

COUNTY COUNCIL OF BEAUFORT COUNTY
ADMINISTRATION BUILDING
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D. PAUL SOMMERVILLE
CHAIRMAN

GERALD W. STEWART
VICE CHAIRMAN

COUNCIL MEMBERS

RICK CAPORALE
MICHAEL E. COVERT
GERALD DAWSON
BRIAN E. FLEWELLING
STEVEN G. FOBES
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, January 22, 2018
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 Michael Covert
5. PRESENTATION / THE TRUST FOR PUBLIC LAND AND BEAUFORT COUNTY OPEN LAND TRUST
6. ADMINISTRATIVE CONSENT AGENDA
 - A. Approval of Minutes
 1. January 8, 2018 Caucus ([backup](#))
 2. January 8, 2018 Regular Session ([backup](#))
 - B. Committee Reports (next meeting)
 1. Community Services (February 19, 2018 at 4:00 p.m., ECR)
 - a. Minutes – December 11, 2017 ([backup](#))
 2. Executive (February 5, 2018 at 3:00 p.m., ECR)
 3. Finance (February 5, 2018 at 2:00 p.m., ECR)
 - a. Minutes – January 8, 2018 ([backup](#))
 4. Governmental (February 5, 2018 at 4:00 p.m., ECR)
 5. Natural Resources (February 19, 2018 at 2:00 p.m., ECR)
 6. Public Facilities (February 26, 2018 at 3:00 p.m., ECR)
 - a. Minutes – December 11, 2017 ([backup](#))
 - C. Boards and Commissions ([backup](#))
7. PUBLIC COMMENT – Speaker sign-up encouraged no later than 5:45 p.m. day of meeting.



8. NEW BUSINESS

A. AMENDMENT / 2018 CAUCUS AND REGULAR MEETING SCHEDULE ([backup](#))

B. CONTRACT AWARD / OKATIE WEST REGIONAL BMP SERVICES FOR BEAUFORT COUNTY'S STORMWATER DEPARTMENT ([backup](#))

1. Contract award: R.B. Baker Construction, Garden City, Georgia
2. Amount: \$1,092,352.80 (\$993.048 and a 10% contingency of \$99,304.80)
3. Funding: Account 50260014, Okatie West Regional Stormwater
4. Natural Resources Committee discussion occurred January 16, 2018

C. AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SALE OF LIMITED GENERAL OBLIGATION BONDS (BLUFFTON TOWNSHIP FIRE DISTRICT), SERIES 2018B OR SUCH OTHER APPROPRIATE SERIES DESIGNATION OF BEAUFORT COUNTY, SOUTH CAROLINA; FIXING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR OR HIS LAWFULLY-AUTHORIZED DESIGNEE TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO ([backup](#))

1. Consideration of first reading to occur January 22, 2018
2. Finance Committee discussion occurred January 8, 2018

9. CONSENT AGENDA

A. A RESOLUTION AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO PURSUE CONDEMNATION OF A PORTION OF A TRACT OF LAND LOCATED ON PALMETTO RIDGE STREET TO COMPLETE A SIGNIFICANT STORMWATER DRAINAGE PROJECT ([backup](#))

1. Consideration of adoption to occur January 22, 2018
2. Natural Resources Committee discussion and recommendation to adopt occurred January 16, 2018 / Vote 5:0
3. Stormwater Management Utility Board discussion and recommendation to approve occurred January 10, 2018 / Vote 7:0

B. AN ORDINANCE TO AMEND THE STORMWATER MANAGEMENT UTILITY ORDINANCE 2016/38 AS ADOPTED OCTOBER 24, 2016 TO PROVIDE FOR THE DEFINITION OF "DEVELOPMENT" AND EXEMPTIONS RELATED TO COUNTY DIRT ROAD PAVING ([backup](#))

1. Consideration of first reading to occur January 22, 2018
2. Natural Resources Committee discussion and recommendation to approve on first reading occurred January 16, 2018 / Vote 5:0
3. Stormwater Management Utility Board discussion and recommendation to approve occurred January 10, 2018 / Vote 6:1

- C. TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): ARTICLE 1, SECTION 1.3.50 EXEMPTIONS (TO EXEMPT EXISTING DIRT ROADS PAVED AS PART OF THE COUNTY'S DIRT ROAD PAVING PROGRAM FROM THE STANDARDS OF THE CDC) ([backup](#))
1. Consideration of first reading to occur January 22, 2018
 2. Natural Resources Committee discussion and recommendation to approve on first reading occurred January 16, 2018 / Vote 5:0
- CI. LADY'S ISLAND ZONING MAP AMENDMENT FOR R200 019 000 013A 0000 (0.21 ACRES AT 391 SEA ISLAND PARKWAY) FROM T2-RN (RURAL NEIGHBORHOOD) TO T2-RC (RURAL CENTER) ([backup](#))
1. Consideration of first reading to occur January 22, 2018
 2. Natural Resources Committee discussion and recommendation to approve on first reading occurred January 16, 2018 / Vote 5:0
- CII. 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 third and final reading to occur January 22, 2018
 2. Public hearing occurred January 8, 2018
 3. Second reading approval occurred December 11, 2017 / Vote 10:1
 4. First reading approval occurred November 13, 2017 / Vote 10:1
 5. Council Work Session to receive public comment and input occurred November 8, 2017
 6. Council Work Session to receive public comment and input occurred November 1, 2017
 7. Council Work Session to receive public comment and input occurred October 25, 2017
 8. Natural Resources Committee discussion and recommendation to approve ordinance with amendments/additions occurred October 16, 2017 / Vote 4:1
 9. Natural Resources Committee Work Session to receive public comment and input occurred October 5, 2017
 10. Natural Resources Committee Work Session to receive public comment and input occurred September 25, 2017
 11. Natural Resources Committee discussion incident to the date and time of two Natural Resources Committee Work Sessions occurred September 18, 2017
 12. Council postponed action and sent back to the Natural Resources Committee for additional public input and public comment on August 28, 2017
 13. Natural Resources Committee discussion and recommendation to approve on first reading occurred August 22, 2017 / Vote 4:2

F. AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS, SERIES 2018A, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF BEAUFORT COUNTY, SOUTH CAROLINA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$11,250,000; FIXING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR OR HIS LAWFULLY-AUTHORIZED DESIGNEE TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO ([backup](#))

1. Consideration of first reading to occur January 22, 2018
2. Finance Committee discussion and recommendation to approve on first reading occurred January 8, 2018 / Vote 7:0

10. PUBLIC HEARINGS

A. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) NEEDS ASSESSMENT TO SOLICIT PUBLIC INPUT ON COMMUNITY NEEDS AND PRIORITIES FOR HOUSING, PUBLIC FACILITIES, AND ECONOMIC DEVELOPMENT ([backup](#))

1. Public Hearing Only

B. AN ORDINANCE TO CREATE THE KEEP BEAUFORT COUNTY BEAUTIFUL BOARD FOR THE PURPOSE OF LITTER CONTROL, BEAUTIFICATION, AND WASTE REDUCTION FOR BEAUFORT COUNTY ([backup](#))

1. Consideration of third and final reading approval to occur January 22, 2018
2. Second reading approval occurred January 8, 2018 / Vote 9:0
3. First reading approval occurred December 11, 2017 / Vote 11:0
4. Natural Resources Committee discussion and recommendation to approve on first reading occurred November 20, 2017 / Vote 4:0

11. MATTERS ARISING OUT OF EXECUTIVE SESSION

12. PUBLIC COMMENT - Speaker sign-up encouraged.

13. ADJOURNMENT

Official Proceedings
County Council of Beaufort County
January 8, 2018

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, January 8, 2018 beginning at 5:00 p.m. in the Executive Conference Room of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

Chairman D. Paul Sommerville, Vice Chairman Gerald Stewart, and Council members Rick Caporale, Michael Covert, Gerald Dawson, Brian Flewelling, Steven Fobes, York Glover and Stewart Rodman. Alice Howard and Roberts "Tabor" Vaux absent.

PLEDGE OF ALLEGIANCE

The Chairman led those present in the Pledge of Allegiance.

CALL FOR EXECUTIVE SESSION

It was moved by Mr. Rodman, seconded by Mr. Flewelling, that Council go immediately into executive session regarding (i) discussions incident to proposed contractual negotiations and the proposed purchase of property (Sea Trawlers) and (ii) discussions incident to pending or threatened litigation and the receipt of legal advice (potential opioids impact litigation). The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mr. Rodman, Mr. Sommerville and Mr. Stewart. ABSENT – Mrs. Howard and Mr. Vaux. The motion passed.

EXECUTIVE SESSION

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:

Official Proceedings
County Council of Beaufort County
January 8, 2018

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, January 8, 2018 beginning at 6:00 p.m. in Council Chambers of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

Chairman D. Paul Sommerville, Vice Chairman Gerald Stewart, Council members Rick Caporale, Mr. Covert, Gerald Dawson, Brian Flewelling, Steven Fobes, York Glover and Stewart Rodman. Alice Howard and Roberts "Tabor" Vaux absent.

PLEDGE OF ALLEGIANCE

The Chairman led those present in the Pledge of Allegiance.

INVOCATION

Council member Brian E. Flewelling gave the Invocation.

RECOGNITION / ADOPT-A-HIGHWAY VOLUNTEER GROUPS

Chairman Paul Sommerville introduced representatives from Riverbend, Sun City and Dataw Island Adopt-A-Highway volunteer groups. On behalf of Council, he thanked them for their invaluable service to Beaufort County.

ADMINISTRATIVE CONSENT AGENDA

Review of the Proceedings of the Caucus held December 11, 2017

This item comes before Council under the Administrative Consent Agenda.

It was moved by Mr. Covert, seconded by Mr. Rodman, that Council approve the minutes of the caucus held December 11, 2017. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mr. Rodman, Mr. Sommerville and Mr. Stewart. ABSENT – Mrs. Howard and Mr. Vaux. The motion passed.

Review of the Proceedings of the Regular Session held December 11, 2017

This item comes before Council under the Administrative Consent Agenda.

It was moved by Mr. Covert, seconded by Mr. Rodman, that Council approve the minutes of the regular session held December 11, 2017. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mr. Rodman, Mr. Sommerville and Mr. Stewart. ABSENT – Mrs. Howard and Mr. Vaux. The motion passed.

Committee Reports

Finance Committee

Finance Committee Chairman Jerry Stewart stated at the earlier Finance Committee meeting, the Committee recommended Council authorize the purchase of two vehicles for the Bluffton Township Fire District.

It was moved by Mr. Stewart, seconded by Mr. Flewelling, that Council authorize the purchase of one heavy duty rescue truck and one pumper ladder truck for Fire Station 35 for the Bluffton Township Fire District. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mr. Rodman, Mr. Sommerville and Mr. Stewart. ABSENT – Mrs. Howard and Mr. Vaux. The motion passed.

Natural Resource Committee

Natural Resources Committee Chairman Brian Flewelling announced the Natural Resources Committee will meet January 16, 2018 and the agenda will include the following items: discussion of contract award for interpretation center at Fort Freemont, annual presentation by the Beaufort Soil and Water Conservation District, discussion of Mitchellville Preservation Project-Phase I, easement condemnation and easement abandonment, an update on Okatie West 319 Grant Project, information on the water quality data in the Okatie Regional Watershed, text amendments relative to dirt road paving, mapping error for parcels located on Sea Island parkway, Malind Bluff/Pointe map amendments and an update on access and bike path to Whitehall Development.

PUBLIC COMMENT

Mr. Tommy O'Brien, a Beaufort resident, spoke about affordable housing in Beaufort County. Why is it so expensive to build here? Why can we not have affordable housing? It is because it is expensive due to development standards. Another contributing factor, is that people do not want affordable housing, they want extravagant.

NEW BUSINESS

ADOPTION OF 2018 CAUCUS AND REGULAR MEETING SCHEDULE

It was moved by Mr. Flewelling, seconded by Mr. Dawson, that Council adopt the 2018 Caucus and Regular Meeting Schedule. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mr. Rodman, Mr. Sommerville and Mr. Stewart. ABSENT – Mrs. Howard and Mr. Vaux. The motion passed.

ITEM REMOVED FROM CONSENT AGENDA

TEXT AMENDMENTS TO THE BEAUFORT COUNTY CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION; ARTICLE I, EMPLOYEE BENEFITS; DIVISION 3. ELECTED AND APPOINTED OFFICIALS

Main motion: It was moved by Mr. Stewart, as Executive Committee Chairman, no second required, that Council approve on first reading an ordinance amending the Beaufort County Code of Ordinances, Chapter 2, Article VI, Division 3, Section 2-346 *et seq.* Establishing salaries for Elected and Appointed Officials.

Mr. Rodman removed this item from the Consent Agenda. Previously, Council discussed eliminating medical benefits for part-time employees, which put us on the right track. A couple years ago, Council waved the state statute phase-in of new magistrates. That needs to be revisited and addressed in this ordinance. Historically, we had magistrates with less experience but, over time, that has improved. The phase-in process discourages people from serving. In addition, a few years ago we including the magistrates in an ordinance with other elected officials. What is the logic of now singling them out and removing them from that ordinance?

Chairman Sommerville said a proposed Senate bill speaks of changing magistrate salaries.

Mr. Dawson stated the reason this is before Council is due to a recent legal matter between Beaufort County and Beaufort County Magistrates. If we take away health insurance benefits from part-time magistrates, Beaufort County would lose minority representation on the bench. He asked that Council forego action tonight and compensate the part-time magistrates as previously.

Chairman Sommerville stated the ordinance clarifies why this issue is before Council tonight. It says Council's experience in the past several years has shown that its decision to adopt a procedure for compensating magistrates, which is different from state law, has led to confusion, acrimony and litigation between the magistrates and the County over the appropriate compensation of magistrates. Council has concluded that the best way to avoid further and continued confusion, acrimony and litigation over the appropriate compensation for magistrates is to compensate magistrates in accordance with state law as set forth in the South Carolina Code of Laws.

Mr. Flewelling stated he is concerned about the diversity on the bench of the magistrate court; however, it has not been proven that the only way to enhance diversity on the bench is to offer

part-time magistrates benefit different from what we offer other part-time employees in Beaufort County. We do not offer other part-time employees health benefits. It is unfair to offer health benefits to anyone else, just because they have a college degree and sworn into the bar. The state sets all of the other elected officials' salaries. This ordinance is saying we will not change things for the magistrates and will pay them in accordance with the State.

Mr. Covert expressed his struggle with this item. He feels this could damage that in the minority communities. He referred to South Carolina Code Section 22-8-40(h) which states, "Magistrates in a county are entitled to the same perquisites as those employees of the county of a similar position and salary." What does that mean? The answer, "anyone elected and anyone appointed." Magistrates, therefore, are different from other part-time workers.

Mr. Glover stated he voted against this motion at Committee in order to allow representation from the minority community. There are minority lawyers, who would consider serving as a magistrate, but not full time. They would not be willing to give up their practice. We should not provide fringe benefits to anyone working six hours, but supports providing benefits for magistrates working 20+ hours. He asked Council to consider amending this ordinance to include benefits for part-time magistrates working no less than 20 hours a week.

Mr. Sommerville stated this text amendment has nothing to do with benefits. This only deals with payment.

Mr. Flewelling stated this ordinance does not preclude part-time magistrates. Council made the decision to eliminate health benefits for part time magistrates a year ago.

Mr. Tom Keaveny, County Attorney, said Council removed health benefits from part-time magistrates some time ago. As a result, the magistrates filed suit against Beaufort County to continue those benefits. That lawsuit was settled last month. Part-time magistrates will not receive health benefits. There is one exception, Mr. Bernard MacIntre, will stop receiving those benefits April 30, 2018. This ordinance before Council has nothing to do with fringe benefits.

Mr. Covert stated the agenda title language is different then what appears in the title of the ordinance. He cannot support something that has different language.

Mr. Keaveny stated the ordinance title states "An Ordinance amending Beaufort County Code of Ordinances, Chapter 2, Article VI, Division 3, Section 2-346 *et seq.*, Establishing salaries for Elected and Appointed Officials."

Mr. Rodman suggested remanding this item to the Executive Committee for further discussion. There are many open issues.

Mr. Caporale stated he cannot support this ordinance. There is something wrong with the way we have gone about the conversation related to magistrates' salary.

Mr. Stewart said we have talked about this for quite some time. We have tried to improve and help the magistrates and, sued twice. This would allow us to go back to the State salary and will get us out of the middle of this. We are making a decision based on assumptions that have not been proven wrong. We have no knowledge that we cannot hire part-time people. We have no knowledge that we cannot get qualified people. We need to prove to ourselves that this will not be possible. Until we prove that we cannot find those people, it is premature to stop the process we have embarked on.

Motion to postpone: It was moved by Mr. Rodman, seconded by Mr. Glover, that Council postpone action on an ordinance amending Beaufort County Code of Ordinances, Chapter 2, Article VI, Division 3, Section 2-346 et seq., Establishing salaries for Elected and Appointed Officials until the February 12, 20218 Executive Committee. The vote: YEAS – Mr. Caporale, Mr. Glover and Mr. Rodman. NAYS –Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Sommerville and Mr. Stewart. ABSENT – Mrs. Howard and Mr. Vaux. The motion failed.

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

CONSENT AGENDA

AN ORDINANCE TO CREATE THE KEEP BEAUFORT COUNTY BEAUTIFUL BOARD FOR THE PURPOSE OF LITTER CONTROL, BEAUTIFICATION, AND WASTE REDUCTION FOR BEAUFORT COUNTY

This item comes before Council under the Consent Agenda. Discussion occurred at the November 20, 2017 meeting of the Natural Resources Committee.

It was moved by Mr. Flewelling, seconded by Mr. Dawson, that Council approve on second reading an ordinance to create the Keep Beaufort County Beautiful Board for the purpose of litter control, beautification, and waste reduction for Beaufort County. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mr. Rodman, Mr. Sommerville and Mr. Stewart. ABSENT – Mrs. Howard and Mr. Vaux. The motion passed.

The Chairman announced a public hearing Monday, January 22, 2018 beginning at 6:30 p.m. in Council Chambers of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road.

PUBLIC HEARINGS

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

The Chairman opened a public hearing beginning at 6:30 p.m. for the purpose of receiving public comment regarding an ordinance authorizing the Interim County Administrator to execute a two-year extension of the lease agreement with the Santa Elena Foundation for the Federal Courthouse. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:31 p.m.

It was moved by Mr. Fobes, seconded by Mr. Caporale, that Council approve on third and final reading an ordinance authorizing the Interim County Administrator to execute a two-year extension of the lease agreement with the Santa Elena Foundation for the Federal Courthouse. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mr. Rodman, Mr. Sommerville and Mr. Stewart. ABSENT – Mrs. Howard and Mr. Vaux. The motion passed.

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, CONTINGENT UPON THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING IDENTIFYING THE CONTRIBUTIONS OF THE TOWN OF BLUFFTON AND THE BEAUFORT COUNTY SCHOOL DISTRICT TO FUND PORTIONS OF THE CONSTRUCTION COST OF THE LOWCOUNTRY CULINARY INSTITUTE AND TOURISM CENTER TO THE TECHNICAL COLLEGE OF THE LOWCOUNTRY

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 AND TOURISM CENTER

Due to the comparison between agenda item 10B and agenda item 10C, the Chairman decided to take these items up simultaneously for the purpose of public comment, discussion and action.

The Chairman opened a public hearing beginning at 6:32 p.m. for the purpose of receiving public comment regarding 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, contingent upon the execution of a Memorandum of Understanding identifying the contributions of the Town of Bluffton and the Beaufort County School District to fund portions of the construction cost of the Lowcountry Culinary Institute and Tourism Center to the Technical College of the Lowcountry and an ordinance allocating \$3,243,000 from Local Hospitality Tax

Funds to the Technical College of the Lowcountry for a portion of the cost for construction of a Lowcountry Culinary Institute and Tourism Center. After calling once for public comment, the Chairman introduced Mr. Michael Ramey, an employee of Beaufort Memorial Hospital, who spoke of the needed skill set of chefs in the area.

Mr. Charles Sampson, a Beaufort resident, spoke of the benefits of the culinary institute providing jobs in Beaufort County.

Mr. Jeff Kruse, a Beaufort resident, thanked Council for their commitment, tenacity and creativity from taking the Lowcountry Culinary Institute and Tourism from a long-standing vision of many and giving it the financial commitment that it will not become a reality. It will truly allow us to move into the future with a renewed purpose and commitment to continue to make Beaufort County such a truly unique place to live, learn, work and play.

Mr. David Nelems, CEO of the Don Ryan Center for Innovation, which serves as the economic arm for the Town of Bluffton, stated part of the Center's responsibility is to ensure sustainable economic growth and responsible development of the Buckwalter Place Commerce Park, the selected location for the Lowcountry Culinary Institute and Tourism Center. The consensus of the Bluffton Town Council and the Don Ryan Board is to be supportive of the Culinary Institute, as outlined in the Technical College of the Lowcountry (TCL) Business Plan. The Town of Bluffton Council has demonstrated their commitment to the project by pledging an additional \$500,000 of the Town's MCIP dollars to the Technical College of the Lowcountry for the Culinary Institute. The Town has requirements for the money which include the following: (1) the Beaufort County School District's commitment of \$125,000 per year, for 20 years, with a cap of \$2 million to be used only toward debt services, in exchange for TCL providing \$125,000 annual on dual enrollment tuitions; (2) TCL uses its best reasonable efforts to solicit pledges and support from third parties; (3) Beaufort County Council approves the Finance Committee's recommendation for funding; (4) TCL uses the best efforts to work with the Town of Bluffton to value engineer construction, and not have the construction costs exceed more than \$300 per square foot; and that TCL agrees to consult with the Don Ryan Center on the business plan of the Culinary Arts Program. The Don Ryan Center is excited for and supports this project.

Mr. Ray Pridgen, Sodexo employee, stated the skill set in the labor force is not there currently. He appreciates Council's support in moving this project forward.

Mr. Gregg Rawls, Co-Chair of Beaufort Arts Council, thanked Council for their support for a Lowcountry Culinary Institute and Tourism Center. This is an important way of bringing the culinary arts in Beaufort County. This is a good idea.

After calling twice more for public comment and receiving none, the Chairman declared the hearing closed at 6:45 p.m.

Mr. Rodman believes TCL will be using the name Culinary Arts, which should appear in the motion and ordinance. In addition, eliminate the wording "up to five million."

It was moved by Mr. Covert, seconded by Mr. Flewelling, that Council approve on third and final reading 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, contingent upon the execution of a Memorandum of Understanding identifying the contributions of the Town of Bluffton and the Beaufort County School District to fund portions of the construction cost of the Lowcountry Culinary Institute and Tourism Center to the Technical College of the Lowcountry. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mr. Rodman, Mr. Sommerville and Mr. Stewart. ABSENT – Mrs. Howard and Mr. Vaux. The motion passed.

It was moved by Mr. Covert, seconded by Mr. Flewelling, that Council approve on third and final reading an ordinance allocating \$3,243,000 from Local Hospitality Tax Funds to the Technical College of the Lowcountry for a portion of the cost for construction of a Lowcountry Culinary Institute and Tourism Center. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mr. Rodman, Mr. Sommerville and Mr. Stewart. ABSENT – Mrs. Howard and Mr. Vaux. The motion passed.

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

The Chairman opened a public hearing beginning at 6:46 p.m. for the purpose of receiving public comment regarding 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 good in the unincorporated areas of the County. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:48 p.m.

Natural Resources Chairman Brian Flewelling informed Council that the Town of Bluffton has not yet approved this ordinance on first reading. He asked Council to delay third and final reading in order to ensure Bluffton Town has significant support for this ordinance.

It was moved by Mr. Flewelling, seconded by Mr. Rodman, that Council delay action on 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 good in the unincorporated areas of the County until the next County Council Regular Session meeting scheduled for January 22, 2018. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mr. Rodman, Mr. Sommerville and Mr. Stewart. ABSENT – Mrs. Howard and Mr. Vaux. The motion passed.

MATTERS ARISING OUT OF EXECUTIVE SESSION

Chairman Paul Sommerville stated in today's Executive Session, Council considered retaining a law firm to represent Beaufort County in exploring and, if appropriate, initiating litigation against various defendants with regard to the opioid crisis.

It was moved by Mr. Sommerville, seconded by Mr. Dawson, that Council authorize the Interim County Administrator to execute a retainer agreement with the Law Firms of Finger, Melnick & Brook, P.A. and Marc J. Bern & Partners, LLP to investigate and, if appropriate, pursue litigation against any party believed is liable to Beaufort County for damages Beaufort County has incurred as a result of the opioid crisis in Beaufort County. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mr. Rodman, Mr. Sommerville and Mr. Stewart. ABSENT – Mrs. Howard and Mr. Vaux. The motion passed.

PUBLIC COMMENT

There were no requests to speak.

ADJOURNMENT

Council adjourned at 7:08 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

ATTEST: _____
Ashley M. Bennett, Clerk to Council

Ratified: _____

COMMUNITY SERVICES COMMITTEE

December 11, 2017

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

The Community Services Committee met Monday, December 11, 2017 beginning at 3:00 p.m. in the Executive Conference Room of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

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

County staff: Joshua Gruber, Interim County Administrator; Alicia Holland, Assistant County Administrator–Finance; Chris Inglese, Assistant County Attorney; Thomas Keaveny, County Attorney; Ray McBride, Library System Director; and Monica Spells, Assistant County Administrator–Civic Engagement and Outreach.

Public: Jeff Boss, Deputy General Manager, Operations and Technical Services, Beaufort-Jasper Water and Sewer Authority; Brian Chemsak, Director of Engineering, Beaufort-Jasper Water and Sewer Authority; and Jessica Dailey, Community and Economic Development Specialist, Lowcountry Council of Government.

Media: Joe Croley, *Lowcountry Inside Track*.

Councilwoman Howard chaired the meeting.

INFORMATION ITEMS

1. **Update / Bonaire Estates Sewer Improvements Project (Community Development Block Grant – CDBG Project) with Beaufort-Jasper Water and Sewer Authority (BJWSA) and Lowcountry Council of Governments (LCOG)**

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

Discussion: Ms. Monica Spells, Assistant County Administrator–Civic Engagement and Outreach, stated in June of 2016, Beaufort County was awarded a Community Development Block Grant (CDBG) funding in the amount of \$1.0 million from the South Carolina Department

of Commerce. This grant was to extend sewer service in the Bonaire Estates subdivision, off of Parris Island Gateway, to about 175 households along Bonaire Circle and interior streets of Joppa Road, Winsor Road, and Falls Road. Due to the additional environmental benefits to the Broadriver Watershed Area, South Carolina Department of Health and Environmental Control (DHEC) awarded \$250,000 for this project. Ms. Spells also stated that this Committee had recommended moving forward with this project and with full Council approval, funding of approximately of \$182,000 was endorsed for this project via Resolution 2016/06 in April 2016. Ms. Spells stated that after Council's endorsement, it was discovered that this project had an estimated cost increase, in which Beaufort-Jasper Water Sewer Authority (BJWSA) provided an overview. This Committee in turn directed the team to exhaust all grant funding for this project. Ms. Spells stated that the team worked with Lowcountry Council of Governments (LCOG) and Beaufort-Jasper Water Sewer Authority (BJWSA) for this grant submission for additional funding. The County's Communications and Accountability Department and Stormwater Management Department collaborated with LCOG and BJWSA for this grant submission. On behalf of the South Carolina Rural Infrastructure Authority, a Basic Infrastructure Grant of \$500,000 was awarded for the Bonaire Sewer Extension Project. There would still be a shortfall in funding of approximately \$425,153 to complete this project. Ms. Spells stated if funded, a total project contribution of Council would be approximately \$607,419. Ms. Spells asked the Committee for their thoughts on providing additional funding to finish this project. Ms. Spells added that 51% of the homes needed to be Low Moderate Income (LMI) in order for (CDBG) funding.

Mrs. Howard voiced concern that the anticipated costs were greater than what was expected and asked that a BJWSA representative speak to that issue.

Mr. Brian Chemsak, Director of Engineering, BJWSA, stated that a full survey of that location was completed after hiring an engineer. The increased cost was due to the depth of the system inside a narrow right of way under the road, at least 15 feet deep, which is deep in that area. Utilities are also buried in this area. The initial estimate did not know the depths and aerial maps were used to estimate these depths. The hiring of an engineer to determine proper depths, switching to a vacuum-type sewer technology, and not having to go as deep all contribute to lower project costs.

Mr. Flewelling asked Mr. Chemsak about tap in fees for each homeowner.

Mr. Chemsak stated that the connection fee is \$500 and the sewer capacity fee is \$2,600. There are plumbing costs as well as the cost associated with septic tank removal.

Mr. Gruber and Mr. Chemsak clarified that for all qualifying (LMI) homes are connected under the grant program, non-LMI homes would pay the connection fee, sewer capacity fee, and plumbing costs. Mr. Chemsak added that various arrangements regarding the fee can be made for non-LMI homes.

Mrs. Howard asked how we would fund this deficit in order to complete the project.

Mr. Gruber, Interim County Administrator, stated that because this was a capital project, not an operational budget, the money could come from a reserve fund. Another option of funding is a General Obligation Bond and the payment could be delayed until June or July of 2018, after grant funds were used first.

Mr. Flewelling stated that this area has been on sewer since the 1950s and is surrounded by areas developed with sewer service. There will be more development, growth in the Town of Port area.

Mr. Covert stated for the record that the areas of Alljoy and Stony Creek were in need of sewer systems.

Motion: It was moved by Mr. Fobes, seconded by Mr. Covert, that Committee support additional funding for the Bonaire Sewer Improvements Project with Beaufort-Jasper Water and Sewer Authority and Lowcountry Council of Governments. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Fobes, Mr. Glover, Mrs. Howard and Mr. Vaux. The motion passed.

Status: Informational purposes only.

2. Off Agenda – Library Impact Fees

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

Discussion: Mrs. Howard announced that Mr. Ray McBride, Library System Director, is scheduled to appear before Port Royal Town Council on December 13, 2017 to discuss the County library system and library impact fees.

Status: Informational purposes only.

3. Consideration of Reappointments and Appointments / Library Board

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

Status: No nominations were made at this time.

FINANCE COMMITTEE

January 8, 2018

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

The Finance Committee met Monday, January 8, 2018 beginning at 1:30 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 York Glover and Paul Sommerville present. (Paul Sommerville, as County Council Chairman, serves as an *ex-officio* member of each standing committee of Council and is entitled to vote.)

County staff: Lidia Delhomme, Detention Center; 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; Ray McBride, Library System Director; Colin Kinton, Division Director–Transportation Engineering; Jon Rembold, Airports Director; and Monica Spells–Assistant County Administrator–Civic Engagement and Outreach.

Public: Jim Atkins; Paul Boulware, Deputy Chief, Bluffton Township Fire District; Mary Lee Carns, Vice President, Institutional Advancement, and External Relations & Executive Director, TCL Foundation for the Technical College of the Lowcountry; Richard Gough, President, Technical College of the Lowcountry; Louise Poindexter, Board Member, Bluffton Township Fire District; Andrew Smith, Vice President of Administrative Services, Technical College of the Lowcountry; David Strange, Technical College of the Lowcountry Foundation Board; and John Thompson, Fire Chief, Bluffton Township Fire District.

Media: Joe Croley, *Lowcountry Inside Track*.

Councilman Stewart chaired the meeting.

ACTION ITEMS

1. 2018 General Obligation Bond Ordinance

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

Discussion: Mr. Josh Gruber, Interim County Administrator, reviewed the Proposed FY2018 General Obligation Bond expenditures as follows:

- Arthur Horne Building Demolition / Replacement - \$3.5 million (one half of \$7.0 million total cost)
- Administration Building Re-Skin - \$5.5 million
- Beaufort County Voter Registration Building Phase 2 - \$250,000
- Beaufort County Pool Facilities Renovations - \$540,000
- Detention Center Repairs / Generator Upgrade - \$1.0 million

Mr. Flewelling asked staff to provide the standard GO Bond package that includes the debt repayment schedule.

Mr. Stewart, Committee Chairman, asked staff to provide an ordinance prior to first reading by Council.

Motion: It was moved by Mr. Flewelling, seconded by Mr. Rodman, that Committee recommend Council approve on first reading an ordinance authorizing the issuance and sale of not to exceed \$10,790,000 General Obligation Bonds.

Mr. Gruber provided the Committee an overview of proposed FY2018 General Obligation Bond expenditures as follows:

- Arthur Horne Building Replacement - \$3.5 million (second half of \$7.0 million)
- Public Works / Stormwater Facility – Repair/Replacement - \$3.5 million
- IT / Telephony Infrastructure Replacement - \$3.0 million
- Detention Center Repairs - \$1.0 million

Mr. Rodman stated the Airports Board asked the Town of Hilton Head Island for accommodations tax dollars for the Airport Entrance Project at the Hilton Head Island (HXD) Airport. The Town originally denied funding, but then agreed to contribute \$100,000 if dollars were available, subject to Beaufort County funding the other \$200,000. He would like this item included, if possible, in GOB issuance.

Mr. Gruber said that could be added to the FY2018 General Obligation Bond.

Motion to amend by substitution: It was moved by Mr. Rodman (seconded of the main motion), seconded by Mr. Flewelling (maker of the main motion), that Committee amend the recommendation to increase the appropriation by approximately \$200,000 to fund the Airport Entrance Project at the Hilton Head Island (HXD) Airport and approve on first reading authorizing the issuance and sale of not to exceed \$11.0 million General Obligation Bonds. (Due to the maker and the seconder of the main motion approving this motion to amend by substitution, this substitution takes place of the original main motion).

Vote on main motion, to include the motion to amend by substitution: Council approve on first reading an ordinance authorizing the issuance and sale of not to exceed \$11.0 million of General Obligation Bonds. The vote: YEAS - Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Rodman and Mr. Stewart. The motion passed.

Mr. Gruber informed Council of one project that may be forthcoming but is not a part of this project list – Daufuskie Island convenience center. It is not included due to the active discussions with other parties for potential solutions.

Recommendation: Council approve on first reading an ordinance authorizing the issuance of sale of not to exceed \$11.0 million of General Obligation Bonds.

2. Bluffton Township Fire District / FY 2018 – FY 2020 Capital Projects

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

Discussion: Chief John Thompson, Bluffton Township Fire District, provided the Committee a PowerPoint Presentation outlining FY2018 through FY2020 Capital Projects. The Bluffton area continues to grow and so does the population. The Bluffton Township Fire District has made good progress implementing the FY2014 – FY2019 Strategic Plan. The remaining items from the Strategic Plan are included in this list of projects. Chief Thompson provided an overview of the following projects:

- Hampton Lakes Fire Station
- Renovation of the Callawassie Fire Station
- Construction of additional concrete driveways and pads at the training facility
- Purchase of a new heavy duty rescue (HDR) Truck
- Replacement of the District's wildland firefighting truck
- Replacement / refurbishment of the District's water tanker
- Construction of a fire pump test pit at the training facility
- Replace and upgrade the District's fire/rescue boat

Project 1 - Hampton Lakes Fire Station 38

Information:

- Fastest growing residential area in the District.
- Travel distance from current service providing station will exceed ISO allowances for Phases 4 and 5.
- Reduction in response times to other areas by up to 35%.
- Reduction in response times to school complex by up to 45%.
- Significant amount of commercial development also permitted and projected for the new station's service area:
 - Buckwalter Place development.
 - Several multi-family condominium and apartment units under construction and/or planned.
 - Assisted living facilities and mercantile development as well.

Fire Station Construction:

- District's Fire Station Prototype Plan
- Include additional space for emergency operations functions.
- Include additional space for the District's second shift supervisor.
- Projected cost: \$3,000,000.
- Suggested Funding Method: 20 year General Obligation Bonds.

Fire Station Staffing:

- Fifteen additional positions are required.
- Federal grant (\$1,301,751) has been awarded to offset staffing costs over the first three years of employment.
- Study was completed to verify the District's ability to absorb the new positions in the budget will little or no tax increase in FY22.

Fire Station Response Equipment:

- Mixed-use occupancy will be served by the station. Some will be multi-story.
- Recommended vehicle is a "Quint" apparatus which combines the capability of a fire pumper with that of an aerial ladder.
- Sole source Pierce apparatus. District is a factory warranty service center.
- Estimated cost, including equipment: \$975,000.
- Estimated funding method: Fire Impact Fees

Project 2 – Callawassie Station Renovations

Information:

- Current station was constructed in 1993.
- District's facilities maintenance plan (FMP) suggests renovation in 20-25 years and full replacement at 50 – 55 years of age.
 - Condition is assessed each year.
 - Response demographics are also evaluated.
- Originally designed to accommodate 2 Firefighters. Now there are up to 5 occupants.
- National standards have changed.
 - Individual sleeping rooms.
 - Exercise/workout facilities.
 - Decontamination areas with extractors.
 - PPE storage.
 - Diesel exhaust control in the apparatus bays.
 - Increased size requirements for kitchen and common areas
- Addition is 1850 square feet.
- Current station will be gutted and the interior reconfigured.
- Renovation will utilize the Moss Creek fire station renovation plans and same architectural firm.
- Savings in design and engineering by using the Moss Creek plan.
- Project cost, including fixtures and furnishings is estimated at \$1,000,000.
- Suggested funding method: General obligation bonds.

Project 3 – Training Center Driveways / Pads

Information:

- Training building currently has a 25 foot wide concrete pad around the entire structure.
- Due to budget constraints the remaining areas around the building were compacted with gravel driving surfaces.
- The heavy trucks are rapidly degrading the surface.
- Loss of the surface is leading to:
 - Stuck vehicles
 - Mud and sand infiltration to some of the equipment
 - Limiting training when there has been wet weather
 - Erosion of the soil is leading to an abrupt change in elevation at the concrete pad and safety issues.
- Considered asphalt:
 - Degrades under the weight of the trucks, especially during hot weather.
 - Sticks to the heels of ladders and other equipment when the weather is hot.
 - Will need maintenance and repair often to maintain a usable surface.

- Permanent solution is concrete:
 - Approximately 50,000 square feet is required.
 - Must be a depth of 7 inches.
- Estimated cost of the project is \$300,000.
- Suggested funding method: Fire Impact Fees.

Project 4 – Heavy Duty Rescue (HDR) Truck

Information:

- Will combine equipment onto one vehicle with others in the fleet that are in need of replacement.
- Reduce wear and tear on the District's 2012 aerial platform truck.
- Goal is to stretch the aerial's life expectancy to 20 years.
- Will allow the District to respond to rescues without tying up our only aerial device.
- Specially trained responders will be assigned to one truck.
- Will cross-staff the HDR with the truck crew. Will not need to add staffing with this plan.
- Projected Cost: \$655,000 plus \$100,000 in loose equipment.
- Suggested Funding Source: 5 year lease (vehicle); fire impact fees (equipment)

The remaining four projects were not reviewed by the Committee, but were provided as part of the PowerPoint presentation for the Committee's review.

It was moved by Mr. Rodman, seconded by Mr. Flewelling, that Committee recommend Council authorize the purchase of one heavy duty rescue truck and one pumper ladder truck for the Bluffton Township Fire District. The vote: YEAS - Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Rodman and Mr. Stewart. The motion passed.

Recommendation: Council authorize the purchase of one heavy duty rescue truck and one pumper ladder truck for the Bluffton Township Fire District.

INFORMATION ITEMS

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

Discussion: Committee Chairman Jerry Stewart introduced this item to the Committee. At tonight's Council Regular Session, funding of the Technical College of the Lowcountry (TCL) Culinary Institute is up for public hearing and third and final reading. TCL was tasked to provide information about financing and insulation of money.

Dr. Richard Gough, President, Technical College of the Lowcountry, provided the Committee an update of TCL due diligence. On December 11, 2017, TCL met with the developer, the County, and the Town of Bluffton to better define a construction schedule. Mr. David Strange, TCL Foundation Board and project consultant, helped define this project. On December 14, 2017, TCL met with Bond Counsel and was informed that a 20-year Institutional Bond is the best funding tool going forward. The bond could be paid off in approximately 14 years. Only two-thirds of the \$11.3 million project would need to be funded, with the rest coming from accommodation taxes. The project amount and bond will cover building construction, land purchase, furniture, fixtures and equipment (FFE) and a contingency.

Status: Information only.

4. Off Agenda – Letter from Auditor Jim Beckert regarding Collection of Delinquent Taxes

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

Discussion: Committee Chairman Jerry Stewart stated in response of a letter dated December 18, 2017 from County Auditor Jim Beckert regarding the collection of delinquent taxes, there is potential for a special meeting of the Finance Committee to be held January 16, 2018. If that day does not work for all parties, the topic will be discussed at the next regularly scheduled Finance Committee scheduled for February 5, 2018.

Status: Information only.

5. Review / HXD / Hilton Head Island and ARW / Beaufort County Airports Capital Improvement Projects

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

Discussion: Mr. Jon Rembold, Airport Director, presented Council with the Airport Capital Improvement Program (ACIP) listings for Beaufort County Airport (ARW) and Hilton Head Island Airport (HXD). The Beaufort County Airports Board reviewed and accepted the ACIP listings at its November 16, 2017 meeting.

Status: Information only.

6. Discussion / Issuing a Request for Proposal for Public Education Campaign on Change of Form of Government Referendum and Transportation Sales Tax Referendum

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

Discussion: Mr. Joshua Gruber, Interim County Administrator, reviewed this item with the Committee. This is not a novel idea and has been an approach taken up by other counties when taking up sales tax programs within their communities. This item is a request to receive approval of Council to issue a Request for Proposal for a public education campaign regarding the Change of Form of Government Referendum and Transportation Sales Tax Referendum. This organization would work with outside agencies to distribute information to the public that is educational in nature. Getting information to the public is something we should consider because if we are not successful in getting the proposed sales tax referendum passed by the public, it would greatly limit our options available in moving forward to address that issue. There are limited ways in raising that much money on a county level.

Status: Staff to move forward with the RFP process for a public education campaign on the Change of Form of Government referendum and Transportation Sales Tax referendum.

7. Housekeeping / County Budget Amendment to Reflect Additional Revenue Received from Town of Hilton Head Island for Sheriff's Office Operations

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

Discussion: Mr. Gruber, Interim County Administrator, provided the Committee an overview of this item. Staff will be bringing forward a budget ordinance update. When Beaufort County adopted its budget, it was approved prior to the Town of Hilton Head Island finalizing their budget wherein they provided additional revenue for Sheriff Office operations on the Island. The budget would be amended to reflect the additional dollars received and to show the additional transfer to the Sheriff's Office. In addition, when we brought forward the budget last year, we pooled the 2% increase in retirement payments which we now know the details of such on a division basis. The same will be done with the step increase dollars. The budget document will be brought forward on January 22, 2018.

Status: Information only.

8. Update / Impact Fee Consultant

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

Discussion: Mr. Joshua Gruber, Interim County Administrator, provided the Committee an update on the impact fee study process. When working with the consultant initially, the thought was that the cost was going to be around \$50,000, which has then been revised to above \$50,000. We have then begun the process for the Request for Proposals in order to bring forward and comply with procurement practices. We received one result, which was three times our estimate (\$160,000 to update the County impact fee study, and \$90,000 to update the School District impact fee study). We have canceled that Request for Proposal. Mr. Kinton has been working to identify other engineering firms within the area that could potentially bid on it, and draw up some interest in this bid. We will be reissuing the RFP.

Status: Information only.

9. Discussion / Library Impact Fees / City of Beaufort and Town of Port Royal

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

Discussion: Mr. Joshua Gruber, Interim County Administrator, stated the County is in receipt of written correspondence from the City of Beaufort (City) and the Town of Port Royal (Town) that have indicated they would be amenable to instituting impact fees within their jurisdictions for library purposes. However, when the original impact fee ordinance was passed, there was a specific resolution (Resolution 1999-27) that was brought forward that said since the City and the Town decided not to participate from the outset, that in order for them to participate in the future, they would need to pay whatever impact fees would have been collected. They have indicated that they would not be willing to do that, but they are willing to impose the fee to move forward if this body waives the requirement. Mr. Gruber asked Council to waive that requirement due to it being better to have the impact fee moving forward, than not to have an impact fee at all.

It was moved by Mr. Flewelling, seconded by Mr. Caporale, that Committee delete the phraseology from our original library impact fee implementation ordinance to delete the requirement of recompense or repayment amount from years prior for the City of Beaufort and the Town of Port Royal.

Mr. Gruber estimated that what would have been collected is approximately \$200,000 cumulatively.

Mr. McBride, Library System Director, supports moving forward as recommended. The County is currently supporting those communities out of the budget, and this would allow us to receive impact fees for a portion of library services going forward.

Mr. Fobes wanted to know if there has been any discussions with the City regarding the parking situation around the Beaufort Branch Library and the possibility of foregoing either that revenue or making it conducive to parking.

Mr. McBride said there are only 25 public parking places. If the parking meters are removed, there is no way to control who parks there. It has been explored from many different directions.

Mr. Fobes feels the County should receive something in return. He asked administration to explore such negotiations with the City.

There was no vote on the motion because committee members agreed to delay consideration of this item until the February 5, 2018 Finance Committee meeting.

Status: This item was delayed until the next Finance Committee meeting, currently scheduled for February 5, 2018.

PUBLIC FACILITIES COMMITTEE

December 11, 2017

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

The Governmental Committee met Monday, December 11, 2017 beginning at 2:00 p.m. in the Executive Conference Room of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

Chairman 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, Brian Flewelling, 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: Ron Clifford, Chairman, Board of Voter Registration and Elections; 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, Division Director–Facilities and Construction Engineering; Mark Roseneau, Director, Facilities Management; Chad Stanley, Superintendent, Stormwater Infrastructure; Monica Spells, Assistant County Administrator–Civic Engagement and Outreach Area; Dave Thomas, Purchasing Director; and David Wilhelm, Public Works Director.

Public: Robert O’Kelly, Executive Secretary, Midway Farms Association.

Media: Joe Croley, *Lowcountry Inside Track*.

Chairman Stu Rodman chaired the meeting.

ACTION ITEMS

1. Consideration of Contract Award

- **Construction Services and Equipment Contract / Security Kiosk at Human Services Building (\$146,154)**

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

Discussion: Mr. Josh Gruber, Interim County Administrator, stated this contract was one of two projects coming forward in short succession that Council had worked with administration

in identifying, a security checkpoint, a Magnetometer, and an X-ray machine at the Human Services Building located at 1905 Duke Street, Beaufort. This is for safety assurances, that no one is bringing guns or explosives into the building. The next contract award would come forward when Employee Services moves into their new location.

Mr. Dave Thomas, Purchasing Director, stated that in the bidding process, there were multiple bids; however, overall participation was low due to the small size of the project. County staff evaluated the bids, determined that Patterson Construction was in compliance with the requirements, the overall design was a better fit for the building, and would work better for the Sheriff's Office.

Motion: It was moved by Mr. Caporale, seconded by Mr. Glover, that Committee approve and recommend Council award a contract to Patterson Construction, Beaufort, South Carolina for construction and equipment for a security kiosk at the Human Services Building. The total cost is \$146,154 and funding would come from Account 40080011-54427, 2013 General Obligation Bond Capital Funding. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Stewart and Mr. Vaux. The motion passed.

Recommendation: Council award a contract to Patterson Construction, Beaufort, South Carolina for construction and equipment for a security kiosk at the Human Services Building. The total cost is \$146,154 and funding would come from Account 40080011-54427, 2013 General Obligation Bond Capital Funding.

2. Consideration of Contract Award

- **State Contract Purchase / Two 2018 Dump Trucks for Public Works – Stormwater Infrastructure Section (\$318,308.52)**

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

Discussion: Mr. Dave Thomas, Purchasing Director, reviewed this item with the Committee. The Purchasing Department received a request from the Public Works Director for the purchase of two 2018 dump trucks from Carolina International Trucks, Inc., a State contract vendor, for Public Works Stormwater-Infrastructure Section. The new equipment is a replacement of dump truck #23141 having over 140,000 miles of operation and dump truck #23105 having over 149,000 miles of operation. Both trucks are included in the equipment replacement schedule. The old equipment vehicles will be sold on GovDeal.

Motion: It was moved by Mr. Caporale, seconded by Mr. Glover, that Committee approve and recommend Council award a contract to Carolina International Trucks, Inc. (a state contract vendor), Columbia, South Carolina for the purchase of two 2018 dump trucks for the Public Works Department – Stormwater Infrastructure Section. The total cost is \$318,308.52 to be funded from Account 50250011-54000, Stormwater Utility Enterprise Fund Vehicle Purchases. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Stewart and Mr. Vaux. The motion passed.

Recommendation: Council award a contract to Carolina International Trucks, Inc. (a state contract vendor), Columbia, South Carolina for the purchase of two 2018 dump trucks for the Public Works Department – Stormwater Infrastructure Section. The total cost is \$318,308.52 to be funded from Account 50250011-54000, Stormwater Utility Enterprise Fund Vehicle Purchases.

3. Consideration of Contract Award

- **National Joint Powers Association Cooperative Contract (NJPA) Vendor Purchase / One 2018 CAT Model 315F Excavator for Public Works – Stormwater Infrastructure Section State Contract Purchase / Two 2018 Dump Trucks for Public Works – Stormwater Infrastructure Section (\$318,308.52)**

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

Discussion: Mr. Dave Thomas, Purchasing Director, reviewed this item with the Committee and recommended the purchase of one new 2018 CAT Model 315F Excavator from Blanchard CAT, Columbia, South Carolina, a certified National Joint Powers Association Cooperative Contract (NJPA) vendor. The new equipment is a replacement for a 2009 JCB JZ140 assigned to Public Works Department Stormwater Infrastructure Section, with over 4,896 hours of operation.

Motion: It was moved by Mr. Caporale, seconded by Mr. Covert, that Committee approve and recommend Council award a National Joint Powers Association Cooperation contract to Blanchard CAT, Columbia, South Carolina for the purchase of one 2018 CAT Model 315F excavator for Public Works – Stormwater Infrastructure Section in the amount of \$162,782. This contract will be funded from Account 50250011-54200, Stormwater Utility Enterprise Fund Specialized Capital Equipment. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Gloyer, Mrs. Howard, Mr. Rodman, Mr. Stewart. Mr. Vaux recused himself (his law firm represents sales representatives for Blanchard CAT). The motion passed.

Recommendation: Council award a National Joint Powers Association Cooperation contract to Blanchard CAT, Columbia, South Carolina for the purchase of one 2018 CAT Model 315F excavator for Public Works – Stormwater Infrastructure Section in the amount of \$162,782. This contract will be funded from Account 50250011-54200, Stormwater Utility Enterprise Fund Specialized Capital Equipment.

4. Consideration of Contract Award

- **Software, Hardware, Licenses and Technical Assistance Purchase / School Zone Flasher System (\$108,466.02, plus contingency of \$5,423.30)**

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

Discussion: Mr. Colin Kinton, Division Director-Transportation Engineering, reviewed this item with the Committee. Mr. Kinton gave a PowerPoint presentation showing the areas 15 school zone flasher system. This is to replace the existing time clocks and software at 15 locations, and move toward a cloud-based software solution that provides remote two-way communications between Beaufort County Traffic and Transportation Engineering Division (BCTE) staff and the time clocks. This will allow better time management of staff with existing flashers, monitor operations, respond quickly to citizen complaints and modify plans quickly and easily to changes in days and times (Saturday make-up days). He recommended approval of a contract to Temple Inc., Decatur, Alabama for software, hardware, licenses and technical assistance for a school zone flasher system. The amount totals \$113,889.32 (\$108,466.02 contract and \$5,423.30 contingency) which will be funded from County Motorized Licensed Vehicle Road Use Fee (TAG) Funds.

Motion: It was moved by Mrs. Howard, seconded by Mr. Glover, that Committee approve and recommend Council award a contract to Temple, Inc., Decatur, Alabama for software, hardware, licenses and technical assistance for school zone flasher system. The amount totals \$113,889.32 (\$108,466.02 contract and \$5,423.30 contingency) which will be funded from County Motorized Licensed Vehicle Road Use Fee (TAG) Funds. The vote: YEAS – Mr. Caporale, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Stewart and Mr. Vaux. NAYS – Mr. Covert. The motion passed.

Recommendation: Council award a contract to Temple, Inc., Decatur, Alabama for software, hardware, licenses and technical assistance for school zone flasher system. The amount totals \$113,889.32 (\$108,466.02 contract and \$5,423.30 contingency) which will be funded from County Motorized Licensed Vehicle Road Use Fee (TAG) Funds.

5. Consideration of Contract Award

- **Construction Services Contract / Voters Registration Warehouse (\$210,834, plus contingency of \$21,083.34)**

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

Discussion: Mr. Dave Thomas, Purchasing Director, reviewed this item with the Committee and recommended approval of a contract with Patterson Construction, Beaufort County, South Carolina, for construction services for the addition of a 2,319 square foot warehouse to the Voters Registration Department. The amount totals \$231,917.34 (\$210,834

contract plus \$21,083.34 contingency) to be funded from 2017 General Obligation Bond, Account 40100011-54420, Renovation Existing Building Voter Registration.

Motion: It was moved by Mr. Caporale, seconded by Mr. Glover, that Committee approve and recommend Council award a contract to Patterson Construction, Beaufort, South Carolina, for constructions services for the addition of a 2,319 square foot warehouse for the Voters Registration Department. The amount totals \$231,917.34 (\$210,834 contract and \$21,083.34 contingency) to be funded from 2017 General Obligation Bond, Account 40100011-54420, Renovation Existing Building, Voter Registration. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Stewart and Mr. Vaux. The motion passed.

Recommendation: Council award a contract to Patterson Construction, Beaufort County, South Carolina, for construction services for the addition of a 2,319 square footage warehouse for the Voters Registration Department. The amount totals \$231,917.34 (\$210,834 contract and \$21,083.34 contingency) to be funded from 2017 General Obligation Bond, Account 40100011-54420, Renovation Existing Building Voter Registration.

INFORMATION ITEMS

6. Request for Road Acceptance into County Road System / Stillwell Road, Bluffton

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

Discussion: Mr. Rob McFee, Division Director-Facilities and Construction Engineering, brought before the Committee a petition for a dirt road located off May River Road in Bluffton, County Council District 9 to be included into the County Road System. Stillwell Road has an established 60' right of way that leads to Midway Farms Subdivision. For the past 30 years, homeowners in the Midway Farms Homeowners Association have been solely responsible for the maintenance and repair of Stillwell Road. Midway Farms Homeowners Association has amended their covenant agreement to petition the County to include Stillwell Road into the County Roadway System.

Mr. Rodman recommended reviewing information that had been addressed and bringing this item back to the next Public Facilities meeting. Mr. Vaux stated he was in agreement and that this would give the opportunity to meet with the Midway Farms Homeowners Association in the meantime.

Status: Information only.

7. Transportation Update / U.S. Highway 278 Gateway Corridor

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

Discussion: Mr. Rob McFee, Division Director–Facilities and Construction Engineering, reviewed this item with the Committee. Mr. Colin Kinton is in the process of scheduling a meeting with Hilton Head Island professional staff to discuss moving forward. A notice to proceed with the Environmental Assessment from KCI Technologies by December.

Status: Information only.

8. Transportation Update / Bluffton Parkway / S. C. Highway 46 Traffic Circle

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

Discussion: Mr. Colin Kinton, Division Director - Transportation Engineering reviewed this item with the Committee. He is in the process of putting together a purchase order together for a consultant for an estimated six – eight week study in regards to the roundabout at Bluffton Parkway and S.C. Highway 46. This would include a consultant looking at traffic counts, accident reports, and interviewing police officers as well as others involved and then bring forward recommendations.

Committee members voiced their concerns about the safety of the traffic circle in comparison to the Sea Pines traffic circle.

Mr. Josh Gruber, Interim County Administrator, stated a neutral third party, who is an expert on roundabouts, will provide a recommendation for the existing roundabout.

Status: Informational purposes only.

9. Update on 2017 Strategic Plan Committee Assignments

- **Long-Term County Offices Plan**
- **Arthur Horne Building**
- **Detention Center (\$3.0 Million)**

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

Status: These items are all in the current CIP plan going forward.

10. Update on 2017 Strategic Plan Committee Assignments

- **Solid Waste Curbside Pick Up / Recycling Implementation**

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

Status: This item will carry over to a future meeting.

11. Update on 2017 Strategic Plan Committee Assignments

- **County Facilities Condition Assessment and Plan**

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

Status: This will be provided on January 18, 2018.

12. Update on 2017 Strategic Plan Committee Assignments

- **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

Discussion: Josh Gruber, Interim County Administrator, stated the goal is to have the County look at transferring the property to the Daufuskie Island Council or otherwise coming to some kind of agreement that allows them to be responsible for the management of the property.

Status: Informational only.

13. Consideration of Reappointments and Appointments / 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

Status: There are no reappointments or appointments to report.

14. Off Agenda – Council Leadership and Strategic Planning Session (Retreat) Ideas

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

Discussion: Mr. Rodman stated that the January 22, 2018 Committee meeting would be a good time to brainstorm ideas for the Council Leadership and Strategic Planning Session (Retreat) beginning February 9, 2018.

Status: Information only.

DRAFT

Boards and Commissions
Reappointments and Appointments
January 22, 2018

1 Natural Resources Committee

Design Review Board

<u>Nominate</u>	<u>Name</u>	<u>Position/Area/Expertise</u>	<u>Reappoint/Appoint</u>	<u>Votes Required</u>	<u>Term/Years</u>	<u>Expiration</u>
01.22.18	James Atkins	Registered Architect	Reappoint	8/11	4	2/22
01.22.18	John Michael Brock	Registered Landscape Architect	Reappoint	8/11	4	2/22

Historic Review Board

<u>Nominate</u>	<u>Name</u>	<u>Position/Area/Expertise</u>	<u>Reappoint/Appoint</u>	<u>Votes Required</u>	<u>Term/Years</u>	<u>Expiration</u>
01.22.18	Rosalyn Browne	St. Helena Island	Reappoint	10/11	4	2/22

Planning Commission

<u>Nominate</u>	<u>Name</u>	<u>Position/Area/Expertise</u>	<u>Reappoint/Appoint</u>	<u>Votes Required</u>	<u>Term/Years</u>	<u>Expiration</u>
01.22.18	Cecily McMillan	St. Helena Island	Appoint	6/11	3	2/22

*no application on file

Solid Waste and Recycling Board

<u>Nominate</u>	<u>Name</u>	<u>Position/Area/Expertise</u>	<u>Reappoint/Appoint</u>	<u>Votes Required</u>	<u>Term/Years</u>	<u>Expiration</u>
01.22.18	Lawrence P. Bryan	Solid Waste District #5-Sheldon	Appoint	6/11	partial-term	2/20

Southern Beaufort County Corridor Beautification Board

<u>Nominate</u>	<u>Name</u>	<u>Position/Area/Expertise</u>	<u>Reappoint/Appoint</u>	<u>Votes Required</u>	<u>Term/Years</u>	<u>Expiration</u>
01.22.18	Todd Theodore	Town of Hilton Head Island appointee	Reappoint	8/11	4	2/22

Stormwater Management Utility Board

<u>Nominate</u>	<u>Name</u>	<u>Position/Area/Expertise</u>	<u>Reappoint/Appoint</u>	<u>Votes Required</u>	<u>Term/Years</u>	<u>Expiration</u>
01.22.18	Allyn Schneider	Stormwater District #9-Unincorporated Bluffton Township and Daufuskie Island	Reappoint	10/11	4	2/22
01.22.18	Donald Smith	Stormwater District #5-Unincorporated Sheldon Township	Reappoint	10/11	4	2/22

Zoning Board of Appeals

<u>Nominate</u>	<u>Name</u>	<u>Position/Area/Expertise</u>	<u>Reappoint/Appoint</u>	<u>Votes Required</u>	<u>Term/Years</u>	<u>Expiration</u>
01.22.18	William Cecil Mitchell	Northern Beaufort County	Reappoint	10/11	3	2/21
01.22.18	Joseph Passiment	Southern Beaufort County	Reappoint	6/11	3	2/21
01.22.18	Chester Williams	Southern Beaufort County Attorney	Reappoint	10/11	3	2/21
01.22.18	Edgar Williams	Northern Beaufort County Attorney	Reappoint	10/11	3	2/21

County Council of Beaufort County 2018 Meetings

Date	CAUCUS		REGULAR	
	Time	Location	Time	Location
January 8, 2018	5:00 p.m.	Executive Conference Room	6:00 p.m.	Council Chambers
January 22, 2018	5:00 p.m.	Executive Conference Room	6:00 p.m.	Council Chambers
February 19, 2018	5:00 p.m.	Executive Conference Room	6:00 p.m.	Council Chambers
March 12, 2018	5:00 p.m.	Executive Conference Room	6:00 p.m.	Council Chambers
March 26, 2018	5:00 p.m.	Hilton Head Island Branch Library	6:00 p.m.	Hilton Head Island Branch Library
April 9, 2018	5:00 p.m.	Executive Conference Room	6:00 p.m.	Council Chambers
April 23, 2018	5:00 p.m.	Executive Conference Room	6:00 p.m.	Council Chambers
May 14, 2018	5:00 p.m.	Executive Conference Room	6:00 p.m.	Council Chambers
May 29, 2018 *	5:00 p.m.	Bluffton Branch Library	6:00 p.m.	Bluffton Branch Library
June 11, 2018	5:00 p.m.	Executive Conference Room	6:00 p.m.	Council Chambers
June 25, 2018	5:00 p.m.	Executive Conference Room	6:00 p.m.	Council Chambers
July 23, 2018	5:00 p.m.	Executive Conference Room	6:00 p.m.	Council Chambers
August 27, 2018	5:00 p.m.	Hilton Head Island Branch Library	6:00 p.m.	Hilton Head Island Branch Library
September 10, 2018	5:00 p.m.	Executive Conference Room	6:00 p.m.	Council Chambers
September 24, 2018	5:00 p.m.	Bluffton Branch Library	6:00 p.m.	Bluffton Branch Library
October 8, 2018	5:00 p.m.	Executive Conference Room	6:00 p.m.	Council Chambers
October 22, 2018	5:00 p.m.	Hilton Head Island Branch Library	6:00 p.m.	Hilton Head Island Branch Library
November 5, 2018	5:00 p.m.	Executive Conference Room	6:00 p.m.	Council Chambers
December 10, 2018	5:00 p.m.	Executive Conference Room	6:00 p.m.	Council Chambers

* Tuesday in lieu of Monday (Memorial Day)

Bluffton Branch Library, 120 Palmetto Way, Bluffton

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

Executive Conference Room, Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort

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

Revised:



**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 Brian Flewelling, Chairman, Natural Resources Committee

FROM: David L Thomas. CPPO. Purchasing Director

SUBJ: New Contract as a Result of Solicitation

IFB 011618, Okatie West Regional Stormwater BMP Services for Beaufort County's Stormwater Department

DATE: 01/18/2018

BACKGROUND:

The Purchasing Department received a bid response from R. B. Baker Construction on January 16, 2018, for site construction work on a County owned parcel along Hwy170 for the purpose of creating a regional stormwater detention pond. The contractor will provide all equipment, supplies, and labor including line and grade control, to clear, grub, excavate and haul offsite approximately 37,225 cubic yards of spoil. Construction of the detention pond will also include fine grading, inlet/outlet control structures, rip rap overflow weirs, and slope protection measures. Access to the site is to be constructed along Hwy 170, consisting of asphalt curb-cut in SCDOT right-of-way and an improved dirt/gravel drive internal to the site. The project is funded by a Federal Section 319 Water Quality Grant, which has a completion deadline of June 2018, so timely completion of construction activities is imperative.

Staff is requesting a 10% contingency of \$99,304.80 to cover any unforeseen conditions. Staff reviewed the bid and determined that it was responsive to the bid requirements, compliant with Federal and State Small and Minority Business participation requirements, and was fair and reasonable. The grand total for the project including the 10% contingency for the project is \$1,092,352.80.

VENDOR INFORMATION:

R.B. Baker Construction, Garden City, GA

COST:

\$993,048 Base

10% Contingency (\$99,304.80)

\$1,092,352.80 Total

FUNDING:

This project is funded in part by the US EPA under a Section 319 Grant through the SC Department of Health and Environmental Control (SC DHEC).

The total project budget is \$1,320,000 and funded by the following sources:

\$712,800 Federal grant funds

\$528,000 Stormwater Utility Enterprise funds

\$ 79,200 State grant funds

Funding approved: By: Date:

FOR ACTION:

County Council meeting on January 22, 2018.

RECOMMENDATION:

The Purchasing Department recommends that the Natural Resources Committee approve and recommend to County Council the contract award of \$993,048 to R.B. Baker Construction and include a 10% contingency of \$99,304.80 for the aforementioned services in support of Stormwater operations.

Attachment:  IFB 011618 Attachment.pdf
391.79 KB

cc: Joshua Gruber, Interim County Administrator

Approved: Date:

Check to override approval: ☐ Overridden by:

Override Date:

Alicia Holland, Assistant County Administrator, Finance

Approved: Date:

Monica Spells, Assistant County Administrator, Civic Engager

Approved: Date:

Check to override approval: ☒ Overridden by:

Override Date:

ready for admin: ☒

Eric Larson, Director, Environmental Engineering & Land Mar

Approved: Date:

Check to override approval: ☐ Overridden by:

Override Date:

ready for admin: ☒

After Initial Submission, Use the Save and Close Buttons

Bid Tabulation & Comparison to Engineer's Estimate
Okatie West Regional Stormwater BMP
Ward Edwards Engineering
January 17, 2018

	Engineer's Est. Quantity	Contractor's Est. Quantity	UM	Engineer's Est. Unit Price	Contractor's Unit Price	Total
Clearing						
Mobilization	1	1	LS	\$ 10,000.00	\$ 106,653.00	\$ 106,653.00
Tree Removal	3.8	5	AC	\$ 5,500.00	\$ 6,938.10	\$ 34,690.50
Remove Existing Curb & Gutter	90	90	LF	\$ 10.00	\$ 8.75	\$ 787.50
Remove Existing Asphalt Pathway	77	77	SY	\$ 5.00	\$ 12.15	\$ 935.55
Tree Protection	1110	3800	LF	\$ 2.50	\$ 2.05	\$ 7,790.00
	Sub-Total			\$ 34,960.00		\$ 150,856.55
Erosion Control						
Construction Entrance	1	1	LS	\$ 3,500.00	\$ 3,440.15	\$ 3,440.15
Silt Fence	5,615	5,888	LF	\$ 3.00	\$ 3.35	\$ 19,724.80
J-Hooks	75	77	EA	\$ 1.00	\$ 38.25	\$ 2,945.25
Temporary Seeding	11,000	11,000	SY	\$ 1.00	\$ 0.35	\$ 3,850.00
Permanent Seeding	11,000	11,000	SY	\$ 1.00	\$ 0.50	\$ 5,500.00
Concrete Washout	1	1	EA	\$ 1,000.00	\$ 873.75	\$ 873.75
	Sub-Total			\$ 43,420.00		\$ 36,333.95
Earthwork						
Stripping (8" average non-structural material to be hauled off)	3,380	5,000	CY	\$ 12.00	\$ 13.60	\$ 68,000.00
Site Excavation, On-site Placement	1,354	2,800	CY	\$ 5.00	\$ 5.40	\$ 15,120.00
Site Excavation, Offsite disposal	37,225	32,700	CY	\$ 20.00	\$ 15.50	\$ 506,850.00
Fine grading (Dirt Road, Gravel Road, Pond Banks)	15,000	15,000	SY	\$ 2.00	\$ 0.95	\$ 14,250.00
	Sub-Total			\$ 821,830.00		\$ 604,220.00
Storm Drainage						
Junction Box	6	6	EA	\$ 2,500.00	\$ 3,453.25	\$ 20,719.50
30" RCP	811	811	LF	\$ 75.00	\$ 76.45	\$ 62,000.95
36" RCP	48	48	LF	\$ 80.00	\$ 104.75	\$ 5,028.00
36" RCP Beveled end section	2	2	EA	\$ 3,000.00	\$ 1,448.50	\$ 2,897.00
19"x30" HE-RCP	104	104	LF	\$ 81.00	\$ 87.90	\$ 9,141.60
Rip Rap	302	302	SY	\$ 60.00	\$ 130.00	\$ 39,260.00
Turf Reinforcement Mat	593	593	SY	\$ 20.00	\$ 5.90	\$ 3,498.70
Outlet Control Structure	1	1	EA	\$ 5,000.00	\$ 15,895.00	\$ 15,895.00
	Sub-Total			\$ 129,069.00		\$ 158,440.75
Paving						
6" (650 lb/sy) Type A Asphalt Aggregate Base Course	86	86			\$ 68.00	\$ 5,848.00
2" (200 lb/sy) Type B Asphalt Paving (Intermediate Course)	86	86	SY	\$ 24.00	\$ 49.00	\$ 4,214.00
2" (200 lb/sy) Type B Asphalt Paving (Final Course)	86	86	SY	\$ 12.50	\$ 49.00	\$ 4,214.00
6" Header Curb	70	70	LF	\$ 15.00	\$ 64.50	\$ 4,515.00
Gravel Paving	1,020	1,020	SY	\$ 18.00	\$ 14.00	\$ 14,280.00
Striping, Signage, & Marking	1	1	LS	\$ 850.00	\$ 1,690.75	\$ 1,690.75
Concrete Pedestrian Ramps with Detectable warnings (ADA Curb Ramp)	2	2	EA	\$ 1,000.00	\$ 4,217.50	\$ 8,435.00
	Sub-Total			\$ 25,399.00		\$ 43,196.75

Engineer's Estimate	
Total	\$ 1,054,678.00
15% Contingency	\$ 158,201.70
Grand Total	\$ 1,212,879.70

R.B. Baker Bid	
Total	\$ 993,048.00
10% Contingency	\$ 99,304.80
Grand Total	\$ 1,092,352.80

ORDINANCE NO. _____

AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SALE OF LIMITED GENERAL OBLIGATION BONDS (BLUFFTON TOWNSHIP FIRE DISTRICT), SERIES 2018B OR SUCH OTHER APPROPRIATE SERIES DESIGNATION OF BEAUFORT COUNTY, SOUTH CAROLINA; FIXING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR OR HIS LAWFULLY-AUTHORIZED DESIGNEE TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO.

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

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

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

(b) Article X, Section 14 of the Constitution of the State of South Carolina, 1895, as amended (the "Constitution"), provides that each county shall have the power to incur bonded indebtedness in such manner and upon such terms and conditions as the General Assembly shall prescribe by general law within the limitations set forth in Section 14 and Section 12 of Article X.

(c) Article X, Section 12 of the Constitution provides that no law shall be enacted permitting the incurring of bonded indebtedness by any county for fire protection service benefiting only a particular geographical section of the county unless a special assessment, tax or service charge in an amount designed to provide debt service on bonded indebtedness incurred for such purpose shall be imposed upon the area or persons receiving the benefit therefrom.

(d) Article X, Section 14 of the Constitution further provides that general obligation debt may be incurred only for a purpose which is a public purpose and which is a corporate purpose of the County. The power to incur general obligation debt shall include general obligation debt incurred by the County within the limitations prescribed by Article X, Section 12 of the Constitution.

(e) In determining the debt limitations imposed by the provisions of Article X, Section 14 of the Constitution, bonded indebtedness incurred pursuant to Article X, Section 12 shall not be considered.

(f) Pursuant to the provisions of Title 4, Chapter 19 of the Code (the "Act"), the County Council has, among other powers, the power: (1) To designate the areas of the County where fire protection service may be furnished by the County under the Act; and (2) To levy and collect ad valorem taxes without limit as to rate or amount upon all taxable property in the service area where fire protection services are furnished to effect the payment of principal and interest on all bonds issued pursuant to the Act or required for the maintenance and operation of the fire protection system.

(g) Pursuant to the provisions of Ordinance No. 2013/6 enacted by the County Council, the County created the "Bluffton Township Fire District" or the "Fire District." As such, the Bluffton Township Fire District is a special taxing district.

(h) Pursuant to this Ordinance, the County Council is providing for the levy and collection of an annual ad valorem tax within the Bluffton Township Fire District which will be sufficient to provide for the payment of the principal and interest on the Bonds (hereinafter defined).

(i) In order to continue to provide fire protection services in the Fire District, there is a need to construct and equip a new fire station and renovating an existing facility in the Fire District (the "Project").

(j) It is necessary and in the best interest of the County and the residents of the Fire District for the County Council to provide for the issuance and sale of not to exceed \$4,150,000 limited general obligation bonds of the County pursuant to the aforesaid provisions of the Constitution and laws of the State of South Carolina (the "State"), the proceeds of which will be used: (a) to defray the cost of the Project; (b) to pay costs of issuance of the Bonds; and (c) for such other lawful corporate and public purposes as the County Council shall determine.

SECTION 2. Authorizations and Details of Bonds. Pursuant to the aforesaid provisions of the Constitution and laws of the State, there is hereby authorized to be issued limited general obligation bonds of the County in the amount of not to exceed \$4,150,000 to obtain funds for the purposes mentioned in Section 1(j) above which shall be designated "\$4,150,000 (or such lesser amount issued) Limited General Obligation Bonds (Bluffton Township Fire District), Series 2018B (or such other appropriate series designation), of Beaufort County, South Carolina" (the "Bonds").

The Bonds shall be issued as fully-registered bonds; shall be dated as of their date of delivery; shall be in the denomination of \$5,000 or any integral multiple thereof not to exceed the principal amount of the Bonds maturing in each year; shall be numbered from R-1 upward; shall bear interest at such times as hereafter designated by the Interim County Administrator or his lawfully-authorized designee (the "Administrator") at such rate or rates as may be determined at the time of the sale thereof; and shall mature serially in successive annual installments as determined by the Administrator.

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

Regions Bank, Atlanta, Georgia, shall serve as registrar and paying agent (the "Registrar/Paying Agent") for the Bonds.

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

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

The Administrator may delegate some or all of the duties and responsibilities assigned to him in this Ordinance to a member of County staff of the Fire Chief of the Fire District.

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

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

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

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

SECTION 6. Mutilation, Loss, Theft or Destruction of Bonds. In case any Bond shall at any time become mutilated in whole or in part, or be lost, stolen or destroyed, or be so defaced as to impair the value thereof to the owner, the County shall execute and the Registrar shall authenticate and deliver at the principal office of the Registrar, or send by registered mail to the owner thereof at his request, risk and expense a new Bond of the same series, interest rate and maturity and of like tenor and effect in exchange or substitution for and upon the surrender for cancellation of such defaced, mutilated or partly destroyed Bond, or in lieu of or in substitution for such lost, stolen or destroyed Bond. In any such event the applicant for the issuance of a substitute Bond shall furnish the County and the Registrar evidence or proof satisfactory to the County and the Registrar of the loss, destruction, mutilation, defacement or theft of the original Bond, and of the ownership thereof, and also such security and indemnity as may be required by the laws of the State of South Carolina or such greater amount as may be required by the County and the Registrar. Any duplicate Bond issued under the provisions of this Section in exchange and substitution for any defaced, mutilated or partly destroyed Bond or in substitution for any allegedly lost, stolen or wholly-destroyed Bond shall be entitled to the identical benefits under this Ordinance as was the original Bond in lieu of which such duplicate Bond is issued, and shall be entitled to equal and proportionate benefits with all the other Bonds of the same series issued hereunder.

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

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

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

SECTION 9. Security for the Bonds. For the payment of the principal of and interest on the Bonds, as they respectively mature, pursuant to Section 12 of Article X of the Constitution, the Act and this Ordinance, there shall be levied annually by the Auditor of the County and collected by the Treasurer of the County, in the same manner as other county taxes are levied and collected, an ad valorem tax, without limit, on all taxable property in the Fire District, sufficient to pay the principal of and interest on such Bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

The County Council shall give the Auditor and Treasurer of the County written notice of the delivery of and payment for the Bonds and they are hereby directed to levy and collect annually, on all taxable property in the Fire District, an ad valorem tax sufficient to pay the principal and interest of the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

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

SECTION 11. Initiative and Referendum Provisions. The County Council hereby delegates to the Administrator the authority to determine whether the Notice prescribed under the provisions of Title 11, Chapter 27 of the Code relating to the initiative and referendum provisions contained in Title 4, Chapter 9, Article 13 of the Code shall be given with respect to this Ordinance. If said Notice is given, the Administrator is authorized to have published in a newspaper of general circulation in the County the notice in substantially the same form as attached hereto as Exhibit B.

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

SECTION 13. Tax Covenants. The County hereby covenants and agrees with the holders of the Bonds that it will not take any action which will, or fail to take any action which failure will, cause interest on the Bonds to become includable in the gross income of the holders of the Bonds for federal income tax purposes pursuant to the provisions of the Internal Revenue Code of 1986 as amended (the "IRC") and regulations promulgated thereunder in effect on the date of original issuance of the Bonds. The County further covenants and agrees with the holders of the Bonds that no use of the proceeds of the Bonds shall be made which, if such use had been reasonably expected on the date of issue of the Bonds

would have caused the Bonds to be “arbitrage bonds,” as defined in Section 148 of the IRC, and to that end the County hereby shall:

(a) comply with the applicable provisions of Sections 141 through 150 of the IRC and any regulations promulgated thereunder so long as the Bonds are outstanding;

(b) establish such funds, make such calculations and pay such amounts, in the manner and at the times required in order to comply with the requirements of the IRC relating to required rebates of certain amounts to the United States; and

(c) make such reports of such information at the time and places required by the IRC.

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

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

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

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

If the County is unable to retain a qualified successor to DTC or the County has determined that it is in its best interest not to continue the book-entry system of transfer or that interests of the beneficial owners of the Bonds might be adversely affected if the book-entry system of transfer is continued (the County undertakes no obligation to make any investigation to determine the occurrence of any events that would permit it to make any such determination), and has made provision to so notify beneficial owners of the Bonds by mailing an appropriate notice to DTC, upon receipt by the County of the Initial Bonds together with an assignment duly executed by DTC, the County shall execute, authenticate and deliver to the DTC participants Bonds in fully-registered form, in substantially the form set forth in Section 2 of this Ordinance in the denomination of \$5,000 or any integral multiple thereof.

SECTION 15. Sale of Bonds; Form of Notice of Sale. The Bonds shall be sold at public sale. A Notice of Sale in substantially the form attached hereto as Exhibit C and incorporated herein by reference shall be distributed to prospective bidders and a summary of such Notice of Sale shall be published in a newspaper having general circulation in the State or in a financial publication published in the City of New York, State of New York, or both, not less than seven (7) days prior to the date set for such sale.

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

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

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

SECTION 19. Deposit and Use of Proceeds. The proceeds derived from the sale of the Bonds shall be deposited with the Beaufort County Treasurer and used to pay costs of the Project and costs of issuance of the Bonds, except that the premium, if any, shall be deposited into the sinking fund for the Bonds.

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

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

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

“Government Obligations” shall mean any of the following:

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

SECTION 21. Miscellaneous. The County Council hereby authorizes the Administrator and the Clerk to County Council to execute such documents and instruments as may be necessary to effect the issuance of the Bonds. The County Council hereby retains McNair Law Firm, P.A., as Bond Counsel and Hilltop Securities as Financial Advisor, in connection with the issuance of the Bonds. The Administrator is authorized to execute such contracts, documents or engagement letters as may be necessary and appropriate to effectuate these engagements.

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

Enacted this ____ day of March, 2018.

BEAUFORT COUNTY, SOUTH CAROLINA

Chair, County Council

ATTEST:

Clerk, County Council

Date of First Reading:

Date of Second Reading:

Date of Public Hearing

Date of Third Reading:

FORM OF BOND

UNITED STATES OF AMERICA
STATE OF SOUTH CAROLINA
BEAUFORT COUNTY
(BLUFFTON TOWNSHIP FIRE DISTRICT)
LIMITED GENERAL OBLIGATION BOND
SERIES 2018B

No. R-

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

%

REGISTERED HOLDER:

PRINCIPAL AMOUNT:

DOLLARS

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

This Bond shall not be entitled to any benefit under the Ordinance of the County authorizing the Bonds, nor become valid or obligatory for any purpose, until the Certificate of Authentication hereon shall have been duly executed by the Registrar.

For the payment hereof, both principal and interest, as they respectively mature and for the creation of such sinking fund as may be necessary therefor, there shall be levied annually by the Auditor of Beaufort County and collected by the Treasurer of Beaufort County, in the same manner as other county taxes are levied and collected, an ad valorem tax, without limit, on all taxable property in the Bluffton Township Fire District (the "Fire District").

The Bonds are being issued by means of a book-entry system with no physical distribution of bond certificates to be made except as provided in the Ordinance. One bond certificate with respect to each date on which the Bonds are stated to mature, registered in the name of the securities depository nominee, is being issued and required to be deposited with the securities depository and immobilized in its custody. The book-entry system will evidence positions held in the Bonds by the securities depository's participants, beneficial ownership of the Bonds in the principal amount of \$5,000 or any multiple thereof being evidenced in the records of such participants. Transfers of ownership shall be effected on the records of the securities depository and its participants pursuant to rules and procedures established by the securities depository and its participants. The County and the Registrar/Paying Agent will recognize the securities depository nominee, while the registered owner of this bond, as the owner of this bond for all purposes, including payments of principal of and redemption premium, if any, and interest on this bond, notices and voting. Transfer of principal and interest payments to participants of the securities depository will be the responsibility of the securities depository, and transfer of principal, redemption premium, if any, and interest payments to beneficial owners of the Bonds by participants of the securities depository will be the responsibility of such participants and other nominees of such beneficial owners. The County will not be responsible or liable for such transfers of payments or for maintaining, supervision or reviewing the records maintained by the securities depository, the securities depository nominee, its participants or persons acting through such participants. While the securities depository nominee is the owner of this bond, notwithstanding, the provision hereinabove contained, payments of principal of, redemption premium, if any, and interest on this bond shall be made in accordance with existing arrangements between the Registrar/Paying Agent or its successors under the Ordinance and the securities depository.

This Bond is one of a series of Bonds of like date of original issue, tenor and effect, except as to number, date of maturity, denomination and rate of interest, aggregating _____ and no/100 Dollars (\$_____), issued pursuant to and in accordance with the Constitution and laws of the State of South Carolina, including Article X, Sections 12 and 14 of the Constitution of the State of South Carolina, 1895, as amended; Title 4, Chapter 19 of the Code of Laws of South Carolina 1976, as amended; and Ordinance No. _____ enacted by the County Council on _____, 2018 (the "Ordinance").

[Redemption Provisions]

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

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

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of the State to exist, to happen and to be performed precedent to or in the issuance of this Bond exist, have happened and have been performed in regular and due time, form and manner as required by law; that the amount of this Bond, together with all other indebtedness of the County does not

exceed the applicable limitation of indebtedness under the laws of the State; and, that provision has been made for the levy and collection of a tax, without limit, on all taxable property in the County sufficient to pay the principal and interest on this Bond as it respectively matures and to create such sinking fund as may be necessary therefor.

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

BEAUFORT COUNTY, SOUTH CAROLINA

Chair, County Council

ATTEST:

Clerk, County Council

[FORM OF REGISTRAR'S CERTIFICATE OF AUTHENTICATION]

Date of Authentication:

This Bond is one of the bonds described in the within-mentioned Ordinance of Beaufort County, South Carolina.

_____,
as Registrar

By: _____
Authorized Officer

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

TEN COM - as tenants in common

UNIF GIFT MIN ACT -

TEN ENT - as tenants by the
entireties

_____ Custodian _____
(Cust) (Minor)
under Uniform Gifts to
Minors Act _____
(state)

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

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

(FORM OF ASSIGNMENT)

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto _____ (Name and Address of Transferee)
_____ the within Bond and does hereby irrevocably constitute and appoint _____ attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed

(Authorized Officer)

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

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

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

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

BEAUFORT COUNTY, SOUTH CAROLINA

By: _____
Clerk, County Council

FORM OF NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the County Council of Beaufort County, South Carolina (the "County"), County Administration Building, 100 Ribaut Road, Beaufort, South Carolina, at 6:30 p.m. on _____, 2018.

The purpose of the public hearing is to consider an Ordinance providing for the issuance and sale of General Obligation Bonds (Bluffton Township Fire District) of Beaufort County, South Carolina, in the principal amount of not to exceed \$4,150,000 (the "Bonds"). The proceeds of the Bonds will be used for the following purposes: (i) constructing and equipping a new fire station and renovating an existing facility in the Bluffton Township Fire District; (ii) paying costs of issuance of the Bonds; and (iii) such other lawful purposes as the County Council shall determine.

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

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

**COUNTY COUNCIL OF BEAUFORT COUNTY,
SOUTH CAROLINA**

FORM OF NOTICE

NOTICE OF ADOPTION OF ORDINANCE

NOTICE IS HEREBY GIVEN that the County Council (the "County Council") of Beaufort County, South Carolina (the "County"), on _____, 2018, enacted an ordinance entitled "ORDINANCE NO. _____ AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$4,150,000 LIMITED GENERAL OBLIGATION BONDS OF BEAUFORT COUNTY, SOUTH CAROLINA (BLUFFTON TOWNSHIP FIRE DISTRICT), SERIES 2018B OR SUCH OTHER APPROPRIATE SERIES DESIGNATION; FIXING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE ADMINISTRATOR TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO (the "Ordinance"). The Ordinance authorizes the issuance and sale of not to exceed \$4,150,000 Limited General Obligation Bonds (Bluffton Township Fire District), Series 2018B (the "Bonds") of the County.

The proceeds of the Bonds will be used: (a) to defray the cost of constructing and equipping a new fire station and renovating an existing facility in the Bluffton Township Fire District; (b) to pay costs of issuance of the Bonds; and (c) for such other lawful corporate and public purposes as the County Council shall determine.

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

COUNTY COUNCIL OF BEAUFORT COUNTY,
SOUTH CAROLINA

FORM OF NOTICE OF SALE

OFFICIAL NOTICE OF SALE

\$ _____ LIMITED GENERAL OBLIGATION BONDS
 (BLUFFTON TOWNSHIP FIRE DISTRICT), SERIES 2018B
 BEAUFORT COUNTY, SOUTH CAROLINA

Time of Sale: NOTICE IS HEREBY GIVEN that bids will be received on behalf of Beaufort County, South Carolina (the "County"), until 11:00 a.m, South Carolina time, on _____, _____, 2018, at which time said proposals will be publicly opened for the purchase of \$ _____ Limited General Obligation Bonds (Bluffton Township Fire District), Series 2018B, of the County (the "Bonds").

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

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

The Bonds will be issued in fully-registered form registered as to principal and interest; will be dated _____, 2018; will be in denominations of \$5,000 or any integral multiple thereof not to exceed the principal amount of Bonds maturing in each year; and will mature serially in successive annual installments on _____ in each of the years and in the principal amounts as follows:

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

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

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

Redemption Provisions: [TO BE PROVIDED]

Registrar/Paying Agent: Regions Bank, Atlanta, Georgia shall serve as Registrar/Paying Agent for the Bonds.

Bid Requirements: Bidders shall specify the rate or rates of interest per annum which the Bonds are to bear, to be expressed in multiples of 1/20 or 1/8 of 1% with no greater difference than two percent (2%) between the highest and lowest rates of interest named by a bidder. Bidders are not limited as to the number of rates of interest named, but the rate of interest on each separate maturity must be the same single rate for all Bonds of that maturity from their date to such maturity date. A bid for less than all the Bonds, a bid at a price less than par or a bid which includes a premium in excess of 10% of the par amount of the Bonds will not be considered. In addition to the bid price, the successful bidder must pay accrued interest from the date of the Bonds to the date of full payment of the purchase price.

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

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

Good Faith Deposit: No good faith deposit is required.

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

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

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

Issue Price Certificate: [TO BE PROVIDED]

Delivery: The Bonds will be delivered on or about _____, 2018 in New York, New York, at the expense of the County or at such other place as may be agreed upon with the purchasers at the expense of the purchaser. The balance of the purchase price then due (including the amount of accrued interest) must be paid in federal funds or other immediately available funds.

CUSIP Numbers: It is anticipated that CUSIP identification numbers will be set forth on the Bonds, but neither the failure to print such numbers on any Bond nor any error with respect thereto shall constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the Bonds in accordance with the terms of its proposal. The CUSIP Service Bureau charge for the assignment of such numbers shall be the responsibility of and shall be paid for by the successful bidder.

Additional Information: The Preliminary Official Statement of the County with respect to the Bonds will be furnished to any person interested in bidding for the Bonds upon request to McNair Law Firm, P.A., Post Office Box 11390, Columbia, South Carolina 29211, Attention: Francenia B. Heizer, telephone (803) 799-9800, e-mail: fheizer@mcnair.net. The Preliminary Official Statement shall be reviewed by bidders prior to submitting a bid. Bidders may not rely on this Notice of Sale as to the complete information concerning the Bonds. Persons seeking information should communicate with the County's Financial Advisor, Jeff Minch, Vice President, Hilltop Securities, 5925 Carnegie Boulevard, Suite 380, Charlotte, North Carolina 28209, telephone (704) 654-3451, e-mail: jeff.minch@hilltopsecurities.com

BEAUFORT COUNTY, SOUTH CAROLINA

FORM OF CONTINUING DISCLOSURE CERTIFICATE**CONTINUING DISCLOSURE CERTIFICATE**

This Continuing Disclosure Certificate (the “Disclosure Certificate”) is executed and delivered by Beaufort County, South Carolina (the “County”) in connection with the issuance of \$_____ Limited General Obligation Bonds (Bluffton Township Fire District), Series 2018B, Beaufort County, South Carolina (the “Bonds”). The Bonds are being issued pursuant to an ordinance adopted by the County Council of the County (the “Ordinance”). The County covenants and agrees as follows:

SECTION 1. Purpose of the Disclosure Certificate. This Disclosure Certificate is being executed and delivered by the County for the benefit of the beneficial owners and in order to assist the Participating Underwriters (defined below) in complying with the Rule (defined below).

SECTION 2. Definitions. The following capitalized terms shall have the following meanings:

“**Annual Report**” shall mean any Annual Report provided by the County pursuant to, and as described in, Sections 3 and 4 of this Disclosure Certificate.

“**Bonds**” shall mean the \$_____ Limited General Obligation Bonds (Bluffton Township Fire District), Series 2018B Beaufort County, South Carolina, dated _____, 2018.

“**Dissemination Agent**” shall mean the County or any successor Dissemination Agent designated in writing by the County and which has filed with the County a written acceptance of such designation.

“**Listed Events**” shall mean any of the events listed in Section 5(a) of this Disclosure Certificate.

“**National Repository**” shall mean for purposes of the Rule, the Electronic Municipal Market Access (EMMA) system created by the Municipal Securities Rulemaking Board.

“**Participating Underwriter**” shall mean _____ and any other original underwriter of the Bonds required to comply with the Rule in connection with offering of the Bonds.

“**Repository**” shall mean each National Repository and each State Depository, if any.

“**Rule**” shall mean Rule 15c2-12(b)(5) adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time.

“**State Depository**” shall mean any public or private repository or entity designated by the State of South Carolina as a state depository for the purpose of the Rule. As of the date of this Certificate, there is no State Depository.

SECTION 3. Provision of Annual Reports.

(a) The County shall, or shall cause the Dissemination Agent to provide, not later than February 1 of each year, commencing in 2019, to the Repository an Annual Report which is consistent with the requirements of Section 4 of this Disclosure Certificate. Not later than fifteen (15) business days prior to such date the County shall provide the Annual Report to the Dissemination Agent, if other than

the County; provided, that if the audited financial statements required pursuant to Section 4 hereof to be included in the Annual Report are not available for inclusion in the Annual Report as of such date, unaudited financial statements of the County may be included in such Annual Report in lieu thereof, and the County shall replace such unaudited financial statements with audited financial statements within fifteen (15) days after such audited financial statements become available for distribution. The Annual Report may be submitted as a single document or as separate documents comprising a package, and may cross-reference other information as provided in Section 4 of this Disclosure Certificate; provided that the audited financial statements of the County may be submitted separately from the balance of the Annual Report.

(b) If the County is unable to provide to the Repository an Annual Report by the date required in subsection (a), the County shall send a notice to the Municipal Securities Rulemaking Board and State Depository, if any, in substantially the form attached hereto as Exhibit A.

(c) The Dissemination Agent shall:

(1) determine each year prior to the date for providing the Annual Report the name and address of the Repository; and

(2) if the Dissemination Agent is other than the County, file a report with the County and (if the Dissemination Agent is not the Registrar) the Registrar certifying whether the Annual Report has been provided pursuant to this Disclosure Certificate, and, if provided, stating the date it was provided, and listing the Repository to which it was provided.

SECTION 4. Content of Annual Reports. The County's Annual Report shall contain or incorporate by reference the most recent audited financial statements, which shall be prepared in conformity with generally accepted accounting principles (or, if not in such conformity, to be accompanied by a qualitative discussion of the differences in the accounting principles and the impact of the change in the accounting principles on the presentation of the financial information) applicable to governmental entities such as the County, and shall, in addition, contain or incorporate by reference the following information for the most recently completed fiscal year:

- (a) County population;
- (b) Total state appropriations subject to withholding under Article X, Sec. 15, South Carolina Constitution;
- (c) Outstanding Indebtedness of the County;
- (d) Market Value/Assessment Summary of taxable property in County;
- (e) Tax rates for County;
- (f) Tax collections for County; and
- (g) Five largest taxpayers (including fee-in-lieu-of-tax) for County.

Any or all of the items listed above may be incorporated by reference from other documents, including official statements of debt issues with respect to which the County is an "obligated person" (as defined by the Rule), which have been filed with the Repository or the Securities and Exchange Commission. If the document incorporated by reference is a final official statement, it must be available from the Municipal Securities Rulemaking Board. The County shall clearly identify each such other document so incorporated by reference.

SECTION 5. Reporting of Significant Events.

(a) Pursuant to the provisions of this Section 5, the County shall give, or cause to be given, notice of the occurrence of any of the following events (the “Listed Events”):

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security;
- (7) Modifications to rights of security holders;
- (8) Bond calls;
- (9) Tender offers;
- (10) Defeasances;
- (11) Release, substitution, or sale of property securing repayment of the securities;
- (12) Rating changes;
- (13) Bankruptcy, insolvency, receivership or similar event of the County;
- (14) The consummation of a merger, consolidation, or acquisition involving the County or the sale of all or substantially all of the assets of the County other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms;
- (15) Appointment of a successor or additional trustee or the change of name of a trustee.

(b) Whenever the County obtains knowledge of the occurrence of a Listed Event described in subsections (a)(2), (7), (8), (11), (14), or (15) above, the County shall as soon as possible determine if such event would be material under applicable federal securities laws. If the County determines that knowledge of the occurrence of such event would be material under applicable federal securities laws, the County shall promptly, and no later than 10 days after the occurrence of the event, file a notice of such occurrence with the Repository.

(c) Whenever the County obtains knowledge of the occurrence of a Listed Event described in subsections (a)(1), (3), (4), (5), (6), (9), (10), (12), or (13) above, the County shall promptly, and no later than 10 days after the occurrence of the event, file a notice of such occurrence with the Repository.

(d) Notwithstanding the foregoing, notice of Listed Events described in subsections (a)(8), (9), and (10) above need not be given under this subsection any earlier than the notice (if any) of the underlying event is given to owners of affected Bonds. For the purposes of the event identified in (a)(13) above, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the County in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the County, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of

reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the County.

SECTION 6. Termination of Reporting Obligation. The County's obligations under this Disclosure Certificate shall terminate upon the defeasance, prior redemption or payment in full of the Bonds.

SECTION 7. Dissemination Agent. The County may, from time to time, appoint or engage a Dissemination Agent to assist it in carrying out its obligations under this Disclosure Certificate, and may discharge any such Agent, with or without appointing a successor Dissemination Agent. The initial Dissemination Agent shall be the County.

SECTION 8. Amendment; Waiver. Notwithstanding any other provision of this Disclosure Certificate, the County may amend this Disclosure Certificate and any provision of this Disclosure Certificate may be waived, if such amendment or waiver is supported by an opinion of counsel expert in federal securities laws acceptable to the County, to the effect that such amendment or waiver would not, in and of itself, cause the undertakings herein to violate the Rule if such amendment or waiver had been effective on the date hereof but taking into account any subsequent change in or official interpretation of the Rule.

SECTION 9. Additional Information. Nothing in this Disclosure Certificate shall be deemed to prevent the County from disseminating any other information, using the means of dissemination set forth in this Disclosure Certificate or any other means of communication, or including any other information in any Annual Report or notice of occurrence of a Listed Event, in addition to that which is required by this Disclosure Certificate. If the County chooses to include any information in any Annual Report or notice of occurrence of a Listed Event, in addition to that which is specifically required by this Disclosure Certificate, the County shall have no obligation under this Certificate to update such information or include it in any future Annual Report or notice of occurrence of a Listed Event.

SECTION 10. Default. In the event of a failure of the County or the Dissemination Agent to comply with any provision of this Disclosure Certificate, any beneficial owner may take such actions as may be necessary and appropriate, including seeking injunctive relief or specific performance by court order, to cause the County, or the Dissemination Agent, as the case may be, to comply with its obligations under this Disclosure Certificate. A default under this Disclosure Certificate shall not be deemed an event of default under the Ordinance, and the sole remedy under this Disclosure Certificate in the event of any failure of the County or the Dissemination Agent to comply with this Disclosure Certificate shall be an action to compel performance.

SECTION 11. Duties, Immunities and Liabilities of Dissemination Agent. The Dissemination Agent shall have only such duties as are specifically set forth in this Disclosure Certificate, and the County agrees to indemnify and save the Dissemination Agent, its officers, directors, employees and agents, harmless against any loss, expense and liabilities which they may incur arising out of or in the exercise or performance of their powers and duties hereunder, including the costs and expenses (including attorneys' fees) of defending against any claim of liability, but excluding liabilities due to the Dissemination Agent's negligence or willful misconduct. The obligations of the County under this Section shall survive resignation or removal of the Dissemination Agent and payment of the Bonds.

SECTION 12. Beneficiaries. This Disclosure Certificate shall inure solely to the benefit of the County, the Dissemination Agent, the Participating Underwriters, and Holders from time to time of the Bonds and shall create no rights in any other person or entity.

SECTION 13. Counterparts. This Disclosure Certificate may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

BEAUFORT COUNTY, SOUTH CAROLINA

By: _____
Administrator

Dated: _____, 2018

NOTICE TO REPOSITORIES OF FAILURE TO FILE ANNUAL REPORT

Name of Issuer: Beaufort County, South Carolina

Name of Issue: \$_____ Limited General Obligation Bonds (Bluffton
Township Fire District), Series 2018B, Beaufort County, South Carolina

Date of Issuance: _____, 2018

NOTICE IS HEREBY GIVEN that Beaufort County, South Carolina (the “County”) has not provided an Annual Report with respect to the above-named Bonds as required by Sections 3 and 4 of the Continuing Disclosure Certificate executed and delivered by the County as Dissemination Agent. The County has notified us in writing that the Annual Report will be filed by _____.

Dated: _____

BEAUFORT COUNTY, SOUTH CAROLINA

RESOLUTION NO. 2018 / ____

A RESOLUTION AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO PURSUE CONDEMNATION OF A PORTION OF A TRACT OF LAND LOCATED ON PALMETTO RIDGE STREET TO COMPLETE A SIGNIFICANT STORMWATER DRAINAGE PROJECT

WHEREAS, the Beaufort County Stormwater Department (SWD) staff has obtained numerous easements and maintains ditches near to and adjacent to TMS# R100 033 00A 021F 0000 (the “subject property”); and

WHEREAS, the subject property is located with frontage along Palmetto Ridge Street and is also known as 3004 Palmetto Ridge Street; and

WHEREAS, the SWD staff has made diligent efforts to obtain the necessary easement on the relevant portion of the subject property as shown on the attached Exhibit “A”; and

WHEREAS, despite the diligent efforts of SWD staff, the owners of the subject property have not agreed to grant the necessary easement needed to complete the significant drainage improvement project; and

WHEREAS, the Beaufort County Stormwater Utility Board voted and recommended condemnation of the subject property at its January 10, 2018 meeting; and

WHEREAS, at the January 16, 2018 Natural Resources Committee, the committee unanimously recommended that County Council approve a Resolution authorizing the Interim County Administrator to proceed with a condemnation action; and

WHEREAS, the desired easement is the final piece needed to complete a drainage system in the area; and

WHEREAS, Beaufort County Council believes that it is in the best interests of its citizens to pursue condemnation of the portion of the above referenced property to complete the drainage project.

NOW, THEREFORE, BE IT RESOLVED that Beaufort County Council hereby authorizes the Interim County Administrator to pursue the necessary condemnation of the relevant portion of TMS# R100 033 00A 021F 0000 shown on the attached Exhibit “A.”

ADOPTED this _____ day of _____, 2018.

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

ORDINANCE 2018 /

AN ORDINANCE TO AMEND THE STORMWATER MANAGEMENT UTILITY ORDINANCE 2016/38 AS ADOPTED OCTOBER 24, 2016 TO PROVIDE FOR THE DEFINITION OF “DEVELOPMENT” AND EXEMPTIONS RELATED TO COUNTY DIRT ROAD PAVING

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

WHEREAS, Chapter 99, Article II, “Stormwater Management Utility” was adopted on August 27, 2001 and was modified by Ordinance on August 22, 2005, September 28, 2015, September 26, 2016, and October 24, 2016; and

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

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

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

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

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

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

WHEREAS, the Stormwater Utility Board has determined that limited road improvement functions, specifically dirt road paving, should not be subject to certain stormwater requirements typically required for development; and

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

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

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

Chapter 99 - STORMWATER MANAGEMENT

ARTICLE I. - IN GENERAL

Secs. 99-1—99-100. - Reserved.

ARTICLE II. - STORMWATER MANAGEMENT UTILITY

Sec. 99-106. - Definitions.

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

Developed land. Developed land shall mean property altered from its natural state by construction or installation of improvements such as buildings, structures, or other impervious surfaces, or by other alteration of the property that results in a meaningful change in the hydrology of the property during and following rainfall events. Existing County maintained dirt roads which are improved and or paved as part of Beaufort County's Dirt Road Paving Program as set forth in Beaufort County Policy Statement 15 and Policy Statement 17 and existing private dirt roads which are improved or paved and where the project is not related to a pending or proposed development of adjacent land are deemed not to constitute "developed land".

Article III. – REGULATORY GENERAL PROVISIONS

Sec. 99-203. - Definitions

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

Development. All project construction, modification, or use of any lot, parcel, building, or structure on land and on water. Existing dirt roads which are improved and or paved as part of Beaufort County's Dirt Road Paving Program as set forth in Beaufort County Policy Statement 15 and Policy Statement 17 and existing private dirt roads which are improved or paved and where the project is not related to a pending or proposed development of adjacent land are deemed not to constitute "development".

Adopted this _____ day of _____, 2018.

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:

Section 2

Stormwater Design Criteria

2.1 General Planning and Design Requirements

2.1.1 General Standards

General planning and design requirements for stormwater management are as follows:

1. All development that creates runoff and/or discharge may adversely impact water quality in county streams, lakes and tidal waterbodies. Therefore, all proposed development and redevelopment shall be required to submit a Drainage Plan to show compliance with the peak attenuation, water quality, volume and construction pollution control requirements in this manual, with the following exceptions:
 - a. Total disturbed area is under 5,000 square feet (sq ft). Disturbed area shall include all areas utilized for construction, access, and storage of materials that are disturbed.
 - b. Any maintenance, alteration, renewal use or improvement to an existing drainage structure as approved by the stormwater manager that does not create adverse environmental or water quality impacts and does not increase the temperature, rate, quality, volume or location of stormwater runoff discharge.
 - c. Site work on existing developed sites 1-acre or less, where impervious area is increased by less than 5,000 sq ft, and earthwork does not increase runoff and/or eliminate detention/retention facilities and/or stormwater storage or alter stormwater flow rates or discharge location(s).
 - d. Agricultural activity not involving relocation of drainage canals.
 - e. Work by agencies or property owners required to mitigate emergency flooding conditions. If possible, emergency work should be approved by the duly appointed officials in charge of emergency preparedness or emergency relief. Property owners performing emergency work will be responsible for any damage or injury to persons or property caused by their unauthorized actions. Property owners will restore the site of the emergency work to its approximate pre-emergency condition within a period of 60 days following the end of the emergency period.
 - f. Golf courses are required to comply with all site runoff volume and water quality control and drainage planning and design requirements. However, both golf courses and private lagoons shall be exempt from the peak attenuation requirements.

g. The paving of dirt roads are deemed not to constitute “development” and shall be exempt from the standards of the County Code of Ordinance Chapter 99 (Stormwater Utility Ordinance), MS4 Program or this BMP Manual if the action meets one of the following conditions:

1. Existing County maintained dirt roads which are improved and/or paved as part of Beaufort County’s Dirt Road Paving Program as set forth in Beaufort County Policy Statement 15 and Policy Statement 17;

2. Private dirt roads with adequate existing Stormwater conveyance systems where the project is not related to a pending or proposed development of adjacent land, and the proposed paving meets the Thoroughfare Construction Specifications in Section 2.9.80 of the Community Development Code. Private dirt roads without adequate existing Stormwater conveyance systems will be required to construct a conveyance system per this BMP Manual but will not be required to provide Water Quality Control, Volume Control, or Retention / Detention Facilities.

2. Compliance with this section shall be demonstrated by the submission of detailed plans and calculations showing compliance through the use of BMPs provided within this manual. Detailed hydraulic and hydrologic calculations will be provided in a written report showing methodology and inputs for required calculations. All calculations and plans must be signed and sealed by a qualified professional registered under the South Carolina Division of Professional and Occupational Licensing.
3. Priority wetlands or other significant wetlands identified on the official County conservation district maps, or the Federal National Wetlands Inventory should not be adversely impacted by the construction of BMP facilities in or near them, which deprives them of required runoff or lowers their normal water table elevations. Adjacent BMPs that benefit retention of normal wetland water table elevations are acceptable. If the BMP's proposed location is near a priority wetland, the applicant must provide data showing that impacts will not be detrimental to the wetland hydrology.
4. Measures used to collect and convey stormwater on any site ("stormwater management facilities") shall be designed to meet the following minimum performance standards:
 - a. Prevent erosion damage and satisfactorily carry off or detain and control the rate of release of surface waters.
 - b. Carry surface water to the nearest adequate street, storm drain, detention basin, natural watercourse, or drainage facility.
 - c. Control/accommodate not only the anticipated peak discharge from the onsite disturbed area but also the existing runoff being contributed from all land at a higher elevation in the same watershed.
 - d. No stormwater runoff or natural drainage shall be so diverted as to overload existing drainage systems or create flooding or the need for additional drainage

structures on other private properties or public lands. Please see Appendix G regarding the Common Enemy Law.

- e. All stormwater management facilities shall be designed to satisfy the following requirements:
 - i. They shall be capable of withstanding the discharge associated with the 100-year return rainfall event, without failing or resulting in damage to downstream areas. Some nondetention facilities may be designed to bypass stormwater discharges that are in excess of the appropriate design storm. In this case, conveyance must be provided to transport the 100-year surcharge flow to downstream facilities, a natural watercourse, or storm drainage system inlet.
 - ii. All infiltration devices shall be protected from sedimentation. Areas designated for recharge shall not receive runoff until the contributory drainage areas have achieved final stabilization.
- 5. No new stormwater discharge shall be permitted onto any beaches/shorelines.
- 6. Final landscape designs and plantings shall not adversely impact the stormwater runoff, volume and quality controls and drainage concepts approved as part of the development permit approval process. Landscape design and plantings should enhance opportunities for percolation, retention, detention, filtration and plant absorption of site-generated stormwater runoff.
- 7. Irrigation systems used for complying with these stormwater requirements must use of all available surface runoff or other retained or detained stormwater as the water supply source. No groundwater wells or use of potable water for irrigation of any kind will be permitted in developments or redevelopments unless it can be demonstrated that alternative sources of irrigation water are required beyond the amount needed to meet volume control standards in this manual, or other extenuating circumstances apply. Any use of potable water sources must be approved by the stormwater manager. In addition, the design standards outlined in the Fact sheet for Irrigation (PTP-10) shall apply to all irrigation systems. In the case of extenuating circumstances, the designer may present alternate design standards. These must be approved by the stormwater manager prior and calculations and backup data must be presented for review.
- 8. The developer shall provide adequate outfall ditches, pipes and easements downstream from the proposed discharge if adequate public or private drainage facilities do not exist to carry the proposed discharge. If the outfall ditches, pipes and easements required for adequate drainage are larger than those needed to carry the additional proposed discharge from the development sought by the applicant, the County may bear those incremental costs that are greater than those properly allocable to the development. The County shall have the authority, however, to condition use of such expanded system by subsequent users on contributions by such users for allocable portions of the cost borne by the County.

2018 /

TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): ARTICLE 1,
SECTION 1.3.50 EXEMPTIONS (TO EXEMPT EXISTING DIRT ROADS PAVED AS PART
OF THE COUNTY'S DIRT ROAD PAVING PROGRAM FROM THE STANDARDS OF THE
CDC)

WHEREAS, added text is highlighted in yellow and deleted text is struck through.

Adopted this _____ day of _____, 2018.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, County Attorney

ATTEST:

Ashley M. Bennett, Clerk to Council

First Reading:

Second Reading:

Public Hearing:

Third and Final Reading:

1.3.50 Exemptions

- A. The provisions of this Development Code shall not require formal subdivision of land as a result of actions taken by the State of South Carolina and its political subdivisions to acquire land or interests in land for public right-of-way and easements.
- B. County Council, public utilities, or County agencies may be exempt from the provisions of this Development Code when an emergency exists such that it is impossible to submit to the normal procedures and standards of this Development Code and quick and instant action is necessary to secure the public health, safety, or welfare. The County Council shall ratify such exemption after the fact at its next regularly scheduled meeting, and shall base its ratification on specified findings of fact related to the emergency involved.
- C. A public utility or public infrastructure installation (water, sewer, roads, gas, stormwater, telephone, cable, etc.) is exempt from the standards of this Development Code, except:
 - 1. Thoroughfare standards, in Division 2.9 (Thoroughfare Standards);
 - 2. Wetland standards, in Section 5.11.30 (Tidal Wetlands), and Section 5.11.40 (Non-Tidal Wetlands);
 - 3. River Buffer standards, in Section 5.11.60 (River Buffer);
 - 4. Tree Protection standards, in Section 5.11.90 (Tree Protection);
 - 5. Stormwater management standards, in Section 5.12.30 (Stormwater Standards);
 - 6. Utility standards, in Section 4.1.210 (Regional (Major) Utility);
 - 7. Wireless communication facilities standards, in Section 4.1.320 (Wireless Communications Facility).
 - 8. Historic Preservation standards, in Division 5.10 (Historic Preservation).
- D. The Department of Defense shall be exempt from the standards of this Development Code.
- E. The paving of dirt roads are deemed not to constitute “development” and shall be exempt from the standards of this Development Code if the action meets one of the following conditions:
 - 1. Existing County maintained dirt roads which are improved and/or paved as part of Beaufort County’s Dirt Road Paving Program as set forth in Beaufort County Policy Statement 15 and Policy Statement 17;
 - 2. Private dirt roads with adequate existing Stormwater conveyance systems where the project is not related to a pending or proposed development of adjacent land, and the proposed paving meets the Thoroughfare Construction Specifications in Section 2.9.80. Private dirt roads without adequate existing Stormwater conveyance systems will be required to construct a conveyance system per the County’s Stormwater Best Management Practices (BMP) Manual but will not be required to meet the Effective Impervious Values in Table 5.12.30.A or provide Retention / Detention Facilities.”

2018 / ____

LADY'S ISLAND ZONING MAP AMENDMENT FOR R200 R200 019 000 013A 0000 (0.21 ACRES AT 391 SEA ISLAND PARKWAY) FROM T2-RN (RURAL NEIGHBORHOOD) TO T2-RC (RURAL CENTER)

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

Adopted this ____ day of ____, 2018.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, County Attorney

ATTEST:

Ashley M. Bennett, Clerk to Council

First Reading:

Second Reading:

Public Hearing:

Third and Final Reading:

Existing Zoning



Proposed Zoning



Ordinance 2018/

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.

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 and Review.

- (A) The provisions of this Chapter shall take effect 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) Provided this Ordinance takes effect, the County will implement a program to evaluate the success of this Chapter by soliciting input, including statistical data, from all parties and organizations with an interest in this legislation. County Council will review the evaluation three (3) years from the date this Ordinance goes into effect.

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: November 13, 2017

Second Reading: December 11, 2017

Public Hearing: January 8, 2018

Third and Final Reading:

DRAFT

ORDINANCE NO. _____

AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS, SERIES 2018A, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF BEAUFORT COUNTY, SOUTH CAROLINA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$11,250,000; FIXING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR OR HIS LAWFULLY-AUTHORIZED DESIGNEE TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO.

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

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

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

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

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

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

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

(f) The assessed value of all the taxable property in the County as of June 30, 2017, is \$1,818,238,632. Eight percent of the assessed value is \$145,459,091. As of the date hereof, the outstanding general obligation debt of the County subject to the limitation imposed by Article X, Section 14(7) of the Constitution is 130,644,359. Thus, the County may incur \$14,814,732 of additional general obligation debt within its applicable debt limitation.

(g) It is now in the best interest of the County for County Council to provide for the issuance and sale of not to exceed \$11,250,000 principal amount general obligation bonds of the County to provide funds for the following purposes: (i) capital improvements; (ii) paying costs of issuance of the Bonds (hereinafter defined); and (iii) such other lawful purposes as the County Council shall determine.

SECTION 2. Authorization and Details of Bonds. Pursuant to the aforesaid provisions of the Constitution and laws of the State, there is hereby authorized to be issued not to exceed \$11,250,000 aggregate principal amount of general obligation bonds of the County to be designated “11,250,000 (or such lesser amount issued) General Obligation Bonds, (appropriate series designation), of Beaufort County, South Carolina” (the “Bonds”), for the purposes set forth in Section 1(g) and other costs incidental thereto, including without limiting the generality of such other costs, engineering, financial and legal fees.

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

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

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

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

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

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

aggregate principal amount, interest rate, and maturity as the surrendered Bond. Any Bond surrendered in exchange for a new registered Bond pursuant to this Section shall be canceled by the Registrar/Paying Agent.

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

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

SECTION 6. Mutilation, Loss, Theft or Destruction of Bonds. In case any Bond shall at any time become mutilated in whole or in part, or be lost, stolen or destroyed, or be so defaced as to impair the value thereof to the owner, the County shall execute and the Registrar shall authenticate and deliver at the principal office of the Registrar, or send by registered mail to the owner thereof at his request, risk and expense a new Bond of the same series, interest rate and maturity and of like tenor and effect in exchange or substitution for and upon the surrender for cancellation of such defaced, mutilated or partly destroyed Bond, or in lieu of or in substitution for such lost, stolen or destroyed Bond. In any such event the applicant for the issuance of a substitute Bond shall furnish the County and the Registrar evidence or proof satisfactory to the County and the Registrar of the loss, destruction, mutilation, defacement or theft of the original Bond, and of the ownership thereof, and also such security and indemnity in an amount as may be required by the laws of the State of South Carolina or such greater amount as may be required by the County and the Registrar. Any duplicate Bond issued under the provisions of this Section in exchange and substitution for any defaced, mutilated or partly destroyed Bond or in substitution for any allegedly lost, stolen or wholly destroyed Bond shall be entitled to the identical benefits under this Ordinance as was the original Bond in lieu of which such duplicate Bond is issued, and shall be entitled to equal and proportionate benefits with all the other Bonds of the same series issued hereunder.

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

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

shall have been endorsed thereon a certificate of authentication. Each Bond shall bear a certificate of authentication manually executed by the Registrar in substantially the form set forth herein.

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

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

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

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

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

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

SECTION 13. Tax Covenants. The County hereby covenants and agrees with the holders of the Bonds that it will not take any action which will, or fail to take any action which failure will, cause interest on the Bonds to become includable in the gross income of the holders of the Bonds for federal income tax purposes pursuant to the provisions of the Internal Revenue Code of 1986, as amended (the "IRC") and regulations promulgated thereunder in effect on the date of original issuance of the Bonds. The County further covenants and agrees with the holders of the Bonds that no use of the proceeds of the Bonds shall be made which, if such use had been reasonably expected on the date of issue of the Bonds would have caused the Bonds to be "arbitrage bonds," as defined in Section 148 of the IRC, and to that end the County hereby shall:

(a) comply with the applicable provisions of Sections 103 and 141 through 150 of the IRC and any regulations promulgated thereunder so long as the Bonds are outstanding;

(b) establish such funds, make such calculations and pay such amounts, in the manner and at the times required in order to comply with the requirements of the Code relating to required rebates of certain amounts to the United States; and

(c) make such reports of such information at the time and places required by the IRC.

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

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

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

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

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

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

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

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

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

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

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

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

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

“Government Obligations” shall mean any of the following:

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

SECTION 21. Miscellaneous. The County Council hereby authorizes the Administrator and the Clerk to County Council to execute such documents and instruments as may be necessary to effect the issuance of the Bonds. The County Council hereby retains McNair Law Firm, P.A., as Bond Counsel and Hilltop Securities as Financial Advisor, in connection with the issuance of the Bonds. The Administrator is authorized to execute such contracts, documents or engagement letters as may be necessary and appropriate to effectuate these engagements.

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

Enacted this ____ day of March, 2018.

BEAUFORT COUNTY, SOUTH CAROLINA

Chair, County Council

(SEAL)

ATTEST:

Clerk, County Council

First Reading:

Second Reading:

Public Hearing:

Third and Final Reading:

FORM OF BOND

UNITED STATES OF AMERICA
STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT
GENERAL OBLIGATION BOND, SERIES 2018A

No. R-

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

REGISTERED HOLDER:

PRINCIPAL AMOUNT: DOLLARS

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

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

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

The Bonds are being issued by means of a book-entry system with no physical distribution of bond certificates to be made except as provided in the Ordinance. One bond certificate with respect to each date on which the Bonds are stated to mature, registered in the name of the securities depository nominee, is being issued and required to be deposited with the securities depository and immobilized in its custody. The book-entry system will evidence positions held in the Bonds by the securities depository's participants, beneficial ownership of the Bonds in the principal amount of \$5,000 or any multiple thereof being evidenced in the records of such participants. Transfers of ownership shall be effected on the records of the securities depository and its participants pursuant to rules and procedures established by the securities depository and its participants. The County and the Registrar/Paying Agent will recognize the securities depository nominee, while the registered owner of this bond, as the owner of this bond for all purposes, including payments of principal of and redemption premium, if any, and interest on this bond, notices and voting. Transfer of principal and interest payments to participants of the securities depository will be the responsibility of the securities depository, and transfer of principal, redemption premium, if any, and interest payments to beneficial owners of the Bonds by participants of the securities depository will be the responsibility of such participants and other nominees of such beneficial owners. The County will not be responsible or liable for such transfers of payments or for maintaining, supervision or reviewing the records maintained by the securities depository, the securities depository nominee, its participants or persons acting through such participants. While the securities depository nominee is the owner of this bond, notwithstanding, the provision hereinabove contained, payments of principal of, redemption premium, if any, and interest on this bond shall be made in accordance with existing arrangements between the Registrar/Paying Agent or its successors under the Ordinance and the securities depository.

This Bond is one of a series of Bonds of like date of original issue, tenor and effect, except as to number, denomination, date of maturity, redemption provisions, and rate of interest, aggregating _____ Dollars (\$ _____), issued pursuant to and in accordance with the Constitution and laws of the State of South Carolina, including Article X of the Constitution of the State of South Carolina, 1895, as amended; Title 4, Chapter 15, Code of Laws of South Carolina 1976, as amended; Title 11, Chapter 27, Code of Laws of South Carolina 1976, as amended;; and Ordinance No. _____ duly enacted by the County Council on _____, 2018.

[Redemption Provisions]

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

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

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of the State to exist, to happen and to be performed precedent to or in the issuance of this Bond exist, have happened and have been performed in regular and due time, form and manner as required by

law; that the amount of this Bond, together with all other indebtedness of the County, does not exceed the applicable limitation of indebtedness under the laws of the State; and that provision has been made for the levy and collection of a tax, without limit, on all taxable property in the County sufficient to pay the principal of and interest on this Bond as the same shall respectively mature and to create such sinking fund as may be necessary therefor.

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

BEAUFORT COUNTY, SOUTH CAROLINA

Chair of County Council

(SEAL)

ATTEST:

Clerk of County Council

[FORM OF REGISTRAR'S CERTIFICATE OF AUTHENTICATION]

Date of Authentication:

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

as Registrar

By: _____
Authorized Officer

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

TEN COM - As tenants in common

UNIF GIFT MIN. ACT

TEN ENT - As tenants by the
entireties

Custodian
(Cust.) (Minor)

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

under Uniform Gifts to Minors

(State)

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

[FORM OF ASSIGNMENT]

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

(Name and address of Transferee)

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

Dated:

Signature Guaranteed:

(Authorizing Officer)

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

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

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

[FORM OF CERTIFICATE]

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

BEAUFORT COUNTY, SOUTH CAROLINA

By: _____
Clerk of County Council

FORM OF NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the County Council of Beaufort County, South Carolina (the "County"), County Administration Building, 100 Ribaut Road, Beaufort, South Carolina, at 6:30 p.m. on _____, 2018.

The purpose of the public hearing is to consider an Ordinance providing for the issuance and sale of General Obligation Bonds of Beaufort County, South Carolina, in the principal amount of not to exceed \$11,250,000 (the "Bonds"). The proceeds of the Bonds will be used for the following purposes: (i) funding capital improvements; (ii) paying costs of issuance of the Bonds; and (iii) such other lawful purposes as the County Council shall determine.

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

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

COUNTY COUNCIL OF BEAUFORT COUNTY,
SOUTH CAROLINA

FORM OF NOTICE

NOTICE OF ADOPTION OF ORDINANCE

Notice is hereby given that on _____, 2018, the Beaufort County Council adopted an ordinance entitled: "ORDINANCE NO. _____ AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS, SERIES 2018A, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF BEAUFORT COUNTY, SOUTH CAROLINA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$11,250,000; FIXING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR OR HIS LAWFULLY-AUTHORIZED DESIGNEE TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO" (the "Ordinance"). The Ordinance authorizes the issuance and sale of not to exceed \$11,250,000 General Obligation Bonds, Series 2018A (the "Bonds") of the County.

The proceeds of the Bonds will be used for the following purposes: (i) funding capital improvements; (ii) paying costs of issuance of the Bonds; and (iii) such other lawful purposes as the County Council shall determine.

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

COUNTY COUNCIL OF BEAUFORT COUNTY,
SOUTH CAROLINA

FORM OF NOTICE OF SALE

OFFICIAL NOTICE OF SALE

\$ _____ GENERAL OBLIGATION BONDS, SERIES 2018A,
OF BEAUFORT COUNTY, SOUTH CAROLINA

Time of Sale: NOTICE IS HEREBY GIVEN that bids will be received on behalf of Beaufort County, South Carolina (the "County"), until 11:00 a.m, South Carolina time, on _____, _____, 2018, at which time said proposals will be publicly opened for the purchase of \$ _____ General Obligation Bonds, Series 2018A, of the County (the "Bonds").

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

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

The Bonds will be issued in fully-registered form registered as to principal and interest; will be dated _____, 2018; will be in denominations of \$5,000 or any integral multiple thereof not to exceed the principal amount of Bonds maturing in each year; and will mature serially in successive annual installments on _____ in each of the years and in the principal amounts as follows:

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

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

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

[Redemption Provisions]

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

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

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

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

Good Faith Deposit: No good faith deposit is required.

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

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

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

Issue Price Certificate: [TO BE PROVIDED]

Delivery: The Bonds will be delivered on or about _____, 2018, in New York, New York, at the expense of the County. The balance of the purchase price then due, including the amount of accrued interest, must be paid in federal funds or other immediately available funds.

CUSIP Numbers: It is anticipated that CUSIP identification numbers will be set forth on the Bonds, but neither the failure to print such numbers on any Bond nor any error with respect thereto shall constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the Bonds in accordance with the terms of its proposal. The CUSIP Service Bureau charge for the assignment of such numbers shall be the responsibility of and shall be paid for by the successful bidder.

Additional Information: The Preliminary Official Statement of the County with respect to the Bonds will be furnished to any person interested in bidding for the Bonds upon request to McNair Law Firm, P.A., Post Office Box 11390, Columbia, South Carolina 29211, Attention: Francenia B. Heizer, telephone (803) 799-9800, e-mail: fheizer@mcnair.net. The Preliminary Official Statement shall be reviewed by bidders prior to submitting a bid. Bidders may not rely on this Notice of Sale as to the complete information concerning the Bonds. Persons seeking information should communicate with the County's Financial Advisor, Jeff Minch, Vice President, Hilltop Securities, 5925 Carnegie Boulevard, Suite 380, Charlotte, North Carolina 28209, telephone (704) 654-3451, e-mail: jeff.minch@hilltopsecurities.com.

BEAUFORT COUNTY, SOUTH CAROLINA

FORM OF CONTINUING DISCLOSURE CERTIFICATE**CONTINUING DISCLOSURE CERTIFICATE**

This Continuing Disclosure Certificate (the “Disclosure Certificate”) is executed and delivered by Beaufort County, South Carolina (the “County”) in connection with the issuance of \$_____ General Obligation Bonds, Series 2018A, Beaufort County, South Carolina (the “Bonds”). The Bonds are being issued pursuant to an ordinance adopted by the County Council of the County (the “Ordinance”). The County covenants and agrees as follows:

SECTION 1. Purpose of the Disclosure Certificate. This Disclosure Certificate is being executed and delivered by the County for the benefit of the beneficial owners and in order to assist the Participating Underwriters (defined below) in complying with the Rule (defined below).

SECTION 2. Definitions. The following capitalized terms shall have the following meanings:

“**Annual Report**” shall mean any Annual Report provided by the County pursuant to, and as described in, Sections 3 and 4 of this Disclosure Certificate.

“**Bonds**” shall mean the \$_____ General Obligation Bonds, Series 2018A, Beaufort County, South Carolina, dated _____, 2018.

“**Dissemination Agent**” shall mean the County or any successor Dissemination Agent designated in writing by the County and which has filed with the County a written acceptance of such designation.

“**Listed Events**” shall mean any of the events listed in Section 5(a) of this Disclosure Certificate.

“**National Repository**” shall mean for purposes of the Rule, the Electronic Municipal Market Access (EMMA) system created by the Municipal Securities Rulemaking Board.

“**Participating Underwriter**” shall mean _____ and any other original underwriter of the Bonds required to comply with the Rule in connection with offering of the Bonds.

“**Repository**” shall mean each National Repository and each State Depository, if any.

“**Rule**” shall mean Rule 15c2-12(b)(5) adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time.

“**State Depository**” shall mean any public or private repository or entity designated by the State of South Carolina as a state depository for the purpose of the Rule. As of the date of this Certificate, there is no State Depository.

SECTION 3. Provision of Annual Reports.

(a) The County shall, or shall cause the Dissemination Agent to provide, not later than February 1 of each year, commencing in 2019, to the Repository an Annual Report which is consistent with the requirements of Section 4 of this Disclosure Certificate. Not later than fifteen (15) business days prior to such date the County shall provide the Annual Report to the Dissemination Agent, if other than the County;

provided, that if the audited financial statements required pursuant to Section 4 hereof to be included in the Annual Report are not available for inclusion in the Annual Report as of such date, unaudited financial statements of the County may be included in such Annual Report in lieu thereof, and the County shall replace such unaudited financial statements with audited financial statements within fifteen (15) days after such audited financial statements become available for distribution. The Annual Report may be submitted as a single document or as separate documents comprising a package, and may cross-reference other information as provided in Section 4 of this Disclosure Certificate; provided that the audited financial statements of the County may be submitted separately from the balance of the Annual Report.

(b) If the County is unable to provide to the Repository an Annual Report by the date required in subsection (a), the County shall send a notice to the Municipal Securities Rulemaking Board and State Depository, if any, in substantially the form attached hereto as Exhibit A.

(c) The Dissemination Agent shall:

(1) determine each year prior to the date for providing the Annual Report the name and address of the Repository; and

(2) if the Dissemination Agent is other than the County, file a report with the County and (if the Dissemination Agent is not the Registrar) the Registrar certifying whether the Annual Report has been provided pursuant to this Disclosure Certificate, and, if provided, stating the date it was provided, and listing the Repository to which it was provided.

SECTION 4. Content of Annual Reports. The County's Annual Report shall contain or incorporate by reference the most recent audited financial statements, which shall be prepared in conformity with generally accepted accounting principles (or, if not in such conformity, to be accompanied by a qualitative discussion of the differences in the accounting principles and the impact of the change in the accounting principles on the presentation of the financial information) applicable to governmental entities such as the County, and shall, in addition, contain or incorporate by reference the following information for the most recently completed fiscal year:

- (a) County population;
- (b) Total state appropriations subject to withholding under Article X, Sec. 15, South Carolina Constitution;
- (c) Outstanding Indebtedness of the County;
- (d) Market Value/Assessment Summary of taxable property in County;
- (e) Tax rates for County;
- (f) Tax collections for County; and
- (g) Five largest taxpayers (including fee-in-lieu-of-tax) for County.

Any or all of the items listed above may be incorporated by reference from other documents, including official statements of debt issues with respect to which the County is an "obligated person" (as defined by the Rule), which have been filed with the Repository or the Securities and Exchange Commission. If the document incorporated by reference is a final official statement, it must be available from the Municipal Securities Rulemaking Board. The County shall clearly identify each such other document so incorporated by reference.

SECTION 5. Reporting of Significant Events.

(a) Pursuant to the provisions of this Section 5, the County shall give, or cause to be given, notice of the occurrence of any of the following events (the "Listed Events"):

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security;
- (7) Modifications to rights of security holders;
- (8) Bond calls;
- (9) Tender offers;
- (10) Defeasances;
- (11) Release, substitution, or sale of property securing repayment of the securities;
- (12) Rating changes;
- (13) Bankruptcy, insolvency, receivership or similar event of the County;
- (14) The consummation of a merger, consolidation, or acquisition involving the County or the sale of all or substantially all of the assets of the County other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms;
- (15) Appointment of a successor or additional trustee or the change of name of a trustee.

(b) Whenever the County obtains knowledge of the occurrence of a Listed Event described in subsections (a)(2), (7), (8), (11), (14), or (15) above, the County shall as soon as possible determine if such event would be material under applicable federal securities laws. If the County determines that knowledge of the occurrence of such event would be material under applicable federal securities laws, the County shall promptly, and no later than 10 days after the occurrence of the event, file a notice of such occurrence with the Repository.

(c) Whenever the County obtains knowledge of the occurrence of a Listed Event described in subsections (a)(1), (3), (4), (5), (6), (9), (10), (12), or (13) above, the County shall promptly, and no later than 10 days after the occurrence of the event, file a notice of such occurrence with the Repository.

(d) Notwithstanding the foregoing, notice of Listed Events described in subsections (a)(8), (9), and (10) above need not be given under this subsection any earlier than the notice (if any) of the underlying event is given to owners of affected Bonds. For the purposes of the event identified in (a)(13) above, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the County in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the County, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the County.

SECTION 6. Termination of Reporting Obligation. The County's obligations under this Disclosure Certificate shall terminate upon the defeasance, prior redemption or payment in full of the Bonds.

SECTION 7. Dissemination Agent. The County may, from time to time, appoint or engage a Dissemination Agent to assist it in carrying out its obligations under this Disclosure Certificate, and may discharge any such Agent, with or without appointing a successor Dissemination Agent. The initial Dissemination Agent shall be the County.

SECTION 8. Amendment; Waiver. Notwithstanding any other provision of this Disclosure Certificate, the County may amend this Disclosure Certificate and any provision of this Disclosure Certificate may be waived, if such amendment or waiver is supported by an opinion of counsel expert in federal securities laws acceptable to the County, to the effect that such amendment or waiver would not, in and of itself, cause the undertakings herein to violate the Rule if such amendment or waiver had been effective on the date hereof but taking into account any subsequent change in or official interpretation of the Rule.

SECTION 9. Additional Information. Nothing in this Disclosure Certificate shall be deemed to prevent the County from disseminating any other information, using the means of dissemination set forth in this Disclosure Certificate or any other means of communication, or including any other information in any Annual Report or notice of occurrence of a Listed Event, in addition to that which is required by this Disclosure Certificate. If the County chooses to include any information in any Annual Report or notice of occurrence of a Listed Event, in addition to that which is specifically required by this Disclosure Certificate, the County shall have no obligation under this Certificate to update such information or include it in any future Annual Report or notice of occurrence of a Listed Event.

SECTION 10. Default. In the event of a failure of the County or the Dissemination Agent to comply with any provision of this Disclosure Certificate, any beneficial owner may take such actions as may be necessary and appropriate, including seeking injunctive relief or specific performance by court order, to cause the County, or the Dissemination Agent, as the case may be, to comply with its obligations under this Disclosure Certificate. A default under this Disclosure Certificate shall not be deemed an event of default under the Ordinance, and the sole remedy under this Disclosure Certificate in the event of any failure of the County or the Dissemination Agent to comply with this Disclosure Certificate shall be an action to compel performance.

SECTION 11. Duties, Immunities and Liabilities of Dissemination Agent. The Dissemination Agent shall have only such duties as are specifically set forth in this Disclosure Certificate, and the County agrees to indemnify and save the Dissemination Agent, its officers, directors, employees and agents, harmless against any loss, expense and liabilities which they may incur arising out of or in the exercise or performance of their powers and duties hereunder, including the costs and expenses (including attorneys' fees) of defending against any claim of liability, but excluding liabilities due to the Dissemination Agent's negligence or willful misconduct. The obligations of the County under this Section shall survive resignation or removal of the Dissemination Agent and payment of the Bonds.

SECTION 12. Beneficiaries. This Disclosure Certificate shall inure solely to the benefit of the County, the Dissemination Agent, the Participating Underwriters, and Holders from time to time of the Bonds and shall create no rights in any other person or entity.

SECTION 13. Counterparts. This Disclosure Certificate may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

BEAUFORT COUNTY, SOUTH CAROLINA

By: _____
Interim County Administrator

Dated: _____, 2018

NOTICE TO REPOSITORIES OF FAILURE TO FILE ANNUAL REPORT

Name of Issuer: Beaufort County, South Carolina

Name of Issue: \$_____ General Obligation Bonds, Series 2018A,
Beaufort County, South Carolina

Date of Issuance: _____, 2018

NOTICE IS HEREBY GIVEN that Beaufort County, South Carolina (the “County”) has not provided an Annual Report with respect to the above-named Bonds as required by Sections 3 and 4 of the Continuing Disclosure Certificate executed and delivered by the County as Dissemination Agent. The County has notified us in writing that the Annual Report will be filed by _____.

Dated: _____

BEAUFORT COUNTY, SOUTH CAROLINA

CDBG & HOME Notice of Public Hearing Concerning Needs Assessment**Beaufort County**

NOTICE IS HEREBY GIVEN that on Monday, January 22, 2018 at 6:30 p.m. in County Council Chambers inside Beaufort County Administration Building, 100 Ribaut Road, Beaufort, SC, 29902, Beaufort County will hold a public hearing to solicit public input on community needs and priorities for housing, public facilities, and economic development in the county. At this public hearing Beaufort County will provide the results of its needs assessment and the activities which might be undertaken to meet identified needs, including the estimated amount proposed to be used for activities that will benefit persons of low and moderate income.

The County will also discuss matters related to housing needs and Affirmatively Furthering Fair Housing in anticipation of participation in the Beaufort County/Lowcountry Regional HOME Consortium funded by the US Department of Housing and Urban Development (HUD).

This public hearing and the matters to be discussed are subject to the provisions of the County's Citizen Participation Plan, developed in anticipation of participation in the State of South Carolina's Community Development Block Grant (CDBG) Program, providing for the participation of the citizens of the County in the planning and implementation of community and economic development projects which will involve CDBG funds. The Citizen Participation Plan is available for review at Beaufort County Administration Building, 100 Ribaut Road, Beaufort, SC, 29902 Monday through Friday between the hours of 9:00a.m. and 5:00p.m. Persons with questions or comments concerning the public hearing or the Citizen Participation Plan may contact Michelle Knight, Lowcountry Council of Governments, PO Box 98, Yemassee, SC 29945, (843) 473-3990.

Beaufort County does not discriminate on the basis of age, color, religion, sex, national origin, familial status or disability in the admission or access to, or treatment or employment in its federally assisted programs or activities. Joshua A. Gruber, Deputy County Administrator for Beaufort County, PO Box 1228, Beaufort, SC 29901-1228, (843) 255-2055, has been designated to coordinate compliance with the nondiscrimination requirements contained in the U. S. Department of Housing and Urban Development's regulations.

Note: Assistance will be provided to accommodate the special needs of disabled or limited English proficient persons upon request with a forty-eight hour notice.

Nota: Se proporcionará asistencia para acomodar las necesidades especiales de personas discapacitadas o con dominio limitado del inglés previa solicitud con un aviso de cuarenta y ocho horas.

2018
Community Development
Block Grant (CDBG)

BEAUFORT COUNTY

Community and Economic Development
Strengthening People Strengthening Communities

FAIR HOUSING IS THE LAW

Also, as a part of the requirements of the program, the locality is expected to undertake activities that promote Fair Housing. Title VIII of the Civil Rights of 1968 stipulates that we all have the right to be treated fairly regardless of our **race, color, religion, sex, familial status, or national origin.**

In the sale and rental of housing

In residential real estate transactions

In the provision of brokerage services



If you believe that you have been a victim of discriminatory housing practices, you have avenues by which the matter can be investigated.



Hampton County and Lowcountry Council of Governments are committed to Fair Housing.

**For more information contact
LCOG at (843) 473-3990.**

The SC CDBG Program is designed to provide assistance to units of local government in improving economic opportunities and meeting community revitalization needs, particularly for persons of low and moderate income (LMI).

LMI QUALIFIED

Beaufort County		1	2	3	4	5	6	7	8+
		Person	Person	Person	Person	Person	Person	Person	Person
Median Family Income:	30% Limits	\$14,800	\$16,900	\$20,420	\$24,600	\$28,780	\$32,960	\$37,140	\$41,320
	50% Limits	\$24,650	\$28,150	\$31,650	\$35,150	\$38,000	\$40,800	\$43,600	\$46,400
	80% Limits	\$39,400	\$45,000	\$50,650	\$56,250	\$60,750	\$65,250	\$69,750	\$74,250

Community and Economic Development
Strengthening People Strengthening Communities

The CDBG program has been funded through the State since 1982 by the US Department of Housing and Urban Development (HUD) under Title I of the Housing Community Development Act of 1974 as amended (Title I).

The Annual allocation from HUD for the program is administered by the S C Department of Commerce -Division of Grant Administration.

SC has been allotted approximately \$18,504,693 in CDBG funds for 2018.

GRANT PROGRAM CATEGORIES

There are three broad grant program categories:

- Community Development**
- Business Development**
- Regional Planning**

The Community Development Program is further broken down into several subcategories to address infrastructure, community facilities, and neighborhood priorities as follows:

COMMUNITY DEVELOPMENT PROGRAM

COMMUNITY INFRASTRUCTURE \$10,534,846	
APPLICATION REQUEST 3/16/18 APPLICATION DEADLINE 4/16/18	
WATER	
SEWER	
DRAINAGE	
ROADS	
MINIMUM FUNDING AMOUNT - \$50,000 MAXIMUM FUNDING AMOUNT - \$750,000	
SPECIAL PROJECTS \$300,000	
APPLICATION REQUEST 8/17/18 APPLICATION DEADLINE 9/17/18	
HISTORIC PRESERVATION	
INNOVATION	
ENERGY CONSERVATION	
PARK/TRAILS/GREENWAYS MINIMUM FUNDING AMOUNT - \$50,000 MAXIMUM FUNDING AMOUNT - \$150,000	

COMMUNITY ENRICHMENT \$3,000,000	
APPLICATION REQUEST 8/17/18 APPLICATION DEADLINE 9/17/18	
BROWNFIELD PROJECTS/DEMOLITION OBSOLETE BUILDINGS	
DOWNTOWN STREETScape IMPROVEMENTS	
PLANNING FOR REGIONAL INFRASTRUCTURE	
PUBLIC FACILITIES MODIFICATIONS	
LIBRARIES	
PUBLICLY OWNED FACILITIES	
TRANSPORTATION-ORIENTED PUBLIC FACILITIES	
PUBLIC SAFETY FACILITIES/SERVICES	
DEMOLITION VACANT, DILAPIDATED STRUCTURES TO ADDRESS/SUPPORT CRIME PREVENTION	
FIRE SUBSTATIONS OR FIRE TRUCKS	
HEALTH CLINIC FACILITIES/EQUIPMENT	
PUBLIC FACILITY MODIFICATIONS	
MINIMUM FUNDING AMOUNT - \$50,000 MAXIMUM FUNDING AMOUNT - \$500,000	

READY TO GO \$600,000
APPLICATION REQUEST ONGOING APPLICATION DUE 30 DAYS AFTER REQUEST
ACTIVITIES LISTED IN COMMUNITY INFRASTRUCTURE & COMMUNITY ENRICHMENT
MINIMUM FUNDING AMOUNT - \$50,000 MAXIMUM FUNDING AMOUNT - \$500,000

NATIONAL OBJECTIVE
•Benefit low-to-moderate income (“LMI”) Persons
•Aid in the prevention or elimination of slums or blight
•Meet other urgent community needs posing a serious threat to the health or welfare of the community

NEIGHBORHOOD REVITALIZATION \$914,708 - MUST HAVE A PLAN
APPLICATION REQUEST 8/17/18 APPLICATION DEADLINE 9/17/18
INFRASTRUCTURE - WATER, SEWER, ROADS, DRAINAGE
PUBLIC FACILITIES (SIDEWALKS, SECURITY LIGHTING, CAMERAS, POLICE SUBSTATIONS)
HOUSING - INFRASTRUCTURE TO SUPPORT AFFORDABLE HOUSING
HOUSING - LIMITED EXTERIOR ONLY
DEMOLITION AND CLEARANCE OF VACANT/DILAPIDATED PROPERTIES
PUBLIC SERVICES (CRIME WATCH PROGRAM, DRUG/GANG EDUCATION, AWARENESS/PREVENTION PROGRAMS)
MINIMUM FUNDING AMOUNT - \$50,000 MAXIMUM FUNDING AMOUNT - \$500,000

10% MATCH REQUIREMENT FOR ALL PROJECTS

GRANT PROGRAM CATEGORIES

Business Development Program: \$2,000,000

This program provides financial resources for local governments to pursue opportunities that create new jobs, retain existing employment, stimulate private investment, and revitalize or facilitate the competitiveness of the local economy. Funding will be prioritized based on the following order:

1. New or expanding businesses tied to job creation
2. Area economic development activities not associated with job creation
3. New or expanding local businesses that provide essential goods and services in predominately LMI communities

GRANT PROGRAM CATEGORIES

Regional Planning Program: \$ 500,000

This program is designed to provide CDBG funds to Councils of Governments to assist local governments in developing plans and building local community development capacity.

State Technical Assistance (1%) \$ 185,046

State Administration \$ 470,093

(2% of allocation+\$100,000)

PERFORMANCE THRESHOLD

A unit of local government can apply for an additional Community Development grant if it has no more than two open CDBG grants (excluding Business Development or Regional Planning grants).

However, the open grants must not have exceeded a 30 month grant period.

PERFORMANCE THRESHOLD

No more than one Neighborhood Revitalization/Village Renaissance or streetscape project.

No more than one Ready to Go project.

No more than one project for the same general target area/neighborhood open at the same time, unless the current project is under construction.

BEAUFORT COUNTY/LOWCOUNTRY REGIONAL HOME CONSORTIUM

The Beaufort County/Lowcountry Regional HOME Consortium (LRHC) is comprised of the following counties: Beaufort, Colleton, Hampton, and Jasper and all 21 municipalities in the region.

BEAUFORT COUNTY/LOWCOUNTRY REGIONAL HOME CONSORTIUM

TOP THREE OBJECTIVES:

- 1. Rehabilitation of substandard housing**
- 2. Increase accessibility to adequate and affordable housing**
- 3. Support the development and availability of safe, decent, and affordable housing**

BEAUFORT COUNTY/LOWCOUNTRY REGIONAL HOME CONSORTIUM

Beaufort, Hampton, Colleton and Jasper Counties have areas that are in need of affordable housing, rehabilitation of substandard housing, and demolition of vacant/dilapidated houses.

As the housing stock ages, there becomes a greater need for rehabilitation of substandard houses and the number of vacant/dilapidated houses increases while increasing the number of persons at risk for homelessness.

Please give us a list of the priority housing needs for your area to be considered in our upcoming 2018-2019 Annual Action Plan to be submitted to HUD by April 30, 2018.

AN ORDINANCE TO CREATE THE KEEP BEAUFORT COUNTY BEAUTIFUL BOARD FOR THE PURPOSE OF LITTER CONTROL, BEAUTIFICATION, AND WASTE REDUCTION FOR BEAUFORT COUNTY

WHEREAS, Keep Beaufort County Beautiful (KBCB) has been an active organization, created as a non-profit organization under South Carolina law since 1986; and

WHEREAS, KBCB has operated with the support of County staff from the Department of Solid Waste and Recycling; and

WHEREAS, KBCB has a mission to educate and empower the Beaufort County Community (including governments, businesses, schools, and citizens) to participate directly in improving the environment through an all-out effort in beautification, litter control, and waste reduction; and

WHEREAS, KBCB has maintained its status as an affiliate of Keep America Beautiful (KAB) and Palmetto Pride by meeting the requirements of a KAB affiliate including filing the required annual reports; and

WHEREAS, KBCB has managed volunteers for the SCDOT Adopt A Highway program; and

WHEREAS, being chartered by County Council will acknowledge the success of the KBCB and solidify the organization within the County structure and provide for continued staff support for the purposes set forth below; and

WHEREAS, a county chartered organization will not have an adverse impact on the traditional funding sources from Palmetto Pride and further will have no adverse impact on affiliate status with KAB; and

WHEREAS, it is the intention of the existing Keep Beaufort County Beautiful Board of Directors to dissolve the existing non-profit and become a county chartered organization.

NOW, THEREFORE, BE IT ORDAINED, by Beaufort County Council that there is hereby created a Keep Beaufort County Beautiful Board and that such Board shall be organized and operated according to the following Charter Provisions. The Beaufort County Code of Ordinances is hereby amended by inserting the following Article VII Sections 62-58 through 62-67 into Chapter 62:

Chapter 62- Solid Waste

Article VII Section 62-58. – Litter Control and Beautification Board

Sec. 62-58. - Title.

The name of the organization shall be known as the Keep Beaufort County Beautiful Board (KBCBB).

Sec. 62-59. - Composition.

The board shall be comprised of the following membership:

- (a) One member from County Council District 1.
- (b) One member from County Council District 2.
- (c) One member from County Council District 3.
- (d) One member from County Council District 4.
- (e) One member from County Council District 5.
- (f) One member from County Council District 6.
- (g) One member from County Council District 7.
- (h) One member from County Council District 8.
- (i) One member from County Council District 9.
- (j) One member from County Council District 10.
- (l) One member from County Council District 11.

Sec. 62-60. - Filling of vacancies; removal of board members; terms.

- (1) A vacancy on the board is filled in the same manner as provided for under sections 2-191 through 2-198 of the Beaufort County Code of Ordinances, upon nomination of the respective member of County Council.
- (2) Board members are subject to removal procedures provided in Sec. 2-193 of the Beaufort County Code of Ordinances.
- (3) Board members shall serve at the pleasure of county council. Board members shall be appointed to one (1) term. A term of appointment shall be for four (4) years. No board member shall serve for more than four (4) consecutive terms except that county council may approve a fifth term by unanimous vote.

- a. Upon passage of this Charter, all eleven (11) board members shall be appointed by county council.
- b. For Districts one, two, three, four, five, and six the board members shall be re-appointed after the initial two (2) years for a full four (4) year term, thereby staggering appointments of board members. The initial two (2) year term shall not count toward the four (4) term limit.
- c. For Districts, seven, eight, nine, ten, and eleven, the board members' term shall expire after the full four (4) year term and vacancies be filled by re-appointment, or filled by new appointment.

Sec. 62-61. – Officers, officers' duties, and elections of officers.

The members shall elect three (3) officers from its membership, a chairperson, a co-chairperson and a secretary. A majority of board members present and voting, when a quorum is established, shall elect the officers.

- (1) Chairperson- The chairperson shall be responsible for leading the Board in program development and policy consistent with the Keep America Beautiful objectives. The chairperson shall be spokesperson for the Board at functions, prepare and work with the county staff in preparation of reports including but not limited to the annual Keep America Beautiful report and perform such other duties as the Board shall elect.
- (2) Co-Chairperson- The co-chairperson shall serve as the Chairperson in his or her absence, and shall discharge such other duties as the Board shall direct.
- (3) Secretary- The secretary shall keep minutes of all Board meetings and shall forward the approved minutes to the appropriate County staff person for record keeping and storage. The secretary shall also perform such other duties as the Board shall direct.

Sec. 62-62. - Meetings.

The board shall meet at the call of the chairperson, at least quarterly, and shall be conducted in compliance with the South Carolina Freedom of Information Act. Minutes shall be kept of any meetings and the minutes shall be stored in the Department of Solid Waste and Recycle or the Records Management Department of the County. A majority of the number of members on the board shall constitute a quorum for transaction of business at any meeting. A majority of those present and voting shall be required to decide any issue after a quorum has been established.

Sec. 62-63. - Purpose.

The purpose of the board will be to educate and empower the Beaufort County Community (including governments, businesses, schools, and citizens) to participate directly in improving the environment through an all-out effort in beautification, litter control, and waste reduction.

Sec. 62-64. - Objectives.

The objectives of the board include but are not limited to:

- A. Conduct and promote continuing education programs; and
- B. Develop new programs which will result in the sustained reduction of litter, graffiti and increase recycling in Beaufort County; and
- C. Encourage stricter code enforcement regarding litter and dumping; and
- D. Review and recommend appropriate legislative changes regarding environmental ordinances in Beaufort County; and
- E. Encourage placing, planting and preservation of trees, flowers, shrubs and objects of ornamentation in Beaufort County; and
- F. Maintain affiliate certification with Keep America Beautiful; and
- G. File the required annual report to Keep America Beautiful; and
- H. Pursue and secure funding from available sources.

Sec. 62-64- Keep America Beautiful Affiliation

The board shall maintain the Keep America Beautiful affiliation status and utilize the KAB resources whenever possible. The board's activities are limited to the boundaries of Beaufort County but should not be construed to exclude activities within the municipal boundaries located in Beaufort County.

Sec. 62-65. - Annual budget.

The board shall submit a recommended annual budget to Beaufort County Council for review and adoption indicating all anticipated sources of revenue, all anticipated expenditures, and any remaining funds that have been carried over from previous years. Additionally, the board shall advise and make recommendations to county council on the expenditure of any and all county funds that may be appropriate to it as well as the design and implementation of any improvement projects that will occur on land owned, maintained, or subject to the control of Beaufort County Council.

Sec. 62-66. - Appointment of other committees.

The board may appoint such other standing, special, or advisory committees from time to time as it deems appropriate. Members of such committees may include board members, as well as individuals representing specialized interests in areas that would be beneficial to the board carrying out its purpose.

Sec. 62-67. - Conflict of interest.

The board shall adhere to all conflict of interest prohibitions and disclosure requirements provided in South Carolina Code of Laws § 8-13-700 et seq., as well as any applicable provisions of the Beaufort County Code of Ordinances.

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: December 11, 2017

Second Reading: January 8, 2018

Public Hearing:

Third and Final Reading: