

COUNTY COUNCIL OF BEAUFORT COUNTY

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D. PAUL SOMMERVILLE
CHAIRMAN

STEWART H. RODMAN
VICE CHAIRMAN

COUNCIL MEMBERS

CYNTHIA M. BENSCH
RICK CAPORALE
GERALD DAWSON
BRIAN E. FLEWELLING
STEVEN G. FOBES
WILLIAM L. MCBRIDE
GERALD W. STEWART
ROBERTS "TABOR" VAUX, JR
LAURA L. VON HARTEN

GARY KUBIC
COUNTY ADMINISTRATOR

BRYAN J. HILL
DEPUTY COUNTY ADMINISTRATOR

JOSHUA A. GRUBER
COUNTY ATTORNEY

SUZANNE M. RAINEY
CLERK TO COUNCIL

AGENDA COUNTY COUNCIL OF BEAUFORT COUNTY

Monday, January 13, 2014

4:00 p.m.

Council Chambers, Administration Building
Government Center, 100 Ribaut Road, Beaufort

Citizens may participate in the public comment periods and public hearings from telecast sites at the Hilton Head Island Branch Library as well as Mary Field School, Daufuskie Island.

1. CAUCUS - 4:00 P.M.
 - A. Discussion of Consent Agenda
 - B. Executive Session
 1. Discussion of negotiations incident to proposed contractual arrangements and proposed purchase of property;
 2. Receipt of legal advice relating to pending and potential claims covered by the attorney-client privilege
 - C. Discussion is not limited to agenda items
2. REGULAR MEETING - 5:00 P.M.
3. CALL TO ORDER
4. PLEDGE OF ALLEGIANCE
5. INVOCATION – Councilman Gerald Dawson
6. ADMINISTRATIVE CONSENT AGENDA
 - A. Approval of Minutes – December 9, 2013 ([backup](#))
 - B. Receipt of County Administrator's Five-Week Progress Report ([backup](#))
 - C. Receipt of Deputy County Administrator's Five-Week Progress Report ([backup](#))
 - D. Committee Reports (next meeting)
 1. Community Services (January 27, 2:00 p.m., ECR)
 2. Finance (January 21 at 2:00 p.m., BIV)
 - a. January 6, 2014 minutes (reference Agenda items 10A and 10B) ([backup](#))
 - b. January 6, 2014 minutes ([backup](#))



3. Governmental (February 3 at 4:00 p.m., ECR)
 - a. January 6, 2014 minutes (reference Agenda item 10E) ([backup](#))
4. Natural Resources (February 3 at 2:00 p.m., ECR)
 - a. January 6, 2014 minutes ([backup](#))
 - b. December 9, 2013 minutes (reference Agenda items 10C and 10D) ([backup](#))
5. Public Facilities (January 21 at 4:00 p.m., BIV)
 - a. December 16, 2013 minutes ([backup](#))

7. PUBLIC COMMENT

8. COUNTY ADMINISTRATOR'S REPORT

Mr. Gary Kubic, County Administrator

A. The County Channel / Broadcast Services

B. Photographers' Recognition / 2014 Beaufort County Land Preservation Calendar ([backup](#))

C. Update / Beaufort/Jasper/Hampton Comprehensive Health Program

9. DEPUTY COUNTY ADMINISTRATOR'S REPORT

Mr. Bryan Hill, Deputy County Administrator

A. Construction Project Updates

Mr. Rob McFee, Division-Director Engineering and Infrastructure

1. One Cent Sales Tax Referendum Projects:

A. U.S. Highway 278

B. S.C. Highway 170

C. Bluffton Parkway 5A

D. Island West Frontage Road

2. Capital Improvement Projects:

A. Courthouse Reskin Project

B. Coroner's Facility

B. Presentation / FY 2013 Comprehensive Annual Financial Report (CAFR)

Mrs. Alicia Holland, Chief Financial Officer

10. CONSENT AGENDA

A. AN ORDINANCE TO AMEND SECTIONS 2-509 AND 2-512 OF THE BEAUFORT COUNTY CODE OF ORDINANCES SO AS TO EFFECT CHANGES TO THE BEAUFORT COUNTY PURCHASING ORDINANCE ([backup](#))

1. Consideration of first reading approval to occur January 13, 2014

2. Finance Committee discussion and recommendation to approve occurred January 6, 2014 / Vote 5:1

B. AN ORDINANCE TO AMEND ORDINANCE 2004-36 TO ESTABLISH THE SALARIES FOR VARIOUS ELECTED AND APPOINTED OFFICIALS ([backup](#))

1. Consideration of first reading approval to occur January 13, 2014

2. Finance Committee discussion occurred January 6, 2014 / Vote 3:3

C. A RESOLUTION CREATING THE PASSIVE PARK ADVISORY BODY CONSISTING OF FIVE MEMBERS COMPRISED OF BUSINESS LEADERS AND CONCERNED CITIZENS WITH EXPERTISE IN LAND DEVELOPMENT, ENGINEERING, AND/OR CONSERVATION ([backup](#))

1. Natural Resources Committee discussion and recommendation to approve occurred January 6, 2014 / Vote 7:0

D. TEXT AMENDMENT TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE/ZDSO, ARTICLE VII, SEC. 106-1912. WATER DEPENDENT USES (ADDS STANDARDS TO ALLOW COMMERCIAL DOCKS FOR MARICULTURE USE) ([backup](#))

1. Consideration of first reading approval to occur January 13, 2014
2. Natural Resources Committee discussion and recommendation to approve occurred December 9, 2013 / Vote 7:0

E. MCNAIR LAW FIRM CONTRACT EXTENSION FOR PROVIDING LOBBYING EFFORTS AS IT RELATES TO THE EDUCATION FUNDING FORMULA ([backup](#))

1. Governmental Committee discussion and recommendation to approve occurred January 6, 2014 / Vote 7:0

11. ADOPTION OF 2014 CAUCUS AND REGULAR MEETING SCHEDULE ([backup](#))

12. ESTABLISHMENT OF HAWKERS' AND PEDDLERS' LICENSE FEES ([backup](#))

13. A RESOLUTION OF BEAUFORT COUNTY COUNCIL AUTHORIZING THE COUNTY ADMINISTRATOR TO MAKE AN ASSIGNMENT OF FUND BALANCE FOR PURPOSES OF GASB 54 ACCOUNTING COMPLIANCE

14. PUBLIC HEARINGS – 6:00 P.M.

A. SOUTHERN BEAUFORT COUNTY ZONING MAP AMENDMENT / REZONING REQUEST FOR R601 031 000 0048 0000 (1 ACRE AT THE NORTHWEST CORNER OF GOETHE ROAD AND BLUFFTON ROAD (S.C. HIGHWAY 46) FROM SUBURBAN (S) TO COMMERCIAL SUBURBAN (CS) ([backup](#))

1. Consideration of third and final reading approval to occur January 13, 2014
2. Second reading approval occurred December 9, 2013 / Vote 11:0
3. Consideration of first reading approval occurred November 18, 2013 / Vote 11:0
4. Natural Resources Committee discussion and recommendation to approve occurred November 5, 2013 / Vote 5:0

B. TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE/ZDSO, ARTICLE V. USE REGULATIONS, TABLE 106-1098. LIGHT INDUSTRY USES, AND SECTION 106-1359 AND SECTION 106-1366, LIMITED AND SPECIAL USE STANDARDS (ADDS LIGHT INDUSTRIAL AND WAREHOUSING / DISTRIBUTION AS ALLOWED USE IN COMMERCIAL REGIONAL DISTRICTS AND ESTABLISHES LIMITED STANDARDS FOR THESE USES) ([backup](#))

1. Consideration of third and final reading approval to occur January 13, 2014

2. Second reading approval occurred December 9, 2013 Vote / 11:0
3. Consideration of first reading approval occurred November 18, 2013 / Vote 11:0
4. Natural Resources Committee discussion and recommendation to approve occurred November 5, 2013 / Vote 5:0

15. PUBLIC COMMENT

16. ADJOURNMENT

Official Proceedings
County Council of Beaufort County
December 9, 2013

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

CAUCUS

A caucus of the County Council of Beaufort County was held at 4:00 p.m., Monday, December 9, 2013 in the Executive Conference Room of the Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

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

PLEDGE OF ALLEGIANCE

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

DISCUSSION ITEMS

During regular session, Council will consider first reading approval of consent agenda items F, G, and H prior to review by the appropriate Committee.

CALL FOR EXECUTIVE SESSION

It was moved by Mr. Flewelling, seconded by Mr. Fobes, that Council go immediately into executive session to receive information regarding negotiations incident to proposed contractual arrangements and proposed purchase of property; receipt of legal advice relating to pending and potential claims covered by the attorney-client privilege; and discussion of employment, appointment, compensation, promotion, demotion and discipline or release of an employee a student or a person regulated by a public body or the appointment of a person to a public body. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. The motion passed.

Mr. Vaux recused himself, left the room, and was not present for any of the discussion regarding negotiations incident to proposed contractual arrangements.

EXECUTIVE SESSION

REGULAR SESSION

Mr. Vaux reentered the room.

The regular meeting of the County Council of Beaufort County was held at 5:00 p.m., Monday, December 9, 2013 in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

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

PLEDGE OF ALLEGIANCE

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

INVOCATION

Chairman Sommerville gave the Invocation.

SANTA’S BLESSED HELPERS

Mr. Gary Kubic, County Administrator, stated that several years ago we started a tradition on the last meeting of the calendar year to celebrate the holiday season and to remind us of the many blessings we all share as a community or individuals. Mrs. Mitzi Wagner, Disabilities and Special Needs Director, recognized the clients, who hand-painted a gourd for each member of Council.

The Chairman passed the gavel to the Vice Chairman in order to receive the administrative consent agenda.

ADMINISTRATIVE CONSENT AGENDA

Review of Proceedings of the Regular Meeting held November 18, 2013

This item comes before Council under the Administrative Consent Agenda

It was moved by Mr. Flewelling, seconded by Mr. Caporale, that Council approve the minutes of the regular meeting held November 18, 2013. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. The motion passed.

County Administrator's Three-Week Progress Report

This item comes before Council under the Administrative Consent Agenda.

Mr. Gary Kubic, County Administrator, presented his Three-Week Progress Report, which summarized his activities from November 18, 2013 through December 6, 2013.

Deputy County Administrator's Three-Week Progress Report

This item comes before Council under the Administrative Consent Agenda.

Mr. Bryan Hill, Deputy County Administrator, presented his Three-Week Progress Report, which summarized his activities from November 18, 2013 through December 6, 2013.

Appointments to Boards and Commissions

This item comes before Council under the Administrative Consent Agenda.

Community Services Committee

Beaufort Memorial Hospital Board

Dr. Patricia Thompson

The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. Dr. Thompson garnered the ten votes required to reappoint.

Committee Reports

Governmental Committee

Mr. Stewart, Governmental Committee Chairman, announced Council would receive public input regarding the current business license fee structure at a work session on Wednesday, January 29, 2014 beginning at 6:00 p.m. in Council Chambers of the Administration Building.

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

PUBLIC COMMENT

The Chairman recognized Ms. Delilah Mendes, a resident of St. Helena Island, who owns a small plant farm on Sea Island Parkway, was unable to pay her 2012 property taxes. The 2013 property tax lien is \$605.00, but the interest is \$750.00 because the tax sale bidder bid \$6,250 on

her \$605 tax lien. Unfortunately, the 12% interest rate applies to the bid amount, not the tax lien. Please reduce the interest rate.

Mr. John Moore, a resident of St. Helena Island, said his 4% property tax bill (home, 4.81 acres, and a muddy dirt road with two ditches) is \$3,260.82. Yet, two other parcels he owns, one on St. Helena Island increased 101% and the other on Hilton Head Island decreased 45%. We need a tax relief proposition on the November 2014 ballot.

Mr. Jim Bequette, a resident of Lady's Island, commented on the possible five-month reserve policy, which is 42% or approximately \$42,000,000 of the general fund. He referred to a 2009 Letter to the Editor from Councilman Stu Rodman that says, "The School District reserve has increased from \$13 million to more than \$30,000,000 over the last two years due to a favorable ruling from the state on sales tax distributions and solid cost reduction by the district staff." That is 17.9%, not 42%. The same article says the School District only needs 10%, not 42%.

Dr. Chris Marsh, Executive Director of the Lowcountry Institute, shared his opinion about the ecological importance of the Graves property, which is located on the headwaters of the Okatie River.

Mr. Glen McCaskey, a resident of Hilton Head Island, encouraged Council to purchase the Graves property, which will benefit the entire County. It is a special resource both environmentally and recreationally.

RECESS

Holiday Tree Lighting

Council recessed at 5:30 p.m. in order to attend the annual holiday tree lighting event held at the main entrance to the Administration Building.

COUNTY ADMINISTRATOR'S REPORT

The County Channel / Broadcast Services Update

Mr. Gary Kubie, County Administrator, said The County Channel has all programs, events and meetings available to watch online, on-demand at www.bcgov.net. The County Channel was out again this year for the Holiday Festivities in Bluffton. Broadcast Manager Scott Grooms and Public Information Officer Joy Nelson emceed the annual Bluffton Christmas Parade.

The County Channel covered the annual winter concert performed by the Beaufort High School Voices choir. The concert was taped live on location at the Beaufort High School Performing Arts Center.

Beaufort County EMS recently purchased 10 additional LUCAS Chest Compression units, bringing the grand total to 12. These units aid in CPR during the case of a cardiac arrest. The County Channel produced a short video to explain more about how these devices work.

Unveiling of 2014 Beaufort County Land Preservation Calendar

Mr. Gary Kubic, County Administrator, said the 2014 Beaufort County Calendars are available now. The theme this year, “The Sky’s the Limit,” features photos inspired by the Beaufort County Seal. We had some outstanding entries this year. Our County Channel team and Ms. Monica Spells, Compliance Officer, have created a short promotional video, which features some of the winning photographs.

CONSENT AGENDA

SOUTHERN BEAUFORT COUNTY ZONING MAP AMENDMENT / REZONING REQUEST FOR R601 031 000 0048 0000 (1 ACRE AT THE NORTHWEST CORNER OF GOETHE ROAD AND BLUFFTON ROAD (S.C. HIGHWAY 46) FROM SUBURBAN (S) TO COMMERCIAL SUBURBAN (CS)

This item comes before Council under the Consent Agenda. Discussion occurred at the November 5, 2013 meeting of the Natural Resources Committee.

It was moved by Mr. Flewelling, seconded by Mr. Rodman, that Council approve on second reading a Southern Beaufort County Zoning Map Amendment / Rezoning Request R601 031 000 0048 0000 (1 acre at the northwest corner of Goethe Road and Bluffton Road (S.C. Highway 46) from Suburban (S) to Commercial Suburban (CS). The vote: YEAS - Mrs. Bensch, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. NAYS – Mr. Caporale. The motion passed.

TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE/ZDSO, ARTICLE V. USE REGULATIONS, TABLE 106-1098. LIGHT INDUSTRY USES, AND SECTION 106-1359 AND SECTION 106-1366, LIMITED AND SPECIAL USE STANDARDS (ADDS LIGHT INDUSTRIAL AND WAREHOUSING / DISTRIBUTION AS ALLOWED USE IN COMMERCIAL REGIONAL DISTRICTS AND ESTABLISHES LIMITED STANDARDS FOR THESE USES)

This item comes before Council under the Consent Agenda. Discussion occurred at the November 5, 2013 meeting of the Natural Resources Committee.

It was moved by Mr. Flewelling, seconded by Mr. Rodman, that Council approve on second reading text amendments to the Beaufort County Zoning and Development Standards Ordinance/ZDSO, Article V. Use Regulations, Table 106-1098. Light Industry Uses, and Section 106-1359 and Section 106-1366, Limited and Special Use Standards (adds light industrial and warehousing / distribution as allowed use in commercial regional districts and

establishes limited standards for these uses.) The vote: YEAS - Mrs. Bensch, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. NAYS – Mr. Caporale. The motion passed.

COURTHOUSE AND HILTON HEAD ISLAND BRANCH LIBRARY AUDIO VISUAL RENOVATION

This item comes before Council under the Consent Agenda. Discussion occurred at the December 2, 2013 meeting of the Finance Committee.

It was moved by Mr. Flewelling, seconded by Mr. Rodman, that Council award a contract to SVI-SPL, Greensboro, North Carolina in the amount of \$272,799 for the Beaufort County Courthouse and the Hilton Head Island Branch Library Audio Visual Renovation Project. Funding will come from the following accounts: 10001030-54200, General Fund, Clerk of Court, Specialized Capital Equipment; 26000011-54200, Hilton Head Library Impact Fees, Specialized Capital Equipment; and 10001620-54200, General Fund, Library Administration, Specialized Capital Equipment. The vote: YEAS - Mrs. Bensch, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. NAYS – Mr. Caporale. The motion passed.

TIME AND ATTENDANCE SOFTWARE AND EQUIPMENT SERVICES FOR BEAUFORT COUNTY

This item comes before Council under the Consent Agenda. Discussion occurred at the December 2, 2013 meeting of the Finance Committee.

It was moved by Mr. Flewelling, seconded by Mr. Rodman, that Council award a contract to Andrews Technology, Wilmington, North Carolina in the amount of \$449,180 (total 5 year cost) for time and attendance software and equipment for Beaufort County. Funding will come from the following accounts: 40040011-54114, 2005 GO Bonds, Munis Upgrades; and 10001160-54110, General Fund, Employee Services, Data Processing Equipment. The vote: YEAS - Mrs. Bensch, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. NAYS – Mr. Caporale. The motion passed.

SOUTH CAROLINA JUDICIAL DEPARTMENT COURT CASE MANAGEMENT SYSTEM SUPPORT CONTRACT RENEWAL

This item comes before Council under the Consent Agenda. Discussion occurred at the December 2, 2013 meeting of the Finance Committee.

It was moved by Mr. Flewelling, seconded by Mr. Rodman, that Council renew a contract with South Carolina Judicial Department in the amount of \$60,000 for Statewide Court Case Management System Software support and hosting services. Funding will come from the following accounts: 10001030-51110, Clerk of Court, Maintenance Contracts; 10001081-51110, Magistrate – Beaufort, Maintenance Contracts; 10001082-51110, Magistrate – Bluffton,

Maintenance Contracts; and 10001085-51110, Magistrate – Bond Court, Maintenance Contracts. The vote: YEAS - Mrs. Bensch, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. NAYS – Mr. Caporale. The motion passed.

AN ORDINANCE TO ESTABLISH A GENERAL FUND RESERVE POLICY FOR BEAUFORT COUNTY, SOUTH CAROLINA

Mr. Rodman proposed that Council consider changing its process of ordinance passage from the appropriate Committee discussing an item first to Council considering first reading and then referring the issue back to Committee. Members of Council were not receptive to changing the process.

The Chairman referred the ordinance back to the Finance Committee without Council objection.

AN ORDINANCE TO AMEND SECTIONS 2-509 AND 2-512 OF THE BEAUFORT COUNTY CODE OF ORDINANCES SO AS TO EFFECT CHANGES TO THE BEAUFORT COUNTY PURCHASING ORDINANCE

Mr. Rodman proposed that Council consider changing its process of ordinance passage from the appropriate Committee discussing an item first to Council considering first reading and then referring the issue back to Committee. Members of Council were not receptive to changing the process.

The Chairman referred the ordinance back to the Finance Committee without Council objection.

AN ORDINANCE TO AMEND ORDINANCE 2004-36 TO ESTABLISH THE SALARIES FOR VARIOUS ELECTED AND APPOINTED OFFICIALS

Mr. Rodman proposed that Council consider changing its process of ordinance passage from the appropriate Committee discussing an item first to Council considering first reading and then referring the issue back to Committee. Members of Council were not receptive to changing the process.

The Chairman referred the ordinance back to the Finance Committee without Council objection.

CONSIDERATION OF A FUNDING REQUEST FOR THE BEAUFORT REGIONAL AND HILTON HEAD ISLAND/BLUFFTON CHAMBERS OF COMMERCE FOR ADDITIONAL FUNDING FOR THE UNINCORPORATED AREAS OF BEAUFORT COUNTY

The South Carolina Department Revenue (SCDOR) erroneously credited Beaufort Regional Chamber of Commerce for commercial properties that were, in fact, located on Hilton Head Island. The Beaufort Regional and Hilton Head Island/Bluffton Chambers are saying that they

have a major shortfall against programs that have been committed that affect the spring tourism in the unincorporated part of the County.

In the past Beaufort Regional Chamber collected between \$750,000 and \$1,000,000 that they were not entitled to receive through an error on the SCDOR. SCDOR is going through and making a correction going forward; but what we do not know, is how much they are going to claw back between the \$750,000 and \$1,000,000 that was the “windfall” to the unincorporated part of the County.

Beaufort Regional Chamber is taking a hit of some magnitude and the reason for this is that certain commercial properties, credited in the past, turned out to be Hilton Head Island properties. The Hilton Head Island/Bluffton Chamber, which is a hydra, because it serves Daufuskie Island, greater Bluffton and unincorporated Beaufort County, is going to use these “windfall” dollars to market those areas.

It was moved by Mr. Flewelling, seconded by Mr. Caporale, that Council underwrite up to a maximum of \$140,000 to the Beaufort Regional Chamber of Commerce and \$140,000 to the Hilton Head Island/Bluffton Chamber of Commerce to cover a loss of accommodations (2% state) tax revenue due to South Carolina Department Revenue erroneously crediting Beaufort Regional Chamber for commercial properties that were, in fact, located on Hilton Head Island. This is a one-year appropriation to allow the Chambers to continue their marketing programs. Further, they would only draw on that amount, to the extent that they needed it for cash flow purposes, and that they did not get more from the state. If they were getting more along the way, it would reduce the amount Council would have to pay. The County’s maximum exposure is \$224,000 given that each Chamber has received \$28,000 thus far. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Flewelling, Mr. Rodman, Mr. Sommerville, Mr. Vaux and Ms. Von Harten. NAYS – Mr. Dawson, Mr. Fobes, Mr. McBride and Mr. Stewart. The motion passed.

PUBLIC HEARINGS

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN ASSIGNMENT OF AN EASEMENT OWNED BY BEAUFORT COUNTY FOR THE CONSTRUCTION AND MAINTENANCE OF A ROADWAY IDENTIFIED AS BOWLING LANE AND ANY RIGHTS TO UNPAVED ROADWAYS EXTENDING THEREFROM

The Chairman opened a public hearing beginning at 6:07 p.m. for the purpose of receiving information from the public regarding an ordinance authorizing the execution and delivery of an assignment of an easement owned by Beaufort County for the construction and maintenance of a roadway identified as Bowling Lane and any rights to unpaved roadways extending therefrom. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:08 p.m.

It was moved by Mr. Flewelling, seconded by Mrs. Bensch, that Council approve on third and final reading an ordinance authorizing the execution and delivery of an assignment of an easement owned by Beaufort County for the construction and maintenance of a roadway

identified as Bowling Lane and any rights to unpaved roadways extending therefrom. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. The motion passed.

AN ORDINANCE AUTHORIZING ISSUANCE OF AN EASEMENT TO PALMETTO ELECTRIC COOPERATIVE UTILITY ON COUNTY PROPERTY

The Chairman opened a public hearing beginning at 6:09 p.m. for the purpose of receiving information from the public regarding an ordinance authorizing the execution and delivery of an easement encumbering property owned by Beaufort County, South Carolina to Palmetto Electric Cooperative Utility. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:10 p.m.

It was moved by Mr. Flewelling, seconded by Mrs. Bensch, that Council approve on third and final reading an ordinance authorizing the execution and delivery of an easement encumbering property owned by Beaufort County, South Carolina to Palmetto Electric Cooperative Utility. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. The motion passed.

MOTION TO CONSIDER THE GRAVES COUNTEROFFER

Mr. Vaux, recused himself, left the room, and was not present for any of the discussion regarding the potential purchase of Pepper Hall Plantation.

It was moved by Mr. Rodman, seconded by Mr. Flewelling, that Council discuss and consider the counter offer from the Graves Family on Pepper Hall Plantation, commonly known as the Graves Property or, in some cases, the horse farm on US Highway 278.

Mr. Rodman and Mr. Flewelling agreed to withdraw the motion.

MOTION TO WAIVE EXECUTIVE PRIVILEGE

Motion to waive executive privilege: It was moved by Mr. Rodman, seconded by Mr. Flewelling, that Council waive executive privilege with respect to matters discussed in executive session pertaining to the purchase of Pepper Hall Plantation, commonly known as the Graves Property or, in some cases, the horse farm on US Highway 278. The vote: YEAS - Mr. Caporale, Mr. Flewelling, Mr. Rodman and Ms. Von Harten. NAYS – Mrs. Bensch, Mr. Dawson, Mr. McBride, Mr. Fobes, Mr. Sommerville and Mr. Stewart. RECUSAL - Mr. Vaux recused himself, left the room, and was not present for any of the discussion regarding a potential purchase of Pepper Hall Plantation. The motion failed.

CALL FOR EXECUTIVE SESSION

Mr. Vaux recused himself, left the room, and was not present for any of the discussion regarding negotiations incident to proposed contractual arrangements.

It was moved by Mr. Stewart, seconded by Mr. Fobes, that Council go immediately into executive session to receive information regarding negotiations incident to proposed contractual arrangements and proposed purchase of property. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. RECUSAL - Mr. Vaux recused himself, left the room, and was not present for any of the discussion regarding a potential purchase of Pepper Hall Plantation. The motion passed.

EXECUTIVE SESSION

RECONVENE OF REGULAR SESSION

It was moved by Mr. Stewart, seconded by Mrs. Bensch, that Council purchase an 18-acre buffer along the Okatie River for \$4,000,000 from Rural and Critical Lands Preservation Program with \$500,000 from the general fund for an option to purchase the remaining 84 acres for \$12,000,000 with an 18-month option period on those 84 acres. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Flewelling, Mr. Fobes, Mr. Rodman, Mr. Stewart and Ms. Von Harten. NAYS – Mr. Dawson, Mr. McBride and Mr. Sommerville. RECUSAL - Mr. Vaux recused himself, left the room, and was not present for any of the discussion regarding a potential purchase of Pepper Hall Plantation. The motion passed.

Mr. Vaux reentered the room.

It was moved by Mr. Dawson, seconded by Ms. Von Harten, that Council approve the purchase of conservation easements for property located in Dale in partnership with MCAS Beaufort. The 300 acres more or less is located under the current Air Installation Compatible Use Zone (AICUZ). The property is identified as PIN: R700 046 000 0001 0000, R700 046 001A 0000, R700 046 000 0002 0000 for a total price of \$500,000 of which the County will pay 50% and the MCAS Beaufort will pay 50%. Acquisition will be made utilizing funds from the Rural and Critical Lands Preservation Program. The vote: YEAS – Mr. Dawson, Mr. Fobes, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. NAYS – Mrs. Bensch and Mr. Caporale. The motion passed.

PUBLIC COMMENT

The Chairman recognized Mr. James Scheider, speaking on behalf of the Graves Family, who stated that after a long, and, perhaps, tortuous process, he thanked Council for its cooperation and the Graves Family for essentially trying to meet everybody halfway.

ADJOURNMENT

Council adjourned at 7:40 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

ATTEST _____
Suzanne M. Rainey, Clerk to Council

Ratified:

DRAFT



Memorandum

DATE: January 10, 2014

TO: County Council

FROM: Gary Kubic, County Administrator *Gary Kubic*

SUBJ: County Administrator's Progress Report

The following is a summary of activities that took place December 9, 2013 through January 10, 2014:

December 9, 2013

- Employee orientation
- Staff conference call re: Hilton Head Island Airport Community Service Terminal Renovation / Motion for Reconsideration
- Meeting with Dick Stewart, President of 303 Associates
- Natural Resources Committee meeting
- Caucus
- County Council meeting

December 10, 2013

- Follow-up staff meeting to discuss creating a record keeping system for tracking reports for County Council
- Meeting with David Green, Director of Development & Operations, Osprey Village
- Meeting with Solicitor Duffie Stone re: Software Case Management Program

December 11, 2013

- Meeting with Brad Samuel of SCE&G
- Speak to Hilton Head Island-Bluffton Leadership class
- Meeting with Representative Weston Newton and SCDOT Commissioner Craig Forrest re: Windmill Harbour Safety Enhancements
- Meeting with Town of Bluffton representatives, Representative Weston Newton, and Chairman Paul Sommerville re: SIB Application for Bluffton Parkway Phase 5B

December 12, 2013

- Meeting with Robert McFee, Division-Director of Engineering and Infrastructure; Greg Baish of Ward Edwards, and Tony Criscitiello, Division-Director of Planning and Development re: Buckingham Plantation Business Area - Update
- Meeting with Kim Statler, Executive Director of Lowcountry Economic Alliance re: Important LEA updates

December 13, 2013

- Follow-up Waste Management meeting with County staff and Jasper County representatives
- Meeting with Tom Miller
- Conference call with Attorney Walter Nester and David Oliver re: Jaz 278 Project

December 16, 2013

- Meeting with County Attorney Josh Gruber and Attorney Jim Scheider Re: Pepper Hall
- Public Facilities Committee meeting

December 17, 2013

- Building Codes Department IAS Accreditation Audit
- Meeting with Councilman Brian Flewelling and staff re: Discussion of proposal for handling Rural and Critical Lands properties

December 18, 2013

- Follow-up meeting with IAS Accreditation audit representative
- Meeting with Solicitor Duffie Stone re: Karpel Overview / Case Management System
- County Assessor Ed Hughes monthly meeting
- Joint Review Committee of Community Development Code meeting

December 19, 2013

- Meeting with Attorney Walter Nester, Lynn Murray and Shannon Bruning of McNair Law Firm re: 2014 Legislative Session / Beaufort Issues
- Meeting with Judy Elder and Carl Ellington of Talbert, Bright and Ellington Re: Airports
- Meeting with Dr. Jane Upshaw, Chancellor of USC-B and Bryan Hill, Deputy County Administrator

December 20, 2013

- PALS weekly meeting with Scott Marshall, Director of PALS and Bryan Hill, Deputy County Administrator
- Graves closing at Howell, Gibson and Hughes
- Conference call with Attorney Walter Nester, David Oliver, President of Jaz Management, and staff re: Bluffton Gateway project

December 23, 2013

- Personal leave

December 24 – 25, 2013

- Christmas holidays

December 26, 27, 30, & 31, 2013

- Personal leave

January 1, 2014

- New Year's holiday

January 2 & 3, 2014

- Personal leave

January 6, 2014

- Finance Sub-committee meeting
- Finance Committee Meeting
- Governmental Committee meeting
- Natural Resources Committee meeting

January 7, 2014

- Conference call with Dan Dennis, President of Dennis Corporation re: SIB Application

January 8, 2014

- Agenda review with Chairman, Vice Chairman and Executive Staff re: Review draft agenda for January 13th Council meeting
- Joint Review Committee of Community Development Code meeting

January 9, 2014


- Meeting with Scott Thompson, reporter, Bluffton Today re: County 2013 Year-End Review
- Emergency Communications Center update with Sheriff 's Office
- Legislative Delegation meeting

January 10, 2014

- Meeting with Greg Baisch, of Ward Edwards, and staff re: Update / Buckingham Plantation Business Area
- Meeting Tony Criscitiello, Division Director of Planning and Development, and Colin Kinton, Traffic Engineer re: Hilton Head National proposed development



Memorandum

DATE: January 10, 2013
TO: County Council
FROM: Bryan Hill, Deputy County Administrator 
SUBJECT: Deputy County Administrator's Progress Report

The following is a summary of activities that took place December 9, 2013 through January 10, 2014:

December 9, 2013 (Monday):

- Meet with Phil Foot, Public Safety Director
- Conference call re: HHI Airport Commercial Service Terminal Renovation/Motion for Reconsideration
- Prepare for County Council
- Natural Resources Committee Meeting
- County Council

December 10, 2013 (Tuesday):

- Meet with Major Allen and Lieutenant Grant
- Meet to Discuss "Creating a Recordkeeping System for Tracking Reports"
- Meet with SLED Agents

December 11, 2013 (Wednesday):

- Attend Staff Meeting at Detention Center
- Attend Bond Resizing Meeting with Alicia Holland, CFO, Jon Rembold, Airports Director and Mark Roseneau, Facilities Director
- Attend Broadcast Filming at HHI Airport

December 12, 2013 (Thursday)--Bluffton:

- Bluffton Hours

December 13, 2013 (Friday):

- PLD

December 16, 2013 (Monday)--Bluffton:

- Bluffton Hours A.M.
- Public Facilities Committee Meeting

December 17, 2013 (Tuesday):

- Telephone call with Jim Minor, Public Works Solid Waste
- Meet with Suzanne Gregory, Employee Services
- Meet with David Coleman, Engineering re: Project Updates
- Meet with Duffie Stone, Solicitor
- Meet with John Thompson, Fire Chief at Bluffton Fire District

December 18, 2013 (Wednesday)--Bluffton:

- Bluffton Hours

December 19, 2013 (Thursday)--Bluffton:

- Bluffton Hours
- Meet with Gary Kubic, County Administrator and Jane Upshaw, USCB

December 20, 2013 (Friday):

- Meet with Gary Kubic, County Administrator and Scott Marshall, PALS Director
- Meet with Alicia Holland, CFO
- Meet with Suzanne Gregory, Employee Services

December 23, 2013 (Monday):

- Meet with Jon Rembold, Airports Director
- Meet with Scott Marshall, PALS Director
- Meet with Suzanne Gregory, Employee Services
- Meet with Finance Candidate and Alicia Holland, CFO
- Visit Administration Building for Staff Support

December 24, 2013 (Tuesday)--CHRISTMAS EVE DAY:

- Closed

December 25, 2013 (Wednesday)--CHRISTMAS DAY:

- Closed

December 26, 2013 (Thursday):

- Work on Various Memos to Department Heads

December 27, 2013 (Friday):

- Visit Various County Departments

December 30, 2013 (Monday):

- Attend Shift Command at Detention Center
- Visit Various County Departments

December 31, 2013 (Tuesday):

- Work on County Reorganization

January 1, 2013 (Wednesday)--NEW YEARS DAY:

- Closed

January 2, 2013 (Thursday):

- Meet with Maria Walls, Treasurer's Office re: Fire Department Funding Requests
- Visit Various County Departments

January 3, 2013 (Friday)--Bluffton:

- Bluffton Hours

January 6, 2013 (Monday):

- Attend Town of Hilton Head Island Public Safety Meeting with Jim Minor, Solid Waste Director, Public Works
- Finance Subcommittee Meeting
- Finance Committee Meeting
- Governmental Committee Meeting
- Natural Resources Committee Meeting

January 7, 2013 (Tuesday)--Bluffton:

- Meet with Joshua Gruber, County Attorney and Joy Nelson, PIO
- Bluffton Hours

January 8, 2013 (Wednesday):

- Agenda Review
- Bluffton Hours - P.M.

January 9, 2013 (Thursday):

- Meet with George Hicks and Jesse Risher from USDA re: St. Helena Library Funding
- Meet with Alicia Holland re: St. Helena Library Funding
- Meet with Joshua Gruber, County Attorney re: Various Matters
- Meet with Rob McFee, Engineering & Infrastructure re: Various Matters

January 10, 2013 (Friday)--Bluffton:

- Bluffton Hours
- Meet with Duffie Stone, Solicitor

FINANCE COMMITTEE

January 6, 2014

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

The Finance Committee met Monday, January 6, 2014 at 1:00 p.m., in the Executive Conference Room, Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

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

County staff: Allison Coppage, Assistant County Attorney; Joshua Gruber, County Attorney; Bryan Hill, Deputy County Administrator; Alicia Holland, Chief Financial Officer; Gary Kubic, County Administrator; Lawrence McElynn, Chief Magistrate; Dan Morgan, MIS Director; Jon Rembold, Airports Director; and Dave Thomas, Purchasing Director.

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

Councilman Rodman chaired the meeting.

ANNOUNCEMENT

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

Announcement: Mr. Rodman announced that he would be stepping down from Chairman of the Finance Committee. After discussing the issue Chairman Sommerville, Mr. Caporale will serve as Chairman with Mr. Fobes as Vice Chairman.

ACTION ITEMS

- 1. An Ordinance to Amend Sections 2-509 and 2-512 of the Beaufort County Code of Ordinances so as to Effect Changes to Beaufort County Purchasing Ordinance**

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

Discussion: Committee Chairman Stu Rodman reviewed this item to the Committee.

Mr. Brian Flewelling expressed his desire to change the language in Section 2-509(d)(1) from “over \$5,000.00, but less than \$10,000” to “\$10,000 or less”.

Motion: It was moved by Mr. Flewelling, seconded by Mr. Fobes, that Finance Committee approve and recommend Council approve on first reading an ordinance to amend Sections 2-509 and 2-512 of the Beaufort County Code of Ordinances so as to effect changes to the Beaufort County Purchasing Ordinance.

Motion to amend by substitution: It was moved by Mr. Flewelling, seconded by Mr. Fobes, that Committee substitute “over \$5,000, but less than \$10,000” with “\$10,000 or less”. The vote: YEAS - Mr. Caporale, Mr. Flewelling, Mr. Fobes, Mr. Rodman, and Mr. Stewart. ABSTAIN – Mr. McBride. The motion passed.

Recommendation: Council approve on first reading an ordinance to amend Sections 2-509 and 2-512 of the Beaufort County Code of Ordinances so as to effect changes to the Beaufort County Purchasing Ordinance. Further, to substitute “over \$5,000.00, but less than \$10,000.00” with “\$10,000.00 or less”.

2. An Ordinance to Amend Ordinance 2004-36 to Establish the Salaries for Various Elected and Appointed Officials

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

Discussion: Committee Chairman Stu Rodman reviewed this item with the Committee and provided a handout relative to the Magistrate’s Compensation to include assumptions.

Motion: It was moved by Mr. Caporale, seconded by Mr. Fobes, that Finance Committee approve and recommend Council adopt an ordinance to amend Ordinance 2004-36 to Establish the Salaries for Various Elected and Appointed Officials. The vote: YEAS - Mr. Caporale, Mr. Mr. Fobes and Mr. Rodman. NAYS – Mr. Flewelling, Mr. McBride and Mr. Stewart. The motion failed.

INFORMATION ITEMS

3. An Ordinance to Establish a General Fund Reserve Policy for Beaufort County, South Carolina

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

Discussion: Committee Chairman Stu Rodman introduced this item to the Committee. Before the Committee is an ordinance to establish a Federal Fund Reserve Policy for Beaufort County, South Carolina, which states the desires of Council to maintain a fund balance of at least five months of anticipated total General Fund expenditures. He spoke about the County's fund reserve amounts relative to other governmental agencies. He explained to the Committee, that in the event of a disaster, the County is required to react quicker than other agencies. Mr. Rodman also expressed his reservation about this establishment of a Reserve Policy being implemented by ordinance, rather than resolution.

Mr. Stewart stated that resolutions are not law. Once passed, an ordinance can always be amended if necessary. He also informed the Committee that the County's bond counsel previously distinguished the difference between the County and other governmental agencies as it relates to fund balance amounts -- other agencies do not have to accrue expenses during an event of emergency, nor do they have the responsibilities to the degree of the County.

Deputy County Administrator Bryan Hill announced that bond counsel would speak to this issue at January 21, 2014 meeting of the Finance Committee.

Motion: It was moved by Mr. Flewelling, seconded by Mr. Stewart, that Finance Committee approve and recommend Council adopt an Ordinance to establish a General Fund Reserve Police for Beaufort County, South Carolina. Mr. Flewelling and Mr. Stewart withdrew the motion.

Status: This item will be discussed at a future meeting of the Finance Committee.

4. Hangar Lease Rate Increase at Hilton Head Island Airport / HXD

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

Discussion: Committee Chairman Stu Rodman reviewed this item with the Committee and distributed a handout prepared by the Chief Financial Officer.

Status: County staff will provide the Committee with additional information on the hangar expenses in comparison to the dollars received from the leases. This item will then come back before the Committee for further discussion.

FINANCE SUBCOMMITTEE

January 6, 2014

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

The Finance Subcommittee met Monday, January 6, 2014 at 12:00 p.m., in the Executive Conference Room, Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

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

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

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

Subcommittee Chairman Rick Caporale chaired the meeting.

INFORMATION ITEMS

1. Review / Recent Conversations with Mr. Rodman and Mr. Fobes

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

Discussion: Mr. Caporale reviewed the how, why and purpose of creating this Subcommittee.

Status: Information purposes only.

2. Subcommittee Perceived Goals

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

Discussion: Mr. Caporale stated the budget process begins at the Annual Retreat. This Subcommittee allows the opportunity to determine the questions Council would like answered.

Status: Information purposes only.

3. Brief Discussion on Ideas Submitted to Date / Open Discussion about those Ideas and Where we go From Here

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

Discussion: Mr. Caporale presented a handout showing Mr. Fobes' ideas relating to a set format for reporting budgetary numbers.

Mr. Fobes raised the following questions for the Subcommittee to consider:

- What level of detail does Council want per department?
- Does Council want additional information for sizable departments and Elected Officials?

Mr. Stewart feels Council should look at the bigger picture rather than delve into details. He would prefer to look at information in the form of graphs with trends, rather than numbers.

Mr. Kubic, County Administrator, shared his ideas:

- Change the budget spreadsheet to include authorized strength, plus funded vacancies
- Add a spreadsheet for debt
- Establishment of current debt voted / un-voted, then a 5-year and 10-year outlook
- Include salaries / benefits / workers compensation totals

Mr. Rodman mentioned his ideas:

- The budget format would provide better visibility with actual not budgeted numbers
- The percentages would work well for year-to-date data
- Take a broader look at the total impact on taxpayers
- Spend additional time for presentation of larger departments' budgets

Mr. Caporale inquired as to how to come up with a format for elected officials.

Mr. Stewart wanted to know how much data actually comes from the elected officials' offices, and how much from County staff.

Chief Financial Officer Alicia Holland remarked that with the new process implemented FY 2013 -- requiring each department to input their own data into Munis -- it would just be a matter of pulling data. Deputy County Administrator Bryan Hill added that excludes the Public Defender and the Solicitor whom do not have budgetary backup.

Status: Information purposes only.

4. Information Tracking Project / New Format

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

Discussion: County Administrator Gary Kubic introduced Ms. Suzanne Rainey, Clerk to Council, who presented an information tracking system streamlining the process of providing all package data and information to Council and staff, plus increasing transparency to the public.

Status: Information purposes only.

DRAFT

GOVERNMENTAL COMMITTEE

January 6, 2014

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

The Governmental Committee met Monday, January 6, 2014, at 2:00 p.m. in the Executive Conference Room of the Administration Building, Beaufort, South Carolina.

ATTENDANCE

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

County Staff: Ben Boswell, Alliance for Human Services; Suzanne Cook, Sheriff's Office Financial Officer; Allison Coppage, Assistant County Attorney; Phil Foot, Division Director – Public Safety; Joshua Gruber, County Attorney; Bryan Hill, Deputy County Administrator; Meredith Irion, Legislative Delegation; Gary Kubic, County Administrator; Fred Leyda, Facilitator, Alliance for Human Services; and Dave Thomas, Purchasing Director.

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

Public: Connie Hipp, Executive Assistant, Lowcountry Economic Alliance; Dwight Hora, Lowcountry Economic Alliance; and Kim Statler, Executive Director, Lowcountry Economic Alliance.

Mr. Stewart chaired the meeting.

ACTION ITEM

- 1. McNair Law Firm Contract Extension for Providing Lobbying Efforts as it Relates to the Education Funding Formula**

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

Motion: It was moved by Mr. Caporale, seconded by Mr. Vaux, that Government Committee recommend Council renew a contract with the McNair Law Firm in the amount of \$50,000 contingent upon the Board of Education contracting with the firm for \$37,500. The

vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Stewart, Mr. Vaux and Ms. Von Harten. The motion passed.

Recommendation: Council renew a contract with the McNair Law Firm in the amount of \$50,000 contingent upon the Board of Education contracting with the firm for \$37,500.

INFORMATION ITEMS

2. Consideration of Contract Award / Sole Source Purchase of DNA Equipment from the FY 2013 JAG Forensic DNA Backlog Reduction Grant Program (< \$50,000)

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

Discussion: The Purchasing Department received a request from the Sheriff's Office to purchase DNA equipment and services from Qiagen, a sole source vendor. The purchase will cover the new robotic workstation/accessories, installation, validation support, training, and maintenance services for one year.

Funding will come from the 2013 JAG Forensic DNA Backlog Reduction Grant Program, account 27230011-54200, Specialized Capital Equipment.

Motion: It was moved by Ms. Von Harten, seconded by Mr. Flewelling, that Governmental Committee award a contract to Qiagen, Valencia, California, a sole source vendor, in the amount of \$38,144 to purchase DNA equipment for the Beaufort County Sheriff's Office. Funding will come from the 2013 JAG Forensic DNA Backlog Reduction Grant Program, account 27230011-54200, Specialized Capital Equipment. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Stewart, Mr. Vaux and Ms. Von Harten. The motion passed.

Status: Governmental Committee awarded a contract to Qiagen, Valencia, California, a sole source vendor, in the amount of \$38,144 to purchase DNA equipment for the Beaufort County Sheriff's Office. Funding will come from the 2013 JAG Forensic DNA Backlog Reduction Grant Program, account 27230011-54200, Specialized Capital Equipment.

3. Consideration of Contract Award / Sole Source Purchase of DNA Equipment, Software and Services from the 2013 JAG Forensic DNA Backlog Reduction Grant Program (< \$50,000)

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

Discussion: The Purchasing Department received a request from the Sheriff's Office to purchase DNA equipment, software and services from Life Technologies, Foster City,

California, a sole source vendor. The purchase will cover the software upgrade for current equipment, validation kits and new PCR System to include installation and training.

Funding will come from the 2013 JAG Forensic DNA Backlog Reduction Grant Program, account 27230011-54200, Specialized Capital Equipment.

Motion: It was moved by Mr. Flewelling, seconded by Mr. Caporale, that Governmental Committee award a contract to Life Technologies, Foster City, California, a sole source vendor, in the amount of \$33,336 for the purchase of DNA equipment, software and services for the Beaufort County Sheriff's Office. Funding will come from the 2013 JAG Forensic DNA Backlog Reduction Grant Program, account 27230011-54200 Specialized Capital Equipment. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Stewart, Mr. Vaux and Ms. Von Harten. The motion passed.

Status: Governmental Committee awarded a contract to Life Technologies, Foster City, California, a sole source vendor, in the amount of \$33,336 for the purchase of DNA equipment, software and services for the Beaufort County Sheriff's Office. Funding will come from the 2013 JAG Forensic DNA Backlog Reduction Grant Program, account 27230011-54200, Specialized Capital Equipment.

4. Introduction – Mrs. Meredith Irion, Beaufort County Legislative Delegation Office

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

Discussion: Mrs. Meredith Irion is the new liaison for the Beaufort County Legislative Delegation Office. Mrs. Irion, a native of Beaufort, has been employed two years with Beaufort County. Her duties include, but are not limited to, serving as the point of contact for members the Legislative Delegation, providing constituent and Notary services.

Status: Information only.

5. Discussion / Potential Issues for 2014 Referendum Ballot

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

Discussion: Mr. Stewart presented a list of potential items for a possible penny sales tax referendum discussed at the December 2, 2013 meeting of the Governmental Committee.

Economic Development Funds
Countywide WiFi
Industrial Park Development/ Infrastructure
Incubator Projects (with Mentor Corporations)

Ferry System
Beach Renourishment
Waterfront Park Development
Harbor Town Development
Boat Landings
Pathways
Bridges
Facilities for Special Event
 Tennis
 Archaeological Studies / Repository
 Use of Rural & Critical Lands / Observatory (wildlife, astronomy)
Business Meetings / Expos
Workforce Development
TCL and USCB Joint Projects (Enterprise Campus/Research Facilities)

Committee members brought forward other projects: sidewalks in rural areas, transfer stations, road projects and campus facilities infrastructure for north and south of the Board River.

Mr. Stewart advised that the February 3, 2014 committee would include input from area municipalities, USCB and the Technical College of the Lowcountry.

Status: Information only.

6. Discussion / South Carolina Work Ready Communities

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

Discussion: Mrs. Kim Statler, Executive Director, Lowcountry Economic Alliance, gave the committee a brief overview of the ACT Work Ready Communities (AWRC) initiative. ACT National Career Readiness Certificates (NCRCs) focus on certifying three essential skills – applied math, reading for information, and locating information. NCRC is an evidence-based credential that has been proven to predict work readiness and job performance. The predictive power applies to three key groups of people: new workers, transitioning workers and individuals who already have jobs. The program will give counties a readily available workforce for businesses needing experience applicants. South Carolina is one of four states participating in the Workforce Investment Act (WIA) program.

Mrs. Statler is working with several organizations in Beaufort County to make the project, a joint and successful program for everyone involved. Local business partners include MCAS Beaufort, USC Beaufort, TLC Beaufort, and many other businesses and organizations.

Status: Information only.

7. Discussion / Transition Workforce Education Assistance Collaborative (TWEAC)

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

Discussion: The Transition Workforce Education Assistance Collaborative (TWEC) is a team of local government, education programs, industry and military installations. The purpose of the program is to recruit and train military personnel who are transitioning from the military workforce into the civilian workforce. Officials hope the education program will entice businesses by offering a pool of educated, prepared workers.

TWEAC is being used as a marketing labor tool to reinvent the workforce labor in Beaufort and surrounding counties. The essential plan is to make a readily available workforce team from exiting military personnel. Many military personnel are skilled in a certain area, but these skills may lack in the needed areas for businesses or organizations locally. Workers may have to reinvent themselves with skills to fit the need of large organizations such as Boeing or Gulf Stream that are located in the area. This marketing plan will possibly encourage other companies to consider locating their business to this area or surrounding counties.

Status: Information only.

NATURAL RESOURCES COMMITTEE

January 6, 2014

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

The Natural Resources Committee met Monday, January 6, 2014, beginning at 4:00 p.m. in the Executive Conference Room of the Administration Building, Beaufort, South Carolina.

ATTENDANCE

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

County Staff: Tony Criscitiello, Division Director – Planning and Development, Joshua Gruber, County Attorney; and Gary Kubic, County Administrator.

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

Public: Connie Barrett, Marine Corps Air Station Beaufort; Joe Barth, Highway 21 Drive-In Theatre; Patty Kennedy, Executive Director, Open Land Trust; Billy Keyserling, Realtor; Chris Lowe, Beaufort Liquidation; Jason Mann, Marine Corps Air Station Beaufort; David Tedder, lawyer; and Dave Wunder, Marine Corps Air Station Beaufort.

Mr. Flewelling chaired the meeting.

ACTION ITEMS

- 1. Text Amendment to the Beaufort County Zoning and Development Standards Ordinance/ZDSO, Article V. Use Regulations, Sec. 106-1287. Commercial Retail, Regional (Adds Standards to Allow Adaptive Re-Use of Light Industrial Properties)**

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

Motion: It was moved by Ms. Von Harten, seconded by Mrs. Bensch, that Natural Resources Committee approve and recommend Council approve on first reading a text amendment to the Beaufort County Zoning and Development Standards Ordinance/ZDSO, Article V. Use Regulations, Sec. 106-1287. Commercial Retail, Regional (adds standards to

allow adaptive re-use of light industrial properties). The vote: YEAS - Mrs. Bensch, Mr. Flewelling, Mr. McBride, Mr. Vaux, and Ms. Von Harten. NAYS - Mr. Dawson, Mr. Stewart and Mr. Sommerville. The motion passed.

Recommendation: Council approve on first reading a text amendment to the Beaufort County Zoning and Development Standards Ordinance/ZDSO, Article V. Use Regulations, Sec. 106-1287. Commercial Retail, Regional (adds standards to allow adaptive re-use of light industrial properties).

2. Rural and Critical Lands Program Passive Park Task Force Proposal

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

Discussion: Mr. Flewelling distributed a handout regarding the possible creation of a Passive Park Task Force. The task force would gather information on property purchased by the Rural and Critical Lands Program and opened to the public for passive or limited use.

The areas of concentration would include:

- Generate a prioritized list of properties purchased.
- Provide an estimate of the annual and recurring maintenance costs for each improvement and find potential sources of revenue to fund the maintenance.
- Oversee and guide the infrastructure improvements approved by Council and recommend a plan for administering oversight.

Motion: It was moved by Mrs. Von Harten, seconded by Mr. Vaux, that Natural Resources Committee approve and recommend Council adopt a resolution to create a Passive Park Advisory Board to provide information to Council and County Administration on property purchased, recurring maintenance, improvement and cost, revenue, funding and other areas of interest of the Rural and Critical Lands Program. The vote: YEAS - Mrs. Bensch, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Stewart, Mr. Sommerville, Mr. Vaux, and Ms. Von Harten. The motion passed.

Recommendation: Council adopt a resolution to create a Passive Park Advisory Board Force to provide information to Council and County Administration on property purchased, recurring maintenance improvement and cost, revenue, funding and other areas of interest of the Rural and Critical Lands Program.

NATURAL RESOURCES COMMITTEE

December 9, 2013

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

The Natural Resources Committee met Monday, December 9, 2013 beginning at 1:00 p.m. in the Executive Conference Room of the Administration Building, Beaufort, South Carolina.

ATTENDANCE

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

County Staff: Tony Criscitiello, Division Director – Planning and Development; Allison Coppage, Assistant County Attorney; Joshua Gruber, County Attorney; and Gary Kubic, County Administrator.

Media: Joe Croley, Hilton Head Island-Bluffton Chamber of Commerce.

Public: Reid Armstrong, Coastal Conservation League; Patty Kennedy, Executive Director, Open Land Trust; Lisa Lord, Stewardship Director, Open Land Trust; and David Tedder, lawyer.

Mr. Flewelling chaired the meeting.

ACTION ITEM

- 1. Text Amendment to the Beaufort County Zoning and Development Standards Ordinance/ZDSO, Article VII, Sec. 106-1912. Water Dependent Uses (adds Standards to Allow Commercial Docks for Mariculture Use); Applicant: Frank Roberts**

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

Motion: It was moved by Ms. Von Harten, seconded by Mrs. Bensch, that Natural Resources Committee approve and recommend Council approve on first reading a text amendment to the Beaufort County Zoning and Development Standards Ordinance/ZDSO, Article VII, Sec. 106-1912. Water Dependent Uses (adds standards to allow commercial docks for mariculture use). The vote: YEAS - Mrs. Bensch, Mr. Dawson, Mr. Flewelling, Mr.

McBride, Mr. Stewart, Mr. Sommerville and Ms. Von Harten. ABSENT – Mr. Vaux. The motion passed.

Recommendation: Council approve on first reading a text amendment to the Beaufort County Zoning and Development Standards Ordinance/ZDSO, Article VII, Sec. 106-1912. Water Dependent Uses (adds standards to allow commercial docks for mariculture use).

INFORMATION ITEMS

2. Text Amendment to the Beaufort County Zoning and Development Standards Ordinance/ZDSO, Article V. Use Regulations, Sec. 106-1287. Commercial Retail, Regional (adds Standards to Allow Adaptive Re-Use of Light Industrial Properties); Applicant: David Tedder

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

Discussion: Mr. Tony Criscitiello, Division Director – Planning and Development, briefed the Committee on a request to amend the Limited and Special Use Standards section of the ZDSO to allow regional commercial retail uses, including outdoor retail uses such as flea markets, to be approved for properties within the Light Industrial (LI) district that are developed but have been vacant for at least two years. The proposed changes are necessary to avoid the creation or continuation of blight caused by vacant properties.

The property is located in the MCAS Beaufort Overlay District. If approved, modifications are necessary to the current ordinance standards.

Status: Committee recommended delaying consideration of the text amendment for 30 days, pending receipt of further information.

3. Executive Session

Status: Committee members went into executive session to receive information regarding negotiations incident to proposed contractual arrangements and proposed purchase of property.

PUBLIC FACILITIES COMMITTEE

December 16, 2013

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

The Public Facilities Committee met on Monday, December 16, 2013 at 2:00 p.m., in the Conference Room of Building 2, Beaufort Industrial Village, 102 Industrial Village Road, Beaufort, South Carolina.

ATTENDANCE

Public Facilities Chairman Gerald Dawson and members Cynthia Bensch, Rick Caporale, Brian Flewelling, William McBride, Paul Sommerville and Gerald Stewart present. Vice Chairman Steve Fobes absent. (Paul Sommerville, as County Council Chairman, serves as an *ex-officio* member of each standing committee of Council and is entitled to vote.)

County staff: Allison Coppage, Assistant County Attorney; Joshua Gruber, County Attorney; Bryan Hill, Deputy County Administrator; Alicia Holland, Chief Financial Officer; Colin Kinton, Traffic-Transportation Engineer; Gary Kubic, County Administrator; and Rob McFee, Division Director—Engineering and Infrastructure.

Public: Don Newton, Daufuskie Island; Jean Newton, Daufuskie Island; and Robin Townsend, Daufuskie Island.

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

Mr. Dawson chaired the meeting.

INFORMATION ITEMS

1. Palmetto Electric Cooperative (PEC) Agreement for Bluffton Parkway Phase 5A Segment 2

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

Discussion: Beaufort County has received an agreement from Palmetto Electric Cooperative (PEC) for the relocation of their overhead electrical power lines located on the southern side of the Hilton Head Island causeway. The agreement will relocate PEC infrastructure as part of the construction of the Bluffton Parkway Phase 5A Segment 2 roadway/flyover bridges with a total estimated cost of \$267,150. Utility relocation costs for the Bluffton Parkway Phase 5 construction are paid for from sales tax project funds, account #33401-54500.

Status: Information only.

2. Change Order #4 for Bluffton Parkway Phase 5A Segment 2 Construction

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

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

As part of the construction of the flyover bridges, a test shaft is constructed to better analyze foundation performance with present soil conditions. Because of the test shaft load data, the design engineer and the construction manager have recommended that certain drill shafts be extended and/or lengthened. The contractor R. R. Dawson has provided Change Order #4 totaling \$482,201.85 for additional costs associated with the lengthening of the shafts. The extension of shafts is required to ensure safety and stability of the flyover bridge foundations. The project is funded by the 1% Sales Tax Referendum and \$15,000,000 from the 2012 Federal Highway Match administered by SCDOT.

Status: Information only.

3. Change Order #12 for SC Highway 170 Widening

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

Discussion: On July 23, 2012, Beaufort County Council awarded a contract to Cleland Site Prep, Inc., for the widening construction of SC 170 from US 278 (McGarvey's Corner) to SC 46. Total contract award was \$14,998,972.30. The original design was reviewed and approved by SCDOT.

Change Order #12 is submitted to cover the additional costs incurred by the contractor caused by the unforeseen delay on the issuing of the SCDHEC/OCRM Land Disturbance Permit. This permit had to be in place prior to the contractor commencing construction operations. Total value of Change Order #12 is \$59,683.56. This represents a contract increase of .4%.

This project is funded from the 1% Sales Tax Road Improvement Program, account 33403-54500. In February 2012, the South Carolina State Transportation Infrastructure Bank (SIB) had approved a grant funding up to \$24.9 million for this project. All construction costs to include change orders are reimbursable items by the SIB.

Mr. Gary Kubic, County Administrator, briefed the committee on the differences between the two projects. Mr. Kubic advised that Change Order #4, the bridge flyover, has a contingency

of \$4,000,000 for unforeseen changes, whereas, Change Order #12 does not and funds will have to be generated from the existing budget.

Status: Information only.

4. Daufuskie Island Ferry Service

Discussion: Mrs. Robin Townsend, a resident of Daufuskie Island, requested the committee transfer discussion of the Daufuskie Island ferry service from the Community Services Committee to the Public Facilities Committee.

Status: Information only.

DRAFT

































ORDINANCE NO. _____

**AN ORDINANCE TO AMEND SECTIONS 2-509 AND 2-512 OF THE BEAUFORT COUNTY
CODE OF ORDINANCES SO AS TO EFFECT CHANGES TO THE BEAUFORT COUNTY
PURCHASING ORDINANCE**

WHEREAS, Beaufort County is required to adopt competitive purchasing policies pursuant to South Carolina Code of Laws Section 11-35-50; and

WHEREAS, certain requirements and limitation contained within Beaufort County's Purchasing Ordinance have not been updated since the year 1999; and

WHEREAS, general increases in costs as well as the rate of economic inflation have created administrative inefficiencies in terms of contracting for goods and services thereby necessitating changes to the County's Purchasing Ordinance; and

WHEREAS, the constitutionally elected and appointed officials within Beaufort County have inherent authority to contract for goods and services so long as they remain compliant with all necessary competitive procurement regulations and do not exceed their annual fiscal appropriations provided to them by County Council; and

WHEREAS, it is now in the County's best interests to update its Purchasing Ordinance to reflect these changes.

NOW, THEREFORE, BE IT ORDAINED by Beaufort County Council that Sections 2-509 and 2-512 of the Beaufort County Purchasing Ordinance are hereby amended as follows:

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

Sec. 2-509. Authority and duties of purchasing director.

- (a) *Principal public procurement official.* The purchasing director shall serve as the principal public procurement official of the county and shall be responsible for the procurement of supplies, services, and construction in accordance with this division, as well as the management and disposal of supplies.
- (b) *Duties.* In accordance with this division, the purchasing director shall:
 - (1) *Purchase.* Purchase all supplies, materials, equipment, and contractual services required by county agencies and perform the purchasing-related functions required of the purchasing director in this division.

- (2) *Negotiate contracts.* Negotiate contracts for personal services and submit them for approval and award as provided in this division.
- (3) *Use standard specifications.* Use standard specifications wherever they are applicable to purchase orders and contracts, and ensure compliance with such specifications through adequate inspection of deliveries.
- (4) *Transfer between agencies.* Transfer between agencies supplies, materials, and equipment that are no longer needed by a holding agency but that can be used by the receiving agency.
- (5) *Exchange, trade in and sell.* Exchange, trade in or sell those supplies, materials and equipment which are surplus, obsolete or unused and which are found by the county administrator not to be required for public use.
- (6) *Develop standard forms and conditions.* Develop, with the approval of the county attorney as to legal sufficiency, standard forms and conditions of invitations to bid and purchase orders and contracts; develop and prescribe the use by agencies of other forms required in carrying out this division, and amend or eliminate any such forms.
- (7) *Acquire and dispose of real property.* Upon request of the county council and subject to its approval of each transaction, perform all delegable functions in connection with acquisition and disposal of real property.
- (8) *Perform other duties.* Perform other duties as assigned by the county administrator and comptroller.
- (c) *Operational procedures.* Consistent with this division, the purchasing director shall adopt operational procedures relating to the execution of his duties.
- (d) *Dollar limitations.* Provided that funds have been preapproved by the county council as part of the budget process, an award is made to the lowest responsive and responsible bidder, the contracting authority for the county, except as otherwise provided in section 2-512 pertaining to authority to contract for certain services, section 2-513 pertaining to exemption and section 2-514 pertaining to exemption for real property, shall be as follows:
 - (1) ~~Purchasing director or his designee, \$5,000.00 or less.~~

- (2) ~~(1)~~ ~~Comptroller or his designee, over \$5,000.00, but less than \$10,000.00.~~
Purchasing director, comptroller, chief financial officer, and deputy county administrator or his/her designee, \$10,000 or less.
- ~~(3)~~ ~~(2)~~ county administrator or his designee, over \$10,000.00, but less than ~~\$25,000.00~~
\$50,000.00.
- ~~(4)~~ ~~(3)~~ Council committee, over ~~\$25,000.00~~ **\$50,000.00**, but less than ~~\$50,000.00~~
\$100,000.00.
- ~~(5)~~ ~~(4)~~ The county council, ~~\$50,000.00~~ **\$100,000.00** and over.

(e) Elected and Appointed Officials. Provided that funds have been approved by the County Council as part of the annual budget appropriation process, and that any expenditure of funds regardless of the amount will not result in a budget deficit within any elected official's office, the Sheriff, Auditor, Treasurer, Clerk of Court, Coroner, Solicitor, Public Defender, Probate Judge, and Magistrates shall be exempt from the dollar limitations on expenditure authority identified above provided that they shall comply with all of provisions of competitive purchasing as may be required by South Carolina law and the Beaufort County Purchasing Ordinance. The County Council may request such reports and information as it deems necessary and prudent on the purchasing activities of these offices to ensure compliance with these provisions.

Sec. 2-512. Authority to contract for certain services.

- (a) *General authority.* Departments needing to procure the professional services of clergy, physicians, dentists or undertakers may do so on their own behalf subject to subsection 2-516(h).
- (b) *Contracts for legal services.* No contract for the services of legal counsel may be awarded without the approval of the county council **or the county administrator.**
- (c) *Auditing, consulting and other professional services.* Auditing, consulting and other professional services shall be procured in accordance with section 2-542.
- (d) *Fixed base operators, etc.* Contracts for fixed base operators and other private services operating on county airports shall be subject to the ordinance and the approval of the county council.

Adopted this ____ day of _____, 2014.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Joshua A. Gruber, Staff Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading:

Second Reading:

Public Hearing:

Third and Final Reading:

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA TO AMEND ORDINANCE NUMBER 2007/32 ESTABLISHING THE SALARIES FOR VARIOUS ELECTED AND APPOINTED OFFICIALS, SECTION 1 (EXCLUDES COUNTY COUNCIL MEMBERS).

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

WHEREAS, the County Council of Beaufort County now desires to establish an entry level salary for appointed Beaufort County magistrates; and

WHEREAS, An Ordinance is the mode prescribed by law to create a salary administration program for elected and appointed officials and to establish entry level salaries for each elected and appointed official listed in Paragraph A; and

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

NOW, THEREFORE, BE IT ORDAINED by County Council of Beaufort County in a meeting duly assembled, by their authority to create such a plan and the entry-level salaries for elected and appointed officials by Ordinance to read as follows:

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

~~SECTION 1.~~ VARIOUS ELECTED AND APPOINTED OFFICIALS (Excludes County Council Members)

A. Elected **and Appointed** Officials.

1. Auditor
2. Clerk of Court
3. Coroner
4. Probate Judge
5. Sheriff
6. Treasurer
- 7. Magistrate**

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

C. **Appointment to Unexpired Term.** A person who is appointed to fill an unexpired term of an official will, in accordance with State Law, be compensated at the same salary of the person who was holding the office, for the remainder of that unexpired term of office.

If the appointee is subsequently elected to the same office, his/her salary will revert to the entry-level salary of that particular office, shown in paragraphs D. and E. below, when his/her elected term of office becomes effective, plus a 5% election increase.

D. **Salary.** The entry salary for each elected official is hereby established:

- Auditor -\$55,638, which excludes any other stipend paid by the County and/or State.
- Clerk of Court -\$74,138, which excludes any other stipend paid by the County and/or State.
- Coroner - \$65,344
- Probate Judge - \$91,102, which excludes any other stipend paid by the County and/or State.
- Sheriff - \$95,072, which excludes any other stipend paid by the County and/or State.
- Treasurer - \$59,735, which excludes any other stipend paid by the County and/or State.
- **Magistrate – \$75,298, which excludes any other stipend paid by the County and/or State.**

The above entry level salaries were established using the average salaries of peer counties for each position, or the current Beaufort County salary, whichever was greater.

E. **Cost of Living.** At each instance of a cost of living allowance (COLA) pay increase awarded by the Beaufort County Council, after the enactment date of this ordinance, the entry level salary of each elected office list in paragraph D. above will be increased accordingly.

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

G. **County and/or State Salary Adjustments.** Each elected official shall receive the County's annual cost of living adjustment **if one is approved by Beaufort County Council for that fiscal year.**

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

This Ordinance shall become effective on the first full pay period in ~~September 2007~~ **February 2014.**

Adopted this ____ day of _____, 2014.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
D. Paul Sommerville, Chairman

REVIEWED AS TO FORM:

Joshua A. Gruber, County Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading: December 9, 2013

Second Reading:

Public Hearing:

Third and Final Reading:

Amending 2007/32, 2004/36, 98/14, 94/12, 94/10, 88/9
Resolution 1999/15

Talking Points on proposed ordinance to set minimum levels of salaries for Beaufort county magistrates

I. Statutory Authority for FTE and Funding for County Magistrates

1. Number of Full Time Equivalents (FTE) for Magistrate judges is set by South Carolina State statute: SC Code of Laws, §22-8-40 (C & D), which was adopted in 1988¹.
2. Minimum Compensation for Magistrates is set forth in a complicated stair-stepped calculation [§22-8-40 (B)], so that it takes four full years of service for a Magistrate to reach the actual minimum salary set by statute [§22-8-40 (B)(1)(e)]. For Beaufort County that statutory minimum is 55% of the salary for a circuit judge(based on the previous fiscal year). Thus, under the present system, Beaufort county Magistrates do not receive this statutory minimum until the beginning of their 5th year of service.
3. At present, pursuant to state statute Beaufort county is entitled to 9.8 Full Time Equivalents (FTE) Magistrates.
4. Of the 9.8 FTE Magistrates authorized by statute, Beaufort County has 12 Magistrates, with allocated hours as follows: 3 at 40; 2 at 39; 1 at 35; 2 at 30; 2 at 20; 1 at 11; 1 at 10.
5. In late 2013 one Magistrate retired, which accounts for approximately 38 authorized hours that are not currently allocated. With this retirement, there is one part-time vacancy that will likely be filled by Senatorial appointment sometime in 2014.
6. The next vacancy on the Bench will occur in mid-2015, when Judge Taub must retire upon reaching mandatory retirement age; this vacancy will likely be filled in 3rd or 4th quarter of CY 2015 (FY2016).
7. At present, there are unallocated funds previously authorized available in the Court's budget. These available funds in the Magistrate's budget resulted from the elimination of redundant or duplicative positions in 2013. What this means is that approval of the proposed ordinance will NOT require any new funds be allocated to the Magistrates' court budget. Only 4 Magistrates would be affected in FY2014 should this ordinance be adopted and the funds to underwrite this are already in the Court's budget and available.

¹ This statute was amended in 2000, but these changes did not affect the stair-stepped calculations for setting compensation. These have been in place for 25 years.

8. Similarly, only two (at most) Magistrates would be affected in FY 2014-5, since only two Magistrate positions will become available in 2014 and 2015, both of which will be part-time. These appointments will not require any appreciable increase in personnel funding for the court in either FY2015 or FY 2016.

II. Fairness Doctrine

1. In Beaufort county ordinance 2007/32, the county has set forth the elected and appointed officials for which the County sets minimum salaries (Section I, subsection A). These elected and appointed officials include: Auditor, Clerk of Court, Coroner, Probate Judge, Sheriff, and Treasurer. Magistrate judges are the only Beaufort County appointed or elected officials that are conspicuously absent from this list.
2. Subsection D of Ordinance 2007/32 has allowed Council to set minimum salaries for each of the aforementioned elected and appointed officials listed therein. In all cases where there are statutory minimums provided for the position, the Council has set minimum compensations that are in excess of the statutory minimum. Because Magistrates are the only positions absented from the list, the country has not set a minimum compensation above the statutory minimum for these important positions².
3. Council has rightly seen fit to increase salaries for elected and appointed Beaufort County officials above their statutory minimums. It is equally appropriate that they should do so for the Magistrate judges in Beaufort County pursuant to an "equal fairness to all" principle.
4. It is material to this argument to note that regardless of length of service, experience, education or competence, all elected members of County council receive the same compensation.

III. The Philosophy of Equal Pay for Equal Work

1. Over 25 years ago, in 1988, the General Assembly set forth by statute a complicated stair-stepped formula for compensation of South Carolina's Magistrates [§22-8-40 (B)]. At that time,

² While precise data are difficult to obtain, it does appear that Beaufort County is one of the few SC counties of comparable size that only pays its Magistrates the minimum salary set by statute; most appear to set minimum compensation above that level, as do a number of much smaller and poorer counties, e.g. Hampton.

the educational requirements for Magistrates was well below that of today, which now requires a 4-year baccalaureate level degree, as well as a much lowered subject matter jurisdiction. Today cases heard by Magistrates are much more complicated legally and parties are frequently represented by attorneys, this is especially so in Beaufort County South of the Broad. The stair-stepped yearly incremental increase in salary reflected the notion that over time the competence and quality of a Magistrate's judicial performance was predicated on experience and length of service. Today, with the increased educational requirement and elevated jurisdictional limits, this concept has become out-dated. Indeed, recent appointments of Beaufort County Magistrates have been for attorneys (4 of the last 4); of the 12 Magistrates, almost 70% (n=8) are experienced attorneys and 4 others have advanced academic degrees. The recent trend to appoint attorneys to the Magistrate's bench has and will continue to greatly improve the quality of the county judiciary, to the benefit of all.

Thus, virtually all Beaufort Magistrates are doing the same scope of work; they should be paid the same compensation for this service. The "Equal Pay for Equal Work" Doctrine in practice. Adopting the proposed ordinance will ensure this principle of fairness and equity. Beaufort County prides itself in being a sophisticated urban and urbane center; the best way to have a judiciary commensurate with that image is to pay them sufficiently so that talented capable and dedicated professionals can be recruited and retained. I believe it has been this very philosophy that, quite rightly, directed council to pay the other elected/appointed officials more than their statutory minimums.

The four Magistrates that would be affected by this ordinance in FY2015 are attorneys. They are NOT receiving equal compensation for the more than equal work they contribute to the Court relative to their colleagues on the Bench. This is neither fair nor equitable and the County sends them the wrong message. Adopting changes to the ordinance, which will set a minimum and standard level of compensation will solve this inequity and send the right message.

RESOLUTION 2014 /
PASSIVE PARK TASK FORCE

NOW, THEREFORE, BE IT RESOLVED by Beaufort County Council that is hereby creates the Passive Park Task Force consisting of five members comprised of business leaders and concerned citizens with expertise in land development, engineering, and/or conservation.

The goals of the Passive Park Task are:

1. Recommend to Council a prioritized list of properties purchased through the Rural and Critical Lands Program (R&CL), which should be more open to the public for passive or limited use;
2. Recommend to Council the types of infrastructure improvements necessary to facilitate that access;
3. Provide to Council estimates of the annual and recurring maintenance costs for each improvement (Park), and potential sources of revenue to fund that maintenance;
4. Oversee and guide the infrastructure improvements approved by Council;
5. Recommend to Council a plan for Administration oversight of system of Passive Parks; and
6. Determine the viability/desirability of outsourcing maintenance costs through private licensure or use agreements.

In forming the prioritized list, consideration should be given to a balance of properties around the County, the cost and length of time necessary to complete construction, maximum public use the facility, and extent of impact on the preserved properties.

The types of improvements recommended should have consistent themes, patterns and signage in an effort to create a system of parks that can be branded and easily identified as part of the Rural and Critical Lands Passive Park system.

Adopted this ____ day of _____, 2014.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Joshua A. Gruber, Staff Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

2014/

TEXT AMENDMENT TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE/ZDSO, ARTICLE VII, SEC. 106-1912. WATER DEPENDENT USES (ADDS STANDARDS TO ALLOW COMMERCIAL DOCKS FOR MARICULTURE USE).

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

Adopted this ____ day of _____, 2014.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Joshua A. Gruber, Staff Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

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

Sec. 106-1912. Water dependant uses

(b) *Docks, piers, and wharfs.*

- (1) Tidal creeks and shallows are the most sensitive, ecologically, and are, therefore, being regulated.
- (2) Small tidal creeks and shallows, which fall within the county, are defined as those bodies of water, [being tidally influenced] as per the Beaufort County official small tidal creek delineation map. Private docks and community docks in small tidal creeks may be allowed on both existing lots of record, and new subdivisions under the following criteria:
 - h. The use of docks shall be limited to private, non-commercial uses, unless ~~allowed for it~~ is associated with an upland property productively in use as an on-going mariculture enterprise, and in possession of a current mariculture permit issued by the state of South Carolina for the purpose of growing mollusk shellfish. Also, the use of docks on small tidal creeks dedicated to commercial fishing or shrimping is permitted as part of a Commercial Fishing Village Overlay District.

(Note: The remainder of Sec. 106-1912 is unaffected.)

Via Electronic Mail

Lynn Stokes Murray

December 19, 2013

lstokes-murray@mcnair.net
T (803) 799-9800
F (803) 933-1538

Gary T. Kubic
Administrator
Beaufort County
Post Office Drawer 1228
Beaufort, South Carolina 29901-1228

Dear Gary:

On behalf of the McNair Law Firm, P.A. ("McNair") and its Government Affairs Team, we are pleased to submit this proposal to Beaufort County ("County"). Our proposal provides for governmental relations representation and consultation before the 2014 General Assembly and the executive branch of the South Carolina government.

It has been our pleasure to represent the County these past few years in our efforts to secure funding for USC Beaufort and for the Beaufort County K – 12 schools. We, working with Senator Tom Davis, made great progress in eliminating the disparity of the EFA formula and how it impacts your school district. In addition to the School District funding effort, the County or School Board may have other legislative matters that arise during the legislative session. Upon Council or the Board's request, these matters can be considered under the purview of this contract.

We would recommend the County and the School Board to retain our services, as outlined below. The County would contract with us for \$37,500 contingent upon the School Board additionally contracting with us for \$37,500. We would also perform work for USC Beaufort for \$25,000. In addition to these retainers, we offer to assist on up to two additional legislative matters of your choosing for \$12,500.

In addition to the fixed fee, the County, School Board, and USC Beaufort will each be responsible for any out-of-pocket costs and disbursements that may incur in connection with this representation, such as photocopying, courier and hand delivery charges, long distance telephone, filing fees, travel charges, etc. Any large out of pocket expense would be pre-approved by the County. Statements for all costs incurred will be mailed monthly to you at the address stated above. Balances due our firm, as shown on those statements, are payable upon receipt, and the County and Board agree to pay those balances

McNair Law Firm, P. A.
Main and Gervais Building
1221 Main Street
18th Floor
Columbia, SC 29201

Mailing Address
Post Office Box 11390
Columbia, SC 29211

mcnair.net

timely. Our Federal Tax I.D. Number, 57-0703244, will appear on our statements.

At the appropriate time, Shannon Bruning and I will register as lobbyists. As we move forward into the 2014 Legislative Session, it may become necessary for others in our Governmental Affairs Section to be registered as lobbyists for this matter. Because our representation is defined as "lobbying" under the "Ethics, Government Accountability and Campaign Reform Act of 1991," we are required to register with the State Ethics Commission as "lobbyists". The County will be required to register as a "lobbyist's principal". There is a \$104 filing fee required for the lobbyist's principal and for each lobbyist. Our firm will advance the registration fees for the State Ethics Commission and will bill you on your statement.

You will have the right to terminate our representation at any time upon written notice to my attention, although you may also be required by others outside McNair to confirm that termination. McNair shall have at all times the right to terminate this representation by written notice to that effect if Beaufort County fails to cooperate with any reasonable request from McNair relating to this representation, or to make full and timely payment of our statements as submitted, or if we determine in our reasonable discretion that the continuation of the representation would be unethical or impractical. If the circumstances permit, we will provide thirty (30) days written notice of termination. In the event of termination, we will bill you, and you agree to pay, for time worked to the point of termination.

If these arrangements meet with your approval, please sign, date, and return a copy of this letter to indicate Beaufort County Council's, Beaufort County Board of Education's and USC Beaufort's acceptance of the terms of this engagement. Thank you again for the opportunity to represent the Council and the Board of Education, and I look forward to working with you.

If you would like for us to come and brief you, we would be pleased to do so. It has been our pleasure to work with you all over the past two years. We look forward to continuing our efforts on your children's behalf.

Very truly yours,



Lynn Stokes - Murray

LSM:mpk

CLIENT ACCEPTANCE:

I have read the above letter and hereby request McNair Law Firm, P.A., to represent the Beaufort County Council, Beaufort County Board of Education and USC Beaufort pursuant to such terms as are set forth herein.

By: _____
Gary T. Kubic
Administrator
Beaufort County

Date: _____

County Council of Beaufort County 2014 Meetings

Date	CAUCUS		REGULAR	
	Time	Location	Time	Location
January 13, 2014	4:00 p.m.	Executive Conference Room	5:00 p.m.	Council Chambers
January 27, 2014	4:00 p.m.	Executive Conference Room	5:00 p.m.	Council Chambers
February 10, 2014	4:00 p.m.	Executive Conference Room	5:00 p.m.	Council Chambers
February 24, 2014	4:00 p.m.	Large Meeting Room	5:00 p.m.	Bluffton Branch Library
March 10, 2014	4:00 p.m.	Executive Conference Room	5:00 p.m.	Council Chambers
March 24, 2014	4:00 p.m.	Large Meeting Room	5:00 p.m.	Hilton Head Island Branch Library
April 14, 2014	4:00 p.m.	Executive Conference Room	5:00 p.m.	Council Chambers
April 28, 2014	4:00 p.m.	Executive Conference Room	5:00 p.m.	Council Chambers
May 12, 2014	4:00 p.m.	Executive Conference Room	5:00 p.m.	Council Chambers
May 27, 2014 *	4:00 p.m.	Large Meeting Room	5:00 p.m.	Bluffton Branch Library
June 9, 2014	4:00 p.m.	Executive Conference Room	5:00 p.m.	Council Chambers
June 23, 2014	4:00 p.m.	Executive Conference Room	5:00 p.m.	Council Chambers
July 28, 2014	4:00 p.m.	Executive Conference Room	5:00 p.m.	Council Chambers
August 11, 2014	4:00 p.m.	Executive Conference Room	5:00 p.m.	Council Chambers
August 25, 2014	4:00 p.m.	Large Meeting Room	5:00 p.m.	Hilton Head Island Branch Library
September 8, 2014	4:00 p.m.	Executive Conference Room	5:00 p.m.	Council Chambers
September 22, 2014	4:00 p.m.	Large Meeting Room	5:00 p.m.	Bluffton Branch Library
October 13, 2014	4:00 p.m.	Executive Conference Room	5:00 p.m.	Council Chambers
October 27, 2014	4:00 p.m.	Large Meeting Room	5:00 p.m.	Hilton Head Island Branch Library
November 10, 2014	4:00 p.m.	Executive Conference Room	5:00 p.m.	Council Chambers
December 8, 2014	4:00 p.m.	Executive Conference Room	5:00 p.m.	Council Chambers

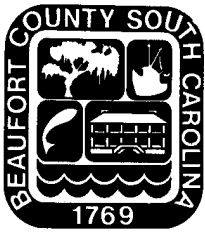
* Tuesday In lieu of 4th Monday

Executive Conference Room / Council Chambers, Administration Building, Government Center, 100 Ribaut Road, Beaufort

Bluffton Branch Library, 120 Palmetto Way, Bluffton

Hilton Head Island Branch Library, 11 Beach City Road, Hilton Head Island

Approved:



COUNTY COUNCIL OF BEAUFORT COUNTY

BUSINESS LICENSE DEPARTMENT

PO DRAWER 1228, BEAUFORT, SC 29901-1228

OFFICE (843) 255-2270 FAX (843) 255-9411

www.bcgov.net

TO: Sue Rainey, Clerk to County Council

FROM: Edra Stephens, Director

DATE: January 3, 2014

SUBJECT: Hawkers and Peddler Permit Report

Listed below are the fees collected from the sale of hawkers and peddlers permit for calendar year 2013.

During the calendar year 2013, we issued 6 hawkers and peddlers permits @ \$75.00. The fees collected totaled \$450.00. The current fee schedule is as follows:

County Resident	\$	75.00
State Resident	\$	500.00
Out of State	\$	1,000.00

The following vendors are exempt from the Hawker and Peddler Permit requirements: vendors of newspapers, magazines, vegetables, tobacco, and all agricultural products.

2013 /

SOUTHERN BEAUFORT COUNTY ZONING MAP AMENDMENT / REZONING
REQUEST R601 031 000 0048 0000 (1 ACRE AT THE NORTHWEST CORNER OF
GOETHE ROAD AND BLUFFTON ROAD (S.C. HIGHWAY 46) FROM SUBURBAN (S) TO
COMMERCIAL SUBURBAN.

Adopted this ____ day of _____, 2013.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

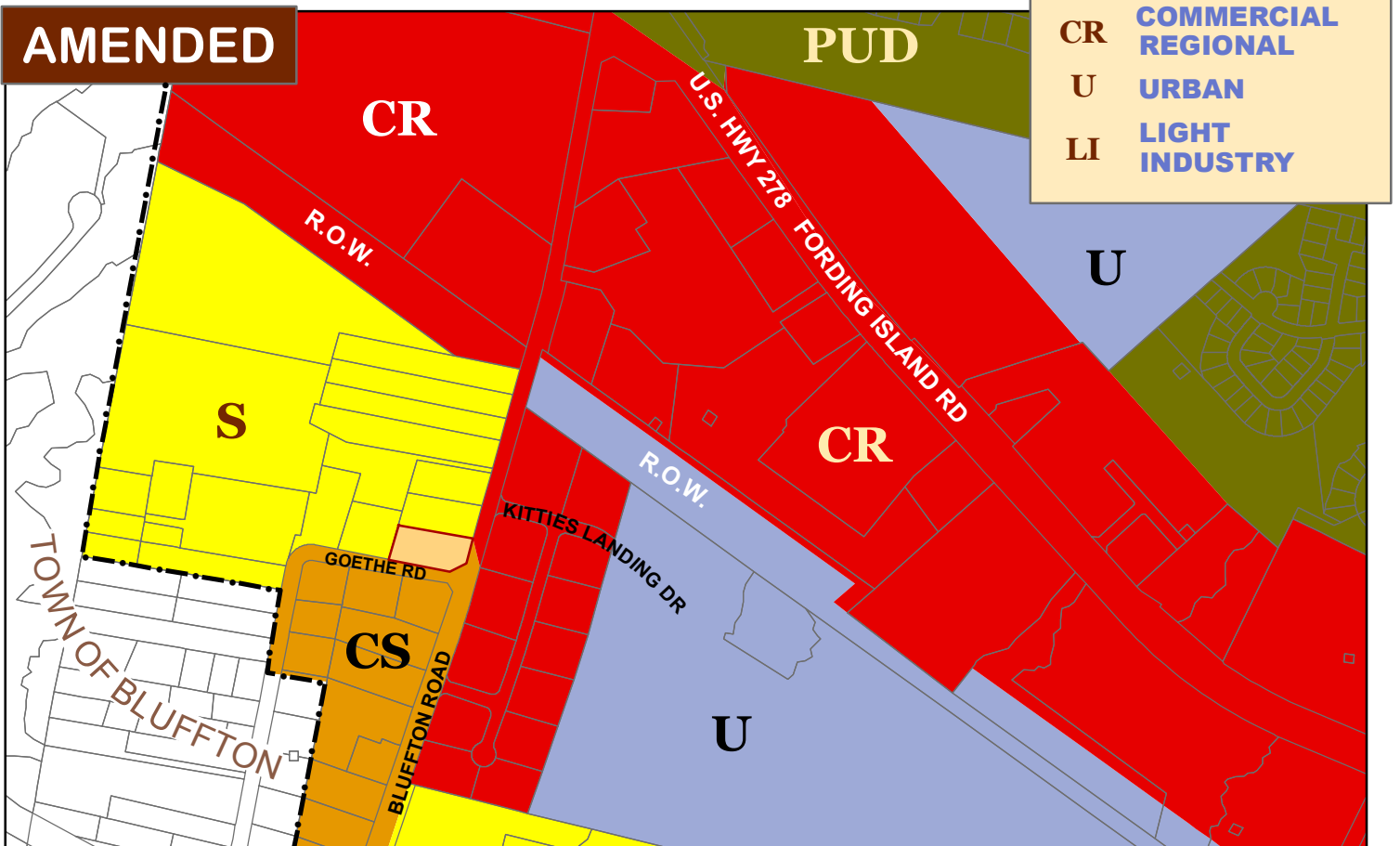
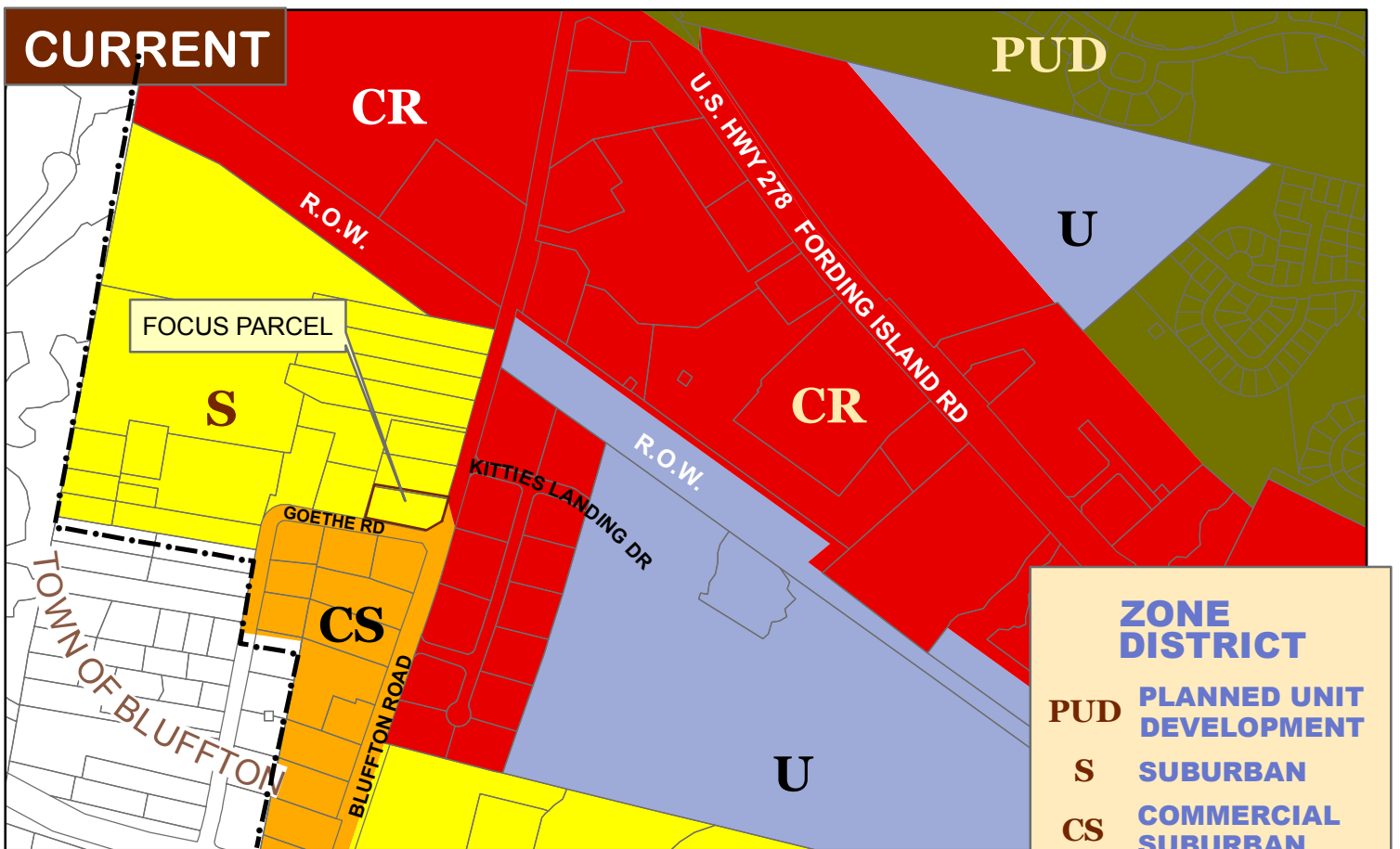
APPROVED AS TO FORM:

Joshua A. Gruber, Staff Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading: November 18, 2013
Second Reading: December 9, 2013
Public Hearing:
Third and Final Reading:



REZONING AMENDMENT

Parcel: R601 031 000 0048 0000

2013 /

TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE/ZDSO, ARTICLE V. USE REGULATIONS, TABLE 106-1098. LIGHT INDUSTRY USES, AND SECTION 106-1359 AND SECTION 106-1366, LIMITED AND SPECIAL USE STANDARDS (ADDS LIGHT INDUSTRIAL AND WAREHOUSING / DISTRIBUTION AS ALLOWED USE IN COMMERCIAL REGIONAL DISTRICTS AND ESTABLISHES LIMITED STANDARDS FOR THESE USES.)

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

Adopted this day of _____, 2013.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Joshua A. Gruber, Staff Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading: November 18, 2013
Second Reading: December 9, 2013
First Reading: November 18, 2013
Public Hearing
Third and Final Reading:

TABLE 106-1098. GENERAL USE TABLE [Excerpt]

	Priority Areas							Rural Areas					
Land Use	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC	Additional Standards (See Section)	Use Definition
INDUSTRIAL USES													
Light industry	N	N	N L	N	L	Y	Y	N	N	L	N	106-1359	[no changes proposed]
STORAGE													
Warehousing/ distribution	N	N	N L	N	L	Y	Y	N	N	N	N	106-1366	[no changes proposed]

Sec. 106-1359. Light Industry.

(a) Limited/special standards for use in all applicable districts. Limited/special standards for light industry uses in all applicable districts are as follows:

- (1) A setback of at least 100 feet from the district boundary shall be required for all uses having such a boundary.
- (2) Operators of this use shall ensure that no residentially zoned district receives levels of noise beyond 70 decibels between 6:00 a.m. and 7:00 p.m. The maximum receiving noise between 7:01 p.m. and 5:59 a.m. shall be 55 decibels.
- (3) No use shall produce vibration levels that are received at residential property lines.
- (4) No use shall produce noxious or nuisance-oriented emissions.
- (5) No light industry use shall exceed a maximum square footage of 200,000 square feet of floor area per building.

(b) Reports/studies required. All applications for this use shall include an environmental impact assessment.

(c) Research and development district. In the research and development district, light industrial uses shall be permitted only where it is a pilot plant or manufacturing facility that produces products developed at the research facility and occupies no more than 40 percent of the floor area. The manufacturing facility shall be built of the same materials and be in the same architectural style as the research and development facilities.

(d) Rural business district. Limited standards for light industrial uses within rural business districts are as follows:

- (1) This use is limited to 5,000 square feet of floor area.
- (2) The following uses are not permitted as part of this use:
 - a. Mini-warehouses (NAICS 53113);
 - b. Heavy truck, recreational vehicle and mobile homes sales (NAICS 441222, 441229, 44121, 45393); and

c. Heavy truck rental (NAICS 53212).

(e) Commercial regional district. Limited standards for light industrial uses within commercial regional districts are as follows:

(1) Outdoor loading areas shall be located to the rear of the principal structure and screened from adjacent roads and properties.

(2) Loading and unloading of goods and supplies shall not interfere with the on-site circulation of vehicles and pedestrians.

Sec. 106-1366. Warehousing/distribution.

(a) Limited/special standards for this use in all applicable districts. Limited/special standards for warehousing/distribution uses in all applicable districts are that there shall be no bulk storage of materials that are toxic, flammable, explosive, or create hazardous conditions.

(b) Reports/studies required. All applications for this use shall include a traffic impact analysis.

(c) Additional standards for research and development district. In the research and development district, light warehousing shall be permitted only where it is an accessory use to the primary research facility and occupies no more than ten percent of the floor area. The warehouse shall be built of the same materials and be in the same architectural style as the research and development facilities.

(d) Additional standards for commercial regional district. (1) The use shall have direct access onto an arterial or major collector road. (2) Outdoor storage and loading areas shall be located to the rear of the principal structure to the maximum extent practicable and be screened from adjacent roads and properties.