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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
December 12, 2023

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. Michael A. McFee, Acting Mayor

II. INVOCATION AND PLEDGE OF ALLEGIANCE

A. Reverend Bryson Williams with Carteret Street United Methodist Church

III. PROCLAMATIONS/COMMENDATIONS/RECOGNITIONS

A. Character Education Proclamation - Traeshon Willis, Broad River Elementary School

IV. PRESENTATIONS

A. City Manager Employee Recognition of Mr. Bernard Washington

V. PUBLIC COMMENT

VI. MINUTES

A. Worksession and Regular Meeting - November 14, 2023

VII. OLD BUSINESS

A. Ordinance amending the City of Beaufort's Zoning Map regarding Parcel R120 005 000 0192 0000, Beaufort Memorial Hospital, 955 and 985 Ribaut Road from a Split Zoning of T4-Neighborhood (T4-N) and Institutional and Campus (IC) to solely Institutional and Campus (IC) - 2nd reading

VIII. NEW BUSINESS

- A. Freedman's Art District is requesting to host Chalk it up on March 23 - 24, 2024, from 10:00 am- 5:00 pm both days and are requesting noise ordinance waiver, street closures, and food truck waiver
- B. Request from Beaufort County Ministerial Alliance to host the annual Martin Luther King Day Parade on January 15, 2024, beginning at 10:00 AM

- C. An ordinance providing for the issuance and sale of a not exceeding seven million one hundred thousand dollars (\$7,100,000.00) Hospitality and Accommodations Fee Revenue Bond- 1st reading
- D. Resolution encouraging Governor Henry McMaster to declare an economic disaster due to the dumping of imported shrimp into the United States Markets

IX. REPORTS

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

X. ADJOURN



PROCLAMATION

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

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

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

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

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

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

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

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

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

WHEREAS, Traeshon Willis was selected as the winner by Broad River Elementary School as the student of the month.

NOW, THEREFORE, the City Council of the City of Beaufort, South Carolina, hereby proclaims November 2023 as

TRAESHON WILLIS AS BROAD RIVER ELEMENTARY SCHOOL STUDENT OF THE MONTH

The City of Beaufort thereby pronounces *Respect/Gratitude* as the word for the month of November and applauds Traeshon Willis, the Beaufort County School District, and Broad River Elementary School for their work and specifically honors Traeshon Willis as Broad River Elementary School student of the month.

IN WITNESS THEREOF, I hereunto set my hand and caused the Seal of the City of Beaufort to be affixed this 12th day of December 2023.

MICHAEL A. MCFEE, ACTING MAYOR

ATTEST:

TRACI GULDNER, CITY CLERK



CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 12/7/2023
FROM: Scott Marshall, City Manager
AGENDA ITEM TITLE: City Manager Employee Recognition of Mr. Bernard Washington
MEETING DATE: 12/12/2023
DEPARTMENT: City Managers Office

BACKGROUND INFORMATION:

Mr. Bernard Washington is a Stormwater Technician in Public Works. Having begun his career with the City of Beaufort in April 1993, he is retiring with nearly 30 years of continuous service to his community.

PLACED ON AGENDA FOR:

REMARKS:

The City Manager would like to publicly recognize Mr. Washington and thank him for his dedicated service to the City.



City Council Worksession Meeting Minutes – Council Chambers – 2nd Floor

November 14, 2023

I. CALL TO ORDER

5:01 PM

Michael A. McFee, Acting Mayor

Members of Council in attendance - Neil Lipsitz, Mike McFee, Mitch Mitchell, Josh Scallate.

II. EXECUTIVE SESSION

Councilman Mitchell made a motion to go into Executive Session and seconded by Councilman Scallate.

- A. Pursuant to Title 30, Chapter 4, Section (70) (a) (2) of the South Carolina Code of Law:
Discussion regarding the purchase and sale of property.

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

All were in favor, motion carried.

No actions from Executive Session.

III. DISCUSSION ITEMS

- A. Interviews of applicants for Boards, Commissions and Committees - Planning Commission.

City Council held a question and answer session with all the applicants.

Bill Bardenwerper, Heather Fleury, Clinton Hallman, Isaiah Martinez, Kim McFann, John Moncure, Benjie Morillo, Erik Petersen, Wayne Reynolds, William Suter, Mark Sutton, Michael Tomy, Graham Trask, and Paul Trask.

IV. ADJOURN

6:45 PM

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In accordance with South Carolina Code of Laws, 1976, Section 30-4-80 (a)(d)(e), as amended, notification of regular meetings was given at the beginning of the calendar year. A copy of the agenda was posted on the City's bulletin board and website www.cityofbeaufort.org twenty-four hours prior to the meeting. A copy of the agenda was given to the local news media and requested public on file.



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

November 14, 2023

I. CALL TO ORDER

7:00 PM

Michael A. McFee, Acting Mayor

Members of Council in attendance - Neil Lipsitz, Mike McFee, Mitch Mitchell, Josh Scallate.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Reverend Kenneth Hodges, Tabernacle Baptist Church.

III. PROCLAMATIONS/COMMENDATIONS/RECOGNITIONS

A. Character Education Proclamation - Cascity Slattery, Robert Smalls Leadership Academy.

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

All were in favor, motion carried.

B. Resolution recognizing Maxine Lutz for her service on the Historic District Review Board.

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

All were in favor, motion carried.

C. Resolution recognizing Jeremiah Smith for his service on the Historic District Review Board.

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

All were in favor, motion carried.

D. Proclamation proclaiming November 2023, as National American Indian Heritage Month.

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

All were in favor, motion carried.

E. Proclamation proclaiming November 26, 2023, as Artist Sunday.

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

All were in favor, motion carried.

F. Proclamation proclaiming December 1, 2023, as Arbor Day.

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

All were in favor, motion carried.

IV. PUBLIC COMMENT

David Edwards spoke about the Wreaths Across America event that will be taking place on December 16, 2023 at 12:00 pm at the National Cemetery.

Henrietta Good, 1308 Duke Street, spoke about an experience that happened while she was having a family reunion at her residence. She inquired if she needed a permit to have a party at her home.

V. PUBLIC HEARING

- A. Amending the City of Beaufort's Zoning Map regarding Parcel R120 005 000 0192 0000, Beaufort Memorial Hospital, 955 and 985 Ribaut Road, from a Split Zoning of T4-Neighborhood (T4-N) and Institutional and Campus (IC) to solely Institutional and Campus (IC).

Curt Freese, Community and Economic Development Director stated that the Metropolitan Planning Commission recommended approval of this request at their October 16, 2023, meeting. Staff recommends approval of this rezoning request as it is not practical to have two different zoning types assigned to one parcel.

Dianna Farrelly, 2415 Oak Haven Street, address Council.

VI. MINUTES

- A. Worksession- October 17, 2023.

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

Minutes approved as presented.

- B. Worksession and Regular Meeting - October 24, 2023.

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

Minutes approved as presented.

VII. OLD BUSINESS

- A. Ordinance to amend Fiscal Year 24 Budget for Revenues and Expenditures of General Fund and TIF II Fund- 2nd reading.

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

First reading was held on October 24, 2023.

All were in favor, motion carried.

- B. Ordinance to amend Fiscal Year 23 Budget for Revenues and Expenditures of General Fund, Parks and Tourism Fund, and Stormwater Fund- 2nd reading.

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

First reading was held on October 24, 2023.

All were in favor, motion carried.

VIII. NEW BUSINESS

- A. Request permission to host the 43rd annual Beaufort Motorcycle Toy Run on Sunday, December 10, 2023, at 1:00 pm.

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

All were in favor, motion carried.

- B. Request from Beaufort Area Hospitality Association for co-sponsorship to host New Years Eve Fireworks display and use of the Henry C. Chambers Park along with a waiver of the noise ordinance.

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

All were in favor, motion carried.

- C. Request from Historic Beaufort Foundation for City's partnership in planning and execution of the Bicentennial Celebration for General Lafayette's Farewell Tour in 2025 and approval of location and assistance with installation of post and marker in front of the John Mark Verdier house.

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

All were in favor, motion carried.

- D. Request from Chabad Greater Hilton Head for co-sponsorship for Chanukah Menorah Lighting on Thursday, December 7, 2023, at 5:00 pm in the Henry C. Chambers Park.

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

All were in favor, motion carried.

- E. Request for free holiday parking in the Marina Parking Lot from Thanksgiving to New Year's Day.

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

All were in favor, motion carried.

- F. Resolution condemning Hamas terrorism and in support of peace in Israel and throughout the City of Beaufort and Lowcountry region.

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

All were in favor, motion carried.

- G. Ordinance amending the City of Beaufort's Zoning Map regarding Parcel R120 005 000 0192 0000, Beaufort Memorial Hospital, 955 and 985 Ribaut Road, from a Split Zoning of T4-Neighborhood (T4-N) and Institutional and Campus (IC) to solely Institutional and Campus (IC) - 1st reading.

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

All were in favor, motion carried.

- H. Approval of the Holiday Schedule and Council Meetings Schedule for 2024.

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

All were in favor, motion carried.

IX. REPORTS

City Manager's Report

Stated that the First Responder Food Drive will be going on until November 30, 2023. Items can be dropped off at City Hall or Fire Station 3 in Port Royal.

Reported that the first edition of the City's new semi-annual print newsletter, the Beacon, will be mailed to city addresses this week. Recognized our communications manager, Kathleen Williams, for her hard work on this project and we welcome any feedback regarding information residents would like to see in future editions.

A reminder for everyone that our special election for Mayor will be on December 12, 2023. Early voting will open on November 27, 2023, at the Beaufort County Board of Elections office on John Galt Rd. The Beaufort Regional Chamber of Commerce will host a Mayoral Forum on Monday, December 4th from 6:00 pm to 7:00 pm at the USCB Center for the Arts. We understand this event will be streamed by the Chamber and we will also attempt to stream it on the City's Facebook page as well.

We have a big holiday weekend ahead December 1st through the 3rd. Our downtown operations staff and public works department have been working hard to be sure it is a memorable weekend for everyone.

Friday, December 1st will be a Night on the Town, with plenty of holiday festivities for kids and grown-ups alike, to include Santa and the annual lighting of the tree in Waterfront Park.

Saturday December 2nd we will have our Light Up the Night boat parade at Waterfront Park at 5:30 pm.

Also, on December 2nd at the Waterfront Park from 11:00 am to 4:00 pm you can enjoy the annual Gullah Taste of Christmas and rice cook-off as part of the overall Gullah Christmas Celebration which runs from November 30th through December 3rd.

Sunday, December 3rd at 3:00 pm, we will kick off our annual Christmas parade.

There will be a lighting of the Menorah ceremony at the Waterfront Park On Friday, December 7th at 5:00 pm.

On Saturday, December 9, 2023, the Parris Island Marine Corps band will hold its holiday concert at the Waterfront Park at 1:00 pm.

From Thanksgiving through New Year's Day, the city will offer free parking in the Marina parking lot downtown.

Small Business Saturday event will be held on November 25, 2023 downtown. All are encouraged to shop locally.

Wished all a very happy, safe and healthy Thanksgiving. City offices will be closed on Thanksgiving Day, and the Friday that follows.

Acting Mayor's Report

Was honored to have been a guest at the Marine Corps Ball on the Air Station for the Marines 248th Birthday Celebration.

Was a part of the Community Sing Program that took place in late October in collaboration with the Tabernacle Baptist Church, Carteret Street United Methodist Church and the Hallelujah Singers.

On January 7, 2024, the Hallelujah Singers will be celebrating Marlena Smalls for her 75th birthday.

Councilman Scallate

Thanked all who came out and supported the New York Highlanders event. There were 348 people who attended. The Beaufort History Museum Board is currently working on their 2024 calendar which will hopefully include a new event, an annual auction.

Councilman Mitchell

Was fortunate to stop by the mobile education exhibit for Wreaths Across America. Met the Tatum Family who were key in sponsoring the exhibit. Encouraged all to attend the laying of the wreaths at the National Cemetery on Saturday, December 16, 2023.

This Saturday, November 18, 2023, 11:00 am at the Grand Army Hall at 706 New Castle Street, the Beaufort County Veterans Affairs and Sons of the Union Veterans will be hosting Aulton Kohn, Gunnery Sergeant, USMC Retired. He will be speaking about his military experiences.

Councilman Lipsitz

Reported that he attended the Stand Up for Israel event, the Beaufort Area Hospitality Association Tourism Summit, the Marine Corps Birthday Ball Pageant at Parris Island, and the Lowcountry Affordable Housing Symposium.

All of Council wished everyone a Happy Thanksgiving.

X. ADJOURN

8:18 PM

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

All were in favor, motion carried.

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CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 11/16/2023
FROM: Curt Freese, Community and Economic Development Director
AGENDA ITEM TITLE: Ordinance amending the City of Beaufort's Zoning Map regarding Parcel R120 005 000 0192 0000, Beaufort Memorial Hospital, 955 and 985 Ribaut Road from a Split Zoning of T4-Neighborhood (T4-N) and Institutional and Campus (IC) to solely Institutional and Campus (IC) - 2nd reading
MEETING DATE: 12/12/2023
DEPARTMENT: Community and Economic Development

BACKGROUND INFORMATION:

The item was recommend for approval by the MPC at their October 16, 2023, meeting with a 4-0 vote.

Staff recommends approval of this zoning change.

First reading was held November 14, 2023.

PLACED ON AGENDA FOR: Action

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Staff Report	Backup Material	11/16/2023
Ordinance	Backup Material	11/16/2023



STAFF REPORT: 955 and 985 Ribaut Road Rezoning

DATE: NOVEMBER 14, 2023

GENERAL INFORMATION		
Applicant:	Beaufort Memorial Hospital	
Site Location/Address:	955 and 985 Ribaut Road/ R120 005 000 0192 0000.	
Applicant's Request:	The Applicant is requesting a zoning map amendment. The current zoning is Institutional & Campus (IC) and T4-Neighborhood (T4-N). The proposed zoning is to Institutional & Campus (IC).	
Current Zoning:	T4-Neighborhood T4-N and Institutional & Campus (IC)	
ZONING DISTRICT INFORMATION		
	<u>IC</u>	<u>T-4 N</u>
Max Density	30 Units per acre	N/A
Min. Lot Size	5,000 sq. ft.	N/A
Min. Frontage Build Out	N/A	75%
Front Setback	10'	0' min/15' max
Side Setback	10'; 15' abutting transect district	0-15 max
Rear Setback	25'	10'
Building Height:	4 stories	4 stories
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: T-4 N	Hospital	N/A
South: T-5 UC	Parking/Medical Office	N/A
East: T-4 N	Water/Homes	N/A
West: T-5	Medical offices	N/A

PROPOSAL

The Applicant has applied for a zoning map amendment from a split zoning of T4-Neighborhood (T4-N) and Institutional & Campus (IC), to solely IC for a 3.95-acre portion of property on Ribaut Rd. The property is currently the Beaufort Memorial campus, and the 3.95-acre portion zoned T-4 N is part of the same parcel for the entire campus on the Eastern side of Ribaut Road. This portion was zoned T4-N in 2017 and followed a then existing property line. In 2018, the Hospital consolidated all of the property lines on the property into one parcel—which now had two zoning classifications. At this time, City staff should have required a rezoning, as it is not legally advisable for one property to have multiple zoning

district. Staff cannot locate any reasoning for why T-4 N was placed on this southern parcel, rather than zoning the entire Beaufort Memorial Complex IC.

The Hospital has requested the district to resolve this issue, and to also place a childcare center on an interior portion of this center lot. The location would be located in the same general area as an older building which was removed, with a tap that remains. The T-4 N district would require building frontage against Ribaut Road, or dedication of a private street for frontage.

ZONING DISTRICT DIFFERENCES USES/DEVELOPMENT STANDARDS:

The Institutional Campus IC district is similar to its name—it is intended for institutional and large campus style uses, like a hospital. Therefore, medical offices, and other support and accessory uses are permitted with limited additional requirements in a campus like setting. Tee T-4 N District is an urban neighborhood district intended for primary residential but limited commercial uses. The primary code (use and setback) differences in zoning from the current T-5 UC and the T-4 N district are as follows:

	IC	T-4 N
Height	4 stories	4 stories (no minimum)
Frontage Requirement	None	60% min; no max
Uses	All multi-family uses All public and civic uses All parking uses All general office uses No retail/commercial	Single Family a permitted use Vehicle Service Conditional Use Drive Thru Conditional Use Gas Station Light Industrial Services Conditional use
Design	No transect of other design requirements except those found in Section 4.4.13	Specific Transect design requirements

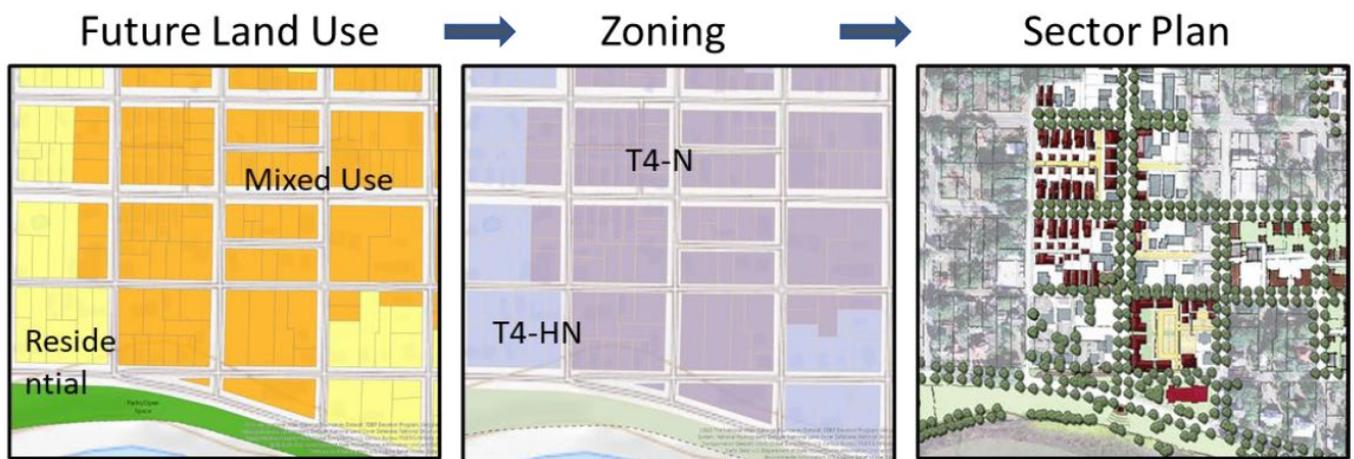
FUTURE LAND USE PLAN

The Future Land Use Map envisions the area as Urban Center, which would support the IC district, but is not supported by the T-4 N district.

 Land Use	Separated Uses ←		Intensity of Use	→ Separated Uses	 order of precedence
	Industrial	Urban Center	General Urban	Neighborhood	
Zoning Classification	LI	RMX	T5-DC	T4-HN	T1
	RMX	T5-UC	IC	T3-N	
	T5-UC	IC	T4-N	T3-S	
		LI	T1		

CIVIC MASTER PLAN

The Comprehensive Plan set the future land, based on the recommendations of the Zoning and Civic Master Plan—specifically the Sector Plan for each City area. In this case, the property is part of the Beaufort Memorial area depicted in the Map below. The Sector Plan calls for a park and two liner building along Ribaut Road.





REZONING REVIEW CRITERIA

Required Findings: The MPC is to recommend a rezoning to the City Council utilizing the factors found in Section 9.16.3 C found below. Staff analysis on the project based on these findings is found below.

(a check mark indicates Staff support; an x indicates lack of Staff support on each item).

<u>9.16.3 C Finding of Fact</u>	<u>Rationale Present (yes/no)</u>	<u>Staff Analysis of Rationale</u>
a. Consistency (or lack thereof) with the Comprehensive Plan and Civic Master Plan.	Yes	<ul style="list-style-type: none"> ✓ The IC district is a recommended land use in the future land use plan. ✓ Rezoning to IC will not prohibit the development of the property consistent with the Civic Master Plan.
b. Compatibility with the present zoning, with conforming uses of nearby property, and with the character of the neighborhood;	Yes	<ul style="list-style-type: none"> ✓ The IC district is consistent and compatible with the remainder of the Beaufort Memorial Hospital property.
c. Suitability of the property that would be affected by the amendment;	Yes	<ul style="list-style-type: none"> ✓ The property has been developed in a campus like fashion for use as a hospital. ✓ Split zoning is not recommended, and makes the rational development of the hospital inconsistent and difficult. The rezoning corrects this problem.
d. Compatibility with the natural features of — and any archaeological or cultural resources on — the property	Yes	<ul style="list-style-type: none"> ✓ There are no natural or archeological resources to be impacted.
e. Marketability of the property that would be affected by the amendment; and	Yes	<ul style="list-style-type: none"> ✓ The property is part of the hospital, and changes would allow the hospital to better provide services to its staff and the general community.

f. The availability of roads, sewer, water, and stormwater facilities generally suitable and adequate for the affected property.	Yes	✓ There is an existing tap for use by the hospital, and otherwise there is adequate existing infrastructure for the hospital.

PUBLIC NOTICE AND COMMENT

Notice of the Council hearing has been mailed to property owners within 200 feet of the subject property, a legal ad published, and the property was posted as required by the Development Code, and a public hearing is scheduled by the Metropolitan Planning Commission on September 18, 2023.

FINDINGS AND RECOMMENDATIONS

Staff recommends approval of the rezoning requested for the property located at 955 and 985 Ribaut Road as it satisfies the recommended findings found in pages 4-6 of this staff report, as per the requirements of Section 9.16.3 C.



REZONING APPLICATION (EXCEPT FOR PUDS)

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

Application Fee: \$200 +
\$10 for each additional lot
Receipt

PAID \$ 8/29/23 RZ23-02

OFFICE USE ONLY: Date Filed: 8/11 Application #: 25690 Zoning District: T4-N + IC

Submittal Requirements: You must attach a boundary map prepared by a registered land surveyor of the tract, plot, or properties, in question, and all other adjoining lots of properties under the same ownership. 1 hardcopy of all application materials are required along with a digital copy.

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

Applicant, Owner and Property Information

Property Address: 955 & 989 Ribaut Road

Property Identification Number (Tax Map & Parcel Number): R120 005 000 0192 0000

Applicant Name: Beaufort County Memorial Hospital

Applicant Address: 955 Ribaut Road, Beaufort, SC 29902

Applicant E-mail: acoppage@bmhsc.org Applicant Phone Number: 843-522-5108

Property Owner (if other than the Applicant):

Property Owner Address:

Have any previous applications been made for a map amendment affecting these same premises? () YES [X] NO

If yes, give action(s) taken:

Present zone classification: IC & T4N

Requested zone classification: IC

Total area of property: 19.3620

Existing land use: Hospital and Medical Office Building

Desired land use: Hospital, Medical Office Building, and Ancillary Uses

Reasons for requesting rezoning: See attached narrative

Applicant's Signature: Allison Coppage Date: Aug 10, 2023

NOTE: If the applicant is not the property owner, the property owner must sign below.

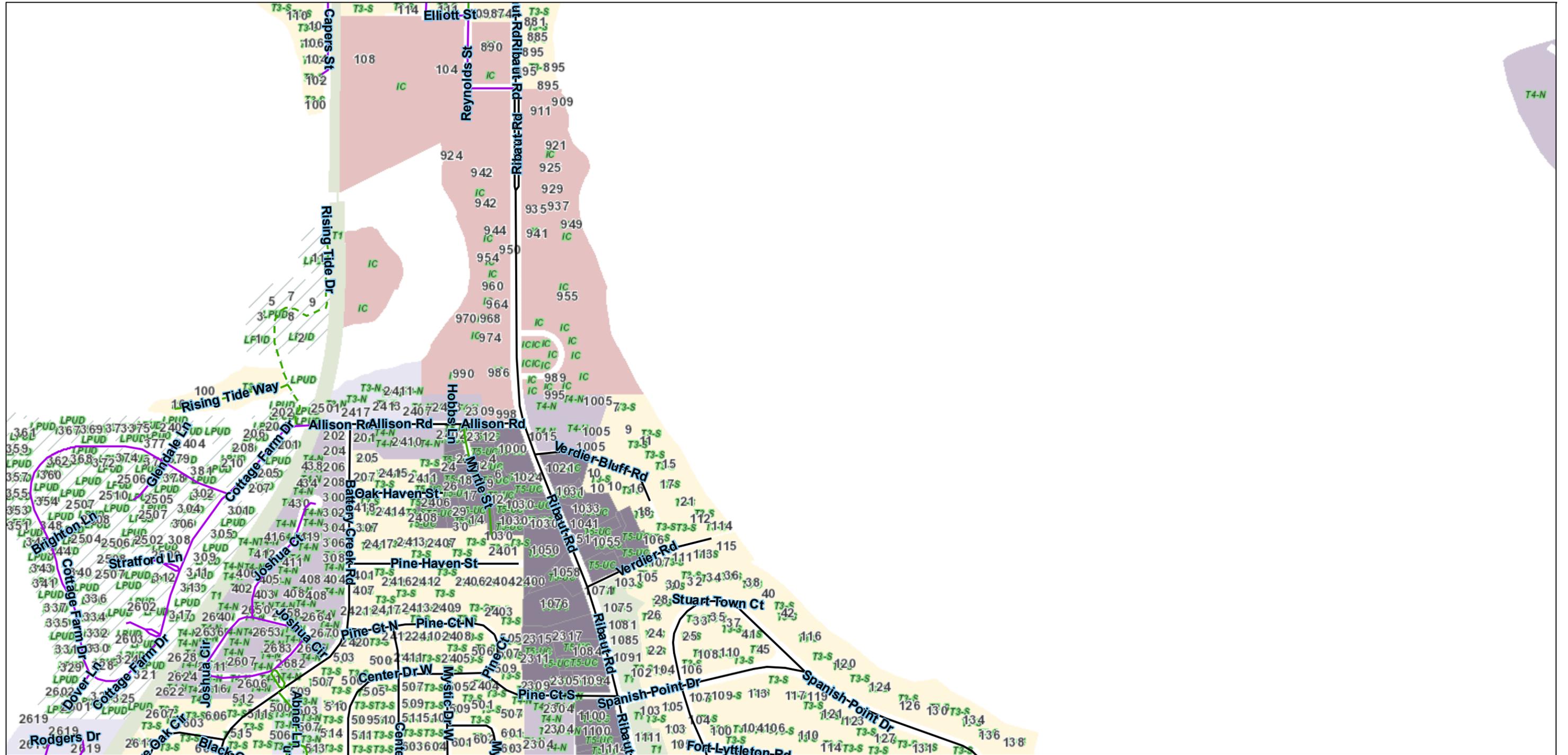
Property Owner's Signature: Russell Baxley Date: Aug 10, 2023

See Section 9.16 of The Beaufort Code for complete information about Rezoning (except for PUDS) | updated Sept. 26, 2022

Reason for Requesting Rezoning

Beaufort Memorial is requesting a rezoning of approximately 3.95 acres located within PIN R120 005 000 0192 000 (the "Parcel") from T4-Neighborhood district to Institutional Campus (IC). The Beaufort Memorial campus on Ribaut Road previously consisted of 11 parcels. In 2018, Beaufort Memorial abandoned the interior lot lines to consolidate the campus into one parcel under PIN R120 005 000 0192 000. This Plat was recorded with the Beaufort County Register of Deeds on February 9, 2018 at Book 3644. Page 843. The current City of Beaufort zoning map reflects a change in zoning from IC to T4N along one of those abandoned lines that runs from the Beaufort River along S 89°38'55 W 315.06 west to Ribaut Road through the consolidated plat. Beaufort Memorial's request is that the southern portion of this Parcel be rezoned to from T4N to Institutional Campus (IC) consistent with both current use and zoning of the remainder of the Parcel.

ZONING



9/14/2023, 3:37:45 PM

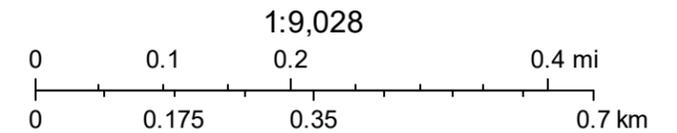
Road Classifications

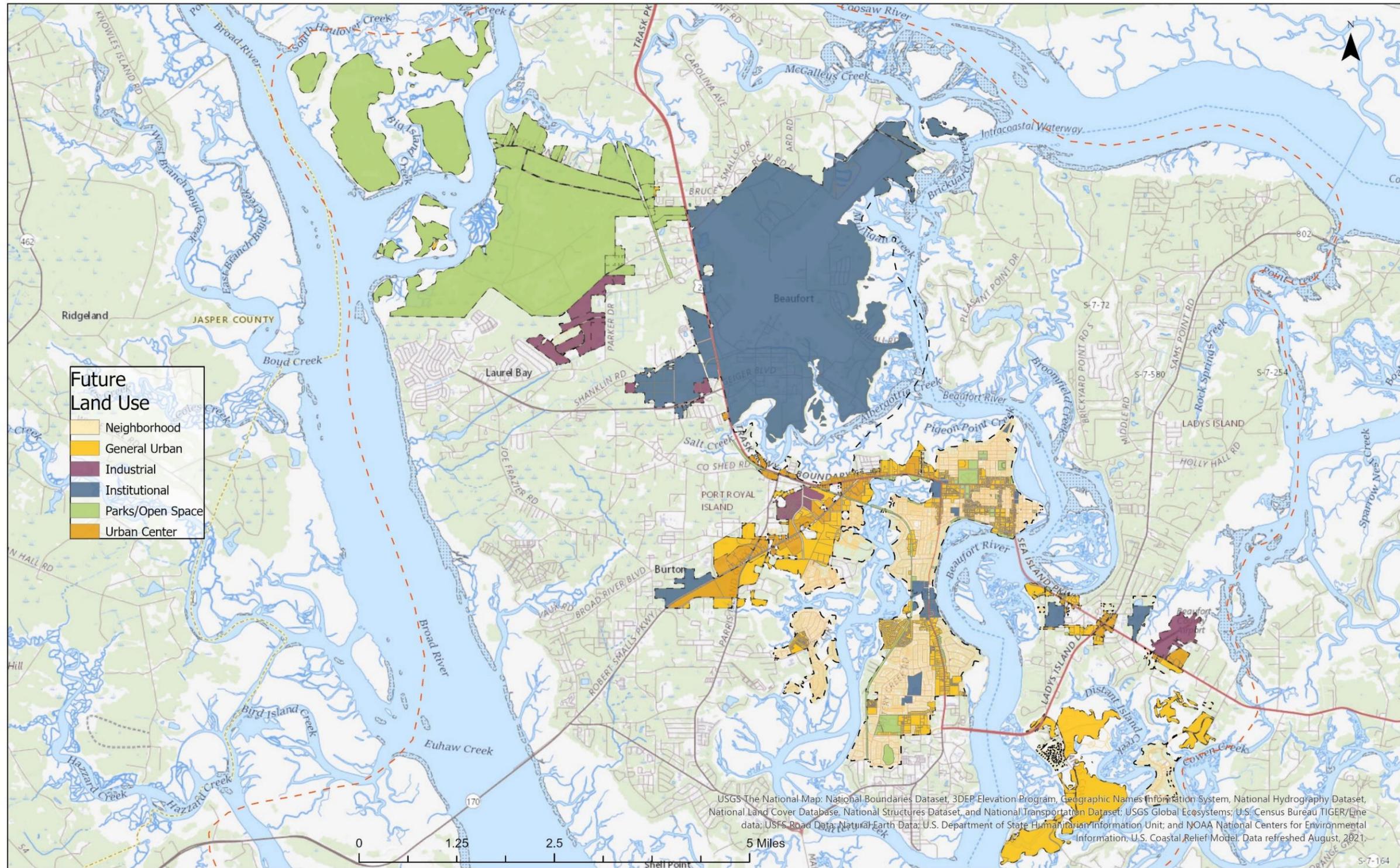
- STATE, PAVED
- PRIVATE, PAVED
- - - - PRIVATE, UNPAVED
- MUNICIPAL, PAVED
- - - - HISTORIC DISTRICT-Preservation Heighborhood

- HISTORIC DISTRICT-Conservation Neighborhood
- Bladen Street Redevelopment District
- Boundary Street Redevelopment District
- - - - Retail Overlay (Church & Green Street)
- - - - Retail Overlay

- ### Zoning Districts
- / / / / LEGACY PUD (LPUD)
 - T1
 - T3-S
 - T3-N
 - T4-HN
 - T4-N
 - T4-NA
 - T5-DC
 - T5-UC
 - T5-UC / RMX
 - RMX

- IC
- MH
- LI
- MR





Map 5 Future Land Use

ORDINANCE

AMENDING THE CITY OF BEAUFORT'S ZONING MAP TO INCLUDE PARCEL R120 005 000 0192 0000 (955 AND 985 RIBAUT ROAD), TO BE ZONED IC (INSTITUTIONAL CAMPUS), AS NOTED HEREIN

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

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

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

WHEREAS, the zoning map amendment is compatible and in accordance with the vision and goals of the City of Beaufort; and

WHEREAS, this vision and these goals were established through a democratic process and with public input and public participation; and

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

WHEREAS, the comprehensive plan was created through the leadership of the planning commission, responsible for determining a specific plan for the future of the city; and

WHEREAS, the city council of the City of Beaufort adopted the comprehensive plan (and Civic Master Plan) by ordinance; and

WHEREAS, a zoning of Institutional Campus (IC) is consistent and compatible with adjacent zoning; and

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

WHEREAS, it is reasonable to expect that the change of zoning to will improve the marketability of the property; and

WHEREAS, a public hearing was held regarding the proposed change to the zoning map by the Metropolitan Planning Commission, on October 16, 2023, with notice of the hearing published in

The Beaufort Gazette on September 26, 2023, recommended with a 4-0 vote, approval of the zoning designation of IC (Institutional Campus) and,

WHEREAS, a public hearing before the City Council was held regarding the proposed change to the zoning map of City Council, on November 14, 2023, with notice of the hearing published in The Beaufort Gazette on October 20, 2023, recommended approval of the zoning designation of IC (Institutional Campus) and,

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 zoning map of the City of Beaufort be amended by establishing the zoning designation of the annexed parcels herein, as follows:

R 120 005 000 0192 0000	IC (INSTITUTIONAL CAMPUS)
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This Ordinance shall become effective immediately upon adoption.

MICHAEL A. MCFEE, ACTING MAYOR

Attest:

TRACI GULDNER, CITY CLERK

1st Reading _____

2nd Reading & Adoption _____

Reviewed by: _____
CITY ATTORNEY

ORDINANCE 2023/18

AMENDING THE CITY OF BEAUFORT'S ZONING MAP TO INCLUDE PARCEL R120 005 000 0192 0000 (955 AND 985 RIBAUT ROAD), TO BE ZONED IC (INSTITUTIONAL CAMPUS), AS NOTED HEREIN

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

WHEREAS, the zoning map amendment is compatible and in accordance with the vision and goals of the City of Beaufort; and

WHEREAS, this vision and these goals were established through a democratic process and with public input and public participation; and

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

WHEREAS, the comprehensive plan was created through the leadership of the planning commission, responsible for determining a specific plan for the future of the city; and

WHEREAS, the city council of the City of Beaufort adopted the comprehensive plan (and Civic Master Plan) by ordinance; and

WHEREAS, a zoning of Institutional Campus (IC) is consistent and compatible with adjacent zoning; and

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

WHEREAS, it is reasonable to expect that the change of zoning will improve the marketability of the property; and

WHEREAS, a public hearing was held regarding the proposed change to the zoning map by the Metropolitan Planning Commission, on October 16, 2023, with notice of the hearing published in

The Beaufort Gazette on September 26, 2023, recommended with a 4-0 vote, approval of the zoning designation of IC (Institutional Campus) and,

WHEREAS, a public hearing before the City Council was held regarding the proposed change to the zoning map of City Council, on November 14, 2023, with notice of the hearing published in The Beaufort Gazette on October 20, 2023, recommended approval of the zoning designation of IC (Institutional Campus).

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 zoning map of the City of Beaufort be amended by establishing the zoning designation of the annexed parcels herein, as follows:

R 120 005 000 0192 0000	IC (INSTITUTIONAL CAMPUS)
-------------------------	---------------------------

This Ordinance shall become effective immediately upon adoption.

Michael A. McFee, Acting 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:** 12/4/2023
FROM: Ashley Brandon
AGENDA ITEM TITLE: Freedman's Art District is requesting to host Chalk it up on March 23 - 24, 2024, from 10:00 am- 5:00 pm both days and are requesting noise ordinance waiver, street closures, and food truck waiver
MEETING DATE: 12/12/2023
DEPARTMENT: Downtown Operations

BACKGROUND INFORMATION:

Freedman's Art District is requesting to host Chalk it up on March 23rd & 24th from 10:00 am -5:00 pm both days and are requesting Noise ordinance waiver, street closures, and food truck waiver. They are requesting the Noise ordinance waiver as they will have live music. They are requesting a waiver for Food trucks. They are also requesting 2 street closures, 1500 King St to Monson St, and the intersection of King St and Monson St to 607 Monson St..

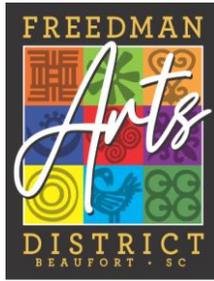
PLACED ON AGENDA FOR: *Action*

REMARKS:

Staff recommends approval.

ATTACHMENTS:

Description	Type	Upload Date
Chalk it up letter	Cover Memo	12/6/2023



November 13, 2023

Beaufort City Council Members
Beaufort City Hall
1911 Boundary St
Beaufort, SC 29902

RE: Requests for road closures on March 23 and March 24, 2024

Dear Beaufort City Council Members,

The Freedman Arts District will be presenting Chalk It Up!, an immersive open-air festival featuring large-scale street chalk painting, live music, hands-on activities, food trucks and more. More than 60 local and professional artists from will create huge colorful illustrations directly on the pavement, and the artwork is continuously evolving throughout the two-day festival. Inspired by the tremendous popularity of chalk festivals around the country, our festival organizers are assembling a team of established and emerging visual artists to use bold, colorful environmentally safe and non-toxic pastels to produce huge temporary drawings. This distinctly creative event within historic Beaufort combines community engagement and art appreciation in one free fun-filled weekend in March 2024.

Who: Freedman Arts District

What: Chalk It Up! Chalk Art Festival (Free and Open to the Public)

When: The festival will occur March 23 and 24, 2024 – specific times are below:

Set-up: Friday March 22, 5-10pm;

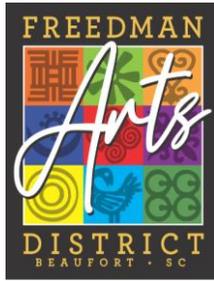
Festival: March 23-24, 10am-5pm each day;

Award party: Sunday March 24, 5-6:30pm;

Site clean up: Sunday March 24, 5-8pm

Where: The festival will be located two County owned lots adjacent to the Moss & Kuhn Law firm between North & King Street in the 1500 block. Activities will also take place in the Eversole Law Firm parking lot at 1509 King St and along part of the 600 block of Monson St. Permission has been granted from Fred Kuhn, Alysoun Eversole, and Hank Amundson from the County to use their space.

Three Premier Professional artists have already committed to participate including Erik Greenawalt (Pittsburg), Lisa Gaither (Raleigh) and Chelsea Scott (Atlanta).



The Chalk it Up! festival will include the following:

- § 63 artists, local & MidAtlantic
- § Road barricades at the intersection of Monson & King; 1500 King by Eversole bldg.; Monson 600 block
- § Banner on Bay & Ribault
- § Billboards on interstate
- § Food trucks – Saturday and Sunday (Food licensing/vendor coverage)
- § Trash service – during and post event
- § Police – between 10am-5pm Saturday & Sunday
- § Private volunteer security – at night Friday & Saturday
- § Music performances – Saturday & Sunday
- § Festival Insurance
- § Drone photography
- § Portlets & wash stations
- § A few large tents – with tables & chairs for hospitality booth & ancillary youth activities
- § Chalk drawings remain until dissolved by weather and traffic

This letter of intent is to request that the City of Beaufort allow the Freedman Arts District the ability to have the festival, authorize the road closures at the intersection of Monson & King; at 1509 King and the 600 block of Monson, authorize a noise waiver, food licensing, and vendor coverage.

We plan to publicize Chalk It Up! utilizing the entire gamut of media opportunities including newspaper, billboards and radio. We plan to make this an annual event and expect this even will contribute to Beaufort being recognized as a best small arts town. Thank you for considering our request.

Sincerely,

Stacy Applegate
Executive Director, Freedman Arts District
843-304-5301
stacy@freedmanartsdistrict.org



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 12/6/2023
FROM: Ashley Brandon
AGENDA ITEM TITLE: Request from Beaufort County Ministerial Alliance to host the annual Martin Luther King Day Parade on January 15, 2024, beginning at 10:00 AM
MEETING DATE: 12/12/2023
DEPARTMENT: Downtown Operations

BACKGROUND INFORMATION:

Request from Beaufort County Ministerial Alliance to host the annual Martin Luther King Day Parade on January 15, 2024, beginning at 10:00 AM.
The parade route will be the same as last years lines up at adventure st and ends at adventure st.

PLACED ON AGENDA FOR: Action

REMARKS:

Staff recommends approval

ATTACHMENTS:

Description	Type	Upload Date
Martin Luther King Parade	Cover Memo	12/6/2023



PUBLIC ASSEMBLY AND PARADE APPLICATION

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

Please Check One: Public Assembly Request Parade Request

Name of Applicant: Carrie B. Allen
Address: 25 Big Road, Beaufort, SC 29906 Phone # 843/846/8050
Name of Sponsoring Organization: Beaufort County Ministerial Alliance
Address: c/o 25 Big Road, Beaufort, SC 29906

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: Monday, January 15, 2024
Time Parade Will Begin: 10:00 a.m. Parade will Terminate: 11:30 a.m.
Time Parade Line-Up Begins: 8:30 a.m. Location(s) of Line-Up Area(s): Adventure Street
Route Proposed (Giving Starting & Termination Points): Adventure to Boundary, Carteret to Bay Streets,
Ends at starting point on Adventure Street
Approximate Number of Persons, Animals & Vehicles Constituting Parade: 50-60
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: 10 – 15 feet

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: Carrie B. Allen Date: Nov. 27, 2023

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:** 12/4/2023
FROM: Alan Eisenman, Finance Director
AGENDA ITEM TITLE: An ordinance providing for the issuance and sale of a not exceeding seven million one hundred thousand dollars (\$7,100,000.00) Hospitality and Accommodations Fee Revenue Bond- 1st reading
MEETING DATE: 12/12/2023
DEPARTMENT: Finance

BACKGROUND INFORMATION:

The fiscal year 2024 capital projects approved budget included capital improvements to Southside Park and Washington Street Park. One of the approved funding sources for these projects is the issuance of hospitality and accommodations fee revenue bond.

This is first reading of an Ordinance providing for the issuance of sale of a not exceeding seven million one hundred thousand (\$7,100,000) hospitality and accommodations fee revenue bond, Series 2024 of the City of Beaufort, South Carolina; amending and restating Section 7-13003 of the City's Code of Ordinances; and other matters relating thereto.

The City's Bond Counsel Lawrence Flynn with Pope Flynn LLC is available for discussion.

PLACED ON AGENDA FOR: Action

REMARKS:

City Council's consideration for approval on first reading. The Public Hearing and second reading will take place on January 9, 2024 Council meeting.

ATTACHMENTS:

Description	Type	Upload Date
2024 Series Ordinance	Cover Memo	12/4/2023

2024 SERIES ORDINANCE

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF A NOT EXCEEDING SEVEN MILLION ONE HUNDRED THOUSAND DOLLARS (\$7,100,000) HOSPITALITY AND ACCOMMODATIONS FEE REVENUE BOND, SERIES 2024 OF THE CITY OF BEAUFORT, SOUTH CAROLINA; AMENDING AND RESTATING SECTION 7-13003 OF THE CITY'S CODE OF ORDINANCES; AND OTHER MATTERS RELATING THERETO

Dated January 9, 2024

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2024 SERIES ORDINANCE

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF A NOT EXCEEDING SEVEN MILLION ONE HUNDRED THOUSAND DOLLARS (\$7,100,000) HOSPITALITY AND ACCOMMODATIONS FEE REVENUE BOND, SERIES 2024 OF THE CITY OF BEAUFORT, SOUTH CAROLINA; AMENDING AND RESTATING SECTION 7-13003 OF THE CITY'S CODE OF ORDINANCES; AND OTHER MATTERS RELATING THERETO

BE IT ORDAINED by the Mayor and the City Council Members of the City of Beaufort, South Carolina (the "City"):

ARTICLE I – FINDINGS OF FACT

Section 1.01. Findings of Fact. Incident to the enactment of this ordinance (this "2024 Series Ordinance") and the issuance of the indebtedness provided for herein, the City Council of the City, the governing body of the City (the "City Council"), finds that the facts set forth in this Section 1.01 exist and the following statements are in all respects true and correct:

(a) The City Council recognizes that tourism is an effective way of redistributing wealth in a community. Vibrant tourism provides: (i) economic benefits by providing jobs, increased spending, economic diversification and infrastructure redevelopment; (ii) social benefits by creating community identity and pride; and (iii) environmental benefits through financial support or in-kind support of local environmental and natural resources.

(b) On July 26, 2011, the City Council enacted a General Bond Ordinance (the "General Bond Ordinance") providing for the issuance of Hospitality and Accommodations Fee Revenue Bonds as described in Section 3.01 therein. All capitalized terms used herein and not otherwise defined shall have the meaning ascribed thereto in the General Bond Ordinance.

(c) Pursuant to the provisions of the General Bond Ordinance, the City issued its \$3,500,000 Hospitality and Accommodations Fee Revenue Bond, Series 2011, of which \$862,024.78 in principal amount is now outstanding (the "Series 2011 Bond").

(d) It is provided in and by the General Bond Ordinance that, upon enactment of a "Series Ordinance," there may be issued one or more Series of Bonds for the purpose of providing funds for any corporate purpose of the City for which Bonds may be issued under the provisions of the General Bond Ordinance (in compliance with the purposes authorized under the Enabling Act).

(e) The City Council has now determined that it is in the best interest of the City to issue a Series of Bonds (the "Series 2024 Bond") pursuant to the General Bond Ordinance for the purposes of constructing, improving, and equipping Southside Park and Washington Street Park projects (collectively, the "Project") and paying costs of issuance of the Series 2024 Bond. The Project is expected to attract tourists (as such term is used in Act No. 284 of the Acts and Joint Resolutions of the General Assembly of the State of South Carolina for the year 2010), promote tourism in and to the City and optimize the economic, social and environmental benefits discussed above. The Project is further expected to: (i) encourage visitors to the City; (ii)

showcase the City's existing assets; (iii) allow for community events and cross-promotional endeavors; (iv) expand regional and intergovernmental cooperation; (v) stimulate spending in the City; and (vi) serve as an inducement to economic development and private investment within the City.

(f) For these and other reasons, the Project complies with the authorized purposes provided at Sections 6-1-530 of the Code of Laws of South Carolina 1976, as amended, and particularly the authorization for tourism-related cultural or recreational facilities.

(g) By reason of the foregoing, the City has determined to enact this 2024 Series Ordinance in accordance with the terms and provisions of the General Bond Ordinance in order to issue the Series 2024 Bond for the purposes described in Section 1.01(e) hereinabove.

(h) Additionally, and by and through this 2024 Series Ordinance, the City has determined to amend and restate Section 7-13003 of the City's code of ordinances regarding the imposition, use, expenditure and allocation of Hospitality Fees in order to conform such Section to the terms of the General Bond Ordinance.

Section 1.02. Determinations Required by Section 3.02 of the Bond Ordinance.

(A) The City Council hereby specifies and determines that:

(1) The maximum authorized principal amount of the Series 2024 Bond shall be \$7,100,000;

(2) The Series 2024 Bond is being issued for the purpose of defraying all or a portion of the costs of the Project;

(3) The Project Costs associated with the Project to be funded by the Series 2024 Bond are estimated in the amount of \$7,000,000;

(4) The Series 2024 Bond shall be dated as of its date of issuance;

(5) There shall be no Debt Service Reserve Fund Requirement for the Series 2024 Bond;

(6) That U.S. Bank Trust Company, National Association shall be appointed as Trustee and accede to the duties of the Trustee under the General Bond Ordinance; and

(7) The following items are expressly delegated to the Authorized Representatives:

(i) To determine the maturity date of the Series 2024 Bond, and the principal amounts payable on each date in accordance with Section 3.03 hereof;

(ii) To determine the interest rate for Series 2024 Bond and the manner for determining such rate in accordance with Section 3.03 hereof;

- (iii) To determine the interest payment dates and the manner for determining such dates in accordance with Section 3.03 hereof;
- (iv) To determine the denominations and manner of numbers and letter the Series 2024 Bond in accordance with Section 3.03 hereof;
- (v) To determine the redemption date or dates for the Series 2024 Bond in accordance with Section 3.03 hereof;
- (vi) To determine the provisions for the sale of the Series 2024 Bond in accordance with Article V hereof; and
- (vii) To determine and make any other decision delegated to an Authorized Representative, including the City Manager under the terms of this 2024 Series Ordinance.

[End of Article I]

ARTICLE II – DEFINITIONS AND AUTHORITY

Section 2.01. Definitions. The terms defined in Article I and in this Section 2.01 and all words and terms defined in the General Bond Ordinance (except as herein otherwise expressly provided or unless the context otherwise requires), shall for all purposes of this 2024 Series Ordinance have the respective meanings given to them in the General Bond Ordinance, Article I above and in this Section 2.01.

“2011 Bond Redemption Account” means the subaccount of the Bond Redemption Account established for the Series 2011 Bond.

“2011 Interest Account” means the subaccount of the Interest Account established for the Series 2011 Bond.

“2011 Principal Account” means the subaccount of the Principal Account established for the Series 2011 Bond.

“2024 Bond Redemption Account” means the subaccount of the Bond Redemption Account established for the Series 2024 Bond.

“2024 Interest Account” means the subaccount of the Interest Account established for the Series 2024 Bond.

“2024 Principal Account” means the subaccount of the Principal Account established for the Series 2024 Bond.

“2024 Debt Service Reserve Fund Account” shall mean the account, if any, established with the Debt Service Reserve Fund.

“2024 Series Ordinance” shall mean this series ordinance.

“Bonds” means together the Series 2024 Bond and the Series 2011 Bond.

“City Manager” shall mean the City Manager of the City.

“Debt Service Fund” shall mean that fund initially established by City pursuant to Section 6.03(a) of the General Bond Ordinance, as transferred and maintained by the Trustee under Section 3.06(a) of this 2024 Series Ordinance.

“Purchaser” means the banking institution that purchases the Series 2024 Bond.

“Series 2024 Bond” shall mean the Hospitality and Accommodations Fee Revenue Bond of the City of the Series authorized by this 2024 Series Ordinance and issued on parity with the Series 2011 Bond.

“Trustee” means U.S. Bank Trust Company, National Association, its successor or assigns.

Section 2.02. Authority for this 2024 Series Ordinance. This 2024 Series Ordinance is enacted pursuant to the provisions of the General Bond Ordinance.

[End of Article II]

ARTICLE III – AUTHORIZATION AND TERMS OF THE SERIES 2024 BOND

Section 3.01. Authorization of Series 2024 Bond; Principal Amount; and Designation of Series.

(a) Pursuant to the provisions of the General Bond Ordinance, a Bond of the City entitled to the benefits, protection and security of the provisions of the General Bond Ordinance is hereby authorized in the principal amount of not exceeding Seven Million One Hundred Thousand Dollars (\$7,100,000). The Bond so authorized shall be designated “City of Beaufort, South Carolina Hospitality and Accommodations Fee Revenue Bond, Series 2024.”

(b) As determined by the City Manager, the Series 2024 Bond may be sold in multiple series bearing any such designation as appropriate. In the event the Series 2024 Bond is not issued in calendar year 2024, the City Manager may adjust the designation from the title of the Series 2024 Bond and the various accounts created therefore to denote the proper year of issuance. References herein to the Series 2024 Bond shall include all Series of Bonds issued under the provisions of this 2024 Series Ordinance. The Series 2024 Bond may be issued as either a tax-exempt or taxable obligation and if the Series 2024 Bond is issued as a taxable obligation, it shall bear an appropriate designation so as to distinguish its tax status.

(c) Any Hospitality Fee monies payable under Sec. 7-13003(1) or (2) of the City’s code of ordinances, as amended, shall be remitted to the Tourism Facilities Operation and Maintenance Fund in accordance with the flow of funds under the General Bond Ordinance.

Section 3.02. Purpose for Issuance. The Series 2024 Bond shall be issued for the purpose of providing funds to defray (i) the cost of the Project, and (ii) the costs related to the issuance of the Series 2024 Bond. Except for sums appropriated by City Council from other sources to fund the Project, it is expected that the majority of the Project Costs shall be payable from the proceeds of the Series 2024 Bond.

Section 3.03. Date of Issue; Type of Bond; Denomination; Interest Rate; Form of Bond; Maturity; and Redemption.

(a) The Series 2024 Bond shall be dated the date of its original delivery. The Series 2024 Bond shall be issued as a single typewritten, fully registered bond in the denomination of the principal amount thereof, and shall bear interest at the rate determined in accordance with the provisions contained herein (calculated per annum on the basis of a 360-day year of twelve 30-day months).

(b) The Series 2024 Bond shall be in substantially the form attached hereto as Exhibit A, with any necessary or appropriate variations, omissions, and insertions as are incidental to the series, number, denomination, maturity, interest rate, redemption provisions, and other details thereof or as are otherwise permitted or required by law or by the General Bond Ordinance, including this 2024 Series Ordinance.

(c) Interest on the Series 2024 Bond shall be determined pursuant to the sale provisions provided in Section 5.01 hereof. Principal of and interest on the Series 2024 Bond

shall be payable on such dates as determined by the City Manager. The Record Dates for the payment of interest on the Series 2024 Bond shall be determined by the City Manager.

(d) The Series 2024 Bond shall mature on such dates as may be determined by the City Manager and shall be subject to redemption prior to maturity, at the option of the City upon the terms agreed to by and between the City Manager and the Purchaser.

Section 3.04. Appointment of Trustee.

(a) The Trustee is hereby appointed to act as Trustee, Paying Agent and Registrar for the Series 2024 Bond and the Series 2011 Bond. In appointing the Trustee as Trustee, Paying Agent and Registrar for the Series 2011 Bond, this 2024 Series Ordinance fulfills the appointment obligation under Section 7.01 of the General Bond Ordinance, and no separate resolution shall hereafter be required.

(b) The Trustee shall perform the role of Trustee, Paying Agent and Registrar for the Outstanding Bonds as permitted and described in the General Bond Ordinance and this 2024 Series Ordinance. The City shall pay to the Trustee from time to time reasonable compensation based on the then-standard fee schedule of such parties for all services rendered under the General Bond Ordinance and this 2024 Series Ordinance, and also all reasonable expenses, charges, counsel fees, and other disbursements, including those of its attorneys, agents, and employees, incurred in and about the performance of their powers and duties under the General Bond Ordinance and this 2024 Series Ordinance.

(c) The Series 2024 Bond shall be presented for registration of transfers and exchanges, and notices and demands to or upon the Trustee and the City in respect of the Series 2024 Bond may be served, at the corporate trust office of the Trustee.

(d) The Trustee, in its capacity as Trustee, Paying Agent and Registrar, shall accept its appointment by a written instrument delivered to the City on or before the closing of the Series 2024 Bond.

Section 3.05. Authentication; Payment.

(a) In accordance with Section 4.02 of the General Bond Ordinance, the Series 2024 Bond shall be authenticated by the Registrar in accordance with the provisions thereof upon the delivery thereof by the City. The Series 2024 Bond shall bear interest from its issuance date if no interest has yet been paid; otherwise from the last date to which interest has been paid and which date is on or prior to the date of authentication of the Series 2024 Bond.

(b) The principal of and interest on the Series 2024 Bond shall be paid by check or draft mailed from the office of the Registrar to the person in whose name the Series 2024 Bond is registered at the close of business on the Record Date, and presentment of the Series 2024 Bond for payment shall not be required, except for the final payment of principal and interest thereon or upon such other condition or indicia of satisfaction as may be mutually agreed-upon by the City and the Purchaser.

(c) Any Holder of the Series 2024 Bond in the aggregate principal amount of \$1,000,000 or more may request, prior to the applicable Record Date, that interest payments be made by wire transfers to such Holder at an account specified by such Holder.

Section 3.06. Establishment of Funds.

(a) In accordance with Section 6.03 of the General Bond Ordinance, the Debt Service Fund was initially established by the City. Under the terms of this 2024 Series Ordinance, the Debt Service Fund and all accounts therein, including the Principal Account, Interest Account, Bond Redemption Account, and all subaccounts associated with the Series 2011 Bond (the 2011 Principal Account, 2011 Interest Account and 2011 Bond Redemption Account) shall be transferred to and maintained by the Trustee. Further, the Trustee shall establish the 2024 Principal Account within the Principal Account, the 2024 Interest Account within the Interest Account, and the 2024 Bond Redemption Account within the Bond Redemption Account.

(b) The Debt Service Fund and accounts and subaccounts therein shall be held in the complete control and custody of the Trustee. Deposits thereto and payments therefrom shall be made in accordance with the provisions of the General Bond Ordinance.

(c) In accordance with Section 6.04 of the General Bond Ordinance, a Debt Service Reserve Fund shall be established by the Trustee. However, there was no Debt Service Reserve Fund Requirement for the Series 2011 Bond and therefore no 2011 Debt Service Reserve Fund Account was ever established. Respecting the Series 2024 Bond, no 2024 Debt Service Reserve Fund Account shall be established within the Debt Service Reserve Fund because there is no Debt Service Reserve Fund Requirement for the Series 2024 Bond.

(d) In accordance with Section 6.06 of the General Bond Ordinance, there is hereby established the 2024 Construction Fund, which shall be funded in accordance with Section 4.01 hereof.

Section 3.07. Registrar. Pursuant to the authorizations contained within Section 4.10 of the General Bond Ordinance, the Trustee shall serve as Registrar for the Series 2024 Bond and shall be authorized to perform the duties and responsibilities as set forth in the provisions of the General Bond Ordinance. Additionally, the Trustee shall succeed the Clerk as Registrar for the Series 2011 Bond and shall be authorized to perform the duties and responsibilities as set forth in the provisions of the General Bond Ordinance respecting the Series 2011 Bond.

Section 3.08. Other Funds. As permitted by the General Bond Ordinance, the City shall continue to maintain the Hospitality and Accommodations Fee Revenue Fund and the Tourism Facilities Operation and Maintenance Fund.

[End of Article III]

ARTICLE IV – APPLICATION OF BOND PROCEEDS

Section 4.01. Use and Disposition of Series 2024 Bond Proceeds.

(a) Upon delivery of the Series 2024 Bond, the proceeds thereof shall be deposited into the 2024 Construction Fund as established by Section 3.06(d) hereof. Disbursements shall be made from the 2024 Construction Fund to defray the costs of the Project and costs of issuance of the Series 2024 Bond.

(b) (i) The 2024 Construction Fund shall be held, maintained and controlled by the City or as the City otherwise directs.

(ii) Alternatively and in the sole discretion of the City Manager, the 2024 Construction Fund may be established with and held by the Trustee; if held by the Trustee, the City Manager shall be authorized to negotiate the terms by which the Trustee shall hold and maintain the 2024 Construction Fund.

(c) Should any moneys remain in the 2024 Construction Fund after completion of and payment for the costs of the Project and payment of all costs of issuance, such moneys shall be transferred to or by (contingent on the provisions of Section 4.01(b) above) the Trustee and used to pay principal of and/or interest on the Series 2024 Bond.

(d) In lieu of compliance with Section 4.01(c) hereof, upon the approval of the Purchaser and subject to the approving opinion of bond counsel, the proceeds remaining in the 2024 Construction Fund shall be used by the City for any purpose permitted by law.

(e) Moneys in the 2024 Construction Fund shall be invested and reinvested in Investments Obligations.

[End of Article IV]

ARTICLE V – SALE OF SERIES 2024 BOND

Section 5.01. Sale of Series 2024 Bond.

(A) The City Manager is authorized to engage First Tryon Advisors as its municipal advisor to assist the City with the sale and delivery of the Series 2024 Bond, and any other matters related to the Series 2024 Bond. Further, the City Manager is authorized to engage Pope Flynn, LLC as bond counsel and local counsel in connection with the Series 2024 Bond. The City Manager is further authorized to engage the services of such other professionals and institutions of a type and in a manner customary in connection with the issuance of municipal bonds, including, but not limited to, contractual arrangements with other professionals, rating agencies, verification agents, financial and trust institutions, printers and the suppliers of other goods and services in connection with the sale, execution and delivery of the Series 2024 Bond, as is necessary and desirable.

(B) The Series 2024 Bond may be sold to an institution or institutions as a single instrument as a means of making a commercial loan, pursuant to negotiation, with or without providing for distribution of a request for proposals. In such case, the City Council authorizes the City Manager to solicit, or cause to be solicited, financing proposals from prospective purchasers of Series 2024 Bond and award the Series 2024 Bond to the banking or financial institution that provides the most favorable terms, including the rate of interest the Series 2024 Bond shall bear, for the payment of the Series 2024 Bond. Alternatively, the City Manager is authorized to negotiate the sale of the Series 2024 Bond directly with such banking institutions as he shall determine. Upon such a negotiation, he is authorized to award the sale of the Series 2024 Bond to the banking or financial institution that he determines. Further, and to the extent that any bid solicitation or direct negotiation has occurred prior to the enactment of this 2024 Series Ordinance, all such actions are ratified, approved and confirmed.

(C) Such Series 2024 Bond shall be issued as a single Series (or separate single Bonds if the Series 2024 Bonds are sold in multiple Series), without CUSIP identification (unless otherwise agreed by the Purchaser and the City Manager on behalf of the City). The Purchaser of such Series 2024 Bonds shall execute an investor letter to the City acknowledging its purchase of the Series 2024 Bonds as a means of making a commercial loan.

(D) As requested by a Purchaser of the Series 2024 Bond, the City may furnish or arrange to provide all other financial information related to or affecting the City as the Purchaser may reasonably request or require. Upon reasonable notice, the City shall permit any Holder of the Series 2024 Bond, or its agents and representatives, to inspect during regular business hours the City's books and records.

[End of Article V]

ARTICLE VI – COMPLIANCE WITH REQUIREMENTS OF THE CODE

Section 6.01. Tax Covenants. The City hereby represents and covenants that it will not take any action which will, or fail to take any action which failure will, cause interest on the Series 2024 Bond to become includable in the gross income of the Holder thereof for federal income tax purposes pursuant to the provisions of the Code and the United States Treasury Regulations (the “Regulations”). Without limiting the generality of the foregoing, the City represents and covenants that:

(a) All property financed or refinanced with the net proceeds of the Series 2024 Bond will be owned by the City or another governmental entity thereof in accordance with the rules governing the ownership of property for federal income tax purposes.

(b) The City shall not permit the proceeds of the Series 2024 Bond or any facility financed or refinanced with the proceeds of the Series 2024 Bond to be used in any manner that would result in (i) ten percent (10%) or more of such proceeds being considered as having been used in a private business use; or (ii) an amount greater than the lesser of five percent (5%) of such proceeds or \$5,000,000 being considered as having been used directly or indirectly to make or finance loans to any person other than a governmental unit as provided in Section 141(c) of the Code.

(c) The City is not a party to, and will not enter into or permit any other party to enter into, any contract with any person involving the management of any facility financed or refinanced with the proceeds of the Series 2024 Bond that does not conform to the guidelines set forth in Revenue Procedure 2017-13, or a successor revenue procedure, Code provision or Regulation.

(d) The City will not sell or lease, or permit any other party to sell or lease, any property financed or refinanced with the Series 2024 Bond to any person unless it obtains the opinion of nationally recognized bond counsel that such lease or sale will not affect the tax exemption of the Series 2024 Bond.

(e) The Series 2024 Bond will not be “federally guaranteed” within the meaning of Section 149(b) of the Code. The City shall not enter into any leases or sales or service contract with any federal government agency with respect to any facility financed or refinanced with the proceeds of the Series 2024 Bond and will not enter into any such leases or contracts unless it obtains the opinion of nationally recognized bond counsel that such action will not affect the tax exemption of the Series 2024 Bond.

(f) In accordance with Section 8.06 of the General Bond Ordinance, the City will, so long as the Series 2024 Bond is Outstanding, furnish a copy of its audited financial statements to the Holder.

Section 6.02. Arbitrage Bonds. The City hereby covenants and agrees with the Holder of the Series 2024 Bond that no use of the proceeds of the Series 2024 Bond shall be made which, if such use had been reasonably expected on the date of issue of the Series 2024 Bond, would have caused the Series 2024 Bond to be an “arbitrage bond,” as defined in the Code, and to that end the City hereby shall:

(a) comply with the applicable provisions of Section 103 and Sections 141 through 150 of the Code and any Regulations so long as the Series 2024 Bond is Outstanding;

(b) establish such funds, make such calculations and pay such amounts, in the manner and at the times required in order to comply with the requirements of the Code relating to required rebates of certain amounts to the United States Government;

(c) make such reports of such information at the time and places required by the Code;
and

(d) take such other action as may be required to assure that the tax-exempt status of the Series 2024 Bond will not be impaired.

Section 6.03. Qualified Tax-Exempt Obligation - Designation.

The City does not expect to issue tax-exempt obligations in calendar year 2024 which, when added to the principal amount of the Series 2024 Bond, would aggregate more than \$10,000,000. Accordingly, the Series 2024 Bond is hereby designated as a “qualified tax-exempt obligation” within the meaning of Section 265(b)(3)(B) of the Code.

[End of Article VI]

ARTICLE VII – OTHER INSTRUMENTS

Section 7.01. Other Instruments and Actions; Additional Documents. The Authorized Representatives and the Clerk are fully authorized and empowered to take any further action and to execute and deliver any closing documents as may be necessary and proper to effect the delivery of the Series 2024 Bond in accordance with the terms and conditions hereof. The actions by any of the authorized officers in executing and delivering documents in any such form as he or she shall approve is hereby fully authorized. Additionally, any actions taken by the above mentioned officials affecting the delivery of the Series 2024 Bond prior to the enactment of this 2024 Series Ordinance are hereby approved and authorized.

Section 7.02. General Bond Ordinance and Series Ordinance to Constitute Contract. The General Bond Ordinance, as supplemented by this 2024 Series Ordinance, is a contract with the City and the Holder of the Series 2024 Bond.

[End of Article VII]

ARTICLE VIII – AMENDMENT TO CITY CODE OF ORDINANCES

Section 8.01. Amendment to Section 7-13003. As currently enacted, Section 7-13003 of the City’s code of ordinances, as originally enacted by Ordinance No. 20-94 dated November 11, 1994, as amended by Ordinance No., 28-97 dated July 22, 1997, Ordinance No. 36-99 dated June 8, 1999, Ordinance No. 04-07 dated January 23, 2007, Ordinance No. 22-17 dated September 26, 2017 and Ordinance No. 17-18 dated June 26, 2018, provides an allocation of the Hospitality Fees that reduces the amount of Hospitality Fees available to pay debt service on Bonds. This limitation is inconsistent with the pledge of Hospitality Fees granted by the General Bond Ordinance, and the City has determined to amend and restate such section to be consistent with the terms of the General Bond Ordinance. For purposes of this Section 8.01, ~~strike-through~~ shows deleted language and underlined shows added language for illustrative purposes only. On the basis of the foregoing, Part 1, Chapter 13, Section 7-13003 as previously enacted by various prior actions of the City Council, is hereby amended and restated as follows:

Sec. 7-13003. - Hospitality fee.

A uniform fee equal to two (2) percent is hereby imposed on the gross proceeds derived from the sale of all food and beverages served by a restaurant, hotel, motel, or other food service facility within the City of Beaufort. In addition, the fee shall be imposed for all food and beverages prepared or modified by convenience stores or grocery stores within the City of Beaufort, South Carolina. All hospitality fees received by the city shall be allocated as follows:

- (1) Five ~~and one-tenths~~ (5.0) percent shall be allocated to the designated marketing organization specifically targeted for advertising to increase tourism, within the City of Beaufort.
- (2) One and one-tenth (1.1) percent shall be available through appropriation, for advertising to increase tourism and revitalization of the downtown economy. The allocation will be awarded by the Beaufort City Council through the annual budget process, based on budget presentation of certain non-profit organizations invited by city council to present. The presentation to the city council will be conducted during the normal budget period. An allocation of these funds shall be based on the objectives that best achieve city council goals and purposes.
- (3) Ninety-three and nine-tenths (93.9) percent shall be allocated for uses permitted in section 7-13006 below.

To the extent any bonds are outstanding under the terms of the General Bond Ordinance dated July 26, 2011, as may be amended from time to time, all hospitality fees are pledged to the payment of bonds issued thereunder. All hospitality fees shall be used for the payment of bonded indebtedness contemplated by Section 7-13006(7) herein prior to and in priority of any other allocation by the City under subsections (1) or (2) of this Section 7-13003. Amounts allocated under subsections (1) or (2) of this Section 7-13003 shall be considered payable from the Tourism

Facilities Operation and Maintenance Fund as such term is defined and described in the General Bond Ordinance.

[End of Article VIII]

ARTICLE IX – MISCELLANEOUS

Section 9.01. Severability. If any one or more of the covenants or agreements provided in this 2024 Series Ordinance on the part of the City or the Trustee to be performed should be contrary to applicable law, then such covenant or covenants or agreement or agreements shall be deemed severable from the remaining covenants and agreements, and shall in no way affect the validity of the other provisions of this 2024 Series Ordinance.

Section 9.02. Continuing Disclosure Covenant.

(a) In accordance with Section 11-1-85 of the Code of Law of South Carolina 1976, as amended (“Section 11-1-85”), the City hereby covenants to file with a central repository for availability in the secondary market when requested (1) an annual independent audit, within thirty (30) days of the City’s receipt of the audit; and (2) event specific information, within thirty (30) days of an event adversely affecting more than five percent of the City’s revenue or tax base.

(b) The only remedy available in the event the City fails to comply with this Section 9.02 shall be an action for specific performance. The City reserves the right to modify this Section 9.02 to reflect changes in or any repeal of Section 11-1-85 without the consent of the Holders of the Series 2024 Bond.

Section 9.03. Certain Findings; Determinations and Covenants. The City finds, determines and covenants:

(a) This 2024 Series Ordinance supplements the General Bond Ordinance, constitutes and is a “Series Ordinance” within the meaning of the quoted term as defined and used in the General Bond Ordinance, and is enacted under and pursuant to the General Bond Ordinance.

(b) The Series 2024 Bond constitutes and is a “Bond” within the meaning of the quoted word as defined and used in the General Bond Ordinance.

(c) The Hospitality and Accommodations Fee Revenues pledged under the General Bond Ordinance are not encumbered by any lien or charge thereon or pledge thereof other than as permitted under the General Bond Ordinance.

(d) There does not exist an Event of Default, nor does there exist any condition which, after the passage of time or the giving of notice, or both, would constitute an Event of Default under the General Bond Ordinance.

(e) The Series 2024 Bond is being issued for the purposes described in Article I of this 2024 Series Ordinance.

(f) All prior actions of Authorized Representatives in furtherance of the purposes of this 2024 Series Ordinance (including, but not limited to, any negotiated sale of Series 2024 Bonds or any solicitation of bids under the provisions of Article V hereof) are hereby approved, ratified and confirmed.

(h) Unless otherwise limited, suspended or terminated by the General Assembly, the City shall not at any time, during the term that Series 2024 Bond is outstanding, reduce the percentage of the Hospitality Fee or the Accommodations Fee below the levels that currently exist on the date of enactment of this 2024 Series Ordinance.

Section 9.04. Interested Parties. Nothing in the General Bond Ordinance expressed or implied is intended or shall be construed to confer upon, or to give or grant to, any person or entity, other than the City and the Holder of the Series 2024 Bond, any right, remedy or claim under or by reason of the General Bond Ordinance or any covenant, condition or stipulation hereof, and all covenants, stipulations, promises and agreements in the General Bond Ordinance contained by and on behalf of the City shall be for the sole and exclusive benefit of the City and the Holder of the Series 2024 Bond.

Section 9.05. Required Publications and Public Hearing. By the terms of the General Bond Ordinance and the Enabling Act, the Series 2024 Bond is being issued pursuant to the procedures in Section 4-29-68 of the Code of Laws of South Carolina 1976, as amended (“Section 4-29-68”). As required by Section 4-29-68, a public hearing shall be held prior to enactment of this 2024 Series Ordinance. Notice of such public hearing shall in the form set forth in Exhibit B.

Section 9.06. Table of Contents and Section Headings Not Controlling. The Table of Contents and the Headings of the several Articles and Sections of this 2024 Series Ordinance have been prepared for convenience of reference only and shall not control, affect the meaning of, or be taken as an interpretation of any provision of this 2024 Series Ordinance.

Section 9.07. Transaction Statements. The City acknowledges that regulations of the Comptroller of the Currency grant the City the right to receive brokerage confirmations of security transactions as they occur. The City specifically waives such right to notification with respect to security transactions entered into by the Trustee to the extent permitted by law and acknowledges that it will receive periodic transaction statements that will detail all investment transactions.

Section 9.08. Effective Date. This 2024 Series Ordinance shall become effective immediately upon its enactment.

[End of Article IX]

DONE, RATIFIED AND ENACTED THIS 9th day of January 2024.

CITY OF BEAUFORT, SOUTH CAROLINA

(SEAL)

Mayor

Attest:

City Clerk, City of Beaufort, South Carolina

First Reading: December 12, 2023

Public Hearing: January 9, 2024

Second Reading: January 9, 2024

FORM OF BOND

WITH THE CONSENT OF THE PURCHASER, AND NOTWITHSTANDING ANY CONTRARY PROVISION CONTAINED IN THE GENERAL BOND ORDINANCE OR THE 2024 SERIES ORDINANCE, THE BOND MAY BE SOLD OR TRANSFERRED ONLY TO PURCHASERS WHO EXECUTE AN INVESTMENT LETTER DELIVERED TO THE CITY, IN FORM SATISFACTORY TO THE CITY, CONTAINING CERTAIN REPRESENTATIONS, WARRANTIES AND COVENANTS AS TO THE SUITABILITY OF SUCH PURCHASERS TO PURCHASE AND HOLD THE BOND. SUCH RESTRICTION SHALL BE SET FORTH ON THE FACE OF THE BOND AND SHALL BE COMPLIED WITH BY EACH TRANSFEREE OF THE BOND.

R-1 \$ _____

UNITED STATES OF AMERICA
STATE OF SOUTH CAROLINA
CITY OF BEAUFORT
HOSPITALITY AND ACCOMMODATIONS FEE REVENUE BOND
SERIES 2024

No. R-1

<u>Interest Rate</u> _____ %	<u>Final Maturity Date</u> _____	<u>Original Date of Issue</u> _____, 2024
---------------------------------	-------------------------------------	--

REGISTERED HOLDER: _____

PRINCIPAL SUM: _____ Dollars (\$ _____)

CITY OF BEAUFORT, SOUTH CAROLINA (the “City”), acknowledges itself indebted and for value received hereby promises to pay, solely from the sources and as hereinafter provided, to _____ (the “Bank”), or its registered assigns, the principal amount of _____ DOLLARS (\$ _____), in the manner provided below, with interest thereon from the date hereof at the rate of _____ percent (_____%) per annum (calculated on the basis of a 360 day year, consisting of twelve 30 day months). This Series 2024 Bond (this “Bond”) shall be payable _____ with respect to principal and interest on each _____ [and] _____ (the “Bond Payment Date(s)”) for a _____ () year term.

The principal of and interest on this Bond are payable in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts. The principal so payable will be paid to the person in whose name this Bond is registered at the close of business on the 15th day immediately preceding each Bond Payment Date (the “Record Date”). The principal of this Bond shall be paid by check, draft or wire transfer by

U.S. Bank Trust Company, National Association, as paying agent, to the person in whose name this Bond is registered on the Record Date at the address shown on the registration books, without presentation or surrender.

This Bond is issued pursuant to and in accordance with the Constitution and statutes of the State of South Carolina (the “State”), including particularly Act No. 284 of the Acts and Joint Resolutions of the General Assembly of the State of South Carolina for the year 2010, now codified at S.C. Code Ann. Section 6-1-760 of the Code of Laws of South Carolina 1976, as amended and including the procedures of Title 6, Chapter 17 and Section 4-29-68 of the Code of Laws of South Carolina 1976, as amended, a hospitality fee ordinance and an accommodations fee ordinance, each duly enacted by the City Council of the City (the “City Council”), the governing body of the City, on November 8, 1994 (together, the “Hospitality and Accommodations Fee Ordinances”), a General Bond Ordinance duly enacted by the City Council on July 26, 2011 (the “General Bond Ordinance”), and a Series Ordinance duly enacted by the City Council on January 9, 2024 (the “Series Ordinance” and together with the General Bond Ordinance, the “Ordinance”). Certain capitalized terms used herein and not otherwise defined shall have the meaning ascribed thereto in the Ordinance. Certified copies of the Ordinance are on file in the office of the Clerk of Court for Beaufort County, South Carolina.

[redemption provisions]

Both the principal of and interest on this Bond, as the same shall become due, are payable solely from the Hospitality and Accommodations Fee Revenues. This Bond is not secured by, or in any way entitled to, a pledge of the full faith, credit or taxing power of the City and shall not in any event constitute an indebtedness of the City within the meaning of any provision, limitation or restriction of the Constitution or statutes of the State, other than those provisions authorizing indebtedness payable solely from a special source, which source does not involving revenues from any tax or license. This Bond is not a pecuniary liability of the City or a charge against the City’s general credit or taxing power. The City is not obligated to pay this Bond, or the interest hereon, save and except from Hospitality and Accommodations Fee Revenues.

Unless otherwise limited, suspended or terminated by the General Assembly, the City has covenanted that it shall not at any time, during the term that this Bond is outstanding, reduce the percentage of the Hospitality Fee or the Accommodations Fee below the rate that exists on the date of enactment of the Series Ordinance.

For the payment of the principal of and interest on this Bond, there are hereby irrevocably pledged the Hospitality and Accommodations Fee Revenues. The Ordinance authorizes the issuance of additional Bonds on a parity with the pledge and a lien given to secure this Bond which, when issued in accordance with the provisions of the Bond Ordinance, will rank equally and be on a parity therewith (this Bond and all bonds heretofore or hereafter issued on a parity therewith are hereinafter referred to as the “Bonds”).

The Ordinance provides that, in addition to other remedies, upon a default thereunder, the Holder of this Bond, under certain circumstances, may declare this Bond immediately due and payable.

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

The person in whose name this Bond shall be registered shall be deemed and regarded as the absolute owner hereof for all purposes, and payment of the principal of this Bond shall be made only to or upon the order of the Registered Holder or his legal representative. All payments made in this manner shall be valid and effective to satisfy and discharge the liability of the City upon this Bond to the extent of the sum or sums paid. No person other than the Registered Holder shall have any right to receive payments, pursue remedies, enforce obligations, or exercise or enjoy any other rights under this Bond against the City.

For every exchange or transfer of this Bond in accordance with the terms of the Ordinance, the City may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer.

It is hereby certified and recited that all conditions, acts and things required by the Constitution and statutes of the State to exist, be performed or happen precedent to or in the issuance of this Bond, exist, have been performed and have happened, that the amount of this Bond, together with all other indebtedness of the City, does not exceed any limit prescribed by such Constitution or statutes.

Whenever the terms of this Bond require any action be taken on a Saturday, Sunday, or legal holiday or bank holiday in the State or in any state where the corporate trust office of the trustee or custodian, if then appointed, is located, the action shall be taken on the first business day occurring thereafter.

The Ordinance contains provisions defining terms; sets forth the terms and conditions upon which the covenants, agreements, and other obligations of the City made therein may be discharged at or prior to the maturity of this Bond with provisions for the payment thereof in the manner set forth in the Ordinance; and sets forth the terms and conditions under which the Ordinance may be amended or modified with or without the consent of the Registered Holder of this Bond. Reference is hereby made to the Ordinance, to all the provisions of which any Registered Holder of this Bond by the acceptance hereof thereby assents.

It is hereby certified and recited that all acts, conditions, and things required by the Constitution and laws of the State to exist, to happen, and to be performed precedent to or in the issuance of this Bond exist, have happened, and have been done and performed in regular and due time, form, and manner, and that the amount of this Bond does not exceed any constitutional or statutory limitation thereon.

IN WITNESS WHEREOF, THE CITY OF BEAUFORT, SOUTH CAROLINA, has caused this Bond to be executed by the Mayor of the City of Beaufort, South Carolina and attested to by the City Clerk of the City of Beaufort, South Carolina and its corporate seal to be impressed hereon, all as of the ___ day of January 2024.

CITY OF BEAUFORT, SOUTH CAROLINA

(SEAL)

By: _____
Mayor

Attest:

City Clerk
City of Beaufort, South Carolina

CERTIFICATE OF AUTHENTICATION

This Bond is the Bond designated herein and issued under the provisions of the within-mentioned Ordinance.

U.S. BANK TRUST COMPANY, NATIONAL ASSOCIATION, as Registrar

By: _____
Authorized Officer

Date of Authentication: January __, 2024

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto _____ (Social Security No. or other Identifying Number of Assignee _____) the within Bond and does hereby irrevocably constitute and appoint _____ to transfer the within Bond on the books kept for registration thereof with full power of substitution in the premises.

Dated: _____

Signature: _____
Authorized Officer

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

NOTICE OF PUBLIC HEARING

The City Council of the City of Beaufort (the “City Council”), the governing body of the City of Beaufort, South Carolina (the “City”), will hold a public hearing in its chambers on Tuesday, January 9, 2024 at 7:00 p.m. (or as soon thereafter as time permits) (the “Hearing”). The Hearing will occur during the City Council’s regularly scheduled meeting. The City Council’s chambers are located on the second floor of the City’s administrative building, which is located at 1911 Boundary Street, Beaufort, SC 29902.

The City Council is considering the enactment of “AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF A NOT EXCEEDING SEVEN MILLION ONE HUNDRED THOUSAND DOLLARS (\$7,100,000) HOSPITALITY AND ACCOMMODATIONS FEE REVENUE BOND, SERIES 2024 OF THE CITY OF BEAUFORT, SOUTH CAROLINA; AMENDING AND RESTATING SECTION 7-13003 OF THE CITY’S CODE OF ORDINANCES; AND OTHER MATTERS RELATING THERETO.” The Hearing shall be conducted publicly and both proponents and opponents of the proposed action shall be given full opportunity to be heard in person or by counsel.



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 11/17/2023
FROM: Scott Marshall, City Manager
AGENDA ITEM TITLE: Resolution encouraging Governor Henry McMaster to declare an economic disaster due to the dumping of imported shrimp into the United States Markets
MEETING DATE: 12/12/2023
DEPARTMENT: City Managers Office

BACKGROUND INFORMATION:

The escalating quantities of imported shrimp into local and regional markets, (known as "shrimp dumping"), have produced hardships for South Carolina-based shrimpers, who have seen a decline in the value of their harvests. As a result of shrimp dumping the declining marketability of domestic shrimp is a threat to our economy.

The declaration of an associated economic disaster authorizes the Governors of states affected by shrimp dumping to request a fishery resource disaster determination to be made by the United States Secretary of Commerce. Such a determination would allow for the imposition of controls on the activities of imported shrimp to mitigate the adverse economic impact to domestic shrimpers.

The Town of Mt. Pleasant, South Carolina has adopted a Resolution calling on Governor McMaster to declare an economic disaster for the purpose described above. Similarly, the Town of Bluffton, South Carolina is considering a similar Resolution tonight at their monthly Town Council meeting.

PLACED ON AGENDA FOR: Action

REMARKS:

Staff requests Council's consideration of the attached Resolution and the associated cover letter presented for Acting Mayor McFee's signature on behalf of City Council.

Suggested Language for Motion:

"I move to approve the Resolution encouraging Governor Henry McMaster to declare an economic disaster due to the dumping of imported shrimp into the United States markets."

ATTACHMENTS:

Description	Type	Upload Date
Cover Letter to Accompany Resolution	Cover Memo	12/5/2023



City of Beaufort, South Carolina

1911 Boundary Street • Beaufort, SC 29902

843.525.7070 • www.cityofbeaufort.org

December 12, 2023

The Honorable Henry McMaster
State House
1100 Gervais Street
Columbia, SC 29201

Dear Governor McMaster:

By unanimous vote, the City Council of the City of Beaufort adopted the attached Resolution calling for your declaration of an economic disaster due to the dumping of imported shrimp into the United States markets. The practice of shrimp dumping is a growing threat to our economy, both regionally and locally.

As you know, the City of Beaufort and surrounding communities are surrounded by tidal marshes which help produce a significant portion of the annual amount of wild shrimp caught off the coastal shores of our great state. The impact of shrimp dumping has jeopardized the local culture and economy associated with local fisheries. Due to this economic strain, many shrimpers are struggling to continue to keep their vessels afloat, employees hired, and businesses open.

A declaration of economic disaster would authorize the request for a fishery resource disaster determination to be made by the Department of Commerce and would allow for the imposition of controls. If controls were implemented, it would make financial Fisher assistance available to South Carolina shrimpers and have the potential of protecting lives and property by mitigating the threat of preventing the complete destruction of the State's shrimping economy. For these reasons and others which are outlined in the attached Resolution, we respectfully request your consideration for making this declaration.

Sincerely,

Michael A. McFee
Acting Mayor (On behalf of the City Council of the City of Beaufort)

Enclosure:

CC: Senator George E. Campsen, III (SC Senate District 43)
Senator Tom Davis (SC Senate District 46)
Representative Shannon Erickson (SC House District 124)

A RESOLUTION ENCOURAGING GOVERNOR HENRY MCMASTER TO DECLARE AN ECONOMIC DISASTER DUE TO THE DUMPING OF IMPORTED SHRIMP INTO THE UNITED STATES MARKETS

WHEREAS, the City of Beaufort accounts for a significant share of the total annual amount of wild caught shrimp in the State of South Carolina; and

WHEREAS, due to the recent influxes of imported shrimp into the United States markets, also known as Shrimp Dumping, the ability of the South Carolina shrimping industry to market and sell wild caught domestic shrimp has been severely affected; and

WHEREAS, because of Shrimp Dumping, many shrimpers throughout the Southeast region have seen a decline in the value of the shrimp harvest and, due to this decline, are struggling to make ends meet, forced to keep their vessels docked, or forced to quit the shrimping industry; and

WHEREAS, the magnitude of economic damage and the rapidity with which the continuation of the decrease of the marketability of domestic shrimp is an imminent threat to the economies of the City of Beaufort, South Carolina, Coastal Communities, and the entire American Shrimping Industry; and

WHEREAS, the declaration of an economic disaster authorizes the Governor of an affected State to submit a request for a fishery resource disaster determination to be made by the U.S. Secretary of Commerce, in accordance with the Fishery Resource Disasters Improvement Act (16 U.S.C.A. § 1861a(a)); and

WHEREAS, such determination would allow for the imposition of controls on the activities that tend to increase the likelihood of economic damage to the economy of the City of Beaufort, South Carolina, Coastal Communities, and the entire American Shrimping Industry; and

WHEREAS, such controls, once implemented, would make financial fisher disaster assistance available to South Carolina shrimpers and have the potential of protecting lives and property by mitigating the threat of preventing the complete destruction of the shrimping economy upon which the City of Beaufort relies.

NOW, THEREFORE, BE IT RESOLVED, that the City of Beaufort hereby requests Governor Henry McMaster and the State of South Carolina to declare an economic disaster of the Domestic Shrimping Industry, and to request a fishery resource disaster determination to be made by the U.S. Secretary of Commerce, pursuant to the Fishery Resource Disasters Improvement Act (16 U.S.C.A. § 1861a(a)).

This resolution shall be effective December 12, 2023.

Michael A. McFee, Acting Mayor

Attest:

Traci Guldner, City Clerk