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CITY OF BEAUFORT
1911 BOUNDARY STREET
BEAUFORT MUNICIPAL COMPLEX
BEAUFORT, SOUTH CAROLINA 29902
(843) 525-7070
CITY COUNCIL REGULAR MEETING AGENDA
January 12, 2021

STATEMENT OF MEDIA NOTIFICATION

"In accordance with South Carolina Code of Laws, 1976, Section 30-4-80(d), as amended, all local media was duly notified of the time, date, place and agenda of this meeting."

REGULAR MEETING - Electronic Meeting - 7:00 PM

Please note, this meeting will be conducted electronically via Zoom and broadcasted via livestream on Facebook. You can view the meeting live via Facebook at the City's page City Beaufort SC.

I. CALL TO ORDER

A. Stephen D. Murray III, Mayor

II. INVOCATION AND PLEDGE OF ALLEGIANCE

A. Phil Cromer, Interim Mayor Pro Tem

III. PUBLIC COMMENT

IV. PRESENTATIONS

A. COVID-19 Vaccine - Dr. Luke Baxley, Beaufort Memorial Hospital Physician

V. PUBLIC HEARING

A. 2021 Needs Assessment - Community Development Block Grant (CDBG)

VI. MINUTES

A. June 23, 2020 Worksession and Regular

VII. OLD BUSINESS

- A. Tax Anticipation Note Ordinance - 2nd Reading
- B. Business License Ordinance Amendment - 2nd Reading
- C. Ordinance setting election, related dates, and filing fee for Special Election of Unexpired Term for City Council - 2nd Reading
- D. Ordinance amending Lady's Island Marina Planned Unit Development (PUD) - 2nd Reading

VIII. NEW BUSINESS

- A. Request for Co-Sponsorship and Street Closure from Lowcountry Habitat for Humanity for the Lowcountry Habitat Turkey Trot 5K on Thursday, November 25,

2021

- B. Request for waiver of open container ordinance and permission to serve alcohol on Saturday, February 13, 2021 for the Cupid Sip and Stroll event
- C. Authorization to allow Contract for Scott Street Landscaping
- D. Ordinance annexing parcels R100-028-00A-0409-0000, 13 Old Jericho Road, R100-028-00A-0410-0000, 17 Old Jericho Road, R100-028-00A-0411-0000, 19 Old Jericho Road, R100-028-00A-0412-0000, Old Jericho Road (Vacant), and R100-028-00A-0413-0000, 25 Old Jericho Road - totaling approximately 4.57 Acres - 1st Reading
- E. Ordinance amending the City of Beaufort's Zoning map to include parcels R100-028-00A-0409-0000, 13 Old Jericho Road, R100-028-00A-0410-0000, 17 Old Jericho Road, R100-028-00A-0411-0000, 19 Old Jericho Road, R100-028-00A-0412-0000, Old Jericho Road (Vacant), and R100-028-00A-0413-0000, 25 Old Jericho Road - totaling approximately 4.57 Acres - 1st Reading

IX. REPORTS

- City Manager's Report
- Mayor Report
- Reports by Council Members

X. ADJOURN



CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 1/5/2021
FROM: Barbara Johnson, Lowcountry Council of Governments
AGENDA ITEM
TITLE: 2021 Needs Assessment - Community Development Block Grant (CDBG)
MEETING
DATE: 1/12/2021
DEPARTMENT: City Clerk

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR: Discussion

REMARKS:



City Council Worksession Meeting Minutes – Electronic Meeting

June 23, 2020

I. CALL TO ORDER

5:01PM

Mayor, Billy Keyserling

All members of Council in attendance (Mike McFee, Nan Sutton, Phil Cromer, Stephen Murray, and Mayor Keyserling).

II. DISCUSSION ITEMS

A. Tourism Development Advisory Committee (TDAC) Vacancy Interviews.

Interviews held for vacancies on TDAC. Interviewees - Matthew McAlhaney - Owner of City Loft, Pierce “Ed” Binot - Owner of Cuthbert House Inn. Both applicants could fill the hospitality vacancy. Applicant Jane Sidwell could not attend meeting. Mrs. Sidwell applied for the “At-Large” vacancy.

B. Police Accountability Task Force.

Lisa Allan, County resident, gave an overview of what the Beaufort County Police Accountability Task Force is trying to achieve by discussing the Task Force’s mission, background, goals, and data collection. Mrs. Allen said what that she would like to see the relationship with Beaufort Police Department and citizens improved by creating a relationship and using data as the foundation. *The Task Force outline can be found in the June 23, 2020 Worksession agenda packet.*

Councilman Murray said that he is glad to see the awareness and the discussions that can be had to include what Beaufort Police Department already does and areas that can be improved and how can we build a better stronger relationship with the black community.

Bill Prokop, City Manager, said that there are so many things that the Police Department must do, and they are covered under federal or state law.

Matt Clancy, Police Chief, addressed a few goals for Law Enforcement Agencies as outlined in the Task Force recommendations. He started with the chokeholds by stating that chokeholds have not been in the Beaufort Police Department’s policy since the early 1990’s. The only way you can use a chokehold is if you are about to lose your life and you have no other option. The recommendation to require de-escalation is already taught at the South Carolina Criminal Justice Academy. The BPD’s policy already bans shooting at moving vehicles unless it’s an extreme situation. Regarding use of force, officers have to do specific reports on this when and/if there is this occurrence. The BPD already carries non-lethal weapons at all time such as expandable batons and tasers.

Councilman Murray suggested putting data on the City’s website as a form of transparency, however, we will need to comply with state and federal statutes.

Chief Clancy addressed body cameras. All police officers are issued a body camera. Police officers have to have it on during all interactions with citizens.

C. Solidarity Resolution Rebuttal from Unified Beaufort.

Nakeisha Thompson, Unified Beaufort member, gave an overview of the rebuttal and said the proposal coming before Council this evening is a Social Justice Reform in place. An outline of the proposed reform was discussed. Mrs. Thompson said the goal is to incorporate the African American community in this review board. *The proposal can be found in the June 23, 2020 Worksession agenda packet.*

Amanda Patel, Unified Beaufort member, asked what data is currently being put on the City's website?

Chief Clancy responded and stated that currently a daily media report is available at the PD records office. The report is a synopsis of who, what and when and some of the report is redacted for legal reasons. This report is available to the public.

Mrs. Patel asked if there was a policy in place for racial profiling and where can the policy be found?

Chief Clancy said the PD does and anyone can come to the PD and ask for it.

Bill Prokop, City Manager, said that the Police Department's webpage will be getting updated to include more data.

Councilman Murray stated that both the Accountability Task Force and Unified Beaufort are asking for similar data. He suggested giving 30 days to figure out what can the City legally promote or provide on the City's website.

III. EXECUTIVE SESSION

Motion to go into Executive Session was made by Councilman Cromer and seconded by Mayor Pro Tem McFee.

- A. Pursuant to Title 30, Chapter 4, Section (70) (a) (2) of the South Carolina Code of Law: Receipt of Legal Advice.
- B. Pursuant to Title 30, Chapter 4, Section (70) (a) (1) of the South Carolina Code of Law: Discussion regarding Personnel.

No actions from Executive Session.

IV. ADJOURN

7:14PM

Disclaimer: All City Council Worksession and Regular Meeting minutes are recorded. Live stream can be found on the City's website at www.cityofbeaufort.org (Agenda section). Audio recordings are available upon request by contacting the City Clerk, Ivette Burgess at 843-525-7018 or by email at iburgess@cityofbeaufort.org.



City Council Regular Meeting Meeting Minutes – Electronic Meeting

June 23, 2020

I. CALL TO ORDER

7:17PM

Mayor, Billy Keyserling

All members of Council in attendance (Mike McFee, Nan Sutton, Phil Cromer, Stephen Murray, and Mayor Keyserling).

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Pro Tem, Mike McFee

III. PROCLAMATIONS/COMMENDATIONS/RECOGNITIONS

A. Proclamation recognizing the commitment and dedication of Mr. Bob Bender

Motion to approve was made by Mayor Pro Tem, McFee and seconded by Councilman Cromer.

The proclamation was read by Mayor Pro Tem, McFee.

Approval was unanimous.

IV. PUBLIC COMMENT

No public comment.

V. PUBLIC HEARING

A. Zoning of Commerce Park Lots 6,7, and 10 (Parcels R 100 024 000 0410 0000 and R 100 024 000 0449 0000).

David Prichard, Community and Economic Development Director, gave an overview stating that this is contingent on the annexation of the parcels. The zoning being proposed is light industrial.

VI. MINUTES

A. Regular Meeting April 14, 2020

Motion to approve was made by Mayor Pro Tem, McFee and seconded by Councilman Cromer.

Page 2, Section B - need to add seconded by Cromer

Page 2, Local Options Sales Tax Section E - remove commas after Mayor Keyserling

Last Page under City Manager's Report - wave should be waive

Minutes approved with corrections unanimous.

VII. OLD BUSINESS

- A. Ordinance amending Chapter 10 Part 7 Section 10.7.3 of the Beaufort Code concerning membership to the Beaufort Historic District Review Board (Task Force Recommendations) - 2nd Reading

Motion to approve was made by Mayor Pro Tem, McFee and seconded by Councilman Murray.

Ordinance approval was unanimous.

- B. Ordinance setting election, related dates, and filing fee for the Mayor and Two (2) members of City Council Pursuant to sections 1-8001 through 1-8006 of the City of Beaufort Code of Ordinances - 2nd Reading

Motion to approve was made by Mayor Pro Tem, McFee and seconded by Councilman Murray.

Ordinance approval was unanimous.

- C. Ordinance approving Stormwater Intergovernmental Agreement (IGA) - 2nd Reading

Motion to approve was made by Mayor Pro Tem, McFee and seconded by Councilman Cromer.

Ordinance approval was unanimous.

- D. FY 2020 Budget Ordinance - 2nd Reading

Motion to approve was made by Councilman Murray and seconded by Councilman Cromer.

Ordinance approval was unanimous.

- E. Ordinance annexing parcel R 100 025 000 012B 0000 into the corporate limits of the City of Beaufort, South Carolina (Effective date for annexation is June 30, 2020) - 2nd Reading

Motion to approve was made by Councilman Murray and seconded by Councilman Cromer.

Bill Prokop, City Manager, stated that the reason for the June 30 effective date is due to having to provide notice to the Fire District.

Ordinance approval was unanimous.

- F. Ordinance amending the City of Beaufort's Zoning Map to include parcel R 100 025 000 012B 0000 to be zoned as RMX (Effective date for zoning is June 30, 2020) - 2nd Reading

Motion to approve made by Mayor Pro Tem, McFee and seconded by Councilman Cromer.

Ordinance approval was unanimous.

VIII. NEW BUSINESS

- A. Ordinance annexing parcels R 100 024 000 0410 0000 and R 100 024 000 0449 0000 into the corporate limits of the City of Beaufort, South Carolina - 1st Reading

Motion to approve was made by Councilman Murray and seconded by Councilman Cromer.

Ordinance approval was unanimous on 1st Reading.

B. Ordinance amending the City of Beaufort Zoning map to include Parcels R 100 024 000 0410 0000 and R 100 024 000 0449 0000 to be zoned as Light Industrial (LI) - 1st Reading

Motion to approve was made by Mayor Pro Tem, McFee and seconded by Cromer.

Ordinance approval was unanimous on 1st Reading.

IX. REPORTS

City Manager's Report

City Manager thanked Council for approving the FY 2020 Budget. He also thanked the organizers of the peaceful march that took place on Father's Day for Social Injustice. Mr. Prokop commended the City's Public Safety for having all the policies they have in place. In 1995 City Council adopted a Community Policing resolution. The Beaufort Police Department has been adhering to that resolution for almost 25 years.

Mayor's Report

Mayor Keyserling echoed Mr. Prokop's sentiments on the peaceful March held but he would also like to give a special shout out to General Mitch Mitchell and Tim Garvin who did an outstanding job working with the Beaufort Police Department. He also encourages citizens to wear a mask, as he has noticed that many are not wearing a mask. 50,000 masks have been distributed in our area with the help of Medical Corp and the Pride of Place donations.

Councilwoman Sutton

Councilwoman Sutton reminded the public that first Friday is coming up on July 3, 2020. The event will be an all-day event from 10am -5pm. The idea is to have people spread out.

Councilman Cromer

Councilman Cromer stated that the Beaufort History Museum has re-opened. The hours are from 10am-4pm Tuesday through Saturday. Admission is free through June 30, 2020.

Mayor Pro Tem, McFee

Mayor Pro Tem encouraged citizens to wear masks.

Councilman Murray

Councilman Murray also encouraged citizens to wear a mask and be responsible. He also said that the peaceful march made him proud to be a Beaufortonian. It was a great show of solidarity. Lets all talk to our neighbors more, so we can harness the power of diversity.

X. ADJOURN

8:09PM

Motion to adjourn was made by Councilman Cromer and seconded by Councilman Murray.

All in favor.

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CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 11/30/2020
FROM: Kathy Todd
AGENDA ITEM
TITLE: Tax Anticipation Note Ordinance - 2nd Reading
MEETING
DATE: 1/12/2021
DEPARTMENT: Finance

BACKGROUND INFORMATION:

Due to the delays by the County Auditor in levying the taxes for the current tax year, tax bills and their subsequent due dates have been extended until.....??

PLACED ON AGENDA FOR: Action

REMARKS:

Approve the Ordinance allowing City staff to draw upon the tax anticipation note as cash flow needs occur.

ATTACHMENTS:

Description	Type	Upload Date
TAN Ordinance, 1st Reading	Cover Memo	12/9/2020

ORDINANCE 2020-__

MAKING PROVISION FOR TAX ANTICIPATION BORROWING BY THE CITY OF BEAUFORT, SOUTH CAROLINA, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$6,000,000, IN ANTICIPATION OF THE COLLECTION OF AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING JULY 1, 2020 AND ENDING JUNE 30, 2021; TO PRESCRIBE THE TERMS AND CONDITIONS OF SUCH BORROWING AND THE FORM OF NOTE TO BE EXECUTED EVIDENCING THE SAME; AND TO MAKE PROVISION FOR THE PAYMENT THEREOF.

NOW THEREFORE, BE IT ORDAINED, by the Mayor and the Council members of the City of Beaufort, South Carolina, in a meeting duly assembled, as follows:

ARTICLE I

FINDINGS OF FACT

Section 1.01

Incident to the enactment of this ordinance (the “**Ordinance**”), the City Council of the City of Beaufort (the “**City Council**”), the governing body of the City of Beaufort, South Carolina (the “**City**”), has made the following findings of fact:

A. Pursuant to an ordinance enacted on June 23, 2020, the City Council duly enacted the operating budget (the “**Budget**”) for the City for fiscal year beginning July 1, 2020 and ending June 30, 2021 (“**Fiscal Year 2020-21**”), which sets forth the expenditures necessary for the operations of the City. Such estimated expenditures for Fiscal Year 2020-21 total approximately \$22,921,263, which expenses will be paid in part from the receipt of ad valorem taxes.

B. Pursuant to the provisions of the Budget, the City Council has determined that funds to the extent of approximately \$7,754,527 must be raised by the receipt of ad valorem taxes (excluding delinquent taxes to be received during the Fiscal Year 2020-21) (the “**Ad Valorem Taxes**”) in order to defray a portion of the City’s operational expenses for Fiscal Year 2020-21. In order to meet the costs of the Budget, it was necessary to levy 79.3 mills. Such millage has been approved by the City Council and has been reported to the Auditor of Beaufort County, South Carolina (the “**County Auditor**”).¹ The taxable assessed value of all taxable property in the City for Fiscal Year 2020-21 was estimated in the Budget to be an amount not less than \$96,098,425.

C. The levy of Ad Valorem Taxes will produce an amount of revenue which, together with other revenues available to the City, will enable the City to pay all appropriations made in the Budget. Traditionally, Ad Valorem Taxes on real property in the City (“**Real Property Taxes**”) would be paid on or prior to January 15, 2021, which is the last occasion when Ad Valorem Taxes

¹ Pursuant to a standing agreement between the City and the County Auditor, the County Auditor levies and the Treasurer of Beaufort County, South Carolina collects the Ad Valorem Taxes on the City’s behalf.

are payable without penalty. However, owing to a legal dispute between the County Auditor and the County Council of Beaufort County (and as consolidated with another dispute between the Town of Hilton Head Island and the County Auditor in a lawsuit captioned “Town of Hilton Head Island, South Carolina, John J. McCann and Stephen G. Riley vs. Beaufort County, South Carolina v. James Beckert”, 2020-CP-07-01840, consolidated from 2020-CP-07-01850), the traditional tax collection deadline for Real Property Taxes was initially given a one-time extension by the South Carolina Department of Revenue (“**DOR**”) until February 15, 2021.

D. Judge Carmen T. Mullen issued an Order on November 20, 2020 (the “**Order**”) wherein the County Auditor was directed, as soon as reasonably possible, but in no event later than the close of business on November 25, 2020, to: “(a) fulfill his ministerial duty and levy taxes...; (b) prepare an amended tax roll duplicate reflecting [the levy of Real Property Taxes]; [and] (c) deliver the amended tax roll duplicate to the Beaufort County Treasurer.” Upon information and belief, the County Auditor failed to comply with the terms of the Order and it is unknown when the County Auditor will actually levy the Real Property Taxes. As a result, it is anticipated that the February 15, 2021 tax deadline will be further extended by DOR (the “**DOR Tax Deadline**”).

E. As a result of the delay in the levy of the Real Property Taxes, the expected further extension of the DOR Tax Deadline and resulting delay in the collection of Real Property Taxes, it is therefore necessary that the City borrow in anticipation of the receipt of the moneys to be collected from the levy or collection, as applicable, of the Ad Valorem Taxes. It has been determined that the City may require an amount not exceeding \$6,000,000 to meet the cost of conducting its corporate activity until such time as revenues from the Ad Valorem Taxes are received.

F. It has been determined that the City should raise the sum of not exceeding \$6,000,000 by borrowing in anticipation of the levy or collection, as applicable, of the Real Property Taxes, and that it should pledge for the payment of such borrowing the full faith, credit and taxing power of the City, and in addition thereto, all of the proceeds of the levy or collection, as applicable, of the Real Property Taxes, with the exception of such sums as are necessary for operation and maintenance of the City from July 1, 2020, to the June 30, 2021, less all other funds available therefor.

G. No previous sums have been borrowed in anticipation of the levy or collection, as applicable, of the Real Property Taxes and no pledge of the proceeds of the Ad Valorem Taxes has been made.

H. On the basis of the foregoing, the City Council enacts this Ordinance as a means of providing for the issuance of a not exceeding \$6,000,000 General Obligation Tax Anticipation Note, Series 2021 (the “**Note**”).

ARTICLE II

ISSUANCE OF NOTE

Section 2.01

A. Pursuant to Article X, Section 14(8) of the Constitution of the State of South Carolina (1895, as amended) and Section 11-27-40(5) of the Code of Laws of South Carolina 1976, as amended, and for the purpose of raising moneys to defray the cost of the operations of the City, the City Council directs that there shall be borrowed, in anticipation of the collection of Real Property Taxes to be levied by the County Auditor for Fiscal Year 2020-21, the sum of not exceeding \$6,000,000. The City Manager of the City (the “*City Manager*”) shall establish the principal amount of the Note, so long as the aggregate principal amount of the Note does not exceed \$6,000,000.

B. The borrowing shall be evidenced by the Note, to be issued in typewritten form, substantially in the form attached hereto as Exhibit A, to be dated as of the date of its delivery, and to mature in the manner set forth in Section 2.02.

C. In approving the issuance of the Note under the terms hereof, nothing herein obligates the City to issue the Note. The City, acting through the City Manager upon advice from the City’s financial staff, may determine not to effect the issuance of the City for either of the following reasons: (i) the proceeds of the Note are not needed to sustain the operations during Fiscal Year 2020-21, or (ii) the funding necessitated by the Note is made available from other legally available sources. Should a decision not to issue the Note be made, the City Manager shall timely inform City Council of the decision not to issue the Note and no additional action, formal or informal, shall be required by City Council.

Section 2.02

The principal sum of the Note, or so much thereof as shall from time to time have been withdrawn thereunder, shall bear interest from the respective dates on which such withdrawals have been made at the single rate of interest named by the Purchaser (as defined herein), such interest to be paid at the maturity or earlier payment in full of the Note as provided in Section 2.03. Any amounts borrowed in anticipation of Real Property Taxes shall be repaid on or before the earlier of (i) 90 days from the DOR Tax Deadline, or (ii) June 30, 2021 (the “*Maturity Date*”).

Section 2.03

The Note shall be executed on behalf of the City by the manual signatures of City Manager, or in the absence of the City Manager, the Mayor of the City (the “*Mayor*”), and the City Clerk of the City (the “*City Clerk*”), and the official seal of the City shall be impressed thereon. Facsimiles or electronic signatures by the City Manager, Mayor or the City Clerk are expressly authorized and permitted with respect to the Note, as applicable, and all closing documents and certificates associated therewith.

Section 2.04

For the payment of the Note and the interest due thereon, there is hereby pledged the full faith, credit and taxing power of the City, all sums realized from the Real Property Taxes, except such sums as are necessary for operation and maintenance of the City from July 1, 2020 to the DOR Tax Deadline, less all other funds available therefor, including the amount borrowed under the Note, and with the right to the Purchaser to require by mandamus or other legal proceeding the application of the proceeds from such Real Property Taxes (save as excepted in this Section) to the payment of the principal and interest on the Note authorized by this Ordinance.

Section 2.05

All Real Property Taxes collected in excess of such sums as are necessary for operation and maintenance of the City shall be impounded by the City and shall be used to meet the payment of the principal of and interest on the Note and for no other purposes, until the principal and interest of the Note have been fully paid, whereupon such pledge shall be deemed discharged.

Section 2.06

A certified copy of this Ordinance shall be delivered to the City Clerk for the purpose of notifying the City Clerk to withhold from the Real Property Taxes a sum sufficient to pay the principal of and interest on the Note at maturity, the payment of which shall, subject to the provisions of Section 2.05 hereof, be a first charge and lien upon the Real Property Taxes, and upon the maturity of the Note, the City Clerk shall cause the same to be fully paid and discharged.

Section 2.07

The proceeds derived from the sale of the Note shall be drawn down from the Purchaser from time to time as required by the City for corporate purposes of the City, provided that no funds shall be drawn down within 48 hours of the Maturity Date, unless such funds are drawn and applied to the redemption of the Note. The City shall withdraw only such amounts as are necessary to meet immediate current expenses of the City, less all other funds available for such purposes from any source. Each withdrawal under the Note shall be made pursuant to a written Request for Disbursement, the form of which is attached hereto as **Exhibit B**. Any Request for Disbursement shall be executed by the City Manager or the City's Finance Director (and attested by the City Clerk), and such Requests for Disbursement, duly executed, shall constitute conclusive evidence of the principal amount withdrawn under the Note. The Purchaser shall be in no way responsible for the proper application of the proceeds of the Note.

Section 2.08

A. The City Manager is authorized to negotiate the sale of the Note to a financial institution or institutions of his choice (such financial institution referred to herein as the "***Purchaser***"). In negotiating with the Purchaser, the City Manager shall negotiate the sale of the Note on the terms he determines to be most advantageous to the City; however, in no event shall

the interest rate on the Note exceed 5.0% per annum unless otherwise approved by the City Council.

B. The Note shall be subject to optional redemption upon such terms as may be determined by the City Manager in cooperation with the Purchaser.

Section 2.09

No part of the proceeds of the Note issued pursuant hereto shall be invested in such manner as to cause the Note to become an “Arbitrage Bond” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, and the applicable Treasury Regulations issued thereunder (collectively, the “*Code*”). The proper officers of the City are hereby authorized to render such certifications as may be required to establish that such Note is not and will not become an Arbitrage Bond. In addition, the City Council covenants to comply, as may be necessary, with the rebate provisions of Section 148(f) of the Code, the information reporting requirements of Section 149(e) of the Code, and the applicable Treasury Regulations thereunder.

It is expected that no tax-exempt borrowings in addition to the one authorized hereby will be made by the City in calendar year 2021 which will aggregate more than \$10,000,000. The Note is hereby accordingly designated as a “qualified tax-exempt obligation” in accordance with Section 265(b)(3)(B) of the Code.

Section 2.10

The City Council does hereby reserve the right to issue additional notes from time to time as the City Council may deem necessary without the consent of the Purchaser. Such additional notes shall be issued on a parity with the Note and shall be issued pursuant to the terms of an ordinance subsequently enacted.

Section 2.11

This Ordinance shall become effective upon its second reading.

[Remainder of Page Left Blank]

DONE, RATIFIED AND ENACTED this 12th day of January 2021.

CITY OF BEAUFORT, SOUTH CAROLINA

(SEAL)

Mayor

Attest:

City Clerk
City of Beaufort, South Carolina

First Reading: December 15, 2020

Second Reading: January 12, 2021

FORM OF NOTE

UNITED STATES OF AMERICA
STATE OF SOUTH CAROLINA
CITY OF BEAUFORT
GENERAL OBLIGATION TAX ANTICIPATION NOTE, SERIES 2021

Original Issue Date: _____, 2021

Registered Holder: _____

Principal Amount: _____ Dollars (\$ _____)

The CITY OF BEAUFORT, SOUTH CAROLINA (the “*City*”), hereby acknowledges itself indebted and, for value received, promises to pay to _____ (the “*Purchaser*”) the sum of \$ _____,000,000 or such sums as shall have been withdrawn hereunder as shown on each duly executed Request for Disbursement. This General Obligation Tax Anticipation Note, Series 2021 (this “*Note*”) shall be paid on or before the earlier of (i) 90 days from the date of the real property tax deadline for tax year 2020 for Beaufort County, South Carolina as established and extended by the South Carolina Department of Revenue (in writing), or (ii) June 30, 2021 (the “*Maturity Date*”), plus all interest accrued on the Note and not previously paid up to and including the Maturity Date. Interest shall accrue on the principal amount of this Note as has been withdrawn from time to time at the rate of _____ hundredths per centum (____%) per annum (on the basis of a 360-day year consisting of twelve 30-day months). [This Note is prepayable in whole, but not in part, at any time without penalty.]

Both the principal of and interest on this Note are payable in any coin or currency of the United States of America which, at the time of payment, is legal tender for the payment of public and private debts, at the principal office of the Purchaser, located at _____.

This Note is issued by the City in anticipation of the collection of ad valorem taxes levied to defray the cost of conducting the corporate activities of the City for the fiscal year commencing July 1, 2020 and ending June 30, 2021. This Note is issued pursuant to the authorization of Article X, Section 14(8) of the Constitution of the State of South Carolina (1895, as amended), Section 11-27-40(5) of the Code of Laws of South Carolina 1976, as amended, and an ordinance duly enacted by the City Council of the City, the governing body of the City, on [January 12, 2021].

For the payment of principal and interest on this Note, as the same shall fall due, the full faith, credit and taxing power of the City are hereby irrevocably pledged, and in addition all ad valorem taxes so levied for the City for the fiscal year beginning July 1, 2020 and ending June 30, 2021, except such sums as are necessary for operation and maintenance of the City, less all

other funds available therefor, including the amount borrowed under this Note, are hereby irrevocably pledged.

This Note and the interest hereon are exempt from all State, county, municipal, school district, and all other taxes or assessments of the State of South Carolina, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, except inheritance, estate, transfer and certain franchise taxes.

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions and things required by the Constitution and laws of the State of South Carolina to exist, to happen, or to be performed precedent to or in the issuance of this Note, do exist, have happened and have been performed in regular and due time, form and manner, and that provision has been made for the levy and collection of ad valorem taxes sufficient in amount to pay the principal of and interest on this Note at the maturity thereof.

IN WITNESS WHEREOF, the City of Beaufort, South Carolina has caused this Note to be signed by the manual signature of the City Manager of the City, attested by the manual signature of the City Clerk of the City, and the seal of the City impressed hereon.

**CITY OF BEAUFORT,
SOUTH CAROLINA**

(SEAL)

City Manager

Attest:

City Clerk
City of Beaufort, South Carolina

REQUEST FOR DISBURSEMENT

TO: _____

YOU ARE HEREBY REQUESTED to disburse this ___ day of ___, 202__ to the City Clerk of the City of Beaufort, South Carolina (the “*City Clerk*”) the sum of \$ _____, which sum shall be drawn against the \$[_____] General Obligation Tax Anticipation Note, Series 2021 of the City of Beaufort, South Carolina. Such sum, when withdrawn, shall be deposited in the City of Beaufort’s General Account at _____, Account Number _____, and held by the City Clerk of the City of Beaufort, South Carolina until applied to the corporate purposes of the City of Beaufort, South Carolina (the “*City*”) for the 2020-21 Fiscal Year. We hereby certify that the sum withdrawn is required to meet immediate operating and maintenance expenses of the City, and that no other funds are available to meet such expenses. The sums withdrawn hereunder will be expended within five (5) days, and will at no time be invested or otherwise draw interest.

Upon the withdrawal of the sum stated above, the total principal withdrawals under the Note will equal the sum of \$ _____.

**CITY OF BEAUFORT,
SOUTH CAROLINA**

By: _____
City Manager

City Clerk

I have this ___ day of _____, 202__, received this duly executed Request for Disbursement of funds and have deposited into the City of Beaufort’s General Account, Account Number _____ at _____, the sum of \$ _____ in accordance with the foregoing instructions.

By: _____
Its: _____



CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 12/8/2020
FROM: Kathy Todd
AGENDA ITEM TITLE: Business License Ordinance Amendment - 2nd Reading
MEETING DATE: 1/12/2021
DEPARTMENT: Finance

BACKGROUND INFORMATION:

The state law was amended during the 2019/2020 legislative session governing Business License that has modified the standard ordinance issued by the Municipal Association of South Carolina to conform to the revisions.

The amendment proposed to the City Business License Ordinance are necessary to comply with the revisions to the State Law

PLACED ON AGENDA FOR: Action

REMARKS:

Approved amendments to the Business License Ordinance.

ATTACHMENTS:

Description	Type	Upload Date
Amendment to Business License Ordinance, 1st Reading	Cover Memo	12/8/2020

Sec. 7-1001. - License required.

(a) Every person engaged, or intending to engage in any calling, business, service, activity, occupation or profession listed in the rate classification index portion of this chapter, in whole or in part, within the limits of the City of Beaufort, is required to pay an annual license tax for the privilege of doing business and obtain a business license as herein provided.

(b) Any licensed business allowing the operation of vending or entertainment machines required to be licensed shall be responsible for ensuring that all machines are properly licensed with the required Type I coin-operated device, gaming machine, and machine permit sticker which shall be posted in a conspicuous place on the machine before the machine can be operated.

(c) Any licensed business contracting live entertainment shall ensure that their business is properly licensed with the city for such entertainment before allowing the entertainer to perform.

(d) In addition to the above-described activities constituting doing business, an individual shall be deemed to be in business if that individual owns and rents two or more residential rental units (or partial interest therein) within the limits of the city. This applies to long-term rentals greater than 30 days. All short-term rentals require a business license.

(Ord. of 1-9-79, § 1; Ord. No. O-18-80, § 1, 12-9-80; Ord. No. O-01-84, § 1, 1-10-84; Ord. No. O-34-93, 11-23-93; Ord. No. O-18-96, Ord. No. 4-9-96, Ord. No. 4-9-13)

Sec. 7-1002. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed herein:

(1) Business means a calling, occupation, profession or activity engaged in with the object of gain, benefit or advantage, either directly or indirectly.

(2) "Charitable Organization" means an organization that is determined by the Internal Revenue Service to be exempt from Federal income taxes under 26 U.S.C. section 501 (c) (3), (4), (6), (7), (8), (10) or (19).

(3) "Charitable Purpose" means a benevolent, philanthropic, patriotic, or eleemosynary purpose which does not result in personal gain to a sponsor, organizer, officer, director, trustee or person with ultimate control of the organization.

(4) City means the City of Beaufort.

(5) Contractor means a person who agrees to furnish materials or perform services at a specified price, especially for construction.

(6) Classification means that division of businesses by major groups subject to the same license rate as determined by a calculated index of ability to pay based on national averages, benefits, equalization of tax burden, relationships of services or other basis deemed appropriate by City Council.

(7) Classification rate schedule(s) or rate classification schedules means the classification rate schedule or schedules set forth in this chapter.

(8) Gross income means the total income gross receipts or gross revenue of a business, received or accrued, for one calendar or fiscal year year collected or to be collected from business done within the City, excepting therefrom income from income earned outside of the City on which a license tax is paid to some other municipality or a county and fully reported to the City. Gross income for brokers or agents means gross commissions received or retained, unless otherwise specified. Gross income for insurance companies means gross premiums collected. Gross income for business license tax purposes shall not include taxes collected for a governmental entity, escrow funds, or funds which are property of a third party. The value of bartered goods or trade-in merchandise shall be included in gross income. The gross income for business license tax purposes also includes income realized in any form, whether in money, property or services. Income may be realized, therefore, in the form of services, meals, accommodations, stock or other property, as well as cash. The value of bartered goods or trade-in merchandise shall be included in gross income. The gross income receipts or gross revenues for business license purposes may be verified by inspection of returns and reports filed with the Internal Revenue Service, the South Carolina Department of revenue, the South Carolina Insurance Commission, or other government agencies.

(9) Interstate commerce, as used herein, an interstate commerce sale shall be defined as:

- a. The sale of any item manufactured or wholesaled within the city and which is sold and shipped outside of South Carolina.
- b. The sale of any item sold by a salesman who does not have a retail business within the city and the item being sold is not in the State of South Carolina at the time of sale.

(10) License Inspector means a person designated to administer this ordinance.

(11) Licensee means the business, the person applying for the license on behalf of the business, an agent or legal representative of the business, a person who receives any part of the net profits of the business, or a person who owns or exercises control of the business.

(12) Merchant means a person whose business is buying and selling goods for profit or whose occupation is the wholesale purchase and retail sale of goods for profit.

(13) New Resident business means a business that has not operated within the city limits for a period of at least two (2) consecutive years prior to its application for a business license under the existing or a previous owner, or a business that has been annexed into the city immediately prior to its application for a business license.

(14) Peddlers means a person or persons not having a permanent place of business within the city limits and where delivery is made at the time of sale.

(15) Person means any individual, firm, partnership, LLP, LLC, cooperative nonprofit membership, corporation, joint venture, association, estate, trust, business trust, receiver, syndicate, holding company or other group or combination acting as a unit, in the singular or plural, and the agent or employee having charge or control of a business in the absence of the principals.

(16) Price gouging means increasing prices for essential goods and services during or after an impending or actual emergency such as a hurricane, earthquake, or other natural or man-made disaster.

(17) Itinerant business means a business with no established and fixed place of business within the city on which city real property taxes are paid.

(18) Electronic gaming device means any machine of the nonpayout type, in-line pin game, or video game with free play feature operated by a slot wherein is deposited any coin or thing of value except machines of the nonpayout pin table type with levers or "flippers" operated by the player by which the course of the balls can be altered or changed.

(19) Vendor means a person who vends or sells.

(20) Construction includes new work, additions, alterations, reconstruction, installations and repairs of structures.

(21) General contractor means builders engaged in construction of structures, working under contract directly for the property owner for a specified price.

(22) Operative builder means builders engaged in construction of structures for sale on their own account rather than as contractors.

(23) Specialty trade contractor means contractors, also known as subcontractors, who undertake activities of a type that are specialized to building construction, working directly for the property owner, general contractor, or operative builder, under contract for a specified price.

(24) Real estate developer means an individual or company which buys property to develop for resale. As used herein, "develop" includes, but is not limited to, subdividing real property into lots for resale, and/or purchasing property for the purpose of making improvements, additions and/or construction of buildings thereon.

(25) Temporary license (pay-per-job) can only be issued to an itinerant business and is valid only for the job or event specified on the license. The base tax and the established rate is charged on each and every job. This license must be issued prior to beginning any work on the specified job. No permits will be issued to any business without the license for that job having been issued.

(26) Annual license may be issued to a resident or itinerant business and is valid for the calendar year (January 1 through December 31). A base tax and established rate is charged based on the previous year's accrued gross revenue with itinerant businesses using only their in-city gross revenue. The license must be renewed on or before April 15 of each year.

(Sec. 7-1003. - Purpose, effective date and duration.

The business license levied by this ordinance is for the purpose of providing such regulation as may be required by the businesses subject thereto and for the purpose of raising revenue for the general fund through a privilege tax. Each yearly license shall be issued for the twelve-month period of May 1 to April 30 ~~one calendar year and shall expire on December 31~~.

Sec. 7-1004. - License Tax .

(1) The required license tax shall be paid for each business subject hereto according to the applicable rate classification as provided in the classification rate schedules on or before the due date of the 30th day of April April 15 in each year.

(2) A separate license shall be required for each place of business and for each classification or business conducted at one place. If gross income cannot be separated for classifications at one location, the license tax shall be computed on the combined gross income using the classification requiring the highest rate. A license tax based on gross income shall be computed on the gross income for the preceding calendar year or fiscal year, and on a twelve-month projected income based on the monthly average for a business in operation for less than one year, or during the most recent year that work was performed in the city as determined by the business license administrator, using the classification rate schedules. The tax for a new itinerant business or a new resident business shall be computed on the estimated probable gross income stated in the business license application for the balance of the license year. The tax for a new resident business during the first year of operation or portion thereof shall be the base tax for the classification for that business as determined by the business license administrator using the classification rate schedules, and thereafter, the tax for a new resident business shall be as follows:

Year of Operation

License Tax

1st renewal of license40% of applicable tax

2nd renewal of license60% of applicable tax

3rd and subsequent renewal of license100% of applicable tax

(3) Unless otherwise specifically provided for in this chapter, itinerant subject to this chapter shall be assessed a business license tax at a rate twice that set forth in the applicable rate classification in the classification rate schedules.

(4) Itinerant general contractors and itinerant specialty trade contractors shall pay their business license tax on each job during a calendar year based on the construction cost reported on each building/miscellaneous permit.

(5) Any individual, except farmers, who sell their own produce in its natural state, operating out of the Farmers/Crafts Market is required to have a city business license.

(6) Itinerant peddlers will pay their business license tax based on estimated gross sales of each visit.

(7) Notwithstanding any other provision in this chapter, the business license tax for insurance companies and brokers for nonadmitted insurance companies shall be payable on or before April 15 of each year without penalty, commencing April 15, 1997. For preceding years, the tax therefor shall be due and payable pursuant to subsection (a) hereinabove.

(8) An itinerant operative builder shall purchase a business license based upon the construction cost reported on the building permit. Within thirty (30) days of the parcel having been sold, an add-on

license tax must be paid based upon the difference in the reported construction cost and the actual selling price.

(9) An itinerant real estate developer shall purchase a business license at the base tax rate upon issuance of the permit for land work, such as site clearing. Within thirty (30) days of the sale of each lot or lot and building an add-on license tax must be paid based on the actual selling price.

(10) No refund shall be made for a business that is discontinued.

(Ord. of 1-9-79, § 4; Ord. No. O-01-84, § 2, 1-10-84; Ord. No. O-02-86, § 2, 1-28-86; Ord. No. O-32-91, 11-26-91; Ord. No. O-03-96, 1-9-96; Ord. No. O-18-96, 4-9-96; Ord. No. O-36-96, 9-10-96, Ord. No. 4-9-13)

Sec. 7-1005. - Registration required.

(1) The owner, agent or legal representative of every business subject to this ordinance, whether listed in the classification index or not, shall register the business and make application for a business license on or before April 15 the due date of each year, provided, a new business shall be required to have a business license prior to operation within the City, and an annexed business shall be required to have a business license within thirty (30) days of the annexation. A license for a bar (NAICS 722410) must be issued in the name of the individual who has been issued a State alcohol, beer, wine permit or license and will have actual control and management of the business.

(2) Application shall be on a form provided by the License Inspector which shall contain the Social Security Number and/or Federal Employer's Identification Number, the business name as reported on the South Carolina income tax return and all information about the applicant and the Licensee and the business deemed appropriate to carry out the purpose of this ordinance by the License Inspector. Applicants filing a renewal application who are required to file a South Carolina monthly sales tax report will provide with their application a copy of their business sales tax reports for the calendar year just completed (1 January through 31 December). Applicants may be required to submit copies of portions of state and federal income tax returns reflecting gross income receipts and gross revenue figures.

(3) The applicant shall certify under oath that all the information given in the application is true, that the reports provided are true copies of originals, that the gross income is accurately reported, or estimated for a new business and that no unauthorized deductions were taken and that all other assessments personal property taxes on business property and other monies due and payable to the City have been paid.

(4) Insurance agents and brokers, banks, loan companies, finance companies, automobile dealers, or any other person, firm or company selling any type of insurance shall provide a list of all insurance companies represented, including name, address, telephone number, and total amount of premiums due or collected for each company, including renewals, annual and new business written during the preceding year, if such information is available.

(5) Any person, firm, company, agent, broker, representative or independent agent selling or writing or placing insurance plans or policies shall not place, write, sell or order any kind or type of insurance from any insurance company, society or association until that company has duly paid the city business license tax for the current year, as well as for all prior years, with all penalties and interest due. Upon violation

of this provision each person, firm, company, agent, broker, representative or independent agent shall pay a fine of two hundred dollars (\$200.00) or be confined for thirty (30) days in jail. Each policy or contract of insurance sold or issued shall constitute a separate offense. Insurance agents employed by more than one company shall be licensed as brokers, and the business license tax shall be based on the total gross commissions.

(Ord. of 1-9-79, § 5; Ord. No. O-01-80, 2-12-80, § 1; Ord. No. O-18-80, 12-9-80, §§ 2—4; Ord. No. O-02-86, § 3, 1-28-86, Ord. No. 4-9-13)

Sec. 7-1006. – Deductions, Exemptions, and Charitable Organizations.

(1) No deductions from gross income shall be made except income earned from business done wholly outside of the City on which a license tax is paid to some other municipality or county and fully reported to the City, taxes collected for a governmental entity, or income which cannot be included for computation of the tax pursuant to State or Federal law. The applicant shall have the burden to establish the right to exempt income by satisfactory records and proof.

(2) No person shall be exempt from the requirements of this ordinance by reason of the lack of an established place of business within the City, unless exempted by State or Federal law. The License Inspector shall determine the appropriate classification for each business in accordance with the latest issue of the North American Industry Classification System (NAICS) for the United States published by the Office of Management and Budget, and shall administer interpretations whenever necessary to determine the proper classification of a business. No person shall be exempt from this ordinance by reason of the payment of any other tax, unless exempted by State law, and no person shall be relieved of liability for the payment of any other tax or fee by reason of the application of this ordinance.

(3) A Charitable Organization shall be exempt from the business license tax on its gross income unless it is deemed a business subject to a business license tax on all or part of its gross income as provided in this section. A Charitable Organization or any for-profit affiliate of a Charitable Organization, that reports income from for-profit activities, or unrelated business income, for Federal income tax purposes to the Internal Revenue Service shall be deemed a business subject to a business license tax on the part of its gross income from such for-profit activities or unrelated business income.

A Charitable Organization shall be deemed a business subject to a business license tax on its total gross income if (1) any net proceeds of operation, after necessary expenses of operation, inure to the benefit of any individual or any entity that is not itself a Charitable Organization as defined in this ordinance, or (2) any net proceeds of operation, after necessary expenses of operation, are used for a purpose other than a Charitable Purpose as defined in this ordinance. Excess benefits or compensation in any form beyond fair market value to a sponsor, organizer, officer, director, trustee or person with ultimate control of the organization shall not be deemed a necessary expense of operation.

(4) A charitable organization must provide a copy of their Tax Exemption letter from the Internal Revenue Service in order to be designated as a Charitable Organization.

(Ord. of 1-9-79, § 6; Ord. No. O-01-80, § 2, 2-12-80; Ord. No. O-29-92, 11-24-92, Ord. No. 4-9-13)

Sec. 7-1007. - False application unlawful.

It shall be unlawful for any person subject to the provisions of this ordinance to make a false application for a business license, or to give or file, or direct the giving or filing, of any false information with respect to the license or tax required by this ordinance.

(Ord. of 1-9-79, § 7, Ord. No. 4-9-13)

Sec. 7-1008. - Display and transfer.

(1) All persons shall display the license issued to them on the original form provided by the License Inspector in a conspicuous place in the business establishment at the address shown on the license. A transient or nonresident shall carry the license upon his person or in a vehicle used in the business readily available for inspection by any authorized agent of the City.

(2) A change of address must be reported to the License Inspector within ten (10) days after removal of the business to a new location and the license will be valid at the new address upon written notification of the License Inspector and compliance with zoning and building codes. Failure to obtain the approval of the License Inspector for a change of address shall invalidate the license and subject the license to prosecution for doing business without a license. A business license shall be transferable and a transfer of controlling interest shall be considered a termination of the old business and the establishment of a

Sec. 7-1009. - Administration of Article.

The License Inspector shall administer the provisions of this Article, collect license taxes, issue licenses, make or initiate investigations and audits to insure compliance, initiate denial or suspension and revocation procedures, report violations to the police department and City Attorney and assist in prosecution of violators, produce forms, make reasonable regulations relating to the administration of this ordinance, and perform any other duties as may be assigned by the City Manager.

(Ord. of 1-9-79, § 9, Ord. No. 4-9-13)

Sec. 7-1010. - Solicitation.

(1) Door-to-door solicitation within the City, when authorized by this ordinance, will be conducted between the hours of 9:00 a.m. to 5:00 p.m. Monday through Saturday. No solicitation shall be allowed on Sundays and holidays.

(2) Salespersons for magazines, periodicals, and encyclopedias with national distribution and not warehoused within the City, are considered itinerant businesses and require a city business license, prior to door-to-door sales. Prior to issue of the business license, the applicant must be registered with the police department and not have been convicted of a crime of moral turpitude.

(3) Businesses located within the city limits will be allowed door-to-door solicitation when it is determined by the business License Inspector that the success of the business is predominantly determined by the degree of such solicitation.

(4) Salespersons for itinerant businesses must maintain a valid city business license on person, when soliciting sales within the city limits.

(5) In accordance with section 5-27-910, Code of Laws, State of South Carolina, the City of Beaufort requires a permit for solicitation from motorists. All rescue squads, volunteer fire departments,

charitable or eleemosynary organizations will be required to apply for a permit through the police department. Failure to obtain a permit or abide by the permit stipulations, upon conviction, will subject the offender to a fine of not more than five hundred dollars (\$500.00) plus assessments, or imprisoned not more than thirty (30) days as prescribed in section 1-3048

(Ord. No. O-04-88, § 2, 2-9-88; Ord. No. O-26-91, § 1, 7-23-91; Ord. No. O-02-95, 1-24-95; Ord. No. O-53-98, 11-24-98, Ord. No. 4-9-13)

Sec. 7-1011. - Inspection and audits.

(1) For the purpose of enforcing the provisions of this ordinance the License Inspector or other authorized agent of the City is empowered to enter upon the premises of any person subject to this ordinance to make inspections, examine and audit books and records, and it shall be

unlawful for any such person to fail or refuse to make available the necessary books and records. In the event an audit or inspection reveals that the licensee has filed false information, the costs of the audit shall be added to the correct license tax and late penalties in addition to other penalties provided herein. Each day of failure to pay the proper amount of license tax shall constitute a separate offense.

(2) The License Inspector shall make systematic inspections and random audits of all businesses within the City to insure compliance with this ordinance. Financial information obtained by inspections and audits shall not be deemed public records, the License Inspector shall not release the amount of license taxes paid or the reported gross income of any person by name without written permission of the licensee, except as authorized by this ordinance, State or Federal law, or proper judicial order. Statistics compiled by classifications are public records.

(Ord. of 1-9-79, § 10; Ord. No. O-04-88, § 2, 2-9-88, Ord. No. 4-9-13)

Sec. 7-1012. – Assessments, Payment under Protest, Appeal.

(1) If a person fails to obtain a business license or to furnish the information required by this ordinance or the License Inspector, the License Inspector shall examine such records of the business or any other available records as may be appropriate, and conduct such investigations and statistical surveys as the License Inspector may deem appropriate to assess a license tax and penalties as provided herein.

(2) A notice of assessment shall be served by certified mail or personal service. An application for adjustment of the assessment may be made to the License Inspector within ten (10) days after the notice is mailed or personally served or the assessment will become final. The License Inspector shall establish by regulation the procedure for hearing an application for adjustment of assessment and issuing a notice of final assessment.

(3) A final assessment may be appealed to City Council only by payment in full of the assessment under protest within ten (10) days and the filing of written notice of appeal within ten (10) days after payment pursuant to the provisions of this ordinance relating to appeals to City Council.

(Ord. of 1-9-79, § 11; Ord. No. O-04-88, § 2, 2-9-88, Ord. No. 4-9-13)

Sec. 7-1013. - Delinquent License Taxes, Partial Payment.

(1) For non-payment of all or any part of the correct license tax, the License Inspector shall levy and collect a late penalty of fifteen (15) percent of the unpaid tax for each of the first two (2) months or portions thereof, then ten (10) percent for each of the following two (2) months, or portions thereof, and five (5) percent for each month or portion thereof after the due date until the end of that license year. If a court summons is prepared and served for the collection of business license taxes, the cost of one hundred dollars (\$100.00) will be assessed and charged to licensee in addition to license taxes and penalties. If any license tax shall remain unpaid for sixty (60) days after its due date, the License Inspector shall report it to the City Attorney for

appropriate legal action, issue an execution which shall constitute a lien upon the property of the licensee for the tax, penalties and costs of collection, and shall proceed to collect in the same manner as prescribed by law for the collection of other taxes.

(2) Partial payment may be accepted by the License Inspector, upon approval of the City Manager or his designee, to toll imposition of penalties on the portion paid, provided, however, no business license shall be issued or renewed until the full amount of the tax due, with penalties, has been paid.

(Ord. of 1-9-79, § 12; Ord. No. O-04-88, § 2, 2-9-88; Ord. No. O-36-93, 11-23-93; Ord. No. O-36-96, 9-10-96, Ord. No. 4-9-13)

Sec. 7-1014. - Notices.

The License Inspector may, but shall not be required to, serve or mail written notices that license taxes are due. If notices are not mailed, there shall be published a notice of the due date in a newspaper of general circulation within the City three (3) times prior to the due date in each year. Failure to receive notice shall not constitute a defense to prosecution for failure to pay the tax due or grounds for waiver of penalties.

(Ord. of 1-9-79, § 13; Ord. No. O-04-88, § 2, 2-9-88, Ord. No. 4-9-13)

Sec. 7-1015. - Denial of license.

The License Inspector shall deny a license to an applicant when License Inspector determines:

(1) The application is incomplete, contains a misrepresentation, false or misleading statement, evasion or suppression of a material fact; or

(2) The activity for which a license is sought is unlawful or constitutes a public nuisance per se or per accidents; or

(3) The applicant, Licensee or prior Licensee or the person in control of the business has been convicted of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods; or

(4) The applicant, Licensee or prior Licensee or the person in control of the business has engaged in an unlawful activity or nuisance related to the business or to a similar business in the City or in another jurisdiction; or

(5) The applicant, Licensee or prior Licensee or the person in control of the business is delinquent in the payment to the City of any tax or fee; or

(6) The license for the business or for a similar business of the Licensee in the City or another jurisdiction has been denied, suspended or revoked in the previous license year.

A decision of the License Inspector shall be subject to appeal to the City Council as herein provided. Denial shall be written with reasons stated.

(Ord. of 1-9-79, § 14; Ord. No. O-01-84, § 3, 1-10-84; Ord. No. O-04-88, § 2, 2-9-88, Ord. No. 4-9-13)

Sec. 7-1016. - Suspension or revocation of license.

When the License Inspector determines that:

(1) A license has been mistakenly or improperly issued or issued contrary to law; or

(2) A Licensee has breached any condition upon which his license was issued or has failed to comply with the provisions of this ordinance; or

(3) A Licensee has obtained a license through fraud, misrepresentation, a false or misleading statement, evasion or suppression of a material fact in the license application; or

(4) A Licensee has been convicted of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a business or a subject of a business or an unlawful sale of merchandise or prohibited goods; or

(5) A Licensee has engaged in an unlawful activity or nuisance related to the business; or

(6) The licensee is delinquent in the payment to the City of any tax or fee,

the License Inspector shall give written notice to the Licensee or the person in control of the business within the City by personal service or certified return receipt mail that the license is suspended pending a hearing before City Council for the purpose of determining whether the license should be revoked.

The notice shall state the time and place at which the hearing is to be held, which shall be at a regular or special Council meeting within thirty (30) days from the date of service of the notice. The notice shall contain a brief statement of the reasons for suspension and proposed revocation and a copy of the applicable provisions of this ordinance.

(Ord. of 1-9-79, § 15; Ord. No. O-04-88, § 2, 2-9-88; Ord. No. O-36-96, 9-10-96, Ord. No. 4-9-13)

Sec. 7-1017. - Appeals to city council.

(1) Any person aggrieved by a decision, final assessment, proposed revocation, suspension, or a denial of a business license by the License Inspector may appeal the decision to the City Council by written request stating the reasons therefor filed with the License Inspector or City Clerk within ten (10) days after service by ~~certified~~-mail or personal service of the notice of decision, final assessment, proposed revocation, suspension or denial and the payment of the assessment under protest or notice of denial is received.

(2) An appeal or a hearing on revocation shall be held by the City Council within thirty (30) days

after receipt of a request for appeal or service of notice of suspension at a regular or special meeting of which the applicant or licensee has been given written notice, unless continued by agreement. At the hearing, all parties shall have the right to be represented by counsel, to present testimony and evidence and to cross-examine witnesses. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by the City Council shall govern the hearing. City Council shall by majority vote of members present render a written decision based on findings of fact and the application of the standards herein which shall be served upon all parties or their representatives and shall be the final decision of the City unless appealed to a court of competent jurisdiction within ten (10) days after service.

(Ord. of 1-9-79, § 16; Ord. No. O-04-88, § 2, 2-9-88; Ord. No. O-07-94, 5-24-94, Ord. No. 4-9-13)

Sec. 7-1018. – Confidentiality.

Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for any official or employee to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any report or return required under this ordinance. Nothing in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns. Any license data may be shared with other public officials or employees in the performance of their duties, whether or not those duties relate to enforcement of the license ordinance.

(Ord. No. 4-9-13)

Sec. 7-1019. - Violations.

Any person violating any provision of this ordinance shall be deemed guilty of an offense and shall be subject a fine of up to \$500.00 or imprisonment for not more than thirty (30) days or both, upon conviction. Each day of violation shall be considered a separate offense. Punishment for violation(s) shall not relieve the offender of liability for delinquent penalties and costs provided for herein.

(Ord. of 1-9-79, § 17; Ord. No. O-04-88, § 2, 2-9-88; Ord. No. O-30-93, 10-12-93, Ord. No. 4-9-13)

Sec. 7-1020. – Severability.

A determination that any portion of this ordinance is invalid or unenforceable shall not affect the remaining portions.

(Ord. No. 4-9-13)

Sec. 7-1021. - Classification rate schedules.

(1) The Class Structure Model by the North American Industry Classification System code, designated as Appendix B to this ordinance, ~~and the Class Structure Model by rate class, designated as Appendix C to this ordinance,~~ may be amended by the City Council from time to time, and current copies shall be filed in the office of the City Clerk. Appendices B and C are tools for classification and not a limitation on businesses subject to a license tax. The License Inspector shall determine the proper class for a business according to the applicable NAICS code.

(2) The license tax for each class of businesses subject to this ordinance shall be computed in accordance with the Rate Schedule, designated as Appendix A to this ordinance, which may be amended by the City Council from time to time and a current copy filed in the office of the City Clerk.

(Ord. No. O-04-88, § 2, 2-9-88, Ord. No. 4-9-13)

Sec. 7-1022. - Price restriction during emergencies.

Certain goods and services become scarce due to the disruption of the City's economy during emergency situations and certain merchants, vendors and contractors may take advantage of the emergency by price gouging.

The City Council hereby prohibits any merchant, vendor or contractor selling goods and/or offering services within the city from raising prices during the following time frames:

(1) Pre-hurricane. From the period beginning with the notification of a hurricane watch for the City of Beaufort, issued by the National Weather Service, until either the hurricane is no longer a threat to the City of Beaufort or a declared state of emergency for the city is terminated.

(2) Earthquake or other disaster. From the actual time of the emergency until the declared state of emergency is terminated.

Sale of goods and costs of services at prices above pre-emergency levels during the time frames herein provided shall only be allowed if merchants, vendors or contractors can document purchase of these goods or providing services at increased costs to them. Price level increases after a state of emergency is terminated shall be consistent with cost increases to the merchant, vendor or contractor.

(3) Penalties. Any person violating any provision of this section shall be deemed guilty of a misdemeanor and shall be subject to punishment under the general penalty provision of this Code (Section 1-3048) and upon conviction, shall be fined up to five hundred dollars (\$500.00) per incident or thirty (30) days in jail or both and immediate revocation of a City of Beaufort Business License (if issued) for a period of one year. Each sale or contract determined to be price gouging shall constitute a separate offense.

(Ord. No. O-27-93, 9-28-93; Ord. No. O-30-93, 10-12-93, Ord. No. 4-9-13)

Sec. 7-1023. - Permission to use streets required.

It shall be unlawful for any person to construct, install, maintain or operate in, on, above or under any

CODE

Part 7 - LICENSING AND REGULATION

CHAPTER 1. - BUSINESS LICENSES

Beaufort, South Carolina, Code of Ordinances

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street or public place under control of the City any line, pipe, cable, pole, structure or facility for utilities, communications, cable vision, or other purposes without a consent agreement or franchise agreement authorized by the City Council which prescribes the terms, fees and conditions for use.

(Ord. No. O-01-98, 1-13-98, Ord. No. 4-9-13)

Sec. 7-1024. - Consent, franchise or business license tax required.

The annual fee for use of streets or public places authorized by a consent agreement or franchise agreement shall be set by the City Council and shall be based on gross revenues derived from activities in the municipality, the length of lines installed in streets and public places, or other formula deemed appropriate by Council. No consent fee or franchise fee shall be construed to be in lieu of a business license tax based on gross revenue unless specifically approved by City Council. Credits for business license taxes paid may be applied to fees when specifically authorized by City Council.

(Ord. No. O-01-98, 1-13-98, Ord. No. 4-9-13)

Sec. 7-1025. - Retail telecommunications services.

(1) Tax imposed.

a) Notwithstanding any other provisions of the business license ordinance, the business license tax for "retail telecommunications services", as defined in S.C. Code section 58-9-2200, shall be at the maximum rate authorized by S.C. Code section 58-9-2220, as it now provides or as provided by its amendment. The business license tax year shall begin on January 1 of each year. The rate for the 2005 business license tax year shall be the maximum rate allowed by state law as in effect on February 1, 2005. Declining rates shall not apply.

b) In conformity with S.C. Code section 58-9-2220, the business license tax for retail telecommunications services shall apply to the gross income derived from the sale of retail telecommunications services for the preceding calendar or fiscal year which either originate or terminate in the municipality and which are charged to a service address within the municipality regardless of where these amounts are billed or paid and on which a business license tax has not been paid to another municipality. The measurement of the amounts derived from the retail sale of mobile telecommunications services shall include only revenues from the fixed monthly recurring charge of customers whose service address is within the boundaries of the municipality. For a business in operation for less than one year, the amount of business license tax shall be computed on a twelve-month projected income.

(2) When tax due; penalty for delinquent tax.

a) For the year 2005, the business license tax for retail telecommunications services shall be due on February 1, 2005 and payable by February 28, 2005, without penalty. For years after 2005, the business license tax for retail telecommunications services shall be due on

CODE

Part 7 - LICENSING AND REGULATION

CHAPTER 1. - BUSINESS LICENSES

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January 1 of each year and payable by January 31 of that year, without penalty.

b) The delinquent penalty shall be five (5) percent of the tax due for each month, or portion thereof, after the due date until paid.

(3) Exemptions. Exemptions in the business license ordinance for income from business in interstate commerce are hereby repealed. Properly apportioned gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.

(4) Franchise or contractual agreements.

a) Nothing in this section shall be interpreted to interfere with continuing obligations of any franchise agreement or contractual agreement in the event that the franchise or contractual agreement should expire after December 31, 2003.

b) All fees collected under such a franchise or contractual agreement expiring after December 31, 2003, shall be in lieu of fees or taxes which might otherwise be authorized by this section.

(5) Authority; collection. As authorized by S.C. Code section 5-7-300, the agreement with the Municipal Association of South Carolina for collection of current and delinquent license taxes from telecommunications companies pursuant to S.C. Code section 58-9-2200 shall continue in effect. Notwithstanding the provisions of the agreement, for the year 2005, the Municipal Association of South Carolina is authorized to collect current and delinquent license taxes, in conformity with the due date and delinquent date for 2005 as set out in this section and is further authorized, for the year 2005, to disburse business license taxes collected, less the service charge agreed to, to this municipality on or before April 1, 2005, and thereafter as remaining collections permit.

(Ord. No. O-23-04, §§ 1—5, 9-14-04, Ord. No. 4-9-13)

Sec. 7-1026. – Insurance Companies

A. SIC/NAICS Codes for Insurance Companies shall be as follows:

SIC NAICS

CODE or CODE

63 5241 1. Insurance Companies: Except as to fire insurance, “gross premiums” means gross premiums written for policies for property or a risk located within the municipality. In addition, “gross premiums” shall include premiums written for policies that are sold, solicited, negotiated, taken, transmitted, received, delivered, applied for, produced or serviced by (1) the insurance company’s office located in the municipality, (2) the insurance company’s employee conducting business

within the municipality, or (3) the office of the insurance company’s licensed or appointed producer (agent) conducting business within the municipality, regardless of where the property or risk is located, provided no tax has been paid to another municipality in which the property or risk is located based on the same premium..

Solicitation for insurance, receiving or transmitting an application or policy, examination of a risk, collection or transmitting of a premium, adjusting a claim, delivering a benefit, or doing any act in connection with a policy or claim shall constitute conducting business within the municipality, regardless of whether or not an office is maintained in the municipality.

As to fire insurance, "gross premiums" means gross premiums (1) collected in the municipality, and/or (2) realized from risks located within the limits of the municipality.

Gross premiums shall include all business conducted in the prior calendar year.

Gross premiums shall include new and renewal business without deductions for any dividend, credit, return premiums or deposit.

Declining rates shall not apply.

631-632 52411 2. Life, Health and Accident0.75% of Gross Premiums

633-635 524126 3. Fire and Casualty.....2% of Gross Premiums

636 524127 4. Title Insurance2% of Gross Premiums

B. Notwithstanding any other provisions of this ordinance, license taxes for insurance companies shall be payable on or before May 31 in each year without penalty. The penalty for delinquent payments shall be 5% of the tax due per month, or portion thereof, after the due date until paid.

C. Any exemptions in the business license ordinance for income from business in interstate commerce are hereby repealed. Gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.

D. Pursuant to S.C. Code Ann. §§ 38-45-10 and 38-45-60, the Municipal Association of South Carolina is designated the municipal agent for purposes of administration of the municipal broker's premium tax. The agreement with the Association for administration and collection of current and delinquent license taxes from insurance companies as authorized by S.C. Code § 5-7-300 and administration of the municipal broker's premium tax in the form attached hereto is approved, and the Mayor is authorized to execute it.

(Ord. No. 11-13-12, Ord. No. 4-9-13)

**APPENDIX A
RATE SCHEDULE**

INCOME: \$0 - \$2,000 INCOME OVER \$2,000

RATE CLASS BASE RATE Rate per Thousand or fraction thereof

- 1 \$25.00 \$0.95
- 2 \$35.00 \$1.37
- 3 \$45.00 \$1.79
- 4 \$55.00 \$2.21
- 5 \$65.00 \$2.63
- 6 \$75.00 \$3.05
- 7 \$85.00 \$3.47
- 8.1 \$60.00 \$1.75
- 8.2 \$ set by State statute
- 8.3 MASC Telecommunications
- 8.4 See detail below
- 8.5 \$20.00 \$0.65
- 8.6 \$288.00 \$2.07
- 8.7 MASC Insurance
- 8.8A \$12.50 + \$12.50 per machine
- 8.8B \$64.00 \$2.52
- 8.8C \$12.50 + \$180.00 per machine
- 8.9 See detail below
- 8.10 See detail below

All other 08 Classifications – please contact the Business License Office.

NON-RESIDENT RATES

Unless otherwise specifically provided, all taxes and rates shall be doubled for nonresidents and itinerants having no fixed principal place of business within the municipality.

CLASS 8 RATES

Each NAICS Number designates a separate sub-classification. The businesses in this section are treated as separate and individual subclasses due to provisions of State law, regulatory requirements, service burdens, tax equalization considerations, etc., which are deemed to be sufficient to require individually determined rates. Non-resident rates do not apply except where indicated.

NAICS 230000 - Contractors, Construction, All Types

8.1 Having permanent place of business within the municipality

Minimum on first \$2,000..... \$ 60.00 PLUS

Each additional 1,000..... \$ 1.75

8.1A Not having permanent place of business within the municipality

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Minimum on first \$2,000..... \$ 120.00 PLUS

Each additional \$1,000.....\$ 3.50

(Non-resident double rates do not apply)

A trailer at the construction site or structure in which the contractor temporarily resides is not a permanent place of business under this ordinance.

The total tax for the full amount of the contract shall be paid prior to commencement of work and shall entitle contractor to complete the job without regard to the normal license expiration date. An amended report shall be filed for each new job and the appropriate additional license fee per \$1,000 of the contract amount shall be paid prior to commencement of new work. Only one base tax shall be paid in a ~~calendar~~ license year.

No contractor shall be issued a business license until all state and municipal qualification examination and trade license requirements have been met. Each contractor shall post a sign in plain view on each job identifying the contractor with the job.

Sub-contractors shall be licensed on the same basis as general or prime contractors for the same job. No deductions shall be made by a general or prime contractor for value of work performed by a sub-contractor.

No contractor shall be issued a business license until all performance and indemnity bonds required

by the Building Code have been filed and approved. Zoning permits must be obtained when required by the Zoning Ordinance.

Each prime contractor shall file with the License Official a list of sub-contractors furnishing labor or materials for each project.

8.2 NAICS 482 - Railroad Companies – (See S.C. Code § 12-23-210)

Set by State Statute

8.3 NAICS 5171, 5172 - Telephone Companies:

A. Notwithstanding any other provisions of the Business License Ordinance, the business license tax for "retail telecommunications services", as defined in S. C. Code Section 58-9-2200, shall be at the maximum rate authorized by S. C. Code Section 58-9-2220, as it now provides or as provided

by amendment. The business license tax year shall begin on January 1 of each year. Declining rates shall not apply.

B. In conformity with S.C. Code Section 58-9-2220, the business license tax for "retail telecommunications services" shall apply to the gross income derived from the sale of retail telecommunications services for the preceding calendar or fiscal year which either originate or terminate in the municipality and which are charged to a service address within the municipality regardless of where these amounts are billed or paid and on which a business license tax has not been paid to another municipality. The measurement of the amounts derived from the retail sale of

mobile telecommunications services shall include only revenues from the fixed monthly recurring

charge of customers whose service address is within the boundaries of the municipality. For a

business in operation for less than one year, the amount of business license tax shall be computed on a twelve-month projected income.

C. The business license tax for "retail telecommunications services" shall be due on January 1 of each year and payable by January 31 of that year, without penalty.

D. The delinquent penalty shall be five percent (5 %) of the tax due for each month, or portion thereof, after the due date until paid.

E. Exemptions in the business license ordinance for income from business in interstate commerce

are hereby repealed. Properly apportioned gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.

F. Nothing in this Ordinance shall be interpreted to interfere with continuing obligations of any franchise agreement or contractual agreement in the event that the franchise or contractual agreement should expire after December 31, 2003.

G. All fees collected under such a franchise or contractual agreement expiring after December 31, 2003, shall be in lieu of fees or taxes which might otherwise be authorized by this Ordinance.

H. As authorized by S. C. Code Section 5-7-300, the Agreement with the Municipal Association of South Carolina for collection of current and delinquent license taxes from telecommunications companies pursuant to S. C. Code Section 58-9-2200 shall continue in effect.

NAICS 22112 - Electric Power Distribution..... See Consent or Franchise

NAICS 22121 – Natural Gas Distribution See Consent or Franchise

NAICS 517110 – Television: Cable or Pay

Services using public streets See Franchise

8.4A NAICS 423930 - Junk or Scrap Dealers [Non-resident rates apply]

Minimum on first \$2,000\$ 41.00 PLUS

Per \$1,000, or fraction, over \$2,000 \$1.66

8.4B NAICS 522298 - Pawn Brokers - All Types

Minimum on first \$2,000 \$ 161.00 PLUS

Per \$1,000, or fraction, over \$2,000 \$ 2.88

8.5 NAICS 4411, 4412 - Automotive, Motor Vehicles, Boats, Farm Machinery or Retail
(except auto supply stores - see 4413)

Minimum on first \$2,000 \$ 20.00 PLUS

Per \$1,000, or fraction, over \$2,000 \$ 0.65

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One sales lot not more than 400 feet from the main showroom may be operated under this license provided that proceeds from sales at the lot are included in gross receipts at the main office when both are operated under the same name and ownership.

Gross receipts for this classification shall include value of trade-ins. Dealer transfers or internal repairs on resale items shall not be included in gross income.

NAICS 454390 - Peddlers, Solicitors, Canvassers, Door-To-Door Sales

Direct retail sales of merchandise. [Non-resident rates apply]

8.6 Regular activities [more than two sale periods of more than three days each per year]

Minimum on first \$2,000 \$ 288.00 PLUS

Per \$1,000, or fraction, over \$2,000 \$ 2.07

Applicant for a license to sell on private property must provide written authorization from the properly owner to use the intended location.

8.7 NAICS 5241 - Insurance Companies:

Except as to fire insurance, “gross premiums” means gross premiums written for policies for property or a risk located within the municipality. In addition, “gross premiums” shall include premiums written for policies that are sold, solicited, negotiated, taken, transmitted, received, delivered, applied for, produced or serviced by (1) the insurance company’s office located in the municipality, (2) the insurance company’s employee conducting business within the municipality,

or (3) the office of the insurance company's licensed or appointed producer (agent) conducting business within the municipality, regardless of where the property or risk is located, provided no tax has been paid to another municipality in which the property or risk is located based on the same premium.

Solicitation for insurance, receiving or transmitting an application or policy, examination of a risk, collection or transmitting of a premium, adjusting a claim, delivering a benefit, or doing any act in connection with a policy or claim shall constitute conducting business within the municipality, regardless of whether or not an office is maintained in the municipality.

As to fire insurance, "gross premiums" means gross premiums (1) collected in the municipality, and/or (2) realized from risks located within the limits of the municipality.

Gross premiums shall include all business conducted in the prior calendar year.

Gross premiums shall include new and renewal business without deductions for any dividend, credit, returns premiums or deposit.

NAICS 52411 - Life, Health and Accident	0.75% of Gross Premiums
NAICS 524126 - Fire and Casualty (Licensed in SC)	2% of Gross Premiums
NAICS 524127 - Title Insurance	2% of Gross Premiums

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Notwithstanding any other provisions of this ordinance, license taxes for insurance companies shall be payable on or before May 31 in each year without penalty. The penalty for delinquent payments shall be 5% of the tax due per month, or portion thereof, after the due date until paid. Any exemptions in the business license ordinance for income from business in interstate commerce

are hereby repealed. Gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.

Pursuant to S.C. Code Ann. §§ 38-45-10 and 38-45-60, the Municipal Association of South Carolina, by agreement with the municipality, is designated the municipal agent for purposes of administration of the municipal broker's premium tax. The agreement with the Association for administration and collection of current and delinquent license taxes from insurance companies as

authorized by S.C. Code § 5-7-300 and administration of the municipal broker's premium tax in the form attached hereto is approved, and the Mayor is authorized to execute it.

[The South Carolina General Assembly, in order to ensure consistency with the federal Nonadmitted

and Reinsurance Reform Act of 2010 ("NRRA"), ratified an act (Rat# 283) on June 28, 2012, amending S.C. Code §§ 38-7-16 and 38-45-10 through 38-45-195. The act establishes a blended broker's premium tax rate of 6 percent comprised of a 4 percent state broker's premium tax and a 2 percent municipal broker's premium tax. The act states a municipality may not impose

on brokers of non-admitted insurance in South Carolina an additional license fee or tax based upon

a percentage of premiums.]

NAICS 713120 - Amusement Machines, coin operated (except gambling) -

Music machines, juke boxes, kiddy rides, video games, pin tables with levers, and other amusement machines with or without free play feature licensed by SC Department of Revenue pursuant to S.C. Code §12-21-2720(A)(1) and (A)(2) – **[Type I and Type II]**

8.8A Operator of machine \$12.50 per machine PLUS
.....\$12.50 business license
for operation of all machines (not on gross income).[§12-21-2746]

8.8B Distributor

selling or leasing machines (not licensed by the State as an operator pursuant to §12-21-2728) -
Minimum on first \$2,000 \$ 64.00 PLUS
Per \$1,000 or fraction over \$2,000 \$ 2.52

NAICS 713290 - Amusement Machines, coin operated, non-payout

Amusement machines of the non-payout type or in-line pin game licensed by SC Department of Revenue pursuant to S.C. Code §12-21-2720(A)(3) **[Type III]**

8.8C -.Operator of machine (owner of business).....\$12.50 business license
for operation of all machines (not on gross income). [§12-21-2720(B)]

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8.9A NAICS 713290 - Bingo halls, parlors –

Minimum on first \$2,000\$32.50 PLUS
Per \$1,000, or fraction, over \$2,000 \$ 1.26

8.9B NAICS 711190 - Carnivals and Circuses – Per Day

Minimum on first \$2,000 \$ 230.00 PLUS
Per \$1,000, or fraction, over \$2,000 \$ 5.76

8.9C NAICS 722410 – Full Service Restaurants (Alcoholic beverages consumed on premises) that may or may not provide entertainment.

Minimum on first \$2,000 \$ 115.00 PLUS
Per \$1,000, or fraction, over \$2,000 \$ 2.90

License must be issued in the name of the individual who has been issued a State alcohol, beer or wine permit or license and will have actual control and management of the business.

8.9D NAICS 722410 - Drinking Places, bars, lounges, cabarets (Alcoholic beverages consumed on premises) that may or may not provide entertainment.

Minimum on first \$2,000 \$ 272.00 PLUS
Per \$1,000, or fraction, over \$2,000 \$ 4.31

License must be issued in the name of the individual who has been issued a State alcohol, beer or wine permit or license and will have actual control and management of the business.

8.10A NAICS 713990 - Billiard or Pool Rooms, all types \$5.00 permit/table PLUS

Minimum on first \$2,000 \$ 32.00 PLUS
Per \$1,000, or fraction, over 2000..... \$ 1.26



CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 12/10/2020
FROM:
AGENDA ITEM Ordinance setting election, related dates, and filing fee for Special Election of
TITLE: Unexpired Term for City Council - 2nd Reading
MEETING
DATE: 1/12/2021
DEPARTMENT: City Clerk

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR:

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Ordinance	Cover Memo	12/10/2020

ORDINANCE

SETTING ELECTION, RELATED DATES, AND FILING FEE FOR SPECIAL ELECTION OF UNEXPIRED TERM FOR CITY COUNCIL PURSUANT TO SECTIONS 1-8001 THROUGH 1-8006 OF THE CITY OF BEAUFORT CODE OF ORDINANCES

WHEREAS, Sections 1-8001 through 1-8006 of the Code of Ordinances, City of Beaufort, governs elections; and

WHEREAS, Council amended the Ordinance July 28, 1998 changing the election dates to even numbered years to coincide with national elections.

NOW, THEREFORE BE IT ORDAINED, by City Council of the City of Beaufort, South Carolina, duly assembled, and by authority of same that:

The filing fee for candidates running for council seats will be **\$150.00**

The following dates are hereby established for the 2021 Special Election:

Filing Deadline for Statement of Candidacy and Statement of Economic Interest	Friday, January 15, 2021 12:00 NOON
Election Date	March 2, 2021
Challenge Ballot Hearing	March 4, 2021 10:00 a.m.
Newly Elected Officers Take Office	March 9, 2021

STEPHEN MURRAY, MAYOR

SEAL

ATTEST:

IVETTE BURGESS, CITY CLERK

1st Reading
2nd Reading
& Adoption _____

Reviewed by _____
William B. Harvey, III, City Attorney



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 12/10/2020
FROM: Tom Daniels
AGENDA ITEM TITLE: Ordinance amending Lady's Island Marina Planned Unit Development (PUD) - 2nd Reading
MEETING DATE: 1/12/2021
DEPARTMENT: Community and Economic Development

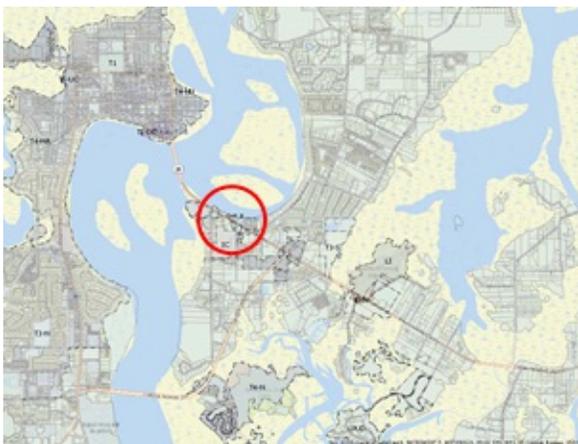
BACKGROUND INFORMATION:

Subject Document: Lady's Island Marina Village PUD, adopted January 10, 2006. Marina Village is a 5.64 acre mixed use infill redevelopment project located in the City of Beaufort, South Carolina. This mixed use project highlights a redeveloped and restored 80 slip modern marina facility. Currently, a new restaurant, which would be limited to 1,500 sq ft, is allowed only if the existing restaurant is removed.

Requested Amendment: The applicant, Tom Daniels on behalf of X Marks the Spot, LLC, is requesting to amend the PUD document as follows:

1. Amend the text on page 4 under the heading Regulating Plan by removing the double asterisks references and the text that reads "***Includes up to 1,500 sq. ft. restaurant use on the condition existing restaurant is removed."
2. Update the plan included in the PUD to combine the easternmost "Residential Area" and "Commercial Area" into one "Mixed-Use Area".

Reason for Requesting Amendment: This will allow greater development flexibility while not increasing the amount of allotted commercial development currently allowed by the PUD.



PLACED ON AGENDA FOR: *Action*

REMARKS:

Public hearing notices:

- On October 22, 2020 a classified ad was published in the Beaufort Gazette;
- On October 28, 2020 two Notice of Public Hearing signs were posted on the subject properties; and
- On October 29, 2020 a classified ad was published in the Island Packet.

Public Hearing was held November 10, 2020.

The Metropolitan Planning Commission unanimously recommended approval of the text amendment on November 16, 2020.

ATTACHMENTS:

Description	Type	Upload Date
Application	Backup Material	12/10/2020
PUD with proposed amendments	Exhibit	12/10/2020
Ordinance	Ordinance	12/10/2020



BEAUFORT CODE TEXT AMENDMENT APPLICATION

Department of Planning & Development Services
1911 Boundary Street, Beaufort, South Carolina, 29902
p. (843) 525-7011 / f. (843) 986-5606
www.cityofbeaufort.org

Application Fee: \$400

Receipt # 138761

ZA 20-02

OFFICE USE ONLY: Date Filed: 10/20 Application #: 21160

\$ PAID 10/20 CC

Submittal Requirements: All forms shall be complete and may be submitted digitally to Julie Bachety - jbachety@cityofbeaufort.org.

Pursuant to Section 6-29-1145 of the South Carolina Code of Laws, is this tract or parcel restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the activity described in this application? [] Yes [X] No

Applicant Information

Applicant Name: THOMAS DANIELS ON BEHALF OF X MARKS THE SPOT DBA LADY'S ISLAND MARINA
Applicant Address: 73 Sea Island Pkwy # 10 Beaufort, SC 29907
Applicant E-mail: DANIELS@LADYSISLANDMARINA.COM Applicant Phone Number: 843 522 0430

Amendment Request Information

List section(s) of the Beaufort Code proposed to be changed: LADY'S ISLAND MARINA PUD
MAYNARD VILLAGE RD 11/10/06

List proposed modification(s) - attached separate page if necessary: PAGE 4: REMOVE UNDER ASTERISKED (XX) NOTE "2-CELLS UP TO 1500 SQ FT (EXISTING USE ON THE LOT WITH EXISTING RESTAURANT IS REMOVED)"

Reasons for requesting amendment: Commercial Development Flexibility while not increasing size amount of allowed commercial development currently offered in the PUD

Certification of Correctness: I/we certify that the information in this application is correct.

Applicant's Signature: [Signature] Date: 10/20/20

Lady's Island Marina
Marina Village PUD
January 10, 2006

Adopted January 10, 2006
0-02-06

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General Specifications.....	6
General Specifications.....	7

Attachments:

- A. Conceptual Plan
- B. Legal Description

Marina Village

Project Description

Marina Village is a 5.64 acre mixed use infill redevelopment project located in the City of Beaufort, South Carolina. This mixed use project will highlight a redeveloped and restored 80 slip modern marina facility.

A public marsh boardwalk could eventually connect this marina property to adjacent developed properties along Factory Creek and the public boat landing, as well as to the swing-bridge and downtown Beaufort. The developer will allow public access via a walkway over the marsh in front of the property provided that all three of the following conditions are met: 1) the walkway created is a public project 2) the developer is not required to support financially the construction and/or maintenance of the walkway 3) both landowners on either side of the property also allow public access on walkways over the marsh in front of their properties.

Our conceptual design calls for multi-story structures that may have different uses on separate levels. Retail and commercial fit very well into the first floor areas in a storefront type setting similar to those in downtown Beaufort, while office and residential could utilize the upper levels. Also planned are residential town homes, condominiums, and Charleston style single family homes.

Regulating Plan

Land Use Table

Building Area	56,880 SF = . 1.3 ACRES
Parking, drives and walkways	87,120 SF = 2 ACRES
Open natural or planted spaces	101,587 SF= 2.34 ACRES

245,587 SF= 5.64 ACRES total 100%

Lot Type/Land Use

Multi family residential or single-family homes	58 units
Loft Units (above New General Commercial)	25 units
New General Commercial	22,000 sq. ft. ***
Marina and existing building over the water	80 slips

Land Use Tables (General Intensities)

	<u>Sq.Ft.</u>	<u>Percentage</u>
1. Residential (with internal parking)	34,880	14.2%
2. New General Commercial w/Loft Units	22,000	8.9% **
<u>Total Gross building footprint</u>	<u>56,880</u>	<u>23.1%</u>
Surface parking, roads and walkways	87,120	35.5%
Open natural or planted areas	101,587	41.4%
<u>Total Site Area</u>	<u>245,587</u>	

* Does not include service, storage, or outdoor space.

~~*** Includes up to 1,500 sq.ft. restaurant use on the condition existing restaurant is removed.~~

Parking Analysis

	<u>Modifier</u>	<u>Required</u>
Residential 58 units)	1 per unit	58
New Genera, Commercial (22,000SF	1 per 300 sq. ft.	73
Loft Units (25)	0 per unit	0
Marina	N/A	21
Parking Required		152
25% re-development reduction		(38)
<u>Total Parking Required</u>		<u>114</u>
<u>Provided Parking</u>		
<u>Surface lots</u>		76
Residential		88
Total Parking Provided		
Net Surplus (deficit)		50 <u>Extra Spaces</u>

Marina Village Development Standards

Lot Building and Design

Minimum Lot Width:	20'
Minimum Lot Depth:	40'
Maximum Site Coverage:	100%
Maximum Height	50' as measured by current City standards
Minimum Height	20'
Build to line (front US 21):	0'-12'
Side set back	0'
Rear set back	0'
Minimum Porch/Awning coverage:	10%

Lot Layout

The tables above show the minimum lot sub-division, requirements. These lot areas are simply the total area that may be developed for the building site. Later sub-division of these areas will allow for smaller lots to be sold or leased as required. Some of the lots "front" open spaces, not right of ways or streets as required. Legal right of way access for these properties will be provided, The primary vertical wall of the building structures including the length of the berm, that front US 21 will cover a minimum of 40% of the highway. A landscaped buffer and berm will be permitted to run along the western boundary and continue east along Highway 21 in back of sidewalk for 150'

GENERAL SPECIFICATIONS

Lot & Building Design

New buildings will be set back thirty feet (30') from the critical line. There may be special areas where the buildings may be set back no less than twenty feet (20') from the critical line. Special areas may comprise no more than twenty-five (25%) of the property along the critical line. No lot lines are required but would be necessary if the land is subdivided. Porches and overhangs are encouraged and permitted to encroach over lot lines.

Landscaping and Tree Ordinance:

The City of Beaufort's Village Center Landscaping and Tree ordinance will serve as a guideline to Marina Village. It is understood that this property is unique in size, shape and location and that the standards shall be applied in a flexible manner by the Corridor Development Board if justified. Specifically, the CDB will take into account existing footprints of parking areas, existing non-permeable surfaces and current buildings. It is understood that Marina Village could be subdivided into various parcels and that flexibility within the ordinance pertaining to internal landscape buffers and setbacks will be necessary for a successful and functional project. It is expressly the intent of this article not to stifle creativity or curtail imaginative solutions to the design process while allowing for the permitted land uses as outlined in this PUD document.

Permitted Uses:

General Commercial Zoning per the City of Beaufort zoning ordinance in effect at the date of adoption of this submittal.

Default Regulations:

For items not noted in this document, the City of Beaufort's General Commercial zoning ordinance in effect at the date of adoption of this submittal shall take effect.

Signage:

The sign regulations in the Unified Development Ordinance shall apply to this property, with the following addition: One freestanding sign of 32 square feet per side with a maximum height of 10' will be allowed. This sign shall be set back 10' from the property line. If the sign is greater than 24 square feet, the sign shall be a monument sign.

Fire Access:

New buildings will fully comply with the Current City of Beaufort Building and Life Safety Codes. Final Street design will incorporate design turning radii of City Fire Equipment

Design Review Board:

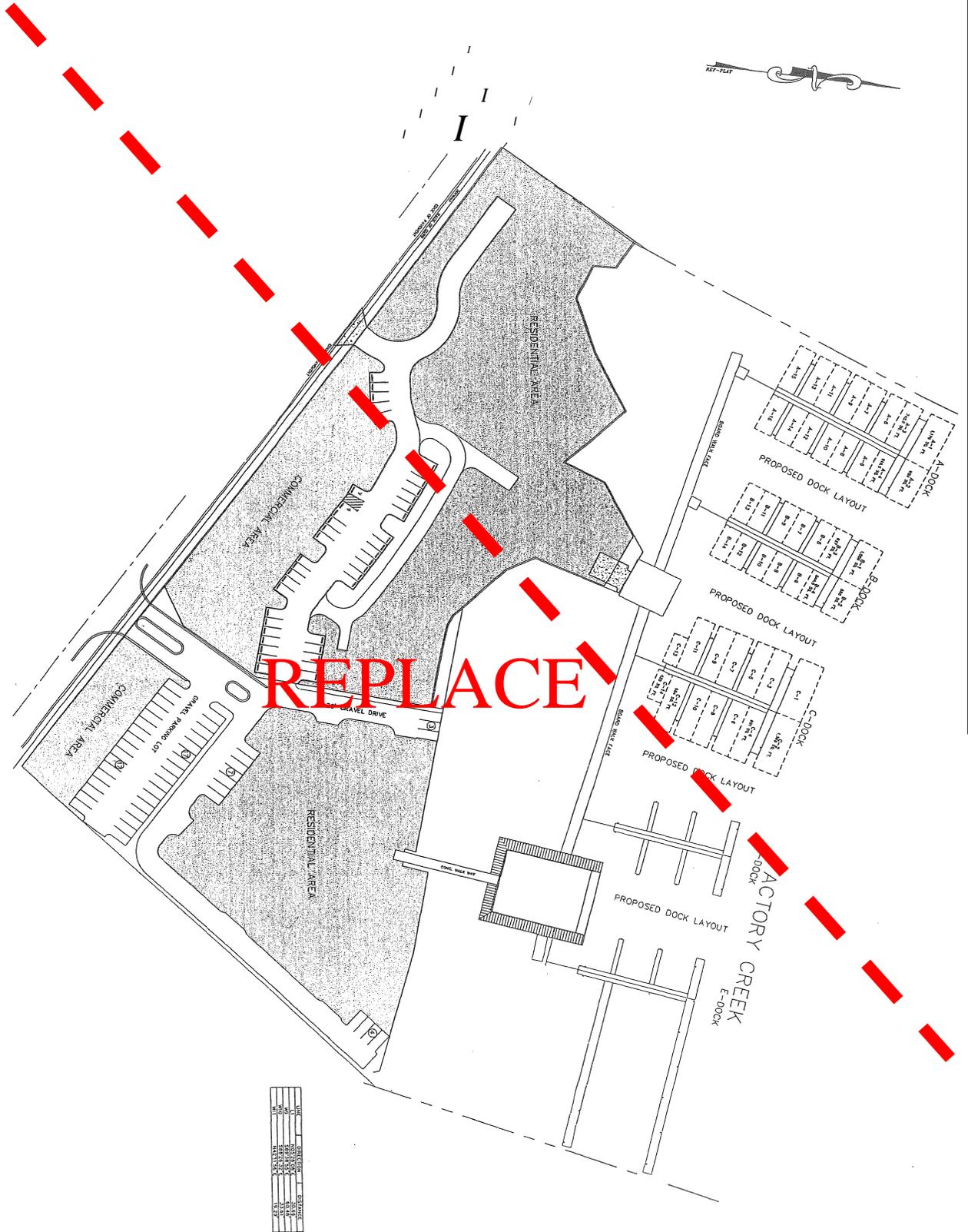
The Design Review Board will have jurisdiction over design standards to insure consistency within the Village Center and will use the City of Beaufort's Lady's Island Village Center guidelines.

Utility access

Utilities are presently served and available to this property. Marina Village will use the existing water, sewer and power along US 21.

Drainage Requirements

The South Carolina Department of Health and Environmental Control's office of Ocean and Coastal Resource Management (OCRM) requires that the first half (1/2) inch of runoff over the entire site or the first one (1) inch of runoff over the built upon portion of the site, whichever is greater, be stored and released over a twenty-four hour (24) period. We are planning to retain the greater amount required. Storm water runoff for this site will be collected into OCRM approved underground retention and filtration systems.



LINE	DESCRIPTION	SCALE
1	EXISTING	AS SHOWN
2	PROPOSED	AS SHOWN
3	PROPOSED	AS SHOWN
4	PROPOSED	AS SHOWN
5	PROPOSED	AS SHOWN
6	PROPOSED	AS SHOWN
7	PROPOSED	AS SHOWN
8	PROPOSED	AS SHOWN
9	PROPOSED	AS SHOWN
10	PROPOSED	AS SHOWN

	DESIGN:	MONA
	DRAWINGS:	MONA
	REVIEW:	JAM
	DATE:	NOV. 2005
	SCALE:	" = ' - 48"
	PROJECT:	05-0027
SHEET 1 OF 1		

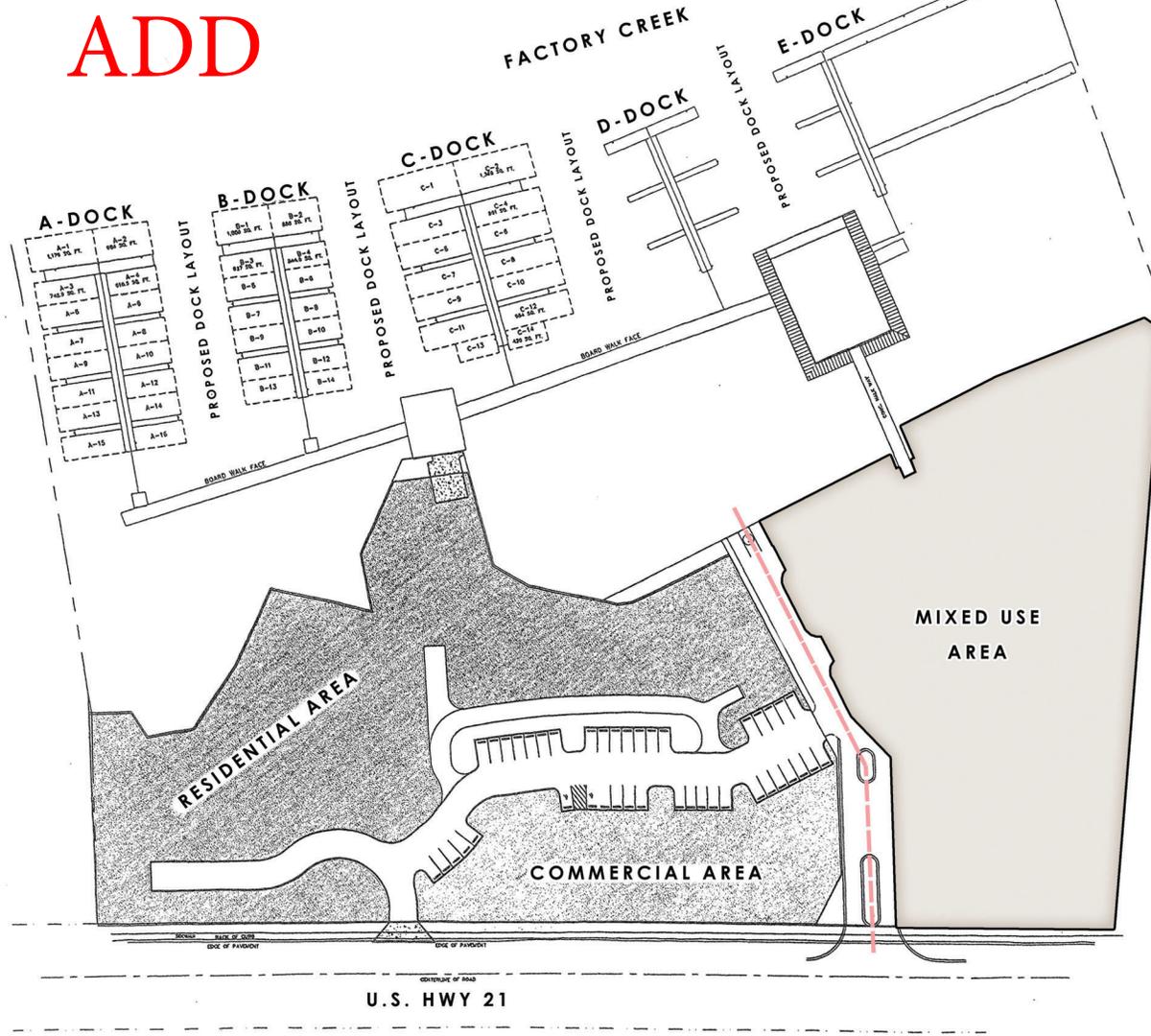
LADY'S ISLAND MARINA
 BEAUFORT, SOUTH CAROLINA
 prepared for:
 E. H. FORTITUDE, INC.

PRELIMINARY SITE PLAN	
No.	DATE DESCRIPTION

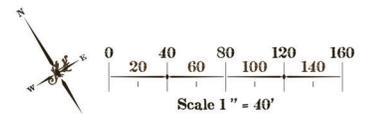
EMC ENGINEERING SERVICES, INC.
 Post office no.: 201
 25 East Clanton Street
 S*nnil-c, Gaorica 31412
 P ane, 19121 252.6833
 Fu,19121232-9920



ADD



REGULATORY PLAN
FOR
LADY'S ISLAND MARINA
BEAUFORT, SOUTH CAROLINA



Note: Plan is conceptual in nature and subject to change

ORDINANCE

AMENDING LADY'S ISLAND MARINA PLANNED UNIT DEVELOPMENT (PUD)

WHEREAS, the State of South Carolina has conferred to the City of Beaufort the power to enact ordinances “in relation to roads, streets, markets, law enforcement, health, and order in the municipality or respecting any subject which appears to it necessary and proper for the security, general welfare, and convenience of the municipality or for preserving health, peace, order, and good government in it . . .” as set forth in *Code of Laws of South Carolina*, Section 5-7-20; and

WHEREAS, the City of Beaufort adopted the *Beaufort Code* by reference on June 27, 2017, as set forth in section 5-6001 of the *Code of Ordinances Beaufort, South Carolina*; and

WHEREAS, the amendment of the *Beaufort Code* is “for the general purpose of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare” in accordance with *Code of Laws of South Carolina*, Section 6-29-710; and

WHEREAS, the *Lady's Island Marina PUD* is a legacy PUD and was last amended by the City on January 10, 2006; and

WHEREAS, amendments to PUDs are governed by the *Beaufort Code*; and

WHEREAS, the *Beaufort Code* requires that major, legacy PUD amendments be reviewed by the Metropolitan Planning Commission and approved by the city council; and

WHEREAS, the MPC reviewed and unanimously recommended approval; and

WHEREAS, the amendment is consistent with the goals for development as outlined in the City's comprehensive plan and *Civic Master Plan*; and

WHEREAS, a public hearing before the Beaufort City Council was held regarding the proposed change to the PUD on November 10, 2020, with notice of the hearing published in *The Beaufort Gazette* on October 22, 2020;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Beaufort, South Carolina, duly assembled and by authority of same, pursuant to the power vested in the Council by Section 6-29-760, *Code of Laws of South Carolina, 1976*, that *The Lady's Island Marina PUD* be amended by:

1. Removing the double-asterisked “Includes up to 1,500 sq. ft. restaurant use on the condition existing restaurant is removed” on page 4; and
2. Removing the regulating plat entitled “Preliminary Site Plan”; and
3. Inserting the regulating plat shown in Attachment A

(SEAL)

Attest:

BILLY KEYSERLING, MAYOR

IVETTE BURGESS, CITY CLERK

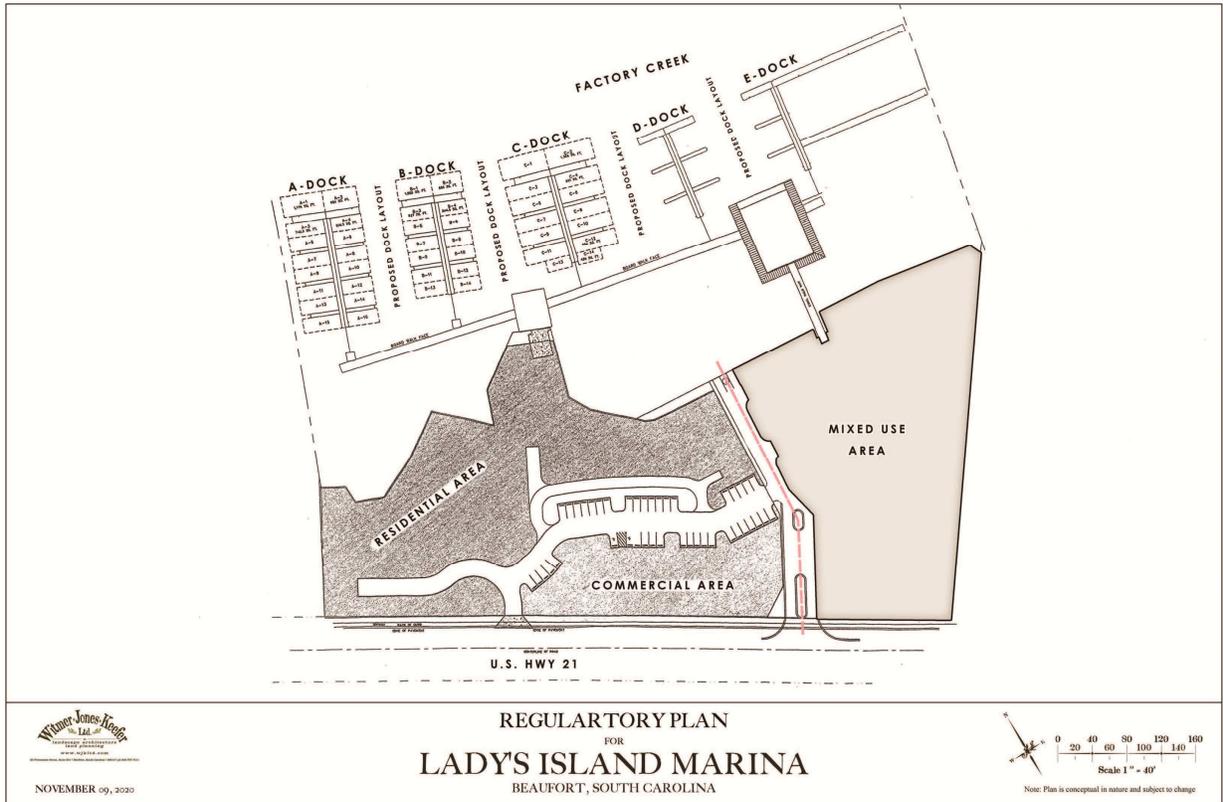
1st Reading

2nd Reading & Adoption

Reviewed by:

WILLIAM B. HARVEY, III, CITY ATTORNEY

Attachment "A"





CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 1/5/2021
FROM: Rhonda Carey, Downtown Operations Event Coordinator
AGENDA ITEM TITLE: Request for Co-Sponsorship and Street Closure from Lowcountry Habitat for Humanity for the Lowcountry Habitat Turkey Trot 5K on Thursday, November 25, 2021
MEETING DATE: 1/12/2021
DEPARTMENT: Downtown Operations

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR: Action

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Request	Backup Material	1/5/2021



December 2, 2020

Beaufort City Council
1911 Boundary Street
Beaufort, SC 29902

Dear Beaufort City Council:

LowCountry Habitat for Humanity would like to thank the City of Beaufort for their partnership on the 3rd Annual LowCountry Habitat Turkey Trot 5K. We are so grateful to have been able to host this limited participation event in 2020. We are so thankful for the City of Beaufort's continued support of our mission.

We'd like to move forward with plans for the 2021, 4th Annual LowCountry Habitat Turkey Trot 5K and are asking again for the support of the City of Beaufort in this endeavor. The 2020 race will follow the already certified course that the town uses for the Shrimp Race 5K. We would like to use the Freedom Mall area for our headquarters on race day offering onsite registration, packet pick-up as well as the distribution of awards following the race in this location. The race will begin at 8am and should conclude no later than 9:15am and would require road closures during this timeframe. The event will begin set-up at 6:30am and have takedown completed by no later than 11am on the day of the race, Thanksgiving Day.

LowCountry Habitat is very excited to continue the momentum the Turkey Trot 5K, and make it an annual tradition in Beaufort. We've already had people asking to register for the 2021 event!

We understand that a downtown route over the Woods Bridge requires a good deal of input including approval and coordination with various organizations such as Police Departments from the City of Beaufort & County Police, Coast Guard as well as Beaufort Town Council. We plan to be proactive in handling all needed approvals and look forward to the ability to partner again with these organizations on this event.

Summary of event:

Date: Thursday, November 25, 2021

Event Type: 5K Race to benefit LowCountry Habitat for Humanity

Start of Race: 8am

Road closure needed: 7:55-9:15am

Complete Timeframe: 6:30am – 11am (includes set-up and take down)

Anticipated Participants: 750 people



616 Parris Island Gateway
Beaufort, SC 29906
843-522-3500

info@lowcountryhabitat.org
www.lowcountryhabitat.org
843-522-3553 fax

Experience Level of Organizer: Proven track record of Race Management
Alcohol/Food: Not sold at event.

We would like the support of the Beaufort City Council to move forward with event planning for the 4th Annual LowCountry Habitat Turkey Trot 5K to be held on Thanksgiving Day, 2021. We are truly exciting about working on this fun family event with the City of Beaufort, and hope to make it an event that everyone looks forward to in the years to come.

Thank you for your time and consideration in this matter. In addition to our letter of explanation, we have also included a Request for Co-Sponsorship Form and the Waterfront Park Application. Please let me know if you require anything additional regarding this event. We look forward to your reply.

Best regards,



James W. Boozer
Executive Director

About LowCountry Habitat for Humanity

Habitat for Humanity was founded on the conviction that every man, woman and child should have a simple, durable place to live in dignity and safety and that decent shelter in decent communities should be a matter of conscience and action for all. Habitat ReStores were developed to provide Habitat affiliates with another income stream for building houses while providing a place where still useful building materials and supplies can be recycled and gently-used home furnishings can be resold to new owners reducing the burden on local landfills.

LowCountry Habitat for Humanity has built 53 homes since its inception in 1990, including houses in the City of Beaufort, Port Royal, St. Helena, Seabrook and Yemasee. The end result of these has been the provision of safe, affordable housing for over 67 adults and 136 children.

For more information about LowCountry Habitat for Humanity, please call the Habitat office at [\(843\) 522-3500](tel:843-522-3500).



616 Parris Island Gateway
Beaufort, SC 29906
843-522-3500

info@lowcountryhabitat.org
www.lowcountryhabitat.org
843-522-3553 fax



5K RUN/WALK APPLICATION

City of Beaufort – Downtown Operations & Community Services
Attn: Rhonda Carey, Events & Tour Coordinator
500 Carteret Street, Suite B2, Beaufort, South Carolina, 29902
Phone: (843) 379-7063 / Email: rcarey@cityofbeaufort.org | www.cityofbeaufort.org
To be filed **NOT LESS** than 30 days before event

- **Fee:** \$25.00 non-refundable application fee is payable when the application is submitted
- **Run/Walk Route:** City of Beaufort has a traditional route in place that everyone must follow

Name of Applicant: Low Country Habitat for Humanity
 Address: 24 Professional Village Phone # 843 522 3500
Beaufort, SC 29907
 Email: janice@lowcountryhabitat.org
 Name of Sponsoring Organization: Same as above
 Address: Same as above

Date of 5K run/Walk: Thanksgiving, Nov 25, 2021

Time 5K Run/Walk will Begin: 8am 5K Run/Walk will Terminate: 10am

Time 5K Run/Walk Line-Up Begins: 7:45am Location(s) of Line-Up Area(s): Freedom Mall

Approximate Number of Persons, Animals in the 5K Run/Walk: _____
800 people

5K Run/Walk will Occupy All of the Width of the Streets to be Traversed Yes

5K Run/Walk will Occupy Only a Portion of the Width of the Streets to be Traversed _____

NOTE: IF THE 5K RUN/WALK IS DESIGNED TO BE HELD BY AND ON BEHALF OF OR FOR ANY PERSON OTHER THAN THE APPLICANT, THE APPLICANT FOR SUCH PERMIT SHALL FILE A LETTER FROM THAT PERSON WITH THE CITY MANAGER AUTHORIZING THE APPLICANT TO APPLY FOR THE PERMIT ON HIS BEHALF.

Signature of Applicant: *Janice [Signature]* Date: 12/2/2020

OFFICE USE ONLY: Application Received By: _____ Date Received: _____
 Receipt #: _____ Approved By: _____



CITY OF BEAUFORT
Waterfront Park Rental Reservation Application
Downtown Operations & Community Services Department 500
Carteret St Ste. B2 Beaufort, SC 29902

Phone: 843-379-7063

Fax: 843-986-5606

Name of Event: <u>LowCountry Habitat</u> <u>Turkey Trot 5K</u>	Date(s) of Event: <u>11/25/2021</u> Setup start/end time: <u>6am/10am</u> Actual event start/end time: _____ Take down start/end time: <u>845am/10am</u>
Organization/Individual Name: <u>Low Country Habitat</u> <u>for Humanity</u>	Address: <u>24 Professional Village</u> <u>Beaufort, SC 29907</u> Telephone: <u>843 522 3500</u> Email: <u>janie@lowcountryhabitat.org</u>

- Completed application must be received and approved by the Events Coordinator.
- All reservations require the applicable refundable security deposit be remitted upon approval of application in order to secure the requested date(s).
- Deposits are refundable provided the venue is returned in the same condition it was received.

Please mail completed application to:

City of Beaufort, Attn: Rhonda Carey 500 Carteret St. Beaufort, SC 29902,

or scan and email to rcarey@cityofbeaufort.org.

All events must abide and are governed by the City's Special/Private Events Policy. Organizers will receive a copy of the policy for review. To discuss specifics of the policy, contact the Events Coordinator at 843-379-7063.

Is event open to the public? Yes

Will admission be charged, or donation required? Participation Fee

Will alcoholic beverages be sold? No Served? No

Will food be sold? No Served? After event snacks fruit

Will there be any retail sales? No - except race day registration

Number of people expected to attend: 800

Areas of the Waterfront Park can be reserved/rented for 4, 6, or 12 hour blocks of time. Please factor time for set up and take down of the event into your chosen block of time. Blocks of time cannot be reserved or rented in pro rated increments. **NO exceptions will be made to this policy.**

Security Deposit is due upon approval of application

Fee payment due no less than 30 days prior to event.

Fill out by circling venue area(s) and pricing in blocks of time required for your event. Please indicate need for electrical hookup.

WATERFRONT PARK RENTAL RATES FOR PRIVATE EVENTS			
Park Area	<u>4 HR Block</u>	<u>6 HR Block</u>	<u>12 HR Block</u>
<i>Freedom Mall</i> ✓			
Craft Market Lawn	\$ 200.00	\$ 400.00	
Contemplative Garden	\$ 200.00	\$ 400.00	
Pavilion	\$ 350.00	\$ 500.00	
Green 1	\$ 300.00	\$ 500.00	
Green 2	\$ 450.00	\$ 750.00	
Electric Fee	\$ 50.00	\$ 75.00	
Entire Park			\$2,200.00
Refundable Security Deposit	\$ 500.00	\$ 800.00	\$1,100.00

See this link <http://www.cityofbeaufort.org/group-events-business-license.aspx> to obtain a group business license application for vendors.

Did you know?

BEAUFORT PRIDE OF PLACE is a community involvement initiative that helps improve and develop quality of life throughout the city. Individuals, organizations, and visitors can get involved by donating money, equipment or time to assist the City with neighborhood improvement projects, youth programs, upgrading infrastructure and beautifying parks.

If you or your organization are interested in learning more about the program, volunteering or making a monetary or in-kind donation, please contact the City Manager's office @ 843-525-7070 or visit, <http://www.cityofbeaufort.org/270/Beaufort-Pride-of-Place> THANK YOU!

Janie Falk

 Lessee/Applicant Signature

12/2/2020

 Date

-----This section for City use-----

 Events Coordinator - Rhonda Carey

 Date Application Received

Deposit Paid: _____ Fees Paid: _____ Deposit to be Refunded: _____



CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 1/7/2021
FROM: Rhonda Carey, Events Coordinator
AGENDA ITEM Request for waiver of open container ordinance and permission to serve alcohol on
TITLE: Saturday, February 13, 2021 for the Cupid Sip and Stroll event
MEETING
DATE: 1/12/2021
DEPARTMENT: Downtown Operations

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR: Action

REMARKS:



CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 1/6/2021
FROM: Kathy Todd
AGENDA ITEM TITLE: Authorization to allow Contract for Scott Street Landscaping
MEETING DATE: 1/12/2021
DEPARTMENT: Finance

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR: Action

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
RFP 2021-109 Recommendation Memo	Cover Memo	1/6/2021
Draft Contract	Cover Memo	1/6/2021

CITY OF BEAUFORT - INTERNAL MEMORANDUM

TO: WILLIAM PROKOP approved via email 12/21/2020
FROM: JAY PHILLIPS
SUBJECT: RFP 2021 – 109 WATERFRONT PARK SCOTT STREET TERMINUS LANDSCAPING INSTALLATION & DESIGN
DATE: 12/21/2020
CC: LINDA ROPER, KATHY TODD

The City issued a Request for Proposal, RFP 2021-109 for the Waterfront Park Scott Street Terminus Landscaping Installation and Design on September 10, 2021. The RFP was posted on the City’s website, Vendor Registry, the State of South Carolina (SCBO) procurement website and was advertised in the Island News on September 10th and September 17th. A non-mandatory pre-bid meeting was held on September 23rd. Questions regarding the project were received until September 29th. And questions and answers were posted to the website by addendum on October 5th.

This project is funded in part by the South Carolina Land and Water Conservation Fund (LWCF) grant award for the Waterfront Park relieving platform repairs and the replacement of the playground equipment. The approximate budget for this project is \$25,000.

The City received two sealed proposals by 2:00 PM on October 5th. The proposals were publicly opened and read in accordance with the RFP notice at 2:01 PM on that day during a Zoom Video Conference meeting.

Southern Palmetto Landscaping, Inc.	Ridgeland, SC	\$24,825.22
The Greenery, Inc. – Option 1	Hilton Head, SC	\$21,237.75
The Greenery, Inc. – Option 2		\$24,730.00

Because the State of South Carolina procurement regulations require receiving bids from at least three responsive and responsible bidders, a summary of the solicitation process was sent to the SC LWCF Grant Administrator for review. The request for proposals for this project was actually solicited two times. The first time being in July and August of this year and only two bids were received. On December 1st approval was received to move forward with the two bids that were received.

On December 9th, the selection committee of Linda Roper, Rhonda Carey and Adam Wellins met to review the independent proposal evaluation scores and discuss the proposals. The Greenery, Inc had the highest score based upon the evaluation criteria stated in the RFP. The committee then decided to schedule interviews with the two bidders to discuss their proposals.

On December 17th, interview meetings were conducted by Zoom video conference. After the meetings were concluded the committee discussed the bidder presentations and selected the Greenery as the most responsive and responsible bidder. Their proposal met all of the requirements of the RFP, their proposed design elements conform to the existing park design features, and their warranty of landscape and hardscape installation and maintenance was superior to those of Sothern Palmetto Landscape, Inc.

The committee is unanimous in their recommendation of The Greenery, Inc. for the landscape contractor for this project.



William Prokop
CITY MANAGER
843-525-7070
FAX 843-525-7013

COUNCIL MEMBERS:
Stephen Murray, Mayor
Philip Cromer
Neil Lipsitz
Mitch Mitchell

CITY OF BEAUFORT
1911 Boundary Street
BEAUFORT, SOUTH CAROLINA 29902

*Standard Agreement Between
City of Beaufort and The Greenery, Inc.*

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

AGREEMENT made as of the ____ day of **January** in the year **2021**.

BETWEEN the Owner:

**CITY OF BEAUFORT
1911 BOUNDARY STREET
BEAUFORT, SOUTH CAROLINA 29902**

and the Contractor:

**THE GREENERY, INC.
PO BOX 6569
HILTON HEAD, SC 29938**

The Project is:

**RFP 2021-109 Downtown Waterfront Park Scott Street Terminus
Landscaping Design and Installation**

The Owner and the Contractor agree as follows:

ARTICLE 1 - THE DOCUMENTS

The contract Documents consist of this Agreement, (**City of Beaufort and The Greenery, Inc.**) Conditions of the Contract (General, Supplementary and other Conditions), the Request for Proposal (RFP #2021-109), the Proposal Submitted by The Greenery, Inc. in response to this RFP, the Greenery Inc. Work Order Proposal #16384, and addenda issued prior to execution of this Agreement, other documents listed in this Agreement and Modifications issued after execution of this Agreement; these form the Contract, and are as fully a part of the Contract as if attached to this Agreement or repeated herein. The Contract represents the entire and integrated agreement between the parties hereto and supersedes prior negotiations, representations, or agreements, either written or oral. An enumeration of the Contract Document, other than Modifications appears in Article 8.

ARTICLE 2 - THE WORK OF THIS AGREEMENT

The Contractor shall fully execute the Work described in the Agreement except to the extent specifically indicated in the Agreement to be the responsibility of others.

ARTICLE 3 - DATE OF COMMENCEMENT AND SUBSTANTIAL COMPLETION

3.1 The date of commencement of the Work shall be the date of this Agreement unless a different date is stated below, or provision is made for the date to be fixed in a notice to proceed issued by the Owner.

NOTICE TO PROCEED WILL BE ISSUED NO LATER THAN WITHIN (1) DAY OF SIGNED AGREEMENT.

ARTICLE 4 - CONTRACT SUM

4.1 The Owner shall pay the Contractor the Contract Sum in current funds for the Contractor's performance of the Contract. The Contract Sum shall be

<Contract amount to be determined upon selection of final design options not to exceed \$24,730> which will be charged as follows:

Upon completion of the project and receipt of invoice:

4.2 The Contract Sum is based upon the following alternates, if any, which are described in the Agreement and are hereby accepted by the Owner:

NO ALTERNATES REQUIRED IN THIS AGREEMENT

ARTICLE 5 - PAYMENTS

5.1 As stipulated above in section 4.1

5.1.4 **LABOR REQUIREMENTS**

Not Applicable

ARTICLE 6 - TERMINATION OR SUSPENSION

6.1 The Agreement may be terminated by the Owner as stated in the General Terms and Conditions of the Request for Proposal (RFP #2021-109).

ARTICLE 7 - MISCELLANEOUS PROVISIONS

7.1 The Owner's representative is:

**LINDA ROPER
DIRECTOR OF DOWNTOWN OPERATIONS
500 CARTERET STREET, 2ND FLOOR
BEAUFORT, SC 29902**

7.2 The Contractor's representative is:

**BRANDON DUITSMAN
BRANCH MANAGER
177 BAY PINES ROAD**

BEAUFORT, SC 29906

Neither the Owner's nor the Contractor's representative shall be changed without ten days' written notice to the other party.

ARTICLE 8 - ENUMERATION OF CONTRACT DOCUMENTS

8.1 The Agreement, except for Modifications issued after execution of this Agreement, are enumerated as follows:

8.1.1 The Agreement is this executed Standard Form of Agreement Between the City of Beaufort (Owner) and The Greenery, Inc. (Contractor).

8.1.2 The General Terms and Conditions are the Owner's General Terms Conditions.

8.1.3 The Specifications are those of RFP 2021-109

8.1.4 Other documents, if any, forming part of the Contract Documents are as follows:

- **THE REQUEST FOR PROPOSAL -RFP# 2021-109, BID SPECIFICATIONS AND SCHEDULES AND THE PROPOSAL SUBMITTED IN RESPONSE TO THE RFP ARE ATTACHED HERETO AND BY THIS REFERENCE INCORPORATED HEREIN.**
- **CERTIFICATES OF LIABILITY INSURANCE**
- **CERTIFICATES OF WORKERS COMPENSATION INSURANCE**
- **PERFORMANCE AND PAYMENT BONDS**

This Agreement is entered into as of the day and year first written above and is executed in at least two original copies, of which one is to be delivered to the Director of Downtown Operations, one to the Contractor for use in the administration of the Agreement, and the remainder to the Owner.

WITNESS
(Signature)

CITY OF BEAUFORT
(Signature)

WITNESS
(Printed Name)

CITY OF BEAUFORT
CITY MANAGER
(Printed Name)

WITNESS
(Signature)

WITNESS
(Printed name)

WITNESS
(Signature)

THE GREENERY, INC.
(Signature)

WITNESS
(Printed Name)

THE GREENERY, INC.
(Printed name and title)

WITNESS
(Signature)

WITNESS
(Printed name)



CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 1/5/2021
FROM: Josh K. Tiller on behalf of owner Randy Mikals
AGENDA ITEM TITLE: Ordinance annexing parcels R100-028-00A-0409-0000, 13 Old Jericho Road, R100-028-00A-0410-0000, 17 Old Jericho Road, R100-028-00A-0411-0000, 19 Old Jericho Road, R100-028-00A-0412-0000, Old Jericho Road (Vacant), and R100-028-00A-0413-0000, 25 Old Jericho Road - totaling approximately 4.57 Acres - 1st Reading
MEETING DATE: 1/12/2021
DEPARTMENT: Community and Economic Development

BACKGROUND INFORMATION:

Subject Parcels:

R100-028-00A-0409-0000, 13 Old Jericho Road,
R100-028-00A-0410-0000, 17 Old Jericho Road,
R100-028-00A-0411-0000, 19 Old Jericho Road,
R100-028-00A-0412-0000, Old Jericho Road (Vacant), and
R100-028-00A-0413-0000, 25 Old Jericho Road
- totaling approximately 4.57 Acres

The annexation is in accordance with SC Code of Law Section 5-3-150 (3). The parcels are within the Growth Boundary and contiguous to the city boundary. The applicant's plan for annexation is an extension of the Malvern Commercial subdivision.

PLACED ON AGENDA FOR: Action

REMARKS:

- The MPC is scheduled to make a recommendation, January 11, 2021

ATTACHMENTS:

Description	Type	Upload Date
Application	Backup Material	1/6/2021
Ordinance	Ordinance	1/6/2021
Map	Backup Material	1/6/2021

TO THE MEMBERS OF)
CITY COUNCIL) PETITION OF ANNEXATION
CITY OF BEAUFORT, SOUTH CAROLINA)

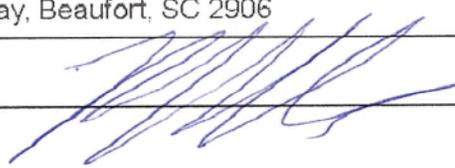
We, the undersigned freeholders, pursuant to Section 5-3-150(3), South Carolina Code of Laws, 1976, as amended, do pray that your Honorable Body accept the petition and annex the enclosed described area, and enact an Ordinance declaring the area annexed to the City of Beaufort with full City privileges accorded to, and responsibilities required of, the said residents thereof and the lands and properties and businesses erected therein, subject only to the conditions, provisions, and limitations hereinafter set forth. The said annexation shall be upon terms, limitations, provisions, and conditions as follows:

The City of Beaufort shall furnish and render as promptly as practical to said area, its residents and properties, all of privileges, benefits, rights and services now and hereinafter to be accorded the citizens within the corporate limits of the City of Beaufort in every particular under its charter and general special laws of South Carolina applicable to the City of Beaufort, and subject to the existing ordinances of the City.

The petitioning area to be annexed is described as follows:

See attached Narrative and Malvern Center Zoning/Annexation Exhibit

Plat of area to be annexed and list of freeholders are attached hereto.

Name (print)	Address	Signature	Date of Signature
Mr. Randy Mikals	2966 Trask Parkway, Beaufort, SC 2906		11.18.2020
LPT Real Estate LLC			

ORDINANCE

ANNEXING PARCELS R100 028 00A 0409 0000 (13 Old Jericho Rd), R100 028 00A 0410 0000 (17 Old Jericho Rd), R100 028 00A 0411 0000 (19 Old Jericho Rd), R100 028 00A 0412 0000 (*Vacant* Old Jericho Rd), AND R100 028 00A 0413 0000 (25 Old Jericho Rd) INTO THE CORPORATE LIMITS OF THE CITY OF BEAUFORT, SOUTH CAROLINA

WHEREAS, an annexation petition for parcels R100 028 00A 0409 0000 (13 Old Jericho Rd), R100 028 00A 0410 0000 (17 Old Jericho Rd), R100 028 00A 0411 0000 (19 Old Jericho Rd), R100 028 00A 0412 0000 (*Vacant* Old Jericho Rd), and R100 028 00A 0413 0000 (25 Old Jericho Rd) located in Beaufort County have been presented to the City Council; and

WHEREAS, the property is within the Northern Regional Plan growth boundary; and

WHEREAS, the property is contiguous to the boundaries of the City of Beaufort, South Carolina; and

WHEREAS, the petition sets forth that this proposed annexation is requested pursuant to § 5-03-150 of the *Code of Laws of South Carolina, 1976*, as amended and contains the signatures of all freeholders of the property to be annexed; and

WHEREAS, the Metropolitan Planning Commission, on January 11, 2021, recommended approval of the annexation; and

WHEREAS, the petition contains a description of the parcel of land to be annexed.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Beaufort, South Carolina, duly assembled and by authority of same, that the described area is annexed into the City of Beaufort, South Carolina:

The petitioning area to be annexed includes all that certain piece, parcels, or tracts of land, together with improvements thereon, situate, lying, and being in Beaufort County, South Carolina, as follows:

- Approximately 4.57 acres shown in Attachment A.

This ordinance shall become effective immediately upon adoption.

(SEAL)

Attest:

STEPHEN MURRAY, MAYOR

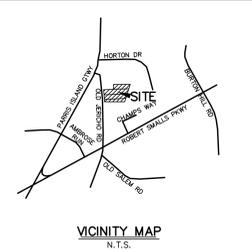
IVETTE BURGESS, CITY CLERK

1st Reading _____

2nd Reading & Adoption _____

Reviewed by: _____
WILLIAM B. HARVEY, III, CITY ATTORNEY

Attachment A



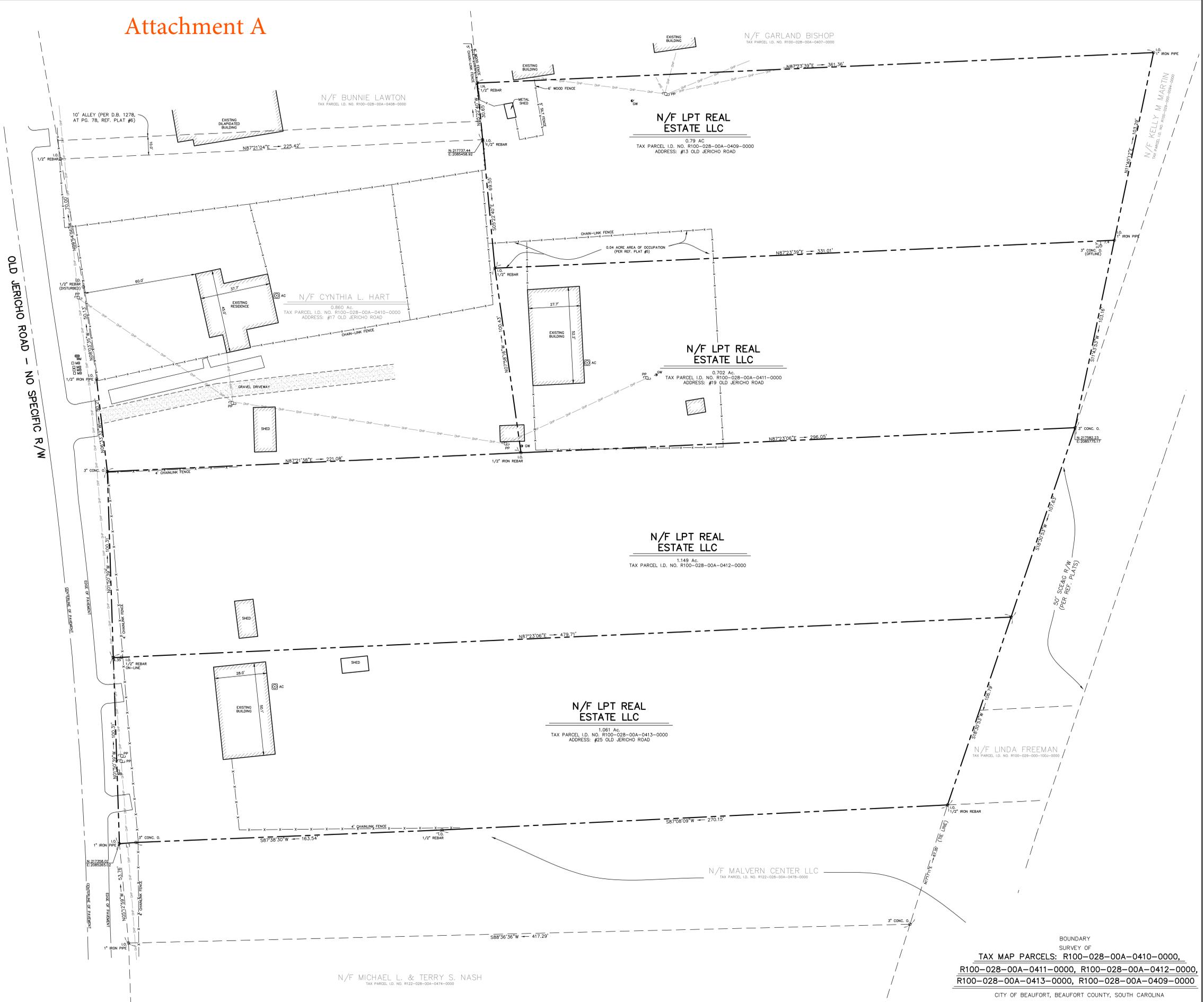
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 - I.O. IRON PIPE, OLD (FOUND)
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 - N/F. NOW OR FORMERLY
 - PP. POWER POLE
 - R/W. RIGHT OF WAY
 - WM. WATER METER
 - FENCE LINE
 - OVERHEAD POWERLINE

LINE TABLE		
LINE	LENGTH	BEARING
L1	8.87'	S85°44'36"W

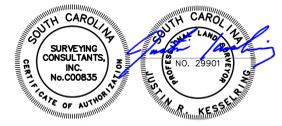
TAX PARCEL I.D. NO.	AC. SURVEYED
R100-028-00A-0409-0000	0.790 AC
R100-028-00A-0411-0000	0.702 AC
R100-028-00A-0412-0000	1.149 AC
R100-028-00A-0413-0000	1.061 AC
TOTAL ACRES SURVEYED:	4.043 AC

- REFERENCE PLATS:
- 1) A PLAT PREPARED FOR HERBERT LANE, A PORTION OF TRACT "B" BURTON, BEAUFORT COUNTY, SOUTH CAROLINA, DATED: 9/25/1975, LAST REVISED: 03/10/1978, BY: R.D. TROGDON, JR., S.C.R.L.S. NO. 2712 RECORDED: P.B. 25, PG. 147.
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 - 6) PLAT PREPARED FOR HERBERT LANE TITLED "A PORTION OF TRACT "B" BURTON" LOCATED IN BEAUFORT COUNTY, SOUTH CAROLINA, DATED 09/23/75 BY R.D. TROGDON, JR., S.C.R.L.S. NO. 2712 AND FILED FOR RECORDATION 10/02/75 FOUND IN P.B. 23, PG. 214.

- NOTES
- 1) I 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 "A" SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO OBVIOUS, APPARENT OR VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.
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 - 3) BUILDING SETBACKS WHICH EXIST FOR THESE LOTS, SHOWN OR NOT SHOWN ON THIS SURVEY, ARE EXPLAINED IN THE COVENANTS, EASEMENTS & SETBACKS SHOWN SHOULD BE VERIFIED THRU THE APPROPRIATE ARCHITECTURAL REVIEW BOARD OR BUILDING AGENCY.
 - 4) UNDERGROUND UTILITIES NOT LOCATED ON THIS SURVEY, SURVEYING CONSULTANTS DOES NOT CERTIFY TO THE EXACT LOCATION OF ANY UNDERGROUND UTILITY, SHOWN OR NOT SHOWN.
 - 5) NO SUBSURFACE OR ENVIRONMENTAL INVESTIGATION OR WETLAND SURVEYS WERE PERFORMED FOR THIS PLAT, THEREFORE THIS PLAT DOES NOT REFLECT THE EXISTENCE OR NONEXISTENCE OF WETLANDS, CONTAMINATION, OR OTHER CONDITIONS WHICH MAY AFFECT THIS PROPERTY.
 - 6) SURVEYING CONSULTANTS CERTIFIES TO THE BOUNDARY, AND ASBUILT INFORMATION PROVIDED HEREON AS OF THE DATE OF SURVEY, IF THIS DOCUMENT IS TO BE PROVIDED AS A BASE MAP FOR OTHERS, INFORMATION ADDED AFTER THE DATE OF THIS SURVEY IS NOT THE RESPONSIBILITY OF SURVEYING CONSULTANTS.
 - 7) THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE, THEREFORE THERE MAY BE OTHER EASEMENTS, RIGHT-OF-WAY, SETBACK LINES, AGREEMENTS, RESERVATIONS, RESTRICTIONS, OR OTHER SIMILAR MATTERS OF PUBLIC RECORD, NOT DEPICTED ON THIS SURVEY.
 - 8) BOUNDARY LINES ARE BASED ON FIELD EVIDENCE AND MONUMENTATION FOUND. SEE REFERENCE PLATS FOR RECORDED BEARINGS AND DISTANCES.
 - 9) HORIZONTAL DATUM IS BASED ON S.C. STATE PLANE, COORDINATE SYSTEM (NAD83), VERTICAL DATUM IS REFERENCED TO NAVD 1988.



PREPARED FOR: MALVERN CENTER PHASE TWO, LLC



BOUNDARY SURVEY OF
TAX MAP PARCELS: R100-028-00A-0410-0000, R100-028-00A-0411-0000, R100-028-00A-0412-0000, R100-028-00A-0413-0000, R100-028-00A-0409-0000
 CITY OF BEAUFORT, BEAUFORT COUNTY, SOUTH CAROLINA

SCALE: 1" = 20'
 ORIGINAL DATE: 05/18/2020 JOB NO: SC200034A1

SURVEYING CONSULTANTS
 17 Sherrington Drive, Suite C, Bluffton, SC 29910
 SC Telephone: (843) 815-3304 FAX: (843) 815-3305
 GA Telephone: (912) 835-2775
 www.SurveyingConsultants.com
 Email: SC@SurveyingConsultants.com



CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 1/6/2021
FROM: Josh K. Tiller on behalf of owner Randy Mikals
AGENDA ITEM TITLE: Ordinance amending the City of Beaufort's Zoning map to include parcels R100-028-00A-0409-0000, 13 Old Jericho Road, R100-028-00A-0410-0000, 17 Old Jericho Road, R100-028-00A-0411-0000, 19 Old Jericho Road, R100-028-00A-0412-0000, Old Jericho Road (Vacant), and R100-028-00A-0413-0000, 25 Old Jericho Road - totaling approximately 4.57 Acres - 1st Reading
MEETING DATE: 1/12/2021
DEPARTMENT: Community and Economic Development

BACKGROUND INFORMATION:

Subject Parcels:

R100-028-00A-0409-0000 (13 Old Jericho Road)
R100-028-00A-0410-0000 (17 Old Jericho Road)
R100-028-00A-0411-0000 (19 Old Jericho Road)
R100-028-00A-0412-0000 (Vacant Old Jericho Road), and
R100-028-00A-0413-0000 (25 Old Jericho Road)
- totaling approximately 4.57 Acres

Applicant Request: To designate the parcels upon annexation into the city as T5-UC/RMX.

Current Zoning (County): All parcels are currently zoned C5RCMU Regional Center Mixed Use

Adjacent City Zoning: T5-UC/RMX

Current Land Use: All parcels are currently vacant and have historically been occupied for residential purposes

Future Land Use: The Vision Beaufort|2020 Comprehensive Plan designates these parcels as within the Corridor Mixed-Use (G-3B) Framework Zone. The G-3 sector is intended to apply along high capacity regional thoroughfares at major transportation nodes, or along portions of highly-traveled corridors, and the corridor mixed-use (G-3B) designation is intended for a mixture of regional-serving commercial, residential, and institutional destinations.

PLACED ON AGENDA FOR: Action

REMARKS:

Public hearing notices:

- On November 24, 2020, a classified ad was published in the Beaufort Gazette;
- On November 24, 2020, a classified ad was published in the Island Packet;
- On December 2, 2020, post cards were sent to adjacent property owners within 200 feet of the subject properties; and
- On December 2, 2020, Notice of Public Hearing signs were posted on the subject properties.
- On December 15, 2020, the public hearing was held.

Metropolitan Planning Commission

- On January 11, 2021, the MPC is scheduled to make a recommendation.

ATTACHMENTS:

Description	Type	Upload Date
Application	Backup Material	1/6/2021
Ordinance	Ordinance	1/6/2021
Map	Backup Material	1/6/2021



REZONING APPLICATION (EXCEPT FOR PUDS)

Community & Economic Development Department
1911 Boundary Street, Beaufort, South Carolina, 29902
p. (843) 525-7011 / f. (843) 986-5606
www.cityofbeaufort.org

Application Fee: \$250 +
\$10 for each additional lot
Receipt #

OFFICE USE ONLY: Date Filed: Application #: Zoning District:

Submittal Requirements: You must attach a boundary map prepared by a registered land surveyor of the tract, plot, or properties, in question, and all other adjoining lots of properties under the same ownership. 12 copies of all application materials are required.

Pursuant to Section 6-29-1145 of the South Carolina Code of Laws, is this tract or parcel restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the activity described in this application? [] Yes [X] No

Applicant, Owner and Property Information

Property Address: See attached Malvern Center Zoning/Annexation Exhibit and Narrative

Property Identification Number (Tax Map & Parcel Number): See attached Malvern Center Narrative/Exhibits

Applicant Name: Josh K. Tiller, PLA, ASLA

Applicant Address: 181 Bluffton Road, STE F203, Bluffton, SC 29910

Applicant E-mail: josh@jktiller.com Applicant Phone Number: 843-815-4800

Property Owner (if other than the Applicant): Mr. Randy Mikals

Property Owner Address: 2966 Trask Parkway, Beaufort, SC 29906

Have any previous applications been made for a map amendment affecting these same premises? [] YES [X] NO
If yes, give action(s) taken:

Present zone classification: Beaufort County: Regional Center Mixed-Use (C5RCMU)

Requested zone classification: T5-UC/RMX

Total area of property: Combined Acreage: 4.572 AC

Existing land use: Regional Center Mixed-Use (C5RCMU)- Beaufort County

Desired land use: T5UC/RMX

Reasons for requesting rezoning: See attached narrative

Applicant's Signature: [Signature] Date: 11/18/2020
NOTE: If the applicant is not the property owner, the property owner must sign below.

Property Owner's Signature: [Signature] Date: 11.18.2020

O R D I N A N C E

AMENDING THE CITY OF BEAUFORT'S ZONING MAP TO INCLUDE PARCELS R100 028 00A 0409 0000 (13 Old Jericho Rd), R100 028 00A 0410 0000 (17 Old Jericho Rd), R100 028 00A 0411 0000 (19 Old Jericho Rd), R100 028 00A 0412 0000 (*Vacant* Old Jericho Rd), AND R100 028 00A 0413 0000 (25 Old Jericho Rd) TO BE ZONED AS T5-UC/RMX

WHEREAS, the State of South Carolina has conferred to the City of Beaufort the power to enact ordinances “in relation to roads, streets, markets, law enforcement, health, and order in the municipality or respecting any subject which appears to it necessary and proper for the security, general welfare, and convenience of the municipality or for preserving health, peace, order, and good government in it . . .” as set forth in *Code of Laws of South Carolina*, Section 5-7-20; and

WHEREAS, the City of Beaufort adopted the *Beaufort Code* by reference on June 27, 2017, as set forth in section 5-6001 of the *Code of Ordinances Beaufort, South Carolina*; and

WHEREAS, the amendment of the zoning map is “for the general purpose of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare” in accordance with *Code of Laws of South Carolina*, Section 6-29-710; and

WHEREAS, an annexation petition for parcels R100 028 00A 0409 0000 (13 Old Jericho Rd), R100 028 00A 0410 0000 (17 Old Jericho Rd), R100 028 00A 0411 0000 (19 Old Jericho Rd), R100 028 00A 0412 0000 (*Vacant* Old Jericho Rd), AND R100 028 00A 0413 0000 (25 Old Jericho Rd) located in Beaufort County has been presented to the City Council; and

WHEREAS, the zoning map amendment is compatible and in accordance with the vision and goals of the City of Beaufort; and

WHEREAS, this vision and these goals were established through a democratic process and with public input and public participation; and

WHEREAS, these goals were recorded in the form of a comprehensive plan for all to see and reference; and

WHEREAS, the comprehensive plan was created through the leadership of the planning commission, responsible for determining a specific plan for the future of the city; and

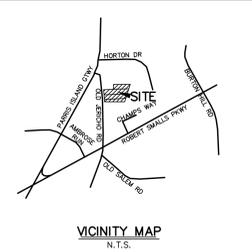
WHEREAS, the city council of the City of Beaufort adopted the comprehensive plan (and Civic Master Plan) by ordinance; and

WHEREAS, a zoning of T5-UC is consistent and compatible with adjacent zoning; and

WHEREAS, any future development of the property will be able to take advantage of existing infrastructure; and

WHEREAS, the Metropolitan Planning Commission, on January 11, 2021, recommended approval of the zoning designation of T5-UC; and

Attachment A



LEGEND:

- CONC. O. CONCRETE MONUMENT, OLD (FOUND)
- I.O. IRON PIPE, OLD (FOUND)
- AC. ACRE
- AC. AIR CONDITIONER
- BL. BUILDING SETBACK LINE
- GW. GUY WIRE
- MB. MAILBOX
- N.T.S. NOT TO SCALE
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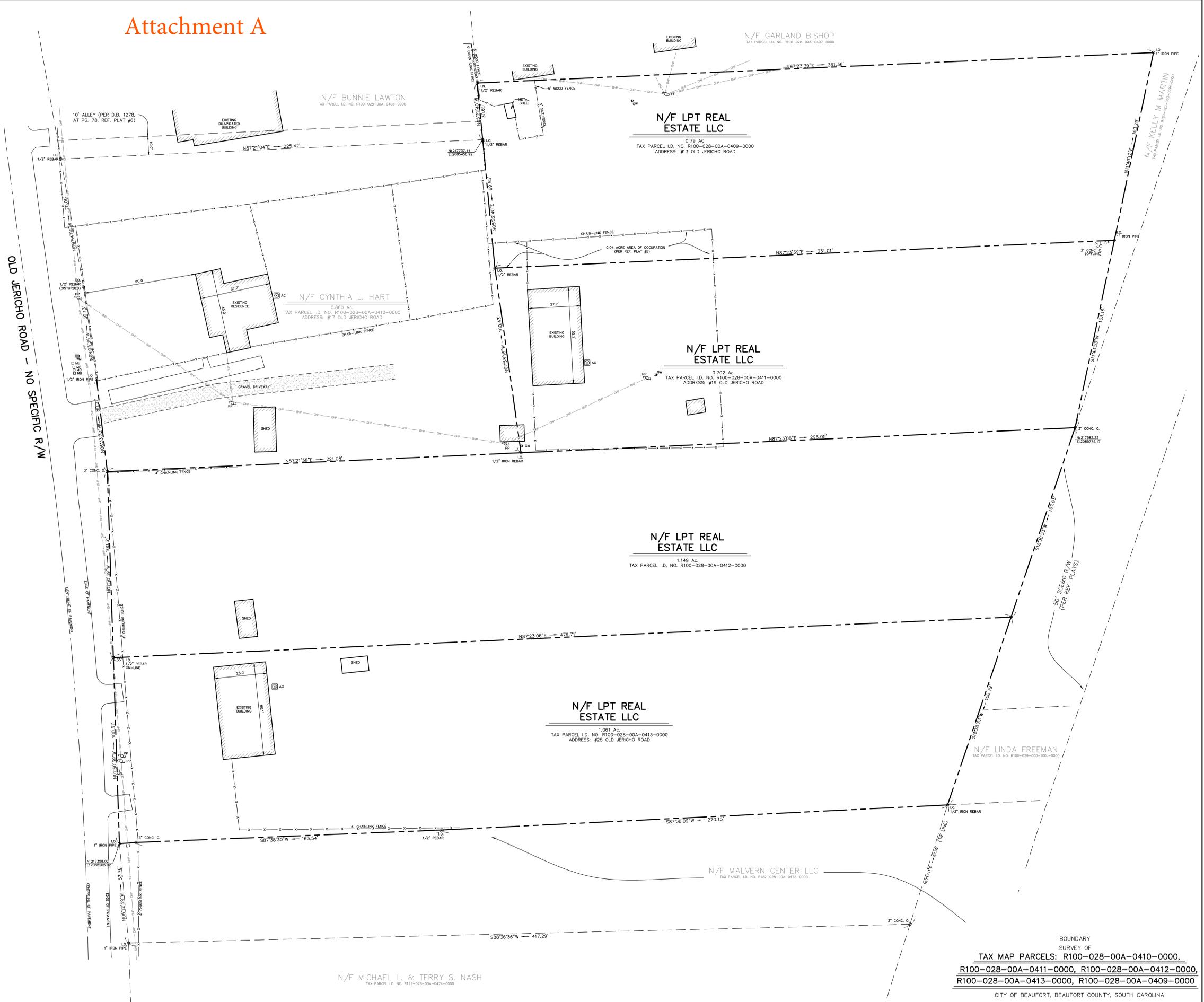
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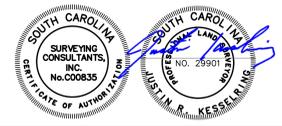
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PREPARED FOR: MALVERN CENTER PHASE TWO, LLC



BOUNDARY SURVEY OF
TAX MAP PARCELS: R100-028-00A-0410-0000, R100-028-00A-0411-0000, R100-028-00A-0412-0000, R100-028-00A-0413-0000, R100-028-00A-0409-0000
 CITY OF BEAUFORT, BEAUFORT COUNTY, SOUTH CAROLINA

SCALE: 1" = 20' ORIGINAL DATE: 05/18/2020 JOB NO: SC200034A1

SG SURVEYING CONSULTANTS
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