



CITY OF BEAUFORT
1911 BOUNDARY STREET
BEAUFORT MUNICIPAL COMPLEX
BEAUFORT, SOUTH CAROLINA 29902
(843) 525-7070
CITY COUNCIL WORKSESSION AGENDA
September 15, 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."

WORKSESSION - Electronic Meeting - 5:00 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. PRESENTATION

- A. Impact Fees and School Impact Fees - Eric Greenway, Beaufort County Community Development Director
- B. Update from Designated Marketing Organization (DMO) - Robb Wells, Greater Beaufort-Port Royal CVB

III. DISCUSSION ITEMS

- A. FY 2020 and FY 2021 through August Financial Overview
- B. Creation of Ordinance Chapter 1 Part 9, Sections 9-1002 and 9-1003 - Aggressive Panhandling, Soliciting and Camping on Public Property
- C. Stormwater Protection Ordinance

IV. EXECUTIVE SESSION

- A. Pursuant to Title 30, Chapter 4, Section (70) (a) (1) of the South Carolina Code of Law: Discussion regarding Personnel.

V. ADJOURN



CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 9/11/2020
FROM: Kathy Todd
AGENDA ITEM
TITLE: FY 2020 and FY 2021 through August Financial Overview
MEETING
DATE: 9/15/2020
DEPARTMENT: Finance

BACKGROUND INFORMATION:

As part of the monitoring aspect of the City's financial condition under the COVID health issue, we will review the ending fiscal year 2020 financial information and how that financial condition is affecting FY 2021. With that the FY 2020 is complete and the City is preparing for the FY 2020 External Audit. Using Open Gov, the City's Financial Transparency model, an overview of how the City ended the fiscal year (unaudited numbers) as well as what the financial condition of the City is as we move into FY 2021.

PLACED ON AGENDA FOR: Discussion

REMARKS:

ORDINANCE

An Ordinance creating Part 9 Chapter 1, Sections 9-1002 and 9-1003, of the Beaufort Code of Ordinances prohibiting aggressive panhandling and 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, 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,

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 Sections 9-1002 and 9-1003 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.

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.

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

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:** 9/11/2020
FROM: Bill Prokop, City Manager
AGENDA ITEM
TITLE: Stormwater Protection Ordinance
MEETING
DATE: 9/15/2020
DEPARTMENT: City Managers Office

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR:

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Draft Ordinance	Backup Material	9/11/2020

STORMWATER PROTECTION ORDINANCE

Illicit Discharge Prohibited; Exemptions.

- (a) *Illicit discharges enumerated.* No person shall 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.

Best Management Practice (BMP)

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 BMP's.

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 the owner or operator is complying with all requirements of this article. 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.

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

(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.

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.

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.

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