CITY OF BEAUFORT
1911 BOUNDARY STREET
BEAUFORT MUNICIPAL COMPLEX
BEAUFORT, SOUTH CAROLINA 29902
(843) 525-7070

CITY COUNCIL REGULAR MEETING AGENDA
April 14, 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 - 6:00 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. Billy Keyserling, Mayor

II. INVOCATION AND PLEDGE OF ALLEGIANCE

A. Mike McFee, Mayor Pro Tem

III. PROCLAMATIONS/COMMENDATIONS/RECOGNITIONS

A. Proclamation proclaiming April 2020 as Child Abuse Prevention Month

B. Character Education Proclamation - Michael Johnson, Lady's Island Elementary School

IV. PUBLIC COMMENT

V. MINUTES

A. Worksession and Regular Meeting - February 11, 2020

VI. OLD BUSINESS

A. B. Ordinance amending Part 5, Article C (Beaufort Redevelopment Incentive Program) and Part 10, Chapter 3 (Incentive reimbursements grant program for certain annexations) – 2nd Reading

B. Ordinance amending Part 7 and adding a new Chapter17, Development Impact Fees for Fire Service - 2nd Reading

VII. NEW BUSINESS

A. Request for Co-Sponsorship from Dragon Boat Beaufort for use of the Waterfront Park for Dragon Boat Beaufort Race Day 2020 event Saturday, June 27, 2020

B. Street closure request from Ngome Lifestyles Boutique to host a fashion show event on Sunday, August 30, 2020

C. Street closure request from Holy Trinity School to host Swing Bridge 5K/Run and Prayer Walk event on Saturday, October 17, 2020

D. Resolution Supporting Fair Housing Month

E. Resolution in Support of a Local Option Sales and Use Tax Referendum

F. Authorization to allow City Manager to enter into Street Sweeping Contract

G. Authorization to allow the City Manager to enter into Negotiations with Benefit Administrator

VIII.REPORTS

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

IX. ADJOURN

P R O C L A M A T I O N

WHEREAS, South Carolina's future prosperity is dependent on nurturing the healthy development of the 1.1 million children currently residing in the diverse communities across our state; and

WHEREAS, preventing child abuse, neglect, and sexual abuse must be a community priority that requires individuals, families, child-serving organizations, schools, faith-based groups, businesses, government agencies, colleges, and civic leaders to support the physical, emotional, social and educational development and competency of all children; and

WHEREAS, child abuse is a public health issue with serious societal consequences, as data shows the link between the abuse, neglect, and abuse of children and a wide range of costly medical, emotional, psychological and behavioral problems into adulthood; and

WHEREAS, parents and caregivers who have a circle of family and friends, know how to find help in times of need, and understand how their children grow are better equipped to take on life's challenges and provide a safe, caring environment for their children; and

WHEREAS, child abuse and violence prevention programs not only give individuals, families, and children the knowledge and resources to learn, grow, and thrive but also serve as a proven and effective way to reduce child abuse and neglect; and

WHEREAS, in fiscal year 2019, there were 10,474 children in founded investigations of child maltreatment in South Carolina; and

WHEREAS, pinwheels symbolize a happy and healthy childhood that all children deserve; and

WHEREAS, the City of Beaufort, in conjunction with Hopeful Horizons, Child Abuse Prevention Association (CAPA) and concerned citizens around the state, designates the month of April as Child Abuse Prevention Month while urging all citizens to dedicate themselves to protect quality of life for every child and every adult.

NOW, THEREFORE, the City Council of the City of Beaufort, South Carolina, hereby proclaim April 2020 as

CHILD ABUSE PREVENTION MONTH

IN WITNESS THEREOF, I hereunto set my hand and caused the Seal of the City of Beaufort to be affixed this 14th day of April 2020.

_____
BILLY KEYSERLING, MAYOR

ATTEST:

_____
IVETTE BURGESS, CITY CLERK

CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO:	CITY COUNCIL	**DATE:**	4/10/2020
FROM:			
AGENDA ITEM TITLE:	Character Education Proclamation - Michael Johnson, Lady's Island Elementary School		
MEETING DATE:	4/14/2020		
DEPARTMENT:	City Clerk		

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR:

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Proclamation	Backup Material	4/14/2020

P R O C L A M A T I O N

WHEREAS, the character education movement reinforces the social, emotional and ethical development of students; and

WHEREAS, schools, school districts and states are working to instill important core ethical and performance values including caring, honesty, diligence, fairness, fortitude, responsibility, and respect for self and others; and

WHEREAS, character education provides long-term solutions to moral, ethical and academic issues that are of growing concern in our society and our schools; and

WHEREAS, character education teaches students how to be their best selves and how to do their best work; and

WHEREAS, the Eleven Principles of Effective Character Education include: Promoting core ethical and performance values; Teaching students to understand, care about and act upon these core ethical and performance values; Encompassing all aspects of the school culture; Fostering a caring school community**;** Providing opportunities for moral action**;** Supporting academic achievement**;** Developing intrinsic motivation**;** Including whole-staff involvement**;** Requiring positive leadership of staff and students**;** Involving parents and community members; and assess results and strives to improve; and

WHEREAS, the Beaufort County School District's Character Education program was formed to support parents' efforts in developing good character in their children; and

WHEREAS, the purpose of the Character Education program is to integrate good character traits into the total school environment, as well as into the community; and

WHEREAS, each school's counselor identified a list of character words and definitions deemed important regardless of a person's political leanings, race, gender or religious convictions; and

WHEREAS, the words are friendship, kindness, acceptance, courage, tolerance, respect, gratitude, compassion, citizenship, perseverance, honesty, integrity, self-control, forgiveness responsibility and cooperation; and

WHEREAS, Michael Johnson was selected as the winner by Lady's Island Elementary School as the student of the month.

NOW, THEREFORE, the City Council of the City of Beaufort, South Carolina, hereby proclaims February 2020 as

MICHAEL JOHNSON AS LADY'S ISLAND ELEMENTARY SCHOOL
STUDENT OF THE MONTH

The City of Beaufort thereby pronounces *Honesty/Integrity* as the word for the month of February and applauds Michael Johnson, the Beaufort County School District, and Lady's Island Elementary School for their work and specifically honors Michael Johnson as Lady's Island Elementary School Student of the Month.

IN WITNESS THEREOF, I hereunto set my hand and caused the Seal of the City of Beaufort to be affixed this 14th April 2020.

_____
BILLY KEYSERLING, MAYOR

ATTEST:

_____
IVETTE BURGESS, CITY CLERK

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

February 11, 2020

I. CALL TO ORDER 5:00PM

Mayor, Billy Keyserling

Councilmembers Mike McFee, Nan Sutton and Stephen Murray in attendance. Councilman Phil Cromer absent.

II. EMPLOYEE NEW HIRE RECOGNITION

A. Police – Matt Clancy, Chief

Chief Clancy introduced Patrolmen Sterling Wiren, Alexander Nestor, Dylan Perry, Kevin O'Quinn,

Caroline Combs and Nickolas Ramos

B. Public Works – Nathan Farrow, Public Works Director

Mr. Farrow introduced Norris Bloodsaw and Stephen Kadas

III. PRESENTATION

A. MKSK Corridors Evaluation Report-Draft – Tee Coker, MKSK Project Manager

Mr. Coker gave an overview of this project. He described the intent of this project was to evaluate a select set of commercial corridors to look at their zoning in particular, then to engage stakeholders to include City staff, elected officials and those who are involved in the development community to get an inside understanding of what's working, what maybe needs some improvement when it comes to zoning along these corridors and then to provide some recommendations to the City.

The corridors being referenced in this project are parts of Boundary Street, Ribaut Road, Robert Smalls Parkway, Parris Island Gateway and Sea Island Parkway.

Councilwoman Sutton said she like all the recommendations.

Councilman Murray stated that we need to be very careful with what we undo. We've spent a lot of time and a lot of energy with Form Base Code which engaged a lot more stakeholders in the community. We also need to be very careful rolling back the standards in T5-UC, as each corridor has a different development pattern.

Mayor Pro Tem McFee said the whole premise of this evaluation was to look at specificity and to allow flexibility within the different corridors.

DRAFT

Mayor Keyserling thinks the ideas are good in the report. He stated that this makes us realize that one size does not fit all, and this has been a useful exercise.

Tee Coker stated that moving forward MKSK would be cognizant of the difference in all the corridors.

A copy of the presentation can be found in the February 11, 2020 Worksession agenda packet available on the City's website.

IV. DISCUSSION ITEMS

A. Monument Signs along Commercial Corridors - David Prichard, Community & Economic Development Director

Mr. Prichard presented Council with visuals of 10 sq. ft. and 20 sq. ft. signs adding that currently the City does not allow monument signs on Boundary, but in T5-UC the City allows monument signs that are 10 sq. ft. Someone has asked if we allow bigger in T5-UC. Mr. Prichard proceeded to give Council additional visuals of 32, 7, 25 and 33 1/3 sq. ft. signs for comparisons and discussion.

The consensus from Council was to re-look at the signs around town. No directives were given to Mr. Prichard. Further discussion regarding this item will happen at a future Worksession.

B. 2020 Community Development Block Grant (CDBG) Priority Needs Assessment – David Prichard, Community & Economic Development Director

Mr. Prichard gave an overview of the CDBG grant program and gave examples of the type of projects that could be done within the City's capital improvement plan, which would qualify for funding under the program.

V. EXECUTIVE SESSION

A. Pursuant to Title 30, Chapter 4, Section (70) (a) (2) of the South Carolina Code of Law: Discussion regarding Purchase/Sale of Property.

VI. ADJOURN 6:38PM

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

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

February 11, 2020

I. CALL TO ORDER 7:03PM

Mayor, Billy Keyserling.

Councilmembers Mike McFee, Nan Sutton and Stephen Murray in attendance. Councilman Phil Cromer absent.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Pro Tem, Mike McFee

III. PROCLAMATIONS/COMMENDATIONS/RECOGNITIONS

A. Proclamation proclaiming February 2020 as the League of Women Voters Month

Motion to approve made by Murray and seconded by McFee.

Proclamation read by Mayor Pro Tem McFee and presented to Catherine Forester by Mayor Keyserling. Proclamation accepted by Catherine Forester, President of LWV of Beaufort S.C.

All in favor. Proclamation was approved unanimously.

IV. PUBLIC COMMENT

No Public Comment

V. PUBLIC HEARING

A. Community Development Block Grant (CDBG) Needs Assessments- Barbara Johnson, Lowcountry Council of Governments Community and Economic Development Specialist

Ms. Johnson gave an overview of the CDBG grant program.

VI. OLD BUSINESS

A. Ordinance annexing multiple parcels located at Mayfair Court and Williams Street- 2nd Reading

Motion to approve made by McFee and seconded by Murray.

Councilman Murray stated that Mayfair Court is within the growth boundaries as adopted by the Sea Island Coalition in April. The annexation is within spirit of that plan.

DRAFT

All in favor. Ordinance passed unanimously.

B. Ordinance zoning 11 Williams Street and 13, 17, and 19 Mayfair Court to T5-UC – 2nd Reading

Motion to approve made by McFee and seconded by Murray.

All in favor. Ordinance passed unanimously.

VII. NEW BUSINESS

A. Approval to allow City Manager to enter into contractual agreement for the purchase of Manlift

Motion to approve made by Murray and seconded by McFee.

Kathy Todd, Finance Director gave an overview of the Request for Proposals (RFP) process

All in favor. Item was approved unanimously.

B. Approval for the Civil Rights Coordinator and Committee for Section 504 Compliance

Motion to table by McFee for further discussion and seconded by Murray.

All in favor of tabling. Item was approved to table unanimously.

C. FY 2020 Budget Amendment #1 – 1st Reading

Motion to approve made by Murray and seconded by McFee

Kathy Todd, Finance Director gave an overview for the reason of this amendment to the FY 2020 Budget. This amendment is due to the Greenlawn Neighborhood Revitalization Project.

All in favor. Budget amendment was approved on 1st reading unanimously.

D. Ordinance authorizing the Sale of City Property, Cemetery Plot in Evergreen Cemetery- 1st Reading

Motion to approve made by McFee seconded by Murray.

Mayor Pro Tem McFee stated that the City owns Evergreen Cemetery and that the City manages it.

Both McFee and Murray requested that City staff do some analysis of vacant lots and look at market rate to discuss Evergreen Cemetery further.

All in favor. The ordinance was approved in 1st reading unanimously.

VIII. REPORTS

City Manager's Report – Fire Chief and Assistant City Manager, Reece Bertholf requested a moment of silence for the Prokop family. He wanted to publicly thank all involved for affording him the opportunity to be Assistant City Manager.

Mayor's Report. LOST (Local Options Sales Tax) meeting next week with other area Mayor's. Mayor reminded the public of upcoming events such as the Film Festival and the TCL Rebranding.

Reports by Council Members. Mayor Pro Tem McFee stated that members of Council attended Hometown Legislative Action Day (HLAD) in Columbia last week. He's happy to say that we now have four Council members that have graduated from the Municipal Elected Official Institute (MEO).

Councilman Murray thanked Reece for recognizing Mr. Prokop and his family. He gave an update on Cyber Security. He mentioned free event at Beaufort Digital Corridor this week.

IX. ADJOURN 7:44PM

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

CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO:	CITY COUNCIL	**DATE:**	4/1/2020
FROM:	David Prichard, Director of Community Economic & Development		
AGENDA ITEM TITLE:	B. Ordinance amending Part 5, Article C (Beaufort Redevelopment Incentive Program) and Part 10, Chapter 3 (Incentive reimbursements grant program for certain annexations) – 2nd Reading		
MEETING DATE:	4/14/2020		
DEPARTMENT:	City Clerk		

BACKGROUND INFORMATION:

1st Reading - March 31, 2020 during the Special Council Meeting

PLACED ON AGENDA FOR:

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
back ground info	Backup Material	4/1/2020
Ordinance	Ordinance	4/13/2020

CITY OF BEAUFORT
DEPARTMENT REQUEST FOR
CITY COUNCIL AGENDA ITEM

*** (Deadline for Submission - Wednesday Noon Prior to Tuesday's Meeting) ***

TO: *City Council* **DATE: March 27, 2020**

FROM: David Prichard, Community and Economic Development Director

AGENDA ITEM TITLE: Ordinance amending Part 5 Article C (Beaufort Redevelopment Incentive Program) and Part 10 Chapter 3 (Incentive Reimbursements Grant Program for Certain Annexations)

MEETING DATE: March 31, 2020

BACKGROUND INFORMATION:

At work sessions on January 21, 2020 and March 10, 2020 the city council reviewed incentive ordinances for redevelopment and or annexation and concluded that the following amendments be proposed for consideration and decision by city council:

Delete the following incentives for:

- Occupancy of empty/vacant commercial buildings – reimbursement of city real property taxes up to 5 years – Sec. 5-2023
- New construction in downtown and redevelopment corridors[i] - reimbursement of city real property taxes up to 3 years – Sec. 5-2024
- Annexation (commercial) – building permit fees reduced 50% within 12 months of annexation – Sec.10-2002
- Annexation (segments on Lady's Island) - reimbursement of city real property taxes up to 3 years less that portion remitted to Lady's Island Fire District; 90% in years four and five; 50% in year six; and 30% in year seven – Sec. 10-3002 and 10-3003 (a)
- Annexation (Lady's Island commercial recreation) - - reimbursement of city real property taxes up to 3 years less that portion remitted to Lady's Island Fire District; 90% in years four, five and six; 60% in year seven; 50% in years eight and nine; and 40% in year ten – Sec. 10-3002 and 10-3003 (b)

And combine into one section the following incentives:

- Development of student housing - reimbursement of city real property taxes up to 3 years – Sec. 5-2025
- Development of accessory dwelling units[ii] - reimbursement of city real property taxes attributed to the accessory dwelling unit up to 3 years – Sec. 5-2026

- Rehabilitation of vacant or abandoned structures in the Beaufort Historic District - reimbursement of city real property taxes attributed to the building rehabilitation up to 3 years – Sec. 5-2027

With the following caveat re accessory dwelling units: that they cannot be used as a short-term rental for ten years.

PLACED ON AGENDA FOR: 1st Reading

Council action:

O R D I N A N C E

AMENDING THE CODE OF ORDINANCES BEAUFORT, SOUTH CAROLINA – PART 5 ARTICLE C (BEAUFORT REDEVELOPMENT INCENTIVE PROGRAM) AND PART 10 CHAPTER 3 (INCENTIVE REIMBURSEMENTS GRANT PROGRAM FOR CERTAIN ANNEXATIONS)

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, including the authority to levy and collect taxes on real and personal property . . ." as set forth in *Code of Laws of South Carolina*, Section 5-7-30; and

WHEREAS, Beaufort City Council has publicly discussed in work session the need and desire to consolidate existing ordinances that provide incentives for annexation and development, some of which are no longer necessary; and,

WHEREAS, the proposed amendments are compatible and in accordance with the vision and goals of the City of Beaufort; and

WHEREAS, this vision and these goals were established through public discussion, input and participation in open work sessions of Council; and

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

WHEREAS, City Council finds that the proposed amendment is in the best interest of the City of Beaufort, and its citizens;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Beaufort, South Carolina, in Council duly assembled and by authority of same, that the Code of Ordinances Beaufort, South Carolina be amended as follows:

Delete Sub-sections (h) and (i) from Section 5-2021.

Amend Sub-section 5-2021 (k) by deleting the clause "For the purposes of section 5-2027" as follows:

> *Rehabilitation of vacant or abandoned structures.* ~~For purposes of section 5-2027,~~ rehabilitation means renovations that bring the structure into a habitable condition. A rehabilitated structure shall have sound structural framing for roof, walls, floor, and foundation systems; completely weather-proofed wall, roof, and window systems; correctly sized heating systems; safe egress; and clean water supply with sanitary bathroom connected to sewer per code. A rehabilitated structure shall have passed a final inspection.

Amend Sub-section 5-2022 (b) by deleting the statement "and, to qualify under section 5-2023 of this article, a bona fide change in ownership of the commercial property in question" as follows:

Qualification for the program. Qualification for the program is contingent upon a change in the use, condition, and/or status of an owner's property ~~and, to qualify under section 5-2023 of this article, a bona fide change in ownership of the commercial property in question~~. Furthermore, to qualify hereunder the property in question must be fully in compliance with all federal, state and local codes, statutes, regulations and ordinances. The property in question must qualify for the program before any development incentives may be earned. No person or entity other than the qualifying property's bona fide owner may receive any reimbursement for taxes paid. No property may qualify for the program more than one (1) time or under more than one (1) section.

Delete Sections 5-2023, 5-2024, and chapters 2 and 3 of Part 10 in their entirety.

Delete Sections 5-2025, 5-2026, and 5-2027 in their entirety and replace with the following:

Sec. 5-2025. - Development.
A property owner responsible for:

(a) development of student housing (as defined in section 5-2021(e) of this article) and who has provided the City with a current affidavit that the units are being used for student housing; or,
(b) development of a carriage house as defined in section 4.5.3 of the Beaufort Development Code of the City of Beaufort, South Carolina, and who has provided the City with a current affidavit that the carriage house is occupied: (Note: carriage houses receiving this incentive may not be used as short-term rental for a period of ten years); or,
(c) rehabilitating a structure located in the Beaufort Historic District as depicted on the official zoning map of the City of Beaufort, South Carolina, and listed on the vacant and abandoned structures list maintained by the department of community and economic development

shall be reimbursed for all city real property taxes paid by the owner on the relevant property or, in the case of a rehabilitated historic structure, for the taxes attributable only to the building rehabilitation, for a maximum period of three (3) years. Reimbursements will be made on an annual basis after the city property taxes are paid, and upon presentment of relevant affidavit.

The Ordinance shall become effective upon adoption.

_____
BILLY KEYSERLING, 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:**	4/9/2020
FROM:	Reece Bertholf, Fire Chief		
AGENDA ITEM TITLE:	Ordinance amending Part 7 and adding a new Chapter17, Development Impact Fees for Fire Service - 2nd Reading		
MEETING DATE:	4/14/2020		
DEPARTMENT:	City Managers Office		

BACKGROUND INFORMATION:

Several Worksessions to include Joint Council Worksession with the Town of Port Royal have been had to discuss this proposed ordinance.

PLACED ON AGENDA FOR: *Action*

REMARKS:

Public hearing and 1st reading of this ordinance was held on March 10, 2020.

ATTACHMENTS:

Description	Type	Upload Date
Ordinance	Backup Material	4/9/2020

STATE OF SOUTH CAROLINA
CITY OF BEAUFORT

AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE CITY OF BEAUFORT, PART 7, SO AS TO ADD A NEW CHAPTER TO BE NUMBERED CHAPTER 17, DEVELOPMENT IMPACT FEES FOR FIRE SERVICE. 7-17001 THROUGH 7-170__; PROVIDING FOR THE ADOPTION OF DEVELOPMENT IMPACT FEES FOR THE CITY OF BEAUFORT; PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT THEREOF; AND OTHER MATTERS RELATED THERETO

Pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF BEAUFORT:

SECTION I. The Code of Ordinances for the City of Beaufort Part 7; is hereby amended by adding a chapter, to be numbered Chapter 17, Development Impact Fees for Fire Service; which division shall read as follows:

CHAPTER 17, DEVELOPMENT IMPACT FEES FOR FIRE SERVICES

Title

This ordinance shall be referred to as the "Development Impact Fee Ordinance for Fire Service, City of Beaufort South Carolina."

Authority

This ordinance is adopted pursuant to and in compliance with the authority of the South Carolina Development Impact Fee Act, Code of Laws of South Carolina, Title 6, Article 9, Chapter 1 (the "Act"), and is to be interpreted in accordance with such Act , or as it may be amended in the future.

Findings

The City of Beaufort Council hereby declares that:

(a) Fire protection, municipal fire department facilities and fire department equipment are vital and necessary to the health, safety, welfare, and prosperity of the city and its citizens. Substantial growth and new construction are taking place within the municipality and is anticipated to continue. This growth creates substantial need for new infrastructure capacity and maintenance. Meeting these needs is very costly; however, failure to do so will result in an inadequate system of facilities and equipment to accommodate anticipated demand. This would make the City of Beaufort a less desirable place to live and do business and be detrimental to the health, safety, welfare, and prosperity of the city and its citizens.

(b) To the extent that future growth and new construction in the city places demands on fire protection which should be met by shifting a portion of the capital costs for providing new capacity and maintaining exiting capital to serve new development, which creates, in whole or in part, these demands and needs.

(c) By Joint Resolutions adopted on November 13, 2018, and November 14, 2018, the City of Beaufort and Town of Port Royal Councils directed the Metropolitan Planning Commission to conduct the necessary studies and a recommended development impact fee ordinance in accordance with the requirements of the Act.

(d) The Metropolitan Planning Commission recommended a *Developmental Fire Impact Fee Study Report for Beaufort/Port Royal Fire Department* dated 8/15/2019, a *Beaufort/Port Royal Capital Improvements Plan* with projects eligible for impact fee funding dated November 2018, which have been adopted by the City Council, as modified.

(e) This ordinance is enacted to implement the findings and recommendations of the *Development Fire Impact Fee Study Report for Beaufort/Port Royal Fire Department* and endorse the list of capital projects eligible for impact fee funding in the *Beaufort/Port Royal Fire Department Capital Improvement Plan*.

(f) The impact fees prescribed in this ordinance are equitable, do not impose an unfair or disproportionate burden on developers and new construction, and are in the best interests of the general welfare of City of Beaufort and its citizens.

(g) New facilities or equipment eligible for development impact fee funding will benefit all new development or redevelopment in city limits. Therefore, it is appropriate to treat the entire city as one service area for calculating, collecting, and spending development impact fees.

(h) This ordinance provides the procedures for timely processing of applications for determination of appropriate development impact fees applicable to all development inside city limits subject to the impact fees, and for the timely processing of applications for individual assessment of development impact fees, credits, or reimbursements allowed or paid.

(i) Property for which a valid building permit has been issued prior to the effective date of this ordinance shall not be subject to new or updated development impact fees.

Definitions

The following definitions apply within this ordinance, consistent with the provisions set forth in the South Carolina Development Impact fee Act, or as it may be amended in the future. Where terms are not defined, the definitions used in the City of Beaufort Code of Ordinances shall apply.

(a) Affordable Housing. Housing that is affordable to families whose incomes do not exceed eighty (80%) percent of the median income for the service zone established for the City of Beaufort.

(b) Building Permit. A permit issued by the city permitting the construction of a building or structure within city limits.

(c) Capital Improvement. Improvements with a useful life of five years or more, by new construction or other action, which increase the service capacity of any public facility.

(d) Capital Improvements Plan (CIP). A multi-year planning tool used to identify capital projects. The Plan also identifies capital improvements for which impact fees may be used as a funding source.

(e) Certificate of Occupancy. A certificate allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with the City of Beaufort Code of Ordinances and all other applicable regulations.

(f) Credits. Impact fee deductions allowed to a fee payor for eligible off-site capital improvements funded by the fee payor or other allowance.

(g) Developer. An individual, corporation, partnership, or other legal entity undertaking new development.

(h) Development. Construction or installation of a new building or structure, or a change in use of an existing building or structure, any of which creates additional demand and need for public facilities (i.e., parks and recreation, fire protection, municipal facilities and equipment, or transportation). A building or structure shall include, but not be limited to, modular buildings and manufactured housing. Development does not include alterations made to existing single-family homes.

(i) Development Impact Fee. A financial payment made by a developer to a local government for funding certain off-site capital improvements identified to accommodate future growth. Development impact fees (or "impact fees") are collected by the municipality for, fire protection, fire department facilities, and fire department equipment.

(j) Fee Payor. A developer that pays or is required to pay a development impact fee.

(k) Fire Impact Fee. A payment of money imposed as a condition of approval to pay a proportionate share of the cost for improvements and maintenance of the fire protection system identified to serve new development.

(l) Level of service. Means a measure of the relationship between service capacity and service demand for public facilities.

(m) Public Facilities. Public facilities for the purpose of this ordinance shall include fire protection facilities and equipment and/or construction of capital improvements identified in the *Beaufort/Port Royal Fire Department Capital Improvements Plan* and the *Development Impact Fee Study Report for the Beaufort/Port Royal Fire Department.*

(1) Capital equipment and vehicles, with an individual unit purchase price of not less than $100,000 dollars including but not limited to, equipment and vehicles used in the delivery of public safety services or emergency preparedness services.

(n) Square Feet (s.f.). As referred to in Appendix A *Impact Fee Schedule for Fire Protection Facilities and Equipment* of this ordinance, means the sum (in square feet) of the area of each floor level, including cellars, basements, mezzanines, penthouses, corridors, lobbies, stores and offices, that are within the principal outside faces of exterior walls, not including architectural setbacks or projections. Included are all areas that have floor surfaces with clear standing head room (measured 6 foot, 6 inches minimum) regardless of their use. If a ground-level area of a building, or part thereof, within the principal outside faces of the exterior walls is not enclosed, this square footage definition considers it part of the overall square footage for the building. However, unroofed areas and unenclosed roofed-over spaces, except those contained within the principle outside faces of exterior walls, should be excluded from the area measurement. The area of any parking garage within a building shall not be included in the area measurement.

(o) System Improvement. A capital improvement to a public facility which is designed to provide service to a service area.

(p) System Improvement Costs. The costs incurred for construction and reconstruction of system improvements, including design, acquisition, engineering, and other costs attributable to the improvements including the cost of providing additional public facilities needed to serve new growth and development. System improvement costs do not include:

(1) Construction, acquisition, or expansion of public facilities other than capital improvements eligible for impact fee funding that are identified in the *Beaufort/Port Royal Fire Department Capital Improvement plan*;

(2) Repair, operation, or maintenance of existing or new capital improvements;

(3) Upgrading, updating, expanding, or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental, or regulatory standards;

(4) Upgrading, updating, expanding, or replacing existing capital infrastructure to provide better service to existing development;

(5) Administrative and operating costs of the governmental entity; or

(6) Principal payments and interest or other finance charges on bonds or other indebtedness issued by or on behalf of the governmental entity to finance capital improvements eligible for impact fee funding that are identified in the *Beaufort/Port Royal Fire Department Capital Improvement Plan*.

Supporting Documentation

This ordinance is based upon the conclusions and recommendations presented in the *Beaufort/Port Royal Development Fire Impact Fee Study*, prepared with the provisions set forth in the Act and adopted by joint resolutions from the City of Beaufort and Town of Port Royal councils. These documents are and shall remain on file in the City of Beaufort City Manager's Office and are hereby incorporated into this ordinance by reference.

All developmental impact fees for fire service collected pursuant to this ordinance shall be used to implement any or all of the public facilities deemed eligible for impact fee funding identified in the *Beaufort/Port Royal Fire Department Capital Improvement Plan.*

Jurisdiction

A development impact fee shall apply to all new development or redevelopment located within municipal boundaries.

Application and Exemptions

The provisions of the ordinance shall apply to all new development or redevelopment within municipal boundaries for which a building permit or development approval is required except for the following:

(a) Rebuilding the same amount of floor space of a structure that was destroyed by fire or other natural catastrophe;

(b) Remodeling or repairing a structure with the same land use that does not result in an increase in the number of service units or place new demand on fire protection;

(c) Replacing a residential unit, including a manufactured home, with another residential unit on the same lot, if the number of service units does not change;

(d) Placing a construction trailer or temporary office on a lot during the period of construction on the same lot;

(e) Construction of an addition to a residential structure that does not increase the service units;

(f) Adding uses that are typically accessory to residential uses, such as a tennis court or a clubhouse, unless it is demonstrated clearly that the use creates new consumption of fire services, municipal facilities and equipment, or the transportation system; and

(g) All or part of a particular development project determined to create affordable housing.

Provisions for Affordable Housing

Because all or part of any development project may be exempt from development fire impact fees for affordable housing, the following sets forth the administrative standards for determining what constitutes affordable housing and the procedures for exemption.

(a) Median Household Income

Affordable housing is based upon eighty percent (80%) of the median household income for residents living within the City of Beaufort. Median household income shall be determined once a year utilizing the following procedure:

(1) The most recently available figures from the US Census Bureau American Community Survey will serve as the base year for this evaluation;

(2) Each subsequent year will be adjusted once annually thereafter during January of the calendar year based upon the previous year's published Consumer Price Index (CPI) increase, until the next US Census Bureau data set is published, and this procedure is replicated.

(b) Maximum Expenditure

The maximum expenditure for housing costs shall correspond to the Fannie Mae Foundation Mortgage Calculator multiplier of thirty percent (30%) of gross household income based upon eighty percent (80%) of median household income is:

(1) Multifamily rental dwelling units of which the gross monthly rent cost does not exceed thirty percent (30%) of eighty percent (80%) of the gross median household monthly income.

- maximum monthly rent = MFI X 80% X 30% /12
- $1031.12 max month rent = $51,556 MFI x 80% x 30% / 12
- MFI (Median Family Income) - $51,556 This is an average of the U.S. Census Bureau MFI's published for the City of Beaufort and the Town

of Port Royal.

- 80% - The required MFI reduction as defined by the SC State impact fee law, SC Code Section 6-1-920

- 30% - The US Housing and Urban Development's (HUD) criteria that housing cost should be 30% or less of a household's MFI.

(2) Fee for simple ownership dwelling units of which the cost of homeownership for the dwelling unit do not exceed thirty percent (30%) of eighty percent (80%) of the gross median household monthly income as reflected in the sales price using the Fannie Mae Foundation Mortgage Calculator (or comparable methodology) assuming a 10% down payment and a specified interest rate. The specified interest rate shall be determined by selecting the lowest 30-year fixed mortgage rate reported by area lending institutions as of the first week of January for any given year and shall remain so for the balance of the year.

- maximum monthly principle and interest (MMPI) = MFI X 80% X 30% /12 – expenses

- $631.12 MMPI = $51,556 MFI x 80% x 30% /12 - 400

- A 30-year mortgage at 7% and 10% down payment calculates to a purchase price of $105,400.00 to meet $631.12 MMPI.

    - MMPI – Maximum monthly Principle and Interest Payment

    - MFI (Median Family Income) - $51,556 This is an average of the U.S. Census Bureau MFI's published for the City of Beaufort and the Town of Port Royal

    - 80% - The required MFI reduction as defined by the SC State impact fee law, SC Code Section 6-1-920

    - 30% - The US Housing and Urban Development's (HUD) criteria that housing cost should be 30% or less of a household's MFI.

    - Expenses - $100 per month insurance, $100 per month taxes, $200 per month utilities and upkeep.

(c) Procedures for Exemption from Development Impact Fees

(1) A developer seeking exemption from development fire impact fees for the construction of affordable multifamily rental dwelling units, must provide a Rent Control Agreement, approved by the City of Beaufort Community and Economic Development department, restricting the monthly rental cost of each affordable

housing unit for a period of Ten (10) years in accordance with the maximum expenditure, prior to issuance of the building permit.

(2) A developer seeking exemption from developmental fire impact fees for the construction of affordable simple ownership dwellings, must provide a letter, approved by the City of Beaufort Community and Economic Development Department, restricting the sale price of the housing unit.

Credit for Redevelopment

(a) Properties with existing structures may receive fire impact fee credit for structures to be redeveloped or replaced.

(1) The permit applicant is responsible to notify the City of Beaufort Community and Economic Development department of the request for fire impact fee credit prior to presenting application for building permit or development permit and provide documentation necessary to properly assess the impact fee potential of the existing structure.

(2) The structure shall be evaluated in the present state to determine the developmental impact fee as if that structure was being constructed at the time of building permit application.

(3) The fee calculated for the existing structure will be credited towards to the developmental fire impact fee calculated for the new development building permit.

(4) Impact fee credit applied for existing structures shall not result in a developmental fire impact fee of less than Zero.

Determination of Fees

(a) <u>General Provisions</u>

(1) The Community and Economic Development department shall determine, assess and collect all development impact fees administered within the city limits.

(2) Upon the effective date of this ordinance, development impact fees shall be charged to new development or redevelopment in accordance with the procedures set forth in this ordinance. Fees to be collected for a development will be determined at the time of application for a building permit. If the development is one that does not require a building permit, the impact fee for the development will be determined at the time of development approval. No building permit or development approval shall be issued for any development requiring the payment of development impact fees until the fees have been assessed by and remitted to the City of Beaufort Community and Economic Development department, or in the case of affordable housing exemptions, the appropriate financial guarantees have been filed with the

Community and Economic Development department. Payment of such fees shall not relieve the developer from obligations to comply with any other applicable city ordinances, regulations, or requirements including, but not limited to, the "Zoning," "Subdivisions," or "Buildings and Building Regulations" Chapters of the City of Beaufort Code of Ordinances prior to receiving a Certificate of Occupancy.

(3) All monies paid by the fee payor pursuant to this ordinance shall be identified as development fire impact fees and promptly deposited in the developmental fire impact fee trust fund described in this ordinance.

(4) For the purpose of calculating development impact fees, the land use types shall be defined in accordance with the definitions contained in the Institute of Transportation Engineers' *Trip Generation Manual*, Ninth Edition.

(5) Payment of development impact fees or independent impact fee calculation reviewed and approved by the City of Beaufort Director of Community and Economic Development, shall constitute full and complete payment of the new development's proportionate share of fire service costs.

(6) A developer may negotiate and contract with the city to provide facilities or services in lieu of payment of development impact fees in accordance with Section 6-1-1050 of the Act.

(b) Fire Protection Impact Fees

(1) Fire Protection Impact Fee Formula

Fire protection impact fees collected within city limits shall be in accordance with one of the following formulas:

a. Residential Development

Residential Fire Impact Fee = (SU) x (CPP)

Where:

SU (Service Unit) = The amount of net new service units generated by the proposed development. The service unit variable is calculated per Service Unit as annotated by each land use category

CPP (COST PER PERSON) = The cost per person for providing fire protection services based on information presented in the *Beaufort/Port Royal Fire Department Development Impact Fee Study*. The cost per person is $305.43.

b. Non-Residential Development

Non-Residential Fire Impact Fee = (#SU) x (ESR) x (CPE)

Where:

SU = The amount of net new service units generated by the proposed development. The service unit variable is calculated per Service Unit as annotated by each land use category.

ESR = Average employee space ratio developed using information published in the Institute of Transportation Engineers *Trip Generation Manual, Ninth Edition* (see Appendix A, Land Use Category)

CPR (Cost per Employee) = The cost per employee for providing fire protection services is based on information presented in the *Beaufort/Port Royal Fire Department Development Impact Fee Study*. The cost per employee is $592.34.

(2) Determining Fire Protection Impact Fees

The amount of fire protection impact fees attributable to a specific development shall be determined through the following process:

a. Verify the use and number of new service units for which the building permit is being sought;

b. For residential development, determine whether any of the proposed residential dwelling units qualify for exemption of fire protection impact fees as "affordable housing" and, if so, the number and type of such units; and

c. For residential uses multiply the number of non-exempt service units for the specified land use category by the cost per person.

d. For Non-residential development, determine the applicable land use type and impact fee per service unit set forth in the Land Use Category Chart Appendix A; and

e. For non-residential uses multiply the number of service units for the specified land use category (see Appendix A) by the employee space ratio, and then multiply the product by the cost per employee.

(3) Independent Fire Protection Impact Fee Calculation

In the event that a fee payor or city staff contend that the land use for which the building permit is being sought is not within those land uses identified in Appendix A, or if the fee payor contends that the Appendix A calculations are not accurate for its intended use, then the City of Beaufort Director of Community and Economic Development, or its designee, shall make a determination as to the most comparable land use category to assume for calculating fire protection impact fees. If the fee payor disagrees with the determination of the City of Beaufort Director of Community and Economic Development, or if the city otherwise deems it appropriate, an independent impact fee calculation may be performed to quantify the fair share of system improvement costs attributable to the development. Preparation of an independent impact fee calculation will immediately halt the building permit application process until such time that the necessary calculation is deemed complete by the City of Beaufort Director of Community and Economic Development. If an independent calculation is requested, it must accompany the building permit application and be prepared in accordance with the following provisions:

a. Independent calculations for the determination of fire protection impact fees must be performed by a certified professional engineer, architect, landscape architect, planner or other duly qualified and licensed professional approved by the City of Beaufort Director of Community and Economic Development.

b. The independent calculation shall be subject to review and approval by the City of Beaufort Director of Community and Economic Development, or its designee. In the event that the City of Beaufort Director of Community and Economic Development elects to contract with a third party to review the independent calculation, the cost of this review shall be borne by the applicant based on the cost of the third-party review, plus a ten percent (10%) administrative fee.

c. The City of Beaufort Director of Community and Economic Development shall either approve or provide in writing the reasons for disapproval of the independent calculation study within thirty (30) days of its submittal for review.

d. Prior to commencing the study, the developer's hired professional and the City of Beaufort Director of Community and Economic Development, or its designee, shall agree upon the relevant factors and values that will be utilized in the independent calculation of impact fee.

e. The independent impact fee calculation shall be based on one of the following formulas:

Residential Development

Residential Fire Impact Fee = (SU) x (CPP)

Where:

SU (Service Unit) = The amount of net new service units generated by the proposed development. The service unit variable is calculated per Service Unit as annotated by each land use category

CPP (COST PER PERSON) = The cost per person for providing fire protection services based on information presented in the *Beaufort/Port Royal Fire Department Development Impact Fee Study.* The cost per person is $305.43.

Non-Residential Development

Non-Residential Fire Impact Fee = (#SU) x (ESR) x (CPE)

Where:

SU = The amount of net new service units generated by the proposed development. The service unit variable is calculated per Service Unit as annotated by each land use category.

ESR = Average employee space ratio developed using information published in the Institute of Transportation Engineers *Trip Generation Manual, Ninth Edition* (see Appendix A, Land Use Category)

CPR (Cost per Employee) = The cost per employee for providing fire protection services is based on information presented in the *Beaufort/Port Royal Fire Department Development Impact Fee Study*. The cost per employee is $592.34.

Impact Fee Trust Funds

Development impact fees collected pursuant to this ordinance shall be kept separate from other revenue of the city. There shall be one trust fund established solely for development fire impact fee funds. All development impact fees collected shall be properly identified by property address noted on the approved building permit and by the appropriate trust account.

Any funds on deposit not immediately necessary for expenditure shall be maintained in an interest-bearing account prior to expenditure on recommended projects. Interest earned on development impact fees in deposit must be considered revenue to the trust fund account for which income is earned and must be subject to all restrictions placed on the use of development impact fees pursuant to this ordinance.

Limitation on Expenditures of Funds Collected

(a) Eligible System Improvement Costs

Funds from development impact fee trust accounts shall be expended only for the public facilities and system improvements identified as eligible for impact fee funding in the *Beaufort/Port Royal Fire Department Capital Improvement plan*, incorporated herein by reference. No funds shall be used for administrative or operating costs associated with imposing any of the development impact fees. Eligible components of a public fire department facility may include, but are not limited to, the following:

(1) Design and construction plan preparation;

(2) Construction of new facilities, structures, or amenities that provide additional capacity;

(3) Purchase of new equipment (>$100,000 purchase price) that provide additional capacity.

(4) Principal payments, interest and other finance charges on bonds or other indebtedness issued by or on behalf of the city for financing any or all public fire department infrastructure.

(b) Rational Nexus Test

The City Finance Director, or its designee, shall make an annual report to the City Council and publish this report for access by the general citizenry showing where development fire impact fees have been collected and what projects have been funded with these revenues. The Council shall consider this report and whether the fees are being spent for the benefit of new developments within city limits. If the Council determines that this is not the case, then it shall adjust the *Beaufort/Port Royal Fire Department Capital Improvement plan*, and other projected capital expenditures to correct the condition.

(c) Expenditure of Funds

Development impact fee funds shall be expended in the order in which they were collected. The disbursal of such funds shall require approval of the City Council, upon recommendation of the City Manager or its designee.

(d) Reimbursement

Impact fee funds not obligated for expenditure within three (3) years of the date of collection shall be returned, with actual interest earned, to the record owner of the property for which the fees were collected, on a first-in, first-out basis.

Credits / Reimbursements

(a) General Provisions

(1) A developer shall be entitled to a credit against development impact fees assessed pursuant to this ordinance for city-approved monetary or in-kind contributions toward some or all expenditures included in the *Beaufort/Port Royal Fire Department Capital Improvement plan*, that are eligible for impact fee funding.

(2) Development impact fees shall not be imposed on a fee payor or developer who has entered into an agreement with the city for certain contribution, payment, construction, or dedication of land up to the cash value of the specific improvements identified within the agreement. Any difference between total development impact fees due for the development and the cash value of the executed agreement remain eligible for collection pursuant to the rules and requirements of this ordinance.

(3) A fee payor shall be reimbursed for contributions of land or facilities that exceed his proportionate share of the cost of public facilities when such excess contribution is made at the request of the city.

(b) Application for Credit Agreement

(1) The determination of the amount of any credit shall be undertaken through submission of an Application for Credit Agreement, which shall be submitted through the City of Beaufort Community and Economic development, for review by the Director of Community and Economic development, or its designee.

(2) The Application for Credit Agreement shall include the following information:

a. The following documentation must be provided if the proposed application involves a credit for any cash contribution:

1. A certified copy of the development approval in which the contribution

was agreed; and

2. Proof of payment (if already made); or

3. Proposed method of payment (if not already made).

b. The following documentation must be provided if the proposed application involves credit for dedication of land:

1. A drawing and legal description of the land;

2. The appraised fair market value of the land at the date a building permit application is sought for the land use(s), prepared by a professional Real Estate Appraiser who is a member of the member Appraisal Institute (MAL) or who is a member of Senior Residential Appraisers (SRA); and

3. A certified copy of the development permit in which the land was agreed to be dedicated (if applicable).

c. The following documentation must be provided if the proposed application involves credit for construction:

1. The proposed construction documents of the specific construction project prepared and certified by a duly qualified and licensed engineer in the State of South Carolina;

2. The projected costs for the suggested improvements, which shall be based on local information for similar improvements, along with the construction schedule for the completion of said improvements. Such estimated cost shall include construction or reconstruction of the project, the cost of labor and materials, the cost of all lands, property, rights, easements, and franchises acquired, financing charges, interest prior to and during construction and for one (1) year after completion of construction, costs of plans and specifications, surveys of estimates of costs and revenues, costs of professional services, and all of the expenses necessary or incidental to determining the feasibility or practicability of such construction or reconstruction.

(3) Within fourteen (14) days of receipt of the proposed Application for Credit Agreement, the City of Beaufort Director of Community and Economic development, or its designee, shall determine if the application is complete. If it is determined that the proposed agreement is not complete, the City of Beaufort Director of Community and Economic development shall send written notification to the applicant outlining the deficiencies. The City of Beaufort Director of Community and Economic development shall take no further action on the proposed Application for Credit Agreement until all such deficiencies have

been corrected or otherwise settled.

(4) Once the City of Beaufort Director of Community and Economic development determines that the proposed Application for Credit Agreement is complete, it shall be reviewed within thirty (30) days by a committee of designated staff composed of the City Manager, City Finance Director, City Fire Chief, City Building Official, and City Engineer (together known as the Credit Review Committee).

(5) If the Application for Credit Agreement is approved by the Credit Review Committee, a Credit Agreement shall be prepared and signed by the applicant and the City Manager. It shall specifically outline the contribution, payment, construction, or land dedication, the time by which it shall be complete, dedicated, or paid, and any extensions thereof, and the dollar credit the applicant shall receive for the contribution, payment, or construction against development impact fees. The agreement may also include provisions for rescinding the credit and issuing stop work orders if the dedication and/or work and/or construction are not timely accomplished.

(6) A fee payor affected by the decision of the Credit Review Committee regarding credits may appeal such decision pursuant to the Appeal Process as outlined in this ordinance.

Penalties

City Council shall have the following remedies, which may be exercised individually or collectively, for collecting development impact fees. The failure to pursue any remedy at any time shall not be deemed as a waiver of city rights to pursue any remedy at such other time as may be deemed appropriate.

(a) Interest and Penalties. The City may, at its discretion, add to the amount of calculated development impact fees due prior to award of a Certificate of Occupancy, reasonable interest and penalties for non-payment or late payment of required funds. Penalties for unpaid development impact fees shall be administered consistent with City of Beaufort Code of Ordinances.

(b) Withholding Certificate of Occupancy. The City may withhold a Certificate of Occupancy until full and complete payment has been made by the developer of development impact fees due for the development.

(c) Withholding Utility Service. The City may withhold the provision of utility services to a development until the required development impact fees have been paid in full.

(d) Lien. The City may impose a lien on the developer's property for failure of the developer to pay required development impact fees in full.

(e) Other. The City may pursue the collection of the development impact fees, including interest, by way of civil process.

Appeal Process

A developer shall have the following rights for appeal of development impact fees imposed by the city on their development pursuant only to this ordinance:

(a) Administrative Appeal

(1) A developer may file an administrative appeal with the City Manager regarding the payment of development impact fees, independent calculation of impact fees, or credits or reimbursements by filing a written Notice of Appeal. Said Notice shall be filed within thirty (30) days of the decision sought to be appealed. The filing of an appeal will immediately halt the building permit application process, unless the developer posts a bond or submits an irrevocable letter of credit for the full amount of the development impact fees as calculated by the city to be due. All Notices of Appeal shall include a full explanation of the reasons for the appeal, specifying the grounds therefore, and containing any documentation that the developer desires to be considered. The appeal shall contain the name and address of the developer filing the appeal and shall state their capacity to act as a representative or agent if they are not the owner of the property to which impact fees or credits pertain.

(2) Within thirty (30) days following receipt of the written Notice of Appeal, the City Manager will review the Appellant's written report, supporting documentation and departmental staff reports. The thirty (30) day review period may be extended if additional information is needed from the Appellant in order to render a decision. Upon completion of the administrative review, the City Manager will provide a written response to the Appellant constituting a final administrative determination.

(3) Any person desiring to appeal the final administrative determination of the City Manager regarding payment of development impact fees or credits shall file a written Notice of Appeal to the City Council. Said Notice of Appeal to City Council shall be filed with the City Clerk of Council within fifteen (15) days following receipt of the final administrative determination. Receipt shall be construed to have occurred when the final administrative decision is deposited in the United States mail postage prepaid to the person whose name and address is identified in the original Notice of Appeal.

(4) The City Clerk of Council will schedule all impact fee appeals for the first City Council meeting following ten (10) days from receipt of the Written Notice of Appeal to the City Council. Postponements of the City Council appeal date may be granted by the City Manager if they are requested in writing at least ten (10)

days in advance of the scheduled City Council meeting date.

(5) When an Appeal is scheduled for oral presentation before the City Council, the Appellant and city staff shall each be given ten (10) minutes at the oral argument to present the Appeal and to discuss the submitted written record.

(b) Payment Under Protest

A fee payer may pay development impact fees under protest. Payment under protest does not preclude the developer from filing an administrative appeal nor is the fee payer stopped from receiving a refund of an amount considered to have been collected illegally. A fee payor, at his option, may also post a bond or submit an irrevocable letter of credit for the amount of development impact fees due instead of making a cash payment under protest, pending the outcome of an appeal.

(c) Mediation

City Council shall provide for mediation by a qualified independent party, upon voluntary agreement by both the developer and the City, to address a disagreement related to development impact fees calculated by the City. Neither a request for, nor participation in, mediation shall preclude a fee payor from pursuing other developer rights or remedies otherwise available by law.

Refunds

(a) General Provisions

Funds not obligated for expenditure within three (3) years of the date that they are scheduled to be expended in the *Beaufort/Port Royal Fire Department Capital Improvement Plan* shall be refunded to the record owner of property for which the impact fees were paid, with actual interest earned, on a first-in, first-out basis. For the purpose of determining whether fees have been spent or encumbered, the first money placed in a trust fund account shall be deemed to the first money taken out of that account when withdrawals have been made.

(b) Refund Process

The owner of property eligible for a refund of one or more development impact fee payments shall submit to the City of Beaufort Director of Community and Economic Development:

(1) a notarized sworn statement that the person is the current owner of the property for which a refund is due, a certified copy of the latest recorded deed, and a copy of the most recent ad valorem tax bill for the property.

(2) When a right to a refund exists, the city shall send a refund to the current owner of record within ninety (90) days after it is determined by City Council that a refund is due.

(3) All refunds shall include the pro rata portion of the interest earned while on deposit in the specific development impact fee trust account.

(4) A record owner of property for which one or more development impact fee refunds are due has standing to sue for such refund pursuant to Section 6-1-1020(D) of the Act if there has not been a good-faith effort towards a timely payment of a refund pursuant to this section.

Review

(a) City Council shall be responsible for preparing and publishing an annual report describing the amount of development impact fees collected, appropriated, and spent during the preceding fiscal year.

(b) Metropolitan Planning Commission shall be responsible for a holistic review and update of the *Developmental Fire Impact Fee Study for the Beaufort/Port Royal Fire Department*, *The Beaufort/Port Royal Fire Department Capital Improvement Plan*, and the Affordable Housing Analysis in support of both, in the same manner and on the same review cycle as the City of Beaufort Comprehensive Plan.

Termination of Development Impact Fees

Development impact fees for the City of Beaufort shall be terminated within Twenty (20) years after the effective date of this ordinance, or when sufficient fees have been collected to fund all of the projects eligible for development impact fee funding that are identified in the *Beaufort/Port Royal Fire Department Capital Improvement Plan*, whichever shall first occur, unless:

(a) City Council adopts a revised *Developmental Fire Impact Fee Study for the Beaufort/Port Royal Fire Department* or amends *The Beaufort/Port Royal Fire Department Capital Improvement* for a subsequent amount of time; or

(b) City Council adopts and updated *Developmental Fire Impact Fee Study for the Beaufort/Port Royal Fire Department,* pursuant to the substantive and procedural requirements set forth in the South Carolina Development Impact Fee Act, as amended.

Liberal Construction

The provisions of this ordinance shall be liberally construed to effectively carry out its purpose in the interest of further promoting and protecting public health, safety, welfare, and convenience.

SECTION II. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court, such section, subsection, sentence, clause, phrase or portion of this ordinance shall be deemed to be a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining provisions of this ordinance nor impair or nullify the remainder of these provisions which shall continue in full force and effect.

If the application of any provision of this ordinance to any new development is declared to be invalid by a decision of any court, the intent of City Council is that such decision shall be limited only to the specific new development expressly involved in the controversy, action, or proceeding in which such decision of invalidity was rendered. Such decision shall not affect, impair, or nullify this ordinance as a whole or the application of any provision of this ordinance to any other new development.

Conflicting Ordinances. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Effective Date. This ordinance shall be effective from and after January 1, 2021.

SIGNED AND SEALED:

_____

BILLY KEYSERLING, MAYOR

ATTEST:

_____

IVETTE BURGESS, CITY CLERK

Appendix A

Land Use Category	Service Units	Persons per Household	Employee Space Ratio	Cost per Person	Cost per Employee	Impact Fee per Service unit
Residential Uses						
Single Family (Attached or Detached)	d.u.	2.69	—	$305.43	—	$305.43
Mobile Home	d.u.	3.66	—	$305.43	—	$305.43
Multifamily (>2 Dwelling Units)	d.u.	1.25	—	$305.43	—	$305.43
Non-Residential Uses						
Hotel / Motel Uses						
Hotel	room	—	0.57	—	$592.34	$337.64
Business Hotel	room	—	0.1	—	$592.34	$59.23
Motel	room	—	0.71	—	$592.34	$420.56
Recreational Uses						
Golf Course	hole	—	1.74	—	$592.34	$1,030.68
Movie Theater (w/ Matinee)	1,000 s.f.	—	1.1	—	$592.34	$651.58
Institutional Uses						
Elementary School	1,000 s.f.	—	0.98	—	$592.34	$580.50
Middle/Junior High School	1,000 s.f.	—	0.84	—	$592.34	$497.57
High School	1,000 s.f.	—	0.65	—	$592.34	$385.02
Junior/Community College	1,000 s.f.	—	1.77	—	$592.34	$1,048.45
University/College	student	—	0.19	—	$592.34	$112.55
Daycare	1,000 s.f.	—	2.77	—	$592.34	$1,640.79
Library	1,000 s.f.	—	1.07	—	$592.34	$633.81
Medical Uses						
Hospital	bed	—	2.88	—	$592.34	$1,705.95
Nursing Home	bed	—	0.84	—	$592.34	$497.57
Clinic	1,000 s.f.	—	3.93	—	$592.34	$2,327.91
Medical/Dental Office	1,000 s.f.	—	4.05	—	$592.34	$2,398.99

Impact Fee Schedule for Fire Protection Facilities and Equipment						
Land Use Category	**Service Units**	**Persons per Household**	**Employee Space Ratio**	**Cost per Person**	**Cost per Employee**	**Impact Fee per Service unit**
General Office Uses						
< 50,000 s.f.	1,000 s.f.	—	4.14	—	$592.34	$2,452.30
50,001 – 100,000 s.f.	1,000 s.f.	—	3.72	—	$592.34	$2,203.52
100,001 – 150,000 s.f.	1,000 s.f.	—	3.55	—	$592.34	$2,102.82
150,001 – 200,000 s.f.	1,000 s.f.	—	3.44	—	$592.34	$2,037.66
> 200,001 s.f.	1,000 s.f.	—	3.26	—	$592.34	$1,931.04
Office Park Uses						
< 50,000 s.f.	1,000 s.f.	—	3.7	—	$592.34	$2,191.67
50,001 – 100,000 s.f	1,000 s.f.	—	4.96	—	$592.34	$2,938.03
100,001 s.f. – 150,000 s.f.	1,000 s.f.	—	4.18	—	$592.34	$2,476.00
150,001 – 200,000 s.f.	1,000 s.f.	—	3.82	—	$592.34	$2,262.75
200,001 – 250,000 s.f.	1,000 s.f.	—	3.62	—	$592.34	$2,144.29
250,001 – 300,000 s.f.	1,000 s.f.	—	3.48	—	$592.34	$2,061.36
300,001 – 350,000 s.f.	1,000 s.f.	—	3.38	—	$592.34	$2,002.12
350,001 – 400,000 s.f.	1,000 s.f.	—	3.3	—	$592.34	$1,954.74
> 400,001 s.f.	1,000 s.f.	—	3.17	—	$592.34	$1,877.73
Business Park Uses						
< 100,000 s.f	1,000 s.f.	—	2.44	—	$592.34	$1,445.32
100,001 s.f. – 150,000 s.f.	1,000 s.f.	—	2.79	—	$592.34	$1,652.64
150,001 – 200,000 s.f.	1,000 s.f.	—	2.95	—	$592.34	$1,747.41
200,001 – 250,000 s.f.	1,000 s.f.	—	3.03	—	$592.34	$1,794.80
250,001 – 300,000 s.f.	1,000 s.f.	—	3.09	—	$592.34	$1,830.34
300,001 – 350,000 s.f.	1,000 s.f.	—	3.12	—	$592.34	$1,848.11
350,001 – 400,000 s.f.	1,000 s.f.	—	3.15	—	$592.34	$1,865.88
> 400,001 s.f.	1,000 s.f.	—	3.2	—	$592.34	$1,895.50

Impact Fee Schedule for Fire Protection Facilities and Equipment

Land Use Category	Service Units	Persons per Household	Employee Space Ratio	Cost per Person	Cost per Employee	Impact Fee per Service unit
General Retail Uses						
< 50,000 s.f.	1,000 s.f.	—	2.86	—	$592.34	$1,694.10
50,001 – 100,000 s.f	1,000 s.f.	—	2.5	—	$592.34	$1,480.86
100,001 s.f. – 150,000 s.f.	1,000 s.f.	—	2.22	—	$592.34	$1,315.00
150,001 – 200,000 s.f.	1,000 s.f.	—	2.22	—	$592.34	$1,315.00
200,001 – 300,000 s.f.	1,000 s.f.	—	2.22	—	$592.34	$1,315.00
300,001 – 400,000 s.f.	1,000 s.f.	—	2.22	—	$592.34	$1,315.00
> 400,001 s.f.	1,000 s.f.	—	2.22	—	$592.34	$1,315.00
Specific Retail Uses						
Supermarket	1,000 s.f.	—	1.1	—	$592.34	$651.58
Building Materials/ Lumber Store	1,000 s.f.	—	1.41	—	$592.34	$835.21
Free Standing Discount Store	1,000 s.f.	—	1.98	—	$592.34	$1,172.84
Nursery/Garden Center	1,000 s.f.	—	3.12	—	$592.34	$1,848.11
New Car Sales Center	1,000 s.f.	—	1.53	—	$592.34	$906.29
Tire Store	1,000 s.f.	—	1.21	—	$592.34	$716.74
Furniture Store	1,000 s.f.	—	0.42	—	$592.34	$248.78
Industrial Uses						
General Light Industrial	1,000 s.f.	—	2.31	—	$592.34	$1,368.31
General Heavy Industrial	1,000 s.f.	—	1.83	—	$592.34	$1,083.99
Industrial Park	1,000 s.f.	—	2.04	—	$592.34	$1,208.38
Warehousing	1,000 s.f.	—	0.92	—	$592.34	$544.96
Mini-Warehouse	1,000 s.f.	—	0.04	—	$592.34	$23.69
Specific Service Uses						
Drive-In Bank	1,000 s.f.	—	4.79	—	$592.34	$2,837.33
High-Turnover Sit-Down Restaurant	1,000 s.f.	—	5.64	—	$592.34	$3,340.82
Fast Food w/ Drive Through	1,000 s.f.	—	5	—	$592.34	$2,961.72

CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO:	CITY COUNCIL	**DATE:**	3/25/2020
FROM:	Rhonda Carey, Events and Tour Operations Coordinator		
AGENDA ITEM TITLE:	Request for Co-Sponsorship from Dragon Boat Beaufort for use of the Waterfront Park for Dragon Boat Beaufort Race Day 2020 event Saturday, June 27, 2020		
MEETING DATE:	4/14/2020		
DEPARTMENT:	City Clerk		

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR:

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Co-Sponsorship	Backup Material	3/25/2020

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

Phone: 843-379-7063 **Fax:** 843-986-5606

Name of Event: Dragon Boat Beaufort Race Day	Date(s) of Event: June 27, 2020 Setup start/end time: Friday, June 26 9am Actual event start/end time: 7am 6/27/20 Take down start/end time: 4pm 6/27/20
Organization/Individual Name: Dragon Boat Beaufort	Address: P.O. Box 213, Beaufort, SC 29901 Telephone: 843-473-4477 Email: nanfrigon@gmail.com

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

Please mail completed application to:

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

or scan and email to rcarey@cityofbeaufort.org.

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

Is event open to the public? yes

Will admission be charged or donation required? no

Will alcoholic beverages be sold? no Served? no

Will food be sold? yes Served? yes

Will there be any retail sales? yes - Dragon Boat Gear

Number of people expected to attend: 1500 - 2500

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

Security Deposit is due upon approval of application

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

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

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

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

Comments:

_____

_____

_____

Manuela Trigon _____ 2/22/2020 _____

Lessee/Applicant Signature Date

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

_____ _____

_ Events Coordinator - Rhonda Carey Date Application Received

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

WFP Application Rev 092919

REQUEST FOR CO-SPONSORSHIP
Henry C. Chambers Waterfront Park

Name of Event Dragon Boat Beaufort Race Day 2020

Date of Event: June 27, 2020

Contact person: Nancy Frigon
Telephone: 843 812-7121

Please check all that apply.

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

**If you answered "no" to the first question, what is your non-profit status? (501 (C) (3), (4) or (6))? (503) C

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

Events Coordinator Recommendation: Approved: RPC Denied: _____

Explanation: _____

Forward for Council Deliberation: _____
Date of Council Meeting

Council: Approved: _____ Denied: _____

Explanation: _____

Contact Information:

DragonBoat Beaufort
Nancy Frigon
nanfrigon@gmail.com

Jodie Miller, Plum Productions
jodie@plum-productions.com

The City of Beaufort presents…

DragonBoat Beaufort 2020 Race Day Weekend
June 27th, 2020

DragonBoat Beaufort is pleased to announce that Dragons will once again invade Beaufort on June 27, 2020 for the 7th Annual Race Day! Over the last few years, the event has become increasingly popular among locals and out-of-towners alike. The 2018 DragonBoat Race Day drew nearly 700 paddlers, 28 teams and thousands of spectators to the Beaufort Waterfront Park. The event raised over $60,000 for the organization which helps support those impacted by cancer in Beaufort County both through the sport of DragonBoat Racing, and outreach efforts, including one-one-one grants to help with needs that are typically not met through traditional means.

With the continued support and partnership of the City of Beaufort Waterfront Park will be our "athlete's village" for all participating teams! Couple that with great food available at downtown restaurants for all to enjoy and shops filled with terrific merchandise to buy and you have a "WIN" for everyone. No competition is complete without trophies, medals, volunteers and, of course, sponsors. We have them all! Trophies for fundraising, medals and trophies for racing, spirit awards, up to 100 volunteers who make race day run smoothly and sponsors without whom we couldn't succeed.

Here are some words from those who have benefitted directly from DragonBoat Beaufort's services here in Beaufort:

"The hospital sent me home, alone, after my mastectomy – but I needed oxygen that my insurance wouldn't cover. DragonBoat Beaufort had it there waiting for me, and they stocked my refrigerator with meals. Thank you DBB."

"The hospital sent me home after they did what they could for my stomach cancer. My home didn't have a working toilet. DragonBoat Beaufort had a plumber there the day I got home. Thank you DBB."

"I was in Charleston for 90 days last spring undergoing a cancer treatment. This meant missing my Son's senior baseball season. DragonBoat Beaufort sent someone to every

game – and they cheered him on and always took him a homemade sandwich. Thank you DBB."

"My 3 kids and I live an hour away from Beaufort Memorial Hospital. Every week a volunteer from DragonBoat Beaufort drives out to my house, picks me up, and takes me for treatment. After my 2-hour treatment, another volunteer comes to deliver me home. Thank you, DBB."

"I am on a chemo regimen for my stage III cancer but developed an infection. I couldn't afford the co-pay to get the antibiotics, so I was going to have to stop the chemo. DragonBoat Beaufort provided the co-pay and now I am able to continue my fight. Thank you, DBB."

For more information, please visit http://DragonboatRaceDay.com

Thank you for your continued support!

[Dragonboat Beaufort is a non-profit organization located in Beaufort, SC Dragonboat Beaufort's mission is to provide cancer survivors the opportunity to heal and regain physical and psychological strength and wellness through the camaraderie and competition of DragonBoat paddling and racing and to support those impacted by cancer through outreach and one-and-one grants to local cancer patients to assist with needs they are unable to afford or for which they lack coverage; and through support and counseling for cancer patients in treatment and in remission, including support for their caregivers]

***

CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO:	CITY COUNCIL	**DATE:**	4/1/2020
FROM:	Rhonda Carey, Events and Tour Operations Coordinator		
AGENDA ITEM TITLE:	Street closure request from Ngome Lifestyles Boutique to host a fashion show event on Sunday, August 30, 2020		
MEETING DATE:	4/14/2020		
DEPARTMENT:	City Clerk		

BACKGROUND INFORMATION:

Street Closure request at the 700 Block of Bladen Street between Prince Street and Duke Street from 2pm to 6pm to allow for set up, execution, and tear down of the event.

PLACED ON AGENDA FOR:

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Street Closure	Backup Material	4/1/2020

CITY OF BEAUFORT

MEMORANDUM

TO: William Prokop, City Manager
City Council

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

DATE: March 20, 2020

SUBJECT: Request for Street Closures for fashion show event
Sunday August 30, 2020 2-6pm

On behalf of Donellia Chives of Ngome Lifestyle Boutique, organizer of a fashion show event August 30, 2020, we request permission to close a portion of the following street from 2-6 PM to allow for set up, execution, and tear down of fashion show activities.

700 block of Bladen St
Between Prince and Duke streets

To ensure the safety of the participants, the street closures and related traffic control will be managed by City of Beaufort Police Department personnel with whom the organizers will contract for the services. The closure request will also be sent to DOT for approval.

Rhonda Carey

From: Donellia Chives <dchives@bcbcc.org>
Sent: Thursday, February 27, 2020 4:22 PM
To: Rhonda Carey
Subject: Street Closure-Africa Fashion Week Lowcountry

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Greetings

I am requesting to a street closure during Africa Fashion Week Lowcountry to feature a street runway fashion show. Street closure would be the block between the block of Duke and Prince streets off of Bladen St. The tentative date for the street closure will be Sunday August 30 between the hours of 2pm-6pm.

I understand that I will be required to contract with Beaufort's Police Department to provide security and manage the street closure during the event.

Please let me know any additional information needed.

In gratitude

Donellia Chives
Curator/Director
|Ngome Lifestyle Boutique|
|Gullah Art Gallery/Museum|
|Africa Fashion Week Lowcountry|
africafashionweeklc@gmail.com
843-476-5271

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CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO:	CITY COUNCIL	**DATE:**	3/25/2020
FROM:	Rhonda Carey, Events and Tour Operations Coordinator		
AGENDA ITEM TITLE:	Street closure request from Holy Trinity School to host Swing Bridge 5K/Run and Prayer Walk event on Saturday, October 17, 2020		
MEETING DATE:	4/14/2020		
DEPARTMENT:	City Clerk		

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR:

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
event request	Backup Material	3/25/2020

HOLY TRINITY
CLASSICAL CHRISTIAN SCHOOL

10 February 2020

Cricket Harter
Advancement & Events Coordinator
Holy Trinity Classical Christian School

Rhonda Carey,
Events Coordinator
City of Beaufort

Re: Holy Trinity Classical Christian School "Swing Bridge 5k Run and Prayer Walk" 17 October 2020

Rhonda-

I am excited to submit our Swing Bridge 5k Run and Prayer Walk application for October 17, 2020. We were thrilled that participation exceeded our expectations last year. We attribute the community interest on the beautiful Beaufort route. This amazing opportunity increases visibility for the school and increased participation from those outside of our school family.

Our Swing Bridge 5k Run and Prayer Walk is the culmination of a six week advancement campaign where we seek support from donors, increased engagement from friends of the school, and participation from both students and faculty. This event is a celebration for all of our stakeholders- a thank you for their support, and a reminder of all that makes our school special.

Part of our mission as a school is to be accessible both geographically and financially to any who desire a classical Christian education for their students. We desire to reflect our community, and to be actively involved in the life of our City and our County.

We appreciate your approval of our application last year. We look forward to making this run an annual tradition. Thank you so much for your assistance with our application. We look forward to working together.

Gratefully,

Cricket Harter

Cricket Harter
Advancement & Event Coordinator
charter@htccs.gmail
803-466-5281
302 Burroughs Avenue
Beaufort, SC 29902

5K RUN/WALK APPLICATION

City of Beaufort – Downtown Operations & Community Services
Attn: Rhonda Carey, Events & Tour Coordinator
500 Carteret Street, Suite B2, Beaufort, South Carolina, 29902
Phone: (843) 379-7063 / Email: rcarey@cityofbeaufort.org | www.cityofbeaufort.org

To be filed NOT LESS than 30 days before event

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

Name of Applicant: Cricket Harter, Advancement & Events Coordinator
Address: 302 Burroughs Avenue, Beaufort SC 29902 Phone # 843-522-0660

Email: charter.htccs@gmail.com

Name of Sponsoring Organization: Holy Trinity Classical Christian School

Address: 302 Burroughs Avenue, Beaufort SC 29902

Date of 5K run/Walk: 10/17/2020

Time 5K Run/Walk will Begin: 8:30am 5K Run/Walk will Terminate: 9:30am

Time 5K Run/Walk Line-Up Begins: 8:15am Location(s) of Line-Up Area(s): Freedom Mall

Approximate Number of Persons, Animals in the 5K Run/Walk: @350

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

5K/ Run/Walk will Occupy Only a Portion of the Width of the Streets to be Traversed : NO

NOTE: IF THE 5K RUN/WALK IS DESIGNED TO BE HELD BY AND ON BEHALF OF OR FOR ANY PERSON OTHER THAN THE APPLICANT, THE APPLICANT FOR SUCH PERMIT SHALL FILE A LETTER

OFFICE USE ONLY: Application Received By: Rhonda R Carey **Date Received:** _____

Receipt #: _____ **Approved By:** _____

FROM THAT PERSON WITH THE CITY MANAGER AUTHORIZING THE APPLICANT TO APPLY FOR THE PERMIT ON HIS BEHALF.

Signature of Applicant: Cricket Hunter Date: 2/10/2020

RESOLUTION TO SUPPORT APRIL 2020 AS FAIR HOUSING MONTH

WHEREAS, April 11, 2020 marks the 52nd anniversary of the passage of the U.S. Fair Housing Law, Title VIII of the Civil Rights Act of 1968, as amended, and the State of South Carolina enacted the South Carolina Fair Housing Law in 1989, that both support the policy of Fair Housing without regard to race, color, creed, national origin, sex, familial status, and handicap, and encourages fair housing opportunities for all citizens; and

WHEREAS, the City of Beaufort is committed to addressing discrimination in our community, to support programs that will educate the public about the right to equal housing opportunities, and to plan partnership efforts with other organizations to help assure every citizen of their right to fair housing; and

WHEREAS, the City of Beaufort rejects discrimination on the basis of race, religion, color, sex, national origin, disability or familiar status in the sale, rental, or provision of other housing services; and

WHEREAS, the City of Beaufort desires that all its citizens be afforded the opportunity to attain a decent, safe and sound living environment.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Beaufort, South Carolina does hereby designate April 2020 as being Fair Housing Month, and recognizes the policy supporting Fair Housing by encouraging all citizens to endorse Fair Housing opportunities for all not only during Fair Housing Month but throughout the year.

IN WITNESS THEREOF, I hereunto set my hand and caused the Seal of the City of Beaufort to be affixed this 14th day of April, 2020.

_____
BILLY KEYSERLING, MAYOR

ATTEST:

_____
IVETTE BURGESS, CITY CLERK

CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO:	CITY COUNCIL	**DATE:**	3/12/2020
FROM:	Kathy Todd, Finance Director		
AGENDA ITEM TITLE:	Resolution in Support of a Local Option Sales and Use Tax Referendum		
MEETING DATE:	4/14/2020		
DEPARTMENT:	City Clerk		

BACKGROUND INFORMATION:

Discussed at the March 17, 2020 Worksession.

PLACED ON AGENDA FOR:

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Resolution	Backup Material	4/9/2020

A RESOLUTION IN SUPPORT OF A LOCAL OPTION SALES AND USE TAX REFERENDUM

WHEREAS, the local option sales and use tax levied pursuant to S.C. Code Sections 4-10-10 et seq. has proven to be an effective measure to control and lower the property tax burden on the citizens of those counties which have previously approved such measures; and

WHEREAS, balanced revenues from varied sources strengthen a local government's fiscal structure, and;

WHEREAS, collecting a sales and use tax will provide funds from persons who generate needs for local government services but who do not contribute significant revenues;

WHEREAS, City Council intends to use the revenue from the local option sales and use tax for the purpose of allowing a credit against a taxpayer's city ad valorem tax liability and for the purpose of funding city and municipal operations in the City of Beaufort; and

WHEREAS, the last referendum on the question of adopting the local option sales and use tax was held more than twelve (12) months ago.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Beaufort, duly assembled, supports the referendum pursuant to Section 4-10-30 of the Code of Laws of South Carolina, (1976), as amended, to be held November 3, 2020, and urges all City registered voters to vote in favor of the referendum.

IN WITNESS THEREOF, I hereunto set my hand and caused the Seal of the City of Beaufort to be affixed this 14th day of April 2020.

_____
BILLY KEYSERLING, MAYOR

ATTEST:

_____
IVETTE BURGESS, CITY CLERK

CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO:	CITY COUNCIL	**DATE:**	4/9/2020
FROM:	Kathy Todd		
AGENDA ITEM TITLE:	Authorization to allow City Manager to enter into Street Sweeping Contract		
MEETING DATE:	4/14/2020		
DEPARTMENT:	Finance		

BACKGROUND INFORMATION:

Please see attached Recommendation Memo from the Committee and the Draft Contract

PLACED ON AGENDA FOR: *Action*

REMARKS:

Request City Council authorize the City Manager to execute the Contract with Martin Landscaping.

ATTACHMENTS:

Description	Type	Upload Date
Committee Recommendation Memo	Cover Memo	4/9/2020
Draft Contract with Martin Landscaping	Cover Memo	4/9/2020

CITY OF BEAUFORT - INTERNAL MEMORANDUM

TO: WILLIAM PROKOP

FROM: JAY PHILLIPS

SUBJECT: RFP 2020 – 110 STREET SWEEPING SERVICES

DATE: 03/30/2020

CC: NATE FARROW, LINDA ROPER, KATHY TODD

The City solicited a Request for Proposal, RFP 2020-110 Street Sweeping Services on February 13th and 20th, 2020. The RFP was posted on the City's website, Vendor Registry, was advertised in the Island News and the State of South Carolina (SCBO) procurement website.

The City received (3) sealed proposals by the submittal date of March 13, 2020. The proposals were publicly opened on March 13, 2020 at 2:01pm in the Planning Department Conference Room and the results were publicly read in accordance with the RFP notice.

COSTS OF SERVICES:	
MARTIN LANDSCAPING	$ 64,080
THE GREENERY	$ 84,876
THE SWEEPING COPORATION	$502,236

On March 25, 2020 the selection committee met to discuss and evaluate the proposals. Following the discussion, the committee recommends Martin Landscaping. They bid the lowest costs, they provided a clear understanding of the project and have been a good partner for several years.

AGREEMENT FOR STREET SWEEPING SERVICES IN THE CITY OF BEAUFORT

This Agreement is made and entered into this ____ of April, 2020, by and between the City of Beaufort, South Carolina **("Municipality")** and Martin Landscape, Inc. **("Contractor")** for the provision of Street Sweeping Services in the City of Beaufort.

WITNESS, that the Contractor and Municipality for the consideration stated herein covenant and agree as follows:

TERM: The term of this agreement shall be for the period of May 1, 2020 through April 30, 2023, with the option by the City to extend this agreement for two one-year terms ending April 30, 2025.

THE FOLLOWING SHALL CONSTITUTE THE "**CONTRACT DOCUMENTS**":

1. The Municipality's Request for Proposal RFP 2020 – 110 Street Sweeping Services, including all attachments.
2. The proposal for Street Sweeping Services submitted by contractor dated March 13, 2020 as accepted by Municipality.
3. The Performance Bond.
4. This agreement.
5. Any addenda or changes to the foregoing documents agreed to in writing by the parties hereto.

All provisions of the contract documents shall be strictly complied and conformed to by the contractor, and no amendments to this Agreement shall be made except upon written consent signed by the parties. No amendment shall be construed to release either party from any obligation of the contract documents except as specifically provided for in such documents.

RIGHT TO AUDIT: Contractor shall establish and maintain a reasonable accounting system that enables the Municipality to readily identify Contractor's expenses under the performance of the contract and other reporting systems that readily identify the Contractor's performance under the contract. The Municipality and its authorized representatives shall have the right to audit, to examine, and to make copies of or extracts from all financial and other performance related records, in whatever form they may be kept by or under the control of the Contractor, including but not limited to those kept by the Contractor, its employees, agents, assigns, successors and subcontractor. Such records shall include, but not be limited to, accounting records, performance records, written policies and procedures; all paid invoices including those for out of pocket expenses; other reimbursements supported by invoices; ledgers; cancelled checks; deposit slips; bank statements; journal; original estimates; estimating worksheets; insurance documents; payroll documents; timesheets; memoranda and correspondence related to the performance of this Contract.

Contractor shall, at all times during the term of the Contract and for a period of three (3) years after the completion of the Contract, maintain such records, together with such supporting or underlying documents and materials. The Contractor shall at any time requested by the Municipality, whether during or after the completion for the contract, and at the Contractor's own expense make such records available for inspection and audit, including copies and extracts of records as required, by the Municipality. Such records shall be made available to the Municipality during normal business house at the Contractor's office or place of business without prior notice.

Contractor shall ensure that the Municipality has the rights with Contractor's employees, agents , assigns, successors and subcontractors and the obligations of such rights shall be explicitly included in any subcontractor or agreements formed between the Contractor and any subcontractors to the extent that those subcontracts or agreements relate to fulfillment of the Contractor's obligation to the Municipality.

Costs of any audits conducted under the authority of this right to audit and not addressed elsewhere will be borne by the Municipality unless certain exemption criteria are met. If the audit identifies over pricing or overcharges (of any nature) by the Contractor to the Municipality in excess of one-half of one percent (0.5%) of the total contract billings, the contractor shall reimburse the Municipality for the total cost of the audit and take such action as may be necessary to remedy the discrepancy including refunding any over payment or paying a shortfall. If the audit discovers any substantive findings related to fraud, misrepresentation or non-performance, the Municipality may recoup the cost associated with the fraud, misrepresentation or non-performance from the Contractor; further Municipality shall have the right to terminate this Agreement and to pursue and legal or equitable remedies.

This contract is intended to conform in all respects to applicable statues of the State of South Carolina and if any part or provision of the Contract conflicts herewith, the said statues shall govern.

IN WITNESS WHEREOF, We the contracting parties by our duly authorized agents hereto affix our signatures and seals at Beaufort, South Carolina, this ____ day of April, 2020.

MUNICIPALITY: City of Beaufort, SC

By: _____
Name: _____
Title: _____

Witnesses:

_____

_____

CONTRACTOR: Martin Landscape, Inc.

By:_____
Name: _____
Title: _____

Witnesses:

_____

_____

CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO:	CITY COUNCIL	**DATE:**	4/9/2020
FROM:	Kathy		
AGENDA ITEM TITLE:	Authorization to allow the City Manager to enter into Negotiations with Benefit Administrator		
MEETING DATE:	4/14/2020		
DEPARTMENT:	Finance		

BACKGROUND INFORMATION:

See attached Recommendation Memo from the Committee

PLACED ON AGENDA FOR: *Action*

REMARKS:

Request that City Council authorize the City Manager to enter into negotiations with the National Financial Partners as the City's Benefit Broker. Upon successful negotiations, request City Council authorize the City Manager to enter into the contract.

ATTACHMENTS:

Description	Type	Upload Date
Recommendation Memo	Cover Memo	4/9/2020

CITY OF BEAUFORT - INTERNAL MEMORANDUM

TO: WILLIAM PROKOP

FROM: JAY PHILLIPS

SUBJECT: RFP 2020 – 111 BENEFITS BROKERAGE SERVICES

DATE: 04/07/2020

CC: IVETTE BURGESS, KATHY TODD

The City solicited a Request for Proposal, RFP 2020-111 Benefits Brokerage Services on February 13th and 20th, 2020. The RFP was posted on the City's website, Vendor Registry, was advertised in the Island News and the State of South Carolina (SCBO) procurement website.

The City received (4) sealed proposals by the submittal date of March 13, 2020. The proposals were publicly opened on March 13, 2020 at 3:01pm in the Planning Department Conference Room and the results were publicly read in accordance with the RFP notice.

COSTS OF SERVICES:	
GALLAGHER INSURANCE	$ 40,000
PLAN BENEFITS SERVICES	$ 44,011
NATIONAL FINANCIAL PARTNERS (NFP)	**$ 61,215**
McGRIFF INSURANCE SERVICES/BB&T	$ 97,626

On March 26th and 27th, 2020, Gallagher, NFP and McGriff gave summary presentations to the selection committee via ZOOM video conferences. The committee then met to discuss and evaluate the proposals and presentations. Although not the lowest bidder, NFP presented the most comprehensive proposal addressing the benefits needs of the City and its employees. They have a local presence in Charleston and the professional and financial resources to best represent the City in the benefits marketplace and areas of regulatory compliance. The committee recommends that we move forward with negotiating rates with the proposer and based on successful negotiations, enter into the contract with them.