



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

CITY COUNCIL REGULAR MEETING AGENDA
October 25, 2016

**NOTE: IF YOU HAVE SPECIAL NEEDS DUE TO A PHYSICAL CHALLENGE,
PLEASE CALL IVETTE BURGESS 525-7070 FOR ADDITIONAL INFORMATION**

STATEMENT OF MEDIA NOTIFICATION

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

REGULAR MEETING - Council Chambers, 2nd Floor - 7:00 PM

I. CALL TO ORDER

A. Billy Keyserling, Mayor

II. INVOCATION AND PLEDGE OF ALLEGIANCE

A. Mike McFee, Mayor Pro Tem

III. PROCLAMATIONS/COMMENDATIONS/RECOGNITIONS

IV. PUBLIC COMMENT

V. PUBLIC HEARING

A. Declaration of 1410 Green Street as Unfit for Human Habitation

VI. MINUTES

VII. OLD BUSINESS

- A. Ordinance Allowing the City Manager to Execute an Amendment to an Existing Development Agreement - 2nd Reading
- B. Ordinance Rezoning a Portion of a Parcel of Property located at 188 Robert Smalls Parkway, from General Commercial District to Highway Commercial District - 2nd Reading

VIII. NEW BUSINESS

- A. Approval of ATAX Grant Recommendations - FY 2016
- B. Authorize City Manager to execute contract with Energy Service Provider
- C. Declaration of 1410 Green Street as Unfit for Human Habitation

IX. REPORTS

- City Manager's Report
- Mayor Report

- Reports by Council Members

X. ADJOURN



CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 10/20/2016
FROM: Libby Anderson
AGENDA ITEM TITLE: Ordinance Allowing the City Manager to Execute an Amendment to an Existing Development Agreement - 2nd Reading
MEETING DATE: 10/25/2016
DEPARTMENT: Planning

BACKGROUND INFORMATION:

In August 2011, the City adopted a development agreement for several parcels on Lady's Island and Port Royal Island. The development agreement included the Upper Cane Island, Airport Junction, and Hanover Park Planned Unit Developments (PUDs), as well as several other properties in the Robert Smalls Parkway corridor. A development agreement "locks in" the current zoning regulations for a property. To change the zoning of a parcel in a development agreement, the agreement must be modified. This can be done with the consent of the City and the owner of the property subject to the development agreement.

The City has received a rezoning application for a property subject to the 2011 development agreement. The applicant's attorney has prepared an ordinance (attached) that authorizes the City Manager to execute an amendment to the development agreement. The ordinance was given first reading at the October 18 City Council meeting. The ordinance is now reading for second and final reading.

PLACED ON AGENDA FOR: Action

REMARKS:

ATTACHMENTS:

| Description | Type | Upload Date |
|---|------------|-------------|
| ordinance amendment development agreement | Cover Memo | 10/20/2016 |

ORDINANCE

AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN AND AMONG THE CITY OF BEAUFORT AND BUTLER FAMILY HOLDINGS, LLLP

WHEREAS, the City of Beaufort and various parties have heretofore entered into a Development Agreement with the City of Beaufort, which Agreement was adopted as an Ordinance of the City (Ordinance 0-06-03) pursuant to the provisions of the "South Carolina Local Government Development Agreement Act," (the "Act") as set forth in Sections 6-31-10 through 6-31-160 of the South Carolina Code of Laws (1976), as amended, which Agreement was duly recorded in the Records of Beaufort County in Records Book 1718 at Page 54 and thereafter (the "Original 2003 Development Agreement"); and

WHEREAS, the Original 2003 Development Agreement was subsequently extended and amended by an Extension of Development Agreement, dated April 28, 2008, and recorded at Book 2714, at Pages 1108-1123, in the Office of the Beaufort County Register of Deeds; and

WHEREAS, the City and the other parties to the 2003 Development Agreement adopted a further "Amendment and Consolidation of Development Agreements" dated August 4, 2011, a copy of which is recorded in Records Book 3076 at Page 1163 and thereafter in the Office of the Register of Deeds for Beaufort County (the "2011 Development Agreement") which, among other things, added First Carolina Corporation of S.C., as the owner of the property known as the Caroline Field Tract, and Burton Properties L.P., as the owner of property referred to herein as "Burton Properties Tract" (both of which desired to become parties to the 2011 Amendment and Consolidation of Development Agreements) as parties, adding certain properties described therein to the provisions, terms and conditions of the 2011 Development Agreement; and

WHEREAS, the South Carolina Local Government Development Agreement Act (the "Act"), as set forth in Sections 6-31-10 through 6-31-160 of the South Carolina Code of Laws (1976), as amended, and specifically Section 6-31-100 of the Act, authorizes the parties to a development agreement to amend by mutual consent a development agreement; and

WHEREAS, Paragraph 29 of the 2011 Development Agreement provides that Paragraph 24 of the Development Agreements now reads:

"This Agreement may be modified or amended as to a Tract only by the written agreement of the City and the Owner of said Tract. No statement, action or agreement hereafter made shall be effective to change, amend, waive, modify, discharge, terminate or effect an abandonment of this Agreement in whole or in part unless such statement, action or agreement is in writing and signed by the

Party against whom such change, amendment, waiver, modification, discharge, termination or abandonment is sought to be enforced.

If an amendment affects less than all the persons and entities comprising the Property Owners, then only the City and those affected persons or entities need to sign such written amendment. Any requirement of this Agreement requiring consent or approval of one of the Parties shall not require amendment of this Agreement unless the text expressly requires amendment. Wherever said consent or approval is required, the same shall not be unreasonably withheld...”

WHEREAS, by deed recorded in the Office of the Register of Deeds for Beaufort County in Book 3468 at Page 950, Butler Family Holdings, LLLP purchased from First Carolina Corporation of S.C. that tract of land referred to in the Development Agreement as the Caroline Fields Tract, as described in said deed, such property now bearing Tax Parcel Number R122-029-000-103F-0000; and

WHEREAS, Paragraph 40 of the 2011 Development Agreement has been amended to read, by amendment recorded in Book 3364 at Page 1223 in the Office of the Register of Deeds for Beaufort County:

“Agreeing that, notwithstanding any other provision of this 2011 Amendment, the development and development standards of the Caroline Field Tract and the Burton Properties Tract shall be in accord with the Commercial and/or Residential zoning of the Tracts in effect on the date of execution of this 2011 Amendment; except that:

- (1) the first five hundred feet from the Highway 170 Right of Way shall be zoned Highway Commercial (HC);
- (2) any setbacks from U.S. Highway 170 shall be twenty (20) feet;
- (3) the 40-acre Parcel (DMP#120-029-0108) of the Burton Properties Tract located south of Salem Road and bordering the marshes of Battery Creek shall remain zoned General Residential (See EXHIBIT CC);
- (4) Alternative Residential Development Options pursuant to Section 6.2 of the Municipal Zoning Ordinance (as of November 1, 2014) are allowed as a Permitted Use on the Burton Hill Properties Tract.”

WHEREAS, as development patterns and market conditions have evolved, Butler Family Holdings, LLLP, as the owner of the property generally known as the Caroline Field Tract, has determined that changing the zoning on the remainder of the Tract not now zoned Highway Commercial is desirable and necessary for the consistent development of the Tract, and has sought a re-zoning of such areas from the City of

Beaufort through a zoning map amendment, which has been favorably recommended by the Metropolitan Planning Commission; and

WHEREAS, the City of Beaufort, pursuant to Ordinance Number _____ being adopted contemporaneously herewith, is rezoning the entire Tract Highway Commercial; and

WHEREAS, in order to effectuate the zoning map change and allow for the entire Caroline Fields Tract to be consistently zoned Highway Commercial, it is necessary to amend the 2011 Development Agreement, and the parties have determined to effect such amendment by ordinance;

NOW, THEREFORE, in consideration of the premises described above and the terms and conditions set forth herein, the affected Owner and the City hereby mutually agree and consent to amend the 2011 Development Agreement by:

1. Amending Paragraph 40 of the Amendment and Consolidation of Development Agreements to read:

“Agreeing that, notwithstanding any other provision of this 2011 Amendment, the development and development standards of the Caroline Field Tract and the Burton Properties Tract shall be in accord with the Commercial and/or Residential zoning of the Tracts in effect on the date of execution of this 2011 Amendment; except that:

- (1) the first five hundred feet from the Highway 170 Right of Way and the entirety of the Caroline Fields Tract (TMP R122-029-000-103F-0000 shall be zoned Highway Commercial (HC);
- (2) any setbacks from U.S. Highway 170 shall be twenty (20) feet;
- (3) the 40-acre Parcel (DMP#120-029-0108) of the Burton Properties Tract located south of Salem Road and bordering the marshes of Battery Creek shall remain zoned General Residential (See EXHIBIT CC);
- (4) Alternative Residential Development Options pursuant to Section 6.2 of the Municipal Zoning Ordinance (as of November 1, 2014) are allowed as a Permitted Use on the Burton Hill Properties Tract.”

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Beaufort, South Carolina, duly assembled and by authority of same, pursuant to the power vested in the Council by Section 6-31-60 and 6-31-100, *Code of Laws of South Carolina, 1976* as amended, that the City Manager is hereby authorized to execute on behalf of the City of Beaufort an Amendment to the 2011 Development Agreement, countersigned by the



CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 10/20/2016
FROM: Libby Anderson
AGENDA ITEM TITLE: Ordinance Rezoning a Portion of a Parcel of Property located at 188 Robert Smalls Parkway, from General Commercial District to Highway Commercial District - 2nd Reading
MEETING DATE: 10/25/2016
DEPARTMENT: Planning

BACKGROUND INFORMATION:

The City has received an application to rezone a portion of a parcel of property located at 188 Robert Smalls Parkway, identified as District 122, Tax Map 29, Parcel 103F, from General Commercial District, to Highway Commercial District. The Planning Commission considered this rezoning request at their September 19 meeting. A public hearing on the proposed rezoning was held at the September 27 City Council meeting. An ordinance rezoning the property (attached) is ready for first reading by City Council. The ordinance was given first reading at the October 18 City Council meeting. The ordinance is now reading for second and final reading.

PLACED ON AGENDA FOR: Action

REMARKS:

ATTACHMENTS:

| Description | Type | Upload Date |
|--------------------|------------|-------------|
| rezoning ordinance | Cover Memo | 10/20/2016 |

Property Proposed for Rezoning

R122 029 000 103F 0000 (portion)





CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 10/21/2016
FROM: Ivette Burgess, City Clerk
AGENDA ITEM
TITLE: Approval of ATAX Grant Recommendations - FY 2016
MEETING DATE: 10/25/2016
DEPARTMENT: Finance

BACKGROUND INFORMATION:

TDAC Committee discussed recommendations of FY 2016 ATAX Grant funds in Worksession, 10-18-16.

Council will consider and approve ATAX Grant funds.

PLACED ON AGENDA FOR: Action

REMARKS:

ATTACHMENTS:

| Description | Type | Upload Date |
|-----------------|-----------------|-------------|
| Recommendations | Backup Material | 10/21/2016 |

| | Applicant for FY - 2015/2016 | Program/Event | FY 2016 Request | FY 2016 Approved | Other Source Funds | FY 2017 Request | FY 2017 TDAC Recommended | Approved by Council |
|------|---|---|------------------------|-------------------------|---------------------------|------------------------|---------------------------------|----------------------------|
| 29th | Beaufort Regional Chamber of Commerce | 2016-2017 Destination Marketing | \$ 100,000.00 | \$ 90,000.00 | \$ 300,240.00 | \$ 104,500.00 | \$ 100,000.00 | |
| 900 | Beaufort Regional Chamber of Commerce | Visitor Center Engagement | \$ 35,000.00 | \$ 35,000.00 | \$ 54,070.00 | \$ 40,000.00 | \$ 20,000.00 | |
| | Beaufort Regional Chamber of Commerce | Visitor Center Restroom Upgrade | | | \$ - | \$ 9,200.00 | \$ - | |
| 915 | Santa Elena Foundation | External Marketing Initiative | \$ 31,358.00 | \$ 15,000.00 | \$ 20,000.00 | \$ 20,000.00 | \$ 20,000.00 | |
| 930 | Exchange Club of Beaufort (for CAPA) | Exchange Club Ghost Tours | \$ 2,800.00 | \$ 1,000.00 | \$ 2,000.00 | \$ 1,800.00 | \$ - | |
| 945 | Beaufort Arts Council | Promotional Marketing Piece - 'A Lowcountry Journey Through the Arts' | | | \$ 2,073.00 | \$ 2,073.00 | \$ - | |
| | Beaufort Arts Council | Facebook Ad to Promote Beaufort Arts | | | \$ 1,000.00 | \$ 1,000.00 | \$ - | |
| | Beaufort Arts Council | ArtPop Event | \$ 7,500.00 | \$ - | \$ 87,200.00 | \$ 8,250.00 | \$ - | |
| 1000 | Port Royal Sound Foundation | "ENRICH" co-branded marketing campaign (with Beaufort DMO) | \$ 15,000.00 | \$ 3,750.00 | \$ 69,590.00 | \$ 6,100.00 | \$ 6,100.00 | |
| 1015 | Friends of Hunting Island State Park | HISP Visitors Park Pass Program | | | \$ 1,150.00 | \$ 575.00 | \$ - | |
| 1030 | Main Street Beaufort, USA | 2016-2017 Festival Promotion | \$ 38,999.00 | \$ 38,999.00 | \$ - | \$ 30,000.00 | \$ 8,000.00 | |
| 1100 | Beaufort County Black Chamber of Commerce | Cultural Tourism Marketing | \$ 50,000.00 | \$ 30,000.00 | \$ 205,586.00 | \$ 65,000.00 | \$ 10,000.00 | |
| 1115 | SC Lowcountry & Resort Islands Tourism Commission | 2016-2017 General Promotion | \$ 22,100.00 | \$ 12,000.00 | \$ 509,840.00 | \$ 23,800.00 | \$ 15,000.00 | |
| 1130 | Penn Center, Inc. | Penn Center & Heritage Days Marketing | \$ 20,000.00 | \$ 12,000.00 | \$ 96,000.00 | \$ 20,000.00 | \$ 10,000.00 | |
| 1145 | Beaufort History Museum | Permanent Exhibit Renovation | \$ 15,677.37 | \$ 7,500.00 | \$ 183,671.00 | \$ 50,000.00 | \$ 25,000.00 | |
| 1200 | USCB Center for the Arts | Pat Conroy Literary Festival 2016 | \$ 39,415.00 | \$ 4,000.00 | \$ 33,500.00 | \$ 4,000.00 | \$ - | |
| | USCB Center for the Arts | Pat Conroy Literary Festival 2017 | | | \$ 3,500.00 | \$ 8,500.00 | \$ 3,500.00 | |
| | USCB Center for the Arts | Renovations | \$ 125,000.00 | \$ 75,000.00 | \$ 1,675,000.00 | \$ 50,000.00 | \$ 50,000.00 | |
| 1215 | Historic Beaufort Foundation | Remnants of the Rice Culture: Agricultural History as Art | \$ 3,825.00 | \$ 3,500.00 | \$ 5,000.00 | \$ 9,392.00 | \$ - | |
| 1230 | Friends of the Spanish Moss Trail | Historic & Visitor Directional Signage | \$ 4,947.00 | \$ 4,000.00 | \$ 5,721.00 | \$ 5,000.00 | \$ 1,500.00 | |
| 1245 | City of Beaufort | Police Support of Tourism Related Activities | \$ 157,121.93 | \$ 146,325.00 | \$ 4,253,178.29 | \$ 109,732.00 | \$ 109,732.00 | |
| | | | | \$ 478,074.00 | | \$ 568,922.00 | \$ 378,832.00 | \$ - |

TOTAL AVAILABLE \$ 392,599.00
Remaining Available \$ 13,767.00



CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 10/21/2016
FROM: William Prokop
AGENDA ITEM
TITLE: Authorize City Manager to execute contract with Energy Service Provider
MEETING DATE: 10/25/2016
DEPARTMENT: Finance

BACKGROUND INFORMATION:

See attached Memo

PLACED ON AGENDA FOR: *Action*

REMARKS:

Request that the City Manager be authorized to enter into a Energy Service Performance contract with Johnson Controls, Inc. as the Energy Service Provider as advertised under RFQ 2016-110

ATTACHMENTS:

| Description | Type | Upload Date |
|------------------------|------------|-------------|
| Memo on Recommendation | Cover Memo | 10/21/2016 |

**CITY OF BEAUFORT
INTEROFFICE MEMORANDUM**

TO: KATHY TODD
FROM: MICHAEL AHERN
SUBJECT: ENERGY SERVICES PERFORMANCE CONTRACT RECOMMENDATION
DATE: 10/20/2016
CC: WILLIAM PROKOP

The City issued a Request for Qualifications (RFQ) for an Energy Services Performance Contract on June 7, 2016. The RFQ was posted on the City's website and PublicPurchase.com. The RFQ was also advertised in the Beaufort Gazette and the State of South Carolina procurement newsletter.

The City received three (3) sealed qualification statements by the submittal date of July 15, 2016 in response to RFQ 2016-110. The three (3) Companies were: Trane U.S. Inc., Honeywell International Inc., and Johnson Controls, Inc. The qualification statements were publicly opened on July 15, 2016 at 2:01pm and results were publicly read in accordance with the RFQ notice.

On August 25, 2016, the City "RFQ 2016-110" evaluation committee met and discussed each committee members' evaluation of the three submitted proposals. The evaluation committee consisted of Kathy Todd, Finance Director; Linda Roper, Court Administrator; Neal Pugliese, Senior Project Manager; Al Amelly, Facilities Maintenance Supervisor; and Rob McFee, Beaufort County Construction, Engineering and Facilities Division Director. After totaling the scores and discussing the committee reviews, the committee decided it was best to interview two Companies – Honeywell International Inc. and Johnson Controls, Inc.

The two Companies gave their presentations on September 20, 2016. The committee reviewed and discussed each Company immediately after their presentations. Both Honeywell International Inc. and Johnson Controls, Inc. gave excellent presentations.

Following the presentations on September 20, 2016, the committee met for a final review of Honeywell International Inc. and Johnson Controls, Inc. original proposals and presentations. Following the discussion and evaluation on September 20, 2016, the evaluation committee recommends Johnson Controls, Inc. as the Company for performing an Energy Service

Performance contract for the City of Beaufort. Johnson Controls, Inc. was determined to be the lowest responsible bidder based on the following criteria:

- They provided the more comprehensive understanding of the requirements with strong enthusiasm.
- They provided the more comprehensive operating plan and strategies for improving the City's current operations.
- They have a strong team who will work on grants and financing of the program.
- Their organizational model provides the City with one direct point of contact for all situations that may arise with locally based supervisors.

Factors that contributed to the remaining Companies not being selected are as follows:

Honeywell International Inc. – Their qualification statement and presentation provided limited personnel in the City of Beaufort with potentially several points of contact throughout the contract.

Trane U.S. Inc. – Their qualification statement did not provide an organization chart or a description of the team. The qualification statement also showed that they do not offer financing as part of a total solution but instead would only be able to help walk the City through the process.