

# COUNTY COUNCIL OF BEAUFORT COUNTY

ADMINISTRATION BUILDING

100 RIBAUT ROAD

POST OFFICE DRAWER 1228

BEAUFORT, SOUTH CAROLINA 29901-1228

TELEPHONE: (843) 255-2180

FAX: (843) 255-9401

[www.bcgov.net](http://www.bcgov.net)

WM. WESTON J. NEWTON  
CHAIRMAN

D. PAUL SOMMERVILLE  
VICE CHAIRMAN

## COUNCIL MEMBERS

STEVEN M. BAER  
RICK CAPORALE  
GERALD DAWSON  
BRIAN E. FLEWELLING  
HERBERT N. GLAZE  
WILLIAM L. McBRIDE  
STEWART H. RODMAN  
GERALD W. STEWART  
LAURA VON HARTEN

GARY KUBIC  
COUNTY ADMINISTRATOR

BRYAN J. HILL  
DEPUTY COUNTY ADMINISTRATOR

LADSON F. HOWELL  
COUNTY ATTORNEY

SUZANNE M. RAINEY  
CLERK TO COUNCIL

## AGENDA

### COUNTY COUNCIL OF BEAUFORT COUNTY

Monday, September 12, 2011

4:00 p.m.

Hilton Head Island Branch Library

11 Beach City Road, Hilton Head Island

Citizens may participate in the public comment periods and public hearings telephonically from Council Chambers of the Administration Building, Government Center, 100 Ribaut Road, Beaufort as well as Mary Field School, Daufuskie Island.

1. CAUCUS - 4:00 p.m.  
Discussion is not limited to agenda items.  
Large meeting room, Hilton Head Island Branch Library
2. REGULAR MEETING - 5:00 p.m.  
Large meeting room, Hilton Head Island Branch Library
3. CALL TO ORDER
4. PLEDGE OF ALLEGIANCE
5. INVOCATION
6. REVIEW OF MINUTES – [August 22, 2011](#)
7. PUBLIC COMMENT
8. COUNTY ADMINISTRATOR'S REPORT ([backup](#))  
Mr. Gary Kubic, County Administrator
  - A. The County Channel / Broadcast Update ([backup](#))
  - B. Three-Week Progress Report ([backup](#))
  - C. Beaufort County Treasurer Doug Henderson / Update on Amnesty Program / Depository Agreement Selection Process
  - D. Heritage Classic Foundation / Mr. Simon Fraser and Mr. Steve Wilmot / Status Report
  - E. Impacts of state legislation to create presidential preference primaries for South Carolina  
Mr. Scott Marshall, Executive Director, Board of Elections and Registration
  - F. Beaufort-Jasper Water and Sewer Authority / Mr. Dean Moss / Mr. Ken Griffin

Over



- G. Beaufort Memorial Hospital Refunding and Improvement Revenue Bonds  
Mr. Jeff White, Chief Financial Officer, Beaufort Memorial Hospital
- H. Approval / Town of Bluffton Intergovernmental Agreement on Stormwater Utility Operation ([backup](#))
- I. Approval / One-Year Extension City of Beaufort Intergovernmental Agreement on Stormwater Utility Operation
- J. Approval / One-Year Extension Town of Port Royal Intergovernmental Agreement on Stormwater Utility Operation

9. CONSENT AGENDA – ITEMS A THROUGH M

- A. AN ORDINANCE TO AMEND PART I, CHAPTER 46, ARTICLE III OF THE BEAUFORT COUNTY CODE OF ORDINANCES RELATING TO THE BEAUFORT COUNTY DISABILITIES AND SPECIAL NEEDS BOARD ([backup](#))
  - 1. Consideration of second reading approval to occur September 12, 2011
  - 2. Public hearing – Monday, September 26, 2011, beginning at 6:00 p.m. in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort
  - 3. Consideration of first reading approval occurred August 22, 2011 / Vote 11:0
  - 4. Community Services Committee discussion and recommendation to approve occurred August 15, 2011 / Vote 8:0
- B. AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2011A, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF BEAUFORT COUNTY, SOUTH CAROLINA, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$18,250,000; FIXING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE 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
  - 1. Consideration of second reading approval to occur September 12, 2011
  - 2. Public hearing – Monday, September 26, 2011, beginning at 6:00 p.m. in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort
  - 3. Consideration of first reading approval occurred August 22, 2011 / Vote 11:0
  - 4. Finance and Governmental Committees discussion and recommendation to approve occurred August 15, 2011 / Vote 9:0 ([backup](#))
- C. AN ORDINANCE TO REGULATE OUTDOOR BURNING WITHIN THE UNINCORPORATED AREAS OF BEAUFORT COUNTY; TO PROVIDE FOR THE ENFORCEMENT THEREOF, AND MATTERS RELATED THERETO ([backup](#))
  - 1. Consideration of second reading approval to occur September 12, 2011
  - 2. Public hearing – Monday, September 26, 2011, beginning at 6:00 p.m. in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort

3. Consideration of first reading approval occurred August 22, 2011 / Vote 10:0
  4. Governmental Committee discussion and recommendation to approve occurred August 16, 2011 / Vote 4:0
- D. FISCAL YEAR-2011 FAA GRANT OFFERS IN THE AMOUNT OF \$2,842,129 / AIRPORT IMPROVEMENT PROGRAM AT THE HILTON HEAD ISLAND AIRPORT ([backup](#))
1. Public Facilities Committee discussion and recommendation to approve occurred August 23, 2011 / Vote 5:0
  2. Grant Projects: Runway 21 Off-Airport Tree Obstruction Removal and Mitigation as well as Air Carrier Apron Joint Material Replacement
    - a. Grant amount: \$1,724,154
    - b. Funding source: State matching funds (2.5%) will be requested and the local match (2.5%) will be \$45,373; Fund 580
  3. Grant Project: Master Plan Reimbursement and to conduct the Environmental Assessment and Benefit Cost Analysis for implementation of Phase I of the Master Plan
    - a. Grant amount: \$813,591
    - b. Funding source: State matching funds (2.5%) will be requested and the local match (2.5%) will be \$21,410; Fund 580
  4. Grant Project: Part 150 Noise Compatibility Study Reimbursement
    - a. Grant amount: \$304,384
    - b. Funding source: This grant is for reimbursement of previous expenditures.
    - c. This grant offer may be delayed until next year's grant cycle.
- E. ROCK PURCHASE FOR COUNTY DIRT ROAD IMPROVEMENTS ([backup](#))
1. Public Facilities Committee discussion and recommendation to approve occurred August 23, 2011 / Vote 5:0
  2. Contract Award: JR Wilson Construction Company, Hampton, SC
  3. Contract Amount: \$75,924.53
  4. Dirt Road Improvements: Rice Road (Port Royal Island), Stoney Hill Loop (Bluffton), Waters Avenue (Bluffton), and Echo Tango Road (Okatie)
  5. Funding Source: \$10 motorized vehicle (TAG) funds, Account #3322T-54901
- F. A RESOLUTION MAKING APPLICATION TO THE STATE BUDGET AND CONTROL BOARD OF SOUTH CAROLINA FOR APPROVAL OF THE ISSUANCE BY BEAUFORT COUNTY, SOUTH CAROLINA, OF ITS HOSPITAL REFUNDING AND IMPROVEMENT REVENUE BONDS (BEAUFORT MEMORIAL HOSPITAL) SERIES 2011, IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$50,000,000; PURSUANT TO THE PROVISIONS OF TITLE 44, CHAPTER 7, ARTICLE 11, CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED
1. Consideration of adoption to occur September 12, 2011 ([backup](#))
  2. Finance Committee discussion September 12, 2011

- G. AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$50,000,000 AGGREGATE PRINCIPAL AMOUNT OF HOSPITAL REFUNDING AND IMPROVEMENT REVENUE BONDS (BEAUFORT MEMORIAL HOSPITAL) SERIES 2011; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AND LOAN AGREEMENT, A REFUNDING ESCROW DEPOSIT AGREEMENT IN CONNECTION THEREWITH; AUTHORIZING PROPER OFFICERS TO DO ALL THINGS NECESSARY OR ADVISABLE; AND OTHER MATTERS INCIDENTAL THERETO ([backup](#))
1. Consideration of first reading approval to occur September 12, 2011
  2. Finance Committee discussion September 12, 2011
- H. AN ORDINANCE TO AMEND THE FY2011-2012 BEAUFORT COUNTY BUDGET ORDINANCE SO AS TO PROVIDE A TRANSFER FROM THE COUNTY'S GENERAL RESERVE FUND IN THE AMOUNT OF \$260,880.00 IN MATCHING GRANT FUNDS FOR THE BEAUFORT COUNTY RAILS TO TRAILS PROGRAM ([backup](#))
1. Consideration of first reading approval to occur September 12, 2011
  2. Finance Committee discussion September 12, 2011
- I. AN ORDINANCE TO AMEND THE FY2011-2012 BEAUFORT COUNTY BUDGET ORDINANCE SO AS TO PROVIDE A SUPPLEMENTAL APPROPRIATION FROM THE COUNTY'S GENERAL RESERVE FUND IN THE AMOUNT OF \$72,159.83 FOR THE PURPOSE OF FUNDING CENSUS-BASED BEAUFORT COUNTY MAGISTRATE SALARY INCREASES FOR THE PERIOD OF JULY 1, 2011 TO JUNE 30, 2012 ([backup](#))
1. Consideration of first reading approval to occur September 12, 2011
  2. Finance Committee discussion September 12, 2011
- J. BEAUFORT COUNTY ZONING MAP AMENDMENT FOR R300 015 000 0101 0000 (KNOWN AS ST. HELENA STATION PLANNED UNIT DEVELOPMENT (PUD), 13.24 ACRES OFF SEA ISLAND PARKWAY/HIGHWAY 21); FROM PUD TO RURAL (R) ZONING DISTRICT ([backup](#))
1. Consideration of first reading approval to occur September 12, 2011
  2. Natural Resources Committee discussion and recommendation to approve occurred September 6, 2011 / Vote 5:0
- K. TEXT AMENDMENT TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), ARTICLE VII, SEC. 106-1845(6) BUFFER DISTURBANCE (ADDS RIVER BUFFER DISTURBANCE STANDARDS) ([backup](#))
1. Consideration of first reading approval to occur September 12, 2011

2. Natural Resources Committee discussion and recommendation to approve occurred September 6, 2011 / Vote 5:0

L. CONSIDERATION OF A BALLOT REFERENDUM TO CHANGE THE FORM OF BEAUFORT COUNTY GOVERNMENT FROM COUNCIL / ADMINISTRATOR TO COUNCIL / MANAGER

1. Consideration of first reading, by title only, approval to occur September 12, 2011
2. Governmental Committee discussion and recommendation to approve occurred September 6, 2011 / Vote 6:0

M. CONSIDERATION OF AN APPLICATION FOR APPROVAL OF AN EXTENSION TO THE FIVE-YEAR PARTIAL MANUFACTURING EXEMPTION GRANTED TO MISTER LABEL, INCORPORATED, OF 34 BLUFFTON ROAD, BLUFFTON, SC 29910, AS PROVIDED FOR BY SOUTH CAROLINA CODE OF LAWS SECTION 12-37-220(C)

1. Consideration of approval to occur September 12, 2011
2. Governmental Committee discussion and recommendation to approve occurred September 6, 2011 / Vote 6:0

10. PUBLIC HEARINGS – A THROUGH D

A. CONSIDERATION OF AN ORDINANCE REDISTRICTING THE COUNTY COUNCIL OF BEAUFORT COUNTY ([backup](#))

1. Consideration of third and final reading to occur September 12, 2011
2. Second reading approval and public hearing occurred August 22, 2011 / Vote 11:0
3. Redistricting Committee discussion occurred August 18, 2011
4. First reading, by title only, approval occurred August 8, 2011 / Vote 11:0
5. Redistricting Committee discussion occurred August 3, 2011
6. Redistricting Committee discussion occurred July 20, 2011
7. Public hearing held July 18, 2011 at Bluffton Branch Library
8. Redistricting Committee discussion occurred June 27, 2011
9. Redistricting Committee discussion occurred June 16, 2011
10. Public hearing held June 15, 2011 at Hilton Head Island Branch Library
11. Public hearing held May 24, 2011 in Council Chambers
12. Redistricting Committee discussion occurred May 13, 2011
13. County Council update occurred April 25, 2011 Council Meeting
14. Redistricting Committee discussion occurred April 18, 2011
15. County Council briefing occurred November 29, 2010

B. BEAUFORT COUNTY ZONING MAP AMENDMENT (MASTER PLAN AMENDMENT) FOR R300 009 000 0050 (KNOWN AS OAK ISLAND), PART OF THE DATAW ISLAND PLANNED UNIT DEVELOPMENT (PUD), 31.7 ACRES

ADJACENT TO DATAW ISLAND; TO ALLOW 21 DUPLEX UNITS (42 TOTAL DWELLING UNITS) RATHER THAN THE 35 SINGLE FAMILY DWELLING UNITS ORIGINALLY APPROVED ([backup](#))

1. Consideration of third and final reading to occur September 12, 2011
2. Second reading approval occurred August 22, 2011 / Vote 11:0
3. First reading approval occurred August 8, 2011 / Vote 11:0
4. Natural Resources Committee discussion and recommendation to approve occurred July 26, 2011 / Vote 4:0

C. AN ORDINANCE TO ADOPT THE BEAUFORT COUNTY HAZARD MITIGATION PLAN ([backup](#))

1. Consideration of third and final reading to occur September 12, 2011
2. Second reading approval occurred August 22, 2011 / Vote 11:0
3. First reading approval occurred August 8, 2011 / Vote 11:0
4. Natural Resources Committee discussion and recommendation to approve occurred July 26, 2011 / Vote 4:0

D. AN ORDINANCE AUTHORIZING FUNDS IN THE AMOUNT OF \$30,000 TO PENN CENTER FOR DEVELOPMENT OF A LOWCOUNTRY FARMERS / SCHOOL DISTRICT ECONOMIC PARTNERSHIP ([backup](#))

1. Consideration of third and final reading contingent upon the County Administrator finalizing the process to establish a collaborative effort between S.C. Coastal Community Development Corporation (CDC) and Penn Center as well as obtaining a firm estimate for all costs to upgrade the Penn Center dairy barn building to Department of Agriculture standards.
2. Second reading approval occurred August 22, 2011 / Vote 11:0
3. Community Services Committee discussion and recommendation to approve occurred August 15, 2011 / Vote 8:0
4. First reading, by title only, occurred May 23, 2011 / Vote 11:0
5. Community Services Committee discussion and recommendation to approve occurred August 15, 2011 / Vote 8:0

11. COMMITTEE REPORTS ([backup](#))

12. PUBLIC COMMENT

13. EXECUTIVE SESSION - Receipt of legal advice relating to pending and potential claims covered by the attorney-client privilege

14. ADJOURNMENT