**CITY OF BEAUFORT**
1911 BOUNDARY STREET
BEAUFORT MUNICIPAL COMPLEX
BEAUFORT, SOUTH CAROLINA 29902
(843) 525-7070

# CITY COUNCIL REGULAR MEETING AGENDA
**September 22, 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 - 6:00 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. EXECUTIVE SESSION

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

B. Pursuant to Title 30, Chapter 4, Section (70) (a) (2) of the South Carolina Code of Law: Discussion regarding Contractual Arrangements.

## IV. PUBLIC COMMENT

## V. MINUTES

A. Worksession and Regular Meeting - May 12, 2020

B. Worksession - May 19, 2020

C. Worksession and Regular Meeting - May 26, 2020

## VI. NEW BUSINESS

A. Request for City support from Sea Island Carriage Company and Southurn Rose Carriage Company

B. FY 2021 ATAX Grant Recommendations

C. Resolution Adopting the City of Beaufort Strategic Plan 2020-2022

D. 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 - 1st Reading

E. 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 - 1st Reading

F. 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 - 1st Reading

G. 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 - 1st Reading

H. Appointmenst to City Boards and Commissions

## 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:** | 9/17/2020 |
| **FROM:** | Rhonda Carey, Downtown Operations | | |
| **AGENDA ITEM TITLE:** | Request for City support from Sea Island Carriage Company and Southurn Rose Carriage Company | | |
| **MEETING DATE:** | 9/22/2020 | | |
| **DEPARTMENT:** | Downtown Operations | | |

*BACKGROUND INFORMATION:*

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

***REMARKS:***

**ATTACHMENTS:**

| Description | Type | Upload Date |
|---|---|---|
| Request | Backup Material | 9/17/2020 |

# CITY OF BEAUFORT

Downtown Operations & Community Services

MEMORANDUM

TO: William Prokop, City Manager
City Council

FROM: Rhonda Carey - Downtown Operations & Community Service

DATE: September 17, 2020

SUBJECT: Request for City support from Sea Island Carriage Company and Southurn Rose Carriage Company

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I am submitting this request on behalf of Nichole Brantley of Sea Island Carriage Company and Rose White of Southurn Rose Carriage Company. Both are owner/operators of horse carriage tour operations in the City of Beaufort and are seeking consideration and support from the City for their business operations as outlined in the attached letters.

rrc

## Rhonda Carey

**From:** Nichole Myers <myers.nichole@yahoo.com>
**Sent:** Thursday, September 17, 2020 3:48 PM
**To:** Rhonda Carey
**Subject:** Sea Island Carriage Company TAKE 3!

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Ladies I concur with *most* of SouthurnRoses' request. I will make changes to add my numbers and mark out what I am not completely on board with or what I may not think is priority at this time.

These are the items I would like addressed by the council.

1. Slot fee for July 1st which was postponed to September 20th be Forgiven **or dramatically reduced.**

2. Slot fee for October 1st be Forgiven **or dramatically reduced.**

This is because neither company was able to work Mid March Through May 22nd as we shut down to help slow the spread of COVID-19 and then
all Non essential businesses were not allowed to reopen until Memorial weekend.

As you know, March, April & May is our busiest season of the year **and we make approximately 50% of our annual income during that time.** The revenue from the spring is used to carry us through the slower **and hotter** months of summer.

Whereas we are very grateful to be able to work, our ridership has definitely been affected by COVID-19 as people are not yet traveling at the same rate as in past summers. With our social distancing measures of NOT mixing groups a carriage can literally be full with 4 passengers-when before we could hold 16.

We have had a very hot summer, since mid June we have been closed by lunch time almost everyday, both companies are utilizing the early 9:00 & or 9:20 tours to put an extra tour or 2 out in the early morning but many days we were closed before the 10:20 or 10:40 tour could begin. Occasionally, we would be able to do an 11:00 or even as late as 12:00. We actually worked on some rainy days to do tours before the heat conditions but as soon as the rain stopped, the sun would make it too hot to work. A few days we actually shut ourselves down as we knew it would be too hot to go out on tour by our next scheduled tour time.

During the summer as we did during the winter we are operating on alternating days allowing each company to save on payroll and operating cost during the slow season, both companies are working well together and sending people to each other when it's not our day. Alternating days allow our employees to social distance from each other and gives us more room to keep our passengers socially distanced at the waterfront, as well as space to sanitize our listening devices and carriages between tours.

In June 2020 Sea Island Carriage Company did 87 tours with an average of 8 people per carriage. Compared to 2019.... 120 tours & over double the number of riders.

## Rhonda Carey

**From:** Rose White <southurnrose@gmail.com>
**Sent:** Thursday, September 17, 2020 12:20 PM
**To:** Rhonda Carey; Linda Roper; Unknown
**Subject:** city council meeting

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good morning Ladies

Here are the items I would like addressed by the council.

1. Slot fee for July 1st which was postponed to September 20th be Forgiven.

2. Slot fee for October 1st be Forgiven.

This is because neither company was able to work Mid March Through May 22nd as we shut down to help slow the spread of COVID-19 and then
all Non essential businesses were not allowed to reopen until Memorial weekend.

As you know, March, April & May is our busiest season of the year. The revenue from the spring is used to help carry us through the slower months of summer.

Whereas we are very grateful to be able to work, our ridership has definitely been affected by COVID-19 as people are not yet traveling at the same rate as in past summers. With our social distancing measures of NOT mixing groups a carriage can literally be full with 4 passengers. As we have had quite a few 'singles' traveling this summer and even though it hurts us financially when we have a single person on a 4 passenger bench seat by themself we do not want to 'discriminate' against a person for traveling alone.

We have had a very hot summer, since mid June we have been closed by lunch time almost everyday, both companies are utilizing the early 9:00 & or 9:20 tours to put an extra tour or 2 out in the early morning but many days we were closed before the 10:20 or 10:40 tour could begin. Occasionally, we would be able to do an 11:00 or even as late as 12:00. We actually worked on some rainy days to do tours before the heat conditions but as soon as the rain stopped, the sun would make it too hot to work. A few days we actually shut ourselves down as we knew it would be too hot to go out on tour by our next scheduled tour time.

During the summer as we did during the winter we are running on alternating days allowing each company to save on payroll and operating cost during the slow season, both companies are working well together and sending people to each other when it's not our day. Alternating days allow our employees to social distance from each other and gives us more room to keep our passengers socially distanced at the waterfront, as well as space to sanitize our listening devices and carriages between tours.

This summer for the month of June, SouthurnRose did 70 tours for a total of 409 passengers an average of 5.8 passengers per tour. Most of these tours were during the first 2 weeks of June before the heat threshold was being reached daily.
In the month of July SouthurnRose did 47 tours for a total of 270 people for an average of 5.7 passengers per carriage.

# CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

| | | |
|---|---|---|
| **TO:** | CITY COUNCIL | **DATE:** 9/18/2020 |
| **FROM:** | Kathy Todd | |
| **AGENDA ITEM TITLE:** | FY 2021 ATAX Grant Recommendations | |
| **MEETING DATE:** | 9/22/2020 | |
| **DEPARTMENT:** | Finance | |

*BACKGROUND INFORMATION:*

The FY 2021 ATAX grant process began with Public Notices being published in the Island News on July 30 and August 6, 2020 as well as being posted on the City's website. Mandatory workshops were held on August 4th and August 13th and the application deadline was August 27, 2020. The City received 9 grant applications by the due date. The TDAC conducted application presentations on September 1 and using the standard methodology on scoring ranked the applicants in order to prioritize the distribution of the $166,724 budgeted for Grant award.

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

***REMARKS:***

TDAC is to provide a justification memo on their recommendations.

Request Council approval of the TDAC recommendation.

**ATTACHMENTS:**

| Description | Type | Upload Date |
|---|---|---|
| TDAC FY 2021 ATAX Grant Recommendations | Cover Memo | 9/18/2020 |

| Applicant for FY - 2020-2021 | Program/Event | FY 2020 Request | FY 2020 Approved | 2021 Other Source Funds | FY 2021 Request | Score | | FY 2021 TDAC Recommended | Approved by Council, | % Recomm/Request |
|---|---|---|---|---|---|---|---|---|---|---|
| Greater Beaufort-Port Royal CVB | Destination Marketing Beaufort 2020-20 | 140,000.00 | 130,000.00 | 703,000.00 | 140,000.00 | **4.62** | | 140,000.00 | | 100% |
| SC Lowcountry & Resort Islands Tourism Commission | Promotion of the City of Beaufort and SC | 33,000.00 | 15,000.00 | 470,600.00 | 19,400.00 | **4.40** | | 11,524.00 | | 59% |
| Port Royal Sound Foundation | Animals of the Port Royal Sound | 7,400.00 | 2,500.00 | 4,350.00 | 4,350.00 | **4.04** | | 3,700.00 | | 85% |
| Beaufort County Black Chamber of Commerce | Cultural Tourism Marketing | $ 35,000.00 | $ 3,500.00 | $ 75,000.00 | $ 35,000.00 | **2.14** | | $ 3,500.00 | - | 10% |
| Beaufort Art Association | Destination Beaufort 2021 | 2,500.00 | - | 225,000.00 | 25,000.00 | **2.96** | | 3,000.00 | | 12% |
| Beaufort Area Hospitality Association | The Beaufort Pour Tour Experience | 7,500.00 | 4,935.00 | 5,000.00 | 5,000.00 | **3.95** | | 2,500.00 | | 50% |
| Beaufort Film Society | Beaufort International Film Festival | 15,000.00 | 3,500.00 | 20,000.00 | 15,000.00 | **4.22** | | 1,500.00 | | 10% |
| Penn Center | Penn Center Heritage Days Celebration | 50,000.00 | 2,500.00 | 70,000.00 | 10,000.00 | **2.95** | | 1,000.00 | - | 10% |
| Friends of the Spanish Moss Trail | Spanish Moss Trail Marketing Signs | 5,000.00 | 1,000.00 | 3,589.60 | 3,500.00 | **3.71** | | - | | 0% |
| | | **$ 390,020.00** | **$ 202,435.00** | **$ 1,576,539.60** | **$ 257,250.00** | | | **$ 166,724.00** | **$ -** | |

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BEAUFORT, SOUTH CAROLINA, IN SUPPORT OF THE CITY OF BEAUFORT'S 2020-2022 STRATEGIC PLAN.**

**WHEREAS**, the Mayor, members of City Council, the City Manager, and City department heads gathered at a retreat to in February 2020 to determine the City of Beaufort's goals, objectives, and initiatives over a period of years to shape the City's Strategic Plan; and

**WHEREAS**, at that retreat, participants decided after reviewing research and data that the City's Key Focus Areas would be Economic Development & Innovation; Safe & Vibrant City; Growth & Natural Resources; and Organizational Excellence; and

**WHEREAS**, following the retreat department managers continued to develop objectives and initiatives in their area of expertise; and

**WHEREAS**, the 2020-2022 Strategic Plan for the City of Beaufort sets forth a blueprint for achieving those objectives, and defines measurable outcomes; and

**WHEREAS,** the 2020-2022 Strategic Plan communicates with our residents, businesses and visitors what the City's priorities are and how our budget aligns with those priorities;

**NOW THEREFORE, BE IT RESOLVED** by the City Council of Beaufort, South Carolina, that the City's 2020-2022 Strategic Plan offers guiding principles for City Council to follow in deciding on City issues and City staff shall follow and implement elements of the Strategic Plan over the next two years..

**IN WITNESS THEREOF,** I hereunto set my hand and caused the Seal of the City of Beaufort to be affixed this 22nd day of September 2020.

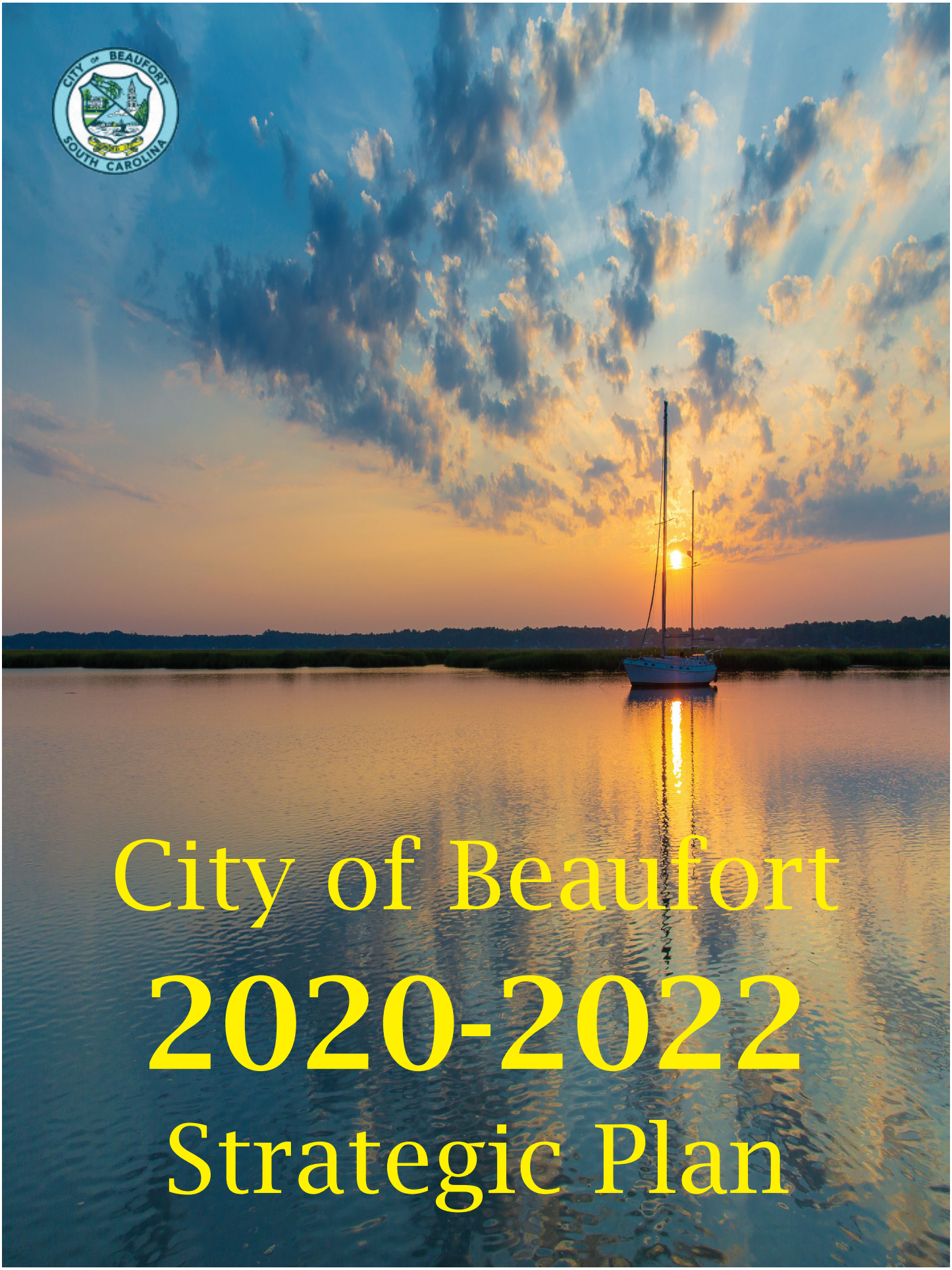
_____

BILLY KEYSERLING, MAYOR

ATTEST:

_____

IVETTE BURGESS, CITY CLERK



# City of Beaufort

# 2020-2022

# Strategic Plan

# OUR VISION

We will ensure that the City of Beaufort offers its citizens broad economic opportunities; housing they can afford; a well-run government; and confidence in the community's preparedness for weather and climate-related impacts. The City seeks this future while maintaining the diversity, authenticity, history, tourism, and balance between the built and natural environment for which our city is renowned.

***Beaufort: Where History, Charm and Business Thrive***

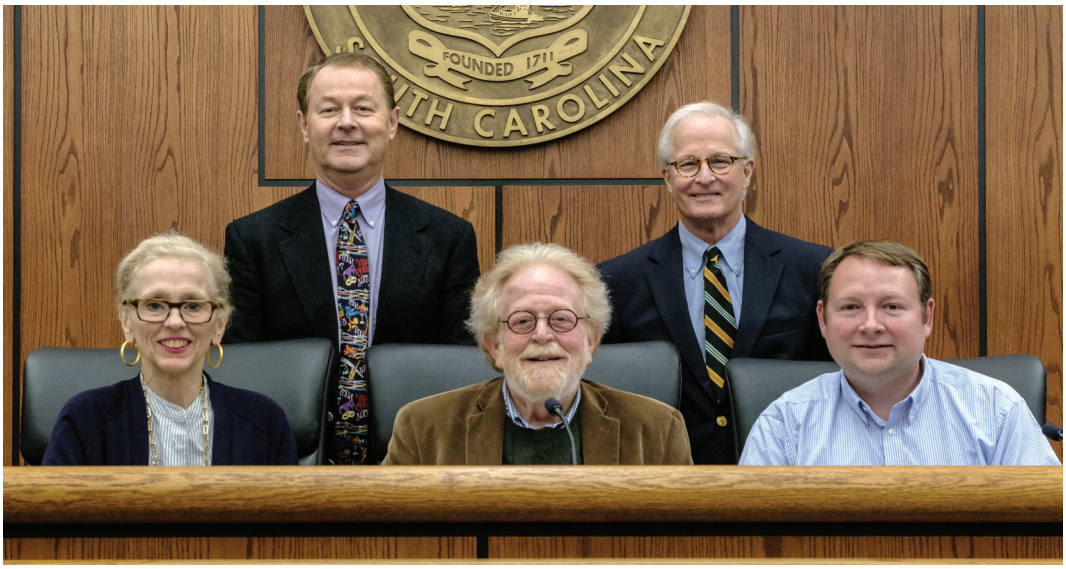
# KEY FOCUS AREAS

**Economic Development & Innovation**

**A Safe & Vibrant City**

**Growth & Natural Resources**

**Organizational Excellence**



*Beaufort City Council in 2020*
***FRONT**: Councilwoman Nan Sutton, Mayor Billy Keyserling, Councilman Stephen Murray*
***BACK:** Mayor Pro Tem Mike McFee, Councilman Phil Cromer*

Dear Friends:

Every year, City Council and City staff gather for a two-day retreat to review and update the City's Strategic Plan. We did that in February. By late March – around the time we would be fine-tuning our plan, we were in the midst of adjusting operations as the Covid-19 pandemic surged.

But while we adjusted our operations and budget to the pandemic fallout, we did not lose sight of our City's short- and longer-term goals addressed in this Strategic Plan. Our 2020-2022 plan lays out four Key Focus Areas:

- Economic Development & Innovation
- A Safe & Vibrant City
- Growth & Natural Resources
- Organizational Excellence

Within each of these Key Focus Areas are objectives and initiatives that the City of Beaufort staff will focus on over the next two years. For the public, our progress will be measured by a dashboard that will become available on the City's website.

During our retreat, we kept coming back to the word "authenticity." Authenticity is everything that makes Beaufort a special hometown and a premier destination -- our schools, our shops, our businesses, our parks, our homes, our parades and festivals, our military bases, and our waters and land filled with people of all ages, races, and incomes enjoying a constantly evolving, vibrant life. As we make progress on our goals over the next two years, we will keep in mind just what it is that makes Beaufort authentic.

# Economic Development & Innovation

The City will strengthen and diversify its economy, and build employment opportunities, through partnerships and innovation. We will support existing businesses and recruit new businesses as we promote balanced land use, support diverse tourism, and remain an authentic hometown.

**Objective 1: Promote business prosperity and sustainable development**

**Initiatives:**

1.1 Provide a collaborative environment by engaging partners, including the Beaufort County Economic Development Corporation (BCEDC), Beaufort Regional Chamber of Commerce, and Greater Beaufort-Port Royal Convention & Visitors Bureau (CVB), as we work toward building a vibrant and sustainable economy. Continue to work with landowners on business recruitment and ensure the balanced administration of the Beaufort Code.

1.2 Assess the distribution of business and industry by 6-digit NAICS code.

1.3 Collaborate with the CVB, Beaufort Area Hospitality Association, University of South Carolina-Beaufort (USCB), the Downtown Beaufort Merchants Association, and all stakeholders to enhance and diversify tourism.

1.4 Increase the awareness and use of the Beaufort Pride of Place, an initiative to beautify and improve Beaufort through private donations.

1.5 Develop a local incentives package (permitting, tax abatement, private incentives from communications/ utility companies) targeting startups, businesses that are expanding, and companies looking to relocate.

1.6 Leverage partnerships with USCB, the Technical College of the Low Country, and the Beaufort County School District, the military, and the Beaufort Digital Corridor to build out career pathways that will help diversify the City's economic base. These include health care, digital commerce, and cybersecurity.

## Objective 2: Increase median incomes as we recruit new businesses and industry that are a good fit for Beaufort

**Initiatives:**

2.1 Partner with the BCEDC on prospect development, land transactions, and site and building development in Beaufort Commerce Park.

2.2 Support through partnerships and financial contributions the South Coast Cyber Center as we strive to become a city/region known for cybersecurity expertise. Work with our educational partners, the military, Beaufort County, and the Beaufort Regional Chamber of Commerce to develop career pathways, research, and jobs centered around cybersecurity.

2.3 Complete the second-phase renovation of 500 Carteret Street as a "corporate landing pad" for overseas companies wishing to learn more about opportunities here.

*Beaufort Digital Corridor*

## Objective 3: Preserve our authenticity

**Initiatives:**

3.1 Apply the Beaufort Code to ensure a balanced land-use mix for fiscal sustainability.

3.2 Create a citywide digital inventory of businesses and commercial property and evaluate vacant or underutilized properties for development opportunities. This will include type of use, financing, incentives, and other resources.

3.3 Leverage Beaufort 2030 (community-based futurism exercise) to continue to influence the discussion about education and support the 1795 Scholarship Committee (stipend for student housing in Beaufort) and others as requested.

3.4 Coordinate and enhance the current signage and information to make "wayfinding" easier throughout the entire downtown area and Historic District.

### Measuring Progress

1.1 Project starts
Permit apps
Tax base vs. collections
Number of business licenses and revenue

1.2 Measure NAICS numbers in code class against target

1.4 One project per quarter

2.1 Additional tenants or property owners

2.2 Office for Cyber Center; jobs created

2.3 Construction timeline and occupancy for landing pad

3.1 Comprehensive Plan approval followed by zoning map changes

3.2 Accepted by MPC and adopted by City Council as part of the Comprehensive Plan

3.3 Gather primary and secondary student population numbers

3.4 New signs

## A Safe & Vibrant City

To continue to build an authentic, safe, and equitable city, the city will pursue affordable housing opportunities for all segments of the population, will provide responsive public safety, and will improve public spaces.

**Objective 4: Pursue opportunities for affordable and workforce housing**

**Initiatives:**

4.1 Implement recommendations from the Affordable Housing Task Force.

4.2 Work with landowners on developing economically viable multifamily housing.

4.3 Permit a wide range of housing types within the Beaufort Code.

4.4 Conserve and reuse historic structures

**Objective 5: Provide accessible public facilities and spaces**

**Initiatives:**

5.1 Complete an inventory of needs of existing neighborhood parks.

5.2 Determine an update and replacement schedule for park equipment and structures.

5.3 Update the Southside Park plan.

5.4 Complete the connector for Whitehall Park.

5.5 Complete city assumption of maintenance at Whitehall Park.

5.6 Support the expansion of the Reconstruction Era National Historical Park as Beaufort seeks to become the center for the exploration of Reconstruction history.

5.7 Address deferred maintenance of city infrastructure.

5.8 Continue to manage flood infrastructure projects, including Mossy Oaks, Johnny Morrall, Allison Road, Broad Street, Hay Street, Lafayette Street, Kings Ridge, Calhoun Street and The Point.

5.9 Complete a review of facilities master plan.

5.10 Cooperate with military on a shared services program.

**Objective 6: Provide strong public safety support**

**Initiatives:**

6.1 Maintain service level provisions for the Police, Fire and Public Works departments

6.2 Explore opportunities to publish law enforcement/fire fighting statistics on website/social media.

**Objective 7: Facilitate unified and coordinated transportation planning**

**Initiatives:**

7.1 Continue to participate in the Lady's Island planning process.

7.2 Update street infrastructure plan.

7.3 Evaluate parking and shuttle service.

7.4 Create a connectivity study of pedestrian/bicycle paths with the goal of enhancing pedestrian/bicycle access throughout the city, paying special attention to connecting schools, civic spaces, and places of employment.

7.5 Enact land use polices and Beaufort Code changes with the goal of reducing VMT (vehicle miles traveled per capita).

**Measuring Progress**

4.1 Update Beaufort Code

4.2 Grow number of multi-family units

4.4 Preserve Contributing Structures

5.2 Incorporate into FY 2022 budget

5.3 Updated plan approved

5.5 Assume maintenance of Whitehall Park

5.8 Complete Mossy Oaks Phase 2

5.10 Agreements in place

6.1 Call statistics; unit utilization reporting

6.2 Website data reports

7.2 New street plan approved

7.3 More parking spaces; measure number of complaints

## Growth & Natural Resources

To maintain the city's authenticity and attractiveness, while accommodating future growth and preparing for climate related challenges, the city will evaluate environmental, municipal, and private constraints on growth; will identify commercial and residential areas requiring immediate attention; and will promote balanced growth through infill.

### Objective 8: Manage growth boundaries

**Initiatives:**

8.1 Prepare small area plans for neighborhoods and districts.

8.2 Evaluate private and public assets for growth.

8.3 Evaluate environmental, municipal, and private constraints on growth.

8.4 Determine commercial and residential focus areas.

*Home in Historic District*

### Objective 9: Manage and encourage infill development

**Initiatives:**

9.1 Promote infill incentives.

9.2 Update the Beaufort Preservation Manual from 1979, known as the Milner Report.

9.3 Update the survey of above-ground structures in the Historic District.

## Objective 10: Manage annexation

**Initiatives:**

10.1 Focus annexation efforts on parcels surrounded by city limits and contingent properties in Tax District 100.

10.2 Expand delivery of services within the growth boundaries of the city.

## Objective 11: Plan for sea level rise

**Initiatives:**

11.1 Discourage development in hazard zones.

11.2 Engage community and other stakeholders in discussion, plans and actions related to sea level rise.

11.3 Develop mitigation and implementation strategies.

### Measuring Progress

8.1 Small area plans adopted

8.2 Marketable inventory of assets

8.3 Report completed

8.4 Updated land use plan

9.1 Reduced number of vacant properties

9.2 Publication of updated guidelines

9.3 Publication of updated survey

10.1 Successful annexation petitions

10.2 Service provision data in growth areas

11.1 Updated flood damage ordinance

11.2 Transparency in efforts to safeguard city from flooding

11.3 Project funding, construction and completion

## Organizational Excellence

To provide a transparent, efficient organization, the city will engage its citizens and community and business stakeholders, will integrate technologies which enhance the execution of city functions, will staff the organization with highly qualified personnel, and will provide municipal education opportunities for boards, commissions and citizens.

### Objective 12: Engage community stakeholders

**Initiatives:**

12.1 Establish separate training/ education programs for board/commission members and citizens.

12.2 Continue to build social media presence, increase distribution of monthly newsletter, and increase subscriptions to Notify Me.

12.3 Increase use of surveys to gather more input from community on important city issues.

### Objective 13: Transparency in city operations

**Initiatives:**

13.1 Continue live-streaming of all boards, commissions, and public meetings; encourage public comment through Zoom, Facebook, email, and traditional means.

13.2 Develop a digital dashboard to show progress on city initiatives.

13.3 Promote availability of financial transparency tool.

## Objective 14: Provide responsive, efficient and innovative services

**Initiatives:**

14.1 Recruit and retain a diverse, educated, and high-performing workforce.

14.2 Establish a customer service academy for new hires.

14.3 Continue to find ways to make operations more efficient by sharing in regional services, such as fire, building inspections, code enforcement, etc.

## Objective 15: Sustainability in finance, infrastructure, and planning

**Initiatives:**

15.1 Advocate for a change in state legislation concerning the local government fund, changes in Act 388 to allow for local autonomy in taxing; and resist legislative overstep in business licensing regulation.

15.2 Include Strategic Plan in annual budget document.

15.3 Tie all capital purchases to identified initiatives in Strategic Plan.

15.4 Increase efficiency in online payment receipt and processing.

15.5 Capture data connected to projects in one place.

### Measuring Progress

12.1 Training completed by board members

12.2 Increase number of newsletter subscriptions, social media engagements

13.1 Engagements and access to meetings

13.2 Complete dashboard

13.3 User access

14.1 Performance reviews

14.2 Employee engagement and quality service

14.3 Regional service partnerships

15.1 Changes in state law

15.2 Connect budget/ financial reports to objectives

15.3 Updated Capital Improvement Plan

# HOW TO REACH US

**City Manager**
- Bill Prokop
- 843-525-7078
- wprokop@cityofbeaufort.org

**City Clerk & Human Resources Department**
- Ivette Burgess
- 843-525-7018
- iburgess@cityofbeaufort.org

**Communications & Marketing**
- Kathleen Williams
- 843-470-3508
- kwilliams@cityofbeaufort.org

**Community & Economic Development**
- David Prichard
- 843-525-7012
- dprichard@cityofbeaufort.org

**Downtown Operations & Community Services**
- Linda Roper
- 843-525-7084
- lroper@cityofbeaufort.org

**Finance Department**
- Kathy Todd
- 843-525-7009
- ktodd@cityofbeaufort.org

**Fire Department**
- Reece Bertholf (also assistant city manager)
- 843-525-7030
- rbertholf@cityofbeaufort.org

**Municipal Court**
- Sarah Farrow
- 843-525-7097
- sfarrow@cityofbeaufort.org

**Police Department**
- Dale McDorman
- 843-322-7900
- dmcdorman@cityofbeaufort.org

**Public Projects & Facilities**
- Matt St. Clair
- 843-470-3512
- mstclair@cityofbeaufort.org

**Public Works**
- Nate Farrow
- 843-525-7094
- nfarrow@cityofbeaufort.org

# 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 - 1st Reading | | |
| **MEETING DATE:** | 9/22/2020 | | |
| **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 - 1st Reading | | |
| **MEETING DATE:** | 9/22/2020 | | |
| **DEPARTMENT:** | City Managers Office | | |

*BACKGROUND INFORMATION:*

Draft Ordinance was discussed in Worksession on September 15, 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 TITLE:** | 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 - 1st Reading | | |
| **MEETING DATE:** | 9/22/2020 | | |
| **DEPARTMENT:** | City Managers Office | | |

*BACKGROUND INFORMATION:*

This ordinance was discussed in Worksession September 15, 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 - 1st Reading | | |
| **MEETING DATE:** | 9/22/2020 | | |
| **DEPARTMENT:** | City Managers Office | | |

*BACKGROUND INFORMATION:*

A draft of this ordinance was discussed in Worksession on 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 Unity 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