



City Council

6:00 p.m., Wednesday, November 17, 2021

Council Chambers

1207 Palm Boulevard, Isle of Palms, SC

Public Comment:

All citizens who wish to speak during the meeting must email their first and last name, address, and topic to Nicole DeNeane at nicoled@iop.net no later than **3:00 p.m. the business day before the meeting**. Citizens may also provide public comment here:

<https://www.iop.net/public-comment-form>

Agenda

- 1. Introduction of meeting** and acknowledgement that the press and public were duly notified of the meeting in accordance with the Freedom of Information Act.
 - a. Invocation
 - b. Pledge of Allegiance
 - c. Roll Call
- 2. Citizens' Comments** - All comments will have a time limit of three (3) minutes.
- 3. Consent Agenda**
Approval of Previous Meetings' Minutes – 6:00 p.m., October 26, 2021
- 4. Reports from Standing Committees**
 - a. Ways and Means Committee**
 - i. Consideration and approval of wage and compensation adjustments effective 1/1/2022
 - ii. Consideration of purchase of one (1) Ford F-150 Police Responder in an amount not to exceed \$44,000 [FY22 Budget, Capital Projects Fund, Police Department - \$41,000]
 - iii. Consideration of purchase of Polaris GEM Low Speed Vehicle (LSV) in an amount not to exceed \$19,000 [FY22 Budget, State ATAX Fund, Police Department - \$17,000]
 - iv. Consideration of replacement of 2010 Ford F-150 and 2008 Ford F-250 in an amount not to exceed \$44,000 per vehicle [FY22 Budget, Muni Atax Fund, Fire Department - \$42,000 and State ATAX, Fire Department - \$42,000]
 - v. Consideration of approval of a contract to Quality Enterprises in the amount of \$2.27 million for the construction of Phase 3 Outfalls at 30th and 36th Avenue [FY22 Budget, Capital Projects Bond Proceeds, Public Works - \$2,462,000]
 - vi. Discussion and consideration of providing City cellphones to all Councilmembers
 - b. Public Safety Committee**
 - c. Public Works Committee**
 - d. Recreation Committee**
 - e. Personnel Committee**
 - f. Real Property Committee**



- i. Consideration of request from Marker 116, LLC for the City to approve restaurant building plans without an elevator
- ii. Consideration of eligible projects for Charleston County Greenbelt Program's FY22 Winter Funding Cycle

5. Reports from City Officers, Boards and Commissions

- a. **Board of Zoning Appeals** – Next meeting: November 17, 2021
- b. **Planning Commission** – minutes attached
- c. **Accommodations Tax Advisory Committee** – Next meeting: November 16, 2021
- d. **Environmental Advisory Committee** – Next meeting: November 18, 2021

6. Reports from Special or Joint Committees – None

7. Petitions Received, Referred or Disposed of – None

8. Bills Already in Possession of Council

- a. Ordinance 2021-13 – An ordinance to allow year-round surfing instruction on the beach with certain conditions
- b. Ordinance 2021 – 14 – An ordinance to provide for the standardization of the business license process
- c. Ordinance 2021- 15 – An ordinance to temporarily suspend enforcement of Title 3, Chapter 4, Environmentally Acceptable Packaging and Products for businesses affected by global supply chain issues due to the COVID-19 pandemic

9. Introduction of New Bills, Resolutions and Proclamations

- a. Ordinance 2021-16 – An ordinance to include restrictions of vicious or dangerous dogs
- b. Resolution authorizing the consumption of beer and wine only, amplified music and street closure at the Holiday Street Festival on Saturday, December 4, 2021

10. Miscellaneous Business

Next meeting: Regular Meeting: 6:00 p. m., Tuesday, January 25, 2022

11. Executive Session

In accordance with S.C. Code Section 30-4-70 (a) (2) to receive legal update and advice in regard to Tidal Wave Watersports eviction proceedings. Upon returning to open session, the Council may take action on matters discussed in Executive Session.

12. Adjournment



CITY COUNCIL MEETING
6:00pm, Tuesday, October 26, 2021
1207 Palm Boulevard, Isle of Palms, SC and
broadcasted live on YouTube: <https://www.youtube.com/user/cityofisleofpalms>

MINUTES

1. Call to order

Present: Council members Popson, Streetman, Moye, Ward, Bell, Pounds, Smith, Buckhannon, and Mayor Carroll

Staff Present: Administrator Fragoso, City Attorney Halversen, various department heads

2. Citizens' Comments

Mr. Chris Kerr, CPA, of Veris, gave a brief presentation on the completed audit of FY21. He said the financial statements were presented fairly in all material respects, and the City has been given an unmodified or "clean" opinion. The City assets exceed their liabilities by \$37.7M. Total FY21 revenues of \$19.6M exceeded total expenses of \$15.3M. He said the City is "running fiscally responsible and managing money well." He reported there were no difficulties during the audit, there are good internal controls, and there are no internal control deficiencies. At the request of Council Member Ward, Mr. Kerr clarified the City's position with regards to pension liabilities.

Mr. Josh Hooser, 5 Sandpiper Court, said he would like to see Citizen's Comments last more than three minutes. He also encouraged City Council to thank the Fire Department for the money they have raised in connection with the Lowvelo Bike Ride.

3. Consent Agenda

MOTION: Council Member Bell made a motion to the Consent Agenda. Council Member Pounds seconded the motion. The motion passed unanimously.

A. Approval of Previous Meeting's Minutes – September 28, 2021, 6:00pm

4. Reports from Standing Committees

A. Ways and Means Committee

Council Member Pounds reviewed the minutes of the October 19, 2021 meeting. He said that in the first quarter of FY22, the City has taken in just under \$4M in revenues and spent approximately \$3.3M, which is expected. He reminded City Council that the City has received

\$1.1M from the American Rescue Plan. Those monies have been put into Capital Projects as grant monies received. The City has \$28M in cash reserves, \$14M of which is restricted.

Administrator Fragoso said that weather permitting the work at 41st Avenue should be complete this week.

B. Public Safety Committee

Council Member Bell reviewed the minutes of the October 7, 2021 meeting.

MOTION: Council Member Bell made a motion to direct staff to draft a resolution to formally request SCDOT to lower the speed limit to 25mph on all roads within the City unless otherwise posted. Council Member Ward seconded the motion. The motion passed unanimously.

Council Member Pounds noted this should help reduce “sign pollution.”

Council Member Ward would like the issue of child safety seats in golf carts on the Public Safety Committee meeting agenda for November.

C. Public Works Committee

Council Member Ward reviewed the minutes of the October 6, 2021 meeting.

D. Recreation Committee

Council Member Smith reviewed the minutes of the October 4, 2021 meeting.

E. Personnel Committee

Council Member Moye reviewed the minutes of the October 13, 2021 meeting.

Administrator Fragoso updated City Council on the Fire Chief hiring process: “The contract [with the search firm] has been executed and the City will begin the job assessment and organizational assessment process later this week and next which will include focus groups and meetings with members of the department and stakeholders as the first step.”

Administrator Fragoso said the job description for the Zoning Administrator position is being finalized this week.

F. Real Property Committee

Council Member Streetman reviewed the minutes of the October 4, 2021 meeting.

Director Kerr gave an update on the situation regarding the elevator at the Marina restaurant: “Jon Bushnell and I met with a representative from a company called Mobility Works. We looked pretty thoroughly around the building at various options to provide some kind of better access to the additional floors above the first floor. Things discussed included a chair lift that would be a lift that would go up a stairwell that would take somebody from the first floor up to the second floor. We looked at multiple different stairwells. There are three stairwells within the building. The judgement was made that the back stairwell would be the most appropriate. We

have just heard back today that the company that provides those lifts would be unavailable to provide an appropriate commercial grade lift which we think creates a problem with the LLR that licenses those things in commercial applications. So it is looking as though the chair lift is potentially undoable. The other option we discussed, and it was not really the preferred option by the tenants was a lift that would go on the exterior of the building that would be in a shaft. It would be kind of on the back side of the building on those decks and go between those decks. There were very close tolerances in terms of how that would work. The lifts max out at 14' in height. It is like 14'1" between those floors, so it is very close to not fitting, and really because it was not the preferred option at this point, I don't think it has been fully thought through in terms of whether or not that would work. So we are planning to meet again and circle back to that option. I think the staff feels like we are seeing the building progress. It is moving along. I think we know that they are planning on being finished in December. We are here in October. November is right around the corner. You just do not have a lot of time between now and their desired opening date to get this information and come to a consensus as to how you will want to handle the situation."

Director Kerr said more information may be available by November's Ways & Means Committee meeting. Administrator Fragoso added that regardless of what option is considered, it is unlikely it will be in place by the restaurant's opening.

Administrator Fragoso also shared that the noise control agreement with Marker 116, LLC is still being reviewed by their attorney. She added that she has not received any further word from OCRM about any changes to their code about the extension of MobiMats. Council Member Streetman said that Representative Bustos is engaged in and helping with this issue.

5. Reports from City Officers, Boards, and Commissions

- A. **Accommodations Tax Advisory Committee** – next meeting: October 27, 2021
- B. **Board of Zoning Appeals** – minutes attached
- C. **Planning Commission** – minutes attached
- D. **Environmental Advisory Committee** – minutes attached

Administrator Fragoso said the first meeting of the Environmental Advisory Committee went well. Members will return next month to prioritize three issues that they would like to begin working on. Council Member Smith noted that the valuable level of expertise among the Committee members.

- 6. Reports from Special or Joint Committees** – none
- 7. Petitions Received, Referred or Disposed of** – none
- 8. Bills already in Possession of Council**

9. Introduction of New Bills, Resolutions, and Proclamations

A. Ordinance 2021-13 – An ordinance to allow for year-round surfing instruction on the beach with certain restrictions

MOTION: Council Member Ward made a motion to approve, and Council Member Streetman seconded the motion. The motion passed unanimously.

Council Member Smith shared a few items that may be changed to this ordinance prior to Second Reading. They will be discussed at November's Recreation Committee meeting.

B. Ordinance 2021-14 – An ordinance to provide for the standardization of the business license process

MOTION: Council Member Ward made a motion to approve, and Council Member Streetman seconded the motion. The motion passed unanimously.

C. Ordinance 2021-15 – An ordinance to temporarily suspend enforcement of Title 3, Chapter 4, Environmentally Acceptable Packaging and Products for businesses affected by global supply chain issues due to the COVID-19 pandemic

MOTION: Council Member Buckhannon made a motion to approve, and Council Member Ward seconded the motion. The motion passed unanimously.

Administrator Fragoso pointed out that there is no expiration date noted in the draft ordinance and it will need to be added upon Second Reading. Council Member Buckhannon said he will reach out the businesses to get their input before the next meeting.

D. Resolution authorizing the consumption of beer and wine only, amplified music, and street closure at the Lowvelo Bike Ride on Saturday, November 6, 2021

MOTION: Council Member Buckhannon made a motion to approve, and Council Member Ward seconded the motion.

Administrator Fragoso said, "This event was approved earlier this year. The City is sponsoring it. They have requested a road closure to start Thursday morning just for the southbound lane, the landside lane of Ocean Boulevard between JC Long and 14th Avenue. We have prepared notices to all the businesses at Front Beach and the hotels and the property management companies just to make sure that everyone is aware that the road closure would begin Thursday morning at 7am and would end on Sunday at 11am. There is going to be foot traffic allowed along the area, and the northbound lane will be open. The parking spaces along that southbound lane will not be available. Those are going to be used for tents and the setup of the event."

Council Member Streetman, who serves on the Lowvelo Executive Committee, said that over 800 riders have signed up for the event. Mayor Carroll challenged staff and Council members to participate in the ride. Council Member Smith would like to see more social media presence about the event.

VOTE: The motion passed unanimously.

E. Resolution authorizing the discharge of weapons using blank ammunition and amplified noise at the Blessing of the Veteran and First Responders on Saturday, November 6, 2021

MOTION: Council Member Ward made a motion to approve, and Council Member Moya seconded the motion. The motion passed unanimously.

10. Miscellaneous Business

A. Discussion and consideration of the City commissioning a separate study to evaluate the modifications of the IOP Connector

Council Member Bell expressed concern about working with SCDOT following their recent public support of the Charleston Area Beach Parking group.

MOTION: Council Member Bell made a motion for the City to commission a separate study of the effects of the modifications to the IOP Connector. Mayor Carroll seconded the motion.

Council Member Moya said he believes what the residents of IOP and Mt. Pleasant want is “light traffic and a way to bike and walk across the bridge.” He said the study should be focused on facilitating a safe flow of traffic both ways for pedestrians, bikers, cars and emergency vehicles. He added, “The question is how do we move forward and potentially consider changes.” He believes a separate study is more about the speed of getting something done.

Administrator Fragoso reported that while City staff has met with SCDOT staff to discuss the scope of a shared study, they have not received any further feedback from SCDOT. She reminded Council that what they voted on at the time was for the City to hire an independent traffic engineer that would work with the City and SCDOT to provide feedback and technical oversight while making recommendations from a traffic engineer’s perspective. She said that engagement with an engineering firm has been done, but what the City does not have is an agreed upon scope of work from SCDOT.

Council Member Smith expressed concern about the optics of the City conducting a study on its own. Council Member Pounds agreed that having two reports and two different opinions would be problematic and would like to go forward with a joint study with SCDOT.

Mayor Carroll said SCDOT is not listening to the City and supports the motion.

VOTE: A vote was taken as follows:

Ayes: Bell, Buckhannon, Ward, Popson, Carroll

Nays: Pounds, Smith, Moya, Streetman

The motion passed 5-4.

MOTION: Council Member Ward made a motion to suspend the rules of order to share information about the recent CARTA Board meeting. Council Member Moya seconded the motion. The motion passed unanimously.

Council Member Ward stated that he told the CARTA Board the City interested in running the Beach Shuttle again next year. Mayor Haynie of Mt. Pleasant is also supportive of the shuttle.

Council Member Buckhannon, referring back to the veterans in Item 9E, said that the non-profit group, Vettes for Vets, is having an event on November 11 when they will surprise a veteran with a home remodeling. They will be on the island that weekend with 50-80 corvettes lined up on Ocean Boulevard as part of their fundraiser.

B. The next meeting of the City Council will be Tuesday, November 17, 2021 at 6pm.

11. **Executive Session**

MOTION: Council Member Bell made a motion to move to Executive Session in accordance with SC Code §30-4-70(a)(2) to receive legal advice and legal update regarding the eviction proceedings against Tidal Wave Watersports. Council Member Streetman seconded the motion. The motion passed unanimously.

City Council entered into Executive Session at 7:42pm.

City Council returned from Executive Session at 7:59. Mayor Carroll reported that no decisions were made.

12. **Adjournment**

Council Member Buckhannon made a motion to adjourn, and Council Member Moye seconded the motion. The meeting was adjourned at 7:59pm.

Respectfully submitted,

Nicole DeNeane
City Clerk

City of Isle of Palms
Financial Statement Summary as of October 31, 2021
(Dollars in Thousands)

	REVENUES						TRANSFERS IN / (OUT)						EXPENDITURES						YTD Actual Net Rev & Exp
	YTD Actual	Annual Budget	Remaining to Collect	YTD Actual as a % of Budget	Current Annual Forecast	Forecast Above or (Below) Budget	YTD Actual	Annual Budget	Remaining to Transfer	YTD Actual as a % of Budget	Current Annual Forecast	Forecast Above or (Below) Budget	YTD Actual	Annual Budget	Remaining to Spend	YTD Actual as a % of Budget	Current Annual Forecast	Forecast Above or (Below) Budget	
General	\$ 2,220	\$11,799	\$ 9,579	19%	\$ 11,799	\$ -	\$ -	\$ 667	\$ (667)	0%	\$ 667	\$ -	\$ 3,432	\$ 12,466	\$ 9,034	28%	\$ 12,466	\$ -	(1,212)
Capital Projects	1,963	1,291	(672)	152%	1,291	-	-	394	(394)	0%	394	-	110	4,456	4,346	2%	4,456	-	1,853
Muni Accom Tax	626	1,526	900	41%	1,526	-	-	(433)	433	0%	(433)	-	330	1,265	935	26%	1,265	-	296
Hospitality Tax	324	836	512	39%	836	-	-	(244)	244	0%	(244)	-	135	562	427	24%	562	-	189
State Accom Tax	1	2,146	2,145	0%	2,146	-	-	(834)	834	0%	(834)	-	86	1,506	1,420	6%	1,506	-	(85)
Beach Prserv Fee	628	1,275	647	49%	1,275	-	-	-	-	-	-	-	32	385	353	8%	385	-	596
Marina	147	360	213	41%	360	-	-	450	(450)	0%	450	-	310	689	379	45%	689	-	(163)
Disaster Recovery	1	10	9	10%	10	-	-	-	-	-	-	-	-	10	10	0%	10	-	1
All Other	174	171	(3)	102%	171	-	-	-	-	-	-	-	21	167	145	13%	167	-	153
Total All Funds	\$ 6,084	\$19,414	\$ 13,330	31%	\$ 19,414	\$ -	\$ -	\$ -	\$ -	-	\$ -	\$ -	\$ 4,456	\$ 21,506	\$ 17,049	21%	\$ 21,506	\$ -	\$ 1,628

General Fund YTD Revenues							
	FY22 YTD Actual	FY22 Budget	% of FY22 Budget	FY21 YTD Actual	% of Prior YTD	Current Annual Forecast	Forecast Above/ (Below) Budget
Prop Tax	\$ 52	\$ 4,806	1%	\$ 82	63%	\$ 4,806	\$ -
LO Sales Tax	130	895	15%	171	76%	895	-
Business Lic	232	1,421	16%	182	127%	1,421	-
Rental Lic	504	940	54%	860	59%	940	-
Other Lic (Insurnce/Utilities)	58	1,496	4%	1	5800%	1,496	-
Build Pmts	281	450	62%	168	167%	450	-
From State	9	253	4%	91	10%	253	-
Parking	678	1,019	67%	551	123%	1,019	-
All Other	276	519	53%	253	109%	519	-
Total	\$ 2,220	\$ 11,799	19%	\$ 2,359	94%	\$ 11,799	\$ -

General Fund YTD Expenditures (YTD target = 33%)							
	FY22 YTD Actual	FY22 Budget	% of FY22 Budget	FY21 YTD Actual	% of Prior YTD	Current Annual Forecast	Forecast (Above)/ Below Budget
Mayor/Council	\$ 33	\$ 134	25%	\$ 32	103%	\$ 134	\$ -
General Govt	384	2,145	18%	330	116%	2,145	-
Police	826	3,022	27%	821	101%	3,022	-
Fire	1,131	3,745	30%	1,099	103%	3,745	-
Public Works	478	1,502	32%	434	110%	1,502	-
Build & Lic	125	456	27%	140	89%	456	-
Recreation	327	1,090	30%	301	109%	1,090	-
Judicial	85	270	31%	70	121%	270	-
BSOs	43	102	42%	37	116%	102	-
Total	\$ 3,432	\$ 12,466	28%	\$ 3,264	105%	\$ 12,466	\$ -

City of Isle of Palms Supplemental Financial Information as of October 31, 2021 *(Dollars in Thousands)*

Cash Balances		
	9/30/2021	9/30/2020
General Fund	5,373	3,556
As a % of GF Exp (target is > 30%)	43%	31%
Capital Projects	8,539	3,898
Disaster Recovery	2,827	2,733
Marina	1,665	394
Tourism Funds	4,711	4,465
Beach Preservation	5,352	3,809
Other Restricted	309	170
Total All Cash	28,776	19,025
Deposits at LGIP (.1036%)	26,992	94%
Deposits at TRUIST	1,784	6%
RESTRICTED CASH	10,372	36%

Fund Balances					
Fund	6/30/2021 Audited Fund Balance (Note 1)	FY22 YTD Actual Net Revenues & Transfers Less Expenses	Current Fund Balance	6/30/22 Budgeted Fund Balance	6/30/22 Forecast Fund Balance
General Fund	\$ 3,892	\$ (1,212)	2,680	\$ 3,892	\$ 3,892
Capital Projects	8,933	1,853	10,786	6,162	6,162
Muni Accom Tax	1,595	296	1,891	1,423	1,423
Hospitality Tax	875	189	1,064	905	905
State Accom Tax	1,798	(85)	1,713	1,604	1,604
Beach Funds	4,756	596	5,352	5,646	5,646
Marina (See Note 1)	2,369	(724)	1,645	2,490	2,490
Disaster Recovery	2,827	1	2,828	2,827	2,827
All Other	155	153	308	159	159
Total All Funds	\$ 27,200	\$ 1,067	\$ 28,267	\$ 25,108	\$ 25,108

Note 1: The comparable amount for the Marina Enterprise Fund is not Fund Balance, but Net Position. To be consistent with the presentation of the other funds, the amount included here for the Marina is the Unrestricted Net Position, which does not include net fixed assets. Unrestricted net position is approx equal to net current assets for the Marina.

October 2021 Notes:

- General Fund Revenues continue to be impacted by a reduction in YTD Rental License revenue compared to the prior year. The SC State Business License Tax Standardization Act (Act 176) mandates a State-wide business license year of May 1 to April 30. For the City, this necessitates a 1-time shortened reporting period for 2021 rental license renewals - 6 months vs 12 months - so the YTD rental license revenue is slightly more than half what it was in FY21. This will catch up later this fiscal year when rental licenses are renewed for a full 12 months at the same time as regular business licenses (early calendar year 2022).
- YTD business license and building permit revenues are 27% and 68% above October 2020, respectively, highlighting robust economic and building activity on the island.
- YTD General Fund operating expenses are running 5% ahead of the prior year but well within budget targets.
- On October 1st, the City received \$1,085,300 for 50% of the City's award under the Federal American Rescue Plan (ARP). The funds were deposited in the Capital Projects fund as Grant Revenue.
- The City has \$28.8 million in cash deposits. Approximately \$4.7 million of this total represents unspent bond proceeds and \$10 million is restricted for tourism related expenditures or beach preservation.

City of Isle of Palms Tourism and Local Options Sales Tax Revenues

Municipal Accommodations Fee (1% of Accommodation Sales)							
	FY16	FY17	FY18	FY19	FY20	FY21	FY22
JUL	162,862	161,068	139,501	199,724	195,287	172,336	256,308
AUG	191,759	218,620	235,007	209,600	213,067	169,596	378,001
SEPT	150,212	136,141	157,274	152,535	152,561	186,938	248,118
OCT	90,691	77,500	75,353	79,534	75,506	129,033	
NOV	61,918	57,777	64,256	63,444	65,882	66,090	
DEC	33,233	36,937	32,877	40,182	34,301	71,683	
JAN	25,309	28,217	28,859	25,836	32,335	34,025	
FEB	20,313	15,332	18,317	13,666	18,596	26,709	
MAR	16,918	20,485	21,562	19,983	9,690	31,080	
APR	51,082	51,166	53,213	53,685	26,422	68,055	
MAY	70,954	92,529	88,875	90,800	7,181	125,288	
JUNE	94,270	95,768	94,112	97,999	55,311	153,337	
Deduct last July	(162,862)	(161,068)	(139,501)	(199,724)	(195,287)	(172,336)	(256,308)
Add next July	161,068	139,501	199,724	195,287	172,336	256,308	
Total Fiscal Year	967,728	969,974	1,069,429	1,042,551	863,187	1,318,141	626,119
Incr from FY15		Incr from FY16	Incr from FY17	Incr from FY18	Incr from FY19	Incr from FY20	Incr from FY21
-4%		0%	10%	-3%	-17%	53%	67%
						% Change fr FY20	57%

Heads in
Beds in

JUN
JUL
AUG
SEPT
OCT
NOV
DEC
JAN
FEB
MAR
APR
MAY

JUN

City of Isle of Palms Tourism and Local Options Sales Tax Revenues

State Accommodations Tax (Tourism-Related Only)				(Approx 2% of Accommodation Sales)			
	FY16	FY17	FY18	FY19	FY20	FY21	FY22
Sept Qtr	518,796	520,784	518,028	546,269	580,306	553,971	
Dec Qtr	179,446	178,830	202,803	203,067	181,550	252,012	
Mar Qtr	66,294	61,586	71,773	103,097	88,638	132,256	
June Qtr	364,938	407,460	413,234	445,779	242,893	650,839	
Total Fiscal Yr	1,129,474	1,168,660	1,205,838	1,298,212	1,093,387	1,589,078	-
	1.7%	3.5%	3.2%	7.7%	-15.8%	45.3%	
	Incr from FY15	Incr from FY16	Incr from FY17	Incr from FY18	Incr from FY19	Incr from FY20	Incr from FY21
				% Change fr FY19		22%	

Heads in
Beds in

Jun-Aug
Sept-Nov
Dec-Feb
Mar-May

Chas County ATax Pass-Through				(Historically 20% of County's 2% on IOP Accommodation Sales)			
	FY16	FY17**	FY18	FY19	FY20	FY21	FY22
1st Payment	276,704	520,000	327,750	381,000	370,500	-	-
2nd Payment	208,390	-	109,250	127,000	-	508,000	-
Total Fiscal Yr	485,093	520,000	437,000	508,000	370,500	508,000	-
	1%	7%	-16%	16%	-27%	37%	-100%
	Incr from FY15	Incr from FY16	Incr from FY17	Incr from FY18	Incr from FY19	Incr from FY20	Incr from FY21

City of Isle of Palms Tourism and Local Options Sales Tax Revenues

Hospitality Tax								(2% of Prepared Food & Beverage Sales)		Food/Bev Sold in
	FY16	FY17	FY18	FY19	FY20	FY21	FY22			
JUL	83,038	85,051	89,309	104,681	88,238	66,947	137,933	JUN		
AUG	87,110	93,123	98,883	101,031	106,673		59,353	134,710	JUL	
SEPT	70,725	77,619	81,373	78,014	78,129		49,484	104,997	AUG	
OCT	66,113	68,348	56,439	69,394	76,033		37,348	84,355	SEPT	
NOV	40,576	46,488	70,905	65,210	66,929		27,609		OCT	
DEC	61,052	40,557	41,260	38,440	56,591		46,700		NOV	
JAN	24,864	27,883	19,085	31,905	28,058		57,988		DEC	
FEB	29,443	27,947	28,826	27,373	27,574	24,135		JAN		
MAR	27,586	39,785	49,744	40,741	21,853	39,019		FEB		
APR	50,531	57,961	66,633	66,425	12,956	50,777		MAR		
MAY	71,297	85,246	79,870	85,134	15,429	85,357		APR		
JUNE	79,858	92,137	87,753	100,621	46,102	114,802		MAY		
Deduct last July	(83,038)	(85,051)	(89,309)	(104,681)	(88,238)	(66,947)	(137,933)			
Add next July	85,051	89,309	104,681	88,238	66,947	137,933		JUN		
Total Fiscal Year	694,206	746,402	785,452	792,527	603,275	730,503	324,063			
	Incr fr FY15 1%	Incr fr FY16 8%	Incr fr FY17 5%	Incr fr FY18 1%	Incr fr FY19 -24%	Incr fr FY20 21%	Incr fr FY21 117%			
						% Change fr FY20	32%			
						% Change fr FY19	31%			

City of Isle of Palms Tourism and Local Options Sales Tax Revenues

Beach Preservation Fee								(1% of Accommodation Sales)		Heads in Beds in
	FY16	FY17	FY18	FY19	FY20	FY21	FY22			
JUL	162,228	161,068	192,666	199,724	195,287	172,336	256,308	JUN		
AUG	191,610	218,620	181,842	209,600	213,067	169,596	378,001	JUL		
SEPT	149,350	136,141	157,274	152,535	152,561	186,938	248,118	AUG		
OCT	90,398	77,500	75,353	79,534	75,506	129,033		SEPT		
NOV	61,647	57,777	64,256	63,444	65,882	66,090		OCT		
DEC	33,233	36,937	32,877	40,182	34,301	71,683		NOV		
JAN	25,309	28,217	28,859	25,836	32,335	34,025		DEC		
FEB	20,313	15,332	18,317	13,666	18,596	26,709		JAN		
MAR	16,918	20,485	21,562	19,983	9,690	31,080		FEB		
APR	51,082	51,166	53,213	53,685	26,422	68,055		MAR		
MAY	70,954	92,529	88,875	90,800	7,181	125,288		APR		
JUNE	94,270	95,768	94,112	97,999	55,311	153,337		MAY		
Deduct last July	(162,228)	(161,068)	(139,501)	(199,724)	(195,287)	(172,336)	(256,308)			
Add next July	161,068	139,501	199,724	195,287	172,336	256,308		JUN		
Total Fiscal Year	966,152	969,974	1,069,429	1,042,551	863,187	1,318,141	626,119			
	Incr from FY16 0%	Incr from FY17 10%	Incr from FY18 -3%	Incr from FY19 -17%	Incr from FY20 53%	Incr from FY21 67%				
					% Change fr FY20	57%				

City of Isle of Palms Tourism and Local Options Sales Tax Revenues

Local Option Sales Tax						When Sales Occurred
(a portion of the 1% Charleston County local option sales tax)						
	FY18	FY19	FY20	FY21	FY22	
AUG	83,614	88,713	93,221	87,833	130,373	JUL
SEPT	73,671	72,557	83,456	83,149		AUG
OCT	61,352	63,829	62,752	71,963		SEPT
NOV	61,040	61,435	65,514	68,054		OCT
DEC	49,732	54,748	59,951	67,342		NOV
JAN	55,282	57,483	64,996	69,592		DEC
FEB	43,314	48,026	53,263	58,840		JAN
MAR	47,589	49,240	50,882	60,533		FEB
APR	60,349	65,794	43,070	83,678		MAR
MAY	77,153	85,394	56,012	100,082		APR
JUNE	70,879	78,238	74,078	102,313		MAY
JULY	88,382	92,504	92,789	117,380		JUN
Total Fiscal Year	772,357	817,962	799,984	970,759	130,373	
	Incr from FY17	Incr from FY18	Incr from FY19	Incr from FY20	Incr from FY21	
		6%	-2%	13%	48%	
				% Change fr FY20	40%	

FY22 CAPITAL PROJECTS REPORT

NOVEMBER 2021



IOP MARINA RESTAURANT RENOVATION

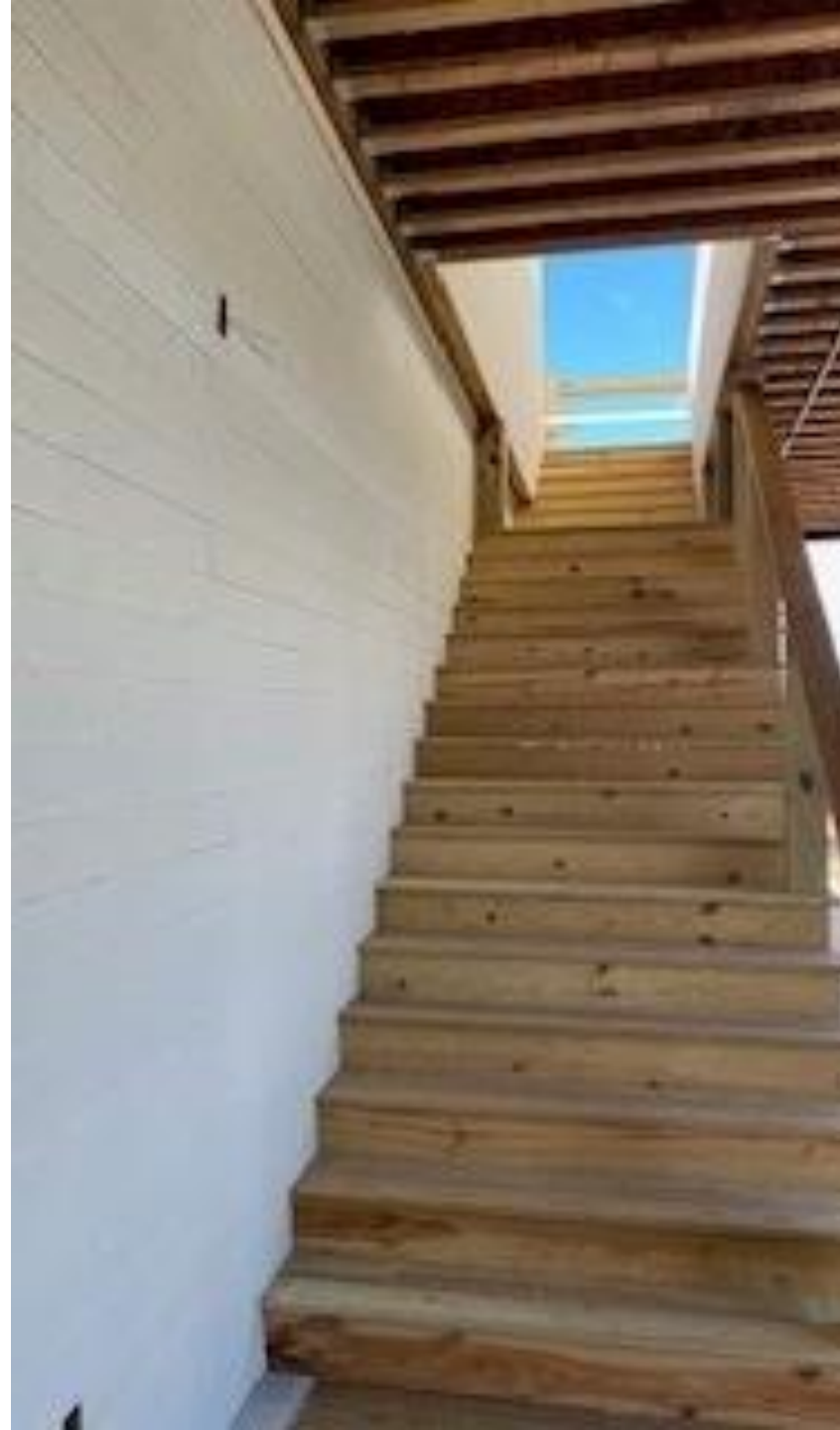
Building Update

- Siding installation complete
- Metal mansard roof installation begins week of 11/15
- AC units will get craned to the roof week of 11/15
- Sprinkler and HVAC duct work scheduled to be complete week of 11/15, which will allow ceiling work to begin
- Spray foam is 70% complete
- Kitchen wall covering installation is in process
- Ongoing discussions regarding plan to consolidate enclosed dumpster area between the end of road at 41st Avenue and employee parking lot. On site meeting scheduled for week of 11/15

Restaurant Dock Improvements

- Complete







Before

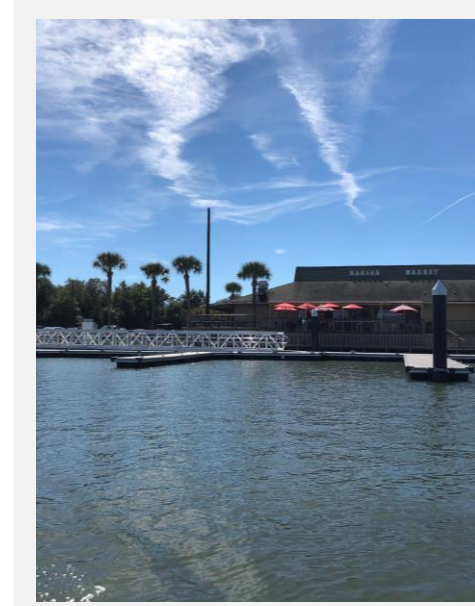


After

Marina Restaurant Dock Improvements

IOP MARINA DOCK REHABILITATION

- Supplemental floats to fix freeboard issue on the Restaurant dock expected by the end of 11/15 week.
- City evaluating timing of potable water hook up for Charter Docks.
 - We can hook up the potable water now, do the testing, coordinate with DHEC, etc. for an extra fee of ~\$10,000. Potable water would be operational by mid-December.
 - OR we can wait and hook up the potable on Charter and Fuel at the same time for no extra fee. All of this probably will be done mid to late January.
- Salmon's Dredging waiting on two (2) additional loads from Structure Marine:
 - The first load includes the fuel docks and the angle bracket for the corner of Charter down by the boat ramp. This load is on a truck in route to SC.
 - The second load includes the fuel dock platform and will be shipped by the week of 11/22.



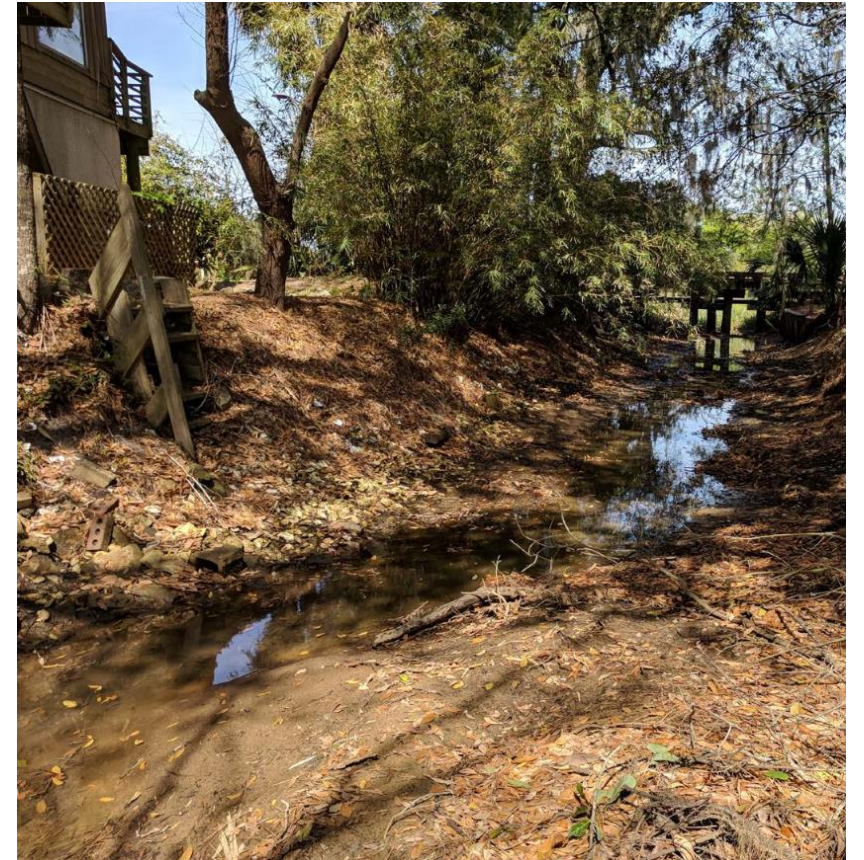
PHASE 3 DRAINAGE 30TH, 36TH & 41ST AVENUE OUTFALLS

City opened bids for the construction of the outfall improvements at 30th and 36th Avenue on November 10, 2021 and received two (2) bids:

- Gulfstream Construction- \$3,062,461.70
- Quality Enterprises- \$2,270,822.51

Ways and Means, City Council to consider award of a contract to Quality Enterprises on Wednesday, November 17, 2021.

A Notice to Proceed and kick off meeting will be issued/scheduled after executing contract.



PHASE 3 DRAINAGE INTERNAL PROJECTS

All portions of drainage projects at Sparrow Drive, Forest Trail, Cross Lane, 32nd Avenue and all portions of the project at 41st Avenue are completed.

Final walkthrough scheduled for week of 11/15.



STATE OF SOUTH CAROLINA – STANDARDIZED VEHICLE SPECIFICATIONS

(Revised 8/09/21)

Introduction:

The following specifications are applicable if they are listed as “Factory Installed Items” (included in the “Base Price”) or “Option Equipment” (Add or Deduct Pricing). If they are not referenced by the spec item name (example: “Tow Package”) in the individual vehicle spec, they do not apply.

Should it be necessary to deviate from a standard spec, the deviation(s) will be expressly stated within the individual vehicle spec. The individual vehicle spec takes precedence over the standardized vehicle spec. Unless defined otherwise in an individual vehicle’s specification, the following standardized specifications apply where applicable and as listed in each vehicle spec.

Important Notice:

Contractors/vendors should review purchase orders carefully for items such as drawbar, pin, clip and shank configuration, as well as anything else needing further description for the order, as provided in the contract documents. They should notify the ordering governmental entity when needed information is missing. This office will require delivery of all specified items unless the ordering governmental entity provides specific notice of relief from same in writing. **These type items are to be included in the contract prices.**

<u>Specification Name</u>	<u>Description</u>
Colors – Exterior	<p>The cost for all factory-standard “no-charge” paints and factory-standard paint palette colors for additional charges, shall all be factored into the vehicle price as contracted.</p> <ul style="list-style-type: none">• The State will not pay any additional color charges, unless a non-standard/premium color is requested by the purchasing agency.• The colors white, black, gray and silver are all required colors for state contract pricing.
Daytime Running Lights	<p>If standard equipment, daytime running lights are to be made inoperable prior to delivery of vehicles purchased by and for law enforcement entities.</p>
Engines - Diesel	<p>For Diesel-powered vehicles and equipment, fuel system components and Diesel engines shall be compatible with B20 bio-diesel blends, minimum.</p>
Engines – Gasoline/Unleaded/E10	<p>For gasoline-powered vehicles and equipment, fuel system components and gasoline engines shall be compatible with E10 ethanol blends, minimum. These engines are to perform as follows:</p> <ul style="list-style-type: none">• No noticeable degradation in vehicle drivability;• Minimal impact on vehicle operating efficiency (defined to be no more than 10% decrease in fuel economy);• Maintenance sensors and warning systems are to display normally (i.e. use of E10 is not to cause the check engine light to illuminate). <p>NOTICE: The State of South Carolina has transitioned to the E10 Unleaded Fuel Blend. The fuel contracts reflect the same.</p>

<p>Floor Mats</p>	<p>Unless stated otherwise in the individual vehicle specifications, the following applies:</p> <ul style="list-style-type: none"> • In vehicles with <u>carpeted</u> flooring, the manufacturer's vehicle-specific floor mats are to be supplied for all major seating points of the vehicle. • If a manufacturer is unable to supply floor mats for carpeted vehicles (i.e. due to specific vehicle packages), equivalent (in quality and fit) aftermarket mats must be provided for all major seating points. • In vehicles with <u>vinyl or heavy-duty rubber flooring</u>, floor mats are not to be provided, and may not be requested by the ordering governmental entity. <p>NOTICE: Should an individual vehicle's specifications with carpeted interior request rubber or vinyl floor mats, those mats will be of a high quality, heavy duty construction.</p>
<p>Four-wheel Drive (4x4) & All-Wheel Drive (AWD)</p>	<p>4x4 Definition: The State of South Carolina recognizes the definition of a 4x4 (four-wheel drive)-equipped vehicle as follows:</p> <ul style="list-style-type: none"> • The vehicle is primarily rear-wheel drive, and equipped with locking differentials, low-range gearing, and is controlled by transfer case. • Power distribution is not distributed/vectored alternately between wheels by the vehicle computer. • The 4x4 system can be selected for 4x2/rear wheel drive, low, and high settings on part-time 4x4 vehicles (either by lever or electronic selection). • Full-time 4x4 vehicles do not have computer-controlled power vectoring to the wheels but may allow for low and high range selection. <p>4x4 Package: For vehicles equipped with 4x4 as defined above, the State requires the following to be provided on said vehicle:</p> <ul style="list-style-type: none"> ➤ Transfer case with auto locking hubs (operator may lock hubs without leaving the cab). ➤ Factory installed protection for fuel cell and transfer case. Protection must be adequate to prevent puncture to either system. ➤ Locking or limited slip differential or electronic traction control. ➤ Suspension – all changes recommended by the manufacturer for 4x4 operation to be provided and completed. ➤ All-terrain tires <p>All-Wheel Drive (AWD) Definition: The State of South Carolina recognizes the definition of an AWD-equipped vehicle as follows:</p> <ul style="list-style-type: none"> • The vehicle computer controls the amount and timing of power distribution/vectoring to each of the wheels. • The driver does not have the ability to eliminate the computer's control of power distribution (variable mode options of an AWD system does not classify a vehicle as 4x4 instead of AWD). • The vehicle is typically always readily engaged in an All-Wheel Drive power distribution, whether or not the computer has selected all wheels to receive power at any given moment. <p>AWD Package: The State requires AWD vehicles to be fully equipped with all warranty-necessary suspension and protective devices as defined by the manufacturer.</p>

	<p>NOTICE: The State of South Carolina does not consider AWD to be equivalent to 4x4. Therefore, AWD will not be accepted as a substitute for 4x4. Refer to individual vehicle specifications to determine if a vehicle must be either 4x4 or AWD, or if either option is acceptable for the individual vehicle spec.</p>
<p>Head Restraints</p>	<p>All outboard seating positions shall have factory installed head restraints via head rests or high back seats. The head restraints shall meet all requirements of US Department of Transportation, National Highway Traffic Safety Administration, and Federal Motor Vehicle Standards.</p> <p>NOTICE: If head restraints are not available, the contractor shall provide each ordering governmental entity notification from the manufacturer verifying that head restraints are not available. If head restraints are available from the manufacturer as an optional item, they must be included in the offer and incorporated into the base price of the vehicle.</p>
<p>Keys</p>	<p>Three (3) ignition-capable (and programmed) keys and two (2) fobs/remotes are to be provided for each vehicle delivered.</p> <ul style="list-style-type: none"> • The two (2) fobs/remotes are only required if the vehicle is equipped with power locks. • For manufacturers whose keys are an integrated key/fob, three (3) fully functional (ignition-capable) integrated key/fobs are required. • Cost for the key and fob sets are to be included in the base price.
<p>Pickup Box Removal and Lamp Detection</p>	<p>Trucks provided with a pickup box removal shall have lamp detection turned “Off” to allow exterior turn signal lights and interior audible and/or visual turn signal indicators to work properly.</p>
<p>Privacy Glass -- Extended & Crew Cab Pickups, Cargo & Passenger Vans, Utility Vehicles</p>	<p>If “Privacy Glass” is required as part of the individual vehicle spec (or as an add-on item), for a qualifying vehicle class as defined below, the State of South Carolina defines privacy glass and its applicable vehicular location as:</p> <ul style="list-style-type: none"> • Deep tint not to exceed factory standard option shading: • Only applicable to glass aft of the B pillar for the specifically defined vehicle classes within this spec. <p><u>Qualifying Vehicles:</u></p> <ul style="list-style-type: none"> • Extended and crew cab pickups • Cargo and passenger vans • Utility Vehicles – which are specifically on state contracts defined for SUVs • Crossovers • State contract law enforcement vehicles <p>NOTICE:</p> <ul style="list-style-type: none"> • Sedans, exclusive of law enforcement contracts, do not qualify for privacy glass.

<p>Privacy Glass (Law Enforcement & DNR) Vehicles</p>	<p>If “Privacy Glass” is required as part of the individual vehicle spec (or as an add-on item), for a qualifying vehicle class as defined below, the State of South Carolina defines privacy glass and its applicable vehicular location as:</p> <ul style="list-style-type: none"> • Deep tint not to exceed factory standard option shading: • Only applicable to glass aft of the B pillar for the specifically defined vehicle classes within this spec, excluding rear windshield • Deep Tint not to recede minimum 27% allowance of light for glass fore the B pillar of the specifically defined vehicle, excluding windshield. <p><u>Qualifying Vehicles:</u></p> <ul style="list-style-type: none"> • State contract law enforcement vehicles
<p>Radio Noise Suppression</p>	<p>Governmental fleet vehicles may have an approximate 150-watt mobile (two-way) radio installed, operating on the frequencies of 44-47 MHz as designated by the FCC (CFR 47, Part 90).</p> <p>To anticipate possible installation of such radio equipment, the vehicle shall be fully compatible with the above radio installation and all vehicle components and equipment shall not interfere with the operation (transmitting or receiving) of the mobile radio.</p>
<p>Rear View Camera Systems (All vehicles under 10,000 GVWR)</p>	<p>Vendor shall provide an installed rear view camera system complete with camera, cabling, and hardware meeting requirements of Federal Motor Vehicle Safety Standards (FMVSS) 111 Standard for rear vehicle visibility.</p> <p>The rearview camera system shall provide a compliant image from a factory standard screen. If available and not already standard, the ability to upgrade to an in-dash monitor shall be allowed through the cost + 10% charge when requested by the purchasing agency.</p>
<p>Step Bar – Entry/Egress</p>	<p><u>Definitions:</u></p> <ul style="list-style-type: none"> • Door threshold – point of the vehicle where the driver & passengers place their foot upon entering the cabin. • Step Bar – shall be a 3” diameter bully single, extended, or double step bar, or equivalent. <i>The bar must have a minimum weight capacity of 250 lbs. and must be of metal construction.</i> • Running board – an elongated platform step that measures no less than six inches deep and must be installed to allow entry and egress from all side doors (including driver’s as measures dictate). <i>The board must have a minimum weight capacity of 250lbs.</i> <p><u>Method of Measurement:</u> From level ground (not including curbing), measure the vertical clearance from the ground to the threshold for each passenger and driver entry door as defined above.</p> <p><u>Spec for Vans (including Cutaways):</u></p> <ul style="list-style-type: none"> • <u>Running boards</u>, as defined above, are required <u>at all doors where</u> the ground-to-threshold clearance exceeds 19”. • The astern rear door is exempt from this spec.

	<ul style="list-style-type: none"> • <i>Please be sure to measure all entry points, particularly on redesigned or new models, to prevent rejection at time of delivery and inspection. <u>Note that tire & wheel changes could affect measurements – be sure to check for such changes on new model years.</u></i> <p><u>Spec for Pickups & Large Trucks:</u></p> <ul style="list-style-type: none"> • <u>Step bars</u>, as defined above, are required <u>at all doors where</u> the ground-to-threshold clearance exceeds 21". • For vehicles with extended, quad, or crew cabs (no matter the manufacturer's marketing description), an extended length or double step bar shall be installed that services the entry and egress for all doors. • <i>Please be sure to measure all entry points, particularly on redesigned or new models, to prevent rejection at time of delivery and inspection. <u>Note that tire & wheel changes could affect measurements – be sure to check for such changes on new model years.</u></i> <p><u>Spec for Utilities (SUV & Crossover):</u></p> <ul style="list-style-type: none"> • <u>Running boards</u>, as defined above, are required when any passenger (including driver) door's ground-to-threshold clearance on a utility vehicle exceeds 21". • The running board shall cover the length of the rocker panel from the forward point of the front doors, to the rearward point of the rear passenger doors. • The astern rear door/hatch is exempt from this spec. • <i>Please be sure to measure all entry points, particularly on redesigned or new models, to prevent rejection at time of delivery and inspection. <u>Note that tire & wheel changes could affect measurements – be sure to check for such changes on new model years.</u></i> <p>NOTICES:</p> <ul style="list-style-type: none"> • In all cases, overall manufacturer-desired ground clearances must be maintained. • All step bars and running boards shall be the type that are customarily manufactured and marked to be used as steps (not décor). • Step bars must be black powder coated and certified for a minimum weight capacity of 250lbs. • Running boards should be black in color. Molded plastic running boards (OEM or aftermarket) are acceptable, so long as they are certified to a minimum weight capacity of 250lbs. • Steps are not required for astern rear doors/hatches on vans or utilities.
Tires	<p>Tires are to be mounted with black walls turned to the outside.</p> <ul style="list-style-type: none"> • All tire walls with contrasting colors such as white, red, raised white lettering, etc. are to be turned and mounted to the inside. • The ordering governmental entity may reject delivery if black walls are not turned to the outside. <p><u>Spare Tires:</u></p>

	<ul style="list-style-type: none"> Vehicle specs indicating the requirement of a spare tire (full or temporary) shall also be supplied with a vehicle manufacturer-approved jack and lug wrench. Vehicle specs indicating <u>full</u> size spare tires shall be equipped with spares that are <u>equivalent</u> to the vehicle's installed tires as delivered to the State. <u>Law Enforcement Vehicles</u>: <u>ALL</u> Law Enforcement vehicles shall be equipped with full size spares that are <u>identical</u> to the installed tires as delivered to the State.
Tow Package	<p><u>State of South Carolina Tow Package:</u></p> <p>Factory installed hitch plus all necessary components to match or exceed the maximum rated towing capacity of the vehicle are to be included.</p> <ul style="list-style-type: none"> Wiring will be completed to include all necessary components to utilize both 4-way and 7-way wiring harnesses. Standard configuration for drawbar, ball, pin, and clip: <ul style="list-style-type: none"> Standard is the DNR specification below, unless otherwise stated by the ordering governmental entity. Department of Natural Resources (DNR) configuration is: drawbar with 2" drop, pin, clip, and 2" ball w/ 1" solid shank. <p>NOTICES:</p> <ul style="list-style-type: none"> This spec applies when: <ul style="list-style-type: none"> A governmental agency specifically requests the tow package as part of the vehicle order, or The individual vehicle spec includes the tow package as required/standard equipment. If the drawbar, pin, clip, and shank configuration is inadvertently omitted from a purchase order (i.e. "tow package" was the only description provided on the PO), it does not relieve the contractor of the requirement to provide the standard configuration above, or as outlined in the individual vehicle specifications. If a vendor's vehicle is provided factory-equipped (factory standard) with the hitch assembly, the vendor does <u>not</u> have to supply the standard configuration of the State of South Carolina tow package (wiring, drawbar & ball) when: <ul style="list-style-type: none"> The ordering governmental entity has not requested the tow package as part of the purchase, or The individual vehicle spec does not require the tow package as a standard/base item for the contract.
Winch- Steel Cable	<p>The standard specification winch is as follows:</p> <ul style="list-style-type: none"> Warn model Zeon 12 (89120) Electric Front Mount 12,000lb. capacity, with roller fairlead (5742) 80' steel wire cable Grille guard with center horizontal bars, winch carrier, mounting bracket <p>NOTICES:</p>

	<ul style="list-style-type: none"> • The mounting bracket must not extend below the height of the front bumper. • The winch package may be installed by the contractor/factory, or an approved up-fitter.
Winch- Synthetic Rope	<p>The standard specification winch is as follows:</p> <ul style="list-style-type: none"> • Warn Model Zeon 12 (89120) • Electric • Front Mount • 12,000 lb. capacity, with min 1" polished aluminum hawse fairlead used with winches 6,000 lbs. or greater (87914) • 100'Spydura Synthetic Winch Rope (102558) • Federal Signal PBX Series Push Bumper e-coated/black powder coated with heavy duty 4-guage steel uprights or other similar grille guard with center horizontal bars if not compatible for installation (pre-drilled for adding PIT bars, lights, and speakers) with center horizontal bar, winch carrier and mounting bracket <p>NOTICES:</p> <ul style="list-style-type: none"> • The mounting bracket must not extend below the height of the front bumper. • The winch package may be installed by the contractor/factory, or an approved up-fitter.
Vehicle Up-fits – Unapproved / Not Ordered	<p>If a vendor <u>chooses</u> to fulfill an order with dealer stock / retail units that were up-fitted beyond factory-standard/equipped accessories (i.e. tow package, bed liner, toolboxes, satellite radio, navigation, etc.), but not requested by the ordering governmental entity, the vendor may <u>not</u> petition the ordering governmental entity for reimbursement of the up-fit(s).</p>

.....

End of Standard State Specifications.

.....

FY22 Vehicle Specification						
LE-6 Truck, Pursuit Rated Pickup, 1/2 ton, 4x4 Crew Cab (Vehicle used for Spec: 2021 Ford F-150 Pursuit)						
NOTE: Vendors must complete all blocks highlighted in BLUE below. Failure to complete ALL blocks highlighted in BLUE may deem your offer non-responsive.						
Vendor Name:		Vic Bailey Ford				
Vendor-suggested Model Name and Model Number:		F150 Responder - W1P				
Base Price:		\$34,071.00				
				NOTE: If Add is included in the base price enter \$0.00 in the BLUE cell below and indicate "standard" in the GREEN cell. Use the GREEN cell below also to indicate whether an Add or Deduct requires an additional Add or Deduct. Be Specific.		
Measures & Capacities	Requirement	Required Equipment	Requirement	Additions	Add-on Amount	Addition Comments
Doors - Min. #	4 full doors	All federally-required safety components	Required	Interior Upgrade Package (cloth front and rear seating carpet, center console)	\$598.00	There is an error in the "Total of All Adds" cell - H48.
Drive Type	4x4 per state spec, with auto locking hubs, positive traction/limited slip differential	Must contain all components as base model	Required (unless otherwise stated)	Fog Lamps	\$141.00	
Engine - Cylinders	V6	Must be pursuit-rated	Required	Securable Folding Bedcover (hard surface)	\$880.00	
Engine - Fuel Type	Regular Unleaded	Air Conditioning	Required	Spray-in Bedliner	\$525.00	
Engine - Liters (Min)	3.5L	AM/FM Stereo Radio	Required	Police Engine Idle Feature	\$260.00	
Engine - Min. Horsepower	395	Bluetooth/Hands Free Calling	Required	Privacy Glass LE&DNR (per state spec)	\$0.00	This option is included.
Engine - Min. Torque (ft.lbs.)	495	Police-calibrated Speedometer w/analog gauges	Required	Rear Sliding Power Window	\$350.00	
GVWR - Min/Max (lbs.)	6800/7350	Colors	See State Std. Specs	Anti-Theft Device (i.e. TREMCO or Computer Controlled Shift from Park Prevention)	\$130.00	
Keys	3 (see std. specs)	Cruise Control w/Resume	Required			
Passengers - Min. #	5	Driver Side Mounted Spotlight	Required			
Payload - Min. (lbs.)	1800	Floor Mats	No, unless carpet upgrade			
Towing - Min. (lbs.)	6500	Flooring	Vinyl			
Transmission Type	Automatic 10 speed, with HD Trans. Cooler	Intermittent Wipers	Required	Driver Side Mounted Spotlight		
Transmission Type	Automatic with HD cooler	Locking Tailgate	Required	Factory Center Console	\$0.00	This option is included in the model bid.
Vehicle Height - Min. (in.)	73	Power Brakes	Required	Privacy Glass back to Factory-Std. Solar Glass	\$0.00	This option is standard and can not be deleted.
Vehicle Length - Min./Max. (in.)	227/235	Power Door Locks w/Keyless Entry	Required			
Vehicle Wheelbase - Min./Max. (in.)	139/148	Power Driver Seat	No (Unless standard)			
Vehicle Width - Min. (in.)	78	Power Side Mirrors (Passenger & Driver)	Required			
Alternator Amps (Min)	220	Power Steering	Required			
Minimum Top Speed	115 mph	Power Windows	Required			

[illegible]

Factory-Std. Solar Glass	Required if privacy glass spec deleted
Privacy Glass (per state spec)	Required w/deduct option
Radio Noise Suppression	Required (see std. specs)
Rearview/Backing Camera	Required
Seating Configuration	Front: Bucket, Rear: Foldable Bench
Seating Construction	Front: Cloth, Rear: Vinyl
Spare Tire	Full Size
Steps/Running Boards	See Std. Specs
Adjustable Steering Column	Required
Tires	All-Terrain, LT265/70R18C
Tire Pressure Monitoring System	Required
Tow Package (per state spec)	Required
Transmission - Additional Requirement	Prevention of driver manually shifting to lower gear at high speeds
Red/white task lighting in overhead console	Required

[illegible]

<u>DELIVERY INFORMATION</u>		
	Distance from Dealership to SFM Delivery Point (In Miles)	10
	Amount of Base Price Allocated to Delivery to SFM	\$20.00
This field will automatically populate from the Delivery Information entered above.	Price Per Mile Contractor May Charge	\$2.00
Enter the days ARO in the BLUE cell	DAYS ARO:	160

<u>PRICE CALCULATIONS</u>	
(These cells automatically populate)	
Base Price:	\$34,071.00
Total of All ADDS:	\$2,884.00
25% of all ADDS:	\$721.00
Total of All DEDUCTS:	\$0.00
25% of All DEDUCTS:	\$0.00
Evaluated Amount:	\$34,792.00

ENTER THIS AS YOUR BID IN SCEIS

11/12/2021

DATE

BAKER MOTOR CO1511 Savannah Hwy. Charleston, SC 29407
Phone: 843-852-4000

Isle of Palms Police Department

30 JC Long Blvd.

STREET ADDRESS

Isle of Palms

SC

29451

CITY

STATE ZIP

8438866522

RES. PHONE

BUS. PHONE

Thien Nguyen

SALESMAN

PLEASE ENTER MY ORDER FOR THE FOLLOWING

☐ NEW ☐ CAR☐ USED ☐ TRUCK☐ DEMO

YEAR 2022 MAKE Polaris

MODEL BODY

OR SERIES GEM TYPE E2 COLOR Blue MILES VIN

TO BE DELIVERED ON OR ABOUT

STOCK NO.

CASH DELIVERED PRICE OF UNIT	\$ 15,734.00	USED CAR TRADE-IN AND OR OTHER CREDITS
		YEAR MAKE
		MODEL BODY COLOR
		MILES #CYL
Price Includes E2 Equipped with:		MVI OR SERIAL NO.
White Roof/Front Windshield/Light Bar/		YEAR MAKE
		MODEL BODY COLOR
Utility Bed		MILES #CYL
		MVI OR SERIAL NO.
		USED TRADE-IN ALLOWANCE \$ 0.00
		BALANCE OWED ON TRADE-IN 0.00
		NET ALLOWANCE ON USED TRADE-IN \$ 0.00
		IMPORTANT NOTICE TO PURCHASERS
		<small>You are not required as condition of the sale and delivery of this vehicle to purchase dealer installed, or provided, special features, appliances, equipment, parts or accessories not desired or requested by you. You have the right to reject any such features, appliances, equipment, parts or accessories. I HAVE READ AND UNDERSTAND THE ABOVE NOTICE.</small>
		Customer's Signature
		<small>I warrant that my trade-in has NOT been reconstructed, rebuilt, or suffered major damage that would cause the restructuring of this vehicle.</small>
TOTAL SELLING PRICE	15,734.00	<small>I warrant that the Balance owed on my trade-in is correct as stated above and that if the actual amount is greater, I will reimburse BAKER MOTOR COMPANY OF CHARLESTON. I understand that if the amount is less, BAKER MOTOR COMPANY OF CHARLESTON will refund the difference to me. Client warrants trade-in has no salvage title history in any state.</small>
PROCESSING FEE	699.00	Customer's Signature
SALES TAX	500.00	
LICENSE, LICENSE TRANSFER, TITLE, REGISTRATION FEE	55.00	<small>Any used motor vehicle sold to Purchaser by Dealer under this Order is sold at the time of delivery by Dealer without any guarantee or warranty, expressed or implied, including any implied warranty of merchantability or fitness for a particular purpose as to its condition or the condition of any part thereof except as may be otherwise specifically provided in writing on the face of this Order or in a separate writing furnished to Purchaser by Dealer.</small>
1 TOTAL PRICE OF UNIT	\$ 16,988.00	
2 DOWN PAYMENT:	\$ 0.00	<small>The information you see on the window form for this vehicle is part of this contract. Information on the window form overrides any contrary provisions in the contract of sale.</small>
consisting of \$ 0.00 in cash		Customer's Signature
and/or \$ 0.00 net trade-in allowance		
on trade in; see statement in right hand column for details		
3. UNPAID CASH BALANCE DUE ON DELIVERY	\$ 16,988.00	CASH OR CASHIER'S CHECK UPON DELIVERY
(difference between Items 1 and 2)		<small>If this is a credit sale and the disclosure statement has not been completely filled in, this order is not binding on the buyer and the buyer may cancel it and recover the deposit. However, this order shall become binding upon the buyer upon his receipt of a completely filled in disclosure statement.</small>

Purchaser agrees that this Order includes all of the terms and conditions on both the face and reverse side hereof, that this Order cancels and supersedes any prior agreement and as of the date hereof comprises the complete and exclusive statement of the terms of the agreement relating to the subject matters covered hereby, and that **THIS ORDER SHALL NOT BECOME BINDING ACCEPTED BY DEALER OR HIS AUTHORIZED REPRESENTATIVE**. Purchaser by his execution of this Order acknowledges that he has read its terms and conditions and has received a true copy of this Order. Purchaser certifies he is of legal age to execute binding contracts in this state.

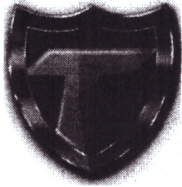
NO EXPRESSED OR IMPLIED WARRANTIES

PURCHASER'S SIGNATURE

DATE

ACCEPTED BY

DEALER OR HIS AUTHORIZED REPRESENTATIVE



Tra-Fx Fleet Services

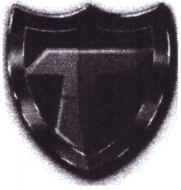
Tra-Fx Fleet Services, LLC
2460 Remount Rd., Ste. 108
North Charleston, SC 29406
843-751-4379

Estimate

Date	Estimate #
1/21/2021	20E11169

IOP Fire
Cody Marlow

Item	Description	Qty	Total
MISC ITEM	2021 Ford F-150 Crew cab 4X4 option 2	1	33,359.00
JD-425-6445	Standard Wide Body with Locking Lid (20' FP) Fenix 4200 face plate, Motorola 03 Remote Head X 2	1	591.28
JD-425-6501	Ford F-150 SSV/Police Responder (2018+) 28' Floor Plate Kit	1	180.61
JD-425-6260	JOTTO ARM REST / CONSOLE SIDE MOUNT	1	59.58
JD-425-3704	JOTTO CONSOLE / CONTOUR INTERNAL CUP	1	49.19
JD-425-6164	USB x 2 & 12V Power Outlets x2 in 2' Faceplate	1	89.83
JD-425-3816	JOTTO / MAGNETIC MIC SYSTEM / SINGLE	1	34.95
FX-C-4200-DL	FENIEX 4200 Data-Link CONTROLLER	1	368.00
FX-C-4015	STORM PRO 200W SIREN	1	186.07
FX-S-2009	TRITON SPEAKER / 100W	2	192.00
FX-S-3017	HAMMER GRILL	1	195.42
FX-QSM-8101	QUAD QSM Surface Mount	4	370.26
FX-H-2219 RW	CANNON 120*: RED/WHITE	2	129.03
FX-FN-4016	FUSION L BRACKET SIDES	4	20.00T
FX-Q-8820	QUAD Rocker Panel Pair*	1	1,308.07
FX-UM-5019-RW	UMP-Red/White REAR	2	278.63
FX-H-2219 RW	CANNON 120*: RED/WHITE	2	129.03
FX-QSM-8101	QUAD QSM Surface Mount 2 UNDER TAIL GATE 1 IN THIRD BRAKE LIGHT	3	277.70
TS-83142	Pulse / Larsen - 0-1000 MHz, NMO 3/4' Mount/ Mini UHF 17 FT	2	25.66
FX-Q-4920	QUAD GPL 49" LIGHTBAR	1	1,869.07
FX-FN-5316	LIGHT BAR HOOK BRACKET	1	25.00
FX-D-50015 G	COBRA T3 GREEN	4	108.46
FX-Q-0020	QUAD Converter (Add On)	1	10.00
SHOP-01	SHOP RECLAMATION / PARTS	2	170.00
UPFIT-01-N	UPFIT / INSTALL NEW	1	850.00
		Subtotal	
		Sales Tax (9.0%)	
		Total	



Tra-Fx Fleet Services

Tra-Fx Fleet Services, LLC
2460 Remount Rd., Ste. 108
North Charleston, SC 29406
843-751-4379

Estimate

Date	Estimate #
1/21/2021	20E11169

Name / Address
IOP Fire Cody Marlow

Item	Description	Qty	Total
UPFIT-01-WAR	LIFETIME INSTALL WARRANTY / LABOR	1	0.00
		Subtotal	\$40,876.84
		Sales Tax (9.0%)	\$1.80
		Total	\$40,878.64

THOMAS & HUTTON

682 JOHNNIE DODDS BLVD, SUITE 100 | MOUNT PLEASANT, SC 29464
POST OFFICE BOX 1522 | MOUNT PLEASANT, SC 29465-1522
843.849.0200 | WWW.THOMASANDHUTTON.COM

November 12, 2021

Desirée Fragoso
City Administrator
Isle of Palms
1207 Palm Boulevard
Post Office Box 508
Isle of Palms, SC 29451

Re: Bid of November 10, 2021 at 10:00 A.M.
Isle of Palms Phase 3
Forest Trail and 30th Avenue Outfalls
27670.0004

Dear Desirée:

Two (2) bids were received for the referenced project. An abstract of the bids is attached.

We offer the following comments on the bids received:

1. All bidders submitted the required Bid Bond.
2. All bidders submitted the required Bidder's Qualifications.
3. All bidders acknowledged receipt of the one (1) addendum issued.
2. No bidder submitted any notice of conflicts, errors, ambiguities, or discrepancies.
3. The bids are subject to acceptance for sixty (60) days from the bid date.

Based on our review, we believe the low responsive bidder is Quality Enterprises USA, Inc. Their surety company, Fidelity and Deposit Company of Maryland, is a licensed surety company in the State of South Carolina and meets the South Carolina Code of Law requirement to issue bid, performance, and payment bonds.

Before the contract is awarded, we recommend legal counsel review the proposed award recommendations and procedures prior to implementation.

Thank you. If there are any questions, please call me at (843) 725-5272.

Sincerely,

THOMAS & HUTTON



Hillary Aton

HEA
Enclosure / Bid Abstract



Savannah | Brunswick | Charleston | Columbia | Myrtle Beach
Greenville

November 10, 2021 at 10:00 a.m.
J-27670.0004

P.O. Box 1522
Mt. Pleasant, SC 29465-1522
843-849-0200

BID TABULATION

[illegible]

BID TABULATION FOR
Phase 3 Drainage - Forest Trail and 30th Avenue Outfalls
LOCATION : Isle of Palms, SC



	Engineer's Estimate		Gulf Stream	Quality Enterprises
	w/o contingency	w/ contingency (15%)		
Forest Trail Outfall	\$ 1,049,042.00	\$ 1,206,398.30	\$ 1,369,721.39	\$ 905,191.71
30th Avenue Outfall	\$ 1,342,647.00	\$ 1,544,044.05	\$ 1,658,200.31	\$ 1,365,630.80
Total	\$ 2,391,689.00	\$ 2,750,442.35	\$ 3,027,921.70	\$ 2,270,822.51

I hereby certify that this is a true and correct tabulation of bids received on the referenced project.

Hillary Aton, #33521
 Engineer / License #
 Thomas & Hutton Engineering Co.

11/12/2021
 Date

1. Breakdown above provided for the bids received.
2. Numbers in **red** represent corrected totals based on unit prices provided.

BID PROPOSAL										
FOREST TRAIL OUTFALL				Gulf Stream					Quality Ente	
Item	Description	Quantity	Units	Unit Price	Bid	check/correct	Δ		Unit Price	Total
1031000	Mobilization	1	LS	\$ 87,830.29	\$ 87,830.29	\$ 87,830.29	\$ -		\$ 147,718.00	\$ 147,718.00
1050800	Construction Staking	1	EA	\$ 12,054.32	\$ 12,054.32	\$ 12,054.32	\$ -		\$ 8,400.00	\$ 8,400.00
1071000	Traffic Control	1	LS	\$ 7,001.26	\$ 7,001.26	\$ 7,001.26	\$ -		\$ 20,597.00	\$ 20,597.00
1090200	As-Built Construction Plans	1	LS	\$ 10,951.90	\$ 10,951.90	\$ 10,951.90	\$ -		\$ 14,400.00	\$ 14,400.00
2015000	Selected Clearing and Grubbing	0.5	AC	\$ 61,560.00	\$ 37,780.00	\$ 30,780.00	\$ (7,000.00)		\$ 106,236.00	\$ 53,118.00
2023000	Removal & Disposal of Existing Pavement	86	SY	\$ 22.88	\$ 1,967.68	\$ 1,967.68	\$ -		\$ 7.00	\$ 602.00
2031000	Unclassified Excavation	400	CY	\$ 230.20	\$ 92,080.00	\$ 92,080.00	\$ -		\$ 16.25	\$ 6,500.00
2106000	Selected Removal of Marked Trees	4	EA	\$ 2,025.00	\$ 8,100.00	\$ 8,100.00	\$ -		\$ 1,040.00	\$ 4,160.00
3050110	Graded Aggregate Base Course (10 " Uniform)	87	SY	\$ 71.04	\$ 6,180.48	\$ 6,180.48	\$ -		\$ 45.50	\$ 3,958.50
4020320	Hot Mix Asphalt Intermediate Course Type B	7.2	TON	\$ 1,007.00	\$ 7,250.40	\$ 7,250.40	\$ -		\$ 1,095.00	\$ 7,884.00
4030320	Hot Mix Asphalt Surface Course Type B	5.4	TON	\$ 1,007.00	\$ 5,437.80	\$ 5,437.80	\$ -		\$ 1,428.00	\$ 7,711.20
2171074	4" Yellow Solid Lines (Pvt. Edge No Passing Zone) Thermo 90 MIL	56	LF	\$ 14.49	\$ 811.44	\$ 811.44	\$ -		\$ 12.00	\$ 672.00
7141111	12" RC Pipe (Class III)	21	LF	\$ 158.31	\$ 3,324.51	\$ 3,324.51	\$ -		\$ 116.50	\$ 2,446.50
7141119	54" RC Pipe (Class III)	213	LF	\$ 478.67	\$ 101,956.71	\$ 101,956.71	\$ -		\$ 419.25	\$ 89,300.25
7192105	Manhole	2	EA	\$ 10,086.73	\$ 20,173.46	\$ 20,173.46	\$ -		\$ 5,733.00	\$ 11,466.00
-	Head and Wingwall Structures	2	EA	\$ 118,719.17	\$ 237,438.34	\$ 237,438.34	\$ -		\$ 48,994.00	\$ 97,988.00
719228Z	Junction Box - With Grate Access	1	EA	\$ 150,788.77	\$ 150,788.77	\$ 150,788.77	\$ -		\$ 170,370.00	\$ 170,370.00
-	In-Line Check Valve (54")	3	EA	\$ 36,845.79	\$ 110,537.37	\$ 110,537.37	\$ -		\$ 33,202.00	\$ 99,606.00
-	In-Line Check Valve (12")	1	EA	\$ 5,077.32	\$ 5,077.32	\$ 5,077.32	\$ -		\$ 4,048.00	\$ 4,048.00
-	Manually Operated Control Structures (Sluice Gates)	3	EA	\$ 19,541.60	\$ 58,624.80	\$ 58,624.80	\$ -		\$ 25,867.00	\$ 77,601.00
-	Trash Rack	1	EA	\$ 28,615.28	\$ 28,615.28	\$ 28,615.28	\$ -		\$ 9,603.00	\$ 9,603.00
-	Hand Railing	140	LF	\$ 132.50	\$ 18,550.00	\$ 18,550.00	\$ -		\$ 78.00	\$ 10,920.00
8041020	Rip-Rap Class B	105	TON	\$ 316.11	\$ 33,191.55	\$ 33,191.55	\$ -		\$ 216.00	\$ 22,680.00
8048205	Geotextile for Erosion Control Under Rip-Rap (Class 2) Type B	136	SY	\$ 9.92	\$ 1,349.12	\$ 1,349.12	\$ -		\$ 18.50	\$ 2,516.00
8131000	Sodding	0.42	MSY	\$ 12,187.88	\$ 5,118.91	\$ 5,118.91	\$ (0.00)		\$ 14,678.00	\$ 6,164.76
-	Geogrid Matting (Maintenance Access)	264	SY	\$ 155.02	\$ 40,925.28	\$ 40,925.28	\$ -		\$ 19.50	\$ 5,148.00
-	12" 45 Degree Bend	4	EA	\$ 3,710.00	\$ 14,840.00	\$ 14,840.00	\$ -		\$ 369.00	\$ 1,476.00
-	12" PVC Water Main	85	LF	\$ 371.00	\$ 31,535.00	\$ 31,535.00	\$ -		\$ 95.50	\$ 8,117.50
-	12" Steel Casing	20	LF	\$ 2,120.00	\$ 42,400.00	\$ 42,400.00	\$ -		\$ 168.25	\$ 3,365.00
-	Utility Coordination (Dry Utilities)	3	EA	\$ 8,833.32	\$ 26,499.96	\$ 26,499.96	\$ -		\$ 911.00	\$ 2,733.00
-	Misc. Soil Erosion Control/Water Management	1	EA	\$ 168,329.44	\$ 168,329.44	\$ 168,329.44	\$ -		\$ 3,922.00	\$ 3,922.00

Sub-Total, FOREST TRAIL OUTFALL

\$ 1,376,721.39	\$ 1,369,721.39	\$ (7,000.00)
-----------------	-----------------	---------------

\$ 905,191.71

Item	Description	Quantity	Units	Unit Price	Bid	check/correct	Δ		Unit Price	Total
30TH AVENUE OUTFALL										
1031000	Mobilization	1	LS	\$ 61,131.43	\$ 61,131.43	\$ 61,131.43	\$ -		\$ 233,496.00	\$ 233,496.00
1050800	Construction Staking	1	LS	\$ 8,457.90	\$ 8,457.90	\$ 8,457.90	\$ -		\$ 8,400.00	\$ 8,400.00
1071000	Traffic Control	1	LS	\$ 7,001.26	\$ 7,001.26	\$ 7,001.26	\$ -		\$ 23,947.00	\$ 23,947.00
-	As-Built Construction Plans	1	LS	\$ 6,072.34	\$ 6,072.34	\$ 6,072.34	\$ -		\$ 14,400.00	\$ 14,400.00
2015000	Selected Clearing and Grubbing	0.5	AC	\$ 61,560.00	\$37,780.00	\$ 30,780.00	\$ (7,000.00)		\$ 65,971.00	\$ 32,985.50
2023000	Removal & Disposal of Existing Pavement	392	SY	\$ 14.22	\$ 5,574.24	\$ 5,574.24	\$ -		\$ 7.00	\$ 2,744.00
2028100	Removal & Disposal of Existing Bridge	1	EA	\$ 6,388.24	\$ 6,388.24	\$ 6,388.24	\$ -		\$ 9,375.00	\$ 9,375.00
2031000	Unclassified Excavation	379	CY	\$ 211.79	\$ 80,268.41	\$ 80,268.41	\$ -		\$ 20.50	\$ 7,769.50
2033030	Controlled Fill - Borrow Material	422	CY	\$ 74.82	\$ 31,574.04	\$ 31,574.04	\$ -		\$ 37.00	\$ 15,614.00
2106000	Selected Removal of Marked Trees	18	EA	\$ 2,025.00	\$ 36,450.00	\$ 36,450.00	\$ -		\$ 402.00	\$ 7,236.00
3050110	Graded Aggregate Base Course (10" Uniform)	462	SY	\$ 73.08	\$ 33,762.96	\$ 33,762.96	\$ -		\$ 41.75	\$ 19,288.50
4020320	Hot Mix Asphalt Intermediate Course Type B	52	TON	\$ 265.00	\$ 13,780.00	\$ 13,780.00	\$ -		\$ 234.25	\$ 12,181.00
4030320	Hot Mix Asphalt Surface Course Type B	39	TON	\$ 265.00	\$ 10,335.00	\$ 10,335.00	\$ -		\$ 280.00	\$ 10,920.00
6271010	4" White Solid Lines (Pvt. Edge Lines) Thermo 90 MIL	100	LF	\$ 14.49	\$ 1,449.00	\$ 1,449.00	\$ -		\$ 12.00	\$ 1,200.00
6271025	24" White Solid Lines (Stop/Diagonal Lines) Thermo 125 MIL	14	LF	\$ 72.45	\$ 1,014.30	\$ 1,014.30	\$ -		\$ 36.00	\$ 504.00
2171074	4" Yellow Solid Lines (Pvt. Edge No Passing Zone) Thermo 90 MIL	152	LF	\$ 14.49	\$ 2,202.48	\$ 2,202.48	\$ -		\$ 12.00	\$ 1,824.00
7141114	24" RC Pipe (Class III)	23	LF	\$ 153.79	\$ 3,537.17	\$ 3,537.17	\$ -		\$ 134.50	\$ 3,093.50
7141118	48" RC Pipe (Class III)	762	LF	\$ 200.79	\$ 168,241.98	\$ 153,001.98	\$ (15,240.00)		\$ 291.50	\$ 222,123.00
7192020	Drop Inlet (24" x 36")	5	EA	\$ 5,911.70	\$ 29,558.50	\$ 29,558.50	\$ -		\$ 6,896.00	\$ 34,480.00
7192105	Manhole	1	EA	\$ 7,967.48	\$ 7,967.48	\$ 7,967.48	\$ -		\$ 5,733.00	\$ 5,733.00
7222802	8' x 4' PC Box Culvert	91	LF	\$ 1,160.49	\$ 105,604.59	\$ 105,604.59	\$ -		\$ 1,346.75	\$ 122,554.25
719228Z	Junction Box	1	EA	\$ 27,269.25	\$ 27,269.25	\$ 27,269.25	\$ -		\$ 19,762.00	\$ 19,762.00
7016177	Headwall	1	EA	\$ 100,012.81	\$ 100,012.81	\$ 100,012.81	\$ -		\$ 18,032.00	\$ 18,032.00
719228Z	Junction Box (With Grate Access)	1	EA	\$ 37,648.30	\$ 37,648.30	\$ 37,648.30	\$ -		\$ 170,370.00	\$ 170,370.00
-	In-Line Check Valve (48")	3	EA	\$ 29,468.49	\$88,105.47	\$ 88,405.47	\$ 300.00		\$ 27,298.00	\$ 81,894.00
-	In-Line Check Valve (12")	1	EA	\$ 5,077.32	\$ 5,077.32	\$ 5,077.32	\$ -		\$ 4,048.00	\$ 4,048.00
-	Trash Rack	1	EA	\$ 28,425.42	\$ 28,425.42	\$ 28,425.42	\$ -		\$ 9,602.00	\$ 9,602.00
-	Manually Operated Control Structures (Sluice Gates)	3	EA	\$ 25,453.09	\$ 76,359.27	\$ 76,359.27	\$ -		\$ 25,867.00	\$ 77,601.00
-	Hand Railing	36	LF	\$ 132.50	\$ 4,770.00	\$ 4,770.00	\$ -		\$ 102.00	\$ 3,672.00
8041020	Rip-Rap Class B	70	TON	\$ 325.46	\$ 22,782.20	\$ 22,782.20	\$ -		\$ 209.50	\$ 14,665.00
8048205	Geotextile for Erosion Control Under Rip-Rap (Class 2) Type B	90	SY	\$ 12.85	\$ 1,156.50	\$ 1,156.50	\$ -		\$ 21.75	\$ 1,957.50
8131000	Sodding	2.1	MSY	\$ 12,187.88	\$ 25,594.55	\$ 25,594.55	\$ (0.00)		\$ 7,478.00	\$ 15,703.80
-	Geogrid Matting (Maintenance Access)	735	SY	\$ 155.02	\$ 113,939.70	\$ 113,939.70	\$ -		\$ 21.00	\$ 15,435.00
-	8" Line Stop	2	EA	\$ 31,799.96	\$ 63,599.92	\$ 63,599.92	\$ -		\$ 22,554.00	\$ 45,108.00
-	Air Release Valve	1	EA	\$ 15,899.98	\$ 15,899.98	\$ 15,899.98	\$ -		\$ 5,569.00	\$ 5,569.00
-	8" Gate Valve	1	EA	\$ 6,624.99	\$ 6,624.99	\$ 6,624.99	\$ -		\$ 3,233.00	\$ 3,233.00
-	12" Gate Valve	1	EA	\$ 7,949.99	\$ 7,949.99	\$ 7,949.99	\$ -		\$ 3,747.00	\$ 3,747.00
-	6" 45 Degree Bend	4	EA	\$ 2,650.00	\$ 10,600.00	\$ 10,600.00	\$ -		\$ 369.00	\$ 1,476.00
-	8" 45 Degree Bend	7	EA	\$ 3,312.50	\$ 23,187.50	\$ 23,187.50	\$ -		\$ 369.00	\$ 2,583.00
-	12" 45 Degree Bend	3	EA	\$ 3,710.00	\$ 11,130.00	\$ 11,130.00	\$ -		\$ 369.00	\$ 1,107.00
-	12" X 8" Tee	1	EA	\$ 3,974.99	\$ 3,974.99	\$ 3,974.99	\$ -		\$ 421.00	\$ 421.00
-	8" PVC Force Main	52	LF	\$ 424.00	\$ 22,048.00	\$ 22,048.00	\$ -		\$ 583.25	\$ 30,329.00
-	6" PVC Water Main	39	LF	\$ 344.50	\$ 13,435.50	\$ 13,435.50	\$ -		\$ 208.75	\$ 8,141.25
-	8" PVC Water Main	53	LF	\$ 344.50	\$ 18,258.50	\$ 18,258.50	\$ -		\$ 164.25	\$ 8,705.25
-	12" PVC Water Main	39	LF	\$ 371.00	\$ 14,469.00	\$ 14,469.00	\$ -		\$ 224.25	\$ 8,745.75
-	18" Steel Casing	20	LF	\$ 1,987.50	\$ 39,750.00	\$ 39,750.00	\$ -		\$ 103.50	\$ 2,070.00

Item	Description	Quantity	Units	Unit Price	Bid	check/correct	Δ		Unit Price	Total
-	24 " Steel Casing	20	LF	\$ 2,120.00	\$ 42,400.00	\$ 42,400.00	\$ -		\$ 97.00	\$ 1,940.00
-	Power Pole Relocation	1	EA	\$ 4,637.49	\$ 4,637.49	\$ 4,637.49	\$ -		\$ 3,846.00	\$ 3,846.00
-	Water Line Relocation (Wild Dunes)	1	LS	\$ 37,099.95	\$ 37,099.95	\$ 37,099.95	\$ -		\$ 10,525.00	\$ 10,525.00
-	Misc. Soil Erosion Control/Water Management	1	EA	\$ 155,782.39	\$ 155,782.39	\$ 155,782.39	\$ -		\$ 5,474.00	\$ 5,474.00

Sub-Total, 30TH AVENUE OUTFALL

Δ

\$ 1,680,140.31	\$ 1,658,200.31	\$ (21,940.00)
	\$ (21,940.00)	

\$ 1,365,630.80

GRAND TOTAL

\$ 3,056,861.70	\$ 3,027,921.70	\$ (28,940.00)
-----------------	-----------------	----------------

\$ 2,270,822.51



Public Safety Committee
10:00am, Wednesday, November 10, 2021
1207 Palm Boulevard, Isle of Palms, SC
and broadcasted live on YouTube: <https://www.youtube.com/user/cityofisleofpalms>

MINUTES

1. Call to order

Present: Council members Bell, Pounds, and Ward

Staff Present: Administrator Fragoso, Interim Chief Briscoe, Chief Cornett

2. Approval of previous meeting's minutes

MOTION: Council Member Pounds made a motion to approve the minutes of the October 7, 2021 meeting, and Council Member Ward seconded the motion. The minutes passed unanimously.

3. Citizens' Comments

City Clerk DeNeane read a statement from Council Member Rusty Streetman about the Lowvelo Bike Ride Event into the record. He spoke highly of the event. He encouraged the City to remain a sponsor of the event and encouraged more local businesses to become sponsors and vendors at future events.

Ms. Julie Nestler, 17 22nd Avenue, spoke to the successful fundraising event held at the Windjammer after the Lowvelo Bike Ride. She would like to the City to create a committee of residents to help make the event even better next year.

Dr. Gary Nestler, 17 22nd Avenue, thanked the members of the Public Safety Committee for their service to the community. He thanked the Public Safety department, noting several employees by name, for their response to an incident on the IOP Connector over the weekend. He asked that Administrator Fragoso and the City Council publicly recognize their efforts.

Jonathan Schwartz, owner of Luke & Ollie's Pizzeria, said he was unaware of the Lowvelo Event until he arrived on the island on Thursday morning to find barricades in front of his restaurant. He said his business was down by 80% due to this. He said he did not believe that the event showcased local businesses enough.

4. Highlights of Departmental Reports

A. Fire Department – Interim Chief Briscoe

Interim Chief Briscoe highlighted the events and work of the Fire Department in October, including participation in the IOP Connector Walk and Run, a birthday party at the Recreation Center, National Night Out, the Farmer’s Market, and the Halloween Carnival & Parade, as well as responses to calls such as a motor vehicle accident on Palm Boulevard and a medical call on Cameron Boulevard.

B. Police Department – Chief Cornett

Chief Cornett also reviewed the many activities of the Police Department in October including the IOP Connector Walk and Run, National Night Out, DEA National Take Back Drugs Day, a fundraiser at Chik-Fil-A, the Farmer’s Market, and the Halloween Carnival & Parade.

He shared that the Public Safety Department will be participating in Toys For Tots again this year, and people can drop off gifts in the Public Safety Building until December 15.

Officer Santulli was recognized by the Mt. Pleasant Chamber of Commerce as the First Responder of the Month in October.

Chief Cornett spoke briefly about the incident on the IOP Connector from the past weekend and said more details will be given at the next meeting. He did indicate that the Public Safety employees involved in that effort will be recognized at their annual awards banquet next month. He said, “I can’t say enough how extraordinary that is because it is outside of the scope of what a normal police officer would do, but just shows the attention to detail that they had that night.”

He noted that the 712 calls for service in October was “significantly lower than we had last year.” He said there were 4 golf cart stops, 2 gun violations, and 4 DUIs. He also noted that coyote sightings were lower. 6,738 parking tickets have been written year to date, up from the 5,960 written year to date in 2020. He said the changes in the heat map for the month is due to increased traffic enforcement in those areas.

Chief Cornett said he is making progress in filling open positions. There will be one officer graduating from the Criminal Justice Academy in mid-December.

He shared that there have been numerous raccoon-related calls lately. He said one tested positive for distemper and not rabies. They are working with DHEC to address the situation.

Council Member Bell thanked both departments for their improved reporting efforts during his time on City Council.

5. Old Business

A. Discussion and consideration of proposed amendments to dog ordinance to include restriction of vicious or dangerous dogs

Administrator Fragoso said that the changes to the ordinance give the Police Department what they need to properly enforce situations involving dog attacks on a person or another domestic

animal. The ordinance includes the definition of dangerous dogs and a penalty section. Chief Cornett said, “This will give us a clear definition. When you look at that section that addresses definitions pertaining to dangerous dogs, a dog which makes an unprovoked attack that causes bodily injury to a human or a domestic animal, that would fall in line with those animals that we were hearing concerns about, that were attacking or biting. This gives us something to define them as and a way to address those incidents.”

MOTION: Council Member Ward made a motion to approve the changes to the ordinance and recommend it to City Council for First Reading. Council Member Ward seconded the motion. The motion passed unanimously.

Administrator Fragoso said that should the ordinance pass First Reading it will return to the new Public Safety Committee next year for review.

B. Update on study of the modification to the IOP Connector

Administrator Fragoso said, “I thought that maybe this would be an opportunity to get some feedback from the Committee on the latest action that the City Council took last month regarding the City pursuing a separate study of the modifications to the Connector. At the staff level, we have continued to work with SCDOT. We have received a scope of work for the collaborative study that we are working on with SCDOT and RK&K Engineering. I know that Council took a separate action last month, and there was no allocation associated with that action, no true definition of what the scope would be for that study. And I have concerns about the City pursuing that approach without a defined goal and without attempting to have a collaboration with SCDOT. Because as you all know, ultimately, the bridge is owned by the department and the City would only have jurisdiction over just a portion of it. So I guess my concern is that if the City pursues a separate study without input or collaboration from SCDOT, what does success look like at the end of the day if SCDOT does not embrace the study. I honestly think the City would be better positioned in a collaborative approach, but I understand that Council has some concerns about that.”

Council Member Bell responded, “I made that motion because of the actions of Secretary Hall, which I still consider an affront to this community to be participating with an off-island political group and presenting signage to them. That is an insult.” He noted that finding a firm to do an independent study would be difficult. He said his intention “was to tee this up for the future Council and to send a very direct message that this community would like to cooperate, but that’s a two-way street.”

In response to a question from Council Member Ward, Administrator Fragoso said that she is meeting with lobbyist firms that could represent the City’s interests in Columbia.

Council Member Pounds stated that his position on an independent study of the Connector has not changed since the October City Council meeting and believes the City should not be undertaking such a large unbudgeted expense. He would like the City to pursue the collaborative effort with SCDOT.

C. After-action discussion of Lowvelo Bike Ride

Council Member Ward said he heard concerns from local businesses about the event and hopes there is room for improvement next year to involve more businesses.

Council Member Bell said, “For the public, this is a three-person committee and per Robert’s Rules of Order, everybody on this committee has an equal vote. Everybody on this committee voted for multi-years to have this Lowvelo event, and nobody on this committee is responsible for managing the event. We approved the event, and that is where the responsibility here ends. I am particularly dismayed, and this is at Council Member Ward for going on social media and blaming me personally. The comment from Garrett Krause, who has a habit of trying to attack both myself and Council, who is responsible for this disaster to our valuable front beach businesses, and the response from our council member was ‘Randy.’ So that is embarrassing to the community. I have the printout that was sent to me by a resident so you can say it didn’t happen. This Council going forward need to learn to treat each other with respect. That is not the reason I’m not or didn’t run again, but there was a conversation before I got on Council about code of conduct and social media responsibility, and I think that needs to be revisited. I don’t think it’s an appropriate venue to attack one another or City administration through social media. All of my comments are up here public as they should be, and if there is a disagreement, it should be up here and public, not on social media. And I’ll leave it at that, but I would encourage our Mayor-elect to look at some code of conduct and getting our arms around behavior in this community that has been overly toxic and needs to end.”

Administrator Fragoso expressed her pleasure with the outcome of the Lowvelo Bike Ride. She indicated that the City did work hard to notify businesses and encourage their participation. She hopes the communication disconnect that occurred between the City and the island businesses can be better addressed in quarterly meetings with business owners. She will conduct a survey among the Front Beach businesses owners to determine what can be done better next year and how to better communicate with them. She spoke highly of the Lowvelo team who worked closely with the City in planning the event. She will be participating in Lowvelo’s after-action debriefing in the near future.

She said, “One recommendation that I think that this Council can consider moving forward when you all consider approval of events that are City-sponsored but are not managed by the City is as part of the resolution or as part of the approval process to require that their vendors or the food vendors or whatever, the businesses, the local businesses have first right of refusal.”

She added that Lowvelo had wanted to close the streets earlier than Thursday morning but the City pushed back to minimize the road closure. Lowvelo had wanted more time to set up the tents due to the short staffing of the tent vendors.

6. New Business

A. Discussion of golf cart regulations as it relates to small children

Chief Cornett said, “There is a specific section of the law that pertains to golf carts, and there is one section that I wanted to look at that gives us a little bit more flexibility as a barrier island to

put more regulations on golf carts. Unfortunately, that does not pertain to seat belts. It only pertains to the operation of those golf carts at night.” Because Federal law does not require seatbelts in these types of vehicles, there is no way for Public Safety to enforce that safety measure. He said one option for clarity on the matter is to ask the State’s Attorney General for an opinion.

Chief Cornett said he would add precautionary suggestions regarding children in golf carts to the materials they distribute.

B. Consideration of purchase of one (1) Ford F-150 Police Responder [FY22 Budget, Capital Projects Fund, Police Department - \$41,000]

MOTION: Council Member Ward made a motion to approve, and Council Member Pounds seconded the motion.

Administrator Fragoso said this is a budgeted replacement of a third vehicle for the Public Safety Department. Indicating the price of the vehicle had increased since the budgeting process, she said she will identify at the Ways & Means Committee meeting the line items in the budget where the additional \$7,000 can from.

VOTE: The motion passed unanimously.

Council Member Ward suggested to Council Member Pounds that, as Chair of the Ways & Means Committee, the increase in vehicles be kept in mind during the budget planning process.

C. Consideration of purchase of Polaris GEM Low Speed Vehicle (LSV) [FY22 Budget, State ATAX Fund, Police Department - \$17,000]

MOTION: Council Member Ward made a motion to approve, and Council Member Pounds seconded the motion.

Administrator Fragoso said the cost of this low speed vehicle will also come in over budget. She estimates the final cost will be over \$19,000. Chief Cornett said this particular vehicle is the only one that will work with the LPR for parking enforcement.

VOTE: The motion passed unanimously.

D. Consideration of replacement of 2010 Ford F-150 and 2008 Ford F-250 Fire Department [FY22 Budget, Muni ATAX Fund, Fire Department - \$42,000 and State ATAX, Fire Department - \$42,000]

Administrator Fragoso said that these vehicles are in the FY22 budget but have also increased in price. The 2008 F-250 will be replaced by an F-150. Both will be unmarked vehicles as one is intended for the future fire chief. She will have final pricing details by the Ways & Means Committee meeting next week.

MOTION: Council Member Ward made a motion to approve, and Council Member Pounds seconded the motion. The motion passed unanimously.

7. Miscellaneous Business

The next meeting of the Public Safety Committee will be held in January 2022 at a date to be determined later.

8. Adjournment

Council Member Bell made a motion to adjourn, and Council Member Pounds seconded the motion. The motion passed unanimously. The meeting was adjourned at 11:02am.

Respectfully submitted,

Nicole DeNeane
City Clerk



**Recreation Committee Meeting
8:00am, Monday, November 8, 2021
1207 Palm Boulevard, Isle of Palms, SC
and broadcasted live on YouTube: <https://www.youtube.com/user/cityofisleofpalms>**

MINUTES

1. Call to order

Present: Council members Buckhannon, Pounds, and Smith

Staff Present: Administrator Fragoso, Director Page

2. Approval of the previous meeting's minutes – October 4, 2021

MOTION: Council Member Pounds made a motion to approve, and Council Member Buckhannon seconded the motion. The motion passed unanimously.

3. Citizens' Comments

Mr. Phil Antman of Salt Marsh Surf said he was happy to be part of the pilot surfing instruction program. He would like to see an expansion of the number of hours per day that instruction is permitted. He believes 8 participants is a good class size. He also suggested the number of businesses permitted to offer surf instruction be limited to five.

MOTION: Council Member Smith made a motion to move Item 6A up in the agenda. Council Member Pounds seconded the motion. The motion passed unanimously.

4. New Business

A. Discussion and consideration of Ordinance 2021-13 – an ordinance to allow year-round surfing instruction on the beach with certain conditions

Administrator Fragoso shared an email from a resident on 9th Avenue who provided feedback regarding the surfing instruction. The resident was pleased with the way the program operated but said that sometimes it looked like the groups were larger than what was permitted. Other suggestions were parking-related and were determined to be unnecessary in the ordinance.

Administrator Fragoso pointed out that the City Attorney adjusted the ordinance to make the indemnification requirement part of the application process for surf instructors. Vendors will need to reapply each year to provide surf instruction on the beach. It was suggested that upon application for 2022, the application be effective through June of 2023 to line up with business license renewals.

Committee members discussed extending the number of hours per day allowed for instruction as well as appropriate class sizes and ratios.

MOTION: Council Member Smith made a motion to amend the ordinance to allow for four hours of instruction per instructor per day and to decrease the number of students per class to 8. Council Member Buckhannon seconded the motion. The motion passed unanimously.

5. Departmental Reports – Director Page

Director Page reported that registration is active for basketball. Exercise classes, tennis, and pickleball are all going well. She thanked the Public Safety department for their help with Keenagers which had a good turnout last month.

She reported that the migration of data onto RecTrack is taking place today. The process of online registration will not look any different for users but will help streamline the staff's workflow and prevent errors. Committee members briefly discussed the address verification process. Director Page assured Committee members they would not make the registration process difficult for anyone to participate.

Director Page spoke of the recent successful Recreation Center events including Ghostly Tide Tales, the Farmer's Market, and the Halloween Parade and Carnival. Upcoming holiday events include the Holiday Street Festival and two cookie workshops. Staff is brainstorming ideas for a future Doggie Day at the Recreation Center as well as next year's Halloween Parade & Carnival. Committee members remarked on the popularity of outdoor events.

6. Old Business

A. Update on implementation of online registration program

This item was discussed in the Departmental Report.

B. Discussion of suggestions for 2022 Recreation Committee

Council Member Smith distributed and reviewed a list of suggested priorities for the 2022 Recreation Committee. The sheet is attached to these minutes. The suggestions include a return to Sunday Recreation Center hours as soon as possible, creating paddle sports access and opportunities around the island, consider the creation of a Community Garden, and reassessing the recreational needs of the residents through a survey and review of the long-term capital plan for the Recreation Department.

C. Discussion of return of Sunday Recreation Center Hours

Director Page said that lack of staffing is still the reason there are no Sunday hours. Full-time staff is currently on-call for Saturdays due to lack of staffing. Council Member Pounds suggested keeping this item on the agenda until it is resolved.

7. New Business

B. Discussion of upcoming Holiday Street Festival on December 4, 2021

Director Page reported that the plans for the Holiday Street Festival are as they were for 2019 with vendors, entertainment, lighting of the tree, and carnival rides.

C. Discussion of the beach wheelchair program

Administrator Fragoso reported that the three wheelchairs ordered should be arriving soon. The three chairs only came in one size but are meant for users of all ages. One chair comes with a headrest to accommodate paraplegic users. The program is free for all who use it, but a credit card will be necessary to reserve a chair.

The chairs will be available daily from 8am-8pm through the Public Safety department as part of their medical loan closet. The City will not be delivering or picking up the chairs. Expansion of the program could be considered in the future with the potential for using the Recreation Center as an additional place for the pickup of the chairs. Availability of wheelchairs at the Recreation Center would be limited due to their hours of operation.

7. Miscellaneous Business

The next meeting of the Recreation Committee will be in January 2022 at a date to be determined.

8. Adjournment

Council Member Buckhannon made a motion to adjourn, and Council Member Pounds seconded the motion. The meeting was adjourned at 9:08am.

Respectfully submitted,

Nicole DeNeane
City Clerk

Thank you to the Rec Center leadership & staff for the past 4 years & especially the adaptations, research, hard work & decisions that went into the past 20 months due to the COVID-19 crisis - for doing your best to balance safety with the need for recreational activities and social connections that also help people stay healthy & support quality of life.

- Rec Center events this fall have been especially on point in giving us a chance to gather and enjoy being together again.

Moving forward, the opportunities for our rec center to be a hub of community are as important now as ever.

- More full-time residents
- Children who need to catch up developmentally and socially through a full schedule of activities
- Adults who also need to reconnect fully with friends and neighbors
- With trends accelerated by COVID that won't fully reverse, we have more remote workers - not going into an office, or only occasionally going into an office - who now will look more closely to home for recreation, exercise, a sense of community and friendship.

Priorities

1. ASAP return Sunday hours to the Rec Center
 - The council backed this move and approved the small budget increase needed for it when it was implemented in 2018.
 - This helps maximize use of the gym AND provides greater access to the cardio room at a time when most people are off from work and school.
 - Simple flip of the schedule to kids-only from 1-3 p.m., then open gym from 3-5 p.m. will better protect time for kids.
2. Build paddle sports access & opportunities
 - Partner with IOP Exchange Club for community use of their dock.
 - Create a marina storage facility for kayaks & paddle boards – this could be a gamechanger for many in facilitating paddle sports as a routine activity.
 - Work with Charleston County Parks & Recreation and/or Coastal Expeditions to provide related training & trips geared to locals.
3. Seriously consider a Community Garden
 - Interest in this continues to crop up within the community - I just saw an active thread on this in NextDoor with many residents expressing interest. Other residents have brought this up to our committee.
 - Isle of Palms Garden Club could play a supporting role.
 - While they usually work with schools (including SIES) the locally-driven [Green Heart Garden Project](#) could help provide guidance and tools.
4. Reassess program/ facilities needs & opportunities
 - Survey those who participate in rec programs - and residents who are not engaged - to learn what would increase their involvement.
 - Take a close look at the long-term capital plan.



Personnel Committee
4:00pm, Wednesday, November 10, 2021
1207 Palm Boulevard, Isle of Palms, SC and
broadcasted live on YouTube: <https://www.youtube.com/user/cityofisleofpalms>

MINUTES

1. Call to Order

Present: Council Members Bell, Buckhannon, and Moye

Staff Present: Administrator Fragoso, HR Officer Ladd

2. Approval of previous meeting's minutes

MOTION: Council Member Bell made a motion to approve the minutes of the October 13, 2021 meeting. Council Member Buckhannon seconded the motion. The motion passed unanimously.

3. Citizens' Comments – none

4. Old Business

A. Consideration of applications for the Planning Commission vacancies – interviews of five applicants

Mr. Ron Denton, current Chair of the Planning Commission and seeking another term of service on the Commission, spoke about the importance of the historical knowledge he has having served on the Planning Commission. He said that in his professional work he deals daily with building and zoning-related ordinances across several communities. He spoke briefly about the current work of the Planning Commission which is looking objectively at short-term rentals and their effects on the quality of life for residents.

Mr. Alex Skatell said he agreed with the Comprehensive Plan and would enjoy being part of the process for planning on the island. He believes important issues that should be addressed by the Planning Commission include the beautification of Palm Boulevard and the public space at the Marina. His work with political figures and on public policy boards will help him navigate long-term planning on the Isle of Palms.

Mr. David Guilford said he believes the two biggest issues that need to be addressed are traffic and parking. He expressed his concern about Secretary Hall pulling the previously approved beach parking plan. He believes it may be necessary to control the amount of non-resident traffic coming onto the island. He said he is glad to hear of the work on short-term rentals and believes another focus needs to be on protecting the beaches from sea level rise.

Mr. Steven Morris said he would like to give back to his community. He believes drainage issues and parking need to be focuses of the Planning Commission. He believes there needs to be more transparency from City committees. He would like more clarity about septic tanks on the island.

Ms. Suzanne Nagelski said stormwater, residential growth, and the impact of short-term rentals on the character and makeup of the island should be focuses of the Planning Commission. She has worked in the environmental industry and understands the need to balance that with zoning regulations. She has also worked in the rental market.

B. Update on Wage and Compensation Analysis report

Administrator Fragoso reported that the staff has completed Zoom meetings with Evergreen. She has reviewed the Mt. Pleasant wage study and has asked Evergreen to get updated salary information from neighboring communities. She intends to present to City Council next week the salary numbers that will put the Isle of Palms ahead of all other communities as it relates to Public Safety salaries.

She said, “There were some concerns about all the levers that we were applying to the general group. We want to be competitive in police and fire, but we also want to make sure we stay competitive in other departments as well so that we don’t have a recruitment problem in the future. What we have done is, as you all know, the methodology for general is we’re capping adjustments at the midpoint and capping any particular increase to not exceed 7.5[%]. When we apply those levers, there is a group of people that would not have received any adjustment, and that does not mean that where they are that there is no recommendation for making adjustments. It is just that they would not fall within those levers that we have applied to try to keep it affordable. So we looked at an option where everybody within the range would receive a minimum 3% adjustment in the general group, which is City Hall, Recreation, and Public Works.”

C. Update on Fire Chief hiring process

Administrator Fragoso reported that Development Associates has had meetings and focus groups with all key stakeholders in the hiring process. This information has been used to create an organizational analysis which she will be reviewing shortly.

She shared that one of the reasons she selected Development Associates is not only because of their experience in placing numerous fire chiefs across the country, but also because “their whole focus is emotional intelligence and training experiences. Don’t tell me what you have done. Show me what you have done and show me what you can do.” The hiring process will include interviews but also real-life assessments of their competencies.

She expects the screening process to take place in mid-December and the assessments to begin in January.

5. **New Business**

A. **Discussion of Mayor and council members' salaries**

Council Member Buckhannon confirmed that City Council's stipend has been the same for the 22 years he has served. He said it was a great benefit when the City offered health insurance to the Council members. After a brief discussion about the insurance benefit, the Committee decided to take no further action on this item.

6. **Miscellaneous Business**

The next regular meeting of the Personnel Committee will be in January 2022 at date to be determined in the future.

7. **Executive Session**

MOTION: Council Member Moye made a motion to move into Executive Session in accordance with Section 30-4-70(a)(1) to discuss appointments to Boards and Commissions. Council Member Bell seconded the motion. The motion passed unanimously.

The Committee moved into Executive Session at 5:08pm.

The Committee returned from Executive Session at 5:13pm. Council Member Moye said no decisions were made.

MOTION: Council Member Moye made a motion to recommend to City Council the appointments of Marty Brown, Scott Pierce, Ron Denton, and Suzanne Nagelski to the Planning Commission. Council Member Bell seconded the motion. The motion passed unanimously.

Council Member Moye thanked all who applied for open positions.

8. **Adjournment**

Council Member Buckhannon made a motion to adjourn, and Council Member Bell seconded the motion. The motion passed unanimously. The meeting was adjourned at 5:14pm.

Respectfully submitted,

Nicole DeNeane
City Clerk



REAL PROPERTY COMMITTEE
1:30pm, Monday, November 1, 2021
1207 Palm Boulevard, Isle of Palms, SC 29451
and broadcasted live on YouTube: <https://www.youtube.com/user/cityofisleofpalms>

MINUTES

1. Call to order

Present: Council members Moye, Popson and Streetman

Staff Present: Administrator Fragoso, Director Kerr

2. Approval of previous meeting's minutes – October 4, 2021

MOTION: Council Member Moye made a motion to approve the minutes of the October 4, 2021 meeting and Council Member Popson seconded the motion. The motion passed unanimously.

3. Citizens' Comments -- none

4. Marina Tenant Comments -- none

5. Old business

A. Update on marina dock rehabilitation project

Administrator Fragoso reported, "The contractor and subcontractor continue to work on the utilities installation for the charter docks. Over the weekend, the face dock...had some issues with the electric, and the main breaker continued to be tripping. From a notice I received today from the contractor, it seems like the issue has been identified and corrected."

She continued, "In terms of the schedule for charter docks and the fuel dock that continues as it's included here. We are expecting a revised detailed schedule from the contractor for the remaining phase for fuel dock and the fuel hut. We have been discussing that the construction of the fuel hut would be able to begin after mid-December, December 15th, and the schedule might be impacted by the holiday schedule." A January completion date is anticipated.

Council Member Moye asked if any change orders were expected from ATM since the last extension for construction oversight was to go through Thanksgiving. Administrator Fragoso replied, "The only change order that would be anticipated would be one that changes the schedule from November 19 to the new one, which is what I am waiting on from Salmon's. Once I have that schedule, I will have a discussion with ATM about their construction oversight to the completion of the project."

B. Update on marina restaurant renovation by Marker 116, LLC

Administrator Fragoso said that restaurant construction is “in full force.” Referring to a communication from the tenants in the meeting packet, she said the issue with the elevator needs to be discussed by the Committee. Bi-weekly construction meetings with Insight Group and the contractor continue.

C. Consideration of request from Marker 116, LLC for the City to approve restaurant building plans without an elevator

Director Kerr reported, “I did meet with Dave Lorenz down on site about [this] specifically. I think they had kind of exhausted the old location where we talked about this chair lift going up that back stairwell, which was problematic. I think I had it in my mind, and we had kind of talked about the idea of a lift on the back deck. I met there on site with Dave Lorenz and he indicated that while it may be feasibly possible that it was highly undesirable from a first an aesthetic standpoint of having those kinds of views obstructed from that porch, and secondly, from an operational standpoint, the shaft would have to be kind of in the same general location at the end of the bar that they have custom fitted to that back deck. So you know we talked kind of about endless options. It does not seem as though any of them either work from a practical standpoint or a desirability standpoint.”

Since there is an inconsistency between the approved plans and what is being built, the Committee and full City Council will need to take action.

Director Kerr agreed it appears all options have been exhausted. He did say that the issue has not been analyzed from a financial perspective. He said that Marker 116 did not indicate any financial hurdles with the elevator, but it does pose operational hurdles.

Administrator Fragoso added, “As part of our due diligence, we had Coast Architects, who is the architectural group that we worked with on the Public Safety Building Rehabilitation Project with, they reviewed the plans and the design and the issues that were raised by the tenants regarding the original location for the elevator. And they confirmed that it was challenging, and it was pushing into the bathrooms which are required to be ADA.”

Director Kerr pointed out that Marker 116 operates “under an exemption basically” such that the first floor must be fully accessible but the top floor does not have to be for the restaurant to be operational.

MOTION: Council Member Moye made a motion to grant the request of Marker 116 to approve the modified plans that omit an elevator due to the structural and operational challenges and with all the options that have been exhausted. Council Member Popson seconded the motion.

Council Member Moye said it will be necessary to outline for City Council and the public all that was done to exhaust the options.

Council Member Streetman said, “I want to go on record also and say that during this entire process and all this discussion that we have had in regards to the elevator and whether there

could be placement and it being included in the initial plans, I truly think and firmly believe that the Marker 116 group wanted to find a way to have an elevator there anyway because it was to their advantage. When there were talking about it having a commercial-grade elevator there that was going to help them get provisions to that upper-level kitchen during the morning restock, they would have that ready to go, and then have the elevator available for diners later in the day and evening. So it would have been to their benefit to have an elevator had they not run into the complication with the walks, with the pilings. And it does look certainly from the inside and where it was originally planned that just had to come off the table, just no way to really realistically do that, and particularly now that the restaurant is so far along, and I think we are all looking forward to seeing that restaurant open and it being extremely successful going forward. But I did want to go on record on that to say that I truly think the Marker 116 group looked for every avenue they could to include that elevator that was initially promised.”

VOTE: The motion passed unanimously.

D. Consideration of Noise Control Agreement with Marker 116, LLC

Administrator Fragoso said there is no update on the noise agreement. She would like for there to be a vote at the next City Council meeting since there can be no amplified music at the restaurant until it is approved. Council Member Moye noted that unless Marker 116 makes changes to the agreement, the Committee does not need to see it again.

E. Update on the proposed public dock and greenspace at the IOP Marina

Administrator Fragoso said she has received a proposal from Davis & Floyd for the development of bid specifications for the greenspace area in the amount of \$8,900. It has not yet been activated because the case has not yet been fully adjudicated by the courts.

Staff has also met with Salmon’s on site to discuss the scope of work for cleaning up the public dock, which would include removing some of the wood storage areas and counterspace and retrofitting it to facilitate better public use.

She added, “We are also working on the next steps for the revisions to the exhibits for both the restaurant and the marina to demonstrate the changes that would be necessary that we’ve talked about that would require everybody’s cooperation to make the vision of a public area that only occupies the area that that this would be under the City’s control so that we can have that loop along the perimeter of the property. That is something Douglas and I have been working on and will continue to work on in coordination with the tenants at the marina, both the restaurant and the Marina Manager. The City is also waiting on ATM to provide some final quotes for what would be a kayak launching pad that would facilitate stand-up paddleboarding and kayak launching.”

The conceptual drawings approved by City Council are permitted by the Army Corp of Engineers but need to be fully engineered. Monies for such are not in FY22 but are built into the 10-year capital plan. She noted “there is no ADA-compliant gangway in that space, but that again would require us working with ATM on the development of a design specification, engineered drawings and specification, and we would have to bid that out. Unfortunately, that is

not something that would be done while Salmon's is still on site for an additional several months, but it is something that the City could pursue moving forward. The permits would not have to be adjusted for the ADA-compliant gangway or the launch pad but amended to note public use."

Should the public have input about the extension of the walkway around the perimeter of the property, they will be able to make comments via an online form on the City's website.

Council Member Streetman would like to have the discussion of the designated parking areas for residents with the full City Council.

F. Update on ADA beach access improvements

Director Kerr said the MobiMat at the 42nd Avenue Beach Access has been extended as far as it can and still be in compliance. It is under a regular maintenance plan with the City's landscape contractor.

The design plans for the 34A Beach Access are underway and expected in the first quarter of 2022. It could go out to bid sometime next year. "We are envisioning a parking space adjacent to the road, a concrete sidewalk as far out as we can go, and then a very low boardwalk out beyond the dunes, and then potentially, if we can get a MobiMat extended through a permit with OCRM, additional matting there. We feel good about that. That one also has some existing drainage problems that we hope to elevate that path out of the standing water in that area."

He reported that they have been discussing the issues at the 21st Avenue Beach Access with Dr. Smiley. The Public Works staff continues to struggle with keeping that mat from being completely engulfed by the primary dune. "What we are thinking of on that one is either constructing a new boardwalk, but we think that one will also have problems in that you get high above the primary dune, then you have to go back down at a very gradual slope to be ADA complaint. Or the other option, which is a leading option at this point is to remove the handrails at the end of the platform and basically grade the hard pack sand flat to where it naturally wants to go, and quit fighting it with shoveling it out, and then go to a program of having MobiMat from the platform out, so kind of making the last quarter of the path be very much like the path of 42nd."

Director Kerr said that Asst. Director Asero has been working on the 9th Avenue beach access, which has its own problem of a cliff that keeps building and receding. The dynamic nature of the area makes it challenging to keep it easily accessible.

Council Member Streetman asked about updates regarding OCRM to which Administrator Fragoso responded, "We made a request to OCRM regarding their position on how far from the dune, the seaward tow of the dune, the MobiMat may be extended. We asked whether OCRM would be open to approving it as sort of an exemption. They reviewed our request with their legal department and have responded to us saying that the avenue for the City to make such a request would be through submitting a general permit request for them to consider whether or not to allow us to extend the MobiMat. We reached back out to them when we received that information to let them know that the City did pursue that same process in 2016 without any

success. So our question to them has been whether there is anything that has changed since then that would allow the City to go through the general permit process for requests and it would yield a different result from OCRM. And as of today, we have not received a response.”

Council Member Streetman reported that Representative Bustos was told by OCRM that the City had been approved for three MobiMat extensions. Council Member Streetman and Administrator Fragoso are to meet with Representative Bustos this week to draft potential legislation regarding MobiMat extension.

Administrator Fragoso reported that the beach wheelchairs have been ordered and are expected to arrive in the next week or two. Meetings to discuss the program’s implementation have been set up with Public Safety. The program will be heavily advertised.

6. New Business

A. Discussion of shared parking at marina

Council Member Streetman said he would like this item to remain on the Real Property Committee agenda until there is a conclusion about free parking at the Marina for residents.

Council Member Moyer said, “For the record and for the public’s benefit, as a reminder, this marina was bought in 1999 for the sole purpose of providing access for residents to the water, and I think the input we have gotten on the shared parking over the four years I’ve been on Council has been fairly ambiguous. I have had a lot of armchair lawyers tell me how they interpret the clauses and I take all those with a grain of salt. But I think that what is missing is a definitive position from the City, and I would say I would like to challenge us to go to our legal team and say here is what we want as a Council, as a staff. We want our residents to enjoy free parking at the Marina. It seems like the shared parking is the place to do that, and what do we need to do from a legal perspective and in collaboration with the tenants.”

B. Discussion of 5-year update to the Local Comprehensive Beach Management Plan

The City’s current Local Comprehensive Beach Management Plan was developed and approved in 2017. It is due for a local review only in 2022. Administrator Fragoso said she has reached out to Chris Jones and asked for a proposal for him to go through the review process and provide some guidance. There are budgeted funds for this expense in FY22.

She also has a meeting later this week with the OCRM representative that oversees this process with each beach municipality. She anticipates the 2018 beach renourishment and the additional beach parking to be added into the plan.

C. Discussion and consideration of eligible projects for Charleston County Greenbelt Program’s FY22 Winter Funding Cycle

Administrator Fragoso suggested the boardwalk installation and addition of handicapped parking spaces at the 34A Beach Access and the greenspace at the public dock be submitted as projects for the Greenbelt Program’s FY22 Winter Funding Cycle. The deadline for application is January 28, 2022. It will require a vote of City Council and a resolution.

MOTION: Council Member Moye made a motion directing staff to take action to draft proposals for funding the public dock and greenspace as well as the 34A Beach Access walkover path. Council Member Streetman seconded the motion.

Council Member Popson expressed concern that the greenspace project would require a conservation easement if approved. Council Member Moye said there is a pathway through County Council and the Greenbelt Program to undo an easement if necessary.

VOTE: The motion passed unanimously.

7. Miscellaneous Business

The next meeting of the Real Property Committee will be held in January 2023 with the specific date to be announced at a later time.

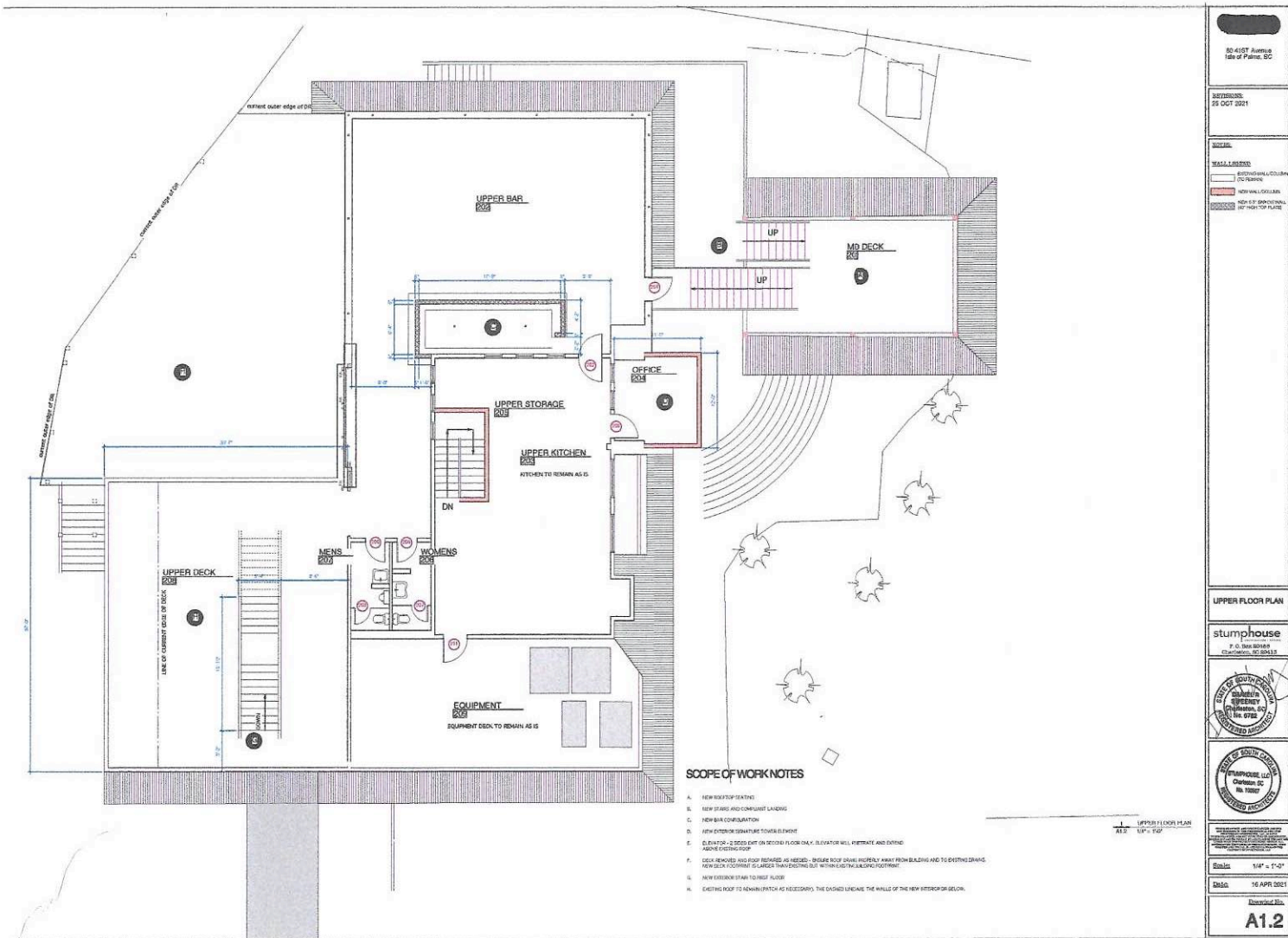
Council Member Streetman thanked Council Member Moye and Council Member Popson for their work on the Real Property Committee over the past year.

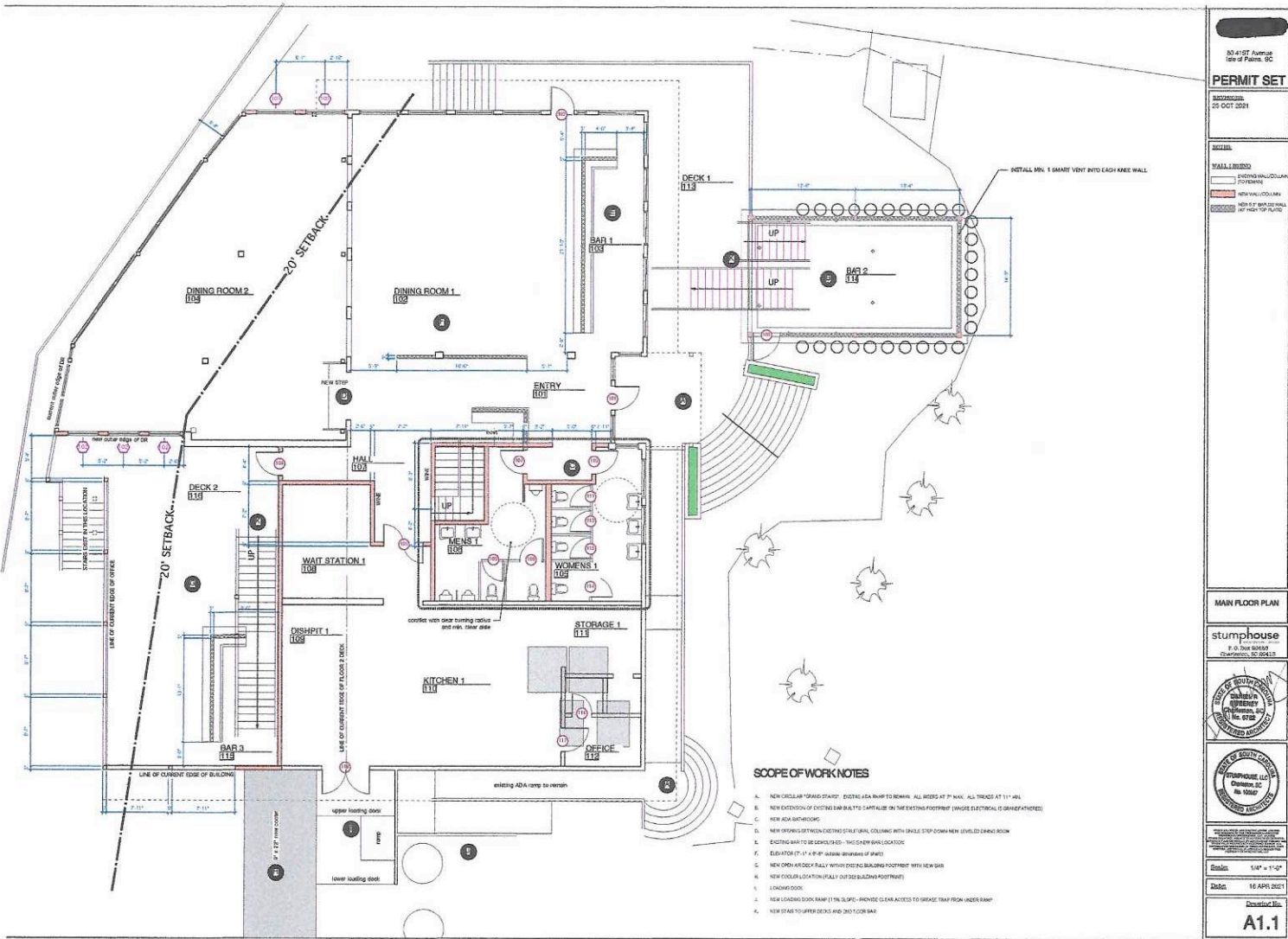
8. Adjournment

Council Member Moye made a motion to adjourn and Council Member Popson seconded the motion. The meeting was adjourned at 2:39pm.

Respectfully submitted,

Nicole DeNeane
City Clerk





30-41ST Avenue
Isle of Palms, SC

PERMIT SET

PROJECT NO.: 25 OCT 2021

SCALE

WALLS/DOOR

EXISTING WALL/COLUMN
TO REMOVE
NEW WALL/COLUMN
NEW 8" P. BAR (SEE WALL
18" HIGH TOP PLATE)

MAIN FLOOR PLAN

stumphouse
P.O. Box 2000
Charleston, SC 29415

STATE OF SOUTH CAROLINA
Professional Engineer
No. 10067

STATE OF SOUTH CAROLINA
Professional Engineer
No. 10067

Scale 1/4" = 1'-0"

Date 16 APR 2021

Drawn By

A1.1



Charleston County Greenbelt Program Rural and Urban Grants Programs

Application Instructions November 2021

Charleston County's Comprehensive Greenbelt Plan provides guidance for spending the greenbelt portion of the Transportation Sales Tax. The purpose of Urban and Rural Grants Programs is to distribute the greenbelt portion of the Transportation Sales Tax proceeds in an equitable manner for the conservation of greenspace throughout Charleston County. The plan assigns the Greenbelt Advisory Board (GAB) with the responsibility of administering both the Urban and Rural Grants Programs.

The instructions below should be adhered to in the completion of an application. Direct questions regarding the application process to Eric C. Davis, Greenbelt Programs Director at 843-202-7214 or edavis@charlestoncounty.org.

I. Application Period

Applications for both the Rural and Urban Grants Programs may be submitted beginning Monday, November 1, 2021 and must be received by end of business on Friday, January 28, 2022. Applications will not be accepted after the deadline.

II. On-Line Application Submission

Applications **must** be submitted on-line. In order to access the on-line application, applicants must complete the Notice of Intent Form found on the Greenbelt website greenbelt.charlestoncounty.org. The completed, signed form must be submitted via email to edavis@charlestoncounty.org. Once the completed Notice of Intent Form is received, the applicant will be emailed access to the on-line application form.

In addition to the on-line application, applicants must submit one signed original paper copy of the full application packet via mail or in person to the following address:

Charleston County Greenbelt Programs
Attn: Eric C. Davis
4045 Bridge View Drive, Suite B238
North Charleston, SC 29405

Applications missing information or any of the required attachments may be deemed incomplete and removed from consideration.

III. Pre-Application Meetings

Pre-application meetings are **not** mandatory for the application process. However, if you should desire to meet regarding your project, or if you need technical assistance, please contact Eric C. Davis at 843-202-7214 or edavis@charlestoncounty.org.

IV. Funds Available

Approximately \$17.5 million is currently available.

V. Rural/Urban Area Definition

Projects funded with Rural Program monies must occur in the Rural Area of Charleston County defined by the County's Comprehensive Plan as the municipalities and unincorporated areas that are located outside the Charleston County Urban Suburban Growth Boundary. These areas include the West St. Andrews area in West Ashley, Wadmalaw Island, Edisto Island, the St. Pauls area, Hollywood, Meggett, Ravenel, Rockville, Awendaw, McClellanville and portions of Johns Island, West Ashley and East Cooper.

Urban areas of Charleston County are defined by the Comprehensive Greenbelt Plan as the municipalities and unincorporated areas that are located within the Charleston County Urban Suburban Growth boundary, as defined within the Charleston County Comprehensive Plan.

The municipalities and unincorporated lands within this boundary include:

City of Charleston	Town of Mount Pleasant
City of Folly Beach	City of North Charleston
City of Isle of Palms	Town of Seabrook Island
Town of James Island	Town of Sullivan's Island
Town of Kiawah Island	Town of Summerville
Town of Lincolnville	Unincorporated

VI. Urban Allocation of Funds

The urban allocation will be divided among the municipalities and unincorporated areas located inside the County's Urban Growth Boundary, according to the population of each Unincorporated areas that are located within the Urban Area will apply for grant funding through the Urban Grants Program. All unincorporated areas will be considered as a single land area and their total population used to determine the amount of their allocation.

VII. Eligible Greenbelt Fund Recipients

Eligible Greenbelt Fund Recipient definition: Charleston County or a municipality in Charleston County; any agency, commission, or instrumentality of the County or municipality within Charleston County; a not-for-profit charitable corporation or trust authorized to do business in this State and organized and operated for natural resource conservation, land conservation, or historic preservation purposes, and having tax-exempt status as a public charity under the Internal Revenue Code of 1986, and having the power to acquire, hold, and maintain interests in land for these purposes; an agency or instrumentality of the United States Government; and any other entities as may be approved at the discretion of County Council on a case-by-case basis.

VIII. Allowable Costs

In accordance with the Charleston County Comprehensive Greenbelt Plan, Charleston County will operate a rural grants program to promote rural land conservation, wetlands protection, historic and cultural preservation, parkland acquisition, greenway and trail acquisition, and waterway access acquisition. Except for the minor improvements stated below, rural funds can be used for the acquisition of land and/or purchase of development rights on property within the rural area.

Urban grants are to be used primarily for land conservation through acquisition or purchase of development rights on property within the urban area. However, some grant funds can be used to support the development of related minor improvements that in essence provide for public access and use of conservation lands.

Minor improvements that may be funded with Greenbelt funds will be limited to: boardwalks, foot bridges, unpaved trails, unpaved roadways, and unpaved small parking areas. The cost of these improvements must be included in the budget portion of the application form.

Beach municipalities (Folly Beach, Isle of Palms, Kiawah Island, Seabrook Island and Sullivan's Island) may submit applications to use their urban allocations to place allowable minor improvements on land they currently own. The municipality would have to agree to place the land under the same covenants and restrictions as all other lands protected with greenbelt funds. **The applications for minor improvements are limited to the beach communities listed above.**

In addition to the allowable minor improvements, funds from the Greenbelt Program may be used for administrative costs and expenses that are customary and reasonable to the acquisition of property.

IX. Disallowable Costs

Items that will **NOT** be funded with Greenbelt monies include, but are not limited to design fees, projects with **NO** endorsement from the appropriate municipality, and any other improvements outside the allowable minor improvements listed above. These other improvements may be included in a particular project but cannot be funded with Greenbelt proceeds.

X. Applicant and Landowner Disclosures

The application requests information from both the applicant and landowner. The applicant and landowner shall complete all information on the appropriate form. The landowner must sign the landowner disclosure form.

XI. Program Requirements

Rural Greenbelt Lands include "Resource Management Areas" that generally encompass undeveloped lands used for timber production, wildlife habitat, recreational and commercial fishing, and limited agriculture. According to the Charleston County Comprehensive Plan, rural areas also encompass significant acreage of fresh, brackish, and saltwater tidal marshes, as well as important habitat for non-game and endangered species. Typical uses for Rural Greenbelt Lands include rural parks, cultural/historic sites, productive lands, and water access.

Urban Greenbelt Lands contain the greatest population density and intensity of development, as well as the greatest concentration of jobs and economic activity. Conservation of greenspace for various uses will be crucial in offsetting the negative impacts of increased density. Typical uses for urban greenbelt lands include urban parks, cultural/historic sites, reclaimed greenspace, greenway corridors and water access.

- A. An Eligible Greenbelt Fund Recipient independently or in conjunction with the landowner may apply for a grant from the Greenbelt Fund to acquire an interest in land identified in its application. Within five business days of the applicant's submittal to the Greenbelt Bank, the **applicant** must notify in writing any adjacent landowners and other property owners within 300 feet of the proposed parcel of the applicant's submittal to participate in the Greenbelt program. Contiguous landowners and other interested parties may submit in writing to the board their views in support of or in opposition to the application. Based on a review of these submissions, or in any instance where the board determines the public interest so requires, it may hold a public hearing on the application at which the Eligible Greenbelt Fund Recipient, contiguous landowners, and other interested parties may be heard.
- B. Before an award to disburse greenbelt funds for the purchase of any interest in land, the Eligible Greenbelt Fund Recipient receiving the funds must notify the owner of the land, that is the subject of the Greenbelt Fund grant, of the following in writing:
 1. that interests in land purchased with greenbelt funds result in a permanent conveyance of such interests in land from the landowner to the Eligible Greenbelt Fund Recipient or its assigns; and

2. that it may be in the landowner's interest to retain independent legal counsel, perform appraisals, create surveys, and seek other professional advice; and
 3. the application must contain an affirmation that the notice requirement of this subsection has been met.
- C. Urban municipalities may submit applications for projects within their jurisdiction. The projects will be funded in accordance with the municipality's allocation based on population. Conservation organizations and other entities meeting the definition of an Eligible Greenbelt Fund Recipient may apply for funding within an urban municipality ONLY if the project is endorsed by the appropriate municipality. A resolution from the municipality endorsing the project and authorizing the application to the Urban Program must be attached to the completed application form. The resolution must explain the municipality's rationale for endorsing the specific project.
- D. All interests in lands acquired with Greenbelt Funds must be held by the Eligible Greenbelt Fund Recipient approved by the board to acquire the interest in land; except that an interest in land obtained with Greenbelt funds may be assigned from one Eligible Greenbelt Fund Recipient to another upon approval of all members of the Greenbelt Advisory Board by majority vote.
- E. Except as provided above, no interest in land acquired by an Eligible Greenbelt Fund Recipient with Greenbelt funds may be extinguished, sold, transferred, assigned, alienated, or converted to a purpose or use other than that set forth in the grant award, without securing a:
1. majority vote of all members of the Greenbelt Advisory Board, following a finding of fact that the land no longer exhibits the characteristic that qualified it for acquisition with funds from the Greenbelt fund; and
 2. majority vote of all members of Charleston County Council.
- F. If any interests in lands, that have been acquired by an Eligible Greenbelt Fund Recipient with Greenbelt funds, are extinguished, sold, transferred, assigned, alienated, or converted pursuant to the above stipulations, the Eligible Greenbelt Fund Recipient extinguishing, selling, transferring, assigning, alienating, or converting the interests in land shall replace them with interests in land of substantially equal current fair market value, with any deficit being made up by contribution (cash or in-kind at the discretion of the board) to the Greenbelt fund. The replacement land must also exhibit characteristics that meet the criteria of this ordinance. The Greenbelt Advisory Board must verify that suitable replacement interests in lands have been identified and will be obtained before authorizing that any interest in land purchased with monies from the Greenbelt fund be extinguished, sold, transferred, assigned, alienated, or converted.
- G. Interests in land acquired with Greenbelt Funds must be managed and maintained in order to perpetuate the conservation, natural, historical, cultural, open space, and recreational uses or values for which they were originally acquired. Uses which are adverse to the original purposes for which the interests in land were acquired with Greenbelt funds are not permitted without securing a:
1. majority vote of all members of the Greenbelt Advisory Board, following a finding of fact that the use is one that furthers the original purpose of the Greenbelt Plan; and
 2. majority vote of all the members of the Charleston County Council.
- H. Funds from the Greenbelt Program may not be used to acquire interests in lands or other interests in real property through the exercise of any power of eminent domain or condemnation proceeding that is contrary to the wishes of the landowner.

XII. Evaluating Applications

The Greenbelt Advisory Board (GAB) has assembled a subcommittee to evaluate applications for both the Rural and Urban Programs. The subcommittee will review the applications using the program criteria and present findings to the full Greenbelt Advisory Board. In addition, each application will be reviewed for completeness and to ensure all required attachments are included. **Applications missing information or any of the required attachments may be deemed incomplete and deferred until the next funding cycle.** Based on the availability of funding and application scores, projects will be recommended to Charleston County Council for funding. Any application with a score under 50 may be deferred.

XIII. Award of Urban Grants

Once applications are approved, grant agreements that outline the terms and conditions will be developed between the County and appropriate parties.

XIV. Distribution of Funds to Grant Recipients

Upon completion of a project that has met all of the funding requirements, reimbursement in the specified grant amount will be provided to the applicant at the time of closing, when the property is acquired and the deed is recorded.

XV. Evaluation of Awarded Grants

At least annually, County Greenbelt staff will conduct monitoring visits of Greenbelt properties to ensure compliance with all Greenbelt deed restrictions and program requirements.

NOTE: Charleston County and the Greenbelt Advisory Board(GAB) reserve the right to request additional information not included in the application or instructions. Additional appraisals, surveys, environmental assessments, etc. may be requested by Charleston County and/or the GAB. These Application Instructions may be revised or updated to correct errors, for clarification, and to reflect the GAB's and Charleston County's policies, conditions or requirements for Greenbelt Grants, or for other reasons that the GAB and Charleston County believes will best accomplish the mission of the Comprehensive Greenbelt Plan.



**Planning Commission Meeting
4:30pm, Wednesday, November 10, 2021
1207 Palm Boulevard, Isle of Palms, SC and
broadcasted live on YouTube: <https://www.youtube.com/user/cityofisleofpalms>**

MINUTES

1. Call to Order

Present: Scott Pierce, Steven Corney, Sandy Stone, Ron Denton, David Cohen, Marty Brown, and Douglas Kerr, Director of Planning

Absent: Lisa Safford

2. Approval of minutes

Mr. Cohen made a motion to approve the minutes of the October 13, 2021 regular meeting. Mr. Corney seconded the motion. The motion passed unanimously.

3. New Business

A. Short-Term Rental Analysis

Mr. Pierce said access to the Municipal Analytic Platform will be given to all Commission members this week. Mr. Cohen spoke to the difficulty of accounting for houses that have increased significantly in size since they were originally built. He noted the number of bedrooms in houses on the island has slowly increased over the years.

Commissioners discussed relating potential areas of higher density of short-term rentals back to noise complaints and code enforcement issues. The Commissioners would like to see the short-term rental complaints levied through the Police Department as well as those that were spoken at meetings and or sent to Council via email.

Commissioners discussed some concerns around gentrification.

4. Old Business

A. Review of the Priority Investment Element of the Comprehensive Plan

Director Kerr said there is nothing to report on this element at the time.

Commissioners discussed a possible short review of the Transportation element of the Comprehensive Plan at the next meeting.

5. Miscellaneous Business

The next regular meeting of the Planning Commission will be held on Wednesday, December 8, 2021 at 4:30pm.

6. Adjournment

The meeting was adjourned at approximately 5:30pm.

Respectfully submitted,

Nicole DeNeane
City Clerk

ORDINANCE 2021-13

AN ORDINANCE AMENDING TITLE 7, LICENSING AND REGULATION, CHAPTER 3, BEACH AND MARINE RECREATION ACTIVITIES, ARTICLE A, GENERAL PROVISIONS, SECTION 7-3-20, COMMERCIAL ACTIVITIES RESTRICTED, TO ALLOW YEAR-ROUND SURFING INSTRUCTION ON THE BEACH WITH CERTAIN CONDITIONS.

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED:

SECTION 1. That Title 7, Licensing and Regulation, Chapter 3, Beach and Marine Recreation Regulations, Article A, General Provisions, Section 7-3-20, "Commercial activities restricted," is hereby amended by deleting it in its entirety and replacing it with the following new Section 7-3-20 to state as follows:

"Sec. 7-3-20. - Commercial activities restricted.

- (a) No person shall sell or rent, or offer to sell or rent, any goods, merchandise, or services, or solicit any trade or business, on the beach, beach accesses, public parking lots, or the Breach Inlet Bridge, except pursuant to a franchise granted by City Council, pursuant to a City-sponsored activity or event, or as otherwise permitted in this Section.
- (b) Any commercial photographer or videographer who seeks to take photographs and/or shoot film or video in a professional capacity, must submit an application for a permit no later than fourteen (14) days prior to the shoot and satisfy the requirements to obtain such permit. The City may limit production of these activities at any time it believes it may create disruption on the beach or pose a health/safety risk to the public.

However, a commercial photographer who is not soliciting on the beach, beach accesses, public parking lots, or the Breach Inlet Bridge, will not be required to obtain a permit to implement a prior contract to take still photographs on the beach for a fee. The use of the beach to take still photographs for a fee shall be limited to no more than one (1) hour on the beach per day for this activity.

- (c) A commercial surf instructor may provide surf lessons on the beach by obtaining permission from City Council and a business license. Permission from City Council will only be considered upon application and with following conditions:
 - (i.) Area where surf lessons are allowed shall be dictated by the current boundary restrictions provided in Title 7, Chapter 3 of the City Code.

- (ii.) At least one instructor attending each lesson must be lifeguard, CPR, and first aid certified, with current certifications on file with the City. There must be a first aid kit on site.
- (iii.) Each surf instructor provider must carry liability insurance of at least \$1,000,000 that names the City of Isle of Palms as an additional insured. Proof of insurance shall be submitted to City with the application.
- (iv.) Surf instruction shall be limited to groups of four (4) or fewer students and at least one instructor, with a maximum of eight (8) students and two (2) instructors per day per provider.
- (v.) Surf instruction shall not exceed more than two (4) hours per day per provider.
- (vi.) Surf instruction providers may not advertise on the beach. All signs, merchandise or other articles that violate Title 5, Chapter 4, Article 7 of the City Code are prohibited.
- (vii.) Surf instruction providers may not solicit for students on the beach, beach accesses, public parking lots, or the Breach Inlet Bridge parking lot.
- (viii.) Surf instruction providers must indicate on the application the location where the lessons will be provided.
- (ix.) Surf instruction providers shall execute an indemnification agreement to be submitted with the application.
- (x.) Failure to adhere to these standards will result in automatic revocation of permission to conduct surfing instruction on the beach by City Council.
- (xi.) City Council shall have the authority to limit the number of permissions issued for commercial surfing instruction on the beach.
- (xii.) Permission shall be granted for one year which may be renewed annually upon application.”

SECTION 2. That should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable therefrom and shall continue to be in full force and effect.

SECTION 3. That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION 4. That this Ordinance shall take effect upon ratification.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF
PALMS, ON THE _____ DAY OF _____, 2021.

Jimmy Carroll, Mayor

(Seal)

Attest:

Nicole DeNeane, City Clerk

First Reading:

Second Reading:

Ratification:

ORDINANCE 2021-14

AN ORDINANCE TO REPEAL CHAPTER 1, BUSINESS LICENSES, ARTICLE A, GENERAL PROVISIONS, OF TITLE 7, LICENSING AND REGULATION, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES AND TO ENACT A NEW CHAPTER 1, ARTICLE A, TO PROVIDE FOR THE STANDARDIZATION OF THE METHODS OF ADMINISTERING THE BUSINESS LICENSE TAX IN ACCORDANCE WITH THE SOUTH CAROLINA BUSINESS LICENSE TAX STANDARDIZATION ACT.

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED:

SECTION 1. That Chapter 1, Article A of Title 7 is hereby repealed and deleted in its entirety and replaced with a new Chapter 1, Article A, titled "General Provisions," to state as follows:

"ARTICLE A. – GENERAL PROVISIONS

Section 7-1-1. License Required. Every person engaged or intending to engage in any business, calling, occupation, profession, or activity engaged in with the object of gain, benefit, or advantage, in whole or in part within the limits of the City of Isle of Palms, South Carolina, is required to pay an annual license tax for the privilege of doing business and obtain a business license as herein provided.

Section 7-1-2. Definitions. The following words, terms, and phrases, when used in this ordinance, shall have the meaning ascribed herein. Defined terms are not capitalized when used in this ordinance unless the context otherwise requires.

"*Business*" means any business, calling, occupation, profession, or activity engaged in with the object of gain, benefit, or advantage, either directly or indirectly.

"*Charitable Organization*" means an organization that is determined by the Internal Revenue Service to be exempt from Federal income taxes under 26 U.S.C. Section 501(c)(3), (4), (6), (7), (8), (10) or (19).

"*Charitable Purpose*" means a benevolent, philanthropic, patriotic, or eleemosynary purpose that does not result in personal gain to a sponsor, organizer, officer, director, trustee, or person with ultimate control of the organization.

"*City*" means the City of Isle of Palms, South Carolina.

"*Classification*" means that division of businesses by NAICS codes subject to the same license rate as determined by a calculated index of ability to pay based on national averages, benefits, equalization of tax burden, relationships of services, or other basis deemed appropriate by the Council.

"*Council*" means the City Council of the City of Isle of Palms.

"*Domicile*" means a principal place from which the trade or business of a licensee is conducted, directed, or managed. For purposes of this ordinance, a licensee may be deemed to have more than one domicile.

"*Gross Income*" means the gross receipts or gross revenue of a business, received or accrued, for one calendar or fiscal year collected or to be collected from business done within the City. If the licensee has a domicile within the City, business done within the City shall include all gross receipts or revenue received or accrued by such licensee. If the licensee does not have a domicile within the City, business done within the City shall include only gross receipts or revenue received or accrued within the City. In all cases, if the licensee pays a business license tax to another county or municipality, then the licensee's gross income for the purpose of computing the tax within the City must be reduced by the amount of revenues or receipts taxed in the other county or municipality and fully reported to the City. Gross income for business license

tax purposes shall not include taxes collected for a governmental entity, escrow funds, or funds that are the property of a third party. The value of bartered goods or trade-in merchandise shall be included in gross income. The gross receipts or gross revenues for business license purposes may be verified by inspection of returns and reports filed with the Internal Revenue Service, the South Carolina Department of Revenue, the South Carolina Department of Insurance, or other government agencies. In calculating gross income for certain businesses, the following rules shall apply:

- A. Gross income for agents shall be calculated on gross commissions received or retained, unless otherwise specified. If commissions are divided with other brokers or agents, then only the amount retained by the broker or agent is considered gross income.
- B. Except as specifically required by S.C. Code § 38-7-20, gross income for insurance companies shall be calculated on gross premiums written.
- C. Gross income for manufacturers of goods or materials with a location in the City shall be calculated on the lesser of (i) gross revenues or receipts received or accrued from business done at the location, (ii) the amount of income allocated and apportioned to that location by the business for purposes of the business's state income tax return, or (iii) the amount of expenses attributable to the location as a cost center of the business. Licensees reporting gross income under this provision shall have the burden to establish the amount and method of calculation by satisfactory records and proof. Manufacturers include those taxpayers reporting a manufacturing principal business activity code on their federal income tax returns.

“License Official” means a person designated by the City Administrator to administer this ordinance. Notwithstanding the designation of a primary license official, the City may designate one or more alternate license officials to administer particular types of business licenses, including without limitation for business licenses issued to businesses subject to business license taxes under Article 20, Chapter 9, Title 58, and Chapters 7 and 45, Title 38, of the South Carolina Code.

“Licensee” means the business, the person applying for the license on behalf of the business, an agent or legal representative of the business, a person who receives any part of the net profit of the business, or a person who owns or exercises control of the business.

“NAICS” means the North American Industry Classification System for the United States published under the auspices of the Federal Office of Management and Budget.

“Person” means any individual, firm, partnership, limited liability partnership, limited liability company, cooperative non-profit membership, corporation, joint venture, association, estate, trust, business trust, receiver, syndicate, holding company, or other group or combination acting as a unit, in the singular or plural, and the agent or employee having charge or control of a business in the absence of the principal.

Section 7-1-3. Purpose and Duration. The business license required by this ordinance is for the purpose of providing such regulation as may be required for the business subject thereto and for the purpose of raising revenue for the general fund through a privilege tax. The license year ending on April 30, 2022, shall commence on January 1, 2021 and shall run for a 16-month period. Thereafter, the license periods shall be established as follows. Except as set forth below for business licenses issued to contractors with respect to specific construction projects, each yearly license shall be issued for the twelve-month period of May 1 to April 30. A business license issued for a construction contract may, at the request of the licensee, be stated to expire at the completion of the construction project; *provided*, any such business license may require that the licensee file, by each April 30 during the continuation of the construction project, a statement of compliance, including but not limited to a revised estimate of the value of the contract. If any revised estimate of the final value of such project exceeds the amount for which the business license was issued, the licensee shall be required to pay a license fee at the then-prevailing rate on the excess amount. The provisions of this ordinance and the rates herein shall remain in effect from year to year as amended by the Council.

Section 7-1-4. Business License Tax, Refund.

- A. The required business license tax shall be paid for each business subject hereto according to the applicable rate classification on or before the due date of the 30th day of April in each year, except for those businesses in Rate Class 8 for which a different due date is specified. Late payments shall be subject to penalties as set forth in Section 7-1-12 hereof, except that admitted insurance companies may pay before June 1 without penalty.
- B. A separate license shall be required for each place of business and for each classification or business conducted at one place. Each housing unit shall be deemed to be a separate place of business for purposes of determining the number of different licenses required by lessors of residential housing units. If gross income cannot be separated for classifications at one location, the business license tax shall be computed on the combined gross income for the classification requiring the highest rate. The business license tax must be computed based on the licensee's gross income for the calendar year preceding the due date, for the licensee's twelve-month fiscal year preceding the due date, or on a twelve-month projected income based on the monthly average for a business in operation for less than one year, except for lessors of residential housing units which shall have a license fee based on gross income for the period of January 1 to December 31. The business license tax for a new business must be computed on the estimated probable gross income for the balance of the license year. The initial business license tax for an annexed business shall be prorated for the number of months remaining in the license year. A business license related to construction contract projects may be issued on a per-project basis, at the option of the taxpayer. No refund shall be made for a business that is discontinued.
- C. A licensee that submits a payment greater than the amount owed may request a refund. To be considered, a refund request must be submitted in writing to the City before the June 1 immediately following the April 30 on which the payment was due and must be supported by adequate documentation supporting the refund request. The City shall approve or deny the refund request, and if approved shall issue the refund to the business, within thirty days after receipt of the request.

Section 7-1-5. Registration Required.

- A. The owner, agent, or legal representative of every business subject to this ordinance, whether listed in the classification index or not, shall register the business and make application for a business license on or before the due date of each year; *provided*, a new business shall be required to have a business license prior to operation within the City, and an annexed business shall be required to have a business license within thirty (30) days of the annexation. A license for a bar (NAICS 722410) must be issued in the name of the individual who has been issued the corresponding state alcohol, beer, or wine permit or license and will have actual control and management of the business.
- B. Application shall be on the then-current standard business license application as established and provided by the Director of the South Carolina Revenue and Fiscal Affairs Office and shall be accompanied by all information about the applicant, the licensee, and the business deemed appropriate to carry out the purpose of this ordinance by the license official. Applicants may be required to submit copies of portions of state and federal income tax returns reflecting gross receipts and gross revenue figures.
- C. The applicant shall certify under oath that the information given in the application is true, that the gross income is accurately reported (or estimated for a new business) without any unauthorized deductions, and that all assessments, personal property taxes on business property, and other monies due and payable to the City have been paid.
- D. The City shall allow application, reporting, calculation, and payment of business license taxes through the business license tax portal hosted and managed by the South Carolina Revenue and

Fiscal Affairs Office, subject to the availability and capability thereof. Any limitations in portal availability or capability do not relieve the applicant or Licensee from existing business license or business license tax obligations.

Section 7-1-6. Deductions, Exemptions, and Charitable Organizations.

- A. No deductions from gross income shall be made except income earned outside of the City on which a license tax is paid by the business to some other municipality or county and fully reported to the City, taxes collected for a governmental entity, or income which cannot be included for computation of the tax pursuant to state or federal law. Properly apportioned income from business in interstate commerce shall be included in the calculation of gross income and is not exempted. The applicant shall have the burden to establish the right to exempt income by satisfactory records and proof.
- B. No person shall be exempt from the requirements of the ordinance by reason of the lack of an established place of business within the City, unless exempted by state or federal law. The license official shall determine the appropriate classification for each business in accordance with the latest issue of NAICS. No person shall be exempt from this ordinance by reason of the payment of any other tax, unless exempted by state law, and no person shall be relieved of liability for payment of any other tax or fee by reason of application of this ordinance.
- C. Wholesalers are exempt from business license taxes unless they maintain warehouses or distribution establishments within the City. A wholesale transaction involves a sale to an individual who will resell the goods and includes delivery of the goods to the reseller. It does not include a sale of goods to a user or consumer.
- D. A charitable organization shall be exempt from the business license tax on its gross income unless it is deemed a business subject to a business license tax on all or part of its gross income as provided in this section. A charitable organization, or any affiliate of a charitable organization, that reports income from for-profit activities or unrelated business income for federal income tax purposes to the Internal Revenue Service shall be deemed a business subject to a business license tax on the part of its gross income from such for-profit activities or unrelated business income.
- E. A charitable organization shall be deemed a business subject to a business license tax on its total gross income if (1) any net proceeds of operation, after necessary expenses of operation, inure to the benefit of any individual or any entity that is not itself a charitable organization as defined in this ordinance, or (2) any net proceeds of operation, after necessary expenses of operation, are used for a purpose other than a charitable purpose as defined in this ordinance. Excess benefits or compensation in any form beyond fair market value to a sponsor, organizer, officer, director, trustee, or person with ultimate control of the organization shall not be deemed a necessary expense of operation.
- F. Licenses shall be waived for vendors who are not otherwise required to hold a valid business license and who are invited by the City to participate in City-hosted, City-sponsored, or City-sanctioned special events. Such vendors shall submit a written application for a special events license waiver on a form prescribed and dispensed by the license official upon such terms as indicated on the temporary waiver.

Section 7-1-7. False Application Unlawful. It shall be unlawful for any person subject to the provisions of this ordinance to make a false application for a business license or to give or file, or direct the giving or filing of, any false information with respect to the license or tax required by this ordinance.

Section 7-1-8. Display and Transfer.

- A. All persons shall display the license issued to them on the original form provided by the license official in a conspicuous place in the business establishment at the address shown on the license. A

transient or non-resident shall carry the license upon his person or in a vehicle used in the business readily available for inspection by any authorized agent of the City.

- B. A change of address must be reported to the license official within ten (10) days after removal of the business to a new location and the license will be valid at the new address upon written notification by the license official and compliance with zoning and building codes. Failure to obtain the approval of the license official for a change of address shall invalidate the license and subject the licensee to prosecution for doing business without a license. A business license shall not be transferable, and a transfer of controlling interest shall be considered a termination of the old business and the establishment of a new business requiring a new business license, based on old business income.

Section 7-1-9. Administration of Ordinance. The license official shall administer the provisions of this ordinance, collect business license taxes, issue licenses, make or initiate investigations and audits to ensure compliance, initiate denial or suspension and revocation procedures, report violations to the City attorney, assist in prosecution of violators, produce forms, undertake reasonable procedures relating to the administration of this ordinance, and perform such other duties as may be duly assigned.

Section 7-1-10. Inspection and Audits.

- A. For the purpose of enforcing the provisions of this ordinance, the license official or other authorized agent of the City is empowered to enter upon the premises of any person subject to this ordinance to make inspections and to examine and audit books and records. It shall be unlawful for any such person to fail or refuse to make available the necessary books and records. In the event an audit or inspection reveals that the licensee has filed false information, the costs of the audit shall be added to the correct business license tax and late penalties in addition to other penalties provided herein. Each day of failure to pay the proper amount of business license tax shall constitute a separate offense.
- B. The license official shall have the authority to make inspections and conduct audits of businesses to ensure compliance with the ordinance. Financial information obtained by inspections and audits shall not be deemed public records, and the license official shall not release the amount of business license taxes paid or the reported gross income of any person by name without written permission of the licensee, except as authorized by this ordinance, state or federal law, or proper judicial order. Statistics compiled by classifications are public records.
- C. Any person managing a business or occupation for another person who is required to hold a business license pursuant to this chapter shall maintain a current list of all such businesses or occupations, which list shall contain all information used by the City in determining the annual license tax for such businesses or occupations for each license year in which the manager performed management duties at any time during such license year. Such manager shall maintain on file with the license official a current copy of all such businesses' or occupations' business licenses and the information required in this subsection, including the business or occupation owner's name, mailing address and location of each business.

Section 7-1-11. Assessments, Payment under Protest, Appeal.

- A. Assessments, payments under protest, and appeals of assessment shall be allowed and conducted by the City pursuant to the provisions of S.C. Code § 6-1-410, as amended. In preparing an assessment, the license official may examine such records of the business or any other available records as may be appropriate and conduct such investigations and statistical surveys as the license official may deem appropriate to assess a business license tax and penalties as provided herein.
- B. The license official shall establish a uniform local procedure consistent with S.C. Code § 6-1-410 for hearing an application for adjustment of assessment and issuing a notice of final assessment;

provided that for particular types of business licenses, including without limitation for business licenses issued to businesses subject to business license taxes under Article 20, Chapter 9, Title 58, and Chapters 7 and 45, Title 38, of the South Carolina Code, the City, by separate ordinance, may establish a different procedure and may delegate one or more rights, duties, and functions hereunder to the Municipal Association of South Carolina.

Section 7-1-12. Delinquent License Taxes, Partial Payment.

- A. For non-payment of all or any part of the correct business license tax, the license official shall impose and collect a late penalty of five (5%) percent of the unpaid tax for each month or portion thereof after until paid. Penalties shall not be waived. If any business license tax remains unpaid for sixty (60) days after its due date, the license official shall report it to the City attorney for appropriate legal action. Penalties on license taxes for those businesses in Rate Class 8 due at a date other than April 30th shall run from the due date or as otherwise provided in Appendix A.
- B. Partial payment may be accepted by the license official to toll imposition of penalties on the portion paid; *provided*, however, no business license shall be issued or renewed until the full amount of the tax due, with penalties, has been paid.

Section 7-1-13. Notices. The license official may, but shall not be required to, mail written notices that business license taxes are due. If notices are not mailed, there shall be published a notice of the due date in a newspaper of general circulation within the City three (3) times prior to the due date in each year. Failure to receive notice shall not constitute a defense to prosecution for failure to pay the tax due or grounds for waiver of penalties.

Section 7-1-14. Denial of License. The license official may deny a license to an applicant when the license official determines:

- A. The application is incomplete or contains a misrepresentation, false or misleading statement, or evasion or suppression of a material fact;
- B. The activity for which a license is sought is unlawful or constitutes a public nuisance *per se* or *per accidens*;
- C. The applicant, licensee, prior licensee, or the person in control of the business has been convicted within the previous ten years of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods;
- D. The applicant, licensee, prior licensee, or the person in control of the business has engaged in an unlawful activity or nuisance related to the business or to a similar business in the City or in another jurisdiction;
- E. The applicant, licensee, prior licensee, or the person in control of the business is delinquent in the payment to the City of any tax or fee;
- F. A licensee has actual knowledge or notice, or based on the circumstances reasonably should have knowledge or notice, that any person or employee of the licensee has committed a crime of moral turpitude on the business premises, or has permitted any person or employee of the licensee to engage in the unlawful sale of merchandise or prohibited goods on the business premises and has not taken remedial measures necessary to correct such activity; or
- G. The license for the business or for a similar business of the licensee in the City or another jurisdiction has been denied, suspended, or revoked in the previous license year.

A decision of the license official shall be subject to appeal as herein provided. Denial shall be written with reasons stated.

Section 7-1-15. Suspension or Revocation of License. When the license official determines:

- A. A license has been mistakenly or improperly issued or issued contrary to law;
- B. A licensee has breached any condition upon which the license was issued or has failed to comply with the provisions of this ordinance;
- C. A licensee has obtained a license through a fraud, misrepresentation, a false or misleading statement, or evasion or suppression of a material fact in the license application;
- D. A licensee has been convicted within the previous ten years of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods;
- E. A licensee has engaged in or allowed an unlawful activity or nuisance related to the business, or the licensee has demonstrated an inability or unwillingness to prevent the licensee's tenants from engaging in unlawful activities or creating nuisances related to the business;
- F. A licensee has had five (5) or more complaints of unlawful activity within a single calendar year that are determined to be founded by the Police Department;
- G. A licensee is delinquent in the payment to the City of any tax or fee,

the license official may give written notice to the licensee or the person in control of the business within the City by personal service or mail that the license is suspended pending a single hearing before Council or its designee for the purpose of determining whether the suspension should be upheld and the license should be revoked.

The written notice of suspension and proposed revocation shall state the time and place at which the hearing is to be held, which shall be at a regular or special Council meeting within ten (10) days from the date of service of the notice, unless continued by agreement, and shall contain a brief statement of the reasons for the suspension and proposed revocation and a copy of the applicable provisions of this ordinance.

Section 7-1-16. Appeals to Council or its Designee.

- A. Except with respect to appeals of assessments under Section 7-1-11 hereof, which are governed by S.C. Code § 6-1-410, any person aggrieved by a determination, denial, or suspension and proposed revocation of a business license by the license official may appeal the decision to the Council or its designee by written request stating the reasons for appeal, filed with the license official within ten (10) days after service by mail or personal service of the notice of determination, denial, or suspension and proposed revocation.
- B. A hearing on an appeal from a license denial or other determination of the license official and a hearing on a suspension and proposed revocation shall be held by the Council or its designee within ten (10) business days after receipt of a request for appeal or service of a notice of suspension and proposed revocation. The hearing shall be held upon written notice at a regular or special meeting of the Council, or, if by designee of the Council, at a hearing to be scheduled by the designee. The hearing may be continued to another date by agreement of all parties. At the hearing, all parties shall have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by Council or its designee shall govern the hearing. Following the hearing, the Council by majority vote of its members present, or the designee of Council if the hearing is held by the designee, shall render a written decision based on findings of fact and conclusions on application of the standards herein. The written decision shall be served, by personal service or by mail, upon all parties or their representatives and shall constitute the final decision of the City.

- C. Timely appeal of a decision of Council or its designee does not effectuate a stay of that decision. The decision of the Council or its designee shall be binding and enforceable unless overturned by an applicable appellate court after a due and timely appeal.
- D. For business licenses issued to businesses subject to business license taxes under Article 20, Chapter 9, Title 58, and Chapters 7 and 45, Title 38, of the South Carolina Code, the City may establish a different procedure by ordinance.

Section 7-1-17. Consent, franchise, or license required for use of streets.

- A. It shall be unlawful for any person to construct, install, maintain, or operate in, on, above, or under any street or public place under control of the City any line, pipe, cable, pole, structure, or facility for utilities, communications, cablevision, or other purposes without a consent agreement or franchise agreement issued by the Council by ordinance that prescribes the term, fees, and conditions for use.
- B. The annual fee for use of streets or public places authorized by a consent agreement or franchise agreement shall be set by the ordinance approving the agreement and shall be consistent with limits set by state law. Existing franchise agreements shall continue in effect until expiration dates in the agreements. Franchise and consent fees shall not be in lieu of or be credited against business license taxes unless specifically provided by the franchise or consent agreement.

Section 7-1-18. Confidentiality. Except in accordance with proper judicial order or as otherwise provided by law, no official or employee of the City may divulge or make known in any manner the amount of income or any financial particulars set forth or disclosed in any report or return required under this ordinance. Nothing in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns. Any license data may be shared with other public officials or employees in the performance of their duties, whether or not those duties relate to enforcement of this ordinance.

Section 7-1-19. Violations.

- A. Any person violating any provision of this ordinance shall be deemed guilty of an offense and shall be subject to a fine of up to \$500.00 or imprisonment for not more than thirty (30) days or both, upon conviction. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent taxes, penalties, and costs provided for in this ordinance.
- B. It shall be unlawful for any person to manage a business or occupation for another person who does not have a current business license as required under this chapter. Any person violating any provision of this subsection shall be deemed guilty of an offense and upon conviction shall be subject to a fine of up to \$500.00 or imprisonment for not more than thirty (30) days, or both. Each day of violation shall be considered a separate offense.

Section 7-1-20. Severability. A determination that any portion of this ordinance is invalid or unenforceable shall not affect the remaining portions. To the extent of any conflict between the provisions of this ordinance and the provisions of the South Carolina Business License Tax Standardization Act, as codified at S.C. Code §§ 6-1-400 *et seq.*, the standardization act shall control.

Section 7-1-21. Classification and Rates.

- A. The business license tax for each class of businesses subject to this ordinance shall be computed in accordance with the current business license rate schedule, designated as Appendix A to this ordinance, which may be amended from time to time by the Council.
- B. The current business license class schedule is attached hereto as Appendix B. Hereafter, no later than December 31 of each odd year, the City shall adopt, by ordinance, the latest standardized business license class schedule as recommended by the Municipal Association of South Carolina

and adopted by the Director of the South Carolina Revenue and Fiscal Affairs Office. Upon adoption by the City, the revised business license class schedule shall then be appended to this ordinance as a replacement Appendix B.

- C. The classifications included in each rate class are listed with NAICS codes, by sector, sub-sector, group, or industry. The business license class schedule (Appendix B) is a tool for classification and not a limitation on businesses subject to a business license tax. The classification in the most recent version of the business license class schedule adopted by the Council that most specifically identifies the subject business shall be applied to the business. The license official shall have the authority to make the determination of the classification most specifically applicable to a subject business.
- D. A copy of the class schedule and rate schedule shall be filed in the office of the City clerk.”

SECTION 2. That should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable therefrom and shall continue to be in full force and effect.

SECTION 3. That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION 4. That this Ordinance shall become effective on May 1, 2022.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS,
ON THE _____ DAY OF _____, 2021.

Jimmy Carroll, Mayor

(Seal)

Attest:

Nicole DeNeane, City Clerk

First Reading: _____

Public Hearing: _____

Second Reading: _____

Ratification: _____

APPENDIX A: BUSINESS LICENSE RATE SCHEDULE

	INCOME: \$0 - \$2,000	INCOME OVER \$2,000
<u>RATE CLASS</u>	<u>BASE RATE</u>	<u>RATE PER \$1,000 OR FRACTION</u>
<u>THEREOF</u>		
1	\$70.00	\$2.00
2	\$75.00	\$2.10
3	\$80.00	\$2.20
4	\$85.00	\$2.30
5	\$90.00	\$2.40
6	\$95.00	\$2.50
7	\$100.00	\$2.60
8	See individual businesses in Class 8 listed below in Appendix A.	
9	See individual businesses in Class 9 listed below in Appendix A.	

NON-RESIDENT RATES

Unless otherwise specifically provided, all taxes and rates shall be doubled for nonresidents and itinerants having no fixed principal place of business within the City.

CLASS 8 RATES

Each NAICS number designates a separate subclassification. The businesses in this section are treated as separate and individual subclasses due to provisions of state law, regulatory requirements, service burdens, tax equalization considerations, and other factors that are deemed sufficient to require individually determined rates. In accordance with state law, the City also may provide for reasonable subclassifications for rates, described by an NAICS sector, subsector, or industry, that are based on particularized considerations as needed for economic stimulus or for the enhanced or disproportionate demands on municipal services or infrastructure.

Non-resident rates do not apply except where indicated.

8.1 NAICS 230000 – Contractors, Construction, All Types: [Non-resident rates apply].

Resident rates, for contractors having a permanent place of business within the City:

Minimum on first \$2,000 \$110.00 PLUS

Each additional 1,000..... \$2.35

Non-resident rates apply to contractors that do not have a permanent place of business within the City. A trailer at the construction site or structure in which the contractor temporarily resides is not a permanent place of business under this ordinance.

No contractor shall be issued a business license until all state and municipal qualification examination and trade license requirements have been met. Each contractor shall post a sign in plain view on each job identifying the contractor with the job.

Sub-contractors shall be licensed on the same basis as general or prime contractors for the same job. No deductions shall be made by a general or prime contractor for value of work performed by a sub-contractor.

No contractor shall be issued a business license until all performance and indemnity bonds required by the Building Code have been filed and approved. Zoning permits must be obtained when required by the Zoning Ordinance.

Each prime contractor shall file with the License Official a list of sub-contractors furnishing labor or materials for each project.

For licenses issued on a per-job basis, the total tax for the full amount of the contract shall be paid prior to commencement of work and shall entitle the contractor to complete the job without regard to the normal license expiration date. An amended report shall be filed for each new job and the appropriate additional license fee per \$1,000 of the contract amount shall be paid prior to commencement of new work. Only one base tax shall be paid in a license year. Licensees holding a per-job license shall file, by each April 30 during the continuation of the construction project, a statement of compliance, including but not limited to a revised estimate of the value of the contract. If any revised estimate of the final value of such project exceeds the amount for which the business license was issued, the licensee shall be required to pay a license fee at the then-prevailing rate on the excess amount.

8.2 NAICS 482 – Railroad Companies: Set by statute; see S.C. Code § 12-23-210.

8.3 NAICS 517311, 517312 – Telephone Companies:

Notwithstanding any other provisions of this chapter, business license taxes for retail telecommunications service as defined in S.C. Code 1976, § 58-9-2200, including but not limited to those services described in Standard Industrial Classification (SIC) 481 and North American industry Classification System (NAICS) 5133, shall pay an annual business license fee based on gross income.

Pursuant to S.C. Code 1976, § 58-9-2220, the following business license tax schedule shall apply to the gross income from retail telecommunications services for the preceding calendar or fiscal year which either originate or terminate in the City and which are charged to a service address within the City regardless of where these amounts are billed or paid and on which a business license tax has not been paid to another municipality. The measurement of the amounts derived from the retail of mobile telecommunications services shall include only revenues from the fixed monthly recurring charge of customers whose service address is within the boundaries of the City.

Rate for license taxes due in the years 1999 through 2003: three tenths of one percent (0.3%) of gross income for the preceding year.

Rate for license taxes due in the year 2004 and each year thereafter: seventy-five hundredths of one percent (0.75%) of gross income for the preceding year.

For a business in operation for less than one (1) year, the amount of business license tax authorized by this section shall be computed on a twelve (12) month projected income.

The rate for business licenses for retail telecommunications service for 1999 shall be three tenths of one percent (0.3%) of 1998 gross income, due on October 1, 1999, and payable by January 31, 2000, without penalty.

The telecommunications business license tax shall be due on January 1 in each year, beginning in the year 2000. Declining rates shall not apply. Taxes are payable without penalty by January 31 following the due date. After January 31, the delinquent penalty shall be five percent (5%) of the tax due for each month, or portion thereof, after the due date until paid.

Exemptions in this chapter for income from business in interstate commerce are hereby repealed. Properly apportioned gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.

Nothing in this chapter shall be interpreted to interfere with a franchise agreement or contractual agreement entered into with a telecommunications provider prior to December 31, 1997.

Fees imposed by a franchise or contractual agreement with a telecommunications provider entered into prior to December 31, 1997, which expires prior to December 31, 2003, shall continue in effect until December 31, 2003.

All fees collected under such franchise agreement or contractual agreement shall be in lieu of fees or taxes which might otherwise be authorized by this chapter.

A business license tax ordinance, adopted prior to December 31, 1997, which levied a business license tax paid by a telecommunications company higher than that levied under this chapter, shall remain in effect through December 31, 2003.

As authorized by S.C. Code 1976, § 5-7-300, the agreement with the Municipal Association of South Carolina for collection of current and delinquent license taxes from telecommunications companies pursuant to S.C. Code 1976, § 58-9-2200 shall continue in effect.

8.4 NAICS 5241 – Insurance Companies:

Except as to fire insurance, "gross premiums" means gross premiums written for policies for property or a risk located within the City. In addition, "gross premiums" shall include premiums written for policies that are sold, solicited, negotiated, taken, transmitted, received, delivered, applied for, produced or serviced by (1) the insurance company's office located in the City, (2) the insurance company's employee conducting business within the City, or (3) the office of the insurance company's licensed or appointed producer (agent) conducting business within the City, regardless of where the property or risk is located, provided no tax has been paid to another municipality in which the property or risk is located based on the same premium.

Solicitation for insurance, receiving or transmitting an application or policy, examination of a risk, collection or transmitting of a premium, adjusting a claim, delivering a benefit, or doing any act in connection with a policy or claim shall constitute conducting business within the City, regardless of whether or not an office is maintained in the City.

As to fire insurance, "gross premiums" means gross premiums (1) collected in the City, and/or (2) realized from risks located within the limits of the City.

Gross premiums shall include all business conducted in the prior calendar year.

Gross premiums shall include new and renewal business without deductions for any dividend, credit, return premiums or deposit. Declining rates shall not apply.

NAICS 52411 - Life, Health and Accident. 0.75% of Gross Premiums.

NAICS 524126 - Fire and Casualty. Two percent (2%) of Gross Premiums.

NAICS 524127 - Title Insurance. Two percent (2%) of Gross Premiums.

Notwithstanding any other provisions in this Chapter, license taxes for insurance companies shall be payable on or before May 31 in each year without penalty. The penalty for delinquent payments shall be five percent (5%) of the tax due per month, or portion thereof, after the due date until paid.

As authorized by S.C. Code 1976, § 5-7-300, the agreement with the Municipal Association of South Carolina for collection of current and delinquent license taxes from insurance companies shall continue in effect.

8.51 NAICS 713120 – Amusement Machines, coin operated (except gambling): Music machines, juke boxes, kiddie rides, video games, pin tables with levers, and other amusement machines with or without free play feature licensed by SC Department of Revenue pursuant to S.C. Code §12-21-2720(A)(1) and (A)(2) [Type I and Type II].

For operation of all machines (not on gross income), pursuant to S.C. Code §12-21-2746:

Per Machine \$12.50 PLUS

Business license \$12.50

Distributors that sell or lease machines and are not licensed by the state as an operator pursuant to §12-21-2728 are not subject to Subclass 8.51.

8.52 NAICS 713290 – Amusement Machines, coin operated, non-payout: Amusement machines of the non-payout type or in-line pin game licensed by SC Department of Revenue pursuant to S.C. Code §12-21-2720(A)(3) [Type III].

For operation of all machines (not on gross income), pursuant to S.C. Code §12-21-2720(B):

Per Machine \$180.00 PLUS

Business license \$12.50

Distributors that sell or lease machines and are not licensed by the state as an operator pursuant to §12-21-2728 are not subject to Subclass 8.52.

8.6 NAICS 713990 – Billiard or Pool Rooms, all types:

(A) Pursuant to SC Code § 12-21-2746, license tax of \$5.00 per table measuring less than 3½ feet wide and 7 feet long, and \$12.50 per table longer than that; PLUS, (B) with respect to gross income from the entire business in addition to the tax authorized by state law for each table:

Minimum on first \$2,000 \$110.00 PLUS

Per \$1,000, or fraction, over \$2,000 \$2.35

CLASS 9 RATES

9.1 NAICS 423930 – Junk or Scrap Dealers [Non-resident rates apply].

Minimum on first \$2,000 \$110.00 PLUS

Per \$1,000, or fraction, over \$2,000 \$3.00

9.2 NAICS 522298 – Pawn Brokers [All Types].

Minimum on first \$2,000 \$110.00 PLUS

Per \$1,000, or fraction, over \$2,000 \$3.00

9.3 NAICS 4411, 4412 – Automotive, Motor Vehicles, Boats, Farm Machinery or Retail.

(except auto supply stores - see 4413)

Minimum on first \$2,000 \$75.00 PLUS

Per \$1,000, or fraction, over \$2,000 \$2.00

One sales lot not more than 400 feet from the main showroom may be operated under this license provided that proceeds from sales at the lot are included in gross receipts at the main office when both are operated under the same name and ownership.

Gross receipts for this classification shall include value of trade-ins. Dealer transfers or internal repairs on resale items shall not be included in gross income.

NAICS 454390 – Peddlers, Solicitors, Canvassers, Door-To-Door Sales.

Direct retail sales of merchandise. [Non-resident rates apply]

9.41 Regular activities [more than two sale periods of more than three days each per year]

Minimum on first \$2,000 \$110.00 PLUS

Per \$1,000, or fraction, over \$2,000 \$2.35

9.42 Seasonal activities [not more than two sale periods of not more than three days each year, separate license required for each sale period]

Minimum on first \$2,000 \$15.00 PLUS

Per \$1,000, or fraction, over \$2,000 \$2.35

Applicants for a license to sell on private property must provide written authorization from the property owner to use the intended location.

9.6 NAICS 711190 – Carnivals and Circuses.

Minimum on first \$2,000 \$110.00 PLUS

Per \$1,000, or fraction, over \$2,000 \$2.35

9.7 NAICS 722410 – Drinking Places, bars, lounges, cabarets (Alcoholic beverages consumed on premises).

Minimum on first \$2,000 \$110.00 PLUS

Per \$1,000, or fraction, over \$2,000 \$3.00

License must be issued in the name of the individual who has been issued a State alcohol, beer or wine permit or license and will have actual control and management of the business.

9.91 NAICS 53111 – Lessors of Residential Housing Units – Less than Ninety (90) Days

(Non-resident rates do not apply):

Minimum on first \$2,000.00 \$175.00 PLUS

Per \$1,000.00, or fraction, over \$2,000.00 \$4.60

The licensee shall sign a written acknowledgment that a violation of this Code, either by the licensee, the licensee's property manager, or the licensee's rental guests, may result in the suspension or revocation of the license.

The licensee shall maintain on file with the City Business License Office the current telephone number, if any, of the residence and current twenty-four (24) hour per day telephone numbers at which the City may contact the licensee and, if applicable, the licensee's property manager.

APPENDIX B: BUSINESS LICENSE CLASS SCHEDULE

NAICS Code		Industry Sector
RATE CLASS 1		
	42	Wholesale trade
	44-45	Retail trade
	4413	Automotive parts tire stores
	442	Furniture and home furnishing stores
	443	Electronics and appliance stores
	444	Building material, garden equipment and supply
	445	Food and beverage stores
	446	Health and personal care stores
	447	Gasoline stations
	448	Clothing and accessory stores
	451	Sporting goods, hobby, music stores, bookstores
	452	General merchandise stores
	453	Miscellaneous store retailers
	454	Nonstore retailers, except peddlers
	722	Eating places, food services, restaurants, caterers, except drinking places
RATE CLASS 2		
	11	Agriculture, forestry, fishing and hunting
	31-33	Manufacturing
	48	Transportation, except rail
	49	Warehousing and couriers
RATE CLASS 3		
	711	Arts, sports and promoters of events
	721	Accommodation, hotel, motel, inn, camp
RATE CLASS 4		
	21	Mining
	511	Information
	512	Motion pictures, theaters, production

	5131	Radio and television broadcasting
	5141	Information services
	5142	Data processing services
	56	Administrative and support, waste management and remediation services
	61	Education services
	62	Health care and social assistance
RATE CLASS 5		
	54	Professional, scientific, and technical services
	811	Repair and maintenance services
	812	Personal care, barber, beauty, laundry
	813	Membership organizations
RATE CLASS 7		
	522	Consumer finance, mortgage bankers, credit card issuing, except banks and pawnshops
	523	Security and commodity brokers
	53	Real estate and rental (except 53111—lessors of residential buildings)
	55	Management of companies and enterprises
RATE CLASS 8		
	23	Construction
	482	Rail transportation
	5133	Telecommunications
	5241	Insurance carriers
	5242	Insurance agencies, except brokers for non-admitted insurers
	52421	Brokers for non-admitted insurance carriers
	7131	Amusement arcades, non-gambling
	7132	Gambling industries, video poker
	713990	Billiard parlor, pool tables
RATE CLASS 9		
	423930	Junk or scrap dealers
	4411	Automobile dealers
	4412	Other motor vehicle dealers

	454390	Peddlers, direct selling
	522298	Pawnshops
	53111	Lessors of residential housing units
	711190	Carnivals, circuses
	722410	Drinking places, bars (alcoholic)

BUSINESS LICENSE CLASS SCHEDULE BY NAICS CODE

NAICS Code	Rate Class	Industry Sector
11	2	Agriculture, forestry, fishing and hunting
21	4	Mining
23	8.1	Construction
31—33	2	Manufacturing
42	1	Wholesale trade
423930	9.1	Junk or scrap dealers
44—45	1	Retail trade
4411	9.3	Automobile dealers
4412	9.3	Other motor vehicle dealers
4413	1	Automotive parts, tire stores
442	1	Furniture and home furnishing stores
443	1	Electronics and appliance stores
444	1	Building material, garden equipment and supply
445	1	Food and beverage stores
446	1	Health and personal care stores
447	1	Gasoline stations
448	1	Clothing and accessory stores
451	1	Sporting goods, hobby, music stores, bookstores
452	1	General merchandise stores
453	1	Miscellaneous store retailers
454	1	Non-store retailers, except peddlers

454390	9.41 & 9.42	Peddlers, direct selling
48	2	Transportation, except rail
482	8.2	Rail transportation
49	2	Warehousing and couriers
511	4	Information
512	4	Motion pictures, theaters, production
5131	4	Radio and television broadcasting
5133	8.3	Telecommunications
5141	4	Information services
5142	4	Data processing services
522	7	Consumer finance, mortgage brokers, credit card issuing, except banks and pawnshops
522298	9.2	Pawnshops
523	7	Security and commodity brokers
5241	8.4	Insurance carriers
5242	8.4	Insurance agencies, except brokers for non-admitted insurers
52421	8.4	Brokers for non-admitted insurance carriers
53	7	Real estate and rental (except 53111—lessors of residential buildings)
53111	9.91	Lessors of residential housing units
54	5	Professional, scientific, and technical services
55	7	Management of companies and enterprises
56	4	Administrative and support, waste management and remediation services
61	4	Education services

62	4	Health care and social assistance
711	3	Arts, sports and promoters of events
711190	9.6	Carnivals, circuses
7131	8.51	Amusement arcades, non-gambling
7132	8.52	Gambling industries, video poker
713990	8.6	Billiard parlor, pool tables
721	3	Accommodation, hotel, motel, inn, camp
722	1	Eating places, food services, restaurants, caterers, except drinking places
722410	9.7	Drinking places, bars (alcoholic)
811	5	Repair and maintenance services
812	5	Personal care, barber, beauty, laundry
813	5	Membership organizations

This appendix will be updated every odd year based on the latest available IRS statistics. The 2022 Business License Class Schedule may be accessed at: <https://www.iop.net/building-and-planning/business-licenses>.

ORDINANCE 2021-15

AN ORDINANCE TO TEMPORARILY SUSPEND ENFORCEMENT OF TITLE 3, PUBLIC WORKS, CHAPTER 4, ENVIRONMENTALLY ACCEPTABLE PACKAGING AND PRODUCTS, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES, FOR BUSINESSES AFFECTED BY GLOBAL SUPPLY CHAIN ISSUES DUE TO THE COVID-19 PANDEMIC.

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED:

SECTION 1. That enforcement of Chapter 4, Environmentally Acceptable Packaging and Products, of Title 3, Public Works, of the City of Isle of Palms Code of Ordinances, is hereby temporarily suspended for a period of _____ months for businesses affected by global supply chain issues due to the Covid-19 pandemic.

SECTION 2. That should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable therefrom and shall continue to be in full force and effect.

SECTION 3. That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION 4. That this Ordinance shall become effective immediately upon ratification and shall expire on _____, 20____.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, ON THE _____ DAY OF _____, 2021.

Jimmy Carroll, Mayor

(Seal)

Attest:

Nicole DeNeane, City Clerk

First Reading:_____

Public Hearing:_____

Second Reading:_____

Ratification:_____

- CODE OF ORDINANCES
Title 6 - HEALTH AND SANITATION
CHAPTER 2. - ANIMALS
ARTICLE B. DOGS

ARTICLE B. DOGS

Sec. 6-2-11. Permit recommended; term.

It is recommended that any person, resident or visitor, to own, keep, harbor or allow a dog within the City limits, exercise, walk, or allow a dog on public properties apply for a free permit from the City. Each permit shall be valid for one (1) calendar year commencing January 1 of each year, and no longer.

(Ord. No. 2019-14, § 1, 7-23-2019)

Sec. 6-2-12. Certificate of vaccination required and presented prior to permit and tag issuance.

No person shall own, keep or harbor any pet within the City, or be issued a permit, unless the pet has been vaccinated against rabies as provided herein.

- (A) Unless the pet has received (as evidenced by certificate) a vaccination from a licensed graduate veterinarian using a vaccine which is good for a period of one (1) year, provided the vaccine has been approved with the longer period of time specified by the State Department of Health and Environmental Control after consultation with the executive committee of the Association of Veterinarians.
- (B) A State Department of Health and Environmental Control certificate of pet rabies vaccination will be issued by a licensed graduate veterinarian for each pet, stating the name and address of the owner, the name, breed, color and markings, age, sex of animal and the veterinary or pharmaceutical control number of the vaccination.
- (C) Coincident with the issuance of the certificate, the licensed graduate veterinarian shall also furnish a serially numbered metal tag bearing the same number and year as is on the certificate. The metal license tag shall bear the name of the veterinarian and shall at all times be attached to a collar or harness worn by the pet for which the certificate and tag have been issued. Tags must be of the same color and shape when issued in offices of veterinarians.
- (D) The owner shall have a valid certificate of rabies vaccination readily available at all times for inspection by the animal control officer, law enforcement officer or the SCDHEC designee.
- (E) In the event that a rabies tag is lost, the owner shall obtain a duplicate tag within seven (7) working days.
- (F) A certificate of rabies vaccination issued by a licensed veterinarian from another state will be accepted as valid evidence provided it is less than a year from date of issue.
- (G) Rabies inoculation must be given by age four (4) months to all cats and dogs.

(Ord. No. 2019-14, § 2, 7-23-2019)

Sec. 6-2-13. Removal of tag from dog prohibited.

No person shall wrongfully remove a tag from a dog registered as required by this article.

(Ord. No. 2019-14, § 3, 7-23-2019)

Sec. 6-2-14. Running at large prohibited; exceptions; impoundment.

(a) No person owning, having an interest in, harboring or having charge, care, control, custody or possession of any dog shall cause or permit the dog to be off the premises of its owner or custodian, unless such dog is securely confined by a strong leash, securely and continuously held by a competent person owning, having an interest in, harboring, or having charge, care, control, custody or possession of the dog, or unless the dog is confined within a vehicle, within an enclosure surrounded by an adequate fence or within a house. Provided, however, that a dog owner or other person charged with the custody and control of a dog may allow the dog to roam at large on the beach between the hours of 4:00 p.m. to 10:00 a.m. from September 15 through March 31, and between the hours of 5:00 a.m. to 9:00 a.m. from April 1 through September 14. Such owner or custodian shall at all times be in close proximity to the dog, have a leash in hand, and have the dog under control. Nothing contained herein shall affect a dog owner or custodian's duty to comply with section 62-26 requiring the removal of animal excrement.

(b) It shall be unlawful for any person to cause, permit, accompany or be responsible for the presence of any diseased dog on the streets or public places of the City or allow the dog to run on the premises of another, at any time; unless and in addition to the other requirements of this chapter the dog shall be securely muzzled to effectively prevent it from biting any person or other animal.

(c) It shall be unlawful for any person to keep a vicious dog unless under restraint by a fence, chain, or other means so that the dog cannot reach persons not on land owned, leased, or controlled by him. For purposes of this section, "vicious dog" means any dog evidencing an abnormal inclination to attack human beings or domestic animals without provocation, but has not injured a human being or domestic animal.

(d) Any dog running at large or kept in violation of this section shall be impounded. The owner of a licensed dog shall be given notice that the dog may be claimed from the City kennel within three (3) days. A dog with no license or identification will be held in the City kennel for two (2) days. An owner claiming a dog must comply with all requirements of this article and pay to the City an impoundment fee as established by City Council. Dogs not claimed within the applicable holding periods will be transferred to the County SPCA for disposal.

(Ord. No. 2019-14, § 4, 7-23-2019)

Sec. 6-2-15. Violation; penalties.

(a) It shall be unlawful for any person to fail to comply with the requirements of this article or to suffer or permit a dog to be a danger to the health, safety, or welfare of the public in violation of this article.

(b) In addition to any civil penalties provided in this article, a violation of any provision of this article is a misdemeanor punishable pursuant to section 1-3-66.

(Ord. No. 2019-14, § 5, 7-23-2019)

Sec. 6-2-16. Dogs not to disturb protected species and habitats.

In addition to the requirements of section 6-2-14(a), no person shall allow a dog to disturb protected species and habitats, as follows:

Deleted: to comply with all state laws regarding vicious or dangerous dogs, or the duty

Moved (insertion) [1]

Deleted: , impoundment,

Moved up [1]: (b) Any dog running at large in violation of this article shall be impounded. The owner of a licensed dog shall be given notice that the dog may be claimed from the City kennel within three (3) days. A dog with no license or identification will be held in the City kennel for two (2) days. An owner claiming a dog must comply with all requirements of this article and pay to the City an impoundment fee as established by City Council. Dogs not claimed within the applicable holding periods will be transferred to the County SPCA for disposal. ¶

Deleted: c

Deleted: v

Created: 2021-09-29 14:47:25 [EST]

(Supp. No. 21)

-
- (a) It shall be unlawful for any person to allow a dog to disturb nesting sea turtles, turtle nests or turtle hatchlings.
 - (b) It shall be unlawful for any person to allow a dog to enter into critical habitat areas which have been posted to prohibit such entry by the City or the State Wildlife and Marine Resources Department.

(Ord. No. 2019-14, § 6, 7-23-2019)

Sec. 6-2-17. Dangerous dogs.

(A) Definitions.

(1) "Dangerous dog" means:

(a) a dog with a known propensity, tendency, or disposition to attack unprovoked, cause injury, or to otherwise endanger the safety of human beings or domestic animals;

(b) a dog which makes an unprovoked attack that causes bodily injury to a human being or domestic animal;

(c) a dog which commits unprovoked acts and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to a human being or domestic animal;

(d) a dog which is owned or harbored primarily or in part for the purpose of fighting or which is trained for fighting.

(e) An animal which attacks a person who is trespassing or who is unlawfully on the premises of the owner is not a "dangerous dog."

(f) An animal is not a "dangerous dog" solely by virtue of its breed or species.

(2) "Owner" means a person who owns or has custody or control of the animal.

(3) "Injury" or "bodily injury" means (1) broken bones, (2) lacerations, (3) punctures of the skin, or (4) any physical injury resulting in death.

(B) No person owning or harboring or having the care or the custody of a dangerous dog may permit the animal to go unconfined on his or her premises. A dangerous dog is "unconfined" as used in this section if the animal is not confined securely indoors or confined in a securely enclosed fence or securely enclosed and locked pen or run area upon the person's premises. The pen or run area must be clearly marked as containing a dangerous dog and must be designed to prevent the entry of the general public, including children, and to prevent the escape or release of the animal. However, this section does not apply to a dog owned by a licensed security company and on patrol in a confined area.

(C) No person owning or harboring or having the care of a dangerous dog may permit the animal to go beyond his premises unless the animal is securely muzzled and restrained with a chain having a minimum tensile strength of 300 pounds and not exceeding three feet in length.

(D) Penalties.

(1) A person who violates paragraphs (B) or (C) of this section or who is the owner of a dangerous dog which attacks and injures a domestic animal shall be subject to a civil penalty of two hundred fifty (\$250.00) dollars for a first violation and five hundred (\$500.00) dollars for a subsequent violation. In addition, upon conviction of a first offense under paragraph (B) or (C) of this section, the owner will be required register the dog pursuant to paragraph (E) of this section.

(2) A person who is the owner of a dangerous dog which attacks and injures a human being shall be subject to a civil penalty of five hundred (\$500.00) dollars for each violation.

(3) A dangerous dog kept in violation of this section shall be immediately impounded. Impoundment shall continue until the resolution of the criminal charge and payment of all fines, fees and civil penalties.

(4) A dangerous dog which injures a human being or domestic animal may be ordered destroyed when in the court's judgment the dangerous dog represents a continuing threat of serious harm to human beings or domestic animals.

(5) A person found guilty of violating this article shall pay all expenses, including, but not limited to, shelter, food, veterinary expenses for boarding and veterinary expenses necessitated by the seizure of an animal for the protection of the public, medical expenses incurred by a victim from an attack by a dangerous dog, and other expenses required for the destruction of the animal.

(6) Nothing in this section is designed to abrogate any civil remedies available under statutory or common law.

(E) Registration. A person owning a dangerous dog shall register the animal with the City Police Department. The registration application must be accompanied by proof of liability insurance or surety bond of at least fifty thousand (\$50,000) dollars insuring or securing the owner for personal injuries inflicted by the dangerous dog.

(F) Notwithstanding any provision of this article to the contrary, the City's animal control officer or law enforcement officer shall be empowered to enforce the provisions of state law set forth under S.C. Code 1976, title 47, ch. 3, article 13, which are incorporated by reference as if fully stated herein. By virtue of the incorporation of state law into this chapter, the animal control officer or law enforcement officer shall be empowered to issue a uniform summons to the owner or keeper of a dangerous dog or to any person violating any provision of state law incorporated into this chapter.

Secs. 6-2-~~18~~—6-2-30. Reserved.

Deleted: 17

ORDINANCE 2021-16

AN ORDINANCE AMENDING TITLE 6, HEALTH AND SANITATION, CHAPTER 2, ANIMALS, ARTICLE B, DOGS, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO PROVIDE REGULATIONS FOR VICIOUS AND DANGEROUS DOGS, TO PROVIDE DEFINITIONS THEREFOR, TO REQUIRE REGISTRATION OF DANGEROUS DOGS, AND TO PROVIDE FOR CIVIL AND OTHER PENALTIES.

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED:

SECTION 1. That Article B, "Dogs," is hereby amended by deleting Section 6-2-14, "Running at large prohibited; exceptions," in its entirety and replacing it with a new Section 6-2-14 titled "Running at large prohibited; exceptions; impoundment," to state as follows:

"Sec. 6-2-14. Running at large prohibited; exceptions; impoundment.

- (a) No person owning, having an interest in, harboring or having charge, care, control, custody or possession of any dog shall cause or permit the dog to be off the premises of its owner or custodian, unless such dog is securely confined by a strong leash, securely and continuously held by a competent person owning, having an interest in, harboring, or having charge, care, control, custody or possession of the dog, or unless the dog is confined within a vehicle, within an enclosure surrounded by an adequate fence or within a house. Provided, however, that a dog owner or other person charged with the custody and control of a dog may allow the dog to roam at large on the beach between the hours of 4:00 p.m. to 10:00 a.m. from September 15 through March 31, and between the hours of 5:00 a.m. to 9:00 a.m. from April 1 through September 14. Such owner or custodian shall at all times be in close proximity to the dog, have a leash in hand, and have the dog under control. Nothing contained herein shall affect a dog owner or custodian's duty to comply with section 62-26 requiring the removal of animal excrement.
- (b) It shall be unlawful for any person to cause, permit, accompany or be responsible for the presence of any diseased dog on the streets

or public places of the City or allow the dog to run on the premises of another, at any time; unless and in addition to the other requirements of this chapter the dog shall be securely muzzled to effectively prevent it from biting any person or other animal.

- (c) It shall be unlawful for any person to keep a vicious dog unless under restraint by a fence, chain, or other means so that the dog cannot reach persons not on land owned, leased, or controlled by him. For purposes of this section, “vicious dog” means any dog evidencing an abnormal inclination to attack human beings or domestic animals without provocation, but has not injured a human being or domestic animal.
- (d) Any dog running at large or kept in violation of this section shall be impounded. The owner of a licensed dog shall be given notice that the dog may be claimed from the City kennel within three (3) days. A dog with no license or identification will be held in the City kennel for two (2) days. An owner claiming a dog must comply with all requirements of this article and pay to the City an impoundment fee as established by City Council. Dogs not claimed within the applicable holding periods will be transferred to the County SPCA for disposal.”

SECTION 2. That Article B, “Dogs,” is hereby amended by deleting Section 6-2-15, “Violation, impoundment, penalties,” in its entirety and replacing it with a new Section 6-2-15 titled “Violation; penalties,” to state as follows:

“Sec. 6-2-15. Violation; penalties.

- (a) It shall be unlawful for any person to fail to comply with the requirements of this article or to suffer or permit a dog to be a danger to the health, safety, or welfare of the public in violation of this article.
- (b) In addition to any civil penalties provided in this article, a violation of any provision of this article is a misdemeanor punishable pursuant to section 1-3-66.”

SECTION 3. That Article B, “Dogs,” is hereby amended by adding a new Section 6-2-17 titled “Dangerous dogs” to state as follows:

“Sec. 6-2-17. Dangerous dogs.

(A) Definitions.

(1) “Dangerous dog” means:

(a) a dog with a known propensity, tendency, or disposition to attack unprovoked, cause injury, or to otherwise endanger the safety of human beings or domestic animals;

(b) a dog which makes an unprovoked attack that causes bodily injury to a human being or domestic animal;

(c) a dog which commits unprovoked acts and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to a human being or domestic animal;

(d) a dog which is owned or harbored primarily or in part for the purpose of fighting or which is trained for fighting.

(e) An animal which attacks a person who is trespassing or who is unlawfully on the premises of the owner is not a “dangerous dog.”

(f) An animal is not a “dangerous dog” solely by virtue of its breed or species.

(2) “Owner” means a person who owns or has custody or control of the animal.

(3) “Injury” or “bodily injury” means (1) broken bones, (2) lacerations, (3) punctures of the skin, or (4) any physical injury resulting in death.

(B) No person owning or harboring or having the care or the custody of a dangerous dog may permit the animal to go unconfined on his or her premises. A dangerous dog is "unconfined" as used in this section if the animal is not confined securely indoors or confined in a securely enclosed fence or securely enclosed and locked pen or run area upon the person's premises. The pen or run area must be clearly marked as containing a dangerous dog and must be designed to prevent the entry of the general public, including children, and to prevent the escape or release of the animal. However, this section does not apply to a dog owned by a licensed security company and on patrol in a confined area.

- (C) No person owning or harboring or having the care of a dangerous dog may permit the animal to go beyond his premises unless the animal is securely muzzled and restrained with a chain having a minimum tensile strength of 300 pounds and not exceeding three feet in length.
- (D) Penalties.
- (1) A person who violates paragraphs (B) or (C) of this section or who is the owner of a dangerous dog which attacks and injures a domestic animal shall be subject to a civil penalty of two hundred fifty (\$250.00) dollars for a first violation and five hundred (\$500.00) dollars for a subsequent violation. In addition, upon conviction of a first offense under paragraph (B) or (C) of this section, the owner will be required register the dog pursuant to paragraph (E) of this section.
 - (2) A person who is the owner of a dangerous dog which attacks and injures a human being shall be subject to a civil penalty of five hundred (\$500.00) dollars for each violation.
 - (3) A dangerous dog kept in violation of this section shall be immediately impounded. Impoundment shall continue until the resolution of the criminal charge and payment of all fines, fees and civil penalties.
 - (4) A dangerous dog which injures a human being or domestic animal may be ordered destroyed when in the court's judgment the dangerous dog represents a continuing threat of serious harm to human beings or domestic animals.
 - (5) A person found guilty of violating this article shall pay all expenses, including, but not limited to, shelter, food, veterinary expenses for boarding and veterinary expenses necessitated by the seizure of an animal for the protection of the public, medical expenses incurred by a victim from an attack by a dangerous dog, and other expenses required for the destruction of the animal.
 - (6) Nothing in this section is designed to abrogate any civil remedies available under statutory or common law.
- (E) Registration. A person owning a dangerous dog shall register the animal with the City Police Department. The registration application must be accompanied by proof of liability insurance or surety bond of at least fifty thousand (\$50,000) dollars insuring or

securing the owner for personal injuries inflicted by the dangerous dog.

- (F) Notwithstanding any provision of this article to the contrary, the City's animal control officer or law enforcement officer shall be empowered to enforce the provisions of state law set forth under S.C. Code 1976, title 47, ch. 3, article 13, which are incorporated by reference as if fully stated herein. By virtue of the incorporation of state law into this chapter, the animal control officer or law enforcement officer shall be empowered to issue a uniform summons to the owner or keeper of a dangerous dog or to any person violating any provision of state law incorporated into this chapter."

SECTION 4. That should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable therefrom and shall continue to be in full force and effect.

SECTION 5. That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION 6. That this Ordinance take effect and be in full force immediately.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, ON THE _____ DAY OF _____, 2021.

Jimmy Carroll, Mayor

(Seal)

Attest:

Nicole DeNeane, City Clerk
First Reading: _____
Public Hearing: _____
Second Reading: _____
Ratification: _____



City of Isle of Palms, South Carolina

A Resolution

**Authorizing Consumption of beer and wine only at The Holiday Street Festival on
December 4, 2021**

WHEREAS, the City of Isle of Palms Recreation Department is hosting the 2021 Holiday Street Festival on Saturday, December 4, 2021 on Ocean Boulevard between 10th Avenue and Pavilion Avenue; and,

WHEREAS, the City of Isle of Palms Recreation Department is requesting permission for the temporary closing and use from 7:00 a.m. and 9:00 p.m. of Ocean Boulevard between 10th Avenue and Pavilion Avenue for set up, clean up, and staging of the event to be held on Saturday, December 4, 2021 from 2:00 p.m. to 9:00 p.m.; for patrons to consume beer and wine beverages only at the event during the hours of 2:00 p.m. to 7:00 p.m.; and for crowd control; and,

WHEREAS, it has been determined that such an event would be in the public interest;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council this 17th day of November 2021, that possession and consumption of beer and wine beverages is authorized on Ocean Boulevard between 10th Avenue and Pavilion Avenue between the hours of 2:00 p.m. and 7:00 p.m. on Saturday, December 4, 2021; and,

BE IT FURTHER RESOLVED that possession and consumption of alcoholic liquors or alcoholic Beverages other than beer and/or wine beverages within the event area is prohibited; and,

BE IT FURTHER RESOLVED that outdoor possession and consumption of beer and wine beverages only, all outdoor musical performances and use of sound-amplifying devices shall end by 7:00 p.m. due to the proximity of the event to residential properties; and,

BE IT FURTHER RESOLVED that all vendors be restricted to stationary location; and,

BE IT FURTHER RESOLVED that only pedestrian traffic will be allowed in the area. All other traffic including, but not limited to, automobiles, trucks, motorcycles, mopeds, bicycles, skate boards, golf carts, LSVs, except police and fire LSVs, is prohibited; and,

BE IT FURTHER RESOLVED that during the designated times the closed portion of Ocean Boulevard is deemed to be the site of a public festival at which only beer and wine beverages may be consumed and the prohibition against possession or consumption of alcoholic beverages set forth in Section 7-2-1 shall not apply as to the possession and consumption of beer and/or wine beverages only.

City Administrator

Mayor

ATTEST:

City Clerk