

CITY OF BEAUFORT
1911 BOUNDARY STREET
BEAUFORT MUNICIPAL COMPLEX
BEAUFORT, SOUTH CAROLINA 29902
(843) 525-7070
CITY COUNCIL REGULAR MEETING AGENDA
October 13, 2020

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 - Electronic Meeting - 7:00 PM

Please note, this meeting will be conducted electronically via Zoom and broadcasted via livestream on Facebook. You can view the meeting live via Facebook at the City's page City Beaufort SC.

I. CALL TO ORDER

A. Billy Keyserling, Mayor

II. INVOCATION AND PLEDGE OF ALLEGIANCE

A. Mike McFee, Mayor Pro Tem

III. PUBLIC COMMENT

IV. PUBLIC HEARING

- A. Rezoning of .43 Acres Tax Map Parcel R120-029-000-004F-0000, 46 Robert Smalls Parkway
- B. Annexation of two contiguous parcels Tax Map Parcels R100-029-000-004R-0000, 2506 Boundary Street and R100-029-000-004T-0000, 6 Neil Road - approximately 1.29 Acres
- C. Zoning two contiguous parcels Tax Map Parcels R100-029-000-004R-0000, 2506 Boundary Street and R100-029-000-004T-0000, 6 Neil Road - approximately 1.29 Acres

V. OLD BUSINESS

- A. Ordinance amending the Code of Ordinances of the City of Beaufort to create Part 6 Chapter 7, Sections 6-7001 through 6-7004 pertaining to Protection of the City's Stormwater System - 2nd Reading
- B. Ordinance creating Part 9 Chapter 1, Sections 9-1002 of the Beaufort Code of Ordinances prohibiting Aggressive Panhandling in public places in the City of Beaufort - 2nd Reading
- C. Ordinance creating Part 9 Chapter 1, Section 9-1003, of the Beaufort Code of Ordinances prohibiting Camping in public places in the City of Beaufort - 2nd Reading
- D. Ordinance amending Part 7 Chapter 16 of the City Code of Ordinances pertaining to

the Licensing and Regulation of Food Trucks, Food Trailers and Food Truck Vendors in City limits and to provide regulations for Ice Cream Trucks - 2nd Reading

VI. NEW BUSINESS

- A. Authorization to accept Grant Award from Firehouse Subs
- B. Authorization to allow City Manager to enter into Contract with Fire Safety Inc
- C. Authorization to allow City Manager to enter into contract with Clambank Construction Company
- D. An emergency ordinance requiring individuals to wear face coverings in certain circumstances and locations in the municipal limits of the City of Beaufort, South Carolina
- E. Ordinance ratifying and approving Nunc Pro Tunc the sale by the City to Beaufort County of 1/2 interest in 13.91 Acre tract of land in Commerce Park purchased by the City from Venture Inc., for the sum of \$208,650.00 - 1st Reading
- F. Ordinance authorizing the City Manager to sign a Quit Claim Deed conveying any interest of the City in a .12 Acre of land near Charles Street to Laura Achurch - 1st Reading

VII. REPORTS

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

VIII.ADJOURN



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

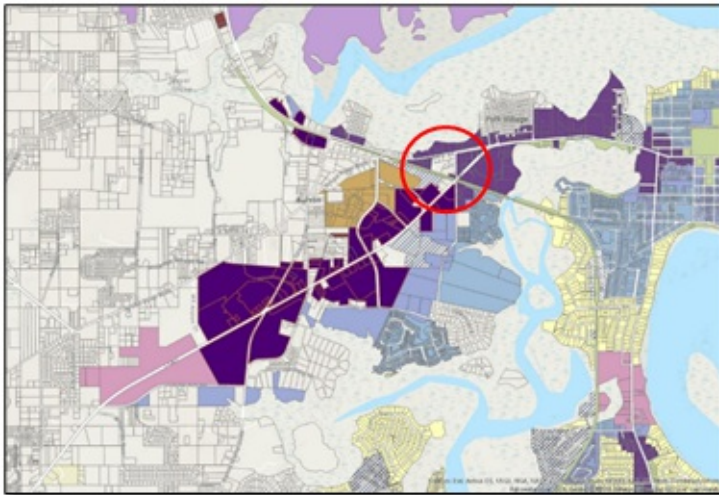
TO: CITY COUNCIL **DATE:** 10/6/2020
FROM: Community and Economic Development Department
AGENDA ITEM Rezoning of .43 Acres Tax Map Parcel R120-029-000-004F-0000, 46 Robert Smalls
TITLE: Parkway
MEETING
DATE: 10/13/2020
DEPARTMENT: Community and Economic Development

BACKGROUND INFORMATION:

Subject Parcel: 46 Robert Smalls Parkway (PIN: R120 029 000 004F)

Current Zoning: T5-Urban Corridor District (T5-UC)

Requested Zoning: T5-Urban Corridor District/Regional Mixed-Use (T5-UC/RMX).



PLACED ON AGENDA FOR: Discussion

REMARKS:

Public hearing notices:

- On September 21, 2020, a classified ad was published in the Beaufort Gazette;

- On September 24, 2020, post cards were sent to adjacent property owners within 200 feet of the subject property;
- On September 24, 2020, a classified ad was published in the Island Packet; and
- On September 24, 2020, a Notice of Public Hearing sign was posted on the subject property.

ATTACHMENTS:

Description	Type	Upload Date
Rezoning Application	Cover Memo	10/6/2020
Plat	Cover Memo	10/6/2020



REZONING APPLICATION (EXCEPT FOR PUDS)

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

Application Fee: \$250 +
\$10 for each additional lot
Receipt # 137581

OFFICE USE ONLY: Date Filed: 8/20 Application #: 20926 Zoning District: T5-UC

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

PAID
8/20/20CC

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

Applicant, Owner and Property Information

Property Address: 46 ROBERT SMALLS PKWY

Property Identification Number (Tax Map & Parcel Number): R120-029-000-004F-0000 Book 39 Pg 6

Applicant Name: LISA WANDRICK

Applicant Address: 46 MERIDIAN RD, BEAUFORT, SC 29907

Applicant E-mail: LISA_WANDRICK@YAHOO.COM Applicant Phone Number: 404-680-3756

Property Owner (if other than the Applicant):

Property Owner Address:

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

If yes, give action(s) taken:

Present zone classification: T5-UC

Requested zone classification: T5-UC/RMX

Total area of property: 18907.73 Sq. Ft. (0.43 Acres)

Existing land use: INDOOR RECREATION, MINI STORAGE RENTAL

Desired land use: SHORT TERM SAME; LONG TERM FLEXIBILITY

Reasons for requesting rezoning: CONFORM W/PROPERTIES TO THE WEST ON ROBERT SMALLS PKWY AND PROVIDE GREATER FLEXIBILITY FOR FUTURE USE.

Applicant's Signature: Lisa Wandrick Date: 8-20-2020

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

Property Owner's Signature:

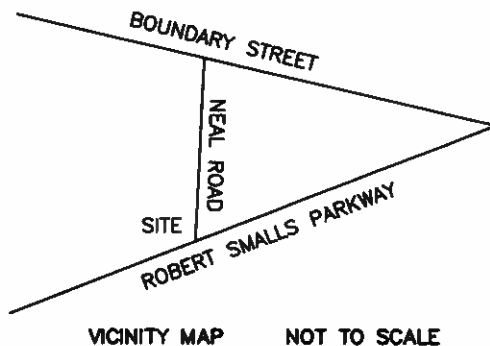
Date:



GASQUE & ASSOCIATES INC.

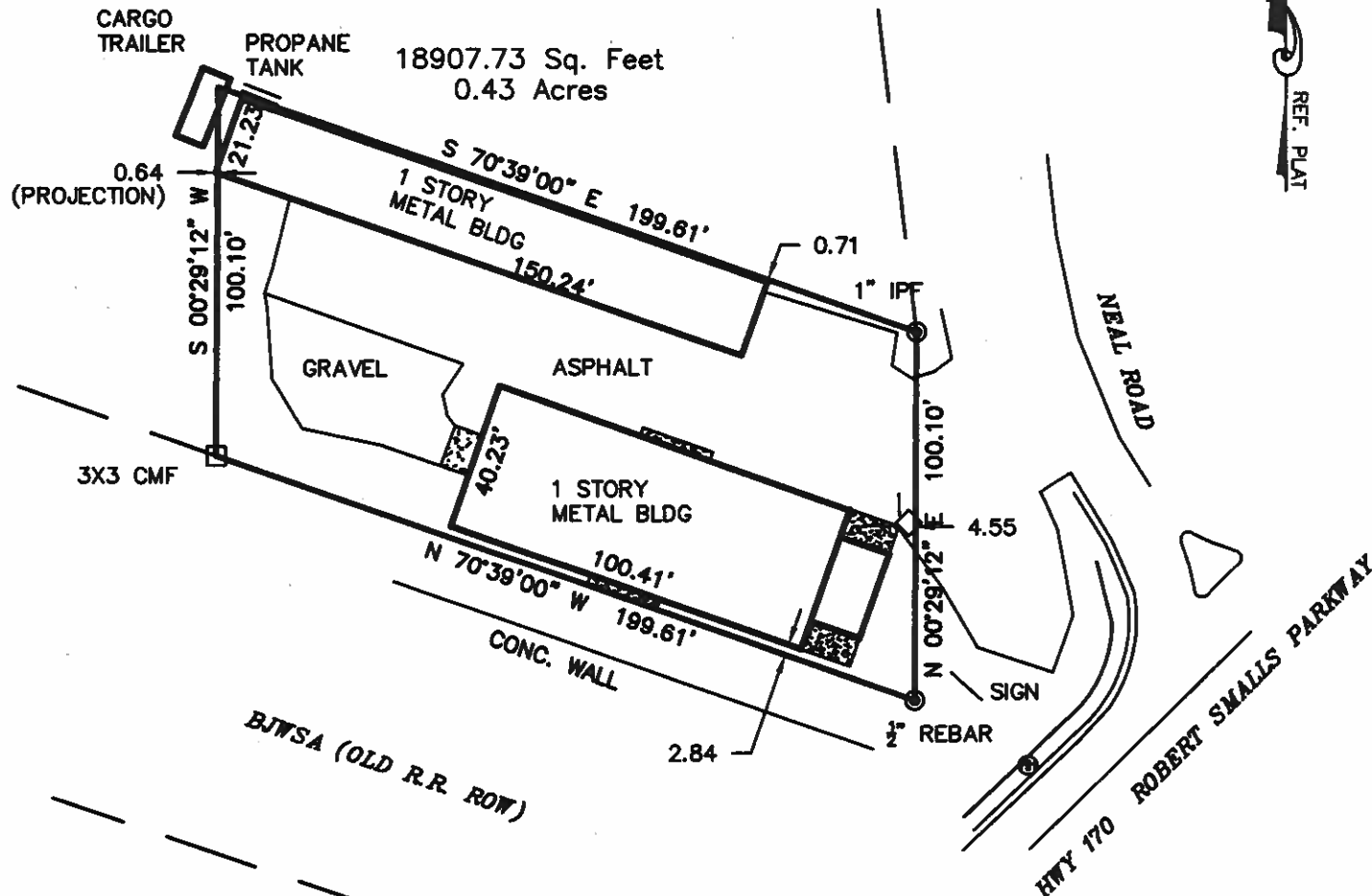
LAND SURVEYORS & PLANNERS

28 PROFESSIONAL VILLAGE CIRCLE, BEAUFORT, S.C.
P.O. BOX 1363, BEAUFORT, S.C.
PHONE (843) 522-1798



VICINITY MAP NOT TO SCALE

N/F MARK A. BUSKIRK



ASBUILT SURVEY PREPARED FOR

RICHARD MARTIN

THIS PROPERTY BEING A PORTION OF LAND AS SHOWN ON A PLAT BY DAVID E. GASQUE DATED 6/13/90 AND RECORDED IN PLAT BOOK 39 PAGE 66 BEAUFORT COUNTY RMC. PORT ROYAL ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA TAX MAP: R100-029-000-004F-0000

THE CERTIFIER HAS NOT INVESTIGATED OR BEEN INSTRUCTED TO INVESTIGATE THE EXISTENCE OR NONEXISTENCE OF ANY OVERLAY DISTRICTS, SUCH AS; AIRPORT, MILITARY, NOISE, CRASH POTENTIAL OR ENVIRONMENTAL ISSUES.

CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

THIS PLAT IS COPYRIGHTED AND IS INTENDED ONLY FOR THE ENTITY OR PERSON(S) SHOWN HERE ON.

THIS PLAT REPRESENTS A SURVEY BASED ON THE LISTED REFERENCES ONLY AND IS NOT THE RESULT OF A TITLE SEARCH.

BEFORE ANY DESIGN WORK OR CONSTRUCTION ON THIS SITE IS STARTED FLOOD ZONE INFORMATION MUST BE VERIFIED BY PROPER BUILDING CODES OFFICIAL.

THIS PROPERTY IS IN FLOOD ZONE "C" AS PER FEMA FIRM PANEL NUMBER

450025 0065 D. DATED 9/29/86

THE UNDERSIGNED DOES NOT CERTIFY THAT THE PROPERTY SHOWN HEREON COMPLIES WITH ANY RESTRICTIVE CONVEYANCES OR ANY CITY AND/OR COUNTY ORDINANCES.

I, DAVID E. GASQUE, HEREBY CERTIFY TO RICHARD MARTIN THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS 1 SURVEY AS SPECIFIED THEREIN. ALSO THERE ARE NO ENCROACHMENTS OR PROJECTIONS OTHER THEN SHOWN. THIS SURVEY IS NOT VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE AND HAS AN EMBOSSED SEAL. AREA DETERMINED BY COORDINATE METHOD.



SCALE: 1"=50'

DATE: 6/15/15

DAVID E. GASQUE, R.L.S. JOB # 43260
S.C. REGISTRATION NUMBER 10506 FB#868/TT DSGN#5
THIS PLAT IS NOT BINDING UNLESS ACCOMPANIED BY AN ORIGINAL SIGNATURE AND AN EMBOSSED SEAL.



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 10/6/2020
FROM: Community and Economic Development Department
AGENDA ITEM Annexation of two contiguous parcels Tax Map Parcels R100-029-000-004R-0000,
TITLE: 2506 Boundary Street and R100-029-000-004T-0000, 6 Neil Road - approximately 1.29
Acres
MEETING 10/13/2020
DATE:
DEPARTMENT: Community and Economic Development

BACKGROUND INFORMATION:

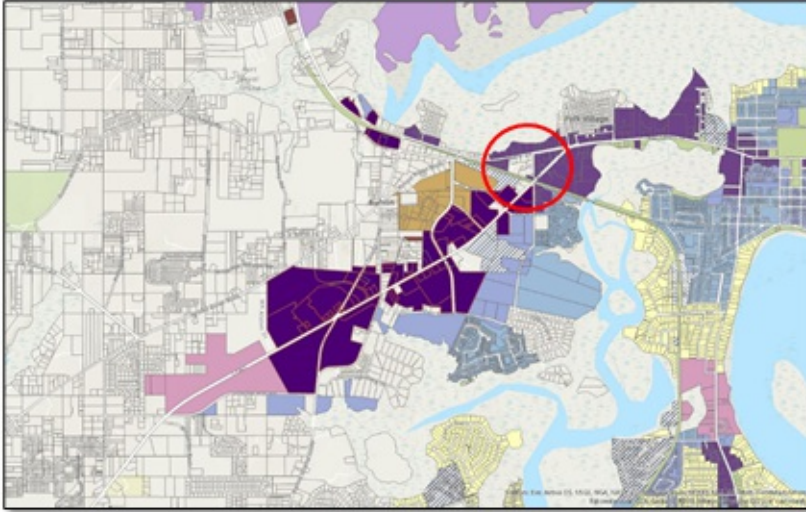
Subject Parcels: 2506 Boundary Street (PIN: R100 029 000 004R 0000) and 6 Neil Road (PIN: R100 029 000 004T 0000)

Current Zoning [County]: Both parcels are currently zoned C5RCMU Regional Center Mixed Use

Current Land Use: Automotive repair shop on northern parcel, and commercial landscaping business on southern parcel.

Future Land Use: The Vision Beaufort|2020 Comprehensive Plan designates these parcels as within the Neighborhood Mixed-Use (G-3A) Framework Zone. The G-3 sector is intended to apply along high capacity regional thoroughfares at major transportation nodes, or along portions of highly-traveled corridors, and the neighborhood mixed-use (G-3A) designation is intended for mixture of uses intended to serve the surrounding neighborhoods.

Requested Zoning: Contingent on annexation, the applicant has requested that the parcels be zoned T5-Urban Corridor (T5-UC) District



PLACED ON AGENDA FOR: Discussion

REMARKS:

Public hearing notices:

- On September 11, 2020, a classified ad was published in the Beaufort Gazette;
- On September 17, 2020, a classified ad was published in the Island Packet;
- On September 24, 2020, post cards were sent to adjacent property owners within 200 feet of the subject properties; and
- On September 24, 2020, Notice of Public Hearing signs were posted on the subject properties.

ATTACHMENTS:

Description	Type	Upload Date
Petition of Annexation	Cover Memo	10/6/2020
Rezoning Application	Cover Memo	10/6/2020

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

PETITION OF ANNEXATION

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

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

The petitioning area to be annexed is described as follows:

The site address is 2506 Boundary Street, Beaufort SC 29906 & 6 Neil Road, Beaufort SC 29906.

TMS R100 029 000 004R 000 & R100 029 000 004T 0000

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

Name (print)	Address	Signature	Date of Signature
Corfe LLC			8/20/2020
2506 Boundary Street, Beaufort SC 29906 & 6 Neil Road, Beaufort SC 29906			



REZONING APPLICATION (EXCEPT FOR PUDS)

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

PAID
9/9/20 CK

Application Fee: \$200 +
\$10 for each additional lot
Receipt # 1397939

R220 -

OFFICE USE ONLY: Date Filed: 9/3 Application #: 20897 Zoning District:

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

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

Applicant, Owner and Property Information

Property Address: 2506 Boundary Street & 6 Neil Road, Beaufort SC 29906

Property Identification Number (Tax Map & Parcel Number): R100 029 000 004R 000 & R100 029 000 004T 000

Applicant Name: Tidewater Development Group

Applicant Address: 2923 Crescent Ave, Homewood AL 35209

Applicant E-mail: Andrew@tidewaterdev.com Applicant Phone Number: 205.223.4850

Property Owner (if other than the Applicant): Corfe LLC

Property Owner Address: 2506 Boundary Street & 6 Neil Road, Beaufort SC 29906

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

If yes, give action(s) taken:

Present zone classification: Beaufort County - Regional Center Mixed-Use (C5RCMU)

Requested zone classification: T5-Urban Center (T5-UC)

Total area of property: 0.56 AC (2506 Boundary Street), 0.73 AC (6 Neil Road)

Existing land use: Commercial

Desired land use: Commercial

Reasons for requesting rezoning: The current zoning within Beaufort County allows the proposed used but restricts the layout from functioning as intended.

Applicant's Signature:

Date: 9/2/20

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

Property Owner's Signature:

Date: 9/3/2020



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 10/8/2020

FROM:

AGENDA ITEM Zoning two contiguous parcels Tax Map Parcels R100-029-000-004R-0000, 2506
TITLE: Boundary Street and R100-029-000-004T-0000, 6 Neil Road - approximately 1.29
Acres

MEETING
DATE: 10/13/2020

DEPARTMENT: Community and Economic Development

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR:

REMARKS:



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 9/18/2020
FROM: Bill Prokop, City Manager
AGENDA ITEM TITLE: Ordinance amending the Code of Ordinances of the City of Beaufort to create Part 6 Chapter 7, Sections 6-7001 through 6-7004 pertaining to Protection of the City's Stormwater System - 2nd Reading
MEETING DATE: 10/13/2020
DEPARTMENT: City Managers Office

BACKGROUND INFORMATION:

Draft Ordinance discussed in Worksession on September 15, 2020.

PLACED ON AGENDA FOR: Action

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Ordinance	Backup Material	9/18/2020

STORMWATER PROTECTION ORDINANCE

Amending the Code of Ordinances of the City of Beaufort to Create Part 6 Chapter 7, Sections 6-7001 through 6-7004 Pertaining to Protection of the City's Stormwater System

WHEREAS, the City of Beaufort has an extensive stormwater system that is operated in conjunction with the Beaufort Jasper Water and Sewer Authority; and,

WHEREAS, the City is undertaking a substantial project to improve stormwater drainage throughout the City, and is issuing bonds to assist in the funding of such undertakings; and,

WHEREAS, City officials have found areas designed for stormwater drainage impeded by illegal dumping of waste, discharged items, and toxic materials; and,

WHEREAS, it is vital to sanitation, and to the health and well-being of the City and its citizens, and in order to relieve the back-up of storm water into private and public properties that the stormwater drainage system remain clean, clear and flowing; and,

WHEREAS, City Council finds it necessary and appropriate to create regulations for this purpose, and to attach penalties for violation of such regulations;

NOW, THEREFORE, be it ordained, by the City Council of Beaufort, South Carolina, in Council duly assembled, and by authority of the same, that the Code of Ordinances shall be amended to create Sections 6-7001 through 6-7004; as follows:

Section 6-7001 **Illicit Discharge Prohibited; Exemptions.**

- (a) *Illicit discharges enumerated.* It shall be unlawful for any person to discharge or cause to be discharged into the water courses any illicit discharge, including but not limited to the following:
 - 1) Chemicals, petroleum products, paints, varnishes, solvents, oils and grease and other automotive fluids, pesticides, herbicides and fertilizers, or other toxic materials.

- 2) Nonhazardous liquid, solid wastes, and yard wastes.
 - 3) Hazardous materials, sewage, fecal coliform, and pathogens dissolved and particulate metals.
 - 4) Trash, refuse, rubbish, garbage, food wastes, pet wastes, litter, other discarded or abandoned objects, floatables and cleaning products.
 - 5) Landscaping materials, sediment, lawn clippings, leaves, branches or other landscaping and yard debris.
 - 6) Construction activities wastes and residues including, but not limited to, painting, paving, concrete placement, saw cutting, material storage and earthwork.
 - 7) Wastes and residues that result from mobile washing operations; discharges from toilets, sinks, industrial processes, cooling systems, boilers, fabric cleaning, equipment cleaning, commercial vehicle cleaning and substances added to the storm drain to control root growth.
 - 8) Any other material is considered harmful to humans, animals, or aquatic life and its habitat.
- (b) Exemptions. The following discharges, when properly managed, are exempt from the discharge prohibitions established by this ordinance:
- 1) Water line flushing and portable water discharges from portable water sources.
 - 2) Landscape irrigation or lawn watering, irrigation return flows, diverted stream flows, rising groundwater, uncontaminated groundwater infiltration to storm drains, uncontaminated pumped groundwater.
 - 3) Discharges resulting from emergency firefighting activities and water incidental to street sweeping (included associated sidewalk

and median) that is not associated with construction.

- 4) Discharges authorized by OCRM and DHEC permit.

Section 6-7002 **Best Management Practice**

- (a) The owner or operator of a commercial or industrial establishment or a disturbed area shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the watercourses through the use of structural and nonstructural Best Management Practices.

Section 6-7003 **Right of Entry and Inspection of Properties and Facilities**

- (a) Whenever the City has reasonable cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this article, the City shall have the right to enter the premises at any reasonable time to determine if conditions or activities exist which may constitute a threat to public health and safety. If the owner or occupant refuses entry after a request to enter has been made, the City is hereby empowered to seek assistance from the court in obtaining such entry.

Section 6-7004 **Enforcement and Penalties**

- (a) *Violation.* It is unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. Any person who violates any of the provisions of this article shall be subject to one (1) or more of the enforcement actions outlined in this section.
- (b) *Enforcement.* Authorized personnel under the supervision of the City Manager have the power to conduct inspections, give verbal directions, issue notices of violations and implement other enforcement actions under this section.
- (c) *Abatement.* In event the violation constitutes an immediate danger to public health or public safety, the City is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property.

(d) Cost of abatement of the violation.

- 1) If the City abates a violation, within ten (10) days after such abatement, the City will provide the owner of the property written notification of the cost of the abatement, including administrative costs. The property owner may file a written appeal objecting to the amount of the assessment within ten (10) days of the effective date of the notice.
- 2) If no appeal is filed, then the charges shall become due and payable on the date set forth in the notice, which date shall be after the expiration of the time in which to file an appeal. Such charges shall become special assessment against the property and shall constitute a lien on the property for the amount of the assessment.
- 3) In the event an appeal is filed, a hearing on such appeal shall be held before the City Council within thirty (30) days from the date of receipt of the written appeal. If any charges are upheld upon completion of such hearing, then such charges shall become due and payable ten (10) days after the issuance of the order upon such appeal. If not timely paid, such charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.
- 4) All liens set forth in this section shall accrue penalty and interest at a rate equivalent to that which is assessed upon delinquent general property taxes under state law. Such lien shall be collected and paid to the City's by the county treasurer in the same manner as delinquent general property taxes.

(e) *Re-Inspection fees.* Whenever the City determines that any activity is occurring which is in violation with the provisions of this article, the City can issue a re-inspection fee of two hundred dollars (\$200) established by the resolution of the city council.

(f) *Stop work order.* Whenever the city determines that any activity is occurring which is in violation of the provisions of this article, the City can order the activity stopped upon service of written notice upon the

responsible owner and/ or operator. The owner and/ or operator shall immediately stop all activity until authorized in writing by the City to proceed. If the owner and/ or operator cannot be located, the notice to stop shall be posted in a conspicuous place upon area where the activity is occurring and shall state the nature of the violation. It shall be unlawful for any owner and/ or operator to fail to comply with a stop work order.

(g) *Criminal penalties; enforcement costs.* It is unlawful and an offense for any person to violate or permit or cause violation of this article or the provisions of any discharge permit issued under this article. Violators shall be punishable as provided by state law; however in addition to any other punishment, there shall be imposed a fine of two hundred dollars (\$200) for each violation of any provision of this article. Each day, or part of a day, any violation occurs or continues is a separate offense.

(h) *Violations deemed a public nuisance.* Any condition caused or permitted to exist in violation of any of the provisions of this article is a threat to public health, safety, and welfare, and is declared and deemed a public nuisance.

The provisions of the preamble above are incorporated herein by reference.

If any provision of this Ordinance is deemed unenforceable for any reason, the remaining provisions shall remain in full force and effect.

The Ordinance shall become effective upon adoption.

BILLY KEYSERLING, MAYOR

ATTEST:

IVETTE BURGESS, CITY CLERK

1st Reading _____

2nd Reading & Adoption _____

Reviewed by _____

William B. Harvey, III, City Attorney



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 9/18/2020
FROM: Bill Prokop, City Manager
AGENDA ITEM TITLE: Ordinance creating Part 9 Chapter 1, Sections 9-1002 of the Beaufort Code of Ordinances prohibiting Aggressive Panhandling in public places in the City of Beaufort - 2nd Reading
MEETING DATE: 10/13/2020
DEPARTMENT: City Managers Office

BACKGROUND INFORMATION:

Draft Ordinance was discussed in Worksession on September 15, 2020.

First Reading was September 22, 2020

PLACED ON AGENDA FOR: Action

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Ordinance	Backup Material	9/18/2020

ORDINANCE

An Ordinance creating Part 9 Chapter 1, Sections 9-1002 of the Beaufort Code of Ordinances prohibiting aggressive panhandling in public places in the City of Beaufort

WHEREAS, the City of Beaufort respects and upholds the rights of all persons in the City to exercise first amendment rights of free speech and expression; and,

WHEREAS, citizens and visitors in the City of Beaufort have experienced incidents in which they have been solicited by panhandlers in the City in such a manner that that they feared for their personal safety and well-being; and,

WHEREAS, City Council finds it necessary and in the best interest of the City to regulate aggressive panhandling and soliciting in the City limits; and,

NOW THEREFORE, be it ordained by the Beaufort City Council, in Council duly assembled, and by the authority of the same, to create Sections 9-1002 of the Beaufort Code of Ordinances, to state as follows:

Section 9-1002. Aggressive Panhandling and Soliciting Prohibited

1. **Definitions:** The following words and terms when used in this section shall have the meaning respectively ascribed to them herein:
 - a. ***Aggressive Manner*** shall mean any of the following:
 - i. Approaching or speaking to a person, or following a person before, during or after soliciting if that conduct is intended or is likely to cause a reasonable person to fear bodily harm to oneself or to another, damage to or loss of property, or to otherwise be intimidated into giving money or other thing of value;
 - ii. Intentionally touching or causing physical contact with another person or an occupied vehicle without that person's consent in the courses of soliciting;
 - iii. Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact with the solicitor;
 - iv. Using violent or threatening gestures toward a person before, during or after soliciting;

- v. Persisting in closely following or approaching a person, after the person has informed the solicitor by words or conduct that such person does not want to be solicited or does not want to give money or any other thing of value to the solicitor;
 - vi. Using profane, offensive or abusive language which is likely to cause the person solicited to be intimidated by such language before, during, or after the solicitation.
 - vii. Soliciting directed towards and within 50 feet of any person engaged in outdoor dining; or,
 - viii. Soliciting directed towards and within 50 feet of any person at an Automatic Teller Machine (ATM) or a night bank deposit.
 - b. ***Panhandling*** shall mean the solicitation of alms whether by offering something of nominal value in exchange for a donation or not.
 - c. ***Soliciting*** shall mean peddling, charitable soliciting, busking, and panhandling.
 - d. **Solicitor** means a person who solicits.
2. **Aggressive Solicitation Prohibited.** It shall be unlawful to Solicit in an Aggressive Manner on the public Rights-of-Way, in public parks, or other publicly owned property.
3. **Blocking Rights-of-Way.** Solicitors shall not block roadways, fire apparatus access roads, sidewalks, crosswalks, driveways, doors, stairways, curb cuts, handicapped access ramps or block access to buildings, parks, conveyances, businesses, or traffic control poles containing pedestrian crosswalk buttons.
- Personal property used for Soliciting shall not be left unattended on any public Rights-of-Way or other publicly owned places.
4. **Soliciting on Posted Private Property.** It shall be unlawful to engage in Soliciting on any property where a sign is posted that states “No Trespassing.” “No Peddlers,” “No Soliciting,” “No Solicitors,” or words of similar import.
5. **Enforcement and Penalties.** Upon report of violation of this section, police or other City official shall issue a warning to the individual of the violation, and that further conduct may result in arrest. Upon further willful violation of this section, the offending individual shall be subject to arrest and, upon conviction, a fine not to exceed \$500.00, or imprisonment of up to 30 days.

If any part or provision of this Ordinance shall be deemed unenforceable, the remainder of this Ordinance shall be segregated and remain in force and effect.

This Ordinance shall become effective upon adoption.

Billy Keyserling, Mayor

Attest

Ivette Burgess, City Clerk

First Reading _____

Second Reading and adoption _____

Approved in Form _____
William B. Harvey, III, City Attorney



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 9/18/2020
FROM: Bill Prokop, City Manager
AGENDA ITEM Ordinance creating Part 9 Chapter 1, Section 9-1003, of the Beaufort Code of
TITLE: Ordinances prohibiting Camping in public places in the City of Beaufort - 2nd Reading
MEETING
DATE: 10/13/2020
DEPARTMENT: City Managers Office

BACKGROUND INFORMATION:

This ordinance was discussed in Worksession September 15, 2020.

First Reading September 22, 2020

PLACED ON AGENDA FOR: Action

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Ordinance	Backup Material	9/22/2020

ORDINANCE

An Ordinance creating Part 9 Chapter 1, Section 9-1003, of the Beaufort Code of Ordinances prohibiting camping in public places in the City of Beaufort

WHEREAS, the City of Beaufort respects and upholds the rights of all persons in the City to exercise first amendment rights of free speech and expression; and,

WHEREAS, City officials have found individuals camping and setting up residence in public places within the City, creating health and safety concerns for others utilizing such public spaces; and,

WHEREASE, City Council finds it in the best interest of the City to regulate camping in public spaces in the City limits;

NOW THEREFORE, be it ordained by the Beaufort City Council, in Council duly assembled, and by the authority of the same, to create 9-1003 of the Beaufort Code of Ordinances, to state as follows:

Section 9-1003: Camping on Public Property Prohibited.

1. **Definition:** As used in this Section, the terms **Camp** or **Camping** shall mean the use of public parks, buildings, or grounds or private property for living accommodation purposes, such as sleeping activities, or making preparation to sleep, including the laying down of bedding for the purpose of sleeping, or storing personal belongings, or making any fire or using any tents or shelter or other structure or vehicle for sleeping, or doing any digging, or earth breaking, or undertaking cooking activities. The above-listed activities constitute Camping when it reasonably appears, in light of all the circumstances, that the participants, in conducting these activities, are in fact using the area as a living accommodation.
2. Except as may be permitted within municipal parks by Director of Downtown Operations, or his or her designee, it is unlawful to Camp upon any public property owned by the City, including, without limitation, streets, easements, parks, parking lots, or other public property, or to start or maintain an open fire on said property in violation of the State or City Fire Code.

3. Enforcement and Penalties: No person may be arrested for violating this code section until he or she has received an oral or written warning to cease the unlawful conduct. Upon willful failure to comply with the warning issued, he or she is subject to arrest for violation of this code section, and upon conviction may be fined not to exceed \$500.00 or imprisoned for not more than 30 days.

If any part or provision of this Ordinance shall be deemed unenforceable, the remainder the this Ordinance shall be segregated and remain in force and effect.

This Ordinance shall become effective upon adoption.

Billy Keyserling, Mayor

Ivette Burgess, City Clerk

First Reading _____

Second Reading and adoption _____

Approved in Form _____
William B. Harvey, III, City Attorney



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 9/18/2020
FROM: Bill Prokop, City Manager
AGENDA ITEM TITLE: Ordinance amending Part 7 Chapter 16 of the City Code of Ordinances pertaining to the Licensing and Regulation of Food Trucks, Food Trailers and Food Truck Vendors in City limits and to provide regulations for Ice Cream Trucks - 2nd Reading
MEETING DATE: 10/13/2020
DEPARTMENT: City Managers Office

BACKGROUND INFORMATION:

A draft of this ordinance was discussed in Worksession on September 22, 2020.

First Reading September 22, 2020.

PLACED ON AGENDA FOR: Action

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Ordinance	Backup Material	9/18/2020

**ORDINANCE AMENDING PART 7 CHAPTER 16 OF THE CITY CODE OF
ORDINANCES PERTAINING TO THE LICENSING AND REGULATION OF FOOD
TRUCKS, FOOD TRAILERS AND FOOD TRUCK VENDORS IN CITY LIMITS AND TO
PROVIDE REGULATIONS FOR ICE CREAM TRUCKS**

WHEREAS in 2016, Beaufort City Council enacted an Ordinance creating Sections 7-16001-7-16007 of the City Code of Ordinances dealing with the licensing and regulation of food trucks; and,

WHEREAS, there has been interest in the permitting and licensing of Ice Cream Trucks serving frozen prepackaged products to children and other customers; and,

WHEREAS, City Council finds that it is in the best interest of safety and public health, and the privacy and tranquility of residential neighborhoods, to provide special regulations for the licensing and operation of Ice Cream Trucks;

NOW THEREFORE, BE IT ORDAINED by the City Council of Beaufort, South Carolina, in council duly assembled, and by the authority of the same, that Chapter 16 of Part 7 of the City Code, entitled Licensing and Regulation of Food Trucks, Food Trailers and Related Vendors, shall be amended to create new Section 7-16004, to amend the existing sections as highlighted herein, and to renumber subsequent sections, which shall now read as follows:

7-16001: Definitions: The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) *Food Truck Vendor*: means a person selling food from a mobile unit, to include vendors in an Ice Cream Truck.
- (b) *Food Truck Unit*: means a self-contained, vehicle-mounted food service unit, including Ice Cream Trucks, that returns daily to its base of operations as approved by DHEC and is used for either the preparation or the sale of food products, or both, as allowed by Sections 7-16003 and 7-16004. This does not include mopeds.
- (c) *Food trailer*: means an enclosed attached or detached trailer that is equipped with facilities for preparing, cooking, and selling various types of food products.

7-16002: Licensing of Food Truck Vendors:

- (A) All Food Truck Vendors doing business in the City of Beaufort must obtain a City Business License - Code of City Ordinances Part 7 Licensing and Regulations, Chapter 1 Business License.
- (B) A Food Truck Vendor must be 18 years of age or older.
- (C) All Food Truck Vendors selling food and/or drinks which are not prepackaged shall obtain all necessary County and State Health permits before a Business License will be issued and shall comply with all laws, rules and regulations regarding food handling, and all vehicles used for the sale of food shall comply with all the laws, rules and regulations respecting such vehicles as established by the State of South Carolina.
- (D) The Food Truck Vendor shall be required to secure and maintain a policy of Automobile Liability Insurance coverage issued by a company authorized to do business in the state of South Carolina. The amounts of liability required is \$1,000,000 for injury and/or death of any person(s) in any one incident and \$1,000,000 for property damage, and the policy must list the City of Beaufort as an additional insured.

7-16003: Regulation of Food Truck Units and Food Trailers:

- (A) No Food Truck Units or Food Trailers shall be located in a Residential Zoned Districts (T3 and T4-HN-, **proposed new code**), R-1, R-2, R-3, R-4, GR or NC Districts (**Current 2016 Code**), except as allowed for Ice Cream Truck as stated herein.
- (B) No Food Truck Unit or Food Trailer shall be located for business within 20 feet separation from any residential use, **except as allowed for Ice Cream Trucks as stated herein**. The limitation shall not apply to or within the boundaries of the City of Beaufort permitted community event.
- (C) No Food Truck Unit or Food Trailer shall be located for business closer than 10 feet from any building or structure on the licensed property or adjoining property, **except as allowed for Ice Cream Trucks as stated herein..**
- (D) No Food Truck Unit or Food Trailer shall be located closer than 50 feet from flammable combustible liquid or gas storage and dispensing structures.
- (E) No Food Truck Unit or Food Trailer shall be located for business closer than 200 feet of a City permitted community event without the written permission of the event organizers.
- (F) No Food Truck Unit or Food Trailer shall be located for business within 20 feet of any public right-of-way or within 20 feet of the intersection of any public right-of-way and private driveway, per South Carolina Department of Transportation, except as allowed for Ice Cream Trucks as stated herein..
- (G) No signs or signage shall be permitted other than that which can be contained on the Food Truck or Trailer or on a sandwich boards utilized to sell food or merchandise.
- (H) No Food Truck Unit or Food Trailer shall utilize music or other noise in the sale of goods or services, without a special permit, **except as allowed for Ice Cream Trucks as stated herein**.
- (I) No Food Truck Unit or Food Trailer shall obstruct or cause to be obstructed the passage of any sidewalk, street avenue, alley or any other public right of way, **except as allowed for Ice Cream Trucks as stated herein**.
- (J) All lighting must be permanently or semi-permanently affixed to the vending facility. No lighting shall be permitted to shine on or into any public right-of-way or other private property, or cause any glare that could be considered a public hazard, or distraction to vehicular movement, neighboring business operations, or residential uses. In addition, no flashing or strobe lighting shall be permitted.
- (K) All vendors shall place a 30-gallon garbage receptacle upon site of businesses for customer use. All trash must be removed from the site by the vendor. Use of City waste receptacles is prohibited. The entire area within a 25-foot radius must be maintained clean of debris.
- (L) All merchandise, goods, wares or food shall only be displayed or offered for sale from the vendor's vehicle, unless there is a permitted alternative area of sale.
- (M) All Food Truck Units or Food Trailers shall be equipped with at least one 2A-40 BC fire extinguisher.
- (N) After business activities, the vendor shall clean all debris, trash and litter generated by the vendor's business activities.
- (O) No portion of the vendor's inventory, sales equipment, or any other structure or equipment used in the sales or solicitation process shall be left overnight upon any unenclosed portion of any lot or site within the City of Beaufort.
- (P) All sales must be made directly from the permitted Food Truck Unit or Food Trailer.

- (Q) Coolers associated with Food Trucks or Food Trailers may not be placed on the ground, and any tables and chairs shall be staged for the customers. Generators must be attached to the Food Truck or Food Trailer and are required to be whisper or quiet and produce no more than 75 decibels (DB).
- (R) The entire Food Truck or Food Trailer vending operation must be fully mobile.

7-16004: Regulation of Ice Cream Truck:

1. As used herein, the term Ice Cream Truck shall mean a motor vehicle containing a commercial freezer and from which vendor sells frozen prepackaged food products such as ice cream, frozen yogurt, frozen custard, flavored frozen water, and similar products.
2. In addition to the requirements of this Chapter pertaining to Food Trucks, the following operational requirements and conditions shall apply to Ice Cream Trucks:
 - a. Vendors from an Ice Cream Truck shall only sell, display, or offer to sell frozen prepackaged food products such as ice cream, frozen yogurt, frozen custard, flavored frozen water, and similar products:
 - b. Vendors from an Ice Cream Truck shall be subject to a background check for Municipal, County, State, and National criminal history records including misdemeanor driving offenses, as part of the application and permitting process:
 - c. No Ice Cream Truck shall remain stationary on a public street or right-of-way more than 30 minutes in any one location while conducting business, after which time the vendor must move the Ice Cream Truck at least one block or 500 feet, whichever is greater, and shall not return to the same block or location within the same day. No Ice Cream Truck will be allowed on public streets before 9:00 a.m. or after 9:00 p.m.
 - d. Each Ice Cream Truck shall have available and maintain a litter receptacle for the use of patrons. Excessive litter caused by product packaging may result in revocation of the vendor license.
 - e. Each Ice Cream Truck must be equipped with flashing front and rear warning lights, which the vendor shall flash alternately, and shall be flashing when the Ice Cream Truck is stopped for the purpose of selling frozen products.
 - f. Each Ice Cream Truck shall be equipped with signs stating "WATCH FOR CHILDREN" located on the front, back and both sides of the vehicle, in at least four-inch letters.
 - g. No Ice Cream Truck shall be stopped or positioned in manner that exposes customers to vehicular traffic, or otherwise in an unsafe manner. Vendors must immediately comply with any directive by a police officer.
 - h. No non-food novelty items, such as noisemakers, or toys, shall be sold or distributed from an Ice Cream Truck.
 - i. No Ice Cream Truck, or its vendor, shall sound any device which produces an offensive or loud noise to attract customers. The use of a public address system from an Ice Cream Truck is prohibited. A bell or musical recording may be sounded from an Ice Cream Truck for a period not to exceed three (3) minutes to announce the arrival of the vehicle at each location.

7-16005: Vending Permit Application Process and Fees

The City Business License staff will review applications for completion and no applications will be accepted unless deemed complete. All procedures for obtaining a Business License will be followed for applications and enforcement of Food Truck and Food Trailer vending permits.

- (A) All Food Truck and Food Trailer vendors must submit the appropriate food vendor program fee as outlined in this Ordinance.
- (B) The Business License fee is a separate fee and cannot be refunded.
- (C) The permitting fee for each Food Truck or Food Trailer shall be \$200.00 annually.
- (D) Fees are subject to change with City Manager approval.

7-16006 Parking, Allowable Vehicles and Designated Areas

- (A) Allowable vehicles include trucks and trailers for parking spaces in which service is provided to customers through the side of the vehicle at the sidewalk only.
- (B) Food Trucks or Food Trailers must be sized to fit into the parking spaces.
- (C) Vending at designated public Food Truck or Food Trailer zones will be allowed at the times listed. No vending operations shall take place outside the hours noted
 - 500 Carteret Street and Bladen Street (City owned property) parking area locations daily, 8am-3pm only
 - No Food Trucks or Food Trailers are allowed on Bay Street, West Street, Scott Street, the Point Residential Neighborhood of the City, Waterfront Park or Downtown Marina Lot.
 - Food Trucks and Food Trailers are allowed on City Property and City Parks except Waterfront Park
 - All other Food Truck zones must be approved by the City Council.
 - No Food Truck or Food Trailer operations shall take place outside the hours noted

Sunday	8:00am – 12:00am
Monday - Thursday	8:00am – 12:00am
Friday	8:00am – 12:00am
Saturday	8:00am – 2:00am

- (E) Food Trucks or Food Trailers on Private Property – A written agreement from the property owner/manager with regard to the time(s) and location of use of the premises must be provided with the application.
- (F) If any area is closed for an emergency or other permitted activity, no Food Truck Vendors will be allowed to set up. Areas will be monitored for compliance and any violation could result in a permit being suspended or revoked. The City's parking management company will notify permitted participants of any planned special event that would close the area.

7-16007 Violations, Suspensions/Revocations

The City Manager may suspend or revoke any permitted participant in the event that:

- (A) The conditions under which the Food Truck/Trailer is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity, and the Vendor fails to correct such conditions after notification by a City official;
- (B) The use is operated in violation of the conditions permitted
- (C) A repeated violation of applicable law;
- (D) All violators will be subject to a fine of \$100.00 and suspension/revocation of permit.
- (E)

A Vendor is found to be discharging pollutants including waste/grease, liquids wastes, gray water garbage/debris, and other materials are discharged to the City's storm drainage.

7-16008 Renewal Process

Food Truck permits expire on December 31st of each calendar year, and must be renewed annually, subject to administrative review, modification (if necessary) and approval.

This Ordinance shall become effective upon adoption.

BILLY KEYSERLING, MAYOR

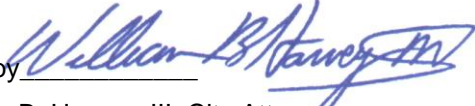
ATTEST:

IVETTE BURGESS, CITY CLERK

1ST Reading _____

2nd Reading & Adoption _____

Reviewed by _____


William B. Harvey, III, City Attorney



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 10/6/2020
FROM: Kathy Todd
AGENDA ITEM
TITLE: Authorization to accept Grant Award from Firehouse Subs
MEETING
DATE: 10/13/2020
DEPARTMENT: Finance

BACKGROUND INFORMATION:

The City has received notification on the award of a \$38,043.45 Firehouse Subs Public Safety Grant for a LifePak 15 V4 monitor/defibrillator & accessories. This grant does not require any matching funds.

PLACED ON AGENDA FOR: Action

REMARKS:

Authorize the Fire Department to accept the grant on behalf of the City of Beaufort and proceed with the acquisition of the equipment in accordance with the compliance criteria required by the grantor - Firehouse Subs Public Safety Foundation.



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 10/6/2020
FROM: Kathy Todd
AGENDA ITEM
TITLE: Authorization to allow City Manager to enter into Contract with Fire Safety Inc
MEETING
DATE: 10/13/2020
DEPARTMENT: Finance

BACKGROUND INFORMATION:

The City issued a Request for Proposal, RFP 2021-108 for Fire Department Advanced Emergency Medical Technician Training on September 10, 2020. The purpose of the RFP is to provide training that meets the Nationally Registered Emergency Medical Technician Advanced certification program and prepare students to test cognitive and skills exam for Nationally Registered Advanced Emergency Medical Technician and qualify for SC State EMT-A Licensure. This program is being funded through the Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant program.

PLACED ON AGENDA FOR: Action

REMARKS:

Request that City Council authorize the City Manager to enter into the contract for services with Rescue Training, Inc. for a total of \$41,856.

ATTACHMENTS:

Description	Type	Upload Date
Recommendation Memo to RFP 2021-108	Cover Memo	10/6/2020
Draft Contract	Cover Memo	10/7/2020

CITY OF BEAUFORT - INTERNAL MEMORANDUM

TO: WILLIAM PROKOP
FROM: JAY PHILLIPS
SUBJECT: RFP 2021 – 108 FIRE DEPARTMENT TRAINING
DATE: 10/6/2020
CC: REECE BERTHOLF, JOHN ROBINSON, KATHY TODD

The City issued a Request for Proposal, RFP 2021 – 108 for Fire Department Advanced Emergency Medical Technician Training on September 10, 2020. The RFP was posted on the City's website, Vendor Registry, the State of South Carolina (SCBO) procurement website and was advertised in the Island News on September 10 and September 17, 2020.

The City received (2) sealed proposals by 2:00 PM on September 25, 2020. The proposals were publicly opened and read in accordance with the RFP notice at 2:01 PM on that day during a Zoom Video Conference meeting.

Trident Technical College, Charleston, SC	\$36,145.63
Rescue Training Inc., Savannah, GA	\$41,856.00

Although only two bids were received; according to Federal Procurement Standards, Section 200.320: Methods of Procurement to be followed (c) (1) In order for a sealed bidding to be feasible the following conditions should be present: (ii) Two or more responsible bidders are willing and able to compete effectively for the business. The total cost amount for training and supplies as stated in the FEMA grant is \$50,136.

On September 28th, the selection committee of Reece Bertholf and John Robinson submitted their individual proposal evaluations and both rated Rescue Training Inc. as the most responsive bidder. Rescue Training Inc. provided the most thorough understanding of the scope of the project, they presented a clearly defined schedule to complete training within the requirements of the grant award and they stated a higher student success rate than Trident Technical College.

The committee is unanimous in their recommendation of Rescue Training Inc., as the lowest responsive bidder to provide Advanced Emergency Medical Training (AEMT) to the City of Beaufort and Port Royal Fire Departments.

William Prokop
CITY MANAGER
843-525-7070
FAX 843-525-7013



COUNCIL MEMBERS:
Billy Keyserling, Mayor
Stephen Murray
Phillip Cromer
Mike McFee
Nan B. Sutton

CITY OF BEAUFORT
1911 Boundary Street
BEAUFORT, SOUTH CAROLINA 29902

*Standard Agreement Between
City of Beaufort and Rescue Training, Inc.*

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

AGREEMENT made as of the ____ day of **October** in the year **2020**

BETWEEN the Owner:

**CITY OF BEAUFORT
1911 BOUNDARY STREET
BEAUFORT, SOUTH CAROLINA 29902**

and the Contractor:

**RESCUE TRAINING, INC.
9 MALL TERRACE
SAVANNAH, GA 31406**

The Project is:

RFP 2021-108 FIRE DEPARTMENT TRAINING

The Owner and Rescue Training, Inc. agree as follows:

ARTICLE 1 - THE DOCUMENTS

The contract Documents consist of this Agreement, (**City of Beaufort and Rescue Training, Inc.**) Conditions of the Contract (General, Supplementary and other Conditions), the Request for Proposal (RFP #2021-108) and the Proposal Submitted by Rescue Training, Inc. in response to this RFP, and addenda issued prior to execution of this Agreement, other documents listed in this Agreement and Modifications issued after execution of this Agreement; these form the Contract, and are as fully a part of the Contract as if attached to this Agreement or repeated herein. The Contract represents the entire and integrated agreement between the parties hereto and supersedes prior negotiations, representations, or agreements, either written or oral. An enumeration of the Contract Document, other than Modifications appears in Article 8.

ARTICLE 2 - THE WORK OF THIS AGREEMENT

Rescue Training, Inc. shall fully execute the Work described in the Agreement and attached as **Appendices A and B** except to the extent specifically indicated in the Agreement to be the responsibility of others.

ARTICLE 3 - DATE OF COMMENCEMENT AND SUBSTANTIAL COMPLETION

3.1 The date of commencement of the Work shall be the date of this Agreement unless a different date is stated below, or provision is made for the date to be fixed in a notice to proceed issued by the Owner.

NOTICE TO PROCEED WILL BE ISSUED NO LATER THAN WITHIN (1) DAY OF SIGNED AGREEMENT.

ARTICLE 4 - CONTRACT SUM

4.1 The Owner shall pay the Contractor the Contract Sum in current funds for the Contractor's performance of the Contract. The Contract Sum shall be

\$41,856 (Forty-one thousand eight hundred and fifty-six dollars and no cents) which will be charged as follows:

Upon completion of training and certification and receipt of invoice and itemized as follows:

Cost of AEMT Instruction	\$29,196.00
Cost of AEMT Testing and Certification	3,100.00
Cost of Classroom Consumables	<u>9,560.00</u>
Total	\$41,856.00

4.2 The Contract Sum is based upon the following alternates, if any, which are described in the Agreement and are hereby accepted by the Owner:

NO ALTERNATES REQUIRED IN THIS AGREEMENT

ARTICLE 5 - PAYMENTS

5.1 As stipulated above in section 4.1

5.1.4 LABOR REQUIREMENTS

Not Applicable

ARTICLE 6 - TERMINATION OR SUSPENSION

6.1 The Agreement may be terminated by the Owner as stated in the General Terms and Conditions of the Request for Proposal (RFP #2021-108).

ARTICLE 7 - MISCELLANEOUS PROVISIONS

7.1 The Owner's representative is:

**JOHN ROBINSON
CITY BEAUFORT FIRE DEPARTMENT
135 RIBAUT ROAD
BEAUFORT, SC 29902**

7.2 The Rescue Training, Inc. representative is:

**DAVID E. HALL JR.
RESCUE TRAINING, INC.
9 MALL TERRACE
SAVANNAH, GA 31406**

Neither the Owner's nor the Rescue Training, Inc.'s representative shall be changed without ten days' written notice to the other party.

ARTICLE 8 - ENUMERATION OF CONTRACT DOCUMENTS

8.1 The Agreement, except for Modifications issued after execution of this Agreement, are enumerated as follows:

8.1.1 The Agreement is this executed Standard Form of Agreement Between the City of Beaufort (Owner) and Rescue Training, Inc. (Contractor).

8.1.2 The General Terms and Conditions are the Owner's General Terms Conditions.

8.1.3 The Specifications are those of RFP 2021-108

8.1.4 Other documents, if any, forming part of the Contract Documents are as follows:

- **THE REQUEST FOR PROPOSAL -RFP# 2021-108, BID SPECIFICATIONS AND SCHEDULES AND THE PROPOSAL SUBMITTED IN RESPONSE TO THE RFP ARE ATTACHED HERETO AND BY THIS REFERENCE INCORPORATED HEREIN.**
- **CERTIFICATE OF LIABILITY INSURANCE**
- **CERTIFICATION OF WORKERS COMPENSATION INSURANCE**

This Agreement is entered into as of the day and year first written above and is executed in at least three original copies, of which one is to be delivered to the Director Downtown Operations, one to the Contractor for use in the administration of the Agreement, and the remainder to the Owner.

WITNESS
(Signature)

CITY OF BEAUFORT
(Signature)

WITNESS
(Printed Name)

CITY OF BEAUFORT
(Printed name and title)

WITNESS
(Signature)

WITNESS
(Printed name)

WITNESS
(Signature)

RESCUE TRAINING, INC.
(Signature)

WITNESS
(Printed Name)

RESCUE TRAINING, INC.
(Printed name and title)

WITNESS
(Signature)

WITNESS
(Printed name)



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 10/9/2020
FROM: Kathy Todd
AGENDA ITEM TITLE: Authorization to allow City Manager to enter into contract with Clambank Construction Company
MEETING DATE: 10/13/2020
DEPARTMENT: Finance

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR: Action

REMARKS:

Authorize the City Manager to enter into contract with Clambank Construction Company for the 2nd Floor Remodel of 500 Carteret Street.

ATTACHMENTS:

Description	Type	Upload Date
Memo	Cover Memo	10/9/2020

CITY OF BEAUFORT - INTERNAL MEMORANDUM

TO: WILLIAM PROKOP
FROM: JAY PHILLIPS
SUBJECT: RFP 2021 – 105 500 CARTERET 2ND FLOOR REMODEL
DATE: 10/9/2020
CC: LINDA ROPER, KATHY TODD

The City issued a Request for Proposal, RFP 2021 – 108 for 500 Carteret Street 2nd Floor Remodel on September 3, 2020. The RFP was posted on the City's website, Vendor Registry, the State of South Carolina (SCBO) procurement website and was advertised in the Island News on September 3rd and September 10th, 2020.

The City received (2) sealed proposals by 2:00 PM on September 28, 2020. The proposals were publicly opened and read in accordance with the RFP notice at 2:01 PM on that day during a Zoom Video Conference meeting.

Clambank Construction Company, Charleston, SC	\$251,660.00
Cohn Construction Services, Columbia, SC	\$283,759.39

On October 7th, the selection committee of Linda Roper, Bruce Skipper, Matt St. Clair and Nathan Farrow submitted their individual proposal evaluations and all rated Clambank Construction Company as the most responsive bidder. Clambank Construction provided the most thorough understanding of the scope of the project, they have extensive experience building incubator offices and were the contractor for the previous first- floor remodel.

The committee is unanimous in their recommendation of Clambank Construction Company as the lowest responsive bidder to provide design and construction services for the 500 Carteret Street 2nd Floor Remodel.

EMERGENCY ORDINANCE 2020-_____

AN EMERGENCY ORDINANCE TO REQUIRING INDIVIDUALS TO WEAR FACE COVERINGS IN CERTAIN CIRCUMSTANCES AND LOCATIONS IN THE MUNICIPAL LIMITS OF THE CITY OF BEAUFORT, SOUTH CAROLINA, AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, it is well recognized the SARS-CoV-2, the virus that causes the disease COVID-19, presents a public health concern that requires extraordinary protective measures and vigilance; and,

WHEREAS, on March 13, 2020, the Governor of the State of South Carolina Henry McMaster declared a State of Emergency for the State of South Carolina; and,

WHEREAS, on March 13, 2020, Beaufort Mayor Billy Keyserling , under his authority , declared that a State of Emergency exists throughout the City as a result of impacts arising from the COVID-19 pandemic; and,

WHEREAS, reported COVID-19 daily cases are on the rise in both Beaufort County and the State of South Carolina; and

WHEREAS, on June 30, 2020 the State of Emergency still exists in State of South Carolina and the City of Beaufort; the Centers for Disease Control and Prevention (“CDC”) and South Carolina Department of Health and Environmental Control (“SCDHEC”) have advised the use of cloth or other types face coverings to slow the spread of COVID-19; and

WHEREAS, the CDC and SCDHEC recommend taking measures to control the spread of COVID-19 such as wearing cloth or other types of face coverings, both of which limit the spread of COVID-19 in our communities and reduce the demand on the local the health care delivery system; and

WHEREAS, there are currently large numbers of people who patronize grocery stores, pharmacies, restaurants, retail establishments and other businesses open to the public within the municipal limits of the City; and

WHEREAS, public reporting and other sources reveal that the advice from the Centers for Disease Control and SCDHEC encouraging the wearing of cloth or other types of face coverings is not being widely followed within the municipal limits of the City; and

WHEREAS, in order to protect, preserve, and promote the general health, safety, welfare, and the peace and order of the community, the City has and will continue to take steps to try and protect the citizens, employers, and employees within the City from an increased risk of exposure to and transmission of COVID-19 ; and,

WHEREAS, the City has received a strong message from the medical community, that unless citizens curb the rising spread of COVID-19 through wearing facemasks and following social distancing protocol, established by the CDC, community medical facilities could be faced with more patients than any one institution can accommodate, and,

WHEREAS, the City Council finds it is necessary and in the best interest of the City and its citizens that an Emergency Ordinance requiring the wearing of cloth or other types of face

coverings in certain circumstances be adopted by the City Council, and that it be put into immediate effect; and

WHEREAS, City Council may, by majority vote of those members present, adopt emergency ordinances as are authorized and limited by S. C. Code Ann. §5-7-250(d)(Supp. 2019), during this State of Emergency.

NOW, THEREFORE, BE IT ORDERED, AND ORDAINED BY THE CITY COUNCIL FOR THE CITY OF BEAUFORT, SOUTH CAROLINA, DULY ASSEMBLED AND BY THE AUTHORITY OF THE SAME, AS FOLLOWS:

1. For the purpose of this Ordinance, a “Face Covering” is a cloth or other type of masking device that covers the wearer’s nose and mouth.
2. All persons entering any building open to the public in the City must wear a face covering while inside the building.
3. All restaurants, retail establishments of every description, salons, grocery stores, and pharmacies in the municipal limits of the City shall require their employees to wear a Face Covering at all times that the employees are in any area where the general public is allowed or when the employees must be in close proximity to one another. This requirement also applies to all persons providing or utilizing public or commercial transportation, including tours; and all businesses or employees while interacting with people in outdoor spaces, including, but not limited to, curbside pickup, delivery, and service calls.
4. The following individuals are exempt from this Ordinance: any person who is unable to safely wear a Face Covering due to age or an underlying health condition, or who is unable to remove the Face Covering without the assistance of others; and any person traveling in a personal vehicle, or when a person is alone or is in the presence of only household members in an enclosed space, and people who are actively drinking or eating. This Ordinance does not relieve business establishments and restaurants from other social distancing requirements imposed by the Governor’s Executive Orders.
5. Education and voluntary compliance are the desired means of enforcement. However, any person who, after being first duly warned, is found to have violated any mandatory provision of this Ordinance shall be deemed guilty of a civil infraction, and shall be subject to a Civil Summons punishable by a fine of fifty dollars (\$50.00). Police officials, or a City representative appointed by the City Manager, shall be authorized to issue such a Summons for violations personally witnessed.
6. Repeated violations of this Ordinance at any business or establishment that is subject to this Ordinance is hereby declared a nuisance, and the City may seek a restraining order, preliminary injunction, permanent injunction or any other means authorized under the Laws of the State of South Carolina to abate the nuisance. The City may also seek suspension or revocation of the business license issued by the City to any business or establishment where repeated violations of the Ordinance occur, under the authority of the City Code of Ordinances.

- 7, With the exception of their own employees, owners or lease holders of buildings open to the public shall not have responsibility for enforcing the above requirements, but shall post conspicuous signage at all entrances informing its patrons of the requirements of this Ordinance.
8. Should any provision, section, paragraph, sentence, or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, or words of this Ordinance as hereby adopted shall remain in full force and effect.
9. This Ordinance becomes effective 11:59 PM June 30, 2020, upon adoption by City of Beaufort Council, and will be extended through December 31, 2020 or expire upon the thirty first day following adoption or the end of the State of Emergency in the City of Beaufort, whichever occurs first.

**MOVED, APPROVED, AND ADOPTED AS AN EMERGENCY ORDINANCE
THIS _____ DAY OF OCTOBER 2020.**

Billy Keyserling, Mayor

ATTEST:

By: _____
Ivette Burgess, City Clerk

APPROVED AS TO FORM:

William B Harvey, City Attorney



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 10/9/2020

FROM:

AGENDA ITEM TITLE: Ordinance authorizing the City Manager to sign a Quit Claim Deed conveying any interest of the City in a .12 Acre of land near Charles Street to Laura Achurch - 1st Reading

MEETING DATE: 10/13/2020

DEPARTMENT: City Managers Office

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR:

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Ordinance	Cover Memo	10/9/2020
Quit Claim Deed	Cover Memo	10/9/2020
Plat	Cover Memo	10/9/2020

ORDINANCE

Authorizing City Manager to Sign Quit Claim Deed Conveying Any Interest of the City in a .12 Acre Strip of Land near Charles Street to Laura Achurch

WHEREAS, Laura Achurch is the owners of Lots 5 and 6, Block "H" River Addition, as shown on a plat dated August 1955 recorded in Beaufort County Plat Book 16 at page 16; and,

WHEREAS, adjacent and to the north of Lot 6 is a strip of land, measuring approximately .12 acres, as shown on the attached plat from David Gasque, R.L.S., dated August 20, 2020 (the Strip); and,

WHEREAS, there is no record conveyance into the City of Beaufort of this .12 acre strip of land. However, there is concern that early deeds (DB 33 at page 712; DB 90 at page 74; and DB 96 at page 200), may have referred to this Strip as an alley or possible road; and,

WHEREAS, the Strip is not currently used as an alley or road, and has not been so used in recent history; and,

WHEREAS, the City does not and has not used, or claimed ownership of this Strip; and,

WHEREAS, Laura Achurch has approached the City seeking to clear and obtain title to the Strip, and has requested that City relinquish such interest, if any, that the City may have in the Strip; and,

WHEREAS, Laura Achurch has presented to the City Manager the attached Quit Claim Deed, and a check for \$500.00 to offset any expenses of the City to consummate this Quit Claim conveyance; and,

WHEREAS, an Ordinance is required for the conveyance of any interest by the City in property;

NOW, THEREFORE, be it ordained by Beaufort City Council, in Council duly assembled and by authority of the same, that the City Manager shall be authorized to accept the \$500.00, and to execute the attached Quit Claim Deed relinquishing such interest, if any, that the City may have in the .12 acre strip of land shown on the attached David Gasque plat.

This Ordinance shall become effective upon adoption.

Billy Keyserling, Mayor

Ivette Burgess, City Clerk

First Reading _____

Second Reading and adoption _____

Approved in Form _____
William B. Harvey, III, City Attorney

(Please do not write above this line – Reserved for Register of Deeds Office)

Prepared by: Howell Gibson and Hughes PA
Post Office Box 40
Beaufort, SC 29901-0040

Prepared without the benefit of title examination

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT) QUIT-CLAIM DEED

TO ALL WHOM THESE PRESENTS MAY COME:

WHEREAS:

SEND GREETING:

NOW, KNOW ALL MEN BY THESE PRESENTS, that the said CITY OF BEAUFORT in consideration of the premises and also in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS, to him in hand paid at and before the sealing of these presents by said **LAURA G. ACHURCH**, 1307 Charles Street, Beaufort, South Carolina 29902, in the state aforesaid, the receipt whereof is hereby acknowledged, have remised, released and forever quit-claimed, and by these presents do remise, release and forever quit-claim unto the said **LAURA G. ACHURCH**, in fee simple, in the following described real property:

SEE ATTACHED PROPERTY DESCRIPTION

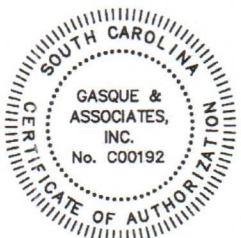
TOGETHER with all and singular the rights, members, hereditaments and appurtenance to the said premises belonging or in anywise incident or appertaining;

Notary Public of South Carolina
My commission expires:

PROPERTY DESCRIPTION

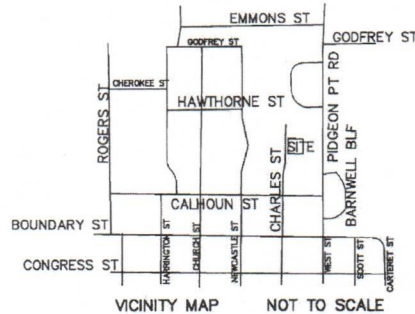
ALL that certain piece, parcel or lot of land, situate, lying and being in the City of Beaufort, Beaufort County, South Carolina being a portion of Lot 6, Block "H", River Addition, as shown on a plat dated August, 1955 and being of record with the Office of the Register of Deeds for Beaufort County, South Carolina in Plat Book 16 at Page 16. Said parcel is also shown on a drawing prepared by David E. Gasque, R.L.S. 10506, dated August 20, 2020, showing 0.12 acres and being marked as "Area of Possession". A copy of said drawing is attached hereto for reference.

This deed was prepared by the Law Office of Howell, Gibson & Hughes, P.A., with an address of Post Office Box 40, Beaufort, South Carolina 29901 and without the benefit of a title examination.

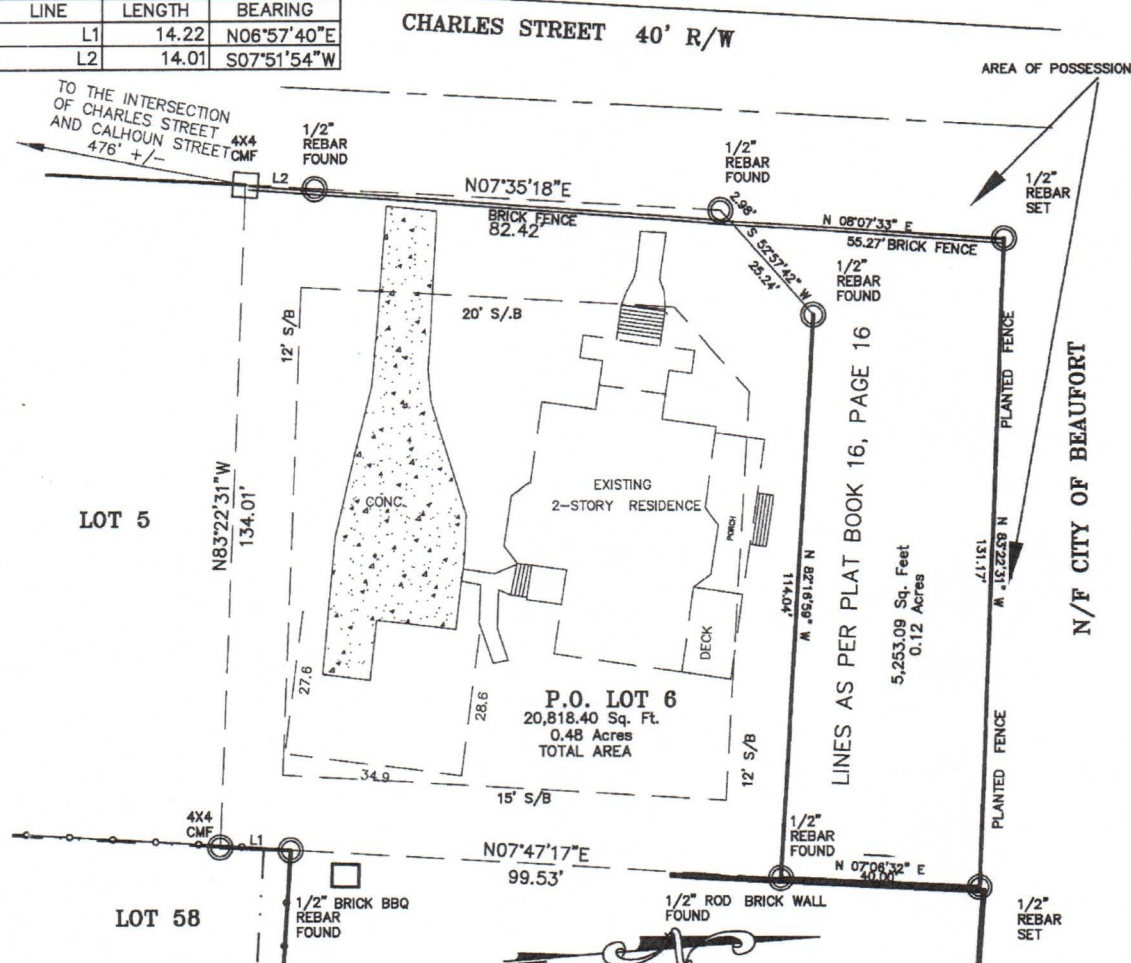


GASQUE & ASSOCIATES INC.
LAND SURVEYORS & PLANNERS

28 PROFESSIONAL VILLAGE CIRCLE, BEAUFORT, S.C.
P.O. BOX 1363, BEAUFORT, S.C.
PHONE (843) 522-1798



LINE TABLE		
LINE	LENGTH	BEARING
L1	14.22	N06°57'40"E
L2	14.01	S07°51'54"W



PLAT SHOWING PROPERTY BEING CONVEYED

ROBERT & LAURA ACHURCH

N/F
LAURA G. ACHURCH

BEING LOT 6 BLOCK "H" RIVER ADDITION AS SHOWN ON A PLAT DATED AUGST 1955,
RECORDED IN PLAT BOOK 16, PAGE 16, BEAUFORT R.M.C. OFFICE
LOCATED IN THE CITY OF BEAUFORT, BEAUFORT COUNTY SOUTH CAROLINA
TAX MAP R121 002 000 332G

THE CERTIFIER HAS NOT INVESTIGATED OR BEEN INSTRUCTED TO INVESTIGATE THE EXISTENCE OR NONEXISTENCE OF ANY OVERLAY DISTRICTS, SUCH AS; AIRPORT, MILITARY, NOISE, CRASH POTENTIAL OR ENVIRONMENTAL ISSUES.

CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

THIS PLAT IS COPYRIGHTED AND IS INTENDED ONLY FOR THE ENTITY OR PERSON(S) SHOWN HERE ON.

THIS PLAT REPRESENTS A SURVEY BASED ON THE LISTED REFERENCES ONLY AND IS NOT THE RESULT OF A TITLE SEARCH.

BEFORE ANY DESIGN WORK OR CONSTRUCTION ON THIS SITE IS STARTED FLOOD ZONE INFORMATION MUST BE VERIFIED BY PROPER BUILDING CODES OFFICIAL.

THIS PROPERTY APPEARS TO LIE IN FLOOD ZONE "C" AS DETERMINED BY F.E.M.A. FIRM COMM-PANEL NUMBER 450025 0005 D. DATED 09/29/86

THE UNDERSIGNED DOES NOT CERTIFY THAT THE PROPERTY SHOWN HEREON COMPLIES WITH ANY RESTRICTIVE CONVEYANCES OR ANY CITY AND/OR COUNTY ORDINANCES.

I, DAVID E. GASQUE, HEREBY CERTIFY TO ROBERT & LAURA ACHURCH THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS SURVEY AS SPECIFIED THERE IN. ALSO THERE ARE NO ENCROACHMENTS OR PROJECTIONS OTHER THEN SHOWN. THIS SURVEY IS NOT VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE AND HAS AN EMBOSSED SEAL. AREA DETERMINED BY COORDINATE METHOD.

50 25 0 50 100 150

SCALE: 1"=50'

SCALE IN FEET

DATE: 08/20/2020

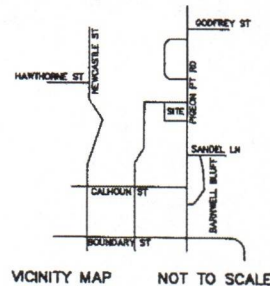
DAVID E. GASQUE, R.L.S. JOB # 37802
S.C. REGISTRATION NUMBER 10506 FB#809/JP DSGN#7
THIS PLAT IS NOT BINDING UNLESS ACCOMPANIED BY
AN ORIGINAL SIGNATURE AND AN EMBOSSED SEAL.



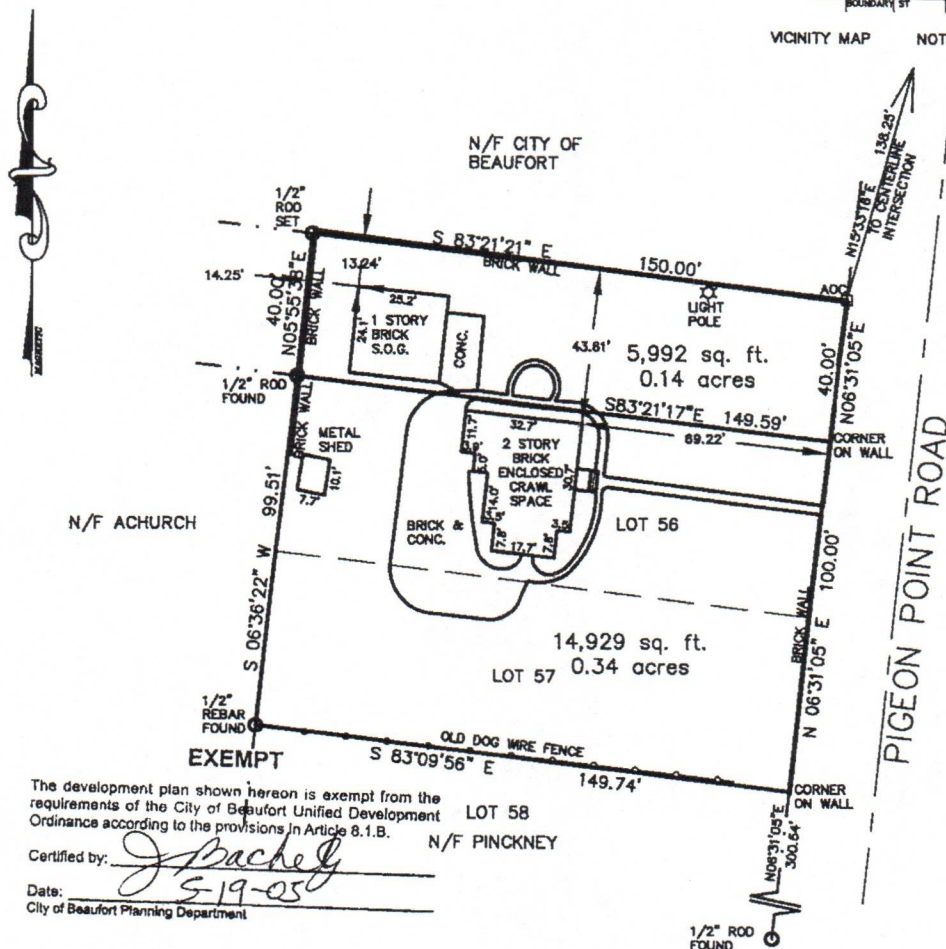
GASQUE & ASSOCIATES INC.

LAND SURVEYORS & PLANNERS

28 PROFESSIONAL VILLAGE CIRCLE, BEAUFORT, S.C.
P.O. BOX 1383, BEAUFORT, S.C.
PHONE (843) 522-1798



VICINITY MAP NOT TO SCALE



ASBUILT SURVEY PREPARED FOR

LAURA ACHURCH

BEING A PORTION OF RIVER ADDITION, AS REFERED TO IN A DEED RECORDED IN DEED BOOK 1618 PAGE 499 AND A DEED RECORDED IN BOOK 66 PAGE 508 WITH A PLAT RECORDED IN PLAT BOOK 2 PAGE 25 BEAUFORT COUNTY RMC OFFICE

TAX MAP 121-002-333A

LOCATED IN THE CITY OF BEAUFORT, BEAUFORT COUNTY, SOUTH CAROLINA

THE CERTIFIER HAS NOT INVESTIGATED OR BEEN INSTRUCTED TO INVESTIGATE THE EXISTENCE OR NONEXISTENCE OF ANY OVERLAY DISTRICTS, SUCH AS; AIRPORT, MILITARY, NOISE, CRASH POTENTIAL OR ENVIRONMENTAL ISSUES.

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THIS PLAT REPRESENTS A SURVEY BASED ON THE LISTED REFERENCES ONLY AND IS NOT THE RESULT OF A TITLE SEARCH.

BEFORE ANY DESIGN WORK OR CONSTRUCTION ON THIS SITE IS STARTED FLOOD ZONE INFORMATION MUST BE VERIFIED BY PROPER BUILDING CODES OFFICIAL.

THIS PROPERTY APPEARS TO BE IN FLOOD ZONE "C" AS DETERMINED BY FEMA FIRM

COMM-PANEL NUMBER 450026 0005 D. DATED 9/29/86 (INDEX DATED 11/4/92)
THE UNDERSIGNED DOES NOT CERTIFY THAT THE PROPERTY SHOWN HEREON COMPLIES WITH ANY RESTRICTIVE CONVEYANCES OR ANY CITY AND/OR COUNTY ORDINANCES.

I, DAVID E. GASQUE, HEREBY CERTIFY TO LAURA ACHURCH THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN. ALSO THERE ARE NO ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN. THIS SURVEY IS NOT VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE AND HAS AN EMBOSSED SEAL. AREA DETERMINED BY COORDINATE METHOD.

40 20 0 40 80 120

SCALE: 1"=40' SCALE IN FEET DATE: 5/17/05

DAVID E. GASQUE, E.L.S. JOB # 28887
S.C. REGISTRATION NUMBER 10606 FB#641/JP DSGN#2
THIS PLAT IS NOT BINDING UNLESS ACCOMPANIED BY
AN ORIGINAL SIGNATURE AND AN EMBOSSED SEAL.