



Town of James Island, Regular Town Council Meeting  
November 18, 2021; 7:00 PM; 1122 Dills Bluff Road, James Island, SC 29412

# AMENDED AGENDA

## In-Person Meeting

Notice of this meeting was published and posted in accordance with the Freedom of Information Act and the requirements of the Town of James Island.

The Town encourages the public to provide comments prior to its Town Council meeting. For residents wishing to address Council, you will be limited to three (3) minutes and must sign in to speak. You may also send in your comments ahead of the meeting by emailing to: [info@jamesislandsc.us](mailto:info@jamesislandsc.us), mail to P.O. Box 12240, Charleston, SC 29422, or placed inside the drop box outside of Town Hall at 1122 Dills Bluff Rd.

1. Opening Exercises
2. Public Hearing: Ordinance #2021-11: Request to Rezone Property @1622 Camp Rd. from General Office (OG) to Community Commercial (CC) for Beverage and Related Products Manufacturing and Retail Sales and Services Uses

Public Hearing: Ordinance #2021-12: An Ordinance Amending the Town of James Island Zoning and Land Development Regulations Ordinance, Number 2013-07, Table 153.110, Replacing the Special Exception (S) Requirement in the RSL Zoning District for Apiculture (bee keeping) with Conditions (C) and Corresponding Applicable Ordinances in Livability Regulations (90.18) and ZLDR Section 153.211, Adding Provisions for Apiculture (bee keeping) on Residential Property

3. Public Comment
4. Presentation of FY 2020-2021 Financial Statement: Love Bailey, CPA
5. Consent Agenda:

**a.** Minutes: October 21, Regular Town Council Meeting

6. Election of Mayor Pro Tem

7. Information Reports:

**a.** Finance Report

**b.** Administrator's Report

c. Public Works Report

d. Island Sheriffs' Patrol Report

8. Requests for Approval by Staff:

- Storm Box Repair @1342 Bob White Dr.
- Award of RFQ 5-2021 Solar Panel Consultant
- Support of Pet Helpers Program  
Repeal Resolution 2021-09 Requiring Face Coverings  
Inside all Public Spaces in Town Facilities with Certain Exceptions

9. Action Items

- Request that a plan be created for how the Town would rescind its millage and instead of paying money to the PSD, pay it back to the County as tax relief for residents

10. Committee Reports:

- Land Use Committee
- Environment and Beautification Committee
- Children's Committee
- Public Safety Committee
- History Committee
- Rethink Folly Road
- Drainage Committee
- Business Development Committee
- Trees Advisory Committee
- James Island Intergovernmental Council

11. Proclamations and Resolutions:

- Small Business Saturday Proclamation
- Resolution #2021-13: Resolution in Recognition of Arbor Day

12. Ordinances up for First Reading:

Public Hearing **Ordinance #2021-11** Request to Rezone Property @1622 Camp Rd. from General Office (OG) to Community Commercial (CC) for Beverage and Related Products Manufacturing and Retail Sales and Services Uses

Public Hearing: Ordinance #2021-12: An Ordinance Amending the Town of James Island Zoning and Land Development Regulations Ordinance, Number 2013-07, Table 153.110, Replacing the Special Exception (S) Requirement in the RSL Zoning District for Apiculture (bee keeping) with Conditions (C) and Corresponding Applicable Ordinances in Livability Regulations (90.18) and ZLDR Section 153.211, Adding Provisions for Apiculture (bee keeping) on Residential Property

13. Ordinances up for Second/Final Reading:

Ordinance #2021-08: An Ordinance to Amend Zoning Map Amendment @ 1715 Oak Point Rd. from Low-Density Suburban Residential (RSL) to General Office District (OG) for Fishing/Hunting Guide Services and Office Uses

Ordinance #2021-09: Town of James Island Business License Ordinance

Ordinance #2021-10: An Ordinance Requiring Baseline Inspections of Septic Systems in the James Island Creek TMDL

14. New Business:

15. Executive Session: The Town Council will/may enter into an Executive Session in accordance with 30-4-70(a) Code of Laws of South Carolina. Upon returning to Open Session, Council may act on matters discussed in Executive Session.

16. Return to Regular Session:

17. Announcements/Closing Comments:

18. Adjournment

This meeting will also be live-streamed and available for public view via the Town's YouTube channel: <https://www.youtube.com/channel/UCm9sFR-ivmaAT3wyHdAYZqw/>

The Town of James Island held its regularly scheduled meeting at 7:00 p.m. at the James Island Town Hall, 1122 Dills Bluff Rd., James Island, SC on Thursday, October 21, 2021. Councilmembers present: Boles, Mignano, Milliken, Mullinax, and Mayor Woolsey presided. Also, Town Administrator, Ashley Kellahan, Town Attorney, Bonum S. Wilson, Finance Director, Merrell Roe, Island Sheriff's Patrol, Sgt. Herman Martin (for Lt. Shawn James), Planning Director, Kristen Crane, Planner II, Flannery Wood, Public Works Director, Mark Johnson, and Town Clerk, Frances Simmons. A quorum was present to conduct business.

Opening Exercises: Mayor Woolsey called the meeting to order. Councilwoman Mignano lead Council in prayer and followed with the Pledge of Allegiance. FOIA: This meeting was published and posted in accordance with the Freedom of Information Act and the requirements of the Town of James Island.

Councilman Milliken brought forth a Point of Order under Rules of Procedure, Ordinance #2017-10, Section 30.19, Agendas, that Ordinances up for First Reading is disposed of first and on the agenda that Council received, the Second Reading appears first.

Public Hearing: Ordinance #2021-08: Proposed Zoning Map Amendment @1715 Oak Point Rd. from Low-density Suburban Residential (RSL) to General Office (OG) for Fishing/Hunting Guide Services and Office Uses: Mayor Woolsey opened the Public Hearing for comments.

Joel LeVine, 1128 Mariner Dr., Red Fin Charters, the applicant, addressed Council on the rezoning request. He stated growing up on James Island. He has two young sons and would like to have his business here. He expects to gross \$2 million. He also spoke of his commitment to sustainability on the island.

Cate Cusick, 941 Stone Crab Ct., architect for Mr. LeVine's request, spoke of her excitement about the project and Mr. LeVine's commitment to sustainability. She asked Council to support the request.

David Turner, SpeeDee Auto Service, submitted letter in support.

Presentation of Community Assistance Grant Requests: Cynthia Smalls and Sharon Shaw with Alpha Tent #212, requested the grant in order to continue their work in the community. Both ladies spoke that their organization has been instrumental before COVID by helping to provide food, cleaning supplies, transportation, and other services as well as materials and PPE to the schools on James Island.

Public Comment: Marlene Augustin, 1775 Sol Legare Rd., requested information on the criteria for septic tanks. She asked what consideration would be given for a one person household up to six, and the costs.

Comments via Email: Mrs. Susan Milliken requested that Town Council keep the mask requirement in effect.

Mr. Mike Green, Ms. Emily Cedzo, and Mr. Andrew Wunderley submitted emails re: the Septic Ordinance and JI Creek.

Consent Agenda:

Minutes of September 16, Regular Town Council Meeting: Councilman Milliken moved to approve the September 16 minutes; seconded by Councilman Mullinax. Passed unanimously.

Information Reports:

Finance Report: Finance Director, Merrell Roe, provided the monthly budget summary of revenue and expenses for September and it was accepted as information.



Administrator's Report: Town Administrator, Ashley Kellahan gave an overview and reminded Town Council that the Phase 1 Groundbreaking for Brantley Park will be held Wed. Nov. 1 @ 4:00 p.m. Mrs. Kellahan will begin to provide reports for JI Arts & Cultural Center. She said the Moja Arts Festival had a great turn out; that a visitor as far as Arizona attended; information on Earthquakes will be featured Dec-Mar; the Textiles exhibit will run through Dec. 1 and a Gingerbread house decorating event will be held in conjunction with the Town's Tree Lighting on Dec. 2.

Public Works Report: Public Works Director, Mark Johnson announced that the Public Works Department will be hosting its first Public Works Expo and Water Quality event at the Town Hall on Thurs., Nov. 4, 5-7 p.m. He said at the Neighborhood Council meeting, Oct. 28, Dr. Steven Jaume (College of Charleston, Dept. of Geology & Environmental Geosciences) will give a talk on Earthquakes. An Earthquake Drill was held today to promote Earthquake Safety Awareness Week, "the Great Southeast Shakeout". Councilman Milliken asked if Dr. Jaume's presentation was open to the public and Mr. Johnson confirmed that it is. Councilman Mullinax asked the status of the AT&T issue. Mr. Johnson said it has not been resolved and Mrs. Kellahan commented that the sidewalks can be used.

Island Sheriffs' Patrol Report: Sgt. Herman Martin (for Lt. James) reported that crime in the Town has been low but often ramps up around the Thanksgiving and Christmas holidays.

Requests for Approval by Staff:

Undiscovered SC Grant Work – Brantley Park Dock Replacement: Mrs. Kellahan presented for approval a request for Global Partners for Fathers and Families to secure an undiscovered SC Grant for the Brantley Park Dock. Motion in favor by Councilman Mullinax, seconded by Mayor Woolsey. Councilwoman Mignano asked the cost of a new dock and Mrs. Kellahan said she did not have a good estimate; however, it should be less by having a grant. Councilman Boles asked if the \$2,000 would be paid to the grant writer and Mrs. Kellahan confirmed. Councilman Milliken asked if the money could be used to get rid of the old dock and Mrs. Kellahan said yes. Passed unanimously.

Repair Care: Funding Match for Two (2) New Roofs: Mrs. Kellahan said due to lack of communication and staff changes, that Habitat paid for both roofing projects, where otherwise the Town would pay a match. Mrs. Kellahan recommended that the Town reimburse Sea Island Habitat \$12,800, the cost of one roof. Motion in favor by Councilman Milliken, seconded by Councilman Boles. Passed unanimously.

Award of Bid for Highland Drainage Improvement Project: Mrs. Kellahan presented for approval the qualified low bidder, IPW Construction, for the Highland Drainage Improvement Project @ \$136,900. The Town's portion would be \$71,900 and the City's, \$65,000. Motion in favor by Councilman Milliken, seconded by Councilwoman Mignano. Passed unanimously.

Driveway Apron Repairs: Mrs. Kellahan presented for approval, the following driveway aprons: 847 Darwin, \$9,156; 1423 Penwood, \$5,741, and 1359 Hermitage Ave, \$11,391. Motion in favor by Councilman Milliken, seconded by Councilwoman Mignano. Passed unanimously.

Drainage Box Work on Port Circle: Mrs. Kellahan presented approval the construction of a drainage box in the existing drainage system @\$9,509.63. Motion in favor by Councilman Milliken, seconded by Councilman Boles. Passed unanimously.

IGA Amendments for Building Services: Mrs. Kellahan presented the 7<sup>th</sup> Intergovernmental Agreement for Building Services with Charleston County for approval. She reported with the departure of former staff John Porcelli, the Town and the County had been working on ways to improve its service to the public as well as internal processes. She said the staff desires to have a satellite building permit office at the Town Hall so residents and contractors can come to Town Hall for permits for minor jobs when Plan Reviews are

not needed. Motion in favor by Councilman Boles, seconded by Councilman Mullinax. Councilman Milliken asked about other duties Mr. Porcelli had, such as during Town disaster and emergencies. Mrs. Kellahan said the Building Inspection position was not heavily involved in the MEOC operations as some roles were restructured when we moved into this building. Councilwoman Mignano asked about timing/response with having rotating inspectors and Mrs. Kellahan said there should be no problems with that being done. Passed unanimously.

Additional Engineering Fees for Proposed Foxcroft Powerline Under-grounding Project: Mrs. Kellahan presented a request for additional fees for the Foxcroft Undergrounding project. She stated that Dominion needs to revise the agreement to \$7,500 before additional work can be done. Once they are able to further evaluate individual service and metering needs, they will come back to the Town with final project costs and approval. Motion in favor by Councilman Boles, seconded by Councilman Mullinax. Passed unanimously.

2021 Community Service Grant Awards: Mrs. Kellahan presented for approvals the 2021 Community Service Grant Award Recipients. She noted that two new organizations applied this year: Defined Empowerment, and Alpha Tent #212 of JI; the James Island Youth Soccer Club was recently added. Amount to be disbursed is \$37,000 (Community, \$30,000 and Hospitality \$7,000).

Mayor Woolsey requested, and it was granted without objection, to vote separately on the James Island Outreach because he serves as an ex-officio member on the Board.

Councilman Milliken moved in favor of the Community Assistance Grants (excluding JI Outreach), seconded by Councilman Mullinax. Pass unanimously.

Mayor Pro-tem Mullinax moved to approve the James Island Outreach request, seconded by Councilman Milliken. Passed 4-1, Mayor Woolsey recused.

Action Items: None

Committee Reports:

Land Use Committee: No report.

Environment and Beautification Committee: Councilman Milliken reported a successful litter pick-up on Riverland Drive, Sat. Oct. 2, and thanked Mark Johnson and Lt. James for traffic control. An Adopt-A-Highway litter pick up will be held Sat. Oct. 23. Volunteers are asked to meet at the Town Hall at 9 a.m. Councilman Milliken announced that James Island Pride meets the 3<sup>rd</sup> Thurs. of the month @ 5:30 p.m. on the porch at Town Hall. He serves as the contact along with Amy Ball. James Island Pride will be hosting a workshop with elected officials, representatives from law enforcement, conservation groups, and citizens to discuss and propose solutions to the growing litter problem. The workshop will be held Wed. Nov. 10 at 6 p.m. at the Town Hall. He announced that Helping Hands, (committee that clean yards for those unable to) has helped 5 people this month and November 11 will be the last day of service for this year. Anyone interested in volunteering may contact Stan Kozikowski, 860-847-0544. Councilman Milliken recognized former Town Councilwoman Mary Beth Berry, the founder of the Helping Hands Committee.

Children's Committee: No report

Public Safety Committee: Councilman Mullinax announced the Neighborhood Council meeting on Thurs. Oct. 28 @ 7 p.m. and Dr. Jaume will give a presentation on Earthquake Awareness.

History Committee: Mayor Woolsey announced the History Council met this month and are working on a new History Marker for the Three Trees School. They are also working on installing Historical Markers to identify the sites in the James Island History Guide. A Commemoration of the Stamp Defiance Act will be held at Ft. Johnson on Sunday, Nov. 7, 1-3 pm. Revolutionary War Re-enactors will perform a demonstration and local Revolutionary War expert, Ken Scarlett, will give a talk. Next meeting is schedule for Tues Nov. 2<sup>nd</sup> at 6 pm.

Appointment to History Council: None made.

Rethink Folly Road: Mayor Woolsey reported that Toole Design presented an overview at the Intergovernmental Council meeting last night including an update on Folly Rd Phase I. Other projects they are working on includes establishing a Business and Property Owners Group and an interactive project map on the Rethink website. The Steering Committee will met Wed. Oct. 27<sup>th</sup> at 3:30 and immediately following will be the first meeting of the Business and Property Owners Group.

Drainage Committee. No report.

Business Development Committee: Councilman Boles noted that the committee did not meet in September.

Trees Advisory Committee: Councilman Milliken reported that the Trees Advisory met on Tues. Oct. 12 and discussed designating the winner for the Canopy Tree Award. The photo will be posted on the website with the owner. Discussions were also held on the Town's tree ordinance and protections and interns for updating the tree survey.

James Island Intergovernmental Council: Mayor Woolsey reported that the JI Intergovernmental Council met last night which included a presentation from Toole Design on Rethink Folly Rd. The discussion centered around the proposed sewer expansion project and cleaning up the James Island Creek. Mayor Woolsey stated that Chairwoman Honeycutt has a desire to appoint a representative from the JI Constituent School Board and the Charleston Water Systems Board. The date for the next meeting has not been scheduled but will likely occur in January.

Proclamations and Resolutions:

Resolution #2021-12: To Repeal Resolution #2021-09 Calling for Face Coverings in Public Indoor Areas in Town Hall: Motion in favor by Mayor Woolsey, seconded by Councilwoman Mignano. Councilman Milliken asked if the Resolution would repeal face coverings at Town Hall only and voiced concern about not wearing masks at the JI Arts & Cultural Center. Mayor Woolsey said the Resolution would repeal face coverings at Town facilities. Councilman Milliken stated that we are at 70% vaccination, but he still has concerns because face covering protection has made a big difference in the number of people not getting COVID. He is going to vote no' to repealing the Resolution simply because it is good to keep it in place until we are out of the woods.

Councilman Boles asked if staff wears face coverings in their offices. Mrs. Kellahan answered that all staff has been vaccinated. Staff does not have to wear masks in their office but does wear them in common areas (lobby, hallway, meeting customers, and at the JIACC) as well as social distance.

Councilwoman Mignano spoke in favor of repealing noting that cases have been low in Charleston, Berkeley, and Dorchester counties and that we cannot be masked forever. Vote: Favor: Mayor Woolsey, Councilwoman Mignano. Opposed: Councilmen Milliken, Boles, Mullinax. Failed 3-2.

Ordinances up for First Reading:

Ordinance #2021-08: An Ordinance to Amend Zoning Map Amendment @ 1715 Oak Point Rd. from Low-density Suburban Residential (RSL) to General Office (OG) for Fishing/Hunting Guide Services and Office Uses: Motion in favor by Councilman Milliken, seconded by Councilman Mullinax. Councilman Milliken spoke that the subject parcel is somewhat blocking the path to a property that can be accessed by water and there is an easement that would allow access. He asked if the easement would remain, and Mrs. Crane answered yes that it would remain. Passed unanimously.

Ordinance #2021-09: Town of James Island Business License Ordinance: Motion in favor by Councilman Milliken, seconded by Councilman Mullinax. Mrs. Kellahan presented the standardization for the Business Licenses to become effective January 1, 2022. The General Assembly passed the SC Business License Standardization Act, 176, to streamline the business license process by creating the same process for taxing all jurisdictions across the state. The Town's Ordinance would mirror that of Charleston County's. Passed unanimously.

Ordinance #2021-10: An Ordinance Requiring Baseline Inspections of Septic Systems in the James Island Creek TMDL: Mayor Woolsey said he is presenting this Ordinance based on concerns that Councilman Milliken had with the previous version. Motion in favor by Councilman Milliken, seconded by Councilman Mullinax.

An overview of the Ordinance states that all septic systems in the James Is. Creek TMDL under Town jurisdiction must have a baseline inspection before June 30, 2022. A baseline inspection would be a thorough evaluation of an operating private sewage system to determine the functionality of the system and that it is not exhibiting signs of failure. A pump out of the system is required for a baseline inspection to properly examine the interior of the tank and checks for leaks from the home or conditions in the drain field. All inspections and pump outs must be done by septic contractors with a valid SCDHEC license. The Town would appropriate \$150,000 to pay for the baseline inspections for septic systems in the James Is. Creek TMDL from its unencumbered capital project funds in the 2021-2022 budget. The Town's PW Department will coordinate with licensed septic contractors, property owners, and residents to provide the required baseline inspection. The required baseline inspection is an additional inspection per Town Code (90.03, Section C 10). Any septic system that received an inspection and is properly documented within the last three (3) years meeting these requirements are exempt from the Ordinance.

Councilman Milliken thanked the Mayor for encapsulating the concerns that he had. Councilwoman Mignano asked if the people that maintained their septic would still be required to have a baseline inspection. Mayor Woolsey said people would still be required to have a baseline inspection because a routine inspection does not guarantee there are no leaks. Councilman Milliken asked, if the Ordinance is approved, would the budget need to be amended. Mayor Woolsey said not necessarily; but if it does, it can be done at a later time. Passed unanimously.

Ordinances up for Second/Final Reading:

Ordinance #2021-06: Regulations on Routine Inspection and Maintenance of Private Septic Tank Systems (Deferred from September 16 meeting): Mayor Woolsey requested without objection to withdraw this Ordinance and it was granted.

Mayor Woolsey moved, seconded by Councilman Mullinax, to amend by substitution Ordinance #2021-06 for Ordinance #2021-10. Passed unanimously.

New Business: None

Executive Session: Mayor Woolsey moved to enter into an executive session in accordance with 30-4-70(a) Code of Laws for South Carolina for the purpose of discussing a contractual agreement, seconded by Councilman Milliken. Passed unanimously at 8:14 p.m. to enter.

Return to Regular Session: Council returned to regular session at 8:24 p.m. Mayor Woolsey announced that no votes or decisions were made during the executive session.

Announcements/Closing Comments:

Councilman Boles thanked everyone and to be safe.

Councilwoman Mignano thanked staff for their hard work

Councilman Milliken reminded everyone of the litter pick up Sat. Oct. 23 @ 9 a.m.; to meet at Town Hall.

Mayor Woolsey commented that progress is being made with COVID and encouraged everyone to get vaccinated.

Adjournment: There being no further business to come before the body, the meeting adjourned at 8: 26 p.m.

Respectfully submitted:

Frances Simmons  
Town Clerk

# Town of James Island

% FY Complete 33%

## Monthly Budget Report

Fiscal Year 2021-22

	1st Quarter			2nd Quarter	4th Quarter	TOTAL	BUDGET
	July	August	September	October	June		
<b>GENERAL FUND REVENUE</b>							
Accommodations Tax						-	25,000
Brokers & Insurance Tax			346			346	952,000
Building Permit Fees		884	812			1,696	11,000
Business Licenses	8,456	8,067	17,323	10,106		43,951	375,000
Contributions/Donations-Park						-	
Grant Reimbursement						-	
Franchise Fees	135,813			2,807		138,619	332,500
Interest Income	29	29	28			87	500
Alcohol Licenses -LOP						-	10,000
Local Assessment Fees			1,226			1,226	2,000
Local Option Sales Tax (PTCF)			121,262	120,719		241,981	1,100,050
Local Option Sales Tax (rev)			49,487	47,810		97,297	442,000
Miscellaneous	1		588			589	500
Planning & Zoning Fees	1,586	2,140	1,058	1,090		5,874	12,500
State Aid to Subdivisions						-	273,228
Telecommunications						-	17,000
Homestead Exemption Tax Receipts						-	50,000
Facility Rentals	302	606	152	604		1,664	5,400
Storm water Fees	900	700	300	300		2,200	
ARP Allocation			1,854,631			1,854,631	3,709,261
	<b>146,188</b>	<b>11,726</b>	<b>192,283</b>	<b>183,135</b>	<b>Total</b>	<b>533,331</b>	<b>3,608,678</b>
					<b>% of Budget</b>		<b>15%</b>

## ADMINISTRATION

Salaries	31,627	21,068	21,261	21,297		95,254	289,306
Benefits, Taxes & Fees	12,966	8,742	8,898	8,902		39,509	107,562
Copier	330	337	609	337		1,612	5,500
Supplies	104	478	456	316		1,355	7,000
Postage		314	200	3,325		3,839	6,000
Information Services	412	4,398	4,281	5,556		14,646	67,800
MASC Membership						-	5,500
Insurance	15,216		1,563			16,779	48,615
Lobbying Services				2,000			
Legal & Professional Services		660	7,759	510		8,929	69,000
Town Codification		1,493	110	603		2,205	1,400
Advertising			524			524	5,000
Audit	4,000					4,000	15,500
Mileage Reimbursement	27	30	27	31		115	800
Employee Training & Wellness		540		540		1,080	3,800
Dues and Subscriptions	60					60	1,500
Training & Travel						-	2,000
Grant Writing Services		500		500		1,000	16,000
Employee Appreciation	22	25	25			72	800
Mobile Devices	118	171	219	189		697	2,620
Credit card (Square)	116	180	113	67		476	
Bank Charges (Payroll Expenses)	309	319	322	322		1,273	2,000
	<b>65,308</b>	<b>39,254</b>	<b>46,366</b>	<b>44,494</b>	<b>Total</b>	<b>193,422</b>	<b>657,703</b>
					<b>% of Budget</b>		<b>29%</b>

## ELECTED OFFICIALS

Salaries	5,654	3,769	3,769	3,769		16,961	50,000
Benefit, Taxes & Fees	6,464	4,328	4,347	4,347		19,487	49,000
Mayor Expense	60			60		120	1,000
Council Expense						-	2,000
Mobile Devices	38	38	38	38		152	500
	<b>12,216</b>	<b>8,136</b>	<b>8,154</b>	<b>8,214</b>	<b>Total</b>	<b>36,721</b>	<b>102,500</b>
					<b>% of Budget</b>		<b>36%</b>

## GENERAL OPERATIONS

Salaries	39,468	27,807	28,013	24,177		119,465	393,157
Benefits, Taxes & Fees	13,969	10,093	10,634	9,467		44,163	139,500
						163,628	532,657
					<b>% of Budget</b>		31%

## PLANNING

Supplies						-	600
Advertising			105			105	1,500
Mileage Reimbursement						-	200
Dues and Subscriptions						-	715
Training & Travel						-	1,000
Mobile Devices	(109)	(59)	(70)	30		(209)	660
Equipment/Software	178	199	221	199		797	1,960
Uniform / PPE						-	500
Planning Commission		150	200	200		550	4,000
Board of Zoning Appeals	150	50				200	4,000
	<b>218</b>	<b>340</b>	<b>456</b>	<b>429</b>	<b>Total</b>	<b>1,443</b>	<b>15,135</b>
					<b>% of Budget</b>		10%



## BUILDING INSPECTION

Mileage Reimbursement						-	500
Community Outreach						-	250
Mobile Devices	50	41	30			120	780
Supplies						-	600
Equipment / Software						-	300
Uniform / PPE						-	250
Dues & Subscriptions						-	800
Travel & Training						-	1,400
	<b>50</b>	<b>41</b>	<b>30</b>	<b>-</b>	<b>Total</b>	<b>120</b>	<b>4,880</b>
					<b>% of Budget</b>		<b>2%</b>

## PUBLIC WORKS

Mileage Reimbursement						-	300
Training & Travel						-	1,925
Public Outreach						-	500
Projects		770	303	28,976		30,049	120,000
Signage	69	1,616				1,685	8,000
Mobile Devices	6	132	32	89		259	1,345
Uniform / PPE				195		195	700
Supplies	136	252	220	1,072		1,680	8,000
Emergency Management	492	552	590	542		2,176	25,000
Dues and Subscriptions		225		13		238	425
Asset Management	25,000	39	39	581		25,659	35,000
Tree Maintenance and Care						-	20,000
Groundskeeping	9,453	118	4,175	4,401		18,147	70,000
	<b>35,156</b>	<b>3,705</b>	<b>5,359</b>	<b>35,869</b>	<b>Total</b>	<b>80,088</b>	<b>291,195</b>
					<b>% of Budget</b>		<b>28%</b>

## CODES & SAFETY

Mileage Reimbursement						-	100
Equipment						-	900
Radio Contract		342				342	1,400
Training						-	500
Supplies			828			828	250
Uniform / PPE						-	250
ISP Dedicated Officer Annual Expense						-	64,830
ISP Programs & Supplies	30	665	1,040	868		2,603	15,000
ISP Salaries	13,174	15,570	16,515	15,539		60,798	188,955
Benefits, Taxes & Fees-ISP	3,545	4,294	4,531	4,262		16,631	56,270
Unsafe Buildings Demolition		9,950				9,950	10,000
Overgrown Lot Clearing						-	2,000
Animal Control						-	500
Crime Watch Materials						-	250
Mobile Devices	30	30		30		89	360
Membership/Dues						-	250
	<b>16,779</b>	<b>30,850</b>	<b>22,914</b>	<b>20,698</b>	<b>Total</b>	<b>91,240</b>	<b>341,815</b>
					<b>% of Budget</b>		<b>27%</b>

## PARKS & RECREATION

JIRC Contribution						-	4,750
Park Maintenance	1,170	4,868	559	1,039		7,636	12,000
Special Events			507	432		939	5,000
Youth Sports Program						-	14,725
		<b>4,868</b>	<b>1,066</b>	<b>1,471</b>	<b>Total</b>	<b>8,575</b>	<b>36,475</b>
					<b>% of Budget</b>		<b>24%</b>

## FACILITIES & EQUIPMENT

Utilities		3,476	3,139	2,865		9,480	42,000
Security Monitoring	76	91	152			319	1,000
Janitorial	587	550	617	625		2,379	7,920
Equipment / Furniture				137		137	5,700
Facilities Maintenance			75	2,030		2,105	6,500
Vehicle Maintenance Expense	339	427	1,692	419		2,877	6,500
Fees and Taxes						-	
Generator Maintenance		1,566				1,566	2,410
Street Lights		12,983	12,971	13,377		39,331	154,000
	<b>1,002</b>	<b>19,093</b>	<b>18,646</b>	<b>19,452</b>	<b>Total</b>	<b>58,194</b>	<b>226,030</b>
					<b>% of Budget</b>		<b>26%</b>

## COMMUNITY SERVICES

Repair Care Program		500		12,800		13,300	35,000
Teen Cert Program						-	500
Drainage Council						-	500
History Council		618				618	3,780
Neighborhood Council		34				34	3,750
Childrens Council						-	500
Business Development Council						-	3,500
James Island Pride			75			75	3,500
Helping Hands	375					375	500
Tree Council			299			299	3,500
Community Service Contributions						-	30,000
		<b>1,152</b>	<b>375</b>	<b>12,800</b>	<b>Total</b>	<b>14,702</b>	<b>85,030</b>
					<b>% of Budget</b>		<b>17%</b>

## CAPITAL PROJECTS

<u>INFRASTRUCTURE</u>										
Dills Bluff Sidewalk Phase III					-					174,570
Dills Bluff Sidewalk, Phase IV					-					28,000
Lighthouse Point & Ft. Johnson Intersection					-					38,000
Lighthouse Point Blvd Sidewalk and Drainage Phase I					-					55,000
Regatta Road Sidewalk					-					133,500
Town Hall Solar Panels					-					100,000
Capital Improvement Projects					-					25,000
Secessionville to Ft. Johnson Sidewalk Connector					-					13,000
Nabors Phase I					-					25,500
Underground Power Lines					-					60,636
Traffic Calming Projects					-					30,000
Water Quality/Sewer Infrastructure Projects										1,854,630
									<b>Total</b>	<b>2,537,836</b>
									<b>% of Budget</b>	<b>0%</b>
<u>Capital Equipment</u>										
LPR Camera - HBVR					-					24,510
<u>PARK IMPROVEMENTS</u>										
Pinckney Park			11,792	(17)					11,775	14,030
Park Projects									-	69,000
<u>DRAINAGE PROJECTS</u>										
Greenhill/Honey Hill Drainage Phase I-II			5,600						5,600	261,000
Lighthouse Pt. Sdwalk & Drainage Phase 1									-	55,000
Oceanview Stonepost Drainage Basin -I-II		3,728	141	12,563					16,432	59,000
Drainage Outflow Valve Devices									-	48,000
Drainage Improvement Projects									-	2,004,631
James Island Creek Basin Drainage Improvements									-	145,500
Highwood Circle Drainage Improvements									-	29,600
Quail Run Drainage Improvements			5,125						5,125	35,000
Highland Ave Drainage Improvements									-	90,975
	<b>0</b>	<b>3,728</b>	<b>22,658</b>						<b>Total</b>	<b>38,932</b>
									<b>% of Budget</b>	<b>1%</b>

### JIPSD FIRE & SOLID WASTE SERVICES

JIPSD Tax Relief	89,000	89,000	89,000	89,000		356,000	1,068,000
Auditor Expense						-	5,000
					<b>Total</b>	<b>356,000</b>	<b>1,073,000</b>
					<b>% of Budget</b>		<b>33%</b>

### HOSPITALITY TAX

Hospitality Tax Revenue		58,426	57,651	54,835		170,912	540,000
Hospitality Tax Transfer In						-	210,600
<b>TOTAL</b>					<b>Total</b>	<b>170,912</b>	<b>750,600</b>
					<b>% of Budget</b>		<b>0</b>
<u>GENERAL</u>							
The Town Market						-	2,975
Rethink Folly Phase I-III, Staff Cost-Sharing				6,018		6,018	20,000
Santee Street Public Parking Lot	14,400					14,400	28,200
James Island Arts & Cultural Center Ops	1,339	6,584	10,662	6,813		25,398	105,200
Promotional Grants						-	20,000
Public Safety of Tourism Areas	5,583	6,802	7,362	6,890		26,637	108,101
Camp and Folly Landscaping Maintenance						-	5,400
Community Events		2,000				2,000	5,000
Total Non-Capital Expense					<b>Total</b>	<b>74,453</b>	<b>294,876</b>
					<b>% of Budget</b>		<b>25%</b>

<u>PROJECTS</u>								
Camp/Folly Bus Shelter							-	25,000
Wayfinding Signage							-	12,000
Folly Road Beautification							-	10,000
Brantley Park		4,156			11,275		15,431	234,837
Brantley Park Ops				600			600	
James Island Arts & Cultural Center	365	76,263	9,429		291		86,348	200,000
James Island Arts and Cultural Center Solar Panels							-	100,000
Ft. Johnson							-	100,000
Decorative Banners							-	8,400
Park Projects							-	23,000
Intersection Improvement at Camp/Dills Bluff							-	55,200
1248 Camp Center-Civil & Landscape							-	150,000
Folly Road Multi Use Path Wilton-Ft. Johnson							-	42,000
Other Tourism-Related Projects							-	50,000
						<b>Total</b>		1,010,437
		21,687	95,805	28,053	31,288	% of Budget	422,196	0%

### TREE MITIGATION FUND

Tree Mitigation revenue							1,392	500
Tree Mitigation expense							-	500
		-	-	-	-	<b>Total</b>	1,392	

# ADMINISTRATOR'S REPORT

Nov-21

## ADMIN NOTES

- 1) Received Capital Consulting Group's monthly report to Council - they will make themselves available to discuss the proposed redistricting maps
- 2) Brantley -held Pre-construction and groundbreaking.
- 3) Working with stantec on scope and fee for improvements to Dock Street - can utilize the Town's PARD funding for planning purposes
- 4) Working on correspondence with residents on septic regarding new ordinance on regular maintenance
- 5) Have sent the IGA amendment on bldg services to County and anticipate it going before County Council for approval at their Nov. 18th meeting
- 6) Submitted grant under the James Island Foundation requesting funding for AV equipment at the JIACC

**Business Licenses** **40**

\*14 of those processed at Town hall

### Code Enforcement Cases

**TOTAL CASES** **753**  
**ABATED** **696**

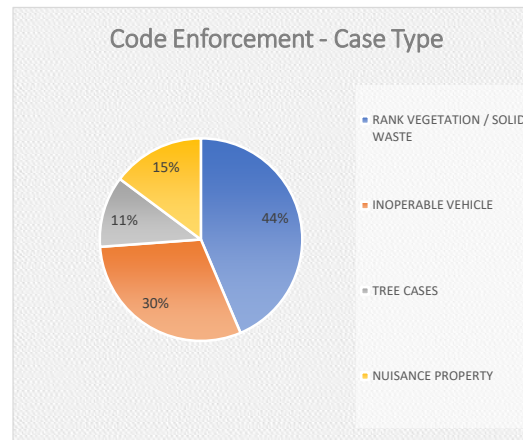
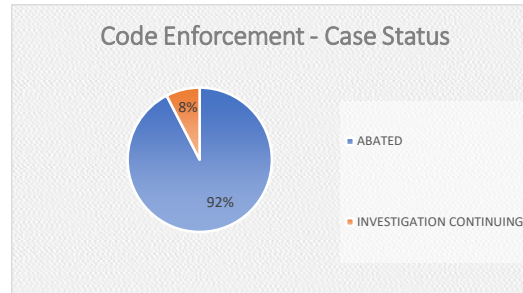
**INVESTIGATION CONTINUING** **57**

- RANK VEGETATION / SOLID WASTE 192
- INOPERABLE VEHICLE 133
- TREE CASES 50
- NUISANCE PROPERTY 65

\*6 new cases in Oct

### James Island Arts and Cultural Center

Newest rotation of art from Camp Road Middle School on exhibit- several families have already stopped by to see the art.  
 MOJA Festival exhibit featuring Jonathan Green's illustrations of The Freedom Ship of Robert Smalls was extended and has been a great success. Several pieces of art have sold.  
 2 watercolor groups started meeting at the Center on Mondays and Tuesdays.  
 History Council met at the Center. A watercolor workshop by Jennifer Ashe Thompson is scheduled for December 1, 8, and 15 from 10:30 – noon.  
 On the 16th of Nov, at 11 am, Bishop Gadsen participants will tour  
 On the 18th of Nov at 4:30 pm, Beaupromo Puppetry will present a show.  
 On the 18th of November from noon to 1 - Free meditation class.  
 Professor Catherine Case will teach a color theory class soon  
 Beginning in Dec., exhibit detailing the Charleston Earthquake will be on display until March.  
 December 2, there will be Gingerbread house making from 4:30 – 6.  
 Youth Leadership classes on Tuesdays have been growing and they are having a great time. Denise Johnson plans very thoughtful lessons and activities.



PERMIT TYPE	Oct-21
ACCESSORY STRUCTURE	
CLEARING & GRUBBING	
DEMOLITION PERMIT	-
EXEMPT PLATS	
FIREWORK STAND	
HOME OCCUPATION	6
LSPR	
NON-EXEMPT PLAT	
PD AMENDMENT (REZONING)	
RESIDENTIAL ZONING	13
REZONING	
SPR	
SIGN PERMIT	1
SITE PLAN REVIEW	
SPECIAL EVENT	1
SPECIAL EXCEPTION	
TEMPORARY ZONING	
TREE REMOVAL	7
TREE TRIMMING	
VARIANCE	
ZONING PERMIT	1
<b>TOTAL</b>	<b>29</b>

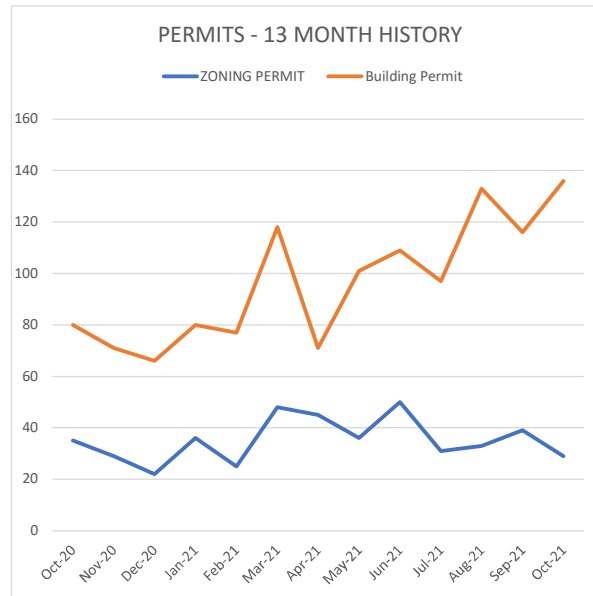
## PUBLIC WORKS NOTES

- 1) There were 18 new requests for service in September. 4 were drainage related. Staff has responded to all requests.
- 2) Staff held the monthly meeting of stormwater managers.
- 3) Staff has been monitoring the Lighthouse Blvd Drainage and Sidewalk project. The sidewalk was completed and the drainage portion was continued up Lighthouse Blvd. to Fort Johnson Road.
- 4) Thomas McArthur started with the Public Works Department as Facilities Maintenance Coordinator.
- 5) Staff participated in a meeting of the James Island Creek Water Quality Task Force.
- 6) Staff secured permission to use a residential dock on Jim Isle Drive for water quality testing.
- 7) Staff coordinated an Earthquake drill on national earthquake drill day and hosted a program on Earthquakes for the Neighborhood Council meeting.
- 8) The contractor installing the radar feedback signs on Fort Johnson Road began work on the electrical for the signs.
- 9) Staff aided in the coordination of repairs to SCDOT outfall on Dills Bluff at Fort Sumter which have been completed.  
 Staff cleaned 6 signs in October and installed 1 new STOP sign and used 9 bags of pothole patch on 5 potholes.  
 Staff cut vegetation on right of way to improve driver vision in various locations.

### Building Permits & Inspections

**Permits**

**Current Month** **138**  
**Previous Month** **116**





# Charleston County Public Works Task Estimate

## BASIC INFORMATION

Est Start Date 10/1/2021 Request ID 12835  
 Requesting Agency / Billable Dept : Town of James Island Task ID 157594  
 Contact : Mark Johnson Phone : 843-709-2394  
 Details : At 1342 Bob White Dr. hydro excavate around box to bottom depth and backfill to grade with flowable fill. Also wrap any failure in pipe with fabric as needed.

**Total Labor Cost \$3,840.80**  
**Total Equipment Cost \$1,911.30**

### Material

ID	Description	Usage	Material Cost
			\$0.00

### Other

Date	Short Description	Purchase Order	Vendor	Cost
10/25/2021	3 yards Flowable Fill		Knight's Redi Mix	\$1,000.00
10/25/2021	20ft, Fabric		CP&P - Concrete Pipe And Precast	\$50.00
<b>Total Other</b>				<b>\$1,050.00</b>
<b>Sub Total</b>				<b>\$6,802.10</b>
<b>10% Contingency</b>				<b>\$680.21</b>
<b>Grand Total Estimate</b>				<b>\$7,482.31</b>

**Agency Signature :** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Org Key (For non-General Fund Request) :** \_\_\_\_\_

**Obj Code:** \_\_\_\_\_

(For Public Works Use Only)  
**F/O Manager/Director Approval :** \_\_\_\_\_ **Date:** \_\_\_\_\_







**RFQ 5-2021 Solar Consulting and Install Services**

	<b>Ashley Kellahan</b>	<b>Garrett Milliken</b>	<b>Mayor Woolsey</b>	<b>TOTAL</b>
<b>Alder Energy Systems</b>	440	340	480	1,260
<b>Boss Energy</b>	380	380	420	1,180

The Evaluation Committee reviewed and independently scored the above proposals.

Staff recommends awarding the project to ***Alder Energy Systems***.

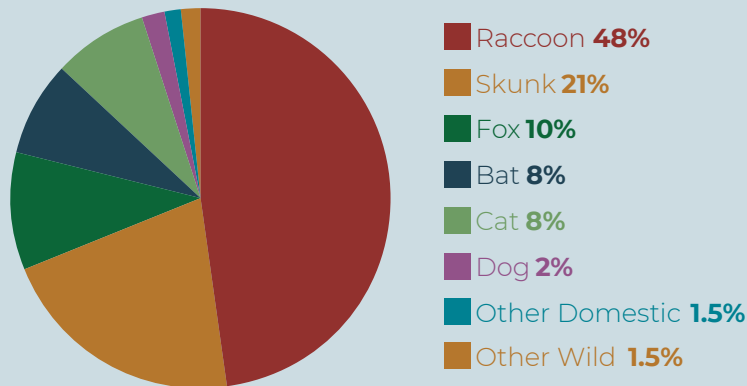
## Request for Approval – Support of Pet Helpers Programs

- The Town of James Island has recently been partnering with Pet Helpers to provide Vaccination Clinics at Town Hall. Their successful event was provided at their cost and 177 pets were vaccinated (78 dogs and 34 cats) and they implanted 29 microchips. Their goal is to begin hosting this vaccine clinic biannually at Town Hall.
  - Per SCDHEC, rabies is on the rise in the low country and they have been spreading the message about vaccinating pets to community groups, such as the Neighborhood Council earlier this year. The Town would like to partner and do these on a more regular basis.
  - Pet Helpers is also sponsoring an Adoption Drive at Town Hall to help control the pet population.
  - While pet helpers requested a support of \$5,000 on their Community Assistance Grant application, they were awarded \$2,000 under community assistance.
  - **Staff recommends funding them an additional \$3,000 from the Code Enforcement budget where we have an existing account budgeted for animal control.**
-

# Rabies in South Carolina

## Rabid Animals

Percentages of Rabid Animals, 2014 - 2019



Every year, about 130 animals test positive for rabies in South Carolina.

- Approximately 30% of these cases involve human exposure!

## Rabies Prevention



Any mammal can get rabies! Rabies is usually transmitted through a bite from an infected animal.



Don't keep wild animals as pets. If you see an animal in need, contact a licensed wildlife rehabilitator in your area. Do not approach the animal.



Never touch wild or stray animals with your bare hands. Educate children on why they should not handle wild or unknown animals.



Vaccinate pets against rabies. By law, all dogs, cats and ferrets should be vaccinated. Keep shots up to date, whether annually or as directed by a veterinarian.



Watch for abnormal behavior. Avoid wild animals acting tame and tame animals acting wild.

## Dealing with Exposure

### If Exposure Occurs:

1. Immediately wash bite/wound with soap and water.
2. Contact a health care provider, even for minor incidents.
3. Notify your local Bureau of Environmental Health Services (BEHS) office. Visit [www.scdhec.gov/ea-regional-offices](http://www.scdhec.gov/ea-regional-offices) to find your local office.



### Did you know?

Per the SC Rabies Control Act, it is the law to report all wild and domestic animal bites to your local BEHS office by the end of the next working day.

### Post-exposure prophylaxis (PEP):

Hundreds of South Carolinians must undergo preventive treatment for rabies every year, due to exposure to a rabid or suspected rabid animal.



## **Small Business Saturday**

**Whereas**, the government of the Town of James Island, SC, celebrates our local small businesses and the contributions they make to our local economy and community; according to the United States Small Business Administration, there are 31.7 million small businesses in the United States, they represent 99.7% of firms with paid employees, and they are responsible for 65.1% of net new jobs created from 2000 to 2019; and

**Whereas**, small businesses employ 47.1% of the employees in the private sector in the United States, 88% of U.S. consumers feel a personal commitment to support small businesses in the wake of the pandemic, and 92% of small business owners have pivoted the way they do business to stay open during the pandemic; and

**Whereas**, 97% of Small Business Saturday® shoppers recognize the impact they can make by shopping small, 85% of them also encouraged friends and family to do so, too; and

**Whereas**, 56% of shoppers reported they shopped online with a small business on Small Business Saturday in 2020; and more than 50% of consumers who reported shopping small endorsed a local business on social media or shopped at a local business because of a social media recommendation; and

**Whereas**, the Town of James Island supports our local businesses that create jobs, boost our local economy, and preserve our communities; and

**Whereas**, advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

**Now, Therefore**, I, Bill Woolsey Mayor, Town of James Island, and the members of Town Council do hereby proclaim, November 27, 2021, as:

### ***SMALL BUSINESS SATURDAY***

**And** urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

---

Bill Woolsey  
Mayor

---

Frances Simmons  
Town Clerk

ATTEST  
November 18, 2021

RESOLUTION #2021-13

A RESOLUTION DESIGNATING AN ANNUAL COMMUNITY ARBOR DAY OBSERVANCE AND CELEBRATION

WHEREAS, in 1871 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for planting trees,

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska,

WHEREAS, the planting of trees is a vital step in developing civic pride and a sense of community; and trees provide an abundance of environmental and aesthetic advantages to citizens and wildlife, wherever they are found,

WHEREAS, James Island residents have shown an interest in the preservation and protection of trees as part of environmental and beautification efforts on James Island; and,

WHEREAS, an important part of James Island's culture, history and identity is directly related to trees; and,

WHEREAS, the Town of James Island has the goal of collaborating with the City of Charleston, Charleston County, the James Island Public Service District and other community groups and schools in the educating of the public relating to trees, the planting of trees and the care of trees on James Island; and,

WHEREAS, the State of South Carolina has designated the first Friday in December as the State Arbor Day,

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF JAMES ISLAND, SOUTH CAROLINA THAT:

Section 1: That the foregoing recitals are incorporated in and made part of this reference;

Section 2: That The Town of James Island will designate an annual community Arbor Day observance and celebration in conjunction with South Carolina's state Arbor Day on the first Friday of every December; and

Section 3: That the Town of James Island hereby designates Friday December 3, 2021 as Arbor Day, and we urge all citizens to plant trees and to support our Town's efforts for tree preservation.

Section 4: This Resolution to become effective upon its adoption and approval.

Enacted this the 18<sup>th</sup> day of November, 2021

---

Bill Woolsey  
Mayor

ATTEST

---

Frances Simmons  
Town Clerk

**ORDINANCE 2021-11**

**AN ORDINANCE REZONING REAL PROPERTY LOCATED 1622 CAMP ROAD (TMS# 425-06-00-096) FROM THE GENERAL OFFICE (OG) ZONING DISTRICT TO THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT (EXHIBIT A)**

WHEREAS, property located at 1622 Camp Road, identified as Tax Map Number 425-06-00-096 and referenced on the attached exhibit is currently zoned as General Office (OG) Zoning District; and

WHEREAS, the applicant requests this parcel be zoned to the Community Commercial (CC) Zoning District to allow for the use of the property as Beverage or Related Products Manufacturing and Retail Sales and Service uses; and

WHEREAS, the applicant has submitted a complete application for Zoning Map Amendment (rezoning) pursuant to Section 153.043 of the Town of James Island Zoning and Land Development Regulations Ordinance (ZLDR); and

WHEREAS, the Town of James Island Planning Commission has reviewed the proposed Zoning Map Amendment and adopted a resolution, by majority vote of the entire membership, and recommended that the Town of James Island Council (Town Council) approve the proposed Zoning Map Amendment based on the Approval Criteria of Section 153.043 F of the ZLDR; and

WHEREAS, upon receipt of the recommendation of the Planning Commission, Town Council held at least one public hearing and after close of the public hearing, Town Council approved the proposed Zoning Map Amendment based on the Approval Criteria of Section 153.043 F of the ZLDR; and

WHEREAS, Town Council has determined the Zoning Map Amendment meets the following criteria;

- A. The proposed amendment is consistent with the Comprehensive Plan and the stated purposes of the Ordinance;
- B. The proposed amendment will allow development that is compatible with existing uses and zoning of nearby property;
- C. The Town and other service providers will be able to provide adequate water and sewer supply, storm water facilities, waste disposal and other public facilities and services to the subject property, while maintaining adequate levels of service to existing development;
- D. The applicant provides documentation that the proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject tracts or on the environment, including air, water, noise, storm water management, traffic congestion, wildlife and natural resources; and
- E. The subject properties are suitable for the proposed zoning classification considering such things as parcel size, parcel configuration, road access and the presence of natural resources and amenities.

NOW, THEREFORE, be it ordained by the Town of James Island Town Council, in meeting duly assembled, finds as follows:

**SECTION 1. FINDINGS INCORPORATED**

The above recitals and findings are incorporated herein by reference and made a part of this Ordinance.



## SECTION II. REZONING OF PROPERTY

- A. Town of James Island Council rezones the property located at 1622 Camp Road, identified as Tax Map Number 425-06-00-096 and referenced on the attached "Exhibit A", from the General Office (OG) Zoning District to the Community Commercial (CC) Zoning District; and
- B. Any and all development of the subject parcel must comply with the ZLDR and any and all other applicable ordinances, rules, regulations, and laws; and
- C. The Zoning Map of Tax Map Number 425-06-00-096 referenced on the attached "Exhibit A", is amended to Community Commercial (CC) in accordance with Section 153.043 H of the ZLDR.

## SECTION III. SEVERABILITY

If, for any reason, any part of this Ordinance is invalidated by a court of competent jurisdiction, the remaining portions of this Ordinance shall remain in full force and effect.

## SECTION IV. EFFECTIVE DATE

This Ordinance shall become effective immediately upon approval of Town Council following second reading.

ADOPTED AND APPROVED in meeting duly assembled this 16<sup>th</sup> day of December 2021.

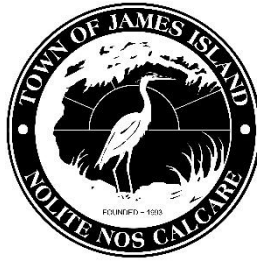
TOWN OF JAMES ISLAND COUNCIL

By: \_\_\_\_\_  
Bill Woolsey  
Mayor of the Town of James Island

ATTEST:

By: \_\_\_\_\_  
Frances Simmons  
Town Clerk of the Town of James Island

Public Hearing: November 18, 2021  
First Reading: November 18, 2021  
Second Reading: December 16, 2021



**ZONING/PLANNING  
DEPARTMENT**

**Zoning Map Amendment  
Case History: ZCC-8-21-012  
FIRST READING: NOVEMBER 18, 2021  
SECOND READING: DECEMBER 16, 2021**

**Case Information:**

Area: 1622 Camp Road  
Parcel Identification: 425-06-00-096

**History and Overview:**

1622 Camp Road (TMS #425-06-00-096) is located adjacent to the intersection of Camp Road and Bradford Avenue. The property was formerly utilized by the James Island Public Service District as a fire station, and currently has three structures located on it with one of those being a covered truck/carport. The parcel included in the current Zoning Map Amendment Request is 0.932 acres in size and is in the OG Zoning District. The parcel is considered a legal conforming lot.

The applicant, Mr. Roman Rozek, is seeking to rezone the parcel from the OG Zoning District to the CC Zoning District to enable the use of the property for his existing homebrew supply store, "Beer Engineer Supply", as well as adding a brewery, taproom, and restaurant to the property. 1622 Camp Road, LLC is the current owner of the subject parcel.

**Adjacent Zoning:**

The adjacent parcel to the east is in the City of Charleston and is zoned Limited Business (Tiger Lily Florist). The adjacent parcel to the west is in the City of Charleston's jurisdiction and is zoned General Office (Southern Bell Telephone & Telegraph Company, utilized by AT&T). To the south and across Camp Road, the adjacent parcels are in the Town of James Island, zoned CC (Sanctuary Recovery Centers) and RSL (residential). To the north the parcel is zoned DR-1F in the City of Charleston and is multi-family residential. The remaining surrounding area includes parcels in the City of Charleston zoned General Business, as well as parcels in the Town of James Island zoned CC, OG and RSL.

**Approval Criteria:**

According to Section §153.043 F of the *Zoning and Land Development Regulations Ordinance (ZLDR)*, applications for Zoning Map Amendment (Re-zoning) approval may

be approved only if Town Council determines that the following criteria are met:

**A. The proposed amendment is consistent with the *Comprehensive Plan* and the stated purposes of this Ordinance.**

Staff's response: *The Comprehensive Plan*, Land Use Element states a need as, "encouraging sensitive and sustainable development practices." Additionally, the Economic Development Element states a strategy as "encouraging a variety of diverse commercial uses that will benefit the Town as a whole". The applicant states in his letter of intent that "BES is passionate about education for our homebrewers and our expanded location on James Island will allow us to provide classes, competitions, and other outreach programs for the local Charleston Community". The applicant also intends on utilizing the existing buildings, therefore, this request may be consistent with the *Comprehensive Plan* and the stated purposes of this Ordinance.

**B. The proposed amendment will allow development that is compatible with existing uses and zoning of nearby property;**

Staff's response: Nearby properties have a wide range of existing uses (florist, communication services, transitional housing, single-family and multi-family residential, retail sales, mailing/packaging services, garden supply, bank, and social club) and zoning (commercial, general business, general office, limited business, and residential). The immediate adjacent properties are mixed between commercial, office, and residential uses. Uses that are allowed in the CC Zoning District may be compatible with some of the existing uses in the vicinity, including parcels that have the possibility to be utilized/redeveloped with their current commercial zoning. However, the subject property is bordered by multi-family residential to the north and single-family residential across Camp Road.

**C. The Town and other service providers will be able to provide adequate water and sewer supply, storm water facilities, waste disposal and other public facilities and services to the subject property, while maintaining adequate levels of service to existing development;**

Staff's response: The subject property has previously been serviced by public facilities and the Town and other service providers will be able to continue these public facilities.

**D. The applicant provides documentation that the proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, storm water management, traffic congestion, wildlife and natural resources; and**

Staff's response: The applicant's letter of intent states that they "are a family operation that will have ample parking and sidewalks for our neighbors nearby". Additionally, the applicant's site plan shows the restaurant and brewery being housed in the building closest to Camp Road. The parcel is fully developed with no changes being proposed to existing building footprints or vegetation.

**E. The subject property is suitable for proposed zoning classification considering such things as parcel size, parcel configuration, road access and the presence of resources and amenities.**

Exhibit A

Staff's response: The subject property is a legal conforming lot in its current zoning designation of OG. The subject property also meets the minimum standards for a Community Commercial zoning designation including parcel size and parcel configuration. The parcel has two direct accesses from Camp Road.

**Planning Commission Meeting: October 14, 2021**

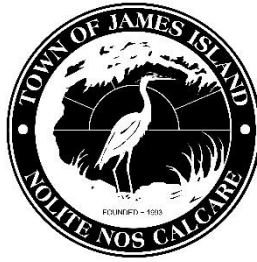
**Recommendation: Approval (5-0 vote)**

*Speakers in support: 4*

*Speakers in opposition: 0*

**Notifications:**

*A total of 243 notification letters and emails were sent to owners of property within 300 feet of the boundaries of the proposed zoning map amendment and to the James Island Interested Parties List on November 3, 2021. Additionally, this request was noticed in the Post & Courier on November 3, 2021 and the property was posted on November 3, 2021. The meeting notice was also sent to the Town News email recipients and was posted on the Town's Facebook page.*



**ZONING/PLANNING  
DEPARTMENT**

**Zoning Map Amendment  
Case History: ZCC-8-21-012  
FIRST READING: NOVEMBER 18, 2021  
SECOND READING: DECEMBER 16, 2021**

**Case Information:**

Area: 1622 Camp Road  
Parcel Identification: 425-06-00-096

**History and Overview:**

1622 Camp Road (TMS #425-06-00-096) is located adjacent to the intersection of Camp Road and Bradford Avenue. The property was formerly utilized by the James Island Public Service District as a fire station, and currently has three structures located on it with one of those being a covered truck/carport. The parcel included in the current Zoning Map Amendment Request is 0.932 acres in size and is in the OG Zoning District. The parcel is considered a legal conforming lot.

The applicant, Mr. Roman Rozek, is seeking to rezone the parcel from the OG Zoning District to the CC Zoning District to enable the use of the property for his existing homebrew supply store, "Beer Engineer Supply", as well as adding a brewery, taproom, and restaurant to the property. 1622 Camp Road, LLC is the current owner of the subject parcel.

**Adjacent Zoning:**

The adjacent parcel to the east is in the City of Charleston and is zoned Limited Business (Tiger Lily Florist). The adjacent parcel to the west is in the City of Charleston's jurisdiction and is zoned General Office (Southern Bell Telephone & Telegraph Company, utilized by AT&T). To the south and across Camp Road, the adjacent parcels are in the Town of James Island, zoned CC (Sanctuary Recovery Centers) and RSL (residential). To the north the parcel is zoned DR-1F in the City of Charleston and is multi-family residential. The remaining surrounding area includes parcels in the City of Charleston zoned General Business, as well as parcels in the Town of James Island zoned CC, OG and RSL.

**Approval Criteria:**

According to Section §153.043 F of the *Zoning and Land Development Regulations Ordinance (ZLDR)*, applications for Zoning Map Amendment (Re-zoning) approval may

be approved only if Town Council determines that the following criteria are met:

**A. The proposed amendment is consistent with the *Comprehensive Plan* and the stated purposes of this Ordinance.**

Staff's response: *The Comprehensive Plan*, Land Use Element states a need as, "encouraging sensitive and sustainable development practices." Additionally, the Economic Development Element states a strategy as "encouraging a variety of diverse commercial uses that will benefit the Town as a whole". The applicant states in his letter of intent that "BES is passionate about education for our homebrewers and our expanded location on James Island will allow us to provide classes, competitions, and other outreach programs for the local Charleston Community". The applicant also intends on utilizing the existing buildings, therefore, this request may be consistent with the *Comprehensive Plan* and the stated purposes of this Ordinance.

**B. The proposed amendment will allow development that is compatible with existing uses and zoning of nearby property;**

Staff's response: Nearby properties have a wide range of existing uses (florist, communication services, transitional housing, single-family and multi-family residential, retail sales, mailing/packaging services, garden supply, bank, and social club) and zoning (commercial, general business, general office, limited business, and residential). The immediate adjacent properties are mixed between commercial, office, and residential uses. Uses that are allowed in the CC Zoning District may be compatible with some of the existing uses in the vicinity, including parcels that have the possibility to be utilized/redeveloped with their current commercial zoning. However, the subject property is bordered by multi-family residential to the north and single-family residential across Camp Road.

**C. The Town and other service providers will be able to provide adequate water and sewer supply, storm water facilities, waste disposal and other public facilities and services to the subject property, while maintaining adequate levels of service to existing development;**

Staff's response: The subject property has previously been serviced by public facilities and the Town and other service providers will be able to continue these public facilities.

**D. The applicant provides documentation that the proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, storm water management, traffic congestion, wildlife and natural resources; and**

Staff's response: The applicant's letter of intent states that they "are a family operation that will have ample parking and sidewalks for our neighbors nearby". Additionally, the applicant's site plan shows the restaurant and brewery being housed in the building closest to Camp Road. The parcel is fully developed with no changes being proposed to existing building footprints or vegetation.

**E. The subject property is suitable for proposed zoning classification considering such things as parcel size, parcel configuration, road access and the presence of resources and amenities.**

Exhibit A

Staff's response: The subject property is a legal conforming lot in its current zoning designation of OG. The subject property also meets the minimum standards for a Community Commercial zoning designation including parcel size and parcel configuration. The parcel has two direct accesses from Camp Road.

**Planning Commission Meeting: October 14, 2021**

**Recommendation: Approval (5-0 vote)**

*Speakers in support: 4*

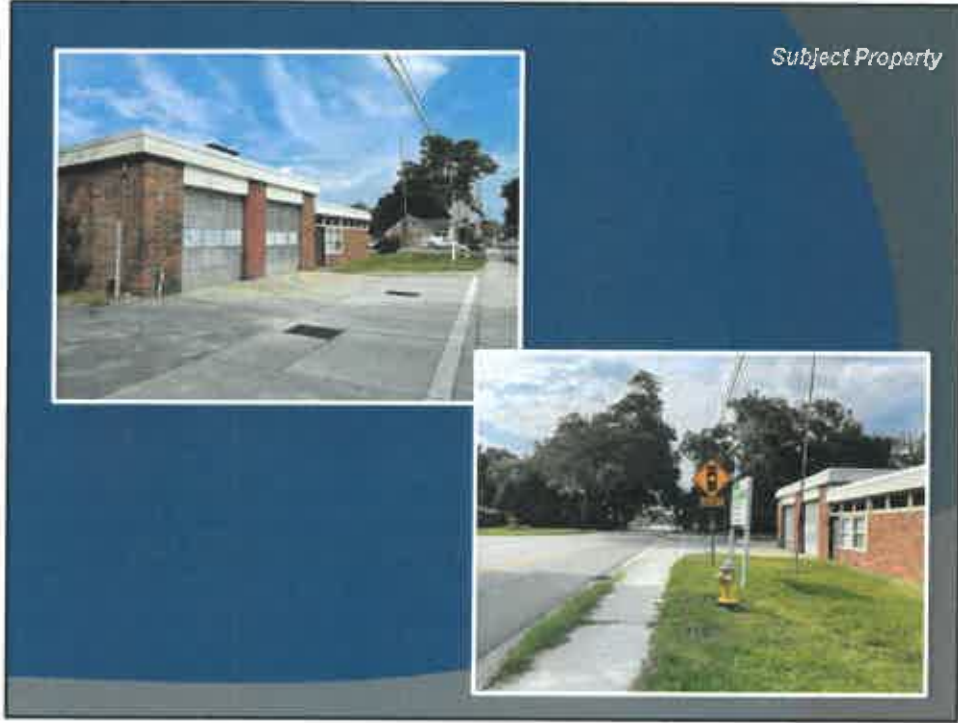
*Speakers in opposition: 0*

**Notifications:**

*A total of 243 notification letters and emails were sent to owners of property within 300 feet of the boundaries of the proposed zoning map amendment and to the James Island Interested Parties List on November 3, 2021. Additionally, this request was noticed in the Post & Courier on November 3, 2021 and the property was posted on November 3, 2021. The meeting notice was also sent to the Town News email recipients and was posted on the Town's Facebook page.*



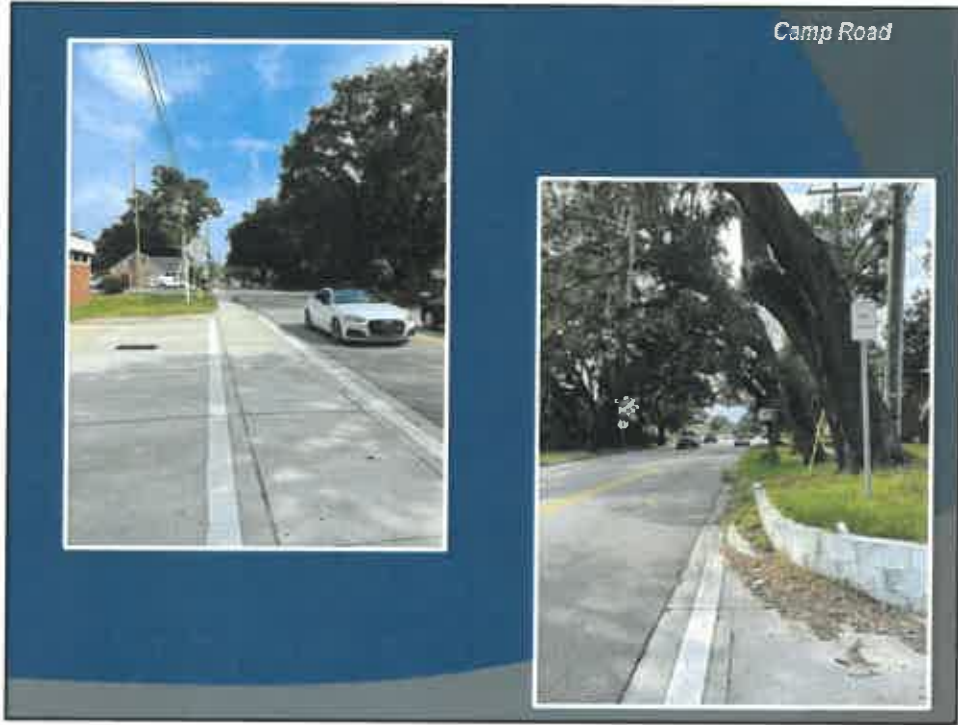




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# BEER ENGINEER- Brewery & Supply

RE: 1622 Camp Rd Brewery, Store, Restaurant.

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**Roman Rozek**

1923 East Montague Ave  
North Charleston, SC 29405  
215.601.9852  
Rj.rozek@gmail.com

10/14/21

To the JI Zoning Board,

Beer Engineer Supply (BES) is looking to expand its homebrew supply store operations in North Charleston to bring a production brewery, taproom, and restaurant to James Island. Our supply store will also be in our new location for the Charleston area beer and wine making hobbyists.

BES will provide an inviting atmosphere for family, friends, and community to gather and share experiences over a few pints and great food. With our extensive knowledge in the beverage industry, we promise to provide drinks to satisfy everyone's different pallets. BES is passionate about education for our homebrewers and our expanded location on James Island will allow us to provide classes, competitions, and other outreach programs for the local Charleston community.

Most importantly, BES at the Camp Road firehouse location will bring a much-desired environment to the James Island community. We are a family friendly operation that will have ample parking, sidewalks for our neighbors nearby, and live music. It will be a place to safely unwind and celebrate a productive day, or a lazy day with your loved ones and new friends you will meet here.

We hope you will accept our request to bring our business to James Island at 1622 Camp Rd and we look forward to being a part of the JI community.

Sincerely,

**Roman J. Rozek**





**High Level Site Plan 1622 Camp Rd for Beer Engineer's Use**

**Access:**

- \*~20 on-site parking spots. Additional public parking nearby.
- \*One way traffic.
- \*Pedestrian and thus neighborhood access.

**Use:**

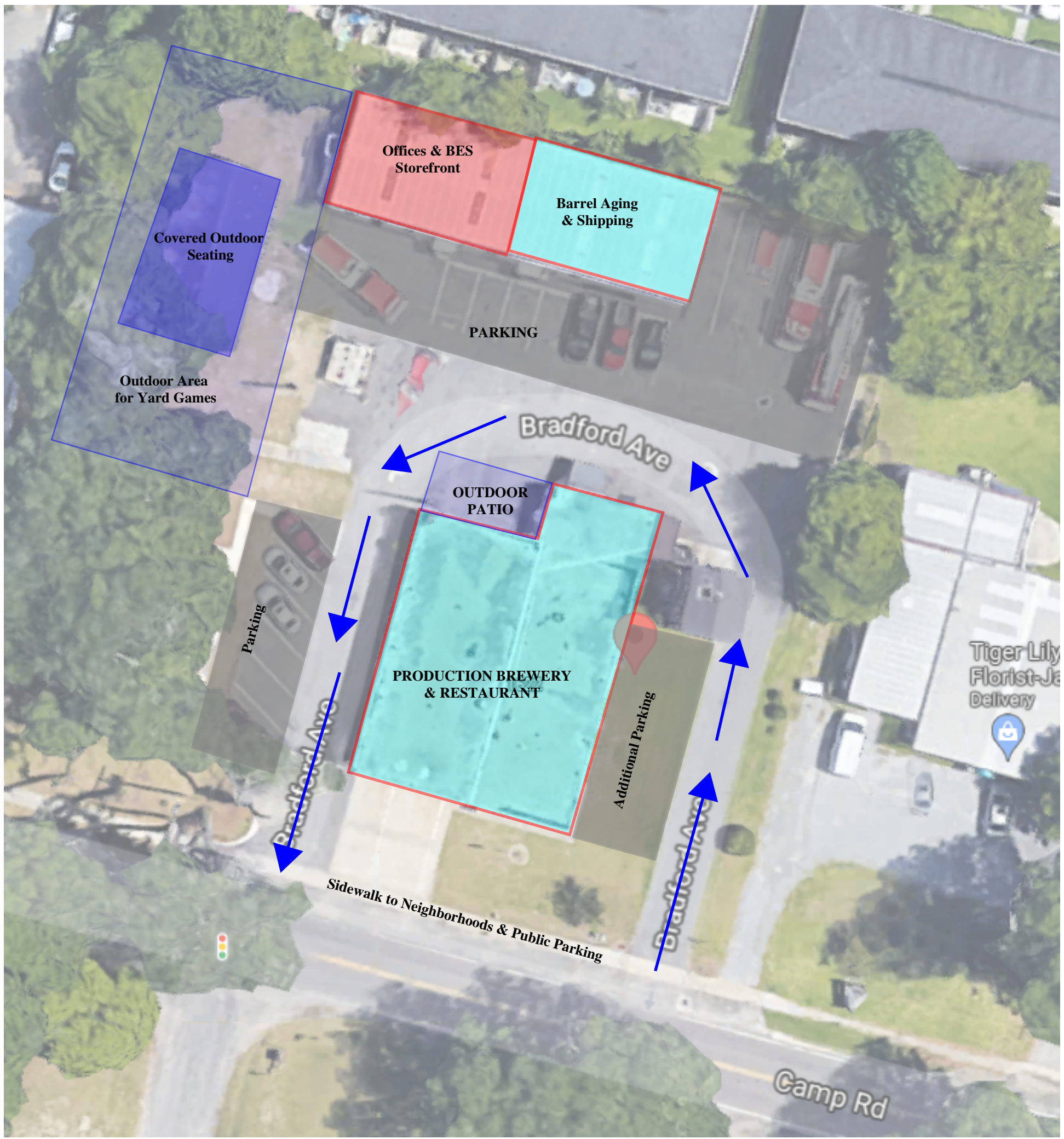
- \*New & primary location for Beer Engineer Supply -Charleston's only homebrew shop.
- \*New Production Brewery- James Island's first.
- \*Full fledged restaurant.
- \*Live music, games, and of course college football.

**Brewery Taproom and Restaurant Closing Hours:**

- \*Sunday through Thursday ~10pm
- \*Friday and Saturday ~12am

**Homebrew Shop Hours:**

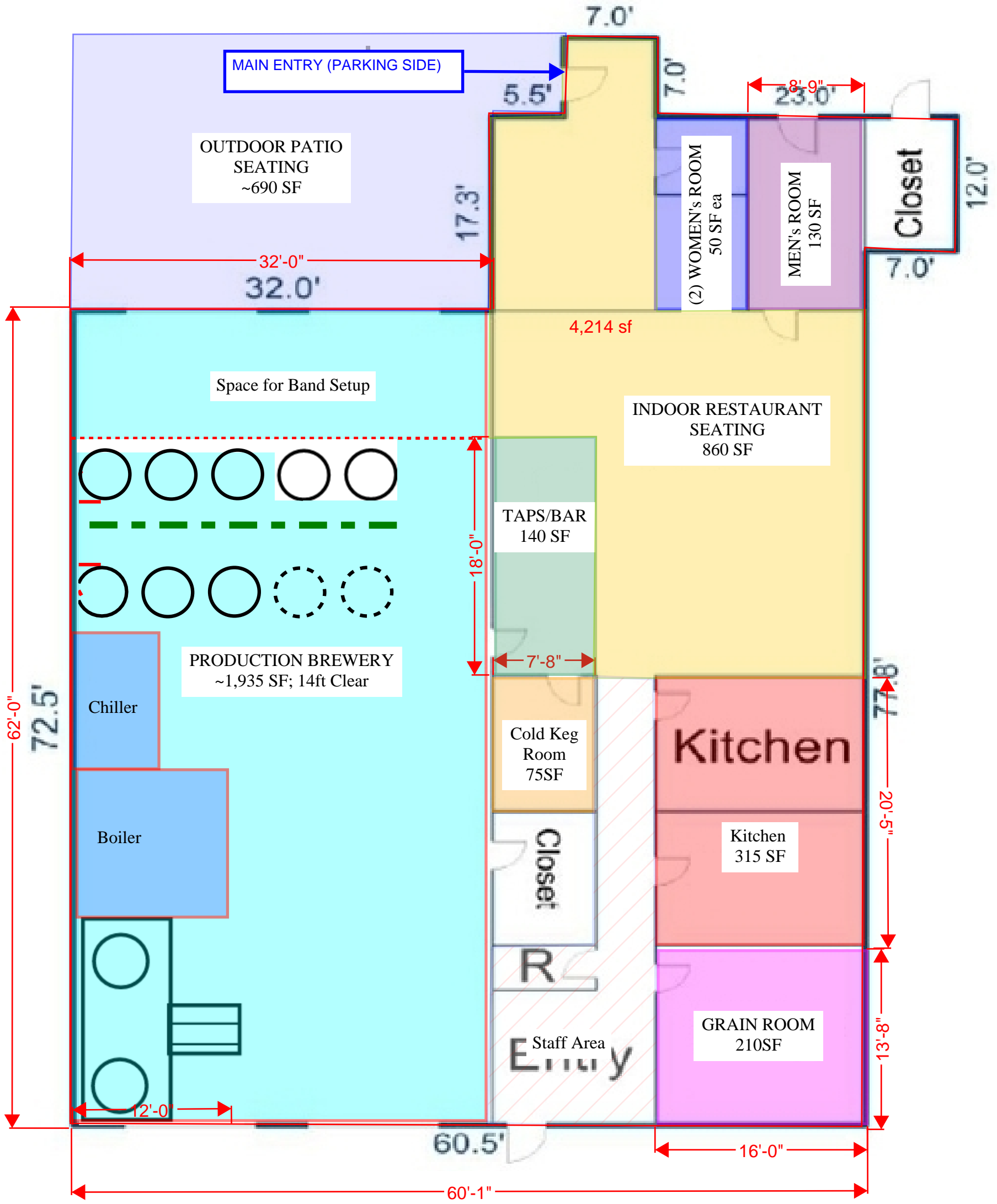
- \*Wednesday through Sunday 10am - 6pm





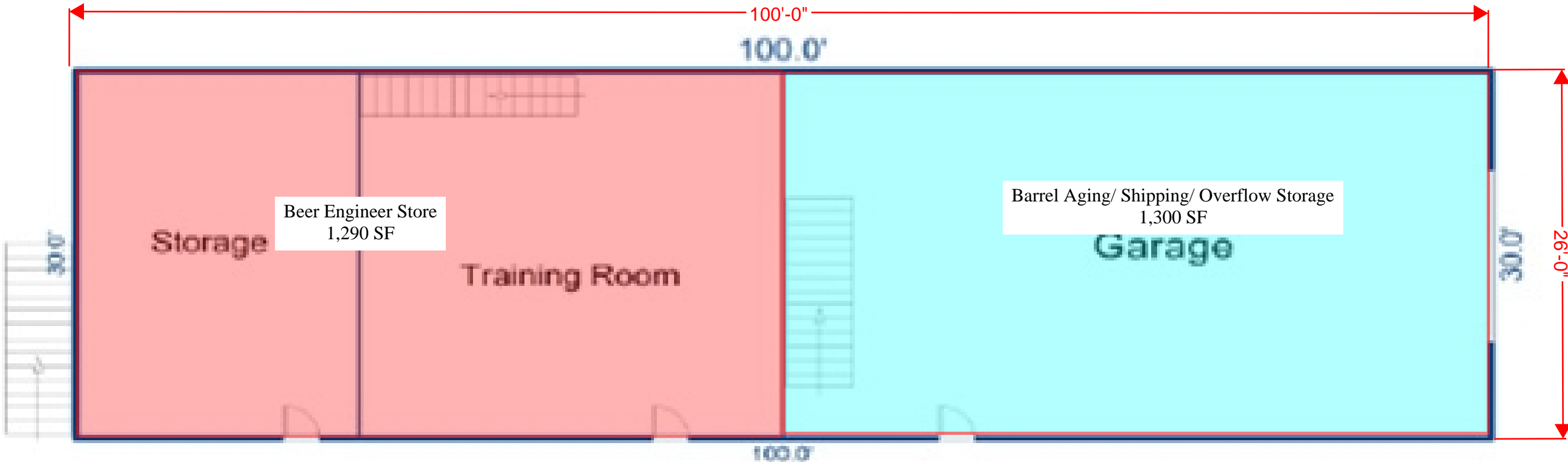
# Potential Massing Floor Plan- Main Fire House ~4,215 SF

Scale: 1/8" : 1'0" on 11x17

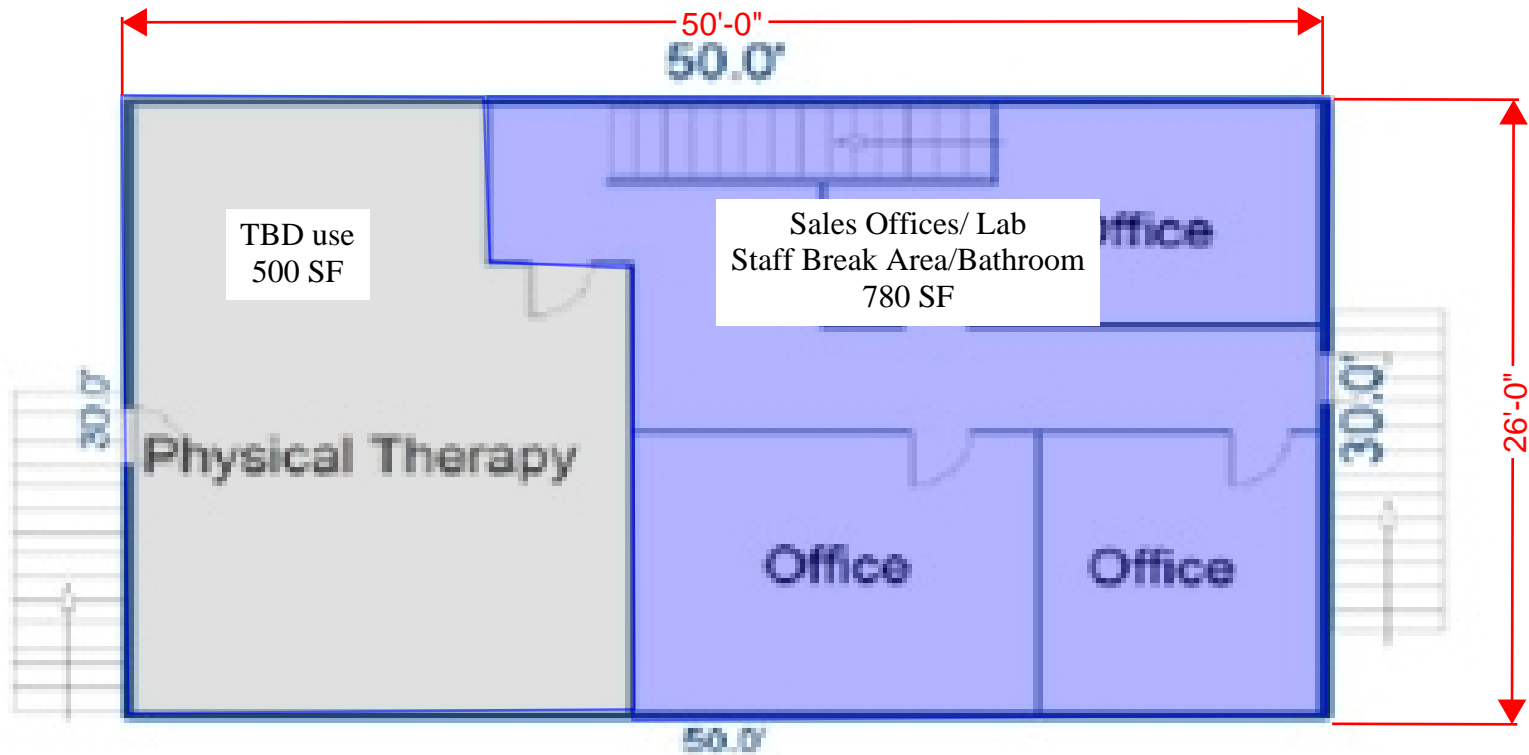


**Potential Massing Floor Plan- Rear Building- 3,870 SF**

**Scale: 1/8" : 1'0" on 11x17**



**First Floor; 2,590 SF**



**Second Floor; 1,280 SF**

# OFFICE-WAREHOUSE BUILDING FOR LEASE

1622 CAMP ROAD - JAMES ISLAND, SC



Add more vision glass to look in, both sides.



## CONTACT INFO

CHIP SHEALY, SIOR  
First Vice President  
+1 843 577 0702  
chip.shealy@cbre.com

# CBRE

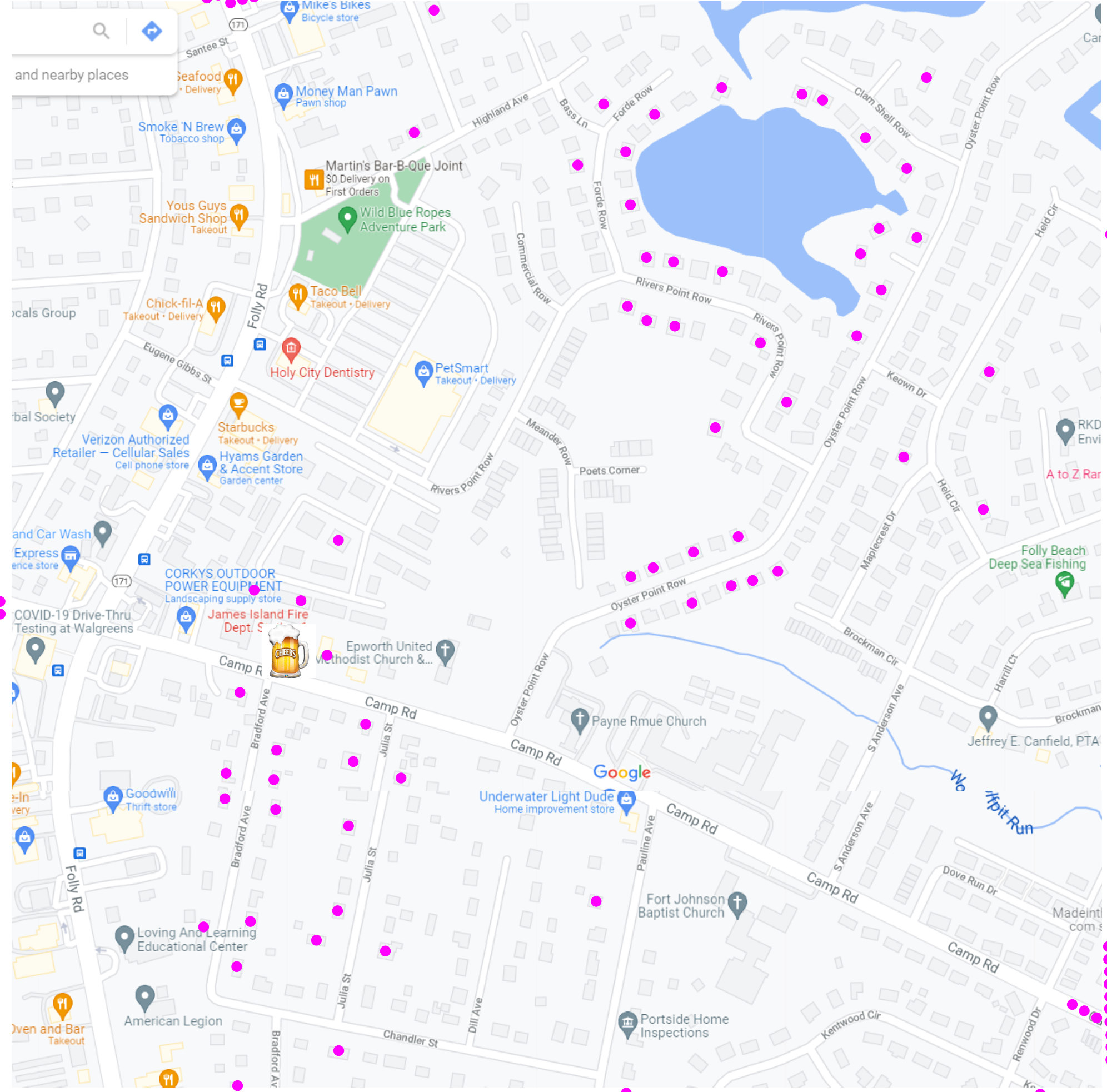


# Neighborhood Support Map

Addresses that provided written support for BES here =



BES location at 1622 Camp Rd=



**ORDINANCE 2021-12**

**AN ORDINANCE**

**AN ORDINANCE AMENDING THE TOWN OF JAMES ISLAND ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE, NUMBER 2013-07: USE TABLE 153.110, SECTION 153.211 ANIMALS, AND CORRESPONDING APPLICABLE ORDINANCES IN LIVABILITY SECTION 90.18**

WHEREAS, the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, Sections 6-29-310, et seq., 6-29-510 et seq., 6-29-710 et seq. and 6-29-110 et seq., of the Code of Laws of South Carolina, 1976, as amended, authorizes the Town of James Island to enact or amend its zoning and land development regulations to guide development in accordance with existing and future needs and in order to protect, promote and improve the public health, safety, and general welfare; and

WHEREAS, the Town of James Island Planning Commission has reviewed the proposed text of the Town of James Island Zoning and Land Development Regulations Ordinance (ZLDR) in accordance with the procedures established in State law and the ZLDR, and has recommended that the Town of James Island Council adopt the proposed text amendments of the ZLDR as set forth in Section 153.093 herein; and

WHEREAS, upon receipt of the recommendation of the Planning Commission, Town Council held at least one (1) public hearing and after close of the public hearing, Town Council approves the proposed text amendments based on the Approval Criteria of Section 153.042 (F) of the ZLDR;

WHEREAS, the Town Council has determined the proposed text amendments meet the following criteria:

- (1). The proposed amendment corrects an error or inconsistency or meets the

challenge of a changing condition; and

- (B). The proposed amendment is consistent with the adopted Town of James Island Comprehensive Plan and goals as stated in Section 153.005; and
- (C). The proposed amendment is to further the public welfare in any other regard specified by Town Council.

NOW, THEREFORE, be ordained it, by the Town of James Island Council in meeting duly assembled, as follows:

#### SECTION I. FINDINGS INCORPORATED

The above recitals and findings are incorporated herein by reference and made a part of this Ordinance.

#### SECTION II. TEXT AMENDMENT OF THE ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE

The Town of James Island Zoning and Land Development Regulations Ordinance is hereby amended to include the text amendments of Section 153.093, is attached hereto as "Exhibit A" and made a part of this Ordinance by reference.

#### SECTION III. SEVERABILITY

If, for any reason, any part of this Ordinance is invalidated by a court of competent jurisdiction, the remaining portions of this Ordinance shall remain in full force and effect.

#### SECTION IV. EFFECTIVE DATE

This Ordinance shall become effective immediately following second reading by the Town Council.

ADOPTED and APPROVED in meeting duly assembled this 16<sup>th</sup> day of December 2021.

TOWN OF JAMES ISLAND COUNCIL

By: \_\_\_\_\_  
Bill Woolsey  
Mayor of the Town of James Island

ATTEST:

By: \_\_\_\_\_  
Frances Simmons  
Town Clerk of the Town of James Island

Public Hearing: November 18, 2021  
First Reading: November 18, 2021  
Second Reading: December 16, 2021

§ 153.211 ANIMALS.

(A) The keeping of household pets shall be allowed as an accessory use in all zoning districts in which residential dwelling units are permitted.

(B) The keeping of exotic or wild animals shall not be allowed as an accessory use and shall only be allowed if approved as a special exception in accordance with the procedures contained in §§ 153.040 through 153.055 of this code.

(C) The keeping of chickens shall be allowed as an accessory use in accordance with the conditions contained in § 90.17 of this code.

(D) The town may issue a special permit to allow for more chickens otherwise prohibited by § 90.17 with consideration given to the following:

(1) The number of chickens allowed by § 90.17 based on the size of the requesting party's residential lot, number of additional chickens the party is requesting to house beyond the chickens allowed by § 90.17 and geographical location (including the suburban/rural character of the surrounding neighborhood) of the residential lot where the requesting party desires to house more chickens than allowed by § 90.17 and the requesting party's means of isolating all chickens on their property so as to not become a nuisance to the surrounding homeowners.

(2) Homeowners within 150 feet of the property (closest property line to closest property line) of the requesting party must sign a letter consenting to the number of additional chickens to be housed at that location.

(3) The town may revoke the special permit at its sole discretion.

**(E) The keeping of bees/hives (apiculture) shall be allowed as an accessory use in accordance with the conditions contained in § 90.18 of this code.**

**(1) The town may issue a special permit to allow for more hives otherwise prohibited by § 90.18 with consideration given to the following:**

**(2) The number of hives allowed by § 90.18 based on the size of the requesting party's residential lot, number of additional hives the party is requesting to house beyond the hives allowed by § 90.18 and geographical location (including the suburban/rural character of the surrounding neighborhood) of the residential lot where the requesting party desires to house more hives than allowed by § 90.18 and the requesting party's means of isolating all hives on their property so as to not become a nuisance to the surrounding homeowners.**

**(3) Homeowners within 150 feet of the property (closest property line to closest property line) of the requesting party must sign a letter consenting to the number of additional hives to be housed at that location.**

**(4) The town may revoke the special permit at its sole discretion.**

(Ord. 2012-06, § 6.5.12, passed 10-18-2012; Ord. 2013-02, passed 4-18-2013; Ord. 2016-10, passed 10-20-2016; Ord. 2016-11, passed 1-19-2017)

§ 90.17 RAISING/KEEPING CHICKENS ON RESIDENTIAL PROPERTY.

Chickens may be permitted for personal use only, subject to the following conditions.

(A) One chicken per 2,500 square feet is allowed per parcel, with a total maximum of 12 chickens allowed per parcel regardless of lot size.

(B) Roosters are prohibited.

(C) Chickens shall be confined to the back yard of the property and shall not be allowed to roam off the owner's property. Should a property owner keep chickens without a pen/coop/enclosure, the area where the chickens are kept must be fenced. Fences shall comply with all applicable provisions of the zoning ordinance and may require a permit.

(D) Chickens shall be maintained in a healthy and sanitary manner to avoid potential health hazards or offensive odors.

(E) Pens/coops/enclosures shall meet all applicable provisions of the Zoning and Land Development Regulations Ordinance relating to accessory structures and shall be at least five feet from any property line. The structure may require a permit.

(F) Nothing in this amendment to this chapter shall be deemed to override private deed restrictions or homeowner/neighborhood association requirements that prohibit or regulate chickens or farm animals on the affected property.

(Ord. 2016-10, passed 10-20-2016)

**§ 90.18 KEEPING BEEHIVES ON RESIDENTIAL PROPERTY.**

**Beehives may be permitted for personal use only, subject to the following conditions.**

**(A) Must be located on properties of detached single-family homes.**

**(C) Two hives per 10,890 square feet (1/4 acre) is allowed per parcel.**

**(C) Hives shall not extend into the front setback.**

**(D) Hives shall be maintained in a healthy and sanitary manner with a clean and convenient water source on site.**

**(E) Hives and any associated structures shall meet all applicable provisions of the Zoning and Land Development Regulations Ordinance and shall be at least fifteen feet from any property line.**

**(F) Nothing in this amendment to this chapter shall be deemed to override private deed restrictions or homeowner/neighborhood association requirements that prohibit or regulate apiculture on the affected property.**

Exhibit A

Table 153.110	Zoning Districts											Condition
	NRM-25	AG-5	AGR	RSL	RSM	MHS	OR	OG	CN	CC	I	
<b>AGRICULTURAL USES</b>												
ANIMAL PRODUCTION												
Animal aquaculture, including finfish farming, fish hatcheries, or shrimp or shellfish farming (in ponds)	A	A	C									§ 153.121
Apiculture (bee keeping)	A	A	A	SC								153.211
Concentrated animal feeding operations	S											
Horse or other animal production	S	A	C									§ 153.121
CROP PRODUCTION												
Crop production	S	A	A	S	S		S					
Greenhouse production or food crops grown under cover	A	A	A	C	C		C		C	C	C	§ 153.121
Horticultural production or commercial nursery operations	A	A	A	S			S			A	A	
Hydroponics	S	A	A									
Wineries	C	C	C								C	§ 153.180
FORESTRY AND LOGGING												
Bona fide forestry operations	C	C	C									§ 153.143
Lumber mills, planing, or saw mills, including chipping or mulching	A	A	S								A	
STABLE												
Stable	S	A	C	C								§ 153.140

**ORDINANCE 2021-08**

**AN ORDINANCE REZONING REAL PROPERTY LOCATED 1715 OAK POINT ROAD (TMS# 340-09-00-009) FROM LOW-DENSITY SUBURBAN RESIDENTIAL (RSL) ZONING DISTRICT TO GENERAL OFFICE (OG) ZONING DISTRICT (EXHIBIT A)**

WHEREAS, property located at 1715 Oak Point Road, identified as Tax Map Number 340-09-00-009 and referenced on the attached exhibit is currently zoned Low-Density Suburban Residential (RSL) Zoning District; and

WHEREAS, the applicant requests this parcel be zoned to General Office (OG) Zoning District to allow for the use of the property as Fishing/Hunting Guide Service and Office Uses; and

WHEREAS, the applicant has submitted a complete application for Zoning Map Amendment (rezoning) pursuant to Section 153.043 of the Town of James Island Zoning and Land Development Regulations Ordinance (ZLDR); and

WHEREAS, the Town of James Island Planning Commission has reviewed the proposed Zoning Map Amendment and adopted a resolution, by majority vote of the entire membership, and recommended that the Town of James Island Council (Town Council) approve the proposed Zoning Map Amendment based on the Approval Criteria of Section 153.043 F of the ZLDR; and

WHEREAS, upon receipt of the recommendation of the Planning Commission, Town Council held at least one public hearing and after close of the public hearing, Town Council approved the proposed Zoning Map Amendment based on the Approval Criteria of Section 153.043 F of the ZLDR; and



WHEREAS, Town Council has determined the Zoning Map Amendment meets the following criteria;

- A. The proposed amendment is consistent with the Comprehensive Plan and the stated purposes of the Ordinance;
- B. The proposed amendment will allow development that is compatible with existing uses and zoning of nearby property;
- C. The Town and other service providers will be able to provide adequate water and sewer supply, storm water facilities, waste disposal and other public facilities and services to the subject property, while maintaining adequate levels of service to existing development;
- D. The applicant provides documentation that the proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject tracts or on the environment, including air, water, noise, storm water management, traffic congestion, wildlife and natural resources; and
- E. The subject properties are suitable for the proposed zoning classification considering such things as parcel size, parcel configuration, road access and the presence of natural resources and amenities.

NOW, THEREFORE, be it ordained by the Town of James Island Town Council, in meeting duly assembled, finds as follows:

#### SECTION 1. FINDINGS INCORPORATED

The above recitals and findings are incorporated herein by reference and made a part of this Ordinance.

## SECTION II. REZONING OF PROPERTY

- A. Town of James Island Council rezones the property located at 1715 Oak Point Road, identified as Tax Map Number 340-09-00-009 and referenced on the attached "Exhibit A", from Low-Density Suburban Residential (RSL) Zoning District to the General Office (OG) Zoning District; and
- B. Any and all development of the subject parcel must comply with the ZLDR and any and all other applicable ordinances, rules, regulations, and laws; and
- C. The Zoning Map of Tax Map Number 340-09-00-009 referenced on the attached "Exhibit A", is amended to Office General (OG) in accordance with Section 153.043 H of the ZLDR.

## SECTION III. SEVERABILITY

If, for any reason, any part of this Ordinance is invalidated by a court of competent jurisdiction, the remaining portions of this Ordinance shall remain in full force and effect.

## SECTION IV. EFFECTIVE DATE

This Ordinance shall become effective immediately upon approval of Town Council following second reading.

ADOPTED AND APPROVED in meeting duly assembled this 18<sup>th</sup> day of November 2021.

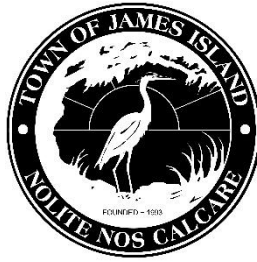
TOWN OF JAMES ISLAND COUNCIL

By: \_\_\_\_\_  
Bill Woolsey  
Mayor of the Town of James Island

ATTEST:

By: \_\_\_\_\_  
Frances Simmons  
Town Clerk of the Town of James Island

Public Hearing: October 21, 2021  
First Reading: October 21, 2021  
Second Reading: November 18, 2021



**ZONING/PLANNING  
DEPARTMENT**

**Zoning Map Amendment  
Case History: ZOG-7-21-011  
FIRST READING: OCTOBER 21, 2021  
SECOND READING: NOVEMBER 18, 2021**

**Case Information:**

Area: 1715 Oak Point Road  
Parcel Identification: 340-09-00-009

**History and Overview:**

1715 Oak Point Road (TMS #340-09-00-009) is located close to the intersection of Folly Road and is across Oak Point Road from Harris Teeter grocery store. The property currently has no structures located on it but does contain an access easement to the residential parcel to the south. The parcel included in the current Zoning Map Amendment Request is 0.476 acres in size and is in the RSL Zoning District. The parcel is considered a legal conforming lot.

The applicant, (Mr. Joel LeVine) and Representative (Ms. Catherine Cusick), are seeking to rezone the parcel from the RSL Zoning District to the OG Zoning District to enable the use of the property for his existing boat charter business, "Redfin Charters". The property may also be utilized for leased office space.

**Adjacent Zoning:**

The adjacent parcel to the east is in the Town of James Island and is zoned Community Commercial (Speedee Oil Change & Auto Service). The adjacent parcel to the west is in the City of Charleston's jurisdiction and is zoned General Office (Oak Point Pediatric Dentistry). To the south, the adjacent parcel is in the Town of James Island and zoned RSL and is under the same ownership as the subject parcel. The remaining surrounding area includes parcels in the City of Charleston zoned General Office, SR-1 and General Business, as well as several parcels in the Town of James Island zoned RSL.

**Approval Criteria:**

According to Section §153.043 F of the *Zoning and Land Development Regulations Ordinance (ZLDR)*, applications for Zoning Map Amendment (Re-zoning) approval may be approved only if Town Council determines that the following criteria are met:

**A. The proposed amendment is consistent with the *Comprehensive Plan* and the stated purposes of this Ordinance.**

Staff's response: *The Comprehensive Plan*, Land Use Element states a need as, "encouraging sensitive and sustainable development practices." by "encouraging commercial structures that are in character with and maintain the suburban nature of the area". Additionally, the Economic Development states a strategy as "encouraging a variety of diverse commercial uses that will benefit the Town as a whole". The applicant states in his letter of intent that "we will build a beautiful, sustainable and environmentally friendly space. RedFin will benefit our community via increasing the tax base and creating future partnerships". Therefore, this request may be consistent with the *Comprehensive Plan* and the stated purposes of this Ordinance.

**B. The proposed amendment will allow development that is compatible with existing uses and zoning of nearby property;**

Staff's response: Nearby properties have a wide range of existing uses (vehicle service, offices, grocery store, and residential) and zoning (commercial, general business, general office, and residential). The immediate adjacent properties are mixed between commercial, office and residential uses. Uses that are allowed in the OG Zoning District are compatible with existing uses in the vicinity, therefore, the proposed amendment may allow development that is compatible with existing uses and zoning of nearby property.

**C. The Town and other service providers will be able to provide adequate water and sewer supply, storm water facilities, waste disposal and other public facilities and services to the subject property, while maintaining adequate levels of service to existing development;**

Staff's response: The Town and other service providers will be able to provide adequate water supply, stormwater facilities, waste disposal and other public facilities and services to the subject property, while maintaining adequate levels of service to existing development, as the applicant's representative's letter of intent states. The applicant has started the process of septic installation.

**D. The applicant provides documentation that the proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, storm water management, traffic congestion, wildlife and natural resources; and**

Staff's response: The applicant's letter of intent states the intent of using stormwater mitigation and natural resource best practices such as pervious pavement, rain barrels and gardens, graywater recycling, low volume plumbing fixtures, solar panels and lighting, and energy efficient lighting fixtures. Additionally, the applicant's letter states that they "will pay special attention to any oaks and other significant trees or tree clusters" while they will also "work with a Landscape Architect to plant South Carolina native grasses, shrubs and trees".

**E. The subject property is suitable for proposed zoning classification considering such things as parcel size, parcel configuration, road access and the presence of resources and amenities.**

Staff's response: The subject property is a legal conforming lot in its current zoning designation of RSL. The subject property also meets the minimum standards for a General Office zoning designation including parcel size and parcel configuration. The parcel has direct access from Oak Point Road.

**Planning Commission Meeting: September 9, 2021**

**Recommendation:** Approval (4-0 vote)

*Speakers in support: 2*

*Speakers in opposition: 0*

**Notifications:**

*A total of 92 notification letters and emails were sent to owners of property within 300 feet of the boundaries of the proposed zoning map amendment and to the James Island Interested Parties List on October 1, 2021. Additionally, this request was noticed in the Post & Courier on October 6, 2021 and the property was posted on October 1, 2021. The meeting notice was also sent to the Town News email recipients and was posted on the Town's Facebook page.*

## **Business License Standardization**

For many years, businesses raised concerns with legislators about the inconsistencies and complicated processes found around the state among the local governments that collect business license taxes. Legislators came together with the business community and the Municipal Association of SC to remedy these issues.

This process led to the General Assembly passing the SC Business License Standardization Act, Act 176, in September 2020. Act 176 streamlines the business license process, creating the same process for taxing jurisdictions across the state. As of January 1, 2022, all municipalities in South Carolina with a local business license must comply with the law.

### Details of Act 176

- Standard due date: April 30
- Standard license year: May 1 – April 30
- Gross income is based on the prior calendar year or business fiscal year
- Standard application as approved by SC Revenue and Fiscal Affairs Office
- All businesses will be listed in the class schedule according to their North American Industry Classification System code, or NAICS code
- Standard class schedule as approved by the SC RFA
- Creation of the Local Business License Renewal Center, an online portal available where businesses can renew all local licenses at one time

Act 176 mandates a standard license year for all business licenses in South Carolina: May 1 to April 30. For municipalities to transition from their existing license years, some will temporarily use a shortened license period and others will use a lengthened license period. A business license tax is based on the gross income from the prior calendar year regardless of the due date or license period. Businesses will only pay once on the full calendar year's gross income no matter the length of the transitional license year.

Cities and Towns must update its license ordinance to comply with the new law, effective January 1, 2022. The Association advises you to repeal your existing business license ordinance and replace it with Association's new model ordinance. The law creates numerous, specific requirements of cities and towns collecting the tax, and attorneys carefully vetted the model ordinance to comply with all of them. Because of the complexities of the law, it's important that cities and towns do not attempt to redline and correct their current ordinance.

The city must also rebalance the business license tax rates to ensure revenue neutrality during the 2022 business license cycle — in other words, achieving compliance with the law during the first year cannot have the effect of creating a revenue windfall relative to 2020 revenue. The Association is available to assist cities and towns through the process.

**TOWN OF JAMES ISLAND**  
**BUSINESS LICENSE ORDINANCE #2021-09**

**Section 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 **Town of James Island**, 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 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.

*“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 [**Town**] Council of the [**Town**] of **James Island**.

*“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 Municipality. If the licensee has a domicile within the Municipality, business done within the Municipality shall include all gross receipts or revenue received or accrued by such licensee. If the licensee does not have a domicile within the Municipality, business done within the Municipality shall include only gross receipts or revenue received or accrued within the Municipality. 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 Municipality must be reduced by the amount of revenues or receipts taxed in the other county or municipality and fully reported to the Municipality. 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 Municipality 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 to administer this ordinance. Notwithstanding the designation of a primary license official, the Municipality 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.

*"Municipality"* means the **Town of James Island**, South Carolina.

*"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 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 2021 license year shall extend to end on April 30, 2022. 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 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 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. 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. The business license tax for a new business must be computed on the estimated probable gross income for the balance of 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 Municipality 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 Municipality 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 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 Municipality, 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 Municipality have been paid.
- D. The Municipality 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 6. Deductions, Exemptions, and Charitable Organizations.**

- A. No deductions from gross income shall be made except income earned outside of the Municipality on which a license tax is paid by the business to some other municipality or county and fully reported to the Municipality, 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 Municipality, 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 Municipality. 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.

**Section 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 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 Municipality.
- 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 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 municipal 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 10. Inspection and Audits.**

- A. For the purpose of enforcing the provisions of this ordinance, the license official or other authorized agent of the Municipality 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.

**Section 11. Assessments, Payment under Protest, Appeal.**

- A. Assessments, payments under protest, and appeals of assessment shall be allowed and conducted by the Municipality 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 Municipality, 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 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 the due date until paid not to exceed 100% of original license fee. 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 municipal attorney for appropriate legal action.

- 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 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 Municipality 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 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 Municipality 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 Municipality 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 Municipality 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 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 an unlawful activity or nuisance related to the business; or
- F. A licensee is delinquent in the payment to the Municipality 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 Municipality 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, 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 16. Appeals to Council or its Designee.**

- A. Except with respect to appeals of assessments under Section 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 Municipality.

- 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 Municipality may establish a different procedure by ordinance.

**Section 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 Municipality 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 18. Confidentiality.** Except in accordance with proper judicial order or as otherwise provided by law, no official or employee of the Municipality 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 19. Violations.** 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.

**Section 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 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 Municipality 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 Municipality, 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 municipal clerk.

**APPENDIX A: BUSINESS LICENSE RATE SCHEDULE**

<b>RATE CLASS</b>	<b>INCOME: \$0 - \$2,000</b>	<b>INCOME OVER \$2,000</b>
	<b>BASE RATE</b>	<b>RATE PER \$1,000 OR FRACTION THEREOF</b>
1	\$ 30.00	\$ 1.15
2	\$ 35.00	\$ 1.40
3	\$ 40.00	\$ 1.65
4	\$ 45.00	\$ 1.90
5	\$ 50.00	\$ 2.15
6	\$ 55.00	\$ 2.40
7	\$ 60.00	\$ 2.65
8.1	\$ 45.00	\$ 1.50
8.2	Set by state statute	
8.3	MASC Telecommunications	
8.4	MASC Insurance	
8.51	\$12.50 + \$12.50 per machine	
8.52	\$12.50 + \$180.00 per machine	

**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 Municipality.

**DECLINING RATES**

Declining Rates apply in all Classes for gross income in excess of \$1,000,000, unless otherwise specifically provided for in this ordinance.

<b><u>Gross Income in \$ Millions</u></b>	<b><u>Percent of Class Rate for each additional \$1,000</u></b>
0 - 1	100%
1 - 2	90%
2 - 3	80%
3 - 4	70%
OVER 4	60%

**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 Municipality 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 Municipality:

Minimum on first \$2,000 .....	\$ 45.00 PLUS
Each additional 1,000.....	\$ 1.50

Non-resident rates apply to contractors that do not have a permanent place of business within the Municipality. 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** (See S.C. Code § 12-23-210).

**8.3 NAICS 517311, 517312 – Telephone Companies.**

With respect to “retail telecommunications services” as defined in S. C. Code § 58-9-2200, the Municipality participates in a collections program administered by the Municipal Association of South Carolina. The Municipality has approved participation in the collections program by separate ordinance (the “Telecommunications Collections Ordinance”). The rates, terms, conditions, dates, penalties, appeals process, and other details of the business license applicable to retail telecommunications services are set forth in the Telecommunications Collections Ordinance.

**8.4 NAICS 5241 – Insurance Companies:**

Independent agents, brokers, their employees are subject to a business license tax based on their natural class. With respect to insurers subject to license fees and taxes under Chapter 7 of Title 38 and to brokers under Chapter 45 of Title 38, the Municipality participates in a collections program administered by the Municipal Association of South Carolina. The Municipality has approved participation in the collections program by separate ordinance (the “Insurers and Brokers Collections Ordinance”). The rates, terms, conditions, dates, penalties, appeals process, and other details of the business license applicable to insurers and brokers are set forth in the Insurers and Brokers Collections Ordinance.

**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 per the rate for NAICS subsector 71 in Appendix A and the class schedule in Appendix B.

## Business License Class Schedule by NAICS Code

### Appendix B

#### 2021 BUSINESS LICENSE CLASS SCHEDULE BY NAICS CODE

NAICS Sector/Subsector	Industry Sector	Class
11	Agriculture, forestry, hunting and fishing	2.00
21	Mining	4.00
31	Manufacturing	2.00
32	Manufacturing	2.00
33	Manufacturing	2.00
42	Wholesale trade	1.00
44	Retail trade	1.00
45	Retail trade	1.00
48	Transportation and warehousing	2.00
49	Transportation and warehousing	2.00
51	Information	4.00
52	Finance and insurance	7.00
53	Real estate and rental and leasing	7.00
54	Professional, scientific, and technical services	5.00
55	Management of companies	7.00
56	Administrative and support and waste management and remediation se	4.00
61	Educational services	4.00
62	Health care and social assistance	4.00
71	Arts, entertainment, and recreation	3.00
721	Accommodation	3.00
722	Food services and drinking places	1.00
81	Other services	5.00
<b>Class 8</b>		
23	Construction	8.10
482	Rail Transportation	8.20
517311	Wired Telecommunications Carriers	8.30

<b>517312</b>	Wireless Telecommunications Carriers (except Satellite)	8.30
<b>5241</b>	Insurance Carriers	8.40
<b>5242</b>	Insurance Brokers for non-admitted Insurance Carriers	8.40
<b>713120</b>	Amusement Parks and Arcades	8.51
<b>713290</b>	Nonpayout Amusement Machines	8.52

*Note: Class Schedule is based on 2017 IRS data.*

This appendix will be updated every odd year based on the latest available IRS statistics.



**AN ORDINANCE REQUIRING BASELINE INSPECTIONS OF SEPTIC SYSTEMS IN THE JAMES ISLAND CREEK TMDL**

**WHEREAS**, James Island Creek has been designated as an impaired waterway by the South Carolina Department of Health and Environmental Control; and

**WHEREAS**, Microbial Source Tracking has shown that human waste is a major cause of pollution in James Island Creek; and

**WHEREAS**, Failed septic systems are a frequent source of contamination of stormwater; and

**WHEREAS**, There exist two hundred twenty-four septic systems in the James Island Creek TMDL under Town of James Island jurisdiction, most of which were initially installed more than fifty years ago; and

**WHEREAS**, Town Council finds that an effective targeted response to the impairment of James Island Creek requires a baseline inspection of the septic systems in the James Island TMDL;

**THEREFORE, TOWN COUNCIL HEREBY ORDERS AND ORDAINS:**

1. All septic systems in the James Island Creek TMDL under Town jurisdiction must have a baseline inspection at Town expense before June 30, 2022.
2. A “baseline inspection” means a thorough evaluation of an operating private sewage system to determine whether the system is functioning as designed, is not exhibiting signs of failure, and is being operated properly. A pump out of the system is required for a baseline inspection to properly examine the interior of the tank and to check for leaks from the house or saturated conditions in the drainfield. All inspections and pump outs must be performed by septic contractors with valid SCDHEC licenses.
3. Town Council appropriates \$150,000 to pay for baseline inspections for septic systems in the James Island Creek TMDL under Town jurisdiction from unencumbered capital project funds in the 2021/2022 budget year.
4. The Town Public Works Department shall coordinate with one or more licensed septic contractors and property owners and residents to provide for the required baseline inspection.
5. The required baseline inspection is an “additional inspection” as provided for in Town of James Island Code 91.03 Section C 10.
6. Any septic system that received a baseline inspection that is properly documented within the last three years meeting these requirements is exempt from the ordinance.

First Reading: October 21, 2021

Second Reading: \_\_\_\_\_

ATTEST

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Bill Woolsey, Mayor

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Frances Simmons, Town Clerk