

COUNTY COUNCIL OF BEAUFORT COUNTY
ADMINISTRATION BUILDING
BEAUFORT COUNTY GOVERNMENT ROBERT SMALLS COMPLEX
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D. PAUL SOMMERVILLE
CHAIRMAN

GERALD W. STEWART
VICE CHAIRMAN

COUNCIL MEMBERS

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

GARY T. KUBIC
COUNTY ADMINISTRATOR

JOSHUA A. GRUBER
DEPUTY COUNTY ADMINISTRATOR
SPECIAL COUNSEL

THOMAS J. KEAVENY, II
COUNTY ATTORNEY

SUZANNE M. RAINEY
CLERK TO COUNCIL

AGENDA
COUNTY COUNCIL OF BEAUFORT COUNTY
Monday, September 28, 2015
5:00 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 the Hilton Head Island Branch Library as well as Mary Field School, Daufuskie Island.

1. CALL OF ORDER - 5:00 P.M.
2. REGULAR MEETING
3. PLEDGE OF ALLEGIANCE
4. INVOCATION - Councilman Alice Howard
5. ADMINISTRATIVE CONSENT AGENDA
 - A. Approval of Minutes – September 14, 2015 [caucus](#) and September 14, 2015 [regular](#)
 - B. Committee Reports (next meeting)
 1. Community Services (October 26 at 2:00 p.m., Hilton Head Island Branch Library)
 2. Executive (October 12 at 2:00 p.m., ECR)
 3. Finance (October 19 at 2:00 p.m., BIV #3)
 4. Governmental (October 5 at 4:00 p.m., ECR)
 - a. Minutes – September 13, 2015 ([backup](#))
 - b. Minutes – August 31, 2015 ([backup](#))
 5. Natural Resources (October 5 at 2:00 p.m., ECR)
 - a. Minutes – September 8, 2015 ([backup](#))
 6. Public Facilities (October 19 at 4:00 p.m., BIV #3)
 - a. Minutes August 31, 2015 ([backup](#))
 - C. Appointments to Boards and Commissions ([backup](#))
6. RECOGNITION OF EFFORTS TO SECURE RURAL DEVELOPMENT ACT FUNDS FOR COUNTY PROJECTS
 - A. Mr. James Baker, former Senior Vice President, Marketing and Public Relations
Palmetto Electric Cooperative
 - B. Mrs. Jan Baxter, former Manager, Community / Economic Development
Palmetto Electric Cooperative



7. PROCLAMATION

A. Anti-Bullying Month, Councilman Alice Howard ([backup](#))

8. PUBLIC COMMENT – Speaker sign-up no later than 4:45 p.m. prior to the beginning of the meeting.

9. OLD BUSINESS

A. AN ORDINANCE TO AMEND THE STORMWATER MANAGEMENT UTILITY ORDINANCE AS ADOPTED AUGUST 22, 2005 TO PROVIDE FOR AMENDMENT OF THE RATE STRUCTURE, ADJUST UTILITY RATES, AND TO MODIFY CERTAIN TERMS TO ACCURATELY REFLECT ADMINISTRATION STRUCTURE (TO ADOPT RATE STRUCTURE E) ([backup](#))

1. Motion to approve on third and final reading failed to garner a majority vote of Council September 14, 2015 / 4:4:1
2. Natural Resources Committee discussion occurred September 8, 2015
3. Stormwater Management Utility Board discussion and reaffirmation of the recommendation to approve the ordinance occurred August 26, 2015 / Vote 5:0
4. Third and final reading postponed August 24, 2015
5. Public hearing 2 of 2 held August 24, 2015
6. Second reading approval occurred August 10, 2015 / Vote 8:2
7. Natural Resources Committee discussion occurred August 10, 2015
8. First reading approval occurred July 27, 2015 / Vote 8:3
9. Public hearing 1 of 2 held July 27, 2015
10. Natural Resources Committee discussion and recommendation to approve ordinance on first reading occurred July 20, 2015 / Vote 5:2
11. Stormwater Management Utility Board discussion and recommendation to approve ordinance on first reading occurred July 15, 2015 / Vote 5:0

10. NEW BUSINESS

A. RESOLUTION TO ACCEPT RURAL DEVELOPMENT ACT GRANT IN THE AMOUNT OF \$150,000 FOR MYRTLE PARK BUILDING ([backup](#))

11. CONSENT AGENDA

A. AN ORDINANCE TO AMEND THE BEAUFORT COUNTY CODE OF ORDINANCES, CHAPTER 14, ANIMALS, ARTICLES II, SECTION 14.26 THROUGH SECTION 14.37 ([backup](#))

1. Consideration of the second reading to occur September 28, 2015
2. Public hearing announcement – Monday, October 12, 2015, beginning at 6:00 p.m. in Council Chambers, Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort
3. First reading approval occurred September 14, 2015 / Vote 9:0
4. Governmental Committee discussion occurred September 14, 2015
2. Governmental Committee discussion and recommendation to approve on first reading occurred August 31, 2015 / Vote 3:2
3. Governmental Committee discussion occurred August 31, 2015
4. Governmental Committee discussion occurred July 27, 2015
5. Governmental Committee discussion occurred June 22, 2015
6. Governmental Committee discussion occurred June 1, 2015

- B. AN ORDINANCE TO APPROPRIATE \$64,600.00 FROM THE LOCAL (3%) ACCOMMODATIONS TAX FUND FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE DAUFUSKIE ISLAND PIER ([backup](#))
1. Consideration of first reading to occur September 28, 2015
 2. Finance Committee discussion and recommendation to approve ordinance on first reading occurred September 21, 2015 / Vote 7:0
- C. AN ORDINANCE TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A QUIT CLAIM DEED FOR A PORTION OF LOWEN DRIVE, PORT ROYAL ISLAND, SOUTH CAROLINA ([backup](#))
1. Consideration of first reading to occur September 28, 2015
 2. Public Facilities Committee discussion and recommendation to approve ordinance on first reading occurred September 21, 2015 / Vote 6:0
- D. AN ORDINANCE TO ESTABLISH A NEW BEAUFORT COUNTY TRANSPORTATION COMMITTEE WITH MEMBERS BEING APPOINTED BY COUNTY COUNCIL (ON JUNE 29, 2015 THE COUNTY DELEGATION RESOLVED THAT, PURSUANT TO S.C. CODE ANN. §12-28-2740(O) AND AS OF THE EFFECTIVE DATE OF JANUARY 1, 2016 THE PRESENTLY CONSTITUTED CTC SHALL BE ABOLISHED AND ITS POWERS AND DUTIES DEVOLVED UPON THE BEAUFORT COUNTY COUNCIL SUBJECT TO CERTAIN STATED TERMS AND CONDITIONS) ([backup](#))
1. Consideration of first reading to occur September 28, 2015
 2. Public Facilities Committee discussion and recommendation to approve ordinance on first reading occurred September 21, 2015 / Vote 6:0
- E. U.S. HIGHWAY 278 OVERLAY COST SHARING WITH SCDOT / CHANGE ORDER BLUFFTON PARKWAY PHASE 5A SEGMENT 2 CONTRACT TOTALING \$544,873 ([backup](#))
1. Funding source: \$250,000 from SCDOT and \$294,873 from the Bluffton Parkway 5A Segment 2 Sales Tax Account #47010012-54500 with an available balance of \$2,758,738
 2. Public Facilities Committee discussion and recommendation to accept SCDOT cost sharing proposal of \$250,000 for the full depth patching and resurfacing of the remaining portion of U.S. Highway 278 to Bowers Bridge occurred September 21, 2015 / Vote 6:0

12. PUBLIC HEARINGS

- A. AN ORDINANCE TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A QUIT CLAIM DEED FOR THE MARY FIELDS SCHOOL AND ASSOCIATED PROPERTY ON DAUFUSKIE ISLAND TO THE FIRST UNION AFRICAN BAPTIST CHURCH ([backup](#))
1. Consideration of third and final reading to occur September 28, 2015
 2. Second reading approval occurred September 14, 2015 / Vote 9:0
 3. First reading approved occurred August 24, 2015 / Vote 11:0
 4. Public Facilities Committee discussion and recommendation to approve the ordinance on first reading occurred August 17, 2015 / Vote 7:0

B. AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA TO AMEND ARTICLE II, SECTION 14-37, *ET SEQ.* OF THE BEAUFORT COUNTY CODE OF LAWS TO PROHIBIT THE IMPORTATION OF EXOTIC ANIMAL WITHIN BEAUFORT COUNTY ([backup](#))

1. Consideration of third and final reading to occur September 28, 2015
2. Second reading approval occurred September 14, 2015 / Vote 9:0
3. First reading approved occurred August 24, 2015 / Vote 11:0
4. Community Services Committee discussion and recommendation to approve on first reading occurred August 24, 2015 / Vote 6:0

C. AN ORDINANCE TO AMEND ORDINANCE 2006/24 TO INCLUDE IN SECTION 6, PARAGRAPH B, SUBPARAGRAPH 3C, DISCOUNT TABLE FOR AFFORDABLE HOUSING, OF THE DEVELOPMENT IMPACT FEE PROCEDURES ORDINANCE ([backup](#))

1. Consideration of second reading to occur September 28, 2015
2. Second reading consideration postponed September 14, 2015
3. First reading approved occurred August 24, 2015 / Vote 11:0
4. Community Services Committee discussion occurred August 24, 2015 / Vote 6:0

13. MATTERS ARISING OUT OF EXECUTIVE SESSION

14. PUBLIC COMMENT - Speaker sign-up no later than 4:45 p.m. prior to the beginning of the meeting.

15. ADJOURNMENT

Official Proceedings
County Council of Beaufort County
September 14, 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, September 14, 2015 beginning at 4:00 p.m. in the Executive Conference Room of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort South Carolina.

ATTENDANCE

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

RECEIPT OF COUNTY ADMINISTRATOR'S TWO-WEEK PROGRESS REPORT

Mr. Gary Kubic, County Administrator, presented his Two-Week Progress Report, which summarized his activities from August 24, 2015 through September 11, 2015.

RECEIPT OF DEPUTY COUNTY ADMINISTRATOR/SPECIAL COUNSEL'S TWO-WEEK PROGRESS REPORT

Mr. Joshua Gruber, Deputy County Administrator/Special Counsel, presented his Two-Week Progress Report, which summarized his activities from August 24, 2015 through September 11, 2015.

DISCUSSION ITEMS

Mr. Flewelling asked the Chairman to remove item 9A, an ordinance to amend the Stormwater Management Utility Ordinance as adopted August 22, 2005 to provide for amendment of the rate structure, adjust utility rates, and to modify certain terms to accurately reflect administration structure (to adopt Rate Structure E), from the consent agenda.

Mr. Flewelling asked the Chairman to remove item 9F, rezoning of Pepper Hall Plantation property, from the consent agenda.

Mr. Rodman asked the Chairman to remove item 9E an ordinance to amend Ordinance 2006/24 to include in Section 6, Paragraph B, Subparagraph 3c, Discount Table for Affordable Housing, of the Development Impact Fee Procedures Ordinance, from the consent agenda.

Mr. Rodman discussed the difference between item 9C, prohibiting the importation of exotic animal within Beaufort County, and item 9D, text amendments to the Animal Control ordinance.

CALL OF EXECUTIVE SESSION

It was moved by Mr. Flewelling, seconded by Mr. Dawson, that Council go immediately into executive session for the purpose of: (1) receipt of legal advice relating to a pending construction claim covered by the attorney-client privilege; (2) discussion of negotiations incident to proposed contractual arrangements and proposed sale or transfer of County-owned property; (3) discussion of proposed purchase of property pursuant to the Beaufort County Rural and Critical Lands Program (construction of Stormwater Pond 8 from the S.C. Highway 170 Widening Retrofit Study); and (4) receipt of legal advice relating to pending and potential claims covered by the attorney-client privilege (Hilton Head Island Airport Avigation Easement / proposed Memorandum of Understanding). 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.

ADJOURNMENT

Council adjourned at 5:20 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

ATTEST: _____
Suzanne M. Rainey, Clerk to Council

Ratified:

Official Proceedings
County Council of Beaufort County
September 14, 2015

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

The regular meeting of the County Council of Beaufort County was held Monday, September 14, 2015 beginning at 5:20 p.m. in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

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

PLEDGE OF ALLEGIANCE

The Chairman led those present in the Pledge of Allegiance.

INVOCATION

Councilman Stu Rodman gave the Invocation.

**PRESENTATION / ST. HELENA ISLAND BRANCH LIBRARY / ONE OF 11 WINNERS
IN LIBRARY JOURNAL'S 2015 LANDMARK LIBRARIES COMPETITION**

Mr. Dinos Liollo, Principal and Market Leader, Liollo Architecture, presented to Council an array of awards bestowed on the St. Helena Island Branch Library. The library, a 25,000 square foot new construction facility, is contiguous to the National Historic Landmark campus at Penn Center. The architecture of the building is modern, yet warm and reflects the unique attributes of Gullah Geechee and Sea Island culture and the vibrancy of the library as a 21st Century gathering place.

The list of awards by year follows: (i) 2015 The American Institute of Architects / South Carolina Chapter -- Interior Design Honor Award to Liollo Architecture for St. Helena Branch Library at Penn Center; *Library Journal* -- New Landmark Libraries: Public Libraries 2015 Award to St. Helena Branch Library at Penn Center for demonstrating excellence in design and construction, response to community context and constraints, sustainability, functionality, innovation, and beauty. (ii) 2014 The International Interior Design Association / Carolinas Chapter -- Best in Show Award to St. Helena Branch Library at Penn Center as well as Government/Institutional Award to St. Helena Branch Library at Penn Center. (iii) 2013 The American Institute of Architects / South Carolina Chapter -- COTE Honor Award to Liollo Architecture for St. Helena Branch Library at Penn Center, Honor Award to Liollo Architecture

for St. Helena Branch Library at Penn Center, Charleston Section / Students' Choice Award to Liollio Architecture for St. Helena Branch Library at Penn Center, and Charleston Section / Honor Award to Liollio Architecture for St. Helena Branch Library at Penn Center

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 August 24, 2015

This item comes before Council under the Administrative Consent Agenda.

It was moved by Mr. Flewelling, seconded by Mr. Rodman, that Council approve the minutes of the regular meeting held August 24, 2015. The vote: YEAS - Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT - Mrs. Bensch and Mr. Fobes. The motion passed.

Committee Reports

Finance Committee

Airports Board

Gerald Costa

The vote: YEAS - Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT - Mrs. Bensch and Mr. Fobes. Mr. Gerald Costa, representing active pilot/recently retired commercial pilot, garnered the six votes required to serve as a member of the Airports Board.

Blakely Williams

The vote: YEAS - Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT - Mrs. Bensch and Mr. Fobes. Mrs. Blakely Williams, representing the Beaufort Regional Chamber of Commerce, garnered the six votes required 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 Ms. Kim Bonturi, President of Chain-Free Beaufort, who expressed support of the text amendments to the Animal Control ordinance, especially the mandatory spay/neuter of pitbulls.

Ms. Frannie Gerthoffer, Executive Director of Hilton Head Humane Association, expressed support of the mandatory spay/neuter of pitbulls. She pledged the Association's support of the Animal Services Department and its Director Mrs. Tallulah Trice.

Ms. Ann Ubelis, a resident of Lady's Island, addressed three issues. The local Chambers of Commerce are requesting a \$150,000 increase in accommodations tax monies. Why do they need a 430% in county budgeting? The voters will be looking very closely at the newly created Capital Sales Tax Commission, given last year's debacle. Does the tree removal contract at the Hilton Head Island Airport, take into consideration the sale of timber? Will that revenue from the sale of that timber return to the County to recoup some of our tax dollars?

Ms. Dru Clements, a long-term volunteer with Chain-Free Beaufort, expressed support for the Animal Control ordinance, especially the mandatory spay/neuter of pitbulls.

Ms. Yvette Williams, a resident of Seabrook, thought the Stormwater Ordinance issue was over two weeks ago. The ordinance proposes to charge the residents of the rural areas 76% of the amount it is going to cost to construct the infrastructure to take care of the discharge problem.

CONSENT AGENDA

AN ORDINANCE TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A QUIT CLAIM DEED FOR THE MARY FIELDS SCHOOL AND ASSOCIATED PROPERTY ON DAUFUSKIE ISLAND TO THE FIRST UNION AFRICAN BAPTIST CHURCH

This item comes before Council under the Consent Agenda. Discussion occurred at the August 17, 2015 meeting of the Public Facilities Committee.

It was moved by Mr. Flewelling, seconded by Mr. McBride, that Council approve on second reading an ordinance authorizing the County Administrator to execute a quit claim deed for the Mary Fields School and associated property on Daufuskie Island to the First Union African Baptist Church. The vote: YEAS - Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT - Mrs. Bensch and Mr. Fobes. The motion passed.

The Chairman announced a public hearing Monday, September 28, 2015, beginning at 6:00 p.m. in the large meeting room of the Bluffton Branch Library, 120 Palmetto Way, Bluffton, South Carolina.

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA TO AMEND ARTICLE II, SECTION 14-37, *ET SEQ.* OF THE BEAUFORT COUNTY CODE OF LAWS TO PROHIBIT THE IMPORTATION OF EXOTIC ANIMAL WITHIN BEAUFORT COUNTY

This item comes before Council under the Consent Agenda. Discussion occurred at the August 24, 2015 meeting of the Community Services Committee.

It was moved by Mr. Flewelling, seconded by Mr. McBride, that Council approve on second reading an ordinance to amend Article II, Section 14-37, *et seq.* of the Beaufort County Code of Laws to prohibit the importation of exotic animal within Beaufort County. The vote: YEAS - Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT - Mrs. Bensch and Mr. Fobes. The motion passed.

The Chairman announced a public hearing Monday, September 28, 2015, beginning at 6:00 p.m. in the large meeting room of the Bluffton Branch Library, 120 Palmetto Way, Bluffton, South Carolina.

AN ORDINANCE TO AMEND THE BEAUFORT COUNTY CODE OF ORDINANCES, CHAPTER 14, ANIMALS, ARTICLE II, SECTION 14.26 THROUGH SECTION 14.37

This item comes before Council under the Consent Agenda. Discussion occurred at the August 24, 2015 meeting of the Community Services Committee.

It was moved by Mr. Flewelling, seconded by Mr. McBride, that Council approve on first reading an ordinance to amend the Beaufort County Code of Ordinances, Chapter 14, Animals, Article II, Section 14.26 through Section 14.37. The vote: YEAS - Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT - Mrs. Bensch and Mr. Fobes. The motion passed.

CONTRACT AWARD / BOUNDARY STREET REDEVELOPMENT CONSTRUCTION IMPROVEMENTS

It was moved by Mr. McBride, as Chairman of the Community Services Committee (no second required), that Council award a contract to Preferred Materials, Inc., in the amount of \$18,765,274.84 for construction of the Boundary Street Redevelopment. Council award is contingent on approval by SCDOT and the Federal Highway Administration. The sources of funding are Federal Highway TIGER Grant \$12,635,000, Beaufort County Sales Tax Funds \$11,346,115, Beaufort County Northern Road Impact Fees \$1,369,243, and City of Beaufort TIF II Funds \$8,223,000. The vote: YEAS - Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT - Mrs. Bensch and Mr. Fobes. The motion passed.

CONTRACT AWARD / BOUNDARY STREET REDEVELOPMENT CONSTRUCTION MANAGEMENT AND CONSTRUCTION ENGINEERING INSPECTION SERVICES

It was moved by Mr. Flewelling, seconded by Mr. McBride, that Council award a contract to Infrastructure Consulting & Engineering, Beaufort, South Carolina in the amount of \$1,968,800 for Construction Management and Construction Engineering Inspection Services (CM/CEI) for the Boundary Street Redevelopment Project. The sources of funding are Federal Highway TIGER Grant \$12,635,000, Beaufort County Sales Tax Funds \$11,346,115, Beaufort County Northern Road Impact Fees \$1,369,243, and City of Beaufort TIF II Funds \$8,223,000. The vote: YEAS - Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT - Mrs. Bensch and Mr. Fobes. The motion passed

CONTRACT AWARD / RUNWAY 3 APPROACH TREE OBSTRUCTION REMOVAL

It was moved by Mr. Flewelling, seconded by Mr. McBride, that Council award a contract to State Tree Services, LLC, Sumter, South Carolina to perform the required construction services for a total cost of \$377,700 and the construction administration fee of \$209,084 to Talbert, Bright and Ellington. The source of funding is 90% via FAA Grant 38, 5% SCAC Grant, and 5% via Hilton head Airport Capital Projects Fund. The vote: YEAS - Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT - Mrs. Bensch and Mr. Fobes. The motion passed.

CONTRACT AWARD / TAXIWAY 'A' RELOCATION AND GENERAL AVIATION RAMP REPLACEMENT

It was moved by Mr. Flewelling, seconded by Mr. McBride, that Council award a contract to Quality Enterprises USA, Inc., Chesapeake, Virginia, to perform the required construction services for a total cost of \$7,961,690 and the construction administration fee of \$1,049,632 to Talbert, Bright and Ellington, Charlotte, North Carolina. The vote: YEAS - Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT - Mrs. Bensch and Mr. Fobes. The motion passed.

CONTRACT AWARD / EMERGENCY MEDICAL SERVICES PURCHASE REMOUNTING SERVICES FOR TWO AMBULANCES

It was moved by Mr. Flewelling, seconded by Mr. McBride, that Council award a contract to AEV Northwestern Emergency Vehicles, Jefferson, North Carolina in the amount of \$234,468 to purchase remounting services for the two existing County ambulances. The source of funding is Account 40090011-54003, 2014 Bonds, EMS, Vehicle Purchases \$132,043 and Account 10001230-54000, EMS, Vehicle Purchases \$102,425. The vote: YEAS - Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT - Mrs. Bensch and Mr. Fobes. The motion passed.

ACCEPTANCE OF AWARD / CLEAN WATER ACT SECTION 319 GRANT IN THE AMOUNT OF \$792,000 (60% OF THE PROJECT COST) FOR THE OKATIE WEST REGIONAL DETENTION BASIN PROJECT TO BE LOCATED ON THE NEW LEAF LLC TRACT BEING PURCHASED WITH RURAL AND CRITICAL LAND AND STORMWATER FUNDS

It was moved by Mr. Flewelling, seconded by Mr. McBride, that Council accept a Clean Water Act Section 319 grant award in the amount of \$792,000 (60% of the project cost) for the Okatie West Regional Detention Basin Project to be located on the New Leaf LLC tract being purchased with rural and critical land and stormwater funds. The vote: YEAS - Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT - Mrs. Bensch and Mr. Fobes. The motion passed.

PEPPER HALL PLANTATION PROPERTY / REQUEST TO CHANGE THE FUTURE LAND USE DESIGNATION AND TO REZONE PORTIONS OF AN ASSEMBLAGE OF 7 PARCELS EQUALING APPROXIMATELY 113 ACRES LOCATED ON THE NORTH SIDE OF U.S. HIGHWAY 278 BETWEEN THE OKATIE RIVER AND GRAVES ROAD FROM RURAL WITH TRANSITIONAL OVERLAY (APPROXIMATELY 33 ACRES FRONTING U.S. HIGHWAY 278) AND RURAL (80 ACRES OF THE REMAINDER OF THE PROPERTIES) TO COMMERCIAL REGIONAL (APPROXIMATELY 65 ACRES FRONTING U.S. HIGHWAY 278) AND SUBURBAN (APPROXIMATELY 48 ACRES AT THE REAR OF THE PROPERTIES)

Mr. Flewelling, as Chairman of the Natural Resources Committee, explained this item is being removed from the consent agenda. This matter was denied by the members of the Natural Resources Committee at the August 10, 2015 meeting and, will come to Council as an ordinance to deny with a public hearing at the October 12, 2015 meeting.

AN ORDINANCE TO AMEND THE STORMWATER MANAGEMENT UTILITY ORDINANCE AS ADOPTED AUGUST 22, 2005 TO PROVIDE FOR AMENDMENT OF THE RATE STRUCTURE, ADJUST UTILITY RATES, AND TO MODIFY CERTAIN TERMS TO ACCURATELY REFLECT ADMINISTRATION STRUCTURE (TO ADOPT RATE STRUCTURE E)

It was moved by Mr. Flewelling, as Natural Resources Committee Chairman, that Council approve on third and final reading an ordinance to amend the Stormwater Management Utility Ordinance as adopted August 22, 2005 to provide for amendment of the rate structure, adjust utility rates, and to modify certain terms to accurately reflect administration structure (to adopt Rate Structure E). The vote: YEAS - Mrs. Howard, Mr. Sommerville, Mr. Stewart and Mr. Vaux. NAYS – Mr. Caporale, Mr. Dawson, Mr. Flewelling and Mr. McBride. ABSTAIN – Mr. Rodman (Mr. Rodman is sensitive to the folks, who have spoken, that there may be some inequities in it relative to what has been described; and, the fact that we are taking the administrative costs and spreading it parcel-by-parcel as opposed to some other methods which tends to be somewhat regressive.) ABSENT - Mrs. Bensch and Mr. Fobes. The motion failed.

AN ORDINANCE TO AMEND ORDINANCE 2006/24 TO INCLUDE IN SECTION 6, PARAGRAPH B, SUBPARAGRAPH 3C, DISCOUNT TABLE FOR AFFORDABLE HOUSING, OF THE DEVELOPMENT IMPACT FEE PROCEDURES ORDINANCE

Main motion: It was moved by Mr. Rodman, as Governmental Committee Chairman (no second required), that Council approve on second reading an ordinance to amend Ordinance 2006/24 to include in Section 6, Paragraph B, Subparagraph 3c, Discount Table for Affordable Housing, of the Development Impact Fee Procedures Ordinance.

Motion to postpone: It was moved by Mr. Rodman, seconded by Mr. Flewelling, that Council postpone consideration of second reading until the October 12, 2015 meeting of Council. Mr. Rodman, with the consent of Mr. Flewelling, withdrew the motion.

Without Council objection, the Chairman postponed consideration of second reading until the October 12, 2015 meeting of Council.

MATTERS ARISING OUT OF EXECUTIVE SESSION

It was moved by Mr. Rodman seconded by Mr. Stewart, that Council purchase 22.48 acres known as the Lowcountry Evergreen tract, specifically identified as R610 029 000 0483 0000, in the amount of \$1,000,000. The total purchase price will be paid as follows \$844,306 from Rural and Critical Lands Program funds and \$155,694 from Stormwater Management Utility funds. The vote: YEAS - Mr. Dawson, Mr. Flewelling, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. NAYS – Mr. Caporale. ABSENT - Mrs. Bensch and Mr. Fobes. The motion passed.

PUBLIC COMMENT

There were no requests to speak during public comment

ADJOURNMENT

Council adjourned at 6:35 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

ATTEST: _____
Suzanne M. Rainey, Clerk to Council

Ratified:

GOVERNMENTAL COMMITTEE

September 14, 2015

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

The Governmental Committee met Monday, September 14, 2015 beginning at 2:00 p.m. in the Executive Conference Room of the Administration Building, Beaufort County Government Robert Smalls Complex, 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 Steven Fobes, William McBride, Paul Sommerville 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: Allison Coppage, Assistant County Attorney; Phil Foot, Assistant Administrator – Public Safety; Joshua Gruber, Deputy County Administrator/Special Counsel; Thomas Keaveny, County Attorney; and Gary Kubic, County Administrator.

Public: Joe Fragale, S.C. Human Affairs Commissioner; Don Kirkman, Executive Director, Hilton Head Island Economic Development Corporation; Sarah Reed, Bluffton Public Development Board Member, Town of Bluffton; Jason Ruhf, Business Development Manager, Beaufort Regional Chamber of Commerce; Lisa Sulka, Mayor, Town of Bluffton; Frank Turano, Lowcountry Regional Manager, Alliance Consulting Engineers, Blakely Williams, President/CEO Beaufort Regional Chamber of Commerce; and Van Willis, Manager, Town of Port Royal.

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

Mr. Rodman chaired the meeting.

INFORMATION ITEM

1. Economic Development Organization, Product, Financial Engineering

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 the Governmental Committee, gave a PowerPoint presentation on the four components regarding the formation of the new economic development: organization, objectives/roles, product and financial engineering. Mr. Rodman detailed the

schedule, objectives, industrial/commerce product, research and high tech product, financial engineering, challenges, and the discussion points for each.

At the conclusion of today's meeting the temporary Economic Development Work Group (Group) met and established itself as the Directorate or steering committee for County Council. The Directorate is comprised of three Town/City Managers, the President of the Beaufort Regional Chamber of Commerce and the Executive Director of the Hilton Head Island Economic Development Corporation. The Directorate is in the process of setting up email and contacts, prioritizing a plan of work, and has identified two existing facilities that are available.

Status: Information only.

2. An Ordinance to Amend the Beaufort County Code of Ordinances, Chapter 14, Animals, Articles I and II, Section 14.26 through Section 14.37

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

Discussion: Mrs. Allison Coppage, Assistant County Attorney, reviewed the modifications incorporated into the ordinance after the Committee last met on August 24, 2015:

- Section 14.44 Importation of Exotic Animals Prohibit Paragraph C, Exceptions. This ordinance shall not apply to following entities:
 - An entity licensed as a Class R Research Facility by the United States of America or any agency thereof pursuant to the Animal Welfare Act (7 U.S.C. 2131 et seq.)
 - An entity properly accredited by the Association of Zoos & Aquariums or the Zoological Association of America
 - An entity licensed as a Class C Facility by the United States of America or any agency thereof pursuant to the Animal Welfare Act (7 U.S.C. 2131 et seq.) for exhibition not to exceed 7 days within a 52 week period
 - A team mascot for a university of educational facility.
- Section 14.33 Running at Large Paragraph B, Exemption.
 - Except as provided herein, no person shall bring or allow any dog, or any other animal on the beach that is not at all times on a leash between the hours of 10:00 a.m. and 5:00 p.m. from April 1st through the Thursday before Memorial Day weekend and from the Tuesday after Labor Day weekend through September 30th. No person shall bring or allow any dog, or any other animal, on the beach between the hours of 10:00 a.m. and 5:00 p.m. from the Friday before Memorial Day weekend through the Monday of Labor Day weekend. No person shall bring or allow any dog or any other animal on the beach that is not on a leash or under positive voice control of the responsible person between 5:00 p.m. and 10:00 a.m. from April 1st through September 30th. No person shall bring or allow any dog or

any other animal on the beach that is not on a leash or under positive voice control at any hour from October 1st through March 31st. Any violation of the provisions hereof may result in the owner of the animal being charged with a misdemeanor and the animal being seized by the appropriate animal control officer or law enforcement officer.

- No person shall permit any excrement from any animal under that person's control to remain on the beach, but shall dispose of same in a sanitary manner.
- From April 1st through the Thursday before Memorial Day weekend and from the Tuesday after Labor Day weekend through September 30th of each year, dogs or any other animal, other than seeing-eye dogs, shall not be allowed in any designated swimming area unless on a leash and walking through the area between 10:00 a.m. and 5:00 p.m.

- Section 14.43 Livestock
Paragraph D, Exception:

- No swine or livestock shall be kept within the corporate limits of Port Royal, _____, & _____ without specific approval of the Town/City Council and is permissible under the municipal zoning regulations. No approval shall be granted or continued if such keeping shall constitute a menace to health or welfare of the public. To the extent that another section within this Chapter reference livestock this section shall be controlling.

Mr. Sommerville asked Mrs. Coppage to incorporate the City of Hardeeville and Town of Yemassee.

- Section 14.42 Management of Feral Cat Colonies.

The committee asked Staff to post the "Policy on Trap, Neuter and Release for Feral Cats" on the profile page of the Animal Services Department.

- Sec. 14.32 Dangerous Animals

Paragraph B, Declaration of a Dangerous Animal, Confinement Requirements, and Final Determination of Danger Animal Declaration:

- Final Determination of Dangerous Animal Declaration. Notice of a Declaration of a Dangerous Animal constitutes an initial determination that the animal is dangerous or potentially dangerous. A final determination shall be made by the Beaufort County Magistrate Court within thirty (30) days or as soon as practicable.

Mrs. Bensch suggested including a definition for Animal Behavior Specialist-State licensed, certified and insured. The committee took no action.

Mrs. Bensch suggested replacing the text in the first sentence in paragraph 3 as follows, "An owner may challenge the dangerous animal Notice by retaining a Certified, State licensed

animal behavior specialist to evaluate the animal and the Magistrate Court shall consider the Animal Specialist report as expert testimony in determining an animal's behavior. The committee took no action.

- Section 14.30 Declaration of Restricted Dog, Appeal of Breed Determination
 - A. Determination of Breed and Appeal of Determination:
 - Notice. Upon determination of the breed, the animal services officer shall deliver written notice of determination to the owner or any adult residing at the premises where the animal is located or by posting on the premises if no adult is present. The notice shall include the determination of breed, mandatory spay and neuter requirements, and notice of appeal process.

Mrs. Coppage discussed the mandatory spay/neuter of pitbull breeds. The Animal Services Department has, over the past few years, made efforts to provide free or low-cost spay/neuter as well as a spay/neuter education outreach program. However, given staff's efforts, the Department is still experiencing the identified problem with euthanization of pitbull/pitbull mix.

The Department is recommending maintaining data that show what the population is at the Shelter and whether or not the ordinance is addressing the mandatory spay/neuter of pitbulls and pitbull mix.

Status: Committee agreed with the Animal Services Department maintaining data over the next 24 months to serve as evidence as to whether or not our ordinance, requiring spaying and neutering of pitbull/pitbull mix, is effective, or, do we need to do something drastic to solve the problem that we do have the evidence today, which is an inordinate number of pitbull breeds being euthanized in Beaufort County.

GOVERNMENTAL COMMITTEE

August 31, 2015

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

The Governmental Committee met Monday, August 31, 2015 beginning at 2:00 p.m. in Council Chambers of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

Chairman Stu Rodman, Vice Chairman Rick Caporale, and Committee members Cynthia Bensch, Gerald Dawson and Jerry Stewart. Committee members Brian Flewelling and Alice Howard absent. Non-Committee members Steven Fobes, William McBride, Paul Sommerville 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: Allison Coppage, Assistant County Attorney; Phil Foot, Assistant Administrator–Public Safety; Joshua Gruber, Deputy County Administrator/Special Counsel; Thomas Keaveny, County Attorney; Gary Kubic, County Administrator; and Tallulah Trice, Animal Control Director.

Public: David Bennett, Mayor, Town of Hilton Head Island; Bill Harkins, Mayor Pro-Tem, Town of Hilton Head Island; Billy Keyserling, Mayor, City of Beaufort, Sam Murray, Mayor, Town of Port Royal; Steve Riley, Manager, Town of Hilton Head Island; Lisa Sulka, Mayor, Town of Bluffton; Van Willis, Manager, Town of Port Royal; and Blakely Williams, President/CEO Beaufort Regional Chamber of Commerce.

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

Mr. Rodman chaired the meeting.

ACTION ITEMS

1. **Consideration of Contract Awards**
 - **Runway 3 Approach Tree Obstruction Removal**

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

Discussion: Mr. Jon Rembold, Airports Director, and Dave Thomas, Purchasing Director, reviewed this item with the Committee. Beaufort County issued an Invitation for Bids to contractors capable of providing the requisite services associated with removing obstructions that currently penetrate the Runway 03 aircraft approach surfaces. Execution of this project

allows the airport to operate more efficiently because operational constraints can be removed when the surfaces are free of penetrations. The bids were reviewed and evaluated by staff and it was determined that State Tree Services of Sumter, South Carolina, was the lowest responsive/responsive bidder. These projects are being undertaken in accordance with the Hilton Head Airport Master Plan as approved by County Council in October 2010. Funding would come from the following: 90% via FAA Grant 38, 5% SCAC Grant, 5% via Hilton head Airport Capital Projects Fund.

Motion: It was moved by Mr. Caporale, seconded by Mr. Stewart, that Committee approve and recommend to Council the approval of a contract award to State Tree Services, LLC, Sumter, South Carolina for a total cost of \$377,700 to perform the required construction services and the construction administration fee of \$209,084 to Talbert, Bright and Ellington. The source of funding is 90% via FAA Grant 38, 5% SCAC Grant, 5% via Hilton head Airport Capital Projects Fund. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Rodman, and Mr. Stewart. ABSENT – Mr. Flewelling and Mrs. Howard. The motion passed.

Recommendation: Council award a contract to State Tree Services, LLC, Sumter, South Carolina for a total cost of \$377,700 to perform the required construction services and the construction administration fee of \$209,084 to Talbert, Bright and Ellington. The source of funding is 90% via FAA Grant 38, 5% SCAC Grant, 5% via Hilton head Airport Capital Projects Fund.

2. Consideration of Contract Awards

- **Taxiway 'A' Relocation and GA Ramp Replacement**

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

Discussion: Mr. Jon Rembold, Airports Director, and Mr. Dave Thomas, Purchasing Director, reviewed this item with the Committee. Beaufort County issued an Invitation to Bid to contractors capable of providing the requisite services associated with relocating Taxiway A to meet current FAA separation criteria, clearing on-airport trees, and constructing new ramp area for general aviation aircraft. Also included in his project is infrastructure work that will support the relocation of the Remote Transmitter/Receiver so that it is in compliance with FAA performance standards. The bids were reviewed and evaluated by staff and it was determined that Quality Enterprises USA, Inc., was the lowest responsible/responsive bidder with a total cost of \$7,961,690, and Talbert, Bright, and Ellington for construction administration with a fee of \$1,049,632. Funding is as follows: 90% via FAA Grant 38, 5% via SCAC Grant, and 5% via Hilton Head Airport Capital Projects Fund.

Motion: It was moved by Mr. Caporale, seconded by Mrs. Bensch, that Committee approve and recommend to Council the approval of a contract award to Quality Enterprises USA, Inc., Chesapeake, Virginia, for a total cost of \$7,961,690 to perform the required construction services and the construction administration fee of \$1,049,632 to Talbert, Bright and Ellington, Charlotte, North Carolina. The source of funding is 90% via FAA Grant 38, 5% via SCAC Grant, and 5% via Hilton Head Airport Capital Projects Fund. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Rodman, and Mr. Stewart. ABSENT – Mr. Flewelling and Mrs. Howard. The motion passed.

Recommendation: Council award a contract to Quality Enterprises USA, Inc., Chesapeake, Virginia, to perform the required construction services for a total cost of \$7,961,690 and the construction administration fee of \$1,049,632 to Talbert, Bright and Ellington, Charlotte, North Carolina. The source of funding is 90% via FAA Grant 38, 5% via SCAC Grant, and 5% via Hilton Head Airport Capital Projects Fund.

3. Consideration of Contract Awards

- **Emergency Medical Services Purchase Remounting Services for Two Ambulances**

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 Beaufort County's EMS Department to purchase two new 2016 Dodge Ram 4500 4x2 Ambulance Remounts, which includes remounting services. This purchase request will use the HGAC Buy Cooperative Contract (HGAC), a National Cooperative contract used by state and local governments. The EMS Department, along with First Vehicle Services, recommends the purchase of the Dodge ambulances due to their overall performance and the close proximity of the factory to Beaufort County.

The HGAC Contract will provide the remounting of two of the current fleet ambulances as these modules are in good structural condition. The old chassis would be traded into Northwestern. Remounting of the ambulances would include a new 2016 Dodge D4500, 4 x 2 Diesel Type I cab chassis, HVAC, emergency and compartment lights. Also, the module would be repainted and the interior refurbished. The remounted ambulances receive the same manufacturer warranty as a new ambulance. All of the ambulances will be delivered to the County before the end of the fiscal year. The total cost would be \$234,468 and would be funded as follows: Account 40090011-54003, 2014 Bonds, EMS, Vehicle Purchases (\$132,043) and Account 10001230-54000, EMS, Vehicle Purchases (\$102,425).

Motion: It was moved by Mr. Caporale, seconded by Mrs. Bensch, that Committee approve and recommend to Council the approval of a contract award to AEV Northwestern Emergency Vehicles, Jefferson, North Carolina for a total cost of \$234,468 for the purchase of remounting services for two existing County ambulances. The source of funding is Account 40090011-54003, 2014 Bonds, EMS, Vehicle Purchases (\$132,043) and Account 10001230-54000, EMS, Vehicle Purchases (\$102,425). The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Rodman, and Mr. Stewart. ABSENT – Mr. Flewelling and Mrs. Howard. The motion passed.

Recommendation: Council award a contract to AEV Northwestern Emergency Vehicles, Jefferson, North Carolina for a total cost of \$234,468 for the purchase of remounting services for two existing County ambulances. The source of funding is Account 40090011-54003, 2014 Bonds, EMS, Vehicle Purchases (\$132,043) and Account 10001230-54000, EMS, Vehicle Purchases (\$102,425).

4. Off Agenda – Discussion / An ordinance to amend the Beaufort County Code of Ordinances, Chapter 14, Animals, Article II, Section 14.26 through Section 14.37

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

Discussion: Mrs. Allison Coppage, Assistant County Attorney, asked for guidance, procedurally, about how the Committee would like to move forward with the proposed Animal Control Ordinance.

Ms. Kimberly Kelly, State of South Carolina Director, Humane Society of the United States, spoke before the Committee. She stated her support in the attempted reduction in euthanasia rates, but feels strongly against a policy that singles out a particular breed. As an alternative, she suggests Pets for Life, a program designed to build humane communities using innovative strategies and fresh approaches designed to extend the reach of animal services, resources, and information to under-served areas. Addressing the critical need for accessible, affordable pet care, our program helps animals by empowering the people who care for them.

Mrs. Tallulah Trice, Animal Control Director, stated the ordinance proposed would require microchipping of pitbulls to see whether or not it has been spayed/neutered. The overall intent is to reduce the euthanasia rate of pitbulls.

Motion: It was moved by Mr. Caporale, seconded by Mr. Sommerville, that Committee approve and recommend to Council approval on first reading, by title only, text amendments to the Animal Control Ordinance, Chapter 14, Animals, Article II, Section 14.26 through Section 14.37. The vote: YEAS –Mr. Caporale, Mr. Rodman, and Mr. Sommerville. NAYS – Mrs. Bensch and Mr. Stewart. ABSENT – Mr. Dawson (temporarily left the room). Mr. Flewelling and Mrs. Howard. The motion passed.

Recommendation: Council approval on first reading, by title only, text amendments to the Animal Control Ordinance, Chapter 14, Animals, Article II, Section 14.26 through Section 14.37.

INFORMATION ITEMS

5. Work Session with the Mayors

- **Heritage Tourism Update**

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

Discussion: Committee Chairman Stu Rodman invited each Mayor to comment on the issue of heritage tourism.

Status: Information only.

6. Work Session with the Mayors

- **Economic Development Corporation Discussion**

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

Discussion: Committee Chairman Stu Rodman provided the Committee with a PowerPoint presentation on the County Economic Development Corporation. The presentation reviewed the schedule, objectives, industrial/commerce product, research and high tech product, financial engineering, challenges, and the discussion points for each. He asked each Mayor to weigh in on the topic of economic development and, introduced Mrs. Blakely Williams, President/CEO, Beaufort Regional Chamber of Commerce, who presented information relative to business retention and expansion.

Status: Information only.

7. Work Session with the Mayors

- **Affordability Housing Discussion**

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

Discussion: Committee Chairman Stu Rodman stated in the course of moving forward with an ordinance to change the affordable housing rate within Beaufort County, he realized that Beaufort County's rate is more restrictive than state statute. He asked each Mayor to weigh in on the topic of affordable housing.

Status: Information only.

8. Consideration of Reappointments and Appointments

- **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.

9. Discussion / Jasper County Dress Code Ordinance

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

Discussion: Committee Chairman Stu Rodman stated this issue was brought forward by Reverend Young at the July 27, 2015 meeting of the Governmental Committee. Jasper County has adopted a “saggy pants” ordinance.

Mrs. Bensch feels the School District dress code regulates reasonable attire of students during the school day; yet, many people feel it is the parent’s responsibility to regulate. We cannot ask Sheriff Tanner to hire more deputies to prosecute individuals, who are non-compliant with the ordinance. Saggy pants seem to be a fad that is dying out.

Mr. Dawson stated the Public Facilities Committee discussed this issue a few years ago. Committee members reviewed Jasper County Council’s ordinance, discussed its success rate, enforcement, and found that Jasper County was not enforcing the ordinance, because it was viewed as a household issue rather than legislative. The Public Facilities Committee members, at that time, had no desire to offer up legislation.

Status: No action taken.

10. Discussion / Legislative Policy Issues

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

Discussion: Committee Chairman Stu Rodman remarked at the July 27, 2015 Governmental meeting members agreed to forward to the S.C. Association of Counties last year’s legislative policy issues.

Mrs. Bensch stated legislation is needed to allow the Assessor to hold taxes in abeyance should a property owner have access to their property removed. The Tax Equalization Board does not have enforcement authority.

Status: No action taken.

NATURAL RESOURCES COMMITTEE

September 8, 2015

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

The Natural Resources Committee met Tuesday, September 8, 2015 beginning at 2:00 p.m., in the Executive Conference Room, Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

Committee Chairman Brian Flewelling, Vice Chairman Alice Howard and members Gerald Dawson, Steven Fobes, William McBride, Jerry Stewart and Tabor Vaux present. Non-committee members Cynthia Bensch, Rick Caporale, and Stu Rodman 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, Deputy County Attorney; Tony Criscitiello, Planning Director; Amanda Flake, Natural Resources Planner; Joshua Gruber, Deputy County Administrator/Special Counsel; Thomas Keaveny, County Attorney; Eric Larson-Division Director Environmental Engineering; Gary Kubic, County Administrator; and Dan Morgan, Mapping and Applications Director.

Public: Ken Driggers, Beaufort County Open Land Trust; Lisa Lord, Beaufort County Open Land Trust; Ed Pappas, Chairman, Rural and Critical Lands Preservation Board; and Kate Schaefer, South Coast Director, S.C. Coastal Conservation League.

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

Mr. Flewelling chaired the meeting.

ACTION ITEM

- 1. Successful Award of a Clean Water Act Section 319 Grant in the Amount of \$792,000 (60% of the Project Cost) for the Okatie West Regional Detention Basin Project to be Located on the New Leaf, LLC Tract Being Purchased with Rural and Critical Land and Stormwater Funds**

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, Division-Director Environmental Engineering, reviewed this item with the Committee. The 2002 Okatie River Watershed Management Plan identified a regional retrofit project in the west tributary of the Okatie River headwaters, which was further detailed in the 2009 Regional Retrofit Study, the 2014 S.C. 170 Highway Widening Retrofit Study, and the 2015 Okatie River Watershed Management Plan update. In late 2014, the

Stormwater Utility partnered with the Rural and Critical Lands Board to make an offer to purchase the New Leaf, LLC tract along S.C. Highway 170 and the potential site for this regional project. Closing is anticipated soon. On April 2015, the Stormwater Utility submitted the “Okatie West” project for grant funding by the U.S. EPA Clean Water Act Section 319 grant program. On August 11, 2015, the County was notified that the project was granted funds for the design and construction of the site. The grant program is 60% funded, with 40% match. The proposed match is Stormwater CIP Funds – Account 50260014-51160 in the amount of \$528,000.

Motion: It was moved by Mr. Vaux, seconded by Mrs. Howard, that Natural Resources Committee approve and recommend Council accept the EPA CWA Section 319 grant award in the amount of \$792,000 and grant the County Administrator the authority to sign all necessary grant award contracts with the South Carolina Department of Health and Environmental Control (DHEC). The vote: YEAS – Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Stewart and Mr. Vaux. The motion passed.

Recommendation: Council accepts the EPA CWA Section 319 grant award in the amount of \$792,000 and grant the County Administrator the authority to sign all necessary grant award contracts with the South Carolina Department of Health and Environmental Control (DHEC).

INFORMATION ITEMS

2. Rural and Critical Land Preservation Program – History and Overview

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

Discussion: Mr. Tony Criscitiello, Planning Director, introduced Ms. Lisa Lord and Mr. Ken Driggers, Beaufort County Open Land Trust, as well as Mrs. Amanda Flake, Natural Resources Planner, who collectively provided the Committee with an overview of the Rural and Critical Land Preservation Program. The following information was provided to the Committee.

Beaufort County Rural and Critical Land Preservation Program PowerPoint

This presentation provided information to the Committee about Beaufort County’s Comprehensive Plan, critical lands versus rural lands, easement versus fee-simple, funds expended, partnerships, and bonds over a 16-year period. The future Program goals are to (1) continue protecting water quality throughout the county and partner with Beaufort County Stormwater Utility; (2) Focus on protecting the highest priority targets; (3) build significant conservation areas by purchasing important lands adjacent to land we already own; and (4) manage and maintain the current inventory or Rural and Critical Protected lands with an emphasis on Passive Parks for the public. Discussions occurred relative to brining Passive Parks “online” which would include the following actions: inventory existing properties, evaluate properties, recommend uses, funding and stewardship, define priorities, clarify management responsibilities, and generate action plan.

Program Snapshot PowerPoint

This presentation provided a snapshot of the Program to the Committee, which included the Program beginning in 1999, voter support, and acres in easements versus fee-simple. Maps were presented to demonstrate the growth over the years, and an overview of the benefits of land conservation. The recommendations are as follows:

- Follow objectives of the Greenprint
- Invest in easements
- Seek out partner resources
- Connect ACE Basin and Savannah River Preserve through Broad River
- Protect land on the rural edge
- Focus on threatened waterways
- Support agricultural areas
- Inventory available land for public access, match to public needs and ensure county owned land is permanently protected

Additional documents provided to the Committee are as follows:

- The Evolution of the Rural and Critical Lands Program and Path Forward for the Operations of Passive Parks – this handout provided a background of the program, the Planning Staff relation to the Program, and information on Passive Parks (financing, short term strategy, long term strategy, and future potential)
- Spreadsheet of Rural and Critical Lands Program Financials (unaudited and preliminary) as of June 30, 2015 – provided overview of all credits and debits relative to the Program.
- Property Purchase Cycle – flow chart demonstration
- Rural and Critical Lands Program, Future Land Protection Focuses for each Greenprint Planning Area – information provided on the different planning areas.
- Beaufort County Rural and Critical Land Preservation Program – Properties / Easements acquired from 1997-2014
- Beaufort County Rural and Critical Land Preservation Program – Conservation Easements acquired from 1997-2015
- Beaufort County Rural and Critical Land Preservation Program – Projects Completed from 1998-2009

Status: Information only.

3. Continued Discussion / An Ordinance to Amend the Stormwater Management Utility Ordinance as Adopted August 22, 2005 to Provide for Amendment of The Rate Structure, Adjust Utility Rates, and to Modify Certain Terms to Accurately Reflect Administration Structure (To Adopt Rate Structure E)

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, Division Director, Environmental Engineering, provided the committee with additional information relative to the amendment of the rate structure, adjustment of utility rates, and modification of terms. Information provided and reviewed with the Committee included the following:

- Letter dated August 26, 2015 with meeting minutes from the Stormwater Utility Board
- PowerPoint presentation – SWU Analysis of Rural, Agriculture Vacant tracts greater than five acres
- PDF file of a series of nine maps explaining the five-acre cap effect on Rural, Ag, and Vacant properties
- Email from Jill Stewart, DHEC, in response to inquiry by Beaufort County on MS4 enforcement
- Summary of FY-16 Utility budget
- Folder containing PDF project sheets of the projects in the five-year capital plan and summary
- PowerPoint presentation of the Stormwater Utility five-year plan from January 22, 2015 workshop
- PowerPoint presentation of the Gross Area Cap Analysis

Status: Information only.

4. 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. Fobes, seconded by Mr. Vaux, that Natural Resources Committee go immediately into Executive Session for discussion of negotiations incident to proposed contractual arrangements and proposed purchase of property / Proposed purchase of property pursuant to the Beaufort County Rural and Critical Lands Program. The vote: YEAS – Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Stewart and Mr. Vaux. The motion passed.

Status: Committee went into Executive Session for discussion of negotiations incident to proposed contractual arrangements and proposed purchase of property / proposed purchase of property pursuant to the Beaufort County Rural and Critical Lands Program. No action came out of executive session.

PUBLIC FACILITIES COMMITTEE

August 31, 2015

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

The Public Facilities Committee met Monday, August 31, 2015 beginning at 4:00 p.m., in the Executive Conference Room of the Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

Chairman Gerald Dawson, Vice Chairman Tabor Vaux and members Cynthia Bensch, Rick Caporale, Steven Fobes, Alice Howard and William McBride.

County Staff: Allison Coppage, Assistant County Attorney; Joshua Gruber, Deputy County Administrator/Special Counsel; Alicia Holland, Assistant County Administrator-Finance; Thomas Keaveny, County Attorney; Gary Kubic, County Administrator; and Rob McFee, Division Director-Facilities and Construction Engineering.

Public: Reed Armstrong, South Coast Office Project Manager, S.C. Coastal Conservation League; David Coleman, Project Manager, City of Beaufort; Billy Keyserling, Mayor, City of Beaufort; Trace Martell, Lead Estimating Manager, Preferred Materials, Inc.; Bill Prokop, Manager, City of Beaufort; Mariah Robinson, City of Beaufort; Robert Royal, Area Manager, Preferred Materials, Inc.; Kathy Todd, Finance Director, City of Beaufort, Donny Williams, Design Engineer, Thomas & Hutton.

Media: Suzanne Larson, *Lowcountry Inside Track*, and Zach Murdaugh, *The Island Packet/The Beaufort Gazette*.

Mr. Dawson chaired the meeting.

ACTION ITEMS

1. **Consideration of Contract Award (> \$100,000)**
 - **Boundary Street Redevelopment 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 and Construction Engineering, presented this item to the Committee. Beaufort County received bids for the construction component of the Boundary Street Redevelopment Project on July 7, 2015. This project consists of the conversion of the existing five-lane roadway to a four-lane boulevard from Neil Road to

Greenlawn Drive and includes street lighting, sidewalks, a multi-use path, landscaping, undergrounding of overhead utilities and the realignment of the intersection of S.C. Highway 170 and Boundary Street. Also included in this project, is the construction of a new 0.52 mile parallel City of Beaufort (City) road for First Street and existing Polk and Palmetto Streets as outlined in the approved Boundary Street Master Plan adopted by the City in August 2006.

Preferred Materials, Inc. (PMI), Savannah, Georgia submitted a bid for the subject project on July 7, 2015. PMI's bid submittal has been reviewed and a contract award concurrence package has been sent to SCDOT and the FHWA. The SCDOT and FHWA review are being conducted in parallel with the County review and award process. Contract award will be finalized once all approvals have been secured.

The Beaufort County Small and Minority Business Participation solicitation will not apply to this contract due to sources of funding. PMI met the project disadvantaged business enterprise (DBE) goal of 13.0% PMI's total DBE goal is 14.9%.

Motion: It was moved by Mr. Vaux, seconded by Mr. Caporale, that Public Facilities approve and recommend to Council approval of a contract award to Preferred Materials, Inc. in the amount of \$18,765,274.84 for construction of the Boundary Street Redevelopment Project. Council award is contingent on approval by SCDOT and the Federal Highway Administration. The sources of funding are Federal Highway TIGER Grant \$12,635,000, Beaufort County Sales Tax Funds \$11,346,115, Beaufort County Northern Road Impact Fees \$1,369,243, and City of Beaufort TIF II Funds \$8,223,000. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Fobes, Mrs. Howard, Mr. McBride and Mr. Vaux. The motion passed.

Recommendation: Council award a contract to Preferred Materials, Inc. in the amount of \$18,765,274.84 for construction of the Boundary Street Redevelopment Project. Council award is contingent on approval by SCDOT and the Federal Highway Administration. The sources of funding are Federal Highway TIGER Grant \$12,635,000, Beaufort County Sales Tax Funds \$11,346,115, Beaufort County Northern Road Impact Fees \$1,369,243, and City of Beaufort TIF II Funds \$8,223,000.

2. Consideration of Contract Award (> \$100,000)

- **Construction Management and Construction Engineering Inspection Services**

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 and Construction Engineering, presented this item to the Committee. Beaufort County issued a Request for Proposals from qualified firms to provide Construction Management and Construction Engineering Inspection Services (CM/CEI) for the Boundary Street Redevelopment Project as part of the TIGER Grant/County 1% Sales Tax project.

The qualifications-based selection process for professional services differs from a typical proposal, in that the proposers detail their qualifications and outline how they would accomplish the project within a specified budget amount. In this regard, proposals are reviewed on the basis of the qualifications and proposal scope rather than on the lowest price. A selection committee consisting of the City Manager, City Finance Director, City Senior CIP Manager, County Division-Director of Construction Engineering & Facilities, and SCDOT Project Engineer reviewed and evaluated the proposals.

As a result of the proposal evaluations, the selection committee chose Infrastructure Consulting & Engineering (ICE) as the proposer providing the most qualified CM/CEI services approach for this project. ICE has in-depth knowledge of roadway construction and extensive experience with SCDOT projects and project requirements. ICE has provided CM/CEI services for numerous projects across the state as well as the widening of U.S. Highway 278 and S.C. Highway 170 in Beaufort County. Also, ICE is currently an SCDOT on-call CM/CEI consultant.

Motion: It was moved by Mr. McBride, seconded by Mr. Vaux, that Public Facilities approve and recommend to Council approval of a contract award to Infrastructure Consulting & Engineering, Beaufort, South Carolina in the amount of \$1,968,800 for Construction Management and Construction Engineering Inspection Services (CM/CEI) for the Boundary Street Redevelopment Project. The sources of funding are Federal Highway TIGER Grant \$12,635,000, Beaufort County Sales Tax Funds \$11,346,115, Beaufort County Northern Road Impact Fees \$1,369,243, and City of Beaufort TIF II Funds \$8,223,000. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Fobes, Mrs. Howard, Mr. McBride and Mr. Vaux. The motion passed.

Recommendation: Council award a contract to Infrastructure Consulting & Engineering, Beaufort, South Carolina in the amount of \$1,968,800 for Construction Management and Construction Engineering Inspection Services (CM/CEI) for the Boundary Street Redevelopment Project. The sources of funding are Federal Highway TIGER Grant \$12,635,000, Beaufort County Sales Tax Funds \$11,346,115, Beaufort County Northern Road Impact Fees \$1,369,243, and City of Beaufort TIF II Funds \$8,223,000.

BOARDS AND COMMISSIONS

Reappointments and Appointments September 28, 2015

1. Public Facilities Committee

① Seabrook Point Special Purpose Tax District

Nominate	Name	Position/Area/Expertise	Reappoint/Appoint	Votes Required	Term/Years	Expiration
09.28.15	Zachary Curry (replacing Al Truesdale)	Service Area	Appoint	6/11	4	2/19
09.28.15	David Hamill (replacing Frank Emminger)	Service Are	Appoint	6/11	4	2/19

PROCLAMATION

ANTI – BULLYING AWARENESS MONTH

WHEREAS, the declaration of October as Anti – Bullying Awareness Month is intended to draw attention to the benefits of resolution and prevention of conflicts in educational environments, the importance of student education on the impacts of bullying, raising awareness and facilitating frank discussion of the dangers of bullying; and

WHEREAS, bullying negatively impacts our community and we must work together to educate our community about what can be done to prevent bullying; and

WHEREAS, since 2012, the Rotary Club of the Lowcountry and the Beaufort County School District have successfully collaborated to combat bullying by engaging sixth graders in an anti-bullying educational program and provided additional resources; and

WHEREAS, the program designed by the Beaufort High School Performing Arts Theatre Group instructs teachers to take action, lets the victim know they do not have to tolerate being bullied, encourages bystanders who see something to say something and lets the bully know that this behavior is not to be tolerated; and

WHEREAS, over 4,500 sixth graders have participated in this educational program to date; and

WHEREAS, in addition to the program, a mobile APP as well as a 1-800 phone number were developed to further facilitate education and report bullying; and

WHEREAS, we must work together to educate our community about what can be done to prevent bullying and how to support victims; and

WHEREAS, the Rotary Club of the Lowcountry and Beaufort County School District encourage every person to speak out when witnessing acts of bullying however small; and

WHEREAS, Beaufort County has dedicated individuals and organizations who work daily to counter the problem of bullying, and who help victims obtain the assistance they need; and

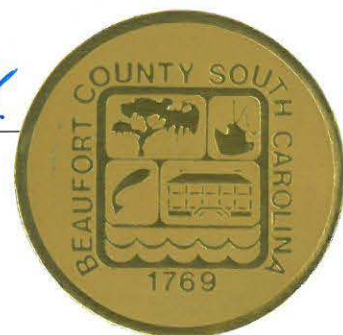
WHEREAS, with leadership, dedication, and encouragement, there is compelling evidence that we can be successful in reducing bullying in Beaufort County through prevention, education, and increased awareness.

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 bullying. We, along with the Rotary Club of the Lowcountry and Beaufort County School District, do hereby proclaim October as “Anti-bullying Awareness Month.”

Dated this 28th day of September, 2015.



D. Paul Sommerville, Chairman
Beaufort County Council



2015 /

AN ORDINANCE TO AMEND THE STORMWATER MANAGEMENT UTILITY ORDINANCE AS ADOPTED AUGUST 22, 2005 TO PROVIDE FOR AMENDMENT OF THE RATE STRUCTURE, ADJUST UTILITY RATES, AND TO MODIFY CERTAIN TERMS TO ACCURATELY REFLECT ADMINISTRATION STRUCTURE

WHEREAS, Act 283 of 1975, The Home Rule Act, vested Beaufort County Council with the independent authority to control all acts and powers of local governmental authority that are not expressly prohibited by South Carolina law; and

WHEREAS, Chapter 99, Article II, "Stormwater Management Utility" was adopted on August 27, 2001 and was modified by ordinance on August 22, 2005; and

WHEREAS, Stormwater Management Utility was established for the purpose of managing, acquiring, constructing, protecting, operating, maintaining, enhancing, controlling, and regulating the use of stormwater drainage systems in the county; and

WHEREAS, to meet the increasing demands on the Stormwater Management Utility in the areas of federally mandated municipal Separate Stormsewer Systems (MS4) permitting, capital project needs, and cost of service of operations and maintenance, as well as an evolving understanding of the impacts of the urban environment on water quality, the Stormwater Management Utility finds it necessary to amend the structure in which rates are determined and adjust the rates charged to the citizens of Beaufort County to meet said demands in a fair and equitable manner; and

WHEREAS, the administrative structure of the Stormwater Management Utility needs to be amended to reflect the organization of the current administration; and

WHEREAS, Beaufort County Council believes to best provide for the health, safety, and welfare of its citizens it is appropriate to amend Chapter 99, Article II of the Beaufort County Code and to provide for additional terms to said Article; and

WHEREAS, text that is underscored shall be added text and text ~~lined through~~ shall be deleted text.

NOW, THEREFORE, BE IT ORDAINED BY BEAUFORT COUNTY COUNCIL, that Chapter 99, Article II of the Beaufort County Code is hereby amended and replaced with the following:

Chapter 99 - STORMWATER MANAGEMENT UTILITY

ARTICLE I. - IN GENERAL

Secs. 99-1—99-100. - Reserved.

ARTICLE II. - STORMWATER MANAGEMENT UTILITY

Sec. 99-101. - Findings of fact.

The County Council of Beaufort County, South Carolina, makes the following findings of fact:

- (a) The professional engineering and financial analyses conducted on behalf of and submitted to the county properly assesses and defines the stormwater management problems, needs, goals, program priorities, costs of service, need for interlocal cooperation, and funding opportunities of the county.
- (b) Given the problems, needs, goals, program priorities, costs of service, needs for interlocal cooperation, and funding opportunities identified in the professional engineering and financial analyses submitted to the county, it is appropriate to authorize the establishment of a separate enterprise accounting unit which shall be dedicated specifically to the management, construction, maintenance, protection, control, regulation, use, and enhancement of stormwater systems and programs in Beaufort County in concert with other water resource management programs.
- (c) Stormwater management is applicable and needed throughout the unincorporated portions of Beaufort County, but interlocal cooperation between the county and the incorporated cities and towns within the county is also essential to the efficient provision of stormwater programs, services, systems, and facilities. Intense urban development in some portions of the county has radically altered the natural hydrology of the area and the hydraulics of stormwater systems, with many natural elements having been replaced or augmented by man-made facilities. Other areas of the county remain very rural in character, with natural stormwater systems predominating except along roads where ditches and culverts have been installed. As a result, the specific program, service, system, and facility demands differ from area to area in the county. While the county manages, operates, and improves stormwater programs, services, systems and facilities in the rural as well as urban areas, the need for improved stormwater management is greatest in the urban areas and nearby, including areas within incorporated cities and towns. Therefore, a stormwater utility service area subject to stormwater service fees should encompass, in so far as possible through interlocal agreements, the entirety of Beaufort County and the stormwater management utility service fee rate structure should reflect the amount of impervious area on individual properties and the runoff impact from water quantity and water quality.
- (d) The stormwater needs in Beaufort County include but are not limited to protecting the public health, safety, and welfare. Provision of stormwater management programs, services, systems, and facilities therefore renders and/or results in both service and benefit to individual properties, property owners, citizens, and residents of the county and to properties, property owners, citizens, and residents of the county concurrently in a variety of ways as identified in the professional engineering and financial analyses.
- (e) The service and benefit rendered or resulting from the provision of stormwater management programs, services, systems, and facilities may differ over time depending on many factors and considerations, including but not limited to location, demands and impacts imposed on the stormwater programs, systems, and facilities, and risk exposure. It is not practical to allocate the cost of the county's stormwater management programs, services, systems, and facilities in direct and precise relationship to the services or benefits rendered to or received by individual properties or persons over a brief span of time, but it is both practical and equitable to allocate the cost of stormwater management among properties and persons in proportion to the long-term demands they impose on the county's stormwater programs, services, systems, and facilities which render or result in services and benefits.

- (f) Beaufort County presently owns and operates stormwater management systems and facilities that have been developed, installed, and acquired through various mechanisms over many years. The future usefulness and value of the existing stormwater systems and facilities owned and operated by Beaufort County, and of future additions and improvements thereto, rests on the ability of the county to effectively manage, construct, protect, operate, maintain, control, regulate, use, and enhance the stormwater systems and facilities in the county, in concert with the management of other water resources in the county and in cooperation with the incorporated cities and towns. In order to do so, the county must have adequate and stable funding for its stormwater management program operating and capital investment needs.
- (g) The county council finds, concludes, and determines that a stormwater management utility provides the most practical and appropriate means of properly delivering stormwater management services and benefits throughout the county, and the most equitable means to fund stormwater services in the county through stormwater service fees and other mechanisms as described in the professional engineering and financial analyses prepared for the county.
- (h) The county council finds, concludes, and determines that a schedule of stormwater utility service fees be levied upon and collected from the owners of all lots, parcels of real estate, and buildings that discharge stormwater or subsurface waters, directly or indirectly, to the county stormwater management system and that the proceeds of such charges so derived be used for the stormwater management system.
- (i) The county council finds that adjustments and credits against stormwater utility service fees are an appropriate means to grant properties providing stormwater management program services that would otherwise be provided by the county and will afford Beaufort County cost savings. These reductions will be developed by the Beaufort County engineer Stormwater Manager and will be reviewed on an annual basis to allow for any modifications to practices required by Beaufort County.

~~The county council finds that both the total gross area and impervious area on each property are the most important factors influencing the cost of stormwater management in Beaufort County and, the runoff impact from water quantity and water quality. In determining the basis for a stormwater management utility fee, the county council finds that it is appropriate to remove the amount of land area on each property that is designated as river or marsh as these areas are vital portions of the county's stormwater management program.~~

Sec. 99-102. - Establishment of a stormwater management utility and a utility enterprise fund.

There is hereby established within the Public Works Department Environmental Engineering Division of Beaufort County a stormwater management utility for the purpose of conducting the county's stormwater management program. The county administrator shall establish and maintain a stormwater management utility enterprise fund in the county budget and accounting system, which shall be and remain separate from other funds. All revenues of the utility shall be placed into the stormwater management utility enterprise fund and all expenses of the utility shall be paid from the fund, except that other revenues, receipts, and resources not accounted for in the stormwater management utility enterprise fund may be applied to stormwater management programs, services, systems, and facilities as deemed appropriate by the Beaufort County Council. The county administrator may designate within the stormwater management utility enterprise fund such sub-units as necessary for the purpose of accounting for the geographical generation of revenues and allocation of

expenditures pursuant to interlocal governmental agreements with the cities and towns of Beaufort County.

Sec. 99-103. - Purpose and responsibility of the utility.

The Beaufort County Stormwater Management Utility is established for the purpose of managing, acquiring, constructing, protecting, operating, maintaining, enhancing, controlling, and regulating the use of stormwater drainage systems in the county. The utility shall, on behalf of the county and the citizens of the county: administer the stormwater management program; perform studies and analyses as required; collect service fees; system development fees, in-lieu of construction fees and other funding as allowed by law, and obtain and administer grants and loans as authorized by the county council; prepare capital improvement plans and designs; perform routine maintenance and remedial repair of the stormwater systems; acquire, construct, and improve stormwater systems; acquire necessary lands, easements, rights-of-way, rights-of-entry and use, and other means of access to properties to perform its duties; regulate the on-site control, conveyance, and discharge of stormwater from properties; obtain federal and state permits required to carry out its purpose; enter into operating agreements with other agencies; allocate funds pursuant to interlocal governmental agreements; educate and inform the public about stormwater management; and perform, without limitation except by law, any stormwater management functions and activities necessary to ensure the public safety, protect private and public properties and habitat, and enhance the natural environment and waters of the county.

Sec. 99-104. - Limitation of scope of responsibility.

The purpose and responsibility of the stormwater management utility shall be limited by the following legal and practical considerations.

- (a) Beaufort County owns or has legal access for purposes of operation, maintenance, and improvement only to those stormwater systems and facilities which:
 - (1) Are located within public streets, other rights-of-way, and easements;
 - (2) Are subject to easements, rights-of-entry, rights-of-access, rights-of-use, or other permanent provisions for adequate access for operation, maintenance, monitoring, and/or improvement of systems and facilities; or
 - (3) Are located on public lands to which the county has adequate access for operation, maintenance, and/or improvement of systems and facilities.
- (b) Operation, maintenance, and/or improvement of stormwater systems and facilities which are located on private property or public property not owned by Beaufort County and for which there has been no public dedication of such systems and facilities for operation, maintenance, monitoring, and/or improvement of the systems and facilities shall be and remain the legal responsibility of the property owner, except as that responsibility may be otherwise affected by the laws of the State of South Carolina and the United States of America.
- (c) It is the express intent of this article to protect the public health, safety, and welfare of all properties and persons in general, but not to create any special duty or relationship with any individual person or to any specific property within or outside the boundaries of the county. Beaufort County expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages upon the county, its officers, employees and agents arising out of any alleged failure or breach of duty or relationship as may now exist or hereafter be created.

- (d) To the extent any permit, plan approval, inspection or similar act is required by the county as a condition precedent to any activity or change upon property not owned by the county, pursuant to this or any other regulatory ordinance, regulation, or rule of the county or under federal or state law, the issuance of such permit, plan approval, or inspection shall not be deemed to constitute a warranty, express or implied, nor shall it afford the basis for any action, including any action based on failure to permit or negligent issuance of a permit, seeking the imposition of money damages against the county, its officers, employees, or agents.

Sec. 99-105. - Boundaries and jurisdiction.

The boundaries and jurisdiction of the stormwater management utility shall encompass all those portions of unincorporated Beaufort County, as they may exist from time to time and such additional areas lying inside the corporate limits of those cities and towns in Beaufort County as shall be subject to interlocal agreements for stormwater management as approved by county council and participating municipal councils.

Sec. 99-106. - Definitions.

Unless the context specifically indicates otherwise, the meaning of words and terms used in this article shall be as set forth in S.C. Code § 48-14-20, and 26 S.C. Code Regulation 72-301, mutatis mutandis.

Abatement. Any action deemed necessary by the county or its officers or agents to remedy, correct, control, or eliminate a condition within, associated with, or impacting a stormwater drainage system or the water quality of receiving waters shall be deemed an abatement action.

Adjustments. Adjustments shall mean a change in the amount of a stormwater service fee predicated upon the determination reached by the ~~Beaufort County engineer~~ Stormwater Manager and referenced to the Adjustments and Credit Manual.

Bill Class. Every property falls into one of several bill classes. The bill class determines the fee calculation of that property.

Countywide Infrastructure Operation and Maintenance and Capital Projects. The County maintains some typically larger infrastructure within each of the four municipalities in addition to within the unincorporated area. The rate structure will allocate the costs for the County to maintain just the countywide drainage infrastructure across the entire rate base in all jurisdictions based on infrastructure linear feet per jurisdiction.

Customers of the stormwater management utility. Customers of the stormwater management utility shall be broadly defined to include all persons, properties, and entities served by and/or benefiting, directly and indirectly, from the utility's acquisition, management, construction, improvement, operation, maintenance, extension, and enhancement of the stormwater management programs, services, systems, and facilities in the county, and by its control and regulation of public and private stormwater systems, facilities, and activities related thereto.

Developed land. Developed land shall mean property altered from its natural state by construction or installation of improvements such as buildings, structures, or other impervious surfaces, or by other alteration of the property that results in a meaningful change in the hydrology of the property during and following rainfall events.

Exemption. Exemption shall mean not applying to or removing the application of the stormwater management utility service fee from a property. No permanent exemption shall be granted based on taxable or non-taxable status or economic status of the property owner.

Fixed costs. Costs associated with the public service provided equally to each property owner. These costs include, but are not limited to the following: billing and collections, data management and updating, programming, and customer support.

Gross Area. Gross area is the acreage of a parcel as identified by the Beaufort County Assessor records.

Hydrologic response. The hydrologic response of a property is the manner whereby stormwater collects, remains, infiltrates, and is conveyed from a property. It is dependent on several factors including but not limited to the size and overall intensity of development of each property, its impervious area, shape, topographic, vegetative, and geologic conditions, antecedent moisture conditions, and groundwater conditions and the nature of precipitation events. Extremely large undeveloped properties naturally attenuate but do not eliminate entirely the discharge of stormwater during and following rainfall events.

Jurisdictional Infrastructure Operations, Maintenance and Capital Projects. Each of the five jurisdictions maintains its own stormwater drainage infrastructure and funds those costs from utility revenue. Revenue from this fee component will be returned to the service provider, the individual jurisdiction.

Impervious surfaces. Impervious surfaces shall be a consideration in the determination of the development intensity factor. Impervious surfaces are those areas that prevent or impede the infiltration of stormwater into the soil as it entered in natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, compacted gravel and soil surfaces, awnings and other fabric or plastic coverings, and other surfaces that prevent or impede the natural infiltration of stormwater runoff that existed prior to development.

Minimum Charge. A charge that reflects the minimum amount of demand a property will place on the service provider.

MS4 Permit. Each jurisdiction within Beaufort County will be subject to the federally mandated MS4 permit requirements. Compliance requirements include, but are not limited to monitoring, plan review, inspections, outreach and public education,

Nonresidential properties. Properties developed for uses other than permanent residential dwelling units and designated by the assigned land use code in the Beaufort County tax data system.

Other developed lands. Other developed lands shall mean, but not be limited to, mobile home parks, commercial and office buildings, public buildings and structures, industrial and manufacturing buildings, storage buildings and storage areas covered with impervious surfaces, parking lots, parks, recreation properties, public and private schools and universities, research facilities and stations, hospitals and convalescent centers, airports, agricultural uses covered by impervious surfaces, water and wastewater treatment plants, and lands in other uses which alter the hydrology of the property from that which would exist in a natural state. Properties that are used for other than single family residential use shall be deemed other developed lands for the purpose of calculating stormwater service fees.

Residential dwelling classifications. The following categories will identify the appropriate dwelling unit classifications to be utilized in applying the stormwater utility fee structure to the designations contained in the Beaufort County tax data system:

Single-family

Apartments

Townhouses

Condominiums

Mobile Home

~~Mobile home parks~~

~~Mobile home lots~~

~~River areas. River areas shall be those areas of Beaufort County that have been delineated as rivers on the most current digital mapping on file in the Beaufort County Engineering Department. Where applicable, these areas shall be deducted from a property's total land area in determining its stormwater service fee.~~

Stormwater management programs, services, systems and facilities. Stormwater management programs, services, systems and facilities are those administrative, engineering, operational, regulatory, and capital improvement activities and functions performed in the course of managing the stormwater systems of the county, plus all other activities and functions necessary to support the provision of such programs and services. Stormwater management systems and facilities are those natural and man-made channels, swales, ditches, swamps, rivers, streams, creeks, branches, reservoirs, ponds, drainage ways, inlets, catch basins, pipes, head walls, storm sewers, lakes, and other physical works, properties, and improvements which transfer, control, convey or otherwise influence the movement of stormwater runoff and its discharge to and impact upon receiving waters.

Stormwater service fees. Stormwater service fees shall mean the service fee imposed pursuant to this article for the purpose of funding costs related to stormwater programs, services, systems, and facilities. These fees will be calculated based upon the ~~residential category for a parcel and/or the nonresidential parcel's impervious area, and/or the vacant/undeveloped land category.~~ impervious and gross area at an 80/20 allocation; storm water service fee categories; any State agricultural exemptions or caps; an account administrative fee, countywide jurisdiction operation maintenance and capital project fees; and jurisdictional operation, maintenance and capital project fee.

~~Stormwater service fee;~~ sSingle-family unit (SFU). The single-family unit shall be defined as the impervious area measurements obtained from a statistically representative sample of all detached single-family structures within Beaufort County. The representative value will be 4,906 square feet.

Stormwater service fee categories. The appropriate categories for determining SFUs will be as follows:

	SFU Calculation (SFUs equal)
<u>Tier 1</u> Single-family <u>Unit</u> (<=2,521 square feet)	Dwelling units x 0.5
<u>Tier 2</u> Single-family <u>Unit</u> (2,522 to 7,265 square feet)	Dwelling units x 1
<u>Tier 3</u> Single-family <u>Unit</u> (>=7,266 square feet)	Dwelling units x 1.5
<u>Mobile Home</u>	<u>Dwelling units x 0.36</u>
Apartments	Dwelling units x 0.39
Townhouses	Dwelling units x 0.60
Condominiums	Dwelling units x 0.27
<u>Mobile home parks</u>	<u>Dwelling units x 0.36</u>
<u>Mobile home lots</u>	<u>Dwelling units x 0.59</u>
<u>Nonresidential Commercial</u>	Impervious area x 4,906 sq. ft.*
<u>Residential/nonresidential vacant</u>	<u>Parcel area x SFU corrected factor</u>

*Commercial billed at a rate of 1 SFU per 4,906 square feet or a portion thereof

~~Vacant/undeveloped land. All parcels containing no impervious area and not being defined as exempt will have the corrected SFUs calculated for the following property classification system (PCS) codes:~~

~~PCS 29~~

~~PCS 33~~

~~PCS 91~~

~~PCS 92~~

~~PCS 99~~

~~PCS-81~~

~~PCS-82~~

~~PCS-83~~

~~PCS-84~~

~~PCS-89~~

~~PCS-74~~

~~PCS-76~~

~~Appropriate residential PCS category~~

~~Variable Costs. An impervious and gross area rate structure that allocates some cost to each of the two variables based on the amount of impervious surface and gross area.~~

Sec. 99-107. - Requirements for on-site stormwater systems: enforcement, methods and inspections.

- (a) All property owners and developers of real property to be developed within the unincorporated portions of Beaufort County shall provide, manage, maintain, and operate on-site stormwater systems and facilities sufficient to collect, convey, detain, control, and discharge stormwater in a safe manner consistent with all county development regulations and the laws of the State of South Carolina and the United States of America, except in cases when the property is located within an incorporated city or town subject to an interlocal governmental agreement with the county for stormwater management and the city or town has regulations that are more stringent than the county, in which case the city's or town's development regulations shall apply. Any failure to meet this obligation shall constitute a nuisance and be subject to an abatement action filed by the county in a court of competent jurisdiction. In the event a public nuisance is found by the court to exist, which the owner fails to properly abate within such reasonable time as allowed by the court, the county may enter upon the property and cause such work as is reasonably necessary to be performed, with the actual cost thereof charged to the owner in the same manner as a stormwater service fee as provided for in this article.
- (b) In the event that the county shall file an action pursuant to subsection 99-107(a), from the date of filing such action the county shall have all rights of judgment and collection through a court of competent jurisdiction as may be perfected by action.
- (c) The county shall have the right, pursuant to the authority of this article, for its designated officers and employees to enter upon private property and public property owned by other than the county, upon reasonable notice to the owner thereof, to inspect the property and conduct surveys and engineering tests thereon in order to assure compliance with any order or judgment entered pursuant to this section.

Sec. 99-108. - General funding policy.

- (a) It shall be the policy of Beaufort County that funding for the stormwater management utility program, services, systems, and facilities shall be equitably derived through methods which have a demonstrable relationship to the varied demands and impacts imposed on the stormwater program, services, systems, and facilities by individual properties or persons and/or the level of

service rendered by or resulting from the provision of stormwater programs, systems and facilities. Stormwater service fee rates shall be structured so as to be fair and reasonable, and the resultant service fees shall bear a substantial relationship to the cost of providing services and facilities throughout the county. Similarly situated properties shall be charged similar rentals, rates, fees, or licenses. Service fee rates shall be structured to be consistent in their application and shall be coordinated with the use of any other funding methods employed for stormwater management within the county, whether wholly or partially within the unincorporated portions of the county or within the cities and towns. Plan review and inspection fees, special fees for services, fees in-lieu of regulatory requirements, impact fees, system development fees, special assessments, general obligation and revenue bonding, and other funding methods and mechanisms available to the county may be used in concert with stormwater service fees and shall be coordinated with such fees in their application to ensure a fair and reasonable service fee rate structure and overall allocation of the cost of services and facilities.

- (b) The cost of stormwater management programs, systems, and facilities subject to stormwater service fees may include operating, capital investment, and non-operating expenses, prudent operational and emergency reserve expenses, and stormwater quality as well as stormwater quantity management programs, needs, and requirements.
- (c) To the extent practicable, adjustments to the stormwater service fees will be calculated by the Beaufort County engineer Stormwater Manager in accordance with the standards and procedures adopted by the engineer's Stormwater Manager's office.
- (d) The stormwater service fee rate may be determined and modified from time to time by the Beaufort County Council so that the total revenue generated by said fees and any other sources of revenues or other resources allocated to stormwater management by the county council to the stormwater management utility shall be sufficient to meet the cost of stormwater management services, systems, and facilities, including, but not limited to, the payment of principle and interest on debt obligations, operating expense, capital outlays, nonoperating expense, provisions for prudent reserves, and other costs as deemed appropriate by the county council.

Beaufort County service fee rate will be based on impervious and gross area at an 80/20 allocation; storm water service fee categories; any State agricultural exemptions or caps; an account administrative fee, countywide jurisdiction operation maintenance and jurisdictional operation, maintenance and capital project fee. The rates are set by the Beaufort County Stormwater Rate Study adopted August 24, 2015.

The gross area charge is calculated in equivalent units as follows:

<u>First 2 acres</u>	<u>\$X per acre</u>
<u>For every acres above 2 acres and up to 10 acres</u>	<u>0.5 x \$X</u>
<u>For every acre above 10 acres, and up to 100 acres</u>	<u>0.4 x \$X</u>
<u>For every acre above 100 acres</u>	<u>0.3 x \$X</u>

Each municipal jurisdiction may have a different fee predicated upon the individual municipal jurisdiction's revenue needs. The following stormwater service fee rates shall apply: be adopted by

the municipal jurisdictions and may be amended from time to time by the individual governing body.

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

Sec. 99-109. - Exemptions and credits applicable to stormwater service fees.

Except as provided in this section, no public or private property shall be exempt from stormwater utility service fees. No exemption, credit, offset, or other reduction in stormwater service fees shall be granted based on the age, tax, or economic status, race, or religion of the customer, or other condition unrelated to the stormwater management utility's cost of providing stormwater programs, services, systems, and facilities. A stormwater management utility service fee credit manual shall be prepared by the ~~county engineer~~ Stormwater Manager specifying the design and performance standards of on-site stormwater services, systems, facilities, and activities that qualify for application of a service fee credit, and how such credits shall be calculated.

(a) Credits. The following types of credits against stormwater service fees shall be available:

- (1) Freshwater wetlands. All properties except those classified as detached single-family dwelling units may receive a credit against the stormwater service fee applicable to the property based on granting and dedicating a perpetual conservation easement on those portions of the property that are classified as freshwater wetlands and as detailed in the stormwater management utility service fee credit manual. The conservation easement shall remove that portion of the subject property from any future development. ~~Once this credit has been granted to a particular property, that portion of the property will be treated similar to the river and marsh areas and shall be deducted from the property's total land area in computing its stormwater service fee. This credit shall remain in effect as long as the conditions of the conservation easement are met.~~
- (2) Those properties that apply for consideration of an adjustment shall satisfy the requirements established by the Beaufort County ~~engineer~~ Stormwater Manager and approved reduced stormwater service fee.

(b) Exemptions. The following exemptions from the stormwater service fees shall be allowed:

- (1) Improved public road rights-of-way that have been conveyed to and accepted for maintenance by the state department of transportation and are available for use in common for vehicular transportation by the general public.
- (2) Improved public road rights-of-way that have been conveyed to and accepted for maintenance by Beaufort County and are available for use in common for vehicular transportation by the general public.
- (3) Improved private roadways that are shown as a separate parcel of land on the most current Beaufort County tax maps and are used by more than one property owner to access their property.
- (4) Railroad tracks shall be exempt from stormwater service fees. However, railroad stations, maintenance buildings, or other developed land used for railroad purposes shall not be exempt from stormwater service fees.
- (5) Condominium boat slips shall be exempt from stormwater service fees.

Sec. 99-110. - Stormwater service fee billing, delinquencies and collections.

- (a) Method of billing. A stormwater service fee bill may be attached as a separate line item to the county's property tax billing or may be sent through the United States mail or by alternative means, notifying the customer of the amount of the bill, the date the fee is due (January 15), and the date when past due (March 17 - see Title 12, Section 45-180 of the South Carolina State Code). The stormwater service fee bill may be billed and collected along with other fees, including but not limited to the Beaufort County property tax billing, other Beaufort County utility bills, or assessments as deemed most effective and efficient by the Beaufort County Council. Failure to receive a bill is not justification for non-payment. Regardless of the party to whom the bill is initially directed, the owner of each parcel of land shall be ultimately obligated to pay such fees and any associated fines or penalties, including, but not limited to, interest on delinquent service fees. If a customer is under-billed or if no bill is sent for a particular property, Beaufort County may retroactively bill for a period of up to one-year, but shall not assess penalties for any delinquency during that previous unbilled period.
- (b) Declaration of delinquency. A stormwater service fee shall be declared delinquent if not paid within 60 days of the date of billing or upon the date (March 17) of delinquency of the annual property tax billing if the stormwater service fee is placed upon the annual property tax billing or enclosed with or attached to the annual property tax billing.

Sec. 99-111. - Appeals.

Any customer who believes the provisions of this article have been applied in error may appeal in the following manner and sequence.

- (a) An appeal of a stormwater service fee must be filed in writing with the Beaufort County ~~public works director~~ Stormwater Manager or his/her designee within 30 days of the fee being mailed or delivered to the property owner and stating the reasons for the appeal. In the case of stormwater service fee appeals, the appeal shall include a survey prepared by a registered land surveyor or professional engineer containing information on the impervious surface area and any other feature or conditions that influence the development of the property and its hydrologic response to rainfall events.

- (b) Using information provided by the appellant, the county ~~public works director~~ Stormwater Manager (or his or her designee) shall conduct a technical review of the conditions on the property and respond to the appeal in writing within 30 days. In response to an appeal, the county public works director may adjust the stormwater service fee applicable to the property in conformance with the general purposes and intent of this article.
- (c) A decision of the county ~~public works director~~ Stormwater Manager that is adverse to an appellant may be further appealed to the county administrator or his designee within 30 days of the adverse decision. The appellant, stating the grounds for further appeal, shall deliver notice of the appeal to the county administrator or his designee. The county administrator or his designee shall issue a written decision on the appeal within 30 days. All decisions by the county administrator or his designee shall be served on the customer personally or by registered or certified mail, sent to the billing address of the customer. All decisions of the county administrator or his designee shall be final.
- (d) The appeal process contained in this section shall be a condition precedent to an aggrieved customer seeking judicial relief. Any decisions of the county administrator or his designee may be reviewed upon application for writ of certiorari before a court of competent jurisdiction, filed within 30 days of the date of the service of the decision.

Sec. 99-112. - No suspension of due date.

No provision of this article allowing for an administrative appeal shall be deemed to suspend the due date of the service fee with payment in full. Any adjustment in the service fee for the person pursuing an appeal shall be made by refund of the amount due.

Sec. 99-113. - Enforcement and penalties.

Any person who violates any provision of this article may be subject to a civil penalty of not more than \$1,000.00, or such additional maximum amount as may become authorized by state law, provided the owner or other person deemed to be in violation has been notified of a violation. Notice shall be deemed achieved when sent by regular United States mail to the last known address reflected on the county tax records, or such other address as has been provided by the person to the county. Each day of a continuing violation may be deemed a separate violation. If payment is not received or equitable settlement reached within 30 days after demand for payment is made, a civil action may be filed on behalf of the county in the circuit court to recover the full amount of the penalty. This provision on penalties shall be in addition to and not in lieu of other provisions on penalties, civil or criminal, remedies and enforcement that may otherwise apply.

Sec. 99-114. - Investment and reinvestment of funds and borrowing.

Funds generated for the stormwater management utility from service fees, fees, rentals, rates, bond issues, other borrowing, grants, loans, and other sources shall be utilized only for those purposes for which the utility has been established as specified in this article, including but not limited to: regulation; planning; acquisition of interests in land, including easements; design and construction of facilities; maintenance of the stormwater system; billing and administration; water quantity and water quality management, including monitoring, surveillance, private maintenance inspection, construction inspection; public information and education, and other activities which are reasonably required. such funds shall be invested and reinvested pursuant to the same procedures and practices established by Title 12, Section 45-70 of the South Carolina State Code for investment and reinvestment of funds.

County council may use any form of borrowing authorized by the laws of the State of South Carolina to fund capital acquisitions or expenditures for the stormwater management utility. County council, in its discretion and pursuant to standard budgetary procedures, may supplement such funds with amounts from the general fund.

Sec. 99-115. - ~~Initial study priorities for~~ Responsibilities of the stormwater management utility.

~~During the first three year period of t~~ The county stormwater management utility, ~~the utility~~ shall perform adequate studies throughout the area served by the utility to determine the following:

- (1) Baseline study of water quality in the receiving waters;
- (2) Identification of pollutants carried by stormwater runoff into the receiving waters;
- (3) Recommended mitigation efforts to address pollutants carried by stormwater runoff into the receiving waters;
- (4) Inventory of the existing drainage system;
- (5) Recommended maintenance practices and standards of the existing drainage system;
- (6) Identification of capital improvements to the system to include construction or installation of appropriate BMPs.
- (7) A five-year spending plan.
- (8) Ensure compliance with the federally mandated MS4 permit requirements
- (9) Efficient utility administration including but not limited to billing, collection, defining rate structures, data management and customer support.

~~The proposed five-year spending plan shall be appropriately revised to reflect this priority and timetable for completion.~~

Sec. 99-116. - Stormwater utility management board.

- (1) Purpose. In compliance with and under authority of Beaufort County Ordinance 2001/23, the Beaufort County Council hereby establishes the stormwater management utility board (hereinafter referred to as the "SWU board") to advise the council as follows:
 - (a) To determine appropriate levels of public stormwater management services for residential, commercial, industrial and governmental entities within Beaufort County;
 - (b) To recommend appropriate funding levels for provision of services in the aforementioned sectors;
 - (c) To advise the staff of the stormwater management utility on master planning efforts and cost of service/rate studies; and
 - (d) To support and promote sound stormwater management practices that mitigates non-point source pollution and enhances area drainage within Beaufort County.

Municipal councils are encouraged to organize similar boards to advise them on stormwater management programs and priorities within their boundaries.

In keeping with discussions held during the formation of the stormwater utility, it is anticipated that the municipalities will appoint staff professionals as their representative on the advisory board.

(2) Stormwater districts. Stormwater districts are hereby established as follows:

District 1 - City of Beaufort

District 2 - Town of Port Royal

District 3 - Town of Hilton Head Island

District 4 - Town of Bluffton

District 5 - Unincorporated Sheldon Township

District 6 - Unincorporated Port Royal Island

District 7 - Unincorporated Lady's Island

District 8 - Unincorporated St. Helena Island Islands East

District 9 - Unincorporated Bluffton Township and Daufuskie Island

(3) Membership.

(a) The SWU board is formed in accordance with Beaufort County Ordinance 92-28 and shall consist of a total of seven voting representatives from each of the following districts as noted below:

No. of Reps.	Stormwater District	Area
1	5	Unincorporated Sheldon Township
1	6	Unincorporated Port Royal Island
1	7	Unincorporated Lady's Island
1	8	Unincorporated St. Helena Island Islands East
2	9	Unincorporated Bluffton Township and Daufuskie Island
1	—	"At large"

All members of the SWU board will be appointed by county council and shall be residents of those districts or "at large" members from unincorporated Beaufort County.

(b) The SWU board shall also consist of one nonvoting (ex officio) representative from the following districts:

Stormwater District	Municipality
1	City of Beaufort
2	Town of Port Royal
3	Town of Hilton Head Island
4	Town of Bluffton

All ex officio members from municipalities shall be appointed by their respective municipal councils for four-year terms.

- (c) All citizen members shall be appointed for a term of four years. The terms shall be staggered with one or two members appointed each year.
- (d) While no other eligibility criteria is established, it is recommended that members possess experience in one or more of the following areas: Stormwater management (drainage and water quality) issues, strategic planning, budget and finance issues or established professional qualifications in engineering, construction, civil engineering, architectural experience, commercial contractor or similar professions.

(4) Officers.

(a) Officers. Selection of officers and their duties as follows:

1. Chairperson and vice-chair. At an annual organizational meeting, the members of the SWU board shall elect a chairperson and vice-chairperson from among its members. The chair's and vice-chair's terms shall be for one year with eligibility for reelection. The chair shall be in charge of all procedures before the SWU board, may administer oaths, may compel the attendance of witnesses, and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the SWU board. In the absence of the chair, the vice-chair shall act as chairperson.
2. Secretary. The county professional staff member shall appoint a secretary for the SWU board. The secretary shall keep minutes of all proceedings. The minutes shall contain a summary of all proceedings before the SWU board, which include the vote of all members upon every question, and its recommendations, resolutions, findings and determinations, and shall be attested to by the secretary. The minutes shall be approved by a majority of the SWU board members voting. In addition, the secretary shall maintain a public record of SWU board meetings, hearings, proceedings, and correspondence.
3. Staff. The ~~public works director~~ Stormwater Manager shall be the SWU board's professional staff.

- (b) Quorum and voting. Four SWU board members shall constitute a quorum of the SWU board necessary to take action and transact business. All actions shall require a simple majority of the number of SWU board members present.
 - (c) Removal from office. The county council, by a simple majority vote, shall terminate the appointment of any member of the SWU board and appoint a new member for the following reasons:
 - 1. Absent from more than one-third of the SWU board meetings per annum, whether excused or unexcused;
 - 2. Is no longer a resident of the county;
 - 3. Is convicted of a felony; or
 - 4. Violated conflict of interest rules according to the county-adopted template ordinance.Moreover, a member shall be removed automatically for failing to attend any three consecutive regular meetings.
 - (d) Vacancy. Whenever a vacancy occurs on the SWU board, the county council shall appoint a new member within 60 days of the vacancy, subject to the provisions of this section. A new member shall serve out the former member's term.
 - (e) Compensation. The SWU board members shall serve without compensation, but may be reimbursed for such travel, mileage and/or per diem expenses as may be authorized by the SWU board-approved budget.
- (5) Responsibilities and duties.
- (a) Review and recommend to the county council for approval, a comprehensive Beaufort County Stormwater Management Master Plan and appropriate utility rate study which is in accordance with the South Carolina Stormwater Management and Sediment Reduction Act; and
 - (b) Review and comment to the county administrator on the annual stormwater management utility enterprise fund budget; and
 - (c) Cooperate with the South Carolina Department of Health and Environmental Control (DHEC), Office of Coastal Resource Management (OCRM), the Oversight Committee of the Special Area Management Plan (SAMP), the Beaufort County Clean Water Task Force as well as other public and private agencies having programs directed toward stormwater management programs; and
 - (d) Review and make recommendations concerning development of a multiyear stormwater management capital improvement project (CIP) plan; and
 - (e) Review and advise on proposed stormwater management plans and procurement procedures; and
 - (f) Provide review and recommendations on studies conducted and/or funded by the utility; and
 - (g) Review and advise on actions and programs to comply with regulatory requirements, including permits issued under the State of South Carolina National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Regulated Small Municipal Separate Storm Sewer Systems (MS4).

- (6) Meetings. Meetings of the SWU board shall be held as established by the SWU board on a monthly basis and a calendar will be prepared giving the date, time and location of such meetings. Additionally, meetings may be called by the chairperson or at the request of four SWU board members. The location of all SWU board meetings shall be held in a public building in a place accessible to the public. The following shall apply to the conduct of all meetings:
- (a) Meeting records. The SWU board shall keep a record of meetings, resolutions, findings, and determinations. The SWU board may provide for transcription of such hearings and proceedings, or portions of hearings and proceedings, as may be deemed necessary.
 - (b) Open to public. All meetings and public hearings of the SWU board shall be open to the public.
 - (c) Recommendations or decisions. All recommendations shall be by show of hands of all members present. A tie vote or failure to take action shall constitute a denial recommendation. All recommendations shall be accompanied by a written summary of the action and recommendations.
 - (d) Notice and agenda. The SWU board must give written public notice of regular meetings at the beginning of each calendar year. The SWU board must post regular meeting agendas at the meeting place 24 hours before any meeting. Notices and agenda for call, special or rescheduled meetings must be posted at least 24 hours before such meetings. The SWU board must notify any persons, organizations and news media that request such notification of meetings.

(Ord. No. 2005/33, § 17, 8-22-2005; Ord. No. 2009/21, §§ I—VI, 5-26-2009)

Adopted this _____ day of _____, 2015.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, County Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading: July 27, 2015
Second Reading: August 10, 2015
Public Hearings: July 27, 2015 and August 24, 2015
Third and Final Reading:

ORDINANCE 2015_____

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA TO AMEND
SECTION CHAPTER 14 OF THE BEAUFORT COUNTY CODE OF LAWS REVISING
BEAUFORT COUNTY ANIMAL CONTROL

WHEREAS, Beaufort County Code Chapter 14, Article II, Section 14.26 – 14.37 shall be deleted and Standards included within this ordinance shall be added text; and

WHEREAS, the County Council of Beaufort County adopted the current Animal Control Ordinance in 2010; and

WHEREAS, the County Council of Beaufort County deems it appropriate to modify the Animal Control Ordinance to better address the health and safety of Beaufort County Citizens.

NOW, THEREFORE, BE IT ORDAINED by County Council of Beaufort County in a meeting duly assembled, the Beaufort County Code of Laws Section 14.26 *et. seq.*, is hereby amended to read as follows:

ARTICLE II. ANIMAL CONTROL

Sec. 14.26 Authority for and Enactment of Chapter.

Sec. 14.27 Definitions.

Sec. 14.28 County Pet License; Rabies Vaccination Tags.

Sec. 14.29 Lifetime/Annual Pet License Issuance and Fees and Exemptions.

Sec 14.30 Declaration of Restricted Dog, Appeal of Breed Determination

Sec. 14.31 Pet Breeder License, Inspections and Fees.

Sec. 14.32 Dangerous Animals.

Sec. 14.33 Running at Large.

Sec. 14.34 Nuisance Pets or Livestock.

Sec. 14.35 Animal Cruelty.

Sec. 14.36 Sale of Animals, Pets, or Livestock.

Sec. 14.37 Seizure and Right of Entry to Protect Abandoned, Neglected, or Cruelly Treated Pets or Livestock.

Sec. 14.38 Impoundment.

Sec. 14.39 Redemption.

Sec. 14.40 Adoption.

Sec. 14.41 Trapping.

Sec. 14.42 Management of Feral Cat Colonies.

Sec. 14.43 Livestock.

Sec. 14.44 Importation of Exotic Animals Prohibited

Sec. 14.45 Rabies Control Act (S.C. State Law 47-5-10).

Sec. 14.46 Interference with Animal Services Officers.

Sec. 14.47 Enforcement and Penalties.

Sec. 14.26 Authority for and Enactment of chapter.

This article is hereby authorized by Section 47-3-20 of the South Carolina Code of Laws 1976, as amended.

Sec. 14.27 Definitions.

Whenever used in this chapter, unless a contrary intention is clearly evidenced, the following terms shall be interpreted as herein defined.

Abandonment shall mean to desert, forsake, or intend to give up absolutely a pet or livestock without securing another owner or without providing for adequate food, water, shelter, and care. An animal is considered abandoned when it has been left unattended for 24 hours.

Animal shall mean a live vertebrate creature except a human being.

Animal Services Director means any person so appointed by the county administrator.

Animal Services Officer shall mean any person employed by the county as an enforcement officer of the provisions of this chapter.

Animal Services Facility means any facility so designated by the county council.

BCAS shall mean Beaufort County Animal Services, any place or premises designated by Beaufort County Council for the purpose of impounding, care, adoption, or euthanasia of dogs and cats held under the authority of this chapter.

Breeder shall mean any person owning unaltered pets with the intent of selling pets' offspring.

Domestic shall mean any animal which shares the genetic makeup and/or physical appearance of its ancestors which were historically domesticated for human companionship and service.

Dub to trim or remove.

Feral shall mean any animal that was domesticated at one time, but now lives in the wild or a controlled colony, or that have been born in the wild and have not been domesticated.

Livestock shall mean all classes and breed of animals, domesticated or feral, raised for use, sale or display.

Non-domestic shall mean any animal which shares the genetic makeup and/or physical appearance of its ancestors which were not historically domesticated for human companionship and service.

Nuisance shall mean a pet or livestock that disturbs the rights of, threatens the safety of, or damages a member of the general public, or interferes with the ordinary use and enjoyment of their property.

Owner shall mean any person who:

1. Has a property right in an animal;
2. Keeps or harbors an animal or who has it in his or her care or acts as its custodian; or
3. Permits an animal to remain on or about any premises occupied by him or her for three or more days.

Pet shall mean any animal which may be legally held as a pet by a private citizen without special permit or permission; i.e., dog (*canis familiaris*) and/or a domestic cat (*felis catus domesticus*).

Pitbull shall mean any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, Stafford Bull Terrier, or any dog that exhibits physical characteristics which predominantly conform to the standards established by the American Kennel Club (AKC), United Kennel Club (UKC), or American Dog Breeders Association (ADBA) for any of the above breeds.

Shelter shall mean a structure that reasonably may be expected to protect the animal from physical suffering or impairment of health due to exposure to the elements or adverse weather.

Tethering shall mean a chain, rope, leash, cable, or other device that attaches the pet to a single stationary point.

Strict Voice Control shall mean demonstrable control or governance of the behavior of any animal as if such animal were controlled by a leash. However, when an animal destroys or damages any property, attacks, threatens to attack, or interferes with any person in any manner, becomes a nuisance, or strays onto the private property of another, there shall be a presumption of law that the animal was not under strict voice control.

Unaltered shall mean a pet which has not been spayed or neutered.

Under restraint shall mean when any pet that is off the property of the owner is controlled by a leash; is within the property limits of its owner and is confined by fence, chain, or other appropriate measure or attended by its owner and responds to strict voice control; or confined by fence, chain, or other appropriate measure within the property of another with permission of the person in control of the property.

Sec. 14.28 County Pet License; Rabies Vaccination Tags.

It shall be unlawful for the owner of any pet to fail to provide any pet over four (4) months of age with a current county annual or lifetime license. The owner of any pet over four (4) months of age must also have a current rabies vaccination tag securely attached to a collar or harness and be visible as proof the pet has been vaccinated by a licensed veterinarian. No county license will be issued unless proof of inoculation is

shown. Any pet owner who moves into the county for the purpose of establishing residency shall have thirty (30) days in which to obtain the license.

Sec. 14.29 Lifetime/Annual Pet License Issuance, Fees and Exemptions.

- A. *Eligibility.* The owner of a pet four (4) months of age or older that is spayed/neutered and permanently identified may apply to BCAS for a lifetime license; the lifetime pet license is only for Beaufort County, South Carolina.
- B. *Permanent identification requirement.* A person applying for a lifetime license shall choose either a tattoo or the implantation of a microchip as the means of permanent identification for the pet. Lifetime licenses are transferable to new owners, upon the new owner completing a new BCAS pet license, permanent identification form, and new registration with the micro-chipping company.
- C. *Pets previously microchipped.* If a person has previously had a microchip implanted for his/her pet and seeks to obtain a lifetime license for the pet, the applicant shall:
 - 1. Obtain and complete both a lifetime license application and a verification of permanent identification form as prescribed by BCAS.
 - 2. Have a licensed veterinarian scan the pet to assure the microchip has been properly implanted and to obtain the identifying number of the microchip.
 - 3. The pet owner and the licensed veterinarian shall complete, date, and sign the verification of a permanent identification form for the pet in which the microchip was scanned. The verification of permanent identification form must set forth the identifying number of the microchip scanned, identify the pet by breed and delineate the age, sex, color, and markings and whether it has been spayed or neutered. In addition, it must contain the name, address, and phone number of the pet's owner and the name, business address, and phone number of the person scanning the microchip number. If a veterinarian is involved, the veterinarian shall set forth his/her veterinary practice license number on the verification of permanent identification form.

- D. *County License Fees.* The county license schedule of fees are as follows:
1. Pets previously sterilized and with permanent identification shall be a one-time fee of five dollars (\$5).
 2. Pets previously sterilized and provided with permanent identification by BCAS shall be charged a one-time microchip fee and five dollars (\$5) license fee.
 3. Fertile pets with a permanent identification shall be twenty dollars (\$20) annually. Fertile pet licenses will expire on June 30th of each year and are non-transferable.
 4. Fertile pets with no permanent identification shall be fifty dollars (\$50) annually and will be issued a metal tag to be worn at all times Fertile pet licenses will expire on June 30th of each year and are non-transferable.
- E. *Exemptions.* Exempt owners shall be required to pay a one-time fee of twenty five dollars (\$25) for each microchip and will not be required to have the pet spayed/neutered. The following are exempt owners:
1. Any owner of a pet who can furnish a statement from a licensed veterinarian that the pet, due to health reasons, could not withstand spay/neuter surgery.
 2. Any owner of one or more purebred pets who can furnish proof of participation in nationally recognized conformation or performance events within the past twelve months.
 3. Any owner of a dog that is currently being used for hunting purposes. Owner must provide a copy of a valid South Carolina hunting license by the proper state agency and proof that the dog is properly registered with the South Carolina Department of Natural Resources.
 4. Any owner of a dog which is trained to be an assistance dog for its owner shall be required to obtain a lifetime license but shall not be required to pay any license fee.

Sec 14.30 Declaration of Restricted Dog, Appeal of Breed Determination

- A. For the purposes of this section, a restricted dog shall be defined as a pitbull.
- B. No person may own, keep, or harbor a restricted dog in violation of this section.
- C. An owner or custodian of restricted dogs must have the dog spayed or neutered unless the owner of the restricted dog provides BCAS written proof one of the following exemptions applies:
 - 1. The restricted dog is less than four (4) months of age;
 - 2. A licensed veterinarian has examined the animal and signed a written certificate stating that at such time spaying or neutering would endanger the animal's health because its age, infirmity, disability or other medical consideration. The certificate shall state the period of exemption from this requirement and shall not be valid for more than twelve (12) months from the date of issuance.
 - 3. The determination of the dog's breed is under appeal pursuant to section 14.—(D)(2);
 - 4. The owner or custodian has owned or had custody of the dog less than thirty (30) days.
- D. Determination of Breed and Appeal of Determination:
 - 1. Determination. The director of BCAS or his designee, in his or her discretion, may determine a breed determination upon contact with, or impoundment of a dog. The determination shall be made by the director or designee in accordance with BCAS's breed determination checklist. Technical deficiency in the dog's conformance to the standards defined in Section 14.27 for pitbulls shall not be construed to indicate the dog is not a pit bull dog under this section.
 - 2. Notice. Upon determination of the breed, the animal services officer shall deliver written notice of determination to the owner or any adult residing at the premises where the animal is located or by posting on the premises if no adult is present. The notice shall include the determination of breed, mandatory spay and neuter requirements, and notice of appeal process.
 - 3. The owner or custodian of an unaltered restricted dog shall comply with this ordinance within thirty (30) days after receipt of notice of breed determination. Upon compliance, the owner or custodian shall submit written documentation to BCAS confirming compliance. If ownership of the dog is transferred within the time for compliance the original owner or custodian must provide BCAS with the new owner's name and address.
- E. Appeal. Notice of a Declaration of Breed Determination constitutes a final determination that the dog is a restricted dog, unless the owner or custodian requests a hearing in writing to the Beaufort County Magistrate Court within ten (10) days of service of the notice

Sec. 14.31 Pet Breeder License, Inspection and Fees. It shall be unlawful for a pet breeder to fail to obtain a county pet breeder license. The requirements for such a license are as follows:

- A. Individuals engaged or intending to engage in breeding must obtain a non-transferrable, pet breeder license from BCAS.
- B. Applicants must have a valid county pet license for all pets that have reached the age of four (4) months before applying for the pet breeder license.
- C. BCAS shall conduct an inspection of the identified property for the pet breed license requested by the applicant to determine whether the applicant qualifies to hold a pet breeder license pursuant to this section.
- D. To qualify for a pet breeder license the applicant must demonstrate the following:
 - 1. The enclosure where the pets are being kept shall be constructed in such a manner that any pets housed there will be adequately and comfortably kept in any season of the year.
 - 2. All pet enclosures must be constructed in such a manner they can be easily cleaned and sanitized. Any kennels or yards that are connected or are used to confine the pets must be kept clean and free from accumulations of feces, filth, mud, and debris.
 - 3. Every pet on the premises must have access to sufficient good and wholesome food, and water at all times.
 - 4. The premises must be set up in such a manner as to not allow pets to stray beyond its enclosed confines. The setup must also prevent the public and stray animals from obtaining entrance into or gaining contact with any pets on the premises.
- E. A license will not be issued to an applicant that has pled no contest, or has been found to have violated any federal, state, or local laws or regulations pertaining to animal cruelty within five (5) years of the date of application.
- F. The pet breeder license fee shall be one-hundred (\$100) dollars annually. The license shall expire on June 30th of each year.

- G. Any violations found under the provisions of this chapter shall be grounds for the suspension of the pet breeder license if deemed necessary by the Beaufort County Animal Services.

Sec. 14.32 Dangerous Animals.

- A. For the purposes of this section, a dangerous or vicious animal shall be defined to be any one of the following:

1. An animal which the owner knows or reasonably should know has a propensity, tendency, or disposition to attack unprovoked, cause injury, or to otherwise endanger the safety of human beings or domestic animals;
2. An animal which makes an unprovoked attack that causes bodily injury to a human being and the attack occurs in a place other than the place where the animal is confined.
3. An animal which commits unprovoked acts in a place other than the place where the animal is confined and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a human being;
4. An animal which is owned or harbored primarily or in part for the purpose of fighting or which is trained for fighting.
5. An animal which is used as a weapon in the commission of a crime.

- B. Declaration of a Dangerous Animal, Confinement Requirements, and Final Determination of Danger Animal Declaration:

1. Declaration. An animal services officer or law enforcement officer, in his or her discretion, may declare an animal dangerous. Upon determination, the officer shall deliver written notice to the owner or any adult residing at the premises where the animal is located or by posting on the premises if no adult is present. The notice shall include a description of the animal, a hearing date, confinement requirements and registration requirements.

2. Confinement Requirements and Registration. Every dangerous animal, as determined under this section, shall be confined by the owner within 72 hours of the notice of dangerous dog determination and until the final determination of the dangerous dog declaration:
 - a. All dangerous animals shall be securely confined within an occupied house or residence or in a securely enclosed and locked pen or kennel, except when leashed as provided in this section. Such pen, kennel or structure must have secure sides and a secure top attached to the sides.
 - b. The pen or kennel must be clearly marked as containing a dangerous animal.
 - c. No person shall permit a dangerous animal to go outside its kennel or pen unless such animal is securely leashed and muzzled with a leash no longer than six feet in length.
 - d. The owner of a dangerous animal must provide BCAS with proof of liability insurance or surety bond of at least \$50,000.
 - e. The owner must obtain a Dangerous animal registration/license from BCAS and pay a \$5 registration fee.
3. Final Determination of Dangerous Animal Declaration. Notice of a Declaration of a Dangerous Animal constitutes an initial determination that the animal is dangerous or potentially dangerous. A final determination shall be made by the Beaufort County Magistrate Court within thirty (30) days or as soon as practicable.
- C. Exemptions. A dog working in a law enforcement capacity with a governmental agency and in the performance of the dog's official duties.

Sec. 14.33 Running at Large.

- A. It shall be unlawful for any owner or custodian of any pet to permit the same to run at large except on property owned or rented by the owner or custodian. All pets must be kept under restraint or confinement and under the physical control of the owner or custodian by means of a leash or other similar restraining device.

B. Exemption. Except as provided herein, no person shall bring or allow any dog, or any other animal on the beach that is not at all times on a leash between the hours of 10:00 a.m. and 5:00 p.m. from April 1st through the Thursday before Memorial Day weekend and from the Tuesday after Labor Day weekend through September 30th. No person shall bring or allow any dog, or any other animal, on the beach between the hours of 10:00 a.m. and 5:00 p.m. from the Friday before Memorial Day weekend through the Monday of Labor Day weekend. No person shall bring or allow any dog or any other animal on the beach that is not on a leash or under positive voice control of the responsible person between 5:00 p.m. and 10:00 a.m. from April 1st through September 30th. No person shall bring or allow any dog or any other animal on the beach that is not on a leash or under positive voice control at any hour from October 1st through March 31st. Any violation of the provisions hereof may result in the owner of the animal being charged with a misdemeanor and the animal being seized by the appropriate animal control officer or law enforcement officer.

No person shall permit any excrement from any animal under that person's control to remain on the beach, but shall dispose of same in a sanitary manner.

From April 1st through the Thursday before Memorial Day weekend and from the Tuesday after Labor Day weekend through September 30th of each year, dogs or any other animal, other than seeing-eye dogs, shall not be allowed in any designated swimming area unless on a leash and walking through the area between 10:00 a.m. and 5:00 p.m.

C. Exempt dogs. Dogs that are participating in hunting events, obedience trials, conformation shows, tracking tests, herding trials, lure courses and other events similar in nature shall not be considered “at large.”

Sec. 14.34 Nuisance Pets or Livestock.

- A. The actions of a pet or livestock constitute a nuisance when a pet or livestock disturbs the rights of, threatens the safety of or injures a member of the general public, or interferes with the ordinary use and enjoyment of their property.
- B. It shall be unlawful for any person to own, keep, possess, or maintain a pet or livestock in such a manner so as to constitute a public nuisance. By way of example, and not of limitation, the following acts or actions by an owner or possessor of any pet or livestock are hereby declared to be a public nuisance and are, therefore, unlawful:

1. Failure to exercise sufficient restraint necessary to control a pet or livestock as required by Section 14.33.
 2. Allowing or permitting a pet or livestock to damage the property of anyone other than its owner, including, but not limited to, turning over garbage containers or damaging gardens, flowers, or vegetables.
 3. Failure to maintain a dangerous animal in a manner other than that which is described in Section 14.32.
 4. Maintaining pets or livestock in an environment of unsanitary conditions which results in offensive odors or is dangerous to the pet or livestock or to the public health, welfare, or safety.
 5. Maintaining his or her property in a manner that is offensive, annoying, or dangerous to the public health, safety, or welfare of the community because of the number, type, variety, density, or location of the pets or livestock on the property.
 6. Allowing or permitting a pet or livestock to bark, whine, or howl in an excessive, unwarranted, and continuous or untimely fashion, or make other noise in such a manner so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises.
 7. Maintaining a pet or livestock that is diseased and dangerous to the public health.
 8. Maintaining a pet or livestock that habitually or repeatedly chases, snaps at, attacks, or barks at pedestrians, bicycles, or vehicles.
 9. Every female pet or livestock in heat shall be confined in a building or secure enclosure in such a manner as will not create a nuisance by attracting other pets or livestock.
- C. A pet or livestock that has been determined to be a habitual nuisance by BCAS may be impounded and may not be returned to the owner until said owner can produce evidence to demonstrate that the situation creating the nuisance has been abated.

Sec. 14.35 Animal Cruelty.

- A. *Animal Care Generally.* It shall be unlawful for an owner to fail to provide his animals with sufficient good and wholesome food, water at all times, proper shelter and protection from weather, and humane care and treatment.
- B. *Mistreatment.* It shall be unlawful for a person to beat, cruelly treat, torment, overload, overwork, or otherwise abuse an animal or cause, instigate, or permit any dogfight or other combat between animals or between animals and humans.
- C. *Physical Alteration.* It shall be unlawful for a person to dye or color artificially any animal or fowl, including but not limited to rabbits, baby chickens, and ducklings, or to bring any dyed or colored animal or fowl into the County. No person shall crop or dub a pet or livestock's ears or tail or wattle or comb, except a licensed veterinarian.
- D. *Abandonment.* It shall be unlawful for any owner to abandon an animal.
- E. *Unlawful Tethering.* No person owning or keeping a dog shall chain or tether a dog to a stationary object, including, but not limited to, a structure, dog house, pole, stake, or tree for longer than 24 consecutive hours. A tethering device employed shall not allow the dog to leave the owner's, guardian's or keeper's property. The tether shall be designed for dogs and devices not designed for tethering dogs shall not be used. No chain or tether shall weigh more than 1/8 of the dog's body weight. Nothing in this section shall be construed to prohibit a person from walking a dog on a handheld leash. No dog under the age of 6 months shall be tethered outside for any length of time, unless under direct supervision of an adult over the age of eighteen (18) years old.
 - 1. A person owning or keeping a dog may confine such dog outside, subject to the restrictions in this section, through the use of any of the following methods:
 - a. inside a pen or secure enclosure; or
 - b. a fully fenced, electronically fenced or otherwise securely enclosed yard, wherein a dog has the ability to run but is unable to leave the enclosed yard; or

c. The length of the tether of the cable run to the dog's collar or harness shall allow continuous access to clean water and appropriate shelter at all

2. Exceptions to the above restrictions on outdoor confinement shall be made for dogs actively engaged in conduct directly related to the business of shepherding or herding cattle or other livestock or engaged in conduct that is directly related to the business of cultivating agricultural products, if the restraint is reasonably necessary for the for the safety of the dog.

Sec. 14.36 Sale of Animals, Pets or Livestock.

- A. No person shall sell, trade, barter, auction, lease, rent, give away, or display for commercial purpose, any live animal, pet or livestock on any roadside, public right-of-way, public property, commercial parking lot or sidewalk, or at any flea market, fair, or carnival.
- B. No person shall offer an animal, pet or livestock as an inducement to purchase a product, commodity, or service.
- C. No person shall sell, offer for sale, or give away any animal ~~or pet or livestock~~ under five (5) weeks of age, except as surrender to the county animal services facility or to a licensed pet rescue organization.
- D. Licensed pet shops, commercial kennels, county animal services facilities, and licensed pet rescue organizations are exempt from the requirements of this section.
- E. Any sale of wildlife will be reported to South Carolina Department of Natural Resources, United States Department of Agriculture, and United States Fish and Wildlife Service.

Sec. 14.37 Seizure and Right of Entry to Protect Abandoned, Neglected, or Cruelly Treated Pets or Livestock.

- A. Seizure and Right of Entry. If the owner does not give permission to the Animal Services Officers for right of entry on private property to examine suspected abandoned, neglected or cruelly treated pets or livestock, the Animal Services Officers shall petition the appropriate magistrate for an animal pickup order or a

- search warrant for the seizure of the pet or livestock to determine whether the owner, if known, is able to adequately provide for the pet or livestock and is a fit person to own the pet or livestock.
- B. Citation. The Animal Services Officers shall cause to be served upon the owner, if known, and residing within the jurisdiction wherein the pet or livestock is found, a written citation at least five (5) days prior to the hearing containing the time and date and place of the hearing. If the owner is not known or cannot be found within the jurisdiction wherein the pet or livestock was found, the Animal Services Officers shall post a copy of the notice at the property where the animal was seized.
 - C. Custody. The pet or livestock shall remain in the custody and care of BCAS until such matter is heard before a magistrate. The magistrate shall make the final determination as to whether the pet or livestock is returned to the owner or whether title is transferred to the BCAS whereby the pet or livestock may be put up for adoption or humanely euthanized. If the magistrate orders the return of the pet or livestock to its owner, BCAS shall release the pet or livestock upon receipt from the owner of all redemption fees as described in Section 14.39, below.
 - D. Nothing in this section shall be construed to prohibit the euthanasia of a critically injured or ill animal for humane purposes.

Sec. 14.38 Impoundment

- A. Any pet or livestock found within the county in violation of the provisions of this chapter may be caught and impounded by BCAS. BCAS may, thereafter, make available for adoption or humanely euthanize impounded pets or livestock not positively identified or redeemed within five (5) working days.
- B. When a person arrested is, at the time of arrest, in charge of an animal, BCAS may take charge of the animal and deposit the animal in a safe place of custody or impound the pet or livestock at its animal care facility.
- C. The owner of a pet or livestock that may be positively identified shall be notified at the owner's last known address by registered mail if attempts by telephone are not successful. The owner has fourteen (14) days from the date of mailing to contact BCAS for pick-up. Redemption costs will include the cost of mailing, any established

costs, fines, fees, or other charges. If the owner does not make contact within fourteen (14) days of the date of mailing, the pet or livestock will be deemed abandoned and becomes the property of BCAS. For pets or livestock impounded at BCAS, the Director of Animal Services, or his/her designee in agreement with a licensed veterinarian, shall either place the pet or livestock for adoption or have the pet or livestock humanely euthanized, pursuant to S.C. Code 47-3-540 (Supp. 1999).

- D. Notwithstanding the above, pets or livestock impounded at BCAS, which are deemed by the Director of Animal Services, or his/her designee or a licensed veterinarian to constitute a danger to other pets, livestock or persons at the facility, or which are infectious to other pets or livestock, in pain or near death may be humanely euthanized immediately.
- E. Any pet or livestock surrendered to BCAS may be adopted or euthanized at any time provided there is a completed and signed surrender form on file for the pet or livestock concerned.

Sec. 14.39 Redemption.

- A. The owner or keeper of any pet or livestock that has been impounded under the provisions of this chapter, and which has not been found to be dangerous or vicious, shall have the right to redeem such pet or livestock at any time when proper ownership has been confirmed by BCAS personnel; upon payment of a fee as follows:
 - 1. For a pet or livestock that has been properly inoculated, licensed, microchipped, and neutered or spayed, at the BCAS Director of Animal Services or his/her designee, may issue a warning for the first offense at their discretion and investigation of circumstances. First offense fee is fifty (\$50) dollars, second offense is one hundred and fifty (\$150.00) dollars, third offense and any subsequent offenses is two hundred and fifty (\$250.00) dollars.
 - 2. For pets or livestock not properly inoculated, licensed, microchipped and spayed or neutered the fee shall be fifty (\$50) dollars plus the appropriate microchip license fee, the charge for rabies inoculation, and the cost of spaying or neutering the pet or livestock as appropriate.

3. Fertile pets or livestock (as appropriate) shall not be redeemed or adopted unless one of the criteria under the exemptions provisions in subsections 14.31 (A) (1-4) has not been met.
 4. Pets or livestock will not be released without proof of inoculation and without an implanted microchip. The requirements of spaying or neutering shall not be waived under the exceptions in subsections 14.31 (A) (1-3) when the pet or livestock (as appropriate) has been impounded a second time for any violations of Sections 14.32; 14.33; 14:34; 14.35;14.36;14.37 or 14.38.
- B. In addition to the redemption fee, a boarding fee after twenty four (24) hours of twenty five (\$25) dollars per day per pet or livestock shall be paid by the owner or keeper when a pet or livestock is redeemed.
- C. The fees set out in this section shall be doubled for any pet or livestock impounded twice or more within the same 12 month period.

Sec. 14.40 Adoption.

- A. Any pet or livestock impounded under the provisions of this chapter may, at the end of the legal detention period, be adopted provided the new owner will agree to comply with the provisions contained herein.
- B. Any pet or livestock surrendered to BCAS may be adopted at any time provided there is a completed and signed surrender form on file for the pet or livestock concerned.
- C. Those individuals adopting puppies or kittens too young to be neutered or spayed or receive rabies inoculations will pay the cost of these procedures at the time of adoption and be given an appointment for a later time to have these procedures completed. In the event the pet is deceased prior to the appointment date, the applicable portion of the adoption fee will be returned.
- D. The county animal services director or designee shall have the authority to refuse adoption of any animal to any person deemed unable to provide proper shelter, confinement, medical care and food or to any person who has a past history of inhumane treatment of or neglect to pets or livestock. Any person seeking adoption of a pet or livestock more frequently than ninety (90) days from the last adoption shall be subject to refusal of adoption. Any person who has been refused adoption of a pet

or livestock may appeal his case to the assistant county administrator for public safety. If any person surrenders an owned pet or livestock to the animal services department, they will not be able to adopt a pet or livestock for ninety (90) days from the date of the original surrender.

Sec. 14.41 Trapping.

A. It shall be unlawful for any person or business to conduct trapping of any pets, livestock or domestic animals within Beaufort County without prior approval from the Animal Services Department. Any pets, livestock or domestic animals trapped with prior approval from the Animal Services Department will be reported or delivered to the Animal Services Department for purposes of identification of the pet's owner and record keeping of the trapping. It shall be unlawful for any person to remove, destroy, or liberate any trap and/or trapped animal set by the Beaufort County Animal Services Department or enter any Animal Services vehicle with the intent to rescue or deliver it from the custody of the Animal Services Department. If a trapped animal is in need of immediate attention, the Animal Services Department or 911 will be notified immediately of the animal in distress.

B. Exemption. Trapping is permitted for hogs.

Sec. 14.42 Management of Feral Cat Colonies.

A. Definitions.

Caregiver means any person who provides food, water or shelter to or otherwise cares for a feral cat colony and has made application to the animal services department for management of a feral cat colony.

Caregiver manager means any person in charge of a caregiver program.

Ear tipping means straight-line cutting of the tip of the left ear of a cat while the cat is anesthetized.

Feral cat means a cat which currently exists in a wild or untamed state.

Feral cat colony means a group of cats that congregate. Although not every cat in a colony may be feral, non-feral cats routinely congregate with a colony shall be deemed to be a part of it.

Nuisance means disturbing the peace by (a) habitually or continually howling, crying or screaming, or (b) the habitual and significant destruction of property against the wishes of the owner of the property.

Suitable shelter means shelter that provides protection from rain, sun and other elements and is adequate to protect the health of the cat.

TNR means trap, neuter/spay and release.

TNA program means a program pursuant to which cats are trapped, neutered or spayed, vaccinated against rabies, ear tipped or tattooed and released to a designated location of a managed colony.

B. Feral cat colony management:

Feral cat colonies shall be permitted (no fee) by the Beaufort County Animal Services Department and caregivers shall be responsible for applying for the permit for each colony and be entitled to maintain them in accordance with the terms and conditions of the BCAS policy on feral cat colony management, once the permit is approved by Animal Services Department.

Sec. 14.43 Livestock.

- A. All livestock shall be properly housed with adequate food, water and confined within a fenced enclosure. The fenced enclosure shall be maintained in such a manner as to keep any average livestock animal from escaping the enclosed compound and causing damage, accidents or injury to any person or property. No person shall tie, stake or fasten any livestock within any street, highway, road, alley, sidewalk, right-of-way, or other public place within the county or in such manner that the animal has access to any portion of any street, highway, road, alley, sidewalk, right-of-way, or other public place.
- B. Owners or possessors of livestock impounded for violation of this article or any state and/or federal laws, will be charged in accordance with actual costs of impoundment plus impounding and boarding fees.
- C. Impounded livestock shall be held for a period of 21 days. If such impounded animals are not claimed by the owners during that period of time, the animals may be given to

persons willing to accept them, in the discretion of the Beaufort County Animal Services Department.

- D. Exception: No swine or livestock shall be kept within the corporate limits of Port Royal, _____, & _____ without specific approval of the Town/City Council and is permissible under the municipal zoning regulations. No approval shall be granted or continued if such keeping shall constitute a menace to health or welfare of the public. To the extent that another section within this Chapter reference livestock this section shall be controlling.

Sec. 14.44 Importation of Exotic Animals Prohibited

- A. Definition. An “exotic animal” shall be defined as one which would ordinarily be confined to a zoo, or one which would ordinarily be found in the wilderness of this or any other country or one which is a species of animal not indigenous to the United States or to North America, or to one which otherwise causes a reasonable person to be fearful of significant destruction of property or of bodily harm and the latter includes, but would not be limited to, such animals as monkeys, raccoons, squirrels, ocelots, bobcats, lions, tigers, bears, wolves, hybrid wolves, and other such animals or one which causes zoonotic diseases. Such animals are further defined as being those mammals or those nonvenomous reptiles weighing over 50 pounds at maturity which are known at law as *Ferae naturae*. Wild or exotic animals specifically do not include animals of a species customarily used in South Carolina as ordinary household pets, animals of a species customarily used in South Carolina as domestic farm animals, fish contained in an aquarium, birds or insects.
- B. Unlawful Act. It shall be unlawful for any person, firm, or corporation to import into Beaufort County, any venomous reptile or any other exotic animal.
- C. Exceptions. This ordinance shall not apply to following entities:
- a. An entity licensed as a Class R Research Facility by the United States of America or any agency thereof pursuant to the Animal Welfare Act (7 U.S.C. 2131 et seq.)
 - b. An entity properly accredited by the Association of Zoos & Aquariums or the Zoological Association of America

- c. An entity licensed as a Class C Facility by the United States of America or any agency thereof pursuant to the Animal Welfare Act (7 U.S.C. 2131 et seq.) for exhibition not to exceed 7 days within a 52 week period
- d. A team mascot for a university of educational facility.

Sec. 14.45 Rabies Control Act (S.C. State Law 47-5-10)

This law is strictly enforced by South Carolina Department of Health and Environmental Control (DHEC) in cooperation with Beaufort County Animal Services Department and any state, county or municipal law enforcement agencies.

Sec. 14.45 Interference with Animal Services Officers.

It shall be unlawful for any person to interfere with, hinder, or molest an Animal Services Officers in the performance of his or her duties or seek to release any pet or livestock in his/her custody without his/her consent. (See Sec. 14.26 Authority for enactment of chapter.)

Sec. 14.46 Enforcement and Penalties.

- A. The Animal Services Officers of the Beaufort County Animal Services Department shall be charged with the responsibility of enforcing all ordinances enacted by the county and contracts entered into with the county for the care, control and custody of pets or livestock covered by this article. All violations of this article shall be heard by the Beaufort County Magistrate Court.
- B. The provisions of this article shall not apply to any dog or cat owned within the confines of any incorporated municipality within the county, unless and until the governing body of a municipality requests in writing that county council include the area of such municipality within the coverage of this article, and county council has acted favorably on such request and has so notified such municipality of its approval of such request.

C. Any person who violates the provisions of this Chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to a fine not exceeding five hundred dollars (\$500) or imprisonment not exceeding thirty (30) days, or both.

Adopted this _____ day of _____, 2015.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, County Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading: September 14, 2015

Second Reading:

Public Hearings:

Third and Final Reading:

WHEREAS, the Beaufort County, by and through its County Council, hereinafter referred to as “County” and Hargray Communications Group, Inc., hereinafter referred to as “Company,” wish to enter into this Contract.

NOW, THEREFORE, for the sum of Five (\$5.00) Dollars, each to the other paid, sufficient receipt of which is hereby acknowledged, and the other rights, duties and obligations as set out below, the parties agree as follows:

1. That Company is organized and existing under the laws of the State of South Carolina and is subject to the license tax under Section 12-20-100 of the South Carolina Code of Laws. As such, Company is eligible to take advantage of the South Carolina Rural Development Act (Act No. 462) of 1996.

2. That County is a body politic organized as a County under the laws of the State of South Carolina. That at a regularly scheduled meeting held on the ___ day of _____ 2015 the County approved this contract by and through its elected County Council. The County through its Council specifically authorized its representatives below to execute this contract.

3. That Company, under the South Carolina Rural Development Act of 1996, is allowed to apply for a credit against its tax liability for amount paid in cash to provide infrastructure for a qualifying project as prescribed in Section 12 of the South Carolina Rural Development Act of 1996.

4. That County has requested and Company has agreed to reimburse the County for the cost of infrastructure an amount not to exceed **One Hundred and Fifty Thousand & 00/100 (\$XXX,000.00)** Dollars, as a part of its license liability to the State of South Carolina, through

the Department of Revenue for the calendar year 2015. This contract pertains only to 2015 license fees.

5. That County agrees to use these funds only for infrastructure improvements set out and approved by the South Carolina Rural Development Act of 1996. In particular the parties agree that an amount not to exceed **One Hundred and Fifty Thousand & 00/100 (\$XXX,000.00)** Dollars, will be used for infrastructure improvements in the Lowcountry Center for Industry and Commerce, located in Beaufort County.

6. The County agrees that the infrastructure will be substantially completed no later than December 31, 2016

7. The County agrees that the contract for the infrastructure if required will be appropriately bid and bonded in accordance with its procurement code.

8. The County shall provide an accounting of the deposit and disbursement of funds subject to the Contract in conformity with Generally Accepted Accounting Principles (GAAP) and audited in accordance with generally accepted auditing standards by a firm of licensed certified public accountants.

9. The County will allow the Company to review the use of RDA funds during the 2016 and 2017 year.

10. That County agrees to abide by any and all stipulations, conditions, and requirements of the South Carolina Rural Development Act, including but not limited to any and all necessary filings made necessary by the Act with regard to the receipt and expenditure of these funds.

11. *That if, and in the event, that County fails, or otherwise refuses to appropriately use the funds contributed by Company, or other participants, or if the County misuses the funds, the County hereby shall take any and all steps as are necessary to repay those funds immediately to Company, or in the alternative to repay said funds on behalf of the Company, to the*

Department of Revenue. The County shall be liable for any interest, penalties, or fees associated with the nonuse or misuse of said funds. If the County fails to take action to reimburse the State or the Company, the Company, shall have a cause of action against the County for breach of this agreement including cost and attorney's fees.

12. That the parties agree that if requested or required, they will both sign any forms required by the South Carolina Rural Development Act waiving the statute of limitations on the State of South Carolina through the Department of Revenue for attempting to collect the above reference funds, if and in the event they are not appropriately used under the Act and both parties agree to take all steps that would be necessary to cooperate with the Department of Revenue to see that the transfer and use of these funds are appropriately handled and accounted for.

WITNESS our hands and seals this _____ day of _____, 2015 at
Beaufort County, South Carolina.

WITNESSETH:

BEAUFORT COUNTY

By: _____

Its: _____

HARGRAY COMMUNICATIONS
GROUP, INC.

By: Chris McCorkendale

Its: Vice President

PROBATE AS TO BEAUFORT COUNTY

THE STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

PERSONALLY appeared before me _____ and made oath that he/she saw the within named Beaufort County, by _____, its _____ sign, seal, and its act and deed, deliver the within written Contract, and that he/she with _____ witnessed the execution thereof.

SWORN to before me, this _____ day of _____, 2015.

_____ (SEAL)

NOTARY PUBLIC FOR S.C.

My Commission Expires: _____

PROBATE AS TO HARGRAY COMMUNICATIONS GROUP, INC.

THE STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

PERSONALLY appeared before me _____ and made oath that he/she saw the within named Company, by Chris McCorkendale, its Vice President sign, seal, and its act and deed, deliver the within written Contract, and that he/she with _____ witnessed the execution thereof.

SWORN to before me, this _____ day of _____, 2015.

_____ (SEAL)

NOTARY PUBLIC FOR S.C.

My Commission Expires: _____

ORDINANCE 2015_____

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA TO AMEND
SECTION CHAPTER 14 OF THE BEAUFORT COUNTY CODE OF LAWS REVISING
BEAUFORT COUNTY ANIMAL CONTROL

WHEREAS, Beaufort County Code Chapter 14, Article II, Section 14.26 – 14.37 shall be deleted and Standards included within this ordinance shall be added text; and

WHEREAS, the County Council of Beaufort County adopted the current Animal Control Ordinance in 2010; and

WHEREAS, the County Council of Beaufort County deems it appropriate to modify the Animal Control Ordinance to better address the health and safety of Beaufort County Citizens.

NOW, THEREFORE, BE IT ORDAINED by County Council of Beaufort County in a meeting duly assembled, the Beaufort County Code of Laws Section 14.26 *et. seq.*, is hereby amended to read as follows:

ARTICLE II. ANIMAL CONTROL

Sec. 14.26 Authority for and Enactment of Chapter.

Sec. 14.27 Definitions.

Sec. 14.28 County Pet License; Rabies Vaccination Tags.

Sec. 14.29 Lifetime/Annual Pet License Issuance and Fees and Exemptions.

Sec 14.30 Declaration of Restricted Dog, Appeal of Breed Determination

Sec. 14.31 Pet Breeder License, Inspections and Fees.

Sec. 14.32 Dangerous Animals.

Sec. 14.33 Running at Large.

Sec. 14.34 Nuisance Pets or Livestock.

Sec. 14.35 Animal Cruelty.

Sec. 14.36 Sale of Animals, Pets, or Livestock.

Sec. 14.37 Seizure and Right of Entry to Protect Abandoned, Neglected, or Cruelly Treated Pets or Livestock.

Sec. 14.38 Impoundment.

Sec. 14.39 Redemption.

Sec. 14.40 Adoption.

Sec. 14.41 Trapping.

Sec. 14.42 Management of Feral Cat Colonies.

Sec. 14.43 Livestock.

Sec. 14.44 Importation of Exotic Animals Prohibited

Sec. 14.45 Rabies Control Act (S.C. State Law 47-5-10).

Sec. 14.46 Interference with Animal Services Officers.

Sec. 14.47 Enforcement and Penalties.

Sec. 14.26 Authority for and Enactment of chapter.

This article is hereby authorized by Section 47-3-20 of the South Carolina Code of Laws 1976, as amended.

Sec. 14.27 Definitions.

Whenever used in this chapter, unless a contrary intention is clearly evidenced, the following terms shall be interpreted as herein defined.

Abandonment shall mean to desert, forsake, or intend to give up absolutely a pet or livestock without securing another owner or without providing for adequate food, water, shelter, and care. An animal is considered abandoned when it has been left unattended for 24 hours.

Animal shall mean a live vertebrate creature except a human being.

Animal Services Director means any person so appointed by the county administrator.

Animal Services Officer shall mean any person employed by the county as an enforcement officer of the provisions of this chapter.

Animal Services Facility means any facility so designated by the county council.

BCAS shall mean Beaufort County Animal Services, any place or premises designated by Beaufort County Council for the purpose of impounding, care, adoption, or euthanasia of dogs and cats held under the authority of this chapter.

Breeder shall mean any person owning unaltered pets with the intent of selling pets' offspring.

Domestic shall mean any animal which shares the genetic makeup and/or physical appearance of its ancestors which were historically domesticated for human companionship and service.

Dub to trim or remove.

Feral shall mean any animal that was domesticated at one time, but now lives in the wild or a controlled colony, or that have been born in the wild and have not been domesticated.

Livestock shall mean all classes and breed of animals, domesticated or feral, raised for use, sale or display.

Non-domestic shall mean any animal which shares the genetic makeup and/or physical appearance of its ancestors which were not historically domesticated for human companionship and service.

Nuisance shall mean a pet or livestock that disturbs the rights of, threatens the safety of, or damages a member of the general public, or interferes with the ordinary use and enjoyment of their property.

Owner shall mean any person who:

1. Has a property right in an animal;
2. Keeps or harbors an animal or who has it in his or her care or acts as its custodian; or
3. Permits an animal to remain on or about any premises occupied by him or her for three or more days.

Pet shall mean any animal which may be legally held as a pet by a private citizen without special permit or permission; i.e., dog (*canis familiaris*) and/or a domestic cat (*felis catus domesticus*).

Pitbull shall mean any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, Stafford Bull Terrier, or any dog that exhibits physical characteristics which predominantly conform to the standards established by the American Kennel Club (AKC), United Kennel Club (UKC), or American Dog Breeders Association (ADBA) for any of the above breeds.

Shelter shall mean a structure that reasonably may be expected to protect the animal from physical suffering or impairment of health due to exposure to the elements or adverse weather.

Tethering shall mean a chain, rope, leash, cable, or other device that attaches the pet to a single stationary point.

Strict Voice Control shall mean demonstrable control or governance of the behavior of any animal as if such animal were controlled by a leash. However, when an animal destroys or damages any property, attacks, threatens to attack, or interferes with any person in any manner, becomes a nuisance, or strays onto the private property of another, there shall be a presumption of law that the animal was not under strict voice control.

Unaltered shall mean a pet which has not been spayed or neutered.

Under restraint shall mean when any pet that is off the property of the owner is controlled by a leash; is within the property limits of its owner and is confined by fence, chain, or other appropriate measure or attended by its owner and responds to strict voice control; or confined by fence, chain, or other appropriate measure within the property of another with permission of the person in control of the property.

Sec. 14.28 County Pet License; Rabies Vaccination Tags.

It shall be unlawful for the owner of any pet to fail to provide any pet over four (4) months of age with a current county annual or lifetime license. The owner of any pet over four (4) months of age must also have a current rabies vaccination tag securely attached to a collar or harness and be visible as proof the pet has been vaccinated by a licensed veterinarian. No county license will be issued unless proof of inoculation is

shown. Any pet owner who moves into the county for the purpose of establishing residency shall have thirty (30) days in which to obtain the license.

Sec. 14.29 Lifetime/Annual Pet License Issuance, Fees and Exemptions.

- A. *Eligibility.* The owner of a pet four (4) months of age or older that is spayed/neutered and permanently identified may apply to BCAS for a lifetime license; the lifetime pet license is only for Beaufort County, South Carolina.
- B. *Permanent identification requirement.* A person applying for a lifetime license shall choose either a tattoo or the implantation of a microchip as the means of permanent identification for the pet. Lifetime licenses are transferable to new owners, upon the new owner completing a new BCAS pet license, permanent identification form, and new registration with the micro-chipping company.
- C. *Pets previously microchipped.* If a person has previously had a microchip implanted for his/her pet and seeks to obtain a lifetime license for the pet, the applicant shall:
 - 1. Obtain and complete both a lifetime license application and a verification of permanent identification form as prescribed by BCAS.
 - 2. Have a licensed veterinarian scan the pet to assure the microchip has been properly implanted and to obtain the identifying number of the microchip.
 - 3. The pet owner and the licensed veterinarian shall complete, date, and sign the verification of a permanent identification form for the pet in which the microchip was scanned. The verification of permanent identification form must set forth the identifying number of the microchip scanned, identify the pet by breed and delineate the age, sex, color, and markings and whether it has been spayed or neutered. In addition, it must contain the name, address, and phone number of the pet's owner and the name, business address, and phone number of the person scanning the microchip number. If a veterinarian is involved, the veterinarian shall set forth his/her veterinary practice license number on the verification of permanent identification form.

- D. *County License Fees.* The county license schedule of fees are as follows:
1. Pets previously sterilized and with permanent identification shall be a one-time fee of five dollars (\$5).
 2. Pets previously sterilized and provided with permanent identification by BCAS shall be charged a one-time microchip fee and five dollars (\$5) license fee.
 3. Fertile pets with a permanent identification shall be twenty dollars (\$20) annually. Fertile pet licenses will expire on June 30th of each year and are non-transferable.
 4. Fertile pets with no permanent identification shall be fifty dollars (\$50) annually and will be issued a metal tag to be worn at all times Fertile pet licenses will expire on June 30th of each year and are non-transferable.
- E. *Exemptions.* Exempt owners shall be required to pay a one-time fee of twenty five dollars (\$25) for each microchip and will not be required to have the pet spayed/neutered. The following are exempt owners:
1. Any owner of a pet who can furnish a statement from a licensed veterinarian that the pet, due to health reasons, could not withstand spay/neuter surgery.
 2. Any owner of one or more purebred pets who can furnish proof of participation in nationally recognized conformation or performance events within the past twelve months.
 3. Any owner of a dog that is currently being used for hunting purposes. Owner must provide a copy of a valid South Carolina hunting license by the proper state agency and proof that the dog is properly registered with the South Carolina Department of Natural Resources.
 4. Any owner of a dog which is trained to be an assistance dog for its owner shall be required to obtain a lifetime license but shall not be required to pay any license fee.

Sec 14.30 Declaration of Restricted Dog, Appeal of Breed Determination

- A. For the purposes of this section, a restricted dog shall be defined as a pitbull.
- B. No person may own, keep, or harbor a restricted dog in violation of this section.
- C. An owner or custodian of restricted dogs must have the dog spayed or neutered unless the owner of the restricted dog provides BCAS written proof one of the following exemptions applies:
 - 1. The restricted dog is less than four (4) months of age;
 - 2. A licensed veterinarian has examined the animal and signed a written certificate stating that at such time spaying or neutering would endanger the animal's health because its age, infirmity, disability or other medical consideration. The certificate shall state the period of exemption from this requirement and shall not be valid for more than twelve (12) months from the date of issuance.
 - 3. The determination of the dog's breed is under appeal pursuant to section 14.—(D)(2);
 - 4. The owner or custodian has owned or had custody of the dog less than thirty (30) days.
- D. Determination of Breed and Appeal of Determination:
 - 1. Determination. The director of BCAS or his designee, in his or her discretion, may determine a breed determination upon contact with, or impoundment of a dog. The determination shall be made by the director or designee in accordance with BCAS's breed determination checklist. Technical deficiency in the dog's conformance to the standards defined in Section 14.27 for pitbulls shall not be construed to indicate the dog is not a pit bull dog under this section.
 - 2. Notice. Upon determination of the breed, the animal services officer shall deliver written notice of determination to the owner or any adult residing at the premises where the animal is located or by posting on the premises if no adult is present. The notice shall include the determination of breed, mandatory spay and neuter requirements, and notice of appeal process.
 - 3. The owner or custodian of an unaltered restricted dog shall comply with this ordinance within thirty (30) days after receipt of notice of breed determination. Upon compliance, the owner or custodian shall submit written documentation to BCAS confirming compliance. If ownership of the dog is transferred within the time for compliance the original owner or custodian must provide BCAS with the new owner's name and address.
- E. Appeal. Notice of a Declaration of Breed Determination constitutes a final determination that the dog is a restricted dog, unless the owner or custodian requests a hearing in writing to the Beaufort County Magistrate Court within ten (10) days of service of the notice

Sec. 14.31 Pet Breeder License, Inspection and Fees. It shall be unlawful for a pet breeder to fail to obtain a county pet breeder license. The requirements for such a license are as follows:

- A. Individuals engaged or intending to engage in breeding must obtain a non-transferrable, pet breeder license from BCAS.
- B. Applicants must have a valid county pet license for all pets that have reached the age of four (4) months before applying for the pet breeder license.
- C. BCAS shall conduct an inspection of the identified property for the pet breed license requested by the applicant to determine whether the applicant qualifies to hold a pet breeder license pursuant to this section.
- D. To qualify for a pet breeder license the applicant must demonstrate the following:
 - 1. The enclosure where the pets are being kept shall be constructed in such a manner that any pets housed there will be adequately and comfortably kept in any season of the year.
 - 2. All pet enclosures must be constructed in such a manner they can be easily cleaned and sanitized. Any kennels or yards that are connected or are used to confine the pets must be kept clean and free from accumulations of feces, filth, mud, and debris.
 - 3. Every pet on the premises must have access to sufficient good and wholesome food, and water at all times.
 - 4. The premises must be set up in such a manner as to not allow pets to stray beyond its enclosed confines. The setup must also prevent the public and stray animals from obtaining entrance into or gaining contact with any pets on the premises.
- E. A license will not be issued to an applicant that has pled no contest, or has been found to have violated any federal, state, or local laws or regulations pertaining to animal cruelty within five (5) years of the date of application.
- F. The pet breeder license fee shall be one-hundred (\$100) dollars annually. The license shall expire on June 30th of each year.

- G. Any violations found under the provisions of this chapter shall be grounds for the suspension of the pet breeder license if deemed necessary by the Beaufort County Animal Services.

Sec. 14.32 Dangerous Animals.

- A. For the purposes of this section, a dangerous or vicious animal shall be defined to be any one of the following:

1. An animal which the owner knows or reasonably should know has a propensity, tendency, or disposition to attack unprovoked, cause injury, or to otherwise endanger the safety of human beings or domestic animals;
2. An animal which makes an unprovoked attack that causes bodily injury to a human being and the attack occurs in a place other than the place where the animal is confined.
3. An animal which commits unprovoked acts in a place other than the place where the animal is confined and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a human being;
4. An animal which is owned or harbored primarily or in part for the purpose of fighting or which is trained for fighting.
5. An animal which is used as a weapon in the commission of a crime.

- B. Declaration of a Dangerous Animal, Confinement Requirements, and Final Determination of Danger Animal Declaration:

1. Declaration. An animal services officer or law enforcement officer, in his or her discretion, may declare an animal dangerous. Upon determination, the officer shall deliver written notice to the owner or any adult residing at the premises where the animal is located or by posting on the premises if no adult is present. The notice shall include a description of the animal, a hearing date, confinement requirements and registration requirements.

2. Confinement Requirements and Registration. Every dangerous animal, as determined under this section, shall be confined by the owner within 72 hours of the notice of dangerous dog determination and until the final determination of the dangerous dog declaration:
 - a. All dangerous animals shall be securely confined within an occupied house or residence or in a securely enclosed and locked pen or kennel, except when leashed as provided in this section. Such pen, kennel or structure must have secure sides and a secure top attached to the sides.
 - b. The pen or kennel must be clearly marked as containing a dangerous animal.
 - c. No person shall permit a dangerous animal to go outside its kennel or pen unless such animal is securely leashed and muzzled with a leash no longer than six feet in length.
 - d. The owner of a dangerous animal must provide BCAS with proof of liability insurance or surety bond of at least \$50,000.
 - e. The owner must obtain a Dangerous animal registration/license from BCAS and pay a \$5 registration fee.
3. Final Determination of Dangerous Animal Declaration. Notice of a Declaration of a Dangerous Animal constitutes an initial determination that the animal is dangerous or potentially dangerous. A final determination shall be made by the Beaufort County Magistrate Court within thirty (30) days or as soon as practicable.
- C. Exemptions. A dog working in a law enforcement capacity with a governmental agency and in the performance of the dog's official duties.

Sec. 14.33 Running at Large.

- A. It shall be unlawful for any owner or custodian of any pet to permit the same to run at large except on property owned or rented by the owner or custodian. All pets must be kept under restraint or confinement and under the physical control of the owner or custodian by means of a leash or other similar restraining device.

B. Exemption. Except as provided herein, no person shall bring or allow any dog, or any other animal on the beach that is not at all times on a leash between the hours of 10:00 a.m. and 5:00 p.m. from April 1st through the Thursday before Memorial Day weekend and from the Tuesday after Labor Day weekend through September 30th. No person shall bring or allow any dog, or any other animal, on the beach between the hours of 10:00 a.m. and 5:00 p.m. from the Friday before Memorial Day weekend through the Monday of Labor Day weekend. No person shall bring or allow any dog or any other animal on the beach that is not on a leash or under positive voice control of the responsible person between 5:00 p.m. and 10:00 a.m. from April 1st through September 30th. No person shall bring or allow any dog or any other animal on the beach that is not on a leash or under positive voice control at any hour from October 1st through March 31st. Any violation of the provisions hereof may result in the owner of the animal being charged with a misdemeanor and the animal being seized by the appropriate animal control officer or law enforcement officer.

No person shall permit any excrement from any animal under that person's control to remain on the beach, but shall dispose of same in a sanitary manner.

From April 1st through the Thursday before Memorial Day weekend and from the Tuesday after Labor Day weekend through September 30th of each year, dogs or any other animal, other than seeing-eye dogs, shall not be allowed in any designated swimming area unless on a leash and walking through the area between 10:00 a.m. and 5:00 p.m.

C. Exempt dogs. Dogs that are participating in hunting events, obedience trials, conformation shows, tracking tests, herding trials, lure courses and other events similar in nature shall not be considered “at large.”

Sec. 14.34 Nuisance Pets or Livestock.

- A. The actions of a pet or livestock constitute a nuisance when a pet or livestock disturbs the rights of, threatens the safety of or injures a member of the general public, or interferes with the ordinary use and enjoyment of their property.
- B. It shall be unlawful for any person to own, keep, possess, or maintain a pet or livestock in such a manner so as to constitute a public nuisance. By way of example, and not of limitation, the following acts or actions by an owner or possessor of any pet or livestock are hereby declared to be a public nuisance and are, therefore, unlawful:

1. Failure to exercise sufficient restraint necessary to control a pet or livestock as required by Section 14.33.
 2. Allowing or permitting a pet or livestock to damage the property of anyone other than its owner, including, but not limited to, turning over garbage containers or damaging gardens, flowers, or vegetables.
 3. Failure to maintain a dangerous animal in a manner other than that which is described in Section 14.32.
 4. Maintaining pets or livestock in an environment of unsanitary conditions which results in offensive odors or is dangerous to the pet or livestock or to the public health, welfare, or safety.
 5. Maintaining his or her property in a manner that is offensive, annoying, or dangerous to the public health, safety, or welfare of the community because of the number, type, variety, density, or location of the pets or livestock on the property.
 6. Allowing or permitting a pet or livestock to bark, whine, or howl in an excessive, unwarranted, and continuous or untimely fashion, or make other noise in such a manner so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises.
 7. Maintaining a pet or livestock that is diseased and dangerous to the public health.
 8. Maintaining a pet or livestock that habitually or repeatedly chases, snaps at, attacks, or barks at pedestrians, bicycles, or vehicles.
 9. Every female pet or livestock in heat shall be confined in a building or secure enclosure in such a manner as will not create a nuisance by attracting other pets or livestock.
- C. A pet or livestock that has been determined to be a habitual nuisance by BCAS may be impounded and may not be returned to the owner until said owner can produce evidence to demonstrate that the situation creating the nuisance has been abated.

Sec. 14.35 Animal Cruelty.

- A. *Animal Care Generally.* It shall be unlawful for an owner to fail to provide his animals with sufficient good and wholesome food, water at all times, proper shelter and protection from weather, and humane care and treatment.
- B. *Mistreatment.* It shall be unlawful for a person to beat, cruelly treat, torment, overload, overwork, or otherwise abuse an animal or cause, instigate, or permit any dogfight or other combat between animals or between animals and humans.
- C. *Physical Alteration.* It shall be unlawful for a person to dye or color artificially any animal or fowl, including but not limited to rabbits, baby chickens, and ducklings, or to bring any dyed or colored animal or fowl into the County. No person shall crop or dub a pet or livestock's ears or tail or wattle or comb, except a licensed veterinarian.
- D. *Abandonment.* It shall be unlawful for any owner to abandon an animal.
- E. *Unlawful Tethering.* No person owning or keeping a dog shall chain or tether a dog to a stationary object, including, but not limited to, a structure, dog house, pole, stake, or tree for longer than 24 consecutive hours. A tethering device employed shall not allow the dog to leave the owner's, guardian's or keeper's property. The tether shall be designed for dogs and devices not designed for tethering dogs shall not be used. No chain or tether shall weigh more than 1/8 of the dog's body weight. Nothing in this section shall be construed to prohibit a person from walking a dog on a handheld leash. No dog under the age of 6 months shall be tethered outside for any length of time, unless under direct supervision of an adult over the age of eighteen (18) years old.
 - 1. A person owning or keeping a dog may confine such dog outside, subject to the restrictions in this section, through the use of any of the following methods:
 - a. inside a pen or secure enclosure; or
 - b. a fully fenced, electronically fenced or otherwise securely enclosed yard, wherein a dog has the ability to run but is unable to leave the enclosed yard; or

c. The length of the tether of the cable run to the dog's collar or harness shall allow continuous access to clean water and appropriate shelter at all

2. Exceptions to the above restrictions on outdoor confinement shall be made for dogs actively engaged in conduct directly related to the business of shepherding or herding cattle or other livestock or engaged in conduct that is directly related to the business of cultivating agricultural products, if the restraint is reasonably necessary for the for the safety of the dog.

Sec. 14.36 Sale of Animals, Pets or Livestock.

- A. No person shall sell, trade, barter, auction, lease, rent, give away, or display for commercial purpose, any live animal, pet or livestock on any roadside, public right-of-way, public property, commercial parking lot or sidewalk, or at any flea market, fair, or carnival.
- B. No person shall offer an animal, pet or livestock as an inducement to purchase a product, commodity, or service.
- C. No person shall sell, offer for sale, or give away any animal or pet ~~or livestock~~ under five (5) weeks of age, except as surrender to the county animal services facility or to a licensed pet rescue organization.
- D. Licensed pet shops, commercial kennels, county animal services facilities, and licensed pet rescue organizations are exempt from the requirements of this section.
- E. Any sale of wildlife will be reported to South Carolina Department of Natural Resources, United States Department of Agriculture, and United States Fish and Wildlife Service.

Sec. 14.37 Seizure and Right of Entry to Protect Abandoned, Neglected, or Cruelly Treated Pets or Livestock.

- A. Seizure and Right of Entry. If the owner does not give permission to the Animal Services Officers for right of entry on private property to examine suspected abandoned, neglected or cruelly treated pets or livestock, the Animal Services Officers shall petition the appropriate magistrate for an animal pickup order or a

- search warrant for the seizure of the pet or livestock to determine whether the owner, if known, is able to adequately provide for the pet or livestock and is a fit person to own the pet or livestock.
- B. Citation. The Animal Services Officers shall cause to be served upon the owner, if known, and residing within the jurisdiction wherein the pet or livestock is found, a written citation at least five (5) days prior to the hearing containing the time and date and place of the hearing. If the owner is not known or cannot be found within the jurisdiction wherein the pet or livestock was found, the Animal Services Officers shall post a copy of the notice at the property where the animal was seized.
 - C. Custody. The pet or livestock shall remain in the custody and care of BCAS until such matter is heard before a magistrate. The magistrate shall make the final determination as to whether the pet or livestock is returned to the owner or whether title is transferred to the BCAS whereby the pet or livestock may be put up for adoption or humanely euthanized. If the magistrate orders the return of the pet or livestock to its owner, BCAS shall release the pet or livestock upon receipt from the owner of all redemption fees as described in Section 14.39, below.
 - D. Nothing in this section shall be construed to prohibit the euthanasia of a critically injured or ill animal for humane purposes.

Sec. 14.38 Impoundment

- A. Any pet or livestock found within the county in violation of the provisions of this chapter may be caught and impounded by BCAS. BCAS may, thereafter, make available for adoption or humanely euthanize impounded pets or livestock not positively identified or redeemed within five (5) working days.
- B. When a person arrested is, at the time of arrest, in charge of an animal, BCAS may take charge of the animal and deposit the animal in a safe place of custody or impound the pet or livestock at its animal care facility.
- C. The owner of a pet or livestock that may be positively identified shall be notified at the owner's last known address by registered mail if attempts by telephone are not successful. The owner has fourteen (14) days from the date of mailing to contact BCAS for pick-up. Redemption costs will include the cost of mailing, any established

costs, fines, fees, or other charges. If the owner does not make contact within fourteen (14) days of the date of mailing, the pet or livestock will be deemed abandoned and becomes the property of BCAS. For pets or livestock impounded at BCAS, the Director of Animal Services, or his/her designee in agreement with a licensed veterinarian, shall either place the pet or livestock for adoption or have the pet or livestock humanely euthanized, pursuant to S.C. Code 47-3-540 (Supp. 1999).

- D. Notwithstanding the above, pets or livestock impounded at BCAS, which are deemed by the Director of Animal Services, or his/her designee or a licensed veterinarian to constitute a danger to other pets, livestock or persons at the facility, or which are infectious to other pets or livestock, in pain or near death may be humanely euthanized immediately.
- E. Any pet or livestock surrendered to BCAS may be adopted or euthanized at any time provided there is a completed and signed surrender form on file for the pet or livestock concerned.

Sec. 14.39 Redemption.

- A. The owner or keeper of any pet or livestock that has been impounded under the provisions of this chapter, and which has not been found to be dangerous or vicious, shall have the right to redeem such pet or livestock at any time when proper ownership has been confirmed by BCAS personnel; upon payment of a fee as follows:
 - 1. For a pet or livestock that has been properly inoculated, licensed, microchipped, and neutered or spayed, at the BCAS Director of Animal Services or his/her designee, may issue a warning for the first offense at their discretion and investigation of circumstances. First offense fee is fifty (\$50) dollars, second offense is one hundred and fifty (\$150.00) dollars, third offense and any subsequent offenses is two hundred and fifty (\$250.00) dollars.
 - 2. For pets or livestock not properly inoculated, licensed, microchipped and spayed or neutered the fee shall be fifty (\$50) dollars plus the appropriate microchip license fee, the charge for rabies inoculation, and the cost of spaying or neutering the pet or livestock as appropriate.

3. Fertile pets or livestock (as appropriate) shall not be redeemed or adopted unless one of the criteria under the exemptions provisions in subsections 14.31 (A) (1-4) has not been met.
 4. Pets or livestock will not be released without proof of inoculation and without an implanted microchip. The requirements of spaying or neutering shall not be waived under the exceptions in subsections 14.31 (A) (1-3) when the pet or livestock (as appropriate) has been impounded a second time for any violations of Sections 14.32; 14.33; 14:34; 14.35;14.36;14.37 or 14.38.
- B. In addition to the redemption fee, a boarding fee after twenty four (24) hours of twenty five (\$25) dollars per day per pet or livestock shall be paid by the owner or keeper when a pet or livestock is redeemed.
- C. The fees set out in this section shall be doubled for any pet or livestock impounded twice or more within the same 12 month period.

Sec. 14.40 Adoption.

- A. Any pet or livestock impounded under the provisions of this chapter may, at the end of the legal detention period, be adopted provided the new owner will agree to comply with the provisions contained herein.
- B. Any pet or livestock surrendered to BCAS may be adopted at any time provided there is a completed and signed surrender form on file for the pet or livestock concerned.
- C. Those individuals adopting puppies or kittens too young to be neutered or spayed or receive rabies inoculations will pay the cost of these procedures at the time of adoption and be given an appointment for a later time to have these procedures completed. In the event the pet is deceased prior to the appointment date, the applicable portion of the adoption fee will be returned.
- D. The county animal services director or designee shall have the authority to refuse adoption of any animal to any person deemed unable to provide proper shelter, confinement, medical care and food or to any person who has a past history of inhumane treatment of or neglect to pets or livestock. Any person seeking adoption of a pet or livestock more frequently than ninety (90) days from the last adoption shall be subject to refusal of adoption. Any person who has been refused adoption of a pet

or livestock may appeal his case to the assistant county administrator for public safety. If any person surrenders an owned pet or livestock to the animal services department, they will not be able to adopt a pet or livestock for ninety (90) days from the date of the original surrender.

Sec. 14.41 Trapping.

A. It shall be unlawful for any person or business to conduct trapping of any pets, livestock or domestic animals within Beaufort County without prior approval from the Animal Services Department. Any pets, livestock or domestic animals trapped with prior approval from the Animal Services Department will be reported or delivered to the Animal Services Department for purposes of identification of the pet's owner and record keeping of the trapping. It shall be unlawful for any person to remove, destroy, or liberate any trap and/or trapped animal set by the Beaufort County Animal Services Department or enter any Animal Services vehicle with the intent to rescue or deliver it from the custody of the Animal Services Department. If a trapped animal is in need of immediate attention, the Animal Services Department or 911 will be notified immediately of the animal in distress.

B. Exemption. Trapping is permitted for hogs.

Sec. 14.42 Management of Feral Cat Colonies.

A. Definitions.

Caregiver means any person who provides food, water or shelter to or otherwise cares for a feral cat colony and has made application to the animal services department for management of a feral cat colony.

Caregiver manager means any person in charge of a caregiver program.

Ear tipping means straight-line cutting of the tip of the left ear of a cat while the cat is anesthetized.

Feral cat means a cat which currently exists in a wild or untamed state.

Feral cat colony means a group of cats that congregate. Although not every cat in a colony may be feral, non-feral cats routinely congregate with a colony shall be deemed to be a part of it.

Nuisance means disturbing the peace by (a) habitually or continually howling, crying or screaming, or (b) the habitual and significant destruction of property against the wishes of the owner of the property.

Suitable shelter means shelter that provides protection from rain, sun and other elements and is adequate to protect the health of the cat.

TNR means trap, neuter/spay and release.

TNA program means a program pursuant to which cats are trapped, neutered or spayed, vaccinated against rabies, ear tipped or tattooed and released to a designated location of a managed colony.

B. Feral cat colony management:

Feral cat colonies shall be permitted (no fee) by the Beaufort County Animal Services Department and caregivers shall be responsible for applying for the permit for each colony and be entitled to maintain them in accordance with the terms and conditions of the BCAS policy on feral cat colony management, once the permit is approved by Animal Services Department.

Sec. 14.43 Livestock.

- A. All livestock shall be properly housed with adequate food, water and confined within a fenced enclosure. The fenced enclosure shall be maintained in such a manner as to keep any average livestock animal from escaping the enclosed compound and causing damage, accidents or injury to any person or property. No person shall tie, stake or fasten any livestock within any street, highway, road, alley, sidewalk, right-of-way, or other public place within the county or in such manner that the animal has access to any portion of any street, highway, road, alley, sidewalk, right-of-way, or other public place.
- B. Owners or possessors of livestock impounded for violation of this article or any state and/or federal laws, will be charged in accordance with actual costs of impoundment plus impounding and boarding fees.
- C. Impounded livestock shall be held for a period of 21 days. If such impounded animals are not claimed by the owners during that period of time, the animals may be given to

persons willing to accept them, in the discretion of the Beaufort County Animal Services Department.

- D. Exception: No swine or livestock shall be kept within the corporate limits of Port Royal, _____, & _____ without specific approval of the Town/City Council and is permissible under the municipal zoning regulations. No approval shall be granted or continued if such keeping shall constitute a menace to health or welfare of the public. To the extent that another section within this Chapter reference livestock this section shall be controlling.

Sec. 14.44 Importation of Exotic Animals Prohibited

- A. Definition. An “exotic animal” shall be defined as one which would ordinarily be confined to a zoo, or one which would ordinarily be found in the wilderness of this or any other country or one which is a species of animal not indigenous to the United States or to North America, or to one which otherwise causes a reasonable person to be fearful of significant destruction of property or of bodily harm and the latter includes, but would not be limited to, such animals as monkeys, raccoons, squirrels, ocelots, bobcats, lions, tigers, bears, wolves, hybrid wolves, and other such animals or one which causes zoonotic diseases. Such animals are further defined as being those mammals or those nonvenomous reptiles weighing over 50 pounds at maturity which are known at law as *Ferae naturae*. Wild or exotic animals specifically do not include animals of a species customarily used in South Carolina as ordinary household pets, animals of a species customarily used in South Carolina as domestic farm animals, fish contained in an aquarium, birds or insects.
- B. Unlawful Act. It shall be unlawful for any person, firm, or corporation to import into Beaufort County, any venomous reptile or any other exotic animal.
- C. Exceptions. This ordinance shall not apply to following entities:
- a. An entity licensed as a Class R Research Facility by the United States of America or any agency thereof pursuant to the Animal Welfare Act (7 U.S.C. 2131 et seq.)
 - b. An entity properly accredited by the Association of Zoos & Aquariums or the Zoological Association of America

- c. An entity licensed as a Class C Facility by the United States of America or any agency thereof pursuant to the Animal Welfare Act (7 U.S.C. 2131 et seq.) for exhibition not to exceed 7 days within a 52 week period
- d. A team mascot for a university of educational facility.

Sec. 14.45 Rabies Control Act (S.C. State Law 47-5-10)

This law is strictly enforced by South Carolina Department of Health and Environmental Control (DHEC) in cooperation with Beaufort County Animal Services Department and any state, county or municipal law enforcement agencies.

Sec. 14.45 Interference with Animal Services Officers.

It shall be unlawful for any person to interfere with, hinder, or molest an Animal Services Officers in the performance of his or her duties or seek to release any pet or livestock in his/her custody without his/her consent. (See Sec. 14.26 Authority for enactment of chapter.)

Sec. 14.46 Enforcement and Penalties.

- A. The Animal Services Officers of the Beaufort County Animal Services Department shall be charged with the responsibility of enforcing all ordinances enacted by the county and contracts entered into with the county for the care, control and custody of pets or livestock covered by this article. All violations of this article shall be heard by the Beaufort County Magistrate Court.
- B. The provisions of this article shall not apply to any dog or cat owned within the confines of any incorporated municipality within the county, unless and until the governing body of a municipality requests in writing that county council include the area of such municipality within the coverage of this article, and county council has acted favorably on such request and has so notified such municipality of its approval of such request.

C. Any person who violates the provisions of this Chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to a fine not exceeding five hundred dollars (\$500) or imprisonment not exceeding thirty (30) days, or both.

Adopted this _____ day of _____, 2015.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, County Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading: September 14, 2015

Second Reading:

Public Hearings:

Third and Final Reading:

Ordinance No. _____

**AN ORDINANCE TO APPROPRIATE \$64,600.00 FROM THE LOCAL (3%)
ACCOMMODATIONS TAX FUND FOR CONSTRUCTION MANAGEMENT SERVICES
FOR THE DAUFUSKIE ISLAND PIER**

WHEREAS, County Council is authorized to utilize the Local (3%) Accommodations 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 (3%) Accommodations Tax Account,’ shall be by ordinance duly adopted by the County Council”; and

WHEREAS, on December 8, 2014 Beaufort County Council by ordinance appropriated \$412,500.00 from the Local (3%) Accommodations Tax Fund for the design and rehabilitation of the Daufuskie Island Pier; and

WHEREAS, Beaufort County Council believes that it is in the best interests of its citizens to appropriate \$64,600.00 from the Local (3%) Accommodations Tax Fund for construction management services for the Daufuskie Island Pier rehabilitation project.

NOW, THEREFORE, BE IT ORDAINED by Beaufort County Council that an appropriation of \$64,600.00 be made from the Local (3%) Accommodations Tax Funds to pay for the construction management services for the Daufuskie Island Pier rehabilitation project.

Done this ____ day of _____, 2015

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____

D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, County Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading:

Second Reading:

Public Hearing:

Third and Final Reading:

ORDINANCE NO. _____

**AN ORDINANCE TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE A QUIT CLAIM DEED FOR A PORTION OF LOWEN DRIVE,
PORT ROYAL, SOUTH CAROLINA**

WHEREAS, Beaufort County is not the owner of record of real property located on in Port Royal, Beaufort County, South Carolina described with more specify as all that certain piece, parcel or tract of land, with improvement thereon, situate, lying and being in a portion of Lowen Drive beginning at the easternmost intersection of Lowen Drive and Bay Pines Road (S-7-594), and terminating at the western property line of the parcel owned by the New Covenant Fellowship Ministry of Beaufort (“NCFM”); and

WHEREAS, NCFM petitioned the Court of Common Pleas for the 14th Judicial Circuit requesting the County abandon and vacate the portion of the Lowen Drive as described above; and

WHEREAS, Beaufort County Council determined it did not own a Right of Way, or have a recorded easement for the portion of Lowen Drive at issue; and

WHEREAS, Beaufort County Council determined that it would not be adversely affected by the abandonment and that the abutting property owners would not lose access to Bay Pine Road; and

WHEREAS, the Public Services Committee approved the abandonment request of the petitioner on May 21, 2007; and

WHEREAS, Beaufort County Council has determined that it is in the best interests of the citizens of Beaufort County to authorize the County Administrator to execute a quit claim deed as to the above described property; and

WHEREAS, S.C. Code Ann. § 4-9-130 requires that the transfer of any interest in real property owned by the County must be authorized by the adoption of an Ordinance by Beaufort County Council.

NOW, THEREFORE, Be it Ordained by Beaufort County Council that the County Administrator is authorized to execute a quit claim deed for all that certain piece, parcel or tract

of land, with improvement thereon, situate, lying and being in a portion of Lowen Drive beginning at the easternmost intersection of Lowen Drive and Bay Pines Road (S-7-594), and terminating at the western property line of the parcel owned by the New Covenant Fellowship Ministry of Beaufort (“NCFM”).

**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:

Thomas J. Keaveny, II County Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

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

ORDINANCE No. _____

AN ORDINANCE OF BEAUFORT COUNTY COUNCIL ESTABLISHING THE
COUNTY TRANSPORTATION COMMITTEE AND AMENDING CHAPTER 2, ARTICLE V BY ADDING DIVISION 4

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

WHEREAS, Beaufort County Council by resolution dated April 13, 2015 requested the Beaufort County Legislative Delegation adopt a resolution to abolish the County Transportation Committee (“CTC”) and devolve its powers and duties to Beaufort County Council; and

WHEREAS, pursuant to S.C. Code Ann. § 12-28-2740(O), the legislative delegation of a county may by resolution abolish the county transportation committee and devolve its powers and duties on the governing body of the county, and the Beaufort County Legislative Delegation (“county delegation”);

WHEREAS, on June 29, 2015 the county delegation resolved that, pursuant to the state statutory authority and as of the effective date of January 1, 2016 the presently constituted CTC shall be abolished and its powers and duties devolved upon the Beaufort County Council subject to certain stated terms and conditions;

WHEREAS, Beaufort County shall pass an ordinance with an effective date of January 1, 2016 creating a new 11 member CTC that is comprised of one resident member from each of the 11 county council districts; and

WHEREAS, if Beaufort County Council shall not have passed the referenced ordinance and made the referenced 11 appointments on or before January 1, 2016, then the resolution of the county delegation abolishing the presently constituted CTC and the devolution of its authority shall be null and void; and

NOW, THEREFORE, BE IT ORDAINED by Beaufort County Council that there is hereby created the Beaufort County Transportation Committee that shall be organized and operated according to the following Charter Provisions:

Section 1 The name of the organization shall be known as the Beaufort County Transportation Committee.

Section 2 The Committee shall be comprised 11 members including one resident member from each of the county council districts.

Section 3 The board shall be governed by the laws as set forth in Division 1, Section 2 – 191 through 2 -198 of the Beaufort Count Code of Ordinances.

Section 4 The members shall elect a Chairman from its membership

Section 5 The purpose of the committee is to formulate a a county transportation plan, provide program management, approve expenditure of "C" fund in compliance with S.C. Code Ann.§ 12-28-2740, and make annual reports to the SCDOT of expenditures in accordance with S.C. Code Ann. § 12-28-2740(D).

This ordinance shall become effective as of January 1, 2016

Adopted this ___ day of ____, 2015.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, County Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading:

Second Reading:

Public Hearing:

Third and Final Reading:



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

TO: Councilman Gerald Dawson, Chairman, Public Facilities Committee

VIA: Gary Kubic, County Administrator *GK*
Josh Gruber, Deputy County Administrator *JG*
Alicia Holland, Assistant County Administrator for Finance *AH*

FROM: Robert McFee, PE, Division Director for Construction Engineering & Facilities *RM*

SUBJ: **US 278 Asphalt Overlay Cost Sharing with SCDOT**

DATE: September 15, 2015

BACKGROUND. On 2/25/13, Beaufort County Council awarded a contract to R. R. Dawson Bridge Company, LLC, for the construction of Bluffton Parkway Phase 5A Segment 2 roadway and flyover bridges. The total contract award amount was \$36,665,629.96.

As part of the construction of the roadway and flyover bridges, a portion of US 278 from approximately 300 ft west of Fording Island Road Extension to approximately 700 ft east of Fording Island Road Extension will have an asphalt overlay applied. Paved shoulders along US 278 between the ramp tie-ins and the approach to the Bowers Bridge is also included in the project (See Attachment 1). The remaining portion of US 278 from the ramp tie ins to the Bowers Bridge is not in the project scope to be resurfaced as part of the Bluffton Parkway Phase 5A Segment 2 construction.

It should be noted that due to safety concerns and motorists outcry about the poor condition of the existing pavement on US 278 between Fording Island Road Extension intersection and the approach to the Bowers Bridge, full depth patching was added as Change Order 17 to the contract in the amount of \$118,000 as an emergency procurement order to repair the asphalt deterioration.

In March 2015, Beaufort County wrote the SCDOT District 6 Construction Engineer recommending that in the best interest of the traveling public that the remaining portion of the US 278 not set to be resurfaced in the current project be added. The County requested a cost sharing with SCDOT for full depth patching and resurfacing of the remaining portion of US 278 from the end of parkway project to the Bowers Bridge (Attachment 2). In July 2015, SCDOT responded favorably and indicated that \$250,000 would be dedicated (Attachment 3).

The project contractor has agreed to perform this overlay/resurfacing work at a cost of \$544,873 for the addition of full depth patching and resurfacing for the portion of US 278 not included in the construction limits. This cost breakdown is included in Attachment 3. Beaufort County's portion would be \$294,873.

The Engineering Department has reviewed the cost for the additional full depth patching and resurfacing and finds it to be a responsive price. Therefore, it is recommended that a change order to the Bluffton Parkway Phase 5A Segment 2 contract be approved for \$544,873 along with the acceptance of SCDOT's \$250,000 cost sharing proposal for the full depth patching and resurfacing for the portion of US 278 from the Bluffton Parkway Phase 5A Segment 2 construction limit to the Bowers Bridge.

JH **FUNDING.** \$250,000 from SCDOT and \$294,873 from the Bluffton Parkway Phase 5A Segment 2 Sales Tax Account #47010012-54500 with an available budget balance of \$2,758,738.

ACTION. Public Facilities Committee Meeting on September 21, 2015.

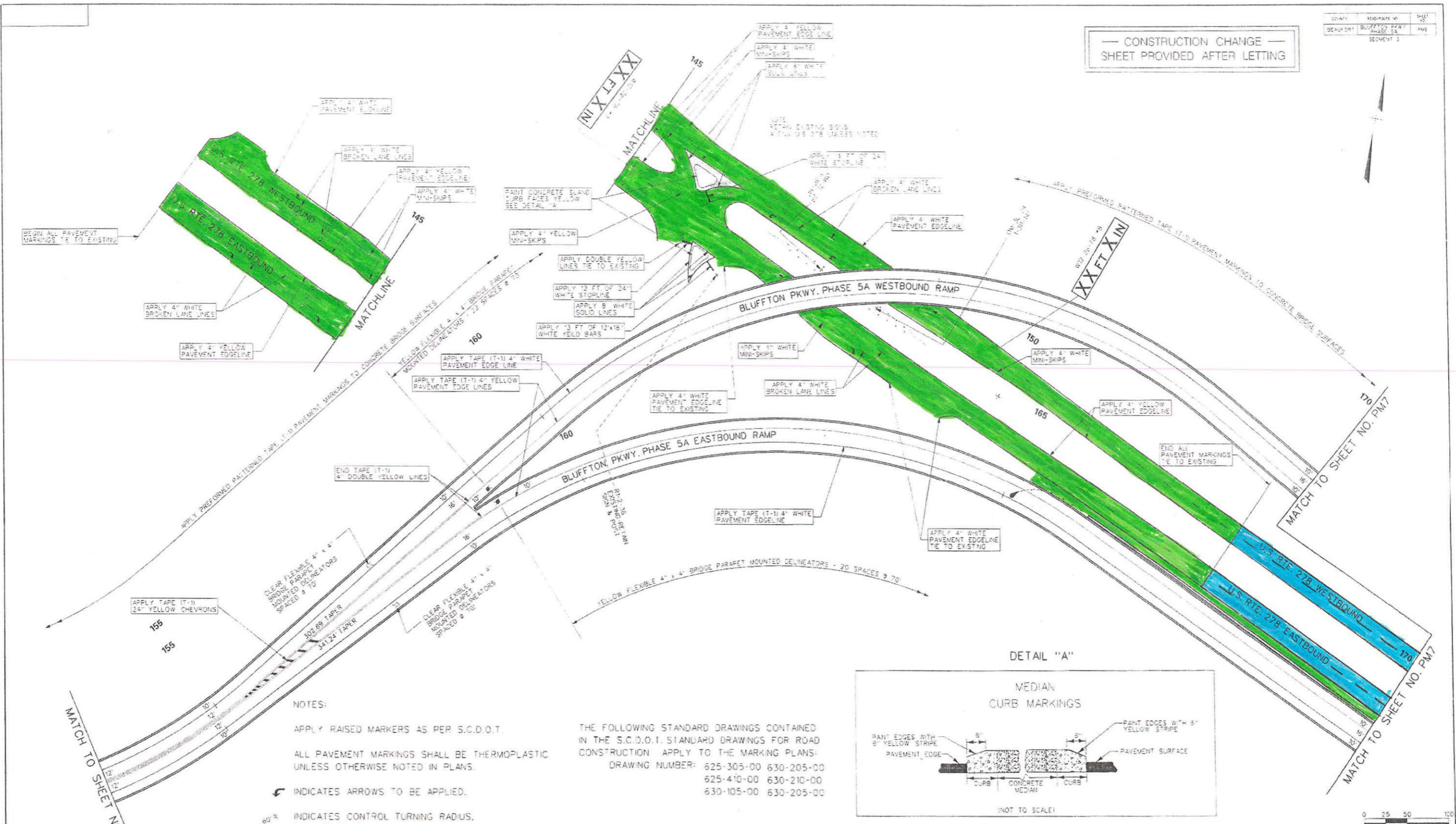
RECOMMENDATION. That the Public Facilities Committee approve and recommend to County Council a Change Order to the Bluffton Parkway Phase 5A Segment 2 contract totaling \$544,873 and acceptance of SCDOT cost sharing proposal of \$250,000 for the full depth patching and resurfacing of the remaining portion of US 278 to the Bowers Bridge.

JRM/mjh

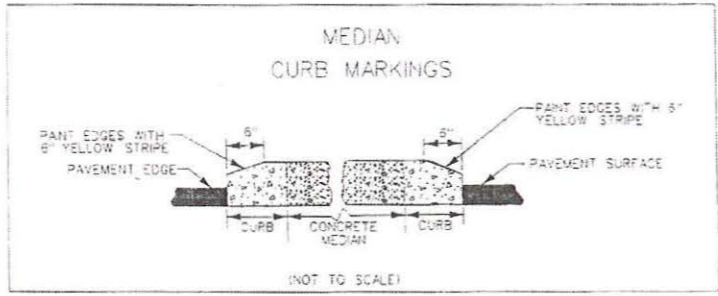
Attachments: 1) Construction Plan Sheet
2) 3/23/15 County Traffic Engineer Ltr
3) 7/8/15 SCDOT Ltr
4) F&ME Cost Estimate

COUNTY	ROADWAY NO.	SHEET NO.
BEAUFORT	BLUFFTON PKWY PHASE 5A	PM6
SEGMENT 2		

— CONSTRUCTION CHANGE —
SHEET PROVIDED AFTER LETTING



DETAIL "A"



NOTES:

- APPLY RAISED MARKERS AS PER S.C.D.O.T.
- ALL PAVEMENT MARKINGS SHALL BE THERMOPLASTIC UNLESS OTHERWISE NOTED IN PLANS.
- ↪ INDICATES ARROWS TO BE APPLIED.
- 80' R INDICATES CONTROL TURNING RADIUS. DO NOT PAINT.
- ALL SIGNS ADJACENT TO CURB & GUTTER, SIDEWALK AND OR PEDESTRIAN/BIKE LANE SHALL HAVE A 7 FT. MOUNTING HEIGHT.

THE FOLLOWING STANDARD DRAWINGS CONTAINED IN THE S.C.D.O.T. STANDARD DRAWINGS FOR ROAD CONSTRUCTION APPLY TO THE MARKING PLANS:

DRAWING NUMBER:	625-305-00	630-205-00
	625-410-00	630-210-00
	630-105-00	630-205-00

Proposed Overlay
Planned new asphalt

PLANS PREPARED BY

Florence & Hutcheson, Inc.
CONSULTING ENGINEERS
1000 W. HUNTER STREET, SUITE 205 • FLORENCE, S.C. 29502

ICA ENGINEERING, INC.
No. 0643

DAVID EDWIN RABY
No. 16297

4			
3			
2			
1	JAL	08/22/13	REVISED SIGNS & PAVEMENT MARKINGS
REV. NO.	BY	DATE	DESCRIPTION OF REVISION
TOPO	DATE		
DWG.	DATE		
R/W	DATE		

PLANS PREPARED FOR

BEAUFORT COUNTY COUNCIL

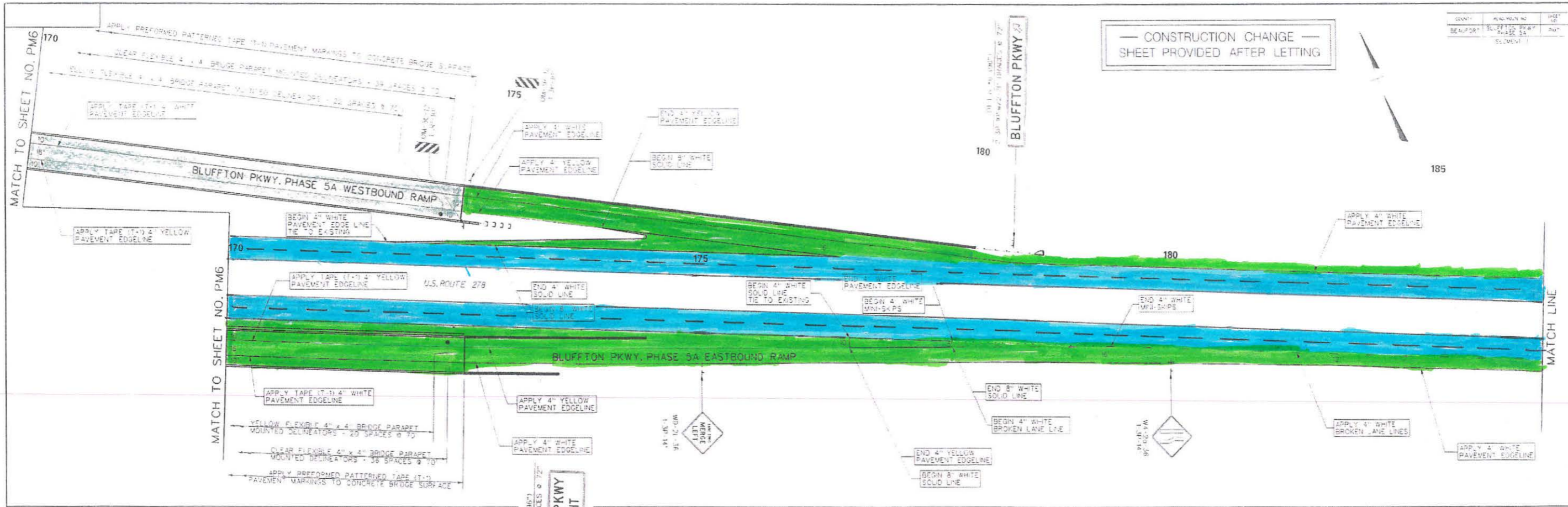
BLUFFTON PARKWAY PHASE 5A
SEGMENT 2
PAVEMENT MARKING AND SIGNING PLANS

RTE. _____ DWG. NO. PM6

8/22/2013 1:05:23 SA551 G2 Plve MarkV3(1)_PM6.dwg

COUNTY	ROAD NO. NO.	SHEET NO.
BEAUFORT	BLUFFTON PKWY PHASE 5A	007
SCALE		

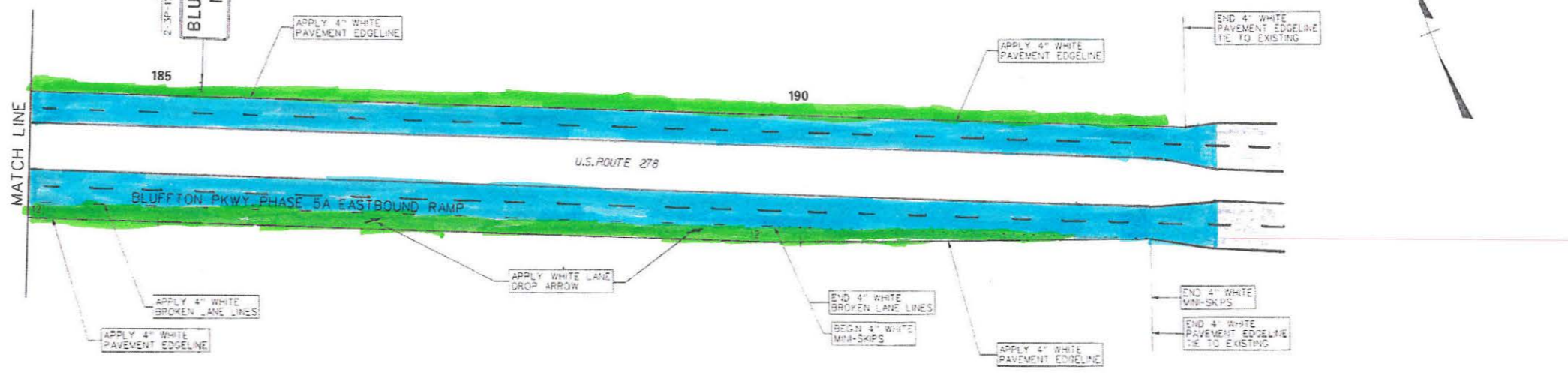
— CONSTRUCTION CHANGE —
SHEET PROVIDED AFTER LETTING



NOTES:

- APPLY RAISED MARKERS AS PER S.C.D.O.T.
- ALL PAVEMENT MARKINGS SHALL BE THERMOPLASTIC UNLESS OTHERWISE NOTED IN PLANS.
- ← INDICATES ARROWS TO BE APPLIED.
- 60' R INDICATES CONTROL TURNING RADIUS, DO NOT PAINT.
- ALL SIGNS ADJACENT TO CURB & GUTTER, SIDEWALK AND OR PEDESTRIAN/BIKE LANE SHALL HAVE A 7 FT. MOUNTING HEIGHT.
- THE FOLLOWING STANDARD DRAWINGS CONTAINED IN THE S.C.D.O.T. STANDARD DRAWINGS FOR ROAD CONSTRUCTION APPLY TO THE MARKING PLANS:

DRAWING NUMBER:	625-305-00	630-205-00
	625-410-00	630-210-00
	630-105-00	630-205-00



6/30/2014 1:00:23.33AM S:\G2_Pave Mark\SHI_P007.dgn

Proposed Overlay

Planned new asphalt

PLANS PREPARED BY

Florence & Hutcheson, Inc.
CONSULTING ENGINEERS
212 W. WASHINGTON STREET, SUITE 200, BEAUFORT, NC 28520

4				
3				
2				
1	DES	09/20/14	REVISED PAVED SHOULDER	
REV NO	BY	DATE	DESCRIPTION OF REVISION	
TOPD		DATE	PLAN SCALE 1" = 50'	
DWG		DATE		
R/W		DATE		

PLANS PREPARED FOR

BEAUFORT COUNTY COUNCIL

BLUFFTON PARKWAY PHASE 5A

SEGMENT 2

PAVEMENT MARKING AND SIGNING PLANS

RTE. _____ DWG. NO. PMT. _____



COUNTY COUNCIL OF BEAUFORT COUNTY
BEAUFORT COUNTY TRAFFIC & TRANSPORTATION
ENGINEERING DEPARTMENT
113 Industrial Village Road, 29906
PO Drawer 1228, Beaufort, SC 29901-1228
Phone: (843) 255-2940 Fax: (843) 255-9443

March 23, 2015

Michael K. Turner, District 6 Construction Engineer
SCDOT
6355-A Fain Blvd
North Charleston, SC 29406

Re: SCDOT & Beaufort County Cost-Sharing US 278 Asphalt Resurfacing
Bluffton Parkway 5A – Segment 2, SCDOT File #: 07.041794

Dear Mr Turner:

As you are aware, Beaufort County is currently working under an SCDOT LPA agreement to construct the Bluffton Parkway Phase 5A Segment 2 project. This bid included improvements to US 278 that include widening and overlay of the existing roadway.

The current contract will overlay a section of US 278 that runs from approximately three-hundred (300) feet west of Fording Island Road Extension to approximately seven-hundred (700) feet east of Fording Island Road Extension. The addition of paved shoulders along US 278 between the ramps tie-ins and Bowers Bridge is also included in the project. (See Attached) The remaining portion of US 278 from the ramps tie-ins to Bowers Bridge is not set to be resurfaced as part of this project.

The condition of the existing asphalt pavement on US 278 between the Fording Island Road Extension intersection and the approach to the Bowers Bridge is in a deteriorated state. The current pavement is experiencing fatigue cracking, rutting, edge cracking, raveling and potholing. The contractor for the Bluffton Parkway Phase 5A Segment 2 project has battled to keep the roadway in a safe and acceptable condition within the project limits.

To address safety concerns and public outcry, Beaufort County has added full depth patching to the current contract. This additional work was added through a change order to repair the condition of the outside westbound lane inside the project construction limits. The majority of the full depth patching work was performed outside the limits of the planned overlay listed above.

We believe it is in the best interest of the traveling public to include resurfacing of the remaining portion of US 278 as an addition to the current Bluffton Parkway Phase 5A Segment 2 project. This segment of US 278 is all that remains to be resurfaced from previous widening and resurfacing efforts. Beaufort County would like to request cost sharing with SCDOT for the full depth patching and resurfacing of the remaining portion of US 278 to Bowers Bridge. A joint effort between SCDOT and Beaufort County to resurface this portion of US 278 would

Bluffton Pkwy 5A – Segment 2 Cost Sharing

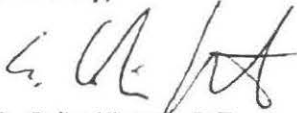
March 23, 2015

Page 2

provide pavement preservation and a renewed structure for the traveling public. This work would be performed under the existing construction contract with RR Dawson Bridge Company.

I am happy to meet and discuss the logistics of this agreement, if necessary. I appreciate your willingness to work together to provide better roads in Beaufort County. If you have any questions and/or comments, please feel free to contact me.

Sincerely,



S. Colin Kinton, P.E.
County Traffic Engineer

Attachment

c: Keith Green, SCDOT
Robert McFee, PE, Division Director, Engineering & Infrastructure
Dan Chism, F&ME Project Manager



South Carolina
Department of Transportation


Beaufort County
Berkeley County
Charleston County
Colleton County
Dorchester County
Jasper County

July 8, 2015

Mr. Robert McFee, P.E.
Division Director
Beaufort County Facilities and Construction Engineering
Post Office Drawer 1228
Beaufort, SC 29901-1228

RE: US 278 Asphalt Overlay Cost Sharing Request

Dear Rob:

Thank you for your June 8th letter requesting consideration by SCDOT to partner with Beaufort County to complete the resurfacing along US 278 from the end of the current Bluffton Parkway Phase 5A project to the Bowers Bridge. We have reviewed this section of roadway and found that it is included in the potential candidate list for expenditure of SCDOT funds. The monies that may be available would be part of our FY 2016 Federal Aid allotment for Beaufort County which is being worked up at present. While this section was not originally included in our list of roads for this fiscal year's project, we can delete another similarly ranked section of US 21 and substitute this section. By doing so, we can dedicate \$250,000 towards the extension of this project. Since this money would be from our Federal Aid allotment it will require that all procurement and expenditures meet all Federal requirements. Assuming that the County can meet these requirements since the Bluffton Parkway 5A project is already an approved LPA project and you wish to pursue this arrangement, we will need to amend the IGA to allow us to transfer the additional monies to the County.

If the County would like to pursue this arrangement, please reply with your concurrence and I will have an amendment to the IGA drafted for your review.

Sincerely,

Robert T. Clark
District Engineering Administrator

JMB:jmb

File: D6/JMB

cc: Jim Feda, P.E., Acting Chief Engineer for Operations
Wendell Mulligan, Resident Maintenance Engineer
Joy Riley, P.E., Program Manager

District Six Engineering
6355 Fain Boulevard
North Charleston, SC 29406-4050



Phone: (843) 740-1600
Fax: (843) 740-1603

AN EQUAL OPPORTUNITY/
AFFIRMATIVE ACTION EMPLOYER

Bluffton Parkway Phase 5A Segment 2: Change Order Report

Pay Item #	Pay Item Description	Unit	Unit Price	Original Bid Qty.	Prev. Approved Qty.	Current CO Qty.	Current Approved Qty.	Original Contract \$	Prev. Revised \$	Current CO \$	Net \$ Change	% Change	New Revised Total \$
1071000	Traffic Control	EA	\$2,200.00	LS	9.00	15.00	19.00	\$100,000.00	\$119,470.00	\$33,000.00	\$52,470.00	52.47%	\$152,470.00
2033000	Borrow Excavation	CY	\$13.82	33825.00	33725.00	191.23	33916.23	\$467,461.50	\$466,079.50	\$2,642.80	\$1,260.80	0.27%	\$468,722.30
4011004	Liquid Asphalt Binder	TONS	\$700.00	380.00	414.00	134.82	548.82	\$266,000.00	\$289,800.00	\$94,374.00	\$118,174.00	44.43%	\$384,174.00
4012060	Full Depth Patching	SY	\$59.00	0.00	2000.00	3702.60	5702.60	\$0.00	\$118,000.00	\$218,453.40	\$336,453.40		\$336,453.40
4020320	Asphalt Type B Intermediate	TONS	\$72.29	2284.00	2374.00	1075.69	3449.69	\$165,110.36	\$171,616.46	\$77,761.63	\$84,267.73	51.04%	\$249,378.09
4030320	Asphalt Type B Surface	TONS	\$73.90	2299.00	2589.00	1434.26	4023.26	\$184,676.10	\$191,327.10	\$105,991.81	\$112,642.81	60.99%	\$297,318.91
6250005	White Broken FD Paint	LF	\$0.09	3264.00	4732.00	15489.96	20221.96	\$293.76	\$425.88	\$1,394.10	\$1,526.22	519.55%	\$1,819.98
6250110	Yellow Solid FD Paint	LF	\$0.08	12465.00	n/a	69158.84	81623.84	\$997.20	n/a	\$5,532.71	\$5,532.71	554.82%	\$6,529.91
6271005	White Broken Thermo	LF	\$0.84	1452.00	n/a	1290.83	2742.83	\$1,219.68	n/a	\$1,084.30	\$1,084.30	88.90%	\$2,303.98
6271074	Yellow Solid Thermo	LF	\$0.74	4230.00	n/a	5163.32	9393.32	\$3,130.20	n/a	\$3,820.86	\$3,820.86	122.06%	\$6,951.06
6300005	RPMs	EA	\$5.25	84.00	n/a	65.00	149.00	\$441.00	n/a	\$341.25	\$341.25	77.38%	\$782.25
8100100	Grassing	ACRES	\$1,323.00	3.90	n/a	0.36	4.26	\$5,159.70	n/a	\$476.28	\$476.28	9.23%	\$5,635.98
										\$544,873.13			

Original Completion Date: Sunday, October 18, 2015
 Adjusted Completion Date: Tuesday, December 01, 2015
 # of Days for This Change Order: 115
 New Adjusted Completion Date: Friday, March 25, 2016

General/Standard Change Order Explanation

Cost: US278, within the project limits, has not been overlayed in 10+ years and is exhibiting a high level of weathering, including fatigue cracking. The project adds a paved shoulder and ingress/egress ramps. US278 is on SCDOT STIP for resurfacing. To gain advantage of the project's unit prices, SCDOT agreed to cost-share the overlay of US278.
Time: Current project completion date is December 1, 2015. Due to SCDOT paving restrictions from December 1 to March 1, paving cannot begin until March 1, 2016. Accordingly, 115 days is added to complete this work.

General/Standard Change Order Explanation

Pursuant to Section 104.05 of the Standard Specifications on the above referred-to project, I/we (Prime Contractor) do hereby agree to the unit price stipulated above, for performing the work items listed, as part of my/our contract on this project. The work shall be performed under and in accordance with the specifications and contract requirements of our contract. The compensation and time extension (if any) provided in this supplemental agreement constitute complete satisfaction for all direct, indirect, impact and delay costs relating to this work.

Justification of Cost

*Based upon quantities involved, field conditions & type of construction, these prices are reasonable.

By: _____
 Firm: _____

By: _____
 Firm: _____

ORDINANCE NO. _____

AN ORDINANCE TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A QUIT CLAIM DEED FOR THE MARY FIELDS SCHOOL AND ASSOCIATED PROPERTY ON DAUFUSKIE ISLAND TO THE FIRST UNION AFRICAN BAPTIST CHURCH

WHEREAS, Beaufort County is not the owner of record of real property located on Daufuskie Island, Beaufort County, South Carolina described with more specify as all that certain piece, parcel or tract of land, with improvement thereon, situate, lying and being in a portion of Lot 21 Maryfield Plantation and being shown more particularly shown designated as “2.00 Acres including Road R/W” and “1.43 Residual Acres” on a plat prepared by Southeastern Surveying, Inc. dated October 24, 1998, and not recorded in the Office of the Register of Deeds for Beaufort County; and

WHEREAS, Beaufort County wishes to transfer any interests it has in the property to the First Union African Baptist Church subject to any applicable restrictions, reservations, zoning ordinances or easements that may appear of record in the Office of the Register of Deeds for Beaufort County, South Carolina; and

WHEREAS, Beaufort County Council has determined that it is in the best interests of the citizens of Beaufort County to authorize the County Administrator to execute a quit claim deed as to the above-described property; and

WHEREAS, S.C. Code Ann. § 4-9-130 requires that the transfer of any interest in real property owned by the County must be authorized by the adoption of an Ordinance by Beaufort County Council.

NOW, THEREFORE, Be it Ordained by Beaufort County Council, that the County Administrator is authorized to execute a quit claim deed for the Mary Fields School and associated property on Daufuskie Island to the First Union African Baptist Church upon such terms and conditions as he believes reasonably prudent and in the best interest of the citizens of Beaufort County.

**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:

Thomas J. Keaveny, II, County Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading: August 24, 2015

Second Reading: September 14, 2015

Public Hearing:

Third and Final Reading:

Prepared Without Benefit
of Title Examination

TMP: R800 024 000 0124 0000

STATE OF SOUTH CAROLINA)	
)	QUIT-CLAIM DEED
COUNTY OF BEAUFORT)	

KNOW ALL MEN BY THESE PRESENTS, That I, the said **BEAUFORT COUNTY**, for and in consideration of the sum of TEN AND N0/100 (\$10.00) DOLLARS, and no other valuable consideration, in hand paid at and before the sealing and delivery of these presents by **FIRST UNION AFRICAN BAPTIST CHURCH** whose address is P. O. Box 7, Daufuskie Island, South Carolina 29915-0007, (the receipt whereof is hereby acknowledged) have remised, released and forever quit-claimed, and by these presents do remise, release, and forever quit-claim, subject to the easements, restrictions, reservations and conditions ("Exceptions") set forth below, unto the said **FIRST UNION AFRICAN BAPTIST CHURCH**, its successors and assigns forever, the following described property, to wit:

**SEE EXHIBIT "A" ATTACHED HERETO AND
INCORPORATED HEREIN BY REFERENCE**

THIS CONVEYANCE is made subject to any applicable restrictions, reservations, zoning ordinances or easements that may appear of record in the Office of the Register of Deeds for Beaufort County, South Carolina.

TOGETHER with all and singular the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD all and singular the said premises before mentioned unto the said **FIRST UNION AFRICAN BAPTIST CHURCH**, its successors and assigns, forever, so that neither **BEAUFORT COUNTY**, nor its successors and/or assigns, nor any other person, claiming under it, shall at any time hereafter, by any way or means, have, claim or demand any right or title to the aforesaid premises or appurtenances, or any part or parcel thereof, forever.

Witness my hand and seal this _____ day of _____, 2015.

Signed, Sealed and Delivered
in the presence of:

BEAUFORT COUNTY

Witness

By: Gary Kubic
Its: County Administrator

Notary as Witness

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

ACKNOWLEDGMENT

I, _____, Notary Public for South Carolina do hereby certify that Gary Kubic, County Administrator for Beaufort County, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the _____ day of _____, 2015.

Notary Public for South Carolina
My Commission Expires: _____

EXHIBIT "A"

All that certain piece, parcel or tract of land, with improvements thereon, situate, lying and being in a portion of Lot 31 Maryfield Plantation, located on Daufuskie Island, Beaufort County, South Carolina, and being more particularly shown designated as "2.00 Acres including Road R/W" and "1.43 Residual Acres" on a plat prepared by Southeastern Surveying, Inc., dated October 24, 1998, and not recorded in the Office of the Register of Deeds for Beaufort County, South Carolina. For a more detailed description as to the courses, metes and bounds, reference is made to the aforesaid plat.

The within Quit-Claim Deed was prepared without benefit of title examination.

ORDINANCE 2015/_____

**AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA
TO AMEND ARTICLE II, SECTION 14-26, *ET SEQ.* OF THE BEAUFORT COUNTY
CODE OF LAWS TO PROHIBIT THE IMPORTATION OF EXOTIC ANIMALS
WITHIN BEAUFORT COUNTY.**

WHEREAS, Standards that are underscored shall be added text and Standards that are ~~lined through~~ shall be deleted text; and

WHEREAS, the Beaufort County Code does not currently prohibit the keeping, maintenance, possession, or control of exotic animals; and

WHEREAS, the Beaufort County Council has determined that allowing the population of exotic animals and potentially dangerous animals to increase in Beaufort County poses health and public safety risks; and

WHEREAS, the Council has further determined that prohibiting the importation of exotic animals is in the best interests of the citizens of the County and necessary to protect the health, safety and welfare of the Beaufort County citizens; and

WHEREAS, S.C. Code Ann. §4-9-25 authorizes the enactment of ordinances by County Council to address health, safety and welfare Beaufort County citizens; and

NOW, THEREFORE, BE IT ORDAINED by County Council of Beaufort County in a meeting duly assembled, for the reasons set forth above, and in the interests of public safety and welfare of the citizens of Beaufort County, the Council hereby amends the Beaufort County Code of Laws Section 14-37, to read as follows:

Section 14-37 – Importation of Exotic Animals Prohibited

- (a) Definition. An “exotic animal” shall be defined as one which would ordinarily be confined to a zoo, or one which would ordinarily be found in the wilderness of this or any other country or one which is a species of animal not indigenous to the United States or to North America, or to one which otherwise causes a reasonable person to be fearful of significant destruction of property or of bodily harm and the latter includes, but would not be limited to, such animals as monkeys, raccoons, squirrels, ocelots, bobcats, lions, tigers, bears, wolves, hybrid wolves, and other such animals or one which causes zoonotic diseases. Such animals are further

defined as being those mammals or those nonvenomous reptiles weighing over 50 pounds at maturity which are known at law as *Ferae naturae*. Wild or exotic animals specifically do not include animals of a species customarily used in South Carolina as ordinary household pets, animals of a species customarily used in South Carolina as domestic farm animals, fish contained in an aquarium, birds or insects.

- (b) Unlawful Act. It shall be unlawful for any person, firm, or corporation to import into Beaufort County, any venomous reptile or any other exotic animal.
- (c) Exception. This ordinance shall not apply to any entity licensed as a Class R Research Facility by the United States of America or any agency thereof pursuant to the Animal Welfare Act (7 U.S.C. 2131 et seq.)

This ordinance is effective immediately upon enactment.

Adopted this ___ day of _____, 2015.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, County Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading: August 24, 2015
Second Reading: September 14, 2015
Public Hearing:
Third and Final Reading:

2015 /

AN ORDINANCE TO AMEND ORDINANCE 2006/24 TO INCLUDE IN SECTION 6, PARAGRAPH B, SUBPARAGRAPH 3C, DISCOUNT TABLE FOR AFFORDABLE HOUSING OF THE DEVELOPMENT IMPACT FEE PROCEDURES ORDINANCE AS REPRESENTED ON THE DOCUMENT ATTACHED.

Adopted this _____ day of _____, 2015.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, County Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading: August 24, 2015

Second Reading:

Public Hearing:

Third and Final Reading:

Discount Table for Affordable Housing: Single Family Units

Heated Area of Residence (in sq.ft.)	Discount	Percentage of Impact Fees to be Paid
Up to 800	75%	25%
801 - 1,200	50%	50%
1,201 - 1,600	25%	75%
1,601 and greater	0%	100%

Discount Table for Affordable Housing: All Other Family Units

Heated Area of Residence (in sq.ft.)	Discount	Percentage of Impact Fees to be Paid
Up to 800	75%	25%
801 - 1,000	50%	50%
1,001 - 1,200	25%	75%
1,201 and greater	0%	100%

DISCOUNT FOR AFFORDABLE HOUSING

<u>HUD Category</u>	<u>Percentage of Median Income</u>	<u>Discount</u>
Low Income	50 - 80%	30%
Very Low Income	less than 50%	60%

Formula for 80% Threshold for Low Income Sale Units:

$$\text{County Median Income} \times 0.80 \times 3$$

Formula for 50% Very Low Income Sale Units:

$$\text{County median Income} \times 0.50 \times 3$$

The discounts described above on "sale units" are intended for owner occupied units and proof that the units are for sale and intended for owner-occupancy may be required.

Discounts for affordable rental units are available to Low and Very Low Income units as certified by USHUD, the South Carolina Housing Finance Agency, or the Beaufort Housing Authority. In developments with a mix of affordable and market rate units, only certified affordable units are eligible for the discount.