

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

GERALD W. STEWART  
VICE CHAIRMAN

COUNCIL MEMBERS

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RICK CAPORALE  
GERALD DAWSON  
BRIAN E. FLEWELLING  
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STEWART H. RODMAN  
ROBERTS "TABOR" VAUX

GARY T. KUBIC  
COUNTY ADMINISTRATOR

JOSHUA A. GRUBER  
DEPUTY COUNTY ADMINISTRATOR  
SPECIAL COUNSEL

THOMAS J. KEAVENY, II  
COUNTY ATTORNEY

SUZANNE M. RAINEY  
CLERK TO COUNCIL

AGENDA  
COUNTY COUNCIL OF BEAUFORT COUNTY  
REGULAR SESSION

Monday, September 12, 2016

6:00 p.m.

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

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

1. CALL TO ORDER - 6:00 P.M.
2. REGULAR SESSION
3. PLEDGE OF ALLEGIANCE
4. INVOCATION – Council Member Roberts “Tabor” Vaux
5. ADMINISTRATIVE CONSENT AGENDA
  - A. Approval of Minutes
    1. August 22, 2016 [caucus](#) and August 22, 2016 [regular session](#)
  - B. Committee Reports (next meeting)
    1. Community Services (September 26 at 3:00 p.m., Bluffton Branch Library)
      - a. Minutes – August 22, 2016 ([backup](#))
    2. Executive (October 10 at 4:00 p.m., ECR)
    3. Finance (October 3 at 2:00 p.m., ECR)
      - a. Minutes – September 6, 2016 ([backup](#))
      - b. Minutes – August 29, 2016 ([backup](#))
      - c. Minutes – August 22, 2016 ([backup](#))
    4. Governmental (October 3 at 4:00 p.m., ECR)
      - a. Minutes – August 22, 2016 ([backup](#))
    5. Natural Resources (September 19 at 2:00 p.m., ECR)
    6. Public Facilities (September 19 at 4:00 p.m., ECR)
  - C. Appointments to Boards and Commissions ([backup](#))
6. PUBLIC COMMENT – Speaker sign-up encouraged no later than 5:45 p.m. day of meeting.



## 7. OLD BUSINESS

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

1. September 12, 2016 / County Council to consider denial
2. August 15 2016 / Development Agreement Subcommittee reports to Natural Resources Committee that the parties are at impasse and will so report to County Council
3. June 30, 2016 / Development Agreement Subcommittee reaches impasse
4. June 24, 2016 / Development Agreement Subcommittee discussion
5. June 21, 2016 / Development Agreement Subcommittee discussion
6. February 16, 2016 / Development Agreement Subcommittee discussion
7. January 14, 2016 / Development Agreement Subcommittee discussion
8. January 8, 2016 / Development Agreement Subcommittee discussion
9. December 4, 2015 / Chairman reappointments Development Agreement Subcommittee members
10. November 30, 2015 / Issue appears on County Council agenda as old business. County Council voted to postpone and reestablish the Development Agreement Subcommittee
11. October 26, 2015 / Public hearing held October 26, 2015 and motion to postpone until November 30, 2015
12. October 20, 2015 / Issue appears on agenda as a public hearing. Public Hearing is held on October 26, 2015 and Council votes to postpone until November 30, 2015.
13. September 14, 2015 / Natural Resources Committee Chairman removes from consent agenda. Matter to appear on subsequent County Council agenda as a public hearing.
14. August 10, 2015 / Natural Resources Committee votes to deny Comprehensive Plan amendment and Zoning Map amendment

## 8. NEW BUSINESS

A. AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS, SERIES 2016B, OF BEAUFORT COUNTY, SOUTH CAROLINA, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$45,000,000

1. Consideration of first reading, by title only, to occur September 12, 2016
2. Finance Committee discussion and recommendation to approve ordinance on first reading occurred September 6, 2016 / Vote 6:0

## 9. CONSENT AGENDA

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

1. Consideration of second reading to occur September 12, 2016
2. Public hearing announcement – Monday, September 26, 2016 beginning at 6:30 p.m. in the large meeting room of the Bluffton Branch Library, 120 Palmetto Way, Bluffton
3. First reading approval occurred August 22, 2016 / 11:0
4. Council approved a financial incentive package in the amount of \$225,000 to Harris Pillow Supply upon such terms as the County Administrator may negotiate in order to secure an economic expansion of their current manufacturing operations resulting in a total capital investment of \$2,100,000 and the creation of 25 new full time positions. Council approval occurred August 8, 2016 / Vote 10:0

B. AN ORDINANCE TO APPROPRIATE \$175,000 FROM THE 3% LOCAL ACCOMMODATIONS TAX FUND TO THE SANTA ELENA FOUNDATION ([backup](#))

1. Consideration of second reading to occur September 12, 2016
2. Public hearing announcement – Monday, September 26, 2016 beginning at 6:30 p.m. in the large meeting room of the Bluffton Branch Library, 120 Palmetto Way, Bluffton
3. First reading approval occurred August 22, 2016 / 11:0
4. Finance Committee discussion and recommendation to approve ordinance on first reading occurred August 8, 2016 / Vote 6:0

C. AN ORDINANCE TO AMEND THE STORMWATER MANAGEMENT UTILITY ORDINANCE AS ADOPTED SEPTEMBER 28, 2015 TO PROVIDE FOR AMENDMENT OF THE RATE STRUCTURE APPLICABLE TO PARCELS RELATED TO CONDOMINIUMS, SUBMERGED PROPERTIES, AND PARCELS CONTIGUOUS TO SALT WATER MARSH ([backup](#))

1. Consideration of second reading to occur September 12, 2016
2. Public hearing announcement – Monday, September 26, 2016 beginning at 6:30 p.m. in the large meeting room of the Bluffton Branch Library, 120 Palmetto Way, Bluffton
3. First reading approval occurred August 22, 2016 / 11:0
4. Natural Resources Committee discussion and recommendation to approve ordinance on first reading occurred August 15, 2016 / Vote 6:1
5. Stormwater Management Utility Board discussion and recommendation to approve the text amendments occurred June 8, 2016 / Vote 7:0

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

1. Consideration of second reading to occur September 12, 2016
2. Public hearing announcement – Monday, September 26, 2016 beginning at 6:30 p.m. in the large meeting room of the Bluffton Branch Library, 120 Palmetto Way, Bluffton
3. First reading approval occurred August 22, 2016 / 11:0
4. Natural Resources Committee discussion and recommendation to approve ordinance on first reading occurred August 15, 2016 / Vote 7:0

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

1. Consideration of second reading to occur September 12, 2016
2. Public hearing announcement – Monday, September 26, 2016 beginning at 6:30 p.m. in the large meeting room of the Bluffton Branch Library, 120 Palmetto Way, Bluffton
3. First reading approval occurred August 22, 2016 / 11:0
4. Public Facilities Committee discussion and recommendation to approve ordinance on first reading occurred August 15, 2016 / Vote 7:0

F. AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA AMENDING CERTAIN SECTIONS UNDER BEAUFORT COUNTY CODE, CHAPTER 22, CIVIL EMERGENCIES, ARTICLE IV, DISASTER RECOVERY AND RECONSTRUCTION ([backup](#))

1. Consideration of second reading to occur September 12, 2016
2. Public hearing announcement – Monday, September 26, 2016 beginning at 6:30 p.m. in the large meeting room of the Bluffton Branch Library, 120 Palmetto Way, Bluffton
3. First reading approval occurred August 22, 2016 / 11:0
4. Public Facilities Committee discussion and recommendation to approve ordinance on first reading occurred August 15, 2016 / Vote 6:0

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

1. Consideration of first reading to occur September 12, 2016
2. Finance Committee discussion and recommendation to approve ordinance on first reading occurred September 6, 2016 / Vote 6:0

H. AN ORDINANCE TO APPROPRIATE FUNDS NOT TO EXCEED \$250,000 FROM THE 3% LOCAL ACCOMMODATIONS TAX FUNDS TO THE COUNTY GENERAL FUND FOR CONSTRUCTION OF THE SPANISH MOSS TRAIL – PHASE 7 ([backup](#))

1. Consideration of first reading to occur September 12, 2016
2. Finance Committee discussion and recommendation to approve ordinance on first reading occurred September 6, 2016 / Vote 6:0

10. MATTERS ARISING OUT OF EXECUTIVE SESSION

11. PUBLIC COMMENT - Speaker sign-up encouraged.

12. ADJOURNMENT

Official Proceedings  
County Council of Beaufort County  
August 22, 2016

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

A caucus of the County Council of Beaufort County was held Monday, August 22, 2016 beginning at 5:00 p.m. in the large meeting room of the Hilton Head Island Branch Library, 11 Beach City Road, Hilton Head Island, South Carolina.

**ATTENDANCE**

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

**PLEDGE OF ALLEGIANCE**

The Chairman led those present in the Pledge of Allegiance.

**RECEIPT OF COUNTY ADMINISTRATOR'S TWO-WEEK PROGRESS REPORT**

Mr. Gary Kubic, County Administrator, presented his Two-Week Progress Report, which summarized his activities from August 8, 2016 through August 19, 2016.

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

Mr. Joshua Gruber, Deputy County Administrator / Special Counsel, presented his Two-Week Progress Report, which summarized his activities from August 8, 2016 through August 19, 2016.

**DISCUSSION ITEM**

When Council considers its 2017 meeting schedule, Mr. Rodman suggested meeting once only in August and November rather than twice monthly.

**ADJOURNMENT**

Council adjourned at 6:00 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

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

ATTEST:

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

Official Proceedings  
County Council of Beaufort County  
August 22, 2016

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

The regular session of the County Council of Beaufort County was held Monday, August 22, 2016 beginning at 6:00 p.m. in the large meeting room of the Hilton Head Island Branch Library, 11 Beach City Road, Hilton Head Island, South Carolina.

**ATTENDANCE**

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

**PLEDGE OF ALLEGIANCE**

The Chairman led those present in the Pledge of Allegiance.

**INVOCATION**

Council member Stewart Rodman gave the Invocation.

**PROCLAMATION**

**Civil Air Patrol Week**

The Chairman commended the Civil Air Patrol for its "75 years of Missions for America" and proclaimed August 22 through August 28, 2016 as Civil Air Patrol Week. Major Crystal Eudy, Squadron Commander, Lowcountry Composite Squadron, accepted the proclamation.

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

**ADMINISTRATIVE CONSENT AGENDA**

**Review of the Proceedings of the Caucus held August 8, 2016**

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 caucus held August 8, 2016. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

### **Review of the Proceedings of the Regular Session held August 8, 2016**

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 session held August 8, 2016. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

### **Committee Reports**

#### **Community Services Committee**

##### **Disabilities and Special Needs Board**

Mr. McBride, as Chairman of the Community Services Committee, nominated Mr. Gregory Hall, Mrs. Marcia Metzger and Ms. Frankie Middleton to serve as members of the Disabilities and Special Needs Board.

#### **Finance Committee**

##### **Burton Fire District Commission**

Mr. Stewart, as Chairman of the Community Services Committee, nominated Mr. Madison Chisum to serve as a member of the Burton Fire District Commission.

#### **Governmental Committee**

##### **Economic Development Corporation**

Mr. Rodman, as Chairman of the Governmental Committee, nominated Mr. Steven Fobes, representing County Council, to serve as a member of the Economic Development Corporation. Mr. Fobes' appointment will commence no later than six months following adoption of Ordinance 2016/19 (June 27, 2016), or immediately following the resignation of Mr. Paul Sommerville, who is serving temporarily as County Council's representative on the Corporation.



### **Natural Resources Committee**

#### **Southern Beaufort County Corridor Beautification Board**

Mr. Flewelling, as Chairman of the Natural Resources Committee, nominated Mr. Randy Boehm, Town of Bluffton appointee, to serve as a member of the Southern Beaufort County Corridor Beautification Board.

#### **Zoning Board of Appeals**

Mr. Flewelling, as Chairman of the Natural Resources Committee, nominated Mr. Joshua Tiller, representing southern Beaufort County, to serve as a member of the Zoning Board of Appeals.

### **Public Works Committee**

#### **County Transportation Committee**

Mr. Dawson, as Chairman of the Natural Resources Committee, nominated Mr. Christopher England, representing Council District 7, to serve as a member of the County Transportation Committee.

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

### **PUBLIC COMMENT**

The Chairman recognized Ms. Joni Dimond, a resident of Hilton Head Island, who questioned the discrepancy in the senior discount ridership fee, *i.e.*, a senior citizen living on Daufuskie Island and who rents, pays \$2.00 each way, while a senior citizen living on Hilton Head Island, who owns property on Daufuskie Island, pays \$7.00 each way.

Mr. Randy Aumiller, a process server, delivered a summons and complaint in Civil Case No.: 2016-CP-07-01825, Steven Craig Molloy, Plaintiff, vs. Beaufort County, *et al.*, Defendant.

### **CONSENT AGENDA**

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

This item comes before Council under the Consent Agenda. Discussion occurred at the August 8, 2016 meeting of County Council.

It was moved by Mr. Rodman, seconded by Mr. McBride, that Council approve on first reading an ordinance approving a \$225,000 supplemental budget appropriation from the County's General Reserve Fund to the General Fund to fulfill its obligation to the Harris Pillow Supply, Inc. under the incentive package. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

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

This item comes before Council under the Consent Agenda. Discussion occurred at the August 22, 2016 meeting of the Finance Committee.

It was moved by Mr. Rodman, seconded by Mr. McBride, that Council approve on first reading an ordinance to appropriate \$175,000 from the 3% Local Accommodations Tax Fund to The Santa Elena Foundation. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

**APPROPRIATION OF FUNDS NOT TO EXCEED \$100,000 FROM THE BLUFFTON FIRE IMPACT FEES TO THE BLUFFTON TOWNSHIP FIRE COMMISSION TO PAVE THE ACCESS ROAD FROM HAMPTON PARKWAY TO FIRE STATION #38 IN THE HAMPTON LAKE / BLUFFTON PARKWAY AREA**

This item comes before Council under the Consent Agenda. Discussion occurred at the August 22, 2016 meeting of the Finance Committee.

It was moved by Mr. Rodman, seconded by Mr. McBride, that Council appropriate funds not to exceed \$100,000 from Bluffton Fire Impact Fees to the Bluffton Township Fire Commission to pave the access road from Hampton Parkway to Fire Station #38 in the Hampton Lake / Bluffton Parkway area. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

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

This item comes before Council under the Consent Agenda. Discussion occurred at the August 15, 2016 meeting of the Natural Resources Committee.

It was moved by Mr. Rodman, seconded by Mr. McBride, that Council approve on first reading an ordinance to amend the Stormwater Management Utility Ordinance as adopted September 28, 2015 to provide for amendment of the rate structure applicable to parcels related to condominiums, submerged properties, and parcels contiguous to saltwater marsh. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

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

This item comes before Council under the Consent Agenda. Discussion occurred at the August 15, 2016 meeting of the Natural Resources Committee.

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

**A RESOLUTION OF BEAUFORT COUNTY COUNCIL ENDORSING THE RURAL AND CRITICAL LANDS PRESERVATION PROGRAM, READINESS AND ENVIRONMENTAL INTEGRATION (REPI) FEE LAND NATURAL RESOURCE MANAGEMENT PLAN**

This item comes before Council under the Consent Agenda. Discussion occurred at the August 15, 2016 meeting of the Natural Resources Committee.

It was moved by Mr. Rodman, seconded by Mr. McBride, that Council adopt a resolution endorsing the Rural and Critical Lands Preservation Program, Readiness and Environmental Integration (REPI) Fee Land Natural Resource Management Plan. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

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

This item comes before Council under the Consent Agenda. Discussion occurred at the August 15, 2016 meeting of the Public Facilities Committee.

It was moved by Mr. Rodman, seconded by Mr. McBride, that Council approve on first reading an ordinance authorizing the execution and delivery of utility easements encumbering property owned by Beaufort County (SCE&G request for three utility easements at Beaufort County Government Robert Smalls Complex). The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

**ACCEPTANCE OF AN EASEMENT AGREEMENT FOR SEGMENT 7 (ROSEIDA ROAD TO CLARENDON ROAD) OF THE SPANISH MOSS TRAIL (TO SAFELY CONDUCT TRAIL USERS THROUGH THE U.S. HIGHWAY 21 AND LAUREL BAY ROAD (S-7-116) INTERSECTION)**

This item comes before Council under the Consent Agenda. Discussion occurred at the August 15, 2016 meeting of the Public Facilities Committee.

It was moved by Mr. Rodman, seconded by Mr. McBride, that Council accept an easement agreement for Segment 7 (Roseida Road to Clarendon Road) of the Spanish Moss Trail (to safely conduct trail users through the U.S. Highway 21 and Laurel Bay Road (S-7-116) intersection). The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

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

This item comes before Council under the Consent Agenda. Discussion occurred at the August 15, 2016 meeting of the Public Facilities Committee.

It was moved by Mr. Rodman, seconded by Mr. McBride, that Council approve on first reading an ordinance of the County of Beaufort, South Carolina amending certain sections under Beaufort County Code, Chapter 22, Civil Emergencies, Article IV, Disaster Recovery and Reconstruction. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

**APPROVAL OF HUMAN SERVICES BUILDING BRICK VENEER REPAIR AND CHANGE ORDER REQUEST WITH WEATHERPROOFING TECHNOLOGIES, INC.**

This item comes before Council under the Consent Agenda. Discussion occurred at the August 15, 2016 meeting of the Public Facilities Committee.

It was moved by Mr. Rodman, seconded by Mr. McBride, that Council award a contract and change order to Weatherproofing Technologies, Inc., Beachwood, Ohio in the amount of \$179,967 for repair of the brick veneer of the Human Services Building. The source of funding is Account 40090011-54420, 2014A General Obligation Bonds, Renovation Existing Buildings. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

**APPROVAL OF SOLE SOURCE CONTRACT FOR TRANSPORTATION SERVICES  
LOWCOUNTRY REGIONAL TRANSPORTATION AUTHORITY D/B/A PALMETTO  
BREEZE TRANSIT FOR TWO ROUTES IN NORTHERN BEAUFORT COUNTY IN  
THE AMOUNT OF \$101,000**

This item comes before Council under the Consent Agenda. Discussion occurred at the August 22, 2016 meeting of the Community Services Committee.

It was moved by Mr. Rodman, seconded by Mr. McBride, that Council award a sole source contract to Lowcountry Regional Transportation Authority (LRTA) (d/b/a Palmetto Breeze Transit), Bluffton, South Carolina in the amount of \$101,000 to provide two transportation routes in northern Beaufort County. The source of funding is General Ledger Account 24420011-51230, Disabilities and Special Needs Adult Services-Transportation. These funds are federal Medicaid dollars. The vote: Yeas – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

**PUBLIC HEARING**

**AN ORDINANCE TO AMEND BEAUFORT COUNTY ORDINANCE 2016/15, FY 2016-2017 BEAUFORT COUNTY BUDGET SO AS TO REFLECT A SUPPLEMENTAL BUDGET APPROPRIATION IN THE AMOUNT OF \$112,075 IN ORDER TO PROVIDE FOR ENHANCED LEVELS OF SERVICE FOR DAUFUSKIE ISLAND FERRY**

The Chairman opened a public hearing beginning at 6:30 p.m. for the purpose of receiving public comment regarding an ordinance to amend Beaufort County Ordinance 2016/15, FY 2016-2017 Beaufort County Budget, to reflect a supplemental budget appropriation in the amount of \$112,075 in order to provide for enhanced levels of service for Daufuskie Island Ferry. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:31 p.m.

It was moved by Mr. Stewart, as Chairman of the Finance Committee, that Council approve on third and final reading an ordinance to amend Beaufort County Ordinance 2016/15, FY 2016-2017 Beaufort County Budget, to reflect a supplemental budget appropriation in the amount of \$112,075 in order to provide for enhanced levels of service for Daufuskie Island Ferry. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

**CLARIFYING BOUNDARY LINE BETWEEN JASPER AND BEAUFORT COUNTIES LOCATED AT S.C. HIGHWAY 170 (INCLUDES PRESENTATION BY S.C. GEODETIC SURVEY OFFICE)**

Mr. David Ballard, South Carolina Geodetic Survey, and Mr. David Branton, Cornerstone Surveying and Engineering, Inc. reported that today's presentation will include aerial photographs showing Beaufort County's property, the proposed re-established Beaufort-Jasper County line, and the parcel (property) lines used by each county. The S.C. Geodetic Survey (SCGS) has begun a systematic program to re-establish South Carolina's county boundaries. Throughout the State of South Carolina there is uncertainty regarding the location of county boundaries, causing confusion about jurisdiction. In an attempt to end the uncertainty, Beaufort and Jasper counties have committed to accurately-re-establishing the location of the boundary as defined by the *S.C. Code of Laws*, 1976, as amended. Accomplishing this task involves conducting historical research to ascertain the statute location, locating historic monuments and landmarks, marking the boundary with additional monuments, and referencing those landmarks and monuments to state plane coordinates. In 2015, SCGS contracted with Cornerstone Surveying and Engineering, Inc. to re-establish a portion of the Beaufort County and Jasper County common boundary. The portion of the boundary being re-established was originally dated in 1912, with the creation of Jasper County, and seen several revisions since that time. Along this section of boundary, SCGS perceives no significant impacts. A significant impact is defined, as a residence or place of business being found in a different county based on the proposed re-establish boundary.

The Chairman opened a public hearing beginning at 6:51 p.m. for the purpose of receiving public comment regarding the proposed annexation of certain property along the Beaufort County – Jasper County boundary consisting of 5.95 acres of land from Jasper County to Beaufort County, and the annexation of certain other properties along the Beaufort County – Jasper County boundary consisting of 22.34 acres from Beaufort County to Jasper County. After calling once for public comment, the Chairman recognized Mr. Eric Summerville, a resident of Bluffton, who inquired of the governmental entity responsible for the road paving. After calling twice more for public comment and receiving none, the Chairman declared the hearing closed at 6:53 p.m.



It was moved by Mr. Flewelling, seconded by Mr. Rodman, that Council adopt a resolution consenting to the proposed annexation of certain property along the Beaufort County – Jasper County boundary consisting of 5.95 acres of land from Jasper County to Beaufort County, and the annexation of certain other properties along the Beaufort County – Jasper County boundary consisting of 22.34 acres from Beaufort County to Jasper County. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

### **PUBLIC COMMENT**

The Chairman recognized Mrs. Kate Schaefer, South Coast Director, Coastal Conservation League, who spoke in support of Council's vote to repurpose the Readiness and Environmental Integration (REPI) Fee Program funds, typically used for land acquisition, into land stewardship. This represents a one-time rare opportunity to make use of these funds that would otherwise go back to the federal government and represents a creative use of them within Beaufort County.

### **ADJOURNMENT**

Council adjourned at 6:58 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: \_\_\_\_\_

D. Paul Sommerville, Chairman

ATTEST: \_\_\_\_\_

Suzanne M. Rainey, Clerk to Council

Ratified: \_\_\_\_\_

## COMMUNITY SERVICES COMMITTEE

August 22, 2016

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

The Community Services Committee met Monday, August 22, 2016 beginning at 3:30 p.m. in the Large Meeting Room, Hilton Head Island Branch Library, 11 Beach City Road, Hilton Head Island, South Carolina.

### ATTENDANCE

Committee Chairman William McBride, Vice Chairman Gerald Dawson and Committee members Rick Caporale, Steven Fobes, Alice Howard and Roberts "Tabor" Vaux. Non-committee members Cynthia Bensch, Stu Rodman, Paul Sommerville and Jerry Stewart 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: Jim Beckert, Auditor; Tony Criscitiello, Planning Director; Phil Foot, Assistant County Administrator–Public Safety; Tom Keaveny, County Attorney; Gary Kubic, County Administrator; Bill Love, Disabilities and Special Needs Director; Ray McBride, Library Director; Monica Spells, Assistant County Administrator–Civic Engagement and Outreach; and Dave Thomas, Purchasing Director.

Media: Joe Croley, *Lowcountry Inside Track*.

Public: Joni Dimond, Eric Summerville and Mike Sutton.

Councilman McBride chaired the meeting.

### ACTION ITEMS

- 1. Consideration of Contract Award / Approve Sole Source Contract for Transportation Services Lowcountry Regional Transportation Authority D/B/A Palmetto Breeze Transit for Two Routes in Northern Beaufort County in the Amount of \$101,000**

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

**Discussion:** Mr. Dave Thomas, Purchasing Director, reviewed this item with the Committee. The Purchasing Department received a request from the Disabilities and Special Needs Department (DSN) to approve a sole source contract for transportation services provided by Lowcountry Regional Transportation Authority (LRTA) (d/b/a Palmetto Breeze). Lowcountry



Council of Governments has supported and encouraged transportation collaboration efforts between DSN and LRTA, and they have been working together on two routes north of the Broad River. These two routes were selected for the collaboration because the Beaufort route has the largest number of consumers and the St. Helena Island route takes the longest amount of time. This was viewed as the most effective and efficient use of resources. For the past three years, the routes were paid as part of a grant from the South Carolina Department of Transportation (SCDOT) with 80% of the cost paid by SCDOT and 20% with DSN Program Funds. For FY2017, SCDOT is required to split the Section 5310 (Elderly Individuals and Individuals with Disabilities) federal funds as 60% Urban, 20% Small Urban and 20% Rural projects. Because so many projects in South Carolina are classified as rural, SCDOT has placed Beaufort Count DSN on the "alternate" list for the Rural North of Broad River funds and it may not receive SCDOT money; however, DSN receives federal Medicaid money specifically for transportation and requests to use those funds to continue the successful project routes.

The total amount requested of \$101,000 reflects the contract rate of \$2,685.00 for the first 3,500 miles and \$0.43 cents for each mile thereafter on the Beaufort route (approximately 5,800 total miles per month) and \$3,750.00 for the first 6,000 miles and \$0.43 for each mile thereafter on the St. Helena Island route (approximately 12,600 total miles per month). Variation occurs as passengers change or do not attend DSN program activities. Funding will come from Account 24420011-51230, Disabilities and Special Needs Adult Services – Transportation. These funds are federal Medicaid dollars.

**Motion:** It was moved by Mr. Fobes, seconded by Mrs. Howard, that Committee recommend Council award a sole source contract to Lowcountry Regional Transportation Authority (LRTA) (d/b/a Palmetto Breeze Transit), Bluffton, South Carolina in the amount of \$101,000 to provide two transportation routes in northern Beaufort County. The source of funding is General Ledger Account 24420011-51230, Disabilities and Special Needs Adult Services-Transportation. These funds are federal Medicaid dollars. The vote: YEAS – Mr. Caporale, Mr. Dawson, Mr. Fobes, Mrs. Howard, Mr. McBride and Mr. Vaux. The motion passed.

**Recommendation:** Council award a sole source contract to Lowcountry Regional Transportation Authority (LRTA) (d/b/a Palmetto Breeze Transit), Bluffton, South Carolina in the amount of \$101,000 to provide two transportation routes in northern Beaufort County. The source of funding is General Ledger Account 24420011-51230, Disabilities and Special Needs Adult Services-Transportation. These funds are federal Medicaid dollars.

## **2. Consideration of Reappointments and Appointments / Disabilities and Special Needs Board**

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

**Motion:** It was moved by Mrs. Howard, seconded by Mr. Dawson, that Committee recommend Council nominate Ms. Frankie Middleton and Mr. Gregory Hall to serve as members of the Disabilities and Special Needs Board. The vote: YEAS – Mr. Caporale, Mr. Dawson, Mr. Fobes, Mrs. Howard, Mr. McBride and Mr. Vaux. The motion passed.

**Motion:** It was moved by Mr. Caporale, seconded by Mr. Fobes, that Committee recommend Council nominate Ms. Marcia Metzger to serve as a member of the Disabilities and Special Needs Board. The vote: YEAS – Mr. Caporale, Mr. Dawson, Mr. Fobes, Mrs. Howard, Mr. McBride and Mr. Vaux. The motion passed.

**Recommendation:** Council nominate Mr. Gregory Hall, Ms. Marcia Metzger and Ms. Frankie Middleton to serve as members of the Disabilities and Special Needs Board.

## **INFORMATION ITEMS**

### **3. Consideration of Contract Award / Approve Sole Source Contract for Transportation Services Lowcountry Regional Transportation Authority D/B/A Palmetto Breeze Transit for Two Routes in Southern Beaufort County in the Amount of \$75,000**

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

**Discussion:** Mr. Dave Thomas, Purchasing Director, reviewed this item with the Committee. The Purchasing Department received a request from the Department of Disabilities and Special Needs (DSN) to approve a sole source contract for transportation services provided by Lowcountry Regional Transportation Authority (LRTA) (d/b/a Palmetto Breeze). Lowcountry Council of Governments has supported and encouraged transportation collaboration efforts between DSN and LRTA and they have been working together on two routes south of the Broad River. For the past two years, these routes have been paid from a Section 5310 (Elderly Individuals and Individuals with Disabilities) grant from the South Carolina Department of Transportation (SCDOT), with 80% of the cost paid by SCDOT federal monies and 20% DSN Program Funds.

The total amount requested of \$75,000 reflects the contract rate of \$3,580.00 for the first 5,000 miles and \$0.43 cents for each mile thereafter on the Hilton Head Island route (approximately 6,400 total miles per month) and \$2,685.00 for the first 3,500 miles and \$0.43 for each mile thereafter on the Bluffton route (approximately 5,600 total miles per month). Variation

occurs as passengers change or do not attend DSN program activities. Funding will come from Account 24420011-51230, Disabilities and Special Needs Adult Services – Transportation. These funds are a combination of SCDOT federal grant funds and DSN Program dollars.

**Motion:** It was moved by Mr. Caporale, seconded by Mr. Dawson, that Committee award a contract to LRTA (d/b/a Palmetto Breeze) in the amount of \$75,000 to provide transportation services in southern Beaufort County. Funding will come from Account 24420011-51230, Disabilities and Special Needs Adult Services – Transportation. These funds are a combination of SCDOT federal grant funds and DSN Program dollars. The vote: YEAS – Mr. Caporale, Mr. Dawson, Mr. Fobes, Mrs. Howard, Mr. McBride and Mr. Vaux. The motion passed.

**Status:** Committee awarded a contract to LRTA (d/b/a Palmetto Breeze) in the amount of \$75,000 to provide transportation services in southern Beaufort County. Funding will come from Account 24420011-51230, Disabilities and Special Needs Adult Services – Transportation. These funds are a combination of SCDOT federal grant funds and DSN Program dollars.

#### **4. Consideration of Contract Award / Purchase of One New Phoenix ADA Coach Van for the Adult Employment (Day) Program from Interstate Transportation Equipment via State Contract in the Amount of \$55,872**

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

**Discussion:** Mr. Dave Thomas, Purchasing Director, reviewed this item with the Committee. The Purchasing Department received a request from the Department of Disabilities and Special Needs (DSN) to purchase one new Phoenix ADA Coach from Interstate Transportation Equipment, a State contract vendor. This bus is for the Adult Employment (Day) Program, whose numbers have increased dramatically in FY 2016. It is designed for up to 12 passengers and 2 wheelchairs. Increased engine size and heavier frame are due to the weight of the large powered wheelchairs. The backup camera is a necessary safety feature. DSN's vehicles travel long distances daily, often on unpaved roads, which contributes to constant wear and repairs. The safety of the consumers served by DSN is paramount. Funding will come from Account 24420011-54000, Disabilities and Special Needs – Vehicle Purchases.

**Motion:** It was moved by Mr. Vaux, seconded by Mr. Caporale, that Committee award a contract to Interstate Transportation Equipment in the amount of \$55,872 for one new ADA bus for the Department of Disabilities and Special Needs. Funding will come from Account 24420011-54000, Disabilities and Special Needs – Vehicle Purchases. The vote: YEAS – Mr. Caporale, Mr. Dawson, Mr. Fobes, Mrs. Howard, Mr. McBride and Mr. Vaux. The motion passed.

**Status:** Committee awarded a contract to Interstate Transportation Equipment in the amount of \$55,872 for one new ADA bus for the Department of Disabilities and Special Needs. Funding will come from Account 24420011-54000, Disabilities and Special Needs – Vehicle Purchases.

## **5. Update / Beaufort County Disabilities and Special Needs**

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

**Discussion:** Mr. Bill Love, Director, Disabilities and Special Needs Department, provided the Committee with an update on the services provided by the Disabilities and Special Needs (DSN) Department. He informed the Committee of the results of a State program audit, wherein Beaufort County scored a 97.3%. Beaufort County DSN is doing something right. In the past few months, there have been two external financial audits completed, where zero issues or concerns were found with either. Customer service surveys are provided to the families of all individuals receiving services through DSN, which proved a 94% support approval rating. In addition, Mr. Love provided the Committee information on the following:

- Alliant External Review Preliminary Findings
- Disabilities Coalition Survey by USC-B
- ABLE Foundation 5K Walk – Hunting Island State Park on October 22 at 9:00 a.m.
- Knights of Columbus Picnic – Port Royal Residential Home on October 22 at 11:00 a.m.
- Status of Port Royal Residential Home and request to Legislative Delegation

**Status:** Information only.

## **6. Update / Beaufort County Library Services**

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

**Discussion:** Mr. Ray McBride, Library Director, provided the Committee with an update on the Beaufort County Library System. The information provided is as follows:

### **Library Facilities**

- Five Branch Libraries
- Public WIFI At All Locations
- 201 Public Computers
- Nine Public Meeting Rooms
- 73 Full-Time Equivalent Staff Positions

#### Online Resources

- Lowcountry Digital Library (Local History)
- Mango Language Learning Library
- 52 Education/Research Databases
- *Well-Read* Podcast
- My Next Book Reader's Advisory
- 3M Cloud Library
- Hoopla DIGITAL Library

#### Library Collection

- 350,000 Items on our shelves
- 3,900 e-Titles in the 3M Cloud Library
- 550,000 e-Titles in Hoopla

#### SCLENDs – South Carolina Libraries Sharing Resources

- Over 3.5 million items
- About 356,000 items circulate monthly
- 1.2 million items loaned between counties at a value of \$9 million
- Evergreen open-source software

Mr. McBride provided annual statistics on staffing, door count, circulation, reference transactions, internet usage, number of library cards, internet usage (including wireless), program attendance, library collection, checkouts by physical format, Hoopla Digital by category, 3M Cloud Library by category, by genre, within adult genre, and within the juvenile genre. A recap of the following was also provided:

#### Challenges

- Aging Facilities
  - Beaufort library 20 years old, second floor never completely finished
  - Parking at Beaufort Branch
- Deferred Maintenance
  - Hilton Head Island units failing, two units already replaced
  - Bluffton: A/C units failing
  - Beaufort: A/C units failing
- Staff Turnover
- Aging Network Infrastructure

#### Conclusions

- Libraries are well used by every demographic
- Books are still very popular
- Growth in Bluffton area is beginning to stress the Bluffton Branch Library
- Library Network Infrastructure is aging/failing
- HVAC units will continue to fail until replaced

How do we better serve our population?

- Repair/renovate existing facilities
- Expand hours of branches to better serve communities
- Refresh Network Infrastructure
- Introduce new services that are cost effective and show return on investment (ROI)

New Services Introduced FY15/16

- Upgraded WIFI at all branches
- Introduced Hoopla Digital Library
- Introduced Self-e Digital Publishing Portal
- Reduced Wait Time on Popular Fiction Titles
- Increased Purchases of New Materials
- Expanded Children's Summer Reading Program
- Introduced Kajeet SmartSpot WIFI Loan Program

New Services FY16/17

- Introduced New Library Website
- Expand Children's Launchpad Pilot Program to Hilton Head Island and St. Helena Island branches
- Complete New Year Strategic Plan
- Introduce Bookmobile service Countywide
- Refresh Network Infrastructure
- Renovate Beaufort Library, First Floor
- Replace/Upgrade furniture at all branches as needed
- Introduce Library mascot

**Status:** Information only.

**7. Update / An Ordinance of Beaufort County Council Updating the Beaufort County Smoking Ordinance**

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

**Discussion:** Mr. Tom Keaveny, County Attorney, reviewed with the Committee amendments made to the proposed Beaufort County Smoking Ordinance. The amendments included changes in Section 38-91 – Definitions – defining the parameters of restriction, as well as the definition of smoking.

Concerns and comments from the Committee included the following:

- It is arguable whether we should extend this to every individual and every organization that receives funding from the County.
- The possibility of designated smoking areas at certain buildings.

- A majority of Council feels this ordinance should not be extended to all agencies receiving funding from the County.

**Status:** This item will come back before the Community Services Committee meeting on September 26, 2016.

DRAFT



## FINANCE COMMITTEE

September 6, 2016

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

The Finance Committee met Tuesday, September 6, 2016 beginning at 2:00 p.m., in the Executive Conference Room, Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort, South Carolina

### ATTENDANCE

Chairman Jerry Stewart, Vice Chairman Steven Fobes and members Cynthia Bensch, Brian Flewelling, William McBride and Stu Rodman. Committee member Rick Caporale absent. Non-committee member Alice Howard present.

County staff: Tony Criscitiello, Planning Director; Joshua Gruber, Deputy County Administrator/Special Counsel; Alicia Holland, Assistant County Administrator–Finance; Gary James, Assessor; Tom Keaveny, County Attorney; and Gary Kubic, County Administrator.

Media: Joe Croley, *Lowcountry Inside Track*.

Public: Caleb Brown; Larry Holman, President, Beaufort Black Chamber of Commerce.

Councilman Stewart chaired the meeting.

### ACTION ITEMS

#### **1. Initial Discussion / Issuance of Bonds for Rural and Critical Lands Program and Other County Needs**

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

**Discussion:** Mrs. Alicia Holland, Assistant Administrator–Finance, provided the Committee with bond debt service data reflecting market conditions as of August 30, 2016 for both \$25 million and \$40 million issuances of General Obligation Bonds (GOB).

In November 2014 voters approved, by way of referendum, an additional \$20 million for the Rural and Critical Lands Program. Those bonds have not yet been issued. In addition, when the Stormwater MS4 Program was approved, it required a \$5 million revenue bond to eliminate increasing fees all at once, which has not been issued. The \$25 million will not affect the 8% limitation.



There are two different dollar amounts of borrowing before the Committee for consideration. If we go forward with the issuance of a bond, it could include dollars for projects that are included in the Sales Tax Referendum that will be voted on in November 2016. These projects include the Windmill Harbor / Jenkins Island Project, development of a new EMS station in the Bluffton area, replacement of communication equipment for the Sheriff's Office, and other safety identified projects. If the referendum is successful, it will be the most favorable/advantage financing mechanism for the citizens of Beaufort County; but, if it is not, the need for funding these projects still exist.

**Main motion:** It was moved by Mr. Flewelling, seconded by Mr. Rodman, that Committee recommend Council approve an ordinance authorizing the issuance and sale of General Obligation Bonds, Series 2016B, of Beaufort County, South Carolina in the principal amount of not exceeding \$40,000,000.

**Motion to amend by substitution:** It was moved by Mr. Flewelling, seconded by Mr. Rodman, that Committee amend the main motion to substitute \$40,000,000 with \$45,000,000. The vote: YEAS – Mrs. Bensch, Mr. Fobes, Mr. McBride, Mr. Rodman and Mr. Stewart. NAYS – Mr. Flewelling. ABSENT – Mr. Caporale. The motion passed.

**Vote on the amended motion, which is now the main motion, and includes the motion to amend by substitution:** Council approve on first reading an ordinance authorizing the issuance and sale of General Obligation Bonds, Series 2016B, of Beaufort County, South Carolina in the principal amount of not exceeding \$45,000,000. The vote: YEAS – Mrs. Bensch, Mr. Flewelling, Mr. Fobes, Mr. McBride, Mr. Rodman and Mr. Stewart. ABSENT – Mr. Caporale. The motion passed.

**Recommendation:** Council approve on first reading an ordinance authorizing the issuance and sale of General Obligation Bonds, Series 2016B, of Beaufort County, South Carolina in the principal amount of not exceeding \$45,000,000.

**2. An Ordinance to Amend Section 66-81, et seq. of the Beaufort County Code of Ordinances so as to Rename the Tax Equalization Board and Provide Amendments to Board Membership**

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

**Discussion:** This is a recommendation to approve an ordinance amending the membership and composition of the Beaufort County Tax Equalization Board and to modify the name of the Tax Equalization Board. County Attorney, Tom Keaveny, reviewed the revisions to the Committee, which included the following:

- Section 3 Duties
- Section 4 Officers
- Section 5 Minutes

Committee asked legal staff to make the following revisions to the proposed ordinance:

- Include language in Section 3 – Duties mandating all votes to be held publicly.
- Removal of paragraph 1 on page 3 that allows Council to amend the article to reduce board membership.
- Include language to reduce the board membership from 15 to 9. There are currently 12 active members serving on the board. The reduction would occur through attrition.

**Motion:** It was moved by Mr. Rodman, seconded by Mr. Flewelling, that Committee approve and recommend Council approve on first reading an ordinance to amend Section 66-81, et seq. of the Beaufort County Code of Ordinances so as to rename the Tax Equalization Board and provide amendments to board membership, contingent upon the following revisions: inclusion of language mandating all votes be held publicly; removal of language allowing Council to amend membership; and include language to reduce board membership from 15 to 9. The vote: YEAS – Mrs. Bensch, Mr. Flewelling, Mr. Fobes, Mr. McBride, Mr. Rodman and Mr. Stewart. ABSENT – Mr. Caporale. The motion passed.

**Recommendation:** Council approve on first reading an ordinance to amend Section 66-81, et seq. of the Beaufort County Code of Ordinances so as to rename the Tax Equalization Board and provide amendments to board membership, contingent upon the following revisions: inclusion of language mandating all votes be held publicly; removal of language allowing Council to amend membership; and include language to reduce board membership from 15 to 9.

**3. An Ordinance to Appropriate Funds not to Exceed \$250,000 from the 3% Local Accommodations Tax Funds to the County General Fund for construction of the Spanish Moss Trail – Phase 7**

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

**Discussion:** This ordinance will allow for the transfer of \$250,000 from the 3% Local Accommodations Tax Funds, to the County General Fund for the purpose of constructing the Spanish Moss Trail, Phase 7. The Spanish Moss Trail is a bicycle and pedestrian trail, accessible by the public.

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

**Recommendation:** Council approve on first reading an ordinance to appropriate funds not to exceed \$250,000 from the 3% Local Accommodations Tax Funds to the County General Fund for construction of the Spanish Moss Trail – Phase 7.

#### **4. Consideration of Reappointments and Appointments / Airports Board**

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

**Motion:** It was moved by Mr. Rodman, seconded by Mr. Flewelling, that Committee approve and recommend Council nominate Mr. Lex Brown, representing active pilot and aircraft owner at Lady's Island Airport, to serve as a member of the Airports Board. The vote: YEAS – Mrs. Bensch, Mr. Flewelling, Mr. Fobes, Mr. McBride, Mr. Rodman and Mr. Stewart. ABSENT – Mr. Caporale. The motion passed.

**Recommendation:** Council nominate Mr. Lex Brown, representing active pilot and aircraft owner at Lady's Island Airport, to serve as a member of the Airports Board.

#### **INFORMATION ITEM**

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

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

**Discussion:** Mrs. Alicia Holland, Assistant Administrator–Finance, provided the Committee with preliminary and unaudited financials for accommodations (2% state) tax monies as of June 30, 2016. Committee discussed the following:

- Possible inclusion of the Greater Bluffton Chamber of Commerce as a Beaufort County designated marketing organization (DMO).
- Transfer of funds to the Hospitality Tax Fund to finish paying back the remaining balance of \$100,000 owed from the initial \$200,000 transfer from the Hospitality Tax Fund that Council approved in FY2015 (four equal annual repayments of \$50,000).
- Dollar amount to allocate to the Accommodations (2% State) Tax Board for FY 2017 grant awards to tourist-related organizations.

**Main motion:** It was moved by Mr. Flewelling, seconded by Mr. Fobes, that Committee approve the allocation of \$500,000 to the Accommodations (2% State) Tax Board for FY 2017 grant awards to tourist-related organizations.

**Motion to amend by substitution:** It was moved by Mr. Flewelling, as maker of the main motion, seconded by Mr. Fobes, that Committee allocate \$550,000 to the Accommodations (2% State) Tax Board for FY 2017 grant awards to tourist-related organizations. Further, Committee approve the transfer of an additional \$50,000 (payment four of four) to the Hospitality Tax Fund, which pays off the remaining balance of \$100,000 owed from the initial \$200,000 transfer from the Hospitality Tax Fund that Council approved in FY2015. The vote: YEAS – Mrs. Bensch, Mr. Flewelling, Mr. Fobes, Mr. McBride, Mr. Rodman and Mr. Stewart. ABSENT – Mr. Caporale. The motion passed.

**Vote on the amended motion, which is now the main motion, and includes the motion to amend by substitution:** Committee allocate \$550,000 to the Accommodations (2% State) Tax Board for FY 2017 grant awards to tourist-related organizations. Further, Committee approve the transfer of an additional \$50,000 (payment four of four) to the Hospitality Tax Fund, which pays off the remaining balance of \$100,000 owed from the initial \$200,000 transfer from the Hospitality Tax Fund that Council approved in FY2015. The vote: YEAS – Mrs. Bensch, Mr. Flewelling, Mr. Fobes, Mr. McBride, Mr. Rodman and Mr. Stewart. ABSENT – Mr. Caporale. The motion passed.

**Status:** Committee allocated \$550,000 to the Accommodations (2% State) Tax Board for FY2017 grant awards to tourist-related organizations. Further, Committee approved the transfer of an additional \$50,000 (payment four of four) to the Hospitality Tax Fund, which pays off the remaining balance of \$100,000 owed from the initial \$200,000 transfer from the Hospitality Tax Fund that Council approved in FY2015.

## **FINANCE COMMITTEE**

**August 29, 2016**

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

The Finance Committee met Monday, August 29, 2016 beginning at 2:00 p.m., in the Executive Conference Room, Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort, South Carolina.

### **ATTENDANCE**

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

County staff: Jim Beckert, Auditor; Milton Boswell, Deputy Assessor; Joshua Gruber, Deputy County Administrator/Special Counsel; Alicia Holland, Assistant County Administrator–Finance; Tom Keaveny, County Attorney; Gary Kubic, County Administrator; Eric Larson, Environmental Engineering Director; Dan Morgan, Mapping and Applications Director; Shakeeya Polite, Office Manager, Information Technology Department; Joanne Romine, Applications Support, Information Technology Department; Monica Spells, Assistant County Administrator–Civic Engagement and Outreach; Carolyn Wallace, Stormwater Utility Fiscal Technician; Maria Walls, Treasurer; and George Wright, Deputy Treasurer.

Media: Joe Croley, *Lowcountry Inside Track*.

Public: Mike Covert.

Councilman Stewart chaired the meeting.

### **INFORMATION ITEM**

#### **1. Discussion / An Ordinance Creating the Development and Printing of Beaufort County Tax Notices, Bills and Collection Practices**

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

**Discussion:** The purpose of this meeting is to discuss the possibility of drafting an ordinance that would establish a protocol for the printing and mailing of County tax notice as well as billing and collecting revenue.

Mr. Stewart, Committee Chairman, introduced this item and opened the discussion to all key parties involved.

**Status:** The Auditor, Treasurer, and County Administration will meet to discuss processes, and will report to County Council its final recommendation on September 9, 2016.

DRAFT

## **FINANCE COMMITTEE**

**August 22, 2016**

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

The Finance Committee met Monday, August 22, 2016 beginning at 2:00 p.m., in the Large Meeting Room, Hilton Head Island Branch Library, 11 Beach City Road, Hilton Head Island, South Carolina.

### **ATTENDANCE**

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

County staff: Jim Beckert, Auditor; Phil Foot, Assistant County Administrator–Public Safety; Alicia Holland, Assistant County Administrator–Finance; Gene Hood, Public Defender; Gary James, Assessor; Tom Keaveny, County Attorney; Gary Kubic, County Administrator; Monica Spells, Assistant County Administrator–Civic Engagement and Outreach; and Maria Walls, Treasurer.

Media: Joe Croley, *Lowcountry Inside Track*.

Public: Anne Chatfield, Sea Island Corridor Coalition; Mike Covert; Jim Hicks, Lady's Island Business and Professional Association; Larry Hughes; Billy Keyserling, Mayor, City of Beaufort; Kristine Lundgren, Sea Island Corridor Coalition; Stephen Murray, Interim Chairman, Economic Development Corporation and Beaufort City Council; Bill Prokop, Manager, City of Beaufort; Jocelyn Staiger, Government Affairs Director, Hilton Head Island Association of Realtors; and Eric Summerville, a resident of Bluffton.

Councilman Stewart chaired the meeting.

### **INFORMATION ITEMS**

- 1. Request from City of Beaufort to Use Road Impact Fees from the Lady's Island Walmart to Conduct a Traffic Study**

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



**Discussion:** Mr. Bill Prokop, Manager, City of Beaufort, presented the Committee with a PowerPoint presentation outlining the request from the City of Beaufort to use a percentage of the Walmart impact fee for the Lady's Island Traffic Study. The purpose of the Study is to understand the overall impact of current traffic volume and to factor into the study planned residential and commercial growth affecting the area. This came out of meetings that were held with State Representative Shannon Erickson, South Carolina Department of Transportation (SCDOT), County Engineering, City Engineering, City Planning, County Planning, Lady's Island Business and Professional Association (LIBPA), and concerned citizens of Lady's Island. The common goal (Goal #2) of the Northern Beaufort County Regional Plan stated "adequate and timely regional infrastructure and public facilities will be provided in a fair and equitable manner through a cooperative process in which all units of local government participate and act in the spirit of partnership."

Mr. Prokop provided the Committee with a map outlining the parcels on Lady's Island that are within the City of Beaufort's taxing district, and other parcels that are within the Lady's Island taxing district, as well as a County versus City tax comparison for Lady's Island.

What is the annexation effect on Beaufort County? The County does not lose any tax revenue. The County does, however, lose business license fees and stormwater fees. The County reduces cost of law enforcement coverage in the area.

Mr. Prokop provided the Committee with a table demonstrating the projected property taxes for the Walmart development, which totaled \$193,606. The breakdown of the FY2017 tax estimates was presented as follows: \$48,107 Beaufort County, \$87,660 Beaufort County School District, \$33,990 City of Beaufort, and \$23,850 Lady's Island – repaid through the City of Beaufort agreement. Additional information to include the bidding of the study, data from the most recent Harris Teeter Traffic Study, and projected growth was presented to the Committee.

The City of Beaufort is requesting that the Finance Committee authorize the use of \$78,876 of the \$287,000 Walmart Transportation Impact Fee to offset the cost of the traffic study that will benefit the City of Beaufort and Beaufort County in their planning for the future. This request is based on a 90%/10% split, which is based on the current tax and parcel revenue.

**Motion:** It was moved by Mr. Sommerville, seconded by Mrs. Bensch, that Committee authorize the use \$78,876 of the \$287,000 Walmart Transportation Impact Fee to offset the cost of the Lady's Island Traffic Study. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Fobes, Mr. McBride, Mr. Rodman and Mr. Stewart. ABSENT – Mr. Flewelling, The motion passed.

**Status:** Committee authorized the use \$78,876 of the \$287,000 Walmart Transportation Impact Fee to offset the cost of the Lady's Island Traffic Study.



## **2. Presentation / Public Defender's Office**

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

**Discussion:** Mr. Gene Hood, Public Defender, informed the Committee of his pending retirement of September 30, 2016 and spoke about the funding inadequacies in the Public Defender's Office. He requested \$185,000 for FY2017 and, in turn, received \$65,000 while the Solicitor requested an additional \$185,000 and received \$1,250,000. The Public Defender's Office handles 85% of all criminal justice work in the County. He asked that the County increase his budget of \$120,000 to the \$185,000 requested.

**Status:** Information only.

## **3. An Ordinance to Amend Section 66-81, *et seq.* of the Beaufort County Code of Ordinances so as to Rename the Tax Equalization Board and Provide Amendments to Board Membership**

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

**Discussion:** This is a recommendation to approve an ordinance to amend the membership and composition of the Beaufort County Tax Equalization Board and to modify the name of the Tax Equalization Board. Mr. Tom Keaveny, County Attorney, provided the Committee with an update on the proposed ordinance and the following information:

- The desire for a reduction in the number of members.
- A Board secretary.
- Information relative to the State Statue allowing discussion and action to occur in executive session.
- Whether or not to dissolve the Board and appoint people, or amend the ordinance regulating the Board and reappoint individuals.
- Possibility of representation by expertise rather than geographic representation.

**Status:** Information only.

## GOVERNMENTAL COMMITTEE

August 22, 2016

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

The Governmental Committee met Monday, August 22, 2016 beginning at 1:00 p.m. in the Large Meeting Room, Hilton Head Island Branch Library, 11 Beach City Road, Hilton Head Island, South Carolina.

### ATTENDANCE

Chairman Stu Rodman, Vice Chairman Rick Caporale, and Committee members Cynthia Bensch, Alice Howard and Jerry Stewart. Gerald Dawson and Brian Flewelling absent. Non-Committee members Steven Fobes, William McBride and D. 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: Phil Foot, Assistant County Administrator-Public Safety; Thomas Keaveny, County Attorney; Gary Kubic, County Administrator; and Monica Spells, Assistant County Administrator-Civic Engagement and Outreach.

Public: David Bennett, Mayor, Town of Hilton Head Island; Ashley Feaster, Palmetto Electric; Billy Keyserling, Mayor, City of Beaufort; Stephen Murray, Interim Chairman, Economic Development Corporation; Bill Propkop, Manager, City of Beaufort; Eric Summerville, a resident of Bluffton; and Van Willis, Manager, Town of Port Royal.

Media: Joe Croley, *Lowcountry Inside Track*.

Mr. Rodman chaired the meeting.

### ACTION ITEM

#### **1. Consideration of Reappointments and Appointments / County Council Representative / Economic Development Corporation**

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

**Motion:** It was moved by Mrs. Bensch, seconded by Mr. Caporale, that Committee approve and recommend Council nominate Mr. Steven Fobes, representing County Council, to serve as a member of the Beaufort County Economic Development Corporation. Mr. Fobes' appointment will commence no later than six months following adoption of Ordinance 2016/19 on June 27, 2016, or immediately following the resignation of Mr. Paul Sommerville, who is

serving temporarily as County Council's representative on the Corporation. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mrs. Howard, Mr. Rodman and Mr. Stewart. ABSENT - Mr. Dawson and Mr. Flewelling. The motion passed.

**Recommendation:** Council nominate Mr. Steven Fobes, representing County Council, to serve as a member of the Beaufort County Economic Development Corporation. Mr. Fobes' appointment will commence, no later than six-months, following adoption of Ordinance 2016/19 on June 27, 2016, or immediately following the resignation of Mr. Paul Sommerville, who is serving temporarily as County Council's representative on the Corporation.

## **INFORMATION ITEMS**

### **2. Initial Discussion / Workforce Shortage**

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

**Discussion:** Committee Chairman Stu Rodman stated there has been continued discussion and concern regarding the workforce shortage, primarily, in southern Beaufort County. He introduced Mayor David Bennett, Town of Hilton Head Island, who highlighted the following concerns:

- There is an issue attracting a workforce ready and qualified.
- Employers are having problems appropriately staffing their businesses.
- This represents a deficit to our overall quality of life.
- Visitors have an expectation of a certain level and quality of service.
- Residents of Hilton Head Island expect a certain level and quality of service.
- This is a county-wide problem and requires a county-wide effort.

Mr. Rodman feels this problem is multi-faceted -- the lack of multi-family dwellings in southern Beaufort County, affordability, transportation, as well as the impact fee variance within the different areas.

Mrs. Howard stated at the last Affordable Housing Coalition meeting, representatives provided real estate information for south of the Broad River, that was rather interesting. She encouraged Council members to review their minutes.

Mr. Stewart agreed this is a multi-facet issue. We need to look at the total system, not individual components.

**Status:** Informational only.

### **3. Overview / City of Beaufort Annexation History and Plans**

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

**Discussion:** Mayor Billy Keyserling, City of Beaufort, provided the Committee with an update on the City of Beaufort (City) annexation history and plan(s). At the August 8, 2016 Finance Committee meeting, the City requested from County Council, the use of Road Impact Fees accrued from the development of the Lady's Island Walmart to conduct a traffic study, which brought to light the need for the City to inform Beaufort County of future plans. The City's plans, as it relates to Lady's Island, are specific to the Northern Regional Plan.

The principles of that area include infill development, redevelopment, and closure of (doughnut holes, *i.e.*, unincorporated areas located within a municipality). The City intends to continue commercial development along U.S. Highway 21, up to Airport Junction, where installation of a traffic signal is planned. Commercial property development down Sams Point Road is limited to Miller Drive. There are no plans to annex residential properties. The development of Lady's Island has created a market for retailers. Development is driven by the residents, of both Lady's Island and St. Helena Island, who want certain services on the Island. The proactive plan is to begin infill development and redevelopment in the downtown Beaufort area, capture the 40% of vacant land in the area, and infill with cottage-style homes.

A traffic problem exists on Lady's Island that needs to be addressed. The City plans to request the members of Council's Finance Committee approve the use of some of the impact fees from the Lady's Island Walmart to offset the cost of a Traffic Study. It was noted that the City has contracted with Ward Edwards to conduct the traffic impact study. This issue is scheduled for discussion at the August 22, 2016 meeting of the Finance Committee.

**Status:** Informational only.

### **4. Update / Beaufort County Economic Development Corporation**

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

**Discussion:** Committee Chairman Stu Rodman provided the Committee with a short PowerPoint presentation updating the committee on the Economic Development Corporation – County Council Resolve, Municipal Partners, Strategic Options, and Funding. The municipalities and Beaufort County all seem to have the same consensus on everything with the exception of funding of a consultancy and sequence of joining an alliance.

Mr. Stephen Murray, Interim Chairman, Economic Development Corporation, thanked County Council and County administration for all of their support and resources. The Economic

Development Corporation (EDC) has met twice with the next meeting scheduled to be held August 24, 2016. The EDC is currently accepting nominations to fill the two at-large seats. The EDC is also in the process of issuing a request for proposals (RFP) for facilitation and preparation of a strategic plan for the EDC. Each municipality has individual goals, as does the County for economic development; therefore, the help of a facilitator is sought. To date, the EDC has not been briefed on any of the current economic development prospects within the County. The EDC asks to be updated on such within the next few months.

**Status:** Informational only.

#### **5. Off Agenda / Heritage Tourism Update**

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

**Discussion:** Mayor David Bennett, Town of Hilton Head Island, and Mayor Billy Keyserling, City of Beaufort, provided the Committee with an update on the development and progress of the Heritage Tourism Task Force.

**Status:** Informational only.

Boards and Commissions  
Reappointments and Appointments  
September 12, 2016

**1 Community Services Committee**

*Disabilities and Special Needs Board*

<u>Nominated</u>	<u>Name</u>	<u>Position/Area/Expertise</u>	<u>Reappoint/Appoint</u>	<u>Votes Required</u>	<u>Term/Years</u>	<u>Expiration</u>
08.22.16	Gregory Hall	Countywide	Appoint	6/11	Partial term	2/2019
08.22.16	Marcia Metzger	Countywide	Appoint	6/11	Partial term	2/2018
08.22.16	Frankie Middleton	Countywide	Appoint	6/11	Partial term	2/2020

**2 Finance Committee**

*Airports Board*

<u>Nominate</u>	<u>Name</u>	<u>Position/Area/Expertise</u>	<u>Reappoint/Appoint</u>	<u>Votes Required</u>	<u>Term/Years</u>	<u>Expiration</u>
09.12.16	Lex Brown	Active pilot <u>and</u> aircraft owner LI Airport	Appoint	6/11	2	2/2018

*Burton Fire District Commission*

<u>Nominated</u>	<u>Name</u>	<u>Position/Area/Expertise</u>	<u>Reappoint/Appoint</u>	<u>Votes Required</u>	<u>Term/Years</u>	<u>Expiration</u>
08.22.16	Madison Chisum	Burton Fire Service Area	Appoint	6/11	Partial term	2/2017

**3 Governmental Committee**

*Economic Development Corporation*

<u>Nominated</u>	<u>Name</u>	<u>Position/Area/Expertise</u>	<u>Reappoint/Appoint</u>	<u>Votes Required</u>	<u>Term/Years</u>	<u>Expiration</u>
08.22.16	Steven Fobes *	County Council Representative	Appoint	6/11	Until replaced	

\* Appointment will commence no later than six months following adoption of Ordinance 2016/19 on June 27, 2016, or immediately following the resignation of Paul Sommerville, who is serving temporarily as Council County's representative on the Corporation.

**4 Natural Resources Committee**

*Southern Beaufort County Corridor Beautification Board*

<u>Nominated</u>	<u>Name</u>	<u>Position/Area/Expertise</u>	<u>Reappoint/Appoint</u>	<u>Votes Required</u>	<u>Term/Years</u>	<u>Expiration</u>
08.22.16	Randy Boehme	Bluffton Town appointee	Appoint	6/11	Partial term	2/2017

**5 Public Facilities Committee**

*County Transportation Committee*

<u>Nominated</u>	<u>Name</u>	<u>Position/Area/Expertise</u>	<u>Reappoint/Appoint</u>	<u>Votes Required</u>	<u>Term/Years</u>	<u>Expiration</u>
08.22.16	Christopher England	Council District 7	Appoint	6/11	Partial term	2/2017

2016

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

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

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2016.

COUNTY COUNCIL OF BEAUFORT COUNTY

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

APPROVED AS TO FORM:

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

ATTEST:

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

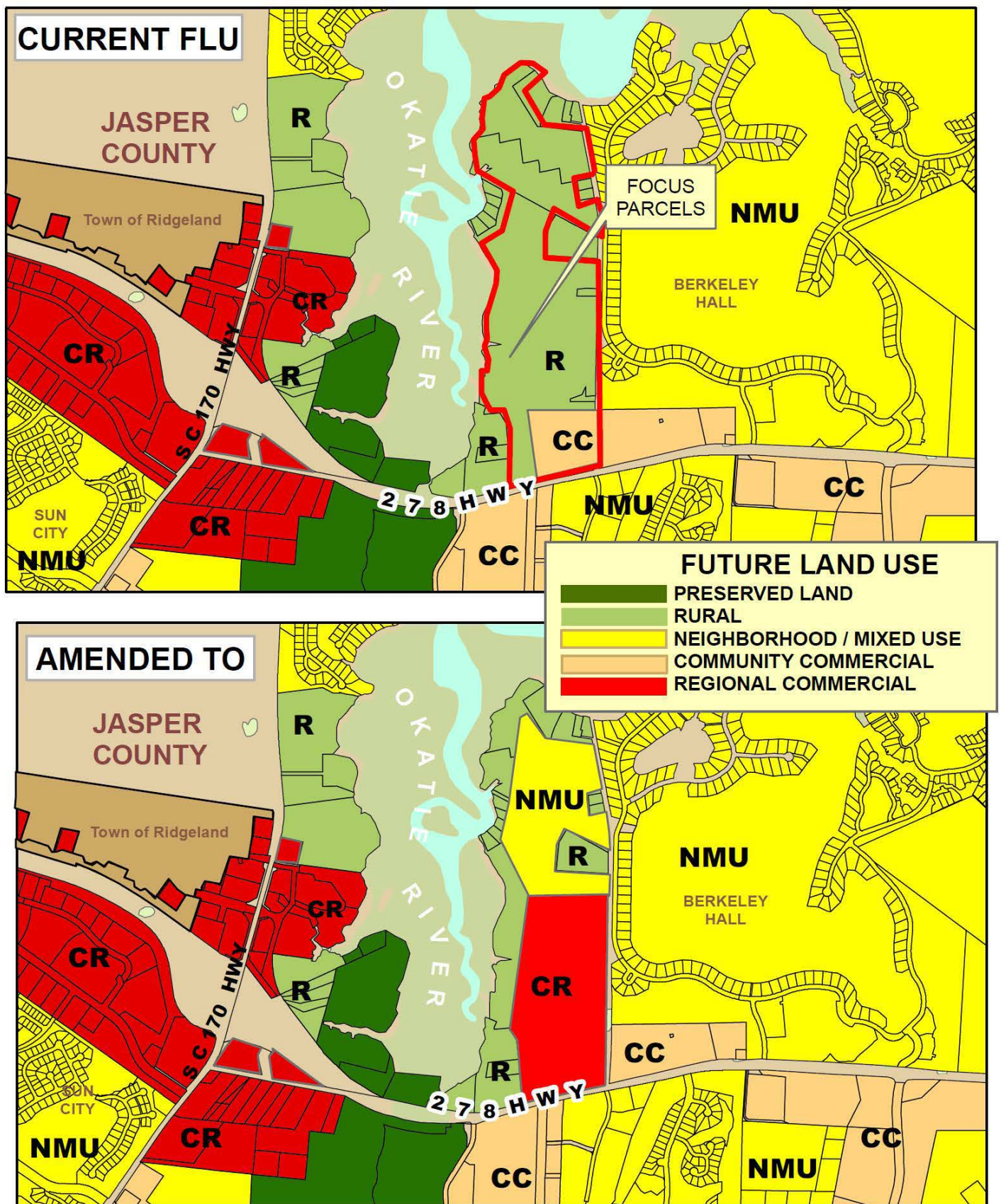
First Reading:

Second Reading:

Public Hearing:

Third and Final Reading:



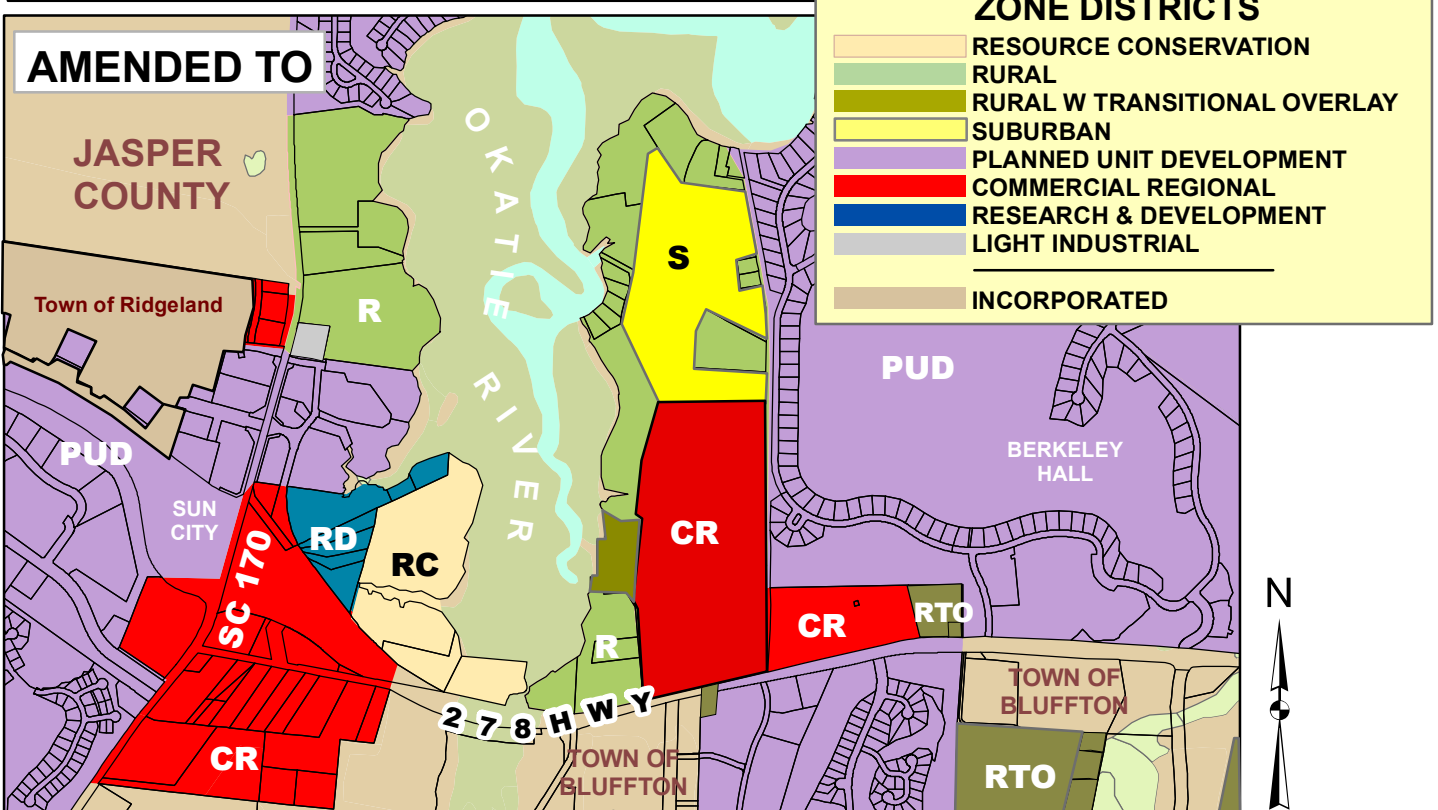
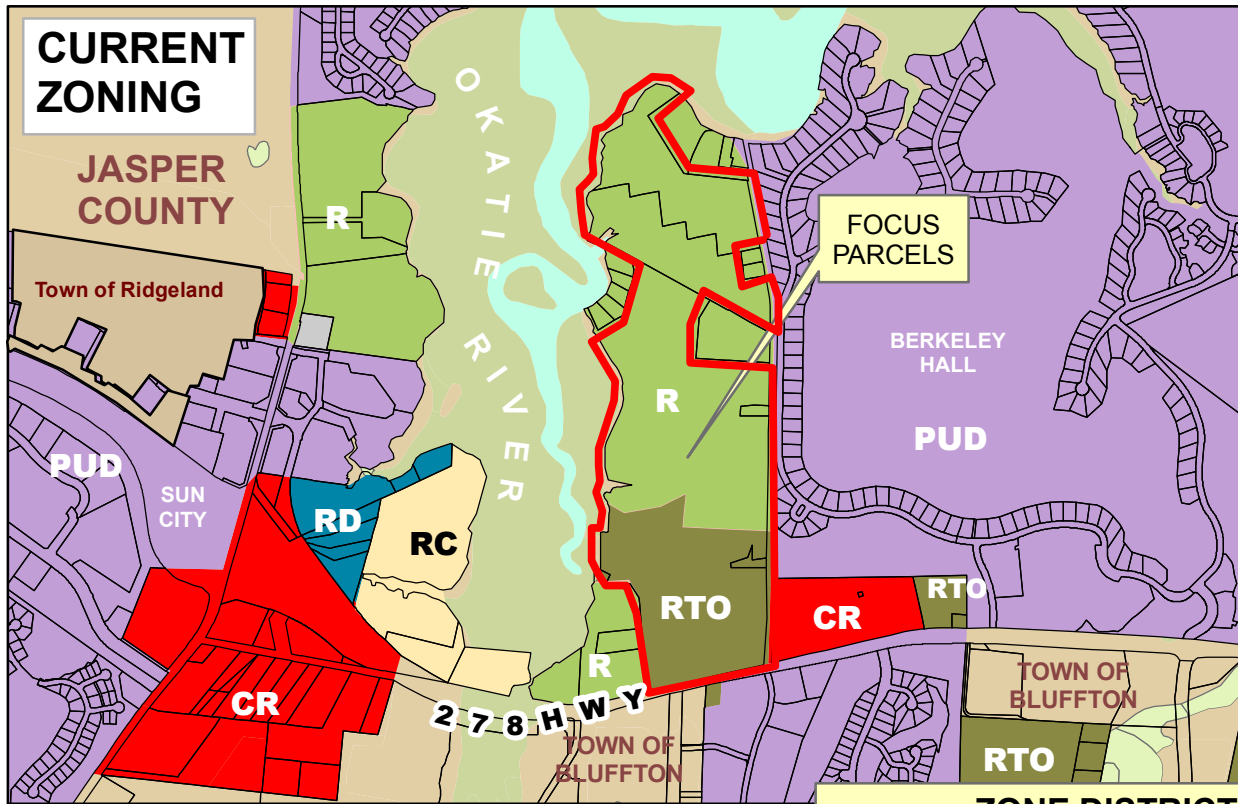


## FUTURE LAND USE AMENDMENT INVOLVING PARCELS:

11/30/12

R600 021 000 0002 0000; R600 021 000 0075 0000;  
 R603 021 000 004A 0000; R603 021 000 0194 0000  
 R603 021 000 0195 0000; R603 021 000 006A 0000;  
 R603 021 000 007B 0000





## REZONING AMENDMENT

INVOLVING PARCELS:

R600 021 000 0002 0000; R600 021 000 0075 0000;  
 R603 021 000 004A 0000; R603 021 000 0194 0000  
 R603 021 000 0195 0000; R603 021 000 006A 0000;  
 R603 021 000 007B 0000

**ORDINANCE 2016 / \_\_\_\_\_**

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

**WHEREAS**, Beaufort County has committed itself to improving and enhancing business economic development in the County for the benefit of its citizens; and

**WHEREAS**, economic development has many characteristics, including attracting new businesses with new economic opportunities to the County as well as supporting through a variety of financial options available to the County, existing and established businesses which have, for years, supported our community and provided jobs to our residents; and

**WHEREAS**, Harris Pillow Supply, Inc. is one such local manufacturing business with deep, long standing connections to Beaufort County going back to 1956; and

**WHEREAS**, Harris Pillow Supply, Inc. has grown, as Beaufort itself has grown, in terms of revenue and employment opportunities for the community and continues to grow and demonstrate an ongoing commitment to the community; and

**WHEREAS**, Harris Pillow Supply, Inc. now has an opportunity to expand significantly its current manufacturing operations, which, if fully realized, will result in a total capital investment of \$2,100,000 and the anticipated creation of 25 new full-time jobs; and

**WHEREAS**, Harris Pillow Supply, Inc. has asked the County to help it take advantage of this opportunity by providing a financial incentive package with a value of \$225,000; and

**WHEREAS**, Beaufort County Council has concluded this opportunity will benefit a local business, the local business community, and the citizens and residents of Beaufort County.

**NOW, THEREFORE, BE IT ORDAINED**, that Beaufort County Council does hereby approve a supplemental budget appropriation from the County's General Reserve Fund to the General Fund to fulfill its obligation to Harris Pillow Supply, Inc. under the incentive package.

DONE this \_\_\_\_ day of \_\_\_\_\_, 2016.

COUNTY COUNCIL OF BEAUFORT COUNTY

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

APPROVED AS TO FORM:

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Thomas J. Keaveny, II, County Attorney

ATTEST:

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Suzanne M. Rainey, Clerk to Council

First Reading: August 22, 2016

Second Reading:

Public Hearing:

Third and Final Reading:

**ORDINANCE NO. 2016 / \_\_\_\_\_**

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

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

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

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

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

**WHEREAS**, Beaufort County Council believes it is in the best interests of its citizens to appropriate \$175,000 from the 3% Local Accommodations Tax Fund to support the continued development of the cultural interpretive center at 1501 Bay Street, Beaufort, South Carolina. Of these funds, \$145,000 is to be used by the Foundation to Reimburse Beaufort County’s General Fund for payments previously made for the center’s parking needs; \$30,000 is to be used by the Foundation for HVAC, elevator and other capital maintenance needs of the center.

**NOW, THEREFORE, BE IT ORDAINED** that Beaufort County Council, duly assembled, hereby appropriates \$175,000 from the 3% Local Accommodations Tax Fund to the Santa Elena Foundation to be used as set forth above.

DONE this \_\_\_\_ day of \_\_\_\_\_, 2016.

COUNTY COUNCIL OF BEAUFORT COUNTY

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

APPROVED AS TO FORM:

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

First Reading: August 22, 2016

Second Reading:

Public Hearing:

Third and Final Reading:

ORD. 2016 / \_\_\_, \_\_-\_\_ - 2016

**AN ORDINANCE TO AMEND THE STORMWATER MANAGEMENT UTILITY ORDINANCE AS ADOPTED  
~~AUGUST 22, 2005 SEPTEMBER 28, 2015~~ TO PROVIDE FOR AMENDMENT OF THE RATE STRUCTURE  
~~APPLICABLE TO PARCELS RELATED TO CONDOMINIUMS, SUBMERGED PROPERTIES, AND PARCELS  
CONTIGUOUS TO SALT WATER MARSH, ADJUST UTILITY RATES, AND TO MODIFY CERTAIN TERMS TO  
ACCURATELY REFLECT ADMINISTRATION STRUCTURE~~**

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

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

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

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

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

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

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

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

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

Chapter 99 - STORMWATER MANAGEMENT UTILITY

ARTICLE I. - IN GENERAL

Secs. 99-1—99-100. - Reserved.

## ARTICLE II. - STORMWATER MANAGEMENT UTILITY

Sec. 99-101. - Findings of fact.

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

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

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

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

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

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

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

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

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

The Beaufort County Stormwater Management Utility is established for the purpose of managing, acquiring, constructing, protecting, operating, maintaining, enhancing, controlling, and regulating the use of stormwater drainage systems in the county. The utility shall, on behalf of the county and the citizens of the county: administer the stormwater management program; perform studies and analyses as required; collect service fees; system development fees, in-lieu of construction fees and other funding as allowed



by law, and obtain and administer grants and loans as authorized by the county council; prepare capital improvement plans and designs; perform routine maintenance and remedial repair of the stormwater systems; acquire, construct, and improve stormwater systems; acquire necessary lands, easements, rights-of-way, rights-of-entry and use, and other means of access to properties to perform its duties; regulate the on-site control, conveyance, and discharge of stormwater from properties; obtain federal and state permits required to carry out its purpose; enter into operating agreements with other agencies; allocate funds pursuant to interlocal governmental agreements; educate and inform the public about stormwater management; and perform, without limitation except by law, any stormwater management functions and activities necessary to ensure the public safety, protect private and public properties and habitat, and enhance the natural environment and waters of the county.

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

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

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

- (a) Beaufort County owns or has legal access for purposes of operation, maintenance, and improvement only to those stormwater systems and facilities which:
  - (1) Are located within public streets, other rights-of-way, and easements;
  - (2) Are subject to easements, rights-of-entry, rights-of-access, rights-of-use, or other permanent provisions for adequate access for operation, maintenance, monitoring, and/or improvement of systems and facilities; or
  - (3) Are located on public lands to which the county has adequate access for operation, maintenance, and/or improvement of systems and facilities.
- (b) Operation, maintenance, and/or improvement of stormwater systems and facilities which are located on private property or public property not owned by Beaufort County and for which there has been no public dedication of such systems and facilities for operation, maintenance, monitoring, and/or improvement of the systems and facilities shall be and remain the legal responsibility of the property owner, except as that responsibility may be otherwise affected by the laws of the State of South Carolina and the United States of America.
- (c) It is the express intent of this article to protect the public health, safety, and welfare of all properties and persons in general, but not to create any special duty or relationship with any individual person or to any specific property within or outside the boundaries of the county. Beaufort County expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages upon the county, its officers, employees and agents arising out of any alleged failure or breach of duty or relationship as may now exist or hereafter be created.
- (d) To the extent any permit, plan approval, inspection or similar act is required by the county as a condition precedent to any activity or change upon property not owned by the county, pursuant to this or any other regulatory ordinance, regulation, or rule of the county or under federal or state law, the issuance of such permit, plan approval, or inspection shall not be deemed to constitute a warranty, express or implied, nor shall it afford the basis for any action, including any action based on failure to permit or negligent issuance of a permit, seeking the imposition of money damages against the county, its officers, employees, or agents.

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

Sec. 99-105. - Boundaries and jurisdiction.

The boundaries and jurisdiction of the stormwater management utility shall encompass all those portions of unincorporated Beaufort County, as they may exist from time to time and such additional

areas lying inside the corporate limits of those cities and towns in Beaufort County as shall be subject to interlocal agreements for stormwater management as approved by county council and participating municipal councils.

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

Sec. 99-106. - Definitions.

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

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

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

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

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

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

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

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

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

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

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

**Hydrologic response.** The hydrologic response of a property is the manner whereby stormwater collects, remains, infiltrates, and is conveyed from a property. It is dependent on several factors including but not limited to the size and overall intensity of development of each property, its impervious area, shape, topographic, vegetative, and geologic conditions, antecedent moisture conditions, and

groundwater conditions and the nature of precipitation events. Extremely large undeveloped properties naturally attenuate but do not eliminate entirely the discharge of stormwater during and following rainfall events.

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

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

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

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

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

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

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

Single-family

Apartments

Townhouses

Condominiums

Mobile Home

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

Stormwater management programs, services, systems and facilities. Stormwater management programs, services, systems and facilities are those administrative, engineering, operational, regulatory, and capital improvement activities and functions performed in the course of managing the stormwater systems of the county, plus all other activities and functions necessary to support the provision of such

programs and services. Stormwater management systems and facilities are those natural and man-made channels, swales, ditches, swamps, rivers, streams, creeks, branches, reservoirs, ponds, drainage ways, inlets, catch basins, pipes, head walls, storm sewers, lakes, and other physical works, properties, and improvements which transfer, control, convey or otherwise influence the movement of stormwater runoff and its discharge to and impact upon receiving waters.

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

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

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

	SFU Calculation (SFUs equal)
Tier 1 Single-family Unit ( $\leq 2,521$ square feet)	Dwelling units x 0.5
Tier 2 Single-family Unit (2,522 to 7,265 square feet)	Dwelling units x 1
Tier 3 Single-family Unit ( $\geq 7,266$ square feet)	Dwelling units x 1.5
Mobile Home	Dwelling units x 0.36
Apartments	Dwelling units x 0.39
Townhouses	Dwelling units x 0.60
Condominiums	Dwelling units x 0.27
Commercial	Impervious area x 4,906 sq. ft.*

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

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

Townhomes. See Condominiums.

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

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

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

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

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

Sec. 99-108. - General funding policy.

- (a) It shall be the policy of Beaufort County that funding for the stormwater management utility program, services, systems, and facilities shall be equitably derived through methods which have a demonstrable relationship to the varied demands and impacts imposed on the stormwater program, services, systems, and facilities by individual properties or persons and/or the level of service rendered by or resulting from the provision of stormwater programs, systems and facilities. Stormwater service fee rates shall be structured so as to be fair and reasonable, and the resultant service fees shall bear a substantial relationship to the cost of providing services and facilities throughout the county. Similarly situated properties shall be charged similar rentals, rates, fees, or licenses. Service fee rates shall be structured to be consistent in their application and shall be coordinated with the use of any other funding methods employed for stormwater management within the county, whether wholly or partially within the unincorporated portions of the county or within the cities and towns. Plan review and inspection fees, special fees for services, fees in-lieu of regulatory requirements, impact fees, system development fees, special assessments, general obligation and revenue bonding, and other funding methods and mechanisms available to the county may be used in concert with stormwater service fees and shall be coordinated with such fees in their application to ensure a fair and reasonable service fee rate structure and overall allocation of the cost of services and facilities.
- (b) The cost of stormwater management programs, systems, and facilities subject to stormwater service fees may include operating, capital investment, and non-operating expenses, prudent operational

and emergency reserve expenses, and stormwater quality as well as stormwater quantity management programs, needs, and requirements.

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

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

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

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

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

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

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

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

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

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

(1) Freshwater wetlands. All properties except those classified as detached single-family dwelling units may receive a credit against the stormwater service fee applicable to the property based on granting and dedicating a perpetual conservation easement on those portions of the property that are classified as freshwater wetlands and as detailed in the stormwater management utility service fee credit manual. The conservation easement shall remove that portion of the subject property from any future development.

(2) Salt Water Marsh. All properties except those classified as detached single-family dwelling units may receive a credit against the stormwater service fee applicable to the property based on those portions of the property that are classified as salt water marsh and as detailed in the stormwater management utility service fee credit manual.

(3) Submerged properties. All properties may receive a credit against the stormwater service fee applicable to the property based on those portions of the property that are classified as submerged and as detailed in the stormwater management utility service fee credit manual.

~~(2)(4)~~ Those properties that apply for consideration of an adjustment shall satisfy the requirements established by the Beaufort County Stormwater Manager and approved reduced stormwater service fee.

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

(1) Improved public road rights-of-way that have been conveyed to and accepted for maintenance by the state department of transportation and are available for use in common for vehicular transportation by the general public.

(2) Improved public road rights-of-way that have been conveyed to and accepted for maintenance by Beaufort County and are available for use in common for vehicular transportation by the general public.

(3) Improved private roadways that are shown as a separate parcel of land on the most current Beaufort County tax maps and are used by more than one property owner to access their property.

(4) Railroad tracks shall be exempt from stormwater service fees. However, railroad stations, maintenance buildings, or other developed land used for railroad purposes shall not be exempt from stormwater service fees.

(5) Condominium boat slips shall be exempt from stormwater service fees.

(6) Properties determined by the Assessor having 100% of the gross area of the property submerged, salt water marsh, or freshwater wetland will not receive an administrative charge, if applicable in the utility rate structure, AFTER the applicable credit defined in paragraph (a) above has been applied to the account.

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

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

(a) Method of billing. A stormwater service fee bill may be attached as a separate line item to the county's property tax billing or may be sent through the United States mail or by alternative means, notifying the customer of the amount of the bill, the date the fee is due (January 15), and the date when past due (March 17 - see Title 12, Section 45-180 of the South Carolina State Code). The stormwater service fee bill may be billed and collected along with other fees, including but not limited to the Beaufort County property tax billing, other Beaufort County utility bills, or assessments as deemed most effective and efficient by the Beaufort County Council. Failure to receive a bill is not



justification for non-payment. Regardless of the party to whom the bill is initially directed, the owner of each parcel of land shall be ultimately obligated to pay such fees and any associated fines or penalties, including, but not limited to, interest on delinquent service fees. If a customer is under-billed or if no bill is sent for a particular property, Beaufort County may retroactively bill for a period of up to one-year, but shall not assess penalties for any delinquency during that previous unbilled period.

- (b) Declaration of delinquency. A stormwater service fee shall be declared delinquent if not paid within 60 days of the date of billing or upon the date (March 17) of delinquency of the annual property tax billing if the stormwater service fee is placed upon the annual property tax billing or enclosed with or attached to the annual property tax billing.

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

#### Sec. 99-111. - Appeals.

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

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

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

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

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

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

#### Sec. 99-113. - Enforcement and penalties.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

District 1 - City of Beaufort

District 2 - Town of Port Royal

District 3 - Town of Hilton Head Island

District 4 - Town of Bluffton

District 5 - Unincorporated Sheldon Township

District 6 - Unincorporated Port Royal Island

District 7 - Unincorporated Lady's Island

District 8 - Unincorporated St. Helena Island Islands East

District 9 - Unincorporated Bluffton Township and Daufuskie Island

- (3) Membership.

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

No. of Reps.	Stormwater District	Area
1	5	Unincorporated Sheldon Township
1	6	Unincorporated Port Royal Island
1	7	Unincorporated Lady's Island

1	8	Unincorporated St. Helena Island Islands East
2	9	Unincorporated Bluffton Township and Daufuskie Island
1	—	"At large"

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

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

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

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

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

(4) Officers.

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

1. Chairperson and vice-chair. At an annual organizational meeting, the members of the SWU board shall elect a chairperson and vice-chairperson from among its members. The chair's and vice-chair's terms shall be for one year with eligibility for reelection. The chair shall be in charge of all procedures before the SWU board, may administer oaths, may compel the attendance of witnesses, and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the SWU board. In the absence of the chair, the vice-chair shall act as chairperson.

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

System (NPDES) General Permit for Storm Water Discharges from Regulated Small Municipal Separate Storm Sewer Systems (MS4).

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

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

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

**Effective Date**

This Ordinance will become effective upon approval by Council Council.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2016.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY:

Paul Sommerville, Chairman

APPROVED AS TO FORM:

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Thomas Keavney, County Attorney

ATTEST:

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Suzanne M. Rainey, Clerk to Council

First Reading: August 22, 2016

Second Reading:

Public Hearing:

Third and Final Reading:



**ORDINANCE NO. 2016/\_\_\_\_\_**

**AN ORDINANCE AUTHORIZING THE RELINQUISHMENT OF EASEMENTS  
ENCUMBERING PROPERTY IDENTIFIED AS TMS NO. R100 028 000 0381 0000**

**WHEREAS**, on or about December 19, 2012, MCAS Beaufort, a Division of CPM Federal Credit Union, agreed to deed Beaufort County a thirty-foot (30') drainage easement located on the southern property line of real property identified as TMS No. R100 028 000 0381 0000 in connection with the construction of a ditch; and

**WHEREAS**, a thirty-foot (30') drainage easement was recorded with the Beaufort County Register of Deeds at Book 3204 / Pages 2401-03; and

**WHEREAS**, on or about February 7, 2013, MCAS Beaufort, a Division of CPM Federal Credit Union, agreed to deed Beaufort County another thirty-foot (30') drainage easement located on the eastern property line of real property identified as TMS No. R100 028 000 0381 0000 in connection with the construction of a ditch; and

**WHEREAS**, a thirty-foot (30') drainage easement was recorded with the Beaufort County Register of Deeds at Book 3215 / Pages 611-13; and

**WHEREAS**, Beaufort County failed at the time to build the ditch due to permitting restrictions related to the wetlands on the parcel; and

**WHEREAS**, Beaufort County has determined that construction of a short ditch on the southwest corner of the property along with maintenance of a preexisting ditch on the parcel will improve its outfall, benefit surrounding residences and eliminate the need to construct either of the ditches on the easements referred to above all to the benefit of the property owner and the County; and

**WHEREAS**, Beaufort County and the property owner now agree that the property owner will deed to Beaufort County a thirty-foot (30') drainage easement on the southwest corner of real property identified as TMS No. R100 028 000 0381 000 in exchange for the County relinquishing the two (2) previous thirty-foot (30') drainage easements referred to above; and

**WHEREAS**, Beaufort County Council has determined it is in the County's best interest to relinquish the two thirty-foot (30') easements which are attached hereto as Exhibit "A"; and

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

**NOW, THEREFORE, BE IT ORDAINED, BY BEAUFORT COUNTY COUNCIL**, that the County Administrator is hereby authorized to take all actions as may be necessary to relinquish the easements herein described and, with particularity, identified on Exhibit "A".

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

COUNTY COUNCIL OF BEAUFORT COUNTY

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

APPROVED AS TO FORM:

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

ATTEST:

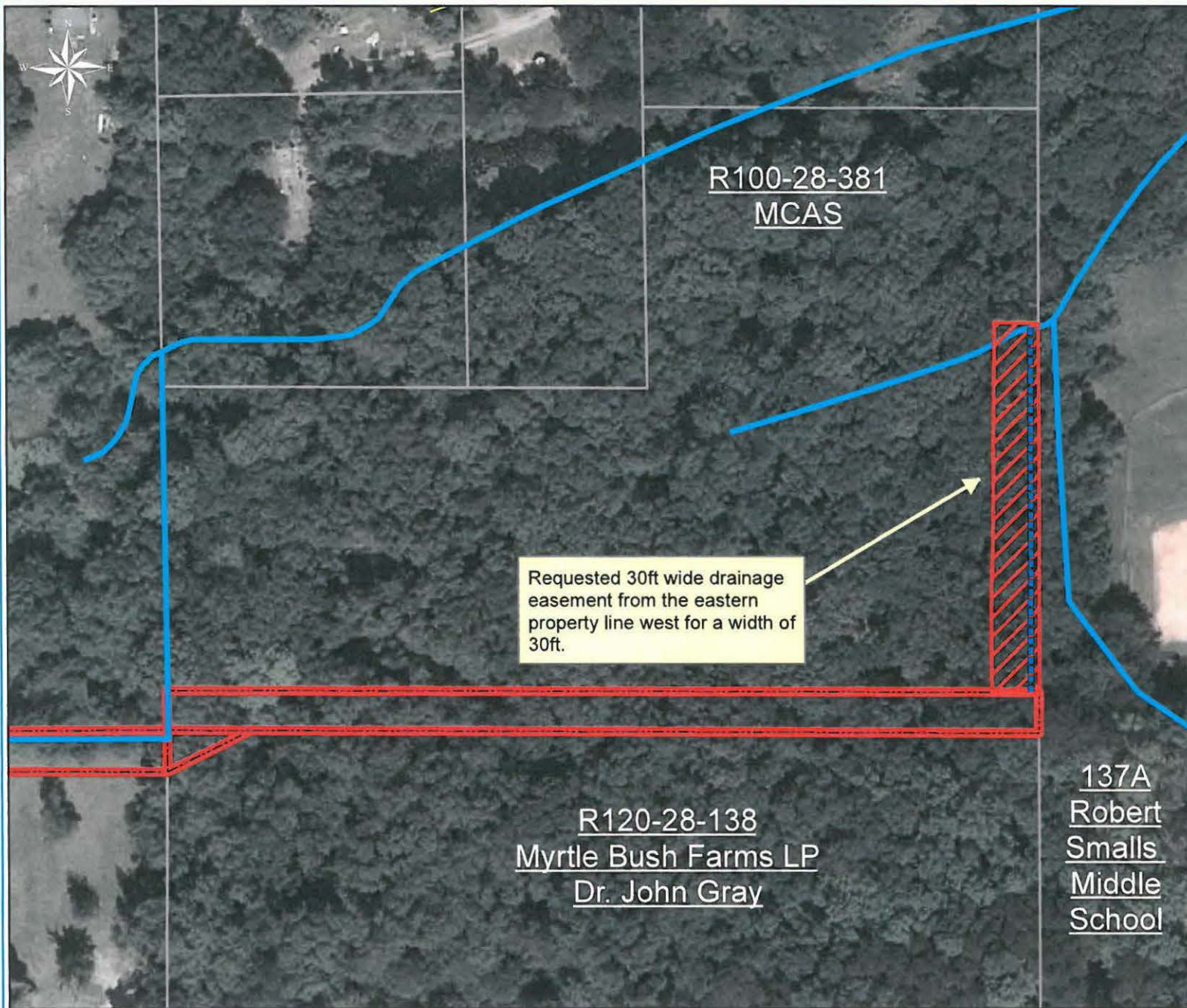
\_\_\_\_\_  
Suzanne M. Rainey, Clerk to Council

First Reading: August 22, 2016

Second Reading:

Public Hearing:

Third and Final Reading:



(Exhibit "A")  
MCAS  
R100-28-381

Activity: Drainage  
Easement Request

Township: Port  
Royal Island

#### Legend

- Ditch to be constructed
- Requested Esmt
- River
- Stream
- Outfall
- Lateral
- Lateral Pipe
- Roadside
- Roadside Pipe
- Road Pipe
- Crossline
- DW
- Access
- Piped
- Bleeder
- Parcels



R120-28-138  
Myrtle Bush Farms LP  
Dr. John Gray

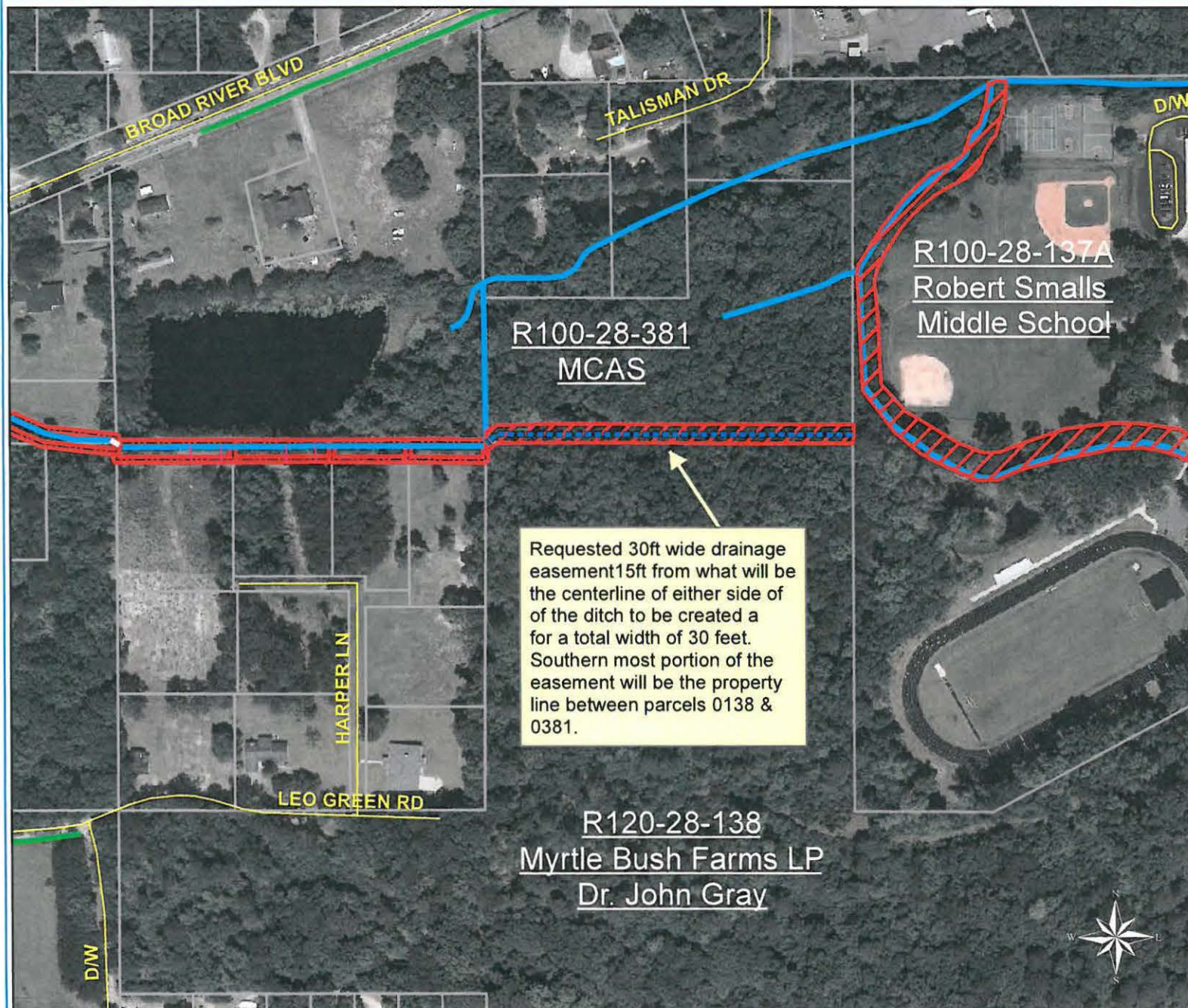
137A  
Robert  
Smalls  
Middle  
School

0 100 200  
Feet

1 inch = 105 feet

Prepared By: Beaufort Co, Stormwater Management Utility  
Print Date: 1/24/13  
File - C:\sethdata\seasement requests\2013\MCAS&Robert Smalls





(Exhibit "A")  
 Myrtle Bush Farms LP  
 Dr. John Gray  
 R120-28-138

Activity: Drainage  
 Easement Request

Township: City  
 of Beaufort

#### Legend

- Ditch to be constructed
- ▨ Requested Esmt
- River
- Stream
- Outfall
- Lateral
- Lateral Pipe
- Roadside
- Roadside Pipe
- Road Pipe
- Crossline
- DW
- Access
- Piped
- Bleeder
- Parcels

0 100 200 400  
 Feet

1 inch = 250 feet

Prepared By: Beaufort Co, Stormwater Management Utility

Print Date: 11/5/12

File - C:\sethdata\lease requests\2012\Myrtle Bush Farms Dr John Gray



**ORDINANCE 2016 /**

**AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF UTILITY EASEMENTS ENCUMBERING PROPERTY OWNED BY BEAUFORT COUNTY**

WHEREAS, Beaufort County owns real property located on Ribaut Road, which is more particularly known as R120-003-000-0097-0000, located at the Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort, South Carolina; and

WHEREAS, South Carolina Electric and Gas (“SCE&G”) requests three (3) utility easements for Tract 64 from Beaufort County; and

WHEREAS, SCE&G seeks to place certain equipment underground at three (3) locations on the property identified as R120-003-000-0097-0000, which is part of the Boundary Street Redevelopment Project; and

WHEREAS, SCE&G has offered to pay \$950.00 for 100 square feet, 5’ x 20’, located on the property identified as R120-003-000-0097-0000; and

WHEREAS, SCE&G has offered to pay \$1,900.00 for 200 square feet, 10’ x 20’, located on the property identified as R120-003-000-0097-0000; and

WHEREAS, SCE&G has offered to pay \$240.00 for 25 square feet, 5’ x 5’, located on the property identified as R120-003-000-0097-0000; and

WHEREAS, Beaufort County Council has determined that it is in its best interest to authorize the execution and delivery of the requested three (3) utility easements attached hereto and incorporated by reference as “Exhibit A” respectively; and

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

NOW, THEREFORE, BE IT ORDAINED BY BEAUFORT COUNTY COUNCIL, that the County Administrator is hereby authorized to execute any and all documents necessary to execute the delivery of three (3) utility easements which is attached hereto as “Exhibit A”.

ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

COUNTY COUNCIL OF BEAUFORT COUNTY

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

APPROVED AS TO FORM:

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Thomas J. Keaveny, II, County Attorney

ATTEST:

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Suzanne M. Rainey, Clerk to Council

First Reading: August 22, 2016

Second Reading:

Public Hearing:

Third and Final Reading:



## Easement # 893869

INDENTURE, made this \_\_\_\_\_ day of \_\_\_\_\_, 2016 by and between **Beaufort County** of the County of **Beaufort** and State of South Carolina, hereinafter called "Grantor" (whether singular or plural), and the **SOUTH CAROLINA ELECTRIC & GAS COMPANY**, a South Carolina corporation, having its principal office in Cayce, South Carolina, hereinafter called "Grantee".

WITNESSETH:

That, in consideration of the sum of One Dollar (\$1.00) received from Grantee, Grantor, being the owner of land situate in the County of **Beaufort**, State of South Carolina, hereby grants and conveys to Grantee, its successors and assigns, the right to construct, extend, replace, relocate, perpetually maintain and operate an underground electric line or lines consisting of any or all of the following: conductors, lightning protective wires, municipal, public or private communication lines, cables, conduits, pad mounted transformers, and other accessory apparatus and equipment deemed by Grantee to be necessary or desirable, upon, over, across, through and under land described as follows: a portion of a tract of land containing **4.45 acres**, more or less, and being the same lands conveyed to Grantor by deed of **School District #1 of the County of Beaufort**, dated or recorded **4/11/1985**, and filed in the Register of Deeds office for **Beaufort County in Deed Book 417 at Page 361**.

**This property is located at the southwest corner of the intersection of Boundary Street and Ribaut Road, being bounded on the north by Boundary Street; on the east by Ribaut Road; on the south by Duke Street; and on the west by lands N/F of Sixteen Gate Cemetery, LLC, and Wetlands.**

**The easement is for the SCE&G facilities more fully shown on Exhibit "A" and "B", attached hereto and made a part of as reference only.**

**TMS: R120 003 000 0097 0000**

Together with the right from time to time to install on said line such additional lines, apparatus and equipment as Grantee may deem necessary or desirable and the right to remove said line or any part thereof.

Together also with the right (but not the obligation) from time to time to trim underbrush, cut underbrush and other obstructions that are within, over, under or through a strip of land ("Easement Space") extending Five (5) feet on each side of any underground wires and within, over, under or through a section of land extending Twelve (12) feet from the door side(s) of any pad mounted transformers, elbow cabinets, switchgears or other devices as they are installed; provided, however, any damage to the property of Grantor (other than that caused by trimming, cutting or removing underbrush but not trees) caused by Grantee in maintaining or repairing said lines, shall be borne by Grantee; provided further, however, that Grantors agree for themselves, their successors and assigns, not to build or allow any structure to be placed on the premises in such a manner that any part thereof will exist within the applicable above specified Easement Space, and in case such structure is built, then Grantor, or such successors and assigns as may be in possession and control of the premises at the time, will promptly remove the same upon demand of Grantee herein. Grantor further agrees to maintain minimum ground coverage of thirty six (36) inches and maximum ground coverage of fifty four (54) inches over all underground primary electric lines. Together also with the right of entry upon said lands of Grantor for all of the purposes aforesaid.

The words "Grantor" and "Grantee" shall include their heirs, executors, administrators, successors and assigns, as the case may be.

IN WITNESS WHEREOF, Grantor has caused this indenture to be duly executed the day and year first above written.

WITNESS:

**Beaufort County**

\_\_\_\_\_  
1<sup>st</sup> Witness

By: \_\_\_\_\_ (SEAL)

Print: \_\_\_\_\_

\_\_\_\_\_  
2<sup>nd</sup> Witness

Title: \_\_\_\_\_



**Easement # 893869**

## ACKNOWLEDGMENT

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF Beaufort )

The foregoing instrument was acknowledged before me, the undersigned Notary, and I do hereby certify that the within named \_\_\_\_\_,  
As \_\_\_\_\_ of **Beaufort County**, personally appeared before me this day and that the above named acknowledged the due execution of the foregoing instrument.

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2016

Signature of Notary Public State of SC

My commission expires: \_\_\_\_\_

Print Notary Name \_\_\_\_\_

## EASEMENT GRANT TO SOUTH CAROLINA ELECTRIC & GAS COMPANY

Line: **Boundary Street Project**

County: **Beaufort**

R/W File Number: 19420

**Grantor(s): Beaufort County**

Return to: SCE&G, C/O Right of Way Dept., 81 May River Road, Bluffton, SC 29910

# EXHIBIT "A"

U.S. 21 BUSINESS - BOUNDARY STREET

455

SCE&G  
Cabinet  
5'x5'

64  
BEAUFORT COUNTY  
R120 003 000 0097  
PRESENT TRANS R/W  
FILE 7,484 (1984) SCDOT

460

SOUTH CAROLINA ELECTRIC & GAS  
COMPANY ELECTRIC  
DISTRIBUTION SYMBOLS

## UNDERGROUND SYMBOLS

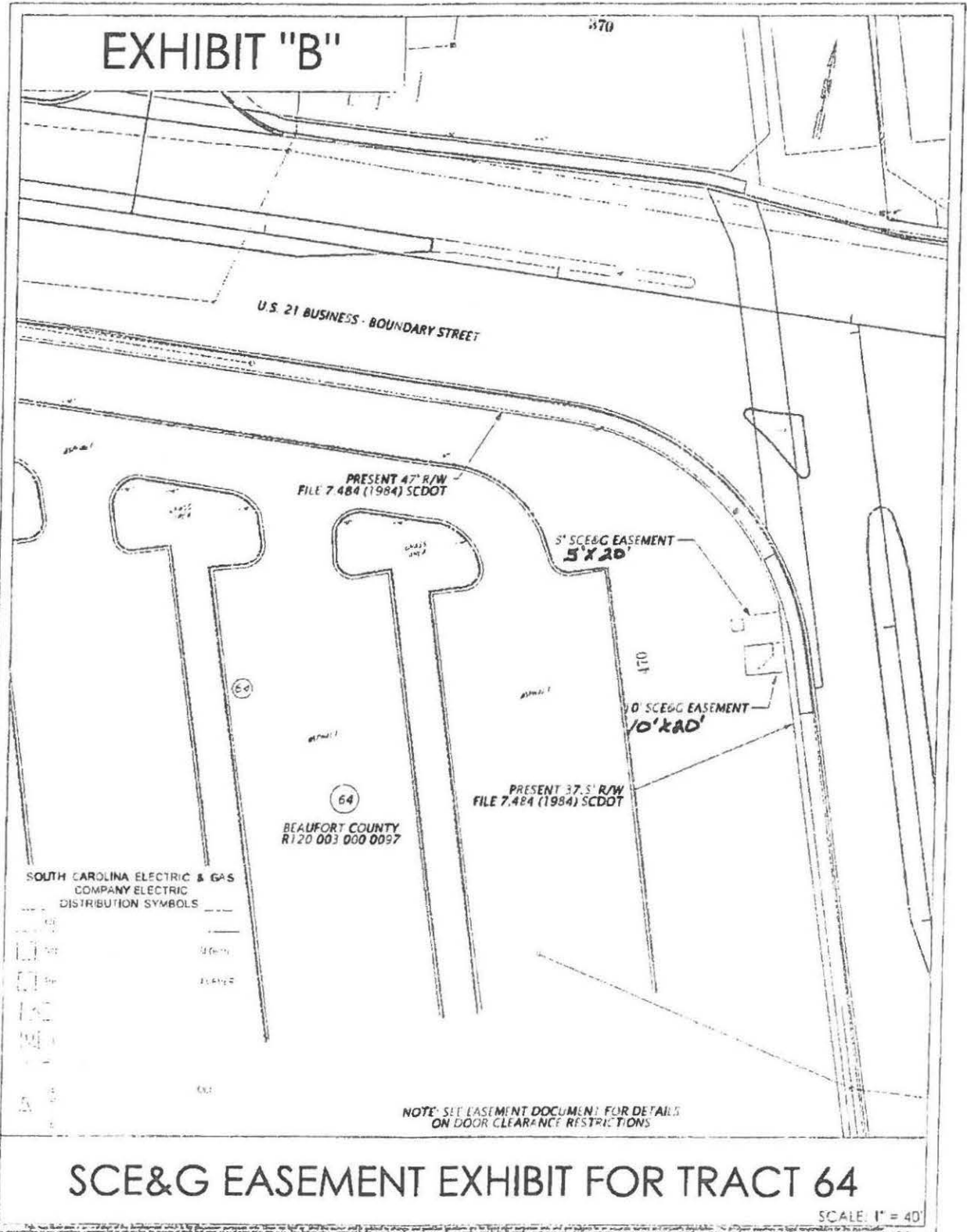
- ☐ SINGLE PHASE PAD MOUNTED TRANSFORMER
- ☐ THREE PHASE PAD MOUNTED TRANSFORMER
- ☐ SC SWITCH GEAR
- ☐ LOOP CABINET
- ☐ VC SERVICE
- ☐ SECONDARY PEDESTAL/HANDHOLE
- ☐ "P" FOR PERMANENT
- ☐ "T" FOR TEMPORARY
- ☐ "M" FOR METERED

NOTE: SEE EASEMENT DOCUMENT FOR DETAILS  
ON DOOR CLEARANCE RESTRICTIONS

## SCE&G EASEMENT EXHIBIT FOR TRACT 64

SCALE: 1" = 40'

# EXHIBIT "B"



**ORDINANCE 2016/\_\_\_\_\_**

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

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

COUNTY COUNCIL OF BEAUFORT COUNTY

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

APPROVED AS TO FORM:

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

ATTEST:

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

First Reading: August 22, 2016

Second Reading:

Public Hearing:

Third and Final Reading

## **ARTICLE IV. - DISASTER RECOVERY AND RECONSTRUCTION**

### **Sec. 22-101. - Authority.**

- (1) This article is adopted by the Beaufort County Council acting under authority of the South Carolina General Assembly, the Home Rule Act, South Carolina Code of Regulations 58-1, Local Emergency Preparedness Standards, and all applicable federal laws and regulations.
- (2) The provisions of this article shall become and be made part of the Code of Laws and Ordinances of Beaufort County, South Carolina. Any laws or ordinances in conflict with the Ordinance that Beaufort County is authorized to repeal are hereby repealed.
- (3) Nothing herein shall supersede the powers, duties, and authorities of the Federal Emergency Management Agency (FEMA) and/or South Carolina's Emergency Management Division (SCEMD). If any section, paragraph, sentence, clause and/or phrase or word of this article is, for any reason, held or declared by a court of competent jurisdiction to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this article.

### **Sec. 22-102. - Purposes and objectives.**

- (1) *Purposes.* It is the intent of the Beaufort County Council under this article to:
  - (a) Authorize creation of an organization to plan and prepare in advance of a major disaster for orderly and expeditious post-disaster recovery and to direct and coordinate recovery and reconstruction activities;
  - (b) Direct the preparation of a pre-event plan for post-disaster recovery and reconstruction to be updated on a continuing basis;
  - (c) Authorize in advance of a major disaster the exercise of certain planning and regulatory powers related to disaster recovery and reconstruction to be implemented upon declaration of a local emergency; and,
  - (d) Identify means by which Beaufort County will take cooperative action with other governmental entities (local, state and federal) in expediting recovery; and implement means by which Beaufort County will consult with and assist citizens, businesses, and community organizations during the planning and implementation of recovery and reconstruction procedures.
- (2) *Objectives.* The County has established the following general objectives for county recovery policy:
  - (a) Adopt improved and more comprehensive recovery policies and procedures that will facilitate county rebuilding after a disaster;
  - (b) Adopt improved and more comprehensive recovery policies and procedures that will facilitate meeting FEMA (Federal Emergency Management Agency)

(and other state and federal programs) requirements for rebuilding and redevelopment funding;

(c) Improve county policies and procedures for future hurricane seasons and all other disasters.

(3) *Statement of concurrent obligations.* This article is enacted to set out and clarify the authority of Beaufort County and its officers and employees with regard to emergency and disaster situations. It is intended to grant as broad a power as permitted by statutory and constitutional authority. It is further intended that the powers granted and procedures established in this article shall apply concurrently to emergency, post-emergency, recovery and reconstruction operations.

### **Sec. 22-103. - Definitions.**

As used in this article, the following definitions shall apply:

*Curfew.* A curfew is a regulation requiring the withdrawal from any person not otherwise exempt from this article from appearing in certain public areas during specified hours.

*Damage assessment team.* The primary role of the damage assessment team is to assess losses to property. Assessment will be used to determine type of permit required for repair or reconstruction, dollar amount of destruction or damage, and to determine qualifications for federal or state disaster relief assistance.

*Detailed damage assessment.* Follows the initial impact assessment and includes conducting on-site visits by the damage assessment teams for each affected property. This process may take weeks to complete and will culminate in a summary damage estimate in dollars of the total loss to all property in Beaufort County, including: real, personal, agricultural, utility, infrastructure, business, etc.

*Development moratorium.* A temporary hold, for a defined period of time, on the issuance of building permits, approval of land-use applications or other permits and entitlements related to the use, development, redevelopment, repair, and occupancy of private property in the interests of protection of life and property.

*Director.* The director of the recovery task force or an authorized representative.

*Disaster recovery centers (DRCs).* A multi-agency center organized by FEMA for coordinating assistance to disaster victims.

*Emergency.* A local emergency which has been declared by the governor or recognized as same by the Beaufort County Council through the enactment of an emergency ordinance for a specific disaster and has not been terminated.

*Event.* Any natural weather-related or other condition causing damage or destruction of property. Types of events shall include, but not limited to hurricanes, northeasters, tornadoes, earthquakes, and/or other natural disasters.

*Exempt individuals.* Unless otherwise specified herein, exempt individuals include those persons engaged in the provision of designated, essential services, such as fire, law enforcement, emergency medical services, and hospital services, military services, utility emergency repairs. The resolution of a curfew may, in the discretion of the governing authority, also exempt regular employees of local industries traveling to and from their jobs with appropriate identification, news media employees, building and repair contractors who are properly registered with the county and who are actively engaged in performing activities related to construction, repair, renovation, or improvement of buildings and other structures damaged during the disaster or emergency.

*Flood Insurance Rate Map (FIRM).* An official map of the community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

*Hazard mitigation grant program.* A federal program that assists states and local communities in implementing long-term hazard mitigation measures following a major disaster declaration.

*Historic building or structure.* Any building or structure listed or eligible for listing on the National Register of Historic Places, as specified by federal regulation, the state register of historic places or points of interest, or a local register of historic places, and any buildings and structures having historic significance within a recognized historic district.

*Individual assistance program.* A federal disaster program that brings funding to disaster victims for housing and other needs in order to expedite the victims' recovery from disaster.

*Initial impact assessment.* The initial impact assessment (windshield assessment, disaster assessment) is used to determine the extent of the disaster and to determine whether or not outside assistance will be needed. This assessment is generally performed within 24 or 48 hours after passage of an event, depending on severity and scope.

*In-kind.* The same as the prior building or structure in size, height and shape, type of construction, number of units, general location, and appearance.

*Interagency hazard mitigation team.* A team of representatives from FEMA, other federal agencies, state emergency management agencies, and related state and federal agencies, formed to identify, evaluate, and report on post-disaster mitigation needs.

*Joint field office (JFO).* A center established by FEMA for coordinating disaster response and recovery operations, staffed by representatives of federal, state, and local agencies as

identified in the National Response Framework (NRF) and determined by disaster circumstances.

*Major disaster.* Any natural catastrophe (including any hurricane, tornado, high water, wind-driven water, earthquake, winter storm, drought, etc.), or, regardless of cause, any fire, flood, or explosion, which in the determination of the President of the United States causes damage of sufficient severity and magnitude to warrant major disaster assistance under the Stafford Act to supplement the efforts and available resources of states, jurisdictions, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.

*National response framework (NRF).* A plan to coordinate efforts of the government in providing response to natural disasters, technological emergencies, and other incidents requiring federal assistance under the Stafford Act in an expeditious manner.

*Project worksheet (PW).* A claim by a local jurisdiction for financial reimbursement for repair or replacement of a public facility damaged in a major disaster, as authorized under the Stafford Act and related federal regulations, plans, and policies.

*Public assistance program.* FEMA's Public Assistance (PA) Grant Program is designed to provide assistance to states, local governments, and certain nonprofit organizations to alleviate suffering and hardship resulting from major disasters or emergencies declared by the President. Through the PA Program, FEMA provides supplemental federal disaster grant assistance for the repair, replacement, or restoration of disaster-damaged, publicly owned facilities and the facilities of certain private nonprofit (PNP) organizations. The federal share of assistance is not less than 75 percent of the eligible cost for emergency measures and permanent restoration. The grantee (usually the state) determines how the non-federal share (up to 25 percent) is split with the subgrantees (eligible applicants).

*Reconstruction.* The rebuilding of permanent replacement housing, construction of large-scale public or private facilities badly damaged or destroyed in a major disaster, addition of major community improvements, and full restoration of a healthy economy.

*Recovery functions.* The categories of activities and programs that the County and its citizens are likely to need following a disaster.

*Recovery task force.* An interdepartmental organization that coordinates Beaufort County staff actions in planning and implementing disaster recovery and reconstruction functions.

*Recovery plan.* A pre-event plan for post-disaster recovery and reconstruction, composed of policies, plans, implementation actions, and designated responsibilities related to expeditious and orderly post-disaster recovery and rebuilding, with an emphasis on mitigation.

*Recovery strategy.* A post-disaster strategic program identifying and prioritizing major actions contemplated or under way regarding such essential recovery functions as business



resumption, economic reinvestment, industrial recovery, housing replacement, infrastructure restoration, and potential sources of financing to support these functions.

*Stafford Act.* The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288, as amended).

#### **Sec. 22-104. - Recovery management structure.**

The primary recovery task that shall be completed in times of a disaster is assuring that all continuity of government procedures are in place and being carried out according to previously established plans. This includes having lines of succession in place for county council members and all essential Beaufort County staff (especially department heads).

The second task should be implementing a management structure that defines how recovery procedures will be managed by the county. The following structure is hereby created for the purpose of coordinating Beaufort County actions in planning and implementing disaster recovery and reconstruction activities.

- (1) *Recovery task force.* A recovery task force is hereby established that is comprised of the following officers and members, should any of the directors be unable to perform the tasks the subsequent individual shall fall within that position and the line of succession shall adjust accordingly.
  - (a) The county administrator who shall be chair; and as chair of the recovery task force shall appoint the recovery director and three deputy directors to oversee all recovery functions and to form a line of succession. Each deputy director shall provide management of recovery functions as assigned by the director;
  - (b) ~~The division director of engineering and infrastructure who shall be director and vice chair;~~ The director of environmental engineering and land management shall be the recovery director and first vice-chair of the disaster recovery taskforce.
  - (c) ~~The division director of community services who shall be deputy director, and who shall act as vice chair in the absence of the vice chair.~~ The director of public works shall be the second vice-chair.
  - (d) ~~The Beaufort County Staff Attorney who shall be legal adviser;~~ The Building Codes Director shall be the third vice chair.
  - (e) The Beaufort County Assistant County Administrator of Civil Engagement & Outreach shall be the fourth vice-chair
  - (f) The Beaufort County Attorney and staff shall be legal advisor and staff of the recovery task force.

- (g) ~~Other members, including the building official, county engineer, planning director, fire chief, emergency management director, county sheriff, and the director of public works, together with representatives from such other departments and offices as the alliance for human services, assessor, county council, economic development, EMS, GIS, parks and leisure services, zoning, department of social services/emergency welfare services, municipal representatives, private sector and nonprofit organizations etc., may be deemed necessary by the chair or director for effective operation.~~ Shall include the county council, facilities and construction, engineering, transportation engineering, planning, fire chief, emergency management, sheriff, together with representatives from such other departments and offices as the alliance for human services assessor, economic development, EMS, GIS, parks and leisure services, zoning, department of social services/emergency welfare services, municipal representatives, private sector and nonprofit organizations etc., and others that may be deemed necessary by the chair or recovery director for effective recovery operations.
- (2) *Powers and duties.* The recovery task force shall have such powers as enable it to carry out the purposes, provisions, and procedures of this chapter, as identified in this chapter.
- (3) *Operations and meetings.* The director shall have responsibility for recovery task force operations. When an emergency declaration is in force (whether declared by the governor or through the enactment of an emergency ordinance adopted by Beaufort County Council), the county administrator shall authorize activation of the recovery task force and disaster recovery plan. After a declaration and/or determination that a local emergency exists, and while such declaration or determination is in force, the recovery task force shall meet daily or as frequently as determined by the director. When an emergency declaration or determination is not in force, the recovery task force shall meet monthly or more frequently, upon call of the chair or director.
- (4) *Succession.* In the absence of the director, the deputy director shall serve as acting director and shall be empowered to carry out the duties and responsibilities of the director. The director shall name a succession of department managers to carry on the duties of the director and deputy director, and to serve as acting director in the event of the unavailability of the director and deputy director.
- (5) *Organization.* The recovery task force may create such standing or ad hoc committees as determined necessary by the director.
- (6) *Relation to ~~Beaufort County Emergency Management.~~ Beaufort County Sheriff's Office Emergency Management Division.* The recovery task force shall work in concert with Beaufort County Emergency Management the Emergency Management Division that has interrelated functions and similar membership.
- (7) *Short-term recovery objectives.* The emergency management director is in charge of overseeing all short-term recovery activities. Beaufort County's objectives to be accomplished during short-term recovery can be found in the Beaufort County Recovery

Plan, Appendix C. This checklist is to be used to determine that short-term recovery activities have been completed properly.

- (8) *Long-term recovery objectives.* The director of ~~the public services department~~ Environmental Engineering and Land Management is responsible for overseeing all long-term recovery activities. Beaufort County's objectives to be accomplished during long-term recovery can be found in the Beaufort County Recovery Plan, Appendix C. This checklist is to be used to determine that long-term recovery activities have been completed properly.
- (9) *Ending recovery operations.* Recovery operations shall continue until the county administrator has notified staff to return to normal operations. Normal operations will not resume until either the emergency management director (for short-term emergency activities) or the director of ~~the public services department~~ Environmental Engineering and Land Management (for long-term recovery activities) has notified the county administrator that recovery activities have been completed.

#### **Sec. 22-105. - Recovery plan.**

Beaufort County has developed a pre-event plan for post-disaster recovery and reconstruction, referred to as the Beaufort County Recovery Plan, which is comprised of pre-event and post-disaster policies, plans, implementation actions, and designated responsibilities related to expeditious and orderly post-disaster recovery and rebuilding, and incorporates hazard mitigation in all elements of the plan.

- (1) *Recovery plan content.* The recovery plan addresses policies, implementation actions and designated responsibilities for such subjects as impact assessment (disaster assessment), continuation of government, public information/community relations, human services (short-term), individual assistance, volunteers and donations, debris management, re-entry security, health and human safety, repair and restoration of public infrastructure and buildings, building inspections and permits, rebuilding, construction, repairs, restoration, temporary housing, redevelopment (planning and zoning ordinance enforcement), economic preservation and restoration, mitigation, recovery administration and finance, county employees, mortuary operations, mutual aid protocols, pre-disaster equipment and facilities deployment and such other subjects as may be appropriate to expeditious and wise recovery.
- (2) *Coordination of recovery plan with county and regional plans, FEMA, and other agencies.* The recovery plan identifies relationships of planned recovery actions with those of adjacent communities and state, federal, or mutual aid agencies involved in disaster recovery and reconstruction, including but not limited to the Federal Emergency Management Agency (FEMA), the American Red Cross, the Department of Housing and Urban Development (HUD), the Small Business Administration (SBA), the Environmental Protection Administration (EPA), the Department of Transportation (DOT), the South Carolina Emergency Management Division (SCEMD), the South Carolina Department of Health and Environmental Control (DHEC) and other entities

that provide assistance in the event of a major disaster. A draft copy of the plan shall be sent to the South Carolina Emergency Management Division on an annual basis for review in sufficient time for comment prior to action on the recovery plan by the Beaufort County Council.

- (3) *Recovery plan implementation.* The director and recovery task force shall be responsible for implementation of the plan both before and after a major disaster, as applicable. Before a declaration of emergency, the director, or his/her authorized representative, shall prepare and submit reports annually, or more frequently as necessary, to fully advise the Beaufort County Council on the progress of preparation or implementation of the recovery policy. After a declaration of emergency in a major disaster, the director shall report to the Beaufort County Council as often as necessary on implementation actions taken in the post-disaster setting, identify policy and procedural issues, and receive direction and authorization to proceed with plan modifications necessitated by specific circumstances.
- (4) *Recovery plan training and exercises.* The recovery task force shall organize and conduct periodic training and exercises annually, or more often as necessary, in order to develop, convey, and update the contents of the recovery plan. Such training and exercises will be conducted in coordination with similar training and exercises related to the emergency operations plan.
- (5) *Recovery plan consultation with citizens.* The recovery planning committee is comprised of representatives of business, volunteer and community organizations that represent Beaufort County citizens. Other efforts to inform the public about the recovery plan will be coordinated by the public information officer.
- (6) *Recovery plan amendments.* During implementation of the recovery plan, the director and the recovery task force shall address key issues, strategies and information bearing on the orderly maintenance and periodic revision of the plan. In preparing modifications to the plan, the recovery task force shall consult with county departments, business, and community organizations and other government entities to obtain information pertinent to possible recovery plan amendments.
- (7) *Recovery plan coordination with related plans.* The recovery plan has been prepared and shall be updated to be in coordination with related elements of the comprehensive general plan and emergency operations plan, or such other plans as may be pertinent. Such related plan elements shall be periodically amended to be consistent with key provisions of the recovery plan, and vice versa.
- (8) *Recovery plan validation.* The recovery plan shall be validated annually and/or following a disaster event. In order to facilitate an organized and comprehensive review of the plan, review checklists have been created for each of the recovery functions. The checklists include action items that should be reviewed and completed each year by the agency/department responsible for implementing the recovery function, in conjunction with the support agencies assigned to that recovery function. Once the review checklists have been completed, they should be turned in to the ~~division director of engineering and infrastructure~~ director of environmental engineering and land management who

will then make a report to county council regarding the status of recovery operations for the year. (Appendix A)

**Any changes to be made to the recovery plan, identified either by the annual review, or in an after action report, will be made at the discretion of the recovery task force and shall not require county council review and/or action.**

**Sec. 22-106. - General provisions.**

The following general provisions shall be applicable to implementation of this article:

- (1) *Powers and procedures.* Following the disaster declaration and/or determination that a local emergency exists, and while such declaration or determination is in force, the director of the recovery task force (~~the division director of engineering and infrastructure~~) (the director of environmental engineering and land management) and the deputy director of the recovery task force (~~the division director of community services, in the absence of the director~~) (the director of public works) shall have authority to exercise powers and procedures authorized by this article, subject to extension to the other appointed deputy directors, and/or, modification, or replacement of all or portions of these provisions by separate ordinances adopted by the Beaufort County Council. The emergency management director shall have oversight and control of issuing any curfews (section 22-107), coordinating re-entry procedures (section 22-108), and all other short-term emergency matters.

In the absence of any declaration of emergency by the governor of the State of South Carolina, nothing shall prohibit Beaufort County Council, in its discretion, from exercising any powers necessary to protect the health, safety and welfare of its citizens. If such an emergency exists within Beaufort County, and immediate action is needed, council shall convene to declare an emergency and shall implement the provisions of this article in part or in full force. If the situation is such that council cannot convene, the declaration of local emergency shall be made by the Beaufort County Administrator or his designee. Such a declaration shall be subject to ratification, alteration, modification or repeal, by council, as soon as council can convene. Subsequent actions of council shall not affect the validity of prior actions taken by the county administrator, or his designee.

- (2) *Post-disaster recovery operations.* The director of the recovery task force (director of ~~the public services department~~ environmental engineering and land management) shall have duties in directing and controlling post-disaster recovery and reconstruction operations, including but not limited to the following:
  - (a) Activate, mobilize and deploy local law enforcement to respond to any situations necessary to promote recovery and redevelopment within Beaufort County;
  - (b) Activate and deploy damage assessment teams to identify damaged structures and to determine further actions that should be taken regarding such structures;

- (c) Activate and deploy hazards evaluation teams to locate and determine the severity of natural or technological hazards that may influence the location, timing, and procedures for repair and rebuilding processes;
- (d) Maintain liaison with the Beaufort County Emergency Operations Center and other public and private entities, such as FEMA, the American Red Cross, and the South Carolina Emergency Management Division in providing necessary information on damaged and destroyed buildings or infrastructure, natural and technological hazards, street and utility restoration priorities, temporary housing needs and similar recovery concerns;
- (e) Establish "one-stop" field offices located in or near impacted areas where appropriate, staffed by trained personnel from appropriate departments, to provide information about repair and rebuilding procedures, issue repair and reconstruction permits, and provide information and support services on such matters as business resumption, industrial recovery, and temporary and permanent housing;
- (f) Activate streamlined procedures to expedite repair and rebuilding of properties damaged or destroyed in the disaster;
- (g) Make recommendations regarding moratoriums on buildings, land use regulations and permits, subject to Beaufort County Council ratification, as provided under subsection 22-109(22);
- (h) Recommend to the Beaufort County Council and other appropriate entities necessary actions for reconstruction of damaged infrastructure;
- (i) Prepare plans and proposals for action by the Beaufort County Council for redevelopment projects, redesign of previously established projects or other appropriate special measures addressing reconstruction of heavily damaged areas;
- (j) Formulate proposals for action by the Beaufort County Council to amend the comprehensive general plan, emergency operations plan, and other relevant plans, programs, and regulations in response to new needs generated by the disaster;
- (k) Such other recovery and reconstruction activities identified in the Recovery plan or by this article, or as deemed by the director as necessary to promote recovery, public health, safety, and well-being of the citizens of Beaufort County.

All County employees should be aware that in times of disasters, normal county operations are suspended and personnel may be reassigned during portions of task force operations.

- (3) *Coordination with FEMA and other agencies.* The director and the recovery task force shall coordinate recovery and reconstruction actions with those of state, federal, or mutual aid agencies involved in disaster response and recovery, including but not limited to the Federal Emergency Management Agency (FEMA), the American Red Cross, the Department of Housing and Urban Development (HUD), the Small Business Administration (SBA), the South Carolina Emergency Management Division and other

entities that provide assistance in the event of a major disaster. Intergovernmental coordination tasks including but not limited to the following:

- (a) Assign trained personnel to provide information and logistical support to the FEMA Joint Field Office, if needed;
- (b) Supply personnel to provide information support for FEMA Disaster Recovery Centers (DRCs), if needed;
- (c) Participate in damage assessment surveys conducted in cooperation with FEMA and other entities;
- (d) Participate in the development of hazard mitigation strategies with the Interagency Hazard Mitigation Team (when activated) with FEMA and other entities;
- (e) Cooperate in the joint establishment with other agencies of one-stop service centers for issuance of repair and reconstruction options and permits, business resumption support, counseling regarding temporary and permanent housing, and other information regarding support services available from various governmental and private entities;
- (f) Coordinate within county government the preparation and submission of supporting documentation for Project Worksheets (PWs) to FEMA;
- (g) Determine whether damaged structures and units are within floodplains identified on Flood Insurance Rate Maps (FIRMs) and whether substantial damage has occurred;
- (h) Implement such other coordination tasks as may be required under the specific circumstances of the disaster.

(4) *Additional staffing needs.* In times of disaster, it may be necessary to hire additional staff members to perform various recovery-related duties (for example, additional administrative support for various departments). All additional hiring will be coordinated through the human resources department at the direction of the county administrator. Whenever possible, funding for filling such positions will be provided by sources other than Beaufort County funding from state and federal programs (grant funds, federal programs). If no additional funding sources are available, emergency funds may need to be spent to fill additional staffing needs. Authorization of the expenditure of emergency funds may only be approved by the county administrator.

(5) *Consultation with citizens.* Activities undertaken by the recovery task force that require notification of, or are of interest to the Beaufort County citizenry will be presented to the public through the public information officer.

#### **Sec. 22-107. - Imposition of curfews during times of emergency and recovery.**

- (1) *Purpose.* Beaufort County Council may impose a curfew during periods of emergency or disaster to protect the health, safety, and welfare of the citizens and property of

Beaufort County during an emergency, disaster, or imminent threat thereof. The curfew will be used to protect citizens and property from the potential presence of looters, vandals, thieves and others who would take advantage of the confusion and devastation associated with such an event.

- (2) *Institution of curfew.* Upon the declaration of a state of emergency by the Governor, or upon the determination by Beaufort County Council, or its emergency manager or successor, of the existence of an emergency or disaster, county council, may adopt a resolution instituting a curfew when it is determined necessary to protect and safeguard the people and property of Beaufort County. All of the territory of the unincorporated county shall be subject to the terms of the curfew, unless otherwise specified in the resolution. The resolution instituting the curfew shall include the dates and hours that the curfew shall be in effect.
- (3) *Enforcement.* The provisions under this section shall be enforced by the Beaufort County Sheriff's ~~Department~~ Office.
- (4) *Prohibition.* It shall be prohibited for any person, other than exempt individuals, to appear in public in the territory subject to the curfew, including, but not limited to, streets, highways, alleys, sidewalks, vacant lots, parks, public buildings or any other public places in all or a delineated part of unincorporated Beaufort County during the stated hours of the curfew. Violators, if convicted, will be subject to any and all penalties allowed for in this article.

**Sec. 22-108. - Re-entry into areas affected by disasters.**

- (1) *Purpose.* It may be necessary, following an evacuation, natural or manmade disaster, or otherwise, to restrict entry into portions or all of Beaufort County by the Beaufort County Sheriff's ~~Department~~ Office. Restricted access shall occur only when absolutely necessary to protect the lives and property of its citizens. In the absence of state and/or federal oversight, Beaufort County recognizes the need to locally restrict access to areas by the general public during times of disaster and post recovery and reconstruction.
- (2) *Re-entry procedures.* It is anticipated that re-entry will occur in a tiered manner based on key roles in restoring normal operations after a disaster. It is understood that events may occur within specific areas of the county that will dictate, based on local needs and factors, what personnel will need access into the affected areas. Safety, with regard to public health, travel accessibility and rescue operations will be paramount and of crucial importance in determining access.

Immediate and unrestricted access will be granted to search and rescue agents, including agents from county and municipal fire-rescue departments, state, local,



and federal law enforcement, fire/EMS, National Guard (Military) and emergency response agencies in support of the affected area.

- (3) *Re-entry passes.* Beaufort County ~~Emergency Management~~ Sheriff's Office Emergency Management Division is responsible for the assignment of re-entry passes. Federal, state and local government agencies and law enforcement officials agree to recognize specific identification from critical infrastructure owners and operators, their contractor(s), subcontractors and others as they seek access into a restricted disaster area. Relying parties (e.g. law enforcement) will require constant communications with local emergency operations centers so that proper admittance is granted. Once identity and attributes are authenticated, access is granted at the discretion of the relying parties. Falsification or the forgery of any re-entry or access passes issued in due course by the emergency management ~~department~~ division or like state or federal agency shall be considered a violation of this article and shall be punishable in accordance with the applicable provisions of this article.
- (4) *Re-entry for citizens and public.* Upon the determination that an affected area is deemed to be safe, the emergency management ~~department~~ division, at its discretion, may allow for re-entry for citizens of Beaufort County, or the general public at large.

**Sec. 22-109. - ~~Disaster and recovery emergency permitting and zoning policy and procedures.~~**  
**Emergency permitting, zoning policy and zoning procedures**

- (1) *Goals and purposes.* The goal of the ~~division of building and the division of code enforcement~~ building codes and codes enforcement in a disaster is to allow rebuilding, repair and reconstruction of damaged structures in an orderly, safe and timely manner. Although speed of reconstruction is critical, the overall quality of the reconstruction process as it relates to federal, state and local building codes is a paramount issue. The purpose of these administrative procedures is to establish an emergency permitting system to be used following a declared disaster to expedite repair, restoration, or rebuilding of safe habitable structures.
- (2) *Scope.* The scope of this section includes:
- (a) An overview of the emergency permitting process comprised of damage assessment, determination, notification, permitting and inspection.
  - (b) Description of damage categories and corresponding types of emergency permits, based upon the degree of damage.
  - (c) Procedures to determine compliance with the county's development standard ordinance.
  - (d) Procedures describing emergency permitting and inspection requirements.
  - (e) The purpose and authority of the construction board of adjustments and appeals.
  - (f) Fee structure and requirements.

- (3) *Post-disaster procedures.* ~~The division of building and the division of code enforcement~~ building codes and codes enforcement will implement the following series of procedures to expedite the building permit review and permit issuance process immediately following declaration of an emergency. ~~The division of building and the division of codes~~ building codes and codes enforcement are managed by the Beaufort County Building Official. In a recovery operation the county building official is hereby authorized to make minor adjustments to these policies and procedures to meet the objectives of county recovery actions as unforeseen situations arise.

The provisions of section 22-109 shall be in effect for a period of six months from the date of a local emergency declaration following a major disaster or until termination of a state of local emergency, whichever occurs later, or until these provisions are extended, modified, replaced by new provisions, or terminated, in whole or in part, by action of the Beaufort County Council through separate ordinances.

(4) *Operational procedures.*

- (a) ~~The division of building and the division of codes~~ building codes and codes enforcement will reopen immediately upon proper notice at the current office location, or at an alternate location if the current location is damaged.
- (b) Upon re-entry all inspectors and code enforcement staff must contact the county building official, or the deputy county administrator, to receive work assignments and return to work schedules.
- (c) Inspectors will be assigned to areas of the county to monitor construction activity.
- (d) Inspectors will issue temporary permits for repair to prevent further damage in accordance with these policies: the international codes, FEMA Substantial Damage Estimation software.
- (e) Inspectors will notify owners of need to comply with construction permit requirements and to advise all concerned parties on reconstruction issues in a post-disaster situation.
- (f) Damage assessment teams shall be activated. Team will be comprised of one building inspector, one tax appraiser and other professionals, as deemed necessary to assist with structural analysis of severely damaged buildings.
- (g) If emergency staffing requirements are beyond current staff capability, staffing will be added through mutual aid agreements with surrounding and/or units of government and volunteer groups with proper qualifications.

(5) *Damage assessment procedures.*

- (a) The initial impact assessment (windshield assessment, disaster assessment) is used to determine the extent of the disaster and to determine whether or not outside assistance will be needed. This assessment is coordinated by the emergency management ~~department~~ division of the Sheriff's Office and is generally performed within 24 or 48 hours after passage of an event, depending on severity and scope.
- (b) The detailed damage assessment follows the initial impact assessment and includes conducting on-site visits by the damage assessment teams for each

affected property. This process may take weeks to complete and will culminate in a summary damage estimate in dollars of the total loss to all property in Beaufort County, including: real, personal, agricultural, utility, infrastructure, business, etc. The county building official and the assessor will determine when damage assessment teams will be assembled for conducting detailed damage assessments and make assignments to areas of the county.

- (c) Assessment teams are to establish dollar amount assessments of damage to all structures within their area of responsibility.
  - (d) Each team will have values of structures from the most recent tax records.
  - (e) Assessment team decisions will be symbolized by the use color-coded assessment cards at each structure.
  - (f) Cards will address information as to what percent of the structure has sustained damage, and what process the owner will be required to follow to correct the damage to property. Colored card system detail is found below.
- (6) *Detailed damage assessment procedures.* The county building official or an authorized representative shall direct damage assessment teams having authority to conduct field surveys of damaged structures and post color-coded placards designating the condition of such structures as follows:
- (a) Green card—No restrictions. A green card denotes minor damage to property. Card information will include permission to make these minor repairs without having to obtain a zoning or building permit. Structures with minor damage can be made habitable in a short period of time with minimal repairs. Damage may include doors, windows, floors, furnaces, air conditioners, water heaters and other repairable damages.
  - (b) Yellow card—Limited entry. A yellow card denotes major damage to the property. Card information will include instructions on how to apply for a zoning and building permit. Owner will not be allowed to occupy the structure, occupancy will be allowed only when structure is classified with a green card with no restrictions. Structures with moderate damage can be made habitable with extensive repairs. This category may include damage to the following portions of a structure: foundation, roof structure, wall sections and any other major components of the property.
  - (c) Red card—Unsafe. A red card denotes that the property has been destroyed. Card information will include that the structure is unsafe and may not be occupied. Buildings posted with this placard shall not be entered under any circumstances except as authorized in writing by the department that posted the building or by authorized members of damage assessment teams. The individual posting this placard shall note in general terms the type of damage encountered. This placard is not to be considered a demolition order. Structures with major damage are considered destroyed and a total loss, meaning that damage is determined to be of such an extent that repair is not feasible.

Beaufort County Field inspectors will complete the appropriate card and post in a conspicuous location. Inspector must keep a log of all structures posted in this

category. Log will include date, time, location and a damage description/justification of designation.

- (d) This article and section number, the name of the department, its address, and phone number shall be permanently affixed to each placard.
- (e) Once a placard has been attached to a building, it shall not be removed, altered or covered until done so by an authorized representative of Beaufort County or upon written notification from Beaufort County. Failure to comply with this prohibition will be considered a misdemeanor punishable by a \$300.00 fine.

(7) ~~Development~~ **Staff** review team procedures.

- (a) After an initial damage assessment is completed, the county ~~development staff~~ review team (~~DSRT~~) for development shall convene to determine what areas of the county are impacted and discuss permitting procedures under current emergency conditions.
- (b) The ~~DSRT~~ will discuss conditions, including the following matters in determining how to proceed: plan review requirements, temporary housing needs, ordinance enforcement, abatement of unsafe or unrepairable structures, emergency repairs and flood damage control regulation enforcement.
- (c) The ~~DSRT~~ shall make determinations as to what areas within the county are in need of redevelopment, or in the alternative, which areas are eligible for reconstruction. When a determination has been made that an area has been damaged to such an extent that redevelopment is appropriate, the director of planning shall coordinate the process of organizing meetings with the municipalities to determine how the affected areas are to be redeveloped. Redevelopment plans should be based on the most recent comprehensive plan.

(8) *Permitting procedures.*

- (a) The permitting process will be determined by the extent of damage that a property has sustained. Each property will be treated individually consistent with county ordinances and the international building codes requirements. Property sustaining minor damage may not require a permit based on the type of damage.

Major damage will, in most cases, require a permit. The amount of information needed to satisfy the permitting process will be determined by the type and amount of damage that the structure has received. In most situations where a property has sustained major damage, the owner or contractor conducting the repair will be required to submit a full plan of reconstruction.

- (b) During damage assessment, the inspector will leave a colored-coded placard at the site in a conspicuous location. The placard will provide instructions to the owner if a zoning or building permit is required. The color codes are discussed above in subsection 22-107(6).

(9) *Emergency nonconforming permitting procedures.* In an emergency it may be necessary to allow existing nonconforming uses to rebuild. Building owners will only be allowed to rebuild nonconforming uses under these conditions:

- (a) Owner has official copy of building plans that include overall size and dimensions of structure.

- (b) Owner has recent photographs of the structure that supply construction and appearance detail of the structure.
  - (c) In addition to meeting the conditions as stated above, building owners are also required to comply with the requirements set forth within subsection 22-109(27) with regard to the rebuilding of nonconforming structures.
- (10) *Joint county-municipal permitting.* In a large scale disaster, joint permitting by all governmental permitting bodies would greatly improve effectiveness and speed of post-disaster reconstruction. County staff will pursue implementation of a joint system with all permitting bodies.
- (11) *Administrative and clerical staff duties and roles in a disaster.*
- (a) Normal daily business routine procedures will be employed unless adjusted by the county building official.
  - (b) Telephone duty assigned to two staff members for all incoming calls.
  - (c) Screening of walk-ins by one staff person. The assigned and designated FEMA Coordinator will notify the county building code and code enforcement divisions of substantially damaged buildings requiring building services approval prior to permit release.
  - (d) All records will be retained.
  - (e) Combined staffs from these county divisions and departments: buildings, planning and zoning departments (and others if required) will perform needed clerical and related processing as needed.
- (12) *Ready information/materials/equipment (for damage assessment teams).*
- (a) Digital cameras and additional memory.
  - (b) Temporary permit forms.
  - (c) Building damage assessment forms/building tags/noncompliance forms.
  - (d) Handheld GPS equipment.
  - (e) Safety vests
  - (f) Steele toe boots
  - (g) Flash lights
  - (h) Dust face masks
  - (i) Tablets with collector app loaded
  - (j) Jet pack for tablets
  - (k) Alternative power source to charge devices
- (13) *Issuing emergency zoning and building permits.* When an emergency is officially declared, the following procedures will be implemented when issuing permits:

No restriction on use or occupancy. No plans are required, no permit is required, and no inspection activity other than damage assessment is required.

Use and occupancy restriction. A plan may be required for repairs or a detailed list of work to be done may be required. Development plan review is not required if there is no change in footprint of the building. Emergency building permit(s) is required. An affidavit stating that the owner or his/her authorized agent shall comply with all county

codes will be required. Building inspections are required prior to work beginning and during construction.

Use and occupancy restriction. Flood regulation standards shall be implemented. This standard is based upon Beaufort County Flood Map standards adopted by the County to qualify for FEMA disaster planning and reconstruction funding. Flood mapping in place at the time of the disaster will be the standard for decisions. County building official, or other designated representative, may review decisions, where information is incomplete, and/or in conflict with reality, or in error. General requirements: Plans may be required for repairs. If pre-existing structure is in compliance with zoning, and structure is not located in a flood zone or it is elevated to the proper base flood elevation, there is no change in the use or occupancy and there will be no expansion, plans will not be required. The building must be brought into full compliance with all applicable codes: zoning, building and flood regulations. Development plan review is not required. Building plan review is not required. An emergency building permit is required. An affidavit stating the owner or his/her agent will comply with all county codes is required. Building inspections are required prior to and during construction.

Unsafe. If structure is not demolished, plans are required. A structural engineer report is required. Zoning and development permits are required. A building permit is required.

General requirements: Plans and structural analysis may be required for repairs. If pre-existing structure is in compliance with zoning, and structure is not located in a flood zone or it is elevated to the proper base flood elevation and there is no change in the use or occupancy and there will be no expansion, the building may be repaired after obtaining the building permit; or the building must be brought into full compliance with all applicable codes: zoning, building and flood regulations. Development plan review may not be required. Building inspections are required prior to and during construction.

(14) *County permit fees.* The county will continue to collect permit fees. If conditions warrant revision of this policy, recommendations will be presented to county council.

(15) *Contractor licensing.*

- (a) The county will heighten monitoring and oversight of licensing requirements during emergencies.
- (b) Contractors and subcontractors are likely to respond to construction needs from all parts of the United States.
- (c) State contractor licensing requirements will be the same as during normal operations (e.g., only contractors with appropriate credentials will be issued licenses to work in Beaufort County).
- (d) No preliminary licensing will be allowed.
- (e) High likelihood that Beaufort County, and state contractor licensing authorities, will establish offices in Beaufort County to administer contractor exams, and to manage the paperwork related to the procedure.

(16) *Zoning operations.*

- (a) Zoning permits will be required as described above.

- (b) A site plan or plat will not be required unless the house was moved from its foundation or it is being expanded.
- (c) Field inspectors will judge extent of damage both residential/commercial structures.

(17) *Flood regulations.*

- (a) Beaufort County's flood regulations requires that all pre-FIRM buildings (FEMA definition - a building for which construction or substantial improvement occurred on or before December 31, 1974, or before the effective date of an initial Flood Insurance Rate Map (FIRM)) located in the 100-year floodplain be elevated to the required base flood elevation if the building sustains > 50 percent damage of its market value.
- (b) Replacement value is determined before improvements are made to the structure.
- (c) In cases where there are questions regarding extent of damage or flood zone designation, the inspector shall complete FEMA substantial damage form to make the determination.

(18) *Electrical and gas connections.*

- (a) Electrical and gas safety inspection procedures. All buildings with a damaged electric and/or gas meter, damaged electrical service weather head, and/or with water submersion inside of the structure up to the elevation of electrical receptacles, will require an electrical safety inspection prior to electrical service being restored.
- (b) Gas lines in buildings that have experienced a fire must be inspected prior to gas service being restored.
- (c) Stop work orders (red tags) are to be conspicuously placed near utility meters that are not to be reconnected without prior inspection and release.
- (d) Records of structures deemed unsafe for utility reconnection are to be maintained and released to the applicable electrical or gas utility as quickly as possible after the determination is made.

(19) *Mutual aid building inspectors.* Mutual aid building inspectors will assist with performing substantial damage determination inspections, complete applicable forms, input data into FEMA substantial damage determination software, and perform other related duties as assigned.

(20) *Beaufort County Board of Adjustment and Appeals.*

- (a) The Beaufort County Board of Appeals will handle disputes directly associated with disaster-related reconstruction and construction.
- (b) The board will act on all matters resulting from matters in dispute. Likely areas of deliberation are: decisions related to degree of damage, new codes, floodplain issues, and other matters that may develop.
- (c) Additional responsibilities may be assigned to the board to meet needs as they develop.
- (d) Decisions will be made by majority vote, minutes and all other meetings requirements will be met as the board functions during disaster, including: open

meetings requirements, accessibility requirements and Freedom of Information requirements.

(21) *Applications and forms (to be used by county staff)*. Habitable Repair Approval, Unsafe Do Not Enter, Limited Entry - Permit Required for Repairs, Damage Checklist.

(22) *Development moratorium*. The director shall have the authority to make recommendations to county council regarding moratoriums on the issuance of building permits, approval of land use applications or other permits and entitlements related to the use, development, and occupancy of private property authorized under other chapters and sections of the Code of Ordinances. The recommendations will be based on the opinion of the director, that such action is reasonably justifiable for protection of life and property. County council shall be authorized to issue moratoriums in accordance with the provisions of this article. County council shall be authorized to issue a moratorium with regards to the requirements under this section.

(a) *Posting*. Notice of the moratorium shall be posted in a public place and shall clearly identify the boundaries of the area in which a moratorium is in effect as well as the exact nature of the development permits or entitlements that are temporarily held in abeyance.

(b) *Duration*. The moratorium shall be in effect from the earliest possible time following a disaster, and shall remain in effect until such time that the Beaufort County Council can take action to extend, modify, or terminate such moratorium by separate ordinance.

(23) *One-stop center for permit expediting*. The county building official shall oversee establishment of a one-stop center, staffed by representatives of pertinent departments, for the purpose of establishing and implementing streamlined permit processing to expedite repair and reconstruction of buildings, and to provide information support for provision of temporary housing and encouragement of business resumption and industrial recovery. The director shall establish such center and procedures in coordination with other governmental entities that may provide services and support, such as FEMA, SBA, HUD, or the South Carolina Emergency Management Division.

(24) *Temporary use permits*. The director shall have the authority to issue permits in any residential, commercial, industrial, or other zone for the temporary use of property that will aid in the immediate restoration of an area adversely impacted by a major disaster, subject to the following provisions:

(a) *Critical response facilities*. Any police, fire, emergency medical, or emergency communications facility that will aid in the immediate restoration of the area may be permitted in any zone for the duration of the declared emergency;

(b) *Other temporary uses*. Temporary use permits may be issued in any zone, with conditions, as necessary, provided written findings are made establishing a factual basis that the proposed temporary use:

1. Will not have a long-term detrimental impact on the immediate neighborhood;
2. Will not adversely affect the comprehensive plan; and



3. Will contribute in a positive fashion to the reconstruction and recovery of areas adversely impacted by the disaster.

Temporary use permits may be issued for a period of one year following the declaration of local emergency and may be extended on an annual basis for a maximum of five years from the declaration of emergency, provided such findings are determined to be still applicable by the end of the first year. If, during the first or any subsequent four years, substantial evidence contradicting one or more of the required findings comes to the attention of the director, the temporary use permit shall be revoked.

- (c) *Single-family residence repair or replacement.* A temporary use permit shall also be granted subject to the provisions of subsection 22-111(4) to allow the property owner of a single-family residence that has been deemed as having "no restrictions on use or occupancy" pursuant to subsection 22-109(13) to live on his or her property until such time as the damaged house can be repaired or rebuilt. This temporary housing permit shall be good for one year and may be renewed each year for a maximum of five years.
  - (d) *No grandfathered or nonconforming status acquired.* No use initiated pursuant to the provisions of this section may claim grandfathered or nonconforming use status. Any use initiated under this section must terminate after five years, if not before.
- (25) *Temporary repair permits.* Following a disaster, temporary emergency repairs to secure structures and property damaged in the disaster against further damage or to protect adjoining structures or property may be made without fee or permit where such repairs are not already exempt under other chapters of the Code of Ordinances. The building official must be notified of such repairs within ten working days, and regular permits with fees may then be required.
- (26) *Deferral of fees for reconstruction permits.* Except for temporary repairs issued under provisions of this chapter, all other repairs, restoration, and reconstruction of buildings damaged or destroyed in the disaster shall be approved through permit under the provisions of other chapters of this Code. Fees for such repair and reconstruction permits may be deferred until issuance of certificates of occupancy.
- (27) *Nonconforming buildings and uses.* Buildings damaged or destroyed in the disaster that are legally nonconforming as to use, yards, height, number of stories, lot area, floor area, residential density, parking, or other provisions of the zoning and development standards may be repaired and reconstructed in-kind, provided that:
  - (a) The building is damaged in such a manner that the structural strength or stability of the building is appreciably lessened by the disaster and is less than the minimum requirements of the International Building Code for a new building;
  - (b) The cost of repair is less than 50 percent of the replacement cost of the building;
  - (c) All structural, plumbing, electrical and related requirements of the International Building Code are met at current standards;
  - (d) Any local, state or federal natural hazard mitigation requirements are met;

- (e) Reestablishment of the use or building is in conformance with the National Flood Insurance Program requirements and procedures;
- (f) The building is reconstructed to the same configuration, floor area, height, and occupancy as the original building or structure, except where this conflicts with National Flood Insurance Program (NFIP) provisions;
- (g) No portion of the building or structure encroaches into an area planned for widening or extension of existing or future streets as determined by the comprehensive general plan or applicable specific plan; and
- (h) Repair or reconstruction shall commence within two years of the date of the declaration of local emergency in a major disaster and shall be completed within two years of the date on which permits are issued.
- (i) In addition to the provisions contained herein, building owners are also required to comply with the provisions of subsection 22-109(9) with regard to the rebuilding of nonconforming structures.

Nothing herein shall be interpreted as authorizing the continuation of a nonconforming use beyond the time limits set forth under other sections of the zoning and development standards that were applicable to the site prior to the disaster.

#### **Sec. 22-110. - Demolition of damaged buildings.**

The director shall have authority to order the condemnation and demolition of buildings and structures damaged in the disaster under the standard provisions of the Code of Ordinances, except as otherwise indicated below:

- (1) *Condemnation and demolition.* In dealing with historic buildings, the building official shall notify the state historic preservation officer within 60 days after the disaster, that one of the following actions will be taken with respect to any historic building or structure determined by the building official to represent an imminent hazard to public health and safety or to pose an imminent threat to the public right-of-way:
  - (a) Where possible, within reasonable limits as determined by the building official, the building or structure shall be braced or shored in such a manner as to mitigate the hazard to public health and safety or the hazard to the public right-of-way;
  - (b) Whenever bracing or shoring is determined not to be reasonable, the building official shall cause the building or structure to be condemned and immediately demolished. Such condemnation and demolition shall be performed in the interest of public health and safety without a condemnation hearing as otherwise required by the building code. Prior to commencing demolition, the building official shall photographically record the entire building or structure.
- (2) *Notice of condemnation.* If, after the specified time frame noted in subsection 22-108(1) of this chapter and less than 30 days after the disaster, a historic building or structure is determined by the building official to represent a hazard to the health and safety of the public or to pose a threat to the public right-of-way, the building official shall duly notify

the building owner of the intent to proceed with a condemnation hearing within 30 business days of the notice in accordance with the building code; the building official shall also notify FEMA, in accordance with the National Historic Preservation Act of 1966, as amended, of the intent to hold a condemnation hearing.

- (3) *Request to FEMA for approval to demolish.* Within 30 days after the disaster, for any historic building or structure which the building official and the owner have agreed to demolish, the building official shall submit to FEMA, in accordance with the National Historic Preservation Act of 1966, as amended, a request for approval to demolish. Such request shall include all substantiating data.
- (4) *Historic building demolition review.* If, after 30 days from the event, the building official and the owner of a historic building or structure agree that the building or structure should be demolished, such action will be subject to the review process established by the National Historic Preservation Act of 1966, as amended.

#### **Sec. 22-111. - Temporary housing.**

- (1) Purpose. It is understood that FEMA will be responsible for all temporary housing activities following a disaster; however, it is in Beaufort County's best interest to have a plan in place for guiding where temporary housing is located, the types of temporary housing brought in and how long the housing is allowed to stay on-site.
- (2) Pre-disaster site planning. Each year, as part of the recovery plan update process, the ~~division director of community services~~ Building Codes Director will be responsible for overseeing a planning process to determine the best sites for the placement of potential temporary housing units. The county will focus on using county-owned property and perhaps existing mobile home parks for locating temporary housing developments. This site identification will take place on an annual basis. This process will be coordinated with the affordable housing, community development, building codes, GIS and other departments as deemed necessary. The results of this annual planning process will be compiled in a selection report and presented to county council by the county administrator.
- (3) Post-disaster policies and procedures. Upon declaration of an emergency, the county administrator shall assign staff to work with FEMA, HUD, the South Carolina Emergency Management Division, and other appropriate governmental and private entities to identify special programs by which provisions can be made for temporary or permanent replacement housing that will help avoid undue displacement of people and businesses. Such programs may include deployment of manufactured housing and manufactured housing developments under the temporary use permit procedures provided in subsection 22-107 of this article and available section 22-108 and community development block grant funds to offset repair and replacement housing costs, and other initiatives appropriate to the conditions found after a major disaster.
- (4) The county will issue temporary use permits to residents which will allow for the placement of one temporary housing unit on property owned by them in the event that the property owner's house has been damaged but has been deemed as "having no restriction on use or occupancy" as set forth in subsection 22-109(13) above. This will

allow the property owner and his or her family to live on-site until such time that the damaged house can be repaired or rebuilt. This temporary housing unit shall only be occupied by the property owner and his or her family.

**Sec. 22-112. - Hazard mitigation program.**

The county has established a comprehensive hazard mitigation program that includes both long-term and short-term components.

- (1) *Hazard mitigation plan.* Beaufort County has adopted by resolution a hazard mitigation plan for the purpose of enhancing long-term safety against future disasters. The hazard mitigation plan identifies and maps the presence, location, extent, and severity of natural hazards, such as:
  - (a) Flooding;
  - (b) Dam failure;
  - (c) Drought;
  - (d) Wind: thunderstorms and tornadoes;
  - (e) Earthquakes;
  - (f) Fire;
  - (g) Tsunamis;
  - (h) Hazardous materials.

The hazard mitigation plan determines and assesses Beaufort County's vulnerability to such known hazards and proposes measures to be taken both before and after a major disaster to mitigate such hazards. It contains linkages between its own provisions and those of other comprehensive plan elements including, but not limited to, land use, transportation, housing, economic development, and historic preservation, and any other pertinent element so that development and infrastructure decisions will incorporate considerations of natural hazards.

- (2) *Short-term action program.* A short-term hazard mitigation program is included in the recovery plan. It is comprised of hazard mitigation program elements of highest priority for action, including preparation and adoption of separate ordinances dealing with specific hazard mitigation and abatement measures, as necessary. Such ordinances may require special site planning, land use, and development restrictions or structural measures in areas affected by flooding, urban/wildland fire, wind, seismic, or other natural hazards, or remediation of known technological hazards, such as toxic contamination.
- (3) *Post-disaster actions.* Following a major disaster, the director shall participate in developing a mitigation strategy as part of the interagency hazard mitigation team with FEMA and other entities, as called for in Section 409 of the Stafford Act and related federal regulations. As appropriate, the director may recommend to the Beaufort County Council that Beaufort County participate in the state's hazard

mitigation grant program, authorized in Section 404 of the Stafford Act, in order to partially offset costs of recommended hazard mitigation measures.

- (4) *New information.* As new information is obtained regarding the presence, location, extent, and severity of natural or technological hazards, or regarding new mitigation techniques, such information shall be made available to the public, and shall be incorporated as soon as practicably possible within the comprehensive plan and the recovery plan through amendment.

**Sec. 22-113. - Protection of critical county public records policies and procedures.**

- (1) *Purpose.* Effective and productive management of county business requires that critical public records be protected and stored for reuse as normalcy is reestablished within the county.
- (2) *Identification of critical records.*
  - (a) County staff will conduct meetings with appropriate county departments to access the volume and types of material.
  - (b) Recommendation report will be made and presented to the county administrator.
- (3) *Adoption of safe storage policy.*
  - (a) County staff will make recommendations as to appropriate protection and storage procedures.
  - (b) Recommendation report will be made and presented to the county administrator.

**Sec. 22-114. - Disaster emergency refuse collection and disposal policies and procedures.**

- (1) *Objectives.*
  - (a) Timely and effective refuse removal and disposal are critical factors in enabling quicker cleanup and rebuilding.
  - (b) Refuse removal and disposal are also health and safety issues.
- (2) *Procedures.* The director of public works shall be responsible for managing the removal from public rights-of-way debris and rubble, trees, damaged or destroyed cars, trailers, equipment, and other private property, without notice to owners, provided that in the opinion of the director of public works such action is reasonably justifiable for protection of life and property, provision of emergency evacuation, assurance of firefighting or ambulance access, mitigation of otherwise hazardous conditions, or restoration of public infrastructure. The director of public works shall also have the authority to secure emergency waivers of environmental regulations from state and federal authorities and to call upon outside support from such agencies for debris clearance, hazardous materials spills, and restoration of ground access. Debris clearance shall be conducted by pre-selected contractors. Other debris clearance regulations and procedures can be found in the Beaufort County Debris Management Plan.
- (3) *Identification of areas suitable for refuse, reduction and disposal.*

- (a) The county shall designate suitable refuse reduction and disposal sites throughout the county prior to an event to facilitate emergency response. Sites will be recommended and evaluated by county staff for recommendation to the county administrator.

**Sec. 22-115. - Recovery and reconstruction strategy.**

At the earliest practicable time following the declaration of local emergency in a major disaster, the director and the recovery task force shall prepare a strategic program for recovery and reconstruction based on the pre-disaster plan and its policies.

- (1) *Functions.* To be known as the recovery strategy, the proposed strategic program shall identify and prioritize major actions contemplated or under way regarding such essential functions as business resumption, economic reinvestment, industrial recovery, housing replacement, infrastructure restoration, and potential sources of financing to support these functions.
- (2) *Review.* The recovery strategy shall be forwarded to the Beaufort County Council for review and approval following consultation with other governmental agencies and business and citizen representatives. The recovery strategy shall provide detailed information regarding proposed and ongoing implementation of initiatives necessary to the expeditious fulfillment of critical priorities and will identify amendment of any other plans, codes, or ordinances that might otherwise contradict or block strategic action. The director shall periodically report to the Beaufort County Council regarding progress toward implementation of the recovery strategy, together with any adjustments that may be called for by changing circumstances and conditions.

**Sec. 22-116. - Penalties for offenses.**

Any person, firm, company or corporation who fails to comply with this article, or the emergency measures made effective pursuant to this article, is guilty of a misdemeanor of the second degree, and upon conviction for such offense, may be punished by a fine not to exceed \$500.00 or by imprisonment not to exceed 60 days in the Beaufort County Jail, or both, in the discretion of the court hearing the case. Each day of continued noncompliance or violation will constitute a separate offense.

In addition, any construction licensee of Beaufort County or the State of South Carolina who violates any provision of this article or the emergency measures which are effective as a result of this article may be charged with a violation and the matter will be heard before the appropriate board, in a state administrative proceeding or a court of law.

Nothing contained in this section prevents Beaufort County from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any failure to comply with, or violation of, this article or the emergency measures which may be made effective according to this article. Other lawful action will include, but is not limited to, an equitable action for injunctive relief or an action at law for damages.

**Sec. 22-117. - Severability.**

If any provision of this article is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions that can be implemented without the invalid provision and, to this end the provisions of this article are declared to be severable.

**ORDINANCE 2016/\_\_\_**

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

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

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

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

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

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

**Section 1. Appointive powers of council**

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



## **SECTION 2. Composition; terms; vacancies**

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

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

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

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

### **SECTION 3. Duties**

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

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

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

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

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

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

#### **SECTION 4. Officers**

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

#### **SECTION 5. Minutes of meetings**

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

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

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

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

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

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2016.

COUNTY COUNCIL OF BEAUFORT COUNTY

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

APPROVED AS TO FORM:

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

ATTEST:

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

First Reading:

Second Reading:

Public Hearing:

Third and Final Reading:

**ORDINANCE 2016/\_\_\_**

**AN ORDINANCE TO AMEND THE MEMBERSHIP AND COMPOSITION OF THE  
BEAUFORT COUNTY TAX EQUALIZATION BOARD AND TO MODIFY THE NAME  
OF THE TAX EQUALIZATION BOARD TO BE CONSISTENT WITH S.C. CODE  
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Appeals and other hearings may be conducted by panels of five members chosen from among the nine members of the board. Three members of the panel shall constitute a quorum, unless the parties agree to a lesser number. When only three members of the panel are present to conduct a hearing, the decision of the panel must be unanimous.

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

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Adopted this \_\_\_\_ day of \_\_\_\_\_, 2016.



COUNTY COUNCIL OF BEAUFORT COUNTY

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

APPROVED AS TO FORM:

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

ATTEST:

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

First Reading:

Second Reading:

Public Hearing:

Third and Final Reading:

ORDINANCE 2016/\_\_\_

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

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

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

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

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

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2016.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: \_\_\_\_\_

D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

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

ATTEST:

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

First Reading:

Second Reading:

Public Hearing:

Third and Final Reading: