



Town of Hilton Head Island
SPECIAL TOWN COUNCIL MEETING
Wednesday, July 14, 2021, 2:00 p.m.
Benjamin M. Racusin Council Chambers
AGENDA

The Town Council Special Meeting will be held in-person at Town Hall in the Benjamin M. Racusin Council Chambers. The outside doors will be opened to the public at 1:00 p.m., seating will be limited to no more than 80 individuals. The meeting can be viewed on the [Town of Hilton Head Island](#) website, [Beaufort County Channel](#) and Spectrum Channel 1304.

- 1. Call to Order**
- 2. FOIA Compliance:** Public notification of this meeting has been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act and the requirements of the Town of Hilton Head Island.
- 3. Business License Appeal Hearing**
 - a. Ellie Britton, Fun on Pope, LLC, Appeal of Denial of Business License for Motor Scooter Rentals – Represented by Maureen T. Coffey, Esq.
- 4. Adjournment**

**RULES OF EVIDENCE AND PROCEDURE FOR
BUSINESS LICENSE APPEAL HEARINGS HELD BEFORE THE TOWN COUNCIL
OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA
PURSUANT TO TOWN MUNICIPAL CODE SECTION 10-1-10 *et seq.***

SECTION 1: PURPOSE AND INTENT.

It is the purpose of the Rules of Evidence and Procedure to establish an orderly, efficient and expeditious process for business license appeal hearings before the Town Council for the Town of Hilton Head Island, South Carolina (the "Town Council") pursuant to Town Municipal Code Section 10-1-10 *et seq.* The provisions of the Rules of Evidence and Procedure shall apply to such hearings held before the Town Council.

SECTION 2: GENERAL.

(a) Record. A record of the entire proceedings shall be made by tape recording or by any other means of permanent recording determined to be appropriate by the Town Council.

(b) Reporting. The proceedings at the hearing may also be reported by a court reporter at the expense of the requesting party.

(c) Continuances. The Town Council may grant continuances for good cause.

(d) Oaths and Affirmations. The Town Council or any member thereof has the power to administer oaths and affirmations.

(e) Reasonable Dispatch. The Town Council and its representatives shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

SECTION 3: FORM OF NOTICE OF HEARING.

The notice to parties shall be substantially in the following form, but may include other information:

"You are hereby notified that a hearing will be held before the Town Council of the Town of Hilton Head Island, South Carolina at Town Hall, One Town Center Court, Hilton Head Island, South Carolina 29928 on the _____ day of _____, 20____, at the hour _____. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant testimony and evidence and will be given full opportunity to cross-examine all witnesses testifying against you."

SECTION 4: CONDUCT OF HEARING.

(a) Rules. Hearings need not be conducted in accordance with the South Carolina Rules of Civil Procedure, South Carolina Rules of Evidence, or any other federal, state, or local rules, other than the rules prescribed herein.

(b) General Procedure. The Mayor, or in his or her absence the Mayor Pro Tem, shall preside over the hearing and the receipt of all evidence. In the event of the Mayor and Mayor Pro Tem's absences, the Town Council may designate a member or members to preside over the hearing and the receipt of evidence. The order of procedure shall be as follows, which order can be modified only by the presiding member(s) and in the presiding member(s) sole discretion:

- (i) Appellant shall present its case
- (ii) Respondent shall present its case
- (iii) Appellant shall be allowed to rebut the Respondent's case

(c) Oral Testimony or Evidence. Oral testimony or evidence shall be taken only on oath or affirmation.

(d) Hearsay Evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence; however, such evidence standing alone shall not be sufficient to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in South Carolina.

(e) Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which reasonable persons are accustomed to rely upon in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in South Carolina.

(f) Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.

(g) Rights of Parties. Each party shall have these rights, among others:

- (i) To call and examine witnesses on any matter relevant to the issues of the hearing;
- (ii) To introduce documentary and physical evidence;
- (iii) To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;

- (iv) To impeach any witness regardless of which party first called the witness to testify;
 - (v) To rebut the evidence against the party; and
 - (vi) To self-representation or to be represented by anyone of the party's choice who is lawfully permitted to do so.
- (h) Official Notice.
- (i) What may be Noticed. In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of South Carolina or of official records of the Town or its departments and ordinances of the Town.
 - (ii) Parties to be Notified. Parties present at the hearing shall be informed of the matters to be noticed, and these matters shall be noted in the record, referred to therein, or appended thereto.
 - (iii) Opportunity to Refute. Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the Town Council.

SECTION 5: METHOD AND FORM OF DECISION.

- (a) Hearings. In Hearings before the Town Council where a contested case is heard before the Town Council, no member thereof who did not hear the evidence or alternatively has not read or listened to the entire record of the proceedings shall vote on or take part in the decision. The presiding member(s) shall prepare findings of fact for the Town Council.
- (b) Form of Decision. The decision shall be in writing and shall contain findings of fact and a determination of the issues presented. A copy of the decision shall be delivered to the parties personally or sent to them by certified mail, postage prepaid, return receipt requested.
- (c) Effective Date of the Decision. The effective date of the decision shall be stated therein.

Fun on Pope LLC Business License Application Timeline

May 20, 2021: Received notification from Code Enforcement that Ellie Bitton was observed setting up a new business for motor scooter rental at his business location of 77 Pope Ave

May 24, 2021: Received business license application from Fun on Pope LLC for motor scooter rentals

May 25, 2021: Requested Staff Attorney Diane Busch for a legal review of Fun on Pope LLC's business activity

May 25, 2021: Received notification from Deputy Town Manager Josh Gruber and Staff Attorney Diane Busch that the business license application will be denied for Fun on Pope LLC

June 1, 2021: Final draft of denial letter approved by Deputy Town Manager Josh Gruber

June 2, 2021: Denial letter sent certified mail to Fun on Pope LLC with the following reasons:

- 1) Town Code Sec. 12-1-511. Motor vehicles prohibited on pathways..." motor-assisted bicycles such as mopeds, motor scooters, golf carts, lawn mowers, all-terrain vehicles, go-carts, or any similar small motorized vehicles are prohibited on pathways."
- 2) Town Code Sec.8-1-211. General beach prohibitions..." The driving or operating of any motor vehicle of any kind or nature on the beach is prohibited..."
- 3) SC Code 56-1-10(7) Motor scooters are defined as a motor vehicle.
- 4) SC Code 56-3-110 Motor vehicles are required to register with the Department of Motor Vehicles, maintain motor vehicle insurance and the operator of the motor vehicle must hold a valid driver's license.

June 7, 2021: Business License staff notified me that Ellie Bitton inquired about rentals of paddle boards and hover boards. I followed up with Staff Attorney Diane Busch and Deputy Town Manager Josh Gruber with his request. The request for hover board rentals would not be allowed for the same reasons as the motor scooters. Notified Ellie Bitton via email.

June 14, 2021: Notified by Town Clerk Krista Wiedmeyer that the Town received a request to appeal the denial of Fun on Pope LLC's business license application

June 17, 2021: Received notification from Code Enforcement that Fun on Pope LLC leased motor scooters through a rideshare rental platform called Sunday Scooters. Both Fun on Pope LLC and Sunday Scooters will require a business license to operate.



Town of Hilton Head Island

Revenue Services
One Town Center Court
Hilton Head Island, SC 29928
Phone: 843-341-4677
Fax: 843-341-4637

Email: RS@HiltonHeadIslandSC.GOV

250601



Business License Application / Property Rental Application

*REQUIRED FIELDS: WE ARE NOT ABLE TO ACCEPT INCOMPLETE APPLICATIONS

*BUSINESS NAME (Entity or Personal Name) Fun on Pope LLC

*DBA NAME (If applicable) SAME

*BUSINESS MAILING ADDRESS 77 POPE AVE Hilton Head SC 29926

*BUSINESS PHYSICAL ADDRESS 77 POPE AVE
(Please include UNIT/SUITE Number. PO Box's will not be accepted for a physical address)

*BUSINESS PHONE 843 684 0000 *MAIN CONTACT NAME Ellie Bitton

*FAX _____ *EMAIL Ellie.Bitton@gmail.com (Required for web access)

*ADDITIONAL CONTACT INFORMATION (Should be different than the main contact)

NAME Sally Zungu PHONE 843 [REDACTED]

EMAIL _____ RELATIONSHIP TO APPLICANT Assistant

IS THIS A HOME OCCUPATION LOCATED IN THE TOWN? YES NO

*TYPE OF ENTITY

Part 1
 SOLE PROPRIETORSHIP CORPORATION PARTNERSHIP LLC/LLP OTHER

Part 2
 RETAIL WHOLESALE SERVICE PROFESSIONAL CONTRACTOR RENTAL

*PRINCIPAL/OWNER(S) NAME Eliana Bitton

*PRINCIPAL/OWNER ADDRESS 95 marshland Rd 29926

*PRINCIPAL/OWNER PHONE NUMBER 843 [REDACTED]

*SOCIAL SECURITY (Last 4 digits) [REDACTED] OR *FEDERAL EIN # [REDACTED]

REQUIRED FOR ALL RETAIL SALES, SHORT TERM RENTALS, ETC: *SC RETAIL LICENSE # _____

REQUIRED FOR ALL CONTRACTORS: *SC (LLR) LICENSE # _____ *EXP. DATE _____

*TOWN OF HILTON HEAD ISLAND IRRIGATION CERT# _____

*BUSINESS TYPE (Retail, Design, Publishing, etc.) Scooter Rental

*HILTON HEAD ISLAND BUSINESS START DATE 5/20/21

*DESCRIBE YOUR BUSINESS ACTIVITY IN DETAIL
Rent Scooters (controlled on cpa)

#24408- LINK ACCOUNTS

Sole member of The LLC

*DO YOU OWN RENTAL PROPERTY IN THE TOWN? RESIDENTIAL COMMERCIAL NO

*PLEASE MARK ALL THAT APPLY: RESIDENTIAL LONG TERM RESIDENTIAL SHORT TERM BOTH

*NAME OF PROPERTY MANAGEMENT COMPANY(S) _____
(List all Property Management Companies)

*DATE YOU BEGAN RENTING PROPERTY _____

*DO YOU HOLD OWNERSHIP IN ANY PROPERTY AS A SINGLE MEMBER LLC? YES NO

*PLEASE LIST ADDRESS OF ALL PROPERTIES OWNED IN THE TOWN

*IF YOU OWN RESIDENTIAL RENTAL PROPERTY AND RENT FOR INTERVALS LESS THAN 90 DAYS, YOU ARE REQUIRED TO COLLECT 1% ACCOMMODATIONS TAX AND 2% BEACH PRESERVATION FEE FROM YOUR TENANTS AND REMIT TO THE TOWN.

PLEASE CHOOSE ONE: REMIT TAX QUARTERLY OR REMIT TAX MONTHLY

*IF YOU PREPARE AND SELL FOOD AND BEVERAGE YOU ARE REQUIRED TO COLLECT 2% HOSPITALITY TAX FROM YOUR CUSTOMER AND REMIT TO THE TOWN.

PLEASE CHOOSE ONE: REMIT TAX QUARTERLY OR REMIT TAX MONTHLY

IF NO SELECTION IS MADE, YOUR ACCOUNT WILL DEFAULT TO QUARTERLY REMITTANCE

AS OWNER, OFFICER, PRINCIPAL OR MANAGING MEMBER OR AUTHORIZED AGENT, BY MY SIGNATURE BELOW, I AFFIRM UNDER OATH THAT ALL OF THE INFORMATION ABOVE IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, THAT I AM COMPLIANT WITH ALL TOWN, STATE AND FEDERAL REGULATORY REQUIREMENTS AND THAT I HAVE THE AUTHORITY TO MAKE THIS APPLICATION. I AFFIRM UNDER OATH THAT ALL ASSESSMENTS, TAXES, FEES, AND PERSONAL PROPERTY TAXES DUE AND PAYABLE TO THE TOWN AND COUNTY HAVE BEEN PAID. I AFFIRM UNDER OATH THAT I WILL MAINTAIN ACCURATE CONTACT INFORMATION FOR RESPONSIBLE PERSONS ON FILE WITH THE TOWN AND THE COUNTY. I UNDERSTAND THAT THE TOWN ORDINANCE PROVIDES FOR PENALTIES AND LICENSE REVOCATION FOR MAKING FRAUDULENT STATEMENTS ON THIS APPLICATION.

I HEREBY ACKNOWLEDGE THAT IF MY BUSINESS SELLS PREPARED FOOD OR ALCOHOL, I WILL COLLECT AND REMIT HOSPITALITY TAXES IN ACCORDANCE WITH TOWN CODE TITLE 4 CHAPTER 13. IF MY BUSINESS COLLECTS GROSS PROCEEDS FROM THE LEASE/RENTAL OF SLEEPING ACCOMMODATIONS TO THE SAME PERSON (S) FOR A PERIOD OF LESS THAN 90 DAYS, I WILL COLLECT AND REMIT LOCAL ACCOMMODATION TAX AND BEACH PRESERVATION FEES IN ACCORDANCE WITH TOWN CODE TITLE 4 CHAPTERS 12 AND 9, RESPECTIVELY.

MUST BE SIGNED BY OWNER, OFFICER OR PRINCIPAL MANAGING MEMBER OF THE BUSINESS.

BUSINESSES OPERATING WITHOUT A VALID BUSINESS LICENSE ARE SUBJECT TO PENALTIES AND FINES. A BUSINESS MAY BE ASSESSED A 5% PENALTY FOR EACH MONTH OR PORTION THEREOF FOR OPERATING WITHOUT A TOWN BUSINESS LICENSE. ADDITIONALLY, BUSINESSES MAY BE SUBJECT TO A \$1087.50 MUNICIPAL SUMMONS.

*Print Name Eliaha Bitton Date 5/21/21

*Signature [Signature] Date 5/21/21

ADMINISTRATIVE USE ONLY: LOCATION OF BUSINESS IN TOWN OUT OF TOWN

APPLICATION ACCEPTED BY: A. Akins DATE: 5.26.21

APPLICATION FEE RECEIVED: No NAICS: 532284

BUSINESS DOCUMENTS: Yes OWNER/PRINCIPAL ID: _____

← Rental Details

Parking Key

Restricted

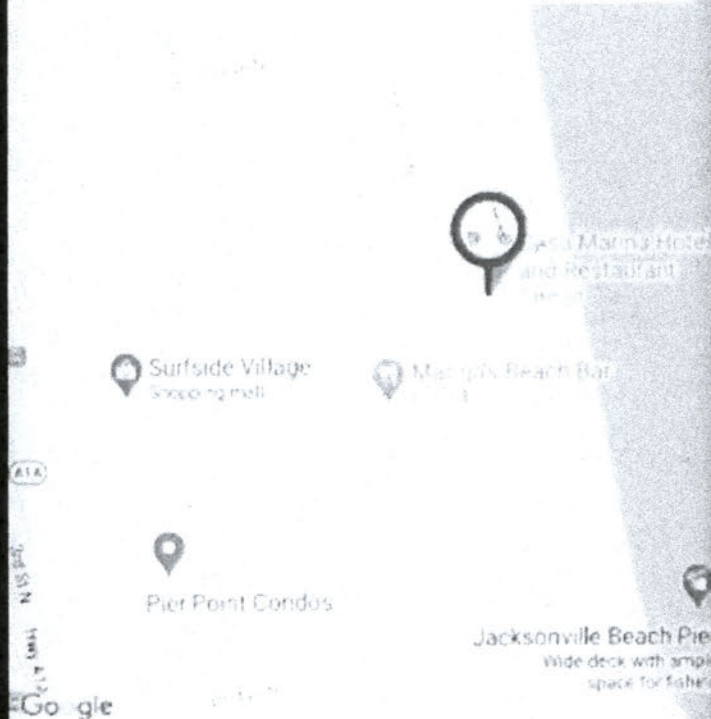
Preferred

Standard

Service Zone (\$0.00 off)

Hub

Slow Zone



At the end of your rental, you must return the scooter to one of the locations shown above.

Decline

Accept



Date of this notice: 03-18-2021

Employer Identification Number:

Form: SS-4

Number of this notice: CP 575 G

For assistance you may call us at:
1-800-829-4933

FUN ON POPE LLC
ELLIE BITTON SOLE MBR
77 POPE AVE
HILTON HEAD, SC 29928

IF YOU WRITE, ATTACH THE
STUB AT THE END OF THIS NOTICE.

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 86-2702940. This EIN will identify you, your business accounts, tax returns, and documents, even if you have no employees. Please keep this notice in your permanent records.

When filing tax documents, payments, and related correspondence, it is very important that you use your EIN and complete name and address exactly as shown above. Any variation may cause a delay in processing, result in incorrect information in your account, or even cause you to be assigned more than one EIN. If the information is not correct as shown above, please make the correction using the attached tear off stub and return it to us.

A limited liability company (LLC) may file Form 8832, *Entity Classification Election*, and elect to be classified as an association taxable as a corporation. If the LLC is eligible to be treated as a corporation that meets certain tests and it will be electing S corporation status, it must timely file Form 2553, *Election by a Small Business Corporation*. The LLC will be treated as a corporation as of the effective date of the S corporation election and does not need to file Form 8832.

To obtain tax forms and publications, including those referenced in this notice, visit our Web site at www.irs.gov. If you do not have access to the Internet, call 1-800-829-3676 (TTY/TDD 1-800-829-4059) or visit your local IRS office.

IMPORTANT REMINDERS:

- * Keep a copy of this notice in your permanent records. **This notice is issued only one time and the IRS will not be able to generate a duplicate copy for you.** You may give a copy of this document to anyone asking for proof of your EIN.
- * Use this EIN and your name exactly as they appear at the top of this notice on all your federal tax forms.
- * Refer to this EIN on your tax-related correspondence and documents.

If you have questions about your EIN, you can call us at the phone number or write to us at the address shown at the top of this notice. If you write, please tear off the stub at the bottom of this notice and send it along with your letter. If you do not need to write us, do not complete and return the stub.

Your name control associated with this EIN is FUNO. You will need to provide this information, along with your EIN, if you file your returns electronically.

Thank you for your cooperation.

Business Entities Online

File, Search, and Retrieve Documents Electronically

Transaction Complete

Your filing has been submitted for an approval.

Entity Name:

Fun on Pope LLC

Contact Information

Name: Maureen Coffey

Email: mcoffey@coffeyku
bec.com

Phone: 843-422-4488

Address: 8 Executive Park
Rd. Suite 3
Hilton Head Island,
South Carolina
29928

Transaction Information

Transaction ID:: 727501

Submission Date:: 3/9/2021 4:41:05 PM

Forms Submitted

Articles of Organization
for a Domestic Limited
Liability Company

Certified Document for
Articles of Organization

Pricing Summary

Item	Price
Articles of Organization	\$110.00
Service Fee* SC.GOV	\$15.00
Certified Documents for Articles of Organization	\$4.00
Service Fee* SC.GOV	\$2.50
Total Forms and Requests Cost	\$114.00
Total Service Fee* SC.GOV Cost	\$17.50
Total Cost	\$131.50 ⁴⁰⁰

Please note that a hold may be placed on your account for the amount of the filing until the filing is reviewed by the SC Secretary of State's Office. This amount will be captured once the filing has been approved or released if the filing has been rejected.

Date of this notice: 03-18-2021

Employer Identification Number:
[REDACTED]

Form: SS-4

Number of this notice: CP 575 G

FUN ON POPE LLC
ELLIE BITTON SOLE MBR
77 POPE AVE
HILTON HEAD, SC 29928

For assistance you may call us at:
1-800-829-4933

IF YOU WRITE, ATTACH THE
STUB AT THE END OF THIS NOTICE.

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 86-2702940. This EIN will identify you, your business accounts, tax returns, and documents, even if you have no employees. Please keep this notice in your permanent records.

When filing tax documents, payments, and related correspondence, it is very important that you use your EIN and complete name and address exactly as shown above. Any variation may cause a delay in processing, result in incorrect information in your account, or even cause you to be assigned more than one EIN. If the information is not correct as shown above, please make the correction using the attached tear off stub and return it to us.

A limited liability company (LLC) may file Form 8832, *Entity Classification Election*, and elect to be classified as an association taxable as a corporation. If the LLC is eligible to be treated as a corporation that meets certain tests and it will be electing S corporation status, it must timely file Form 2553, *Election by a Small Business Corporation*. The LLC will be treated as a corporation as of the effective date of the S corporation election and does not need to file Form 8832.

To obtain tax forms and publications, including those referenced in this notice, visit our Web site at www.irs.gov. If you do not have access to the Internet, call 1-800-829-3676 (TTY/TDD 1-800-829-4059) or visit your local IRS office.

IMPORTANT REMINDERS:

- * Keep a copy of this notice in your permanent records. **This notice is issued only one time and the IRS will not be able to generate a duplicate copy for you.** You may give a copy of this document to anyone asking for proof of your EIN.
- * Use this EIN and your name exactly as they appear at the top of this notice on all your federal tax forms.
- * Refer to this EIN on your tax-related correspondence and documents.

If you have questions about your EIN, you can call us at the phone number or write to us at the address shown at the top of this notice. If you write, please tear off the stub at the bottom of this notice and send it along with your letter. If you do not need to write us, do not complete and return the stub.

Your name control associated with this EIN is FUNO. You will need to provide this information, along with your EIN, if you file your returns electronically.

Thank you for your cooperation.

South Carolina Secretary of State

Business Entities Online

File, Search, and Retrieve Documents Electronically

Fun on Pope LLC

Corporate Information

Entity Type: Limited Liability Company

Status: Good Standing

Domestic/Foreign: Domestic

Incorporated South Carolina State:

Important Dates

Effective Date 03/09/2021

:

Expiration N/A Date:

Term End N/A Date:

Dissolved N/A Date:

Registered Agent

Agent: Maureen Coffey

Address: 18 Executive Park Rd. Suite 3
Hilton Head Island, South Carolina 29928

Official Documents On File

Filing Type	Filing Date
Articles of Organization	03/09/2021

For filing questions please contact us at 803-734-2158

Copyright © 2021 State of South Carolina

Akins April

From: Maureen Coffey <mcoffey@coffeykubec.com>
Sent: Tuesday, May 25, 2021 1:15 PM
To: Akins April
Subject: RE: Fun on Pope LLC

THIS MESSAGE ORIGINATED OUTSIDE YOUR ORGANIZATION

April,

Sorry, he stopped by my office, and I quickly threw that together for him. IT is a single-member LLC, and Mr. Bitton is the sole member, so it doesn't really have any formal Articles of Organization. That document should suffice. Fun on Pope, LLC is a legitimate LLC with Mr. Bitton as its sole member.

If you have any other questions, please do not hesitate to contact me at your earliest convenience. I thank you for your time and assistance with this matter.

With kind regards, I remain,

Sincerely,

Maureen T. Coffey

Maureen T. Coffey, Esq.
Coffey|Kubec, LLP
18 Executive Park Rd., Suite 3
Hilton Head Island, SC 29928
mcoffey@coffeykubec.com
843.422.4488

COFFEY KUBEC
Attorneys at Law

PRIVILEGE AND CONFIDENTIALITY NOTICE: This communication (including any attachments) is being sent by or on behalf of a lawyer or law firm and may contain confidential or legally privileged information. The sender does not intend to waive any privilege, including the attorney-client privilege, that may attach to this communication. If you are not the intended recipient, you are not authorized to intercept, read, print, retain, copy, forward or disseminate this communication. If you have received this communication in error, please notify the sender immediately by email and delete this communication and all copies.

CIRCULAR 230 DISCLOSURE: To ensure compliance with requirements imposed by the IRS, we inform you that any US Federal Tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (I) avoiding penalties under the internal revenue code or (II) promoting, marketing or recommending to another party any transaction or matter addressed herein. This advice may not be forwarded (other than within the taxpayer to which it has been sent) without our express written consent.

From: Akins April <apрила@hiltonheadislandsc.gov>
Sent: Tuesday, May 25, 2021 10:01 AM
To: Maureen Coffey <mcoffey@coffeykubec.com>
Subject: Fun on Pope LLC

Good morning Maureen,
I hope you are doing well!

I wanted to verify the attached document with you. Mr. Bitton submitted it with his business license application and asked that we accept the document in lieu of the Articles of Organization.
I appreciate your attention to this matter.
Enjoy your day,



April Akins, MBL

REVENUE SERVICES MANAGER

Office: (843) 341-4608

Website: hiltonheadislandsc.gov

Address: Town of Hilton Head Island
1 Town Center Court
Hilton Head Island, SC 29928

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, an innovator in Software as a Service (SaaS) for business. Providing a **safer** and **more useful** place for your human generated data. Specializing in; Security, archiving and compliance. To find out more [Click Here](#).

Articles of Incorporation

Pursuant to the provision of the Nonprofit Corporation Act of this state the undersigned incorporators hereby adopt the following Articles of Incorporation:

Article 1

The name of the corporation is: Fun on Pope, LLC

Article 2

The name and address of the registered agent and registered office of this corporation is:

Ellie Bitton

77 Pope Ave, Hilton Head Island, SC 29928

Article 3

The purposes for which this corporation is organized are: To provide rental scooters and paddleboards for the public.

Article 4

The number of initial directors of this corporation shall be one and the names and addresses of the initial directors are as follows:



Ellie Bitton, 95 Marshland Rd., Hilton Head Island, SC 29926

Article 5

The names and addresses of the incorporators of this corporation are:

Ellie Bitton, 95 Marshland Rd., Hilton Head Island, SC 29926

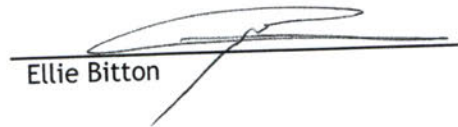
Article 6

The period of the duration of this corporation is perpetual.

Article 7

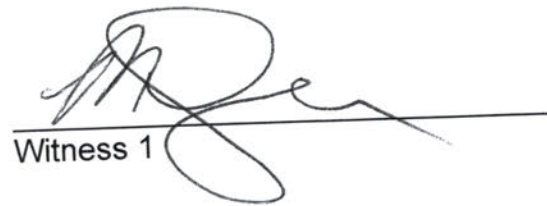
The Corporation shall have members. The eligibility, rights and obligations of the members will be determined by the Bylaws

IN WITNESS WHEREOF, for the purpose of forming this Corporation under the laws of the State of South Carolina, I the undersigned, constituting the Incorporator of this Corporation, have executed these Articles of Incorporation on this 21 day of May, 2021.

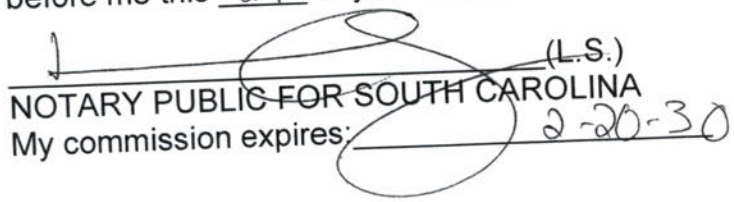

Ellie Bitton

STATE OF SOUTH CAROLINA)
) **PROBATE FOR Ellie Bitton**
COUNTY OF BEAUFORT)

Personally, appeared the undersigned witness and made oath that s/he saw the within named Ellie Bitton, sign, seal, and as her act and deed deliver the within Articles of Incorporation that he with the other witness subscribed above witnessed the execution thereof.


Witness 1

SWORN TO AND SUBSCRIBED
before me this 21 day of May 2021.

 (L.S.)
NOTARY PUBLIC FOR SOUTH CAROLINA
My commission expires: 2-20-30

TOWN OF HILTON HEAD ISLAND

One Town Center Court, Hilton Head Island, S.C. 29928

(843) 341-4600 Fax (843) 842-7728

www.hiltonheadislandsc.gov

John J. McCann
Mayor

June 2, 2021

William D. Harkins
Mayor ProTem

Eliaha Bitton
77 Pope Avenue
Hilton Head Island, SC 29928-4709

Council Members

Thomas W. Lennox
David Ames
Tamara Becker
Glenn Stanford
Alexander Brown, Jr.

Re: Business License Application for Fun on Pope LLC

Marc Orlando
Town Manager

Dear Mr. Bitton:

I regret to inform you the license department has declined to grant your business license application for "motor scooter rentals" for Fun on Pope LLC for the following reasons:

- 1) Town Code Sec. 12-1-511. Motor vehicles prohibited on pathways..." motor-assisted bicycles such as mopeds, motor scooters, golf carts, lawn mowers, all-terrain vehicles, go-carts, or any similar small motorized vehicles are prohibited on pathways."
- 2) Town Code Sec.8-1-211. General beach prohibitions..." The driving or operating of any motor vehicle of any kind or nature on the beach is prohibited..."
- 3) SC Code 56-1-10(7) Motor scooters are defined as a motor vehicle.
- 4) SC Code 56-3-110 Motor vehicles are required to register with the Department of Motor Vehicles, maintain motor vehicle insurance and the operator of the motor vehicle must hold a valid driver's license.

The Municipal Code of the Town of Hilton Head Island, Section 10-1-140, mandates that a business license official shall deny a license when, "...the applicant does not comply with all other applicable town ordinances..."

You do have the right to appeal this denial pursuant to the Town of Hilton Head Island Municipal Code directly to the Town Council. Section 10-1-160 sets forth the procedures, yet please note your appeal must be delivered, in writing, within ten (10) days to the town clerk.

Please feel free to contact Diane Busch, the Town's staff attorney, at (843) 384-2553 or April Akins, Revenue Services manager, at (843) 341-4608 with questions concerning the denial of your business license application.

Sincerely,



April Akins
Revenue Services Manager

9489 0090 0027 6279 6428 31

Confirmation Services	Package ID: 9489009000276279642831	Electronic Return Receipt
	Destination ZIP Code: 29928	First Class Letter
	Customer Reference:	
	Recipient: _____	PBP Account #: 33914797
	Address: _____	Serial #: 0365586
	_____	JUN 02 2021 7:45 AM

Akins April

From: Akins April
Sent: Monday, June 7, 2021 4:48 PM
To: ELLIE.BITTON@GMAIL.COM
Subject: Business License Application for Paddle Boards and Hover Boards

Good afternoon Mr. Bitton,
I understand that you stopped by the business license office today inquiring about rentals of paddle boards and hover boards. Unfortunately, the rental of hover boards would not be allowed for the same reasons as the motor scooters. Please let me know if you have any further questions.

Thank you,



April Akins, MBL

REVENUE SERVICES MANAGER

Office: (843) 341-4608

Website: hiltonheadislandsc.gov

Address: Town of Hilton Head Island
1 Town Center Court
Hilton Head Island, SC 29928



COFFEY KUBEC

Attorneys at Law

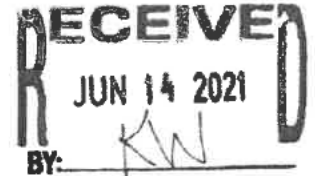
18 executive Park Rd., Suite 3
Hilton Head Island, South Carolina 29928

Maureen T. Coffey, Esq.
Ed Kubec, Esq.

843.422.4488
mcoffey@coffeykubec.com

June 14, 2021

Clerk for the Town of Hilton Head
1 Town Center Court
Hilton Head Island, SC 29928



Re: Business license denial for Fun on Pope, LLC

Dear Ms. Atkins:

Please be advised that our firm represents Mr. Ellie Bitton and Fun on Pope, LLC. By this letter, we are appealing the denial of a business license for his company which plans to rent electric scooters.

First, I believe your interpretation of State law is incorrect. S.C. Code 56-1-10 (7) is not the controlling definition. Arguably, S.C. Code 56-1-10 (8) definition of "motorcycle" would be closer. Under South Carolina law, there is no scooter classification, only motorcycle, and moped. The size of the engine determines the classification. If the engine is 50 ccs or less, it is considered a moped. Anything greater than 50 ccs is a motorcycle.

Attached you will see from the manufacturer's brochure, which states that the motor speed of these scooters can be either 250,350, or 400 watts. 50 ccs are the equivalent to approximately 2500 watts. So, 250 watts is approximately 5 ccs. As a motorized vehicle under 50 ccs, the scooter needs to be registered with the DMV. It does not have to carry insurance, and any operator must have a Class G, D, or M license.

The problem with 12-1-511 (2) is the inconsistency with which it is applied. For instance, under that code section, electric bicycles are also prohibited. However, Hilton Head E-bikes (115 Arrow Rd, HHI, SC 29928) is presumably licensed by the Town to rent ebikes in contradiction to Town Code 12-1-511 (2). Presumably, Avocado Bike Electric Rentals (890 William Hilton Pkwy. | Hilton Head Island, SC 29928) also holds a business license to rent electric bikes in contravention of TC 12-1-511 (2). Presumably, the same applies to Hilton Head Bicycle Company, Island Life Bike Rentals, and Atlantic bikes, to name a few more.

For that matter, while I understand that the law states that Segways, since their wheels are not in tandem, do not fall into this classification, I believe that using that as a justification is disingenuous at best and falls short of the spirit of the law. Segways travel at 750 watts, are three times as fast, and are much more difficult to operate, making them a far greater hazard than scooters or electric bikes.

Again, please accept this letter as our official request to Appeal the Town's June 2, 2021 decision, denying Mr. Bitton's business license. If you have any further questions or concerns, please do not hesitate to contact me at your earliest convenience. With kind regards, I remain,

Sincerely,

Maureen T. Coffey

Maureen T. Coffey, Esq.
Coffey|Kubec, LLP
18 Executive Park Rd, Suite 3
Hilton Head Island, SC 29928
mc Coffey@coffeykubec.com
843.422.4488

cc: Ellie Bitton

TOWN OF HILTON HEAD ISLAND

One Town Center Court, Hilton Head Island, S.C. 29928

(843) 341-4600 Fax (843) 842-7728

www.hiltonheadislandsc.gov

John J. McCann
Mayor

William D. Harkins
Mayor ProTem

July 2, 2021

Council Members

Thomas W. Lennox
David Ames
Tamara Becker
Glenn Stanford
Alexander Brown, Jr.

Marc Orlando
Town Manager

BY USPS and email to mcoffey@coffeykubec.com

Maureen T. Coffey, Esq.
18 Executive Park Road
Suite 3
Hilton Head Island, SC 29928

Re: Business License Denial for Fun on Pope, LLC

Dear Ms. Coffey,

Please allow this correspondence to serve as notice the appeal in the matter shown above will be heard on July 14, 2021 at 2:00 p.m. in Council Chambers.

Please let me know if you have questions or if I can be of assistance in this matter.

Kind Regards,

Diane Busch

Diane Busch, Esq.
Staff Attorney

