



CITY OF BEAUFORT
1911 BOUNDARY STREET
BEAUFORT MUNICIPAL COMPLEX
BEAUFORT, SOUTH CAROLINA 29902
(843) 525-7070
CITY COUNCIL REGULAR MEETING AGENDA
December 15, 2020

STATEMENT OF MEDIA NOTIFICATION

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

REGULAR MEETING - Electronic Meeting - 7:00 PM

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

I. CALL TO ORDER

A. Stephen Murray, Mayor

II. INVOCATION AND PLEDGE OF ALLEGIANCE

A. Phil Cromer, Councilman

III. CITY COUNCIL ORGANIZATION

A. Mayor Pro Tem Nomination

IV. PUBLIC COMMENT

V. PUBLIC HEARING

- A. Annexation of five contiguous parcels - Tax Map Parcels R100-028-00A-0409-0000, 13 Old Jericho Road, R100-028-00A-0410-0000, 17 Old Jericho Road, R100-028-00A-0411-0000, 19 Old Jericho Road, R100-028-00A-0412-0000, Old Jericho Road (Vacant), and R100-028-00A-0413-0000, 25 Old Jericho Road - totaling approximately 4.57 Acres
- B. Zoning of five contiguous parcels - Tax Map Parcels R100-028-00A-0409-0000, 13 Old Jericho Road, R100-028-00A-0410-0000, 17 Old Jericho Road, R100-028-00A-0411-0000, 19 Old Jericho Road, R100-028-00A-0412-0000, Old Jericho Road (Vacant), and R100-028-00A-0413-0000, 25 Old Jericho Road - totaling approximately 4.57 Acres

VI. NEW BUSINESS

- A. Tax Anticipation Note Ordinance - 1st Reading
- B. Business License Ordinance Amendment - 1st Reading
- C. Ordinance setting election, related dates, and filing fee for Special Election of Unexpired Term for City Council - 1st Reading

- D. Ordinance amending Lady's Island Marina Planned Unit Development (PUD) - 1st Reading
- E. Authorization to allow release of 1.1% Hospitality Tax Funds to qualified Non-Profits
- F. Release of Committed Fund Balance for Capital Projects
- G. Release of Committed Fund Balance for Redevelopment
- H. Authorization to allow City Manager to execute contract with Barrs Recreation LC
- I. Authorization to allow City Manager to execute contract with Meadors, Inc
- J. Authorization to allow City Manager to enter into Contract with John Milner Architects, Inc.

VII. REPORTS

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

VIII.ADJOURN



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 12/10/2020
FROM: Community and Economic Development Department
AGENDA ITEM TITLE: Annexation of five contiguous parcels - Tax Map Parcels R100-028-00A-0409-0000, 13 Old Jericho Road, R100-028-00A-0410-0000, 17 Old Jericho Road, R100-028-00A-0411-0000, 19 Old Jericho Road, R100-028-00A-0412-0000, Old Jericho Road (Vacant), and R100-028-00A-0413-0000, 25 Old Jericho Road - totaling approximately 4.57 Acres
MEETING DATE: 12/15/2020
DEPARTMENT: Community and Economic Development

BACKGROUND INFORMATION:

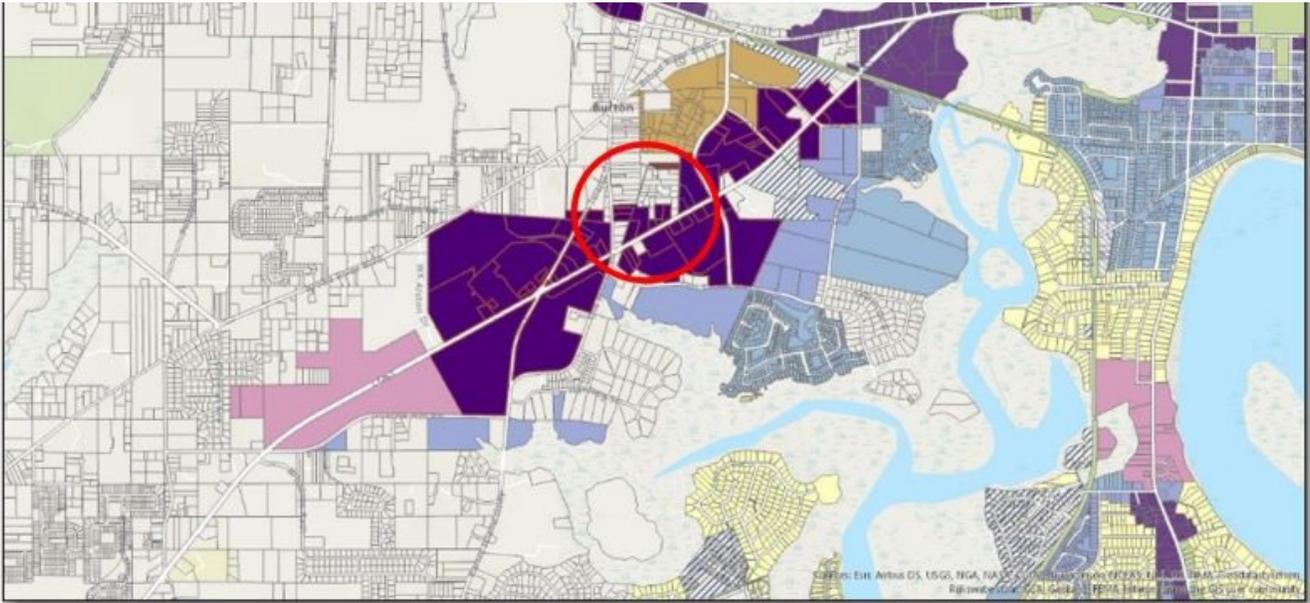
Subject Parcels: R100-028-00A-0409-0000, 13 Old Jericho Road, R100-028-00A-0410-0000, 17 Old Jericho Road, R100-028-00A-0411-0000, 19 Old Jericho Road, R100-028-00A-0412-0000, Old Jericho Road (Vacant), and R100-028-00A-0413-0000, 25 Old Jericho Road - totaling approximately 4.57 Acres

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

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

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





PLACED ON AGENDA FOR: Discussion

REMARKS:

Public hearing notices:

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

ATTACHMENTS:

Description	Type	Upload Date
Petition of Annexation	Cover Memo	12/10/2020
Annexation Exhibit	Cover Memo	12/10/2020

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

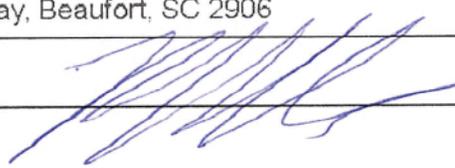
We, the undersigned freeholders, pursuant to Section 5-3-150(3), South Carolina Code of Laws, 1976, as amended, do pray that your Honorable Body accept the petition and annex the enclosed described area, and enact an Ordinance declaring the area annexed to the City of Beaufort with full City privileges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

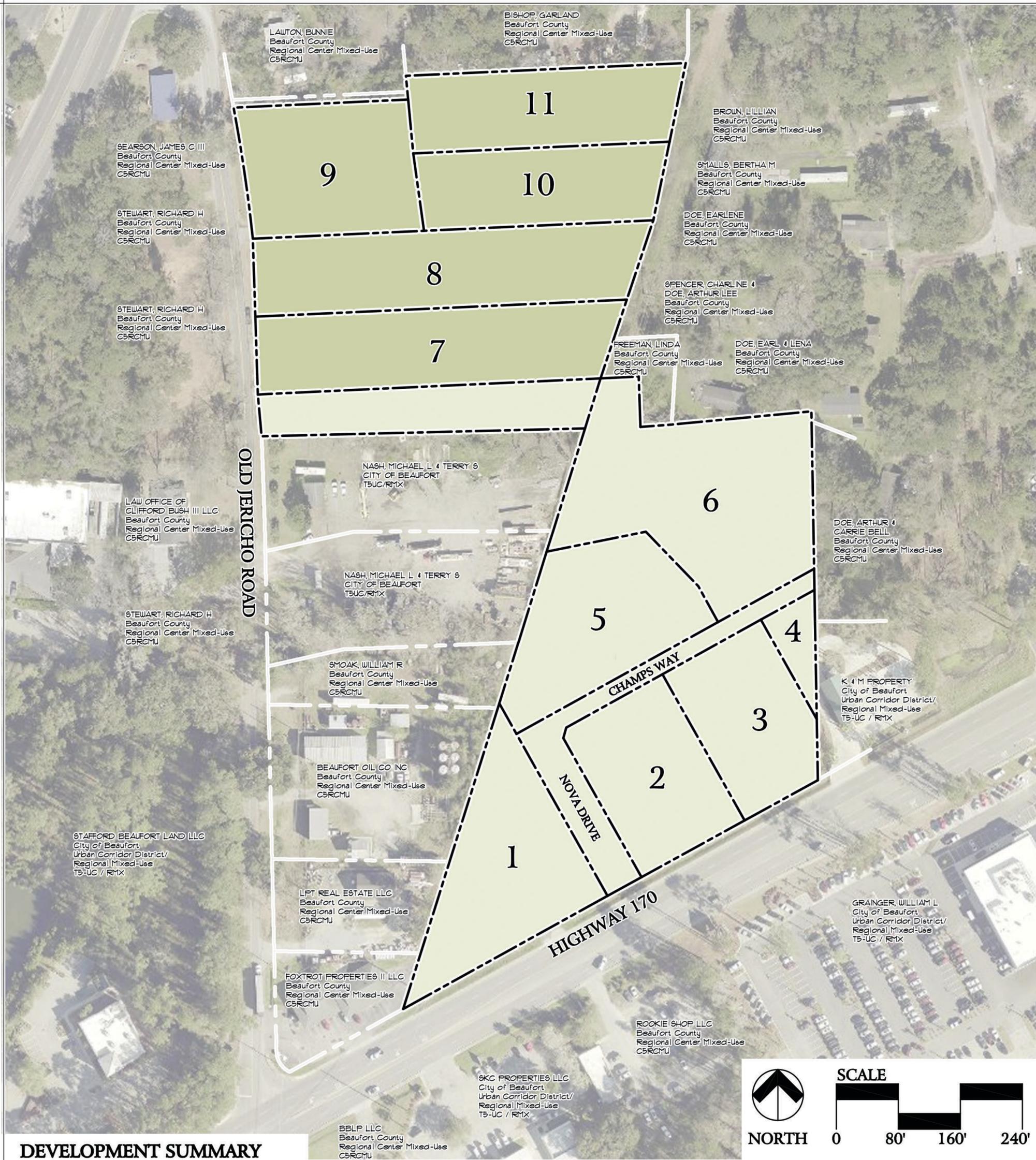
The City of Beaufort shall furnish and render as promptly as practical to said area, its residents and properties, all of privileges, benefits, rights and services now and hereinafter to be accorded the citizens within the corporate limits of the City of Beaufort in every particular under its charter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

The petitioning area to be annexed is described as follows:

See attached Narrative and Malvern Center Zoning/Annexation Exhibit

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

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



DEVELOPMENT SUMMARY

MALVERN CENTER EXISTING MASTER PLAN

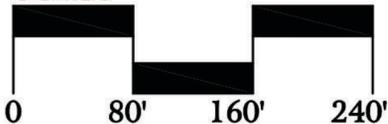
#	PIN	AREA	ZONING	USE
1	R120-029-000-108H-0000	1.060 ac	City of Beaufort - T5-UC / RMX	Commercial
2	R122-028-00A-0467-0000	0.750 ac	City of Beaufort - T5-UC / RMX	Commercial
3	R122-028-00A-0477-0000	0.690 ac	City of Beaufort - T5-UC / RMX	Commercial
4	R122-028-00A-0480-0000	0.133 ac	City of Beaufort - T5-UC / RMX	Open Space-Lagoon
5	R122-028-00A-0479-0000	0.926 ac	City of Beaufort - T5-UC / RMX	Open Space-Lagoon
6	R122-028-00A-0478-0000	2.060 ac	City of Beaufort - T5-UC / RMX	Vacant

ANNEXATION PARCELS

#	PIN	AREA	ZONING	USE
7	R100-028-00A-0413-0000	1.061 ac	Beaufort County - C5RCMU	Residential
8	R100-028-00A-0412-0000	1.142 ac	Beaufort County - C5RCMU	Vacant
9	R100-028-00A-0410-0000	0.860 ac	Beaufort County - C5RCMU	Residential
10	R100-028-00A-0411-0000	0.720 ac	Beaufort County - C5RCMU	Residential
11	R100-028-00A-0409-0000	0.790 ac	Beaufort County - C5RCMU	Vacant



SCALE



PREPARED FOR:
Randy Mikals

PREPARED BY:
J. K. TILLER ASSOCIATES, INC.



LAND PLANNING LANDSCAPE ARCHITECTURE
181 BLUFFTON ROAD, SUITE F203 BLUFFTON, SC 29910
Voice 843.815.4800 jktiller@jktiller.com Fax 843.815.4802

MALVERN CENTER

ZONING/ ANNEXATION EXHIBIT

CITY OF BEAUFORT, SOUTH CAROLINA

OCTOBER 7, 2020

THIS IS A CONCEPTUAL PLAN AND IS SUBJECT TO CHANGE. ALL SURVEY INFORMATION AND SITE BOUNDARIES WERE COMPILED FROM A VARIETY OF UNVERIFIED SOURCES AT VARIOUS TIMES AND AS SUCH ARE INTENDED TO BE USED ONLY AS A GUIDE. ALL PROPERTY LINES, TRACT DIMENSIONS AND NARRATIVE DESCRIPTIONS ARE FOR GRAPHIC REPRESENTATION ONLY, AS AN AID TO SITE LOCATION AND POTENTIAL LAND USE, AND ARE NOT LEGAL REPRESENTATIONS AS TO FUTURE USES OR LOCATIONS. J. K. TILLER ASSOCIATES, INC. ASSUMES NO LIABILITY FOR ITS ACCURACY OR STATE OF COMPLETION, OR FOR ANY DECISIONS (REQUIRING ACCURACY) WHICH THE USER MAY MAKE BASED ON THIS INFORMATION.



CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 12/10/2020
FROM: Community and Economic Development Department
AGENDA ITEM TITLE: Zoning of five contiguous parcels - Tax Map Parcels R100-028-00A-0409-0000, 13 Old Jericho Road, R100-028-00A-0410-0000, 17 Old Jericho Road, R100-028-00A-0411-0000, 19 Old Jericho Road, R100-028-00A-0412-0000, Old Jericho Road (Vacant), and R100-028-00A-0413-0000, 25 Old Jericho Road - totaling approximately 4.57 Acres
MEETING DATE: 12/15/2020
DEPARTMENT: Community and Economic Development

BACKGROUND INFORMATION:

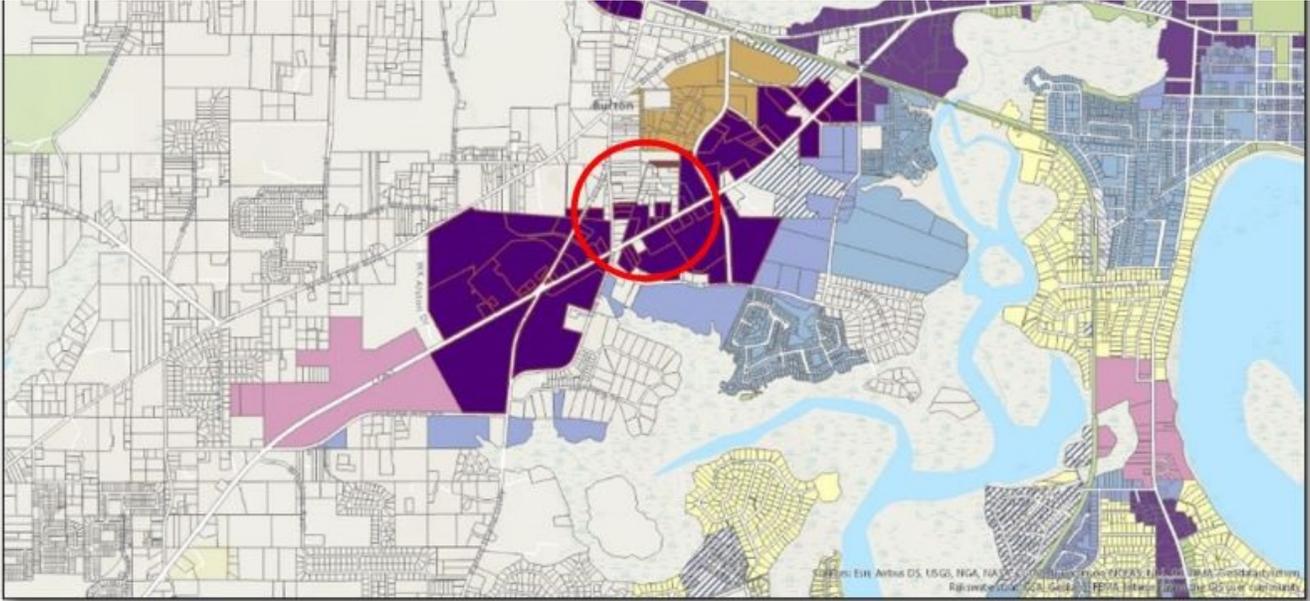
Subject Parcels: R100-028-00A-0409-0000, 13 Old Jericho Road, R100 028-00A-0410-0000, 17 Old Jericho Road, R100-028-00A-0411-0000, 19 Old Jericho Road, R100-028-00A-0412-0000, Old Jericho Road (Vacant), and R100-028-00A-0413-0000, 25 Old Jericho Road - totaling approximately 4.57 Acres

Current Zoning (County): All parcels are currently zoned C5RCMU Regional Center Mixed Use Current Land Use: All parcels are currently vacant and have historically been occupied for residential purposes

Requested Zoning (contingent upon annexation): T5-UC/RMX (T5-Urban Corridor District/Regional Mixed-Use)

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





PLACED ON AGENDA FOR: Discussion

REMARKS:

Rezoning is contingent upon annexation

Public hearing notices:

- On November 24, 2020, a classified ad was published in the Beaufort Gazette;
- On November 24, 2020, a classified ad was published in the Island Packet;
- On December 2, 2020, post cards were sent to adjacent property owners within 200 feet of the subject properties; and
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ATTACHMENTS:

Description	Type	Upload Date
Rezoning Application	Cover Memo	12/10/2020
Rezoning Exhibit	Cover Memo	12/10/2020



REZONING APPLICATION (EXCEPT FOR PUDS)

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

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

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

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

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

Applicant, Owner and Property Information

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

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

Applicant Name: Josh K. Tiller, PLA, ASLA

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

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

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

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

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

Present zone classification:

Requested zone classification:

Total area of property: Combined Acreage: 4.572 AC

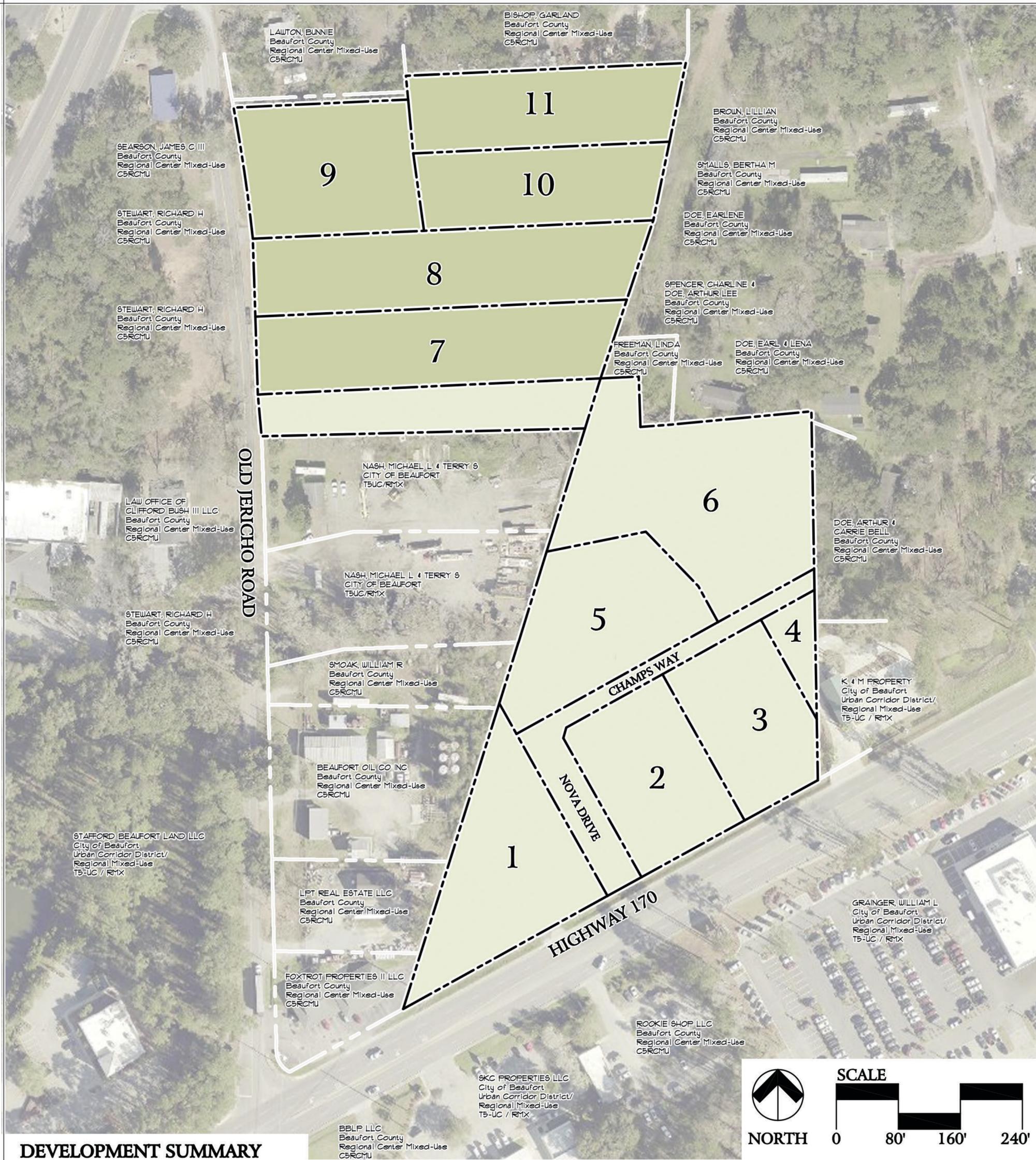
Existing land use: Regional Center Mixed-Use (C5RCMU)- Beaufort County

Desired land use: T5UC/RMX

Reasons for requesting rezoning: See attached narrative

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

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



DEVELOPMENT SUMMARY

MALVERN CENTER EXISTING MASTER PLAN

#	PIN	AREA	ZONING	USE
1	R120-029-000-108H-0000	1.060 ac	City of Beaufort - T5-UC / RMX	Commercial
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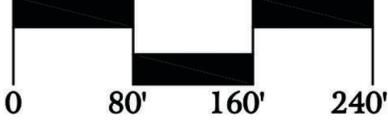
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NORTH

SCALE



PREPARED FOR:
Randy Mikals

PREPARED BY:
J. K. TILLER ASSOCIATES, INC.



LAND PLANNING LANDSCAPE ARCHITECTURE
181 BLUFFTON ROAD, SUITE F203 BLUFFTON, SC 29910
Voice 843.815.4800 jktiller@jktiller.com Fax 843.815.4800

MALVERN CENTER ZONING/ ANNEXATION EXHIBIT

CITY OF BEAUFORT, SOUTH CAROLINA

OCTOBER 7, 2020

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CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 11/30/2020
FROM: Kathy Todd
AGENDA ITEM
TITLE: Tax Anticipation Note Ordinance - 1st Reading
MEETING
DATE: 12/15/2020
DEPARTMENT: Finance

BACKGROUND INFORMATION:

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

PLACED ON AGENDA FOR: Action

REMARKS:

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

ATTACHMENTS:

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

ORDINANCE 2020-__

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

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

ARTICLE I

FINDINGS OF FACT

Section 1.01

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

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

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

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

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

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

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

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

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

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

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

ARTICLE II

ISSUANCE OF NOTE

Section 2.01

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

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

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

Section 2.02

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

Section 2.03

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

Section 2.04

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

Section 2.05

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

Section 2.06

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

Section 2.07

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

Section 2.08

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

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

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

Section 2.09

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

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

Section 2.10

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

Section 2.11

This Ordinance shall become effective upon its second reading.

[Remainder of Page Left Blank]

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

CITY OF BEAUFORT, SOUTH CAROLINA

(SEAL)

Mayor

Attest:

City Clerk
City of Beaufort, South Carolina

First Reading: December 15, 2020

Second Reading: January 12, 2021

FORM OF NOTE

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

Original Issue Date: _____, 2021

Registered Holder: _____

Principal Amount: _____ Dollars (\$ _____)

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

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

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

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

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

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

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

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

**CITY OF BEAUFORT,
SOUTH CAROLINA**

(SEAL)

City Manager

Attest:

City Clerk
City of Beaufort, South Carolina

REQUEST FOR DISBURSEMENT

TO: _____

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

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

**CITY OF BEAUFORT,
SOUTH CAROLINA**

By: _____
City Manager

City Clerk

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

By: _____
Its: _____



CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 12/8/2020
FROM: Kathy Todd
AGENDA ITEM
TITLE: Business License Ordinance Amendment - 1st Reading
MEETING
DATE: 12/15/2020
DEPARTMENT: Finance

BACKGROUND INFORMATION:

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

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

PLACED ON AGENDA FOR: Action

REMARKS:

Approved amendments to the Business License Ordinance.

ATTACHMENTS:

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

Sec. 7-1001. - License required.

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

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

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

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

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

Sec. 7-1002. - Definitions.

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

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

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

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

(4) City means the City of Beaufort.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 7-1004. - License Tax .

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

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

Year of Operation

License Tax

1st renewal of license40% of applicable tax

2nd renewal of license60% of applicable tax

3rd and subsequent renewal of license100% of applicable tax

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

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

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

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

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

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

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

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

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

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

Sec. 7-1005. - Registration required.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 7-1007. - False application unlawful.

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

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

Sec. 7-1008. - Display and transfer.

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

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

Sec. 7-1009. - Administration of Article.

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

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

Sec. 7-1010. - Solicitation.

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

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

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

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

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

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

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

Sec. 7-1011. - Inspection and audits.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 7-1014. - Notices.

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

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

Sec. 7-1015. - Denial of license.

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

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

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

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

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

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

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

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

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

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

When the License Inspector determines that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 7-1018. – Confidentiality.

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

(Ord. No. 4-9-13)

Sec. 7-1019. - Violations.

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

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

Sec. 7-1020. – Severability.

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

(Ord. No. 4-9-13)

Sec. 7-1021. - Classification rate schedules.

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

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

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

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

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

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

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

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

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

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

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

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

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

CODE

Part 7 - LICENSING AND REGULATION

CHAPTER 1. - BUSINESS LICENSES

Beaufort, South Carolina, Code of Ordinances

Page 15 of 17

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

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

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

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

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

Sec. 7-1025. - Retail telecommunications services.

(1) Tax imposed.

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

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

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

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

CODE

Part 7 - LICENSING AND REGULATION

CHAPTER 1. - BUSINESS LICENSES

Beaufort, South Carolina, Code of Ordinances

Page 16 of 17

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

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

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

(4) Franchise or contractual agreements.

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

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

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

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

Sec. 7-1026. – Insurance Companies

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

SIC NAICS

CODE or CODE

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

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

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

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

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

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

Declining rates shall not apply.

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

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

636 524127 4. Title Insurance2% of Gross Premiums

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

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

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

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

**APPENDIX A
RATE SCHEDULE**

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

RATE CLASS BASE RATE Rate per Thousand or fraction thereof

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

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

NON-RESIDENT RATES

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

CLASS 8 RATES

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

NAICS 230000 - Contractors, Construction, All Types

8.1 Having permanent place of business within the municipality

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

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

8.1A Not having permanent place of business within the municipality

ii

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

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

(Non-resident double rates do not apply)

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

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

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

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

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

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

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

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

Set by State Statute

8.3 NAICS 5171, 5172 - Telephone Companies:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NAICS 22121 – Natural Gas Distribution See Consent or Franchise

NAICS 517110 – Television: Cable or Pay

Services using public streets See Franchise

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

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

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

8.4B NAICS 522298 - Pawn Brokers - All Types

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

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

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

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

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

iv

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

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

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

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

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

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

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

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

8.7 NAICS 5241 - Insurance Companies:

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

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

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

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

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

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

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

v

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

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

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

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

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

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

on brokers of non-admitted insurance in South Carolina an additional license fee or tax based upon a percentage of premiums.]

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

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

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

8.8B Distributor

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

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

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

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

vi

8.9A NAICS 713290 - Bingo halls, parlors –

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

8.9B NAICS 711190 - Carnivals and Circuses – Per Day

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

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

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

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

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

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

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

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

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



CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 12/10/2020
FROM:
AGENDA ITEM Ordinance setting election, related dates, and filing fee for Special Election of
TITLE: Unexpired Term for City Council - 1st Reading
MEETING
DATE: 12/15/2020
DEPARTMENT: City Clerk

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR:

REMARKS:

ATTACHMENTS:

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

ORDINANCE

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

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

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

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

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

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

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

STEPHEN MURRAY, MAYOR

SEAL

ATTEST:

IVETTE BURGESS, CITY CLERK

1st Reading
2nd Reading
& Adoption _____

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



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 12/10/2020
FROM: Tom Daniels
AGENDA ITEM TITLE: Ordinance amending Lady's Island Marina Planned Unit Development (PUD) - 1st Reading
MEETING DATE: 12/15/2020
DEPARTMENT: Community and Economic Development

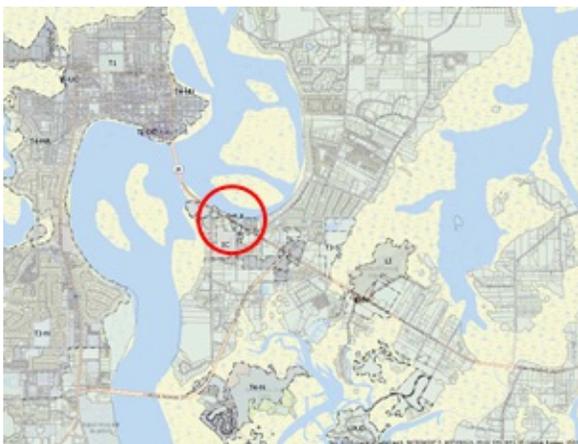
BACKGROUND INFORMATION:

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

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

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

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



PLACED ON AGENDA FOR: *Action*

REMARKS:

Public hearing notices:

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

Public Hearing was held November 10, 2020.

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

ATTACHMENTS:

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



BEAUFORT CODE TEXT AMENDMENT APPLICATION

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

Application Fee: \$400

Receipt # 138761

ZA 20-02

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

\$ PAID 10/20 CC

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

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

Applicant Information

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

Amendment Request Information

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

List proposed modification(s) - attached separate page if necessary: PAGE 4: REMOVE
DUBIOUS ASTERISKS (XX) NOTE "2-ACCESSES UP TO 1500 SQ FT
(STATUS) USE ON THE CONDITION EXISTING (STATUS) IS REMOVED"

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

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

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

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

Adopted January 10, 2006
0-02-06

Table of Contents

Cover	1
Table of Contents	2
Project Description	3
Regulating Plan	4
Regulating Plan.....	5
General Specifications.....	6
General Specifications.....	7

Attachments:

- A. Conceptual Plan
- B. Legal Description

Marina Village

Project Description

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

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

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

Regulating Plan

Land Use Table

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

245,587 SF= 5.64 ACRES total 100%

Lot Type/Land Use

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

Land Use Tables (General Intensities)

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

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

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

Parking Analysis

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

Marina Village Development Standards

Lot Building and Design

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

Lot Layout

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

GENERAL SPECIFICATIONS

Lot & Building Design

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

Landscaping and Tree Ordinance:

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

Permitted Uses:

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

Default Regulations:

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

Signage:

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

Fire Access:

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

Design Review Board:

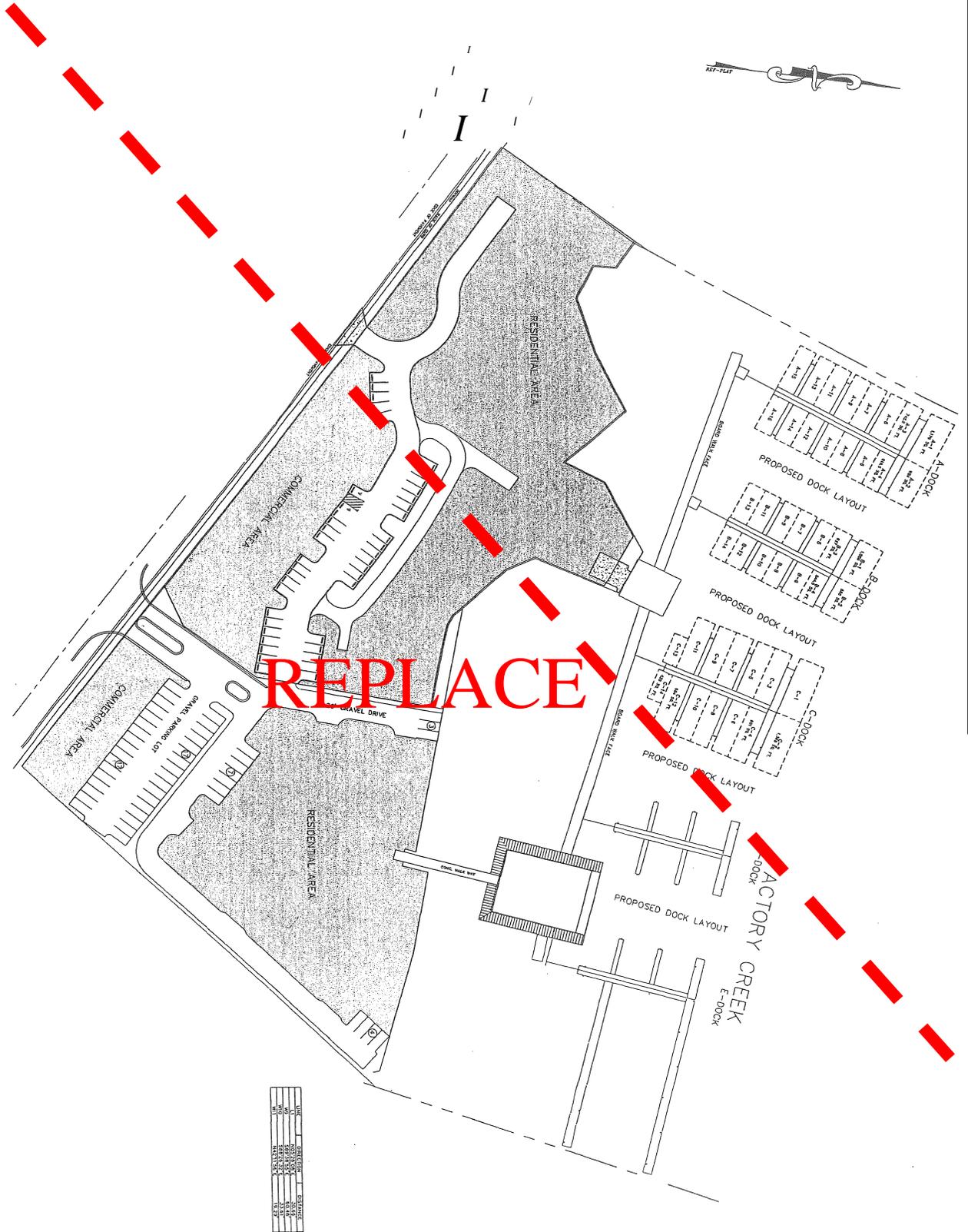
The Design Review Board will have jurisdiction over design standards to insure consistency within the Village Center and will use the City of Beaufort's Lady's Island Village Center guidelines.

Utility access

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

Drainage Requirements

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



REPLACE

LINE	DESCRIPTION	SCALE
1	EXISTING	AS SHOWN
2	PROPOSED	AS SHOWN
3	PROPOSED	AS SHOWN
4	PROPOSED	AS SHOWN
5	PROPOSED	AS SHOWN
6	PROPOSED	AS SHOWN
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97	PROPOSED	AS SHOWN
98	PROPOSED	AS SHOWN
99	PROPOSED	AS SHOWN
100	PROPOSED	AS SHOWN

	DESIGN: _____	DATE: _____
	GRABBER: _____	SCALE: _____
	REVIEW: _____	PROJECT: _____
	DATE: _____	PROJECT: _____
	SCALE: _____	PROJECT: _____
	PROJECT: _____	PROJECT: _____
SHEET 1 OF 1		

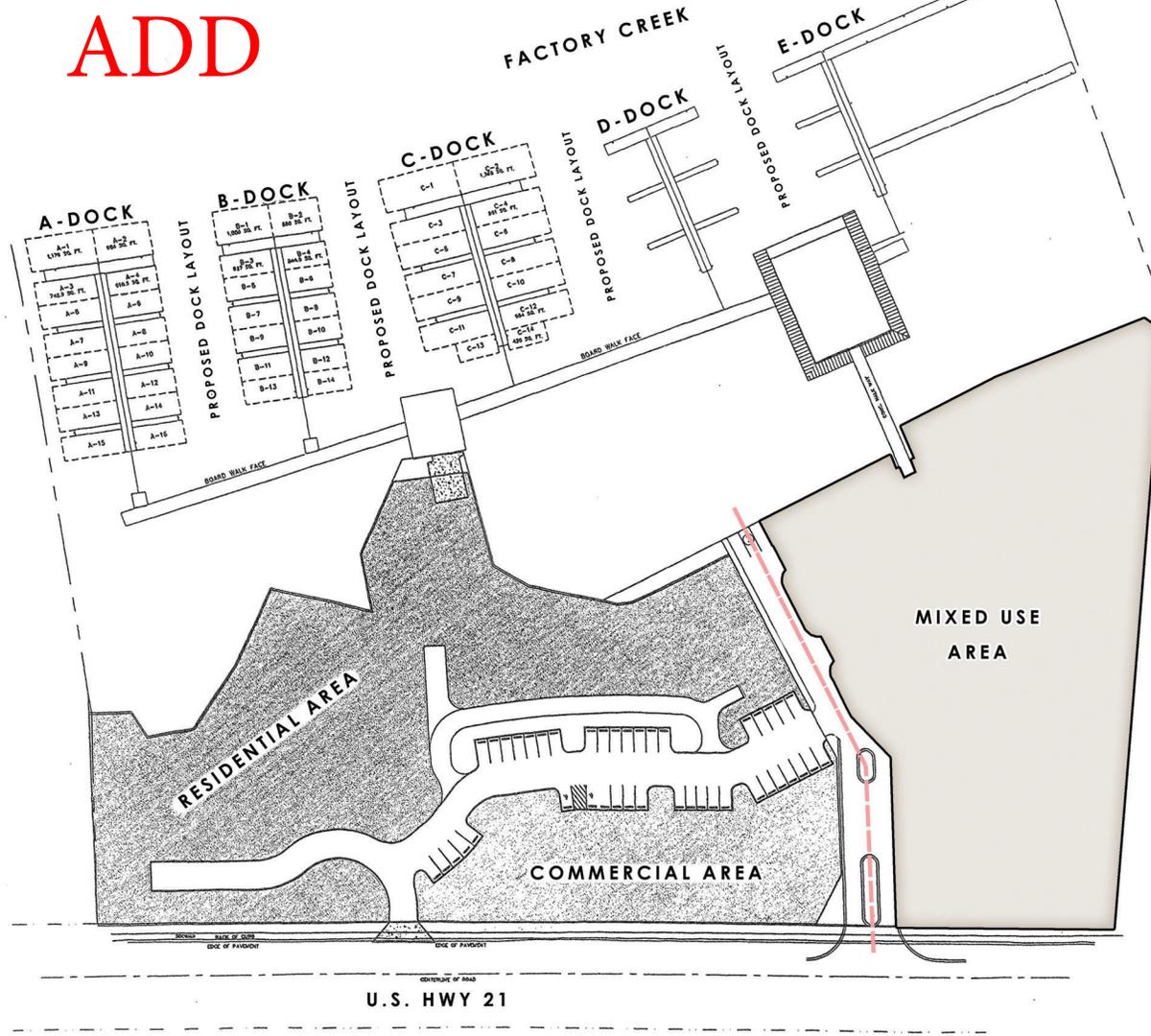
LADY'S ISLAND MARINA
 BEAUFORT, SOUTH CAROLINA
 prepared for:
 E. H. FORTITUDE, INC.

PRELIMINARY SITE PLAN	
No.	DATE DESCRIPTION

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



ADD



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

ORDINANCE

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

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

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

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

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

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

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

WHEREAS, the MPC reviewed and unanimously recommended approval; and

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

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

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

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

(SEAL)

Attest:

BILLY KEYSERLING, MAYOR

IVETTE BURGESS, CITY CLERK

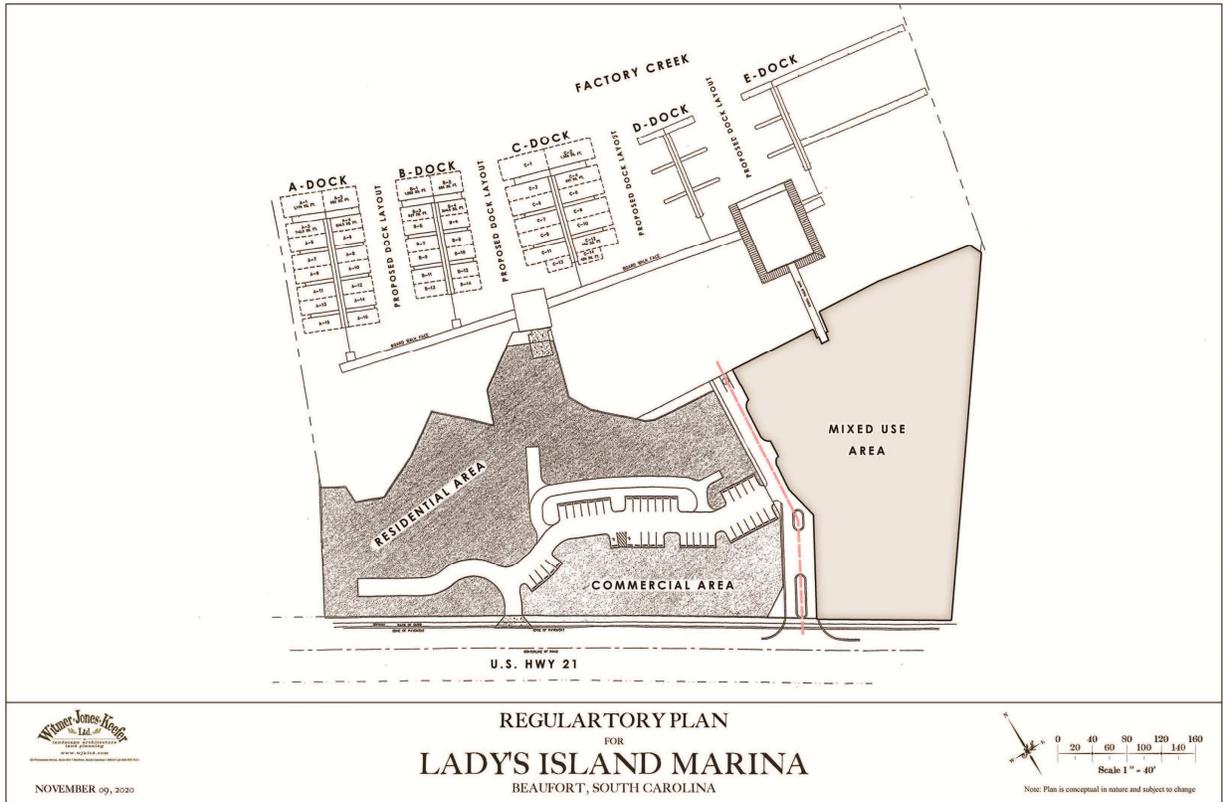
1st Reading

2nd Reading & Adoption

Reviewed by:

WILLIAM B. HARVEY, III, CITY ATTORNEY

Attachment "A"





CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 12/10/2020
FROM: Linda Roper
AGENDA ITEM TITLE: Authorization to allow release of 1.1% Hospitality Tax Funds to qualified Non-Profits
MEETING DATE: 12/15/2020
DEPARTMENT: Downtown Operations

BACKGROUND INFORMATION:

This item has been discussed in Worksession October 20, 2020 and November 17, 2020.

PLACED ON AGENDA FOR:

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Recommendation by Staff	Backup Material	12/10/2020



CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 11/18/2020
FROM: Kathy Todd
AGENDA ITEM TITLE: Authorization to allow release of 1.1% Hospitality Tax to qualified Non Profits
MEETING DATE: 11/24/2020
DEPARTMENT: Finance

BACKGROUND INFORMATION:

See Recommendation Memo

PLACED ON AGENDA FOR: Action

REMARKS:

Request the City Council authorize the release of \$8,600 of the budgeted 1.1% local hospitality tax to the Downtown Merchants Association and the release of \$12,784 to the Beaufort Area Hospitality Association as recommended by staff.

ATTACHMENTS:

Description	Type	Upload Date
1.1% Hospitality Tax Recommendation Memo	Cover Memo	11/18/2020

CITY OF BEAUFORT - INTERNAL MEMORANDUM

TO: WILLIAM PROKOP
FROM: KATHY TODD, REECE BERTHOLF & LINDA ROPER
SUBJECT: 1.1% LOCAL HOSPITALITY FUND RECOMMENDATION
DATE: 11/18/2020
CC: FILE

Background

City of Beaufort Ordinance 7-13003 (2) stipulates that:

One and one-tenth (1.1) percent shall be available through appropriation, for advertising to increase tourism and revitalization of the downtown economy. The allocation will be awarded by the Beaufort City Council through the annual budget process, based on budget presentation of certain non-profit organizations invited by city council to present. The presentation to the city council will be conducted during the normal budget period. An allocation of these funds shall be based on the objectives that best achieve city council goals and purposes.

The FY 2021 budget adopted \$21,384 to be allocated in accordance with the Ordinance above.

Staff, under the direction of the City Manager, developed a standard procedure to solicit interest from local non-profit groups as well as review submitted proposals for concurrence to the ordinance requirements and make recommendations to the City Council.

The FY 2021 solicitation was published in the local newspaper on September 14th as well as posted on the City's website.

The City received two (2) proposals by the submission date of September 28, 2020. Proposals were received from:

Downtown Beaufort Merchants Association	\$ 8,600
The Beaufort Area Hospitality Association	\$17,100 (revised)

Staff committee, consisting of Kathy Todd, Reece Bertholf, & Linda Roper reviewed the proposals and found that both proposals met the criteria stipulated in the Ordinance, however the requests totaled \$4,316 more than what was budgeted.

Staff Recommendations

1. The Downtown Merchants Association has been the recipient of the funds for the past couple of years, seeing growth in downtown merchant participation, branding the First Friday event into a successful community gathering, and focusing on other events throughout the year that involves community and merchant participation. They are requesting \$8,600 (29%) out of their \$29,500 budget to continue to grow the downtown economy through their initiatives.

Staff recommends the City Council allocate the \$8,600 that was requested in their proposal to continue building on these events. In addition, staff recommends that the Downtown Merchants Association coordinate and partner with the Beaufort Area Hospitality Association to leverage the funding and maximize the impact on the downtown economy.

2. The Beaufort Area Hospitality Association submitted their initial proposal requesting \$20,100 and revised it to \$17,100. Staff recommends that City Council allocate the balance of the 1.1% funds, totaling \$12,784 to be used primarily for Marketing & Development focused on marketing & advertising, programing & planning, and support costs. In addition, staff recommends that the BAHA collaborate and partner with the Downtown Merchants Association to leverage the funding and maximize the impact on the downtown economy.

Local H-Tax Appropriation Request

10/20 Initial request: \$20,100

11/17 Secondary request: \$17,100

Staff and Council Supported Recommendation: \$12,784

Giant Outdoor Chess \$600 *Ask Downtown Operations to fund -\$600*

Giant Outdoor Checkers \$600 *Ask Downtown Operations to fund -\$600*

6 Corn Hole Boards \$1800 **Not Funded**

Outdoor Foosball Table \$600 *Ask Downtown Operations to fund -\$600*

Street Piano \$500 *Ask Downtown Operations to fund -\$500*

Request from Downtown Operations budget if permitted: \$2300

Programming & Planning in collaboration with DBMA, City of Beaufort, CVB

and local organizations \$5000 adjusted amount = **\$4700**

An average of 1-2 hours (adjusted from the 2-3 hours) of programming, planning and development per week for 2021 Example: Working to plan an Oyster Festival Activity downtown with DBMA "Oyster Stroll"

Marketing & Advertising \$6000 (\$500 a month)

Social Media Marketing, Web-development (if needed), Visitor Guide Advertisement, Targeted Advertising, Graphic Design Services supporting the entire downtown core district locally and drive market – Charleston, Savannah included

Activities and Supportive Costs

Butterfly Release \$500 **Not Funded**

SC Forestry Commission Seedlings \$500 **Not Funded**

Additional Street Games \$1000 **Not Funded**

Entertainment \$3000 **Not Funded**

Activate Downtown Flyer \$2000 Monthly virtual & paper flyer with activities, shop specials, restaurant specials and events to go to hotels, visitor center, and tourism related businesses to include First Friday marketing and all things Downtown

Total Amount Requested for the 2021 year starting in January: **\$12,700.00**

LOCAL HOSPITALITY TAX APPROPRIATION PROPOSAL

ACTIVATE DOWNTOWN BEAUFORT

Presented by Ashlee Houck
Executive Director of
The Beaufort Area Hospitality Association

DEFINITION

EVENT VS **ACTIVITY**



Event | Special Event:

Something that is planned and only takes place for a limited amount of time, typically a planned public or social occasion. Something with an agenda.

Activity:

Something that engages people, and is ongoing, and has no agenda: no planned timelines. It must be interactive: not something to look at.

Collaborating and creating synergy among local organizations and the downtown business community will be key in planning routine activities as well as events to balance and create a vibrant downtown.

"Our vision for the treasured downtown Beaufort economy that house so many of our hospitality businesses from merchants to restaurants to attractions, is to transform it into a welcoming beacon of activity, igniting our area economy in turn producing a vibrant bustling downtown. The goal here through routine programming is to make downtown Beaufort nothing less than an attraction and destination for both residents and visitors alike."

BEAUFORT AREA HOSPITALITY ASSOCIATION

INTRODUCTION

The Beaufort Area Hospitality Association proposes the local hospitality tax appropriation be utilized for the activation of downtown Beaufort through routine programming activities and advertising. BAHA's proposal adheres, as suggested by the City's request, to the revitalization of the downtown economy in line with the city's strategic goals and purposes.

Why now?

Not only is downtown Beaufort important to the community and tourists, it is highly important to the local economy. While we are presenting with a "new normal", we must pivot and become innovative in the way we not only utilize funds, but showcase our area all while supporting our merchants, restaurants, attractions and downtown economy as a whole through advertising and routine programming.

BEAUFORT AREA HOSPITALITY ASSOCIATION

Per the DestinationNEXT Assessment Beaufort-Port Royal

What one thing could Northern Beaufort County do to become a better or world-class destination?

More vibrant downtown; retail evening hours, music and activities in the Waterfront Park

The Three Statistics That Every Downtown Should Live By per the **Destination Development Association**

The 7-8-7 rule indicates the three most important statistics that make a downtown a successful and vibrant destination.

Are they beautiful?
Do they feel safe?
Are there things to do after 6:00 pm?

APPEAL

70% of first-time sales at restaurants, retail shops, lodging facilities, and attractions can come from curb appeal. Beautification, or curb appeal, will always be an investment with a tremendous return.

SAFETY

Women account for **80% of all consumer spending**.

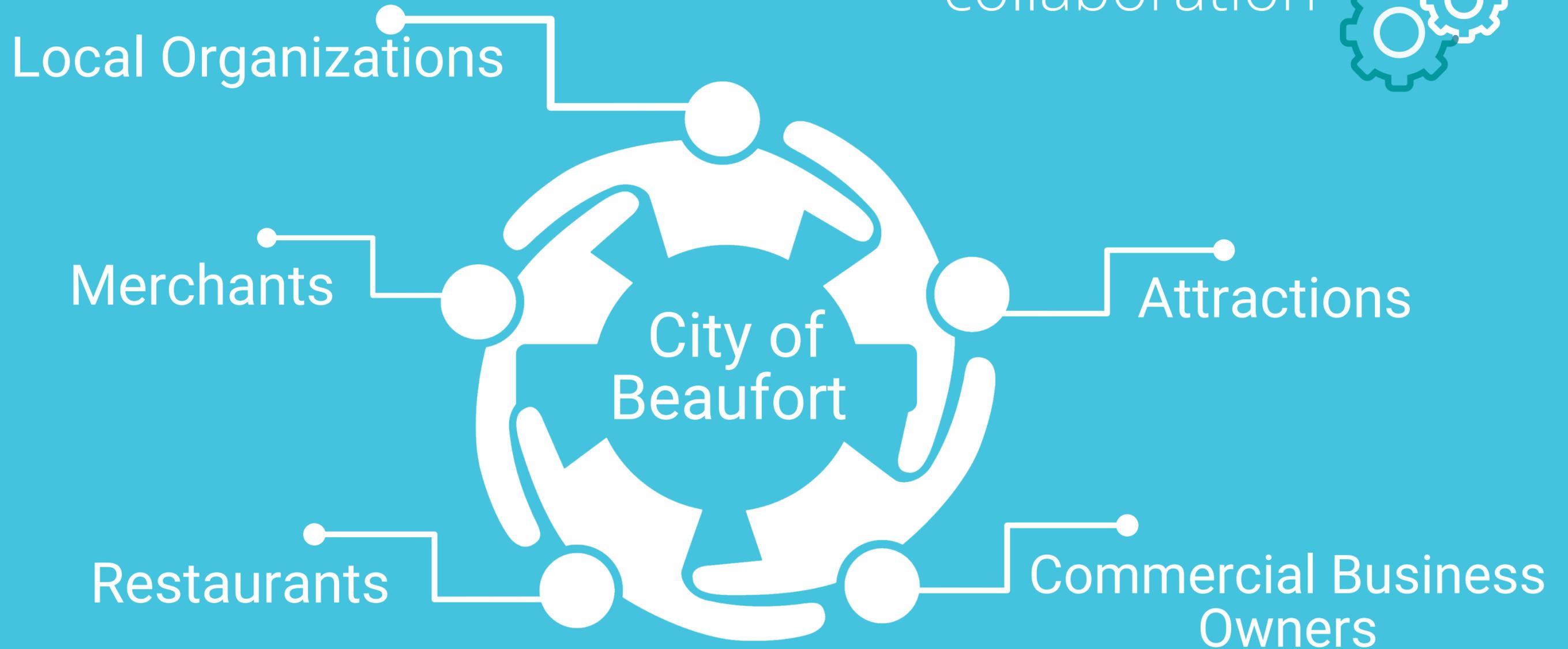
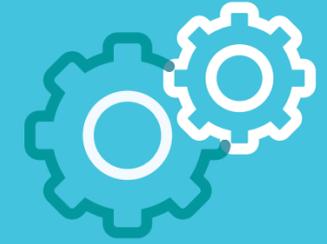
Women also account for 70% of all travel decisions including places to stay and eat, and “must see” attractions and safety.

HOURS

70% of all consumer retail spending takes place after 6:00 pm.

Are you open?

Creating Synergy through collaboration



ACTIVATE DOWNTOWN BEAUFORT

ROUTINE PROGRAMMING

EXAMPLES

1

GAMES

Giant Chess & Checkers | Corn-hole Boards | Outdoor Ping Pong or Foosball Tables (all activities that can be rearranged and in temporary locations). **Hold sponsored tournaments at restaurants and throughout downtown.**

3

COLLABORATE

Engage with local merchants and businesses to hold a "How to..." street fair outside their businesses on slower days such as Tuesdays. "How to pour wine or shuck oysters." "How to make soap or perfume." etc. **"How to Tuesday's in Downtown Beaufort"** or weekly themed nights.

2

ARTS & ENTERTAINMENT

Hold live art activities outside the many art galleries or open mic sessions. Have a street piano placed in downtown common areas to play. Invite local artists and musicians to fill the downtown area on slower evenings or Sundays. **These activities will support future engagement and support of the arts and entertainment such as the Art Walk event.**

4

CELEBRATE

Celebrate "National Day's of..." and themed months with a specific activity related to that day. **"A butterfly release on Earth Day"** or **"Chocolate Lovers Day for Valentines Day"** or **"Monday's are for Family - Night"**

The whole idea: To make downtown Beaufort the community living room and to monetize it by collaborating with the business community and engaging them to participate.

Per the **Destination Development Association**

THE FOUR INGREDIENTS TO AN OUTSTANDING, VIBRANT DOWNTOWN

1. An intimate, attractive setting
2. An orchestrated business mix
3. Life after 6:00 pm
4. Year-round activities - sorry, not events

Focusing on Advertising to increase Tourism & Revitalization

ROUTINE PROGRAMMING

Plan activities, embed non-permanent gaming & art throughout the downtown and collaborate on initial planning with stakeholders.



ENGAGE & COLLABORATE

Work with downtown operations, the downtown business community and other organizations to produce and delegate activities as well as supported events to create routine programming



ADVERTISE

Advertise and Market Downtown Beaufort as a key destination and attraction bustling with activity and a vibrant personality full of unique businesses.

Activate Downtown Beaufort.

BUDGET ANALYSIS

CONTINUOUS ACTIVITIES

Giant Outdoor Chess	\$600
Giant Outdoor Checkers	\$600
6 Corn Hole Boards	\$1800
Outdoor Foosball Table	\$600
Street Piano	\$500

MARKETING & DEVELOPMENT

Programming & Planning \$5000

An average of 2-3 hours of programming, planning and development per week for 2021

Marketing & Advertising \$5000

Social Media Marketing, Web-development (if needed), Visitor Guide Advertisement, Targeted Advertising, Graphic Design Services

Supportive Costs for Programming and Activities \$6000

Examples of Activities and Supportive Costs

Butterfly Release	\$500
SC Forestry Commission Seedlings	\$500
Additional Street Games	\$1000
Entertainment	\$3000
Activate Downtown Flyer	\$1000

ROUTINE PROGRAMMING

Family Night Downtown Beaufort - Every Monday

52 Mondays in a year (Restaurant specials, merchant specials and sponsored activities such as balloon animals & face-painting. Playground and games.)

How to Tuesday's in Downtown Beaufort - Every 1st and 3rd Tuesday of the Month. 26 Tuesdays.

How to pour wine or shuck oysters at local restaurants or how to make soap or perfume at participating merchants shops. How to tie a tie or make jewelry etc.

Arts and Entertainment - featuring local artists and musicians every last Wednesday of the month. 13 Wednesdays.

Live entertainment featured around town (sponsored by downtown businesses 13 Wednesdays out of the year. Local artists and musicians.)

*Programming and planning would all be through partnership and cooperation with the City of Beaufort - Downtown Operations, Greater Beaufort-Port Royal Convention & Visitor Bureau, The Downtown Beaufort Merchants Association, Beaufort Area Hospitality Association, Downtown Business Community and sponsors or other organizations that would like to be involved with Activate Downtown Beaufort.

Communication and Collaboration with Visit Beaufort will be key in advertising and marketing the downtown Beaufort as a major attraction outside of Beaufort.

Total Local Hospitality Tax Appropriation Requested: \$20,100

CREATING A VIBRANT DOWNTOWN BEAUFORT



through routine programming that supports a consistent vibrant downtown economy



“

Thank you

*We are better and stronger together...
Let's **Activate Downtown Beaufort**
together.*

Ashlee Houck

Beaufort Area Hospitality Association





DOWNTOWN BEAUFORT MERCHANT ASSOCIATION

Request For Appropriation Of Local Hospitality Funds For FY 2021

Partnership Request with City of Beaufort
September 28, 2020



DOWNTOWN BEAUFORT MERCHANT ASSOCIATION

The year ahead. Planning and budget for the nonprofit association of Downtown Merchants that guide the way to a more community minded and vibrant destination for locals and visitors.



FIRST FRIDAY

Now in its sixth year, First Friday has become an event that has brought the community together and helped our downtown to thrive. Whether raising money for Wounded Warriors, Relief for Hurricane victims or just providing live music and a street festival atmosphere, the event always brings people together in a fun, family friendly environment.



THE ROAD AHEAD

As Downtown Beaufort Merchant Association continues to grow, we get closer to being the self funded nonprofit we long to be. Our partnership with the City has helped fuel this growth and we are very grateful for their support.

Being good stewards of the taxpayers money has always been our focus when budgeting for the future. DBMA is 100% volunteer run and every dollar is spent for the benefit of helping our community and small businesses thrive.

Due to cancelled and modified events this past year, we are able to carry forward over \$13,000 to reduce our needed fund for the upcoming year. We have also procured a \$500 sponsorship to help reduce our budgeted needs. We are asking for \$8,600 to continue to provide events and support for the greatest small town in the world.

Thank you,

Eric Thibault



EVENTS

Along with our monthly First Friday, Downtown Beaufort Merchant Association each year plans and supports other events that help bring people into our sweet downtown.

- 1.) Annual Sidewalk Sale
- 2.) Small Business Saturday
- 3.) Art Walks
- 4.) Romantic Weekend in Beaufort
- 5.) Scavenger Hunts
- 6.) Holiday Window Contest



BUDGET FORECAST SEPTEMBER 2020- AUGUST 2021

Description	Annual Amount
Entertainment for Events	12000
Administrative (taxes, fees, office supplies	2500
Website Hosting	1000
Social Media Marketing	12000
Misc. Advertising & Promotions	2000
Total Annual Budget	29500
Account Balance Sept. 1, 2020	-13200
Membership Dues	-7200
Sponsorship	-500
Total Requested Funds	8,600



CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 11/30/2020
FROM: Kathy Todd
AGENDA ITEM
TITLE: Release of Committed Fund Balance for Capital Projects
MEETING
DATE: 12/15/2020
DEPARTMENT: Finance

BACKGROUND INFORMATION:

The City has received several grants from Federal, State and Private sources to complete projects related to renovations at 500 Carteret Street and Washington Street Playground equipment. The total project cost for the renovations at 500 Carteret Street are \$289,544. The total sources of funding from Beaufort Economic Development Corporation (\$130K), Hargray (\$41,035) and SC Regional Development Alliance (\$50K) are \$69K short of the total cost to complete the project by \$69K.

In addition, the Washington Street Park Playground equipment is funded partially by a PARD grant (\$29,000) and the balance of the total cost of the project and the grant is the match of \$7,250, plus a \$749 overage.

PLACED ON AGENDA FOR: Action

REMARKS:

Request that City Council authorize the release of a maximum of \$77,000 (\$69K for 500 Carteret Street project and \$8K for Washington Street Park playground equipment).from Committed Fund Balance for Capital Projects. The balance in the Committed Fund Balance for Capital Projects account is \$851,393.



CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 12/8/2020
FROM: Kathy Todd
AGENDA ITEM
TITLE: Release of Committed Fund Balance for Redevelopment
MEETING
DATE: 12/15/2020
DEPARTMENT: Finance

BACKGROUND INFORMATION:

The City received a grant from SC Department of Archives and History for the update to the Historic Preservation Manual. The grant requires a 50% match with a maximum grant contribution of \$15,000.

Following the completion of the evaluation of proposals and recommendation by the procurement review team, a match of \$14,715 is required (total cost of contract with John Milner Architects Inc. equals \$29,430).

PLACED ON AGENDA FOR: Action

REMARKS:

Staff recommends a release of committed fund balance for redevelopment of \$14,715 to cover the required match of the grant. The balance of Committed Fund Balance for Redevelopment at June 30, 2020 totals \$390,027.



CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 12/8/2020
FROM: Kathy Todd
AGENDA ITEM TITLE: Authorization to allow City Manager to execute contract with Barrs Recreation LC
MEETING DATE: 12/15/2020
DEPARTMENT: Finance

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR: Action

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Recommendation Memo for RFP 2021-104	Cover Memo	12/8/2020
Draft Contract for Barrs Recreation, LLC	Cover Memo	12/8/2020

CITY OF BEAUFORT - INTERNAL MEMORANDUM

TO: BILL PROKOP
FROM: JAY PHILLIPS
SUBJECT: RFP 2021 – 104 WASHINGTON STREET PARK PLAYGROUND
DATE: 12/8/2020
CC: LINDA ROPER, KATHY TODD

The City issued a Request for Proposal, RFP 2021 – 104 for Washington Street Park Playground on October 29, 2020. The RFP was posted on the City’s website, Vendor Registry, the State of South Carolina (SCBO) procurement website and was advertised in the Island News on October 1, 2020 and October 8, 2020. This project is for design, procurement, and installation of a new toddler playground at the Washington Street Park. This project is funded by the State of South Carolina Department of Parks, Recreation, and Tourism’s Parks and Recreation development fund. The grant budget amount is \$36,250 with the state share of the project cost being \$29,000 and the City’s share is \$7,250.

The City received (8) sealed proposals by 2:00 PM on October 29, 2020. The proposals were publicly opened and read in accordance with the RFP notice at 2:01 PM on that day during a Zoom Video Conference meeting. The RFP allowed for each proposer to offer a maximum of (2) design options.

Carolina Recreation & Design	Option #1	Mooresville, NC	\$35,580.94
Carolina Recreation & Design	Option #2	Mooresville, NC	\$38,612.62
BARRS Recreation, LLC	Option #1	Pittsboro, NC	\$36,747.22
BARRS Recreation, LLC	Option #2	Pittsboro, NC	\$36,998.43
Churchich Recreation & Design		Bluffton, SC	\$36,853.00
BLISS Products		Lithia Springs, GA	\$37,000.00
Great Southern Recreation	Option #1	Murfreesboro, TN	\$36,999.98
Great Southern Recreation	Option #2	Murfreesboro, TN	\$36,998.60

On November 19, 2020, the selection committee of Linda Roper, Rhonda Carey, Adam Wellins, and Mary Thompson, Washington Street Park Community Representative met to review the proposals and discuss the independent evaluation criteria scoring. The committee selected the top three proposers, 1. Barrs Recreation, 2. Bliss Products, and 3. Great Southern Recreation. These firms were then invited to attend interview meetings via Zoom video conferencing on November 30, 2020.

Following the interview meetings, the committee met and selected Barrs Recreation, LLC as the most responsive bidder. They offered the best conceptual plan for the toddler playground which met all the design elements and safety requirements. Barrs' installation and equipment warranties exceeded those of other proposals. And they provided examples of other similar projects which met federal safety standards.

On December 3rd , Linda Roper spoke by phone with the State of South Carolina Department of Parks, Recreation, and Tourism grant administrator who advised her to move forward with the award recommendation. Finally, the City is prepared to fund the \$748.43 difference between the cost of the project and the grant award, increasing the City's share amount to \$7,998.43.



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

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

CITY OF BEAUFORT
1911 Boundary Street
BEAUFORT, SOUTH CAROLINA 29902

*Standard Agreement Between
City of Beaufort and Barrs Recreation, LLC*

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 **December** in the year **2020**

BETWEEN the Owner:

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

and the Contractor:

**BARRS RECREATION, LLC
36 DIANE STREET
PITTSBORO, NC 27312**

The Project is:

RFP 2021-104 WASHINGTON STREET PARK PLAYGROUND

The Owner and Contractor agree as follows:

ARTICLE 1 - THE DOCUMENTS

The contract Documents consist of this Agreement, (**City of Beaufort and Barrs Recreation, LLC**) Conditions of the Contract (General, Supplementary and other Conditions), the Request for Proposal (RFP #2021-104) and the Proposal Submitted by Barrs Recreation, LLC in response to this RFP, and addenda issued prior to execution of this Agreement, other documents listed in this Agreement and Modifications issued after execution of this Agreement; these form the Contract, and are as fully a part of the Contract as if attached to this Agreement or repeated herein. The Contract represents the entire and integrated agreement between the parties hereto and supersedes prior negotiations, representations, or agreements, either written or oral. An enumeration of the Contract Document, other than Modifications appears in Article 8.

ARTICLE 2 - THE WORK OF THIS AGREEMENT

Barrs Recreation, LLC shall fully execute the Work described in the Agreement except to the extent specifically indicated in the Agreement to be the responsibility of others.

ARTICLE 3 - DATE OF COMMENCEMENT AND SUBSTANTIAL COMPLETION

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

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

ARTICLE 4 - CONTRACT SUM

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

\$36,998.43 (Thirty-Six Thousand nine hundred and ninety-eight dollars and forty-three cents. Upon completion of the project and receipt of invoice.

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

NO ALTERNATES REQUIRED IN THIS AGREEMENT

ARTICLE 5 - PAYMENTS

5.1 As stipulated above in section 4.1

5.1.4 LABOR REQUIREMENTS

Not Applicable

ARTICLE 6 - TERMINATION OR SUSPENSION

6.1 The Agreement may be terminated by the Owner as stated in the General Terms and Conditions of the Request for Proposal (RFP #2021-104).

ARTICLE 7 - MISCELLANEOUS PROVISIONS

7.1 The Owner's representative is:

**LINDA ROPER
500 CARTERET STREET
BEAUFORT, SOUTH CAROLINA 29902**

7.2 The contractor representative is:

**CAROLYN BARRS
BARRS RECREATION
36 DIANE STREET
PITTSBORO, NC 27312**

Neither the Owner's nor Barrs Recreation, LLC representative shall be changed without ten days' written notice to the other party.

ARTICLE 8 - ENUMERATION OF CONTRACT DOCUMENTS

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

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

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

8.1.3 The Specifications are those of RFP 2021-104

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

- **THE REQUEST FOR PROPOSAL -RFP# 2021-104, BID SPECIFICATIONS AND SCHEDULES AND THE PROPOSAL SUBMITTED IN RESPONSE TO THE RFP ARE ATTACHED HERETO AND BY THIS REFERENCE INCORPORATED HEREIN.**
- **CERTIFICATE OF LIABILITY INSURANCE**
- **CERTIFICATION OF WORKERS COMPENSATION INSURANCE**

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 City of Beaufort Downtown Operations Director, one to the Contractor for use in the administration of the Agreement, and the remainder to the Owner.

WITNESS
(Signature)

CITY OF BEAUFORT
(Signature)

WITNESS
(Printed Name)

CITY OF BEAUFORT
(Printed name and title)

WITNESS
(Signature)

WITNESS
(Printed name)

WITNESS
(Signature)

BARRS RECREATION, LLC
(Signature)

WITNESS
(Printed Name)

BARRS RECREATION, LLC
(Printed name and title)

WITNESS
(Signature)

WITNESS
(Printed name)



CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 12/8/2020
FROM: Kathy Todd
AGENDA ITEM TITLE: Authorization to allow City Manager to execute contract with Meadors, Inc
MEETING DATE: 12/15/2020
DEPARTMENT: Finance

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR: Action

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Recommendation Memo for RFP 2021-102	Cover Memo	12/8/2020
Draft Contract for Meadors, Inc.	Cover Memo	12/8/2020

CITY OF BEAUFORT – INTERNAL MEMORANDUM

TO: BILL PROKOP
FROM: JAY PHILLIPS
SUBJECT: RFQ 2021-102 ARCHITECTURAL AND ENGINEERING SERVICES FOR THE CARNEGIE LIBRARY WINDOWS RESTORATION
DATE: 12/7/2020
CC: KATHY TODD, LINDA ROPER

The City issued a Request for Qualifications, RFQ 2021– 102 for Architecture Services for the Carnegie Library Windows Restoration on August 27, 2020. The RFQ was posted on the City’s website, Vendor Registry, the State of South Carolina (SCBO) procurement website and was advertised in the Island News on August 27 and September 3, 2020. The South Carolina Department of Archive and History grant budget for this project is \$14,500.

The City received (6) sealed qualifications by 2:00 PM on September 29, 2020. The qualifications were publicly opened and read in accordance with the RFQ notice at 2:01 PM on that day during a Zoom Video Conference meeting.

David Gall & Associates Winston-Salem, NC
Hansen Architects Savannah, GA
Liollio Architecture Charleston, SC
Meadors, Inc. Charleston, SC
SMHa, Inc. Mt. Pleasant, SC
Innova Architecture Savannah, GA

On October 16, 2020, after submitting their individual evaluations, the selection committee of Linda Roper, Matt St. Clair, and Nate Farrow, met to review the evaluations and selected the top three firms based upon their qualifications, 1. Meadors, Inc., 2. David E. Gall and 3. Hansen Architects.

On November 16th, price quotes from the top three firms were reviewed by the selection committee.

Meadors, Inc.	\$35,550.00
David E Gall	\$12,975.00
Hansen Architects	\$11,600.00

On November 24th, the selection committee met with Meadors, Inc. in an attempt to negotiate their price quote to be within the grant budget amount. During the meeting it was determined that Meadors had including additional services not required in the RFQ Scope of Work. On December 1st, a revised proposal of services to match the RFQ and fee schedule ~~On December 1st, a revised price quote~~ was received from Meadors, Inc. within the budget amount of \$14,500.

The selection committee is unanimous in their recommendation of Meadors, Inc. as the most qualified architecture firm to lead the restoration of the Carnegie Library windows. They have extensive experience in historical building restoration, they provided a clear understanding of the scope of work of the project, the entire Meadors team has worked with the City previously, having been the architect for the Beaufort Arsenal roof and windows restoration projects and their price quote is within the grant budget amount. On December 4th, approval was received from the South Carolina Department of Archive and History to move forward with the grant award to Meadors, Inc.



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

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

CITY OF BEAUFORT
1911 Boundary Street
BEAUFORT, SOUTH CAROLINA 29902

*Standard Agreement Between
City of Beaufort and Meadors, Inc.*

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

AGREEMENT made as of the ____ day of **December** in the year **2020**

BETWEEN the Owner:

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

and the Consultant:

**MEADORS, INC.
2811 AZALEA DRIVE
CHARLESTON, SC 29405**

The Project is:

**RFQ 2021-102 ARCHITECTURAL AND ENGINEERING SERVICES FOR THE
CARNEGIE LIBRARY WINDOWS RESTORATION**

The Owner and Meadors, Inc. agree as follows:

ARTICLE 1 - THE DOCUMENTS

The contract Documents consist of this Agreement, (**City of Beaufort and Meadors, Inc.**) Conditions of the Contract (General, Supplementary and other Conditions), the Request for Proposal (RFQ #2021-102) and the Proposal Submitted by Meadors, Inc. in response to this RFQ, and addenda issued prior to execution of this Agreement, other documents listed in this Agreement and Modifications issued after execution of this Agreement; these form the Contract, and are as fully a part of the Contract as if attached to this Agreement or repeated herein. The Contract represents the entire and integrated agreement between the parties hereto and supersedes prior negotiations, representations, or agreements, either written or oral. An enumeration of the Contract Document, other than Modifications appears in Article 8.

ARTICLE 2 - THE WORK OF THIS AGREEMENT

Meadors, 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 issued by the Owner.

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

3.2 Meadors, Inc: Time shall be measured from the date of commencement.

3.3 Meadors, Inc shall achieve Substantial Completion of the entire Work not later than **NINETY (90) days** from the date of commencement. Completion of the Bidding and Construction Administrative Services will be dependent upon the City of Beaufort and Consultants schedules.

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;

\$14,500 (Fourteen-thousand five hundred dollars and no cents)

Upon completion of the project and receipt of invoice.

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

NO ALTERNATES REQUIRED IN THIS AGREEMENT

ARTICLE 5 - PAYMENTS

5.1 As stipulated above in section 4.1

5.1.4 LABOR REQUIREMENTS

Not Applicable

ARTICLE 6 - TERMINATION OR SUSPENSION

6.1 The Agreement may be terminated by the Owner as stated in the General Terms and Conditions of the Request for Proposal (RFQ #2021-102).

ARTICLE 7 - MISCELLANEOUS PROVISIONS

7.1 The Owner's representative is:

**LINDA ROPER
CITY OF BEAUFORT
500 CARTERET STREET
BEAUFORT, SC 29902**

7.2 The Meadors, Inc. representative is:

**BETTY PRIME
MEADORS, INC.
2811 AZALEA DRIVE
CHARLESTON, SC 29405**

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

ARTICLE 8 - ENUMERATION OF CONTRACT DOCUMENTS

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

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

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

8.1.3 The Specifications are those of RFQ 2021-102

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

- **THE REQUEST FOR PROPOSAL -RFQ# 2021-102, BID SPECIFICATIONS AND SCHEDULES AND THE PROPOSAL SUBMITTED IN RESPONSE TO THE RFP ARE ATTACHED HERETO AND BY THIS REFERENCE INCORPORATED HEREIN.**
- **EXHIBIT A: PROPOSAL_Meadors Consulting_Carnegie Building_Architecture Revised_12.01.20**
- **CERTIFICATE OF LIABILITY INSURANCE**
- **CERTIFICATION OF WORKERS COMPENSATION INSURANCE**

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 Consultant for use in the administration of the Agreement, and the remainder to the Owner.

WITNESS
(Signature)

CITY OF BEAUFORT
(Signature)

WITNESS
(Printed Name)

CITY OF BEAUFORT
(Printed name and title)

WITNESS
(Signature)

WITNESS
(Printed name)

WITNESS
(Signature)

MEADORS, INC.
(Signature)

WITNESS
(Printed Name)

MEADORS, INC.
(Printed name and title)

WITNESS
(Signature)

WITNESS
(Printed name)



CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 12/8/2020
FROM: Kathy Todd
AGENDA ITEM TITLE: Authorization to allow City Manager to enter into Contract with John Milner Architects, Inc.
MEETING DATE: 12/15/2020
DEPARTMENT: Finance

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR: Action

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Recommendation Memo for RFP 2021-110	Cover Memo	12/8/2020
Draft Contract for John Milner Architects, Inc.	Cover Memo	12/8/2020

CITY OF BEAUFORT - INTERNAL MEMORANDUM

TO: WILLIAM PROKOP
FROM: JAY PHILLIPS
SUBJECT: RFP 2021 – 110 CONSULTANTS FOR THE BEAUFORT HISTORIC ARCHITECTURE PRESERVATION MANUAL
DATE: 11/30/2020
CC: LINDA ROPER, DAVID PRICHARD, KATHY TODD

The City issued a Request for Proposal, RFP 2021 – 110 for Consultants for the Beaufort Historic Architecture Preservation Manual on September 17, 2020. The RFP was posted on the City’s website, Vendor Registry, the State of South Carolina (SCBO) procurement website and was advertised in the Island News on September 17, and September 24, 2020. This project to update, simplify, consolidate the City’s guidelines for treatment of historic properties and new development activities in the Beaufort Historic District is funded by the South Carolina Department of Archives and History, 2020 Federal Historic Preservation grant of \$30,000.

The City received (6) sealed proposals by 2:00 PM on October 6, 2020. The proposals were publicly opened and read in accordance with the RFP notice at 2:01 PM on that day during a Zoom Video Conference meeting.

Access Preservation	Columbia, SC	\$27,500.00
Johnson, Mirmiran & Thompson, Inc.	Mt. Pleasant, SC	\$28,547.68
John Milner Architects, Inc.	Chadds Ford, PA	\$29,430.00
Ethos Preservation	Savannah, Ga	\$34,275.00
The Walker Collaborative	Nashville, TN	\$43,880.00
Meadors, Inc.	Charleston, SC	\$78,850.00

On October 21, 2020, the selection committee of Linda Roper, David Prichard, Cynthia Jenkins, Executive Director and Lise Sundrla, Director of Programs of the Historic Beaufort Foundation met to review the proposals evaluation criteria scoring and selected The Walker Collaborative, John Milner and Associates and Ethos preservation as the top three proposers. These firms were then invited to attend interview meetings via Zoom video conferencing on November 9, 2020.

Following the interview meetings, the committee met and selected John Milner Architects, Inc. to be the most responsive bidder. They are a nationally recognized firm with a team of architects with extensive experience in national historic landmark planning, zoning, and architecture. They are the consultants that worked on the current Beaufort Historic

Architecture Preservation Manual and the cost of their proposal is within the grant budget. The committee is unanimous in their recommendation of John Milner Architects, Inc. for this project.



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

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

CITY OF BEAUFORT
1911 Boundary Street
BEAUFORT, SOUTH CAROLINA 29902

*Standard Agreement Between
City of Beaufort and John Milner Architects*

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 **December** in the year **2020**

BETWEEN the Owner:

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

and the Consultant:

**JOHN MILNER ARCHITECTS
104 LAKEVIEW DRIVE
CHADDS FORD, PA 19317**

The Project is:

**RFP 2021-110 CONSULTANT FOR THE BEAUFORT HISTORIC ARCHITECTURE
PRESERVATION MANUAL**

The Owner and Consultant agree as follows:

ARTICLE 1 - THE DOCUMENTS

The contract Documents consist of this Agreement, (**City of Beaufort and John Milner Architects**) Conditions of the Contract (General, Supplementary and other Conditions), the Request for Proposal (RFP #2021-110) and the Proposal Submitted by John Milner Architects in response to this RFP, and addenda issued prior to execution of this Agreement, other documents listed in this Agreement and Modifications issued after execution of this Agreement; these form the Contract, and are as fully a part of the Contract as if attached to this Agreement or repeated herein. The Contract represents the entire and integrated agreement between the parties hereto and supersedes prior negotiations, representations, or agreements, either written or oral. An enumeration of the Contract Document, other than Modifications appears in Article 8.

ARTICLE 2 - THE WORK OF THIS AGREEMENT

John Milner Architects shall fully execute the Work described in the Agreement except to the extent specifically indicated in the Agreement to be the responsibility of others.

ARTICLE 3 - DATE OF COMMENCEMENT AND SUBSTANTIAL COMPLETION

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

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

ARTICLE 4 - CONTRACT SUM

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

\$29,430.00 (Twenty-nine thousand four hundred and thirty dollars and no cents) which will be charged as follows:

Upon completion of the project and receipt of invoice.

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

NO ALTERNATES REQUIRED IN THIS AGREEMENT

ARTICLE 5 - PAYMENTS

5.1 As stipulated above in section 4.1

5.1.4 LABOR REQUIREMENTS

Not Applicable

ARTICLE 6 - TERMINATION OR SUSPENSION

6.1 The Agreement may be terminated by the Owner as stated in the General Terms and Conditions of the Request for Proposal (RFP #2021-110).

ARTICLE 7 - MISCELLANEOUS PROVISIONS

7.1 The Owner's representative is:

**DAVID PRICHARD
CITY BEAUFORT
DIRECTOR OF COMMUNITY & ECONOMIC DEVELOPMENT
1911 BOUNDARY STREET
BEAUFORT, SC 29902**

7.2 The Consultant's representative is:

**CHRISTINA CARTER
JOHN MILNER ARCHITECTS
104 LAKEVIEW DRIVE
CHADDS FORD, PA 19317**

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

ARTICLE 8 - ENUMERATION OF CONTRACT DOCUMENTS

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

8.1.1 The Agreement is this executed Standard Form of Agreement Between the City of Beaufort (Owner) and John Milner Architects (Consultant).

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

8.1.3 The Specifications are those of RFP 2021-110

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

- **THE REQUEST FOR PROPOSAL -RFP# 2021-110, BID SPECIFICATIONS AND SCHEDULES AND THE PROPOSAL SUBMITTED IN RESPONSE TO THE RFP ARE ATTACHED HERETO AND BY THIS REFERENCE INCORPORATED HEREIN.**
- **CERTIFICATE OF LIABILITY INSURANCE**
- **CERTIFICATION OF WORKERS COMPENSATION INSURANCE**

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 Economic & Community Development, one to the Consultant for use in the administration of the Agreement, and the remainder to the Owner.

WITNESS
(Signature)

CITY OF BEAUFORT
(Signature)

WITNESS
(Printed Name)

CITY OF BEAUFORT
(Printed name and title)

WITNESS
(Signature)

WITNESS
(Printed name)

WITNESS
(Signature)

JOHN MILNER ARCHITECTS
(Signature)

WITNESS
(Printed Name)

JOHN MILNER ARCHITECTS
(Printed name and title)

WITNESS
(Signature)

WITNESS
(Printed name)