

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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MICHAEL E. COVERT  
GERALD DAWSON  
BRIAN E. FLEWELLING  
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YORK GLOVER, SR.  
ALICE G. HOWARD  
STEWART H. RODMAN  
ROBERTS "TABOR" VAUX

JOSHUA A. GRUBER  
INTERIM COUNTY ADMINISTRATOR

THOMAS J. KEAVENY, II  
COUNTY ATTORNEY

ASHLEY M. BENNETT  
CLERK TO COUNCIL

AGENDA  
COUNTY COUNCIL OF BEAUFORT COUNTY  
REGULAR SESSION

Monday, November 13, 2017

6:00 p.m.

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

1. CALL TO ORDER - 6:00 P.M.
2. REGULAR SESSION
3. PLEDGE OF ALLEGIANCE
4. INVOCATION – Councilman York L. Glover
5. PROCLAMATION – Small Business Saturday
6. ADMINISTRATIVE CONSENT AGENDA
  - A. Approval of Minutes
    1. October 23, 2017 Regular Session (backup)
    2. October 23, 2017 Caucus (backup)
  - B. Committee Reports (next meeting)
    1. Community Services (January 16, 2018)
      - a. Minutes – October 23, 2017 (backup)
    2. Executive (December 11 at 3:00 p.m., ECR)
    3. Finance (December 4 at 2:00 p.m., ECR)
      - a. Minutes – November 6, 2017 (backup)
    4. Governmental (December 4 at 4:00 p.m., ECR)
      - a. Minutes – November 6, 2017 (backup)
    5. Natural Resources (November 20 at 2:00 p.m., ECR)
    6. Public Facilities (December 18 at 4:00 p.m., ECR)
      - a. Minutes – October 23, 2017 (backup)
7. PUBLIC COMMENT – Speaker sign-up encouraged no later than 5:45 p.m. day of meeting.



8. CONSENT AGENDA

- A. STATE (2%) ACCOMMODATIONS TAX BOARD FISCAL YEAR 2018 GRANT RECOMMENDATIONS TO TOURISM-RELATED ORGANIZATIONS IN THE CUMULATIVE AMOUNT OF \$550,000 (backup)
  - 1. Consideration of approval to occur November 13, 2017
  - 2. Finance Committee discussion and recommendation to award the 2018 grants occurred November 6, 2017 / Vote 7:0
  
- B. AN ORDINANCE AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE A TWO (2) YEAR EXTENSION OF THE LEASE AGREEMENT WITH THE SANTA ELENA FOUNDATION FOR THE FEDERAL COURTHOUSE (backup)
  - 1. Consideration of first reading to occur November 13, 2017
  - 2. Finance Committee discussion and recommendation to approve on first reading occurred November 6, 2017 / Vote 7:0
  
- C. AN ORDINANCE COMMITTING FUNDS FROM THE BUCKWALTER PLACE MULTI-COUNTY INDUSTRIAL PARK FEE IN LIEU OF TAXES REVENUE AND ADDITIONAL REVENUE GENERATED FROM THE BUCKWALTER PLACE DEVELOPMENT AFTER THE EXPIRATION OF THE MULTI-COUNTY INDUSTRIAL PARK, UP TO A TOTAL OF \$5,000,000.00, TO THE TECHNICAL COLLEGE OF THE LOWCOUNTRY FOR THE CONSTRUCTION OF THE LOWCOUNTRY CULINARY INSTITUTE (backup)
  - 1. Consideration of first reading to occur November 13, 2017
  - 2. Finance Committee discussion and recommendation to approve on first reading occurred November 6, 2017 / Vote 7:0
  
- D. AN ORDINANCE ALLOCATING \$3,243,000.00 FROM LOCAL HOSPITALITY TAX FUNDS TO THE TECHNICAL COLLEGE OF THE LOWCOUNTRY FOR A PORTION OF COST FOR CONSTRUCTION OF A LOWCOUNTRY CULINARY INSTITUTE CONTINGENT UPON THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING IDENTIFYING THE TOWN OF BLUFFTON'S AND THE SCHOOL DISTRICT'S FINANCIAL COMMITMENTS TO FUND PORTIONS OF THE CONSTRUCTION COST (backup)
  - 1. Consideration of first reading to occur November 13, 2017
  - 2. Finance Committee discussion and recommendation to approve on first reading occurred November 6, 2017 / Vote 7:0
  
- E. CONSIDERATION OF CONTRACT AWARD / EMERGENCY MEDICAL SERVICES (EMS) PURCHASE OF ONE AMBULANCE (backup)
  - 1. Contract Award: AEV Northwestern Emergency Vehicles, Jefferson, NC
  - 2. Amount: \$240,997
  - 3. Funding Source: Account 40090011-54300, EMS, Vehicle Purchases
  - 4. Governmental Committee discussion and recommendation to award contract occurred November 6, 2017 / Vote 6:0

- F. A RESOLUTION REPEALING AND REPLACING RESOLUTION NO. 2016/8 AND AUTHORIZING THE COUNTY ADMINISTRATOR TO ACCEPT FROM PLANTATION BUSINESS PARK OWNERS' ASSOCIATION INC., BUSINESS PARK WAY AND A PORTION OF PLANTATION PARK DRIVE, INTO COUNTY ROAD SYSTEM INCLUDING STORMWATER DRAINAGE INFRASTRUCTURE WITHIN THE DEDICATED RIGHTS OF WAY ([backup](#))
1. Consideration of adoption to occur November 13, 2017
  2. Consideration of adoption was postponed June 26, 2017
  3. Public Facilities Committee discussion and recommendation to adopt resolution occurred May 15, 2017 / Vote 7:0
- G. AN ORDINANCE OF BEAUFORT COUNTY COUNCIL ADDING CHAPTER 38, ARTICLE 6: SINGLE-USE PLASTIC BAGS TO THE BEAUFORT COUNTY CODE OF ORDINANCES TO ENCOURAGE THE USE OF REUSABLE CHECKOUT BAGS AND RECYCLABLE PAPER CARRYOUT BAGS AND BANNING THE USE OF SINGLE-USE PLASTIC BAGS FOR RETAIL CHECKOUT OF PURCHASED GOODS IN THE UNINCORPORATED AREAS OF THE COUNTY ([backup](#))
1. Consideration of first reading to occur November 13, 2017
  2. Council Work Session to receive public comment and input occurred November 8, 2017
  3. Council Work Session to receive public comment and input occurred November 1, 2017
  4. Council Work Session to receive public comment and input occurred October 25, 2017
  5. Natural Resources Committee discussion and recommendation to approve ordinance with amendments/additions occurred October 16, 2017 / Vote 4:1
  6. Natural Resources Committee Work Session to receive public comment and input occurred October 5, 2017
  7. Natural Resources Committee Work Session to receive public comment and input occurred September 25, 2017
  8. Natural Resources Committee discussion incident to the date and time of two Natural Resources Committee Work Sessions occurred September 18, 2017
  9. Council postponed action and sent back to the Natural Resources Committee for additional public input and public comment on August 28, 2017
  10. Natural Resources Committee discussion and recommendation to approve on first reading occurred August 22, 2017 / Vote 4:2

9. PUBLIC HEARINGS – 6:30 P.M.

- A. AN ORDINANCE TO APPROPRIATE FUNDS NOT TO EXCEED \$630,000 FROM THE 2% LOCAL HOSPITALITY TAX FUNDS TO THE COUNTY GENERAL FUND FOR IMPROVEMENTS TO THE FACTORY CREEK BOAT RAMP, LADY'S ISLAND ([backup](#))
1. Consideration of third and final reading approval to occur November 13, 2017
  2. Second reading approval occurred October 23, 2017 / Vote 11:0
  3. First reading approval occurred October 9, 2017 / Vote 10:0
  4. Finance Committee recommendation to approve on first reading occurred October 2, 2017 / Vote 6:0
- B. AN ORDINANCE ENACTED PURSUANT TO S.C. CODE ANN. §4-37-30 *ET SEQ.* TO IMPOSE A ONE PERCENT (1%) TRANSPORTATION SALES AND USE TAX FOR NOT MORE THAN FOUR (4) YEARS, IF APPROVED BY REFERENDUM; TO AUTHORIZE THE ISSUE OF GENERAL OBLIGATION BONDS NOT TO EXCEED \$120,000,000 IF APPROVED BY REFERENDUM, TO DESCRIBE THE TRANSPORTATION-RELATED PROJECTS AND ESTIMATED CAPITAL COSTS OF THE PROJECTS TO BE FUNDED IN WHOLE OR IN PART FROM THE PROCEEDS OF THE TAX; TO ORDER A COUNTY-WIDE REFERENDUM ON THE QUESTION OF IMPOSING THE TAX AND AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS; TO PRESCRIBE THE CONTENTS OF THE BALLOT QUESTIONS; AND PROVIDE FOR ALL OTHER THINGS NECESSARY TO SUBMIT THE AFORESAID QUESTIONS TO THE ELECTORATE ([backup](#))
1. Consideration of third and final reading approval to occur November 13, 2017
  2. Second reading approval occurred October 23, 2017 / Vote 11:0
  3. First reading approval occurred October 9, 2017 / Vote 10:0
  4. Finance Committee recommendation to approve on first reading occurred October 2, 2017 / Vote 6:0

11. MATTERS ARISING OUT OF EXECUTIVE SESSION

12. PUBLIC COMMENT - Speaker sign-up encouraged.

13. ADJOURNMENT



# PROCLAMATION

**WHEREAS**, small businesses form the backbone of our local economy, generating jobs and improving the quality of life for citizens; and

**WHEREAS**, Beaufort County supports the efforts of local small businesses and recognizes the critical role they play in our community; and

**WHEREAS**, Small Business Saturday will stimulate the economic growth locally for small merchants by following in the tradition of Black Friday and Cyber Monday, two of the busiest shopping days of the year; and

**WHEREAS**, we encourage citizens to consider shopping small merchants on Small Business Saturday as a way to boost the local economy and strengthen our small business community.

**NOW, THEREFORE**, Beaufort County Council hereby proclaims Saturday, November 25, 2017, as

## “SMALL BUSINESS SATURDAY”

and encourages our residents to recognize and support small businesses within our community by shopping these establishments on the Saturday following Thanksgiving.

Dated this 13<sup>th</sup> day of November, 2017.



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

D. Paul Sommerville, Chairman  
Beaufort County Council

Official Proceedings  
County Council of Beaufort County  
October 23, 2017

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, October 23, 2017 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, Councilmen Rick Caporale, Mr. Covert, Gerald Dawson, Brian Flewelling, Steven Fobes, York Glover, Alice Howard, Stewart Rodman and Roberts "Tabor" Vaux.

**PLEDGE OF ALLEGIANCE**

The Chairman led those present in the Pledge of Allegiance.

**INVOCATION**

Council member Gerald Dawson gave the Invocation.

**PROCLAMATION**

**Anti-Bullying Awareness Month**

The Chairman proclaimed October 2017 as Anti-Bullying Awareness Month. Mrs. LaRaine Fess, Theater Teacher, Beaufort High School Drama Department, accepted the proclamation.

**ADMINISTRATIVE CONSENT AGENDA**

**Review of the Proceedings of the Caucus held October 9, 2017**

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 October 9, 2017. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.



### **Review of the Proceedings of the Regular Session held October 9, 2017**

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 October 9, 2017. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

### **Committee Reports**

#### **Public Facilities Committee**

Public Facilities Committee Chairman Stu Rodman announced that the scheduled November 20, 2017 Public Facilities Committee meeting might move a date following the Thanksgiving Holiday since it falls on the same week.

### **PRESENTATION / DELINQUENT TAX SALE 2017 REPORT**

Mrs. Maria Walls, Beaufort County Treasurer, gave an overview of the Delinquent Tax Sale, and current financials. There were 439 parcels, totaling \$537,075 in taxes due, sent to auction, and 291 parcels sold at a total bid collection amount of \$14,810,326. That is a total overage of \$14,273,271. Cash on hand at present is as follows: \$100,092,673 unrestricted and \$139,060,766 restricted. The collection rate for tax year 2016 is 98.28%.

### **PUBLIC COMMENT**

Mr. Tommy O'Brien, a Burton resident, brought forward two concerns before Council. He presented an article about the dump on Daufuskie Island and his concerns relative the dollars set aside to pave the dumpster pad and install a privacy fence. However, these dollars paid for a lawsuit. He also informed Council of a County employee who driving a County vehicle to Prosperity, South Carolina. He provided photographs of the vehicle and the employee's information.

Ms. Cynthia Gregory Smalls, representing Board of Education District 3, stated her desire is to ensure students, countywide, are successful. We need to get our young folk involved in trade skills.

**CONSENT AGENDA**

**AN ORDINANCE TO APPROPRIATE FUNDS NOT TO EXCEED \$630,000 FROM THE 2% LOCAL HOSPITALITY TAX FUNDS TO THE COUNTY GENERAL FUND FOR IMPROVEMENTS TO THE FACTORY CREEK BOAT RAMP, LADY'S ISLAND**

This item comes before Council under the Consent Agenda. Discussion occurred at the October 2, 2017 meeting of the Finance Committee.

It was moved by Mr. Flewelling, seconded by Mr. Dawson, that Council approve on second reading an ordinance to appropriate funds not to exceed \$630,000 from the 2% Local Hospitality Tax Funds to the County General Fund for improvements to the Factory Creek Boat Ramp, Lady's Island. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

The Chairman announced a public hearing Monday, November 13, 2017 beginning at 6:30 p.m. in Council Chambers of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road.

**AN ORDINANCE ENACTED PURSUANT TO S.C. CODE ANN. §4-37-30 *ET SEQ.* TO IMPOSE A ONE PERCENT (1%) TRANSPORTATION SALES AND USE TAX FOR NOT MORE THAN FOUR (4) YEARS, IF APPROVED BY REFERENDUM; TO AUTHORIZE THE ISSUE OF GENERAL OBLIGATION BONDS NOT TO EXCEED \$120,000,000 IF APPROVED BY REFERENDUM, TO DESCRIBE THE TRANSPORTATION-RELATED PROJECTS AND ESTIMATED CAPITAL COSTS OF THE PROJECTS TO BE FUNDED IN WHOLE OR IN PART FROM THE PROCEEDS OF THE TAX; TO ORDER A COUNTY-WIDE REFERENDUM ON THE QUESTION OF IMPOSING THE TAX AND AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS; TO PRESCRIBE THE CONTENTS OF THE BALLOT QUESTIONS; AND PROVIDE FOR ALL OTHER THINGS NECESSARY TO SUBMIT THE AFORESAID QUESTIONS TO THE ELECTORATE**

This item comes before Council under the Consent Agenda. Discussion occurred at the October 2, 2017 meeting of the Finance Committee.

It was moved by Mr. Flewelling, seconded by Mr. Dawson, that Council approve on second reading an ordinance enacted pursuant to S.C. Code Ann. §4-37-30 *et seq.* to impose a one percent (1%) Transportation Sales and Use Tax for not more than four years, if approved by referendum; to authorize the issue of General Obligation Bonds not to exceed \$120,000,000 if approved by referendum, to describe the transportation-related projects and estimated capital costs of the projects to be funded in whole or in part from the proceeds of the tax; to order a county-wide referendum on the question of imposing the tax and authorizing the issuance of general obligation bonds; to prescribe the contents of the ballot questions; and provide for all other things necessary to submit the aforesaid questions to the electorate. The vote: YEAS – Mr.



Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

The Chairman announced a public hearing Monday, November 13, 2017 beginning at 6:30 p.m. in Council Chambers of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road.

## **PUBLIC HEARINGS**

### **TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): ARTICLE 4, SECTION 4.2.20 GENERAL STANDARDS AND LIMITATIONS, T3-EDGE, T3-HAMLET NEIGHBORHOOD, AND T3-NEIGHBORHOOD (TO ALLOW PRIVATE FISH PONDS)**

The Chairman opened a public hearing beginning at 6:30 p.m. for the purpose of receiving public comment regarding text amendment to the Beaufort County Community Development Code (CDC): Article 4, Section 4.2.20 General Standards and Limitations, T3-Edge, T3-Hamlet Neighborhood, and T3-Neighborhood (to allow private fish ponds. 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. Flewelling, seconded by Mrs. Howard, that Council approve on third and final reading a text amendment to the Beaufort County Community Development Code (CDC): Article 4, Section 4.2.20 General Standards and Limitations, T3-Edge, T3-Hamlet Neighborhood, and T3-Neighborhood (to allow private fish ponds). The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

### **TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): SECTION 3.1.70 LAND USE DEFINITIONS, AGRICULTURE (TO ADD THE AQUAPONICS USE TO AGRICULTURE AND CROP HARVESTING LAND USE TYPE)**

The Chairman opened a public hearing beginning at 6:31 p.m. for the purpose of receiving public comment regarding text amendment to the Community Development Code (CDC): Section 3.1.70 Land Use Definitions, Agriculture (to add the Aquaponics Use to Agriculture and Crop Harvesting Land Use type). After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:32 p.m.

It was moved by Mr. Flewelling, seconded by Mr. Stewart, that Council approve on third and final reading a text amendment to the Community Development Code (CDC): Section 3.1.70 Land Use Definitions, Agriculture (to add the Aquaponics Use to Agriculture and Crop Harvesting Land Use type). The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

**AN ORDINANCE TO APPROPRIATE FUNDS NOT TO EXCEED \$300,000 FROM THE 3% LOCAL ACCOMMODATIONS TAX FUNDS TO THE CITY OF BEAUFORT FOR BRIDGE ACCESS AND BIKE PATH TO THE WATERFRONT PARK EXTENSION INTO THE WHITEHALL DEVELOPMENT**

The Chairman opened a public hearing beginning at 6:32 p.m. for the purpose of receiving public comment regarding an ordinance to appropriate funds not to exceed \$300,000 from the 3% Local Accommodations Tax Fund for the City of Beaufort for bridge access and bike path to the Waterfront Park Extension into the Whitehall Development. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:33 p.m.

It was moved by Mr. Stewart, seconded by Mr. Flewelling, that Council approve on third and final reading an ordinance to appropriate funds not to exceed \$300,000 from the 3% Local Accommodations Tax Fund for the City of Beaufort for bridge access and bike path to the Waterfront Park Extension into the Whitehall Development. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

**MATTERS ARISING OUT OF EXECUTIVE SESSION**

There were no matters to come out of executive session.

**PUBLIC COMMENT**

There were no requests to speak.

**ADJOURNMENT**

Council adjourned at 6:42 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

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

D. Paul Sommerville, Chairman

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

Ashley M. Bennett, Clerk to Council

Ratified:

Official Proceedings  
County Council of Beaufort County  
October 23, 2017

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, October 23, 2017 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 Rick Caporale, Michael Covert, Gerald Dawson, Brian Flewelling, Steven Fobes, York Glover, Alice Howard, Stewart Rodman and Roberts "Tabor" Vaux.

**PLEDGE OF ALLEGIANCE**

The Chairman led those present in the Pledge of Allegiance.

**CALL FOR EXECUTIVE SESSION**

It was moved by Mr. Stewart, seconded by Mr. Dawson, that Council go immediately into executive session for discussion of employment of a person regulated by County Council and receipt of legal advice relating to pending and potential claims covered by attorney-client privilege (Beaufort County Magistrate Health Benefits). The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart, and Mr. Vaux. RECUSAL - Mr. Vaux recused himself, left the room, and was not present for any of the discussion regarding the magistrates. Mr. Vaux's wife is a County Magistrate. The motion passed.

**EXECUIVE SESSION**

**RECONVENE OF CAUCUS**

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

Council accepted the Interim County Administrator's Progress Report.

### **DISCUSSION OF CONSENT AGENDA**

Chairman Sommerville asked if members of Council desired to pull any items from the Consent Agenda or had any non-agenda items they would like to bring forward for discussion with no responses.

### **DISCUSSION OF NON-AGENDA ITEMS**

Chairman Sommerville asked if members of Council had any non-agenda items they would like to bring forward for discussion.

Mr. Flewelling announced three upcoming Council Work Sessions in order to receive public comment and input regarding (i) an ordinance banning the use of single-use plastic bags, (ii) a referendum question whether or not to impose a one-percent transportation sales and use tax, and (iii) a referendum to either retain or change the county form of government. The first work session is scheduled October 25, 2017 beginning at 5:30 p.m. in the Large Meeting Room of the St. Helena Island Branch Library, St. Helena Island, South Carolina. The second work session is scheduled November 1, 2017 beginning at 6:30 p.m. in the cafeteria of the Whale Branch Early College High School, Seabrook, South Carolina. The third work session is scheduled November 8, 2017 beginning at 5:30 p.m. in Courtroom A of the Bluffton Magistrate Court, Bluffton, South Carolina.

Mr. Rodman announced that beginning January 2018, the Community Services Committee will meet the third Monday of the month and, the Public Facilities Committee will meet the fourth Monday of the month.

Mr. Covert announced the Beaufort County Animal Campus Groundbreaking is Wednesday, October 25, 2017 beginning at 11:00 a.m.

Mr. Rodman stated his desire to change public hearing from a time definite of 6:30 p.m. to time range. He asked administration to see if the statute allows such.

### **ADJOURNMENT**

Council adjourned at 6:00 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

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

ATTEST:

\_\_\_\_\_  
Ashley M. Bennett, Clerk to Council  
Ratified:

## **COMMUNITY SERVICES COMMITTEE**

**October 23, 2017**

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

The Community Services Committee met Monday, October 23, 2017 beginning at 3:00 p.m. in the Large Meeting Room, Hilton Head Island Branch Library, 11 Beach City Road, Hilton Head Island, South Carolina.

### **ATTENDANCE**

Chairman Alice Howard, Vice Chairman Rick Caporale and members Michael Covert, Steven Fobes, York Glover, and Roberts "Tabor" Vaux present. Non-committee members Gerald Dawson, Stu Rodman, Jerry Stewart and D. Paul Sommerville also present. (Paul Sommerville, as County Council Chairman, serves as an *ex-officio* member of each standing committee of Council and is entitled to vote.)

County Staff: Ben Boswell Administrative Manager, Human Services Alliance; Tony Criscitiello, Planning Director; Josh Gruber, Interim County Administrator; Chris Inglese, Assistant County Attorney; Thomas Keaveny, County Attorney; Fred Leyda, Director, Human Services Alliance; Dave Thomas, Purchasing Director; Carl Wedler, Veterans Affairs Director; David Wilhelm, Public Works Director.

Public: Russell Baxley, President and CEO, Beaufort Memorial Hospital; Allison Copping, Compliance Officer, Beaufort Memorial Hospital; Shawna Doran, Vice President of Quality Services, Beaufort Memorial Hospital; Dr. Stephen Larson, Emergency Room Medical Director, Beaufort Memorial Hospital; David House, Member, Beaufort Memorial Hospital Board; Ken Miller, Senior Vice President and Chief Financial Officer, Beaufort Memorial Hospital; Daniel Mock, Vice President of Services, Beaufort Memorial Hospital; Terry Murray, Chairman, Beaufort Memorial Hospital Board; and David Tedder, Secretary/Treasurer, Beaufort Memorial Hospital Board.

Media: Joe Croley, *Lowcountry Inside Track*.

Councilwoman Howard chaired the meeting.

### **INFORMATION ITEMS**

#### **1. Presentation / Beaufort Memorial Hospital**

**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. Russell Baxley, President and CEO, Beaufort Memorial Hospital, provided the Committee with a PowerPoint presentation. The presentation provided an overview of the Beaufort Memorial Hospital's mission, history, current data, services provided, sponsorship and support, community outreach, and data on who is being served, and how. Mr. Baxley informed the Committee of the uncompensated care, as well as legislation that has impacted the Hospital. A five-year financial overview was provided and possible future legislation that will have an economic impact.

**Status:** Information only.

## **2. Update / Veterans Affairs 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. Carl Wedler, Veterans Affairs Director, provided the Committee with a PowerPoint presentation that included an overview of the history of Veterans Affairs Office (Office), the structure, and the responsibility of the Beaufort County Veterans Affairs Office. The Office assists veterans in filing claims and applications for: Veterans Administration compensation and pension, DIC/widow pension, home loan certificate and eligibility, dependent education assistance, and referrals to Veterans Administration for medical care. In addition, the Office assists in burial/memorial benefits referral to the National Cemetery, provides resources/referrals to other divisions within the Veterans Administration, and advocates advising and assisting in the appeals process. Mr. Wedler provided an overview of the claim criteria, what is needed to file a claim, as well as an overview of Form 21-0966, veterans pension, survivor's pension, appeals, VHA referral, the National Cemetery Administration and veterans affairs resources.

Mr. Wedler reviewed the Office statistics with the Committee: dollars received in the County versus regionally, the number of claims processed and the number of active appeals.

**Status:** Information only.

## **3. Update / Affordable Housing Coordinator Position and Housing Needs Assessment**

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

**Discussion:** Mr. Fred Leyda, Director, Human Services Alliance, informed the Committee that Bowen National Research is currently working on the Housing Needs Assessment which will be complete by March 2018.



Mr. Leyda stated the Affordable Housing Coordinator position has been advertised and received many responses. The position will be filled by January 2018.

**Status:** Information only.

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

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

**Status:** No nominations were made at this time.

DRAFT

## **FINANCE COMMITTEE**

**November 6, 2017**

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

The Finance Committee met Monday, November 6, 2017 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 Michael Covert and members Rick Caporale, Gerald Dawson, Brian Flewelling, Steven Fobes and Stu Rodman present. Non-committee member Alice Howard and York Glover 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; Joshua Gruber, Interim County Administrator; Alicia Holland, Assistant County Administrator – Finance; Chris Inglese, Assistant County Attorney; Gary James, Assessor; Tom Keaveny, County Attorney; and Dave Thomas, Purchasing Director.

Public: Christopher Allen, Member, Santa Elena Foundation Board; Andy Beall, Chairman, Santa Elena Foundation Board; Jessica Bridges, Assistant Vice President for Institutional Advancement, Technical College of the Lowcountry; Gary Clark, Member, Santa Elena Foundation Board;; Mary Lee Carns, Vice President, Institutional Advancement, and External Relations & Executive Director, TCL Foundation for the Technical College of the Lowcountry; Greg Dyson, Community Leader, Santa Elena Foundation Board; Dick Farmer, Accommodations (2% State) Tax Board Chairman; Leigh Copeland, Assistant Vice President for Marketing and Public Relations, Technical College of the Lowcountry; Richard Gough, President, Technical College of the Lowcountry; Jack Klimp, Santa Elena Foundation; Peach Morrison, Lowcountry Tourism; Megan Meyer, Executive Director of the Santa Elena Foundation; Larry Rowland, Historian and Author, Santa Elena Foundation; Andrew Smith, Vice President of Administrative Services, Technical College of the Lowcountry; David Strange, Technical College of the Lowcountry Foundation Board.

Media: Joe Croley, *Lowcountry Inside Track*.

Councilman Stewart chaired the meeting.

### **ACTION ITEMS**

- 1. State (2%) Accommodations Tax Board Fiscal Year 2018 Grant Recommendations to Tourism-Related Organizations in the Cumulative Amount of \$540,000**

**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. Dick Farmer, Accommodations (2% State) Tax Board Chairman, stated the Board met October 12, 2017 to hear from the applicants and have recommended funding as follows:

- Community Foundation of the Lowcountry - \$5,000
- Hilton Head Island Motoring Festival and Concours d'Elegance - \$26,000
- Exchange Club and Child Abuse Prevention Association (CAPA) - \$500
- Beaufort Art Association - \$1,000
- Lean Ensemble Theater - \$1,800
- Santa Elena Foundation, History Center - \$1,800
- Beaufort County Black Chamber of Commerce - \$81,000
- Hilton Head Choral Society - \$3,000
- The First Tee of the Lowcountry - \$11,000
- Hilton Head Symphony Orchestra - \$7,000
- Friends of Hunting Island State Park - \$0
- Gullah Festival, Main Street Beaufort - \$31,150
- Bluffton Historical Preservation Society - \$15,000
- David M. Carmines Foundation - \$10,000
- Beaufort History Museum - \$30,000
- Beaufort History Museum, Project 2 - \$8,000
- Beaufort Film Society - \$15,000
- Native Island Business and Community Affairs Association (NIBCAA) - \$23,000
- Farmers Market of Bluffton - \$2,000
- Hilton Head Hospitality Association - \$6,000
- Daufuskie Island Historical Foundation - \$4,000
- Daufuskie Island Community Preservation Zone Association (CPZA) - \$0
- Daufuskie Island Foundation - \$5,500
- Beaufort Regional Chamber of Commerce - \$100,000
- Friends of Fort Freemont - \$7,000
- Historic Bluffton Arts and Seafood Festival, Inc. - \$10,000
- SC Lowcountry and Resort Island Tourism Commission - \$35,000
- Gullah Museum of Hilton Head Island - \$8,000
- Mitchelville Preservation Project - \$27,500
- Coastal Discovery Museum - \$20,000
- Hilton Head Island – Bluffton Chamber of Commerce and Visitor and Convention Bureau - \$21,000
- Friends of the Spanish Moss Trail - \$3,750
- Lowcountry Golf Course Owners Association - \$10,000
- Arts Center of Coastal Carolina - \$10,000

- Greater Bluffton Chamber of Commerce - \$0
- Harbor Island Oceanfront Property Owners Group - \$0

Mr. Farmer explained the Board did not recommend funding to the Greater Bluffton Chamber of Commerce due to an incomplete application.

**Motion:** It was moved by Mr. Covert, seconded by Mr. Flewelling, that Committee recommend Council accept the Accommodations (2% State) Tax Board fiscal year 2018 grant recommendations to tourism-related organizations in the amount of \$540,000 as follows: Arts Center of Coastal Carolina - \$10,000, Beaufort Art Association - \$1,000, Beaufort County Black Chamber of Commerce - \$81,000, Beaufort Film Society - \$15,000, Beaufort History Museum - \$30,000, Beaufort History Museum, Project 2 - \$8,000, Beaufort Regional Chamber of Commerce - \$100,000, Bluffton Historical Preservation Society - \$15,000, Coastal Discovery Museum - \$20,000, Community Foundation of the Lowcountry - \$5,000, Daufuskie Island Foundation - \$5,500, Daufuskie Island Historical Foundation - \$4,000, David M. Carmines Foundation - \$10,000, Exchange Club and Child Abuse Prevention Association (CAPA) - \$500, Farmers Market of Bluffton - \$2,000, Friends of Fort Freemont - \$7,000, Friends of the Spanish Moss Trail - \$3,750, Gullah Festival, Main Street Beaufort - \$31,150, Gullah Museum of Hilton Head Island - \$8,000, Hilton Head Choral Society - \$3,000, Hilton Head Hospitality Association - \$6,000, Hilton Head Island – Bluffton Chamber of Commerce and Visitor and Convention Bureau - \$21,000, Hilton Head Island Motoring Festival and Concours d'Elegance - \$26,000, Hilton Head Symphony Orchestra - \$7,000, Historic Bluffton Arts and Seafood Festival, Inc. - \$10,000, Lean Ensemble Theater - \$1,800, Lowcountry Golf Course Owners Association - \$10,000, Mitchelville Preservation Project - \$27,500, Native Island Business and Community Affairs Association (NIBCAA) - \$23,000, Santa Elena Foundation, History Center - \$1,800, SC Lowcountry and Resort Island Tourism Commission - \$35,000, and The First Tee of the Lowcountry - \$11,000; as well as appropriate \$10,000 in funding to the Greater Bluffton Chamber of Commerce, making the cumulative amount of grant appropriations \$550,000. The vote: Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Rodman and Mr. Stewart. The motion passed.

**Recommendation:** Council accept the Accommodations (2% State) Tax Board fiscal year 2018 grant recommendations to tourism-related organizations in the amount of \$540,000 as follows: Arts Center of Coastal Carolina - \$10,000, Beaufort Art Association - \$1,000, Beaufort County Black Chamber of Commerce - \$81,000, Beaufort Film Society - \$15,000, Beaufort History Museum - \$30,000, Beaufort History Museum, Project 2 - \$8,000, Beaufort Regional Chamber of Commerce - \$100,000, Bluffton Historical Preservation Society - \$15,000, Coastal Discovery Museum - \$20,000, Community Foundation of the Lowcountry - \$5,000, Daufuskie Island Foundation - \$5,500, Daufuskie Island Historical Foundation - \$4,000, David M. Carmines Foundation - \$10,000, Exchange Club and Child Abuse Prevention Association (CAPA) - \$500, Farmers Market of Bluffton - \$2,000, Friends of Fort Freemont - \$7,000, Friends of the Spanish Moss Trail - \$3,750, Gullah Festival, Main Street Beaufort - \$31,150, Gullah Museum of Hilton Head Island - \$8,000, Hilton Head Choral Society - \$3,000, Hilton Head Hospitality Association - \$6,000, Hilton Head Island – Bluffton Chamber of Commerce and Visitor and Convention Bureau - \$21,000, Hilton Head Island Motoring Festival and

Concours d'Elegance - \$26,000, Hilton Head Symphony Orchestra - \$7,000, Historic Bluffton Arts and Seafood Festival, Inc. - \$10,000, Lean Ensemble Theater - \$1,800, Lowcountry Golf Course Owners Association - \$10,000, Mitchelville Preservation Project - \$27,500, Native Island Business and Community Affairs Association (NIBCAA) - \$23,000, Santa Elena Foundation, History Center - \$1,800, SC Lowcountry and Resort Island Tourism Commission - \$35,000, and The First Tee of the Lowcountry - \$11,000; as well as appropriate \$10,000 in funding to the Greater Bluffton Chamber of Commerce, making the cumulative amount of grant appropriations \$550,000.

## **2. Santa Elena Foundation Request for Lease Extension, as Amended, for Property Located at 1501 Bay Street and the Dowling Family Lot**

**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. Andy Beall, Board Chairman, Santa Elena Foundation, provided the Committee with a PowerPoint presentation. The mission of the Foundation is to discover, preserve, and share the untold story of America's first and lost century through the rise and fall of Santa Elena. He reviewed with the Committee, accomplishments with phase one of the exhibit which opened April 30, 2016, as well the future of Santa Elena as the phase two expansion is set to open November of 2017. The 2017 marketing campaign, digital ad and an investment summary from January 2014 to October 2017 was provided. Mr. Beall asked Council to Grant the use of the County building for two additional years, fund the lease of adjacent parking lot for public use, and to perform capital maintenance and repairs, as required.

Committee Chairman Jerry Stewart stated the intent was for the Foundation to take over the costs of the parking lease and to provide maintenance to the facility, neither of which they have done.

Mr. Joshua Gruber, Interim County Administrator, informed the Committee that the Foundation's obligation historically has been satisfied with Accommodation Tax (3% Local) Funding. In addition, the Counties Facility Maintenance Director, Mr. Mark Roseneau, has looked at the facility and does not see any outstanding issues. The HVAC unit is old, but the condition of the equipment is in fair shape.

**Main motion:** It was moved by Mr. Flewelling, seconded by Mr. Caporale, that Committee recommend Council approve a lease extension for property located at 1501 Bay Street (known as former Federal Courthouse building), for two years, agree to assume responsibility for major capital maintenance and repairs as required during that time, and to approve the lease extension and funding for the parking lot nearby known as the Dowling Family Lot.

Mr. Rodman suggested amending the motion to defer the parking lease to coincide with the fiscal year. The maker, and seconder of the motion agreed to include language into main motion.

**Main motion to include additional language, approved by maker of the main motion, and seconder:** Council approve a lease extension for property located at 1501 Bay Street (known as former Federal Courthouse building), for two years, agree to assume responsibility for major capital maintenance and repairs as required during that time, and to defer consideration of a lease extension and funding for the parking lot nearby known as the Dowling Family Lot until the end of the fiscal year and contingent upon receipt and review of financial projections of the Santa Elena Foundation for the years of the extension. The vote: Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Rodman, and Mr. Stewart. The motion passed.

**Recommendation:** Council approve an amended lease extension for property located at 1501 Bay Street (known as former Federal Courthouse building, to perform all capital maintenance and repairs, as required, and to defer consideration of a lease extension and funding of the property known as the Dowling Family Lot until the end of the fiscal year, contingent upon receipt of financial records from the Santa Elena Foundation.

### **3. Update / Technical College of the Lowcountry / Culinary Institute**

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

**Discussion:** Mr. Richard Gough, President, Technical College of the Lowcountry and Ms. Mary Lee Carns, Vice President, Institutional Advancement, and External Relations & Executive Director, TCL Foundation for the Technical College of the Lowcountry, presented this item to the Committee. They distributed copies of their revised budget, timeline, funding, and hospitality tax funding approval.

At the September 5, 2017 Finance Committee meeting, the Committee asked TCL to review the cost of construction of the Lowcountry Culinary Institute. TCL staff met twice with Southeastern Development Corp (SEDC), the developer of Buckwalter Place Commerce Park and a potential contractor for the project. In addition, Chef Joe Bonaparte and Chef Miles Huff, consultants on the project, scrutinized furniture, fixtures and equipment (FFE) costs. As a result of these efforts, total project costs were decreased by \$216,758. A summary of the budgetary changes was provided.

Ms. Carns informed the Committee, the future Kroger Market-Place anchors the site of the culinary school. To date, the Lowcountry Culinary Institute has benefited from contractor delays that have allowed the college and the community to discuss and secure funding for the much needed culinary school. On Friday, November 3, 2017, Kroger committed to a January 2019 construction date. TCL needs a funding decision by January 31, 2018.

Ms. Carns provided the Committee with a list of funding as follows: Beaufort County - \$5 million in MCIP Future Tax Revenue, Beaufort County School District - \$2.5 million in



MCIP Future Tax Revenue, and the Town of Bluffton - \$500,000 in MCIP Future Tax Revenue. That leaves a remaining balance of \$3,243,000 needed.

On August 31, 2017, the South Carolina Office of the Attorney General issued a favorable opinion regarding the use of Hospitality Tax Revenue and Accommodation Tax Revenue to support the Lowcountry Culinary Institute. Two features of the culinary institute were important to the Attorney General's opinion. The first is nexus, defined as a direct relationship to visitors to the area, and the second is culture, defined as a visitor experience that represents the culture of the area. To definitively meet these recommendations, TCL is integrating a food museum into the culinary school. The Interpretive Center will highlight the unique history and future of Southern/Lowcountry food and will attract culinary tourists to Beaufort County.

Committee questions and concerns included the following:

- This project fits nicely with the hospitality piece.
- Council cannot bind future Councils to funding.
- The School District funding portion is troubling.
- It seems as if this would be a good time to forgive the balance of TCL's current loan.
- Concerns relative to the MCIP and committing all of the remaining funds that the County would be collecting. The Town of Bluffton is only committing a fraction of what they will be collecting. We need to see if that is acceptable and that we have the right to allocate those funds.
- What is Council's pay off schedule going to be annually to meet TCL loan payoffs?
- Hospitality funding in the amount of \$400,000 for ten years, would close the funding gap.
- Supportive of the effort.
- The possibility of discontinuing the MCIP.

**Motion:** It was moved by Mr. Flewelling, seconded by Mr. Covert, that the Committee recommend Council approve an ordinance allocating \$3,243,000 from Local Hospitality Tax Funds and \$5,000,000 to be derived from Beaufort County's portion of fee-in-lieu of monies generated by the Buckwalter Place Multi-County Industrial Park (MCIP) and future ad valorem taxes raised by properties which are part of the MCIP after the MCIP expires to the Technical College of the Lowcountry for use in constructing and establishing the Lowcountry Culinary Institute provided the Town of Bluffton and the Beaufort County School District's enter into a Memorandum of Understanding with Beaufort County memorializing their financial commitment. The vote: Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Rodman and Mr. Stewart. The motion passed.

**Recommendation:** Council approve an ordinance allocating \$3,243,000 from Local Hospitality Tax Funds and \$5,000,000 to be derived from Beaufort County's portion of fee-in-lieu of monies generated by the Buckwalter Place Multi-County Industrial Park (MCIP) and future ad valorem taxes raised by properties which are part of the MCIP after the MCIP expires to the Technical College of the Lowcountry for use in constructing and establishing the Lowcountry Culinary Institute provided the Town of Bluffton and the Beaufort County School

District's enter into a Memorandum of Understanding with Beaufort County memorializing their financial commitment.

## **INFORMATION ITEMS**

### **4. Funding Source Identification for Daufuskie Island Ferry Services Request of \$45,000 for Embarkation Access Fee and Dock improvement Fee at Buckingham Landing to Support Public Ferry Services to Daufuskie Island**

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

**Discussion:** Mr. Joshua Gruber, Interim County Administrator, reviewed this item with the Committee. He recommended delaying any specific action relative to source identification for the Daufuskie Island Ferry Services request of \$45,000 for embarkation access fee and dock improvement fee at Buckingham Landing, until later in the fiscal year. This would allow staff to possibly identify interdepartmental transfers to cover such project, and if not, there would still be sufficient time to do a supplemental appropriation.

**Status:** Information only.

### **5. Capital Improvement Plan / 2018 General Obligation Bond**

**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. Joshua Gruber, Interim County Administrator, provided the Committee with a PowerPoint presentation on the 3-5 year Capital Improvement Plan for facility repair and development. In April 2017, Beaufort County staff brought forward a proposed list of Capital Improvement Projects that would need to be addressed within the next 3 to 5 years.

The list included repairs to existing facilities, the development of new facilities, capital equipment purchase, and the replacement of various internal infrastructure systems, all of which were previously identified on the County's Priority Investment List or will be part of the list when it is updates as part of the five year update. The total cost of all projects identified was approximately \$55 million, over a five year period.

As part of Beaufort County's Priority Investment List identified within the Comprehensive Plan, County Council has set forth the following criteria that should be used when evaluating capital improvement projects:

- Priority 1: New public facilities and improvements to existing facilities that eliminate public hazards.
- Priority 2: The repair, renovation or replacement of obsolete or worn out facilities that are necessary to achieve or maintain existing levels of service.

- Priority 3: New and expanded facilities that reduce or eliminate existing deficiencies in level of service.
- Priority 4: New and expanded facilities necessary to serve new development and redevelopment projected during the next five years.

Mr. Gruber reviewed with the Committee the following proposed FY 2018 General Obligation Bond (GOB) expenditures (total \$10,290,000):

1. Arthur Horne Building Demolition / Replacement - \$3.5 million (first 1/2 of \$7 million total cost)
2. Administration Building Re-Skin - \$5 million
3. Detention Center Repairs / Generator Upgrade - \$1 million
4. Beaufort County Pool Facilities Renovations - \$540,000 (\$180,000 x 3 pools)
5. Beaufort County Voter Registration Building Phase 2 - \$250,000

Mr. Gruber reviewed with the Committee the following proposed FY 2019 General Obligation Bond (GOB) expenditures (total \$11,000,000):

1. Arthur Hone Building Replacement - \$3.5 million (second ½ of \$7 million)
2. Public Works / Stormwater Facility – Repair / Replacement - \$3.5 million
3. IT / Telephony Infrastructure Replacement - \$3 million
4. Detention Center Repairs - \$1 million

Mrs. Alicia Holland, Assistant County Administrator – Finance, provided the Committee with General Obligation Bond and debt information for years 2016 through 2028. The spreadsheet distributed included information on assessed value, constitutional debt limit, outstanding debt subject to debt limit, available debt capacity, and debt capacity change.

**Status:** Information only.

**6. Update / Solicitor's Request for a Supplemental Budget Appropriation in the Amount of \$155,000 for the Creation of a Victims Advocate Center**

**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. Joshua Gruber, Interim County Administrator, informed the Committee that this item will come back before the Committee once additional information is provided by the Solicitor's Office.

**Status:** Information only.

## GOVERNMENTAL COMMITTEE

**November 6, 2017**

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

The Governmental Committee met Monday, November 6, 2017 beginning at 4:30 p.m. in the Executive Conference Room of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort, South Carolina.

### **ATTENDANCE**

Chairman Gerald Dawson, Vice Chairman Steven Fobes, and members Rick Caporale, Michael Covert, Brian Flewelling, York Glover, and Jerry Stewart present. Roberts "Tabor" Vaux absent. Non-Committee members Alice Howard, and Stu Rodman present.

County staff: Phil Foot, Assistant County Administrator-Public Safety; Joshua Gruber, Interim County Administrator; Chris Inglese, Assistant County Attorney; Tom Keaveny, County Attorney; Donna Ownby, Director of Emergency Medical Services (EMS); David Thomas, Purchasing Director.

Public: Stephen Murray, Chairman, Economic Development Corporation; John A. O'Toole, Executive Director of the Economic Development Corporation

Media: Joe Croley, *Lowcountry Inside Track*.

Councilman Dawson chaired the meeting.

### **ACTION ITEM**

#### **1. Consideration of Contract Award**

- **Emergency Medical Services (EMS) Purchase for One Ambulance (\$240,997.00)**

**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, and Mrs. Donna Ownby, Director of Emergency Medical Services, reviewed this item with the Committee. The Purchasing Department received a request from the Beaufort County's Emergency Medical Services Department for the purchase of one new 2017 Ford F450 4x2 Ambulance Conversion package. This purchase request will use the HGAC Buy Cooperative Contract, a National Cooperative contract used by state and local governments. The EMS Department, along with First Vehicles

Services, recommends the purchase of this ambulance due to their overall performance and the close proximity from the factory to Beaufort County. The HGAC Buy Contract will provide a new 2017 Ford F450, 4x2, Diesel, Type 1 Ambulance in the amount of \$240,997 from AEV Northwestern Emergency Vehicles, Jefferson, North Carolina. The funding will come from account 40090011-54003, EMS Vehicle Purchases. This ambulance will replace a 2002 model that will be used for future use in training and public relations events. This new model will be on the frontline and will be able to lift persons weighing up to 700 pounds, putting less stress on employees.

**Motion:** It was moved by Mr. Flewelling, seconded by Mr. Fobes, that Committee approve and recommend Council award a contract to purchase one new 2017 Ford F450, 4x2, Diesel, Type I Ambulance Conversion Package from AEV Northwestern Emergency Vehicles, Jefferson, North Carolina in the amount of \$240,997.00. Funding will come from account 40090011-54003, EMS Vehicle Purchases. The vote: YEAS – Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover and Mr. Stewart. ABSENT - Mr. Vaux. The motion passed.

**Recommendation:** Council award a contract to purchase one new 2017 Ford F450, 4x2, Diesel, Type I Ambulance Conversion Package from AEV Northwestern Emergency Vehicles, Jefferson, North Carolina in the amount of \$240,997.00. Funding will come from account 40090011-54003, EMS Vehicle Purchases.

## **INFORMATION ITEM**

### **2. Update / 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:** Mr. Stephen Murray, Chairman, Beaufort County Economic Development Corporation, introduced and gave a warm welcome to newly hired Executive Director of the Economic Development Corporation, Mr. John A. O'Toole. Mr. O'Toole addressed the Committee, stating he was happy to be here, welcomes input, and believes this is a team game. Mr. O'Toole also added that in his first 90 days, he was going to access, optimize, and has many projects that he is already working towards.

Mr. Stephen Murray also stated that he was grateful to Ms. Ashley Bennett, Clerk to Council and Mr. Joshua Gruber, Interim County Administrator for being amazingly responsive.

Mr. Murray stated at the December 5, 2016 Governmental Committee meeting, the Committee approved entering into a contractual agreement with the Beaufort Regional Chamber of Commerce to provide economic development services. He asked that the committee consider discontinuing the contract with the Chamber.

Mr. Flewelling stated the County utilizes the Chamber as a point person for business retention. Mr. Murray addressed this concern, stating that business retention and expansion was part of the work plan of the Economic Development Corporation. In addition, the EDC will be

working along with partners within the County, and sees the Chamber as a partner who has a relationship with the existing industry. He asked that moving forward, this relationship be left to the purview of the EDC.

**Motion:** It was moved by Mr. Caporale, seconded by Mr. Fobes, that the Committee approve discontinuing a contractual agreement, entered into on December 15, 2016, with the Beaufort Regional Chamber of Commerce for services related to economic development. The vote: YEAS – Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover and Mr. Stewart. ABSENT - Mr. Vaux. The motion passed.

**Status:** Committee approved discontinuing a contractual agreement, entered into on December 15, 2016, with the Beaufort Regional Chamber of Commerce for services related to economic development.



## **PUBLIC FACILITIES COMMITTEE**

**October 23, 2017**

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

The Public Facilities Committee met Monday, October 23, 2017 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 York Glover and members Rick Caporale, Michael Covert, Alice Howard, Jerry Stewart and Roberts “Tabor” Vaux present. Non-Committee members Gerald Dawson, Steven Fobes 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: Andrea Atherton, Capital Improvements Project Manager; Tony Criscitiello, Planning Director; Josh Gruber, Interim County Administrator; Chris Inglese, Assistant County Attorney; Thomas Keaveny, County Attorney; Colin Kinton, Division Director–Transportation Engineering; Eric Larson, Division Director–Environmental Engineering and Land Management; Rob McFee, Rob McFee, Division Director–Facilities and Construction Engineering; Mark Roseneau, Facilities Management Director; Dave Thomas, Purchasing Director; and David Wilhelm, Public Works Director.

Public: Mel Campbell, resident of Hilton Head Island; Craig Gordon, Chairman, County Transportation Committee; Mary Ellen Hill, resident of Daufuskie Island; Steve Hill, Daufuskie Island Council; Richard Inglis, Director of Transportation, Haig Point; Carol Jones, SCDOT Traffic Signal & Systems Engineer; Robert Royal, Regional Vice President, Preferred Materials, Inc.; Darrin Shoemaker, Traffic and Transportation Engineer, Town of Hilton Head Island; and Frank Turano, Lowcountry Regional Manager, Alliance Consulting Engineers.

Media: Joe Croley, *Lowcountry Inside Track*.

Chairman Stu Rodman chaired the meeting.

### **INFORMATION ITEMS**

#### **1. Authorization / Lease Agreement for Property Located at Pinckney Point**

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

**Discussion:** Mr. Josh Gruber, Interim County Administrator, recommended to the Committee that members continue the existing lease agreement for property located at Pinckney Point that was in place when the property was purchased through the Rural and Critical Lands Program.

- The applicant is law enforcement with Department of Natural Resources (DNR)
- The applicant would provide a continued presence for the property
- The applicant would maintain the property in exchange for living on the property
- The applicant would be a deterrent to potential trespassers on the property

**Status:** Mr. Josh Gruber, Interim County Administrator, will proceed according with the lease agreement for property located at Pinckney Point.

## **2. Update on 278 Gateway Corridor**

**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)

## **Environmental Assessment**

**Discussion:** Mr. Robert McFee, Division Director-Facilities and Construction Engineering, provided the Committee an update on the environmental assessment.

- SCDOT has been in negotiations with KCI the preferred provider
- SCDOT is about 99% complete with scope
- SCDOT will hold a field-scoping meeting in two weeks, which will give them a good idea regarding the corridor and constraints that exist at each end
- Trying to get SCDOT with a limited notice to proceed with work to be done--channel borings with seismic activity at the bottom of river to know what kind of slope we have in regards to bridge rehabilitation potential

## **Transportation Sales Tax Referendum**

**Discussion:** Mr. Robert McFee, Division Director-Facilities and Construction Engineering, provided the Committee an update on transportation sales tax referendum.

- Tonight Council will consider on second reading an ordinance to impose a One Percent Transportation Sales and Use Tax, if approved by referendum.
- Mr. McFee has forwarded bullet points to the County Administrator for inclusion on the U.S. Highway 21 work. The last time we met there was an idea it would be helpful, under the U.S. Highway 21 work, to have some specific bullet points to what that overall work entailed.

## **Jenkins Island Update**

**Discussion:** Mr. Colin Kinton, Division Director of Transportation Engineering, provided an update on the Jenkins Island project access improvements in the Town of Hilton Head.

- Wetland permit submitted to the Army Corps of Engineers for approval
- Utility coordination is underway
- Plan review with SCDOT is underway
- Additional right-of-way submitted to the Town of Hilton Head Island
- Final design and permits to be complete by the end of year 2017
- Bidding for construction to start in the first quarter of 2018
- Construction duration is 12 months

## **U.S. Highway 278 Traffic Signal Operations Update**

**Discussion:** Ms. Carol Jones, SCDOT Traffic Signal & Systems Engineer, provided the Committee an overview of the Hilton Head Island Subsystem of the retiming for the seven signals from Squire Pope Road / Chamberlin Drive to Beach City Road / Garder Drive. Currently operating is a traffic responsive system setting based on volume threshold on U.S. Highway 278 in the Bluffton area that has been in place since 2008. The traffic retiming system to be put in place will be done in order to move traffic flow. Measuring the effectiveness of traffic flow will be done by performance measuring devices to be put in on U.S. Highway 278. Travel time data will be measured before and after studies.

### Signal Retiming Benefits

- Reduction in delay, stops, travel time, road rage, fuel consumption, and emissions
- Improved safety
- Identified intersection needs

### Factors Affecting Signal Retiming (not a guaranteed fix for traffic problems)

- Signal phasing and spacing
- Free flow movements, like channelized right turns on interstates
- Pedestrian recall settings, Exclusive pedestrian phases
- Unexpected fluctuations in traffic
- Short turn lanes
- Defective detention

### Capacity

- Capacity on the mainline roadway at unsignalized intersections is 1,900 passenger cars per hour per lane
- At signals, roadway capacity is metered by the amount of green time per lane

- Each signal phase added divide the total capacity of the roadway by the amount of green time per signal phase
- Yellow and Red Clearance time reduces total signal capacity

#### Average Retiming Cost

- Time of day - \$6,000 / signal: (counts / engineering / implementation)
- Traffic Responsive - \$16,000/signal: (engineering / implementation \$6,000 / signal + detection \$10,000 / signal)
- Traffic Adaptive - \$30,000 /signal / engineering / software \$13,500 / signal + detection \$16,000 / signal

#### **U.S. Highway 278 – Hilton Head Island System # 1 / Project Overview**

- Seven signals from Squire Pope Road/Chamberlin Drive to Beach City Road/Gardner Drive
- Existing Operation: Currently operating four coordinated time-of -day plans; system has Fiber/wireless Ethernet communications via hosted Beaufort County network

#### Scope

- SCDOT provides consultant services for signal retiming (\$45,000)
- Hilton Head Island to provide consultant with counts, time of day settings/schedule, existing synchro files
- Vehicle detection upgrades will be examined and implemented as necessary
- Beaufort County and Town of Hilton Head Island will jointly fund the implementation of automated traffic signal performance measures (ATSPM)
- Cloud based software solution to collect real-time traffic data to aid in continuously delay, arrivals on red, arrivals on green

#### **U.S. Highway 278 – HHI System # 1 / Project Overview**

- Seven signals from Squire Pope Road/Chamberlin Drive to Beach City Road/Gardner Drive Schedule:
- Consultant to begin work in November 2017
- Timing implementation/fine tuning by April 2018
- Implementation of automated traffic signal performance measures (ATSPM) and final summary report to be completed by April, 2018.

#### Upon Review of Performance Measures

- Hilton Head Island/Beaufort County/SCDOT to evaluate the need for advanced traffic signal system (traffic responsive or traffic adaptive signal system)

## **U.S. Highway 278 Signal System – 15 signals from Hampton Parkway to Moss Creek**

### Existing Operation

- Currently operating 14 coordinated time-of-day plans via traffic responsive system settings.
- Volume thresholds trigger changes to system timings/plans; system has fiber/wireless Ethernet communications via hosted Beaufort County network;
- Traffic monitoring Cameras are in place. Last retiming 2008.

### Scope/Schedule

- Beaufort County installed most of the needed detection for the traffic adaptive signal system during the recent resurfacing project along U.S. Highway 278 (value of \$252,000)
- SCDOT to obtain Traffic Adaptive Signal System licenses in Oct 18 (\$203,000)
- District 6 to issue work orders for wireless detection and Performance Measurement system installation (PM system provided by County) using On Call Signal Services Contract, November - March (\$75,000)
- Beaufort County to inspect contractor work
- Beaufort County, thru the County Transportation Committee, will fund and contract a signal re-timing study for a total of 15 traffic signals along the U.S. Highway 278 Corridor (13 signals on U.S. Highway 278 and two additional traffic signals located less than one-quarter mile from U.S. Highway 278).
- Signal re-timing will include updated peak-hour and peak-season timing/coordination plans, traffic responsive plan updates, review of clearance intervals, and signal phasing review
- Implementation and fine tuning by April, 2018.

**Status:** Information only.

### **3. Discussion of Dirt Road Paving as it Relates to Community Development and Stormwater Management**

**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:** Josh Gruber, Interim County Administrator, reviewed with the Committee a memorandum concerning the paving of dirt roads and stormwater management that had historically been maintained by the county.

- In Section 2.9.20 of the Community Development Code (CDC) that deals with the applicability of the County's thoroughfare standard, states that the "thoroughfare and the creation of new thoroughfares in any area within the conventional and transect zones," and the phrase,



roads.

- Given the historical precedent of not requiring the paving of dirt roads to follow local development standards, amend conflicting language in CDC, it can be interpreted that the CDC is not designed or intended to act as a rule for the narrow practice of the county dirt road paving program.

- The recommendation to the Committee was to make a minor text amendment to the already existing CDC, adding language that states paving of a dirt road is not development.

**Motion:** It was moved by Mr. Stewart, seconded by Mrs. Howard, that Committee adopt the Dirt Road Paving Policy, contingent upon Council approving text amendments to the Community Development Code and Stormwater Management Section of the Beaufort County Code of Ordinances to include language stating paving of an existing dirt road in not considered development. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Glover, Mrs. Howard, Mr. Rodman and Mr. Stewart. NAYS - Mr. Vaux. The motion passed.

**Status:** This item was referred to the Natural Resources Committee.

#### **4. Update / Old Miller Road, Lake Point Connector**

**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. Rodman stated that this would carry over to the next Public Facilities meeting in order to give Mr. Caporale additional time to speak to his constituents.

**Status:** Information only.

#### **5. Update / Santa Elena Foundation Request for Lease Extension, as Amended, for Property Located at 1501 Bay Street and the Dowling Family Lot**

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

**Discussion:** Mr. Josh Gruber, Interim County Administrator, reviewed with the Committee the Santa Elena Foundation request for the lease extension, as amended, for 1501 Bay Street and the Dowling Family lot.

- The Santa Elena Foundation request was to extend the lease agreement as amended through September 30, 2020.
- Provide Accommodations Tax Funding equaling the cost of the ground lease for the Dowling Family lot to coincide with the requested extension.
- Modify the maintenance provision such that the County assumes responsibility for scheduled and capital maintenance.



**Status:** Committee referred this item to the Finance Committee for review and approval.

## **6. Executive Session**

**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. Stewart, that Committee go immediately into Executive Session to receive legal advice relative to the proposed contractual matters regarding the Daufuskie Island Ferry Services Contract. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Glover, Mrs. Howard, Mr. Rodman, and Mr. Stewart, Mr. Vaux. The motion passed.

**Status:** No action came out of Executive Session.

## **7. Daufuskie Island Ferry Services Contract Review Proposal for 2018 Ferry Services (Consideration of Year Two Contract Renewal)**

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

**Discussion:** Mr. Josh Gruber, Interim County Administrator, reviewed this item with the Committee.

**Status:** Committee referred this item to the Finance Committee for further review.

## **8. Update on 2017 Strategic Plan Committee Assignments**

- A. Long-Term County Offices Plan
- B. Arthur Horne Building
- C. Detention Center (3 Million)
- D. Solid Waste Curbside Pickup
- E. County Facilities Condition Assessment and Plan
- F. County Roads Update/Financing Plan
- G. Marshside Mama Sublease Agreement

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

**Status:** Mr. Rodman stated that these items will be reviewed at the next Public Facilities meeting.

## **9. Update on Reappointments and Appointments / County Transportation Committee and Solid Waste and Recycling Board**

**Notification:** To view video of full discussion of this meeting please visit

[http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Status:** There were no reappointments or appointments at this time.

DRAFT

**2018 State (2%) Accommodations Tax Grant Recommendations  
November 6, 2017 Finance Committee Meeting**

- Arts Center of Coastal Carolina - \$10,000
- Beaufort Art Association - \$1,000
- Beaufort County Black Chamber of Commerce - \$81,000
- Beaufort Film Society - \$15,000
- Beaufort History Museum - \$30,000
- Beaufort History Museum, Project 2 - \$8,000
- Beaufort Regional Chamber of Commerce - \$100,000
- Bluffton Historical Preservation Society - \$15,000
- Coastal Discovery Museum - \$20,000
- Community Foundation of the Lowcountry - \$5,000
- Daufuskie Island Foundation - \$5,500
- Daufuskie Island Historical Foundation - \$4,000
- David M. Carmines Foundation - \$10,000
- Exchange Club and Child Abuse Prevention Association (CAPA) - \$500
- Farmers Market of Bluffton - \$2,000
- Friends of Fort Freemont - \$7,000
- Friends of the Spanish Moss Trail - \$3,750
- Greater Bluffton Chamber of Commerce - \$10,000
- Gullah Festival, Main Street Beaufort - \$31,150
- Gullah Museum of Hilton Head Island - \$8,000
- Hilton Head Choral Society - \$3,000
- Hilton Head Hospitality Association - \$6,000
- Hilton Head Island – Bluffton Chamber of Commerce and Visitor and Convention Bureau - \$21,000
- Hilton Head Island Motoring Festival and Concours d'Elegance - \$26,000
- Hilton Head Symphony Orchestra - \$7,000
- Historic Bluffton Arts and Seafood Festival, Inc. - \$10,000
- Lean Ensemble Theater - \$1,800
- Lowcountry Golf Course Owners Association - \$10,000
- Mitchelville Preservation Project - \$27,500
- Native Island Business and Community Affairs Association (NIBCAA) - \$23,000
- Santa Elena Foundation, History Center - \$1,800
- SC Lowcountry and Resort Island Tourism Commission - \$35,000
- The First Tee of the Lowcountry - \$11,000

**ORDINANCE 2017 / \_\_\_\_**

**AN ORDINANCE AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE A TWO (2) YEAR EXTENSION OF THE LEASE AGREEMENT WITH THE SANTA ELENA FOUNDATION FOR THE FEDERAL COURTHOUSE**

**WHEREAS**, Beaufort County owns and operates the Federal Courthouse located at 1501 Bay Street, Beaufort, South Carolina; and

**WHEREAS**, on October 8, 2014 Beaufort County solicited for Requests for Proposals (“RFP”) (RFP/#100814) for the potential future use of the Federal Courthouse; and

**WHEREAS**, the Santa Elena Foundation (“Foundation”), duly submitted a response to the RFP requesting use of the building as a historical interpretive center and archaeological laboratory; and

**WHEREAS**, The County and the Foundation entered into a lease agreement for the Foundation’s use of the Federal Courthouse property pursuant to Ordinance 2015/6, said lease dated March 23, 2015 for a term of three (3) years beginning July 1, 2015 and ending June 30, 2018; and

**WHEREAS**, the Foundation requested to exercise its option of renewing the lease and the Finance committee unanimously recommends that County Council renew the existing lease to extend the terms of the lease for an additional two (2) years commencing on July 1, 2018 and ending on June 30, 2020; and

**WHEREAS**, it is the intention of County Council to include in the lease renewal that the landlord will cover the cost of major capital maintenance and repairs to the building; and

**WHEREAS**, the lease renewal shall not, at this time, include renewal of the adjacent parking lot on the property known as the Dowling Family lot, and County Council reserves the right to address the terms of the rental of the parking lot at a later time; and

**WHEREAS**, it is the intention of County Council that the Foundation present its financial records for review by the Finance Committee before considering the terms of renewing the parking lot lease; and

**WHEREAS**, Beaufort County Council believes that it is in the best interests of its citizens to renew the lease of the Federal Courthouse upon such terms and conditions and amendments expressed herein.

**NOW, THEREFORE, BE IT ORDAINED** by Beaufort County Council that the Interim County Administrator is hereby authorized to execute a two (2) year renewal of the lease agreement with the Santa Elena Foundation for the use of the Federal Courthouse except that the

issue of the parking lot provisions of the lease shall be deferred until such time that the Foundation presents its financial records and the Finance Committee has reviewed the same.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

COUNTY COUNCIL OF BEAUFORT COUNTY

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

APPROVED AS TO FORM:

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

ATTEST:

\_\_\_\_\_  
Ashley Bennett, Clerk to Council

First Reading:

Second Reading:

Public Hearing:

Third and Final Reading:

**ORDINANCE NO. 2017 / \_\_\_\_**

**AN ORDINANCE COMMITTING FUNDS FROM THE BUCKWALTER PLACE MULTI-COUNTY INDUSTRIAL PARK FEE IN LIEU OF TAXES REVENUE AND ADDITIONAL REVENUE GENERATED FROM THE BUCKWALTER PLACE DEVELOPMENT AFTER THE EXPIRATION OF THE MULTI-COUNTY INDUSTRIAL PARK, UP TO A TOTAL OF \$5,000,000.00, TO THE TECHNICAL COLLEGE OF THE LOWCOUNTRY FOR THE CONSTRUCTION OF THE LOWCOUNTRY CULINARY INSTITUTE**

**WHEREAS**, the Technical College of the Lowcountry (TCL) seeks public funds for construction of a culinary institute; and

**WHEREAS**, the hospitality industry has demonstrated a need for a trained workforce; and

**WHEREAS**, TCL has developed a business plan for the construction of and the operations and maintenance of a culinary institute; and

**WHEREAS**, Beaufort County and the Town of Bluffton, along with the County of Jasper have entered into an Intergovernmental Agreement (IGA) pursuant to Ordinance 2008/15 as amended by Ordinance 2008/22 creating a Multi-County Industrial Park (MCIP) at the intersection of Buckwalter Place Blvd. and Buckwalter Parkway and more particularly described in the IGA; and

**WHEREAS**, the parties to the MCIP agree to use revenues generated from the MCIP for the purpose of economic development; and

**WHEREAS**, Beaufort County Council believes a culinary institute will provide for economic development by creating a competitive work force and preparing students for a career in the culinary arts; and

**WHEREAS**, Beaufort County Council believes that TCL has developed a business plan that includes a culinary interpretative center that will be a tourist destination and attract visitors; and

**WHEREAS**, the Town of Bluffton appears to have committed \$500,000.00 for the cost of construction of the Lowcountry Culinary Institute pursuant to a special meeting of the Town of Bluffton on August 22, 2017; and

**WHEREAS**, the Beaufort County School District has committed the equivalent of \$2,500,000.00 in support for the construction cost of the Lowcountry Culinary Institute; and

**WHEREAS**, TCL representatives have made diligent effort and are committed to continue their efforts to secure funding from other municipalities and counties that they serve; and

**WHEREAS**, Beaufort County Council believes that it is in the best interests of its citizens and visitors of Beaufort County, to provide support for the construction of a culinary arts institute under the direction and management of the Technical College of the Lowcountry; and

**NOW, THEREFORE, BE IT ORDAINED** that Beaufort County Council commits Beaufort County's portion of the fee-in-lieu revenues generated from the MCIP IGA, or from revenues generated from the Buckwalter Place development after the expiration of the MCIP IGA, up to a total of \$5,000,000.00 to the Lowcountry Culinary Institute. It is further ordained, that County Council hereby authorizes the Interim County Administrator to execute a Memorandum of Understanding with the Town of Bluffton and the School District memorializing the financial commitments of each toward the construction costs of the Lowcountry Culinary Institute.

DONE this \_\_\_\_ day of \_\_\_\_\_, 2017.

COUNTY COUNCIL OF BEAUFORT COUNTY

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

APPROVED AS TO FORM:

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

ATTEST:

\_\_\_\_\_  
Ashley Bennett, Clerk to Council

First Reading:

Second Reading:

Public Hearing:

Third and Final Reading:

## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU") is being entered into this \_\_\_\_ day of \_\_\_\_\_, 2017, by and between Beaufort County, South Carolina ("County"), the Beaufort County School District ("School District"), and the Town of Bluffton, South Carolina ("Town") (and together "Parties").

### WITNESSETH:

WHEREAS, the County is a political subdivision of the State of South Carolina ("State") and has all powers granted to counties by the Constitution and the general law of the State, including the powers expressed herein; and

WHEREAS, the Town is a political subdivision of the State located in Beaufort County, South Carolina, and is entitled to exercise all the powers and privileges provided to municipal corporations in the State; and

WHEREAS, the School District is a body politic pursuant to Title 59 of the South Carolina Code of Laws and has all powers granted to school districts, including the powers expressed herein and under the general law of the State; and

WHEREAS, by Ordinance, adopted April 28, 2008 ("County Ordinance"), the County agreed to enter into Multi-County Industrial Park (MCIP) Agreement; and

WHEREAS, by Ordinance, adopted April \_\_\_, 2008 ("Town Ordinance" and with the County Ordinance, "Authorizing Ordinances"), the Town agreed to enter into the MCIP Agreement; and

WHEREAS, the School District opted out of the Multi-County Industrial Park Agreement; and

WHEREAS, it was the intent of the County and the Town to commit 100% of the MCIP revenue to economic development purposes while having no impact on any revenues payable to or for the School District; and

WHEREAS, the Technical College of the Lowcountry is in the process of developing a culinary arts institute with a culinary museum and other tourist attractions, and has sought public funds to support the cost of construction; and

WHEREAS, by this MOU, the Parties wish to confirm their commitment to contributing to the construction costs for the culinary institute;

NOW, THEREFORE, THE PARTIES MUTUALLY AGREE AND COVENANT:

Section One. The Town of Bluffton's commitment: The Town of Bluffton held a special meeting on August 22, 2017. The Town of Bluffton pledged a commitment of \$500,000 of the Town of Bluffton's MCIP funds until April 28, 2028 conditioned on:



1. Beaufort County School District's current motion, which stated at the August 15<sup>th</sup> Beaufort County School District Board Meeting is to support the project at Buckwalter Place and pledge \$125,000 per year for 20 years with a cap of \$2.5 million to be used for debt service only; in turn TCL will provide a credit of \$125,000 annually on dual enrollment tuitions, is fulfilled;
2. Technical College of the Lowcountry (TCL) uses its best reasonable efforts to solicit pledges and support from third parties, such as Kroger, Sonesta, etc.;
3. Beaufort County Council approves the recommendation of its Finance Committee;
4. Technical College of the Lowcountry uses its best efforts to work with the Town of Bluffton to value engineer the construction and not have the cost of construction exceed \$300 per square foot.
5. Technical College of the Lowcountry agrees to consult with the Don Ryan Center on the business plan of the culinary arts program regarding at least innovation concepts.

Section Two. The School District's commitment: At the Beaufort County Board of Education August 15, 2017 meeting, the board voted in support of the culinary institute. The Board voted to:

1. Forego up to \$125,000 per year of MCIP funds for 20 years contingent upon an agreement for TCL to provide \$125,000 or more in services to Beaufort County k-12 students for an equal length of time.
2. If those services drop below that threshold, the agreement to contribute will be voided.
3. The above commitment is contingent on TCL obtaining commitments from all funding partners as needed levels presented to this board.

Section Three. The County's commitment: At the August 7, 2017 Beaufort County Council Finance Committee voted to support the TCL Culinary Institute. The Finance Committee voted to:

1. Recommend that the full County Council agree to extend the length of time of the Multi-County Industrial Park (MCIP) Intergovernmental Agreement (IGA) between Beaufort County and the Town of Bluffton; and
2. To commit Beaufort County's portion of the fee-in-lieu of taxes money generated from the MCIP to the Lowcountry Culinary Institute up to \$5,000,000; and
3. That the County's commitment would be contingent upon the balance being funded by other parties.

Subsequently, at the November 6, 2017 meeting of the County's finance committee, the finance committee affirmed its desire to commit \$5,000,000.00 from the MCIP IGA. Additionally, the finance committee voted to commit an additional \$3,243,000.00 of local hospitality tax funds to the construction of the culinary institute.

Section Four. It is the intention of the Town and the County to utilize MCIP fee in lieu of taxes revenue to meet the commitments expressed herein. And each shall provide for its commitment regardless of the expiration of the MCIP IGA.

Section Five. It is the intention of the School District to utilize revenues generated from the development of Buckwalter Place up to \$125,000.00 per year for twenty years, regardless of the expiration of the MCIP fee in lieu of taxes agreement.

Section Six. This Agreement constitutes the entire agreement between the Parties with respect to this subject matter and supersedes all agreements, representations, warranties, statements, promises and understandings, whether oral or written, with respect to this subject matter, and neither Party is to be bound by any oral or written agreements, statements, promises, or understandings not specifically set forth in this Agreement.

Section Seven. The Parties may execute this Agreement in original or by electronic or photostatic means, in multiple counterparts. Written consent or an agreement from each Party shall be evidenced by an ordinance or resolution of the governing body of each Party.

[Signatures to follow]

WITNESSES:

BEAUFORT COUNTY, SOUTH CAROLINA

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

Joshua A. Gruber, Interim County Administrator

WITNESSES:

TOWN OF BLUFFTON

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

Marc Orlando, Town Manager

WITNESSES:

BEAUFORT COUNTY SCHOOL DISTRICT

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

Dr. Jeffrey Moss, Superintendent

**ORDINANCE NO. 2017 / \_\_\_\_**

**AN ORDINANCE ALLOCATING \$3,243,000.00 FROM LOCAL HOSPITALITY TAX FUNDS TO THE TECHNICAL COLLEGE OF THE LOWCOUNTRY FOR A PORTION OF COST FOR CONSTRUCTION OF A LOWCOUNTRY CULINARY INSTITUTE CONTINGENT UPON THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING IDENTIFYING THE TOWN OF BLUFFTON'S AND THE SCHOOL DISTRICT'S FINANCIAL COMMITMENTS TO FUND PORTIONS OF THE CONSTRUCTION COST**

**WHEREAS**, the Technical College of the Lowcountry (TCL) seeks public funds for construction of a culinary institute; and

**WHEREAS**, the hospitality industry has demonstrated a need for a trained workforce; and

**WHEREAS**, TCL has developed a business plan for the construction of and the operations and maintenance of a culinary institute; and

**WHEREAS**, it appears that the Town of Bluffton has committed \$500,000.00 to the construction of the Lowcountry Culinary Institute; and

**WHEREAS**, it appears the School District has committed the equivalent of \$2,500,000.00 in support for the construction of the Lowcountry Culinary Institute; and

**WHEREAS**, the County has previously committed \$5,000,000.00 from revenues generated from the Buckwalter Place Multi-County Industrial Park fee-in-lieu revenues or revenues otherwise generated from the Buckwalter Place development; and

**WHEREAS**, TCL representatives have made diligent efforts and are committed to continue their efforts to secure funding from other municipalities and counties that they serve; and

**WHEREAS**, despite the diligent effort of TCL representatives there is still a shortfall of \$3,243,000.00; and

**WHEREAS**, an August 30, 2017 Attorney General opinion concluded that Local Hospital Tax Funds could be used for a culinary tourism center; and

**WHEREAS**, the TCL business plan has been modified to include a culinary interpretative center that would be a tourist destination site and be served by the culinary institute; and

**WHEREAS**, Beaufort County Council believes a culinary institute with an interpretative center will provide for economic development by creating a unique tourist destination, and developing a competitive work force by preparing students for a career in the culinary arts; and

**WHEREAS**, Beaufort County Council believes that it is in the best interests of its citizens and visitors of Beaufort County, to provide support for the construction of a culinary arts institute and culinary interpretative center under the direction and management of the Technical College of the Lowcountry.

**NOW, THEREFORE, BE IT ORDAINED** that Beaufort County Council hereby allocates \$3,243,000.00 of Local Hospitality Tax Funds to the Technical College of the Lowcountry for the construction of the Lowcountry Culinary Institute.

DONE this \_\_\_\_ day of \_\_\_\_\_, 2017.

COUNTY COUNCIL OF BEAUFORT COUNTY

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

APPROVED AS TO FORM:

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

ATTEST:

\_\_\_\_\_  
Ashley Bennett, Clerk to Council

First Reading:

Second Reading:

Public Hearing:

Third and Final Reading:



**COUNTY COUNCIL OF BEAUFORT COUNTY**  
**PURCHASING DEPARTMENT**

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

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

**TO:** Councilman Gerald Dawson, Chairman, Governmental Committee

**FROM:** David L Thomas. CPPO. Purchasing Director

**SUBJ:** State Contract Purchase

Emergency Medical Services (EMS) Purchase for One Ambulance

**DATE:** 11/02/2017

**BACKGROUND:**

The Purchasing Department received a request from Beaufort County's EMS Department to purchase one new 2017 Ford F450 4x2 Ambulance Conversion package. This purchase request will use the HGAC Buy Cooperative Contract, a National Cooperative contract used by state and local governments. The EMS Department, along with First Vehicle Services, recommends the purchase of this ambulance due to their overall performance and the close proximity of the factory to Beaufort County.

The HGAC Buy Contract will provide a new 2017 Ford F450, 4x2, Diesel, Type I Ambulance. The ambulance will be delivered to the County before the end of the current fiscal year.

**VENDOR INFORMATION:**

AEV Northwestern Emergency Vehicles, Jefferson, NC  
 New Ambulance (1 @ \$240,497.00)

SC Sales Tax (1 x \$500)

**COST:**

\$240,997.00

See above

**FUNDING:**

Account #40090011-54003, EMS, Vehicle Purchases.

Funding approved:  By:  Date:

**FOR ACTION:** Governmental Committee meeting occurring November 6, 2017.

**RECOMMENDATION:**

The Governmental Committee approve and recommend to County Council the contract award to purchase one Ambulances from the aforementioned contractor for a total cost of \$240,997.00.

Attachment:

 Recommendation Ltr Attach Ambulance 11062017.pdf  
1.03 MB

cc: Joshua Gruber, Interim County Administrator

Approved:  Date:

Check to override approval: ☐ Overridden by:

Override Date:

Alicia Holland, Assistant County Administrator, Finance

Approved:  Date:

Approved:  Date:

Check to override approval: ☐ Overridden by:

Override Date:

ready for admin: ☒

Approved:  Date:

Check to override approval: ☐ Overridden by:

Override Date:

ready for admin: ☒

**After Initial Submission, Use the Save and Close Buttons**





**CONTRACT PRICING WORKSHEET**  
For MOTOR VEHICLES Only

Contract  
No.:

AM10-16

Date  
Prepared:

10/31/2017

This Worksheet is prepared by Contractor and given to End User. If a PO is issued, both documents **MUST** be faxed to H-GAC @ 713-993-4548. Therefore please type or print legibly.

Buying Agency:	Beaufort County Council	Contractor:	AEV / NORTHWESTERN EMERGENCY VEHICLES
Contact Person:	Howell Youmaus	Prepared By:	David Hudler
Phone:	843-812-8030	Phone:	336-977-1015 (cell)
Fax:		Fax:	336-246-8978
Email:	<a href="mailto:howelly@bcgov.net">howelly@bcgov.net</a>	Email:	<a href="mailto:david@nwev.com">david@nwev.com</a>
Product Code:	AA03	Description:	Type I Ford F-450 4X2 AEV Ambulance

A. Product Item Base Unit Price Per Contractor's H-GAC Contract: \$148,524.00

B. Published Options - Itemize below - Attach additional sheet(s) if necessary - Include Option Code in description if applicable.  
(Note: Published Options are options which were submitted and priced in Contractor's bid.)

Description	Cost	Description	Cost
01-FM-4WH2 Aluminum Wheels	1,257.00	05-EL-23XW Stop/Tail Whelen M9	495.00
05-HA-13HX Condenser ACC X717	875.00	05-EL-23X4 Turn Whelen M9	562.00
02-BC-0500 Walk through Cab High	819.00	05-EL-23XY Back up Whelen M9	571.00
04-EA-14A8 Running Boards	1,444.00	05-EL-256B Entry Door Lights	332.00
04-BW-ABX Rear Bumper	952.00	05-EL-45L4 Left Scene Light	528.00
06-IG-0310 Vanner 20-1050 CUL	1,381.00	05-EL-45TA Right Scene Light	528.00
07-01-SEIV Wise Child Seat	689.00	05-EL-46R4 Rear Load Lights	528.00
07-CA-48ZT Solid Surface	853.00	05PM-LRK3 Whelen M9 Warning Lights	3,000.00
04-HA-1310 Arctic Wedge	1,051.00	05-PM-LRK 1 Whelen M9 front of box	900.00
10-EC-2700 Refrigeratoer Norcold	867.00	04-BW-DP00	503.00
02-B8-1D80 Body Mod	1,371.00	Subtotal From Additional Sheet(s):	63,457.00
04-SU-1707 Liquid Spring	3,827.00	Subtotal B:	86,790.00

C. Unpublished Options - Itemize below / attach additional sheet(s) if necessary.  
(Note: Unpublished options are items which were not submitted and priced in Contractor's bid.)

Description	Cost	Description	Cost
GTT Opticom GPS Preemption High Priority Series	4,183.00		
		Subtotal From Additional Sheet(s):	
		Subtotal C:	4183

Check: Total cost of Unpublished Options (C) cannot exceed 25% of the total of the Base Unit Price plus Published Options (A+B). For this transaction the percentage is: 2%

D. Total Cost Before Any Applicable Trade-In / Other Allowances / Discounts (A+B+C)

Quantity Ordered: 1 X Subtotal of A + B + C: 239497 = Subtotal D: 239497

E. H-GAC Order Processing Charge (Amount Per Current Policy) Subtotal E: 1000

F. Trade-Ins / Special Discounts / Other Allowances / Freight / Installation / Miscellaneous Charges:

Description	Cost	Description	Cost
		Subtotal F:	0

Delivery Date: TBD G. Total Purchase Price (D+E+F): 240497



### ADDITIONAL PUBLISHED OPTIONS

Description	Cost
04-BW-DP25 Aluminum Rear kick plate	623.00
04-EA-31C0 Electric Zico	2,175.00
05-HA-0654 Danhard 125 VAC System	3,752.00
06-EC-3070 Recording System	1,338.00
07-CA-3300 Robinson Roll door	953.00
07-CA-4900 Solid Surface Telemetry Area	749.00
08-CR-09PL Stryker power load	26,774.00
08-05-0500 Zico O2 Lift	2,834.00
07-WC-LPTN Life Pak 15 bracket	1,245.00
12-PT-02E0 Custom Paint	2,400.00
34-XX-3201 Stryker Power Pro	15,897.00
34-XX-3209 Stryker XPS side rail	2,652.00
34-XX-3212 Stryker Compatibility kit	2,065.00
	TOTAL:
	\$63,457.00

### ADDITIONAL UNPUBLISHED OPTIONS

[illegible]



**RESOLUTION NO. 2017/\_\_\_**

**A RESOLUTION REPEALING AND REPLACING RESOLUTION NO. 2016/8 AND AUTHORIZING THE COUNTY ADMINISTRATOR TO ACCEPT FROM PLANTATION BUSINESS PARK OWNERS' ASSOCIATION INC., BUSINESS PARK WAY AND A PORTION OF PLANTATION PARK DRIVE, INTO COUNTY ROAD SYSTEM INCLUDING STORMWATER DRAINAGE INFRASTRUCTURE WITHIN THE DEDICATED RIGHTS OF WAY.**

**WHEREAS**, County Council adopted Resolution 2016/8 authorizing the County Administrator to accept Business Park Way and that portion of the Plantation Park Drive which is owned by Plantation Park Business Owners' Association Inc. and only the road, but not any stormwater drainage infrastructure or fixtures which adjoin or abut the road which is owned by the Association and which is identified by TMS number (TMS No: R610 031 000 0135 0000); and

**WHEREAS**, U.S. Highway 278 is a heavily traveled main thoroughfare in southern Beaufort County consisting of six plus lanes at various points which are used for both commercial and personal travel; and

**WHEREAS**, in an effort to reduce the amount of traffic on U.S. Highway 278, to alleviate congestion and to improve safety on this and other highways, Beaufort County has encouraged, and invested in, the development, design and construction of a network of frontage roads which run adjacent to heavily traveled highways and thoroughfares and which allow motorists who are traveling to and from local business to use these networks of roads rather than the highways and main thoroughfares; and

**WHEREAS**, Plantation Business Park is a commercial center in the Town of Bluffton which is located adjacent to U.S. Highway 278 and which consists of a variety of businesses and offices which are joined by a network of private and County owned roads all of which make access to and from businesses and offices convenient and help motorists avoid the use of U.S. Highway 278; and

**WHEREAS**, Business Park Way and Plantation Park Drive (TMS No: R610 031 000 0135 0000) are frontage roads which run perpendicular to and parallel with U.S. Highway 278, respectively; Business Park Way is owned by Plantation Business Park Property Owners' Association Inc. ("the Association"); part of Plantation Park Drive is owned by Beaufort County and part of it is owned by the Association; and

**WHEREAS**, the Association desires to convey to Beaufort County its interest in Business Park Way and Plantation Park Drive (collectively "the road" or "roadway"); and

**WHEREAS**, Beaufort County commissioned a forensic engineering study of stormwater drainage infrastructure and fixtures which exist on, and abut, the road which the Association owns; and

**WHEREAS**, the study determined that significant maintenance issues exist with the stormwater drainage infrastructure and fixtures which abut, and are adjacent to, the road which the Association owns; as a result of the study and other factors, Beaufort County agrees to accept into the County's road system Business Park Way and that portion of Plantation Park Drive which the Association owns; Beaufort County accepts ownership of stormwater drainage infrastructure or fixtures directly underneath the road including roadside pipe and catch basins shown on Exhibit A incorporated herein by reference; and Beaufort County accepts responsibility for repairing, replacing or maintaining any stormwater drainage infrastructure or fixtures which exists within the footprint of Business Park Way and that portion of Plantation Park Drive which by this resolution is adopted into the public County road system; and

**WHEREAS**, separating the roadway from the stormwater drainage is not feasible due to the existing stormwater pipes and catch basins located under the road; and

**WHEREAS**, the stormwater infrastructure under the roads being adopted pursuant to this Resolution carry stormwater from the road to the private stormwater system owned by the Plantation Business Park Owners' Association Inc; and

**WHEREAS**, the Plantation Business Park Owners' Association Inc. agrees to continue to accept, carry, store, and treat stormwater drainage coming from the roads and leaving the catch basins under the roads being adopted into the County Public Road system, pursuant to this Resolution and to perpetually provide for the stormwater management of water leaving Business Park Way and Plantation Park Drive.

**WHEREAS**, the Public Facilities Committee met May 15, 2017 and recommends that Council accept the dedication of Business Park Way and Plantation Park Drive including responsibility for stormwater infrastructure located within the roadway, and make a one-time TWENTY-FIVE THOUSAND DOLLARS and 00/cents (\$25,000.00) to the Plantation Business Park Owners' Association Inc. with the expectation that the expenditure be used for a reserve fund, available for future private stormwater infrastructure maintenance and repairs as needed for stormwater drainage from the roadways hereby adopted; and

**WHEREAS**, the County Council recognizes the uniqueness of the roadway in that these roadways are part of a frontage road which provides an alternative route for traffic traveling parallel to U.S. Highway 278 and is currently under private ownership; and

**WHEREAS**, County Council desires to resolve the issues of ownership and maintenance of the roads providing a connection for the valuable frontage road alleviating heavy traffic along U.S. Highway 278 while at the same time putting in place an agreement regarding the drainage, storage and treatment of stormwater coming from Business Park Way and Plantation Park Drive.

**WHEREAS**, the County Administrator is authorized to pursue matching funding in the amount of TWENTY-FIVE THOUSAND DOLLARS and 00/cents (\$25,000.00) from the Town of Bluffton.

**NOW THEREFORE, BE IT RESOLVED**, that the County Council of Beaufort County hereby adopts this resolution as follows:

Section 1. The above recitals are true and correct and incorporated into this Resolution herein by reference.

Section 2. The County Administrator is authorized to accept dedication of Plantation Park Drive and Business Park Way identified by TMS number (TMS No: R610 031 000 0135 0000) into the County road system, including dedication of public stormwater infrastructure existing under the dedicated right of way as shown on the attached Exhibit A.

Section 3. The County Administrator is authorized to execute a Memorandum of Understanding regarding the existing stormwater infrastructure under the road such that the County is responsible only for stormwater infrastructure located directly under the intended right of way, as shown on the attached Exhibit A. The Plantation Business Park Owners' Association, Inc. shall be responsible for stormwater and the maintenance of its private stormwater infrastructure once stormwater leaves the area of the accepted roadways.

Section 4. Resolution 2016/8 adopted May 23, 2016 is hereby rescinded in its entirety and Resolution 2017/\_\_\_ is substituted in its place.

Section 5. The County Administrator is authorized for the expenditure of TWENTY-FIVE THOUSAND DOLLARS and 00/cents (\$25,000.00) payable to the Plantation Business Park Owners' Association Inc. with the understanding that the funds be used to establish a reserve fund for the maintenance and repair of their private stormwater drainage systems and that both parties pursue matching funds from the Town of Bluffton.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

COUNTY COUNCIL OF BEAUFORT COUNTY

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

APPROVED AS TO FORM:

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







ATTEST:

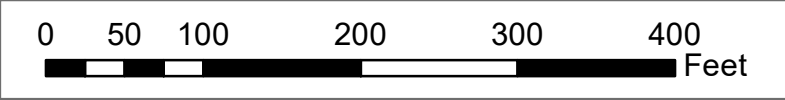
\_\_\_\_\_  
Ashley M. Bennett, Clerk to Council



# Plantation Business Park Right Of Ways

\*This Exhibit is a general representation of the plat recorded in Plat Book 61 Page 83 recorded in the Beaufort County Register of Deeds.

-  80' Business Park Way ROW
-  50' Plantation Park Drive ROW
-  Roadside Pipe
-  Crossline Pipe
-  Catchbasins
-  Parcels





# EXHIBIT "A"



Now or Formerly  
Rosehill  
Associates, Inc.

Now or Formerly  
Rosehill Associates, Inc.

## REFERENCES:

1. A PLAT OF THE BOUNDARY & WETLANDS FOR BLOCK X BEING A PORTION OF ROSEHILL PLANTATION PREPARED BY THOMAS & HUTTON ENGINEERING COMPANY JOB # 6294 DATED 9/25/93 LAST REVISED 9/30/93.
2. A PLAT OF 50 ACRES BEING A PORTION OF ROSEHILL PLANTATION PREPARED BY THOMAS & HUTTON ENGINEERING COMPANY JOB # 3237 DATED 9/25/93.

## NOTES:

1. PLAT ERROR OF CLOSURE IS 1/1750000
2. FIELD ERROR OF CLOSURE IS 1/30,000
3. ANGULAR ERROR OF CLOSURE IS 0.1" PER ANGLE POINT
4. THE AREA WAS DETERMINED BY GEOMETRIC METHOD OF LAND CALCULATION
5. FIELD EQUIPMENT: SOKKIA SET4, SOKK J3
6. COORDINATES BASED ON SOUTH CAROLINA STATE PLANE GRID
7. THERE IS A 10' UTILITY EASEMENT ALONG THE FRONT PROPERTY LINE OF ALL LOTS
8. THE PROPERTY IDENTIFICATION NUMBER IS 8500-0230-000-000-000 FOR THE TRACT. PROPERTY IDENTIFICATION NUMBERS FOR THE SUBDIVIDED TRACT HAVE NOT BEEN ASSIGNED BY BEAUFORT COUNTY
9. COMMENCING AT A CONCRETE MONUMENT FOUND AT THE SOUTHERLY INTERSECTION OF U.S. HWY 278 AND BUCK ISLAND ROAD; THENCE S 20°24'29" E FOR 686.54'; THENCE S 27°35'12" E FOR 104.46'; THENCE S 31°48'40" E FOR 104.46'; THENCE S 35°58'44" E FOR 104.43'; THENCE S 37°01'24" E FOR 416.88'; THENCE S 38°44'23" E FOR 201.64' TO THE POINT OF BEGINNING.
10. THE FINISHED FLOOR ELEVATION SHOWN FOR EACH LOT IS THE MINIMUM ELEVATION.

Now or Formerly  
Rosehill Associates, Inc.

## Line Schedule

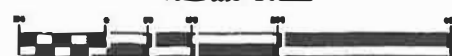
LINE	DIRECTION	DISTANCE
L1	N 85°30'20" E	42.43'
L2	N 04°23'40" W	42.43'
L3	N 05°53'48" W	101.85'
L4	S 52°50'50" W	80.98'
L5	S 68°09'26" E	80.88'
L6	S 68°09'26" E	51.15'
L7	S 40°36'20" W	71.39'

## Curve Schedule

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	130.00'	201.20'	130.00'	183.65'	N 04°23'40" W	90°00'00"
C2	25.00'	39.27'	25.00'	35.36'	S 04°23'40" E	90°00'00"
C3	155.00'	35.48'	155.00'	35.42'	S 43°12'18" E	12°22'41"
C4	155.00'	94.48'	155.00'	83.03'	S 18°33'11" E	34°55'14"
C5	155.00'	54.70'	155.00'	54.42'	S 08°01'14" W	20°13'14"
C6	50.00'	41.03'	50.00'	38.09'	S 17°08'08" E	17°00'51"
C7	80.00'	11.41'	80.00'	11.48'	S 00°55'48" E	10°52'23"
C8	80.00'	130.01'	130.00'	108.05'	S 67°54'36" W	128°03'28"
C9	80.00'	92.38'	80.00'	84.81'	N 04°33'25" W	89°00'29"
C10	80.00'	89.51'	80.00'	84.78'	N 61°51'01" E	87°10'25"
C11	30.00'	41.03'	30.00'	38.09'	N 84°06'56" E	57°10'51"
C12	125.00'	184.83'	125.00'	168.29'	N 04°23'40" W	90°00'00"
C13	50.00'	41.03'	50.00'	38.09'	N 71°54'05" W	47°00'51"
C14	80.00'	29.68'	80.00'	29.38'	N 05°10'51" W	28°19'11"
C15	80.00'	11.41'	80.00'	11.48'	N 04°23'40" W	100°41'17"
C16	80.00'	37.87'	80.00'	35.36'	N 01°12'17" E	67°52'41"
C17	80.00'	37.87'	80.00'	35.36'	S 29°24'59" E	59°04'18"
C18	80.00'	41.03'	80.00'	38.09'	S 28°24'14" E	47°00'51"
C19	25.00'	39.27'	25.00'	35.36'	S 24°19'20" E	80°10'00"

RIGHT-OF-WAY 2.78 AC.  
WETLANDS & BUFFERS 12.77 AC.  
LOTS 34.45 AC.  
TOTAL 50.00 AC.

## GRAPHIC SCALE



## FLOOD NOTE:

"THE AREA INDICATED ON THIS PLAT AS A FLOOD HAZARD AREA HAS BEEN DETERMINED AS HAVING AT LEAST A ONE (1) PERCENT CHANCE OF BEING FLOODED IN ANY GIVEN YEAR BY RECURRING FLOOD WATERS ASSOCIATED WITH POSSIBLE HURRICANE LOCAL RELEVATIONS REQUIRE THAT CERTAIN FLOOD HAZARD PROTECTIVE MEASURES BE INCORPORATED IN THE DESIGN AND CONSTRUCTION OF STRUCTURES IN THESE DESIGNATED AREAS. REFERENCE SHALL BE MADE TO THE DEVELOPMENT COVENANTS AND RESTRICTIONS OF THIS DEVELOPMENT AND REQUIREMENTS OF THE BEAUFORT COUNTY BUILDING CODES DEPARTMENT. IN ADDITION, SOME JURISDICTIONS MAY REQUIRE DISCRETIONARY PURCHASE OF FLOOD INSURANCE AS A REQUIREMENT TO MORTGAGE FINANCING IN THESE DESIGNATED FLOOD HAZARD AREAS. ACCORDING TO F.E.M.A. MAP NO. 44007V PANEL NO. 610 MAP REVISION 05/01/94 A PORTION OF THIS PLAT FALLS WITHIN A 100 YEAR

## BEAUFORT COUNTY ZONING & DEVELOPMENT STANDARDS FINAL PLAN APPROVAL

This plat was approved by the Beaufort County Zoning & Development Standards Committee on 4/12/96. The plat was approved by the Beaufort County Zoning & Development Standards Committee on 6/20/97.

Date of Dev. Rev. Term approval 3/6/96  
Development Period 1 2/3/96

Certified by *[Signature]* 4/12/96  
Resub - 6/20/97

Now or Formerly  
Rosehill Associates, Inc.

FILED  
JOHN A. SULLIVAN, JR.  
R.M.C.  
BEAUFORT COUNTY, S.C.  
DATE 7/14/97

97 JUL 14 PM 3:56

3K PG

FOLDER #

LEGEND

C.M.F. = 3"X3"X4" CONCRETE MONUMENT FOUND  
C.M.S. = 3"X3"X4" CONCRETE MONUMENT SET  
I.P.F. = 1/2" REBAR  
I.P.S. = 3/4" IRON PIPE W/CAP SET  
O = C.M.S. UNLESS OTHERWISE NOTED  
( ) = INDICATES STREET ADDRESS

I HEREBY DEED THE ROADS AND DRAINAGE SYSTEM TO BEAUFORT COUNTY FOR MAINTENANCE AND PUBLIC USE.

*[Signature]*

PLANTATION BUSINESS PARK GENERAL PARTNERSHIP  
BY: ROBERT W. GERHART  
GENERAL PARTNER

"I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED HEREON. ALSO, THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN."

TO THE BEST OF MY KNOWLEDGE AND BELIEF ALL BEARINGS, MEASUREMENTS OF COURSES AND DISTANCES, AND MONUMENT LOCATIONS HAVE BEEN PROVEN BY LAND SURVEY.

TO THE BEST OF MY KNOWLEDGE AND BELIEF THE RATIO OF PRECISION OF THE FIELD SURVEY IS 1/20,000" AS SHOWN HEREON AND THE AREA WAS DETERMINED BY THE COORDINATE METHOD OF AREA CALCULATION.

*[Signature]*  
THOMAS & HUTTON ENGINEERING CO.  
SAVANNAH, GEORGIA

SOUTH CAROLINA  
THOMAS & HUTTON  
ENGINEERING CO.  
INC.

SOUTH CAROLINA  
THOMAS & HUTTON  
ENGINEERING CO.  
INC.

SOUTH CAROLINA  
THOMAS & HUTTON  
ENGINEERING CO.  
INC.

SOUTH CAROLINA  
THOMAS & HUTTON  
ENGINEERING CO.  
INC.

SOUTH CAROLINA  
THOMAS & HUTTON  
ENGINEERING CO.  
INC.

SOUTH CAROLINA  
THOMAS & HUTTON  
ENGINEERING CO.  
INC.

A PLAT OF  
PLANTATION  
BUSINESS PARK  
BEAUFORT COUNTY  
SOUTH CAROLINA

PLANTATION  
Business Park  
A PLANNED COMMERCIAL DEVELOPMENT

PREPARED FOR:  
PLANTATION BUSINESS PARK  
GENERAL PARTNERSHIP

RECORDED IN BOOK PAGE  
DATE

IN THE OFFICE OF  
CLERK OF COURT  
BEAUFORT COUNTY S.C.

REPLACES PLATS IN

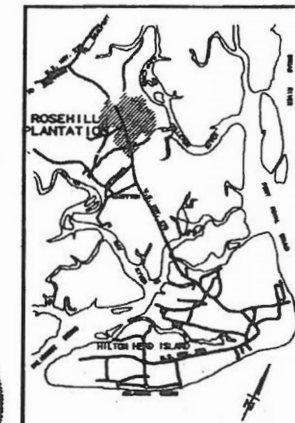
BOOK 56 PAGE 20

SCALE 1"=100'

FILE J-8850

DATE 5/3/97

TECH. J.W.M.



VICINITY MAP

THIS SHEET CONTAINS 19 LOTS.

## Ordinance 2017/

AN ORDINANCE ADDING CHAPTER 38, ARTICLE 6: SINGLE-USE PLASTIC BAGS TO THE BEAUFORT COUNTY CODE OF ORDINANCES TO ENCOURAGE THE USE OF REUSABLE CHECKOUT BAGS AND RECYCLABLE PAPER CARRYOUT BAGS AND BANNING THE USE OF SINGLE-USE PLASTIC BAGS FOR RETAIL CHECKOUT OF PURCHASED GOODS IN THE UNINCORPORATED AREAS OF THE COUNTY

### Section 38-161 Purpose and Intent.

This chapter is adopted to improve the environment of the county by encouraging the use of reusable checkout bags and recyclable paper carryout bags and banning the use of single-use plastic bags for retail checkout of purchased goods. Business establishments are encouraged to make reusable bags available for sale, to make recyclable paper carryout bags available for distribution and to continue offering bins for all recyclable products including but not limited to plastic products. This Ordinance does not impose a tax on the use of plastic products of any kind including but not limited to single use plastic bags.

### Section 38-162 Definitions.

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

- **Business Establishment.** Any commercial enterprise that provides carryout bags to its customers through its employees or independent contractors associated with the business. The term includes sole proprietorships, joint ventures, partnerships, corporations, or any other legal entity, whether for profit or not for profit.
- **Single-Use Plastic Carryout Bag.** A bag provided by a business establishment to a customer typically at the point of sale for the purpose of transporting purchases, which is made predominantly of plastic derived from either petroleum or a biologically-based source. "Single-use plastic carryout bag" includes compostable and biodegradable bags, but does not include reusable carryout bags.
- **Reusable Carryout Bag.** A carryout bag that is specifically designed and manufactured for multiple reuse, and meets the following criteria:
  - (1) Displays in a highly visible manner on the bag exterior, language describing the bag's ability to be reused and recycled;
  - (2) Has a handle; except that handles are not required for carryout bags constructed out of recyclable paper with a height of less than 14 inches and width of less than eight inches; and

- (3) Is constructed out of any of the following materials:
  - (a) Cloth, other washable fabric, or other durable materials, whether woven or non-woven; or
  - (b) Recyclable plastic, with a minimum thickness of 2.25 mils;

- **Customer.** A person who purchases merchandise from a business establishment.

### **Section 38-163 Regulations.**

- (A) No person may provide single-use plastic carryout bags at any county facility, county-sponsored event, or any event held on county property.
- (B) No business establishment within the unincorporated county limits may provide single use plastic carryout bags to its customers.
- (C) Business establishments within the county limits are strongly encouraged to provide prominently displayed signage advising customers of the benefit of reducing, reusing and recycling and promoting the use of reusable carryout bags and recyclable paper carryout bags by customers.
- (D) All business establishments shall provide or make available to a customer reusable carryout bags or recyclable paper bags.

### **Section 38-164 Exemptions.**

This chapter shall not apply to:

- (A) Laundry dry cleaning bags, door-hanger bags, newspaper bags, or packages of multiple bags intended for use as garbage, pet waste, or yard waste;
- (B) Bags provided by pharmacists or veterinarians to contain prescription drugs or other medical necessities;
- (C) Bags used by a customer inside a business establishment to:
  - (1) Contain bulk items, such as produce, nuts, grains, candy, or small hardware items;
  - (2) Contain or wrap frozen foods, meat, or fish, whether or not prepackaged;
  - (3) Contain or wrap flowers, potted plants or other items to prevent moisture damage to other purchases; or
  - (4) Contain unwrapped prepared foods or bakery goods; and
- (D) Bags of any type that the customer bring to the store for their own use for carrying away from the store goods that are not placed in a bag provided by the store.

### **Section 38-165 Penalties.**

- (A) Any business establishment that violates or fails to comply with any of the provisions of this chapter after a written warning notice has been issued for that violation shall be deemed guilty of a misdemeanor. The penalty shall not exceed \$100 for a first violation; \$200 for a second violation within any 12-month period; and \$500 for each additional violation within any 12-month period. Each day that a violation continues will constitute a separate offense.



- (B) In addition to the penalties set forth in this section, repeated violations of this chapter by a person who owns, manages, operates, is a business agent of, or otherwise controls a business establishment may result in the suspension or revocation of the business license issued to the premises on which the violations occurred. No business license shall be issued or renewed until all fines outstanding against the applicant for violations of this chapter are paid in full.
- (C) Violation of this chapter is hereby declared to be a public nuisance, which may be abated by the county by restraining order, preliminary and permanent injunction, or other means provided for by law, and the county may take action to recover the costs of the nuisance abatement.

**Section 38-166 Effective Date, Sunset and Review.**

- (A) The provisions of this Chapter shall take effect eight (8) months from the date County Council enacts this Ordinance provided that the same or a substantially similar Ordinance has been adopted by every municipality in Beaufort County. If the same or substantially similar Ordinance has not been adopted by every municipality in Beaufort County' on the date County Council adopts this Ordinance, then this Ordinance shall take effect on the date the last municipality does adopt such an Ordinance.
- (B) This Ordinance shall sunset three (3) years from the date it takes effect.
- (C) Provided this Ordinance takes effect, the County will implement a program to evaluate the success of this chapter by soliciting input from all parties and organizations with an interest in this legislation.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_.

COUNTY COUNCIL OF BEAUFORT COUNTY

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

APPROVED AS TO FORM:

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

ATTEST:

---

Ashley M. Bennett, Clerk to Council

First Reading:

Second Reading:

Public Hearing:

Third and Final Reading:

DRAFT

**ORDINANCE NO. 2017 / \_\_\_\_**

**AN ORDINANCE TO APPROPRIATE FUNDS NOT TO EXCEED \$630,000.00 FROM THE 2% LOCAL HOSPITALITY TAX FUNDS TO THE COUNTY GENERAL FUND FOR IMPROVEMENTS TO THE FACTORY CREEK BOAT RAMP**

**WHEREAS**, the Factory Creek Boat Ramp (“Boat Ramp”) on Lady’s Island is one of the most popular water access points in the County; and

**WHEREAS**, the Boat Ramp was last improved in 1990 and those improvements have reached the end of their useful life; and

**WHEREAS**, the current condition of the ramp fails to meet the demands for water access at this location during peak times; and

**WHEREAS**, the proposed improvements provide for increased parking capacity and improved traffic flow; and

**WHEREAS**, a South Carolina Five Coastal County Boat Ramp Study from 2007 recommended expanding the Boat Ramp to meet projected demand; and

**WHEREAS**, a permit application requires identification of a funding source; and

**WHEREAS**, the estimated design, permitting and construction costs for the proposed improvements for the Boat Ramp is estimated to be approximately \$700,000.00; and

**WHEREAS**, the Engineering staff has requested \$630,000.00 from Hospitality Tax funds; and

**WHEREAS**, the City of Beaufort has committed \$70,000.00 to the project; and

**WHEREAS**, the Finance Committee unanimously recommends to County Council approval of the requested \$630,000.00 in funds from the local Hospitality Tax funds of which there is currently in excess of \$5,000,000.00 available; and

**WHEREAS**, the Boat Ramp and its associated docks are recreational facilities; and

**WHEREAS**, the Boat Ramp provides river access.

**NOW, THEREFORE, BE IT ORDAINED** by Beaufort County Council that a transfer in the not to exceed \$630,000.00 is hereby authorized from the 2% Local Hospitality Tax Fund to the General Fund for the purpose of design, permitting and construction of improvements to the Factory Creek Boat Ramp on Lady’s Island.

DONE this \_\_\_\_ day of \_\_\_\_\_, 2017.

COUNTY COUNCIL OF BEAUFORT COUNTY

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

APPROVED AS TO FORM:

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

ATTEST:

\_\_\_\_\_  
Ashley M. Bennett, Clerk to Council

First Reading: October 9, 2017

Second Reading: October 23, 2017

Public Hearing:

Third and Final Reading:

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**ORDINANCE 201\_\_ / \_\_\_\_**

**AN ORDINANCE ENACTED PURSUANT TO S.C. CODE ANN. §4-37-30 ET SEQ. TO IMPOSE A ONE PERCENT (1%) TRANSPORTATION SALES AND USE TAX FOR NOT MORE THAN FOUR (4) YEARS, IF APPROVED BY REFERENDUM; TO AUTHORIZE THE ISSUE OF GENERAL OBLIGATION BONDS NOT TO EXCEED \$120,000,000 IF APPROVED BY REFERENDUM, TO DESCRIBE THE TRANSPORTATION-RELATED PROJECTS AND ESTIMATED CAPITAL COSTS OF THE PROJECTS TO BE FUNDED IN WHOLE OR IN PART FROM THE PROCEEDS OF THE TAX; TO ORDER A COUNTY-WIDE REFERENDUM ON THE QUESTION OF IMPOSING THE TAX AND AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS; TO PRESCRIBE THE CONTENTS OF THE BALLOT QUESTIONS; AND PROVIDE FOR ALL OTHER THINGS NECESSARY TO SUBMIT THE AFORESAID QUESTIONS TO THE ELECTORATE.**

**Adopted By**

**THE COUNTY COUNCIL**

**OF**

**BEAUFORT COUNTY, SOUTH CAROLINA**

**THE \_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_**

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## ORDINANCE

**AN ORDINANCE ENACTED PURSUANT TO S.C. CODE ANN. §4-37-30 ET SEQ. TO IMPOSE A ONE PERCENT (1%) TRANSPORTATION SALES AND USE TAX FOR NOT MORE THAN FOUR (4) YEARS, IF APPROVED BY REFERENDUM; TO AUTHORIZE THE ISSUE OF GENERAL OBLIGATION BONDS NOT TO EXCEED \$120,000,000 IF APPROVED BY REFERENDUM, TO DESCRIBE THE TRANSPORTATION-RELATED PROJECTS AND ESTIMATED CAPITAL COSTS OF THE PROJECTS TO BE FUNDED IN WHOLE OR IN PART FROM THE PROCEEDS OF THE TAX; TO ORDER A COUNTY-WIDE REFERENDUM ON THE QUESTION OF IMPOSING THE TAX AND AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS; TO PRESCRIBE THE CONTENTS OF THE BALLOT QUESTIONS; AND PROVIDE FOR ALL OTHER THINGS NECESSARY TO SUBMIT THE AFORESAID QUESTIONS TO THE ELECTORATE.**

**WHEREAS**, the Beaufort County Council (the “*County Governing Body*”) finds the existing transportation infrastructure within the County of Beaufort and the cities and towns situated within the County (the “*municipalities*”) are inadequate to support the current and future transportation-related needs of the County and municipalities; and

**WHEREAS**, the County Governing Body finds that a one percent (1%) Transportation Sales and Use Tax and issue of general obligation bonds, if any, is the most equitable, affordable, efficient and expedient means of providing necessary financing to support, advance, develop and implement the transportation - related projects specified herein (the “*Projects*”); and

**WHEREAS**, the County Governing Body finds that a one percent (1%) Transportation Sales and Use Tax and the issue of general obligation bonds, if any, will enable the County to undertake, execute and complete, in whole or in part, the transportation-related Projects specified herein having determined that each Project is a necessary and a proper public purpose designated and designed to promote, support and contribute to the health, safety and welfare of the County’s and municipalities’ residents, citizens, visitors and businesses and will promote, develop and enhance economic development within the County and municipalities; and

**WHEREAS**, the County Governing Body, with the concurrence of the municipalities, desires to place on the November 6, 2018, General Election ballot a referendum question, which if approved by a majority of the qualified voters of Beaufort County, will authorize the imposition and levy of a one percent (1%) Transportation Sales and Use Tax for not more than Four (4) years and authorize, upon referendum approval, an issue of not to exceed \$120,000,000 in general obligation bonds all of which will be designated and directed exclusively to paying for, either directly or through payment of debt service on general obligation bonds, the reasonable and necessary expenses incidental to the Projects specified herein.

**NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE COUNTY COUNCIL OF BEAUFORT COUNTY, AND IT IS ORDAINED BY THE AUTHORITY OF SAID COUNCIL THAT:**

**Section 1. Recitals and legislative findings**

As an incident to the adoption of this ordinance, the Beaufort County Council of Beaufort County, South Carolina (the "Council") makes the following findings:

**Section 1.1.** The South Carolina General Assembly enacted Title 4, Chapter 37, Section 30, Code of Laws of South Carolina, 1976, as amended (the "Code"), (hereinafter the "*Transportation Sales and Use Tax*") which empowers the County Governing Body to levy and impose a one percent (1%) sales and use tax by ordinance, subject to referendum, within the county and municipalities for a project or projects, for a specified period of time, to collect a limited amount of money and use the tax revenue to pay directly and, or, pay the debt service on bonds, if any, issued by the county, subject to referendum, to pay the cost of the projects authorized by this ordinance.

**Section 1.2.** The County Governing Body finds that a *Transportation Sales and Use Tax* imposed solely for the purpose provided herein to pay directly and, or, through payment of debt service upon issue of general obligation bonds, if any, and subject to a referendum, to pay all reasonable and necessary expenses incidental to the purchase, acquisition, construction, repair, alteration and improvement of transportation projects as more fully described in Section 2.3 including, without limitation, the costs and expenses of studies, land title and mortgage title policies, architectural, engineering and construction management services, legal, accounting, organizational, marketing or other special services related to the financing of the projects and issuance of bonds, if any, financial or underwriting fees and expenses incurred in connection with issuing bonds, if any, rating agencies' fees, initial trustee and paying agent fees, recording and filing fees, and any and all other necessary and incidental expenses related to execution of the projects set forth in Section 2.3 (the "Projects") all of which serve a necessary and proper public and corporate purpose of the County and its municipalities, enhance the safety, efficiency and aesthetics of the public infrastructure of the County and municipalities thereby promoting the public health, safety and welfare, desirable living conditions and economic development of the County and municipalities and addresses the transportation related infrastructure needs of the County and municipalities now and in the future.

**Section 1.3.** The South Carolina General Assembly enacted Title 4, Chapter 37, Section 30(A)(3), Code of Laws of South Carolina, 1976, and authorized that in addition, the referendum may contain a question on the authorization of general obligation bonds under the exemption provided in Section 14(6), Article X of the Constitution of South Carolina, 1895, so that revenues derived from the imposition of the sales and use tax may be pledged to the repayment of bonds. If the referendum on the question relating to the issuance of general obligation bonds is approved, the county may issue bonds in an amount sufficient to fund the expenses of the project or projects.

**Section 1.4.** Article X, Section 14 of the Constitution of the State of South Carolina, 1895, as amended (the "Constitution"), provides that Counties of the State shall have the power to incur bonded indebtedness in such manner and upon such terms and conditions as the General Assembly may have heretofore or may hereafter prescribe.

**Section 1.5.** Article X, Section 14, subsection (6) of the Constitution provides that if general obligation debt is authorized by a majority vote of the qualified electors of the County voting in a referendum authorized by law, there shall be no conditions or restrictions limiting the incurring of such indebtedness except (i) those restrictions and limitations imposed in the authorization to incur such



indebtedness; (ii) such general obligation debt shall be issued within five years of the date of such referendum; and (iii) general obligation debt may be incurred only for a purpose which is a public purpose and which is a corporate purpose of the County and such debt shall mature within 40 years from the time such indebtedness shall be incurred.

**Section 1.6.** The provisions of Title 11, Chapter 27, Section 40, Code of Laws of South Carolina, 1976, as amended (the “Code”), empower the County Council to order any such referendum as is required by Article X of the Constitution, to prescribe the notice thereof, and to conduct or cause to be conducted such referendum in the manner prescribed by Title 7 Code of Laws of South Carolina, 1976.

**Section 1.7.** The amount of general obligation bonds required for such purposes exceeds the County’s present constitutional debt limitation unless the question of issuing such bonds is submitted to and approved by the qualified electors of the County.

**Section 2. Imposition of a One Percent Transportation Sales and Use Tax; Authorization for Bond Issuance, if any; Duration of Tax; Projects and Project Descriptions**

**Section 2.1.** A Transportation Sales and Use Tax, as authorized by Title 4, Chapter 37, Section 30, Code of Laws of South Carolina, 1976, as amended, is hereby imposed within Beaufort County and the municipalities, subject to favorable vote of a majority of the qualified electors voting in the General Election held in Beaufort County on November 6, 2018.

A referendum authorizing the imposition of a Transportation Sales and Use Tax is authorized to contain a question to authorize the issuance of general obligation bonds in an amount not to exceed \$120,000,000.00 under the exemption provided in Section 14(6), Article X of the Constitution of South Carolina, 1895, so that revenues derived from the imposition of the sales and use tax may be pledged to the repayment of the bonds.

**Section 2.2.** The Transportation Sales and Use Tax authorized by this Ordinance shall be expended for the purposes set forth in Section 1.2 of this Ordinance.

**Section 2.3.** The transportation-related Projects for which the proceeds of the tax will be used include highways, roads, streets, bridges, mass transit systems, greenbelts, and other transportation-related projects facilities including, but not limited to, drainage facilities relating to the highways, roads, streets, bridges, and other transportation-related projects; jointly-operated projects, of the type specified in this Section 2.3 of this Ordinance by the County and South Carolina Department of Transportation; and, or, projects specified in this Section 2.3 of this Ordinance operated by the county or jointly-operated projects of the county and other governmental entities.

The Projects and a description of the projects for which the proceeds of the tax are to be used are as follows:

<b>Project Name</b>	<b>Project Description</b>	<b>Estimated Capital Cost</b>
Hilton Head Island - US278 Corridor Traffic Improvements	Repair and/or replace the existing spans of the bridges to Hilton Head Island and other improvements between Moss Creek Drive and Squire Pope Road	\$80,000,000
Lady's Island Corridor Traffic Improvements	Roadway traffic improvements between the Woods Memorial Bridge and the Chowan Creek Bridge as outlined in the Lady's Island Corridor Study dated May 19, 2017	\$30,000,000
Sidewalks and Multi-Use Pathways – Safe Routes to Schools	<p>Installation and repair of sidewalks and multi-use pathways at multiple locations within Beaufort County so as to provide safe walking routes to schools and improved access to residential communities</p> <ol style="list-style-type: none"> <li>1. Burnt Church Road, Ulmer Road, and Shad Road</li> <li>2. Laurel Bay Road Pathway Widening</li> <li>3. Bluffton Parkway Phase 1</li> <li>4. Joe Frazier Road</li> <li>5. Meridian Road</li> <li>6. Alljoy Road</li> <li>7. Salem Road, Old Salem Road, and Burton Hill Road</li> <li>8. Middle Road</li> <li>9. Stuart Point</li> <li>10. Broad River Boulevard and Riley Road</li> <li>11. Broad River Drive</li> <li>12. Lake Point Drive and Old Miller Road Pathway Connection</li> <li>13. Dr. Martin Luther King, Jr. Drive</li> <li>14. Ribaut Road to Parris Island Gateway</li> <li>15. Pine Grove Road and Burton Wells Road</li> <li>16. Spanish Moss Trail Extension</li> <li>17. Seabrook Road</li> <li>18. Depot Road</li> <li>19. Chowan Creek Bluff</li> <li>20. U.S. 17 Pathway Extension</li> <li>21. Bruce K. Smalls</li> <li>22. Paige Point</li> <li>23. Big Road</li> <li>24. Big Estate Road</li> </ol>	\$10,000,000
<b>TOTAL:</b>		<b>\$120,000,000</b>

**Section 2.4.** The anticipated tax year will end Four (4) years from the date of imposition, to wit: 2022; provided, however, the tax terminates on the earlier of the final day of the maximum time specified for the imposition, or the end of the calendar month during which the Department of Revenue determines that the tax has raised revenues sufficient to provide the greater of either the cost of the projects as approved in the referendum or the cost to amortize all debts related to the approved projects.

**Section 2.5.** Amounts collected in excess of the required proceeds first must be applied, if necessary, to complete each project for which the tax was imposed. Any additional revenue collected above the specified amount must be applied to the reduction of debt principal of the County on transportation infrastructure debts only.

**Section 2.6.** The tax levied pursuant to this section must be administered and collected by the Department of Revenue in the same manner that other sales and use taxes are collected. The department may prescribe the amounts which may be added to the sales price because of the tax.

**Section 2.7.** The tax authorized by this Ordinance is in addition to all other local sales and use taxes and applies to the gross proceeds of sales in the applicable jurisdiction which are subject to the tax imposed by Chapter 36 of Title 12 and the enforcement provisions of Chapter 54 of Title 12. The gross proceeds of the sale of items subject to a maximum tax in Chapter 36 of Title 12 are exempt from the tax imposed by this section. The gross proceeds of the sale of food lawfully purchased with United States Department of Agriculture food stamps are exempt from the tax imposed by this section. The tax imposed by this section also applies to tangible personal property subject to the use tax in Article 13, Chapter 36 of Title 12.

**Section 2.8.** Taxpayers required to remit taxes pursuant to Article 13, Chapter 36 of Title 12 must identify the county in which the tangible personal property purchased at retail is stored, used, or consumed in this State.

**Section 2.9.** Utilities are required to report sales in the county in which consumption of the tangible personal property occurs.

**Section 2.10.** A taxpayer subject to the tax imposed by Section 12-36-920, who owns or manages rental units in more than one county shall report separately in his sales tax return the total gross proceeds from business done in each county.

**Section 2.11.** The gross proceeds of sales of tangible personal property delivered after the imposition date of the tax levied pursuant to this section in a county, either pursuant to the terms of a construction contract executed before the imposition date, or a written bid submitted before the imposition date, culminating in a construction contract entered into before or after the imposition date, are exempt from the special local sales and use tax provided in this section if a verified copy of the contract is filed with the Department of Revenue within six months after the imposition of the special local sales and use tax.

**Section 2.12.** Notwithstanding the imposition date of the special local sales and use tax authorized pursuant to this section, with respect to services that are billed regularly on a monthly basis, the special local sales and use tax is imposed beginning on the first day of the billing period beginning on or after the imposition date.

The revenues of the tax collected in each county pursuant to this section must be remitted to the State Treasurer and credited to a fund separate and distinct from the general fund of the State. After deducting the amount of refunds made and costs to the Department of Revenue of administering the tax, not to

exceed one percent of the revenues, the State Treasurer shall distribute the revenues and all interest earned on the revenues while on deposit with him quarterly to the county in which the tax is imposed, and these revenues and interest earnings must be used only for the purpose stated in the imposition ordinance. The State Treasurer may correct misallocations by adjusting later distributions, but these adjustments must be made in the same fiscal year as the misallocations. However, allocations made as a result of city or county code errors must be corrected prospectively.

**Section 2.13.** The Department of Revenue shall furnish data to the State Treasurer and to the counties receiving revenues for the purpose of calculating distributions and estimating revenues. The information which must be supplied to counties upon request includes, but is not limited to, gross receipts, net taxable sales, and tax liability by taxpayers. Information about a specific taxpayer is considered confidential and is governed by the provisions of Section 12-54- 240. A person violating this section is subject to the penalties provided in Section 12-54-240.

### **Section 3. Order to Hold Referendum and Duties of Election Commission**

**Section 3.1.** Upon receipt of this Ordinance, the county election commission shall conduct a referendum on the question of imposing the optional special sales and use tax in Beaufort County. A referendum for this purpose must be held at the time of the general election conducted on November 6, 2018. The election commission shall publish the date and purpose of the referendum once a week for four consecutive weeks immediately preceding the date of the referendum in a newspaper of general circulation in the jurisdiction. A public hearing must be conducted at least fourteen days before the referendum after publication of a notice setting forth the date, time, and location of the public hearing. The notice must be published in a newspaper of general circulation in the county at least fourteen days before the date fixed for the public hearing.

**Section 3.2.** Pursuant to Title 7, Chapter 13, Section 355, the Referendum question shall be submitted to the Beaufort County Board of Elections and Voter Registration to be placed on the ballot no later than 12:00 noon on August fifteenth or, if August fifteenth falls on Saturday or Sunday, not later than 12:00 noon on the following business day.

**Section 3.3.** All qualified electors desiring to vote in favor of imposing the tax for a particular purpose shall vote "yes" and all qualified electors opposed to levying the tax for a particular purpose shall vote "no". If a majority of the votes cast are in favor of imposing the tax for the Projects, then the tax is imposed as provided herein; otherwise, the tax is not imposed. The election commission shall conduct the referendum pursuant to the election laws of this State, mutatis mutandis, and shall certify the result, no later than November thirtieth after the date of the referendum to the Beaufort County Council and to the Department of Revenue. Included in the certification must be the maximum cost of the projects to be funded in whole or in part from the proceeds of the tax, the maximum time specified for the imposition of the tax, and the principal amount of bonds, if any, to be supported by the tax receiving a favorable vote. Expenses of the referendum must be paid by the jurisdiction conducting the referendum.

**Section 3.4.** If the tax is approved in the referendum, the tax is imposed effective the first day of May following the date of the referendum. If the certification is not made timely to the Department of Revenue, the imposition is postponed for twelve months.

## **\Section 4. Implementation of Project Plan**

**Section 4.1.** The Project Plan and Description as set forth in Section 2, having been approved by the Beaufort County Council, shall be implemented by the Beaufort County Administrator. The Beaufort County Administrator shall develop a comprehensive schedule to implement the Project Plan. The Administrator shall submit to the County Council, prior to implementing the Project Plan, a schedule and the County Council must approve the schedule prior to its implementation. At a minimum, the schedule must identify and list the projects as identified in Section 2.3, with an estimated start and completion date and the total amount of funds needed to complete the project.

**Section 4.2.** If the Referendum on the question relating to the imposition and levy of a one percent (1%) Sales and Use Tax is approved and if the referendum on the question relating to the issuance of general obligation bonds is approved, the County Administrator and his or her designees are authorized to implement the execution of the Projects subject to a comprehensive schedule to execute the Projects. Before implementing a Project Plan, the Administrator will submit the schedule to the Beaufort County Council for review and approval.

The Beaufort County Council recognizes that the order of Project implementation may vary due to unforeseen circumstances; acts of God including environmental conditions, weather and unforeseen and unanticipated conditions necessitating a change to the order of Project implementation and completion. Accordingly, the Beaufort County Council retains the right and privilege to alter, adjust, schedule and reschedule the order in which any particular Project will be undertaken and executed without the necessity of amending or repealing all of the Projects provided in this Ordinance at Section 2.3.

## **Section 5. Voting, Polling Places and Hours of Election**

**Section 5.1.** The voting precincts in the County for the Referendum shall be those designated pursuant to Section 7-7-110 of the Code of Laws of South Carolina, 1976, as amended. The polling places for each of such precincts shall be designated by the Beaufort County Board of Elections and Voter Registration (the "Elections Board").

The polls shall be opened at 7:00 a.m. and closed at 7:00 p.m. on the date fixed for the Referendum and shall be held open during said hours without intermission or adjournment.

**Section 5.2.** The Referendum shall be conducted using either voting machines or paper ballots as provided by State law. Upon approval by the Elections Board, the form of ballots to be used in the Referendum and the instructions to voters appearing thereon shall be in substantially the form set forth in Appendix A and B with such other changes as may be deemed necessary by the appropriate state and local officials upon concurrence of the Chairman of the County Council.

**Section 5.3.** Every person offering to vote must be at least 18 years of age on the date of the Referendum, must reside in the County and must be duly registered on the books of registration for Beaufort County as an elector in the precinct in which he or she resides and offers to vote on or before the date on which said books of registration are closed for the Referendum, and must present his or her registration certificate or valid South Carolina driver's license or other form of identification containing a photograph issued by the South Carolina Department of Public Safety, if not licensed to drive. Any registered elector who meets the requirements set forth in the preceding sentence and who has moved his or her place of residence within the County after the date on which said books of registration are closed for the Referendum, but before the date of the Referendum, shall be entitled to vote in his or her previous precinct of residence in the Referendum.

## **Section 6. Notice of Referendum**

**Section 6.1.** A Notice of Referendum shall be published in compliance with the provisions of Sections 7-13-35 and 4-15-50 of the Code of Laws of South Carolina, 1976, as amended, not less than 60 days prior to the Referendum, not later than two weeks after such first notice is published, and once not less than 15 days prior to the occasion set for the holding of the Referendum.

The Elections Board is authorized to change any of the locations of polling places for the Referendum as deemed necessary or advisable. Appropriate changes are to be made to the Notice of Referendum.

## **Section 7. Voter Registration and Elections Board**

**Section 7.1.** A certified copy of this Ordinance shall be filed with the Elections Board, accompanied by written notice from the Chairman of the County Council establishing the date for the Referendum as November 7, 2006. The Elections Board is hereby requested as follows:

- (a) To join in the action of the County in providing for the Notice of Referendum in substantially the form contained herein;
- (b) To prescribe the form of a ballot to be used in the Referendum;
- (c) To arrange for polling places for each precinct, or any part of a precinct within the County;
- (d) To appoint Managers of Election;
- (e) To provide a sufficient number of ballots or voting machines, as the case may be, for the Referendum;
- (f) To conduct the Referendum, receive the returns thereof, canvass such returns, declare the results thereof, and certify such results to the County Council; and
- (g) To take other steps and prepare such other means as shall be necessary or required by law in order to properly conduct the Referendum.

## **Section 8. Applicability and Effective Date**

This Ordinance shall become effective upon third and final reading by the County.

## **Section 9. Severability**

If any part of this Ordinance is held by a court of competent jurisdiction to be unconstitutional, illegal, or invalid for any reason, it shall be construed to have been the legislative intent of the County Council of Beaufort County, South Carolina, to pass this Ordinance without such unconstitutional, illegal or invalid provision, and the remainder of this Ordinance shall be deemed and held to be constitutional, lawful and valid as if such portion had not been included. If this Ordinance or any provision thereof is held by a court of competent jurisdiction to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

**APPROVED AND ADOPTED BY THE COUNTY COUNCIL OF BEAUFORT COUNTY,  
SOUTH CAROLINA ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_.**

**COUNTY COUNCIL OF BEAUFORT COUNTY**

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

APPROVED AS TO FORM

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

(SEAL)  
ATTEST:

\_\_\_\_\_  
Ashley M. Bennett, Clerk to Council

First Reading: October 9, 2017  
Second Reading:  
Public Hearing:  
Third and Final Reading:

**APPENDIX A**  
**FORM OF BALLOT**  
**OFFICIAL BALLOT -- REFERENDUM**  
**LOCAL QUESTION NUMBER 2A**  
**AUTHORIZATION TO IMPOSE A ONE PERCENT (1%)**  
**TRANSPORTATION SALES AND USE TAX**  
**TO FINANCE THE TRANSPORTATION-RELATED PROJECTS DESCRIBED IN THE**  
**QUESTION 2A**

Precinct \_\_\_\_\_

No. \_\_\_\_\_

\_\_\_\_\_  
Initials of Issuing Officer

Local Question 2A

I approve a special transportation sales and use tax in the amount of one percent (1%) to be imposed in Beaufort County for not more than Four (4) years, or until a total of \$120,000,000 in resulting revenue has been collected, whichever comes first. The sales tax proceeds will be used for the following projects as described and for which an estimated capital cost is stated.

Hilton Head Island – US 278 Corridor Traffic Improvements: Repair and/or replace the existing spans of the bridges to Hilton Head Island and other improvements between Moss Creek Drive and Squire Pope Road .....\$80,000,000

Lady’s Island Corridor Traffic Improvements: Roadway traffic improvements between the Woods Memorial Bridge and the Chowan Creek Bridge as outlined in the Lady’s Island Corridor Study dated May 19, 2017.....\$30,000,000

Sidewalks and Multi-Use Pathways – Safe Routes to Schools: Installation and repair of sidewalks and multi-use pathways at multiple locations within Beaufort County so as to provide safe walking routes to schools and improved access to residential communities: (1) Burnt Church Road, Ulmer Road, and Shad Road, (2) Laurel Bay Road Pathway Widening, (3) Bluffton Parkway Phase 1, (4) Joe Frazier Road, (5) Meridian Road, (6) Alljoy Road, (7) Salem Road, Old Salem Road, and Burton Hill Road, (8) Middle Road, (9) Stuart Point, (10) Broad River Boulevard and Riley Road, (11) Broad River Drive, (12) Lake Point Drive and Old Miller Road Pathway Connection, (13) Dr. Martin Luther King, Jr. Drive, (14) Ribaut Road to Parris Island Gateway, (15) Pine Grove Road and Burton Wells Road, (16) Spanish Moss Trail Extension, (17) Seabrook Road, (18) Depot Road, (19) Chowan Creek Bluff, (20) U.S. 17 Pathway Extension, (21) Bruce K. Smalls, (22) Paige Point, (23) Big Road, and (24) Big Estate Road ..... \$10,000,000

Total: ..... \$120,000,000

Yes, in favor of the question                      [   ]

No, opposed to the question                      [   ]

If you are in favor of the question, place a check or cross-mark in the square after the words “Yes, in favor of the question”; if you are opposed to the question, place a check or cross-mark in the square after the words “No, opposed to the question.”



**APPENDIX B  
FORM OF BALLOT  
OFFICIAL BALLOT -- REFERENDUM  
LOCAL QUESTION NUMBER 2B  
AUTHORIZATION TO IMPOSE A ONE PERCENT (1%)  
TRANSPORTATION SALES AND USE TAX  
TO FINANCE THE TRANSPORTATION-RELATED PROJECTS DESCRIBED IN THE  
QUESTION 2A**

Precinct \_\_\_\_\_  
No. \_\_\_\_\_

\_\_\_\_\_  
Initials of Issuing Officer

Local Question 2B

I approve the issuance of not exceeding \$120,000,000 of general obligation bonds of Beaufort County, maturing over a period not to exceed Four (4) years to fund the Transportation - Related projects identified in Beaufort County Local Referendum Question 2A.

Yes, in favor of the question                      [   ]

No, opposed to the question                      [   ]

If you are in favor of the question, place a check or cross-mark in the square after the words "Yes, in favor of the question"; if you are opposed to the question, place a check or cross-mark in the square after the words "No, opposed to the question."

STATE OF SOUTH CAROLINA     )  
   )  
COUNTY OF BEAUFORT             )

I, the undersigned, Clerk to Council of the Beaufort County Council, South Carolina (the “County Council”), do hereby certify that attached hereto is a true, correct and verbatim copy of an Ordinance duly enacted on the \_\_\_\_ day of \_\_\_\_\_, 201\_\_, by the County Council, having been read three times at a duly called and properly held public meetings at which a quorum of members attended and remained present throughout. Copies of the form of the documents referred to therein as presented to the meeting are on file in the offices of the County.

The Ordinance was enacted by a majority vote of the members of the Beaufort County Council.

**WITNESS** my hand this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
Clerk to Council,  
Beaufort County Council  
Ashley M. Bennett

(SEAL)