

**MAYOR**  
CHRISTIE RAINWATER

**CITY ADMINISTRATOR**  
MIKE COCHRAN



**CITY COUNCIL**  
JEFF C. CHANDLER, MAYOR PRO-TEM  
MIKE DYSON  
KEVIN HEDGPETH  
JOEL E. HODGES  
DAN OWENS  
MICHAEL SALLY

## **AGENDA**

**Hanahan City Council Meeting**  
**Tuesday – November 12, 2019 – 6:30PM**  
**Debbie Lewis Municipal Chambers**  
**1255 Yeamans Hall Road, Hanahan, SC 29410**

### **AGENDA ITEM**

### **PERSON(S) RESPONSIBLE**

Call to Order	Mayor Rainwater
Invocation	Pastor Perea, Calvary Chapel of Charleston
Pledge of Allegiance	Joel Hodges, Council Member

### **RECOGNITIONS:**

A. Service Recognition Awards ( <i>Bowers &amp; Farias</i> )	Mike Cochran, City Administrator
B. Swearing in Municipal Judge ( <i>Victor Revelise</i> )	Christie Rainwater, Mayor
C. Life Saving Recognition	Dennis Turner, Police Chief
D. Employee of the Month	Mike Cochran, City Administrator
E. Small Business Saturday Proclamation	Michael Sally, Council Member
F. COPD Awareness Month Proclamation	Kevin Hedgpeth, Council Member
G. Diabetes Awareness Proclamation	Dan Owens, Council Member

### **CITIZENS COMMENTS REGARDING AGENDA ITEMS ONLY**

### **CONSENT AGENDA**

1. Approval of the Minutes from the October 8, 2019 City Council Meeting
2. Approval of the Minutes from the October 15, 2019 Council Workshop Meeting

## **NEW BUSINESS**

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| A. Public Hearing & First Reading of Ordinance #8-2019 – Update Chapter 10 of the City Code of Ordinances for Classification and Rates | Shaine Beal, Business License Official |
| B. BCSD Use Agreement  | Mike Cochran, City Administrator       |
| C. Cell Tower Land Lease   | Mike Cochran, City Administrator       |
| D. Purchase of Property (Robinson Street)  | Mike Cochran, City Administrator       |
| E. Charleston Farms/ Economic Development Incentives   | Mike Cochran, City Administrator       |

## **UNFINISHED BUSINESS**

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| A. Second Reading of Ordinance # 7-2019 – An Ordinance Adding Section 26-95 of the City of Hanahan Code of Ordinances – Trespass Warnings on Public Property and Other Property Generally Open to the Public | Mike Cochran, City Administrator |
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## **REPORTS AND COMMENTS**

- A. Citizens Comments
- B. City Administrator's Report
- C. Mayor and Council Comments

## **ADJOURNMENT**

STATE OF SOUTH CAROLINA )  
 )  
CITY OF HANAHAN )

**ORDINANCE NO. 7-2019**

**ORDINANCE ADDING SECTION 26-95 OF THE CITY OF HANAHAN CODE OF ORDINANCES – TRESPASS WARNINGS ON PUBLIC PROPERTY AND OTHER PROPERTY GENERALLY OPEN TO THE PUBLIC**

**WHEREAS**, those charged with the management of properties and facilities open to public use in the City of Hanahan have reported encounters with certain individuals that continue to and repeatedly disrupt the safe and peaceful atmosphere of the property or facility;

**WHEREAS**, in circumstances where an individual was arrested for a violation of law for the disruption of the safe and peaceful atmosphere of the property or facility open for public use, those charged with the management of properties and facilities open to public reported the lack an effective mechanism to prevent illegal conduct on the property or in the facility open to public use other than to seek another arrest after another violation of law or disruption occurred on the property or in the facility;

**WHEREAS**, we find allowing repeated violations of law or disruptions undermine public confidence in the safety and security of properties and facilities open to public use and discourage the use and enjoyment of these properties and facilities by the public;

**WHEREAS**, Council recognizes a careful balance must be struck, by the least restrictive means possible, in order to respect constitutional rights, such as assembly, speech and expression, with the rights of citizens to feel safe in and enjoy properties and facilities open to public use free of illegal and disruptive activity;

**WHEREAS**, we find that public confidence in the safe and peaceful operation of properties and facilities open to public use to be a compelling interest;

**WHEREAS**, in order to balance the preservation of peace, order, propriety of conduct, as well as, promote the health, safety and general welfare of the public using and enjoying properties and facilities open to public use, while at the same time respecting all citizens' constitutional rights, such as assembly, speech and expression, on such properties and in such facilities;

**WHEREAS**, this ordinance shall not be interpreted to abridge the right of the people to peacefully assemble and address their grievances, or the right to dissent, or the right to freedom of expression.

**THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of Hanahan, in meeting duly assembled, that Section 26-95 of the City of Hanahan Code of Ordinances is hereby added to read as follows:

Sec. 26-95. Trespass warnings on public property and other property generally open to the public.

- (a) Officers of the city police department are authorized to issue a trespass warning to any individual who violates any city ordinance, rule or regulation promulgated by the body governing the property, or state law which violation was committed while on or within any facility, building, or outdoor area that is open to the general public, whether owned by the city, by another governmental body, or subdivision thereof, or private property owner, including public parks and including public sidewalks adjacent to public parks where there is also a public sidewalk on the opposite side of the street (but excluding other public rights-of-way). The trespass warning shall be limited to the specific property parcel where the violation occurred. The specific property parcel consists of the boundaries set forth on the official property tax maps for Berkeley County. Upon a finding of probable cause, a trespass warning may also be issued at the request of the person authorized to insure the effective operation, maintenance and security of the location.
- (b) Trespass warnings shall be in writing and issued for a period not to exceed one year.
- (c) A copy of the trespass warning shall be provided by mail or hand delivery to the individual given the warning. The written trespass warning shall advise of the right to appeal and the location at which to file the form to initiate the appeal.
- (d) A written trespass warning shall also be issued when officers of the city police department are acting on behalf of another governmental agency or private property owner and issuing a trespass warning to an individual located on public property not owned by the city or on private property subject to a public access easement. For purposes of this section, the term public access easement shall mean an easement in favor of the city granting general public access to private property or limited public access to patrons and invitees of a particular business establishment or establishments.
- (e) Any person found on or within any city facility, building, or outdoor area, including public parks, or in any facility, building, outdoor area or park of another governmental agency or private property owner in violation of a trespass warning issued in accordance with this section may be arrested for trespassing after notice, except as otherwise provided in this section, and punished by imprisonment for a period not exceeding thirty days or a fine not exceeding one hundred dollars.
- (f) Any person found on or within any public property belonging to another governmental agency other than the city or found on or within any private property subject to a public access easement in violation of a trespass warning issued in accordance with this section may be arrested for trespassing.
- (g) The City Administrator or Police Chief, may upon request, authorize an individual who has received a trespass warning to enter the property or premises to exercise his or her right to free speech, as provided for in the Constitutions of the United States of America and this the State of South Carolina, if there is no other reasonable alternative location to exercise such rights or to conduct necessary municipal business. Such authorization must be

in writing, shall specify the duration of the authorization and any conditions thereof, and shall not be unreasonably denied.

- (h) This section shall not be construed to limit the authority of any official with arrest powers to issue a trespass warning to any person for any lawful reason for any city property, including rights-of-way when closed to general vehicular or pedestrian use, when necessary or appropriate in the sole discretion of the city employee or official.
- (i) This section shall not be construed to limit the authority of officers of the city police department to arrest or cite individuals for violating any section of the City Code or the statutes of this state.
- (j) Appeal of trespass warning. A person to whom a trespass warning is issued under this section shall have the right to appeal the issuance of the trespass warning as follows:
  - 1) An appeal of the trespass warning must be delivered to the City Administrator, with a hard copy of the appeal in writing, within 10 days of the issuance of the warning, and shall include the appellant's name, address and phone number, if any. No fee shall be charged for filing the appeal. "Issuance" for purposes of starting the time to appeal means either by personal delivery or when the notice is placed in the mail, whichever occurs first.
  - 2) If an appeal is not timely delivered within 10 days of issuance, there are no further appeal rights.
  - 3) Appeals shall be heard by a municipal judge under the City Code.
  - 4) Within thirty days following the filing of the appeal, the municipal judge shall schedule a hearing. Notice of the hearing shall be provided to the appellant in one of three ways:
    - a. By providing the appellant a copy of the notice of hearing in person at the time he or she files the appeal. When it is not reasonably practical or possible to provide notice in this manner, the appellant shall be informed that notice of the hearing will be provided in accordance with either paragraph b. or c. below;
    - b. By leaving or posting the notice at the front desk of the city police department or on the bulletin board at city hall; or
    - c. By telephone if a telephone number has been provided and mailing when an address has been provided.
  - 5) The municipal judge shall hold the hearing as soon as possible. In no event shall the hearing be held later than 40 days from the filing of the appeal except that the person appealing may request an additional 40 days during the appeal period.
  - 6) Copies of documents in the city's control which are intended to be used at the hearing, and which directly relate to the issuance of the trespass warning to the appellant, shall be made available upon request to the appellant at no cost.
  - 7) The appellant shall have the right to testify and to call witnesses and present evidence and the right to engage an attorney to represent him

or her. The appellant shall have the right to bring a court reporter, at his or her own expense.

- 8) The municipal judge shall consider the testimony, reports or other documentary evidence, and any other evidence presented at the hearing. Formal rules of evidence shall not apply, but fundamental due process shall govern the proceedings.
- 9) The city shall bear the burden of proof by clear and convincing evidence that the trespass warning was properly issued pursuant to the criteria of this section.
- 10) If the appellant fails to attend a scheduled hearing, the municipal judge shall review the evidence presented and determine if the trespass warning was properly issued pursuant to the criteria of this section.
- 11) Within seven business days of the hearing, the municipal judge shall issue a written decision on the appeal which shall be mailed to the appellant at the address provided.
- 12) The decision of the municipal judge shall be final, and the appellant shall be deemed to have exhausted all administrative remedies. Such decision may be subject to judicial review in the manner provided by law.
- 13) The trespass warning shall remain in effect during the appeal and review process, including any judicial review.

This ordinance shall not be interpreted to abridge the right of the people to peacefully assemble and address their grievances, or the right to dissent, or the right to freedom of expression.

**Done this \_\_\_\_\_ day of November 2019.**

\_\_\_\_\_  
Christie Rainwater, Mayor

Attest:

\_\_\_\_\_  
Emily Huff, City Clerk

*First Reading:* October 8, 2019 – Mike Cochran, City Administrator

*Second Reading:*

**ORDINANCE #8-2019 - AN ORDINANCE AMENDING THE BUSINESS LICENSE  
ORDINANCE OF THE CITY OF HANAHAN**

WHEREAS, on November 12, 2019 the City of Hanahan Council (the “Council”) of the City of Hanahan, South Carolina (the “Municipality”), adopted an ordinance establishing an annual license tax for the privilege of doing business within the Municipality (the “Business License Ordinance”); and

WHEREAS, Appendix A to the Business License Ordinance establishes rates for the annual license tax, which rates are applied based on classification of the businesses (the “Rate Schedule”); and

WHEREAS, Appendix B to the Business License Ordinance establishes a Business License Class Schedule based on United States North American Industry Classification System (NAICS) Codes (the “Class Schedule”); and

WHEREAS, the Council now desires to update the Rate Schedule and the Class Schedule to reflect the most recent federal statistical data relating to NAICS Codes; and

WHEREAS, except as amended herein, the Business License Ordinance will remain in full force and effect;

NOW, THEREFORE, BE IT ORDAINED BY COUNCIL IN MEETING DULY ASSEMBLED, AS FOLLOWS:

1. The Business License Ordinance is hereby amended by replacing the Rate Schedule contained in Appendix A thereto with the attached 2019 Appendix A.
2. The Business License Ordinance is hereby amended by replacing the Class Schedule contained in Appendix B thereto with the attached 2019 Appendix B.
3. This Ordinance shall become effective immediately upon second and final reading.

DONE AND RATIFIED IN COUNCIL, DULY ASSEMBLED, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

**2019 APPENDIX A**  
**RATE SCHEDULE**

**Hanahan Business License Rates**

<b>Class</b>	<b>Income: 0 - \$2,000 Minimum</b>	<b>All over \$2,000 Rate per thousand or fraction thereof</b>
1	\$30.00	\$0.60
2	\$30.00	\$0.70
3	\$40.00	\$0.80
4	\$50.00	\$0.90
5	\$60.00	\$1.00
6	\$70.00	\$1.10
7	\$80.00	\$1.20
8	See Individual Business in Class	

**NON-Resident Rates**

Unless otherwise specifically provided, all minimum fees and rates shall be doubled for non-residents and itinerants having no fixed principals place of business within the municipality.

**NON-Resident Contractor Rates**

Each business license year, non-resident contractors shall pay a business license tax of \$70.00 up to the first \$2,000.00 of gross income plus \$1.40 per thousand or fraction thereafter. Throughout the remainder of the business license year, after the initial base license tax has been paid, each additional permit issued shall require an update fee of \$1.40 per thousand or fraction thereof thereafter.

**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%



**2019 APPENDIX B**  
**2019 BUSINESS LICENSE CLASS SCHEDULE BY NAICS CODE**

NAICS Sector/Subsector	Industry Sector	Class
11	Agriculture, forestry, hunting and fishing	3
113	Forestry and logging (including forest nurseries, timber tracts)	2
115	Support activities for agriculture and forestry	1
21	Mining	4
2211	Electric Power Generation, Transmission and Distribution	Franchise
2212	Natural Gas Distribution	Franchise
22	Utilities	1
23	Construction	8.1
31-33	Manufacturing	2
42	Wholesale trade	1
423930	Recyclable Material Merchant Wholesalers (Junk)	8.4A
44-45	Retail trade	1
441	Motor vehicle and parts dealers	1
4411	Automobile Dealers	8.5
4412	Other Motor Vehicle Dealers	8.5
442	Furniture and home furnishing stores	1
443	Electronic and appliance stores	1
444	Building material and garden equipment and supplies dealers	1
445	Food and beverage stores	1
446	Health and personal care stores	2
447	Gasoline stations	1
448	Clothing and accessories stores	2
451	Sporting goods, hobby, book, and music stores	1
452	General merchandise stores	1
453	Miscellaneous store retailers	2
454	Nonstore retailers	2
45439	Other Direct Selling Establishments (Peddlers)	8.6
48-49	Transportation and warehousing	2
482	Rail Transportation	8.2
484	Truck Transportation	2
486	Pipeline transportation	1
493	Warehousing and storage facilities	2
51	Information	3
511	Publishing industries (except internet)	2
512	Motion picture and sound recording	1
515	Broadcasting (except internet) and telecommunications	3
517	Telecommunications	3
5171	Wired Telecommunications Carriers	8.3
5172	Wireless Telecommunications Carriers (except Satellite)	8.3
518	Internet service providers, web search portals, and data processing	3
519	Other Information Services	5

52	Finance and insurance	6
522	Credit intermediation and related activities	4

NAICS Sector/Subsector	Industry Sector	Class
522298	Pawnshops	8.4B
523	Securities, commodity contracts, and other financial investments	7
524	Insurance agents, brokers, and related activities	6
5241	Insurance Carriers	8.7
52421	Insurance Brokers for non-admitted Insurance Carriers	8.7
525	Funds, trusts and other financial vehicles	7
53	Real estate and rental and leasing	7
531	Real estate	7
5311	Lessors of real estate (including mini-warehouses and self-storage)	7
532	Rental and leasing services	1
533	Lessors of nonfinancial assets	7
54	Professional, scientific, and technical services	3
5411	Legal Services	7
5413	Architectural, engineering and related services	2
5416-9	Other professional, scientific, and technical services	4
55	Management of companies	6
56	Administrative and support and waste management and remediation services	3
561	Administrative and support services	3
562	Waste management and remediation services	1
61	Educational services	3
62	Health care and social assistance	3
623	Nursing and Residential Care Facility	1
71	Arts, entertainment, and recreation	3
71119	Other Performing Arts Companies (Carnivals and Circuses)	8.9B
712	Museums, Historical Sites and similar institutions	1
7131	Amusement Parks and Arcades	8.8
7132	Nonpayout Amusement Machines	8.8
713290	Bingo Halls	8.9A
713990	All Other Amusement and Recreational Industries (pool tables)	8.10
721	Accommodation	2
722	Food services and drinking places	2
72241	Drinking Places (Alcoholic Beverages)	8.9C
81	Other services	3
811	Repair and maintenance	1
8111	Auto repair and maintenance	2
812	Personal and laundry services	6
813	Religious, grantmaking, civic, professional, and similar organizations	4

Note: Class Schedule is based on 2014 IRS data.