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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**  
**February 8, 2022**

**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 - Council Chambers, 2nd Floor - 7:00 PM**

**Please note, this meeting will be broadcasted via zoom and live streamed on Facebook. You can view the meeting 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. Mayor Pro Tem, Mike McFee

**III. PROCLAMATIONS/COMMENDATIONS/RECOGNITIONS**

A. Fire Department Award Recognition

**IV. PUBLIC COMMENT**

**V. MINUTES**

A. Worksession and Regular Meeting - January 25, 2022

**VI. OLD BUSINESS**

A. Ordinance amending Part 3 Chapter 2 Section 3-2002 of the City Code of Ordinances concerning fees for docking on the seawall at the Henry C. Chambers Waterfront Park - 2nd reading

**VII. NEW BUSINESS**

- A. Request from Beaufort History Museum for six free parking spaces for the Revolutionary War Reenactment on March 12, 2022, 7 AM to 6 PM
- B. Co-Sponsorship from First African Baptist Church and First Scots Presbyterian Church to host the Annual Community Easter Sunrise Service in the Henry C. Chambers Park on April 17, 2022, from 7 - 8:30 AM
- C. Co-Sponsorship request by Tidal Creek Fellowship for use of Henry C. Chambers Park to host Easter Festival 2022 on Sunday, April 3, 2022, 12:30 PM to 4 PM
- D. Request for waiver of Ordinances for Drinking In Public and Consumption of Alcohol in Henry C. Chambers Park for private wedding reception on Saturday, April 23, 2022,

from 6 to 10 PM

- E. Request permission for use of the Henry C. Chambers Park and five parking passes for Spring Concert on Saturday, March 5, 2022, from 10-4PM
- F. Resolution for the Beaufort County Connects: Bicycle and Pedestrian Plan 2021 as a supplement to the City of Beaufort Comprehensive Plan
- G. Authorize the City Manager to execute Agreement with Community Works
- H. Citizen appointment to the Beaufort County Transportation Advisory Committee
- I. Appointments/Reappointments to Boards and Commissions

#### **VIII.REPORTS**

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

#### **IX. ADJOURN**



# City Council Worksession

## Meeting Minutes – Planning Conference Room – 1<sup>st</sup> Floor

January 25, 2022

### I. CALL TO ORDER

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5:01 PM

Mayor Stephen D. Murray III

Members of Council in attendance - Phil Cromer, Neil Lipsitz, Mike McFee, Mitch Mitchell, and Mayor Murray.

### II. EMPLOYEE NEW HIRE RECOGNITION

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A. Finance Department - Kathy Todd, Finance Director

**Kathy Todd, Finance Director**, introduced Sandra Rice.

### III. PRESENTATION ITEMS

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A. Beaufort County Stormwater update.

**Katie Herrera, Beaufort County Stormwater Manager**, went over the Southern Lowcountry Design Manual. Beaufort County has had some form of established regulations since the mid 1990's. Beaufort County became a Stormwater Utility in 2001. The manual was prepared by Center for Watershed Protection (CWP), along with McCormick Taylor. This manual was designed so all regions have the same stormwater practices in place. This prevents a potential developer from choosing one region over another. Since implementation, there have been 27 projects submitted for review. 6 have been granted Stormwater permits.

The City's current Stormwater standards are found in the Beaufort Code in Section 8.3. If the city were to adopt this manual, it can be drafted to fit the city's needs, as they may be different than another location in the county. Implementation of this manual began February 1, 2021, in Beaufort County. The Town of Bluffton has also started implementation of these procedures.

B. Update from Beaufort Memorial Hospital on the Coronavirus.

**Russell Baxley, CEO of Beaufort Memorial Hospital**, went over some statistics associated with all the variations of the virus. He stated that most of the cases have been unvaccinated patients. Omicron has spiked the amount of testing being done, along with emergency room and urgent care visits. Most cases are outpatient.

C. Presentation of the FY 2021 Annual Comprehensive Financial Report.

**Kathy Todd, Finance Director**, stated that the fiscal year ended June 30, 2021. The report is being uploaded to the city's website tomorrow for public viewing. She mentioned that it is no longer referred to as the Comprehensive Annual Financial Report (CAFR). It is now the Annual Comprehensive Financial Report, but the data and formatting are exactly the same. She went

over the auditor's discussion and analysis section with Council, as it is a required communication from the external auditors.

A. Staff recommendations on proposed use of ARPA Funds.

**Kathy Todd, Finance Director**, stated that the funds need to be obligated by December 2024, and funds must be expended by December 2026. She stated that obligated means contracts are in place.

**Mayor Murray** stated that several citizens have said that this money should be sent back to the Federal Government. He posed the question to Council if the money should be sent back. He stated that there have been some other smaller jurisdictions that have done this.

**Ms. Todd** reported that the city is receiving a total of \$6,689,031.44 in two installments. To date, we have received \$3,344,515.72. We will receive the same amount in September 2022. She stated that there are four categories that govern the way the money is to be spent. Replace lost public sector revenue. Support the COVID 19 public health and economic response. Provide premium pay for eligible workers performing essential work. Invest in water, sewer, and broadband infrastructure. She stated that these recommendations are placeholders and can be adjusted. All expenditures must go before Council for final approval. She then went over all of the recommendations in each category.

**Councilman Lipsitz** asked if these funds can be used to get matching grants. Ms. Todd stated yes.

**Ms. Todd** stated that Beaufort County has allocated \$500,000.00 to the city to be used for Cybersecurity and another \$500,000.00 for the Good Neighbor Program. She then went over the recommendations of spending these funds.

B. FY 2022 2nd Quarter Financial Overview.

**Alan Eisenman, Senior Accountant**, started off by saying that revenues are not received equally throughout the fiscal year. He used opengov.com to report the revenues and expenditures through the second quarter that ended on December 31, 2022. Revenues received were \$12,074,973.00. Expenditures were \$12,861,014.59. The expenditures exceed the revenues by \$786,041.59. He stated that this is a normal trend as compared to previous years, as Property Tax payments are not received from Beaufort County until sometime in the third quarter.

**IV. ADJOURN**

**6:57 PM**

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Disclaimer: This document is a summary. All City Council Worksession and Regular Meetings are recorded. Live stream can be found on the City's website at [www.cityofbeaufort.org](http://www.cityofbeaufort.org) (Agenda section). Audio recordings are available upon request by contacting the City Clerk, Traci Guldner at 843-525-7024 or by email at [tguldner@cityofbeaufort.org](mailto:tguldner@cityofbeaufort.org).



City Council Regular Meeting  
Meeting Minutes – City Hall Council Chambers, 2<sup>nd</sup> Floor

January 25, 2022

**I. CALL TO ORDER**

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**7:06 PM**

Mayor, Stephen D, Murray III

All of Council members in attendance - Phil Cromer, Neil Lipsitz, Mike McFee, Mitch Mitchell, and Mayor Murray.

**II. INVOCATION AND PLEDGE OF ALLEGIANCE**

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Mayor Pro Tem, Mike McFee

**III. PROCLAMATIONS/COMMENDATIONS/RECOGNITIONS**

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A. Character Education Proclamation - Irene Rivera Villatoro, Joseph Shanklin Elementary School

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

Approval was unanimous.

B. Resolution recognizing the accomplishments of Beaufort High School's Emmett O'Brien on being selected to attend the United States Senate Youth Program.

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

Approval was unanimous.

**IV. PUBLIC COMMENT**

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Kathy Todd, Finance Director, reported that the City of Beaufort received the Distinguished Budget Presentation Award for its Fiscal Year 2022 budget from the Government Finance Officers Association. This is the 5<sup>th</sup> time the city has received the award.

County Councilwoman, Alice Howard, stated the County has voted to extend the appeal period for the 4% versus 6% homeowners property tax assessments. They will have until March 16, 2022.

Edie Rodgers wants to see money committed to completing Southside Park.

**V. PUBLIC HEARING**

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A. Community Development Block Grant (CDBG) 2022 Needs Assessment.

Barbara Johnson, Community and Economic Development Specialist with the Lowcountry Council of Governments gave an overview of the CDBG grant program.

B. Worksession and Regular Meeting - January 11, 2022.

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

Minutes approved as presented.

## VI. NEW BUSINESS

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A. Authorize release of Committed Fund Balance.

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

Kathy Todd, Finance Director, presented the projects that total \$777,500.00.

Replacement of the Marina Fuel System: \$725,000.00

Roof Repairs for the Carnegie Library building: \$40,000.00

Conditions assessment for the Carnegie Library building: Grant match \$12,500.00

These funds will come from the Committed Fund Balance for Capital Projects.

Furniture and equipment for the office space at 500 Carteret Street: \$75,000.00. These funds will come from the Committed Fund Balance for Redevelopment.

Approval was unanimous.

B. Authorize City Manager to enter into contract for Southside Park Comprehensive Plan.

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

Kathy Todd, Finance Director, gave an overview of RFP 2022-103, Southside Park Comprehensive Plan. The city received 4 bids. The committee recommends that Wood and Partners Inc., be awarded the contract to develop a master plan for the park. Their bid was \$28,500.00.

Approval was unanimous.

C. Ordinance amending Part 3, Chapter 2, Section 3-2002, of the City Code of Ordinances concerning fees for docking on the seawall at the Henry C. Chambers Waterfront Park - 1<sup>st</sup> reading.

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

Linda Roper, Downtown Operations and Community Service Director, reported this is to change the dock fees at the seawall from \$1.00 per linear foot, to \$1.50 per linear foot per day.

Approval was unanimous.

## VII. REPORTS

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### City Manager's Report

Mr. Prokop thanked the Beaufort Area Hospitality Association and all the volunteers for organizing the Oyster Festival.

The city has become a participant in the South Carolina's share of the National Opioid Litigation Settlement. The city could see as much as \$175,599.00 over a 15-year period.

There will be a public meeting on Friday, February 18, 2022, from 10:00 am - 12:00 pm in the Council Chambers at City Hall to discuss the stormwater project in the Point and Downtown areas.

The next First Friday event will be held downtown on Friday, February 4, 2022.

Stated that the 64,000 square foot “spec” building in the Commerce Park is coming right along. Other buildings in the area will begin shortly.

There will be a Joint Council meeting with the Town of Port Royal on Thursday, January 27, 2022, beginning at 6:00 pm.

Thanked Kathy Todd, Finance Director, on another successful Comprehensive Annual Financial Report (CAFR). This will be Kathy’s last report as she will be retiring.

### **Mayor’s Report**

Thanked the Finance Department for all their hard work.

Thanked the Beaufort Area Hospitality Association on a successful Oyster Roast.

Beaufort County will be forming a Transportation Committee. City Council will be appointing a citizen to this committee by February 10, 2022.

Thanked Beaufort County for supporting the Cybersecurity and Good Neighbor Funding.

The Beaufort Economic and Development Corporation is holding its Converge Summit, in Sun City, on Thursday, January 27, 2022.

There will be a South Coast Cybersecurity Summit, March 7 - 8, 2022. The event will take place at Tabby Place, 913 Port Republic Street. This is a free event. Governor McMasters will be the keynote speaker on opening day.

Looking forward to the Joint Council meeting with the Town of Port Royal.

Reported that he, and rest of council, will be traveling to Columbia for the Hometown Legislative Action Day on Tuesday, February 1, 2022.

### **Councilman Mitchell**

Thanked Kathy Todd for all her help this past year.

Is happy to see the progress that is being made at the Southside Park, and on the Community Garden.

### **Mayor Pro Tem, McFee**

Thanked the Beaufort Area Hospitality Association on a successful Oyster Roast.

Thanked the Finance Department for all their hard work.

### **Councilman Lipsitz**

Nothing to report.

### **Councilman Cromer**

The Beaufort History Museum is having their annual meeting on Thursday, January 27, 2022, in the council chambers at City Hall starting at 5:00 pm.

Thanked all city staff for their help with the unveiling of the Prisoner of War Camp Marker at Pigeon Point Park.

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

All in favor.

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DRAFT



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**CITY OF BEAUFORT**  
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

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**TO:** CITY COUNCIL **DATE:** 1/31/2022  
**FROM:** Linda Roper, Downtown Operations and Community Services Director  
**AGENDA ITEM TITLE:** Ordinance amending Part 3 Chapter 2 Section 3-2002 of the City Code of Ordinances concerning fees for docking on the seawall at the Henry C. Chambers Waterfront Park - 2nd reading  
**MEETING DATE:** 2/8/2022  
**DEPARTMENT:** Downtown Operations

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*BACKGROUND INFORMATION:*

First reading was held on January 25, 2022.

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*PLACED ON AGENDA FOR:* Action

**REMARKS:**

**ATTACHMENTS:**

Description	Type	Upload Date
Ordinance	Backup Material	1/31/2022

ORDINANCE

Ordinance Amending Part 3 Chapter 2 Section 3-2002 of the City Code of Ordinances concerning fees for docking on the seawall at the Henry C. Chambers Waterfront Park

WHEREAS, Section 3-2002 (c ) provides regulations for dockage of vessels at the seawall of the Henry C. Chambers Waterfront Park; and,

WHEREAS, dockage of large vessels has caused wear to the seawall that must be regularly maintained and repaired; and,

WHEREAS, by Ordinance in 2020, it was adopted that the docking fee would be reviewed annually by the City Manager to ensure both the adequacy of the fee, and the competitiveness in the tour boat market; and,

WHEREAS, staff has recommended an increase of the docking fee to \$1.50 per linear foot to better offset the cost of constant maintenance to the seawall; and,

WEREAS, City Council finds that it is in the best interest of the City and its citizens to amend Section 3-2002 to provide for this staff recommendation;

THEREFORE, be it Ordained by the City Council of Beaufort, South Carolina, in council duly assembled and by the authority of the same, that the middle sentence of Section 3-2002 (c ) of the City Code of Ordinances be amended to provide as follows: **“A docking fee of one dollar and fifty cents (\$1.50) per linear foot per day shall be levied to all vessels. This fee shall be reviewed annually by the City Manager and adjusted if necessary and appropriate.”**

All other provisions of Section 3-2002 shall remain unchanged.

This Ordinance shall be effective immediately upon adoption.

\_\_\_\_\_  
Stephen Murray, Mayor

Attest \_\_\_\_\_  
Traci Guldner, City Clerk

First Reading \_\_\_\_\_

Second Reading and adoption \_\_\_\_\_

Approved in Form: William B. Harvey, III



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**CITY OF BEAUFORT**  
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

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**TO:** CITY COUNCIL **DATE:** 2/1/2022  
**FROM:** Andrea Hackenberger  
**AGENDA ITEM TITLE:** Request from Beaufort History Museum for six free parking spaces for the Revolutionary War Reenactment on March 12, 2022, 7 AM to 6 PM  
**MEETING DATE:** 2/8/2022  
**DEPARTMENT:** Downtown Operations

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*BACKGROUND INFORMATION:*

Requesting six free parking spaces for the use by volunteers during their Revolutionary War Reenactment on March 12, 2022 between 7 AM and 6 PM. They are requesting two of the six spaces to be immediately in front of the arsenal entry.

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*PLACED ON AGENDA FOR:* Action

**REMARKS:**

**ATTACHMENTS:**

Description	Type	Upload Date
Revolutionary War Reenactment March 2022	Cover Memo	2/1/2022

January 18, 2022

Kathryn S. Mixon, Vice President  
**Beaufort History Museum**  
713 Craven Street  
Beaufort, South Carolina 29902

Andrea Hackenberger  
**City of Beaufort Downtown Operations**  
500 Carteret Street  
Beaufort, South Carolina 29902

Re: Beaufort History Museum  
Revolutionary War Reenactment volunteer parking spaces  
March 12, 2022

Dear Andrea,

I respectfully request City Council approve 6 free parking spaces near the Arsenal for the reenactors to use while they are here. The date and times are March 12<sup>th</sup> at 7:00 a.m through 6:00 p.m. In addition, we respectfully request at least 2 of the spaces be located immediately in front of the arsenal entry for purposes of loading and unloading their cannon and equipment.

The Beaufort History Museum is working very hard to bring quality historical educational opportunities to our Beaufort community. We are very excited about our 2022 line up and changes. These are exciting times for us. We are growing!

Thank you for all you do .

Sincerely,

*Kathryn S. Mixon*

Kathryn S. Mixon

KSM/ksm



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**CITY OF BEAUFORT**  
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

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**TO:** CITY COUNCIL **DATE:** 2/1/2022  
**FROM:** Andrea Hackenberger  
**AGENDA ITEM TITLE:** Co-Sponsorship from First African Baptist Church and First Scots Presbyterian Church to host the Annual Community Easter Sunrise Service in the Henry C. Chambers Park on April 17, 2022, from 7 - 8:30 AM  
**MEETING DATE:** 2/8/2022  
**DEPARTMENT:** Downtown Operations

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*BACKGROUND INFORMATION:*

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***PLACED ON AGENDA FOR:*** Action

***REMARKS:***

See attached application and letter

**ATTACHMENTS:**

Description	Type	Upload Date
Community Easter Sunrise Service 2022	Cover Memo	2/1/2022

## REQUEST FOR CO-SPONSORSHIP Henry C. Chambers Waterfront Park

Name of Event: Annual Community Easter Sunrise Service

Date of Event: 4/17/2022

Contact person: Carole Ingram  
Telephone: 843-941-8333

Please check all that apply.

	Yes	No
<i>Are you a "For Profit" entity?</i>		** ✓
<i>Is this a fund raising event?</i>		✓
<i>Is this event open to the public?</i>	✓	
<i>Is there a required fee / donation to attend this event?</i>		✓
<i>Are you requesting more than two (2) park areas for this event?</i>		✓
<i>Will there be any type of "sales" for this event?</i>		✓
<i>Will this event require more than four (4) hours (includes setup &amp; take down)?</i>		✓
<i>Will alcohol be sold / served?</i>		✓

\*\*If you answered "no" to the first question, what is your non-profit status? (501 (C) (3), (4) or (6))? 501 (C) (3)

**Request for waivers/co-sponsorship of events must be approved by City Council prior to the event.**

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Events Coordinator Recommendation:      Approved: \_\_\_\_\_      Denied: \_\_\_\_\_

Explanation: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Forward for Council Deliberation: \_\_\_\_\_  
Date of Council Meeting

Council:      Approved: \_\_\_\_\_      Denied: \_\_\_\_\_

Explanation: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



FIRST SCOTS  
PRESBYTERIAN CHURCH  
*Of Beaufort*  
— PCA —

Rev. Alex D. Mark, Senior Pastor  
Rev. Steve Walton, Associate Pastor

335 Sams Point Road  
Beaufort, SC 29907

843-379-0134

[www.firstscotsbeaufort.org](http://www.firstscotsbeaufort.org)  
[admin@firstscotsbeaufort.org](mailto:admin@firstscotsbeaufort.org)

City of Beaufort  
1901 Boundary Street  
Beaufort, SC 29902

January 17, 2022

To Whom It May Concern:

First African Baptist Church and First Scots Presbyterian Church are proud to host the annual Community Easter Sunrise Service again this year, Sunday, April 17, 2022, in the historic Henry C. Chambers Waterfront Park. This event will last from 7:00 – 8:30 AM and will include singing, prayer, and a message. The event is free-of-charge and open to the public. Nothing will be available for purchase during the event.

This year we once again humbly request, as we have since 2014, co-sponsorship by the Beaufort City Council in order to help offset the cost. We sincerely appreciate your support in the past for this special community event. We are happy to answer any questions you may have. Thank you for your city leadership for our community.

Sincerely,

Alex D. Mark  
Pastor, First Scots Presbyterian Church



**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>Annual Easter</u> <u>Sunrise Service</u>	Date(s) of Event: <u>April 17, 2022</u> Setup start/end time: <u>6:00 AM - 7:00 AM</u> Actual event start/end time: <u>7:00 AM - 8:00 AM</u> Take down start/end time: <u>8:00 AM - 9:00 AM</u>
Organization/Individual Name: <u>First Scots Presbyterian Church</u> <u>of Beaufort</u>	Address: <u>335 Sams Point Road</u> <u>Beaufort, SC 29901</u> Telephone: <u>843-379-0134</u> Email: <u>caroletingram@yahoo.com</u> <u>frontdesk@firstscotsbeaufort.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:

Andrea Hackenberger  
City of Beaufort, Attn: ~~Rhonda Carey~~ 500 Carteret St. Beaufort, SC 29902,  
ahackenberger  
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? No

Will alcoholic beverages be sold? No Served? No

Will food be sold? No Served? No

Will there be any retail sales? No

Number of people expected to attend: 250

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>
Craft Market Lawn	\$ 200.00	\$ 400.00	
Contemplative Garden	\$ 200.00	\$ 400.00	
Pavilion	<u>\$ 350.00</u>	\$ 500.00	
Green 1	<u>\$ 300.00</u>	\$ 500.00	
Green 2	\$ 450.00	\$ 750.00	
Electric Fee	<u>\$ 50.00</u>	\$ 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!

*Carole Ingram*  
Lessee/Applicant Signature

1/19/2022  
Date

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

*Julia Davis*  
Events Coordinator ~~Rhonda Corey~~

*Andrea Hackenberger*

1-19-2022  
Date Application Received

Deposit Paid: \_\_\_\_\_ Fees Paid: \_\_\_\_\_ Deposit to be Refunded: \_\_\_\_\_



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**CITY OF BEAUFORT**  
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

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**TO:** CITY COUNCIL **DATE:** 2/1/2022  
**FROM:** Andrea Hackenberger  
**AGENDA ITEM TITLE:** Co-Sponsorship request by Tidal Creek Fellowship for use of Henry C. Chambers Park to host Easter Festival 2022 on Sunday, April 3, 2022, 12:30 PM to 4 PM  
**MEETING DATE:** 2/8/2022  
**DEPARTMENT:** Downtown Operations

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*BACKGROUND INFORMATION:*

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***PLACED ON AGENDA FOR:*** Action

***REMARKS:***

See attached application and letter

**ATTACHMENTS:**

Description	Type	Upload Date
Easter Festival 2022	Cover Memo	2/1/2022



# Easter Festival 2022

**Sunday, April 3, 2022 at 12:30 PM - 4:00 PM**  
**Waterfront Park in Downtown Beaufort**

Tidal Creek Fellowship will GO into the community on April 3rd to connect and share the life we have discovered in following Jesus. The Easter Festival will be downtown at the Waterfront Park from 12:30 PM to 4 PM. The Easter Festival will be completely FREE and open to the public. There will be jump houses, snow cones, cookie decorating, games, face painting and an Easter basket and candy for each child that shows up. Some food/activities may be modified depending on covid safety protocols.

Blessings,

**Wendy Greene, Children's Ministry Director**  
Tidal Creek Fellowship

**Mobile:** 330-554-6364  
**Email:** [wendy@tidalcreek.net](mailto:wendy@tidalcreek.net)  
290 Brickyard Point Road South  
Beaufort, SC 29907



**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>Easter Festival</u>	Date(s) of Event: <u>4-3-2022</u> Setup start/end time: <u>8am - 12pm</u> Actual event start/end time: <u>12pm - 4pm</u> Take down start/end time: <u>4pm - 6pm</u>
Organization/Individual Name: <u>Tidal Creek Fellowship</u>	Address: <u>290 Brickyard Pt. Rd. S.</u> Telephone: <u>843 524 0565</u> Email: <u>wendy@tidalcreek.net</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: Andrea Hackenberger 500 Carteret St. Suite B2 Beaufort, SC 29902,

or scan and email to [ahackenberger@cityofbeaufort.org](mailto:ahackenberger@cityofbeaufort.org).

All events must abide and are governed by the City's Special Events Policy. To discuss specifics of the policy, contact the Events Coordinator at 843-379-7063 or visit our website at [www.cityofbeaufort.org](http://www.cityofbeaufort.org)

Is event open to the public? yes

Will admission be charged, or donation required? no

Will alcoholic beverages be sold? no Served? no

Will food be sold? no Served? yes

Will there be any retail sales? no

Number of people expected to attend: 500 +

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.

<b>WATERFRONT PARK RENTAL RATES FOR PRIVATE EVENTS</b>			
<b>Park Area</b>	<b><u>4 HR Block</u></b>	<b><u>6 HR Block</u></b>	<b><u>12 HR Block</u></b>
Circle of Palms/ Dining	\$ 200.00	\$ 400.00	
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

**Liability Insurance**

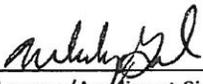
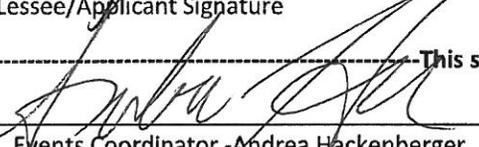
•The City of Beaufort requires that any organization/group sponsoring any event at a City owned facility/property or right of way provide the City of Beaufort with evidence of insurance as outlined below.

General Liability as follows:

- \$500,000.00 minimum requirement per occurrence for General Liability and Auto Liability (depending on the size or type of event, this amount may increase)
- Must provide proof one week before event

**Alcohol**

•To serve alcohol or liquor at your event, you must obtain City Council approval.  
•If alcohol is served at your event, specific approval must be obtained by the City Manager and liquor liability insurance coverage is required with a minimum of \$1,000,000 per occurrence in coverage. The City of Beaufort must be listed as insured on the policy. If you have questions about the required liquor liability insurance coverage and listing the City as an additional insured, please contact the City Manager's office at (843)-525-7070. City of Beaufort does not provide nor obtain insurance coverage for any special events. It is the responsibility of the event organizer to obtain and pay for proper insurance coverage.

 _____ Lessee/Applicant Signature	<u>12-28-21</u> _____ Date	
-----This section for City use-----		
 _____ Events Coordinator -Andrea Hackenberger	<u>12-28-21</u> _____ Date Application Received	
Deposit Paid: <u>1/3/2022</u>	Fees Paid: _____	Deposit to be Refunded: _____



---

## CITY OF BEAUFORT

### DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

---

**TO:** CITY COUNCIL **DATE:** 2/1/2022  
**FROM:** Andrea Hackenberger  
**AGENDA ITEM TITLE:** Request for waiver of Ordinances for Drinking In Public and Consumption of Alcohol in Henry C. Chambers Park for private wedding reception on Saturday, April 23, 2022, from 6 to 10 PM  
**MEETING DATE:** 2/8/2022  
**DEPARTMENT:** Downtown Operations

---

**BACKGROUND INFORMATION:**

Request to waive Drinking in Public Ordinance and Consumption of Alcohol in the Henry C. Chambers Park for a private wedding reception on Saturday, April 23, 2022 from 6 PM to 10PM.

- Sec. 7-7002 (b) (c) Public Drinking Ordinance
- Sec. 3-2001( i ) Unlawful consumption of alcohol in any park Ordinance

---

**PLACED ON AGENDA FOR:** Action

**REMARKS:**

See attached application

**ATTACHMENTS:**

Description	Type	Upload Date
Wedding Reception April 23 2022	Cover Memo	2/1/2022



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>Pendarvis Wedding Reception</u>	Date(s) of Event: <u>4.23.22</u> Setup start/end time: <u>5:00/6:00</u> Actual event start/end time: <u>6:00/10:00</u> Take down start/end time: <u>10:00/11:00</u>
Organization/Individual Name: <u>Ben C. Pendarvis III</u>	Address: <u>1608 Columbia Ave, Port Royal</u> Telephone: <u>843.830.2128</u> Email: <u>Ben@Sunset-Life.com</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: Andrea Hackenberger 500 Carteret St. Suite B2 Beaufort, SC 29902,

or scan and email to [ahackenberger@cityofbeaufort.org](mailto:ahackenberger@cityofbeaufort.org).

All events must abide and are governed by the City's Special Events Policy. To discuss specifics of the policy, contact the Events Coordinator at 843-379-7063 or visit our website at [www.cityofbeaufort.org](http://www.cityofbeaufort.org)

Is event open to the public? No

Will admission be charged, or donation required? No

Will alcoholic beverages be sold? No Served? Yes

Will food be sold? No Served? Yes

Will there be any retail sales? No

Number of people expected to attend: 100

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>
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Craft Market Lawn	\$ 200.00	\$ 400.00	
Contemplative Garden	\$ 200.00	\$ 400.00	
Pavilion	\$ 350.00	<u>\$ 500.00</u>	
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 <https://sc-beaufort.civicplus.com/240/Group-Event-Business-License> to obtain a group business license application for vendors.

**Did you know?**

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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

**Liability Insurance**

•The City of Beaufort requires that any organization/group sponsoring any event at a City owned facility/property or right of way provide the City of Beaufort with evidence of insurance as outlined below.

General Liability as follows:

- \$500,000.00 minimum requirement per occurrence for General Liability and Auto Liability (depending on the size or type of event, this amount may increase)
- Must provide proof one week before event

**Alcohol**

•To serve alcohol or liquor at your event, you must obtain City Council approval.

•If alcohol is served at your event, specific approval must be obtained by the City Manager and liquor liability insurance coverage is required with a minimum of \$1,000,000 per occurrence in coverage. The City of Beaufort must be listed as insured on the policy. If you have questions about the required liquor liability insurance coverage and listing the City as an additional insured, please contact the City Manager's office at (843)-525-7070.

City of Beaufort does not provide nor obtain insurance coverage for any special events. It is the responsibility of the event organizer to obtain and pay for proper insurance coverage.

  
 \_\_\_\_\_  
 Lessee/Applicant Signature

1.07.22  
 \_\_\_\_\_  
 Date

-----This section for City use-----  
  
 \_\_\_\_\_  
 Events Coordinator Andrea Hackenberger

1/10/2022  
 \_\_\_\_\_  
 Date Application Received

Deposit Paid: \_\_\_\_\_ Fees Paid: \_\_\_\_\_ Deposit to be Refunded: \_\_\_\_\_



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**CITY OF BEAUFORT**  
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

---

**TO:** CITY COUNCIL **DATE:** 2/1/2022  
**FROM:** Andrea Hackenberger  
**AGENDA ITEM TITLE:** Request permission for use of the Henry C. Chambers Park and five parking passes for Spring Concert on Saturday, March 5, 2022, from 10-4PM  
**MEETING DATE:** 2/8/2022  
**DEPARTMENT:** Downtown Operations

---

*BACKGROUND INFORMATION:*

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*PLACED ON AGENDA FOR:* Action

**REMARKS:**

See attached memo

**ATTACHMENTS:**

Description	Type	Upload Date
Spring Concert Request	Cover Memo	2/1/2022



# CITY OF BEAUFORT

## MEMORANDUM

TO: William Prokop, City Manager  
City Council

FROM: Linda Roper, Dir. Downtown Operations & Community Service 

DATE: January 25, 2022

SUBJECT: Request for permission for use of Henry C. Chambers Park for Spring Concert

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Downtown Operations is requesting permission to host a spring concert at Henry C. Chambers Waterfront Park on Saturday, March 5th. Musical assistance will be provided by the Parris Island Marine Corps Band and the 282<sup>nd</sup> Army Band. This event will start promptly at 1:30pm and last about 70 minutes.

Request for approval includes:

- Use of Henry C. Chambers Park from 10 AM-4 PM to accommodate the set up and tear down of activities.
- Permission to issue up to 5 complimentary parking passes to support event operations.

The request is being made with the understanding and agreement that if approved, the City reserves the right to modify or rescind or modify the terms of the request and or approval as they deem necessary due to the on-going Covid-19 pandemic.



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**CITY OF BEAUFORT**  
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

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**TO:** CITY COUNCIL **DATE:** 2/2/2022  
**FROM:** Bill Prokop, City Manager  
**AGENDA ITEM TITLE:** Resolution for the Beaufort County Connects: Bicycle and Pedestrian Plan 2021 as a supplement to the City of Beaufort Comprehensive Plan  
**MEETING DATE:** 2/8/2022  
**DEPARTMENT:** City Managers Office

---

*BACKGROUND INFORMATION:*

Juliana Smith, Long Range Planner with Beaufort County addressed council at the worksession on November 30, 2021.

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*PLACED ON AGENDA FOR: Action*

**REMARKS:**

**ATTACHMENTS:**

Description	Type	Upload Date
Resolution	Backup Material	2/2/2022

**A RESOLUTION OF THE CITY OF BEAUFORT TO ADOPT THE *BEAUFORT COUNTY CONNECTS: BICYCLE AND PEDESTRIAN PLAN 2021* AS A SUPPLEMENT TO THE CITY OF BEAUFORT COMPREHENSIVE PLAN.**

**WHEREAS**, walking and biking are increasingly popular as primary modes of transportation and recreation for City of Beaufort residents and visitors; and

**WHEREAS**, walking and biking can enhance recreational opportunities for residents of all ages and encourage routine participation socially and economically in the community, thereby improving the health and well-being of the population; and

**WHEREAS**, walking and biking can improve the environment by reducing pollution and noise, limiting greenhouse gases, and improving the quality of public spaces; and

**WHEREAS**, walking and biking can reduce traffic congestion by shifting short trips from automobiles; and

**WHEREAS**, walking and biking can boost the economy by creating a community that is attractive for new residents, tourists, and businesses; and

**WHEREAS**, walking and biking can enhance public safety and security by increasing the number of “eyes on the street” and providing more options for movement in the event of emergencies, natural disasters, and major public events; and

**WHEREAS**, investing in and improving pedestrian and bicycling infrastructure can save lives by creating safer conditions for bicyclists and pedestrians and, as a direct consequence, improve the safety of all other road users; and

**WHEREAS**, given the rapid pace of development throughout the City of Beaufort and Beaufort County, coordination and planning for pedestrian and bicycle infrastructure must happen sooner rather than later; and

**WHEREAS**, *Beaufort County Connects* is a proactive planning, multi-jurisdictional tool that identifies infrastructure gaps and community needs to be implemented over the next two decades to improve access to pedestrian and bicycle infrastructure throughout the City of Beaufort and Beaufort County; and

**WHEREAS**, *Beaufort County Connects* provides a roadmap for the City of Beaufort to better serve pedestrians and bicyclists in the future, the Plan should supplement the existing Comprehensive Plan.

**NOW THEREFORE, BE IT RESOLVED** that the City Council of the City of Beaufort, South Carolina hereby adopts *Beaufort County Connects: Bicycle and Pedestrian Plan 2021* as a supplement to the City of Beaufort Comprehensive Plan.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
STEPHEN D. MURRAY III, MAYOR

ATTEST:

\_\_\_\_\_  
TRACI GULDNER, CITY CLERK



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**CITY OF BEAUFORT**  
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

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**TO:** CITY COUNCIL **DATE:** 1/31/2022  
**FROM:** Kathy Todd  
**AGENDA ITEM TITLE:** Authorize the City Manager to execute Agreement with Community Works  
**MEETING DATE:** 2/8/2022  
**DEPARTMENT:** Finance

---

*BACKGROUND INFORMATION:*

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***PLACED ON AGENDA FOR:*** Action

***REMARKS:***

**ATTACHMENTS:**

Description	Type	Upload Date
Community Works DPA Agreement	Cover Memo	2/1/2022
Beaufort Memorial Plan	Cover Memo	2/1/2022
Home buyers Journey	Cover Memo	2/1/2022

AGREEMENT WITH COMMUNITYWORKS FOR THE  
HOMEBUYER ASSISTANCE PROGRAM

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

THIS AGREEMENT (the "Agreement") is made and entered into this \_\_\_\_\_ (the "Effective Date"), by and between the City of Beaufort, South Carolina, a municipal corporation and political subdivision of the State of South Carolina (the "City"), and CommunityWorks, a South Carolina non-profit corporation, whose address is 100 West Antrim Drive, Greenville, South Carolina 29607 ("CommunityWorks").

WITNESSETH

WHEREAS, CommunityWorks has a successful homebuyer assistance program that provides down payment and other assistance to low-to-moderate income home buyers to purchase homes in Beaufort County;

WHEREAS, U.S. Department of Housing and Urban Development ("HUD") regulations prohibit non-profit organizations from recording restrictions on such properties in order to protect their investments but permit government entities to provide assistance and record restrictions on the property for a limited period of time;

WHEREAS, CommunityWorks has requested the City's assistance in administering its homebuyer assistance program;

WHEREAS, the City will manage the homebuyer assistance program, which will allow the City to provide down payment or other assistance to the homebuyer at closing and record a five-year restrictive covenant that recoups a pro rata share of the assistance should the homebuyer sell the property or no longer occupy the property as his or her primary residence during that period; and

WHEREAS, the City seeks to serve its residents and to provide homeownership opportunities for low-to-moderate income homebuyers wishing to purchase homes in Beaufort County.

NOW, THEREFORE, for valuable consideration as well as the mutual promises hereafter set forth between the parties hereto, the legal sufficiency of which is hereby acknowledged by the parties, it is agreed as follows:

1. Program Details.

- A. CommunityWorks shall continue to recruit and approve qualified low-to-moderate income homebuyers who wish to purchase a home in Beaufort County.
- B. CommunityWorks shall determine the amount of financial assistance to be provided to any potential homebuyer based on the need of the potential homebuyer. CommunityWorks shall qualify buyers based on the guidelines established for the Beaufort Memorial Home Buyer Assistance Program, a copy of which is included herein as Attachment I. Any changes to these program guidelines must be approved by the City in writing.
- C. The City, upon notification from CommunityWorks of an approved home buyer with a scheduled real estate closing date, shall provide up to \$10,000.00 in down payment or closing cost assistance to the homebuyer based upon the terms and conditions set forth below. The City shall provide the funds directly to the homebuyer's attorney at the real estate closing.

- D. CommunityWorks shall prepare and execute mortgages, deed restrictions, or covenants on the subject property on forms approved by the City. The City shall be named as mortgagee on all mortgages and any of the aforementioned deed restrictions on covenants shall be for the benefit of the City. It should also be stipulated in all mortgage documents between CommunityWorks and Buyer that the City is to be named as an Additional Loss Payee on all Property Insurance Policies. A restriction shall be in form of a deferred payment loan executed at the closing with a recapture provision. The restriction must be recorded with Beaufort County and a copy submitted to City's Community Development office for record keeping.
- E. Any recaptured funds shall be considered to be program income and may be utilized by the City in the same manner as the original funds during the term of this Agreement.
2. Term. The term of this Agreement commences on the Effective Date and continues thereafter until June 30, 2023, unless and until sooner terminated as provided herein.
  3. Termination of Agreement. Either party may terminate this Agreement upon 30 calendar days' prior written notice to the other party. Termination of this Agreement shall not relieve either party of any obligation incurred to the other prior to termination
  4. Payment. The total amount of down payment assistance payable by the City to eligible homebuyers during the term of this Agreement shall not exceed \$100,000 with the maximum amount payable to any one homebuyer hereunder not to exceed \$10,000.00. In exchange for the City's management of the down payment assistance program, CommunityWorks shall provide a grant to the City in the amount of \$100,000, which shall be payable over the contract period at intervals to be invoiced by the City as agreed between the City and CommunityWorks.
  5. Compliance with Laws; Business Licenses. CommunityWorks shall comply with all applicable federal, state, county, and City laws, rules, regulations, codes, and ordinances in the performance of its obligations hereunder, including, but not limited to, the procuring of any necessary business license(s).
  6. Independent Contractor. The parties hereto shall at all times be considered independent contractors hereunder, and neither party nor its employees shall, under any circumstances, be considered employees of the other party. Neither party shall be legally responsible for the negligence or other wrongdoing, either intentional or unintentional, by the other party or its employees.
  7. Insurance. CommunityWorks shall procure and maintain insurance for the duration of this Agreement against any and all claims for injuries to persons or damages to property which may in any way arise from, or in connection with, the performance hereunder by CommunityWorks, its contractors, employees, agents, or representatives. Such insurance shall be in the following minimum amounts:
    - a. Commercial General Liability                      \$1,000,000 per occurrence

*The general liability policy is to contain or be endorsed to name City, its officers, officials, and employees as additional insureds as respects the liability arising out of the activities performed under this Agreement. Such coverage shall be primary to the extent of CommunityWorks' negligent acts or omissions or willful misconduct and shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability*

- b. Comprehensive Automobile Liability      \$1,000,000 per occurrence
- c. Workers Compensation                      Statutory Limits

*CommunityWorks shall maintain workers' compensation insurance for all of CommunityWorks' employees who are in any way connected with the performance under this Agreement. Such insurance shall comply with all applicable state laws and provide a waiver of subrogation against the City, its officers, officials, employees, agents, and representatives, unless otherwise approved by the City.*

d. Employers Liability

\$500,000/\$500,000/\$500,000

Certificates showing proof of such insurance shall be submitted to the City at [aeisenman@cityofbeaufort.org](mailto:aeisenman@cityofbeaufort.org) prior to execution of this Agreement. Further, it shall be an affirmative obligation upon CommunityWorks to advise the City, by email to [aeisenman@cityofbeaufort.org](mailto:aeisenman@cityofbeaufort.org), within two business days of the cancellation or substantive change of any insurance policy set out herein, and failure to do so shall be construed to be a breach of this Agreement.

Insurance shall be placed with insurers with a current A.M. Best's rating of not less than A:VII and licensed to do business in the State of South Carolina, unless otherwise approved by the City, and CommunityWorks shall not self-insure in satisfaction of any insurance requirement set out herein without the express written consent of the City.

CommunityWorks shall be fully and solely liable for any costs or expenses arising as a result of a coverage deductible, co-insurance penalty, or self-insured retention, including any loss not covered because of the operation of such deductible, co-insurance penalty, or self-insured retention.

CommunityWorks shall cause each of its subcontractors or subconsultants hereunder, if any, to purchase and maintain insurance of the type specified herein, unless CommunityWorks' insurance provides coverage on behalf of each subcontractor or subconsultant.

8. Indemnification. CommunityWorks shall indemnify, defend, and hold the City, its officers, officials, contractors, employees, agents, and representatives (collectively, "Indemnitees"), free and harmless from and against any and all losses, injuries, death, damages, liabilities, claims, deficiencies, demands, actions, suits, judgments, interest, awards, penalties, fines, costs or expenses of any kind or nature, including reasonable attorneys' fees and costs, the costs of enforcing any right to indemnification hereunder, and the costs of pursuing any insurance providers (collectively, "Losses"), arising out of or occurring in connection with any claim for property damage or personal injury, including death, to the extent resulting from or arising out of the negligence, errors, omissions, or willful misconduct of CommunityWorks, its subcontractors, subconsultants, employees, agents, or representatives under the Agreement. Notwithstanding CommunityWorks' obligation to defend the City at CommunityWorks' sole cost and expense hereunder, the City shall have the option to appear and defend such action or claim on its own behalf. CommunityWorks shall not enter into any settlement without the City's prior written consent. The foregoing indemnity shall survive the expiration or termination of the Agreement.
9. Notices. All notices required hereunder shall be in writing and shall be deemed to have been duly given if either hand delivered or mailed by certified or registered mail, postage prepaid, addressed to the party to whom intended at the address provided below or at such other address as such party shall hereinafter designate to the other party in writing:

City: City of Beaufort, State of South Carolina  
Attn: Alan Eisenman  
1911 Boundary Street  
Beaufort, South Carolina 29902

CommunityWorks: CommunityWorks  
Attn: Chief Executive Officer  
100 W. Antrim Drive  
Greenville, SC 29607

10. Assignment; Successors and Assigns. The rights and obligations herein shall not be assigned by either party, in whole or in part, without the prior written consent of the other party. The rights and obligations herein shall inure to, and be binding upon, the respective successors and permitted assigns of the parties hereto.
11. Entire Agreement; Amendments. This Agreement constitutes the entire agreement between the parties

hereto and may not be modified or amended except in writing signed by all parties hereto. In the case of any conflict between the terms and conditions of this Agreement or any other agreement between the parties with respect to the subject matter hereof, the terms of this Agreement shall control.

12. Severability. If any part or provision of this Agreement is held invalid or unenforceable under applicable law, such invalidity or unenforceability shall not in any way affect the validity or enforceability of the remaining parts and provisions of this Agreement.
13. Nonwaiver. The waiver by the City or CommunityWorks of any breach of this Agreement shall not operate as a waiver of any subsequent breach, and no delay in acting with regard to any breach of this Agreement shall be construed to be a waiver of the breach.
14. Governing Law and Venue. This Agreement and the rights, obligations, and remedies of the parties hereto shall in all respects be governed by and construed in accordance with the laws of the State of South Carolina, and venue for the resolution of all disputes regarding the terms of this Agreement or the performance thereunder, whether in law or in equity, shall be exclusively in the courts of Beaufort County, South Carolina.

[Signature page follows]

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their seals on the day and year first above written.

COMMUNITYWORKS

---

Tammie Hoy Hawkins  
CEO

CITY OF BEAUFORT, SOUTH CAROLINA

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William A. Prokop  
City Manager

Approved as to form:

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City Clerk

Reviewed:



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City Director of Economic and Community Development

Reviewed:



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City Attorney

Reviewed:



# **Beaufort Memorial**

## **EMPLOYER ASSISTED HOUSING BENEFIT PLAN DESCRIPTION**

### **Homebuyer Assistance Program Proposal**

**October 2021**

THIS PROPOSAL CONTAINS SEVERAL DRAFT TEMPLATES AND FORMS FOR INFORMATIONAL PURPOSES. EMPLOYERS SHOULD REVIEW IT CAREFULLY AND UNDERSTAND THAT THEY MAY NOT BE VALID AND ENFORCEABLE IN ALL JURISDICTIONS OR APPROPRIATE FOR ALL EMPLOYERS.

EMPLOYERS DEFINE THE FEATURES OF THEIR INDIVIDUAL EAH BENEFIT PLAN. PROVISIONS ARE OFFERED BY WAY OF EXAMPLE. IN ALL CASES, ADDITIONAL TERMS WILL BE REQUIRED TO DESCRIBE EMPLOYER'S PLAN.

EMPLOYERS SHOULD CONSULT WITH LEGAL COUNSEL TO ENSURE THAT ALL TERMS AND CONDITIONS OF THE BENEFIT PLAN AND ALL FORMS USED TO ORIGINATE BENEFIT LOANS ARE APPROPRIATE, AND THAT ALL LEGAL INSTRUMENTS ARE COMPLETED CORRECTLY AND IN COMPLIANCE WITH APPLICABLE LAW

# Beaufort Memorial Employer Assisted Housing Benefit Plan

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## **1. OVERVIEW**

Beaufort Memorial and CommunityWorks (CW) have partnered together to provide affordable housing opportunities for employees of Beaufort Memorial. The Employer-Assisted Housing Benefit Plan ("EAH Benefit Plan") will provide homebuyer education and financial assistance to help eligible employees purchase their first home.

The EAH Benefit Plan Description states all the terms and conditions of the program.

## **2. DEFINITIONS**

Below are definitions used throughout the Plan Description:

A "Homebuyer" is someone who has never owned a home or has not owned a home in the past three years.

A "Homeowner" is someone who is planning to refinance a home they already own.

A "Forgivable Loan" is a loan that is forgivable over a period of time.

### 3. EAH BENEFITS

CW will administer the program on behalf of Beaufort Memorial. CW will individually assess Beaufort Memorial employees to determine eligibility and mortgage readiness. If needed, CW will perform a Financial Assessment and help employees overcome financial barriers preventing them from obtaining affordable housing. Through statewide partnerships, CW will connect employees to HUD certified housing counseling agencies that offer individual and group homeownership training and counseling.

Beaufort Memorial will provide forgivable loans of:

- **Up to \$10,000** to be used for all or a portion of the down payment or closing costs for homebuyers with a household income **at or below 100% AMI**.
- **Up to \$5,000** to be used for all or a portion of the down payment or closing costs for homebuyers with a household income **between 100-200% AMI**.
- **Up to \$5,000** to be used for closing costs of home refinance for homeowners with a household income **at or below 100% AMI**.
- **Up to \$2,500** to be used for closing costs for home refinance homeowners with a household income **between 100-200% AMI**.

The loan will be at 0% interest over five years. The loan will be forgiven under the following conditions: the employee maintains ownerships of the property and continues to work at Beaufort Memorial over the five-year period. The loan is forgiven 20% annually. There will be no monthly repayment of the loan.

### 4. ELIGIBLE EMPLOYEES

#### 4.1. All Benefits

- Employees must have been employed a minimum of six months depending on the benefit.
- Employee must be in good standing.
- Employees must not have a household income that exceeds 200% of the area median income (AMI). See attached chart.
- Employees must invest a minimum of \$500 into the purchase of the home or refinance of a home.
- Participate in 8 hours of homeownership education and/or coaching sessions.

## **5. ELIGIBLE PROPERTIES AND MORTGAGES**

### **5.1 Eligible Properties**

- The property must be single-family dwelling to be a primary residence.
- The property must be located within a 15-mile radius of a Beaufort Memorial campus in South Carolina.
- The property must be in good condition and ready for occupancy within 90 days of loan closing.

### **5.2 Eligible Mortgages**

- Employee must obtain a first mortgage from an approved lender.
- The mortgage must be a reasonable fixed rate amortizing loan.
- The monthly mortgage payment cannot exceed 33% of monthly income.

## **6. APPLYING FOR EAH BENEFIT**

### **6.1 Application**

- Contact CommunityWorks to start application process.
- Attend homebuyer education workshop.
- Obtain pre-approval for a mortgage loan.
- Obtain a fully executed Property Purchase Contract.
- Employee's lender must complete CW online application.

### **6.2 Application Fee**

- A \$365 origination and wiring fee will be at closing. The application fee will be paid from the loan closing proceeds.

### **6.3 Deadlines**

- Applications for assistance must be received at least 30 days prior to projected loan closing.
- Funds will be approved and disbursed on a first come, first serve basis.

### **6.4 EAH Forgivable Loan Application Decision**

- The Human Resources Department will verify employee eligibility
- Approval of applications is subject to the availability of funds. Funds will be disbursed on a first-come, first-serve basis.
- The employee will be notified of the loan decision in writing.

## **6.5 Limitation on Beaufort Memorial Liability**

- Beaufort Memorial is not responsible for any delays in closings or loss of mortgage commitment in the case of employee failure to complete EAH Application or denial of application.
- Beaufort Memorial is not responsible for any direct, indirect, or consequential losses, damages or expenses arising from any Application that does not comply with this plan.

## **7. EAH FORGIVABLE LOAN TERMS**

### **7.1 Permissible Purposes**

- Beaufort Memorial provides the EAH benefit to assist employees with purchasing their first home.
- Homebuyers may use the forgivable loan for down payment and/or closing cost.
- Beaufort Memorial provides the EAH benefit to assist employees with refinancing costs for a home they own.
- Homeowners may use the forgivable loan for closing costs for a home refinance.

### **7.2 Maximum Forgivable Loan Benefit Amount**

- The maximum amount available to an individual employee homebuyer is a \$10,000 forgivable loan forgiven over five years.
- The maximum amount available to an individual employee homeowner is a \$5,000 forgivable loan forgiven over five years.

### **7.3 Terms of Forgivable Loan**

- Employees must invest a minimum of \$500.

### **7.4 Security**

- The EAH forgivable loan will be secured with a subordinate mortgage on the purchased property. This mortgage will be executed at the loan closing.
- The forgivable loan is forgiven over five years as long as the employee continues to occupy the home.

### **7.5 Sale or Transfer of Eligible Property**

- If an employee sells or transfers the property before the end of the five years, they will be required to repay the forgivable loan's remaining balance.

### **7.6 Termination**

- If the employee is terminated either voluntarily or involuntarily, a portion or all of the remaining unforgiven loan balance may be forgiven at Human Resources' discretion.

#### **8. CLOSING**

- The forgivable loan funds will be disbursed directly to the closing attorney and used to pay down payment and closing costs.
- It is the employee's responsibility to meet all of the loan application deadlines to ensure the timely disbursement of funds.

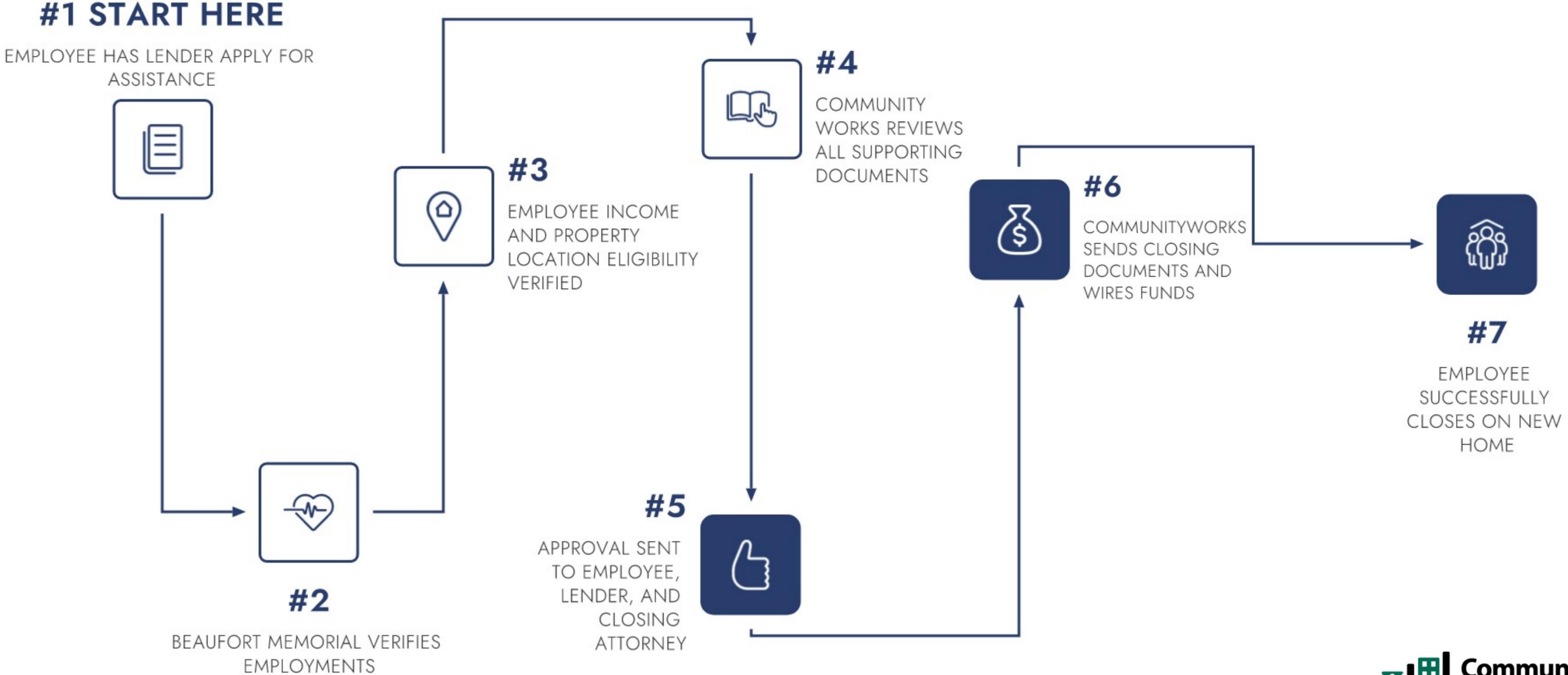
#### **9. TAXES**

- The employee may be subject to pay taxes on the annual forgivable portion of the loan.
- Employees should consult with their tax advisor to determine income tax liability resulting from the EAH benefit.

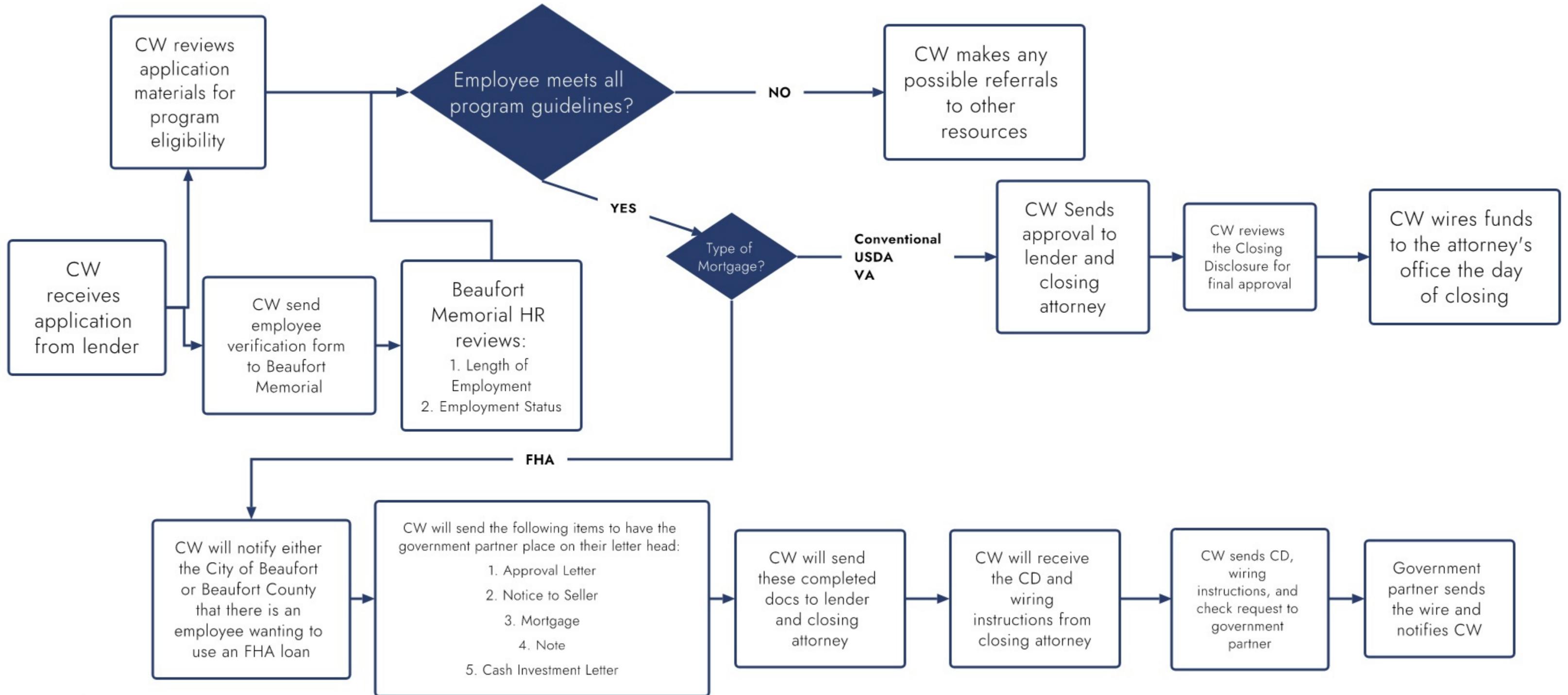
#### **10. EAH BENEFIT PLAN ADMINISTRATION**

- Beaufort Memorial Human Resource Department will verify employee eligibility.
- CW will administer the program by performing application intake, coordinating training, approving eligible applications, and scheduling closing procedures.

# HOME BUYER JOURNEY MAP



# PROCESSING A REQUEST



# PROCESS FOR REIMBURSEMENT AND SERVICING

