

CITY OF FOLLY BEACH

Chris Bizzell, Mayor



Folly Beach, SC 29439

www.cityoffollybeach.com

(P) 843-588-2447

**William Farley, Council Member
Skip Fink, Council Member
Billy Grooms, Council Member**

**Blair Holladay, Council Member
Katherine Houghton, Mayor Pro Tem
DJ Rich, Council Member**

**City Council Meeting 7:00 PM
Tuesday, September 8, 2026**

**Council Chambers
21 Center Street
Folly Beach, SC 29439**

- 1. CALL TO ORDER/ROLL CALL**
- 2. Executive Session 7:00 PM Pursuant To 30-4-70 Of the Freedom of Information Act Legal Advice Related to Park Lane vs. Folly Beach**
 - a. Executive Session Memo
- 3. INVOCATION & PLEDGE OF ALLEGIANCE**
 - a. Councilmember Fink
- 4. MAYOR'S COMMENTS**
- 5. STAFF REPORTS**
 - a. Tabby Drive Phase 1 Pricing & Pump Update- Eric Lutz
 - b. Special Events Committee Review and Recommendations- Wes Graham
 - c. Parking Contractor Contract First Annual Extension- Lee Gessner
- 6. APPROVAL OF AGENDA**
- 7. APPROVAL OF MINUTES**
 - a. August 11th Meeting Minutes
- 8. PERSONAL APPEARANCES**
 - a. Request for Event Rain Date for September 13th-Warrior Surf

- b. Request for Commercial Activity on the Beach, Surf Fishing-Ryan Kempf
- c. Request for use of Animals in an Event- Clark Carter
- d. Request for an Exception to Allow a Non-Pervious Driveway at 513 East Arctic

9. CITIZENS' COMMENTS

10. COMMISSION, BOARD, COMMITTEE REPORTS

11. OLD BUSINESS

- a. **ORDINANCE 002-26:** An Ordinance Amending the Folly Beach Code of Ordinances Chapter 112 (Single-Use Plastic Bags, Polystyrene Coolers, Containers, and Cups) by Requiring That Plastic Straws and Stirrers Be Offered Only on Demand and to Prohibit the Release of Balloons Within the City. **(SECOND READING)**
- b. **ORDINANCE 026-26:** An Ordinance Amending The Folly Beach Code of Ordinances Chapter 134 (Offenses Against Public Welfare), by Creating Sections 134.60-134.64 Regulating The Operation of Drones Within The City Of Folly Beach. **(SECOND READING)**

12. NEW BUSINESS

- a. **ORDINANCE 028-26:** An Ordinance Amending the Folly Beach Code of Ordinances by Repealing Chapter 117, Short-Term Rentals, and Reenacting Chapter 117, Short-Term Rentals to Remove the Rental Registration Fee. **(FIRST READING)**
- b. **RESOLUTION 43-26:** A Resolution By The Folly Beach City Council Awarding a Three-Year Contract To Elko Coastal Consulting Inc. With a Fixed Amount of \$19,999 for Beach Monitoring Services and Up to \$40,000 for Emergency Pre-Storm Surveys and Pre-Renourishment Surveys Should They Be Needed Within the Three-Year Term.
- c. **RESOLUTION 44-26:** A Resolution By The Folly Beach City Council Authorizing Administration to Use \$113,400 From The Public Works Trash Packer Truck Reserve for the Purchase of One (1) Public Works Rear Loader Garbage Truck with Required Up-Fitting Per The Adopted Fiscal Year 2027 General Fund Budget.
- d. **RESOLUTION 45-26:** A Resolution By The City Council Awarding FY 26-27 Accommodation Tax Funds Based on the Accommodation Tax Advisory Board's Recommendation.
- e. **RESOLUTION 46-26:** A Resolution By The Folly Beach City Council Awarding a Contract for Design, Engineering & Permitting of the Tabby Drive Phase 1 Drainage Improvements In The Amount of One Hundred Fifty-Seven Thousand Dollars (\$157,000).
- f. **RESOLUTION 47-26:** A Resolution Awarding \$3000 to Pet Helpers to Assist with Operational Costs as Recommended by the Community Promotions Committee.
- g. **RESOLUTION 48-26:** A Resolution Authorizing The City's Attorneys to Enter Into Negotiations and or Mediation With Park Lane Partners, Thomas Jermyn, and Jennifer Davis Related to Any Litigation Attacking Any Aspect Of The City's Short-Term Rental Ordinance or Appealing the Rulings of the City's Staff and Hearing Officer Related To The Issuance, Revocation, Denial, Or Other Rulings Of Short-Term Rental Business Licenses.
- h. **RESOLUTION 49-26:** A Resolution Authorizing The City's Attorneys to Defend All

Appeals by License Holders of License Revocations, Denials, Or Rulings Issued By City Staff And The City's Hearing Officer in All Litigation, Including, But Not Limited to, The Hearing Officer Decisions In Park Lane Partners, LLC Vs. City Of Folly Beach, Thomas Jermyn Vs. City of Folly Beach, and Jennifer Davis Vs. City of Folly Beach, and further to Appeal Any Adverse Rulings By The South Carolina Circuit Court Reversing The Order of the City's Hearing Officer and To Oppose Any Motions to Lift The Stay On Appeal of Adverse Rulings By The Circuit Court.

- i. **RESOLUTION 50-26:** A Resolution Authorizing the City's Attorneys to Oppose Any Motions to Lift the Stays on Appeal in Pending Litigation with Park Lane Partners, LLC, and Thomas Jermyn and to Appeal Any Orders Lifting the Stays or Requiring the Issuance of a Business License.

13. COUNCIL COMMENTS

14. ADJOURNMENT

PUBLIC NOTICE

ALL MEDIA WERE NOTIFIED PURSUANT TO STATE LAW

City Council will not vote on matters discussed during Work Sessions or Executive Sessions.

However, matters discussed may be voted on during the evening City Council meeting. In keeping with the Americans with Disabilities Act, persons needing assistance, alternative formats, ASL interpretation, or other accommodation, please contact the Municipal Clerk at 843- 513-1833 during regular business hours at least 24 hours prior to the meeting. Hearing devices are available upon request for those with hearing difficulties.

The City of Folly Beach, in an effort to go green, will no longer have the Ordinances and Resolutions included in the agenda. Citizens interested in having a copy, please see the Municipal Clerk.



CITY OF FOLLY BEACH

Date: September 8th, 2026

Re: Repealing and Reenacting Chapter 117

Mayor and Council,

On August 14, a court ruling held that the city's rental cap was invalid because it was a tax adopted by referendum. The ruling also held that the city's rental registration fee was a tax, not a permit fee. The city appealed the ruling, triggering a stay. However, the plaintiffs also filed a motion asking the judge to lift the stay during the appeal. The city will file a motion opposing the removal of the stay.

The original language of the referendum has been altered through multiple, carefully considered amendments over the last three years. Each of those amendments was affirmatively voted on by Council. Council has agreed to conduct, and is currently soliciting bids for, a study to propose additional amendments to the ordinance. If the stay is lifted before the STR Study is complete, the order invalidating the cap will become enforceable. The amended ordinance underlying the study would no longer be in place.

The success of the request to lift the stay, and the timing of the decision to do so, is unknown. The moratorium enacted on August 26th provides a mechanism to complete the study and adopt an amended version of the STR ordinance. However, the moratorium itself may be challenged. If the moratorium is lifted while the order is enforceable, the city would face substantial regulatory uncertainty in managing short-term rentals. Rather than a continuation of the ongoing review of the ordinance, the results of the study will arrive against a backdrop of confusion.

Readopting the ordinance (while striking the rental registration fee) will remove that uncertainty and preserve the ordinance for continued refinement. No portion of the ordinance will have been adopted through a referendum, and the rental registration fee will not be collected while the city reviews options going forward.

Aaron Pope, AICP, ICMA-CM
City Administrator



City of Folly Beach

Date: August 31st, 2026

Subject: Sole Source-Tabby Drive Drainage Improvements (Phase 1) – Seamon, Whiteside & Associates, Inc.

Mayor and City Council

Description of Need:

City Staff requests City Council approval to authorize a Sole Source Professional Services Contract with Seamon, Whiteside & Associates, Inc. (SW+) in the amount of \$157,000.00 for surveying, geotechnical exploration, final engineering design, and environmental permitting services for the Tabby Drive Drainage Improvements – Phase 1 Project.

Justification for Sole Source Procurement:

Pursuant to the City of Folly Beach Procurement Policies and standard municipal procurement standards, sole source qualification is warranted based on the following determinations:

1. Direct Continuity of Proprietary Engineering Models: SW+ developed the comprehensive 1D/2D PCSWMM hydraulic and hydrologic models for Tabby Drive under the 2023 study. Division 4 explicitly incorporates and updates this existing model domain. Engaging another engineering firm would require redundant modeling, recalibration, and field verification, resulting in substantial duplicated costs and delays of 4 to 6 months.
2. Specialized Technical Knowledge of Island Drainage & Critical Marsh Outfalls: Designing a pump station and force main that discharges into tidally influenced critical areas requires specialized familiarity with Folly Beach's tailwater conditions and sea-level rise dynamics. SW+ has already mapped the specific tidal pathways and hydraulic bottleneck elevations along Tabby Drive.
3. Regulatory & Inter-Agency Coordination: The project requires coordinated approvals across SCDES (Coastal Management and Bureau of Water), USACE, Charleston County, and SCDOT. SW+ has direct experience permitting stormwater outfalls and roadway encroachment in this immediate drainage basin.

Following design and permitting, SW+ will provide a separate addendum for construction administration and closeout.

Eric Lutz
Director of Public Works



CITY OF FOLLY BEACH

Date: September 8th, 2026

Re: Special Events Committee

Mayor and Council,

The Special Events Committee met on August 31st to review one event application. Below is a summary of each event and the Committee's recommendations:

Living Nativity Event December 13th & 14th

The Baptist Church will be showcasing a Living Nativity Event in the Church parking lot on December 13th & 14th from 5:00 PM – 9:00 PM. Spectators can come view the nativity scene with live animals and actors, traditional carols will be sung. The Special Events Committee voted unanimously to forward the application to the City Council for approval.

§ 95.02 KEEPING CERTAIN ANIMALS PROHIBITED; EXCEPTIONS.

(A) It shall be unlawful for any person to keep or use within the city limits any horse, mule, cow, genet, swine, domestic fowl, goat or cattle of any description, except as provided for in division (B) below.

(95 Code, § 6-3-2)

(B) It is the purpose of this section that none of the animals described in division (A) above shall be henceforth kept or maintained within the city.

Applicants' Requests:

- The use of farm animals during an event.

Special Events Committee



City of Folly Beach
21 Center Street, P.O. Box 48
Folly Beach, South Carolina 29439

To: PCI Municipal Services, LLC

Date: August 11, 2026

Subject: Contract Extension and Revision to Automatic Renewal Language

The City of Folly Beach (City) is requesting approval to extend the current contract between the City and PCI Municipal Services, LLC (PCI) for an additional one (1) year term. The existing contract is set to expire on August 31st, 2026, and wishes to continue the relationship under the existing terms and conditions, subject to the language revision described below.

In addition to extending the term, we propose updating the contract language to include an automatic one-year renewal provision. Under this revision, the contract will automatically renew for successive one-year terms unless either party provides written notice of non-renewal at least ten (10) days prior to the end of the then-current term. This change will reduce administrative burden and ensure continuity of services while preserving each party's ability to terminate at the end of any term.

Revised Contract Language for Paragraph A. General Terms, Section 1:

1. The term of this Agreement shall commence on the Effective Date and shall remain in effect for an initial term of one (1) year (the "Initial Term"). Upon expiration of the Initial Term, this Agreement shall automatically renew for successive one (1) year terms unless either party provides written notice of its intention not to renew at least ten (10) calendar days prior to the expiration of the then-current term. If either party provides such notice, this Agreement shall terminate at the end of the then-current term.

Please indicate approval of the contract extension and the proposed revision to the renewal provision by signing below.

City Approval:

Name: Chris Bizzell
Title: Mayor
Signature: [Signature]
Date: 9-2-26

PCI Approval:

Authorized Representative: BRIAN KERN
Title: PRESIDENT
Signature: [Signature]
Date: 8-31-26

City Council Meeting Minutes Tuesday, August 11, 2026

1. CALL TO ORDER/ROLL CALL

Councilmember Houghton was not in attendance.

2. INVOCATION & PLEDGE OF ALLEGIANCE

Councilmember Grooms led the invocation.

3. MAYOR'S COMMENTS

Mayor Bizzell welcomed Councilmember Fink back from an unplanned medical absence. He provided an update on the construction schedule for the Center Street project. He added that paving will start in the coming weeks and encouraged everyone to pay attention to social media for updates.

4. STAFF REPORTS

- a. Eric Lutz, Director of Public Works. Mr. Lutz presented a proposal regarding parking on 2nd Street West. He explained that, as part of the City's upcoming review of the paid parking program, staff is considering options to provide additional parking to support Center Street and nearby businesses. Mr. Lutz proposed converting the east side of 2nd Street West, between East Ashley Avenue and East Indian Avenue, from a no-parking area to approximately 15 free parking spaces. The block between Hudson Avenue and Huron Avenue would remain designated as no parking due to an existing exemption granted by City Council. Mr. Lutz noted that the proposed spaces would be located one block from Center Street and would provide additional parking access for the commercial district, nearby businesses, and multifamily residences. The area is outside the City's paid parking plan, and SCDOT has indicated its support for the proposed conversion.
- b. Aaron Pope, City Administrator. Mr. Pope presented an update regarding proposed regulations addressing drone safety concerns on the beach. Mr. Pope explained that Council previously considered Ordinance 23-26, which was postponed, allowing for feedback from the South Carolina Department of Natural Resources (SCDNR). SCDNR advised that regulations specifically targeting drones used for fishing could conflict with state law, as the State maintains authority over fishing activities. Mr. Pope outlined staff's proposed approach, which includes withdrawing Ordinance 23-26 and considering a local ordinance that mirrors new state and federal drone requirements. The proposed regulations would allow beach patrol, public safety, and code enforcement to verify drone operators' registration and certification and issue local citations for noncompliance. Mr. Pope also discussed stricter enforcement of existing restrictions on commercial activity on public property, including the beach. He noted that signage identifying approved commercial operators is being produced to assist with enforcement. Staff also recommended that Council could consider, at a later date, geographic restrictions on drone takeoff and landing; however, no such ordinance is currently being proposed.

5. APPROVAL OF AGENDA

Councilmember Grooms moved to approve the agenda. Councilmember Fink seconded. Councilmember Fink, Yes; Councilmember Holladay, Yes; Councilmember Farley, Yes; Councilmember Rich, Yes; Councilmember Grooms, Yes; Mayor Bizzell, Yes.

All in Favor. Motion Approved.

6. APPROVAL OF MINUTES

Councilmember Grooms moved to approve the July 14th, 2026 Meeting Minutes. Councilmember Fink seconded.

Councilmember Fink, Yes; Councilmember Holladay, Yes; Councilmember Farley, Yes; Councilmember Rich, Yes; Councilmember Grooms, Yes; Mayor Bizzell, Yes.

All in Favor. Motion Approved.

7. PERSONAL APPEARANCES

- a. Ryan Kempf Request for Commercial Activity on the Beach
Mr. Kemp was not present.
- b. Laura Gildea, owner of 1120 E. Ashley. Ms. Gildea requested an exception to the width of their driveway. She explained that they currently have two 15' driveways, one on East Cooper and the other on 12th Street. Ms. Gildea requested combining both driveways into one 30' driveway on East 12th Street. She cited safety concerns and the need to mitigate flooding.

Councilmember Rich moved for approval. Councilmember Fink seconded.

Councilmember Fink, Yes; Councilmember Holladay, Yes; Councilmember Farley, Yes; Councilmember Rich, Yes; Councilmember Grooms, Yes; Mayor Bizzell, Yes.

All in Favor. Motion Approved.

- c. Steve Ray with Biscuit Filmworks. Mr. Ray requested approval for filming at the Lighthouse Inlet Preserve on August 22, 2026, for Brand USA.
Councilmember Rich moved for approval. Councilmember Holladay seconded.
Councilmember Grooms requested that a turtle team representative be present.
Mr. Ray stated that he has worked with them in the past and is willing to work with them again.

Councilmember Rich asked whether this would go to the Special Events Committee.

Mr. Pope stated that this will be reviewed since the scope of the request is larger now.

Councilmember Rich moved to approve this as a High Impact Filming. He said that this way there is clear governance of the filming and fee collection instead of the in-between situation they are currently in. Councilmember Fink seconded.

Councilmember Fink, Yes; Councilmember Holladay, Yes; Councilmember Farley, Yes; Councilmember Rich, Yes; Councilmember Grooms, Yes; Mayor Bizzell, Yes.

All in Favor. Motion Approved.

- d. Vanessa Oltmann with Toby's Beach Sweep
Ms. Oltmann requested parking passes for their larger upcoming beach sweep events in April, June, Labor Day, and October.
Councilmember Rich moved to approve September 7th and October 25 parking passes.
Councilmember Grooms seconded.
Councilmember Fink, Yes; Councilmember Holladay, Yes; Councilmember Farley, Yes; Councilmember Rich, Yes; Councilmember Grooms, Yes; Mayor Bizzell, Yes.

All in Favor. Motion Approved.

8. CITIZENS' COMMENTS

- a. Rich Quinn, with Warrior Surf Foundation and Respect the Break. Mr. Quinn thanked the mayor and council for their quick response to the community concerns about the lifeguard shortage.
- b. Kelly Thorbson, South Carolina Aquarium. Ms. Thorbson stated her support for Ordinance 002-26. She did ask council to consider a request system for straws in restaurants.
- c. JD McAllister, 1715 East Ashley. Mr. McAllister asked council to consider not charging for parking on East Arctic for one block and West Arctic for one block. He suggested

making it two-hour free parking. This would benefit local businesses and individuals who like to walk the pier. Mr. McAllister stated that he emailed council proposed language to amend the resolution to include his suggestions.

- d. Sam Schwarz with the Community Conservation League. Mr. Schwarz asked the council to consider a request system for straws in restaurants or even banning them outright.
- e. Wendy Ezelle, 313 West Hudson Ave. Ms. Ezelle stated that they have a plan regarding the large, heavy loungers that would include having them removed from the beach. She explained that a third vehicle for setup could help.
- f. John 321 West Ashley. John stated that he supports the restrictions on plastic straws. He stated that he supports and urges council to consider regulations on drone usage on the beach. Lastly, he stated that he supports Resolution 40-26 and explained that it is admirable that the City is considering about \$60,000 to offset the frustration and loss of revenue in the promotion of the street festival.
- g. Dr Hawk. Dr Hawk stated that council should revisit the idea of vendors selling during the Wahine Classic. He stated that the event relies on sponsorship and sales.

9. COMMISSION, BOARD, COMMITTEE REPORTS

10. OLD BUSINESS

- a. **ORDINANCE 023-26:** An Ordinance Amending The Folly Beach Code of Ordinances Section 151.04 (Congested Areas; Endangering Crowds; Swimming Zone) By Prohibiting The Use Of Drones And Other Mechanical Devices To Deliver Bait And Fishing Lines, Or To Conduct Any Other Form Of Assisted Fishing.
Councilmember Fink moved for approval. No second.

Motion Failed.

- b. **ORDINANCE 024-26:** An Ordinance Authorizing Leasing City Property at the Third Street West Public Access and Parking Lot to Sun & Ski.
Councilmember Rich moved for approval. Councilmember Holladay seconded.
Councilmember Fink, Yes; Councilmember Holladay, Yes; Councilmember Farley, No; Councilmember Rich, Yes; Councilmember Grooms, Yes; Mayor Bizzell, Yes.

Motion Approved 5-1.

- c. **ORDINANCE 025-26:** An Ordinance Amending The Folly Beach Code of Ordinances Chapter 117 (Short Term Rentals) to Establish Failure to Inspect a Septic System as a Violation of The Rental Ordinance.
Councilmember Rich moved for approval. Councilmember Holladay seconded.
Councilmember Fink, Yes; Councilmember Holladay, Yes; Councilmember Farley, Yes; Councilmember Rich, Yes; Councilmember Grooms, Yes; Mayor Bizzell, Yes.

All in Favor. Motion Approved.

- d. **RESOLUTION 27-26:** A Resolution Awarding a Sole Source Contract to Surfline Coastal Intelligence in the Amount of \$76,500, to Be Paid from the Beach Preservation Fund, for Automated Monitoring and Documentation of Erosion and Shoreline Change and Beach Visitation Estimation for an Initial Period of Twelve Months.
Councilmember Farley moved for approval. Councilmember Grooms seconded.
Councilmember Fink, Yes; Councilmember Holladay, Yes; Councilmember Farley, Yes; Councilmember Rich, No; Councilmember Grooms, Yes; Mayor Bizzell, Yes.

Motion Approved 5-1.

11. NEW BUSINESS

- a. Proclamation Recognizing Overdose Awareness Month 2026
Councilmember Rich stated that there will be more training for the community in the near future.
- b. **ORDINANCE 002-26:** An Ordinance Amending the Folly Beach Code of Ordinances Chapter 112 (Single-Use Plastic Bags, Polystyrene Coolers, Containers, and Cups) by Requiring That Plastic Straws and Stirrers Be Offered Only on Demand and to Prohibit the Release of Balloons Within the City.
Councilmember Grooms moved for approval. Councilmember Rich seconded.
Councilmember Holladay stated that he recommends that the City take a very proactive approach with the businesses to request the elimination of plastic stirrers and go with wooden straws or find a compromise.
Councilmember Rich said that this is a compromise and that the mayor approached the business group and discussed this proposed ordinance.
Councilmember Fink, Yes; Councilmember Holladay, Yes; Councilmember Farley, Yes; Councilmember Rich, Yes; Councilmember Grooms, Yes; Mayor Bizzell, Yes.
All in Favor. Motion Approved.
- c. **ORDINANCE 026-26:** An Ordinance Amending The Folly Beach Code of Ordinances Chapter 134 (Offenses Against Public Welfare), by Creating Sections 134.60-134.64 Regulating The Operation of Drones Within The City Of Folly Beach.
Councilmember Holladay moved for approval. Councilmember Grooms seconded.
Councilmember Farley moved to add governmental agencies to Section E.
Councilmember Grooms seconded.
Councilmember Fink, Yes; Councilmember Holladay, Yes; Councilmember Farley, Yes; Councilmember Rich, Yes; Councilmember Grooms, Yes; Mayor Bizzell, Yes.
All in Favor. Amendment Approved.
Amended Ordinance.
Councilmember Fink, Yes; Councilmember Holladay, Yes; Councilmember Farley, Yes; Councilmember Rich, Yes; Councilmember Grooms, Yes; Mayor Bizzell, Yes.
All in Favor. Motion Approved.
- d. **RESOLUTION 36-26:** A Resolution Awarding \$3,000 to the Folly Beach Historical Society to Support Ongoing Exhibits, Preservation Efforts, and Basic Operating Supplies as Recommended By The Community Promotions Committee.
Councilmember Fink moved for approval. Councilmember Holladay seconded.
Councilmember Fink, Yes; Councilmember Holladay, Yes; Councilmember Farley, Yes; Councilmember Rich, Yes; Councilmember Grooms, Yes; Mayor Bizzell, Yes.
All in Favor. Motion Approved.
- e. **RESOLUTION 37-26:** A Resolution Awarding \$250 To The Half Rubber Tournament To Assist With the Cost of Required EMT Personnel as Recommended By The Community Promotions Committee.
Councilmember Grooms moved for approval. Councilmember Farley seconded.
Councilmember Fink, Yes; Councilmember Holladay, Yes; Councilmember Farley, Yes; Councilmember Rich, Yes; Councilmember Grooms, Yes; Mayor Bizzell, Yes.
All in Favor. Motion Approved.

- f. **RESOLUTION 38-26:** A Resolution Approving Policy Guidance Governing The Implementation of Language Contained in The Current Ordinance and Franchise Agreements For Beach Chairs and Umbrella Rentals.
Councilmember Rich moved for approval. Mayor Bizzell seconded.
Councilmember Rich asked if there was an already established buffer between the operators via beach access.
Mr. Pope stated that there is; however, there are a few areas where it is not clear.
Councilmember Farley moved to add the allowance of a third ATV to help with the removal of chairs for the remainder of the year to test its use. Mayor Bizzell seconded.
Councilmember Rich asked how the City will ensure that the third ATV is only being used to move chairs and for no other operations.
Amendment.
Councilmember Fink, Yes; Councilmember Holladay, Yes; Councilmember Farley, Yes; Councilmember Rich, Yes; Councilmember Grooms, Yes; Mayor Bizzell, Yes.
All in Favor. Motion Approved.
As Amended Resolution.
Councilmember Fink, Yes; Councilmember Holladay, Yes; Councilmember Farley, Yes; Councilmember Rich, Yes; Councilmember Grooms, Yes; Mayor Bizzell, Yes.
All in Favor. Motion Approved.
- g. **RESOLUTION 39-26:** A Resolution Allowing Free Parking In Areas Previously Marked as No Parking Along Portions of 2nd Street West.
Councilmember Holladay moved for approval. Councilmember Rich seconded.
Councilmember Fink, Yes; Councilmember Holladay, Yes; Councilmember Farley, Yes; Councilmember Rich, Yes; Councilmember Grooms, Yes; Mayor Bizzell, Yes.
All in Favor. Motion Approved.
- h. **RESOLUTION 41-26:** A Resolution Authorizing The Administration To Advertise RFP 003-26.
Councilmember Holladay moved for approval. Councilmember Fink seconded.
Councilmember Fink, Yes; Councilmember Holladay, Yes; Councilmember Farley, Yes; Councilmember Rich, Yes; Councilmember Grooms, Yes; Mayor Bizzell, Yes.
All in Favor. Motion Approved.
- i. **RESOLUTION 40-26:** A Resolution Approving \$60,000 in Support of Local Businesses to be Used by the Folly Association of Business to Offset Certain Costs for the Mermaids and Mateys Festival.
Councilmember Grooms moved for approval. Councilmember Holladay seconded.
Mr. Pope stated that Councilmember Rich has recused himself from the vote.
Councilmember Fink, Yes; Councilmember Holladay, Yes; Councilmember Farley, Yes; Councilmember Rich, -; Councilmember Grooms, Yes; Mayor Bizzell, Yes.
All in Favor. Motion Approved.

12. COUNCIL COMMENTS

- a. Councilmember Grooms stated that a benefit to the Center Street project is that additional parking has been added to the side streets.
- b. Councilmember Fink stated that he is glad to be back and thanked staff for keeping him up to date on City business. He added that school is back in session and reminded everyone to be aware of school buses and children. Councilmember Fink thanked staff for the work put into the STR RFP.

- c. Councilmember Farley stated that it is easy to get distracted by the negativity and forget the outstanding things that are happening in Folly and how blessed we are all to live in this community.
- d. Councilmember Holladay congratulated everyone for making it through the Center Street Project.
- e. Councilmember Rich thanked everyone for participating in the meeting. He urged everyone to sign up for the upcoming Narcan training.

13. ADJOURNMENT

Summary of Proposed Guided Fishing Operations at Folly Beach

My name is Ryan Kempf. I have lived in South Carolina my entire life and I have grown up saltwater fishing all around Charleston. I have found my passion with saltwater land based fishing and I am looking to share this with others. I am seeking permission to conduct guided fishing trips on Folly Beach with a strong emphasis on safety, responsible fishing practices, wildlife conservation, and minimizing the impact of these activities on other beach users. South Carolina has an incredible fishery. We have the possibility to encounter a variety of species including Drum, Trout, Flounder, Whiting, Rays, and yes the main attraction Sharks. I have fished my entire life and I have seven years of experience handling large sharks. I am very passionate about wildlife and the outdoors and that is something I heavily focused on in School. I have a certificate of completion for the Environmental and Natural Resource Program at the Lexington Technology Center as well as the 2022-2023 Excellence in Marine Science Award. I am currently attending classes at Midlands Technical College for a degree in Business and Entrepreneurship. For some of my trips that may utilize drone usage I have my FAA TRUST UAS Safety Certificate, I have registration cards for all of my drones, and I am currently in the process of getting my Full Part 107 Commercial UAS Pilot Licence. I tag and release sharks through the NOAA Cooperative Tagging Program and follow all the guidelines for responsible handling. I plan to offer people the opportunity to come out and experience the same love for the outdoors that I have found and I intend to promote responsible fishing practices and conservation through my guided trips.

Beach Operations and Minimizing Impact

My guided trips will be conducted only during early morning, late evening and nighttime hours. I will never operate in peak daylight hours or in areas being actively used by swimmers or surfers, and I will only set up when the beach is clear and conditions allow for safe operation. From my experience fishing I have found the best part of the island to minimize impact on beach activity is North of the Washout. I usually set up near the Summerplace Access and this area is where I would intend to run guided trips from.

I believe my guided trips would classify as a low impact activity and therefore not require a county franchise agreement. I will keep my group sizes under 5 people to comply with a low impact business. My setup is intentionally small and unobtrusive. I will not use canopy tents, structures, large or sprawling equipment setups, or extensive spreads of fishing rods and gear. My normal setup consists of approximately three fishing rods. The goal is to keep my footprint on the beach minimal while allowing me to conduct the trips safely and professionally.

Client safety and the safety of other beachgoers will always take priority over conducting a trip.

Turtle Safe Nighttime Practices

During nighttime trips conducted during turtle nesting season, I use authorized turtle safe red and amber lighting. I have invested a significant amount of money to ensure that my lighting equipment is appropriate for use during turtle season and minimizes potential impacts on nesting sea turtles and hatchlings.

I understand the importance of protecting Folly Beach's sea turtle population and will follow all applicable requirements and recommendations regarding lighting and beach activities during turtle season.

Drone Operations and FAA Compliance

Some of the guided trips I plan to offer may involve the use of drones for appropriate operational purposes. I currently hold the FAA TRUST UAS safety certificate and maintain valid registration cards for all of my drones.

I am also currently in the process of obtaining my full FAA Part 107 UAS Remote Pilot Licence. I expect to have completed that process before the City Council meeting on Tuesday and I will provide proof of completion if requested.

I intend to operate all drones responsibly and in accordance with applicable FAA requirements and any additional local restrictions or requirements.

Shark Handling, Conservation, and Release

All sharks captured during my trips will be handled in accordance with all applicable local and federal regulations. Even when dealing with species that are not regulated, I always follow the recommended best practices for safe handling and release.

Whenever possible, sharks will be kept in the wash and handled in a manner that minimizes stress and injury. A safe release will always be prioritized over photographs, videos, or any other aspect of the experience.

I am also a participant in the NOAA Cooperative Shark Tagging Program. As part of that program, I tag sharks that I capture and follow the program's handling and tagging guidelines to promote the strongest possible release of the animal.

For safety reasons, clients will not be permitted to handle sharks. I will be the only person responsible for releasing sharks and for performing any necessary unhooking or tagging procedures.

Clients may be permitted to take photographs with a shark only when I determine that conditions are safe and appropriate. If a photograph is permitted, I will remain positioned on the side of the shark's head throughout the process and maintain control of the situation.

Client Restrictions and Water Safety

Clients will not be permitted to enter the water at any point when we are hooked up to a fish. Kayaks and Drones may potentially be used to deploy baits. However, clients will not be permitted to operate a Drone or kayak under any circumstances.

Clients will never be permitted to use any of the shark unhooking, handling, or tagging equipment.

These restrictions are intended to protect the clients, the public, and the animals involved.

Safety Procedures

I take safety extremely seriously. A first aid kit will be kept on hand during every trip in the event of an injury or other emergency.

Although I have never personally been injured by one of the sharks I have handled, I understand that sharks, rays, and other marine wildlife are wild animals capable of causing injury if they are handled improperly. They are not seeking to harm people, but I am well aware that does not eliminate the need for appropriate caution and respect.

Before every trip begins, I will go over my standard safety information and explain the rules and expectations to all participants. I will also require a signature on a waiver acknowledging safety expectations. Every client will be expected to follow those instructions.

I will maintain a zero tolerance policy for behavior that places a client, another person, the fish, or wildlife at unnecessary risk. If a client disobeys safety instructions, refuses to follow directions, or engages in behavior that creates an unsafe situation, I will immediately end the trip.

Commitment to Responsible Operations

My goal is to provide a controlled and educational guided fishing experience while being a responsible user of Folly Beach. I am very aware of some recent issues the council has addressed that have occurred as a result of irresponsible fishermen. People are going to fish off the beach regardless of if guided trips are permitted. I have fished off the Charleston beaches my entire life and I certainly will not stop just because I am not able to do it for business purposes. My trips would serve as an opportunity to educate people who are interested in fishing in proper technique and procedures before they go out on their own. Allowing newer anglers to learn from an experienced guide will help reduce the amount of conflicts the town is having with fishermen. I intend to keep my physical footprint on the beach small, avoid areas occupied by swimmers and surfers, operate during early morning, late evening, and nighttime hours, follow wildlife and turtle protection requirements, comply with applicable fishing regulations, and maintain strict safety standards and teach other people to do this as well.

The welfare of clients, the public, marine wildlife, and the beach environment will take precedence over completing a trip or providing a particular experience. I believe these precautions will allow guided fishing trips to be conducted in a safe, responsible, and minimally disruptive manner.

Event on private property attended by owner

Print

Del

Submitted by: Clark Carter

Submitted On: 2026-08-19 13:31:50

Status: Open

* First Name Clark	* Last Name Carter	* Address of Event 77 Center Street
* Phone 8434786779	* Email dclarkcarter@gmail.com	
* Owner's Fist Name Folly Beach Baptist	* Owner's Last Name Church	* Owner's Phone Number 8435889414
* Date of Event 12/13/2026 Format: MM/DD/YYYY	* Location of Event Folly Beach Baptist Church parking lot	
* Start Time (including setup) 5	* Ending Time (including breakdown) 9	
Estimated Number of Attendees 100		
* Brief description of event and purpose This will be a Living Nativity Event. We will have music, narration, and of course live animals. THIS EVENT WILL BE ON DEC. 13 AND 14. The Methodist Church and Catholic Church will be participating with us.		
* Please list any vendors involved in your event. Crosswind Farm		

By clicking this box, I agree and confirm that all information provided is true and accurate, and I further agree that I have read and understood and will follow all rules, regulations, ordinances, and policies of the City of Folly Beach.

☒ Yes



CITY OF FOLLY BEACH

Date: September 8th, 2026

Re: 513 E Arctic Ave

In August of 2025, Martinelli Building pulled a permit with the city for work at 513 E Arctic Ave. When the project was completed, the city discovered an existing concrete driveway had been removed and replaced with a new concrete driveway (which is prohibited by our ordinances). When the Building Department ordered the driveway removed, a dispute arose as to whether the replacement of the driveway was part of the permit approval. The driveway was not listed on the permit card or application; however, it was listed in the scope of work attached as backup documentation. The dispute later resulted in complaints to the city regarding communication and enforcement of ordinances.

The customer service and enforcement concerns are under review. However, the dispute over the building permit cannot be resolved by staff. The city is not allowed to permit something that violates city ordinances. Even if the city concedes that the permit was issued in error, the applicant would be prevented from completing the work. The city cannot recognize permits issued in error. The codes applied in Folly Beach include the 2021 SC Residential Code as amended from the International Residential Code. Section R105.4 of the SC Residential Code states in part that “ *Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.* The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of the jurisdiction. “

In this case, Council does have the ability to exempt the work in question. Chapter 166.06-11(D) of the Folly Beach Code of Ordinances requires “ All driveways and parking areas in residential zones shall be constructed of pervious materials with no compactible subbase. Parking areas underneath the footprints of existing and proposed structures are exempt.” It then states “City

Council or its designee may grant exemptions to this requirement when no option for pervious material exists.” Mr. Martinelli has requested to appear before Council and ask for a non-pervious driveway under this exemption. His request is driven by both the permit dispute and also the location of the home’s septic tank under the driveway.

Eric Lutz
Director of Public Works
Director of Facilities



CITY OF FOLLY BEACH

1st Reading: August 11th, 2026
2nd Reading: September 8th, 2026

Introduced by: Mayor Bizzell
Date: August 11th, 2026

ORDINANCE 002-26

AN ORDINANCE AMENDING THE FOLLY BEACH CODE OF ORDINANCES CHAPTER 112 (SINGLE-USE PLASTIC BAGS, POLYSTYRENE COOLERS, CONTAINERS AND CUPS) BY REQUIRING THAT PLASTIC STRAWS AND STIRRERS BE OFFERED ONLY ON DEMAND AND TO PROHIBIT THE RELEASE OF BALLOONS WITHIN THE CITY.

The City Council of Folly Beach, South Carolina, duly assembled, hereby ordains that the Folly Beach Code of Ordinance be amended as follows:

NOTE: Deleted material struck through, new material shown in red,

CHAPTER 112: SINGLE-USE PLASTIC ~~BAGS~~ **ITEMS**, POLYSTYRENE COOLERS, CONTAINERS AND CUPS

§ 112.01 PURPOSE.

This chapter is adopted to improve the environment of the city by encouraging the use of reusable checkout bags and recyclable paper carryout bags and ~~banning~~ **regulating** the use of single-use plastic **items including** bags for retail checkout of purchased goods, **balloons, cutlery, straws, and stirrers**. Business establishments are encouraged to make reusable bags available for sale and recyclable paper carryout bags available for distribution.

(Ord. 29-16, passed 9-13-16)

§ 112.02 DEFINITIONS.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

BUSINESS ESTABLISHMENT. Any commercial enterprise that provides carryout bags to its customers through its employees or independent contractors associated with the business. The term includes sole proprietorships, joint ventures, partnerships, corporations, or any other legal entity whether for profit or not for profit.

SINGLE-USE PLASTIC CARRYOUT BAG. A bag provided by a business establishment to a customer typically at the point of sale for the purpose of transporting purchases, which is made predominantly of plastic derived from either petroleum or a biologically-based source. “Single-use plastic carryout bag” includes compostable and biodegradable bags but does not include reusable carryout bags.

REUSABLE CARRYOUT BAG. A carryout bag that is specifically designed and manufactured for multiple reuse, and meets the following criteria:

(1) Displays in a highly visible manner on the bag exterior, language describing the bag’s ability to be reused and recycled;

(2) Has a handle which is stitched and not heat-fused; except that handles are not required for carryout bags constructed out of recyclable paper with a height of less than 14 inches and width of less than eight inches;

(3) Is constructed out of any of the following materials:

(a) Cloth, other machine washable fabric, or other durable materials whether woven or non-woven; or

(b) Plastic film with a minimum thickness of four mils and capable of being cleaned and disinfected; and

(4) Has a minimum lifetime of 125 uses, which for purposes of this section means the capability of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet.

CUSTOMER. A person who purchases merchandise from a business establishment.

EXPANDED POLYSTYRENE COOLER, SINGLE USE CONTAINER, OR CUP ALSO KNOWN AS STYROFOAM™. Any cooler/ice chest, single-use container, or cup made of polystyrene foam, where such foam is not fully encased in a durable material.

(Ord. 29-16, passed 9-13-16; Am. Ord. 015-24, passed 6-11-24)

§ 112.03 REGULATIONS.

(A) No person may provide single-use plastic carryout bags at any city facility, city-sponsored event, or any event held on city property.

(B) No business establishment within the city limits may provide single use plastic carryout bags, to its customers.

(C) Business establishments within the city limits are strongly encouraged to provide prominently displayed signage advising customers of the benefit of reducing, reusing and recycling and promoting the use of reusable carryout bags and recyclable paper carryout bags by customers.

(D) All business establishments shall provide or make available to a customer reusable carryout bags or recyclable paper bags.

(E) No business establishment in the city may sell, rent or otherwise provide an expanded polystyrene foam (also known as Styrofoam™) cooler single-use container, or cup; or purchase, obtain, keep, distribute sell, or give for home or personal use, or otherwise provide to customers any expanded polystyrene foam coolers, single-use containers, or cups in the city.

(F) No person or business within the city limits may intentionally release, organize the release of, or intentionally cause to be released balloons inflated with a gas that is lighter than air with the following exceptions:

- (1) balloons released by a person on behalf of a governmental agency or pursuant to a governmental contract for scientific or meteorological purposes; or
- (2) hot air balloons recovered after launching; or
- (3) balloons released indoors.

(Ord. 29-16, passed 9-13-16)

§ 112.04 EXEMPTIONS.

This chapter shall not apply to:

(A) Laundry dry cleaning bags, door-hanger bags, newspaper bags, or packages of multiple bags intended for use as garbage, pet waste, or yard waste;

(B) Bags provided by pharmacists or veterinarians to contain prescription drugs or other medical necessities;

(C) Bags used by a customer inside a business establishment to:

- (1) Contain bulk items, such as produce, nuts, grains, candy, or small hardware items;
- (2) Contain or wrap frozen foods, meat, or fish, whether or not prepackaged;
- (3) Contain or wrap flowers, potted plants or other items to prevent moisture damage to other purchases; or
- (4) Contain unwrapped prepared foods or bakery goods; and

(D) Bags of any type that the customer brings to the store for their own use for carrying away from the store goods that are not placed in a bag provided by the store.

(E) Plastic cutlery, **straws, and stirrers** provided for dine-in, take-out, or delivery orders provided that the cutlery is dispensed upon the request or affirmative response of a customer or person begin provided food or beverage, or in a self-service dispenser.

(Ord. 29-16, passed 9-13-16; Am. Ord. 015-24, passed 6-11-24)

§ 112.05 EFFECTIVE DATE AND WAIVERS.

All of the requirements set forth in this chapter shall take effect January 1, 2017. In the event that compliance with the effective date of this chapter is not feasible for a business establishment because of either unavailability of alternative checkout bags or economic hardship, City Council may grant a waiver of not more than 12 months upon application of the business owner or owner's representative.

(Ord. 29-16, passed 9-13-16)

§ 112.99 PENALTIES.

(A) The Business License Official is responsible for the provisions of this chapter.

(B) Any business establishment that violates or fails to comply with any of the provisions of this chapter after a written warning notice has been issued for that violation shall be deemed guilty of a misdemeanor. The penalty shall not exceed \$100 for a first violation; \$200 for a second violation within any 12-month period; and \$500 for each additional violation within any 12-month period. Each day that a violation continues will constitute a separate offense.

(C) In addition to the penalties set forth in this section, repeated violations of this chapter by a person who owns, manages, operates, is a business agent of, or otherwise controls a business establishment may result in the suspension or revocation of the business license issued to the premises on which the violations occurred. No city business license shall be issued or renewed until all fines outstanding against the applicant for violations of this chapter are paid in full.

(D) Violation of this chapter is hereby declared to be a public nuisance, which may be abated by the city by restraining order, preliminary and permanent injunction, or other means provided for by law, and the city may take action to recover the costs of the nuisance abatement.

(Ord. 29-16, passed 9-13-16; Am. Ord. 015-24, passed 6-11-24)

RATIFIED this _____ day of _____ 2026, at Folly Beach, South Carolina, in City Council duly assigned.

ATTEST:

Municipal Clerk

Chris Bizzell , Mayor



CITY OF FOLLY BEACH

1st Reading: August 11th, 2026
2nd Reading: September 8th, 2026

Introduced by: Mayor Bizzell
Date: August 11th, 2026

ORDINANCE 026-26 AN ORDINANCE AMENDING THE FOLLY BEACH CODE OF ORDINANCES CHAPTER 134 (OFFENSES AGAINST PUBLIC WELFARE) BY CREATING SECTIONS 134.60-134.64 REGULATING THE OPERATION OF DRONES WITHIN THE CITY OF FOLLY BEACH.

The City Council of Folly Beach, South Carolina, duly assembled, hereby ordains that the Folly Beach Code of Ordinance be amended as follows:

NOTE: Deleted material struck through, new material shown in red,

134.60 Drone Regulation and Public Safety

(A) *Authority.* The provisions are adopted pursuant to the police powers of municipalities generated by state legislation, including the State Home Rule Act, construed in accordance with provisions of the South Carolina State Constitution and the South Carolina Code of Laws, specifically Chapter 1, Title 55 known as the Drone Regulation and Public Safety Act.

(B) *Purpose.* The provisions of this subchapter are adopted for the promotion of the public health, safety, welfare, and general convenience by:

(1) Ensuring that Unmanned Aircraft Systems, Unmanned Aerial Vehicles, or “drones” operating within the city are properly registered as required by Federal Aviation Administration regulations; and

(2) Ensuring that operators of Unmanned Aircraft Systems, Unmanned Aerial Vehicles, or “drones” operating within the city possess the proper certifications as required by Federal Aviation Administration regulations; and

(3) Ensuring that Unmanned Aircraft Systems, Unmanned Aerial Vehicles, or “drones” operating over the city’s shoreline and waterways are being operated responsibly without causing undue environmental harm, creating hazardous conditions, or endangering the public;

134.61 Definitions

(A) For the purpose of this subchapter, the following definitions shall apply unless the context

clearly indicates or requires a different meaning.

(1) "Unmanned aircraft system (UAS)" or "drone" refers to any aircraft, as defined by Federal Aviation Administration (FAA) regulations, or any unmanned aerial vehicle (UAV), operated remotely without a pilot onboard.

(2) "Commercial drone operator" means any person operating, landing, or taking off a drone for business purposes in compliance with FAA regulations including, but not limited to, 14 CFR Part 107, or any successor statute or regulation.

(3) "Recreational drone operator" means any person operating, landing, or taking off a drone for personal use in accordance with FAA regulations and recreational guidelines including, but not limited to, 49 USC Section 44809 or any successor statute or regulation.

(4) "Operate" or "operating a drone" means to manipulate or control a drone in flight, including managing its flight path, altitude, or automated flight functions, whether directly or through an automated or preprogrammed system.

(5) "Take off and landing site" means the location from which a drone is launched into flight or to which it is intentionally returned and recovered, including any temporary or mobile launch point used during an operation.

(6) "Take off" means to initiate or cause the ascent of an unmanned aircraft or drone from ground or surface contact into flight, whether directly or through an automated or preprogrammed system.

(7) "Land" means to intentionally cause or direct an unmanned aircraft or drone to descend from flight to ground or surface contact, whether directly or through an automated or preprogrammed system.

(8) "Weaponize" means to equip, modify, or configure an unmanned aircraft system with any explosive, destructive device, firearm, hazardous substance, or any other item designed to cause and capable of causing death, bodily injury, or property damage.

134.62 Operation of Drones

(A) A person operating a drone must comply with applicable FAA regulations and other applicable federal aviation requirements including, but not limited to:

- (1) Registering drones when required;
- (2) Successfully obtaining an FAA Remote Pilot Certificate for commercial operations when required;
- (3) Successfully passing the FAA Recreational UAS Safety Test (TRUST) for hobbyist operations when required;
- (4) Operating under any other applicable FAA UAS regulations; and
- (5) Adhering to airspace restrictions including temporary flight restrictions and other flight restrictions issued by FAA action and obtaining necessary FAA authorizations or other approvals before operations in controlled airspace, prohibited or restricted areas, or areas subject to temporary flight restrictions, and complying with the terms and limitations of any applicable Certificate of Waiver or authorization, certificate of waiver, exemption, or other FAA authorization.

134.63 Violations

(A) It shall be unlawful for a person to intentionally or knowingly operate, take off, or land a drone that is required to be registered with the FAA but has not been properly registered; including operating a drone that is not in compliance with the requirements of 134.62(A) and:

(1) Failing to display the required FAA registration number on the drone, if required;

(2) Knowingly providing false or misleading registration information to authorized law enforcement officers;

(3) Knowingly operating an unregistered drone for commercial purposes or in controlled airspace without proper authorization.

(B) It shall be unlawful for a person required to be certified to operate a drone to intentionally or knowingly operate, take off, or land a drone without obtaining the proper FAA certification as required in 134.62(A) and:

(1) Failing to provide the required FAA certification, if required; and

(2) Knowingly providing false or misleading certification information to authorized law enforcement officers.

(C) It shall be unlawful to operate a drone in a careless or reckless manner so as to endanger the life or property of another or allow an object to be dropped from a small unmanned aircraft in a manner that creates an undue hazard to persons or property.

(D) Nothing in this article shall supersede federal authority over airspace regulation.

134.64 Enforcement and Penalties

(A) A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, may be sentenced to pay a fine not exceeding \$500 or serve a term not exceeding 30 days in jail or both.

(B) A violation of each subsection or provision of this section constitutes a separate offense. A violation of one subsection or provision of this section does not preclude prosecution or punishment for a violation of another subsection or provision of this section, including violations arising from the same takeoff, landing, or operation.

(C) In addition to the penalties provided above, a drone involved in a violation of this section may be seized and confiscated by the responding law enforcement officer. The drone must not be disposed of until the results of any legal proceeding in which it may be involved are finally determined, or as otherwise required pursuant to this Chapter. Records must be maintained of all drones seized pursuant to this section. Upon conviction for a violation of this section, the drone may be retained by the arresting law enforcement agency for official use, transferred to another public safety agency for official use, or destroyed, unless otherwise provided by law.

(D) A drone seized pursuant to this section must be administratively released to an innocent owner. The drone must not be released until the results of any legal proceeding in which it may be involved are finally determined.

(1) Before release, the innocent owner shall provide proof of ownership to the arresting agency; certify that the owner neither consented to nor had knowledge of the unlawful use of the drone; and certify that the drone will not be returned to the person charged with the violation that resulted in the seizure.

(2) The arresting agency shall notify the innocent owner when the drone is available for release. If the innocent owner fails to recover the drone within thirty days after notification, the arresting agency may retain the drone for official use, transfer it to another public safety agency for official use, or destroy it.

(E) The provisions of this article do not apply to military, detention facility, or correctional facility personnel, law enforcement, and government personnel operating a drone within the

scope of their employment or official duties, provided that these operations comply with all applicable Federal Aviation Administration regulations and all other applicable federal aviation requirements.

RATIFIED this 8th day of September 2026, at Folly Beach, South Carolina, in City Council duly assigned.

ATTEST:

Municipal Clerk

Chris Bizzell, Mayor



CITY OF FOLLY BEACH

1st Reading: September 8th, 2026
2nd Reading:

Introduced by: Mayor Bizzell
Date: September 8th, 2026

ORDINANCE 028-26

AN ORDINANCE AMENDING THE FOLLY BEACH CODE OF ORDINANCES BY REPEALING CHAPTER 117 SHORT TERM RENTALS AND REENACTING CHAPTER 117 SHORT TERM RENTALS TO REMOVE THE RENTAL REGISTRATION FEE.

- WHEREAS,** A cap on certain rental license types issued within the City of Folly Beach was passed by referendum in 2023; and
- WHEREAS,** A ruling declaring the cap invalid, based on the determination that the referendum levied a business license tax, was issued on August 14, 2026; and
- WHEREAS,** The ruling also held that the rental registration fee is classified as a tax rather than a fee; and
- WHEREAS,** The city has appealed said ruling; and
- WHEREAS,** Prior to the ruling, City Council made multiple amendments to the cap after it was enacted by referendum, each reflecting input from the public; and
- WHEREAS,** The city has advertised a comprehensive study of the short-term rental ordinance with the goal of enacting amendments to more closely match the city's short-term rental regulations to the needs of the community; and
- WHEREAS,** City Council wishes to preserve both previous amendments and future amendments should the ruling of August 14, 2026 be upheld; and
- WHEREAS,** Adoption of the city's short term rental ordinance, while removing the rental registration fee, through the regular order of business will remove the uncertainty created by the ruling and provide a strong foundation for future changes resulting from the STR Study; and
- WHEREAS,** Readoption of the short-term rental ordinance will allow the city to further the

goals of Chapter 117: Short Term Rentals, which include protecting the integrity of the city's neighborhoods, establishing a system to track the short-term rental inventory in the city, ensuring a level playing field for individuals in the short-term rental market, and protecting the residential character of the dwelling units within the city.

The City Council of Folly Beach, South Carolina, duly assembled, hereby ordains that Chapter 117 (Short Term Rentals) of the Folly Beach Code of Ordinances be repealed in its entirety.

The City Council of Folly Beach, South Carolina, duly assembled, also does hereby ordain that a new Chapter 117 (Short Term Rentals) of the Folly Beach Code of Ordinances be enacted as follows:

NOTE: Deleted material struck through, new material shown in red,

§ 117.01 PURPOSE, APPLICABILITY, AND DEFINITIONS.

(A) The purpose of this chapter is to regulate the licensing of dwelling units as short term rentals in order to:

- (1) Protect the integrity of the city's neighborhoods and the quality of life of its citizens;
- (2) Establish a system to track the short term rental inventory in the city;
- (3) To protect the health and safety of occupants of short term rental units;
- (4) To ensure a level playing field for individuals in the short term rental market; and
- (5) To protect the residential character of the dwelling units within the city.

(B) The following definitions apply:

DESIGNATED LOCAL AGENT. A local agent, identified through application for a rental registration permit, who shall be responsible for operating a short term rental in compliance with the law. Official notices may be served on the designated local agent and/or the owner, and any notice served on the designated local agent shall be deemed to have been served upon the owner of record. The designated local agent may be cited and served notice for any violation under this chapter for which the owner may be cited or served.

DESTINATION CLUBS. Destination or private vacation clubs ("destination clubs") are classified as private and/or exclusive membership organizations or commercial businesses primarily engaged in providing short term overnight accommodations and related services for its club members with non-ownership interest who seek alternative options to standard vacation home rentals. **DESTINATION CLUBS** typically own or lease properties from the owners on a long term basis, provide those properties in a variety of locations to its members on a short term basis, and model a membership access structure where its members purchase membership levels granting access to properties and personalized services. Properties offered by destination clubs to a member for less than 30 days are considered short term rentals whether the destination club is

an owner of record or a lessee. All references to "owners" in this chapter apply to destination clubs.

DWELLING UNIT. A structure, or portion thereof, providing complete living facilities for a single family including a complete kitchen. One structure may contain multiple dwelling units with different property tax classifications.

GOOD STANDING. A license shall be considered in good standing if:

(a) The license has not been denied, revoked, or suspended in the current license year. A license which has been denied, revoked, or suspended in the current license year shall not be renewed except upon successful appeal of the denial, revocation, or suspension.

(b) The license has not expired. A license shall be deemed expired ten business days after the final day of the previous business license year.

(c) The dwelling unit for which an ISTR license was issued was rented for a minimum of 28 nights in the business license year prior to renewal. Executed rental contracts and receipt of payment shall be required to establish compliance with minimum rental night requirements. The minimum rental night requirement shall be waived in the event that:

1. A natural disaster or other Act of God renders the dwelling unit uninhabitable for a period of more than six months in the current business license year; or

2. Work related to valid building permit, carried out to address life, safety, or health violations documented by the Building Official or to replace the unit with a unit of the same or fewer square feet and the same or few bedrooms renders the dwelling unit uninhabitable for a period of more than six months in the current business license year;

3. A license was issued after May 1 of the previous license year for the dwelling unit to be rented for the first time or after a change in ownership and successful application for a new business license.

(d) The dwelling unit for which an ISTR license was issued has remained in a habitable condition, and the current certificate of occupancy has not been revoked for life, health, or safety issues or due to renovations and partial demolition.

HOUSE EXCHANGE PROGRAMS. The occasional occupancy of a residential occupancy assessed by Charleston County at a 4% property tax rate by someone other than the owner of the residence while the owner is temporarily absent from the residence, and no monetary compensation is paid to the owners for such occupancy. **HOUSE EXCHANGE PROGRAMS** are not short term rentals.

INVESTMENT SHORT TERM RENTAL BUSINESS LICENSE (ISTR). A license issued for a dwelling unit, to be rented as a short term rental, that:

(a) Is not the legal residence of the owner at the time the application for a license is submitted; or

(b) Is not the legal residence of the owner at the time the application for a license is submitted and was inherited after February 7, 2023 from the person named as owner of record on February 7, 2023.

1. Proof of inheritance shall be shown through a deed of distribution, court order, or similar document showing transfer of ownership to the applicant upon the death of the owner.

2. Application for an ISTR for the rental of a dwelling unit inherited after February 7, 2023 must be made within 90 days of transfer of ownership except that an application for the rental of a dwelling unit inherited between February 7, 2023 and February 20, 2024 may be made at any time prior to May 1, 2025.

LEGAL RESIDENCE. A dwelling unit assigned a 4% property tax ratio by the Charleston County Assessor's Office under the requirements of S.C. Code § 12-43-220 at the time the application for a license is submitted. Retroactive changes of the properties' legal status by the county are not applicable unless the applicant has never submitted a legal residence exemption application and promptly applies for the change upon discovery of the classification.

MEDICAL HARDSHIP INVESTMENT SHORT TERM RENTAL BUSINESS LICENSE (MISTR). A license issued for a dwelling unit, to be rented as a short term rental, that is owned by the owner of record on February 7, 2023 upon certification that the owner no longer resides on the premises and is housed in a care facility, or requires care at another private location; or is no longer capable of performing at least three activities of daily living.

(a) Activities of daily living are defined as personal hygiene tasks (bathing, grooming, oral, nail and hair care); medication management; walking independently; dressing; transferring in and out of bed; and maintaining continence.

(b) Certification that an owner can no longer perform activities of daily living shall be provided on a form approved by the city and completed by a licensed medical doctor, doctor of osteopathic medicine, physician assistant, or advanced practice registered nurse.

(c) Proof of care shall be through a lease agreement or similar document, or a contract for in-home care.

(d) Certification for an ISTR issued due to medical hardship shall be submitted annually.

(e) No more than one MISTR may be obtained by any owner through medical hardship.

OWNER-OCCUPIED SHORT TERM RENTAL BUSINESS LICENSE (OSTR). A license issued for a dwelling unit to be rented no more than 72 nights annually that:

(a) That is the legal residence of the owner at the time the application for a license is submitted.

(b) That is the legal residence of the owner at the time the application for a license is submitted but given a partial 6% property tax rate by Charleston County. The portion of a dwelling unit taxed at a 6% property tax rate which was licensed as a short term rental prior to February 7, 2023 may renew an existing ISTR for that portion of the property is not subject to the 72-night annual rental limit.

(c) That is the legal residence of the owner at the time the application for a license is submitted and whose owner has qualified for the military service exemption as provided in S.C. Code § 12-43-220(c)(2)(v) allowing rental of a dwelling unit for more than 72 nights annually while maintaining the 4% special assessment rate.

PROVISIONAL SHORT TERM RENTAL LICENSE (PSTR). A license issued for a dwelling unit to be used as a short-term rental for no more than 90 days to allow compliance with the requirements of the South Carolina Vacation Rental Act, specifically S.C. Code § 27-50-250. A PSTR shall only be issued to the purchaser of an existing short-term rental with ISTR or OSTR license in good standing, is valid only for rental contracts disclosed under the terms of the Act, and shall expire at the end of the last authorized rental period. All rental nights allowed by a PSTR shall count towards the 72 rental nights allowed by an OSTR license should the dwelling become the legal residence of the owner.

RENTAL OCCUPANT. Any person who, in exchange for compensation paid, occupies a dwelling unit for less than 30 days.

RENTAL RULES AND GENERAL REGULATIONS. Regulations regarding noise, trash, parking, alcohol on the beach, animals, litter, surfing, dune protection, sea turtles, smoking on the beach, requirements for special events, maximum occupancy, and golf carts.

SHORT TERM RENTALS. A dwelling unit, or any portion thereof, rented for any period less than 30 days and used in a manner consistent with the residential character of the dwelling. Tourist accommodations, including hotels, motels, inns, and bed and breakfasts, are not considered ***SHORT TERM RENTALS***.

TIME SHARES. “Vacation time sharing plans” as defined in S.C. Code § 27-32-10(9) are not short-term rentals. However, any “vacation time sharing lease plan” as defined in S.C. Code § 27-32-10(8) that is less than three years is considered a short term rental. “Vacation multiple ownership interests” as defined in S.C. Code § 27-32-250(1) are not short term rentals.

TRANSFER OF PROPERTY. An assessable transfer of interest in real estate triggering an appraisal and reassessment for taxation purposes as defined by S.C. Code § 12-37-3150.

§ 117.02 SHORT TERM RENTAL BUSINESS LICENSES.

(A) The city shall issue investment short term rental business licenses, medical hardship investment short term rental licenses, owner-occupied short term rental business licenses, and provisional short term rental business licenses.

—(B) There will be no limit on the number of medical hardship investment short term rental licenses, owner-occupied short term rental business licenses or provisional short term rental licenses issued.

(C) The maximum number of investment short term rental business licenses issued shall be 800, henceforth referred to as the cap.

(1) No new investment short term rental business licenses shall be issued unless the total number of investment short term rental business licenses are below the cap unless the ISTR license is issued or after inheritance as defined in § 117.01.

(2) Any investment short term rental business license which remains in good standing may continue to be renewed annually, even if the number of investment short term rental business licenses exceeds the cap.

(3) A wait list will be maintained by the city. New licenses shall be offered to applicants according to procedures adopted by City Council.

(D) *Non-transferable.*

(1) Investment short term rental license wait list status terminates upon transfer of property and is non-transferable.

(2) Investment short term rental licenses and medical hardship investment short term rental business licenses terminate upon transfer of property and are non-transferable.

(3) Investment short term rental business licenses terminate upon loss of 6% property tax assessment status and are non-transferable.

(4) Owner-occupied short term rental business licenses terminate upon transfer of property and are non-transferable.

(5) Owner-occupied short term rental business licenses terminate upon loss of 4% property tax assessment status and are non-transferable.

(6) Medical hardship investment short term rental licenses are non-transferable and terminate upon transfer of property; upon failure to recertify hardship; 90 days after termination of qualifying lease or end of qualifying care; or on the last day of the business license year or after 90 days, whichever is later, upon death.

(7) Provisional short term rental business licenses terminate 90 days after the date of issuance, or upon the completion of the last eligible rental period if earlier than 90 days and are not transferrable.

§ 117.03 LICENSE, REGISTRATION, AND TAX REQUIREMENTS.

Any owner advertising or operating a dwelling unit a short term rental must maintain a current business license, comply with rental registration permit requirements, and make proper payment of local, county, and state taxes.

(A) *Business license.* A business license must be obtained and renewed annually thereafter by the timely submittal of a form and fee as established by the city, for each dwelling unit or portion thereof advertised or offered as a short term rental.

(1) (a) No business license shall be issued for the rental of a dwelling unit which is planned or under construction until a final certificate of occupancy is issued for the unit except that:

(b) A license issued for the rental of an existing dwelling unit may be renewed, for the rental of a replacement dwelling unit proposed or under construction on the same site.

1. The replacement dwelling unit must be under the same ownership, contain the same or fewer heated square feet, and contain the same number or fewer bedrooms as the original structure.

2. The previously issued license must be maintained in good standing and, if necessary, timely renewed during the entire period of construction beginning with demolition and lasting through issuance of a final certificate of occupancy.

(2) A business license for the rental of a dwelling unit shall only be issued to owners of a dwelling unit. No business license for the rental of a dwelling unit shall be issued to lessees of a dwelling unit.

(3) A designated local agent, or other person authorized in writing, may apply for a short term rental business license on behalf of an owner. An application for a business license submitted by a designated local agent or other authorized person must provide the correct taxpayer identification and contact information for the owner including name, address, phone number, email, and any other information as required on the application form.

(4) Failure to maintain good standing shall be considered grounds for denial of an application to renew an existing license.

(a) To remain in good standing, an application to renew an existing license must be submitted no later than ten business days after the final day of the previous business license year. The failure to timely submit an application for the renewal of a short term rental license shall result in denial of the application.

(b) To remain in good standing, an ISTR license must be used for at least 28 nights annually except when affected by natural disaster, Act of God, or critical repairs as defined in § 117.01.

(B) *Rental registration permit.* A rental registration permit must be obtained and renewed annually thereafter by the timely submittal of a form, as established by the city, for each dwelling unit or portion thereof offered as a short term rental.

(1) *Annual registration.* The rental registration permit application shall be completed prior to June 1 of each year.

(a) *Renewal of a previously issued rental registration permit.* A complete application to renew previously issued rental registration permits, along with all documentation required by this chapter, shall be submitted prior to June 1 of each year. Failure to timely submit a complete application by June 1 shall result in a violation and strike pursuant to § 117.03(D). However, applicants shall have a grace period of ten business days after June 1 to submit a complete application. Failure to submit a rental registration application within ten business days after June 1 shall result in revocation of the license.

(b) *Submittal of a new rental registration permit application.* An application for a new rental registration permit, along with all documentation required by this chapter, must be

submitted within 30 days of the issuance of a new short term rental business license. There is no grace period for new rental registration submittals. Failure to submit a rental registration application within 30 days after the issuance of a new short term rental license shall result in the revocation of the license.

(c) *Review and correction of rental registration permit applications.* Upon review, the city shall notify applicants of facial and obvious deficiencies or errors in the application submitted. Failure to submit necessary corrections to an application within ten business days of notification of deficiencies or errors shall result in denial of the application and revocation of the associated license. Inaccuracies, mistakes, or misrepresentations, whether intentional or not, in a rental registration application discovered by the License Official after acceptance of a rental registration permit shall result in revocation of the license.

(2) *Fee.* There shall be no additional fee for the issuance of a rental registration permit.

(3) A rental registration permit shall only be issued to owners of a dwelling unit. No rental registration permit shall be issued to lessees of a dwelling unit.

(4) A designated local agent, or other person authorized in writing, may apply for a rental registration permit on behalf of an owner. An application for a rental registration permit submitted by a designated local agent or other authorized person must provide the correct taxpayer identification and contact information for the owner, including name, address, phone number, email, and any other information as required on the application form.

(5) *Change in registered information* It is the duty of the owner to notify the city of changes to the name, address, email address, or phone number of the owner and designated agent listed on the rental registration permit. There shall be no fee upon change of registration information. A new owner of a previously registered dwelling, upon successful application for a new short term rental business license, shall re-register the dwelling within 30 days of obtaining a license.

(6) *Information required.* Application for rental registration permit shall contain the following information:

(a) The street address, Charleston County Parcel Identification Number, and unit number, if applicable, of the dwelling unit;

(b) A property tax bill or other documentation from Charleston County showing the current property tax classification;

(c) The number of bedrooms in the dwelling unit;

(d) The number of parking spaces provided on site as well as a site plan showing the location of all on site parking spaces with at least one onsite parking space per bedroom to be rented and the location of any onsite septic system including the tank and drain field.

(e) The advertised and, if different, the allowable maximum overnight occupancy of the dwelling unit, which shall not exceed two persons per bedroom, plus two additional people per dwelling unit, except as allowed under an exception under § 164.03-01(C);

(f) The type of wastewater system (septic or sewer). If the property is serviced by a septic system, the owner must certify that the system is protected from parking;

(g) The name, mailing address, business phone number, personal phone number, email address and business address of the owner and designated local agent;

(h) The physical address and email address where the owner and designated local agent will accept notices required by this chapter, including but limited to notice of citations and strikes, and acknowledgment that service in person, by certified mail, by U.S. Mail and/or by email addresses will constitute acceptable service of any citation, strike, or other notice required by this chapter;

(i) Certification that the owner has read applicable city rental rules and general regulations.

(j) Certification that an emergency contact phone number, a copy of the parking diagram provided to the city and a summary of rental rules and general regulations provided by the city have been posted in the rental unit.

(k) Certification that tenants listed on any rental agreement shall receive an emergency contact phone number, a copy of the parking diagram provided to the city and a summary of rental rules and general regulations provided by the city.

(l) Certification that the owner is aware that misrepresentation of any required information on the application for a business license or rental registration permit shall be considered grounds for the denial of the application and subsequent revocation of the license or rental registration permit;

(m) Certification that the owner is aware that short term rental licensees shall be subject to strikes issued against the license when the owner, designated local agent, occupant, or guest has been convicted of any violation of the requirements of this chapter or other city ordinances related to the use of the property as a short term rental, and that three strikes during any rolling twelve-month period can result in suspension, revocation, or non-renewal of the license;

(n) Certification by the owner verifying the presence of smoke alarms, carbon monoxide monitors, fire extinguishers, the number of bedrooms, the number of parking spaces, the provision of trash receptacles, the posting of address and house numbers, and posting of rules and regulations, and, if present, that sprinklers are operational;

(o) Certification that a dwelling unit licensed as an OSTR may not be rented more than 72 nights annually;

(p) Proof of payment of local, county, and state taxes due on short term rental accommodations; and

(q) The number of nights the unit was rented in the previous business license year. Proof of the 28 night minimum rental requirement shall be established through executed rental contracts and associated receipts for payment.

(r) Documentation in the form of Charleston County property records or a certificate of occupancy confirming the number of bedrooms offered for rent.

(7) *Designation of local agent.* The owner of a rental dwelling shall name a designated local agent who shall be responsible for operating the rental dwelling in compliance with the law.

Official notices may be served on the designated local agent and/or the owner, and any notice served on the designated local agent shall be deemed to have been served upon the owner of record.

(a) Nothing shall prevent the owner of rental property from designating himself or herself as the designated local agent.

(b) Non owner designated local agents must be licensed by the State of South Carolina as an attorney, real estate agent, broker in charge, or property manager. Employees under the direct supervision of attorneys, real estate agents, brokers in charge, or property managers licensed by the State of South Carolina may be designated local agents.

(c) The designated local agent or owner shall be required to physically respond to the site within 60 minutes upon notification from the city in case of emergency or need by the city for entry into the property.

(8) *More than one owner or ownership by entity.* Where more than one person has an ownership interest in a short term rental, the required information shall be provided for each owner. In those cases in which the owner is not a person, the information required shall be provided for the organization owning the rental dwelling, and for the president, general manager, or other chief executive officer of the organization.

(C) *Taxes.* Owners of short term rentals are subject to local, county, and state taxes, including, but not limited to, sales, use, and accommodations taxes, and are liable for the payment thereof as established by state law and the city code of ordinances.

(D) *Notice, violations, strikes and penalties.*

(1) (a) Any notice required by this chapter, including but not limited to notice of citations and strikes, may be served:

1. In person to the owner or agent;
2. By certified mail, return receipt requested, to the physical address for the owner or agent provided on the rental registration permit application;
3. By U.S. mail to the physical address for the owner or agent provided on the rental registration permit application; or
4. By email to the email address for the owner or agent provided on the rental registration permit application.

(b) Service by any of the methods above will constitute acceptable service of any notice required by this chapter, including but not limited to notice of citations and strikes.

(2) *Violations.* The following are considered violations of this chapter. Citation and conviction associated with any violation listed below shall result in a strike against the short term rental license issued for the rental of a dwelling unit.

(a) Operating a short term rental without complying with the requirements of this chapter and the city code of ordinances;

- (b) Advertising a short-term rental without a valid business license, rental registration permit, or accommodations tax account;
- (c) Operating a short-term rental without a business license, registration permit, and accommodations tax account;
- (d) Advertising a short-term rental without listing the business license number and rental registration permit number;
- (e) Operating a short-term rental in such a manner that individual rooms are rented at the same time under separate rental contracts;
- (f) Advertising a short term rental as being available for more overnight occupants, or containing more than the number of bedrooms, than have been permitted pursuant to this chapter;
- (g) Expanding the allowable occupancy of a short term rental without obtaining a new permit;
- (h) Advertising more short term rental units on a property than have been permitted pursuant to this chapter;
- (i) Advertising a property as a short term rental or “event house” for events or parties;
- (j) Offering a short-term rental in any zoning district for fewer than two consecutive nights;
- (k) Failure to post the business license number, rental registration permit number, allowable overnight occupancy, and city approved summary of rules and general regulations prominently within a rental unit;
- (l) Failure to submit an accurate and complete annual rental registration permit renewal application, along with all documentation required by this chapter, on or before June 1. Failure to submit an accurate and complete annual rental registration permit renewal application within ten business days after June 1 shall result in revocation of the license. Inaccuracies, mistakes, or misrepresentations, whether intentional or not, in a rental registration application or business license application discovered by the License Official after acceptance of a rental registration permit shall result in revocation of the license;
- (m) Failure of the designated local agent or owner listed on the rental registration permit application to respond physically to the site within 60 minutes of notification from the city of an emergency;
- (n) Failure to maintain, and provide to the city, any and all information required in § 117.02(A);
- (o) Failure to provide tenants listed on any rental agreement information as required under § 117.02(B);
- (p) Failure to inspect and repair a failed septic system as required under § 55.07;

(q) Operating a business out of a short term rental or otherwise using a short term rental for non-residential use except for allowable home occupations, e-commerce, and remote work; and

(r) Renting a dwelling unit licensed as an OSTR for more than 72 nights annually.

(s) Operating a short term rental that has received three strikes within any 12-month rolling period.

(3) *Strikes*. A license will be assessed a strike when the owner, designated local agent, occupant, or guest of the property has been convicted of any violation of the requirements of this chapter or any other city ordinances related to the use of the property as a short-term rental.

(a) The number of strikes shall be reset upon a change of ownership that results in no overlap with prior common ownership.

(b) For the purpose of determining the total number of strikes, each strike issued upon conviction shall be considered effective upon the date of citation resulting in conviction was issued. All convictions related to offenses occurring within a single rental contract period shall be considered one strike. In no case shall the number of strikes assessed against a license exceed one per rental contract period.

(c) No strike shall be issued for the conviction of an offense which occurs beyond the premises of a short term rental.

(d) The city will provide notice of each strike to the registered agent and owner of the property as follows:

1. First strike: a description of the violation and resultant conviction, and a warning that progressive action shall be taken by the city in the case of further violations.

2. Second strike: a description of the violation and resultant conviction, and a warning that the city shall initiate suspension and revocation of the rental license in the case of further violations.

3. Third strike: a description of the violation and resultant conviction and notice of the initiation of procedures to suspend and revoke the license.

(4) *Penalties*. No permit may be issued or approved unless the requirements of this chapter, or any ordinance adopted pursuant to it, are complied with. A violation of this chapter may result in the following penalties:

(a) Any person violating any provision of this chapter shall be deemed guilty of a civil offense and shall be subject to a fine of up to \$500 upon conviction. Each day of violation shall be considered a separate offense. Punishment for violations shall not relieve the offender of liability for delinquent taxes, penalties, and costs provided for in this chapter.

(b) Denial, revocation, suspension, or non-renewal of a business license pursuant to §§ 110.14 or 110.15 and in accordance with the appeal procedures set forth in § 110.16.

(c) Revocation, suspension, or non-renewal of the short term rental business license, in accordance with the appeal procedures set forth in § 110.16, for three strikes during a rolling twelve-month period.

1. The city will provide notice of each strike to the registered agent of the property as follows:

A. First strike: a description of the violation and resultant conviction, and a warning that progressive action shall be taken by the city in the case of further violations.

B. Second strike: a description of the violation and resultant conviction, and a warning that the city shall initiate revocation of the rental license in the case of further violations.

C. Third strike: a description of the violation and resultant conviction, and notice of the initiation of license revocation procedures.

(d) Any violation of a noise ordinance that occurs on the property will result in a notice that the owner is strongly encouraged to install noise monitoring.

§ 117.04 ADDITIONAL REQUIREMENTS FOR SHORT TERM RENTALS.

(A) All owners and/or designated local agents of short term rentals shall be required to keep the following for city inspection and copying for a period of one year:

(1) The name, address, and other contact information of each signatory on the rental agreement;

(2) A copy of the city approved rental rules and general regulations summary, signed by each signatory of the rental agreement.

(3) A document signed by the owner and/or agent responsible for renting the dwelling unit, certifying the number of persons intended to occupy the dwelling unit.

(4) The information required by this section shall be updated by the owner and/or agent for each rental to different tenants or occupants.

(B) The owner and/or agent shall provide the following for each person signing a rental agreement as a responsible party for a short term rental:

(1) The address of the short term rental and emergency contact numbers;

(2) The name and contact information for the owner or designated local agent; and

(3) A copy of the parking diagram provided to the city as well as a copy of the city's rental rules and general regulations.

(C) Individual rooms located in any dwelling unit may not be advertised or used for short term rental under separate contracts at the same time.

(D) Events held on any property on which a dwelling unit licensed for short term rental is located shall meet the following requirements:

(1) Must follow any applicable special event notification rules established by the city in § 153.05 for events on private property;

(2) Shall be subject to all applicable provisions of the noise regulations in §§ 131.30 through 131.35; and

(3) May not feature mobile food trucks, carts, or other outdoor retailers offering products for sale or in exchange for donations. Caterers and other prepaid food providers are allowed provided no money is exchanged on site. All vendors must have a valid Folly Beach business license; and

(4) May not exceed 25 people. The limit of 25 people applies regardless of the number of short term rental dwelling units on the property; and

(5) May not include outdoor amplified music, including bands, deejays, music broadcast through speakers and electronic musical instruments.

(6) These requirements do not apply to events hosted by the owner of the property provided that the owner is on site for the duration the event, the owner has completed the required special event notification, and no compensation has been paid for the event or the use of the property.

(E) One on site parking space must be provided for each bedroom being rented. This requirement shall not apply to:

(1) New and renewed permits issued to dwelling units located in a multi-family housing development.

(2) New and renewed permits issued to dwelling units approved by the city for resident only parking signs in the right-of-way.

(3) Renewed permits issued to dwelling units with a valid business license and rental registration permit before September 13, 2022. Rental registration permits for such properties may be renewed without the required parking until such time as the ownership of the property changes.

(F) All parts of any septic system including the tank and the drain field must be protected from parking.

ADOPTED this ____ day of _____, 2026, at Folly Beach, South Carolina.

Ayes: Nays: Abstains:

ATTEST:

Municipal Clerk

Chris Bizzell, Mayor



CITY OF FOLLY BEACH

Date: September 8th, 2026

Re: Repealing and Reenacting Chapter 117

Mayor and Council,

On August 14, a court ruling held that the city's rental cap was invalid because it was a tax adopted by referendum. The ruling also held that the city's rental registration fee was a tax, not a permit fee. The city appealed the ruling, triggering a stay. However, the plaintiffs also filed a motion asking the judge to lift the stay during the appeal. The city will file a motion opposing the removal of the stay.

The original language of the referendum has been altered through multiple, carefully considered amendments over the last three years. Each of those amendments was affirmatively voted on by Council. Council has agreed to conduct, and is currently soliciting bids for, a study to propose additional amendments to the ordinance. If the stay is lifted before the STR Study is complete, the order invalidating the cap will become enforceable. The amended ordinance underlying the study would no longer be in place.

The success of the request to lift the stay, and the timing of the decision to do so, is unknown. The moratorium enacted on August 26th provides a mechanism to complete the study and adopt an amended version of the STR ordinance. However, the moratorium itself may be challenged. If the moratorium is lifted while the order is enforceable, the city would face substantial regulatory uncertainty in managing short-term rentals. Rather than a continuation of the ongoing review of the ordinance, the results of the study will arrive against a backdrop of confusion.

Readopting the ordinance (while striking the rental registration fee) will remove that uncertainty and preserve the ordinance for continued refinement. No portion of the ordinance will have been adopted through a referendum, and the rental registration fee will not be collected while the city reviews options going forward.

Aaron Pope, AICP, ICMA-CM
City Administrator



CITY OF FOLLY BEACH

Introduced by: Mayor Bizzell

Date: September 8th, 2026

RESOLUTION 43-26

A RESOLUTION BY THE FOLLY BEACH CITY COUNCIL AWARDING A THREE-YEAR CONTRACT TO ELKO COASTAL CONSULTING INC. WITH A FIXED AMOUNT OF \$19,999 FOR BEACH MONITORING SERVICES AND UP TO \$40,000 FOR EMERGENCY PRE-STORM SURVEYS AND PRE-RENOURISHMENT SURVEYS SHOULD THEY BE NEEDED WITHIN THE THREE-YEAR TERM.

WHEREAS, Long-term planning for renourishment and coastal resilience is a vital need for the city; and

WHEREAS, The city is obligated to perform certain surveys of the beach to meet the requirements of the city's *Local Cooperation Agreement* and *2018 Operations and Maintenance Agreement* with the Corps of Engineers as well as to meet the conditions established by the State of South Carolina related to Permit 2017-00730 issued for groin rehabilitation; and

WHEREAS, Elko Coastal Consulting has unique experience with Folly Beach coastal geology, land use planning, beach renourishment and preservation, and has extensive, unique knowledge of both the ongoing renourishment process and the groin rehabilitation project; and

WHEREAS, Elko Coastal Consulting has provided a proposal to continue these services for three years as well as to provide optional post-storm surveying in the event of a natural disaster and a pre-renourishment survey should these be needed;

WHEREAS, Elko Coastal Consulting has provided a unit price for pre-storm surveys and pre-renourishment surveys, but the frequency of these services cannot be predicted.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Folly Beach, South Carolina, as follows:

That the Administration is authorized to award a contract to Elko Coastal Consulting Inc. in the amount of \$19,999 (to be paid from the Beach Preservation Fund) over a three-year term for long term beach renourishment groin-related surveying with an additional allowance of up to \$40,000 for post storm surveys and/or pre-renourishment surveying should these service be required during the three-year period.

RATIFIED this 8th day of September, 2026, at Folly Beach, South Carolina, in City Council duly assigned.

ATTEST:

Municipal Clerk

Chris Bizzell, Mayor



City of Folly Beach

DATE: September 8th, 2026

SUBJECT: Monitoring Services (2026–2029), Elko Coastal Consulting, Inc.

Mayor and City Council,

Description of Need:

Under the City of Folly Beach's Local Cooperation Agreement (LCA) with the U.S. Army Corps of Engineers (USACE) and the City's 2018 Operations and Maintenance (O&M) Manual, the City is obligated to perform comprehensive annual beach profile monitoring and infrastructure inspections following federal beach renourishment projects.

This monitoring is vital to track the performance of the 2024 beach renourishment project, evaluate shoreline and volume change over time, identify critical erosion hotspots, and ensure the structural integrity of the City's groin field.

Justification for Sole Source Procurement:

Pursuant to the City of Folly Beach Procurement Code and standard municipal procurement guidelines for specialized professional services, sole source procurement with Elko Coastal Consulting, Inc. is justified based on the following specific criteria:

1. **Unmatched Longitudinal Data Continuity (2014–Present):** ECC has conducted annual beach monitoring for the City of Folly Beach continuously since 2014. Retaining ECC ensures seamless data integration with historical profile datasets spanning over a decade, eliminating methodology discrepancies that could jeopardize long-term erosion trend analyses or USACE compliance audits.
2. **Immediate On-Island Emergency Mobilization:** ECC is located on Folly Beach. Having personnel, RTK surveying systems, and hydrographic equipment based on the island allows immediate deployment for time-sensitive post-storm surveys without travel expenses, mobilization delays, or staging complications.
3. **Direct Regulatory Compatibility & USACE Alignment:** ECC specializes in the exact reporting standards required by USACE Charleston District and SCDES-BCM, ensuring the City maintains uninterrupted eligibility for federal nourishment maintenance funding and regulatory permit compliance.

Eric Lutz
Director of Public Works



CITY OF FOLLY BEACH

Introduced by: Mayor Chris Bizzell
Date: September 8th, 2026

RESOLUTION 44-26

A RESOLUTION BY THE FOLLY BEACH CITY COUNCIL AUTHORIZING ADMINISTRATION TO USE \$113,400 FROM THE PUBLIC WORKS TRASH PACKER TRUCK RESERVE FOR THE PURCHASE OF ONE (1) PUBLIC WORKS REAR LOADER GARBAGE TRUCK WITH REQUIRED UP-FITTING PER THE ADOPTED FISCAL YEAR 2027 GENERAL FUND BUDGET.

WHEREAS, \$220,000 from Public Works Capital and another \$182,102.17 from Public Works Trash Packer Truck Reserve were approved within the fiscal year 2027 budget for purchase of a new rear loader garbage truck; and

WHEREAS, Of the \$182,102.17 from Public Works Trash Packer Truck Reserve funds budgeted only \$113,400 is needed for procurement; and

WHEREAS, The remaining funds will carry forward in the reserve account to begin saving for the next planned purchase of a garbage truck; and

WHEREAS, The rear loader garbage truck will be procured under state contract number 110223 THC from Carolina Environmental Systems via Heil/Sourcewell;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Folly Beach, South Carolina, that Administration is authorized to use \$113,400 from the Public Works Trash Packer Truck Reserve towards the purchase of one (1) Public Works rear loader garbage truck with required up-fitting. The total purchase price for the garbage truck is \$333,400.

RATIFIED this 8th day of September 2026, at Folly Beach, South Carolina, in City Council duly assigned.

ATTEST:

Municipal Clerk

Chris Bizzell, Mayor



CITY OF FOLLY BEACH

Date: September 8th, 2026

Re: FY27 Garbage Packer Purchase

Mayor and Council,

As part of our ongoing efforts to rotate our aging fleet of garbage trucks, we budgeted \$220,000 from the Public Works Capital and another \$182,102.17 from the Public Works Trash Packer Truck Reserve as part of the fiscal year 2027 budget. Now that we have the finalized quote for purchase and required upfitting from Carolina Environmental Systems LLC, we need to request only \$113,400 from the reserve account for procurement. The total purchase price of this purchase is \$333,400.

Carolina Environmental Systems has already replaced two of our garbage trucks within the past few years, and we see no reason to make any changes with this new purchase. Similar to the two trucks previously mentioned, this new garbage packer will be procured under state contract via Heil/Sourcewell.

We appreciate your consideration of this request and are available to answer any additional questions you may have.

Eric Lutz
Director of Public Works
Director of Facilities



CITY OF FOLLY BEACH

Introduced by: Mayor Bizzell

Date: September 8th, 2026

RESOLUTION 45-26

A RESOLUTION BY THE CITY COUNCIL AWARDING FY2027 STATE ACCOMMODATION TAX FUNDS BASED ON THE ACCOMMODATION TAX ADVISORY BOARD'S RECOMMENDATION.

WHEREAS, Throughout the previous fiscal year, the State of South Carolina sends funds to Folly Beach generated from State Accommodation Tax payments; and

WHEREAS, 65% of those monies are placed into the State Accommodations Tax Fund to be distributed to activities that generate tourism outside a 50-mile radius as well as law enforcement, fire protection, solid waste collection, and health facilities when required to serve tourists and tourist facilities, and beach renourishment; and

WHEREAS, For the fiscal year 2026-2027 (FY2027), for funds collected from July 2025 to June 2026, the sum of \$1,354,069.85 is now available for distribution to various applicants in the community; and

WHEREAS, Applicants requesting funds must be compliant with applicable South Carolina Law and the Tourism Expenditure Review Committee Policy in order to receive funding; and

WHEREAS, The Accommodations Tax Advisory Board hereby submits its recommendations for FY2027 Accommodations Tax funds for City Council's consideration.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Folly Beach, South Carolina, that:

Section 1: City Council commends and extends its appreciation for the Accommodations Tax Advisory Board for its dedication and commitment, hard work and the many hours it spent reviewing and hearing applications.

Section 2: City Council hereby directs the Finance Director to distribute the FY2027 State Accommodations Tax funds of \$1,354,069.85 per the recommendation of the Accommodations Tax Board as detailed on the attached schedule.

RATIFIED this 8th day of September 2026, at Folly Beach, South Carolina, in City Council duly assigned.

ATTEST:

Municipal Clerk

Chris Bizzell, Mayor



CITY OF FOLLY BEACH

Date: September 8th, 2026

Re: Accommodations Tax

Mayor and Council,

The ATAX Committee met on August 27th to review the local application requests. This year, total application requests exceeded the funds collected. The Committee voted to recommend the reduction of funds awarded to applicants by 15% with the exception of FAB requests, which were reduced by 19.2%. A remainder additional \$122.85 needed reduction is also recommended to be taken from a FAB request(s). The Committee has asked Council to choose which of FAB's requests the additional \$122.85 should be removed from.

Below is a breakdown of the original request, the recommended reduction, and the Committee-approved request.

Wes Graham
Deputy City Administrator
Municipal Clerk

PROPOSED ATAX DISTRIBUTION
ATAX COMMITTEE MEETING 8/27/2026

		ORIGINAL ASK	REDUCED BY		APPROVED
COASTAL FAMILY VACATION		43,598.00	0.15	6,539.70	37,058.30
SAVE THE LIGHT		75,000.00	0.15	11,250.00	63,750.00
FB HISTORICAL SOCIETY		28,000.00	0.15	4,200.00	23,800.00
WARRIOR SURF		20,000.00	0.15	3,000.00	17,000.00
EASTERN SURFING ASSOC		16,000.00	0.15	2,400.00	13,600.00
TAKE A KID FISHING		10,000.00	0.15	1,500.00	8,500.00
FAB – MARKETING*		38,550.00	0.192	7,401.60	31,148.40
FAB - NYE & JULY 4*		44,000.00	0.192	8,448.00	35,552.00
FAB - EVENTS & STREET CLOSING*		48,000.00	0.192	9,216.00	38,784.00
COFB - PUBLIC SAFETY		600,000.00		-	600,000.00
COFB - PUBLIC WORKS		335,000.00		-	335,000.00
COFB - BEACH PRESERVATION		150,000.00		-	150,000.00

1,408,148.00

1,354,192.70

**ATAX
COLLECTED**

1,354,069.85

***VARIANCE (122.85)**

***PER MEETING ADD VARIANCE TO FAB'S REDUCTION**



CITY OF FOLLY BEACH

Introduced by: Mayor Bizzell
Date: September 8th, 2026

RESOLUTION 46-26

A RESOLUTION BY THE FOLLY BEACH CITY COUNCIL AWARDING A CONTRACT FOR DESIGN, ENGINEERING & PERMITTING OF THE TABBY DRIVE PHASE 1 DRAINAGE IMPROVEMENTS IN THE AMOUNT OF ONE HUNDRED FIFTY-SEVEN THOUSAND DOLLARS (\$157,000).

- WHEREAS,** The City of Folly Beach requires professional surveying, geotechnical exploration, final engineering design, and environmental permitting services for the Tabby Drive Drainage Improvements – Phase 1 Project; and
- WHEREAS,** Seamon, Whiteside & Associates, Inc. (SW+) developed the comprehensive 1D/2D PCSWMM hydraulic and hydrologic models for Tabby Drive under the BRIC grant-funded 2023 drainage concept study, which serves as the foundation for the Phase 1 final engineering design; and
- WHEREAS,** Procuring an alternative engineering firm would require redundant modeling, recalibration, and field verification, resulting in substantial duplicated costs and project delays of four to six months; and
- WHEREAS,** Seamon, Whiteside & Associates, Inc. possesses specialized technical knowledge of island drainage dynamics, tailwater conditions, sea-level rise, and critical marsh outfall pathways along Tabby Drive; and
- WHEREAS,** Sole source procurement is authorized under City of Folly Beach procurement policies when services require direct continuity of proprietary models and specialized technical qualifications unique to a provider;
- NOW, THEREFORE, BE IT RESOLVED,** by the City Council of Folly Beach, South Carolina, that the City Administration is hereby authorized to enter into a contract with and remit payment to Seamon, Whiteside & Associates, Inc. in the amount of One Hundred Fifty-Seven Thousand Dollars (\$157,000.00) for surveying, geotechnical exploration, engineering design, and permitting services for the Tabby Drive Drainage Improvements – Phase 1 Project
- RATIFIED** this 8th day of September 2026 at Folly Beach, South Carolina, in City Council duly assigned.

ATTEST:

Municipal Clerk

Chris Bizzell, Mayor



CITY OF FOLLY BEACH

Introduced by: Mayor Bizzell

Date: September 8th, 2026

RESOLUTION 47-26

A RESOLUTION AWARDING \$3000 TO PET HELPERS TO ASSIST WITH OPERATIONAL COSTS AS RECOMMENDED BY THE COMMUNITY PROMOTIONS COMMITTEE.

WHEREAS, The City of Folly Beach has created a Community Promotions Committee; and

WHEREAS, The City of Folly Beach has budgeted a certain amount of funds under an account called “Community Promotions”; and

WHEREAS, The Community Promotions Committee believes that it is in the best interest of the citizens of Folly Beach to recommend an award of \$3000 to Pet Helpers for approval by City Council; and

WHEREAS, City Council wishes to approve the funds recommended by the Community Promotions Committee.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Folly Beach, South Carolina, hereby ratifies and approves the sum of \$3000 to Pet Helpers as recommended by the Community Promotions Committee.

RATIFIED this 8th day of September, 2026, at Folly Beach, South Carolina, in City Council duly assembled.

ATTEST:

Municipal Clerk

Chris Bizzell, Mayor



CITY OF FOLLY BEACH COMMUNITY PROMOTIONS COMMITTEE

August 31, 2026

4:00pm

CITY COUNCIL CHAMBERS, 21 CENTER ST

Thom Piragnoli- Roger Rutledge- Bill Sypolt- Mary Catoe-Dave Miller

Regular Meeting Minutes

1. **Call to Order/Roll Call.** Bill called the meeting to order at 500pm. Thom, Roger Bill and Mary were in attendance as well as Pet Helpers representatives Alexandra Phipps and Shauna Shackleton. As was a citizen in the audience, John McFarland. Dave Miller was not in attendance.
2. **Approval of Agenda.** The agenda was moved to be approved by Bill and seconded by Thom. Roger, Bill, and Thom and Mary voted yes to approve the agenda.
3. **Approval of Previous Minutes:** July 27th minutes were approved.
4. **Citizen Comments:** John McFarland spoke to say that Carol of Pet Helpers and her organization do great work for the animals and people of Folly Beach and asked that CPC please assist them financially in their endeavors.
5. **New Business.**
 - A. Alexandra Phipps and Shauna Shackleton presented for Pet Helpers. They requested \$5000 to fund their animal welfare organization that benefits the citizens and animals of Folly Beach. CPC agreed that they are of great service to Folly Beach but suggested \$2000 be given. After a discussion amongst CPC members, it was decided they could give \$3000 to Pet Helpers. Mary made a motion and Bill seconded it. Thom Roger Bill and Mary voted yes to giving \$3000 to Pet Helpers. It will got to City Council for final vote Sept 8th.
 - B. The topic of updating CPC guidelines was discussed. They discussed whether CPC needs to see financial reports after giving monies to different groups that help the citizens of Folly Beach. There was question if the verbiage in the guidelines was too harsh that community groups could not ask for funding again if they didn't provide follow up financials. Wes and Heather said they

could help assist in modifying the verbiage and propose that to CPC at their next meeting this fall. And that if they were happy with the changes they could see if Mayor and 3 council people would be behind bringing this up at City Council for a modification of the policies and procedures of CPC.

6. **Adjournment.** The meeting was adjourned at 429pm by Bill and seconded by Roger.



CITY OF FOLLY BEACH

Introduced by: Mayor Bizzell
Date: September 8th, 2026

RESOLUTION 48-26

A RESOLUTION AUTHORIZING THE CITY’S ATTORNEYS TO ENTER INTO NEGOTIATIONS AND OR MEDIATION WITH PARK LANE PARTNERS, THOMAS JERMYN, AND JENNIFER DAVIS RELATED TO ANY LITIGATION ATTACKING ANY ASPECT OF THE CITY’S SHORT-TERM RENTAL ORDINANCE OR APPEALING THE RULINGS OF THE CITY’S STAFF AND HEARING OFFICER RELATED TO THE ISSUANCE, REVOCATION, DENIAL, OR OTHER RULINGS OF SHORT-TERM RENTAL BUSINESS LICENSES.

WHEREAS, the City is a party to ongoing legal proceedings related to short-term rental regulations, namely Park Lane Partners, LLC vs. City of Folly Beach, Thomas Jermyn vs. City of Folly Beach, and Jennifer Davis vs. City of Folly Beach (hereinafter “STR Litigation”); and

WHEREAS, the South Carolina Circuit Court has issued adverse rulings in the STR Litigation declaring the City’s cap on Investor Short-Term Rentals (hereinafter “ISTRs”) and Rental Registration Permit Fees void (hereinafter “Initial Orders”), and the City has appealed those Initial Orders, thus staying the enforcement of those Initial Orders; and

WHEREAS, both Park Lane and Jermyn have moved to lift the stay on the Initial Orders and otherwise asked the Court to enforce those Initial Orders during the appeal, which may lead to the issuance of new short-term rental licenses; and

WHEREAS, Park Lane has also appealed the City’s Hearing Officer Order upholding the revocation of Park Lanes ISTR Business License, and received an order from the South Carolina Circuit Court reversing that holding, and Ms. Davis has also filed a motion to reconsider the Circuit Court’s denial of her appeal of the City Hearing Officer’s Order upholding the denial of her ISTR Business License; and

WHEREAS, The city desires to pursue all available methods of resolution to these matters; and

WHEREAS, Settlement reached through negotiation or mediation is a recognized manner of resolving legal disputes; and

WHEREAS, City Council must approve any agreement to settlement proposed through negotiation or mediation.

NOW THEREFORE BE IT RESOLVED by the City of Folly Beach City Council that the City's Attorneys, with the help of City Administration, are authorized to propose, negotiate, and mediate the City's litigation and disputes Park Lane Partners, Thomas Jermyn, and Jennifer Davis with the goal of presenting a finalized settlement agreement on some aspects of the STR Litigation or all aspects of the STR Litigation to City Council for its consideration and approval.

RATIFIED this 8th day of September, 2026, at Folly Beach, South Carolina, in City Council duly assigned.

ATTEST:

Municipal Clerk

Chris Bizzell, Mayor



CITY OF FOLLY BEACH

Introduced by: Mayor Bizzell
Date: September 8th, 2026

RESOLUTION 49-26

A RESOLUTION AUTHORIZING THE CITY’S ATTORNEYS TO DEFEND ALL APPEALS BY LICENSE HOLDERS OF LICENSE REVOCATIONS, DENIALS, OR RULINGS ISSUED BY CITY STAFF AND THE CITY’S HEARING OFFICER IN ALL LITIGATION, INCLUDING, BUT NOT LIMITED TO, THE HEARING OFFICER DECISIONS IN PARK LANE PARTNERS, LLC VS. CITY OF FOLLY BEACH, THOMAS JERMYN VS. CITY OF FOLLY BEACH, AND JENNIFER DAVIS VS. CITY OF FOLLY BEACH, AND FURTHER TO APPEAL ANY ADVERSE RULINGS BY THE SOUTH CAROLINA CIRCUIT COURT REVERSING THE ORDER OF THE CITY’S HEARING OFFICER AND TO OPPOSE ANY MOTIONS TO LIFT THE STAY ON APPEAL OF ADVERSE RULINGS BY THE CIRCUIT COURT.

WHEREAS, The city is a party to ongoing legal proceedings related to short-term rental regulations, namely Park Lane Partners, LLC vs. City of Folly Beach, Thomas Jermyn vs. City of Folly Beach, and Jennifer Davis vs. City of Folly Beach (hereinafter “STR Litigation”); and

WHEREAS, The South Carolina Circuit Court has issued an adverse ruling in the STR Litigation reversing the Order of the City’s Hearing Officer revoking Park Lane Partners’ Investor Short-Term Rental (hereinafter “ISTR”) Business License, and Jennifer Davis has moved the Circuit Court to reconsider its decision to uphold the decision of the City’s Hearing Officer to uphold the revocation of Ms. Davis’s ISTR Business License, and Thomas Jermyn and others may take similar actions to have his ISTR Business License reinstated; and

WHEREAS, The city wishes to preserve the status quo on the number of ISTRs while it pursues a study of its Short-Term Rental Ordinance, and further wishes to defend the decisions of City Staff and the City’s Hearing Officer with regards to the denial and revocation of ISTR Business Licenses.

NOW THEREFORE BE IT RESOLVED by the City of Folly Beach City Council that the the City’s Attorneys, with the help of City Administration, are authorized to oppose all appeals, lawsuits, and claims seeking to overturn the decisions of City Staff and the City’s Hearing Officer to revoke, deny, or otherwise issues orders related to ISTR Business Licenses, including

any motions for a reconsideration or otherwise attacking the decisions of the City's Hearing Officers; and

FURTHER BE IT RESOLVED by the City of Folly Beach City Council that the City's Attorneys are also authorized to appeal any Circuit Court Orders overturning, reversing, or modifying the Orders of the City's Hearing Officer and related to ISTR Business Licenses, including opposing any effort to lift the stay on appeal of any such orders and otherwise take all actions necessary to preserve the Orders of the City's Hearing Officer.

RATIFIED this 8th day of September, 2026, at Folly Beach, South Carolina, in City Council duly assigned.

ATTEST:

Municipal Clerk

Chris Bizzell, Mayor



CITY OF FOLLY BEACH

Introduced by: Mayor Bizzell
Date: September 8th, 2026

RESOLUTION 50-26

A RESOLUTION AUTHORIZING THE CITY’S ATTORNEYS TO OPPOSE ANY MOTIONS TO LIFT THE STAYS ON APPEAL IN PENDING LITIGATION WITH PARK LANE PARTNERS, LLC, AND THOMAS JERMYN AND TO APPEAL ANY ORDERS LIFTING THE STAYS OR REQUIRING THE ISSUANCE OF A BUSINESS LICENSE.

WHEREAS, the City is a party to ongoing legal proceedings related to short-term rental regulations, namely Park Lane Partners, LLC vs. City of Folly Beach, Thomas Jermyn vs. City of Folly Beach, and Jennifer Davis vs. City of Folly Beach (hereinafter “STR Litigation”); and

WHEREAS, the South Carolina Circuit Court has issued adverse rulings in the STR Litigation declaring the City’s cap on Investor Short-Term Rentals (hereinafter “ISTRs”) and Rental Registration Permit Fees void (hereinafter “Initial Orders”), and the City has appealed those Initial Orders, thus staying the enforcement of those Initial Orders; and

WHEREAS, both Park Lane and Jermyn have moved to lift the stay on the Initial Orders and otherwise asked the Court to enforce those Initial Orders during the appeal, which may lead to the issuance of new short-term rental licenses; and

WHEREAS, the City wishes to preserve the status quo on the number of ISTRs while it pursues a study of its Short-Term Rental Ordinance, including the cap contained therein.

NOW THEREFORE BE IT RESOLVED by the City of Folly Beach City Council that the the City’s Attorneys, with the help of City Administration, are authorized to oppose all motions to lift the stay on appeal of the Initial Orders including, but not limited to, any rulings and motions related to lifting the stays and orders requiring the issuance of business licenses and motions to reconsider; and

FURTHER BE IT RESOLVED by the City of Folly Beach City Council that the City’s Attorneys are also authorized to appeal any orders lifting the stay by the Circuit Court to the

South Carolina Court of Appeals and/or the South Carolina Supreme Court and otherwise take all actions necessary to preserve the stay of the Initial Orders.

RATIFIED this 8th day of September, 2026, at Folly Beach, South Carolina, in City Council duly assigned.

ATTEST:

Municipal Clerk

Chris Bizzell, Mayor