

COUNTY COUNCIL OF BEAUFORT COUNTY

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STEWART H. RODMAN
VICE CHAIRMAN

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DEPUTY COUNTY ADMINISTRATOR

JOSHUA A. GRUBER
COUNTY ATTORNEY

SUZANNE M. RAINEY
CLERK TO COUNCIL

AGENDA GOVERNMENTAL COMMITTEE (Includes Public Safety Division)

Monday, June 16, 2014

2:00 p.m.

Executive Conference Room, Administration Building
100 Ribaut Road, Beaufort

Governmental Committee Members:

Jerry Stewart, Chairman
Laura Von Harten, Vice Chairman
Cynthia Bensch
Rick Caporale
Gerald Dawson
Brian Flewelling
Tabor Vaux

Staff Liaison:

Phil Foot, Division Director

1. CALL TO ORDER – 2:00 P.M
2. TEXT AMENDMENTS TO THE BEAUFORT COUNTY CODE, ARTICLE V, SECTION 46-151 THROUGH SECTION 46 – 163 OF THE HAZARDOUS MATERIALS ORDINANCE ([backup](#))
3. AN ORDINANCE ENACTED PURSUANT TO S.C. CODE ANN. §4-37-30 ET SEQ. TO IMPOSE A ONE PERCENT (1%) TRANSPORTATION SALES AND USE TAX FOR NOT MORE THAN EIGHT (8) YEARS, IF APPROVED BY REFERENDUM; TO AUTHORIZE THE ISSUE OF GENERAL OBLIGATION BONDS NOT TO EXCEED \$240,000,000 IF APPROVED BY REFERENDUM, TO DESCRIBE THE TRANSPORTATION-RELATED PROJECTS AND ESTIMATED CAPITAL COSTS OF THE PROJECTS TO BE FUNDED IN WHOLE OR IN PART FROM THE PROCEEDS OF THE TAX; TO ORDER A COUNTY-WIDE REFERENDUM ON THE QUESTION OF IMPOSING THE TAX AND AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS; TO PROSCRIBE THE CONTENTS OF THE BALLOT QUESTIONS; AND PROVIDE FOR ALL OTHER THINGS NECESSARY TO SUBMIT THE AFORESAID QUESTIONS TO THE ELECTORATE ([backup](#))
4. CONSIDERATION OF REAPPOINTMENTS AND APPOINTMENTS
 - A. Lady's Island/St. Helena Island Fire District
5. ADJOURNMENT

2014 Strategic Plan: Committee Assignments

Business License Fee: Direction

Business Retention and Growth Program: Development and Funding

Economic Development Sites Report (Lowcountry Alliance)

Designated Funding Mechanism for Economic Development: Direction

Lowcountry Economic Alliance: Performance/Activity Report and Funding

Referendum(s) 2014 (Capital, LOST, and Rural and Critical Lands): Direction



ORDINANCE NO. _____

TEXT AMENDMENTS TO THE BEAUFORT COUNTY CODE, ARTICLE V, SECTION 46-151 THROUGH SECTION 46 – 163 OF THE HAZARDOUS MATERIALS ORDINANCE

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

WHEREAS, Article V, Section 46 – 151 through Section 46 -163 was adopted in 1990 by Beaufort County Council to develop a database of information concerning the location and disposal of hazardous materials in the County; and

WHEREAS, Beaufort County Council believes to best provide for the health, safety, and welfare of its citizens it is appropriate to amend Article V, Section 46 – 151 through Section 46 - 163 of the Beaufort County Code and to provide for additional terms to said Article; and

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

NOW, THEREFORE, BE IT ORDAINED BY BEAUFORT COUNTY COUNCIL, that Section 46 of the Beaufort County Code is hereby amended and replaced with the following:

Sec. 46-151. Purpose.

- (a) It is the intent of this article to develop a database of information concerning the location and disposal of hazardous materials in the county. This database will be used to protect firefighters and emergency personnel from injury or death occurring from an explosion or fire because of unknown dangerous materials present.
- (b) It is further intended to use this database to protect the natural environment through the monitoring of use and disposal of hazardous materials within the county.
- (c) It is further intended to locate and identify those businesses that should report extremely hazardous substances under SARA, title III, in order to form site plans and ensure compliance.

(Code 1982, § 8-41)

Sec. 46-152. Scope.

- (a) This article shall apply to all materials that are highly flammable or that may react to cause fires or explosions or that, by their presence, create or augment a fire or explosion hazard or that, because of the toxicity, flammability, or liability of

explosion, render firefighting, rescue or public safety operations abnormally dangerous or difficult or create a threat to public health or safety. This article shall also apply to flammable or combustible liquids that are chemically unstable and that may spontaneously form explosive compounds or undergo spontaneous reactions of explosive violence or with sufficient evolution of heat to be a fire hazard. Hazardous materials shall include such materials as flammable solids, corrosive liquids, radioactive materials, oxidizing materials, potentially explosive materials, poisonous gases and hazardous materials known or suspected of chronic toxicity, as defined in this article. However, this article shall not include heating fuels, lubricating oils, hydraulic oils, lubricating greases or compressed gases for residential use.

- (b) The storing, handling and dispensing of materials covered by this article shall be pursuant to the requirements of any and all applicable local, state and federal codes.
- (c) This article recognizes that transporters of hazardous materials must comply with all United States Department of Transportation regulations, such hazardous materials regulations governing both interstate and intrastate activities.

(Code 1982, § 8-42)

Sec. 46-153. Applicability of Classes and Divisions; Extremely Hazardous Substances; Registration Categories.

- (a) For the purposes of this article, the following divisions, as identified by the United Nations Classification System, shall apply:

<i>Class 1</i>	<i>Explosives</i>
1.1	Explosives with a mass explosion hazard
1.2	Explosives with a projection hazard
1.3	Explosives with a predominantly fire hazard
1.4	Explosives with no significant blast hazard
1.5	Very insensitive explosives
<i>Class 2</i>	<i>Gases</i>
2.1	Flammable gases (can be ignited very easily)
2.2	Nonflammable gases
2.3	Poison gases (any gas of such nature that a small amount of the gas, when mixed with air, is dangerous to life)

Class 3	<i>Flammable Liquids</i>
3.1	Flashpoint below minus 18° C (0° F)
3.2	Flashpoint minus 18° C and above but less than 23° C (73° F)
3.3	Flashpoint of 23° C and up to 61° C (141° F)
Class 4	<i>Flammable Solids; Spontaneously Combustible Materials; Materials Dangerous When Wet</i>
4.1	Flammable solids (a solid substance, other than one classified as an explosive, which is liable to cause fires through friction, through absorption of moisture, through spontaneous chemical changes, or as a result of retained heat from manufacturing or processing)
4.2	Spontaneously combustible materials
4.3	Materials that are dangerous when wet
Class 5	<i>Oxidizers and Organic Peroxides</i>
5.1	Oxidizers (evolves oxygen either spontaneously or with mild heating)
5.2	Organic peroxides
Class 6	<i>Poisonous and Etiologic (Infectious) Materials</i>
6.1	Poison A: A liquid so toxic that an extremely small amount of the vapor formed by the liquid is dangerous to life
	Poison B: Less toxic liquids and solids that are hazardous either by contact with the body (skin absorption) or by ingestion
	Poison C: Liquids or solids that evolve toxic or strongly irritating fumes when heated or when exposed to air
6.2	Etiological (infectious) materials
Class 7	<i>Radioactive Materials</i>
	Any material or combination of materials that spontaneously emits ionizing radiation
Class 8	<i>Corrosives</i>
	Any acids, alkaline caustic liquids, and other corrosive liquids which, when in contact with living tissue, will cause severe damage of such tissue by chemical action; in case of leakage will materially damage or destroy other containers of other hazardous commodities by chemical action and cause the release of their contents; or are liable to cause fire when in contact with organic matter or with certain materials
Class 9	<u>Miscellaneous Hazardous Materials/Other Regulated Materials (ORM) (NEW)</u>
	<u>Materials that present a hazard during transportation but do not meet other hazard class definitions. (i.e., asbestos, dry ice, polymeric beads, PCBs)</u>

- (b) Extremely hazardous substances are those substances designated as such by the administrator of the United States Environmental Protection Agency.
- (c) For the purposes of registration, the following registration categories are hereby established and defined:
 - (1) *Category A* includes any facility which uses, produces or stores any amount of extremely hazardous substance, as defined by section 304 of the Emergency Planning and Community Right-to-Know Act of 1986 (SARA title III), and meets or exceeds the reportable quantities under the extremely hazardous substances list, or under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980 list.
 - (2) *Category B* includes any facility which produces hazardous chemicals and/or stores hazardous chemicals for wholesale and/or any facility which uses hazardous chemicals, as defined in subsection (a) of this section, and meets or exceeds quantities listed in subsection (f) of this section.
 - (3) *Category C* includes any facility which handles or stores any hazardous chemical, as defined in subsection (a) of this section, and meets or exceeds quantities listed in section (f) of this section for retail sale to the general public.
- (d) For the purpose of registration, the term hazardous chemicals does not include the following:
 - (1) Any food, food additive, color additive, drug or cosmetic regulated by the Food and Drug Administration.
 - (2) Any substance to the extent it is used for personal, family or household purposes.
 - (3) Any substance to the extent it is used in a medical research laboratory or a hospital or other medical facility under the direct supervision of a technically qualified individual.
 - (4) Any substance to the extent it is used by a food service facility in the preparation of such food for human consumption.
 - (5) Any substance to the extent it is stored and used by the facility for janitorial and housekeeping purposes only.
- (e) This article shall not apply to farmers, provided their storing, handling, and use of hazardous materials is for farming purposes only.
- (f) A registration shall be required for the use, handling, production, and/or storage of any quantity of hazardous chemicals, as defined under subsection (a) of this section, which meets or exceeds the following amounts. **NOTE: ~~A registration shall also be required for those facilities which adhere to Category A in subsection (c)(1) of this section:~~**

Classification	Division	Amount
Class 1	1.1	Any
	1.2	Any
	1.3	Any
	1.4	Any
	1.5	Any
Class 2	2.1	100 lbs. 50 lbs.
	2.2	None 50 lbs.
	2.3	Any
Class 3	3.1	55 gals. 25
	3.2	55 gals. 25
	3.3	55 gals. 25
Class 4	4.1	10 lbs.
	4.2	10 lbs.
	4.3	10 lbs.
Class 5	5.1	200 lbs.
	5.2	10 lbs.
Class 6	6.1	Any
	6.2	Any
Class 7		Any
Class 8		55 gals. 25
<u>(NEW) Class 9</u>		<u>Any</u>

(Code 1982, § 8-43)

Sec. 46-154. Enforcement and Administration.

The ~~county emergency preparedness department~~ **Emergency Management Division of the Beaufort County Sheriff's Office** will be responsible for the administration of this article and maintaining registrations.

(Code 1982, § 8-44)

Cross reference—Administration, ch. 2.

Sec. 46-155. Official's Right of Entry.

- (a) The appropriate official designated by the county administrator or his authorized representative (~~i.e., Fire Marshal in the appropriate jurisdiction~~) may, at all reasonable times, request access to any building, whether completed or under construction, or to any property for the purpose of making an inspection or investigation to enforce any of the sections of this article, and if denied and a belief exists as to probable cause that hazardous materials are present, such official shall obtain a search warrant to allow inspection of the premises.
- (b) If an emergency appears to exist, the county may petition for a court order enjoining the owner or occupant of the premises from conducting business or storing the product in question.
- (c) No person, owner or occupant of any building or premises shall fail, after proper credentials are displayed, to permit entry into any building or onto any property by the appropriate official designated by the county administrator or a duly authorized agent for the purpose of inspections pursuant to this article. Any person violating this section shall be guilty of a misdemeanor and, upon conviction, sentenced to a fine of ~~\$200.00~~ **\$500** or 30 days in jail for each offense.

(Code 1982, § 8-45)

Sec. 46-156. Sampling Permitted.

Under this article, the appropriate official may verify the contents of any chemical container by taking a sample for analysis if the holder or owner of a chemical container is unable to identify or substantiate the contents through the production of trade-accepted manifests and/or acceptable documentation.

(Code 1982, § 8-46)

Sec. 46-157. Vehicle Inspection.

No material shall be transported in any vehicle which has physical, mechanical or electrical defects that could cause or contribute to fire or explosion or which is

improperly placarded, as provided in the United States Department of Transportation regulation. The appropriate official designated by the county administrator and any county law enforcement officer shall have the authority to inspect a vehicle transporting materials for such defects or violations and shall prohibit a defective vehicle or improperly placarded vehicle from transporting materials on roads and highways within the county.

(Code 1982, § 8-47)

Cross reference— *Traffic and vehicles, ch. 70.*

Sec. 46-158. Disposal.

Disposal of hazardous materials shall be by methods meeting all requirements of state and federal law. Upon registration of hazardous materials, a list of materials for disposal, method of disposal and location of disposal shall be supplied.

(Code 1982, § 8-48)

Sec. 46-159. Registration and Fees Required.

- (a) A fee shall be paid for initial registration pursuant to this article. An annual renewal fee shall be paid by January 1 of each year. Only one registration is required per facility per year. The fee schedule shall be as follows:

Category	Initial Registration	Renewal Registration
A	\$300.00	\$200.00
B	150.00	100.00
C	100.00	50.00

- (b) No registration shall be valid after December 31 of the year in which it was issued.

- (c) **Those who have not paid their renewal fee by January 1st shall be subject to a late fee of double their annual renewal fee. (i.e., Category A = \$400, Category B = \$200, Category C = \$100)**

- ~~(e)~~ **(d)** Government agencies are exempted from the fees but are not exempted from compliance.

- ~~(d)~~ **(e)** Registrations are nontransferable.

(Code 1982, § 8-49)

Sec. 46-160. Disposition of Fees Collected.

- (a) All fees collected pursuant to this article shall be turned in to the county treasurer and credited to the county's general fund.
- (b) The funds generated by this article will be allocated to the Local Emergency Planning Committee as described by the Community Right-to-Know Act of 1986 (SARA title III). The Committee will use these funds to purchase hazardous materials equipment, to develop a hazardous materials response capability and to conduct training needed for combating all hazardous materials incidents.

(Code 1982, § 8-50)

Sec. 46-161. Notices and Orders.

Whenever ~~the~~ a **Fire Marshal in his/her appropriate jurisdiction**, or a duly authorized agent designated by the county administrator finds, in any building or upon any premises, dangerous or hazardous conditions or materials, there shall be issued such Notice ~~or~~ and Orders to remove or remedy the conditions as may be necessary for the protection of life and property from fire and smoke or explosion.

(Code 1982, § 8-51)

Sec. 46-162. Violations and Penalties.

- (a) Any person operating or maintaining any occupancy, premises or vehicle subject to this article who fails to rectify any violation of this article on premises under his control or who fails to take immediate action to abate a violation of this article when ordered or notified to do so by the appropriate official designated by the county administrator or his duly authorized representative shall be guilty of a misdemeanor and upon conviction sentenced to a fine of ~~\$200.00~~ \$500 or 30 days in jail for each offense.
- (b) Any person failing to register materials or pay the registration or renewal fee covered by this article is in violation of the article and is subject to the penalties and fees as outlined in subsection (a) of this section.

(Code 1982, § 8-52)

Sec. 46-163. Reimbursement of County's Costs.

If a spill or release of any hazardous material, as defined by this article, occurs which would require the county to commit its hazardous material resources, the party responsible for such spill or release shall pay all costs incurred by the county, including all legal fees, in its efforts to mitigate any risks to life, property and/or the environment

caused by such spill or release. The county administrator or his designee shall have the sole authority to commit the county's hazardous material resources.

(Code 1982, § 8-53)

SECTION 7. EFFECTIVE DATE

This Ordinance shall be effective upon approval at third and final reading by Beaufort County Council.

DONE, this _____ day of _____ 2014.

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:

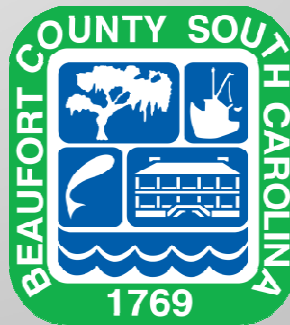
Second Reading:

Public Hearing:

Third and Final Reading:

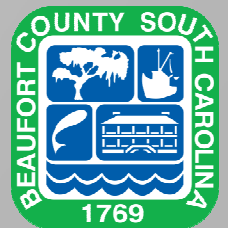
2014 CAPITAL PROJECT SALES TAX COMMISSION

Final List of Projects



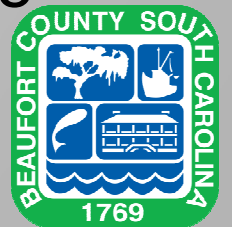
US 278 Initiatives

- ▣ Cost = \$24M
- ▣ Planning & Engineering of Hilton Head Island Bridges replacement
- ▣ Windmill Harbour/Pinckney Island Connection/CC Haigh Boat Landing entrance & exit improvement
- ▣ Median modifications to 4 intersections between Hilton Head BMW and the Gatherings along US 278
- ▣ Widening US 278 from the HHI Bridges to Squire Pope Road



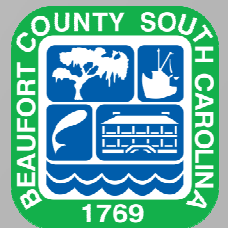
Bluffton Parkway Phase 5B Realignment

- ▣ Cost = \$28M
- ▣ New construction straightening 3 miles of Bluffton Parkway between Buckwalter Parkway and Buck Island Road
- ▣ Allow more efficient pathway for motorists traveling along Bluffton Parkway from SC 170 to Buck Island Road
- ▣ This project was approved by taxpayers during the 2006 referendum but was not completed due to insufficient funds from impact fees



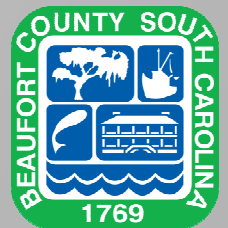
Bluffton Parkway Phase 6

- ▣ Cost = \$3M
- ▣ Planning & Engineering only
- ▣ This extension provides parallel route to US 278 from I-95 to Pinckney Island
- ▣ Provides a second evacuation route for Hilton Head Island and Bluffton residents
- ▣ Project costs \$5M. Beaufort County will pay \$3M and ask Jasper County to participate in paying the additional \$2M within the next 3 years



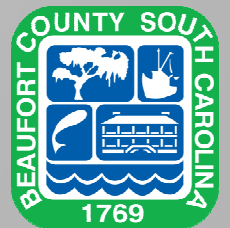
Hilton Head Road Resurfacing

- ▣ Cost = \$5M
- ▣ Sections of the following State and Town owned paved roads will be resurfaced:
 - Dillon Road
 - Wildhorse Road
 - Spanish Wells Road
 - North Main Street
 - Indigo Run Drive
 - Union Cemetery Road
 - Palmetto Bay Road
 - Office Way
 - Dunnagans Alley
 - Pope Avenue
 - Lemoyne Avenue
 - Lawton Beach



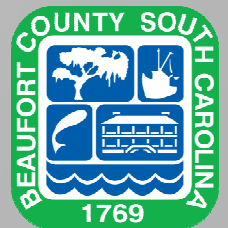
Parris Island Gateway/Savannah Highway Intersection

- ▣ Cost = \$750,000
- ▣ Rebuild intersection to allow dual left turn lanes.
- ▣ Installation of new mast arm signals



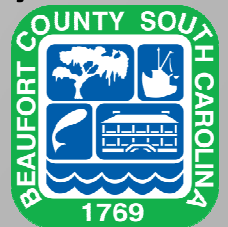
US 278 Traffic Adaptive Signals

- ▣ Cost = \$300,000
- ▣ Automatic changing of signal timing along US 278 from SC 170 to Buckingham Plantation Drive
- ▣ Improve traffic flow along US 278 during peak hours, beach traffic, holidays and special events.



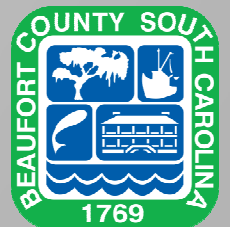
Mast Arm Upgrades

- ▣ Cost = \$2M
- ▣ 12 existing intersections will receive new signal mast arms (SC 170 @ Callawassie, SC 170 @ Riverbend, US 278 @ Tanger 2, US 278 @ Tanger 1, US 278 @ SC 46, US 278 @ Malphrus, Ribaut Rd. @ Duke St., Ribaut Rd. @ North St., Ribaut Rd. @ Bay St., Ribaut Rd. @ Hermitage St., Sea Island Pkwy. @ Beaufort High, May River Rd. @ Buck Island Rd.
- ▣ Mast arms are much more durable, aesthetically pleasing and can withstand 130 mph winds



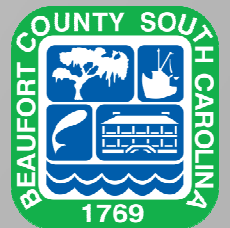
Flashing Yellow Signals and Traffic Signal Battery Backup System

- ▣ Cost = \$1M
- ▣ Replacement of current traffic signals countywide with new left turn signal displays
- ▣ Flashing yellow arrow signals decrease driver confusion, reduce crashes and decrease delay
- ▣ 20 current signals will have battery backup power installed allowing signal to operate during a power outage



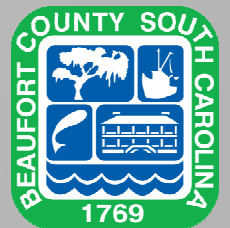
US 21Bus./Woods Memorial Bridge & Ribaut Road Intelligent Transportation Systems (ITS)

- ▣ Cost = \$400,000
- ▣ Technology that informs motorists of alternate routes alleviating congestion when the bridge is open



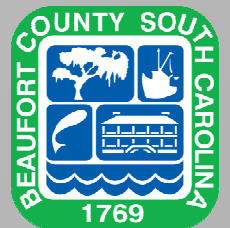
Town of Port Royal Port Property

- ▣ Cost = \$17M
- ▣ 52 acres of land to be developed
- ▣ 265 acres of marsh area
- ▣ If the Town of Port Royal sells parcels of the property for more than \$17M, the Town can keep the extra money for infrastructure
- ▣ If the Port Authority sells the property for less than \$17M, the Town can keep the difference for infrastructure.



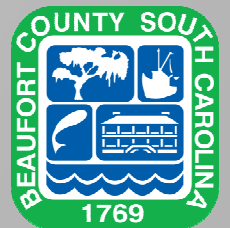
Beaufort City Downtown Parking Garage/Waterfront Park Expansion

- ▣ Cost = \$19.5M
- ▣ Marina parking lot replaced with green scape, replaces the marina store and restroom with harbormaster building, opens up opportunities for non motorized watercraft storage and use
- ▣ 450 space parking garage surrounded by liner buildings to shield building from Downtown view



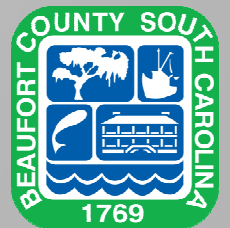
Beaufort City Southside Park

- ▣ Cost = \$2.1M
- ▣ 40 acres of space with trails, playing fields, tennis courts, basketball courts, playgrounds and dog park
- ▣ Community Garden and Open air pavilion will be available for public use
- ▣ Additional outdoor areas for the two neighborhood schools



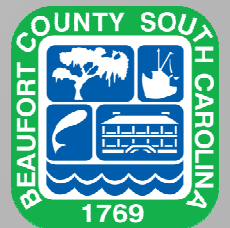
University of South Carolina Beaufort Arena

- ▣ Cost = \$24M
- ▣ 4,000 fixed seat arena
- ▣ Additional parking spaces
- ▣ Allows usage for USCB but also local schools and community



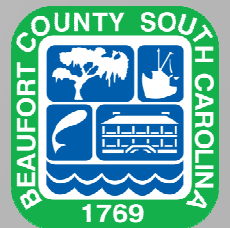
University of South Carolina Beaufort Sports Complex

- ▣ Cost = \$16M
- ▣ 1,000 seat baseball stadium
- ▣ 500 seat softball stadium
- ▣ Soccer field
- ▣ Cross country track and walking trail
- ▣ Fieldhouse for offices, locker rooms and training facilities



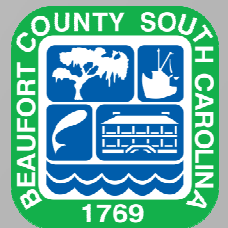
Technical College of the Lowcountry Building Replacement

- ▣ Cost = \$6M
- ▣ Replace buildings 15 & 16 on Beaufort Campus with new 30,000 square foot building
- ▣ New building will house enhanced and expanded industrial and trades programs
- ▣ Consolidating into new facility will improve efficiency and functionality
- ▣ Improve traffic and parking congestion



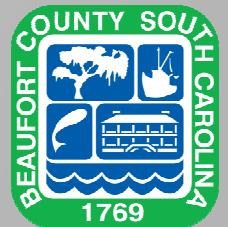
Yemassee Rail Industrial Park

- ▣ Cost = \$23M
- ▣ Roadway creation, entrance improvements and utility relocations
- ▣ Water & Wastewater improvements
- ▣ Key location between Charleston & Savannah ports, close to I-95, rail accessibility, along Highway 17 Corridor
- ▣ Maximizes 10 to 20 year industrial investment and job creation opportunities



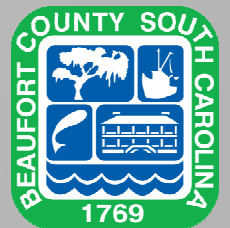
Spanish Moss Trail

- ▣ Cost = \$9M
- ▣ Phase 2 –crossing over Ribaut Road to the Port of Port Royal property
- ▣ Phase 5 Bridge –bridge crossing over Robert Smalls Parkway
- ▣ Phase 7 – trail from Laural Bay Rd. to Clarendon Rd.
- ▣ Phase 8 – boardwalk along US 21 across Middle River
- ▣ Phase 9 – trail through County property to railroad
- ▣ Phase 10 – trail along the railroad behind Whale Branch Early College High School



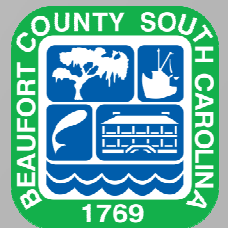
Depot Road Sidewalk

- ▣ Cost = \$500,000
- ▣ 0.4 miles of sidewalk from Ribaut Road to the Spanish Moss Trail
- ▣ Allowing public access from downtown Beaufort to the Spanish Moss Trail



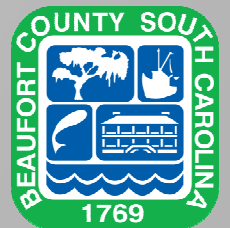
Safe Routes to School Pathways

- ▣ Cost = \$17M
- ▣ Burnt Church Rd. to Ulmer Rd.
- ▣ Joe Frazier Road
- ▣ Meridian Road
- ▣ Middle Road
- ▣ Stuart Point
- ▣ Alljoy Road
- ▣ Allow safe routes for children to walk/bike from residential areas to schools



May River Initiatives

- ▣ Cost = \$19M
- ▣ Protection of water quality by providing sanitary sewer instead of septic tanks by May River
- ▣ Alljoy & Myrtle Island
- ▣ Old Town
- ▣ Cahill
- ▣ Gascoigne Bluff
- ▣ Stoney Creek
- ▣ Pritchardville



Hilton Head Island Ward 1 Sewer Projects

- ▣ Cost = \$3.4M
- ▣ Expansion of sewer line infrastructure within the Hilton Head Public Service District
- ▣ Areas impacted begin at Jenkins Island/Windmill Harbour and ends at the Hilton Head Resort near Palmetto Dunes/Shelter Cove

