



THE TOWN OF  
**Irmo**  
GATEWAY TO LAKE MURRAY

## TOWN COUNCIL MEETING

November 15, 2022 @ 7:00pm

Irmo Municipal Building – 7300 Woodrow Street, Irmo, South Carolina

Live streaming will be available from our YouTube channel at:

<https://www.youtube.com/c/TownofIrmo>

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## AGENDA

- I. Call to Order
- II. Pledge of Allegiance
- III. Invocation
- IV. Reading of Minutes – October 18, 2022 & November 1, 2022
- V. Report of Standing
  - A. Administrative Briefing
  - B. New In-Town Businesses  
There were no new in-town businesses added this month.
- VI. Amendments to the Agenda
- VII. Consideration of Communication
  - A. Recognition of Elite Personal Training as the November 2022 Small Business of the Month.
  - B. Presentation by Hightower & Hightower, LLC. on FY21/22 Financial Audit (Staff).
  - C. Presentation by the Irmo Okra Strut on the results of the 2022 festival (Okra Strut).
  - D. Presentation by the TFA Café on the Irmo Holiday Market (Mayor).
  - E. School Showcase:
    1. Irmo Elementary School – Principal Shannon Fincannon (Waldman).



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F. Community Connections:

1. Harbison Community Events (Waldman)
  - a. Christmas Craft Fair on November 19<sup>th</sup>
  - b. Senior Christmas Luncheon on December 1<sup>st</sup>
2. Irmo Highschool International School for the Arts:  
“Backstage” performance by the Irmo Theatre Company  
on November 17, 18, and 19 (Waldman).

G. Artist of the Month: Sharon Funderburk.

VIII. Presentation by Citizens (Agenda Items IX and X only)

IX. **UNFINISHED BUSINESS**

- A. **SECOND AND FINAL READING of ORDINANCE of Ordinance 22-36** to amend the Irmo Town Code Chapter 14, Article VI, Section 14-171 – Smoking in Public Places and Places of Employment (Sickinger). This will add a definition of electronic cigarettes and remove any “grandfather clause” to make Irmo eligible for a Smoke-Free Palmetto State Certification.

X. **NEW BUSINESS**

- A. **FIRST READING of ORDINANCE of Ordinance 22-37** to annex Richland County Tax Parcel# R03303-01-03 at 1194 Dutch Fork Road now or formerly owned by Savage Realty and Development, Inc. (Staff). This property is contiguous to property within the Town of Irmo.
- B. Approval of bids and award of contract to Henley’s Construction Co, Inc. in the amount of \$34,900 for fencing at the Rawls Creek Park (Staff). This will construct fencing around two dog parks inside the Rawls Creek Park.
- C. Approval to increase the Christmas Bonus Program to \$1,500 for FY22/23 (Mayor). This will provide a Christmas Bonus and retention incentive for all employees and staff.
- D. Approval to accept a grant award from the SCDPS in the amount of \$48,600 for replacement Tasers for officer (Police Department). This is a 90/10 match grant to replace 27 Tasers.
- E. Appointment to the Irmo Planning Commission – 1 opening (Staff). Ed Wadelington has applied for another term to the commission. No other applications were received.



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- F. Approval for and immediate ban by the Town of Irmo, its commissions, subsidiaries, or financially related entities, from using taxpayer dollars to buy back guns and reallocates the previously earmarked \$25,000 from Nov. 2022 to the acquisition of Automatic External Defibrillators for the Irmo Police Department (Danielson).

XI. Presentation by Citizens

XII. Discussion

- a. Discussion on ARPA funding distribution (Mayor).

XIII. Executive Session – Council may act on items discussed in executive session after returning from the executive session.

- a. Legal: Receipt of legal advice regarding pending litigation §30-4-70 (a) (s)

XIV. Adjournment

*In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), the Town of Irmo will not discriminate against qualified individuals with disabilities based on disability in its services, programs, or activities. If you need an accommodation to attend the meeting, please contact the Town Administrator or Municipal Clerk for assistance at (803)781-7050, M-F between the hours of 8:30 – 5:00 (closed most Federal and State Holidays).*

STATE OF SOUTH CAROLINA )  
 )  
TOWN OF IRMO )

ORDINANCE NO. 22-36

AN ORDINANCE AMENDING THE IRMO TOWN CODE, CHAPTER 14 – ENVIRONMENT; ARTICLE VI - SMOKING; SECTION 14-171 – SMOKING IN PUBLIC PLACES AND PLACES OF EMPLOYMENT.

BE IT ORDERED AND ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF IRMO IN COUNCIL DULY AND LAWFULLY ASSEMBLED, THAT THE IRMO TOWN CODE IS AMENDED AS FOLLOWS:

Addition of the following (insert into the beginning of the definitions)

(a) Definitions

*Electronic smoking device means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person in any manner for the purpose of inhaling vapor or aerosol from the product from a heated element, battery and/or electronic circuit which provides a vapor or any other substances. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.*

Insert into paragraph seven (7)

..... lighted tobacco product intended for inhalation, in any manner or in any form. “Smoking” also includes the use of an electronic cigarette which creates a vapor (see or unseen), in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition in this ordinance.

Deletion of subsection (c) (6)

(6) ~~Businesses licensed in the town when the ordinance from which this article is adopted that allow smoking within the establishment may continue to allow smoking until such time as the business license is non-renewed or changes business classification.~~

PASSED AND ADOPTED on this 15<sup>th</sup> day of November, 2022.

\_\_\_\_\_  
Barry A. Walker, Sr. Mayor

ATTEST:

\_\_\_\_\_  
Renee Caviness, Municipal Clerk

1<sup>st</sup> Reading: October 18, 2022

2<sup>nd</sup> Reading: November 15, 2022

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## Sec. 14-171. Smoking in public places and places of employment.

(a) *Definitions.*

**Electronic smoking device means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person in any manner for the purpose of inhaling vapor or aerosol from the product from a heated element, battery and/or electronic circuit which provides a vapor or any other substances. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.**

*Employee* means any person who performs services for an employer in return for wages, profit or other valuable consideration, and/or a person who volunteers his or her services for a non-profit entity.

*Employer* means any person, partnership, association, corporation, trust, school, college, university or other educational institution, nonprofit entity or other organization, including any public or private employer, any manager, supervisor, and all other persons charged with control, supervision, and operation of any workplace, work space, or work spaces as defined herein, that employs one or more persons.

*Enclosed* means a space bounded by walls (with or without windows), a ceiling or roof, and enclosed by doors, including but not limited to, offices, rooms, foyers, waiting areas and halls.

*Private club* means an organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, which is operated solely for a recreational, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and which only sells alcoholic beverages incidental to its operation. The affairs and management of the organization are conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. The organization has established bylaws and/or a constitution to govern its activities. The organization has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. Section 501. Establishments which are in fact operating as bars, restaurants, or entertainment venues primary for the pecuniary benefit of the owner or chief operating officer shall not be treated as private clubs under this definition. A private club will not be considered a private club for the purposes of this definition when being used for a function to which the general public is allowed to enter.

*Retail tobacco store* means any establishment which is not required to possess a retail food permit whose primary purpose is to sell or offer for sale to consumers, but not for resale, tobacco products and paraphernalia, in which the sale of other products is merely incidental, and in which the entry of persons under the age of 18 is prohibited at all times. For purposes of this article, the establishment may not possess a license for on premise consumption of alcoholic beverages.

*Secondhand smoke* is the complex mixture formed from the escaping smoke of a burning tobacco product (termed as "sidestream smoke") and smoke exhaled by the smoker. Exposure to secondhand smoke is also frequently referred to as "passive smoking," "secondhand smoking" or "involuntary smoking".

*Smoking* means the inhaling, exhaling, burning, lighting or carrying of a lighted cigarette, cigar, pipe, or similar device or any other lighted tobacco product **intended for inhalation, in any manner or in any form. "Smoking" also includes the use of an electronic cigarette which creates a vapor (see or unseen), in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition in this ordinance.**

*Smoking materials* includes cigars, cigarettes and all other manner of smoking devices intended to be used for the purpose of inhaling, burning, carrying or exhaling lighted tobacco products.

*Workplace* means any enclosed indoor area, structure, building or facility or any portion thereof at which one or more employee(s) perform services for their employer, including but not limited to: retail food stores, retail stores, restaurants, bars, cabarets, cafes, public or private clubs, pool halls, and bowling alleys.

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*Work space or work spaces* means any enclosed area occupied by an employee during the course of his or her employment, including but not limited to: offices, customer service areas, common areas, hallways, waiting areas, restrooms, lounges, and eating areas.

- (b) *Prohibition of smoking in the workplace.* The following apply to all areas of the Town of Irmo:
- (1) All employers shall provide a smoke-free environment for all employees working in any work space or workplace as those terms are defined herein. Further, the employer shall prohibit any persons present in any work space or workplace from smoking tobacco products therein.
  - (2) No person shall smoke or possess a lighted tobacco product in any work space or workplace.
  - (3) Notwithstanding any other provision in this article, an owner, operator, manager, or other person in control of an establishment, facility or outdoor area may declare the entire establishment, facility or outdoor area as a nonsmoking location. Smoking shall then be prohibited in any place in which a sign conforming to the requirements of section 14-171(f) is posted.
- (c) *Exceptions.* Notwithstanding the provisions of subsection (d) herein, smoking may be permitted in the following places in the town under the following circumstances:
- (1) Private residences;
  - (2) Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided however, that not more than 25 percent of rooms rented to guests in a hotel or motel may be so designated. All smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate areas where smoking is prohibited under provisions of this section. The status of rooms as smoking or nonsmoking may not be changed, except to add additional nonsmoking rooms;
  - (3) Retail tobacco stores as defined herein;
  - (4) Private clubs that have no employees, except when being used for a function to which the general public is admitted;
  - (5) Religious ceremonies where smoking is part of the ritual; and
  - (6) ~~Businesses licensed in the town when the ordinance from which this article is adopted that allow smoking within the establishment may continue to allow smoking until such time as the business license is non-renewed or changes business classification.~~
- (d) *Posting of signs.* The owner, manager or person in control of a workplace that allows smoking shall post a conspicuous sign at the main entrance to the workplace, which shall contain the words "smoking allowed" so as to put the general population on notice that smoking is allowed in said establishment.
- (e) *Reasonable distance.* In the town, smoking is prohibited within a distance of ten feet from any door which is used as an entrance to or exit from an enclosed area where smoking is prohibited so as to insure that tobacco smoke does not enter the area through the entry. This distance shall be measured from the center of the door in question.
- (f) *Jurisdiction, enforcement and penalties.*
- (1) A person smoking or possessing a lighted tobacco product in any work space or workplace shall be guilty of an infraction.
  - (2) An infraction is punishable by a fine of \$25.00. Each time on which a violation of this section occurs shall be considered a separate and distinct infraction. A violation of this section is furthermore declared to be a public nuisance.
  - (3) If three or more infractions occur within a six-month period at a workspace or workspace subject to this article, such shall be deemed to be a nuisance related to the business.

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(g) *Governmental agency cooperation.* The town administrator shall request other governmental and educational agencies having facilities within the town to establish local operating procedures in cooperation and compliance with this section. This includes urging all federal, state, county, city and school district agencies to update their existing smoking control regulations to be consistent with the current health findings regarding secondhand smoke.

(Ord. No. 10-19, 11-16-2010; Ord. No. 12-05, 4-17-2012)

Editor's note(s)—Ord. No. 10-19, November 16, 2010, set out provisions intended for use as § 14-152. For purposes of classification, and at the editor's discretion, these provisions have been included as § 14-171.

STATE OF SOUTH CAROLINA )  
 )  
TOWN OF IRMO )

**ORDINANCE NO. 22-37**

TO ANNEX TMS# R03303-01-03

**BE IT ORDERED AND ORDAINED**, by the Town of Irmo, South Carolina, in Council duly and lawfully assembled and by the authority thereof.

The 2.049-acre tract at 1194 Dutch Fork Road as shown on Richland County TMS# R03303, Block 01, Lot 03 zoned Rural District (RU) now or formerly owned by Savage Realty and Development, Inc.

**WHEREAS**, a petition to annex property into the Town of Irmo was received on November 2<sup>nd</sup>, 2022 from 814 Services, LLC as a designated agent for the owner, Savage Realty and Development, Inc. located at 1194 Dutch Fork Road.

**WHEREAS**, it appears to the Town Council that the annexation of this property will be in the best interest of the Town of Irmo.

**WHEREAS**, the Planning Commission will consider the owners application for zoning designation via its public hearing process. The petitioner is requesting General Commercial (CG) zoning to accommodate a future development of a day care center.

**NOW, THEREFORE, BE IT ORDERED** by the Town of Irmo that the above-described property is hereby annexed into and becomes part of the Town of Irmo effective upon second and final reading of this Ordinance.

**PASSED AND ADOPTED** this 20<sup>th</sup> day of December 2022.

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Barry A. Walker, Sr. Mayor

ATTEST:

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Renee Caviness, Municipal Clerk

1<sup>st</sup> Reading: November 15, 2022  
2<sup>nd</sup> Reading: December 20, 2022  
Public Hearing; December 20, 2022



**ANNEXATION ORDINANCE 22-37**

Current Boundaries



Proposed Boundaries



 Proposed Annexation  General Commercial Zoning (CG)  Agricultural Zoning (FA)

## BID TABULATION



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**Project** - RFP NO: B2022-06 / Fencing at Rawls Creek Park

Contractor	Address	City / State	Zip Code	Point of Contact	Phone	Bid
OL'7 Construction and Remodeling, LLC.	37 TWP. Rd 316	Ironton, OH	45638	Ron Estep	740.237.9570	\$ 47,586.37
Seegars Fence Company	4611 Hardscrabble Road	Columbia, SC	29229	Dustin Smith	803.708.1177	\$ 46,936.00
Andre's Marine Repairs, LLC.	3336 Johns Estates Drive	Johns Island, SC	29455	Jesus Hernandez	843.534.3709	\$ 84,050.00
Henley's Construction Co., Inc.	2876 Hwy #9	Cheraw, SC	29520	Henley Jones Jr.	843.537.5924	\$ 34,900.00
Grace Construction Group	153 Rocky Creek Trail	Columbia, SC	29212	A. Ladd James	803.731.7949	\$ 42,303.00

I certify the above information to be true and accurate

Courtney Dennis  
Town Administrator  
Town of Irmo

Opened  
10/25/2022 @ 2:00pm

SOUTH CAROLINA DEPARTMENT OF PUBLIC SAFETY  
OFFICE OF HIGHWAY SAFETY AND JUSTICE PROGRAMS  
POST OFFICE BOX 1993  
BLYTHEWOOD, SOUTH CAROLINA 29016

**GRANT AWARD**

Subgrantee: Town of Irmo Police Department  
Grant Title: Taser Replacement Program  
Grant Period: 10/01/2022 - 9/30/2023      Budget Period: 10/01/2022 – 9/30/2023  
Date of Award: October 1, 2022      Grant No.: 5G000422  
Amount of Award: \$43,740

In accordance with the provisions of the Justice Assistance Grant (JAG) Program, ALN No. 16.738 (Federal JAG Grant #15PBJA-22-GG-00595-MUMU), and on the basis of the application submitted, the South Carolina Department of Public Safety (SCDPS) hereby awards to the foregoing Subgrantee a grant in the federal amount shown above, for the project specified in the application and within the purposes and categories authorized for the Justice Assistance Grants Program.

This grant is subject to the terms and conditions set forth in the application and to the special conditions attached to the grant award.

**Payment of Funds:** Grant funds will be disbursed to subgrantees (according to the project budget) upon receipt of evidence that funds have been invoiced and products received or that funds have been expended (e.g., invoices, contracts, itemized expenses, etc.). A copy of the grant application, which includes the approved budget is available on [www.scdpsgrants.com](http://www.scdpsgrants.com) for the subgrantee's use in completing the request for payment forms.

The grant shall become effective, as of the date of the award, upon the return of this form to the Office of Highway Safety and Justice Programs signed by the Official Authorized to Sign in the space provided below. This award must be accepted within thirty (30) days from the date of the award, and such quarterly and other reports required by the South Carolina Department of Public Safety must be submitted in accordance with regulations.

ACCEPTANCE FOR THE SUBGRANTEE

ACCEPTANCE FOR THE SCDPS

\_\_\_\_\_  
Barry Walker, Mayor  
Town of Irmo

  
\_\_\_\_\_  
Phil Riley, Director  
Office Of Highway Safety and Justice Programs

**GRANT AWARD DATA: THIS AWARD IS SUBJECT TO THE GRANT TERMS AND CONDITIONS AND ATTACHED SPECIAL CONDITIONS.**