth in Section 2(e)(vi) of this Disclosure Agreement), include the text of the disclosure that the Issuer desires to make, contain the written authorization of the Issuer for the Disclosure Dissemination Agent to disseminate such information, and identify the date the Issuer desires for the Disclosure Dissemination Agent to disseminate the information. If the Disclosure Dissemination Agent has been instructed by the Issuer as prescribed in this Section 7(a) to file a Voluntary Event Disclosure, the Disclosure Dissemination Agent shall promptly file such Voluntary Event Disclosure with the MSRB in accordance with Section 2(e)(vi) hereof. This notice will be filed with a cover sheet completed by the Disclosure Dissemination Agent in the form set forth in Exhibit C-2.

(b) The Issuer may instruct the Disclosure Dissemination Agent to file a Voluntary Financial Disclosure with the MSRB from time to time pursuant to a Certification of the Disclosure Representative. Such Certification shall identify the Voluntary Financial Disclosure (which shall be any of the categories set forth in Section 2(e)(vii) of this Disclosure Agreement), include the text of the disclosure that the Issuer desires to make, contain the written authorization of the Issuer for the Disclosure Dissemination Agent to disseminate such information, and identify the date the Issuer desires for the Disclosure Dissemination Agent to disseminate the information. If the Disclosure Dissemination Agent has been instructed by the Issuer as prescribed in this Section 7(b) to file a Voluntary Financial Disclosure, the Disclosure Dissemination Agent shall promptly file such Voluntary Financial Disclosure with the MSRB in accordance with Section 2(e)(vii) hereof. This notice will be filed with a cover sheet completed by the Disclosure Dissemination Agent in the form set forth in Exhibit C-2.

The parties hereto acknowledge that the Issuer is not obligated pursuant to the terms of this Disclosure Agreement to file any Voluntary Event Disclosure pursuant to Section 7(a) hereof or any Voluntary Financial Disclosure pursuant to Section 7(b) hereof.

Nothing in this Disclosure Agreement shall be deemed to prevent the Issuer from disseminating any other information through the Disclosure Dissemination Agent using the means of dissemination set forth in this Disclosure Agreement or including any other information in any Annual Report, Audited Financial Statements, Notice Event notice, Failure to File Event notice, Voluntary Event Disclosure or Voluntary Financial Disclosure, in addition to that required by this Disclosure Agreement. If the Issuer chooses to include any information in any Annual Report, Audited Financial Statements, Notice Event notice, Failure to File Event notice, Voluntary Event Disclosure or Voluntary Financial Disclosure in addition to that which is specifically required by this Disclosure Agreement, the Issuer shall have no obligation under this Disclosure Agreement to update such information or include it in any future Annual Report, Audited Financial Statements, Notice Event notice, Failure to File Event notice, Voluntary Event Disclosure or Voluntary Financial Disclosure.

SECTION 8. Termination of Reporting Obligation. The obligations of the Issuer and the Disclosure Dissemination Agent under this Disclosure Agreement shall terminate with respect to the Notes upon the legal defeasance, prior redemption or payment in full of all of the Notes, when the Issuer is no longer an obligated person with respect to the Notes, or upon delivery by the Disclosure Representative to the Disclosure Dissemination Agent of an opinion of counsel expert in federal securities laws to the effect that continuing disclosure is no longer required.

SECTION 9. Disclosure Dissemination Agent. The Issuer has appointed Digital Assurance Certification, L.L.C. as exclusive Disclosure Dissemination Agent under this Disclosure Agreement. The Issuer may, upon thirty days written notice to the Disclosure Dissemination Agent and the Trustee, replace or appoint a successor Disclosure Dissemination Agent. Upon termination of DAC's services as Disclosure Dissemination Agent, whether by notice of the Issuer or DAC, the Issuer agrees to appoint a successor Disclosure Dissemination Agent or, alternately, agrees to assume all responsibilities of Disclosure Dissemination Agent under this Disclosure Agreement for the benefit of the Holders of the Notes. Notwithstanding any replacement or appointment of a successor, the Issuer shall remain liable until payment in full for any and all sums owed and payable to the Disclosure Dissemination Agent. The Disclosure Dissemination Agent may resign at any time by providing thirty days' prior written notice to the Issuer.

SECTION 10. Remedies in Event of Default. In the event of a failure of the Issuer or the Disclosure Dissemination Agent to comply with any provision of this Disclosure Agreement, the Holders' rights to enforce the provisions of this Agreement shall be limited solely to a right, by action in mandamus or for specific performance, to compel performance of the parties' obligation under this Disclosure Agreement. Any failure by a party to perform in accordance with this Disclosure Agreement shall not constitute a default on the Notes or under any other document relating to the Notes, and all rights and remedies shall be limited to those expressly stated herein.

SECTION 11. Duties, Immunities and Liabilities of Disclosure Dissemination Agent.

(a) The Disclosure Dissemination Agent shall have only such duties as are specifically set forth in this Disclosure Agreement. The Disclosure Dissemination Agent's obligation to deliver the information at the times and with the contents described herein shall be limited to the extent the Issuer has provided such information to the Disclosure Dissemination Agent as required by this Disclosure Agreement. The Disclosure Dissemination Agent shall have no duty with respect to the content of any disclosures or notice made pursuant to the terms hereof. The Disclosure Dissemination Agent shall have no duty or obligation to review or verify any Information or any other information, disclosures or notices provided to it by the Issuer and shall not be deemed to be acting in any fiduciary capacity for the Issuer, the Holders of the Notes or any other party. The Disclosure Dissemination Agent shall have no responsibility for the Issuer's failure to report to the Disclosure Dissemination Agent a Notice Event or a duty to determine the materiality thereof. The Disclosure Dissemination Agent shall have no duty to determine, or liability for failing to determine, whether the Issuer has complied with this Disclosure Agreement. The Disclosure Dissemination Agent may conclusively rely upon Certifications of the Issuer at all times.

The obligations of the Issuer under this Section shall survive resignation or removal of the Disclosure Dissemination Agent and defeasance, redemption or payment of the Notes.

(b) The Disclosure Dissemination Agent may, from time to time, consult with legal counsel (either in-house or external) of its own choosing in the event of any disagreement or controversy, or question or doubt as to the construction of any of the provisions hereof or its respective duties hereunder,

and shall not incur any liability and shall be fully protected in acting in good faith upon the advice of such legal counsel. The reasonable fees and expenses of such counsel shall be payable by the Issuer.

(c) All documents, reports, notices, statements, information and other materials provided to the MSRB under this Agreement shall be provided in an electronic format and accompanied by identifying information as prescribed by the MSRB.

SECTION 12. Amendment; Waiver. Notwithstanding any other provision of this Disclosure Agreement, the Issuer and the Disclosure Dissemination Agent may amend this Disclosure Agreement and any provision of this Disclosure Agreement may be waived, if such amendment or waiver is supported by an opinion of counsel expert in federal securities laws acceptable to both the Issuer and the Disclosure Dissemination Agent to the effect that such amendment or waiver does not materially impair the interests of Holders of the Notes and would not, in and of itself, cause the undertakings herein to violate the Rule if such amendment or waiver had been effective on the date hereof but taking into account any subsequent change in or official interpretation of the Rule; provided neither the Issuer or the Disclosure Dissemination Agent shall be obligated to agree to any amendment modifying their respective duties or obligations without their consent thereto.

Notwithstanding the preceding paragraph, the Disclosure Dissemination Agent shall have the right to adopt amendments to this Disclosure Agreement necessary to comply with modifications to and interpretations of the provisions of the Rule as announced by the Securities and Exchange Commission from time to time by giving not less than 20 days written notice of the intent to do so together with a copy of the proposed amendment to the Issuer. No such amendment shall become effective if the Issuer shall, within 10 days following the giving of such notice, send a notice to the Disclosure Dissemination Agent in writing that it objects to such amendment.

SECTION 13. Beneficiaries. This Disclosure Agreement shall inure solely to the benefit of the Issuer, the Trustee of the Notes, the Disclosure Dissemination Agent, the underwriter, and the Holders from time to time of the Notes, and shall create no rights in any other person or entity.

SECTION 14. Governing Law. This Disclosure Agreement shall be governed by the laws of the State of Florida (other than with respect to conflicts of laws).

SECTION 15. Counterparts. This Disclosure Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

The Disclosure Dissemination Agent and the Issuer have caused this Disclosure Agreement to be executed, on the date first written above, by their respective officers duly authorized.

DIGITAL ASSURANCE CERTIFICATION, L.L.C., as
Disclosure Dissemination Agent

By: _____
Name: _____
Title: _____

BEAUFORT COUNTY, SOUTH CAROLINA, as
Issuer

By: _____
Name: _____
Title: _____

EXHIBIT A

NAME AND CUSIP NUMBERS OF BONDS

Name of Issuer _____
Obligated Person(s) _____
Name of Bond Issue: _____
Date of Issuance: _____
Date of Official Statement _____

CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____

EXHIBIT B

NOTICE TO MSRB OF FAILURE TO FILE ANNUAL REPORT

Issuer: _____

Obligated Person: _____

Name(s) of Bond Issue(s): _____

Date(s) of Issuance: _____

Date(s) of Disclosure Agreement: _____

CUSIP Number: _____

NOTICE IS HEREBY GIVEN that the Issuer has not provided an Annual Report with respect to the above-named Notes as required by the Disclosure Agreement between the Issuer and Digital Assurance Certification, L.L.C., as Disclosure Dissemination Agent. The Issuer has notified the Disclosure Dissemination Agent that it anticipates that the Annual Report will be filed by _____.

Dated: _____

Digital Assurance Certification, L.L.C., as Disclosure
Dissemination Agent, on behalf of the Issuer

cc:

**EXHIBIT C-1
EVENT NOTICE COVER SHEET**

This cover sheet and accompanying "event notice" will be sent to the MSRB, pursuant to Securities and Exchange Commission Rule 15c2-12(b)(5)(i)(C) and (D).

Issuer's and/or Other Obligated Person's Name:

Issuer's Six-Digit CUSIP Number:

or Nine-Digit CUSIP Number(s) of the bonds to which this event notice relates:

Number of pages attached: _____

____ Description of Notice Events (Check One):

1. _____ "Principal and interest payment delinquencies;"
2. _____ "Non-Payment related defaults, if material;"
3. _____ "Unscheduled draws on debt service reserves reflecting financial difficulties;"
4. _____ "Unscheduled draws on credit enhancements reflecting financial difficulties;"
5. _____ "Substitution of credit or liquidity providers, or their failure to perform;"
6. _____ "Adverse tax opinions, IRS notices or events affecting the tax status of the security;"
7. _____ "Modifications to rights of securities holders, if material;"
8. _____ "Bond calls, if material;"
9. _____ "Defeasances;"
10. _____ "Release, substitution, or sale of property securing repayment of the securities, if material;"
11. _____ "Rating changes;"
12. _____ "Tender offers;"
13. _____ "Bankruptcy, insolvency, receivership or similar event of the obligated person;"
14. _____ "Merger, consolidation, or acquisition of the obligated person, if material;" and
15. _____ "Appointment of a successor or additional trustee, or the change of name of a trustee, if material."

____ Failure to provide annual financial information as required.

I hereby represent that I am authorized by the issuer or its agent to distribute this information publicly:

Signature:

Name: _____ Title: _____

Digital Assurance Certification, L.L.C.
390 N. Orange Avenue
Suite 1750
Orlando, FL 32801
407-515-1100

Date:

**EXHIBIT C-2
VOLUNTARY EVENT DISCLOSURE COVER SHEET**

This cover sheet and accompanying "voluntary event disclosure" will be sent to the MSRB, pursuant to the Disclosure Dissemination Agent Agreement dated as of _____ between the Issuer and DAC.

Issuer's and/or Other Obligated Person's Name:

Issuer's Six-Digit CUSIP Number:

or Nine-Digit CUSIP Number(s) of the bonds to which this notice relates:

Number of pages attached: _____

_____ Description of Voluntary Event Disclosure (Check One):

- 1. _____ "amendment to continuing disclosure undertaking;"
- 2. _____ "change in obligated person;"
- 3. _____ "notice to investors pursuant to bond documents;"
- 4. _____ "certain communications from the Internal Revenue Service;"
- 5. _____ "secondary market purchases;"
- 6. _____ "bid for auction rate or other securities;"
- 7. _____ "capital or other financing plan;"
- 8. _____ "litigation/enforcement action;"
- 9. _____ "change of tender agent, remarketing agent, or other on-going party;"
- 10. _____ "derivative or other similar transaction;" and
- 11. _____ "other event-based disclosures."

I hereby represent that I am authorized by the issuer or its agent to distribute this information publicly:

Signature:

Name: _____ Title: _____

Digital Assurance Certification, L.L.C.
390 N. Orange Avenue
Suite 1750
Orlando, FL 32801
407-515-1100

Date:

**EXHIBIT C-3
VOLUNTARY FINANCIAL DISCLOSURE COVER SHEET**

This cover sheet and accompanying “voluntary financial disclosure” will be sent to the MSRB, pursuant to the Disclosure Dissemination Agent Agreement dated as of _____ between the Issuer and DAC.

Issuer’s and/or Other Obligated Person’s Name:

Issuer’s Six-Digit CUSIP Number:

or Nine-Digit CUSIP Number(s) of the bonds to which this notice relates:

Number of pages attached: ____

____ Description of Voluntary Financial Disclosure (Check One):

1. ____ “quarterly/monthly financial information;”
2. ____ “change in fiscal year/timing of annual disclosure;”
3. ____ “change in accounting standard;”
4. ____ “interim/additional financial information/operating data;”
5. ____ “budget;”
6. ____ “investment/debt/financial policy;”
7. ____ “information provided to rating agency, credit/liquidity provider or other third party;”
8. ____ “consultant reports;” and
9. ____ “other financial/operating data.”

I hereby represent that I am authorized by the issuer or its agent to distribute this information publicly:

Signature:

Name: _____ Title: _____

Digital Assurance Certification, L.L.C.
390 N. Orange Avenue
Suite 1750
Orlando, FL 32801
407-515-1100

Date:

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the County Council of Beaufort County, South Carolina (the "County"), in County Council Chambers located at 100 Ribaut Road, Beaufort, South Carolina, at 6:00 p.m. on _____, _____, 2015, or at such other location as proper notice on the main entrance to the said building might specify.

The purpose of the public hearing is to consider an ordinance (the "Ordinance") providing for the issuance and sale of not to exceed \$12,000,000 General Obligation Bonds (the "Bonds") and \$12,000,000 General Obligation Bond Anticipation Notes (the "Notes"), in one or more series; in one or more years, with appropriate series designations, of the County, the proceeds of the Notes will be used for: (i) funding the acquisition of a parcel of property known as Pepper Hall Plantation; and (ii) paying costs of issuance of the Notes; the proceeds of the Bonds will be used for retiring the Notes; (ii) paying costs of issuance of the Bonds; and (iii) such other lawful corporate and public purposes as the County Council shall determine.

The proceeds of the Bonds will be irrevocably pledged for the payment of the Notes. Also, the full faith, credit, and taxing power of the County are hereby irrevocably pledged 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. There shall be levied annually by the County Auditor and collected by the County Treasurer, in the same manner as other county taxes are levied and collected, a tax, without limit, on all taxable property in the County sufficient to pay the principal of and interest on the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

At the public hearing all taxpayers and residents of the County and any other interested persons who appear will be given an opportunity to express their views for or against the Ordinance and the issuance of the Bonds.

/s/Chair, County Council, Beaufort County,
South Carolina

RESOLUTION 2015 /

WHEREAS, Old Sheldon Church Road is one of the most beautiful roads in South Carolina; and,

WHEREAS, on April 13th, 1998 Beaufort County Council adopted a resolution requesting that Old Sheldon Church Road be designated a South Carolina Scenic Highway; and,

WHEREAS, Old Sheldon Church Road was designated by the State of South Carolina as a Scenic Highway on May 3, 2005; and,

WHEREAS, Old Sheldon Church Road is an important conservation corridor for wildlife and for scenic entry into Beaufort County,

WHEREAS, South Carolina Electric and Gas Company has an electric transmission line, serving Northern Beaufort County, that runs for 2.5 miles along the edge of Old Sheldon Church Road and which is visually disruptive of the road's scenic beauty; and,

WHEREAS, South Carolina Electric and Gas has determined that the transmission line must be expanded to include the installation of very large single poles; and,

WHEREAS, South Carolina Electric and Gas has expressed a willingness to relocate that expanded transmission line away from the road; and,

WHEREAS, the Beaufort County Open Land Trust and others have contributed funds to the relocation of this transmission line; and,

WHEREAS, an adjacent land owner has donated an easement that will allow the transmission line to be relocated away from Old Sheldon Church Road; and

WHEREAS, the relocation of this transmission line will significantly improve the beauty of Old Sheldon Church Road and this is in the best interests of the State of South Carolina, Beaufort County and all its citizens.

NOW, THEREFORE, BE IT RESOLVED by Beaufort County Council, duly assembled, that it fully endorses the relocation of the Old Sheldon Church Road electric transmission line as proposed by South Carolina Electric and Gas Company, and, be it further resolved that Beaufort County Council commends South Carolina Electric and Gas Company for its willingness to improve the beauty of one of South Carolina's scenic highways.

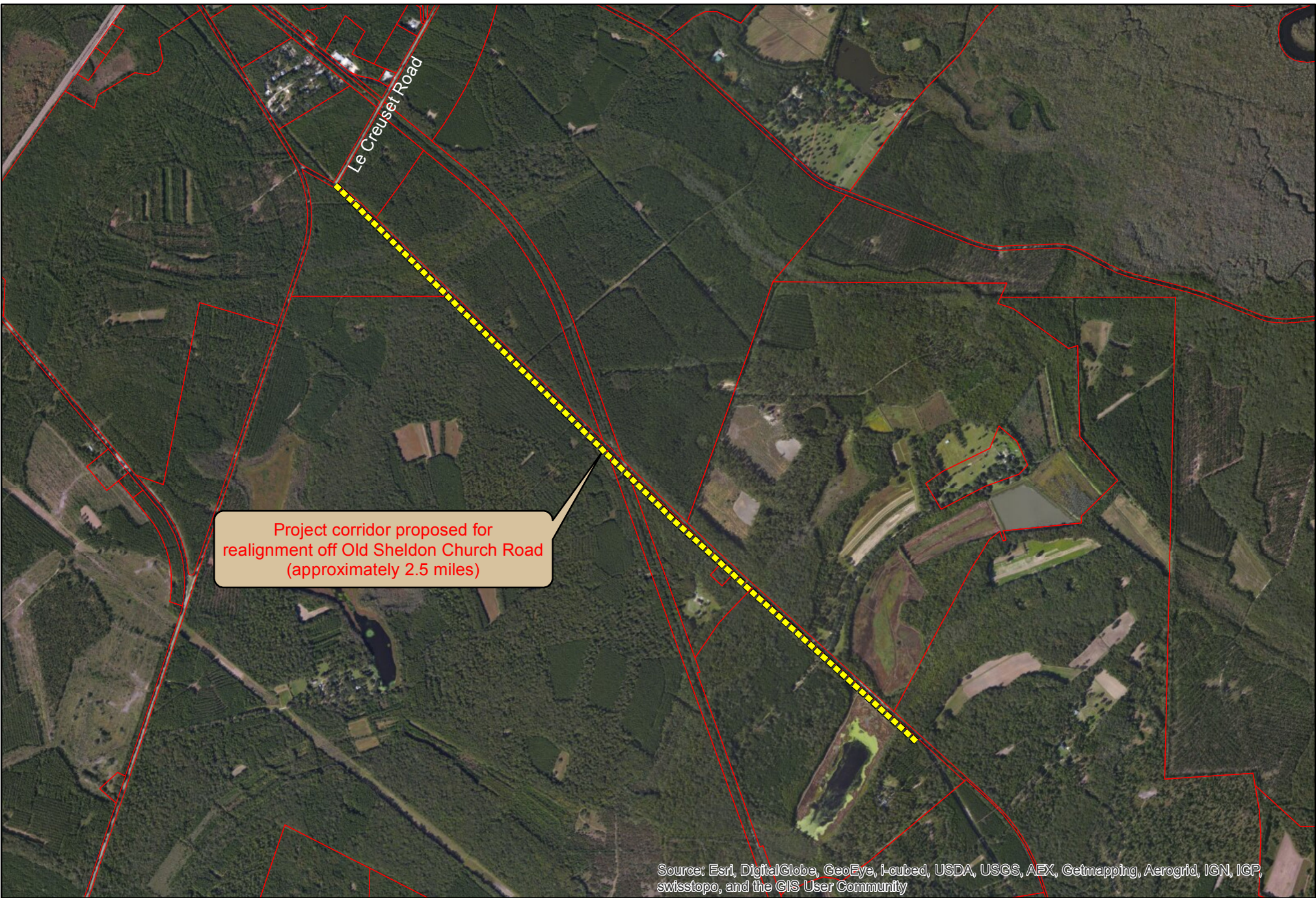
DONE this _____ day of April, 2015.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Joshua A. Gruber, Deputy County Administrator/
Special Counsel



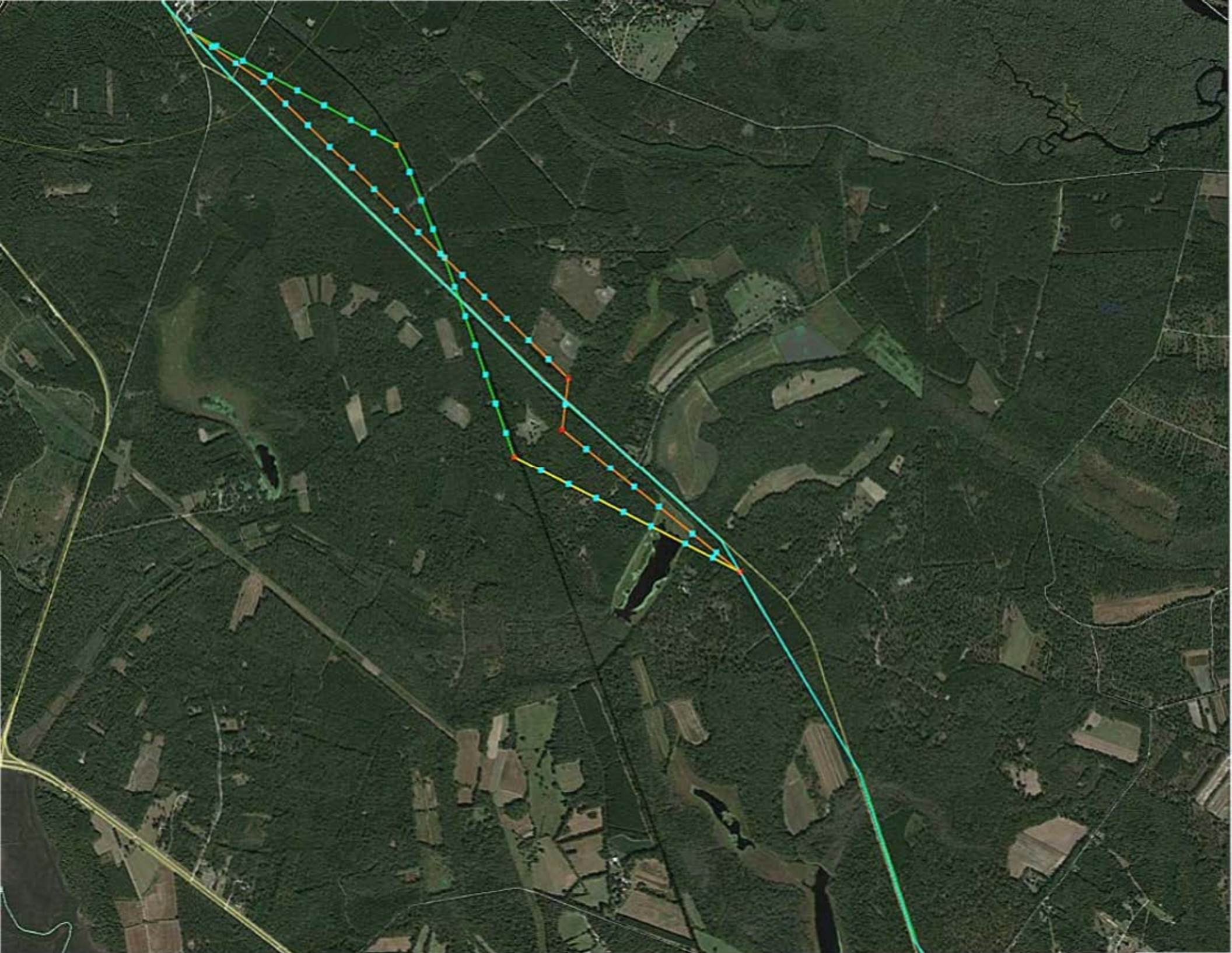
Project corridor proposed for
realignment off Old Sheldon Church Road
(approximately 2.5 miles)

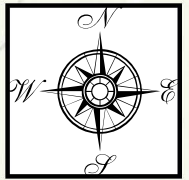
Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



Old Sheldon Church Road
Existing Overhead Power-Line Location
Beaufort County, South Carolina

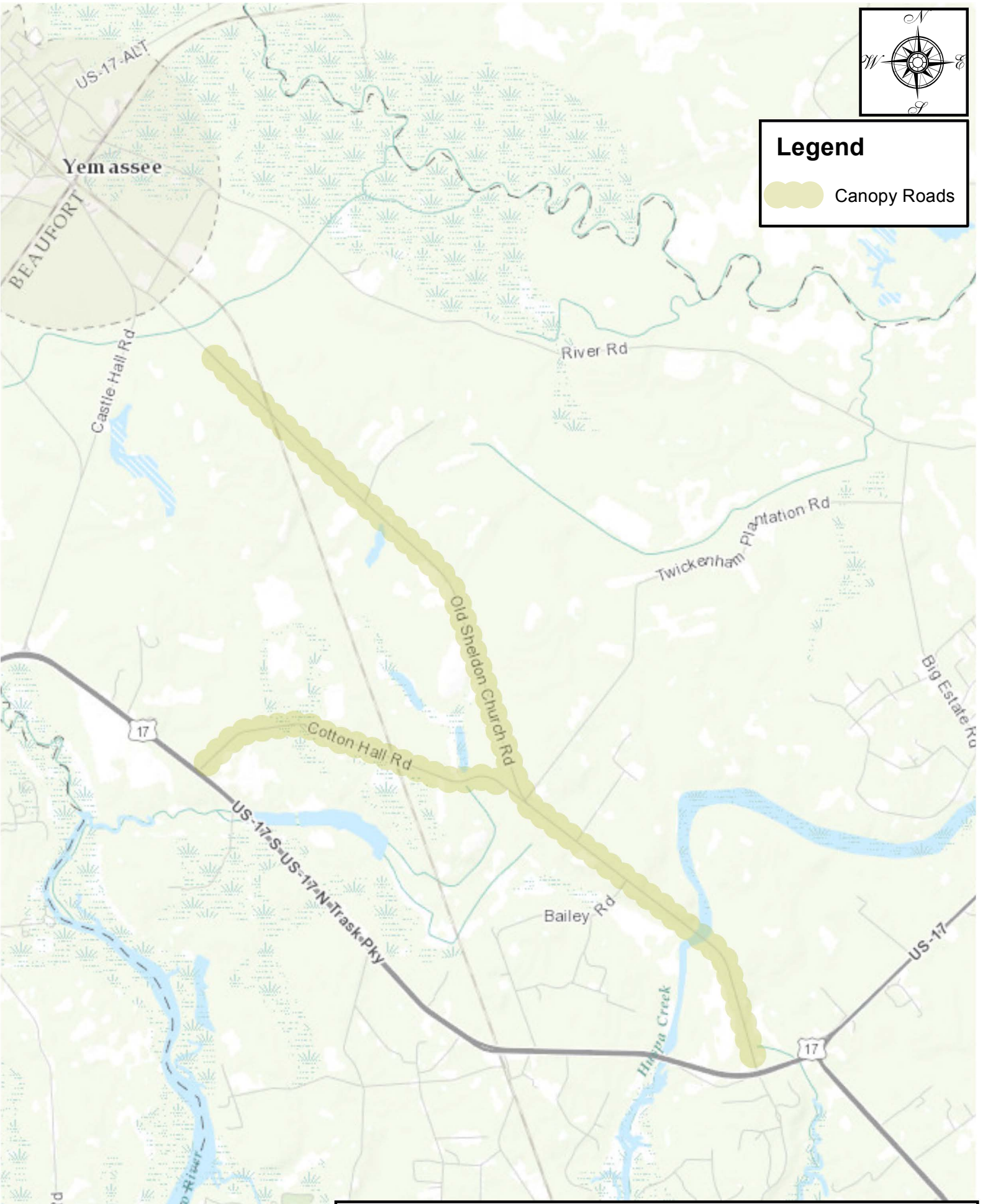






Legend

- Canopy Roads



Old Sheldon Church Road Scenic Highway

Sources: Esri, DeLorme, Garmin, IGN, Intermap, Inc., Swisstopo, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, and the GIS User Community

RESOLUTION 2015/ _____

A RESOLUTION TRANSFERRING 43.57 ACRES OF PROPERTY LOCATED ON THE
CHECHESSEE RIVER TO THE
BEAUFORT COUNTY RURAL AND CRITICAL PROGRAM

WHEREAS, Beaufort County Council purchased 43.57 acres in the Chechessee area known more specifically as R600 010 000 001A 0000 (“Chechessee Property”) by use of \$850,000.00 from the County’s General Reserve Fund; and

WHEREAS, the County, through the Beaufort County Rural and Critical Program, purchased 97.7 acres along S.C. Highway 170 known more specifically as R 600 013 000 0061 0000 (“170 Property”); and

WHEREAS, it has been determined by the Rural and Critical Board that the Chechessee Property is located in a corridor with longstanding land protection and would further contribute to the Rural and Critical Program accomplishments in the Chechessee watershed; and

WHEREAS, in order to ensure that the development limitations imposed by the Rural and Critical Lands Program are transferred and binding on the Chechessee Property, it is necessary for some form of legal consideration to be provided from the Rural and Critical Lands Program; and

WHEREAS, in order to provide for this legal consideration while not utilizing program funding that could otherwise go towards property acquisition or site development, it has been recommended by the Rural and Critical Lands Board that approximately 20 acres of the 170 Property nearest the highway and possessing the least amount of conservation value be subdivided from the remaining 77.7 acres as consideration for the Chechessee Property; and

WHEREAS, the twenty acres to be subdivided from the 170 Property may only be used for other County purposes as would be appropriate for property purchased from the County’s General Reserve Fund; and

WHEREAS, Beaufort County Council has determined that it is in its best interests to authorize the exchange of this 20 acres of the 170 Property as the consideration for the inclusion of the entire 43.57 acres of the Chechessee Property so as to further promote the mission of the Rural and Critical Program.

NOW, THEREFORE, BE IT RESOLVED by Beaufort County Council that it hereby declares that the entirety of the 43.57-acre Chechessee Property shall be included in the inventory of the Rural and Critical Lands Program and further, that the County Administrator is hereby authorized to take such action as is necessary to have 20 acres of the 170 Property subdivided for other general County purposes.

ADOPTED BY BEAUFORT COUNTY COUNCIL, BEAUFORT, SOUTH CAROLINA, ON
THIS _____ DAY OF _____, 2015.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Joshua A. Gruber, Deputy County Administrator
Special Counsel

ATTEST:

Suzanne M. Rainey, Clerk to Council

ORDINANCE

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA TO AMEND SECTION 2-346, ET SEQ. OF THE BEAUFORT COUNTY CODE OF LAWS ESTABLISHING THE SALARIES FOR VARIOUS ELECTED OFFICIALS, EXCLUDING COUNTY COUNCIL MEMBERS.

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

WHEREAS, the County Council of Beaufort County has created a salary administration program for compensating elected and appointed officials; and

WHEREAS, the County Council of Beaufort County has established an entry level salary for each elected and appointed official; and

WHEREAS, the County Council of Beaufort County deems it advisable to establish an Ordinance outlining the policy for the establishment of such a plan and the entry-level salaries for each elected and appointed official referenced herein; and

WHEREAS, an Ordinance is the mode prescribed by law to create a salary administration program for elected and appointed officials and to establish entry-level salaries for each elected and appointed official.

NOW, THEREFORE, BE IT ORDAINED by County Council of Beaufort County in a meeting duly assembled, by their authority to create such a plan and the entry-level salaries by Ordinance does hereby amend Beaufort County Code of Laws Section 2-346, et seq., to read as follows:

Section 2-346 – Salary administration program created

There is created a salary administration program for compensating elected and appointed officials, other than members of the council, and to establish entry level salaries for each elected and appointed position.

1. Auditor
2. Clerk of Court
3. Coroner
4. Probate Judge
5. Sheriff
6. Treasurer
7. Master-in-Equity
8. Magistrate

Section 2-347 – Entry Level Salary

(a) Salary. The entry-level salary for each elected and appointed official is hereby established:

- Auditor - ~~\$55,638~~ \$59,915, which excludes any other stipend paid by the County and/or State.
- Clerk of Court - ~~\$74,138~~ \$79,837, which excludes any other stipend paid by the County and/or State,
- Coroner - ~~\$65,344~~ \$70,367, which excludes any other stipend paid by the County and/or State,
- Probate Judge - ~~\$91,102~~ \$100,067, which excludes any other stipend paid by the County and/or State.
- Sheriff - ~~\$95,072~~ \$102,380, which excludes any other stipend paid by the County and/or State.
- Treasurer - ~~\$59,735~~ \$64,327, which excludes any other stipend paid by the County and/or State.
- Master-in-Equity - set pursuant to S.C. Code Ann §14-11-30, which excludes any other stipend paid by the County and/or State.
- Magistrate – set pursuant to S.C. Code Ann § 22-8-40(b)(2), which excludes any other stipend paid by the County and/or State.

The above entry-level salaries were established using the average salaries of peer counties in the tier 1 classification as determined by population in the South Carolina Association of Counties Annual Salary Survey for each position or the current Beaufort County salary, whichever was greater.

(b). Cost of Living. At each instance of a cost of living allowance (COLA) pay increase awarded by the Beaufort County Council, after the enactment date of this ordinance. The entry-level salary of each elected or appointed office listed in Section 2-347 above will be increased accordingly.

Section 2-348 – Incorporation of state payments

Any salary and/or stipend received from the State by any elected and appointed official will be incorporated into the overall compensation plan as an addition to the county-paid salary.

Section 2-349 – County and/or state salary adjustments

A. Each elected and appointed official shall receive the, County's annual cost of living adjustment.

B. Elected or appointed officials will receive mandated State salary adjustments or Council approved salary adjustments, whichever is the greater of the two.

Section 2-350 – Reelection or reappointment

An elected or appointed official, who is reelected and/or reappointed to his/her same office, without a break in service, will receive a five (5%) percent increase at the beginning of his/her new term of office.

Section 2-351 – Pay for performance program

Elected and/or appointed officials will not be eligible for the county pay for performance program.

Section 2-352 – Appointment to unexpired term

A person who is appointed to fill an unexpired term of an official will, in accordance with State Law, be compensated at the same salary of the person who was holding the office for the remainder of that unexpired term of office. If the appointee is subsequently elected or reappointed to the same office, his/her salary will revert to the entry-level salary of that particular office for the official shown in Section 2-347 below, when his/her elected term of office becomes effective, plus a 5% election increase.

This Ordinance shall become effective on the first full pay period in July, 2015.

Adopted this ___ day of _____, 2015.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Joshua A. Gruber, Deputy County Administrator
Special Counsel

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading: March 9, 2015
Second Reading: March 23, 2015
Public Hearing:
Third and Final Reading:

ORDINANCE NO. _____

AN ORDINANCE TO APPROPRIATE FUNDS NOT TO EXCEED \$806,727 FROM THE 3% LOCAL ACCOMMODATIONS TAX FUNDS TO THE COUNTY GENERAL FUND FOR CONSTRUCTION OF THE SPANISH MOSS TRAIL – PHASE 2

WHEREAS, Beaufort County has developed a bicycle and pedestrian trail for the use by the public and visitors as part of Beaufort County’s Rails to Trails program; and

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

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

WHEREAS, Beaufort County Council by Resolution dated October 10, 2011 allocated the local match funds for the Spanish Moss Trail; and

WHEREAS, to complete the construction of the Spanish Moss Trail - Phase 2 project an additional \$806,727.00 is required, resulting in a total expenditure from the 3% Accommodations Tax Fund in the amount of \$1,067,607.00;

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

NOW, THEREFORE, BE IT ORDAINED by Beaufort County Council that a transfer in the amount of \$806,727.00 is hereby authorized from the 3% Local Accommodations Tax Fund to the General Fund for the purpose of constructing the Spanish Moss Trail – Phase 2.

DONE this ____ day of _____, 2015.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Joshua A. Gruber, Deputy County Administrator
Special Counsel

First Reading: March 9, 2015
Second Reading: March 23, 2015
Public Hearing:
Third and Final Reading:

Segment 5

Distance: 8,984 feet (1.7 miles)

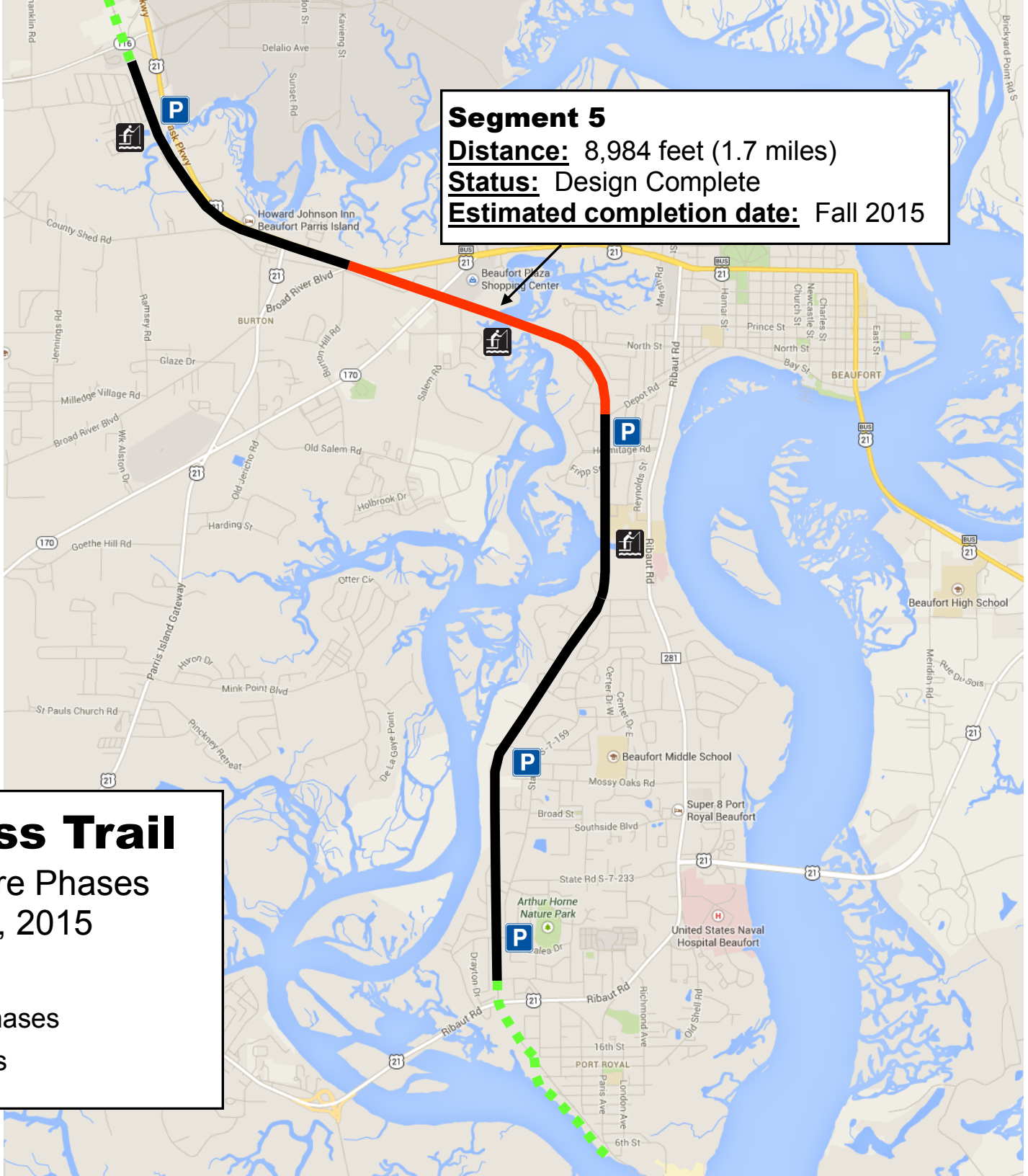
Status: Design Complete

Estimated completion date: Fall 2015

Spanish Moss Trail

Existing and Future Phases
As of March 9, 2015

- Segment 5
- Completed Phases
- Future Phases



ORDINANCE No. _____

TEXT AMENDMENT TO THE ORDINANCE ESTABLISHING A ROAD MAINTENANCE FEE ON ALL VEHICLES WHICH ARE DOMICILED AND GARAGED IN BEAUFORT COUNTY AND THEREBY USE THE ROADWAYS AND BRIDGES OWNED AND MAINTAINED BY BEAUFORT COUNTY AND THE STATE TO INCREASE THE FEE FROM \$10.00 TO \$16.50 AND PROVIDE FOR SUBSEQUENT INCREASES AS APPROPRIATE BASED ON THE CONSUMER PRICE INDEX

WHEREAS, Standards that are underscored shall be added text and Standards that are ~~line through~~ shall be deleted text.

WHEREAS, Beaufort County Council owns and maintains hundreds of miles of roadways and bridges for the safety and welfare of its citizens and for access and egress to residential and business activities and for emergency evacuation all which serve the best interest, welfare and safety of the citizen of Beaufort County; and

WHEREAS, all citizens who own and operate motor vehicles principally housed and garaged in Beaufort County enjoy the benefits provided by the ownership and maintenance of such roads by the County; and

WHEREAS, such ownership and maintenance of roadways is a tremendous expense to the citizens of Beaufort County and such expense should be borne principally by the owners and operators of motor vehicles in Beaufort County; and

WHEREAS, it is deemed appropriate by County Council to increase the road maintenance fee from ten dollars (\$10.00) to sixteen dollars and fifty cents (\$16.50) and provide for subsequent annual increases as appropriate based on the Consumer Price Index; and

NOW, THEREFORE, BE IT ORDAINED by County Council of Beaufort County in a meeting duly assembled, by their authority to increase the road maintenance fee by Ordinance does hereby amend Beaufort County Code of Laws Section 2-437 Road Use Fee to read as follows:

Sec. 2-437. – Road Use Fee

- (a) Established. There is established a road use fee on all motorized licensed vehicles required by the state to be licensed, which are carried on the tax records of the county. Any person owning such vehicle shall be subject to and shall pay, in addition to any other licensing fees and taxes, the sum of ~~\$10.00~~ \$16.50 per vehicle per annum or such adjusted value to reflect the one (1) year percentage increase if any, in the Consumer Price Index.
- (b) Assessments. The auditor is directed to add a uniform charge per vehicle of ~~\$10.00~~ \$16.50 per annum to all motorized licensed vehicles subject to the taxes in the county beginning with tax notices which become due and each month thereafter. The charge of ~~\$10.00~~ \$16.50 so added shall become due and payable at the time other personal property taxes become due and payable.

- (c) Collection. The county treasurer is directed to collect the charges in this section at the time of collection of all other charges and taxes due on such vehicles.
- (d) Purpose and use of funds collected. The funds collected under the terms and conditions of this section shall be deposited in the general fund of the county and shall be utilized for the purchase, condemnation, construction, ownership, maintenance, and repairs of all County and State owned roads and bridges.

This ordinance shall become effective upon adoption.

Adopted this ___ day of ___, 2015.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Joshua A. Gruber, Deputy County Administrator
Special Counsel

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading: Mach 9, 2015
Second Reading: March 23, 2015
Public Hearing:
Third and Final Reading: