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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
September 14, 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 - 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. Resolution recognizing the Beaufort Lions Club on 75 years of service in the community
- B. Proclamation proclaiming September 17 - 23, 2021, as Constitution Week

IV. PUBLIC COMMENT

V. PUBLIC HEARING

A. Calhoun Street Stormwater and Streetscape improvement Project

VI. MINUTES

A. Worksession and Regular Meeting - August 24, 2021

VII. NEW BUSINESS

- A. Request for Public Assembly and Noise Ordinance waiver from Historic Beaufort Foundation to host the 2021 Libations with Lafayette on Saturday, October 9, 2021
- B. Request for Public Assembly from Historic Beaufort Foundation to host the 2021 Fall Festival of Houses & Gardens for the weekend of October 22-24, 2021
- C. Request for Public Assembly and waiver of Noise Ordinance from Joe Simpson for a wedding on Saturday, September 25, 2021
- D. Request for Acceptance of FY2021 Federal Preservation Grant for Carnegie Library Building Assessment
- E. Authorize City Manager to enter into Contract for Public Education Campaign

- F. Ordinance repealing Part 7, Chapter 1, Sections 7-1001 through 7-1027 of the City Code of Ordinances (Business Licenses) and replacing it with the 2022 Model Business License Ordinance - 1st reading
- G. ATAX Grant Recommendations
- H. Authorize City Manager to enter into Contract for Construction - Whitehall Drive Boardwalk project
- I. Authorize City Manager to enter into Contract for Renovations of Carnegie Building Windows
- J. Authorize approval of the 2020 Assistance to Firefighters Grant
- K. Resolution for the Calhoun Stormwater and Streetscape improvement Project
- L. Ordinance amending Part 3, Chapter 1, Article A, Section 3-1004 of the City Code of Ordinances, to provide for civil penalties for failure to remove building materials and other obstructions to City Streets beyond time periods established by City Manager - 1st Reading
- M. Actions Boards and Commissions

VIII.REPORTS

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

IX. ADJOURN



CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 8/31/2021
FROM: Traci Guldner, City Clerk
AGENDA ITEM TITLE: Resolution recognizing the Beaufort Lions Club on 75 years of service in the community
MEETING DATE: 9/14/2021
DEPARTMENT: City Clerk

BACKGROUND INFORMATION:

This is a resolution recognizing the Beaufort Lions Club on 75 years of service to the community.

PLACED ON AGENDA FOR: Action

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Resolution	Backup Material	8/31/2021



RESOLUTION

RECOGNIZING THE BEAUFORT LIONS CLUB ON 75 YEARS OF SERVICE TO THE COMMUNITY

WHEREAS, the first Lions Club was founded in Chicago in 1917; and

WHEREAS, the first Lions Club in South Carolina was formed in April 1922, in Columbia; and

WHEREAS, on March 22, 1946, the Beaufort Lions Club charter was formed with the intention of helping the blind or visually impaired; and

WHEREAS, they have visited local public and private schools, as well as daycares, providing vision and hearing screening to over 6,000 students; and

WHEREAS, they have been able to donate to organizations like Leader Dogs, Camp Leo, Blind Fishing and Storm Eye through their many fundraising efforts; and

WHEREAS, their mission is to empower volunteers to serve their communities, meet humanitarian needs, and to encourage peace and promote international understanding.

NOW, THEREFORE, the City Council of the City of Beaufort, South Carolina, hereby recognizes the Beaufort Lions Club on their many contributions and congratulates them as they celebrate 75 years of service in the community.

IN WITNESS THEREOF, I hereunto set my hand and caused the Seal of the City of Beaufort to be affixed this 14th day of September 2021.

STEPHEN D. MURRAY III, MAYOR

ATTEST:

TRACI GULDNER, CITY CLERK



CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 9/7/2021
FROM: Traci Guldner, City Clerk
AGENDA ITEM TITLE: Proclamation proclaiming September 17 - 23, 2021, as Constitution Week
MEETING DATE: 9/14/2021
DEPARTMENT: City Clerk

BACKGROUND INFORMATION:

Charlene Shufelt of the Daughters of the American Revolution requested the reading of the proclamation for Constitution Week.

Mary Somerville, the Vice Regent of the Thomas Heyward Jr. Chapter of the Daughters of the American Revolution will be accepting.

PLACED ON AGENDA FOR: *Action*

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Proclamation	Backup Material	9/7/2021



PROCLAMATION

WHEREAS, September 17, 2021, marks the two hundred thirty-fourth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week, and

NOW, THEREFORE, the City Council of the City of Beaufort, South Carolina, hereby proclaims the week of September 17 through 23 as

CONSTITUTION WEEK

AND ask our citizens to reaffirm the ideals of the Framers of the constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

IN WITNESS THEREOF, I hereunto set my hand and caused the Seal of the City of Beaufort to be affixed this 14th day of September 2021.

STEPHEN D. MURRAY III, MAYOR

ATTEST:

TRACI GULDNER, CITY CLERK



CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 8/31/2021
FROM: Bill Prokop, City Manager
AGENDA ITEM TITLE: Calhoun Street Stormwater and Streetscape improvement Project
MEETING DATE: 9/14/2021
DEPARTMENT: City Managers Office

BACKGROUND INFORMATION:

Barbara Johnson, Lowcountry Council of Governments, Community and Economic Development Specialist will be discussing the Calhoun Street Stormwater Project.

PLACED ON AGENDA FOR: Action

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Notice of Public Hearing application	Backup Material	8/31/2021

City of Beaufort
CDBG Notice of Public Hearing Concerning Application

NOTICE IS HEREBY GIVEN that on Tuesday, September 14, 2021, at 7:00 p.m. in the Beaufort City Hall, 1911 Boundary Street, Beaufort, SC, the City of Beaufort will hold a public hearing concerning an application to be submitted to the South Carolina Department of Commerce, Grants Administration on or about September 17, 2021, for a Community Development Block Grant. The City of Beaufort is requesting approximately \$750,000 to carry out the following activities:

The City of Beaufort is proposing to use \$750,000 in CDBG funds and \$75,000 in local funds with an additional investment of \$403,665 to make streetscape improvements in the Calhoun Street area in the city. The project includes a portion of a Boundary Street shopping area. This project will benefit the entire City of Beaufort (11,770 persons, 51.66% LMI).

This public hearing will be conducted electronically via Zoom:

<https://us02web.zoom.us/j/87477224299?pwd=eXhGUU9rV1NIMXFtbktRRG5hY3hHQT09>

Passcode: 661304

US: +1 929 205 6099

Webinar ID: 874 772 4299

Livestream on Facebook:

www.facebook.com/CityBeaufortSC/

This public hearing and the matters to be discussed are subject to the provisions of City's Citizen Participation Plan, developed in anticipation of participation in the State of South Carolina's Community Development Block Grant (CDBG) Program, providing for the participation of the citizens of the City of Beaufort in the planning and implementation of community and economic development projects which will involve CDBG funds. The Citizen Participation Plan and the application are available for review at Beaufort City Hall, during regular business hours. Persons with questions or comments concerning the public hearing or the Citizen Participation Plan may contact Barbara A. Johnson, Lowcountry Council of Governments, PO Box 98, Yemassee, SC 29945, (843) 473-3951.

The City of Beaufort does not discriminate on the basis of age, color, religion, sex, national origin, familial status or disability in the admission or access to, or treatment or employment in its federally assisted programs or activities. Ivette Burgess, 1911 Boundary Street, Beaufort, SC (843) 525-7024, has been designated to coordinate compliance with the nondiscrimination requirements contained in the U. S. Department of Housing and Urban Development's regulations.

Note: Assistance will be provided to accommodate the special needs of disabled persons, upon request.



City Council Worksession
Meeting Minutes – Planning Conference Room – 1st Floor

August 24, 2021

I. CALL TO ORDER

5:01PM

Mayor Stephen D. Murray III

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

II. PRESENTATIONS

A. BJWSA water line upgrade in Beaufort

Rebecca Bowyer, Director of Engineering with BJWSA, spoke about the North Street Transmission Main Project and how it will impact the city. The upgrades are needed to improve the flow of water throughout the area. This water main will provide additional capacity and improve water pressure and flow. The new water main is 20 inches in diameter. The overall length of this line is less than a mile, and will impact North, Hamar and Duke Streets, as well as the Spanish Moss Trail. The cost for the work is \$7.5 million. The pipe will be bored underneath Battery Creek and no trees will be cut down. Updates will be sent throughout the project, and construction is expected to be completed July 2022.

Councilman Cromer inquired about the noise being produced in the evenings.

Ms. Bowyer responded that the work being done at night is only by Beaufort Elementary School. The rest will be done during the day.

Bill Prokop, City Manager, asked about the closing of the Spanish Moss Trail.

Ms. Bowyer stated that the trail would only be closed during construction. The estimated time is 9 months, but they are hoping it will be reduced. The section is located between North Street and Robert Smalls Parkway. The closure will not happen until after September 6, 2021.

Mayor Pro Tem, McFee, appreciates the increased communications.

Andy Kinghorn, City's representative on the BJWSA Board of Directors, gave background information on the board and their operating procedures. He stated that there are 36 projects taking place at this time in their service area. Some of the pipes being replaced, are over 75 years old. One of the city projects is on Ribaut Road. It is not scheduled until Fiscal Year 2024 or 2025. This will be costly as this line runs down the middle of the road.

Bill Prokop, City Manager, asked about the timeline of the project to put a pipeline under the Beaufort River leading over to Lady's Island to handle population growth.

Mr. Kinghorn did not know the answer but stated that type of work is done fairly often.

III. DISCUSSION ITEMS

A. New Business License Ordinance to comply with Standardization Act

Kathy Todd, Finance Director, went over the Business License Ordinance sections that were re-written to comply with the new Business License Standardization Act. She reported that the draft was sent off to the Municipal Association of South Carolina (MASC) attorneys for their input. This ordinance repeals Part 7, Chapter 1, Sections 7-1001 through 7-1027, and is being replaced with the 2022 Model Business License Ordinance. She stated that sections from the current ordinance were integrated with the Model Ordinance. She then compared the current rate schedule to the proposed schedule by class.

Councilman Cromer asked if we require business licenses for individuals who have an auction, or an estate sale.

Ms. Todd answered if it were an individual, then no, it would not be needed. If it were a business doing this type of work, then yes.

Mayor Murray inquired why there were three manufacturing line items on Appendix B in two separate places.

Ms. Todd, did not know why, as this is a form from MASC. She stated that this was not applicable and is not being recommended.

Ian Scott, Beaufort Regional Chamber of Commerce President and CEO, thanked the staff and city for moving forward with the Standardization Act. It has been a priority for the Chamber to see a standardization of the business license fees across the state. It will be a time cost savings to many businesses in the area.

Ms. Todd stated that the ordinance does acknowledge the fact that the city has their own business license application, but we will also accept the state's application as well. Businesses can continue to pay through the city's portal, or they may pay through the state's website.

IV. EXECUTIVE SESSION

Councilman Cromer made a motion to go into Executive Session and seconded by Mayor Pro Tem, McFee.

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

Councilman Cromer made a motion to come out of Executive Session and seconded by Councilman Lipsitz.

No actions from Executive Session.

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 (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.

DRAFT



City Council Regular Meeting
Meeting Minutes – City Hall Council Chambers, 2nd Floor

August 24, 2021

I. CALL TO ORDER

7:11PM

Stephen D. Murray III, Mayor

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Pro Tem, Mike McFee

III. PROCLAMATIONS/COMMENDATIONS/RECOGNITIONS

A. Swearing in of the new Fire Chief, Tim Ogden.

The new Fire Chief, Tim Ogden, was sworn in by Mayor Murray.

B. Proclamation proclaiming August 19 - 26, 2021, as USCB Sand Shark Week.

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

Approval was unanimous.

IV. PUBLIC COMMENT

No public comment

V. MINUTES

A. Worksession and Regular Meeting - July 13, 2021

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

Minutes approved as presented.

VI. OLD BUSINESS

A. Ordinance consenting to the inclusion of certain property in a Joint County Industrial Park within the City of Beaufort; approving certain Intergovernmental Agreements by and between the City and Beaufort County - 2nd Reading.

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

Approval was unanimous.

VII. NEW BUSINESS

- A. Request from Beaufort County Veterans Affairs to host a Veteran's Day Parade and street closures on Thursday, November 11, 2021.

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

Approval was unanimous.

- B. Request from St. Peter's Catholic Church to host the annual tour of homes, and public assembly for the weekend of November 19 - 20, 2021.

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

Approval was unanimous.

- C. Request from The Exchange Club of Beaufort to host annual Ghost Tours every weekend in October, permission to use the marina, and permission for complimentary parking passes.

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

Approval was unanimous.

- D. Request from the Downtown Art Galleries to host an Art Walk, permission to serve alcohol, permission to waive the open container and public drinking ordinances on Friday, October 22, 2021.

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

Approval was unanimous.

- E. Permission to host the 9/11 20th anniversary tribute in the Henry C. Chambers Waterfront Park on Saturday, September 11, 2021. Request for use of the park and complimentary parking passes.

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

Approval was unanimous.

- F. Permission to host the annual Halloween Celebration in the Henry C. Chambers Waterfront Park on Saturday, October 30, 2021. Request for use of the park and complimentary parking passes.

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

Approval was unanimous.

- G. Request for City Manager to enter into a contract with Beaufort County Magistrate Court for administrative services in Bond Court.

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

Linda Roper, Downtown Operations and Community Services Director, stated that this is a contract with the Beaufort County Magistrate to provide the Municipalities' administrative services for Bond Court. This will only be implemented if all the parties agree. In addition to the city, the agreement includes the Town of Bluffton, and the Town of Port Royal. The cost for services to the city would be \$17,629.00. The services would start on October 1, 2021.

Approval was unanimous.

- H. Resolution for the application of a MASC Grant for the South Coast Cyber Center.

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

Bill Prokop, City Manager, stated that this is before council to apply for a Municipal Association of South Carolina (MASC) Hometown Economic Development Grant in the amount of \$25,000.00. The city would be required to do a 15 percent local match in the amount of \$3,750.00. Funds would be utilized for the South Coast Cyber Center project.

Approval was unanimous.

I. Resolution on authorized signers for the ARPA (American Relief Plan Act) account.

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

Kathy Todd, Finance Director, stated that they needed to re-evaluate the signers on checks, and other banking account documents for the city that includes the ARPA account. The change being made will remove Ivette Burgess, and add Reece Bertholf, Deputy City Manager.

Approval was unanimous.

J. Reappointments to Boards and Commissions.

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

Reappointment of Kathryn Mixson to the Cultural District Advisory Board, as Beaufort History Museum's representative for a 3-year term expiring June 30, 2024.

Reappointment of Lise Sundrla to the Cultural District Advisory Board, as Historic Beaufort Foundation's representative to a 3-year term expiring June 30, 2024.

Approval was unanimous.

VIII. REPORTS

City Manager's Report

Emphasized the importance of citizens getting vaccinated. The city is working closely with Beaufort Memorial Hospital and Department of Health and Environmental Control (DHEC) to ensure that vaccines are available.

First Friday downtown will be held on Friday, September 3rd. There will be no street closure for this event.

Reported that the recent stormwater improvements that were made have been working very well. The next stormwater project is in the planning stages and information will be sent out once permits are granted and plans are finalized.

There has been a steady flow of new businesses opening up in the city. Included in this were 6 ribbon cuttings, and 1 groundbreaking at the Commerce Park. There have been several new commercial developments approved for construction as well as residential.

Congratulated Tim Ogden on his recent promotion to Fire Chief and is pleased to have him take over the reins from Chief Reece Bertholf who has been promoted to Deputy City Manager.

Reminded the public about the Comprehensive Plan outline and stated there is still time for everyone to comment on the document. There is a link on the City's web page to follow. <https://bit.ly/3s3E7Tc>

Invited everyone to the Watermelon Crawl Sip and Stroll event that is being held on Saturday, August 28, 2021, downtown. There will also be a 9/11 20th anniversary event on Saturday, September 11, 2021, starting at 7:00 p.m., at the waterfront park.

Thanked Kathy Todd, Finance Director, and her staff for the updates to the Business License Ordinance. This update will meet all the requirements mandated by State Law.

Lastly, he reported that the Governor, nor the State Legislature, have requested the funds from the American Recovery Plan. He reported that the state received their money, the counties have all received theirs, along with the 14 largest cities in the state. They have failed to ask for funds for municipalities that have a population of 50,000 or less. We have lost 6 months of interest on those funds and the same amount of time to spend them. They must be committed by December 31, 2024. A letter has been prepared for the mayor's signature.

Mayor's Report

Congratulated Chief Reece Bertholf on this promotion to Deputy City Manager and commended him on his time as Fire Chief. Congratulated Tim Ogden on his promotion to Fire Chief and wished them both much success.

Welcomed all the new businesses to the area, and thanked city staff and the Beaufort Chamber of Commerce for their roles in the ribbon cutting ceremonies.

He attended the Change of Command Ceremony for the Army Corps of Engineers in Charleston. Congratulated Lieutenant Colonel Johannes as he takes command.

Thanked Commodore Morris and his staff on another successful Water Festival.

Invited citizens to take a drive through the Commerce Park to see the growth taking place. Progress is definitely being made.

Beaufort Memorial Hospital will be adding another vaccination clinic next Thursday, September 2, 2021, from 8:00 a.m. until 5:00 p.m. This will be by appointment only. He encouraged citizens to get vaccinated.

Was elected to the South Carolina Mayors Association Board of Directors and is looking forward to serving on the City's behalf.

Councilman Mitchell

Thanked Linda Roper and Kathleen Williams on behalf of the Charles Lind Brown Center Task Force for all the work that they put in on the survey. There were 495 responses. He thanked Eric Greenway from Beaufort County for all his hard work as well.

There will be a Family Fun Day being held on Saturday, August 28, 2021, from 10:00 a.m. until 12:00 p.m. Location is the Charles Lind Brown Center (aka Greene Street Gym), 1001 Hamar Street. This is a free event, and all residents are welcome to attend.

Reported that a lot on Green Street for a Community Garden is being donated. The location is directly across from Marshel's Wright Donaldson Funeral Home.

Spoke about his experience with COVID and urged citizens to get vaccinated.

Mayor Pro Tem, McFee

Reported that during the last Lowcountry Area Transportation Study (LATS) meeting, they discussed Highway 278 and the bridges going to Hilton Head. The public can still comment on this issue. Also

discussed was the Beaufort County's list of roadway projects and the priority to which they would be completed. The 2045 Long Range Transportation Study was discussed as well.

Councilman Lipsitz

Stated that he and Councilman Mitchell will be attending this year's Leadership Beaufort Class through the Beaufort Chamber of Commerce.

Reported there will be a Comprehensive Plan public comment session on Thursday, August 26, 2021, at the Beaufort Fire Station located at 1120 Ribaut Road from 5:00 p.m. until 7:00 p.m.

Councilman Cromer

Reported that he will be attending the Lowcountry Council of Governments (LCOG) meeting on Thursday, August 26, 2021. Stephanie Rossi will be discussing the 2045 Long Range Transportation Study.

IX. ADJOURN

8:23PM

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

All in favor.

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CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 9/7/2021
FROM: Linda D. Roper
AGENDA ITEM TITLE: Request for Public Assembly and Noise Ordinance waiver from Historic Beaufort Foundation to host the 2021 Libations with Lafayette on Saturday, October 9, 2021
MEETING DATE: 9/14/2021
DEPARTMENT: Downtown Operations

BACKGROUND INFORMATION:

Historic Beaufort Foundation is requesting approval to host Libations with Lafayette, an evening garden party, at the George Moss Stoney House, ca.1825, a private residence which will include live music until 9:30 PM on October 9, 2021.

HBF will be seeking an alcohol permit from the State and contracting with law enforcement for the event.

Request of waiver of the City of Beaufort's Noise Ordinance and approval of public assembly for this event.

PLACED ON AGENDA FOR: Action

REMARKS:

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

ATTACHMENTS:

Description	Type	Upload Date
HBF Request for Libations with Lafayette 2021	Cover Memo	9/7/2021



August 30, 2021

Mrs. Linda Roper, Director
Community Planning & Development
City of Beaufort
500 Carteret Street
Beaufort, SC 29902

Dear Linda,

On behalf of the Historic Beaufort Foundation, we are seeking approval of a new event - the 2021 *Libations with Lafayette*.

As many fellow non-profits last year, we were unable to hold our popular Lafayette Soiree and fundraiser due to potential impacts of Covid-19. The Soiree will return in 2022. We are pleased this year to introduce this new event supporting Historic Beaufort Foundation and our mission to preserve and protect sites of historic, architectural, and cultural interest throughout Beaufort County.

An evening garden party, this event will be held underneath the oaks along the Beaufort River in the gardens of the George Moss Stoney House, ca. 1825, the home of Denis and Sandy Wiener on The Point. The evening will include live music with The Rising Tide Band, heavy hors d'oeuvres and libations. The event will be held on Saturday, October 9, 2021 from 6:00 p.m. to 9:30 p.m.

Event. "Libations with Lafayette"

Day/time. Saturday, October 9, 2021 6:00 p.m. to 9:30 p.m.

Location. 500 Port Republic Street – The George Moss Stoney House, owners Denis and Sandy Wiener. We will also require use of 303 Port Republic Street, home of Monica Johnston, for food prep and band change room.

Notification. Surrounding homeowners will be notified in writing of the event.

Live music. Live music will be provided by The Rising Tide Band and will cease at 9:30 p.m.

Restroom Facilities. Royal Restrooms and Amazing Rentals will provide all needed equipment. We will coordinate with the City regarding placement of the Restroom.

Parking. HBF will provide managed parking on The Green as approved by the Open Land Trust. We will make certain that the cars are parked face in and angled. There will be three golf carts to shuttle guests as needed.

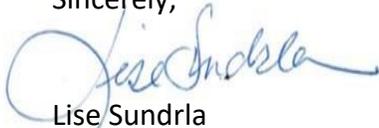
Signage. HBF will provide parking signage for The Green and to denote the event site.

Alcohol. There will be open bar, service provided by "Cocktail Hour, The Experience" owner Jelon Smart. HBF will obtain a temporary alcohol permit.

Historic Beaufort Foundation appreciates the opportunity bring this new activity to Beaufort and to continue support for our mission to preserve and protect Beaufort's historic, architectural and cultural legacy.

We appreciate your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Lise Sundrla". The signature is fluid and cursive, with a large initial "L".

Lise Sundrla

Museum & Preservation Programs

cc: Cynthia Jenkins, HBF Executive Director
Donna Dehncke, HBF Development Committee
William Prokop, City Manager



CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 9/7/2021
FROM: Linda D. Roper
AGENDA ITEM TITLE: Request for Public Assembly from Historic Beaufort Foundation to host the 2021 Fall Festival of Houses & Gardens for the weekend of October 22-24, 2021
MEETING DATE: 9/14/2021
DEPARTMENT: Downtown Operations

BACKGROUND INFORMATION:

Historic Beaufort Foundation is requesting to host the 2021 Fall Festival of Houses & Gardens. The tours will be of several homes & gardens throughout The Point on Friday, ticket pickup at the Arsenal on Saturday and an private event on Sunday in The Point.

HBF is requesting approval of a public assembly for the event.

PLACED ON AGENDA FOR: *Action*

REMARKS:

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

ATTACHMENTS:

Description	Type	Upload Date
Request 2021 Fall Festival of Houses & Gardens	Backup Material	9/7/2021



August 30, 2021

Mrs. Linda Roper, Director
Community Planning & Development
City of Beaufort
500 Carteret Street
Beaufort, SC 29902

Dear Linda,

On behalf of the Historic Beaufort Foundation, we are seeking approval of the 2021 Fall Festival of Houses & Gardens.

As many fellow non-profits last year, we were unable to hold this popular event and fundraiser due to potential impacts of Covid-19. We are pleased to be back in 2021. As in the past, the festival operates over three days in an around the City of Beaufort and greater Beaufort.

Luncheon & Lecture – In the Beaufort Style. Friday, October 22, 11:30 a.m. to 1:00 p.m. This event will be held at the Best Western Motel and will be limited seating.

Walking Tour (home and garden tour). Friday, October 22, 2-5 p.m. The Walking Tour consists of visitors touring 6 homes and gardens at their leisure from 2-5 p.m. on Friday. This will primarily occur on The Point and will feature both private homes and gardens.

Afternoon Country Retreat Tour & Lowcountry Picnic. Saturday, October 23, 1-4 p.m. This afternoon event will be held in Yemassee. A short 30-minute drive. Patrons will have a brief stop at The Arsenal to retrieve tickets between 10 a.m. and 1 p.m and will travel to the Yemassee site on their own.

Sunday in The Beaufort Style. Sunday, October 24, 9:30 a.m. to Noon. This exclusive tour will be held on The Point at one of our magnificent historic homes and includes a Lowcountry brunch and libations. Attendance will be limited.

Ticket/Itinerary Pick-up. As with past tours, patrons will retrieve and/or purchase tickets the day of each tour in The Arsenal Courtyard. Online ticket sales will run through Wednesday October.

Parking. For the Friday and Saturday Tours, HBF will be distributing the City's parking brochure to all attendees. Additionally, we have secured use of The Green from Open Land Trust and will be providing managed parking at that location.

Signage. As in the past, HBF would like to place corrugated sign boards with posts at the yards of each of the tour properties. Additionally, directional signage will be placed to designate tour parking. HBF will apply for a temporary signage permit to place the signs.

Notification. HBF will coordinate through The Point Association to notify residents of the Tour.

Transportation. HBF may engage golf carts to bring those that need the service from the designated parking area(s) to the tour location.

The Fall Festival of Houses & Gardens has historically attracted hundreds of visitors to Beaufort from across the country to stay, tour, dine, shop and immerse themselves in the history and unique offerings of Beaufort and the Lowcountry as gracious residents open their private homes and gardens to offer this unique experience.

We look forward to working with the City of Beaufort, our many partners and the community to continue this special tradition.

We appreciate your consideration and look forward to bringing this popular event back to Beaufort and the Lowcountry.

Sincerely,

A handwritten signature in blue ink that reads "Lise Sundrla". The signature is fluid and cursive, with a large initial "L" and "S".

Lise Sundrla
Museum & Preservation Programs

cc: Cynthia Jenkins, HBF Executive Director
William Prokop, City Manager



CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 9/7/2021
FROM: Andrea Hackenberger
AGENDA ITEM TITLE: Request for Public Assembly and waiver of Noise Ordinance from Joe Simpson for a wedding on Saturday, September 25, 2021
MEETING DATE: 9/14/2021
DEPARTMENT: Downtown Operations

BACKGROUND INFORMATION:

Request for a public assembly and noise ordinance waiver by Mr. Joe Simpson for brief processional with four (4) musicians and wedding guests from the Henry C. Chambers Park to the Beaufort Inn on September 25, 2021 at approximately 4:30 PM.

This request will require approval of the public assembly and waiver of City of Beaufort's Noise Ordinance.

PLACED ON AGENDA FOR: Action

REMARKS:

Applicant will contract with law enforcement as necessary.

ATTACHMENTS:

Description	Type	Upload Date
Public Assembly for Simpson Wedding	Cover Memo	9/7/2021



PUBLIC ASSEMBLY APPLICATION

City of Beaufort – City Manager’s Office (2nd Floor)
1911 Boundary Street, Beaufort, South Carolina, 29902
p. (843) 525-7070 / f. (843) 986-5606 | www.cityofbeaufort.org
To be filed NOT LESS than 30 days before event

SIMP33@yahoo.com

\$25.00 non-refundable application fee is applied when 50 or more in attendance

Name of Applicant: Joe Simpson

Address: 505 Hancock Dr. Beaufort SC Phone # (843) 252-1545

Name of Sponsoring Organization: SAME

Address: _____

Date of Public Assembly: 9-25-21 Time Assemble will begin: 4:30 5:15 per bride

Location of Assembly Area: WHITE FRONT PARK BEAUFORT SC. AT FLAG POLE AREA ON LAWN

Type of Public Assembly (including description of activities): WEDDING WITH 4 MUSICIANS TO INCLUDE 2ND LINE WALK FROM PAST TO BEAUFORT INN.

Description of Recording Equipment, sound amplification equipment, banners, signs, or other devices to be used: SAXOPHONE, CLARINET, DRUMS, VIOLIN. GAUGAN ENTERTAINMENT. WILL PROVIDE MUSIC AT WEDDING

Signature of Applicant: Joseph Simpson Date: 8-30-21

OFFICE USE ONLY:

Application Received By: Andrea Hickenberg Date Received: 8/30/21

Receipt #: _____ Approved By: _____

9:41

Safari



Caretaker's Cottage
at The Beaufort Inn

by Place

Beaufort Inn
\$157

Port Republic St

Books
Delivery

221 West suite at
The Beaufort Inn

Old Bull Tavern
Takeout

Chapman's Grocer

Rhett Gallery

Olive The Above

Common Ground
Takeout • Delivery

Bay St

y's Bistro

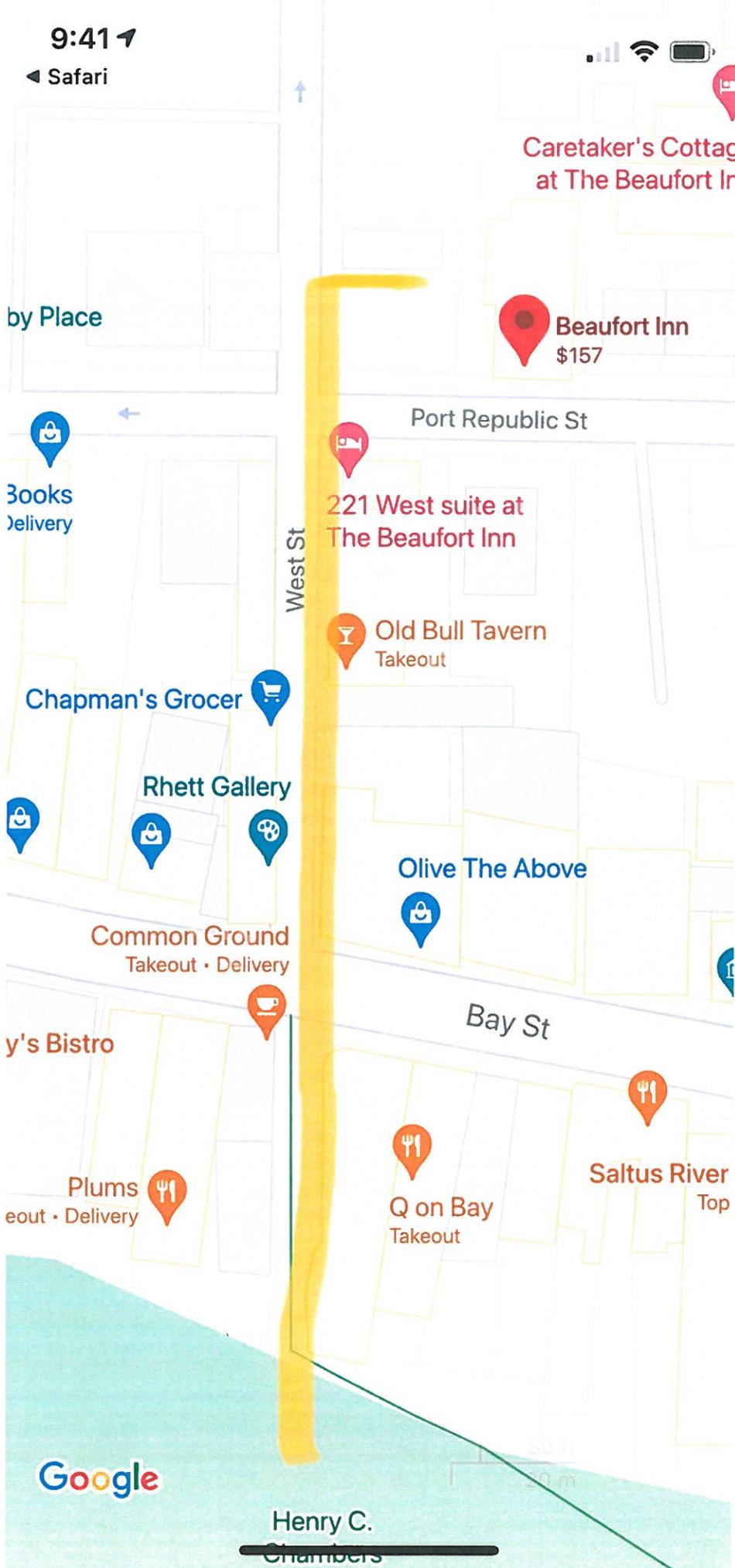
Plums
eout • Delivery

Q on Bay
Takeout

Saltus River
Top

Google

Henry C.
Chambers





CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 9/7/2021
FROM: Linda D. Roper
AGENDA ITEM TITLE: Request for Acceptance of FY2021 Federal Preservation Grant for Carnegie Library Building Assessment
MEETING DATE: 9/14/2021
DEPARTMENT: Downtown Operations

BACKGROUND INFORMATION:

Request for acceptance of FY2021 Federal Historic Preservation Grant in the amount of \$12,500.

This grant is a 50% matching grant for expenditures up to \$25,000.

The purpose of this project is to conduct a comprehensive conditions assessment of the historic Carnegie Library building to guide the City's future preservation efforts on this significant structure.

The primary activity of the project will involve contracting with a well-qualified historic preservation firm to conduct a complete conditions assessment and to provide findings, recommendations and construction costs/estimates and budgets to address the needed preservation and maintenance activities in a report.

PLACED ON AGENDA FOR: Action

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
SCDAH Award letter	Cover Memo	9/7/2021



August 23, 2021

Mr. William A. Prokop, City Manager
City of Beaufort
1911 Boundary Street
Beaufort, SC 29920
Via e-mail to wprokop@cityofbeaufort.org

Re: FY 2021 Federal Historic Preservation Grant

Dear Mr. Prokop:

The South Carolina Department of Archives and History (SCDAH) is pleased to award a 2021 Federal Historic Preservation Grant in the amount of \$12,500 for the Carnegie Library Conditions Assessment project.

This grant comes from FY 2021 Historic Preservation Fund money allocated by the U. S. Department of the Interior, National Park Service (NPS), to SCDAH. The Historical Services Division will manage the grant in accordance with NPS Standards and program requirements. The City of Beaufort (the City) will match these Federal grant monies with at least \$12,500. When approved project work is completed, SCDAH will reimburse the City for 50% of the documented expenditures up to the grant amount. **All project work for the grant should be completed, approved, and paid for by September 30, 2022.**

Work may not begin until a Funding Agreement has been signed between SCDAH and the City. The Funding Agreement will detail the scope of work to be conducted with the grant funds including clear explanations of the grant requirements.

Please confirm your acceptance of this grant on behalf of the grantee by signing below and returning this letter as soon as possible to:

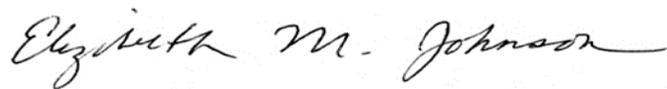
Brad Sauls
Federal Grants Coordinator
SC Dept. of Archives and History
8301 Parklane Road
Columbia SC 29223-4905

bsauls@scdah.sc.gov

Failure to notify Archives and History of official acceptance may result in withdrawal of grant funds and reallocation to other projects needing financial assistance. Acceptance of the grant does not constitute authorization to begin work.

Congratulations on this grant award, and we look forward to receiving notification of your acceptance. If you have any questions, please contact Brad Sauls at (803) 896-6172, or bsauls@scdah.sc.gov.

Sincerely,



Elizabeth M. Johnson
Deputy State Historic Preservation Officer

William A. Prokop, City Manager
City of Beaufort

Date

Cc: Ms. Linda Roper, Director of Downtown Operations & Community Services, City of Beaufort (lroper@cityofbeaufort.org)



CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 9/7/2021
FROM: Kathy Todd
AGENDA ITEM TITLE: Authorize City Manager to enter into Contract for Public Education Campaign
MEETING DATE: 9/14/2021
DEPARTMENT: Finance

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR: Action

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Recommendation Memo	Cover Memo	9/7/2021
Contract	Cover Memo	9/8/2021

CITY OF BEAUFORT - INTERNAL MEMORANDUM

TO: WILLIAM PROKOP
FROM: JOHN ROBINSON
SUBJECT: RFP 2022 – 104 CONSULTING SERVICES FOR PUBLIC EDUCATION CAMPAIGN
DATE: 9/7/2021
CC: KATHLEEN WILLIAMS, KATHY TODD

The City of Beaufort issued a Request for Proposal, RFP 2022-104 on August 17, 2021, for Consulting Services to Conduct a Multi-Jurisdictional Public Education Campaign. The RFP was posted on the City’s website, Vendor Registry, the State of South Carolina (SCBO) procurement website on August 17, 2021 and was advertised in the Island News on August 19 and August 26, 2021.

The City received (5) sealed proposals by 2:00 PM on August 31, 2021. The proposals were publicly opened and read in accordance with the RFP notice at 2:01 PM on that day via ZOOM conference meeting.

Williams Group	Beaufort, SC	\$5,000 per week not to exceed \$70,000
MRB Group	Charleston, SC	\$34,975 + a recommendation of \$15,000 for campaign expenses
Public Strategy Group	Boston, MA	\$47,000
NPS	Columbia, SC	\$100,000 per month for 2 months
Exmarketer	Southern CA	\$122,190 + \$25,000 in advertising cost

On Thursday, September 2, 2021, the independent evaluation scores of the committee were combined and ranked. The selection committee of Kathleen Williams, Kathy Todd and Debbie Szpanka, Public Information Officer, Town of Bluffton met at 2:30 pm on September 2, 2021 to discuss the independent evaluations.

The Committee ranked the Williams Group, Public Strategy Group and MRB Group as the top three respondents. After discussing the ranking of the proposals, the committee determined the Public Strategy Group would be eliminated from consideration as they had no familiarity with South Carolina, SC Law or SC local option sales tax restrictions. The City is required to select the lowest responsible bidder. With all things considered equal between the Williams Group and MRB Group, the committee determined MRB Group to be the most responsive bidder as their proposed cost was \$20,025 less than Williams Group. MRB offered a comprehensive plan which aligned with the scope of work. MRB demonstrated knowledge of South Carolina campaign law. MRB demonstrated examples of previous successful marketing work for economic development and presented examples of positive work with Beaufort County local governments.

The committee is unanimous in their recommendation of MRB Group for RFP 2022 – 104 Consulting Services for Public Education Campaign.



William Prokop
CITY MANAGER
843-525-7070

COUNCIL MEMBERS:
Stephen Murray, Mayor
Mike McFee, Mayor Pro Tem
Philip Cromer
Neil Lipsitz
Mitch Mitchell

CITY OF BEAUFORT
1911 Boundary Street
BEAUFORT, SOUTH CAROLINA 29902

*Standard Agreement Between
City of Beaufort and MRB Group
where the basis of payment is a STIPULATED SUM*

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 **September** in the year **2021**.

BETWEEN the Owner:

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

and the Consultant:

**MRB GROUP
170 MEETING STREET, SUITE 110
CHARLESTON, SC 29401**

The Project is:

RFP 2022-104 CONSULTING SERVICES FOR PUBLIC EDUCATION CHAMPAIGN

The Owner and MRB Group agree as follows:

ARTICLE 1 - THE DOCUMENTS

The contract Documents consist of this Agreement, **(City of Beaufort and MRB Group)** Conditions of the Contract (General, Supplementary and other Conditions), the Request for Proposal (RFP #2022-104) and the Proposal Submitted by MRB Group in response to this RFP, Drawings, Specifications, 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-

MRB Group shall fully execute the Work described in the Agreement, except to the extent specifically indicated in the Agreement to be the responsibility of others.



William Prokop
CITY MANAGER
843-525-7070

COUNCIL MEMBERS:
Stephen Murray, Mayor
Mike McFee, Mayor Pro Tem
Philip Cromer
Neil Lipsitz
Mitch Mitchell

CITY OF BEAUFORT

1911 Boundary Street
BEAUFORT, SOUTH CAROLINA 29902

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 WITHIN (1) DAY OF SIGNED AGREEMENT.

If, prior to the commencement of the Work, the Owner requires time to file mortgages, mechanic's liens and other security interests, the Owner's time requirement shall be as follows:

SEVEN (7) DAYS

- 3.2 Time shall be measured from the date of commencement.
- 3.3 **MRB Group** shall achieve Substantial Completion of the entire Work in accordance with the timetable included in the MRB Group proposal or as follows, subject to adjustments of this Agreement as provided in the Contract Documents.

ARTICLE 4 - CONTRACT SUM

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

(\$34,975) Thirty-Four Thousand Nine Hundred Seventy-Five Dollars and Zero cents for professional services and campaign expenses not to exceed (\$15,000) Fifteen Thousand dollar and Zero Cents.

subject to additions and deductions as provided in the Agreement.

ANY ADDITIONS ABOVE THE ORIGINAL DOLLAR AMOUNT WILL BE THE RESPONSIBILITY OF THE OWNER.

- 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: **None.**

ARTICLE 5 - PAYMENTS

- 5.1 The payment schedule as follows, shall be followed when Tasks completed have been approved by the Owners Representative, and an invoice for said service has been submitted.

- 5.2 Final payment, constituting the entire balance of the Contract Sum, shall be made by the Owner to **MRB Group** when:

MRB Group has fully performed the Agreement except for the City's responsibility to correct Work, and to satisfy other requirements, if any, which extend beyond final payment.

- 5.3 The Owner's final payment to MRG Group shall be made no later than (5) five days after the acceptance and completion of work, by the City.



William Prokop
CITY MANAGER
843-525-7070

COUNCIL MEMBERS:
Stephen Murray, Mayor
Mike McFee, Mayor Pro Tem
Philip Cromer
Neil Lipsitz
Mitch Mitchell

CITY OF BEAUFORT
1911 Boundary Street
BEAUFORT, SOUTH CAROLINA 29902

ARTICLE 6 - TERMINATION OR SUSPENSION

- 6.1 The Agreement may be terminated by the Owner or Consultant prior to work commencing.
- 6.2 The work may be suspended by the Owner.

ARTICLE 7 - MISCELLANEOUS PROVISIONS

- 7.1 The Owner's representative is:

KATTLEEN WILLIAMS
CITY OF BEAUFORT
1911 BOUNDARY STREET
BEAUFORT, SOUTH CAROLINA 29902

- 7.2 **MRB Group** representative is:
HEATHER SIMMONS JONES
170 MEETING STREET, SUITE 110
CHARLESTON, SC 29401
843-610-0274

HEATHER.SIMMONSJONES@MRBGROUP.COM

- 7.3 Neither the Owner's nor the **MRB GROUP** 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 and (Owner) and MRG Group (Consultant)
 - 8.1.2 The General Conditions are the Owner's General Conditions.
 - 8.1.3 The Specifications are those of RFP 2022-104.
 - 8.1.4 The Addenda, if any, are as follows:

1. ADDENDA 1-2

- 8.1.5 Other documents, if any, forming part of the Contract Documents are as follows:
 - **THE REQUEST FOR PROPOSAL: RFP# 2022-104, AND THE PROPOSAL SUBMITTED IN RESPONSE TO THE RFP ARE ATTACHED HERETO AND BY THIS REFERENCE INCORPORATED HEREIN**
 - **CERTIFICATES OF LIABILITY AND WORKERS COMPENSATION INSURANCE**
 - **CITY OF BEAUFORT BUSINESS LICENSE**



William Prokop
CITY MANAGER
843-525-7070

COUNCIL MEMBERS:
Stephen Murray, Mayor
Mike McFee, Mayor Pro Tem
Philip Cromer
Neil Lipsitz
Mitch Mitchell

CITY OF BEAUFORT
1911 Boundary Street
BEAUFORT, SOUTH CAROLINA 29902

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

WITNESS
(Signature)

(Printed Name)

CITY OF BEAUFORT
(Signature)

CITY MANAGER

MRB GROUP
(Signature)

(Printed name and title)



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 8/30/2021
FROM: Kathy Todd
AGENDA ITEM TITLE: Ordinance repealing Part 7, Chapter 1, Sections 7-1001 through 7-1027 of the City Code of Ordinances (Business Licenses) and replacing it with the 2022 Model Business License Ordinance - 1st reading
MEETING DATE: 9/14/2021
DEPARTMENT: Finance

BACKGROUND INFORMATION:

As a result of the State adopting and placing into law the Business License Standardization Act, the Municipal Association of South Carolina recommends that the existing Business License Ordinance be repealed and the new model business license be adopted. In addition to the adoption of the new business license ordinance, the law required a rebalancing of business license rates using the 2021 Rate Class Schedule to achieve revenue neutrality. Based on the rebalancing, rates are required to be adjusted so as when the new rate class schedule is applied to the 2019 reported gross revenues, the city does not earn an additional revenues but instead achieves revenue neutrality. Rate increases may be experienced by businesses impacted by a reclassification of their NAICS from a lower rate class to a higher rate class.

For example a business whose NAICS code remains in the same rate class following application of the new 2021 Rate Class Schedule, for all other rate classes other than Class 1, will see an estimated decrease in their business license tax ranging from 5.1% to 19.3%. A business whose NAICS classifies them as a rate class 1 and under the 2021 Rate Class Schedule and they are currently classified as a Rate Class 1, may see a 5% increase in their business license tax. Of course as the Gross Revenues increase or decrease from the 2019 reported, the impact of these rate changes will vary.

In addition, some NAICS under the new 2021 Rate Class Schedule were adjusted from a lower rate class to a higher rate class. These changes will impact those businesses. The percentage and the magnitude of the rate class change will impact the percentage increase to the Business License Tax for CY 2022.

Most Rate Class 8 and 9 categories remain the same as the 2020 Rate schedule and those business should see no increase unless gross revenues reported increase.

PLACED ON AGENDA FOR: Action

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Model Ordinance with City specific sections	Cover Memo	9/7/2021
Proposed Rate Change	Cover Memo	9/7/2021
Analysis of Rate Class Changes	Cover Memo	9/8/2021

ORDINANCE

Ordinance repealing Part 7 Chapter 1 Sections 7-1001 through 7-1027 of the City Code of Ordinances (Business Licenses) and replacing it with the 2022 Model Business License Ordinance

WHEREAS, in 2020, the South Carolina Legislature enacted the Business License Standardization Act, 2020 Act No. 176 (H. 4431), (the Act) designed to standardize and bring uniformity to business licenses by governmental bodies across the state; and,

WHEREAS, the effective date of the Act is January 1, 2022; and,

WHEREAS, in order to comply with the mandates and requirements of the Act, it is necessary that the City repeal its Business License ordinances and adopt a new business license ordinance; and,

WHEREAS, the South Carolina Municipal Association drafted the 2022 Model Business License Ordinance (the Model Ordinance), to enable municipalities across South Carolina to comply with the requirements of the Act; and,

WHEREAS, the Model Ordinance has been further amended to incorporate certain issues specific to the City of Beaufort and its enforcement of business license; and,

WHEREAS, the business license tax incentives set forth in Section 7-1004 herein have been previously found by vote of City Council to be economic development incentives, and Council reaffirms that finding here; and,

WHEREAS, Beaufort City Council finds that the repeal of the current City Business License Ordinance (Sections 7-1001 through 7-1027), and replacement with the Model Act, as amended, is in the best interest of the City of Beaufort and its citizens;

THEREFORE, be it Ordained by the Beaufort City Council, in Council duly assembled, and by the authority of the same, that Part 7 Chapter 1 Section 7-1001 through 7-1027 of the City Code of Ordinances be and is hereby repealed, to be replaced with Section 7-1001 through 7-1028 below, as follows:

Section 7-1001. License Required.

- (a) Every person engaged or intending to engage in any business, calling, occupation, profession, or activity engaged in with the object of gain, benefit, or advantage, in whole or in part within the limits of the City of Beaufort, South Carolina, 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 (2) or more residential rental units (or partial interest therein) within the limits of the city. This applies to long-term rentals greater than thirty (30) days. All short-term rentals require a business license.
- (e) The provisions of this article shall not extend to those businesses which are contained within NAICS Major Business Group 11 Agriculture, Forestry, Fishing and Hunting to include the following: agriculture production, crops, livestock and animal specialties, forestry, and fish production; nor shall it apply to the manufacture or production of sea island grass products; but this article shall apply to vendors of every other class and kind of goods.

Section 7-1002 **Definitions.** The following words, terms, and phrases, when used in this ordinance, shall have the meaning ascribed herein. Defined terms are not capitalized when used in this ordinance unless the context otherwise requires.

“Business” means any business, calling, occupation, profession, or activity engaged in with the object of gain, benefit, or advantage, either directly or indirectly.

“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).

“Charitable Purpose” means a benevolent, philanthropic, patriotic, or eleemosynary purpose that does not result in personal gain to a sponsor, organizer, officer, director, trustee, or person with ultimate control of the organization.

“Classification” means that division of businesses by NAICS codes 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 the Council.

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

“Contractor” means a person who agrees to furnish materials or perform services at a specified price in business activity falling within the two-digit NAICS Code 23..

“Council” means the City Council of the City of Beaufort.

“Domicile” means a principal place from which the trade or business of a licensee is conducted, directed, or managed. For purposes of this ordinance, a licensee may be deemed to have more than one domicile.

“Gross Income” means the gross receipts or gross revenue of a business, received or accrued, for one calendar or fiscal year collected or to be collected from business done within the Municipality. If the licensee has a domicile within the Municipality, business done within the Municipality shall include all gross receipts or revenue received or accrued by such licensee. If the licensee does not have a domicile within the Municipality, business done within the Municipality shall include only gross receipts or revenue received or accrued within the Municipality. In all cases, if the licensee pays a business license tax to another county or municipality, then the licensee’s gross income for the purpose of computing the tax within the Municipality must be reduced by the amount of revenues or receipts taxed in the other county or municipality and fully reported to the Municipality. Gross income for business license tax purposes shall not include taxes collected for a governmental entity, escrow funds, or funds that are the property of a third party. The value of bartered goods or trade-in merchandise shall be included in gross income. The gross 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 Department of Insurance, or other government agencies. In calculating gross income for certain businesses, the following rules shall apply:

- A. Gross income for agents shall be calculated on gross commissions received or retained, unless otherwise specified. If commissions are divided with other brokers or agents, then only the amount retained by the broker or agent is considered gross income.
- B. Except as specifically required by S.C. Code § 38-7-20, gross income for insurance companies shall be calculated on gross premiums written.
- C. Gross income for manufacturers of goods or materials with a location in the Municipality shall be calculated on the lesser of (i) gross revenues or receipts received or accrued from business done at the location, (ii) the amount of income allocated and apportioned to that location by the business for purposes of the business’s state income tax return, or (iii) the amount of expenses attributable to the location as a cost center of the business. Licensees reporting gross income under this provision shall have the burden to establish the amount and method of calculation by satisfactory records and proof. Manufacturers include those taxpayers reporting a manufacturing principal business activity code on their federal income tax returns.

“License Official” means a person designated to administer this ordinance. Notwithstanding the designation of a primary license official, the Municipality may designate one or more alternate license officials to administer particular types of business licenses, including without limitation for business licenses issued to businesses subject to business license taxes under Article 20, Chapter 9, Title 58, and Chapters 7 and 45, Title 38, of the South Carolina Code.

“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 profit of the business, or a person who owns or exercises control of the business.

“Municipality” means the City of Beaufort, South Carolina.

“NAICS” means the North American Industry Classification System for the United States published under the auspices of the Federal Office of Management and Budget.

“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.

“Person” means any individual, firm, partnership, limited liability partnership, limited liability company, cooperative non-profit 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 principal.

“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 manmade disaster.

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

“Construction” includes new work, additions, alterations, reconstruction, installations and repairs of structures.

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

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

“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.

“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.

“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.

“Annual license” may be issued to a resident or itinerant business and is valid for the year (beginning in 2022, that one-year period shall commence on May 1, 2022). 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.

Section 7-1003. Purpose and Duration. The business license required by this ordinance is for the purpose of providing such regulation as may be required for the business subject thereto and for the purpose of raising revenue for the general fund through a privilege tax. The license year ending on April 30, 2022 shall commence on January 1, 2021, and shall be an extension of the 2021 license year. Thereafter, the license period shall be established as follows. Except as set forth below for business licenses issued to contractors with respect to specific construction projects, each yearly license shall be issued for the twelve-month period of May 1 to April 30. A business license issued for a construction contract may, at the request of the licensee, be stated to expire at the completion of the construction project; *provided*, any such business license may require that the licensee file, by each April 30 during the continuation of the construction project, a statement of compliance, including but not limited to a revised estimate of the value of the contract. If any revised estimate of the final value of such project exceeds the amount for which the business license was issued, the licensee shall be required to pay a license fee at the then-prevailing rate on the excess amount. The provisions of this ordinance and the rates herein shall remain in effect from year to year as amended by the Council.

Section 7-1004. Business License Tax, Refund.

- A. The required business license tax shall be paid for each business subject hereto according to the applicable rate classification on or before the due date of the 30th day of April in each year, except for those businesses in Rate Class 8 for which a different due date is specified. Late payments shall be subject to penalties as set forth in Section 12 hereof, except that admitted insurance companies may pay before June 1 without penalty.
- B. 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 business license tax shall be computed on the combined gross income for the classification requiring the highest rate. The business license tax must be computed based on the licensee’s gross income for the calendar year preceding the due date, for the licensee’s twelve-month fiscal year preceding the due date, or on a twelve-month projected income based on the monthly average for a business in operation for less than one year. The business license tax for a new business must be computed on the estimated probable gross income for the balance of the license year. A business license related to construction contract projects may be issued on a per-project basis, at the option of the taxpayer. No refund shall be made for a business that is discontinued.

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:

<u>Year of Operation</u>	<u>License Tax</u>
1st renewal of license	40% of applicable tax
2nd renewal of license	60% of applicable tax
3rd and subsequent renewal of license	100% of applicable tax

- C. 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.
- D. 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 or on an annual basis.
- E. 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.
- F. Itinerant peddlers will pay their business license tax based on estimated gross sales of each visit.
- G. 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.
- H. 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.
- I. No refund shall be made for a business that is discontinued.
- J. A one and one-half (1.5) percent discount on the business license tax currently due (not including penalties or late payments) shall apply to any business that pays its business license tax in full by March 15.
- K. A one and one-half (1.5) percent discount on the business license tax currently due (not including penalties or late payments) shall apply to a resident business that has been in operation in the city under the same name and ownership for five (5) or more years.
- L. A licensee that submits a payment greater than the amount owed may request a refund. To be considered, a refund request must be submitted in writing to the Municipality before the June 1 immediately following the April 30 on which the payment was due and must be supported by adequate documentation supporting the refund request. The Municipality shall approve or deny the refund request, and if approved shall issue the refund to the business, within thirty days after receipt of the request.

Section 7-1005. Registration Required.

- A. 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 the due date of each year; *provided*, a new business shall be required to have a business license prior to operation within the Municipality, 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 the corresponding state alcohol, beer, or wine permit or license and will have actual control and management of the business.

- B. Application shall be the City's business license application form or on the then-current standard business license application as established and provided by the Director of the South Carolina Revenue and Fiscal Affairs Office and shall be accompanied by all information about the applicant, the licensee, and the business deemed appropriate to carry out the purpose of this ordinance by the license official. Applicants may be required to submit copies of portions of state and federal income tax returns reflecting gross receipts and gross revenue figures
- C. The applicant shall certify under oath that the information given in the application is true, that the gross income is accurately reported (or estimated for a new business) without any unauthorized deductions, and that all assessments, personal property taxes on business property, and other monies due and payable to the Municipality have been paid.
- D. 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.
- E. 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.

The Municipality shall allow application, reporting, calculation, and payment of business license taxes through the City of Beaufort Business License payment portal or the business license tax portal hosted and managed by the South Carolina Revenue and Fiscal Affairs Office, subject to the availability and capability thereof. Any limitations in portal availability or capability do not relieve the applicant or Licensee from existing business license or business license tax obligations.

Section 7-1006. Deductions, Exemptions, and Charitable Organizations.

- A. No deductions from gross income shall be made except income earned outside of the Municipality on which a license tax is paid by the business to some other municipality or county and fully reported to the Municipality, taxes collected for a governmental entity, or income which cannot be included for computation of the tax pursuant to state or federal law. Properly apportioned income from business in interstate commerce shall be

included in the calculation of gross income and is not exempted. The applicant shall have the burden to establish the right to exempt income by satisfactory records and proof.

- B. No person shall be exempt from the requirements of the ordinance by reason of the lack of an established place of business within the Municipality, unless exempted by state or federal law. The license official shall determine the appropriate classification for each business in accordance with the latest issue of NAICS. 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 payment of any other tax or fee by reason of application of this ordinance.
- C. Wholesalers are exempt from business license taxes unless they maintain warehouses or distribution establishments within the Municipality. A wholesale transaction involves a sale to an individual who will resell the goods and includes delivery of the goods to the reseller. It does not include a sale of goods to a user or consumer.
- D. 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 (1) reports income from for-profit activities, or unrelated business income, for federal income tax purposes to the Internal Revenue Service, (2) has a fixed physical location in the city and receives income from the sale within the city of merchandise or services, or (3) receives income from the sale or rental of property within the city, 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, from its income from the sale within the city of merchandise or services, or from its income from the sale or rental of property within the city. A sale of merchandise or services as described in this section shall not include:
 - a. Donations without return consideration;
 - b. Member or sponsor dues or attendance fees for members at meetings or conventions of the organization;
 - c. The wholesale sale of blood or blood products;
 - d. The sale of religious books or the proceeds from day care services or catering services provided by a religious organization to its members; or
 - e. The occasional sale of merchandise by the organization as a special fundraising event of limited short-term duration.
- E. 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 exempt under 26 U.S.C. section 501(c), 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 article. Payment of necessary costs of operation and wages to non-management employees will not disqualify a charitable organization from exemption. 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 cost or expense of operation.

- F. 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.

Section 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.

Section 7-1008. Display and Transfer.

- A. All persons shall display the license issued to them on the original form provided by the license official in a conspicuous place in the business establishment at the address shown on the license. A transient or non-resident 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 Municipality.
- B. A change of address must be reported to the license official 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 by the license official and compliance with zoning and building codes. Failure to obtain the approval of the license official for a change of address shall invalidate the license and subject the licensee to prosecution for doing business without a license. A business license shall not be transferable, and a transfer of controlling interest shall be considered a termination of the old business and the establishment of a new business requiring a new business license, based on old business income.

Section 7-1009. Administration of Ordinance. The license official shall administer the provisions of this ordinance, collect business license taxes, issue licenses, make or initiate investigations and audits to ensure compliance, initiate denial or suspension and revocation procedures, report violations to the municipal attorney, assist in prosecution of violators, produce forms, undertake reasonable procedures relating to the administration of this ordinance, and perform such other duties as may be duly assigned.

Section 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.

Section 7-1011. Inspection and Audits.

- A. For the purpose of enforcing the provisions of this ordinance, the license official or other authorized agent of the Municipality is empowered to enter upon the premises of any person subject to this ordinance to make inspections and to examine and audit books and records. 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 business license tax and late penalties in addition to other penalties provided herein. Each day of failure to pay the proper amount of business license tax shall constitute a separate offense.
- B. The license official shall have the authority to make inspections and conduct audits of businesses to ensure compliance with the ordinance. Financial information obtained by inspections and audits shall not be deemed public records, and the license official shall not release the amount of business 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.

Section 7-1012. Assessments, Payment under Protest, Appeal.

- A. Assessments, payments under protest, and appeals of assessment shall be allowed and conducted by the Municipality pursuant to the provisions of S.C. Code § 6-1-410, as amended. In preparing an assessment, the license official may 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 official may deem appropriate to assess a business license tax and penalties as provided herein.
- B. The license official shall establish a uniform local procedure consistent with S.C. Code § 6-1-410 for hearing an application for adjustment of assessment and issuing a notice of final assessment; provided that for particular types of business licenses, including without limitation for business licenses issued to businesses subject to business license taxes under Article 20, Chapter 9, Title 58, and Chapters 7 and 45, Title 38, of the South Carolina Code, the Municipality, by separate ordinance, may establish a different procedure and may delegate one or more rights, duties, and functions hereunder to the Municipal Association of South Carolina.

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

- A. For non-payment of all or any part of the correct business license tax, the license official shall impose and collect a late penalty of five (5%) percent of the unpaid tax for each month or portion thereof after the due date until paid. Penalties shall not be waived. If any business license tax remains unpaid for sixty (60) days after its due date, the license official shall report it to the municipal attorney for appropriate legal action.
- B. Partial payment may be accepted by the license official 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.

Section 7-1014. Notices. The license official may, but shall not be required to, mail written notices that business 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 Municipality 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.

Section 7-1015. Denial of License. The license official may deny a license to an applicant when the license official determines:

- A. The application is incomplete or contains a misrepresentation, false or misleading statement, or evasion or suppression of a material fact;
- B. The activity for which a license is sought is unlawful or constitutes a public nuisance *per se* or *per accidens*;
- C. The applicant, licensee, prior licensee, or the person in control of the business has been convicted within the previous ten years 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;
- D. The applicant, licensee, 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 Municipality or in another jurisdiction;
- E. The applicant, licensee, prior licensee, or the person in control of the business is delinquent in the payment to the Municipality of any tax or fee;
- F. A licensee has actual knowledge or notice, or based on the circumstances reasonably should have knowledge or notice, that any person or employee of the licensee has committed a crime of moral turpitude on the business premises, or has permitted any person or employee of the licensee to engage in the unlawful sale of merchandise or prohibited goods on the business premises and has not taken remedial measures necessary to correct such activity; or
- G. The license for the business or for a similar business of the licensee in the Municipality or another jurisdiction has been denied, suspended, or revoked in the previous license year.

A decision of the license official shall be subject to appeal as herein provided. Denial shall be written with reasons stated.

Section 7-1016. Suspension or Revocation of License. When the license official determines:

- A. A license has been mistakenly or improperly issued or issued contrary to law;
- B. A licensee has breached any condition upon which the license was issued or has failed to comply with the provisions of this ordinance;
- C. A licensee has obtained a license through a fraud, misrepresentation, a false or misleading statement, or evasion or suppression of a material fact in the license application;
- D. A licensee has been convicted within the previous ten years 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;
- E. A licensee has engaged in an unlawful activity or nuisance related to the business; or
- F. A licensee is delinquent in the payment to the Municipality of any tax or fee,

the license official may give written notice to the licensee or the person in control of the business within the Municipality by personal service or mail that the license is suspended pending a single hearing before Council or its designee for the purpose of determining whether the suspension should be upheld and the license should be revoked.

The written notice of suspension and proposed revocation shall state the time and place at which the hearing is to be held, and shall contain a brief statement of the reasons for the suspension and proposed revocation and a copy of the applicable provisions of this ordinance.

Section 7-1017. Appeals to Council or its Designee.

- A. Except with respect to appeals of assessments under Section 11 hereof, which are governed by S.C. Code § 6-1-410, any person aggrieved by a determination, denial, or suspension and proposed revocation of a business license by the license official may appeal the decision to the Council or its designee by written request stating the reasons for appeal, filed with the license official within ten (10) days after service by mail or personal service of the notice of determination, denial, or suspension and proposed revocation.
- B. A hearing on an appeal from a license denial or other determination of the license official and a hearing on a suspension and proposed revocation shall be held by the Council or its designee within ten (10) business days after receipt of a request for appeal or service of a notice of suspension and proposed revocation. The hearing shall be held upon written notice at a regular or special meeting of the Council, or, if by designee of the Council, at a hearing to be scheduled by the designee. The hearing may be continued to another date by agreement of all parties. 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 Council or its designee shall govern the hearing. Following the hearing, the Council by majority vote of its

members present, or the designee of Council if the hearing is held by the designee, shall render a written decision based on findings of fact and conclusions on application of the standards herein. The written decision shall be served, by personal service or by mail, upon all parties or their representatives and shall constitute the final decision of the Municipality.

- C. Timely appeal of a decision of Council or its designee does not effectuate a stay of that decision. The decision of the Council or its designee shall be binding and enforceable unless overturned by an applicable appellate court after a due and timely appeal.
- D. For business licenses issued to businesses subject to business license taxes under Article 20, Chapter 9, Title 58, and Chapters 7 and 45, Title 38, of the South Carolina Code, the Municipality may establish a different procedure by ordinance.

Section 7-1018. Consent, franchise, or license required for use of streets.

- A. It shall be unlawful for any person to construct, install, maintain, or operate in, on, above, or under any street or public place under control of the Municipality any line, pipe, cable, pole, structure, or facility for utilities, communications, cablevision, or other purposes without a consent agreement or franchise agreement issued by the Council by ordinance that prescribes the term, fees, and conditions for use.
- B. The annual fee for use of streets or public places authorized by a consent agreement or franchise agreement shall be set by the ordinance approving the agreement and shall be consistent with limits set by state law. Existing franchise agreements shall continue in effect until expiration dates in the agreements. Franchise and consent fees shall not be in lieu of or be credited against business license taxes unless specifically provided by the franchise or consent agreement.

Section 7-1019. Confidentiality. Except in accordance with proper judicial order or as otherwise provided by law, no official or employee of the Municipality may divulge or make known in any manner the amount of income or any financial 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 this ordinance.

Section 7-1020. Violations. Any person violating any provision of this ordinance shall be deemed guilty of an offense and shall be subject to 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 shall not relieve the offender of liability for delinquent taxes, penalties, and costs provided for in this ordinance.

Section 7-1021. Severability. A determination that any portion of this ordinance is invalid or unenforceable shall not affect the remaining portions. To the extent of any conflict between the provisions of this ordinance and the provisions of the South Carolina Business License Tax Standardization Act, as codified at S.C. Code §§ 6-1-400 *et seq.*, the standardization act shall control.

Section 7-1022. Classification and Rates.

- A. The business license tax for each class of businesses subject to this ordinance shall be computed in accordance with the current business license rate schedule, designated as Appendix A to this ordinance, which may be amended from time to time by the Council.
- B. The current business license class schedule is attached hereto as Appendix B. Hereafter, no later than December 31 of each odd year, the Municipality shall adopt, by ordinance, the latest standardized business license class schedule as recommended by the Municipal Association of South Carolina and adopted by the Director of the South Carolina Revenue and Fiscal Affairs Office. Upon adoption by the Municipality, the revised business license class schedule shall then be appended to this ordinance as a replacement Appendix B.
- C. The classifications included in each rate class are listed with NAICS codes, by sector, sub-sector, group, or industry. The business license class schedule (Appendix B) is a tool for classification and not a limitation on businesses subject to a business license tax. The classification in the most recent version of the business license class schedule adopted by the Council that most specifically identifies the subject business shall be applied to the business. The license official shall have the authority to make the determination of the classification most specifically applicable to a subject business.
- D. A copy of the class schedule and rate schedule shall be filed in the office of the municipal clerk.

Sec. 7-1023. 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-11-13, 4-9-13)

Sec. 7-1024. Permission to use streets required.

It shall be unlawful for any person to construct, install, maintain or operate in, on, above or under any 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-11-13, 4-9-13)

Sec. 7-1025. 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-11-13, 4-9-13)

Sec. 7-1026. 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 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.

Sec. 7-1027. Group event license for festivals, shows and entertainment events.

The promoter or sponsor of a group event, held on private or public property, shall complete a group event application for a group event business license. A group event business license application by the promoter or sponsor of the event is required for all transient merchants (exhibitors) participating in a group event, including, but not limited to, food trucks, booth sales and flea markets. The group event business license is in lieu of an individual transient merchant license, and is obtained from the city's business license division by filing an application specifying the sponsoring organization or person, the dates and location where the event is to be held, the purpose of the event and the names of the participating vendors or merchants. Taxes for a group event business license shall be as set forth in Appendix D of this chapter.

(1) *Festivals.* For purposes of this section, the term 'festival' means a group event celebrating and/or offering food, crafts, drinks, music and other forms of entertainment activities, including performances by an individual actor, performer, cast or group of performers for purposes of raising money for profit or non-profit entities. This section shall not apply to the Beaufort Water

Festival, the Gullah Festival, the Shrimp Festival, or the Taste of Beaufort (under their existing management structures) which are provided for in the city's special events policy.

a. The producer, promoter or sponsor of a festival shall acquire a city business license at least ten (10) days prior to the opening of the festival. The license shall be for a period not to exceed ten (10) consecutive days. The fee for the license shall be fixed from time to time by the city council as set forth in the fee schedule in Appendix D to this chapter.

b. To obtain a business license for a festival, the producer, promoter or sponsor shall make application to the business license division at least ten (10) days prior to the scheduled event, naming the producer, promoter or sponsor, specifying the dates and location of the event, specifying the purpose of the event, and listing the exhibitors or participants. The producer, promoter or sponsor shall pay the required fee, to include the number of exhibitors, vendors or participants expected to participate in the event. Not later than five (5) days after the close of the festival, the producer, promoter or sponsor shall adjust the payment based the actual number of exhibitors, vendors or participants that participated.

c. The individual vendor or exhibitor in any such festival shall not be required to acquire a city business license if the producer, promoter or sponsor has obtained a license for the festival in accordance with 1(b) above. In case the producer, promoter or sponsor fails to acquire a city business license for the festival before the opening of the event, each exhibitor or vendor in the festival must acquire a transient merchant's city business license for the festival. If neither the promoter nor the vendors acquire the necessary city business license, the festival will be terminated.

d. In the event the festival is terminated as set forth above, the city shall not be responsible to any promoter, sponsor, vendor or exhibitor for any costs or expenses incurred or revenue lost.

(2) *Shows.* For the purposes of this section, the terms show or exhibition mean a group participation event in which exhibitors display in individual booths, stalls or any other specific division of an exhibition area, for the purpose of presenting to an audience goods, wares, merchandise or services offered for sale, rent or promotional purposes or for the general good will of the exhibitors. Shows generally are of two (2) types: trade shows and public shows.

a. Trade shows. For purposes of this section, the term "trade show" means an exhibition or show:

1. To which the public generally is not invited;
2. Where those participating as exhibitors or observers generally have a common business or other interest;
3. Where registration of exhibitors and observers is structured and admission is restricted; and,
4. Where on-floor sales are not the primary purpose.

Neither the producer, promoter or sponsor of nor an exhibitor or participant in a trade show is required to acquire any city business license.

b. *Public shows.* For purposes of this section, the term "public show" means any type of consumer-oriented show or exhibition to which the public is invited and admitted, with or without charge, and at which exhibitors present goods, wares, merchandise or services for sale, rent or promotional purposes.

1. The producer, promoter or sponsor of a public show shall acquire a city business license prior to the opening of the show. The license shall be for a period not to exceed seven (7) consecutive days. The fee for the license shall be fixed from time to time by the city council and is set forth in the fee schedule in Appendix D to this chapter.

2. To obtain such a license for such a public show, the producer, promoter or sponsor shall make application to the business license division at least ten (10) days prior to the scheduled event, naming the producer, promoter or sponsor, specifying the dates and location of the event, specifying the purpose of the event, and listing the exhibitors or participants. The producer, promoter or sponsor shall pay the required fee. Not later than five (5) days after the close of the show, the producer, promoter or sponsor shall adjust the payment based on the actual number of exhibitors who participated.

3. The exhibitors or vendors in any such public show shall not be required to acquire a city business license if the producer, promoter or sponsor has obtained a license for the show or exhibition. In case the producer, promoter or sponsor does not acquire a city business license for the show before the opening of the show, each exhibitor in the show must acquire a transient merchant's city business license for the show. If neither the promoter nor the exhibitors acquire the necessary city business license, the public show will be terminated.

4. In the event the public show is terminated as set forth above, the city shall not be responsible to any promoter, sponsor, vendor or exhibitor for any costs or expenses incurred or revenue lost.

Sec. 7-1028. Public market short-term vendors exempted.

For the purposes of this section, the following definitions shall apply:

The term "public market" means any commercial center of operation, owned by a federal, state, county or municipal government, in which a significant portion of the premises, whether inside a building or outside, is regularly and continually set aside for the sale of farm and orchard produce, processed foods, crafts and like miscellaneous personal, family and household products.

The term "short-term vendors" means those persons who lease, sublease, or otherwise lawfully occupy a portion of the premises at a public market with the consent of the owner, and who customarily sell farm and orchard produce, processed food products and/or crafts as their predominant products.

Public market short-term vendors shall be exempt from the city's business license tax.

APPENDIX A: BUSINESS LICENSE RATE SCHEDULE

RATE CLASS	INCOME: \$0 - \$2,000	INCOME OVER \$2,000
	BASE RATE	RATE PER \$1,000 OR FRACTION THEREOF
1	\$25.00	\$1.00
2	\$35.00	\$1.30
3	\$45.00	\$1.60
4	\$55.00	\$1.90
5	\$65.00	\$2.20
6	\$75.00	\$2.50
7	\$85.00	\$2.80

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 & 9 RATES

Each NAICS number designates a separate subclassification. 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, and other factors that are deemed sufficient to require individually determined rates. In accordance with state law, the Municipality also may provide for reasonable subclassifications for rates, described by an NAICS sector, subsector, or industry, that are based on particularized considerations as needed for economic stimulus or for the enhanced or disproportionate demands on municipal services or infrastructure.

Non-resident rates do not apply except where indicated.

8.1 NAICS 230000 – Contractors, Construction, All Types [Non-resident rates apply].

Resident rates, for contractors having a permanent place of business within the Municipality:

Minimum on first \$2,000.....	\$ 60.00 PLUS
Each additional 1,000	\$ 1.75

Non-resident rates apply to contractors that do not have a permanent place of business within the Municipality. A trailer at the construction site or structure in which the contractor temporarily resides is not a permanent place of business under this ordinance.

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.

For licenses issued on a per-job basis, the total tax for the full amount of the contract shall be paid prior to commencement of work and shall entitle the 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 license year. Licensees holding a per-job license shall file, by each April 30 during the continuation of the construction project, a statement of compliance, including but not limited to a revised estimate of the value of the contract. If any revised estimate of the final value of such project exceeds the amount for which the business license was issued, the licensee shall be required to pay a license fee at the then-prevailing rate on the excess amount.

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

8.3 NAICS 517311, 517312 – Telephone Companies.

With respect to “retail telecommunications services” as defined in S. C. Code § 58-9-2200, the Municipality participates in a collections program administered by the Municipal Association of South Carolina. The Municipality has approved participation in the collections program by separate ordinance (the “Telecommunications Collections Ordinance”). The rates, terms, conditions, dates, penalties, appeals process, and other details of the business license applicable to retail telecommunications services are set forth in the Telecommunications Collections Ordinance.

8.4 NAICS 5241 – Insurance Companies:

Independent agents, brokers, their employees are subject to a business license tax based on their natural class. With respect to insurers subject to license fees and taxes under Chapter 7 of Title 38 and to brokers under Chapter 45 of Title 38, the Municipality participates in a collections program administered by the Municipal Association of South Carolina. The Municipality has approved participation in the collections program by separate ordinance (the “Insurers and Brokers Collections Ordinance”). The rates, terms, conditions, dates, penalties, appeals process,

and other details of the business license applicable to insurers and brokers are set forth in the Insurers and Brokers Collections Ordinance.

8.51 NAICS 713120 – Amusement Machines, coin operated (except gambling). Music machines, juke boxes, kiddie 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]**.

For operation of all machines (not on gross income), pursuant to S.C. Code §12-21-2746:

Per Machine \$12.50 PLUS

Each additional \$1,000, over base of \$2,000..... \$1.75

Distributors that sell or lease machines and are not licensed by the state as an operator pursuant to §12-21-2728 are not subject to Subclass 8.51.

8.52 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]**.

For operation of all machines (not on gross income), pursuant to S.C. Code §12-21-2720(B):

Per Machine \$180.00 PLUS

Each additional \$1,000, over base of \$2,000..... \$1.75

Distributors that sell or lease machines and are not licensed by the state as an operator pursuant to §12-21-2728 are not subject to Subclass 8.52.

8.6 NAICS 713990 – Billiard or Pool Rooms, all types. (A) Pursuant to SC Code § 12-21-2746, license tax of \$5.00 per table measuring less than 3½ feet wide and 7 feet long, and \$12.50 per table longer than that; PLUS, (B) with respect to gross income from the entire business in addition to the tax authorized by state law for each table:

Minimum on first \$2,000..... \$32.00 PLUS

Each additional \$1,000, over base of \$2,000..... \$1.26

- 9.1 NAICS 423930 – Junk or Scrap Dealers [Non-resident rates apply].**
 Minimum on first \$2,000..... \$41.00 PLUS
 Each additional \$1,000, over base of \$2,000..... \$1.66

- 9.2 NAICS 522298 – Pawn Brokers [All Types].**
 Minimum on first \$2,000..... \$161.00 PLUS
 Each additional \$1,000, over base of \$2,000..... \$2.88

- 9.3 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
 Each additional \$1,000, over base of \$2,000..... \$0.65
 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]

- 9.41** Regular activities [more than two sale periods of more than three days each per year]
 Minimum on first \$2,000..... \$200.00 PLUS
 Each additional \$1,000, over base of \$2,000..... \$1.00

- 9.42** Seasonal activities [not more than two sale periods of not more than three days each year, separate license required for each sale period]
 Minimum on first \$2,000..... \$200.00PLUS
 Each additional \$1,000, over base of \$2,000..... \$1.00

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

- 9.5 NAICS 713290 – Bingo halls, parlors.**
 Minimum on first \$2,000..... \$32.50 PLUS
 Each additional \$1,000, over base of \$2,000..... \$1.26

9.6 NAICS 711190 – Carnivals and Circuses.

Minimum on first \$2,000..... \$64.00 PLUS

Each additional \$1,000, over base of \$2,000..... \$2.52

9.7 NAICS 722410 – Drinking Places, bars, lounges, cabarets (Alcoholic beverages consumed on premises).

Minimum on first \$2,000..... \$272.00 PLUS

Each additional \$1,000, over base of \$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.

9.71 NAICS 722511-Restuarants serving Alcohol

Minimum on first \$2,000..... \$115.00 PLUS

Each additional \$1,000, over base of \$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.

Business License Class Schedule by NAICS Code

Appendix B

This appendix will be updated every odd year based on the latest available IRS statistics. The 2021 Business License Class Schedule may be accessed at:

APPENDIX B
2021 BUSINESS LICENSE CLASS SCHEDULE BY NAICS CODE

NAICS Sector/Subsector	Industry Sector	Class
11	Agriculture, forestry, hunting and fishing	2.00
21	Mining	4.00
31	Manufacturing	2.00
32	Manufacturing	2.00
33	Manufacturing	2.00
42	Wholesale trade	1.00
44	Retail trade	1.00
45	Retail trade	1.00
48	Transportation and warehousing	2.00
49	Transportation and warehousing	2.00
51	Information	4.00
52	Finance and insurance	7.00
53	Real estate and rental and leasing	7.00
54	Professional, scientific, and technical services	5.00
55	Management of companies	7.00
56	Administrative and support and waste management and remediation se	4.00
61	Educational services	4.00
62	Health care and social assistance	4.00
71	Arts, entertainment, and recreation	3.00
721	Accommodation	3.00
722	Food services and drinking places	1.00
81	Other services	5.00
Class 8	Mandatory or Recommended Subclasses	
23	Construction	8.10
482	Rail Transportation	8.20
517311	Wired Telecommunications Carriers	8.30
517312	Wireless Telecommunications Carriers (except Satellite)	8.30
5241	Insurance Carriers	8.40
5242	Insurance Brokers for non-admitted Insurance Carriers	8.40
713120	Amusement Parks and Arcades	8.51
713290	Nonpayout Amusement Machines	8.52
713990	All Other Amusement and Recreational Industries (pool tables)	8.60
Class 9	Optional Subclasses	
423930	Recyclable Material Merchant Wholesalers (Junk)	9.10
522298	Pawnshops	9.20
4411	Automobile Dealers	9.30
4412	Other Motor Vehicle Dealers	9.30
454390	Other Direct Selling Establishments (Regular Peddlers)	9.41
454390	Other Direct Selling Establishments (Seasonal Peddlers)	9.42
713290	Bingo Halls	9.50
711190	Other Performing Arts Companies (Carnivals and Circuses)	9.60
722410	Drinking Places (Alcoholic Beverages)	9.70
31	Manufacturing	9.80
32	Manufacturing	9.80
33	Manufacturing	9.80

Note: Class Schedule is based on 2017 IRS data.

Rate Schedule: Current & Proposed

Class	CURRENT BASE AND PER \$1,000 RATE		PROPOSED BASE AND PER \$1,000 RATE		CHANGE	% CHANGE
	Base	Existing Rate	Base	Proposed Rate	Increase (Decrease)	Increase (Decrease) % in \$1,000 Rate
Class 1	\$ 25.00	\$ 0.95	\$ 25.00	\$ 1.00	\$ 0.05	5.3%
Class 2	35.00	1.37	35.00	1.30	(0.07)	-5.1%
Class 3	45.00	1.79	45.00	1.60	(0.19)	-10.6%
Class 4	55.00	2.21	55.00	1.90	(0.31)	-14.0%
Class 5	65.00	2.63	65.00	2.20	(0.43)	-16.3%
Class 6	75.00	3.05	75.00	2.50	(0.55)	-18.0%
Class 7	85.00	3.47	85.00	2.80	(0.67)	-19.3%
<u>Class 8/Class 9</u>						
8.10	60.00	1.75	60.00	1.75	-	0.0%
8.4A/9.10	41.00	1.66	41.00	1.66	-	0.0%
8.4B/9.2	161.00	2.88	161.00	2.88	-	0.0%
8.5/9.3	20.00	0.65	20.00	0.65	-	0.0%
8.6/9.41/9.42	288.00	2.07	200.00	1.00	(1.07)	-51.7%
8.8A/8.51	12.50	1.75	12.50	1.75	-	0.0%
8.8B/9.6	64.00	2.52	65.00	2.52	-	0.0%
8.8C/8.52	12.50	1.75	12.50	1.75	-	0.0%
8.9A/9.5	32.50	1.26	32.50	1.26	-	0.0%
8.9B	230.00	5.76	-	-	(5.76)	-100.0%
8.9C/9.71	115.00	2.90	115.00	2.90	-	0.0%
8.9D/9.70	272.00	4.31	272.00	4.31	-	0.0%
8.10A/8.6	32.00	1.26	32.00	1.26	-	0.0%

NAICS SECTOR	INDUSTRY	# of BUSINESSES IN FY 2020	CURRENT CLASS	2021 CLASS UPDATE	CURRENT FEE (AVERAGE)	PROPOSED FEE (AVERAGE)	% INCREASE (DECREASE) IN PROPOSED FEE (AVERAGE)
<u>RATE CLASS INCREASES</u>							
	51 Information	11	3	4	\$ 1,542.00	\$ 1,801.00	16.8%
	511 Publishing (except internet)	9	2	4	1,120.00	1,896.00	69.3%
	512 Filming/Sound Recording	1	1	4	50.00	110.00	120.0%
	517 Telecommunications	3	3	4	3,429.00	4,281.00	24.8%
	522 Credit intermediation	24	4	7	1,293.00	2,273.00	75.8%
	524 Insurance Agents	9	6	7	4,197.00	4,840.00	15.3%
	532 Rental and Leasing Services	34	1	7	434.00	1,285.00	196.1%
	54 Professional/Scientific	33	3	5	480.00	601.00	25.2%
	5413 Architectural/Engineering	61	2	5	445.00	867.00	94.8%
	5416-9 Other Professional/Scientific	21	4	5	1,193.00	1,461.00	22.5%
	561 Administrative and Support	269	3	4	380.00	413.00	8.7%
	562 Waste Management	16	1	4	661.00	1,535.00	132.2%
	61 Educational Services	10	3	4	147.00	156.00	6.1%
	621 Health care and social assistance	75	3	4	1,911.00	2,037.00	6.6%
	623 Nursing and Residential Care	5	1	4	4,569.00	8,155.00	78.5%
	721 Accommodations - Hotels	17	2	3	2,121.00	2,914.00	37.4%
	811 Repair and Maintenance	62	1	5	203.00	590.00	190.6%
	8111 Auto Repair	28	2	5	1,247.00	2,459.00	97.2%
<u>RATE CLASS REMAINS THE SAME</u>							
	42 Wholesale Trade	45	1	1	1,253.00	1,316.00	5.0%
	44-45 Retail Trade	87	1	1	4,208.00	4,392.00	4.4%
	722 Food Services	5	1	1	1,424.00	477.00	-66.5%
	48-49 Transportation Warehousing	42	2	2	257.00	259.00	0.8%
	31-33 Manufacturing	27	2	2	1,119.00	1,074.00	-4.0%
	71 Art, Entertainment, Recreation	26	3	3	817.00	738.00	-9.7%
	53 Real Estate Rental & Leasing	339	7	7	666.00	539.00	-19.1%
	23 Constuction	543	8.1	8.1	561.00	561.00	0.0%
	441 Motor Vehicle Parts & Auto Dealer	9	9.3	9.3	14,492.00	14,492.00	0.0%
	454 Non Store Retailers	3	9.4	9.4	744.00	834.00	12.1%
	713 Amusement Machines	2	9.6	9.6	282.00	119.00	-57.8%
	722 Resturants with Alcohol	37	9.7	9.7	3,178.00	3,091.00	-2.7%
<u>RATE CLASS DECREASES</u>							
	44-45 Specialized Retail Trade	116	2	1	883.00	643.00	-27.2%
	51 Information	2	5	4	164.00	126.00	-23.2%
	54 Professional, Scientific, Technical	49	7	5	1,737.00	1,134.00	-34.7%
	7225 Fast Food	71	2	1	1,082.00	788.00	-27.2%
	81 Other Services	97	6	5	\$602.00	\$450.00	-25.2%



CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 9/7/2021
FROM: Kathy Todd
AGENDA ITEM
TITLE: ATAX Grant Recommendations
MEETING
DATE: 9/14/2021
DEPARTMENT: Finance

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR: Action

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
TDAC Recommendations on FY 2022 ATAX Grants	Cover Memo	9/7/2021

**City of Beaufort
FY2022 ATAX
TDAC Application and Presentation Scoring and
Grant Recommendations**

Applicant for FY 2022	Program/Event	FY 2022 Total Estimated Project or Event Cost	FY 2022 Project Funding from Other Sources	FY 2022 Request	Score	FY 2022 TDAC Recommended	% of Request	% of Total	FY2022 Approved
Greater Beaufort-Port Royal CVB/DMO	Sales Plan	35,000.00	12,500.00	22,500.00	4.68	20,000.00	89%	11%	
Greater Beaufort-Port Royal CVB/DMO	Destination Marketing	659,000.00	510,000.00	140,000.00	4.68	130,000.00	93%	71%	
Port Royal Sound Foundation	Outdoor Exhibits for the PRSF Maritime Center	13,750.00	6,875.00	6,875.00	4.20	3,750.00	55%	2%	
SC Lowcountry & Resort Islands Tourism Commission	Promotion of the City of Beaufort and SC Lowcountry	497,100.00	467,600.00	29,500.00	4.12	15,000.00	51%	8%	
Beaufort Sports Council	Sports Sales Initiative	45,000.00	25,000.00	20,000.00	3.77	12,731.21	64%	7%	
Friends of the Spanish Moss Trail	Visitor Rack Cards for Visitor Centers	1,307.45	653.00	654.45	3.54	654.45	100%	0%	
Historic Beaufort Foundation	John Mark Verdier House Museum Online Marketing	5,488.00	2,744.00	2,744.00	3.42	1,000.00	36%	1%	
Parris Island Heritage Foundation	Santa Elena Exhibit	26,996.00	23,996.00	13,000.00	3.15	-	0%	0%	
				\$ 235,273.45		\$ 183,135.66			\$ -
				\$ 183,135.66	Total Budget				
				\$ (0.00)	Amount Remaining				



CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 9/3/2021
FROM: Kathy Todd
AGENDA ITEM TITLE: Authorize City Manager to enter into Contract for Construction - Whitehall Drive Boardwalk project
MEETING DATE: 9/14/2021
DEPARTMENT: Finance

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR: Action

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Recommendation Memo	Cover Memo	9/3/2021
Draft Contract	Cover Memo	9/7/2021

CITY OF BEAUFORT - INTERNAL MEMORANDUM

TO: WILLIAM PROKOP
FROM: JOHN ROBINSON
SUBJECT: RFP 2021 – 119 WHITEHALL DRIVE BOARDWALK
DATE: 9/3/2021
CC: NEAL PUGLIESE, CARRIE GORSUCH, KATHY TODD

The City of Beaufort issued a Request for Proposal, RFP 2021 – 119 for construction of a Boardwalk to Whitehall Park on June 3, 2021. The RFP was posted on the City’s website, Vendor Registry, the State of South Carolina (SCBO) procurement website on June 3, 2021, and was advertised in the Island News on June 17th and June 24th, 2021.

The City received (2) sealed proposals by 2:00 PM on August 12, 2021. The proposals were publicly opened and read in accordance with the RFP notice at 2:01 PM on that day in an “in-person” meeting, simulcast via ZOOM conference meeting.

Bluetide Marine	Charleston SC	\$696,403.88
O’Quinn Marine	Beaufort SC	\$473,592.00

On Monday, August 30, 2021, the independent evaluation scores of the committee were combined and ranked. The selection committee of Neal Pugliese, Mark Sutton and Nate Farrow met on August 30, 2021 to discuss the results of the independent evaluations.

After discussing the ranking and merits of both proposals, the committee determined O’Quinn Marine Construction to be the most responsive bidder. O’Quinn Marine clearly demonstrated their history of quality work in wetland projects. O’Quinn Marine demonstrated an excellent understanding of the scope of work and received very good recommendations for similar work. O’Quinn Marine’s proposal is within budget.

The committee is unanimous in their recommendation of O’Quinn Marine Construction for the Whitehall Drive Boardwalk project RFP 2021-119.



William Prokop
CITY MANAGER
843-525-7070

COUNCIL MEMBERS:
Stephen Murray, Mayor
Mike McFee, Mayor Pro Tem
Philip Cromer
Neil Lipsitz
Mitch Mitchell

CITY OF BEAUFORT
1911 Boundary Street
BEAUFORT, SOUTH CAROLINA 29902

Standard Agreement Between
City of Beaufort and O'Quinn Marine Construction, INC.

where the basis of payment is a STIPULATED SUM

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 **September** in the year **2021**.

BETWEEN the Owner:

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

and the Contractor:

**O'QUINN MARINE CONSTRUCTION, INC.
95 SHEPPARD ROAD
BEAUFORT, SC 29902**

The Project is:

RFP 2021-119 Whitehall Drive Boardwalk

The Owner and O'Quinn Marine Construction, INC agree as follows:

ARTICLE 1 - THE DOCUMENTS

The contract Documents consist of this Agreement, **(City of Beaufort and O'Quinn Marine Construction, INC)** Conditions of the Contract (General, Supplementary and other Conditions), the Request for Proposal (RFP #2021-119) and the Proposal Submitted by O'Quinn Marine Construction, INC in response to this RFP, Drawings, Specifications, 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.



William Prokop
CITY MANAGER
843-525-7070

COUNCIL MEMBERS:
Stephen Murray, Mayor
Mike McFee, Mayor Pro Tem
Philip Cromer
Neil Lipsitz
Mitch Mitchell

CITY OF BEAUFORT
1911 Boundary Street
BEAUFORT, SOUTH CAROLINA 29902

ARTICLE 2 - THE WORK OF THIS AGREEMENT-

O'Quinn Marine Construction, INC 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 issue by the Owner.

NOTICE TO PROCEED WILL BE ISSUED WITHIN (1) DAY OF SIGNED AGREEMENT.

If, prior to the commencement of the Work, the Owner requires time to file mortgages, mechanic's liens and other security interests, the Owner's time requirement shall be as follows:

SEVEN (7) DAYS

3.2 Time shall be measured from the date of commencement.

3.3 **O'Quinn Marine Construction, INC** shall achieve Substantial Completion of the entire Work not later than 180 consecutive calendar days post contract, subject to adjustments of this Agreement as provided in the Contract Documents.

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:

(\$473,593.00) Four Hundred- Seventy-Three Thousand, Five Hundred Ninety-Three dollars and Zero cents subject to additions and deductions as provided in the Agreement.

ANY ADDITIONS ABOVE THE ORIGINAL DOLLAR AMOUNT WILL BE THE RESPONSIBILITY OF THE OWNER.

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: **None.**



William Prokop
CITY MANAGER
843-525-7070

COUNCIL MEMBERS:
Stephen Murray, Mayor
Mike McFee, Mayor Pro Tem
Philip Cromer
Neil Lipsitz
Mitch Mitchell

CITY OF BEAUFORT

1911 Boundary Street
BEAUFORT, SOUTH CAROLINA 29902

ARTICLE 5 - PAYMENTS

- 5.1 The payment shall be remitted when Tasks completed have been approved by the Owners Representative, and an invoice for said service has been submitted:
- 5.2 Final payment, constituting the entire balance of the Contract Sum, shall be made by the Owner to **O'Quinn Marine Construction, INC** when:
O'Quinn Marine Construction, INC has fully performed the Agreement except for the City's responsibility to correct Work, and to satisfy other requirements, if any, which extend beyond final payment.
- 5.3 The Owner's final payment to O'Quinn Marine Construction, INC shall be made no later than (5) five days after the acceptance and completion of work, by the City.

ARTICLE 6 - TERMINATION OR SUSPENSION

- 6.1 The Agreement may be terminated by the Owner or Consultant prior to work commencing.
- 6.2 The work may be suspended by the Owner.

ARTICLE 7 - MISCELLANEOUS PROVISIONS

- 7.1 The Owner's representative is:
NEAL PUGLIESE - PROJECT MANAGER
CITY OF BEAUFORT
1911 BOUNDARY STREET
BEAUFORT, SOUTH CAROLINA 29902
- 7.2 **O'QUINN MARINE CONSTRUCTION, INC** representative is:
ROBERT D. O'QUINN
95 SHEPPARD RD.
BEAUFORT, SC 29902
(843) 592-0906
- 7.3 Neither the Owner's nor the **O'QUINN MARINE CONSTRUCTION, INC** representative shall be changed without ten days' written notice to the other party.



William Prokop
CITY MANAGER
843-525-7070

COUNCIL MEMBERS:
Stephen Murray, Mayor
Mike McFee, Mayor Pro Tem
Philip Cromer
Neil Lipsitz
Mitch Mitchell

CITY OF BEAUFORT

1911 Boundary Street
BEAUFORT, SOUTH CAROLINA 29902

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 and (Owner) and O'Quinn Marine Construction, INC (Contractor)
- 8.1.2 The General Conditions are the Owner's General Conditions.
- 8.1.3 The Specifications are those of RFP 2021-119.
- 8.1.4 The Addenda, if any, are as follows:
1. **ADDENDA 1 - 3**
- 8.1.5 Other documents, if any, forming part of the Contract Documents are as follows:
- **THE REQUEST FOR PROPOSAL: RFP# 2021-119, AND THE PROPOSAL SUBMITTED IN RESPONSE TO THE RFP ARE ATTACHED HERETO AND BY THIS REFERENCE INCORPORATED HEREIN**
 - **CERTIFICATES OF LIABILITY AND WORKERS COMPENSATION INSURANCE**
 - **CITY OF BEAUFORT BUSINESS LICENSE**

THE CONTRACTOR, SUB RECIPIENT OR SUBCONTRACTOR SHALL NOT DISCRIMINATE ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, OR SEX IN THE PERFORMANCE OF THIS CONTRACT. THE CONTRACTOR SHALL CARRY OUT APPLICABLE REQUIREMENTS OF 49 CFR PART 26 IN THE AWARD AND ADMINISTRATION OF DOT-ASSISTED CONTRACTS. FAILURE BY THE CONTRACTOR TO CARRY OUT THESE REQUIREMENTS IS A MATERIAL BREACH OF THIS CONTRACT, WHICH MAY RESULT IN THE TERMINATION OF THIS CONTRACT OR SUCH OTHER REMEDY AS THE RECIPIENT DEEMS APPROPRIATE.



William Prokop
CITY MANAGER
843-525-7070

COUNCIL MEMBERS:
Stephen Murray, Mayor
Mike McFee, Mayor Pro Tem
Philip Cromer
Neil Lipsitz
Mitch Mitchell

CITY OF BEAUFORT
1911 Boundary Street
BEAUFORT, SOUTH CAROLINA 29902

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

WITNESS
(Signature)

(Printed Name)

CITY OF BEAUFORT
(Signature)

CITY MANAGER

O'Quinn Marine Construction, INC
(Signature)

(Printed name and title)



CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 9/3/2021
FROM: Kathy Todd
AGENDA ITEM TITLE: Authorize City Manager to enter into Contract for Renovations of Carnegie Building Windows
MEETING DATE: 9/14/2021
DEPARTMENT: Finance

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR: Action

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Recommendation Memo	Cover Memo	9/3/2021
Contract	Cover Memo	9/9/2021

CITY OF BEAUFORT - INTERNAL MEMORANDUM

TO: WILLIAM PROKOP
FROM: JOHN ROBINSON
SUBJECT: RFP 2021 – 116 CARNEGIE LIBRARY WINDOW RESTORATION
DATE: 9/3/2021
CC: LINDA ROPER, KATHY TODD

The City of Beaufort issued Request for Proposal, RFP 2021 – 116 for Restoration of the Carnegie Library Windows on June 1, 2021. The RFP was posted on the City’s website, Vendor Registry, the State of South Carolina (SCBO) procurement website on June 3, 2021, and was advertised in the Island News on June 3 and June 10, 2021.

The City received (4) sealed proposals by 2:00 PM on July 20, 2021. The proposals were publicly opened and read in accordance with the RFP notice at 2:01 PM on that day, in an “in-person” bid opening and simultaneously broadcast via Zoom Video Conference meeting.

Shenandoah Restorations, Irmo SC	\$117,711
IPW Construction Group, Charleston SC	\$186,942
Powell Brothers Construction, Beaufort SC	\$349,885
Huss, Inc. Charleston SC	\$182,160

On August 16, 2021, the independent evaluation scores of the committee were combined and ranked. The selection committee of Linda Roper, Betty Prime, and Nate Farrow met to discuss the independent evaluations and resolved to invite the top (2) proposers, Shenandoah Restorations and Huss, Inc, for interviews on August 25, 2021.

Following interviews, the committee discussed proposals and presentations, then determined Shenandoah Restoration to be the most responsive bidder. Shenandoah clearly demonstrated their history of quality work in restorations. Shenandoah presented a team of seasoned restoration staff who have worked as a team to complete restoration projects on time. Shenandoah presented a detailed timeline for each stage of the restoration process. Shenandoah demonstrated an excellent understanding of the scope of work and received very good recommendations on similar restoration work. Shenandoah’s proposal is within budget. The South Carolina Department of Archives and History approved Shenandoah Restorations as a qualified vendor as well as approved Shenandoah Restoration’s proposal as submitted.

The committee is unanimous in their recommendation of Shenandoah Restorations for the Carnegie Library Windows Restoration Project RFP 2021-116.



William Prokop
CITY MANAGER
843-525-7070

COUNCIL MEMBERS:
Stephen Murray, Mayor
Mike McFee, Mayor Pro Tem
Philip Cromer
Neil Lipsitz
Mitch Mitchell

CITY OF BEAUFORT
1911 Boundary Street
BEAUFORT, SOUTH CAROLINA 29902

Standard Agreement Between

City of Beaufort and Shenandoah Restorations, INC

where the basis of payment is a STIPULATED SUM

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 **September** in the year **2021**.

BETWEEN the Owner:

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

and the Contractor:

**Shenandoah Restoration, INC
Todd Selke
10229 Broad River RD
Irmo, SC 29063**

The Project is:

RFP 2021-116 Carnegie Library Windows Restoration

The Owner and Shenandoah Restoration, INC agree as follows:

ARTICLE 1 - THE DOCUMENTS

The contract Documents consist of this Agreement, (**City of Beaufort and Shenandoah Restorations, INC**) Conditions of the Contract (General, Supplementary and other Conditions), the Request for Proposal (RFP #2021-116) and the Proposal Submitted by Shenandoah Restorations, INC in response to this RFP, Drawings, Specifications, 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-

Shenandoah Restorations, INC shall fully execute the Work described in the Agreement, except to the extent specifically indicated in the Agreement to be the responsibility of others.



William Prokop
CITY MANAGER
843-525-7070

COUNCIL MEMBERS:
Stephen Murray, Mayor
Mike McFee, Mayor Pro Tem
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Mitch Mitchell

CITY OF BEAUFORT

1911 Boundary Street
BEAUFORT, SOUTH CAROLINA 29902

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 WITHIN (1) DAY OF SIGNED AGREEMENT.

If, prior to the commencement of the Work, the Owner requires time to file mortgages, mechanic's liens and other security interests, the Owner's time requirement shall be as follows:

SEVEN (7) DAYS

3.2 Time shall be measured from the date of commencement.

3.3 Shenandoah Restorations, INC shall achieve Substantial Completion of the entire Work not later than 6 months post contract, subject to adjustments of this Agreement as provided in the Contract Documents.

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.

Proposed cost of services is \$117,711 One Hundred- Seventeen Thousand, seven hundred and seventy-one dollars and zero cents.

The owner accepts Alternates 1,3, and 4 as follows:

Alternate No. 1 Install Window Film	\$13,170
Alternate No. 3 Door Restoration	\$ 9,900
Alternate No. 4 Unblock Window and Restore	\$16,080

The Contract Sum shall be: (\$156,861.00) One Hundred Fifty-Six Thousand, Eight Hundred Sixty One dollars and no cents subject to additions and deductions as provided in the Agreement.

ANY ADDITIONS ABOVE THE ORIGINAL DOLLAR AMOUNT WILL BE THE RESPONSIBILITY OF THE OWNER.

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: **None.**



William Prokop
CITY MANAGER
843-525-7070

COUNCIL MEMBERS:
Stephen Murray, Mayor
Mike McFee, Mayor Pro Tem
Philip Cromer
Neil Lipsitz
Mitch Mitchell

CITY OF BEAUFORT

1911 Boundary Street
BEAUFORT, SOUTH CAROLINA 29902

ARTICLE 5 - PAYMENTS

- 5.1 The payment shall be remitted when Tasks completed have been approved by the Owners Representative, and an invoice for said service has been submitted:
- 5.2 Final payment, constituting the entire balance of the Contract Sum, shall be made by the Owner to **Shenandoah Restorations, INC** when:
Shenandoah Restorations, INC has fully performed the Agreement except for the City's responsibility to correct Work, and to satisfy other requirements, if any, which extend beyond final payment.
- 5.3 The Owner's final payment to Shenandoah Restorations, INC shall be made no later than (5) five days after the acceptance and completion of work, by the City.

ARTICLE 6 - TERMINATION OR SUSPENSION

- 6.1 The Agreement may be terminated by the Owner or Consultant prior to work commencing.
- 6.2 The work may be suspended by the Owner.

ARTICLE 7 - MISCELLANEOUS PROVISIONS

- 7.1 The Owner's representative is:
LINDA ROPER – DIRECTOR OF DOWNTOWN OPERATIONS
CITY OF BEAUFORT
1911 BOUNDARY STREET
BEAUFORT, SOUTH CAROLINA 29902
- 7.2 **SHENANDOAH RESTORATIONS, INC** representative is:
TODD SELKE, PRESIDENT
10229 BROAD RIVER RD
IRMO, SC 29063
(803) 781-5722
SHENREST@BELLSOUTH.NET
- 7.3 Neither the Owner's nor the **SHENANDOAH RESTORATIONS, INC** representative shall be changed without ten days' written notice to the other party.



William Prokop
CITY MANAGER
843-525-7070

COUNCIL MEMBERS:
Stephen Murray, Mayor
Mike McFee, Mayor Pro Tem
Philip Cromer
Neil Lipsitz
Mitch Mitchell

CITY OF BEAUFORT

1911 Boundary Street
BEAUFORT, SOUTH CAROLINA 29902

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 and (Owner) and Shenandoah Restorations, INC (Contractor)
- 8.1.2 The General Conditions are the Owner's General Conditions.
- 8.1.3 The Specifications are those of RFP 2021-116.
- 8.1.4 The Addenda, if any, are as follows:
1. ADDENDA 1
- 8.1.5 Other documents, if any, forming part of the Contract Documents are as follows:
- **THE REQUEST FOR PROPOSAL: RFP# 2021-116, AND THE PROPOSAL SUBMITTED IN RESPONSE TO THE RFP ARE ATTACHED HERETO AND BY THIS REFERENCE INCORPORATED HEREIN**
 - **CERTIFICATES OF LIABILITY AND WORKERS COMPENSATION INSURANCE**
 - **CITY OF BEAUFORT BUSINESS LICENSE**

THE CONTRACTOR, SUB RECIPIENT OR SUBCONTRACTOR SHALL NOT DISCRIMINATE ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, OR SEX IN THE PERFORMANCE OF THIS CONTRACT. THE CONTRACTOR SHALL CARRY OUT APPLICABLE REQUIREMENTS OF 49 CFR PART 26 IN THE AWARD AND ADMINISTRATION OF DOT-ASSISTED CONTRACTS. FAILURE BY THE CONTRACTOR TO CARRY OUT THESE REQUIREMENTS IS A MATERIAL BREACH OF THIS CONTRACT, WHICH MAY RESULT IN THE TERMINATION OF THIS CONTRACT OR SUCH OTHER REMEDY AS THE RECIPIENT DEEMS APPROPRIATE.



William Prokop
CITY MANAGER
843-525-7070

COUNCIL MEMBERS:
Stephen Murray, Mayor
Mike McFee, Mayor Pro Tem
Philip Cromer
Neil Lipsitz
Mitch Mitchell

CITY OF BEAUFORT
1911 Boundary Street
BEAUFORT, SOUTH CAROLINA 29902

This Agreement is entered into as of the day and year first written above and is executed in at least three 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)

(Printed Name)

CITY OF BEAUFORT
(Signature)

CITY MANAGER

Shenandoah Restorations, INC
(Signature)

(Printed name and title)



CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 9/10/2021
FROM: Kathy Todd
AGENDA ITEM TITLE: Authorize approval of the 2020 Assistance to Firefighters Grant
MEETING DATE: 9/14/2021
DEPARTMENT: Finance

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR: Action

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Grant Award Package	Cover Memo	9/10/2021

Award Letter

U.S. Department of Homeland Security
Washington, D.C. 20472

Effective date: 08/20/2021



Kathy Todd
BEAUFORT CITY (INC)
1911 BOUNDARY ST
BEAUFORT, SC 29902

EMW-2020-FG-12163

Dear Kathy Todd,

Congratulations on behalf of the Department of Homeland Security. Your application submitted for the Fiscal Year (FY) 2020 Assistance to Firefighters Grant (AFG) Grant funding opportunity has been approved in the amount of \$418,060.29 in Federal funding. As a condition of this grant, you are required to contribute non-Federal funds equal to or greater than 10.0% of the Federal funds awarded, or \$41,806.03 for a total approved budget of \$459,866.32. Please see the FY 2020 AFG Notice of Funding Opportunity for information on how to meet this cost share requirement.

Before you request and receive any of the Federal funds awarded to you, you must establish acceptance of the award through the FEMA Grants Outcomes (FEMA GO) system. By accepting this award, you acknowledge that the terms of the following documents are incorporated into the terms of your award:

- Summary Award Memo - included in this document
- Agreement Articles - included in this document
- Obligating Document - included in this document
- 2020 AFG Notice of Funding Opportunity (NOFO) - incorporated by reference

Please make sure you read, understand, and maintain a copy of these documents in your official file for this award.

Sincerely,

A handwritten signature in blue ink that reads "Robert Farmer".

Robert Farmer
Acting Deputy Assistant Administrator
Grant Programs Directorate

Summary Award Memo

Program: Fiscal Year 2020 Assistance to Firefighters Grant

Recipient: BEAUFORT CITY (INC)

DUNS number: 047446984

Award number: EMW-2020-FG-12163

Summary description of award

The purpose of the Assistance to Firefighters Grant program is to protect the health and safety of the public and firefighting personnel against fire and fire-related hazards. After careful consideration, FEMA has determined that the recipient's project or projects submitted as part of the recipient's application and detailed in the project narrative as well as the request details section of the application - including budget information - was consistent with the Assistance to Firefighters Grant Program's purpose and was worthy of award.

Except as otherwise approved as noted in this award, the information you provided in your application for FY 2020 Fiscal Year (FY) 2020 Assistance to Firefighters Grants funding is incorporated into the terms and conditions of this award. This includes any documents submitted as part of the application.

Amount awarded table

The amount of the award is detailed in the attached Obligating Document for Award.

The following are the budgeted estimates for object classes for this award (including Federal share plus your cost share, if applicable):

Object Class	Total
Personnel	\$338,307.52
Fringe benefits	\$0.00
Travel	\$0.00
Equipment	\$0.00
Supplies	\$0.00
Contractual	\$121,558.80
Construction	\$0.00
Other	\$0.00
Indirect charges	\$0.00
Federal	\$418,060.29
Non-federal	\$41,806.03
Total	\$459,866.32
Program Income	\$0.00

Approved scope of work

After review of your application, FEMA has approved the below scope of work. Justifications are provided for any differences between the scope of work in the original application and the approved scope of work under this award. You must submit scope or budget revision requests for FEMA's prior approval, via an amendment request, as appropriate per 2 C.F.R. § 200.308 and the FY2020 AFG NOFO.

Approved request details:

Training

EMT (Advanced, Paramedic, Community Paramedic)

DESCRIPTION

Average cost of fringe benefits for backfill and overtime to send 6 Firefighters to EMT-B training.

QUANTITY	UNIT PRICE	TOTAL
0	\$0.00	\$0.00

BUDGET CLASS

Fringe benefits

CHANGE FROM APPLICATION

Quantity from 1 to 0
Price from \$10,773.00 to \$0.00

JUSTIFICATION

The award reflects a reduction from the amount requested in the application. This reduction removes ineligible costs for Fringe Benefits requested in the application.

EMT (Advanced, Paramedic, Community Paramedic)

DESCRIPTION

Contractual cost for instructor lead EMT-B class. Cost includes, instructor lead courses, required text books, clinical costs, testing and certification cost.

QUANTITY	UNIT PRICE	TOTAL
6	\$1,815.00	\$10,890.00

BUDGET CLASS

Contractual

EMT (Advanced, Paramedic, Community Paramedic)

DESCRIPTION

Average cost of backfill and overtime required to send 6 Firefighters to EMT-B training

QUANTITY	UNIT PRICE	TOTAL
1	\$30,780.00	\$30,780.00

BUDGET CLASS

Personnel

EMT (Advanced, Paramedic, Community Paramedic)

DESCRIPTION

Contractual cost for instructor lead EMT-A class. The price includes instructor led classes, all necessary test books, training materials, class room supplies, clinical costs, testing and certification.

QUANTITY	UNIT PRICE	TOTAL
12	\$1,918.40	\$23,020.80

BUDGET CLASS

Contractual

EMT (Advanced, Paramedic, Community Paramedic)

DESCRIPTION

Average personnel cost for including backfill and overtime to send 12 Firefighter to EMT-A.

QUANTITY	UNIT PRICE	TOTAL
1	\$43,528.90	\$43,528.90

BUDGET CLASS

Personnel

EMT (Advanced, Paramedic, Community Paramedic)

DESCRIPTION

Average cost of fringe benefits for 12 firefighters to attend EMT-A class.

QUANTITY	UNIT PRICE	TOTAL
0	\$0.00	\$0.00

BUDGET CLASS

Fringe benefits

CHANGE FROM APPLICATION

Quantity from 1 to 0

Price from \$15,235.12 to \$0.00

JUSTIFICATION

The award reflects a reduction from the amount requested in the application. This reduction removes ineligible costs for Fringe Benefits requested in the application.

Paramedic

DESCRIPTION

Average personnel cost for back-fill and overtime to send 8 firefighters to EMT-P school.

QUANTITY	UNIT PRICE	TOTAL
1	\$263,998.62	\$263,998.62

BUDGET CLASS

Personnel

Paramedic

DESCRIPTION

Average fringe benefits cost to send 8 firefighters to EMT-P school.

QUANTITY	UNIT PRICE	TOTAL
0	\$0.00	\$0.00

BUDGET CLASS

Fringe benefits

CHANGE FROM APPLICATION

Quantity from 1 to 0

Price from \$92,399.52 to \$0.00

JUSTIFICATION

The award reflects a reduction from the amount requested in the application. This reduction removes ineligible costs for Fringe Benefits requested in the application.

Paramedic

DESCRIPTION

Contractual cost to send 8 firefighters EMT-P training. The price includes instructor led classes, all necessary test books, training materials, class room supplies, clinical costs, testing and certification.

QUANTITY	UNIT PRICE	TOTAL
8	\$10,956.00	\$87,648.00

BUDGET CLASS

Contractual

Agreement Articles

Program: Fiscal Year 2020 Assistance to Firefighters Grant

Recipient: BEAUFORT CITY (INC)

DUNS number: 047446984

Award number: EMW-2020-FG-12163

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Article 1**Assurances, Administrative Requirements, Cost Principles, Representations and Certifications**

DHS financial assistance recipients must complete either the Office of Management and Budget (OMB) Standard Form 424B Assurances – Non-Construction Programs, or OMB Standard Form 424D Assurances – Construction Programs, as applicable. Certain assurances in these documents may not be applicable to your program, and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances applicable to their program as instructed by the awarding agency. Please contact the DHS FAO if you have any questions. DHS financial assistance recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at Title 2, Code of Federal Regulations (C.F.R.) Part 200, and adopted by DHS at 2 C.F.R. Part 3002. By accepting this agreement, the recipient and its executives, as defined in 2 C.F.R. § 170.315, certify that the recipient policies are in accordance with OMB guidance located at 2 C.F.R. Part 200, all applicable federal laws, and relevant Executive guidance.

Article 2**DHS Specific Acknowledgements and Assurances**

All recipients, subrecipients, successors, transferees, and assignees must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff. 1. Recipients must cooperate with any compliance reviews or compliance investigations conducted by DHS. 2. Recipients must give DHS access to, and the right to examine and copy, records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS regulations and other applicable laws or program guidance. 3. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports. 4. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance. 5. Recipients of federal financial assistance from DHS must complete the DHS Civil Rights Evaluation Tool within thirty (30) days of receipt of the Notice of Award or, for State Administrative Agencies, thirty (30) days from receipt of the DHS Civil Rights Evaluation Tool from DHS or its awarding component agency. After the initial submission for the first award under which this term applies, recipients are required to provide this information once every two (2) years if they have an active award, not every time an award is made. Recipients should submit the completed tool, including supporting materials, to CivilRightsEvaluation@hq.dhs.gov. This tool clarifies the civil rights obligations and related reporting requirements contained in the DHS Standard Terms and Conditions. Subrecipients are not required to complete and submit this tool to DHS. The evaluation tool can be found at <https://www.dhs.gov/publication/dhs-civil-rights-evaluation-tool>. The DHS Office for Civil Rights and Civil Liberties will consider, in its discretion, granting an extension if the recipient identifies steps and a timeline for completing the tool. Recipients should request extensions by emailing the request to CivilRightsEvaluation@hq.dhs.gov prior to expiration of the 30-day deadline.

Article 3**Acknowledgement of Federal Funding from DHS**

Recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposal, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

Article 4**Activities Conducted Abroad**

Recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

Article 5**Age Discrimination Act of 1975**

Recipients must comply with the requirements of the Age Discrimination Act of 1975, Pub. L. No. 94-135 (1975) (codified as amended at Title 42, U.S. Code, § 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.

Article 6**Americans with Disabilities Act of 1990**

Recipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, Pub. L. No. 101-336 (1990) (codified as amended at 42 U.S.C. §§ 12101–12213), which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.

Article 7**Best Practices for Collection and Use of Personally Identifiable Information**

Recipients who collect personally identifiable information (PII) are required to have a publicly available privacy policy that describes standards on the usage and maintenance of the PII they collect. DHS defines PII as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance at http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_guidance_june2010.pdf and Privacy Template at https://www.dhs.gov/sites/default/files/publications/privacy_pia_template_2017.pdf as useful resources respectively.

Article 8**Civil Rights Act of 1964 – Title VI**

Recipients must comply with the requirements of Title VI of the Civil Rights Act of 1964 (codified as amended at 42 U.S.C. § 2000d et seq.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.

Article 9**Civil Rights Act of 1968**

Recipients must comply with Title VIII of the Civil Rights Act of 1968, Pub. L. No. 90-284, as amended through Pub. L. 113-4, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (see 42 U.S.C. § 3601 et seq.), as implemented by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features. (See 24 C.F.R. Part 100, Subpart D.)

Article 10**Copyright**

Recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.

Article 11**Debarment and Suspension**

Recipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689, which are at 2 C.F.R. Part 180 as adopted by DHS at 2 C.F.R. Part 3000. These regulations restrict federal financial assistance awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.

Article 12**Drug-Free Workplace Regulations**

Recipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 C.F.R. Part 3001, which adopts the Government-wide implementation (2 C.F.R. Part 182) of Sec. 5152-5158 of the Drug-Free Workplace Act of 1988 (41 U.S.C. §§ 8101-8106).

Article 13**Duplication of Benefits**

Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies; to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions; or for other reasons. However, these prohibitions would not preclude recipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions.

<p>Article 14</p>	<p>Education Amendments of 1972 (Equal Opportunity in Education Act) – Title IX Recipients must comply with the requirements of Title IX of the Education Amendments of 1972, Pub. L. 92-318 (1972) (codified as amended at 20 U.S.C. § 1681 et seq.), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at 6 C.F.R. Part 17 and 44 C.F.R. Part 19.</p>
<p>Article 15</p>	<p>Energy Policy and Conservation Act Recipients must comply with the requirements of the Energy Policy and Conservation Act, Pub. L. 94- 163 (1975) (codified as amended at 42 U.S.C. § 6201 et seq.), which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.</p>
<p>Article 16</p>	<p>False Claims Act and Program Fraud Civil Remedies Recipients must comply with the requirements of the False Claims Act, 31 U.S.C. §§ 3729-3733, which prohibit the submission of false or fraudulent claims for payment to the federal government. (See 31 U.S.C. §§ 3801-3812, which details the administrative remedies for false claims and statements made.)</p>
<p>Article 17</p>	<p>Federal Debt Status All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129.)</p>
<p>Article 18</p>	<p>Federal Leadership on Reducing Text Messaging while Driving Recipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in E.O. 13513, including conducting initiatives described in Section 3(a) of the Order when on official government business or when performing any work for or on behalf of the federal government.</p>
<p>Article 19</p>	<p>Fly America Act of 1974 Recipients must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under 49 U.S.C. § 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974, 49 U.S.C. § 40118, and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.</p>

Article 20**Hotel and Motel Fire Safety Act of 1990**

In accordance with Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. § 2225a, recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of the Federal Fire Prevention and Control Act of 1974, (codified as amended at 15 U.S.C. § 2225.)

Article 21**Limited English Proficiency (Civil Rights Act of 1964, Title VI)**

Recipients must comply with Title VI of the Civil Rights Act of 1964, (42 U.S.C. § 2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance: <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.

Article 22**Lobbying Prohibitions**

Recipients must comply with 31 U.S.C. § 1352, which provides that none of the funds provided under a federal financial assistance award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification.

Article 23**National Environmental Policy Act**

Recipients must comply with the requirements of the National Environmental Policy Act of 1969 (NEPA), Pub. L. 91-190 (1970) (codified as amended at 42 U.S.C. § 4321 et seq.) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which require recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.

Article 24**Nondiscrimination in Matters Pertaining to Faith-Based Organizations**

It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.

Article 25 Non-Supplanting Requirement

Recipients receiving federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.

Article 26 Notice of Funding Opportunity Requirements

All the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated here by reference in the award terms and conditions. All recipients must comply with any such requirements set forth in the program NOFO.

Article 27 Patents and Intellectual Property Rights

Recipients are subject to the Bayh-Dole Act, 35 U.S.C. § 200 et seq, unless otherwise provided by law. Recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from federal financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. § 401.14.

Article 28 Procurement of Recovered Materials

States, political subdivisions of states, and their contractors must comply with Section 6002 of the Solid Waste Disposal Act, Pub. L. 89-272 (1965), (codified as amended by the Resource Conservation and Recovery Act, 42 U.S.C. § 6962.) The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.

Article 29 Rehabilitation Act of 1973

Recipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112 (1973) (codified as amended at 29 U.S.C. § 794) which provides that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Article 30 Reporting of Matters Related to Recipient Integrity and Performance

If the total value of any currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this federal award, then the recipients must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.

Article 31**Reporting Subawards and Executive Compensation**

Recipients are required to comply with the requirements set forth in the government-wide award term on Reporting Subawards and Executive Compensation located at 2 C.F.R. Part 170, Appendix A, the full text of which is incorporated here by reference in the award terms and conditions.

Article 32**SAFECOM**

Recipients receiving federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

Article 33**Terrorist Financing**

Recipients must comply with E.O. 13224 and U.S. laws that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws.

Article 34**Trafficking Victims Protection Act of 2000 (TVPA)**

Recipients must comply with the requirements of the government-wide financial assistance award term which implements Section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), codified as amended at 22 U.S.C. § 7104. The award term is located at 2 C.F.R. § 175.15, the full text of which is incorporated here by reference.

Article 35**Universal Identifier and System of Award Management**

Recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated here by reference.

Article 36**USA PATRIOT Act of 2001**

Recipients must comply with requirements of Section 817 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), Pub. L. No. 107-56, which amends 18 U.S.C. §§ 175-175c.

Article 37**Use of DHS Seal, Logo and Flags**

Recipients must obtain permission from their DHS FAO prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

Article 38**Whistleblower Protection Act**

Recipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C § 2409, 41 U.S.C. § 4712, and 10 U.S.C. § 2324, 41 U.S.C. §§ 4304 and 4310.

Article 39**Acceptance of Post Award Changes**

In the event FEMA determines that changes are necessary to the award document after an award has been made, including changes to period of performance or terms and conditions, recipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate recipient acceptance of the changes to the award. Please call the FEMA/GMD Call Center at (866) 927-5646 or via e-mail to ASK-GMD@fema.dhs.gov if you have any questions.

Article 40**Prior Approval for Modification of Approved Budget**

Before making any change to the FEMA approved budget for this award, you must request prior written approval from FEMA where required by 2 C.F.R. § 200.308. FEMA is also utilizing its discretion to impose an additional restriction under 2 C.F.R. § 200.308(f) regarding the transfer of funds among direct cost categories, programs, functions, or activities. Therefore, for awards with an approved budget where the federal share is greater than the simplified acquisition threshold (currently \$250,000), you may not transfer funds among direct cost categories, programs, functions, or activities without prior written approval from FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget FEMA last approved. You must report any deviations from your FEMA approved budget in the first Federal Financial Report (SF-425) you submit following any budget deviation, regardless of whether the budget deviation requires prior written approval.

Article 41**Disposition of Equipment Acquired Under the Federal Award**

When original or replacement equipment acquired under this award by the recipient or its subrecipients is no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, you must request instructions from FEMA to make proper disposition of the equipment pursuant to 2 C.F.R. § 200.313.

Article 42**Environmental Planning and Historic Preservation (EHP) Review**

DHS/FEMA funded activities that may require an EHP review are subject to the FEMA Environmental Planning and Historic Preservation (EHP) review process. This review does not address all federal, state, and local requirements.

Acceptance of federal funding requires recipient to comply with all federal, state, and local laws. DHS/FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by DHS/FEMA grant funds, through its EHP Review process, as mandated by the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and, any other applicable laws and Executive Orders. To access the FEMA EHP screening form and instructions, go to the DHS/FEMA website at:

<https://www.fema.gov/media-library/assets/documents/90195>. In order to initiate EHP review of your project(s), you must complete all relevant sections of this form and submit it to the Grant Programs Directorate (GPD) along with all other pertinent project information. The EHP review process must be completed before funds are released to carry out the proposed project; otherwise, DHS/FEMA may not be able to fund the project due to noncompliance with EHP laws, executive order, regulations, and policies. If ground disturbing activities occur during construction, applicant will monitor ground disturbance, and if any potential archeological resources are discovered, applicant will immediately cease work in that area and notify the pass-through entity, if applicable, and DHS/FEMA.

Article 43**Award Performance Goals**

FEMA will measure the recipient's performance of the grant by comparing the number of items requested in its application, the numbers acquired (ordered, paid, and received) within the period of performance. In order to measure performance, FEMA may request information throughout the period of performance. In its final performance report submitted at closeout, the recipient is required to report on the recipients compliance with the applicable industry, local, state and national standards described in the NOFO.

Obligating document

1. Agreement No. EMW-2020-FG-12163	2. Amendment No. N/A	3. Recipient No. 576000223	4. Type of Action AWARD	5. Control No. WX00641N2021T		
6. Recipient Name and Address BEAUFORT CITY (INC) 1911 BOUNDARY ST BEAUFORT, SC 29902		7. Issuing FEMA Office and Address Grant Programs Directorate 500 C Street, S.W. Washington DC, 20528-7000 1-866-927-5646		8. Payment Office and Address FEMA, Financial Services Branch 500 C Street, S.W., Room 723 Washington DC, 20742		
9. Name of Recipient Project Officer Kathy Todd		9a. Phone No. 8439419003	10. Name of FEMA Project Coordinator Assistance to Firefighters Grants Grant Program		10a. Phone No. 1-866-274-0960	
11. Effective Date of This Action 08/20/2021	12. Method of Payment OTHER - FEMA GO	13. Assistance Arrangement COST SHARING		14. Performance Period 08/27/2021 to 08/26/2023 Budget Period 08/27/2021 to 08/26/2023		
15. Description of Action a. (Indicate funding data for awards or financial changes)						
Program Name Abbreviation	Assistance Listings No.	Accounting Data(ACCS Code)	Prior Total Award	Amount Awarded This Action + or (-)	Current Total Award	Cumulative Non-Federal Commitment
AFG	97.044	2021-F0-GB01 - P410-xxxx-4101-D	\$0.00	\$418,060.29	\$418,060.29	\$41,806.03
Totals			\$0.00	\$418,060.29	\$418,060.29	\$41,806.03
b. To describe changes other than funding data or financial changes, attach schedule and check here: N/A						
16. FOR NON-DISASTER PROGRAMS: RECIPIENT IS REQUIRED TO SIGN AND RETURN THREE (3) COPIES OF THIS DOCUMENT TO FEMA (See Block 7 for address) This field is not applicable for digitally signed grant agreements						

17. RECIPIENT SIGNATORY OFFICIAL (Name and Title)	DATE
18. FEMA SIGNATORY OFFICIAL (Name and Title)	DATE
Robert Farmer, Acting Deputy Assistant Administrator Grant Programs Directorate	08/20/2021



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 8/31/2021
FROM: Bill Prokop, City Manager
AGENDA ITEM
TITLE: Resolution for the Calhoun Stormwater and Streetscape improvement Project
MEETING
DATE: 9/14/2021
DEPARTMENT: City Managers Office

BACKGROUND INFORMATION:

Authorization for the City Manager to prepare and submit a Community Development Block Grant (CDBG) Community Enrichment Application for the Calhoun Street Stormwater and Streetscape Improvement Project. To commit funds in the amount of 10% of the grant to meet the matching commitment of the Community Development Program along with \$1,912,930.23 in additional funds needed to complete this project and commit to sharing cost savings on a pro rata basis.

PLACED ON AGENDA FOR: Action

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Resolution	Backup Material	9/13/2021

RESOLUTION

WHEREAS, the need to address quality of life issues for the City of Beaufort, and addressing the concerns and issues of low-to-moderate income residents is a priority for the City. Stormwater and Streetscape Improvements have been identified as a priority community need for the City of Beaufort, and

WHEREAS, the City of Beaufort wishes to address this need by making application to the South Carolina Department of Commerce, Division of Grants Administration for Community Enrichment.

WHEREAS, the completion of this project would benefit approximately 11,770 persons, of which 51.66% qualify as having low-to-moderate incomes. The project area includes the City of Beaufort.

NOW THEREFORE BE IT RESOLVED by the City Council of Beaufort, South Carolina, that

1. City Council hereby endorses the City of Beaufort’s Calhoun Stormwater and Streetscape Improvement Project because it will greatly improve the quality of life for the residents of the city.

2. The City Manager shall be and is authorized to prepare and submit a Community Development Block Grant (CDBG) Community Enrichment Application for the City of Beaufort’s Calhoun Stormwater and Streetscape Improvement Project, to commit funds in the amount of 10% of the grant to meet the matching commitment of the Community Development Program along with \$1,912,930.23 in additional funds needed to complete this project and commit to sharing cost savings on a pro rata basis.

ADOPTED THIS _____ DAY OF September 2021.

Stephen D. Murray III, Mayor
City of Beaufort

ATTEST:

Traci Guldner
Clerk to Council



CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 9/12/2021
FROM: Bill Prokop, City Manager
AGENDA ITEM TITLE: Ordinance amending Part 3, Chapter 1, Article A, Section 3-1004 of the City Code of Ordinances, to provide for civil penalties for failure to remove building materials and other obstructions to City Streets beyond time periods established by City Manager - 1st Reading
MEETING DATE: 9/14/2021
DEPARTMENT: City Managers Office

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR: Action

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Ordinance	Backup Material	9/12/2021

ORDINANCE

Amending Part 3 Chapter 1 Article A, Section 3-1004 of the City Code of Ordinances, to provide for civil penalties for failure to remove building materials and other obstructions to City Streets beyond time periods established by City Manager

WHEREAS, Section 3-1004 of the City Code of Ordinances prohibits building and related materials to be placed in, or to obstruct any sidewalk, street or public place in the City until and unless permission is first obtained from the City Manager; and,

WHEREAS, Section 3-1004 further provides that the permission given by the City Manager shall contain such reasonable conditions as the Manager may consider necessary or proper for the protection of the public, the public property, and businesses affected by the obstruction, including time restrictions; and,

WHEREAS, Section 3-1004 does not contain any provision for enforcement of such conditions, or penalties to be imposed for willful violation of such conditions; and,

WHEREAS, City Council finds it necessary and appropriate to establish time guidelines for such obstruction of public rights of way, and civil penalties for the willful violation of such guidelines;

NOW THEREFORE, be it ordained by the City Council of Beaufort, SC, in council duly assembled, and by the authority of the same, that Section 3-1004 of the City Code of Ordinances shall be amended as follows:

The current paragraph shall be designated as paragraph (a).

Add the following:

(b) Unless otherwise agreed or permitted in writing from the City Manager, if a roadway, sidewalk, or right-of-way is blocked, and must be closed off to public access due to the fault of a private party, and not caused by an event of nature such as a hurricane, flood, or windstorm, the obstructed area shall be reopened for public access and use within seven (7) days from the date of initial closure. Unless otherwise agreed in writing from the City Manager, on the 8th day a fine of \$180.00 per day thereafter will be assessed to the party responsible for the obstruction and closure. If the obstruction is not removed, on the 22nd day after the initial closure and, and for each day thereafter, the fine shall be \$500.00 per day until the obstruction is removed and the road, sidewalk or right-of-way is open to public access and use.

(c) The party responsible for the obstruction shall pay for all costs of block or obstruction aid, signage, and any personnel cost to the City for employee services

required to safely block off the area, including extra personnel that may be required to patrol the area. Enforcement of these requirements, and the assessment of any fines, shall be the responsibility of City Code Enforcement Department, the Beaufort Police Department, or other personnel designated by the City Manager.

This Ordinance shall become effective upon adoption.

STEPHEN D. MURRAY, III, MAYOR

ATTEST:

TRACI GULDNER, CITY CLERK

1ST Reading _____

2nd Reading and Adoption _____

Reviewed by: _____

WILLIAM B. HARVEY, III, CITY ATTORNEY