

COUNTY COUNCIL OF BEAUFORT COUNTY

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D. PAUL SOMMERVILLE
CHAIRMAN

STEWART H. RODMAN
VICE CHAIRMAN

COUNCIL MEMBERS

CYNTHIA M. BENSCH
RICK CAPORALE
GERALD DAWSON
BRIAN E. FLEWELLING
WILLIAM L. MCBRIDE
GERALD W. STEWART
ROBERTS "TABOR" VAUX, JR
LAURA L. VON HARTEN

GARY KUBIC
COUNTY ADMINISTRATOR

BRYAN J. HILL
DEPUTY COUNTY ADMINISTRATOR

JOSHUA A. GRUBER
COUNTY ATTORNEY

SUZANNE M. RAINEY
CLERK TO COUNCIL

AGENDA

COUNTY COUNCIL OF BEAUFORT COUNTY

Monday, August 26, 2013

4:00 p.m.

Large Meeting Room, Bluffton Branch Library
120 Palmetto Way, Bluffton, South Carolina

Citizens may participate in the public comment periods and public hearings from telecast sites at County Council Chambers, Beaufort as well as Mary Field School, Daufuskie Island.

1. CAUCUS - 4:00 P.M.
 - A. Committee Reports
 - B. Discussion is not limited to agenda items
2. REGULAR MEETING - 5:00 P.M.
3. CALL TO ORDER
4. PLEDGE OF ALLEGIANCE
5. INVOCATION – Vice Chairman Stu Rodman
6. RECOGNITION – Mr. Steven Baer, Former County Council Member
7. ADMINISTRATIVE CONSENT AGENDA
 - A. Approval of Minutes – August 12, 2013 ([backup](#))
 - B. Receipt of County Administrator’s Two-Week Progress Report ([backup](#))
 - C. Receipt of Deputy County Administrator’s Two-Week Progress Report ([backup](#))
 - D. Appointments to Boards and Commissions ([backup](#))
8. PUBLIC COMMENT
9. COUNTY ADMINISTRATOR’S AND DEPUTY COUNTY ADMINISTRATOR’S REPORTS
 - Mr. Bryan Hill, Deputy County Administrator
 - A. Construction Project Updates
 - Mr. Rob McFee, Division-Director Engineering and Infrastructure
 1. One Cent Sales Tax Referendum Projects:
 - A. U.S. Highway 278 Construction Project
 - B. S.C. Highway 170
 - C. Bluffton Parkway 5A



2. Capital Improvement Projects:
 - A. Courthouse Reskin Project
 - B. Coroner's Facility

10. CONSENT AGENDA

- A. AN ORDINANCE TO AMEND THE BEAUFORT COUNTY CODE OF ORDINANCES BY ADDING ARTICLE III, SECTIONS 54-50 TO 54-60, TO CHAPTER 54 OF PART I, ESTABLISHING A REGULATION PROHIBITING THE USE OF HANDHELD ELECTRONIC COMMUNICATION DEVICES FOR THE REVIEWING, DRAFTING, OR SENDING OF ELECTRONIC COMMUNICATIONS WHILE OPERATING A MOTOR VEHICLE WITHIN THE UNINCORPORATED AREAS OF BEAUFORT COUNTY; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE ([backup](#))
 1. Consideration of second reading approval to occur August 26, 2013
 2. Public hearing – Monday, September 9, 2013, beginning at 6:00 p.m. in Council Chambers of the Administration Building, Government Center, 100 Ribaut Road, Beaufort
 3. First reading approval occurred August 12, 2013 / Vote 10:0
 4. Governmental Committee discussion and recommendation to approve occurred July 30, 2013 / Vote 6:0
- B. A RESOLUTION OF BEAUFORT COUNTY COUNCIL AMENDING THE INTERGOVERNMENTAL AGREEMENT BETWEEN BEAUFORT COUNTY AND THE TOWN OF BLUFFTON CONCERNING THE COLLECTION AND EXPENDITURE OF REVENUES FROM MUNICIPAL PROPERTIES IDENTIFIED IN THE BEAUFORT-JASPER MULTI-COUNTY INDUSTRIAL PARK ([backup](#))
 1. Governmental Committee discussion and recommendation to approve occurred July 30, 2013 / Vote 6:0
- C. DISABILITIES AND SPECIAL NEEDS HOME RENOVATIONS, 18 COTTAGE WALK, LADY'S ISLAND ([backup](#))
 1. Contract award: Hutter Construction Corporation, Beaufort, South Carolina
 2. Contract amount: \$75,000
 3. Funding source: Account 24410011-54420, Renovations for Existing Buildings / Disabilities and Special Needs; \$20,000 SC Department of Disabilities and Special Needs Grant
 4. Public Facilities Committee discussion and recommendation to award contract occurred August 21, 2013 / Vote 7:0
- D. REQUEST FOR ACCEPTANCE OF OWNERSHIP / KATO LANE, BURTON ([backup](#))
 1. Public Facilities Committee discussion and recommendation to **deny** acceptance of the right of way occurred August 20, 2013 / Vote 6:1:1
- E. CONDEMNATION OF REMAINING REQUIRED RIGHT OF WAY / FISH HAUL ROAD, HILTON HEAD ISLAND ([backup](#))
 1. Public Facilities Committee discussion and recommendation to condemn the remaining required right of way occurred August 20, 2013 / Vote 6:0
- F. ACCEPTANCE OF THE COUNTY TRAFFIC CALMING POLICY ([backup](#))
 1. Public Facilities Committee discussion and recommendation to accept the County Traffic Calming Policy occurred August 20, 2013 / Vote 5:2

G.A RESOLUTION OF BEAUFORT COUNTY COUNCIL AMENDING THE PREFERRED ALIGNMENT FOR PHASE 5B OF THE BLUFFTON PARKWAY (backup)

1. Public Facilities Committee discussion and recommendation to approve occurred August 20, 2013 / Vote 6:2
2. Council discussion and recommendation to approve the preferred alignments for Phase 5A and 5B of the Bluffton Parkway January 4, 2008 / Vote 9:1

H. VMWARE EQUIPMENT FOR REGISTER OF DEEDS DEPARTMENT (backup)

1. Contract award: NewVision Systems Corporation, New Canann, Connecticut
2. Contract amount: \$51,028
3. Funding source: Account 10001122-51110, Maintenance Contracts
4. Governmental Committee discussion and recommendation to award contract occurred August 21, 2013 / Vote 6:0

I. PUBLIC HEALTH INSECTICIDES FOR MOSQUITO CONTROL DEPARTMENT(backup)

- a. Contract award: Clarke Mosquito Control Products, Roselle, Illinois
2. Contract amount: \$277,138
3. Funding source: Account 10001400-52320, Public Health Products
4. Governmental Committee discussion and recommendation to award contract occurred August 21, 2013 / Vote 5:0

J. ANNUAL SUPPORT AND MAINTENANCE OF BIBLIOTHECA FOR RADIO FREQUENCY IDENTIFICATION (RFID) AT BEAUFORT, BLUFFTON HILTON HEAD ISLAND, AND LOBECO LIBRARY BRANCHES (backup)

1. Contract award: Bibliotheca, Norcross, Georgia
2. Contract amount: \$256,098
3. Funding sources: Account 10001621-51110, Maintenance Contracts, Beaufort Branch; Account 10001622-51110, Maintenance Contracts, Bluffton Branch; Account 10001623-51110, Maintenance Contracts, Hilton Head Island Branch; Account 10001624-51110, Maintenance Contracts, Lobeoco Branch
4. Community Services Committee discussion to occur August 26, 2013

K. BALLPARK LIGHTING WARRANTY SERVICE FOR BURTON WELLS REGIONAL PARK (backup)

1. Contract award: Musco Lighting, Oskaloosa, Iowa
2. Contract amount: \$70,562
3. Funding source: Account 10001605-51110, Maintenance Contracts
4. Community Services Committee discussion to occur August 26, 2013

11. PUBLIC HEARING

A. SALE OF COUNTY-OWNED PROPERTY / BLUFFTON TECHNOLOGY PARK IDENTIFIED AS TMP NUMBER: R610 030 000 1649 0000 TO THE BLUFFTON ECONOMIC DEVELOPMENT CORPORATION (backup)

1. Consideration of third and final reading approval to occur August 26, 2013
2. Second reading approval occurred August 12, 2013 / Vote 10:0
3. Governmental Committee discussion occurred July 30, 2013
4. First reading, by title only, approval occurred July 22, 2013 / Vote 8:0

12. PUBLIC COMMENT

13. ADJOURNMENT

Official Proceedings
County Council of Beaufort County
August 12, 2013

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

CAUCUS

A caucus of the County Council of Beaufort County was held at 4:00 p.m., Monday, August 21, 2013 in the Executive Conference Room of the Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

PLEDGE OF ALLEGIANCE

Ms. Von Harten led those present in the Pledge of Allegiance to the Flag.

ATTENDANCE

Chairman D. Paul Sommerville, Vice Chairman Stu Rodman and Councilmen Cynthia Bensch, Rick Caporale, Gerald Dawson, Brian Flewelling, William McBride Gerald Stewart, Roberts "Tabor" Vaux and Laura Von Harten. (Council District 10 is vacant due to the resignation of Steven Baer effective July 31, 2013.)

CALL FOR EXECUTIVE SESSION

It was moved by Mr. Flewelling, seconded by Mr. Stewart, that Council go immediately into executive session for the purpose of receiving information regarding matters relating to the proposed location, expansion or the provision of services encouraging location or expansion of industries or other businesses in Beaufort County; negotiations incident to proposed contractual arrangements and proposed purchase of property; and receipt of legal advice relating to pending and potential claims covered by the attorney-client privilege. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride Mr. Rodman, Mr. Sommerville Mr. Stewart, Mr. Vaux and Ms. Von Harten. The motion passed. (Council District 10 is vacant due to the resignation of Steven Baer effective July 31, 2013.)

EXECUTIVE SESSION

RECONVENE OF CAUCUS

Council discussed removing item 10A, Sale of County-Owned Property / Bluffton Technology Park Identified as TMP Number: R610 030 000 1649 0000 to the Bluffton Economic Development Corporation.

REGULAR SESSION

The regularly scheduled meeting of the County Council of Beaufort County was held at 5:00 p.m., Monday, August 12, 2013 in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

Chairman D. Paul Sommerville, Vice Chairman Stu Rodman and Councilmen Cynthia Bensch, Rick Caporale, Gerald Dawson, Brian Flewelling, William McBride Gerald Stewart, Roberts “Tabor” Vaux and Laura Von Harten. (Council District 10 is vacant due to the resignation of Steven Baer effective July 31, 2013.)

PLEDGE OF ALLEGIANCE

The Chairman led those present in the Pledge of Allegiance to the Flag.

INVOCATION

Councilman Flewelling gave the Invocation.

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

ADMINISTRATIVE CONSENT AGENDA

Review of Proceedings of the Regular Meeting held July 22, 2013

This item comes before Council under the Administrative Consent Agenda.

It was moved by Mr. Flewelling, seconded by Mrs. Bensch, that Council approve the minutes of the regular meeting held July 22, 2013. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Rodman, Mr. Stewart, Mr. Vaux and Ms. Von Harten. ABSTAIN - Mr. McBride and Mr. Sommerville. The motion passed. (Council District 10 is vacant due to the resignation of Steven Baer effective July 31, 2013.)

County Administrator’s Two-Week Progress Report

This item comes before Council under the Administrative Consent Agenda.

Mr. Gary Kubic, County Administrator, presented his Three-Week Progress Report, which summarized his activities from July 22, 2013 through August 9, 2013.

Deputy County Administrator’s Two-Week Progress Report

This item comes before Council under the Administrative Consent Agenda.

Mr. Bryan Hill, Deputy County Administrator, presented his Three-Week Progress Report, which summarized his activities from July 22, 2013 through August 9, 2013.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Finance Committee

Accommodations Tax (2% State) Board

Mr. Rodman, as Finance Committee Chairman, nominated Emma Campbell, representing at-large; Jennifer Kovacs, representing hospitality/lodging; and Olivia Young, representing hospitality/lodging, to serve as members of the Accommodations Tax (2% State) Board.

Natural Resources Committee

Rural and Critical Lands Preservation Review Board

Mr. Flewelling, as Natural Resources Committee Chairman, nominated Denise Sullivan, representing Council District 2, to serve as a member of the Rural and Critical Lands Preservation Review Board.

Solid Waste and Recycling Board

Mr. Flewelling, as Natural Resources Committee Chairman, nominated Kim Corley, representing Solid Waste District #8 (St. Helena Island / Islands East), to serve as a member of the Solid Waste and Recycling Board.

PUBLIC COMMENT

The Chairman recognized Mr. Henry Diercxsens, who is a resident of Callawassie Island and a member of the Keep Chechessee Rural Association. He urged Council to reconsider its position and to find a more suitable alternative use for the acquired property, rather than a possible transfer station.

Ms. Suzanne Whitlock, a resident of Callawassie Island, urged Council to take a few steps back, look at the potential transfer station project from a feasibility study standpoint, look at all possible alternatives, and examine other locations.

Mr. Peter Ferrier, a resident of Okatie, strongly urged Council to pursue an alternative industrial zone location for the countywide trash transfer station.

Mr. Philip Thomas's, a resident of Okatie, home is about 200 to 300 yards from the 42-acre site that Council has bought to build the countywide trash transfer station. Act now. Take this 42-acre tract out of consideration for a trash processing facility.

Mr. Parker Sutler, a resident of Okatie, stated there is no reason to build a trash transfer station on Chechessee Road. It is the wrong place to put a trash transfer station.

Mr. Murry Mark, a resident of the Foreman Hill Road, presented a petition to Council bearing 16 signatures asking Council to initiate action to close Foreman Hill Road to through traffic and restore it to pre-construction traffic patterns.

Mrs. Carol Humpherys, President of the Board of Directors of Haig Point Club and Homeowners Association, encouraged Council to provide the funds to study long-term transportation options for ferry service to and from Daufuskie Island.

COUNTY ADMINISTRATOR AND DEPUTY COUNTY ADMINISTRATOR'S REPORT

The County Channel / Broadcast Update

Mr. Gary Kubic, County Administrator, said The County Channel has all programs, events and meetings available to watch online, on-demand at www.bcgov.net. Beaufort County's Oscar J. Frazier Park played host to the 2013 Dixie Ponytails Softball World Series. Teams from all over the Southeast gathered to play in the double-elimination tournament. The County Channel was there to cover all the games. Congratulations to the girls from Hanahan, who won the tournament undefeated. Congratulations also to the Beaufort County All Stars, who made a great run at the championship and finished in fourth place overall.

South Carolina Association of Counties Annual Conference

Mr. Gary Kubic, County Administrator, reported the County was permitted to make presentations showcasing two particular features that Beaufort County is currently leading the state in --"Interactive Communication Tools: The Beaufort County Channel and Streamlined CAFR Process and Issuance." Mr. Kubic thanked Deputy County Administrator Bryan, Communications Director Monica Spells, Broadcast Services Manager Scott Grooms, Public Information Officer Joy Logan and former County Chief Financial Officer David Starkey, who now the State Assistant Comptroller General.

Update / Haig Point Property Owners Association

Mr. Gary Kubic, County Administrator, advised Council administration is going to go forward with the development of one, two, or both types of requests for information – either qualification or proposal. Then share it with the residents of Daufuskie Island and County and then maybe fashion a true next step.

Introduction / Tina Gentry, President and CEO, United Way of the Lowcountry

Mr. Gary Kubic, County Administrator, introduced Ms. Tiny Gentry, the new President and CEO of United Way of the Lowcountry,

Announcement / Bryan Hill Appointed to United Way of the Lowcountry Board of Directors

Mr. Gary Kubic, County Administrator, announced Deputy County Administrator Mr. Bryan Hill, has been appointed to serve on the United Way Lowcountry Board of Directors.

Monthly Budget Summary

Mr. Bryan Hill, Deputy County Administrator, submitted the actual year-to-date comparison for the period ending June 30, 2013 as well as snapshots of revenues and expenses effective June 30, 2013.

Lowcountry Council of Governments Regional Transportation Model Update

Mr. Colin Kinton, County Traffic and Transportation Engineer, gave a PowerPoint presentation on the Lowcountry Council of Governments (LCOG) Regional Transportation Model Update (Model). The LCOG Planning Department has been given the responsibility for transportation planning in the four-county region (Beaufort, Colleton, Hampton and Jasper Counties) by the SC Department of Transportation, to include preparing and implementing the Long-Range Transportation Plan for the Region. Council viewed several Lowcountry Region Model maps for forecast years 2020, 2030 and 2040.

CONSENT AGENDA

AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2013D, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF BEAUFORT COUNTY, SOUTH CAROLINA, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$25,300,000; 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

This item comes before Council under the Consent Agenda. Discussion occurred during caucus of the July 22, 2013 meeting of the County Council.

It was moved by Mr. Dawson, seconded by Mr. Stewart, that Council approve on second reading an ordinance authorizing the issuance and sale of general obligation refunding bonds, Series 2013D, or such other appropriate series designation, of Beaufort County, South Carolina, in the

principal amount of not exceeding \$25,300,000; 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. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride Mr. Rodman, Mr. Sommerville Mr. Stewart, Mr. Vaux and Ms. Von Harten. The motion passed. (Council District 10 is vacant due to the resignation of Steven Baer effective July 31, 2013.)

Public hearing announcement Monday, Monday, August 26, 2013 beginning at 6:00 p.m. in the large meeting room of the Bluffton Branch Library, 120 Palmetto Way, Bluffton, South Carolina.

SALE OF COUNTY-OWNED PROPERTY / BLUFFTON TECHNOLOGY PARK IDENTIFIED AS TMP NUMBER: R610 030 000 1649 0000 TO THE BLUFFTON ECONOMIC DEVELOPMENT CORPORATION

This item comes before Council under the Consent Agenda. Discussion occurred at the July 30, 2013 meeting of the Governmental Committee.

It was moved by Mr. Dawson, seconded by Mr. Stewart, that Council approve on second reading an ordinance authorizing Beaufort County to sell real property identified as TMP: R610 030 000 1649 0000 located in Bluffton, South Carolina upon such terms and conditions as he believes reasonably prudent and in the best interests of the citizens of Beaufort County. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride Mr. Rodman, Mr. Sommerville Mr. Stewart, Mr. Vaux and Ms. Von Harten. The motion passed. (Council District 10 is vacant due to the resignation of Steven Baer effective July 31, 2013.)

Public hearing announcement Monday, Monday, August 26, 2013 beginning at 6:00 p.m. in the large meeting room of the Bluffton Branch Library, 120 Palmetto Way, Bluffton, South Carolina.

AN ORDINANCE TO AMEND THE BEAUFORT COUNTY CODE OF ORDINANCES BY ADDING ARTICLE III, SECTIONS 54-50 TO 54-60, TO CHAPTER 54 OF PART I, ESTABLISHING A REGULATION PROHIBITING THE USE OF HANDHELD ELECTRONIC COMMUNICATION DEVICES FOR THE REVIEWING, DRAFTING, OR SENDING OF ELECTRONIC COMMUNICATIONS WHILE OPERATING A MOTOR VEHICLE WITHIN THE UNINCORPORATED AREAS OF BEAUFORT COUNTY; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

This item comes before Council under the Consent Agenda. Discussion occurred at the July 30, 2013 meeting of the Governmental Committee.

It was moved by Mr. Dawson, seconded by Mr. Stewart, that Council approve on first reading an ordinance to amend the Beaufort County Code of Ordinances by adding Article III, Sections 54-50 to 54-60, to Chapter 54 of Part I, establishing a regulation prohibiting the use of handheld electronic

communication devices for the reviewing, drafting, or sending of electronic communications while operating a motor vehicle within the unincorporated areas of Beaufort County; and providing for severability and an effective date. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride Mr. Rodman, Mr. Sommerville Mr. Stewart, Mr. Vaux and Ms. Von Harten. The motion passed. (Council District 10 is vacant due to the resignation of Steven Baer effective July 31, 2013.)

FY 2014 BUDGET AMENDMENT SUPPLEMENTAL IN THE AMOUNT OF \$525,000 TO BE USED TO FUND THE FOLLOWING FIVE LINE ITEMS: SOLICITOR'S OFFICE, TECHNICAL COLLEGE OF THE LOWCOUNTRY, UNIVERSITY OF SOUTH CAROLINA-BEAUFORT, ISLAND RECREATION CENTER, AND BEAUFORT MEMORIAL HOSPITAL

Main motion: It was moved by Mr. Rodman, as Finance Committee Chairman, (no second required), hat Council approve on second reading an FY 2014 budget amendment supplemental in the amount of \$525,000 to be used to fund the following five line items: Solicitor's Office \$125,000, Technical College of the Lowcountry \$100,000, University of South Carolina-Beaufort \$125,000, Island Recreation Center \$75,000, and Beaufort Memorial Hospital \$100,000.

Motion to amend by deletion: It was moved by Mr. Rodman, as Finance Committee Chairman (no second required), that Council eliminate the potential \$125,000 supplemental allocation to the Solicitor's FY 2014 budget. The vote: YEAS - Mr. Dawson, Mr. Flewelling, Mr. McBride Mr. Sommerville and Mr. Stewart. NAYS - Mrs. Bensch, Mr. Caporale, Mr. Rodman, Mr. Vaux and Ms. Von Harten. The motion failed. (Council District 10 is vacant due to the resignation of Steven Baer effective July 31, 2013.)

Call for a division of the question: Mr. McBride called for a division of the question. The Chairman granted the request to divide the question.

Technical College of the Lowcountry supplemental appropriation in the amount of \$100,000 - The vote: YEAS – Mrs. Bensch, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. NAYS – Mr. Caporale, Mr. Dawson and Mr. Flewelling. The motion passed. (Council District 10 is vacant due to the resignation of Steven Baer effective July 31, 2013.)

University of South Carolina-Beaufort supplemental appropriation in the amount of \$125,000 - The vote: YEAS – Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. NAYS – Mrs. Bensch, Mr. Caporale, Mr. Dawson and Mr. Flewelling. The motion passed. (Council District 10 is vacant due to the resignation of Steven Baer effective July 31, 2013.)

Island Recreation Center supplemental appropriation in the amount of \$75,000 - The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. NAYS – Mr. Dawson and Ms. Von Harten. The

motion passed. (Council District 10 is vacant due to the resignation of Steven Baer effective July 31, 2013.)

Beaufort Memorial Hospital supplemental appropriation in the amount of \$100,000 - The vote: YEAS – Mrs. Bensch, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. NAYS – Mr. Caporale, Mr. Dawson and Mr. Flewelling. The motion passed. (Council District 10 is vacant due to the resignation of Steven Baer effective July 31, 2013.)

Solicitor’s Office supplemental appropriation in the amount of \$125,000 – The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Rodman, Mr. Vaux and Ms. Von Harten. NAYS – Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Sommerville and Mr. Stewart. The motion failed. (Council District 10 is vacant due to the resignation of Steven Baer effective July 31, 2013.)

Mr. Rodman presented a scenario to eliminate the tax increase.

Vote on the amended motion, which is now the main motion, and includes the division of the question: Council approve on second reading an FY 2014 budget amendment supplementation in the amount of \$400,000 to be used to fund the following four line items: Technical College of the Lowcountry \$100,000, University of South Carolina-Beaufort \$125,000, Island Recreation Center \$75,000, and Beaufort Memorial Hospital \$100,000. YEAS - Mrs. Bensch, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Sommerville and Mr. Stewart. NAYS - Mr. Caporale, Mr. Rodman, Mr. Vaux and Ms. Von Harten. The motion failed. (Council District 10 is vacant due to the resignation of Steven Baer effective July 31, 2013.)

PUBLIC HEARINGS

NORTHERN BEAUFORT COUNTY ZONING MAP AMENDMENT FOR MARSH VIEW SUBDIVISION (R100-15-64A, 289-326 AND 347-349; 38 RESIDENTIAL LOTS AND ASSOCIATED COMMON AREAS TOTALING 27.46 ACRES; OFF DORCHESTER DRIVE AND TOMOTLEY, WHITEHALL AND MCCALLEY COURTS, IN THE GRAYS HILL AREA), TO BE REZONED FROM RURAL (R) TO RURAL-RESIDENTIAL (RR)

The Chairman opened a public hearing beginning at 6:00 p.m. for the purpose of receiving public comment regarding a Northern Beaufort County Zoning Map amendment for Marsh View Subdivision (R100-15-64A, 289-326 and 347-349; 38 residential lots and associated common areas totaling 27.46 acres; off Dorchester Drive and Tomotley, Whitehall and McCalley Courts, in the Grays Hill Area), to be rezoned from Rural (R) to Rural-Residential (RR). After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:01 p.m.

It was moved by Mr. Flewelling, as Natural Resources Committee Chairman (no second reading required), that Council approve on third and final reading a Northern Beaufort County Zoning Map amendment for Marsh View Subdivision (R100-15-64A, 289-326 and 347-349; 38 residential lots and associated common areas totaling 27.46 acres; off Dorchester Drive and

Tomotley, Whitehall and McCalley Courts, in the Grays Hill Area), to be rezoned from Rural (R) to Rural-Residential (RR). The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. The motion passed. (Council District 10 is vacant due to the resignation of Steven Baer effective July 31, 2013.)

TEXT AMENDMENT TO COUNTY CODE OF ORDINANCES CHAPTER 74— BUILDING AND BUILDING REGULATIONS, SECTION 74-64 – ADOPTION OF BUILDING CODES, SUBPARAGRAPH (1) (AMENDS ORDINANCE TO ADOPT THE 2012 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE)

The Chairman opened a public hearing beginning at 6:02 p.m. for the purpose of receiving public comment regarding a text amendment to the *Beaufort County Code of Ordinances*, Chapter 74—Building and Building Regulations, Section 74-64 – Adoption of Building Codes, Subparagraph (1) (amends ordinance to adopt the 2012 Edition of the International Residential Code). After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:03 p.m.

It was moved by Mr. Dawson, as Flewelling, seconded by Mr. Stewart, that Council approve on third and final reading a text amendment to the *Beaufort County Code of Ordinances*, Chapter 74—Building and Building Regulations, Section 74-64 – Adoption of Building Codes, Subparagraph (1) (amends ordinance to adopt the 2012 Edition of the International Residential Code). The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. The motion passed. (Council District 10 is vacant due to the resignation of Steven Baer effective July 31, 2013.)

AN ORDINANCE AUTHORIZING THE COUNTY TO SELL PROPERTY IDENTIFIED AS TMP NUMBER: R200 018 000 054E 0000 (FORMER LADY’S ISLAND CONVENIENCE CENTER)

The Chairman opened a public hearing beginning at 6:04 p.m. for the purpose of receiving public comment regarding an ordinance authorizing the county to sell property identified as TMP Number: R200 018 000 054E 0000 (former Lady’s Island Convenience Center). After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:05 p.m.

It was moved by Mr. Flewelling, seconded by Mr. Stewart, that Council approve on third and final reading an ordinance authorizing the county to sell property identified as TMP Number: R200 018 000 054E 0000 (former Lady’s Island Convenience Center). The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. The motion passed. (Council District 10 is vacant due to the resignation of Steven Baer effective July 31, 2013.)

AN ORDINANCE PROVIDING HILTON HEAD NO. 1 PUBLIC SERVICE DISTRICT, SOUTH CAROLINA THE AUTHORIZATION TO ISSUE GENERAL OBLIGATION BONDS IN AN AMOUNT NOT TO EXCEED \$3,750,000 AND OTHER MATTERS RELATING THERETO

The Chairman opened a public hearing beginning at 6:06 p.m. for the purpose of receiving public comment regarding an ordinance providing Hilton Head No. 1 Public Service District, South Carolina the authorization to issue general obligation bonds in an amount not to exceed \$3,750,000 and other matters relating thereto. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:05 p.m.

It was moved by Mr. Rodman, as Finance Committee Chairman (no second require), that Council approve on third and final reading an ordinance providing Hilton Head No. 1 Public Service District, South Carolina the authorization to issue general obligation bonds in an amount not to exceed \$3,750,000 and other matters relating thereto. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. The motion passed. (Council District 10 is vacant due to the resignation of Steven Baer effective July 31, 2013.)

PUBLIC COMMENT

There were no requests to speak during public comment.

ADJOURNMENT

Council adjourned at 7:33 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

ATTEST _____
Suzanne M. Rainey, Clerk to Council

Ratified:



Memorandum

DATE: August 23, 2013
TO: County Council
FROM: Gary Kubic, County Administrator *Gary Kubic*
SUBJ: County Administrator's Progress Report

The following is a summary of activities that took place August 12, 2013 through August 23, 2013:

August 12, 2013

- Meeting with Councilman Stu Rodman
- County Assessor reassessment presentation to Hilton Head Area Board of Realtors
- Caucus meeting
- County Council meeting

August 13, 2013

- Meeting with Bryan Hill, Deputy County Administrator; Morris Campbell, Director of Community Services; Mitzi Wagner, Director of Disabilities and Special Needs; and David Green re: Osprey Village
- Sound wall meeting with Town of Hilton Head Island representatives

August 14, 2013

- Meeting with Craig Molloy, Chief Executive Officer of Carolina Cleaning
- County Joint Code Review Committee meeting

August 15, 2013

- Tour of BFG Communications sites with Councilman Jerry Stewart
- Monthly meeting with Judy Elder and Carl Ellington, of Talbert, Bright and Ellington re: Hilton Head Island Airport
- Meeting with staff, Carl Ellington, and Judy Elder re: St. James Baptist Church forum request as it relates to the Hilton Head Island Airport

August 16, 2013

- PALS weekly status meeting with Bryan Hill, Deputy County Administrator, and Scott Marshall, Director of Parks and Leisure Services
- Tour of Courthouse and Coroner's Office with Mark Roseneau, Director of Facilities Management
- Meeting with SCDOT Commissioner Craig Forrest re: Windmill Harbour

August 19, 2013

- Employee orientation
- Meeting with J. L. Goodwin, Mayor of Yemassee, SC
- Meeting with Randy Roberts, Pastor of Love House Ministries
- Staff meeting re: Perry Clear bridge replacement
- Meeting with Doug Henderson, Treasurer re: Descriptive titles for General Ledger Cash Accounts

August 20, 2013

- F-35 showcase demonstration at Marine Corps Air Station
- Bluffton Parkway Phase 5B meeting
- Public Facilities Committee meeting

August 21, 2013

- Agenda review with Chairman, Vice Chairman and Executive Staff re: Review draft agenda for August 26, 2013 Council meeting
- Follow-up meeting with County Attorney Josh Gruber, Assistant County Attorney Allison Coppage, and Attorney Jim Scheider of Vaux & Marscher re: Graves rezoning
- SC 170 Construction status meeting
- Governmental Committee meeting

August 22, 2013

- Monthly meeting with County Assessor Ed Hughes
- Meeting with Kim Statler, Chief Executive Officer of Lowcountry Economic Alliance, and Palmetto Electric representatives re: Rural Development Grant request
- County / Town of Bluffton bi-monthly meeting with Paul Sommerville, Council Chairman; Anthony Barrett, Bluffton Town Manager; and Lisa Sulka, Bluffton Town Mayor re: County / Town issues

August 23, 2013

- PALS weekly status meeting with Scott Marshall, Director of Parks and Leisure Services, and Bryan Hill, Deputy County Administrator
- Meeting with Michelle Cleveland in Bluffton
- Meeting with Jon Rembold of Ward Edwards



Memorandum

DATE: August 23, 2013
TO: County Council
FROM: Bryan Hill, Deputy County Administrator
SUBJECT: Deputy County Administrator's Progress Report

The following is a summary of activities that took place August 12, 2013 through August 23 2013:

August 12, 2013 (Monday):

- Meet with Colin Kinton, Traffic Engineering re: Presentation
- Meet with Alicia Holland, Interim CFO
- Prepare for County Council Meeting
- County Council

August 13, 2013 (Tuesday):

- Attend Osprey Village Collaboration Meeting
- Work on MOU with Lowcountry Economic Alliance
- Meet with Alicia Holland, Interim CFO

August 14, 2013 (Wednesday):

- Daufuskie Pavilion Site Tour with Eddie Bellamy, Public Works Director
- Bluffton Recreation Center Site Visit
- Buckwalter Recreation Center Site Visit

August 15, 2013 (Thursday):

- Meet with Scott Marshall, PALS Director
- Telephone Conference with Morris Campbell, Community Services Director
- Meet with Judy Elder re: Airport Issues
- Meet to discuss St. James Church Forum Request

August 16, 2013 (Friday):

- Meet with Gary Kubic, County Administrator and Scott Marshall, PALS Director re: PALS Update
- Attend Business License Meeting with Joshua Gruber, Allison Coppage, Edra Stephens and Alicia Holland
- Meet with Phil Foot, Public Safety Director

August 19, 2013 (Monday)--Bluffton:

- Bluffton Hours
- Attend United Way Publix Event (Buck Island Road)
- Work on Reassessment Millage Calculation

August 20, 2013 (Tuesday):

- Work on Reassessment Millage Calculation
- Attend F-35 Demonstration at Military Base
- Attend Bluffton Parkway Phase 5B Meeting
- Public Facilities Committee Meeting

August 21, 2013 (Wednesday):

- Agenda Review
- Work on Reassessment Millage Calculation with Alicia Holland, Interim CFO
- Meet with Alick Lewis re: F.C.L.
- Attend SC 170 Construction Status Meeting
- Governmental Committee Meeting

August 22, 2013 (Thursday):

- Work on Reassessment Millage Calculation with Alicia Holland, Interim CFO
- Attend Gallagher Benefit Discussion Meeting

August 23, 2013 (Friday)--Bluffton:

- Bluffton Hours
- PALS Weekly Status Meeting with Gary Kubic, County Administrator and Scott Marshall, PALS Director

Committee Reports

August 26, 2013

A. COMMITTEES REPORTING

1. Finance

- ① Accommodations Tax Board

<i>Nominated</i>	<i>Name</i>	<i>Position/Area/Expertise</i>	<i>Reappoint/Appoint</i>	<i>Votes Required</i>
08.12.13	Emma Campbell	At-Large	Reappoint	8 of 11 (2 rd term)
08.12.13	Jennifer Kovacs	Hospitality / Lodging	Reappoint	10 of 11 (4 th term)
08.12.13	Olivia Young	Hospitality / Lodging	Reappoint	6 of 11 (1 st term)

2. Governmental

- ① Minutes from the August 21 meeting provided September 9. See main agenda items 10H and 10I.
 ② Lowcountry Council of Governments

<i>Nominate</i>	<i>Name</i>	<i>Position/Area/Expertise</i>	<i>Reappoint/Appoint</i>	<i>Votes Required</i>
08.12.13	Jim Outlaw	At-Large	Appoint	6 of 11 (1 st term)

3. Natural Resources

- ① Rural and Critical Lands Preservation Board

<i>Nominated</i>	<i>Name</i>	<i>Position/Area/Expertise</i>	<i>Reappoint/Appoint</i>	<i>Votes Required</i>
08.12.13	Denise Sullivan	Council District 2	Appoint	6 of 11 (1 st term)

- ② Solid Waste and Recycling Board

<i>Nominated</i>	<i>Name</i>	<i>Position/Area/Expertise</i>	<i>Reappoint/Appoint</i>	<i>Votes Required</i>
08.12.13	Kim Corley	Solid Waste District #8 (St. Helena Island / Islands East)	Appoint	7 of 11 (1 st term)

4. Public Facilities

- ① Minutes from the August 20 meeting provided September 9.
 See main agenda items 10C, 10D, 10E, 10F and 10G.
 ② Southern Beaufort County Corridor Beautification Board

<i>Nominate</i>	<i>Name</i>	<i>Position/Area/Expertise</i>	<i>Reappoint/Appoint</i>	<i>Votes Required</i>
08.26.13	Henry Diercxsens	Council District 5	Appoint	6 of 11 (1 st term)
08.26.13	Carol Humphrey	Council District 10	Appoint	6 of 11 (1 st term)

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE BEAUFORT COUNTY CODE OF ORDINANCES BY ADDING ARTICLE III, SECTIONS 54-50 TO 54-60, TO CHAPTER 54 OF PART I, ESTABLISHING A REGULATION PROHIBITING THE USE OF A HANDHELD ELECTRONIC COMMUNICATION DEVICES FOR THE REVIEWING, DRAFTING, OR SENDING OF ELECTRONIC COMMUNICATIONS WHILE OPERATING A MOTOR VEHICLE WITHIN THE UNINCORPORATED AREAS OF BEAUFORT COUNTY; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, studies have shown that drivers attempting to compose, send, or review electronic messages on handheld electronic communication devices while operating a motor vehicle pose a special danger to themselves, other vehicles, bicycles, and pedestrians on the roadway; and

WHEREAS, County Council finds that it is in the best interests of the vehicle operators and other vehicles to prohibit the use of handheld electronic communication devices to compose, send, or review electronic messages while operating a motor vehicle within the County; and

WHEREAS, County Council declares that the purpose of this ordinance is to protect the health and safety of the residents and visitors of Beaufort County; and

WHEREAS, County Council now desires to prohibit the use of handheld electronic communication devices to compose, send, or review electronic messages while operating a motor vehicle within the County in the manner provided for in this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF BEAUFORT COUNTY, SOUTH CAROLINA; AND IT IS HEREBY ORDERED ORDAINED BY AND UNDER THE AUTHORITY OF THE SAID COUNTY COUNCIL, AS FOLLOWS:

NOTE: Underlined and bold-face typed portions indicate additions to the County Code. ~~Stricken~~ portions indicate deletions to the County Code.

That Chapter 54 of Part I of the Beaufort County Code of Ordinances, is hereby amended by adding Article III, Sections 54-50 to 54-60:

Article III. TEXT MESSAGING

“Section 54-50. Electronic Communications While Operating a Motor Vehicle.

(a) Definitions:

“Electronic communications device” means an electronic device used for the purpose of composing, reading, or sending an electronic message, but does not

include a global positioning system or navigation system or a device that is physically or electronically integrated into the motor vehicle.

“Electronic message” means a self-contained piece of digital communication that is designed or intended to be transmitted between physical devices. “Electronic message” includes, but is not limited to, electronic mail, a text message, an instant message, or a command or request to access an internet site.

- (b) It shall be unlawful for a person to use an electronic communication device to compose, read, or send an electronic message while operating a motor vehicle on the streets and roads within the County.
- (c) Exceptions. This section shall not apply to a person operating a motor vehicle while:
 - (1) off the traveled portion of a roadway;
 - (2) using an electronic communication device in a hands free, voice-activated, or voice-operated mode that allows the driver to review, prepare and transmit an electronic message without the use of either hand except to activate, deactivate, or initiate a feature or function;
 - (3) summoning medical or other emergency assistance; or
 - (4) using a citizens band radio, commercial two-way radio communication device, in-vehicle security, or amateur or ham radio device.
- (d) Exemptions. The provisions contained within this Article shall not apply to public safety personnel employed by a federal, state, county or municipal organization who are utilizing an electronic communication device during the course and scope of their official duties.
- (e) Penalty. A person who violates this section is guilty of misdemeanor distracted driving and, upon conviction, shall be fined one hundred dollars for a first offense, two hundred dollars for a second offense, and three hundred dollars for a third or subsequent offense. This fine is subject to all applicable court costs, assessments, and surcharges.

Section 54-51. Severability. If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 54-52. Effective Date. This Ordinance shall become effective upon adoption by the County Council of Beaufort County, South Carolina.

Sections 54-53 – 54-60. Reserved.

DONE THIS _____ DAY OF _____, 2013

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Joshua A. Gruber, Staff Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading: August 12, 2013
Second Reading:
Public Hearing:
Third and Final Reading:

RESOLUTION NO. _____

A RESOLUTION OF BEAUFORT COUNTY COUNCIL AMENDING THE INTERGOVERNMENTAL AGREEMENT BETWEEN BEAUFORT COUNTY AND THE TOWN OF BLUFFTON CONCERNING THE COLLECTION AND EXPENDITURE OF REVENUES FROM MUNICIPAL PROPERTIES IDENTIFIED IN THE BEAUFORT-JASPER MULTI-COUNTY INDUSTRIAL PARK

WHEREAS, on April 28, 2008, Beaufort County entered into an Intergovernmental Agreement with the Town of Bluffton relative to the management and expenditure of revenues received from various municipal parcels that were added into the existing Beaufort-Jasper Multi-County Industrial Park; and

WHEREAS, subsequent to the execution of this document, Beaufort County has determined that it is in the best interests of its citizens to sell the 5 acre parcel owned by the County located in the Bluffton Tech Park and included as part of the municipal property identified above; and

WHEREAS, as a term and condition of the sale of that property, Beaufort County Council, in conjunction with the Town of Bluffton, has agreed to allow the Bluffton Public Development Corporation to manage and direct the expenditure of a limited and qualified amount of fees generated from within the existing municipal properties identified within the Industrial Park; and

WHEREAS, the Bluffton Public Development Corporation has been authorized to use said funds directly for the attraction and retention of economic development prospects to locate or relocate within the Multi-County Industrial Park; and

WHEREAS, in order to fully describe these new responsibilities and to accurately reflect the parties mutual understandings, it is necessary for both Beaufort County Council and the Town Council for the Town of Bluffton to amend the Intergovernmental Agreement identified as Exhibit B in Beaufort County Ordinance 2008/15.

NOW, THEREFORE, BE IT RESOLVED BY BEAUFORT COUNTY COUNCIL that the Intergovernmental Agreement between the Town of Bluffton and Beaufort County of April 28, 2008, is hereby amended and replaced by a new Intergovernmental Agreement attached to this Resolution as Exhibit A and incorporated herein by reference.

DONE this 26th day of August, 2013.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Joshua A. Gruber, Staff Attorney

AMENDED INTERGOVERNMENTAL AGREEMENT

This Amended Intergovernmental Agreement ("Amended Agreement") is being entered into this _____ day of April, 2013, by and between Beaufort County, South Carolina ("County"), Town of Bluffton, South Carolina ("Town") and Bluffton Public Development Corporation ("BPDC" and together with the County and the Town, "Parties," each a "Party").

WITNESSETH:

WHEREAS, the County is a political subdivision of the State of South Carolina ("State") and has all powers granted to counties by the Constitution and the general law of the State, including the power to enter into this Amended Agreement; and

WHEREAS, the Town is a political subdivision of the State located in Beaufort County, South Carolina, and is entitled to exercise all the powers and privileges provided to municipal corporations in the State including the power to enter into this Amended Agreement; and

WHEREAS, BPDC is a non-profit corporation, whose purpose it is to act as an instrumentality of the Town and assist the Town in, among other things, the economic development of the Town and to hold and develop real property; and

WHEREAS, by Ordinance No. 2008/15, adopted April 28, 2008 ("County Ordinance"), the County agreed to enter into an Intergovernmental Agreement with the Town of Bluffton concerning a Multi-County Industrial Park ("MCIP"); and

WHEREAS, by Ordinance No. 2008-5, adopted April 1, 2008 ("Town Ordinance" and with the County Ordinance, "Authorizing Ordinances"), the Town agreed to enter into an Intergovernmental Agreement with the County of Beaufort concerning a MCIP; and

WHEREAS, pursuant to the Authorizing Ordinances, the Town and County entered into an Intergovernmental Agreement dated April 28, 2008; and

WHEREAS, the Authorizing Ordinances both contain a "Further Acts" clause authorizing the County Council Chair and Mayor to take any further actions as may be reasonably necessary to further the intent of the Authorizing Ordinances; and

WHEREAS, this Amended Agreement is needed to clarify the ongoing rights and responsibilities of the parties pursuant to the conveyance of the County property located within the Municipal Property, as defined in the Intergovernmental Agreement dated April 28, 2008, to BPDC.

NOW, THEREFORE, FOR DUE AND VALUABLE CONSIDERATION, THE RECEIPT AND SUFFICIENCY OF WHICH IS ACKNOWLEDGED, THE PARTIES MUTUALLY AGREE AND COVENANT:

Section 1. The above recitals are incorporated herein.

Section 2. No Party is entitled to repeal, amend nor otherwise modify its Authorizing Ordinance, to the extent the repealer, amendment or modification would affect the MCIP Revenue Distribution, without

the written consent of the other Parties hereto.

Section 3. MCIP Revenues shall mean 100% of the fees in lieu of *ad valorem* taxes generated by property within the MCIP excepting only: (i) fees in lieu of *ad valorem* taxes paid on the 40,000 sf structure located at 400 Buckwalter Place Boulevard; and (ii) fees in lieu of *ad valorem* taxes paid to or for the School District of Beaufort County, South Carolina (the "School District").

Section 4 This Amended Agreement is not intended to and shall have no impact on fees in lieu of *ad valorem* taxes payable to the School District ("School District Revenue"). No part of any School District Revenue associated with millage rates imposed for the School District shall be used in connection with this Amended Agreement. It is the intent of the Parties that the School District shall receive all of the School District Revenue it would receive if this Amended Agreement did not exist.

Section 5. Each Party agrees that 100% of its MCIP Revenue, up to and not exceeding a total cumulative amount of One Million Three Hundred Thousand and No/100 Dollars (\$1,300,000.00), received by the Town from funds that would have otherwise been distributable to the County and Town shall be used for and devoted to purposes associated with the attraction and retention of economic development prospects within the MCIP as available to and directed by BPDC, to include but not be limited to the installation of infrastructure, signage, landscaping, drainage, and other physical improvements on the property within the MCIP. The figure identified above represents the total anticipated revenue to be collected from within the MCIP based upon current collection rates and the remaining life of this agreement. The expenditure of all new MCIP revenues or MCIP revenues generated in excess of \$1,300,000.00 shall be subject to the mutual agreement of the Town and the County. Funds from sources other than MCIP revenues or funds obtained by the pledging of future MCIP revenues are not included in this limitation.

Section 6. The financing of the projects within the Municipal Property, as designated by the BPDC, will be through the use of various funding sources, including financial instruments pledging the MCIP Revenue, which MCIP Revenue financial instruments at no time will exceed \$1,300,000.00, and the BPDC shall be responsible for managing the process required for issuance of said instruments and/or funds made available therefrom.

BDPC shall provide a report to both the Town and County at least once every fiscal year detailing all MCIP Revenues, associated expenditures, and the status of all financial instruments pledging MCIP Revenue as payment. The County reserves the right to request additional documentation from BDPC as may become necessary during the course and performance of this agreement.

The County and Town agree to execute such documents and instruments as necessary to effectuate the terms of this Amended Agreement, as may be required.

Section 7. BPDC will be solely responsible to design, fund, and build the projects associated with expenditures from MCIP Revenue provided that said expenditures are directly related to the attraction and retention of economic development prospects to include but not be limited to the installation of infrastructure, signage, landscaping, drainage, and other physical improvements on the property within the MCIP.

Section 8. Upon conveyance by the County of real property within the Municipal Property, the

County shall receive the one (1%) percent of MCIP Revenue that it would otherwise receive as a non-landowner municipal entity until such time as the MCIP revenues collected by the Town reach \$1,300,000.00 at which time the County shall then be entitled to return to its original participation terms and conditions under the previous executed Agreement.

Section 9. In the event the language of this Amended Agreement conflicts with the language of the Intergovernmental Agreement dated April 28, 2008, the terms of this Amended Agreement shall control.

Section 10. This Amended Agreement is binding on the Parties and BPDC agrees to be bound by the terms of the Intergovernmental Agreement, as amended and as applicable to BPDC.

Section 11. This Amended Agreement shall expire April 28, 2028, and shall be of no further force and effect, unless terminated earlier upon mutual agreement of the Parties.

Section 12. In the event all MCIP Revenue has not been expended or committed as provided herein, at the termination of this Amended Agreement, the MCIP Revenue shall be returned to each Party in the relative proportion reflecting the amount of MCIP Revenue generated by the millage levied for each Party.

Section 13. This Amended Agreement constitutes the entire agreement between the Parties with respect to this subject matter and supersedes all agreements, representations, warranties, statements, promises and understandings, whether oral or written, with respect to this subject matter, and neither Party is to be bound by any oral or written agreements, statements, promises, or understandings not specifically set forth in this Amended Agreement.

Section 14. The Parties may execute this Amended Agreement in original or by electronic or photostatic means, in multiple counterparts. Written consent or an agreement from each Party shall be evidenced by an ordinance or resolution of the governing body of each Party.

IN WITNESS WHEREOF, the Parties, each after due authorization, have executed this Amended Agreement as of the date first above written.

BEAUFORT COUNTY, SOUTH CAROLINA

D. Paul Sommerville,
Chairman of Beaufort County Council

(SEAL)

ATTEST:

Suzanne M. Rainey,
Clerk to County Council

TOWN OF BLUFFTON, SOUTH CAROLINA

Lisa Sulka,
Mayor

(SEAL)

ATTEST:

Sandra Lunceford,
Clerk to Town Council

BLUFFTON PUBLIC DEVELOPMENT CORPORATION

BY: _____

Name/Title:

ATTEST:

Name/Title:



**COUNTY COUNCIL OF BEAUFORT COUNTY
BEAUFORT COUNTY ENGINEERING DIVISION
102 Industrial Village Road, Building #3, Beaufort, SC 29906
Post Office Drawer 1228, Beaufort, SC 29901-1228
Telephone: 843-255-2700 Facsimile: 843-255-9420**

TO: Councilman Gerald Dawson, Chairman, Public Facilities Committee

VIA: Gary Kubic, County Administrator *GKubic*
Bryan Hill, Deputy County Administrator *BH*
Alicia Holland, Interim Chief Financial Officer *AH*
Dave Thomas, Purchasing Director *DT*
Monica Spells, Compliance Officer *MS*

FROM: Robert McFee, Director of Engineering and Infrastructure *JRM*

SUBJ: **DSN HOUSE RENOVATIONS – 18 COTTAGE WALK, LADY’S ISLAND
IFB #1340050011050224**

DATE: July 31, 2013

BACKGROUND. On 5/20/13, County Council awarded a contract to Ground Works General Construction (GWGC) LLC in the amount \$70,495.86 for the renovation of 18 Cottage Walk. GWGC contacted the Engineering Department and indicated that unfortunately they could not acquire a payment and performance bond as required per bid documents. As a result of not producing a payment and performance bond they are disqualified.

X The next qualified and responsive bid is Hutter Construction Corporation with a total bid of \$75,000. Hutter’s bid submittal was reviewed and is in compliance with the state procurement guidelines for the grant. There is no apparent cause for rejecting their bid. SMBE program provisions did not apply due to the SCDDSN Grant award.

FUNDING. Contract amount \$75,000, 10% contingency \$7,500, project budget \$82,500.

<u>Funding Source</u>	<u>Available Balance</u>	<u>Project Budget</u>
Renovations for Existing Bldgs-DSN Acct #24410011-54420	\$78,879	\$62,500
SCDDSN Grant	\$20,000	<u>\$20,000</u>
Total		<u>\$82,500</u>

FOR ACTION. Public Facilities Committee meeting on August 19, 2013.

RECOMMENDATION. The Public Facilities Committee approve and recommend to County Council approval of a project budget of \$82,500 and award of a contract to Hutter Construction Corporation in the amount of \$75,000 for the renovations to the DSN House at 18 Cottage Walk from the funding source listed above.

JRMjr/DC/mjh

- Attachments: 1) Bid Document Special Provisions for Construction Page #1
2) County Council Agenda 5/20/13
3) Bid Certification
4) 5/13/13/Public Facilities Committee Agenda Item

SPECIAL PROVISIONS FOR CONSTRUCTION

1. In the event the bid amount exceeds \$30,000 the bidders shall be required to furnish the following Bonds:
 - A. BID BONDS: Each bidder shall submit with his bid a Bid Bond with good and sufficient surety or sureties company licensed in South Carolina, in the amount of five per cent (5%) of the total Bid Amount. The Bid Bond may be expressed in terms of a percentage of the Bid Price or may be expressed in dollars and cents.
 - B. CERTIFIED CHECKS: A certified check or cashiers check can be submitted in lieu of a Bid Bond. The check will be made payable to The Beaufort County Treasurer.
 - C. PERFORMANCE BOND AND LABOR AND MATERIALS PAYMENT BOND: The successful Contractor shall furnish within 10 days after written notice of acceptance of bid a Performance Bond. Contractor shall provide and pay the cost of Performance and Payment Bonds, in the form of A.I.A. Document A312 "PERFORMANCE BOND AND LABOR AND MATERIAL BOND". Each shall be in full amount of the Contract Sum, issued by a Surety Company licensed in South Carolina, with an "A" minimum rating of performance as stated in the most current publication of "Best's Key Rating Guide, Property Liability" which shall show a financial strength rating of at least five (5) times the Contract Price. Each Bond shall be accompanied by a "Power of Attorney" authorizing the attorney-in-fact to bind the surety and certified to include the date of the bond.

FAILURE TO SUBMIT CORRECT BID GUARANTEE WILL RESULT IN REJECTION OF BID.

2. CONTRACTORS QUALIFICATIONS:
 - A. If bidding as a general contractor and the bid amount is \$5,000 or more a General Contractor's License is required and number must be shown on the outside of the bid envelope along with bid number. Failure to do so may result in your bid considered non-responsive.
 - B. If bidding as an electrical, mechanical or plumbing subcontractor and the bid amount is \$5,000 or above, a State License is required and number must be shown on the outside of the bid envelope along with bid number. Failure to do so may result in your bid considered non-responsive.

- F. CRYSTAL LAKE PRESERVATION PARK, LADY'S ISLAND, PHASE 1 IMPROVEMENTS (backup)
 - 1. Contract award: O'Quinn Marine Construction, Beaufort, South Carolina
 - 2. Contract amount: \$155,000
 - 3. Funding: Rural and Critical Lands Preservation Capital Improvement Program, Account 45010011-5411 with a current balance of \$437,438
 - 4. Public Facilities Committee discussion and recommendation to approve occurred May 13, 2013 / Vote 6:0
- G. DISABILITIES AND SPECIAL NEEDS HOUSE RENOVATION – 18 COTTAGE WALK, LADY'S ISLAND (backup)
 - 1. Contract award: Ground Work General Construction LLC, North Charleston, South Carolina
 - 2. Contract amount: \$70,495.86
 - 3. Funding: Account 244199110-54420, Renovations for Existing Buildings, DSN – \$50,495.86; SC Department of Disabilities and Special Needs Grant - \$20,000
 - 4. Public Facilities Committee discussion and recommendation to approve occurred May 13, 2013 / Vote 6:0
- H. ISLAND WEST US 278 FRONTAGE ROAD DESIGN AND CONSTRUCTION (backup)
 - 1. Contract award: Lane Construction Corporation, Beaufort, South Carolina
 - 2. Contract amount: \$598,389.50
 - 3. Funding: Sales Tax Project 2D for US 278 Frontage Roads \$398,389.50, Account 33402-54504; Harris Teeter \$100,000 for signalization of the intersection with Hampton Parkway/US 278; Island West POA \$100,000 for frontage road completion
 - 4. Public Facilities Committee discussion and recommendation to approve occurred May 13, 2013 / Vote 6:0
- I. REQUEST FOR CONDEMNATION OF CEE CEE ROAD, ST. HELENA ISLAND (backup)
 - 1. Public Facilities Committee discussion and recommendation to approve occurred May 13, 2013 / Vote 6:0
- J. REQUEST FOR CONDEMNATION OF INGLEWOOD CIRCLE, ST. HELENA ISLAND(backup)
 - 1. Public Facilities Committee discussion and recommendation to approve occurred May 13, 2013 / Vote 4:1
- K. REQUEST FOR CONDEMNATION OF QUEENS ROAD, ST. HELENA ISLAND (backup)
 - 1. Public Facilities Committee discussion and recommendation to approve occurred May 13, 2013 / Vote 5:0
- L. REQUEST TO REMOVE FROM COUNTY ROAD MAINTENANCE INVENTORY ROSIE SINGLETON DRIVE, ST. HELENA ISLAND (backup)
 - 1. Public Facilities Committee discussion and recommendation to approve occurred May 13, 2013 / Vote 5:0

PRELIMINARY BID TABULATION
PURCHASING DEPARTMENT



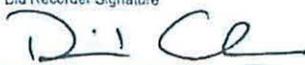
Project Name:	18 Cottage Walk Renovations
Project Number:	13 40050011 0502 25
Project Budget:	
Bid Opening Date:	Thursday May 2, 2013
Time:	3:00 PM
Location:	Building #3 102 Industrial Village Rd, Beaufort, SC
Bid Administrator:	Dave Thomas, Beaufort County Purchasing Director
Bid Recorder:	Maggie Hickman

The following bids were received for the above referenced project:

BIDDER	BID FORM	BID BOND	ALL ADDENDA	SCH OF VALUES	SUB LISTING	SMBE DOCS	BASE BID	ALT #1	ALT #2	BID TOTAL
Patterson Construction	x	x					\$88,928.00			\$88,928.00
Beaufort Design Build	x	x					\$79,900.00			\$79,900.00
GWGC	x	x					\$70,495.86			\$70,495.86
Hutter Construction	x	x					\$75,000.00			\$75,000.00
Beaufort Construction	x	x					\$97,607.00			\$97,607.00

Beaufort County posts PRELIMINARY bid tabulation information within 2 business days of the advertised bid opening. Information on the PRELIMINARY bid tabulation is posted as it was read during the bid opening. Beaufort County makes no guarantees as to the accuracy of any information on the PRELIMINARY tabulation. The bid results indicated here do not necessarily represent the final compliance review by Beaufort County and are subject to change. After the review, the final award will be made by Beaufort County Council and a certified bid tab will be posted online.

Bid Administrator Signature

Bid Recorder Signature


Bid Certification Signature



COUNTY COUNCIL OF BEAUFORT COUNTY
BEAUFORT COUNTY ENGINEERING DIVISION

102 Industrial Village Road, Building #3, 29906
Post Office Drawer 1228, Beaufort, SC 29901-1228
Telephone: 843-255-2692 Facsimile: 843-255-9420

TO: Councilman Gerald Dawson, Chairman, Public Facilities Committee

VIA: Gary Kubic, County Administrator *GKubic*
Bryan Hill, Deputy County Administrator
David Starkey, Chief Financial Officer *DS*
Robert McFee, Director of Engineering and Infrastructure *JRMcFee*
Dave Thomas, Purchasing Director
Monica Spells, Compliance Officer *Spells*

FROM: Bob Klink, County Engineer *BKlink*

SUBJ: DSN HOUSE RENOVATIONS - 18 COTTAGE WALK, LADY'S
IFB# 1340050011050224

DATE: April 30, 2013

BACKGROUND. Beaufort County has received a grant totaling \$20,000 from the South Carolina Department of Disability & Special Needs for renovations and up fits to the 18 Cottage Walk DSN home.

On May 2, 2013, Beaufort County received bids for the renovations of DSN House at 18 Cottage Walk, Lady's Island. The improvements include enlarged doorways and up fits for electrical, plumbing, HVAC, flooring, and fire protection. Listed below are the five firms that submitted bids:

<u>Contractors</u>	<u>Total Bid</u>
Ground Work General Construction, LLC, North Charleston, SC	\$70,495.86
Hutter Construction Corporation, Beaufort, SC	\$75,000.00
Beaufort Design Build, LLC, Beaufort, SC	\$79,900.00
Patterson Construction Company, Beaufort, SC	\$88,928.00
Beaufort Construction Company, Beaufort, SC	\$97,607.00
Engineer's Estimate	\$90,000

Ground Work General Construction, LLC (GWGC) submitted the lowest qualified/responsible bid of \$70,495.86. Their bid is in compliance with the state procurement guidelines for the grant. There is no apparent cause for rejecting their bid. SBE program provisions did not apply due to the SCDDSN grant award.

<u>FUNDING.</u>	<u>Funding Source</u>	<u>Available Balance</u>	<u>Project Budget</u>
	Renovations for Existing Buildings - DSN Acct #24410011-54420	\$79,229	\$50,495.86
	SCDDSN Grant	\$20,000	<u>\$20,000</u>
	Total		\$70,495.86

RECOMMENDATION. The Public Facilities Committee approve and recommend to County Council award of a contract to GWGC, LLC in the amount of \$70,495.86 for the renovations to the DSN House at 18 Cottage Walk from the funding source listed above.

REK/DC/mjh

Attachment: 1) Bid Certification



COUNTY COUNCIL OF BEAUFORT COUNTY
BEAUFORT COUNTY ENGINEERING DIVISION
102 Industrial Village Road, Building #3, Beaufort, SC 29906
Post Office Drawer 1228, Beaufort, SC 29901-1228
Telephone: 843-255-2700 Facsimile: 843-255-9420

TO: Councilman Gerald Dawson, Chairman, Public Facilities Committee

VIA: Gary Kubic, County Administrator *GKubic*
Bryan Hill, Deputy County Administrator *BHill*
Josh Gruber, County Attorney *JGruber*
Eddie Bellamy, Public Works Director *EBellamy*

FROM: Robert McFee, Division Director of Engineering & Infrastructure *RMcFee*

SUBJ: Acceptance of Kato Lane Right-Of-Way, Burton

DATE: August 1, 2013

BACKGROUND. Kato Lane is a private, unpaved road with a platted 50 foot right-of-way and a length of approximately 1,036 feet. It is located off Pine Grove Road in the Burton area, and is owned by Brickyard Holdings, Inc., (Bobby Tillman, President).

The residents of Kato Lane (Wildwood Subdivision and Kato Rivers Subdivision) have petitioned the County to accept Kato Lane as a County road and to add it to the County's road maintenance inventory.

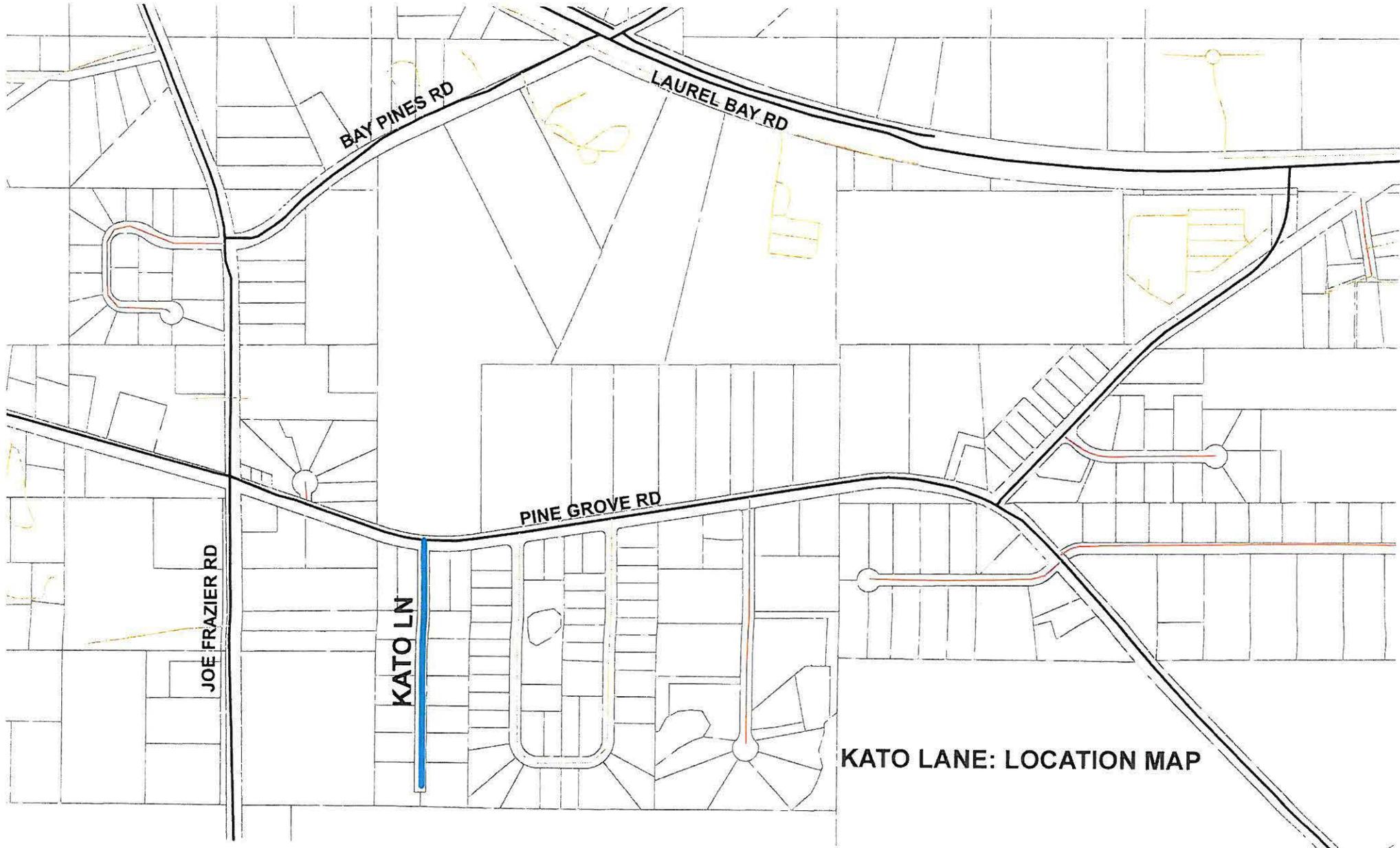
Brickyard Holdings, Inc., has submitted an executed quitclaim deed conveying its interest in the Kato Lane right-of-way to the County.

FOR ACTION. Public Facilities Committee meeting occurring on August 19, 2013.

RECOMMENDATION. The Public Facilities Committee approve and recommend to County Council acceptance of Kato Lane as a County maintained road.

JRMjr/EK/mjh

Attachments: Map, Plat



KATO LANE: LOCATION MAP

PB 56/107

FILED *Rivers*
 JOHN A. SULLIVAN - RMC
 BEAUFORT COUNTY, S.C.
 96 MAY 20 PM 2:36
 BK FOLDER# PG

LEGEND

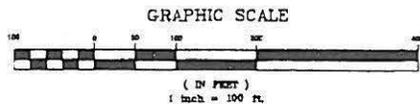
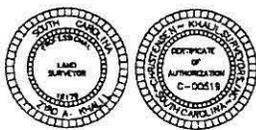
- IP(O) = OLD IRON PIPE FOUND
- CM(O) = OLD CONCRETE MONUMENT FOUND
- RB(N) = NEW REBAR SET 1/2" DIA.
- CK(O) = OLD CRIMP TOP IRON PIPE
- OE(O) = OLD OPEN END IRON PIPE FOUND
- RE(O) = OLD REBAR FOUND
- P.P. = POWER POLE
- O.H.P. = OVERHEAD POWER LINES
- A = CALCULATED POINT

GENERAL NOTES:

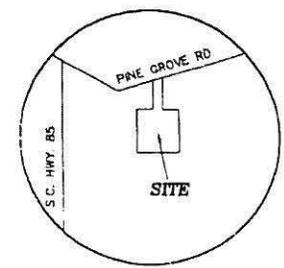
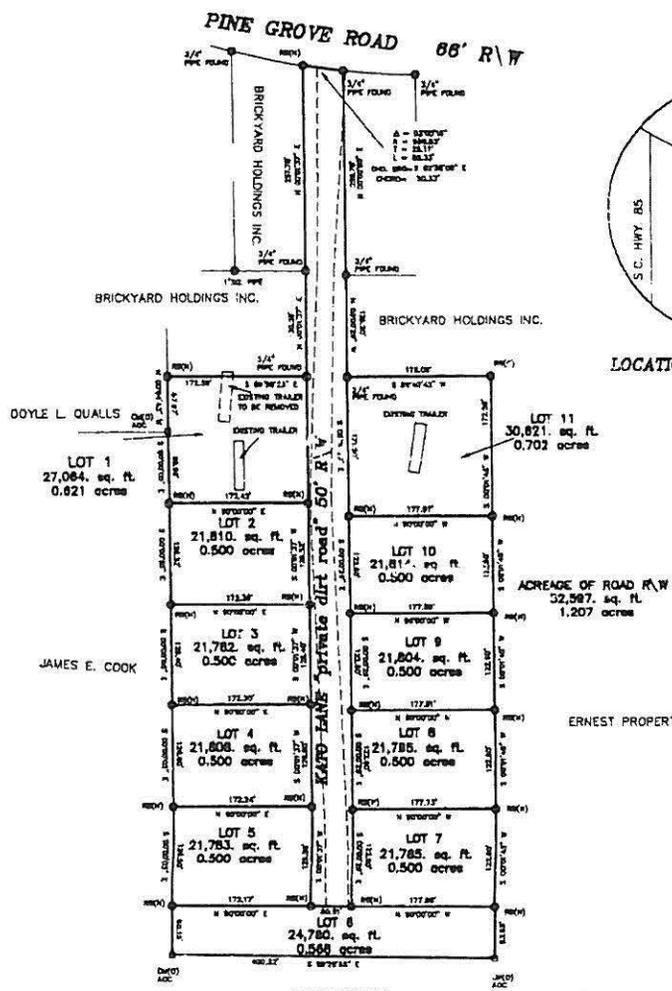
- 1.) PRESENT OWNER OF PROPERTY SHOWN HEREON BRICKYARD HOLDINGS INC.
- 2.) TOTAL ACRES SURVEYED AND SHOWN HEREON: 7.099 ACRES
- 3.) ACREAGE DETERMINED BY RECTANGULAR COORDINATES.
- 4.) TMN #100-24-135
- 5.) IT IS EXPRESSLY UNDERSTOOD THAT CHRISTENSEN SURVEYING CO. DOES NOT CERTIFY TO THE EXISTENCE OR ABSENCE OF ANY FRESHWATER WETLANDS ON THE PROPERTY SHOWN HEREON.
- 6.) THE BEARINGS SHOWN HEREON ARE MAGNETIC AND AS SUCH SUBJECT TO LOCAL ATTRACTION.
- 7.) PROPERTY SHOWN HEREON IS LOCATED IN FLOOD ZONE 'C' PER FEMA MAP # PANEL 450025-0065-D DATED SEPTEMBER 29, 1986

REFERENCE PLATS & DEEDS

- 1.) DEED: 655/1935
- 2.) DEED: 680/2072
- 3.) DEED: 500/862
- 4.) DEED: 685/1467
- 5.) PB 39/PG 131
- 6.) PB 48/PG 143
- 7.) PB 35/PG 220
- 8.) PB 52/PG 162



CHRISTENSEN ~ KHALIL SURVEYORS, INC.
 1518 BOUNDARY STREET, BEAUFORT, S.C. 29902
 (803) 524-4148, FAX (803) 524-8844



LOCATION MAP (Not To Scale)

CERTIFICATION:

ZYAD A. KHALIL, HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "B" SURVEY AS SPECIFIED THEREIN;

Zyad A. Khalil
 ZYAD A. KHALIL, RLS
 S.C. REG. NO. 15176
 [THIS COPIY IS NOT VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE AND AN EMBOSSED SEAL]

PLAT SHOWING SUBDIVISION OF TMN # 100-24-135 PREPARED FOR: KATO RIVERS LOCATED IN, BURTON AREA BEAUFORT COUNTY, SOUTH CAROLINA DATED: APRIL 8, 1996...SCALE 1"=100' REVISED: APRIL 29, 1996

L-2458

22X





COUNTY COUNCIL OF BEAUFORT COUNTY
BEAUFORT COUNTY ENGINEERING DIVISION
102 Industrial Village Road, Building #3, Beaufort, SC 29906
Post Office Drawer 1228, Beaufort, SC 29901-1228
Telephone: 843-255-2700 Facsimile: 843-255-9420

TO: Councilman Gerald Dawson, Chairman, Public Facilities Committee

VIA: Gary Kubic, County Administrator *GKubic*
Bryan Hill, Deputy County Administrator *BHill*
Josh Gruber, County Attorney *JGruber*

FROM: Robert McFee, Division Director of Engineering & Infrastructure *Robert McFee*

SUBJ: **Beaufort County Dirt Road Paving Requirements for Dirt Roads Without Right of Way Documentation – Fish Haul Road, Hilton Head Island**

DATE: July 31, 2013

BACKGROUND. Fish Haul Road is a County maintained dirt road located on Hilton Head Island intersecting Mitchelville and Baygall Roads. Public Works has maintained the 0.8 mile dirt road for over 20 years.

Fish Haul Road was included in Dirt Road Paving Contract #44 to be designed and constructed on the basis of prescriptive right of way. County Council awarded Contract #44 on 3/24/11. During construction of Fish Haul Road, one property owner challenged the County's right of ownership to pave the road on a prescriptive basis. Construction work on Fish Haul Road was stopped in May 2012. The Engineering Division and the design-build contractor team have been working under guidance that Beaufort County can no longer pave a County dirt road based on presumption of prescriptive right. Rather, it must assure that the County posses a deeded right-of-way, signed right-of-way document, or signed easement document from each adjoining property owner along the dirt road identified for paving.

Staff efforts to date to obtain signed deeds for Fish Haul Road include validation of the field survey, preparing letters and deeds, conducting several community meetings, and providing time for owner consideration, questions and discussions. The timeline associated with this right of way process has been over a year. Engineering has obtained signed deeds from 14 of the 18 property owners. The majority of the owners have support the road paving effort. Condemnation for right of way on the remaining four parcels is necessary to complete the paving project.

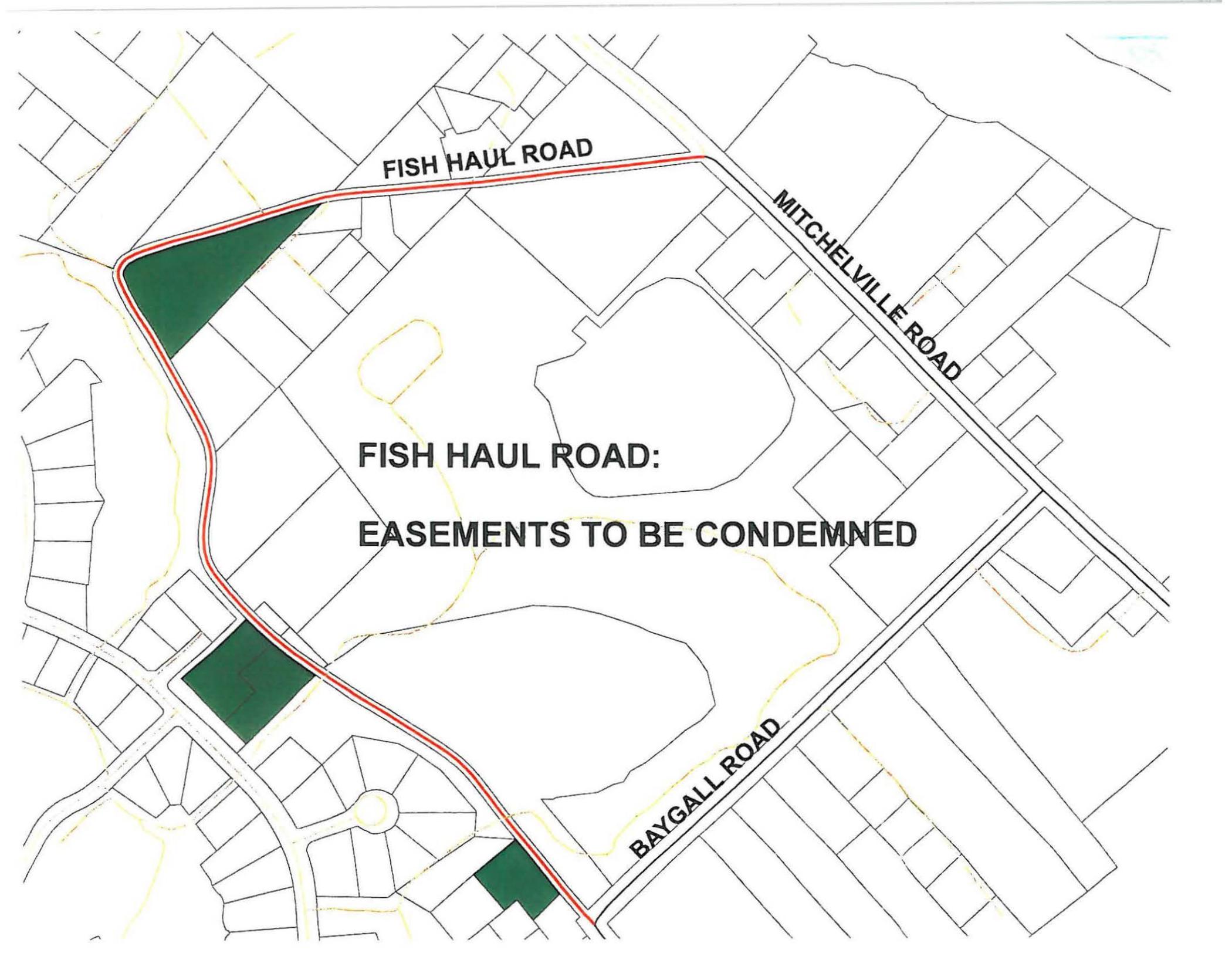
Engineering staff and the design-build contractor team are therefore presenting this information for committee review and are recommending that the remaining required right-of-way be condemned.

FOR ACTION. Public Facilities Committee meeting on August 19, 2013.

RECOMMENDATION. The Public Facilities Committee approve and recommend to County Council to authorize proceeding with condemnation of the remaining required right-of-way for Fish Haul Road in order to complete its construction.

JRMjr/DS/mjh

Attachment: ROW Map

A map showing a network of roads and property boundaries. A red line with a black border highlights a specific path along Fish Haul Road. Three areas along this path are shaded in dark green. The map also shows other roads: Mitchelville Road and Baygall Road. A large central area is outlined in yellow.

FISH HAUL ROAD

MITCHELVILLE ROAD

**FISH HAUL ROAD:
EASEMENTS TO BE CONDEMNED**

BAYGALL ROAD



COUNTY COUNCIL OF BEAUFORT COUNTY
BEAUFORT COUNTY TRAFFIC & TRANSPORTATION
ENGINEERING DEPARTMENT
113 Industrial Village Road, 29906
PO Drawer 1228, Beaufort, SC 29901-1228
Phone: (843) 255-2940 Fax: (843) 255-9443

TO: Councilman Gerald Dawson, Chairman, Public Facilities Committee

VIA: Gary Kubic, County Administrator *GKubic*
Bryan Hill, Deputy County Manager *BHill*
Robert McFee, Director of Engineering & Infrastructure *JR McFee*

FROM: Colin Kinton, Traffic & Transportation Engineering *CK*

SUBJ: County Traffic Calming Policy

DATE: August 7, 2013

BACKGROUND: The Traffic & Transportation Engineering Department has developed a traffic calming policy which may be used to determine what traffic calming measures, if any, could be used on Beaufort County maintained roadways within a residential neighborhood.

The County receives numerous requests each year regarding speeding and cut-through traffic on residential roadways. This policy provides standards for measuring traffic impacts, minimum thresholds and community support/input. Traffic & Transportation Engineering will be better positioned to adequately address neighborhood needs in a fair methodology as they arise.

RECOMMENDATION: The Public Facilities Committee approves and recommends to County Council adoption of the traffic calming policy.

CK/cg

Attachment: 1) Policy

Beaufort County - Traffic Calming Policy

June 11, 2013

1. Process starts with written request from Homeowners Association or residential neighborhood group.
2. Traffic Engineering Staff will meet with neighborhood representatives to discuss study need, study scope and neighborhood limits
3. Traffic Engineering Department conducts study of neighborhood. Study may include
 - a. Speed studies using radar gun
 - b. Traffic Counts
 - c. Signing evaluation and appropriateness
 - d. Accident Analysis
 - e. Pedestrian Access evaluation
 - f. Intersection and Corridor Condition Diagrams
4. Once data collected, evaluation completed to determine demonstrated need and applicability
5. For Speed Humps and Speed Tables, the following conditions must exist:
 - a. Posted speed limit of 30 mph or less
 - b. Speed study demonstrates need with 85% speed greater than 10 mph over posted
 - c. Volume less than 2,500 vehicles per day
 - d. Roadway classified as either Local or Minor Collector
 - e. Location will not have significant interruption of emergency services
 - f. Neighborhood agrees to share in funding of improvements
6. For other calming devices, the following conditions must exist:
 - a. Posted speed limit of 35 mph or less
 - b. Speed study demonstrates need with 85% speed greater than 10 mph over posted
 - c. Volume less than 3,500 vehicles per day
 - d. Roadway classified as either Local or Minor Collector
 - e. Location will not have significant interruption of emergency services
 - f. Neighborhood agrees to share in funding and/or maintenance of improvements
7. Proposed Traffic Calming Plan must be approved by 75 percent of those owning real property within the residential development
8. Proposed traffic calming plan and requisite budget are given necessary Committee/County Council approval.
9. Expenditure of traffic calming funds on first come first serve basis as funds permit.
10. Traffic calming features may include the following:
 - a. Speed humps
 - b. Speed tables (raised crosswalks)
 - c. Roadway narrowing (Chicanes)
 - d. Mini traffic circles
 - e. On-street Parking bump-outs
 - f. Pavement markings and signing based on guidance of MUTCD
11. Follow-up Study will be completed 3-12 months after traffic calming plan has been enacted to determine compliance and results.

RESOLUTION NO. _____

A RESOLUTION OF BEAUFORT COUNTY COUNCIL
AMENDING THE PREFERRED ALIGNMENT FOR
PHASE 5B OF THE BLUFFTON PARKWAY

WHEREAS, by referendum in 2006, the voters of Beaufort County approved a one-cent sales tax for capital projects, including Phase 5B of the Bluffton Parkway; and

WHEREAS, on January 14, 2008, Beaufort County Council adopted/approved preferred designs for both Phase 5A and Phase 5B of the Bluffton Parkway; and

WHEREAS, the County has previously conducted extensive studies and evaluations to develop the current alignment of the Bluffton Parkway and the Buckwalter Parkway; and

WHEREAS, the County has received a request from the Town of Bluffton to reevaluate the Final Right of Way plans and associated Environmental Document to study a potential proposed change to the alignment of the Bluffton Parkway and the Buckwalter Parkway; and

WHEREAS, the County has reevaluated the Final Right of Way Plans and associated Environmental Document; and

WHEREAS, Beaufort County Council has determined that it is in its best interests of the citizens of Beaufort County to adopt the proposed Phase 5B realignment.

NOW, THEREFORE, BE IT RESOLVED BY BEAUFORT COUNTY COUNCIL that a resolution amending the preferred alignment of Phase 5B of the Bluffton Parkway is hereby adopted and replaced by a new preferred alignment attached to this Resolution as Exhibit A and incorporated herein by reference.

DONE this 26th day of August, 2013.

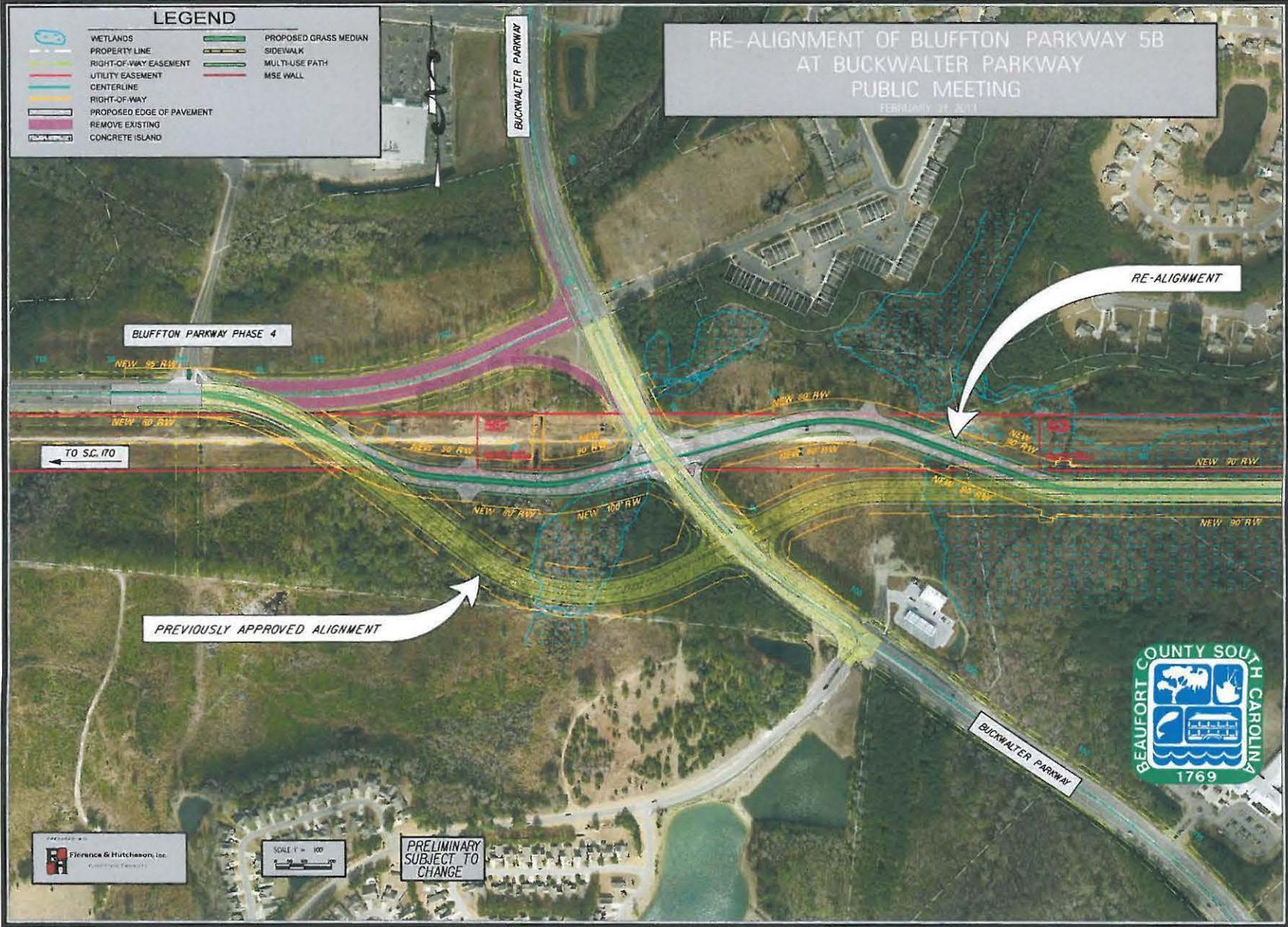
COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Joshua A. Gruber, Staff Attorney

Bluffton Parkway Phase 5B/Buckwalter Parkway Intersection Revision



COUNTY COUNCIL OF BEAUFORT COUNTY
PURCHASING DEPARTMENT
102 Industrial Village Road, Bldg 3 Post Office Drawer 1228
Beaufort, South Carolina 29901-1228



David L. Thomas, Purchasing Director
dthomas@bcgov.net 843.255.2353
Richard Dimont, Contract Specialist
rdimont@bcgov.net 843.255.2352 FAX: 843.255.9437

TO: Councilman Gerald W. Stewart, Chairman, Governmental Committee
FROM: Dave Thomas, CPPO, Purchasing Director *DT*
SUBJ: **Request to Purchase VMware Equipment from Non-Competitive Contract for items over \$25,000 for Beaufort County's Register of Deeds Department**
DATE: August 16, 2013

BACKGROUND: The Purchasing Department received a requisition for over \$25,000 from the Register of Deeds Department requesting to renew an annual maintenance contract for Official Records Software from New Vision Systems Corporation. This service contract term will cover July 1, 2013 through June 30, 2014 and will support the software that is currently installed. This software is used to digitally record, scan, index and display the real estate records for public use, as well as provide the data necessary for the Assessor's Office to establish the County's tax base. Subject to County Council's approval, this contract extends the agreement to 2020, locks in the price, and provides a much needed upgrade at no cost.

<u>NON-COMPETITIVE/SOLE SOURCE VENDOR:</u>	<u>COST</u>
New Vision Systems Corporation	\$51,028

FUNDING: Account 10001122-51110 Maintenance Contracts. Funding, or revenue, as a result of this software totaled \$3,008,000 in FY13.

PRIOR YEAR COST: \$51,964

FOR ACTION: Governmental Committee August 21, 2013.

RECOMMENDATION: The Purchasing Department recommends that the Governmental Committee approve, and recommend to County Council, approval of the purchase from the aforementioned vendor for a total amount of \$51,028.

CC: Gary Kubic, County Administrator
Bryan Hill, Deputy Administrator *DT*
Alicia Holland, Interim Chief Financial Officer *AH*
Dan Morgan, MIS Director *F. Morgan*
Dale Butts, Register of Deeds *DB*
Richard Dimont, Contract Specialist *RD*

Att: Contract Pricing Information, Non-Competitive Form



Non-Competitive Purchases Form



This form shall be completed for any non-competitive purchase over \$2,500 that is not exempt.

(a) A County contract may be awarded without competition when the Purchasing Director determines in writing, after conducting a good faith review of available sources, that there is only one source for the required supply, service, or construction item. The Purchasing Director shall conduct negotiations, as appropriate, as to price, delivery, and terms. A record of sole source procurements shall be maintained as public record and shall list each contractor's name, the amount and type of each contract, a listing of the items procured under each contract, and the identification of each contract file.

(b) Sole source procurement of a used item from the open market may only be considered, provided that:

(1) The using agency recommends purchase; (2) condition of the item is verified by appropriate County official; and (3) price analysis justifies purchase when the following factors are considered: (a) new acquisition price; (b) current book value; and (c) maintenance costs.

Code 1982 SS 12-19 Sec. 2-518 Sole source procurement

The County Council may by resolution, exempt specific supplies or services from the purchasing procedures required in the Code. The following supplies and services shall be exempt from the purchasing procedures required in this division; however, the Purchasing Director for just cause may limit or withdraw any exemption provided for in this section. (1) Works of art for museum and public display (2) Published books, library books, maps, periodicals, technical pamphlets (3) Copyrighted educational films, filmstrips, slides and transparencies (4) Postage stamps and postal fees (5) Professional dues, membership fees and seminar registration fees (6) Medicine and drugs (7) Utilities including gas, electric, water and sewer (8) Advertisements in professional publications or newspapers (9) Fresh fruit, vegetables, meats, fish, milk, bread and eggs (10) Oil company credit cards (11) Articles for commercial sale by all governmental bodies

Code 1982 SS 12-14 Ord. No. 2000-1 S 1, 1-1-G-2000 Sec. 2-514 Exemption from procedures

Notwithstanding any other section of this division, the Purchasing Director may make or authorize others to make emergency procurements of supplies, services, or construction items when there exists a threat to the functioning of county government; for the preservation or protection of property; or for the health, welfare or safety of any person, provided that such emergency procurements shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. As soon as practicable, a record of each emergency procurement shall be made and shall set forth the contractor's name, the amount and type of the contract, a listing of the items procured under the contract, and the identification number of the contract file.

Code 1982 SS 12-20 Sec. 2-519 Emergency procurements

Requesting Department: REGISTER OF DEEDS Requested Account Code: 1122-5110

Description of Requested Services
Annual MAINT. on Official Records System, including Extension of our current Agreement through June 30, 2020.

Please provide a listing of the items purchased, if additional pages are necessary please attach to this form:
SEE ATTACHED

Cost of Requested Services: 51,028

Requested Vendor Name: NEW Vision Systems Corp.

Requested Vendor Address: 50 LOCUST AVE. NEW CANAAN, CT 06840

Requested Vendor Phone Number: (203) 323-4623 Requested Vendor Email Address: _____

Type of Service Requested (Please check one) Construction Services Supply/Good

Please attach any documentation provided by the vendor that provides back up for the claims in this document.



Non-Competitive Purchases Form

Please select a reason below as to why this is a non-competitive purchase and provide a brief explanation.

- It is not possible to obtain competition. There is only one source available for the supply, service, or construction item.
- The procurement is for a used item from the open market. The item may only be considered if, (1) the using agency recommends purchase, (2) condition of the item is verified by appropriate County official, (3) Price analysis justifies purchase when the following factors are considered: (a) new acquisition price; (b) current book value; and (c) maintenance costs.
- The item is a single source purchase. Other sources may be available but purchases are directed to one source because of factors unique to Beaufort County. Please select an option below:
 - Standardization
 - Warranty
 - Other, if selected please specify below.

- An emergency exists that threatens the functioning of County government.
- An emergency exists that threatens the preservation or protection of County property.
- An emergency exists that threatens the health, welfare or safety of any person within the County.

What steps have been taken to verify that these features are not available elsewhere?

- Other brands/manufacturers were examined (please list names and contact information, and explain why they are not suitable for use by the County-attach additional pages as necessary):

- Other vendors were contracted (please list names and contact information and explain why those contacted did not meet the needs of the County-attach additional pages as necessary):

Requester Name: DALE BUTTS Requester Signature: Dale Butts Date: 8/1/13
 Department Head Name: _____ Department Head Signature: Dale Butts Date: 8/1/13



Non-Competitive Purchases Form

For Purchasing Completion only:

Date Received in Purchasing Department: 8/1/13

Reviewed by Purchasing Department for completeness

Date: 8/1/13

Reviewed by: [Signature]

Verified that this is the only source: Yes No

Comments: _____

Purchasing Director or His Designee Approval Signature: [Signature]

Associated Purchase Orders Number: _____

Associated Contract Number: _____

2013-08-14 15:27:36

4/5

SKMBT_C45213081415200-1.pdf (4/5)

2013-08-16 16:28:46

4/5

SKMBT_C45213081616080.pdf (4/5)

2013-08-17 10:22:08

4/5

Written-Pages-2013-08-16-16-28-47.pdf (4/5)



NewVision Systems Corporation

50 Locust Avenue
New Canaan, CT 06840
(203) 323-4623

Invoice

Invoice 3673 Revised

July 23, 2013

Mr. Dale Butts
Register of Mesne Conveyances
County Council of Beaufort County
100 Ribaut Road,
Post Office Drawer 1197
Beaufort, SC 29902-1197

Re: Maintenance for Official Records System

This invoice is for maintenance of the Official Records Software, based on an extended maintenance agreement (commencement date 7/1/2013) between NewVision Systems and Beaufort County. This maintenance invoice is for the period 7/01/13 through 6/30/14 and covers currently installed software. Maintenance pricing is based on 8 hours on-line service daily except scheduled holidays, with four hours response time.

Qty	Description	Annual Maint. Each	Total Annual Maint
	OFFICIAL RECORDS SYSTEM SOFTWARE (RECORDSNG)		
1	NEWVISION RECORDSNG SYSTEM FOR PROCESSING UP TO 100,000 OFFICIAL RECORDS PER YEAR INSTALLED AS PART OF AN EXTENDED MAINTENANCE AGREEMENT. RECORDSNG MAINTENANCE PRICE INCLUDES UNLIMITED NUMBER OF WORKSTATIONS AND USERS WITHIN THE ROD OFFICE.	\$30,167	\$30,167
	MAINTENANCE FOR SOFTWARE SUPPLIED TO BEAUFORT COUNTY NOT INCLUDED WITH RECORDSNG		
3	NEWVISION INDEX/VERIFY SOFTWARE – AUDITOR AND ASSESSOR WORKSTATIONS WORKSTATIONS	767	2,301
1	TAX ASSESSOR MODULE (OCCASIONAL USE) PO 20110277	184	184
1	NEWVISION IMAGE WRITER RUNTIME SOFTWARE	986	986
17	ORACLE RDBMS FURNISHED BY COUNTY - NEWVISION MAINTENANCE	365	6,205
1	NEWVISION PRINT QUEUE MGT SOFTWARE	820	820
1	PROBLEM DETERMINATION ASSISTANCE - HW & SW	4,863	4,863
1	BACKFILE DATA ENTRY PROGRAM	3,096	3,096
1	ELECTRONIC RECORDING MODULE – GO LIVE 5/1/2012	2,406	2,406
1	NEWVISION IMAGE LOAD MODULE (REMOVE FROM MAINTENANCE)		
1	IMAGE QUALITY CONTROL SOFTWARE (REMOVE FROM MAINTENANCE)		
	TOTAL INVOICE FOR ANNUAL MAINTENANCE – 7/01/13 THROUGH 6/30/14		\$51,028

2013-08-14 15:27:36

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SKMBT_C45213081415200-1.pdf (5/5)

2013-08-16 16:28:46

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SKMBT_C45213081616080.pdf (5/5)

2013-08-17 10:22:08

5/5

Written-Pages-2013-08-16-16-28-47.pdf (5/5)



**COUNTY COUNCIL OF BEAUFORT COUNTY
PURCHASING DEPARTMENT**

Building 2, 102 Industrial Village Road
Post Office Drawer 1228, Beaufort, SC 29901-1228
Phone: (843) 255-2353 Fax: (843) 255-9437

TO: Councilman Gerald W. Stewart, Chairman, Governmental Committee
FROM: Dave Thomas, Purchasing Director *DT*
SUBJ: **Request to Purchase Public Health Insecticides from State Contract for Beaufort County's Mosquito Control Department**
DATE: August 16, 2013

BACKGROUND: Beaufort County Mosquito Control requests to purchase up to five (5) 275-gallon containers of a public health insecticide (Anvil 10+10 ULV or 10% Sumithrin) from Clarke Mosquito Control Products, a South Carolina State contract vendor.

This request is to receive permission for multiple purchases of a public health insecticide used during aerial spray missions. The purchase cost is \$55,428 (including tax) per container for the OV-10 Bronco. The intent is to receive products using a blanket purchase order to control adult mosquitoes throughout the two mosquito seasons during FY14.

<u>CONTRACTOR:</u>	<u>Cost</u>	<u>Product</u>
1. Clarke Mosquito Control Products, Roselle, IL	\$277,138	Anvil 10+10 ULV

FUNDING:
1. Account #10001400-52320, Public Health Products (Current Balance: \$438,613).

PRIOR YEAR COST: \$279,752

FOR ACTION: Governmental Committee meeting occurring on August 21, 2013.

RECOMMENDATION: The Governmental Committee approves the contract award of \$277,138 to provide public health insecticides and recommends the contract approval to the aforementioned vendor to County Council in support of the Mosquito Control aerial spray program.

cc: Bryan Hill, Deputy County Administrator *SB*
Alicia Holland, Interim Chief Financial Officer *AH*
Philip Foot, Public Safety Director *For PF OUT*
Gregg Hunt, Mosquito Control Director *GH*
Richard Dimont, Contract Specialist *RD*

Att: State Contract Pricing Information

Detail

00059	8.62% METHOPRENE	Unit Price: \$412.00	Total Price: \$412.00
	Material Group: 67554 - pesticides		
	Agency: STATEWIDE TERM CONTRACT		
00084	4% Permethrin + 12 % Chlorpyrifos	Unit Price: \$1,568.45	Total Price: \$1,568.45
	Material Group: 67554 - pesticides		
	Agency: STATEWIDE TERM CONTRACT		
00085	4% Permethrin + 12 % Chlorpyrifos	Unit Price: \$2,792.70	Total Price: \$2,792.70
	Material Group: 67554 - pesticides		
	Agency: STATEWIDE TERM CONTRACT		
00086	4% Permethrin + 12 % Chlorpyrifos	Unit Price: \$14,741.80	Total Price: \$14,741.80
	Material Group: 67554 - pesticides		
	Agency: STATEWIDE TERM CONTRACT		
00143	2% Sumethrin	Unit Price: \$241.64	Total Price: \$241.64
	Material Group: 67554 - pesticides		
	Agency: STATEWIDE TERM CONTRACT		
00144	2% Sumethrin	Unit Price: \$1,449.86	Total Price: \$1,449.86
	Material Group: 67554 - pesticides		
	Agency: STATEWIDE TERM CONTRACT		
00145	2% Sumethrin	Unit Price: \$2,658.06	Total Price: \$2,658.06
	Material Group: 67554 - pesticides		
	Agency: STATEWIDE TERM CONTRACT		
00146	2% Sumethrin	Unit Price: \$13,290.29	Total Price: \$13,290.29
	Material Group: 67554 - pesticides		
	Agency: STATEWIDE TERM CONTRACT		
00147	10% Sumethrin	Unit Price: \$1,012.86	Total Price: \$1,012.86
	Material Group: 67554 - pesticides		
	Agency: STATEWIDE TERM CONTRACT		
00148	10% Sumethrin	Unit Price: \$6,029.09	Total Price: \$6,029.09
	Material Group: 67554 - pesticides		
	Agency: STATEWIDE TERM CONTRACT		
00149	10% Sumethrin	Unit Price: \$10,975.54	Total Price: \$10,975.54
	Material Group: 67554 - pesticides		
	Agency: STATEWIDE TERM CONTRACT		
00150	10% Sumethrin	Unit Price: \$52,290.19	Total Price: \$52,290.19
	Material Group: 67554 - pesticides		
	Agency: STATEWIDE TERM CONTRACT		
00151	5% Sumethrin + 1% Pralethrin	Unit Price: \$920.54	Total Price: \$920.54
	Material Group: 67554 - pesticides		
	Agency: STATEWIDE TERM CONTRACT		
00152	5% Sumethrin + 1% Pralethrin	Unit Price: \$5,311.83	Total Price: \$5,311.83

Chris Manos, Procurement Manager
E-Mail: cmanos@mmo.sc.gov
Telephone: (803) 737-4917
Uploaded to Internet: 08/10/2011

Materials Management Office
1201 Main Street, Suite 600
Columbia, South Carolina 29201

Section: P
Page: 50
Date: 8/01/06

CONTRACT FOR READY TO USE MOSQUITO CONTROL PESTICIDES

CONTRACT PERIOD: Initial Terms: August 2, 2011 through August 1, 2012
Maximum Terms: August 2, 2006 through August 1, 2016

Shipping Terms: All items shall be FOB destination

24 HOUR EMERGENCY NUMBERS ARE ALSO LISTED WITH CONTACT INFORMATION

[Click Here for Pricing](#)

Link to Solicitation documents:

<http://webprod.cio.sc.gov/SCSolicitationWeb/contractSearch.do?solicitnumber=5400003168>

All items shall be FOB destination

All items shall be delivered no later than fifteen days after contractor's receipt of the purchase order. If the using governmental unit requests delivery sooner than the time specified, contractor may invoice the ordering entity any additional shipping charges approved by the ordering entity on the purchase order.

All items must be new.

The contractor must comply with current EPA and Federal Insecticide Fungicide Rodenticide Act requirements and specifications.

All pesticides offered for sale in the State of South Carolina must comply with the S. C. Pesticide Control Act, Title 46, Section 46-13-10 of the South Carolina Code of Laws (1976). Registration shall be in accordance with Title 46, Section 46-13-30 and any subsequent regulations, which may be applicable.

Containers: The containers may be returnable, reusable, recyclable or of materials that can be properly disposed of according to South Carolina Laws as agreed upon annually. The contractor shall be responsible for the funding development and implementation of a system to provide for the return of empty returnable, refillable polyethylene containers to the product manufacturer from the individual purchasers. All drums and pails must be appropriately labeled to indicate both active and inert ingredients contained in each drum or

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3/3

2013-08-16 16:31:50



**COUNTY COUNCIL OF BEAUFORT COUNTY
PURCHASING DEPARTMENT**

Building 3, 102 Industrial Village Road
Post Office Drawer 1228, Beaufort, SC 29901-1228
Phone: (843) 255-2353 Fax: (843) 255-9437

TO: Councilman William McBride, Chairman, Community Services Committee
FROM: Dave Thomas, CPPO, Purchasing Director *DST/AT*
SUBJ: **Annual Support and Maintenance with Bibliotheca for Radio Frequency Identification (RFID) at Beaufort, Bluffton, Hilton Head, and Lobeco Library Branches**
DATE: August 23, 2013

BACKGROUND: The RFID system was installed by Bibliotheca (originally ITG which merged into Bibliotheca) and operating in Beaufort, Bluffton, Hilton Head, and Lobeco Branches by January 2012. The support and maintenance of this system, part of the original awarded contract, will help preserve the investment made by the County. The support and maintenance contract term is for the period beginning January 1, 2013 and ending December 31, 2017, with a total cost of \$256,098. This contract will provide support and maintenance for the RFID system in place at the four (4) Beaufort County library branches. Subject to County Council's approval, Bibliotheca has provided Beaufort County a total savings of \$28,455 for this five year contract as compared to the annual maintenance price. See the attached pricing information.

<u>VENDOR:</u>	<u>Total Bid</u>
1. Bibliotheca, Norcross, GA	\$256,098

FUNDING AND COST BREAKDOWN:

The funding will be provided by the following account numbers and will be allocated by fiscal year according to the attached schedule.

Beaufort Branch 10001621-51110 Maintenance Contracts	\$ 77,966
Bluffton Branch 10001622-51110 Maintenance Contracts	\$ 70,459
Hilton Head Branch 10001623-51110 Maintenance Contracts	\$ 73,602
Lobeco Branch 10001624-51110 Maintenance Contracts	\$ 34,071
Total	\$256,098

FOR ACTION: Community Services Committee meeting occurring on August 26, 2013.

RECOMMENDATION: The Purchasing Department recommends that the Community Services Committee approve and recommend to County Council approval of the contract for RFID Support and Maintenance for Beaufort, Bluffton, Hilton Head, and Lobeco Library Branches from the aforementioned vendor for a total amount of \$256,098.

CC: Gary Kubic, County Administrator
Bryan Hill, Deputy Administrator *BH*
Alicia Holland, Interim Chief Financial Officer *AH*
Morris Campbell, Director of Community Services *MS/AH*
Wlodek Zaryczny, Director of Libraries *WZ*
Richard Dimont, Contract Specialist *RD*

Att: Pricing Information

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Bibliotheca Support and Maintenance Schedule

Fiscal Year Amount Available Budget

Beaufort Library Branch

FY 13	7,796.57	7,844
FY 14	15,593.13	19,540
FY 15	15,593.13	TBD
FY 16	15,593.13	TBD
FY 17	15,593.13	TBD
FY 18	7,796.57	TBD

TOTAL 77,965.65

Bluffton Library Branch

FY 13	7,045.95	10,028
FY 14	14,091.90	19,200
FY 15	14,091.90	TBD
FY 16	14,091.90	TBD
FY 17	14,091.90	TBD
FY 18	7,045.96	TBD

TOTAL 70,459.51

Hilton Head Library Branch

FY 13	7,360.23	11,316
FY 14	14,720.45	20,545
FY 15	14,720.45	TBD
FY 16	14,720.45	TBD
FY 17	14,720.45	TBD
FY 18	7,360.24	TBD

TOTAL 73,602.27

Lobeco Library Branch

FY 13	3,407.08	5,508
FY 14	6,814.15	6,900
FY 15	6,814.15	TBD
FY 16	6,814.15	TBD
FY 17	6,814.15	TBD
FY 18	3,407.08	TBD

TOTAL 34,070.76

Grand Total \$ 256,098.19



**COUNTY COUNCIL OF BEAUFORT COUNTY
PURCHASING DEPARTMENT**

Building 3, 102 Industrial Village Road
Post Office Drawer 1228, Beaufort, SC 29901-1228
Phone: (843) 255-2353 Fax: (843) 255-9437

TO: Councilman William McBride, Chairman, Community Services Committee
FROM: Dave Thomas, CPPO, Purchasing Director *DT/AT*
SUBJ: **Musco Lighting Warranty/Maintenance Contract for Beaufort County Parks and Leisure Services (PALS) Department Ball Field Lights at the Burton Wells Facility**
DATE: August 23, 2013

BACKGROUND: Beaufort County PALS is requesting to purchase a new warranty for the Burton Wells ball field lighting system. Musco Lighting installed the ball park lighting system at the Beaufort County PALS Burton Wells ball fields. This vendor is the sole source provider of the lighting system and the only company that may provide a warranty for the installed lights. The Burton Wells ball field lighting system consists of approximately 362 fixtures and provides lighting for three baseball fields, one football field, and two soccer fields. The current warranty with Musco expired in November 2012. At that time, the entire Burton Wells ball field lighting system was relamped and refurbished under the old warranty. The cost of the new warranty contract is \$70,562 and will be paid in two annual payments of \$35,281 with no interest charged by the vendor. The warranty contract term is for a ten year period beginning July 1, 2013 and ending June 30, 2023. The warranty will provide the following: all labor and materials to maintain the lighting system for a period of ten years or until the system reaches 3,000 hours, whichever comes first. This includes all parts and labor, cleaning all fixtures, replacing bulbs, re-aiming the bulbs, ensuring all fixtures work, and a one-time complete re-lamp of the facility, including lamps, labor and lift. Exclusions are vandalism, damage by major storms or lighting, unauthorized alterations, and damage due to failure of owner's electrical service.

<u>NON-COMPETITIVE/SOLE SOURCE VENDOR:</u>	<u>COST</u>
Musco Lighting, Oskaloosa, IA	\$70,562*

FUNDING: Account 10001605-51110-Maintenance Contracts, current balance is \$36,419.

*Two annual payments of \$35,281 each will pay for the ten year warranty period. One payment will be made in August 2013 and one payment in July 2014. \$7,056 will be expensed annually beginning in FY 2014 and ending in FY 2023.

PRIOR YEAR COST: N/A

FOR ACTION: Community Services Committee meeting occurring on August 26, 2013.

RECOMMENDATION: The Purchasing Department recommends that the Community Services Committee approve and recommend to County Council approval of the warranty/contract from the aforementioned vendor for a total cost of \$70,562 for the next ten (10) fiscal years.

CC: Gary Kubic, County Administrator *GK/BH*
Bryan Hill, Deputy Administrator *BH*
Alicia Holland, Interim Chief Financial Officer *AH*
Scott Marshall, PALS Director *SM*
Richard Dimont, Contract Specialist

Att: Contract Pricing Information, Non-Competitive Form



100 1st Ave West • PO Box 808 • Oskaloosa, IA 52577
Phone: (800) 825-6020 • Fax: (888) 397-8736

May 3, 2013

Beaufort County
Attn: Shannon Loper
PO Box 1228 1 Middleton Recreation Drive
Burton, SC 29901

RE: "10 Club Service" Warranty Program Proposal for - Burton Wells Recreation original Musco project #65165488; # 362 Fixtures

Dear Shannon,

Thank you for your interest in Musco Lighting's "10 Club Service" Warranty Program. This quote is calculated on the 0 - 300 hour level for this particular facility. If we find that the number of annual hours exceed this estimate, then a slight price adjustment may need to be made.

Musco's "10 Club Service" includes the following:

- One complete re-lamp of your facility, including lamps, labor and lift
- All labor and materials to maintain the operation of your lighting system for a period of 10 years or until your system reaches 3000 hours, whichever comes first.
- Toll free, direct access to our Warranty Specialists.

Individual lamp outages would be repaired when the usage of the field is materially impacted. Exclusions are vandalism, major storms or lightning, failure of owner's electrical service, or unauthorized alterations.

Your quote based on 0 - 300 hours of annual usage with the following payment options:

- 2 Payments
- 1st payment due in the calendar year of 2013 in the amount of \$35,281.00
- 2nd payment due in the calendar year of 2014 in the amount of \$35,281.00
- Renewal of this proposed warranty must occur in the calendar year of 2013 to avoid a required re-lamp of this facility.

Please feel free to call me with any questions or concerns. Thanks again for your interest in Musco Lighting's "10 Club Service" Warranty Program.

Sincerely,

A handwritten signature in black ink that reads "Gene Fynaardt".

Gene Fynaardt
Lighting Services Sales Representative
Musco Lighting LLC
Phone-800/825-6020
Fax-888/397-8736



Non-Competitive Purchases Form

This form shall be completed for any non-competitive purchase over \$2,500 that is not exempt.

(a) A County contract may be awarded without competition when the Purchasing Director determines in writing, after conducting a good faith review of available sources, that there is only one source for the required supply, service, or construction item. The Purchasing Director shall conduct negotiations, as appropriate, as to price, delivery, and terms. A record of sole source procurements shall be maintained as public record and shall list each contractor's name, the amount and type of each contract, a listing of the items procured under each contract, and the identification of each contract file.

(b) Sole source procurement of a used item from the open market may only be considered, provided that:

(1) The using agency recommends purchase; (2) condition of the item is verified by appropriate County official; and (3) price analysis justifies purchase when the following factors are considered: (a) new acquisition price; (b) current book value; and (c) maintenance costs.

Code 1982 SS 12-19 Sec. 2-518 Sole source procurement

The County Council may by resolution, exempt specific supplies or services from the purchasing procedures required in the Code. The following supplies and services shall be exempt from the purchasing procedures required in this division; however, the Purchasing Director for just cause may limit or withdraw any exemption provided for in this section. (1) Works of art for museum and public display (2) Published books, library books, maps, periodicals, technical pamphlets (3) Copyrighted educational films, filmstrips, slides and transparencies (4) Postage stamps and postal fees (5) Professional dues, membership fees and seminar registration fees (6) Medicine and drugs (7) Utilities including gas, electric, water and sewer (8) Advertisements in professional publications or newspapers (9) Fresh fruit, vegetables, meats, fish, milk, bread and eggs (10) Oil company credit cards (11) Articles for commercial sale by all governmental bodies

Code 1982 SS 12-14 Ord. No. 2000-1 S 1, 1-1-0-2000 Sec. 2-514 Exemption from procedures

Notwithstanding any other section of this division, the Purchasing Director may make or authorize others to make emergency procurements of supplies, services, or construction items when there exists a threat to the functioning of county government; for the preservation or protection of property; or for the health, welfare or safety of any person, provided that such emergency procurements shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. As soon as practicable, a record of each emergency procurement shall be made and shall set forth the contractor's name, the amount and type of the contract, a listing of the items procured under the contract, and the identification number of the contract file.

Code 1982 SS 12-20 Sec. 2-519 Emergency procurements

Requesting Department: PALS Requested Account Code: 10001605

Description of Requested Services
Warranty for Musco lights Burton Wells Field

Please provide a listing of the items purchased, if additional pages are necessary please attach to this form:

Cost of Requested Services: 35,281

Requested Vendor Name: Musco

Requested Vendor Address: 100 1st Ave West, Okaloosa, IA 52577

Requested Vendor Phone Number: 800-825-6020 Requested Vendor Email Address: _____

Type of Service Requested (Please check one) Construction Services Supply/Good

Please attach any documentation provided by the vendor that provides back up for the claims in this document.



Non-Competitive Purchases Form

Please select a reason below as to why this is a non-competitive purchase and provide a brief explanation.

- It is not possible to obtain competition. There is only one source available for the supply, service, or construction item.
- The procurement is for a used item from the open market. The item may only be considered if, (1) the using agency recommends purchase, (2) condition of the item is verified by appropriate County official, (3) Price analysis justifies purchase when the following factors are considered: (a) new acquisition price; (b) current book value; and (c) maintenance costs.

The item is a single source purchase. Other sources may be available but purchases are directed to one source because of factors unique to Beaufort County. Please select an option below:

- Standardization
- Warranty
- Other, if selected please specify below.

-
- An emergency exists that threatens the functioning of County government.
 - An emergency exists that threatens the preservation or protection of County property.
 - An emergency exists that threatens the health, welfare or safety of any person within the County.

What steps have been taken to verify that these features are not available elsewhere?

- Other brands/manufacturers were examined (please list names and contact information, and explain why they are not suitable for use by the County-attach additional pages as necessary):
Only Musco can provide warranty for the lights as they are musco installed
- Other vendors were contracted (please list names and contact information and explain why those contacted did not meet the needs of the County-attach additional pages as necessary):

Requester Name: Sharon Loper Requester Signature: [Signature] Date: 7-2-13
 Department Head Name: Scott Marshall Department Head Signature: [Signature] Date: 7/3/13



Non-Competitive Purchases Form

For Purchasing Completion only:

Date Received in Purchasing Department: 7/30/13

Reviewed by Purchasing Department for completeness

Date: 7/30/13

Reviewed by: Dave Thomas

Verified that this is the only source: Yes No

Comments: Musco provides the only Warranty

Purchasing Director or His Designee Approval Signature: 

Associated Purchase Orders Number: _____

Associated Contract Number: _____

2013/

**AN ORDINANCE AUTHORIZING BEAUFORT COUNTY TO SELL REAL
PROPERTY IDENTIFIED AS TMP: R610 030 000 1649 0000**

WHEREAS, Beaufort County is the owner of real property located in Bluffton, South Carolina and identified as TMP: R610 030 000 1649 0000; and

WHEREAS, the property owned by Beaufort County is a parcel within the Bluffton Technology Park; and

WHEREAS, Beaufort County Council has determined that it is in the best interests of its citizens to sell the above described property upon such terms and conditions as may be most favorable to the County.

NOW, THEREFORE, Be it Ordained by Beaufort County Council that the County Administrator is hereby authorized to execute and sell the property identified as TMP: R610 030 000 1649 0000 upon such terms and conditions as he believes reasonably prudent and in the best interests of the citizens of Beaufort County.

DONE this ____ day of August, 2013.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Joshua A. Gruber, Staff Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading: August 12, 2013

Second Reading:

Public Hearing:

Third and Final Reading: