



*Beaufort County  
Capital Project Sales Tax  
Commission  
Agenda*

Wednesday, June 4, 2014

1 p.m.

Executive Conference Room  
Beaufort County Administration Building

Members:

Mike Covert  
Craig Forrest  
Scott Graber  
Jeffrey Robinowich  
Bill Robinson  
Scott Richardson

1. Call to Order  
Chairman Craig Forrest
2. Pledge of Allegiance
3. Approval of Capital Project Sales Tax Commission minutes  
A. May 29, 2014 meeting ([backup](#))
4. Finalize list of projects ([backup](#))
5. Length of proposed sales tax referendum
6. Language of ballot question ([backup](#))
7. Adjournment

## **Capital Project Sales Tax Commission – May 29, 2014 Meeting**

### **Call to Order:**

Chairman Forrest asks everyone to stand and say the Pledge of Allegiance

### **Attendance:**

Chairman Forrest, Commissioner Covert, Commissioner Robinowich, Commissioner Robinson, Commissioner Graber were in attendance. Commissioner Richardson arrived 3 minutes into the meeting.

### **Approval of Meeting Minutes:**

Minutes from May 19, 2014 meeting were unanimously approved. Commissioner Richardson was absent for the vote.

### **Explanation of Work Session:**

Chairman Forrest takes a few minutes to explain to the public in attendance of the meeting that this is a work shop for the Commissioners. This isn't a time or place to take testimony from the public. He did tell the public that the Commissioners would stay after the meeting for those who had specific questions. The Chairman did explain though that it is ok for the Commissioners to ask Beaufort County staff for clarification if they had a question. Chairman Forrest then says he would like to go around the table and have each Commissioner list the projects they are in favor of.

### **Commissioner Robinson:**

City of Beaufort Downtown Park and Parking Garage, Port Royal Port land, Bluffton Parkway, USCB Coliseum, Joe Frazier Road, Meridian Road, Middle Road/Coosa Elem. School, Stuart Point Sidewalk, US 278/Jenkins Road/Windmill Harbour Improvements, Pinckney Island/Haig Point Entrance

### **Commissioner Graber:**

Bluffton Parkway 5B, US 278 Bridge Widening Engineering/Planning, Spanish Moss Trail, Depot Road Sidewalk, Joe Frazier Road, Parris Island Gateway, Meridian Road, Coosa/Middle Road Pathway, May River initiatives, Port Royal Port land, Hilton Head Resurfacing, Hilton Head Ward 1 Sewer, Beaufort City Downtown Park and Parking Garage, US 278 Jenkins Road/Windmill Harbour Improvements, Pinckney Island/Haig Point Connection

### **Commissioner Robinowich:**

May River Initiatives, Bluffton Parkway 5B, Port Royal Port, USCB Coliseum, Ward 1 Sewer, US 278 Corridor Improvements, US 278 Engineering/ Planning, US 278 Jenkins Road/Windmill Harbour Improvements, Pinckney Island/ Haig Point Connection

### **Commissioner Covert:**

Before announcing his projects, Commissioner Covert addressed the public in attendance. He thanked all of the presenters but unfortunately, he said there have been rumors that this Commission was created to set a sales tax precedent and he wanted to set the record straight. He nor his colleagues, are here to increase sales taxes on businesses or homeowners. He said the

Commission is here to recommend to County Council what projects the Commission is in favor of and then Council will decide whether or not to send the ballot language and list to the Board of Elections. Commissioner Covert said ultimately it will be up to the citizens of Beaufort County to vote this tax up or down in November. He then listed what projects he is in favor of. Bluffton Parkway, US 278 Traffic Adaptive Plan, Bridge Replacement and Widening, Windmill Harbour entrance, Woods Bridge ITS project, Bluffton Parkway 46 circle, Mast Arms upgrades, Flashing Yellow upgrades, Battery Backup for Signals, Sea Island/Lady's Island signal rebuild, May River Initiatives, USCB Arena under the revision, Port Royal Port land, Hilton Head Island Fire Dept. #2, HHI Ward 1 Sewer, TCL building replacement. Commissioner Covert said the Commission is dealing with more than a half a billion dollars worth of projects and that his projects as well as the other Commissioners projects are those of health, safety and welfare of Beaufort County citizens.

**Vice-Chairman Richardson:**

All US 278 changes between Moss Creek and Squire Pope Road, US 21 Memorial Bridge signals, Bluffton Parkway pathway completion, Bluffton Parkway/SC 46 Roundabout correction, Parris Island Gateway intersection, Mast Arm upgrades, Flashing yellow lights upgrade, Backup Battery signals, Sea Island/Lady's Island intersection, US 278 to I-95, May River, Port Royal Port property, Beaufort Park and Downtown Parking Garage, USCB Arena (adjustment), Beaufort County Performing Arts Venue, Yemassee project

**Chairman Forrest:**

Chairman Forrest started by saying when there is \$630M worth of projects being presented it is hard to narrow that list down. He said at the most, this referendum would bring in \$240M if the referendum lasts its legal full length of 8 years. Bluffton Parkway 5B, Traffic Adaptive System, Planning/ Engineering HHI Bridges, Windmill Harbour Entrance, Pinckney Island Entrance, Spanish Moss Trail, ITS Initiatives, Parris Island Gateway intersection, Mast Arm signal upgrade, Sea Island/Lady's Island intersection, Bluffton Parkway Phase 6, US 278 from 170 to I-95 resurfacing, USCB Sports Complex, OSHI learning center, TCL building replacement, Yemassee project, Sheldon resurfacing, May River Initiatives, Port Royal Port Property, Resurfacing of roads in Port Royal, Ward 1 Sewer, HHI Resurfacing of roads, Waterfront Park and Downtown Parking Garage.

Commissioner Robinowich asks if everyone could go around the table again to see if there are any additions. The Chairman asks all of them if there are any additions and Commissioner Robinowich asks what the Commissioner's opinions are in regard to the Charter Schools requests. He says, the schools have a remarkable success rate and wanted to bring it up for discussion. Josh Gruber, County Attorney, stands up and suggests putting the projects that at least 4 Commissioners voted for on one list and then go down from there. After the initial list is created, Josh said the priority of that list can begin, making it easier for the Commissioner's.

Vice-Chairman Richardson brings up to go back to the list and look at what projects can really be paid for by the County or municipalities. He said he really picked projects that are game changers for the County as a whole, not paving projects. He said if the Commission does one of these smaller projects, then the Commission should approve all of these smaller projects. Vice-Chairman Richardson suggests talking about the big projects first. Commissioner Robinson said

if some of these big projects are funded than that takes the pressure off the County and Municipalities allowing the groups to pay for the smaller projects. Commissioner Graber says some of these projects have the pre-requisite to get 4,5,6 votes from the Commission but he would like to first talk about the big projects like the bridges over to Hilton Head. He said he spoke to a friend of his that works for SCDOT and wants to share the information he acquired. Chairman Forrest says he would like to start talking about the big projects that he believes all of the Commissioners voted for like the Bluffton Parkway Phase 5B project, Hwy 278 Changes from Moss Creek to Squire Pope Road, the Downtown Beaufort Park and Parking Garage, Port of Port Royal, May River Initiatives. Vice-Chairman says let's talk about 5B. Vice-Chairman says his problem with this project is if the road is changed than it will take 20 seconds faster to get from one place to the next. He said he hasn't heard of any complaints from anyone on how it is configured right now. He also said when he started thinking about the projects, the project extending Bluffton Parkway Phase 6 through Jasper County seems like a more important road than Phase 5B. He said right now he has a tough time embracing spending \$28M on a project that there isn't a lot of benefit. He said it's really a development project. He traveled up and down Bluffton Parkway and said he saw a lot of for sale signs and there is a lot of land that hasn't been developed yet. Commissioner Covert said he agrees the \$28M doesn't add up for such a short distance, however, speaking with life and safety people, in the event of a hurricane, the area that needs to be realigned will become a bottleneck area. He says in this regard he supports that project but he also agrees with Vice-Chairman Richardson in that Bluffton Parkway needs to be extended through Jasper County but that Jasper County needs to come to the table with some funding. He said the property where the road will go through is useless property but will become very high valued property once the road is built. Commissioner Covert says he is in favor of the project but not the dollar value of the project. Commissioner Graber says he called the State Highway Engineer, David Cook, asking him what it costs to pave 1 mile of road. Mr. Cook said roughly \$1M a mile if the project is uncomplicated. Commissioner Graber says the Phase 5B project is \$28M for 2.5 miles which equates about \$7.6M a mile. He said he is really uncomfortable paying this much for the project. Commissioner Graber said he isn't accusing of Bluffton but that they may have come in with a high number thinking the Commission would pare it down but he is uncomfortable with \$7.6M a mile. Chairman Forrest said with a \$28M price tag, this project raises a lot of questions. He said from his background, he believes this isn't the County's or Town's price tag but the consultant they brought in. Chairman Forrest also has a problem with the price but says take a look at it from a voters standpoint. This project was on the 2006 tax referendum that didn't get finished. The Chairman says by default, since this wasn't finished in 2006 and the voters approved it in 2006, this project will end up on the list. He says there really isn't a way around it. He also thinks that when the flyover is opened and the extension to I-95 is completed, the need for this re-alignment will be needed. Vice-Chairman Richardson says he's trying to find the middle ground and would like to see a bare boned cost of what it will cost just to build a straight 4-lane road through the property. This wouldn't include pathways, curb cuts, and entrances into neighborhoods. The Chairman says if the Commission is uncomfortable with the cost, than other number can they go with since the only experts the Commission has to go to is Beaufort County staff and the Town and the only number they both have provided is the \$28M so how do you change that number without going through a new Engineering estimate. Commissioner Graber says he doesn't believe he has to accept the \$18.2M just for construction. He understands the rest of the costs for the project but not the construction cost. He suggests having the neighborhoods that will soon have access to

Bluffton Parkway chip in money for the access points of construction. County Administrator Gary Kubic speaks up and says in 2005 when Florence & Hutchinson was tasked with coming up with an estimate for this project, it was predicated on road construction federal standards. If a project is not built according to federal standards, Mr. Kubic said that project is then exempt from any federal money or grants. He also said the federal standards are much more extensive than a normal roadway. Commissioner Robinson says he also has a hard time with the \$18M for the paving of the project. Chairman Forrest says he has more of a problem with the \$10M part of the project than with the \$18M part of the project. He asks really what does the \$10M really give you? He then asks, what does the Commission want to do with this project? Vice-Chairman Richardson suggests deferring the discussion about 5B and let everything already discussed sink in. Commissioner Robinson asks exactly why the construction is \$18M. County Traffic Engineer Colin Kinton says the \$18M is about \$1.6M a lane mile. He says in 2006, the County used the estimate of \$1M a mile and actually came up short on a few projects so this \$18M estimate is more in line with the estimate of \$1.6M a mile.

The Top Tier projects, which are projects that 5 or 6 Commissioners voted for, are put on screen. The Bluffton Parkway Phase 5B is number 1. Chairman Forrest asks the Commissioners if any of them have a problem with the rest of the Top Tier list other than #1 since they decided to defer discussion on 5B. Commissioner Graber says he would like to comment on the Windmill Harbour entrance change. He said DOT is about to improve part of the entrance to Windmill Harbour by adding an acceleration heading east for about \$1M. The Chairman says the acceleration lane is the first part of the project but the second part is to offset the westbound left hand turn into Windmill Harbour. The Chairman asks when Commissioner Graber was speaking to SCDOT was he surprised when they told him it would cost \$1M for an acceleration lane. Commissioner Graber said he did not considering the cost of many of the other projects on the list. Vice-Chairman Richardson says there are several Hwy 278 projects from Moss Creek to Squire Pope Road and he believes that all of them should be done, not just one because they all affect each other. Commissioner Graber just wanted to point out that the DOT was already working on a project that was pitched to the Commission and he doesn't want to earmark money if the project or part of the project is already being funded. The Chairman says the only thing that DOT is building is the acceleration lane and the left turn. Commissioner Robinowich says in regard to the Port Royal Port land project, he believes the Port would accept an offer of a lot less than the \$22M appraisal value and believes an offer of \$15 should be submitted if that project is passed by the voters. The Chairman then asks if the Commission should start putting price tags on the Top Tier projects. Bluffton Parkway - \$28M, US 278 Initiatives (Moss Creek – Squire Pope Road) - \$24M, USCB complex - \$24M. Vice-Chairman Richardson explains he had a discussion with Chancellor Jane Upshaw of USCB about scaling down the project from the original convention center to an arena. The \$24M is the scaled back number. May River Initiatives - \$19M. Commissioner Graber said he spoke to Dean Moss who told Commissioner Graber there are 3 specific areas that need sewer but the other 3 areas named in the May River Initiatives do not need sewer right now. Commissioner Covert said anything that threatens a body of water in our community needs to be looked at and steps need to be taken to improve it. Vice-Chairman Richardson suggests the Commission putting conditions on a project. Chairman Forrest says yes the members can do that. Port of Port Royal - \$17M, Waterfront Park/Downtown Parking Garage - \$19M, Ward 1 Sewer Projects - \$3.4M - Vice-Chairman Richardson says he didn't put this on his list of projects because this is something that Hilton

Head PSD could pay for with a rate increase. US 278 Traffic Adaptive Plan - \$300,000, Mast Arms Upgrade - \$2M, Sea Island Intersection - \$2M, Bluffton Parkway Roundabout - \$1.5M, Meridian Road pathway - \$1.5M. Vice-Chairman and Commissioner Graber both say they heard the County had already planned on doing this project. County Engineer Colin Kinton says he has also heard about this agreement between the County and the City of Beaufort to build the Meridian Road pathway as part of a TIF agreement that ended years ago. Gary Kubic said it isn't on any existing list. Middle Road/Coosa Elem. School - \$2M. Vice-Chairman Richardson asks for the County to explain why the County is saying it will cost \$1.5 to pave a mile but the Alljoy project was the paving of 1.6 miles of pathway and the estimated cost of the project is \$200,000. Colin Kinton says he spoke with some contractors and did mathematics and the Alljoy project was estimated using \$18 a square foot with 4 inch of paving. Vice-Chairman Richardson says can the Commission lump all of the school safety routes pathway projects together because he doesn't want to put one or two on the list and not fund the rest of the school safety route projects. The Chairman then asks if there is a project that a Commissioner wants added to the already Top Tier, 2<sup>nd</sup> Tier or 3<sup>rd</sup> Tier list. Commissioner Robinson says he would like the small Sheldon Park added. The Chairman explains that any project under \$50,000 can't be considered. Commissioner Covert says he would like the Flashing yellow signals and Battery Backup projects added. Commissioner Robinson wants the BJWSA building added. The Chairman asks if there is any other support for the BJWSA building. No one raises their hands so it's taken off the list. Commissioner Graber would like to discuss the USCB upgrades to the theatre. Chairman Forrest would like to see 278 from SC 170 to I-95 resurfaced. Colin Kinton says there is a SCDOT contract underway to repave Argent Blvd and Hwy 278 from SC 170 to the Beaufort-Jasper County line which will be 5 miles along Hwy 278. The Chairman is happy with that and asks it be taken off his list. Commissioner Robinson says he wants the TCL buildings added to the list. Commissioner Robinowich asks if there is anyone interested in giving money to the Charter Schools. Vice-Chairman Richardson says he has been told there is a considerable amount of surplus in the Beaufort County school district so why haven't the Charter schools had access to that. Vice-Chairman Richardson says he is also trying to figure out why Riverview Charter is having to pay rent to the school district if Riverview is also a Beaufort County public school. The Chairman says giving \$8M for a building that Riverview charter school doesn't own gives him concern. He says giving \$22M for a brand new building gives him concern as well. Vice-Chairman Richardson asks what everyone's thoughts are on the Yemassee project. He feels the location and railway access is key to having this project succeed but he is worried about if there is anyone that is already interested in that location if the infrastructure is built. Commissioner Graber believes there is an industrial park in Hampton County that hasn't been successful which he says could be because it doesn't have rail connectivity. He thinks industrial parks haven't done well in Beaufort County. Commissioner Covert says he would like to have Yemassee project stay on the list because economic development is one of the key components when deciding what projects should go on the list. Commissioner Robinson brings up the Sheldon sidewalk projects. Chairman Forrest says this is a project that may have conditions attached like none of the money will go to right of ways. Commissioner Graber would like to talk to the Spanish Moss Trail, Depot Road sidewalk and Parris Island Gateway Intersection changes. Chairman Forrest calls Riverview Charter school up to the podium. Mr. Foster of Riverview Charter says there is a flaw in the SC law when it comes to Charter Schools. Right now, as the law is written Charter schools do not get any capital improvement funding, whether it is a locally sponsored charter school or a state sponsored charter school. He says if they can't secure money

for an expansion of Shell Point or secure money for a new K-8 building, Riverview Charter is in jeopardy of having their current 500+ enrollment stay where it is rather than go up to the enrollment max they can legally have of 690 students. Commissioner Robinowich asks why does Riverview Charter have to pay to rent the Shell Point Elem. Building. The Director of Riverview Charter responds by saying under the state law for charter schools, districts do have to provide charter schools with space in a school if that space is available but under state law, the district can also require payment for that space. Vice-Chairman Richardson presents a Beaufort County Performing Arts Center project. He says this is a project that has been worked on for the last 5 years. It is a regional facility to handle numerous type of conventions and entertainment. The cost is \$50M. He says this type of facility, which is in several other cities, is designed to be used by those within a 50 mile radius of it. He asked the developer how would something like this be run here in Beaufort? Vice-Chairman Robinson suggested putting in some conditions in place with this project because there are so many what-if's. Some conditions Vice-Chairman Richardson would like to see attached to the projects are: The Town of Hilton Head would have to come up with the land, and the developer would have to have a foundation that funded the center in perpetuity for deferred maintenance. He believes the Commission should come up with other conditions as well to be connected to this project but that this could really be a big game changer for Beaufort County bringing in money to the County. The Vice-Chairman said the positive is that Hilton Head already has the infrastructure to go along with this project. He understands that \$50M is a big number but he believes it'll be worth it. Commissioner Graber

asked about the existing HHI Arts Center. Vice-Chairman Richardson said the existing Art Center had two plans for it when it opened. It had a 350 seat performance facility and a 1200 seat facility to build on the back that would handle all sorts of things. Vice-Chairman Richardson said the 350 seat theatre doesn't work. In his opinion there isn't a strong business plan in place to make it work. He says it probably should have never been built. He says a theatre type facility can't be used for other purposes whereas a Performing Arts Center can. It can host local HS graduations, concerts, conferences, plays. He says it's a big number, it's a big idea but with some caveats it could change Beaufort County for the good. Commissioner Graber asks who would own the facility. Vice-Chairman says he's not sure. Commissioner Robinson would like to know if there are any facilities in SC like the one being proposed that are making money.

County Attorney Josh Gruber takes the podium to discuss details about the language the Commissioners must come up with for the ballot question. Mr. Gruber handed out material to the Commissioners with highlighted sections showing what part of the ballot question they will need to develop and what part is standard legal wordage that is already accepted. Mr. Gruber says there is a section highlighted that explains how conditions can be put on projects. He says even though the Commission has the lawful authority, the Commission has to find a way administratively functional and can make it work and carry it out. Vice-Chairman Richardson asks, if the Commission is to put conditions on a project or the circumstances change for a project and a project is funded some other way and the project comes off the list. Will the money slotted for the list go to the next project or will the sales tax just end early? Mr. Gruber said it can be handled like that or the Commission can put contingency projects on the list. He says if you

start with a \$100M list of projects, the Commission goes ahead and puts together a \$120M list of projects. Mr. Gruber says in this case, if a project on the list is paid for with other funds, that money will just go down to the next project on the list. Vice-Chairman Richardson also asks if the Commission should put a timeline on the Port of Port Royal sale. Mr. Gruber said it would be permissible to do this but he said he isn't sure that would be wise to do and Mr. Gruber said he doesn't think he could answer that question for Vice-Chairman Richardson. Mr. Kubic said he thinks the Commission could put a deadline on the sale. Commissioner Graber says his concern about a deadline is if the Port property is broken apart into 3 sections and within the deadline two of the sections are sold but not the last one, what happens then.

Chairman Forrest says he will sum up the meeting in just a few minutes but first he would like to add some projects to the list that haven't yet been discussed. He wants the USCB sports complex added - \$16.4M, OLLI learning center added for \$4M and the Bluffton Parkway Phase 6 - \$5M.

Chairman Forrest hopes the list put together today is the list the Commission will finalize at the next meeting. Commissioner Robinowich asks, if there is a project that Commissioners receive new information about, can it be added to the list? The Chairman says yes but he hopes it would be minimal additions. Commissioner Robinson asks the list of Top Tier, 2<sup>nd</sup> Tier, 3<sup>rd</sup> Tier and other projects be sent to the Commissioner but also a list of the projects that were presented during the public meetings that the Commissioner's didn't discuss at all to make sure nothing was forgotten about.

Chairman Forrest then asks the Commission if they have any questions for Kim Statler of the Lowcountry Economic Alliance in regard to the Yemassee project. Vice-Chairman Richardson asks if residents pay \$22M for this, what makes the LEA think it's going to work and be successful. Mrs. Statler says the LEA did bring in an Engineering Consultant firm. She says in 2008 this property was first identified as prime area along Hwy 21 and Hwy 17 with access also to I-95 that wasn't wet. She says the Yemassee property is so valuable is after Hwy 17 was widened through Colleton County, that opened up truck traffic to come to and from Charleston. Boeing also announced they will be expanding which gives Beaufort County an opportunity to be part of Boeings Tier two and Tier three suppliers. She says the key part to this property is infrastructure. Vice-Chairman Richardson asks if the County buys it and puts in \$12M worth of infrastructure and use that as away to bring in a business and tell them they need to pay for the rest instead of Beaufort County paying \$22M to build everything and have it still sitting empty 10 years from now. Mrs. Statler says the flexibility lies after the infrastructure (roads, sewer, water) is put in. She said Beaufort County can't be competitive with other areas of the State without infrastructure already put in place. Commissioner Robinson asks if Hampton County is a competitor of Beaufort for bringing in businesses. Mrs. Statler says the consulting firm looked at that and said Beaufort County has the advantage of offering a quality of life to the CEO of the business, here in Beaufort, the CEO can draw from a 60 mile circumference labor pool. She said the other pieces include the Yemassee property is closer to I-95 and when this property is opened, all of the property in the Point South corridor is also opened up. Mrs. Statler points out as well, the large exiting military pool which totals about 1,000 people a year from the 3 installations in Beaufort County. These exiting military pool have tremendous skill sets that can give a CEO instant employees.



Chairman Forrest says he would like to know before the next meeting: any conditions any of the Commissioners would like to add to a project, or know something about a project or if a Commissioner would like to add or delete a project. At the next meeting, Chairman Forrest would like to spend the first hour finalizing the list, put the list in priority order, and finalize the question and then send it to County Council.

The Chairman asked Commissioner Graber what he wanted to discuss about the Spanish Moss Trail. He says this would link the Whale Branch Early College HS and nearby communities, which he said are predominately lower income, with the rest of the County. Commissioner Graber says he's been told that people from around the country seek out bike trails, come to the town for a weekend, stay in the local hotels, eat at the local restaurants just to ride the trail which means this could be a recreational feature for Northern Beaufort County. Commissioner Graber says he doesn't have a breakdown of why the Trail would cost \$9M but he believes this is a worthy project. Colin Kinton stands up to address the breakdown of the \$9M cost. Mr. Kinton says the cost is broken down into different phases of work and will get the cost of each phase to the Commissioners. Commissioner Graber says the Depot Road sidewalk is part of connecting walkers and bikers to the Spanish Moss Trail. Vice-Chairman Richardson asks how many more miles would this add to the existing Trail. Mr. Kinton says at least 4 to 5 miles more out to Whale Branch Early College HS.

Mr. Kubic says he wants to let the public know that all of the information discussed at today's meeting will be available on the County web by Friday afternoon.

The Chairman asks what the total is of projects put on today's list. He's told \$300M. He then tells the Commissioners to start thinking about where they will cut. Chairman Forrest then adjourns the meeting.



Capital Project Sales Tax Commission Work Session  
May 29, 2014

Summary of Projects Discussed by Commission at First Work Session:

**Top Tier**

1. Bluffton Parkway - \$28M
2. US 278 Initiatives – (Planning & Engineering of Bridges replacement, Windmill Harbour, Pinckney Island Connection/Haig Point Boat Landing, Access Management, Widening of US 278 from HHI Bridges to Squire Pope Road) - \$24M
3. USCB Arena - \$24M
4. May River Initiatives - \$19M
5. Town of Port Royal Port property - \$17M
6. City of Beaufort Waterfront Park Extension/Downtown Parking Garage - \$19.5M
7. Parris Island Gateway @ Savannah Hwy Intersection- \$.75M

**2<sup>nd</sup> Tier**

1. Hilton Head Island Ward 1 Sewer - \$3.4M
2. US 278 Traffic Adaptive Signal Control - \$.3M
3. Mast Arm Upgrades - \$2M
4. Sea Island Parkway @ Lady's Island Drive rebuild - \$2M

**3<sup>rd</sup> Tier**

1. Bluffton Parkway/ SC 46 Roundabout Improvements - \$1.5M
2. Meridian Road Pathway - \$1.5M
3. Middle Road/Coosa SRTS (safe routes to schools) pathway - \$2M
4. US 21 Woods Memorial Bridge ITS - \$.4M

**Total = \$146M**

### Other Projects still being discussed:

1. School Safety Pathways - \$17M (*the pathway projects included in this are:*  
*Burnt Church Rd & Ulmer Road - \$3.75M, Joe Frazier Road - \$7M, Meridian Road - \$1.5M, Middle Road/Coosa - \$2M, Stuart Point - \$2M, Alljoy Road - \$.75M)*
2. Flashing Yellow Signals & Battery Backup - \$1M
3. Charter Schools - \$28.8M (Riverview Charter = \$22M; Bridges = \$6.8M)
4. Yemassee Park - \$23M
5. Sheldon Sidewalks - \$6.8M
6. Spanish Moss Trail - \$9M
7. Depot Road sidewalk - \$.5M
8. Beaufort County Arts Center - \$50M
9. USCB Sports Center - \$16.4M
10. USCB OLLI Center - \$4M
11. Bluffton Parkway Phase 6 (Planning/Engineering) - \$5M

**Total = \$162M**

### Projects Presented but currently not being discussed:

- Salem Road connection
- Bluffton Parkway Phase 1 Pathway Completion
- Lake Point Dr. and Old Miller Road Pathways and connections
- Port Royal Spine Road
- WK Alston Connector
- Bluffton Parkway Development Corporation
- Water & Stormwater System on the Port Royal Port property
- Parris Ave. Park
- Resurfacing of Port Royal owned roads
- New Port Royal sidewalks
- HHI Roadway resurfacing
- William Hilton/Shelter Cove Improvements

- HHI Fire Station #2
- Island Recreation Center Expansion
- HHI Arts Center of Carolinas
- HHI multi-use pathways
- Recreational Facility Rehabilitation & Restoration
- Beaufort City Southside Park
- USCB Civic Center
- USCB Center of the Arts Theatre/Auditorium Renovation
- TCL Building Replacement
- New TCL Building
- BJSWA Building
- Comcast Sports Global Spectrum Venue
- Beaufort Commerce Park Expansion
- Graves Property
- Sheldon Downtown Beautification – can't be funded with CIP funds. A project must be \$50,000 or higher to be considered a capital improvement project
- Beaufort County Transfer Waste Station
- Repaving of Big Estate Road and Keans Neck Road
- Olympic Size Pool at Whale Branch Early College HS
- Expansion of existing Dale Community Center



## COUNTY COUNCIL OF BEAUFORT COUNTY

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Agnes Garvin

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Beaufort, SC 29901-1228

August 12, 2004

HAND DELIVERED

RE: Capitol Project Sales Tax

Dear Agnes:

Enclosed please find a certified copy of the Beaufort County One Percent Sales and Use Tax Ordinance No. 2004/24 for your records.

Should you have any questions or comments please do not hesitate to contact me.

With kindest regards,

Stacy D. Bradshaw

/sdb

enc.: as stated

cc: Gary Kubic w/o enclosure  
County Council members w/o enclosure  
Capitol Project Sales Tax Commission Members w/o enclosure

2004 AUG 12 PM 3:05

TO IMPOSE A ONE PERCENT SALES AND USE TAX, SUBJECT TO A REFERENDUM, WITHIN BEAUFORT COUNTY, PURSUANT TO THE *CAPITAL PROJECT SALES TAX ACT*, S.C. CODE ANN. 4-10-300, *ET SEQ.*; TO DEFINE THE SPECIFIC PURPOSES AND DESIGNATE THE PROJECTS FOR WHICH THE PROCEEDS OF SUCH TAX MAY BE USED; TO PROVIDE THE MAXIMUM TIME FOR WHICH SUCH TAX MAY BE IMPOSED; TO PROVIDE FOR THE MAXIMUM AMOUNT OF GENERAL OBLIGATION BONDS TO BE ISSUED IN ORDER TO FINANCE THE CAPITAL PROJECTS AUTHORIZED HEREUNDER SUCH BONDS TO BE PAYABLE FROM, AND SECURED BY, THE CAPITAL PROJECT SALES AND USE TAX AUTHORIZED HEREBY AS WELL AS THE FULL FAITH, CREDIT AND TAXING POWER OF BEAUFORT COUNTY; TO PROVIDE THE MAXIMUM COST OF THE PROJECTS OR FACILITIES FUNDED FROM THE PROCEEDS OF SUCH TAX OR BONDS AND THE MAXIMUM AMOUNT OF NET PROCEEDS TO BE RAISED BY SUCH TAX FOR THE PAYMENT OF THE COST OF SUCH PROJECTS OR FOR THE PAYMENT OF DEBT SERVICE ON ANY BONDS ISSUED TO PAY SUCH COSTS; TO PROVIDE FOR A COUNTYWIDE REFERENDUM AND TO PRESCRIBE THE CONTENTS OF THE BALLOT QUESTION IN SUCH REFERENDUM; TO PROVIDE CONDITIONS PRECEDENT TO THE IMPOSITION OF SUCH TAX AND CONDITIONS OR RESTRICTIONS ON THE USE OF SUCH TAX REVENUE; TO ESTABLISH THE PRIORITY, AND EXCEPTIONS THERETO, IN WHICH THE NET PROCEEDS OF SUCH TAX, IF APPROVED IN A REFERENDUM, ARE TO BE EXPENDED FOR THE PROJECTS AND PURPOSES STATED; TO PROVIDE FOR THE CONDUCT OF SUCH REFERENDUM BY THE BEAUFORT COUNTY BOARD OF ELECTIONS AND VOTER REGISTRATION, TO PROVIDE FOR THE ADMINISTRATION OF SUCH TAX, IF APPROVED; TO PROVIDE FOR THE PAYMENT OF SUCH TAX; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.

BE IT ENACTED BY THE BEAUFORT COUNTY COUNCIL OF BEAUFORT COUNTY, SOUTH CAROLINA, IN PUBLIC MEETING DULY ASSEMBLED:

Section 1. Recitals and legislative findings. As an incident to the adoption of this ordinance, the Beaufort County Council of Beaufort County, South Carolina (the "County Council") has made the following findings:

- (a) The South Carolina General Assembly has enacted the *Capital Project Sales Tax Act*, S.C. Code Ann. 4-10-300 *et seq.* (the "Capital Project Sales Tax Act" or "Act"), pursuant to which the County governing body may impose a one percent sales and use tax by ordinance, subject to a referendum, within the county area for a specific purpose or purposes and for a limited amount of time to collect a limited amount of money, and pursuant to which Beaufort County may utilize the revenues from such tax to pay directly and, or, to pay the debt service on any bonds issued by the County to pay the cost of any projects authorized by such Capital Project Sales Tax Act.
- (b) The County Council, as the governing body of the County, is authorized to create a commission subject to the provisions of the Capital Project Sales Tax Act for the purpose of considering proposals for funding capital projects within the County area and the formulation of a referendum question which is to appear on the ballot. The County Council adopted a Resolution pursuant to the Capital Project Sales Tax Act creating the Beaufort County Capital Sales Tax Commission (the "Commission") for the purpose of considering proposals for funding capital projects within the County and the formulation of a referendum question which is to appear on the ballot. Members of the Commission were appointed by the County Council and by the municipalities of Beaufort County in accordance with the provisions of the Capital Project Sales Tax Act.
- (c) The Commission has considered proposals for funding of one or more capital projects within the County and the Commission has, by vote taken in public meetings duly advertised, identified the purpose for which the proceeds of the proposed capital projects sales and use tax shall be used and, in furtherance thereof, approved the projects described in this ordinance, established the maximum time for which the sales and use tax may be imposed at five (5) calendar years, established the maximum aggregate principal amount of general obligation bonds

to be issued to finance the projects approved herein and specified that the proceeds of the tax may be pledged to the payment of any such bonds, authorized that grants, if any, may be applied towards the payment of any portion of the cost of a project; established the maximum cost of the projects to be funded from the proceeds of such tax and/or bonds and the maximum amount of net proceeds expected to be raised by the tax and used to pay the cost of such projects or debt service and costs of issuance relating to such bonds, established conditions precedent to the imposition of the sales and use tax and conditions and restrictions on the use of sales and use tax revenue collected pursuant to the Capital Project Sales Tax Act, established the priority in which the net proceeds of the sales and use tax are to be expended for the purposes stated, and formulated the ballot question that is to appear on the ballot pursuant to S.C. Code §4-10-330(D) (1976, as amended) of the Capital Project Sales Tax Act.

(d) The Beaufort County Council finds that the imposition of a capital projects sales and use tax in the County, subject to the limitations specified in this ordinance and for the purpose of paying, either directly or through payment of debt service on general obligation bonds, the proceeds of which are used to pay all reasonable or necessary expenses incidental to the purchase, acquisition, construction, repair, alteration, improvement of the projects including without limitation the expenses of studies; land title and mortgage title policies, architectural, engineering and construction management services; legal, accounting, organizational, marketing or other special services related to the financing of the projects and issuance of bonds, if any; financial or underwriting fees and expenses incurred in connection with issuing bonds; rating agencies' fees; initial trustee and paying agent fees; recording and filing fees; and all other necessary and incidental expenses as more specifically described in Subsection 3.2 hereof (the "Capital Projects"), all of which the Council finds will serve the proper public and corporate purposes of Beaufort County and its municipalities by enhancing the safety, efficiency and aesthetics of the public infrastructure of Beaufort County, thereby promoting public health and safety, desirable living conditions and economic development within the County and meeting the future needs of the County and its citizens.

Section 2. Adoption of Commission Report. Except as provided by law and to the extent that the Report of the Beaufort County Capital Sales Tax Commission is inconsistent with the



terms, conditions and provisions of this Ordinance, the capital projects itemized in the report of the Beaufort County Capital Sales Tax Commission are hereby approved and adopted.

Section 3.     Adoption of Capital Projects Sales and Use Tax Subject to Referendum.

3.1.     A capital projects sales and use tax, as authorized by the Capital Project Sales Tax Act, S.C. Code §4-10-300 *et seq.* is hereby imposed in the County, subject to a favorable vote of a majority of the qualified electors voting in a special referendum on the imposition of such tax to be held in Beaufort County on November 2, 2004 (the "Referendum"), and to the restrictions and limitations set forth in this Ordinance.

3.2     The capital projects sales and use tax authorized by this Ordinance shall be expended for the purpose of paying, either directly or through payment of debt service on general obligation bonds, the proceeds of which are used to pay, the cost of the designing, engineering, constructing, expanding, relocating and improving the Capital Projects which shall include the following approved by the Commission:

- \$650,000:     Intersection improvements to the Gardens Corner Intersection at U.S. 21 & U.S. 17;
- \$6,000,000:   Construction of the Bluffton Parkway with pathways from Simmonsville Road to S.C. 170;
- \$1,100,000:   Intersection improvements to Squire Pope Road intersection at U.S. 278;
- \$5,750,000:   Multi-lane widening improvements to Lady's Island Drive with pathways from Sea Island Parkway to Ribaut Rd.;
- \$4,500,000:   Improvements to the Waterfront Park, City of Beaufort;
- \$4,700,000:   Improvements and resurfacing of William Hilton Parkway with pathways from Squire Pope Road to Sea Pines Circle;
- \$15,500,000:   Improvements to U.S. 278 including frontage roads, intersection & access management improvements from S.C. 170 to Jenkins Road;
- \$17,500,000:   Construction of a new parallel bridge to the McTeer Bridge on Lady's Island Drive across the Beaufort River;
- \$165,000:     Traffic signal installation at the intersection of Edinburgh Avenue & Vaigneur Road with Ribaut Road;
- \$1,440,000:   Multi-lane widening improvements to Burnt Church Road with pathways from U.S. 278 to the Bluffton Parkway;
- \$5,000,000:   Paving & improvements to the following named, but not prioritized, County maintained dirt roads:

(continued on next page)

Eddings White Road.....	Off Seaside Road	Joe Allen Drive .....	Off Patterson Road
Klebold Road .....	Off Bay Point Road	Patterson Road .....	Off Clarendon Road
Honeysuckle Lane .....	Off Alston Road	Foreman Hill Road.....	Off Ulmer Road
Stony Hill Loop.....	Off Palmetto Bluff Road	John Fripp Cr. ....	b/w Sea Island Parkway & Folly Road
Mosse Road.....	between Lands End & Bay Point Road	Mt. Pisgah Church Road.....	Off Keans Neck Road
Levant Road.....	Off Old Miller Road	Old Dawson Acres.....	Off Trask Parkway
Ramsey Loop.....	Off Ramsey Road	Woodduck Lane.....	Off Flycatcher Lane
Bessies Lane.....	Off Stuart Point Road	Scipio Road.....	Off S.C. 802
Nathan Pope Road.....	Off Seaside Road	Estrolita Road .....	Off Bay Point Road
Phoenix Road.....	Off S.C. 46	Northview Drive.....	Off Perryclear Drive
Shamrock Road.....	between Lands End & Bay Point Road	Major Road.....	Off Warsaw Island Road
Bay Point Road.....	Off Lands End Road	Rainbow Road.....	Off Gibbett Road
Sea Pines Drive.....	Off Janette Drive	St. Pauls Church Road .....	b/w Parris Island Gateway & Josephine Rd
Sandy Ridge Road.....	Off Salem Drive West	Middlefield Circle .....	Off Keans Neck Road
Fiddler Road..	between Middle Road & Brickyard Point Road	Oxeye Lane.....	Off Marsh Hawk Drive
Hunt Ter.....	Off Keans Neck Road	Prayer House Lane .....	b/w Tom Fripp Road & Dulamo Road
Preister Road.....	Off Paige Point Road	Relative Lane....	b/w Friendship Lane & Dog Creek Road
Tabby Road.....	Off Tanglewood Drive	Stone Street.....	Off Guerad Avenue
White Sands Circle .....	Off Seaside Road	Cherokee Farms Road.....	Off Joe Frazier Road
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- \$750,000: Construct a multi-purpose biking & walking trail / pathway from the MC Riley School to the Bluffton Library;
- \$236,500: Construct sidewalks in the Town of Port Royal for Columbia, Edinburgh, London, Madrid and West Paris Avenues;
- \$1,500,000: Multi-lane widening improvements to Simmonsville Road with pathways from U.S. 278 to the Bluffton Parkway;
- \$4,140,000: Multi-lane widening improvements to S.C. 802 with pathways from S.C. 170 to S.C. 280;
- \$1,000,000: Improvements to the Pigeon Point Park, City of Beaufort;
- \$1,720,000: Intersection improvements and a roundabout construction for the intersection of S.C. 46 and Buckwalter Parkway;
- \$1,000,000: Long Term Conceptual Engineering & Design on U.S. 278 from S.C. 170 to Jenkins Road;
- \$2,780,000: Construction of the Foreman Hill Road Extension from U.S. 278 to Ulmer Road;
- \$60,000: Traffic signal installation at the intersection of U.S. 278 and Sun City Boulevard;
- \$6,000,000: Land acquisition and the construction of a Municipal Court and Police Facility for the City of Beaufort on City property at the intersection of Boundary Street and Ribaut Road;
- \$920,000: Construction of turning lanes on U.S. 17 at Big Estate Road, Bull Corner Road and the Sheldon Piggly Wiggly;
- \$300,000: Construction of drainage improvements for Johnny Morrall Circle at Ribaut Road;
- \$1,240,000: Intersection improvements and a roundabout construction for the intersection of S.C. 46 and S.C. 170;
- \$5,575,000: Multi-lane widening improvements with pathways to S.C. 170 from S.C. 46 to Bulltomb Road;
- \$6,600,000: Multi-lane widening improvements with pathways to Buckwalter Parkway;
- \$12,000: Improvements and resurfacing of Smilax Ave;
- \$1,000,000: Improvements to Southside Park, City of Beaufort;
- \$4,750,000: Land acquisition and improvements for the Okatie East Regional Park;
- \$4,000,000: Construction of frontage and back access roads for the Robert Smalls Parkway from S.C. 280 to S.C. 802;
- \$5,000,000: Multi-lane widening improvements to U.S. 17 from U.S. 21 (Gardens Corner) to Big Estate Road;
- \$6,195,000: Multi-lane widening improvements with pathways to S.C. 170 from Bulltomb Road to U.S. 278;

- \$120,000: Land acquisition and improvements for the Town of Yemassee Park.

**TOTAL ESTIMATED COST OF ALL CAPITAL PROJECTS: \$117,203,500.**

3.3. The capital projects sales and use tax authorized herein shall be imposed for a period not to exceed five (5) calendar years from the date of imposition.

3.4. Subject to the provisions of Section 4 of this ordinance, the maximum aggregate principal amount of bonds to be issued to pay the cost of the Capital Projects is \$117,203,500 and it is anticipated that the capital projects sales and use tax authorized hereby will be pledged to the payment of debt service with respect to such bonds. In addition, the County may accept any grants and any other lawful sources of funds to apply to or pay for the Capital Projects provided herein. The maximum cost of the Capital Projects to be funded from the proceeds of the capital projects sales and use tax (including costs relating to the bonds) is \$122,203,500, the maximum amount of bonds to be issued is \$117,203,500 and the maximum amount of net proceeds anticipated to be used to pay such cost or debt service shall be \$122,203,500 which includes the repayment of a principal amount of bonds of \$117,203,500 and interest and expenses relating thereto of not exceeding \$5,000,000.

3.5. The sales and use tax imposed herein shall be imposed only if approved by a majority of qualified electors voting in favor of imposing such tax for the stated purposes in the Referendum. The imposition of such tax shall be subject to the additional conditions and restrictions set forth in this Ordinance and as otherwise imposed by law. The bonds referred to herein shall only be issued only if approved by a majority of qualified electors voting in favor thereof as part of the Referendum.

3.6. It is anticipated that the components of the Capital Projects will be funded to the extent practicable simultaneously from the proceeds of tax revenues and, or, general obligation bonds(s). If sufficient funds are not available to fund completely all components of the Capital Projects simultaneously or in the order provided herein, the County Council shall, by subsequent resolution or resolutions, approve funding for the Capital Projects as funds become available using the system set forth in this Subsection 3.6. The County will fund portions of the Capital

Projects as may be necessary to fulfill the conditions of any grant associated with such portion of construction. The County will utilize any remaining funds to undertake those components of the Capital Projects in the most orderly means available. The County shall not commence construction on any component of the Capital Projects unless and until it has arranged funding for completion of such portion of the Capital Project.

3.7 If a sales and use tax is approved by a majority of the qualified electors voting in the Referendum, such tax is to be imposed on the first day of May, 2005, provided the Beaufort County Voter Registration and Election Commission shall certify the results and the County Council shall by resolution declare the results of the referendum and certify such results to the South Carolina Department of Revenue timely.

3.8. The capital projects sales and use tax imposed by this ordinance, if approved in the referendum conducted on November 2, 2004, shall terminate on the earlier of:

- (1) the final day of the fifth (5<sup>th</sup>) calendar year following imposition of the tax; or
- (2) the end of the calendar quarter during which the Department of Revenue receives a certificate from the County Administrator or the County Treasurer indicating that no more bonds approved in the referendum remain outstanding that are payable from the sales tax and that all the amount of the costs of the Capital Projects will have been paid upon application of the net proceeds during such calendar quarter.

3.9. Amounts of sales and use tax collected in excess of the required net proceeds must be applied, if necessary, to complete the Capital Projects; otherwise, the excess funds must be credited to the general fund of the governmental entity or entities receiving the proceeds of the tax, in the proportion in which they received the net proceeds of the tax while it was imposed.

3.10. The capital projects sales and use tax levied pursuant to this ordinance must be administered and collected by the South Carolina Department of Revenue in the same manner that other sales and use taxes are collected. The Department may prescribe amounts that may be added to the sales price because of the tax.

3.11. The tax authorized by this ordinance is in addition to all other local sales and use taxes and applies to the gross proceeds of sales in the applicable area that is subject to the tax imposed by Chapter 36 of Title 12 of the Code of Laws of South Carolina, and the enforcement provisions of Chapter 54 of Title 12 of the Code of Laws of South Carolina. The gross proceeds of the sale of items subject to a maximum tax in Chapter 36 of Title 12 of the Code of Laws of South Carolina are exempt from the tax imposed by this ordinance. The tax imposed by this ordinance also applies to tangible personal property subject to the use tax in Article 13, Chapter 36 of Title 12 of the Code of Laws of South Carolina.

3.12. The capital projects sales and use tax authorized by this ordinance shall be administered in all respects in accordance with the Capital Project Sales Tax Act and as otherwise required by law.

Section 4. Authorization to Issue General Obligation Bonds Payable from the Proceeds of the Capital Project Sales and Use Tax.

4.1. There is hereby authorized to be issued from time to time in one or more series a maximum of \$117,203,500 aggregate principal amount of general obligation bonds of the County. Such bonds shall be secured by the full faith, credit and taxing power of the Beaufort County and by the proceeds of the capital project sales and use tax authorized hereby. Bonds issued pursuant to this ordinance shall not be counted toward the Beaufort County's 8% constitutional debt limitation.

4.2 Anything herein to the contrary notwithstanding, nothing in this ordinance shall be construed as prohibiting the County from issuing revenue bonds to pay for any portion of the Capital Projects to the extent that the County identifies an appropriate source of revenue to be pledged to the payment of such bonds.

Section 5. Capital Project Sales and Use Tax Referendum: Ballot Question.

5.1. The Voter Registration and Election Commission of Beaufort County shall conduct a referendum on the question of imposing a capital projects sales and use tax in the area of the County on Tuesday, November 2, 2004, between the hours of 7 a.m. and 7 p.m. under the election laws of the State of South Carolina. The Beaufort County Voter Registration and Election Commission shall publish in a newspaper of general circulation the question that is to appear on the ballot with the list of capital projects and the cost of projects, and shall publish such election and other notices as are required by the Capital Project Sales Tax Act.

5.2. The question to be included on the ballot of the referendum to be held in the Beaufort County on November 2, 2004, must read substantially as follows:

OFFICIAL BALLOT  
GENERAL ELECTION  
BEAUFORT COUNTY, SOUTH CAROLINA  
NOVEMBER 2, 2004

Beaufort County One Percent Capital Projects Sales Tax Referendum

Local Question #1

MUST A SPECIAL ONE PERCENT SALES AND USE TAX BE IMPOSED IN BEAUFORT COUNTY FOR NOT MORE THAN FIVE (5) YEARS TO RAISE THE AMOUNTS SPECIFIED FOR THE FOLLOWING PURPOSES?

- \$650,000: Intersection improvements to the Gardens Corner Intersection at U.S. 21 & U.S. 17;
- \$6,000,000: Construction of the Bluffton Parkway with pathways from Simmonsville Road to S.C. 170;
- \$1,100,000: Intersection improvements to Squire Pope Road intersection at U.S. 278;
- \$5,750,000: Multi-lane widening improvements to Lady's Island Drive with pathways from Sea Island Parkway to Ribaut Rd.;
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- \$120,000: Land acquisition and improvements for the Town of Yemassee Park.

**TOTAL ESTIMATED COST OF ALL CAPITAL PROJECTS: \$117,203,500.**

**In order to pay the costs of the capital projects pending receipt of the sales tax revenues, must the County also be authorized to issue not exceeding \$117,203,500 of its general obligation bonds and pledge the proceeds of the sales tax, if authorized, to the payment thereof?**

The maximum amount of net proceeds of the tax which may be used to pay the cost or debt service on the bonds must not exceed \$5,000,000. The maximum amount of sales tax that may be collected must not exceed the sum of \$122,203,500 which includes the direct costs of the capital projects plus the amount of \$5,000,000 being the maximum amount of cost or debt service on bonds that may be paid from such source. The \$122,203,500 is to be repaid from the net proceeds of the sales and use tax and if such sales and use tax is inadequate to repay the \$122,203,500, any balance shall be paid by Beaufort County.

**CONDITIONS AND RESTRICTIONS ON THE USE OF SALES AND USE TAX REVENUE COLLECTED UNDER THE CAPITAL PROJECT SALES TAX ACT:**

The capital projects sales and use tax shall be expended for design, engineering, construction or improvement of the highways, roads, streets, bridges, parks and other capital projects listed above. Net proceeds of the capital project sales and use tax, if approved, must be expended for the purposes stated in the priority listed; provided, however, that the order of funding of the projects may be adjusted on the basis of construction schedules or other events that may affect the schedule for any particular project; and provided that multiple projects may be funded simultaneously based on the formula or system contained in the ordinance adopted by the Beaufort County Council which shall include the authority to pay directly the cost of such projects or to issue bonds and/or to borrow funds in advance of receiving the net proceeds of the one percent sales and use tax, the estimated cost of such bonds or other borrowing not to exceed \$5,000,000. The expenditure of revenues from the capital projects sales and use tax, if approved, shall be subject to acquisition of title, right-of-way, design and engineering considerations, environmental issues, the discovery of historic sites or endangered species, the receipt of necessary permits, funding of projects from other sources, bids in excess of project estimates, qualifications of bidders, cost overruns, exhaustion or insufficiency of net sales and use tax revenues to complete all projects in the order and priority provided herein and other unforeseen circumstances and conditions.

**INSTRUCTIONS TO VOTERS:** All qualified electors desiring to vote in favor of imposing the tax for the stated purposes and authorizing the general obligation bonds in connection therewith as outlined above and subject to the limitations and conditions set forth above shall vote "YES" and all qualified electors opposed to levying the tax and issuing such general obligation bonds shall vote "NO".

\_\_\_ YES

\_\_\_ NO

5.3. In the referendum on the imposition of a special projects sales and use tax in the County, all qualified electors desiring to vote in favor of imposing the tax for the stated purposes and issuing the general obligation bonds shall vote "Yes" and all qualified electors opposed to levying the tax shall vote "No". If a majority of the votes cast is in favor of imposing the tax, then the tax should be imposed as provided in the Capital Project Sales Tax Act, S.C. Code Ann, 4-10-300 *et seq.* Expenses of the referendum shall be paid by the County.



5.4. Upon receipt of the returns of the referendum, the County Council shall, by resolution, declare the results thereof. The results of the referendum, as declared by resolution of the County Council, shall not be open to question except by suit or proceeding instituted within thirty (30) days from the date the County Council shall adopt a resolution declaring the results of such referendum.

Section 6. Imposition of Tax Subject to Referendum. The imposition of a capital projects sales and use tax in the County is subject in all respects to the favorable vote of a majority of qualified electors casting votes in a referendum on the question of imposing a capital projects sales and use tax in the area of the County in a referendum to be conducted by the Beaufort County Voter Registration and Election Commission on November 2, 2004 and the favorable vote of a majority of the qualified electors voting in such referendum shall be a condition precedent to the imposition of a capital projects sales and use tax to the provisions of this ordinance.

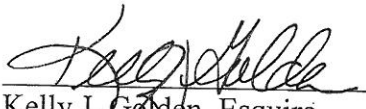
Section 7. Effective Date. Except as otherwise provided by law, this ordinance shall take effect immediately, upon adoption.

AND SO IT IS ORDAINED, this 9th day of August, 2004.

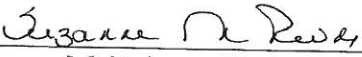
COUNTY COUNCIL OF BEAUFORT COUNTY

By:   
Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:

  
Kelly J. Golden, Esquire  
Staff Attorney

ATTEST:

  
Suzanne M. Rainey, Clerk to Council

First Reading:	June 28, 2004, By Title Only
Second Reading:	July 26, 2004
Public Hearing:	August 9, 2004
Third and Final Reading:	August 9, 2004