



CITY OF BEAUFORT
1911 BOUNDARY STREET
BEAUFORT MUNICIPAL COMPLEX
BEAUFORT, SOUTH CAROLINA 29902
(843) 525-7070
CITY COUNCIL REGULAR MEETING AGENDA
August 28, 2018

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

STATEMENT OF MEDIA NOTIFICATION

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

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

I. CALL TO ORDER

A. Mayor, Billy Keyserling

II. INVOCATION AND PLEDGE OF ALLEGIANCE

A. Mayor Pro Tem, Mike McFee

III. PROCLAMATIONS/COMMENDATIONS/RECOGNITIONS

IV. PUBLIC COMMENT

V. PUBLIC HEARING

A. Ordinance Rezoning a Portion of a Parcel of Property Located at 1529 Salem Road from T4-Neighborhood District to T5-Urban Corridor District

VI. MINUTES

A. Worksession and Regular Meeting July 10, 2018

VII. OLD BUSINESS

VIII. NEW BUSINESS

- A. Co-Sponsorship request for use of Waterfront Park from Donnie Beer to host annual event, Remembering 9/11 on Sunday, September 9, 2018
- B. Co-Sponsorship request for use of Waterfront Park from Born to Read to host Yoga Under the Stars event Friday, September 21, 2018
- C. Request to host Fall Art Walk event on Saturday, October 27, 2018 to include street closures, waiver of open container, and co-sponsorship for Police, Fire and Public Works services
- D. Request from Child Abuse Prevention Association (CAPA) to host annual Ghost Tours event downtown in October. In addition, requesting two (2) parking spaces for use in the Marina parking lot for the duration of the event

- E. Co-Sponsorship request for use of Waterfront Park from Beaufort County Veterans Affairs Office for Veterans Day Celebration event on Sunday, November 11, 2018
- F. Request from the City of Beaufort to host annual Shrimp Fest event October 5 - October 6, 2018 in Waterfront Park. In addition requesting the allowance of alcohol sales, street closures, and allowance of complimentary parking passes issuance
- G. Street closure request from the Baptist Church of Beaufort for Historical Marker event Sunday, September 9, 2018
- H. Ordinance Rezoning a Portion of a Parcel Property at 1529 Salem Road from T4-Neighborhood District to T5-Urban Corridor District - 1st Reading
- I. Ordinance Revising the Flood Damage Prevention Ordinance to Eliminate the Five-Year Cumulative Clause - 1st Reading
- J. Authorization to allow City Manager to negotiate a Memorandum of Understanding (MOU) for the Management, Maintenance, and Operation of Whitehall Park
- K. Reimbursement Resolution
- L. Appointments/Re-appointments to City Boards and Commissions

IX. REPORTS

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

X. ADJOURN



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 8/21/2018
FROM: Libby Anderson
AGENDA ITEM TITLE: Ordinance Rezoning a Portion of a Parcel of Property Located at 1529 Salem Road from T4-Neighborhood District to T5-Urban Corridor District
MEETING DATE: 8/28/2018
DEPARTMENT: Planning

BACKGROUND INFORMATION:

The City has received an application to rezone a portion of a parcel of property located at 1529 Salem Road, identified as R122 029 000 0181 0000. The current zoning of the lot is T4-Neighborhood District (T4-N). The proposed zoning of the front (Salem Road) half of the lot is T5-Urban Corridor District (T5-UC). A staff report on the proposed rezoning is attached. This rezoning request was presented to the Beaufort--Port Royal Metropolitan Planning Commission at their August 20 meeting. A public hearing on the proposed rezoning is scheduled for the August 28 City Council meeting. This hearing was advertised in the August 13 edition of *The Beaufort Gazette*.

PLACED ON AGENDA FOR: Action

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Salem Road rezoning staff report	Cover Memo	8/21/2018
attachment 1	Cover Memo	8/21/2018
attachment 2	Cover Memo	8/21/2018

CITY OF BEAUFORT
REZONING ANALYSIS RZ18-05
PUBLIC HEARING DATE: AUGUST 28, 2018

Applicant

The applicant is Vimal Desai.

Site

The property is located at 1529 Salem Road, at the corner of Salem and BE Wheatley Roads (see attached Site Location Map). The property is identified as R122 029 000 0181 0000. The lot is 4.0 acres in area and is currently undeveloped. A survey of the lot is attached. A strip shopping center is located directly to the north of the site. The Live Oaks at Battery Creek subdivision, a single-family neighborhood, is located directly to the east of the site. The Butler Chrysler Dodge Jeep Ram dealership is located across BE Wheatley Road from the property. The rear of the Vaden of Beaufort car dealership is located across Salem Road from the site. A map showing surrounding land uses is attached.

Present Zoning

The lot is currently zoned T4-Neighborhood (T4-N) under the Beaufort Code development and associated rezoning. The T4-N district is a mixed-use zone of urban residential units and limited commercial development. The T4-N District permits all types of residential uses (single-family, 2- and 3-family dwellings, rowhomes, and multifamily dwellings) as well as all types of offices. Government facilities, schools, and churches are permitted. Inns up to 10 rooms are allowed. In general, retails uses and restaurants are not permitted in the T4-N zone.

Proposed Zoning

The applicant is requesting that the front (Salem Road half) of the lot be rezoned to T5-Urban Corridor District (T5-UC) (see attached map). The rear portion of the lot is proposed to remain T4-N. The T5-UC District is a high intensity mixed-use zone. The T5-UC district has design standards intended to foster a walkable urban environment. The T5-UC District permit rowhouses, multifamily dwellings, all types of commercial and office uses, hotels, restaurants with drive-thru facilities, and vehicle sales and service. New construction is subject to design review. The lot had previously been zoned Highway Commercial District under the Unified Development Ordinance. T5-UC zoning is more consistent with the previous zoning of the properties and eliminates any issues with nonconforming uses.

The development standards for the various zoning district and the Use Table from the code are attached.

Consistency with Comprehensive Plan and Civic Master Plan

The Framework Plan in the City's Comprehensive Land Use Plan designates the area as "Growth Sector 3 (G-3): Neighborhood Mixed-Use (G-3A) & Corridor Mixed-Use (G-3B)." According to the comprehensive plan, "The G-3 sector . . . is intended to apply along high capacity regional thoroughfares at major transportation nodes, or along portions of highly-traveled corridors. G-3 land generally falls within areas for higher-intensity regional-serving development . . . Neighborhood Mixed-Use designations (G-3A) are intended for a mixture of uses intended to serve the surrounding neighborhoods. Corridor Mixed-Use areas (G-3B) are intended for a mixture of regional-serving commercial, residential, and institutional destinations." Appropriate land uses in the G-3 sector include: single-family and multifamily residential, neighborhood-serving commercial uses (retail and office), civic uses, traditional neighborhood developments, neighborhood centers, regional centers, and industrial districts. The T5-UC zoning is consistent with the recommendations in the comprehensive plan.

The Civic Master Plan does not contain any specific redevelopment scenarios for this section of the City.

Compatibility with Present Zoning, With Nearby Land Uses and Character of Neighborhood

The proposed T5-UC zoning of the front portion of the lot is consistent with the existing uses and zoning of the lots and with the previous zoning of the property. Keeping the rear portion of the lot zoned T4-N will provide a transition from the more intense uses on Salem Road to the single-family neighborhood in the rear.

Suitability of Property for Uses Permitted in Proposed Zoning District

The proposed T5-UC zoning appears appropriate for the property.

Compatibility with Natural Features and Archeological and Cultural Resources

The Salem Road frontage has a tree buffer along the street; however, the majority of the lot is a grassed field.

Marketability of Property

The property is likely more marketable under the proposed T5-UC zoning.

Availability of Infrastructure

Water and sewer are available to the property.

Public Notification

The public hearing notice referencing this application appeared in the August 13 edition of *The Beaufort Gazette*. The property was posted on August 10. Letters were sent to owners of all property within 400' of the property being rezoned on August 10. The manager of the Live Oaks at Battery Creek property owners' association was noted of the proposed rezoning by e-mail on August 10.

Staff Recommendation

Staff recommends approval.

Planning Commission Recommendation

The Beaufort--Port Royal Metropolitan Planning Commission considered this rezoning request at their August 20 meeting. The Commission recommended approval of the proposed rezoning. The Commission also recommended that a 20' vegetated buffer be retained or developed between the subject lot and the Live Oaks at Battery Creek lots to the east.



REZONING APPLICATION (EXCEPT FOR PUDS)

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

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

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

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

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

Applicant, Owner and Property Information

Property Address: _____

Property Identification Number (Tax Map & Parcel Number): R122 029 000 0181 0000

Applicant Name: Vimal Desai

Applicant Address: P.O. Box 2146

Applicant E-mail: vimal.desai@hmvhotels.com Applicant Phone Number: 843-263-0948

Property Owner (if other than the Applicant): Lewis J Curtis III Walter NS Wister

Property Owner Address: _____

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

If yes, give action(s) taken: _____

Present zone classification: T4N

Requested zone classification: T5U (Front Half Saker Road) + Leave back half T4N

Total area of property: 2 acres 382.83 x 245.14

Existing land use: _____

Desired land use: _____

Reasons for requesting rezoning: _____

Applicant's Signature: [Signature]

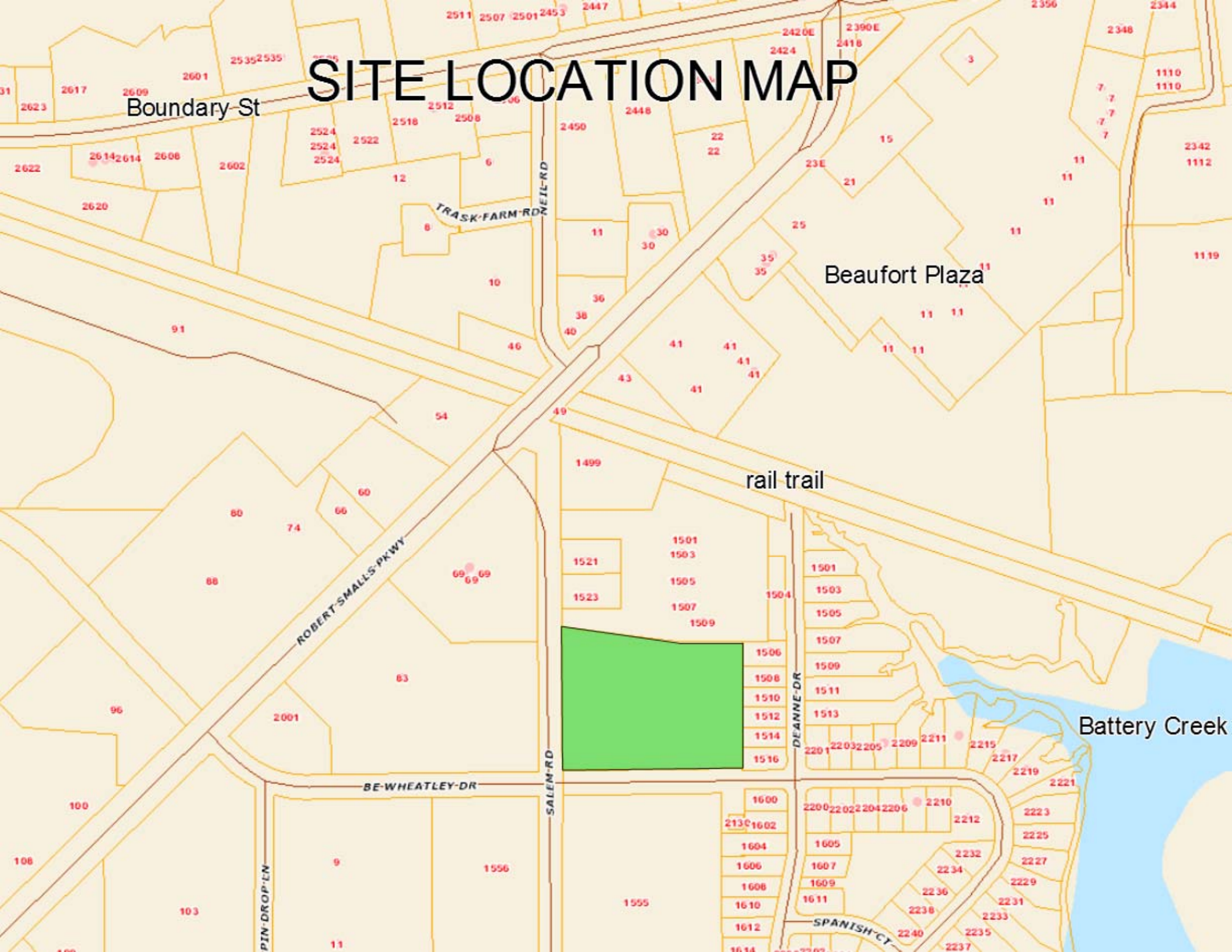
Date: 8/7/18

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

Property Owner's Signature: _____

Date: _____

SITE LOCATION MAP



Boundary St

TRASK FARM RD

Beaufort Plaza

rail trail

ROBERT SMALLS PKWY

BE WHEATLEY DR

SALEN RD

DEANNE DR

Battery Creek

SPANISH CT

PROPOSED ZONING

rail trail

T5-UC

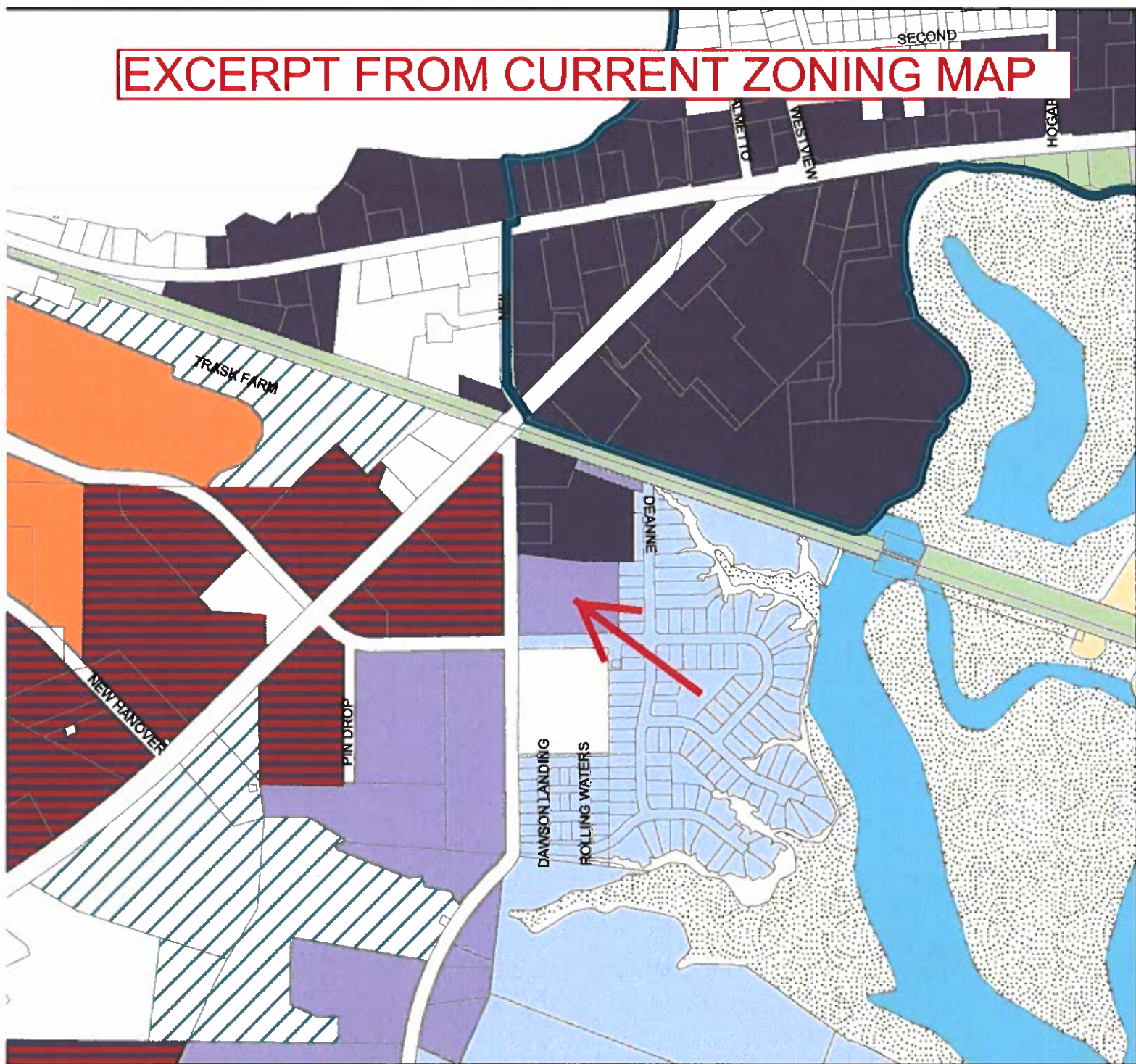
T4-N

~~atley Dr~~

~~BE WHEATLEY DR/heatley Dr~~

Be Wheatley Dr

EXCERPT FROM CURRENT ZONING MAP



CITY OF BEAUFORT

- - - HISTORIC DISTRICT - Conservation Neighborhood

— HISTORIC DISTRICT-Preservation Neighborhood

Boundary Street Redevelopment

Bladen Street Redevelopment

Retail Overlay

ZONING

/// 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

2.4: DISTRICT DEVELOPMENT STANDARDS

2.4.1 TRANSECT-BASED DISTRICT STANDARDS

DISTRICT	T3-S	T3-N	T4-HN	T4-N	T5-DC	T5-UC
A. LOT CONFIGURATION						
1. Lot Width at Front Setback	75 ft min; for waterfront lots see Section 2.5.4	40 ft min, 60 ft min in the Hundred Pines neighborhood	40 ft min, 60 ft min in The Point	n/a	n/a	n/a
2. Lot Size	9,000 sf min; for waterfront lots see Section 2.5.4	4,000 sf min; 3,000 sf min for alley-served lots	4,000 sf min; 6,000 sf min in The Point	n/a	n/a	n/a
3. Maximum Lot Coverage ¹	30% of lot area	45% of lot area	55% of lot area	70% of lot area	100%	100%
4. Frontage Build-Out ²	n/a	n/a	75% max	60% min; 85% max	75% min	60% min

¹ This percentage indicates maximum lot coverage by roofs; total impervious coverage may be an additional 10%. Parcels may also be subject to Section 8.3 (Stormwater).

² See Section 2.5.1.B for additional frontage build-out standards.

B. PRIMARY BUILDING PLACEMENT						
1. Front Setback; for infill lots also see Section 2.5.2	20 ft min	15 ft min	average Prevailing Setback on block	0 ft min	0 ft min	0 ft min
	No max	30 ft max ³		15 ft max	max. Prevailing Setback on block	15 ft max
2. Side Setback - Corner /Alley	15 ft min	6 ft min	5 ft min	0 ft min	0 ft min	0 ft min
	No max	No max	No max	10 ft max	15 ft max	15 ft max
3. Side Setback - Interior	10 ft min	6 ft min	6 ft min, 10 ft min in The Point	5 ft min, or 0 ft if attached	0 ft min	0 ft min
4. Rear Setback ⁴	15 ft min	15 ft min	15 ft min	10 ft min	0 ft min	5 ft min
5. Rear Setback from Alley ⁴	n/a	0 ft	0 ft	0 ft	0 ft	0 ft
6. Attached Garage/Carport Setback (from front facade) ^{5,6}	5 ft min	5 ft min	attached garages shall only be accessed via an alley; garage doors shall not face the street			

C. ACCESSORY BUILDING PLACEMENT - see section 3.11 for additional requirements

1. Front Setback	accessory structures shall be located behind the front facade of the primary structure, except as provided for in Section 2.5.4 (Waterfront Lots) and Section 4.5.3 (Carriage House); see item 6 below for setback for detached garage doors					
2. Side Setback - Corner / Alley ⁵	5 ft min	5 ft min	5 ft min	3 ft min	0 ft min	0 ft min
3. Side Setback - Interior	5 ft min	5 ft min	5 ft min	5 ft min	0 ft min	0 ft min
4. Rear Setback ⁶	5 ft min	5 ft min	5 ft min	5 ft min	0 ft min	0 ft min
5. Rear Setback from Alley ⁴	3 ft min	3 ft min	3 ft min	3 ft min	3 ft min	3 ft min
6. Detached Garage Door/Carport Setback (from front facade) ⁵	5 ft min	20 ft min	20 ft min	20 ft min	shall be located behind primary building and accessed via alley or side street ⁷	

³ When lot width is 75 ft or greater, there is no maximum front setback.

⁴ Garage doors shall be 15 ft min from alley centerline.

⁵ In addition to the setback requirements listed above, garage doors/carports which face a public right-of-way, except for rear alleys, shall be set back a minimum of 20 ft from that right-of-way.

⁶ The Battery Shores and Islands of Beaufort neighborhoods are exempt from this standard when garage doors do not face a public right-of-way. In the Jericho Woods neighborhood, carports are exempt from this standard.

⁷ Also see Section 2.5.7 (Street Access Standards).

D. BUILDING FORM						
1. Primary Building Height - see Section 2.6	No min	No min	No min	2 stories min ⁸	2 stories min	2 stories min ⁸
	2.5 stories max	2.5 stories max	3 stories max	4 stories max; 3.5 stories max in & fronting Historic District & interior lots along Allison Rd.	3 stories max at property line, see 2.6.1.G	5 stories max; 3.5 stories max in & fronting Historic District
2. Accessory Building Height	2 stories or 30 ft max	2 stories or 30 ft max	2 stories or 30 ft max	2 stories or 30 ft max	2 stories max	2 stories max
3. Building Width at Frontage	n/a	n/a	n/a	100 ft max	100 ft max ⁹	160 ft max ⁹

⁸ 2 stories are only required at significant intersections, in accordance with Section 2.6.3 and the Street Hierarchy Diagram in Appendix C.3

⁹ Buildings exceeding this maximum shall comply with the Large Footprint Building standards in Section 4.5.10.

E. PARKING PAD LOCATION - there are no interior side setbacks for parking unless buffers are required per Section 5.5; See Section 2.5.8 for additional provisions						
1. Front Setback	there are no parking setbacks, however, driveways shall be located to the side of the lot/primary structure except on waterfront lots meeting the conditions stated in 2.5.4.		40 ft min	40 ft min	40 ft min	40 ft min
2. Side Setback - Corner			5 ft min	15 ft min	5 ft min	5 ft min
3. Rear Setback			5 ft min	5 ft min	0 ft min	0 ft min

3: LAND USE PROVISIONS

3.1 APPLICABILITY

3.1.1 USE PERMISSIONS DEFINED

The use table in Section 3.2 assigns 1 of 6 permissions to each use in each district as follows:

- A. **Permitted Use (P):** The use is permitted by-right, with no additional conditions or requirements.
- B. **Conditional Use (C):** The use is permitted by-right, provided that the additional use conditions set forth in this article are met.
 - 1. The specified standards are intended to ensure that these uses are compatible with other development permitted within the districts.
 - 2. Approval procedures for conditional uses are in Section 9.4.2 (Zoning Permit.)
- C. **Special Exception (SE):** The use is permitted only when a Special Exception has been approved.
 - 1. Special Exceptions are required for uses that may be compatible with other uses permitted in a district, but which, because of their unique characteristics or potential impacts on the surrounding neighborhood and/or the city as a whole, require individual consideration in their location, design, configuration, and/or operation at the particular location proposed.
 - 2. All applications for Special Exceptions shall, at a minimum, meet the standards for the district in which they are located and the additional standards set forth in this article for that use. There may also be specific building design standards that must be met (Section 4.5).
 - 3. Approval procedures for Special Exceptions are found in 9.13.
- D. **In Existing Facilities Only (E):** The use is permitted only in existing buildings or facilities and in any expansions that do not increase the size of the facility structure by more than 50%.
- E. **Retail Frontage Overlay Required (RF):** Where a block face is designated on the zoning map as a Retail Frontage overlay, the building(s) with direct access to the designated fronting street is permitted to be occupied by certain commercial uses as indicated in the use table.
- F. **T4-Neighborhood Artisan (A):** This use is permitted with conditions only in the T4-Neighborhood Artisan (T4-NA)

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District. Conditions may be listed in the “Additional Standards” section as appropriate. Other uses permitted in the general T4-N district may have special conditions for T4-NA; those conditions are also listed in the additional standards section as appropriate.

G. **Prohibited Uses (—):** The use is prohibited in the specified district.

3.2 TABLE OF PERMITTED USES

Land uses in transect-based and conventional districts shall be permitted in accordance with the table below. Special provisions related to uses in the AICUZ Overlay District are in Section 2.7.4. The zoning designation of water is the same as the land it is adjacent to.

DISTRICT	T1	T3-S	T3-N	T4-HN	T4-N	T5-DC	T5-UC	RMX	LI	IC	MHP	ADD'L STANDARDS WHEN APPLICABLE
RESIDENTIAL												3.3
Household Living												
Single-Family Dwelling	—	P	P	P	P	E	E	E	E	E	—	—
2- or 3-Unit Dwelling	—	—	C	P	P	P	P	—	—	P	—	4.5.5
Rowhome	—	—	—	—	C	P	P	P	—	P	—	4.5.6
Apartment House (a.k.a. Multifamily Dwelling - 4+ units)	—	—	—	—	C	P	P	P	—	P	—	4.5.7
Home Occupation - Minor	—	C	C	C	C	P	P	P	—	—	—	3.3.2.D
Home Occupation - Major	—	SE	SE	SE	C	P	P	—	—	—	—	
Live-Aboard Boat	C	C	C	C	C	C	C	C	C	C	C	3.3.2.D
Live/Work Unit	—	—	—	—	C	P	P	P	C	P	—	4.5.8
Manufactured Home	—	—	—	—	—	—	—	—	—	—	C	3.3.2.G
Group Living												
Group Dwelling (≤ 8 residents)	—	—	—	—	P	P	P	P	—	—	—	—
Group Dwelling (> 8 residents)	—	—	—	—	SE	SE	P	P	—	P	—	—
PUBLIC AND CIVIC												3.4
Civic / Government Facilities	C	—	SE	SE	P	P	P	P	P	P	—	3.4.2.A
Educational Facilities												
College/University/Trade/Vocational	—	—	—	—	C	P	P	P	C	P	—	3.4.2.B.1
School, Public or Private	—	C	C	C	P	P	P	P	—	P	—	3.4.2.B.2
Parks and Open Space												
Cemetery	C	E	E	E	E	E	E	C	E	E	E	3.4.2.C
Park/Open Space	P	P	P	P	P	P	P	P	P	P	P	7.4
INSTITUTIONAL												3.5
Community Service	—	SE	SE	SE	P	P	P	P	SE	P	—	—
Day Care Facility												
Family Day Care Home (≤ 6 clients)	see Home Occupation — Minor											

P=Permitted Use C=Conditional Use SE=Special Exception E=In Existing Building/Facility Only RF=Retail Frontage Only A=T4-Neighborhood Artisan subdistrict Only —=Prohibited use

DISTRICT	T1	T3-S	T3-N	T4-HN	T4-N	T5-DC	T5-UC	RMX	LI	IC	MHP	ADD'L STANDARDS WHEN APPLICABLE
Group Day Care Home (7-12 clients) & Commercial Day Care Center (>12 clients)	—	—	SE	C	C	P	P	P	P	P	—	3.5.2.A
Treatment Facility	—	—	—	—	SE	SE	SE	P	—	SE	—	—
Health Care Facilities	—	—	—	—	—	—	P	P	—	P	—	—
Religious Institution	—	C	C	P	P	P	P	P	—	P	—	3.5.2.B
COMMERCIAL												3.6
Entertainment												
Indoor Entertainment	—	C	C	—	C	P	P	P	P	P	—	3.6.2.A
Outdoor Entertainment	—	—	—	—	C	P	P	P	—	P	—	3.6.2.A
Sexually-Oriented Business	—	—	—	—	—	—	—	—	C	—	—	13.2.1
Office	—	—	—	—	P	P	P	P	P	P	—	—
Overnight Guest Accommodation												
Bed and Breakfast	—	—	SE	SE	P	P	P	—	—	—	—	3.6.2.C.1
Short-Term Rental	—	C	C	C	C	C	C	—	—	C	—	3.6.2.C.2
Inn/Motel/Hotel	—	—	—	—	C	P	P	P	—	—	—	3.6.2.C.3
Recreational Vehicle Park	—	—	—	—	—	—	—	SE	—	—	—	—
Retail & Restaurants	—	—	—	—	C	C	C	P	—	C	—	3.6.2.D
VEHICLE- AND BOAT-RELATED USES												3.7
Vehicle and Boat Sales and Rental	—	—	—	—	A	—	C	P	—	—	—	3.7.2.A
Drive-Thru Facility	—	—	—	—	—	—	C	C	SE	—	—	3.7.2.B
Fuel Sales / Car Wash	—	—	—	—	—	—	C	C	P	—	—	3.7.2.C
Vehicle Service and Repair	—	—	—	—	C	—	C	C	P	—	—	3.7.2.D
Parking, Commercial, Surface	—	—	—	—	C	C	P	P	P	P	—	3.7.2.F
Parking, Structure	—	—	—	—	RF	P	P	P	P	P	—	—
Passenger Terminals	—	—	—	—	—	—	SE	P	P	—	—	3.7.2.G
Water/Marine-Oriented Facilities	P	—	—	—	P	P	P	—	—	P	—	—
INDUSTRIAL												3.8
Aviation Services	—	—	—	—	—	—	—	—	P	—	—	—
Light Industrial Services	—	—	—	—	A	—	C	C	P	—	—	3.8.2.A
Manufacturing and Production Services	—	—	—	—	A	—	—	C	P	—	—	3.8.2.B
Truck Terminal	—	—	—	—	—	—	—	—	P	—	—	—
COMMUNICATION & INFRASTRUCTURE USES												3.9
Major Infrastructure/Utilities	—	—	—	—	A	—	—	SE	P	—	—	3.9.2.A
Minor Infrastructure/Utilities	E	C	C	C	C	C	C	C	P	C	—	3.9.2.B
Waste Related Services	—	—	—	—	—	—	—	—	SE	—	—	3.9.2.C
Wireless Communications Facility	—	—	—	—	—	—	—	C	C	—	—	3.9.2.D
FORESTRY, AGRICULTURE, HORTICULTURE												3.10
	C	C	C	C	C	C	C	C	C	C	—	

P=Permitted Use C=Conditional Use SE=Special Exception E=In Existing Building/Facility Only RF=Retail Frontage Only A=T4-Neighborhood Artisan subdistrict Only —=Prohibited use



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 8/22/2018
FROM:
AGENDA ITEM
TITLE: Worksession and Regular Meeting July 10, 2018
MEETING
DATE: 8/28/2018
DEPARTMENT: City Clerk

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR:

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Minutes	Backup Material	8/22/2018

A work session of Beaufort City Council was held on July 10, 2018 at 5:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling, Councilmen Stephen Murray and Mike McFee, and Bill Prokop, city manager. Councilwoman Nan Sutton and Councilman Phil Cromer were excused absences.

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

CALL TO ORDER

Mayor Keyserling called the work session to order at 5:00 p.m. [1] [SEP]

EMPLOYEE NEW HIRE RECOGNITION

Fire Chief **Reece Bertholf** introduced **Dezney Rule, Cody Emerson, Andrew Cox, Jacob Leonard, and Zakary Morgan.**

Police Chief **Matt Clancy** introduced **John Gaffney and Danetia Madison.**

Mr. Prokop announced the retirements of **Libby Anderson and Clay Scoggins.**

PRESENTATION: BEAUFORT AREA HOSPITALITY ASSOCIATION (BAHA)

Lise Sundrla said she would make a presentation to introduce BAHA to council and the community. She described how the association evolved since Spring 2018, what the organization does, and BAHA's purpose and mission.

While Ms. Sundrla changed the PowerPoint presentation, **Jonathan Sullivan** discussed the need for a "more local focus" that led to the formation of BAHA. The organization's board of directors is made up of local entrepreneurs and business owners, he said.

Ms. Sundrla said the BAHA board officers are Mr. Sullivan, board chairman, **Vimal Desai**, vice-chairman, and **Frank Lesesne**, secretary and treasurer; other members include **Chip Dinkins, Andy Beall, Esther Harnett, and Craig Reeves.** Mr. Prokop and **Robb Wells** are on the BAHA advisory board, for which other representatives are also being sought.

Ms. Sundrla described "why BAHA is vital" and "relevant." The food and lodging industries in Beaufort generated an estimated \$1,643,862 in overall property tax revenues to the community in FY 2017, she said, and the bulk of the revenues from that amount "go to support our schools." The combined business license tax, ATAX (accommodations tax), HTAX (hospitality tax), and city-only property tax revenues and "certain fees for service" contributed a total of \$3,807,657 in that period, she said.

The hospitality industry has an economic impact of \$1.3 billion for Beaufort County and is the number one creator of jobs in the county, generating \$237.6 million in payroll and 13,500 jobs, Ms. Sundrla said.

Ms. Sundrla said BAHA would educate the community about the important of the hospitality industry and work to strengthen the industry through advocacy and other means.

Councilman Murray said the South Carolina hospitality group was not very inclusive, so he asked how this group would “engage and include . . . everyone in the hospitality and lodging” industries. Ms. Sundrla said BAHA board members have been given assignments to meet one-on-one with representatives of all of the restaurants and lodging businesses. Mr. Sullivan said there was no database for the industry, but now they have all the lodgings and restaurants in a database, and the restaurants’ general managers and lodgings’ owners will be engaged directly and asked to join BAHA. The focus after that will be on “indirect” hospitality partners, such as local merchants, he said.

Mr. Sullivan discussed the “need to diversify” with a focus on military and small-market tourism in order to grow tourism in this community.

Peggy Simmer said there is no military representative on the BAHA board; Mr. Sullivan said they are looking for a military liaison for the advisory board, and they “have connected with MCAS.”

B&Bs are included in BAHA, Mr. Sullivan told a member of the public who asked; BAHA is unsure if it will include lodgings such as VRBOs (Vacation Rentals By Owner) and timeshares.

Councilman Murray said council wants updates from BAHA, and he feels there’s a role for the association in ATAX considerations and “strategic planning.” He hopes the organization will be a resource as an advisor about the hospitality industry. Mr. Sullivan said Ms. Sundrla is a paid staff member, and she will be that liaison.

DISCUSSION: STORMWATER REGIONAL UPDATE

Neal Pugliese offered an update on the Mossy Oaks Stormwater project. The city was awarded \$1 million for stormwater improvements from the CDBG (Community Development Block Grant) program. The engineering model and report has been received for Basins 1 and 2, and the data in the report is being analyzed, he said. In his preliminary look at the information, the need for new pipes, increasing outfalls and drainage opportunities, and more are all validated in the engineering report.

The engineering model and report was received July 3, and it includes project costs, Mr. Pugliese said. Engineers are to commence with the wetlands determination for Basins 1 and 2, he said. South Carolina’s reporting requirements are as time-consuming as federal requirements, Mr. Pugliese said, and when the wetlands determination is received from Commerce, the city can draw on the CDBG funds.

Mr. Pugliese said SCDOT has contributed \$25,000 to the Mossy Oaks stormwater project, as promised. There will also be contributions from the Town of Port Royal and Beaufort County. At present, the City of Beaufort is in “for about \$191,000,” he said.

Mr. Pugliese showed the engineering estimate and priority; the costs for the top nine challenged areas total \$15,385,269.82. The estimate for Mossy Oaks Basin 1 is \$2.5 million and \$2.7 million for Basin 2. The \$15 million doesn’t factor in cost-saving opportunities, including public-public-private relationships that will affect the funding, he said. The Boundary Street project was “less complex than this is,” Mr. Pugliese said, because of “the sheer amount of moving parts,” though this project is “do-able.”

Mr. Pugliese said the Commerce Department requires a city council resolution for grant implementation. He explained to Councilman Murray why they had requested that the engineers break Broad Street out from the other work in Mossy Oaks. It will be “a closed system” in that area, Mr. Pugliese said. Broad Street costing almost \$1.2 million is a “worst-case scenario,” he said, and “the most liberal interpretation of the cost.”

Mayor Keyserling said the faster stormwater is discharged into the water, the faster the water “will come up when we have the king tides and beyond.” He asked if the engineers have factored in rising sea levels. Mr. Pugliese said that was factored into the model. These numbers are “everything up to high tide-high range,” he said. Mayor Keyserling said the system in Mossy Oaks is “in trouble,” and if the ditches are cleaned out, “and we close what we need to close, we’re just creating a path for water to come up into the city and compounding a problem.”

Councilman Murray asked, “If we have a king tide and 5” of rain like we did last August, and we spend \$6 million in Mossy Oaks, are we still going to flood?” Mr. Pugliese said, “75% of the problem will be taken care of,” but there will still be a 25% chance there will be “a problem” if there are conditions like the city saw last year. However, “75% of the time, with the kinds of precipitation that we’ve had, we’ll be able to handle that with these upgrades,” he said. “The tidal issue” is one that “we’re not going to be able to get around in many cases,” Mr. Pugliese said. Mr. Prokop said the numbers in The Point are “so high because it’s a tidal issue, rather than a stormwater issue.” Mr. Pugliese said, “After a certain point in Mossy Oaks, it’s going to be a tidal issue.”

Councilman Murray said at a presentation by representatives from Ft. Lauderdale, FL, they learned about that city’s efforts at “battling rising sea levels and tidal events.” Ft. Lauderdale put in 147 tidal gates, and when there was heavy rain, the water was held in, so the streets flooded. He said it would be “very disappointing” if the city were to spend \$6 million to work on stormwater problems in the Mossy Oaks neighborhood, and then a combination of a king tide and “a rain event” could still flood people’s houses. Councilman Murray said he doesn’t know how Mr. Pugliese could provide council “the assurance that that’s not going to happen.” Mr. Pugliese said it wouldn’t be “an honest

thing to say” that “at the high end of our events . . . we’re going to be able to prevent.”

Mr. Pugliese said the engineering study’s “executive summary” makes it appear that the vast majority of the flooding events that have been experienced in Mossy Oaks would be taken care of; “1 or 2 events will exceed the capacity.”

Mayor Keyserling said additional ponds would hold the water to keep it from overflowing, and in Charleston, they put in “simple floodgates,” though they have “bigger problems” with flooding that would need to be dealt with. He asked if it would take \$25 million or \$30 million “to get us to the next generation” with rising sea levels. He is concerned that what the engineering study suggests is “patchwork” and doesn’t address potential problems in “the future.” Mr. Pugliese said it addresses evacuating the water more efficiently and at a greater quantity. It will also raise elevations to provide more storage capacity “at the back side,” he said.

Mr. Pugliese said the engineers were asked about dredging the duck pond; there is “the elevation of the outfall at the Spanish Moss Trail” and “the elevation of the cross pipe at Battery Creek,” and there is “a mismatch in the elevations,” so “the duck pond isn’t draining.” However, when the Spanish Moss Trail and Battery Creek elevations are “fixed,” there will be “a natural evacuation, which will clean out the duck pond,” he said, so the engineers said the duck pond will not need to be dredged once the “elevations have been corrected.” The engineers have said there is currently no mechanism to allow the water to “naturally drain out,” Mr. Pugliese said, so the duck pond will be taken care of when the trail and Battery Creek are “matched.”

Councilman Murray asked if the engineers could provide the city with modeling for tides and various amounts of rainfall. Mayor Keyserling said he’s been told that the model would do that. **Neil Desai** discussed the scenarios in the model. Most of the properties in Mossy Oaks will be okay with the improvements that the model recommends, he said.

Mr. Pugliese said they don’t want to be unrealistic and say that this is “the answer to the problem writ large.” Councilman Murray said in August last year, with a mid-tide and 5 inches of rain, some people “nearly lost their houses.” Mr. Desai said that event showed the “choke point” in the system, and the model shows where the water should go. There are some deficiencies in the system, though, he said. Mr. Prokop said this would not be “a 100% solution,” but it would provide relief, and it would provide protection in what is right now considered to be the worst-case scenario.

Councilman Murray asked about the silting on the ponds and how long it would take for the ponds to “clean themselves out.” Mr. Pugliese said he doesn’t have a timeline for that, but when the water flows naturally, it will be “a much quicker process.” He said that there would not be dredging in the duck pond, because the long-term answer is “fixing the outfall to the Spanish Moss Trail” and using gates to keep the water from

coming back in. There is a proposal for a 4-acre pond in Southside Park, Mr. Pugliese said, which would create “an enormous capacity for storage.”

Lamar Taylor told Councilman Murray that the water was “surging back” in Basin 1 because there was nowhere for it to go.

Mr. Desai began the discussion of “regionalization” by saying that drainage and stormwater in the City of Beaufort are currently done in-house with 3 full-time employees and 4 dedicated pieces of major equipment. Efforts are dedicated to “hot spot management” and small projects, he said. The design standards are in the city’s code, and the City of Beaufort administers a stormwater utility fee for funding all drainage-related projects.

Mr. Pugliese said the city is not part of the county’s “public education and water quality monitoring program.” Mr. Desai said the City of Beaufort is not designated “MS4” [*Municipal Separate Stormsewer Permitting – MS4 means “municipalities and towns of certain sizes must comply with the stricter elements of the Clean Water Act,” according to Mr. Pugliese’s response to a query after the meeting – steno.*], but with the 2020 census, it might be, and if so, “implementation” would be in 2022.

Mr. Desai provided “a snapshot” of the current Beaufort County drainage program, which has 30 full-time employees and approximately 40 major pieces of equipment that they are trained on. With a regional program that has been proposed, a regional body would conduct or coordinate all new construction, maintenance, development, and infrastructure inspection and plan reviews, he said. Beaufort and Jasper Counties’ personnel, equipment, and resources would be used to conduct all stormwater management. Mr. Pugliese said all the details of this concept haven’t all been fleshed out.

The “pros” of regionalization, Mr. Desai said, are that a regional body would eliminate duplication of efforts, respond to major projects and incidents more quickly, have better purchasing power, and command more responsiveness from regulatory agencies. He then reviewed “potential pitfalls” of regionalization (e.g., It eliminates the municipalities’ ability to perform smaller-scale projects.).

Mr. Desai said the recommendation is to consider this regional concept when it is “fully matured,” but not “right now.” The City of Beaufort needs to focus on its challenged areas first, and the city should “retain its capacity to handle small- to medium-sized projects,” he said.

The census determines whether a city is designated an MS4, Mr. Pugliese said. Mayor Keyserling agreed that the city should handle the stormwater issues it has now; he asked when MS4 might happen. Mr. Desai said the next census is in 2020, and if Beaufort were to be designated MS4, full implementation wouldn’t take place until

2022. If there is population growth, like there has been in Bluffton, it could happen, he said.

Andy Kinghorn said that he thinks MS4 is likelier to happen than has been represented. The county's Stormwater Management Utility Board reports indicate that "it could happen very shortly" for Beaufort, he said, but no one knows for sure.

Mr. Kinghorn said he thinks regionalization is in Beaufort's best interests. To handle Mossy Oaks without being part of a regional concern creates major problems for the city "if we're not able to deal with it," he said, so if it turns out to be in the city's best interests, he thinks the city should be a part of regionalization. Mayor Keyserling said the Town of Hilton Head has elected not to be a part of it. Mr. Kinghorn said Bluffton is still talking about regionalization; Hilton Head has said it feels it's different, and it has independent utilities, so it won't be part of a regional approach. Mr. Prokop said Ridgeland has voted not to be a part of it. Councilman Murray said Hardeeville is "currently interested."

Councilman Murray asked if there is "regional authority light," so there would be a way for the entities to work together but "still maintain our standards" and autonomy. Mr. Pugliese said he feels they should start small – for example, the City of Beaufort and the Town of Port Royal working together would be a "building block" – and then they could "build capability from there."

Ms. Simmer noted a problem with flooding at an intersection that is not listed as being one of the city's stormwater priorities.

Jay Weidner asked if there has been any study of "ways for our waterways to remain cleaner," such as not getting yard fertilizers into them, which affects shellfish. Mr. Desai said he thinks that would be best approached by "a heavy educational component."

INTERVIEWS FOR BOARD POSITIONS

Michael Tomy is a candidate for the open position on the Metropolitan Planning Commission (MPC). **Bill Bardenwerper** was not present at the meeting but is another candidate for the position; Ms. Anderson said he had been at the work session but had to leave.

Eric Erickson was interviewed for the citizen position on the Design Review Board (DRB); **Kimberly McFann** is also a candidate for this position but was not present at the meeting. Ms. Anderson said Ms. McFann is an attorney and might have been prevented from attending because of a case. The candidate for the design professional position on the DRB is **Benjie Morillo**.

Candidates for the open position on the Historic District Review Board (HDRB) are **Carol Corbin, Dennis Harvey, James Quandahl, and Mike Rainey. Steve Harrison, Katherine**

Pringle, and **Denis Wiener** are candidates for the position who were not able to be present for the interview.

Candidates for the open design professional position on the Parks & Trees Committee (PTAC) are **Stephen Linde**, **Benjie Morillo**, **Joel Newman**, and Mr. Weidner. There is not a candidate for the certified arborist's position, which is also open.

Mayor Keyserling said the discussion of a proposal for recycling in Waterfront Park would be put on a future agenda. [L]
[SEP]

There being no further business to come before council, the work session was adjourned at 7:02 p.m.

EXECUTIVE SESSION

Pursuant to Title 30, Chapter 4, and Section 70 (a) (1) of the South Carolina Code of Law, **Councilman Murray made a motion, seconded by Councilman McFee, to enter into Executive Session for discussion of contractual arrangements with the Beaufort Regional Chamber of Commerce. The motion passed unanimously.**

A regular session of Beaufort City Council was held on July 10, 2018 at 7:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling, Councilmen Stephen Murray and Mike McFee, and Bill Prokop, city manager. Councilwoman Nan Sutton and Councilman Phil Cromer were excused absences.

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

Councilman McFee made a motion, second by Councilman Murray, to adjourn the Executive Session. The motion passed unanimously.

CALL TO ORDER

Mayor Keyserling called the regular council meeting to order at 7:30 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Councilman McFee led the invocation and the Pledge of Allegiance.

PROCLAMATION OF AUGUST 3 – 5, 2018 AS GULLAH/GEECHEE NATION APPRECIATION WEEK

Councilman McFee made a motion, second by Councilman Murray, to approve the proclamation. Councilman McFee read the proclamation, and Mayor Keyserling presented it to **Queen Quet**.

PROCLAMATION OF AUGUST 24, 2018 AS BEAUFORT COUNTY BLACK CHAMBER OF COMMERCE DAY SEP

Councilman Murray made a motion, second by Councilman McFee, to approve the proclamation. Councilman McFee read the proclamation, and Mayor Keyserling presented it to **Larry Holman**.

PUBLIC COMMENT

Fred Washington, thanked city staff and council for their help with the first annual Washington Street Park event. **Katherine Cruz** was especially helpful, he said.

Vimal Desai, Sea Island Rotary, announced the group's 10th annual Charity Shrimp Race in Waterfront Park October 6, 2018.

As a Boundary Street business owner, Mr. Desai said he knows that the sign ordinance for new businesses on Boundary Street allows them to be 2 square feet and "only a directional sign," but the "big green boxes" on Boundary Street are "probably 100 times bigger than that."

MINUTES

Councilman Murray made a motion, second by Councilman McFee, to approve the

minutes of council's work session and regular meeting on June 12, 2018. The motion to approve the minutes as presented passed unanimously.

Councilman Murray made a motion, second by Councilman McFee, to approve the minutes of council's work session on June 19, 2018. Councilman Murray said that references to "Mr. No" should be to "Mr. Ko," and Mr. Deisinger's name had also been misspelled. On page 13, Councilman Murray asked if in the statement that Councilman McFee made – that "the TRC would make the final decision" – if TRC should be MPC. *[Upon review of the audio of the meeting, Councilman McFee did state that the TRC would make the final decisions about approval of major subdivisions, referring to staff's review and approval after the MPC's conceptual approval. – steno.]* **The motion to approve the minutes as amended passed unanimously.**

Councilman McFee made a motion, second by Councilman Murray, to approve the minutes of council's regular meeting on June 26, 2018. The motion to approve the minutes as submitted passed unanimously.

ORDINANCE REZONING FOUR PARCELS OF PROPERTY ON SALEM ROAD FROM T4-NEIGHBORHOOD (N) DISTRICT TO T5-URBAN CORRIDOR DISTRICT

Councilman Murray made a motion, second by Councilman McFee, to approve the ordinance on second reading. Ms. Anderson said this was an oversight when the Beaufort Code was adopted. This change will make the uses that are currently there conforming. **The motion passed unanimously.**

ORDINANCE REZONING THREE PARCELS OF PROPERTY ON PALMETTO STREET T4-N DISTRICT

Councilman McFee made a motion, second by Councilman Murray, to approve the ordinance on second reading. Ms. Anderson said this property is in the Higginsonville neighborhood. There is a proposal to redevelop these parcels, so they need to be the same zoning designation; the redevelopment would be beneficial to the community, she said. **The motion passed unanimously.**

**[L]
[SEP]**

ORDINANCE REZONING THREE PARCELS OF PROPERTY ON SOUTHSIDE BOULEVARD FROM T4-N DISTRICT TO T3-N DISTRICT

Councilman Murray made a motion, second by Councilman McFee, to approve the ordinance on second reading. Ms. Anderson said planning staff feels T3-N zoning is better for these lots and will make for "a more compatible look" in that neighborhood. **The motion passed unanimously.**

ORDINANCE ADOPTING REVISED BEAUFORT DEVELOPMENT CODE, 6-MONTH AMENDMENTS TO THE BEAUFORT CODE

Councilman Murray made a motion, second by Councilman McFee, to approve the ordinance on second reading. Lauren Kelly explained that comments, questions, and omissions led to the code updates, and she reviewed the many steps of the process that

preceded this vote.

The 2 changes since the first reading by council, Ms. Kelly said, are that trash facilities at short-term rentals has been removed from the list of updates, and there was a modification to prohibited materials/colors for roofs. **The motion passed unanimously.**

APPEAL OF SHORT-TERM RENTAL APPLICATION FEE

Councilman McFee made a motion, second by Councilman Murray, to approve the appeal. Ms. Anderson said the owner of 703 Mystic Drive West is appealing the after-the-fact fee. He has been renting out a room in his house. The short-term rental ordinance was revised in April 2016 to include renting out a portion of the house, she said. The property was first rented in September 2016, and Host Compliance software shows it has been rented 40 times since then, Ms. Anderson said.

Brantley Wilson, the homeowner, said he has rented out a portion of the home on both short- and long-term bases periodically since he purchased it in 2009. He was unaware of “any regulations” at the time he began this activity, and he believed he was operating it lawfully, he said. His “first notification that [he] was operating out of compliance” was in a letter from the City of Beaufort’s business license office. Mr. Wilson said he’s asking to “have the opportunity to come into compliance without suffering a penalty for an ordinance change that I wasn’t aware of” and that wasn’t in place “at the time I began this activity.”

Councilman McFee said in South Carolina, Mr. Wilson’s rental is subject to Accommodations Tax (ATAX). Mr. Wilson said, “It’s exempt” from ATAX, because “it is out of a portion of my home,” which he found this out in “the pre-application conference” with staff, “along with the other expectations” of short-term rental owners. Councilman McFee said, “By description, it’s still a short-term rental.” Mr. Wilson said that is correct.

Councilman Murray said Host Compliance picked Mr. Wilson up because his rental was listed online. Mr. Wilson said he listed the property on Airbnb and Home Away. Councilman Murray asked Mr. Wilson if he’d read the terms of service on the Airbnb. Mr. Wilson said he did not read the disclaimers “in full,” and he was acting according to what he believed the law to have been, which is as it was when he first began renting the room. Councilman Murray said the disclaimers say to check on local ordinances related to short-term rentals, which this is.

Councilman Murray said short-term rentals have been “a contentious issue” in the city, so the Short-Term Rental Task Force was formed, and there was “6 to 9 month[s]” of “public debate,” from which the ordinance was formed. Councilman Murray said he “may or may not think” that the \$1,000 fee is “onerous,” but it’s what the task force recommended in these cases as “a compromise we made with citizens and the . . . hospitality and accommodations industry.” He feels that to allow the appeal would be

“undermining the process” that has been going on for more than a year, and he feels that in “operating a business out of your house,” Mr. Wilson has “an obligation” to “check in with your jurisdiction to make sure you’re in compliance.”

Mr. Wilson said, “It wasn’t recognized – at the time that I began doing this – as a commercial business,” and it didn’t require a license. He also “wasn’t aware that [he] wasn’t obligated to collect or pay [accommodations] tax”; Airbnb and Home Away have been remitting ATAX that he is not obligated “to collect or pay,” he said, so “in a way, the city has also received . . . remuneration for all those times that money was collected.” Mr. Wilson would like council to consider that in his appeal. Councilman Murray said that’s a separate issue; he explained how state accommodations taxes work and said local governments “are responsible for tracking down [local] accommodations tax,” and the city is obligated “to make sure everybody’s playing on a level playing field.”

Mayor Keyserling said he feels that “when you start a business, you start a business.” Mr. Wilson said renting the room “wasn’t defined as a business at the time” he began doing it, so he wasn’t aware that it was now, and he’d not been informed that it was. Mayor Keyserling brought up the concerns about short-term rentals that led to the work of the short-term rental task force, which he said, “represented all sides.” When this ordinance was passed, Mayor Keyserling said, “unfortunately,” it had “to have teeth,” so the city has to “follow through with the commitments we made.” Therefore, he doesn’t “see grounds for the exception.”

Mr. Wilson said the city “successfully located” him to notify him of his non-compliance, but he wasn’t notified about the change of a single-room rental into a short-term rental. If he had been, Mr. Wilson said he could have corrected the matter without a penalty. He feels he is “being punished” with this fee for doing something that he didn’t know was a violation, nor did he have “any reason to know” that he was violating an ordinance.

Mayor Keyserling said when he was renting properties and was fined, he felt he was being “abused,” but now he feels that it was “ignorance,” and he had to be better educated about such matters.

The motion to grant the appeal failed unanimously.

REQUEST FROM THE BEAUFORT REGIONAL CHAMBER OF COMMERCE TO ALLOW ALCOHOL SALES AND STREET CLOSURE FOR THE ANNUAL BEAUFORT SHRIMP FESTIVAL

Councilman McFee made a motion, second by Councilman Murray, to approve the request for the event, which would take place October 5 and 6, 2018. **Cliff Mrkvicka,** chairman of the Chamber of Commerce board, said the request is to hold “our annual Shrimp Festival in Waterfront Park, as we have in the past.” Councilman McFee said council has not been able “to come up with an agreement to date” with the Chamber of Commerce about the Shrimp Festival. There was a discussion about whether the motion

needed to be amended to deny the request.

Councilman Murray agreed with Councilman McFee that staff and council had been “trying to work out an agreement with Chamber leadership over the past 4 months,” and said the city has “been threatened with . . . legal action.” He feels that council has been “very clear with our expectations over the last couple weeks.”

Mr. Mrkvicka said of the effort to establish an MOA (memorandum of association), “We may agree to disagree with the length of time we’ve been openly communicating” about “a way forward.” He said the Chamber of Commerce has “made 3 recent attempts to come to an agreement with council,” but they have “made no progress.” Mr. Mrkvicka feels the group has done its “due diligence” and has “made our best effort to try to come to the table for an agreement.” He doesn't feel council has received “the message that we’ve been trying to provide.” He said he understands and appreciates council’s “comments,” but he “respectfully disagree[s]” with them. The organization has “made an honest effort to try to continue to hold a festival that is good for the community and successful for everyone downtown,” Mr. Mrkvicka said.

Mayor Keyserling said he agrees with Councilman Murray and Councilman McFee. The first meeting to “discuss a number of issues” with Shrimp Festival was held in March, and “one of them was quickly resolved,” and “we were to hear back from the Chamber,” but “we didn't.” Instead, “we did hear back from an attorney” for the Chamber, which led to “a downward spiral.” There will be a Shrimp Festival this year in Waterfront Park, Mayor Keyserling said. He feels the Chamber of Commerce “hasn’t acted [like] the kind of a partner that we would want to have.”

Mayor Keyserling elaborated on the history of the Shrimp Festival. The city’s been committed to its 4 heritage festivals “for quite some time,” he said. Everyone in city council has been in on the conversation with the Chamber, Mayor Keyserling said, but the attorneys are saying that no kind of agreement has been reached yet. He reiterated that there *will* be a Shrimp Festival this year.

Mr. Mrkvicka said the Chamber of Commerce was in receipt of “a demand letter” in March, not a meeting. Mayor Keyserling said it wasn’t a demand letter; he understands that **Blakely Williams** and the city manager “put . . . some talking points . . . on paper.”

Christian Kata, a member of the Chamber of Commerce board, asked Mr. Mrkvicka to discuss the Chamber’s “good faith efforts” to reach an agreement with city council. Mr. Mrkvicka said he understood that about a year ago, the City of Beaufort “filed for trade names” for Shrimp Festival and Taste of Beaufort, which are both festivals produced by the Chamber of Commerce. The city didn't make the Chamber of Commerce aware of this, and the Chamber “stumbled on the information” in January 2018, after which there were “conversations with the city manager and **Linda Roper**.” The Chamber of Commerce “want[s] the names back,” and that is why they contacted an attorney, Mr.

Mrkvicka said. The Chamber of Commerce wants to be a partner with the city, he said, so “we have tried to get around the table,” but “the divisive relationship that has been in place for a number of years needs to be put to bed,” so the city and the organization can “work together.”

Mayor Keyserling said he feels “this attempt to work together” has “stalled.”

Councilman Murray said threats of a lawsuit are not the way to “work together.” He told the public that the Shrimp Festival would “absolutely be produced,” but not “by the Beaufort Regional Chamber of Commerce.”

Mr. Mrkvicka said the letter council received from the Chamber of Commerce’s attorney was “not the first indication”; the organization’s representatives had discussions with the city manager, who was “council’s representative,” so the Chamber “made the attempt” to work with the city before the letter from the attorney was sent.

Councilman Murray called the question. **The motion to approve the Chamber of Commerce’s request for Shrimp Festival failed unanimously.**

SEP

REQUEST FOR STREET CLOSURE AND CO-SPONSORSHIP FOR FIRST FRIDAY EVENT

Councilman Murray made a motion, second by Councilman McFee, to approve the request for the event, which will take place September 7, 2018. Ms. Roper said this request is from the Downtown Beaufort Merchants Association for the September First Friday event. **Eric Thibault** said the events have “truly grown,” and he thanked Ms. Roper and **Rhonda Carey** for their help with that. Three downtown businesses had their “best sales ever” during last month’s First Fridays, he said.

Mr. Thibault told Councilman Murray that First Fridays mean a boost in sales for all participating businesses, and the event is also fun for the community. **The motion passed unanimously.**

REQUEST FOR CO-SPONSORSHIP FOR USE OF THE WATERFRONT PARK FROM FRIENDS OF THE BEAUFORT COUNTY LIBRARY FOR ANNUAL FALL BOOK SALE

Councilman Murray made a motion, second by Councilman McFee, to approve the request for the event, which will take place September 27 – 30, 2018. Ms. Roper said the group would also like 10 parking spaces for its event. The Boy Scouts camped out in Waterfront Park last year to protect the books and will do that again this year, she said.

Deb Chevas, co-chair of the annual sale, thanked Ms. Roper and Ms. Carey for their help. The hours of the sale are being expanded this year, she said. There are 470 boxes of books to be sold, and each box weighs about 50 pounds; she said the St. Helena Library is also contributing books. Set-up for the event is on September 27, Ms. Chevas said, and the sale will open up Friday morning and run through Sunday.

Ms. Roper told Councilman McFee that the Friends had asked for more than 10 parking spaces last year, but the city gave them 10, which is the number they are requesting this year. Ms. Chevas said their older volunteers would appreciate the free parking spaces. **The motion passed unanimously.**

ACCEPTANCE OF FIREHOUSE SUBS PUBLIC SAFETY GRANT

Councilman McFee made a motion, second Councilman Murray, to accept the grant. Mr. Prokop said the police department was awarded a grant for \$11,280 to purchase new equipment. This grant is from the Firehouse Subs Public Safety Foundation, and council must approve it, with the authorization sent back to the foundation within 10 days, he said. **The motion passed unanimously.**

AUTHORIZATION TO APPROVE RELEASE AGREEMENT FOR LAFAYETTE STREET ^[11 SEP]

Councilman Murray made a motion, second by Councilman McFee, to approve the authorization. Mr. Prokop said, in November 2012, an agreement was reached between the Redevelopment Commission/the City of Beaufort and Gooding Contractors with Eric Brown for the sale of property for development and the use of easements on the lots. Affordable housing was to be put on the six lots, which are all sold now, he said. As part of the release agreement, the city will receive \$21,000, which will go toward stormwater fees for the property, Mr. Prokop said; the document is also the “real estate transfer of the easement.” **The motion passed unanimously.**

APPROVAL TO ACCEPT GRANT AWARD FROM COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM FOR COMMUNITY INFRASTRUCTURE, \$1,000,000 ^[11 SEP]

Councilman McFee made a motion, second by Councilman Murray, to approve acceptance of the grant. Mr. Prokop said this was originally a \$500,000 request, then \$750,000, and finally, because of community impact and involvement – which included residents submitting pictures of the Mossy Oaks flooding – the Lowcountry Council of Governments recommended that the city apply for \$1 million, which is what it received. This money will go toward work on the stormwater area on the border with the Town of Port Royal, he said.

Mr. Prokop described some of the techniques that will help alleviate the stormwater problems. Mayor Keyserling said this is \$1 million of the \$6 million that the 400-page engineering study said would be needed in Mossy Oaks. **The motion passed unanimously.**

RESOLUTION COMMITTING TO MOSSY OAKS DRAINAGE PROJECT ^[11 SEP]

Councilman Murray made a motion, second by Councilman McFee, to approve the resolution. Mr. Prokop said this vote is a requirement of the grant. Mr. Mrkvicka complimented the city on receiving the grant for the much-needed work.

CITY MANAGER’S REPORT

Mr. Prokop thanked everyone who worked on the grant from the CDBG program,

especially **Barbara Johnson** from Lowcountry Council of Governments.

Water Festival starts this Friday, Mr. Prokop said. He thanked downtown merchants for their participation in First Fridays and welcomed new downtown businesses.

The Beaufort Pride of Place program is being re-launched, Mr. Prokop said.

An RFP for the new management of the city's marina will be put out, Mr. Prokop said. **Rick Griffin** is retiring after running the marina for 40 years, and he is cooperating with the transition.

Mr. Prokop congratulated the police department on the grant it received from Firehouse Subs.

There will be a ribbon-cutting in the next few weeks for the trail in Southside Park, Mr. Prokop said.

He said the next city council meeting would be August 28.

COUNCIL REPORTS

Councilman McFee said Beaufort County is pushing to strengthen the trash and litter ordinances in the county. Recognizing a growing problem of litter on the roads, the county has engaged large community partners, specifically Walmarts in Beaufort, Lady's Island, and Bluffton, to plan a full-day cleanup to kick off cleanup efforts, which will dovetail into the upcoming ban on single-use plastic bags.

EXECUTIVE SESSION

Pursuant to Title 30, Chapter 4, and Section 70 (a) (2) of the South Carolina Code of Law, **Councilman Murray made a motion, seconded by Councilman McFee, to enter into Executive Session for discussion of Planning Department personnel. The motion passed unanimously.**

Councilman Murray made a motion, second by Councilman McFee, to adjourn the Executive Session and resume the regular council session. The motion passed unanimously.

There being no further business to come before council, Councilman McFee made a motion, second by Councilman Murray, to adjourn the regular council meeting. The motion passed unanimously, and the meeting was adjourned at 9:30 p.m.



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 8/22/2018
FROM: Linda Roper, Director of Downtown Operations and Community Services
AGENDA ITEM TITLE: Co-Sponsorship request for use of Waterfront Park from Donnie Beer to host annual event, Remembering 9/11 on Sunday, September 9, 2018
MEETING DATE: 8/28/2018
DEPARTMENT: City Managers Office

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR:

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Applicatin and Co-Sponsorship Form	Backup Material	8/22/2018



CITY OF BEAUFORT
WATERFRONT PARK APPLICATION

1901 Boundary Street

Phone: 843-525-7084

Fax: 843-986-5606

Name of Event: <u>Marie Elenen</u>	Date(s) of Event: <u>Sep 9 2018</u> Setup start/end time: <u>3:00 PM</u> Actual event start/end time: <u>4:00 PM</u> Take down start/end time: <u>6:00 PM</u>
Organization/Individual Name: <u>Donnie Beer</u>	Address: <u>2302 Wilson Dr.</u> Telephone: <u>843-263-6023</u> Email: <u>dbeer@chargray.com</u>

- Completed application must be received and approved by the Events Coordinator, Linda Roper.
- Full receipt of deposit must be received to ensure securing your requested date for rental of the Waterfront Park.
- Deposits are refundable provided the venue is returned in the same condition it was received.

Please mail completed application to:

City of Beaufort, Attn: Linda Roper, 1901 Boundary Street, Beaufort, SC 29902, or
scan and email to lroper@cityofbeaufort.org.

All private events must follow the Special/Private Events Policy. To discuss specifics of the desired event, you must contact the Events Coordinator at 843-525-7084.

Is event open to the public? Yes

Will admission be charged or donation required? No

Will alcoholic beverages be sold? No Served? No

Will food be sold? No Served? No

Will there be any retail sales? No

Number of people expected to attend: 75-100

The Waterfront Park venue is rentable in sections with a 4, 6, or 12-hour limit of any chosen park area or areas. Set up and take down time needs to be factored into your chosen block of time. **NO exceptions will be made.**

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

Fill out by circling cost(s) in blocks of time desired for area(s) of interest including electrical needs.

WATERFRONT PARK RENTAL RATES FOR PRIVATE EVENTS			
Park Area	<u>4 HR Block</u>	<u>6 HR Block</u>	<u>12 HR Block</u>
Farmers Market	\$ 200.00	\$ 400.00	
Contemplative Garden	\$ 200.00	\$ 400.00	
Pavilion	\$ 350.00	\$ 500.00	
Green 1	\$ 300.00	\$ 500.00	
Green 2	\$ 450.00	\$ 750.00	
Electric Fee	\$ 50.00	\$ 75.00	
Entire Park			\$2,200.00
Deposit	\$ 500.00	\$ 800.00	\$1,100.00

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

Comments:

Lessee/Applicant Signature

Date

Louise Ann Davis

8/13/18

Below this line for City use

Linda Roper

8-13-18

Events Coordinator – Linda Roper

Date Application Received

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

REQUEST FOR CO-SPONSORSHIP

Henry C. Chambers Waterfront Park

Name of Event Kine Eleven

Date of Event: Sep 9 2018 Contact person: Louise Bee

Telephone: 843-263-6023

Please check all that apply.

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

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

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

Events Coordinator Recommendation: Approved: ☒ Denied: ☐

Explanation: _____

Forward for Council Deliberation: _____

Date of Council Meeting

Council: ~ Approved: _____ Denied: _____

Explanation: _____



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 8/22/2018
FROM: Linda Roper, Director of Downtown Operations and Community Services
AGENDA ITEM Co-Sponsorship request for use of Waterfront Park from Born to Read to host Yoga
TITLE: Under the Stars event Friday, September 21, 2018
MEETING
DATE: 8/28/2018
DEPARTMENT: City Managers Office

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR:

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Application and Co-Sponsorship Forms	Cover Memo	8/22/2018



**CITY OF BEAUFORT
WATERFRONT PARK APPLICATION**

1901 Boundary Street

Phone: 843-525-7084

Fax: 843-986-5606

Name of Event: <u>Yoga under the Stars</u> <u>Benefiting Born To Read</u>	Date(s) of Event: <u>Sept 21, 2018</u> Setup start/end time: <u>5:30-6:00</u> Actual event start/end time: <u>6:00-9:00</u> <i>am</i> Take down start/end time: <u>9:00-9:30</u> <i>pm</i>
Organization/Individual Name: <u>Born To Read</u> <u>Janie Ephland</u> <u>Executive Director</u>	Address: <u>703 Bladen St.</u> Telephone: <u>843-379-3350</u> Email: <u>born Toread@hargray.com</u>

- Completed application must be received and approved by the Events Coordinator, Linda Roper.
- Full receipt of deposit must be received to ensure securing your requested date for rental of the Waterfront Park.
- Deposits are refundable provided the venue is returned in the same condition it was received.

Please mail completed application to:

City of Beaufort, Attn: Linda Roper, 1901 Boundary Street, Beaufort, SC 29902, or

scan and email to lroper@cityofbeaufort.org.

All private events must follow the Special/Private Events Policy. To discuss specifics of the desired event, you must contact the Events Coordinator at 843-525-7084.

Is event open to the public? Yes

Will admission be charged or donation required? Donations kindly Accepted

Will alcoholic beverages be sold? No Served? No

Will food be sold? No Served? No

Will there be any retail sales? No -

Number of people expected to attend: 100 - 200 estimated

REQUEST FOR CO-SPONSORSHIP

Henry C. Chambers Waterfront Park

Name of Event Yoga under the Stars benefiting Born To Read

Date of Event: September 21, 2018

Contact person: Janie Ephland

Telephone: 843-379-3350

Please check all that apply.

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

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

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

Events Coordinator Recommendation: Approved: ✓ Denied: _____

Explanation: _____

Forward for Council Deliberation: _____
Date of Council Meeting

Council: Approved: _____ Denied: _____

Explanation: _____



www.borntoread.org

703 Bladen Street
Beaufort, SC 29902

borntoread@hargray.com

843-379-3350

July 31, 2018

Members of the City Council,

Born To Read is requesting the use of the Contemplative Garden located at Waterfront Park, Sept. 21, 2018. The event, Yoga under the Stars, is the second annual event held at Chambers Waterfront Park benefiting Born To Read, sponsored by local Yoga Studios and Beaufort SC Drum Circle.

In honor of the International Day of Peace, September 21, local yoga studios will help promote an awareness of oral language development and early childhood literacy for the families of Beaufort County.

Professionally certified yoga instructors will lead participants in yoga in the Contemplative Garden from 6:00 – 9:00 ending with the Drum Circle.

Born To Read became an independent 501© 3 in 2008. The mission of Born To Read is to promote early childhood literacy and language development while helping new parents understand their critical role as their child's first and most important teacher.

There is no charge for this event but donations for Born To Read will kindly be accepted.

Sincerely,

Janie Ephland
Executive Director
Born To Read
borntoread@hargray.com
843-379-3350



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 8/22/2018
FROM: Linda Roper, Director of Downtown Operations and Community Services
AGENDA ITEM TITLE: Request to host Fall Art Walk event on Saturday, October 27, 2018 to include street closures, waiver of open container, and co-sponsorship for Police, Fire and Public Works services
MEETING DATE: 8/28/2018
DEPARTMENT: City Managers Office

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR:

REMARKS:

ATTACHMENTS:


Description	Type	Upload Date
Request Memo	Backup Material	8/22/2018



CITY OF BEAUFORT

MEMORANDUM

TO: William Prokop, City Manager
City Council

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

DATE: August 10, 2018

SUBJECT: Request for Street Closures and Alcohol Waiver for the Fall Art Walk

On behalf of the Cultural District Advisory Board, we request permission to organize the Fall Art Walk and Sidewalk Chalk Contest downtown Saturday October 27, 2018. The contest will be an all-day event from 8:00 AM-8:00 PM on Port Republic Street with the Art Walk from 6-8:00 PM. The Sidewalk Chalk Contest will require closure of Port Republic Street and are requesting permission to close portions of Port Republic Street and West Street.

The details of the closing of the streets beginning at 8:00 AM includes:

- Port Republic Street from Charles Street to Scott Street (allowing traffic to travel on Scott Street)
- West Street from Bay Street to Port Republic Street

The event will include registration, artists drawing on the street most of the day and public viewing of the activities and art from the sidewalks with the public voting for their favorite masterpiece and an awards ceremony. We feel the closing of the street(s) will allow for a safe competition enhance the annual Fall Art Walk which scheduled from 6 to 8 PM.

More than a dozen galleries are anticipated to participate in Art Walk this year. We are requesting for a waiver of the open container ordinance for alcoholic beverages in plastic cups provided and not sold by the Galleries and Merchants during the hours of 5-8:00 PM.

In addition, we are requesting the City to Co-sponsor this event by providing the Police, Fire and Public Works services needed to provide a safe and successful event.



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 8/22/2018
FROM: Linda Roper, Director of Downtown Operations and Community Services
AGENDA ITEM TITLE: Request from Child Abuse Prevention Association (CAPA) to host annual Ghost Tours event downtown in October. In addition, requesting two (2) parking spaces for use in the Marina parking lot for the duration of the event
MEETING DATE: 8/28/2018
DEPARTMENT: City Managers Office

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR:

REMARKS:



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 8/24/2018
FROM: Linda Roper, Director of Downtown Operations and Community Services
AGENDA ITEM TITLE: Co-Sponsorship request for use of Waterfront Park from Beaufort County Veterans Affairs Office for Veterans Day Celebration event on Sunday, November 11, 2018
MEETING DATE: 8/28/2018
DEPARTMENT: City Managers Office

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR:

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Request letter, application and Co-Sponsorship Form	Backup Material	8/24/2018



BEAUFORT COUNTY VETERANS AFFAIRS OFFICE

P.O. DRAWER 1228, BEAUFORT, SC 29901-1228

"HONORING ALL WHO SERVED"
Phone (843) 255-6880 / Fax (843) 255-9445

July 17, 2018

City of Beaufort Council
1911 Boundary Street
Beaufort, SC 29902

Gentlemen,

I am writing you today to discuss our co-sponsor arrangement for the annual Veterans Day parade and ceremony. This year is unique since Veterans Day will fall on a Sunday. Because of this the Veterans Day Committee has decided not to have a parade. Instead we want to have an event to celebrate all veterans.

What we are hoping you will approve is to allow us to use the Waterfront Park for our celebration venue. We are currently planning the event and would have a short ceremony at 11am, followed by a picnic and games for the children. We would welcome the public to the event and plan to serve hamburgers, hot dogs, sides, and soft drinks. In addition we would also attempt to get one of the radio stations to provide music for the event.

Including setup and take down we think the park would be needed from 0800 to 1600. Since in the past the city has covered the expense of the police for the parade, we are hoping you will consider the park fee being waived as a tradeoff for the police department involvement for the celebration.

This is a major change in the Veterans Day event and should it prove successful we may continue this format going forward and eliminate the parade. I am available for questions regarding this major event change should you have them, and would be happy to address them at one of the City Council meetings if you wish.

Respectfully,

Carl Wedler
Veterans Affairs Officer
Beaufort County, SC
(843) 255-6881



**CITY OF BEAUFORT
WATERFRONT PARK APPLICATION**

1901 Boundary Street

Phone: 843-525-7084

Fax: 843-986-5606

Name of Event: <u>Veterans Day Celebration</u> <u>Beaufort County Veterans Affairs</u>	Date(s) of Event: <u>November 11, 2018</u> Setup start/end time: <u>0800 - 1600</u> Actual event start/end time: <u>1100 - 1430</u> Take down start/end time: <u>1430 - 1600</u>
Organization/Individual Name: 	Address: <u>1911 Boundary Street Beaufort</u> Telephone: <u>843 255-6881</u> Email: <u>cwedler@bcgov.net</u>

- Completed application must be received and approved by the Events Coordinator, Linda Roper.
- Full receipt of deposit must be received to ensure securing your requested date for rental of the Waterfront Park.
- Deposits are refundable provided the venue is returned in the same condition it was received.

Please mail completed application to:

City of Beaufort, Attn: Linda Roper, 1901 Boundary Street, Beaufort, SC 29902, or

scan and email to lroper@cityofbeaufort.org.

All private events must follow the Special/Private Events Policy. To discuss specifics of the desired event, you must contact the Events Coordinator at 843-525-7084.

Is event open to the public? Yes

Will admission be charged or donation required? No

Will alcoholic beverages be sold? No Served? No

Will food be sold? No Served? Yes

Will there be any retail sales? NO

Number of people expected to attend: 100 - 300

The Waterfront Park venue is rentable in sections with a 4, 6, or 12-hour limit of any chosen park area or areas. Set up and take down time needs to be factored into your chosen block of time. NO exceptions will be made.

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

Fill out by circling cost(s) in blocks of time desired for area(s) of interest including electrical needs.

WATERFRONT PARK RENTAL RATES FOR PRIVATE EVENTS			
Park Area	<u>4 HR Block</u>	<u>6 HR Block</u>	<u>12 HR Block</u>
Farmers Market	\$ 200.00	\$ 400.00	
Contemplative Garden	\$ 200.00	\$ 400.00	
Pavilion	\$ 350.00	\$ 500.00	
Green 1	\$ 300.00	\$ 500.00	
Green 2	\$ 450.00	\$ 750.00	
Electric Fee	\$ 50.00	\$ 75.00	
Entire Park			<u>\$2,200.00</u>
Deposit	\$ 500.00	\$ 800.00	\$1,100.00

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

Comments:

Carl Washer
Lessee/Applicant Signature

07/19/2018
Date

-----Below this line for City use-----

Events Coordinator – Linda Roper

Date Application Received

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

REQUEST FOR CO-SPONSORSHIP

Henry C. Chambers Waterfront Park

Name of Event Veterans Day Celebration

Date of Event: Nov. 11, 2018

Contact person: Carl Wedler

Telephone: 843 255-6881

Please check all that apply.

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

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

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

Events Coordinator Recommendation: PAC Approved: ✓ Denied: _____

Explanation: _____

Forward for Council Deliberation: 8-28-2018
Date of Council Meeting

Council: Approved: _____ Denied: _____

Explanation: _____



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 8/24/2018
FROM: Linda Roper, Director of Downtown Operations and Communitiy Services
AGENDA ITEM TITLE: Request from the City of Beufort to host annual Shrimp Fest event October 5 - October 6, 2018 in Waterfront Park. In addition requesting the allowance of alcohol sales, street closures, and allowance of complimentary parking passes issuance
MEETING DATE: 8/28/2018
DEPARTMENT: City Managers Office

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR:

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Request Memo	Backup Material	8/24/2018



CITY OF BEAUFORT

MEMORANDUM

TO: William Prokop, City Manager
City Council

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

DATE: August 22, 2018

SUBJECT: Request for permissions related to the production and hosting of the 2018 Beaufort Shrimp Fest – October 5-6 at Henry C. Chambers Waterfront Park Downtown Beaufort

1. Permission to host the 2018 Beaufort Shrimp Fest in the Henry C. Chambers Waterfront park. Friday October 5- Saturday October 6, 2018
2. Permission for alcohol sales, (beer and wine only), and to allow open alcohol containers in the park during the festival from 5-10pm Friday October 5, 2018 until 8pm Saturday October 6, 2018. A temporary Special Event beer and wine license from the South Carolina Department of Revenue Alcohol and Beverage licensing department will be applied for.
3. Permission to host the Run Forrest Run 5K Bridge Run/Walk Saturday, October 6, 2018 and to close streets to accommodate the event for the route, which is identical to the route used during this event in 2017. The route is as follows: Start/Finish line at Freedom Mall down Bay Street, crossing the Woods Memorial Bridge to Lady's Island, down Meridian Road the reverse of the same route back to Freedom Mall. All street closures and related controls will be coordinated with the City of Beaufort Police Department, Beaufort County Sheriff's Department, SC DOT, and the Bridge section of the Seventh Coast Guard District.
4. Permission for street closures at the following times, days, and locations: One direction of Charles Street Extension on Friday October 5, 2018 8am-11pm, and Saturday October 6, 2018 8am-10pm to allow loading and unloading of equipment for entertainment, craft, and food vendors. Vehicles will be required to move their vehicles to an appropriate parking spot after loading/unloading. The other lanes of Charles Street Extension will be used for Emergency Vehicles.

5. Permission to issue complimentary parking passes to paid sponsors to fulfill the benefit commitment of their sponsorship packages, as well as a limited number of parking passes, not to exceed (6), which will be used to support event operations.
6. Permission to host an arts & crafts market on the green area at the west end of Henry C. Chambers Waterfront park across from the Downtown Marina Store on Friday October 5, 2018 12p-10pm and Saturday October 6, 2018 from 11am-8pm.



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 8/22/2018
FROM: Ivette Burgess, City Clerk
AGENDA ITEM Street closure request from the Baptist Church of Beaufort for Historical Marker event
TITLE: Sunday, September 9, 2018
MEETING
DATE: 8/28/2018
DEPARTMENT: City Clerk

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR:

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Request letter	Backup Material	8/22/2018



**601 Charles Street
P.O. Box 879
Beaufort, SC 29901-0879
(843) 524-3197
Fax: (843) 524-3337**

**E-mail:
bcb@bcob.org
Website:
www.bcob.org**

**Dr. James G. Wooten
Senior Pastor**

**Rev. Jeff Pethel
Associate Pastor in
Family Ministries**

**Mrs. Sarah Stender
Minister of Music &
Worship Arts**

August 7, 2018

**Ms. Yvette Burgess, Administrative Assistant
City Council
1911 Boundary Street
Beaufort, SC 29902**

Dear Ms. Burgess:

The purpose of this letter is to request the closing of the 600 Block of Charles Street on Sunday, September 9, 2018 at the end of our 11:00 worship service which concludes at noon. On that day we will have a dedication/unveiling of an historical marker of The Baptist Church of Beaufort and will have some representatives from the City in attendance. The event will last approximately 30 minutes, concluding with a brief reception across the street, on 601 Charles Street.

It is my understanding that when Council approves this request on August 28, 2018 at their next meeting, you will then submit the request to SCDOT for final approval. Once this is done we should contact the City of Beaufort Police Department to make necessary arrangements.

Thank you in advance for your help in carrying out this request. Should you need additional information, please contact me at 843-524-3197.

Sincerely,

Dr. Jim Wooten, Pastor



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 8/22/2018
FROM: Libby Anderson
AGENDA ITEM TITLE: Ordinance Rezoning a Portion of a Parcel Property at 1529 Salem Road from T4-Neighborhood District to T5-Urban Corridor District - 1st Reading
MEETING DATE: 8/28/2018
DEPARTMENT: Planning

BACKGROUND INFORMATION:

The City has received an application to rezone a portion of a parcel of property located at 1529 Salem Road, identified as R122 029 000 0181 000. The lot is currently zoned T4-Neighborhood District (T4-N). The front (Salem Road) portion of the lot is proposed to be rezoned to T5-Urban Corridor District (T5-UC). The Beaufort—Port Royal Metropolitan Planning Commission considered this rezoning request at their August 20 meeting and recommended approval. A public hearing on the proposed rezoning will be held at the August 28 City Council meeting. An ordinance rezoning the lot (attached) is ready for first reading by City Council.

PLACED ON AGENDA FOR: Action

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Rezoning ordinance Salem Rd	Cover Memo	8/22/2018

ORDINANCE

AMENDING THE CITY OF BEAUFORT ZONING DISTRICT MAP BY CHANGING THE ZONING DESIGNATION OF A PORTION OF A PARCEL OF PROPERTY LOCATED AT 1529 SALEM ROAD, IDENTIFIED AS R122 029 000 0181 0000, FROM T4-NEIGHBORHOOD DISTRICT TO T5-URBAN COORIDOR DISTRICT

WHEREAS, the City has submitted an application to rezone a portion of a parcel of property located at 1529 Salem Road, identified as R122 029 000 0181 0000, from T4-Neighborhood District to T5-Urban Corridor District; and

WHEREAS, the property adjacent to the north was recently rezoned to T5-Urban Corridor District; and

WHEREAS, the property had previously been zoned Highway Commercial District under the Unified Development Ordinance; and

WHEREAS, the T5-Urban Corridor District is similar with regard to permitted uses to the previous Highway Commercial District; and

WHEREAS, the proposed T5-Urban Corridor District is consistent with the future land use recommendation in the City's comprehensive plan; and

WHEREAS, the proposed rezoning was presented to the Beaufort–Port Royal Metropolitan Planning Commission and the Commission recommended approval; and

WHEREAS, a public hearing before the Beaufort City Council was held regarding rezoning of this property on Tuesday, August 28, 2018, with notice of the hearing published in *The Beaufort Gazette* on Monday, August 13, 2018;

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* as amended, that the “City of Beaufort Zoning District Map” be amended to change the zoning designation of the front (Salem Road) half (see attached map) of a parcel of property located at 1529 Salem Road, identified as R122 029 000 0181 0000, from T4-Neighborhood District to T5-Urban Corridor District.

This ordinance shall become effective immediately upon adoption.

(SEAL)

Attest:

BILLY KEYSERLING, MAYOR

IVETTE BURGESS, CITY CLERK

1st Reading

2nd Reading & Adoption

Reviewed by:

WILLIAM B. HARVEY, III, CITY ATTORNEY

PROPOSED ZONING

rail trail

T5-UC

T4-N

220'



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 8/22/2018
FROM: Bruce Skipper
AGENDA ITEM TITLE: Ordinance Revising the Flood Damage Prevention Ordinance to Eliminate the Five-Year Cumulative Clause - 1st Reading
MEETING DATE: 8/28/2018
DEPARTMENT: Planning

BACKGROUND INFORMATION:

The City is proposing to revise the City's Flood Damage Prevention Ordinance to delete the five-year cumulative clause pertaining to substantial improvement of structures. A memorandum outlining the issue is attached. The City Attorney has drafted an ordinance revising the City's Flood Damage Prevention Ordinance to delete this provision from the code. The ordinance (attached) is ready for first reading by City Council.

PLACED ON AGENDA FOR: Action

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
staff report flood ordinance revision	Cover Memo	8/22/2018
flood ordinance revision	Cover Memo	8/22/2018

memo

City of Beaufort

TO: William (Bill) Prokop

FROM: Bruce Skipper

CC: Libby Anderson

DATE: August 22, 2018

Re: 5-year cumulative clause in the current flood ordinance

The City's current flood ordinance has in its definition a "Five-Year Cumulative Clause." Having the five-year cumulative clause as part of our ordinance allows extra points to achieve a discount on our flood insurance policies; however, it becomes very restrictive with multiple storm events within a five consecutive year period coupled with a neighborhood's low property values. This restriction could be devastating to entire neighborhoods, especially neighborhoods that are still struggling to recover from the economy down turn.

If a structure is considered a substantial damage/improvement property, the structure would be required to be brought into full compliance with the current flood ordinance. One of the options could be to elevate the structure to the new finished floor elevation requirement. Under the current flood maps, elevating the structure could mean the new finish floor elevation could be 3-4 feet higher than it currently is.

As administrators of the ordinance, we feel that the current flood ordinance could become detrimental to some of our neighborhoods especially if another storm visits our area. The major local gain for having the "five-year cumulative clause" included in the ordinance is the Community Rating System (CRS) points. The gain in CRS points does not seem to serve the best interest of our community.

Here is a little back ground information.

50% RULE. This term is included in the definition of Substantial Improvement. Substantial improvement designation is given when the cost of improvement or damage repair has exceeded 50% of the structure's market value. Market value can be determined by using the Beaufort County Tax assessor's building values (building only), or a certified appraisal with the depreciated value. The floodplain manager can assign a value if no other means is available.

Pros: The extra CRS points could mean greater discounts on all the flood insurance policies within the city.

Cons: Five years is a long time. During a five-year period we could have several flood events such as happened during the last two hurricane seasons. All the storm damage and general maintenance/improvements during the five-year period would be counted toward the 50%.

I have attached a copy of the flood ordinance, for your review, that specifies the Substantial Damage/Improvement and the 50% comments.

Structure. A walled and roofed building, a manufactured home, including a gas or liquid storage tank, or other man-made infrastructure that is principally above ground.

Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage or destruction, as determined by the local government. This definition of "substantial improvement" will refer to the definition of "substantial improvement".

Substantial improvement. Any repair, reconstruction, rehabilitation, addition, or other improvement of a structure that equals or exceeds fifty (50) percent of the market value of the structure before the start of construction of the improvement. This definition includes structures which have incurred substantial damage, regardless of the actual repair work performed. Permits for a period of five (5) years. If the improvement project is conducted in phases, the total of all costs associated with the project, beginning with the issuance of the first permit, shall be utilized to determine whether "substantial improvement" will be achieved. This definition does not, however, include either:

- (1) Any project of improvement to a structure to correct existing violations of state or local health, safety or code specifications which have been identified by the local code enforcement official and which are necessary to assure safe living conditions (does not include American with Disabilities Act compliance)
- (2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's designation as a historic structure.

Substantially improved existing manufactured home park or subdivision. Where the repair, reconstruction, rehabilitation, or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of the value of the streets, utilities and pads, repair, reconstruction, or improvement commenced.

.. . . .

ORDINANCE

Amending Part 5, Chapter 4, Article B, Section 5-4011 of the Code of Ordinances to remove the cumulative period from the definition of Substantial Improvement

WHEREAS, Section 5-4032, and other sections of the City Code of Ordinances pertaining to building code requirements, provide that structures that are substantially improved must comply with current building codes; and,

WHEREAS, Section 5-4011 contains the definition of the term Substantial Improvement, which provides, in part, that “Permits shall be cumulative for a period of five (5) years:”, and,

WHEREAS, with the recent hurricanes, major storms and flooding, residents in the City have found this cumulative provision to cause great difficulty in their repair of damages to their residences; and,

WHEREAS, City Council believes that this cumulative provision is over burdensome, and imposes undue difficulty to residences who are trying to recover from natural weather events; and,

WHEREAS, City Council believes it is in the best interest of the City and its residents to remove this cumulative provision from the definition of “Substantial Improvement”;

NOW THEREFORE, be it ordained, by the City Council of Beaufort, South Carolina, in Council duly assembled, and by the authority of the same, that Section 5-4011 of the Code of Ordinances, and the definition of “Substantial Improvement”, be amended to delete the sentence: “Permits shall be cumulative for a period of five (5) years.” Henceforth, the definition of Substantial Improvement in Section 5-4011 shall read as follows:

Substantial improvement. Any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. If the improvement project is conducted in phases, the total of all costs associated with each phase, beginning with the issuance of the first permit, shall be utilized to determine whether "substantial improvement" will occur. The term does not, however, include either:

- (1) Any project of improvement to a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been

identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions (does not include American with Disabilities Act compliance standards); or

(2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

This amendment shall become effective upon adoption.

BILLY KEYSERLING, MAYOR
ATTEST:

IVETTE BURGESS, CITY CLERK

1ST Reading _____

2nd Reading & Adoption _____

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



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 8/9/2018
FROM: Kathy Todd
AGENDA ITEM
TITLE: Reimbursement Resolution
MEETING
DATE: 8/28/2018
DEPARTMENT: Finance

BACKGROUND INFORMATION:

In anticipation of the City issuing debt to address the stormwater issues facing the City and its residents, a reimbursement resolution provides the City the ability to reimburse itself for costs incurred on the projects from the bond proceeds.

PLACED ON AGENDA FOR: Action

REMARKS:

Request that City Council approve the Reimbursement Resolution.

ATTACHMENTS:

Description	Type	Upload Date
Reimbursement Resolution	Cover Memo	8/9/2018

**A RESOLUTION TO EXPRESS THE INTENTION OF THE CITY COUNCIL OF
THE CITY OF BEAUFORT, TO CAUSE THE CITY OF BEAUFORT TO BE
REIMBURSED WITH THE PROCEEDS OF TAX-EXEMPT OBLIGATIONS**

WHEREAS, the City of Beaufort, South Carolina (the "City") hereby declares its intention to reimburse itself for a portion of the original expenditures of stormwater improvements and other capital facility upgrades (together, the "Projects") to be financed from the proceeds bonds (including installment purchase revenue bonds) to be issued by the City or another eligible issuer in a maximum aggregate principal amount reasonably expected not to exceed \$8,000,000 (the "Obligations").

NOW, THEREFORE, be it resolved by the City Council of the City of Beaufort, and it is hereby determined and declared and resolved by the same, as follows:

(a) no funds from any sources other than the Obligations may be, are, or are reasonably expected to be, reserved, allocated on a long-term basis or otherwise set aside by the City pursuant to the budget or financial policies of the City for the financing of the portion of the costs of the Projects to be funded with the Obligations;

(b) the City reasonably expects that all or a portion of the original expenditures incurred for the Projects and the issuance of the Obligations will be paid prior to the date of issuance of the Obligations;

(c) the City intends and reasonably expects to reimburse itself for all such expenditures paid by it with respect to the Projects prior to the issuance of the Obligations, from the proceeds of the Obligations, and such intention is consistent with the budgetary and financial circumstances of the City;

(d) the City intends and reasonably expects to reimburse itself for all such expenditures no later than 18 months after the later of (i) the date the original expenditure is paid, or (ii) the date the Projects are placed in service or abandoned for federal income tax purposes, but in no event more than 3 years after the original expenditure is paid;

(e) all of the costs to be paid or reimbursed from the proceeds of the Obligations, will be for costs incurred in connection with the issuance of the Obligations or will, at the time of payment thereof, be properly chargeable to the capital account of the Projects (or would be so chargeable with a proper election) under general federal income tax principles; and

(f) this Resolution shall constitute a declaration of official intent under United States Department of the Treasury Regulation Section 1.150-2.

DONE, RATIFIED AND ADOPTED this 28th day of August, 2018.

CITY OF BEAUFORT, SOUTH CAROLINA

(SEAL)

Mayor

Attest:

City Clerk