2020-13 (2<sup>nd</sup> READING): GRANTING A FRANCHISE AGREEMENT FOR OPERATION OF RENTAL BUSINESS OF CONVEYANCES REGULATED BY CHAPTER 12, ARTICLE V OF THE CODE OF ORDINANCES OF MYRTLE BEACH TO MARK SICHITANO D/B/A/ MYRTLE BEACH GOLF CARTS, LOCATED AT 408 3<sup>RD</sup> AVENUE SOUTH, MYRTLE BEACH, SC 29577, FOR A PERIOD OF ONE YEAR. THE AGREEMENT INCLUDES 145 GOLF CARTS.

<u>Applicant/Purpose</u>: Staff/ to regulate the # & location of golf cart & moped rental businesses by franchising their operations.

#### Brief:

- After experiencing instances when # of moped/golf cart rentals & conduct of the operators became a serious issue, Council imposed a moratorium on increasing these #'s.
- For 2017 the # of golf carts was capped at the # each company had in service for 2016 + the # already ordered at the time the moratorium was imposed.
- Council also directed staff to work out a permanent solution w/ company owners.
- Ordinance 2017-56, approved 1/9/18 in consultation w/ the business owners, approved the framework of a franchise agreement similar to the system in place for taxicabs. The franchise ordinance requires annual renewals.
- In 2019 this applicant was approved for 145 permits. In addition, 40 other carts owned by the company were leased to other franchise holders and permitted at that location. Those franchise holders have since found other carts. MB Golf Carts seeks approval of those 40 previously leased golf carts, bringing their total request for 2020 to 185.
- No changes since 1st reading.

#### Issues:

- Franchising allows Council to restrict the # of mopeds & golf carts available for rental, as well as the location of each rental business.
- Under the franchise terms each conveyance will be issued a City "plate" similar to a license plate. These plates assist law enforcement to track operational violations.
- This proposed ordinance:
  - Sets the location for rental conveyances.
  - Sets the # of rental conveyances allowed/location.
- Agreement is for a 1-year period.

#### Public Notification: Normal meeting notification

#### **Alternatives:**

- Modify proposed ordinance.
- Deny ordinance.

Financial Impact: Annual franchise fee of \$10/plate issued.

#### Manager's Recommendation:

- I recommend 1st reading (2/11/2020).
- I recommend approval of 145 permits in order to keep the maximum # of rental conveyances allowed on City streets constant. Since the implementation of the franchise rules, what once was a manageable situation has been turned into one that has not been a cause of concern. As the applicant has acknowledged that they routinely transport a number of carts to North Myrtle Beach for use there, the owner can mitigate the overall business impact by transporting only unpermitted golf carts to NMB, and reserving the permitted carts for use in the City.

Attachment(s): Ordinance, franchise agreement, & franchise application.

**ORDINANCE 2020-13** 

1

First reading: 2-11-2020

Second reading: 3-10-2020

42 43

## APPLICATION FOR

## FRANCHISE TO RENT CONVEYANCES REGULATED BY CHAPTER 12, ARTICLE V, WITHIN THE CITY OF MYRTLE BEACH

Pursuant to the exercise of its police power the City shall require a franchise for the rental and operation of rental conveyances on the highways, streets, alleys and public ways within its police power jurisdiction and the City has determined that the delivery of these services can be provided most effectively and efficiently through the grant of a non-exclusive franchise. Applications shall be made by completing this form. All sections of this form must be completely filled out and supporting documentation attached. An incomplete application will not be processed and will be returned to the applicant. The provision of false, misleading or incomplete information shall be grounds for denial or revocation of a Franchise.

### APPLICANT INFORMATION

Owner's Name: MAYK (10 Residence Address: 3150 F Business Address: 409 344 Driver's License No.: 01192	KVENUE J. M	NTU BOOMS SU'V	4.571
Persons managing, supervising of the Name: (MV) \$\forall M\) \[ \forall M\] \[ \f	SICHITANI) INNANDALE DIV INNANDALE SCA	ess for the owner: Telephone: 947  L. Myrth Back Expiration Date:	0.122.2189 C 19577 2   29   2022
		Telephone:	
Residence Address: Driver's License No.: Position/Title:	State:	Expiration Date:	
3. Name:		Telephone:	
Residence Address: Driver's License No.: Position/Title:			
BUSINESS INFORMATION			
Business Name: MYHL Da Business Address: 409 37 Business Telephone: 643.94 City of Myrtle Beach Business I	a(m GO)f (avt. Avelauc ( M 5.990) License No.: 334:	rade Name: MB GOL WHU B CA(W, SC) 2 Bl Issued Date	Carts 19577 :: <u>Junc 1, 201</u> 9
Type of Business (Check One):	<u>√</u> Sole-Proprieto	rPartnership	Corporation

Name: N/A	for ALL owners/par	tners/corporate	officers as applica	ble: Name:
Name: N/A	D.L. no.:		State:	
Attach all relevant docorporation in the Sta	_	legal formation	n of the partnership	o or
Provide a description liabilities (attach docu		•		ssets and
	·			
	CC*			
Has any applicant, ov business ever been co- classified as a felony,	nvicted or entered a p misdemeanor or traf	olea of guilty or fic violation? Y	no contest to any	crime
business ever been co- classified as a felony, If yes, then please des	nvicted or entered a p misdemeanor or traff cribe below (attach a	olea of guilty or fic violation? Y dditional sheets	no contest to any ES NO	crime —
business ever been co- classified as a felony, If yes, then please des Name:	nvicted or entered a prince of misdemeanor or traffective below (attach and Charge:	olea of guilty or fic violation? Y dditional sheets	no contest to any ES NO if necessary): Date:	crime —
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business ever been co- classified as a felony, If yes, then please des	nvicted or entered a prince misdemeanor or traffective below (attach and Charge:Charge:Charge:Charge:	olea of guilty or fic violation? Y dditional sheets  Disposition:  Disposition:  Disposition:	no contest to any ES NO if necessary): Date: Date:	crime —

The failure of any individual with an interest in this application to fully disclose requested criminal/traffic history information shall be grounds for the City's denial fo the request. Please attach a criminal history report and a 10-year driving history for every individual who has an interest in the proposed business.

Type of service: Year Round; Days of the week: SVMWW.MOMAY-Hours: WM+(W: MMAY-\ATWAY) 9-5 (describe service schedule):	-Sunday <sup>c</sup>
Will the applicant provide the insurance required for all authorized units:	<u>,                                      </u>
Issuing Insurance Company: MBA - INSWAVIL  Policy Number (if available): 14/640 - 4  Limits of Liability: Per Person: 15,000 Per Occurence: 10,000  Property Damage: 15,000	
If "No", explain how the applicant will ensure that each unit will comply with requirements set forth in the City Code of Ordinances.	the insurance
Applicants authorized under state law to operate as Self-Insured should attach authorization to this application.	a copy of such
Explain why you believe that public convenience and necessity requires the grapplication (attach statistical data and additional sheets as necessary):	ranting of this
I certify that all of the information contained in this application is true and con	anlete to the hes

I certify that all of the information contained in this application is true and complete to the best of my knowledge. I further certify that I have read and understand the City of Myrtle Beach Regulations for Operation of Moped and Golf Cart Rental Companies and the City of Myrtle Beach Regulations for Operators of ATV's, Mopeds, Golf Carts, LSV's and Scooters, attached hereto.

Applicants Name (printed): Mayk Signifand	
Applicants Signature:	Date: JANVAYS
	•
Attachments: (check those that apply)	
Receipt for payment of application fee*	
N/A List of additional owner, partners or corporate officers	
Documents that prove the legal formation of the partner	ship or corporation
Documents outlining current financial condition	
N/A Additional sheets to document crimes	
Criminal History report for every individual having an i	
10-year driving history for every individual having an in	nterest in the business*
Vehicle registration(s) (04 fill)	
Photographs or drawings of proposed color scheme*	
✓ Authorization to Self-Insure	1. 1
Additional documentation regarding public necessity, in	iciuding statistical data

<sup>\*</sup> denotes attachments required to process this application

# The State of South Carolina



## Office of Secretary of State Mark Hammond

## **Certificate of Existence**

I, Mark Hammond, Secretary of State of South Carolina Hereby certify that:

MYRTLE BEACH GOLF CARTS LLC, A Limited Liability Company duly organized under the laws of the State of South Carolina on April 18th, 2014, with a duration that is at will, has as of this date filed all reports due this office, paid all fees, taxes and penalties owed to the Secretary of State, that the Secretary of State has not mailed notice to the company that it is subject to being dissolved by administrative action pursuant to section 33-44-809 of the South Carolina Code, and that the company has not filed articles of termination as of the date hereof.

Given under my Hand and the Great Seal of the State of South Carolina this 30th day of April, 2014.

Mark Hammond, Secretary of State

## STATE OF SOUTH CAROLINA SECRETARY OF STATE

## ARTICLES OF ORGANIZATION

Limited Liability Company – Domestic Filing Fee - \$110.00 APR 1 8 2014

## MENERAL OF STATE OF SOUTH CHOLINA

## TYPE OR PRINT CLEARLY IN BLACK INK

The undersigned delivers the following articles of organization to form a South Carolina limited liability company pursuant to S.C. Code of Laws §33-44-202 and §33-44-203.

I II O IAII			he name of the limited liability company (Company ending must be included in name*)							
	YRTLE BEACH GOLF CARTS LLC									
"limited	: The name of the limited liability compa d liability company" or "limited company or "Ltd. Co."	my must contain of the must contain of the abbrevial	one of the following ention "L.L.C.", "LLC"							
The add	The address of the initial designated office of the limited liability company in South Carolin									
7621 BF	RIARWOOD DRIVE									
	Street Ad	dress	29572							
City	E BEACH		Zip Code							
-	ist something complete of property is									
	ial agent for service of process is	200	Lieht							
MARK A	ANTHONY SICHITANO	Signature of Agent	ful-							
and the	street address in South Carolina for this initi	at agent for service	of process is							
7621 BF	RIARWÖOD DRIVE									
7621 BF	RIARWOOD DRIVE Street Addi	ess								
		ess	29572							
	Street Addi	·	29572 Zip Code							
MYRTLE City  List the 1 than one.	Street Addi E BEACH name and address of each organizer. Only o	·	Zip Code							
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YRTLE BEACH GOLF CARTS LLC
FILING Fee: \$110.00 ORIG

Form Revised by South Carolina Secretary of State, July 2012

☐ Check this box only if manag managers. If this company is to be	gement of the limited liability commanaged by managers, include	ompany is vested in a the name and address
nitial manager.		
(a) CHRISTIAN TODD SICHITANO	)	
Name 7621 BRIARWOOD DRIVE		
Street Address		
MYRTLE BEACH	SC .	29572
City	State	Zip Cod
(b)		
Name		·
Street Address		
·		
City  Check this box only if one or mid obligations under \$33-44-303(c) and for which debts, obligations or this provision is outlined and does	c). If one or more members are liabilities such members are liab	so liable, specify whi
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January 8, 2020

To Whom it may concern:

Our financial status remains consistent as previous years. We own over 220 carts free and clear and have recently purchased our new main retail location as well as a warehouse. Please let me know if you need any further information in regards to our financial condition.

Sincerely,

Mark Sichitano Owner Myrtle Beach Golf Carts LLC 408 3<sup>rd</sup> Avenue S. Myrtle Beach, SC 29577 843-222-2245





### Results

Name MARK SICHITANO DOB 1980 08 28

Gender Male

Maiden Name

SSN \*\*\*\*\*7326

Transaction 1810469HIN

Date of Check January 08, 2020 at 10:46

INTERNET RAP SHEET REQUEST ORI-SCLED0000 SID-SC01287481 FBI-\*\*\*\*\*\*\* PUR-E ATN-WEB, ACCOUNT

\*\*\*\*\*\* CONTACT CONTRIBUTING AUTHORIZED USE ONLY. AGENCY FOR SPECIFIC/MORE DATA ABOUT CHARGES AND/OR DISPOSITIONS. BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.

PAGE-01 DATE-01/08/2020 TIME-10:48:18 REO ORI-SCLED0000 S C LAW ENF DIV SID-SC01287481 FBI-SEX-M RACE-W NAME-SICHITANO, MARK ANTHONY HEIGHT-510 WEIGHT-170 EYES-BRO HAIR-BRO SKIN- BORN-SC

HENRY-

PHOTOGRAPH AVAILABLE AUTHORIZED USE ONLY

1-FINGERPRINT IMAGES ON THIS SUBJECT ARE STORED ON SCAFIS

DATE OF LAST UPDATE--02/28/2006 DATE RECORD ENTERED -- N/A

BIRTH ADDITIONAL IDENTIFIERS

DATES MARKS SOC SEC MISC NUM

SISHITANO, MARK ANTHONY 08281980

DOA/RCVD CHARGE/DISPOSITION/ETC CONTRIBUTOR/SUBJECT

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

SICHITANO, MARK ANTHONY 10/07/1999

SC0220000 GEORGETOWN CNTY SO

CASE-10990360

ATN-

ARREST CHARGE -BREAKING AND ENTERING AUTOMOBILE OFFENSE DATE-09/07/1999 PHOTOGRAPH AVAILABLE

BASED ON SEARCH OF SCLED CJIS CCH FILE USING SID/SC01287481 THIS CRIMINAL HISTORY RECORD IS FOR SOUTH CAROLINA ARRESTS AND CONVICTIONS ONLY AND IS BASED ON THE INFORMATION PROVIDED. SINCE CHANGES MAY OCCUR DAILY A NEW INQUIRY SHOULD BE MADE AND NO SUBSEQUENT USE OF THIS RECORD IS ALLOWED.

\*\* S C CJIS END OF RECORD \*\*!!

The record is based on a search using Last Name, First Initial, Gender, and Date of Birth, and SSN Only. Compare all identifying data given for record subject with screening subject. Fingerprint comparison is recommended as the most reliable means to identify a record subject.



## **UNOFFICIAL 10 YEAR DRIVER RECORD (Web)**

Driver License No: 7782790 **Customer No: 25529308** 

Name: SICHITANO, MARK ANTHONY

Address: 3750 ANNANDALE DR

MYRTLE BEACH City:

County: HORRY

DOB: 08/28/1980

State: SC

Zip: 29577

Sex: M

CDL: NO DISQUALIFICATION Status - DL: NO SUSPENSION

						(1) (1)		
License	Inform	nation			ds.			7
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DL	D	Duplicate	08/24/2007		08/07/1996 N		N/A	
DL	D	Duplicate	11/07/2007	08/28/2014	08/07/1996 N		N/A	
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City:

City:

MYRTLE BEACH

State: SC

Zip: 295776752

Address Change -

Address: 546 BRIDGEPORT DR City: MYRTLE BEACH

State: SC

Zip: 295776746

Address Change -Address: 3821 HOBCAW DR MYRTLE BEACH

State: SC

Zip: 295775929

Address Change -

Address: 7621 BRIARWOOD DR

MYRTLE BEACH City:

State: SC

Zip: 295724149

Date Changed: 01/24/2013

Date Changed: 10/30/2013

Date Changed: 09/08/2014

## UNOFFICIAL 10 YEAR DRIVER RECORD (Web)

Customer No: 25529308 Name: SICHITANO, MARK ANTHONY Driver License No: 7782790

Address Change -Address: 546 BRIDGEPORT DR

Date Changed: 10/29/2014

City:

MYRTLE BEACH

State: SC

Zip: 295776746

Zip: 295775900

Address Change -

Address: 3750 ANNANDALE DR

City:

MYRTLE BEACH

State: SC

Date Changed: 12/31/2014

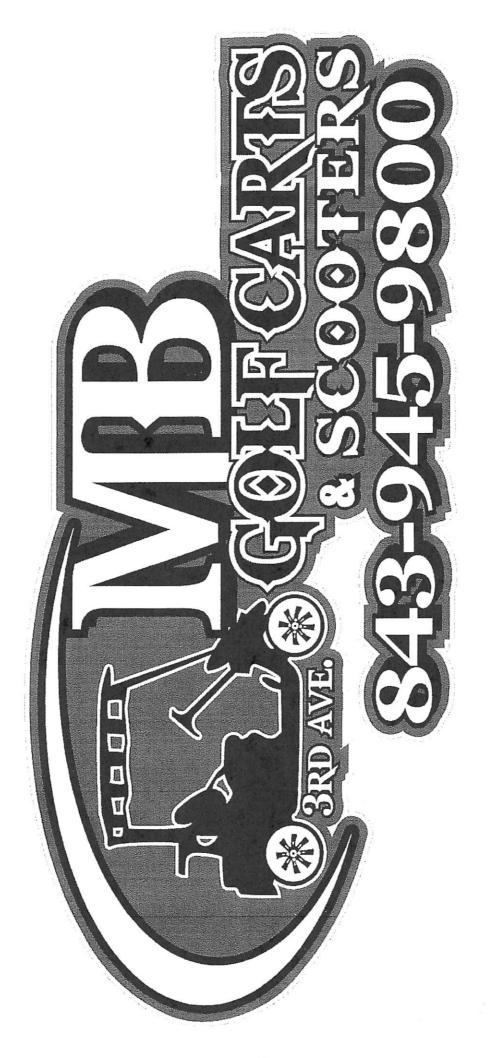
**Point Summary** 

**Total Current Points:** 

0 <u>-0</u>

**Driver Credit: Adjusted Current Points:** 







## CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

01/13/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(les) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s). Hilda Sieling PRODUCER PHONE (A/C. No. Ext): E-MAIL ADDRESS: FAX (A/C, No): Southeastern Alliance Underwriters, LLC (843)903-0202 3874 Renee Dr (Suite A) hsieling@saulnsurance.com Myrtle Beach, SC 29579 NAIC# INSURER(8) AFFORDING COVERAGE Atain Specialty Insurance INSURER A: INSURED INSURER B: Myrtle Beach Golf Carts INSURER C: 3750 Annadale Dr Myrtle Beach, SC 29577 **REVISION NUMBER:** COVERAGES **CERTIFICATE NUMBER: 00004828-152112** THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES, LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS. ADDL SUBF POLICY EFF POLICY EXP TYPE OF INSURANCE POLICY NUMBER INSO WYO X COMMERCIAL GENERAL LIABILITY 1,000,000 CIP386077 04/29/2019 04/29/2020 EACH OCCURRENCE DAMAGE TO RENTED 100,000 CLAIMS-MADE X OCCUR PREMISES (Es occurrence) s 5,000 s MED EXP (Any one person) 1,000,000 s PERSONAL & ADV INJURY 2,000,000 s **GENERAL AGGREGATE** GEN'L AGGREGATE LIMIT APPLIES PER: 2,000,000 PRO-JECT 3 X POLICY PRODUCTS - COMP/OP AGG \$ OTHER: COMBINED SINGLE LIMIT (Ea accident) AUTOMOBILE LIABILITY s BODILY INJURY (Per person) \$ ANY AUTO OWNED AUTOS ONLY HRED AUTOS ONLY SCHEDULED **BODILY INJURY (Per accident)** s AUTOS NON-OWNED AUTOS ONLY PROPERTY DAMAGE [Per accident]) UMBRELLA LIAB EACH OCCURRENCE OCCUR **EXCESS LIAB AGGREGATE** CLAIMS-MADE DED RETENTION \$ PER STATUTE WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE If yes, describe under DESCRIPTION OF OPERATIONS below E.L. DISEASE - POLICY LIMIT CIP386077 04/29/2019 04/29/2020 \$500,000 A Dwelling DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schadule, may be attached if more space is required) It is agreed to list the City of Myrtle Beach as an additional insured in respects to the General Liability policy. CANCELLATION CERTIFICATE HOLDER SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN City Of Myrtle Beach ACCORDANCE WITH THE POLICY PROVISIONS. 1101 N Oak St. AUTHORIZED REPRESENTATIVE Myrtle Beach, SC 29577

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Ida m



## **CERTIFICATE OF LIABILITY INSURANCE**

DATE (MM/DD/YYYY)

01/13/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

th	ris ce	rtificate does not confer rights to	o the	certi	ificate holder in lieu of su	ich end	lorsement(s	).				
PRODUCER					NAME: Hilda Sieling							
Southeastern Alliance Underwriters, LLC						PHONE (A/C, No, Ext): (843)903-0202 FAX (A/C, No):						
3874 Renee Dr (Suite A)						ACDRESS: hstelling@sauinsurance.com						
Myrtie Beach, SC 29579										NAIC#		
11137110 200011, 00 2001							INSURER A: Atain Specialty Insurance					
NOWER							INSURER B:					
INBURED												
Myrtle Beach Golf Carts 3750 Annadale Dr						INSURER C:						
		•••				(NSURER D:						
Myrtle Beach, SC 29577						INSURER E:						
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January 7, 2020

Myrtle Beach Golf Carts, LLC 408 3<sup>rd</sup> Avenue S. Myrtle Beach, SC 29577

RE: 2020 Rental Conveyances Application

Dear Mayor and Council,

This will be Myrtle Beach Golf Carts 7<sup>th</sup> rental season. I am also co-owner in Ace Golf Carts in North Myrtle Beach. We currently have 6 rental locations and in previous years have had up to 12 at one time. We'd also like to add that we ONLY rent golf carts and NOT mopeds. We are asking for the same 185 units we were approved for in the 2017, 2018 and 2019 seasons. Unlike our competitors, we personally own all of our carts and purchased them for the sole intention of renting. We have also explained at previous ordinance committee meetings, workshops and council meetings that at no time in the year are all 185 carts available for use in Myrtle Beach. More than half of our rentals are located at sublocations within North Myrtle Beach while many others are used in Surfside, Garden City, and Murrells Inlet. We simply like to make them all comply with the City of Myrtle Beach requirements so they can easily be moved around in the event any are being serviced, damaged indefinitely or in need of minor repair. It makes our daily operations much easier when we have this ability. For example, we may need to replace a 6 passenger with a dead battery to a customer in Myrtle Beach and the only comparable cart available can come on a truck already on its way back from a North Myrtle Beach location. We leave the same carts at each sub location unless we are sold out, one breaks down and we need to move one from another location. Our locations in Myrtle Beach are as follows:

- 1. Myrtle Beach Golf Carts Main Location 408 3<sup>rd</sup> Avenue S.
- 2. \$7.99 Beachwear 2<sup>nd</sup> Avenue S. (Sub Location)
- 3. USA Beachwear- 13th Avenue S. (Sub Location)

It is imperative to maintain our sublocations approval as well as our own in order for us to succeed as a family owned and operated business as sales were down 29% in 2018. We wanted you to have this explanation so you can better understand how our business works. I appreciate your consideration and please feel free to contact myself at 843-222-2245 or my wife Christian Sichitano at 843-222-2288 should you have any questions.

Respectfully

Mark Sichitano, Owner/Operator