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CITY OF BEAUFORT
1911 BOUNDARY STREET
BEAUFORT MUNICIPAL COMPLEX
BEAUFORT, SOUTH CAROLINA 29902
(843) 525-7070
CITY COUNCIL REGULAR MEETING AGENDA
March 26, 2024

STATEMENT OF MEDIA NOTIFICATION

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

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

Please note, this meeting will be broadcasted via zoom and live streamed on Facebook. You can view the meeting at the City's page; City Beaufort SC

I. CALL TO ORDER

- A. Philip Cromer, Mayor

II. INVOCATION AND PLEDGE OF ALLEGIANCE

- A. Mayor Pro Tem, Michael McFee

III. PROCLAMATIONS/COMMENDATIONS/RECOGNITIONS

- A. Proclamation proclaiming April 2024 as Fair Housing Month

IV. PUBLIC COMMENT

V. MINUTES

- A. Worksession and Regular Meeting - March 12, 2024

VI. OLD BUSINESS

- A. Ordinance to amend Fiscal Year 2024 Budget for Revenues and Expenditures of General Fund, ARPA Fund, State Accommodation Tax Fund, Parks and Tourism Fund, TIF II Fund, and Capital Projects Fund- second reading
- B. An ordinance to annex property on Harding Street, Parcel R100 029 00B 0057 0000 to the City of Beaufort pursuant to S.C. Code Ann. 5-3-150(3) - second reading
- C. An ordinance amending the City of Beaufort Zoning District Map to include Parcel R100 029 00B 0057 0000, to be zoned T4-N, as noted herein - second reading

VII. NEW BUSINESS

- A. Request for street closures from Memorial Day Committee to Host Memorial Day Parade on Monday, May 27, 2024 at 9:00 am - 11:30 am
- B. Request for streets and bridge closure from Lowcountry Habitat for Humanity to host 2024 Turkey Trot on Thursday, November 28, 2024, from 7:45 am to 9:30 am
- C. Ordinance authorizing the execution and delivery of an easement for the placement of

utility infrastructure for real property known as Calhoun Street by the City of Beaufort to Dominion Energy of South Carolina, Inc. - first reading

- D. Authorization to allow the City Manager to amend the Capital Waste contract
- E. Authorization for City Manager to enter into a contract for Allison Road Pedestrian Connector Project

VIII.REPORTS

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

IX. ADJOURN



PROCLAMATION

WHEREAS, April 2024 marks the 56th 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 2024 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 26th day of March 2024.

Philip E. Cromer, Mayor

Attest:

Traci Guldner, City Clerk



City Council Worksession

Meeting Minutes – Planning Conference Room – 1st Floor

March 12, 2024

I. CALL TO ORDER

5:00 PM

Philip Cromer, Mayor

Members of Council in attendance - Philip Cromer, Neil Lipsitz, Michael McFee, Mitch Mitchell, Josh Scallate.

II. PRESENTATION

A. Duke Street Project Scope Presentation.

JJ Sauve, Assistant City Manager, introduced Bryan Webb with Davis and Floyd. He answered questions from Council and the public about the scope of work they are proposing. He spoke about the tasks and what they entailed. He stated that improvements can be performed in phases, but that it was important to get an overall look into the scope of work that might need to be accomplished by studying the whole area. He recommended that the Surveys, Sub Surface Utility Engineering, Geotechnical Investigation, Wetland Delineation, Hydraulic and Hydrology Designs, be done at one time. Once given the go ahead to proceed from the City, these processes would take them 4 to 6 months to complete. There are many permits that need to be obtained from various organizations. They would then come back to the city and reveal their findings, so informed decisions can be made on how to proceed.

The following addressed Council:

Graham Trask, 1211 Bay Street.

Paul Trask, 610 Bladen Street.

Joe Macdermant, 1809 Boundary Street.

A copy of the presentation is attached.

III. DISCUSSION

A. Washington Street Park Updated Masterplan and Pavilion Design.

Linda Roper, Downtown Operations and Community Services Director, introduced members of the Washington Street Park Committee. She stated that they have been working with engineers and architects from Davis and Floyd to update the 2017 Masterplan for the park and to design a pavilion. Fred Washington, Dan Blackmon, and Peggy Simmer from the committee, went over the updated Master Plan and Pavilion designs.

They reported why the swings were not moved and stated that they are over 50 years old. They were refurbished and will remain in place. They spoke about the improvements that have already been made, and showed where other amenities would be placed to include a pavilion, half basketball court, a practice wall, and community mural.

The following addressed Council:

Graham Trask, 1211 Bay Street.
Joe Macdermant, 1809 Boundary Street.

Renderings of the sketches are attached.

B. Lady's Island Village Master Plan RFP.

Curt Freese, Community and Economic Development Director started off my saying that the Northern Regional Planning Implementation Committee (NRPIC) brought forth an RFP in 2021 that was not received with approval. In 2023, Council directed staff to work with Beaufort County to expand the scope of a potential Lady's Island Village Master Plan. Originally, the scope of work was limited to a basic study of zoning. The new RFP is more comprehensive and includes transportation, design, architecture, and intersections. There will be multiple opportunities for community engagement early in the process. Three public meetings are being proposed. The objective is to create character districts.

The same information will also be presented to the Beaufort County Land Use Committee.

Scott Marshall, City Manager, said the intent is for Council to look at the scope of work for this newly constructed RFP and make sure they are satisfied with its content. The funding portion will be discussed next.

Staff will move forward with the RFP.

The following addressed Council:

Chuck Newton, Sea Island Coalition.
Graham Trask, 1211 Bay Street.
Jessie White, Coastal Conservation League.
Mike Tomy, 1103 Craven Street.
David Bartholomew, Beaufort County Council.

IV. ADJOURN

6:54 PM

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

March 12, 2024

I. CALL TO ORDER

7:05 PM

Philip Cromer, Mayor

Members of Council in attendance - Philip Cromer, Neil Lipsitz, Michael McFee, Mitch Mitchell, Josh Scallate.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Pro Tem, Michael McFee.

III. PROCLAMATIONS/COMMENDATIONS/RECOGNITIONS

A. Proclamation proclaiming March 2024 as Developmental Disabilities Awareness Month.

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

All were in favor, motion carried.

B. Proclamation proclaiming March 2024 as National American Red Cross Month.

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

All were in favor, motion carried.

IV. PUBLIC COMMENT

No public comment.

V. PUBLIC HEARING AND FIRST READING

A. An ordinance to annex property on Harding Street, Parcel R100 029 00B 0057 0000 into the City of Beaufort pursuant to S.C. Code Ann. 5-3-150(3) - first reading.

B. An ordinance amending the City of Beaufort Zoning District Map to include Parcel R100 029 00B 0057 0000, to be zoned T4-N, as noted herein - first reading.

Curt Freese, Community and Economic Development Director stated that this request is being made by the owner of the property. This is a 2.6 acre lot that is presently undeveloped. The

parcel is located by two parcels that are in the city limits. Currently this parcel is zoned C3NMU - Neighborhood Mixed Use with Beaufort County. They are requesting a zoning of T4-N which is the zoning for the two other pieces of property in the city. He stated that if the annexation and zoning is approved, they then can have their Sketch Plan heard by the Planning Commission at their April meeting. In staff opinion, this is keeping with the Comprehensive Plan.

The Planning Commission recommended the annexation and zoning at their meeting on February 26, 2024.

Mayor Cromer opened the Public Hearing.

The following addressed Council.

Dave Robles, 79 Adams Circle.
Angela Lopatka, 18 Harding Street.

Mayor Cromer closed the Public Hearing.

Motion to approve the annexation ordinance was made by Councilman Scallate and seconded by Mayor Pro Tem, McFee.

Josh Tiller with JK Tiller Associates spoke on behalf of the property owner, Lanier Land Holdings LLC.

The motion passed by a vote of 4-1. Mayor Cromer was not in favor.

Motion to approve the rezoning ordinance was made by Mayor Pro Tem, McFee and seconded by Councilman Scallate.

The motion passed by a vote of 4-1. Mayor Cromer was not in favor.

VI. MINUTES

A. Worksession - February 20, 2024.

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

Minutes approved as presented.

B. Worksession and Regular Meeting - February 27, 2024.

Motion to approve was made by Councilman Mitchell and seconded by Councilman Scallate.

Minutes approved as presented.

VII. NEW BUSINESS

A. Freeman wedding reception requests a noise ordinance waiver for a wedding reception on Saturday, November 9, 2024, from 12:00 pm - 6:00 pm in the Whitehall Park.

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

All were in favor, motion carried.

B. Request from USCB to close Newcastle Street from Boundary to Calhoun Street and request waiver of the noise ordinance to host a Welcome Back to Campus Block Party on Tuesday, August 24, 2024, from 5:00 pm - 11:00 pm.

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

All were in favor, motion carried.

- C. Request co-sponsorship and permission for Meadowbrook Church of Beaufort to host a Sunrise Service at Whitehall Park on Sunday, March 31, 2024, from 6:00 am - 8:30 am.

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

All were in favor, motion carried.

- D. Request from Historic Beaufort Foundation to host the annual Lafayette Soiree 2024 on Saturday, May 11, 2024, 6:00 pm to 10:00 pm, with allowance to transport participants from remote parking to 1305 Bay Street, signage and waiver of the loud and unseemly noise ordinance.

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

All were in favor, motion carried.

- E. Ordinance to amend Fiscal Year 2024 Budget for Revenues and Expenditures of General Fund, ARPA Fund, State Accommodation Tax Fund, Parks and Tourism Fund, TIF II Fund, Capital Projects Fund - first reading.

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

Alan Eisenman, Finance Director, went over the proposed amendments.

- Duke Street Streetscape and Drainage Project- \$400,000.00 for engineering services from ARPA fund.
- Battery Shores Drainage Project- \$30,000.00 for engineering services from ARPA fund.
- Pigeon Point Playground Equipment- \$300,000.00 from Parks and Tourism fund and \$100,000.00 from ARPA fund and \$100,000.00 will be reallocated from approved FY24 Capital Budget related to Marina Fuel Tanks project.
- 1st South Carolina Volunteers Park- \$100,000.00 for park improvements from TIF II fund.
- Arsenal Walls Rehabilitation- \$30,000.00 for consulting services from State Accommodations Tax fund.
- Spanish Moss Trail Sidewalk North Street Extension- \$30,000.00 for sidewalk extension project from State Accommodations Tax fund.
- 500 Carteret Street window replacement and stucco repairs- \$100,000.00 from General Fund Assigned Fund Balance for Capital Projects.

Paul Trask, 610 Bladen Street, addressed Council.

Councilman Scallate made a motion to amend by deleting the 10th Whereas clause - Spanish Moss Trail Sidewalk North Street Extension - \$30,000.00 for a sidewalk extension project from State Accommodations Tax Fund.

Councilman Scallate withdrew his motion.

All were in favor, motion carried.

- F. Consideration of City Manager Contract.

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

Mayor Cromer reported that Council has had a chance to evaluate Scott Marshall, City Manager. He received a positive evaluation. His salary will increase from \$150,000.00 to \$175,000.00. His

car allowance will also increase. All other terms of his contract will remain the same. Mayor Cromer stated that this is a fair market rate for our area.

The following addressed Council:

Paul Trask, 610 Bladen Street.
Graham Trask, 1211 Bay Street.

All were in favor, motion carried.

VIII. REPORTS

City Manager's Report

Thanked Council and staff for their support and vote of confidence.

Reported that the Pigeon Point Boat Landing Survey is active. A link can be found on the City's website home page. The survey closes on March 29, 2024.

The Charles Lind Brown Center will be having an Open House on Saturday, March 16, 2024, from 11:00 am - 1:00 pm.

Stated that we are in the process of accepting applications for upcoming Boards and Commissions seats.

Construction at Southside Park is underway.

Mayor's Report

Participated in a quarterly zoom call with Congresswoman Nancy Mace's office.

Attended a committee meeting regarding the 1st South Carolina Volunteers Park.

Met with residents regarding the King Street Storm Water Project.

Will be attending a panel discussion on the 40th anniversary of the Dataw Island development.

Will be attending the Cyber Security Summit on March 18 - 19, 2024.

Will be attending the marker dedication for the Carteret Street United Methodist Church on March 18, 2024.

Will be attending the Northern Regional Implementation Planning Committee (NRPIC) meeting.

Will be meeting with other Mayors in the County, along with County Council Chairman, Joe Passiment, concerning the upcoming Transportation Referendum.

Councilman Mitchell

Spoke about the Charles Lind Brown Center's Open House that will take place on Saturday, March 16, 2024, from 11:00 am - 1:00 pm. He did interviews with 94.5 Praise Radio, and WKWQ 100.7, regarding this event. He thanked all that helped with the making and distribution of the event fliers.

Stated that they are reaching out to other organizations regarding the 1st South Carolina Volunteers Park, to determine what is the best way to get their story told. There have been 3 meetings to date.

Mayor Pro Tem, McFee

Attended the Arts Association Spring Show.

Attended Preserving the Legacy and Keeping the Promise event at the Technical College of the Lowcountry (TCL).

Attended the Residential Empowerment Coalition meeting.

Participated in the Conroy Literary Center Writers Residency and March Forth programs.

Will be attending the marker dedication at the Carteret Street United Methodist Church on March 18, 2024.

Councilman Scallate

He and City Manager, Scott Marshall, met with Ben Boswell, Administrative Manager, with Beaufort County Human Services, regarding the homelessness issue in our area.

Will be attending the 2024 Southcoast Cyber Summit on March 18 - 19, 2024. This is being held at 913 Port Republic Street.

Councilman Lipsitz

Attended the Ribbon Cutting for the Technical College of the Lowcountry (TCL) Student Hub.

Along with the Mayor, he attended the SouthernCarolina Regional Development Alliance Annual Regional Celebration in Allendale.

Attended the unveiling of a mural at the University of South Carolina Beaufort (USCB) Marine Biology Building.

IX. ADJOURN

8:28 PM

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

All were in favor, motion carried.

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CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 3/13/2024
FROM: Alan Eisenman, Finance Director
AGENDA ITEM TITLE: Ordinance to amend Fiscal Year 2024 Budget for Revenues and Expenditures of General Fund, ARPA Fund, State Accommodation Tax Fund, Parks and Tourism Fund, TIF II Fund, and Capital Projects Fund- second reading
MEETING DATE: 3/26/2024
DEPARTMENT: Finance

BACKGROUND INFORMATION:

During the City's Strategic Planning Retreat that took place on January 30 and 31, 2024, City staff identified a list of emerging capital project needs of which City Council subsequently prioritized in order of importance.

City staff has identified funding for the following emerging capital project needs that it expects to spend between now and the end of the current fiscal year. Here is the list of projects included in the budget amendment with anticipated cost and funding source.

1. Duke Street Streetscape and Drainage Project- \$400,000 for engineering services from ARPA fund.
 2. Battery Shores Drainage Project- \$30,000 for engineering services from ARPA fund.
 3. Pigeon Point Playground Equipment- \$300,000 from Parks and Tourism fund and \$100,000 from ARPA fund and \$100,000 will be reallocated from approved FY24 capital budget related to Marina Fuel Tanks project.
 4. 1st South Carolina Volunteer Park- \$100,000 for park improvements from TIF II fund.
 5. Arsenal Walls Rehabilitation- \$30,000 for consulting services from State Accommodations Tax fund.
 6. Spanish Moss Trail Sidewalk North Street Extension- \$30,000 for sidewalk extension project from State Accommodations Tax fund.
 7. 500 Carteret Street window replacement and stucco repairs- \$100,000 from General Fund Assigned Fund Balance for Capital Projects.
-

PLACED ON AGENDA FOR: Action

REMARKS:

Staff recommends Council's consideration to approve second reading of budget ordinance.

First reading was held on March 12, 2024.

ATTACHMENTS:

Description	Type	Upload Date
Ordinance	Backup Material	3/13/2024

ORDINANCE

AN ORDINANCE TO AMEND CITY OF BEAUFORT ORDINANCE 6-23 REGARDING THE FISCAL YEAR 2023-2024 CITY OF BEAUFORT BUDGET TO PROVIDE FOR THE REVENUES AND EXPENDITURES OF GENERAL FUND, ARPA FUND, STATE ACCOMMODATION TAX FUND, PARKS AND TOURISM FUND, TIF II FUND, AND CAPITAL PROJECT FUND.

WHEREAS, Section 5-7-260 of the South Carolina Code of Laws requires that a municipal council act by ordinance to adopt a budget and levy taxes, pursuant to public notice; and

WHEREAS, on June 13, 2023, City of Beaufort adopted Ordinance No. 6-23 which set the City's FY 2023-2024 budget and associated expenditures; and

WHEREAS, during the City's Strategic Planning Retreat that took place on January 30 and 31, 2024, the City identified a list of emerging capital needs of which City Council subsequently prioritized in order of importance; and

WHEREAS, the City is committed to identifying funding for these emerging capital needs and properly budgeting for expenditures that will occur within the current fiscal year; and

WHEREAS, the City will allocate \$400,000 from ARPA funds for engineering services related to Duke Street Streetscape and Drainage Project; and

WHEREAS, the City will budget \$30,000 from ARPA funds for engineering services related to Battery Shores Drainage Project; and

WHEREAS, the City will appropriate \$100,000 from ARPA funds, \$300,000 from Parks and Tourism Fund and \$100,000 from Marina Fuel Tank Project for playground equipment upgrades at Pigeon Point Park; and

WHEREAS, the City will allocate \$100,000 from TIF II funds for park improvements at 1st South Carolina Volunteer Park; and

WHEREAS, the City will budget \$30,000 from State Accommodations Tax funds for consulting services related to Arsenal walls rehabilitation; and

WHEREAS, the City will appropriate \$30,000 from State Accommodations Tax funds for Spanish Moss Trail sidewalk extension project; and

WHEREAS, the City will allocate \$100,000 from the General Fund for windows replacement and exterior stucco repairs at 500 Carteret Street; and

WHEREAS, it is necessary and proper to appropriate funds for the above-referenced items; and

WHEREAS, in compliance with South Carolina law and in the interest of maintaining good accounting practices and transparency in the budget process, it is beneficial and necessary to

amend the budget to reflect this additional appropriation of funds;

NOW, THEREFORE, BE IT ORDAINED by City of Beaufort Council that the FY 2023-2024 City of Beaufort Ordinance 6-23 is hereby amended by the addition of the following, such that the General Fund FY24 Budget and the Consolidated FY24 Revised Budget are as shown on Exhibits A and B, hereto:

SECTION 1. AMENDMENT

General Fund	
Expenditures	
Transfers Out- Release of Assigned General Fund Balance for Capital Projects- 500 Carteret Street Stucco and Windows Repairs Project	100,000
Total Expenditures	<u>100,000</u>
ARPA Fund	
Expenditures	
Transfers Out- Duke Street Streetscape Project- Engineering	400,000
Transfers Out- Battery Shores Drainage Project- Engineering	30,000
Transfers Out- Pigeon Point Playground Equipment	100,000
Total Expenditures	<u>\$ 530,000</u>
State Accommodations Tax Fund	
Expenditures	
Transfers Out- Arsenal Walls Rehabilitation- Consulting/Construction Bid Estima	30,000
Transfers Out- Spanish Moss Trail Extension	30,000
Total Expenditures	<u>\$ 60,000</u>
Parks and Tourism Fund	
Expenditures	
Transfers Out- Pigeon Point Playground Equipment	300,000
Total Expenditures	<u>\$ 300,000</u>
TIF II Fund	
Expenditures	
Transfers Out- 1st South Carolina Volunteers Park Improvements	100,000
Total Expenditures	<u>\$ 100,000</u>
Capital Projects Fund	
Revenues	
Transfers In- 500 Carteret Street Stucco and Windows Repairs Project	100,000
Transfers In- Duke Street Streetscape Project- Engineering	400,000
Transfers In- Battery Shores Drainage Project- Engineering	30,000
Transfers In- Pigeon Point Playground Equipment	400,000
Transfers In- 1st South Carolina Volunteers Park Improvements	100,000
Transfers In- Arsenal Walls Rehabilitation- Consulting/Construction Bid Estimate	30,000
Transfers In- Spanish Moss Trail Extension	30,000
Total Revenues	<u>\$ 1,090,000</u>
Expenditures	
Capital- 500 Carteret Street Stucco and Windows Repairs Project	100,000
Capital- Duke Street Streetscape Project- Engineering	400,000
Capital- Battery Shores Drainage Project- Engineering	30,000
Capital- Pigeon Point Playground Equipment	500,000
Capital- Marina Fuel Tank for Pigeon Point Playground Equipment	(100,000)
Capital- 1st South Carolina Volunteers Park Improvements	100,000
Capital- Arsenal Walls Rehabilitation- Consulting/Construction Bid Estimates	30,000
Capital- Spanish Moss Trail Extension	30,000
Total Expenditures	<u>\$ 1,090,000</u>

SECTION 2. EFFECTIVE DATE

This Ordinance shall be effective upon its enactment by the City Council for the City of Beaufort.

PHILIP E. CROMER, MAYOR

ATTEST:

TRACI GULDNER, CITY CLERK

1ST Reading March 12, 2024

2nd Reading & Adoption _____

Attachments:

- A. General Fund FY24 Budget
- B. Consolidated FY24 Revised Budget

EXHIBIT A

General Fund FY24 Budget

	Adopted FY24 Budget	Budget Amendment #1	Budget Amendment #2	Budget Amendment #3	Revised FY24 Budget
<u>Revenues</u>					
Property Taxes	\$ 9,266,244	\$ -	\$ -	\$ -	\$ 9,266,244
Licenses & Permits	6,120,000	-	-	-	6,120,000
Intergovernmental Revenue	3,504,694	87,370	2,000,000	-	5,592,064
Franchise Fees	2,082,880	-	-	-	2,082,880
Charges for Services	1,922,734	-	-	-	1,922,734
Fines & Forfeitures	71,000	-	-	-	71,000
Miscellaneous	10,000	389,126	-	-	399,126
Interest	230,000	-	-	-	230,000
Release of Committed/Assigned Fund Balance	-	-	-	100,000	100,000
Total General Fund Revenues	\$ 23,207,552	\$ 476,496	\$ 2,000,000	\$ 100,000	\$ 25,784,048
<u>Appropriations</u>					
Non-Departmental	\$ 817,024	\$ -	\$ 2,000,000	\$ -	\$ 2,817,024
City Council	258,494	-	-	-	258,494
City Manager	901,785	-	-	-	901,785
Finance	970,819	-	-	-	970,819
Human Resources	436,714	-	-	-	436,714
Information Technology	873,426	-	-	-	873,426
Municipal Court	542,487	-	-	-	542,487
Community & Economic Development	1,411,171	-	-	-	1,411,171
Police Operations	5,394,584	87,370	-	-	5,481,954
School Resource Officer	542,311	-	-	-	542,311
School Crossing Guard	19,865	-	-	-	19,865
Victims Rights	98,135	-	-	-	98,135
Beaufort Fire	6,069,619	389,126	-	-	6,458,745
Public Works	485,367	-	-	-	485,367
Streets & Traffic	1,108,770	-	-	-	1,108,770
Facilities Maintenance	759,832	-	-	-	759,832
Solid Waste	1,125,115	-	-	-	1,125,115
Debt Service	1,843,232	-	-	-	1,843,232
Transfers Out	-	-	-	100,000	100,000
Total General Fund Appropriations	\$ 23,658,750	\$ 476,496	\$ 2,000,000	\$ 100,000	\$ 26,235,246

EXHIBIT B

Consolidated FY24 Revised Budget

	General Fund	ARPA Fund	Parks & Tourism Fund	Stormwater Fund	State Accommodations Fund	Fire Impact Fund	TIF II Fund	Capital Project Fund	Total
Revenues	\$ 25,684,048	\$ 100,000	\$ 4,393,852	\$ 1,332,779	\$ 800,000	\$ 405,000	\$ 100,000	\$ 8,794,785	\$ 41,610,464
Transfers In	63,750	-	-	-	-	-	-	18,246,976	18,310,726
	-	-	6,945,000	-	-	-	-	-	6,945,000
	<u>63,750</u>	<u>-</u>	<u>6,945,000</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>18,246,976</u>	<u>25,255,726</u>
	1,565,476	-	-	-	-	-	-	-	1,565,476
	-	4,707,485	590,585	1,655,915	60,000	-	3,725,054	1,245,866	11,984,905
Salaries	\$ 9,847,643	\$ -	\$ 1,851,930	\$ 413,857	\$ 17,226	\$ -	\$ -	\$ -	\$ 12,130,656
Benefits	3,766,377	-	716,025	174,512	6,675	-	-	-	4,663,589
Operating	10,046,213	215,091	1,396,199	232,610	712,349	-	-	-	12,602,462
Capital	552,570	500,000	120,600	-	-	-	100,000	28,287,627	29,560,797
Debt	1,922,443	-	309,098	511,800	-	129,239	-	-	2,872,580
Total Expenditures	<u>\$ 26,135,246</u>	<u>\$ 715,091</u>	<u>\$ 4,393,852</u>	<u>\$ 1,332,779</u>	<u>\$ 736,250</u>	<u>\$ 129,239</u>	<u>\$ 100,000</u>	<u>\$ 28,287,627</u>	<u>\$ 61,830,084</u>
Transfers Out	1,178,028	4,092,394	7,535,585	1,655,915	123,750	-	3,725,054	-	18,310,726
	<u>1,178,028</u>	<u>4,092,394</u>	<u>7,535,585</u>	<u>1,655,915</u>	<u>123,750</u>	<u>-</u>	<u>3,725,054</u>	<u>-</u>	<u>18,310,726</u>
	-	-	-	-	-	275,761	-	-	275,761
Net (Deficit) Surplus	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 3/13/2024
FROM: Curt Freese, Community and Economic Development Director
AGENDA ITEM TITLE: An ordinance to annex property on Harding Street, Parcel R100 029 00B 0057 0000 to the City of Beaufort pursuant to S.C. Code Ann. 5-3-150(3) - second reading
MEETING DATE: 3/26/2024
DEPARTMENT: Community and Economic Development

BACKGROUND INFORMATION:

The request is for annexation and zoning of T4-N. The parcel in question (the site) is the last parcel to be annexed into the city to allow for a new major subdivision that will have its entrance on Harding St. The other two parcels are to the west (R120 029 00B 0056 0000) and the south (R120 029 000 0112 0000) of the site and are both zoned T4-N. The rezoning was heard and given a recommendation of approval for the T-4 N zoning district by the Planning Commission. If the property is rezoned and annexed, the applicant can then have the Sketch Plan of the Subdivision heard by the Planning Commission at its March meeting. If that is approved by the Planning Commission, the project will move into the Site Plan & Final Plat stages, which will be conducted by City Staff.

PLACED ON AGENDA FOR: Action

REMARKS:

Notice of the Public Hearing was ran in the Beaufort Gazette on February 11, 2024.
Public Hearing and first reading was held on March 12, 2024.

Staff Recommendation: Staff and the Planning Commission recommend approval of the annexation with no conditions.

ATTACHMENTS:

Description	Type	Upload Date
Staff Report	Backup Material	3/13/2024
Petition for Annexation	Backup Material	3/13/2024
Ordinance for Annexation	Backup Material	3/13/2024



STAFF REPORT: Annexation & Rezoning (Marshview Estates)

DATE: 3/12/24

GENERAL INFORMATION		
Applicant:	Josh K Tiller	
Address/Parcel Number:	No address on parcel, R100 029 00B 0057 0000	
Applicant's Request:	To annex into the city & rezone the site to T4-N from C3NMU-Neighborhood Mixed Use (County zoning)	
Current Zoning:	C3NMU-Neighborhood Mixed Use (County zoning)	
ZONING DISTRICT INFORMATION		
	<u>C3NMU</u>	
Lot Width at Setback:	70 feet	
Max Lot Coverage:	2.6 d.u./acre	
Min. Frontage Build Out	N/A	
Front Setback	30-foot min.	
Side Setback	10-foot min.	
Rear Setback	50-foot min.	
Building Height:	2.5 story max for residential	
SURROUNDING ZONING, LAND USE AND REQUIRED BUFFERS		
<u>Adjacent Zoning</u>	<u>Adjacent Land Uses</u>	<u>Setbacks for Adjacent Zoning /Buffer required if rezoned</u>
North: C3NMU (County)	Single Family Dwellings	N/A
South: T4-N (City)	Forested parcel	N/A
East: C3NMU (County)	Forested parcel	N/A
West: T4-N (City)	Forested parcel	N/A

Background: The parcel in question (the site) is the last parcel to be annexed into the city to allow for a new major subdivision that will have its entrance on Harding St. The other two parcels are to the west (R120 029 00B 0056 0000) and the south (R120 029 000 0112 0000) of the site and are both zoned T4-N. The rezoning was heard and given a recommendation of approval for the T-4 N zoning district by the Planning Commission. If the property is rezoned and annexed, the applicant can then have the Sketch Plan of the Subdivision heard by the Planning Commission at its March meeting. If that is approved by the Planning Commission, the project will move into the Site Plan & Final Plat stages, which will be conducted by City Staff.

Compatibility with Adjacent Zoning: The site is adjacent to two city properties that are both zoned T4-N that are both planned to be in the same subdivision, so the request is to match the current adjacent city zoning.

Comprehensive Plan Compliance: The Future Land Use with Potential Annexation Area Map has the site designated as Neighborhood. The Future Land Use Categories chart lists T4-HN, T3-N, T3-S, and T1 as acceptable in the Neighborhood designation of the Comprehensive plan. The applicant is requesting the T4-N zoning classification. Staff believes this reasonable request because the T4-N zone has similar allowed uses with the T4-HN, T3-N, and T3-S zones. Also, many uses that are allowed in T4-N and not the other zones require a conditional zoning permit that may be denied by the administrator or must be in the T4-NA zone. An example of this is a proposal for Vehicle Service and Repair use in the T4-N zone that is next to a T3-N parcel. The administrator has the power to deny the use since it would be incompatible to the surrounding area. Also, on the Future Land Use Categories chart ranks the zones by order of precedence. In the General Urban destination T-4N is the second to the bottom, meaning this is the second least compatible designation for a General Urban designated property.

Civic Master Plan Compliance: The site was not in the Civic Master Plan since the area was not in city's limits, Staff believes this proposal aligns with the plan since it will support increasing housing densities and will add to the small block development style mentioned in Section 6 of the plan.

FINDINGS AND RECOMMENDATIONS

Staff Recommendation: Staff recommends approval of the annexation with no conditions.

Planning Commission Recommendation: The Planning Commission recommended approval of the request to rezone the site to T4-N with no conditions.

The site parcel is highlighted in orange with the two city parcels in purple.



Here is an image of the potential future subdivision.



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

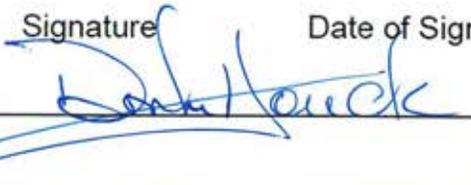
We, the undersigned freeholders, pursuant to Section 5-3-150(3), South Carolina Code of Laws, 1976, as amended, do pray that your Honorable Body accept the petition and annex the enclosed described area, and enact an Ordinance declaring the area annexed to the City of Beaufort with full City privileges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

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

The petitioning area to be annexed is described as follows:

A 2.7 Acre wooded and vacant parcel of land (PIN R100 029 00B 0057 0000) located on Harding Street and known as Lot 16 of Palmetto Estates. The property is currently zoned Neighborhood Mixed-use (C3NMU) in Beaufort County, as are the adjacent Beaufort County parcels. The adjacent City of Beaufort properties are all zoned T4-N.

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

Name (print)	Address	Signature	Date of Signature
Lanier Land Holdings LLC (Don Houck)	3138 Five Chop Rd Orangeburg, SC 29115		11/24/23

TREE & TOPOGRAPHIC SURVEY
 PREPARED FOR
 DON M. HOUCK & PATTEN SEED CO.

LOTS 15 & 16, PALMETTO ESTATES

BEAUFORT COUNTY, SOUTH CAROLINA

VICINITY MAP NOT TO SCALE



- TREE LEGEND:**
- LO - LIVE OAK
 - WO - WATER OAK
 - WH - WHITE OAK
 - G - GUM
 - P - PINE
 - H - HICKORY
 - SB - SUGAR BERRY
 - PAL - PALMETTO
 - MAG - MAGNOLIA
 - HO - HOLLY
 - C - COTTON WOOD
 - PE - PECAN
 - LRO - LAUREL OAK
 - TAL - TALLOW
 - CE - CEDAR

- LEGEND:**
- PP - POWER POLE
 - SP - SERVICE POLE
 - TB - TELEPHONE BOX
 - MB - MAILBOX
 - GLM - GAS LINE MARKER
 - CLF - CS LINE FLAG

THE AREA SHOWN ON THIS PLAT IS A REPRESENTATION OF DEPARTMENT POINT AUTHORITY ON THE SUBJECT PROPERTY. CRITICAL AREAS BY THEIR NATURE, ARE DYNAMIC AND SUBJECT TO CHANGE OVER THE TIME BY BELONGING TO THE POINT AUTHORITY OF THE DEPARTMENT. THE DEPARTMENT IN NO WAY WAIVES ITS RIGHT TO ASSESS PERMIT JURISDICTION AT ANY TIME IN ANY CRITICAL AREA ON THE SUBJECT PROPERTY, WHETHER SHOWN HEREIN OR NOT.

SIGNATURE _____ DATE _____

The critical line shown on this plat is valid for five years from the date of this signature, subject to the cautionary language above.

REFERENCE PLAT BY R. D. TROGDON, JR., OF PALMETTO ESTATES, DATED OCTOBER 18, 1968.

THIS PROPERTY IS LOCATED IN ZONE A-8 (ELEV. 13.0) AS DETERMINED BY FEMA, FIRM COMMUNITY-PANEL NUMBER 450025 0065 D, DATED 09/29/86.

PIN: R100-029-00B-000-0057-0000 & PORTION OF R100-029-00B-000-0058-0000

0 15' 30' 60' 90'

SCALE 1" = 30'
 APRIL 13, 2009
 P14037/MMA

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS B SURVEY AS SPECIFIED THEREIN. ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.



DAVID S. YOUMANS RLS 9765
 BEAUFORT SURVEYING, INC.
 1613 PARIS AVENUE
 PORT ROYAL, S.C. 29935
 PHONE (843) 524-3261

ORDINANCE 2024/06

AN ORDINANCE TO ANNEX PROPERTY ON HARDING STREET, R100 029 00B 0057 0000 TO THE CITY OF BEAUFORT PURSUANT TO S.C. CODE ANN. § 5-3-150(3).

WHEREAS, a Petition for Annexation (hereinafter “Petition”) dated November 24, 2023 and signed by all of the owners of a parcel of real estate identified as Beaufort County Tax Map Number R100 029 00B 0057 0000 and located on Port Royal Island (hereinafter “Property”) has been presented to the City Council;

WHEREAS, the Petition contains a description of the Property to be annexed;

WHEREAS, the Property to be annexed is highlighted on the attached maps;

WHEREAS, the Property is contiguous to the boundaries of the present city limits of the City of Beaufort, South Carolina;

WHEREAS, the City has complied with the notice and public hearing requirements of S.C. Code Section 5-3-150(1); and

WHEREAS, Council finds that annexation of the Property would be in the best interest of the City of Beaufort.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Beaufort, South Carolina, duly assembled and by authority of same, that the Property hereinafter described is hereby annexed to and becomes a part of the City of Beaufort, South Carolina: A 2.7 acre lot identified as Beaufort County Tax Map Number R100 029 00B 0057 0000, located on Harding Street and known as Lot 16 of Palmetto Estates on that certain plat prepared by R.D. Trogdon, Jr., R.L.S., dated the October 18, 1968, and entitled "Palmetto Estates," a copy of which is recorded in the office of the R.M.C. for Beaufort County, South Carolina in Plat Book 17 at page 53.

This Ordinance shall become effective immediately upon adoption.

Philip E. Cromer, Mayor

Attest:

Traci Guldner, City Clerk

1st Reading _____

2nd Reading & Adoption _____

Reviewed by: _____
CITY ATTORNEY

ORDINANCE 2024/07

**AMENDING THE CITY OF BEAUFORT ZONING DISTRICT MAP TO INCLUDE
PARCEL R100 029 00B 0057 0000, TO BE ZONED T4-N, AS NOTED HEREIN**

WHEREAS, a parcel of real property identified as Beaufort County Tax Map Number R100 029 00B 0057 0000 (hereinafter “Property”) is being annexed to the City of Beaufort;

WHEREAS, it is necessary that the City of Beaufort Zoning District Map (hereinafter “Zoning Map”) be amended to reflect the annexation of the Property and that the Property be appropriately zoned; and

WHEREAS, a zoning of T4-N for the Property is consistent and compatible with zoning of adjacent real property;

WHEREAS, any future development of the Property will be able to take advantage of existing infrastructure;

WHEREAS, it is reasonable to expect that the T4-N zoning will improve the marketability of the Property;

WHEREAS, a public hearing before the Planning Commission was held regarding the proposed change to the Zoning Map on February 26, 2024, with notice of the hearing published in The Beaufort Gazette on January 24, 2024, and the Planning Commission recommended approval of amendment of the Zoning Map and the zoning designation of the Property as T4-N.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Beaufort, South Carolina, duly assembled and by authority of same, pursuant to the power vested in the Council by Section 6-29-760, *Code of Laws of South Carolina, 1976*, that the City of Beaufort Zoning District Map be amended by establishing the zoning designation of the annexed Property, as follows:

R 100 029 00B 0057 0000	T4-N
-------------------------	------

This Ordinance shall become effective immediately upon adoption.

Philip E. Cromer, Mayor

Attest:

Traci Guldner, City Clerk

1st Reading _____

2nd Reading & Adoption _____

Reviewed by: _____
CITY ATTORNEY



CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 3/20/2024
FROM: Ashley Brandon
AGENDA ITEM TITLE: Request for street closures from Memorial Day Committee to Host Memorial Day Parade on Monday, May 27, 2024 at 9:00 am - 11:30 am
MEETING DATE: 3/26/2024
DEPARTMENT: Downtown Operations

BACKGROUND INFORMATION:

Request from Memorial Day Committee to Host Memorial Day Parade on May 27, 2024 at 9:00 AM - 11:30 AM.
60-70 units on the normal parade route

PLACED ON AGENDA FOR: Action

REMARKS:

Staff recommends approval

ATTACHMENTS:

Description	Type	Upload Date
Memorial day parade application	Cover Memo	3/20/2024

CITY OF BEAUFORT

P.O. Drawer 1167 Phone (843) 525-7015

189647

Beaufort, S.C. 29901 3-14-24 20

Received of Elijah Washington, MD

Pd CK# 6580 Dollars \$ 25.00

For Memorial Day Parade

Amount Paid \$ 25.00

CITY OF BEAUFORT

Balance Due \$ 0 By [Signature]

ELIJAH WASHINGTON, M.D.
P.O. BOX 2088
BEAUFORT, SC 29901

67-258/532

6580

DATE 3/3/24 PMP



PAY TO THE ORDER OF

City of Beaufort
Twenty five 00/100

\$ 25.00

DOLLARS



Heat Reactive Ink



PALMETTO
STATE BANK
P.O. BOX 219
BEAUFORT, S. C. 29901

MEMO Parade

[Signature]

⑆053202596⑆ 75 1002 981⑆ 06580



PUBLIC ASSEMBLY AND PARADE APPLICATION

City of Beaufort
500 Carteret Street Suite B2, Beaufort, South Carolina, 29902
p. (843) 379-1076 | www.cityofbeaufort.org
To be filed **NOT LESS** than 60 days before event

Please Check One: Public Assembly Request Parade Request

Name of Applicant: Elijah Washington, (X11)
Address: P.O. Box 2088 Beaufort, SC 29901 Phone # 843-263-4620
Name of Sponsoring Organization: Memorial Day Committee
Address: P.O. Box 1961 Beaufort, SC 29901

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

Date of Public Assembly: _____ Time Assemble will begin: _____
Location of Assembly Area: _____
Type of Public Assembly (including description of activities): _____
Description of Recording Equipment, sound amplification equipment, banners, signs, or other devices to be used: _____

PARADE: \$25.00 non-refundable application fee is payable when the application is submitted

Date of Parade: 5/27/24
Time Parade Will Begin: 10 AM Parade will Terminate: 11:30 AM
Time Parade Line-Up Begins: 9 AM Location(s) of Line-Up Area(s): Adventure Street
Route Proposed (Giving Starting & Termination Points): Adventure → Boundary → Carteret → Bay → Bladen → Boundary
Approximate Number of Persons, Animals & Vehicles Constituting Parade: 60-70 units, > 200 individuals
Parade Will Occupy All of the Width of the Streets to be Traversed yes
Parade Will Occupy Only a Portion of the Width of the Streets to be Traversed _____
Interval of Space between Units in Parade: 4-5 ft

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

Signature of Applicant: [Signature] Date: 3/14/24

OFFICE USE ONLY: Application Received By: _____ Date Received: _____ Receipt #: _____
Approved By: _____



CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 3/20/2024
FROM: Ashley Brandon
AGENDA ITEM TITLE: Request for streets and bridge closure from Lowcountry Habitat for Humanity to host 2024 Turkey Trot on Thursday, November 28, 2024, from 7:45 am to 9:30 am
MEETING DATE: 3/26/2024
DEPARTMENT: Downtown Operations

BACKGROUND INFORMATION:

Request from Lowcountry Habitat for Humanity to host 2024 Turkey Trot on Thursday, November 28, 2024 from 7:45 AM to 9:30 AM
This is the exact same event they have done in years past

PLACED ON AGENDA FOR: Action

REMARKS:

Staff recommends approval

ATTACHMENTS:

Description	Type	Upload Date
Turket Trot application	Cover Memo	3/20/2024



5K RUN/WALK APPLICATION

City of Beaufort-Downtown Operations & Community Services
Attn: Andrea Hackenberger-Downtown Manager & Events Coordinator
500 Carteret Street, Suite B2 Beaufort, SC 29902
Phone: (843) 379-7063 / Email: events@cityofbeaufort.org | www.cityofbeaufort.org

To be filed NOT LESS than 150 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 standard route in place that everyone must follow

Name of Applicant: Michele Barker
 Address: P.O. Box 2747, Bluffton, SC 29910 Phone # 843-522-3500
 Email: michele@lowcountryhabitat.org
 Name of Sponsoring Organization: Habitat for Humanity of the Lowcountry
 Address: P.O. Box 2747, Bluffton, SC 29910

Date of 5K Run/Walk: 11/28/2024
 Time of 5K Run/Walk will Begin: 8:00 am 5K Run/Walk will Terminate: 9:30 am
 Time 5K Run/Walk Line-Up Begins: 7:30 am Location(s) of Line-Up Area(s): Bay St. @ Freedom Park
 Approximate Number of Persons, Animals in the 5K Run/Walk: 1,000

5K Run/Walk will occupy all 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

OFFICE USE ONLY: Application received by: _____ Date Received: _____
 Receipt #: _____ Approved By: _____

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

Signature of Applicant: Michele Barker Date: 2/28/2024



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 3/20/2024
FROM: JJ Sauve
AGENDA ITEM TITLE: Ordinance authorizing the execution and delivery of an easement for the placement of utility infrastructure for real property known as Calhoun Street by the City of Beaufort to Dominion Energy of South Carolina, Inc. - first reading
MEETING DATE: 3/26/2024
DEPARTMENT: City Managers Office

BACKGROUND INFORMATION:

During the course of project planning for the Calhoun Street Project, staff determined that the City of Beaufort had previously provided an easement for utility infrastructure to Dominion Energy of South Carolina, Inc., but that easement had never been recorded with the Beaufort County Register of Deeds. The proposed easement is attached along with a drawing of the easement location referenced in the easement as "Attachment A" as well as a proposed ordinance for the execution of the proposed easement. These documents have been reviewed by staff and the City Attorney. Staff's position is that it is in the best interest of public service to execute this easement as previously planned to allow for the most effective placement of Dominion utilities within the scope of the Calhoun Street Project.

PLACED ON AGENDA FOR: Action

REMARKS:

This proposed ordinance is on for a first reading and staff recommends adoption of the ordinance granting the utility easement to Dominion Energy.

ATTACHMENTS:

Description	Type	Upload Date
Ordinance for the Calhoun Street Easement for Dominion	Ordinance	3/20/2024
Calhoun Street Easement for Dominion	Backup Material	3/20/2024
Calhoun Street Easement for Dominion Attachment	Backup Material	3/20/2024

ORDINANCE 2024/08

Ordinance authorizing the execution and delivery of an easement for the placement of utility infrastructure for real property known as Calhoun Street by the City of Beaufort to Dominion Energy of South Carolina, Inc.

WHEREAS, the City of Beaufort (hereinafter the “City”) owns real property known as Calhoun Street (hereinafter the “Property”) located in the City of Beaufort;

WHEREAS, the City and Dominion Energy of South Carolina, Inc. (hereinafter “Dominion”) are informed and believe that the City previously granted an easement to Dominion’s corporate predecessor for the placement of utility infrastructure on the Property which was never recorded with the Office of the Register of Deeds for Beaufort County;

WHEREAS, the City and Dominion wish to confirm the existence and validity of the previously granted easement by the recordation of an easement which grants the same rights as were conveyed in the previously granted, but unrecorded, easement;

WHEREAS, Council gave first reading approval of this purchase on _____, 2024; and,

WHEREAS, Council now believes it is in the best interest of the City, and its citizens, to approve this grant of easement, and the authority of the City Manager to execute such documents as may be necessary and appropriate to finalize this grant;

NOW THEREFORE, be it Ordained by the Beaufort City Council, in council duly assembled, and by the authority of the same, that the City Manager shall be authorized and empowered to execute and finalize the Easement attached as Exhibit 1, and such other documents as may be necessary and appropriate, for the City to grant an easement to Dominion for the placement of utility infrastructure for the Property.

This Ordinance shall be effective immediately upon adoption.

Philip E. Cromer, Mayor

Attest:

Traci Guldner, City Clerk

First Reading: _____

Second Reading and adoption: _____

Approved in Form: Benjamin T. Coppage

Easement # 904993

INDENTURE, made this _____ day of _____, 2024 by and between **City of Beaufort** of the State of South Carolina, hereinafter called "Grantor" (whether singular or plural), and the **DOMINION ENERGY SOUTH CAROLINA, INC., a South Carolina corporation, having its principal office in Cayce, South Carolina, hereinafter called "Grantee".**

WITNESSETH:

That, in consideration of the sum of One Dollar (\$1.00) received from Grantee, Grantor, being the owner of land situate in the **County of Beaufort, State of South Carolina**, hereby grants and conveys to Grantee, its successors and assigns, the right to construct, extend, replace, relocate, perpetually maintain and operate an underground electric line or lines consisting of any or all of the following: conductors, lightning protective wires, municipal, public or private communication lines, cables, conduits, pad mounted transformers, and other accessory apparatus and equipment deemed by Grantee to be necessary or desirable, upon, over, across, through and under land described as follows: **a City of Beaufort Road Right of Way identified as Calhoun Street as shown on Exhibit "A".**

This easement allows for the Grantee to install it's facilities within the limits of Calhoun Street, (City of Beaufort Road R/W) from the intersection of Pigeon Point Road on the east to Rogers Street on the west. See Grantee's facilities on DESC Drawing #78183 and any revisions made thereof, being attached hereto as Exhibit "A", and made a part hereof, as reference only.

TMS: CALHOUN STREET (CITY OF BEAUFORT ROAD R/W)

Together with the right from time to time to install on said line such additional lines, apparatus and equipment as Grantee may deem necessary or desirable and the right to remove said line or any part thereof.

Together also with the right (but not the obligation) from time to time to trim, cut or remove trees, underbrush and other obstructions that are within, over, under or through a strip of land ("Easement Space") extending Five (5) feet on each side of any underground wires and within, over, under or through a section of land extending Twelve (12) feet from the door side(s) of any pad mounted transformers, elbow cabinets, switchgears or other devices as they are installed; provided, however, any damage to the property of Grantor (other than that caused by trimming, cutting or removing) caused by Grantee in maintaining or repairing said lines, shall be borne by Grantee; provided further, however, that Grantors agree for themselves, their successors and assigns, not to build or allow any structure to be placed on the premises in such a manner that any part thereof will exist within the applicable above specified Easement Space, and in case such structure is built, then Grantor, or such successors and assigns as may be in possession and control of the premises at the time, will promptly remove the same upon demand of Grantee herein. Grantor further agrees to maintain minimum ground coverage of thirty six (36) inches and maximum ground coverage of fifty four (54) inches over all underground primary electric lines. Together also with the right of entry upon said lands of Grantor for all of the purposes aforesaid.

The words "Grantor" and "Grantee" shall include their heirs, executors, administrators, successors and assigns, as the case may be. IN WITNESS WHEREOF, Grantor has caused this indenture to be duly executed the day and year first above written.

WITNESS:

City of Beaufort

By: _____

1st Witness

Print Name: _____

Title: _____

2nd Witness

Easement # 904993

ACKNOWLEDGMENT

STATE OF SOUTH CAROLINA

COUNTY OF **Beaufort**

The foregoing instrument was acknowledged before me, the undersigned Notary, and I do hereby certify that the within named, _____, as _____ of the **City of Beaufort** personally appeared before me this day and that the above named acknowledged the due execution of the foregoing instrument.

Sworn to before me this _____ day of _____, **2024**

Signature of Notary Public State of SC

My commission expires: _____

Print Name of Notary Public

**RIGHT OF WAY GRANT TO
DOMINION ENERGY SOUTH CAROLINA, INC.**

Line: **Calhoun Street Relocation**

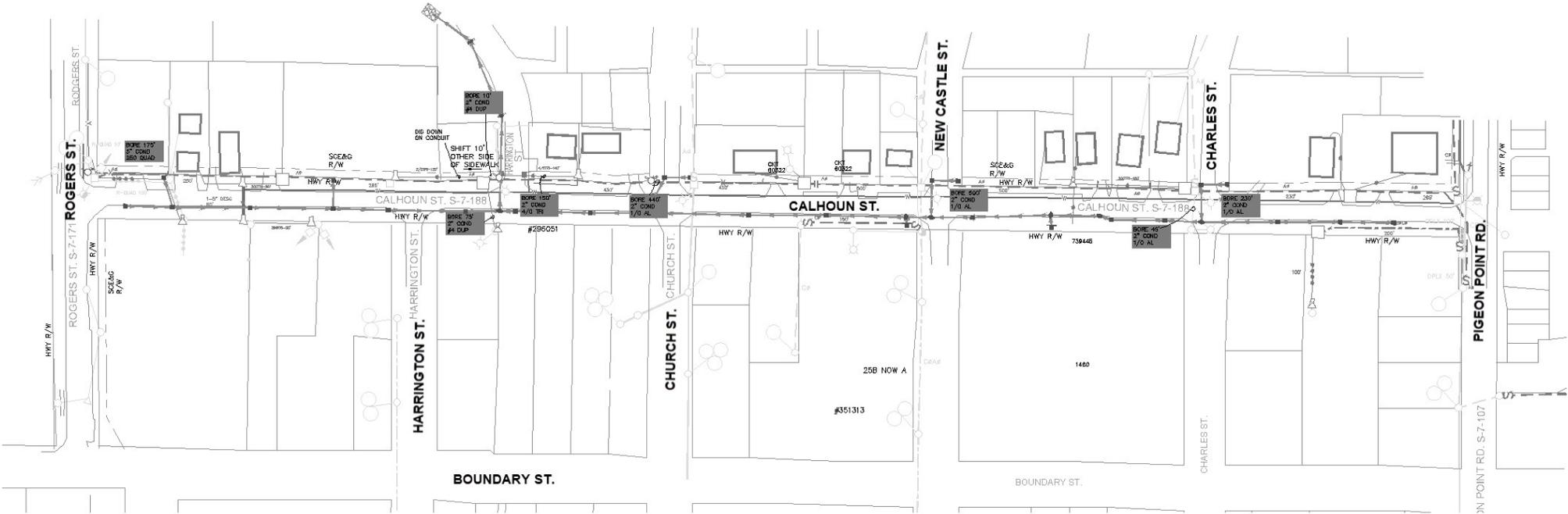
County: **Beaufort**

R/W File Number: **26879**

Grantor(s): **City of Beaufort**

Return to: DESC, C/O Right of Way Dept., 81 May River Road, Bluffton, SC 29910

EXHIBIT "A"



DRAWING #78183



CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 3/20/2024
FROM: Linda D. Roper
AGENDA ITEM TITLE: Authorization to allow the City Manager to amend the Capital Waste contract
MEETING DATE: 3/26/2024
DEPARTMENT: Downtown Operations

BACKGROUND INFORMATION:

Beaufort County Multijurisdictional Recycling Facility operators increased the tipping fees per ton 38% with little notice as of August 1, 2023. Capital Waste is requesting an increase outside of the contract terms because the CPI increase per contract is determined in April of each year of the contract. They are requesting a \$1.49 per household increase retroactively because of the increase to operating costs which was out of their control.

PLACED ON AGENDA FOR: Action

REMARKS:

Information was presented to Council in a previous worksession.

Request Council approve this contract amendment.

ATTACHMENTS:

Description	Type	Upload Date
Capital Waste Contract Changes	Cover Memo	3/22/2024

**AMENDMENT TO CONTRACT BETWEEN THE CITY OF BEAUFORT AND CAPITAL
WASTE SERVICES DATED JUNE 16, 2021**

WHEREAS the City of Beaufort, SC (hereinafter the “Municipality”) and Capital Waste Services, LLC, (hereinafter the “Contractor”) entered into a contract on June 16, 2021, for the provision of waste management services within the City of Beaufort (hereinafter the “Contract”); and,

WHEREAS, based on previous service fee adjustments made pursuant to Article 4.5 of the Contract, the current fee per City of Beaufort household is \$19.44; and

WHEREAS, the Beaufort County Multijurisdictional Recycling Facility tipping fees for commingled recycled products were increased as of August 1, 2023 from \$160.52 to \$221.87 a ton, increasing the operational cost beyond the standard CP I increase per the Contract.

WHEREAS the parties wish to amend the Contract to increase the rate per household in the City of Beaufort provided thereunder;

THEREFORE, for the consideration stated herein, the Parties agree and stipulate as follows:

1. The Municipality shall pay the Contractor \$61,158.54 as reimbursement for the Contractor’s increased operation costs resulting from the increased tipping fees for the period of time beginning on August 1, 2023 and ending on March 31, 2024;
2. The monthly rate per household in the City of Beaufort shall increase by \$1.49, from \$19.44 to \$20.93 per household and said rate shall be effective from April 1, 2024 through June 30, 2024; and
3. Thereafter, the rate may be adjusted pursuant to Article 4.5 of the Contract.

This Amendment shall become a part of the Contract Documents and shall otherwise be subject to all terms and conditions of the Contract, which are incorporated herein. All other terms of the Contract shall remain in force and without modification or amendment.

IN WITNESS WHEREOF, the contracting parties, by their duly authorized agents, hereto affix their signature and seals at Beaufort, SC, the ___ day of _____, 2024.

Capital Waste Services, LLC

City of Beaufort

Signature

Scott M. Marshall
City Manager

Printed Name

Witness

Signature

Title

Printed Name



CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 3/20/2024
FROM: Alan Eisenman, Finance Director
AGENDA ITEM TITLE: Authorization for City Manager to enter into a contract for Allison Road Pedestrian Connector Project
MEETING DATE: 3/26/2024
DEPARTMENT: Finance

BACKGROUND INFORMATION:

On December 14, 2023, the City solicited an invitation for bids for the Allison Road Pedestrian Connector Project. A public bid opening was held on January 26, 2024 at 10:00 AM. The budget for this project is \$4,305,051 with the SCDOT Local Public Agency (LPA) TAP Grant to provide funding in the amount of \$3,444,040 and the City to contribute \$861,011. The contractors that submitted a bid were required to be on the SCDOT Prequalified Contractor's List as part of SCDOT LPA TAP grant guidelines.

The following bids were submitted.

Gulfstream Construction Company, Inc.	\$2,645,099.61
APAC-Atlantic, Inc.	\$4,161,525.91

On March 1, 2024, SCDOT reviewed the submitted material, bid proposals and supporting documentation for the project and concurred with the award of the construction contract to Gulfstream Construction Co., Inc. in the amount of \$2,645,099.61. Gulfstream has performed previous work for the City, having been the lowest bidder on IFB 2020-113 Mossy Oaks Drainage Improvements Basin 2.

Upon your approval, a Notice of Intent to Award will be sent to Gulfstream Construction Company, Inc for the Allison Road Pedestrian Connector project.

PLACED ON AGENDA FOR: Action

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Recommendation Memo	Cover Memo	3/20/2024
Bid Breakdown	Cover Memo	3/20/2024

CITY OF BEAUFORT - INTERNAL MEMORANDUM

TO: SCOTT MARSHALL
FROM: JAY PHILLIPS
SUBJECT: IFB 2024-107 ALLISON ROAD PEDESTRIAN CONNECTOR
DATE: 03/18/2024
CC: JJ SAUVE, CARRIE GORSUCH, ALAN EISENMAN, SANDY RICE

On December 14, 2023, the City solicited an invitation for bids for the Allison Road Pedestrian Connector Project. The public notice was published in the Island News, Vendor Registry and the State of South Carolina Business Opportunities (SCBO) websites. A non-mandatory pre-bid meeting was held on January 5, 2024. The deadline for questions was on January 17, 2024 at 5:00 PM and answers to submitted questions were posted on the City's website on January 19, 2024 at 5:00 PM. A public bid opening was held on January 26, 2024 at 10:00 AM. The budget for this project is \$4,305,051 with the SCDOT Local Public Agency (LPA) TAP Grant to provide funding in the amount of \$3,444,040 and the City to contribute \$861,011. The contractors that submitted a bid were required to be on the SCDOT Prequalified Contractor's List as part of SCDOT LPA TAP grant guidelines.

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**SUBMITTAL PROPOSAL FORM /
SCHEDULE OF VALUES**

IFB TITLE: **ALLISON ROAD PEDESTRIAN CONNECTOR**

IFB NUMBER: **2024-107**

PAY ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL PRICE
1031000	MOBILIZATION	1	LS	\$132,255.95	\$ 132,255.95
1032010	BONDS AND INSURANCE	1	LS	\$52,902.38	\$ 52,902.38
1050800	CONSTRUCTION STAKES, LINES & GRADES	1	EA	\$10,824.30	\$ 10,824.30
1052110	LARGE PUBLIC WATER RELOCATION NO. (001)	1	EA	\$210,139.51	\$ 210,139.51
1052210	LARGE PUBLIC SEWER RELOCATION NO. (001)	1	EA	\$7,475.00	\$ 7,475.00
1071000	TRAFFIC CONTROL	1	LS	\$173,928.02	\$ 173,928.02
1090200	AS-BUILT CONSTRUCTION PLANS	1	LS	\$6,840.11	\$ 6,840.11
2011000	CLEARING & GRUBBING WITHIN RIGHT OF WAY	1	LS	\$77,600.57	\$ 77,600.57
2021010	REMOVAL & DISPOSAL OF EXISTING DROP INLET	1	EA	\$4,233.47	\$ 4,233.47
2023000	REMOVAL & DISPOSAL OF EXISTING PAVEMENT	285	SY	\$25.71	\$ 7,327.35
2024100	REMOVAL & DISPOSAL OF EXISTING CURB	16	LF	\$88.20	\$ 1,411.20
2027000	REMOVAL & DISPOSAL OF EXISTING CONCRETE	5	CY	\$157.84	\$ 789.20
2031000	UNCLASSIFIED EXCAVATION	5	CY	\$51.43	\$ 257.15
2033000	BORROW EXCAVATION	241	CY	\$71.61	\$ 17,258.01
2081001	FINE GRADING	989	SY	\$28.05	\$ 27,741.45
2103000	FLOWABLE FILL	120	CY	\$267.71	\$ 32,125.20
3069900	MAINTENANCE STONE	97	TON	\$123.87	\$ 12,015.39
4011004	LIQUID ASPHALT BINDER PG64-22	23	TON	\$833.75	\$ 19,176.25
4013990	MILLING EXISTING ASPHALT PAVEMENT (VARIABLE)	1,267	SY	\$13.62	\$ 17,256.54
4030340	HOT MIX ASPHALT SURFACE COURSE TYPE C	361	TON	\$171.13	\$ 61,777.93
6021120	PERMANENT CONSTRUCTION SIGNS (GROUND MOUNTED)	418	SF	\$9.92	\$ 4,146.56
6021125	PERMANENT CONSTRUCTION SIGNS (BARRICADE MOUNTED)	70	SF	\$7.59	\$ 531.30
6021130	DETOUR SIGNS	299	SF	\$9.92	\$ 2,966.08
6041200	BARRICADE - TYPE 3	84	LF	\$46.70	\$ 3,922.80
608100B	TYPE B - FLASHING LIGHT	16	EA	\$99.24	\$ 1,587.84
6250005	4" WHITE BROKEN LINES -(GAPS EXCLUDED)-FAST DRY PAINT	49	LF	\$0.73	\$ 35.77
6250010	4" WHITE SOLID LINES (PVT. EDGE LINES)-FAST DRY PAINT	36	LF	\$0.73	\$ 26.28
6250015	8"WHITE SOLID LINES(CROSSWALK&CHANNELIZATION)FAST DRY PAINT	294	LF	\$3.64	\$ 1,070.16
6250025	24" WHITE SOLID LINES (STOP/DIAGONAL LINES)-FAST DRY PAINT	128	LF	\$10.92	\$ 1,397.76
6250030	WHITE SINGLE ARROW (LEFT, STRAIGHT, RIGHT)-FAST DRY PAINT	1	EA	\$136.52	\$ 136.52
6250040	WHITE COMBINATION ARROW(STR.& RT.OR STR.& LT.)FAST DRY PAINT	1	EA	\$136.52	\$ 136.52
6250110	4"YELLOW SOLID LINE(PVT.EDGE&NO PASSING ZONE)-FAST DRY PAINT	2,059	LF	\$0.73	\$ 1,503.07
6271005	4" WHITE BROKEN LINES(GAPS EXCL.)THERMOPLASTIC- 90 MIL.	49	LF	\$2.73	\$ 133.77
6271010	4" WHITE SOLID LINES (PVT. EDGE LINES) THERMO.- 90 MIL.	36	LF	\$2.73	\$ 98.28
6271015	8" WHITE SOLID LINES THERMOPLASTIC - 125 MIL.	294	LF	\$9.56	\$ 2,810.64
6271025	24" WHITE SOLID LINES (STOP/DIAG LINES)-THERMO.-125 MIL	128	LF	\$34.58	\$ 4,426.24
6271030	WHITE SINGLE ARROWS (LT, STRGHT, RT) THERMO.-125 MIL.	1	EA	\$318.54	\$ 318.54
6271040	WHITE COMBINATION ARROWS(STR&RT.OR STR<)THERMO-125MIL	1	EA	\$318.54	\$ 318.54
6271074	4" YELLOW SOLID LINES(PVT.EDGE LINES) THERMO-90 MIL.	2,059	LF	\$2.73	\$ 5,621.07
6301100	PERMANENT YELLOWPAVEMENT MARKERS BI-DIR. -4"X4"	13	EA	\$54.61	\$ 709.93
6510105	FLAT SHEET,TYPE III,FIXED SIZE	43	SF	\$26.77	\$ 1,151.11
6531210	U-SECTION POST FOR SIGN SUPPORTS - 3P	84	LF	\$13.71	\$ 1,151.64
6650900	FURNISH & INSTALL ELECTRICAL SERVICE CONNECTIONS	1	EA	\$14,339.17	\$ 14,339.17
6651091	SINGLE DECORATIVE LIGHT POLE WITH SINGLE LIGHT	14	EA	\$13,036.17	\$ 182,506.38
6750213	2.0" SCHEDULE 40 PVC CONDUIT	842	LF	\$19.34	\$ 16,284.28
6750224	4.0" SCHEDULE 40 PVC CONDUIT	5537	LF	\$46.67	\$ 258,411.79
675027Y	FURNISH & INSTALL 4.0" SCHD 80 PVC CONDUIT(DIRECTION BORED)	100	LF	\$59.75	\$ 5,975.00
6760020	2" SCHEDULE 80 HDPE CONDUIT	1435	LF	\$21.51	\$ 30,866.85
6770319	NO. 8 COPPER WIRE, 1 CONDUCTOR, 600V,TYPE RHH,RHW,USE	6005	LF	\$7.03	\$ 42,215.15
6770413	FURNISH & INSTL NO. 14 COPPER WIRE,1-CONDUCTOR FOR LOOP WIRE	204	LF	\$4.63	\$ 944.52
6780495	SAWCUT FOR LOOP DETECTOR	204	LF	\$24.39	\$ 4,975.56

6800530	17"X30"X28"D.ELEC.FLUSH UNDGRD.ENCLOSURE-(STR.POLY.CONC.)HD	2	EA	\$2,773.72	\$	5,547.44
6885993	TEMPORARY ADJUSTMENT OF TRAFFIC SIGNAL EQUIPMENT	1	EA	\$15,439.17	\$	15,439.17
6888110	INSTALL STREET LIGHT LUMINAIRE	14	EA	\$5,362.92	\$	75,080.88
7143618	18" SMOOTH WALL PIPE	176	LF	\$181.42	\$	31,929.92
7143642	42" SMOOTH WALL PIPE	12	LF	\$753.77	\$	9,045.24
7143648	48" SMOOTH WALL PIPE	576	LF	\$606.32	\$	349,240.32
7192021	DROP INLET (24" X 36") WITH STANDARD 4' X 4' BOX	8	EA	\$10,365.02	\$	82,920.16
7192108	MANHOLE WITH STANDARD 5' X 5' BOX	1	EA	\$14,963.68	\$	14,963.68
7196000	EXTRA DEPTH OF BOX	41	LF	\$1.00	\$	41.00
7204100	CONCRETE SIDEWALK (4" UNIFORM)	985	SY	\$146.42	\$	144,223.70
7204900	DETECTABLE WARNING MATERIAL	25	SF	\$28.75	\$	718.75
7209000	PEDESTRIAN RAMP CONSTRUCTION	15	SY	\$57.50	\$	862.50
8041020	RIP-RAP (CLASS B)	63	TON	\$201.36	\$	12,685.68
8048210	GEOTEXTILE FOR EROSION CONTROL UNDER RIPRAP(CLASS 2)TYPE C	84	SY	\$18.84	\$	1,582.56
8091010	RIGHT OF WAY MARKER (REBAR AND CAP)	2	EA	\$230.00	\$	460.00
8091050	RIGHT OF WAY PLAT	1	LS	\$6,346.50	\$	6,346.50
8100100	PERMANENT COVER	0.67	ACRE	\$2,293.41	\$	1,536.58
8100200	TEMPORARY COVER	0.34	ACRE	\$851.84	\$	289.63
8101105	COMPOST	181	CY	\$6.55	\$	1,185.55
8104005	FERTILIZER (NITROGEN)	67	LB	\$2.62	\$	175.54
8104010	FERTILIZER (PHOSPHORIC ACID)	67	LB	\$2.62	\$	175.54
8104015	FERTILIZER (POTASH)	67	LB	\$2.62	\$	175.54
8105005	AGRICULTURAL GRANULAR LIME	1,345	LB	\$0.79	\$	1,062.55
8109050	SELECTIVE WATERING	54300	GAL	\$0.02	\$	1,086.00
8109901	MOWING	2	ACRE	\$655.26	\$	1,310.52
8110001	LANDSCAPING	1	LS	\$81,905.04	\$	81,905.04
8152004	INLET STRUCTURE FILTER - TYPE F (WEIGHTED)	208	LF	\$15.58	\$	3,240.64
8152006	INLET STRUCTURE FILTER- TYPE F (NON-WEIGHTED)	208	LF	\$14.53	\$	3,022.24
8153000	SILT FENCE	2,503	LF	\$6.36	\$	15,919.08
8153090	REPLACE/REPAIR SILT FENCE	250	LF	\$12.42	\$	3,105.00
8154050	REMOVAL OF SILT RETAINED BY SILT FENCE	626	LF	\$12.22	\$	7,649.72
8156200	CLEANING INLET STRUCTURE FILTERS	16	EA	\$305.44	\$	4,887.04
8156490	STABILIZED CONSTRUCTION ENTRANCE	550	SY	\$41.96	\$	23,078.00
	ELECTRICAL & COMMUNICATIONS SERVICE CONVERSIONS (OVERHEAD TO UNDERGROUND)	18	EA	\$15,564.10	\$	280,153.80
					TOTAL OF PROJECT	2,645,099.61

*RED FONT INDICATIVE OF REVISION MADE ON 11/08/2023 & 1/19/2024

*Blue cells indicative of revisions made on 01/19/2024 to truncate cells. Values match pdf bid form version. Plus all calculations that were in the quantity column have been removed and changed to actual quantity.

Invitation for Bid (IFB) signature page must be signed and submitted with the above Schedule of Values Bid Form to verify the total bid amount as indicated herein, is inclusive of all costs, including all labor, supervision, materials, supplies, equipment, taxes, insurance, permits and any other costs incidental or otherwise.

*Grey shaded cells indicate protected cells

CONSTRUCTION AGREEMENT

THIS AGREEMENT (hereinafter the “Agreement”) is made this _____ day of _____ 2024, by and between the City of Beaufort, a political subdivision of the State of South Carolina (hereinafter referred to as the “City”) and *Gulfstream Construction Company, Inc.* (hereinafter referred to as “Contractor” or “successful vendor”).

1. The Project. The Contractor agrees to furnish and pay for all supervision, contract administration, services, labor, materials, equipment, tools, and other costs necessary to perform all requirements as stated herein for the scope of work described herein (hereinafter the “Project” or “Allison Road Pedestrian Connector”). The Contractor shall perform the Project in a workmanlike manner and in strict accordance with this Agreement. The Contractor shall be solely responsible for all construction means, methods, techniques, sequences, procedures, and safety precautions or programs, and for supervising, coordinating and performing all of the work associated with the Project. This Agreement, IFB 2024-107 Allison Road Pedestrian Connector (hereinafter referred to as the “IFB” and included herewith as Exhibit A), the Contractor’s response to the IFB (hereinafter referred to as the “Response” and included herewith as Exhibit B), and the City of Beaufort General Terms and Conditions (included herewith as Exhibit C), all of which are made a part hereof and incorporated herein by reference, contain the terms, conditions, specifications, and provisions which will govern all specifications and scope to be performed by Contractor with respect to the Project.

In the event that there is any conflict or inconsistency between the terms and conditions of this Agreement, the IFB, and/or the Response, the terms of this Agreement shall control and govern the rights and obligations of the Parties.

2. Payment. The City shall pay the Contractor for the Contractor’s performance of its obligations under this Agreement the sum of Two Million Six Hundred Forty-Five Thousand Ninety-Nine Dollars and 61/100 (\$2,645,099.61) pursuant to and in conformity with the following payment procedures. Any terms or phrases used in this section but not defined in this Agreement shall have the same meaning as those terms or phrases as they are defined in the IFB.

2.1 Schedule of Values.

- A. Definition: A statement furnished by Contractor allocating portions of the Contract Sum to various portions of the Project and used as the basis for reviewing Contractor's Applications for Payment.
- B. Coordination: Coordinate preparation of the Schedule of Values with preparation of Contractor's construction schedule.
 1. Correlate line items in the Schedule of Values with other required administrative forms and schedules, including the following:
 - a. Application for Payment forms with Continuation Sheets.

- b. Submittals schedule.
 - c. Contractor's construction schedule.
 - d. List of subcontractors.
 - e. Schedule of allowances.
 - f. Schedule of alternates.
 - g. List of products.
 - h. List of principal suppliers and fabricators.
 2. Submit the Schedule of Values to the City at earliest possible date but no later than 7 days before the date scheduled for submittal of initial Applications for Payment.
 3. Subschedules: Where the Project is separated into phases that require separately phased payments, provide subschedules showing values correlated with each phase of payment.
- C. Format and Content: Use the Project Manual table of contents as a guide to establish line items for the Schedule of Values. Provide at least one line item for each Specification Section.
1. Identification: Include the following Project identification on the Schedule of Values:
 - a. Project name and location.
 - b. Name of Contractor.
 - c. Contractor's project number.
 - d. Contractor's name and address.
 - e. Date of submittal.
 2. Submit draft of AIA Document G703 Continuation Sheets.
 3. Arrange the Schedule of Values in tabular form with separate columns to indicate the following for each item listed:
 - a. Related Specification Section or Division.
 - b. Description of the Project.
 - c. Name of subcontractor.
 - d. Name of manufacturer or fabricator.
 - e. Name of supplier.
 - f. Change Orders (numbers) that affect value.
 - g. Dollar value: Percentage of the Contract Sum to nearest one-hundredth percent, adjusted to total 100 percent.
 4. Provide a breakdown of the Contract Sum in enough detail to facilitate continued evaluation of Applications for Payment and progress reports.

Coordinate with the Project Manual table of contents. Provide several line items for principal subcontract amounts, where appropriate. Include separate line items under required principal subcontracts for operation and maintenance manuals, punch list activities, Project Record Documents, and demonstration and training in the amount of 5 percent of the Contract Sum.

5. Round amounts to nearest whole dollar; total shall equal the Contract Sum.
6. Provide a separate line item in the Schedule of Values for each part of the Project where Applications for Payment may include materials or equipment purchased or fabricated and stored, but not yet installed. Differentiate between items stored on-site and items stored off-site. If specified, include evidence of insurance or bonded warehousing.
7. Provide separate line items in the Schedule of Values for initial cost of materials, for each subsequent stage of completion, and for total installed value of that part of the Project.
8. Allowances: Provide a separate line item in the Schedule of Values for each allowance. Show line-item value of unit-cost allowances, as a product of the unit cost, multiplied by measured quantity. Use information indicated in the Contract Documents to determine quantities.
9. Each item in the Schedule of Values and Applications for Payment shall be complete. Include total cost and proportionate share of general overhead and profit for each item. Temporary facilities and other major cost items that are not direct cost of actual work-in-place may be shown either as separate line items in the Schedule of Values or distributed as general overhead expense, at Contractor's option.
10. Schedule Updating: Update and resubmit the Schedule of Values before the next Applications for Payment when Change Orders or Construction Change Directives result in a change in the Contract Sum.

2.2 Applications for Payment.

- A. Each Application for Payment shall be consistent with previous applications and payments as certified by Contractor and paid for by City.
- B. Payment Application Times: Submit progress payments to Contractor by the 25th day of the month. The period covered by each Application for Payment is one month, ending on the last day of the month.

- C. Payment Application Forms: Use AIA Document G702 and AIA Document G703 Continuation Sheets as the form for Applications for Payment.
- D. Application Preparation: Complete every entry on form. Notarize and execute by a person authorized to sign legal documents on behalf of Contractor. City will return incomplete applications without action.
 - 1. Entries shall match data on the Schedule of Values and Contractor's construction schedule. Use updated schedules if revisions were made. Submit schedule with Application for Payment, regardless of whether revised or not.
 - 2. Include amounts of Change Orders and Construction Change Directives issued before last day of construction period covered by application. For Change Orders which do not result in an increase in the Contractor's costs associated with the Project, no additional amount shall be paid to the Contractor.
 - 3. Submit copies of invoices for each item of material/equipment listed in the Application For Payment. If material/equipment is stored off-site, submit certificate of insurance to substantiate that the materials/equipment are stored in a bonded warehouse.
- E. Transmittal: Submit 3 signed and notarized original copies of each Application for Payment to City by a method ensuring receipt within 24 hours. Each copy shall include waivers of lien and similar attachments.
- F. Waivers of Mechanic's Lien: With each Application for Payment, submit waivers of mechanic's lien from every entity who is lawfully entitled to file a mechanic's lien arising out of the Contract and related to the Project covered by the payment.
 - 1. Submit partial waivers on each item for amount requested in previous application, after deduction for retainage, on each item. Retainage shall equal 10% of the payment application until the project is complete.
 - 2. When an application shows completion of an item, submit final or full waivers.
 - 3. City reserves the right to designate which entities involved in the Project must submit waivers.
 - 4. Waiver Forms: Submit waivers of lien on forms, executed in a manner acceptable to the City. Submit final Applications for Payment with or preceded by final waivers from every entity involved with performance of the Project covered by the application who is lawfully entitled to a lien.

- G. Initial Application for Payment: Administrative actions and submittals that must precede or coincide with submittal of first Application for Payment include the following:
1. List of subcontractors.
 2. Schedule of Values.
 3. Contractor's construction schedule (preliminary if not final).
 4. Products list.
 5. Schedule of unit prices.
 6. Submittals schedule (preliminary if not final).
 7. List of Contractor's staff assignments.
 8. List of Contractor's Subcontractors.
 9. Copies of building permits.
 10. Copies of authorizations and licenses from authorities having jurisdiction for performance of the Project.
 11. Initial progress report.
 12. Report of preconstruction conference.
 13. Certificates of insurance and insurance policies.
 14. Performance and payment bonds.
 15. Data needed to acquire City's insurance.
 16. Initial settlement survey and damage report if required.
- H. Application for Payment at Substantial Completion: After issuance of the Certificate of Substantial Completion, submit an Application for Payment showing 100 percent completion for portion of the Project claimed as substantially complete.
1. Include documentation supporting claim that the Project is substantially complete and a statement showing an accounting of changes to the Contract Sum.
 2. This application shall reflect Certificates of Partial Substantial Completion issued previously for City occupancy of designated portions of the Project.
- I. Final Payment Application: Submit final Application for Payment with releases and supporting documentation not previously submitted and accepted, including, but not limited, to the following:
1. Evidence of completion of Project closeout requirements.
 2. Insurance certificates for products and completed operations where required and proof that taxes, fees, and similar obligations were paid.
 3. Updated final statement, accounting for final changes to the Contract Sum.
 4. AIA Document G706, "Contractor's Affidavit of Payment of Debts and Claims."
 5. AIA Document G706A, "Contractor's Affidavit of Release of Liens."
 6. AIA Document G707, "Consent of Surety to Final Payment."

7. Evidence that claims have been settled.
 8. Final meter readings for utilities and similar data as of date of Substantial Completion or when City took possession of and assumed responsibility for corresponding elements of the Project.
 9. Transmittal of required project construction records to City.
 10. Final, liquidated damages settlement statement.
3. Time. Time is of the essence of this Agreement and the Contractor shall commence work on the Project with adequate force and equipment within ten (10) calendar days from the issuance of all building permits, and shall complete the Project within two hundred forty-five (245) calendar days from the date work begins.
 4. Termination. In addition to the provisions for termination as set forth under the heading TERMINATION FOR CONVENIENCE OR FOR CAUSE of Exhibit C, the Agreement may be terminated by either party prior to the commencement of the Contractor's provision of services to the City.
 5. Notice. The Contractor and the City shall notify each other of service of any notice of violation of any law, regulation, permit or license relating to the services; initiation of any proceedings to revoke any permits or licenses which relate to such services; revocation of any permits, licenses or other governmental authorizations relating to such services; or commencement of any litigation that could affect such services. Such notice shall be delivered by U. S. mail with proper postage affixed thereto and addressed to the parties' respective representatives as follows:

To the City: J.J. Sauve, Assistant City Manager
 City of Beaufort
 1911 Boundary Street
 Beaufort, South Carolina 29902

To the Contractor: Mark Hylton
 Gulfstream Construction Company, Inc.
 1983 Technology Drive
 Charleston, SC 29492

Neither party's representative shall be changed without ten (10) days' written notice to the other party.

6. Execution of Agreement. This Agreement shall be executed in at least three (3) original copies, of which one is to be delivered to the City Director of Finance, one to the Contractor for use in the administration of the Agreement, and one to the City.

- 7. Amendment. This Agreement may be amended from time to time as agreed upon by the parties in writing. The parties agree to negotiate in good faith to accommodate any necessary amendments.
- 8. Total Agreement. This Agreement, along with the documents that have been included herewith and made a part of this Agreement by reference, constitute the entire contract between the parties hereto. No representations, warranties or promises pertaining to this Agreement have been made or shall be binding upon any of the parties, except as expressly stated herein.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first written above.

WITNESSES:

CITY OF BEAUFORT

Signature

By: _____
Scott Marshall, City Manager

Printed Name

Signature

Printed Name

WITNESSES:

Gulfstream Construction Company, Inc.

Signature

By: _____
Printed Name: _____
Its: _____

Printed Name

Signature

Printed Name