

COUNTY COUNCIL OF BEAUFORT COUNTY
ADMINISTRATION BUILDING
BEAUFORT COUNTY GOVERNMENT ROBERT SMALLS COMPLEX
100 RIBAUT ROAD
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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, February 19, 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 Roberts “Tabor” Vaux
5. RECOGNITION / ADOPT-A-HIGHWAY VOLUNTEER GROUPS
6. ADMINISTRATIVE CONSENT AGENDA
 - A. Approval of Minutes
 1. January 22, 2018 Caucus ([backup](#))
 2. January 22, 2018 Regular Session ([backup](#))
 - B. Committee Reports (next meeting)
 1. Community Services (March 19, 2018 at 4:00 p.m., ECR)
 - a. Minutes – January 22, 2017 ([backup](#))
 2. Executive (March 12, 2018 at 3:00 p.m., ECR)
 - a. Minutes – February 5, 2018 ([backup](#))
 3. Finance (March 5, 2018 at 2:00 p.m., ECR)
 - a. Minutes – February 5, 2018 ([backup](#))
 4. Governmental (March 5, 2018 at 4:00 p.m., ECR)
 - a. Minutes – February 5, 2018 ([backup](#))
 5. Natural Resources (March 19, 2018 at 2:00 p.m., ECR)
 - a. Minutes – January 16, 2018 ([backup](#))
 6. Public Facilities (March 26, 2018 at 3:00 p.m., ECR)
 - a. Minutes – February 12, 2018 ([backup](#))
 - C. Boards and Commissions ([backup](#))



7. PUBLIC COMMENT – Speaker sign-up encouraged no later than 5:45 p.m. day of meeting.
8. TIME-SENSITIVE ITEMS POTENTIALLY COMING FORTH FROM FEBRUARY 19, 2018 COMMITTEE MEETINGS FOR COUNCIL CONSIDERATION
 - A. CONTRACT AWARD / LANDSCAPING SERVICES FOR HIGHWAY 278 TRAFFIC MEDIANS BETWEEN TANGER 1 AND TANGER 2 ([backup](#))
 1. Contract award: Hilton Head Landscapes, LLC, Hilton Head Island, South Carolina
 2. Amount: \$268,198.69
 3. Funding: Tree Reforestation Fund
 4. Natural Resources Committee discussion to occur February 19, 2018
 - B. TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): ARTICLE 3, SECTION 3.3.50 REGIONAL CENTER MIXED-USE (TO PERMIT UNIT-PER-UNIT CONVERSION OF LODGING TO MULTI-FAMILY RESIDENTIAL) ([backup](#))
 1. Consideration of first reading approval to occur February 19, 2018
 2. Natural Resources Committee discussion to occur February 19, 2018
9. CONSENT AGENDA
 - A. CONTRACT AWARD / 2018 5100E JOHN DEERE, WITH ONE 18' ALAMO SAMURAI SIDE-ARM MOWER FOR PUBLIC WORKS DEPARTMENT ([backup](#))
 1. Contract award: Blanchard Equipment, Saint George, South Carolina (state contract vendor)
 2. Amount: \$107,308.79
 3. Funding: Account 10001320-54200, Specialized Equipment
 4. Public Facilities Committee discussion and recommended approval occurred February 12, 2018 / Vote 6:0
 - B. CONTRACT AWARD / 2018 SCHWARZE A7 TORNADO SWEEPER FOR PUBLIC WORKS DEPARTMENT ([backup](#))
 1. Contract award: Carolina Environmental Systems, Inc., Kernersville, North Carolina
 2. Amount: \$244,943
 3. Funding: Account 5020011-54200, Specialized Equipment
 4. Public Facilities Committee discussion and recommended approval occurred February 12, 2018 / Vote 6:0
 - C. CONTRACT AWARD / ENGINEERING AND CONSULTING SERVICES FOR DESIGN BUILDING CONSTRUCTION / BEAUFORT COUNTY WHITEHALL BOAT RAMP IMPROVEMENTS ([backup](#))
 1. Contract award: O'Quinn Marine Construction, Beaufort, South Carolina
 2. Amount: Total Project \$193,660 (\$184,438 contract, and a 5% contingency)
 3. Funding: Hospitality Tax Funds (Approved by Ordinance 2017/33)
 4. Public Facilities Committee discussion and recommended approval occurred February 12, 2018 / Vote 6:0

- D. AN ORDINANCE CALLING FOR A REFERENDUM TO ALLOW THE QUALIFIED ELECTORS OF BEAUFORT COUNTY, SOUTH CAROLINA TO VOTE TO CHANGE THE FORM OF GOVERNMENT TO COUNCIL/MANAGER OR TO RETAIN THE COUNCIL/ADMINISTRATOR FORM OF GOVERNMENT ([backup](#))
1. Consideration of approval on first reading to occur February 19, 2018
 2. Executive Committee discussion and recommendation to approve ordinance on first reading occurred February 5, 2018 / Vote 4:1
 3. Council Work Session for receipt of public input occurred October 25, 2017
 4. Executive Committee discussion and recommendation to approve ordinance, contingent upon the Executive Committee holding two work sessions to receive public input occurred October 9, 2017 / Vote 5:1
- E. AN ORDINANCE AUTHORIZING AND APPROVING (I) THE DIMINISHING OF THE BOUNDARIES OF AN EXISTING MULTI-COUNTY INDUSTRIAL BUSINESS PARK (RIVERPORT) PURSUANT TO SECTION 4-1-170 OF THE *CODE OF LAWS OF SOUTH CAROLINA*, 1976, AS AMENDED, TO REMOVE THEREFROM CERTAIN PROPERTY NOW OR TO BE OWNED AND/OR OPERATED BY WASTE MANAGEMENT OF GEORGIA, INC., A COMPANY PREVIOUSLY IDENTIFIED AS PROJECT LEE, ONE OR MORE AFFILIATES, AND/OR OTHER PROJECT SPONSORS; (II) DEVELOPMENT OF A NEW JOINT COUNTY INDUSTRIAL AND BUSINESS PARK PURSUANT TO SECTION 4-1-170 OF THE *CODE OF LAWS OF SOUTH CAROLINA*, 1976, AS AMENDED, IN CONJUNCTION WITH BEAUFORT COUNTY (THE “PARK”), SUCH PARK TO BE, AT THE TIME OF ITS INITIAL DEVELOPMENT, GEOGRAPHICALLY LOCATED IN JASPER COUNTY AND TO INCLUDE THE AFOREMENTIONED PROPERTY; (III) THE EXECUTION AND DELIVERY OF A WRITTEN PARK AGREEMENT WITH BEAUFORT COUNTY AS THE REQUIREMENT OF PAYMENTS OF FEE IN LIEU OF *AD VALOREM* TAXES WITH RESPECT TO PARK PROPERTY AND THE SHARING OF THE REVENUE AND EXPENSES OF THE PARK; (IV) THE DISTRIBUTION OF REVENUES FROM THE PARK WITHIN JASPER COUNTY; AND (V) OTHER MATTERS RELATED THERETO ([backup](#))
- i. Consideration of approval on first reading to occur February 19, 2018
 - ii. Executive Committee discussion and recommendation to approve ordinance on first reading occurred February 5, 2018 / Vote 5:0
- F. A RESOLUTION REPEALING AND REPLACING RESOLUTION NUMBER 1999/27 TO AUTHORIZE AN INTERGOVERNMENTAL AGREEMENT FOR THE COLLECTION OF LIBRARY IMPACT FEES IN THE CITY OF BEAUFORT AND THE TOWN OF PORT ROYAL ([backup](#))
1. Consideration of adoption to occur February 19, 2018
 2. Finance Committee discussion and recommendation to adopt resolution occurred February 5, 2018 / Vote 7:0
 3. Executive Committee discussion occurred January 8, 2018
 4. Community Services Committee discussion occurred December 11, 2017
 5. Community Services Committee discussion occurred August 28, 2017

- G. TALBERT, BRIGHT AND ELLINGTON / WORK AUTHORIZATION 17-04 FOR BEAUFORT COUNTY AIRPORT / DESIGN, BID AND CONSTRUCTION PROJECT TO REPAIR AND REPLACE DAMAGED ELECTRICAL ITEMS (Total \$32,815) ([backup](#))
1. Consideration of approval to occur February 19, 2018
 2. Finance Committee discussion and recommendation to approve work authorization occurred February 5, 2018 / Vote 7:0
- H. MEMORANDUM OF AGREEMENT BETWEEN BEAUFORT COUNTY AND BEAUFORT COUNTY EMERGENCY MANAGEMENT REGARDING INCIDENT EMERGENCY RESPONSE PASSES AND INCIDENT RE-ENTRY PASSES ([backup](#))
1. Consideration of approval to occur February 19, 2018
 2. Governmental Committee discussion and recommendation to approve occurred February 5, 2018 / Vote 6:0
- I. BEAUFORT COUNTY ECONOMIC DEVELOPMENT CORPORATION'S RECOMMENDATION OF REAPPOINTMENT OF MIKE ALSKO TO SOUTHERNCAROLINA REGIONAL DEVELOPMENT ALLIANCE, BOARD OF DIRECTORS ([backup](#))
1. Consideration of approval to occur February 19, 2018
 2. Governmental Committee discussion and recommendation to approve occurred February 5, 2018 / Vote 6:0
- J. ACKNOWLEDGEMENT OF AMENDED ARTICLES OF INCORPORATION AND BYLAWS FOR BEAUFORT COUNTY ECONOMIC DEVELOPMENT CORPORATION ([backup](#))
1. Consideration of acceptance to occur February 19, 2018
 2. Governmental Committee discussion and recommendation to accept amendments occurred February 5, 2018 / Vote 6:0
- K. A RESOLUTION TO SUPPORT THE NATIONAL ASSOCIATION OF COUNTIES INITIATIVE "STEPPING UP" TO REDUCE THE NUMBER OF PEOPLE WITH MENTAL ILLNESSES IN JAILS ([backup](#))
3. Consideration of adoption to occur February 19, 2018
 4. Community Services Committee discussion and recommendation to adopt resolution occurred January 22, 2018 / Vote 5:0
- L. CONTRACT AWARD / FORT FREMONT HISTORICAL PARK INTERPRETIVE CENTER ([backup](#))
1. Contract award: Savannah Construction & Preservation, Savannah, Georgia
 2. Amount: \$1,029,755
 5. Funding: Account 45000011-54405, Fort Fremont, Beaufort County Community Development Department
 6. Natural Resources Committee update to occur February 19, 2018
 7. Natural Resources Committee discussion and recommendation to approve contract to C. Merrill Construction, LLC, occurred January 16, 2018 / Vote 6:0

- M. AN ORDINANCE TO AMEND BEAUFORT COUNTY ORDINANCE 2017/15, FOR FY 2017-2018 BEAUFORT COUNTY BUDGET TO PROVIDE FOR ADDITIONAL REVENUE RECEIVED FROM THE TOWN OF HILTON HEAD; TO PROVIDE FOR A REALLOCATION OF FUNDS TO MEET INCREASED MANDATORY PEBA CONTRIBUTIONS; TO PROVIDE FOR REALLOCATION OF FUNDS FOR THE EMPLOYEE COMPENSATION PLAN; TO PROVIDE FOR A REALLOCATION OF FUNDS FOR INCREASED EXPENDITURES FOR THE DAUFUSKIE ISLAND FERRY OPERATIONS; AND TO PROVIDE FOR A SUPPLEMENTAL EXPENDITURE FOR MATCHING FUNDS FOR THE BON AIRE CIRCLE SEWER EXTENSION CDBG GRANT ([backup](#))
1. Consideration of first reading approval to occur February 19, 2018
 2. Finance Committee discussion occurred January 8, 2018
- N. 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 second reading approval to occur February 19, 2018
 2. Public hearing - Monday, March 12, 2018 beginning at 6:30 p.m., in Council Chambers of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort
 3. First reading approval occurred January 22, 2018 / Vote 10:0
 4. Natural Resources Committee discussion and recommendation to approve on first reading occurred January 16, 2018 / Vote 5:0
 5. Stormwater Management Utility Board discussion and recommendation to approve occurred January 10, 2018 / Vote 6:1
- O. 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 second reading approval to occur February 19, 2018
 2. Public hearing - Monday, March 12, 2018 beginning at 6:30 p.m., in Council Chambers of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort
 3. First reading approval occurred January 22, 2018 / Vote 10:0
 4. Natural Resources Committee discussion and recommendation to approve on first reading occurred January 16, 2018 / Vote 5:0

P. 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 second reading approval to occur February 19, 2018
2. Public hearing - Monday, March 12, 2018 beginning at 6:30 p.m., in Council Chambers of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort
3. First reading approval occurred January 22, 2018 / Vote 10:0
4. Natural Resources Committee discussion and recommendation to approve on first reading occurred January 16, 2018 / Vote 5:0

Q. 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 second reading approval to occur February 19, 2018
2. Public hearing - Monday, March 12, 2018 beginning at 6:30 p.m., in Council Chambers of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort
3. First reading approval occurred January 22, 2018 / Vote 10:0
4. Finance Committee discussion and recommendation to approve on first reading occurred January 8, 2018 / Vote 7:0

R. 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 second reading approval to occur February 19, 2018
2. Public hearing - Monday, March 12, 2018 beginning at 6:30 p.m., in Council Chambers of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort
3. First reading approval occurred January 22, 2018 / Vote 10:0
4. Finance Committee discussion occurred January 8, 2018

10. MATTERS ARISING OUT OF EXECUTIVE SESSION

11. PUBLIC COMMENT - Speaker sign-up encouraged.

12. ADJOURNMENT

Official Proceedings
County Council of Beaufort County
January 22, 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 22, 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, York Glover, Alice Howard, Stewart Rodman and Roberts "Tabor" Vaux present. Mr. Steven Fobes 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 Mrs. Howard, that Council go immediately into executive session regarding discussions incident to proposed contractual negotiations and the proposed purchase of real property (St James Baptist Church). The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT – Mr. Fobes. The motion passed.

EXECUTIVE SESSION

RECONVENE OF CAUCUS

CAUCUS

DISCUSSION OF CONSENT AGENDA

Mr. Chris Inglese, Assistant County Attorney, provided a status update on each municipalities' approval of an ordinance banning single-use plastic bags. The Town of Hilton Head Council has approved final reading of this ordinance on January 9, 2018. This item will be before the City of Beaufort Council tomorrow, January 23, 2018. The Town of Port Royal Council's public hearing is February 7, 2018 and final approval of this ordinance will be before Town Council on February 14, 2018. Both the City of Beaufort and the Town of Port Royal will be adopting the Beaufort County Ordinance by reference. The Town of Bluffton ordinance has approved a single-use plastic bag ordinance on first reading. They did propose an amendment, which attempts to clarify language in the ordinance regarding one of the exemptions. The language in the ordinance exempts the use of bags within the business used to wrap a piece of food. There was a question raised about

a potential ambiguity where the intention of the language is to be able to wrap food within the business, but not the take out of that prepared food. The Town of Bluffton has proposed language that attempts to take care of that ambiguity; however, the County is concerned about the language proposed. There are questions raised on whether the language allows for the use of bags for restaurant takeout. There is interest raised by the Town of Bluffton to go even further and exempt all restaurants. Mr. Inglese recommends the following language “contained unwrapped prepared foods or bakery goods, when wrapped inside the business establishment; however, this exemption does not apply to take out bags to carry uneaten or prepared foods or bakery goods away from the restaurant *i.e.* restaurants including fast food restaurants.” That would clarify the ambiguity raised without opening up exemption to all restaurants.

Mr. Flewelling said this is not a substantial approval or adoption of a similar ordinance by every municipality in Beaufort County. This is a marked change and is different from what the County is currently contemplating. Our ordinance was always intended to allow the thin bags for vegetables, meats, etc. due to them be disposed of in the correct manner. The change introduced by the Town of Bluffton is significantly different. He is willing to delay third and final approval until the Town makes their decision; but if the language is still included, upon their approval, he intends to vote against this ordinance at third and final reading.

Mr. Caporale stated the South Carolina Association of Counties *Friday Report* of the legislative session, said that the vote on the plastic bag ban would be coming up as early as Wednesday by the House of Representatives.

Mr. Scott Marshall, Deputy Town Manager, Town of Bluffton, stated on first reading the Town added language to Section 38-164 (C) (2) as follows “to include, but not limited to, seafood and meats purchased in a grocery store, butcher shop, seafood market, or other similar business establishment.” In addition, the following language was added to Section 38-164 (C) (4), “to include, but not limited to, uneaten, prepared food ordered in a restaurant or any other similar business establishment while dining in the establishment.” Town Council has asked their staff to investigate the possibility of exempting all restaurants for takeout or the “doggy bag” scenario but has not incorporated that language to date.

Mr. Glover feels seafood would fall under the terminology of fish and, would support changing “fish” to “seafood.”

Mr. Josh Gruber, Interim County Administrator, stated there is concern -- due to the goal for all of these ordinances to be identical, and not have different exemptions for different jurisdictions due to the enforceability of such, but also critics’ questioning the applicability in the various areas. This would be a substantive change of the County’s proposed ordinance.

Chairman Sommerville said he would suggest Council delay approving this on final reading until we get an idea of what the municipalities are passing.

Mr. Flewelling concurred due to the substantial difference in the ordinance proposed by the Town of Bluffton. There is a need to move quickly on this due to the pressure from the State. If it ever

happens and the State prevents us from doing this, the blame will be on the Town of Bluffton. These concerns should have been brought up during the public hearings held in the Bluffton area.

ADJOURNMENT

Council adjourned at 6:00 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

ATTEST:

Ashley M. Bennett, Clerk to Council

Ratified:

DRAFT

Official Proceedings
County Council of Beaufort County
January 22, 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 22, 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, Michael Covert, Gerald Dawson, Brian Flewelling, York Glover, Alice Howard, Stewart Rodman, and Roberts "Tabor" Vaux present. Steven Fobes absent.

PLEDGE OF ALLEGIANCE

The Chairman led those present in the Pledge of Allegiance.

INVOCATION

Council member Michael E. Covert gave the Invocation.

**PRESENTATION / THE TRUST FOR PUBLIC LAND AND BEAUFORT COUNTY
OPEN LAND TRUST**

Chairman Paul Sommerville introduced Ms. Jessica Sargent, Conservation Economics Research Director, The Trust for Public Land, who provided a PowerPoint presentation on the economic benefits of parks, trails and conserved open space. The presentation included the following: introduction of The Trust for Public Land and what they do in Beaufort County; what is conservation economics; and an overview of economic benefits in Beaufort County. Ms. Sargent provided Council with a fact sheet and a report documenting the economic benefits of parks, trails and conserved open space in Beaufort County.

ADMINISTRATIVE CONSENT AGENDA

Review of the Proceedings of the Caucus held January 8, 2018

This item comes before Council under the Administrative Consent Agenda.

It was moved by Mr. Dawson, seconded by Mr. Flewelling, that Council approve the minutes of the caucus held January 8, 2018. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Glover, Mr. Rodman, Mr. Sommerville and Mr. Stewart. ABSTAIN – Mrs. Howard and Mr. Vaux. ABSENT - Mr. Fobes. The motion passed.

Review of the Proceedings of the Regular Session held January 8, 2018

This item comes before Council under the Administrative Consent Agenda.

It was moved by Mr. Dawson, seconded by Mr. Flewelling, that Council approve the minutes of the regular session held January 8, 2018. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mr. Rodman, Mr. Sommerville and Mr. Stewart. ABSTAIN – Mrs. Howard and Mr. Vaux. ABSENT - Mr. Fobes. The motion passed.

Committee Reports

Community Services Committee

Disabilities and Special Needs Board

Community Services Committee nominated Dr. Robert Block and Mr. Terry Gibson for appointment to serve as members of the Disabilities and Special Needs Board.

Community Services Committee nominated Mrs. Grace Dennis for reappointment to serve as a member of the Disabilities and Special Needs Board.

Library Board

Community Services Committee nominated Ms. Janet Elaine Port, representing Council District 8; and Ms. Terry Thomas, representing Council District 2, for appointment to serve as members of the Library Board.

Community Services Committee nominated Mr. Bernard Kole, representing Council District 3; Mrs. Brenda Powell, representing Council District 1; Ms. Rosalie Richman, representing Council District 7, and Mrs. Laura Sturkie, representing Council District 9, for reappointment to serve as members of the Library Board.

Governmental Committee

Announcement – Council Annual Planning Session

Governmental Committee Chairman Stu Rodman stated in previous years, during Council's Annual Planning Session, Council would spend a fair amount of time on the management agenda. In more recent years, administration has put together the list of items and Council

prioritized/ranked). He would prefer it to be done in the same manner at this year's Annual Planning Session.

Announcement – County Administrator Report

Governmental Committee Chairman Stu Rodman would like Council agendas to include a County Administrator Report, which occurred in previous years as a way to show the great projects underway in Beaufort County.

Announcement – Public Hearing Suggestion

Governmental Committee Chairman Stu Rodman suggested the time for Council public hearings appear on the agenda as “between 6:30 p.m. and 7:00 p.m.” in an effort to provide flexibility.

Natural Resource Committee

Announcement – County Council Work Session

Natural Resources Committee Chairman Brian Flewelling announced a Council a work session to review and discuss potential changes to the Community Development Code (CDC) and the Comprehensive Future Land Use Map on January 25, 2018 beginning at 9:00 p.m., Disabilities and Special Needs Day Program and Administration Building, 100 Clear Water Way, Beaufort.

Design Review Board

Natural Resources Committee nominated Mr. James Atkins, representing registered architect; and Mr. John Michael Brock, representing registered landscape architect, for reappointment to serve as members of the Design Review Board

Historic Review Board

Natural Resources Committee nominated Mrs. Rosalyn Brown, representing St. Helena Island, for reappointment to serve as a member of the Historic Preservation Review Board.

Solid Waste and Recycling Board

Natural Resources Committee nominated Mr. Lawrence P. Bryan, representing Solid Waste District #5 – Sheldon, for appointment to serve on the Solid Waste and Recycling Board.

Southern Beaufort County Corridor Beautification Board

Natural Resources Committee nominated Mr. Todd Theodore, representing Town of Hilton Head Island appointee, for reappointment to serve as a member of the Southern Beaufort County Corridor Beautification Board.

Stormwater Management Utility Board

Natural Resources Committee nominated Mr. Allyn Schneider, representing Stormwater District #9 – unincorporated Bluffton Township and Daufuskie Island; and Mr. Donald Smith, representing Stormwater District #5 – unincorporated Sheldon Township, for reappointment to serve as members of the Stormwater Management Utility Board.

Zoning Board of Appeals

Natural Resources Committee nominated Mr. William Cecil Mitchell, representing Northern Beaufort County; Mr. Joseph Passiment, representing Southern Beaufort County; Mr. Chester Williams, representing southern Beaufort County (attorney); and Mr. Edgar Williams, representing northern Beaufort County, for reappointment to serve as members of the Zoning Board of Appeals.

PUBLIC COMMENT

Mr. Tommy O'Brien, a Beaufort resident, spoke about parks and recreation in Beaufort County. Why, if a field is unused, do residents have to pay to use the fields/facilities? Why is it people are threatened with police arrest for using the fields? His brother attempted to set up a lacrosse team, to include equipment and nets, in northern Beaufort County, but never received a return call from the Parks and Leisure Services Department.

Ms. Jennifer Sharp, Council District 4 resident, and member of Indivisible Beaufort, thanked Council for taking on the subject of the plastic bag ban ordinance. Volunteers spend time at the Port Royal Farmer's Market each month gathering petition for signatures of support for the ban on single-use plastic bags. She provided the petition for the record.

Mr. Venaye McGlashan, team leader for Indivisible Beaufort, thanked Council and Indivisible Beaufort for picking an issue that is good for the community.

Mr. Michael Mathews, Chairman, Rural and Critical Lands Preservation Board, stated the Board appreciates what the Council has been doing and what they support. The Board was glad the TPL study was organized and completed.

NEW BUSINESS

AMENDMENT / 2018 CAUCUS AND REGULAR MEETING SCHEDULE

It was moved by Mr. Flewelling, seconded by Mr. Dawson, that Council amend the 2018 Caucus and Regular Meeting Schedule to reflect a change from November 12, 2018 to November 5, 2018 due to the County offices being closed in observance of Veterans Day. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart, and Mr. Vaux. ABSENT – Mr. Fobes. The motion passed.

CONTRACT AWARD / OKATIE WEST REGIONAL BMP SERVICES FOR BEAUFORT COUNTY'S STORMWATER DEPARTMENT

It was moved by Mr. Flewelling, seconded by Mr. Glover, that Council award a contract to R.B. Baker Construction, Garden City, Georgia, in the amount of \$993,048 for the Okatie West Regional BMP Services for Beaufort County's Stormwater Department. Funding will be in the amount of \$1,092,352.80 (\$993,048 and a 10% contingency of \$99,304.80) and will be funded from account 50260014, Okatie West Regional Stormwater. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart, and Mr. Vaux. ABSENT – Mr. Fobes. The motion passed.

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

It was moved by Mr. Stewart, seconded by Mr. Vaux, that Council approve an on first reading an ordinance authorizing 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. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart, and Mr. Vaux. ABSENT – Mr. Fobes. The motion passed.

ITEM REMOVED FROM CONSENT AGENDA

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

Mr. Flewelling removed this item from the consent agenda. There are changes introduced by the Town of Bluffton that makes this ordinance problematic. He would like to delay consideration of third and final reading until the Town of Bluffton has had some resolution and understanding of the concerns of County Council.

Mr. Caporale thinks Council should vote on this regardless of the action of the Town of Bluffton.

Mr. Chris Inglese, Assistant County Attorney, provided an update of the consideration of this ordinance by the municipalities. Section 38-164 provides for some exemptions from the plastic bag ban. Currently it states that customers within a business establishment could wrap prepared foods or baked goods within a plastic bag, when using them within the business establishment. The Town of Bluffton interpreted that to mean that a “doggy bag” from a restaurant for leftover food could be used to take that uneaten portion of the food out of the restaurant. The County does not agree with their interpretation. The Town is proposing language to exempt the “doggy bag” type of bag to leave the restaurant and have expressed an interest in excluding all restaurants as well, which would be a substantial change and problematic for our ordinance, as written. There is language within this ordinance that states, “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.” Council could move forward and adopt this as is, letting the Town of Bluffton debate and decide whether they want to not make that an issue.

Mr. Flewelling thinks Council can approve a resolution tonight, prior to adoption of this ordinance, which would provide language that specifically precludes single use bags for carrying of any food out of any restaurant. That the Town’s language would constitute a substantive difference.

Mr. Sommerville said if the County passes this tonight and there is a substantive difference in what is approve by the municipalities, then this ordinance will never go into effect. Do we want to pass this knowing there is a possibility of a substantive difference?

Mr. Inglese recommended Council pass the ordinance on third and final reading, as written, and make a statement that it is not the intention of this Council for restaurants to be exempt and “doggy bags” or take-out bags be exempt. That would put the ball in the Town of Bluffton’s court. He does not believe their intention is to make this fail. If they chose to approve something substantially different, we can propose an amendment that takes out of the being held hostage by one municipality.

Chairman Sommerville opened the floor to Council members regarding the discussion of whether or not to exempt restaurants from the single-use plastic bag ordinance.

Mr. Caporale is opposed to making a snap decision on the issue tonight. We should vote on third and final reading. We can make changes after-the-fact.

Mr. Glover concurred with Mr. Caporale’s comments. We and the community have put a lot of energy into this ordinance.

Mr. Rodman is in favor of voting in favor of this ordinance tonight. We can always amend the ordinance at a later time. There is a downside in not doing this. The other municipalities have

either approved or on the verge of approving. If one provision, in one municipality, does not seem substantial.

Mrs. Howard would prefer approving this tonight.

Mr. Stewart said procedurally, if you amend this ordinance tonight, it would go back to second reading.

Mr. Vaux said he was under the impression restaurants will be a part of the ban, and not excluded. He stated he is ready to vote on this ordinance today.

Mr. Flewelling said he would vote in favor of the ordinance with assurance that the interpretation of the Town of Bluffton and the contemplation of excluding all restaurants constituted a significant and substantial difference of our ordinance, nullifying our ordinance. This is substantial. It seems as if the Town of Bluffton. If that is our interpretation and the Town's interpretation is misguided and any attempt to amend it to exclude anything other than what we have already excluded, constitutes a significant and substantial variance from our ordinance, delaying implementation until it is fixed.

Mr. Covert said his interpretation was that the restaurants would be a part of the ban. In reading the proposed House Bill, there are no provisions that would give us any grandfather. If you read the Bill it says the right to ban will be taken away. He will vote in favor of this ordinance tonight.

Mr. Dawson said he is torn between exempting the "doggy bags" and not exempting the "doggy bags", as well as torn with Council said on the offset and what is being attempted now. We said before, we move forward on third and final reading, we would allow the municipalities to come on board with their ordinance. We are at an impasse with the Town of Bluffton currently. For us to go back on our word and take a vote on it tonight, makes us not be true to what we said in the beginning. We need to hold off and see where the Town of Bluffton and the Town of Port Royal is going to go with this thing.

Mr. Sommerville said if we vote tonight on it as written and a municipality an ordinance that is substantively different than what we passed tonight, we will be faced with the question of whether our ordinance will go into effect or not. We then would be back here deciding or not to amend our ordinance. It appears there is a substantive difference with one municipality. The will of Council is to go ahead and vote on this tonight. If and when one of the municipalities pass one of different, we will decide whether or not it is substantive, and how to move forward to get our ordinance to go into effect.

Mr. Scott Marshall, Deputy Manager, Town of Bluffton, said the language exclude carry out foods from all restaurants is something that is being proposed, and has not been voted on. The Town did clarify some language in the County's ordinance that addresses unwrapped foods. That is the only thing the two Council's disagree on currently. The ordinance was amended to provide greater fidelity to the exemption so it is less confusing and less ambiguous.

Mr. Flewelling does not feel the County's ordinance is ambiguous and the language the Town added is substantive.

Mr. Keaveny said if the Town includes restaurants in the exemption, it would be a substantial difference. If the County's interpretation is that doggy bags are not exempt and we end up in front of the court, the court will look at the ordinance, which, if it is unclear, they will look at the intent of the legislative body. After this discussion, there is no doubt about the intent of the legislative body. If the Town of Bluffton adopts an ordinance that exempts doggy bags, it will be a substantive change and if challenged, will cause difficulty for the ordinance.

Mr. Josh Gruber, Interim County Administrator, recommended Council move forward with the ordinance, as is, and to make a recommendation to the Town of Bluffton that they reconsider the amendment that they have made.

City of Beaufort Mayor Billy Keyserling commended Mr. Flewelling running such an extensive-, transparent-, aggressive-outreach program on an issue that could have been controversial. When the issue first came up, the four municipalities said, they wanted to follow the County. The County passed first reading, and the municipalities passed this ordinance by first reading. It is time to move forward. He recommends County Council pass this ordinance. The City of Beaufort will pass the ordinance tomorrow. The Speaker of the House of Representatives represents a district that has a manufacturer of many different wrapping materials. We should race him in getting this approved. Please vote "yes" and put the burden back on the municipalities. It can work out.

Mr. Stewart said the root cause of the problem is not the plastic bag, but is the people using the plastic bag that disposes of it improperly. If you want to legislate appropriately, you legislate in a manner that you take direct action against the cause of this. If you want to do something about it, you do not ban the plastic bag, but against the people that dispose of it properly. We need to make the lack of disposing properly onerous. Racing the Legislature is a bad thing to do and is no reason to rush through something.

Mr. Dawson said he is not opposed to the ordinance as written, but will abstain from voting due to the municipalities not been on board.

Mr. Flewelling said Mr. Vaux pointed out that passing this ordinance tonight may put the pressure needed for the Town of Bluffton to remove the amended, added the other day and to refrain from further amendments that have to do with restaurants and takeout bags. He hopes that is true. He said if not he will lead the charge to have this ordinance removed. He said he will vote in favor tonight, but if this does not happen there will be bridges burned with the Town of Bluffton.

Ms. Jennifer Sharp said she attended the meeting of the Town of Bluffton. They had questions about the ordinance and, did not have anyone there that could answer the questions. Within the framework of the people there, they tried to interpret the ordinance. It was not a deliberate attempt to go against the County's ordinance.

Mr. English said he was not in attendance, but would attend the next meeting of the Town of Bluffton Council.

It was moved by Mr. Flewelling, as chairman of the Natural Resources Committee, that Council approve on third and final reading 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. Flewelling, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, and Mr. Vaux. NAYS – Mr. Stewart. ABSTAIN – Mr. Dawson. ABSENT – Mr. Fobes. The motion passed.

CONSENT AGENDA

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

This item comes before Council under the Consent Agenda. Discussion occurred at the January 16, 2018 meeting of the Natural Resources Committee.

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

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

This item comes before Council under the Consent Agenda. Discussion occurred at the January 16, 2018 meeting of the Natural Resources Committee.

It was moved by Mr. Rodman, seconded by Mrs. Howard, that Council approve on first reading 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. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart, and Mr. Vaux. ABSENT – Mr. Fobes. The motion passed.

**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)**

This item comes before Council under the Consent Agenda. Discussion occurred at the January 16, 2018 meeting of the Natural Resources Committee.

It was moved by Mr. Rodman, seconded by Mrs. Howard, that Council approve on first reading text amendments 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). The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart, and Mr. Vaux. ABSENT – Mr. Fobes. The motion passed.

**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)**

This item comes before Council under the Consent Agenda. Discussion occurred at the January 16, 2018 meeting of the Natural Resources Committee.

It was moved by Mr. Rodman, seconded by Mrs. Howard, that Council approve on first reading a 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). The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart, and Mr. Vaux. ABSENT – Mr. Fobes. The motion passed.

**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
THERE TO**

This item comes before Council under the Consent Agenda. Discussion occurred at the January 8, 2018 meeting of the Natural Finance Committee.

It was moved by Mr. Rodman, seconded by Mrs. Howard, that Council approve an ordinance 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 vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart, and Mr. Vaux. ABSENT – Mr. Fobes. The motion passed.

PUBLIC HEARINGS

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) NEEDS ASSESSMENT TO SOLICIT PUBLIC INPUT ON COMMUNITY NEEDS AND PRIORITIES FOR HOUSING, PUBLIC FACILITIES, AND ECONOMIC DEVELOPMENT

Ms. Michelle Knight, Lowcountry Council of Governments, provided Council with a PowerPoint presentation on the 2018 Community Development Block Grant (CDBG). The South Carolina CDBG Program is a program designed to assist units of local government in improving economic opportunities and meeting community revitalization needs, particularly from persons of low and moderate income (LMI). The presentation provided information on the annual allocation from HUD, Grant Program categories, performance threshold, and information on the Regional Home Consortium.

The Chairman opened a public hearing beginning at 6:44 p.m. for the purpose of soliciting public input on community needs and priorities for housing, public facilities, and economic development in the County. After calling once for public comment, the Chairman recognized Mr. Tommy O'Brien, a Beaufort resident, wanted to know what happens to property owners who have had mobile homes abandoned on their property. He is aware of two mobile homes abandoned on another individual's property.

Mr. Knight stated for projects like that, the LCOG looks at the County's Code Enforcement ordinance. They need to be following that ordinance first due to the process of having to go through Code Enforcement to have things demolished unless the property owner gives permission to do the demolition. Without that permission, it would have to go through the demolition process.

After calling two more times for public comment and receiving none, the Chairman declared the hearing closed at 6:56 p.m.

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

The Chairman opened a public hearing beginning at 6:48 p.m. for the purpose of receiving public comment concerning an ordinance to create the Keep Beaufort County Beautiful Board for the purpose of litter control, beautification, and waste reduction for Beaufort County. After calling once for public comment, the Chairman recognized Mr. Michael Murphy, a Lady's Island resident and Chairman of Keep Beaufort County Beautiful Board (nonprofit organization), stated the mission and focus of the KBCB has remained the same through the years -- to inspire and educate people to take action every day that improves and beautifies their community environment. The County envisions is a clean, green and beautiful place to live. The Board anticipates that the new transformation of the Board will help to carry the mission to a wider audience with a greater impact. He thanked Councilwoman Howard and County Council for their vote of confidence in support of this move. He also thanked all past coordinators, board chairs and members who kept the boat afloat over the years, and Adopt-A-Highway Coordinator Carolyn Jordan and Recycling Coordinator Ashley Jenkins. He also thanked former Solid Waste and Recycling Director Jim Minor, and all current board members for their dedication to the Board. Ms. Carol Murphy has been involved from the beginning. Without her insight, input and diligence, we would be far from the success of today. He thanked Chris Inglese, Assistant County Attorney, for his assistance as well.

Mr. Rob Hendrix, a Habersham resident, stated there is a lot of trash on our roads. He endorsed the upgrade of leadership and thanked Council for making this a Board of Beaufort County.

After calling twice more for public comment and receiving none, Chairman Sommerville declared the public hearing closed at 6:55 p.m.

It was moved by Mr. Rodman, seconded by Ms. Harris, that Council approve on third and final 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. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart, and Mr. Vaux. ABSENT – Mr. Fobes. The motion passed.

MOTION TO EXTEND BEYOND 8:00 P.M.

It was moved by Mr. Vaux, seconded by Mr. Stewart, that Council extend beyond 8:00 p.m. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart, and Mr. Vaux. ABSENT – Mr. Fobes. The motion passed.

MATTERS ARISING OUT OF EXECUTIVE SESSION

There were no matters to come out of executive session.

PUBLIC COMMENT

There were no requests to speak.

ADJOURNMENT

Council adjourned at 8:06 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

ATTEST: _____
Ashley M. Bennett, Clerk to Council

Ratified:

DRAFT

COMMUNITY SERVICES COMMITTEE

January 22, 2018

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

The Community Services Committee met Monday, January 22, 2018 beginning at 3:30 p.m. in the Executive Conference Room of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

Chairman 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: Quandara Grant, Director, Detention Center; Joshua Gruber, Interim County Administrator; Chris Inglese, Assistant County Attorney; Thomas Keaveny, County Attorney; Fred Leyda, Director, Human Services Alliance; Shannon Loper, Director, Parks and Leisure Services; Bill Love, Director, Disabilities and Special Needs Department; Wanda Maise, Deputy Director, Disabilities and Special Needs Department; Monica Spells, Assistant County Administrator-Civic Engagement and Outreach; Mark Sutton, Deputy Director, Facilities Management and Matt Watts, Deputy Director, Parks and Leisure Services Department.

Public: Frank Turano, Lowcountry Regional Manager, Alliance Consulting Engineers.

Media: Joe Croley, *Lowcountry Inside Track*.

Councilwoman Howard chaired the meeting.

ACTION ITEMS

1. Consideration of Reappointments and Appointments / Disabilities and Special Needs Board

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

Motion: It was moved by Mr. Glover, seconded by Mr. Covert, that Committee recommend Council nominate Mrs. Grace Dennis for reappointment to serve as a member of the Disabilities and Special Needs Board. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Glover, Mrs. Howard and Mr. Vaux. ABSENT – Mr. Fobes. The motion passed.

Motion: It was moved by Mr. Sommerville, seconded by Mr. Glover, that Committee recommend Council nominate Ms. Terry Gibson for appointment to serve as a member of the Disabilities and Special Needs Board. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Glover, Mrs. Howard, Mr. Sommerville and Mr. Vaux. ABSENT – Mr. Fobes. The motion passed.

Motion: It was moved by Mr. Caporale, seconded by Mr. Vaux, that Committee recommend Council nominate Dr. Robert Blok for appointment to serve as a member of the Disabilities and Special Needs Board. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Glover, Mrs. Howard and Mr. Vaux. ABSENT – Mr. Fobes. The motion passed.

Recommendation: Council nominate Mrs. Grace Dennis for reappointment and nominate Ms. Terry Gibson and Dr. Robert Blok for appointment to serve as members of the Disabilities and Special Needs Board.

2. 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

Motion: It was moved by Mr. Caporale, seconded by Mr. Glover, that Committee recommend Council nominate Ms. Janet Elaine Porter, representing Council District 8, for appointment to serve as a member of the Library Board. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Glover, Mrs. Howard and Mr. Vaux. ABSENT – Mr. Fobes. The motion passed.

Motion: It was moved by Mr. Sommerville, seconded by Mr. Glover, that Committee recommend Council nominate Ms. Terry Thomas, representing Council District 2, for appointment to serve as a member of the Library Board. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Glover, Mrs. Howard, Mr. Sommerville and Mr. Vaux. ABSENT – Mr. Fobes. The motion passed.

Motion: It was moved by Mr. Glover, seconded by Mr. Vaux, that Committee recommend Council nominate Mr. Bernard Kole, representing Council District 3, for reappointment to serve as a member of the Library Board. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Glover, Mrs. Howard and Mr. Vaux. ABSENT – Mr. Fobes. The motion passed.

Motion: It was moved by Mr. Vaux, seconded by Mr. Glover, that Committee recommend Council nominate Mrs. Laura Sturkie, representing Council District 9, for reappointment to serve as a member of the Library Board. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Glover, Mrs. Howard and Mr. Vaux. ABSENT – Mr. Fobes. The motion passed.

Motion: It was moved by Mr. Covert, seconded by Mr. Glover, that Committee recommend Council nominate Mrs. Rosalie Richman, representing Council District 7, for reappointment to serve as a member of the Library Board. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Glover, Mrs. Howard and Mr. Vaux. ABSENT – Mr. Fobes. The motion passed.

Motion: It was moved by Mr. Glover, seconded by Mr. Vaux, that Committee recommend Council nominate Mrs. Brenda Powell, representing Council District 1, for reappointment to serve as a member of the Library Board. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Glover, Mrs. Howard and Mr. Vaux. ABSENT – Mr. Fobes. The motion passed.

Recommendation: Council nominate Ms. Janet Elaine Porter, representing Council district 8, and Ms. Terry Thomas, representing Council District 2, for appointment, and Mr. Bernard Kole, representing Council District 3; Mrs. Laura Sturkie, representing Council District 9; Ms. Rosalie Richman, representing Council District 7; and Mrs. Brenda Powell, representing Council District 1, for reappointment, to serve as members of the Library Board.

3. Update / Human Services Alliance

- **Collaborative Organization of Services for Adults (COSA)**
- **Housing Homeless and Vulnerability**
- **Resolution Draft – Stepping up: a National Initiative to reduce the number of people with Mental Illnesses in Jails (Introduced by the National Association of Counties, the Council of State Governments, and the American Psychiatric Association Foundation)**

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

Discussion: Mr. Fred Leyda, Director, Human Services Alliance, reviewed this item with the Committee. He provided an overview of Stepping Up, which is a National initiative to reduce the number of people with mental illness in jail. This correlates with recent discussions regarding the newly developed Collaborative Organization of Services for Adults (COSA). A couple months ago an example was provided to the Committee to demonstrate the need for a program for adults. This example was our community spending over \$900,000 to provide services to one individual, over the course of five years. This individual was our first test case to run through COSA. Today the individual is costing the community around \$12,000 a year. Getting these organizations around the table to discuss how individual cases are being handled, is showing results.

Mr. Leyda provided the Committee an overview of services for the homeless population. The Human Services creates the network throughout the year. When the community goes into an emergency situation, that is when the Sheriff's Office and Red Cross step in. The systems in place is based on our volunteers to get who could not provide the services because the bridges were shut down during the recent ice storm.. The Red Cross and the Sheriff's Office made the decision to open one shelter north of the Broad River and one shelter south of the Broad River.

There were five individuals who utilized the services, all of who were in northern Beaufort County. All five individuals were at the warming shelter at Sea Island Presbyterian Church. When the decision was made to close that shelter and open a shelter at Beaufort Elementary School, these individuals were transported to the new shelter. We cannot force people to use the 911 Shelter System. We would like to hear from all individuals who sheltered individuals during the storm to both track to number and to provide them with information to protect themselves.

Mr. Leyda also explained the upcoming HUD Survey and how they will go about completing the survey. This will provide a better picture of the true number of homeless in Beaufort County.

Questions, concerns and comments from the Committee included the following:

- There are churches in the Bluffton area willing to discuss potentially using their facility for shelters.
- Is there any avenue for the homeless on a day-to-day basis?
 - Mr. Leyda said we have Family Promise, which is a shelter for homeless families. That model is hosting families in churches over 13 weeks. The family is provided meals, transportation, and coaching to get their life back on track.
 - Mr. Leyda said there are pastors coming together to look at developing a transitional shelter process, which would be scattered throughout various locations in Beaufort County. The problem is where an individual moves after the transitional period. That is where the need for affordable housing comes into play.
- There are numerous tent cities in the Bluffton area.
- If the need arises, many are willing to transport these individuals. We need to help facilitate their needs.
- What challenges do we face in Beaufort County regarding jailed consumers who quantify the category of mental illness?
 - Mrs. Grant stated on average the mental health counselor sees 62 inmates per month, out of approximately 255 total inmates.
- How do we establish whether inmates are mentally ill?
 - Mrs. Grant said medical screening on each inmate occurs at booking.

He provided the Committee with a resolution to support the “stepping up initiative to reduce the number of people with mental illnesses in jail.”

Motion: It was moved by Mr. Covert, seconded by Mr. Caporale, that Committee recommend Council adopt a resolution to support the “Stepping Up Initiative to reduce the number of people with mental illnesses in jails.” The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Glover, Mrs. Howard and Mr. Vaux. ABSENT – Mr. Fobes. The motion passed.

Recommendation: Council adopt a resolution to support the “Stepping Up Initiative to reduce the number of people with mental illnesses in jails.”

INFORMATION ITEMS

4. Facility Project Updates (as related to the Committee's External responsibility as Council's representation)

- **Construction of three new homes for the Beaufort County Disabilities and Special Needs Department to replace the Beaufort County Community Residential Care Facility in Port Royal**
- **Expansion of the Beaufort County Elections and Voter Registration Building**

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

Discussion: Mr. Mark Sutton, Deputy Director, Facilities Management, provided an update on the construction of three new homes for the Beaufort County Disabilities and Special Needs (DSN) Department to replace the Beaufort County Community Residential Care Facility in Port Royal and the expansion of the Beaufort County Elections and Voter Registration Building.

Regarding the construction of three new DSN homes, contracts are in hand and the lots have been cleared. Completion of the project is anticipated June 1, 2018 or earlier. Mr. Sutton reviewed ADA compliance.

Mr. Sutton Committee stated the expansion of the Beaufort County Elections and Voter Registration Building project is underway. Land has not been disturbed to date, but permitting is underway. This is a pre-engineered building which will take a few months to construct and deliver. This project will be complete within five months, once ground is broken.

Mr. Gruber informed the Committee that Phase 2 of the Beaufort County Elections and Voter Registration Building project was included as an alternate in the bid document. When it comes forward to Council for funding, we can award that without having to rebid the contract.

Status: Informational purposes only.

5. Discussion / Beaufort Memorial Hospital (Follow up from October 2017 Presentation to the Committee regarding the State of the Hospital)

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

Status: Discussion of this item was moved to the February 5, 2018 Finance Committee meeting.

6. Consideration of Reappointments and Appointments / Alcohol and Drug Abuse 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.

7. Consideration of Reappointments and Appointments / Beaufort/Jasper Equal Opportunity Commission

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.

8. Consideration of Reappointments and Appointments / Beaufort Memorial Hospital 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.

EXECUTIVE COMMITTEE

February 5, 2018

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

The Executive Committee met Monday, February 5, 2018 beginning at 3:30 p.m. in the Executive Conference Room of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

Chairman Jerry Stewart and members Gerald Dawson, Brian Flewelling, Alice Howard and Stu Rodman. Non-Committee members Rick Caporale, Mike Covert, Steven Fobes and York Glover,

County staff: Phil Foot, Assistant County Administrator-Public Safety; Joshua Gruber, Interim County Administrator; Tom Keaveny, County Attorney; Monica Spells, Assistant County Administrator-Civic Outreach and Engagement; and Dave Thomas, Purchasing Director.

Media: Joe Croley, *Lowcountry Inside Track*.

Councilman Jerry Stewart chaired the meeting.

ACTION ITEM

1. Discussion / Multi-County Industrial Park (MCIP) / Waste Management

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 this item with the Committee. Representatives of Jasper County have contacted the Beaufort County regarding the existing the Multi-County Industrial Park (MCIP) agreement where Beaufort County receives one (1%) percent of the revenue generated within this park. In order to have an MCIP Agreement, two or more counties must sign on to an agreement regarding a specific geographically defined area and that document, then specifies who is going to be responsible for the costs and operations of it and, then it describes how the revenues are distributed from that Park. Beaufort County has no exposure in terms of paying for the costs or operating expenses and, we collect one percent of the revenue that is generated from within this particular park. Jasper County is looking to take a portion of an existing park that is in place and separate it out into its own stand-alone park. The terms would remain the same, but, essentially, it would be outside of the other existing agreement. The purpose of this agreement is for Waste Management to construct a maintenance facility on 21 acres located on the very southern portion of their existing property.

Motion: It was moved by Mr. Flewelling, seconded by Mr. Rodman, that Committee recommend Council approve on first reading an ordinance authorizing and approving (i) the diminishing of the boundaries of an existing multi-county industrial business park (RiverPort) pursuant to Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended, to remove therefrom certain property now or to be owned and/or operated by Waste Management of Georgia, Inc., a company previously identified as Project LEE, one or more affiliates, and/or other Project Sponsors; (ii) development of a new Joint County Industrial and Business Park pursuant to Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended, in conjunction with Beaufort County (the “Park”), such Park to be, at the time of its initial development, geographically located in Jasper County and to include the aforementioned property; (iii) the execution and delivery of a written Park Agreement with Beaufort County as the requirement of payments of Fee in Lieu of Ad Valorem Taxes with respect to Park Property and the sharing of the revenue and expenses of the Park; (iv) the distribution of revenues from the Park within Jasper County; and (v) other matters related thereto. The vote: YEAS – Mr. Dawson, Mr. Flewelling, Mrs. Howard, Mr. Stewart and Mr. Rodman. The motion passed.

Mr. Flewelling requested Council receive the ordinance prior to consideration of first reading.

Recommendation: Council approve on first reading an ordinance authorizing and approving (i) the diminishing of the boundaries of an existing multi-county industrial business park (RiverPort) pursuant to Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended, to remove therefrom certain property now or to be owned and/or operated by Waste Management of Georgia, Inc., a company previously identified as Project LEE, one or more affiliates, and/or other Project Sponsors; (ii) development of a new Joint County Industrial and Business Park pursuant to Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended, in conjunction with Beaufort County (the “Park”), such Park to be, at the time of its initial development, geographically located in Jasper County and to include the aforementioned property; (iii) the execution and delivery of a written Park Agreement with Beaufort County as the requirement of payments of Fee in Lieu of Ad Valorem Taxes with respect to Park Property and the sharing of the revenue and expenses of the Park; (iv) the distribution of revenues from the Park within Jasper County; and (v) other matters related thereto.

2. Update / Change County Form of Government

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

Discussion: Regarding a potential change in the County form of government, Committee and Committee discussions and recommendations occurred as follows:

- October 9, 2017 – Executive Committee discussed and recommended Council approve on first reading an ordinance calling for a referendum to allow the electors of Beaufort County, South Carolina to vote in the 2018 General Election to either retain the Council-Administrator

form of government or change to the Council-Manager form of government, contingent upon the Executive Committee holding two work sessions (one north and one south of the Broad River) to receive public input regarding this referendum question.

- October 25, 2017 - Council held the first of two work sessions and received public input. This meeting was held at the St. Helena Island Branch Library.

- January 8, 2018 - Finance Committee approved staff's request 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. There are limited ways in raising that much money on a county level.

Motion: It was moved by Mr. Rodman, seconded by Mrs. Howard, that Committee forward this issue to Council to decide, as a whole, whether to approve on first reading an ordinance authorizing the placement of a question on the official ballot for the General Election to be conducted November 6, 2018, concerning the form of government for Beaufort County. The vote: YEAS – Mr. Dawson, Mrs. Howard, Mr. Stewart and Mr. Rodman. NAY – Mr. Flewelling. The motion passed.

Recommendation: Council to decide whether to approve on first reading an ordinance authorizing the placement of a question on the official ballot for the General Election to be conducted November 6, 2018, concerning the form of government for Beaufort County.

INFORMATION ITEMS

3. Update / Municipality Responsibility for Roads

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 a letter a dated January 16, 2018 from Mr. Marc Orlando, Manager, Town of Bluffton (Bluffton), regarding the transfer of maintenance responsibilities for County roadways and associated infrastructure within the incorporated limits of Bluffton.

We are in receipt of your letter of November 16, 2017 requesting the transfer of maintenance responsibilities for County roadways and associated stormwater ditches located within the incorporated boundaries of the Town of Bluffton, to the Town of Bluffton. This issue was recently discussed by the Bluffton Town Council in Executive Session with the Town Attorney, Terry A. Finger. After careful consideration, it is the will of Town Council to politely decline the County's offer for the Town to assume maintenance responsibilities for County roadways and associated stormwater ditches in the Town of Bluffton. The Attorney General's Opinion upon which the County is basing its offer does not

carry the force of law and, in The Town of Bluffton's assessment, has a number of significant flaws in its analysis.

Status: Administration will move forward with instituting a declaratory judgment action since a decision is unable to reach a decision with the Town of Bluffton.

DRAFT

FINANCE COMMITTEE

February 5, 2018

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

The Finance Committee met Monday, February 5, 2018 beginning at 2:00 p.m., in the Executive Conference Room, Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

Chairman Jerry Stewart, Vice Chairman Michael Covert and members Rick Caporale, Gerald Dawson, Brian Flewelling, Steven Fobes and Stu Rodman present. Non-committee member Alice Howard and York Glover present.

County staff: Jim Beckert, Auditor; Kimberly Chesney, Treasurer Office; Phil Foot, Assistant County Administrator–Public Safety; Joshua Gruber, Interim County Administrator; Alicia Holland, Assistant County Administrator–Finance; Tom Keaveny, County Attorney; Shakeeya Polite, Office Manager, Information Technology Development; Jon Rembold, Airports Director; Monica Spells–Assistant County Administrator–Civic Engagement and Outreach; Maria Walls, Treasurer and George Wright, Deputy Treasurer.

Public: Andrea Allen, Beaufort Memorial Hospital Board; Russel Baxley, CEO, Beaufort Memorial Hospital; Town of Hilton Head Island Mayor, David Bennett; Earl Campbell, Chairman, Board of Education; Kathleen Cooper, Beaufort Memorial Hospital Board; David House, Beaufort Memorial Hospital Board; City of Beaufort Mayor Billy Keyserling; Stephen Murray, City of Beaufort Councilman; and Port Royal Town Manager Van Willis.

Media: Joe Croley, *Lowcountry Inside Track*.

Councilman Stewart chaired the meeting.

ACTION ITEMS

1. **Talbert, Bright and Ellington / Work Authorization 17-04 for Beaufort County Airport / Design, Bid and Construction Project to Repair and Replace Damaged Electrical Items**

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, Airports Director, reviewed this item with the Committee. This is the authorization of engineering and planning services for preparation, design and bidding

of the contract drawings for the proposed Airfield Electrical Rehabilitation, for the Beaufort County Airport, in accordance with the Master Contract with Talbert, Bright and Ellington, as a lump sum of \$103,232, and special services not to exceed \$32,815, for a total of \$136,047.

The existing airfield lighting systems were damaged beyond repair during the flooding associated with Hurricane Matthew and need to be replaced with new components, cabling and isolation transformers. The airfield lighting vault is currently part of the existing terminal building and suffered water damage during Hurricane Matthew, and needs to be relocated to a new precast concrete stand-alone airfield lighting vault that will provide better protection for the airfield lighting power and control equipment. Replacement of the airfield lighting power and control equipment with new equipment will also be included in the new airfield lighting vault. PVC conduit will also be included, along with base-mounted edge lighting fixtures to protect the airfield lighting cables from future damage. New PAPI's will be installed and aimed to take into account upcoming 2018 tree obstruction removal work in order to maximize the available landing length.

Motion: It was moved by Mr. Rodman, seconded by Mr. Flewelling, that Committee recommend Council authorize engineering and planning services for preparation, design and bidding of the contract drawings for the proposed Airfield Electrical Rehabilitation, for the Beaufort County Airport, in accordance with the Master Contract with Talbert, Bright and Ellington, as a lump sum of \$103,232, and special services not to exceed \$32,815, for a total of \$136,047. This recommendation is contingent upon receipt detailed information, prior to the meeting of County Council. The vote: YEAS - Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Rodman and Mr. Stewart. The motion passed.

Recommendation: Council authorize engineering and planning services for preparation, design and bidding of the contract drawings for the proposed Airfield Electrical Rehabilitation, for the Beaufort County Airport, in accordance with the Master Contract with Talbert, Bright and Ellington, as a lump sum of \$103,232, and special services not to exceed \$32,815, for a total of \$136,047. This recommendation is contingent upon receipt detailed information, prior to the meeting of County Council.

2. 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: The City of Beaufort (City) and the Town of Port Royal (Town) 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. At the January 8, 2018 Finance Committee meeting, the Committee asked administration to explore contribution negotiations with the City, specifically from the parking fees collected at the Beaufort Branch

Library. In staff's negotiations with the City, there were some concerns relative to the involvement of a third-party collection agency for the parking at the Beaufort Branch Library. Giving away the revenue another party has collected, seemed problematic. They did, however, want to come up with some kind of contribution. They proposed installing a trash compactor on site at the Beaufort Branch Library and potentially a cardboard baler. The City would then be responsible for all of the Library's solid waste services moving forward.

Motion: It was moved by Mr. Flewelling, seconded by Mr. Fobes, that Committee recommend Council authorize the collection of library impact fees in the City of Beaufort and the Town of Port Royal, authorize the removal of language relative to recompense or repayment from the City of Beaufort and the Town of Port Royal of prior year collections from the library impact legislation and send the City of Beaufort a thank you letter accepting the agreement for solid waste services at the Beaufort Branch Library moving forward. The vote: YEAS - Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Rodman and Mr. Stewart. The motion passed.

Recommendation: Council adopt a resolution repealing and replacing Resolution 1999/27 and to authorize an intergovernmental agreement for the collection of library impact fees in the City of Beaufort and the Town of Port Royal.

3. Consideration of Reappointments and Appointments / Accommodations (State 2%) Tax Board

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

Motion: It was moved by Mr. Flewelling, seconded by Mr. Dawson, that Committee recommend Council nominate Mrs. Anita Singleton-Prather, representing cultural, for reappointment to serve as a member of the Accommodations (State 2%) Tax Board. The vote: YEAS - Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Rodman and Mr. Stewart. The motion passed.

Recommendation: Council nominate Mrs. Anita Singleton-Prather, representing cultural, for reappointment to serve as a member of the Accommodations (State 2%) Tax Board.

4. Consideration of Reappointments and Appointments / Airports Board

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

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

Motion: It was moved by Mr. Covert, seconded by Mr. Flewelling, that Committee recommend Council nominate Mr. Mark Bailey, representing qualifications, for appointment to serve as a member of the Airports Board. The vote: YEAS - Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Rodman and Mr. Stewart. The motion passed.

Recommendation: Council nominate Mr. Lex Brown, representing active pilot and aircraft owner at Lady's Island Airport, for reappointment and Mr. Mark Bailey, representing qualifications, for appointment to serve as members of the Airports Board.

INFORMATION ITEMS

5. Discussion / Delinquent Tax Process

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

Discussion: Committee Chairman Stewart stated County Council received a letter, dated December 18, 2017, from County Auditor Jim Beckert, regarding his concern regarding the manner in which delinquent taxes are collected. This meeting is to discuss the concern of Mr. Beckert.

Mr. Beckert stated there is approximately \$20 million in delinquent taxes. These delinquent taxes have been collecting for years. We need to quit punishing taxpayers who continually pay their tax bill. Given the large number of delinquent dollars, Council has to increase millage to cover the shortages. A couple counties in the state are using a different process to address delinquent taxes. He provided a handout outlining the different process. He feels the first step would be a work session.

Mrs. Maria Walls, County Treasurer, provided the Committee with a PowerPoint presentation on personal property data integrity and delinquent collections results. Mrs. Walls stated, "Yes, there is approximately \$20 million in delinquent taxes outstanding, but that is total taxes." There are three programs for collections – delinquent tax sale, debt setoff and third-party collections. How can something be declared uncollectible without actually attempting to make collection. The delinquent program started in 2013, and the integrity of the tax data has been discussed previously. To attempt collection, the Treasurer needs adequate data to work from. The Treasurer is not responsible for the auditing or compilation of the tax bill. She summarized the challenges to include missing data. There are positive collection results from the amounts received prior to submission. There has been 551 accounts identified, that were paid, then the

taxes subsequently removed. There were people forced to pay a tax that they did not owe, in order set off a debt. The delinquent tax process is not a failed process.

Mrs. Walls provided the Committee with a second PowerPoint outlining watercraft taxation post 2010. This presentation provided data on personal properties, missing identifiers, the lack of commonality and consistency with watercraft data post-2010.

Questions, comments and discussions included the following:

- What is the length of time Beaufort County leaves an account open before writing off for bad debt?
 - Collect 10 years' worth of outstanding data. Accounts can be closed if there is documentation showing uncollectible.
- Bad debt should not be held against the tax roll.
- How much is written off each year?
 - The taxes over 10 years. Generally the policy is those that are 20 years ago

Status: Information only.

6. Discussion / Beaufort Memorial Hospital (follow up from the October 2017 presentation to the Committee regarding the state of the hospital)

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

Discussion: Mr. Russell Baxley, Executive Director, Beaufort Memorial Hospital, provided the Committee with the challenges the Beaufort Memorial Hospital faces, five-year projections that outlined patient revenue, operating revenue, deductions, operating expenses, and income/income loss.

Mr. Stewart spoke about funding the hospital and the possibility of switching to a millage rate, rather than dollar contribution. The hospital is requesting a \$550,000 increase (\$650,000 total), or an approximate 0.3 mill total contribution from Beaufort County.

Status: Information only.

7. Report on Mayors' Task Force on Tourism

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

Discussion: Mr. David Bennett, Mayor, Town of Hilton Head Island, stated we are nowhere near realizing the potential of our heritage assets. The good news is we have a very real opportunity to do so. The opportunity in front of us can be measured by economic impact and quality of life. He spoke of the student government program, sponsored by the Town of Hilton

Head Island. When asked if they knew the story of Mitchelville, only 2 out of 30 students knew of the story. This is their heritage. Mayor Bennett distributed to the Committee a handout outlining all of the sites within the Heritage Cultural District.

Mr. Billy Keyserling, Mayor, City of Beaufort, provided the Committee with an update on the Reconstruction Monument. It is awaiting budget approval. He spoke of the foundation document, citizen volunteers, grant writing and bringing other sites under the umbrella.

Mr. Andy Bealle, President, Santa Elena Foundation, filled Council in on other projects and distributed to the committee card destination itineraries' and information on Beaufort County Heritage Tourism Corporation.

Status: Information only.

DRAFT

GOVERNMENTAL COMMITTEE

February 5, 2018

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

The Governmental Committee met Monday, February 5, 2018 beginning at 4:00 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 Gerald Dawson, Vice Chairman Steven Fobes, and members Michael Covert, Brian Flewelling, York Glover and Jerry Stewart present. Roberts "Tabor" Vaux absent. Non-committee member Alice Howard present.

County staff: Phil Foot, Assistant County Administrator-Public Safety; Joshua Gruber, Interim County Administrator; Greg Hunt, Mosquito Control Director; Tom Keaveny, County Attorney; and Dave Thomas, Purchasing Director.

Public: Stephen Murray, Chairman, Beaufort County Economic Development Corporation; John O'Toole, Executive Director, Beaufort County Economic Development Corporation; and Frank Turano, Lowcountry Regional Manager, Alliance Consulting Engineers.

Media: Joe Croley, *Lowcountry Inside Track*.

Councilman Dawson chaired the meeting.

ACTION ITEMS

- 1. Memorandum of Agreement Between Beaufort County and Beaufort County Emergency Management Regarding Incident Emergency Response Passes and Incident Re-Entry Passes**

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 this item with the Committee. The purpose of this Memorandum of Agreement (MOA) is for Beaufort County and Beaufort County Sheriff's Office, Division of Emergency Management, to work together with the issuance of Beaufort County Incident Emergency Response Passes and Re-Entry Passes in accordance with County Sheriff's Office Standard Operating Procedure, 1.03 Incident Emergency Response and Re-Entry Pass System.

It is the intent of the elected leadership of the municipalities within Beaufort County, the County of Beaufort and County Sheriff's Office, to establish and maintain a safe environment after a catastrophic event caused by either nature or man, and to prepare and execute an Incident Emergency Response and an Incident Re-Entry Pass System. This Incident Emergency Response and Incident Re-Entry Pass System shall be administered by the County Sheriff's Office Emergency Management Division in coordination with the Emergency Management Steering Committee.

Motion: It was moved by Mr. Glover, seconded by Mr. Fobes, that Committee recommend Council authorize the Interim County Administrator to execute a Memorandum of Agreement between Beaufort County and the Beaufort County Sheriff's Office, Emergency Management Division, to prepare and administer an Incident Emergency Response and Re-entry Pass System. The vote: YEAS – Mr. Covert, Mr. Dawson, Mr. Fobes, Mr. Glover, Mr. Flewelling and Mr. Stewart. ABSENT – Mr. Vaux. The motion passed.

Recommendation: Council authorize the Interim County Administrator to execute a Memorandum of Agreement between Beaufort County and the Beaufort County Sheriff's Office, Emergency Management Division, to prepare and administer an Incident Emergency Response and Re-entry Pass System.

2. Beaufort County Economic Development Corporation Update

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

Discussion: Mr. Stephen Murray, Chairman, Beaufort County Economic Development Corporation (EDC), provided the Committee an overview of the proposed amended Articles of Incorporation and Bylaws for the Beaufort County Economic Development Corporation. The amendments would allow the EDC to put employers under state benefits plan. The makeup of the Board would need to be more public entities, rather than private entities. The Board approves these amendments. He asked for Council's support of the amendments.

Motion: It was moved by Mr. Flewelling, seconded by Mr. Fobes, that Committee approve and recommend Council approve the amended Articles of Incorporation and amended Bylaws of the Beaufort County Economic Development Corporation. The vote: YEAS – Mr. Covert, Mr. Dawson, Mr. Fobes, Mr. Glover, Mr. Flewelling, Mr. Stewart. ABSENT – Mr. Vaux. The motion passed.

Mr. John O'Toole, Executive Director, Beaufort County Economic Development Corporation, thanked County Council and Interim County Administrator, Joshua Gruber, for all of their support. He spoke of the development of a matrix for development, product development, joint-county development and branding. Mr. O'Toole spoke about the EDC FY2018 budget. The budget was \$330,000, of which \$125,000 would flow through Beaufort County to Southern Carolina Regional Alliance. That would leave \$205,000. Of that amount, \$50,000 was paid to the Beaufort Regional Chamber of Commerce, which leaves the budget for the EDC at \$155,000.

Mr. Gruber stated the line item in the budget for economic development was set at \$330,000. From that amount the following has been paid: \$105,000 to EDC, \$50,000 to Beaufort Regional Chamber of Commerce, \$35,000 to Southern Carolina Regional Alliance, and \$8,000 to 10,000 in other associated costs.

Many Committee members felt the amount was approved to be spent by the EDC, and that the monies for the Chamber would come from a different line item. Committee agreed to send this item to the Finance Committee meeting for further discussion.

Recommendation: Council approve amended Articles of Incorporation and amended Bylaws of the Beaufort County Economic Development Corporation.

3. Consideration of Reappointments and Appointments / Bluffton Township Fire District Board

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

Motion: It was moved by Mr. Flewelling, seconded by Mr. Fobes, that Committee recommend Council nominate Mr. Thomas Mike, representing Council District 5, for reappointment to serve as a member of the Bluffton Township Fire District Board. The vote: YEAS – Mr. Covert, Mr. Dawson, Mr. Fobes, Mr. Glover, Mr. Flewelling, Mr. Stewart. ABSENT – Mr. Vaux. The motion passed.

Motion: It was moved by Mr. Covert, seconded by Mr. Glover, that Committee recommend Council nominate Mr. Joseph Paolo, representing Council District 7, for reappointment to serve as a member of the Bluffton Township Fire District Board. The vote: YEAS – Mr. Covert, Mr. Dawson, Mr. Fobes, Mr. Glover, Mr. Flewelling, Mr. Stewart. ABSENT – Mr. Vaux. The motion passed.

Motion: It was moved by Mr. Flewelling, seconded by Mr. Covert, that Committee recommend Council nominate Mr. Mike Raymond, representing Bluffton Town Council appointee, for reappointment to serve as a to serve as a member of the Bluffton Township Fire District Board. The vote: YEAS – Mr. Covert, Mr. Dawson, Mr. Fobes, Mr. Glover, Mr. Flewelling, Mr. Stewart. ABSENT – Mr. Vaux. The motion passed.

Recommendation: Council nominate Mr. Thomas Mike, representing Council District 5; Mr. Joseph Paolo, representing Council District 7; and Mr. Mike Raymond, representing Bluffton Town Council appointee, for reappointment to serve as members of the Bluffton Township Fire District Board.

4. Consideration of Reappointments and Appointments / Daufuskie Island Fire District Board

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

Motion: It was moved by Mr. Flewelling, seconded by Mr. Glover, that Committee recommend Council nominate Mr. George Jenkins for reappointment to serve as a member of the Daufuskie Island Fire District Board. The vote: YEAS – Mr. Covert, Mr. Dawson, Mr. Fobes, Mr. Glover, Mr. Flewelling, Mr. Stewart. ABSENT – Mr. Vaux. The motion passed.

Motion: It was moved by Mr. Flewelling, seconded by Mr. Glover, that Committee recommend Council nominate Mr. Gary Stewart for reappointment to serve as a member of the Daufuskie Island Fire District Board. The vote: YEAS – Mr. Covert, Mr. Dawson, Mr. Fobes, Mr. Glover, Mr. Flewelling, Mr. Stewart. ABSENT – Mr. Vaux. The motion passed.

Recommendation: Council nominate Mr. George Jenkins and Mr. Gary Stewart for reappointment to serve as members of the Daufuskie Island Fire District Board. Reappointment of these individuals is contingent upon approval of District 9 Councilman, Roberts “Tabor” Vaux.

5. Beaufort County Economic Development Corporation’s Request for Reappointment of Mike Alsko to Serve as a Member of the Southern Carolina Regional Development Alliance, Board of Directors

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

Motion: It was moved by Mr. Fobes, seconded by Mr. Flewelling, that Committee recommend Council appoint Mr. Mike Alsko for reappointment to serve as a member of the Southern Carolina Regional Development Alliance, Board of Directors. The vote: YEAS – Mr. Covert, Mr. Dawson, Mr. Fobes, Mr. Glover, Mr. Flewelling, Mr. Stewart. ABSENT – Mr. Vaux. The motion passed.

Recommendation: Council appoint Mr. Mike Alsko for reappointment to serve as a member of the Southern Carolina Regional Development Alliance, Board of Directors.

6. Consideration of Reappointments and Appointments / Lowcountry Regional Transportation Authority

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

Motion: It was moved by Mr. Flewelling, seconded by Mr. Covert, that Committee recommend Council nominate Mrs. Barbara Childs for reappointment to serve as a member of the Lowcountry Regional Transportation Authority. The vote: YEAS – Mr. Covert, Mr. Dawson, Mr. Fobes, Mr. Glover, Mr. Flewelling, Mr. Stewart. ABSENT – Mr. Vaux. The motion passed.

Recommendation: Council nominate Mrs. Barbara Childs for reappointment to serve as a member of the Lowcountry Regional Transportation Authority.

**7. Consideration of Reappointments and Appointments
Parks and Leisure Services Board**

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

Motion: It was moved by Mr. Fobes, seconded by Mr. Flewelling, that Committee recommend Council nominate Mr. Bruce Yeager, representing southern Beaufort County, for reappointment to serve as a member of the Parks and Leisure Services Board. The vote: YEAS – Mr. Covert, Mr. Dawson, Mr. Fobes, Mr. Glover, Mr. Flewelling, Mr. Stewart. ABSENT – Mr. Vaux. The motion passed.

Mr. Phil Foot, Assistant County Administrator-Public Safety, informed the Committee of the inability to make contact with the *ex-officio* Board member.

Recommendation: Council nominate Mr. Bruce Yeager, representing southern Beaufort County, for reappointment to serve as a member of the Parks and Leisure Services Board.

INFORMATION ITEMS

8. Consideration of Contract Award / Public Health Insecticide for Beaufort County Mosquito Control

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 Mosquito Control Director to purchase an EPA-registered public health insecticide (Altosid XR ingots) from

Univar Inc., a State contract vendor. Mosquito Control will use this product to treat an estimated 22,500 catch basins throughout Beaufort County starting in April, 2018. Mosquitoes potentially associated with West Nile virus use the underground stormwater systems as breeding sites. The timely treatments will help reduce the risk of this mosquito-borne disease among humans, horses, and birds. The total cost will be \$77,584 and will be funded from account 10001400-52320, Mosquito Control, Public Health Products.

Motion: It was moved by Mr. Flewelling, seconded by Mr. Glover, that Committee award a contract to Univar, Inc., Downers Grove, Illinois (state contract vendor) in the amount of \$77,584 for the purchase of Altosid XR ingots. Funding will come from account 10001400-52320, Mosquito Control, Public Health Products. The vote: YEAS – Mr. Covert, Mr. Dawson, Mr. Fobes, Mr. Glover, Mr. Flewelling, Mr. Stewart. ABSENT – Mr. Vaux. The motion passed.

Status: Committee awarded a contract to Univar, Inc., Downers Grove, Illinois (state contract vendor) in the amount of \$77,584 for the purchase of Altosid XR ingots. Funding will come from account 10001400-52320, Mosquito Control, Public Health Products.

9. Legislative Update

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 several pieces of legislation with the Committee.

- H.4458 - Litter and Illegal Dumping

Expands the definition of litter and reduces the fine for littering less than 15 pounds from \$200 to a range of \$25 to \$100. Litter control officers have testified that this will lead to more enforcement. The definition of illegal dumping also includes discarding animal carcasses and penalizes this activity with a fine range of \$200 to \$500. The fines increase with subsequent convictions. In addition to any fine, unsupervised litter pickup is also required. This legislation does not apply to individuals on private property they own or those littering on private property with permission. Local governments may still pass and enforce ordinances that regulate the upkeep of property and the Solid Waste Act will prevail if it conflicts with this law. The bill received third reading in the House and was introduced in the Senate.

- H.3529 - Taxation of Auxiliary Containers

Provides that any regulation regarding the use, disposition, sale, or any imposition of any prohibition, restriction, fee imposition, or taxation of auxiliary containers must be done only by the General Assembly, to define auxiliary container, to provide for legislative findings, and to provide for exceptions.

- S.44 - Property Tax Exemptions

Exempts eighty percent of the fair market value of certain distributed energy resources and to exempt the value of renewable energy resource property for residential use.

- H.3099 – Local Government Fund Formula

Ways and Means subcommittees continue to hear from their assigned state agencies. There has been very little discussion in these meetings regarding the Local Government Fund (LGF).

SCAC's policy position regarding the LGF is as follows: Support amending the Local Government Fund Formula to set the base funding level at \$223.2 million with a yearly increase in the fund that corresponds with the growth in the State General Fund up to 5 percent. Also, standardize a list of state mandates that all counties are responsible for in order to quantify the need for the LGF.

Status: Information only.

10. Off-Agenda Item / Spotted Lanternfly

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

Motion: It was moved by Mr. Flewelling, seconded by Mr. Rodman, that Committee take up an off-agenda discussion item regarding the Spotted Lanternfly. The vote: YEAS – Mr. Covert, Mr. Dawson, Mr. Fobes, Mr. Glover, Mr. Flewelling, Mr. Stewart. ABSENT – Mr. Vaux. The motion passed.

Discussion: Councilman Mike Covert introduced this item to the Committee. The spotted lanternfly is an invasive insect. It is native to China, India, Japan and Vietnam and was detected for the first time in the United States in northeastern Berks County, Pennsylvania in 2014. It is now found in parts of Virginia and North Carolina.

- Spotted lanternfly only lives on "Tree of Heaven" or "Stink Tree" or "stink sumac." This tree has been found and documented in Beaufort County.

- Spotted Lantern fly decimates grapes, peaches, berries, and melon. Thereby completely eradicating the markets. To kill the fly, you have to kill the tree.

- The spotted lantern fly has a short life. After birth they are immediately adults and can be killed by freezing, burning, spraying, trapping etc. This years' freeze will have killed any and adults. The larvae, however, is not susceptible to freezing. Once temperatures reach 65 degrees to 70 degrees, the larvae will hatch and a new crop of adults will emerge. Eggs are laid August to October.

- To kill the tree, chopping it down is useless and actually causes more concentrated regrowth. The existing trunk must be axed, and an application of Triclopyr 4 herbicide applied which will kill the tree.

- The Tree of Heaven is more dangerous in South Carolina than Kudzu.

He provided the Committee a handout and, presented a video of the Spotted Lanternfly.

The Committee asked administration to post information about this insect on the County website.

Status: Information only.

11. Consideration of Reappointments and Appointments / Construction Adjustments and Appeals Board

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

Status: No action at this time.

NATURAL RESOURCES COMMITTEE

January 16, 2018

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

The Natural Resources Committee met Tuesday, January 16, 2018 beginning at 3:00 p.m. in the Executive Conference Room, Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

Committee Chairman Brian Flewelling, Gerald Dawson, Steven Fobes, York Glover and Alice Howard present. Vice Chairman Tabor Vaux participated telephonically. Committee member Rick Caporale absent. (Paul Sommerville, as County Council Chairman, serves as an *ex-officio* member of each standing committee of Council and is entitled to vote.)

County Staff: Amanda Flake, Natural Resource Planner, Community Development Department; Josh Gruber, Interim County Administrator; Chris Inglese, Assistant County Attorney; Thomas Keaveny, County Attorney; Eric Larson, Division Director–Environmental Engineering and Land Management; Rob Merchant, Interim Community Development Director; and Heather Spade, Administrative Technician, Community Development Department.

Public: Andy Beall, Heritage Tourism Corporation; Shelby Berry, District Manager, Beaufort Soil and Water Conservation District; Cecile Dorr, Past President, Friends of Fort Fremont; Cindy Follrich, Board of Directors, Friends of Fort Fremont; Steve Guida, Treasurer, Friends of Fort Fremont; Ian Hill, Friends of Fort Fremont; Dennis Kennedy, Friends of Fort Fremont; Steve Linn, President, Friends of Fort Fremont; Denise Parsick, Secretary/Treasurer, Beaufort Soil and Water Conservation District; Joan Panayotoff, Friends of Fort Fremont; Ted Panayotoff, Friends of Fort Fremont; Janelle Proctor, Board of Directors, Friends of Fort Fremont; Pete Richards, Director Emeritus, Friends of Fort Fremont; Robert Semmler, Chairman, Planning Commission; Ted, Friends of Fort Fremont; Robb Wells, Vice President, Tourism Division, Beaufort Regional Chamber of Commerce; Alan Warren, Environmental Studies Professor, University of South Carolina-Beaufort; and Wendy Wilson, Board of Directors, Friends of Fort Fremont.

Media: Joe Croley, *Lowcountry Inside Track*.

Committee Chairman Flewelling chaired the meeting.

ACTION ITEMS

1. Consideration of Contract Award / Fort Fremont Historical Park Interpretive Center

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

Discussion: Fort Fremont Historical Park (Fort) is a 17-acre passive park purchased by Beaufort County through the Rural and Critical Lands Preservation Program in 2004. The park is home to Fort Fremont, a Spanish-American War era battery. Built in 1898, the Fort is significant as an intact example of late 19th- and early 20th-century military architecture. Fort Fremont was also the major armament at one of two surviving coastal fortifications in the United States intact from the Spanish-American War era. When the Dowling family sold the property to Beaufort County, it was their intent that the public has access to the historical interpretation of the Fort. They also envisioned that the property capitalize on its prime location on the Beaufort River to offer the public views and access to the beach at Lands End. To this end, the Dowling and Stewart families provided the County gift money to develop a concept plan for the park, which was prepared by J. K. Tiller and Associates in 2004. To implement the plan, Beaufort County then procured Carolina Engineering Consultants, Inc. and architect, Michael Griffith, to design an interpretive center and picnic pavilion. Because of the historic nature of the site, the interpretive center was carefully scrutinized by the County's Historic Preservation Review Board, which required several significant revisions to the design.

Mr. Joshua Gruber, Interim County Administrator, informed the Committee of concerns regarding the project. Beaufort County has certain regulations in issuing contracts and a number of checklists that must be undertaken to ensure that our vendors are meeting all of our requirements as set forth in our Small and Local Business Ordinance. The current contractor that we have identified as our low bidder, provided us with that information very recently and the information has not been reviewed. We will provide the analysis of the procurement when this item comes before County Council or we can bring this item back before this Committee.

Mr. Rob Merchant, Interim Community Development Director, provided the Committee a PowerPoint Presentation on Fort Fremont Interpretive Center. The presentation provided an overview of Fort layout, property boundary lines, images of the Fort as it currently exists, a Conceptual Master Plan for the Fort, and information/images of the interpretive center and pavilion.

Motion: It was moved by Mr. Glover, seconded by Mrs. Howard, that Committee approve and recommend Council award a contract to C. Merrill Construction, Statesboro, Georgia in the amount of \$1,000,980 to construct an Interpretive Center at Fort Fremont Historic Park. The total cost is \$1,000,980 and would come from Account #45000011-54405, Fort Fremont - Beaufort County Community Development Department. Council approval of this is contingent upon verification and compliance of the vendor. The vote: YEAS – Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard and Mr. Sommerville. ABSENT – Mr. Caporale and Mr. Vaux. The motion passed.

Recommendation: Council award a contract to C. Merrill Construction, Statesboro, Georgia in the amount of \$1,000,980 to construct an Interpretive Center at Fort Fremont Historic Park. The total cost is \$1,000,980 and would come from Account #45000011-54405, Fort Fremont - Beaufort County Community Development Department. Council approval of this is contingent upon verification and compliance of the vendor.

2. Condemnation of Stormwater Easement Condemnation / Groude Tract - Palmetto Ridge Street

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

Discussion: Mr. Eric Larson, Division Director-Environmental Engineering, reviewed this item with the Committee. The County Stormwater Department staff has obtained numerous easements and maintains ditches near to and adjacent to TMS# R100 033 00A 021F 0000 property, which is located with frontage along Palmetto Ridge Street and is also known as 3004 Palmetto Ridge Street. Staff has made diligent efforts to obtain the necessary easement on the relevant portion of the subject property. After multiple unsuccessful attempts of communication, negotiation and consultation with the respective Council member, it is now recommended to either begin formal condemnation procedures to acquire the easement, abandonment of existing easements, and/or seize easement acquisition.

Motion: It was moved by Mr. Glover, seconded by Mrs. Howard, that Committee approve and recommend Council adopt a resolution authorizing the Interim County Administrator to pursue condemnation of the relevant portion of TMS# R100 033 00A 021F 0000, Groude tract, located on Palmetto Ridge Street to complete a significant stormwater drainage project. The vote: YEAS – Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover and Mrs. Howard. ABSENT – Mr. Caporale and Mr. Vaux. The motion passed.

Recommendation: Council adopt a resolution authorizing the Interim County Administrator to pursue condemnation of the relevant portion of TMS# R100 033 00A 021F 0000, Groude tract, located on Palmetto Ridge Street to complete a significant stormwater drainage project.

3. Text Amendment to Beaufort County Code of Ordinances, Chapter 99, Stormwater Management / Paving of Dirt Roads (To Provide for the Definition of “Development” and Exemptions Related to County Dirt Road Paving)

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

Discussion: Mr. Eric Larson, Division Director–Environmental Engineering and Land Management, reviewed this item with the committee. The proposed text amendment is to provide for the definition of “development” and exemptions related to County dirt road paving. In order 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. The administrative structure of the Stormwater Management Utility needs to be amended to reflect the organization of the current administration. 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.

The Stormwater Utility Board (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. Further, the Board has determined that limited road improvement functions, specifically dirt road paving, should not be subject to certain stormwater requirements typically required for development.

Motion: It was moved by Mr. Fobes, seconded by Mr. Glover, that Committee approve and recommend Council approve on first reading 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. The vote: YEAS – Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover and Mrs. Howard. ABSENT – Mr. Caporale and Mr. Vaux. The motion passed.

Recommendation: Council approve on first reading 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.

4. Text Amendment to Beaufort County 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

Discussion: Mr. Robert Merchant, Interim Community Development Director, reviewed this item with the committee. The proposed text amendment was initiated by the County Engineering Department. The County's dirt road paving program has limited funding, and the County would not be able to pave as many roads as originally intended if the standards of the Community Development Code were strictly applied regarding stormwater standards. In order to maximize the efficiency of the dirt road paving program which was intended to assist the rural areas, the staff is recommending exempting the roads that are funded by the county dirt road paving program. With each County road paving project, an engineer designs the roads. The Public Facilities Committee requested a formal text amendment occur. The Stormwater Management Utility Board, when reviewing the text amendment, was concerned with equity issues on affected private property owners who wish to pave their own roads. Mr. Merchant explained the proposed text amendments in detail. He noted that there were safeguards in respect to private property owners paving their own road.

Motion: It was moved by Mr. Glover, seconded by Mr. Fobes, that Committee approve and recommend Council approve on first reading text amendments 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). The vote: YEAS - Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glove and Mrs. Howard. ABSENT – Mr. Caporale and Mr. Vaux. The motion passed.

Recommendation: Council approve on first reading text amendments 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).

5. Lady's Island Zoning Map Amendment/Rezoning Request for R200 019 000 013A 0000 (0.21 Acres at 391 Sea Island Parkway) from T2-RN (Rural Neighborhood) to T2-RC (Rural Center); Owner: CAVU Holdings, LLC/ Applicant: Staff (To Correct a Mapping Error)

Discussion: Mr. Robert Merchant, Interim Community Development Director, reviewed this item with the committee. The property was mistakenly zoned T2-Rural Neighborhood (T2-RN) in 2014 when the County adopted the Community Development Code. The property is located in the Eustis community (between the Lady's Island airport and Chowan Creek Bridge) on Lady's Island at the corner of Sea Island Parkway and Hudson Drive. The property was part of the Rural Business Zoning that was created in 2004-2005. He displayed a map that indicated the Rural Business Zoning that included the property. There is a 1,500-square foot commercial building on the property since 1980. The T2-Rural Center zoning is analogous with the Rural Business zoning, and the property was inadvertently left out of the T2-RC zoning. Staff looked at several strategies, including a scrivener's error, but Legal stated that a rezoning was required.

Motion: It was moved by Mr. Fobes, seconded by Mr. Glover, that Committee approve and recommend Council approve on first reading a 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). The vote: YEAS - Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover and Mrs. Howard. ABSENT – Mr. Caporale and Mr. Vaux. The motion passed.

Recommendation: Council approve on first reading a 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).

6. Consideration of Reappointments and Appointments / Design Review Board

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

Motion: It was moved by Mr. Fobes, seconded by Mr. Glover, that Natural Resources Committee recommend Council nominate Mr. James Atkins, representing registered architect, and Mr. John Michael Brock, representing registered architect, for reappointment to serve as members of the Design Review Board. The vote: YEAS - Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover and Mrs. Howard. ABSENT – Mr. Caporale and Mr. Vaux. The motion passed.

Recommendation: Council nominate Mr. James Atkins, representing registered architect, and Mr. John Michael Brock, representing registered architect, for reappointment to serve as members of the Design Review Board.

7. Consideration of Reappointments and Appointments / Historic Preservation Review Board

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

Motion: It was moved by Mr. Glover, seconded by Mr. Fobes, that Natural Resources Committee recommend Council nominate Ms. Rosalyn Browne, representing St. Helena Island, for reappointment to serve as a member of the Historic Review Board. The vote: YEAS - Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover and Mrs. Howard. ABSENT - Mr. Caporale and Mr. Vaux. The motion passed.

Recommendation: Council nominate Ms. Rosalyn Browne, representing St. Helena Island, for reappointment to serve as a member of the Historic Preservation Review Board.

8. Consideration of Reappointments and Appointments / Planning Commission

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

Motion: It was moved by Mr. Glover, seconded by Mr. Dawson, that Committee approve and recommend Council nominate Ms. Cecily McMillan, representing St. Helena Island, to serve as a member of the Planning Commission, contingent upon submission of application. The vote: YEAS - Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover and Mrs. Howard. ABSENT - Mr. Caporale and Mr. Vaux. The motion passed.

Recommendation: Council nominate Ms. Cecily McMillan, representing St. Helena Island, to serve as a member of the Planning Commission, contingent upon submission of application.

9. Consideration of Reappointments and Appointments / Southern Beaufort County Corridor Beautification Board

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

Motion: It was moved by Mrs. Howard, seconded by Mr. Fobes, that Natural Resources Committee recommend Council nominate Mr. Todd Theodore, representing Town of Hilton Head Island appointee, for reappointment to serve as a member of the Southern Beaufort County Corridor Beautification Board. The vote: YEAS - Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover and Mrs. Howard. ABSENT - Mr. Caporale and Mr. Vaux. The motion passed.

Recommendation: Council nominate Mr. Todd Theodore, representing Town of Hilton Head Island appointee, for reappointment to serve as a member of the Southern Beaufort County Corridor Beautification Board.

10. Consideration of Reappointments and Appointments / Stormwater Management Utility Board

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

Motion: It was moved by Mrs. Howard, seconded by Mr. Dawson, that Natural Resources Committee recommend Council nominate Mr. Allyn Schneider, representing Stormwater District #9 – unincorporated Bluffton Township and Daufuskie Island, and Mr. Donald Smith, representing Stormwater District #5 – unincorporated Sheldon Township, for reappointment to serve as members of the Stormwater Management Utility Board. The vote: YEAS - Mr. Dawson, Mr. Fobes, Mr. Glover and Mrs. Howard. ABSENT - Mr. Caporale and Mr. Vaux. The motion passed.

Recommendation: Council nominate Mr. Allyn Schneider, representing Stormwater District #9 – unincorporated Bluffton Township and Daufuskie Island, and Mr. Donald Smith, representing Stormwater District #5 – unincorporated Sheldon Township, for reappointment to serve as members of the Stormwater Management Utility Board.

11. Consideration of Reappointments and Appointments / Zoning Board of Appeals

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

Motion: It was moved by Mr. Dawson, seconded by Mr. Howard, that Natural Resources Committee recommend Council nominate Mr. William Cecil Mitchell, representing northern Beaufort County; Mr. Joseph Passiment, representing southern Beaufort County; Mr. Chester Williams, representing Southern Beaufort County (attorney); and Mr. Edgar Williams, representing northern Beaufort County, for reappointment to serve as members of the Zoning Board of Appeals. The vote: YEAS - Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover and Mrs. Howard. ABSENT - Mr. Caporale and Mr. Vaux. The motion passed.

Recommendation: Council nominate Mr. William Cecil Mitchell, representing northern Beaufort County; Mr. Joseph Passiment, representing southern Beaufort County; Mr. Chester Williams, representing Southern Beaufort County (attorney); and Mr. Edgar Williams, representing northern Beaufort County, for reappointment to serve as members of the Zoning Board of Appeals.

12. 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

Motion: It was moved by Mr. Dawson, seconded by Mr. Fobes, that Committee approve and recommend Council nominate Mr. Laurence Bryan, representing Solid Waste District #5 - Sheldon, to serve as a member of the Solid Waste and Recycling Board. The vote: YEAS - Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover and Mrs. Howard. ABSENT - Mr. Caporale and Mr. Vaux. The motion passed.

Recommendation: Council nominate Mr. Lawrence P. Bryan, representing Solid Waste District #5 – Sheldon, for appointment to serve as a member of the Solid Waste and Recycling Board.

INFORMATION ITEMS

13. Update / Previous Planning Commission Meeting

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

Discussion: Mr. Rob Merchant, Interim Community Development Director, provided the Committee an update on the Planning Commission meeting of December 4, 2017.

Status: Information only.

14. Update / Previous Southern Lowcountry Regional Planning Commission Meeting

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

Discussion: Mr. Eric Larson, Division Director-Environmental Engineering, reviewed this item with the Committee. At the December 5, 2017 meeting of the Southern Lowcountry Regional Planning Commission (elected officials south of the Broad River and Jasper County) voted to continue exploring the implementation of a regional standard by way of a regional regulatory authority on stormwater. The committee also voted to create a stormwater technical standard on stormwater that could be used by all eight municipalities.

Status: Information only

15. Update / Okatie West 319 Grant Project

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

Discussion: Mr. Eric Larson, Division Director–Environmental Engineering and Land Management, provided the Committee an update on the progress of the Okatie West Water Quality Retrofit Project. He reviewed the scheduling conflict with the grant project. Mr. Larson noted that 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. This item was put out to bid on December 14, 2017. In accordance with Beaufort County's Procurement process, the bids are due today. He asked the Committee for their approval in bringing this item forward at the January 22, 2018 for discussion and consideration.

Status: Council to consider a contract award regarding the Okatie West Regional BMP services for Beaufort County Stormwater Department to occur at its January 22, 2018 meeting.

16. Presentation / Beaufort Soil and Water Conservation District / 2017 Annual Report

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

Discussion: Mrs. Denise Parsnick, Secretary/Treasurer, Beaufort Soil and Conservation District, reviewed this item with the committee. Beaufort Soil and Water Conservation District (Conservation) has moved to its new location at Crystal Lake Park. Mrs. Parsnick highlighted the (i) accomplishments of the USDA and Natural Resources Conservation District, (ii) activities of the Natural Resources Land Conservation District and S.C. Department of Natural Resources, (iii) conservation and education outreach programs and activities, and (iv) water quality and conservation partnerships.

Status: Information only.

18. Information / Okatie Regional Watershed / Water Quality Data

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

Discussion: Mr. Alan Warren, Environmental Studies Professor, University of South Carolina-Beaufort, provided a PowerPoint presentation showing data collected over a 17-year period in the Okatie Regional Watershed area from 6 shellfish monitoring stations and the collection of bacteria data concentrations monthly from January 1999 until December 2016.

Based on linear trendlines of positive slope that were fitted to DHEC water quality data, five of the six monitoring stations saw increasing trends in fecal coliform concentration during the period January 1999 to December 2016. Of those stations showing trends of increasing concentration, the rate of increase was greatest at station 18-08, occurring at a rate 2.7- and 6.7-fold that of stations 18-16 and 18-17, respectively. Considerably more modest rates of increase were seen at stations 18-02 and 18-07, while a slightly decreasing concentration trend was observed at station 18-01. In general, the rate of increase in fecal coliform concentration is, at least, in part, a function of where a particular monitoring station is located relative to the headwaters of the Okatie River (*i.e.*, the rate of increase became greater as one moved further up river). In addition, the same pattern emerges when one examines the average concentration of fecal coliform bacteria at each monitoring station over the period from January 1999 to December 2016 (*i.e.*, average fecal coliform concentrations were 9.5, 29.9, 15.0, 26.4, 43.9 and 91.9 MPN (most probable number) at monitoring stations 18-02, 18-01, 18-07, 18-17, 18-16 and 18-08, respectively).

Status: Information only.

19. Consideration of Reappointments and Appointments / Rural and Critical Lands Preservation Review Board

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

Status: No action taken at this time.

20. Off-Agenda Items / County Council Work Session Date Change

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

Discussion: Committee Chairman Mr. Flewelling announced that the date of Council's work session has changed from January 22, 2018 to January 25, 2018. Topics include a presentation on the Community Development Code, Comprehensive Plan and Comprehensive Future Land Use Map to include background, structure, and potential changes.

Status: Information only.

PUBLIC FACILITIES COMMITTEE

February 12, 2018

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

The Governmental Committee met Monday, February 12, 2018 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, and Roberts "Tabor" Vaux present. Non-Committee members Gerald Dawson, Steven Fobes and D. Paul Sommerville present. Committee member Jerry Stewart absent. (Paul Sommerville, as County Council Chairman, serves as an *ex-officio* member of each standing committee of Council and is entitled to vote.)

County staff: Josh Gruber, Interim County Administrator; Patrick Hill, IT Systems Management Director; 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, Fleet Manager; Monica Spells, Assistant County Administrator–Civic Engagement and Outreach; Dave Thomas, Purchasing Director; and David Wilhelm, Public Works Director.

Public: Bryan Bauer, F&ME Consultants; Adam Biery, Beaufort Design Build; Shawn Epps, President F&ME Consultants, Inc.; Mark Lenters, MSA Professional Services / Ourston; Duncan O'Quinn, O'Quinn Marine; Daniel Saltrick, Beaufort Design Build, LLC; and Jocelyn Staiger, Government Affairs Director, Hilton Head Island Association of Realtors.

Chairman Stu Rodman chaired the meeting.

ACTION ITEMS

1. Consideration of Contract Award

- **One New 2018 John Deer Side-Arm Mower for the Public Works Department**

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

Discussion: The Purchasing Department received a request from the Beaufort County Fleet Manager to purchase one new 2018 5100E John Deere Tractor, with one 18' Alamo Samurai Side-

Arm Mower from Blanchard Equipment, Saint George, South Carolina, a state contract vendor. Public Works currently has four side-arm mowers in the fleet, one of which has over 8,000 hours, and has passed its life expectancy according to the American Public Works Association equipment life expectancy chart. First Vehicle Services also recommends replacement of this equipment. The cost will total \$107,308.79 and will be funded from account 10001320-54200, Specialized Equipment.

Motion: It was moved by Mr. Caporale, seconded by Mrs. Howard, that Committee recommend Council award a contract to Blanchard Equipment, Saint George, South Carolina, a state contract vendor, in the amount of \$107,308.79, for the purchase of one new 2018 5100E John Deere Tractor, with one 18' Alamo Samurai Side-Arm Mower. Funding will come from account 10001320-54200, Specialized Equipment. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Glover, Mrs. Howard, Mr. Rodman and Mr. Vaux. ABSENT - Mr. Stewart. The motion passed.

Recommendation: Council award a contract to Blanchard Equipment, Saint George, South Carolina, a state contract vendor, in the amount of \$107,308.79, for the purchase of one new 2018 5100E John Deere Tractor, with one 18' Alamo Samurai Side-Arm Mower. Funding will come from account 10001320-54200, Specialized Equipment.

2. Consideration of Contract Award

- **2018 Schwarze A7 Tornado Sweeper for the Public Works Department – Stormwater Infrastructure Section (\$244,943)**

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

Discussion: The Purchasing Department received a request from the Beaufort County Fleet Manager to purchase one new 2018 Schwarze A7 Tornado Sweeper for the Public Works Storm Water fleet. This addition to the fleet would allow for better sediment and contaminant management of Storm Water Projects as there is currently no street sweeping machine owned by Beaufort County. This purchase would also replace the street sweeping contract (parking lots, bridges, streets, etc.) funded through the general fund for the Facility Management Department. This is a National Joint Powers Alliance (NJPA) Contract to Carolina Environmental Systems, Inc. of Kernersville, North Carolina, with a total cost of \$244,943. Funding will come from account 5020011-54200, Specialized Equipment.

Motion: It was moved by Mr. Caporale, seconded by Mrs. Howard, that Committee recommend Council award a National Joint Powers Association Cooperation contract to Carolina Environmental Systems Inc., Kernersville, North Carolina, for one 2018 Schwarze A7 Tornado Sweeper, in the amount of \$244,943, for the Public Works Department. Funding will come from account 5020011-54200, Specialized Equipment. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Glover, Mrs. Howard, Mr. Rodman and Mr. Vaux. ABSENT - Mr. Stewart. The motion passed.

Recommendation: Council award a National Joint Powers Association Cooperation contract to Carolina Environmental Systems Inc., Kernersville, North Carolina, for one 2018 Schwarze A7 Tornado Sweeper, in the amount of \$244,943, for the Public Works Department. Funding will come from account 5020011-54200, Specialized Equipment.

3. Consideration of Contract Award

- **Engineering and Consulting Services for Design Building Construction / Beaufort County Whitehall Boat Ramp Improvements (\$193,660 total; \$184,438 contract amount and 5% contingency of \$9,222)**

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

Discussion: The Factory Creek Boat Ramp (Whitehall) located on Lady's Island is one of the most popular water access points in the County. This ramp was last improved in 1990 and these improvements have reached the end of their useful life. Additionally, the ramp consistently fails to meet the demands for water access. This facility is identified for improvement in the Priority Investment Element of the Comprehensive Plan and the South Carolina Department of Natural Resources (SCDNR) Coastal County Road Ramp Study. This project will make improvements to the boat ramp and parking areas to allow the general public better and safer access to the Beaufort River and neighboring water bodies.

The Purchasing Department advertised the Request for Proposal 121418E and received proposals submitted on December 12, 2017, Design Build Construction for Whitehall Boat Ramp Improvements. The proposers were instructed to provide a Guaranteed Not to Exceed price (GMP) in two phases. Phase one will be the costs of engineering, construction documents and inspections. Phase two will be the cost of construction adjusted based on the final design.

L-J Inc. of Columbia, South Carolina and O'Quinn Marine Construction of Beaufort submitted proposals and a review team consisting of the Beaufort County Division Director of Engineering, Public Works Director and Director of Public Projects for the City of Beaufort rated the proposals based on the criteria established in the RFP. O'Quinn Marine Construction received the highest ranking.

An analysis of the proposal submitted, revealed no apparent cause for rejecting the O'Quinn Marine proposal; therefore, it is recommended that phase one be awarded to O'Quinn Marine Construction, for design/engineering services, in the amount of \$184,438. Staff is requesting a 5% project contingency of \$9,222 for a total project budget \$193,660. Funding will be Local Hospitality Tax, as approved by County Council in ordinance 2017/33.

Phase two will be the cost of construction adjusted based on the final design.

Motion: It was moved by Mr. Caporale, seconded by Mrs. Howard, that Committee recommend Council award Whitehall Boat Ramp improvement design service to O'Quinn Marine Construction of Beaufort, South Carolina, in the amount of \$184,438, funded by

Hospitality Tax Funds. Additionally, Council approve the project budget to include a 5% contingency, for a total budget of \$193,660. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Glover, Mrs. Howard, Mr. Rodman and Mr. Vaux. ABSENT - Mr. Stewart. The motion passed.

Recommendation: Council award Whitehall Boat Ramp improvement design service to O'Quinn Marine Construction of Beaufort, South Carolina, in the amount of \$184,438, funded by Hospitality Tax Funds. Additionally, Council approve the project budget to include a 5% contingency, for a total budget of \$193,660.

4. Consideration of Reappointments and Appointments / County Transportation Committee

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

Motion: It was moved by Mr. Vaux, seconded by Mr. Glover, that Committee recommend Council nominate Mr. Steve Hill, representing District 9, to serve as a member of the County Transportation Committee. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Glover, Mrs. Howard, Mr. Rodman and Mr. Vaux. ABSENT - Mr. Stewart. The motion passed.

Recommendation: Council nominate Mr. Steve Hill, representing District 9, to serve as a member of the County Transportation Committee.

5. Consideration of Reappointments and Appointments / Keep Beaufort County Beautiful Board

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

Motion: It was moved by Mr. Vaux, seconded by Mr. Covert, that Committee recommend Council nominate Mr. Michael Murphy, representing Council District 2; Ms. Pamela Floyd, representing Council District 3; Ms. Kathleen Byra, representing Council District 4; Ms. Carol Murphy, representing Council District 5; Ms. Diane Voge, representing Council District 5; Ms. Joan Gualdoni, representing Council District 6; Mr. Randy Boehme, representing Council District 9, and Ms. Jean Fruth, representing Council District 11, to serve as members of the Keep Beaufort County Beautiful Board. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Glover, Mrs. Howard, Mr. Rodman and Mr. Vaux. ABSENT - Mr. Stewart. The motion passed.

Recommendation: Council nominate Mr. Michael Murphy, representing Council District 2; Ms. Pamela Floyd, representing Council District 3; Ms. Kathleen Byra, representing Council District 4; Ms. Carol Murphy, representing Council District 5; Ms. Diane Voge, representing Council District 5; Ms. Joan Gualdoni, representing Council District 6; Mr. Randy Boehme, representing Council District 9, and Ms. Jean Fruth, representing Council District 11, to serve as members of the Keep Beaufort County Beautiful Board.

INFORMATION ITEMS

6. Consideration of Contract Award

- **U.S. 278 Timing Analysis and Implementation Project (\$81,000 total; \$73,486 contract amount and \$7,514 contingency)**

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

Discussion: Beaufort County Traffic and Transportation Engineering Division requested funding from the Beaufort County Transportation Committee (BCTC) at its July 19, 2017 meeting for the retiming of traffic signals along the U.S. Highway 278 corridor. The BCTC recommended funding of that project in the amount of \$89,000.00, along with a local match from Beaufort County for \$11,000.00, at their meeting on September 20, 2017. The project will involve updating the existing traffic responsive signal control and coordination plans for 15 signalized intersections along U.S. Highway 278 and adjacent area. The work will include data collection, timing plan development and implementation, and system documentation. A detailed before and after study will also be performed for the project. Beaufort County Traffic and Transportation Engineering requested proposals and prices to complete retiming analysis in Request for Proposal 010918E. Three proposals were received. The selection committee reviewed and ranked Stantec, North Charleston, South Carolina, as the number one proposal, in the amount of \$73,486. Staff asks for Committee approval of the contract award, plus a 10% contingency of \$7,514, making a total project budget of \$81,000. This project will be funded as follows: State C Funds, Account 2342001C-54912 in the amount of \$70,000; and Traffic Engineering SCDOT Maintenance Funds, Account 02420011-51994 in the amount of \$11,000.

Motion: It was moved by Mr. Caporale, seconded by Mrs. Howard, that Committee recommend Council approve a contract award to Stantec, North Charleston, South Carolina, in the amount of \$73,486 for the US 278 Signal Timing Analysis and Implementation Project. Addition, Council approve a project contingency of \$7,514, bringing the total project budget to \$81,000 to be funded as follows: State C Funds, Account 2342001C-54912 in the amount of \$70,000; and Traffic Engineering SCDOT Maintenance Funds, Account 02420011-51994 in the amount of \$11,000. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Glover, Mrs. Howard, Mr. Rodman and Mr. Vaux. ABSENT - Mr. Stewart. The motion passed.

Status: Committee awarded contract to Stantec, North Charleston, South Carolina, in the amount of \$73,486 for the US 278 Signal Timing Analysis and Implementation Project. Addition, Council approve a project contingency of \$7,514, bringing the total project budget to \$81,000 to be funded as follows: State C Funds, Account 2342001C-54912 in the amount of \$70,000; and Traffic Engineering SCDOT Maintenance Funds, Account 02420011-51994 in the amount of \$11,000.

7. Transportation Updates / Bluffton Parkway / S.C. Highway 46 Traffic Circle Presentation from MSA / Ourston

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

Discussion: Mr. Mark Lenters, President, Ourston Roundabout Engineering, Inc., provided the Committee with a PowerPoint on the roundabout at Bluffton Parkway and SC 46. The presentation included an overview of the collision analysis, geometric conformance review, operational analysis, list of identified deficiencies, and verification of deficiencies, countermeasures and reporting. In conclusion, the following recommendations and approximate costs were presented:

- 50% reduction of crashes per year would need to be achieved for this roundabout to perform within the range of national expected average number of crashes
- High cost, full rebuild, countermeasure should be implemented
- Include improved signing and markings
- Widespread driver education
- Cost \$1,500,000 to \$2,000,000

Status: Next step would include placement of signage, coordination with the Town of Bluffton and engagement with the South Carolina Department of Transportation (SCDOT).

8. Transportation Updates / 278 Gateway Corridor (Bridges, Jenkins Island, Causeway to Squire Pope Road, and 278 Traffic Signal Enhancements)

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, early today, an initial meeting was held with various stakeholders to start educating individuals on what is going on, the components of the environmental assessment process, what that will look like going forward and what opportunities there are to engage the public in all aspects of this project. This is a significantly large project that will have an impact on a number of people. Educating will make the process better down the road.

Mr. Colin Kinton, Division Director–Transportation Engineering, provided the Committee with a PowerPoint presentation that included the following:

Jenkins Island Access Management and Safety

- Super Street (signalized U-turns) and Widening
- Budget: \$7,400,000
- Next Step: Town of Hilton Head Island approval
- Ready to Bid this Spring

Hilton Head Island Signal Retiming

- SCDOT Project: Consultant, Stantec, Evaluating Timing on first 7 Signals Entering onto Hilton Head Island
- Budget: \$38,378.00

- Next Step: Data Collection and Before Studies
- Implementation early April

Hilton Head Island Performance Measurers

- Joint County/THHI Project to Collect Real-Time Data (Delays, Arrival on Green, Arrival on Red)
- Budget: \$30,000.00
- Next Step: Finalize MOU and Purchase Equip.
- Implementation March

US 278 (Mainland Signal Re-Timing

- County Project for 13 Signals on US 278 Plus 2 Additional (Agenda Item 3D)
- Budget: \$81,000.00
- Next Step: Finalize Contract and NTP.
- Implementation, Spring

US 278 (Mainland) Adaptive Signal System

- Joint SCDOT/County Project for 13 Signals on US 278 Plus 2 Additional (Agenda Item 3D)
- Budget: \$275,000.00
- Next Step: Installation of Detection by SCDOT Contractor
- Implementation Fall

US 278 Safety Study

- SCDOT Safety Analysis of the Corridor: 2015
- Next Step: Programming Detailed Design and Construction
- Implementation: No Date Programmed

Status: Information only.

9. Consideration of Contract Award

- **One New 2018 Trail King Tk80HT Heavy Equipment Trailer for the Public Works Department**

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

Discussion: The Purchasing Department received a request from the Beaufort County Fleet Manager to purchase a 40-ton heavy equipment trailer to replace a 1998 Eager Beaver heavy equipment trailer that is showing signs of metal fatigue which is causing a safety concern. This is a National Joint Powers Alliance (NJPA) Contract with a total cost of \$80,560.63. Funding will come from account 10001320-54200, Specialized Capital Equipment.

Motion: It was moved by Mr. Caporale, seconded by Mrs. Howard, that Committee award a National Joint Powers Association Cooperation contract to Flint Equipment Company,

Savannah, Georgia for the purchase of one 2018 Trail King Tk80HT Heavy Equipment Trailer in the amount of \$80,560.63 for the Public Works Department. Funding will come from account 10001320-54200, Specialized Capital Equipment. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Glover, Mrs. Howard, Mr. Rodman and Mr. Vaux. ABSENT - Mr. Stewart. The motion passed.

Status: Committee awarded a National Joint Powers Association Cooperation contract to Flint Equipment Company, Savannah, Georgia for the purchase of one 2018 Trail King Tk80HT Heavy Equipment Trailer in the amount of \$80,560.63 for the Public Works Department. Funding will come from account 10001320-54200, Specialized Capital Equipment.

10. Update / Arthur Horne Building Replacement

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

Discussion: Mr. Adam Biery and Mr. Daniel Saltrick, of Beaufort Design Build, LLC, provided Council with an overview of the preliminary design of the Beaufort County Government Complex, new office building to replace the existing Arthur Horne Building. The overview covered site improvements, site organization, first floor layout for Magistrate's Office, second floor layout of Tax Assessor's office space, third floor layout of IT and GIS Offices, proposed exterior design, probably cost and schedule.

Status: Information only.

11. South Carolina Recreation Trails Program Grant for Kayak Ramp at Whale Branch Fishing Pier

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 be taken up at a later time.

12. 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: No action at this time.

13. Executive Session

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

Motion: It was moved by Mr. Vaux, seconded by Mr. Caporale, that Committee go immediately into executive session for discussions of negotiations incident to proposed contractual arrangements (Solid Waste and Recycling – Daufuskie Island), and for receipt of legal advice regarding contractual negotiations and potential litigation related to traffic management in the Callawassie Island area. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Glover, Mrs. Howard, Mr. Rodman and Mr. Vaux. ABSENT - Mr. Stewart. The motion passed.

Status: Committee went into executive session for discussions of negotiations incident to proposed contractual arrangements (Solid Waste and Recycling – Daufuskie Island), and for receipt of legal advice regarding contractual negotiations and potential litigation related to traffic management in the Callawassie Island area.

DRAFT

Boards and Commissions
Reappointments and Appointments
February 19, 2018

1 Community Services Committee

Disabilities and Special Needs Board

<u>NominateD</u>	<u>Name</u>	<u>Position/Area/Expertise</u>	<u>Reappoint/Appoint</u>	<u>Votes Required</u>	<u>Term/Years</u>	<u>Expiration</u>
01.22.18	Robert Blok	Countywide	Appoint	6/11	4	2/22
01.22.18	Grace Dennis	Countywide	Reappoint	10/11	4	2/22
01.22.18	Terry Gibson	Countywide	Appoint	6/11	4	2/22

Library Board

<u>NominateD</u>	<u>Name</u>	<u>Position/Area/Expertise</u>	<u>Reappoint/Appoint</u>	<u>Votes Required</u>	<u>Term/Years</u>	<u>Expiration</u>
01.22.18	Bernard Kole	Council District 3	Reappoint	10/11	4	2/22
01.22.18	Janet Elaine Porter	Council District 8	Appoint	6/11	4	2/22
01.22.18	Brenda Powell	Council District 1	Reappoint	8/11	4	2/22
01.22.18	Rosalie Richman	Council District 7	Reappoint	8/11	4	2/22
01.22.18	Laura Sturkie	Council District 9	Reappoint	8/11	4	2/22
01.22.18	Terry Thomas	Council District 2	Appoint	6/11	partial-term	2/19

2 Finance Committee

Accommodations (State 2%) Tax 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>
02.19.18	Anita Singleton-Prather	Cultural	Reappoint	8/11	4	2/22

Airports Board

<u>Nominate</u>	<u>Name</u>	<u>Position/Area/Expertise</u>	<u>Reappoint/Appoint</u>	<u>Votes Required</u>	<u>Term/Years</u>	<u>Expiration</u>
02.19.18	Lex Brown	Active Pilot / Aircraft Owner at LI Airport	Reappoint	8/11	2	2/20
02.19.18	Mark Bailey	Qualifications	Appointment	6/11	2	2/20

3 Governmental Committee

Bluffton Township Fire District 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>
02.19.18	Thomas Mike	Council District 5	Reappoint	8/11	4	2/22
02.19.18	Joseph Paolo	Council District 7	Reappoint	8/11	4	2/22
02.19.18	Mike Raymond	Bluffton Town Council appointee	Reappoint	10/11	4	2/22

Daufuskie Island Fire District 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>
02.19.18	George Jenkins	Fire Service Area	Reappoint	10/11	4	2/22
02.19.18	Gary Stewart	Fire Service Area	Reappoint	8/11	4	2/22

Lowcountry Regional Transportation Authority

<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>
02.19.18	Barbara Childs	At-Large	Reappoint	10/11	4	2/22

Parks and Leisure Services 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>
02.19.18	Bruce Yeager	Southern Beaufort County	Reappoint	10/11	4	2/22

4 Natural Resources Committee***Design Review Board***

<u>NominateD</u>	<u>Name</u>	<u>Position/Area/Expertise</u>	<u>Reappoint/Appoint</u>	<u>Votes Required</u>	<u>Term/Years</u>	<u>Expiration</u>
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 Preservation Review Board

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

Solid Waste and Recycling Board

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

Stormwater Management Utility Board

<u>NominateD</u>	<u>Name</u>	<u>Position/Area/Expertise</u>	<u>Reappoint/Appoint</u>	<u>Votes Required</u>	<u>Term/Years</u>	<u>Expiration</u>
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>NominateD</u>	<u>Name</u>	<u>Position/Area/Expertise</u>	<u>Reappoint/Appoint</u>	<u>Votes Required</u>	<u>Term/Years</u>	<u>Expiration</u>
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	Reappoint	10/11	3	2/21

5 Public Facilities committee***County Transportation Committee***

<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>
02.19.18	Steve Hill	Council District 9	Appoint	6/11	partial-term	2/21

Keep Beaufort County Beautiful 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>
02.19.18	Michael Murphy	Council District 2	Appoint	6/11	2	2/20
02.19.18	Pamela Floyd	Council District 3	Appoint	6/11	2	2/20
02.19.18	Kathleen Brya	Council District 4	Appoint	6/11	2	2/20
02.19.18	Joan Gualdoni	Council District 6	Appoint	6/11	2	2/20
02.19.18	Randy Boehme	Council District 9	Appoint	6/11	4	2/22
02.19.18	Jean Fruth	Council District 11	Appoint	6/11	4	2/22



**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
RFP 121417, Landscaping at Tanger Outlet Medians on Highway 278 Project for Beaufort County

DATE: 01/18/2018

BACKGROUND:

On December 14, 2017, Beaufort County received three proposals for landscaping services for the Highway 278 traffic medians between Tanger 1 and Tanger 2 in Bluffton, South Carolina. This service includes project oversight by a Registered South Carolina Landscape Architect, site preparation/grading, twelve (12) month hand-watering, warranty and maintenance program to facilitate plant establishment, cost of plants and installation of plants, and the cost of pine straw mulch with installation. In addition to the twelve month maintenance program which is estimated to begin on May 6, 2018, the service also includes an additional four (4) years of landscape maintenance for a total of five (5) years of landscape maintenance which is estimated to end on May 6, 2023. The evaluation committee consisting of Amanda Flake, Beaufort County Natural Resources Planner, Robert Merchant, Interim Planning Director and Nancy Moss, Community Development Planner interviewed/evaluated the following three firms: Hilton Head Landscapes, LLC; The Greenery and BrightView Landscape Services, Inc., on January 12, 2018, and selected Hilton Head Landscapes, LLC, as their number one ranked firm. Please see below the three firms that submitted proposals for this project, and their final ranking.

VENDOR INFORMATION:

COST:

1. Hilton Head Landscapes, LLC, Hilton Head Island, SC 29926	\$268,198.69
2. The Greenery, Inc., Hilton Head Island, SC 29938	\$332,983.51
3. BrightView Landscape Services, Inc., Bluffton, SC 29910	\$412,938.00
* All firms are self-performing.	

FUNDING:

Funding is through a development agreement passed by a resolution by Beaufort County Council and COROC on 10/12/15 to accept a bond in the amount of \$323,865 which was received by Beaufort County on March 11, 2016. The receipt was credited to the Tree Reforestation Fund and assigned for this project.

Funding approved: By: Date:

FOR ACTION:

Natural Resources Committee meeting on Monday, February 19, 2018, at 2:00 p.m.

RECOMMENDATION:

The Purchasing Department recommends that the Natural Resources Committee approve and recommend to County Council the contract award to Hilton Head Landscapes, LLC, in the amount of \$268,198.69 for the aforementioned Landscaping Services from the funding source listed above.

Attachment:



cc: Joshua Gruber, Interim County Administrator

Approved: Date: Check to override approval: ☐ Overridden by: Override Date:

Alicia Holland, Assistant County Administrator, Finance

Approved: Date: Approved: Date: Check to override approval: ☐ Overridden by: Override Date: ready for admin: ☒Approved: Date: Check to override approval: ☐ Overridden by: Override Date: ready for admin: ☒**After Initial Submission, Use the Save and Close Buttons**

A/E Landscaping, PM and Installation Services for Landscaping at Tanger Outlet Medians HWY 278

RFP 121417

Summary Score Sheet

Evaluators	<u>Name of Company</u>	<u>Name of Company</u>	<u>Name of Company</u>		
	<u>Brightview</u>	<u>Hilton Head Landscape</u>	<u>The Greenery</u>		
A. Flake	90	100	95		
N. Moss	75	100	90		
R. Merchant	96	100	98		
TOTALS:	261	300	283		
1. Hilton Head Landscape	300				
2. The Greenery	283				
3. Brightview	261				

J. K. TILLER ASSOCIATES, INC.

LAND PLANNING **LANDSCAPE ARCHITECTURE**
181 BLUFFTON ROAD, SUITE #203 BLUFFTON, SC 29910
Voice 843.815.4900 Fax 843.815.4802
jktiller@att.net

SC HIGHWAY 278
MEDIAN LANDSCAPE DESIGN
TANGER 2 ENTRANCE TO TANGER 1 ENTRANCE
Prepared for Beaufort County, South Carolina

Sheet Title:
LANDSCAPE PLAN

Job Number:
01709-01

Drawn:

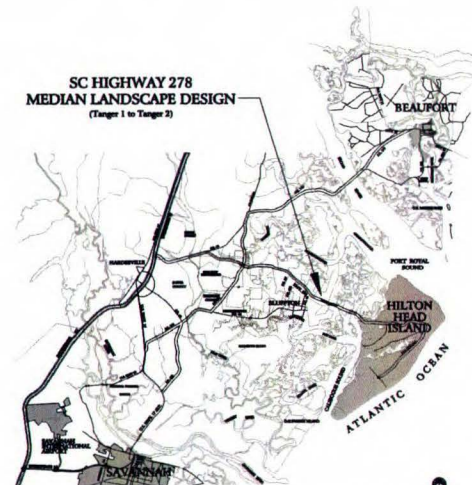
Approved:

Revisions:
REVISION1
0/20/2017
REVISION2
1/06/2017

CS

1. ALL NOTES APPLY TO ALL DRAWINGS AND ALL TRADES. IT IS THE RESPONSIBILITY OF ALL CONTRACTORS AND TRADES TO COORDINATE THE INSTALLATION OF THEIR WORK WITH THE INSTALLATION OF WORK BY ALL OTHER CONTRACTORS AND TRADES. THE REQUIREMENTS OF THE NATIONAL ELECTRICAL CODE, NATIONAL FIRE PROTECTION ASSOCIATION, AND ALL OTHER APPLICABLE CODES SHALL BE THE RESPONSIBILITY OF ALL CONTRACTORS AND TRADES. EACH CONTRACTOR IS REQUIRED TO MAINTAIN FULL SETS OF THE CONTRACT DOCUMENTS FOR HIS EMPLOYEES USE AND TO BE AVAILABLE TO THE PROJECT MANAGER FOR REVIEW OF THE CONTRACT DOCUMENTS AT ALL TIMES.
2. THE CONTRACTOR SHALL CONTACT THE UTILITY PROTECTION CENTER PRIOR TO BEGINNING WORK ON ALL UNDERGROUND UTILITY, TELEPHONE, CABLE (TV, SURVEILLANCE, TRAFFIC CONTROL) AND THE LIKE) AND OTHER UNDERGROUND OBSTRUCTIONS IN THE AREA.
3. IF DIGGING, EXCAVATING, TRENCHING, BORING, ETC. UNWITTINGLY REVEALS A SIGNALIZED INTERSECTION, THE PERMITTEE IS RESPONSIBLE FOR CONTACTING THE SCOD TRAFFIC SIGNAL SHOP AT 437-146-1848 BEFORE BEGINNING.
4. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO INSURE THAT ALL REQUIRED PERMITS ARE IN HAND PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.
5. ALL WORKMANSHIP AND INSTALLATION FOR ALL TRADES SHALL MEET OR EXCEED THE PRODUCT MANUFACTURERS RECOMMENDATIONS AND/OR ALL NATIONAL, STATE, AND LOCAL CODES.
6. ALL KNOWN UTILITIES ARE SHOWN SCHEMATICALLY ON THE PLANS AND ARE NOT NECESSARILY ACCURATE AS TO PLAIN LOCATION OR ELEVATION. IT IS THE CONTRACTORS RESPONSIBILITY TO VERIFY LOCATION AND ELEVATION OF ALL UNDERGROUND UTILITIES OR OBSTRUCTIONS.
7. ALL SITE REVISIONS FROM THE PRELIMINARY PLANS ARE NOT REQUIRED SHALL BE PROVIDED TO A LOCATION APPROVED BY THE PREPARED BY THE PROJECT MANAGER. ANY REVISIONS TO THE PLANS SHALL BE APPROVED BY THE PROJECT MANAGER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING A CLEAN SITE FREE OF ALL DEBRIS AND LITTER EACH DAY THROUGHOUT THE CONSTRUCTION PERIOD.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR APPLYING TRAFFIC CONTROL IN ACCORDANCE WITH THE CURRENT SCOD CONSTRUCTION MANUAL. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CREATING A TRAFFIC CONTROL PLAN FOR REVIEW AND APPROVAL, SET THE LOCAL SCOD ENGINEER PRIOR TO PERFORMING CONSTRUCTION.
9. AT THE END OF THE WORKING DAY AND EACH DAY, THE CONTRACTOR SHALL BE RESPONSIBLE FOR PICK-UP OF ALL DEBRIS AND LITTER WITHIN THE CONSTRUCTION SITE. ANY SOIL, STONE, OR OTHER MATERIALS SHALL BE NEPTLY CLEAN FROM ALL PAVEMENT AREAS EACH DAY.
10. FIELD CHANGES, IF NECESSARY, MUST BE APPROVED IN WRITING BY SCOD MANAGEMENT BEFORE ACTUAL CONSTRUCTION OF PROPOSED CHANGES.
11. THE CONTRACTOR SHALL REFER TO THESE GENERAL NOTES, NOTES FOR EACH PHASE, AND OTHER ASSOCIATED NOTES.

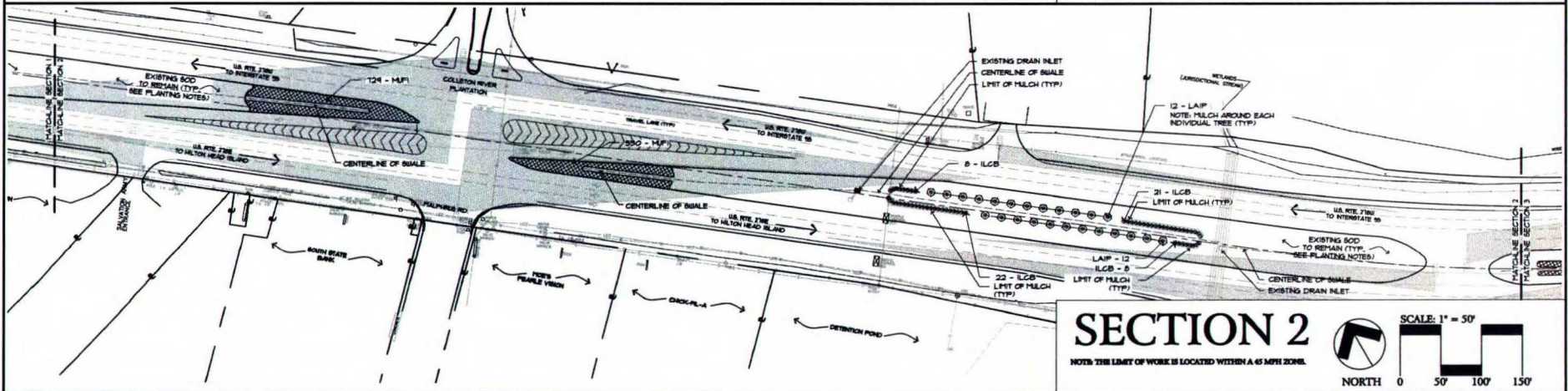
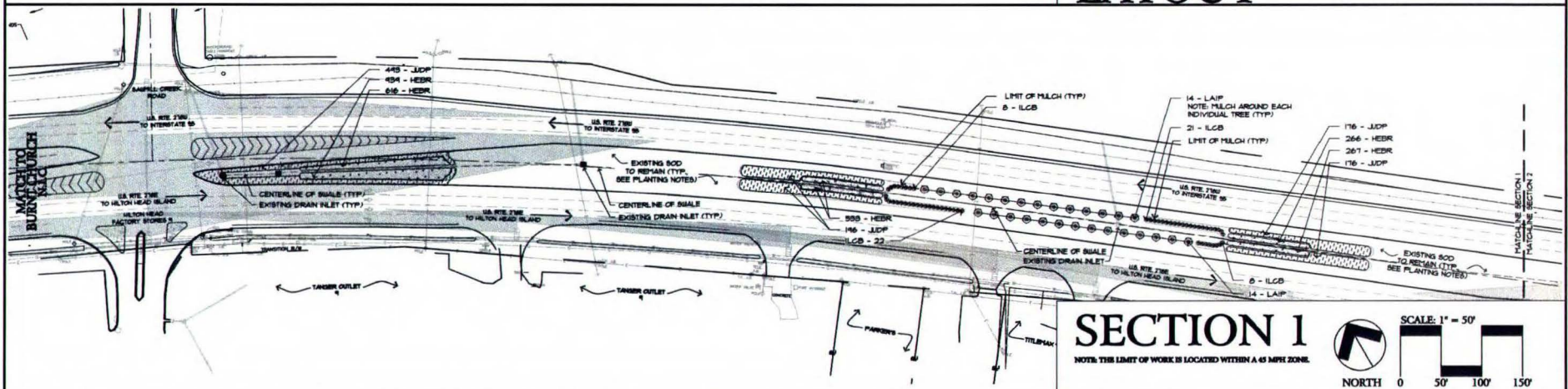
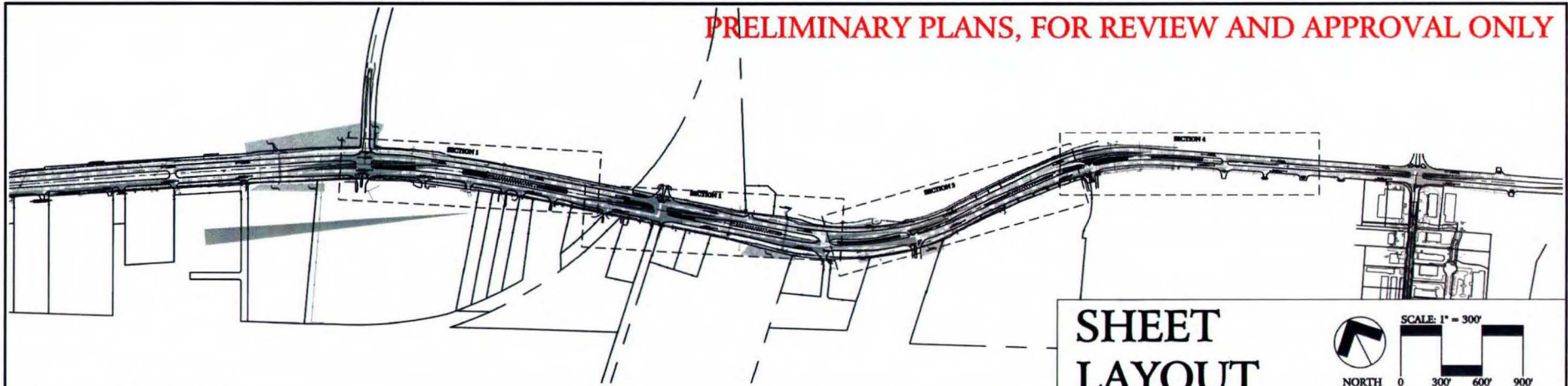
JKT JOB NUMBER: 201709-01



NOTE:
BASE DATA INFORMATION FOR THESE DRAWINGS WERE COMPILED FROM VARIOUS SOURCES AS FOLLOWS:

[illegible]

PRELIMINARY PLANS, FOR REVIEW AND APPROVAL ONLY



J. K. TILLER ASSOCIATES, INC.
 LAND PLANNING
 1811 COLUMBIA ROAD, SUITE F503
 BLUFFTON, SC 29910
 Phone: 843.843.4400
 Fax: 843.843.4400
 jktiller.com



SC HIGHWAY 278
 MEDIAN LANDSCAPE DESIGN
 TANGER 2 ENTRANCE TO TANGER 1 ENTRANCE
 Prepared for Beaufort County, South Carolina

Sheet Title:
 LANDSCAPE PLAN

Job Number:
 201709-01

Date:
 September 28, 2017

Drawn:
 KD

Approved:
 JKT

Revisions:
 REVISION 1
 10/20/2017
 REVISION 2
 11/06/2017

Sheet
L1

J. K. TILLER ASSOCIATES, INC.

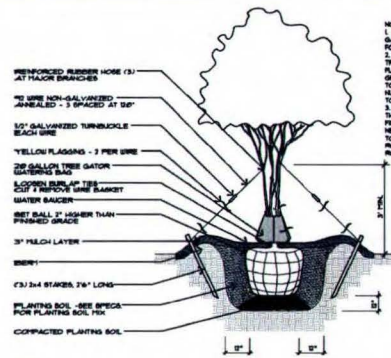
LAND PLANNING
181 BLUFFTON ROAD, SUITE F203
Bluffton, SC 29910
Voice 843-815-6000
jettie@jettie.com

LANDSCAPE ARCHITECTURE
BLUFFTON, SC 29910
Fax: 843-815-4002

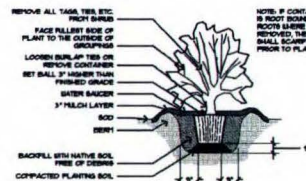


52

PRELIMINARY PLANS, FOR REVIEW AND APPROVAL ONLY



NOTE:
1. CONTRACTOR SHALL REFER TO TREE GATE WATERING BAS SPECIFICATIONS FOR INSTALLATION PROCEDURES.
2. CONTRACTOR SHALL PLACE THE TREE IN THE PIT SO THAT THE ROOT PLANE IS EVEN WITH THE FINISHED GRADE LEVEL. IF THAT BE NECESSARY TO REMOVE SOIL FROM THE TOP OF THE MAJOR TRUNK ROOTBALL, IT SHALL BE NECESSARY TO REMOVE SOIL FROM THE TOP OF THE MAJOR TRUNK ROOTBALL IN ORDER TO EXPOSE THE ROOT PLANE.



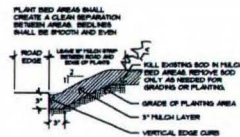
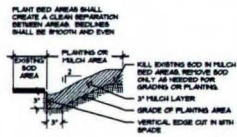
NOTE: IF CONTAINER SHRUB IS ROOT BOUND OR BARK ROOTS ARE CONTAINER IS REMOVED, THE CONTRACTOR SHALL SCARP ROOTS PRIOR TO PLANTING.

1 Multi-Trunk Tree Planting Detail

Not to Scale

2 Shrub Planting

Not to Scale

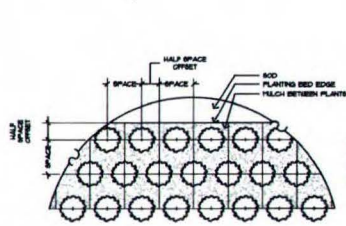


3 Plant Bed Edge Detail Against Sod

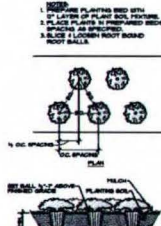
Not to Scale

4 Plant Bed Edge Detail Against Road

Not to Scale

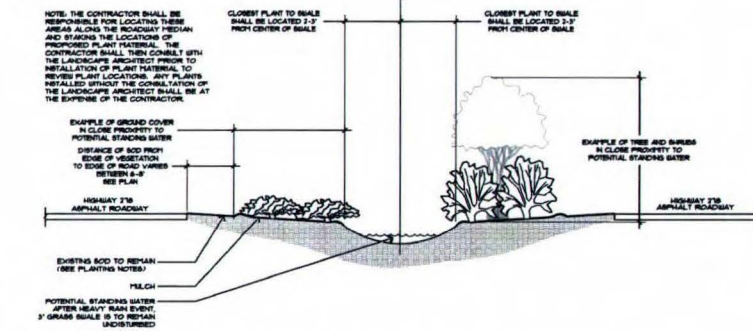


NOTE:
1. PREPARE PLANTING BED WITH 3\"/>



5 Ground Covers and Ornamental Grass Planting/Spacing

Not to Scale



6 Planting in Areas of Potential Standing Water

Not to Scale

PLANT SCHEDULE

SUBS	QTY	BOTANICAL NAME / COMMON NAME	CONT.	HEIGHT	SPREAD	
LCB	176	Ilex cornuta Dwarf Bedford / Dwarf Bedford Holly	5 gal.	18'-24"	18'-24"	
LAIP	82	Lagerstroemia indica 'PILLAGRY' PPAP / Mountain Hops Grape Myrtle multi-trunk / combined cultivar	15 gal.	6' min.	4' min.	
LATO	20	Lagerstroemia 'Tender' / Japanese Grape Myrtle Multi-Trunk	15 gal.	6' min.	5' min.	
LOGG	80	Longespina alba 'Chang Hsin Hsing' / Ever Red Prince Flower	7 gal.	2' min.	2' min.	
SENE	404	Sarcocolla repens / San Palmetto	5 gal.	12' min.	12' min.	
GROUND COVER	QTY	BOTANICAL NAME / COMMON NAME	CONT.	HEIGHT	SPREAD	SPACING
HEBR	344	Hemerocallis x 'Bittersweet Ruffles' / Bittersweet Ruffles Daylily	1 gal.	6'-12"	6'-12"	18" o.c.
JLCP	1842	Juniperus communis 'Purpurea' / Purpurea Juniper	1 gal.	6'-12"	12'-18"	36" o.c.
MLPI	2128	Muhlenbergia filipes / Hilly	5 gal.	18'-24"	12'-18"	30" o.c.
TUVI	446	Tillandsia violacea / Society Shrub	1 gal.	6'-12"	6'-12"	18" o.c.
CONCRETE MATERIALS	54000 SF	3" Deep Longleaf Pine Tree Pelch	Setting out to match Contractor to replace discoloration with equal			
PELCH	800					

PLANTING NOTES

- MATERIALS LIST AND PREPARED FOR ESTIMATING PURPOSES. CONTRACTOR SHALL HAVE ON QUANTITY TAKE-OFF USING DRAWINGS AND SPECIFICATIONS TO DETERMINE QUANTITIES TO USE. MATERIALS SHALL BE SUBSTITUTED IN CASE OF BULLED AND BULLED OR CONTAINER GROWN, ALL OTHER SPECIFICATIONS TO REMAIN UNCHANGED.
- ROOT TIES MAY BE PRELIMINARILY SUBSTITUTED IN CASE OF BULLED AND BULLED OR CONTAINER GROWN, ALL OTHER SPECIFICATIONS TO REMAIN UNCHANGED.
- CONTRACTOR TO VERIFY THAT ALL PLANT MATERIAL IS AVAILABLE AS SPECIFIED IN THIS PROPOSAL. IF SUBSTITUTED:
- SEE TREE, SHRUB, AND GROUND COVER PLANTING DETAILS AND SPECIAL PROVISIONS FOR PLANTING SPECIFICATIONS.
- CONTRACTOR SHALL STAKE OUT ALL BULLED BED LINES, TREE LOCATIONS, AND SHRUB GROUPINGS FOR APPROVAL BY LANDSCAPE ARCHITECT BEFORE BEGINNING PLANTING OPERATIONS. IF PLANTING OCCURS WITHOUT APPROVAL, RELOCATION OF PLANTINGS REQUESTED BY THE LANDSCAPE ARCHITECT SHALL BE DONE AT THE CONTRACTOR'S EXPENSE.
- ALL SHRUBS AND GROUND COVER BEING TO RECEIVE 3" DEEP LONGLEAF PINE TREE PELCH (SEE PLANS FOR LIST OF PELCH AROUND SHRUB BEDS).
- CONTRACTOR TO MAINTAIN THE PLANTINGS AND CONTROL WEEDS IN ALL AREAS THROUGH THE DURATION OF CONSTRUCTION UNTIL FINAL ACCEPTANCE. REFER TO SPECIFICATIONS FOR MAINTENANCE DURATION AND REQUIREMENTS.
- ALL NEW PLANT BEDS AND EXISTING BED AREAS TO RECEIVE 30% IRRIGATION COVERAGE.
- WEEDING MAY BE APPLIED TO PLANTING AREAS PRIOR TO LANDSCAPE INSTALLATION ACCORDING TO ADOPT WEEDING OPERATIONS MANUAL (JULY 2008 EDITION) IN FORCE.
- PLANT BEDS SHALL BE TESTED FOR PH AND SOIL IN PLANT BED REGION SHALL BE AVOIDED PRIOR TO INSTALLATION FOR ASSURANCE OF PROPER PLANT GROWTH WITHIN EACH PLANT PH RANGE.
- PLANT BEDS AND SPECIES MAY VARY DUE TO AVAILABILITY. CHANGES TO PLANT BEDS AND SPECIES THAT ARE APPROVED BY THE LANDSCAPE ARCHITECT. SUBSTITUTED PLANT SPECIES SHALL HAVE SIMILAR CHARACTER AS ORIGINAL PLANT. PRICE ADJUSTMENT SHALL BE CALCULATED VIA A QUOTE ORDER AS OUTLINED IN THE SPECIFICATIONS.
- ALL EXISTING BOD SHALL REMAIN IN PLACE. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REPAIR ANY BOD AREAS DAMAGED.
- CONTRACTOR TO PROVIDE ROOT BARRIER WHERE NECESSARY TO PREVENT IMPACT TO ADJACENT ROADWAYS OR UTILITIES.
- CONTRACTOR RESPONSIBLE FOR PLANT IRRIGATION, MAINTENANCE, AND NECESSARY REPLACEMENT DURING PLANT ESTABLISHMENT.
- SOIL INCORPORATION PERMIT MUST BE OBTAINED PRIOR TO ANY INSTALLATION WITHIN THE RIGHT-OF-WAY, INCLUDING A WRITTEN PERMISSION FROM US 78 FILE. SYSTEM PERMIT CONTRACT TO REPAIR THIS WORK IN THE CONSTRUCTION WORK-ZONE. IN ADDITION, A MAINTENANCE PARTNERSHIP AGREEMENT MUST BE EXECUTED FOR THE MAINTENANCE OF THE ROADSIDE CONTRACTS WITH THE LANDSCAPING. ANY DAMAGE TO STRUCTURES WITHIN THE RIGHT-OF-WAY (ROADWAY, CURB AND GUTTER, SIDEWALK, DRAINAGE STRUCTURES, ETC.) CAUSED BY GROWTH OF PERMITTED VEGETATION OR ANY ASSOCIATED ACTIVITIES MUST BE REPAIRED BY THE CONTRACTOR AT THE CONTRACTOR'S EXPENSE.
- ALL PROVISIONS OF CHAPTER 8, SECTION 8.0 (ROADSIDE INCORPORATIONS), LANDSCAPING GUIDELINES FROM THE ACCESS AND ROADSIDE MAINTENANCE STANDARDS JUNE 01, SHALL BE FOLLOWED, INCLUDING SECTION 8.1 FROM THE VEGETATION MANAGEMENT GUIDELINES (ATTACHED) AS REQUIRED UNDER THIS POLICY.
- ALL VEGETATION MUST BE PERMANENTLY TRAINED TO ALLOW 6' OF VERTICAL CLEARANCE MEASURED FROM THE ROADWAY SURFACE AT THE EDGE OF THE TRAVELWAY. THIS CLEARANCE MUST BE MAINTAINED AS THE VEGETATION MATURES. VEGETATION 6' LOCATED IN CLEAR SITE AREAS, SHALL BE MAINTAINED AT A HEIGHT NOT TO EXCEED 6' FROM THE ADJACENT ROADWAY SURFACE.

SUBSURFACE DRAINAGE INVESTIGATION

- REQUIRED: SUBSURFACE DRAINAGE INVESTIGATION HAS NOT BEEN INCLUDED AS PART OF THE PROJECT. THEREFORE, THE CONTRACTOR SHALL HAVE SUCH READABLE PERCOLATION TESTS, APPROVED BY LANDSCAPE ARCHITECT, AS MAY BE NECESSARY TO DETERMINE IF SUBSURFACE DRAINAGE. CONDITIONS IN LANDSCAPE AREA ARE SO POOR AS TO SUPPORT FUTURE CONDITIONS POTENTIALLY FATAL TO PLANTING. THE FOLLOWING PROCEDURE IS RECOMMENDED:
A. HAY AT LEAST 14 HOURS PRIOR TO TEST AND DO NOT PUT 5 HOURS SQUARE (OR 12) HOURS IN DIRECTION TO DEPTH OF BOTTOM OF PLANT BED. TRENCH OR PIT, REMOVE ALL LOOSE SOIL (IF STANDING WATER IS VISIBLE NOTIFY LANDSCAPE ARCHITECT).
B. GENTLY FILL PIT BOTTOM WITH A MOSS (APPROXIMATELY 1.5 GALLONS OF WATER).
C. RECORD LENGTH OF TIME FOR PITS AND DRAINAGE OF WATER AND DIVIDE THE NUMBER OF PITS BY 6 TO GIVE AVERAGE TIME OF ONE PITCH FALL.
D. COMPARE ONE PITCH FALL, TIME WITH THE FOLLOWING TABLE:
1. 1 INCH IN 3-5 MINUTES INDICATES MODERATE DRAINAGE.
2. 1 INCH IN 5-8 MINUTES INDICATES MODERATE DRAINAGE.
3. 1 INCH IN 8-10 MINUTES INDICATES MODERATE DRAINAGE.
4. 1 INCH IN 10-15 MINUTES INDICATES MODERATE DRAINAGE.
5. 1 INCH IN 15-20 MINUTES INDICATES MODERATE DRAINAGE.
6. IF SOIL IS INDICATED TO BE 80% PERVIOUS OR IMPERVIOUS, OR IF WATER IS INITIALLY FOUND IN TEST PIT, NOTIFY LANDSCAPE ARCHITECT BEFORE PROCEEDING FURTHER.
F. IF CONTRACTOR DOES NOT HAVE TEST AT REPRESENTATIVE LOCATIONS AND FILE RECORDS OF RESULTS WITH OWNER AND LANDSCAPE ARCHITECT, OR IF HE PLANTS IN AREAS KNOWN TO HAVE POOR DRAINAGE WITHOUT WRITTEN RELEASE FROM OWNER, HE SHALL BE LIABLE FOR ANY FUTURE GUARANTEED REPLACEMENTS DUE TO SUBSURFACE WATER DAMAGE.
G. CONTRACTOR TO FURNISH PROPER TESTS AND FILE COMPLETE RECORDS INDICATING NO 80% IMPERVIOUS OR SOME CONDITIONS, HE WILL NOT BE HELD RESPONSIBLE FOR FUTURE SUBSURFACE WATER DAMAGE TO SOILS OF CONTRACT WITHIN GUARANTEED PERIOD, OWNER OR LANDSCAPE ARCHITECT THAT SUPERVISE TESTING AT ANY TIME.
- RELOCATION OR CORRECTION OF PLANTS:
A. BEFORE SUBSURFACE CONDITIONS PROVIDE ADEQUATE DRAINAGE AND SUBSURFACE DRAINAGE SYSTEM IS NOT TO BE USED AS A REMEDY, HAVE REASONABLE RELOCATION OF PLANTS AS DIRECTED BY LANDSCAPE ARCHITECT.
- AUTHORIZATION OF OWNER AS EXISTING, OWNER MAY AUTHORIZE INSTALLATION OF SUBSURFACE DRAINAGE TO ELIMINATE FUTURE PROBLEMS AT LOCATIONS DETERMINED BY LANDSCAPE ARCHITECT. PERFORM WORK AT INDICATED LOCATIONS ONLY. BEHIND WORK ONLY UPON RECEIPT OF CHANGE ORDER LOCATIONS, APPROPRIATE MATERIALS, AND CONSTRUCTION TECHNIQUES SHALL BE AS DIRECTED BY LANDSCAPE ARCHITECT.

J. K. TILLER ASSOCIATES, INC.
LANDSCAPE ARCHITECTURE
BLUFFTON, SC 29910
New 803.333.9800
jktiller@jktiller.com



SC HIGHWAY 278
MEDIAN LANDSCAPE DESIGN
TANGER 2 ENTRANCE TO TANGER 1 ENTRANCE
Prepared for Beaufort County, South Carolina

Sheet Title:
PLANT SCHEDULE
Job Number:
201709-01
Date:
September 28, 2017
Drawn:
KD
Approved:
JT
Revisions:
10/20/2017
10/20/2017
11/06/2017

Sheet
PS

McNAIR LAW FIRM, P.A. (WJN)
P.O. Drawer 3
Hilton Head Island, SC 29938
(843) 785-2171

THIS LANDSCAPE INSTALLATION AND MAINTENANCE AGREEMENT (the "**Agreement**") is made and entered into as of the 6 day of ^{March} February, 2016, by and between BEAUFORT COUNTY, SOUTH CAROLINA, a body politic and corporate and political subdivision of the State of South Carolina (the "**County**") and COROC / HILTON HEAD I, LLC, a Delaware limited liability company authorized to conduct business in South Carolina ("**COROC**"), concerning the planting, care, and maintenance of certain landscape improvements contemplated in that certain County Application to the South Carolina Department of Transportation.

WHEREAS, COROC, as owner of certain real property located in Beaufort County, South Carolina, and the County entered into that certain Development Agreement for Tanger Hilton Head Outlet Center I dated March 30, 2009 and recorded in the Office of the Register of Deeds for Beaufort County, South Carolina (the “**ROD**”) in Book **2893** at Page **1**, as amended by that First Amendment to Development Agreement for the Tanger Hilton Head Outlet Center I dated May 11, 2011 and recorded in the ROD in Book **3060** at Page **2136** (collectively, the “**Development Agreement**”); and

WHEREAS, in conjunction with the development of Outparcel “A”, as depicted in the Master Plan for Tanger Hilton Head Outlet Center I, the County required issuance of a performance bond for the Median Landscaping (the “**Performance Bond**”) in the amount of \$323,865.00; and

WHEREAS, the amount of the Performance Bond reflects the County's estimate for the material cost, the cost of installation of the plants and materials contemplated for the Median Landscaping, plus the cost of providing five (5) years of maintenance (collectively, the "**5-Year Cost**"); and

WHEREAS, on April 14, 2014, the Beaufort County Council, upon the recommendation from the Southern Beaufort County Corridor Beautification Board, adopted a resolution approving the "**TANGER LANDSCAPE PLAN, HIGHWAY 278 MEDIAN, FROM TANGER 2 ENTRANCE (STA. 1193+00) TO TANGER 1 ENTRANCE (STA. 1131+00)**" as presented by J.K. Tiller & Associates (the "**Landscape Plan**"); and

WHEREAS, irrigation is neither required nor included in the Landscape Plan, is not contemplated and not desired in the Median Landscaping, is not included in the 5-Year Cost, and therefore the County agrees that irrigation shall not be a requirement and COROC shall not be required to install nor to pay the cost to install irrigation; and

WHEREAS, on October 12, 2015, the Beaufort County Council passed a resolution authorizing the County to accept a cash payment from COROC in the amount of \$323,865.00 in lieu of its obligations for the installation of the Median Landscaping and the maintenance thereof for five (5) years thereafter; and

WHEREAS, the parties hereto have agreed to the payment by COROC of \$323,865.00 in satisfaction of the Performance Bond, which payment shall be made within thirty (30) days of the complete execution of this Agreement, and in satisfaction of its obligations under the Development Agreement for the installation of the Median Landscaping and the maintenance thereof for five (5) years thereafter; and

WHEREAS, the County and Tanger desire to enter into this Agreement regarding the matters set forth herein.

NOW, THEREFORE, in consideration of the mutual benefits, promises and obligations set forth herein the sufficiency of which are hereby acknowledged and accepted by each, the County and COROC hereby agree as follows:

1. **County Obligations.** The County acknowledges and agrees that it shall perform the Median Landscaping obligations, as required under the Development Agreement, with the exception of irrigation, for a period of five(5) years. Further, the County shall secure any permits required for the Median Landscaping through the South Carolina Department of Transportation and any other state agency as may be required. Furthermore, the County shall notify COROC of the date of issuance by the County, or other state agency, of a certificate of completion or other documentation evidencing the County's completion of the installation portion of the Median Landscaping in accordance with the Landscape Plan. This same date shall also serve as the commencement date of the five (5) year period of the County's obligation for the maintenance portion of the Median Landscaping. Upon receipt of the \$323,865.00, the County shall cancel the Performance Bond.

2. **COROC Obligations.** COROC acknowledges and agrees that, at no cost to the County, it shall pay the County in cash, or its equivalent, the amount of \$323,865.00 within thirty(30) days of the complete execution of this Agreement. COROC acknowledges and agrees that this agreement does not extinguish COROC's maintenance obligations under the Development Agreement after the initial five (5) year term as delineated herein. Except as modified herein, all other terms of the Development Agreement shall control.

3. **Mutual Cooperation & Notice.** Notwithstanding anything contained herein, the County and COROC each agree to cooperatively pursue their obligations set forth herein to the best of their ability. All notices to be provided hereunder shall be provided in writing and delivered by U.S. Mail or by email to the following:

If to County, To: Beaufort County Administrator
Attn: Gary Kubic
P.O. Drawer 1228
Beaufort, SC 29901
Phone: (843)255-2027
Email: gkubic@bcgov.net

With Copy to: Beaufort County Attorney Office
Attn: Allison C. Coppage
P.O. Drawer 1228
Beaufort, SC 29901
Phone: (843)255-2056
Email: acoppage@bcgov.net

If to Tanger, To: COROC / Hilton Head I, LLC
Attn: Tom McDonough
3200 Northline Avenue, Suite 360
Greensboro, NC 27408
Phone: (336) 834-6869
Email: temcdonough@tangeroutlet.com

With Copy to: McNair Law Firm, P.A.
Attn: Walter J. Nester, III
P.O. Drawer 3
Hilton Head Island, SC 29938-0003
Phone: 843-785-2171
Email: wnester@mcnair.net

4. **Modifications.** This Agreement cannot be changed orally, and no executory agreement shall be effective to waive, change modify or discharge it in whole or in part unless such executory agreement is in writing and is signed by the parties against whom enforcement or any waiver, change, modification or discharge is sought.

5. **Entire Agreement.** This Agreement contains the entire agreement between the parties pertaining to the subject matter hereof and fully supersedes all prior written or oral agreements and understanding between the parties pertaining to such subject matter.

6. **Counterparts.** This Agreement may be executed in counterparts, and all such executed counterparts shall constitute the same agreement. It shall be necessary to account for only one (1) such counterpart in proving this Agreement.
7. **Severability.** If any provision of this Agreement is determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Agreement shall nonetheless remain in full force and effect.
8. **Applicable Law.** This Agreement is enforceable in the State of South Carolina and shall in all respects be governed by, and constructed in accordance with, the substantive federal laws of the United States and the laws of the state of South Carolina.
9. **Captions.** The section headings appearing in this Agreement are for convenience of reference only and are not intended to any extent for the purpose, to limit or define the test of any section or any subsection hereof.
10. **Construction.** The parties acknowledge that the parties and their counsel have reviewed and revised this Agreement and that the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Agreement or any exhibits or amendments hereto.
11. **Recitals.** The aforesaid recitals are incorporated into and shall be considered a part of this Agreement.

[Signatures on following pages]

IN WITNESS WHEREOF, this Agreement has been executed by the parties on the day and year first above written.

COROC / HILTON HEAD, LLC



By: Thomas E. McDonough
Its: Vice President

BEAUFORT COUNTY, SOUTH CAROLINA

By: ~~Gary Kubie~~ Joshua A. Gruber
Its: ~~Administrator~~ Deputy County Administrator

Suzanne M. Rainey
Attest: ~~Sue Rainey~~ Suzanne M. Rainey
Its: Clerk of Council

2018 /

TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): ARTICLE 3,
SECTION 3.3.50 REGIONAL CENTER MIXED-USE (TO PERMIT UNIT-PER-UNIT
CONVERSION OF LODGING TO MULTI-FAMILY RESIDENTIAL)

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, Esquire
Beaufort County Attorney

ATTEST:

Ashley M. Bennett, Clerk to Council

First Reading:

Second Reading:

Public Hearing:

Third and Final Reading:

3.3.50 Regional Center Mixed Use (C5) Zone Standards

A. Purpose

The Regional Center Mixed Use (C5) Zone permits a full range of retail, service, and office uses. The Zone's intensity accommodates regional and community commercial and business activities. Uses include large, commercial activities that serve the entire County and highway-oriented businesses that need to be located on major highways. While this use intends high-quality, commercial character, the setback or build-to-line, landscaping and other design requirements provide a uniform streetscape that makes provision for pedestrian and transit access. The Zone is intended to be more attractive than commercial areas in other counties to maintain the attractive tourist and business environment and have minimal impact on surrounding residential areas. The Zone is not intended to be a strip along all arterials and collectors. In developing areas, the minimum depth of a parcel along an arterial or collector shall be 600'. The minimum zone size shall be 20 acres. In the older, built-up areas, new uses shall have depths and areas equal to or greater than similar uses in the area. This Zone shall be located in areas designated "regional commercial" in the Comprehensive Plan.

B. Building Placement

Setback (Distance from ROW/Property Line)

Front	25' min.
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Side:

Side, Main Building	15' min.
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Side, Ancillary Building	15' min.
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Rear	10' min.
------	----------

Lot Size

Lot Size	21,780 SF min.
----------	----------------

Width	150' min.
-------	-----------

Note:

For development within a Traditional Community Plan meeting the requirements of Division 2.3, setback, minimum lot size and minimum site area requirements of the transect zone established and delineated on the regulating plan shall apply.

C. Building Form

Building Height

All Buildings	3 stories max.
---------------	----------------

Ground Floor Finish Level	No minimum
---------------------------	------------

D. Gross Density¹ and Floor Area Ratio

Density	15.0 d.u./acre max. ²
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Floor Area Ratio ²³	0.37 max.
--------------------------------	-----------

¹Gross Density is the total number of dwelling units on a site divided by the Base Site Area (Division 6.1.40.F)

²Lodging that is converted unit per unit to multi-family residential may exceed maximum density with the following conditions:

1. The hotel shall have been in continuous operation for a minimum of five years.

2. To the greatest extent practicable, the site shall be revised to comply with the existing standards for multi-family residential.

3. The site shall meet the parking requirements for multi-family residential in Article 5, Division 5.5.

²³Requirement applies to non-residential buildings.

E. Parking

Required Spaces: Residential Uses

Single-family detached	3 per unit
------------------------	------------

Single-family attached/duplex	2 per unit
-------------------------------	------------

Multi-family units	1.25 per unit
--------------------	---------------

Accessory dwelling unit	1 per unit
-------------------------	------------

Community residence	1 per bedroom
---------------------	---------------

Live/work	2 per unit plus 1 per 300 GSF of work area
-----------	--

Required Spaces: Services or Retail Uses

Retail, offices, services	1 per 300 GSF
---------------------------	---------------

Restaurant, café, coffee shop	1 per 150 GSF
-------------------------------	---------------

Drive-through facility	Add 5 stacking spaces per drive-through
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Gas station/fuel sales	1 per pump plus requirement for retail
------------------------	--

Lodging: Bed and breakfast	2 spaces plus 1 per guest room
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Lodging: Inn/hotel	1 per room
--------------------	------------

Required Spaces: Industrial Uses

Light manufacturing, processing and packaging	1 per 500 GSF
---	---------------

Warehousing/distribution	1 per 2,000 GSF
--------------------------	-----------------

For parking requirements for all other allowed uses see Table 5.5.40.B (Parking Space Requirements).



MEMORANDUM

To: Beaufort County Natural Resources Committee

From: Anthony J. Criscitiello, Community Development Director

Subject: Text Amendment to the Beaufort County Community Development Code (CDC): Article 3, Section 3.3.50 Regional Center Mixed-Use to permit unit-per-unit conversion of Lodging to Multi-Family

Date: February 09, 2018

PLANNING COMMISSION RECOMMENDATION from the excerpt of its February 5, 2017, draft minutes:

Mr. Robert Merchant briefed the Commissioners on the text amendment. The new owners of the Bluffton Suburban Lodge, located east of Lowe's along Highway 278, behind MacDonald's, are interested in turning the extended-stay hotel, unit for unit, into efficiency apartments. The building was built in 2000. The project is located in the C5 regional center mixed-use district where hotels and multi-family uses are permitted; however 150 units on 3.13 acres is problematic since the multi-family use density is 15 units per acre. Staff recommended a text amendment; however, Staff made several provisions including the hotel having existed for five years rather than using the amendment to bypass the density issue, building code issues being separate from the CDC, and parking issues with hotels requiring 1 space per room versus 1.25 spaces per apartment. The existing site has parking issues. Traffic impacts for apartments are considered nominally greater than a hotel. Staff recommends approval since smaller units could possibly provide a niche in the lower-end housing supply. He noted that the county is going through a housing needs assessment and the results may expand or move this amendment to another zoning district.

Commission discussion included whether the owner did a market research on the demand of studio apartments.

Applicant's Comment: Mr. Michael Kronimus, the applicant, noted there was a huge demand for that type of housing in that location. Service staff levels are not being met on Hilton Head Island; work force housing is needed. These units are 500 to 700 square feet. We can combine the rooms to form 1-bedrooms, since most are studio apartments. A parking issue exists. Workforce housing is the aim; however, some tenants won't have vehicles, so parking may not be the problem since there is access to a major thoroughfare for tenants to take a bus or Uber.

Additional Commission discussion included querying whether the intent is to market as workforce housing, concern with the lack of firewalls for apartments, fearful of unintended consequences since the text amendment could be used in other zones where hotels transfer ownership but property deterioration is not addressed, querying whether regional significance was addressed regarding notifying municipalities of the proposed text amendment (*Mr. Merchant said this amendment did not trigger the regional significance aspect so he had not notified the municipalities.*), noting the logical evolution from hotel to multi-family, noting the cramped and confined space of the specific inn that led to this proposed text amendment, concern that a density capacity has not been set, noting the lack of amenities for children on the site, concern that there are no schools within walking distance of the property and school buses access would be problematic, concern that the amendment would allow more hotel to apartment conversions throughout the County, desiring input from the School District and the municipalities, querying the average occupancy rate of area hotels, affirming that the municipalities have a desperate need for affordable housing, querying when the workforce housing assessment would be completed (*Mr. Merchant*

noted that the target draft was set for March 2018.), querying how soon the Commission could receive input from the municipalities on the proposed text amendment, and noting that the Town of Bluffton had an Affordable Housing Committee.

Mr. Kronimus noted, in regards to firewalls, that that building codes requirement would be addressed in another process. In regards to other zones using the text amendment, only a small amount of zones would allow the hotel to multi-family conversion. Mr. Kronimus stated that parking at the proposed site would not be met with the existing regulations.

Mr. Merchant reiterated that the parking requirements can be increased or decreased by 20%, but the applicant must submit a parking study that will be reviewed by the County Traffic Engineer. He noted that the site has no access to the Bluffton Parkway or to the trail. He stated that the Staff doesn't want to create a parking problem because there is nowhere to park offsite.

Mr. Kronimus noted that the bottom line is if the text amendment is approved, it doesn't mean that project will be approved. This is truly a workforce housing opportunity. This is a C5 zone that is the most dense zoning allowed in Beaufort County. He stated that the owner could raze building and build another unit with higher density on the 3.2 acre property. This location could be downzoned to a T-zone to allow a higher density. There are various items that must be met by Building Codes so there's a long way to go. The property is next door at a T4 zone with an unlimited density, but the parking calculation must be met.

Public Comment: None was received.

Motion: Mr. Ed Pappas made a motion, and Ms. Diane Chmelik seconded the motion, **to recommend to County Council a denial of the Text Amendment to the Beaufort County Community Development Code (CDC), Article 3, Section 3.3.50 Regional Center Mixed Use (C5) Zone Standards (to allow hotel to apartment conversion on unit to unit basis) because the Housing Needs Assessment had not been completed.** Discussion included a clarification of the motion. The motion **failed (FOR: Chmelik and Pappas; AGAINST: Hennelly, Hincer, and Semmler; ABSENT: Fermin, Stewart, and Vacancy/St. Helena Island Representative).**

Motion: Mr. Jason Hincer made a motion, and Mr. Kevin Hennelly seconded the motion, **to recommend to County Council approval of the Text Amendment to the Beaufort County Community Development Code (CDC), Article 3, Section 3.3.50 Regional Center Mixed Use (C5) Zone Standards (to allow hotel to apartment conversion on unit to unit basis) with the condition that input should be received from the municipalities that are affected and their respective affordable housing committees.** The motion **passed (FOR: Hennelly, Hincer, and Semmler; AGAINST: Chmelik and Pappas; ABSENT: Fermin, Stewart, and Vacancy/St. Helena Island Representative).**

STAFF REPORT:

A. BACKGROUND:

Case No.	ZTA 2018-01
Applicant:	Michael Kronimus, KRA Architects
Proposed Text Change:	Text Amendment to the Beaufort County Community Development Code (CDC): Article 3, Section 3.3.50 Regional Center Mixed-Use to permit unit-per-unit conversion of Lodging to Multi-Family

B. SUMMARY OF REQUEST:

The Community Development Department was approached by the new owner of Suburban Lodge in Bluffton about the possibility of converting the extended stay hotel into an apartment building. The Suburban Lodge has 150 extended stay units on 3.13 acres. The new owner wanted to convert the hotel unit per unit to efficiency apartments with long-term leases. The property is located in C5 Regional Mixed-Use where both hotels and multi-family are permitted uses. Multi-family, however, has a maximum density of 15 dwelling units per acre. The project was not able to move forward because the unit-per-unit conversion would result in a multi-family development with triple the density than what is permitted in the district.

Proposed Amendment: Staff directed the applicant to consider a text amendment that would allow for hotels that convert to multi-family developments to exceed the maximum permitted density with appropriate conditions attached. The applicant responded with a formal zoning amendment request that allows for a unit-to-unit conversion with the following conditions:

- The hotel shall have been in continuous operation for a minimum of five years.
- To the greatest extent practicable, the site shall be revised to comply with the existing standards for multi-family residential.
- The site shall meet the parking requirements for multi-family residential as established in Article 5, Division 5.5.

The proposed amendment is attached to this report.

Impact on Parking and Transportation: In analyzing the potential impacts of this proposed amendment, staff identified parking as the greatest concern. The Community Development Code only requires hotels to have one parking space per unit, while it requires efficiency apartments 1.25 spaces per unit. Converting from extended stay to permanent residency, there is a greater likelihood of households having more than one vehicle, and for residents to have visitors. Therefore, any conversion would need to provide adequate parking. Traffic impacts were not a major concern. The change of use would only result in a modest increase in trip generation (6 to 12%). For example, the conversion of an extended stay hotel of 150 units would increase the daily trips from 936 to 998; am Peak hour trips from 72 to 77; and pm peak hour trips from 83 to 93.

C. ANALYSIS: Sec. 7.7.30(C). Code Text Amendment Review Standards. The advisability of amending the text of this Development Code is a matter committed to the legislative discretion of the County Council and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the County Council shall weigh the relevance of and consider whether, and the extent to which, the proposed amendment:

- 1. Is consistent with the goals, objectives, and policies of the Comprehensive Plan:** The proposed amendment has the potential to introduce multi-family uses in areas dominated by retail and services. The Comprehensive Plan calls for promoting mixed-use development at higher density nodes along major travel corridors. This recommendation is in the Land Use, Affordable Housing (Recommendation 8-7), Economic Development (Recommendation 7-7), Energy (Recommendation 9-2), and Transportation (Recommendation 10-7) Chapters. The objective is to promote quality development that encourages internal trip capture, multiple modes of transportation, a mix of housing (including affordable housing), and energy efficiency.
- 2. Is not in conflict with any provision of this Development Code or the Code of Ordinances:** The Community Development Code only requires hotels to have one parking space per unit, while it requires efficiency apartments 1.25 spaces per unit. This conflict has the potential of creating multi-family sites with inadequate parking.
- 3. Is required by changed conditions:** The proposed amendment provides greater flexibility for a hotel to respond to market conditions.

4. **Addresses a demonstrated community need:** The proposed amendment has the potential to promote affordable and workforce housing by increasing the supply of efficiency and studio apartments.
5. **Is consistent with the purpose and intent of the zones in this Development Code, or would improve compatibility among uses and ensure efficient development within the County:** The Regional Center Mixed-Use (C5) Zone currently permits multi-family uses.
6. **Would result in a logical and orderly development pattern:** See item #5.
7. **Would not result in adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment:** It is staff's opinion that the natural resource protection, stormwater and performance standards in the CDC will minimize impacts to the environment.

D. RECOMMENDATION: Staff recommends approval.

E. ATTACHMENTS:

- Proposed changes to the CDC
- Application

3.3.50 Regional Center Mixed Use (C5) Zone Standards

A. Purpose

The Regional Center Mixed Use (C5) Zone permits a full range of retail, service, and office uses. The Zone's intensity accommodates regional and community commercial and business activities. Uses include large, commercial activities that serve the entire County and highway-oriented businesses that need to be located on major highways. While this use intends high-quality, commercial character, the setback or build-to-line, landscaping and other design requirements provide a uniform streetscape that makes provision for pedestrian and transit access. The Zone is intended to be more attractive than commercial areas in other counties to maintain the attractive tourist and business environment and have minimal impact on surrounding residential areas. The Zone is not intended to be a strip along all arterials and collectors. In developing areas, the minimum depth of a parcel along an arterial or collector shall be 600'. The minimum zone size shall be 20 acres. In the older, built-up areas, new uses shall have depths and areas equal to or greater than similar uses in the area. This Zone shall be located in areas designated "regional commercial" in the Comprehensive Plan.

B. Building Placement

Setback (Distance from ROW/Property Line)

Front	25' min.
-------	----------

Side:

Side, Main Building	15' min.
Side, Ancillary Building	15' min.

Rear	10' min.
------	----------

Lot Size

Lot Size	21,780 SF min.
Width	150' min.

Note:

For development within a Traditional Community Plan meeting the requirements of Division 2.3, setback, minimum lot size and minimum site area requirements of the transect zone established and delineated on the regulating plan shall apply.

C. Building Form

Building Height

All Buildings	3 stories max.
Ground Floor Finish Level	No minimum

D. Gross Density¹ and Floor Area Ratio

Density	15.0 d.u./acre max. ²
Floor Area Ratio ^{2,3}	0.37 max.

¹Gross Density is the total number of dwelling units on a site divided by the Base Site Area (Division 6.1.40.F)

²Lodging that is converted unit per unit to multi-family residential may exceed maximum density with the following conditions:

1. The hotel shall have been in continuous operation for a minimum of five years.
2. To the greatest extent practicable, the site shall be revised to comply with the existing standards for multi-family residential.
3. The site shall meet the parking requirements for multi-family residential in Article 5, Division 5.5.

^{2,3}Requirement applies to non-residential buildings.

E. Parking

Required Spaces: Residential Uses

Single-family detached	3 per unit
Single-family attached/duplex	2 per unit
Multi-family units	1.25 per unit
Accessory dwelling unit	1 per unit
Community residence	1 per bedroom
Live/work	2 per unit plus 1 per 300 GSF of work area

Required Spaces: Services or Retail Uses

Retail, offices, services	1 per 300 GSF
Restaurant, café, coffee shop	1 per 150 GSF
Drive-through facility	Add 5 stacking spaces per drive-through
Gas station/fuel sales	1 per pump plus requirement for retail
Lodging: Bed and breakfast	2 spaces plus 1 per guest room
Lodging: Inn/hotel	1 per room

Required Spaces: Industrial Uses

Light manufacturing, processing and packaging	1 per 500 GSF
Warehousing/distribution	1 per 2,000 GSF

For parking requirements for all other allowed uses see Table 5.5.40.B (Parking Space Requirements).



**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 Stu Rodman, Chairman, Public Facilities Committee

FROM: David L Thomas. CPPO. Purchasing Director

SUBJ: State Contract Purchase

Request to Purchase a New 5100E Tractor with an Alamo Side-Arm Mower for the Public Works Department

DATE: 01/18/2018

BACKGROUND:

The Purchasing Department received a request from the Beaufort County Fleet Manager to purchase one new 2018 John Deere Side-Arm Mower from Blanchard Equipment, Saint George, SC, a State contract vendor. Public Works currently has four (4) side –arm mowers in the fleet, one of which has over 8,000 hours, and has passed its life expectancy according to the American Public Works Association equipment life expectancy charts. First Vehicle also recommends replacement of this equipment.

VENDOR INFORMATION:

Blanchard Equipment, Saint George, SC

The total cost of \$107,308.79 includes all discounts, delivery, SC sales tax; manuals, 5100E John Deere Tractor, and one 18' Alamo Samurai Side-Arm Mower.

COST:

\$107,308.79

FUNDING:


Fiscal Year 2018, General Fund Appropriation for Account #10001320-54200, Specialized Capital Equipment.

Funding approved: By: Date:

FOR ACTION: Public Facilities Committee meeting on February 26, 2018.

RECOMMENDATION:

The Purchasing Department recommends that the Public Facilities Committee approve and recommend to County Council the contract award of \$107,308.79 to purchase one new 2018 5100E John Deere Tractor and Alamo Side-Arm mower from the aforementioned vendor in support of Public Works operations.

Attachment:  Tractor Attachment.pdf
1.24 MB

cc: Joshua Gruber, Interim County Administrator

Approved: Date:

Check to override approval: ☐ Overridden by:

Override Date:

Alicia Holland, Assistant County Administrator, Finance

Approved: Date:

Eric Larson, Director, Environmental Engineering & Land Mar

Approved: Date:

Check to override approval: ☐ Overridden by:

Override Date:

ready for admin: ☒

David Wilhelm, Director, Public Works Department

Approved: Date:

Check to override approval: ☐ Overridden by:

Override Date:

ready for admin: ☒

After Initial Submission, Use the Save and Close Buttons



JOHN DEERE



Quote Id: 16662502

**ALL PURCHASE ORDERS MUST BE MADE OUT
TO (VENDOR):**

Deere & Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580; DUNS#: 60-7690989

**ALL PURCHASE ORDERS MUST BE SENT
TO DELIVERING DEALER:**

Blanchard Equipment Co. Inc.
984 Highway 15 North
Saint George, SC 29477
843-563-4522

Prepared For:

Beaufort County Public Works

Proposal For:

Delivering Dealer:

Joe Breland

Blanchard Equipment Co. Inc.
984 Highway 15 North
Saint George, SC 29477

Quote Prepared By:

JOE BRELAND

jbreland@blanchardequipment.com

Date: 16 January 2018

Offer Expires: 15 February 2018

Confidential



ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):

Deere & Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580; DUNS#: 60-7690989

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:

Blanchard Equipment Co. Inc.
984 Highway 15 North
Saint George, SC 29477
843-563-4522

Quote Summary**Prepared For:**

Beaufort County Public Works
Chad Stanley
120 Shanklin Rd
Beaufort, SC 29906
Business: 843-255-2800

Delivering Dealer:**Blanchard Equipment Co. Inc.**

Joe Breland
984 Highway 15 North
Saint George, SC 29477
Phone: 843-563-4522
jbreland@blanchardequipment.com

Quote ID: 16662502
Created On: 16 January 2018
Last Modified On: 16 January 2018
Expiration Date: 15 February 2018

Equipment Summary	Suggested List	Selling Price	Qty	Extended
JOHN DEERE 5100E Utility Tractor	\$ 63,098.56	\$ 47,323.91 X	1 =	\$ 47,323.91
Free Basic Warranty Inspection	Included, Value of \$ 0.00	\$ 0.00 X	1 =	\$ 0.00

Contract: SC Large Tractors and Mowers 4400011017 (PG OA)

Price Effective Date: January 16, 2018

Equipment Total	\$ 47,323.91
------------------------	---------------------

* Includes Fees and Non-contract items

Quote Summary

Equipment Total	\$ 47,323.91
Trade In	
SubTotal	\$ 47,323.91
Sales Tax - (6.00%)	\$ 2,839.43
Est. Service Agreement Tax	\$ 0.00
Total	\$ 50,163.34
Down Payment	(0.00)
Rental Applied	(0.00)
Balance Due	\$ 50,163.34

Salesperson : X _____

Accepted By : X _____

Confidential



Selling Equipment

Quote Id: 16662502

Customer Name: BEAUFORT COUNTY PUBLIC WORKS

ALL PURCHASE ORDERS MUST BE MADE OUT
TO (VENDOR):

Deere & Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580; DUNS#: 60-7690989

ALL PURCHASE ORDERS MUST BE SENT
TO DELIVERING DEALER:

Blanchard Equipment Co. Inc.
984 Highway 15 North
Saint George, SC 29477
843-563-4522

JOHN DEERE 5100E Utility Tractor

Contract: SC Large Tractors and Mowers 4400011017 (PG
OA)

Suggested List *

\$ 63,098.56

Price Effective Date: January 16, 2018

Selling Price *

\$ 47,323.91

* Price per item - includes Fees and Non-contract items

Code	Description	Qty	List Price	Discount%	Discount Amount	Contract Price	Extended Contract Price
697BLV	5100E Utility Tractor	1	\$ 52,210.00	25.00	\$ 13,052.50	\$ 39,157.50	\$ 39,157.50
Standard Options - Per Unit							
0409	English Operators Manual and Decal Kit	1	\$ 0.00	25.00	\$ 0.00	\$ 0.00	\$ 0.00
1381	12F/12R PowrReverser Transmission - 540/540E	1	\$ 0.00	25.00	\$ 0.00	\$ 0.00	\$ 0.00
2050	Standard Cab	1	\$ 9,117.00	25.00	\$ 2,279.25	\$ 6,837.75	\$ 6,837.75
2110	Mechanical Suspension Seat	1	\$ 0.00	25.00	\$ 0.00	\$ 0.00	\$ 0.00
3025	Deluxe Cornerpost Exhaust	1	\$ 503.00	25.00	\$ 125.75	\$ 377.25	\$ 377.25
3320	Dual Stackable Rear SCV's with Lever Control	1	\$ 0.00	25.00	\$ 0.00	\$ 0.00	\$ 0.00
3400	Less Mid Valves	1	\$ 0.00	25.00	\$ 0.00	\$ 0.00	\$ 0.00
5911	18.4 - 30 In. 8PR R1 Bias	1	\$ 0.00	25.00	\$ 0.00	\$ 0.00	\$ 0.00
6040	MFWD (4 Wheel Drive)	1	\$ 0.00	25.00	\$ 0.00	\$ 0.00	\$ 0.00
6701	12.4 - 24 In. 8PR R1 Bias	1	\$ 0.00	25.00	\$ 0.00	\$ 0.00	\$ 0.00
Standard Options Total			\$ 9,620.00		\$ 2,405.00	\$ 7,215.00	\$ 7,215.00
Dealer Attachments/Non-Contract/Open Market							
BLV10120	Beacon Light Kit	1	\$ 237.60	25.00	\$ 59.40	\$ 178.20	\$ 178.20
LVB25728	Backup Alarm Kit	1	\$ 170.50	25.00	\$ 42.62	\$ 127.88	\$ 127.88
L113922	Antenna	1	\$ 25.90	25.00	\$ 6.48	\$ 19.42	\$ 19.42
AL80126	Mirror, Telescopic, LH, Manually Adjustable	1	\$ 180.40	25.00	\$ 45.10	\$ 135.30	\$ 135.30
AL80127	Mirror, Telescopic, RH, Manually Adjustable	1	\$ 180.40	25.00	\$ 45.10	\$ 135.30	\$ 135.30
RE567557	Radio - AM/FM, Bosch (Standard)	1	\$ 473.76	25.00	\$ 118.44	\$ 355.32	\$ 355.32
Dealer Attachments Total			\$ 1,268.56		\$ 317.14	\$ 951.42	\$ 951.42
Value Added Services							



JOHN DEERE



Selling Equipment

Quote Id: 16662502

Customer Name: BEAUFORT COUNTY PUBLIC WORKS

ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):

Deere & Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580; DUNS#: 60-7690989

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:

Blanchard Equipment Co. Inc.
984 Highway 15 North
Saint George, SC 29477
843-563-4522

Free Basic Warranty Inspection	1	\$ 0.00	\$ 0.00	\$ 0.00
Value Added Services Total		\$ 0.00	\$ 0.00	\$ 0.00
Suggested Price				\$ 47,323.92
Total Selling Price		\$ 63,098.56	\$ 15,774.64	\$ 47,323.92 \$ 47,323.92



JOHN DEERE



Quote Id: 16161278

Prepared For:
Beaufort County Public Works

Prepared By: Joe Breland

Blanchard Equipment Co. Inc.
984 Highway 15 North
Saint George, SC 29477

Tel: 843-563-4522

Fax: 843-563-9557

Email: jbreland@blanchardequipment.com

Date: 02 October 2017

Offer Expires: 09 October 2017

Confidential

Quote Summary**Prepared For:**

Beaufort County Public Works
Chad Stanley
120 Shanklin Rd
Beaufort, SC 29906
Business: 843-255-2800

Prepared By:

Joe Breland
Blanchard Equipment Co. Inc.
984 Highway 15 North
Saint George, SC 29477
Phone: 843-563-4522
jbrelan@blanchardequipment.com

THIS PRICING IS OFF OF STATE CONTRACT. PURCHASE
ORDER SHOULD BE MADE TO ALAMO COMPANY.
QUOTE STILL GOOD AS OF 1/16/2018 JOE BRELAND

Quote Id: 16161278
Created On: 02 October 2017
Last Modified On: 16 January 2018
Expiration Date: 09 October 2017

Equipment Summary	Suggested List	Selling Price	Qty	Extended
ALAMO SAMURAI-18	\$ 65,761.00	\$ 53,547.09 X	1 =	\$ 53,547.09
Equipment Total				\$ 53,547.09

Quote Summary

Equipment Total	\$ 53,547.09
SubTotal	\$ 53,547.09
Sales Tax - (6.00%)	\$ 3,598.36
Est. Service Agreement Tax	\$ 0.00
Total	\$ 57,145.45
Down Payment	(0.00)
Rental Applied	(0.00)
Balance Due	\$ 57,145.45

Salesperson : X _____

Accepted By : X _____



JOHN DEERE

Selling Equipment



Quote Id: 16161278

Customer: BEAUFORT COUNTY PUBLIC WORKS

ALAMO SAMURAI-18				
Hours:	0			Suggested List
Stock Number:				\$ 65,761.00
				Selling Price
				\$ 53,547.09
Code	Description	Qty	Unit	Extended
04851805	18FT SAMURAI WITH JOYSTICK/50IN.ROTARY HEAD /W SWIVEL	1	\$ 65,761.00	\$ 65,761.00
Suggested Price				\$ 65,761.00
Customer Discounts				
Customer Discounts Total			\$ -12,213.91	\$ -12,213.91
Total Selling Price				\$ 53,547.09



PUBLIC WORKS
ROADS & DRAINAGE

ALAMO
INDUSTRIAL
A Terrain King Product





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

COUNTY COUNCIL OF BEAUFORT COUNTY PURCHASING DEPARTMENT

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

TO: Councilman Stu Rodman, Chairman, Public Facilities Committee

FROM: David L Thomas. CPPO. Purchasing Director

SUBJ: State Contract Purchase
 Request to Purchase 2018 Schwarze Tornado Sweeper from the National Joint Powers Alliance Cooperative Contract (NJPA)

DATE: 01/26/2018

BACKGROUND:

The Purchasing Department received a request from the Beaufort County Fleet Manager to purchase one new 2018 Schwarze A7 Tornado Sweeper for the Public Works Storm Water fleet. This addition to the fleet would allow for better sediment and contaminant management of Storm Water Projects as there is currently no street sweeping machine owned by Beaufort County. This purchase would also replace the street sweeping contract (parking lots, bridges, streets, etc.) funded through the general fund for the Facility Management Department.

Total cost of \$244,943 includes all discounts, delivery, SC sales tax; manuals, and 2018 Schwarze A7 Tornado Sweeper.

VENDOR INFORMATION:

Carolina Environmental Systems Inc., Kenersville, NC

COST:

\$244,943

FUNDING:

Fiscal Year 2018 Stormwater Utility Enterprise Appropriation in Account #50250011-54200, Specialized Capital Equipment.

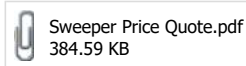
Funding approved: By: Date:

FOR ACTION: Public Facilities Committee meeting on February 26, 2018.

RECOMMENDATION:

The Purchasing Department recommends that the Public Facilities Committee approve and recommend to County Council the contract award of \$244,943 to purchase one new 2018 Schwarze A7 Tornado Sweeper from the aforementioned vendor in support of Public Work's Storm Water operations.

Attachment:



cc: Joshua Gruber, Interim County Administrator

Approved: Date:

Check to override approval: ☐ Overridden by:

Override Date:

Alicia Holland, Assistant County Administrator, Finance

Approved: Date:

Approved: Date:

Check to override approval: ☐ Overridden by:

Override Date:

ready for admin: ☒

Approved: Date:

Check to override approval: ☐ Overridden by:

Override Date:

ready for admin: ☒

After Initial Submission, Use the Save and Close Buttons

Carolina Environmental Systems, Inc.
306 Pineview Dr., Kernersville, NC 27284
(336) 869-9900

October 12, 2017

To: Beaufort County, SC

Attention: Chad Stanley

RE: New Regenerative Air Sweeper Quotation

1 ea. 2017 Schwarze A7 Tornado Sweeper **NJPA Price** **\$ 244,443.00**
Two hundred forty four thousand four hundred forty three dollars

South Carolina Vehicle Sales Tax:	\$ 500.00
Total Net:	\$244,943.00

***Cab and Chassis: International 4300, 33000GVW, Dual Steer,
2017 Model, 200 HP Cummins engine, single speed rear,
Allison 2500 Automatic, Air horn***

Sweeper Includes:

- 115 HP Tier III Turbo Auxiliary Engine Tier ivF
- Dual Gutter Brooms, 44" Diameter
- Dual Gutter Broom In-cab Tilt
- Dual Gutter Broom GEO
- Dual Gutter Broom Speed control
- Dual Gutter Broom In-cab Down Pressure Control
- In Cab Standby Switch Gutter Brooms
- Standard 90" Sweeping Head
- Sweeper Head Deluge Flush
- Hopper Constructed of High Strength Stainless Steel 8.4 cu. yd.
- Limited "Lifetime Warranty" on Stainless Steel Hopper
- Hopper Sound Suppression
- Hopper up Alarm & Indicator
- Hopper Load Weight Indicator
- Hopper Door Open Alarm
- Hopper Drain 6" Stainless Steel
- Hopper Auto Drop Down Screens Stainless Steel
- Hopper Shaker/Vibrator
- 250 Gallon Dust Suppression Water System
- Front Spray Bar
- Hopper Spray Bar, 4 Additional Nozzles
- 8" Power Boom, Hand Hose, (remote throttle included)

Hand Hose Water Nozzle
High Pressure Wash down System With 50' Hose Reel
Bleed Off Air Indicator
2 Clear LED Strobe lights and 2 Yellow LED Strobe Lights in front
grill of Chassis and Mounted on Rear Bumper
LED Rear Mounted Strobe with Guard
Dual LED Strobes with Guards, Rear Mounted
LED Rear Mounted Traffic Guide Arrow Board
Cab Mounted LED Bar Light With Guard
Camera System W/7" Color Monitor
Strobe, Rear W/Guard LED
Tail Lights, LED
Standard Paint, Decal Kit

Includes Safety and Operator Training at your location
Includes Delivery to Beaufort County, SC Public Works location

We appreciate the opportunity to submit this information and I look forward to your response.

Eddie Cooke

Eddie Cooke

cell 919-442-7150
email ceseddie@aol.com

Distributors for:
**Heil, Schwarze, K-Pac, Schaefer, Pac-Mac, Pak-Rat, Busch, SwapLoader, Pioneer,
O'Brian, Load Lugger, Stellar, Galbreath**





**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 Stu Rodman, Chairman, Public Facilities Committee

FROM: David L Thomas. CPPO. Purchasing Director

SUBJ: New Contract as a Result of Solicitation
RFP 121417E, Engineering and Consulting Services for Design Build Construction - Whitehall Boat Ramp Improvements

DATE: 02/06/2018

BACKGROUND:

The Factory Creek Boat Ramp (Whitehall) located on Lady's Island is one of the most popular water access points in the County. This ramp was last improved in 1990 and these improvements have reached the end of their useful life. Additionally, the ramp consistently fails to meet the demands for water access. This facility is identified for improvement in the Priority Investment Element of the Comprehensive Plan and the South Carolina Department of Natural Resources (SCDNR) Coastal County Road Ramp Study. This project will make improvements to the boat ramp and parking areas to allow the general public better and safer access to the Beaufort River and neighboring water bodies.

The Purchasing Department advertised the RFP 121418E and received proposals submitted on December 12, 2017, Design Build Construction for Whitehall Boat Ramp Improvements. The proposers were instructed to provide a Guaranteed Not to Exceed price (GMP) in two phases. Phase one will be the costs for engineering, construction documents and inspections. Phase two will be the cost of construction adjusted based on the final design.

L-J Inc. of Columbia, SC and O'Quinn Marine Construction of Beaufort submitted proposals and a review team consisting of the Beaufort County Division Director of Engineering, Public Works Director and Director of Public Projects for the City of Beaufort rated the proposals based on the criteria established in the RFP. O'Quinn Marine Construction received the highest ranking.

An analysis of the proposal submitted, revealed no apparent cause for rejecting the O'Quinn Marine proposal; therefore, it is recommended that phase one be awarded to O'Quinn Marine Construction, for design/engineering services, in the amount of \$184,438. Staff is requesting a 5% project contingency of \$9,222. Total project budget \$193,660.

Phase two will be the cost of construction adjusted based on the final design.

VENDOR INFORMATION:

COST:

O'Quinn Marine Construction, Beaufort, SC - Design, Phase One	\$ 184,438
Construction, Preliminary Estimate	\$1,613,467
Total	\$1,797,905

FUNDING:

In November 2017 County Council approved an appropriation from Local Hospitality Tax, Ordinance 2017/33, for this river access improvement in the amount of \$630,000.

Funding approved: By: Date:

FOR ACTION:

Public Facilities Committee, February 12, 2018.

RECOMMENDATION:

The Public Facilities Committee approves and recommends to County Council the award of Whitehall Boat Ramp improvement design service to O'Quinn Marine Construction in the amount of \$184,438 funded from Hospitality Tax Funds. Additionally, recommends approval of a budget to include a 5% project contingency for a total project budget of \$193,660.

Attachment:



RFP 121417E Summary Score Sheet; Hospitality Tax Summary 12312017.pdf
435.36 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:

Approved: Date:

Check to override approval: ☐ Overridden by:

Override Date:

ready for admin: ☒

After Initial Submission, Use the Save and Close Buttons

Design Build Whitehall Boat Ramp		
RFP 121417E		
Summary Score Sheet		
Evaluators	Name of Company	Name of Company
	<u>L-J, Inc.</u>	<u>Andrews/O'Quinn</u>
R. McFee	76	91
N. Pugliese	83	91
D. Wilhelm	72	68
TOTALS:	231	250
1. Andrews/O'Quinn	250	
2. L-J, Inc.	231	

Beaufort County
Local Hospitality Tax
Fiscal Year 2018 as of December 31, 2017
Unaudited and Preliminary

Revenues

Local Hospitality Tax Revenues	\$ 1,164,351
Total Revenues	<u>1,164,351</u>

Expenditures

Personnel	19,915
Purchased Services	9,230
Supplies	<u>425</u>
Total Expenditures	<u>29,570</u>

Excess (deficiency) of revenues over expenditures	1,134,781
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Other Financing Sources (Uses)

Transfers to General Fund ¹	(750,000)
Transfers from State Accommodations Tax (2%) Fund ²	<u>50,000</u>
Total Other Financing Sources (Uses)	<u>(700,000)</u>

Net Change in Fund Balance	434,781
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Fund Balance, beginning	<u>5,315,802</u>
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Fund Balance, ending	<u>\$ 5,750,583</u>
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Encumbrances

Technical College of the Lowcountry Culinary Institute	(3,243,000)
Factory Creek Boat Ramp (Whitehall)	(630,000)
Pinckney Island Access Design Services	<u>(250,000)</u>
	<u>(4,123,000)</u>

Projected Fund Balance after Encumbrances	<u>\$ 1,627,583</u>
--	----------------------------

Note 1: The general fund provides for law enforcement and other public safety services, in which police protection of tourist facilities is one of the purposes of the local hospitality tax.

Note 2: County Council approved a transfer of \$200,000 from the local hospitality tax fund to the state accommodation tax (2%) fund on October 27, 2014. This transfer is being repaid in four equal annual installments of \$50,000 in fiscal years 2015, 2016, 2017, and 2018.

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT) ORDINANCE 2018 / _____

AN ORDINANCE CALLING FOR A REFERENDUM TO ALLOW THE QUALIFIED ELECTORS OF BEAUFORT COUNTY, SOUTH CAROLINA TO VOTE TO CHANGE THE FORM OF GOVERNMENT TO COUNCIL/MANAGER OR TO RETAIN THE COUNCIL/ADMINISTRATOR FORM OF GOVERNMENT

WHEREAS, this Ordinance is authorized pursuant to Section 4-9-10 of the South Carolina Code of Laws (1976), as amended. The purpose of this Ordinance shall be to provide for a referendum to allow the qualified electors of Beaufort County, South Carolina to vote to retain the current Council-Administrator form of government or to change to the Council-Manager form of government and provide for the appointment of the County Treasurer and County Auditor; and

WHEREAS, the Beaufort County Board of Elections and Registration shall take all such steps as are necessary and appropriate in order to hold a referendum in conjunction with the general election to be held on November 7, 2018 to allow the qualified electors of Beaufort County, South Carolina to vote on the issue of retaining the current Council-Administrator form of government or changing to the Council-Manager form of government as provided for in Section 4-9-810, *et seq.*, of the South Carolina Code of Laws (1976) as amended; and

WHEREAS, the question for such referendum shall be stated as follows:

Should the form of Beaufort County's government be changed from that of a Council-Administrator form of government as set forth in S.C. Code of Laws Title 4, Chapter 9, Article 7 (1976, as amended) to that of a Council-Manager form of government as set forth in S.C. Code of Laws Title 4, Chapter 9, Article 9 (1976, as amended) and provide for the appointment of the County Treasurer and County Auditor?

[] Yes (A "yes" vote is a vote in favor of changing the current form of government to a Council-Manager form of government and provide for the appointment of the County Treasurer and County Auditor.)

[] No (A "no" vote is a vote to retain the current Council-Administrator form of government and provide for the election of the County Auditor and County Treasurer.)

NOW, THEREFORE BE IT ORDAINED, the Beaufort County Board of Elections and Registration shall conduct a referendum as stated above and in accordance with state law and shall verify the results of such referendum as provided by law.

Should the present form of government receive a majority favorable vote of those qualified electors voting, the present form shall continue without further action by the Beaufort County Council. Should the Council-Manager form of government receive a majority favorable vote of those qualified electors voting, then, and only in such event, the Beaufort County Council shall enact an Ordinance establishing the new form of government in accordance with the provisions of applicable law.

APPROVED AND ADOPTED BY THE COUNTY COUNCIL OF BEAUFORT COUNTY, SOUTH CAROLINA, ON 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

First Reading:

Second Reading:

Public Hearing:

Third and Final Reading:

ORDINANCE NO. _____
(WASTE MANAGEMENT-RIVERPORT MULTI-COUNTY PARK)

AN ORDINANCE AUTHORIZING AND APPROVING (1) THE DIMINISHING OF THE BOUNDARIES OF AN EXISTING MULTI-COUNTY INDUSTRIAL/BUSINESS PARK (RIVERPORT) PURSUANT TO SECTION 4-1-170 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, TO REMOVE THEREFROM CERTAIN PROPERTY NOW OR TO BE OWNED AND/OR OPERATED BY WASTE MANAGEMENT OF GEORGIA, INC, ONE OR MORE AFFILIATES, AND/OR OTHER PROJECT SPONSORS; (2) DEVELOPMENT OF A NEW JOINT COUNTY INDUSTRIAL AND BUSINESS PARK PURSUANT TO SECTION 4-1-170 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, IN CONJUNCTION WITH BEAUFORT COUNTY (THE "PARK") SUCH PARK TO BE GEOGRAPHICALLY LOCATED IN JASPER COUNTY AND TO INCLUDE THE AFOREMENTIONED PROPERTY; (3) THE EXECUTION AND DELIVERY OF A WRITTEN PARK AGREEMENT WITH JASPER COUNTY AS TO THE REQUIREMENT OF PAYMENTS OF FEE IN LIEU OF *AD VALOREM* TAXES WITH RESPECT TO PARK PROPERTY AND THE SHARING OF THE REVENUES AND EXPENSES OF THE PARK; (4) THE DISTRIBUTION OF REVENUES FROM THE PARK WITHIN BEAUFORT COUNTY; AND (5) OTHER MATTERS RELATED THERETO.

WHEREAS, pursuant to Article VIII, Section 13(D) of the South Carolina Constitution and Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended (collectively, the "Multi-County Park Act"), Beaufort County, South Carolina ("Beaufort County") and Jasper County, South Carolina ("Jasper County"), effective as of August 5, 2011, entered into that certain Agreement for the Establishment of Multi-County Industrial/Business Park (RiverPort) (the "RiverPort Multi-County Park Agreement"), which included certain property in Jasper County in the RiverPort Park (the "RiverPort Multi-County Park Property"); and

WHEREAS, Beaufort County and Jasper County, as authorized under the Multi-County Park Act and Section 3(A) of the RiverPort Multi-County Park Agreement, now desire to remove certain property from the RiverPort Multi-County Park; and

WHEREAS, in order to promote economic development and thus encourage investment and provide additional employment opportunities, Beaufort County and Jasper County, as authorized under the Multi-County Park Act, now propose to establish jointly a multi-county industrial/business park upon such removed property that is located in Jasper County, and more particularly described in Exhibit A hereto (the "Waste Management Property") and which will now be owned and/or operated by Waste Management of Georgia, Inc. (the "Waste Management-RiverPort Multi-County Park"); and

WHEREAS, Beaufort County and Jasper County have agreed to the specific terms and conditions of such arrangement as set forth in that certain Agreement for Establishment of a Multi-County Industrial/ Business Park (Waste Management-RiverPort) proposed to be entered into by and between Beaufort County and Jasper County as of such date as may be agreed to by Beaufort County and Jasper County (the "Waste Management-RiverPort Multi-County Park Agreement"), a form of which Waste Management-Riverport Multi-County Park Agreement has been presented to this meeting; and

WHEREAS, it appears that the Waste Management-RiverPort Multi-County Park Agreement now before this meeting is in appropriate form and is an appropriate instrument to be executed and delivered by Beaufort County for the purposes intended.

NOW, THEREFORE, BE IT ORDAINED BY THE BEAUFORT COUNTY COUNCIL AS FOLLOWS:

Section 1. Removal of Waste Management Property from RiverPort Multi-County Park. In accordance with the Multi-County Park Act and Section 3(A) of the RiverPort Multi-County Park Agreement, Beaufort County hereby approves the removal of the Waste Management Property from the RiverPort Multi-County Park. In accordance with Section 3(B) of the RiverPort Multi-County Park Agreement, Beaufort County shall, together with Jasper County, create a revised Exhibit A to the RiverPort Multi-County Park Agreement to be attached thereto reflecting such removal.

Section 2. Establishment of Waste Management-RiverPort Multi-County Park; Approval of the Waste Management-RiverPort Multi-County Park Agreement. There is hereby authorized to be established, in conjunction with Jasper County, a multi-county industrial/business park to be known as the Waste Management-RiverPort Multi-County Park and to include therein the Waste Management Property. The form, provisions, terms and conditions of the Waste Management-RiverPort Multi-County Park Agreement now before this meeting and filed with the Clerk to Beaufort County Council be and they are hereby approved, and all of the provisions, terms and conditions thereof are hereby incorporated herein by reference as if the Waste Management-RiverPort Multi-County Park Agreement were set out in this Ordinance in its entirety. The Chairman of Beaufort County Council is hereby authorized, directed, and empowered to execute the Waste Management-RiverPort Multi-County Park Agreement in the name and on behalf of Beaufort County; the Clerk to Beaufort County Council is hereby authorized, directed, and empowered to attest the same; and the Chairman of Beaufort County Council is further authorized, directed, and empowered to deliver the Waste Management-RiverPort Multi-County Park Agreement to Jasper County.

The Waste Management-RiverPort Multi-County Park Agreement is to be in substantially the form now before this meeting and hereby approved, or with such changes therein as shall not materially adversely affect the rights of Beaufort County thereunder and as shall be approved by the officials of Beaufort County executing the same, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of the Waste Management-RiverPort Multi-County Park Agreement now before this meeting.

The Chairman of Beaufort County Council, the County Administrator of Beaufort County, and the Clerk to the Beaufort County Council, for and on behalf of Beaufort County, are hereby each authorized and empowered to do any and all things necessary or proper to effect the development of the Waste Management-RiverPort Multi-County Park and the performance of all obligations of Beaufort County under and pursuant to the Waste Management-RiverPort Multi-County Park Agreement and to carry out the transactions contemplated thereby and by this Ordinance.

Section 3. Payment of Fee in Lieu of Tax. The businesses and industries located in the Waste Management-RiverPort Multi-County Park must pay a fee in lieu of *ad valorem* taxes as provided for in the Waste Management-RiverPort Multi-County Park Agreement. The fee paid in lieu of *ad valorem* taxes shall be paid to the Treasurer of Jasper County. That portion of the fee allocated pursuant to the Waste Management-RiverPort Multi-County Park Agreement to Beaufort County shall, upon receipt by the Treasurer of Jasper County, be paid to the Treasurer of Beaufort County in accordance with the terms of the Waste Management-RiverPort Multi-County Park Agreement. Payments of fees in lieu of *ad valorem* taxes will be made on or before the due date for taxes for a particular year. Penalties for late payment will be at the same rate as late tax payment. Any late payment beyond said date will accrue interest at the rate of statutory judgment interest. Beaufort County and Jasper County, acting by and through the Treasurer of Jasper County, shall maintain all liens and rights to foreclose upon liens provided for counties in the collection of *ad valorem* taxes. Nothing herein shall be construed to prohibit Jasper County from negotiating and collecting reduced fees in lieu of taxes pursuant to Title 4, Chapter 29 or Chapter 12, or Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, as amended, or any similar provision in South Carolina law.

The provisions of Section 12-2-90 of the Code of Laws of South Carolina 1976, as amended, or any successor statutes or provisions, apply to the collection and enforcement of the fee in lieu of *ad valorem* taxes.

Section 4. Sharing of Expenses and Revenues. Sharing of expenses and revenues of the Waste Management-RiverPort Multi-County Park by Beaufort County and Jasper County shall be as set forth in the Waste Management-RiverPort Multi-County Park Agreement.

Section 5. Distribution of Revenues within Beaufort County. Revenues generated from industries and businesses located in the Waste Management-RiverPort Multi-County Park and received by Beaufort County shall be distributed by Beaufort County **[in accordance with an ordinance to be passed by Beaufort County Council.]**

Section 6. Governing Laws and Regulations. The ordinances of the City of Hardeeville, South Carolina (the "City") and Jasper County, as applicable, concerning zoning, health and safety regulations, and building code requirements will apply for the entire Waste Management-RiverPort Multi-County Park. Henceforth, in order to avoid any conflicts of law or ordinances, the City Code of Ordinances and the Jasper County Code of Ordinances, as applicable, will be the reference for regulation or laws in connection with the Waste Management-RiverPort Multi-County Park. The Beaufort County Code of Ordinances shall in no way apply to the Waste Management-RiverPort Multi-County Park.

Section 7. Applicable Ordinances and Regulations. Any applicable ordinances and regulations of Jasper County including those concerning zoning, health and safety, and building code requirements shall apply to the Waste Management-RiverPort Multi-County Park properties located in Jasper County unless the properties are within the boundaries of a municipality in which case, the municipality's applicable ordinances and regulations shall apply.

Section 8. Law Enforcement Jurisdiction. Jurisdiction to make arrests and exercise all authority and power within the boundaries of the Waste Management-RiverPort Multi-County Park properties is vested with the Sheriff's Department of Jasper County. If any of the Waste Management-RiverPort Multi-County Park properties are within the boundaries of a municipality, then jurisdiction to make arrests and exercise law enforcement jurisdiction is vested with the law enforcement officials of the municipality.

Section 9. Conflicting Provisions. To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Beaufort County Code or other Beaufort County ordinances, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.

Section 10. Severability. If any section of this ordinance is, for any reason, determined to be void or invalid by a court of competent jurisdiction, it shall not affect the validity of any other section of this ordinance which is not itself void or invalid.

Section 11. Effectiveness. This Ordinance shall be effective upon third and final reading.

[End of Ordinance - Signature page to follow]

Enacted and approved, in meeting duly assembled, 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

First Reading:

Second Reading:

Public Hearing:

Third and Final Reading:

RESOLUTION NO. 2018/

A RESOLUTION REPEALING AND REPLACING RESOLUTION NUMBER 1999/27 TO AUTHORIZE AN INTERGOVERNMENTAL AGREEMENT FOR THE COLLECTION OF LIBRARY IMPACT FEES IN THE CITY OF BEAUFORT AND THE TOWN OF PORT ROYAL

WHEREAS, Resolution 1999/27 provided that the Town of Port Royal and the City of Beaufort would opt out of collecting library impact fees; and

WHEREAS, Resolution 1999/27 provided that if the Town of Port Royal or the City of Beaufort desired to be included in the County library impact fee program at some time in the future they would have to meet certain minimum requirements, including payment of an amount equal to the impact fees that would have been collected during the opt out period of time; and

WHEREAS, the library's budget and programs have grown to meet the needs of the growing population of Beaufort County without regard to jurisdictional limits; and

WHEREAS, the City of Beaufort and the Town of Port Royal have expressed an interest of ending the opt out period, however do not wish to or are unable to comply with the conditional requirements of Resolution 1999/27; and

WHEREAS, County Council has expressed an interest in replacing Resolution 1999/27 with a Resolution authorizing an Intergovernmental Agreement between the County and the aforementioned municipalities for the collection of and use of library impact fees; and

WHEREAS, the inclusion of the City of Beaufort and the Town of Port Royal in the library impact fee program will provide much needed funds for the growing needs of the Beaufort County library system; and

WHEREASE, the City of Beaufort has offered to provide for a dumpster and cardboard compactor at the site of the downtown Beaufort library branch in lieu of meeting the conditions of Resolution 1999/27; and

WHEREAS, it is in the best interest of the citizens and visitors of Beaufort County to include the City of Beaufort and the Town of Port Royal in the library impact fee program; and

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

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

Section 2. Resolution 1999/27 is hereby Rescinded and this Resolution 2018/ is adopted in its place.

Section 3. The Interim County Administrator is authorized to enter into an Intergovernmental Agreement with the City of Beaufort and separately with the Town of Port Royal for the implementation of a library impact fee program.

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

**BEAUFORT COUNTY AIRPORT
LADY'S ISLAND, SOUTH CAROLINA
WORK AUTHORIZATION 17-04
January 3, 2018
PROJECT NO.: TBI NO. 2119-1704**

It is agreed to undertake the following work in accordance with the provisions of our Contract for Professional Services.

Description of Work: Engineering and Planning Services for preparation, design, and bidding of the contract drawings for the proposed Airfield Electrical Rehabilitation (Runway/Taxiway Edge Lights, PAPI's, REIL's, Wind Sock, Signs, Lighting Vault), as depicted in the attached exhibit, for the Beaufort County Airport in accordance with the Master Contract.

The existing airfield lighting systems listed above were damaged beyond repair during the flooding associated with Hurricane Matthew and need to be replaced with new components, cabling, and isolation transformers. The airfield lighting vault is currently part of the existing terminal building and suffered water damage during Hurricane Matthew, and needs to be relocated to a new precast concrete stand-alone airfield lighting vault that will provide better protection for the airfield lighting power and control equipment. Replacement of the airfield lighting power and control equipment with new equipment will also be included in the new airfield lighting vault. PVC conduit will also be included, along with base-mounted edge lighting fixtures, to protect the airfield lighting cables from future damage. New PAPI's will be installed and aimed to take into account upcoming 2018 tree obstruction removal work in order to maximize the available landing length.

Professional services to be provided by the consultant will include civil, and electrical engineering services, plus topographic surveying services required to accomplish the following items:

PHASE 01 - Preliminary Design

The preliminary design phase is intended to identify and evaluate alternatives to assure cost effective and practical solutions for the work items identified. TBE will complete its evaluation of alternatives through contacts with local authorities, field investigations, and a practical design approach. The design will take advantage of local knowledge and experience and utilize expertise from recent construction projects to design a cost effective project and ensure competitive construction bids. Activities include:

- a. Conduct a project kick-off meeting. Attendees invited will be the Sponsor, FAA, design team, and airport tenants.
- b. Coordinate with airport staff to minimize impacts of day-to-day flight operations at the airport (1 meeting).

- c. Coordinate with FAA on the design and installation of the new PAPI's and REIL's.
- d. Coordinate with FAA Flight Procedures on development of possible amendments to the existing instrument approach procedures to reflect the new PAPI installations for both runway ends.
- e. Coordinate with the following agencies for necessary permits related to the proposed improvements for this project:
 - SCDHEC-OCRM NPDES Permit (to be applied for during design if needed)
 - Local Dry Utilities Permit (e.g., Palmetto Electric, Hargray Communications, etc.; if any dry utilities need to be added or relocated for the project; if not, simple notification of construction activity, to be applied for during design)
 - Beaufort County Engineering (plan review, to be performed during design)
- f. Prepare a preliminary estimate of probable construction costs and schematic design for each element of the project.
- g. Coordinate with all subconsultants on the project. This coordination will provide all required survey information for the project.
- h. Prepare an overall construction phasing plan in order to maximize project constructability and minimize interference with airport operations.

PHASE 04 - Engineering Phase Activities

- a. Layout of replacement runway and taxiway edge lighting systems, and associated power cabling and counterpoise lightning protection systems.
- b. Layout and aiming of proposed PAPI's for both runway ends, and associated power cabling and counterpoise lightning protection systems, along with required FAA coordination for location/aiming of proposed PAPI's for possible instrument approach procedure amendments coordination.
- c. Layout of proposed REIL's for both runway ends, and associated power cabling and counterpoise lightning protection systems.
- d. Layout of proposed Airfield Guidance Signs, and associated power cabling and counterpoise lightning protection systems.

- e. Layout of proposed LED Wind Sock/Segmented Circle and associated power cabling and counterpoise lightning protection systems.
- f. Layout of proposed stand-alone Airfield Lighting Vault, design of new airfield lighting power and control systems, coordination for new electrical service to vault, site design and grading for new vault site, design of required erosion and sediment control devices. Demolition plan for existing vault power and control equipment.
- g. Complete necessary topography and site surveying, including establishment of project control points.
- h. Provide recommendations for construction phasing to the sponsor for their review.
- i. Meet with Sponsor/FAA to review project after preliminary engineering report submittal, and 90 percent design document completion (2 meetings).
- j. Complete estimates of probable construction costs for the recommended alternatives.
- k. Solicit comments on preliminary design from airport personnel and FAA.

PHASE 04 - Final Design

- a. Incorporate preliminary design comments and respond as necessary to requests for additional information.
- b. Provide final design drawings, specifications, and final estimate of probable construction costs and schedule for the project.
- c. Develop specifications using FAA AC 150/5370-10, "Standards for Specifying Construction of Airports," as amended, and utilize standard provisions supplied by the sponsor, as necessary.
- d. Development of construction safety and phasing plan in accordance with FAA AC 150/5370-2, "Operational Safety on Airports during Construction."
- e. Design all improvements in accordance with FAA standards and guidelines.
- f. Provide for all required design of utilities and services within the area defined in the preliminary design.
- g. Complete final quantity calculations.

- h. Complete final engineer's report for the project. This report will detail all data utilized in the design of the project. The final design report will discuss any/all assumptions made during the design. This shall include the following: Topographic survey, final plans, final electrical design, final design of airfield lighting vault, estimates of probable construction costs, and phasing/scheduling recommendations.
- i. Solicit sponsor and FAA approval.
- j. Complete and submit 7460 application.
- k. Submit project to local and state permitting agencies, as required.
- l. Assist airport with advertising and interpretation of project requirements.
- m. Assist airport with preparation of the project application to FAA.
- n. Deliverables - Engineer will provide interim design submittals at 90 percent and 100 percent design completion phases. Deliverables for the 90 percent phase will consist of plan sheets, technical specifications, itemized construction cost estimate, and preliminary Engineer's Report – electronic copy: PDF format. Paper copy: bond full-size for plan sheets. Deliverables for the 100 percent phase will consist of plan sheets, technical specifications, itemized construction cost estimate, and final Engineer's Report.

PHASE 05 - Bidding

- a. Coordinate schedule and advertisement with Sponsor and FAA.
- b. Distribute plans/specifications to bidders, plan rooms, and funding agencies.
- c. Conduct the pre-bid meeting.
- d. Respond to contractor Requests for Information.
- e. Prepare addenda based off pre-bid meeting and bidders questions.
- f. Tabulate and review electronic bids received through the County's electronic bid opening process, and distribute the bid tabulation.
- g. Review bids. Coordinate with FAA Civil Rights on DBE participation.
- h. Send recommendation of award to Sponsor.
- i. Assist Sponsor with grant application.

- j. Deliverables - Engineer will provide bid tabulation of bids received, and submittal of DBE participation proposed by low responsive bidder to FAA Civil Rights for review and concurrence by the FAA. Upon receipt of written approval of DBE Participation Letter from FAA Civil Rights, Engineer will provide written summary of bids received and construction contract award recommendation for consideration by the Owner

Estimated Time Schedule: Work shall be completed in accordance with the schedule established and agreed upon by the Owner and Engineer.

Cost of Services: The method of payment shall be in accordance with Article 6 of the contract. The work shall be performed in accordance with the Master Contract as a lump sum of **\$103,232.00**. Special services shall be performed on a not to exceed basis with a budget of **\$32,815.00**, which includes reimbursable expenses. For a total of **\$136,047.00**.

NOTE: This Work Authorization does not include construction phase services including, but not limited to, construction administration, quality assurance testing, resident project representative construction observation, as-built surveying. These services will be included under a separate Work Authorization.

Agreed as to Scope of Services, Time Schedule and Budget:

APPROVED:
BEAUFORT COUNTY

APPROVED:
TALBERT, BRIGHT & ELLINGTON,
INC.

Title

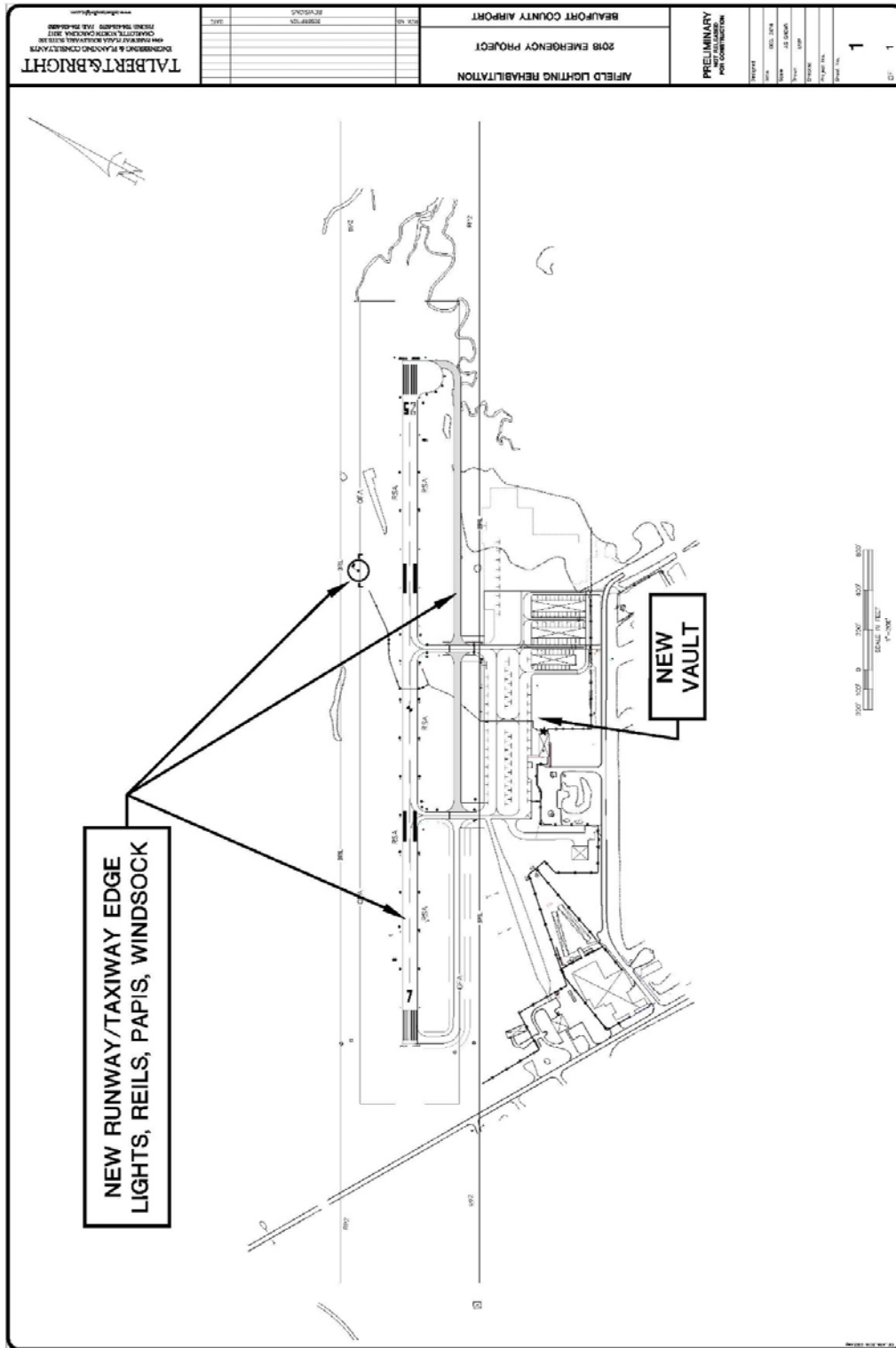
Vice President
Title:

Date:

Date:

Witness:

Witness:



SUMMARY OF FEES
AIRFIELD ELECTRICAL REHABILITATION
(RWY/TWY EDGE LIGHTS, PAPI's, REIL's, WIND SOCK, VAULT, SIGN's)
 BEAUFORT COUNTY AIRPORT
 BEAUFORT, SOUTH CAROLINA
 TBE PROJECT NO: 2119-1704
 FAA IDENTIFIER: 3-45-0008-XXX-2018

November 20, 2017

DESCRIPTION	ESTIMATED
BASIC SERVICES	
PROJECT FORMULATION/DEVELOPMENT PHASE (01)	\$ 7,568.00
DESIGN PHASE (04)	\$ 86,672.00
BIDDING PHASE (05)	\$ 8,992.00
	\$ -
SUBTOTAL	\$ 103,232.00
EXPENSES	\$ 4,615.00
SUBCONSULTANTS	\$ 28,200.00
TOTAL	\$ 136,047.00

MANHOUR ESTIMATE
 AIRFIELD ELECTRICAL REHABILITATION
 (RWY/TWY EDGE LIGHTS, PAPI's, REIL's, WIND SOCK, VAULT, SIGN's)
 BEAUFORT COUNTY AIRPORT
 BEAUFORT, SOUTH CAROLINA
 TBE PROJECT NO: 2119-1704
 FAA IDENTIFIER: 3-45-0008-XXX-2018

November 20, 2017

PROJECT FORMULATION/DEVELOPMENT PHASE (01)

DESCRIPTION	PRIN \$ 186	PM \$ 182	SP \$ 138	E5 \$ 160	E4 \$ 125	E2 \$ 85	E1 \$ 75	T4 \$ 84	T3 \$ 77	AD4 \$ 68	AD3 \$ 55
Preliminary project review w/Owner	3	8	0	8	0	0	0	0	0	0	0
Develop project scope/contract	2	3	0	3	0	0	0	0	0	3	0
Coordinate with subconsultants	0	1	0	3	0	0	0	0	0	2	0
Develop preliminary estimate	1	4	0	6	0	0	0	0	0	0	0
MANHOUR TOTAL	6	16	0	20	0	0	0	0	0	5	0

DIRECT LABOR EXPENSES:

CLASSIFICATION		BILL RATE	EST. MHRS	EST. COST
Principal	PRIN	\$ 186	6	\$ 1,116
Project Manager	PM	\$ 182	16	\$ 2,912
Senior Planner	SP	\$ 138	-	\$ -
Engineer V	E5	\$ 160	20	\$ 3,200
Engineer IV	E4	\$ 125	-	\$ -
Engineer II	E2	\$ 85	-	\$ -
Engineer I	E1	\$ 75	-	\$ -
Technician IV	T4	\$ 84	-	\$ -
Technician III	T3	\$ 77	-	\$ -
Admin. Assistant IV	AD4	\$ 68	5	\$ 340
Admin. Assistant III	AD3	\$ 55	-	\$ -
	Total			
SUBTOTAL				\$ 7,568.00

DIRECT EXPENSES:

EXPENSE DESCRIPTION	UNIT	UNIT RATE	EST. UNITS	EST. COST
Telephone	LS	\$ 10	1	\$ 10
Postage	LS	\$ 10	1	\$ 10
Miscellaneous expenses (prints, faxes, copies)	LS	\$ 200	1	\$ 200
Travel	LS	\$ 500	1	\$ 500
SUBTOTAL				\$ 720.00
	25			

SCOPE OF SUBCONTRACTED SERVICES:

EXPENSE DESCRIPTION	UNIT	UNIT RATE	EST. UNITS	EST. COST
Geotechnical Investigation	LS	\$ -	1	\$ -
Pre-Design Survey	LS	\$ 25,000	1	\$ 25,000.00
DBE Plan	LS		1	\$ -
SUBTOTAL				\$ 25,000.00
TOTAL PRELIMINARY COST:				\$ 33,288.00

MANHOUR ESTIMATE

(RWY/TWY EDGE LIGHTS, PAPI's, REIL's, WIND SOCK, VAULT, SIGN's)

BEAUFORT COUNTY AIRPORT

BEAUFORT, SOUTH CAROLINA

TBE PROJECT NO: 2119-1704

FAA IDENTIFIER: 3-45-0008-XXX-2018

November 20, 2017

DESIGN PHASE (04)

DESCRIPTION	PRIN	PM	SP	E5	E4	E2	E1	T4	T3	AD4	AD3
	\$ 186	\$ 182	\$ 138	\$ 160	\$ 125	\$ 85	\$ 75	\$ 84	\$ 77	\$ 68	\$ 55
PLANS											
Cover Sheet	0	2	0	8	0	0	0	0	0	0	0
Quantities and General Notes	0	4	0	14	0	2	0	0	0	0	0
Construction Safety & Phasing Plan	0	8	0	6	0	0	0	0	0	0	0
Demolition Plan (4 sheets)	0	10	0	4	0	16	0	0	0	0	0
Lighting Plan (4 Sheets)	0	4	0	50	0	20	0	0	0	0	0
Circuit Plan (4 Sheets)	0	8	0	40	0	24	0	0	0	0	0
Electrical Details (4 Sheets)	0	6	0	24	0	0	0	0	0	0	0
Vault Demolition Plan	0	6	0	16	0	0	0	0	0	0	0
Vault Details Sheet	0	10	0	16	0	18	0	0	0	0	0
Lighting Diagram and relay Control Plan	0	10	0	16	0	16	0	0	0	0	0
DESIGN											
Coordination/Meetings with Owner/FAA	4	8	0	16	0	0	0	0	0	0	0
PAPI Siting/Location	1	3	0	16	0	10	0	0	0	0	0
Engineer's Report	0	6	0	20	0	2	0	0	0	0	0
Specifications	0	16	0	28	0	0	0	0	0	0	0
Calculations	1	4	0	12	0	0	0	0	0	0	0
Quantities and Construction Estimates	0	2	0	8	0	0	0	0	0	0	0
Record Drawing/Closeout	0	2	0	20	0	4	0	0	0	0	0
Quality assurance plan	1	4	0	4	0	0	0	0	0	0	0
Revisions	0	4	0	20	0	4	0	0	0	2	0
MANHOUR TOTAL	7	117	0	338	0	116	0	0	0	2	0

DIRECT LABOR EXPENSES:

CLASSIFICATION		BILL 0	EST. MHRS	EST. COST
Principal	PRIN	\$ 186	7	\$ 1,302
Project Manager	PM	\$ 182	117	\$ 21,294
Senior Planner	SP	\$ 138	-	\$ -
Engineer V	E5	\$ 160	338	\$ 54,080
Engineer IV	E4	\$ 125	-	\$ -
Engineer II	E2	\$ 85	116	\$ 9,860
Engineer I	E1	\$ 75	-	\$ -
Technician IV	T4	\$ 84	-	\$ -
Technician III	T3	\$ 77	-	\$ -
Admin. Assistant IV	AD4	\$ 68	2	\$ 136
Admin. Assistant III	AD3	\$ 55	-	\$ -
SUBTOTAL				\$ 86,672.00

MANHOUR ESTIMATE

(RWY/TWY EDGE LIGHTS, PAPI's, REIL's, WIND SOCK, VAULT, SIGN's)
BEAUFORT COUNTY AIRPORT
BEAUFORT, SOUTH CAROLINA
TBE PROJECT NO: 2119-1704
FAA IDENTIFIER: 3-45-0008-XXX-2018

November 20, 2017

DESIGN PHASE (04)

DIRECT EXPENSES:

EXPENSE DESCRIPTION	UNIT	UNIT RATE	EST. UNITS	EST. COST
Telephone	LS	\$ 10	1	\$ 10.00
Postage	LS	\$ 54	1	\$ 54.00
Miscellaneous expenses (prints, faxes, copies)	LS	\$ 1,200	1	\$ 1,200.00
Travel	LS	\$ 800	1	\$ 800.00
<i>SUBTOTAL</i>				<i>\$ 2,064.00</i>

SCOPE OF SUBCONTRACTED SERVICES:

EXPENSE DESCRIPTION	UNIT	UNIT RATE	EST. UNITS	COST
Survey (Record)	LS	\$ 3,200	1	\$ 3,200
		\$ -	0	\$ -
<i>SUBTOTAL</i>				<i>\$ 3,200.00</i>
TOTAL DESIGN COST:				\$ 91,936.00

MANHOUR ESTIMATE
 AIRFIELD ELECTRICAL REHABILITATION
 (RWY/TWY EDGE LIGHTS, PAI's, REIL's, WIND SOCK, VAULT, SIGN's)
 BEAUFORT COUNTY AIRPORT
 BEAUFORT, SOUTH CAROLINA
 TBE PROJECT NO: 2119-1704
 FAA IDENTIFIER: 3-45-0008-XXX-2018

November 20, 2017

BIDDING PHASE (05)

DESCRIPTION	PRIN \$ 186	PM \$ 182	SP \$ 138	E5 \$ 160	E4 \$ 125	E2 \$ 85	E1 \$ 75	T4 \$ 84	T3 \$ 77	AD4 \$ 68	AD3 \$ 55
Coordinate advertisement	0	1	0	1	0	0	0	0	0	2	0
Prebid meeting	0	8	0	8	0	0	0	0	0	0	0
Bidder question & answers	0	1	0	8	0	8	0	0	0	0	0
Prepare addenda	0	0	0	6	0	8	0	8	0	0	0
Bid opening, tabulation	0	1	0	4	0	0	0	0	0	0	0
Recommendation of Award	0	1	0	2	0	0	0	0	0	0	0
MANHOUR TOTAL	0	12	0	29	0	16	0	8	0	2	0

DIRECT LABOR EXPENSES:

CLASSIFICATION	BILL	EST.	EST.
Principal	PRIN	\$ 186	- \$ -
Project Manager	PM	\$ 182	12 \$ 2,184
Senior Planner	SP	\$ 138	- \$ -
Engineer V	E5	\$ 160	29 \$ 4,640
Engineer IV	E4	\$ 125	- \$ -
Engineer II	E2	\$ 85	16 \$ 1,360
Engineer I	E1	\$ 75	- \$ -
Technician IV	T4	\$ 84	8 \$ 672
Technician III	T3	\$ 77	- \$ -
Admin. Assistant IV	AD4	\$ 68	2 \$ 136
Admin. Assistant III	AD3	\$ 55	- \$ -
Total			
SUBTOTAL			\$ 8,992.00

DIRECT EXPENSES:

EXPENSE DESCRIPTION	UNIT	UNIT RATE	EST. UNITS	EST. COST
Telephone	LS	\$ 10	1	\$ 10.00
Postage	LS	\$ 96	1	\$ 96.00
Copying	LS	\$ 50	1	\$ 50.00
Reproduction	LS	\$ 50	1	\$ 50.00
Advertisement	LS	\$ 1,100	1	\$ 1,100.00
Miscellaneous expenses (prints, faxes, copies)	LS	\$ 25	1	\$ 25.00
Travel	LS	\$ 500	1	\$ 500.00
EXPENSE DESCRIPTION				\$ 1,831.00

TOTAL BIDDING COST: \$ 10,823.00



Beaufort County Sheriff's Office Emergency Management Division



Memorandum of Agreement between the Beaufort County Sheriff's Office, Emergency Management Division and the County of Beaufort

This Memorandum of Agreement is made and entered into this _____ day of _____, 2018 by and between the Beaufort County Sheriff's Office Emergency Management Division and the County of Beaufort.

Purpose

The purpose of this Memorandum of Agreement (MOA) is for the above mentioned agencies to work closely together in the issuance of the Beaufort County Incident Emergency Response Passes and Re-Entry Passes per ***Beaufort County Sheriff's Office Standard Operating Procedure, 1.03 Incident Emergency Response and Re-Entry Pass System***. It is the intent of the elected leadership of the municipalities within Beaufort County, the County of Beaufort and the Sheriff of Beaufort County that in order to establish and maintain a safe environment after a catastrophic event caused by either nature or man, that an Incident Emergency Response and an Incident Re-Entry Pass System be prepared and executed as necessary. This Incident Emergency Response and Incident Re-Entry Pass System shall be administered and overseen by the Beaufort County Sheriff's Office Emergency Management Division in coordination with the Emergency Management Steering Committee.

Responsibilities

Both parties, as stated above, agree to uphold the requirements outlined in the ***Beaufort County Sheriff's Office Standard Operating Procedure, 1.03 Incident Emergency Response and Re-Entry Pass System*** for the review, approval, creation and dissemination of the aforementioned passes.

Amendments

The terms of this Agreement shall not be altered, amended or modified except in writing signed by the duly authorized officers of the two parties entered into this agreement.

Duration of Agreement

This Memorandum of Agreement will remain in effect from the date of signatures until written notification of cancellation by either party at any time is received and acknowledged.

Signatories:

IN WITNESS WHEREOF, The parties hereto have hereunto set their hands and seals on the day of the year mentioned below.

Beaufort County Sheriff's Office

County of Beaufort

Sheriff P.J. Tanner, Beaufort County

Witness

Witness

Date

Date



Beaufort County Sheriff's Office Emergency Management Division

Incident Emergency Response Passes
and
Incident Re-Entry Passes

Incident Emergency Response Pass

EOC Access – ICS 100, 200, 700 & 800



RED

First Responders

(Law Enforcement, Firefighters, EMS)
working within the Beaufort County EOC.

These cards will have access into the Beaufort County EOC during activations and require certain training. Passes will state “EMERGENCY RESPONSE” on the front of the pass.

Printed by: BCSO EMD through SalamanderLive

Incident Emergency Response Pass

EOC Access – ICS 100, 200, 700 & 800

BLUE

Critical Support Personnel working within the Beaufort County EOC.

These cards will have access into the Beaufort County EOC during activations and require certain training. Passes will state “EMERGENCY RESPONSE” on the front of the pass.




Printed by: BCSO EMD through SalamanderLive

Incident Emergency Response Pass

Back of the cards with ICS information



Beaufort County Sheriff's Office 2001 Duke Street Beaufort, SC 29906	
<hr/>	
ICS200, IS800, IS700, ICS100	Beaufort County Sheriff's Office
	Serial Number nname
<hr/>	
Medical Information	
	

Incident Emergency Response Pass



YELLOW

Critical Support Personnel who **DONOT** have a function within the Beaufort County EOC but are deemed a critical asset for life saving operations. Passes will state “EMERGENCY RESPONSE” on the front of the pass.

Printed by: BCSO EMD through SalamanderLive

Incident Emergency Response Pass



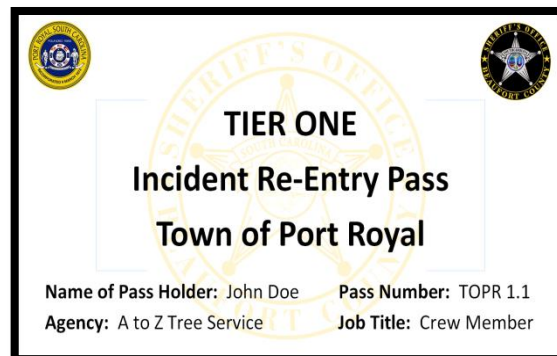
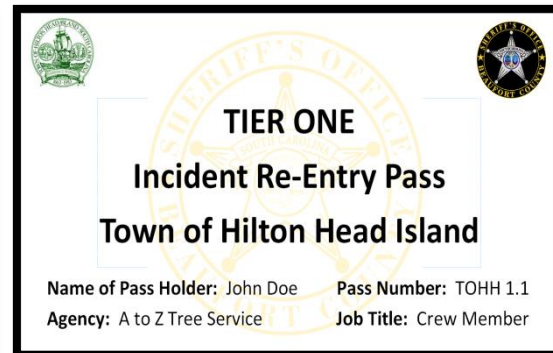
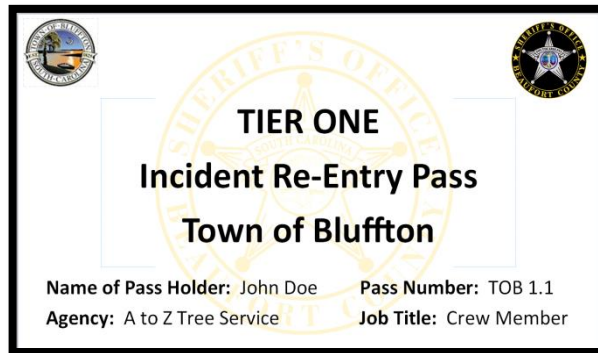
GREEN

Elected Officials for Beaufort County and the surrounding Municipalities as well. Passes will state "ELECTED OFFICIAL" on the front of the pass.

Printed by: BCSO EMD through SalamanderLive

Incident Re-Entry Passes – Tier One

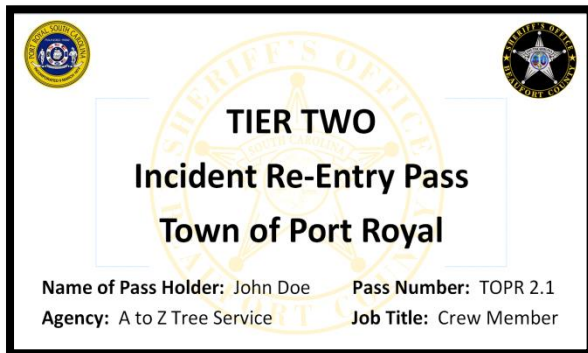
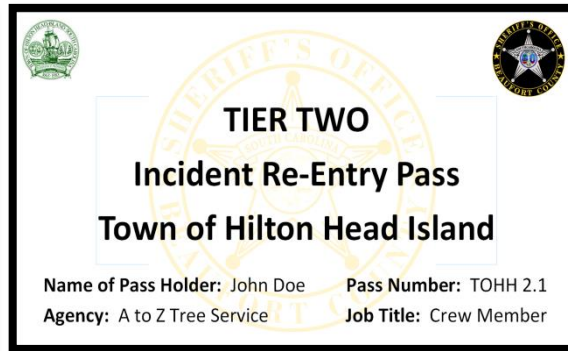
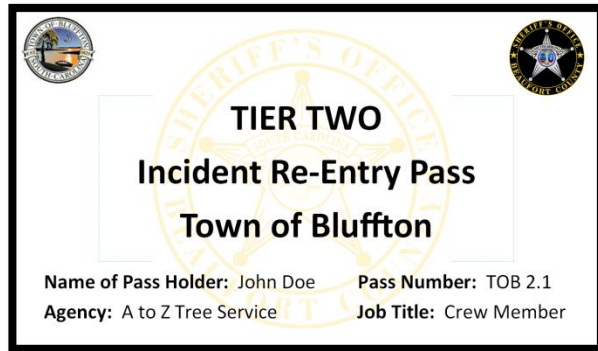
Translucent Foil Gold Cards



Each Municipality will print their own Re-Entry Cards for their respective jurisdictions through SalamanderLive. Limited Access to SalamanderLive given to Municipalities free of charge.

Incident Re-Entry Passes – Tier Two

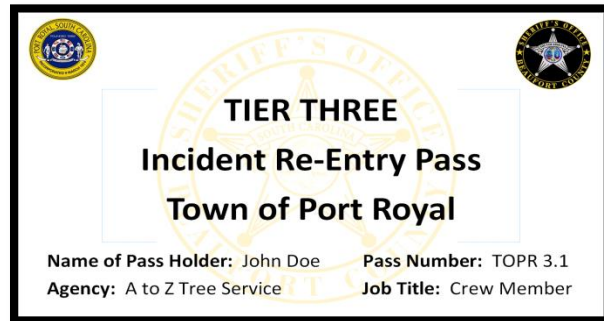
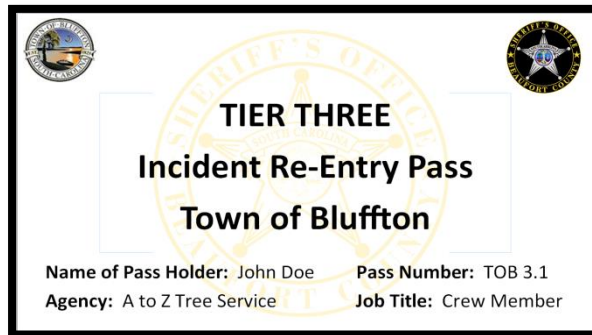
Translucent Foil Blue Cards



Each Municipality will print their own Re-Entry Cards for their respective jurisdictions through SalamanderLive. Limited Access to SalamanderLive given to Municipalities free of charge.

Incident Re-Entry Passes – Tier Three

Translucent Foil Gray Cards



Each Municipality will print their own Re-Entry Cards for their respective jurisdictions through SalamanderLive. Limited Access to SalamanderLive given to Municipalities free of charge.



Barbara Klien
Chief Information Officer



ID#: 3058419-66845
Issued: 2005

Custom Translucent Foil Card

*A custom design solution with your
translucent foil graphic embedded
below the surface.*



SLED Certified Security Officers



SECURITY

Tier Four



Business License
Residents
Non-Residents

Memorandum of Agreement



Beaufort County Sheriff's Office Emergency Management Division



Memorandum of Agreement

between the

Beaufort County Sheriff's Office, Emergency Management Division
and the

This Memorandum of Agreement is made and entered into this _____ day of _____, 2018
by and between the Beaufort County Sheriff's Office Emergency Management Division and

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Signatories:

IN WITNESS WHEREOF, The parties hereto have hereunto set their hands and seals on the day of the year mentioned below.

Beaufort County Sheriff's Office

Sheriff P.J. Tanner, Beaufort County

Witness

Date

Witness

Date

Cost

**Beaufort County Sheriff's Office Emergency
Management Division will incur all costs**

EXCEPT:

Card Printer

Ink for Card Printer

Personnel Time to Print Cards

Re-Entry Card Print Permissions

Town of Bluffton – Captain Joe Babkiewicz

Town of Hilton Head – Tom Dunn

City of Beaufort – Captain Rob Carson

Town of Port Royal – Captain John Griffith





COPY

Danny R. Black, *President*

1750 Jackson Street, Suite 100 Barnwell, SC 29812



January 4, 2018

The Honorable Paul Sommerville, Chair
Beaufort County Council
Beaufort, SC

Re: SCA Board of Directors appointment for 2018

Dear Chairperson Sommerville:

As you are aware, the Beaufort County Council appoints three members to the SouthernCarolina Board of Directors. These appointments are staggered three year terms, and are usually filled in the Annual Board of Directors meeting each year in April.

This is a reminder that the term of Mr. Mike Alsko was an abbreviated term, and will end in April of 2018.

Mr. Alsko will be an excellent Director for the Alliance and is representing the County well.

SCA request the Council consider the continued appointment of Mr. Alsko or appoint a replacement for a full three year term, to be confirmed at the SCA Annual Board of Directors April meeting.

Thank you for your membership in SCA, and we look forward to continue our relationship for many years to come.

Thanking you I am

Sincerely,


Danny R. Black

Cc: Mr. Buddy Phillips, SCA Chair
Ms. Josh Gruber, County Administrator
The Honorable Stephen Murray, BCEDC Chair
Mr. Mike Alsko

BYLAWS OF BEAUFORT COUNTY ECONOMIC DEVELOPMENT CORPORATION

(a South Carolina nonprofit corporation)

Adopted Effective as of _____, 2018

ARTICLE I NAME

The name of this corporation is Beaufort County Economic Development Corporation (hereinafter referred to as the "Corporation").

ARTICLE II OFFICES

The registered and principal offices of the Corporation shall be in the County of Beaufort, State of South Carolina. The Corporation may have such other offices, within or without the State of South Carolina, as the Board may designate and as the activities of the Corporation may require from time to time.

ARTICLE III GENERAL

Section 3.1 Organization: The Corporation is a nonprofit corporation (i) established and operating in accordance with the provisions of Sections 501(c)(3) and 509(a)(1), (2) or (3) of the Internal Revenue Code of 1986, as amended (or the corresponding provisions of any future United States internal revenue law) ("IRC") and the Treasury Regulations thereunder and (ii) incorporated under the South Carolina Nonprofit Corporation Act of 1994 (Chapter 31, Title 33, Code of Laws of South Carolina 1976, as amended (the "Nonprofit Act")).

Section 3.2 Fiscal Year: The Corporation shall operate on a fiscal year basis, beginning July 1 and ending June 30. The Corporation's period of duration shall be perpetual unless terminated in accordance with Article XIV of these Bylaws.

Section 3.3 Captions: The headings, titles, and captions of the Articles and Sections of these Bylaws are inserted only to facilitate reference. They shall not define, limit, extend, or describe the scope or intent of these Bylaws or any provision hereof, and they shall not constitute a part hereof or affect the meaning or interpretation of these Bylaws or any part hereof.

ARTICLE IV

PURPOSES, POWERS AND POLICIES

Section 4.1 General Purpose: The Corporation is organized, and at all times shall be operated, exclusively for charitable, educational and/or scientific purposes within the meaning of IRC § 501(c)(3), and the Corporation shall have no power to engage in activities not in furtherance of such purposes. The Corporation is not a corporation organized for profit. No part of the net earnings of the Corporation shall inure to the benefit of any private shareholder or individual. No substantial part of the activities of the Corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation. The Corporation shall not participate in or intervene in (including the publishing or distributing of statements) any political campaign on behalf of a candidate for public office. Notwithstanding any other provisions of these articles, the Corporation shall not carry on any activities not permitted to be carried on (i) by an organization described in IRC §§ 501(c)(3) and 509(a)(1), (2) or (3), or (ii) by an organization contributions to which are deductible under the provisions of IRC § 170(c)(2), or any other corresponding provisions of any future United States Internal Revenue Law.

Section 4.2 Specific Purpose: The Corporation is organized and will operate as a supporting organization exclusively for the benefit of, to perform the functions of, or to carry out the purposes of Beaufort County, South Carolina (the "County") by assisting the County in its governmental function of promoting and enhancing the economic growth and development of the County for the benefit and welfare of the citizens of the County. It is intended that the Corporation will generally lessen the burdens of County government by becoming responsible for the economic development needs of the County and work cooperatively with the County in order to carry out the aforesaid programs of economic development.

To this end, the objectives of the Corporation will further the County's overall mission to create jobs and to implement sustainable community and economic development by providing resources (i) to attract new business and industry to the area, (ii) to assist the County in business and industry retention, (iii) to assist the County in the creation and retention of jobs throughout the area, (iv) to respond to business and industry prospects and undertake related follow-up, (v) to conduct marketing and advertising of the County's qualities related to economic development, (vi) to facilitate data collection and research, (vii) to undertake prospect meetings and field trips, (viii) to engage in incentive negotiations to induce capital investment and job creation, (ix) to promote infrastructure development, (x) perform workforce development activities and (xi) to facilitate fund raising activities for the foregoing purposes.

In connection with the aforesaid purposes, the Corporation's activities may include the following: obtaining, acquiring, receiving, constructing, erecting or otherwise providing real and personal property and holding, retaining, leasing, licensing, renting, managing, investing, reinvesting, selling, or otherwise disposing of or assigning the income from and/or rights in or to real and personal property, and engaging in any and all lawful activities necessary or incident to the foregoing purposes, except as may be limited herein.

Section 4.3 Powers: The Corporation will have such powers as are now or may hereafter be granted to corporations under the Nonprofit Act, except as may be limited by the Corporation's Articles of Incorporation or these Bylaws.

Section 4.4 Operating Policies, Procedures and Guidelines: The Board may adopt, amend, or restate Operating Policies, Procedures and Guidelines from time to time in order to implement the purposes of the Corporation.

ARTICLE V

MEMBERS

Section 5.1 No Statutory Members: As provided in the Corporation's Articles of Incorporation, as the same may be amended, pursuant to S.C. Code § 33-31-603, the Corporation does not have members within the meaning of S.C. Code § 33-31-140(23).

ARTICLE VI BOARD OF DIRECTORS

Section 6.1 General: The Board of Directors (the "Board" or the "Directors") of the Corporation will be the governing body of the Corporation and will be vested with the ultimate authority over the management and conduct of the business and affairs of the Corporation. The standard of care applicable to the Directors is that provided in S.C. Code §§ 33-31-830 through -834. All corporate powers shall be exercised by, and all affairs of the Corporation shall be managed under the authority and direction of, the Board.

Section 6.2 Appointment and Terms: The number of directors constituting the Board shall be fifteen (15). The directors shall have full voting rights and be comprised of the following:

a) Public Sector. There shall be five (5) directors representing the public sector. The public sector representatives shall include the following:

I. The Chairman of the Beaufort County Council will serve, or he or she will appoint a Director to serve on his or her behalf. This term will coincide with the Chairmanship term, and shall be considered a two (2) year term.

II. The four (4) major communities including the Town of Hilton Head Island, City of Beaufort, Town of Bluffton, and the Town of Port Royal will be represented by their respective lead elected official or his or her appointee. Each term will coincide with the term of the lead elected official, and shall be considered a two (2) year term.

b) Private Sector. There shall be seven (7) directors representing the non-governmental private sector, they shall be appointed by the County Council at the recommendation of the current directors, and serve a four (4) year term. Private sector directors will be limited to serving three (3) consecutive terms. These appointees may not hold any elected office while serving as a director and must:

I. Lead private for-profit business or industry relating to key industry sectors identified by the Corporation. These industries include but are not limited to the following:

- a) Healthcare & Biomedical Supplies
- b) Labs and Software & IT
- c) Retail
- d) Tourism
- e) Culture and Entertainment
- f) Back Office
- g) Industrial Machinery
- h) Research
- i) Light Manufacturing & Assembly
- j) Logistics & Distribution

c) Primary, Secondary, and Higher Education. There shall be three (3) directors with two (2) representing higher education and one (1) representing primary and secondary education, grades K-12. The higher education directors shall be the President of the Technical College of the Lowcountry and the President of the University of South Carolina Beaufort, or his/her appointee. The primary and secondary education director shall be the Superintendent of the Beaufort County School District, or his/her appointee. If any education director is an appointee of one of the Presidents or the Superintendent, such appointment is subject to the Directors' approval. These directors will serve a (4) year term.

Section 6.3 Resignation: Any Director may resign at any time by delivering written notice to the Chairman of the Board or the Secretary. A resignation is effective when the notice is received unless the notice specifies a later effective date. If a resignation is made effective at a later date, the vacancy may be filled before the effective date if the appointment provides that the successor does not take office until the effective date.

Section 6.4 Removal: A Director may be removed from office by the person or body who appointed such Director, provided that a Director may only be removed for just cause and with the concurrence of the Executive Committee (provided that any member of the Executive Committee proposed for removal may not participate in deliberations or voting by the Executive Committee concerning such matter).

Section 6.5 Vacancies: A vacancy occurring in the Board shall be filled in the same manner as the appointment of the Director who became disabled, deceased, resigned or was removed. A Director appointed to fill a vacancy shall hold office until the end of the unexpired term that such Director is filling (and then until such Director's successor is appointed and qualifies).

Section 6.6 Committees:

a) Executive Committee. The Executive Committee, which is a committee of the board, shall consist of the Chairman, Past Chairman, Vice-Chairman and Treasurer. The appointment of such officers by the Board shall also serve as their appointment by the Board to the Executive Committee. The Chairman shall serve as the chairperson of the Executive Committee and shall preside at all of its meetings. The Executive Committee shall have general supervision of the affairs of the Corporation between its business meetings and may exercise such power of the Board between meetings of the Board, fix the hour and place of Board meetings, make recommendations to the Board and perform such other duties as are specified in these Bylaws. The Executive Committee shall be subject to the orders of the Board and none of its acts shall conflict with action taken by the Board.

b) Other Board Committees. The Board may create one or more standing committees, in addition to the Executive Committee provided for in Section 6.6 a) of this Article. Such other committees of the Board shall be composed solely of individuals currently serving as duly elected Directors. Each such committee of the Board shall have (3) or more Directors, who shall be appointed by and serve at the pleasure of the Board. Further, the duties, constitution and procedures of any committee shall be prescribed by the Board. The creation of a committee of the Board and appointment of members to it must be approved by a majority of all the Directors in office when the action is taken. Any committee created and approved by the Board is considered a public body and must comply with the South Carolina Freedom of Information Act, S.C. Code §§ 30-4-10 et seq. (the "FOIA").

c) Procedure. The provisions of Article VII of these bylaws, which govern meetings of the Board, shall apply to committees of the Board and their members as well, except that no committee of the Board shall be required to have an annual meeting or scheduled regular meetings. To the extent specified or authorized by the Board or in these Bylaws, each committee of the Board may exercise the authority of the Board. A committee of the Board may not, however: (a) approve or recommend dissolution, merger, or the sale, pledge, or transfer of all or substantially all of the Corporation's assets; (b) elect, appoint, or remove Directors or fill vacancies on the Board or on any committee of the Board; (c) adopt, amend, or repeal the articles of incorporation or these Bylaws; or (d) or otherwise act in contravention of either the Nonprofit Act § 33-31-825 or the Freedom of Information Act, S.C. Code §§ 30-40-10 et. seq. Any actions of a committee shall be reported to the Board at the next regular meeting of the Board, and must be included in the minutes of the regular Board meeting.

Section 6.7 Accounting, Books and Records: The Corporation shall maintain appropriate corporate and accounting records and shall have its accounts reviewed by its outside accountants at the end of each fiscal year. The Corporation's books and records shall be maintained as provided in this Section and in Section 6.9 of this Article.

- a) **Financial Reports.** The Corporation shall maintain at its principal office its financial reports as of the end of the most recent fiscal year, including at a minimum a balance sheet and a statement of operations of such year, accompanied by the report of the certifying accountant.
- b) **Corporate Records.** The Corporation shall maintain at its principal office the following written corporate records: articles of incorporation and any amendment from time to time in effect; Bylaws and any amendment from time to time in effect; minutes of all Board meetings, Committee meetings and action taken without meeting for the past three (3) years; and a current list of Directors and officers and their addresses of record; IRS Forms 990, 1023, and such additional tax information as may be required under IRC § 6104.
- c) **Minutes.** The Corporation shall maintain in writing or in a format convertible into writing the minutes of all other Board and committee meetings and actions without meeting.
- d) **Inspection Rights of Directors.** Each Director shall have the right to inspect and copy during regular business hours the corporate records and financial reports described in subparagraphs (a), (b) and (c) of this Section.

Section 6.8 Service Without Compensation: The Directors shall serve without compensation. Each Director may be paid per diem and mileage incidental to meetings of the Corporation, in accordance with the Operating Policies, Procedures and Guidelines of the Corporation, not to exceed standards provided by law for boards, committees, and commissions. Nothing in this Section shall prohibit the payment of reasonable compensation to an employee of the Corporation, in his or her capacity as an employee, even though such individual may also be serving as a Director.

Section 6.9 Compliance with Freedom of Information Act and IRS Disclosure Requirements: Business meetings of the Board and Committees of the Board shall be conducted in accordance with the South Carolina Freedom of Information Act, S.C. Code §§ 30-4-10 et seq. (the "FOIA"). Records of the Corporation shall be maintained and provided in accordance with the FOIA and IRC § 6104. The Operating Policies, Procedures and Guidelines of the Corporation shall contain such provisions, including language addressing conduct of meetings and disclosure of records, as to ensure the Corporation's compliance with the FOIA and Internal Revenue Service disclosure regulations.

Section 6.10 Conflicts of Interest:

- a) A conflict of interest transaction is a transaction with the Corporation in which a Director of the Corporation has a direct or indirect interest. The Executive Committee shall have the power from time to time to establish rules for the determination of whether a conflict of interest exists. A conflict of interest transaction is not voidable or the basis for imposing liability on the Director if the transaction was fair to the Corporation at the time it was entered into or is approved as provided in subsection (b).
 - a. Directors must comply with state ethics act definitions and statutes as it relates to their activity with the corporation. Where a conflict of interest exists between the by-laws and the state code, the state law will prevail.
- b) A transaction in which a Director of the Corporation has a conflict of interest may be:
 - I. authorized, approved, or ratified by the vote of the Board or a Committee of the Board if:
 - i. the material facts of the transaction and the Director's interest are disclosed or known to the Board or Committee of the Board; and
 - ii. the Directors approving the transaction in good faith reasonably believe that the transaction is fair to the Corporation; or
 - II. approved before or after it is consummated by obtaining approval of the:

- i. Attorney General; or
 - ii. the circuit court for Beaufort County in an action in which the Attorney General is joined as a party.
- c) For purposes of this section, a Director of the Corporation has an indirect interest in a transaction if:
 - i. another entity in which the Director has a material interest or in which the Director is a general partner is a party to the transaction; or
 - ii. another entity of which the Director is a director, officer, or trustee is a party to the transaction
- d) For purposes of subsection (b), a conflict of interest transaction is authorized, approved, or ratified if it receives the affirmative vote of a majority of the Directors on the Board or on the Committee who have no direct or indirect interest in the transaction, but a transaction may not be authorized, approved, or ratified under this section by a single Director. If a majority of the Directors on the Board who have no direct or indirect interest in the transaction vote to authorize, approve, or ratify the transaction, a quorum is present for the purpose of taking action under this section. The presence of, or a vote cast by, a Director with a direct or indirect interest in the transaction does not affect the validity of any action taken under subsection (b)(1) if the transaction is otherwise approved as provided in subsection (b).

Section 6.11 Bond: The Board may by resolution require any or all officers, agents and employees of the Corporation to give bond to the Corporation, with sufficient sureties, conditioned on the faithful performance of the duties of their respective offices or positions, and to comply with such other conditions as may from time to time be required by the Board.

ARTICLE VII

MEETINGS OF DIRECTORS

Section 7.1 Regular Meetings: Regular meetings of the Board shall be held periodically, at least five (5) times a year, at such date and at such time and place as the Board may fix by resolution or otherwise. All meetings of the Directors shall be subject to the Freedom of Information Act of the South Carolina Code, as amended (the "Freedom of Information Act") and shall be duly noticed in accordance therewith.

Section 7.2 Special Meetings: Special meetings of the Board may be called by or at the request of the Chairman or any three (3) Directors. Such meetings may be held at the time and place fixed by the person or persons calling the meeting.

Section 7.3 Notice; Waiver of Notice of Meetings: Regular meetings of the Board may be held without further notice to the Directors if the date, time and place of the meeting previously have been fixed by the Board; otherwise, regular meetings must be preceded by at least two (2) days' notice to each Director of the date, time and place, but not the purpose, of the meeting. Special meetings of the Board must be preceded by at least two (2) days' notice to each Director of the date, time, place and purpose of the meeting. Notice required by the foregoing provisions may be oral or written and may be communicated in person; by telephone; by facsimile transmission or other form of wire or wireless communication; or by mail or private carrier. Such notice will comply with statutory notice required by the FOIA. Oral notice is effective when communicated, if communicated in a comprehensible manner. Written notice, if in a comprehensible form, is effective at the earliest of the following: (a) when received; (b) five (5) days after its deposit in the United States mail, as evidenced by the postmark, if mailed correctly addressed and with first-class postage affixed; or (c) on the date shown on the return receipt, if sent by registered or certified mail, return receipt requested, and the receipt is signed by or on behalf of the addressee. Written notice is correctly addressed to a Director if addressed to the Director's address shown in the Corporation's current list of Directors. Notice need not be given to any Director who waives notice by a signed writing before, during or after the meeting. Attendance of a Director at any meeting constitutes a waiver of notice of the meeting, except where a Director attends a meeting

solely for the purpose of stating objection, at the beginning of the meeting, to the transaction of any business on the ground that the meeting is not lawfully called or convened.

Section 7.4 Actions Requiring Special Notice: Meetings at which the following actions are to be considered shall require not less than seven (7) days prior effective written notice: (i) a transaction involving a Director conflict of interest; (ii) indemnification of officers, employees and agents; (iii) amendment of the Articles of Incorporation (the "Articles"); (iv) amendment of these Bylaws; (v) merger; (vi) sale of assets other than in the regular course of activities; (vii) vote to remove a Director; and (viii) dissolution.

Section 7.5 Quorum, Manner of Acting Voting: At any meeting of the Board, a majority of the number of Directors in office immediately before a meeting begins will constitute a quorum for the transaction of the business of the Corporation. The Directors present at a meeting may continue to meet notwithstanding the withdrawal of enough Directors so that there is less than a quorum but no fewer than two (2) members of the Board.

At any meeting of the Directors, a Director will be entitled to vote on any issue where no conflict exists for that Director. Each member of the Board present will have one vote. Proxy voting is not permitted for the transaction of any business of the Corporation. If a quorum is present when a vote is taken, the affirmative vote of a majority of the Directors present is the act of the Board. A Director who is present at a meeting of the Board, or a Committee of the Board of which he or she is a member, when corporate action is taken is deemed to have assented to the action taken unless: (a) he objects, at the beginning of the meeting or promptly upon his arrival, to holding the meeting or transacting specified affairs at the meeting; or (b) he votes against or abstains from the action taken.

Section 7.6 Informal Action by Directors: Action taken without a meeting will be deemed action of the Board if all members of the Board execute a written consent thereto, and the consent is filed with the corporate records of the Corporation.

Section 7.7 Presence at/Participation in Meetings: Any or all Directors may participate in any meeting of the Board or meeting of any Committee through the use of conference telephone or any means of communication by which all Directors participating in the meeting may hear each other simultaneously during the meeting, and participation by such means will constitute presence in person at that meeting.

ARTICLE VIII OFFICERS

Section 8.1 Number: The officers of the Corporation shall consist of a Chairman, a Vice-Chairman, a Treasurer, a Secretary and such other officers as the Board may from time to time elect, to the extent provided or allowable by the laws of the State of South Carolina.

Section 8.2 Election and Term: The officers of the Corporation shall be elected bi-annually by the Board for two (2) year terms. Elections will be held every second year by the 15th of December. Such elections may be held at any regular or special meeting of the Board. Each officer shall hold no more than one office and shall hold such office for a period of two (2) years or until his death, resignation, retirement, removal, disqualification, or his successor is elected and qualifies. The election of an officer shall not in and of itself create any contractual right to continued employment for such officer.

Section 8.3 Removal: Any officer or agent elected or appointed by the Board may be removed by the Board whenever in its judgment the best interests of the Corporation would be served thereby; and such removal shall be without prejudice to the contract rights, if any, of the person so removed.

Section 8.4 Chairman: The Chairman shall be the chief voluntary officer of the Corporation and he or she shall preside at all meetings of the Board at which he or she shall be present, and shall represent the Corporation generally

in the community. The Chairman may sign, with any other proper officer of the Corporation authorized by the Board, any deeds, mortgages, bonds, contracts, or other instruments which the Board has authorized to be executed, except where required or permitted by law to be otherwise signed and executed and except where the signing and execution thereof shall be delegated by the Board to some other officer or agent; and, in general, he or she shall perform all duties incident to the office of chairman (or president) and such other duties as may be prescribed by the Board from time to time.

Section 8.5 Vice Chairman: In the absence of the Chairman, the Vice-Chairman, unless otherwise determined by the Board, shall perform the duties of the Chairman and, when so acting, shall have all the powers and be subject to all the restrictions upon the Chairman. The Vice-Chairman shall perform such other duties as may be assigned from time to time by the Chairman or the Board.

Section 8.6 Treasurer: The Treasurer shall (a) have custody of all funds and securities belonging to Corporation and receive, deposit or disburse the same under the direction of the Board; (b) keep full and accurate accounts of the finances of the Corporation in books provided for that purpose; (c) cause such returns, reports and/or schedules as may be required by the Internal Revenue Service and the state taxing authorities to be prepared and filed in a timely manner; (d) cause a true balance sheet of the Corporation as of the close of each fiscal year and true statements of activity, functional expenses and cash flows for such fiscal year, all in reasonable detail, to be prepared and submitted to the Board; and (e) in general, perform all duties incident to the office of treasurer and such other duties as may be assigned from time to time by the Chairman or the Board.

Section 8.7 Executive Director: The Executive Director shall be a full-time employee of the Corporation and shall be selected and employed directly by the Board. Subject to the control of the Board, the Executive Director will have overall responsibility for the routine management of the affairs of the Corporation. The executive director shall report to the Board and shall work closely with the Chairman of the corporation. Duties of the executive director shall include: (a) representing the Corporation in the community; (b) overseeing the projects of the Corporation; (c) supervising the staff and the administrative functions of the Corporation; (d) attending meetings of the Board; and (e) in general, performing such other duties as may be assigned from time to time by the Chairman or the Board or such other duties that may be necessary or in the best interest of the Corporation. The Board may approve reasonable compensation and benefits for the executive director in accordance with Section 8.9 below. The executive director may not be elected to serve on the Board but may simultaneously hold one or more of the offices of the Corporation. The executive director shall report to the Board and the Board shall review the performance of the executive director on a periodic basis; the staff of the Corporation shall report to the executive director and the executive director shall review the performance of the staff on a periodic basis.

Section 8.8 Secretary: The Secretary shall cause to be kept a correct record of all the proceedings of the meetings of the Board. He or she shall attend to the giving of notices, oversee custody of the corporate seal and records, and affix the seal to all instruments required to be executed under seal as authorized by the Board. He or she shall perform such other duties as are incident to the office of Secretary, and shall have such other powers and duties as may be conferred upon him or her by the Board or these Bylaws.

Section 8.9 Compensation: Salaries and benefits to employees of the Corporation shall be paid by the Corporation. The Executive Director may be paid reasonable compensation for his or her duties, which compensation shall be determined by the Board or duly authorized Committee as follows:

- a) The Board or Committee determining compensation shall be composed of persons who are unrelated to and not subject to the control of the Executive Director,
- b) The Board or Committee determining compensation shall contemporaneously obtain and rely upon appropriate data as to the comparability of the compensation package; and

- c) There shall be adequate contemporary documentation for the basis of the Board's or Committee's determination.

The Corporation may reimburse officers for such expenses incurred incidental to the conduct of the business and affairs of the Corporation as may be reasonable and authorized by the Board.

ARTICLE IX TRANSACTIONS

Section 9.1 Contracts: The Board may authorize any officer or officers, agent or agents, to enter into any contract or execute and deliver any instrument on behalf of the Corporation and such authority may be general or confined to specific instances.

Section 9.2 Loans: Unless authorized by a resolution of the Board, no loans shall be contracted on behalf of the Corporation and no evidences of indebtedness shall be issued in its name. Such authority may be general or confined to specific instances.

Section 9.3 Deposits: All funds of the Corporation not otherwise employed shall be deposited from time to time to the credit of the Corporation in such banks, trust companies or other depositories as the Board may select.

Section 9.4 Gifts: The Board may accept on behalf of the Corporation any contribution, gift, bequest or devise for the general purposes or for any special purpose of the Corporation.

ARTICLE X LIABILITY, INDEMNIFICATION, INSURANCE

Section 10.1 Liability: To the extent not inconsistent with the South Carolina Code, no Director or officer of the Corporation will be liable to the Corporation or to any other person for loss or damage suffered by the Corporation on account of any action taken or omitted to be taken as a Director or an officer in good faith and in a manner he or she reasonably believed to be in the best interests of the Corporation if the Director or officer exercised the same degree of care and skill as an ordinarily prudent person in a like position would have exercised under similar circumstances.

To the extent permitted by South Carolina law, no Director or officer of the Corporation will be personally liable for monetary damages for breach of any duty to the Corporation. However, this provision will not eliminate or limit the liability of a Director or officer: (1) for any breach of the Director's or officer's duty of loyalty to the Corporation; (2) for acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law; (3) for any transaction from which the Director or officer derived an improper personal benefit; or (4) under S.C. Code Sections 33-31- 831 (conflict of interest), 33-31-832 (loans or guarantees), and 33-31-833 (unlawful distributions).

All Directors and officers of the Corporation will be immune from suit arising from the conduct of the affairs of the Corporation; provided, however, such immunity will be removed when the conduct amounts to willful, wanton, or gross negligence.

Section 10.2 Indemnification: To the extent not inconsistent with the South Carolina Code, every person (and the heirs and personal representatives of such person) who is or was a Director or an officer of the Corporation will be indemnified by the Corporation, to the maximum extent permitted by law, against all liability and reasonable expense that may be incurred by him or her in connection with any claim, action, suit or proceeding (other than a proceeding in which such person will have been adjudged to be liable to the Corporation) by reason of the fact that he or she is or was a Director or an officer of the Corporation. The Corporation will also reimburse any such Director or officer for the reasonable cost of the settlement of any action, suit, or proceeding if such will be found, by a

majority of the disinterested members of the Board, to be in the best interest of the Corporation that such settlement be made and that such Director or officer was not guilty of negligence, misconduct, or nonfeasance in the performance of his or her duties as a Director or officer.

Section 10.3 Scope of Indemnification: The rights of indemnification provided in this Article will be in addition to any rights to which any such Director or officer may otherwise be entitled. Irrespective of the provisions of this Article, the Board may at any time and from time to time, approve indemnification of Directors, officers, employees or other persons to the full extent permitted by the State of South Carolina, whether on account of past or future transactions.

Section 10.4 Insurance: The Board may purchase insurance covering the Corporation's liabilities and obligations under this Article and insurance protecting the Corporation's Directors, officers and employees.

ARTICLE XI REGULATION

Section 11.1 General: The regulation of the business and conduct of the affairs of the Corporation shall conform to federal, state and local income tax laws and any other applicable federal and state law, including, but not limited to, the Nonprofit Act. In the interpretation of these Bylaws, wherever reference is made to the United States Code (U.S.C.), the United States Internal Revenue Code, Internal Revenue Laws or Treasury Regulations thereunder, the Nonprofit Act, the South Carolina Code or any other statute, or to any section thereof, such reference shall be construed to mean such code, act, laws, statutes, or section thereof, and the regulations thereunder, as the case may be, as heretofore or hereafter amended or supplemented or as superseded by laws or regulations covering equivalent subject matter.

Section 11.2 Governing Law: These Bylaws are executed and delivered in the State of South Carolina and they shall be governed by, construed and administered in accordance with the laws of the State of South Carolina.

Section 11.3 Parliamentary Procedure: The provisions of the latest edition of *Robert's Rules of Order* shall serve as the basic guide to fair and orderly procedure in meetings of the Corporation. In the event that any of the provisions of *Robert's Rules of Order* conflict with the Bylaws, the provisions of the Bylaws prevail.

ARTICLE XII AMENDMENTS

Section 12.1 Amendments: These Bylaws may be amended or restated from time to time in accordance with the provisions of S.C. Code § 33-31-1020; provided, however, in accordance with S.C. Code § 33- 31-1030 any such amendments or restatements must be approved by the Beaufort County Council prior to adoption by the Board of Directors of the Corporation.

Section 12.2 Conflicts: In the event that any of the provisions of these Bylaws, as amended or restated, conflict with any of the provisions of prior Bylaws, the provisions of the amended Bylaws control. In the event that any provisions of these Bylaws, as amended, conflict with applicable law, applicable law will control.

ARTICLE XIII SEAL

The Board may adopt a seal for the Corporation.

**ARTICLE XIV
DISSOLUTION**


Section 14.1 General: The Corporation may be dissolved and its business and affairs terminated, and such dissolution shall be in accordance with the provisions of Chapter 31 of Title 33 of the Code of Laws 1976, as amended, and § 1.501(c)(3)-1(b)(4) of the United States Treasury Regulations.

Section 14.2 Distribution: All of the property of the Corporation is irrevocably committed to the public purposes of the County; and upon dissolution of the Corporation and after all its liabilities, obligations and expenses have been discharged, all of its assets shall be conveyed or distributed in conformity with the Articles of Incorporation of the Corporation. All remaining assets of the Corporation shall be conveyed or distributed to or for the benefit of Beaufort County, or to such of one or more organizations as may be designated and unanimously approved by the Board and the County Council as long as the designated/approved organization at the time of conveyance or distribution qualifies as an organization described in §§ 501(c)(3) and 170(c)(2) of the Internal Revenue Code or any corresponding provision of any future Federal tax code.


[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, we, being the initial Directors of Beaufort County Economic Development Corporation adopt these Bylaws of the Corporation and subscribe our names, effective as of _____ 2018.

DIRECTORS:



Steve Fobes


Stephen Murray


Van Willis


Lisa Sulka


David Bennett


Rich Gough


Mike Alsko

**CERTIFICATE OF ACTION
TAKEN BY UNANIMOUS WRITTEN CONSENT
OF THE DIRECTORS OF
BEAUFORT COUNTY ECONOMIC DEVELOPMENT CORPORATION**

October 31st, 2017

The undersigned being all the directors (the "Directors") of the above named corporation (the "Corporation"), after consideration of all relevant material information and with the belief that such action would be in the best interests of the Corporation, do hereby consent to, adopt, ratify and certify for the Corporation's records the following resolutions, this action taken in lieu of a special meeting of the Directors for such purpose:

1. **Restated Articles**

The Directors of the Corporation desire to restate the Corporation's Articles of Incorporation (the "Articles of Incorporation") to correct and make certain amendments to the Articles of Incorporation, as provided for therein.

RESOLVED, that the Directors of the Corporation hereby authorize, approve, and ratify the Restated Articles of Incorporation in the form attached hereto as Exhibit A and incorporated herein by reference (the "Restated Articles"), and the execution, delivery, and filing with the South Carolina Secretary of State of the Restated Articles to effect filing of the same.

FURTHER RESOLVED, that any officer or Director of the Corporation shall execute the Restated Articles conclusively evidencing approval of the form of the Restated Articles.

2. **Bylaws**

The Directors of the Corporation desire to amend, restate and replace in their entirety any prior oral or written Bylaws of the Corporation.

RESOLVED, that the directors of the Corporation hereby authorize, approve, and ratify the Bylaws of the Corporation in the form attached hereto as Exhibit B and incorporated herein by reference (the "Bylaws") as the Bylaws of the Corporation.

3. **501(c)(3) Application**

The Directors desire for the Corporation to apply for tax exempt status under Section 501(c)(3) of the Internal Revenue Code and to register with the Secretary of State of South Carolina regarding fundraising activities.

RESOLVED, that the Corporation will apply for tax exempt status and will register with the Secretary of State for South Carolina related to its charitable fundraising activities, as applicable.

4. **Miscellaneous**

RESOLVED, that all the acts of the Directors and any officers of the Corporation and of any person authorized to act by the Directors and officers of the Corporation, taken on behalf of the Corporation in the normal course of business or in good faith, with the reasonable belief that such actions were in the best interest of the Corporation, are hereby severally ratified, confirmed, approved, and adopted as acts on behalf of the Corporation.

RESOLVED, that the unanimous consent of all the Directors is evidenced by each of their respective signatures on this document, which shall be filed in the records of the Corporation. The adoption of these resolutions by the unanimous written consent of the Directors has the effect of the adoption of these resolutions by a vote at a meeting of the Directors and may be so described in any document.

[SIGNATURE PAGE TO FOLLOW]

Exhibit B

Bylaws of the Corporation

See Attached


Exhibit A

Restated Articles of Incorporation

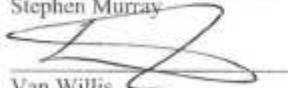
See Attached

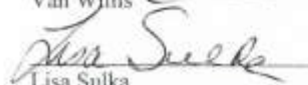
IN WITNESS WHEREOF, the undersigned have executed this Unanimous Written Consent of the Directors of Beaufort County Economic Development Corporation, to be effective as of the date first above written.

DIRECTORS:


Steve Forbes


Stephen Murray


Van Willis


Lisa Sulka


David Bennett


Rich Gough


Mike Alsko

RESOLUTION 2018/ ____

A RESOLUTION TO SUPPORT THE NATIONAL ASSOCIATION OF COUNTIES' INITIATIVE “STEPPING UP” TO REDUCE THE NUMBER OF PEOPLE WITH MENTAL ILLNESSES IN JAILS

WHEREAS, counties across the United States routinely provide treatment services to an estimated 2 million people with serious mental illnesses booked into jail each year; and

WHEREAS, prevalence rates of mental illnesses in jails are three to six times higher than for the general population; and

WHEREAS, almost three-quarters of adults with mental illnesses in jails have co-occurring substance use disorders; and

WHEREAS, adults with mental illnesses tend to stay longer in jail and upon release are at a higher risk of recidivism than people without these illnesses; and

WHEREAS, county jails spend two to three times more on adults with mental illnesses that require interventions compared to those without these treatment needs; and

WHEREAS, without the appropriate treatment and services, people with mental illnesses continue to cycle through the criminal justice system, often resulting in tragic outcomes for these individuals and their loved ones; and

WHEREAS, Beaufort County takes pride in its responsibility to protect and enhance the health, welfare and safety of its residents in efficient and cost-effective ways; and

WHEREAS, the Beaufort County Human Services Department and its partners have collaborated since 2005 via *Together for Beaufort County* to develop a multidisciplinary team focused on addressing the complex needs of our community's vulnerable residents; and

WHEREAS, *Together for Beaufort County* is a process and a community-wide effort initiated by public, private and nonprofit agencies, along with interested citizens from throughout the county, designed to establish clear goals by which progress can be measured; and

WHEREAS, through the *Stepping Up* initiative, the National Association of Counties, the Council of State Governments Justice Center, and the American Psychiatric Association Foundation are encouraging public, private and nonprofit partners to reduce the number of people with mental illnesses in jails.

NOW, THEREFORE, BE IT RESOLVED, THAT THE COUNTY COUNCIL OF BEAUFORT COUNTY, SOUTH CAROLINA supports the *Stepping Up* national initiative to reduce the number of people with mental illnesses in the Beaufort County Detention Center; commits to sharing lessons learned with other counties; and encourages all county officials, employees, and stakeholders to participate in *Stepping Up*.

We further resolve to utilize the comprehensive resources available through *Stepping Up* and *Together for Beaufort County* to implement the following activities:

- The Beaufort County Human Services Department will leverage its partnerships to convene or draw on a diverse team of leaders and decision makers from multiple agencies committed to safely reduce the number of people with mental illness in the Beaufort County Detention Center; and
- The Beaufort County Human Services Department and the Beaufort County Detention Center will collect and review prevalence numbers and assess individuals' needs to better identify adults entering the County's detention center with mental illnesses and their recidivism risk, and use that baseline information to guide decision making at the system, program, and case levels with the assistance of the South Carolina Department of Mental Health, Beaufort Memorial Hospital, and other community partners and stakeholders; and
- The Beaufort County Human Services Department and the Beaufort County Detention Center, in partnership with the Beaufort County Alcohol and Drug Abuse Department and other community partners and stakeholders, will continue to examine treatment and service capacity to determine which programs and services are available in the county for people with mental illnesses and co-occurring substance use disorders, and identify state and local policy and funding barriers to minimizing contact with the justice system and providing treatment and supports in the community; and
- The Beaufort County Human Services Department, in collaboration with its partners and stakeholders, will continue to develop a plan with measurable outcomes that draws on the County's detention center assessment and prevalence data and the examination of available treatment and service capacity, while considering identified barriers; and
- The Beaufort County Human Services Department will recommend and implement research-based approaches that advance the plan, while developing a process to track progress using data and information systems, and to report on successes.

DONE this ____ day of February, 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



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:

FROM: David L Thomas. CPPO. Purchasing Director

SUBJ:

DATE:

BACKGROUND:

VENDOR INFORMATION:

COST:


FUNDING:

Funding approved: By: Date:

FOR ACTION:

RECOMMENDATION:

Attachment:

 IFB 092217 Attachments.pdf
1.19 MB

cc: Joshua Gruber, Interim County Administrator

Check to override approval: Overridden by:
Alicia Holland, Assistant County Administrator, Finance

Check to override approval: Overridden by:

Check to override approval: Overridden by:

Check to override approval: Overridden by:

Approved: Date:

Override Date:
Approved: Date:

Approved: Date:

Override Date: ready for admin:

Approved: Date:

Override Date: ready for admin:

Approved: Date:

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Approved: Date:

Check to override approval:

Overridden by:

Override Date:

ready for admin:

After Initial Submission, Use the Save and Close Buttons

IFB 092217 Ft Fremont Construction & Landscaping Bid Tab

BID FORM

<u>Project Number</u>	<u>Location</u>	<u>Name of Company</u>	<u>Number of Days to Complete Project</u>	<u>Base \$</u>	<u>Alternate 1 \$</u>	<u>Alternate 2 \$</u>	<u>Alternate 3 \$</u>
1	Ft Fremont Construction & Landscaping	C. Merrill Construction, LLC	216	\$941,550.00	\$5,635.00	\$12,650.00	\$27,000.00
		Savannah Construction & Preservation	360	\$969,215.42	\$5,687.25	\$12,852.57	\$27,607.03
IFB 092217							



<u>Alternate 4 \$</u>
\$14,145.00
\$14,394.04

\$1,000,980
\$1,029,756



C. Merrill Construction, LLC	Savannah Construction & Preservation
---------------------------------	---

\$1,000,980 \$1,029,756



Small and Minority Business Participation Bid Compliance Review of Good Faith Efforts
Fort Fremont Building Construction and Landscaping for Beaufort County

Prime Bidder/Proposer		C. Merrill Constr.	Savannah Constr.				
1	Included Completed Good Faith Efforts Checklist Form	1	1				
2	Requested Beaufort County SMBE Vendor List	0	1				
3	Included Copy of Written Notice to SMBE	0	1				
4	Provided Proof of Sending Written Notice to SMBE	0	1				
5	Sent Bid Notice to SMBE 10 Days in Advance	0	1				
6	Included Copy of Written Notice to Good Faith Agencies	0	1				
7	Provided Proof of Sending Written Notice to Good Faith Agencies	0	1				
8	Signed Non-Discrimination Statement Form (Exhibit 1)	1	1				
9	Included Completed Outreach Documentation Log (Exhibit 2)	0	1				
10	Included Completed Proposed Utilization Plan (Exhibit 3)	0	1				
Total		2	10				

Total of 10 Possible Points

Scoring:

0 = No

1 = Yes

PAGES 1 THROUGH 10, and pages 28 AND ALL SBE REQUIREMENTS MUST
BE RETURNED BY ELECTRONIC BID PROCESS THROUGH VENDOR REGISTRY ON
OUR COUNTY WEBSITE AT WWW.BCGOV.NET OTHER PAGES SHALL REMAIN
PART OF THE BID BY REFERENCE
AND IT **IS NOT** NECESSARY TO RETURN THESE.

Program Provisions and Good Faith Outreach Effort Requirements for Small and Minority Business Participation

Security Kiosk IFB

FAILURE TO COMPLETE ALL GOOD FAITH OUTREACH EFFORT REQUIREMENTS MAY RESULT IN BID REJECTION. SPECIFIED DOCUMENTS WITHIN THESE PROGRAM PROVISIONS MUST BE RETURNED WITH THE BID PACKAGE. FALSIFICATION OF ANY REQUESTED DOCUMENTS WILL BE CONSIDERED A BREACH OF PUBLIC TRUST.

Direct questions regarding these provisions in writing via email to compliance@bcgov.net or fax to 843.255.9802.

Important Actions and Notes for Bidders

- **These program provisions affect bid responsiveness.**
- These program provisions are required for all prime bidders, regardless of whether the prime bidder is a small or minority business (SMB).
- If not self-performing one hundred percent (100%) of the project with your company's workforce, bid packages should include the following items to be in compliance with these program provisions:
 1. Good Faith Efforts Checklist form.
 2. Non-Discrimination Statement form (Exhibit 1).
 3. Proof of requesting Beaufort County's listing of local SMBs at least 10 business days in advance of the bid due date, by sending a request to bcvendors@bcgov.net.
 4. Outreach Documentation Log (Exhibit 2) and Proposed Utilization Plan (Exhibit 3). **Note:** Both of these forms will be provided electronically when requesting Beaufort County's current listing of local SMBs per item #3 above.
 5. Proof of sending written notice to SMBs notifying them of any bid opportunities. Notices only need to be sent to those subcontractors and suppliers offering the services which the bidder intends to subcontract and purchase. Notices can be e-mailed or faxed.
 6. Proof of sending written notice to Good Faith Agencies listed herein, at least 5 business days in advance of the bid due date, requesting their assistance notifying their business contacts of bidding opportunities with your company for this project. Notices can be e-mailed or faxed. If emailed, the notice can be sent to all agencies with one email.

Good Faith Agencies Distribution List

Beaufort County Black Chamber of Commerce
Attention: Mr. Larry Holman
Post Office Box 754, Beaufort, SC 29901
Email: president@bcbcc.org
Fax: 843.379.8027

Regional Chamber of Commerce
Attention: Ms. Jaime Dailey-Vergara
Post Office Box 910, Beaufort, SC 29901
Email: jaime@beaufortsc.org
Fax: 843.986.5405

Hilton Head Island-Bluffton Chamber of Commerce
Attention: Ms. Cristina Kirby
Post Office Box 5647
Email: ckirby@hiltonheadisland.org
Fax: 843.785.7110

Other Resources*

SC Office of Small and Minority Business Assistance (OSMBA)
1205 Pendleton Street, Suite 453C
Columbia, SC 29201
Telephone: 803.734.5010
www.osmba.sc.gov

SC Department Of Transportation
Business Development and Special Programs
Post Office Box 191
Columbia, SC 29202
Telephone: 803.737.2314
www.scdot.org

**You do not need to send a notification to these agencies; however, they can assist you in identifying certified minority and disadvantaged businesses.*

Program Overview

Beaufort County recognizes that the South Carolina General Assembly, in South Carolina Code of Laws Section 11-35-5210*, has declared that businesses owned and operated by minority persons have been historically restricted from full participation in our free enterprise system to a degree disproportionate to other businesses; and that it is in the state's best interest to assist minority-owned businesses to develop fully as part of the state's policies and programs which are designed to promote balanced economic and community growth throughout the state. Therefore, Beaufort County wishes to ensure that those businesses owned and operated by minorities are afforded the opportunity to fully participate in its overall procurement process for goods and services. Further, Beaufort County seeks to ensure that small businesses are likewise afforded the same participation opportunity as minority businesses. Consequently, attention of all bidders is called to contract provisions contained herein pertaining to Beaufort County's "Small and Minority Business Participation Program", as described in the Beaufort County Code of Ordinances, Section 2-537.2**.

Pre-Award and Post-Award Requirements

Beaufort County requires all bidders for this project to fulfill specific good faith outreach efforts. The successful bidder (contractor) is required to fulfill any commitments made to the best of their ability in conjunction with pre-award good faith outreach efforts, unless good cause is demonstrated for any failure to fulfill such commitment. Beaufort County shall have the right to inspect the contractor's records related to the activity and expenditures to SMBs utilized on County projects, to include related contracts and purchase orders and payment records, such as cancelled check copies. Further, Beaufort County personnel are permitted access to County project sites with the purpose of confirming workers on the project. Beaufort County may require the contractor to provide monthly reports regarding its utilization and expenditures to small and minority businesses on Beaufort County projects.

Definitions

Minority Business means a concern at least fifty-one percent (51%) owned by a person determined to be socially and economically disadvantaged. *Socially disadvantaged* means those persons who have been subject to racial or ethnic prejudice or cultural bias because of their identification as members of a certain group without regard to their individual qualities. Such groups include, but are not limited to, Black Americans, Hispanic Americans, Native Americans (including American Indians, Eskimos, Aleuts and Native Hawaiians), Asian Pacific Americans, women, and other minorities to be designated by the state or Beaufort County. *Economically disadvantaged* means those socially disadvantaged persons whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same business area that are not socially disadvantaged.

Small Business means a for-profit concern that is independently owned and operated, not dominant in the field of operation in which it is bidding on government contracts, and qualified as a small business under the criteria and size standards in the Code of Federal Regulations, Title 13, Part 121***, as amended.

* South Carolina Code of Laws, Chapter 35 "South Carolina Consolidated Procurement Code", Article 21 "Assistance to Minority Businesses".

** Beaufort County Code of Ordinances, Article 7 "Finance, Division 4 "Purchasing", Section 2-537.2 "Small and Minority-owned Business Program".

*** Code of Federal Regulations, Title 13 "Business Credit and Assistance", Chapter 1 "Small Business Administration", Part 121 "Small Business Size Standards".

Self-Performance Affidavit

If self-performing the entire project with your own workforce/staff on your payroll, complete and return this form with your bid package. If self-performing all work, you do not need to solicit SMBs.

I hereby certify my company's intent to self-perform 100% of the work required for the referenced project:

Project Name: _____

Project Number: _____

By signing this affidavit, I further certify that my company has the capability to perform and will perform all elements of the work on the project referenced above with my company's employees.

I further agree to provide additional information or documentation requested by Beaufort County in support of the above statement.

If a need to subcontract all or some of my company's work on this project arises, I will notify Beaufort County in writing within three (3) business days via email at compliance@bcgov.net or fax at 843.255.9802.

Name of Company

Owner or Authorized Representative Name

Signature

Title

Date

State of _____ County of _____

Subscribed and sworn to before me this _____ day of _____, 20____

Notary Public _____ My Commission Expires _____

Good Faith Efforts Checklist

This form and supporting documents are due with the bid package, if not self-performing 100% of the work.

Divide and/or combine scope of work packages into economically feasible units, **if possible**.

Request a list of potential SMBs from Beaufort County at least 10 business days prior to the bid due date, by emailing a request to **bcvendors@bcgov.net**.

Send written notice to Good Faith Agencies and SMBs of your intent to bid the project and express an interest in receiving quotes from SMBs. Notices should be sent at least 5 business days prior to the bid due date and can be e-mailed or faxed. The notice should contain the following:

- Bidder's name and contact information
- Project name and number
- Scope of work/bid packages available for subcontracting
- Information on availability of plans and specifications
- Bidder's insurance, bonding, and financial requirements

Include copies of the written notice to SMBs notifying them of bid opportunities. Notices only need to be sent to those subcontractors and suppliers offering the services which the bidder intends to subcontract and purchase. Notices can be e-mailed or faxed. If emailed, the notice may be sent to all applicable subcontractors with one email. If faxed, include a copy of the fax transmittal confirmation slip. If the notice is mailed, include a copy of the stamped or metered envelope.

Include copies of the written notice to Good Faith Agencies requesting their assistance notifying their local business contacts of bidding opportunities with your company for this project. The request should be sent at least 10 business days prior to the bid due date and can be e-mailed or faxed. If emailed, the notice may be sent to all agencies with one email. If faxed, include a copy of the fax transmittal confirmation slip. If the notice is mailed, include a copy of the stamped or metered envelope.

Include Exhibits 1, 2 and 3, with all requested supporting documentation, where applicable. Exhibits 2 and 3 must be requested by sending an email to **bcvendors@bcgov.net** (see page 2, item #4 of these provisions).

The undersigned acknowledges making a good faith effort to comply with the above areas checked.

Name of Company

Owner or Authorized Representative Name

Signature

Title

Date

Exhibit 1 Non-Discrimination Statement

This form is due with the bid package.

The bidder certifies the following:

- No person shall be excluded from participation in, denied the benefit of, or otherwise discriminated against on the basis of race, color, national origin, or gender in connection with any bid submitted to Beaufort County or the performance of any contract resulting thereof;
- That it is and shall be the policy of the bidder to provide equal opportunity to all businesses or persons seeking to contract or otherwise interested in contracting with the bidder for Beaufort County contracts, including those businesses owned and controlled by socio-economic and racial minorities;
- In connection herewith, we acknowledge and warrant that this bidder has been made aware of, understands, and agrees to take affirmative action to provide such companies with the maximum practicable opportunities to do business with this bidder;
- That this promise of non-discrimination as made and set forth herein shall be continuing in nature and shall remain in full force and effect without interruption throughout the life of the referenced contract with Beaufort County;
- That the promises of non-discrimination as made and set forth herein shall be and are hereby deemed to be made a part of and included by reference into any contract or portion thereof which this bidder may hereafter obtain and;
- That the failure of this bidder to satisfactorily discharge any of the promises of non-discrimination as made and set forth herein shall constitute a material breach of contract entitling Beaufort County to declare the contract in default and to exercise any and all applicable right and remedies including, but not limited to cancellation of the contract, termination of the contract, suspension and debarment from future contracting opportunities, and withholding and/or forfeiture of compensation due and owing on a contract.

Name of Company

Owner or Authorized Representative Name

Signature

Title

2018/___

AN ORDINANCE TO AMEND BEAUFORT COUNTY ORDINANCE 2017/15, FOR FY 2017-2018 BEAUFORT COUNTY BUDGET TO PROVIDE FOR ADDITIONAL REVENUE RECEIVED FROM THE TOWN OF HILTON HEAD; TO PROVIDE FOR A REALLOCATION OF FUNDS TO MEET INCREASED MANDATORY PEBA CONTRIBUTIONS; TO PROVIDE FOR REALLOCATION OF FUNDS FOR THE EMPLOYEE COMPENSATION PLAN; TO PROVIDE FOR A REALLOCATION OF FUNDS FOR INCREASED EXPENDITURES FOR THE DAUFUSKIE ISLAND FERRY OPERATIONS; AND TO PROVIDE FOR A SUPPLEMENTAL EXPENDITURE FOR MATCHING FUNDS FOR THE BON AIRE CIRCLE SEWER EXTENSION CDBG GRANT.

WHEREAS, on June 12, 2017, Beaufort County Council adopted Ordinance No. 2017/15 which sets the County's FY 2017-2018 budget and associated expenditures; and

WHEREAS, additional revenues have been realized through negotiations between the Beaufort County Sheriff and the Town of Hilton Head; and

WHEREAS, certain additional expenditures not previously contemplated are necessary and in the best interest of the safety, health and welfare of the citizens of Beaufort County; and

WHEREAS, certain reallocation of funds is necessary to meet the priorities and objectives of County Council and are shown on the attached Exhibit A; and

WHEREAS, Beaufort County Council has determined it to be in the best interest of its citizens to acknowledge additional revenues and to approve certain supplemental expenditures as provided herein.

NOW, THEREFORE, BE IT ORDAINED, by Beaufort County Council that the FY 2017-2018 Beaufort County Budget Ordinance (Ordinance 2017/15) is hereby amended as shown on the attached Exhibit A in the following manner:

1. Ordinance 2017/15 Section 4 is hereby amended to include in the Sheriff's total approved appropriation an additional \$234,370 contributed by the Town of Hilton Head to the Sheriff's budget.
2. Ordinance 2017/15 is hereby amended to reflect a reallocation of funds to provide for mandated increase of PEBA employer contributions in the amount of \$1,156,606.
3. Ordinance 2017/15 is hereby amended to reflect a reallocation of funds to provide \$1,000,000 for the employee compensation program.
4. Ordinance 2017/15 is hereby amended to reflect a reallocation of funds to provide for \$112,075 for Daufuskie Island Ferry operations.

5. Ordinance 2017/15 is hereby amended so as to provide a supplemental appropriation from the General Fund/Reserve balance in the amount of \$607,419 to provide for Beaufort County's matching funds for the Bon Aire Circle Sewer Extension CDBG grant project. Resolution 2016/6 is hereby modified to provide for the necessary expenditures for completion of the sewer extension.

DONE 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:

	<u>ORDINANCE</u> <u>2017/15</u>	<u>BCSO/TOHH</u> <u>Revenue</u> <u>Amendment</u>	<u>PEBA Mandated</u> <u>Increase</u> <u>(distribution of</u> <u>allocation)</u>	<u>Compensation Plan</u> <u>Implementation</u> <u>(distribution of</u> <u>allocation)</u>	<u>Distribution of</u> <u>allocations (IT</u> <u>Capital Equip &</u> <u>Daufuskie Ferry)</u>	<u>Bonaire</u> <u>Estates</u> <u>Sewer</u> <u>Project</u>	<u>FINAL AMENDED</u> <u>FY 2018</u> <u>APPROPRIATION</u> <u>AMOUNTS</u>
SECTION 4. COUNTY OPERATIONS APPROPRIATION							
I. Elected Officials and State Appropriations:							
A. Sheriff	\$ 22,304,949	\$ 234,370	\$ 371,904	\$ -	\$ -	\$ -	\$ 22,911,223
Emergency Management	\$ 7,693,069	\$ -	\$ 55,755	\$ -	\$ -	\$ -	\$ 7,748,824
B. Magistrate	\$ 1,894,965	\$ -	\$ 31,157	\$ 5,671	\$ -	\$ -	\$ 1,931,793
C. Solicitor	\$ 1,245,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,245,000
D. Clerk of Court	\$ 1,110,126	\$ -	\$ 15,225	\$ 25,254	\$ -	\$ -	\$ 1,150,605
E. Treasurer	\$ 1,094,659	\$ -	\$ 16,811	\$ 76,747	\$ -	\$ -	\$ 1,188,217
F. Auditor	\$ 855,551	\$ -	\$ 11,994	\$ 24,033	\$ -	\$ -	\$ 891,578
G. Public Defender	\$ 819,293	\$ -	\$ 30,516	\$ -	\$ -	\$ -	\$ 849,809
H. Probate Court	\$ 761,622	\$ -	\$ 11,454	\$ 17,181	\$ -	\$ -	\$ 790,257
I. County Council	\$ 623,418	\$ -	\$ 5,539	\$ 2,440	\$ -	\$ -	\$ 631,397
J. Coroner	\$ 530,310	\$ -	\$ 5,046	\$ 10,965	\$ -	\$ -	\$ 546,321
K. Master-in-Equity	\$ 314,129	\$ -	\$ 4,429	\$ 3,334	\$ -	\$ -	\$ 321,892
L. Social Services	\$ 147,349	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 147,349
M. Legislative Delegation	\$ 65,175	\$ -	\$ 585	\$ -	\$ -	\$ -	\$ 65,760
Total Elected Officials and State Appropriations	\$ 39,459,615	\$ 234,370	\$ 560,415	\$ 165,625	\$ -	\$ -	\$ 40,420,025
II. County Administration Operations:							
A. Public Works	\$ 16,746,565	\$ -	\$ 86,713	\$ 472,820	\$ -	\$ -	\$ 17,306,098
B. Administration	\$ 9,327,350	\$ -	\$ 63,103	\$ (1,838,839)	\$ 1,000,000	\$ -	\$ 8,551,614
C. Emergency Medical Services	\$ 6,800,786	\$ -	\$ 93,245	\$ 191,568	\$ -	\$ -	\$ 7,085,599
D. Detention Center	\$ 5,884,728	\$ -	\$ 82,432	\$ 157,054	\$ -	\$ -	\$ 6,124,214
E. Community Services	\$ 3,752,480	\$ -	\$ 102,124	\$ 911,520	\$ 112,075	\$ 607,419	\$ 5,485,618
F. Library	\$ 3,752,948	\$ -	\$ 49,896	\$ 355,629	\$ -	\$ -	\$ 4,158,473
G. Parks and Leisure Services	\$ 3,428,584	\$ -	\$ 17,888	\$ 71,655	\$ -	\$ -	\$ 3,518,127
H. Assessor	\$ 2,176,021	\$ -	\$ 33,045	\$ 212,534	\$ -	\$ -	\$ 2,421,600
I. Mosquito Control	\$ 1,701,066	\$ -	\$ 10,470	\$ 66,023	\$ -	\$ -	\$ 1,777,559
J. Building Codes and Enforcement	\$ 1,137,874	\$ -	\$ 14,069	\$ 40,299	\$ -	\$ -	\$ 1,192,242
K. Public Health	\$ 1,081,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,081,000
L. Animal Services	\$ 937,793	\$ -	\$ 8,391	\$ 33,033	\$ -	\$ -	\$ 979,217
M. Employee Services	\$ 807,724	\$ -	\$ 5,210	\$ 36,245	\$ -	\$ -	\$ 849,179
N. Voter Registration	\$ 718,261	\$ -	\$ 7,397	\$ 24,131	\$ -	\$ -	\$ 749,789
O. Planning	\$ 675,219	\$ -	\$ 10,873	\$ 49,707	\$ -	\$ -	\$ 735,799
P. General Government Subsidies	\$ 585,579	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 585,579
Q. Traffic Engineering	\$ 570,789	\$ -	\$ 4,821	\$ 19,713	\$ -	\$ -	\$ 595,323
R. Register of Deeds	\$ 506,613	\$ -	\$ 6,514	\$ 32,097	\$ -	\$ -	\$ 545,224
S. Zoning	\$ 181,401	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 181,401
T. Employer Provided Benefits	\$ 18,811,964	\$ -	\$ (1,156,606)	\$ (1,000,814)	\$ (1,112,075)	\$ -	\$ 15,542,469
Total County Administration Operations	\$ 79,584,745	\$ -	\$ (560,415)	\$ (165,625)	\$ -	\$ 607,419	\$ 79,466,124

FISCAL YEAR 2017/2018 BEAUFORT COUNTY BUDGET AMENDMENTS/REALLOCATIONS

	<u>ORDINANCE</u> <u>2017/15</u>	<u>BCSO/TOHH</u> <u>Revenue</u> <u>Amendment</u>	<u>PEBA Mandated</u> <u>Increase</u> <u>(distribution of</u> <u>allocation)</u>	<u>Compensation Plan</u> <u>Implementation</u> <u>(distribution of</u> <u>allocation)</u>	<u>Distribution of</u> <u>allocations (IT</u> <u>Capital Equip &</u> <u>Daufuskie Ferry)</u>	<u>Bonaire</u> <u>Estates</u> <u>Sewer</u> <u>Project</u>	<u>FINAL AMENDED</u> <u>FY 2018</u> <u>APPROPRIATION</u> <u>AMOUNTS</u>
<u>SECTION 5. HIGHER EDUCATION ALLOCATION</u>							
A. The Technical College of the Lowcountry	\$ 2,171,720	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,171,720
B. University of South Carolina - Beaufort	\$ 2,171,720	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,171,720
Total Higher Education Allocation	\$ 4,343,440	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,343,440
Grand Total of Expenditures	\$ 123,387,800	\$ 234,370	\$ -	\$ -	\$ -	\$ 607,419	\$ 124,229,589
<u>SECTION 6. COUNTY OPERATIONS REVENUES</u>							
A. Ad Valorem Tax Collections	\$ 96,435,749	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 96,435,749
B. Charges for Services	\$ 11,702,715	\$ 234,370	\$ -	\$ -	\$ -	\$ -	\$ 11,937,085
C. Intergovernmental Revenue Sources	\$ 9,197,645	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 9,197,645
D. Licenses and Permits	\$ 3,429,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,429,000
E. Interfund Transfers	\$ 1,568,750	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,568,750
F. Fines and Forfeitures' collections	\$ 750,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 750,000
G. Miscellaneous revenue sources	\$ 251,136	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 251,136
H. Interest on investments	\$ 52,805	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 52,805
Total County Operations Revenues	\$ 123,387,800	\$ 234,370	\$ -	\$ -	\$ -	\$ -	\$ 123,622,170
<i>Use of General Fund Balance (reserve)</i>	<i>\$ -</i>	<i>\$ -</i>	<i>\$ -</i>	<i>\$ -</i>	<i>\$ -</i>	<i>\$ (607,419)</i>	<i>\$ (607,419)</i>

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: January 22, 2018

Second Reading:

Public Hearing:

Third and Final Reading:

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: January 22, 2018

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:

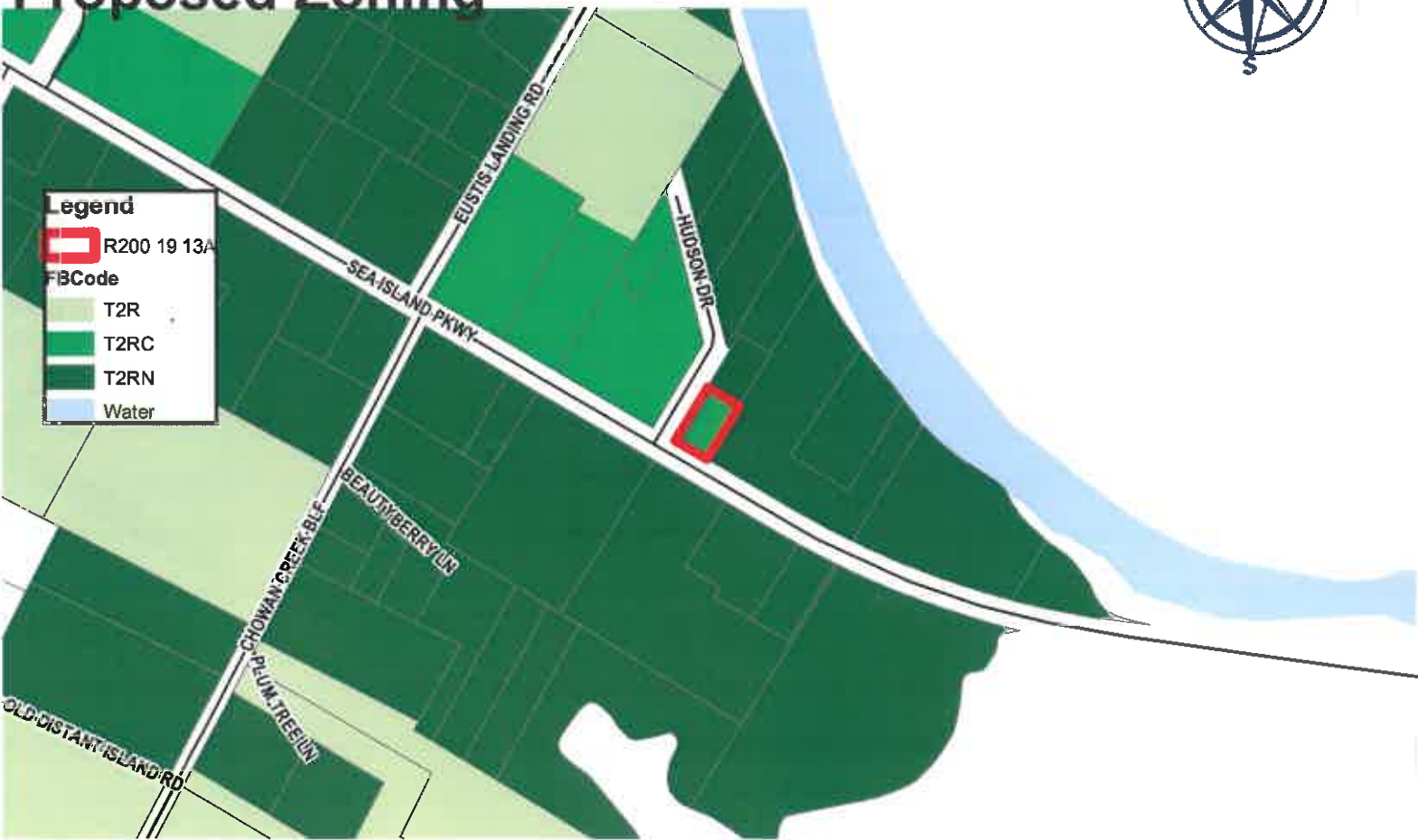
Ashley M. Bennett, Clerk to Council

First Reading: January 22, 2018
Second Reading:
Public Hearing:
Third and Final Reading:

Existing Zoning



Proposed Zoning



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: January 22, 2018

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

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: January 22, 2018

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