

COUNTY COUNCIL OF BEAUFORT COUNTY
ADMINISTRATION BUILDING
BEAUFORT COUNTY GOVERNMENT ROBERT SMALLS COMPLEX
100 RIBAUT ROAD
POST OFFICE DRAWER 1228
BEAUFORT, SOUTH CAROLINA 29901-1228

D. PAUL SOMMERVILLE
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GERALD W. STEWART
VICE CHAIRMAN

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COUNTY ATTORNEY

ASHLEY M. BENNETT
CLERK TO COUNCIL

AGENDA
COUNTY COUNCIL OF BEAUFORT COUNTY
REGULAR SESSION

Wednesday, October 12, 2016

6:00 p.m.

Council Chambers, Administration Building
Beaufort County Government Robert Smalls Complex
100 Ribaut Road, Beaufort

Citizens may participate telephonically in the public comments and public hearings segments from the Hilton Head Island Branch Library as well as Mary Field School, Daufuskie Island.

1. CALL TO ORDER - 6:00 P.M.
2. REGULAR SESSION
3. PLEDGE OF ALLEGIANCE
4. INVOCATION – Council Member Gerald Dawson
5. PROCLAMATIONS
 - A. Anti-Bullying Awareness Month ([backup](#))
 - B. Penn Center Heritage Days Celebration Week ([backup](#))
 - C. Veterans Day ([backup](#))
6. BOARD AND COMMISSION MEMBERS' PUBLIC SERVICE RECOGNITION
 - A. Gregory Baisch, Zoning Board of Appeals
 - B. Charles Brown, Planning Commission
 - C. Jonathan Brown, Disabilities and Special Needs Board
 - D. Robert Cummins, Jr., Tax Equalization Board
 - E. Carolyn Davis, Planning Commission
 - F. Margaret A. Gatch, Disabilities and Special Needs Board
 - G. George Johnston, Planning Commission
 - H. Patrick Kelly, Design Review Board
 - I. William Ladson, Rural and Critical Lands Preservation Board
 - J. Allan Rae, Airports Board
 - K. Charles Schreiner, Lady's Island / St. Helena Island Fire District Commission
 - L. Jill Striebinger, Disabilities and Special Needs Board
 - M. Patricia Thompson, M.D., Beaufort Memorial Hospital Board
 - N. Ann Wirz, Disabilities and Special Needs Board
 - O. Ben Wheatley, Solid Waste and Recycling Board
 - P. W.R. "Skeet" Von Harten, Beaufort / Jasper Water and Sewer Authority



7. ADMINISTRATIVE CONSENT AGENDA

A. Approval of Minutes

1. September 26, 2016 [caucus](#) and September 26, 2016 [regular session](#)

B. Committee Reports (next meeting)

1. Community Services (October 24 at 3:00 p.m., Hilton Head Island Branch Library)
2. Executive (November 14 at 3:00 p.m., ECR)
3. Finance (November 7 at 2:00 p.m., ECR)
4. Governmental (November 7 at 4:00 p.m., ECR)
5. Natural Resources (October 17 at 2:00 p.m., ECR)
6. Public Facilities (October 17 at 4:00 p.m., ECR)

C. Appointments to Boards and Commissions

8. PUBLIC COMMENT – Speaker sign-up encouraged no later than 5:45 p.m. day of meeting.

9. CONSENT AGENDA

A. AN ORDINANCE TO APPROPRIATE \$85,369 FROM THE LOCAL HOSPITALITY TAX FUND FOR CONSTRUCTION OF DAUFUSKIE ISLAND PARK TRAIL AND AMENITIES ([backup](#))

1. Consideration of second reading to occur October 12, 2016
2. First reading approval occurred September 26, 2016 / Vote 9:0
3. Public hearing announcement – Monday, October 24, 2016 beginning at 6:30 p.m. in the Large Meeting Room, Hilton Head Island Branch Library, 11 Beach City Road, Hilton Head Island, South Carolina
4. Public Facilities Committee discussion and recommendation to approve ordinance on first reading occurred September 19, 2016 / Vote 7:0

B. COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT FOR R600 040 000 0209 0000, R600 040 000 0824 0000, AND R600 040 000 0825 0000 (THREE PROPERTIES KNOWN AS EXECUTIVE GOLF COURSE, TOTALING 20.99 ACRES LOCATED ALONG BLUFFTON PARKWAY BETWEEN HILTON HEAD NATIONAL DRIVE AND KELLIE COURT): FROM RURAL TO NEIGHBORHOOD MIXED USE

1. Consideration of second reading to occur October 12, 2016 ([backup](#))
2. First reading approval occurred September 26, 2016 / Vote 9:0
3. Public hearing announcement – Monday, October 24, 2016 beginning at 6:30 p.m. in the Large Meeting Room, Hilton Head Island Branch Library, 11 Beach City Road, Hilton Head Island, South Carolina
4. Natural Resources Committee discussion and recommendation to approve ordinance on first reading occurred September 19, 2016 / Vote 5:0

C. SOUTHERN BEAUFORT COUNTY ZONING MAP AMENDMENTS FOR R600 040 000 0209 0000, R600 040 000 0824 0000, AND R600 040 000 0825 0000 (THREE PROPERTIES KNOWN AS EXECUTIVE GOLF COURSE, TOTALING 20.99 ACRES LOCATED ALONG BLUFFTON PARKWAY BETWEEN HILTON HEAD NATIONAL DRIVE AND KELLIE COURT); FROM T2-RURAL DISTRICT TO T4-NEIGHBORHOOD CENTER DISTRICT ([backup](#))

1. Consideration of second reading to occur October 12, 2016
2. First reading approval occurred September 26, 2016 / Vote 9:0
3. Public hearing announcement – Monday, October 24, 2016 beginning at 6:30 p.m. in the Large Meeting Room, Hilton Head Island Branch Library, 11 Beach City Road, Hilton Head Island, South Carolina
4. Natural Resources Committee discussion and recommendation to approve ordinance on first reading occurred September 19, 2016 / Vote 5:0

D. TEXT AMENDMENTS TO THE STORMWATER MANAGEMENT ORDINANCE (CHAPTER 99): AMEND ARTICLE II, STORMWATER MANAGEMENT (FOR CHANGES RELATED TO THE MS4 PERMIT IMPLEMENTATION); ADD ARTICLE III, REGULATORY GENERAL PROVISIONS; ARTICLE IV, STORMWATER MANAGEMENT STANDARDS TO BE APPLIED; ARTICLE V, ILLICIT DISCHARGES AND CONNECTIONS TO THE STORMWATER SYSTEM; AND ARTICLE VI, INSPECTION, ENFORCEMENT, AND CORRECTION ([backup](#))

1. Consideration of second reading to occur October 12, 2016
2. First reading approval occurred September 26, 2016 / Vote 9:0
3. Public hearing announcement – Monday, October 24, 2016 beginning at 6:30 p.m. in the Large Meeting Room, Hilton Head Island Branch Library, 11 Beach City Road, Hilton Head Island, South Carolina
4. Natural Resources Committee discussion and recommendation to approve ordinance on first reading occurred September 19, 2016 / Vote 5:0

E. AN ORDINANCE OF BEAUFORT COUNTY COUNCIL UPDATING THE BEAUFORT COUNTY SMOKING ORDINANCE ([backup](#))

1. Consideration of first reading approval to occur October 12, 2016
2. Community Services Committee discussion and recommendation to approve ordinance on first reading occurred September 26, 2016 / Vote 5:0
3. Community Services Committee discussion occurred August 22, 2016
4. Community Services Committee discussion occurred June 27, 2016
5. Community Services Committee discussion occurred March 28, 2016

F. BLUFFTON TOWNSHIP FIRE DISTRICT STATION #36 CONSTRUCTION ([backup](#))

1. Contract award: Paul S. Akins Company, Inc., Statesboro, Georgia
2. Contract amount: \$1,130,627 (\$1,027,843 plus a 10% contingency of \$102,784)
3. Funding source: Bluffton Township Fire District's Fire Impact Fees
4. Finance Committee discussion and recommendation to award contract occurred October 3, 2016 / Vote 7:0

G. BLUFFTON TOWNSHIP FIRE DISTRICT STATE CONTRACT VEHICLE PURCHASE

1. Contract award: VIC Bailey Ford (State Contract Vendor) (backup)
2. Contract amount: \$153,962 (five vehicles)
3. Funding source: Bluffton Township Fire District Capital Agency Fund of the County's General Ledger, Fund 7304
4. Finance Committee discussion and recommendation to award contract occurred October 3, 2016 / Vote 7:0

10. PUBLIC HEARINGS

A. COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT FOR FIVE PARCELS (TOTALING APPROXIMATELY 125 ACRES--R600 021 000 0002 0000, R600 021 000 004A 0000, R600 021 000 0194 0000, R600 021 000 0195 0000, AND R600 021 000 0075 0000; KNOWN AS PEPPER HALL PLANTATION LOCATED ON THE NORTH SIDE OF U.S. HIGHWAY 278 BETWEEN THE OKATIE RIVER AND GRAVES ROAD) FROM: (backup)

- COMMUNITY COMMERCIAL AND RURAL FOR A TOTAL OF APPROXIMATELY 33 ACRES FRONTING U.S. HIGHWAY 278 (R600 021 000 0195 0000 AND A PORTION OF R600 021 000 004A 000) TO REGIONAL COMMERCIAL, AND
- RURAL FOR APPROXIMATELY 92 ACRES TO NEIGHBORHOOD MIXED USE (R600 021 000 0002 0000, R600 021 000 0194 0000, R600 021 000 0075 0000, AND A PORTION OF R600 021 000 004A 0000)
 1. Consideration of third and final reading to occur October 12, 2016
 2. Second reading approval occurred September 26, 2016 / Vote 8:1
 3. September 12, 2016 / County Council approved on first reading, as amended
 4. August 15 2016 / Development Agreement Subcommittee reports to Natural Resources Committee that the parties are at impasse and will so report to County Council
 5. June 30, 2016 / Development Agreement Subcommittee reaches impasse
 6. June 24, 2016 / Development Agreement Subcommittee discussion
 7. June 21, 2016 / Development Agreement Subcommittee discussion
 8. February 16, 2016 / Development Agreement Subcommittee discussion
 9. January 14, 2016 / Development Agreement Subcommittee discussion
 10. January 8, 2016 / Development Agreement Subcommittee discussion
 11. December 4, 2015 / Chairman reappointments Development Agreement Subcommittee members
 12. November 30, 2015 / Issue appears on County Council agenda as old business. County Council voted to postpone and reestablish the Development Agreement Subcommittee
 13. October 26, 2015 / Public hearing held October 26, 2015 and motion to postpone until November 30, 2015
 14. October 20, 2015 / Issue appears on agenda as a public hearing. Public Hearing is held on October 26, 2015 and Council votes to postpone until November 30, 2015.
 15. September 14, 2015 / Natural Resources Committee Chairman removes from consent agenda. Matter to appear on subsequent County Council agenda as a public hearing.
 16. August 10, 2015 / Natural Resources Committee votes to deny Comprehensive Plan amendment and Zoning Map amendment

B. COMPREHENSIVE SOUTHERN BEAUFORT COUNTY ZONING MAP AMENDMENT FOR FIVE PARCELS (TOTALING APPROXIMATELY 125 ACRES--R600 021 000 0002 0000, R600 021 000 004A 0000, R600 021 000 0194 0000, R600 021 000 0195 0000, AND R600 021 000 0075 0000; KNOWN AS PEPPER HALL PLANTATION LOCATED ON THE NORTH SIDE OF U.S. HIGHWAY 278 BETWEEN THE OKATIE RIVER AND GRAVES ROAD) FROM: ([backup](#))

- T2-RURAL ZONING FOR APPROXIMATELY 33 ACRES FRONTING U.S. HIGHWAY 278 (R600 021 000 0195 0000 AND A PORTION OF R600 021 000 004A 000) TO C5 REGIONAL CENTER MIXED USE, AND
- T2-RURAL ZONING FOR APPROXIMATELY 92 ACRES TO C3 NEIGHBORHOOD MIXED USE (R600 021 000 0002 0000, R600 021 000 0194 0000, R600 021 000 0075 0000, AND A PORTION OF R600 021 000 004A 0000)
 1. Consideration of third and final reading to occur October 12, 2016
 2. Second reading approval occurred September 26, 2016 / Vote 8:1
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 14. October 20, 2015 / Issue appears on agenda as a public hearing. Public Hearing is held on October 26, 2015 and Council votes to postpone until November 30, 2015.
 15. September 14, 2015 / Natural Resources Committee Chairman removes from consent agenda. Matter to appear on subsequent County Council agenda as a public hearing.
 16. August 10, 2015 / Natural Resources Committee votes to deny Comprehensive Plan amendment and Zoning Map amendment

- C. AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS, SERIES 2016B, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF BEAUFORT COUNTY, SOUTH CAROLINA, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$51,000,000; FIXING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE COUNTY ADMINISTRATOR OR HIS LAWFULLY-AUTHORIZED DESIGNEE TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO ([backup](#))
1. Consideration of third and final reading to occur October 12, 2016
 2. Second reading approval, as amended (from \$45,000,000 to \$51,000,000), occurred September 26, 2016 / Vote 8:1
 3. First reading, by title only, occurred September 12, 2016 / Vote 10:0
 4. Finance Committee discussion and recommendation to approve ordinance on first reading occurred September 6, 2016 / Vote 6:0
- D. AN ORDINANCE TO AMEND SECTION 66-81, *ET SEQ.* OF THE BEAUFORT COUNTY CODE OF ORDINANCES SO AS TO RENAME THE TAX EQUALIZATION BOARD AND PROVIDE AMENDMENTS TO BOARD MEMBERSHIP ([backup](#))
1. Consideration of third and final reading to occur October 12, 2016
 2. Second reading approval occurred September 26, 2016 / Vote 9:0
 3. First reading approval occurred September 12, 2016 / Vote 10:0
 4. Finance Committee discussion and recommendation to approve ordinance on first reading occurred September 6, 2016 / Vote 6:0
- E. AN ORDINANCE TO APPROPRIATE FUNDS NOT TO EXCEED \$250,000 FROM THE 3% LOCAL ACCOMMODATIONS TAX FUNDS TO THE COUNTY GENERAL FUND FOR CONSTRUCTION OF THE SPANISH MOSS TRAIL – PHASE 7 ([backup](#))
1. Consideration of third and final reading to occur October 12, 2016
 2. Second reading approval occurred September 26, 2016 / Vote 9:0
 3. First reading approval occurred September 12, 2016 / Vote 10:0
 4. Finance Committee discussion and recommendation to approve ordinance on first reading occurred September 6, 2016 / Vote 6:0
- F. OFFICE OF JUSTICE PROGRAMS FY-2016 EDWARD BYRNE MEMORIAL JUSTICE GRANT (JAG) PROGRAM: LOCAL IN THE AMOUNT OF \$54,160
1. Public hearing only.
 2. This is a 100% federally funded grant in the amount of \$54,160. It does not require a match and the grant funds will be used for the following: The objective of the 2016 JAG Grant project is for the Beaufort County Sheriff's Office Records Management System (Spillman) to interface with the SLED Fusion Center via a direct electronic state link to the South Carolina Information Exchange (SCIEEx) which is a searchable central database of participating agencies' incident reports, supplemental reports, and field interviews which enables law enforcement officers, investigators, and analysts across the state to mine and investigate criminal cases, identify and predict crime trends, and garner intelligence on potential terrorist threats and/or activities. This project will address hardware, software and license issues necessary to obtain access to an information sharing database for South Carolina called the South Carolina Information Exchange (SCIEEx).

11. MATTERS ARISING OUT OF EXECUTIVE SESSION

12. PUBLIC COMMENT - Speaker sign-up encouraged.

13. ADJOURNMENT

PROCLAMATION

ANTI – BULLYING AWARENESS MONTH

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

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

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

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

WHEREAS, over 6,077 sixth graders have participated in this educational program to date; and

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that Beaufort County Council joins advocates and supports service programs in the belief that all community members must be part of the solution to end bullying. We, along with the Rotary Club of the Lowcountry and Beaufort County School District, do hereby proclaim October as “Anti-bullying Awareness Month.”

Dated this 10th day of October, 2016.



D. Paul Sommerville, Chairman
Beaufort County Council



Proclamation

WHEREAS, the idea of a Penn Center Heritage Days Celebration was born in August of 1981 because many individuals and institutions of Beaufort County's Sea Islands have been touched by the activities of Penn School, now Penn Center, and because Penn Center has been instrumental in preserving and strengthening the Sea Island culture; and

WHEREAS, the Penn Center Heritage Days Celebration is an effort to publicly recognize and further document and preserve the history of Penn School, the Sea Island culture, and the various Africanisms that still exist today; and

WHEREAS, the Penn Center Heritage Days Celebration is a gesture to reveal that Penn Center is a place where all people are always welcome and can learn about themselves and about the Sea Island culture; and

WHEREAS, in 1983, the Heritage Parade from St. Helena Elementary School to the Penn Center Historic District was established; and

WHEREAS, Penn Center's Heritage Days Celebration has become a significant event, drawing more than 20,000 visitors; and

WHEREAS, the Penn Center Heritage Days Celebration grew from a single day of events and cuisine to a week of festive songs, performances, displays and other merriments.

NOW, THEREFORE, Beaufort County Council; proclaims November 10 through November 13, 2016 as

“Penn Center Heritage Days Celebration Week”

on the occasion of the 34th Heritage Celebration and in recognition of its success through the years.

Dated this 10th day of October, 2016.



A handwritten signature in blue ink, reading "D. Paul Sommerville".

D. Paul Sommerville, Chairman
Beaufort County Council

PROCLAMATION

Veterans Day

WHEREAS, 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 twenty 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, Friday, November 11, 2016, 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 10th day of October, 2016.



A handwritten signature in blue ink, reading 'D. Paul Sommerville', is written over a horizontal line.

D. Paul Sommerville, Chairman
Beaufort County Council

Official Proceedings
County Council of Beaufort County
September 26, 2016

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 26, 2016 beginning at 5:00 p.m. in the Large Meeting Room, Bluffton Branch Library, 120 Palmetto Way, Bluffton, South Carolina.

ATTENDANCE

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

PLEDGE OF ALLEGIANCE

The Chairman led those present in the Pledge of Allegiance.

DISCUSSION ITEMS

Mr. Sommerville informed Council that several Daufuskie Island residents have encouraged Beaufort County to hold the 2017 Retreat on Daufuskie Island. He asked Council members to submit their preferences regarding meeting location and using a different facilitator. Mr. Sommerville asked the Administration to reach out to the municipalities and to prepare a list of possible facilitators for the County’s February 2017 retreat.

Mr. Flewelling spoke about Administration’s receipt of a letter from Mr. Thomas Paradise, Edgefield County Administrator, regarding the annexation authority of municipalities. The discussion of a resolution requesting the General Assembly to amend the annexation authority of municipalities will be included on the October 17, 2016 Natural Resources Committee agenda.

CALL FOR EXECUTIVE SESSION

It was moved by Mr. Rodman, seconded by Mr. Flewelling, that Council go immediately into executive session for receipt of legal advice regarding Rural and Critical Lands Program litigation. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville and Mr. Vaux. ABSENT – Mr. Stewart. The motion passed.

EXECUTIVE SESSION

RECONVENE OF CAUCUS

DISCUSSION ITEMS

Mr. Rodman requested the Chairman to remove item 7I, an ordinance authorizing the issuance and sale of General Obligation Bonds, Series 2016B, of Beaufort County, South Carolina, in the principal amount of not exceeding \$45,000,000, from the consent agenda. He provided a historical recap of this agenda item, and spoke about the needs, which included an additional \$6 million. He would like to increase the amount from \$45,000,000 to \$51,000,000. This additional \$6 million would provide full funding for EMS Facility development, Pinckney Island roadway, and Detention Center Security upgrades.

Mr. McBride requested the Chairman to remove item 7C, an ordinance allowing nighttime use of golf carts in designated portions of the County, from the consent agenda.

Mrs. Bensch requested the Chairman to send item 7C, an ordinance allowing nighttime use of golf carts in designated portions of the County, back to the Public Facilities Committee.

Lt. Col. Allen Horton, Deputy Sheriff, addressed the safety concerns relative to the nighttime use of golf carts in portions of the County.

Mr. Caporale requested the Chairman to remove items 7G and 7H, Comprehensive Plan Future Land Use Map Amendment for five parcels (totaling approximately 125 acres--R600 021 000 0002 0000, R600 021 000 004A 0000, R600 021 000 0194 0000, R600 021 000 0195 0000, and R600 021 000 0075 0000; known as Pepper Hall Plantation located on the north side of U.S. Highway 278 between the Okatie River and Graves Road) from: Community Commercial and Rural for a total of approximately 33 acres fronting U.S. Highway 278 (R600 021 000 0195 0000 and a portion of R600 021 000 004A 0000) to Regional Commercial, and Rural for approximately 92 acres to Neighborhood Mixed Use (R600 021 000 0002 0000, R600 021 000 0194 0000, R600 021 000 0075 0000, and a portion of R600 021 000 004A 0000); and comprehensive Southern Beaufort County Zoning Map Amendment for five parcels (totaling approximately 125 acres--R600 021 000 0002 0000, R600 021 000 004A 0000, R600 021 000 0194 0000, R600 021 000 0195 0000, and R600 021 000 0075 0000; known as Pepper Hall Plantation located on the north side of U.S. Highway 278 between the Okatie River and Graves Road) from: T2-Rural zoning for approximately 33 acres fronting U.S. Highway 278 (R600 021 000 0195 0000 and a portion of R600 021 000 004A 0000) to C5 Regional Center Mixed Use, and T2-Rural zoning for approximately 92 acres to C3 Neighborhood Mixed Use (R600 021 000 0002 0000, R600 021 000 0194 0000, R600 021 000 0075 0000, and a portion of R600 021 000 004A 0000), from the consent agenda.

Mr. Rodman spoke about the Beaufort County School District collection rate and the information presented in their Comprehensive Annual Financial Report (CAFR). The numbers in their CAFR suggest they are collecting at a 99%+ rate.

Mr. Rodman spoke about the two different referendums the Beaufort County School District has included on the 2016 ballot and whether one will supersede the other referendum, or if the District intends to move forward with both, if they are approved.

Mr. Josh Gruber, Deputy County Administrator / Special Counsel, referred Council to the Schools District's webpage that states their intention for the referendum. Administration can also prepare a written inquiry to the School District, on behalf of County Council, as to their intent surrounding the inclusion of both a bond referendum and an Educational Capital Sales Tax referendum on the upcoming general election ballot.

ADJOURNMENT

Council adjourned at 6:00 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

ATTEST:

Ashley M. Bennett, Clerk to Council

Ratified:

DRAFT

Official Proceedings
County Council of Beaufort County
September 26, 2016

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

The regular session of the County Council of Beaufort County was held Monday, September 26, 2016 beginning at 6:00 p.m. in the Large Meeting Room of the Bluffton Branch Library, 120 Palmetto Way, Bluffton, South Carolina.

ATTENDANCE

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

PLEDGE OF ALLEGIANCE

The Chairman led those present in the Pledge of Allegiance.

INVOCATION

Council member Cynthia M. Bensch gave the Invocation.

ADMINISTRATIVE CONSENT AGENDA

Review of the Proceedings of the Caucus held September 12, 2016

This item comes before Council under the Administrative Consent Agenda.

It was moved by Mr. McBride, seconded by Mr. Rodman, that Council approve the minutes of the caucus held September 12, 2016. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride and Mr. Rodman. ABSTAIN – Mr. Sommerville. ABSENT – Mr. Stewart and Mr. Vaux. The motion passed.

Review of the Proceedings of the Regular Session held September 12, 2016

This item comes before Council under the Administrative Consent Agenda.

It was moved by Mr. Flewelling, seconded by Mr. Rodman, that Council approve the minutes of the regular session held September 12, 2016. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride and Mr. Rodman. ABSTAIN – Mr. Sommerville. ABSENT – Mr. Stewart and Mr. Vaux. The motion passed.

Committee Reports

Community Services Committee

An Ordinance of Beaufort County Council Updating the Beaufort County Smoking Ordinance

Mr. William McBride, as Chairman of the Community Services Committee informed Council that at the September 26, 2016 Community Services Committee meeting, the Committee approved an ordinance updating the Beaufort County Smoking Ordinance. This ordinance will go before County Council for approval, on first reading, on October 10, 2016.

Human Services Alliance Fiscal Year 2017 Grant Recommendations to Local Non-Profit Agencies in the Cumulative Amount of \$598,000

It was moved by Mr. McBride, as Community Services Committee Chairman, that Council accept Human Service Alliance fiscal year 2017 grant recommendations in the amount of \$598,000 as follows: Abuse Prevention Coalition, \$17,000; AccessHealth Lowcountry, \$10,000; Adequacy of Prenatal Care Coalition, \$5,754; Beaufort Jasper Economic Opportunity Commission, \$2,500; Beaufort Soil and Water Conservation District, \$21,000; BJHCHS Ronald McDonald Mobile Dental Unity, \$19,000; Bluffton Jasper Volunteers in Medicine, \$14,000; Child Abuse Prevention Association (CAPA), \$12,000; Clemson Extension / 4-H STEM Summer Camp, \$5,446; Coalition for Aging in Place, \$7,500; Citizens Opposed to Domestic Abuse (CODA), \$20,000; Community Services Organization, \$16,800; Family Promise, \$10,000; Good Neighbor Free Medical Clinic, \$18,000; Grant Writing and matching funds, \$58,000; Hope Haven of the Lowcountry, \$18,000; Hospice Care of the Lowcountry, \$1,500; Lowcountry Affordable Housing Coalition, \$7,000; Lowcountry Habitat for Humanity, \$5,000; Lowcountry Legal Volunteers, \$16,000; Memory Matters, \$5,000; Mental Health Access Coalition, \$2,500; Mt. Carmel Baptist Church Med-I-Assist Program, \$10,000; Neighborhood Outreach Connection, \$25,000; Palmetto Breeze LRTA, \$200,000; Partners for Adult Literacy, \$10,000; Second Helpings, \$8,000; T4BC Administration, \$10,000; The Literacy Center, \$10,000; The Sandbox Children's Museum, \$6,500; Under One Roof, \$5,000; United Way of the Lowcountry Help Line, \$10,000; and Volunteers in Medicine – Hilton Head Island, \$12,000. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman and Mr. Sommerville. ABSENT – Mr. Stewart and Mr. Vaux. The motion passed.

A Resolution to Amend Beaufort County Affordable Housing Resolutions 2005/03 and 2002/17

It was moved by Mr. McBride, as Community Services Committee Chairman, that Council adopt a resolution to amend the Beaufort County Affordable Housing Resolutions 2005/03 and 2002/17 with a resolution to develop an Affordable Housing Plan with a focus on availability, stability, and security of housing options for Beaufort County residents. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman and Mr. Sommerville. ABSENT – Mr. Stewart and Mr. Vaux. The motion passed.

Finance Committee

Airports Board

Lex Brown

The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman and Mr. Sommerville. ABSENT – Mr. Stewart and Mr. Vaux. Mr. Brown, representing active pilot and aircraft owner at Lady’s Island Airport, garnered the six votes required to serve as a member of the Airports Board.

Public Facilities Committee

Solid Waste and Recycling Board

Mr. Sommerville stated at the September 19, 2016 Public Facilities Committee meeting, the Committee approved and recommended the nomination of Mr. David Abernathy to represent Solid Waste District #7 – Lady’s Island, to serve as a member of the Solid Waste and Recycling Board. Mr. Abernathy lives in Bluffton and, therefore, is not eligible to represent Solid Waste District #7 – Lady’s Island.

Mr. Sommerville, who represents Lady’s Island, nominated Ms. Sally Dennis, representing Solid Waste District #7 – Lady’s Island, to serve as a member of the Solid Waste and Recycling Board.

PUBLIC COMMENT

The Chairman recognized Mr. Skip Hoagland, a resident of Windmill Harbour, who addressed Council concerning both the Hilton Head Island-Bluffton Chamber of Commerce and the Beaufort Regional Chamber of Commerce. Mr. Hoagland submitted a pamphlet containing an array of information regarding various issues: (i) the FY 2013-2014 financial budget of the Southern Beaufort County Designated Marketing Organization, (ii) Bay Point Island, (iii) a letter from the Beaufort Regional Chamber of Commerce regarding removing board members, (iv) the Beaufort Regional Chamber of Commerce’s Board of Directors meeting agenda dated April 18, 2016, (v) a membership reimbursement check from the Beaufort Regional Chamber of

Commerce, and (vi) information on the proper function of both a private Chamber as well as a separately, publically funded designated marketing organization.

Mr. Richard Bisi, Citizens About Responsible Care (CARE) co-founder, commended Council for its approach in handling their request for a sales tax increase to finance capital improvements. The County's ballot question is straightforward, plain, clear and orderly, unlike the two ballot questions related to the Beaufort County School District.

CONSENT AGENDA

DAUFUSKIE ISLAND PARK TRAIL AND AMENITIES

This item comes before Council under the Consent Agenda. Discussion occurred at the September 19, 2016 meeting of the Public Facilities Committee.

It was moved by Mr. McBride, seconded by Mr. Flewelling, that Council award a contract to ACCI, Hilton Head Island, South Carolina in the amount of \$135,305 for construction of the Daufuskie Island Park trail and amenities. The sources of funding are \$99,808 S.C. Parks, Recreation and Tourism grant and \$85,369 County Local Hospitality Tax fund. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman and Mr. Sommerville. ABSENT – Mr. Stewart and Mr. Vaux. The motion passed.

AN ORDINANCE TO APPROPRIATE \$85,369 FROM THE LOCAL HOSPITALITY TAX FUND FOR CONSTRUCTION OF DAUFUSKIE ISLAND PARK TRAIL AND AMENITIES

This item comes before Council under the Consent Agenda. Discussion occurred at the September 19, 2016 meeting of the Public Facilities Committee.

It was moved by Mr. McBride, seconded by Mr. Flewelling, that Council approve on first reading an ordinance to appropriate \$85,369 from the Local Hospitality Tax Fund for construction of Daufuskie Island Park trail and amenities. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman and Mr. Sommerville. ABSENT – Mr. Stewart and Mr. Vaux. The motion passed.

AN ORDINANCE ALLOWING NIGHTTIME USE OF GOLF CARTS IN DESIGNATED PORTIONS OF THE COUNTY

The Chairman remanded this item to the Public Facilities Committee for continued discussion relative to safety concerns.

COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT FOR R600 040 000 0209 0000, R600 040 000 0824 0000, AND R600 040 000 0825 0000 (THREE PROPERTIES KNOWN AS EXECUTIVE GOLF COURSE, TOTALING 20.99 ACRES LOCATED ALONG BLUFFTON PARKWAY BETWEEN HILTON HEAD NATIONAL DRIVE AND KELLIE COURT): FROM RURAL TO NEIGHBORHOOD MIXED USE

This item comes before Council under the Consent Agenda. Discussion occurred at the September 19, 2016 meeting of the Natural Resources Committee.

It was moved by Mr. McBride, seconded by Mr. Flewelling, that Council approve on first reading Comprehensive Plan Future Land Use Map amendments for R600 040 000 0209 0000, R600 040 000 0824 0000 and R600 040 000 0825 0000 (three properties, known as Executive Golf Course, totaling 20.99 acres located along Bluffton Parkway between Hilton Head National Drive and Kellie Court) from Rural to Neighborhood Mixed Use. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman and Mr. Sommerville. ABSENT – Mr. Stewart and Mr. Vaux. The motion passed.

SOUTHERN BEAUFORT COUNTY ZONING MAP AMENDMENTS FOR R600 040 000 0209 0000, R600 040 000 0824 0000, AND R600 040 000 0825 0000 (THREE PROPERTIES KNOWN AS EXECUTIVE GOLF COURSE, TOTALING 20.99 ACRES LOCATED ALONG BLUFFTON PARKWAY BETWEEN HILTON HEAD NATIONAL DRIVE AND KELLIE COURT); FROM T2-RURAL DISTRICT TO T4-NEIGHBORHOOD CENTER DISTRICT

This item comes before Council under the Consent Agenda. Discussion occurred at the September 19, 2016 meeting of the Natural Resources Committee.

It was moved by Mr. McBride, seconded by Mr. Flewelling, that Council approve on first reading Southern Beaufort County Zoning Map Amendments for R600 040 000 0209 0000, R600 040 000 0824 0000 and R600 040 000 0825 0000 (three properties, known as Executive Golf Course, totaling 20.99 acres located along Bluffton Parkway between Hilton Head National Drive and Kellie Court) from T2-Rural District to T4-Neighborhood Center District. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman and Mr. Sommerville. ABSENT – Mr. Stewart and Mr. Vaux. The motion passed.

TEXT AMENDMENTS TO THE STORMWATER MANAGEMENT ORDINANCE (CHAPTER 99): AMEND ARTICLE II, STORMWATER MANAGEMENT (FOR CHANGES RELATED TO THE MS4 PERMIT IMPLEMENTATION); ADD ARTICLE III, REGULATORY GENERAL PROVISIONS; ARTICLE IV, STORMWATER MANAGEMENT STANDARDS TO BE APPLIED; ARTICLE V, ILLICIT DISCHARGES AND CONNECTIONS TO THE STORMWATER SYSTEM; AND ARTICLE VI, INSPECTION, ENFORCEMENT, AND CORRECTION

This item comes before Council under the Consent Agenda. Discussion occurred at the September 19, 2016 meeting of the Natural Resources Committee.

It was moved by Mr. McBride, seconded by Mr. Flewelling, that Council approve on first reading text amendments to the Stormwater Management Utility Ordinance (Chapter 99): amend Article II, Stormwater Management (for changes related to the MS4 Permit implementation; add Article II, Regulatory General Provisions; Article IV, Stormwater Management Standards to be applied; Article V, Illicit Discharges and Connections to the Stormwater System; and Article VI Inspection, Enforcement, and Correction. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman and Mr. Sommerville. ABSENT – Mr. Stewart and Mr. Vaux. The motion passed.

COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT FOR FIVE PARCELS (TOTALING APPROXIMATELY 125 ACRES--R600 021 000 0002 0000, R600 021 000 004A 0000, R600 021 000 0194 0000, R600 021 000 0195 0000, AND R600 021 000 0075 0000; KNOWN AS PEPPER HALL PLANTATION LOCATED ON THE NORTH SIDE OF U.S. HIGHWAY 278 BETWEEN THE OKATIE RIVER AND GRAVES ROAD) FROM:

- **COMMUNITY COMMERCIAL AND RURAL FOR A TOTAL OF APPROXIMATELY 33 ACRES FRONTING U.S. HIGHWAY 278 (R600 021 000 0195 0000 AND A PORTION OF R600 021 000 004A 000) TO REGIONAL COMMERCIAL, AND**
- **RURAL FOR APPROXIMATELY 92 ACRES TO NEIGHBORHOOD MIXED USE (R600 021 000 0002 0000, R600 021 000 0194 0000, R600 021 000 0075 0000, AND A PORTION OF R600 021 000 004A 0000)**

Main motion: It was moved by Mr. Flewelling, as Natural Resources Chairman, no second required that Council approve on second reading a Comprehensive Future Land Use Map Amendment for five parcels (totaling approximately 125 acres -- R600 021 000 0002 0000, R600 021 000 004A 0000, R600 021 000 0194 0000, R600 021 000 0195 0000, and R600 021 000 0075 0000; known as Pepper Hall Plantation located on the north side of U.S. Highway 278 between the Okatie River and Graves Road from: Community Commercial and Rural for a total of approximately 33 acres fronting U.S. Highway 278 (R600 021 000 0195 0000 and a portion of R600 021 000 004A 000) to Regional Commercial, and Rural for approximately 92 acres to Neighborhood Mixed Use (R600 021 000 0002 0000, R600 021 000 0194 0000, R600 021 000 0075 0000, and a portion of R600 021 000 004A 0000).

Motion to amend by substitution: It was moved by Mrs. Bensch, seconded by Mr. Caporale, that Council rezone the 33 acres fronting U.S. Highway 278 (R600 021 000 0195 0000 and a portion of R600 021 000 004A 000) to C5 Regional Center Mixed Use, and 92 acres (R600 021 000 0002 0000, R600 021 000 0194 0000, R600 021 000 0075 0000, and a portion of R600 021 000 004A 0000) to C4, Community Center Mixed Use. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Fobes, and Mr. Rodman. NAYS – Mr. Dawson, Mr. Flewelling, Mrs. Howard, Mr. McBride and Mr. Sommerville. ABSENT – Mr. Stewart and Mr. Vaux. The motion failed.

Vote on main motion: The vote: YEAS – Mrs. Bensch, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman and Mr. Sommerville. NAYS – Mr. Caporale. ABSENT – Mr. Stewart and Mr. Vaux. The motion passed.

The Chairman announced a public hearing on Monday, October 10, 2016 beginning at 6:30 p.m., Council Chambers, Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort, South Carolina.

COMPREHENSIVE SOUTHERN BEAUFORT COUNTY ZONING MAP AMENDMENT FOR FIVE PARCELS (TOTALING APPROXIMATELY 125 ACRES-- R600 021 000 0002 0000, R600 021 000 004A 0000, R600 021 000 0194 0000, R600 021 000 0195 0000, AND R600 021 000 0075 0000; KNOWN AS PEPPER HALL PLANTATION LOCATED ON THE NORTH SIDE OF U.S. HIGHWAY 278 BETWEEN THE OKATIE RIVER AND GRAVES ROAD) FROM:

- **T2-RURAL ZONING FOR APPROXIMATELY 33 ACRES FRONTING U.S. HIGHWAY 278 (R600 021 000 0195 0000 AND A PORTION OF R600 021 000 004A 000) TO C5 REGIONAL CENTER MIXED USE, AND**
- **T2-RURAL ZONING FOR APPROXIMATELY 92 ACRES TO C3 NEIGHBORHOOD MIXED USE (R600 021 000 0002 0000, R600 021 000 0194 0000, R600 021 000 0075 0000, AND A PORTION OF R600 021 000 004A 0000)**

Main motion: It was moved by Mr. Flewelling, as Natural Resources Chairman, no second required that Council approve on second reading a Comprehensive Future Land Use Map Amendment for five parcels (totaling approximately 125 acres -- R600 021 000 0002 0000, R600 021 000 004A 0000, R600 021 000 0194 0000, R600 021 000 0195 0000, and R600 021 000 0075 0000; known as Pepper Hall Plantation located on the north side of U.S. Highway 278 between the Okatie River and Graves Road from: T-2 Rural Zoning for approximately 33 acres fronting U.S. Highway 278 (R600 021 000 0195 0000 and a portion of R600 021 000 004A 000) to C5 Regional Center Mixed Use, and T2-Rural Zoning for approximately 92 acres to C3 Neighborhood Mixed Use (R600 021 000 0002 0000, R600 021 000 0194 0000, R600 021 000 0075 0000, and a portion of R600 021 000 004A 0000).

Motion to amend by substitution: It was moved by Mrs. Bensch, seconded by Mr. Caporale, that Council amend the main motion to rezone the 33 acres fronting U.S. Highway 278 (R600 021 000 0195 0000 and a portion of R600 021 000 004A 000) to C5 Regional Center Mixed Use, and 92 acres (R600 021 000 0002 0000, R600 021 000 0194 0000, R600 021 000 0075 0000, and a portion of R600 021 000 004A 0000) to C4, Community Center Mixed Use. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Fobes, and Mr. Rodman. NAYS – Mr. Dawson, Mr. Flewelling, Mrs. Howard, Mr. McBride, and Mr. Sommerville. ABSENT – Mr. Stewart and Mr. Vaux. The motion failed.

Vote on main motion: The vote: YEAS – Mrs. Bensch, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, and Mr. Sommerville. NAYS – Mr. Caporale. ABSENT – Mr. Stewart and Mr. Vaux. The motion passed.

The Chairman announced a public hearing on Monday, October 10, 2016 beginning at 6:30 p.m. Council Chambers, Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort, South Carolina.

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS, SERIES 2016B, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF BEAUFORT COUNTY, SOUTH CAROLINA, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$45,000,000; FIXING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE COUNTY ADMINISTRATOR OR HIS LAWFULLY-AUTHORIZED DESIGNEE TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO

It was moved by Mr. Stewart, as Chairman of the Finance Committee, no second required that Council approve on second reading an ordinance authorizing the issuance and sale of General Obligation Bonds, series 2016B, or such other appropriate series designation, of Beaufort County, South Carolina, in the principal amount of not exceeding \$45,000,000; fixing the form and details of the bonds; authorizing the County Administrator or his lawfully-authorized designee to determine certain matters relating to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto.

Motion to amend by substitution: It was moved by Mr. Rodman, seconded by Mr. Fobes, that Council amend the main motion to change the principal amount from \$45,000,000 to \$51,000,000. The vote: YEAS – Mr. Caporale, Mr. Fobes, Mrs. Howard, Mr. McBride, and Mr. Rodman. NAYS – Mrs. Bensch, Mr. Dawson, Mr. Flewelling, and Mr. Sommerville. ABSENT – Mr. Stewart and Mr. Vaux. The motion passed.

Vote on amended motion, which is now the main motion, and includes the motion to amend by substitution: The vote: YEAS – Mrs. Bensch, Mr. Dawson, Mr. Caporale Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, and Mr. Sommerville. NAYS – Mr. Flewelling. ABSENT – Mr. Stewart and Mr. Vaux. The motion passed.

The Chairman announced a public hearing on Monday, October 10, 2016 beginning at 6:30 p.m., Council Chambers, Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort, South Carolina.

AN ORDINANCE TO AMEND SECTION 66-81, *ET SEQ.* OF THE BEAUFORT COUNTY CODE OF ORDINANCES SO AS TO RENAME THE TAX EQUALIZATION BOARD AND PROVIDE AMENDMENTS TO BOARD MEMBERSHIP

This item comes before Council under the Consent Agenda. Discussion occurred at the September 6, 2016 meeting of the Finance Committee.

It was moved by Mr. McBride, seconded by Mr. Flewelling, that Council approve on second reading an ordinance to amend Section 66-81, *et seq.* of the Beaufort County Code of Ordinances so as to rename the Tax Equalization Board and provide amendments to board membership. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman and Mr. Sommerville. ABSENT – Mr. Stewart and Mr. Vaux. The motion passed.

The Chairman announced a public hearing on Monday, October 10, 2016 beginning at 6:30 p.m., Council Chambers, Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort, South Carolina.

AN ORDINANCE TO APPROPRIATE FUNDS NOT TO EXCEED \$250,000 FROM THE 3% LOCAL ACCOMMODATIONS TAX FUNDS TO THE COUNTY GENERAL FUND FOR CONSTRUCTION OF THE SPANISH MOSS TRAIL – PHASE 7

This item comes before Council under the Consent Agenda. Discussion occurred at the September 6, 2016 meeting of the Finance Committee.

It was moved by Mr. McBride, seconded by Mr. Flewelling, that Council approve on second reading an ordinance to appropriate funds not to exceed \$250,000 from the 3% Local Accommodations Tax Funds to the County General Fund for construction of the Spanish Moss Trail – Phase 7. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman and Mr. Sommerville. ABSENT – Mr. Stewart and Mr. Vaux. The motion passed.

The Chairman announced a public hearing on Monday, October 10, 2016 beginning at 6:30 p.m., Council Chambers, Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort, South Carolina.

SMARTNET RENEWAL FOR INFORMATION TECHNOLOGY DIVISION

This item comes before Council under the Consent Agenda. Discussion occurred at the September 26, 2016 meeting of the Community Services Committee.

It was moved by Mr. McBride, seconded by Mr. Flewelling, that Council award a contract renewal to NWN Corporation of Greenville, South Carolina in the amount of \$155,896.02 for VoIP licensing and support Funding will come from account 10001150-51110, IT-System Management Maintenance Contracts. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman and Mr. Sommerville. ABSENT – Mr. Stewart and Mr. Vaux. The motion passed.

PUBLIC HEARINGS

AN ORDINANCE APPROVING A SUPPLEMENTAL BUDGET APPROPRIATION FROM THE COUNTY'S GENERAL RESERVE FUND TO THE GENERAL FUND TO FULFILL ITS OBLIGATION TO THE HARRIS PILLOW SUPPLY, INC. UNDER THE INCENTIVE PACKAGE

The Chairman opened a public hearing beginning at 6:30 p.m. for the purpose of receiving public comment regarding an ordinance approving a \$225,000 supplemental budget appropriation from the County's General Reserve Fund to the General Fund to fulfill its obligation to the Harris Pillow Supply, Inc. under the incentive package. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:31 p.m.

It was moved by Mr. Fobes, as Vice Chairman of the Finance Committee, no second required, that Council approve on third and final reading an ordinance approving a \$225,000 supplemental budget appropriation from the County's General Reserve Fund to the General Fund to fulfill its obligation to the Harris Pillow Supply, Inc. under the incentive package. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman and Mr. Sommerville. ABSENT – Mr. Stewart and Mr. Vaux. The motion passed.

AN ORDINANCE TO APPROPRIATE \$175,000 FROM THE 3% LOCAL ACCOMMODATIONS TAX FUND TO THE SANTA ELENA FOUNDATION

The Chairman opened a public hearing beginning at 6:32 p.m. for the purpose of receiving public comment regarding an ordinance to appropriate \$175,000 from the 3% Local Accommodations Tax Fund to the Santa Elena Foundation. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:33 p.m.

It was moved by Mr. Fobes, as Vice Chairman of the Finance Committee, no second required, that Council approve on third and final reading an ordinance to appropriate \$175,000 from the 3% Local Accommodations Tax Fund to The Santa Elena Foundation. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman and Mr. Sommerville. ABSENT – Mr. Stewart and Mr. Vaux. The motion passed.

AN ORDINANCE TO AMEND THE STORMWATER MANAGEMENT UTILITY ORDINANCE AS ADOPTED SEPTEMBER 28, 2015 TO PROVIDE FOR AMENDMENT OF THE RATE STRUCTURE APPLICABLE TO PARCELS RELATED TO CONDOMINIUMS, SUBMERGED PROPERTIES, AND PARCELS CONTIGUOUS TO SALT WATER MARSH

The Chairman opened a public hearing beginning at 6:34 p.m. for the purpose of receiving public comment regarding an ordinance to amend the Stormwater Management Utility Ordinance as adopted September 28, 2015 to provide for amendment of the rate structure applicable to parcels related to condominiums, submerged properties, and parcels contiguous to saltwater marsh. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:35 p.m.

It was moved by Mr. Flewelling, as Natural Resources Committee Chairman, no second required, that Council approve on third and final reading an ordinance to amend the Stormwater Management Utility Ordinance as adopted September 28, 2015 to provide for amendment of the rate structure applicable to parcels related to condominiums, submerged properties, and parcels contiguous to saltwater marsh. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman and Mr. Sommerville. ABSENT – Mr. Stewart and Mr. Vaux. The motion passed.

AN ORDINANCE AUTHORIZING THE RELINQUISHMENT OF EASEMENTS ENCUMBERING PROPERTY IDENTIFIED AS TMS NO. R100 028 000 0381 0000 (CREG GREEN / ABANDONING THE COUNTY'S RIGHTS TO THE TWO EASEMENTS GRANTED BY MCAS BEAUFORT IN 2013, LEAVING ONLY THE NEW, SHORTER EASEMENT ON RECORD)

The Chairman opened a public hearing beginning at 6:36 p.m. for the purpose of receiving public comment regarding an ordinance authorizing the relinquishment of easements encumbering property identified as TMS No. R100 028 000 0381 0000 (Creg Green / abandoning the County's rights to the two easements granted by MCAS Beaufort in 2013, leaving only the new, shorter easement on record). After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:37 p.m.

It was moved by Mr. Flewelling, as Natural Resources Committee Chairman, no second required, that Council approve on third and final reading an ordinance authorizing the relinquishment of easements encumbering property identified as TMS No. R100 028 000 0381 0000 (Creg Green / abandoning the County's rights to the two easements granted by MCAS Beaufort in 2013, leaving only the new, shorter easement on record). The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman and Mr. Sommerville. ABSENT – Mr. Stewart and Mr. Vaux. The motion passed.

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF UTILITY EASEMENTS ENCUMBERING PROPERTY OWNED BY BEAUFORT COUNTY (SCE&G REQUEST FOR THREE UTILITY EASEMENTS AT BEAUFORT COUNTY GOVERNMENT ROBERT SMALLS COMPLEX)

The Chairman opened a public hearing beginning at 6:38 p.m. for the purpose of receiving public comment regarding an ordinance authorizing the execution and delivery of utility easements encumbering property owned by Beaufort County (SCE&G request for three utility easements at Beaufort County Government Robert Smalls Complex). After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:39 p.m.

It was moved by Mr. Dawson, as Public Facilities Committee Chairman, no second required, that Council approve on third and final reading an ordinance authorizing the execution and delivery of utility easements encumbering property owned by Beaufort County (SCE&G request for three utility easements at Beaufort County Government Robert Smalls Complex). The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman and Mr. Sommerville. ABSENT – Mr. Stewart and Mr. Vaux. The motion passed.

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA AMENDING CERTAIN SECTIONS UNDER BEAUFORT COUNTY CODE, CHAPTER 22, CIVIL EMERGENCIES, ARTICLE IV, DISASTER RECOVERY AND RECONSTRUCTION

The Chairman opened a public hearing beginning at 6:40 p.m. for the purpose of receiving public comment regarding an ordinance of the County of Beaufort, South Carolina amending certain sections under Beaufort County Code, Chapter 22, Civil Emergencies, Article IV, Disaster Recovery and Reconstruction. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:41 p.m.

It was moved by Mr. Dawson, as Public Facilities Committee Chairman, no second required, that Council approve on third and final reading an ordinance of the County of Beaufort, South Carolina amending certain sections under Beaufort County Code, Chapter 22, Civil Emergencies, Article IV, Disaster Recovery and Reconstruction. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman and Mr. Sommerville. ABSENT – Mr. Stewart and Mr. Vaux. The motion passed.

PUBLIC COMMENT

There were no requests to speak during public comment.

ADJOURNMENT

Council adjourned at 6:56 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

ATTEST: _____
Ashley M. Bennett, Clerk to Council

Ratified:

DRAFT

Boards and Commissions
Reappointments and Appointments
October 10, 2016

1 Public Facilities Committee

Solid Waste and Recycling Board

<u>NominateD</u>	<u>Name</u>	<u>Position/Area/Expertise</u>	<u>Reappoint/Appoint</u>	<u>Votes Required</u>	<u>Term/Years</u>	<u>Expiration</u>
09.26.16	Sally Dennis	Solid Waste District #7 - Lady's Island	Appoint	6/11	partial-term	2/2019

ORDINANCE NO. _____

AN ORDINANCE TO APPROPRIATE \$85,369 FROM THE LOCAL HOSPITALITY TAX FUND FOR CONSTRUCTION OF DAUFUSKIE ISLAND PARK TRAIL AND AMENITIES

WHEREAS, County Council is authorized to utilize Local Hospitality Tax Funds for certain limited purposes including tourism related cultural, recreational and historic programs and facilities; and

WHEREAS, Beaufort County Code Ordinance Sec. 66-534(b) states “authorization to utilize any funds from the ‘County of Beaufort, South Carolina, Hospitality Tax Account,’ shall be by ordinance duly adopted by the County Council;” and

WHEREAS, improving tourism and recreational activities on Daufuskie Island is a priority for the County; and

WHEREAS, Beaufort County previously received a grant in the amount of \$99,808 from SCPRT to develop and construct a trail with amenities at the Daufuskie Island Park; and

WHEREAS, Beaufort County has decided to construct the trail and amenities which have an anticipated project cost of \$185,177; and

WHEREAS, Beaufort County Council believes it is in the best interests of its citizens to appropriate \$85,369 from the Local Hospitality Tax Fund to supplement the funds previously received from SCPRT to support the design and construction of the Daufuskie Island Park trail and amenities.

NOW THEREFORE, BE IT ORDAINED that Beaufort County Council, duly assembled, does hereby appropriate \$85,369 from the Local Hospitality Tax Fund to be used to build the Daufuskie Island Park trail and amenities.

DONE, this ____ day of ____ 2016.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, County Attorney

ATTEST:

Ashley M. Bennett, Clerk to Council

First Reading: September 26, 2016

Second Reading:

Public Hearing:

Third and Final Reading:

2016 / __

COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT FOR R600 040 000 0209 0000, R600 040 000 0824 0000, AND R600 040 000 0825 0000 (THREE PROPERTIES KNOWN AS EXECUTIVE GOLF COURSE, TOTALING 20.99 ACRES LOCATED ALONG BLUFFTON PARKWAY BETWEEN HILTON HEAD NATIONAL DRIVE AND KELLIE COURT): FROM RURAL TO NEIGHBORHOOD MIXED USE

BE IT ORDAINED, that County Council of Beaufort County, South Carolina, hereby amends the Future Land Use Map of Beaufort County, South Carolina. The map is attached hereto and incorporated herein.

Adopted this ___ day of ____, 2016.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, County Attorney

ATTEST:

Ashley M. Bennett, Clerk to Council

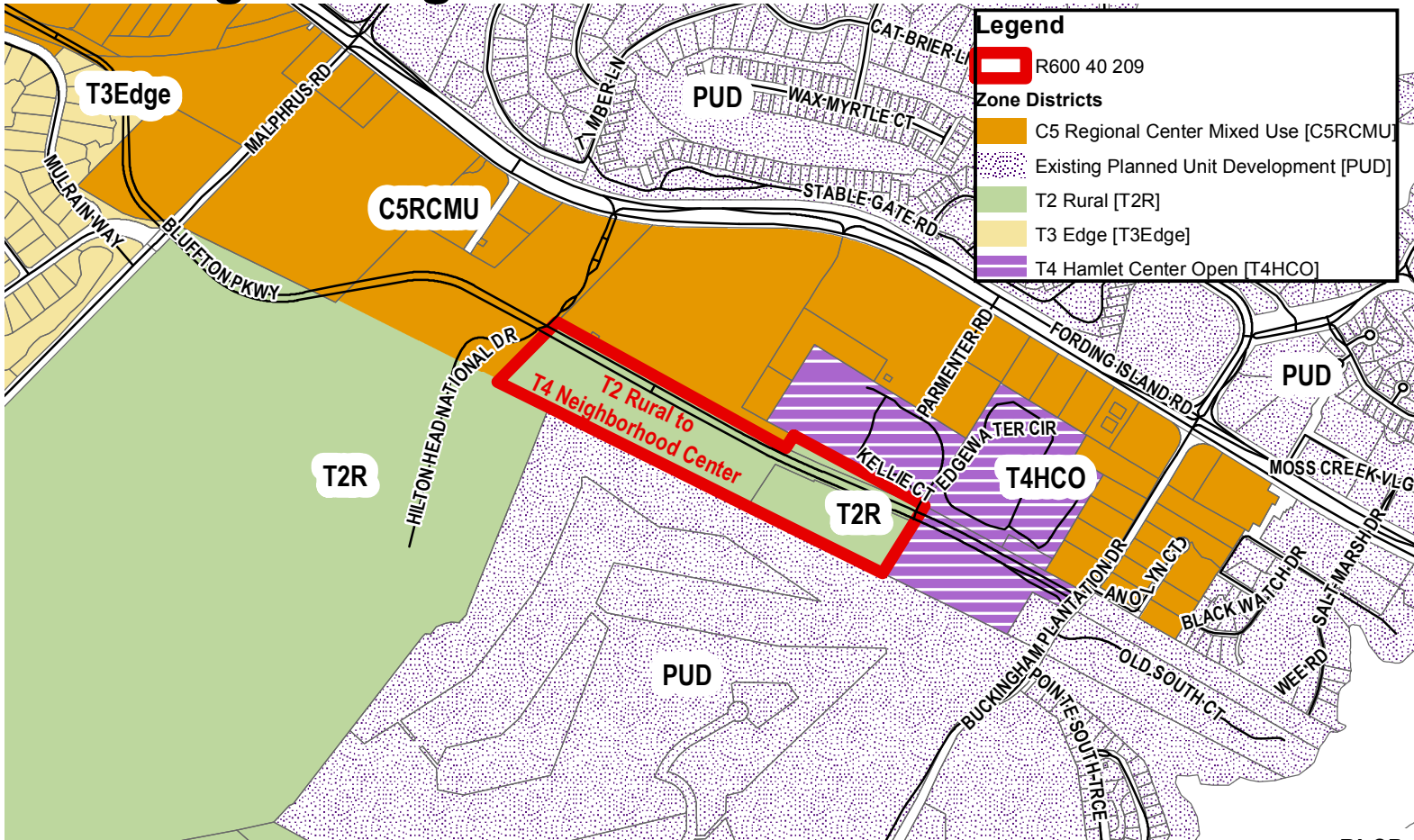
First Reading: September 26, 2016

Second Reading:

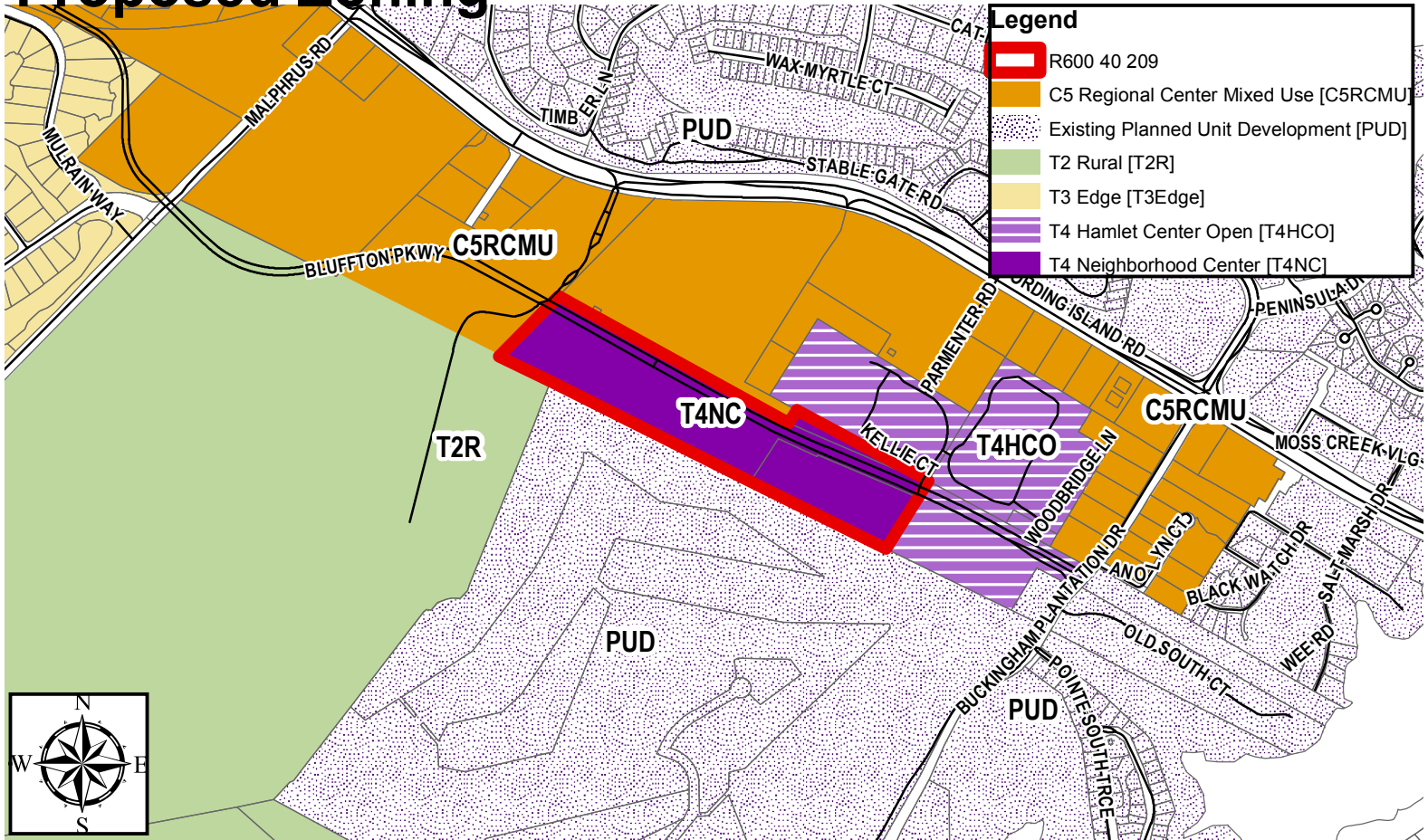
Public Hearing:

Third and Final Reading:

Existing Zoning



Proposed Zoning



2016 / __

SOUTHERN BEAUFORT COUNTY ZONING MAP AMENDMENTS FOR R600 040 000 0209 0000, R600 040 000 0824 0000, AND R600 040 000 0825 0000 (THREE PROPERTIES KNOWN AS EXECUTIVE GOLF COURSE, TOTALING 20.99 ACRES LOCATED ALONG BLUFFTON PARKWAY BETWEEN HILTON HEAD NATIONAL DRIVE AND KELLIE COURT); FROM T2-RURAL DISTRICT TO T4-NEIGHBORHOOD CENTER DISTRICT

BE IT ORDAINED, that County Council of Beaufort County, South Carolina, hereby amends the Zoning Map of Beaufort County, South Carolina. The map is attached hereto and incorporated herein.

Adopted this __ day of ____, 2016.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, County Attorney

ATTEST:

Ashley M. Bennett, Clerk to Council

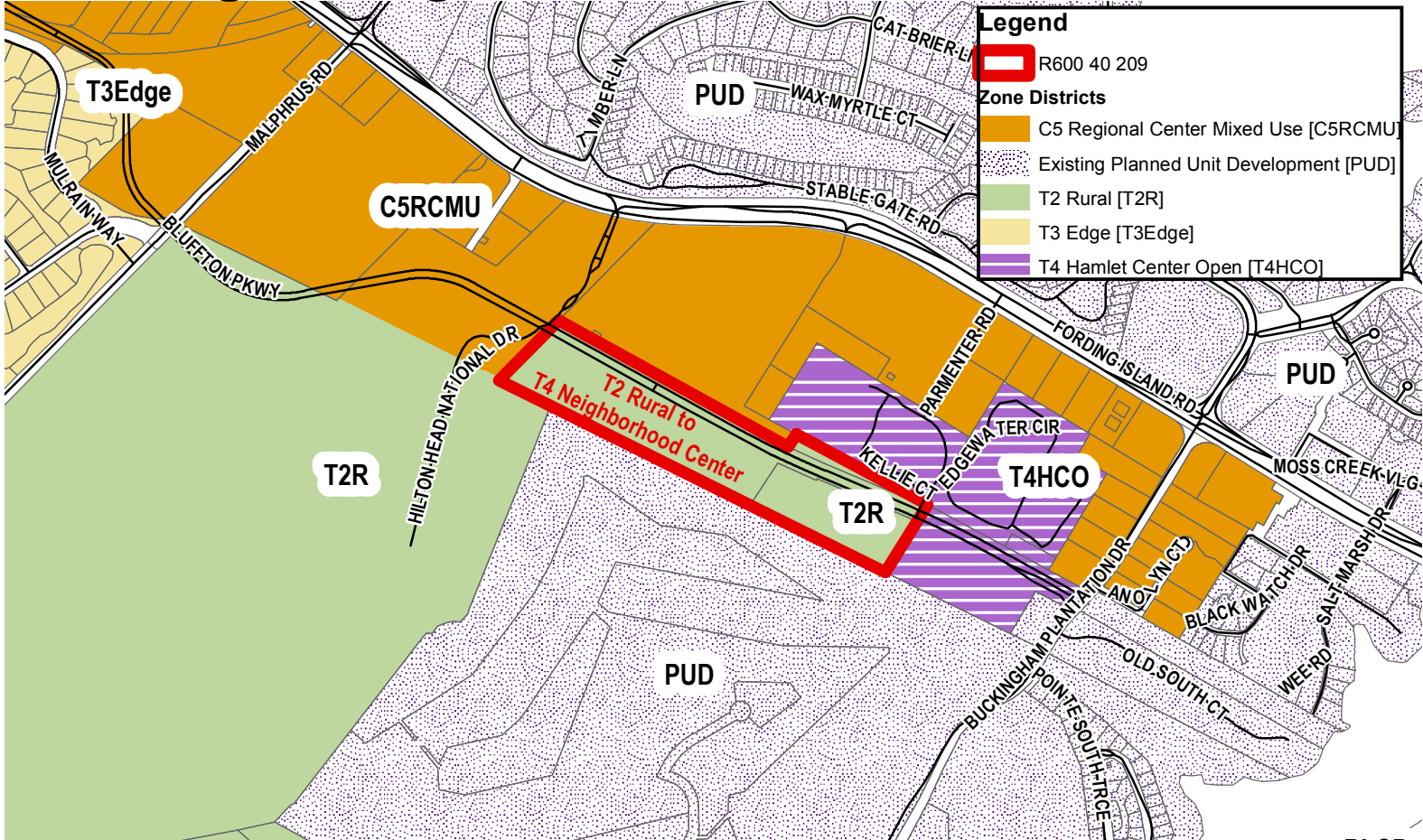
First Reading: September 26, 2016

Second Reading:

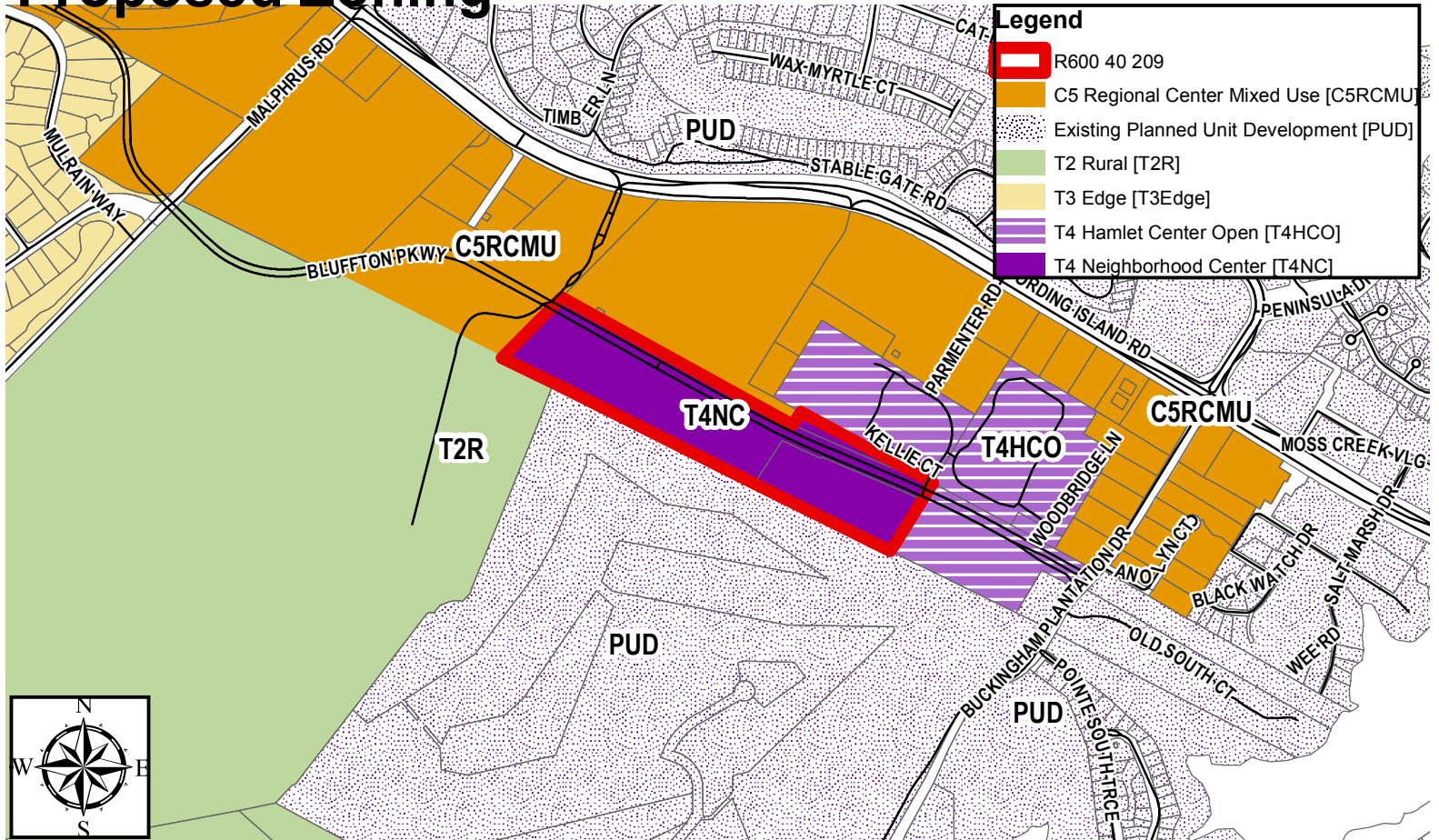
Public Hearing:

Third and Final Reading:

Existing Zoning



Proposed Zoning



ORD. 2016/ ____, 10-24-2016

AN ORDINANCE TO AMEND THE STORMWATER MANAGEMENT UTILITY ORDINANCE AS ADOPTED SEPTEMBER 26, 2016 TO PROVIDE FOR THE ADDITION OF ARTICLES III, IV, V, AND VI RELATED TO ADOPTION OF STORMWATER MANAGEMENT STANDARDS TO MEET MUNICIPAL SEPARATE STORMSEWER SYSTEM (MS4) PERMIT REQUIREMENTS

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

WHEREAS, Chapter 99, Article II, "Stormwater Management Utility" was adopted on August 27, 2001 and was modified by Ordinance on August 22, 2005, September 28, 2015, and September 26, 2016; and

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

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

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

WHEREAS, further amendments are needed to make adjustments to the rate structure to address the differences in taxation and billing for condominiums and parcels affected by standing water or tidal impacts; and

[WHEREAS, pursuant to the requirements mandated by the Municipal Separate Stormsewer System \(MS4\) permit issued by the South Carolina Department of Health and Environmental Control \(DHEC\) on December 1, 2015, Beaufort County is required to adopt standards related to stormwater management and create a regulatory framework to enforce the same; and](#)

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[WHEREAS, the Beaufort County Stormwater Utility Board has amended the Manual for Stormwater Best Management and Design Practices \(BMP Manual\) as the source of the technical stormwater standards used in the development of Stormwater Plans and adopted the same on September 14, 2016; and](#)

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

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

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

Chapter 99 - STORMWATER MANAGEMENT UTILITY

ARTICLE I. - IN GENERAL

Secs. 99-1—99-100. - Reserved.

ARTICLE II. - STORMWATER MANAGEMENT UTILITY

Sec. 99-101. - Findings of fact.

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

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

- (e) The service and benefit rendered or resulting from the provision of stormwater management programs, services, systems, and facilities may differ over time depending on many factors and considerations, including but not limited to location, demands and impacts imposed on the stormwater programs, systems, and facilities, and risk exposure. It is not practical to allocate the cost of the county's stormwater management programs, services, systems, and facilities in direct and precise relationship to the services or benefits rendered to or received by individual properties or persons over a brief span of time, but it is both practical and equitable to allocate the cost of stormwater management among properties and persons in proportion to the long-term demands they impose on the county's stormwater programs, services, systems, and facilities which render or result in services and benefits.
- (f) Beaufort County presently owns and operates stormwater management systems and facilities that have been developed, installed, and acquired through various mechanisms over many years. The future usefulness and value of the existing stormwater systems and facilities owned and operated by Beaufort County, and of future additions and improvements thereto, rests on the ability of the county to effectively manage, construct, protect, operate, maintain, control, regulate, use, and enhance the stormwater systems and facilities in the county, in concert with the management of other water resources in the county and in cooperation with the incorporated cities and towns. In order to do so, the county must have adequate and stable funding for its stormwater management program operating and capital investment needs.
- (g) The county council finds, concludes, and determines that a stormwater management utility provides the most practical and appropriate means of properly delivering stormwater management services and benefits throughout the county, and the most equitable means to fund stormwater services in the county through stormwater service fees and other mechanisms as described in the professional engineering and financial analyses prepared for the county.
- (h) The county council finds, concludes, and determines that a schedule of stormwater utility service fees be levied upon and collected from the owners of all lots, parcels of real estate, and buildings that discharge stormwater or subsurface waters, directly or indirectly, to the county stormwater management system and that the proceeds of such charges so derived be used for the stormwater management system.
- (i) The county council finds that adjustments and credits against stormwater utility service fees are an appropriate means to grant properties providing stormwater management program services that would otherwise be provided by the county and will afford Beaufort County cost savings. These reductions will be developed by the Stormwater Manager and will be reviewed on an annual basis to allow for any modifications to practices required by Beaufort County.

The county council finds that both the total gross area and impervious area on each property are the most important factors influencing the cost of stormwater management in Beaufort County and, the runoff impact from water quantity and water quality.

(Ord. No. 2015/24, 9-28-2015)

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

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

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

(Ord. No. 2015/24, 9-28-2015)

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

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

(Ord. No. 2015/24, 9-28-2015)

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

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

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

DRAFT Sept. 27, 2016 as recommended by NRC 9/19/16

to this or any other regulatory Ordinance, regulation, or rule of the county or under federal or state law, the issuance of such permit, plan approval, or inspection shall not be deemed to constitute a warranty, express or implied, nor shall it afford the basis for any action, including any action based on failure to permit or negligent issuance of a permit, seeking the imposition of money damages against the county, its officers, employees, or agents.

(Ord. No. 2015/24, 9-28-2015)

Sec. 99-105. - Boundaries and jurisdiction.

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

(Ord. No. 2015/24, 9-28-2015)

Sec. 99-106. - Definitions.

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

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

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

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

Condominiums. Properties with individual ownership of a particular dwelling unit in a building and the common right to share, with other co-owners, in the general and limited common elements of the real property.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Single-family

Apartments

Townhouses

Condominiums

Mobile Home

Salt Water Marsh. Those parcels, typically contiguous to water, identified as inundated daily due to tidal action and unbuildable. These properties are 100% below mean high tide and/or beyond established critical line as defined by the South Carolina Department of Health and Environmental Control's Office of Coastal Resource Management. (DHEC-OCRM). The County Tax Assessor's Office shall make this determination based on best available data.

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

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

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

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

	SFU Calculation (SFUs equal)
Tier 1 Single-family Unit ($\leq 2,521$ square feet)	Dwelling units x 0.5
Tier 2 Single-family Unit (2,522 to 7,265 square feet)	Dwelling units x 1
Tier 3 Single-family Unit ($\geq 7,266$ square feet)	Dwelling units x 1.5
Mobile Home	Dwelling units x 0.36
Apartments	Dwelling units x 0.39
Townhouses	Dwelling units x 0.60
Condominiums	Dwelling units x 0.27

Commercial	Impervious area x 4,906 sq. ft.*
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*Commercial billed at a rate of 1 SFU per 4,906 square feet or a portion thereof

Submerged property. Those parcels, typically contiguous to water, identified as eroded due to tidal action and unbuildable. These properties are 100% below mean low tide and/or beyond established critical line as defined by the South Carolina Department of Health and Environmental Control's Office of Coastal Resource Management. (DHEC-OCRM). The County Tax Assessor's Office shall make this determination based on best available data.

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Townhomes. See Condominiums.

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

(Ord. No. 2015/24, 9-28-2015; Ord. No. 2016/26, 09-26-2016)

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

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

(Ord. No. 2015/24, 9-28-2015; Ord. No. 2016/26, 09-26-2016)

Field Code Changed

Sec. 99-108. - General funding policy.

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

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

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

Beaufort County service fee rate will be based on impervious and gross area at an 80/20 allocation; storm water service fee categories; any State agricultural exemptions or caps; an account administrative fee, countywide jurisdiction operation maintenance and jurisdictional operation, maintenance and capital project fee. The rates are set by the Beaufort County Stormwater Rate Study dated August 18 and adopted August 24, 2015.

The gross area charge for all parcels, EXCEPT master account properties for condominiums, is calculated in equivalent units as follows:

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

Condominium accounts will receive a minimum gross area charge of 0.2 x \$X. The master account associated with the condominium subdivision will not receive a gross area charge.

Each municipal jurisdiction may have a different fee predicated upon the municipal jurisdiction's revenue needs. The stormwater service fee rates shall be adopted by the municipal jurisdictions and may be amended from time to time by the individual governing body.

(Ord. No. 2015/24, 9-28-2015; Ord. No. 2016/26, 09-26-2016)

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

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

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

- (1) Freshwater wetlands. All properties except those classified as detached single-family dwelling units may receive a credit against the stormwater service fee applicable to the property based on granting and dedicating a perpetual conservation easement on those portions of the property that are classified as freshwater wetlands and as detailed in the stormwater management utility service fee credit manual. The conservation easement shall remove that portion of the subject property from any future development.
- (2) Salt Water Marsh. All properties except those classified as detached single-family dwelling units may receive a credit against the stormwater service fee applicable to the property based on those portions of the property that are classified as salt water marsh and as detailed in the stormwater management utility service fee credit manual.
- (3) Submerged properties. All properties may receive a credit against the stormwater service fee applicable to the property based on those portions of the property that are classified as submerged and as detailed in the stormwater management utility service fee credit manual.
- (4) Those properties that apply for consideration of an adjustment shall satisfy the requirements established by the Beaufort County Stormwater Manager and approved reduced stormwater service fee.

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

- (1) Improved public road rights-of-way that have been conveyed to and accepted for maintenance by the state department of transportation and are available for use in common for vehicular transportation by the general public.
- (2) Improved public road rights-of-way that have been conveyed to and accepted for maintenance by Beaufort County and are available for use in common for vehicular transportation by the general public.
- (3) Improved private roadways that are shown as a separate parcel of land on the most current Beaufort County tax maps and are used by more than one property owner to access their property.
- (4) Railroad tracks shall be exempt from stormwater service fees. However, railroad stations, maintenance buildings, or other developed land used for railroad purposes shall not be exempt from stormwater service fees.
- (5) Condominium boat slips shall be exempt from stormwater service fees.
- (6) Properties determined by the Assessor having 100% of the gross area of the property submerged, salt water marsh, or freshwater wetland will not receive an administrative charge, if applicable in the utility rate structure, AFTER the applicable credit defined in paragraph (a) above has been applied to the account.

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(Ord. No. 2015/24, 9-28-2015; Ord. No. 2016/26, 09-26-2016)

Field Code Changed

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

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

(Ord. No. 2015/24, 9-28-2015)

Sec. 99-111. - Appeals.

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

- (a) An appeal of a stormwater service fee must be filed in writing with the Beaufort County Stormwater Manager or his/her designee within 30 days of the fee being mailed or delivered to the property owner and stating the reasons for the appeal. In the case of stormwater service fee appeals, the appeal shall include a survey prepared by a registered land surveyor or professional engineer containing information on the impervious surface area and any other feature or conditions that influence the development of the property and its hydrologic response to rainfall events.
- (b) Using information provided by the appellant, the county Stormwater Manager (or his or her designee) shall conduct a technical review of the conditions on the property and respond to the appeal in writing within 30 days. In response to an appeal, the Stormwater Manager may adjust the stormwater service fee applicable to the property in conformance with the general purposes and intent of this article.
- (c) A decision of the county Stormwater Manager that is adverse to an appellant may be further appealed to the county administrator or his designee within 30 days of the adverse decision. The appellant, stating the grounds for further appeal, shall deliver notice of the appeal to the county administrator or his designee. The county administrator or his designee shall issue a written decision on the appeal within 30 days. All decisions by the county administrator or his designee shall be served on the customer personally or by registered or certified mail, sent to the billing address of the customer. All decisions of the county administrator or his designee shall be final.
- (d) The appeal process contained in this section shall be a condition precedent to an aggrieved customer seeking judicial relief. Any decisions of the county administrator or his designee may

DRAFT Sept. 27, 2016 as recommended by NRC 9/19/16

be reviewed upon application for writ of certiorari before a court of competent jurisdiction, filed within 30 days of the date of the service of the decision.

(Ord. No. 2015/24, 9-28-2015)

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

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

(Ord. No. 2015/24, 9-28-2015)

Sec. 99-113. - Enforcement and penalties.

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

(Ord. No. 2015/24, 9-28-2015)

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

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

(Ord. No. 2015/24, 9-28-2015)

Sec. 99-115. - Responsibilities of the stormwater management utility.

The county stormwater management utility shall perform adequate studies throughout the area served by the utility to determine the following:

- (1) Baseline study of water quality in the receiving waters;
- (2) Identification of pollutants carried by stormwater runoff into the receiving waters;
- (3) Recommended mitigation efforts to address pollutants carried by stormwater runoff into the receiving waters;

DRAFT Sept. 27, 2016 as recommended by NRC 9/19/16

- (4) Inventory of the existing drainage system;
- (5) Recommended maintenance practices and standards of the existing drainage system;
- (6) Identification of capital improvements to the system to include construction or installation of appropriate BMPs.
- (7) A five-year spending plan.
- (8) Ensure compliance with the federally mandated MS4 permit requirements
- (9) Efficient utility administration including but not limited to billing, collection, defining rate structures, data management and customer support.

(Ord. No. 2015/24, 9-28-2015)

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

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

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

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

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

District 1 - City of Beaufort

District 2 - Town of Port Royal

District 3 - Town of Hilton Head Island

District 4 - Town of Bluffton

District 5 - Unincorporated Sheldon Township

District 6 - Unincorporated Port Royal Island

District 7 - Unincorporated Lady's Island

District 8 - Unincorporated St. Helena Island Islands East

District 9 - Unincorporated Bluffton Township and Daufuskie Island

- (3) Membership.

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

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

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

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

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

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

- (c) All citizen members shall be appointed for a term of four years. The terms shall be staggered with one or two members appointed each year.

- (d) While no other eligibility criteria is established, it is recommended that members possess experience in one or more of the following areas: Stormwater management (drainage and water quality) issues, strategic planning, budget and finance issues or established professional qualifications in engineering, construction, civil engineering, architectural experience, commercial contractor or similar professions.
- (4) Officers.
- (a) Officers. Selection of officers and their duties as follows:
 - 1. Chairperson and vice-chair. At an annual organizational meeting, the members of the SWU board shall elect a chairperson and vice-chairperson from among its members. The chair's and vice-chair's terms shall be for one year with eligibility for reelection. The chair shall be in charge of all procedures before the SWU board, may administer oaths, may compel the attendance of witnesses, and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the SWU board. In the absence of the chair, the vice-chair shall act as chairperson.
 - 2. Secretary. The county professional staff member shall appoint a secretary for the SWU board. The secretary shall keep minutes of all proceedings. The minutes shall contain a summary of all proceedings before the SWU board, which include the vote of all members upon every question, and its recommendations, resolutions, findings and determinations, and shall be attested to by the secretary. The minutes shall be approved by a majority of the SWU board members voting. In addition, the secretary shall maintain a public record of SWU board meetings, hearings, proceedings, and correspondence.
 - 3. Staff. The Stormwater Manager shall be the SWU board's professional staff.
 - (b) Quorum and voting. Four SWU board members shall constitute a quorum of the SWU board necessary to take action and transact business. All actions shall require a simple majority of the number of SWU board members present.
 - (c) Removal from office. The county council, by a simple majority vote, shall terminate the appointment of any member of the SWU board and appoint a new member for the following reasons:
 - 1. Absent from more than one-third of the SWU board meetings per annum, whether excused or unexcused;
 - 2. Is no longer a resident of the county;
 - 3. Is convicted of a felony; or
 - 4. Violated conflict of interest rules according to the county-adopted template Ordinance.Moreover, a member shall be removed automatically for failing to attend any three consecutive regular meetings.
 - (d) Vacancy. Whenever a vacancy occurs on the SWU board, the county council shall appoint a new member within 60 days of the vacancy, subject to the provisions of this section. A new member shall serve out the former member's term.
 - (e) Compensation. The SWU board members shall serve without compensation, but may be reimbursed for such travel, mileage and/or per diem expenses as may be authorized by the SWU board-approved budget.
- (5) Responsibilities and duties.
- (a) Review and recommend to the county council for approval, a comprehensive Beaufort County Stormwater Management Master Plan and appropriate utility rate study which is in accordance with the South Carolina Stormwater Management and Sediment Reduction Act; and

- (b) Review and comment to the county administrator on the annual stormwater management utility enterprise fund budget; and
 - (c) Cooperate with the South Carolina Department of Health and Environmental Control (DHEC), Office of Coastal Resource Management (OCRM), the Oversight Committee of the Special Area Management Plan (SAMP), the Beaufort County Clean Water Task Force as well as other public and private agencies having programs directed toward stormwater management programs; and
 - (d) Review and make recommendations concerning development of a multiyear stormwater management capital improvement project (CIP) plan; and
 - (e) Review and advise on proposed stormwater management plans and procurement procedures; and
 - (f) Provide review and recommendations on studies conducted and/or funded by the utility; and
 - (g) Review and advise on actions and programs to comply with regulatory requirements, including permits issued under the State of South Carolina National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Regulated Small Municipal Separate Storm Sewer Systems (MS4).
- (6) Meetings. Meetings of the SWU board shall be held as established by the SWU board on a monthly basis and a calendar will be prepared giving the date, time and location of such meetings. Additionally, meetings may be called by the chairperson or at the request of four SWU board members. The location of all SWU board meetings shall be held in a public building in a place accessible to the public. The following shall apply to the conduct of all meetings:
- (a) Meeting records. The SWU board shall keep a record of meetings, resolutions, findings, and determinations. The SWU board may provide for transcription of such hearings and proceedings, or portions of hearings and proceedings, as may be deemed necessary.
 - (b) Open to public. All meetings and public hearings of the SWU board shall be open to the public.
 - (c) Recommendations or decisions. All recommendations shall be by show of hands of all members present. A tie vote or failure to take action shall constitute a denial recommendation. All recommendations shall be accompanied by a written summary of the action and recommendations.
 - (d) Notice and agenda. The SWU board must give written public notice of regular meetings at the beginning of each calendar year. The SWU board must post regular meeting agendas at the meeting place 24 hours before any meeting. Notices and agenda for call, special or rescheduled meetings must be posted at least 24 hours before such meetings. The SWU board must notify any persons, organizations and news media that request such notification of meetings.

(Ord. No. 2015/24, 9-28-2015)

Article III. – REGULATORY GENERAL PROVISIONS

Sec. 99-200. - Authority

This Ordinance is adopted pursuant to the authority conferred upon the Beaufort County (County) by the South Carolina Constitution, the South Carolina General Assembly and in accordance with Federal Clean Water Act, the South Carolina Pollution Control Act, and regulations promulgated there under.

(Ord. No. 2016/ , 10-24-2016)

Sec. 99-201. - Findings

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The County Council makes the following findings:

- (a) Beaufort County's Waters contain some of the few remaining pristine shellfish harvesting areas in the southern coastal counties of South Carolina many of its waters have been designated by the State of South Carolina as an Outstanding Resource Waters. This use has historical and traditional significance to the area. It is in the public interest that the condition of these areas be maintained and preserved for future generations. Uncontrolled stormwater runoff may have significant, adverse impact on the health, safety and general welfare of the County and the quality of life of its citizens by transporting pollutants into receiving waters and by causing erosion and/or flooding. Development and redevelopment may alter the hydrologic response of local watersheds and increases stormwater runoff rates and volumes, flooding, soil erosion, stream channel erosion, non-point pollution, and sediment transport and deposition, as well as reducing groundwater recharge. These changes in stormwater runoff may contribute to increased quantities of water-borne pollutants and alterations in hydrology which are harmful to public health, safety, and welfare, as well as to the natural environment.
- (b) Point source pollution may have significant, adverse impact on the health, safety and general welfare of the County and the quality of life of its citizens by transporting pollutants into receiving waters. The allowance of discharge pipes and outfalls for non-stormwater discharges, illegal dumping, and improper handling of accidental spills and intentional disposals increase the quantities of water-borne pollutants which are harmful to public health, safety, and welfare, as well as to the natural environment.
- (c) The effects of point and non-point source pollution, such as uncontrolled runoff, have shown evidence of degradation of the County's receiving waters; thereby adversely affecting the unique qualities of the County's receiving waters, its recreational opportunities and commercial, oystering, boating and fishing, the ecosystem's ability to naturally reproduce and thrive, and the general ability of the area to sustain its natural estuarine resources.
- (d) These deleterious effects can be managed and minimized by applying proper design and well-planned controls to manage stormwater runoff from development and redevelopment sites, manage existing natural features that maintain hydrology and provide water quality control, and eliminate potential sources of pollution to receiving waters. Public education regarding the cause and effect of these types of pollutions and the implementation of the controls and management policies is key to fundamentally changing public behavior.
- (e) This Ordinance is not in conflict with any development agreements to which the County is a party and does not prevent the development set forth in any development agreement unless impairments to the County's receiving waters is linked to this development.
- (f) This Ordinance is essential to the public health, safety or welfare and shall apply to any development that is subject to a development agreement.
- (g) Laws of general application throughout the County necessary to protect health, safety and welfare are anticipated and are provided for in development agreements.
- (h) Substantial changes in developmental impacts have occurred since the time the development agreements were signed, which changes, if not addressed in this Ordinance would pose a threat to public health, safety or welfare.

(Ord. No. 2016/ _____, 10-24-2016)

Sec. 99-202. - Purpose

- (a) It is the purpose of this Ordinance to guide development in Beaufort County to protect, maintain, and enhance the environment of the County and the short and long-term public health, safety, and general welfare of the citizens of the County by establishing requirements and procedures to control the potential adverse effects of increased stormwater runoff associated with both future development, re-development, and existing developed land. Proper management of stormwater runoff will minimize damage to public

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and private property, ensure a functional drainage system, reduce the effects of development on land and stream channel erosion, attain and maintain water quality standards, enhance the local environment associated with the drainage system, reduce local flooding, reduce pollutant loading to the maximum extent practicable and maintain to the extent practicable the pre-developed runoff characteristics of the area, and facilitate economic development while minimizing associated pollutant, flooding, and drainage impacts.

(b) This Ordinance specifically authorizes and enables the County to:

1. Prohibit Illicit Discharges to the Stormwater System and receiving waters.
2. Define procedures for site plan design, review, inspection, and enforcement relative to stormwater management.
3. Control the discharge of spills, dumping or disposal of materials other than stormwater to the Stormwater System and receiving waters.
4. Address specific categories of non-stormwater discharges and similar other incidental non-stormwater discharges.
5. Control importation of water that adversely impacts our receiving waters.
6. Require temporary erosion and sediment controls to protect water quality to the maximum extent practicable during construction activities, in accordance with current state regulations.
7. Define procedures for receipt and consideration of information submitted by the public.
8. Address runoff, particularly volume, rate, and quality through the control and treatment of stormwater with stormwater management facilities and/or Best Management Practices (BMPs).
9. Develop post-construction stormwater quality performance standards, through enforcement of minimum design standards for BMPs.
10. Ensure effective long-term operation and maintenance of BMPs.
11. Carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to determine compliance and noncompliance with this Ordinance and stormwater permit conditions including the prohibition of Illicit Discharges to the County's Stormwater System and the protection of water quality of the receiving waters.
12. Development, implement, and enforce regulations any and all other programs or policies to comply with the Municipal Separate Stormsewer System (MS4) permit issued by South Carolina Department of Health and Environmental Control (DHEC)

(c) The Ordinance requires prudent site planning, including special considerations for the purposes of preserving natural drainage ways incorporating on-site stormwater detention and infiltration to minimize runoff from individual sites to receiving waters by use of effective runoff management, structural and non-structural BMPs, drainage structures, and stormwater facilities.

(Ord. No. 2016/ , 10-24-2016)

Sec. 99-203. - Definitions

The following definitions shall apply in Articles III, IV, V, and VI this Ordinance. Any term not herein defined shall be given the definition, if any, as is found elsewhere in the Code of Ordinances of Beaufort County, including the Community Development Code (CDC) Ordinance.

Administrators. The Director of Environmental Engineering and Land Management, the Stormwater Manager and other individuals designated by the County Administrator, from time to time, to administer interpret and enforce this Ordinance.

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Best Management Practices ("BMP"). Stormwater management practices, either structural, non-structural or natural that has been demonstrated to effectively control movement of Stormwater, pollutants, prevent degradation of soil and water resources, and that are compatible with the planned land use.

BMP Manual. "The Manual for Stormwater Best Management and Design Practices (BMP)" establishes technical standards as referenced and incorporated into the CDC.

Clean Water Act. The Federal Water Pollution Control Act, as amended, codified at 33 U.S.C §1251 et. seq.

Community Development Code ("CDC"). A form based code to regulate zoning and development in Beaufort County.

County. The Beaufort County, South Carolina.

County Council. The publicly elected official of Beaufort County, South Carolina.

Department. The Stormwater Department, or any duly authorized representatives thereof as designated by the County Administrator.

Development. All project construction, modification, or use of any lot, parcel, building, or structure on land and on water.

Disconnected Impervious Areas or Disconnected Impervious Surfaces. Those non-contiguous impervious areas or impervious surfaces which produce stormwater runoff that discharges through or across a pervious area or surface (i.e. vegetated cover), of sufficient width to reduce or eliminate pollutants associated with stormwater runoff, prior to discharge to the Stormwater System.

Environment. The complex of physical, chemical, and biotic factors that act upon an ecological community and ultimately determine its form and survival.

Evapotranspiration. The sum of evaporation and plant transpiration from the Earth's land surface to atmosphere.

Excess Stormwater Volume. The additional volume of Stormwater runoff leaving the site over and above the runoff volume which existed pre-development.

Illicit Connection. A connection to the County's Stormwater System or receiving water which results in a discharge that is not composed entirely of stormwater runoff and has a detrimental effect on the Stormwater System or receiving water except those granted coverage by an active NPDES permit.

Illicit discharge. Any activity, which results in a discharge to the County's Stormwater System or receiving waters that is not composed entirely of stormwater except (a) discharge pursuant to an NPDES permit and (b) other allowable discharges as defined and exempted in this Ordinance.

Impervious Surface. As defined in the County's Best Management Practices (BMP) Manual.

Improper disposal. Any disposal through an Illicit Discharge, including, but not limited to the disposal of used oil and toxic materials resulting from the improper management of such substances.

Land Disturbance or Land Disturbing Activity. The use of land by any person that results in a change in the natural vegetated cover or topography, including clearing that may contribute to or alters the quantity and/or quality of stormwater runoff.

Maintenance. Any action necessary to preserve stormwater management facilities in proper working condition, in order to serve the intended purposes set forth in this Ordinance and to prevent structural failure of such facilities.

MS4. Municipal Separate Storm Sewer System.

NPDES. National Pollutant Discharge Elimination System (see "Clean Water Act.")

Natural Resources. Land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other such resources.

Outfall. The point where County's Stormwater System discharges to waters of the United States or the State of South Carolina.

Person. Any and all persons, natural or artificial and includes any individual, association, firm, corporation, business trust, estate, trust, partnership, two or more persons having a joint or common interest, or an agent or employee thereof, or any other legal entity.

Pollutant. Those man-made or naturally occurring constituents that when introduced to a specific environment creates a deleterious effects. Typical pollutants found in stormwater include but are not limited to sediment (suspended and dissolved), nutrients (nitrogen and phosphorus, etc.), oxygen demanding organic matter, heavy metals (iron, lead, manganese, etc.), bacteria and other pathogens, oil and grease, household hazardous waste (insecticide, pesticide, solvents, paints, etc.) and Polycyclic Aromatic Hydrocarbons (PAHs).

Property Owner or Owner. The legal or equitable owner of land.

Receiving Waters. All natural water bodies, including oceans, salt and freshwater marsh areas, lakes, rivers, streams, ponds, wetlands, and groundwater which are located within the jurisdictional boundaries of County. Stormwater management ponds, man-made wetlands, ditches, and swales constructed for the sole purpose of controlling and treating stormwater are not considered Receiving Waters.

Record Drawings. A set of drawings prepared by and certified by a South Carolina registered professional engineer or landscape architect that accurately represents the actual final configuration of the stormwater and other related infrastructure constructed in a development.

Redevelopment. As defined in the County's Best Management Practices (BMP) Manual.

Regulation. Any regulation, rule or requirement and promulgated by the County pursuant to this Ordinance.

Stormwater. Stormwater runoff, precipitation runoff, and surface runoff.

Stormwater management. The collection, conveyance, storage, treatment and disposal of Stormwater in a manner to meet the objectives of this Ordinance and its terms, including, but not limited to measures that control the increased volume and rate of stormwater runoff and water quality impacts caused by manmade changes to the land.

Stormwater Management Program, Services, Systems Facilities. Those administrative, engineering, operational, regulatory, and capital improvement activities and functions performed in the course of managing the Stormwater systems of the County, plus all services. Stormwater Management Systems and Facilities are those natural and manmade channels, swales, ditches, swamps, rivers, streams, creeks, branches, reservoirs, ponds, drainage ways, inlets, catch basins, pipes, head walls, storm sewers, lakes, and other physical works, properties, and improvements which transfer, control, convey or otherwise influence the movement of Stormwater runoff and it's discharge to and impact upon receiving waters.

Stormwater Management Plan or SWMP. The set of drawings and other documents that comprise all of the information and specifications for the programs, drainage systems, structures, BMPs, concepts, and techniques for the control of stormwater.

Stormwater Pollution Prevention Plan or SWPPP. Erosion Prevention and Sediment Control (EPSC). Also See "Stormwater Management Plan".

Stormwater System. The conveyance or system of conveyances (including roads with drainage systems, highways, right-of-way, private streets, catch basins, curbs, gutters, ditches, man-made channels, storm drains, detention ponds, and other stormwater facilities) which is designed or used for collecting or conveying Stormwater.

Structural Best Management Practices ("BMP"). A device designed and constructed to trap and filter pollutants from runoff.

Total Impervious Surface. All impervious surfaces on a site regardless if they are directly connected to another and that is not constructed using permeable pavement technology.

Utility. Beaufort County Stormwater Utility as established by County Ordinance Chapter 99 Article II.

Waiver. The modification of the minimum stormwater management requirements contained in these Articles and the BMP Manual for specific circumstances where strict adherence of the requirements would result in unnecessary hardship and not fulfill the intent of this Ordinance.

Water Quality. Those characteristics of stormwater runoff that relate to the physical, chemical, biological, or radiological integrity of water.

Water Quantity. Those characteristics of stormwater runoff that relate to the rate and volume of the stormwater runoff.

Wetlands. As defined by the Army Corps of Engineers and generally means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar type areas.

Working Day. Monday through Friday, excluding all County-observed holidays.

(Ord. No. 2016/____, 10-24-2016)

Sec. 99-204. - Applicability

Beginning with and subsequent to its effective date, this Ordinance shall be applicable to:

(a) All Development and Redevelopment

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- (b) Any illicit discharges
- (c) The provisions of this Ordinance shall apply throughout the unincorporated areas of the County

(Ord. No. 2016/ _____, 10-24-2016)

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Sec. 99-205. - Regulations

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The County Council, may, in its discretion, amend or change this Ordinance, or adopt additional regulations to implement this Ordinance in order to comply with the State regulations, administer the Stormwater Management Department, or to otherwise further the goal of protecting the quality of the receiving waters into which the Stormwater System discharges.

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(Ord. No. 2016/ _____, 10-24-2016)

Sec. 99-206. - County Stormwater Management Administration

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Stormwater Management will be administered by the Environmental Engineering and Land Management Division and the Stormwater Department to administer and implement the regulations of this Ordinance as set forth in the CDC and BMP Manual.

(Ord. No. 2016/ _____, 10-24-2016)

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Sec. 99-207. - Administrators of Operations, Power and Duties

- (a) The Administrators shall administer, implement, and enforce provisions of this Ordinance on behalf of the County.
- (b) In addition to the powers and duties that may be conferred by other provisions of the County and other laws, the Administrators shall have the following powers and duties under this Ordinance:
 1. To create the BMP Manual.
 2. To review and approve, approve with conditions, or disapprove applications for approval of a Stormwater Management Plan pursuant to this Ordinance;
 3. To make determinations and render interpretations of this Ordinance;
 4. To establish application requirements, schedules and fees for submittal and review of applications, receipt of appeals, in accordance with the standards for County Development Permits and Stormwater Permits under the County's CDC Ordinance and this Ordinance;
 5. To review and make recommendations to the applications for development or redevelopment approvals;
 6. To enforce the provisions of this Ordinance in accordance with its enforcement provisions;
 7. To maintain records, maps, and official materials related enforcement, or administration of this Ordinance;
 8. To provide expertise and technical assistance;
 9. To take any other action necessary to administer the provisions of this Ordinance.

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(Ord. No. 2016/ _____, 10-24-2016)

Sec. 99-208. - Coordination with Other Agencies

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The Administrators will coordinate the County's activities with other federal, state, and local agencies, which manage and perform functions relating to the protection of receiving waters.

(Ord. No. 2016/ _____, 10-24-2016)

Sec. 99-209. - Cooperation with Other Governments

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The County may enter into agreements with other governmental and private entities to carry out the purposes of this Ordinance. These agreements may include, but are not limited to enforcement, resolution of disputes, cooperative monitoring, and cooperative management of stormwater systems and cooperative implementation of stormwater management programs. Nothing in this Ordinance or in this section shall be construed as limitation or repeal of any Ordinances of these local governments or of the powers granted to these local governments by the South Carolina Constitution or statutes, including, without limitation, the power to require additional or more stringent stormwater management requirements within their jurisdictional boundaries.

(Ord. No. 2016/ _____, 10-24-2016)

Sec. 99-210. - Stormwater Management Standards

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(a) *Reference to Best Management Practices (BMP) Manual*

The Administrators shall use the policy, criteria, and information, including technical specifications and standards, in the BMP Manual as the basis for decisions about stormwater plans and about the design, implementation and performance of structural and non-structural stormwater systems. The Stormwater Management Standards shall describe in detail how post-development stormwater runoff will be controlled and managed, the design of all stormwater facilities and practices, and how the proposed project will meet the requirements of this Ordinance. The BMP Manual includes a list of acceptable stormwater treatment practices, including the specific design criteria for each stormwater practice. These standards will be updated as technology improves.

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(b) *Relationship of Stormwater Management Standards to Other Laws and Regulations.* If the specifications or guidelines of the Standards are more restrictive or apply a higher standard than other laws or regulations, that fact shall not prevent application of the specifications or guidelines in the Standards.

(Ord. No. 2016/ _____, 10-24-2016)

Sec. 99-211. - Review of Stormwater Management Plans

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Stormwater Management Plans shall be reviewed as a component of the Development Plan review process by the Administrators. They will be reviewed for compliance with standards in this Ordinance and requirements in the CDC and BMP Manual. Procedures are outlined in BMP Manual. Requests for meetings and submission of plans will be submitted to Stormwater Department. The expected process will be as follows:

(Ord. No. 2016/ _____, 10-24-2016)

Sec. 99-212. - Approvals

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(a) *Effect of Approval*

Approval authorizes the applicant to go forward with only the specific plans and activity authorized in the plan. The approval shall not be construed to exempt the applicant from obtaining other applicable approvals from local, state, and federal authorities.

(b) *Time Limit/Expiration*

Time limit, expiration and extensions shall be in accordance with the County's CDC Ordinance.

(Ord. No. 2016/ _____, 10-24-2016)

Sec. 99-213. - Appeals

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(a) *Scope of Appeal*

Any person aggrieved by a decision of the Administrators may appeal the same by filing an interim written notice of appeal, with the Administrators within thirty (30) days of the issuance of said decision or Notice of Violation. The interim notice of appeal must specify with reasonable practicality the grounds of the appeal and relief sought. Stormwater Utility Management Board (SWUB) will review and provide a decision within fifteen (15) day of the next Board Meeting following the appeal. The decision of the SWUB shall be final. Appeals to SWUB's decision shall be processed in accordance with State Law.

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(b) *Standards*

1. The SWUB is limited to the following determinations for an administrative appeal:
 - (a) The administrators made an error in reviewing whether a standard was met. The record must indicate that an error in judgment occurred or facts, plans, or regulations were misread in determining whether the particular standard was met.
 - (b) Where conflicting evidence exists, the appeal is limited to determining what evidence or testimony bears the greatest credibility in terms of documentation and qualifications of those making the determination.
 - (c) The administrators made the decision on standards not contained in this chapter or other county Ordinances, regulations, or state law, or a standard more strict or broad was applied. This chapter does not permit administrators to consider or create standards not officially adopted.
 - (d) An error in applying a standard or measuring a standard was made.
2. The board, on an appeal, shall not hear any evidence or make any decision based on hardships or special conditions.

(Ord. No. 2016/ _____, 10-24-2016)

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Article IV. - STORMWATER MANAGEMENT STANDARDS TO BE APPLIED

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Sec. 99-300. - General Requirements

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(a) All development and redevelopment, including highways, shall use site planning, design, construction, and maintenance strategies for the property to maintain or restore, to the maximum extent technically feasible, the predevelopment hydrology of the property with regard to the temperature, rate, volume and duration of flow.

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(b) All development shall connect Impervious Surfaces to vegetative surfaces to the maximum extent practicable.

(c) Stormwater runoff shall be controlled in a manner that:

1. Promotes positive drainage from structures resulting from development.
2. Includes the use of vegetated conveyances, such as swales and existing natural channels to promote infiltration and evapotranspiration.
3. Reduces runoff velocities and maintains sheet flow condition to prevent erosion and promote infiltration.
4. Limits its interaction with potential pollutant sources that may become water-borne and create non-point source pollution.

- 5. Promotes reuse of excess stormwater volume to increase evapotranspiration.
- (d) Natural vegetative buffers play an integral part in minimizing the volume of stormwater runoff by promoting infiltration and increasing evapotranspiration to reduce SW volume to receiving waters and acting as a first line of treatment of water quality pollution. Development shall observe the buffer requirements of the County's CDC Ordinance or if applicable the relevant development agreement, concept plan, and/or approved master plan.

(Ord. No. 2016/_____, 10-24-2016)

Sec. 99-301. - Stormwater Design Requirements for Development

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- (a) Developments which incorporates engineered stormwater collection, conveyance, and storage systems shall be designed to the criteria established in the latest version of County's BMP Manual

(Ord. No. 2016/_____, 10-24-2016)

Sec. 99-302. - BMP Requirements

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- (a) Effectiveness of infiltration practices is dependant on the site conditions. The BMP manual outlines guidance for properly siting infiltration practices and shall be reviewed prior to the design phase.
- (b) The owners of all new developments that receive a Stormwater Permit from the County shall be required to perform stormwater quantity monitoring at their expense to ensure compliance with the provisions of this Ordinance and ensure that volume reduction plans are operated as intended.
- (c) All construction and implementation of erosion and sediment control BMPs shall comply with the requirements of the South Carolina Stormwater Management and Sediment Reduction Act and submit reports in accordance with the BMP manual.
- (d) The County reserves the right to perform other monitoring as it deems appropriate to determine compliance with the State Sediment and Erosion Control Act.

(Ord. No. 2016/_____, 10-24-2016)

Sec. 99-303. - Reserved.

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(Ord. No. 2016/_____, 10-24-2016)

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Sec. 99-304. - Waiver

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Individuals seeking a waiver in connection with a Stormwater Plan may submit to the Administrators a request for a waiver from the requirements of this Ordinance if exceptional circumstances applicable to a site exist such that adherence to the provisions of the Ordinance will result in unnecessary hardship and will not fulfill the intent of the Ordinance.

- (a) *Request of Waiver at Staff Level*
A written request for a waiver is required and shall state the specific waiver sought and the reasons, with supporting data, a waiver should be granted. The request shall include all information necessary to evaluate the proposed waiver. Requests must outline the need for such a waiver, such as site constraints, soil characteristics, or similar engineering limitations. Cost shall not be considered cause for a waiver. The applicant will address the four areas of consideration for waiver approval as follows:
 1. What exceptional circumstances to the site are evident?
 2. What unnecessary hardship is being caused?

3. How will denial of the waiver be inconsistent with the intent of the Ordinance?

4. How will granting waiver comply with intent of Ordinance?

(b) Review of Waivers

The Administrators will conduct a review of the request and will issue a decision fifteen within (15) working days of receiving the request.

(c) Appeal of Decision

Any person aggrieved by the decision of the Administrators concerning a waiver request may appeal such decision in accordance with Section 99-213 above.

(Ord. No. 2016/____, 10-24-2016)

Sec. 99-305. – Maintenance: General Requirements

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(a) Function of BMPs as Intended

The owner of each structural BMP installed pursuant to this Ordinance shall maintain and operate it to preserve and continue its function in controlling stormwater quality and quantity at the degree or amount of function for which the structural BMP was designed.

(b) Right of County to Inspection

Every Structural BMP installed pursuant to this Ordinance shall be made accessible for adequate inspection by the County.

(c) Annual Maintenance Inspection and Report

The person responsible for maintenance of any structural BMP installed pursuant to this Ordinance shall submit to the Administrator(s) an inspection report from a registered South Carolina Professional Engineer. The inspection report, at a minimum, shall contain all of the following:

1. The name and address of the land owner;

2. The recorded book and page number of the lot of each structural BMP or a digital representation of the geographic location of each structural BMP;

3. A statement that an inspection was made of all structural BMPs;

4. The date the inspection was made;

5. A statement that all inspected structural BMPs are performing properly and comply with the terms and conditions of the approved maintenance agreement required by this Ordinance;

6. The original signature and seal of the engineer inspecting the structural BMPs;
and

7. Digital photographs of the structural BMPs and pertinent components integral to its operation, including but not limited to inlet/outlet control structures, downstream receiving channel/area, embankments and spillways, safety features, and vegetation.

All inspection reports shall be on forms supplied by the Administrators. An original inspection report shall be provided to the Administrators beginning one year from the date of record drawings certification and each year thereafter on or before the date of the record drawings certification.

(Ord. No. 2016/____, 10-24-2016)

Sec. 99-306. - Operation and Maintenance Agreement

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(b) Prior to the conveyance or transfer of any lot or building site requiring a structural BMP pursuant to this Ordinance, the applicant or owner of the site must execute an operation and maintenance agreement (see BMP manual for form) that shall be binding on all subsequent owners of the site, portions of the site, and lots or parcels served by the structural BMP. Until the transference of all property, sites, or lots served by the structural BMP, the original owner or applicant shall have primary responsibility for carrying out the provisions of the maintenance agreement.

(b) The operation and maintenance agreement must be approved by the Administrators prior to plan approval, and it shall be referenced on the final plat and shall be recorded with the county Register of Deeds upon final plat approval. If no subdivision plat is recorded for the site, then the operations and maintenance agreement shall be recorded upon the approval of a certificate of completion with the county Register of Deeds to appear in the chain of title of all subsequent purchasers under generally accepted searching principles. A copy of the recorded maintenance agreement shall be given to the Administrators within fourteen (14) days following its recordation.

(Ord. No. 2016/ _____, 10-24-2016)

Sec. 99-307. - Deed Recordation and Indications on Plat

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The applicable operations and maintenance agreement pertaining to every structural BMP shall be referenced on the final plat and in covenants and shall be recorded with the county Register of Deeds upon final plat approval.

(Ord. No. 2016/ _____, 10-24-2016)

Sec. 99-308. - Records of Installation and Maintenance Activities

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The owner of each structural BMP shall keep records of inspections, maintenance, and repairs for at least five (5) years from the date of the record and shall submit the same upon reasonable request to the Administrator(s).

(Ord. No. 2016/ _____, 10-24-2016)

Sec. 99-309. - Nuisance

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The owner of each stormwater BMP shall maintain it so as not to create or result in a nuisance condition, such as but not limited to flooding, erosion, excessive algal growth, overgrown vegetation, mosquito breeding habitat, existence of unsightly debris, or impairments to public safety and health. Maintenance practices must not lead to discharges of harmful pollutants.

(Ord. No. 2016/ _____, 10-24-2016)

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Article V. - ILLICIT DISCHARGES AND CONNECTIONS TO THE STORMWATER SYSTEM

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Sec. 99-400. - Illicit Discharges

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No person shall cause or allow the discharge, emission, disposal, pouring, or pumping directly or indirectly to any stormwater conveyance, receiving water, or upon the land in manner and amount that the substance is likely to reach a stormwater conveyance or the receiving waters, any liquid, solid, gas, or other substance(including animal waste), other than stormwater.

(Ord. No. 2016/ _____, 10-24-2016)

Sec. 99-401. - Non-Stormwater Discharges

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(a) Non-Stormwater discharges associated with the following activities are allowed provided that acceptable BMPs are followed:
1. _____ Water line and hydrant flushing;

2. Landscape irrigation, unless it leads to excess SW Volume discharge
3. Diverted stream flows;
4. Rising ground waters;
5. Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20));
6. Uncontaminated pumped ground water;
7. Discharges from potable water sources (with dechlorination BMP utilized);
8. Foundation drains;
9. Air conditioning condensation;
10. Reuse water;
11. Springs;
12. Water from crawl space pumps;
13. Footing drains;
14. Individual residential car washing;
15. Flows from riparian habitats and wetlands;
16. Dechlorinated swimming pool discharges; typically less than one part per million.
17. Street wash water;
18. Other non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under EPA authority, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system;
19. Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety;
20. Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the test; and
21. Firefighting.

(b) Prohibited substances include but are not limited to: oil, anti-freeze, chemicals, animal waste, paints, garbage, and litter.

(Ord. No. 2016/ _____, 10-24-2016)

Sec. 99-402. - Illicit Connections

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- (a) Connections to a receiving water and/or stormwater conveyance system that allow the discharge of non-stormwater, other than the exclusions described in Section 99-401 (a) above are unlawful. Prohibited connections include, but are not limited to floor drains, waste water from washing machines or sanitary sewers, wash water from commercial vehicle washing or steam cleaning, and waste water from septic systems.
- (b) Where such connections exist in violation of this section and said connections were made prior to the adoption of this Ordinance or any other Ordinance prohibiting such connections, the property owner or the person using said connection shall remove or correct the connection.

(Ord. No. 2016/ _____, 10-24-2016)

Sec. 99-403. - Spills

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- (a) Spills or leaks of polluting substances released, discharged to, or having the potential to be released or discharged to a receiving water or the stormwater conveyance system, shall be contained, controlled, collected, and properly disposed. All affected areas shall be restored to their preexisting condition.
- (b) Persons in control of the polluting substances shall immediately report the release or discharge to persons owning the property on which the substances were released or discharged, shall within two (2) hours of such an event shall notify the nearest Fire

Department (who will also notify the Administrators), and all required federal and state agencies of the release or discharge. Notification shall not relieve any person of any expenses related to the restoration, loss, damage, or any other liability which may be incurred as a result of said spill or leak, nor shall such notification relieve any person from other liability which may be imposed by State or other law.

(Ord. No. 2016/ _____, 10-24-2016)

Sec. 99-404. - Nuisance

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Illicit discharges and illicit connections which exist within the unincorporated County are hereby found, deemed, and declared to be dangerous and prejudicial to the public health, and welfare, and are found, deemed, and declared to be public nuisances. Such public nuisances shall be abated in accordance with the procedures set forth in Section 99-503 (c) & (d).

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Sec. 99-405. – Suspension of a MS4 discharge due to an illicit discharge.

- a) Any person discharging to the MS4 in violation of this Ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its' MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.
- b) A person commits an offence if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the authorized enforcement agency.
- c) The Beaufort County, South Carolina staff may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

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(Ord. No. 2016/ _____, 10-24-2016)

Article VI. - INSPECTION , ENFORCEMENT, AND CORRECTION

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Sec. 99-500. - Inspections

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The County will maintain the right to inspect any and all Stormwater Systems within it jurisdiction as outlined below:

- (a) An Inspector designated by the Administrators, bearing proper credentials and identification, may enter and inspect all properties for regular inspections, periodic investigations, monitoring, observation measurement, enforcement, sampling and testing, to ensure compliance with the provisions of this Ordinance.
- (b) Upon refusal by any property owner to permit an Inspector to enter or continue an inspection, the Inspector may terminate the inspection or confine the inspection to areas concerning which no objection is raised. The Inspector shall immediately report the refusal and the grounds to the Administrators. The Administrators will promptly seek the appropriate compulsory process.
- (c) In the event that the Administrators or Inspector reasonably believes that discharges from the property into the County's Stormwater System or receiving waters may cause an imminent and substantial threat to human health or the environment, the inspection may take place at any time after an initial attempt to notify the owner of the property or a

representative on site. The Inspector shall present proper credentials upon reasonable request by the owner or representative.

- (d) The Beaufort County, South Carolina, staff shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's stormwater discharge.
- (e) The Beaufort County, South Carolina, staff has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- (f) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the authorized enforcement agency and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- (g) Unreasonable delays in allowing the Beaufort County, South Carolina, staff access to a permitted facility is a violation of a stormwater discharge permit and of this Ordinance. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this Ordinance.
- (h) Inspection reports will be maintained in a permanent file at the offices of the County.

(Ord. No. 2016/ , 10-24-2016)

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Sec. 99-501. - Notice and Warning.

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- (a) Upon the County's attention to a violation of this Ordinance, the Administrators shall investigate the violation and prepare a report concerning the violation. If a violation exists, a warning notice shall be delivered within five (5) working days to any person occupying the property or linked to a discharge, whether the person is the owner, renter, or lessee. If the nature of the violation is not correctable, a stop work order shall be issued immediately. If no one is present or refuses to accept the notice, the Administrators shall post the warning notice on the residence or building entrance.
- (b) The warning notice shall contain the following:
 - 1. The address and legal description of the property.
 - 2. The section of this chapter being violated.
 - 3. The nature and location of the violation and the date by which such violation shall be removed or abated.
 - 4. A notice of the penalty for failing to remove or abate the violation, stating that if the nuisance recurs by the same occupant, owner, or person in charge, a notice of violation, stop work order, or notice to appear will be issued without further notice.
 - 5. The notice shall specify the number of days in which the violation shall be removed or abated, which time shall be not less than three (3) days nor more than ten (10) days, except in emergency cases.

(c) If the violation occurs where the residence or building is unoccupied, the property may be posted as provided in this section. If the property is unimproved, the notice may be placed on a tree or other such object as available.

(d) A written notice containing the same information as the warning notice shall be sent to the owner or any other person having control of the property at the last known address of the owner, or at the address of the person having control, by ordinary mail.

(Ord. No. 2016/ _____, 10-24-2016)

Sec. 99-502. - Recurring Violations.

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Once a notice has been delivered pursuant to County CDC and the same violation recurs on the same lot or tract of land by the same person previously responsible, no further warning notice need be given. Each day a violation continues after the expiration of the warning period to abate such a violation shall constitute a separate offence. Thereafter, the County may issue a notice of violation, stop work order, or such person deemed responsible may be notified to appear in court to answer to the charge against such person.

(Ord. No. 2016/ _____, 10-24-2016)

Sec. 99-503. - Failure to Act Upon Warning Notice.

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Upon neglect or failure to act upon the warning notice of violation, and/or stop work order given as provided in section 99-501 & 502, the County shall issue a notice to appear and shall follow the procedures as follows:

(a) Service of notice to appear. If a warning notice is given and, after the time for removal or abatement has lapsed, the property is reinspected and the County Official finds and determines the violation has not been removed or abated, the County Official shall fill out and sign, as the complainant, a complaint and information form or a notice to appear. The notice to appear shall include the following:

1. Name of the occupant, owner, or person in charge of the property.
2. The address or legal description of the property on which the violation is occurring.
3. This chapter section or other reference the action or condition violates.
4. The date on which the case will be on the court docket for hearing.
5. Any other information deemed pertinent by the County Official.

The original copy of the notice to appear shall be forwarded to the clerk of the court for inclusion on the court's docket for the date indicated on the notice to appear.

(b) Notice to appear; delivery by mail. If no one is found at the property to accept a notice to appear for failure to remove or abate a violation, the County Official shall fill out and sign the notice to appear as the complainant and deliver the original plus one copy to the Clerk of the Court. The Clerk shall verify or insert the date the case has been set for

hearing before the Court. The Clerk shall mail the copy by certified mail to the person named in the notice to appear at that person's last known address.

(c) *Abatement by County; costs assessed to person responsible.* If the occupant, owner, or person in charge of the property for which a warning notice has been given fails to remove or abate the violation in the time specified in the notice, whether on public or private property, the County may, if severe conditions exist that affect health, welfare, safety or severe environmental degradation, remove the violation and thereby abate the violation. If necessary, the County may lawfully enter upon the property on which the violation remains unabated to remove or abate such violation at the cost of the person responsible for creating or maintaining the violation. The violation will be subject to civil fines reflecting the cost to the County, as prosecuted by the County Attorney.

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(d) *Payment of costs; special tax bill or judgment.* All costs and expenses incurred by the County in removing or abating any violation on any private property may be assessed against the property as a lien on the property. Alternatively, the cost of removing or abating the violation may be made part of the judgment by the judge, in addition to any other penalties and costs imposed if the person charged either pleads or is found guilty of causing, creating, or maintaining a violation.

(Ord. No. 2016/_____, 10-24-2016)

Sec. 99-504. - Penalty for Violation.

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(a) Any person, group, firm, association or corporation violating any section of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall pay such penalties as the court may decide, as prescribed by state law, not to exceed \$500.00 or 30 days imprisonment for each violation. Each day during which such conduct shall continue shall subject the offender to the liability prescribed in this article.

(b) In addition to the penalties established and authorized in subsection (a) of this section, the County Attorney shall take other actions at law or in equity as may be required to halt, terminate, remove, or otherwise eliminate any violations of this chapter.

(Ord. No. 2016/_____, 10-24-2016)

Sec. 99-505. - Interpretation

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(a) *Meaning and Intent*
All provisions, terms, phrases, and expressions contained in this Ordinance shall be construed according to the general and specific purposes set forth in Section 99-202, Purpose. If a different or more specific meaning is given for a term defined elsewhere in County's Code of Ordinances or in an existing development agreement, the meaning and application of the term in this Ordinance shall control for purposes of application of this Ordinance.

(b) *Text Controls in Event of Conflict*
In the event of a conflict or inconsistency between the text of this Ordinance and any heading, caption, figure, illustration, table, or map, the text shall control.

(c) *Authority for Interpretation*
The Administrators have, after consultation with County Attorney, authority to determine the interpretation of this Ordinance. Any person may request an interpretation by submitting a written request to the Administrators who shall respond in writing within thirty

(30) days. The Administrators shall keep on file a record of all written interpretations of this Ordinance.

(d) References to Statutes, Regulations, and Documents

Whenever reference is made to a resolution, Ordinance, statute, regulation, manual (including the BMP Manual), or document, it shall be construed as a reference to the most recent edition of such that has been finalized and published with due provision for notice and comment, unless otherwise specifically stated.

(e) Delegation of Authority

Any act authorized by this Ordinance to be carried out by the County Administrator may be carried out by his or her designee.

(f) Usage

1. Mandatory and Discretionary Terms

The words "shall," "must," and "will" are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words "may" and "should" are permissive in nature.

2. Conjunctions

Unless the context clearly indicates the contrary, conjunctions shall be interpreted as follows: The word "and" indicates that all connected items, conditions, provisions or events apply. The word "or" indicates that one or more of the connected items, conditions, provisions or events apply.

3. Tense, Plurals, and Gender Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

(g) Measurement and Computation

Lot area refers to the amount of horizontal land area contained inside the lot lines of a lot or site.

(Ord. No. 2016/_____, 10-24-2016)

Sec. 99-506. - Conflict of Laws

This Ordinance is not intended to modify or repeal any other Ordinance, rule, regulation or other provision of law. The requirements of this Ordinance are in addition to the requirements of any other Ordinance, rule, regulation or other provision of law, and where any provision of this Ordinance imposes restrictions different from those imposed by any other Ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human or environmental health, safety, and welfare, shall control.

(Ord. No. 2016/_____, 10-24-2016)

Sec. 99-507. - Severability

If the provisions of any section, subsection, paragraph, subdivision or clause of this Ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this Ordinance.

(Ord. No. 2016/_____, 10-24-2016)

This Ordinance will become effective upon approval by Council Council.

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DRAFT Sept. 27, 2016 as recommended by NRC 9/19/16

Adopted this 24th day of October, 2016.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____

Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas Keavney, County Attorney

ATTEST:

Ashley Bennett, Clerk to Council

First Reading: 9-26-2016

Second Reading: 10-10-2016

Public Hearing: 10-24-2016

Third and Final Reading: 10-24-2016

(Ord. No. 2005/33, § 17, 8-22-2005; Ord. No. 2009/21, §§ I—VI, 5-26-2009; Ord. No. 2015/24, 9-28-2015; Ord. No. 2016/26, 09-26-2016; Ord. No. 2016/_____, 10-24-2016)

ORDINANCE 2016/ _____

AN ORDINANCE OF BEAUFORT COUNTY COUNCIL UPDATING THE BEAUFORT COUNTY SMOKING ORDINANCE

WHEREAS, numerous medical and scientific studies show substantial levels of exposure to secondhand smoke among the United States population; and

WHEREAS, the U.S. Surgeon General has concluded that smoking and exposure to secondhand smoke is harmful to the smoker and to people around the smoker; and

WHEREAS, prohibiting smoking in and around the workplace, public buildings and publicly supported facilities increases public awareness of the adverse health effects of smoking, reduces the social acceptability of smoking, reduces harm caused by smoking to nonsmokers and to children and reduces costs to the community of addressing the medical conditions caused by smoking; and

WHEREAS, in 1982 Beaufort County codified its Code of Ordinance including Section 38-91 through Sec. 38-98; and

WHEREAS, in 2006 Beaufort County Council passed Ordinance 2006-28 adding Article V establishing the regulation and requirements relating to smoking tobacco products in the County of Beaufort and those additions were codified as Beaufort Code Section 38-101 through Sec. 38-112; and

WHEREAS, the South Carolina General Assembly passed the “Clean Indoor Air Act” in 1990 and codified as S.C. Code Secs. 44-95-10 through 44-95-60 which preempts some of the local ordinances; and

WHEREAS, Council recognizes that for a variety of reasons citizens are frequently required to come to government offices in order to conduct business as well as to enjoy cultural activities, athletic events and artistic endeavors; and

WHEREAS, Council has determined that it is in the best interest of the residents of Beaufort County to designate County owned and operated properties, including outdoor property adjacent to the same which is under the control of the County as smoke-free in order to protect the public health, safety and general welfare of its citizens, residents, employees and visitors who enter these properties.

NOW THEREFORE, BE IT HEREBY ORDAINED that, in order, to protect and promote the public health, safety and general welfare of Beaufort County residents, Beaufort County Code Article IV, Division I Sec 38-91 through 38-98 and Article IV, Division II Sec. 38-101 through 38-112 are hereby amended and replaced with the following:

DIVISION 1. – IN COUNTY OWNED FACILITIES

Sec. 38-91. - Definitions.

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

County owned and operated facilities means any building or facility, including outdoor property adjacent to and part of such a building or facility, which is used by any person(s), group of persons, agencies or organizations which are funded in whole by public funds from County Council or which is operated by or under the managerial control of the County.

Public meeting means any meeting open to the public under the South Carolina Freedom of Information Act.

Smoking means inhaling, exhaling, burning, lighting or carrying a lighted cigarette, e-cigarette, cigar, pipe, device or any other lighted inhalable product.

(Code 1982, § 8-57)

Cross reference— Definitions generally, § 1-2.

Sec. 38-92. - Prohibitions.

- (a) Smoking shall be prohibited in and on all county owned or operated facilities.
- (b) Smoking may be prohibited in private sector establishments at the option of owners/operators in unincorporated areas of the County; such establishments shall identify designated smoking areas as set forth in Section 38-94.

(Code 1982, § 8-58)

Sec. 38-93. - Posting of signs.

- (a) Signs with the words "No Smoking" in letters not less than four inches high and citing in smaller letters enabling Ordinance No. 92-24 shall be conspicuously posted in each room and publicly supported place as defined in Section 38-91. These signs shall be visible to any occupant of the restricted area. Public areas not posted shall be deemed to be nonsmoking areas unless specifically posted as smoking areas.
- (b) Posting of no smoking signs shall be the responsibility of the person directly in control of the affected facility.
- (c) Signs may be posted by any private citizen in his place of business. Standard signs may be obtained from the County purchasing agent. Inclusion under this article of a private-sector establishment is entirely voluntary. The proprietor, owner, or individual responsible for such establishment may disregard enforcement of this article if he so desires in his own place of business.

(Code 1982, § 8-59)

Sec. 38-94. - Designated smoking areas.

- ~~(a)~~ (a) If smoking areas are designated, they shall be selected using existing physical barriers and ventilation systems to minimize the toxic effects of smoke in adjacent nonsmoking areas.
- ~~(b)~~ (b) Designated smoking areas, if any, shall not include the specific areas prohibited in Section 38-92.

Sec. 38-95. - Responsibility.

The County Administrator or his designated representative shall be responsible for informing each person directly in control of each publicly supported facility of this article.

(Code 1982, § 8-61)

Sec. 38-96. – Reserved.

Sec. 38-97. - Violation of signs.

No person shall smoke in any properly posted place, nor shall any person remove any “No Smoking” sign erected by or under the authority of this article.

(Code 1982, § 8-63)

Sec. 38-98. - Penalties.

- (a) Any person who violates any section of this article may be cited and, if found guilty of an infraction, punished by a fine of not less than ten dollars (\$10.00) nor more than twenty – five dollars (\$25.00).
- (b) Any person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this article shall be guilty of an infraction, punishable by a fine of not less than ten (\$10.00) nor more than twenty – five dollars (\$25.00).
- (c) In addition to the fines established by this section, repeated violations of this article by a person who owns, manages, operates, or otherwise controls a place of employment may result in the suspension or revocation of any occupancy permit or business license issued to the person for the premises on which the violation occurred.

(Code 1982, § 8-64)

Secs. 38-99, 38-100. - Reserved.

DIVISION 2. - IN THE WORKPLACE

Sec. 38 -101. - Intent.

Council finds that it is in the best interest of the people of the County to protect nonsmokers from involuntary exposure to secondhand smoke in the workplace. Therefore, Council declares that the purpose of this article is to preserve, protect and improve the public health, comfort, safety and environment of the people of the County by limiting exposure to tobacco smoke in the workplace.

(Ord. No. 2006/28, § 2, 12-11-2006)

Sec. 38-102. - Definitions.

- (a) *Employee* means any person who performs services for an employer in return for wages, profit or other valuable consideration.
- (b) *Employer* means any person, partnership, association, corporation, trust, school, college, university or other educational institution, nonprofit entity or other organization, including any public or private employer, any manager, supervisor, and all other persons charged with control, supervision, and operation of any work place, work space, or work spaces as defined herein, that employs one or more persons.
- (c) *Enclosed* means a space bounded by walls (with or without windows), and enclosed by doors, including but not limited to, offices, rooms, foyers, waiting areas and halls
- (d) *Secondhand smoke* is the complex mixture formed from the escaping smoke of a burning product (termed "sidestream smoke") and smoke exhaled by the smoker. Exposure to secondhand smoke is also frequently referred to as "passive smoking," "secondhand smoking" or "involuntary smoking".
- (e) *Sheriff's office* means the Beaufort County Sheriff's Office.
- (f) *Public building* means any enclosed area which is owned, operated or leased by the County as well as outdoor property adjacent to such buildings and facilities.
- (g) *Retail tobacco store* means any establishment which is not required to possess a retail food permit whose primary purpose is to sell or offer for sale to consumers, but not for resale, tobacco products and paraphernalia, in which the sale of other products is merely incidental, and in which the entry of persons under the age of 18 is prohibited at all times.
- (h) *Smoking* means the inhaling, exhaling, burning, lighting or carrying a lighted cigarette, e-cigarette, cigar, pipe, device or any other lighted inhalable product.
- (i) *Smoking materials* includes cigars, cigarettes, e-cigarettes and all other manner of devices intended to be used for the purpose of inhaling, burning, carrying or exhaling lighted products.
- (j) *Workplace* means any enclosed indoor area, structure, building or facility or any portion thereof at which one or more employee(s) perform services for their employer, including but not limited to: retail food stores; retail stores; restaurants; bars; cabarets, cafes; public or private clubs; pool halls and bowling alleys.
- (k) *Work space* or *work spaces* means any enclosed area occupied by an employee during the course of his or her employment, including but not limited to: offices, customer service areas; common areas; hallways; waiting areas; restrooms; lounges and eating areas.
- (l) *Person(s)* means a customer or other visitor on the premises regulated herein.

(Ord. No. 2006/28, § 3, 12-11-2006; Ord. No. 2008/23, 6-23-2008)

Sec. 38-103. - Prohibition of smoking in the workplace.

- (a) The employer shall provide a smoke free environment for all employees working in all work space, work spaces and work places as those terms are defined herein. Further, the employer and all employees shall prohibit any persons present in said work space, work spaces and work places from smoking tobacco products therein.
- (b) Smoking shall be prohibited in all work space, work spaces and work places in a workplace. This includes all common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, hallways, medical facilities, cafeterias, employee lounges, staircases, restrooms and all other enclosed areas in the workplace.

(Ord. No. 2006/28, § 4, 12-11-2006)

Sec. 38 -104. - Smoking restricted by state law: S.C. Code § 44-95-10 et seq.

It is unlawful for a person to smoke or possess lighted smoking material in any form in the following public indoor areas:

- (a) Public schools and preschools where routine or regular kindergarten, elementary, or secondary educational classes are held including libraries;
- (b) All other indoor facilities providing children's services to the extent that smoking is prohibited in the facility by federal law and all other child day care facilities, as defined in Section 20-7-2700, which are licensed pursuant to S.C. Code, § 20-7-13(11);
- (c) Health care facilities as defined in S. C. Code § 44-7-130;
- (d) Government buildings as defined in S. C. Code § 44-95-20(4), except to the extent regulation by the County is authorized therein;
- (e) Elevators;
- (f) Public transportation vehicles, except for taxicabs;
- (g) Arenas and auditoriums of public theaters or public performing art centers.

Sec. 38-105. - Exceptions.

Notwithstanding the provisions of Section 38-103 herein, smoking may be permitted in the following places and/or circumstances:

- (a) Private residences, except when used as a licensed child care, adult day care or healthcare facility;
- (b) Hotel, motel, inn, bed and breakfast and lodging home rooms that are rented to guests, designated as "smoking rooms" (rooms) provided that the total percentage of such rooms does not exceed 25 percent in such establishment. A room so designated shall have signs posted indicating that smoking is allowed therein;
- (c) Retail tobacco stores as defined herein;

(d) Religious ceremonies where smoking is part of the ritual.

(Ord. No. 2006/28, § 6, 12-11-2006)

Sec. 38-106. - Posting of signs.

The owner, manager or person in control of an establishment or area in which smoking is prohibited pursuant to this section shall post a conspicuous sign at the main entrance to the establishment or area. The sign shall contain the words "No Smoking" and the universal symbol for no smoking.

(Ord. No. 2006/28, § 7, 12-11-2006)

Sec. 38-107. - Reasonable distance.

Smoking is prohibited within a reasonable distance of 25 feet outside entrances, operable windows, and ventilation systems of enclosed areas where smoking is prohibited, so as to insure that tobacco smoke does not enter those areas.

(Ord. No. 2006/28, § 8, 12-11-2006)

Sec.38-108. - Enforcement and penalties.

(a) A person who violates any section of this article may be cited and, if found guilty of an infraction, punished by a fine of not less than ten dollars (\$10.00) nor more than twenty – five dollars (\$25.00).

(b) A person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this article shall be guilty of an infraction punishable by a fine of not less than ten (\$10.00) nor more than twenty – five dollars (\$25.00).

(c) In addition to the fines established by this section, repeated violations of this article by a person who owns, manages, operates, or otherwise controls a public place or place of employment may result in the suspension or revocation of any occupancy permit or business license issued to the person for the premises on which the violation occurred. (Ord. No. 2006/28, § 9, 12-11-2006; Ord. No. 2008/23, 6-23-2008)

Sec. 38-109. - Severability.

If any provision, clause, sentence or paragraph of this division, or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this division are declared to be severable.

(Ord. No. 2006/28, § 10, 12-11-2006)

Sec. 38-110. - Nonretaliation.

No person or employer shall discharge, refuse to hire, refuse to serve or in any manner retaliate or take any adverse personnel action against any employee, applicant, customer or person because such employee, applicant, customer or person takes any action in furtherance of the enforcement of this section or exercises any right conferred by this section.

(Ord. No. 2006/28, § 11, 12-11-2006)

Sec. 38-111. - Conflict with other laws, ordinances or regulations.

Nothing in this section shall be deemed to amend or repeal any applicable fire, health or other law, ordinance or regulation so as to permit smoking in areas where it is prohibited by such applicable fire, health or other law, ordinance or regulation.

(Ord. No. 2006/28, § 12, 12-11-2006)

Secs. 38-113- 38-150. - Reserved.

DONE this _____ day of _____, 2016.

BEAUFORT COUNTY COUNCIL

D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny II, County Attorney

ATTEST:

Ashley M. Bennett, Clerk to Council

First Reading:

Second Reading:

Public Hearing:

Third and Final Reading:



**COUNTY COUNCIL OF BEAUFORT COUNTY
PURCHASING DEPARTMENT**

106 Industrial Village Road, Bldg. 2, Post Office Drawer 1228
Beaufort, South Carolina 29901-1228

David L Thomas, Purchasing Director
dthomas@bcgov.net 843.255.2353

TO: Councilman Jerry Stewart. Chairman. Finance Committee

FROM: David L Thomas. CPPO. Purchasing Director

SUBJ: New Contract as a Result of Solicitation
Invitation for Bid (IFB) #061616, Bluffton Township Fire District Station #36 Construction

DATE: 09/22/2016

BACKGROUND:

The Bluffton Township Fire District is a full service fire department providing service to all areas of Southern Beaufort County with the exception of Hilton Head Island and Daufuskie Island. The District covers a geographical area of approximately 250 square miles with eight (8) strategically located fire stations. The District is a career fire department with 130 full-time personnel. The District responded to 5,188 emergency incidents in 2015. The District currently operates eight (8) engine companies, one (1) truck company, and one (1) service/support unit. Three (3) of the engine companies are staffed as Advanced Life Support (ALS) engines.

SCOPE OF WORK: The district identified in its 2012, Insurance Service Office (ISO), rating schedule that two new fire stations were needed to maintain its split public fire protection classification rating of a 3/9. County Council was in agreement to move forward with the hiring of personnel and construction of these stations. Since that approval we have hired employees and housed them in a temporary location until such time as we could build a permanent facility from which to operate. The Fire District has been working very diligently in trying to find a location that meets all the criteria needed for ISO, the needs of the residents, and the needs of the Fire District. After conducting a survey of the area it has been determined the best possible and available parcel of land is in Colleton River Plantation. Colleton River Plantation has entered in to an agreement with the Fire District to sell us property, for one dollar, off of Sawmill Creek road for a fire station. The District will fund and construct a single bay fire station on this property to meet the needs of the ISO schedule.

We have received pricing back from several vendors in response to an invitation for bid (IFB) that was submitted through the County's Procurement Office for this project. The bids have been analyzed and the Bluffton Township Fire District Board of Directors at its meeting on September 20, 2016 and voted on with a unanimous decision of 7-0 to recommend awarding the bid to Paul S. Akins Company, Inc., and move the project onto County Council for approval. The Bluffton Township Fire District working with the Beaufort County Procurement Department is completing this process and is now requesting final approval to move this project forward with the appropriate funding.

VENDOR INFORMATION:

COST:

1. Paul S. Akins Company, Inc., Statesboro, GA	\$1,027,843
2. Hutter Construction Corporation, Beaufort, SC	\$1,125,000

FUNDING:

This project is to be funded from the collection of Bluffton Township Fire District's Fire Impact Fee's. These fees are collected when new building construction permits are issued through the building permitting process. These funds are held within an agency fund of the County's general ledger, Fund 7308. The Fund Balance available in this fund as of September 22, 2016 is \$1,940,301. Bluffton Township Fire District will make warrant requests to the Beaufort County Treasurers office, when invoices are due.

PROPOSED COST: \$1,130,627 this amount includes the original IFB amount of \$1,027,843 plus a 10% contingency (\$102,784) in the event of additional costs that may be required as the construction process occurs. This price was negotiated with the contractor to meet the operational needs of the district along with the budget created for this project.

Funding approved: Yes No By: aholland Date: 09/22/2016

FOR ACTION: Finance Committee Meeting: Monday October 3, 2016

RECOMMENDATION:

The Purchasing Department recommends that the Finance Committee approve and recommend to County Council to proceed with the contract with Paul S. Atkins Company, Inc.

Attachment:  No file attached

cc: Gary Kubic, County Administrator

Approved: Date:

Check to override approval: Overridden by: Override Date:

Joshua Gruber, Deputy County Administrator/Special Counsel

Approved: Date:

Check to override approval: Overridden by: Override Date:

Alicia Holland, Assistant County Administrator, Finance

Approved: Date:

Approved: Date:

Check to override approval: Overridden by: Override Date: ready for admin:

After Initial Submission, Use the Save and Close Buttons



COUNTY COUNCIL OF BEAUFORT COUNTY
PURCHASING DEPARTMENT
106 Industrial Village Road, Bldg. 2, Post Office Drawer 1228
Beaufort, South Carolina 29901-1228

David L Thomas, Purchasing Director
dthomas@bcgov.net 843.255.2353

TO: Councilman Jerry Stewart, Chairman, Finance Committee
FROM: David L Thomas, CPPO, Purchasing Director
SUBJ: State Contract Purchase
Bluffton Township Fire District State Contract Vehicle Purchase Request
DATE: 09/23/2016

BACKGROUND:

The Bluffton Township Fire District is a full service fire department providing service to all areas of Southern Beaufort County with the exception of Hilton Head Island and Daufuskie Island. The District covers a geographical area of approximately 250 square miles with eight (8) strategically located fire stations. The District is a career fire department with 130 full-time personnel. The District responded to 5,188 emergency incidents in 2015. The District currently operates eight (8) engine companies, one (1) truck company, and one (1) service/support unit. Three (3) of the engine companies are staffed as Advanced Life Support (ALS) engines.

SCOPE OF WORK: The district identified in its strategic master plan a vehicle replacement plan. The Bluffton Township Fire District is committed to providing high quality service to the citizens of the community. As a part of this effort, it is recognized that an adequate, properly maintained and dependable fleet of fire apparatus and administrative vehicles exist to meet the needs & growth of the community as well as the department. The purpose of this plan is to establish and implement a fire apparatus & vehicle replacement policy and the procedures to ensure efficient procurement and utilization of the fire departments fleet. It is also the intent of the plan to provide proper and adequate justification, and procurement cost to the finance department to assist in the management of this plan.

In the FY16 budget there were several operational vehicles that met the criteria for replacement in conjunction with the department vehicle replacement plan. The funding for these vehicles was to come from the District's operating budget. As we monitored the budget along with tax collections and expenditures it was apparent that we were not going to be able to procure these vehicles this budget year. In a meeting with Deputy County Administrator Josh Gruber and the County Chief Financial Officer Alicia Holland, it was determined that if the District was diligent with its bond debt funds we could use those to procure the vehicles. The District had procured an eight million dollar bond for three capital projects, (1) Fire Truck Fleet Replacement, (2) Maintenance Building Construction and (3) Fire Training Facility. Currently we have finished the fire truck replacement project and will be completing the maintenance building project the 23rd of September. This only leaves the final fire training facility project left to complete. This project is slated to start on October 10th 2016 and is secured with a contract price of \$692,000. This request for purchase was approved by the Bluffton Township Fire District Fire Board on August 16, 2016, unanimously 7 to 0, in its monthly meeting.

In conclusion of these projects there will be a surplus of funds available, approximately \$411,794 for the district to use. The District would like to use these funds to finance the needed vehicles that are due for replacement. The remaining funds would be used to fund additional capital projects as needed.

VENDOR INFORMATION:

Vic Bailey Ford

COST:

\$153,962

Insert Addition Vendor Info.

FUNDING: This project will be funded from the Bluffton Township Fire District Capital agency fund of the County's general ledger, Fund 7304. The Fund Balance available in this fund as of September 27, 2016 is \$1,704,076. Bluffton Township Fire District will make warrant requests to the Beaufort County Treasurers office, when invoices are due.

PROPOSED COST: \$153,962 price was secured through a state contract for the vehicles, (contract # 4400011586 and contract # 4400011589). This will meet the operational needs of the district along with the budget created for this project. This will provide the district with (5) five new pick-up trucks. One being a Ford (F-250) 1/2 ton truck and the remaining four being Ford (F-150) 1/2 ton pick-ups.

Funding approved: Yes By: aholland Date: 09/27/2016

FOR ACTION: Finance Committee Meeting: Monday October 3, 2016

RECOMMENDATION:

The Purchasing Department recommends that the Finance Committee approve and recommend to County Council to proceed with the procurement of five new vehicles from the aforementioned State contract in the amount of \$153,962.

Attachment: Bluffton Township Fire District State Contract Vehicle Purchase.pdf 191.96 KB

cc: Gary Kubic, County Administrator

Approved: Select... Date:
Check to override approval: Overridden by:
Joshua Gruber, Deputy County Administrator/Special Counsel Approved: Yes Date: 09/27/2016
Alicia Holland, Assistant County Administrator, Finance Approved: Yes Date: 09/27/2016
John Thompson Fire Chief, Bluffton Township Fire District Approved: Yes Date: 09/27/2016

Check to override approval: Overridden by: _____ Override Date: _____ ready for admin:
 CC others

After Initial Submission, Use the Save and Close Buttons

VIC BAILEY FORD

David Vetter 864.585.3600 or 800.922.1365

2016 FORD F250 CREW CAB PICK UP

Truck, Pick Up, 4x4, 3/4 Ton, Crew Cab

Contract #: 4400011589

Standard Equipment Included:

6.2L V-8 Engine	Power Steering
Automatic Transmission	Power Brakes
A/C	Power Windows and Door Locks
AM/ FM Radio	Vinyl 40/20/40 Bench Seat
156" Wheel Base	Heavy Duty Rubber Floor
Cruise Control	6.75 Bed - Short Bed

SC STATE CONTRACT PRICE: \$29,784.00

LT265/70R17 All Terrain Tires	\$460.00
Cab Steps (Factory Installed)	\$376.00
Electric Shift on the Fly	Included
Trailer Tow Package w/ Class V Hitch	Included
Tow Command Integrated Trailer Brake Controller	\$274.00
Reverse Vehicle Aid Sensor	\$242.00
Bedliner (Spray-In)	\$450.00
Fiberglass Camper Top w/ Side and Rear Door Glass	\$1,600.00
Sales Tax	\$300.00
TOTAL SC STATE CONTRACT PRICE:	\$33,486.00

Vic Bailey Ford

David Vetter 864.585.3600 or 800.922.1365

2016 FORD F150 4x4 CREW CAB, FLEX FUEL, PICK UP w/ XL TRIM

Contract #: 4400011586

Standard Equipment Included:

5.0L V-8 Engine	Power Steering
Automatic Transmission	Power Brakes
A/C	Cruise Control
AM/ FM Radio	Vinyl Bench Seat
5 1/2' Pick-Up Body	Heavy Duty Rubber Floor
Power Windows and Door Locks	

SC STATE CONTRACT PRICE: \$30,510.00

Auxilliary Power Connection	Included
Rear View Camera	\$236.00
Delete Front Mounted Winch	-\$1,595.00 (Deduct)
Standard Rear Axle	-\$326.00 (Deduct)
Cloth 40/Console/40 Front Bench Seat	\$294.00
Factory Installed Black Platform Running Boards	\$250.00
Bedliner (Spray-In)	\$450.00
Sales Tax	\$300.00
TOTAL SC STATE CONTRACT PRICE:	\$30,119.00

2016 / __

COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT FOR FIVE PARCELS (TOTALING APPROXIMATELY 125 ACRES--R600 021 000 0002 0000, R600 021 000 004A 0000, R600 021 000 0194 0000, R600 021 000 0195 0000, AND R600 021 000 0075 0000; KNOWN AS PEPPER HALL PLANTATION LOCATED ON THE NORTH SIDE OF U.S. HIGHWAY 278 BETWEEN THE OKATIE RIVER AND GRAVES ROAD) FROM:

- COMMUNITY COMMERCIAL AND RURAL FOR A TOTAL OF APPROXIMATELY 33 ACRES FRONTING U.S. HIGHWAY 278 (R600 021 000 0195 0000 AND A PORTION OF R600 021 000 004A 000) TO REGIONAL COMMERCIAL, AND
- RURAL FOR APPROXIMATELY 92 ACRES TO NEIGHBORHOOD MIXED USE (R600 021 000 0002 0000, R600 021 000 0194 0000, R600 021 000 0075 0000, AND A PORTION OF R600 021 000 004A 0000).

BE IT ORDAINED, that County Council of Beaufort County, South Carolina, hereby amends the Future Land Use Map of Beaufort County, South Carolina. The map is attached hereto and incorporated herein.

Adopted this ___ day of ____, 2016.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, County Attorney

ATTEST:

Ashley M. Bennett, Clerk to Council

First Reading: September 26, 2016

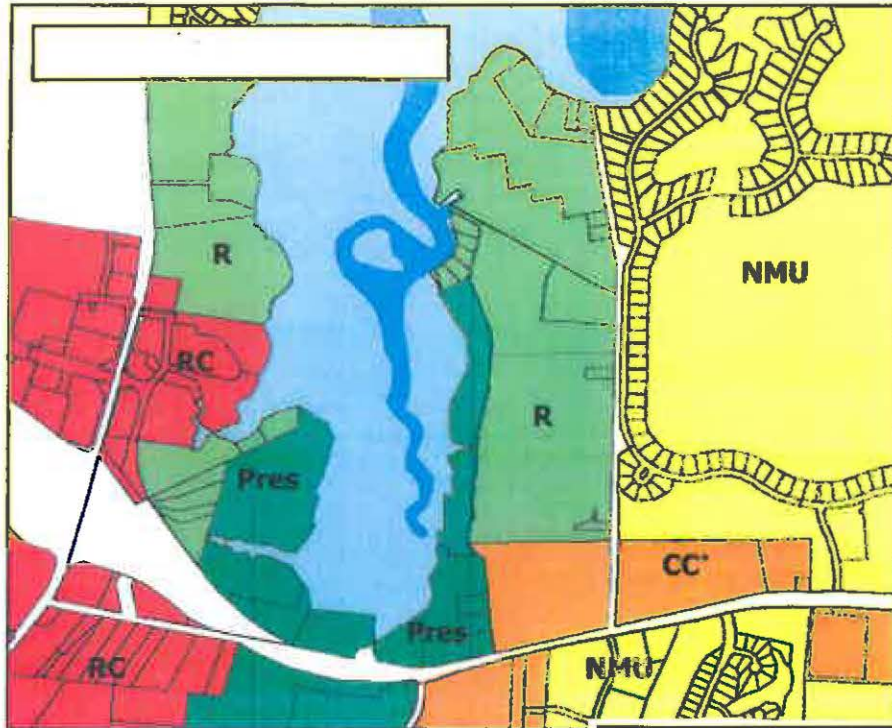
Second Reading:

Public Hearing:

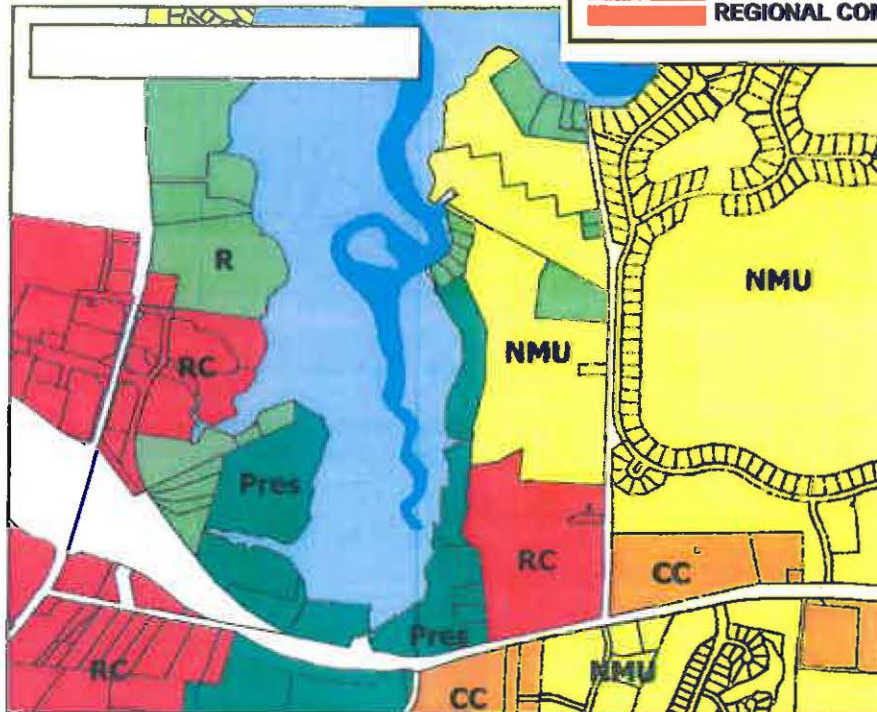
Third and Final Reading:

COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT

EXISTING:



AMENDED TO:



2016 / __

SOUTHERN BEAUFORT COUNTY ZONING MAP AMENDMENT FOR FIVE PARCELS (TOTALING APPROXIMATELY 125 ACRES--R600 021 000 0002 0000, R600 021 000 004A 0000, R600 021 000 0194 0000, R600 021 000 0195 0000, AND R600 021 000 0075 0000; KNOWN AS PEPPER HALL PLANTATION LOCATED ON THE NORTH SIDE OF U.S. HIGHWAY 278 BETWEEN THE OKATIE RIVER AND GRAVES ROAD) FROM:

- T2-RURAL ZONING FOR APPROXIMATELY 33 ACRES FRONTING U.S. HIGHWAY 278 (R600 021 000 0195 0000 AND A PORTION OF R600 021 000 004A 0000) TO C5 REGIONAL CENTER MIXED USE, AND
- T2-RURAL ZONING FOR APPROXIMATELY 92 ACRES TO C3 NEIGHBORHOOD MIXED USE (R600 021 000 0002 0000, R600 021 000 0194 0000, R600 021 000 0075 0000, AND A PORTION OF R600 021 000 004A 0000).

BE IT ORDAINED, that County Council of Beaufort County, South Carolina, hereby amends the Zoning Map of Beaufort County, South Carolina. The map is attached hereto and incorporated herein.

Adopted this ___ day of ____, 2016.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, County Attorney

ATTEST:

Ashley M. Bennett, Clerk to Council

First Reading: September 26, 2016

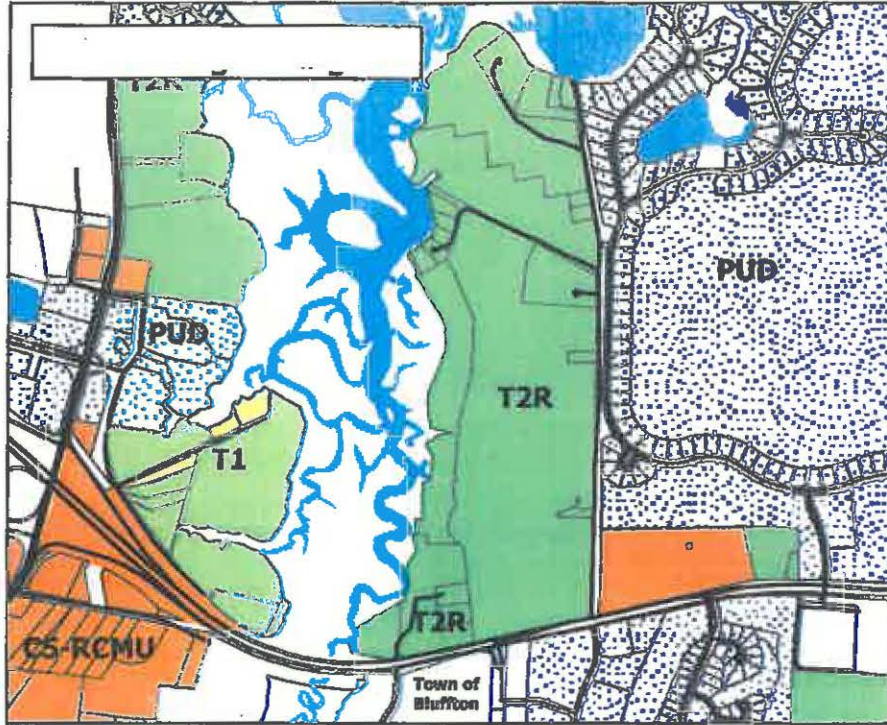
Second Reading:

Public Hearing:

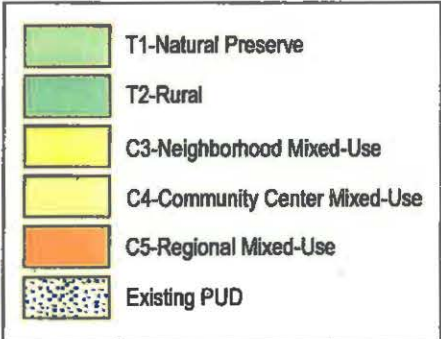
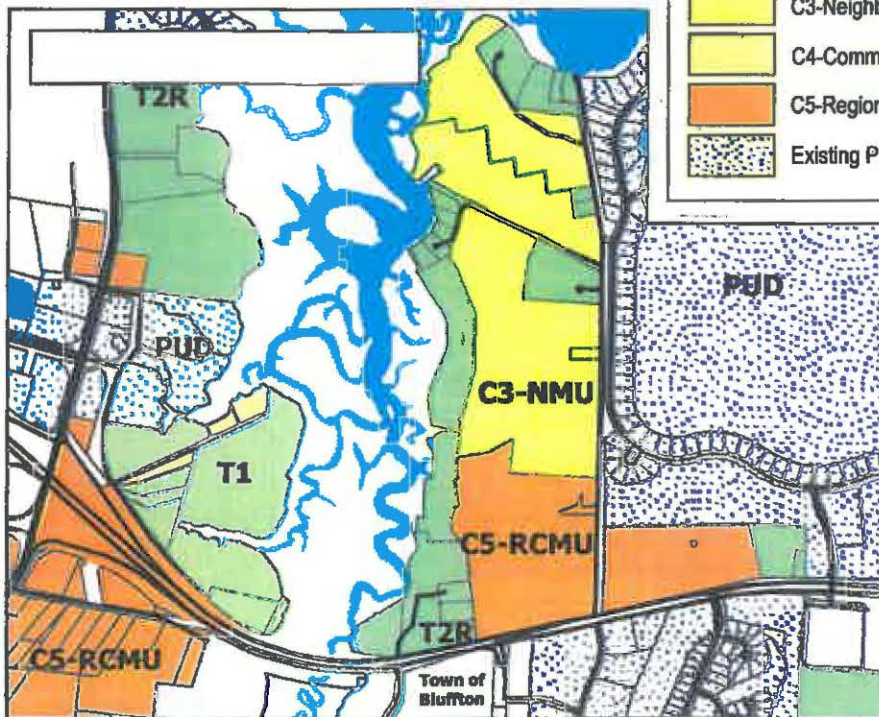
Third and Final Reading:

SOUTHERN BEAUFORT COUNTY ZONING MAP AMENDMENT

EXISTING:



AMENDED TO:



ORDINANCE NO. 2016/_____

AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS, SERIES 2016B, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF BEAUFORT COUNTY, SOUTH CAROLINA, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$51,000,000; FIXING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE COUNTY ADMINISTRATOR OR HIS LAWFULLY-AUTHORIZED DESIGNEE TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO.

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

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

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

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

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

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

(e) Pursuant to Ordinance No. 2012/10 adopted on August 13, 2012, the County Council adopted Written Procedures related to Tax-Exempt Debt.

(f) In a referendum (the "Referendum") held in the County on November 4, 2014, the following question was submitted to the qualified electors of the County:

"Shall Beaufort County, South Carolina issue general obligation bonds, not to exceed \$20,000,000, representing a borrowing that at no time shall exceed 1 mill in debt service repayment, for the purpose of land preservation, by purchasing land, development rights

and/or conservation easements in all areas of Beaufort County, in order to protect water quality, natural lands, wildlife areas, farmland, parkland, recreational areas, coastal areas, rivers and wetlands, provided that all expenditures shall be prioritized based upon an official criteria and ranking system established for the County, and subject to an annual independent audit and provide that an amount, not to exceed 20 percent (20%) of the amount borrowed may be spent on improvements, outside the scope of general property maintenance, to those lands which have been acquired by Beaufort County, South Carolina under previous rural and critical lands programs and all such lands acquired under this current proposed borrowing?

The Referendum was duly conducted and a majority of the qualified electors of the County voted in favor of the issuance of the general obligation bonds.

(f) The assessed value of all the taxable property in the County as of August 31, 2016, is \$1,725,369,752. Eight percent of the assessed value is \$138,029,580. As of the date hereof, the outstanding general obligation debt of the County subject to the limitation imposed by Article X, Section 14(7) of the Constitution is \$88,833,101. Thus, the County may incur \$51,196,479 additional general obligation debt within its applicable debt limitation. Not to exceed \$20,000,000 of the Bonds will be issued pursuant to the Referendum and therefore will not county against the County's constitutional debt limit.

(g) It is now in the best interest of the County for County Council to provide for the issuance and sale of not exceeding \$51,000,000 principal amount general obligation bonds of the County to provide funds for the following purposes: (i) defraying the costs of the County Rural and Critical Land Preservation Program, stormwater utility projects, and public safety capital projects; (ii) paying costs of issuance of the Bonds (hereinafter defined); and (iii) such other lawful purposes as the County Council shall determine.

SECTION 2. Authorization and Details of Bonds. Pursuant to the aforesaid provisions of the Constitution and laws of the State, there is hereby authorized to be issued not exceeding \$51,000,000 aggregate principal amount of general obligation bonds of the County to be designated "\$51,000,000 (or such lesser amount issued) General Obligation Bonds, (appropriate series designation), of Beaufort County, South Carolina" (the "Bonds"), for the purposes set forth in Section 1(f) and other costs incidental thereto, including without limiting the generality of such other costs, engineering, financial and legal fees.

The Bonds shall be issued as fully registered bonds registrable as to principal and interest; shall be dated their date of delivery to the initial purchaser(s) thereof; shall be in denominations of \$5,000 or any integral multiple thereof not exceeding the principal amount of Bonds maturing each year; shall be subject to redemption if such provision is in the best interest of the County; shall be numbered from R-1 upward; shall bear interest from their date payable at such times as hereinafter designated by the County Administrator and/or his lawfully-authorized designee at such rate or rates as may be determined at the time of the sale thereof; and shall mature serially in successive annual installments as determined by the County Administrator and/or his lawfully-authorized designee.

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

SECTION 3. Delegation of Authority to Determine Certain Matters Relating to the Bonds. The County Council hereby delegates to the County Administrator or his lawfully-authorized designee the authority to: (a) determine the par amount of the Bonds; (b) determine the maturity dates of the Bonds and the respective principal amounts maturing on such dates; (c) determine the interest payment dates of the Bonds; (d) determine the redemption provisions, if any, for the Bonds; (e) determine the date and time of sale of the Bonds; (f) receive bids on behalf of the County Council; and (g) award the sale of the Bonds to the lowest bidder therefor in accordance with the terms of the Notice of Sale for the Bonds.

After the sale of the Bonds, the County Administrator and/or his lawfully-authorized designee shall submit a written report to County Council setting forth the details of the Bonds as set forth in this paragraph.

SECTION 4. Registration, Transfer and Exchange of Bonds. The County shall cause books (herein referred to as the “registry books”) to be kept at the offices of the Registrar/Paying Agent, for the registration and transfer of the Bonds. Upon presentation at its office for such purpose the Registrar/Paying Agent shall register or transfer, or cause to be registered or transferred, on such registry books, the Bonds under such reasonable regulations as the Registrar/Paying Agent may prescribe.

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

The County and the Registrar/Paying Agent may deem or treat the person in whose name any fully registered Bond shall be registered upon the registry books as the absolute owner of such Series Bond, whether such Bond shall be overdue or not, for the purpose of receiving payment of the principal of and interest on such Bond and for all other purposes and all such payments so made to any such registered owner or upon his order shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the County nor the Registrar/Paying Agent shall be affected by any notice to the contrary. In all cases in which the privilege of transferring Bonds is exercised, the County shall execute and the Registrar/Paying Agent shall authenticate and deliver Bonds in accordance with the provisions of this Ordinance. Neither the County nor the Registrar/Paying Agent shall be obliged to make any such transfer of Bonds during the fifteen (15) days preceding an interest payment date on such Bonds.

SECTION 5. Record Date. The County hereby establishes a record date for the payment of interest or for the giving of notice of any proposed redemption of Bonds, and such record date shall be the fifteenth (15th) day (whether or not a business day) preceding an interest payment date on such Bond or in the case of any proposed redemption of Bonds, such record date shall be the fifteenth (15th) day (whether or not a business day) prior to the giving of notice of redemption of bonds.

SECTION 6. Mutilation, Loss, Theft or Destruction of Bonds. In case any Bond shall at any time become mutilated in whole or in part, or be lost, stolen or destroyed, or be so defaced as to impair the value thereof to the owner, the County shall execute and the Registrar shall authenticate and deliver at the principal office of the Registrar, or send by registered mail to the owner thereof at his request, risk

and expense a new Bond of the same series, interest rate and maturity and of like tenor and effect in exchange or substitution for and upon the surrender for cancellation of such defaced, mutilated or partly destroyed Bond, or in lieu of or in substitution for such lost, stolen or destroyed Bond. In any such event the applicant for the issuance of a substitute Bond shall furnish the County and the Registrar evidence or proof satisfactory to the County and the Registrar of the loss, destruction, mutilation, defacement or theft of the original Bond, and of the ownership thereof, and also such security and indemnity in an amount as may be required by the laws of the State of South Carolina or such greater amount as may be required by the County and the Registrar. Any duplicate Bond issued under the provisions of this Section in exchange and substitution for any defaced, mutilated or partly destroyed Bond or in substitution for any allegedly lost, stolen or wholly destroyed Bond shall be entitled to the identical benefits under this Ordinance as was the original Bond in lieu of which such duplicate Bond is issued, and shall be entitled to equal and proportionate benefits with all the other Bonds of the same series issued hereunder.

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

SECTION 7. Execution of Bonds. The Bonds shall be executed in the name of the County with the manual or facsimile signature of the Chairman of the County Council attested by the manual or facsimile signature of the Clerk to the County Council under a facsimile of the seal of the County impressed, imprinted or reproduced thereon; provided, however, the facsimile signatures appearing on the Bonds may be those of the officers who are in office on the date of enactment of this Ordinance. The execution of the Bonds in such fashion shall be valid and effectual, notwithstanding any subsequent change in such offices. The Bonds shall not be valid or become obligatory for any purpose unless there shall have been endorsed thereon a certificate of authentication. Each Bond shall bear a certificate of authentication manually executed by the Registrar in substantially the form set forth herein.

SECTION 8. Form of Bonds. The Bonds and the certificate of authentication shall be in substantially the form set forth in Exhibit A attached hereto and incorporated herein by reference.

SECTION 9. Security for Bonds. The full faith, credit, and taxing power of the County are hereby irrevocably pledged for the payment of the principal of and interest on the Bonds as they respectively mature, and for the creation of such sinking fund as may be necessary therefor. There shall be levied annually by the County Auditor and collected by the County Treasurer, in the same manner as other county taxes are levied and collected, a tax, without limit, on all taxable property in the County sufficient to pay the principal of and interest on the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

The County Council shall give the County Auditor and County Treasurer written notice of the delivery of and payment for the Bonds and they are hereby directed to levy and collect annually, on all taxable property in the County, a tax, without limit, sufficient to pay the principal of and interest on the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

SECTION 10. Notice of Public Hearing. The County Council hereby ratifies and approves the publication of a notice of public hearing regarding the Bonds and this Ordinance, such notice in substantially the form attached hereto as Exhibit B, having been published in The Island Packet and The Beaufort Gazette, newspapers of general circulation in the County, not less than 15 days prior to the date of such public hearing.

SECTION 11. Initiative and Referendum. The County Council hereby delegates to the County Administrator and/or his lawfully-authorized designee the authority to determine whether the Notice prescribed under the provisions of Section 5 of Title 11, Chapter 27 of the Code relating to the initiative and referendum provisions contained in Title 4, Chapter 9, Article 13 of the Code shall be given with respect to this Ordinance. If said Notice is given, the County Administrator and/or his lawfully-authorized designee are authorized to cause such Notice to be published in a newspaper of general circulation in the County, in substantially the form attached hereto as Exhibit C.

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

SECTION 13. Tax Covenants. The County hereby covenants and agrees with the holders of the Bonds that it will not take any action which will, or fail to take any action which failure will, cause interest on the Bonds to become includable in the gross income of the holders of the Bonds for federal income tax purposes pursuant to the provisions of the Code and regulations promulgated thereunder in effect on the date of original issuance of the Bonds. The County further covenants and agrees with the holders of the Bonds that no use of the proceeds of the Bonds shall be made which, if such use had been reasonably expected on the date of issue of the Bonds would have caused the Bonds to be “arbitrage bonds,” as defined in Section 148 of the Code, and to that end the County hereby shall:

- (a) comply with the applicable provisions of Sections 103 and 141 through 150 of the Code and any regulations promulgated thereunder so long as the Bonds are outstanding;
- (b) establish such funds, make such calculations and pay such amounts, in the manner and at the times required in order to comply with the requirements of the Code relating to required rebates of certain amounts to the United States; and
- (c) make such reports of such information at the time and places required by the Code.

SECTION 14. Book-Entry System. The Bonds initially issued (the “Initial Bonds”) will be eligible securities for the purposes of the book-entry system of transfer maintained by The Depository Trust Company, New York, New York (“DTC”), and transfers of beneficial ownership of the Initial Bonds shall be made only through DTC and its participants in accordance with rules specified by DTC. Such beneficial ownership must be of \$5,000 principal amount of Bonds of the same maturity or any integral multiple of \$5,000.

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

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

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

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

SECTION 15. Sale of Bonds, Form of Notice of Sale. The Bonds shall be offered for public sale on the date and at the time designated by the County Administrator and/or his lawfully-authorized designee. A Notice of Sale in substantially the form set forth as Exhibit D attached hereto and incorporated herein by reference shall be distributed to prospective bidders and a summary of such Notice of Sale shall be published in a newspaper of general circulation in the State of South Carolina and/or in a financial publication published in the City of New York not less than seven (7) days prior to the date set for such sale.

SECTION 16. Preliminary and Final Official Statement. The County Council hereby authorizes and directs the County Administrator and/or his lawfully-authorized designee to prepare, or cause to be prepared, a Preliminary Official Statement to be distributed to prospective purchasers of the Bonds together with the Notice of Sale. The County Council authorizes the County Administrator to designate the Preliminary Official Statement as “final” for purposes of Rule 15c2-12 of the Securities Exchange Commission. The County Administrator and/or his lawfully-authorized designee are further authorized to see to the completion of the final form of the Official Statement upon the sale of the Bonds so that it may be provided to the purchaser of the Bonds.

SECTION 17. Filings with Central Repository. In compliance with Section 11-1-85, South Carolina Code of Laws 1976, as amended, the County covenants that it will file or cause to be filed with a central repository for availability in the secondary bond market when requested: (a) a copy of the annual financial report of the County within thirty (30) days from the County’s receipt thereof; and (b) within thirty (30) days of the occurrence thereof, relevant information of an event which adversely affects more than five (5%) percent of the revenues of the County or the County’s tax base.

SECTION 18. Continuing Disclosure. In compliance with the Securities and Exchange Commission Rule 15c2-12 (the “Rule”) the County covenants and agrees for the benefit of the holders from time to time of the Bonds to execute and deliver prior to closing, and to thereafter comply with the terms of a Disclosure Dissemination Agent Agreement in substantially the form appearing as Exhibit E attached to this Ordinance. In the event of a failure of the County to comply with any of the provisions of the Disclosure Dissemination Agent Agreement, an event of default under this Ordinance shall not be deemed to have occurred. In such event, the sole remedy of any bondholder or beneficial owner shall be an action to compel performance by this Ordinance.

SECTION 19. Deposit and Use of Proceeds. The proceeds derived from the sale of the Bonds shall be deposited with the County Treasurer in a special fund to the credit of the County and shall be applied solely to the purposes for which the Bonds have been issued, including payment of costs of issuance of the Bonds.

SECTION 20. Defeasance. The obligations of the County under this Ordinance and the pledges, covenants and agreements of the County herein made or provided for, shall be fully discharged and satisfied as to any portion of the Bonds, and such Bond or Bonds shall no longer be deemed to be outstanding hereunder when:

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

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

“Government Obligations” shall mean any of the following:

- (a) direct obligations of the United States of America or agencies thereof or obligations, the payment of principal or interest on which, in the opinion of the Attorney General of the United States, is fully and unconditionally guaranteed by the United States of America;
- (b) non-callable, U. S. Treasury Securities - State and Local Government Series (“SLGS”); and
- (c) general obligation bonds of the State, its institutions, agencies, counties and political subdivisions, which, at the time of purchase, carry a AAA rating from Standard & Poor’s or a Aaa rating from Moody’s Investors Service.

SECTION 21. Miscellaneous. The County Council hereby authorizes the County Administrator, Chair of the County Council, the Clerk to the County Council and County Attorney to execute such documents and instruments as necessary to effect the issuance of the Bonds. The County Council hereby retains McNair Law Firm, P.A., as bond counsel in connection with the issuance of the Bonds. The County Administrator is further authorized to execute such contract, document or engagement letter as may be necessary and appropriate to effectuate these engagements.

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

Enacted this ___ day of _____, 2016.

BEAUFORT COUNTY, SOUTH CAROLINA

Chair, County Council

(SEAL)

ATTEST:

Clerk, County Council

First Reading:	September 12, 2016 (Title Only)
Second Reading:	September 26, 2016 (Tentative)
Public Hearing:	October 10, 2016
Third and Final Reading:	October 10, 2016, 2016 (Tentative)

FORM OF BOND

UNITED STATES OF AMERICA
STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT
GENERAL OBLIGATION BOND, SERIES 2016B

No. R-

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

REGISTERED HOLDER:

PRINCIPAL AMOUNT: DOLLARS

KNOW ALL MEN BY THESE PRESENTS, that Beaufort County, South Carolina (the "County"), is justly indebted and, for value received, hereby promises to pay to the registered holder specified above, or registered assigns, the principal amount specified above on the maturity date specified above, upon presentation and surrender of this Bond at the principal office of _____ in _____ (the "Paying Agent"), and to pay interest on such principal amount from the date hereof at the rate per annum specified above until this Bond matures. Interest on this Bond is payable _____ 1, 20____, and semiannually on _____ 1 and _____ 1 of each year thereafter, until this Bond matures, and shall be payable by check or draft mailed to the person in whose name this Bond is registered on the registration books of the County maintained by the registrar, presently _____ in _____ (the "Registrar"), at the close of business on the fifteenth (15th) day of the calendar month preceding each semiannual interest payment date. The principal of and interest on this Bond are payable in any coin or currency of the United States of America which is, at the time of payment, legal tender for public and private debts; provided, however, that interest on this fully registered Bond shall be paid by check or draft as set forth above.

This Bond shall not be entitled to any benefit under the Ordinance (hereafter defined), nor become valid or obligatory for any purpose, until the certificate of authentication hereon shall have been duly executed by the Registrar.

For the payment hereof, both principal and interest, as they respectively mature and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of the County are irrevocably pledged and there shall be levied annually by the Auditor of the County and collected by the Treasurer of the County, in the same manner as other county taxes are levied and collected, a tax, without limit, on all taxable property in the County sufficient to pay the principal of and interest on this Bond as they respectively mature and to create such sinking fund as may be necessary therefor.

This Bond is one of a series of Bonds of like date of original issue, tenor and effect, except as to number, denomination, date of maturity, redemption provisions, and rate of interest, aggregating _____ Dollars (\$ _____), issued pursuant to and in accordance with the Constitution and laws of the State of South Carolina, including Article X of the Constitution of the State of South Carolina, 1895, as amended; Title 4, Chapter 15, Code of Laws of South Carolina 1976, as amended; Title 11, Chapter 27, Code of Laws of South Carolina 1976, as amended; the favorable results of a referendum; and Ordinance No. _____ duly enacted by the County Council on _____, 2016.

[Redemption Provisions]

This Bond is transferable as provided in the Ordinance, only upon the books of the County kept for that purpose at the principal office of the Registrar by the registered holder in person or by his duly authorized attorney upon surrender of this Bond together with a written instrument of transfer satisfactory to the Registrar duly executed by the registered holder or his duly authorized attorney. Thereupon a new fully registered Bond or Bonds of the same aggregate principal amount, interest rate redemption provisions, if any, and maturity shall be issued to the transferee in exchange therefor as provided in the Ordinance. The County, the Registrar and the Paying Agent may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of or on account of the principal hereof and interest due hereon and for all other purposes.

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

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of the State of South Carolina to exist, to happen and to be performed precedent to or in the issuance of this Bond exist, have happened and have been performed in regular and due time, form and manner as required by law; that the amount of this Bond, together with all other indebtedness of the County, does not exceed the applicable limitation of indebtedness under the laws of the State of South Carolina; and that provision has been made for the levy and collection of a tax, without limit, on all taxable property in the County sufficient to pay the principal of and interest on this Bond as the same shall respectively mature and to create such sinking fund as may be necessary therefor.

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

BEAUFORT COUNTY, SOUTH CAROLINA

Chair of County Council

(SEAL)

ATTEST:

Clerk of County Council

[FORM OF REGISTRAR'S CERTIFICATE OF AUTHENTICATION]

Date of Authentication:

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

_____ as Registrar

By: _____ Authorized Officer

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

TEN COM - As tenants in common

UNIF GIFT MIN. ACT

TEN ENT - As tenants by the entireties

_____ Custodian (Cust.) (Minor)

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

under Uniform Gifts to Minors

_____ (State)

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

[FORM OF ASSIGNMENT]

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

_____ (Name and address of Transferee)

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

Dated:

_____ Signature Guaranteed:

_____ (Authorizing Officer)

Signature(s) must be guaranteed by an institution which is a participant in the Securities Transfer Agents Medallion Program ("STAMP") or similar program.

NOTICE: The signature to this agreement this agreement must correspond with the name of the registered holder as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

A copy of the final approving opinion to be rendered shall be attached to each Bond and preceding the same a certificate shall appear, which shall be signed on behalf of the County with a manual or facsimile signature of the Clerk to the County Council. The certificate shall be in substantially the following form:

[FORM OF CERTIFICATE]

IT IS HEREBY CERTIFIED that the following is a true and correct copy of the complete final approving opinion (except for date and letterhead) of McNair Law Firm, P.A., Columbia, South Carolina, approving the issue of Bonds of which the within Bond is one, the original of which opinion was manually executed, dated and issued as of the date of delivery of and payment for the Bonds and a copy of which is on file with the County Council of Beaufort County, South Carolina.

BEAUFORT COUNTY, SOUTH CAROLINA

By: _____
Clerk of County Council

FORM OF NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the County Council of Beaufort County, South Carolina (the "County"), County Administration Building, 100 Ribaut Road, Beaufort, South Carolina, at 6:30 p.m. on October 10, 2016.

The purpose of the public hearing is to consider an Ordinance providing for the issuance and sale of General Obligation Bonds of Beaufort County, South Carolina, in the principal amount of not exceeding \$51,000,000 (the "Bonds"). The proceeds of the bonds will be used for the following purposes: (i) defraying the costs of the County Rural and Critical Land Preservation Program, stormwater utility projects, and public safety capital projects; (ii) paying costs of issuance of the Bonds (hereinafter defined); and (iii) such other lawful purposes as the County Council shall determine.

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

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

COUNTY COUNCIL OF BEAUFORT COUNTY,
SOUTH CAROLINA

FORM OF NOTICE

NOTICE OF ADOPTION OF ORDINANCE

Notice is hereby given that on _____, 2016, the Beaufort County Council adopted an ordinance entitled: "ORDINANCE NO. _____ AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS, SERIES 2016B, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF BEAUFORT COUNTY, SOUTH CAROLINA, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$51,000,000; FIXING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE COUNTY ADMINISTRATOR OR HIS LAWFULLY-AUTHORIZED DESIGNEE TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO" (the "Ordinance").

The proceeds of the Bonds will be used for the following purposes: (i) defraying the costs of the County Rural and Critical Land Preservation Program, stormwater utility projects, and public safety capital projects; (ii) paying costs of issuance of the Bonds; and (iii) such other lawful purposes as the County Council shall determine.

Pursuant to Section 11-27-40(8) of the South Carolina Code of Laws, 1976, as amended, unless a notice, signed by not less than five (5) qualified electors of the County, of the intention to seek a referendum is filed both in the office of the Clerk of Court of the County and with the Clerk of the County Council, the initiative and referendum provisions of South Carolina law, Sections 4-9-1210 to 4-9-1230, South Carolina Code of Laws 1976, as amended, shall not be applicable to the Ordinance. The notice of intention to seek a referendum must be filed within twenty (20) days following the publication of this notice of the adoption of the aforesaid Ordinance in a newspaper of general circulation in Beaufort County.

COUNTY COUNCIL OF BEAUFORT COUNTY,
SOUTH CAROLINA

FORM OF NOTICE OF SALE

OFFICIAL NOTICE OF SALE

\$ _____ GENERAL OBLIGATION BONDS, SERIES 2016_,
OF BEAUFORT COUNTY, SOUTH CAROLINA

Time and Place of Sale: NOTICE IS HEREBY GIVEN that sealed bids, facsimile bids and electronic bids will be received on behalf of Beaufort County, South Carolina (the “County”), 100 Ribaut Road, Beaufort, South Carolina, until 11:00 a.m, South Carolina time, on _____, _____, 2016, at which time said proposals will be publicly opened for the purchase of \$ _____ General Obligation Bonds, Series 2016_, of the County (the “Bonds”).

Electronic Bids: Electronic proposals must be submitted through i-Deal’s Parity Electronic Bid Submission System (“Parity”). No electronic bids from any other providers of electronic bidding services will be accepted. Information about the electronic bidding services of Parity may be obtained from i-Deal, 1359 Broadway, 2nd Floor, New York, New York 10018, Customer Support, telephone (212) 849-5021.

PROPOSALS MAY BE DELIVERED BY HAND, BY MAIL, BY FACSIMILE TRANSMISSION OR BY ELECTRONIC BID, BUT NO PROPOSAL SHALL BE CONSIDERED WHICH IS NOT ACTUALLY RECEIVED BY THE COUNTY AT THE PLACE, DATE AND TIME APPOINTED, AND THE COUNTY SHALL NOT BE RESPONSIBLE FOR ANY FAILURE, MISDIRECTION, DELAY OR ERROR RESULTING FROM THE SELECTION BY ANY BIDDER OF ANY PARTICULAR MEANS OF DELIVERY OF BIDS.

Book-Entry-Only Bonds: The Bonds will be issued in fully-registered form. One Bond representing each maturity will be issued to and registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York (“DTC”), as registered owner of the Bonds and each such Bond will be immobilized in the custody of DTC. DTC will act as securities depository for the Bonds. Individual purchases will be made in book-entry form only, in the principal amount of \$5,000 or any integral multiple thereof not exceeding the principal amount of Bonds maturing each year; Purchasers will not receive physical delivery of certificates representing their interest in the Bonds purchased. The winning bidder, as a condition to delivery of the Bonds, will be required to deposit the Bond certificates representing each maturity with DTC.

The Bonds will be issued in fully-registered form registered as to principal and interest; will be dated _____, 2016; will be in denominations of \$5,000 or any integral multiple thereof not exceeding the principal amount of Bonds maturing in each year; and will mature serially in successive annual installments on _____ in each of the years and in the principal amounts as follows:

<u>Year</u>	<u>Principal Amount*</u>	<u>Year</u>	<u>Principal Amount*</u>
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*Preliminary, subject to adjustment.

Adjustment of Maturity Schedule. The County reserves the right, in its sole discretion, either to decrease or increase the principal amount of the Bonds maturing in any year (all calculations to be rounded to the near \$5,000), provided that any such decrease or increase shall not exceed 10% of the Bonds. Such adjustment(s), if any, shall be made within twenty-four (24) hours of the award of the Bonds. In order to calculate the yield on the Bonds for federal tax law purposes and as a condition precedent to the award of the Bonds, bidders must disclose to the County in connection with their respective bids the price (or yield to maturity) at which each maturity of the Bonds will be reoffered to the public.

In the event of any adjustment of the maturity schedule for the Bonds as described herein, no rebidding or recalculation of the proposals submitted will be required or permitted. Nevertheless, the award of the Bonds will be made to the bidder whose proposal produces the lowest true interest cost solely on the basis of the Bonds offered, without taking into account any adjustment in the amount of the Bonds pursuant to this paragraph.

The Bonds will bear interest from the date thereof payable semiannually on _____ and _____ of each year, commencing _____, until they mature.

[Redemption Provisions]

Registrar/Paying Agent: Regions Bank will serve as Registrar/Paying Agent for the Bonds.

Bid Requirements: Bidders shall specify the rate or rates of interest per annum which the Bonds are to bear, to be expressed in multiples of 1/20 or 1/8 of 1% and the interest rate specified for any maturity shall not be lower than the interest rate specified for any previous maturity. Bidders are not limited as to the number of rates of interest named, but the rate of interest on each separate maturity must be the same single rate for all Bonds of that maturity from their date to such maturity date. A bid for less than all the Bonds, a bid at a price less than par or a bid which includes a premium in excess of 10% of the par amount of the Bonds will not be considered. In addition to the bid price, the successful bidder must pay accrued interest from the date of the Bonds to the date of full payment of the purchase price.

Award of Bid. The Bonds will be awarded to the bidder or bidders offering to purchase the Bonds at the lowest true interest cost (TIC) to the County. The TIC will be the nominal interest rate which, when compounded semiannually and used to discount all debt service payments on the Bonds (computed at the interest rates specified in the bid and on the basis of a 360-day year of twelve 30-day months) to the dated date of the Bonds, results in an amount equal to the price bid for the Bonds. In the case of a tie bid, the winning bid will be awarded by lot. The County reserves the right to reject any and all bids or to waive irregularities in any bid. Bids will be accepted or rejected no later than 3:00 p.m., South Carolina time, on the date of the sale.

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

Good Faith Deposit: No good faith deposit is required.

Official Statement: Upon the award of the Bonds, the County will prepare an official statement (the “Official Statement”) in substantially the same form as the preliminary official statement subject to minor additions, deletions and revisions as required to complete the Official Statement. Within seven (7) business days after the award of the Bonds, the County will deliver the Official Statement to the successful bidder in sufficient quantity to comply with Rule G-32 of the Municipal Securities Rulemaking Board. The successful bidder agrees to supply to the County all necessary pricing information and any Underwriter identification necessary to complete the Official Statement within 24 hours after the award of the Bonds.

Continuing Disclosure: In order to assist the bidders in complying with S.E.C. Rule 15c2-12(b)(5), the County will undertake, pursuant to an ordinance and a disclosure dissemination agent agreement, to provide certain annual financial information and notices of the occurrence of certain events, if material. A description of this undertaking is set forth in the Preliminary Official Statement and will also be set forth in the final Official Statement.

Legal Opinion: The County Council shall furnish upon delivery of the Bonds the final approving opinion of McNair Law Firm, P.A., Columbia, South Carolina, which opinion shall accompany each Bond, together with the usual closing documents, including a certificate of the County that no litigation is pending affecting the Bonds.

Certificate as to Issue Price: The successful bidder must provide a certificate to the County by the date of delivery of the Bonds, stating the initial reoffering price of the Bonds to the public (excluding bond houses and brokers) and the price at which a substantial amount of the Bonds were sold to the public, in form satisfactory to Bond Counsel. A sample copy of such a certificate may be obtained from Bond Counsel.

Delivery: The Bonds will be delivered on or about _____, 2016, in New York, New York, at the expense of the County. The balance of the purchase price then due, including the amount of accrued interest, must be paid in federal funds or other immediately available funds.

BEAUFORT COUNTY, SOUTH CAROLINA

FORM OF DISCLOSURE DISSEMINATION AGENT AGREEMENT

This Disclosure Dissemination Agent Agreement (the “Disclosure Agreement”), dated as of _____, 2016, is executed and delivered by Beaufort County, South Carolina (the “Issuer”) and Digital Assurance Certification, L.L.C., as exclusive Disclosure Dissemination Agent (the “Disclosure Dissemination Agent” or “DAC”) for the benefit of the Holders (hereinafter defined) of the Bonds (hereinafter defined) and in order to provide certain continuing disclosure with respect to the Bonds in accordance with Rule 15c2-12 of the United States Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time (the “Rule”).

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

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

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

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

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

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

“Bonds” means the bonds as listed on the attached Exhibit A, with the 9-digit CUSIP numbers relating thereto.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 2. Provision of Annual Reports.

(a) The Issuer shall provide, annually, an electronic copy of the Annual Report and Certification to the Disclosure Dissemination Agent, together with a copy for the Trustee, not later than the Annual Filing Date. Promptly upon receipt of an electronic copy of the Annual Report and the Certification, the Disclosure Dissemination Agent shall provide an Annual Report to the MSRB not later than the next February 1 after the end of each fiscal year of the Issuer, commencing with the fiscal year ending June 30, 2017. Such date and each anniversary thereof is the Annual Filing Date. The Annual Report may be submitted as a single document or as separate documents comprising a package, and may cross-reference other information as provided in Section 3 of this Disclosure Agreement.

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

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

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

(e) The Disclosure Dissemination Agent shall:

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

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

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

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

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

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

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

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

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

SECTION 3. Content of Annual Reports.

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

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

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

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

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

SECTION 4. Reporting of Notice Events.

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

- (i) Principal and interest payment delinquencies;
- (ii) Non-payment related defaults, if material;
- (iii) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (iv) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (v) Substitution of credit or liquidity providers, or their failure to perform;
- (vi) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Series 2016_ Bonds, or other material events affecting the tax status of the Series 2016_ Bonds;
- (vii) Modifications to rights of Bond holders, if material;
- (viii) Bond calls, if material, and tender offers;
- (ix) Defeasances;
- (x) Release, substitution, or sale of property securing repayment of the Series 2016_ Bonds, if material;
- (xi) Rating changes;
- (xii) Bankruptcy, insolvency, receivership or similar event of the Obligated Person;

Note to subsection (a)(12) of this Section 4: For the purposes of the event described in subsection (a)(12) of this Section 4, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for an Obligated Person in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or

governmental authority has assumed jurisdiction over substantially all of the assets or business of the Obligated Person, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the Obligated Person.

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

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

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

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

SECTION 5. CUSIP Numbers. Whenever providing information to the Disclosure Dissemination Agent, including but not limited to Annual Reports, documents incorporated by reference to the Annual Reports, Audited Financial Statements, Notice Event notices, Failure to File Event notices, Voluntary Event

Disclosures and Voluntary Financial Disclosures, the Issuer shall indicate the full name of the Bonds and the 9-digit CUSIP numbers for the Bonds as to which the provided information relates.

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

SECTION 7. Voluntary Filing.

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

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

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

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

Financial Statements, Notice Event notice, Failure to File Event notice, Voluntary Event Disclosure or Voluntary Financial Disclosure.

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

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

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

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

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

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

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

or doubt as to the construction of any of the provisions hereof or its respective duties hereunder, and shall not incur any liability and shall be fully protected in acting in good faith upon the advice of such legal counsel. The reasonable fees and expenses of such counsel shall be payable by the Issuer.

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

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

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

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

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

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

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

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

By: _____
Name: _____
Title: _____

BEAUFORT COUNTY, SOUTH CAROLINA, as Issuer

By: _____
Name: _____
Title: _____

EXHIBIT A

NAME AND CUSIP NUMBERS OF BONDS

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

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

EXHIBIT B

NOTICE TO MSRB OF FAILURE TO FILE ANNUAL REPORT

Issuer: _____

Obligated Person: _____

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

Date(s) of Issuance: _____

Date(s) of Disclosure Agreement: _____

CUSIP Number: _____

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

Dated: _____

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

cc:

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

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

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

Issuer's Six-Digit CUSIP Number:

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

Number of pages attached: _____

_____ Description of Notice Events (Check One):

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

_____ Failure to provide annual financial information as required.

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

Signature:

Name: _____ Title: _____

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

Date:

EXHIBIT C-2
VOLUNTARY EVENT DISCLOSURE COVER SHEET

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

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

Issuer's Six-Digit CUSIP Number:

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

Number of pages attached: _____

_____ Description of Voluntary Event Disclosure (Check One):

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

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

Signature:

Name: _____ Title: _____

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

Date:

EXHIBIT C-3
VOLUNTARY FINANCIAL DISCLOSURE COVER SHEET

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

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

Issuer's Six-Digit CUSIP Number:

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

Number of pages attached: ____

____ Description of Voluntary Financial Disclosure (Check One):

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

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

Signature:

Name: _____ Title: _____

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

Date:

ORDINANCE 2016/___

**AN ORDINANCE TO AMEND THE MEMBERSHIP AND COMPOSITION OF THE
BEAUFORT COUNTY TAX EQUALIZATION BOARD AND TO MODIFY THE NAME
OF THE TAX EQUALIZATION BOARD TO BE CONSISTENT WITH S.C. CODE
ANN. 12-60-2510, ET SEQ.**

WHEREAS, Act Number 1623 of 1972 of the South Carolina General Assembly created the Beaufort County Tax Equalization Board and authorized appointment to the Board by Beaufort County Council; and

WHEREAS, Beaufort County Council subsequently adopted a charter for the Tax Equalization Board that defined the membership of the Board and its powers and duties based upon the language contained within Act Number 1623; and

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

WHEREAS, Beaufort County Council believes that it is in the best interests of its citizens to amend the membership, composition and name of the Beaufort County Tax Equalization Board.

NOW, THEREFORE, BE IT ORDAINED BY BEAUFORT COUNTY COUNCIL, that the Charter for the Beaufort County Tax Equalization Board is hereby amended and replaced with the following:

Section 1. Appointive powers of council

Pursuant to section 4-9-170, Code of Laws of South Carolina, 1976, and section 3 of Act 283, (the Home Rule Act), the Beaufort County Council hereby assumes all appointive powers in regard to the Beaufort County Board of Assessment Appeals.

SECTION 2. Composition; terms; vacancies

The Beaufort County Tax Equalization Board shall, upon the effective date of this Ordinance, hereafter be known as the Beaufort County Board of Assessment Appeals. Membership on, and appointment to, the board shall initially remain as it is. Through the expiration of terms the number of board members will be reduced to nine. To the extent possible County Council shall appoint members to the board such that there is a balance as to the geographical residency of the members of the board and the professional background of the members (by way of example, attorneys, licensed real estate agents, certified real estate appraisers, bankers, etc.) as they relate to the functions of the board. All members appointed to the board shall serve a term of four years. Members of the board shall be appointed and serve until their successors are appointed and qualified. All vacancies shall be filled by appointment in the same manner as the original appointment for the remainder of the unexpired term. Decisions of the board are to be guided by applicable law. The board's decisions are appealable directly to the Administrative Law Court. For this reason members of the board will be sworn to follow the law.

Appeals and other hearings may be conducted by panels of five members chosen from among the nine members of the board. Three members of the panel shall constitute a quorum, unless the parties agree to a lesser number. When only three members of the panel are present to conduct a hearing, the decision of the panel must be unanimous.

Panels may be chosen by a method or methods determined by the board to maximize the efficiency and effectiveness of the board. The method of choosing hearing panels should enable timely consideration of appeals and other matters brought to the board, and should also involve considerations of members' availability and limiting overburdening individual members with hearings.

Beaufort County Council may, by Resolution, add additional members to the board when, in its discretion or at the request of the assessor or the auditor, the number of appeals warrants such an increase. Members of the board who are added to the board under this provision shall serve for a period of two years unless otherwise designated by Council. In the appointment of these members, Council shall attempt to balance geographical residency and professional qualifications.

SECTION 3. Duties

The Board of Assessment Appeals shall hold conferences to act on appeals from the assessments of the county auditor or county assessor as provided by law. When the parties are represented by counsel, the board may, in its discretion, ask counsel to submit memoranda of law and/or a proposed decision to the board and opposing counsel before and/or after the conference if the board believes such material will help it adjudicate the issues before it.

Pursuant to South Carolina law, there is a presumption that the assessor's valuation is correct. In challenging a valuation, the taxpayer bears the burden of proving the assessor's valuation is incorrect.

Conferences shall be held in accordance with the procedures set forth in the South Carolina Code of Laws. The board may meet in closed session to consider evidence presented at the conference, as permitted by state law, but it may not decide the matter in closed session. The decision of the board, and of each board member, must be announced as set forth below.

The board shall issue a decision based upon the evidence before it. The decision must be made by a majority of the board members present at the conference. In case of a tie, the assessor's determination is upheld. At the conclusion of the conference, the decision may be announced orally or it may be reserved for consideration. In either event the board shall vote in public and it shall mail a written decision to the parties within fifteen days after the date of the conference or as soon thereafter as practical. The written decision of the board shall explain the basis for the decision. It shall also identify the panel members who voted in favor of the decision and those, if any, who voted against it. The written decision shall state that if the decision is not appealed it must be certified to the county auditor for entry upon the property tax assessment rolls or tax duplicate and inform the parties of their right to request a contested case hearing before the Administrative Law Court.

The board may change assessments of the county auditor or county assessor for only the current year appealed from unless otherwise authorized by law and agreed to by the county auditor or county assessor. Each change shall be certified by the board to the county auditor or county assessor and shall be adopted by him/her for the purpose of taxation for the year appealed from. The Board of Assessment Appeals shall not make a final determination of any

assessment until the auditor or county assessor has been given an opportunity to present his/her justification for the assessment.

SECTION 4. Officers

The Board of Assessment Appeals shall meet and elect a chairperson, a vice-chairperson and secretary. The secretary is for succession purposes only. Additionally, each hearing panel shall have a chairperson appointed by the chairperson of the Board of Assessment Appeals for purposes of ensuring the efficient conduct of each hearing.

SECTION 5. Minutes of meetings

Minutes shall be taken of all conferences of the Board of Assessment Appeals by the board's administrative assistant. The minutes shall be a matter of public record. A copy of the minutes of the board duly certified by the secretary shall be sent to the county auditor and the county assessor. In lieu of a copy of certified minutes, an audio or video recording of the meeting may be substituted so long as a copy of the recording is made available to the auditor, the assessor, the tax collector, and the general public.

SECTION 6. Availability of auditor's and assessor's records; attendance of auditor or assessor at meetings

The records of the county auditor's office and the county assessor's office shall be available to the board and the board may request the presence of the county auditor or county assessor at any of their meetings.

SECTION 7. Taxpayer's, property owner's right to appeal decisions

The right is reserved to any property owner, taxpayer or his agent to appeal the decision of the Beaufort County Board of Assessment Appeals to the South Carolina Administrative Law Court for such relief as may be available to him/her under the general law.

Adopted this _____ day of _____, 2016.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, County Attorney

ATTEST:

Ashley M. Bennett, Clerk to Council

First Reading: September 12, 2016
Second Reading: September 26, 2016
Public Hearing:
Third and Final Reading:

ORDINANCE 2016/ ____

AN ORDINANCE TO APPROPRIATE FUNDS NOT TO EXCEED \$250,000 FROM THE 3% LOCAL ACCOMMODATIONS TAX FUNDS TO THE COUNTY GENERAL FUND FOR CONSTRUCTION OF THE SPANISH MOSS TRAIL – PHASE 7

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

WHEREAS, to complete the construction of the Spanish Moss Trail - Phase 7 project, funds not to exceed \$250,000.00 are required; and

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

NOW, THEREFORE, BE IT ORDAINED by Beaufort County Council that a transfer in the amount of \$250,000.00 is hereby authorized from the 3% Local Accommodations Tax Fund to the General Fund for the purpose of constructing the Spanish Moss Trail – Phase 7.

Adopted this ____ day of _____, 2016.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, County Attorney

ATTEST:

Ashley M. Bennett, Clerk to Council

First Reading: September 12, 2016
Second Reading: September 26, 2016
Public Hearing:
Third and Final Reading: