

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

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 RICK CAPORALE  
 GERALD DAWSON  
 BRIAN E. FLEWELLING  
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 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, October 12, 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 William McBride
5. ADMINISTRATIVE CONSENT AGENDA
  - A. Approval of Minutes – September 28, 2015 [caucus](#) and September 28, 2015 [regular](#)
  - B. Committee Reports (next meeting)
    1. Community Services (October 26 at 2:30 p.m., Hilton Head Island Branch Library)
      - a. Minutes September 28, 2015 ([backup](#))
    2. Executive (November 9 at 2:00 p.m., ECR)
      - a. Minutes September 9, 2015 ([backup](#))
    3. Finance (October 19 at 2:00 p.m., BIV #3)
      - a. Minutes September 21, 2015 ([backup](#))
    4. Governmental (October 16 at 1:30 p.m., ECR)
    5. Natural Resources (November 2 at 2:00 p.m., ECR)
      - a. Minutes – October 5, 2015 ([backup](#))
    6. Public Facilities (October 19 at 4:00 p.m., BIV #3)
      - a. Minutes September 21, 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 ([backup](#))
  - B. Mrs. Jan Baxter, former Manager, Community / Economic Development  
 Palmetto Electric Cooperative ([backup](#))



7. PROCLAMATION

- A. Veterans Day – Mr. Carl Wedler, Director, Veterans Affairs Office ([backup](#))
- B. Port Royal Sound Month ([backup](#))
  - Mr. Dean Moss, Vice Chairman, Board of Directors, Port Royal Sound Foundation
  - Ms. Jody Heyward, Executive Director, Port Royal Sound Foundation

8. BOARD AND COMMISSION MEMBERS' PUBLIC SERVICE RECOGNITION ([backup](#))

- A. Derek Gilbert                      Airports Board
- B. Norman Kerr                      Airports Board
- C. Alfred Spain                      Airports Board
- D. Carl Wedler                      Airports Board
- E. Bette Goettle                      Alcohol and Drug Abuse Board
- F. Cecil Lanier                      Burton Fire District Board
- G. Yolanda Riley                      Library Board
- H. Alfred Spain                      Lowcountry Economic Alliance
- I. Bradley Bowden                      Northern Corridor Review Board
- J. Brian A. Coffman                      Northern Corridor Review Board
- K. Kenneth Dixon                      Northern Corridor Review Board
- L. Donald Starkey                      Northern Corridor Review Board
- M. John C. Kerner                      Sheldon Fire District Board
- N. Neil Lipsitz                      Tax Equalization Board
- O. Tim L. Rentz                      Zoning Board of Appeals

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

10. DELINQUENT TAX SALE 2015 REPORT

Mrs. Maria Walls, CPA, County Treasurer

11. CONSENT AGENDA

A. AN ORDINANCE TO APPROPRIATE \$64,600 FROM THE LOCAL (3%) ACCOMMODATIONS TAX FUND FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE DAUFUSKIE ISLAND PIER REHABILITATION PROJECT ([backup](#))

- 1. Consideration of second reading to occur October 12, 2015
- 2. Public hearing announcement – Monday, October 26, 2015 beginning at 6:00 p.m. in the large meeting room of the Hilton Head Island Branch Library, 11 Beach City Road, Hilton Head Island
- 3. First reading approval occurred September 28, 2015 / Vote 10:0
- 4. Finance Committee discussion and recommendation to approve ordinance on first reading occurred September 21, 2015 / Vote 7:0

B. 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 second reading to occur October 12, 2015
- 2. Public hearing announcement – Monday, October 26, 2015 beginning at 6:00 p.m. in the large meeting room of the Hilton Head Island Branch Library, 11 Beach City Road, Hilton Head Island
- 3. First reading approval occurred September 28, 2015 / Vote 10:0

4. Public Facilities Committee discussion and recommendation to approve ordinance on first reading occurred September 21, 2015 / Vote 6:0

C. 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 second reading to occur October 12, 2015
2. Public hearing announcement – Monday, October 26, 2015 beginning at 6:00 p.m. in the large meeting room of the Hilton Head Island Branch Library, 11 Beach City Road, Hilton Head Island
3. First reading approval occurred September 28, 2015 / Vote 10:0
4. Public Facilities Committee discussion and recommendation to approve ordinance on first reading occurred September 21, 2015 / Vote 6:0

D. A RESOLUTION PERTAINING TO LANDSCAPING OF THE U.S. HIGHWAY 278 MEDIAN IN SOUTHERN BEAUFORT COUNTY AT THE BELFAIR SEGMENT OF U.S. HIGHWAY 278 ([backup](#))

1. Natural Resources Committee discussion and recommendation to forward to Council for review and staff action to resolve the discrepancy of the landscape plan as adopted by the SCDOT encroachment permit. Committee action occurred October 5, 2015 / Vote 6:0

E. A RESOLUTION PERTAINING TO THE FUNDING BY TANGER OUTLETS I AND II TO ACCEPT THE PAYMENT OF \$323,865 FOR THE INSTALLATION AND MAINTENANCE OF THE U.S. HIGHWAY 278 HIGHWAY MEDIANS BETWEEN TANGERS I AND II ([backup](#))

1. Natural Resources Committee discussion and recommendation to forward the resolution from the Southern Beaufort County Corridor Beautification Board to Council for review and direction to staff to implement the Development Agreement pertaining to Tanger Outlets I and II. Committee action occurred October 5, 2015 / Vote 6:0

F. TEXT AMENDMENTS TO THE BEAUFORT COUNTY COMMUNITY DEVELOPMENT CODE (CDC), ARTICLES 2, 3, 4, 5, 6, 7, AND 10 (TRANSECT ZONE AMENDMENTS; SIGN AMENDMENTS, DIVISION 5.6; USE AMENDMENTS: USE TABLE, SECTION 3.1.60, LAND USE DEFINITION TABLE, SECTION 3.1.70, AND SPECIFIC TO THE USE STANDARDS, DIVISION 4.1; CORRECTIONS, CLARIFICATIONS AND PROVISIONS FROM THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE) ([backup](#))

1. Consideration of first reading to occur October 12, 2015
2. Natural Resources Committee discussion and recommendation to approve ordinance on first reading occurred October 5, 2015 / Vote 6:0

G. TEXT AMENDMENTS TO THE BEAUFORT COUNTY COMMUNITY DEVELOPMENT CODE (CDC), SECTION 3.2.100.E (T4 HAMLET CENTER) AND SECTION 3.3.30.C (NEIGHBORHOOD MIX-USE ZONE) TO ESTABLISH A HEIGHT LIMIT OF 35 FEET FOR INDUSTRIAL BUILDINGS ([backup](#))

1. Consideration of first reading to occur October 12, 2015
2. Natural Resources Committee discussion and recommendation to approve ordinance on first reading occurred October 5, 2015 / Vote 6:0

H. LADY'S ISLAND ZONING MAP AMENDMENT FOR R200 015 000 0165 0000, R200 015 000 0721 0000, R200 015 000 0820 0000, R200 015 000 0866 0000, R200 015 000 0867 0000, R200 015 000 0868 0000, R200 015 000 0869 0000, R200 015 000 0870 0000, R200 015 000 0871 0000, R200 015 000 0872 0000, R200 015 000 0873 0000, R200 015 000 0874 0000, R200 015 000 0875 0000 (13 PARCELS TOTALING 8.75 ACRES, SOUTH SIDE OF SEA ISLAND PARKWAY BETWEEN LADY'S ISLAND COMMONS AND YOUMANS ROAD) FROM T4-HC (HAMLET CENTER) TO T4-HCO (HAMLET CENTER OPEN) ([backup](#))

1. Consideration of first reading to occur October 12, 2015
2. Natural Resources Committee discussion and recommendation to approve ordinance on first reading occurred October 5, 2015 / Vote 6:0

I. LADY'S ISLAND ZONING MAP AMENDMENT FOR R200 015 000 111G 0000, R200 015 000 0114 0000, R200 015 000 114B 0000, R200 015 000 114C 0000, R200 015 000 114D 0000, AND R200 015 000 0638 0000 – NORTH OF SEA ISLAND PARKWAY; R200 018 00A 0147 0000, R200 018 00A 0148 0000, R200 018 00A 0149 0000, R200 018 00A 0150 0000, R200 018 00A 0161 0000, R200 018 00A 0162 0000, R200 018 00A 0163 0000, R200 018 00A 0192 0000, R200 018 00A 0193 0000, AND R200 018 00A 0248 0000 – SOUTH OF SEA ISLAND PARKWAY (16 PARCELS TOTALING 19 ACRES, NORTH AND SOUTH SEA ISLAND PARKWAY BETWEEN GAY DRIVE AND DOW ROAD) FROM T3-N (NEIGHBORHOOD) AND T3-HN (HAMLET NEIGHBORHOOD) TO T4-NC (NEIGHBORHOOD CENTER) AND T4-HCO (HAMLET CENTER OPEN) ([backup](#))

1. Consideration of first reading to occur October 12, 2015
2. Natural Resources Committee discussion and recommendation to approve ordinance on first reading occurred October 5, 2015 / Vote 6:0



J. HUMAN SERVICES ALLIANCE 2015 AGENCIES’ GRANT FUNDING RECOMMENDATIONS IN THE CUMULATIVE AMOUNT OF \$598,000 ([backup](#))

1. Community Services Committee discussion and recommendation to approve grant funding occurred September 28, 2015 / Vote 5:1

Beaufort Jasper Economic Opportunity Commission	\$ 2,500
Beaufort Soil and Water Conservation District	\$ 18,000
Bluffton Self Help	\$ 5,000
Bluffton Jasper Volunteers in Medicine	\$ 15,000
Child Abuse Prevention Association (CAPA)	\$ 5,797
Coastal Empire Community Mental Health Center	\$ 55,000
Citizens Opposed to Domestic Abuse (CODA)	\$ 22,927
Good Neighbor Free Medical Clinic	\$ 15,200
Grant Writing and Match Funds	\$ 20,000
Heroes on Horseback	\$ 10,000
Hope Haven of the Lowcountry	\$ 15,000
Lowcountry Legal Volunteers	\$ 15,000
Neighborhood Outreach Connection	\$ 24,000
Palmetto Breeze Lowcountry Reg. Transit Authority	\$210,000
Second Helpings	\$ 10,000
Abuse Prevention Coalition	\$ 18,000
Access Health Lowcountry	\$ 22,201
Adequacy of Prenatal Care Coalition	\$ 15,000
Community Services Organization	\$ 9,000
Disabilities Coalition	\$ 10,000
Beaufort County Early Childhood Coalition	\$ 15,625
Eat Smart, Move More Lowcountry	\$ 5,000
Lowcountry Affordable Housing Coalition	\$ 5,000
Mental Health Access Coalition	\$ 2,500
Partners for Adult Literacy	\$ 5,750
The Lending Room	\$ 1,500
The Literacy Center	\$ 10,000
Together for Beaufort County contract	\$ 10,000
Under one Roof	\$ 5,000
United Way of the Lowcountry Help Line	\$ 10,000
Volunteers in Medicine – Hilton Head Island	\$ 10,000

12. PUBLIC HEARING

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 third and final reading to occur October 12, 2015
2. Second reading occurred September 28, 2015 / Vote 10:0
3. First reading approval occurred September 14, 2015 / Vote 9:0
4. Governmental Committee discussion occurred September 14, 2015
5. Governmental Committee discussion and recommendation to approve on first reading occurred August 31, 2015 / Vote 3:2
6. Governmental Committee discussion occurred July 27, 2015
7. Governmental Committee discussion occurred June 22, 2015
8. Governmental Committee discussion occurred June 1, 2015

B. OFFICE OF JUSTICE PROGRAMS FY-2015 EDWARD BYRNE MEMORIAL JUSTICE GRANT (JAG) PROGRAM: LOCAL IN THE AMOUNT OF \$47,682

This is a 100% federally funded grant in the amount of \$47,682

The Beaufort County Sheriff's Office will utilize these grant funds to purchase the necessary software and hardware which will improve our investigative capabilities and expand our electronic data storage capacity.

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 28, 2015

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

A caucus of the County Council of Beaufort County was held Monday, September 28, 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 and Stewart Rodman. Roberts "Tabor" Vaux absent.

**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 September 14, 2015 through September 25, 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 September 14, 2015 through September 25, 2015.

**DISCUSSION ITEMS**

Mrs. Bensch asked the Chairman to remove item 11A, an ordinance to amend the Beaufort County Code of Ordinances, Chapter 14, Animals, Articles II, Section 14.26 through Section 14.37, from the consent agenda. She intends to offer a motion to postpone consideration of second reading during the regular meeting today.

Mr. Stewart referenced the September 14, 2015 Council minutes and asked staff to clarify the date the Chairman postponed consideration of second reading of the discount table for affordable housing of the Development Impact Fee Procedures Ordinance. In the event that the date as it appears in the minutes is incorrect, he intends to offer a motion to correct the September 14, 2015 minutes during the regular meeting today.

Mr. Rodman referenced agenda item 12C, discount table for affordable housing of the Development Impact Fee Procedures Ordinance. He intends to offer a motion to amend by

substitution the S.C. Code discount table in place of the Beaufort County discount table during the regular meeting today.

**CALL FOR EXECUTIVE SESSION**

It was moved by Mr. Flewelling, seconded by Mr. Rodman, that Council go immediately into executive session for the purpose of receiving legal advice relating to: (1) a pending construction claim covered by the attorney-client privilege; (2) pending and potential claims covered by the attorney-client privilege (Barrel Landing property and Pinkney Point property). The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville and Mr. Stewart. ABSENT - Mr. Vaux. The motion passed.

**ADJOURNMENT**

Council adjourned at 5:00 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 28, 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 28, 2015 beginning at 5:00 p.m. in Council Chambers 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 Councilmen Cynthia Bensch, Rick Caporale, Gerald Dawson, Brian Flewelling, Steven Fobes, Alice Howard, William McBride and Stewart Rodman. Roberts "Tabor" Vaux absent.

**PLEDGE OF ALLEGIANCE**

The Chairman led those present in the Pledge of Allegiance.

**INVOCATION**

Councilman Alice Howard gave the Invocation.

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

**ADMINISTRATIVE CONSENT AGENDA**

**Review of the Proceedings of the Caucus held September 14, 2015**

This item comes before Council under the Administrative Consent Agenda.

It was moved by Mr. Flewelling, seconded by Mr. Sommerville, that Council approve the minutes of the caucus held September 14, 2015. The vote: YEAS - Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville and Mr. Stewart. ABSTAIN - Mrs. Bensch and Mr. Fobes. ABSENT – Mr. Vaux. The motion passed.

**Review of the Proceedings of the Regular Meeting held September 14, 2015**

This item comes before Council under the Administrative Consent Agenda.

It was moved by Mr. Sommerville, seconded by Mr. Flewelling, that Council approve the following correction to the minutes of the proceedings of the regular meeting held September 14, 2015: page 7, lines 9 and 12, “change October 12, 2015 to September 28, 2015.” The vote: YEAS - Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville and Mr. Stewart. ABSTAIN - Mrs. Bensch and Mr. Fobes. ABSENT – Mr. Vaux. The motion passed.

It was moved by Mr. Flewelling, seconded by Mr. Sommerville, that Council approve the minutes of the regular meeting held September 14, 2015. The vote: YEAS - Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville and Mr. Stewart. ABSTAIN - Mrs. Bensch and Mr. Fobes. ABSENT – Mr. Vaux. The motion passed.

**Committee Reports**

**Community Services Committee**

**Alcohol and Drug Abuse Board**

Mr. McBride, as Chairman of the Community Services Committee, nominated Mrs. Ann Seppenfield to serve as a member of the Alcohol and Drug Abuse Board.

**Library Board**

Mr. McBride, as Chairman of the Community Services Committee, nominated Deborah Johnson, representing Council District 2, to serve as a member of the Library Board.

**Public Facilities Committee**

**Seabrook Point Special Purpose Tax District**

Mr. Dawson, as Chairman of the Public Facilities Committee nominated Mr. Zachary Curr, replacing Mr. Al Truesdale, and Mr. David Hamill, replacing Frank Emminger, to serve as members of the Seabrook Point Special Purpose Tax District.



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

## **PROCLAMATION**

### **Anti-Bullying Awareness Month**

Chairman Sommerville proclaimed October 2015 as Anti-Bullying Awareness Month. This declaration 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. Councilman Alice Howard, Jeff Alhoff, President, Rotary Club of the Lowcountry; Charlotte Gonzales, Past President, Rotary Club of the Lowcountry; and Lorraine Fess, Drama Department Director, Beaufort High School, accepted the proclamation.

## **PUBLIC COMMENT**

The Chairman recognized Ms. Valerie Althoff, Member Services Manager, Beaufort Regional Chamber of Commerce, who invited Council to attend a Forum to learn more about the Local Option Sales Tax (LOST) and the Capital Penny Tax (1% Sales Tax) referendums that are being considered as ballot items in November 2016. The Chamber will host the Forum on Tuesday, October 6, 2015 at the Hilton Garden Inn from 5:30 to 7:00 p.m.

Mr. Michael Zara, a resident of Sheldon, who owns 28 acres of marsh front property, emphasized the importance of Council passing the stormwater management utility rate study ordinance. The objective in the Comprehensive Plan was quite clear about this important piece of the puzzle to maintain clean water. He urged Council to reconsider a positive vote on this issue.

## **OLD BUSINESS / 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)**

**Motion to Renew:** It was moved by Mr. Fobes, seconded by Mr. Stewart, that Council renew the motion to approve an ordinance to amend the Stormwater Management Utility Ordinance as adopted August 22, 2005 to provide for the amendment of the rate structure, adjust utility rates, and to modify certain terms to accurately reflect the administration structure (to adopt Rate Structure E). The vote: YEAS – Mrs. Bensch, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. Rodman, Mr. Sommerville and Mr. Stewart. NAYS – Mr. Caporale, Mr. Dawson and Mr. McBride. ABSENT – Mr. Vaux. The motion passed.

**Main motion:** It was moved by Mr. Flewelling, as Chairman of the Natural Resources Committee (no second required), 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 the amendment of the rate structure, adjust utility rates, and to modify certain terms to accurately reflect the administration structure (to adopt Rate Structure E).

**Motion to amend by substitution:** It was moved by Mr. Rodman, seconded by Mr. McBride, that Council substitute Rate Structure F in place of Rate Structure E. The vote: YEAS – Mr. Rodman. NAYS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. McBride, Mr. Rodman, Mr. Sommerville and Mr. Stewart. ABSENT – Mr. Vaux. The motion failed.

**Vote on the main motion:** Council approve on third and final reading an ordinance to amend the Stormwater Management Utility Ordinance as adopted August 22, 2005 to provide for the amendment of the rate structure, adjust utility rates, and to modify certain terms to accurately reflect the administration structure (to adopt Rate Structure E). The vote: YEAS – Mrs. Bensch, Mr. Fobes, Mrs. Howard, Mr. Rodman, Mr. Sommerville and Mr. Stewart. NAYS – Mr. Caporale, Mr. Dawson, Mr. Flewelling and Mr. McBride. ABSENT – Mr. Vaux. The motion passed.

#### **RESOLUTION TO ACCEPT RURAL DEVELOPMENT ACT GRANT IN THE AMOUNT OF \$150,000 FOR MYRTLE PARK BUILDING**

It was moved by Mr. Stewart, seconded by Mr. Fobes, that Council adopt a resolution to accept a Rural and Development Act grant in the amount of \$150,000 for the Myrtle Park building. The vote: YEAS - Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville and Mr. Stewart. NAYS - Mrs. Bensch. ABSENT – Mr. Vaux. The motion passed.

#### **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.

**Main motion:** It was moved by Mr. Rodman, as Chairman of the Governmental Committee (no second required), that Council approve on second reading an ordinance to amend the Beaufort County Code of Ordinances, Chapter 14, Animals, Article II, Section 14.26 through Section 14.37.

**Motion to postpone:** It was moved by Mrs. Bensch, seconded by Mr. Caporale, that Council postpone consideration of second reading until the November 9, 2015 meeting of Council. The vote: YEAS – Mrs. Bensch. NAYS - Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville and Mr. Stewart. ABSTAIN – Mr. Caporale. ABSENT – Mr. Vaux. The motion failed.

**Vote on the main motion:** Council approve on second 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, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville and Mr. Stewart. NAYS – Mrs. Bensch. ABSENT – Mr. Vaux. The motion passed.

The Chairman announced a public hearing Monday, October 12, 2015, beginning at 6:00 p.m. in Council Chambers of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort, South Carolina.

### **CONSENT AGENDA**

#### **AN ORDINANCE TO APPROPRIATE \$64,600 FROM THE LOCAL (3%) ACCOMMODATIONS TAX FUND FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE DAUFUSKIE ISLAND PIER REHABILITATION PROJECT**

This item comes before Council under the Consent Agenda. Discussion occurred at the September 21, 2015 meeting of the Finance Committee.

It was moved by Mr. Flewelling, seconded by Mr. McBride, that Council approve on first reading an ordinance to appropriate \$64,600 from the local (3%) accommodations tax fund for construction management services for the Daufuskie Island Pier rehabilitation project. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville and Mr. Stewart. ABSENT – Mr. Vaux. The motion passed.

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

This item comes before Council under the Consent Agenda. Discussion occurred at the September 21, 2015 meeting of the Public Facilities Committee.

It was moved by Mr. Flewelling, seconded by Mr. McBride, that Council approve on first reading an ordinance to authorize the County Administrator to execute a quit claim deed for a portion of Lowen Drive, Port Royal Island, South Carolina. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville and Mr. Stewart. ABSENT – Mr. Vaux. The motion passed.

**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)**

This item comes before Council under the Consent Agenda. Discussion occurred at the September 21, 2015 meeting of the Public Facilities Committee.

It was moved by Mr. Flewelling, seconded by Mr. McBride, that Council approve on first reading 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 courts shall be abolished and its powers and duties devolved upon the Beaufort County Council subject to certain stated terms and conditions). The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville and Mr. Stewart. ABSENT – Mr. Vaux. The motion passed.

**U.S. HIGHWAY 278 OVERLAY COST SHARING WITH SCDOT / CHANGE ORDER BLUFFTON PARKWAY PHASE 5A SEGMENT 2 CONTRACT TOTALING \$544,873**

This item comes before Council under the Consent Agenda. Discussion occurred at the September 21, 2015 meeting of the Public Facilities Committee.

It was moved by Mr. Flewelling, seconded by Mr. McBride, that Council approve a change order to the Bluffton Parkway Phase 5A Segment 2 contract totaling \$544,873 and accept the SCDOT cost sharing proposal of \$250,000 for the full depth and resurfacing of the remaining portion of U.S. Highway 278 to Bowers Bridge. The source of funding is \$250,000 from SCDOT and \$294,873 from the Bluffton Parkway 5A Segment 2 Sales Tax, account 47010012-54500. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville and Mr. Stewart. ABSENT – Mr. Vaux. The motion passed.

**PUBLIC HEARINGS**

**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**

The Chairman opened a public hearing beginning at 6:01 p.m. for the purpose of receiving public comment on 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. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:02 p.m.

It was moved by Mr. Flewelling, seconded by Mr. McBride, that Council approve on third and final 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 – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville and Mr. Stewart. ABSENT – Mr. Vaux. The motion passed.

**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**

The Chairman opened a public hearing beginning at 6:03 p.m. for the purpose of receiving public comment on 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. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:04 p.m.

It was moved by Mr. Flewelling, seconded by Mr. McBride, that Council approve on third and final 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 – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville and Mr. Stewart. ABSENT – Mr. Vaux. The motion passed.

**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**

The Chairman opened a public hearing beginning at 6:05 p.m. for the purpose of receiving public comment on 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. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:04 p.m.

**Main motion:** It was moved by Mr. Rodman, as Chairman of the Governmental Committee (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 amend by substitution:** It was moved by Mr. Rodman, seconded by Mr. Flewelling, that Council substitute the South Carolina Code discount table in place of the Beaufort County discount table for the current structure. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville and Mr. Stewart. ABSENT – Mr. Vaux. The motion passed.

**Vote on the amended motion, which is now the main motion, and includes the motion to amend by substitution:** Council approve on second reading an ordinance to amend Ordinance 2006/24, Section 6, Paragraph B, Subparagraph 3c, Discount Table for Affordable Housing of the Development Impact Fee Procedures Ordinance to substitute the South Carolina Code discount table in place of the Beaufort County discount table for the current structure. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville and Mr. Stewart. ABSENT – Mr. Vaux. The motion passed.

### **MATTERS ARISING OUT OF EXECUTIVE SESSION**

#### **Barrel Landing Property**

Mr. Josh Gruber, Deputy County Administrator/Special Counsel, announced that the County has resolved its outstanding litigation with regards to the Barrel Landing property. That matter has been dismissed to the satisfaction of all parties. It will result in a certain small amount of cash payment with regards to the County for the property that was ultimately transferred to a private entity; but public access is still reserved and guaranteed by the agreement.

#### **PUBLIC COMMENT**

There were no requests to speak during public comment

#### **ADJOURNMENT**

Council adjourned at 6:20 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

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

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

Ratified:



## COMMUNITY SERVICES COMMITTEE

September 28, 2015

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

The Community Services Committee met Monday, September 28, 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

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

County staff: Ben Boswell, Human Services Alliance; Allison Coppage, Assistant County Attorney; Joshua Gruber, Deputy County Administrator/Special Counsel; Phil Foot, Assistant County Administrator–Public Safety; Tom Keaveny, County Attorney; Gary Kubic, County Administrator; Fred Leyda, Director, Human Services Alliance; Scott Marshall, Director, Parks and Leisure Services; and Monica Spells, Assistant County Administrator–Civic Engagement and Outreach.

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

Councilman William McBride chaired the meeting.

### ACTION ITEMS

- 1. Human Services Alliance Fiscal Year 2016 Grant Recommendations to Local Non-Profit Agencies in the Cumulative / Amount of \$598,000**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Discussion:** Mr. Fred Leyda, Director, Human Services Alliance, provided the Committee with a PowerPoint Presentation on the Fiscal Year 2016 grant recommendations to local non-profit agencies. The purpose of the grant process is to promote and sustain activities that improve the quality of life for all of Beaufort County residents. A total of 26 applications were received and evaluated using a competitive process by a diverse volunteer panel of community professionals. The recommendations are as follows:

Beaufort Jasper Economic Opportunity Commission	\$ 2,500
Beaufort Soil and Water Conservation District	\$ 18,000
Bluffton Self Help	\$ 5,000
Bluffton Jasper Volunteers in Medicine	\$ 15,000
Child Abuse Prevention Association (CAPA)	\$ 5,797
Coastal Empire Community Mental Health Center	\$ 55,000
Citizens Opposed to Domestic Abuse (CODA)	\$ 22,927
Good Neighbor Free Medical Clinic	\$ 15,200
Grant Writing and Match Funds	\$ 20,000
Heroes on Horseback	\$ 10,000
Hope Haven of the Lowcountry	\$ 15,000
Lowcountry Legal Volunteers	\$ 15,000
Neighborhood Outreach Connection	\$ 24,000
Palmetto Breeze Lowcountry Regional Transit Authority	\$210,000
Second Helpings	\$ 10,000
Abuse Prevention Coalition	\$ 18,000
Access Health Lowcountry	\$ 22,201
Adequacy of Prenatal Care Coalition	\$ 15,000
Community Services Organization	\$ 9,000
Disabilities Coalition	\$ 10,000
Beaufort County Early Childhood Coalition	\$ 15,625
Eat Smart, Move More Lowcountry	\$ 5,000
Lowcountry Affordable Housing Coalition	\$ 5,000
Mental Health Access Coalition	\$ 2,500
Partners for Adult Literacy	\$ 5,750
The Lending Room	\$ 1,500
The Literacy Center	\$ 10,000
Together for Beaufort County contract	\$ 10,000
Under One Roof	\$ 5,000
United Way of the Lowcountry Help Line	\$ 10,000
Volunteers in Medicine – Hilton Head Island	\$ 10,000
<b>Total</b>	<b>\$598,000</b>

**Motion:** It was moved by Mr. Dawson, seconded by Mr. Fobes, that Committee approve and recommend to Council approve the allocation of the Human Services Alliance FY 2016 grant funding to local non-profit agencies, in the total amount of \$598,000 as follows: Beaufort Jasper Economic Opportunity Commission \$2,500, Beaufort Soil and Water Conservation District \$18,000, Bluffton Self Help \$5,000, Bluffton Jasper Volunteers in Medicine \$15,000, Child Abuse Prevention Association \$5,797, Coastal Empire Community Mental Health Center \$55,000, Citizens Opposed to Domestic Abuse \$22,927, Good Neighbor Free Medical Clinic \$15,200; Grant Writing and Match Funds \$20,000, Heroes on Horseback \$10,000, Hope Haven of the Lowcountry \$15,000, Lowcountry Legal Volunteers \$15,000, Neighborhood Outreach Connection \$24,000, Palmetto Breeze Lowcountry Regional Transit Authority \$210,000, Second Helpings \$10,000, Abuse Prevention Coalition \$18,000, Access Health Lowcountry \$22,201, Adequacy of Prenatal Care Coalition \$15,000, Community Services Organization

\$9,000, Disabilities Coalition \$10,000, Beaufort County Early Childhood Coalition \$15,625, Eat Smart/Move More Lowcountry \$5,000, Lowcountry Affordable Housing Coalition \$5,000, Mental Health Access Coalition \$2,500, Partners for Adult Literacy \$5,750, The Lending Room \$1,500, The Literacy Center \$10,000, Together for Beaufort County contract \$10,000, Under One Roof \$5,000, United Way of the Lowcountry Help Line \$10,000, and Volunteers in Medicine (Hilton Head Island) \$10,000. The vote: YEAS – Mr. Dawson, Mr. Fobes, Mr. McBride. ABSTAIN – Mr. Caporale. ABSENT – Mr. Vaux. The motion passed.

**Recommendation:** Council appropriate the Human Services Alliance FY 2016 grant funding to local non-profit agencies, in the total amount of \$598,000 as follows: Beaufort Jasper Economic Opportunity Commission \$2,500, Beaufort Soil and Water Conservation District \$18,000, Bluffton Self Help \$5,000, Bluffton Jasper Volunteers in Medicine \$15,000, Child Abuse Prevention Association \$5,797, Coastal Empire Community Mental Health Center \$55,000, Citizens Opposed to Domestic Abuse \$22,927, Good Neighbor Free Medical Clinic \$15,200; Grant Writing and Match Funds \$20,000, Heroes on Horseback \$10,000, Hope Have of the Lowcountry \$15,000, Lowcountry Legal Volunteers \$15,000, Neighborhood Outreach Connection \$24,000, Palmetto Breeze Lowcountry Regional Transit Authority \$210,000, Second Helpings \$10,000, Abuse Prevention Coalition \$18,000, Access Health Lowcountry \$22,201, Adequacy of Prenatal Care Coalition \$15,000, Community Services Organization \$9,000, Disabilities Coalition \$10,000, Beaufort County Early Childhood Coalition \$15,625, Eat Smart/Move More Lowcountry \$5,000, Lowcountry Affordable Housing Coalition \$5,000, Mental Health Access Coalition \$2,500, Partners for Adult Literacy \$5,750, The Lending Room \$1,500, The Literacy Center \$10,000, Together for Beaufort County contract \$10,000, Under One Roof \$5,000, United Way of the Lowcountry Help Line \$10,000, and Volunteers in Medicine (Hilton Head Island) \$10,000.

## 2. Consideration of Reappointments and Appointments

- Alcohol and Drug Abuse Board

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Motion:** It was moved by Mr. Caporale, seconded by Mr. Fobes that Committee approve and recommend to Council the nomination of Ann Seppenfield to serve as a member of the Alcohol and Drug Abuse Board. This would be a four-year appointment, which would expire February 2019. The vote: YEAS –Mr. Caporale, Mr. Dawson, Mr. Fobes, Mrs. Howard and Mr. McBride. ABSENT – Mr. Vaux. The motion passed.

**Recommendation** Council nominate Ann Seppenfield to serve as a member of the Alcohol and Drug Abuse Board. This would be a four-year appointment, which would expire February 2019.

### 3. Consideration of Reappointments and Appointments

- **Library Board**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Motion:** It was moved by Mr. Sommerville, seconded by Mr. Dawson that Committee approve and recommend to Council the nomination of Deborah Johnson, representing Council District 2, to serve as a member of the Library Board. This would be a four-year appointment, which would expire February 2019. The vote: YEAS –Mr. Caporale, Mr. Dawson, Mr. Fobes, Mrs. Howard, and Mr. McBride. ABSENT – Mr. Vaux. The motion passed.

**Recommendation** Council nominate Deborah Johnson, representing Council District 2, to serve as a member of the Library Board. This would be a four-year appointment, which would expire February 2019.

### INFORMATION ITEMS

#### 4. **Parks and Recreation Department (PARD) Application to South Carolina Department of Parks, Recreation and Tourism for PARD Project in the Town of Bluffton**

##### **Draft Resolution for PARD Funds Vetting Process for the Annual Allocation of PARD Funds within the Municipalities and Beaufort County Unincorporated Areas**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Discussion:** Mr. Scott Marshall, Parks and Leisure Services Director, provided the Committee an overview of Parks and Recreation Department (PARD) funds – receipt of funding, expenditure, and processes. PARD grant program is a state funded non-competitive reimbursable grant program for eligible local government or special purpose district entities within each county which provide recreational opportunities. This program is an 80:20 reimbursable match program to be used for permanent improvements to public park and recreation facilities. The PARD funds are generated from bingo taxes collected from July 1 through June 30 of each fiscal year.

Mr. Marshall informed the Committee of the desire to establish a new distribution of funds process at the local level. Currently, the dollar amounts received from the Program are distributed (by percentage of population) between Beaufort County and each of the municipalities. This is not the best use of the funds and it would be more beneficial to institute a vetting process for the annual allocation of funds. Beaufort County's current funding level is as follows:

- FY 2014 awarded amount of \$42,000
- FY 2015 awarded amount of \$42,000
- FY 2016 awarded amount of \$28,000

To date a resolution defining the vetting process for such allocation has been drafted. Moving forward, the vetting process will need to be reviewed with the municipalities. He hopes to bring forth a resolution for Council's consideration in the near future.

Mr. Marshall informed the Committee of a request from the Town of Bluffton for the use of \$48,000 in PARD funds for the synthetic turfing of DuBois Park.

**Status:** Informational only.

#### **5. Consideration of Reappointments and Appointments**

- **Disabilities and Special Needs Board**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Status:** There were no nominations to bring forward at this time.

#### **6. Off Agenda / New Business**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Discussion:** County Administrator, Gary Kubic, provided the Committee with a brief recap of his meeting with Chancellor Al M. Panu, University of South Carolina-Beaufort.

**Status:** Informational only.

## EXECUTIVE COMMITTEE

September 9, 2015

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

The Executive Committee met Wednesday, September 9, 2015 beginning at 2:00 p.m. in the Executive Conference Room of the Administration Building, Beaufort County Government Robert Small Complex, 100 Ribaut Road, Beaufort, South Carolina.

### ATTENDANCE

Chairman Jerry Stewart and members Gerald Dawson, Brian Flewelling and William McBride. Committee member Stu Rodman participated telephonically. Non-Committee members Cynthia Bensch, Rick Caporale, Steven Fobes and Alice Howard present.

County staff: Allison Coppage, Assistant County Attorney; Joshua Gruber, Assistant County Administrator/Special Counsel; Thomas Keaveny, County Attorney; and Gary Kubic, County Administrator.

City of Beaufort: Mayor Billy Keyserling and City Manager Bill Prokop.

Town of Bluffton: Mayor Lisa Sulka and Town Manager Marc Orlando.

Town of Hilton Head Island: Town Manager Steve Riley.

Town of Port Royal: Mayor Samuel Murray, Councilman Tom Kline and Town Manager Van Willis.

Media: Lolita Huckaby, *Lowcountry Inside Track*, and Scott Thompson, *Bluffton Today*.

Public: Jean Beck, Executive Vice President, Hilton Head Association of Realtors; Bill Bootle, Commission Vice-Chairman, Technical College of the Lowcountry, Richard Gough, President, Technical College of the Lowcountry; and Jocelyn Staigar, Government Affairs Director, Hilton Head Association of Realtors.

Councilman Jerry Stewart chaired the meeting.

### INFORMATION ITEMS

#### **1. Discussion / Local Option Sales Tax**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)



**Discussion:** Mayor Lisa Sulka stated the Mayors have similar frustrations and have had discussions about how their towns are doing, what they can do better, what they are doing, and why reinvent the wheel. Support for the local option sales tax (LOST) came from all four town councils as a tool to fund small capital project needs. All but seven counties in South Carolina have a local option sales tax.

Local Option Sales Tax was established by Act 391 in 1990. It is a one-percent tax levied on sales within the county. Under state law, the local option sales tax must be put to countywide referendum. If approved, there is a formula for sharing the tax revenues with municipalities within the county. The formula is based on the population of each municipality and where the sales tax was collected (within municipal limits or in the unincorporated county). By law, the local option sales tax question must appear on a countywide ballot the Tuesday following the first Monday in November. Once on the ballot, a majority of votes is required to pass the tax. The collection would begin in May of the following year. If the sales tax referendum fails, it cannot be placed on the ballot again for 12 months.

Town of Bluffton: Bluffton has a lot of needs that will make its community and citizens very happy – lighting, sidewalks, Oyster Factory Park improvements, heritage tourism, etc. Bluffton never spends taxpayer monies, but rather grant money. LOST provides some tax relief and there is some tax relief to our businesses. We have a good relationship with our taxpaying citizens who will trust us to do what is right with the added revenue. If we had LOST, our capital projects would be taken care off.

City of Beaufort: The idea of a local option sales tax (tax credit) is going to be more attractive and will meet the need of short-term programs as we gather, over time, to develop a countywide capital improvement program that is inclusive. This is not the time to be building bigger things that we do not have the money to take care of nor is the state going to maintain. We have to focus on making sure that our infrastructure is in place, then, brace financially for what next we may hear from the State Legislature.

Town of Port Royal: If the proposed legislation that would cap how much towns and cities can charge for business license fees is adopted, it will have a negative impact on funding the Fire Department since one-third of the Town's revenue is generated from business license fee collections.

Town of Hilton Head: The concern with LOST is that it is a tax that a group of taxpayers pay and the beneficiary of the rollback does not necessarily flow to those same beneficiaries. The formulas probably do not benefit the Town to the degree that our contribution is going in. At this point there is not a whole lot of support for being an active proponent of it.

Ms. Jean Beck, Executive Vice President, Hilton Head Association of Realtors, asked for support of H.3562 - Local Option School Operating Millage Property Tax Credit Act "so as to allow a county governing body with referendum approval to impose a one percent sales tax the revenue of which is used to provide a credit against property tax levied in the county for school

operations.” Both County Council and Board of Education has adopted resolutions in support of H.3562.

H.3562 has successfully passed the House. Senator Davis will support the Association and try to get it through the Senate. The reason the Association is supporting H.3562: There are businesses that have, turned away, because of the unfair tax burden on them. A gross number of properties have changed from 6% to 4%. Investors have turned away and gone elsewhere. There is the volatility of flood insurance -- commercial and non-primary homeowners will see a 25% increase in their rate until it reaches the actual actuarial rate. Primary homeowners this year received a \$25 fee on their flood increase, but non-primary homeowners have received \$250. H.3562 may be an option to help economic development and small businesses as well. Please continue to support this bill.

**Status:** This item is presented for discussion purposes only. No action is required of the Executive Committee.

## **2. Presentation / Technical College of the Lowcountry**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Discussion:** Mr. Richard Gough, President, Technical College of the Lowcountry, gave a PowerPoint presentation on technical education and a workforce development proposal. Mr. Gough reviewed the Technical College of the Lowcountry (TCL) mission, vision, campus size, programs, service area, governance, accreditation, industry certification and placement. TCL hopes to take over the Beaufort-Jasper Academy for Career Excellence (ACE) by capitalizing on programs that TCL does not offer – culinary arts and welding. ACE would still have the ability to provide a quality, practical education to students as well as a stream of skilled workers to local industries. The Beaufort County School District is downsizing ACE over the next two years with a goal of moving its 475 students to high schools by 2017. TCL would not continue running ACE as a high school, it could offer dual-enrollment programs that would provide students with both high school and college credits. All graduates would receive a license or credential in their respective field.

Next Steps:

- Complete Joint ACE transition team study
- Obtain buy-in from the Beaufort County School District
- Revise the 1975 Joint Resolution between Jasper and Beaufort County Councils
- Obtain buy-in from the County Legislative Delegation
- Establish legislative governance.

**Status:** This item is presented for information purposes only. No action is required of the Executive Committee.

## FINANCE COMMITTEE

September 21, 2015

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

The Finance Committee met Monday, September 21, 2015 beginning at 1:30 p.m. in the Conference Room of Building 3, Beaufort Industrial Village, 104 Industrial Village Road, Beaufort, South Carolina.

### ATTENDANCE

Chairman Jerry Stewart, Vice Chairman Steve Fobes and members Cynthia Bensch, Rick Caporale, Brian Flewelling, William McBride and Stu Rodman. Non-committee members Gerald Dawson and Alice Howard 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; Tony Criscitiello, Planning Director; Joshua Gruber, Deputy County Administrator/Special Counsel; Tom Keaveny, County Attorney; Gary Kubic, County Administrator; Alicia Holland, CPA, Assistant County Administrator–Finance; and Dave Thomas, Purchasing Director.

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

Public: Dick Stewart, developer, Whitehall Plantation property; and Steve Tully, developer, Whitehall Plantation property.

Councilman Stewart chaired the meeting.

### ACTION ITEM

#### **1. An Ordinance to Appropriate \$64,600 from the Local (3%) Accommodations Tax Fund for Construction Management Services for the Daufuskie Island Pier**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Discussion:** The ordinance before the committee would appropriate \$64,600 from the local (3%) accommodations tax fund for the construction management services for the Daufuskie Island Pier rehabilitation program.

**Motion:** It was moved by Mr. Flewelling, seconded by Mr. Fobes, that Committee approve and recommend Council approve on first reading an ordinance to appropriate \$64,600 from the local (3%) accommodations tax fund to pay for the construction management services

for the Daufuskie Island Pier rehabilitation project. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Flewelling, Mr. Fobes, Mr. McBride, Mr. Rodman, Mr. Sommerville and Mr. Stewart. The motion passed.

**Recommendation:** Council approve on first reading an ordinance to appropriate \$64,600 from the local (3%) accommodations tax fund to pay for the construction management services for the Daufuskie Island Pier rehabilitation project.

## **INFORMATION ITEMS**

### **2. Consideration of Contract Award**

- Request for Qualifications for Arborist Services for Beaufort County**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Discussion:** Mr. Dave Thomas, Purchasing Director, reviewed this item with the Committee. Beaufort County, in partnership with the Town of Hilton Head Island (Town), issued a Request for Qualifications to firms capable of providing professional arborist services to represent both parties during the upcoming tree removal project at the Hilton Head Island Airport. The selected arborist will assist the County and Town in performing our oversight/monitoring of the contractor hired to trim, cut and remove selected trees at the airport. The County received four responses, and an evaluation committee interviewed the top two firms, and recommended Preservation Tree, LLC, of Lady's Island, South Carolina for contract award. Funding of the contract is 90% FAA Grants (31 and 38), 5% South Carolina Aeronautics Commission, 2.5% Beaufort County, and 2.5% Town of Hilton Head Island.

**Motion:** It was moved by Mr. Rodman, seconded by Mr. Fobes, that Committee award a contract to Preservation Tree, LLC in the amount of \$80,000 to provide arborist services at the Hilton Head Island Airport. The source of funding is 90% FAA Grants (31 and 38), 5% South Carolina Aeronautics Commission, 2.5% Beaufort County, and 2.5% Town of Hilton Head Island. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Flewelling, Mr. Fobes, Mr. McBride, Mr. Rodman, and Mr. Stewart. The motion passed.

**Status:** Committee awarded a contract to Preservation Tree, LLC in the amount of \$80,000 for Arborist Services. Funding of the contract is 90% FAA Grants (31 and 38), 5% South Carolina Aeronautics Commission, 2.5% Beaufort County, and 2.5% Town of Hilton Head Island.

### **3. Consideration of Contract Award**

- Construction Management Services for Daufuskie Island Pier Rehabilitation**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Discussion:** Mr. Dave Thomas, Purchasing Director, reviewed this item with the Committee. Beaufort County issued a Request for Proposals from qualified firms to provide Engineering Management (EM)/Construction Management (CM) and inspection services for the following seven County capital improvements projects: Spanish Moss Trail Phase 2, Broad River Fishing Pier Rehabilitation, Daufuskie Island Pier Rehabilitation, Perryclear Bridge Design-Build Replacement, County Dirt Road Paving Contract 49, Animal Shelter and Control Facility, and Buckwalter Regional Park Community Center Phase 2 Expansion. On August 17, 2015 the Public Facilities Committee was presented the recommendation for Construction Management and Engineering Inspection services for the projects listed. The committee requested that the award recommendation for the Spanish Moss Trail Phase 2, Broad River Fishing Pier Rehabilitation and the Daufuskie Island Pier Rehabilitation be presented to the Finance Committee since the funding source for these three projects is the County's local (3%) accommodations tax. The project budget for the Daufuskie Island Pier Rehabilitation is \$412,500.

**Motion:** It was moved by Mr. Fobes, seconded by Mr. Flewelling, that Committee award a contract to F&ME Consultants for the construction management and engineering inspection services for the Daufuskie Island Fishing Pier Rehabilitation for a total contract amount of \$64,600. Funding will come from local (3%) accommodations tax, river beach access. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Flewelling, Mr. Fobes, Mr. McBride, Mr. Rodman and Mr. Stewart. The motion passed.

**Recommendation:** Committee awarded a contract to F&ME Consultants for the construction management and engineering inspection services for the Daufuskie Island Fishing Pier Rehabilitation for a total contract amount of \$64,600. Funding will come from local (3%) accommodations tax, river beach access.

#### **4. Presentation / Arts Center of Coastal Carolina**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Discussion:** Mr. Richard Speer, Chairman, Board of Trustees, Arts Center of Coastal Carolina, presented the Committee with a PowerPoint presentation on the Fact, Fiction and Future of the Arts Center. The Arts Center (Center) was built nearly 20 years ago at a cost of approximately \$10 million, without the usual municipal or university affiliations. Today there are 13 other performing arts centers in South Carolina, all with university and/or municipal support for both facility and operating costs. Through August, the Center has produced 108 plays, presented 249 performing artists, held 3,682 total performances, and supported 64 free community festivals. The Center produces plays and musicals as well as presents other artists, community festivals and educational outreach. Producing contributes \$500,000+ to support operations costs, while presenting artists generates a contribution of \$90,000 to \$100,000 annually. The Center's financial performance was reviewed by the Committee. Highlighted was the Arts Now Campaign's \$500,000+ in such a tough economic recession. The Victorship

Economic Impact (\$15,011,847), as well as the Organization and Resident Economic Impact (\$8,446,519) were reviewed with the Committee. This totaled \$23,458,366 for 2013-2014.

Mr. Speers provided an overview of the Center's 2014-2015 Program Calendar which included 6 plays/musicals (131 performances), 11 presenting series events (13 performances), 3 outreach festivals, 6 summer art camps, and ongoing gallery exhibits. Donor information, as well as the Arts Center's patron profile was provided to the Committee.

The Arts Center of Coastal Carolina is asking the following tasks to occur::

- Conduct a study of the economic impact of the Arts
- Retain a consultant to develop an evaluation of construction and operating costs for a performance/concert hall
- Identify potential ongoing arts funding sources and capacity.

**Status:** Informational purposes only.

#### **5. Presentation / Friends of Fort Fremont**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Discussion:** Mr. Tony Criscitiello, Planning Director, reviewed this item with the Committee. The plans for the design of the Interpretive Center at Fort Fremont have been completed and are currently under review by staff. The project estimate is \$300,000 to \$400,000 depending on whether or not the plans will include a pavilion, which is currently in question. An archeological investigation is underway to review whether or not any of the construction will interfere with archeology on the site. Following completion, the project can be put out for bid.

**Status:** Informational purposes only.

#### **6. Update / Available 2016 Accommodations (2% State) Tax Monies**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Discussion:** Mrs. Alicia Holland, CPA Assistant County Administrator-Finance, reviewed this item with the Committee. She provided a spreadsheet that demonstrated the unaudited and preliminary fund balance as of June 30, 2015 and the Fiscal Year 2016 projected revenues. The projected fund balance for June 30, 2016 is \$726,142 which includes the repayment of the first \$50,000 of the \$200,000 transfer from the Hospitality Tax Fund, as approved by County Council in Fiscal Year 2015 (\$200,000 is to be divided based on four equal annual repayments).



**Motion:** It was moved by Mr. Rodman, seconded by Mr. Flewelling, that Committee approve the allocation of \$500,000 to the Accommodations (2% State) Tax Board for FY 2016 grant awards to tourist-related organizations. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Flewelling, Mr. Fobes, Mr. McBride, Mr. Rodman, and Mr. Stewart. The motion passed.

**Status:** Committee allocated \$500,000 to the Accommodations (2% State) Tax Board for FY 2016 grant awards to tourist-related organization.

#### **7. Whitehall Plantation Property Request for Creation of Multi-County Industrial Park (MCIP)**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

Mrs. Howard recused herself, left the room, and was not present for any of the discussion regarding a request from the developers to create a multi-county industrial park for the Whitehall Plantation property located on Lady's Island.

**Discussion:** Mr. Joshua Gruber, Deputy County Administrator / Special Counsel, reviewed this item with the Committee. The County was asked to review the request from the developers of Whitehall Plantation property to enter into a public-private partnership for the financing and development of a park on the tip of the peninsula portion of this property. Staff has reviewed the request, and recommends the County be in favor of supporting the development of recreational amenities on this park parcel, primarily the boardwalk and the pier. Staff does not support the development of the infrastructure of the subdivision.

Mr. Bill Prokop, Manager, City of Beaufort, expressed the City's support for the overall project. The City has not made any formal decisions relative to funding; but, will speak again on the project in the near future.

Schematics were provided to the Committee for review and continued discussions between the Committee and developers of Whitehall Plantation ensued.

**Status:** Information only.

## NATURAL RESOURCES COMMITTEE

October 5, 2015

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

The Natural Resources Committee met Monday, October 5, 2015 beginning at 3:00 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 and Tabor Vaux present. Committee member Jerry Stewart absent.

County Staff: Allison Coppage, Assistant County Attorney; Tony Criscitiello, Planning Director; Joshua Gruber, Deputy County Administrator/Special Counsel; Thomas Keaveny, County Attorney; Gary Kubic, County Administrator; and Rob Merchant, Long-Range Planner.

Public: Sallie Bridgwater, Member, Southern Beaufort County Corridor Beautification Board; Glen Stanford, Member, Southern Beaufort County Corridor Beautification Board; and Stephen Wilson, Chairman, Southern Beaufort County Corridor Beautification Board.

Media: Joe Croley, *Lowcountry Inside Track*.

Mr. Flewelling chaired the meeting.

### ACTION ITEMS

- 1. Lady's Island Zoning Map Amendment for R200 015 000 0165 0000, R200 015 000 0169 0000, R200 015 000 0721 0000, R200 015 000 0820 0000, R200 015 000 0866 0000, R200 015 000 0867 0000, R200 015 000 0868 0000, R200 015 000 0869 0000, R200 015 000 0870 0000, R200 015 000 0871 0000, R200 015 000 0872 0000, R200 015 000 0873 0000, R200 015 000 0874 0000, R200 015 000 0875 0000 (14 parcels totaling 9.5 acres, south side of Sea Island Parkway between Lady's Island Commons and Youmans Road) from T4-HC (Hamlet Center) to T4-HCO (Hamlet Center Open); Applicant: County Planning Staff**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Discussion:** As part of the development of the Beaufort County Community Development Code (CDC), the County changed the zoning of the business district on Lady's

Island. The original zoning designation of properties along Sea Island Parkway was "Lady's Island Village Center" which allowed for a wide range of commercial land uses and pedestrian friendly development with buildings addressing the street. For this reason, as the County was developing its new code, this portion of Lady's Island was determined to be a good location to apply the transect zones to continue the goals of promoting pedestrian friendly development. The transect zones were mapped during a charrette held in December 2011 and refined by the Lady's Island Community Preservation Committee.

The original intention of the delineation of the districts was to taper off the intensity of the zoning as development moved back from Sea Island Parkway. Therefore, the zoning along U.S. Highway 21 at the Lady's Island Shopping Center is T4 Hamlet Center Open with the interior lots zoned T4 Hamlet Center (T4-HC). T4-HC is more restrictive and limits retail and office uses to 3,500 square feet. However, the property owner brought to the attention of the Planning Department that the Lady's Island Shopping Center buildings crossed parcel boundaries, rendering the shopping center split zoned. Since it is the intention of the owner to eventually redevelop the shopping center, the owner did not want to be encumbered by the split zoning and the restrictions placed by T4HC. After further analysis, it was also determined that the building occupied by Seaside Vineyard (formerly Lady's Island Cinema) would be restricted by the T4HC zoning if it ever were to be converted to a retail or office use because of the size restriction. The Planning Department brought this map issue to the attention of the Lady's Island Community Preservation Committee that recommended the map change of T4 Hamlet Center (T4-HC) to T4 Hamlet Center Open (T4-HCO). The Planning Staff, as well as the Planning Commission approve and recommend the map amendments.

Mr. Rob Merchant, Planner, provided the Committee with maps demonstrating existing versus proposed zoning.

**Motion:** It was moved by Mr. McBride, seconded by Mrs. Howard, that Natural Resources Committee approve and recommend Council approve on first reading a Lady's Island Zoning Map amendment for R200 015 000 0165 0000, R200 015 000 0721 0000, R200 015 000 0820 0000, R200 015 000 0866 0000, R200 015 000 0867 0000, R200 015 000 0868 0000, R200 015 000 0869 0000, R200 015 000 0870 0000, R200 015 000 0871 0000, R200 015 000 0872 0000, R200 015 000 0873 0000, R200 015 000 0874 0000, R200 015 000 0875 0000 (13 parcels totaling 8.75 acres, South Side of Sea Island Parkway between Lady's Island Commons and Youmans Road) from T4-HC (Hamlet Center) to T4-HCO (Hamlet Center Open). The vote: YEAS – Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, and Mr. Vaux. ABSENT – Mr. Stewart. The motion passed.

**Recommendation:** Council approve on first reading a Lady's Island Zoning Map amendment for R200 015 000 0165 0000, R200 015 000 0721 0000, R200 015 000 0820 0000, R200 015 000 0866 0000, R200 015 000 0867 0000, R200 015 000 0868 0000, R200 015 000 0869 0000, R200 015 000 0870 0000, R200 015 000 0871 0000, R200 015 000 0872 0000, R200 015 000 0873 0000, R200 015 000 0874 0000, R200 015 000 0875 0000 (13 parcels totaling 8.75 acres, South Side of Sea Island Parkway between Lady's Island Commons and Youmans Road) from T4-HC (Hamlet Center) to T4-HCO (Hamlet Center Open).

2. **Lady's Island Zoning Map Amendment for R200 015 000 111G 0000, R200 015 000 0114 0000, R200 015 000 114B 0000, R200 015 000 114C 0000, R200 015 000 114D 0000, and R200 015 000 0638 0000 – North of Sea Island Parkway; R200 018 00A 0147 0000, R200 018 00A 0148 0000, R200 018 00A 0149 0000, R200 018 00A 0150 0000, R200 018 00A 0161 0000, R200 018 00A 0162 0000, R200 018 00A 0163 0000, R200 018 00A 0192 0000, R200 018 00A 0193 0000, and R200 018 00A 0248 0000 – South Of Sea Island Parkway (16 Parcels Totaling 19 Acres, North And South Sea Island Parkway Between Gay Drive And Dow Road) From T3-N (Neighborhood) and T3-HN (Hamlet Neighborhood) to T4-NC (Neighborhood Center) and T4-HCO (Hamlet Center Open); Applicant: County Planning Staff**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Discussion:** As part of the development of the Beaufort County Community Development Code (CDC), the County changed the zoning of the business district of Lady's Island. The original zoning designation of properties along Sea Island Parkway was "Lady's Island Village Center" which allowed for a wide range of commercial land uses and pedestrian friendly development with buildings addressing the street. For this reason, as the County was developing its new code, this portion of Lady's Island was determined to be a good location to apply the transect zones to continue the goals of promoting pedestrian friendly development. The transect zones were mapped during a charrette held in December 2011 and refined by the Lady's Island Community Preservation Committee.

The original intention of the delineation of the districts was to taper off the intensity of the zoning on both sides Sea Island Parkway as it approached the marshes of Little Capers Creek east of the Lady's Island Middle School. However, the Planning Department was approached by a property owner, who had commercial zoning under the former zoning ordinance, but was now restricted to primarily residential uses with T3 Hamlet Neighborhood in the new Code. In addition, several existing businesses in the area were rendered non-conforming, including Mother Earth Nursery, Island Flooring, and Tidewatch. This was brought to the attention of the Lady's Island Community Preservation Committee and they recommended revising the zoning to ensure that all of the property owners, who were originally zoned Lady's Island Village Center, will have a compatible commercial zoning district in the new code (T4 Hamlet Center Open and T4 Neighborhood Center). The Planning Staff, as well as the Planning Commission approved and recommended correcting the official zoning map from T3 Hamlet Neighborhood and T3 Neighborhood to T4 Hamlet Center Open and T4 Neighborhood Center.

Mr. Rob Merchant, Planner, provided the Committee with maps demonstrating existing versus proposed zoning.

**Motion:** It was moved by Mr. Vaux, seconded by Mr. Fobes, that Natural Resources Committee approve and recommend Council approve on first reading a Lady's Island Zoning Map amendment for R200 015 000 111G 0000, R200 015 000 0114 0000, R200 015 000 114B 0000, R200 015 000 114C 0000, R200 015 000 114D 0000, and R200 015 000 0638 0000 – North Of Sea Island Parkway; R200 018 00A 0147 0000, R200 018 00A 0148 0000, R200 018 00A 0149 0000, R200 018 00A 0150 0000, R200 018 00A 0161 0000, R200 018 00A 0162 0000, R200 018 00A 0163 0000, R200 018 00A 0192 0000, R200 018 00A 0193 0000, and R200 018 00A 0248 0000 – South of Sea Island Parkway (16 parcels totaling 19 acres, north and south Sea Island Parkway between Gay Drive and Dow Road) from T3-N (Neighborhood) and T3-HN (Hamlet Neighborhood) to T4-NC (Neighborhood Center) and T4-HCO (Hamlet Center Open). The vote: YEAS – Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, and Mr. Vaux. ABSENT – Mr. Stewart. The motion passed.

**Recommendation:** Council approve on first reading a Lady's Island Zoning Map amendment for R200 015 000 111G 0000, R200 015 000 0114 0000, R200 015 000 114B 0000, R200 015 000 114C 0000, R200 015 000 114D 0000, and R200 015 000 0638 0000 – North Of Sea Island Parkway; R200 018 00A 0147 0000, R200 018 00A 0148 0000, R200 018 00A 0149 0000, R200 018 00A 0150 0000, R200 018 00A 0161 0000, R200 018 00A 0162 0000, R200 018 00A 0163 0000, R200 018 00A 0192 0000, R200 018 00A 0193 0000, and R200 018 00A 0248 0000 – South of Sea Island Parkway (16 parcels totaling 19 acres, north and south Sea Island Parkway between Gay Drive and Dow Road) from T3-N (Neighborhood) and T3-HN (Hamlet Neighborhood) to T4-NC (Neighborhood Center) and T4-HCO (Hamlet Center Open).

**3. Text Amendments to Articles 2, 3, 4, 5, 6, 7, and 10 of the Community Development Code as a Result of the Six-Month Review of the Newly Adopted Code; Applicant: County Planning Staff**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Discussion:** Mr. Rob Merchant, Planner, reviewed this item with the Committee. When County Council adopted the Community Development Code (CDC) on December 8, 2014, the motion included a six-month and one-year evaluation of the Code as a condition of approval. Since the adoption of the CDC, staff has learned of both minor and major corrections that should be made to the ordinance based on application and enforcement of the Code. A summary of these changes was presented to the Natural Resources Committee meeting on June 1, 2015 as part of the six-month review of the Code. At that time, the Committee approved the summary and directed staff to bring any necessary amendments forward.

To help navigate through this list of amendments, they have been categorized with the major changes first and minor fixes at the end of the document. The amendments are divided into the following categories:

- **Transect Zone Amendments:** These include amendments to transect zones and related provisions, such as the Traditional Community Plan, which promote mixed-use walkable communities. Since the transect zones are a prominent feature in the new Code, it is in the County's best interest to ensure that the districts are utilized and do not present unnecessary barriers to development.

- **Sign Amendments:** These are changes to the sign requirements in Division 5.6.

- **Use Amendments:** These are amendments to the Use Table (Section 3.1.60), the Land Use Definition Table (Section 3.1.70), and Specific to Use Standards (Division 4.1).

- **Corrections, Clarifications, and provisions from the ZDSO:** These are minor amendments that do not change the substance of the Code. They include mistakes found in the Code, such as incorrect building setbacks, or references to provisions that were removed from the Code (*e.g.* Plat Vacation). They also include clarifications, which are changes in wording that aid in the understanding of the requirements. Finally, some of the changes being brought forward were provisions that were in the former ZDSO and did not make it into the final draft of the CDC.

The Planning Commission recommended deleting R200 015 000 0169 0000 from the rezoning action.

Full details of the amendments were conveyed to and discussed in depth by the Committee.

**Motion:** It was moved by Mr. Fobes, seconded by Mr. Vaux, that Natural Resources Committee approve and recommend Council approve on first reading text amendments to the Beaufort County Community Development Code (CDC), Articles 2, 3, 4, 5, 6, 7, and 10 (Transect Zone Amendments; Sign Amendments, Division 5.6; Use Amendments: Use Table, Section 3.1.60, Land Use Definition Table, Section 3.1.70, and Specific to the Use Standards, Division 4.1; Corrections, Clarifications and Provisions from the Zoning and Development Standards Ordinance). The vote: YEAS – Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, and Mr. Vaux. ABSENT – Mr. Stewart. The motion passed.

**Recommendation:** Council approve on first reading text amendments to the Beaufort County Community Development Code (CDC), Articles 2, 3, 4, 5, 6, 7, and 10 (Transect Zone Amendments; Sign Amendments, Division 5.6; Use Amendments: Use Table, Section 3.1.60, Land Use Definition Table, Section 3.1.70, and Specific to the Use Standards, Division 4.1; Corrections, Clarifications and Provisions from the Zoning and Development Standards Ordinance).

#### **4. Off Agenda**

- **Resolution / Landscaping U.S. Highway 278 Median at the Belfair Segment**
- **Resolution / Landscaping and Median Maintenance at Tanger Outlets I and II**

**Motion:** It was moved by Mrs. Howard seconded by Mr. Fobes, that Natural Resources Committee take up an off agenda item regarding two separate resolutions pertaining to the landscaping of U.S. Highway 278 median at Belfair segment and landscaping and median



maintenance at Tanger Outlets I and II. The vote: YEAS – Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, and Mr. Vaux. ABSENT – Mr. Stewart. The motion passed.

**Discussion:** Mr. Tony Criscitiello, Planning Director, reviewed this item with the Committee. The Southern Beaufort County Corridor Beautification Board has presented the Committee with two resolutions:

Resolution 1 (Belfair): A resolution that advises County Council of the Board's finding that the installation of plants and materials at the Belfair segment of Highway 278 is not in accordance with the Landscape Plan contained in Exhibit E of the Memorandum of Understanding between Beaufort County and the Belfair Property Owners' Association on October 28, 2014 or the Highway 278 Landscape Master Plan adopted by County Council.

Resolution 2 (Tanger Outlets I and II): A resolution that advises County Council to accept a cash settlement of no less than \$323,865 from Tanger Outlets (Bluffton) to cover the cost to landscape and maintain the Highway 278 median between Tanger I and Tanger II, and upon receipt of such payment to release Tanger Outlets from its obligation to landscape that median.

Mr. Joshua Gruber, Deputy County Administrator / Special Counsel, presented the Committee with the legal overview of the Board's request as it relates to the cash settlement with Tanger Outlet. He also informed the Committee of staff's support of the Board's recommendations.

Mr. Gary Kubic, County Administrator, commented that his position is to accept the proposal offered by Tanger Outlet.

**Motion (Belfair):** It was moved by Mr. Vaux, seconded by Mr. Fobes, that Natural Resources Committee approve and recommend forwarding to Council for review and staff action to resolve the discrepancy of the landscape plan as adopted by the SCDOT encroachment permit (landscaping of the U.S. Highway 278 median in southern Beaufort County at the Belfair segment of U.S. Highway 278). The vote: YEAS – Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, and Mr. Vaux. ABSENT – Mr. Stewart. The motion passed.

**Motion (Tanger Outlets I and II):** It was moved by Mr. Dawson, seconded by Mr. McBride, that Natural Resources Committee approve and recommend forwarding the resolution from the Southern Beaufort County Corridor Beautification Board to Council for review and direction to staff to implement the Development Agreement pertaining to Tanger Outlets I and II (acceptance of the payment of \$323,865 for the installation and maintenance of the U.S. Highway 278 highway medians between Tanger Outlets I and II). The vote: YEAS – Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, and Mr. Vaux. ABSENT – Mr. Stewart. The motion passed.



**Recommendation 1 (Belfair):** Council review and staff take action to resolve the discrepancy of the landscape plan as adopted by the SCDOT encroachment permit (landscaping of the U.S. Highway 278 median in southern Beaufort County at the Belfair segment of U.S. Highway 278).

**Recommendation 2 (Tanger Outlet):** Council review and direct staff to implement the Development Agreement pertaining to Tanger Outlets I and II (acceptance of the payment of \$323,865 for the installation and maintenance of the U.S. Highway 278 highway medians between Tangers I and II).

#### 5. Off Agenda

- **Community Development Code, Section 3.2.100.E (T4 Hamlet Center) and Section 3.3.30C, (Neighborhood Mix-Use Zone) to Establish a Height Limit of 35 Feet for Institutional Buildings**

**Motion to hear off-agenda item:** It was moved by Mr. Vaux, seconded by Mr. Dawson, that Natural Resources Committee take up an off agenda item regarding text amendments to the Community Development Code, Section 3.2.100.E (T4 Hamlet Center) and Section 3.3.30C, (Neighborhood Mix-Use Zone) to establish a height limit of 35 feet for institutional buildings. The vote: YEAS – Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, and Mr. Vaux. ABSENT – Mr. Stewart. The motion passed.

**Discussion:** Mr. Tony Criscitiello, Planning Director, presented this item to the Committee. This text amendment deals with the building height of institutional buildings and affects the University of South Carolina–Beaufort (Gateway Campus) moving forward with the construction of dormitories. The proposed text amendments would change the height regulation from 2.5 stories to the height of 35 feet above grade. Approval of these text amendments would eliminate the USC-Beaufort’s need to obtain a special use permit through the Zoning Board of Appeals.

**Motion:** It was moved by Mrs. Howard, seconded by Mr. McBride, that Natural Resources Committee approve and recommend Council approve on first reading Section 3.2.100.E (T4 Hamlet Center) and Section 3.3.30C, (Neighborhood Mix-Use Zone) to establish a height limit of 35 feet for institutional buildings. The vote: YEAS – Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, and Mr. Vaux. ABSENT – Mr. Stewart. The motion passed.

**Recommendation:** Council approve on first reading text amendments Section 3.2.100.E (T4 Hamlet Center) and Section 3.3.30C, (Neighborhood Mix-Use Zone) to establish a height limit of 35 feet for institutional buildings.

**INFORMATION ITEM**

**6. Presentation / Volume Sensitivity Study (The Salinity Study) / South Carolina Department of Natural Resources**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Status:** Due to current weather conditions throughout the State of South Carolina and the associated travel of the representatives from the Columbia Office of Department of Natural Resources, this item has been delayed until the November 2, 2015 meeting of the Natural Resources Committee.

DRAFT

## PUBLIC FACILITIES COMMITTEE

September 21, 2015

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

The Public Facilities Committee met Monday, September 21, 2015 beginning at 4:00 p.m., in the Conference Room of Building 3, Beaufort Industrial Village, 104 Industrial Village Road, Beaufort, South Carolina.

### ATTENDANCE

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

County Staff: Andrea Atherton, CIP Construction Manager; Allison Coppage, Assistant County Attorney; Joshua Gruber, Deputy County Administrator/Special Counsel; Thomas Keaveny, County Attorney; Colin Kinton, Division Director, Transportation Engineering; Gary Kubic, County Administrator; and Rob McFee, Division Director, Facilities and Construction Engineering.

Public: Shawn Epps, President F&ME Consultants, Inc.

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

Mr. Dawson chaired the meeting.

### ACTION ITEMS

- 1. An Ordinance to Authorize the County Administrator to Execute a Quit Claim Deed for a Portion of Lowen Drive, Port Royal Island, South Carolina**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Discussion:** Mrs. Allison Coppage, Assistant County Attorney, presented this item to the Committee. On May 21, 2007 the Public Services Committee approved the abandonment request of the petitioner, New Covenant Fellowship Ministry of Beaufort (NCFM), of real property located on 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 NCFM. Council determined it did not own a right of way, or have a recorded easement for the portion of Lowen Drive at issue. Council determined that it would not be adversely affected by the abandonment and that the abutting property owners would not lose access to Bay Pines Road.

**Motion:** It was moved by Mr. McBride, seconded by Mr. Fobes, that Public Facilities Committee approve and recommend to Council approval on first reading of an ordinance authorizing the County Administrator 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. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Fobes, Mrs. Howard and Mr. McBride. ABSENT – Mr. Vaux. The motion passed.

**Recommendation:** Council approve on first reading an ordinance authorizing the County Administrator 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.

## **2. An Ordinance to Establish a New Beaufort County Transportation Committee with Members Being Appointed by County Council**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Discussion:** Mr. Josh Gruber, Deputy County Administrator/Special Counsel presented this item to the Committee. 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 Council. 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 Council subject to certain stated terms and conditions. Further, 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,

**Motion:** It was moved by Mr. McBride, seconded by Mr. Fobes, that Public Facilities Committee approve and recommend to Council approval on first reading of an ordinance with an effective date of January 1, 2016 creating a new 11 member County Transportation Committee that is comprised of one resident member from each of the 11 County Council districts. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Fobes, Mrs. Howard and Mr. McBride. ABSENT – Mr. Vaux. The motion passed.

**Recommendation:** Council approve on first reading an ordinance with an effective date of January 1, 2016 creating a new 11 member County Transportation Committee that is comprised of one resident member from each of the 11 County Council districts.

**3. U.S. Highway 278 Overlay Cost Sharing with SCDOT / Change Order Bluffton Parkway Phase 5A Segment 2 Contract Totaling \$544,873**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Discussion:** Mr. Colin Kinton, Division-Director, Transportation Engineering, presented this item to the Committee. On February 25, 2013 Council awarded a contract to R. R. Dawson Bridge Company, LLC, for the construction of Bluffton Parkway Phase SA 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 U.S. Highway 278 from approximately 300 feet west of Fording Island Road Extension to approximately 700 feet east of Fording Island Road Extension will have an asphalt overlay applied. Paved shoulders along U.S. Highway 278 between the ramp tie-ins and the approach to Bowers Bridge is also included in the project. The remaining portion of U.S. Highway 278 from the ramp tie-ins to Bowers Bridge is not in the project scope to be resurfaced as part of the Bluffton Parkway Phase 5A Segment 2 construction.

Due to safety concerns and motorists' outcry about the poor condition of the existing pavement on U.S. Highway 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.

On March 20, 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 U.S. Highway 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 U.S. Highway 278 from the end of the parkway project of Bowers Bridge. On July 20, 2015 SCDOT responded favorably and indicated that \$250,000 would be dedicated. 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 U.S. Highway 278 not included in the construction limits. Beaufort County's portion would be \$294,873.

**Motion:** It was moved by Mr. Fobes, seconded by Mrs. Bensch, that Public Facilities Committee approve and recommend to Council approval of 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 and resurfacing of the remaining portion of U.S. Highway 278 to Bowers Bridge. The source of funding is \$250,000 from SCDOT and \$294,873 from the Bluffton Parkway 5A Segment 2 Sales Tax, account 47010012-54500. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Fobes, Mrs. Howard and Mr. McBride. ABSENT – Mr. Vaux. The motion passed.

**Recommendation:** Council approve a change order to the Bluffton Parkway Phase 5A Segment 2 contract totaling \$544,873 and accept the SCDOT cost sharing proposal of \$250,000 for the full depth and resurfacing of the remaining portion of U.S. Highway 278 to Bowers Bridge. The source of funding is \$250,000 from SCDOT and \$294,873 from the Bluffton Parkway 5A Segment 2 Sales Tax, account 47010012-54500.

**4. Consideration of Reappointments and Appointments**  
• **Seabrook Point Special Purpose Tax District**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Motion:** It was moved by Mrs. Bensch, seconded by Mr. Caporale, that Public Facilities Committee approve and recommend to Council the nomination of Zachary Curry, replacing Al Truesdale, and David Hamill, replacing Frank Emminger, to serve as members of the Seabrook Point Special Purpose Tax District. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Fobes, Mrs. Howard and Mr. McBride. ABSENT – Mr. Vaux. The motion passed.

**Recommendation:** Council nominate Zachary Curry, replacing Al Truesdale, and David Hamill, replacing Frank Emminger, to serve as members of the Seabrook Point Special Purpose Tax District.

**INFORMATION ITEMS**

**5. Removal of the Unpaved Section of Stroban Road, Gardens Corner from the County Dirt Road Maintenance Inventory**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Discussion:** Mrs. Allison Coppage, Assistant County Attorney, presented this item to the Committee. Stroban Road is located in northern Beaufort County near Gardens Corner. Although the Public Works Department has maintained the dirt portion of Stroban Road (1.73 miles in length) for over 20 years, the County does not own the right-of-way, nor does it have an easement. Moreover, because this unpaved portion is located entirely within property owned by a single entity, the Nemours Plantation Wildlife Foundation, it fits the definition of a private driveway adopted by County Council in Policy Statement 17. The Foundation, through its representative, Dr. Ernie Wiggers, has requested that the County remove Stroban Road from the maintenance inventory and abandon any interest it may have in this roadway. Staff believes this request to be reasonable. The County does not own the right-of-way. Neither the public nor the County would be harmed by abandoning its tenuous interest in this 1.73 mile dirt road.

**Status:** This item is presented for information purposes only. No action is required of the Public Facilities Committee.



## **6. Construction Engineering Inspection and Construction Management Services for S.C. Highway 170 Widening – July 2015**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Discussion:** Mr. Rob McFee, Division-Director, Environmental Engineering, presented this item to the Committee. In 2012 Council awarded a contract for \$2,030,714 to Infrastructure Consulting & Engineering (ICE) for construction engineering inspection/construction management services (CEI/ICM) for the S.C. Highway 170 Widening Project. Due to the construction delays associated with the S.C. Highway 170 project, the CEI/CM services needed to be extended. For the month of July 2015, ICE had CEI/CM service charges for the S.C. Highway 170 widening totaling \$59,709.36. County Engineering Department staff has reviewed these charges and recommend payment.

**Motion:** It was moved by Mr. McBride, seconded by Mr. Fobes, that Committee authorize payment of the July 2015 invoice totaling \$59,709.36 to Construction Engineering Inspection/Construction Management Services for work performed by Infrastructure Consulting & Engineering for the S.C. Highway 170 Widening Project. The source of funding is S.C. Highway 170 Widening Sales Tax Project, account 47010014-54500. All CEI/CM services are reimbursable from the SCSIB Grant for this project. The vote: YEAS - Mr. Caporale, Mr. Dawson, Mr. Fobes, Mrs. Howard and Mr. McBride. NAYS – Mrs. Bensch. ABSENT – Mr. Vaux. The motion passed.

**Status:** Committee authorized payment of the July 2015 invoice totaling \$59,709.36 to Construction Engineering Inspection/Construction Management Services for work performed by Infrastructure Consulting & Engineering for the S.C. Highway 170 Widening Project. The source of funding is S.C. Highway 170 Widening Sales Tax Project, account 47010014-54500. All CEI/CM services are reimbursable from the SCSIB Grant for this project.

## **7. Discussion / Ownership of Yard Farm Road, St. Helena Island**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Discussion:** Mr. Rob McFee, Division-Director, Environmental Engineering, presented this item to the Committee. The County is in receipt of correspondence dated September 18, 2015 from the majority of the property owners, who either own or have easement rights over and upon Yard Farm Road, St. Helena Island, confirming their desire that Yard Farm Road continue to be a private road and have entered into a Joint Maintenance Agreement. Further, the County will have no responsibility as to the maintenance of Yard Farm Road.

**Status:** This item is presented for information purposes only. No action is required of the Public Facilities Committee.



## BOARDS AND COMMISSIONS

### Reappointments and Appointments October 12, 2015

#### 1. Community Services Committee

##### ① Alcohol and Drug Abuse Board

NominateD	Name	Position/Area/Expertise	Reappoint/Appoint	Votes Required	Term/Years	Expiration
09.28.15	Anne Seppenfield	Countywide	Appoint	6/11	4	2/19

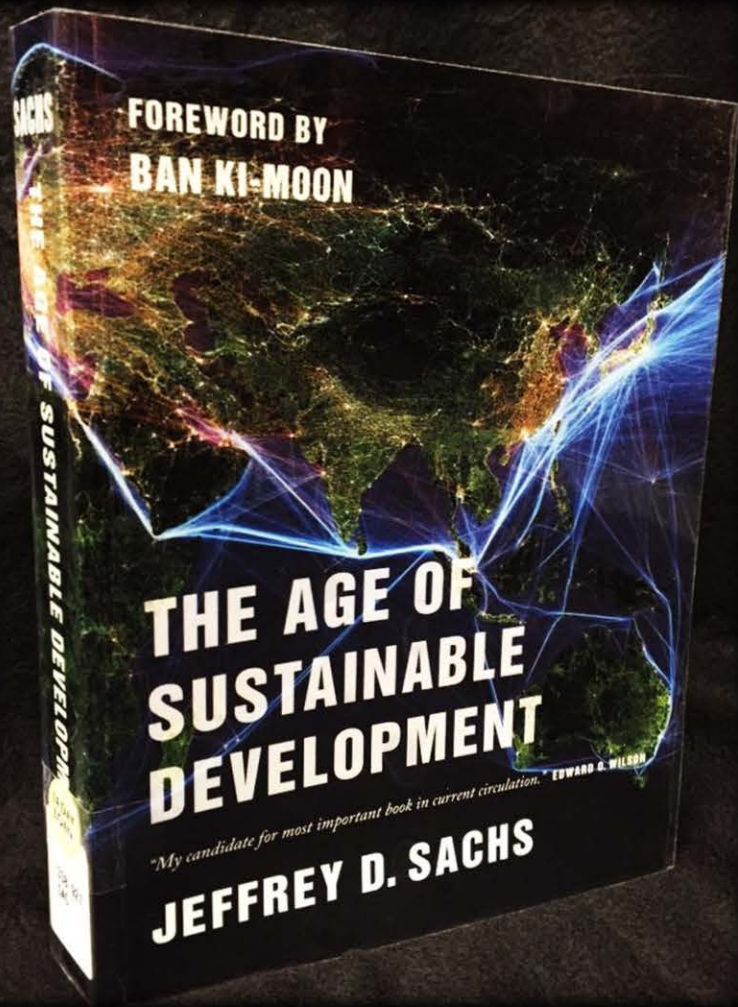
##### ② Library Board

NominateD	Name	Position/Area/Expertise	Reappoint/Appoint	Votes Required	Term/Years	Expiration
09.28.15	Deborah Johnson	Council District 2	Appoint	6/11	4	2/19

#### 2. Public Facilities Committee

##### ① Seabrook Point Special Purpose Tax District

NominateD	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

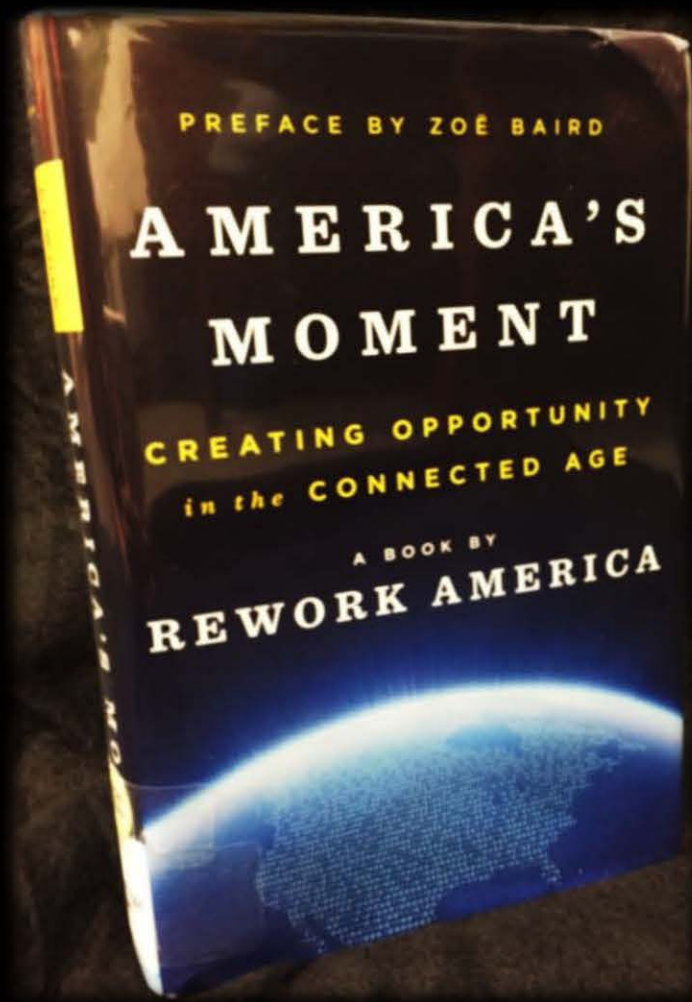


THIS RECOGNITION EMBLEM IS PLACED  
IN THIS BOOK IN APPRECIATION  
OF EFFORTS TO SECURE  
RURAL DEVELOPMENT ACT FUNDS  
FOR COUNTY PROJECTS



**James Baker**

Senior Vice President  
Marketing and Public Relations  
Palmetto Electric Cooperative



THIS RECOGNITION EMBLEM IS PLACED  
IN THIS BOOK IN APPRECIATION  
OF EFFORTS TO SECURE  
RURAL DEVELOPMENT ACT FUNDS  
FOR COUNTY PROJECTS



**Jan Baxter**

Manager, Community/Economic Development  
Palmetto Electric Cooperative



# PROCLAMATION

## Veterans Day

**W**HEREAS, the greatest declaration of our freedom is to honor our Armed Forces veterans who have sacrificed and, in many instances, paid the ultimate price for this freedom; and

**WHEREAS**, Beaufort County recognizes with honor the more than eighteen thousand resident County veterans for their many contributions to our well-being; and

**WHEREAS**, we, along with millions of other Americans, are beneficiaries of their sacrifices and contributions for freedom and security; and

**WHEREAS**, both men and women of our Armed Forces continue to be an inspiration to all of us through their demonstration of honor, courage, leadership, and commitment in service to our community and country; and

**WHEREAS**, in honor of our veterans, living and deceased, Congress designated November 11 as Veterans Day; and

**WHEREAS**, Beaufort County Council is pleased to recognize Veterans Day as an official holiday.

**NOW, THEREFORE, BE IT RESOLVED**, that in observance of Veterans Day, Wednesday, November 11, 2015, Beaufort County Council proudly joins the rest of our nation to salute and give special honor and recognition to the men and women of our Armed Forces, both active and inactive, for their contribution, dedication and commitment to the cause of our freedom.

Dated this 12<sup>th</sup> day of October, 2015.



COUNTY COUNCIL OF BEAUFORT COUNTY

By:   
D. Paul Sommerville, Chairman

# PROCLAMATION

WHEREAS, Port Royal Sound is one of the most significant physical feature of Beaufort County; and,

WHEREAS, the history and culture of Beaufort County has been intertwined with the lands, waters and communities of Port Royal Sound from pre-European settlement through the 21st century; and,

WHEREAS, Port Royal Sound is considered to be the finest natural harbor on the east coast of the United States, and was the attraction and location for Santa Elena, the first permanent European settlement in North America; and,

WHEREAS, Port Royal Sound has been the site of some of the most important historical events in the nation's history; and,

WHEREAS, the waters of Port Royal Sound continue to attract residents and visitors with its beauty, variety and richness; and,

WHEREAS, Port Royal Sound is a completely unique natural environment, and extension of the sea, deep into the mainland of South Carolina; and,

WHEREAS, Port Royal Sound is a nearly pristine body of water, supporting a vast variety of marine life; and,

WHEREAS, Port Royal Sound's high salinity and large tidal fluctuations serve to make the Sound an unmatched nursery for many species in the Atlantic Ocean; and,

WHEREAS, Port Royal Sound is an extraordinary recreational resource supporting boating, fishing, swimming and other recreational activities; and,

WHEREAS, Port Royal Sound forms the heart of Beaufort County, linking together all of its people and communities; and,

WHEREAS, the Port Royal Sound Foundation has scheduled many educational activities designed to celebrate the Sound and its important historical, cultural, artistic, recreational and environmental attributes during the month of November.

NOW, THEREFORE, the Beaufort County Council hereby declares November as

## *Port Royal Sound Month*

and encourages all the residents and visitors of the Lowcountry to learn about and enjoy this truly unique body of water that plays such an import role in our lives.

Dated this 12<sup>th</sup> day of October, 2015.

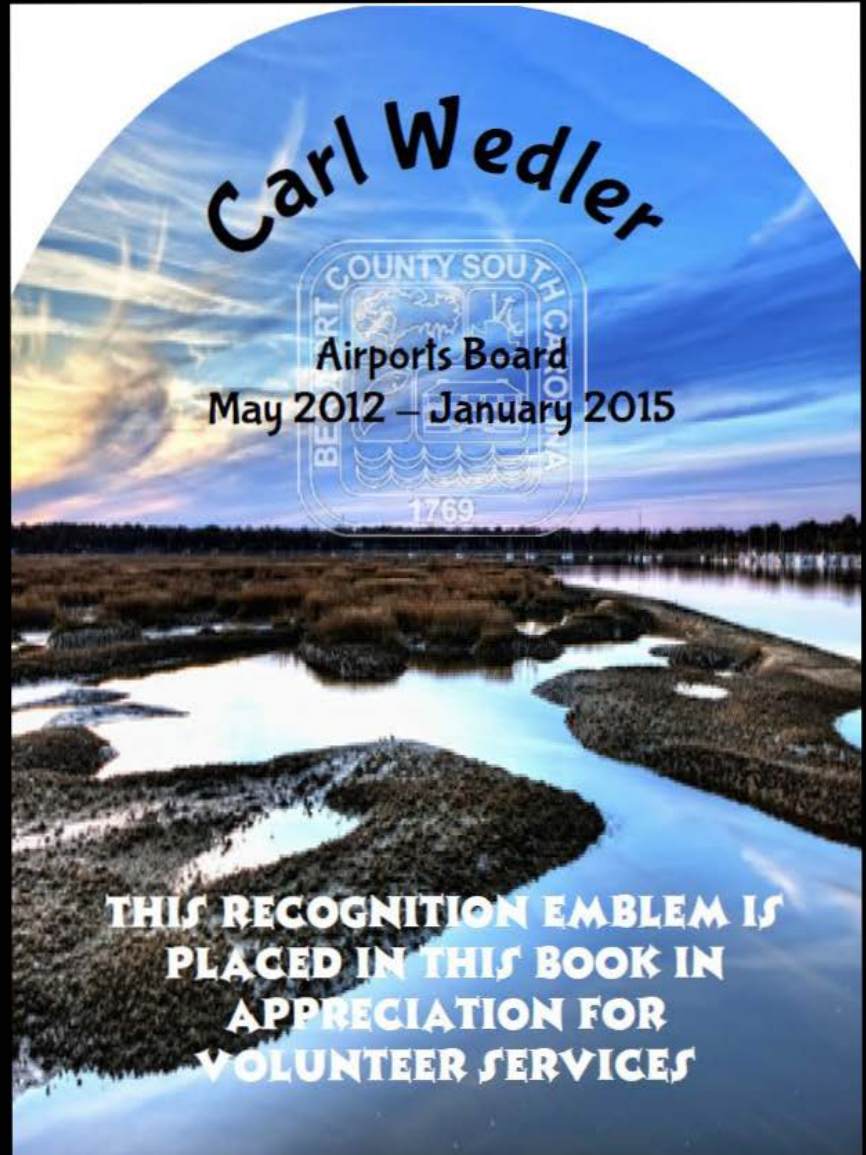
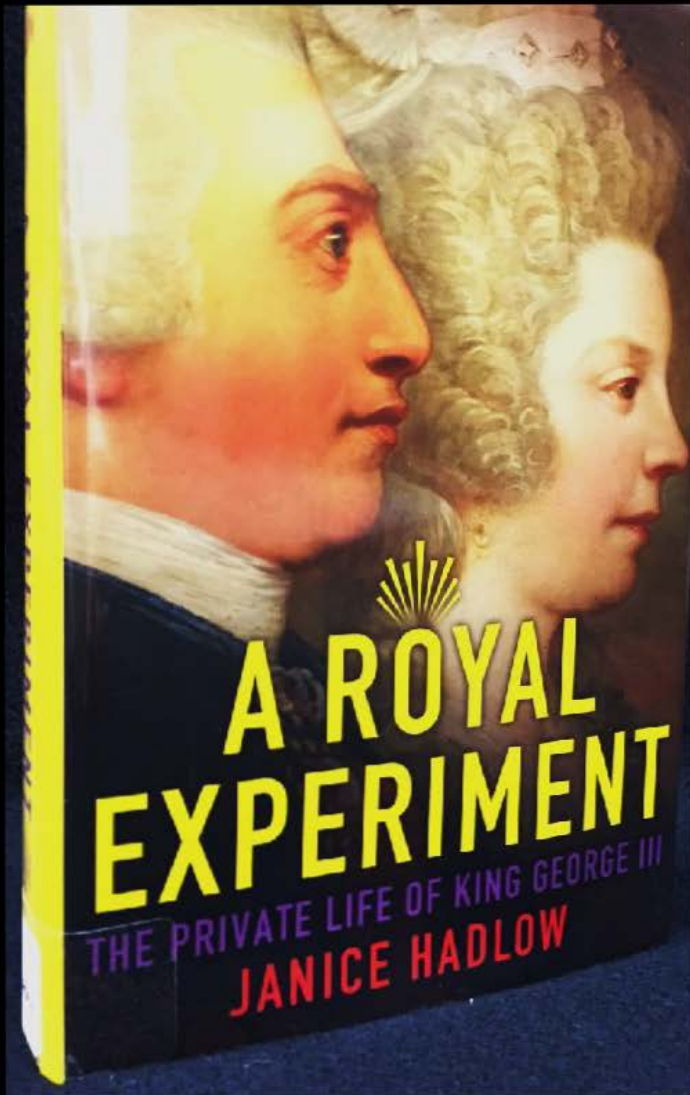


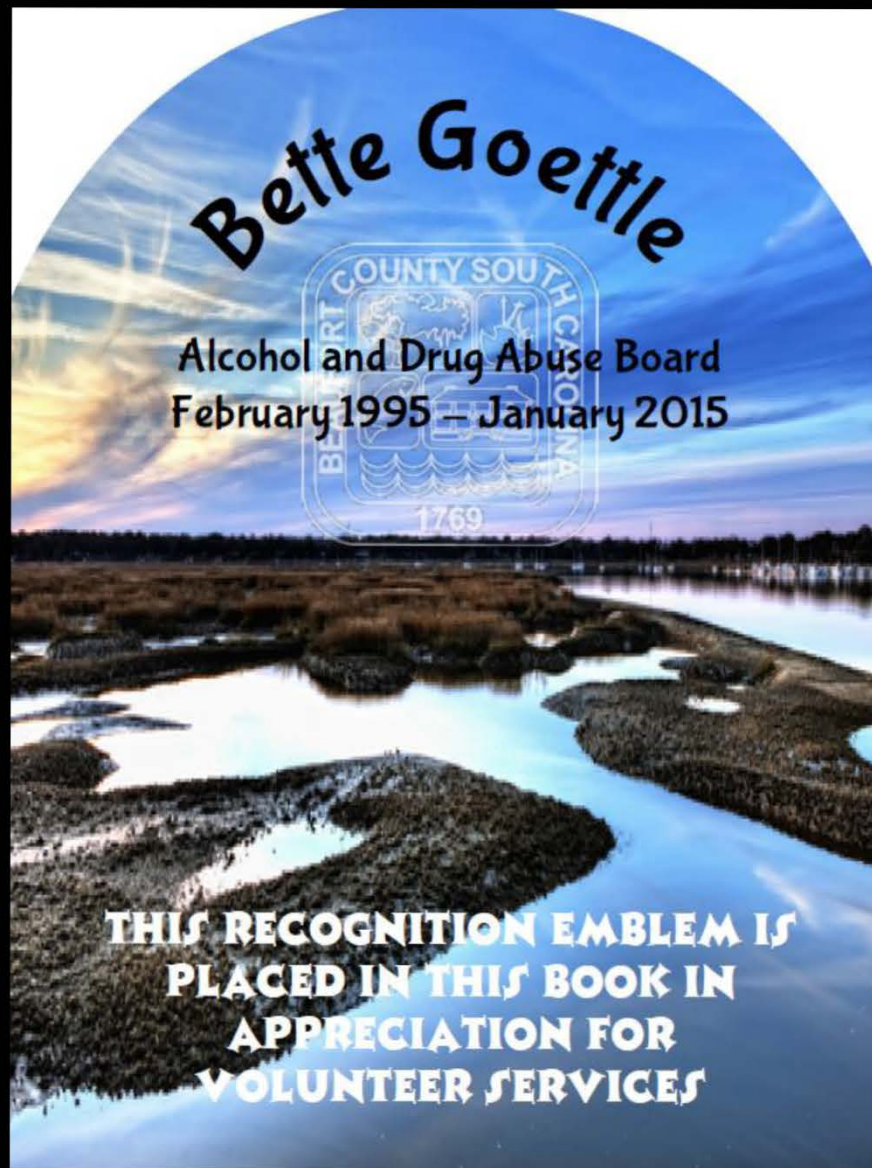
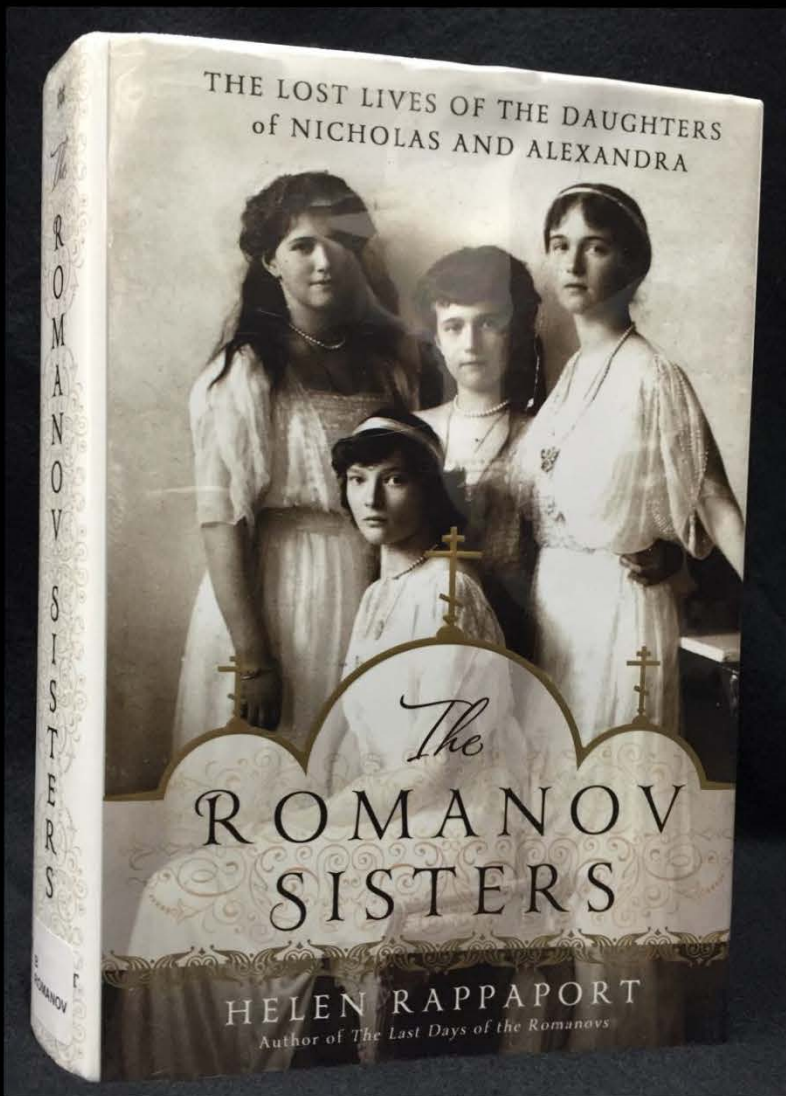
COUNTY COUNCIL OF BEAUFORT COUNTY

By: 

D. Paul Sommerville, Chairman









126  
CRAZY-GOOD  
RECIPES!



CookingLight

# MAD DELICIOUS

THE SCIENCE OF MAKING HEALTHY FOOD TASTE AMAZING!

KEITH SCHROEDER



"THIS IS EVERYTHING  
I LOVE IN A COOKBOOK:  
FUN, READABLE, AND  
FULLY FUNCTIONAL.  
IT CONSTANTLY ANSWERS  
MY FAVORITE QUESTION...  
WHY?"

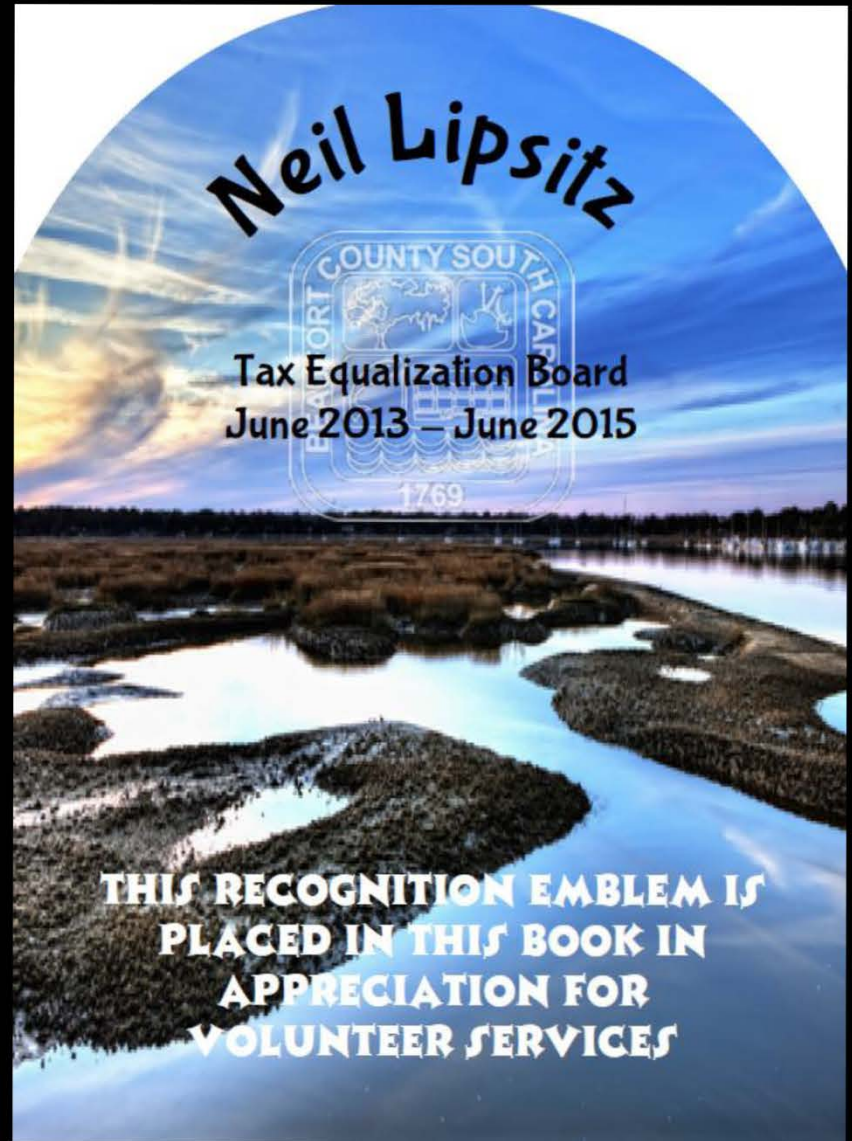
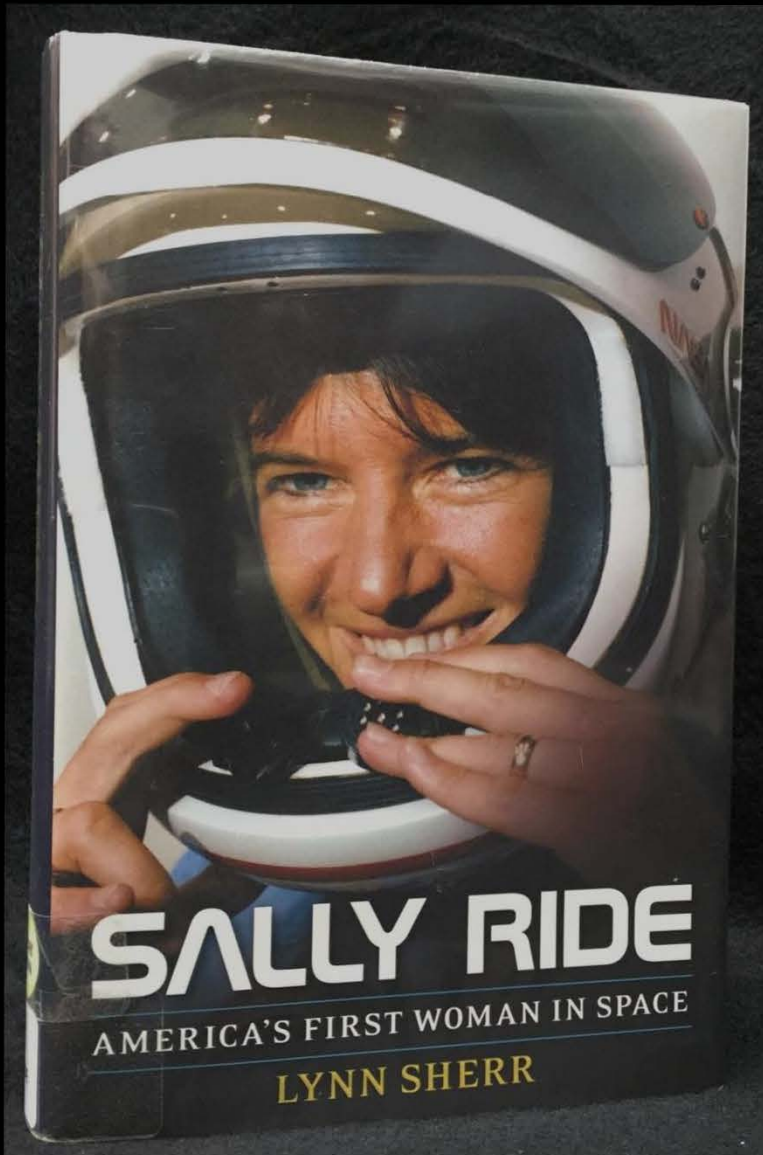
-ALTON BROWN

# Donald Starkey

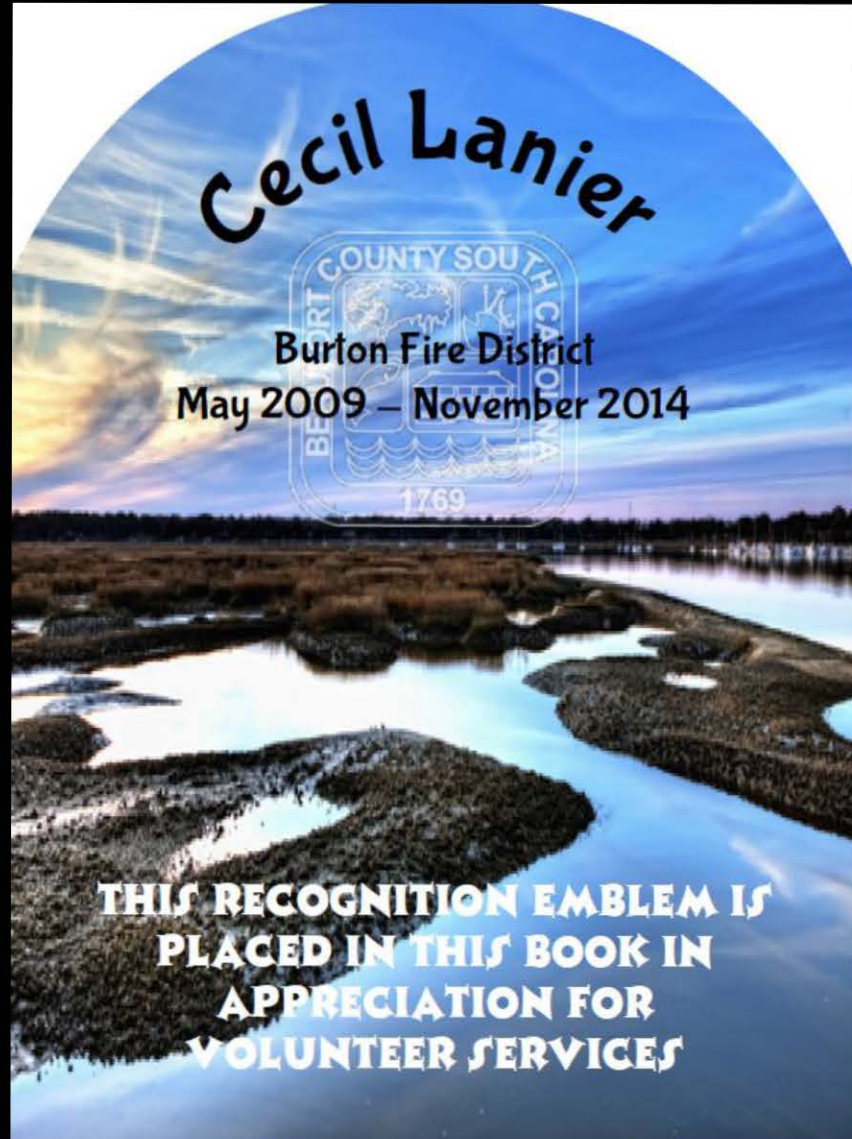
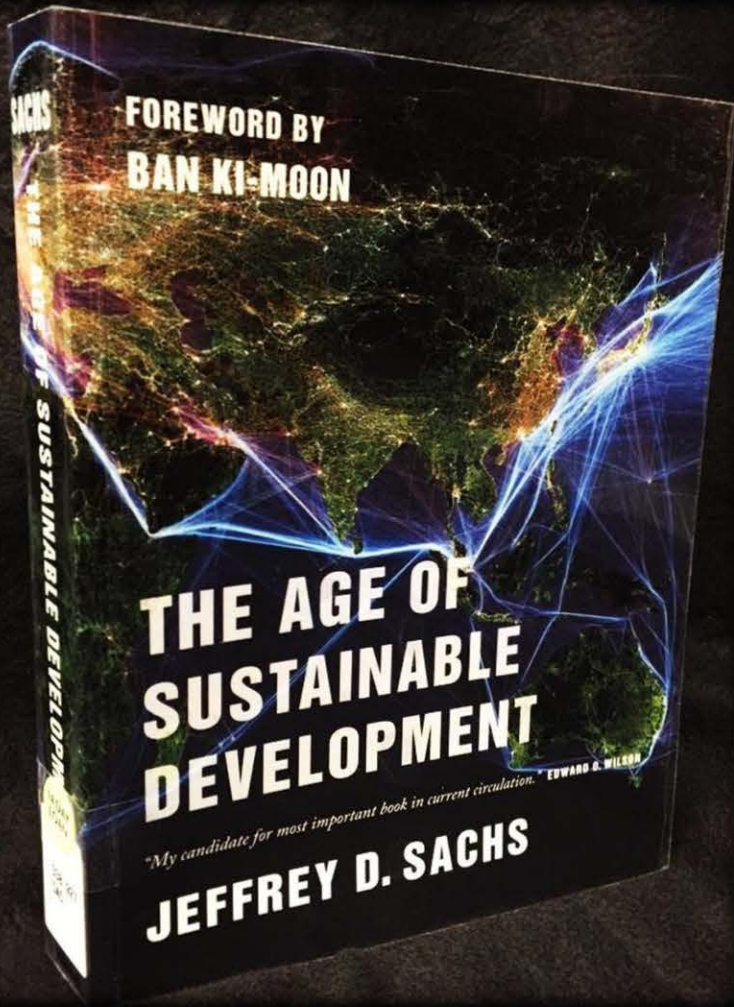
Northern Corridor Review Board  
February 2014 – December 2014

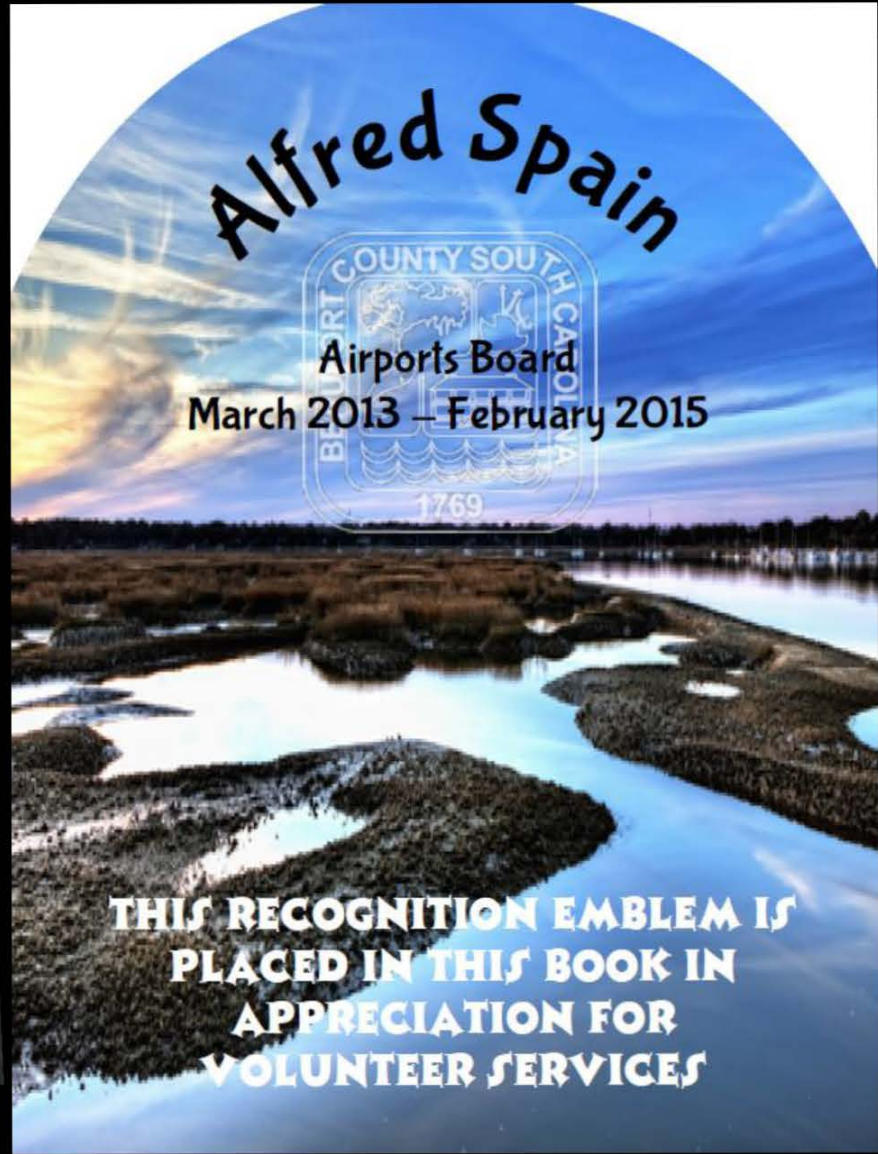
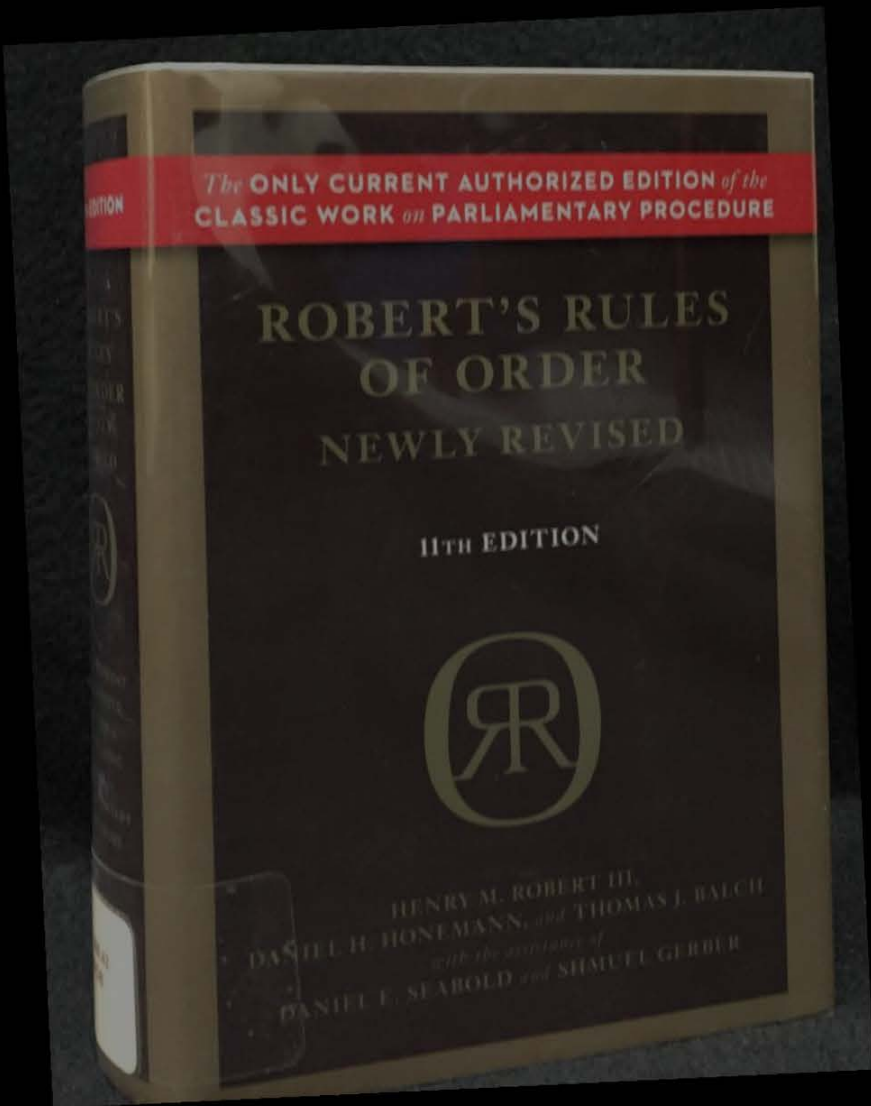


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VOLUNTEER SERVICES**

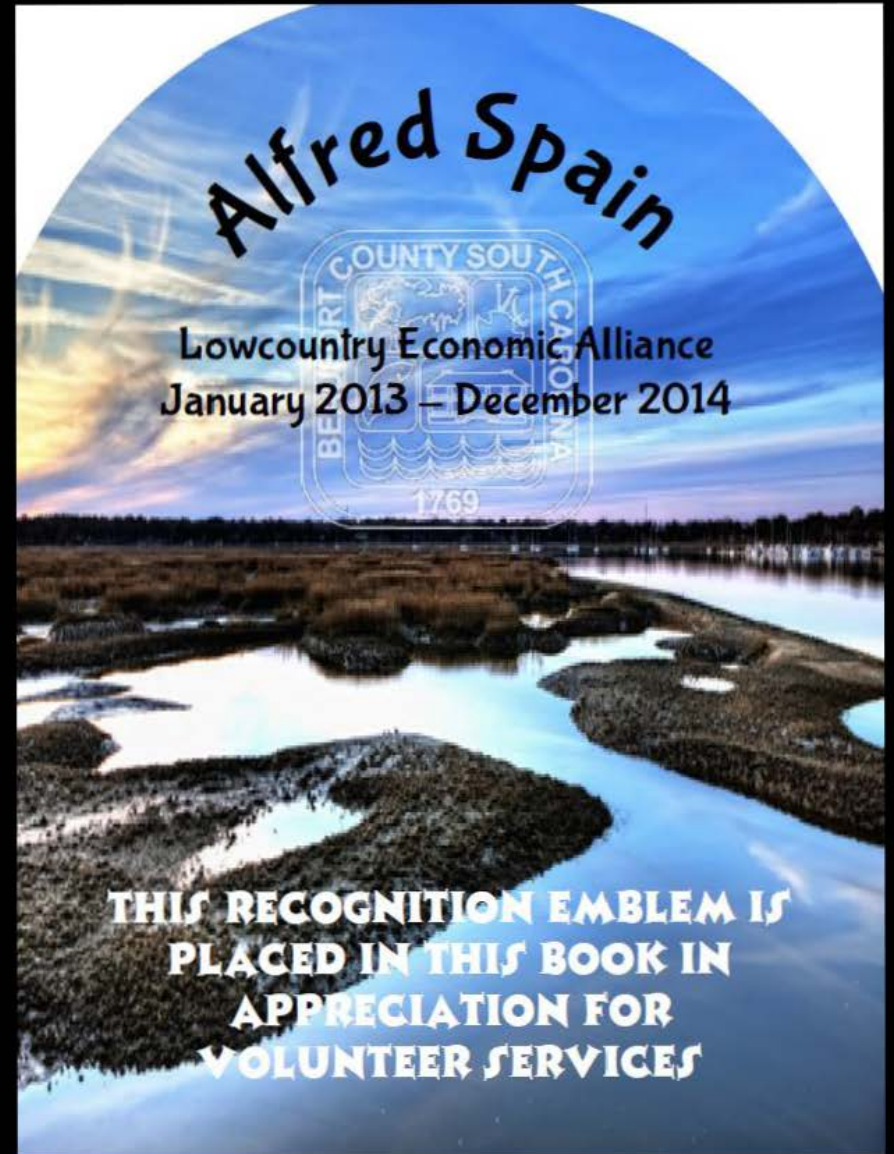
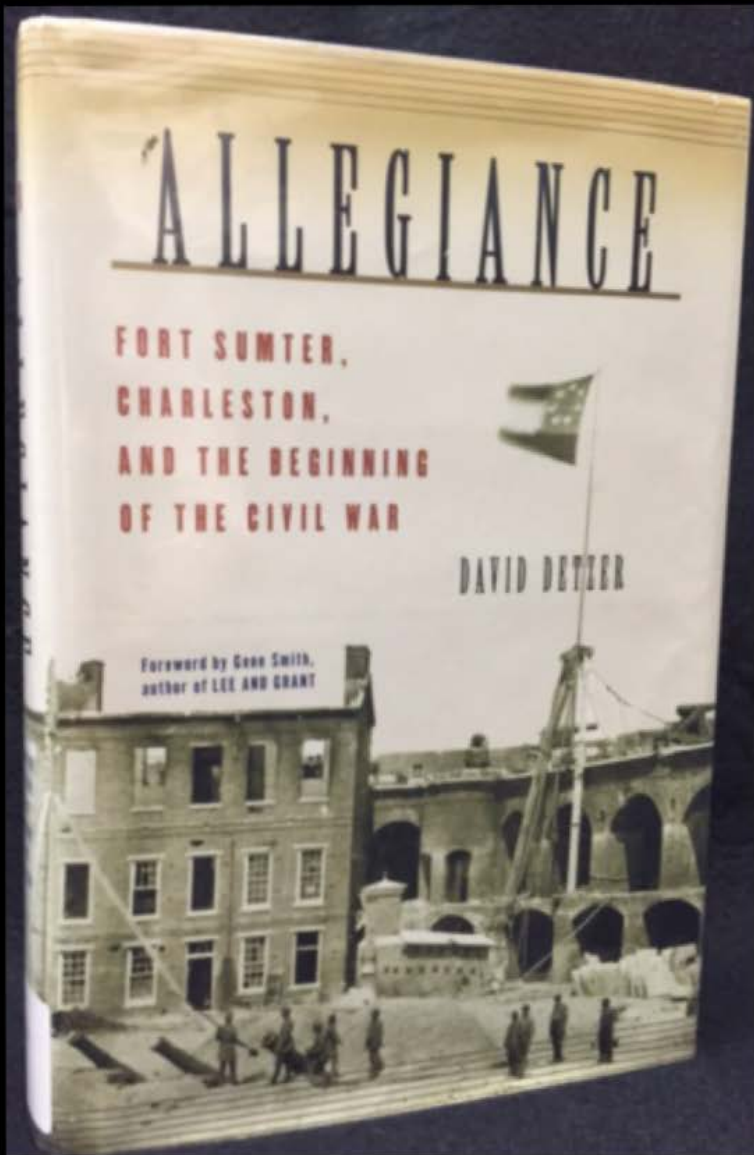


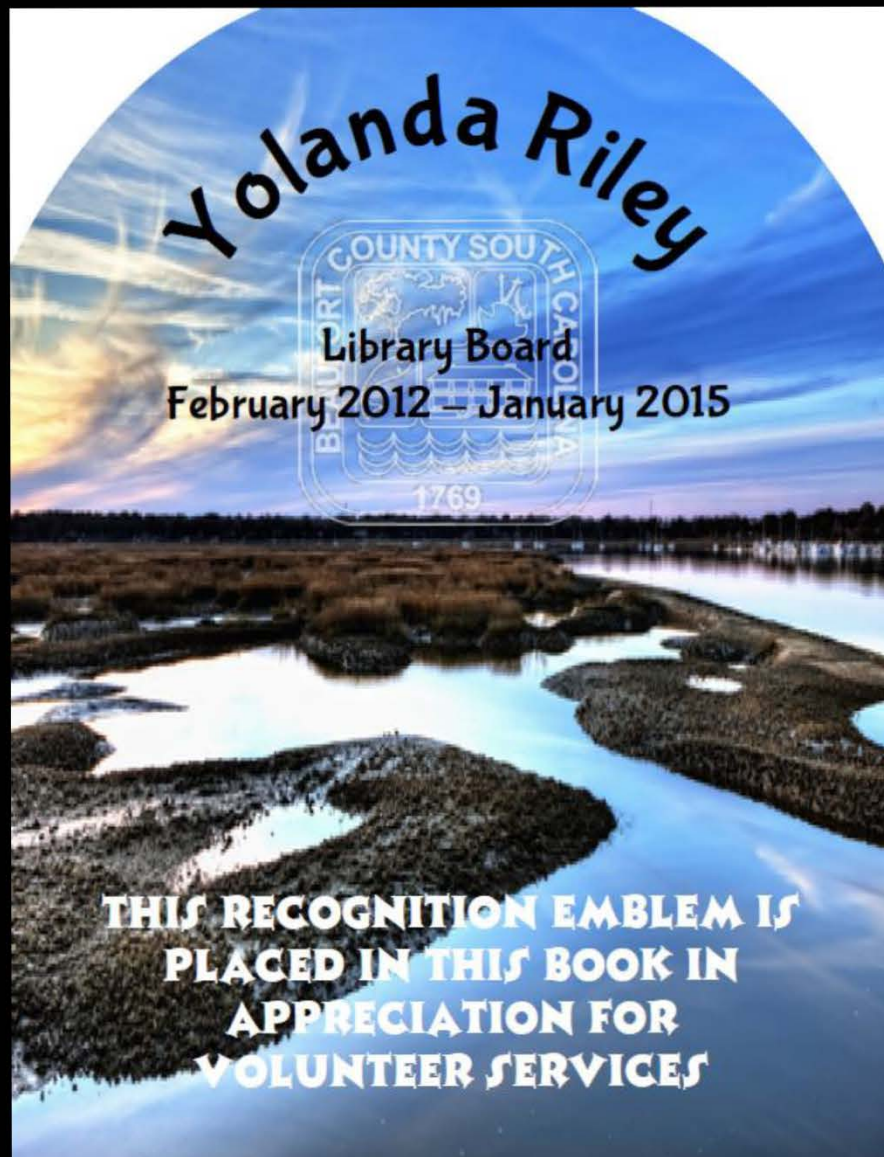
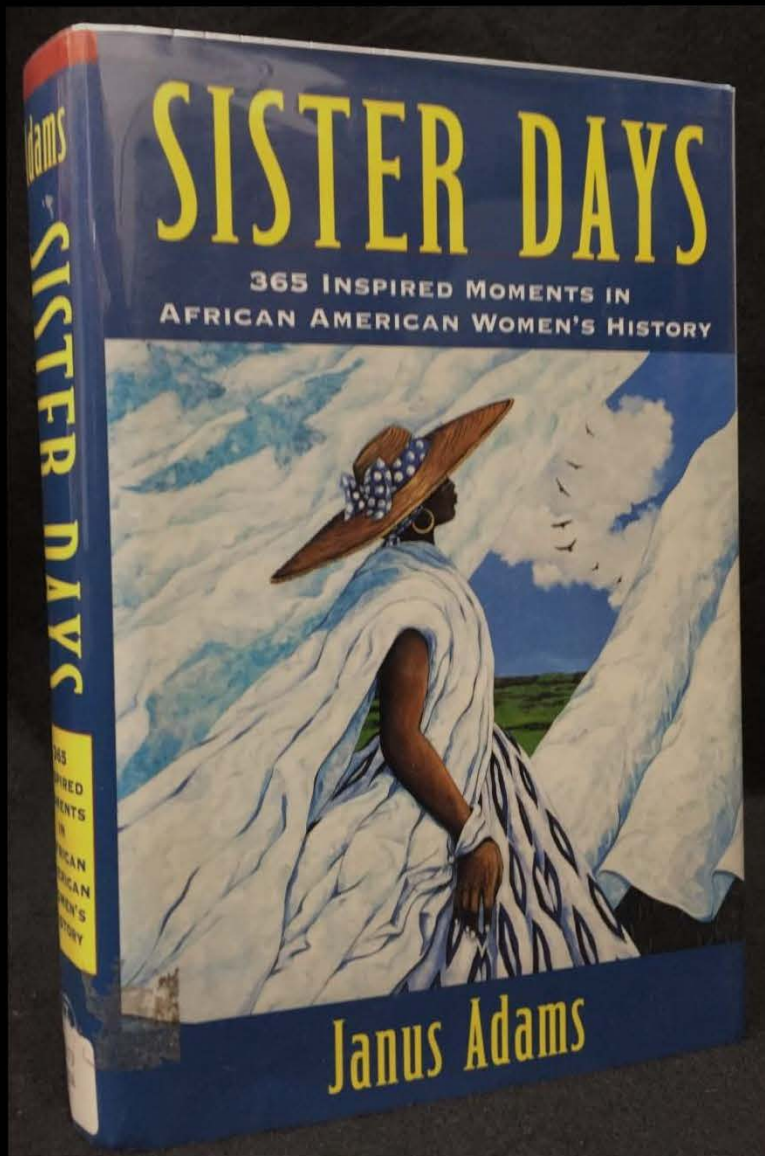




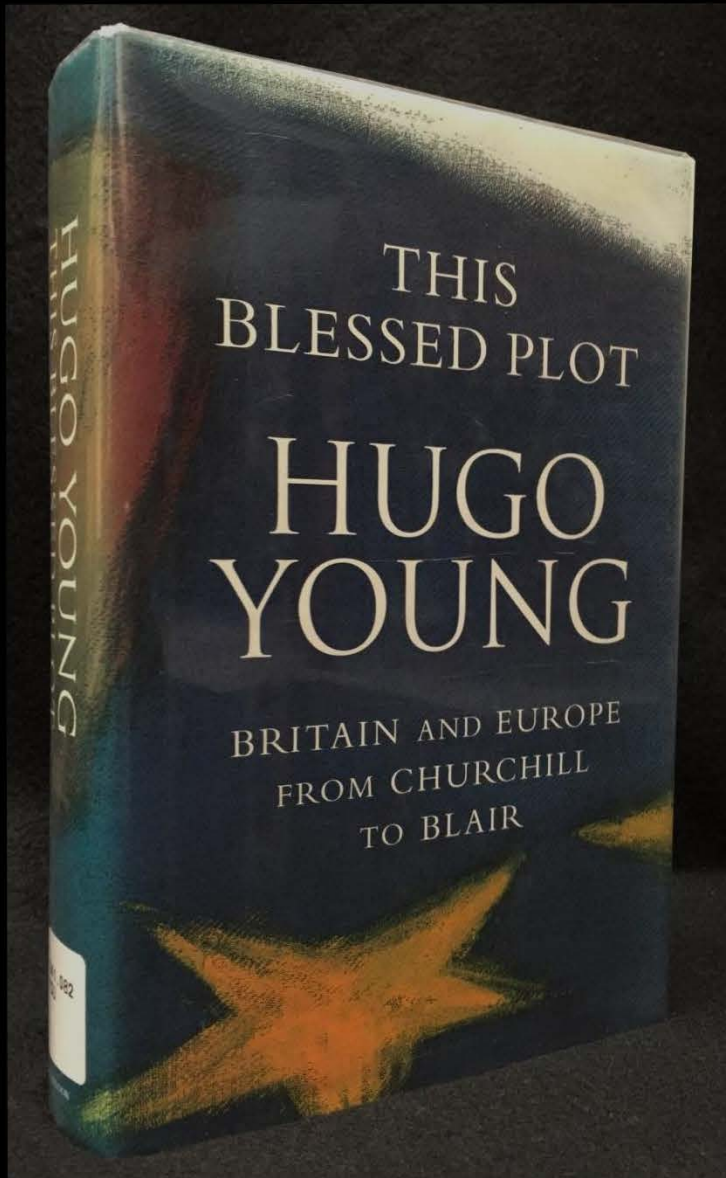








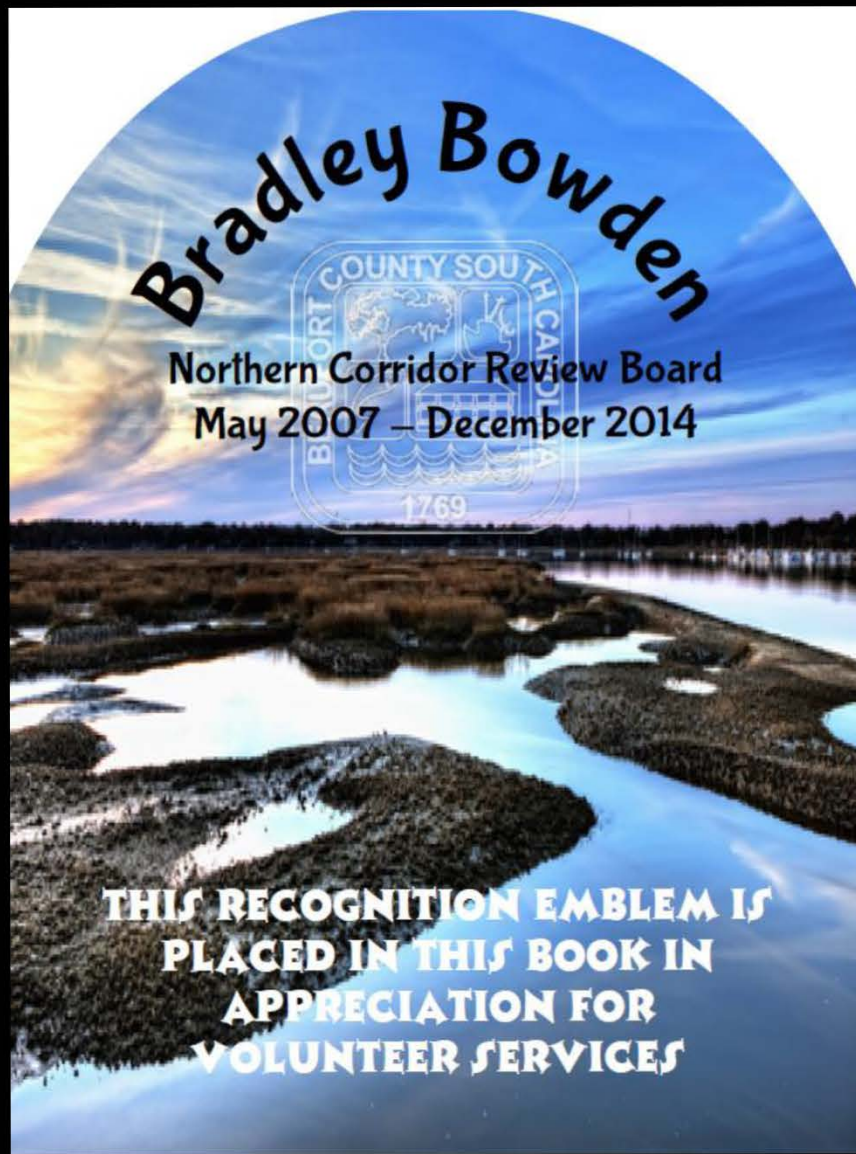




THIS  
BLESSED PLOT

HUGO  
YOUNG

BRITAIN AND EUROPE  
FROM CHURCHILL  
TO BLAIR



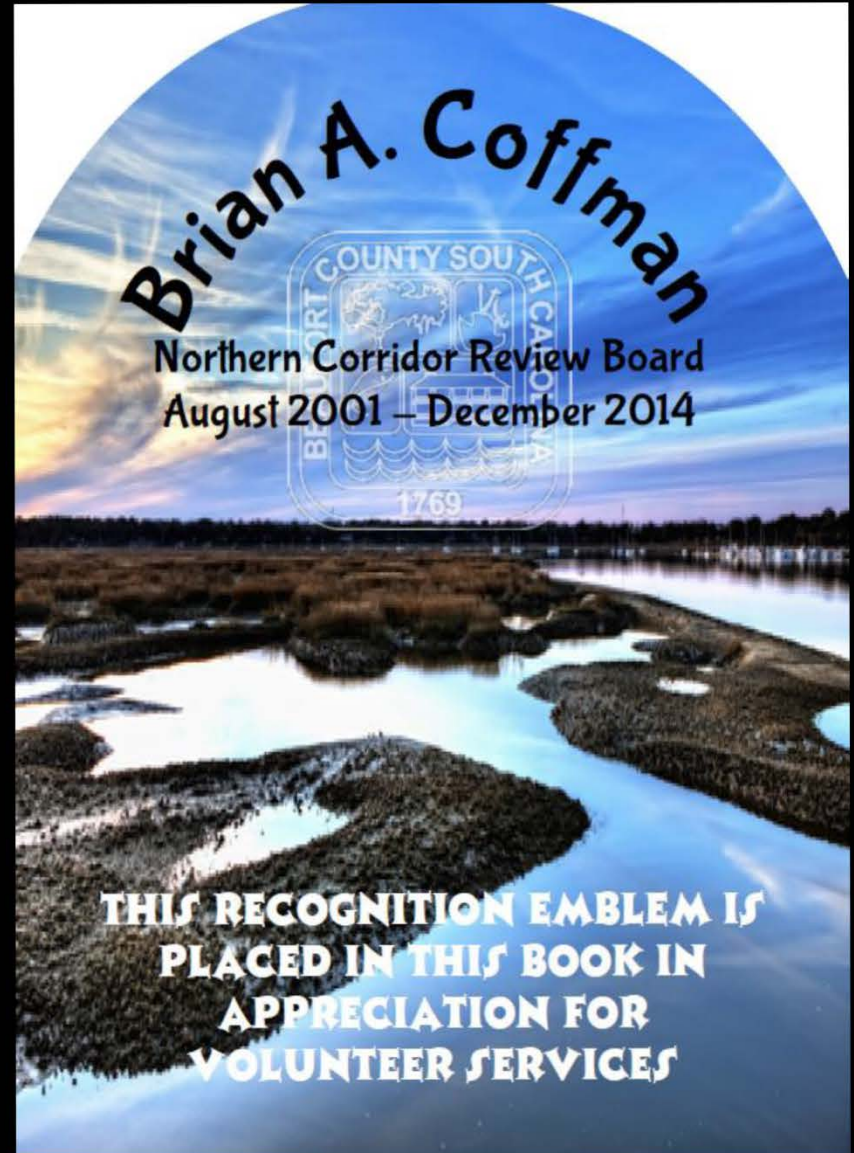
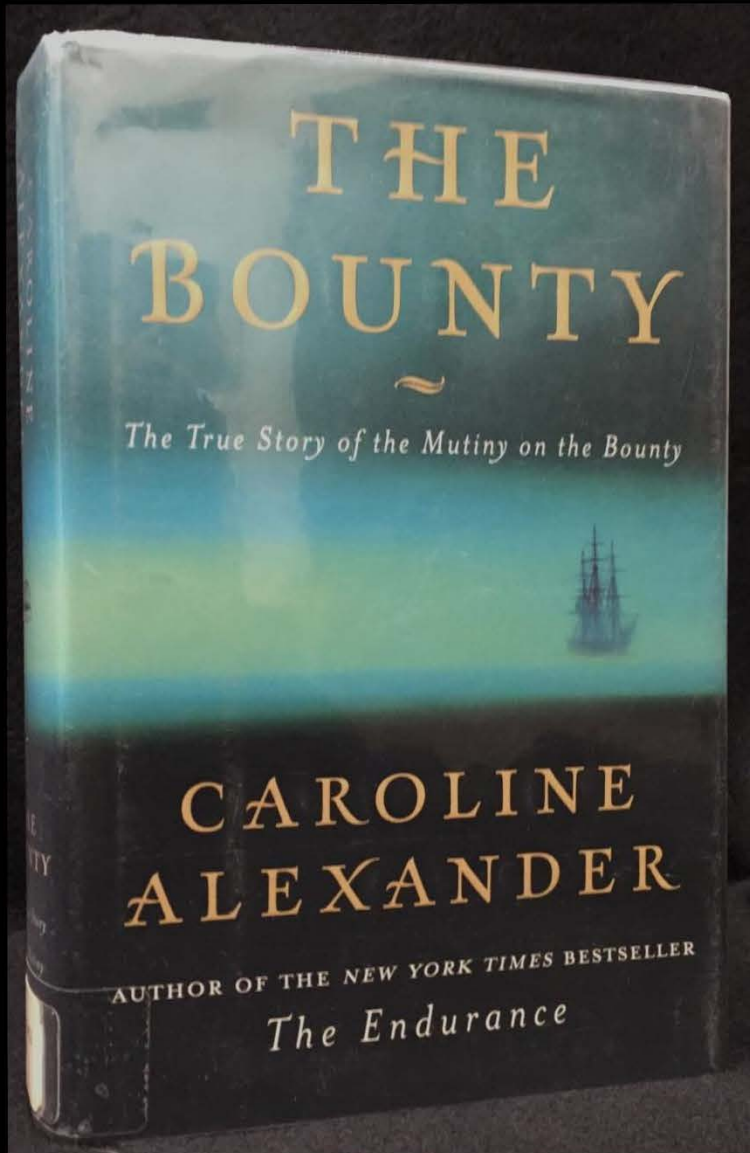
Bradley Bowden

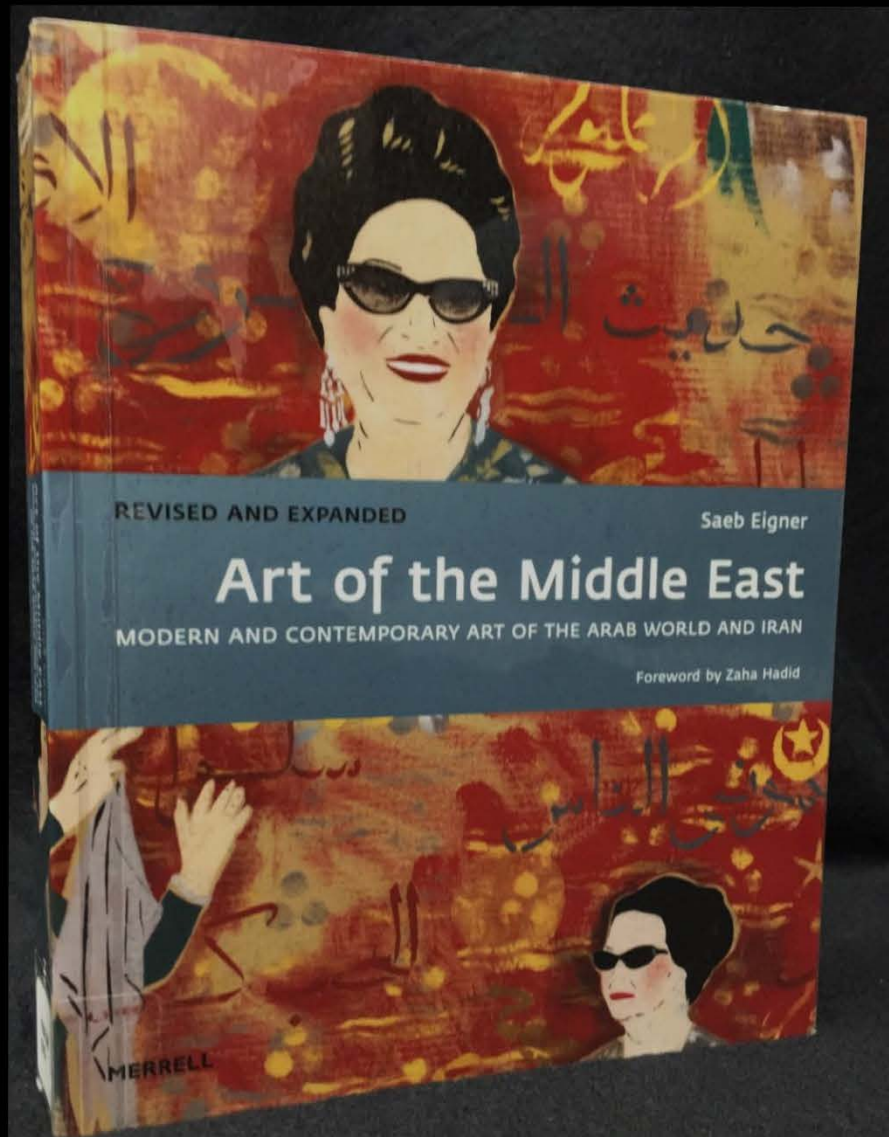
Northern Corridor Review Board  
May 2007 - December 2014



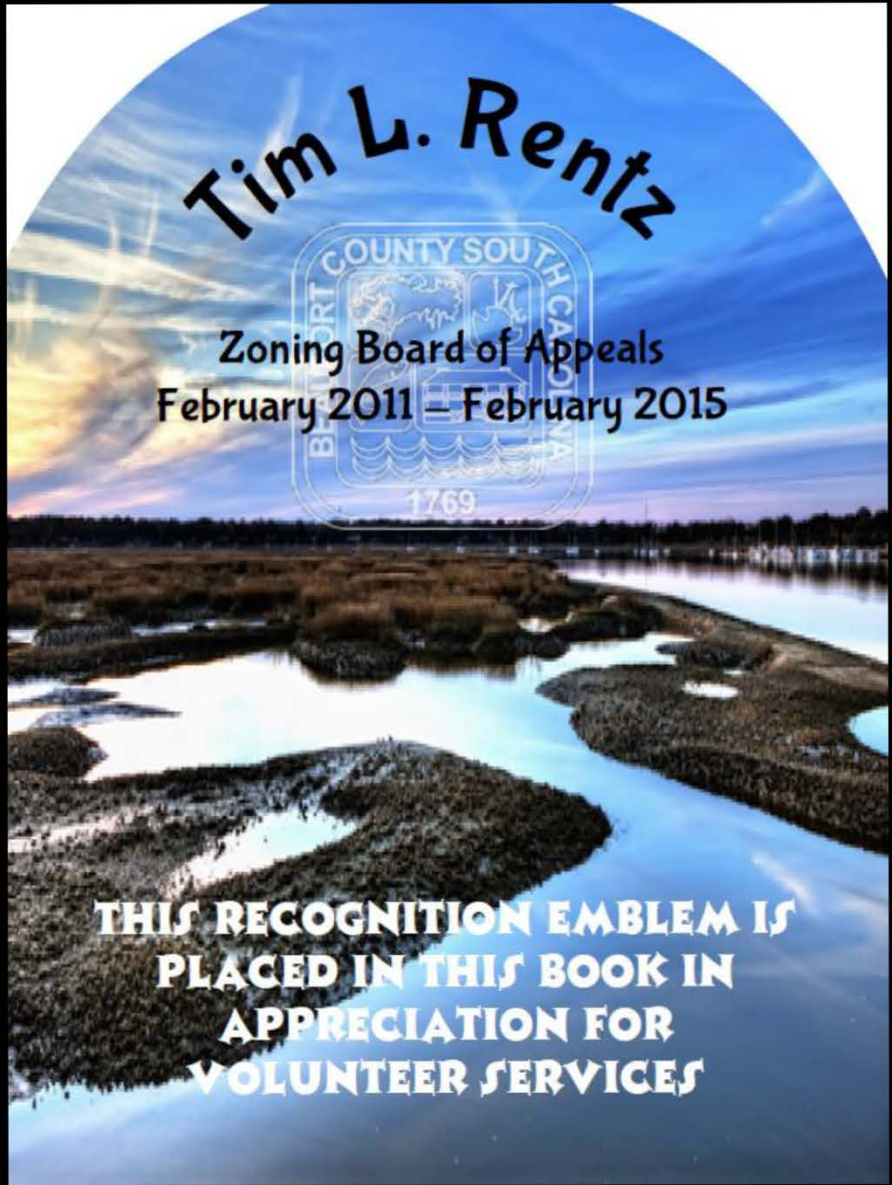
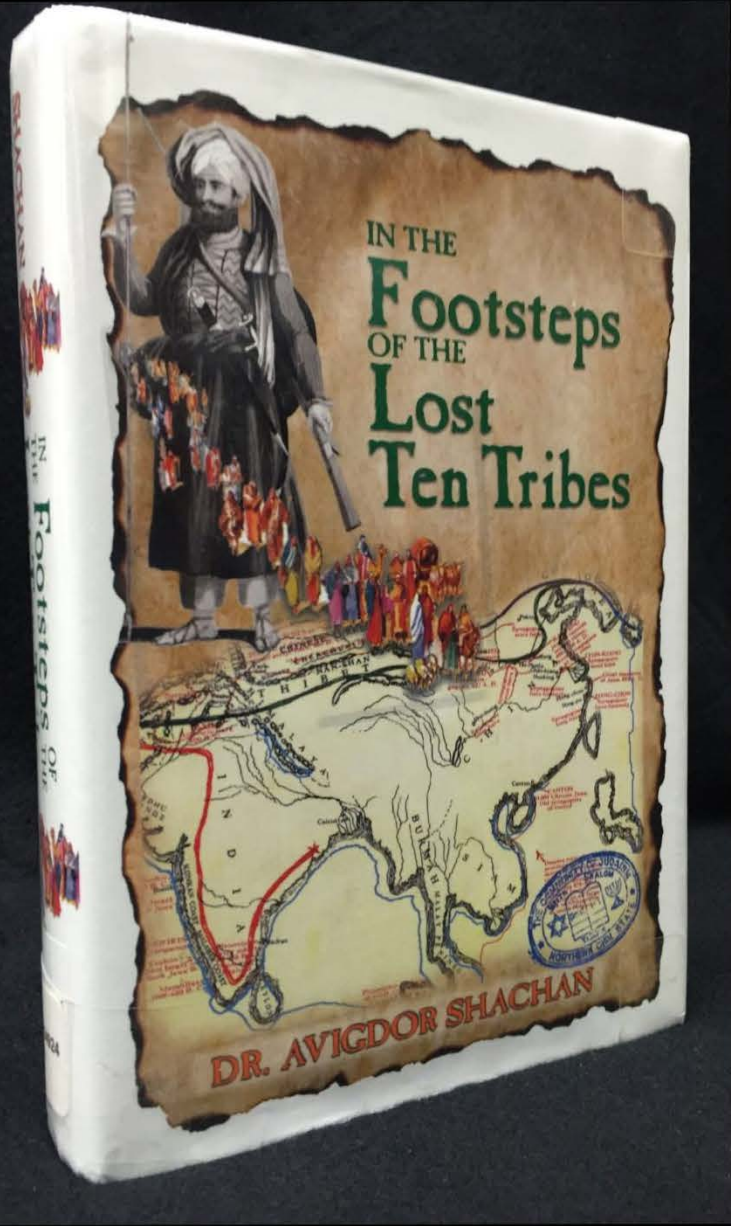
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VOLUNTEER SERVICES

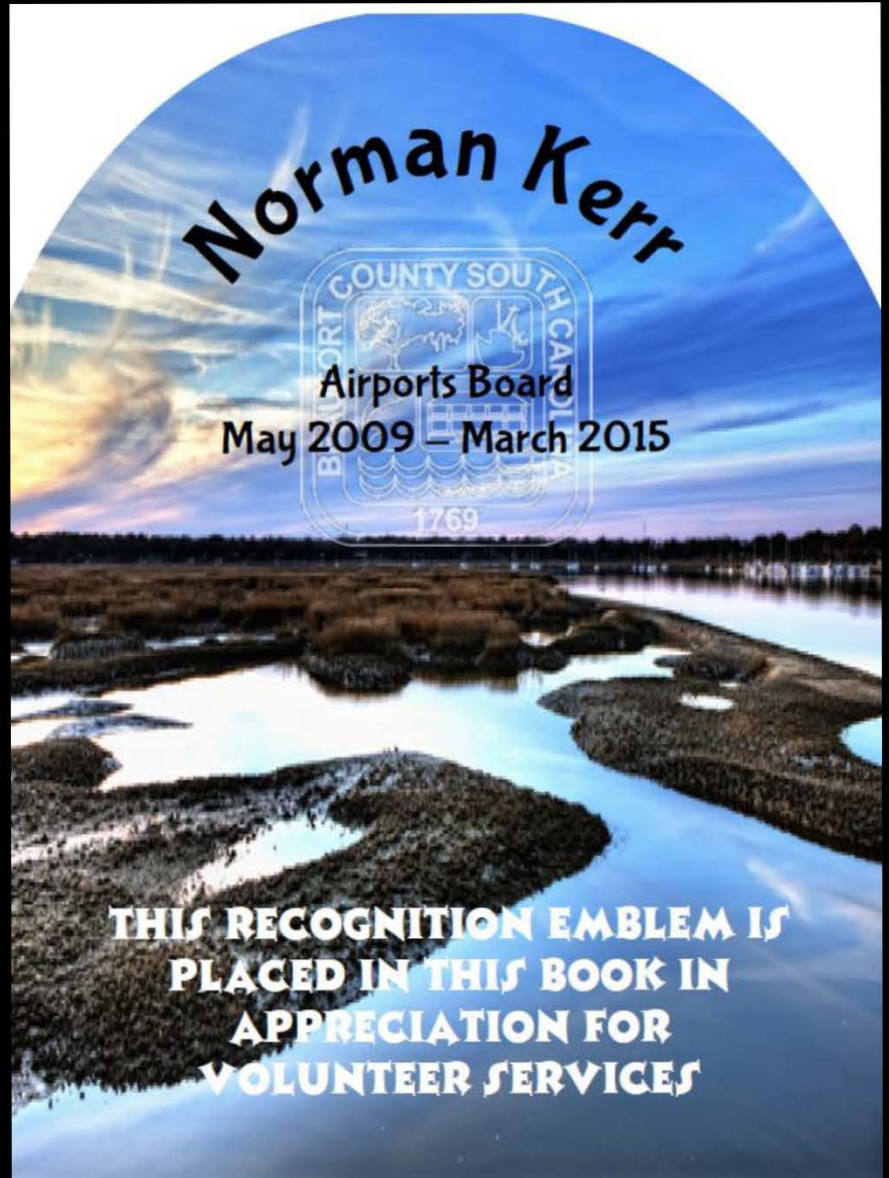




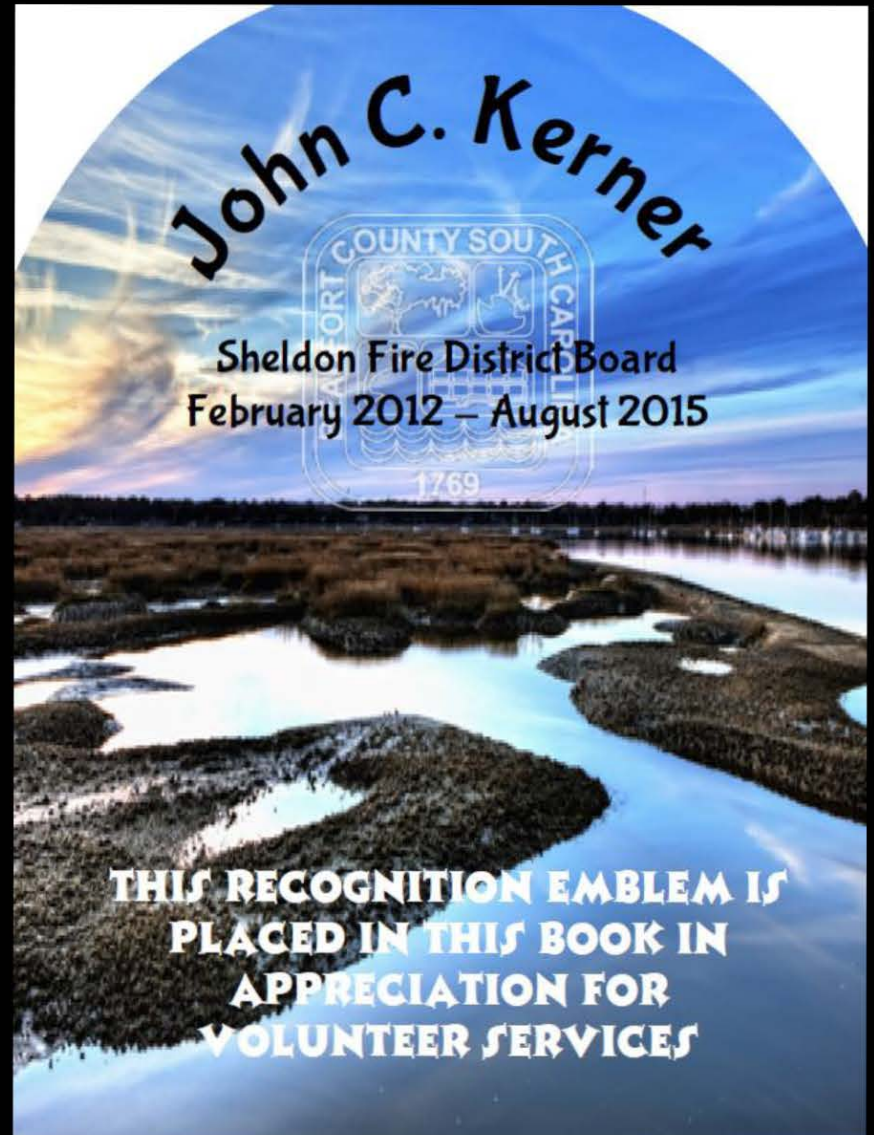
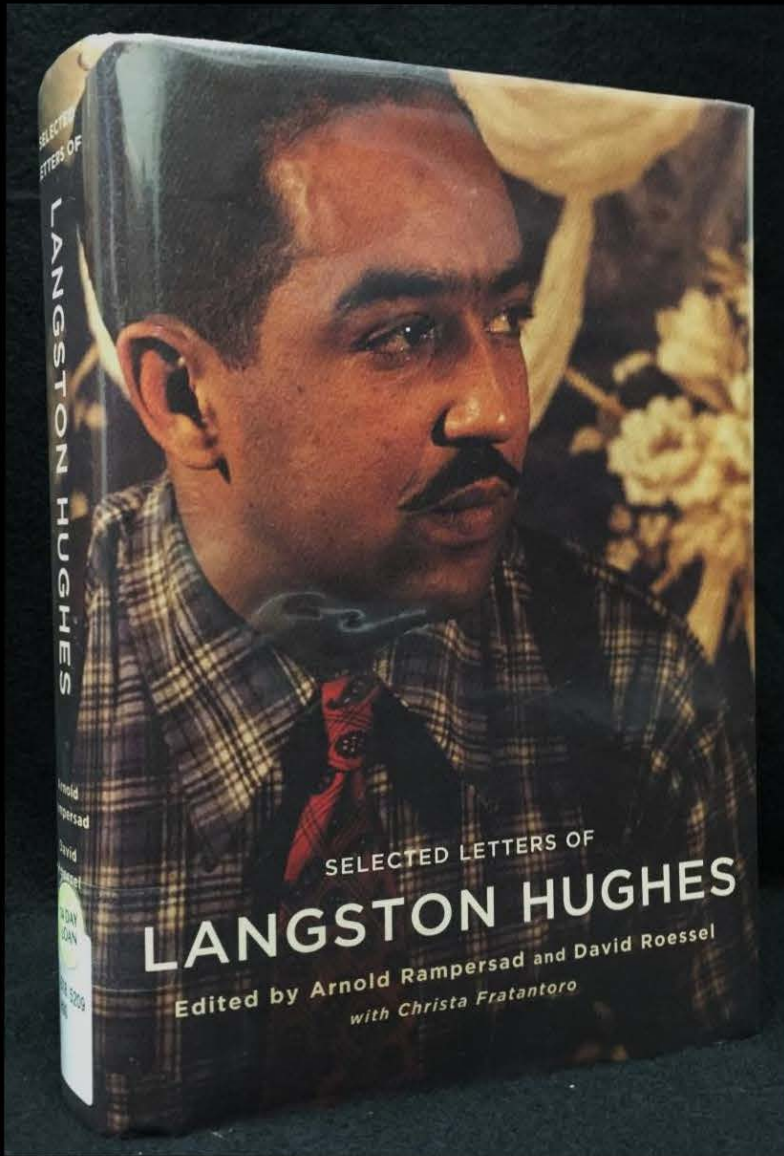




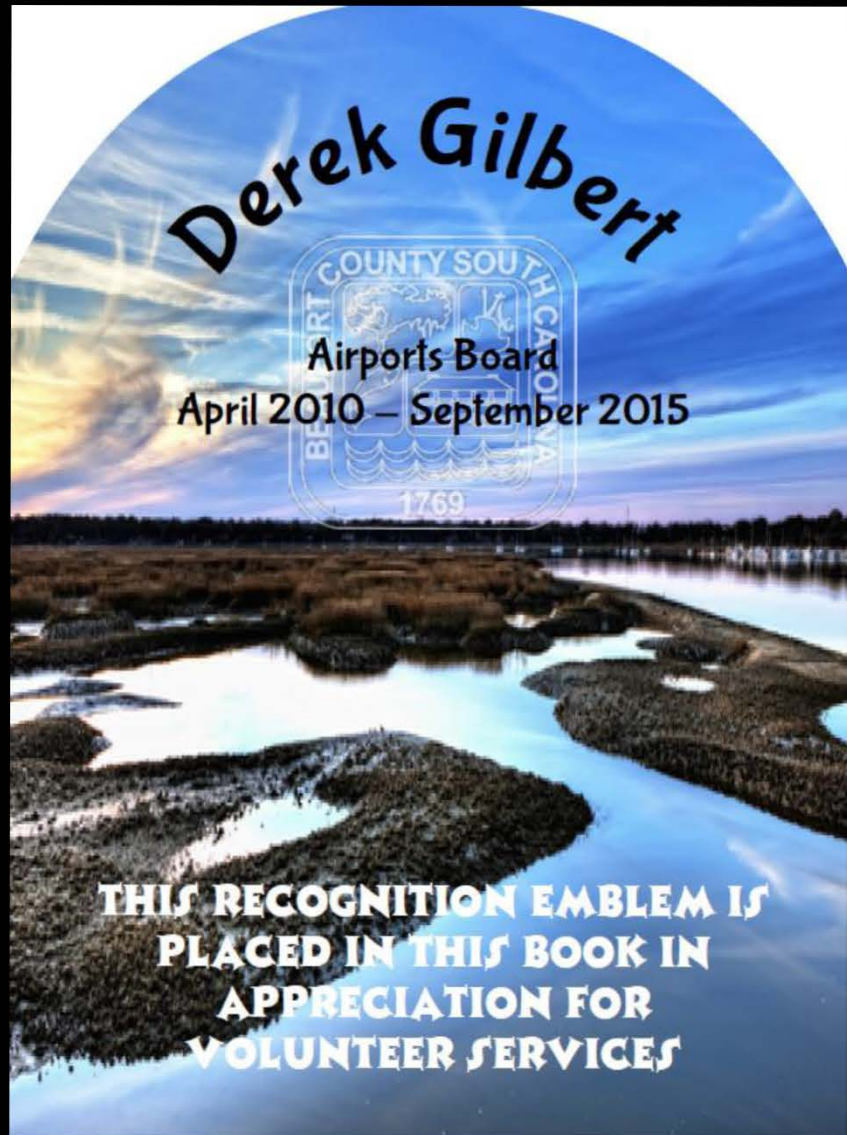
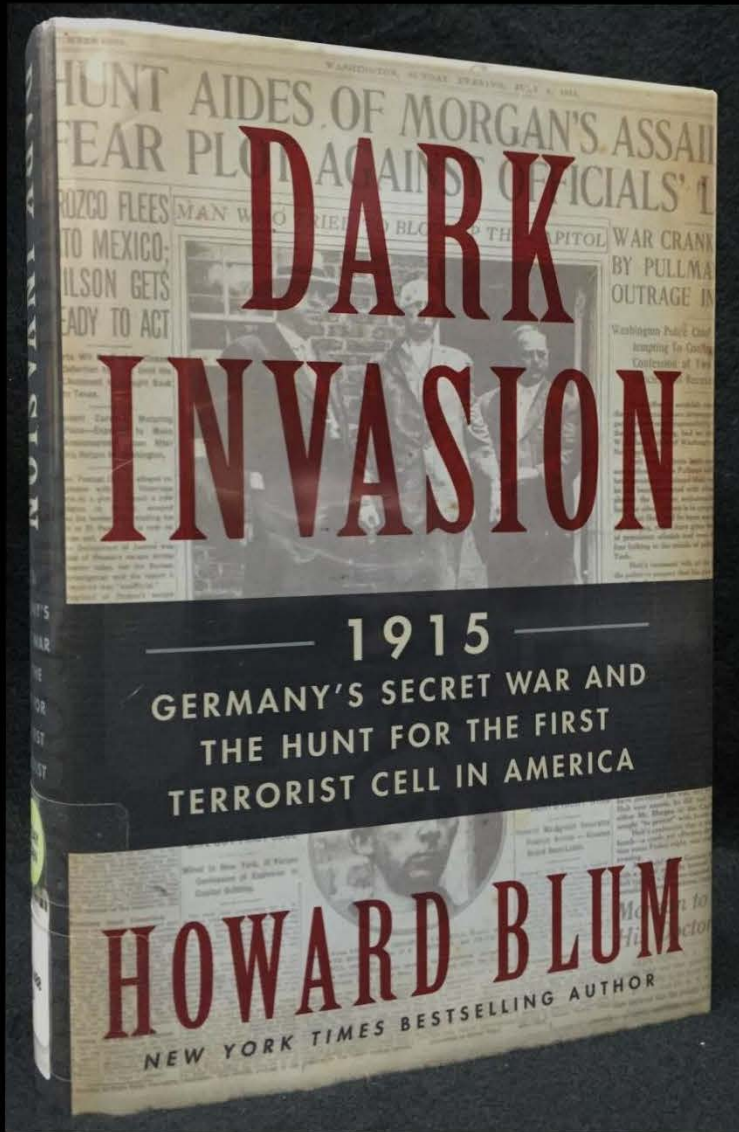



















Better Than Before



Mastering the Habits of  
Our Everyday Lives



Gretchen Rubin

*New York Times* bestselling author of  
*The Happiness Project*



Ray Spellerberg

Alcohol and Drug Abuse Board  
April 2015 – July 2015

**THIS RECOGNITION EMBLEM IS  
PLACED IN THIS BOOK IN  
APPRECIATION FOR  
VOLUNTEER SERVICES**

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: September 28, 2015  
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 14<sup>th</sup> 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: September 28, 2015

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 of 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 the 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 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 of 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: September 28, 2015

Second Reading:

Public Hearing:

Third and Final Reading:





SOUTHERN BEAUFORT COUNTY  
CORRIDOR BEAUTIFICATION BOARD

September 5, 2015

Members:

Stephen Wilson (Council District 11), Chairman  
Glenn Stanford (Council District 8), Vice-Chairman  
Douglas Novak (Council District 9), Secretary  
Sallie Bridgwater (Council District 6)  
Henry Deirxsens (Council District 5)  
C.J. Humphrey (Council District 10)  
Richard Hunter (Council District 7)  
Andy Miller (Town of Bluffton)  
Todd Theodore (Town of Hilton Head)

Staff Support:

Anthony Criscitiello, Planning Division-Director  
Amanda Flake, Natural Resources Planner

Natural Resources Committee  
Beaufort County Council

Dear Members of the Committee:

As you know, the Southern Beaufort County Corridor Beautification Board (the Board) was created by ordinance "TO ASSIST AND ADVISE BEAUFORT COUNTY COUNCIL IN DESIGN, IMPLEMENTATION, FUNDRAISING AND PROMOTION OF CORRIDOR BEAUTIFICATION ALONG HIGH VOLUME TRAFFIC CORRIDORS IN THE SOUTHERN AREAS OF BEAUFORT COUNTY."

This letter is to transmit to the Committee two resolutions. The first resolution pertains to the landscaping of the Highway 278 median (the median) in southern Beaufort County at the Belfair segment.

The second resolution pertains to the funding by Tanger Outlets of their obligation to landscape and maintain the Tanger Outlets segment of the median.

These resolutions are to advise the Council of the Board's findings in its deliberations regarding these two projects. The Belfair Resolution is to advise County Council that the Board does not believe the landscaping at the Belfair segment of the median was done in accordance with approved plans. This is of particular concern in that the proper installation and maintenance of this segment is intended to release the Belfair Community from its obligation to the County's Tree Reforestation Fund.

The Tanger Resolution is to advise the Council of the Board's findings in its deliberations regarding the Tanger Outlets obligation to landscape and maintain the Tanger Outlets segment of the median. The Tanger Outlets organization has offered to pay to the County the sum of \$323,865 for release of its obligation for landscaping and maintenance. This is the amount of a performance bond posted in favor of the County.

It is the advice of the Board that the County accept the offer of payment from Tanger Outlets with a stipulation that payment is made on or before October 31, 2015. The negotiation with the

Steve Wilson  
October 5, 2015  
Natural Resources Committee

Tanger organization regarding its obligation concerning the median landscaping has been protracted. The performance bond expires in the first quarter of 2016. In the event the County does not receive timely payment it is recommended by the Board that the County vigorously pursue action to receive payment under the bond.

The Board is eager to have these resolutions considered by Council and it is ready to provide any additional information it has available to Council.

Sincerely,

**SOUTHERN BEAUFORT COUNTY CORRIDOR  
BEAUTIFICATION BOARD**



Steve Wilson  
Chairman

Cc: Gary Kubic  
Josh Gruber  
Tony Criscitiello  
Allison Coppage  
Amanda Flake





## SOUTHERN BEAUFORT COUNTY CORRIDOR BEAUTIFICATION BOARD

### Members:

Stephen Wilson (Council District 11), Chairman  
Glenn Stanford (Council District 8), Vice-Chairman  
Douglas Novak (Council District 9), Secretary  
Sallie Bridgewater (Council District 6)  
Henry Deirexsens (Council District 5)  
C.J. Humphrey (Council District 10)  
Tray Hunter (Council District 7)  
Andy Miller (Town of Bluffton)  
Todd Theodore (Town of Hilton Head Island)

### Staff Support:

Anthony Criscitiello, Planning Division-Director  
Amanda Flake, Natural Resources Planner

---

### RESOLUTION (re: Belfair Landscaping)

Whereas, the Southern Beaufort County Corridor Beautification Board (the Board) finds that installation of plants and materials at the Belfair segment of Highway 278 does not appear to be in accordance with the Landscape Plan attached as Exhibit A to the Memorandum of Understanding dated October 28, 2014 between Beaufort County and the Belfair Property Owners' Association or the Highway 278 Landscape Master Plan adopted by the Beaufort County Council;

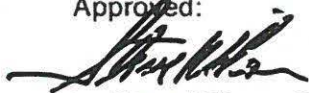
RESOLVED, the Board so advises the Beaufort County Council.

This 3rd day of September, 2015,

Southern Beaufort County Corridor Beautification Board

  
by: Glenn Stanford

Approved:



by Steve Wilson, Chair

# BELFAIR LANDSCAPE PLAN

## HIGHWAY 278 ROW EAST/WEST ENTRANCE

### FROM WESTBURY PARK (STA. 648+00) TO BAYLOR DRIVE (STA. 628+00)

BEAUFORT COUNTY, SOUTH CAROLINA

#### GENERAL NOTES:

- ALL NOTES APPLY TO ALL DRAWINGS AND ALL TRADES. IT IS THE RESPONSIBILITY OF ALL CONTRACTORS AND TRADES TO COORDINATE THE INSTALLATION OF THEIR WORK WITH THE INSTALLATION OF WORK BY ALL OTHER CONTRACTORS AND TRADES. THE REQUIREMENTS OF THE SPECIFICATIONS, DRAWINGS, GENERAL REQUIREMENTS, AND ALL ITEMS OF THE CONTRACT DOCUMENTS ARE EQUALLY BINDING FOR ALL CONTRACTORS AND TRADES. EACH CONTRACTOR IS REQUIRED TO MAINTAIN ALL SETS OF THE CONTRACT DOCUMENTS FOR HIS EMPLOYEES USE ON THE PROJECT TO ASSURE THAT ALL WORK IS PROPERLY COORDINATED AND INSTALLED WITH WORK OF OTHER CONTRACTORS AND TRADES.
- THE CONTRACTOR SHALL CONTACT THE UTILITY PROTECTION CENTER PRIOR TO BEGINNING WORK FOR ALL UNDERGROUND UTILITY, TELEPHONE, CABLE, TV, SURVEILLANCE, TRAFFIC CONTROL, AND THE LIKE AND OTHER UNDERGROUND OBSTRUCTIONS IN THE AREA.
- IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO INSURE THAT ALL REQUIRED PERMITS ARE IN HAND PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.
- ALL CONTRACTORS AND INSTALLATION FOR ALL TRADES SHALL MEET OR EXCEED THE PROJECT MANUFACTURER'S RECOMMENDATIONS AND/OR ALL NATIONAL, STATE, AND LOCAL CODES.
- ALL EXISTING UTILITIES ARE SHOWN SCHEMATICALLY ON THE PLANS AND ARE NOT NECESSARILY ACCURATE AS TO PLUN LOCATION OR ELEVATION. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY LOCATION AND ELEVATION OF ALL UNDERGROUND UTILITIES OR OBSTRUCTIONS.
- ALL ITEMS REMOVED FROM THE PROJECT WHICH ARE NOT TO BE REUSED SHALL BE MOVED TO A LOCATION APPROVED BY THE BEAUFORT COUNTY ENGINEER TO ASSURE NO UNSAFE DEBRIS IS STORED ALONG THE PROJECT DURING CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING A CLEAN SITE FREE OF ALL DEBRIS AND LITTER EACH DAY THROUGHOUT THE CONSTRUCTION PERIOD.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR APPLYING TRAFFIC CONTROL IN ACCORDANCE WITH THE 2004 SCOOT CONSTRUCTION MANUAL - DIVISION 800, TRAFFIC CONTROL. THE CONTRACTOR SHALL CREATE A TRAFFIC CONTROL PLAN FOR REVIEW AND APPROVAL BY THE LOCAL SCOOT ENGINEER PRIOR TO PERFORMING CONSTRUCTION.
- AT THE END OF THE WORKING DAY AND EACH DAY, THE CONTRACTOR SHALL BE RESPONSIBLE FOR PICK UP OF ALL DEBRIS AND LITTER WITHIN AND AROUND THE CONSTRUCTION SITE.
- ANY SOIL, STONE, OR OTHER MATERIALS SHALL BE SWEEP CLEAN FROM ALL PAVED AREAS EACH DAY.
- THE CONTRACTOR SHALL LOCATE PLANTS IN ACCORDANCE WITH THE DRAWINGS AND NOTIFY THE BEAUFORT COUNTY ENGINEER AND/OR THE LANDSCAPE ARCHITECT IF CONDITIONS DEVIATE FROM THE PLANS OR MAY REQUIRE ADJUSTMENTS.
- THE POSTED SPEED LIMIT FOR THE BELFAIR PROJECT SITE IS 45 MPH WITH A TRAFFIC VOLUME GREATER THAN 1000 AFD.
- THE CUT-FILL SLOPE IS 4:1 OR FLATTER, YIELDING A 12" (OR GREATER) OFFSET FROM THE ROADWAY FOR TREES OR SHRUBS THAT WILL ATTAIN A 4" OR GREATER DIAMETER AT MATURITY. IN SOME AREAS THE FILL SLOPE IS 3:1, YIELDING A 24" (OR GREATER) OFFSET FROM THE ROADWAY FOR TREES OR SHRUBS THAT WILL ATTAIN A 4" OR GREATER DIAMETER AT MATURITY. ACCORDING TO THE SCOOT ACCESS AND RECORDS MANAGEMENT STANDARDS, TREE EDITION GROUP 1 TREES AND SHRUBS ARE CONSIDERED TO HAVE A SMALLER THAN 4" DIAMETER AT MATURITY AND THEREFORE SHALL NOT BE SUBJECT TO THE OFFSETS AS STATED IN TABLE 8-11 (MINIMUM OFFSET OF TREES AND SHRUBS AT MATURITY).
- THE CONTRACTOR SHALL REFER TO THESE GENERAL NOTES AND OTHER ASSOCIATED NOTES.
- VEGETATION IN SIGHT AREAS SHALL BE MAINTAINED AT A HEIGHT NOT TO EXCEED 36" FROM THE ADJACENT ROADWAY SURFACE.
- ALL VEGETATION MUST BE PERPETUALLY TRAINED TO ALLOW A VERTICAL CLEARANCE MEASURED FROM THE ROADWAY SURFACE AT THE EDGE OF THE TRAVELWAY.
- CONTRACTOR SHALL OBTAIN WRITTEN PERMISSION FROM US 278 FILE 12378A PRIOR CONTRACT TO PERFORM WORK IN THE CONSTRUCTION WORK-ZONE.

May 28, 2013  
Revised November 21, 2013  
Revised July 9, 2014

## LANDSCAPE PLANS

### SHEET INDEX

Sheet	Description
CS	Coversheet
L1	Key Sheet
L2	Planting Plan
L3	Plant Schedule, Details and Notes
IR1	Irrigation Layout
IR2	Irrigation Details and Notes

\*\*\*CAUTION\*\*\*



JKT JOB NUMBER: 201304-01

J. K. TILLER ASSOCIATES, INC.  
LAND PLANNING, LANDSCAPE ARCHITECTURE  
1000 COLONY ROAD, SUITE 101 • BLUFFTON, SC 29910  
843.835.4800 • Fax 843.835.4822  
jkt@jktiller.com



BELFAIR LANDSCAPE PLAN  
HIGHWAY 278 ROW EAST/WEST ENTRANCE  
FROM WESTBURY PARK (STA. 648+00)  
TO BAYLOR DRIVE (STA. 628+00)  
Beaufort County, South Carolina

Sheet Title:  
COVER 5A-101

Job Number:  
201304-01

Date:  
May 28, 2013

Drawn:  
M

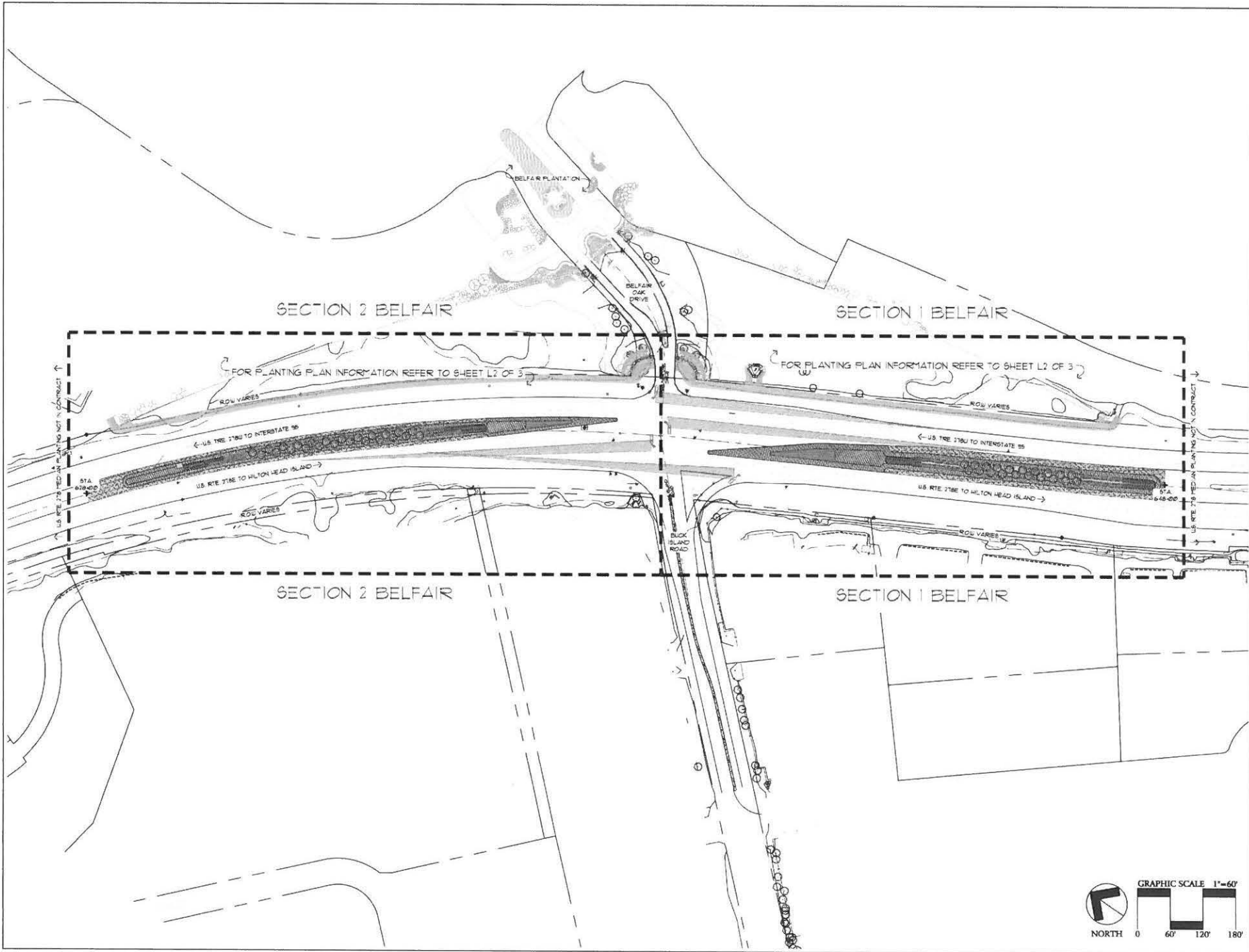
Approved:  
J

Revisions:  
01/09/14

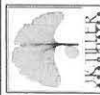
Sheet

CS  
Of 6





**J. K. TILLER ASSOCIATES, INC.**  
 LAND PLANNING LANDSCAPE ARCHITECTURE  
 101 BELLEVILLE ROAD SUITE 101 BELLEVILLE, MISSISSIPPI 39208  
 Phone: 601.835.4800 Fax: 601.835.4802  
 jkt@jktiller.com



**BELFAIR LANDSCAPE PLAN**  
 HIGHWAY 278 ROW EAST/WEST ENTRANCE  
 FROM WESTBURY PARK (STA. 648+00)  
 TO BAYLOR DRIVE (STA. 628+00)  
 Beaufort County, South Carolina

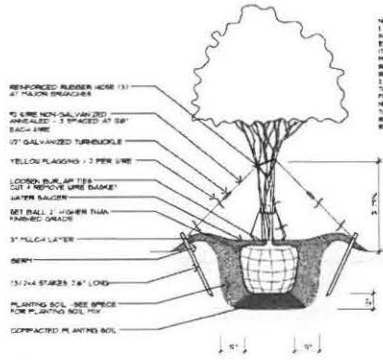
Sheet Title:  
 REV 5-2013  
 Job Number:  
 201304-01  
 Date:  
 MARCH 11, 2013  
 Drawn:  
 WJ  
 Approved:  
 JT  
 Revisions:  
 1/22/13  
 07/08/14

Sheet

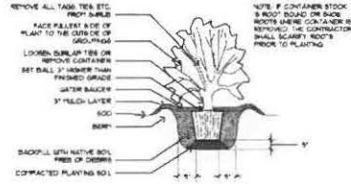
**L1**  
 Of 6

Project: 201304-01, Belair, MS, 03/11/13, 07/08/14, 11/13/14





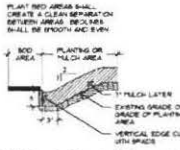
NOTE:  
1. CONTRACTOR SHALL PLACE THE TREE IN THE POT SO THAT THE ROOT PLANE IS EVEN WITH THE FINISHED GRADE LEVEL. IT MAY BE NECESSARY TO REMOVE SOIL FROM THE TOP OF THE NURSERY-ORIGIN ROOTBALL IN ORDER TO EXPOSE THE ROOT PLANE. (17)  
2. PLACE THE TREE IN THE POT SO THAT THE ROOT PLANE IS EVEN WITH THE FINISHED GRADE LEVEL. IT MAY BE NECESSARY TO REMOVE SOIL FROM THE TOP OF THE NURSERY-ORIGIN ROOTBALL IN ORDER TO EXPOSE THE ROOT PLANE.



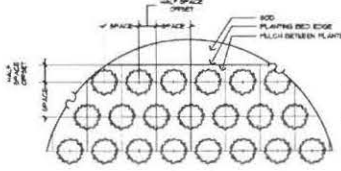
NOTE: IF CONTAINER STUCK TO ROOT BALL OR SOIL, REMOVE USING COLLARS OR REMOVE THE CONTRACTOR SHALL SECURELY ROOT TO PLANTING.

**1 Multi-Trunk Tree Planting Detail**  
L3 Not to Scale

**2 Shrub Planting**  
L3 Not to Scale



**3 Sod / Plant Bed Edge Detail**  
L3 Not to Scale



NOTE:  
1. PREPARE PLANTING BED WITH 2\"/>

**4 Ground Covers, Annuals & Perennials**  
L3 Not to Scale

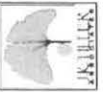
PLANT SCHEDULE BELFAIR

SYMBOL	QTY	BOTANICAL NAME	COMMON NAME	CALIPER	HEIGHT	SPREAD	ROOTS	NOTES
<b>TREES</b>								
L4C	44	Ligustrum vulgare 'Cordata Leaf'	Common Nettle-leaf Ligustrum		10'-0"	8'-0"	Cont.	NOT PLANT TO BE PLANTED
<b>BRUSH</b>								
L4D	20	Leucantheum vulgare 'Daisy King'	White Flowering Daisy		3'-0"	3'-0"	1.50' Cont. 1.4' 0.00	
L4E	20	Salix humilis	Slender Willow		3'-0"	3'-0"	1.50' Cont. 1.4' 0.00	
<b>ORNAMENTAL GRASSES &amp; FERNS</b>								
L4F	80	Panicum virgatum	Switchgrass				1.50' Cont. 1.4' 0.00	
<b>GROUND COVERS, VINES &amp; PERENNIALS</b>								
L4G	400	Thymus serpyllifolius	Creeping Thyme		6'-0"		1.50' Cont. 1.4' 0.00	
L4H	100	Viola sp.	Viola		6'-0"	6'-0"	1.50' Cont. 1.4' 0.00	
<b>SOIL, MULCH &amp; IRRIGATION</b>								
SO			Organic Matter					
MO			1\"/>					
IR			1\"/>					

PLANTING NOTES:

- MATERIALS LIST WAS PREPARED FOR SPECIFIC PURPOSES. CONTRACTOR SHALL TAKE OWNERSHIP OF ANY CHANGES AND SPECIFICATIONS TO BE MADE EARLIEST TO THE SCHEDULED START DATE. CONTRACTOR SHALL NOTIFY ARCHITECT PRIOR TO ANY CHANGES TO BE MADE TO THE MATERIALS LIST.
- ROOT SYSTEMS MAY BE NECESSARILY SUBSTITUTED IN CASE OF UNAVAILABLE AND REPLACED ON CONTRACTOR'S OWN RISK. ALL OTHER SPECIFICATIONS TO REMAIN UNCHANGED.
- CONTRACTOR TO VERIFY THAT ALL PLANT MATERIALS ARE AVAILABLE AS SPECIFIED WHEN PROPOSAL IS SUBMITTED.
- SEE TREE, BRUSH, AND GROUND COVER PLANTING DETAILS AND SPECIAL PROVISIONS FOR PLANTING SPECIFICATIONS.
- CONTRACTOR SHALL STAKE OUT ALL BRUSH BED LINES, TREE LOCATIONS, AND BRUSH GROUPINGS FOR APPROVAL BY LANDSCAPE ARCHITECT BEFORE BEGINNING PLANTING OPERATIONS. PLANTING COORDINATOR'S APPROVAL AND RELOCATION OF PLANTING REQUESTED BY THE LANDSCAPE ARCHITECT SHALL BE DONE AT THE CONTRACTOR'S EXPENSE.
- ALL BRUSH AND GROUND COVER BEDS TO RECEIVE 3\"/>
- CONTRACTOR TO MAINTAIN THE PLANTING AND GROUND COVER BEDS IN ALL AREAS THROUGH THE DURATION OF CONSTRUCTION UNTIL FINAL ACCEPTANCE PERIOD TO SPECIFICATIONS FOR PLANTING DURATION AND REQUIREMENTS.
- ALL BRUSH PLANT BEDS AND EXTEND SOIL AREAS TO RECEIVE SOIL REGULATION COVERAGE.
- IRRIGATION SHALL BE APPLIED TO PLANTING AREAS PRIOR TO LANDSCAPE INSTALLATION ACCORDING TO SOIL REGULATION OPERATIONS MANUAL, LATEST EDITION IN FORCE.
- PLANT BEDS SHALL BE TESTED FOR PH AND SOIL IN PLANT BEDS PRIOR TO INSTALLATION FOR ASSURANCE OF PROPER PLANT GROWTH AFTER EACH PLANTING RANGE.
- PLANT BEDS AND SPECIES MAY VARY DUE TO AVAILABILITY, CHANGES TO PLANT BEDS AND SPECIES MUST BE APPROVED BY THE LANDSCAPE ARCHITECT. SUBSTITUTED PLANT SPECIES SHALL HAVE SIMILAR CHARACTERISTICS AS ORIGINAL PLANT. PLANTING ADJUSTMENT SHALL BE FACILITATED FOR A CHANGE ORDER AS OUTLINED IN THE SPECIFICATIONS.
- SOIL REGULATION: THERE MUST BE DELAYED PRIOR TO ANY INSTALLATION THE BEST OF ANY "NO-TILL" OR "NO-TILL" PRACTICES FROM THE STATE OF SOUTH CAROLINA TO MAINTAIN THE SOIL IN THE CONSTRUCTION ZONE. IN ADDITION, A MAINTENANCE PARTNERSHIP AGREEMENT MUST BE PROVIDED FOR THE MAINTENANCE OF THE ROADSIDE CONSTRUCTION ZONE. THE LANDSCAPE ARCHITECT SHALL BE NOTIFIED PRIOR TO ANY ROADWAY CLOSURE AND BARRIER INSTALLATION. FENCES, ETC. CAUSED BY GROWTH OF PERMITTED VEGETATION OR ANY UNAUTHORIZED ACTIVITIES MUST BE REMOVED BY THE CONTRACTOR AT HIS OWNERSHIP'S EXPENSE.
- ALL PROVISIONS OF CHAPTER 8, SECTION 8.1, ROADSIDE ENCROACHMENTS, LANDSCAPING REGULATIONS FROM THE ACCESS AND ROADSIDE MAINTENANCE & REPAIRATION ACT SHALL BE FOLLOWED, INCLUDING SECTION 8.1.1, VEGETATION MANAGEMENT, WHICH MAY BE MODIFIED AS REQUIRED UNDER THIS PROJECT.
- ALL VEGETATION MUST BE PERMANENTLY TRAINED TO ALLOW FOR VERTICAL CLEARANCE TRAINING FROM THE ROADWAY SURFACE AT THE EDGE OF THE TRAVELWAY. THE CLEARANCE MUST BE MAINTAINED AS THE VEGETATION GROWS. VEGETATION LOCATED IN CLEAR SITE AREAS SHALL BE MAINTAINED AT A HEIGHT NOT TO EXCEED THE SPECIFIED MAXIMUM SURFACE.

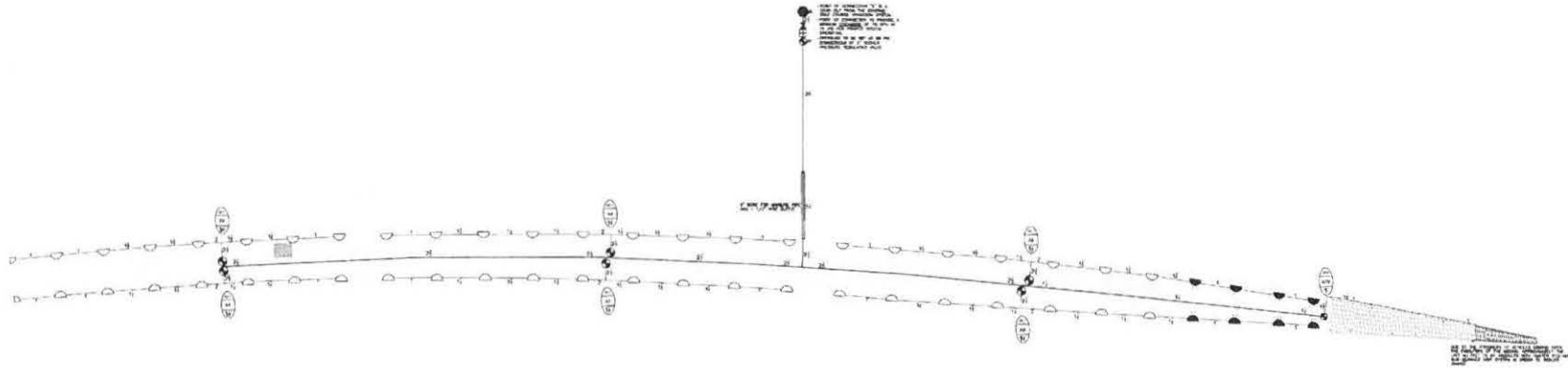
**J. K. TILLER ASSOCIATES, INC.**  
LANDSCAPE ARCHITECTURE  
LAND PLANNING  
TEN PINECREEK COLONY ROAD, SUITE 101 | BELFAIR, SC 29519  
Phone: 803.465.4800  
jkt@jktiller.com



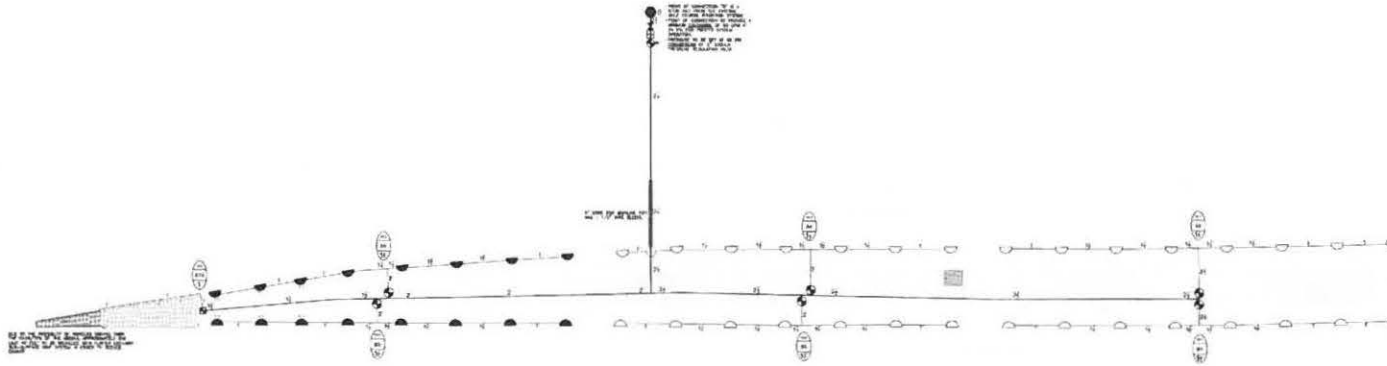
**BELFAIR LANDSCAPE PLAN**  
HIGHWAY 278 ROW EAST/WEST ENTRANCE  
FROM WESTSIDE BLVD (STA. 468+00)  
TO BAYLOR DRIVE (STA. 428+00)  
Benoit County, South Carolina

Sheet Title:  
PLANT SCHEDULE  
DETAILS AND NOTES  
Job Number:  
20-204-01  
Date:  
MARCH 11, 2013  
Drawn:  
5  
Approved:  
JT  
Revisions:  
01/22/2013  
01/22/2013

Sheet  
**L3**  
Of 6



## WEST ISLAND



## EAST ISLAND

*Simon Irrigation Supply*

1000 W. MAIN ST.  
WALTERBORO, SC 29888  
803.338.3088  
www.simonirrigation.com

HIGHWAY 278 - BELFAIR  
BEAUFORT COUNTY, SC

IRRIGATION LAYOUT



REVISED 07-07-14  
Acct # 5620-1  
Date 07-02-2013  
Scale 1" = 30'  
Drawn TMM/CAN  
Sheet IR1 OF 6





## 10.1 MAINTENANCE PARTNERSHIP AGREEMENT

2/17/00

THIS AGREEMENT is entered this 17<sup>th</sup> day of DECEMBER, 2014, by and between Beaufort County (hereinafter "Business") and the South Carolina Department of Transportation (hereinafter "SCDOT").

WHEREAS, in accordance with Sections 57-3-110 (1) and (10), 57-3-650, 57-23-10, and 57-25-140, and the SCDOT's Policy of Vegetation Preservation on SC Highways, SCDOT is authorized to allow landscaping and beautification efforts on SCDOT right of ways;

WHEREAS, Business has previously obtained a SCDOT Encroachment Permit for the one-time right to access SCDOT's right of way for landscaping, beautification and/or enhancement. Said encroachment permit is described as follows:

Permit Number: 176223 Date Issued: 12/17/2014  
Location: Beaufort County, SC

WHEREAS, SCDOT and Business are desirous of entering into this Agreement to grant a continuous license to the Business to enter the SCDOT's right of way to conduct routine maintenance of landscaping, beautification and/or enhancements permitted by the aforesaid encroachment permit;

NOW THEREFORE, in consideration of mutual promises, SCDOT and Business agree to the following:

- 1) SCDOT grants Business a license to enter onto the SCDOT right of way at the area defined by the encroachment permit. The purpose of the license to enter is limited to routine maintenance of the encroachment permit area. Such entry will be limited to the scope of the work identified in the encroachment permit. No additional encroachment beyond that contemplated by the original encroachment permit is allowed. If additional maintenance, enhancement and/or beautification efforts, different from the original scope of work identified in the encroachment permit, is requested, Business will be required to submit a new encroachment permit identifying the new scope of work. Entry onto SCDOT right of way pursuant to this agreement may be without notice to the SCDOT.
- 2) Business agrees to post all necessary traffic control devices and take all necessary precautions in conformance with SCDOT traffic control standards and as required by the SCDOT, along the SCDOT right of way prior to and during the performance of any routine maintenance, enhancement and/or beautification efforts.
- 3) Business agrees that no work shall be accomplished from the mainline side of the highway. Ingress and egress from the work area shall be made from private property as identified on the encroachment permit.
- 4) Business agrees to indemnify and hold harmless the SCDOT from any and all claims, damages and liability arising or resulting from the Business' presence on and use of the SCDOT right of ways for routine maintenance, enhancement and/or beautification. If Business is a local government, it agrees to be responsible for all claims or damages arising from the work performed within the limits of the SC Tort Claims Act. In addition, Local government shall insert a hold harmless and indemnification clause in its contract with all contractors and subcontractors which requires the contractor and subcontractor to indemnify and hold harmless the local government and the State of South Carolina, specifically the SCDOT, from any liability, claims or damages which may arise from the performance of the work on SCDOT right of way. Further, municipalities agree that they are subject to S. C. Code Section 57-5-140, which provides that SCDOT shall not be liable for damages to property or injuries to persons, as otherwise provided for in the Torts Claims Act, as a consequence of the negligence by a municipality in performing such work within the State highway right of way.

**MAINTENANCE PARTNERSHIP AGREEMENT, PAGE 2**

5) This Agreement shall not be modified, amended or altered except upon written consent of the parties. Neither party shall assign, sublet, or transfer its interest in this Agreement without the written consent of the other.

6) This Agreement may be terminated upon thirty days' written notice to the other party; however, in cases where the Business is not performing in accordance with this Agreement, SCDOT shall give written notice to Business of the failure in performance and, if the Business does not correct or cure the performance within three days of receipt of the notice, SCDOT shall have the option to terminate this license immediately, and shall, thereafter, give written notice of such termination to the Business.

IN WITNESS WHEREOF, the above parties have hereunto set their hands and seals.

SOUTH CAROLINA DEPARTMENT OF  
TRANSPORTATION

By: Wendell Purdy

Its: RME

Recommended by: \_\_\_\_\_

Business

By: [Signature]

Its: Administrator



## SOUTHERN BEAUFORT COUNTY CORRIDOR BEAUTIFICATION BOARD

### Members:

Stephen Wilson (Council District 11), Chairman  
Glenn Stanford (Council District 8), Vice-Chairman  
Douglas Novak (Council District 9), Secretary  
Sallie Bridgwater (Council District 6)  
Henry Deirexsens (Council District 5)  
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Andy Miller (Town of Bluffton)  
Todd Theodore (Town of Hilton Head Island)

### Staff Support:

Anthony Criscitiello, Planning Division-Director  
Amanda Flake, Natural Resources Planner

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### RESOLUTION (re: Tanger Landscaping)

Whereas, the Southern Beaufort County Corridor Beautification Board (the Board) has been advised that Tanger Outlets (Bluffton) has offered a cash settlement in lieu of its obligation to landscape and maintain the Highway 278 median between Tanger I and Tanger II;

Be it RESOLVED, the Board advises the Beaufort County Council to accept a cash settlement of no less than \$323,865 to cover the cost to landscape and maintain the Highway 278 median between Tanger I and Tanger II, and upon receipt of such payment to release Tanger Outlets from its obligation to landscape that median;

So resolved this 3rd day of September, 2015,

Southern Beaufort County Corridor Beautification Board

  
by: Glenn Stanford

Approved:



by Steve Wilson, Chair



J.K. TILLER ASSOCIATES, INC.  
SOUTHERN BEAUFORT COUNTY PROJECTS

PROJECT	AMOUNT PAID
SOUTHERN CORRIDOR CONSULTING	\$ 25,229
COMMUNITY DEVELOPMENT CODE	25,000
BELFAIR/TANGER - REVISE LS PLAN, SCDOT ENCROACH	24,211
BERKELEY HALL	<u>7,266</u>
	<u>\$ 81,706</u>



SOUTHERN BEAUFORT COUNTY  
CORRIDOR BEAUTIFICATION BOARD

September 5, 2015

Members:

Stephen Wilson (Council District 11), Chairman  
Glenn Stanford (Council District 8), Vice-Chairman  
Douglas Novak (Council District 9), Secretary  
Sallie Bridgwater (Council District 6)  
Henry Deirxsens (Council District 5)  
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Andy Miller (Town of Bluffton)  
Todd Theodore (Town of Hilton Head)

Staff Support:

Anthony Criscitiello, Planning Division-Director  
Amanda Flake, Natural Resources Planner

Natural Resources Committee  
Beaufort County Council

Dear Members of the Committee:

As you know, the Southern Beaufort County Corridor Beautification Board (the Board) was created by ordinance "TO ASSIST AND ADVISE BEAUFORT COUNTY COUNCIL IN DESIGN, IMPLEMENTATION, FUNDRAISING AND PROMOTION OF CORRIDOR BEAUTIFICATION ALONG HIGH VOLUME TRAFFIC CORRIDORS IN THE SOUTHERN AREAS OF BEAUFORT COUNTY."

This letter is to transmit to the Committee two resolutions. The first resolution pertains to the landscaping of the Highway 278 median (the median) in southern Beaufort County at the Belfair segment.

The second resolution pertains to the funding by Tanger Outlets of their obligation to landscape and maintain the Tanger Outlets segment of the median.

These resolutions are to advise the Council of the Board's findings in its deliberations regarding these two projects. The Belfair Resolution is to advise County Council that the Board does not believe the landscaping at the Belfair segment of the median was done in accordance with approved plans. This is of particular concern in that the proper installation and maintenance of this segment is intended to release the Belfair Community from its obligation to the County's Tree Reforestation Fund.

The Tanger Resolution is to advise the Council of the Board's findings in its deliberations regarding the Tanger Outlets obligation to landscape and maintain the Tanger Outlets segment of the median. The Tanger Outlets organization has offered to pay to the County the sum of \$323,865 for release of its obligation for landscaping and maintenance. This is the amount of a performance bond posted in favor of the County.

It is the advice of the Board that the County accept the offer of payment from Tanger Outlets with a stipulation that payment is made on or before October 31, 2015. The negotiation with the

Steve Wilson  
October 5, 2015  
Natural Resources Committee

Tanger organization regarding its obligation concerning the median landscaping has been protracted. The performance bond expires in the first quarter of 2016. In the event the County does not receive timely payment it is recommended by the Board that the County vigorously pursue action to receive payment under the bond.

The Board is eager to have these resolutions considered by Council and it is ready to provide any additional information it has available to Council.

Sincerely,

**SOUTHERN BEAUFORT COUNTY CORRIDOR  
BEAUTIFICATION BOARD**



Steve Wilson  
Chairman

Cc: Gary Kubic  
Josh Gruber  
Tony Criscitiello  
Allison Coppage  
Amanda Flake





## SOUTHERN BEAUFORT COUNTY CORRIDOR BEAUTIFICATION BOARD

### Members:

Stephen Wilson (Council District 11), Chairman  
Glenn Stanford (Council District 8), Vice-Chairman  
Douglas Novak (Council District 9), Secretary  
Sallie Bridgewater (Council District 6)  
Henry Deirexsens (Council District 5)  
C.J. Humphrey (Council District 10)  
Tray Hunter (Council District 7)  
Andy Miller (Town of Bluffton)  
Todd Theodore (Town of Hilton Head Island)

### Staff Support:

Anthony Criscitiello, Planning Division-Director  
Amanda Flake, Natural Resources Planner

---

### RESOLUTION (re: Belfair Landscaping)

Whereas, the Southern Beaufort County Corridor Beautification Board (the Board) finds that installation of plants and materials at the Belfair segment of Highway 278 does not appear to be in accordance with the Landscape Plan attached as Exhibit A to the Memorandum of Understanding dated October 28, 2014 between Beaufort County and the Belfair Property Owners' Association or the Highway 278 Landscape Master Plan adopted by the Beaufort County Council;

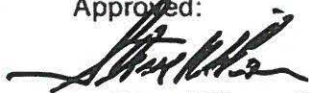
RESOLVED, the Board so advises the Beaufort County Council.

This 3rd day of September, 2015,

Southern Beaufort County Corridor Beautification Board

  
by: Glenn Stanford

Approved:



by Steve Wilson, Chair



# BELFAIR LANDSCAPE PLAN

## HIGHWAY 278 ROW EAST/WEST ENTRANCE

### FROM WESTBURY PARK (STA. 648+00) TO BAYLOR DRIVE (STA. 628+00)

BEAUFORT COUNTY, SOUTH CAROLINA

#### GENERAL NOTES:

1. ALL NOTES APPLY TO ALL DRAWINGS AND ALL TRADES. IT IS THE RESPONSIBILITY OF ALL CONTRACTORS AND TRADES TO COORDINATE THE INSTALLATION OF THEIR WORK WITH THE INSTALLATION OF WORK BY ALL OTHER CONTRACTORS AND TRADES. THE REQUIREMENTS OF THE SPECIFICATIONS, DRAWINGS, GENERAL REQUIREMENTS, AND ALL ITEMS OF THE CONTRACT DOCUMENTS ARE EQUALLY BINDING FOR ALL CONTRACTORS AND TRADES. EACH CONTRACTOR IS REQUIRED TO MAINTAIN ALL SETS OF THE CONTRACT DOCUMENTS FOR HIS EMPLOYEES USE ON THE PROJECT TO ASSURE THAT ALL WORK IS PROPERLY COORDINATED AND INSTALLED WITH WORK OF OTHER CONTRACTORS AND TRADES.
2. THE CONTRACTOR SHALL CONTACT THE UTILITY PROTECTION CENTER PRIOR TO BEGINNING WORK FOR ALL UNDERGROUND UTILITY, TELEPHONE, CABLE, TV, SURVEILLANCE, TRAFFIC CONTROL, AND THE LIKE AND OTHER UNDERGROUND OBSTRUCTIONS IN THE AREA.
3. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO INSURE THAT ALL REQUIRED PERMITS ARE IN HAND PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.
4. ALL CONTRACTORS AND INSTALLATION FOR ALL TRADES SHALL MEET OR EXCEED THE PROJECT MANUFACTURER'S RECOMMENDATIONS AND/OR ALL NATIONAL, STATE, AND LOCAL CODES.
5. ALL EXISTING UTILITIES ARE SHOWN SCHEMATICALLY ON THE PLANS AND ARE NOT NECESSARILY ACCURATE AS TO PLUN LOCATION OR ELEVATION. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY LOCATION AND ELEVATION OF ALL UNDERGROUND UTILITIES OR OBSTRUCTIONS.
6. ALL ITEMS REMOVED FROM THE PROJECT WHICH ARE NOT TO BE REUSED SHALL BE MOVED TO A LOCATION APPROVED BY THE BEAUFORT COUNTY ENGINEER TO ASSURE NO UNSAFE ITEMS IS STORED ALONG THE PROJECT DURING CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING A CLEAN SITE FREE OF ALL DEBRIS AND LITTER EACH DAY THROUGHOUT THE CONSTRUCTION PERIOD.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR APPLYING TRAFFIC CONTROL IN ACCORDANCE WITH THE 2004 SCOD CONSTRUCTION MANUAL - DIVISION AND TRAFFIC CONTROL. THE CONTRACTOR SHALL CREATE A TRAFFIC CONTROL PLAN FOR REVIEW AND APPROVAL BY THE LOCAL SCOD ENGINEER PRIOR TO PERFORMING CONSTRUCTION.
8. AT THE END OF THE WORKING DAY AND EACH DAY THE CONTRACTOR SHALL BE RESPONSIBLE FOR PICK UP OF ALL DEBRIS AND LITTER WITHIN AND AROUND THE CONSTRUCTION SITE.
9. ANY SOIL, STONE, OR OTHER MATERIALS SHALL BE SWEEP CLEAN FROM ALL PAVED AREAS EACH DAY.
10. THE CONTRACTOR SHALL LOCATE PLANTS IN ACCORDANCE WITH THE DRAWINGS AND NOTIFY THE BEAUFORT COUNTY ENGINEER AND/OR THE LANDSCAPE ARCHITECT IF CONDITIONS DEVIATE FROM THE PLANS OR MAY REQUIRE ADJUSTMENTS.
11. THE POSTED SPEED LIMIT FOR THE BELFAIR PROJECT SITE IS 45 MPH WITH A TRAFFIC VOLUME GREATER THAN 1000 AFD.
12. THE CUT-FILL SLOPE IS 4:1 OR FLATTER, YIELDING A 12" (OR GREATER) OFFSET FROM THE ROADWAY FOR TREES OR SHRUBS THAT WILL ATTAIN A 4" OR GREATER DIAMETER AT MATURITY. IN SOME AREAS THE FILL SLOPE IS 3:1, YIELDING A 24" OR GREATER OFFSET FROM THE ROADWAY FOR TREES OR SHRUBS THAT WILL ATTAIN A 4" OR GREATER DIAMETER AT MATURITY. ACCORDING TO THE SCOD ACCESS AND RECORDS MANAGEMENT STANDARDS, TREE EDITION GROUP 1 TREES AND SHRUBS ARE CONSIDERED TO HAVE A SMALLER THAN 4" DIAMETER AT MATURITY AND THEREFORE SHALL NOT BE SUBJECT TO THE OFFSETS AS STATED IN TABLE 11.1 (MINIMUM OFFSET OF TREES AND SHRUBS AT MATURITY).
13. THE CONTRACTOR SHALL REFER TO THESE GENERAL NOTES AND OTHER ASSOCIATED NOTES.
14. VEGETATION IN SIGHT AREAS SHALL BE MAINTAINED AT A HEIGHT NOT TO EXCEED 36" FROM THE ADJACENT ROADWAY SURFACE.
15. ALL VEGETATION MUST BE PERPETUALLY TRAINED TO ALLOW A VERTICAL CLEARANCE MEASURED FROM THE ROADWAY SURFACE AT THE EDGE OF THE TRAVELWAY.
16. CONTRACTOR SHALL OBTAIN WRITTEN PERMISSION FROM US 278 FILE 12378A PRIOR CONTRACT TO PERFORM WORK IN THE CONSTRUCTION WORK-ZONE.

May 28, 2013  
Revised November 21, 2013  
Revised July 9, 2014

## LANDSCAPE PLANS

### SHEET INDEX

Sheet	Description
CS	Coversheet
L1	Key Sheet
L2	Planting Plan
L3	Plant Schedule, Details and Notes
IR1	Irrigation Layout
IR2	Irrigation Details and Notes

\*\*\*CAUTION\*\*\*



JKT JOB NUMBER: 201304-01

J. K. TILLER ASSOCIATES, INC.  
LAND PLANNING, LANDSCAPE ARCHITECTURE  
AND DESIGN  
1000 COLONY ROAD, SUITE 101 - BLUFFTON, SC 29910  
843.831.4800  
843.831.4822  
jkt@jktiller.com



BELFAIR LANDSCAPE PLAN  
HIGHWAY 278 ROW EAST/WEST ENTRANCE  
FROM WESTBURY PARK (STA. 648+00)  
TO BAYLOR DRIVE (STA. 628+00)  
Beaufort County, South Carolina

Sheet Title:  
COVER 5A-101

Job Number:  
201304-01

Date:  
May 28, 2013

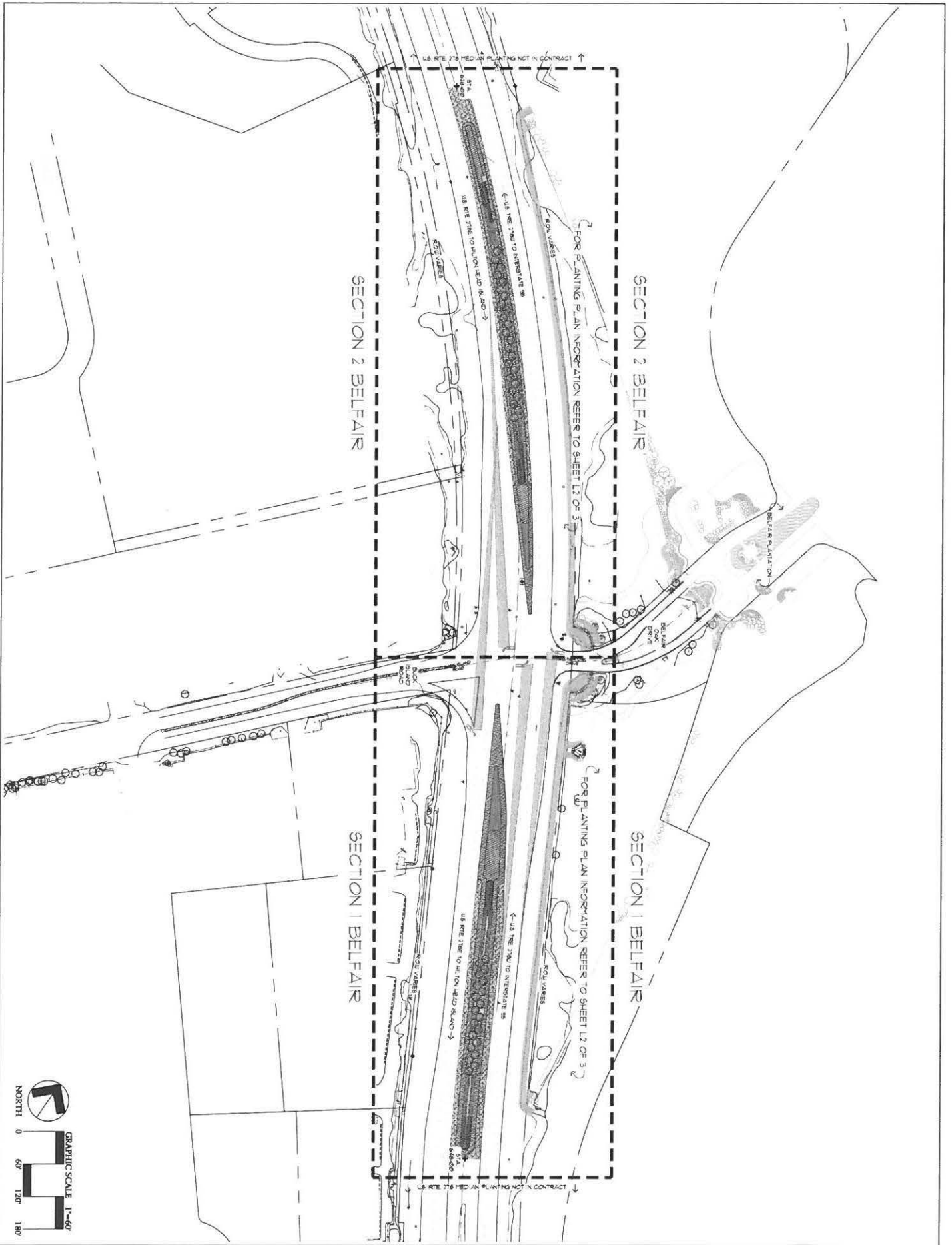
Drawn:  
M

Approved:  
J

Revisions:  
07/09/14

Sheet

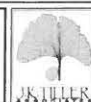
CS  
Of 6



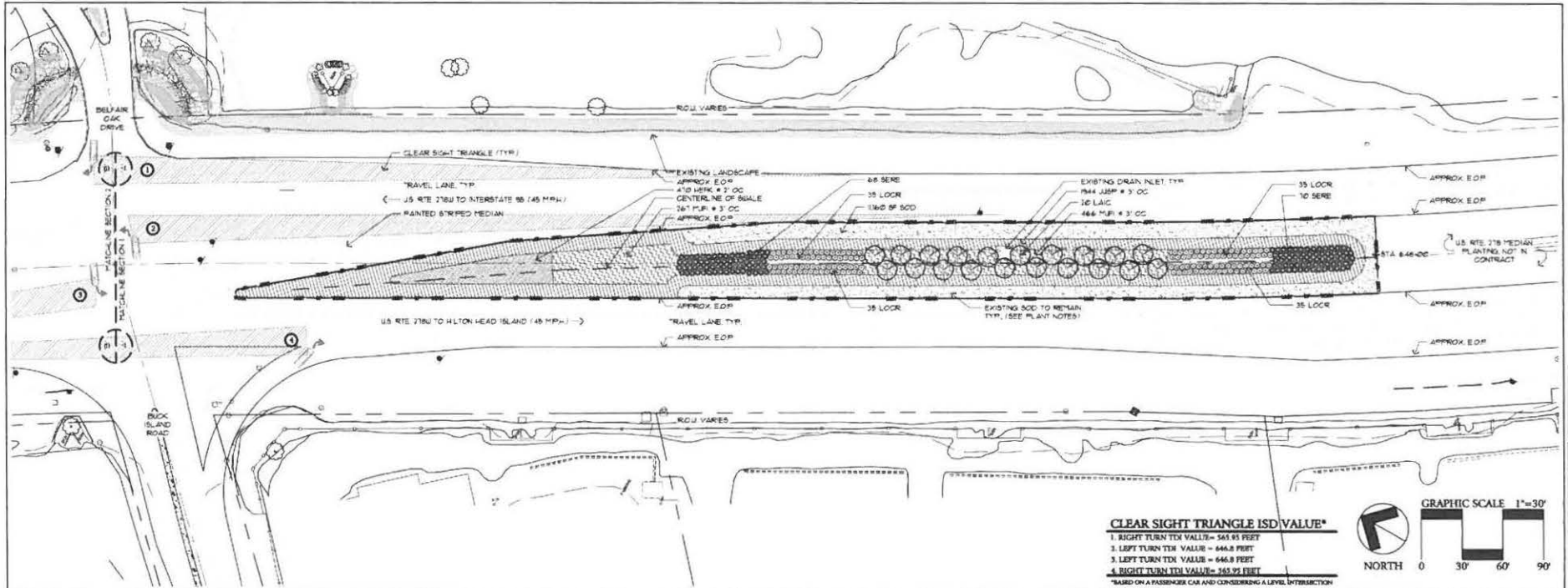
Sheet  
**L1**  
 OF 6

Job Number:  
 201204-01  
 Date:  
 08/24/11  
 Drawn:  
 B/AN/14  
 Approved:  
 B/AN/14  
 Revision:  
 0/0/0/0

Sheet Title:  
**BELFAIR LANDSCAPE PLAN**  
**HIGHWAY 278 ROW EAST/WEST ENTRANCE**  
 FROM WESTBURY PARK (STA. 648+00)  
 TO BAYLOR DRIVE (STA. 628+00)  
 Beaufort County, South Carolina



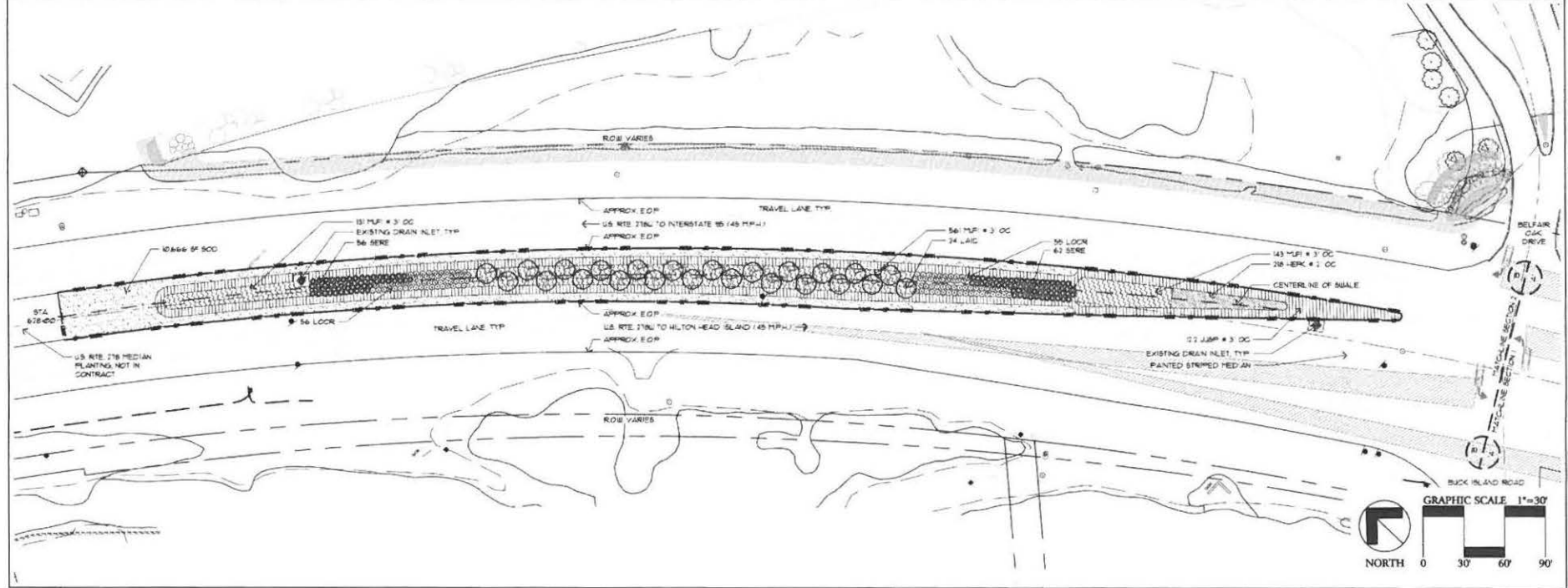
**J. K. TILLER ASSOCIATES, INC.**  
 LAND PLANNING LANDSCAPE ARCHITECTURE  
 TEN PINCKNEY COLONY ROAD SUITE 101 BLUFFTON SC 29909  
 Voice 843.815.4800 jktille@jktiller.com Fax 843.815.4802



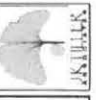
**CLEAR SIGHT TRIANGLE ISD VALUE\***

1. RIGHT TURN TDX VALUE = 543.93 FEET
2. LEFT TURN TDX VALUE = 646.8 FEET
3. LEFT TURN TDX VALUE = 646.8 FEET
4. RIGHT TURN TDX VALUE = 543.93 FEET

\*BASED ON A PASSENGER CAR AND CONSIDERING A LEVEL INTERSECTION



**J. K. TILLER ASSOCIATES, INC.**  
 LAND PLANNING LANDSCAPE ARCHITECTURE  
 1000 COLONY ROAD SUITE 101 BUFFALO, NC 28805  
 Phone: 919.811.4800 Fax: 919.811.4802  
 jktiller.com



**BELFAIR LANDSCAPE PLAN**  
 HIGHWAY 278 EAST/WEST ENTRANCE  
 FROM WESTBURY PARK (STA. 648+00)  
 TO BAYLORK DRIVE (STA. 628+00)  
 Beaufort County, South Carolina

Sheet Title:  
 PLANTING PLAN

Job Number:  
 201204-01

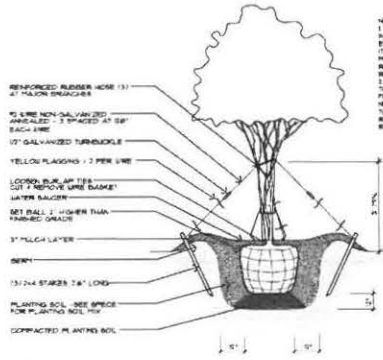
Date:  
 MARCH 11, 2013

Drawn:  
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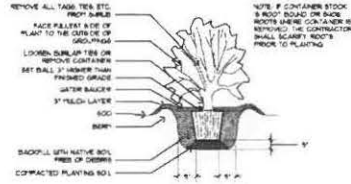
Approved:  
 JT

Revisions:  
 01/24/13

Sheet  
**L2**  
 Of 6



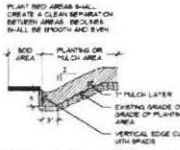
NOTE:  
1. CONTRACTOR SHALL PLACE THE TREE IN THE POT SO THAT THE ROOT PLANE IS EVEN WITH THE FINISHED GRADE LEVEL. IT MAY BE NECESSARY TO REMOVE SOIL FROM THE TOP OF THE NURSERY-ORIGIN ROOTBALL IN ORDER TO EXPOSE THE ROOT PLANE. (1) (1)  
2. PLACE THE TREE IN THE POT SO THAT THE ROOT PLANE IS EVEN WITH THE FINISHED GRADE LEVEL. IT MAY BE NECESSARY TO REMOVE SOIL FROM THE TOP OF THE NURSERY-ORIGIN ROOTBALL IN ORDER TO EXPOSE THE ROOT PLANE.



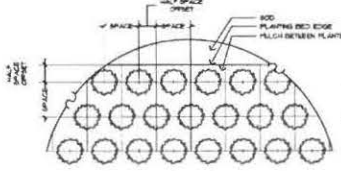
NOTE: IF CONTAINER STUCK TO ROOT BALL OR SOIL, REMOVE USING COLLARS OR REMOVE THE CONTRACTOR SHALL SCISSOR ROOTS PRIOR TO PLANTING.

**1 Multi-Trunk Tree Planting Detail**  
L3 Not to Scale

**2 Shrub Planting**  
L3 Not to Scale



**3 Sod / Plant Bed Edge Detail**  
L3 Not to Scale



NOTE:  
1. PREPARE PLANTING BED WITH 2\"/>

**4 Ground Covers, Annuals & Perennials**  
L3 Not to Scale

PLANT SCHEDULE BELFAIR

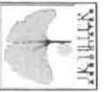
SYMBOL	QTY	BOTANICAL NAME	COMMON NAME	CALIPER	HEIGHT	SPREAD	ROOTS	NOTES
<b>TREES</b>								
L4C	44	Ligustrum vulgare 'Compacta Rosea'	Compacta North-Drift 'Pink'		18\"/>			
<b>BRUSH</b>								
L2C	20	Leucocorypha chrysantha 'Chrysantha'	Tree Red Leucocorypha		3\"/>			
L2B	20	Salix humilis	Sal. Humilis		18\"/>			
<b>ORNAMENTAL GRASSES &amp; FERNS</b>								
L3F	800	Panicum sp.	Orn. Flg. Grass				160 Sq. Ft. 4\"/>	
<b>GROUND COVERS, VINES &amp; PERENNIALS</b>								
L4B	400	Impatiens sp.	Kansas Orange Daylily		18\"/>			
L4P	100	Impatiens sp.	Impatiens		18\"/>			
<b>SOIL, MULCH &amp; IRRIGATION</b>								
SOD	3000 SF		Grass Sod				1000 Sq. Ft. 4\"/>	
MULCH	10000 SF		1\"/>					
IRR	7500 SF		1\"/>					

THE PLANT LIST ABOVE HAS BEEN CONSIDERED TO MEET A TYPICAL SCHEDULE. IT IS NOT INTENDED TO BE USED AS A CONTRACT SPECIFICATION.

PLANTING NOTES:

- MATERIALS LIST HAS BEEN PREPARED FOR SCHEDULING PURPOSES. CONTRACTOR SHALL TAKE OWNERSHIP OF ALL MATERIALS AND SPECIFICATIONS TO BE FURNISHED TO THE CONTRACTOR. CONTRACTOR SHALL VERIFY ALL SPECIFICATIONS AND MATERIALS PRIOR TO ORDERING.
- ROOT TREES MAY BE NECESSARILY SUBSTITUTED IN CASE OF UNAVAILABLE AND REPLACED BY CONTRACTOR. CONTRACTOR SHALL VERIFY ALL SPECIFICATIONS TO BE FURNISHED TO THE CONTRACTOR.
- CONTRACTOR TO VERIFY THAT ALL PLANT MATERIALS ARE AVAILABLE AS SPECIFIED WHEN PROPOSAL IS SUBMITTED.
- SEE TREE, BRUSH, AND GROUND COVER PLANTING DETAILS AND SPECIAL PROVISIONS FOR PLANTING SPECIFICATIONS.
- CONTRACTOR SHALL SUE OUT ALL BRUSH BED LINES, TREE LOCATIONS, AND BRUSH GROUPINGS FOR APPROVAL BY LANDSCAPE ARCHITECT BEFORE BEGINNING PLANTING OPERATIONS. PLANTING COORDINATOR'S APPROVAL OF PLANTING RELOCATION REQUESTED BY THE LANDSCAPE ARCHITECT SHALL BE DONE AT THE CONTRACTOR'S EXPENSE.
- ALL BRUSH AND GROUND COVER BEDS TO RECEIVE 3\"/>

J. K. TILLER ASSOCIATES, INC.  
LANDSCAPE ARCHITECTURE  
LAND PLANNING  
TEN FINGER COLONY ROAD, SUITE 101, BLUFFTON, SC 29919  
Phone: 843.815.4800  
jkt@jktiller.com

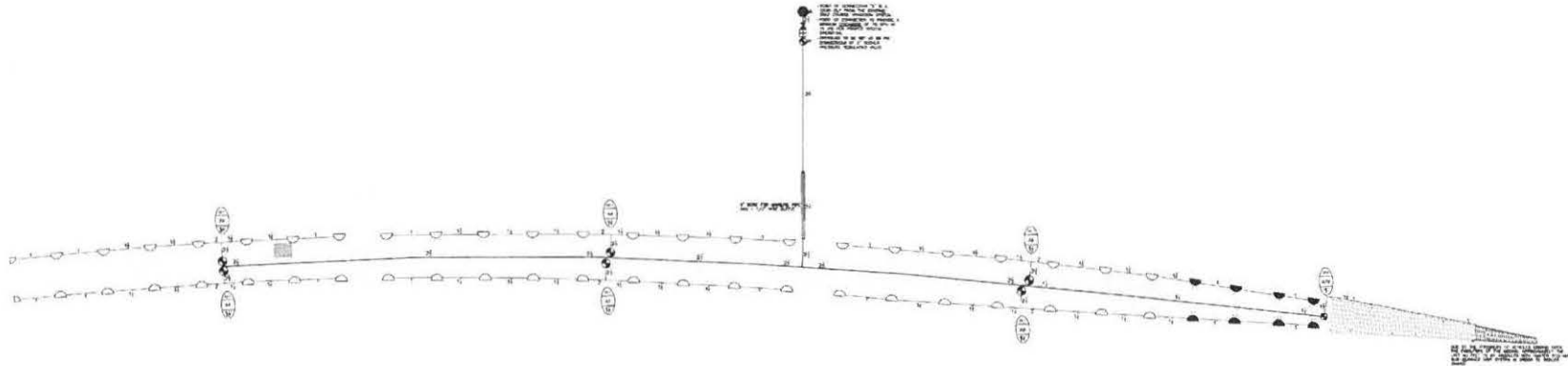


BELFAIR LANDSCAPE PLAN  
HIGHWAY 278 ROW EAST/WEST ENTRANCE  
FROM WESTSIDE BLVD (STA. 468+00)  
TO BAYLOR DRIVE (STA. 428+00)  
Benoit County, South Carolina

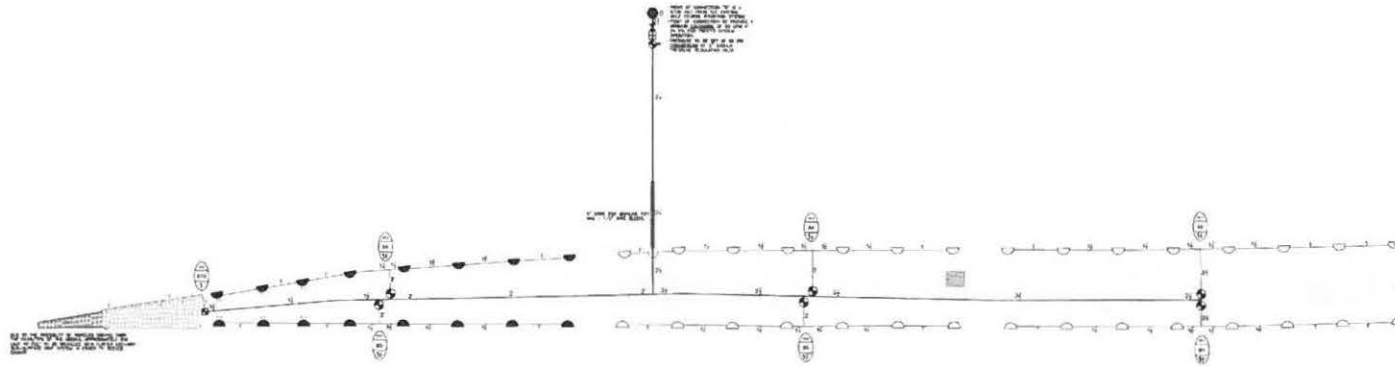
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PLANT SCHEDULE  
DETAILS AND NOTES  
Job Number:  
20-204-01  
Date:  
MARCH 11, 2013  
Drawn:  
5  
Approved:  
JT  
Revisions:  
01/22/2013  
01/22/2013

Sheet  
L3  
Of 6





## WEST ISLAND



## EAST ISLAND

*Simon Irrigation Supply*

1000 W. MAIN ST.  
WALTERBORO, SC 29888  
803.338.3088  
www.simonirrigation.com

HIGHWAY 278 - BELFAIR  
BEAUFORT COUNTY, SC

IRRIGATION LAYOUT



REVISED 07-07-14  
Acct # 5620-1  
Date 07-02-2013  
Scale 1" = 30'  
Drawn TMM/CAN  
Sheet IR1 OF 6



## 10.1 MAINTENANCE PARTNERSHIP AGREEMENT

2/17/00

THIS AGREEMENT is entered this 17<sup>th</sup> day of DECEMBER, 2014, by and between Beaufort County (hereinafter "Business") and the South Carolina Department of Transportation (hereinafter "SCDOT").

WHEREAS, in accordance with Sections 57-3-110 (1) and (10), 57-3-650, 57-23-10, and 57-25-140, and the SCDOT's Policy of Vegetation Preservation on SC Highways, SCDOT is authorized to allow landscaping and beautification efforts on SCDOT right of ways;

WHEREAS, Business has previously obtained a SCDOT Encroachment Permit for the one-time right to access SCDOT's right of way for landscaping, beautification and/or enhancement. Said encroachment permit is described as follows:

Permit Number: 176223 Date Issued: 12/17/2014  
Location: Beaufort County, SC

WHEREAS, SCDOT and Business are desirous of entering into this Agreement to grant a continuous license to the Business to enter the SCDOT's right of way to conduct routine maintenance of landscaping, beautification and/or enhancements permitted by the aforesaid encroachment permit;

NOW THEREFORE, in consideration of mutual promises, SCDOT and Business agree to the following:

- 1) SCDOT grants Business a license to enter onto the SCDOT right of way at the area defined by the encroachment permit. The purpose of the license to enter is limited to routine maintenance of the encroachment permit area. Such entry will be limited to the scope of the work identified in the encroachment permit. No additional encroachment beyond that contemplated by the original encroachment permit is allowed. If additional maintenance, enhancement and/or beautification efforts, different from the original scope of work identified in the encroachment permit, is requested, Business will be required to submit a new encroachment permit identifying the new scope of work. Entry onto SCDOT right of way pursuant to this agreement may be without notice to the SCDOT.
- 2) Business agrees to post all necessary traffic control devices and take all necessary precautions in conformance with SCDOT traffic control standards and as required by the SCDOT, along the SCDOT right of way prior to and during the performance of any routine maintenance, enhancement and/or beautification efforts.
- 3) Business agrees that no work shall be accomplished from the mainline side of the highway. Ingress and egress from the work area shall be made from private property as identified on the encroachment permit.
- 4) Business agrees to indemnify and hold harmless the SCDOT from any and all claims, damages and liability arising or resulting from the Business' presence on and use of the SCDOT right of ways for routine maintenance, enhancement and/or beautification. If Business is a local government, it agrees to be responsible for all claims or damages arising from the work performed within the limits of the SC Tort Claims Act. In addition, Local government shall insert a hold harmless and indemnification clause in its contract with all contractors and subcontractors which requires the contractor and subcontractor to indemnify and hold harmless the local government and the State of South Carolina, specifically the SCDOT, from any liability, claims or damages which may arise from the performance of the work on SCDOT right of way. Further, municipalities agree that they are subject to S. C. Code Section 57-5-140, which provides that SCDOT shall not be liable for damages to property or injuries to persons, as otherwise provided for in the Torts Claims Act, as a consequence of the negligence by a municipality in performing such work within the State highway right of way.

**MAINTENANCE PARTNERSHIP AGREEMENT, PAGE 2**

5) This Agreement shall not be modified, amended or altered except upon written consent of the parties. Neither party shall assign, sublet, or transfer its interest in this Agreement without the written consent of the other.

6) This Agreement may be terminated upon thirty days' written notice to the other party; however, in cases where the Business is not performing in accordance with this Agreement, SCDOT shall give written notice to Business of the failure in performance and, if the Business does not correct or cure the performance within three days of receipt of the notice, SCDOT shall have the option to terminate this license immediately, and shall, thereafter, give written notice of such termination to the Business.

IN WITNESS WHEREOF, the above parties have hereunto set their hands and seals.

SOUTH CAROLINA DEPARTMENT OF  
TRANSPORTATION

By: Wendell Purdy

Its: RME

Recommended by: \_\_\_\_\_

Business

By: [Signature]

Its: Administrator





## SOUTHERN BEAUFORT COUNTY CORRIDOR BEAUTIFICATION BOARD

### Members:

Stephen Wilson (Council District 11), Chairman  
Glenn Stanford (Council District 8), Vice-Chairman  
Douglas Novak (Council District 9), Secretary  
Sallie Bridgwater (Council District 6)  
Henry Deirexsens (Council District 5)  
C.J. Humphrey (Council District 10)  
Tray Hunter (Council District 7)  
Andy Miller (Town of Bluffton)  
Todd Theodore (Town of Hilton Head Island)

### Staff Support:

Anthony Criscitiello, Planning Division-Director  
Amanda Flake, Natural Resources Planner

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### RESOLUTION (re: Tanger Landscaping)

Whereas, the Southern Beaufort County Corridor Beautification Board (the Board) has been advised that Tanger Outlets (Bluffton) has offered a cash settlement in lieu of its obligation to landscape and maintain the Highway 278 median between Tanger I and Tanger II;

Be it RESOLVED, the Board advises the Beaufort County Council to accept a cash settlement of no less than \$323,865 to cover the cost to landscape and maintain the Highway 278 median between Tanger I and Tanger II, and upon receipt of such payment to release Tanger Outlets from its obligation to landscape that median;

So resolved this 3rd day of September, 2015,

Southern Beaufort County Corridor Beautification Board

  
by: Glenn Stanford

Approved:



by Steve Wilson, Chair

J.K. TILLER ASSOCIATES, INC.  
SOUTHERN BEAUFORT COUNTY PROJECTS

PROJECT	AMOUNT PAID
SOUTHERN CORRIDOR CONSULTING	\$ 25,229
COMMUNITY DEVELOPMENT CODE	25,000
BELFAIR/TANGER - REVISE LS PLAN, SCDOT ENCROACH	24,211
BERKELEY HALL	<u>7,266</u>
	<u>\$ 81,706</u>

2015 /

TEXT AMENDMENT TO THE BEAUFORT COUNTY COMMUNITY DEVELOPMENT CODE (CDC), ARTICLES 2, 3, 4, 5, 6, 7, AND 10 (TRANSECT ZONE AMENDMENTS; SIGN AMENDMENTS, DIVISION 5.6; USE AMENDMENTS: USE TABLE, SECTION 3.1.60, LAND USE DEFINITION TABLE, SECTION 3.1.70, AND SPECIFIC TO THE USE STANDARDS, DIVISION 4.1; CORRECTIONS, CLARIFICATIONS AND PROVISIONS FROM THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE).

Whereas, added text is highlighted in yellow.

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:



## MEMORANDUM

**TO:** Beaufort County Council

**FROM:** Tony Criscitiello, Planning Director

**DATE:** October 9, 2015

**SUBJECT:** 6-Month Review of Community Development Code – Proposed Text Amendments

---

When County Council adopted the Community Development Code (CDC) on December 8, 2014, the motion included a 6 month and 1 year evaluation of the code as a condition of approval. Since the adoption of the CDC, staff has learned of both minor and major corrections that should be made to the ordinance based on application and enforcement of the Code. A summary of these changes were presented to the Natural Resources Committee meeting on June 1, 2015 as part of the 6-month review of the code. At that time, the Committee approved the summary and directed staff to bring any necessary amendments forward.

To help navigate through this list of amendments, they have been categorized with the major changes first and minor fixes at the end of the document. The amendments are divided into the following categories:

- **Transect Zone Amendments:** These include amendments to transect zones and related provisions, such as the Traditional Community Plan, which promote mixed-use walkable communities. Since the transect zones are a prominent feature in the new Code, it is in the County's best interest to insure that the districts are utilized and do not present unnecessary barriers to development.
- **Sign Amendments:** These are changes to the sign requirements in Division 5.6.
- **Use Amendments:** These are amendments to the Use Table (Section 3.1.60), the Land Use Definition Table (Section 3.1.70), and Specific To Use standards (Division 4.1).
- **Corrections, Clarifications, and provisions from the ZDSO:** These are minor amendments that do not change the substance of the code. They include mistakes found in the code, such as incorrect building setbacks, or references to provisions that were removed from the code (e.g. Plat Vacation). They also include clarifications, which are changes to wording that aid in the understanding of the requirements. Finally, some of the changes being brought forward were provisions that were in the former ZDSO and did not make it into the final draft of the CDC.



# Transect Zone Amendments

**1. Allowing Mobile Homes to be replaced without meeting Building Type and Public Frontage Standards:**

This series of amendments is proposed to address an issue that has occurred in the enforcement of the Community Development Code. Some of the transect zones have Building Type and Public Frontage standards for single family dwellings that are difficult to meet for standard mobile homes. This has come up several times in the Alljoy/Brighton Beach Community, Land’s End and Shell Point. In order to prevent placing undue burden on property owners who are simply replacing an older mobile home with a newer unit, staff recommends the following amendment in T2 Rural Neighborhood Open (3.2.50), T2 Rural Center (3.2.60), T3 Hamlet Neighborhood (3.2.80), T3 Neighborhood (3.2.90), T4 Hamlet Center (3.2.100), and T4 Neighborhood Center (3.2.110). See sample table below from T2 Rural Neighborhood Open for the proposed amendment that will appear in the above sections.

**A. Purpose**

The Rural Neighborhood (T2RN) Zone protects the residential character of existing communities and neighborhoods in the rural area. The district is intended to minimize non-conforming lots and provide owners of small clustered rural lots flexibility in the use of their land. The districts are established by identifying areas with five contiguous lots of five or fewer acres. It permits subdivision of existing lots to a maximum of 1.2 units to one acre gross density, with DHEC approval, for wastewater treatment. The district is not intended to promote tract development or to encourage rezoning.

The T2 Rural Neighborhood (T2RN) Zone implements the Comprehensive Plan goals of preserving the rural character of portions of Beaufort County.

**B. Subzones**

**T2 Rural Neighborhood Open**

The T2 Rural Neighborhood Open (T2RNO) Subzone provides rural residential areas with limited retail and service uses in the scale and character of the T2RN zone.

**C. Allowed Building Types**

Building Type	Specific Regulations
Carriage House	5.1.40
Estate House	5.1.50
Village House	5.1.60

**Miscellaneous**

Building Type Standards only apply to T2 Rural Neighborhood Open

Existing manufactured homes that are being replaced with another manufactured home that does not exceed the size and/or setbacks of the existing unit are exempt from Building Type (Division 5.1) and Private Frontage (Division 5.2) Standards.

- 2. Facilitating Side-Parking in the T4 Transect Zones:** The T4 Hamlet Center, T4 Hamlet Center Open, and T4 Village Center Transect Zones are mixed use districts that promote pedestrian friendly development that is in close proximity to the street and sidewalk. Many of the areas of Beaufort County (e.g. Shell Point, Lady’s Island, Corners Community) that are zoned with these districts are in the process of transitioning from auto-oriented to pedestrian-friendly communities. During this transition, many businesses will resist having parking at the rear of the building when a majority of customers will access the business from the highway and want to park in front of the business. A good compromise is to allow parking at the side of the building with the entrance at the front corner. This orients the building both toward the sidewalk and the parking lot accommodating both modes of transportation. The rigid requirements in the T4 districts for the percentage of building façade within the façade zone, and the parking setbacks make it difficult to impossible to have parking at the side of the building. Therefore, staff proposes to allow a wall or decorative fence that screens side parking to count toward a percentage of the façade zone. Staff also recommends reducing the parking lot setback to align parking with the front façade of the building minus 5 feet to allow a fence or wall with landscaping (see tables on pages 4 and 5).
- 3. Making Allowances for Larger Buildings in the T4 Zones:** T4 Hamlet Center Open and T4 Village Center allow buildings of a size up to 50,000 square feet. T4 Neighborhood Center has no limit on the square footage of retail or service uses. However, there are other standards that make it difficult to site larger buildings in the T4 districts. Both districts have a maximum lot size and width

that is too small to accommodate larger buildings. In addition, the Building Types assigned to the T4 districts also limit the size of buildings. Therefore staff recommends the following amendments to accommodate the larger buildings that are already permitted in these districts:

- a. Providing for an exemption from the maximum lot sizes in the T4 Districts for larger buildings;
- b. Providing an exemption from the maximum building footprint width for larger buildings;
- c. Adding the Industrial/Agricultural building type to the T4 Districts; and
- d. Allowing for an exemption for larger buildings from the building size and massing requirements for the Industrial/Agricultural building type.

The tables below show the amendments required to allow side parking and to accommodate larger buildings in the T4 districts:

**Section 3.2.100.C Amended to allow Industrial/Agricultural Building Type in T4HC, T4 HCO, and T4 VC**

**A. Purpose**  
 The Hamlet Center (T4HC) Zone is intended to integrate appropriate, medium-density residential building types, such as duplexes, townhouses, small courtyard housing, and mansion apartments in an environment conducive to walking and bicycling.  
  
 The T4 Hamlet Center is appropriate for more rural areas, implementing the Comprehensive Plan goals of creating areas of medium intensity residential in portions of Beaufort County, the City of Beaufort and Town of Port Royal.

<b>B. Sub-Zones</b>	
<b>T4HC-O (Open)</b>	
The intent of the T4HC-O Sub-Zone is to provide neighborhoods with a broader amount of retail and service uses in the scale and character of the T4HC zone.	
<b>T4VC (Village Center – St. Helena)</b>	
The Village Center (T4VC) Zone provides a tailored set of land uses for St. Helena Island.	
<b>C. Allowed Building Types</b>	
<b>Building Type</b>	<b>Specific Regulations</b>
Carriage House	5.1.40
Village House <sup>1</sup>	5.1.60
Small Lot House	5.1.70
Cottage Court	5.1.80
Duplex	5.1.90
Townhouse	5.1.100
Mansion Apartment	5.1.110
Apartment House	5.1.120
Industrial/Agricultural	5.1.140
<b>Notes</b>	
<sup>1</sup> The use of this building type is limited to non-residential uses	

Section 3.2.100.D Amended to accommodate decorative fences and walls screening parking to count toward façade within façade zone requirement. Section 3.2.100.D also amended to exempt large buildings from maximum lot size requirements. Section 3.2.100.E amended to exempt large buildings from maximum building footprint width requirements.

D. Building Placement		
Setback (Distance from ROW/Property Line)		
Front	10' min., 25' max.	<b>A</b>
Side Street	10' min., 20' max.	<b>B</b>
Side:		
Side, Main Building	5' min.	<b>C</b>
Side, Ancillary Building	5' min.	
Rear	5' min.	<b>D</b>
Façade within Façade Zone <sup>1</sup>		
Front	75%	
Side Street	50%	

**Notes**

<sup>1</sup>A Parking Lot Perimeter Strip (Section 5.8.80.C) utilizing a decorative fence or wall can substitute up to 50% of the required façade within the façade zone.

Lot Size (37,500 SF Maximum)		
Width	150 ft. max.	<b>E</b>
Depth	250 ft. max.	<b>F</b>

**Miscellaneous**

Where existing adjacent buildings are in front of the regulated BTL or front setback, the building may be set to align with the façade of the front-most immediately adjacent property.

Maximum lot size does not apply to Recreation, Education, Safety, Public Assembly uses, and buildings with a footprint exceeding 10,000 square feet.

E. Building Form		
Building Height		
Main Building	2.5 stories max.	<b>G</b>
Ancillary Building	2 stories max.	
Ground Floor Finish Level: <sup>1</sup>		
Residential	18" min.	<b>H</b>
Commercial (T4HC-O)	6" max.	
Ground Floor Ceiling:		
Commercial (T4HC-O)	10' min.	<b>I</b>
Upper Floor(s) Ceiling	8' min.	<b>J</b>
Ground Floor lobbies and Common areas in multi-unit buildings may have a 0" to 6" ground floor finish level. Within 25' of the rear property line, buildings may not be more than a half-story taller than the allowed height of adjacent buildings.		

**Footprint**

Width: Main Building	100' max. <sup>2</sup>
All upper floors may have a primary entrance along the front. Loading docks, overhead doors, and other service entries may not be located on street-facing façades.	

**Notes**

<sup>1</sup>Buildings located in a flood hazard zone will be required to be built above base flood elevation in accordance with Beaufort County Building Codes.

<sup>2</sup>Buildings with a footprint exceeding 15,000 square feet are exempt from the maximum building width requirement.

**Section 3.2.100.G Amended to reduce parking lot setback to 5 feet behind the front façade line.**

F. Encroachments and Frontage Types		
Encroachments		
Front	12' max.	L
Side Street	12' max.	M
Side	3' max.	N
Rear	3' max.	O
Encroachments are not allowed across a side or rear property line, or across a curb.		
See Division 5.2 (Private Frontage Standards) for further refinement of the allowed encroachments for frontage elements.		
Allowed Frontage Types		
Common Yard	Forecourt	
Porch: Projecting	Dooryard	
Porch: Engaged	Porch: Side Yard	
Stoop	Shopfront <sup>1</sup>	
Terrace <sup>1</sup>		

<sup>1</sup> Allowed in T4HC-O Sub-Zone only.

G. Parking		
Required Spaces: Residential Uses		
Single-family detached	2 per unit	
Single family attached/ duplex	2 per unit	
Multi-family units	1.25 per unit	
Accessory dwelling unit	1 per unit	
Community residence	1 per bedroom	
Required Spaces: Service or Retail Uses		
Retail, Offices, Services	1 per 300 GSF	
Restaurant, Café, Coffee Shop	1 per 150 GSF	
Drive-through Facility	Add 5 stacking spaces per drive-through	
Gas Station/Fuel Sales	1 per pump plus requirement for retail	
Lodging: Bed and breakfast	2 spaces plus 1 per guest room	
Lodging: Inn/hotel	1 per room	
Required Spaces: Industrial Uses		
Light manufacturing, processing and packaging	1 per 500 GSF	
Warehousing/Distribution	1 per 2,000 GSF	
For parking requirements other uses see Table 5.5.40.B (Parking Space Requirements).		
Location (Setback from Property Line)		
Front	40' min. 5' behind front façade of main building	P
Side Street	15' min. 5' behind side façade of main building	O
Side	0' min.	R
Rear	5' min.	S
Miscellaneous		
Parking Driveway Width		T
40 spaces or less	14' max.	
Greater than 40 spaces	18' max.	

**Section 3.2.110.B amended to allow Industrial/Agricultural Building Type in T4NC.**

A. Purpose
The Neighborhood Center (T4NC) Zone is intended to integrate vibrant main-street commercial and retail environments into neighborhoods, providing access to day-to-day amenities within walking distance, creating potential for a transit stop, and serving as a focal point for the neighborhood.
The T4 Neighborhood Center Zone implements the Comprehensive Plan goals of creating areas of higher intensity residential and commercial uses in Beaufort County, the City of Beaufort and Town of Port Royal.

B. Allowed Building Types	
Building Type	Specific Regulations
Carriage House	5.1.40
Small Lot House	5.1.70
Cottage Court	5.1.80
Duplex	5.1.90
Townhouse	5.1.100
Mansion Apartment	5.1.110
Apartment House	5.1.120
Main Street Mixed Use	5.1.130
Industrial/Agricultural	5.1.140



Section 3.2.110.D amended to exempt large buildings from maximum lot size requirements in T4NC.

C. Building Placement		
Setback (Distance from ROW/Property Line)		
Front	0' min., 15' max.	<b>A</b>
Side Street	0' min., 10' max	<b>B</b>
Side:		<b>C</b>
Main Building	3' min., 6' max.	
Ancillary Building	0' or 3' min.	
Rear	5' min.	<b>D</b>
Façade within Façade Zone:		
Front	75%	
Side Street	50%	
Lot Size (62,500 SF Maximum)		
Width	250' max.	<b>E</b>
Depth	250' max.	<b>F</b>
Miscellaneous		
Where existing adjacent buildings are in front of the regulated BTL or front setback, the building may be set to align with the facade of the front-most immediately adjacent property.		
No planting strips are allowed between sidewalk and building.		
Maximum lot size does not apply to Recreation, Education, Safety, Public Assembly uses, <b>and buildings with a footprint exceeding 20,000 square feet.</b>		

D. Building Form		
Building Height		
Main Building	2 stories min., <sup>1</sup>	<b>G</b>
	4 stories max.	
Ancillary Building	2 stories max.	
Ground Floor Finish Level: <sup>2</sup>		
Residential	18" min.	<b>H</b>
Commercial	6" max.	
Ground Floor Ceiling:		
Commercial	10' min.	<b>I</b>
Upper Floor(s) Ceiling		
	8' min.	<b>I</b>
Ground Floor lobbies and common areas in multi-unit buildings may have a 0" to 6" ground floor finish level.		
Within 25' of the rear property line, buildings may not be more than a half-story taller than the allowed height of adjacent buildings.		
Footprint		
Width: Main Building	250' max.	
Miscellaneous		
Distance Between Entries, to Upper Floor(s)	80'	
All upper floors must have a primary entrance along the front.		
Loading docks, overhead doors, and other service entries may not be located on street-facing facades.		
Notes		
<sup>1</sup> On Lady's Island, one-story buildings are permitted; multi-story buildings are recommended		
<sup>2</sup> Buildings located in a flood hazard zone will be required to be built above base flood elevation in accordance with Beaufort County Building Codes.		

Section 5.1.140.C amended to exempt larger buildings from the maximum dimensions for the Industrial/Agricultural building type.

B. Lot		
Lot Size		
Width	100 ft	<b>A</b>
Depth	200 ft	<b>B</b>
C. Building Size and Massing		
Height		
Per building form standards based on zone.		
Main Body <sup>1</sup>		
Width	100 ft. max.	<b>C</b>
Depth	150 ft. max.	<b>D</b>
Notes		
<b><sup>1</sup>Buildings with a footprint exceeding 15,000 square feet may exceed main body maximum width and depth requirements provided that the building meets the standards in Division 5.3 (Architectural Standards and Guidelines) and the site planning standards of Division 2.6 (Commercial Oriented Communities).</b>		

D. Allowed Frontages		
Porch: Projecting	Porch: Engaged	
Gallery	Arcade	
The porch, gallery, or arcade, shall extend along at least 75% of either the length or width of the building.		<b>E</b>
E. Pedestrian Access		
Main Entrance Location	Front or Side	<b>F</b>
F. Vehicle Access and Parking		
Parking may be accessed from the alley, side street, or front.		
Parking drives and access may be shared on adjacent lots.		
G. Private Open Space		
No private open space requirement.		

4. **Traditional Community Plans: Allowing Greater Flexibility in the Choice of Transect Zones:** The Traditional Community Plan (Division 2.3) is a good tool for promoting the development of mixed use walkable communities. In order to promote the use of the TCP, staff recommends having greater flexibility with the Neighborhood-Scale TCP which currently requires the assignment of three transect zones for a development as small as 40 acres. Staff recommends making the following amendment to Table 2.3.60.B to reduce the number of required transect zones for the Neighborhood-Scale TCP from 3 to 2:

Table 2.3.60.B Required Allocation Mix of Transect Zones		
Transect Zone	Percentage of Land Assigned to Zone	
<b>Infill-Scale TCP</b>		
T3 Edge (T3E)	No min.	25% max.
T3 Hamlet Neighborhood (T3HN)	25% min.	70% max.
T3 Neighborhood (T3N)	25% min.	50% max.
<b>Neighborhood-Scale TCP</b>		
T2 Rural (T2R)	No min.	50% max.
T3 Edge (T3E)	No min.	25% max.
T3 Hamlet Neighborhood (T3HN)	25% No min.	40% max.
T3 Neighborhood (T3N)	25% 60% min.	50% 90% max.
T4 Hamlet Center (T4HC)	10% min.	40% max.
<b>Commercial Redevelopment TCP</b>		
<b>For Areas Zoned C4</b>		
T3 Neighborhood (T3N)	No min.	100% max.
T4 Hamlet Center Open (T4HCO)	No min.	100% max.
<b>For Areas Zoned C5</b>		
T4 Hamlet Center Open (T4HCO)	No min.	100% max.
T4 Neighborhood Center (T4NC)	No min.	100% max.

5. **Place Type Overlay Zone: Greater Flexibility for Village Place Type (3.4.80.E):** The following amendment is proposed to allow greater flexibility of the allocation of transect zones in the Village Place Type provided that the regulating plan meets the objectives of the division and is the product of a multi-day charrette involving stakeholders and the public. The amended language reads as follows:

**“E. Allocation of Transect Zones:** Applications for a comprehensive amendment under the provisions of the Place Type Overlay (PTO) Zone shall assign and map transect zones to each pedestrian shed according to the percentages allocated in the Table 3.4.80.E. The Director may approve a variance for modulate up to 15% for the transect zone allocation within Table 3.4.80.E as long as the proposed regulating plan meets the objectives of this Division. Modulations greater than 15% of the transect zone allocation may be permitted for the Village Place Type, provided that the regulating plan meets the objectives of this Division and is the product of a multi-day charrette involving all affected stakeholders and the public.”

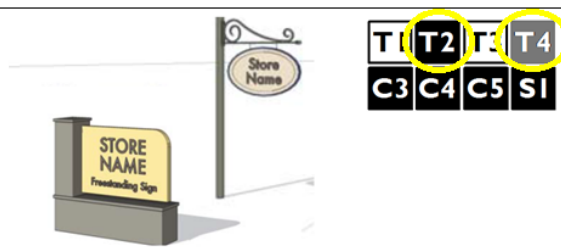
## Sign Amendments

The following amendments are proposed for Division 5.6. The most common form of sign in auto-oriented areas is the freestanding sign which includes pole signs and monument signs designed to be seen from the highway by passing motorists. When the Community Development Code was adopted, Table 5.6.40.A allowed freestanding signs in each of the conventional zones, but none of the transect zones. The original purpose of prohibiting freestanding signs in T4 was that the T4 zones were meant to

create pedestrian oriented development. With buildings set at a close distance from the street, wall signs and projecting signs are easily visible from the street and are conducive to a pedestrian environment. However, this created a hardship for buildings that were unable to be sited close to the highway. Staff responded with an amendment allowing for freestanding signs in T4 when the building was sited 30 feet or greater from the front property line. After further analysis, staff has determined that neighboring jurisdictions permit freestanding signs in areas zoned for pedestrian friendly development. Therefore, staff is bringing forward the following amendment that would allow freestanding signs in T4, but at a scale that is more pedestrian-friendly, but still visible from the street. In addition, freestanding signs were prohibited in T2 districts in the Community Development Code. Staff believes that this was a mistake and is bringing forward as a correction to permit them in the T2 districts.

**Table 5.6.40.A amended to allow for freestanding signs as permitted in T2 districts and as a conditional use in T4 districts:**

**Free Standing Signs:** Free standing signs encompass a variety of signs that are not attached to a building and have an integral support structure. Three varieties include: Freestanding, Monument and Pole.



5.6.120

**Section 5.6.120.B amended to provide conditions for freestanding signs in T4 districts:**

A. Description			Location													
<p><b>Freestanding Signs</b> encompass a variety of signs that are not attached to a building and have an integral support structure. Freestanding varieties include Monument and Pole Signs.</p> <p>A Pole Sign, usually double-faced, mounted on a single or pair of round poles, square tubes, or other fabricated members without any type of secondary support.</p> <p>A Monument Sign stands directly on the ground or ground level foundation and is often used to mark a place of significance or the entrance to a location.</p>			Signs per Highway Frontage:													
			Single Tenant	1 max.												
<p><b>B. Standards</b></p> <p><b>Size</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #4F7942; color: white;">Signable Area</th> <th style="background-color: #4F7942; color: white;">T4</th> <th style="background-color: #4F7942; color: white;">All Other Districts</th> </tr> </thead> <tbody> <tr> <td>Single Tenant</td> <td style="background-color: yellow;">24 SF max.</td> <td>40 SF max.</td> </tr> <tr> <td>Multiple Tenant with one highway frontage</td> <td style="background-color: yellow;">32 SF max.</td> <td>80 SF max.</td> </tr> <tr> <td>Multiple Tenant with two or more highway frontages</td> <td style="background-color: yellow;">32 SF per frontage</td> <td>80 SF per frontage</td> </tr> </tbody> </table>			Signable Area	T4	All Other Districts	Single Tenant	24 SF max.	40 SF max.	Multiple Tenant with one highway frontage	32 SF max.	80 SF max.	Multiple Tenant with two or more highway frontages	32 SF per frontage	80 SF per frontage	Height	
			Signable Area	T4	All Other Districts											
Single Tenant	24 SF max.	40 SF max.														
Multiple Tenant with one highway frontage	32 SF max.	80 SF max.														
Multiple Tenant with two or more highway frontages	32 SF per frontage	80 SF per frontage														
<p><b>Miscellaneous</b></p> <p>Freestanding signs are permitted in T4 zones in cases where the principal structure is located greater than 30 feet from the front property line.</p> <p>Changeable copy signs are allowed for gasoline price signs, houses of worship, schools, directory signs listing more than one tenant, and signs advertising restaurant food specials, films and live entertainment which change on a regular basis.</p>			Width													
			10' max. <span style="float: right;">(A)</span>													
<p><b>Standards</b></p>			Distance from ground to the base of the sign													
			4' max. <span style="float: right;">(B)</span>													
<p><b>Standards</b></p>			Setback within Corridor Overlay District													
			10' min.													
<p><b>Standards</b></p>			<sup>1</sup> Individual tenants may not have a Freestanding Sign.													
			<sup>2</sup> Frontages greater than 500 feet may include one additional freestanding sign not to exceed 80 SF in area and with a total allowable sign area not exceeding the maximum allowable sign area for the multiple tenant center.													

# Use Amendments

- Add Residential Storage Facility as a conditional use in T4 Hamlet Center Open and T4 Neighborhood Center.** The Community Development Code currently does not permit Residential Storage Facilities in any of the T4 districts. This was originally done because the T4 districts are meant to encourage pedestrian friendly development. However, two areas of the County (Shell Point and Lady’s Island) have T4 districts for the entirety of their commercial districts. With this particular use in high demand, especially in areas with small residential lots, staff is recommending adding residential storage facility as a conditional use in T4.

17. Residential Storage Facility	--	--	--	--	--	--	--	--	--	--	--	--	C	C	--	C	C	C	
18. Vehicle Services: Minor Maintenance and Repair	--	--	--	--	--	C	--	--	--	--	--	--	C	C	C	--	C	C	--
19. Vehicle Services: Major Maintenance and Repair	--	--	--	--	--	C	--	--	--	--	--	--	C	C	--	C	C	C	
<b>Land Use Type</b>	<b>T1 N</b>	<b>T2R</b>	<b>T2 RL</b>	<b>T2 RN</b>	<b>T2 RNO</b>	<b>T2 RC</b>	<b>T3E</b>	<b>T3 HN</b>	<b>T3 N</b>	<b>T3 NO</b>	<b>T4 HC</b>	<b>T4 VC</b>	<b>T4 HCO</b>	<b>T4 NC</b>	<b>C3</b>	<b>C4</b>	<b>C5</b>	<b>SI</b>	

“P” indicates a Use that is Permitted By Right.

“C” indicates a Use that is Permitted with Conditions.

“S” indicates a Use that is Permitted as a Special Use.

“TCP” indicates a Use that is permitted only as part of a Traditional Community Plan under the requirements in Division 2.3

“--” indicates a Use that is not permitted.

The following amendments are recommended to Section 4.1.220 for residential storage facility in T4. Provide an additional subsection “E” to address this use in T4 Hamlet Center Open:

**E. Residential Storage Facilities in T4 Hamlet Center Open and T4 Neighborhood Center:**

Residential storage facilities shall be sited so that storage buildings are located in the interior of the block and do not face a street. The site shall incorporate outparcels to screen and separate the storage buildings from the street. The leasing office and/or security quarters may face and address the street.

- Revising the Definition of Lodging:Inn:** Regulating the short-term rental (i.e., less than 30 days) of single-family homes as a commercial lodging use requires that the homes be renovated to commercial building code standards per the County Building Official. For this reason, staff recommends that the short-term rental of single-family homes be deleted from the definition of “Lodging: Inn.” Staff will be developing separate standards for this use for the Planning Commission’s future consideration. Revise Table 3.1.70 as follows:

## OFFICES AND SERVICES

This category is intended to encompass activities, without outdoor storage needs, that are primarily oriented towards office and service functions.

Land Use Type	Definition
9. Lodging: Inn	A building or group of buildings used as a commercial lodging establishment having up to 24 guest rooms providing lodging accommodations to the general public. <u>This includes the use of any dwelling unit for lodging accommodations on a daily or weekly rate to the general public.</u>



## Corrections, Clarifications, and provisions from the ZDSO

**2.7.40.C: Family Compound Standards** (Clarification). Edit as follows:

- C. **Property May Be Subdivided.** Family compounds shall be developed and the dwelling units built, or the family compound property may be subdivided and conveyed by the landowner to a family member to build a dwelling unit. **Family compounds that are subdivided are limited to the maximum number of units without clustering shown in Table 2.7.40.A.**

**2.7.40.D: Family Compound Standards** (from ZDSO). Add a new subsection that reads as follows:

- 5. **Family Compound Design.** Family compounds that are subdivided shall be accompanied by covenants and cross easements, or similar restrictions and reservations, guaranteeing essential infrastructure and 50 feet of vehicular access for each lot.

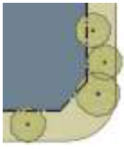
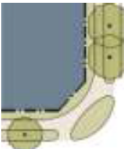

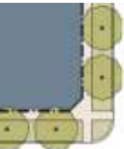




**2.9.80.C: Minimum Construction Specifications for Unpaved Roads** (Clarification). Edit item 2 as follows:

- 2. Minor subdivisions, as long as no more than four lots will be served by the proposed road, **and rear lanes (see Table 2.9.90.E)** may utilize a stabilized aggregate road, in accordance with the standards in this section.

**2.9.80.C: Minimum Construction Specifications for Unpaved Roads** (Correction). Delete item 6.

- 6. ~~The road shall consist of a 20-foot roadway with four-foot shoulders and roadside ditches.~~

**2.9.9.F: Public Frontage Standards** (Correction). Amend table to allow public frontage type “HW-RD-ST” which allows open swales in the T3 and C3 districts with approval by the director.

Table 2.9.90.F Public Frontage Standards				
This table assembles prescriptions and dimensions for the public frontage elements - curbs, walkways, and planters - relative to specific thoroughfare types within transect zones. The Assembly row assembles all of the elements for the various thoroughfare types.				
Transect Zone	T1 T2 T3 T4 C3 C4 C5 S1	T1 T2 T3 T4 C3 C4 C5 S1	T1 T2 T3 T4 C3 C4 C5 S1	T1 T2 T3 T4 C3 C4 C5 S1
Public Frontage Type*	HW-RD-ST	RD & ST	ST-DR-AV	ST-DR-AV-BV
<b>Assembly:</b> The principal variables are the type and dimension of curbs, walkways, planters and landscape.				
Total Width	13' – 22'	13' – 22'	10' – 17'	12' – 16'
<b>Curb:</b> The detailing of the edge of the vehicular pavement, incorporating drainage.				
Type	Rural (Open Swale)	Rolled Curb (Valley Gutter)	Raised Curb	Raised Curb
Radius	25'	10' – 30'	5' – 20'	5' – 20'

**3.2.30.B T1 (Natural Preserve) Building Placement** (from ZDSO). Amend table to establish a minimum lot width of 150 feet for this district (see Table below)

<b>B. Building Placement</b>		
<b>Setback (Distance from ROW/Property Line)</b>		
Front	50' min.	<b>A</b>
Side Street	50' min.	<b>B</b>
Side:		
Side, Main Building	50' min.	<b>C</b>
Side, Ancillary Building	20' min.	
Rear	100' min.	<b>D</b>
<b>Lot Size (One Acre Minimum)</b>		
Width	n/a 150' min.	<b>E</b>
Depth	n/a	<b>F</b>
<b>Miscellaneous</b>		
Where existing adjacent buildings are in front of the regulated BTL or front setback, the building may be set to align with the façade of the front-most immediately adjacent property.		

**3.2.30.C: T2R (Rural) Building Placement** (from ZDSO). Amend table to change side setbacks for residential uses from 50 feet to 18 feet to match what was in the ZDSO for the Rural district. Change site setbacks for ancillary uses from 20 feet to 10 feet. Establish a minimum lot width for Rural of 100 feet (see Table below).

<b>C. Building Placement</b>		
<b>Setback (Distance from ROW/Property Line)</b>		
Front	50' min.	<b>A</b>
Side Street	50' min.	<b>B</b>
Side		
Side, Main Building	50' 18' min.	<b>C</b>
Side, Ancillary Building	20' 10' min.	
Rear	50' min.	<b>D</b>
<b>Lot Size (Half Acre Minimum)</b>		
Width	n/a 100' min	<b>E</b>
Depth	n/a	<b>F</b>
<b>Miscellaneous</b>		
Where existing adjacent buildings are in front of the regulated BTL or front setback, the building may be set to align with the facade of the front-most immediately adjacent property.		

**3.2.80.C: T3HN (Hamlet Neighborhood) Building Placement:** (Correction): Remove maximum side yard setback for main buildings (see table below).

<b>C. Building Placement</b>		
<b>Setback (Distance from ROW/Property Line)</b>		
Front	25' min., 35' max.	<b>A</b>
Side Street	15' min, 25' max.	<b>B</b>
Side:		
Side, Main Building	10' min, 15' max.	<b>C</b>
Side, Ancillary Building	5' min.	
Rear	15' min.	<b>D</b>
<b>Lot Size (7,500 SF Minimum)</b>		
Width	65' min.	<b>E</b>
Depth	100' min.	<b>F</b>
<b>Miscellaneous</b>		
Where existing adjacent buildings are in front of the regulated BTL or front setback, the building may be set to align with the façade of the front-most immediately adjacent property.		

**3.2.110.C: T4NC (Neighborhood Center) Building Placement:** (Correction): Remove maximum side yard setback for main buildings and ancillary buildings (see table below).

<b>C. Building Placement</b>		
<b>Setback (Distance from ROW/Property Line)</b>		
Front	0' min., 15' max.	<b>A</b>
Side Street	0' min., 10' max	<b>B</b>
Side:		<b>C</b>
Main Building	3' min., <del>6'</del> max.	
Ancillary Building	0' <del>or 3'</del> min.	
Rear	5' min.	<b>D</b>
Façade within Façade Zone:		
Front	75%	
Side Street	50%	
<b>Lot Size (62,500 SF Maximum)</b>		
Width	250' max.	<b>E</b>
Depth	250' max.	<b>F</b>

**3.4.30.D: MCAS Airport Overlay – Noise Reduction Requirement:** (Correction). Amend note #2 to read as follows:

“Because manufactured homes are constructed to federal standards that may not meet the standards listed above for noise attenuation, all permit applications for the placement of manufactured homes within a noise zone 2a, 2b, or 3 shall be accompanied by the following disclosure statement:”

**3.4.30.E: MCAS Airport Overlay – Notification:** (Correction). Amend subsection 2 to read as follows:

“All prospective renters signing a commercial or residential lease shall be notified by the property owner through a written provision contained in the lease agreement if the leased property is located within the ZØ MCAS-AO Zone.”

**4.1.120.C: General Retail: Specific to S1 District.** [from ZDSO] This amendment to the ZDSO was approved by County Council in 2014 and is being recommended by staff to be carried over to the Community Development Code. Amend subsection C to read as follows:

1. Access shall be from the development’s internal streets.
2. The use shall not have direct access to arterial or collector streets.
3. General retail establishments may reuse developed sites that have been unoccupied by a light industrial business for more than two years provided the following standards are met:
  - a. Adequate parking in compliance with Division 5.5 (Off-Street Parking) shall be provided;
  - b. The site shall be located within 1,000 feet of an arterial road, and traffic impacts as measured by trips per day shall not exceed by more than 10% the traffic impact of the former permitted use on the site;
  - c. The proposed use shall meet the Land Use Compatibility Recommendations of the United States Navy for the Accident Potential Zones (APZs) or Noise Zones, if the site is within such a zone; and
  - d. No outside sales for an adaptive reuse shall be permitted with the APZs or Noise Zones, if the site is within such a zone.
  - e. Structural additions shall not increase the existing floor space by more than 15%; if more than a 15% increase is proposed, the application will be treated as a special use.”

**4.2.20.E General Standards and Limitations: Standards for Freestanding Accessory Buildings/Structures:** (Clarification) Amend subsection 1(2) to read as follows:

“ Except in T1, T2R, and T2RL zones, all river, marsh, and ocean waterfront lots, and water/marine-oriented facilities, no accessory structure shall project beyond the front building line of the principal structure.”

**4.2.200.I: Private Fish Ponds: Fencing:** (Correction) Delete subsection “I. Fencing”

**5.3.20.2: Architectural Standards and Guidelines: Applicability:** (Clarification) Amend subsection A(2) to read as follows:

“The T2RNO, T2RC, T3E, T3HN, T3HN, T3N, and T3NO-T2 and T3 Zones with the exception of agricultural, single-family and two-family residential uses.”

**5.4.60.D: Design and Appearance: Landscape Screening:** (Correction) Amend subsection to read as follows:

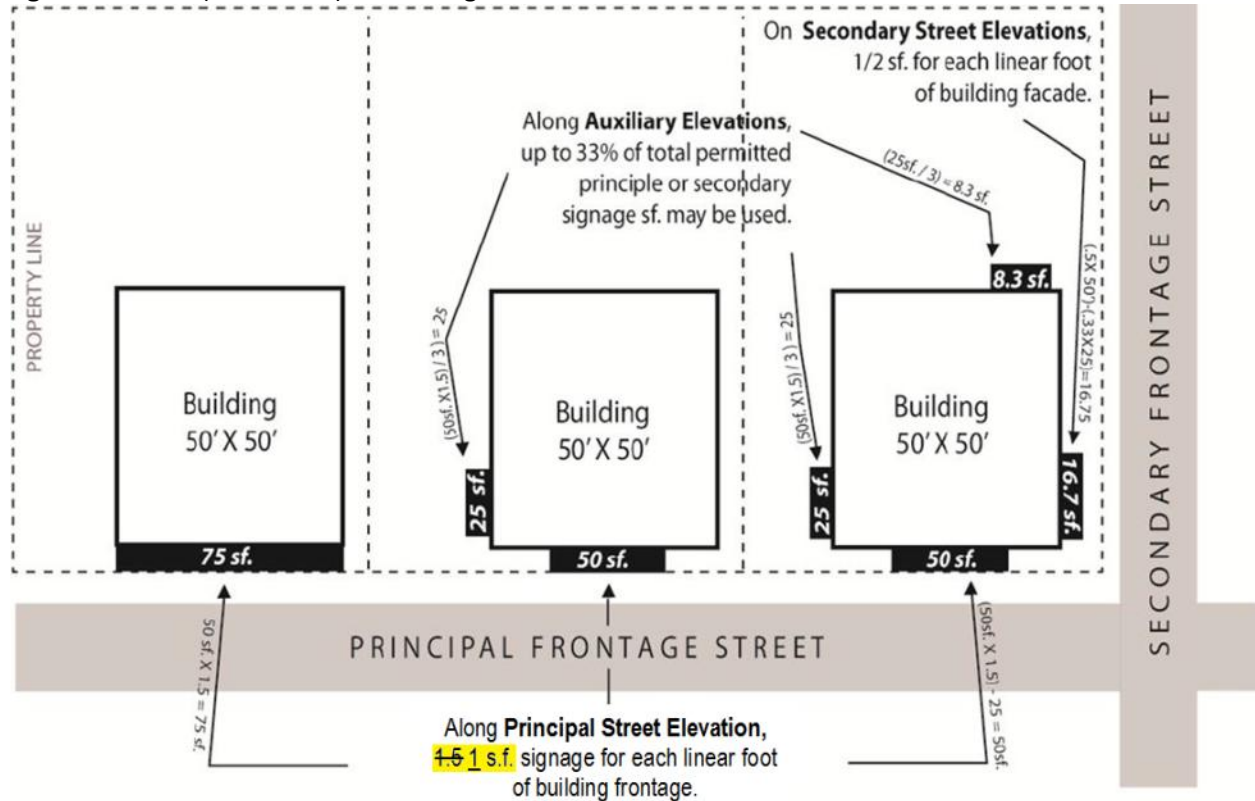
“All chain link fences and fences and walls exceeding four feet in height, if located within 15 feet of a public street right-of-way, shall be supplemented with landscape screening in accordance with the following standards, to soften the visual impact of the fence. These standards shall not apply to fences in the S Zone or single-family dwellings in the CS C3 Zone, unless they are located within 15 feet of the right-of-way of an arterial or collector street.”

**5.6.30.F: General Sign Requirements: Sign Height Measurement:** (Clarification) Amend Subsection F(2) to read as follows:

“Sign height is measured as the vertical distance from the average elevation between the highest point and the lowest point of finished grade at the base of a sign to the top of the sign. Refer to sections 5.6.80 – 5.6.190 for height measurements by type of sign.”



**5.6.40.B: Permanent Sign Types for Buildings, Businesses and Communities: Figure 5.6.40.B Aggregate Sign Standards: (Correction) Amend Figure to read as follows:**



**5.7.50: Illumination of Outdoor Sports Fields and Performance Areas: (from ZDSO) Add the following subsections:**

**C. Height of Fixtures.** Light fixtures shall not exceed a height of 80 feet.

**D. Buffers Adjacent to Residential Properties.** A landscaped buffer yard sufficient to prevent light and glare spillover to adjacent residential properties may be required by the Director.”

**5.8.20.B Landscaping, Buffers, and Screening Standards: Applicability: Exemptions: (Clarification) Amend as follows:**

1. **“Within Transect Zones:** Single-family residential and duplexes on individual lots are exempt from the requirements of this section within T1 Natural Preserve, T2 Rural, T2 Rural Neighborhood, T2 Rural Neighborhood Open, T2 Rural Center, T3 Edge, T3 Hamlet Neighborhood, and T3 Neighborhood.
2. **Within Conventional Zones and Community Preservation Districts:** Single-family residential and duplexes on individual lots are exempt.”

**5.8.30.B: General Landscape Design Applicable to All Zones: Existing Landscape Preservation: (Clarification) Amend subsection 2 to read as follows:**

“Trees 8 inches DBH and larger, and all dogwoods (*Cornus spp.*), reduds (*Cercis canadensis*), and magnolias (*Magnolia spp.*) four inches DBH and larger may not No vegetation may be removed from required buffers without approval of a re-vegetation plan unless dead, diseased, or listed as an invasive species in Table 5.11.100.C. of this ordinance.”

**5.8.50.B: Thoroughfare Buffer: Applicability:** (Clarification) Amend subsection “B” to read as follows:

“ A thoroughfare buffer is required along all collector and arterial roads within all conventional zones, community preservation districts, T2 Rural, T2 Rural Low, and T2 Rural Neighborhood.”

**5.9.20: Neighborhood Compatibility Standards: Applicability:** (Correction) Amend subsection as follows:

“Except where exempted in accordance with Section 5.9.30 (Exemptions), these neighborhood compatibility standards apply to all institutional, commercial, light industrial, mixed-use, townhouse, and multi-family development in the conventional, community preservation, T1, and T2 zones located on land abutting one side or across a street or alley with two or fewer lanes from existing single-family detached residential development.”

**5.11.20.A: Resource Protection Standards: General: Applicability:** (Clarification) amend subsection to read as follows:

“ These resource protection standards apply to all development property in the unincorporated County, unless expressly stated otherwise in this Division.”

**5.11.60.A: River Buffer: River Buffer Setbacks:** (Correction) Amend Table 5.11.60.A as follows:

<b>Table 5.11.60.A: River Buffer Setbacks</b>						
<b>District</b>	<b>River Buffer</b>	<b>Single Family/ Duplex Setback</b>	<b>Other Residential Buildings and Nonresidential Buildings Setback</b>	<b>Parking Lots and Drives Setback</b>	<b>Septic Tank/ Tile Field Setback</b>	<b>Agriculture/ Golf Course Setback</b>
T1 and T2	50 feet	60 feet	100 feet	100 feet	100 feet	150 feet
Conventional & CP Districts; PUDs	50 feet	60 feet	100 feet	100 feet	100 feet	150 feet
T3 Edge	40 feet	50 feet	75 feet	100 feet	100 feet <sup>1</sup>	150 feet
T3	25 feet	35 feet	35 feet	100 feet	100 feet <sup>1</sup>	150 feet
T4	20 feet	30 feet	30 feet	50 feet	100 feet <sup>1</sup>	150 feet

<sup>1</sup>Or as approved by SCDHEC.

**5.11.60.C: River Buffer: Uses Allowed Between Building Setback and River Buffer:** (Clarification) Amend subsection C(1) to read as follows:

“Residential – playgrounds, fire pits, outdoor furniture, pervious hardscapes, uncovered decks, pools, etc.”

**5.11.60.F: River Buffer: Buffer Disturbance** (Clarification) Amend Subsection (2) to read as follows:

“Removal of Trees: Except for invasive species; see Section 5.11.100.G (Removal of Invasive Tree Species), removal of any tree within a river buffer shall require a tree removal permit; see section 7.2.50 (Tree Removal Permit). Removal of trees shall require plant back inch for inch (DBH) of trees removed, except in those instances in which a tree is dead, hollow, or has another condition that poses a hazard to people or structures on the property or adjoining property as determined in

writing by a certified arborist. In those cases, the tree shall be replaced with one 2.5 inch minimum caliper tree. If all tree inches cannot be planted back on site due to site constraints, the remaining tree inches shall be subject to a general county reforestation fee; see Section 5.11.100.D.3 (Reforestation Fee).”

**5.11.60.K: River Buffer: Private Trails** (Clarification) Amend Subsection to read as follows:

- K. **Private Trails.** Private Trails shall be permitted to cross the river buffer at reasonable intervals for access to the water. Horizontal trails through the river buffer, such as walking paths and bikeways, will be allowed with the following requirements:
1. Such trails shall be designed and constructed in a manner that does not result in them becoming channels for stormwater, that does not result in erosion, or that does not damage surrounding vegetation.
  2. The County may require trails to be of boardwalk construction, pervious paving systems, or stepping stones if needed to ensure meeting the objectives of the buffer, and for long term maintenance of the trail.
  3. The trails shall be no more than 5 feet wide.
  4. Such trails will be accessible to the public or residents of a private community.

**5.11.100.D: Tree Protection: Tree Removal:** (Clarification) Add a new subsection (3) to read as follows.

“ **3. Penalty for Removing Trees Prior to Permitting.** If trees are cut down prior to a development receiving all necessary permits from the County, the County shall not issue a permit to allow the development to occur within two years of the tree removal, unless the property owner provides mitigation for the trees removed. Mitigation shall involve the replanting of trees a minimum of 2.5 caliper inches with a total caliper equal to 1.25 times that of the DBH of the trees removed.” [Note: renumber **Reforestation Fee** to subsection 4.]

**5.11.100.F: Tree Removal on Developed Properties: Single-Family Residential Lots:** (Clarification)

Amend Subsection (1)(b) as follows:

- “b. **Tree Removal Permit Standards:** A tree removal permit will be issued to remove a grand tree from a residential lot if the tree is dead, diseased, hollow, or has another condition that poses a hazard to people or structures on the lot or adjoining lot as determined by a certified arborist. Upon removal, the tree shall be replaced with one 2.5 inch minimum caliper tree of the same species.”

**5.11.110: Allowed Activities in Resource Protection Area:** (Correction) Amend Table 5.11.110.A as follows:

<b>Table 5.11.110.A: Activities in Resource Protection Areas</b>							
	<b>Activities</b>						
	<b>Water Dependent Uses</b>	<b>Trails</b>	<b>Bike-way</b>	<b>Picnic Area</b>	<b>Public Road/ Essential Access</b>	<b>Water Sewer Line</b>	<b>Additional Standards</b>
Tidal Wetlands	C	--	--	--	--	--	Sec. 5.11.30
Non-Tidal Wetlands	--	C	C	--	S	S	Sec. 5.11.40
Beach-Dunes	--	C	--	--	--	--	Sec. 5.11.50
River Buffer	C	C	C	--	S	S	Sec. 5.11.60
Endangered Species Habitat	--	C	--	--	--	S	Sec. 5.11.70
Forests	--	C	C	--	--	--	Sec. 5.11.90

C = Conditional    S = Special Use    -- = Not Permitted

**6.1.60.B: Subdivision and Land Development: Easements:** (Clarification) Amend Subsection as follows:

“Width: Utility easements shall be a minimum of ten feet wide. Easements that fall on shared side or rear lot lines shall be divided equally, requiring five feet from each lot. Access easements shall meet the standards of Division 2.9 (Thoroughfare Standards) for a comparable roadway.”

**Section 7.2.20.A: Procedures: Zoning Permit: Purpose:** (Clarification) Amend Subsection as follows:

“Purpose: The purpose of a Zoning Permit is to ensure that proposed development and/or new land uses complies with all the requirements of this Development Code and has any required permits for access, potable water, sewer, and any other permits required under the Code of Ordinances and/or state or federal law prior to issuance of a Building Permit or Business License.”



**Section 7.2.30.A Modulation Permit: Allowable Modulations (Correction):** Amend Table 7.2.30.A as follows:

<b>Table 7.2.30.A: Allowable Modulations</b>		
<b>Modulation</b>	<b>Required Findings</b>	<b>Maximum Modulation</b>
<b>Community Scale</b>		
Block Face and Perimeter Length. See Section 2.2.40.A.2.	Natural resources limit the ability to create an interconnected network of streets and blocks.	20 percent
Dead-End Streets and Cul-de-Sacs See Section 2.2.30.E (Dead-End Streets and Cul-de-Sacs).	Existing site specific environmental feature(s) requires protection and/or preservation, and no alternative block structure is practicable.	Allowed
<b>Building Placement</b>		
Setbacks: A decrease of the minimum required setback areas (e.g., side, street side, and rear) for structures. See Article 3 (Specific to Zones).	Existing development on adjacent parcels on the same block face is less than the required setback; and  The modulation will allow the proposed development to blend in with the adjacent development.	3 feet or 20 percent, whichever is greater. For lots of record created before 1999, no less than 10-ft side and rear setbacks to make lot buildable. <sup>1</sup>
Setbacks: Additions. Allowing any new addition to an existing structure to be located up to the furthest point of setback encroachment, subject to Fire Code regulations. See Article 3 (Specific to Zones).	New addition does not increase the non-conformity; and  Addition to or new garage is not within 15 feet of a public right-of-way.	Up to existing encroachment. <sup>1</sup>
Build-to-Line: Front or Side. A relaxation of the specified build-to-line. See Article 3 (Specific to Zones).	Existing development on adjacent parcels on the same block face is set back less than the required setback; and  The modulation will allow the proposed development to blend in with the adjacent development.	5 feet
Build-to-Line: Defined by an Existing Building. A relaxation of the specified build-to-line, defined by the building façade, for sites located within Transect Zones. See Article 3 (Specific to Zones).	Modulation will allow the proposed development to blend with the existing adjacent development.	10 percent
Facade within façade zone in Transect Zones. A relaxation of the specified front façade requirements for sites located within Transect Zones. See Article 3 (Specific to Zones).	Modulation will allow the proposed development to blend in with the adjacent development.	10 percent
Parcel dimensions (e.g., <del>area</del> , depth, or width). A decrease in the minimum required <del>parcel</del> <del>area</del> , parcel depth, or parcel width. See Article 3 (Specific to Zones).	An existing parcel can be developed following the intent of the zone; or  The size of a new parcel is limited by natural resources.	10 percent

**7.4.50.A: Public Hearing Scheduling and Notice: Required Public Hearings:** (Correction) Amend Table 7.4.50.A as follows:

Development Application or Approval	Advisory or Decision-Making Bodies		
	County Council	Planning Commission	Zoning Board of Appeals (ZBOA)
Comprehensive Plan Amendment	X	X	
Text Amendment	X	X	
Zone Map Amendment	X	X	
Special Use Permit			X
Variance Permit			X
<del>Plat Vacation</del>	<del>X</del>		
Street Renaming		X	
Appeal to Planning Commission		X	
Appeal to Zoning Board of Appeals			X
Development Agreements	X		

**7.4.130.B: Expiration of Development Approval: Exceptions:** (Correction) Amend subsection to read as follows:

“**Exceptions:** Zoning map amendments, ~~plat vacations~~, and street ~~naming and~~ renaming, shall be exempt from the standard in Subsection 7.4.130.A, above.”

**7.5.60.A: Department of Community Development and Director: Powers and Duties of Director:** (Correction) Delete subsection 3(b)(6) as follows:

~~(6) Plat Vacations. See Section 7.2.70.L (Plat Vacation).~~ [renumber remaining subsection].

**7.5.70: Administrative Bodies and Staff: Development Review Responsibilities: (Correction) Amend Table 7.5.70.A as follows:**

<b>Table 7.5.70.A: Summary Table of Development Review Responsibilities</b>						
<b>D = Decision</b>	<b>R = Recommendation</b>	<b>A = Appeal</b>	<b>&lt; &gt; = Public Hearing</b>			
<b>Procedures</b>	<b>Director</b>	<b>Design Review Board (DB)</b>	<b>Historic Preservation Review Board (HPRB)</b>	<b>Zoning Board of appeals (ZBOA)</b>	<b>Planning Commission</b>	<b>County Council</b>
<b>Application Specific Review Procedures</b>						
Zoning Permit	D	--	--	<A>	--	--
Modulation Permit	D	--	--	<A>	--	--
Sign Permit	D	--	--	<A>	--	--
Tree Removal Permit	D	--	--	<A>	--	--
Land Development Plan (Minor and Major)	D	--	--	--	<A>	--
Subdivision Plat (Minor and Major)	D	--	--	--	<A>	--
Traditional Community Plan (TCP)	D	--	--	--	<A>	--
<b>Plat Vacation</b>	<b>R</b>	<b>--</b>	<b>--</b>	<b>--</b>	<b>--</b>	<b>A/D</b>
Street Renaming <sup>1</sup>	R	--	--	--	<D>	--
Certificate of Design Compliance	R	D	--	--	--	--
Certificate of Appropriateness	R	--	D	--	--	--
Special Use Permit	R	--	--	<D>	--	--
Variance Permit	R	--	--	<D>	--	--

**10.1.160 : P Definitions:** Amend definition for Passive Recreation as follows (direction from Natural Resources Committee)

**“Passive Recreation.** Recreation requiring little or no physical exertion focusing on the enjoyment of one’s natural surroundings. In determining appropriate recreational uses of passive parks, the promotion and development of resource-based activities such as fishing, camping, hunting, boating, gardening, bicycling, nature studies, horse-back riding, visiting historic sites, hiking, etc., shall be the predominate measure for passive park utilization. **However, use based activities such as target shooting or archery shall not be prohibited on passive park properties when site designs indicate compatibility of the proposed use with natural or cultural resources.”**

2015 /

TEXT AMENDMENTS TO THE BEAUFORT COUNTY COMMUNITY DEVELOPMENT CODE (CDC), SECTION 3.2.100.E (T4 HAMLET CENTER) AND SECTION 3.3.30.C (NEIGHBORHOOD MIX-USE ZONE) TO ESTABLISH A HEIGHT LIMIT OF 35 FEET FOR INDUSTRIAL BUILDINGS.

Whereas, added text is highlighted in yellow.

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:



**3.3.30 Neighborhood Mixed Use (C3) Zone Standards**

**A. Purpose**

The Neighborhood Mixed Use (C3) Zone provides for high-quality, moderate-density (averaging under three dwelling units per acre) residential development, with denser areas of multi-family and mixed-use development to provide walkability and affordable housing options. The design requirements are intended to provide a suburban character and encourage pedestrian, as well as automobile, access. Open spaces shall be provided in sufficient quantity to ensure an open quality with a predominance of green space. Non-residential uses shall be limited to parcels having access to arterial or collector streets or within a Traditional Community Plan. This Zone provides for the lower densities of areas designated Neighborhood Mixed-Use in the Comprehensive Plan. It is intended to support the development of communities with a diverse range of housing types and uses.

**B. Building Placement**

**Setback (Distance from ROW/Property Line)**

Front	30' min. <sup>1</sup>
Side:	
Side, Main Building	10' min.
Side, Ancillary Building	10' min.
Rear	50' min.

<sup>1</sup>The minimum front setback for mansion apartments in a Multi-family community on internal streets is 15 feet.

**Lot Size**

Lot Size	10,890 SF min.
Width	70' min.

**Minimum Site Area**

Single Family and Duplex	10,890 SF
Multi-Family	21,780 SF

**Note:**

For development within a Traditional Community Plan meeting the requirements of Division 2.3, setback, minimum lot size and minimum site area requirements of the transect zone established and delineated on the regulating plan shall apply.

**C. Building Form**

**Building Height**

Single Family and Duplex	2.5 stories max.
Multi-Family	2.5 stories max.
Non-Residential Buildings	2 stories max.
<b>Institutional Buildings</b>	<b>35 Feet above grade</b>
Ground Floor Finish Level	No minimum
Multi-Family housing shall utilize the Mansion Apartment Building Type requirements in 5.1.110.	

**D. Gross Density<sup>1</sup> and Floor Area Ratio**

**Gross Density**

Single Family Detached	2.6 d.u./acre
Two Family Unit	2.6 d.u./acre
Multi-Family Unit	12 d.u./acre, Maximum of 80 dwelling units
Traditional Community Plan	3.5 d.u./acre <sup>2</sup>

<sup>2</sup>Subject to the requirements in Division 2.3

**Floor Area Ratio**

Non-residential buildings	0.18 max.
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<sup>1</sup>Gross Density is the total number of dwelling units on a site divided by the Base Site Area (Division 6.1.40.F)

**E. Parking**

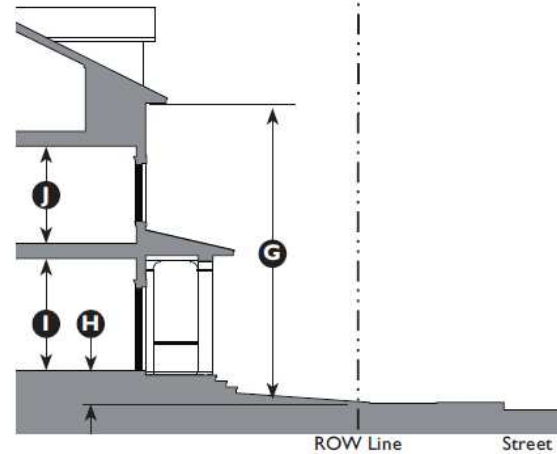
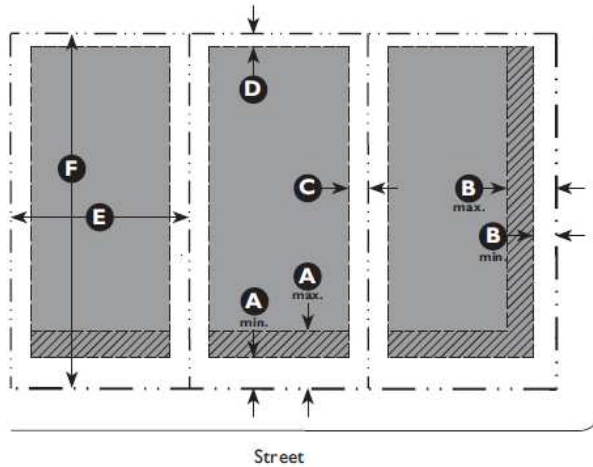
**Required Spaces: Residential Uses**

Single-family detached	3 per unit
Single-family attached/duplex	2 per unit
Multi-family units	1.25 per unit
Accessory dwelling unit	1 per unit
Community residence	1 per bedroom
Live/work	2 per unit plus 1 per 300 GSF of work area

**Required Spaces: Service or Retail Uses**

Retail, offices, services	1 per 300 GSF
Restaurant, Café, Coffee Shop	1 per 150 GSF
Gas station/fuel sales	1 per pump plus requirement for retail
Lodging: Bed and breakfast	2 spaces plus 1 per guest room
Lodging: Inn/hotel	1 per room

For parking requirements for all other allowed uses see Table 5.5.40.B (Parking Space Requirements).



**Key**

- ROW / Property Line
- Setback Line
- Building Area
- ▨ Façade Zone

**D. Building Placement**

**Setback (Distance from ROW/Property Line)**

Front	10' min., 25' max.	<b>A</b>
Side Street	10' min., 20' max.	<b>B</b>
Side:		
Side, Main Building	5' min.	<b>C</b>
Side, Ancillary Building	5' min.	
Rear	5' min.	<b>D</b>
Façade within Façade Zone:		
Front	75%	
Side Street	50%	

**Lot Size (37,500 SF Maximum)**

Width	150 ft. max.	<b>E</b>
Depth	250 ft. max.	<b>F</b>

**Miscellaneous**

Where existing adjacent buildings are in front of the regulated BTL or front setback, the building may be set to align with the façade of the front-most immediately adjacent property.

Maximum lot size does not apply to Recreation, Education, Safety, Public Assembly uses

**E. Building Form**

**Building Height**

Main Building	2.5 stories max.	<b>G</b>
Ancillary Building	2 stories max.	
Ground Floor Finish Level: <sup>2</sup>		<b>H</b>
Residential	18" min.	
Commercial (T4HC-O)	6" max.	
Ground Floor Ceiling:		<b>I</b>
Commercial (T4HC-O)	10' min.	
Upper Floor(s) Ceiling	8' min.	<b>J</b>

Ground Floor lobbies and Common areas in multi-unit buildings may have a 0" to 6" ground floor finish level.

Within 25' of the rear property line, buildings may not be more than a half-story taller than the allowed height of adjacent buildings.

**Footprint**

Width: Main Building	100' max.
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All upper floors may have a primary entrance along the front. Loading docks, overhead doors, and other service entries may not be located on street-facing fades.

**Notes**

<sup>1</sup>Institutional buildings are exempt from this requirement provided that building height does not exceed 35 feet above grade.

<sup>2</sup>Buildings located in a flood hazard zone will be required to be built above base flood elevation in accordance with Beaufort County Building Codes.

2015 /

LADY’S ISLAND ZONING MAP AMENDMENT FOR R200 015 000 0165 0000, R200 015 000 0721 0000, R200 015 000 0820 0000, R200 015 000 0866 0000, R200 015 000 0867 0000, R200 015 000 0868 0000, R200 015 000 0869 0000, R200 015 000 0870 0000, R200 015 000 0871 0000, R200 015 000 0872 0000, R200 015 000 0873 0000, R200 015 000 0874 0000, R200 015 000 0875 0000 (13 PARCELS TOTALING 8.75 ACRES, SOUTH SIDE OF SEA ISLAND PARKWAY BETWEEN LADY’S ISLAND COMMONS AND YOUMANS ROAD) FROM T4-HC (HAMLET CENTER) TO T4-HCO (HAMLET CENTER OPEN).

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

COUNTY COUNCIL OF BEAUFORT COUNTY

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

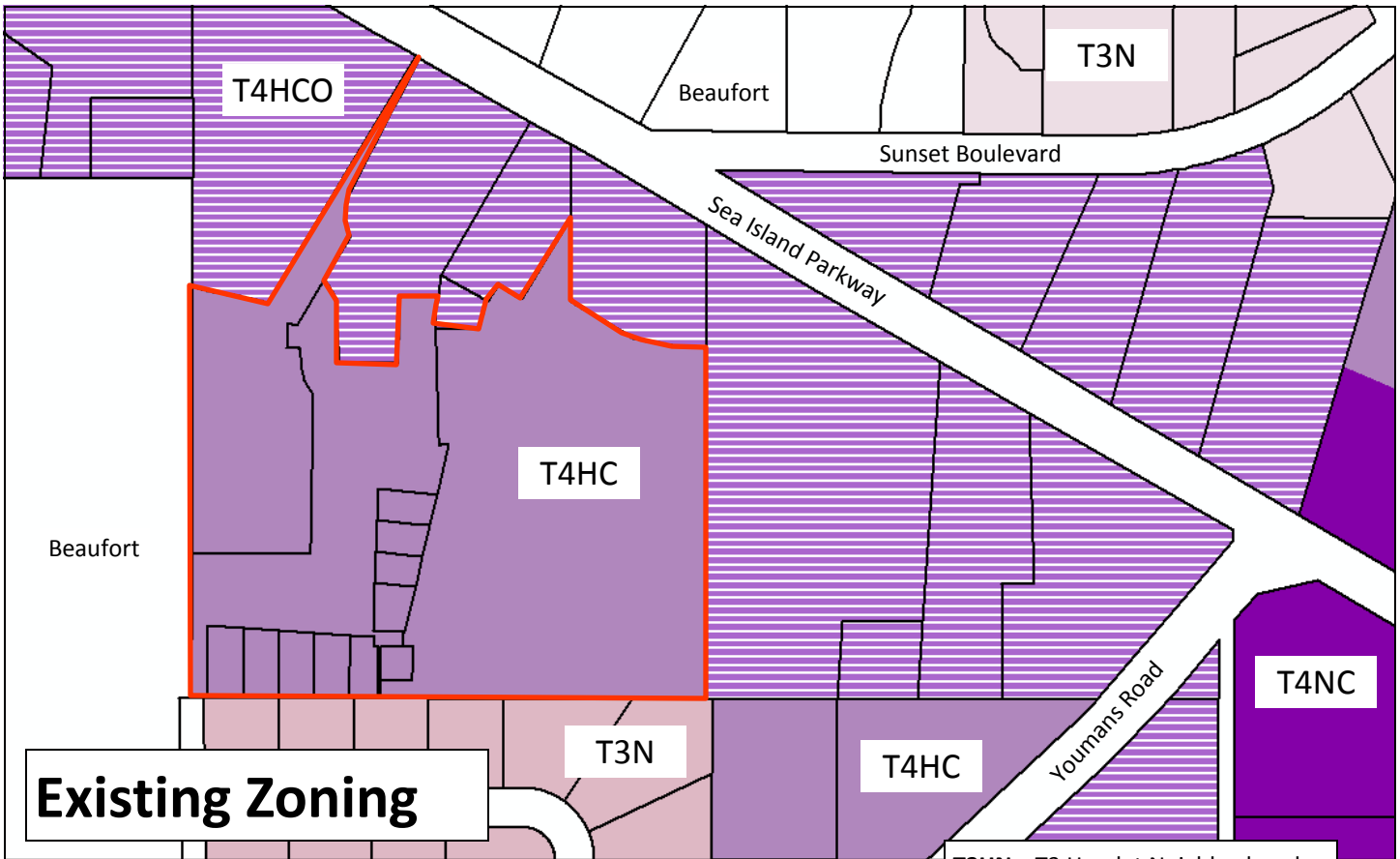
APPROVED AS TO FORM:

\_\_\_\_\_  
Thomas J. Keaveny, II, County Attorney

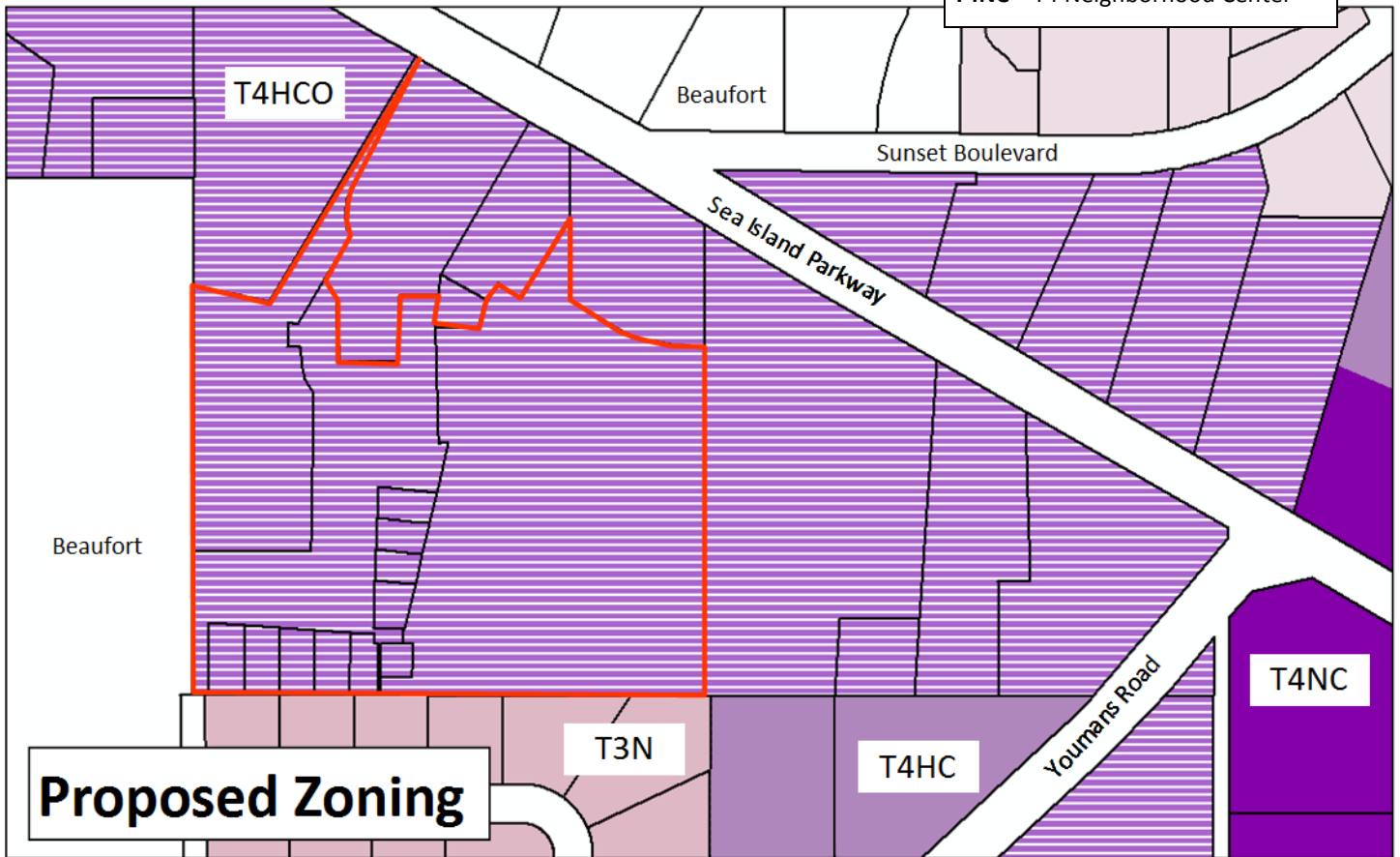
ATTEST:

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

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



**T3HN**—T3 Hamlet Neighborhood  
**T3N**—T3 Neighborhood  
**T4HC**—T4 Hamlet Center  
**T4HCO**—T4 Hamlet Center Open  
**T4NC**—T4 Neighborhood Center



2015 /

LADY’S ISLAND ZONING MAP AMENDMENT FOR R200 015 000 111G 0000, R200 015 000 0114 0000, R200 015 000 114B 0000, R200 015 000 114C 0000, R200 015 000 114D 0000, AND R200 015 000 0638 0000 – NORTH OF SEA ISLAND PARKWAY; R200 018 00A 0147 0000, R200 018 00A 0148 0000, R200 018 00A 0149 0000, R200 018 00A 0150 0000, R200 018 00A 0161 0000, R200 018 00A 0162 0000, R200 018 00A 0163 0000, R200 018 00A 0192 0000, R200 018 00A 0193 0000, AND R200 018 00A 0248 0000 – SOUTH OF SEA ISLAND PARKWAY (16 PARCELS TOTALING 19 ACRES, NORTH AND SOUTH SEA ISLAND PARKWAY BETWEEN GAY DRIVE AND DOW ROAD) FROM T3-N (NEIGHBORHOOD) AND T3-HN (HAMLET NEIGHBORHOOD) TO T4-NC (NEIGHBORHOOD CENTER) AND T4-HCO (HAMLET CENTER).

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

COUNTY COUNCIL OF BEAUFORT COUNTY

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

APPROVED AS TO FORM:

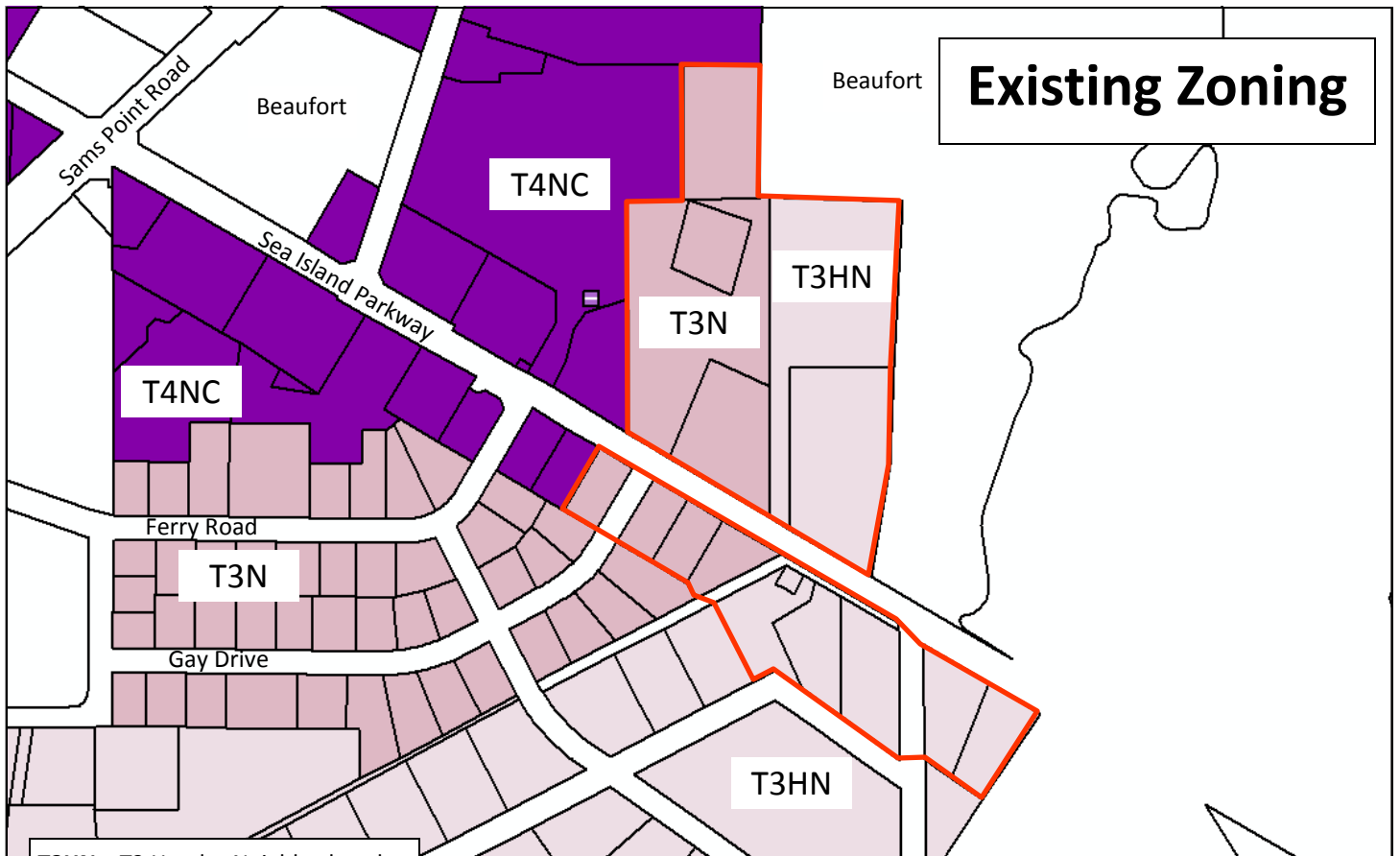
\_\_\_\_\_  
Thomas J. Keaveny, II, County Attorney

ATTEST:

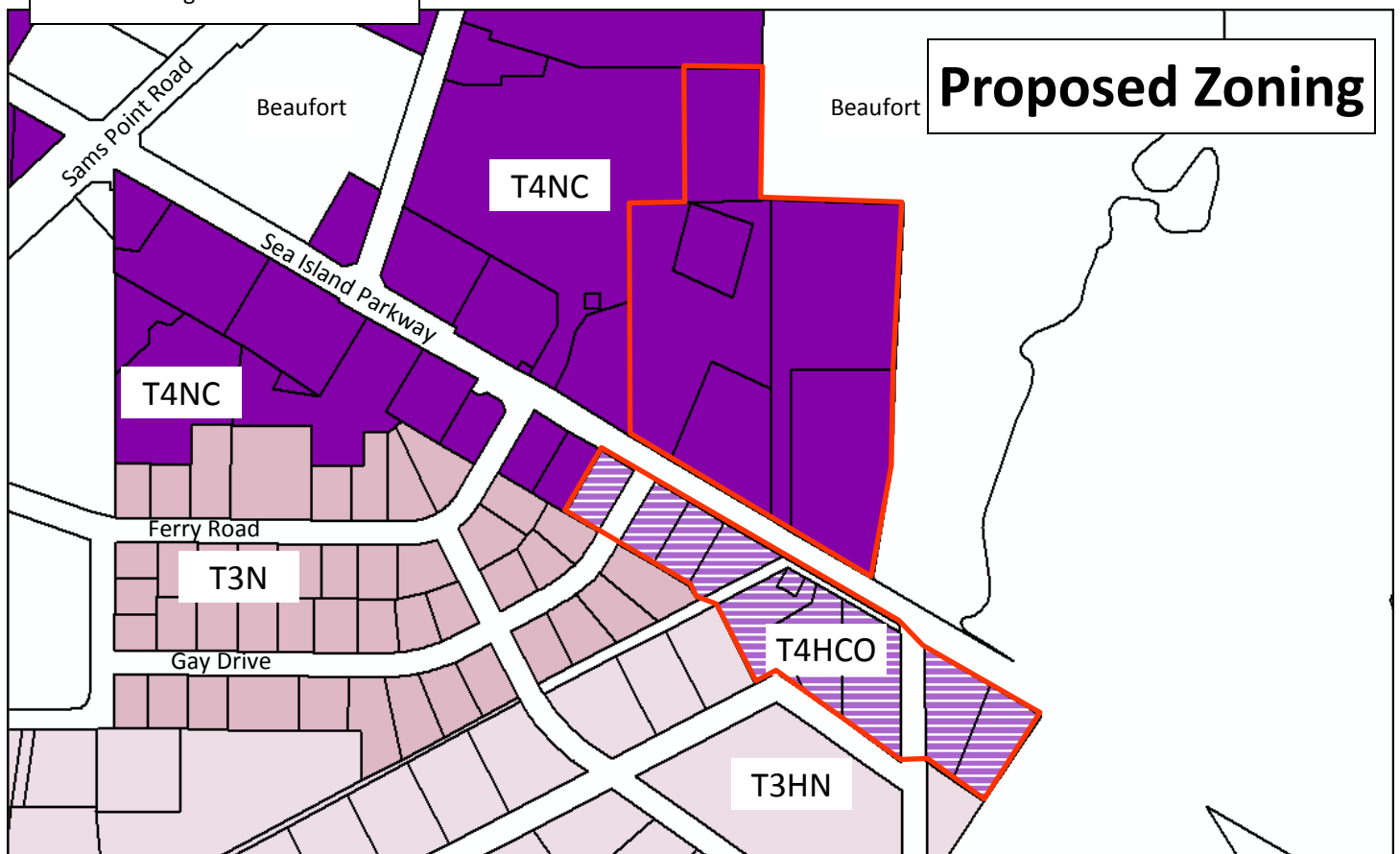
\_\_\_\_\_  
Suzanne M. Rainey, Clerk to Council

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





- T3HN—T3 Hamlet Neighborhood
- T3N—T3 Neighborhood
- T4HC—T4 Hamlet Center
- T4HCO—T4 Hamlet Center Open
- T4NC—T4 Neighborhood Center



## FY16 Grant Recommendations

• Beaufort Jasper Economic Opportunity Commission	\$2,500
• Beaufort Soil and Water Conservation District*	\$18,000
• Bluffton Self-Help	\$5,000
• Bluffton-Jasper Volunteers in Medicine	\$15,000
• Child Abuse Prevention Association (CAPA)	\$5,797
• Coastal Empire Community Mental Health Center*	\$55,000
• Citizens Opposed to Domestic Abuse (CODA)	\$22,927
• Good Neighbor Free Medical Clinic	\$15,200
• Grant Writing & Match Funds**	\$20,000
• Heroes on Horseback	\$10,000
• Hope Haven of the Lowcountry	\$15,000
• Lowcountry Legal Volunteers	\$15,000

\* Ongoing Commitment

\*\* Together for Beaufort County (T4BC)

## FY16 Grant Recommendations

• Neighborhood Outreach Connection	\$24,000
• Palmetto Breeze Lowcountry Regional Transit Authority*	\$210,000
• Second Helpings	\$10,000
• Abuse Prevention Coalition**	\$18,000
• AccessHealth Lowcountry**	\$22,201
• Adequacy of Prenatal Care Coalition**	\$15,000
• Community Services Organization**	\$9,000
• Disabilities Coalition**	\$10,000
• Beaufort County Early Childhood Coalition**	\$15,625
• Eat Smart Move More Lowcountry**	\$5,000

\* Ongoing Commitment

\*\* Together for Beaufort County (T4BC)

## FY16 Grant Recommendations

• Lowcountry Affordable Housing Coalition**	\$5,000
• Mental Health Access Coalition**	\$2,500
• Partners for Adult Literacy**	\$5,750
• The Lending Room	\$1,500
• The Literacy Center	\$10,000
• Together for Beaufort County contract**	\$10,000
• Under One Roof	\$5,000
• United Way of the Lowcountry Help Line***	\$10,000
• Volunteers in Medicine – Hilton Head Island	<u>\$10,000</u>
	<b>Total</b>
	<b>\$598,000</b>

\*\* Together for Beaufort County (T4BC)

\*\*\* Administrative Support for Direct Service

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.

4.

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 30<sup>th</sup> 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 30<sup>th</sup> 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 30<sup>th</sup> 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 Dangerous 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 hand-held 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 from 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 a 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 other swine or livestock shall be kept within the corporate limits of Port Royal & Bluffton except as 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 other 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 or 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 by the 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: September 14, 2015  
Second Reading: September 28, 2015  
Public Hearing:  
Third and Final Reading:

# ADD-ONS

The document(s) herein were provided to Council for information and/or discussion after release of the official agenda and backup items.

Topic: Delinquent Tax Sale 2015  
Date Submitted: October 12, 2015  
Submitted By: Maria Walls, CPA  
Venue: County Council Regular Meeting



# Beaufort County Treasurer's Office

*Maria Walls, CPA*  
*Treasurer*

# Financial Overview

- Cash Management
  - Unrestricted – \$66,530,745
  - Restricted – \$137,008,085
- Collection Rate for Tax Year 2013 – 98.67%



# Online FLC Auction

- 48 properties auctioned
  - Taxes outstanding \$180,004
- 58% of the properties sold
  - Income generated: \$107,638
    - Taxes paid - \$52,894
    - General Fund revenue - \$40,429

# Setoff Debt Program

- Total accounts – 32,272
- Total taxes outstanding - \$11,362,643
- Within one week...
  - 368 delinquent accounts paid in full
  - Collected \$105,436
    - Beaufort County Schools - \$32,202.44
    - County - \$13,683.27

# Collections Overview

- November – Current tax notices
- January – Current taxes due
- April – Delinquent tax notices
- May – Certified delinquent tax notices
- August – Delinquent properties are posted
- October – Delinquent properties sent to auction

# Tax Sale

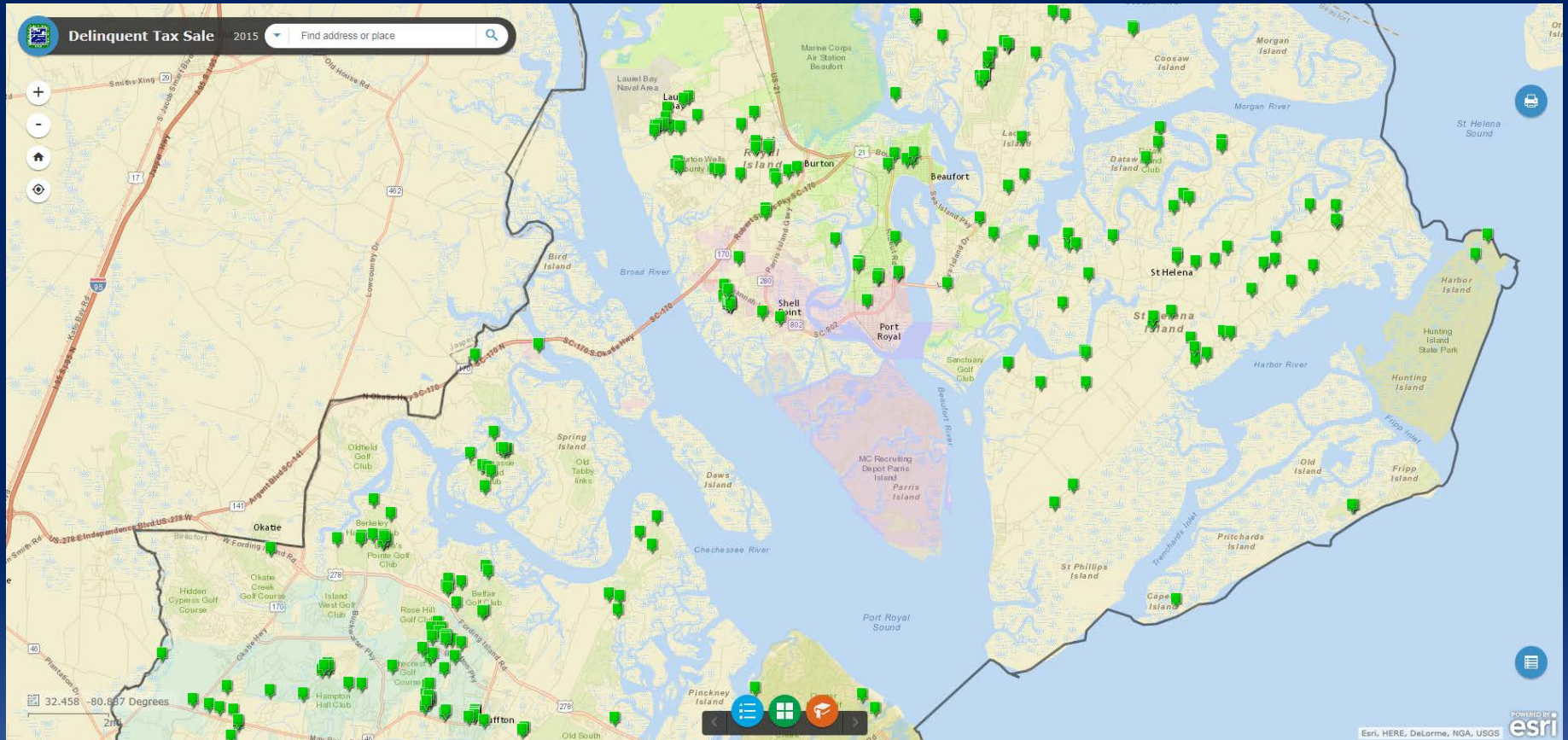
- Common terminology
  - Forfeited bid – a winning bid not paid by the bidder.
  - Forfeited Land Commission (FLC) – committee taking custody of tax sale property that received no bid activity
  - Add-on properties – property whose delinquent taxes are paid by the sale proceeds of another property owned by the same taxpayer
  - Overage – the amount by which a winning bid exceeds the delinquent taxes, assessments, penalties, etc. owed

# 2015 Tax Sale

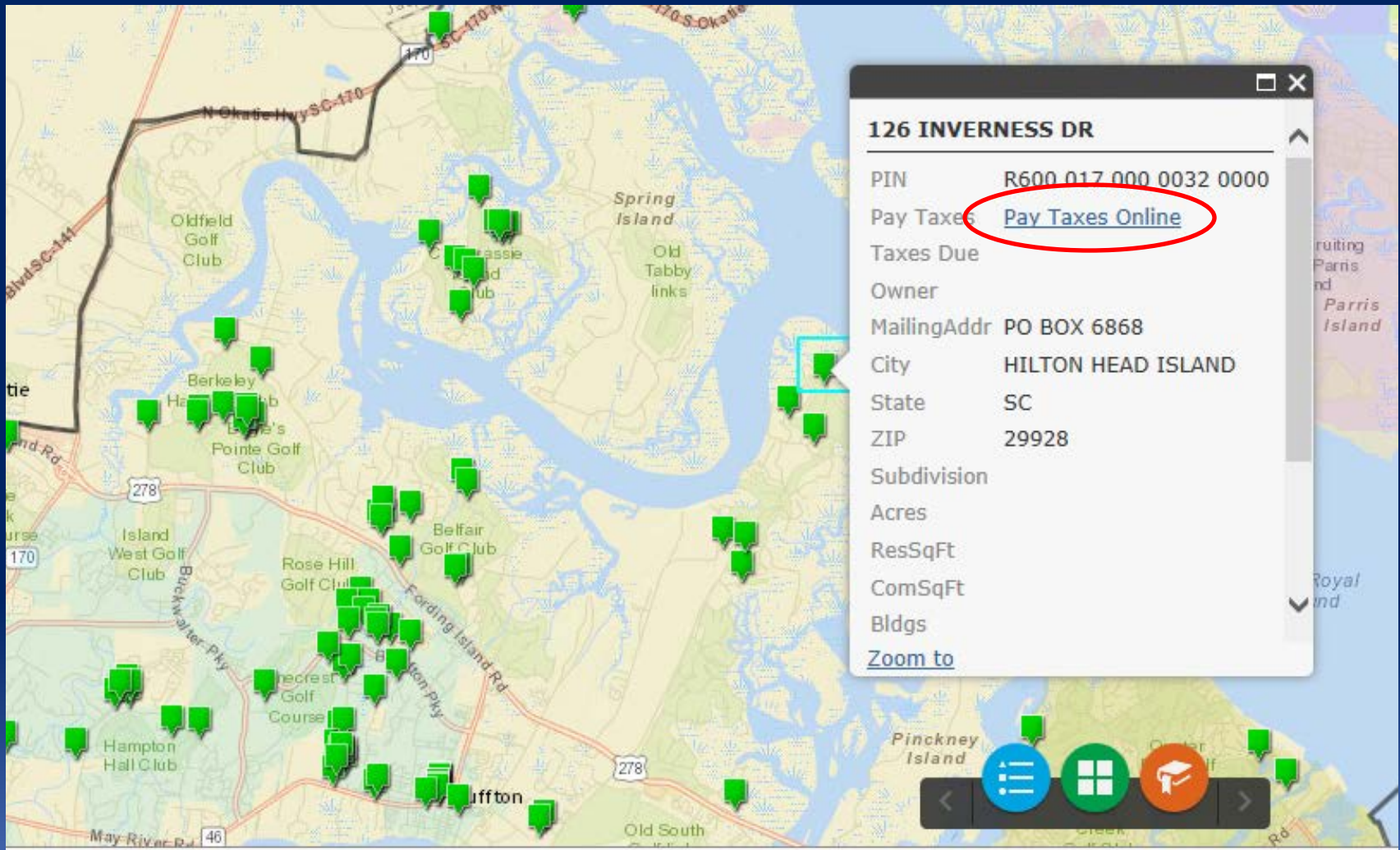
- Online bidder registration
- Deed preparation fees were collected with the winning bid
- Partnered with County Departments
- Bidder survey
- Interactive Delinquent Tax Map



# Interactive Delinquent Map



# Interactive Delinquent Map



# 2015 Tax Sale

- Total collected during posting \$1,817,947
  - Beaufort County Schools - \$962,064
  - County - \$470,471
- Total collected during advertising \$1,309,592
  - Beaufort County Schools - \$682,510
  - County - \$327,649

# 2015 Tax Sale Comparison

<b>TAX SALE</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
Parcels sent to auction	897	808	567
Number of bidders	273	243	252
Parcels sold	580	552	382
Number of Forfeits	3	4	2
Parcels sent to FLC	116	122	107
Number of Add-on Parcels	201	134	56
Total Bids Collected	\$ 40,014,909	\$ 21,637,685	\$ 12,559,412
Total Taxes Due	\$ 2,244,731	\$ 1,206,491	\$ 687,546
Total Overage	\$ 35,525,448	\$ 20,431,194	\$ 11,871,866



# Goals for 2016

- Increased payment method options
- Begin auctioning personal property
- Issue motor vehicle decals in the offices





# Beaufort County Treasurer's Office

*Questions*

Topic: Office of Justice Programs FY-2015 Edward Byrne Memorial Justice Grant  
Program: Local in the Amount of \$47,682  
Date Submitted: October 12, 2015  
Submitted By: Suzanne Cook  
Venue: County Council Regular Meeting



Department of Justice  
Office of Justice Programs  
**Bureau of Justice Assistance**

**Grant**

1. RECIPIENT NAME AND ADDRESS (Including Zip Code) Beaufort County PO Drawer 1228 Beaufort, SC 29901		4. AWARD NUMBER: 2015-DJ-BX-0745	
		5. PROJECT PERIOD: FROM 10/01/2014 TO 09/30/2018 BUDGET PERIOD: FROM 10/01/2014 TO 09/30/2018	
		6. AWARD DATE 08/31/2015	7. ACTION
2a. GRANTEE IRS/VENDOR NO. 576000311	8. SUPPLEMENT NUMBER 00		Initial
2b. GRANTEE DUNS NO. 080775331	9. PREVIOUS AWARD AMOUNT		\$ 0
3. PROJECT TITLE Dual Authentication Project		10. AMOUNT OF THIS AWARD \$ 47,682	
		11. TOTAL AWARD \$ 47,682	
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).			
13. STATUTORY AUTHORITY FOR GRANT This project is supported under FY15(BJA - JAG) 42 USC 3750, et seq.			
14. CATALOG OF DOMESTIC FEDERAL ASSISTANCE (CFDA Number) 16.738 - Edward Byrne Memorial Justice Assistance Grant Program			
15. METHOD OF PAYMENT GPRS			
AGENCY APPROVAL		GRANTEE ACCEPTANCE	
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Denise O'Donnell Director		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Gary Kubic County Administrator	
17. SIGNATURE OF APPROVING OFFICIAL 		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL 	19A. DATE 10/07/15
AGENCY USE ONLY			
20. ACCOUNTING CLASSIFICATION CODES FISCAL YEAR FUND CODE BUD. ACT. OFC. DIV. REG. SUB. POMS AMOUNT X B DJ 80 00 00 47682		21. PDJUGT0572	

OJP FORM 4000/2 (REV. 5-87) PREVIOUS EDITIONS ARE OBSOLETE.

OJP FORM 4000/2 (REV. 4-88)

Suzanne Cook  
October 12, 2015  
County Council Regular Meeting



Department of Justice  
Office of Justice Programs  
**Bureau of Justice Assistance**

**AWARD CONTINUATION  
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PROJECT NUMBER 2015-DJ-BX-0745

AWARD DATE 08/31/2015

*SPECIAL CONDITIONS*

1. Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by the Department of Justice (DOJ) in 2 C.F.R. Part 2800 (the "Part 200 Uniform Requirements") apply to this 2015 award from the Office of Justice Programs (OJP). For this 2015 award, the Part 200 Uniform Requirements, which were first adopted by DOJ on December 26, 2014, supersede, among other things, the provisions of 28 C.F.R. Parts 66 and 70, as well as those of 2 C.F.R. Parts 215, 220, 225, and 230.

If this 2015 award supplements funds previously awarded by OJP under the same award number, the Part 200 Uniform Requirements apply with respect to all award funds (whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this 2015 award.

Potential availability of grace period for procurement standards: Under the Part 200 Uniform Requirements, a time-limited grace period may be available under certain circumstances to allow for transition from policies and procedures that complied with previous standards for procurements under federal awards to policies and procedures that comply with the new standards (that is, to those at 2 C.F.R. 200.317 through 200.326).

For more information on the Part 200 Uniform Requirements, including information regarding the potentially-available grace period described above, see the Office of Justice Programs (OJP) website at <http://ojp.gov/funding/Part200UniformRequirements.htm>.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.

2. The recipient agrees to comply with the Department of Justice Grants Financial Guide as posted on the OJP website (currently, the "2015 DOJ Grants Financial Guide").
3. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302) that is approved by the Office for Civil Rights is a violation of the Standard Assurances executed by the recipient, and may result in suspension of funding until such time as the recipient is in compliance, or termination of the award.
4. The recipient understands and agrees that OJP may withhold award funds, or may impose other related requirements, if the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.
5. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.
6. The recipient and any subrecipients must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has -- (1) submitted a claim for award funds that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving award funds. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by - mail: Office of the Inspector General U.S. Department of Justice Investigations Division 950 Pennsylvania Avenue, N.W. Room 4706 Washington, DC 20530 e-mail: [oig.hotline@usdoj.gov](mailto:oig.hotline@usdoj.gov) hotline: (contact information in English and Spanish): (800) 869-4499 or hotline fax: (202) 616-9881 Additional information is available from the DOJ OIG website at [www.usdoj.gov/oig](http://www.usdoj.gov/oig)





Department of Justice  
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PROJECT NUMBER 2015-DJ-BX-0745

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*SPECIAL CONDITIONS*

7. Restrictions and certifications regarding non-disclosure agreements and related matters

No recipient or subrecipient under this award, or entity that receives a contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient --

a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the recipient does or is authorized to make subawards or contracts under this award --

a. it represents that --

(1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward, contract, or subcontract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

8. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OJP.

9. The recipient agrees to comply with any additional requirements that may be imposed during the grant performance period if the agency determines that the recipient is a high-risk grantee. Cf. 28 C.F.R. parts 66, 70.





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10. The recipient agrees to comply with applicable requirements regarding registration with the System for Award Management (SAM) (or with a successor government-wide system officially designated by OMB and OJP). The recipient also agrees to comply with applicable restrictions on subawards to first-tier subrecipients that do not acquire and provide a Data Universal Numbering System (DUNS) number. The details of recipient obligations are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/sam.htm> (Award condition: Registration with the System for Award Management and Universal Identifier Requirements), and are incorporated by reference here. This special condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).
11. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the Department encourages recipients and sub recipients to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.
12. The recipient agrees to comply with all applicable laws, regulations, policies, and guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences, meetings, trainings, and other events, including the provision of food and/or beverages at such events, and costs of attendance at such events. Information on rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "2015 DOJ Grants Financial Guide").
13. The recipient understands and agrees that any training or training materials developed or delivered with funding provided under this award must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <http://www.ojp.usdoj.gov/funding/ojptrainingguidingprinciples.htm>.
14. The recipient agrees that if it currently has an open award of federal funds or if it receives an award of federal funds other than this OJP award, and those award funds have been, are being, or are to be used, in whole or in part, for one or more of the identical cost items for which funds are being provided under this OJP award, the recipient will promptly notify, in writing, the grant manager for this OJP award, and, if so requested by OJP, seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.
15. The recipient understands and agrees that award funds may not be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.
16. The recipient understands and agrees that - (a) No award funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography, and (b) Nothing in subsection (a) limits the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.
17. A recipient that is eligible under the Part 200 Uniform Requirements to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise OJP in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC).
18. The recipient must collect, maintain, and provide to OJP, data that measure the performance and effectiveness of activities under this award, in the manner, and within the timeframes, specified in the program solicitation, or as otherwise specified by OJP. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act, and other applicable laws.



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19. The recipient agrees to comply with OJP grant monitoring guidelines, protocols, and procedures, and to cooperate with BJA and OCFO on all grant monitoring requests, including requests related to desk reviews, enhanced programmatic desk reviews, and/or site visits. The recipient agrees to provide to BJA and OCFO all documentation necessary to complete monitoring tasks, including documentation related to any subawards made under this award. Further, the recipient agrees to abide by reasonable deadlines set by BJA and OCFO for providing the requested documents. Failure to cooperate with BJA's/OCFO's grant monitoring activities may result in sanctions affecting the recipient's DOJ awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to grant funds; referral to the Office of the Inspector General for audit review; designation of the recipient as a DOJ High Risk grantee; or termination of an award(s).
20. The recipient agrees to comply with applicable requirements to report first-tier subawards of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients of award funds. Such data will be submitted to the FFATA Subaward Reporting System (FSRS). The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/ffata.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here. This condition, and its reporting requirement, does not apply to grant awards made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).
21. The recipient understands and agrees that it has a responsibility to monitor its subrecipients' compliance with applicable federal civil rights laws. The recipient agrees to submit written Methods of Administration (MOA) for ensuring subrecipients' compliance to the OJP's Office for Civil Rights at [CivilRightsMOA@usdoj.gov](mailto:CivilRightsMOA@usdoj.gov) within 90 days of receiving the grant award, and to make supporting documentation available for review upon request by OJP or any other authorized persons. The required elements of the MOA are set forth at [http://www.ojp.usdoj.gov/funding/other\\_requirements.htm](http://www.ojp.usdoj.gov/funding/other_requirements.htm), under the heading, "Civil Rights Compliance Specific to State Administering Agencies."
22. In order to promote information sharing and enable interoperability among disparate systems across the justice and public safety community, OJP requires the grantee to comply with DOJ's Global Justice Information Sharing Initiative (DOJ's Global) guidelines and recommendations for this particular grant. Grantee shall conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: [http://www.it.ojp.gov/gsp\\_grantcondition](http://www.it.ojp.gov/gsp_grantcondition). Grantee shall document planned approaches to information sharing and describe compliance to the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.
23. To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the grantee can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.
24. The recipient agrees that any information technology system funded or supported by OJP funds will comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 42 U.S.C. 3789g(c)-(d). Recipient may not satisfy such a fine with federal funds.





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25. The grantee agrees to comply with the applicable requirements of 28 C.F.R. Part 38, the Department of Justice regulation governing "Equal Treatment for Faith Based Organizations" (the "Equal Treatment Regulation"). The Equal Treatment Regulation provides in part that Department of Justice grant awards of direct funding may not be used to fund any inherently religious activities, such as worship, religious instruction, or proselytization. Recipients of direct grants may still engage in inherently religious activities, but such activities must be separate in time or place from the Department of Justice funded program, and participation in such activities by individuals receiving services from the grantee or a sub-grantee must be voluntary. The Equal Treatment Regulation also makes clear that organizations participating in programs directly funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. Notwithstanding any other special condition of this award, faith-based organizations may, in some circumstances, consider religion as a basis for employment. See [http://www.ojp.gov/about/ocr/equal\\_fbo.htm](http://www.ojp.gov/about/ocr/equal_fbo.htm).
26. Grantee agrees to comply with the requirements of 28 C.F.R. Part 46 and all Office of Justice Programs policies and procedures regarding the protection of human research subjects, including obtaining of Institutional Review Board approval, if appropriate, and subject informed consent.
27. Grantee agrees to comply with all confidentiality requirements of 42 U.S.C. section 3789g and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. Grantee further agrees, as a condition of grant approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, section 22.23.
28. Award recipients must verify Point of Contact(POC), Financial Point of Contact (FPOC), and Authorized Representative contact information in GMS, including telephone number and e-mail address. If any information is incorrect or has changed, a Grant Adjustment Notice (GAN) must be submitted via the Grants Management System (GMS) to document changes.
29. The grantee agrees that within 120 days of award acceptance, each current member of a law enforcement task force funded with these funds who is a task force commander, agency executive, task force officer, or other task force member of equivalent rank, will complete required online (internet-based) task force training. Additionally, all future task force members are required to complete this training once during the life of this award, or once every four years if multiple awards include this requirement. The training is provided free of charge online through BJA's Center for Task Force Integrity and Leadership ([www.ctfli.org](http://www.ctfli.org)). This training addresses task force effectiveness as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. When BJA funding supports a task force, a task force personnel roster should be compiled and maintained, along with course completion certificates, by the grant recipient. Additional information is available regarding this required training and access methods via BJA's web site and the Center for Task Force Integrity and Leadership ([www.ctfli.org](http://www.ctfli.org)).
30. The recipient agrees to participate in BJA-sponsored training events, technical assistance events, or conferences held by BJA or its designees, upon BJA's request.
31. All procurement (contract) transactions under this award must be conducted in a manner that is consistent with applicable Federal and State law, and with Federal procurement standards specified in regulations governing Federal awards to non-Federal entities. Procurement (contract) transactions should be competitively awarded unless circumstances preclude competition. Noncompetitive (e.g., sole source) procurements by the award recipient in excess of the Simplified Acquisition Threshold (currently \$150,000) set out in the Federal Acquisition Regulation must receive prior approval from the awarding agency, and must otherwise comply with rules governing such procurements found in the current edition of the OJP Financial Guide.



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32. Approval of this award does not indicate approval of any consultant rate in excess of \$650 per day. A detailed justification must be submitted to and approved by the Office of Justice Programs (OJP) program office prior to obligation or expenditure of such funds.
33. Program income (as defined in the Part 200 Uniform Requirements) must be used in accordance with the provisions of the Part 200 Uniform Requirements. Program income earnings and expenditures both must be reported on the quarterly Federal Financial Report, SF 425.
34. Award recipients must submit quarterly a Federal Financial Report (SF-425) and annual performance reports through GMS (<https://grants.ojp.usdoj.gov>). Consistent with the Department's responsibilities under the Government Performance and Results Act (GPRA), P.L. 103-62, applicants who receive funding under this solicitation must provide data that measure the results of their work. Therefore, quarterly performance metrics reports must be submitted through BJA's Performance Measurement Tool (PMT) website ([www.bjaperformancetools.org](http://www.bjaperformancetools.org)). For more detailed information on reporting and other JAG requirements, refer to the JAG reporting requirements webpage. Failure to submit required JAG reports by established deadlines may result in the freezing of grant funds and future High Risk designation.
35. The recipient agrees that funds received under this award will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.
36. The recipient agrees to monitor subawards under this JAG award in accordance with all applicable statutes, regulations, OMB circulars, and guidelines, including the OJP Financial Guide, and to include the applicable conditions of this award in any subaward. The recipient is responsible for oversight of subrecipient spending and monitoring of specific outcomes and benefits attributable to use of JAG funds by subrecipients. The recipient agrees to submit, upon request, documentation of its policies and procedures for monitoring of subawards under this award.
37. The recipient agrees to submit a signed certification that that all law enforcement agencies receiving vests purchased with JAG funds have a written "mandatory wear" policy in effect. Fiscal agents and state agencies must keep signed certifications on file for any subrecipients planning to utilize JAG funds for ballistic-resistant and stab-resistant body armor purchases. This policy must be in place for at least all uniformed officers before any JAG funding can be used by the agency for body armor. There are no requirements regarding the nature of the policy other than it being a mandatory wear policy for all uniformed officers while on duty.
38. Ballistic-resistant and stab-resistant body armor purchased with JAG funds may be purchased at any threat level, make or model, from any distributor or manufacturer, as long as the vests have been tested and found to comply with applicable National Institute of Justice ballistic or stab standards and are listed on the NIJ Compliant Body Armor Model List (<http://nij.gov>). In addition, ballistic-resistant and stab-resistant body armor purchased must be American-made. The latest NIJ standard information can be found here: <http://www.nij.gov/topics/technology/body-armor/safety-initiative.htm>.
39. JAG funds may be used to purchase vests for an agency, but they may not be used as the 50% match for purposes of the Bulletproof Vest Partnership (BVP) program.
40. The recipient is required to establish a trust fund account. (The trust fund may or may not be an interest-bearing account.) The fund, including any interest, may not be used to pay debts or expenses incurred by other activities beyond the scope of the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The recipient also agrees to obligate the grant funds in the trust fund (including any interest earned) during the period of the grant and expend within 90 days thereafter. Any unobligated or unexpended funds, including interest earned, must be returned to the Office of Justice Programs at the time of closeout.





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41. The grantee agrees to assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these grant funds, either directly by the grantee or by a subgrantee. Accordingly, the grantee agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the grant, the grantee agrees to contact BJA.

The grantee understands that this special condition applies to its following new activities whether or not they are being specifically funded with these grant funds. That is, as long as the activity is being conducted by the grantee, a subgrantee, or any third party and the activity needs to be undertaken in order to use these grant funds, this special condition must first be met. The activities covered by this special condition are:

- a. New construction;
- b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

The grantee understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. The grantee further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at <http://www.ojp.usdoj.gov/BJA/resource/nepa.html>, for programs relating to methamphetamine laboratory operations.

Application of This Special Condition to Grantee's Existing Programs or Activities: For any of the grantee's or its subgrantees' existing programs or activities that will be funded by these grant funds, the grantee, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

42. BJA strongly encourages the recipient to submit annual (or more frequent) JAG success stories. To submit a success story, sign in to your My BJA account at <https://www.bja.gov/Login.aspx> to access the Success Story Submission form. If you do not yet have a My BJA account, please register at <https://www.bja.gov/profile.aspx>. Once you register, one of the available areas on your My BJA page will be "My Success Stories". Within this box, you will see an option to add a Success Story. Once reviewed and approved by BJA, all success stories will appear on the new BJA Success Story web page at <https://www.bja.gov/SuccessStoryList.aspx>.
43. Recipient understands and agrees that award funds may not be used for items that are listed on the Prohibited Expenditure List at the time of purchase or acquisition, including as the list may be amended from time to time. The Prohibited Expenditure list may be accessed here: <https://www.bja.gov/funding/JAGControlledPurchaseList.pdf>.
44. Recipient understands and agrees that award funds may not be used for items that are listed on the Controlled Expenditure List at the time of purchase or acquisition, including as the list may be amended from time to time, without explicit written prior approval from BJA. The Controlled Expenditure List, and instructions on how to request approval for purchase or acquisitions may be accessed here: <https://www.bja.gov/funding/JAGControlledPurchaseList.pdf>





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45. Recipient understands and agrees that the purchase or acquisition of any item on the Controlled Expenditure List at the time of purchase or acquisition, including as the list may be amended from time to time, with award funds by an agency will trigger a requirement that the agency collect and retain (for at least 3 years) certain information about the use of 1) any federally-acquired Controlled Equipment in the agency's inventory, and 2) any other controlled equipment in the same category as the federally-acquired controlled equipment in the agency's inventory, regardless of source; and make that information available to BJA upon request. Details about what information must be collected and retained may be accessed here: [https://www.whitehouse.gov/sites/default/files/docs/le\\_equipment\\_wg\\_final\\_report\\_final.pdf](https://www.whitehouse.gov/sites/default/files/docs/le_equipment_wg_final_report_final.pdf)
46. Recipient understands and agrees that, notwithstanding 2 CFR § 200.313, no equipment listed on the Controlled Expenditure List that is purchased under this award may be transferred or sold to a third party, except as described below:
- a. Agencies may transfer or sell any controlled equipment, except riot helmets and riot shields, to a Law Enforcement Agency (LEA) after obtaining prior written approval from BJA. As a condition of that approval, the acquiring LEA will be required to submit information and certifications to BJA as if it was requesting approval to use award fund for the initial purchase of items on the Controlled Expenditure List.
  - b. Agencies may not transfer or sell any riot helmets or riot shields purchased under this award.
  - c. Agencies may not transfer or sell any Controlled Equipment purchased under this award to non-LEAs, with the exception of fixed wing aircraft, rotary wing aircraft, and command and control vehicles. Before any such transfer or sale is finalized, the agency must obtain prior written approval from BJA. All law enforcement-related and other sensitive or potentially dangerous components, and all law enforcement insignias and identifying markings must be removed prior to transfer or sale.
- Recipient further understands and agrees to notify BJA prior to the disposal of any items on the Controlled Expenditure List purchased under this award, and to abide by any applicable laws and regulations in such disposal.
47. Recipient understands and agrees that failure to comply with conditions related to Prohibited or Controlled Expenditures may result in a prohibition from further Controlled Expenditure approval under this or other federal awards.
48. Recipient may not expend, or drawdown funds until the Bureau of Justice Assistance, Office of Justice Programs has reviewed and approved the Budget Narrative portion of the application and has issued a Grant Adjustment Notice (GAN) informing the recipient of the approval.
49. The recipient may not obligate, expend, or draw down any award funds until: (1) it has provided to the grant manager for this OJP award either an "applicant disclosure of pending applications" for federal funding or a specific affirmative statement that no such pending applications (whether direct or indirect) exist, in accordance with the detailed instructions in the program solicitation, (2) OJP has completed its review of the information provided and of any supplemental information it may request, (3) the recipient has made any adjustments to the award that OJP may require to prevent or eliminate any inappropriate duplication of funding (e.g., budget modification, project scope adjustment), (4) if appropriate adjustments to a discretionary award cannot be made, the recipient has agreed in writing to any necessary reduction of the award amount in any amount sufficient to prevent duplication (as determined by OJP), and (5) a Grant Adjustment Notice has been issued removing this special condition.
50. Recipient may not expend or drawdown funds until the Bureau of Justice Assistance (BJA) has received documentation demonstrating that the state or local governing body review and public comment requirements have been met and a Grant Adjustment Notice (GAN) has been approved releasing this special condition.