



**CITY OF BEAUFORT**  
1911 BOUNDARY STREET  
BEAUFORT MUNICIPAL COMPLEX  
BEAUFORT, SOUTH CAROLINA 29902  
(843) 525-7070  
**CITY COUNCIL REGULAR MEETING AGENDA**  
**November 13, 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. Billy Keyserling, Mayor

**II. INVOCATION AND PLEDGE OF ALLEGIANCE**

- A. Mike McFee, Mayor Pro Tem

**III. PROCLAMATIONS/COMMENDATIONS/RECOGNITIONS**

- A. Proclamation proclaiming November as Alzheimer's Awareness Month

**IV. PUBLIC COMMENT**

**V. PUBLIC HEARING**

**VI. MINUTES**

- A. Worksession and Regular Meeting October 9, 2018
- B. Worksession October 16, 2018
- C. Worksession and Regular Meeting October 23, 2018

**VII. OLD BUSINESS**

- A. General Obligation Bond Ordinance - 2nd Reading

**VIII. NEW BUSINESS**

- A. Request for permission to host annual Toy Run Parade Sunday, December 16, 2018
- B. Holiday Parking Request for 2018 and 2019
- C. Request from City of Beaufort Downtown Operations to host annual Holiday Weekend Friday, December 7 - Sunday, December 9, 2018 (Night On The Town, Boat Parade, and Christmas Parade - Street Closures and waiver of open container).
- D. Request from Beaufort Regional Chamber of Commerce to host annual Taste of

Beaufort event Friday, May 3 and Saturday, May 4, 2019

- E. Request from Beaufort Regional Chamber of Commerce to host annual Beaufort Shrimp Festival Friday, October 4 and Saturday, October 5, 2019
- F. Approval of a joint Resolution between the City of Beaufort and the Town of Port Royal to begin the process for adoption of an Ordinance imposing a Fire Facilities and Equipment Development Impact Fee
- G. Amending Part 1 Chapter 9 Article D, Section 1-9031 of the City Code of Ordinance to remove membership of the Beaufort Regional Chamber of Commerce and replace membership with Greater Beaufort Port Royal Convention Visitors Bureau on the Cultural District Advisory Board - 1st Reading
- H. 2018 Ordinance Relating to Recovery of Costs Debt Setoff - 1st Reading
- I. Amending Part 5 Chapter 4 Article D, Section 5-4031 and Section 5-4032 (6) (7) (8) of the City Code of Ordinance, Flood Damage Prevention - 1st Reading
- J. Re-appointments to Boards and Commissions

## **IX. REPORTS**

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

## **X. ADJOURN**



## PROCLAMATION

**WHEREAS**, Alzheimer's Disease is a progressive degenerative disease of the brain causing deterioration in memory, judgment and reasoning ability; it affects behavior, emotions and ability to perform self-care; and

**WHEREAS**, according to the South Carolina Department of Health and Human Services, Alzheimer's is the 5<sup>th</sup> leading cause of death of citizens 65 and older; and

**WHEREAS**, according to the Center for Disease Control and Prevention, approximately 5.7 million people in the United States are living with Alzheimer's; and

**WHEREAS**, Alzheimer's is the most common form of dementia; and currently there is no known cure; and

**WHEREAS**, according to the Alzheimer's Disease Facts & Figures, in 2018, every 65 seconds, for an average of 1,330 people daily, are diagnosed with the disease, and by 2050 over 13.8 million Americans could have the disease; and

**WHEREAS**, neither Medicare nor most private health insurance covers the long-term services and support most people with dementia need; and

**WHEREAS**, it is estimated that there are over 800,000 unpaid caregivers of persons with Alzheimer's disease in South Carolina and

**WHEREAS**, for 30 years Alzheimer's Family Services of Greater Beaufort provided countless hours of care, education and support through their In-Home Respite, Early Memory Loss Program, Social Day Programs and Support Groups to Alzheimer's Patients and their families of the Greater Beaufort community.

**NOW, THEREFORE**, the City Council of the City of Beaufort, South Carolina, hereby proclaims November 2018 as

### ALZHEIMER'S AWARENESS MONTH IN THE CITY OF BEAUFORT

The City of Beaufort recognizes individual, families, friends and caregivers dealing with the devastating effects of Alzheimer's disease, and the educational programs and support services provided by the Alzheimer's Family Services of Greater Beaufort.

**IN WITNESS THEREOF**, I hereunto set my hand and caused the Seal of the City of Beaufort to be affixed this 13th day of November 2018.

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BILLY KEYSERLING, MAYOR

ATTEST:

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IVETTE BURGESS, CITY CLERK

A work session of Beaufort City Council was held on October 9, 2018 at 5:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling, Councilwoman Nan Sutton, Councilmen Phil Cromer and Mike McFee, and Bill Prokop, city manager. Councilman Stephen Murray was an excused absence.

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 5:01 p.m. <sup>[1]</sup><sub>SEP</sub>

### **PRESENTATION: COMMUNITY RATING SYSTEM PROGRAM**

**Bruce Skipper** introduced **David Stroud**, a consultant with Wood PLC, who said the "Program for Public Information" is meant to build a robust outreach program to indicate "the hazards of flooding." He described the way the community rating system (CRS) works and the steps he had taken in conjunction with city staff and other stakeholders. They are currently "adopting the document" (Step 6), Mr. Stroud said.

Mr. Stroud said Target Area 1 is a Special Flood Hazard Area, which he showed on a map. There are a total of about 7,500 buildings in this zone. He described the zones A01-03 (Zone AE), and Zone B, shown as Zone X (500-year floodplain). About 20% of flooding occurs outside of a flood plain, he said, and there are low-, moderate-, and high-risk areas.

Target Area 2 is the tidal/stormwater flooding areas (e.g., downtown/The Point/Northwest Quadrant, Mossy Oaks, and Pigeon Point), Mr. Stroud said, and Target Area 3 is "repetitive loss areas." There are three of these in the City of Beaufort, and one remains unmitigated.

Mr. Stroud showed a map of flood insurance coverage in the City of Beaufort. There is good coverage throughout Zone AE in downtown Beaufort and "areas in the central part of the city" toward Port Royal, he said. There are "policy gaps in the outlying areas" of the city, Mr. Stroud said, but much of that land is vacant.

Flood insurance assessment: 28.3% of buildings in the AE zone are covered by a flood insurance policy, which Mr. Stroud said is "pretty good," but they'd like it to be 30–35% or higher. About 68% of the past losses that occurred in the AE zone are nearly the same as what has occurred in the B, C, and X zones.

"There are about 1,413 current policies in the community, covering those 7,500 buildings," Mr. Stroud said, which means 18.6% of the buildings have flood insurance. The value of those buildings is about \$818 million in the AE zones; in the B, C, and X zones, the buildings' value is about \$879 million, he said, so in total, it's "about \$1.6

billion worth of coverage throughout the community.” He told Mr. Prokop that it is not broken out into residential and commercial buildings, but they have the data to do that for some of the buildings. The majority of the buildings are residential, Mr. Stroud said.

**11:20** Mr. Stroud showed current outreach projects to “target areas,” and “topics, messages, and outcomes.” There are 6 priority topics, he said, “and then we get to add 4 additional topics at our discretion.” For example, for insuring property, people are encouraged to either maintain their flood insurance or to buy it. They want to increase the number of flood insurance policies, even in low-risk zones, where a policy would be “about \$400 a year,” Mr. Stroud said, for “peace of mind coverage” for those who are not in one of “the 1% annual chance of flood” areas.

Mr. Stroud reviewed the four additional topics the group came up with: general preparedness for residents; encouraging “anybody [to] buy flood insurance” wherever they are in the city; the importance of hurricane preparedness for both people’s buildings and their families, and flood education.

Mr. Prokop asked about how the topics “get measured.” Mr. Stroud said they’re measured “based on the outcomes we have,” which he reviewed an example of with reducing hurricane damage. He then reviewed who is assigned to each project, the schedule, and if there are any stakeholders involved.

**16:25** Mr. Stroud said the members of the committee are listed on page 2 of the handout. They started in June 2017 and reviewed the draft document almost a year later. The idea is to have “a robust, written-down outreach program for the community with these projects that they implement over time during that year with some stakeholder involvement . . . [to] try to maximize credit under what’s called ‘Activity 330’ under the community ratings system outreach projects,” he said. They want to “get as much credit as we can,” Mr. Stroud said, and “maybe meet the expectations and needs of the community through this program.” **17:47**

The next steps are to adopt the “Program for Public Information” and to implement, monitor, and evaluate it, Mr. Stroud said.

Mayor Keyserling suggested council read the document and have a follow-up work session to ensure they understand it before putting it on a council agenda. Mr. Stroud said this is a key component of the audit, which is happening now. If the program could be adopted by late November, that would be ideal.

Mr. Stroud said, “Freeboard is really a factor of safety. It’s measured in feet above base flood elevation, which is set for certain zones.” It offers a reduction in flood insurance for residents; “the higher you build, the cheaper your flood insurance rates are,” he said.

Mr. Stroud discussed flood insurance rate maps. In the A zones – with the 1% annual chance of flood – there are currently “about 5,700 acres of flood plain mapped in the city.” About 628 areas “are called “B zones,” he said, which is “the 500-year/.2% chance of flood.” According to the preliminary maps (i.e., “your new maps”), “you are reducing your AE zone by over 50%” in the “high-hazard zones,” which he said is “kind of alarming.”

Mr. Prokop asked if that isn’t “the reverse of what we’re seeing.” Mr. Stroud said everything in the flood zone may not be flooding, but when the flood plain is reduced, it “goes to what’s called an ‘X’ or ‘unnumbered zone’, so there’s no flood elevation,” and new construction can be built “very low” in X zones.

What’s most important, he said, is that “the AE zone is really decreasing by about 50%.” This means that the flood insurance rate maps don’t tell the whole story. “Floods higher than the base flood elevation can and do occur . . . often,” Mr. Stroud said. Most flood studies use “existing conditions hydrology,” and are based on “what exists currently in development.” When a new Walmart, parking lot, or subdivision is added, for example, that creates new impervious surfaces, which cause the stormwater to “run off to the nearest channel.”

**22:55** Mr. Stroud said flood maps are not built on “future conditions hydrology” but on “existing conditions . . . at the time the maps were developed.” The maps take 2.5 years to approve, and they don’t account for future development. Since the county’s studies were done a year-and-a-half or two years ago, he said, there has been a lot of development, and it’s important to consider that the run-off from impervious surfaces like parking lots could cause properties in non-flood zones to flood.

Mr. Stroud gave examples of the reduction in premiums that can be obtained with each foot of freeboard used. He also indicated the types of foundations and the cost for each additional foot of freeboard (e.g., concrete block piers are \$890 per additional foot). If you consider the difference in paying \$2,100 a year over the course of a 30-year mortgage, or \$734 over the course of that same period, he said, “You’re really making your money back threefold.”

For the CRS program, “one foot of freeboard is 100 points,” and 2 feet of freeboard is 225 points, Mr. Stroud said. In terms of the system, every 500 points a community gets on its application for the CRS program is “a 5% reduction in the cost of flood insurance,” he said, so “2’ of freeboard is almost half of . . . another 5% reduction.”

Mr. Prokop said staff has discussed internally their feeling that the minimum amount of freeboard should be 18”. Two feet is a significant savings, and the cost isn’t “totally out of the question,” he said. Mr. Stroud added that the concern is for *all* houses, not just those in the flood zone.

Mayor Keyserling said he finds some of this information counterintuitive. To build the maps, they “essentially survey the ground,” and he asked if the ground sinks or if “the land [is] rising.” He said, “Certain bluff areas” in the city “obviously” aren’t “changing, and if it does change, it’s changing for some reason.” He asked how they can “not figure in that change of washouts or build-ups.” Mayor Keyserling feels that “in these times, to even think of rolling back anything makes no sense to me whatsoever.” He added that “the affordability issue” of slab-on-grade “is a consideration.” 29:15

Mr. Stroud told him that taking property out of the flood plains “is happening all the way up and down the East Coast, from Virginia down to Florida.” For example, in North Carolina’s Outer Banks, more than 170,000 properties were “taken out of the flood plain on the barrier islands,” he said.

Councilman McFee asked if the “cost per additional foot” was a “local cost.” Mr. Stroud said it’s an “average national cost.” He agreed with Councilman McFee that it would probably “be higher for us,” and said it “will vary by foundation type.” Councilman McFee said according to “our builders . . . it was significantly higher than” the national average, so he’d be curious to see the average costs in this community because he’s “not sure we experience quite as much of a savings comparatively for the insurance variations.”

Councilman Cromer said, “Premiums are still going up 15% a year.” Mr. Stroud said that’s only on a type of commercial building, and “as long as you don’t sell your property right now, they are not going up” because of “the secondary act that was passed by Congress,” known as the National Homeowners Affordability Act. 32:20

#### **BEAUFORT COUNTY ANIMAL CONTROL ORDINANCE, NEW AMENDMENTS**

**Chris Inglese** said about 2 years ago, the animal control ordinance was signed in Beaufort County, and each of the municipalities signed the same ordinance as the county has. He and staff have been tweaking the ordinance based on their experiences in magistrate court, he said. 34:11

Council was given an executive summary with proposed changes, Mr. Inglese said, and he described the process for these proposed changes; he and **Tallulah Trice** are going around to the municipalities to determine consensus on them.

Mr. Inglese reviewed the key changes:

- The definition of a muzzle is now a guard, typically made of straps or wire, he said, and the change is to ensure the muzzle serves its intended purpose.
- County licenses and fees – a fee schedule will be subject to approval by county council.

Mayor Keyserling asked for some examples of fees; Ms. Trice said microchipping in

order for an owner to get a dog out of the shelter is one example; if it's a first offense, or if Animal Control accidentally picked up a dog, the fee could be waived, and the dog could be microchipped. Another example is a business license fee for breeders, she said.

- Restricted breeds – Mr. Inglese said there were an enormous number of pit bulls in the shelters, so restricted breeds require spaying/neutering, and there have been challenges with the restricted breeds. Among the challenges is the American bulldog – there is not a clear definition of what a pit bull is, he said – and the American bully is now a restricted breed. Ms. Trice said spaying and neutering are free for “any pit bull-like dog.” Problems arise when people appeal in court, she said. The military, housing, and insurance companies all restrict having pit bulls.
- Dangerous dog – Mr. Inglese gave an example of a blind dog that was spooked by its owner's roommate, and the blind dog and another dog attacked her. The judge in the case said the blind dog was not a dangerous dog; the other dog was euthanized. The judge said the blind dog was “provoked,” Mr. Inglese said.

There are some technical issues with the ordinance's language, such as the “dangerous dog” definition, which they have been struggling with, Mr. Inglese said, and they would like feedback “on how to address it.” Currently, “our dangerous dog determination is a civil matter,” which is “brought as a complaint to the magistrate judge, and . . . the burden of proof on us is . . . the ‘preponderance standard of proof,’ rather than ‘beyond a reasonable doubt’,” which it would be if it were a criminal case. “Even with that lower standard,” he said, “we’ve lost a few of these because of the language and the challenges from the magistrates.”

One option, he said, “is to align the dangerous dog ordinance with the state code,” which treats “it as a criminal offense and make[s] it a law enforcement matter.” Another option that staff has considered is putting together a group of citizens to “come up with some standards or tweak our existing standards to address the issues that we’ve been having,” Mr. Inglese said. They might have a training requirement for some dogs, for example, and “a correctional element” could be added “to the penalty,” he said.

Councilwoman Sutton asked if training dangerous dogs is possible, and if there are trainers in Beaufort County who could do that. Ms. Trice said there are trainers, but whether or not they could train a dangerous dog would “depend on the case” because there are different levels of dangerous dogs. Mr. Inglese said that's one of the ideas they've considered: tiers of offending dogs (e.g., “dangerous animal,” vicious animal,” etc.) “Staff has lots of ideas,” he said, but they are “looking for some direction on how to get to a better standard” because the “magistrates are frustrated by our ordinance.” Putting a group together is “cumbersome,” Mr. Inglese said, but some good ideas might



come from it and “consensus about which direction to go.”

Councilman McFee said he recalled that there were “outspoken opponents to the definitions that we used for dangerous dogs and specifically to pit bulls” before this ordinance was adopted. Ms. Trice said, “Pit bulls are not within the ‘dangerous dog’” part of the ordinance; they are in the ordinance with reference to spaying and neutering, but they’ve “never been brought up with the dangerous dog.” Any breed of dog – even a chihuahua could be a dangerous dog, she said, not just pit bulls.

“There are very dangerous dogs in this area, and people are irresponsible, so they do need to be held responsible,” Ms. Trice said. 49:05

Mr. Inglese said if “the sheriff’s office was enforcing animal issues,” they would enforce the state statute; the county’s ordinance is enforced by the county’s animal control officers. The county ordinance’s language is “significantly different” than what’s in the state statute. Councilman McFee asked if Mr. Inglese had meant that the county was considering using a portion of the state statute in the county’s ordinance (e.g., in reference to the dangerous dog definition). Ms. Trice said it could be like it is for rabies, where the county ordinance follows the state statute.

Mr. Inglese said he’d suggested that an option for the county might be to “go back to the language of the state statute” for dangerous dogs, “and try our luck enforcing it,” but “it’s a criminal matter,” so “the burden of proof” would be “even higher and harder for us to get [to] where we’re trying to get. The civil standard of proof works to our advantage to some degree.” The magistrates don’t like the current language, he said, so the county is proposing changing it or making “some minor tweaks,” of which he gave an example. 50:34

In some cases, it can be unclear whether an animal was “provoked” and wouldn’t ordinarily be deemed “dangerous,” Mr. Inglese said, “so we’ve fixed that” in the revised ordinance language, but “we might have gone too far.”

Ms. Trice said the owners of dangerous dogs have to be responsible for them and not be able to “just walk away” after their dogs are euthanized. If someone owns a dog they know could do serious harm, there is “a serious threat,” so there need to be consequences if that dog hurts someone or “worse.” She said she wants “it to fall back on the owners,” who must know the consequences if their dogs attack someone.

Mr. Inglese said a big change taken from another ordinance is “administrative tickets.” If an innocent mistake leads to a ticket for a harmless dog, and there’s no criminal intent (e.g., one time the dog’s collar comes loose, or a teenager leaves the door open, so the dog gets out), “we wanted to not criminalize those cases,” he said, so they want to administer a small fine and provide education but not go to court. Ms. Trice reiterated that they would like to not take those owners to court the first time there is such an

offence. Mr. Inglese said this would also lighten up court dockets.

**56:50** Mr. Inglese said are about 10 cases per month for animal cruelty, dangerous dogs, etc. in magistrate courts north and south of the Broad combined.

Mr. Prokop asked about reptiles in public, livestock in the city, and pigs running loose in the city. Ms. Trice said the loose pigs he's referring to were rescued. If the City of Beaufort police officers were to add more enforcement, it would not change the county ordinance, she said. Port Royal police officers, for example, handle matters such as the loose pigs, and they write the citations; the owner of the pigs would go to the city's court, and while Animal Control would pick up the pigs, they would not write the tickets, Ms. Trice said.

Mayor Keyserling said all this time is spent on dangerous dogs, but there's not time spent on dangerous people with guns, which there are more of. He feels "priorities are a little odd."

Mr. Inglese said this process is just beginning, and the City of Beaufort is the first municipality he and Ms. Trice have visited. They would like council to make comments in the form of a memo. He would like to bring the ordinance revisions back to council one more time before they take the revised ordinance to the county council committee. Mayor Keyserling asked if county council is generally supportive of the changes to the ordinance, and Mr. Inglese said, "They are," and the administrative penalty received good feedback.

Mr. Inglese asked if a month is a reasonable amount of time for council to offer comments, and it was agreed that it is. **1:04:00**

#### **UPDATE ON TRICK OR TREAT 2018 EVENT**

**Linda Roper** said in April, at a Downtown Merchants Association meeting, they heard that merchants didn't like having to close their stores for the annual trick or treat event, and that the event's crowds were so big that businesses were hindered for a few hours. So staff polled businesses, parents, and others, she said, and the consensus was that the crowds were large, businesses had to close, and parents had to get off work early to take their children to the event. In addition, while "the pictures were great," the children would often get bored and cry while waiting in line for candy, Ms. Roper said.

Staff formed a committee of parents, merchants, city employees, representatives from Lowe's, and Boy and Girl Scout leaders to brainstorm ideas, and the committee decided to have a party for Halloween in Waterfront Park that combines the traditional candy giveaway with other activities, Ms. Roper said. They want to try this idea this year and still involve the downtown merchants (e.g., with window decorating), she said.

**Rhonda Carey** said October 27 is also the date of the Fall ArtWalk, which will have a

sidewalk chalk competition during the day. Those contestants' drawings must be completed by 2 p.m., which is the same time the Halloween party will end; they would like to tie the events together, so party participants can look at the art and then vote for the "people's choice" award.

Ms. Carey said there would be a DJ and karaoke, a costume parade to be broadcast via Facebook Live, games and inflatables, and a "dance fitness component." Also Beaufort Dance Academy will teach a fun group dance, and they would like to screen a movie, she said. 1:12:30

Ms. Carey said various community partners have approached the committee: for example, Coldwell Banker, a realtor, and individuals have said they want to give out candy. Lowes has donated decorations and pumpkins. She said USCB students would be volunteering for the event, and she has been approached by the Water Festival committee about having the Pirettes at the party.

Ms. Carey said kids have given feedback on "what's lame and not lame," so they have included some components that kids said they thought would be fun.

Ms. Roper said the party would be from 11 a.m. to 2 p.m. "Chalk the Streets" will take place on Port Republic Street, and ArtWalk is that evening, as is the Fall Tour of Homes.

There being no further business to come before council, the work session was adjourned at 6:18 p.m.

#### **EXECUTIVE SESSION**

Pursuant to Title 30, Chapter 4, Section 70 (a) (2) of the South Carolina Code of Law, **Councilman Cromer made a motion, seconded by Councilwoman Sutton, to enter into Executive Session for receipt of legal advice and a discussion about the Chamber of Commerce and stormwater funding. The motion passed unanimously.**

A regular session of Beaufort City Council was held on October 9, 2018 at 7:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling, Councilwoman Nan Sutton, Councilmen Phil Cromer and Mike McFee, and Bill Prokop, city manager. Councilman Stephen Murray was an excused absence.

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 Councilwoman Sutton, to adjourn the Executive Session. The motion passed unanimously.** Mayor Keyserling said there was nothing to report.

#### **CALL TO ORDER**

Mayor Keyserling called the regular council meeting to order at 7:17 p.m.

#### **INVOCATION AND PLEDGE OF ALLEGIANCE**

Councilman McFee led the invocation and the Pledge of Allegiance.

#### **PRESENTATION BY HARGRAY COMMUNICATIONS**

Mr. Prokop said **Rich Knoll**, Hargray Communications, would be presenting a check to the City of Beaufort for \$200,000. He reviewed other projects on which Hargray was a partner with the city in technology and economic development. Mr. Knoll thanked the city for its partnership and said Hargray looks forward to further partnership “for many years to come.”

#### **PUBLIC COMMENT** <sup>[11:11]</sup><sub>[SEP]</sub>

**5:20 Tommy Logan** said in February 2017, he’d made a presentation to city council about the extension of Polk Street to the west, terminating at McDonald’s and Chick-fil-A. That was about a year before the Boundary Street project was completed, and street signs went up for “First Street,” not Polk Street. <sup>[11:11]</sup><sub>[SEP]</sub> Mr. Logan read a statement and said **Libby Anderson** had given him tax maps that “recognize Polk Street,” which he said was the intent.

Mr. Prokop said the street would be Polk Street, but the sign hasn’t been changed. The drawings for the Boundary Street project didn’t say Polk Street, and for DOT’s purposes, it had to be the name that was on the drawings, which was First Street. However, the correct street sign is in the works, he said.

**Charles Dykeman**, a representative of Rotary Club of Beaufort, said he’d been a councilperson in a mid-sized midwestern city for three terms, so he appreciates what council does. He described what Rotary Club does and said he is here to discuss the “Civility Project,” which is meant to improve communication and civil discourse. The group will distribute cards with “9 simple tools” to improve civility (e.g., pay attention,

listen, be inclusive, don't gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility), which can be given out at meetings. Mr. Dykeman said he would give samples of the cards to council, along with other materials. He said the project is for "everyone," and they can give out cards and posters with these tools on them. 14:08

Last night, Mr. Dykeman gave materials to county council, which he said was very receptive to the idea, and he would be meeting with the school board next. He expects the response to the project to be very positive once it's been publicized.

**Lise Sundrla** read a letter that she had given a copy of to Mr. Prokop, which said the Beaufort Area Hospitality Association appreciated the opportunity to participate in Shrimp Festival. She thanked council, city staff, and volunteers for working on the successful festival.

#### **MINUTES**

19:45 **Councilman McFee made a motion, second by Councilman Cromer, to approve the minutes of the work session and regular council meeting on September 18, 2018.** Councilman Cromer said on page 1, **Lyman Wray** works for Stephens, Inc., not for Pope Flynn. On page 11, on the 4<sup>th</sup> paragraph, **Ashley Rhodes's** name was misspelled as "Ashley Rose." **The motion to approve the minutes as amended passed unanimously.**

**Councilman McFee made a motion, second by Councilwoman Sutton, to table approval of the minutes of the work session and regular council meeting on September 25, 2018** because council's packets contained the minutes for September 25, 2012. **The motion to table passed unanimously.**

#### **WATERFRONT PARK CO-SPONSORSHIP REQUEST FROM DRAGONBOAT BEAUFORT FOR DRAGONBOAT 2019 EVENT**

**Councilman McFee made a motion, second by Councilwoman Sutton, to approve the request for the June 22, 2019 event.** Ms. Roper said DragonBoat Beaufort is requesting co-sponsorship and a waiver of park fees for the annual event. 23:00

Representatives of DragonBoat Beaufort discussed what the organization does. **The motion passed unanimously.**

#### **CITY MANAGER'S REPORT**

28:00 Mr. Prokop said the police department received grants of \$108,000 for DUI and traffic enforcement and \$5,500 for body armor.

The countywide plastic bag ordinance goes into effect November 1, Mr. Prokop said, and representatives have met with businesses about it. There will be a coordinated trash cleanup with the county for all of the city's neighborhoods as a kick-off to the ordinance, he said.

Mr. Prokop discussed emergency services personnel and a building official who went north to help after Hurricane Florence.

Mr. Prokop thanked staff, council, participating organizations, and volunteers for Shrimp Festival, and he said at the next council meeting, he will present “complete results for the event.” Funds will be going to Beaufort Pride of Place for Waterfront Park and “to fund other events,” he said, not into the city’s General Fund.

“Storm events” are expected this week, Mr. Prokop said, and the city is preparing for high winds, heavy rain, and flooding. Streets will be closed in targeted areas of the city, and Public Works and public safety personnel will be visiting houses that have experienced flooding in the past, he said. The public stormwater meeting has been cancelled for tomorrow night. There is no talk of a hurricane, Mr. Prokop said, but tides are expected to be “in excess of 9’,” which is higher than they were for Hurricane Irma.

#### **MAYOR’S REPORT**

Mayor Keyserling said Shrimp Festival was “almost like a family reunion,” and “everybody work[ed] together.”

Mayor Keyserling said he has been asked if the City of Beaufort would be part of the Sea-Level Rise Coalition, which is hundreds of cities that are working together to raise awareness of the issue. He would like a resolution to be on a city council agenda.

Mayor Keyserling said he would be out of town and would miss next week’s work session.

#### **COUNCIL REPORTS**

Councilwoman Sutton said Shrimp Festival was “a great event.” She feels the festival is “great for business over the weekend.” People could use their leftover Shrimp Festival tickets in downtown stores, and her store collected \$59 worth. Ms. Roper said that idea came from a member of the Downtown Beaufort Merchants Association.

Councilman McFee said the Northern Regional Plan committee meeting is this week and his church is having a bazaar.

Mayor Keyserling said Mr. Prokop hadn’t mentioned what schools would be doing because of the upcoming storm. Mr. Prokop said the decisions about that should be made by tomorrow morning, but afterschool activities have been cancelled already. He explained that the reason for school cancellations would be because of the danger of high winds to those travelling on the bridges.

Councilman Cromer thanked the Beaufort police department for the “National Night Out,” which he attended after last week’s city council meeting.

Councilman Cromer said he has attended two meetings in the past week on workforce and affordable housing, which he briefly discussed.

**There being no further business to come before council, Councilman Cromer made a motion, second by Councilman McFee, to adjourn the regular council meeting. The motion passed unanimously, and the meeting was adjourned at 7:59 p.m.**

DRAFT

A work session of the Beaufort City Council was held on October 16, 2018 at 5:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Pro Tem Mike McFee, Councilwoman Nan Sutton, Councilmen Stephen Murray and Phil Cromer, and Bill Prokop, city manager. Mayor Billy Keyserling was an excused absence.

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 Pro Tem Mike McFee called the work session to order at 5:00 p.m.

### **REVIEW AND DISCUSS THE 2019 GENERAL OBLIGATION (GO) BOND FOR STORMWATER**

**Kathy Todd** said **Lawrence Flynn**, bond counsel, would be joining the meeting by phone. Mr. Prokop said everything is going forward on stormwater in Mossy Oaks. It's been decided the more prudent way to go forward is with the GO bond. Ms. Todd said staff recommends the GO bond route. Part of the reasoning for this is that it could be done as "a private placement," so the process could go more quickly, she said. Running it as a stormwater revenue bond based on the current intergovernmental agreement with the county ran into some snags, which Ms. Todd explained. The GO bond could be converted without penalty to a revenue bond at a future date, she said.

Ms. Todd said the GO bond would not affect "the debt mil of our citizens." The current budget has a provision for paying the debt with stormwater fee proceeds, she said.

Mr. Flynn said they wanted to maintain a degree of flexibility in the city's ability to access the markets. The "redemption feature" allows the city more flexibility for future stormwater projects, he said. "The overarching feature of this structure" was maintaining that flexibility and keeping the city "from being locked in," Mr. Flynn said.

Ms. Todd said, "We also thought it was more prudent to secure \$6 million" because more money than that "would just sit there" since the two priority projects would take a couple of years to complete.

Mr. Flynn said the options presented to council had included the GO bond, but it was initially put aside in favor of the other two options; however, as the process was discussed, "we kept coming back to the GO being the best option" because it wouldn't affect the city's debt limit and its ability to pay it back.

**Lyman Wray** joined the meeting. He said he fears interest rates will rise, as they have been doing, so the GO bond gives the city the option to lock in a rate. They would "demand bank flexibility on" their bids, he said, and would ask the banks for "20 and 15 years."



Mr. Wray said the amortization works with the \$6 million to let the city “work with what you have.”

Councilman Murray said the debt limit is \$8 million, which leaves \$2 million, and there is “a healthy reserve” if there’s an emergency. He believes critical stormwater needs are a legitimate reason to borrow these funds. Ms. Todd said there is a debt limit “so [that] you don’t exceed it,” and it shouldn’t affect the city’s debt rating at all, as long as the city stays within that limit.

Mr. Flynn said flexibility was the most important component of the GO bond, which is why it is presented as an option, so the city could make changes if the negotiations with the county come to fruition.

Councilman Murray said with the CDBG money, the city would have \$7 million for critical stormwater needs. Mr. Prokop estimated that “conservatively,” there would also be another \$500,000 that would be contributed to the project. There should still be money to do other “ongoing maintenance” stormwater projects in the city, in addition to the Mossy Oaks project, he said.

Ms. Todd said **Bill Harvey**, city attorney, has reviewed the ordinance and has no concerns.

Mr. Wray said they would send this to about 20 banks, and he is sure there would be interest in it. Ms. Todd said they would get prices from the banks and would come to council with the rates by the second reading of the ordinance. “If all goes well, we hope to close in early December,” she said. Mr. Wray said the rate would be locked in after council’s second reading.

Mr. Wray said the Federal Reserve meets at the end of November, and it is anticipating an increase in rates in December, but the city “will be locked in.”

**FY 2019 TDAC (TOURISM DEVELOPMENT ADVISORY COMMITTEE)**  
**RECOMMENDATIONS FOR ATAX (ACCOMMODATIONS TAX) GRANTS** SEP

**Jonathan Sullivan** introduced TDAC members, including **Ron Callari**, who is a new member of the committee.

Mr. Sullivan said with the new scoring method that TDAC began using last year, this year’s was “very smooth,” and the applicants understood the expectations.

Mayor Pro Tem McFee asked about the “impact on tourism” score, which was blank on some of the columns. Mr. Sullivan said all the scores would have a minimum of one empty column because TDAC member **Erika Dickerson** was absent. He explained to council how to read the score sheets.

**Vimal Desai** said there is also missing information in some columns when committee members had recused themselves from particular votes.

Mr. Sullivan discussed the pre-application meetings. TDAC is trying to help its applicants understand that ATAX money needs to go into “tourism infrastructure,” not “big marketing plans.” Tourists have complained about attractions being closed when they wanted to visit them, and they were not having “as robust an experience as they anticipated” at some attractions, he said. Mayor Pro Tem McFee said they are trying to “build on visitors’ expectations.”

Mr. Sullivan said the pre-application meetings were “better received” this year, and the applicants asked more questions, so their applications “hit on the points we wanted them to,” and the presentations were briefer because the applicants knew what the committee wanted to know.

Mr. Sullivan said TDAC wanted to ensure that the public knew that it could attend the decision-making portion of the meeting.

**Convention and Visitors Bureau (CVB)**, destination marketing – TDAC feels this organization is what “brings everybody here,” Mr. Sullivan said. The CVB asked for \$140,000, and TDAC recommended \$135,000.

**South Carolina Lowcountry & Resort Island Tourism Commission** – TDAC recommended \$20,000 of the organization’s \$29,975 request, Mr. Sullivan said. **Peach Morrison** works with **Robb Wells** to ensure there is not overlap in their organizations’ efforts, he said.

**Beaufort International Film Festival (BIFF)** – TDAC recommended \$10,000. The festival did not have a request last year, Mr. Sullivan said. They are trying to add a day to the festival this year. BIFF takes place in February, which is one of the “shoulder months,” he said, and one of his hotels and one of TDAC member **Jason Frazier**’s were “slammed” during the festival last year.

Councilman Murray said he knows BIFF hasn’t applied for ATAX funds for awhile, but they scored four “5s” for “historical ATAX success.” Mr. Sullivan said that score was based on BIFF’s budget last year’s and on its tourism attendance count. **Jeff Evans** said BIFF kept the best records of its tourism attendance of any of the applicants. Mayor Pro Tem McFee said the festival was able to show the zip codes of the people it brought to Beaufort. Councilman Murray said “ATAX success” is the applicants’ demonstration that they are bringing people to the city, and Mr. Sullivan said that’s correct.

Councilman Murray asked the difference between a “1” and a “5” on “collaboration.” **Jane Sidwell** said BIFF “touch[es] about everyone in the industry.”

Mr. Sullivan said BIFF has restaurant partners that sponsor parties through the year to support the festival, and the organization also works with USCB to help support the college's film department. They are trying to build programming around this, he said, adding that there are already 300 applicants for this year's festival, which only accepts 50 films.

Councilman Murray clarified that TDAC isn't necessarily looking only at collaboration with other nonprofit organizations/ATAX partners, which council had encouraged. Mr. Sullivan said they consider other kinds of collaboration, too; the committee would work with BIFF to get it to collaborate with other organizations, but the festival takes place in February, when "no one else is doing anything."

Councilman Murray said Mr. Sullivan had said that TDAC had discussed the shift to infrastructure investments, rather than marketing investments. He asked Mr. Sullivan to discuss some of those from among this year's applicants. One example is the Santa Elena Foundation, which is "changing a wall" for one of its exhibits, Mr. Sullivan said. Councilman Murray noted some infrastructure improvements for which TDAC did not recommend funding.

**CVB, sales plan** – The CVB is going to trade shows and trying to bring group travel to Beaufort for Sundays through Thursdays, Mr. Sullivan said. The plan was "fairly robust and very detailed," he said. The CVB requested \$45,000, and TDAC recommended \$35,000.

Councilman Murray said ATAX requests this year totaled \$470,092, and there is \$287,614 to give.

**CVB, website app development** – Mr. Sullivan said TDAC recommended \$35,000 to get the platform funded. Before tourists come here, this helps them to navigate the city's attractions and restaurants, and helps to eliminate maps and rack cards, he said. Mr. Sullivan told Councilman Murray that the CVB has the additional \$15,000 from "internal funds" to do this project by the end of the year.

Councilman Murray asked Mr. Wells about the difference between the app and BeaufortSC.org, which Mr. Wells explained. For example, apps work offline and load faster than mobile pages, he said, and "personalization of their experience is better on an app." The app doesn't change the focus of BeaufortSC.org, however, he said.

Mr. Sullivan said the push notifications were a big selling point for TDAC because they let visitors know about things that are going on in town when they're here, or once they have left Beaufort, they will get notice about what is coming up in the future.

Mr. Sullivan said 3 or 4 map companies sell ad space, which is very expensive, so this app would reduce that expense for local businesses.

**Friends of the Spanish Moss Trail**, site survey – TDAC recommended \$7,500 of the \$15,000 request. The committee felt there was a need to get the site survey completed, Mr. Sullivan said. There has been a rise in questions from visitors about the Spanish Moss Trail, and the committee felt this would help with the infrastructure costs (i.e., site survey) for extending the trail to the downtown area, he said.

Councilman Murray asked about the Friends' request for historic sign markers. Mr. Sullivan said TDAC felt that there would not be "tourism impact" from the signs. Councilman Murray asked, if the committee doesn't see the tourism value of the signs, why it would recommend funding the site survey. Mr. Sullivan said signs would be an enhancement of an amenity once tourists were already here, but they wouldn't help to add overnight visitors.

The signs are needed, Ms. Sidwell said, but the committee didn't feel they are a "draw for the tourists." Mr. Desai said the trail extension would make it easier for the people staying downtown to get to the trail more safely. Mayor Pro Tem McFee said the Friends of the Spanish Moss Trail are "trying to vet the best route downtown," and TDAC feels that having the extension would help tourism.

Councilman Murray said there is a difference of opinion about the connector among councilpeople. Councilwoman Sutton said she thinks the trail is "hugely important to the tourists." It may not bring them to Beaufort, but it will "certainly enhance their experience" when they're here, she said. Councilman Murray said his question is about why TDAC recommended denying the sign request, saying they're not "a tourism draw" while recommending funding for the site survey because it feels it *is* a tourism draw. Mr. Evans said the trail *itself* is a tourism draw, and the site survey is a first step in connecting it to downtown, but the committee didn't think the signs were a tourism draw.

Ms. Sidwell said the signs are on the Spanish Moss Trail already, but they need "resurfacing," which is what the request was for.

Mr. Sullivan said TDAC recommended money for the Friends of the Spanish Moss Trail last year for a mobile app, which has the historical markers on it. Also, locals would "get more routine, regular use out of the signs" than tourists would, he said.

Councilman Murray said the committee had \$100,000 more to give to applicants this year than last year. Mr. Sullivan thanked Mr. Wells for that because the CVB is "bringing more tourists."

**Port Royal Sound Foundation**, map exhibits – TDAC recommended \$7,100 to research, design, and install the project. The full request was "for the marketing afterwards," Mr. Sullivan said, for which TDAC did not recommend funding.

Councilman Murray asked for copies of the applications, and Ms. Todd said they have been scanned and would be provided to council.

**Santa Elena Foundation**, Experience Beaufort shuttle – Mr. Sullivan said this recommendation is contingent on the shuttle running “routes on Boundary Street.” Santa Elena Foundation is now the sole contributor to Experience Beaufort, he said, with “limited support” from Historic Beaufort Foundation (HBF) and the Beaufort History Museum. TDAC would like to see Santa Elena partner with the Downtown Beaufort Merchants Association, he said, and to seek funding for the shuttle from hospitality taxes because it brings more in-market tourists to downtown shops and restaurants. Last year, HBF/the Verdier House, Santa Elena, and the Beaufort History Museum were all at the ATAX presentation to represent Experience Beaufort, Mr. Sullivan said, but this year only Santa Elena “showed up.”

The committee’s recommendation to council is to award the funds for the shuttle to “get this out to Boundary Street” to the hotels there, Mr. Sullivan said.

Mr. Desai said a program with the shuttle going to hotels on Boundary Street would be started on Wednesday nights and Thursdays for visitors attending Parris Island graduations. Mr. Sullivan said TDAC had encouraged the group to charge \$1 to ride the shuttle. Ms. Sidwell said Santa Elena is “visibly expressing” that Experience Beaufort is serving visitors with the shuttle.

Mayor Pro Tem McFee asked if Santa Elena had indicated that it is the only organization that is supporting the shuttle. Mr. Sullivan said he didn’t think the applicant had said that in the presentation. Councilman Cromer said Beaufort History Museum saw only “a slight uptick in visitors” because of the shuttle, and it currently doesn’t have funds to support it. **Maxine Lutz** said HBF saw “no benefit” from the shuttle and the Experience Beaufort package, and “it’s very expensive to support it.”

Mr. Sullivan said data showed that a large number of shuttle riders are staying at Beaufort hotels. Mayor Pro Tem McFee said Santa Elena’s museum numbers showed an increase from the Experience Beaufort program and the shuttle. Mr. Sullivan agreed that they did, but he had suggested to Dr. **Andy Beall** that shuttle riders could be given wristbands that would get them discounts at participating restaurants and retailers.

Ms. Lutz said HBF thought the Experience Beaufort/shuttle numbers “were not credible.”

Councilman Murray said he likes the shuttle, and he thinks extending its route to Boundary Street makes sense. Mr. Sullivan said the downtown restaurants and merchants, not the attractions, seem to be getting the benefits of the shuttle.

Councilman Murray said city council had challenged the Downtown Beaufort Merchants

Association to find other partners for the shuttle among stores and restaurants. Mr. Sullivan said TDAC had inquired about that and about the riders' experience on the shuttle, and Dr. Beall told the committee that there are city ordinances prohibiting marketing and sponsorship on it. A speaking tour can't be given in the shuttle, but if there were a way to modify that aspect of the ordinance to benefit tourists, Mr. Sullivan said, that might be "something good to explore."

Mayor Pro Tem McFee said if the shuttle run is extended to the Boundary Street corridor, that might improve the numbers of tourists who go to the museums. Mr. Sullivan agreed. Bringing in guests from Boundary Street hotels would ideally bring more tourists to everything that is downtown, he said.

**CVB, Visitors Center** – \$30,000 was TDAC's recommendation, Mr. Sullivan said. The committee felt that the Visitors Center performs "a critical function for overnight travellers," so they can plan their time in Beaufort.

Mr. Wells told Councilman Murray that Visitors Center traffic is "holding its own." Spring was strong, he said, and he feels the Visitors Center is "serving its purpose." The trend among visitors' centers is to move closer to downtown, where the traffic volume is greater, Mr. Wells said.

Mr. Sullivan said the Visitors Center is "kind of the ticketing agent" for visitors, who are committed to going to places if they buy their tickets there, as opposed to possibly changing their minds if they plan to buy tickets at an attraction. Councilwoman Sutton said she is "all for supporting" the Visitors Center.

**Exchange Club of Beaufort** – TDAC recommended \$1,000, Mr. Sullivan said, for the group's Ghost Tours. Mr. Evans said the organization cut its request in half from last year. This year, they "supplied 6 pages of data" to the committee, Mr. Sullivan said.

**Friends of Hunting Island** – TDAC recommended "zero for this one," Mr. Sullivan said, of the organization's \$4,419 request, largely because the applicant had indicated during its presentation that the organization is "flush with cash." They plan to build a replica of the top of the lighthouse at Hunting Island for a 360-degree tour of what is there for people who cannot climb to the top.

**USCB Center for the Arts (CFA)**, renovations – TDAC recommended not funding any of the organization's \$25,000 request, Mr. Sullivan said, for several reasons. The renovation project has been completed, he said, and the facility's offerings serve locals but "generate little tourism activity." One of the largest renters is BIFF, which pays "the full nonprofit rental rate."

A challenge for TDAC with the application was "in the audit," Mr. Sullivan said; the CFA "never collected" ATAX funds that council awarded the organization in 2017. Ms. Todd

said the organization did collect \$25,000 for its facility renovations. One of the awards to the CFA was for \$3,500 for the Pat Conroy Literary Festival, Mr. Sullivan said, but the CFA “never filed for the reimbursement.” Mr. Desai said if an organization doesn’t request reimbursement of awarded funds, it is not eligible to apply for an ATAX grant for two years.

There was a general discussion about the \$125,000 from the city for CFA renovations. Mr. Sullivan said TDAC felt the CFA facility doesn’t bring in enough tourism to support its request. Mr. Evans said, “The patrons are mostly local,” and Councilman Cromer said those who come from out of town are “day trippers.”

Ms. Todd said of the CFA’s 2016 request for \$125,000 for facility renovations, council awarded it \$75,000; in 2017, the CFA “applied for \$50,000 for the renovation” and also “for some smaller ATAX grants,” including for the Pat Conroy Literary Festival. The organization was awarded \$25,000 for the renovation and collected that, but they did not request reimbursement for the smaller grants that they had received, she said; therefore, the CFA has received \$100,000 of the initial \$125,000 request for renovations. “Council’s approach back in ‘16 was that the ATAX could not support \$125,000 in one lump sum,” Ms. Todd said, so the award was to be tiered “over a period of . . . two years.” The CFA requested \$50,000 last year and was awarded \$25,000.

CFA director **Bonnie Hargrove** missed the ATAX application deadline in 2018, Ms. Todd said, so for 2019, Ms. Hargrove submitted a request for “the remaining \$25,000.” Mr. Desai said Ms. Hargrove “missed one of her submissions from for 2017,” and Ms. Todd said that’s correct. The Pat Conroy Literary Festival request was not submitted to the city for reimbursement, she said, so Ms. Hargrove cannot apply for ATAX funds for that event for two years.

Mr. Desai said his feeling as a hotel owner is that giving the CFA \$125,000, when the organization is “really not bringing” in overnight guests to Beaufort, is “disturbing,” especially when organizations like BIFF are “paying full price” to rent the space. He said the CFA is “not growing, either. We’re not seeing . . . with all these improvements, that they’re bringing overnight guests in.”

**Beaufort County Black Chamber of Commerce** – TDAC recommended funding zero dollars of the organization’s \$75,000 request because it supplied insufficient data, Mr. Sullivan said. The applicant also did not list other source funds, including county ATAX, for which its full request is \$120,000. For such a large request, he said, there was “no data” provided.

Mr. Sullivan told Councilman Murray that a representative from the Black Chamber of Commerce had come to the pre-application meeting. Mr. Prokop said a representative also came to two meetings with Mr. Sullivan, Mr. Prokop, and Ms. Todd about the issues with ATAX last year.

Ms. Todd said she had forwarded council a link to the ATAX applications.

Mr. Sullivan said the committee had elected Mr. Desai to be the incoming TDAC chair.

Mr. Prokop introduced **Carl Weber**, a facilitator who is conducting training sessions with city staff.

There being no further business to come before council, the work session adjourned at 6:20 p.m.

DRAFT



A work session of Beaufort City Council was held on October 23, 2018 at 5:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling, Councilwoman Nan Sutton, Councilmen Stephen Murray, Phil Cromer, and Mike McFee, and Bill Prokop, city manager.

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 5:03 p.m.

### **DISCUSSION: SPANISH MOSS TRAIL DOWNTOWN CONNECTOR**

**Dean Moss** reviewed the initial conversation about the Spanish Moss Trail downtown connector about a year ago; council felt it was not in the position to do anything about it because of stormwater and other projects. He met with council another time after that and has made a presentation to many other groups and gotten feedback. Mr. Moss said the group has identified two types of parking on The Bluff – aesthetic and event – and has looked at how to preserve 10 to 15 of the existing spaces for “aesthetic parking.”

Mr. Moss said the Friends of the Spanish Moss Trail have “communicated on and off” with the PATH Foundation, which would like to move quickly on this, but the Friends understand the need for a slower process. He said he has spoken to all of the residents along the potential connector and measured out spaces “to get a feel for what we can and . . . can’t do.”

Mr. Moss would like council to “embrace this project conditionally”: if there is a specific design that council is comfortable with, and if funding can be found to pay “whatever our share of the cost turns out to be.” PATH has estimated that the cost of the connector could be “about \$2 million,” he said.

Mr. Moss referred to a handout that council had been given that lays out a potential series of steps for the downtown connector, based on what was done with the Spanish Moss Trail initially, which he said would be “generally similar” to this project.

Mr. Moss said the first step would be “a complete survey of the corridor.” TDAC (Tourism Development Advisory Committee) recommended a \$7,500 ATAX grant to the Friends of the Spanish Moss Trail to conduct a survey from Depot Road to Charles Street that would show everything along it (e.g., wetlands, utilities, etc.). Friends of the Spanish Moss Trail would need to raise another \$22,000 if council approves the ATAX grant recommendation; PATH would do that, he said, and would then invoice the Friends.

There needs to be a design that council approves, Mr. Moss said, for it to “sign off on.” After that, construction drawings would be prepared, and then the Friends would “support engineering and permitting.” PATH is going to provide Mr. Moss with “hard numbers on design.” He thinks the initial cost, including the survey and an estimate of final design, would be \$200,000, and then they would go to construction when they had “the money to pay for it.” Mr. Moss said he’s confident about being able to find local funding because of the Friends of the Spanish Moss Trail’s current funding sources.

Fundraising would be a joint effort between the city and the Friends, Mr. Moss said, and it might include grant applications. They are hoping for substantial donations from local supporters among groups and individuals, he said, but “it’s a heavy lift.” Those donations could be used as matching funds for a grant.

This is “a challenge,” but it’s “a doable challenge” if the city “gets behind it and works with” Friends of the Spanish Moss Trail on fundraising and other details, Mr. Moss said.

Mr. Moss would like council to consider a resolution at an appropriate point to indicate the city’s “support and cooperation with the Friends.”

Mayor Keyserling said there have been discussions with the county, which “has the lease on the Dowling property,” about combining that with the piece of it that the city owns for an event/visitor parking lot. Also, the city’s rationale for helping to fund the shuttle would be to improve the number of visitors who park further out or in this lot, then use the shuttle, he said.

Mayor Keyserling said he would “like more connectivity” in the city, but he understands that PATH is interested in this design, not the one that Mayor Keyserling had suggested, so they could discuss ways to improve connectivity at some point in the future. Mr. Moss said he thinks the key streets downtown could be made “much more bicycle-friendly” and better able to move “university folks into town,” for example.

Councilwoman Sutton said she thinks the project is exciting, but she disagrees with what Mr. Moss said about the parking: she feels all of the current parking spaces on The Bluff should be preserved. Mayor Keyserling said he was not saying those spaces would be eliminated but that there might be an alternative parking lot for events. Councilwoman Sutton said the number of parking spaces downtown has dwindled because of infill, and no one knows if the parking garage will ever happen.

Councilwoman Sutton said she sees many people parking on The Bluff to take pictures of the view, plus she feels “we cannot lose more parking” downtown. She would like the path to run another way – perhaps closer to the water – though she acknowledged that this would be more expensive. Councilwoman Sutton wants all of the options to be fully explored so that the parking spaces on The Bluff aren’t lost.

Councilman McFee said he supports the connection, though the city financing it is his “hard swallow” because of other “big issues” for which the city must find funds.

Councilman Murray said TDAC didn’t recommend the ATAX money that the Friends requested for signs on the Spanish Moss Trail because the committee didn’t feel the signs were “a tourism driver,” but it did recommend that council grant \$7,500 for the survey. He asked Mr. Moss if he would rather the ATAX funds go to the survey or be split between the signs and the survey. Mr. Moss said he’d rather have the money go to the survey.

Councilman Murray said he thinks the downtown connector is a great idea. He shares some of Councilwoman Sutton’s concerns about the parking, but he thinks there could be places where they could make up for some of the lost parking (e.g., around Beaufort Elementary School). His concern is with funding the project, because the city currently needs to borrow money to fund stormwater work, and there are other priorities, such as the marina, which “needs critical work.” Councilman Murray said the city is already taking on debt to work on critical stormwater needs, but it is supportive of the downtown connector as something “that would be really nice to have.”

Councilman Cromer said he thinks this is a great idea, but he has concerns about parking and “especially with the financial end of it.” Mr. Moss said he understands council’s concerns.

Mr. Moss said he thinks “there are places out there [where] money can be found,” and he may need some assistance from the city manager as “we hunt for money.” It would be easier for the Friends of the Spanish Moss Trail to do that, he said, if there were a resolution from the city indicating that it supports the downtown connector project (e.g., for when Mr. Moss meets with donors).

**Joe DeVito** said the key to the project is the survey. Mr. Moss agreed and said they would then know what the issues are and what possible costs would be. Mr. DeVito said there are “too many unknowns” until the survey is done.

Council agreed that Mr. Moss should work with Mr. Prokop to create a resolution.

*(The Beaufort Area Hospitality Association submitted a letter in support of the Spanish Moss Trail connector, which is attached to these minutes for the record. – steno.)*

There being no further business to come before council, the work session was adjourned at 5:36 p.m.

### **EXECUTIVE SESSION**

Pursuant to Title 30, Chapter 4, and Section 70 (a) (1) of the South Carolina Code of Law, **Councilman McFee made a motion, seconded by Councilman Murray, to enter into**

**Executive Session for discussion of reappointments to boards and commissions and city representation on outside boards. The motion passed unanimously.**

DRAFT



August 24, 2018

Mayor Billy Keyserling and Council  
City of Beaufort  
1911 Boundary Street  
Beaufort, SC 29902

Dear Mayor Keyserling and Members of Council,

The Board of Directors of the Beaufort Area Hospitality Association are pleased to write a letter in support of the concept presented by the Friends of the Spanish Moss Trail for a Downtown Beaufort Connector.

The Trail has proven to be a tremendous recreational resource for both locals and visitors safely connecting MCAS, Beaufort Plaza, the Technical College, Beaufort Memorial and soon the Town of Port Royal. Its extension to downtown is the next logical link tying in our magnificent Waterfront Park, Landmark Historic District and Beaufort Historic District.

We encourage the City of Beaufort to embrace this project and to lead the way to it's implementation.

Sincerely,

Beaufort Area Hospitality Association Staff and Board

*Eric R. Suddala*  
*Janet Hill*  
*[Signature]*  
*[Signature]*

*William Mauer*  
*Craig Rees*  
*[Signature]*  
*Andy Ball* *For Dr. Andy Ball*

A regular session of Beaufort City Council was held on October 23, 2018 at 7:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling, Councilwoman Nan Sutton, Councilmen Stephen Murray, Phil Cromer, and Mike McFee, and Bill Prokop, city manager.

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 regular council meeting to order at 7:07 p.m.

#### **INVOCATION AND PLEDGE OF ALLEGIANCE**

Councilman McFee led the invocation. There was a presentation of the colors by some members of the Young Marines, who led the Pledge of Allegiance.

#### **CHARACTER EDUCATION PROCLAMATION**

**Councilman McFee made a motion, second by Councilman Cromer, to proclaim Aryana Hussman Beaufort Middle School's student of the month. The motion passed unanimously.** Councilman McFee read the proclamation, which Mayor Keyserling presented to Ms. Hussman. She thanked council for the recognition.

#### **RESOLUTION COMMENDING TIM RENTZ FOR SERVICE ON THE METROPOLITAN PLANNING COMMISSION**

**Councilman McFee made a motion, second by Councilman Murray, to approve the resolution. The motion passed unanimously.**

#### **RESOLUTION COMMENDING DAN AHERN FOR SERVICE ON THE CITY'S DESIGN REVIEW BOARD**

**Councilman McFee made a motion, second by Councilman Cromer, to approve the resolution. The motion passed unanimously.**

#### **RESOLUTION COMMENDING JANE FREDERICK FOR SERVING ON THE CITY'S DESIGN REVIEW BOARD**

**Councilman Cromer made a motion, second by Councilman McFee, to approve the resolution. The motion passed unanimously.**

#### **PROCLAMATION OF OCTOBER AS BREAST CANCER AWARENESS MONTH**

**Councilman McFee made a motion, second by Councilman Cromer, to approve the proclamation. The motion passed unanimously.** Councilman McFee read the proclamation, which Mayor Keyserling presented to a representative of the American Cancer Society, who recognized Mayor Keyserling and Councilwoman Sutton's husband, **Mike Sutton**, as among those participating in its "Real Men Wear Pink" campaign.

#### **PROCLAMATION OF OCTOBER 23–31, 2018 AS RED RIBBON WEEK**

**Councilman McFee made a motion, second by Councilman Cromer, to approve the proclamation. The motion passed unanimously.** Councilman McFee read the proclamation, which Mayor Keyserling presented to a representative of the Young Marines.

Mayor Keyserling said council had neglected to adjourn the executive session before calling the regular session to order. **Councilman Cromer made a motion, second by Councilman McFee, to adjourn the executive session. The motion passed unanimously.** Mayor Keyserling said there was nothing to report from the session.

#### **PUBLIC HEARING: ORDINANCE REZONING A PARCEL OF PROPERTY LOCATED AT 712 CONGRESS STREET FROM T4-HISTORIC NEIGHBORHOOD DISTRICT TO T4-NEIGHBORHOOD DISTRICT WITH A RETAIL FRONTAGE OVERLAY**

**Councilman McFee made a motion, second by Councilman Murray, to amend the agenda to delete this item because the request had been withdrawn. The motion passed unanimously.**

#### **MINUTES**

**Councilman McFee made a motion, second by Councilman Murray, to approve the minutes of the work session and regular council meeting on September 25, 2018.** Councilman Cromer said on page 6, Act 288 should be Act 388. Mr. Prokop said that in Councilman McFee's motion on page 8, it was incorrect to state that **Liza Hill** would be the certified arborist on the Park & Tree Committee. **The motion to approve the minutes as amended passed unanimously.**

#### **REQUEST FOR CO-SPONSORSHIP OF THE "SHINE ON" EVENT IN WATERFRONT PARK**

**Councilman Cromer made a motion, second by Councilman McFee, to approve the request for the November 8, 2018 event.** Linda Roper said Hospice Care of South Carolina is hosting the event, which is "a short program of remembrance" that staff supports. **The motion passed unanimously.**

#### **REQUEST FOR CO-SPONSORSHIP OF THE "LIFE BLOOMS ETERNALLY" EVENT IN WATERFRONT PARK**

**Councilman Murray made a motion, second by Councilman Cromer, to approve the request for the November 14, 2018 event.** Ms. Roper described this event, which she said staff supports. **The motion passed unanimously.**

#### **ADOPTION OF PROGRAM FOR PUBLIC INFORMATION**

**Councilman Murray made a motion, second by Councilman Cromer, to adopt the program.** Bruce Skipper briefly described the program, which had been discussed at the October 9 council work session. **The motion passed unanimously.**

#### **APPROVAL OF FY 2019 ATAX GRANT RECOMMENDATIONS FROM TDAC**

**Councilman McFee made a motion, second by Councilman Cromer, to approve the recommendations. Jonathan Sullivan**, TDAC chairman, recognized Mr. Prokop for the “new process [that] we use today” to work with and score ATAX applicants.

Mr. Sullivan said TDAC rates each applicant in specific categories and holds mandatory learning sessions for applicants, which he described.

Councilman Murray said \$287,000 in ATAX funds was released this year, which is about \$100,000 more than was released last year.

**Peach Morrison** thanked Mr. Sullivan and TDAC for their work. **The motion passed unanimously.**

#### **ADOPTION OF RESOLUTION FOR THE CITY OF BEAUFORT TO BECOME A MEMBER OF THE AMERICAN FLOOD COALITION**

**Councilman Murray made a motion, second by Councilman Cromer, to approve adoption of the resolution.** Mayor Keyserling said he asked for this to be put on the agenda; the coalition is a nationwide group of mayors. **The motion passed unanimously.**

#### **ORDINANCE ON THE ISSUANCE OF GENERAL OBLIGATION (GO) BOND FOR STORMWATER AND OTHER INFRASTRUCTURE**

**Councilman McFee made a motion, second by Councilman Cromer, to approve the ordinance on first reading.** Prokop said the ordinance would provide a funding source for stormwater needs in the form of a GO bond for \$6 million, which would be used to “address the two major areas in the Mossy Oaks area” (i.e., Basins 1 and 2). The bond would be paid for with stormwater fees, he said. Mayor Keyserling said it would not be paid for with money in the city’s General Fund. **The motion passed unanimously.**

#### **APPOINTMENT/REAPPOINTMENTS TO BOARDS AND COMMISSIONS**

**Councilman McFee made a motion, second by Councilman Cromer, to approve four reappointments to the Zoning Board of Appeals (ZBOA): Josh Gibson and Tim Wood for 4-year terms, and Jody Caron and Nigel Stroud for 2-year terms. The motion passed unanimously.**

#### **CITY MANAGER’S REPORT**

Mr. Prokop listed the stages of the Mossy Oaks stormwater program that are underway. There will be a public meeting tomorrow night to discuss the plan to address stormwater issues.

Mr. Prokop said the city has received a \$500,000 grant from the National Park Service for completion of the underwater pillar work in Waterfront Park and to make other improvements to the park.



Mr. Prokop discussed city employee training that took place last week.

The city will institute a program, Beaufort 2030, to aid in forming the city's master plan, Mr. Prokop said. Sessions will be held in January and February.

### **COUNCIL REPORTS**

Councilman Cromer said Beaufort History Museum had a large turnout for an open house this past weekend, and a meeting about Phase 2 of the museum's new exhibits is coming up.

Councilman Murray said he'd met with USCB leadership in the past few weeks, and great things are happening due to Dean **Bob LeFavi**'s leadership.

There were two qualified respondents to the RFP for the spec building in Commerce park, Councilman Murray said; the Economic Development Corporation's (EDC) executive committee had questions about both of the responses, so they asked **John O'Toole**, the EDC's executive director, to get answers to those questions.

Councilman Murray said fiber artists are displaying their work at Beaufort Digital Corridor (BDC), and Code Camp has started its second round of classes, as well as the second round of Game On. BDC also offers free "co-working Fridays" to anyone who'd like to work there, he said.

Councilman Murray said he had attended the Lowcountry Area Transportation Study meeting on Councilman McFee's behalf, and two new sets of mast arms will be installed. Also, Jasper County Council has filed a lawsuit against the South Carolina Ports Authority and is seeking support for that suit. In addition, DOT will be widening and fixing the first 33 miles of I-95 "sometime in the near future," he said.

The Georgia Ports Authority announced that it is investing "an additional \$2.5 million in their existing terminals," Councilman Murray said. The South Carolina Ports Authority said it would be creating similar capacity, which puts Charleston at 85% capacity "somewhere around 2035" if they maintain their current growth rates. Since both ports authority now have additional capacity, investing \$5 million to \$7 million of "primarily public funds" in Jasper County "does not make sense," Councilman Murray said. He provided more details and explained his opinion about the issue; Councilman McFee explained the matter further, and Mayor Keyserling added some details.

Councilwoman Sutton said there will be a new Halloween event on October 27 in Waterfront Park from 11 – 2 p.m., a chalk art contest from 9 a.m. to 1 p.m., and ArtWalk from 5 – 8 p.m.

Mayor Keyserling said he would not be at the Stormwater Task Force meeting.

**There being no further business to come before council, Councilman Cromer made a motion, second by Councilman Murray, to adjourn the regular council meeting. The motion passed unanimously, and the meeting was adjourned at 8:00 p.m.**

DRAFT



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## CITY OF BEAUFORT

### DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

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**TO:** CITY COUNCIL **DATE:** 11/6/2018  
**FROM:** Kathy Todd  
**AGENDA ITEM**  
**TITLE:** General Obligation Bond Ordinance - 2nd Reading  
**MEETING**  
**DATE:** 11/13/2018  
**DEPARTMENT:** Finance

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#### *BACKGROUND INFORMATION:*

Bond Ordinance on a \$6,000,000 issuance of General Obligation bonds to cover the cost of funding the Stormwater projects identified through the comprehensive stormwater study. The City staff recommend the issuance of GO bonds for these projects as the terms of this debt instrument will be in the best interest, financially, for the City. Though the general obligations bonds carry the full backing of the City, the Debt payments will be paid from the stormwater utility revenues and not an increase to the debt mil.

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***PLACED ON AGENDA FOR:*** Action

#### ***REMARKS:***

#### **ATTACHMENTS:**

Description	Type	Upload Date
\$6,000,000 GO Bond Ordinance	Cover Memo	11/6/2018

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**AN ORDINANCE**

**TO PROVIDE FOR THE ISSUANCE AND SALE OF A NOT EXCEEDING SIX MILLION DOLLAR (\$6,000,000) GENERAL OBLIGATION BOND, SERIES 2018 OF THE CITY OF BEAUFORT, SOUTH CAROLINA, TO PRESCRIBE THE PURPOSES FOR WHICH THE PROCEEDS SHALL BE EXPENDED, TO PROVIDE FOR THE PAYMENT THEREOF, AND OTHER MATTERS RELATING THERETO.**

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**City of Beaufort, South Carolina**

**Dated: November 13, 2018**

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUFORT, SOUTH CAROLINA, IN COUNCIL ASSEMBLED, AS FOLLOWS:

## ARTICLE I

### FINDINGS OF FACT

#### Section 1.01 Findings and Recitals.

As an incident to the enactment of this ordinance (this “**Ordinance**”) and the issuance of the Bond (as hereinafter defined), the City Council of the City of Beaufort (the “**City Council**”), the governing body of the City of Beaufort, South Carolina (the “**City**”), finds that the facts set forth in this Article exist and the statements made with respect thereto are in all respects true and correct.

1. The City is a municipal corporation of the State of South Carolina (the “**State**”), located in Beaufort County, South Carolina, and as such possesses all general powers granted to municipal corporations.

2. By virtue of Chapter 21, Title 5 and the provisions of Section 11-27-40, Code of Laws of South Carolina 1976, as amended (together, the “**Enabling Act**”), the City is empowered to issue general obligation bonds for any “authorized purpose” as therein defined.

3. The City Council, after due investigation and deliberation, has determined that it is necessary to issue general obligation debt in an amount not exceeding \$6,000,000 of the City to: (1) defray the costs of the planning, designing, constructing and equipping of certain improvements to the stormwater system and other infrastructure of the City (the “**Project**”); and (2) pay costs of issuance of the Bond. It is presently estimated that the costs of the Project, together with the costs of issuance of the Bond, will not be in excess of \$6,000,000.

4. The Project constitutes an authorized purpose within the meaning of the Enabling Act.

5. Section 14 of Article X of the Constitution of the State of South Carolina 1895, as amended (the “**Constitution**”) provides that subsequent to November 30, 1977, the municipalities of the State may issue bonded indebtedness in an amount not exceeding 8% of the assessed value of all taxable property therein (the “**Debt Limit**”) without the necessity of conducting a referendum. As certified by the County Auditor on October 5, 2018, the assessed value of all taxable property in the City as of June 30, 2018, which is the last completed assessment thereof, is not less than the sum of \$104,342,910; thus the Debt Limit equals \$8,347,433.

6. Article X, § 14(6) and (7) of the Constitution provides that general obligation debt authorized by a majority vote of the qualified electors of a political subdivision pursuant to a referendum shall not be considered in the computation of the Debt Limit. The City previously issued its General Obligation Bonds, Series 2008 in the principal amount of \$15,000,000 (the “**Series 2008 Bonds**”). The Series 2008 Bonds were approved by referendum on October 23, 2007 and were not chargeable against the Debt Limit. The Series 2008 Bonds maturing in years 2019 through 2027 (the “**Refunded Bonds**”) were advance refunded by City through the issuance of its Series 2016 Bonds (as defined below). The unrefunded portion of the Series 2008 Bonds matured on February 1, 2018 and are no longer outstanding.

7. Presently, the City has two outstanding general obligations: (i) its \$1,850,000 original principal amount General Obligation Bond, Series 2012 (the “**Series 2012 Bond**”); the Series 2012 Bond is currently outstanding in the principal amount of \$815,000; and (ii) its \$9,785,000 original principal amount General Obligation Refunding and Improvement Bonds, Series 2016 (the “**Series 2016 Bonds**”); the Series 2016 Bonds are currently outstanding in the principal amount of \$9,705,000.

8. The Series 2012 Bond was not approved by referendum and therefore, the entire balance of the Series 2012 Bond is chargeable against the City’s Debt Limit

9. The proceeds of Series 2016 Bonds were used to (i) advance refund the Refunded Bonds, and (ii) defray the costs of certain capital improvements (the “**2016 Projects**”). On the basis of the tax certificate for the Series 2016 Bonds, 92.28% (\$9,029,598) of the Series 2016 Bonds were applied toward the redemption of the Refunded Bonds and do not count against the Debt Limit<sup>1</sup>, and 7.72% (\$755,402) of the Series 2016 Bonds were applied toward the 2016 Projects and shall be charged against the Debt Limit (the “**New Money Percentage**”). While the percentage of the Series 2016 Bonds subject to the Debt Limit has been identified, the City has not separately determined how such percentage should be allocated to the Series 2016 Bonds. As a result, the City has determined to rely on the “safe harbor for pro rata allocation method for bonds” found in Treasury Regulation Section 1.148-9(h)(4)(ii) of the Code (as defined in Article II below). Under this safe harbor, the New Money Percentage shall be allocated on a pro rata basis against each maturity for the Series 2016 Bonds to determine the amount of the Series 2016 Bonds that is chargeable against the Debt Limit. The table providing such allocation is presented below:

Year (Feb. 1)	Par Amount of Series 2016 Bonds	New Money Percentage	Amount Allocated	Debt Limit Balance for Series 2016 Bonds <sup>2</sup>
2017	\$40,000	7.72%	\$3,088	\$752,314
2018	40,000	7.72	3,088	749,226
2019	815,000	7.72	62,918	686,308
2020	840,000	7.72	64,848	621,460
2021	855,000	7.72	66,006	555,454
2022	885,000	7.72	68,322	487,132
2023	910,000	7.72	70,252	416,880
2024	940,000	7.72	72,568	344,312
2025	985,000	7.72	76,042	268,270
2026	1,035,000	7.72	79,902	188,368
2027	1,095,000	7.72	4,534	103,834
2028	1,135,000	7.72	87,622	16,212
2029	70,000	7.72	5,404	10,808
2030	70,000	7.72	5,404	5,404
2031	70,000	7.72	5,404	0

<sup>1</sup> See *Williams v. City of Rock Hill*, 177 S.C. 82 (1935) citing 44 C.J. 1132, “[a] municipal corporation does not incur new debt or increase its indebtedness, within the meaning of constitutional or statutory limitations, when it...funds or extends an existing indebtedness, as by issuing funding bonds.”

<sup>2</sup> Balance calculated after payment made on February 1.



10. In consideration of the foregoing, the sum of \$1,501,308 (\$815,000 for the Series 2012 Bonds, plus \$686,308 of the Series 2016 Bonds) is currently chargeable against the Debt Limit. Therefore, the City is authorized to borrow not exceeding \$6,846,125 by way of general obligation debt. The available Debt Limit is in excess of the anticipated not exceeding \$6,000,000 principal amount intended to be borrowed by the City under this Ordinance and under the provisions of the Constitution and the Enabling Act; therefore, the City may borrow such money without the necessity of holding a referendum.

11. In connection therewith, the City Council has determined to issue general obligation debt of the City in an amount not to exceed \$6,000,000 to finance the costs of the Project and the cost of issuance thereof.

[End of Article I]

## ARTICLE II

### DEFINITIONS AND AUTHORITY

#### Section 2.01 Definitions.

As used in this Ordinance, unless the context shall otherwise require, the following terms shall have the following respective meanings:

***“Authorized Investments”*** means any securities which are now or hereafter authorized legal investments for municipalities pursuant to the Code of Laws of South Carolina 1976, as amended.

***“Authorized Officers”*** means the City Manager of the City, the Mayor of the City, the Mayor Pro Tempore, the Finance Director of the City, the City Clerk, or any other officer or employee designated from time to time as an Authorized Officer by resolution of the City Council, and when used with reference to any act or document also means any other person authorized by resolution of the City Council to perform such act or sign such document. For purposes of this Ordinance and the delegations recited herein, the City Manager shall be the Authorized Officer responsible for making such determinations.

***“Bond”*** means the not exceeding \$6,000,000 General Obligation Bond issued in accordance with the provisions of this Ordinance.

***“Bondholder”*** or ***“Holder”*** or ***“Holder of Bond”*** or ***“Owner”*** or similar term means, when used with respect to the Bond means any person who shall be registered as the owner of the Bond Outstanding as shown on the registration books of the City maintained by the Registrar.

***“Bond Payment”*** means the periodic payments of principal of, interest on and redemption premium, if any, on the Bond.

***“Bond Payment Date”*** means each date on which a Bond Payment shall be payable.

***“City”*** means the City of Beaufort, South Carolina.

***“City Clerk”*** means the City Clerk of the City of Beaufort, South Carolina.

***“City Council”*** means the City Council of the City of Beaufort, the governing body of the City or any successor governing body.

***“City Manager”*** means the City Manager of the City of Beaufort, South Carolina.

***“Code”*** means the Internal Revenue Code of 1986, as amended.

***“Enabling Act”*** means Chapter 21, Title 5 and the provisions of Section 11-27-40, Code of Laws of South Carolina 1976, as amended.

***“Government Obligations”*** means and includes direct general obligations of the United States of America or agencies thereof or obligations, the payment of principal or interest on which is fully and unconditionally guaranteed by the United States of America.

***“Ordinance”*** shall mean this ordinance of the City Council authorizing the issuance of the Bond.

***“Original Issue Date”*** shall mean the date of delivery of the Bond to the initial purchaser thereof.

***“Outstanding”***, when used in this Ordinance with respect to the Bond, means as of any date, the Bond theretofore delivered pursuant to this Ordinance except:

(a) the Bond if cancelled or delivered to the Registrar for cancellation on or before such date;

(b) the Bond if deemed to have been paid in accordance with the provisions of Section 7.01 hereof; and

(c) the Bond if in lieu of or in exchange for which another Bond shall have been delivered pursuant to Section 3.05 hereof.

***“Paying Agent”*** means the City, acting through the City Clerk.

***“Person”*** means an individual, a partnership, a corporation, a trust, a trustee, an unincorporated organization, or a government or an agency or political subdivision thereof.

***“Record Date”*** means the 15th day immediately preceding each Bond Payment Date.

***“Registrar”*** means the City, acting through the City Clerk.

## Section 2.02 Construction.

In this Ordinance, unless the context otherwise requires:

1. Articles and Sections referred to by number shall mean the corresponding Articles and Sections of this Ordinance.

2. Words of the masculine gender shall mean and include correlative words of the female and neuter genders, and words importing the singular number shall mean and include the plural number and vice versa.

3. Any fiduciary shall be deemed to hold an Authorized Investment in which money is invested pursuant to the provisions of this Ordinance, even though such Authorized Investment is evidenced only by a book entry or similar record of investment.

[End of Article II]

## ARTICLE III

### ISSUANCE OF BOND

#### Section 3.01    Ordering the Issuance of the Bond.

(a) Pursuant to the provisions of the Enabling Act and for the purpose of obtaining funds to defray the costs of the Project, there shall be issued by the City a general obligation bond in the principal amount of not exceeding Six Million Dollars (\$6,000,000) designated “General Obligation Bond, Series 2018 of the City of Beaufort, South Carolina” (the “**Bond**”) or such other designation as determined appropriate by an Authorized Officer. An Authorized Officer is hereby authorized to determine the final principal amount of the Bond and other items related to the sale and marketability of the Bond. The Bond shall bear a series designation as determined by an Authorized Officer, but in all cases shall include the calendar year of the issuance thereof.

(b) The City, acting through the Authorized Officer, may elect to issue separate series of bonds so long as each series of bonds otherwise conforms to the provisions contained herein. If multiple series of bonds are issued, all references to the Bond shall be construed as referring to all series of bonds that may be issued under the terms hereof. The Bond may be sold on a taxable basis and any series of bonds issued as taxable obligations shall bear an appropriate designation so as to distinguish its tax status.

#### Section 3.02    Maturity Schedule of the Bond.

The Bond shall be dated as of the date of its delivery and shall bear interest from its dated date. The principal amount, term, rate of interest and payment details of the Bond shall be determined by an Authorized Officer, provided, however, that in no event shall the principal amount of the Bond exceed \$6,000,000. Bond Payments on the Bond shall be scheduled to occur no less frequently than annually, or more frequently as determined by an Authorized Officer.

The Bond shall be dated as of the Original Issue Date, unless an Authorized Officer and purchaser of the Bond agree otherwise.

#### Section 3.03    Medium of Payment; Form and Denomination of the Bond; Place of Payment.

(a) The Bond shall be payable as to principal and interest on the basis of a 360-day year, consisting of twelve thirty-day months each, in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

(b) The Bond shall be issued in the form of one fully registered bond.

(c) The City shall serve as Paying Agent for the Bond, and the Bond Payments shall be made by the Paying Agent to the Person appearing on each Record Date on the registration books of the City, which books shall be held by the City as Registrar, as provided in Section 3.06 hereof, as the registered owner thereof, by check or draft mailed from the City to such registered owner at his or her address as it appears on such registration books in sufficient time to reach such registered owner on each Bond Payment Date. Payment of the final Bond Payment shall be made when the

same is due and payable upon the presentation and surrender for cancellation of the Bond at the administrative office of the City; provided, however, the requirement for final presentment and surrender may be waived by a mutual, written agreement of the City and the Holder.

#### Section 3.04 Execution.

The Bond shall be executed in the name and on behalf of the City by the manual or facsimile signature of an Authorized Officer, with its corporate seal impressed, imprinted or otherwise reproduced thereon, and attested by the manual signature of the City Clerk or other Authorized Officer (other than the officer or officers executing the Bond). The Bond may bear the manual signature of any person who shall have been such an Authorized Officer authorized to sign the Bond at the time such Bond was so executed, and shall bind the City notwithstanding the fact that his or her authorization may have ceased prior to the delivery of the Bond.

#### Section 3.05 Exchange of the Bond.

The Bond, upon surrender thereof at the office of the Registrar with a written instrument of transfer satisfactory to the Registrar, duly executed by the registered Holder or his or her duly authorized attorney, may, at the option of the registered Holder thereof, be exchanged for a new Bond of the same interest rate and maturity. So long as the Bond remains Outstanding, the City shall make all necessary provisions to permit the exchange of the Bond. Such new bond shall reflect the principal amount thereof as then yet unpaid.

#### Section 3.06 Transferability and Registry.

The Bond shall at all times, when the same is Outstanding, be payable to a Person, and shall be transferable only in accordance with the provisions for registration and transfer contained in this Ordinance and in the Bond. So long as the Bond remains Outstanding, the City (acting through the City Clerk), as Registrar, shall maintain and keep, at its administrative office, books for the registration and transfer of the Bond, and, upon presentation thereof for such purpose at such office, the City shall register or cause to be registered therein, and permit to be transferred thereon, under such reasonable regulations as it may prescribe, such Bond.

#### Section 3.07 Transfer of the Bond.

The Bond shall be transferable only upon the books of the Registrar, upon presentation and surrender thereof by the Holder of the Bond in person or by his or her attorney duly authorized in writing, together with a written instrument of transfer satisfactory to the Registrar duly executed by the registered Holder or his or her duly authorized attorney. Upon surrender for transfer of the Bond, the City shall execute and deliver, in the name of the Person who is the transferee, a new Bond of the same principal amount and maturity and rate of interest as the surrendered Bond. Such new Bond shall reflect the principal amount thereof as then yet unpaid.

#### Section 3.08 Regulations with Respect to Exchanges and Transfers.

The Bond surrendered in any exchange or transfer shall forthwith be cancelled by the Registrar. For each such exchange or transfer of the Bond, the Registrar may make a charge sufficient to reimburse itself for any tax, fee or other governmental charge required to be paid with

respect to such exchange or transfer, which sum or sums shall be paid by the Holder requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer. The City shall not be obligated to issue, exchange or transfer the Bond during the 15 days next preceding any (a) Bond Payment Date, or (b) date upon which the Bond will be redeemed, if any.

#### Section 3.09 Mutilated, Destroyed, Lost and Stolen Bond.

(a) If the Holder surrenders a mutilated Bond to the Registrar or the Registrar receives evidence to its satisfaction of the destruction, loss, or theft of the Bond, and there is delivered to the Registrar such security or indemnity as may be required by it to save it harmless, then, in the absence of notice that the Bond has been acquired by a bona fide purchaser, the City shall execute and deliver, in exchange for the mutilated Bond or in lieu of any such destroyed, lost, or stolen Bond, a new Bond of like tenor, maturity, and interest rate bearing a number unlike that of such mutilated, destroyed, lost, or stolen Bond, and shall thereupon cancel any such mutilated Bond so surrendered. In case any such mutilated, destroyed, lost, or stolen Bond has become or is to become due for final payment within one month, the City in its discretion may, instead of issuing a new Bond, pay the Bond.

(b) Upon the issuance of any new Bond under this Section 3.09, the City may require the payment of a sum sufficient to cover any tax, fee, or other governmental charge that may be imposed in relation thereto and any other expenses, including counsel fees or other fees, of the City or the Registrar connected therewith.

(c) Each new Bond issued pursuant to this Section, in lieu of any destroyed, lost, or stolen Bond, shall constitute an additional contractual obligation of the City, whether or not the destroyed, lost, or stolen Bond shall at any time be enforceable by anyone, and shall be entitled to all the benefits hereof equally and proportionately with the Bond duly issued pursuant to this Ordinance.

(d) The Bond shall be held and owned upon the express condition that the foregoing provisions are exclusive with respect to the replacement or payment of the mutilated, destroyed, lost, or stolen Bond and shall preclude (to the extent lawful) all other rights or remedies with respect to the replacement or payment of the mutilated, destroyed, lost, or stolen Bond or securities.

#### Section 3.10 Holder As Owner of the Bond.

In its capacity as Registrar, the City may treat the Holder of the Bond as the absolute owner thereof, whether the Bond shall be overdue or not, for the purpose of receiving payment of, or on account of, the Bond Payment on the Bond and for all other purposes; and payment of the Bond Payment shall be made only to, or upon the order of, such Holder. All payments to such Holder shall be valid and effectual to satisfy and discharge the liability upon the Bond to the extent of the sum or sums so paid, and the City shall not be affected by any notice to the contrary.

#### Section 3.11 Cancellation of the Bond.

The Registrar shall destroy the Bond when the same shall be surrendered to it for cancellation. In such event, the Bond shall no longer be deemed Outstanding under this Ordinance and no bond shall be issued in lieu thereof.

Section 3.12 Payments Due Saturdays, Sundays and Holidays.

In any case where the Bond Payment Date shall be Saturday or Sunday or shall be, at the place designated for payment, a legal holiday or a day on which banking institutions are authorized by law to close, then payment of the Bond Payment need not be made on such date but may be made on the next succeeding business day not a Saturday, Sunday or a legal holiday or a day upon which banking institutions are authorized by law to close, with the same force and effect as if made on the Bond Payment Date and no interest shall accrue for the period after such date.

Section 3.13 Tax Exemption in South Carolina.

The interest on the Bond shall be exempt from all State, county, municipal, school district, and all other taxes or assessments of the State, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, except inheritance, estate, transfer or certain franchise taxes.

Section 3.14 Order to Levy Ad Valorem Taxes to Pay Principal and Interest of the Bond.

For the payment of Bond Payments as the same become due and for the creation of such sinking fund as may be necessary therefor, the full faith, credit, and taxing power of the City are hereby irrevocably pledged, and there shall be levied and collected an *ad valorem* tax, without limit as to rate or amount, upon all taxable property located within the City sufficient to pay the Bond Payments until the Bond is no longer Outstanding. Such levy shall be reduced to the extent that, at the time the annual millage levy for the Bond Payments is set, the City has available other amounts for the payment of amounts due on the succeeding Bond Payment Date and has deposited the same into the sinking fund established for the payment of the Bond Payment.

Section 3.15 Form of the Bond.

The form of the Bond and registration provisions to be endorsed thereon, shall be substantially as set forth in Exhibit A attached hereto and made a part of this Ordinance.

[End of Article III]



## **ARTICLE IV**

### **REDEMPTION OF BOND**

#### Section 4.01 Redemption of the Bond.

The Bond shall be subject to redemption prior to maturity at such times and in such amounts and upon such terms as may be determined by an Authorized Officer.

#### Section 4.02 Election to Redeem.

In the event that the City shall, in accordance with the provisions of Section 4.01 hereof, elect to redeem the Bond, it shall give notice to the Registrar and the Paying Agent of each optional redemption. Such notice shall specify the date fixed for redemption and the Bond which is to be redeemed. Such notice shall be given at least 30 days prior to the date fixed for redemption or such lesser number of days as shall be acceptable to the Registrar and the Purchaser.

#### Section 4.03 Partial Redemption of the Bond.

In the event part, but not all of the Bond shall be selected for redemption, upon presentation and surrender of such Bond (or by mutual agreement as permitted by Section 3.03(c) hereof) by the Holder thereof or his or her attorney duly authorized in writing (with, if the City or the Registrar so requires, due endorsement by, or a written instrument of transfer in form satisfactory to the City and the Registrar duly executed by, the Holder thereof or his or her attorney duly authorized in writing) to the Registrar, the City shall execute and the Registrar shall authenticate and deliver to or upon the order of such Holder, without charge therefor, for the unredeemed portion of the principal amount of the Bond so surrendered, a Bond of any authorized denomination of like tenor. The Bond, if so presented and surrendered, shall be cancelled in accordance with Section 3.11 hereof.

#### Section 4.04 Purchases of the Outstanding Bond.

As permitted by the Holder, purchases of the Bond may also be made by the City at any time with money available to it from any source. Upon any such purchase, the City shall deliver such Bond to the Registrar for cancellation.

[End of Article IV]

**ARTICLE V**  
**SALE OF BOND**

Section 5.01 Sale of the Bond.

The Bond shall be sold at public sale, at a price not less than par plus accrued interest to the date of delivery. Bids shall be solicited on the basis of an official notice of sale, the form of which is attached hereto as Exhibit B (the “*Notice of Sale*”). Unless all of the bids are rejected, the award of the Bond shall be made to the party offering the terms most advantageous to the City. An Authorized Officer, in his or her sole discretion, shall determine what grounds constitute the terms most advantageous to the City.

Section 5.02 Notice of Sale.

In accordance with the Enabling Act, the Notice of Sale shall be published in The State, a newspaper of general circulation in the State or, if deemed appropriate by an Authorized Officer, in a financial publication published in the City of New York, State of New York, or both. The Notice of Sale shall appear at least once, not less than 7 days before the date set for said sale.

In lieu of publishing the Notice of Sale in its entirety, an Authorized Officer may elect to publish an abbreviated form of such notice and provide the entire Notice of Sale to those parties who may request the same. The summary notice of sale shall be published on the same terms described in the foregoing paragraph. A form of the summary is attached hereto as Exhibit C; such form shall be subject to change in the sole discretion of the Authorized Officer.

[End of Article V]

## **ARTICLE VI**

### **DISPOSITION OF PROCEEDS OF SALE OF BOND**

#### **Section 6.01 Disposition of Bond Proceeds Including Temporary Investments.**

The proceeds derived from the sale of the Bond shall be paid to the City, to be applied as follows: (a) to payment of costs of issuance of the Bond; and (b) the remaining amount shall be deposited in a separate account, and shall be expended and made use of by the City Council to defray the costs of the Project described in Section 1.01 hereof. Pending the use of Bond proceeds, the same shall be invested and reinvested by the City in Authorized Investments. All earnings from such investments shall be applied, at the direction of an Authorized Officer, either (1) to defray the cost of the undertakings for which the Bond is issued and if not required for this purpose, then (2) to pay the first maturing Bond Payment on the Bond; if any balance remains, it shall be held by the City in a special fund, invested by the City in Government Obligations, with a yield not in excess of the yield on such Bond and used to effect the retirement thereof.

Neither the purchaser nor Holder of the Bond shall be liable for the proper application of the proceeds thereof.

[End of Article VI]

## ARTICLE VII

### DEFEASANCE OF BOND

#### Section 7.01 Discharge of Ordinance - Where and How the Bond is Deemed to Have Been Paid and Defeased.

If the Bond and the interest thereon shall have been paid and discharged, then the obligations of the City under this Ordinance and all other rights granted hereby shall cease and determine. The Bond shall be deemed to have been paid and discharged within the meaning of this Article under each of the following circumstances:

- (a) a third party fiduciary, which shall be any bank, trust company, or national banking association which is authorized to provide corporate trust services (the “*Fiduciary*”), shall hold, in trust and irrevocably appropriated thereto, sufficient moneys for the payment of all Bond Payments due thereunder; or
- (b) if default in the payment of the Bond Payment due shall have occurred on any Bond Payment Date, and thereafter tender of such payment shall have been made, and at such time the Fiduciary shall hold in trust and irrevocably appropriated thereto, sufficient moneys for the payment thereof to the date of the tender of such payment; or
- (c) if the City shall elect to provide for the payment of the Bond prior to its stated maturity and shall have deposited with the Fiduciary, in an irrevocable trust, moneys which shall be sufficient, or Government Obligations, the principal of and interest on which when due will provide moneys, which together with moneys, if any, deposited with the Fiduciary at the same time, shall be sufficient to pay when due the Bond Payment due and to become due, together with any redemption premium applicable thereto.

Neither the Government Obligations nor moneys deposited with the Fiduciary pursuant to this Section nor the Bond Payments thereon shall be withdrawn or used for any purpose other than, and shall be held in trust for, the payment of the Bond Payments and redemption premium, if any, on the Bond; provided that any cash received from such principal or interest payments on Government Obligations deposited with the Fiduciary, if not then needed for such purpose, shall to the extent practicable be invested and reinvested in Government Obligations maturing at times and in amounts sufficient to pay when due the Bond Payments and redemption premium, if any, to become due on the Bond on and prior to the Bond Payment Dates thereof, and interest earned from such reinvestments not required for the payment of the Bond Payments and redemption premium, if any, may be paid over to the City, free and clear of any trust, lien or pledge.

[End of Article VII]

## ARTICLE VIII

### CERTAIN TAX AND DISCLOSURE CONSIDERATIONS

#### Section 8.01 Covenants to Comply with Requirements of the Code.

The City acknowledges that it has ongoing responsibilities with respect to the Code and the preservation of the tax-exempt status of the Bond. The City hereby represents and covenants that it will comply with all requirements of the Code, and that it will not take any action which will, or fail to take any action (including, without limitation, filing the required information reports with the Internal Revenue Service) which failure will, cause interest on the Bond to become includable in the gross income of the Holder thereof for federal income tax purposes pursuant to the provisions of the Code and regulations promulgated thereunder in effect on the date of original issuance of the Bond. Without limiting the generality of the foregoing, the City represents and covenants as follows:

(a) All property financed or refinanced with the net proceeds of the Bond will be owned for federal income tax purposes by the City (or a political subdivision thereof in accordance with the rules governing the ownership of property) throughout the entire term of the Bond and until the Bond is paid in full.

(b) The City shall not permit the proceeds of the Bond or any property financed or refinanced with the proceeds of the Bond to be used such that (i) ten percent (10%) or more of such proceeds are considered as having been used in a “private business use” (as defined in Section 141(b) of the Code), (ii) five percent (5%) or more of such proceeds are considered as having been used in a “private business use” that is either “unrelated” or “disproportionate” to the governmental use of such proceeds (as the terms “unrelated” and “disproportionate” are defined for purposes of Section 141(b) of the Code), or (iii) an amount greater than five percent (5%) of such proceeds are considered as having been used directly or indirectly to make or finance loans to any person other than a governmental unit as provided in Section 141(c) of the Code.

(c) The City is not a party to, will not enter into, or permit any other party to enter into, any contracts with any entity involving the management of any property provided with the proceeds of the Bond that do not conform to the guidelines set forth in Revenue Procedure 2017-13, as the same may be modified by subsequent official guidance, unless the City obtains an opinion of nationally recognized bond counsel that such contract will not adversely affect the tax-exempt status interest on the Bond.

(d) No property, or any portion thereof, financed or refinanced with the proceeds of the Bond will be (i) sold, leased, or otherwise disposed of to (or for the benefit of) any private person engaged in a private trade or business, or (ii) otherwise used (directly or indirectly) by (or on behalf of) any private person engaged in a private trade or business, unless the City obtains an opinion of nationally recognized bond counsel that such sale, lease, other disposition to (or on behalf of) such private person, or such use in a private trade or business, will not adversely affect the tax-exempt status of interest on the Bond for federal income tax purposes.

(e) The Bond will not be “federally guaranteed” within the meaning of Section 149(b) of the Code. No property, nor any portion thereof, financed or refinanced with the proceeds of the Bond will be (i) sold, leased, or otherwise disposed of to (or for the benefit of) the federal government or any of its agencies, or (ii) managed, serviced or otherwise used (directly or indirectly) by (or on behalf of) the federal government or any of its agencies, unless the City obtains an opinion of nationally recognized bond counsel that such sale, lease, other disposition to, or such use by (or on behalf of), the federal government or any of its agencies will not adversely affect the tax-exempt status of interest on the Bond for federal income tax purposes.

(f) The City covenants to file IRS Form 8038-G at the time and in the place required therefor under the Code.

(g) Prior to the issuance of the Bond, an Authorized Officer may designate the Bond or a portion thereof as taxable under the Code. The election to issue a series of taxable obligations shall be clearly indicated by including the phrase “Taxable Series,” or words to that effect, in the series designation of such taxable obligations. With respect to any such taxable obligations (and the property financed with the proceeds of such obligations), the City shall not be required to comply with the covenants set forth elsewhere in this Section 8.01 or in Section 8.02 hereof.

#### Section 8.02 Ability to Meet Arbitrage Requirements.

(a) The City hereby covenants that (i) on the date of issuance of the Bond, it will reasonably expect that no use of the proceeds of the Bond, and (ii) after the issuance date of the Bond, it will make no use of the proceeds of the Bond, that would cause the Bond to be an “arbitrage bond,” as defined in the Code, and (iii) it will comply with all of the requirements of Section 148 of the Code with respect to the Bond.

(b) In order to comply with the requirements of paragraph (a) of this Section, the City further agrees to compute and pay arbitrage rebate as required under Section 148(f) of the Code.

(c) Supplemental to the covenants of Section 8.01 hereof, and in no way in limitation thereof, an Authorized Officer is hereby authorized and directed to execute, at or prior to delivery of the Bond, a certificate or certificates specifying actions taken or to be taken by the City, and the reasonable expectations of such officials, with respect to the Bond, the proceeds thereof, or the City.

#### Section 8.03 Continuing Disclosure.

Pursuant to Section 11-1-85 of the Code of Laws of South Carolina 1976, as amended (“**Section 11-1-85**”), the City covenants to file with a central repository for availability in the secondary bond market, when requested:

(a) An annual independent audit, within thirty days of the City’s receipt of the audit; and

(b) Event-specific information within thirty days of an event adversely affecting more than five percent of revenue or the City’s tax base.

The only remedy for failure by the City to comply with the covenant in this Section 8.03 shall be an action for specific performance of this covenant. The City specifically reserves the right to amend this covenant to reflect any change in Section 11-1-85, without the consent of any Bondholder.

Section 8.04    Qualified Tax-Exempt Obligation.

The City (together with any subsidiary entities under the control of the City and any entities that issue obligations on behalf of the City) expects to issue no tax-exempt obligation in calendar year 2019 which, along with the Bond, would aggregate more than \$10,000,000. Accordingly, the Bond is hereby designated as a “qualified tax-exempt obligation” within the meaning of Section 265(b)(3)(B) of the Code.

[End of Article VIII]

## **ARTICLE IX**

### **MISCELLANEOUS**

#### Section 9.01 Savings Clause.

If any one or more of the covenants or agreements provided in this Ordinance should be contrary to law, then such covenant or covenants or agreement or agreements shall be deemed severable from the remaining covenants and agreements, and shall in no way affect the validity of the other provisions of this Ordinance.

#### Section 9.02 Successors.

Whenever in this Ordinance the City is named or referred to, it shall be deemed to include any entity, which may succeed to the principal functions and powers of the City, and all the covenants and agreements contained in this Ordinance or by or on behalf of the City shall bind and inure to the benefit of said successor whether so expressed or not.

#### Section 9.03 Ordinance to Constitute Contract.

In consideration of the purchase and acceptance of the Bond by those who shall purchase and hold the same from time to time, the provisions of this Ordinance shall be deemed to be and shall constitute a contract between the City and the Holders from time to time of the Bond, and such provisions are covenants and agreements with such Holders which the City hereby determined to be necessary and desirable for the security and payment thereof. The pledge hereof and the provisions, covenants, and agreements herein set forth to be performed on behalf of the City shall be for the benefit, protection, and security of the Holders of the Bond.

#### Section 9.04 Filing of Copies of Ordinance.

Copies of this Ordinance shall be filed in the offices of the City Clerk and in the office of the Clerk of Court of Beaufort County, South Carolina (as a part of the Record of Proceedings for the Bond).

#### Section 9.05 Further Action by Officers of the City.

The Authorized Officers are fully authorized and empowered to take the actions required to implement the provisions of this Ordinance and to furnish such certificates and other proofs as may be required of them. In the absence of any officer of the City Council herein authorized to take any act or make any decision, the Mayor Pro Tempore is hereby authorized to take any such act or make any such decision.



Section 9.06 Notice Pursuant to Section 11-27-40, paragraph 8 of the Code of Laws of South Carolina 1976, as amended.

In order that the City Council may proceed as soon as possible to issue and deliver the Bond authorized hereby, an Authorized Officer may determine that the City avail itself of the provisions of paragraph 8 of Section 11-27-40 of the Code of Laws of South Carolina 1976, as amended. If such determination is made, the notice of enactment prescribed thereby shall be published, the form of which shall be substantially as set forth in Exhibit D attached hereto.

Section 9.07 Effective Date of Ordinance.

This Ordinance shall take effect upon its second reading and shall be forthwith codified in the City's Code of Ordinances.

[End of Article IX]

**DONE, RATIFIED AND ENACTED** this 13th day of November, 2018.

**CITY OF BEAUFORT, SOUTH CAROLINA**

(SEAL)

---

Mayor

Attest:

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City Clerk  
City of Beaufort, South Carolina

First Reading:     October 23, 2018  
Second Reading:   November 13, 2018

**EXHIBIT A**

**[FORM OF BOND]**

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

UNITED STATES OF AMERICA  
STATE OF SOUTH CAROLINA  
CITY OF BEAUFORT  
GENERAL OBLIGATION BOND, SERIES 2018

No. 1 \$[\_\_\_\_\_]

Registered Holder:

Principal Amount: \_\_\_\_\_ Dollars (\$\_\_\_\_\_)

The City of Beaufort, South Carolina (the “**City**”), a public body corporate and politic and a political subdivision of the State of South Carolina (the “**State**”), created and existing by virtue of the laws of the State, acknowledges itself indebted and for value received hereby promises to pay, solely as hereinafter provided, to the Registered Holder named above or registered assigns, the Principal Amount stated above.

This Bond is issued in the principal amount of \_\_\_\_\_ Dollars (\$\_\_\_\_\_) for purposes authorized by and pursuant to and in accordance with the Constitution and statutes of the State, including particularly the provisions of Sections 5-21-210 through 5-21-500 and Section 11-27-40, Code of Laws of South Carolina 1976, as amended, and an ordinance (the “**Ordinance**”) duly enacted by the City Council of the City (the “**Council**”) on November 13, 2018.

[Insert Redemption Provisions, if any]

The principal and interest on this Bond shall be paid by way of an equal \_\_\_\_\_ amortized payment in the amount of \$\_\_\_\_\_ (each a “**Bond Payment**”) due and payable on \_\_\_\_\_ of each of the years 20\_\_ through 20\_\_, inclusive (the “**Bond Payment Dates**”). This Bond shall bear interest

at the rate of \_\_\_\_\_% per annum, calculated on the basis of a 360-day year consisting of twelve 30-day months, from the date of this Bond and shall be paid by way of the Bond Payments to the person in whose name this Bond is registered at the close of business on the fifteenth day of the month next preceding each Bond Payment date. The Bond Payments shall be payable by check or draft mailed at the times provided herein from the City to the person in whose name this Bond is registered at the address shown on the registration books. The Bond Payments are payable in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

Certain capitalized terms used herein and not otherwise defined shall have the meanings ascribed thereto in the Ordinance. Certified copies of the Ordinance are on file in the office of the Clerk of Court of Beaufort County, South Carolina and in the office of the City Council.

This Bond is payable from an *ad valorem* tax, without limit as to rate or amount, levied and collected on all taxable property within the City. For the prompt payment of the Bond Payments as the same shall become due, the full faith, credit, and taxing power of the City are irrevocably pledged.

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

This Bond is issued in the form of one fully registered bond and is transferable, as provided in the Ordinance, only upon the registration books of the City kept for that purpose at the offices of the City by the registered Holder in person or by his or her duly authorized attorney upon (i) surrender of this Bond together with a written instrument of transfer satisfactory to the Registrar duly executed by the registered holder or his or her duly authorized attorney, and (ii) payment of the charges, if any, prescribed in the Ordinance. Thereupon a new fully registered bond of like interest rate and principal amount shall be issued to the transferee in exchange therefor as provided in the Ordinance. The City may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of the Bond Payment due hereon and for all other purposes.

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

It is hereby certified and recited that all acts, conditions, and things required to exist, happen, and to be performed precedent to and in the adoption of the Ordinance and in the issuance of this Bond in order to make the legal, valid, and binding general obligation of the City in accordance with its terms, do exist, have been done, have happened and have been performed in regular and due form as required by law; and that the issuance of this Bond does not exceed or violate any constitutional, statutory, or other limitation upon the amount of indebtedness prescribed by law.

**IN WITNESS WHEREOF**, the City has caused this Bond to be signed by the manual signature of the Mayor of the City, attested by the manual signature of the City Clerk, and the seal of the City impressed hereon.

**CITY OF BEAUFORT,  
SOUTH CAROLINA**

(SEAL)

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk  
City of Beaufort, South Carolina

**(FORM OF ASSIGNMENT)**

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto  
the  
\_\_\_\_\_  
within bond and does hereby irrevocably constitute and appoint  
\_\_\_\_\_  
attorney to transfer the within bond on the books kept for registration thereof, with full power of  
substitution in the premises.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
(Authorized Officer)

\_\_\_\_\_  
Notice: The signature to the assignment must correspond with the name of the registered owner as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatever.

**OFFICIAL NOTICE OF SALE**

## **EXHIBIT C**

### **FORM OF SUMMARY NOTICE OF SALE**

Bids will be received by the City of Beaufort, South Carolina, at 2:00 p.m. (Eastern Time) on Thursday, November 8, 2018, pursuant to the Official Notice of Sale dated October 29, 2018 with respect to the sale of the \$6,000,000 General Obligation Bond, Series 2018 of the City of Beaufort, South Carolina. The par amount of the bonds is subject to adjustment as set forth in the Official Notice of Sale. The Official Notice of Sale and other information is available from Lyman Wray, Financial Advisor to the City (email: [lyman.wray@stephens.com](mailto:lyman.wray@stephens.com)).

## **EXHIBIT D**

### **NOTICE OF ENACTMENT**

Notice is hereby given that on November 13, 2018, the City Council of the City of Beaufort, enacted an ordinance entitled “AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF A NOT EXCEEDING SIX MILLION DOLLARS (\$6,000,000) GENERAL OBLIGATION BOND, SERIES 2018 OF THE CITY OF BEAUFORT, SOUTH CAROLINA, TO PRESCRIBE THE PURPOSES FOR WHICH THE PROCEEDS SHALL BE EXPENDED, TO PROVIDE FOR THE PAYMENT THEREOF, AND OTHER MATTERS RELATING THERETO.”

By order of the City Council, this \_\_\_\_ day of \_\_\_\_\_ 2018.





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## CITY OF BEAUFORT

### DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

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**TO:** CITY COUNCIL **DATE:** 11/8/2018  
**FROM:** Ivette Burgess  
**AGENDA ITEM**  
**TITLE:** Request for permission to host annual Toy Run Parade Sunday, December 16, 2018  
**MEETING**  
**DATE:** 11/13/2018  
**DEPARTMENT:** City Clerk

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*BACKGROUND INFORMATION:*

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*PLACED ON AGENDA FOR:*

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*REMARKS:*

**ATTACHMENTS:**

Description	Type	Upload Date
Request	Backup Material	11/8/2018
Flyer	Backup Material	11/8/2018

**From:** [Southern Scooters](#)  
**To:** [Ivette Burgess](#)  
**Subject:** TOY RUN 2018  
**Date:** Saturday, October 20, 2018 3:29:31 PM  
**Attachments:** [TOYRUN18.pdf](#)

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Dear Ms Burgess

Once again I would like to ask of the city manager and city council permission for area motorcyclists to parade through downtown Beaufort in conjunction with our effort to collect toys during the holiday season. All toys and donations are given to the Salvation Army after the parade. This is the 38th year for the event and we would like to hold this years parade on Sunday the 16th of December. The route in the city proper will be the same as previous years (Boundary to Carteret to Bay to North to Salvation Army). The bikes will assemble in the rear of the K-Mart in the Town Center shopping center located at 2015 Boundary St. For more information I can be reached during the day at 843 846-2188. My cell phone is 843 292 5571. Thank you for your consideration.

Stephen

A."Stitch" White

Owner,

Southern Scooters

Would you please email me the date this will go before City Council.

38th ANNUAL

BEAUFORT



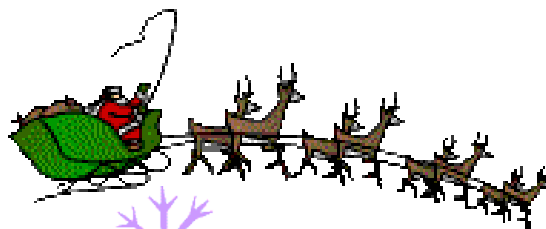
## MOTORCYCLE TOY RUN

SUNDAY, DEC 16TH @1:00 PM

DONATION OF A NEW, UNWRAPPED TOY OF AT  
LEAST \$10.00 IN VALUE

ALL DONATIONS GO TO SALVATION ARMY FOR DIS-  
TRIBUTION IN BEAUFORT AREA

ALL  
ARE  
WELCOME



FOR MORE INFO: STITCH 843 846 2188  
843 929 8588  
[souscooters@hargray.com](mailto:souscooters@hargray.com)

BIKES WILL FORM  
UP IN THE REAR  
OF THE K-MART IN  
BEAUFORT TOWN  
CENTER. LEAVE  
@1:00 SHARP FOR  
SALVATION ARMY

BEAUFORT TOWN CENTER IS LOCATED ON US 21 (BUSINESS) AT 2015  
BOUNDARY STREET IN THE CITY OF BEAUFORT.

OYSTERS@ROSSIE  
O'GRADY'S  
AFTER



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## CITY OF BEAUFORT

### DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

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**TO:** CITY COUNCIL **DATE:** 11/8/2018  
**FROM:** Linda Roper  
**AGENDA ITEM**  
**TITLE:** Holiday Parking Request for 2018 and 2019  
**MEETING**  
**DATE:** 11/13/2018  
**DEPARTMENT:** City Managers Office

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*BACKGROUND INFORMATION:*

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*PLACED ON AGENDA FOR:*

---

*REMARKS:*

**ATTACHMENTS:**

Description	Type	Upload Date
Request	Backup Material	11/8/2018



## CITY OF BEAUFORT

### MEMORANDUM

TO: Bill Prokop, City Manager

FROM: Linda D. Roper, Dir. of Downtown Operations & Community Services

DATE: November 5, 2018

SUBJECT: Holiday Parking Request

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I am requesting for free all day parking the only in the Marina Parking Lot from Thanksgiving to New Year's Day for the 2018 and 2019 holiday seasons. All other parking areas will be paid parking and have the same rates and time limits as outlined in the City's Ordinance and enforced.

This program was a recommendation of the Parking Advisory Committee, approved by Council and implemented last year. The merchants, patrons and Park Beaufort have reported it was well received, reduced the abuse by employees and increased availability of on-street parking by allowing turnover of the spaces. The offering of free parking allows for the businesses to be competitive with the big box stores and retailers in strip malls while the unlimited time limit reduces stress on the patrons giving them the opportunity to shop, dine and enjoy downtown longer.

We will market the holiday parking aggressively well with a few changes to last year's ads and on street signage to clarify the location of the all-day free parking in the Marina Lot.

Please let me know if you have any questions or concerns.

ldr



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## CITY OF BEAUFORT

### DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

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**TO:** CITY COUNCIL **DATE:** 11/9/2018  
**FROM:** Linda Roper  
**AGENDA ITEM TITLE:** Request from City of Beaufort Downtown Operations to host annual Holiday Weekend Friday, December 7 - Sunday, December 9, 2018 (Night On The Town, Boat Parade, and Christmas Parade - Street Closures and waiver of open container).  
**MEETING DATE:** 11/13/2018  
**DEPARTMENT:** City Managers Office

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*BACKGROUND INFORMATION:*

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***PLACED ON AGENDA FOR:***

***REMARKS:***

**ATTACHMENTS:**


Description	Type	Upload Date
Request	Backup Material	11/9/2018



# CITY OF BEAUFORT

## MEMORANDUM

TO: William Prokop, City Manager  
City Council

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

DATE: November 9, 2018

SUBJECT: Request for Holiday Weekend activities and Street Closures

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We are requesting approval and permission for street closures for activities during the annual Beaufort Holiday Weekend, December 7 – 9, 2018. during the hours of 6 PM until 9 PM and to close several street sections in the Core Commercial Area from 4:30 PM to 11:00 PM to accommodate the set up and tear down of the activities.

### ***A Night on the Town, Friday, December 7, 2018 – 6:00 PM until 9:00 PM***

This event includes extended shopping hours during an evening open house at the downtown shops; entertainment; seasonal foods served from non-profit booths on the street; a visit from Santa and the City of Beaufort tree lighting ceremony.

Several street sections in the Core Commercial Area will need to be closed during the hours of 4:30 PM to 11:00 PM to accommodate the setup and tear down of the activities.

The details of the closings include:

- Charles Street Extension at the traffic light from 8:00 AM Friday the 7<sup>th</sup> until 12 noon Saturday the 8<sup>th</sup>, to allow for stage set up and removal.
- Bay Street from Carteret Street to Charles (allowing First Citizens Bank customer's drive through and bank access and exiting right only onto Bay Street for West bound traffic towards Charles Street)
- Bay Street from Charles Street to Newcastle Street at 5:30 PM (after Wells Fargo Bank closes)
- Port Republic Street from Scotts Street to Charles Street
- West Street from Bay Street through the Port Republic Street intersection
- Scott Street from Bay Street to Port Republic Street



- Scott Street block the parking lot beside Wells Fargo Advisors to keep the vehicles from exiting on to Scott Street

Additional requests include:

- A waiver of the open container ordinance to allow consumption of wine and beer given away by the participating businesses
- Permission for placement of portable toilets to be placed on Scott and West Streets for the event

***Light up the Night Boat Parade, Saturday, December 8, 2018 - 5:30 PM until 8:30 PM***

This event is presented by the America's Boating Club of Beaufort and the City in the Henry C. Chambers Park. Decorated boats parade in front of the seawall and compete for prizes for the best in show.

Request of approval include:

- Use of Henry C. Chambers Park from 4:00 – 9 PM
- Approval to use the inside dock of the Day Dock for staging of non-motorized boats who will participate in the parade

***Christmas Parade, Sunday, December 9, 2018 - 3:00 PM until 5:00 PM***

This parade is presented by Beaufort Lion's Club and the City and is always well attended. It includes numerous decorated floats, bands, community groups and the fire trucks with Santa celebrating the season.

Request of approval include:

- Approval of parade or Public Assembly Permit with waiver of the application fee for the standard downtown parade route. With line up on Adventure, Greene and side street with the parade to follow Boundary to Carteret to Bay Street to Bladen Street, concluding at its beginning point on Adventure Street. The Streets will re-open once all parade units and vehicles pass and on Adventure Street once the staging areas are clear.
- Placement of portable toilets throughout the parade route.

Our department will coordinate with the Police Department, Fire Department, Public Works, Greenery and Waste Pro to ensure the safety and proper inspections of the events as well as timely set up and removal of all activities.

ldr





# BEAUFORT, SC

REGIONAL CHAMBER OF COMMERCE

Cliff Mrkvicka, Chairperson  
*Lockheed Martin*

Evan Wheeler, Chair-Elect  
*SCE&G*

Leigh Copeland, Past Chair  
*Technical College of the Lowcountry*

Ben Coppage, Director at Large  
*Coppage Law Firm*

Whitney McDaniel, Treasurer  
*Wells Fargo Advisors*

Chip Dinkins  
*Plums, Inc.*

Pam Flasch  
*Beaufort Jasper Water Sewer Authority*

Tina Gentry  
*Gentry Rentals*

Malcolm Goodridge  
*Retired*

Andy Klosterman  
*Andrews Engineering*

Graham Sommeral  
*Hargray*

Mark Stokes  
*Bay Street Jewelers*

Jay Taylor  
*Kinghorn Insurance*

Jim Wegmann  
*Weidner, Wegmann & Harper, LLC*

Christina Wilson  
*CAPA*

Hope Freeman  
*BP Oil*

November 1, 2018

Mr. Bill Prokop  
City Manager  
City of Beaufort  
1911 Boundary Street  
Beaufort, SC 29902

RE: Requests for **Annual A Taste of Beaufort**, scheduled for Friday, May 3, and Saturday, May 4, 2019.

Dear Mr. Prokop:

The Beaufort Regional Chamber of Commerce respectfully requests permission from the City Council of the City of Beaufort to allow the following items during A Taste of Beaufort: Music, Arts, & Seafood Festival. The festival features a Friday night concert and a Saturday full of activities throughout the Henry C. Chambers Waterfront Park.

- Permission for alcohol sales (beer and wine) and to allow open alcohol containers in the Henry C. Chambers Waterfront Park during the festival from 5:00 p.m. Friday evening, May 3, 2019, until 6:00 p.m. Saturday, May 4, 2019. We have applied for a temporary Special Event beer and wine license from the South Carolina Department of Revenue – Alcohol and Beverage Licensing. We will contract with the Beaufort Police Department and Fire Department for services in order to provide and ensure a safe event site.
- Permission for street closures to host the Beaufort Crab Crawl 5K Bridge Run/Walk Saturday, May 4, 2019, from 6:45 a.m. – 9:30 a.m. to include a mini-festival with beer & food tastings for participants. The route is as follows: Start/Finish line at Freedom Mall at 8:00 a.m., down Bay Street crossing the Woods Memorial Bridge, to Lady's Island, down Meridian Road then back the same route to Freedom Mall. We have contracted with the City of Beaufort Police Department. We have requested approval from SCDOT regarding closure for Woods Memorial Bridge from 8:00 a.m.-9:00 a.m. We will coordinate with the City of Beaufort Police Department, Beaufort County Sheriff's Department, SC DOT, and the Bridge Section of the Seventh Coast Guard District.



- Permission for street closures at the following times, days, and locations: One direction of Charles Street Extension Friday, May 3, 2019, and Saturday May 4, 2019, to allow loading and unloading of equipment for bands and vendors. Vendors will be required to move their vehicle to an appropriate parking spot after loading/unloading. The other lane of Charles Street Extension will be used for Emergency Vehicles.
- Permission to host an arts and crafts market on the green area across from the Downtown Marina store on Friday, May 3, 2019 from noon – 10:00 p.m. and Saturday, May 4, 2019 from 11:00 a.m. – 5:00 p.m.

Thank you for your consideration and support as we continue to plan successful events that draw both area residents and tourists to our historic downtown district.

Sincerely,

A handwritten signature in black ink, appearing to read "Blakely Williams". The signature is fluid and cursive, with a long, sweeping underline.

Blakely Williams, IOM  
President/CEO | Beaufort Regional Chamber of Commerce



**CITY OF BEAUFORT**  
**WATERFRONT PARK APPLICATION**

1901 Boundary Street

Phone: 843-525-7084

Fax: 843-986-5606

Name of Event: <u>A Taste of Beaufort</u>   	Date(s) of Event: <u>May 3-4, 2019</u> Setup start/end time: <u>May 1, 2019</u> Actual event start/end time: <u>May 3 - 6:00pm</u> <u>May 4 - 5:00pm</u> Take down start/end time: <u>May 4 - Breakdown</u> <u>begins at 5:00pm</u>
Organization/Individual Name: <u>Beaufort Regional Chamber of Commerce</u>  	Address: <u>701 Craven Street</u>  Telephone: <u>843-525-8525</u>  Email: <u>blakely@beaufortchamber.org</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](mailto: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? Yes Served? Yes

Will food be sold? Yes Served? Yes

Will there be any retail sales? Yes

Number of people expected to attend: 5000+

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.**

<b>WATERFRONT PARK RENTAL RATES FOR PRIVATE EVENTS</b>			
<b>Park Area</b>	<b><u>4 HR Block</u></b>	<b><u>6 HR Block</u></b>	<b><u>12 HR Block</u></b>
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:

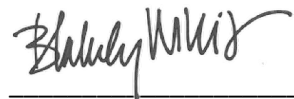
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Lessee/Applicant Signature

11/1/2018

Date

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

Events Coordinator – Linda Roper

Date      Application      Received

Deposit Paid: \_\_\_\_\_ Fees Paid: \_\_\_\_\_ Deposit to be Refunded: \_\_\_\_\_



# BEAUFORT, SC

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Mark Stokes  
*Bay Street Jewelers*

Jay Taylor  
*Kinghorn Insurance*

Jim Wegmann  
*Weidner, Wegmann & Harper, LLC*

Christina Wilson  
*CAPA*

Hope Freeman  
*BP Oil*

November 1, 2018

Mr. Bill Prokop  
City Manager  
City of Beaufort  
1911 Boundary Street  
Beaufort, SC 29902

RE: Requests for **Annual Beaufort Shrimp Festival**, scheduled for Friday, October 4, and Saturday, October 5, 2019.

Dear Mr. Prokop:

The Beaufort Regional Chamber of Commerce respectfully requests permission from the City Council of the City of Beaufort to allow the following items during the Annual Beaufort Shrimp Festival. The festival features a Friday night concert and full day of food and entertainment on Saturday.

- Permission for alcohol sales (beer and wine) and to allow open alcohol containers in the Henry C. Chambers Waterfront Park during the festival from 5:00 p.m. Friday evening, October 4, 2019, until 6:00 p.m. Saturday, October 5, 2019. We have applied for a temporary Special Event beer and wine license from the South Carolina Department of Revenue – Alcohol and Beverage Licensing. We will contract with the Beaufort Police Department and Fire Department for services in order to ensure a safe event site.
- Permission for street closures to host the Run Forrest Run 5K Bridge Run/Walk Saturday, October 5, 2019, from 6:45 a.m. - 10:00 a.m. The route is as follows: Start/Finish line at Freedom Mall at 8:00 a.m., down Bay Street and crossing the Woods Memorial Bridge to Lady's Island, down Meridian Road then back the same route to Freedom Mall. We will request approval from SCDOT regarding closure for Woods Memorial Bridge from 8:00 a.m.-9:00 a.m. We will coordinate with the City of Beaufort Police Department, Beaufort County Sheriff's Department, SCDOT, and the Bridge Section of the Seventh Coast Guard District.



- Permission for street closures at the following times, days, and locations: One direction of Charles Street Extension Friday, October 4, 2019, and Saturday October 5, 2019, to allow loading and unloading of equipment for bands and vendors. Vendors will be required to move their vehicle to an appropriate parking spot after loading/unloading. The other lane of Charles Street Extension will be used for Emergency Vehicles.
- Permission to host an arts and crafts market on the green area across from the Downtown Marina store on Friday, October 4, 2019 from noon – 10:00 p.m. and Saturday, October 5, 2019 from 11:00 a.m. – 5:00 p.m.

Thank you for your consideration and support as we continue to plan successful events that draw both area residents and tourists to our historic downtown district.

Sincerely,

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Blakely Williams, IOM  
President/CEO | Beaufort Regional Chamber of Commerce



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.**

<b>WATERFRONT PARK RENTAL RATES FOR PRIVATE EVENTS</b>			
<b>Park Area</b>	<b><u>4 HR Block</u></b>	<b><u>6 HR Block</u></b>	<b><u>12 HR Block</u></b>
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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:

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11/1/2018

Lessee/Applicant Signature
Date

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

Events Coordinator – Linda Roper
Date    Application    Received

Deposit Paid: \_\_\_\_\_ Fees Paid: \_\_\_\_\_ Deposit to be Refunded: \_\_\_\_\_





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## CITY OF BEAUFORT

### DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

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**TO:** CITY COUNCIL **DATE:** 11/8/2018  
**FROM:** Reece Bertholf, Fire Chief  
**AGENDA ITEM TITLE:** Approval of a joint Resolution between the City of Beaufort and the Town of Port Royal to begin the process for adoption of an Ordinance imposing a Fire Facilities and Equipment Development Impact Fee  
**MEETING DATE:** 11/13/2018  
**DEPARTMENT:** Fire

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*BACKGROUND INFORMATION:*

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***PLACED ON AGENDA FOR:***

***REMARKS:***

**ATTACHMENTS:**

Description	Type	Upload Date
Resolution	Backup Material	11/8/2018

## **Resolution**

### **A JOINT RESOLUTION of THE CITY OF BEAUFORT AND TOWN OF PORT ROYAL TO BEGIN THE PROCESS FOR ADOPTION OF AN ORDINANCE IMPOSING A FIRE FACILITIES AND EQUIPMENT DEVELOPMENT IMPACT FEE**

**WHEREAS**, the City of Beaufort Comprehensive Plan -Vision Beaufort 2009 Comprehensive Plan - contains, on pages 239 and 241 a section outlining a capital improvement plan for fire facilities and equipment needs of the Beaufort-Port Royal Fire Department (Beaufort's Portions); and,

**WHEREAS**, the Town of Port Royal comprehensive plan shows commitment to regional cooperation on Level of Service Standards (LOS) on page 25; and,

**WHEREAS**, The City of Beaufort and Town of Port Royal signed an Intergovernmental Agreement on May 10<sup>th</sup>, 2017 memorializing a contractual agreement for provision of fire service and shared costs between the two governments; and,

**WHEREAS**, certain fire districts throughout Beaufort County have heretofore imposed capital improvements fire development impact fees to assist in the funding of capital improvements; and,

**WHEREAS**, as the Beaufort-Port Royal Fire Department continues to expand and improve its response to new construction and development, the City and Town Council's believe that such new development should assist in the funding of capital improvements to enable such services; and,

**WHEREAS**, the joint councils of the City of Beaufort and Town of Port Royal believe collectively that it is in the best interest of their citizens to enact a Fire Facilities and Equipment Development Impact Fee on construction and development, to assist in the funding of this capital improvements plan; and,

**WHEREAS**, Section 6-1-950 (A) of the South Carolina Code of Laws provides that, in order to begin the process for adoption of an ordinance imposing an impact fee, the governing body must first enact a resolution directing the local planning commission to recommend a capital improvement plan and impact fee ordinance; and,

**WHEREAS**, the joint Councils of the City of Beaufort and Town of Port Royal wish to direct the Metropolitan Planning Commission to conduct a study and to recommend a Fire Facilities and Equipment Development Impact Fee ordinance per this statute:

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of Beaufort, South Carolina and Town Council of Port Royal, South Carolina that the Metropolitan Planning Commission is hereby directed to conduct such study as it deems necessary and appropriate within 45 days of this Resolution, and to recommend to the City and Town Councils a Fire Facilities and Equipment Development Impact Fee ordinance in accordance with the requirements of state law.

**IN WITNESS THEREOF**, I hereunto set my hand and caused the Seal of the City of Beaufort to be affixed this 13<sup>th</sup> day of November 2018.

---

BILLY KEYSERLING, MAYOR

ATTEST

---

IVETTE BURGESS, CITY CLERK



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## CITY OF BEAUFORT

### DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

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**TO:** CITY COUNCIL **DATE:** 11/7/2018  
**FROM:** Linda Roper  
**AGENDA ITEM TITLE:** Amending Part 1 Chapter 9 Article D, Section 1-9031 of the City Code of Ordinance to remove membership of the Beaufort Regional Chamber of Commerce and replace membership with Greater Beaufort Port Royal Convention Visitors Bureau on the Cultural District Advisory Board - 1st Reading  
**MEETING DATE:** 11/13/2018  
**DEPARTMENT:** City Managers Office

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*BACKGROUND INFORMATION:*

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*PLACED ON AGENDA FOR:*

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*REMARKS:*

#### ATTACHMENTS:

Description	Type	Upload Date
Ordinance	Backup Material	11/9/2018

# ORDINANCE

To Amend Part 1 Chapter 9 Article D, Section 1-9031 of the City Code of Ordinance to remove membership by the Greater Beaufort Regional Chamber of Commerce/Main Street Beaufort on the Cultural District Advisory Board and to replace such membership by a representative from the Greater Beaufort Port Royal Convention Visitors Bureau.

**WHEREAS**, Section 1-9031 of the City Code of Ordinances provides for membership on the Cultural District Advisory Board by a representative of the Greater Beaufort Regional Chamber of Commerce/Main Street Beaufort (the Chamber); and,

**WHEREAS**, the Greater Beaufort Port Royal Convention Visitors Bureau (CVB) has assumed the position of DMO for the City, a designation previously held by the Chamber; and,

**WHEREAS**, City Council believes that it is in the interest of the City to provide for membership on the Cultural District Advisory Board by a representative of the CVB, to replace the representative from the Chamber; and,

**WHEREAS**, it is necessary to amend Section 1-9031 to provide for such change in membership on the Cultural District Advisory Board:

**THEREFORE**, be it ordained by Beaufort City Council, in Council duly assembled, and by authority of the same, that Part 1 Chapter 9 Article D, Section 1-9031 of the City Code of Ordinance shall be amended to remove membership on the Cultural District Advisory Board by a representative of the Greater Beaufort Regional Chamber of Commerce/Main Street Beaufort, and to replace such membership with a representative of the Greater Beaufort Port Royal Convention Visitors Bureau.

This Ordinance shall become effective upon adoption.

\_\_\_\_\_  
BILLY KEYSERLING, MAYOR

ATTEST:

\_\_\_\_\_  
IVETTE BURGESS, CITY CLERK

1<sup>ST</sup> Reading \_\_\_\_\_

2<sup>nd</sup> Reading & Adoption \_\_\_\_\_

Reviewed by: William Harvey III, City Attorney



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## CITY OF BEAUFORT

### DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

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**TO:** CITY COUNCIL **DATE:** 11/5/2018  
**FROM:** Kathy Todd  
**AGENDA ITEM**  
**TITLE:** 2018 Ordinance Relating to Recovery of Costs Debt Setoff - 1st Reading  
**MEETING**  
**DATE:** 11/13/2018  
**DEPARTMENT:** Finance

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#### *BACKGROUND INFORMATION:*

As part of the Setoff Debt Collection Program administered by the Municipal Association of SC, a revised Ordinance is required that changed some of the language that is acceptable to the SC Department of Revenue. This Ordinance repeals and replaces the 2014 Ordinance.

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#### *PLACED ON AGENDA FOR: Action*

#### **REMARKS:**

Request Council approve the Ordinance in First Reading.

#### **ATTACHMENTS:**

Description	Type	Upload Date
2018 Ordinance Relating to Setoff Debt	Cover Memo	11/5/2018

## **ORDINANCE**

### **RELATING TO THE RECOVERY OF COLLECTION COSTS AS A PART OF DELINQUENT DEBTS COLLECTED PURSUANT TO THE SETOFF DEBT COLLECTION ACT**

WHEREAS, by Ordinance O-25-14, dated October 14, 2014, the City of Beaufort established the recovery of collection costs as a part of delinquent debts collected by the Municipal Association of South Carolina, pursuant to the Setoff Debt Collection Act;

AND WHEREAS, the City of Beaufort is a claimant agency as defined in the Setoff Debt Collection Act, S.C. Code Ann. § 12-56-10, et seq. (the Act) and is therefore entitled to utilize the procedures set out in the Act to collect delinquent debts owed to the City of Beaufort;

AND WHEREAS, “delinquent debt” is defined in the Act to include “collection costs, court costs, fines, penalties, and interest which have accrued through contract, subrogation, tort, operation of law, or any other legal theory regardless of whether there is an outstanding judgment for that sum which is legally collectible and for which a collection effort has been or is being made;”

AND WHEREAS, the City of Beaufort has contracted with the Municipal Association of South Carolina to submit claims on its behalf to the SC Department of Revenue pursuant to the Act;

AND WHEREAS, the Municipal Association of South Carolina charges an administrative fee for the services it provides pursuant to the Act;

AND WHEREAS, the administrative fee charged by the Municipal Association of South Carolina is a cost of collection incurred by the City of Beaufort that arises through contract, and is therefore properly considered as a part of the delinquent debt owed to the City of Beaufort as that term is defined in the Act;

AND WHEREAS, the City of Beaufort also incurs internal costs in preparing and transmitting information to the Municipal Association, which costs are also collection costs that are a part of the delinquent debt owed to the City of Beaufort;

AND WHEREAS, the City of Beaufort desires to recover its internal costs of collection by adding such costs to the delinquent debt;

NOW THEREFORE, be it enacted by the Mayor and Council of the City of Beaufort as follows:

1. The City of Beaufort hereby imposes a collection cost of up to \$25.00 to defray its internal costs of collection for any delinquent debts that are sought to be collected pursuant to the provisions of the Setoff Debt Collection Act, S.C. Code Ann. § 12-5610 et. seq. This cost is hereby declared to be a collection cost that arises by operation of law and shall be added to the delinquent debt and recovered from the debtor.

2. The City of Beaufort hereby declares that the administrative fee charged by the Municipal Association of South Carolina is also a collection cost to the City, which shall also be added to the delinquent debt and recovered from the debtor.

3. Ordinance O-25-14 is hereby amended and replaced. Further, all Ordinances in conflict with this Ordinance are hereby repealed and replaced.

4. This Ordinance shall be effective on the date of final reading, provided however, that this ordinance is declared to be consistent with prior law and practice and shall not be construed to mean that any fees previously charged to debtors as costs of collection under the Act were not properly authorized or properly charged to the debtor.

\_\_\_\_\_  
Billy Keyserling, Mayor

Attest:

\_\_\_\_\_  
Ivette Burgess, Clerk

First Reading Approval: \_\_\_\_\_

Final Reading Approval: \_\_\_\_\_



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## CITY OF BEAUFORT

### DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

---

**TO:** CITY COUNCIL **DATE:** 11/8/2018  
**FROM:** Bruce Skipper, Builing Official  
**AGENDA ITEM** Amending Part 5 Chapter 4 Article D, Section 5-4031 and Section 5-4032 (6) (7) (8) of  
**TITLE:** the City Code of Ordinance, Flood Damage Prevention - 1st Reading  
**MEETING**  
**DATE:** 11/13/2018  
**DEPARTMENT:** City Managers Office

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*BACKGROUND INFORMATION:*

---

*PLACED ON AGENDA FOR:*

---

*REMARKS:*

**ATTACHMENTS:**

Description	Type	Upload Date
Memo	Backup Material	11/8/2018
Ordinance	Backup Material	11/8/2018



# memo

## **City of Beaufort**

TO: William (Bill) Prokop

FROM: Bruce Skipper

CC: Ken Meloa

DATE: November 1, 2018

Re: Added verbiage to the current Flood Ordinance

---

On August 28, 2018, our SCDNR representative made a Community Assistance Visit to the City of Beaufort. The purpose of the visit was to assist our community officials with the implementation and administration of the local floodplain management program and to evaluate the City of Beaufort's status as a participant in the National Flood Insurance Program.

During the visit, DNR staff reviewed the current flood ordinance, flood elevation certificates, and made random site visits of properties located in the special flood hazard area within the City of Beaufort. Because of the flood ordinance review, it is being required to make an update to our ordinance based on the South Carolina Model Flood Ordinance.

The modifications to the current flood ordinance are as follows: In Section 5-4031 article IV. A.1., it is required to add additional language from the model ordinance. In Section 5-4032 (6) and Section 5-4032 (8) c language was deleted from the ordinance. In Section 5-4032 (7) it was required to add a size limitation on accessory structures. The added verbiage is highlighted and the verbiage being removed was struck through. The changes were required to remain fully compliant and continue to be eligible for CRS participation.

I have made the necessary additions/deletions/corrections to each section and attached for your review.

## CHAPTER 4. - FLOOD DAMAGE PREVENTION ORDINANCE<sup>[1]</sup>

Footnotes:

--- (7) ---

**Editor's note**— Ordinance No. O-29-04, adopted Sept. 28, 2004, deleted Ch. 4, Floodplain Regulations, and enacted similar provisions to read as herein set out. Former Ch. 4 derived from Ord. No. O-14-84, adopted Aug. 28, 1984; Ord. No. O-16-86, adopted Sept. 9, 1986; Ord. No. O-06-87, adopted April 14, 1987; and Ord. No. O-30-93, adopted Oct. 12, 1993.

### ARTICLE A. - GENERAL PROVISIONS

#### Sec. 5-4001. - Statutory authorization.

The Legislature of the State of South Carolina has in S.C. Code of Laws, Title 5, Chapters 7, 23, and 25 (Articles 5 and 7) and Title 6, Chapter 7, and amendments thereto, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Beaufort, Beaufort, South Carolina, does ordain as follows.

(Ord. No. O-29-04, 9-28-04)

#### Sec. 5-4002. - Findings of fact.

The flood hazard areas of the City of Beaufort are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. Furthermore, these flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

(Ord. No. O-29-04, 9-28-04)

#### Sec. 5-4003. - Statement of purpose and objectives.

It is the purpose of this ordinance to protect human life and health, minimize property damage, and encourage appropriate construction practices to minimize public and private losses due to flood conditions by requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction. Uses of the floodplain which are dangerous to health, safety, and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion are restricted or prohibited. These provisions attempt to control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters, and control filling, grading, dredging and other development which may increase flood damage or erosion. Additionally, the ordinance prevents or regulates the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

The objectives of this ordinance are to protect human life and health, to help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize flood blight areas, and to insure that potential home buyers are notified that property is in a flood area. The provisions of the ordinance are intended to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets and bridges located in the floodplain, and prolonged business interruptions. Also, an important floodplain management objective of

this ordinance is to minimize expenditure of public money for costly flood control projects and rescue and relief efforts associated with flooding.

Floodplains are an important asset to the community. They perform vital natural functions such as temporary storage of floodwaters, moderation of peak flood flows, maintenance of water quality, groundwater recharge, prevention of erosion, habitat for diverse natural wildlife populations, recreational opportunities, and aesthetic quality. These functions are best served if floodplains are kept in their natural state. Wherever possible, the natural characteristics of floodplains and their associated wetlands and water bodies should be preserved and enhanced. Decisions to alter floodplains, especially floodways and stream channels, should be the result of careful planning processes which evaluate resource conditions and human needs.

(Ord. No. O-29-04, 9-28-04)

Sec. 5-4004. - Lands to which this ordinance applies.

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the City of Beaufort as identified by the Federal Emergency Management Agency in its Flood Insurance Study, dated September 29, 1986, with accompanying maps and other supporting data, which are hereby adopted by reference and declared to be a part of this ordinance. Upon annexation, any special flood hazard areas identified by the Federal Emergency Management Agency in its Flood Insurance Study for the unincorporated areas of Beaufort County, with accompanying map and other data, are adopted by reference and declared part of this ordinance.

(Ord. No. O-29-04, 9-28-04; Ord. No. O-20-05, 7-26-05; Ord. No. O-12-07, § 1, 4-10-07)

Sec. 5-4005. - Establishment of development permit.

A development permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities.

(Ord. No. O-29-04, 9-28-04)

Sec. 5-4006. - Compliance.

No structure or land shall hereafter be relocated, constructed, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

(Ord. No. O-29-04, 9-28-04)

Sec. 5-4007. - Interpretation.

In the interpretation and application of this ordinance all provisions shall be considered as minimum requirements, liberally construed in favor of the governing body, and deemed neither to limit nor repeal any other powers granted under state law. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. No. O-29-04, 9-28-04)

Sec. 5-4008. - Partial invalidity and severability.

If any part of this ordinance is declared invalid, the remainder of the ordinance shall not be affected and shall remain in force.

(Ord. No. O-29-04, 9-28-04)

Sec. 5-4009. - Warning and disclaimer of liability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Beaufort or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

(Ord. No. O-29-04, 9-28-04)

Sec. 5-4010. - Penalties for violation.

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined the maximum penalty allowed by state law and/or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Beaufort from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. No. O-29-04, 9-28-04)

## ARTICLE B. - DEFINITIONS

Sec. 5-4011. - Definitions.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

*Accessory structure.* Structure which is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

*Addition (to an existing building).* An extension or increase in the floor area or height of a building or structure.

*Agricultural structure.* A structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock. Agricultural structures are not exempt from the provisions of this ordinance.

*Appeal.* A request for a review of the local administrator's interpretation of any provision of this ordinance.

*Area of special flood hazard.* The land in the floodplain within a community subject to a one percent or greater chance of being equaled or exceeded in any given year.

*Base flood.* The flood having a one percent chance of being equaled or exceeded in any given year.

*Basement.* Any enclosed area of a building which is below grade on all sides.

*Building.* Any structure built for support, shelter, or enclosure for any occupancy or storage.

*Coastal high hazard area.* An area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to velocity wave action from storms or seismic sources.

*Development.* Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

*Elevated building.* A nonbasement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls parallel to the flow of water.

*Existing construction.* For the purposes of determining rates, structures for which the start of construction commenced before the effective date of the FIRM, or before January 1, 1975, for FIRMs effective before that date.

*Existing manufactured home park or manufactured home subdivision.* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before April 26, 1977.

*Expansion to an existing manufactured home park or subdivision.* The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs).

*Flood.* A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation of runoff of surface waters from any source.

*Flood hazard boundary map (FHBM).* An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

*Flood insurance rate map (FIRM).* An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

*Flood insurance study.* The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the flood boundary floodway map and the water surface elevation of the base flood.

*Flood-resistant material.* Any building material capable of withstanding direct and prolonged contact (minimum seventy-two (72) hours) with floodwaters without sustaining damage which requires more than low-cost cosmetic repair. Any material which water is soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumber are acceptable flooring materials. Sheet-type flooring coverings which restrict evaporation from below and materials which are impervious, but dimensionally unstable are not acceptable. Materials which absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2-93, Flood-Resistant Materials for Buildings Located in Special Flood Hazard Areas in Accordance with the National Flood Insurance Program, document number FIA-TB-2, dated 4/93, and available from the Federal Emergency Management Agency. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

*Floodway.* The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

*Functionally dependent facility.* A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

*Highest adjacent grade.* The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

*Historic structure.* Any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior (DOI)) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places;
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by an approved state program as determined by the Secretary of Interior, or directly by the Secretary of Interior in states without approved programs.

Some structures or districts listed on the state or local inventories may not be "Historic" as cited above, but have been included on the inventories because it was believed that the structures or districts have the potential for meeting the "Historic" structure criteria of the DOI. In order for these structures to meet NFIP historic structure criteria, it must be demonstrated and evidenced that the South Carolina Department of Archives and History has individually determined that the structure or district meets DOI historic structure criteria.

*Limited storage.* An area used for storage and intended to be limited to incidental items which can withstand exposure to the elements and have low flood damage potential. Such an area must be of flood-resistant or breakaway material, void of utilities except for essential lighting and cannot be temperature controlled. If the area is located below the base flood elevation in an A, AE and A1-A30 zone it must meet the requirements of section 5-4032(5) of this ordinance.

*Lowest floor.* The lowest floor of the lowest enclosed area. Any unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor provided that such an enclosure is not built so as to render the structure in violation of other provisions of this ordinance.

*Manufactured home.* A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

*Manufactured home park or subdivision.* A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

*Mean sea level.* The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

*National Geodetic Vertical Datum (NGVD).* As corrected in 1929, elevation reference points set by National Geodetic Survey based on mean sea level.

*North American Vertical Datum (NAVD).* Datum point established at Pointe-au-Pere on the St. Lawrence River, Quebec Province, Canada, based on the mass or density of the earth. The datum listed

as the reference datum on flood insurance rate maps should be used for elevation certificate and floodproofing certificate completion.

*New construction.* Structure for which the start of construction commenced after April 26, 1977. The term also includes any subsequent improvements to such structure.

*New manufactured home park or subdivision.* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs) is completed on or after April 26, 1977.

*Primary frontal dune.* A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and subject to erosion and overtopping from high tides and waves during coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

*Recreational vehicle.* A vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and, (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

*Start of construction.* For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, or improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

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

*Substantial damage.* Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. Please refer to the definition of "substantial improvement".

*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. Permits shall be cumulative for a period of five (5) years. 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.

*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 before the repair, reconstruction, or improvement commenced.

*Variance.* The grant of relief from a term or terms of this ordinance.

*Violation.* The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Code of Federal Regulations Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

(Ord. No. O-29-04, 9-28-04; Ord. No. O-12-07, §§ 2, 3, 4-10-07; Ord. No. O-25-11, § 1, 8-9-11)

Secs. 5-4012—5-4020. - Reserved.

#### ARTICLE C. - ADMINISTRATION

Sec. 5-4021. - Designation of local administrator.

The city manager or his designee is hereby responsible for the administration and implementation of the provisions of this ordinance.

(Ord. No. O-29-04, 9-28-04)

Sec. 5-4022. - Development permit and certification requirements.

Application for a development permit shall be made to the local administrator on forms furnished by him or her prior to any development activities. The development permit may include, but not be limited to, plans in duplicate drawn to scale showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures; and the location of fill materials, storage areas, and drainage facilities. Specifically, the following information is required:

- (1) A plot plan that shows the 100-year floodplain contour or a statement that the entire lot is within the floodplain must be provided by the development permit applicant when the lot is within or appears to be within the floodplain as mapped by the Federal Emergency Management Agency or the floodplain identified pursuant to either section 5-4023(10) or sections 5-4033 and 5-4034. The plot plan must be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.
- (2) The plot plan required by section 5-4022(1) must show the floodway, if any, as identified by the Federal Emergency Management Agency or the floodway identified pursuant to either section 5-4023(10) or sections 5-4033 and 5-4034.
- (3) Where base flood elevation data is provided as set forth in section 5-4004 or section 5-4023(10), the application for a development permit within the flood hazard area shall show:
  - a. The elevation (in relation to mean sea level) of the lowest floor of all new and substantially improved structures, and
  - b. If the structure will be floodproofed in accordance with section 5-4032, the elevation (in relation to mean sea level) to which the structure will be floodproofed.
- (4) If no base flood elevation data is provided as set forth in section 5-4004 or section 5-4023(10), the application for a development permit must show construction of the lowest floor at least three (3) feet above the highest adjacent grade.
- (5) Where any watercourse will be altered or relocated as a result of proposed development, the application for a development permit shall include: a description of the extent of watercourse



alteration or relocation; an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and, a map showing the location of the proposed watercourse alteration or relocation.

- (6) When a structure is floodproofed, the applicant shall provide certification from a registered, professional engineer or architect that the nonresidential, floodproofed structure meets the floodproofing criteria in section 5-4032(2).
- (7) A floor elevation or floodproofing certification is required after the lowest floor is completed. As soon as possible after completion of the lowest floor and before any further vertical construction commences, or floodproofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the local administrator a certification of the elevation of the lowest floor, or floodproofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. Any work done prior to submission of the certification shall be at the permit holder's risk. The local administrator shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.
- (8) Upon completion of the development a registered professional engineer, land surveyor or architect, whichever professional is appropriate, shall certify that sections 5-4022(6) and 5-4022(7) are built in accordance with the submitted plans and previous predevelopment certifications.
- (9) If the proposed project will impact the configuration of the watercourse, floodway, or base flood elevation for which a detailed flood insurance study has been developed, the applicant shall apply for and must receive approval for a conditional letter of map revision with the Federal Emergency Management Agency prior to actual construction.
- (10) Within sixty (60) days of completion of an alteration of a watercourse, referenced in section 5-4022(9), the applicant shall submit as-built certification, by a registered professional engineer, to the Federal Emergency Management Agency.

(Ord. No. O-29-04, 9-28-04)

Sec. 5-4023. - Duties and responsibilities of the local administrator.

Duties of the local administrator shall include, but not be limited to:

- (1) Review all development permits to assure that the requirements of this ordinance have been satisfied.
- (2) Advise permittee that additional federal or state permits may be required, and if specific federal or state permits are known, require that copies of such permits be provided and maintained on file with the development permit.
- (3) Notify adjacent communities and the South Carolina Department of Natural Resources, Land, Water and Conservation Division, State Coordinator for Flood Mitigation Programs for the National Flood Insurance Program, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (4) In addition to the notifications required in section 5-4023(3), written reports of maintenance records must be maintained to show that maintenance has been provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished. This maintenance must consist of a comprehensive program of periodic inspections, and routine channel clearing and dredging, or other related functions. The assurance shall consist of a

description of maintenance activities, frequency of performance, and the local official responsible for maintenance performance. Records shall be kept on file for FEMA inspection.

- (5) Prevent encroachments within floodways unless the certification and flood hazard reduction provisions of Article D are met.
- (6) Obtain actual elevation (in relation to mean sea level) of the lowest floor of all new or substantially improved structures, in accordance with section 5-4022(7).
- (7) Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed, in accordance with section 5-4022(7).
- (8) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with section 5-4032(2).
- (9) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
- (10) When base flood elevation data or floodway data has not been provided in accordance with section 5-4004, obtain, review, and reasonably utilize best available base flood elevation data and floodway data available from a federal, state, or other source, in order to administer the provisions of this ordinance. Data from preliminary, draft, and final flood insurance studies constitutes best available data from a federal, state, or other source. If an appeal is pending on the study in accordance with 44 CFR Ch. 1, Part 67.5 and 67.6, the data does not have to be used.
- (11) When the exact location of boundaries of the areas special flood hazards conflict with the current, natural topography information at the site the property owner may apply and be approved for a letter of map amendment (LOMA) by FEMA. A copy of the LOMA issued from FEMA will be maintained by the local administrator in the permit file.
- (12) Make on-site inspections of projects in accordance with section 5-4024.
- (13) Serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with section 5-4024.
- (14) Maintain all records pertaining to the administration of this ordinance and make these records available for public inspection.
- (15) Notify the land, water and conservation division, within six (6) months, of any annexations that include special flood hazard areas.

(Ord. No. O-29-04, 9-28-04)

Sec. 5-4024. - Administrative procedures.

- (1) *Inspections of work in progress* : As the work pursuant to a permit progresses, the local administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the administrator has a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.
- (2) *Stop-work orders* : Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the

conditions under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

- (3) *Revocation of permits* : The local administrator may revoke and require the return of the development permit by notifying the permit holder in writing, stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable state or local law may also be revoked.
- (4) *Periodic inspections* : The local administrator and each member of his inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- (5) *Violations to be corrected* : When the local administrator finds violations of applicable state and local laws, it shall be his duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law on the property he owns.
- (6) *Actions in event of failure to take corrective action* : If the owner of a building or property shall fail to take prompt corrective action, the administrator shall give him written notice, by certified or registered mail to his last known address or by personal service, that:
  - (a) The building or property is in violation of the flood damage prevention ordinance;
  - (b) A hearing will be held before the local administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
  - (c) following the hearing, the local administrator may issue such order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.
- (7) *Order to take corrective action* : If, upon a hearing held pursuant to the notice prescribed above, the administrator shall find that the building or development is in violation of the flood damage prevention ordinance, he shall make an order in writing to the owner, requiring the owner to remedy the violation within such period, not less than sixty (60) days, the administrator may prescribe; provided that where the administrator finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible.
- (8) *Appeal* : Any owner who has received an order to take corrective action may appeal from the order to the zoning board of appeals (ZBOA) by giving notice of appeal in writing to the administrator within thirty (30) days following issuance of the final order. In the absence of an appeal, the order of the administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- (9) *Failure to comply with order* : If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the zoning board of appeals (ZBOA) following an appeal, he shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

(Ord. No. O-29-04, 9-28-04)

Sec. 5-4025. - Adoption of letter of map revisions (LOMR).

All LOMRs that are issued in the areas identified in section 5-4004 of this chapter are hereby adopted.

(Ord. No. O-27-12, § 1, 12-11-12)

Secs. 5-4026—5-4030. - Reserved.

#### ARTICLE D. - PROVISIONS FOR FLOOD HAZARD REDUCTION

##### Sec. 5-4031. - General standards.

Development may not occur in the Special Flood Hazard Area (SFHA) where alternative locations exist due to the inherent hazards and risks involved. Before a permit is issued, the applicant shall demonstrate that new structures cannot be located out of the SFHA and that encroachments onto the SFHA are minimized. In all areas of the special flood hazard the following provisions are required

- (1) Review of all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
- (2) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure;
- (3) All new construction and substantial improvements shall be constructed with flood resistant materials and utility equipment resistant to flood damage;
- (4) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damages;
- (5) Electrical, ventilation, plumbing, heating and air conditioning equipment (including ductwork), and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. This requirement does not preclude the installation of outdoor faucets for shower heads, sinks, hoses, etc., as long as cut off devices and back flow devices are installed to prevent contamination to the service components and thereby minimize any flood damages to the building;
- (6) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters;
- (8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and
- (9) Any alteration, repair, reconstruction, or improvement to a structure which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance. This includes post-FIRM development and structures.
- (10) Nonconforming buildings or uses. Nonconforming buildings or uses may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this ordinance. Provided, however, nothing in this ordinance shall prevent the repair, reconstruction, or replacement of an existing building or structure located totally or partially within the floodway, provided that the bulk of the building or structure below base flood elevation in the floodway is not increased and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.
- (11) American with Disabilities Act (ADA). A building must meet the specific standards for floodplain construction outlined in section 5-4032, as well as any applicable ADA requirements. The ADA is not justification for issuing a variance or otherwise waiving these requirements. Also, the cost of improvements required to meet the ADA provisions shall be included in the costs of the improvements for calculating substantial improvement.

(Ord. No. O-29-04, 9-28-04)

##### Sec. 5-4032. - Specific standards.

In all areas of special flood hazard where base flood elevation data has been provided, as set forth in section 5-4004 or section 5-4023(10), the following provisions are required:

- (1) *Residential construction.* New construction or substantial improvement of any residential structure (including manufactured homes), or an addition to a residential structure, the footprint of which is over thirty-three (33) percent of the footprint of the existing structure, shall have the lowest floor elevated no lower than the base flood elevation. No basements are permitted. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with section 5-4032(5) [5-4023(5)].
- (2) *Nonresidential construction.* New construction or substantial improvement of any commercial, industrial, or nonresidential structure (including manufactured homes), or an addition, the footprint of which is over thirty-three (33) percent of the footprint of the existing structure, shall have the lowest floor elevated no lower than the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with section 5-4032(5) [5-4023(5)]. No basements are permitted. Structures located in A-zones may be floodproofed in lieu of elevation provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered, professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in sections 5-4022(7) and 5-4022(9). A variance may be considered for wet-floodproofing agricultural structures in accordance with the criteria outlined in section 5-4044 of this ordinance. Agricultural structures not meeting the criteria of section 5-4044 must meet the nonresidential construction standards and all other applicable provisions of this ordinance. (Structures which are floodproofed are required to have (an approved maintenance plan) with an annual exercise.) The maintenance plan must be approved by the local administrator and notification of the annual exercise shall be provided to same.
- (3) *Manufactured homes.* No new manufactured homes or manufactured home parks shall be permitted in areas of special flood hazard.
  - a. Manufactured homes that are to be placed or substantially improved on sites in an existing manufactured home park or subdivision must be elevated so that the lowest floor of the manufactured home is elevated no lower than two (2) feet above the base flood elevation, and be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement.
  - b. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. For the purpose of this requirement, manufactured homes must be anchored to resist flotation, collapse, or lateral movement in accordance with section 19-425.39 of the South Carolina Manufactured Housing Board Regulations, effective date May 25, 1990, as amended. Additionally, when the elevation requirement would be met by an elevation of the chassis at least thirty-six (36) inches or less above the grade at the sight, the chassis shall be supported by reinforced piers or other foundation elements of at least equivalent strength. When the elevation of the chassis is above thirty-six (36) inches in height an engineering certification is required.
- (4) *Recreational vehicles.* A recreational vehicle is ready for highway use if it is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions. Recreational vehicles placed on sites shall either be on site for fewer than one hundred eighty (180) days and be fully licensed and ready for highway use, or meet the requirements of section 5-4022 and section 5-4031.
- (5) *Elevated buildings.* New construction or substantial improvements of elevated buildings that include fully enclosed areas that are usable solely for the parking of vehicles, building access, or storage in an area other than a basement, and which are subject to flooding shall be

designed to preclude finished space and be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

- a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria;
- b. Provide a minimum of two (2) openings on different walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
- c. The bottom of all openings shall be no higher than one foot above grade;
- d. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions; and
- e. Fill placed around foundation walls must be graded so that the grade inside the enclosed area is equal to or higher than the adjacent grade outside the building on at least one side of the building.
- f. Hazardous velocities. Hydrodynamic pressure must be considered in the design of any foundation system where velocity waters or the potential for debris flow exists. If flood velocities are excessive (greater than five (5) feet per second), foundation systems other than solid foundations walls should be considered so that obstructions to damaging flood flows are minimized.
- g. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
- h. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose a single storage area and must be void of utilities except for essential lighting as required, and cannot have a permanent thermostatic controlled HVAC system. One wet location switch and/or outlet connected to a ground fault interrupt breaker may be installed below the required lowest floor elevation specified in sections 5-4032(1) and 5-4022(2).
- i. All construction materials below the required lowest floor elevation specified in sections 5-4032(1) and 5-4032(2) shall be of flood resistant materials.

~~(6) *Temporary development.* Certain types of structures (e.g. fruit stands, construction site offices, portable toilets, etc.) may be situated temporarily on floodprone property without having to comply with the elevation or floodproofing criteria of sections 5-4032(1) and 5-4032(2), respectively, provided that the following criteria are met:~~

- ~~a. All applicants must submit to the local administrator, prior to the issuance of the development permit, a written plan for the removal of any temporary structures or development in the event of a hurricane or flash flood warning notification. The plan shall be reviewed and approved in writing, and must include the following information:~~
- ~~b. A specified time period for which the temporary use will be permitted;~~
- ~~c. The name, address and phone number of the individual responsible for the removal of temporary structures or development;~~
- ~~d. The time frame prior to the event at which any structures will be removed (i.e., minimum of seventy-two (72) hours before landfall of a hurricane or immediately upon flood warning notification);~~
- ~~e. A copy of the contract or other suitable instrument with a trucking company to insure the availability of removal equipment when needed;~~
- ~~f. Designation, accompanied by documentation, of a location outside the floodplain to which any temporary structure will be moved;~~

~~g. A determination of permanent structures which would be adversely affected by increased flooding upstream or downstream, and a method for covering this liability, such as a performance bond; and~~

~~h. A plan to restore the area to its natural condition once the temporary permit expires or the temporary use is terminated, whichever is first.~~

~~i. The structure is mobile, or can be made so, and is capable of being removed from the site with a maximum of four (4) hours warning.~~

~~j. The structure will not remain on the property for more than one hundred eighty (180) days.~~

- (7) *Accessory structures.* An accessory structure or garage that contains habitable space must comply with the elevated structure requirements of sections 5-4032(1) and 5-4032(5). Accessory structures, **which are less than 200 square feet in size**, that do not contain habitable space shall comply with the following criteria:

- a. Accessory structures shall not be used for human habitation (including work, sleeping, living, cooking or restroom areas);
- b. Accessory structures shall be designed to have low flood damage potential;
- c. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- d. Accessory structures shall be firmly anchored to prevent flotation, collapse, or lateral movement of the structure;
- e. Service facilities such as electrical and heating equipment shall be installed in accordance with section 5-4031(4); and
- f. Openings to relieve hydrostatic pressure during a flood shall be provided below base flood elevation in conformance with section 5-4032(5).

- (8) *Floodways.* Located within areas of special flood hazard established in section 5-4004, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris and potential projectiles and has erosion potential. The following provisions shall apply within such areas:

- a. No encroachments, including fill, new construction, substantial improvements, additions, and other developments shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the local administrator.

- b. If section 5-4032(8)e is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article D.

~~c. Stream crossings for any purpose (i.e., timber harvesting operations), if temporary, shall be permitted in accordance with section 5-4032(6). Otherwise, the development shall comply with all applicable flood hazard reduction provisions of Article D.~~

- d. No new manufactured homes shall be permitted.

- e. Permissible uses within floodways may include: general farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife, and related uses. Also, lawns, gardens, play areas, picnic grounds, and hiking and horseback riding trails are acceptable uses, provided that they do not employ structures or fill. Substantial development of a permissible use may require a no-rise certification. The uses listed in this subsection are permissible only if and to the extent that they do not cause any increase in base flood elevations.

- (9) *Fill.* Fill is discouraged because storage capacity is removed from floodplains. Elevating buildings by other methods must be considered. An applicant shall demonstrate that fill is the only alternative to raising the building to at least thirteen (13) feet above the base flood elevation, and that the amount of fill used will not affect the flood storage capacity or adversely affect adjacent properties. The following provisions shall apply to all fill placed in the special flood hazard area:
- a. Fill may not be placed in the floodway unless it is in accordance with section 5-4032(8)a;
  - b. Fill may not be placed in tidal or non-tidal wetlands without the required state and federal permits;
  - c. Fill must consist of soil and rock materials only. Dredged material may be used as fill only upon certification of suitability by a registered professional geotechnical engineer. Landfills, rubble fills, dumps, and sanitary fills are not permitted in the floodplain;
  - d. Fill used to support structures must comply with ASTM Standard D-698, and its suitability to support structures certified by a registered, professional engineer;
  - e. Fill slopes shall be no greater than two (2) horizontal to one vertical. Flatter slopes may be required where velocities may result in erosion; and
  - f. The use of fill shall not increase flooding or cause drainage problems on neighboring properties.
  - g. Fill may not be used for structural support in the coastal high hazard areas.
- (10) *Swimming pool utility equipment rooms.* If the building cannot be built at or above the BFE, because of functionality of the equipment, then a structure to house the utilities for the pool may be built below the BFE with the following provisions:
- a. Meet the requirements for accessory structures in Article IV.B.8; and
  - b. The utilities must be anchored to prevent flotation and shall be designed to prevent water from entering or accumulating within the components during conditions of the base flood.
- (11) *Elevators.*
- a. Install a float switch system or another system that provides the same level of safety necessary for all elevators where there is a potential for the elevator cab to descend below the BFE during a flood per FEMA's Technical Bulletin 4-93 Elevator Installation for Buildings Located in Special Flood Hazard Areas: and
  - b. All equipment that may have to be installed below the BFE such as counter weight roller guides, compensation cable and pulleys, and oil buffers for traction elevators and the jack assembly for a hydraulic elevator must be constructed using flood-resistant materials where possible per FEMA's Technical Bulletin 4-93 Elevator Installation for Buildings located in Special Flood Hazard Areas.

(Ord. No. O-29-04, 9-28-04; Ord. No. O-25-11, § 2, 8-9-11; Ord. No. O-27-12, §§ 2, 3, 12-11-12)

Sec. 5-4033. - Standards for streams without established base flood elevations and/or floodways.

Located within the areas of special flood hazard established in section 5-4004, are small streams where no base flood data has been provided or where no floodways have been identified. The following provisions apply within such areas:

- (1) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within one hundred (100) feet of the stream bank unless certification with supporting technical data by a registered, professional engineer is provided



demonstrating that such encroachments shall not result in any increase occurrence of the base flood discharge.

- (2) If section 5-4033(1) is satisfied and base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable flood hazard ordinance provisions of Article D and shall be elevated or floodproofed in accordance with elevations established in accordance with section 5-4023(9). Data from preliminary, draft, and final flood insurance studies constitutes best available data. If an appeal is pending on the study in accordance with 44 CFR Chapter 1, Part 67.5 and 67.6, the data does not have to be used. When base flood elevation data is not available from a federal, state, or other source, the lowest floor shall be elevated at least three (3) feet above the highest adjacent grade.

(Ord. No. O-29-04, 9-28-04)

Sec. 5-4034. - Standards for subdivision proposals.

- (1) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (2) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (3) Base flood elevation data shall be provided for all subdivision proposals and other proposed development. Development of detailed floodway data will be required should the applicant wish to appeal the setbacks requirements of section 5-4033(1).

(Ord. No. O-29-04, 9-28-04)

Sec. 5-4035. - FEMA checklist.

The following is a list of items that may or may not be permitted bellow the base flood elevation. A checkmark has been placed in the appropriate blank.

*Special Flood Hazard Areas*

Zone A-1 through 30		Yes	No
1.	Garage, residential	X	
2.	Storage rooms, residential (not for habitation)	X	
3.	Walls for enclosing items 1 and 2	X	
4.	Electrical outlets	X(1)	
5.	Electric meters	X	
6.	Automatic washer		X

7.	Dryers		X
8.	Air conditioning equipment, ducts, etc.		X
9.	Heating equipment		X
10.	Hot water tank		X
11.	A second refrigerator in storage room or garage for cold storage		X

\*Notes:

- (1) Only those outlets required by code will be allowed, but should be located at the highest elevation to minimize damage.
- (2) No solid walls allowed. Only open lattice or insect screening.

(Ord. No. O-29-04, 9-28-04)

Secs. 5-4036—5-4040. - Reserved.

#### ARTICLE E. - VARIANCE PROCEDURES

Sec. 5-4041. - Establishment of appeal board.

The zoning board of appeals (ZBOA) as established by city council shall hear and decide requests for variances from the requirements of this ordinance.

(Ord. No. O-29-04, 9-28-04)

Sec. 5-4042. - Right to appeal.

Any person aggrieved by the decision of the appeal board or any taxpayer may appeal such decision to the court.

(Ord. No. O-29-04, 9-28-04)

Sec. 5-4043. - Historic structures.

Variances may be issued for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(Ord. No. O-29-04, 9-28-04)

Sec. 5-4044. - Agricultural structures.

Variances may be issued to wet floodproof an agricultural structure in accordance with Technical Bulletin 7-93, Wet Floodproofing Requirements for Structures Located in Special Flood Hazard Areas in accordance with the National Flood Insurance Program, document number FIA-TB-7, dated 12/93, and available from the Federal Emergency Management Agency. In order to minimize flood damages during the base flood and the threat to public health and safety, the structure must meet all of the conditions and considerations of section 5-4048(4), this section, and the following standards:

- (1) Use of the structure must be limited to agricultural purposes as listed below:
  - a. Pole frame buildings with open or closed sides used exclusively for the storage of farm machinery and equipment;
  - b. Steel grain bins and steel frame corn cribs;
  - c. General purpose barns for the temporary feeding of livestock which are open on at least one side;
  - d. For livestock confinement buildings, poultry houses, dairy operations, and similar livestock operations, variances may not be issued for structures which were substantially damaged. New construction or substantial improvement of such structures must meet the elevation requirements of section 5-4032(2); and
- (2) The agricultural structure must be built or rebuilt, in the case of an existing building which is substantially damaged, with flood-resistant materials for the exterior and interior building components and elements below the base flood elevation;
- (3) The agricultural structure must be adequately anchored to prevent flotation, collapse, or lateral movement. All of the structure's components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, hydrodynamic, and debris impact forces. Where flood velocities exceed five (5) feet per second, fast-flowing floodwaters can exert considerable pressure on the building's enclosure walls or foundation walls;
- (4) The agricultural structure must meet the venting requirement of section 5-4032(5)d.;
- (5) Any mechanical, electrical, or other utility equipment must be located above the base flood elevation so that they are contained within a watertight, floodproofed enclosure which is capable of resisting damage during flood conditions. The structure must comply with section 5-4031(4);
- (6) The agricultural structure must comply with the floodway encroachment provisions of section 5-4032(8); and
- (7) Major equipment, machinery, or other contents must be protected. Such protection may include protective watertight floodproofed areas within the building, the use of equipment hoists for readily elevating contents, permanently elevating contents on pedestals or shelves above the base flood elevation, or determining that property owners can safely remove contents without risk to lives and that the contents will be located to a specified site out of the floodplain in accordance with the temporary development provisions of section 5-4032(6).

(Ord. No. O-29-04, 9-28-04)

Sec. 5-4045. - Considerations.

In passing upon such applications, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and the following:

- (1) The danger that materials may be swept onto other lands to the injury of others;
- (2) The danger to life and property due to flooding or erosion damage, and the safety of access to the property in times of flood for ordinary and emergency vehicles;

- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (4) The importance of the services provided by the proposed facility to the community;
- (5) The necessity to the facility of a waterfront location, where applicable;
- (6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (7) The compatibility of the proposed use with existing and anticipated development, and the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (8) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
- (9) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges; and
- (10) Agricultural structures must be located in wide, expansive floodplain areas, where no other alternative location for the agricultural structure exists. The applicant must demonstrate that the entire farm acreage, consisting of a contiguous parcel of land on which the structure is to be located, must be in the special flood hazard area and no other alternative locations for the structure are available.

(Ord. No. O-29-04, 9-28-04)

Sec. 5-4046. - Findings.

Findings listed above shall be submitted to the appeal board, in writing, and included in the application for a variance. Additionally, comments from the department of natural resources, land, water and conservation division, state coordinator's office, must be taken into account and included in the permit file.

(Ord. No. O-29-04, 9-28-04)

Sec. 5-4047. - Floodways.

Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(Ord. No. O-29-04, 9-28-04)

Sec. 5-4048. - Conditions.

Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance. The following conditions shall apply to all variances:

- (1) Variances may not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.
- (2) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

- (3) Variances shall only be issued upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship, and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (4) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. Such notification shall be maintained with a record of all variance actions.
- (5) The local administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
- (6) Variances shall not be issued for unpermitted development or other development that is not in compliance with the provisions of this ordinance. Violations must be corrected in accordance with section 5-4024(5) of this ordinance.

(Ord. No. O-29-04, 9-28-04)

Sec. 5-4049. - Functionally dependent uses.

Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this article are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage and create no additional threat to public safety.

(Ord. No. O-27-12, § 4, 12-11-12)

Sec. 5-4050. - Reserved.

#### ARTICLE F. - LEGAL STATUS PROVISIONS

Sec. 5-4051. - Effect on rights and liabilities under the existing flood damage prevention ordinance.

This ordinance in part comes forward by reenactment of some of the provisions of the flood damage prevention ordinance enacted April 26, 1977, as amended, and it is not the intention to repeal but rather to reenact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of the City of Beaufort enacted on April 26, 1977, as amended, which are not reenacted herein are repealed.

(Ord. No. O-29-04, 9-28-04)

Sec. 5-4052. - Effect upon outstanding building permits.

Nothing herein contained shall require any change in the plans, construction, size or designated use of any building, structure or part thereof for which a building permit has been granted by the building official or his authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of sixty (60) days subsequent to passage of this ordinance, construction or use shall be in conformity with the provisions of this ordinance.

(Ord. No. O-29-04, 9-28-04)