



Ways and Means Committee

5:00 p.m., Tuesday, June 21, 2022

1207 Palm Boulevard

City Hall Council Chambers

Public Comment:

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

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

Agenda

- 1. Call to order** and acknowledgment that the press and the public have been duly notified of the meeting in accordance with the Freedom of Information Act.
- 2. Approval of previous meeting's minutes**
Regular Meeting – May 17, 2022
- 3. Citizens' Comments** – All comments have a time limit of three (3) minutes.
- 4. Financial Statements** – Finance Director Debbie Suggs
Financial Reports, Project Worksheets & Financial Legal Analysis
- 5. Capital Projects Update**
 - a. Phase III Drainage
 - b. Comprehensive Drainage Island-wide Masterplan
 - c. Overhead to Underground Conversion
 - d. Construction of Pickle Ball Court
 - e. Reconstruction of Outdoor Basketball Courts
- 6. Old Business** – None
- 7. New Business**
 - a. Consideration of purchase of Polaris GEM [FY23 Budget, Police Department, State ATAX - \$18,000]
 - b. Consideration of replacement of three (3) patrol vehicles [FY23 Budget, Police Department, Capital Projects, Muni ATAX, State ATAX - \$135,000]
 - c. Consideration of replacement of two (2) pay stations at Front Beach [FY23 Budget, Front Beach Business District, Hospitality Tax - \$36,000]
 - d. Consideration of purchase One (1) F-250 replacement (re-budged from FY22) - \$70,000 [FY23 Budget, Fire Department, Capital Projects - \$70,000]
 - e. Discussion and consideration of revised proposal from ATM for design, engineering and permitting of public dock replacement and "T" dock improvements [FY23 Budget, Isle of Palms Marina - \$57,500 for public dock

engineering & \$400,000 for “T” dock improvements]

- f. Consideration of proposal from Thomas & Hutton in the amount of \$17,900 for additional design, engineering and permitting for the 41st Avenue outfall project to extend piping of ditch along 41st [FY23 Budget, Public Works, Capital Projects, Drainage - \$350,000]
- g. Preliminary discussion of FY22 positive net results and potential projects/expenditures to consider
- h. Update on marina leases assignment
- i. Discussion of ATAX Taskforce recommendations on the expenditure of the 30% state ATAX funds for tourism promotion and advertisement

8. Miscellaneous Business

9. Executive Session – If needed.

10. Adjournment



**Ways & Means Committee Meeting
5:00pm, Tuesday, May 17, 2022
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 Hahn, Bogosian, Miars, Ward, Streetman, Popson, and Mayor Pounds

Absent: Council members Anderson and Pierce

Staff Present: Administrator Fragoso, Treasurer Suggs, various City Department heads

2. Approval of previous meeting's minutes

Council Member Streetman made a motion to approve the minutes of the April 19, 2022 regular meeting and Council Member Bogosian seconded the motion. The motion passed unanimously.

4. Citizen's Comments -- none

5. Financial Statements – Treasurer Suggs

Treasurer Suggs said there have been no new significant financial events since the last meeting. As of 4/30/22, the City has received \$18.8M in revenues and expended \$13.8M across all funds. General Fund revenues are about \$1.5M ahead of budget. Revenues for rental licenses, business licenses, and building permits have greatly surpassed the budget.

The budget did not account for the significant increase in business licenses as a result of the State's Business License Standardization Act. This increase will be unique to FY22.

Treasurer Suggs is "expecting about \$2.5M in revenues in excess of expenditures in the General Fund."

The City has spent approximately \$150,000 in fuel year to date in a budget of \$187,000. She said this line item might go over budget.

The City has \$31M in cash deposits.

Tourism revenues continue to be strong. The City received a payment for municipal ATAX funds today in the amount of \$82,759, which is significantly higher than the April 2021 payment which was around \$68,000. The City also received a portion of the County pass through of \$59,000.

Small payments to ATM were made out of the marina dock fund.

5. Capital Projects Report

A. Marina Restaurant Renovation

Administrator Fragoso said this project is complete. She waiting for the Insight Group to setup a meeting and final walk-through of the restaurant to ensure it has been built to specifications.

The restaurant opened last Saturday.

B. Marina Docks Rehabilitation

Administrator Fragoso said this project is also very near completion. She said, “Everything related to construction is complete. All systems are 100% functional. We have the potable water permit in hand, which was the final piece that we were waiting on so the marina operator could use the water for drinking.” The contractor is working on the as-builts, warranty package, and a maintenance plan. The two windows for the fuel hut are expected this week.

C. Phase III Drainage

Administrator Fragoso gave an overview of the work being done on the Phase III Drainage Project. A slide detailing all of the work done on this project can be seen in the YouTube recording of this meeting linked on the City’s website. Construction has begun on the 30th Avenue outfall.

She shared, “Today we had a meeting on site with Dominion Energy and Quality Enterprises. There is a power pole right at the corner of the ditch there that needs to be relocated and moved about four feet away from the ditch. We’ve received notice from the adjacent property owner who is not happy with that relocation.” They are working with the contractor and property owner to minimize the impact. “The goal would be to maintain that power pole and the guide wires within the easement and certainly not on private property.”

The temporary relocation of the pole will also take extensive coordination with Dominion Energy and Quality Enterprises so as to not disrupt power to customers.

Staff continues to talk with the contractor about ways to minimize the several week road closure that will be necessary in mid-July. She shared a map of the proposed detour. They would like to have it closed only while work is being done and find a way for it to be open on the weekends.

The grant writer has been engaged to develop an amendment to the application for the grant received from the SC Office of Resiliency for the 41st Avenue project to include the piping over of the 41st Avenue ditch to create additional parking.

D. Master Drainage Plan

Administrator Fragoso referred to the slide in the meeting packet detailing the work that has been completed on the Drainage Master Plan to date. Davis & Floyd are developing solutions for high priority areas and some of the low priority areas within the Phase 4 study area. They will also review the City’s ongoing drainage maintenance schedule and stormwater management policies

to provide input and recommendations. Davis & Floyd is “currently assessing and developing their recommendations for our capital plan on drainage. Next steps will be developing those cost estimates for the solutions in the high priority areas that will help the City identify the next small but high impact project to pursue in FY23. They will also help the City identify funding alternatives for the projects.

E. Overhead to Underground Conversion

Administrator Fragoso reported on a slight change to the estimate for this project that will result in a \$3500 increase in the City’s portion of the project. The project is still scheduled for the fall/winter of 2022.

6. **Old Business** -- none

7. **New Business** – none

8. **Miscellaneous Business**

The next regular meeting of the Ways & Means Committee will be Tuesday, June 21, 2022 at 5pm.

9. Adjournment

Council Member Ward made a motion to adjourn and Council Member Streetman seconded the motion. The meeting was adjourned at 5:19pm.

Respectfully submitted,

Nicole DeNeane
City Clerk

City of Isle of Palms
Financial Statement Summary as of May 31, 2022
(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	\$ 12,436	\$ 11,799	\$ (637)	105%	\$ 14,463	\$ 2,664	\$ 16	\$ 667	\$ (651)	2%	\$ (2,373)	\$ (3,040)	\$ 10,567	\$ 12,466	\$ 1,899	85%	\$ 12,090	\$ (376)	1,885
Capital Projects	1,988	1,291	(697)	154%	1,969	678	-	394	(394)	0%	3,434	3,040	1,343	4,456	3,113	30%	1,312	(3,144)	645
Muni Accom Tax	1,612	1,526	(86)	106%	2,145	619	-	(433)	433	0%	(433)	-	977	1,265	288	77%	1,027	(238)	635
Hospitality Tax	834	836	2	100%	1,001	165	-	(244)	244	0%	(244)	-	489	562	73	87%	562	-	345
State Accom Tax	2,018	2,146	128	94%	2,797	651	(266)	(834)	568	32%	(834)	-	1,013	1,506	493	67%	1,681	175	739
Beach Prserv Fee	1,159	1,275	116	91%	1,560	285	-	-	-	-	-	-	81	385	304	21%	385	-	1,078
Marina	333	360	27	93%	316	(44)	250	450	(200)	56%	450	-	568	689	121	82%	689	-	15
Disaster Recovery	46	10	(36)	460%	3	(7)	-	-	-	-	-	-	-	10	10	0%	10	-	46
All Other	190	171	(19)	111%	189	18	-	-	-	-	-	-	188	167	(22)	113%	187	20	1
Total All Funds	\$ 20,616	\$ 19,414	\$ (1,202)	106%	\$ 24,443	\$ 5,029	\$ -	\$ -	\$ -		\$ -	\$ -	\$ 15,226	\$ 21,506	\$ 6,279	71%	\$ 17,943	\$ (3,562)	\$ 5,389

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	\$ 4,826	\$ 4,806	100%	\$ 4,703	103%	\$ 4,900	\$ 94
LO Sales Tax	765	895	85%	651	118%	1,040	145
Business Lic	1,977	1,421	139%	1,519	130%	2,010	589
Rental Lic	1,622	940	173%	920	176%	1,672	732
Other Lic (Insurance/Utilities)	210	1,496	14%	204	103%	1,591	95
Build Pmts	973	450	216%	661	147%	1,000	550
From State	233	253	92%	179	130%	307	54
Parking	1,165	1,019	114%	1,024	114%	1,330	311
All Other	665	519	128%	654	102%	613	94
Total	\$ 12,436	\$ 11,799	105%	\$ 10,515	118%	\$ 14,463	\$ 2,664

General Fund YTD Expenditures (YTD target = 92%)							
	FY22 YTD Actual	FY22 Budget	% of FY22 Budget	FY21 YTD Actual	% of Prior YTD	Current Annual Forecast	Forecast (Above)/ Below Budget
Mayor/Council	\$ 121	\$ 134	90%	\$ 115	105%	\$ 133	\$ 1
General Govt	1,734	2,145	81%	1,631	106%	2,038	107
Police	2,454	3,022	81%	2,315	106%	2,871	151
Fire	3,293	3,745	88%	2,975	111%	3,670	75
Public Works	1,329	1,502	88%	1,265	105%	1,472	30
Build & Lic	392	456	86%	363	108%	442	14
Recreation	919	1,090	84%	833	110%	1,057	33
Judicial	259	270	96%	221	117%	311	(41)
BSOs	66	102	65%	69	96%	97	5
Total	\$ 10,567	\$ 12,466	85%	\$ 9,787	108%	\$ 12,090	\$ 376

City of Isle of Palms Supplemental Financial Information as of May 31, 2022 (*Dollars in Thousands*)

Cash Balances		
	5/31/2022	5/31/2021
General Fund	5,988	5,655
As a % of GF Exp (target is > 30%)	48%	50%
Capital Projects	9,742	6,112
Disaster Recovery	2,873	2,735
Marina	928	2,657
Tourism Funds	5,998	3,956
Beach Preservation	5,835	4,235
Other Restricted	158	152
Total All Cash	31,522	25,502
Deposits at LGIP (.8813%)	30,174	96%
Deposits at TRUIST	1,348	4%
RESTRICTED CASH	11,991	38%

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	\$ 1,885	5,777	\$ 3,892	\$ 3,892
Capital Projects	8,933	645	9,578	6,162	13,024
Muni Accom Tax	1,595	635	2,230	1,423	2,280
Hospitality Tax	875	345	1,220	905	1,070
State Accom Tax	1,798	739	2,537	1,604	2,080
Beach Funds	4,756	1,078	5,834	5,646	5,931
Marina (See Note 1)	2,369	(1,451)	918	109	314
Disaster Recovery	2,826	46	2,872	2,826	2,819
All Other	155	1	156	159	157
Total All Funds	\$ 27,199	\$ 3,923	\$ 31,122	\$ 22,727	\$ 31,567

Note 1: The comparable amount for the Marina Enterprise Fund is not Fund Balance, but Unrestricted Net Position. To be consistent with the presentation of the other funds, the FY22 Net Revenue & Expense for the Marina includes spending on the dock project while the Fund Balance amounts do not include net fixed assets. Unrestricted net position is approx equal to net current assets for the Marina.

May 2022 Notes:

- All categories of YTD General Fund Revenues are running ahead of the prior year. Business License, Rental License, Building Permit and Parking revenues have already exceeded the the FY22 Budget. The FY22 budget was deliberately very conservative given the uncertainty related to the timing and extent of the post-pandemic economic recovery.
- YTD General Fund operating expenses are running 8% ahead of the prior year but well within budget targets. The current forecast predicts total General Fund expenditures will end the fiscal year \$376k below budget.
- The current forecast indicates a significant excess of revenues over expenditures in the General Fund. City Council will direct the distribution of these funds. In past years, Council has directed funds to increase fund balances in the General, Capital Projects and Disaster Recovery Funds.
- Total tourism revenues, consisting of all accommodations and hospitality taxes, are approximately \$2.2 million or 62% ahead of this time last year. The forecast predicts year-end totals will be \$1.7 million ahead of the FY23 budget.
- The City has approximately \$31.5 million in cash deposits. Approximately \$3.3 million of this total represents unspent bond proceeds, \$1 million is unspent federal ARP funding and \$12 million is restricted for tourism related expenditures or beach preservation.

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	99,719	AUG
OCT	61,352	63,829	62,752	71,963	83,230	SEPT
NOV	61,040	61,435	65,514	68,054	85,199	OCT
DEC	49,732	54,748	59,951	67,342	73,716	NOV
JAN	55,282	57,483	64,996	69,592	71,846	DEC
FEB	43,314	48,026	53,263	58,840	64,365	JAN
MAR	47,589	49,240	50,882	60,533	66,029	FEB
APR	60,349	65,794	43,070	83,678	90,351	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	764,828	
	Incr from FY17	Incr from FY18	Incr from FY19	Incr from FY20	Incr from FY21	
		6%	-2%	13%	17%	
				% Change fr FY20	33%	
				% Change fr FY19	36%	

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	124,372
NOV	61,918	57,777	64,256	63,444	65,882	66,090	102,229
DEC	33,233	36,937	32,877	40,182	34,301	71,683	70,478
JAN	25,309	28,217	28,859	25,836	32,335	34,025	75,503
FEB	20,313	15,332	18,317	13,666	18,596	26,709	25,613
MAR	16,918	20,485	21,562	19,983	9,690	31,080	39,938
APR	51,082	51,166	53,213	53,685	26,422	68,055	82,759
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	1,147,012
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%	47%

% Change fr FY20 70%
% Change fr FY19 64%

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	861,205
Dec Qtr	179,446	178,830	202,803	203,067	181,550	252,012	347,299
Mar Qtr	66,294	61,586	71,773	103,097	88,638	132,256	168,824
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	1,377,327
	1.7%	3.5%	3.2%	7.7%	-15.8%	45.3%	46.8%
	Incr from FY15	Incr from FY16	Incr from FY17	Incr from FY18	Incr from FY19	Incr from FY20	Incr from FY21
					% Change fr FY20	45%	62%
					% Change fr FY19	22%	62%

Heads in
Beds in

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

Chas County ATax Pass-Through				(20% of County's 2% on IOP Accommodation Sales)			
	FY16	FY17**	FY18	FY19	FY20	FY21	FY22
Sept Qtr	276,704	520,000	327,750	381,000	370,500	-	301,714
Dec Qtr							99,602
Mar Qtr							59,369
June Qtr	208,390	-	109,250	127,000	-	508,000	-
Total Fiscal Yr	485,093	520,000	437,000	508,000	370,500	508,000	460,684
	1%	7%	-16%	16%	-27%	37%	-9%
	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	135,765	JUL	
SEPT	70,725	77,619	81,373	78,014	78,129		49,484	103,523	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	93,150	OCT	
DEC	61,052	40,557	41,260	38,440	56,591		46,700	59,882	NOV	
JAN	24,864	27,883	19,085	31,905	28,058	57,988	47,194	DEC		
FEB	29,443	27,947	28,826	27,373	27,574	24,135	33,550	JAN		
MAR	27,586	39,785	49,744	40,741	21,853	39,019	60,751	FEB		
APR	50,531	57,961	66,633	66,425	12,956	50,777	76,131	MAR		
MAY	71,297	85,246	79,870	85,134	15,429	85,357	137,604	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	831,905			
	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 78%			
						% Change fr FY20	68%			
						% Change fr FY19	37%			

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	124,372	SEPT			
NOV	61,647	57,777	64,256	63,444	65,882	66,090	102,229	OCT			
DEC	33,233	36,937	32,877	40,182	34,301	71,683	70,478	NOV			
JAN	25,309	28,217	28,859	25,836	32,335	34,025	75,503	DEC			
FEB	20,313	15,332	18,317	13,666	18,596	26,709	25,613	JAN			
MAR	16,918	20,485	21,562	19,983	9,690	31,080	39,938	FEB			
APR	51,082	51,166	53,213	53,685	26,422	68,055	82,759	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	1,147,012				
		Incr from FY16 0%	Incr from FY17 10%	Incr from FY18 -3%	Incr from FY19 -17%	Incr from FY20 53%	Incr from FY21 47%				
						% Change fr FY20 64%	70%				

City of Isle of Palms
Marina Dock Replacement & Bulkhead Recoating
Funded with Accommodations Taxes, Marina Revenues and a \$4.3M GO Bond

Contracts and Change Orders Received:

9/10/2018	
3/25/2019	ATM Bulkhead recoating - develop maint protocol, bidding and construction svcs
8/5/2019	ATM Chg Order #2 -modification to facilitate add'l marina design and bidding services including coastal conditions assessment, dock areas B&C design development, bidding documents, technical specs, bid pkg development & bidding services. (Tasks 6*-9)
7/28/2020	ATM Chg Order #4* DHEC water/wastewater permits, Clean Vessel Act grant app, dock constr admin
5/21/2021	ATM Change Order #6 - electric transformer relocation, watersports dock relocation
7/27/2021	ATM Change Order #7 - additional construction mgt services
9/22/2020	Salmons Dredging Contract (includes \$86k IPE decking and \$804k bulkhead recoating)
10/27/2020	Salmons Change Order #1 - Builders Risk Insurance
11/13/2020	Salmons Change Order #2 - move watersports dock for regulatory compliance
12/11/2020	Salmons Change Order #3 - remove pony float
12/18/2020	Salmons Change Order #4 - eliminate joint sealant requirement
1/7/2121	Salmons Change Order #5 - relocate and install CT cabinet and meter
1/25/2021	Salmons Change Order #6 - relocate transformer
3/2/2021	Salmons Change Order #7 - fuel hut
6/22/2021	Salmons Change Order #8 - disposal of broken pile
6/22/2021	Salmons Change Order #9 - Builders Risk Insurance extension
9/23/2021	Salmons Change Order #10 - repairs to AIWW docks behind restaurant
9/23/2021	Salmons Change Order #11 - modifications to potable water service
1/18/2022	Salmons Change Order #12 - final Fuel Hut design
1/18/2022	Salmons Change Order #13 - extend buildiers risk insurance to 4.1.22
2/4/2022	Salmons Change Order #14 - labor & materials for limited demo & disposal of parts of watersports dock

Project Expenditures:

Invoice Date	Payee	Description of Work
2/1/2019	ATM	Design, engineering & permitting
5/29/2019	ATM	Consulting on bulkhead recoating
7/10/2019	SC DHEC - OCRM	marina dock permit application fee
8/1/2019	ATM	Design, engineering & permitting
9/25/2019	ATM	Design, engineering & permitting
12/1/2019	ATM	Design, engineering & permitting
1/1/2020	ATM	Design, engineering & permitting
3/31/2020	ATM	plans, specs & bid documents, Dock B&C design, bid pkg
4/24/2020	Army Corp of Engineers	permit fee

FY19 Spending on docks (Total FY19 Budget = \$600k)	24,600
FY20 Spending on docks (Total FY20 Budget = \$147k)	107,257
FY21 Spending on docks/recoat (Total FY21 Budget = \$3.2M)	2,411,612
FY22 Forecast for completion of docks/recoat	1,980,000
Contracts issued + City's contingency	(4,521,508)
Budget Funds Remaining	1,961

Plan, Design, Permitting & Bidding	Bulkhead Recoating	Dock Construction incl Fuel Hut	Contingency (incls provision for Builders Risk Insurance)	Total
62,000				62,000
21,000				21,000
68,000				68,000
66,500				66,500
3,615			(3,615)	-
40,000			(40,000)	-
	804,400	2,832,216	667,392	4,304,008
		50,215	(50,215)	-
		23,634	(23,634)	-
		3,195	(3,195)	-
	(37,000)	-	37,000	-
		3,020	(3,020)	-
		12,288	(12,288)	-
		224,404	(224,404)	-
		17,230	(17,230)	-
		27,602	(27,602)	-
		18,853	(18,853)	-
		4,973	(4,973)	-
		15,194	(15,194)	-
		19,794	(19,794)	-
		15,000	(15,000)	-
261,115	767,400	3,267,619	225,374	4,521,508

Project Expenditures, continued:

Invoice Date	Payee	Description of Work
5/6/2020	ATM	plans, specs & bid documents, Dock B&C design
6/30/2020	ATM	plans, specs & bid documents, Dock B&C design, bid pkg
8/7/2020	ATM	bidding services & CVAP grant application
9/11/2020	ATM	bidding, permitting and CVAP grant application
10/14/2020	Salmons Dredging	Pay App #1 - marine structure, performance bond
11/6/2020	ATM	permitting, grant application, construction admin
11/17/2020	ATM	Consulting on bulkhead recoating
11/24/2020	First Tryon	Financial Advisor for bond issue
11/24/2020	Pope Flynn/Womble	Bond Attorneys
12/14/2020	ATM	CVAP grant application and construction admin
12/15/2020	ATM	Consulting on bulkhead recoating
12/30/2020	Salmons Dredging	Pay App #2
1/20/2021	ATM	Consulting on bulkhead recoating
1/25/2021	ATM	Design, engineering & permitting
1/29/2021	Salmons Dredging	Pay App #3
2/18/2021	ATM	Consulting on bulkhead recoating
2/26/2021	ATM	Design, engineering & permitting
2/28/2021	Salmons Dredging	Pay App #4
3/24/2021	ATM	Consulting on bulkhead recoating
3/31/2021	Salmons Dredging	Pay App #5
4/30/2021	Salmons Dredging	Pay App #6
5/21/2021	ATM	Construction Admin
5/31/2021	Salmons Dredging	Pay App #7
6/22/2021	ATM	Construction Admin
6/30/2021	Salmons Dredging	Pay App #8
7/30/2021	Salmons Dredging	Pay App #9
8/20/2021	ATM	Construction Admin
9/24/2021	ATM	Construction Admin
9/24/2021	ATM	Construction Admin
9/30/2021	Salmons Dredging	Pay App #10
10/19/2021	ATM	Construction Admin
11/30/2021	Salmons Dredging	Pay App #11
1/26/2022	ATM	Construction Admin
1/31/2022	Salmons Dredging	Pay App #12
3/8/2022	ATM	Construction Admin, transformer relocation
2/28/2022	Salmons Dredging	Pay App #13
	ATM	Additional construction admin + design fees related to Public & T-dock
		Total paid
		Remaining on contracts

Plan, Design, Permitting & Bidding	Bulkhead Recoating	Dock Construction incl Fuel Hut	Contingency (incls provision for Builders Risk Insurance)	Total
4,295				4,295
10,247				10,247
4,722				4,722
6,421				6,421
		250,200		250,200
14,151				14,151
	945			945
			7,500	7,500
			7,500	7,500
13,524				13,524
	1,649			1,649
	187,920	69,340		257,260
	1,879			1,879
20,294				20,294
	140,521	153,217		293,738
	477			477
10,416				10,416
	121,720	220,924		342,643
	808			808
	197,060	326,655		523,715
		151,200		151,200
4,115				4,115
	36,198	364,056		400,254
3,467				3,467
	7,240	88,111		95,350
		256,519		256,519
4,898				4,898
7,547				7,547
	743			743
	80,440	249,116		329,556
6,704				6,704
		303,234		303,234
9,782				9,782
		257,375		257,375
11,895				11,895
		144,731		144,731
2,769				2,769
238,060	792,100	2,834,677	15,000	3,879,836
23,055	(24,700)	432,942	210,374	641,672

City of Isle of Palms

Drainage Phase 3

Funded with Capital Projects & Muni Atax Funds, a \$3.5M GO Bond and NPDES Funds

Contracts and Change Orders Approved :

Thomas & Hutton	11/27/2018	Proj .0000 - Outfall Study - surveying, needs assessment & conceptual design
Thomas & Hutton	correction	Proj .0000 - Change Order #1 for Project Admin & Meetings
Thomas & Hutton		Proj .0002 - preliminary assessment of small but high impact projects in basin
Thomas & Hutton		Proj .0003 - design, eng & permitting for small but high impact projects in basin
Thomas & Hutton		Proj .0004 - design, eng & permitting for outfalls @ 30th Ave & Forest Trail + 41st Ave improves
Thomas & Hutton	6/23/2020	Proj .0005 - conceptual assessment of Waterway Blvd elevation study
Thomas & Hutton	7/28/2020	Proj .0003 CO - bidding & construction admin services for internal drainage projects
Thomas & Hutton		Proj .0004 CO - additional permitting efforts for outfalls
Thomas & Hutton		Proj .0006 - bidding & construction admin for 30th & 36th Ave outfalls
Gulf Stream Construction		Construction Contract, internal drainage projects (incl \$11,239 in Chg Orders)
Quality Enterprises		Construction Contract, Forest Trail & 30th Avenue outfalls

Project Expenditures:

Invoice Date	Invoice #	Payee	Description of Work
FY 2019		Thomas & Hutton Engineering	Engineering & Design Fees, Projects .00 and .02
FY 2020		Thomas & Hutton Engineering	Engineering & Design Fees, .00, .02, .03 & .04
FY 2021		Thomas & Hutton Engineering	Engineering & Design Fees, .03, .04 & .05
FY 2022		Thomas & Hutton Engineering	Engineering & Design Fees, .03, .04 & .06
1/1/21		SCDHEC/OCRM	permit
4/1/21		Gulf Stream Construction	Pay App #1
4/22/21		Gulf Stream Construction	Pay App #2
6/1/21		Gulf Stream Construction	Pay App #3
8/23/21		Gulf Stream Construction	Pay App #4
9/1/21		Gulf Stream Construction	Pay App #5
9/24/21		Gulf Stream Construction	Pay App #6
10/31/21		Gulf Stream Construction	Pay App #7
11/30/21		Gulf Stream Construction	Pay App #8
12/31/21		Gulf Stream Construction	Pay App #9
3/1/22		Gulf Stream Construction	Pay App #10 FINAL
5/1/22		Quality Enterprises, USA, Inc	Pay App #1
5/31/22		Quality Enterprises, USA, Inc	Pay App #2
			Total paid
			Remaining on contracts

FY19 Project Spending	95,132
FY20 Project Spending	161,473
FY21 Spending for Small Project Contruction	452,803
FY21 Spending for Outfall Construction	182,855
FY22 Budget for Outfall Construction	2,462,000
FY23 Forecast for Outfall Construction	913,000
Contracts/Change Orders	(3,745,276)
Budget Funds Remaining	521,987

Engineering & Design	Project Admin	Construction	Contingency	Total
100,800				100,800
-	13,000		-	13,000
23,300			-	23,300
62,600				62,600
229,500				229,500
18,900				18,900
30,000				30,000
43,300				43,300
102,200				102,200
		623,771		623,771
		2,270,823	227,082	2,497,905
610,600	13,000	2,894,593	227,082	3,745,276

87,437	5,615	-	-	93,052
154,087	7,386	-	-	161,473
212,479	-	-	-	212,479
93,105	-	-	-	93,105
250				250
		239,853		239,853
		93,969		93,969
		89,107		89,107
		24,216		24,216
		19,158		19,158
		8,550		8,550
		63,352		63,352
		9,562		9,562
		19,477		19,477
		63,027		63,027
		112,315		112,315
		205,934		205,934
547,358	13,000	948,520	-	1,508,878
63,242	-	1,946,074	227,082	2,236,397

CITY OF ISLE OF PALMS
LEGAL EXPENSES - FY21 and YTD FY22

Sorted by Total Spent

Legal Issue	FY21 Expense	FY22 YTD Expense	Total
TWWS	77,515	57,963	135,478
City Prosecutor	58,363	47,163	105,525
General	21,183	35,172	56,355
GO Bonds	40,300		40,300
Marina	8,216	25,332	33,548
Parking	22,658		22,658
Marker116 Lease	20,040	1,232	21,272
Employment Matters	4,604	15,666	20,269
Illegal Tree Removal	12,515	7,444	19,958
State Atax		6,431	6,431
Indigent Attorney	4,000		4,000
Morgan Creek Grill	3,450		3,450
Covid	2,489		2,489
Total	\$ 275,331	\$ 196,401	\$ 471,732

FY22-23 CAPITAL PROJECTS REPORT

JUNE 2022



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



30th & 36th Avenue:

- Construction started at 30th Avenue
- Golf course portion of the work completed by mid June
- Waterway & 30th road closure to start in Mid August
- Waterway & 36th road closure late September - mid October

41st Avenue:

- Wetland permit (OCRM and USACE) still pending. City has conditional approval from OCRM. All other permits are contingent on the wetland permit.
- Project was put on public notice on April 14 until May 14.
- City received \$1.4M grant from the SC Office of Resilience from CDBG-MIT funds for construction.
 - City held kick-off meeting with Office of Resilience staff and Thomas & Hutton to determine next steps to get the project ready to go to bid once permits are in hand.
 - Grant writer and staff working on a grant amendment request for the extension of pipe along 41st Avenue



COMPREHENSIVE DRAINAGE MASTERPLAN

Work in Progress:

- Finalizing solutions for high-priority areas
 - Working with manufacturer to develop preliminary design for dune infiltration system at Ocean Boulevard and 6th Avenue
 - Working with city to identify potential locations for additional/new check valves
- Developing solutions for low-priority areas to address potential capacity issues
- Working with RIA to prepare for applying for grants to implement high-priority projects
- Set up meeting with local resident to evaluate stormwater regulations with regards to new development

Next Steps:

- Develop cost estimates for solutions for high-priority areas.
- Finalize solutions and develop cost estimates for low-priority improvements
- Continue identifying funding options for all alternatives.
- Complete analysis of local resident development project to evaluate stormwater regulations.



UNDERGROUND UTILITY CONVERSION – 21ST & PALM

- City executed construction agreement with Dominion Energy
- DE preparing SCDOT encroachment permit for submittal
- Construction scheduled for fall/winter of 2022.



Pickle Ball Court Construction & Outdoor Basketball Courts Rehab

- RFP Advertisements – Wednesday, June 15, 2022
- Deadline for Questions – 5:00 p.m., June 29, 2022
- Deadline for Proposals – 2:00 p.m., July 7, 2022
- Evaluation of Proposals – July 8 – July 12th
- City Council to consider recommendation of award of contract – July 26th
- Contract Execution – August 1, 2022
- Notice to Proceed – TBD

6/3/2022

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

GEM

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

MVI OR SERIAL NO

YEAR

MAKE

MODEL

BODY

COLOR

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

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

Customer's Signature

I warrant that my trade-in has NOT been reconstructed, rebuilt, or suffered major damage that would cause the restructuring of this vehicle

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

Customer's Signature

TOTAL SELLING PRICE

16,650.00

PROCESSING FEE

699.00

SALES TAX

500.00

LICENSE, LICENSE TRANSFER, TITLE, REGISTRATION FEE

0.00

1 TOTAL PRICE OF UNIT

\$

17,849.00

2 DOWN PAYMENT

\$

0.00

consisting of \$ 0.00 in cash

and/or \$ 0.00 net trade-in allowance

on trade in, see statement in right hand column for details

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.

Customer's Signature

CASH OR CASHIER'S CHECK UPON DELIVERY

3 UNPAID CASH BALANCE DUE ON DELIVERY

\$

17,849.00

(difference between Items 1 and 2)

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

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



QUOTE

2022 Ford Police Interceptor Utility

Santee Automotive LLC
 2601 Paxville Highway
 Manning, South Carolina 29102
 United States

Phone: 1-888-853-5338
 Fax: 1-888-853-5338
 info@santeefleet.com

BILL TO

City of Isle of Palms
 Sergeant Matthew Storen
 1207 Palm Boulevard
 Isle Of Palms, South Carolina 29451
 United States

(843) 886-6522
 mstoren@iop.net

Estimate Number: 20720

Estimate Date: June 3, 2022

Expires On: June 8, 2023

Grand Total (USD): \$108,213.00

Items	Quantity	Price	Amount
Ford Police Interceptor Utility AWD State Contract: 4400027201 2022 Ford Police Interceptor AWD 3.3L V6 TI-VCT Engine 10 Speed Auto Transmission Police Interior 4 Keys Cloth Bucket Front Seats Vinyl Rear Seats Vinyl Flooring Driver's Side Spotlight Rear Camera Bluetooth Exterior Color: Iconic Silver	3	\$33,418.00	\$100,254.00
Ford Police Interceptor Utility Rear Cargo Area Dome Light Red/White Dome Light in Cargo Area (17T)	3	\$60.00	\$180.00
Global Unlock Global Unlock 18D	3	\$0.00	\$0.00
Ford Police Interceptor Utility Rear Camera On Demand Rear Camera On Demand (19V)	3	\$255.00	\$765.00
Ford Police Interceptor Utility Dark Car Feature Courtesy Lamp Disable when any door is opened (43D)	3	\$30.00	\$90.00



QUOTE

2022 Ford Police Interceptor Utility

Santee Automotive LLC
2601 Paxville Highway
Manning, South Carolina 29102
United States

Phone: 1-888-853-5338
Fax: 1-888-853-5338
info@santeefleet.com

Items	Quantity	Price	Amount
Ford Police Interceptor Utility Police Engine Idle Feature Police Engine Idle Feature (47A)	3	\$289.00	\$867.00
Ford Police Interceptor Utility Perimeter Anti-Theft Alarm Perimeter Anti-Theft Alarm - Activated by Hood, Door, or Liftgate (593)	3	\$133.00	\$399.00
Ford Police Interceptor Utility Police Wire Harness Police Wire Harness Connector Kit-Front/Rear (67V)	3	\$185.00	\$555.00
Ford Police Interceptor Utility Rear Door Locks Inoperable Rear Door Locks Inoperable (68G)	3	\$83.00	\$249.00
Ford Police Interceptor Utility Reverse Sensing System Reverse Sensing System (76R)	3	\$305.00	\$915.00
Ford Police Interceptor Utility Wheel Covers Add full wheel cover to Ford Police Interceptor Utility (65L)	3	\$135.00	\$405.00
Ford Police Interceptor Utility License Plate Bracket License Plate Bracket	3	\$0.00	\$0.00
Ford Police Interceptor Utility Auxiliary Air Conditioning Auxiliary Air Conditioning (17A)	3	\$678.00	\$2,034.00
Vehicle Sales Tax South Carolina Vehicle Sales Tax/Infrastructure Maintenance Fee	3	\$500.00	\$1,500.00
Vehicle Delivery Delivery is \$15.00 plus \$1.50 per mile per vehicle and can be added to this estimate by request.	3	\$0.00	\$0.00



QUOTE

2022 Ford Police Interceptor Utility

Santee Automotive LLC
2601 Paxville Highway
Manning, South Carolina 29102
United States

Phone: 1-888-853-5338
Fax: 1-888-853-5338
info@santeefleet.com

Total: \$108,213.00

Grand Total (USD): \$108,213.00

The City of Isle of Palms

Created:10/8/21

EIGHTEEN (18) T2/DIGITAL LUKE II, BILLS/CREDIT CARD

Category	Item	Description	Qty	Per Unit List Price	Per Unit Discount	Per Unit Selling Price	Extended Selling Price
Multi-Space Meters and Accessories	900.0031	Luke II-500B Includes: 38-Key Keypad, Solar,CC Acceptance, Bill, 2-inch, Thermal Printer	18	14,200.00	3,550.00	10,650.00	191,700.00
	880.4104	Modem Kit-Internal LTE Verizon L2V5/LC	18	920.00	230.00	690.00	12,420.00
	460.0074	Digital Connect LTE Verizon SIM Card	18	30.00	7.50	22.50	405.00
	100.016	Digital Connect Activation	18	30.00	7.50	22.50	405.00
	115.0132	Bill Stacker 1000 Note L2 (1 Collection Spare)	36	485.00	121.25	363.75	13,095.00
SUB-TOTAL CATEGORY				15,665.00	3,916.25	11,748.75	218,025.00
TOTAL ALL CATEGORIES				# 46,995 FOR 3			\$218,025.00

BASE PROPOSAL SUMMARY		Equipment:	\$218,025.00
	Site Preparation:	TBD-site walk	\$0.00
	Setup & H/W Training:		\$8,625.00
	Sales Tax:	N/A	Tax Exempt
	Shipping & Handling:		\$3,000.00
QUOTATION TOTAL			\$229,650.00

Accepted By (Print): _____

Authorized Signatory

Signature: _____

Title: _____

Date: _____

GEOSYNTEC CONSULTANTS INC.

D / B / A

APPLIED TECHNOLOGY AND MANAGEMENT

PROPOSAL FOR CONSULTING SERVICES

ISLE OF PALMS MARINA

REVISED SCOPE FOR

PUBLIC DOCK & INTRACOASTAL WATERWAY DOCK
IMPROVEMENTS

ISLE OF PALMS, SOUTH CAROLINA

Prepared For:

City of Isle of Palms

Ms. Desiree Fragoso

June 14, 2022

Important Notice: *The information contained in this proposal is confidential and proprietary to Applied Technology & Management. It is intended solely for the lawful use of the persons/parties named above and must not be used for any purpose other than its evaluation and must not be divulged to any other third party, in whole or in part, without the prior written permission of ATM.*

INTRODUCTION

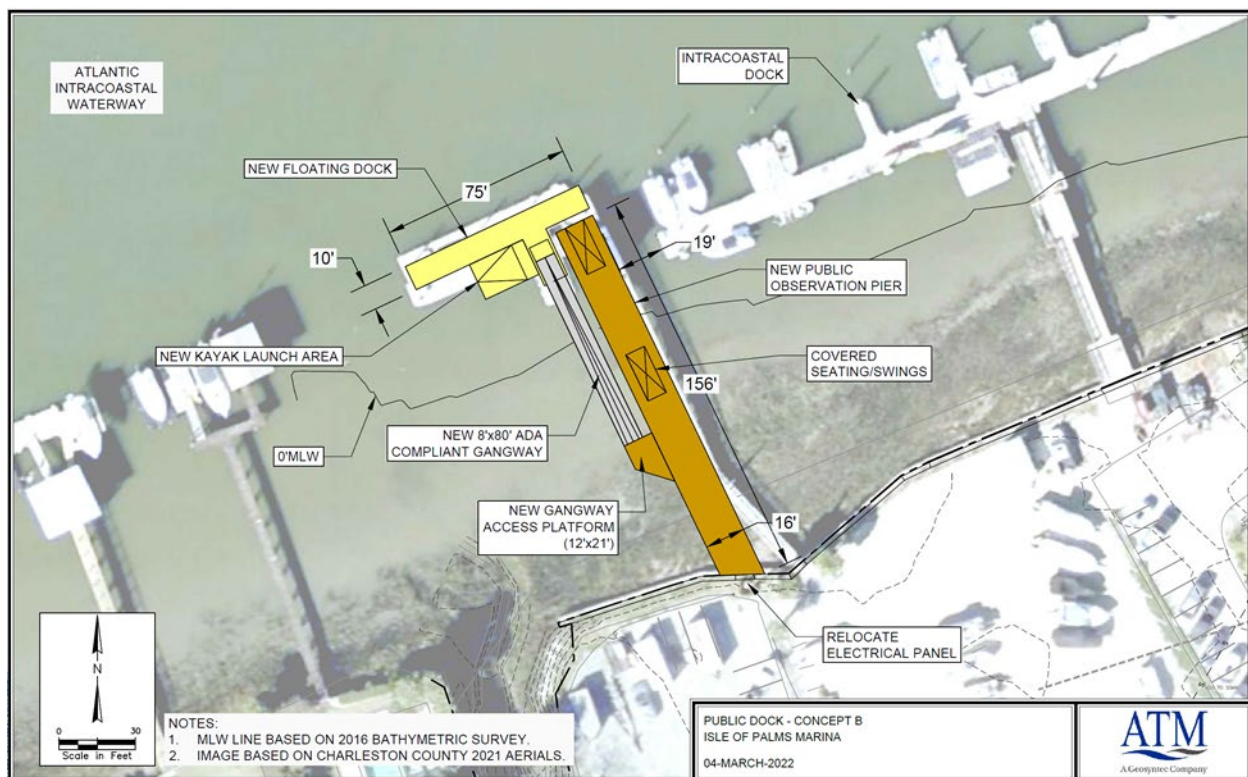
Applied Technology & Management (ATM) is pleased to present this proposal to assist the City of Isle of Palms with the redevelopment and conversion of the Watersports Dock at the Isle of Palms Marina to a public dock that provides paddle sports access/launching opportunities. In addition, the City wishes to perform general maintenance of the Intracoastal Dock in keeping with ATM's recent assessment of this dock area.

ATM's proposed scope of services related to these efforts are summarized herein.

PROPOSED SCOPE OF WORK

Task 1 – Public Dock Improvements

ATM understands that the City would like to proceed with the development of a more robust “Public Dock” in the location of the former “Watersports Dock.” The proposed concept plan for this dock was previously presented to the City and is depicted below.



Task 1.1 – Plan Refinement

Under this task ATM will coordinate with the City with regard to general dock sizing, alignment, amenities, materials, and desired aesthetics. We will utilize City feedback to refine the above plan which will then serve as the basis for the regulatory and design processes. We assume one personal meeting in conjunction with this task.

The deliverable of this sub-task is a refined concept dock plan in PDF format.

Task 1.2 – Regulatory Permitting

In recent conversations with the United States Army Corps of Engineers (USACE) and the South Carolina Department of Health and Environmental Control – Ocean and Coastal Resource Management (OCRM), it is apparent that the proposed new dock project will require a full joint permit application (JPA).

Utilizing the plans developed in the above sub-task, ATM will coordinate and participate in formal pre-application meetings with these agencies. Specifically, ATM will:

- Prepare and submit requisite Pre-Application Request form and supporting documentation as required by the USACE to support this request. This information will also be utilized to facilitate the pre-application meeting with OCRM.
- Host virtual pre-application meetings with OCRM and USACE to review and discuss the proposed work. The City may participate as/if desired but is not required to do so.

At the conclusion of these pre-application meetings, ATM will prepare and submit a new Joint Permit Application (JPA) package to request approval of the proposed work. The JPA will include:

- Drawings prepared to State and Federal processing guidelines, signed/sealed by a South Carolina Professional Engineer. Drawings will include:
 - Location Map
 - Existing Conditions
 - Proposed Improvements
 - Typical Sections and Details
- Application form with supporting information and documentation
- Project description
- Coastal Zone Management form and Agent Authorization
- Affidavit of Ownership or Control and associated documentation
(We will utilize previously provided information to the extent possible to facilitate this permitting process)
- Publication of Public Notice

The deliverable of ATM's efforts for this task will include a single, comprehensive permit application package for submittal to the USACE and OCRM, including limited post-submittal coordination with the agencies (assume 4 hours of professional time). No further coordination, natural resource surveys, environmental studies, participation in public meetings, or similar work is included herein. An updated Operations and Maintenance Manual is not anticipated to be required for the proposed improvements and development/update of such is not included herein.

Task 1.3 – Geotechnical Investigation

Under this task, ATM will specify the required geotechnical study to facilitate engineering design of the new proposed pier and dock elements. We will also sub-contract with a qualified, licensed geotechnical engineering firm to perform two soil borings in the area of the proposed dock. We will coordinate with the geotechnical firm while they are in the field to review preliminary findings and will rely on their report to facilitate structural engineering design of the new fixed pier. The report will also be provided to floating dock manufacturers to facilitate their anchor pile design for the new floating dock in this area of the marina.

The deliverable of this task will be a geotechnical report and boring logs for soil investigation work in the area of the proposed dock.

Task 1.4 – Engineering Design and Specification

Under this task, ATM will complete the structural design of the fixed elements of the proposed Public Dock as refined in Task 1 and develop design plans and specifications suitable for bidding and construction of these elements. Specifically, ATM will:

- Host a meeting (virtual or in-person) with the City/Client to discuss detailed design preferences, capacity, and/or requirements for the fixed structures.
- Review geotechnical data/report (see Task 1.3, above) and coordinate with the geotechnical engineer with regard to foundation design and pile sizes/lengths/capacities.
- Review environmental conditions described in ATM's previously completed Coastal Conditions Assessment report as they relate to the design of the fixed structures.
- Define design and loading criteria based upon ATM's previous Coastal Conditions Assessment report, applicable building codes, and commonly recognized industry design publications and standards.
- Develop a brief Basis of Design memorandum describing the proposed materials, design/loading criteria, and City/Client preferences for review/approval prior to initiating formal design calculations/drawings/specifications.
- Develop detailed structural design drawings and specifications for the fixed structures.
 - Specifications will be incorporated into the drawing package (as opposed to standalone specifications) to the extent practicable.
 - The design drawings will be signed and sealed by a Professional Engineer licensed in the State of South Carolina and will be suitable for bidding and subsequent construction of the fixed pier.

ATM will also provide the following under this Task:

- Schematic Plan and Performance Specification of new ADA gangway
- Schematic Plan and Performance Specification of new floating dock and anchor pilings
- Schematic Plan and Performance Specification of new ADA kayak launch

- Utility design to include: 1-2 lighting pedestals on the new floating dock; walkway lighting on fixed pier; 1 secure water spigot on fixed pier and 1 secure water spigot on the new floating dock. No shore power will be provided.

Per discussion with City of Isle of Palms fire officials a fixed, dry standpipe system will be required. Our design will include this system as well as applicable fire extinguishers.

Signed and sealed engineering drawings for the electrical, potable water, and fire suppression systems will be provided under this effort.

The deliverable of this task will include signed and sealed drawings and specifications for the fixed pier and marine utilities. The specifications for these items will be on the plans to the extent practicable. We will also provide schematic plans and stand-alone performance specifications for the floating dock, kayak launch, and gangway. These documents will form the basis of the bid document package for the construction of the new Public Dock.

Task 2 – Intracoastal Dock Improvements

Task 2.1 – Technical Document Preparation

ATM understands that it is the City's desire to conduct general maintenance on this dock at this time only. To this end, ATM will develop technical documents for incorporation into a formal bid package for the proposed repairs. Specifically, ATM will:

- Conduct a walk through off the AIWW Dock to confirm the findings of our previous assessment report and to identify specific areas of repair.
- Establish a convention for identifying and locating specific repair items.
- Develop technical drawings identifying locations and typical details for proposed repairs. Drawings will include general notes and description of the work to be completed.
- Develop general specifications for the proposed repairs which will identify acceptable material types, installation requirements, etc. These specifications will be incorporated into the technical drawings to the extent practicable.
- Provide utility design drawings for new shore power and potable water service to the floating dock. Assume same capacity and configuration of existing pedestals.
 - Per our discussion with the City of Isle of Palms fire officials a fixed standpipe system will not be required on this dock as part of this maintenance program. Extinguishers shall remain on this dock, however. ATM will review current extinguisher placement and specify placement of additional units as per NFPA 303 guidelines.

The deliverable of this task will be bid-level plans and specifications for the proposed repairs to the fixed pier and floating dock and signed/ sealed engineering plans and specifications for the proposed utility work.

Note: The dock/pier repair plans will be general in nature and will not include any detailed design of structural connections or formal analysis of the effects of these repairs on the overall performance and longevity of the dock systems.

Task 3 – Limited Bidding Support Services (per occurrence)

Under this task, ATM will provide limited bidding support services to facilitate the City's procurement process. For purposes of this proposal, we have priced this work on a per occurrence basis. We assume that the scope of work and fees indicated herein shall apply to each individual project and that the repairs to the Intracoastal Dock will occur separately from the construction of the new Public Dock.

This work, per occurrence, will include:

- Compilation of a bid package for the proposed improvements to include:
 - Front end documents
 - Project Narrative/Invitation to Bid
 - Instructions to Bidders
 - Bid Form/Schedule of Values
 - Inclusion of alternate bid items
 - Form of Contract
 - Insurance/Bonding Requirements
 - Bid Drawings
 - Technical Specifications
 - Technical Appendices
- Coordination with the City to advertise/distribute bid packages
- Coordination and leading a pre-bid meeting with the City and prospective bidders; *It is assumed that this meeting will be held onsite and will be one hour in duration.*
- Review and response to technical queries (RFIs) during the bidding process; Formal addenda will be developed and issued to bidders as needed. *Limited to 8 hours of ATM professional time for proposal purposes.*
- Technical review of received bids
 - Tabulate bids in MS Excel™ software for ease of comparison
 - Review bids to ensure thoroughness and adherence to bid requirements
- Formal recommendation for award to the City with regard to contractor selection
- Technical support to the City during negotiations with the selected contractor(s); *Limited to 2 hours of ATM professional time for proposal purposes.*

Note: Repair project on the Intracoastal Dock assumed to occur in 2022. This is presented in the Fee Summary as Task 3.1.

Construction of the Public Dock assumed to occur in 2023, thus a slight increase in professional fees for bidding support services. This is presented in the Fee Summary as Task 3.2.

Task 4 – Limited Construction Phase Services

Upon contractor selection and execution of the construction contract, the ATM team will provide construction-phase services to ensure that the works are being delivered in compliance with contract documents and to aid the City with the administration of the contract.

For purposes of this proposal, we are providing pricing for this task assuming that the construction/repair work for both docks will occur under separate contracts.

Task 4.1 – Intracoastal Dock Construction Phase Services

We have assumed a two-month construction duration for purposes of this proposal, inclusive of submittal review and construction.

Our proposed construction phase services include:

- Coordination and participation in an onsite pre-construction meeting with the City, contractor, sub-contractors, suppliers, etc.; *It is assumed the meeting will be held onsite and will last one hour.*
- Regulatory commencement notification under repair/maintenance notification
- Establishment of project documentation protocols
- Review of miscellaneous contractor submittals (schedule, work plan, safety plan, hurricane preparedness plan, etc.)
- Review of contractor materials submittals and product certifications
- Limited observation of ongoing construction works; *Assume three site observations for proposal purposes.*
- Coordination with selected contractor and City as required; *Limited to 4 hours of ATM professional time for proposal purposes.*
- Review and certification of contractor's Applications for Payment; ATM will ensure that the pay applications properly reflect the work completed, account for procured materials stored onsite or elsewhere, and is produced in accordance with the contract requirements. *Assume up to three payment applications (total) for proposal purposes.*
- Project close-out
 - Conduct punch list inspection of all project components
 - Conduct audit of project documentation and close-out of open items
 - Establish and execute Certificate of Substantial completion and release of retainage/final payment
 - Review and compile as-built documents for the City/Project Record; *It is assumed that the as-built drawings will be produced by the installing Contractor.*

Assume work to commence in 2022.

Task 4.2 – Public Dock Construction Phase Services

We have assumed an eight-month construction duration for purposes of this proposal, inclusive of shop drawing preparation, review, fabrication, shipping, and installation.

Our proposed construction phase services include:

- Coordination and participation in an onsite pre-construction meeting with the City, contractor, sub-contractors, suppliers, etc.; *It is assumed the meeting will be held onsite and will last one hour.*
- Regulatory commencement notification
- Establishment of project documentation protocols
- Review of miscellaneous contractor submittals (schedule, work plan, safety plan, hurricane preparedness plan, etc.)
- Review of contractor materials submittals and product certifications

- Review of gangway and floating dock design submittals (including new floating dock, anchor piling and kayak launch dock); *Assume two reviews only (initial and final) for proposal purposes.*
- Limited observation of ongoing construction works; *Assume six site observations for proposal purposes.*
- Coordination with selected contractor and City as required; *Limited to 64 hours of ATM professional time for proposal purposes. (2 hours week/8-month duration)*
- Review and certification of contractor's Applications for Payment; ATM will ensure that the pay applications properly reflect the work completed, account for procured materials stored onsite or elsewhere, and is produced in accordance with the contract requirements. *Assume up to seven payment applications (total) for proposal purposes.*
- Project close-out
 - Conduct punch list inspection of all project components
 - Conduct audit of project documentation and close-out of open items
 - Establish and execute Certificate of Substantial completion and release of retainage/final payment
 - Facilitate regulatory closeout
 - Review and compilation of as-built documents for the City/Project Record; *It is assumed that the as-built drawings will be produced by the installing Contractor.*

Assume work to commence in 2023.

PROFESSIONAL FEES

The total fees for the project are summarized below:

<i>FEE SUMMARY</i>	
Task 1 – Public Dock Improvements	
Task 1.1 Plan Refinement	\$3,000
Task 1.2 Regulatory Permitting	\$8,500
Task 1.3 Geotechnical Investigation	\$42,000
Task 1.4 Engineering Design and Specification	\$57,000
Task 2 – Intracoastal Dock Improvements	
Task 2.1 Technical Document Preparation	\$25,000
Task 3 – Limited Bidding Support Services	
Task 3.1 Intracoastal Dock Bidding Support Services	\$7,500
Task 3.2 Public Dock Bidding Support Services	\$7,875
Task 4 – Limited Construction Phase Services	
Task 4.1 Intracoastal Dock Construction Phase Services	\$14,000
Task 4.2 Public Dock Construction Phase Services	\$45,000

Notes:

1. The fees shown for the above tasks represent lump sum fees for the scope of services as described herein, including professional labor and anticipated expenses.
2. ATM services may be initiated immediately upon the acceptance of this proposal and execution of an appropriate professional services agreement/contract amendment.
3. ATM's scope of services related to the structural design of the fixed pier elements described herein is based upon the following key assumptions and exclusions:

The scope of services included in Task 1.4 is limited to the observation pier, covered seating areas/roofs, and gangway access platform. Minor modifications to the existing shoreline to facilitate proper tie-in of the new structure will be included, but comprehensive assessment or modification of the existing shoreline protection structure(s) is not included herein.

The structural design and specifications will adhere to Americans with Disabilities Act requirements to the extent practicable. Design of any upland improvements to provide ADA-compliant access to the pier from the upland is not included in this scope of services.

The observation pier and gangway access platform structures will be designed and constructed using pressure treated timber pile foundations and pressure treated timber framing with galvanized or stainless-steel connections/hardware. Decking will be either pressure-treated Southern Yellow Pine (SYP), exotic hardwood (e.g. – Ipe), or similar. Handrails will be constructed out of timber posts and railings.

Adequate information regarding any special architectural treatments, finishes, materials, and/or details for the covered seating areas, seating/swings, roofs, handrails, etc. will be provided by the City/Client for incorporation into our design efforts. We will coordinate with the Client in this regard. No architectural design/alternate materials research included.

ATM will utilize our previously completed *Coastal Conditions Assessment – Isle of Palms Marina Rehabilitation* report dated November 2019 to inform design criteria and anticipated/potential environmental and hydrodynamic loads on the structure.

4. As mentioned, we have assumed a very limited of post-submittal coordination with the regulatory agencies. Should additional coordination be required to facilitate permit processing, ATM reserves the right to revisit and appropriately adjust our scope and fee for this task effort. We will coordinate closely with the City in this regard and not exceed our contracted fee amount without prior written approval.
5. Should the selected contractors' proposed schedule vary from the project durations mentioned above, ATM reserves the right to revisit and appropriately adjust our scope and fee for this task effort. We will coordinate closely with the City in this regard and not exceed our contracted fee amount without prior written approval. Additional monthly construction phase service fees, if required, are anticipated to be on the order of \$3,500/month.



682 JOHNNIE DODDS BOULEVARD, SUITE 100 | POST OFFICE BOX 1522
MT. PLEASANT, SC 29464 | 843.849.0200
THOMASANDHUTTON.COM

June 13, 2022

Ms. Desirée Fragoso
City of Isle of Palms
P.O. Drawer 508
Isle of Palms, SC 29451

Re: Change Order Request
Isle of Palms Phase 3 Outfalls
41st Avenue Outfall
Re-Design and Permitting
City of Isle of Palms, South Carolina
T&H J-27670.0004

Dear Ms. Fragoso:

Thank you for requesting our professional engineering services for the Phase 3 Drainage Outfalls Project. As you are aware, Thomas & Hutton has completed the study, design, and permitting for 2 of the Phase 3 area outfalls: 30th Avenue and Forest Trail. The study and design are complete for the 41st Avenue outfall, with all permits submitted. We understand that the City intends to revise the design to extend the piped portion of the ditch to allow for additional parking along 41st Avenue. This redesign will require revising the permit submittals. In addition, we understand that the City intends to apply to amend a grant that was awarded through FEMA's Hazard Mitigation Grant Program (HMGP). We will provide design and permitting services as well as funding assistance and support to the City's consultants, Lathan Consulting Services and ROSTAN Solutions, LLC. The permitting services will be contracted separately through the South Carolina Office of Resilience (SCOR) as part of the grant administration.

SCOPE OF SERVICES

The proposed Scope of Services to be contracted through the City includes:

- General Consulting and SCOR Coordination
- Engineering Design Modification and Plan Update
- Coordination and Technical Support for a FEMA HMGP Grant Amendment

SCHEDULE

We will provide the proposed services by mutual agreement with the City. We understand that these projects are time sensitive, and we will execute the services in a timely manner.

CONTRACT TERMS

This change order is to be performed under the terms and conditions of our original contract with the City (Phase 3 Drainage Outfall Design and Permitting Contract, January 16, 2019).

This proposed change order will be open for acceptance until July 31, 2022, unless changed by us in writing. The Consultant has developed this change order based on our anticipated 2022 rates. We have assumed (as most services are provided on a time and expense basis) that labor rates will be adjusted each calendar year. We appreciate the opportunity to prepare this proposal and look forward to working with you on the project.

COMPENSATION

Phase	Fee Structure	Fee or Time & Expense Budget
General Consulting	Time & Expense	\$ 3,200.00
Design	Lump Sum	\$ 8,100.00
Funding Assistance	Time & Expense	\$ 6,600.00
TOTAL		\$ 17,900.00

Should you have any questions about this contract change request, please do not hesitate to contact me at (843) 725-5280, or via e-mail at karkowski.r@tandh.com.

Sincerely,

THOMAS & HUTTON



Richard Karkowski, PE, PH, CPSWQ, D.WRE
Principal / Project Manager

RPK/ala

Enclosures: 2022 Rate Sheet

Thomas & Hutton provides services on a time and expense basis as follows:

1. This basis includes allowance for direct salary expenses and for direct non-salary expenses. It also provides for services we may subcontract to others.
2. Direct salary expenses are generally based upon our payroll costs. The payroll costs include the cost of salaries and wages (including sick leave, vacation, and holiday pay) for time directly chargeable to the project; plus, unemployment, excise, payroll taxes, and contributions for social security, employment compensation insurance, retirement benefits, and medical and insurance benefits.

The current hourly rate charges for each skill position for 2022 are as follows:

Hourly Rate	Engineer	Survey	Landscape	GIS	Quality Control	Business/ Administrative
\$ 265.00	Consultant	Consultant	Consultant	Consultant	Consultant	
\$ 240.00	Senior Manager	Senior Manager Survey Party (3–Men)	Senior Manager	Senior Manager	Senior Manager	Senior Manager
\$ 215.00	Project Manager V Project Engineer V	Survey Manager V Project Surveyor V	Landscape Architect V LA Project Manager V	GIS Manager V		
\$ 200.00	Project Manager IV Project Engineer IV	Survey Manager IV Project Surveyor IV	Landscape Architect IV LA Project Manager IV	GIS Manager IV		Senior Application Developer IV, Software/Computer Consultant IV
\$ 185.00	Project Manager III Project Engineer III	Survey Manager III Project Surveyor III	Landscape Architect III LA Project Manager III	GIS Manager III		Senior Application Developer III, Software/Computer Consultant III
\$ 175.00	Project Manager II Project Engineer II	Survey Manager II Project Surveyor II Survey Party (2–Men)	Landscape Architect II LA Project Manager II	GIS Manager II	Construction Administrator II	Senior Application Developer II, Software/Computer Consultant II
\$ 160.00	Project Manager I Project Engineer I	Survey Manager I Project Surveyor I	Landscape Architect I LA Project Manager I	GIS Manager I	Construction Administrator I	Grant Administrator, Senior Application Developer I, Software/Computer Consultant I
\$ 150.00	Designer IV Engineering Technician IV	Staff Surveyor V Survey Field Supervisor	Landscape Designer IV	GIS Analyst IV	Field Representative V	Application Developer IV
\$ 140.00	Designer III Engineering Technician III	Staff Surveyor IV	Landscape Designer III	GIS Analyst III	Field Representative IV	Application Developer III
\$ 125.00	Designer II Engineering Technician II	Staff Surveyor III Survey Party (1–Man)	Landscape Designer II	GIS Analyst II		Permit Coordinator III Application Developer II
\$ 115.00	Designer I Engineering Technician I	Staff Surveyor II	Landscape Designer I	GIS Analyst I	Field Representative III	Application Developer I, Permit Coordinator II, Admin IV
\$ 105.00	CADD Technician III	Staff Surveyor I Survey Technician III	Landscape Technician III	GIS Technician III	Field Representative II	Permit Coordinator I
\$ 95.00	CADD Technician II	Survey Technician II	Landscape Technician II	GIS Technician II		
\$ 90.00	CADD Technician I	Survey Technician I	Landscape Technician I	GIS Technician I	Field Representative I	Admin III
\$ 85.00						Admin II
\$ 80.00						Admin I
\$ 420.00	Expert Witness					

3. When warranted, overtime will be charged for any non-salary employees. Overtime hours will be billed at 1.5 times the individual's charge rate.
4. Direct non-salary (reimbursable) expenses, including printing, reproduction, air travel, lodging, and meals are billed at cost. Travel in company or private vehicles will be billed at the 2022 IRS Standard Mileage Rate and may be revised based on fuel pricing. Outside consultant fees will be billed at 1.15 times the cost.
5. All rates and charges are effective through January 1, 2023, including printing, reproductions, materials, and travel and are subject to change at that time. New rates and costs will become immediately effective to contracts in effect at the time of rate changes.

What does success look like?

1. More accountability

Things to Consider:

Monthly/Quarterly financial reporting from DMO. Have reports readily available online
Establish and measure performance metrics
Develop contract with DMO detailing expectations, performance metrics
Financial reporting specific to IOP tourism promotion activities
Create a staff position to dedica manage tourism and relationship with the DMO

2. Local focus

Develop IOP branding
IOP specific tourism advertisement, not only as part of Charleston's Beaches campaign (City's share of tourism promotion funding is significantly higher than the other Charleston's beaches)

3. More flexibility in the use of 30% atax

City could advocate for changes to state law that would provide greater flexibility on how to spend the 30% that currently must be allocated for tourism promotion and advertisement
City should advocate for a lower percentage than the current 30% for tourism promotion

4. Resident input in how funds are spent

Actively engage the IOP community in setting the vision and strategy for tourism promotion
More collaboration with the ATAX Committee in defining success

5. More collaboration with the City

Ensure alignment between City and DMO to ensure tourism promotion strategy meets City's vision, mission and strategic plan priorities

6. Off-season focus

Focus tourism promotion during the shoulder seasons (spring, fall, winter) to increase tourism activity during these months instead of during the summer when island is already full
Focus on diversification of tourism activity and clientele during the off season (group sales, conferences, weddings during shoulder seasons)

7. Tourism management focus

Support tourism development while preserving and maintaining residential quality of life
Interdisciplinary approach that includes tourism management in City planning and policy-making

Recommendations to Council:

1. Request more accountability, collaboration and local focus from the Charleston Visitors Bureau, the City's existing Direct Marketing Organization.
2. Support the development of the new Isle of Palms Chamber of Commerce so they can act as an alternative Direct Marketing Organization for the Isle of Palms in the future.
3. City Council to advocate for changes to state law to lower the percentage of state atax monies that is mandated to be spent only on tourism advertisement and promotion.



ALAN WILSON
ATTORNEY GENERAL

May 31, 2022

Edward W. Riggs, Sr.
Chairman
Tourism Expenditure Review Committee
986 Scotland Drive
Mount Pleasant, SC 29464

Dear Mr. Riggs:

You have requested an opinion from this Office regarding whether a municipality or county can create a nonprofit organization pursuant to section 6-4-10(3) of the South Carolina Code of Laws without determining if there is an existing organization that has, or is capable of developing, an effective tourism promotion program. You inform us that a local government wants to replace the visitor and convention bureau that has been managing and directing the expenditure of its local accommodations taxes for tourism promotion.

LAW/ANALYSIS

To provide some background:

Pursuant to S.C. Code Ann. § 12-36-920(A) (Revised 2000), a sales tax of seven percent is imposed by the state on accommodations provided to transients in South Carolina. One component of that tax is a two percent "local" accommodations tax which, pursuant to S.C. Code Ann. § 12-36-2630(3) (Supp. 2003), must be credited to cities and counties in accordance with S.C. Code Ann. §§ 6-4-5, *et seq.* (Revised 2004).

Florence County v. Tourism Expenditure Review Committee, No. 04-ALJ-30-0086-CC, 2004 WL 3154879 (June 25, 2004).

Municipalities and counties who have collected more than \$50,000.00 in local accommodations taxes must allocate the tax revenue in the manner provided by section 6-4-10:

The funds received by a municipality or a county in county areas collecting more than fifty thousand dollars from the local

accommodations tax provided in Section 12-36-2630(3) must be allocated in the following manner:

(1) The first twenty-five thousand dollars must be allocated to the general fund of the municipality or county and is exempt from all other requirements of this chapter.

(2) Five percent of the balance must be allocated to the general fund of the municipality or county and is exempt from all other requirements of this chapter.

(3) Thirty percent of the balance must be allocated to a special fund and used only for advertising and promotion of tourism to develop and increase tourist attendance through the generation of publicity. To manage and direct the expenditure of these tourism promotion funds, the municipality or county shall select one or more organizations, such as a chamber of commerce, visitor and convention bureau, or regional tourism commission, which has an existing, ongoing tourist promotion program. If no organization exists, the municipality or county shall create an organization with the same membership standard in Section 6-4-25. To be eligible for selection the organization must be organized as a nonprofit organization and shall demonstrate to the municipality or county that it has an existing, ongoing tourism promotion program or that it can develop an effective tourism promotion program. Immediately upon an allocation to the special fund, a municipality or county shall distribute the tourism promotion funds to the organizations selected or created to receive them. Before the beginning of each fiscal year, an organization receiving funds from the accommodations tax from a municipality or county shall submit for approval a budget of planned expenditures. At the end of each fiscal year, an organization receiving funds shall render an accounting of the expenditure to the municipality or county which distributed them. Fees allocated pursuant to this subsection must not be used to pledge as security for bonds and to retire bonds. Also, fees allocated pursuant to this subsection must be allocated to a special fund and used only for advertising and promotion of tourism to develop and increase tourist attendance through the generation of publicity, and not used to pledge as security for bonds and to retire bonds.

(4)(a) The remaining balance plus earned interest received by a municipality or county must be allocated to a special fund and used

for tourism-related expenditures. This section does not prohibit a municipality or county from using accommodations tax general fund revenues for tourism-related expenditures . . .

S.C. Code Ann. § 6-4-10 (1976 Code, as amended).

We must rely on the rules of statutory construction in order to construe section 6-4-10(3). The most important rule is to determine legislative intent:

The cardinal rule of statutory construction is to ascertain and effectuate the intent of the legislature. Charleston County Sch. Dist. v. State Budget and Control Bd., 313 S.C. 1, 437 S.E.2d 6 (1993). Under the plain meaning rule, it is not the court's place to change the meaning of a clear and unambiguous statute. In re Vincent J., 333 S.C. 233, 509 S.E.2d 261 (1998) (citations omitted). Where the statute's language is plain and unambiguous, and conveys a clear and definite meaning, the rules of statutory interpretation are not needed and the court has no right to impose another meaning. Id. at 233, 509 S.E.2d at 262 (citing Paschal v. State Election Comm'n, 317 S.C. 434, 454 S.E.2d 890 (1995)). "What a legislature says in the text of a statute is considered the best evidence of the legislative intent or will. Therefore, the courts are bound to give effect to the expressed intent of the legislature." Norman J. Singer, Sutherland Statutory Construction § 46.03 at 94 (5th ed. 1992).

Hodges v. Rainey, 341 S.C. 79, 85, 533 S.E.2d 578, 581 (2000).

The portion of section 6-4-10(3) that is pertinent to your question provides:

To manage and direct the expenditure of these tourism promotion funds, the municipality or county shall select one or more organizations, such as a chamber of commerce, visitor and convention bureau, or regional tourism commission, which has an existing, ongoing tourist promotion program. If no organization exists, the municipality or county shall create an organization with the same membership standard in Section 6-4-25. To be eligible for selection the organization must be organized as a nonprofit organization and shall demonstrate to the municipality or county that it has an existing, ongoing tourism promotion program or that it can develop an effective tourism promotion program. Immediately upon an allocation to the special fund, a municipality

or county shall distribute the tourism promotion funds to the organizations selected or created to receive them.

S.C. Code Ann. § 6-4-10(3) (emphasis added).

Section 6-4-10(3) expressly states that a municipality or county “shall select” one or more tourism promotion organizations. “Under general principles of statutory construction, the word ‘shall’ is interpreted as mandatory rather than permissive.” Op. S.C. Atty. Gen., 1980 WL 120615 (Jan. 21, 1980) (citing 2A Sutherland Statutory Construction § 57.03 (1973)). The word “select” means “to choose in preference to another or others; pick out” and “chosen from a number or group by fitness or preference.” See Merriam-Webster at www.merriam-webster.com/dictionary/select; Dictionary.Com at www.dictionary.com/browse/select; and Collins Dictionary at www.collinsdictionary.com/us/dictionary/english/select.

Section 6-4-10(3) provides for the selection of an organization that has an “existing, ongoing tourist promotion program.” It also plainly states that “if no organization exists, the municipality or county shall create an organization.” Id.

Based on this language, it is clear that the Legislature intended for a municipality or county to choose an existing organization that meets the eligibility requirements of the statute to manage and direct the expenditure of its tourism promotion funds. A local government is only authorized to create an organization when one does not already exist. Therefore, a municipality or county must determine whether an eligible¹ organization exists before creating a new one.

Section 6-4-10(3) does not expressly provide for replacement of a tourism promotion organization. However, “the power to remove one so employed or appointed is generally incidental to the power to appoint.” Op. S.C. Atty. Gen., 1984 WL 159941 (Nov. 26, 1984). The same procedure applies when replacing a tourism promotion organization.

Your letter states that TERC’s [Tourism Expenditure Review Committee’s] authority is limited to acting upon the annual reports and complaints provided for in section 6-4-35(B)(1) and (2) and that it cannot employ other methods to ascertain whether an expenditure of local accommodations taxes complies with the Accommodations Tax statutes. See Conclusion, footnote 2. You cite Tourism Expenditure Rev. Comm. v. City of Myrtle Beach, 403 S.C. 76, 742 S.E.2d 371 (2013) for this proposition. We must therefore address TERC’s authority.

Section 6-4-35(B) provides:

(B)(1)(a) The Tourism Expenditure Review Committee shall serve as the oversight authority on all questionable tourism-related

¹ Whether an organization is eligible is a fact-specific issue that must be answered by a court and not by this Office. See Op. S.C. Atty. Gen., 1989 WL 406130 (April 3, 1989) (“[b]ecause this Office does not have the authority of a court or other fact-finding body, we are not able, in a legal opinion, to adjudicate or investigate factual questions.”)

expenditures and to that end, all reports filed pursuant to Section 6-4-25(D)(3) must be forwarded to the committee for review to determine if they are in compliance with this chapter. The municipality or county must be notified if an expenditure is questioned, and the committee may consider any further supporting information the municipality or county may provide. If the committee finds an expenditure to be in noncompliance, it shall certify the noncompliance to the State Treasurer, who shall withhold the amount of the expenditure found in noncompliance from subsequent distributions in accommodations tax revenue otherwise due the municipality or county. An appeal from an action of the committee under this subitem lies with the Administrative Law Judge Division.

(b) If the committee determines that a municipality or county has failed to file the reports required pursuant to Section 6-4-25(D)(3), it may impose a fee of five hundred dollars a month or part of a month for each month the report is not filed, but not more than five thousand dollars. The committee shall certify the penalty to the State Treasurer, who shall withhold the amount of the penalty from subsequent distributions otherwise due the municipality or county. An appeal from an action of the committee under this subitem lies with the Administrative Law Judge Division.

(c) Allocations withheld must be reallocated proportionately to all other recipients.

(2) The committee has jurisdiction to investigate and research facts on written complaints submitted to it with regard to the appropriate tourism-related expenditures and resolve these complaints as provided in item (1) of this subsection.

(3) The committee shall forward copies of information submitted by the local governments and regional tourism agencies pursuant to Section 6-4-25 arising under the tourism provisions of this chapter to the Department of Parks, Recreation and Tourism, which shall publish an annual report on the information submitted.

S.C. Code Ann. § 6-4-35(B) (1976 Code, as amended) (emphasis added).

Because of the provision in section 6-4-35(B) stating that TERC “shall serve as the oversight authority on all questionable tourism-related expenditures,” TERC is granted broad authority to

Edward W. Riggs, Sr.
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May 31, 2022

prevent unauthorized expenditures. Section 6-4-35(B) provides two methods for finding unauthorized expenditures, reviewing annual expenditure reports and investigating complaints.² While the Legislature gave TERC the specific authority to review annual reports and investigate complaints, we do not believe this specific authority limits TERC's general authority to oversee any questionable tourism-related expenditures. In our opinion, TERC is required to act whenever it becomes aware of expenditures that are not compliant with the Accommodations Tax statutes, S.C. Code Ann. § 6-4-5 et seq (1976 Code, as amended).

CONCLUSION

In our opinion, the Legislature intended by section 6-4-10(3) for a municipality or county to choose an existing organization that meets the statutory eligibility requirements to manage and direct the expenditure of its tourism promotion funds. A local government is only authorized to create an organization when one does not already exist. Therefore, a municipality or county must determine whether an eligible organization exists before creating a new one pursuant to section 6-4-10(3). We recognize that whether an organization is eligible is a fact-specific issue that must be answered by a court and not by this Office. See Op. S.C. Atty. Gen., 1989 WL 406130 (April 3, 1989) (“[b]ecause this Office does not have the authority of a court or other fact-finding body, we are not able, in a legal opinion, to adjudicate or investigate factual questions.”)

We also believe that the Tourism Expenditure Review Committee has broad authority to act whenever it becomes aware of expenditures that are not compliant with the Accommodations Tax statutes, S.C. Code Ann. § 6-4-5 et seq (1976 Code, as amended). It is not limited to acting upon the annual expenditure reports and the complaints provided for in section 6-4-35(B)(1) and (2).

Sincerely,



Elinor V. Lister
Assistant Attorney General

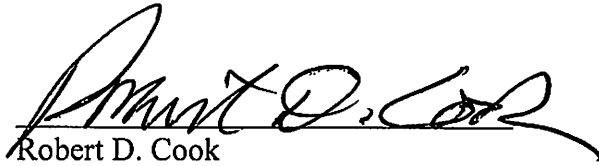
² The court, in Tourism Expenditure Rev. Comm. v. City of Myrtle Beach, 403 S.C. 76, 742 S.E.2d 371, explained that the Legislature also established an exclusive procedure for TERC to challenge expenditures of local accommodations taxes in section 6-4-35.

Edward W. Riggs, Sr.

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May 31, 2022

REVIEWED AND APPROVED BY:

A handwritten signature in black ink, appearing to read "Robert D. Cook", written over a horizontal line.

Robert D. Cook
Solicitor General