

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, January 10, 2023

Council Chambers

21 Center Street

Folly Beach, SC 29439

- 1. CALL TO ORDER/ROLL CALL**
- 2. INVOCATION & PLEDGE OF ALLEGIANCE**
- 3. MAYOR'S COMMENTS**
- 4. STAFF REPORTS**
 - a. Critical Line Survey Project Report-Dr. Nicole Elko.
 - b. Sewer Emergency Repair- Kyle Sullivan.
 - c. Franchise Ordinance/Contracts Review-Aaron Pope.
- 5. APPROVAL OF AGENDA**
- 6. APPROVAL OF MINUTES**
 - a. Minutes 12.13.2022
- 7. PERSONAL APPEARANCES**
 - a. Installation of Folly Pier Flag at Tides Hotel-Jim Rocco.
 - b. Race for Life- Chasity Benjamin.
- 8. CITIZENS' COMMENTS**
- 9. COMMISSION, BOARD, COMMITTEE REPORTS**

10. OLD BUSINESS

- a. **ORDINANCE 034-22:** An Ordinance to Extend a Moratorium on The Issuance of New Business Licenses for Short Term Rentals Within the City of Folly Beach Due to Verification of a Citizen Initiative Petition to Establish a Cap on Short Term Rentals.(**SECOND READING**)

11. NEW BUSINESS

- a. **RESOLUTION 01-23:** A Resolution by The Folly Beach City Council Authorizing the Administration to Sign a Ninety Day Contract Extension Agreement with Lanier Parking for The Provision of Paid Parking and Parking Enforcement Services.
- b. **RESOLUTION 02-23:** A Resolution by The Folly Beach City Council Awarding the Contract for Services Described in The Folly Beach City Council Chamber Audio Visual Uplift RFP 08-22.
- c. **RESOLUTION 03-23:** A Resolution by The Folly Beach City Council Awarding the Contract for Firehouse Improvements & Repairs to Include: Condensation Mitigation, HVAC Replacement, Kitchen Upgrade, And Ceiling Repairs to Johnson-Laux Construction (SC) In the Amount Of \$119,045.36.
- d. **RESOLUTION 04-23:** A Resolution by The Folly Beach City Council Authorizing City Staff to Acquire Replacement Beach Patrol Carts from Excess Monies Acquired from The Sale of Miscellaneous Items Not Listed on The Asset Inventory (Gl Account 4600-9000).

12. COUNCIL COMMENTS

13. 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.



Marshfront Critical Line Mapping & Retaining Structures Inventory

City of Folly Beach



Final Report

Dec 2022

Introduction

The City of Folly Beach is a vulnerable, low-lying barrier island community that has been experiencing increased flooding due to increasing rates of sea level rise in recent years. The latest [U.S. interagency reportⁱ](#) predicts an average sea level rise of up to 1 ft by 2050 (<30 years), which is about equal to the water level change in Charleston ([Charleston stationⁱⁱ](#)) in the last 100 years (see Intermediate Scenario, Figure 1). This will result in a “profound shift” in coastal flooding over the next 30 years. Storm surge and high tides will increase and reach further inland. This is consistent with the “living memory” of the City of Folly Beach (i.e., flooding is happening more often) and was a driver to initiate ongoing resilience planning efforts.

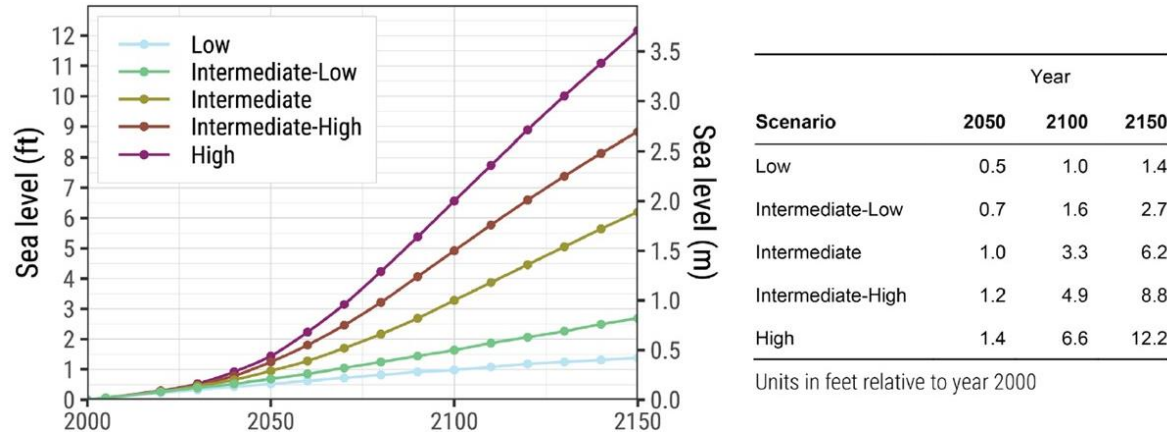


Figure 1. Global sea level rise projections from the 2022 Sea Level Rise Technical Reportⁱⁱⁱ.

This document summarizes a critical line mapping effort for the City of Folly Beach conducted during the summer of 2022 along about 9.5 miles of the marshfront on Folly Island. This project was motivated by several recent resilience planning efforts including the City’s Comprehensive Plans’s Natural Resources section, Goal #8, which states that the City must engage more fully with the river and other sensitive areas to balance access with protection. The 2017 Sea Level Rise Adaptation Report and the Marshfront Management Plan (2019; MMP), which identified several future opportunities. The top priority opportunity was the mapping of the marshfront critical line and a more detailed inventory of habitable marshfront structures and bulkheads including their distance from the critical line (Figure 2).

For purposes of this report, the critical line is the boundary between the upland and the tidelands and coastal water critical areas. The critical line is a biophysical jurisdictional feature that shifts as sea level changes or as the marsh migrates. Typically, the critical line is determined by SC DHEC-OCRM staff upon request. Because the line can change, the determination is valid for 5 years^{iv}. Any activities seaward or marshward of the critical line require state and federal permits.

This mapping and inventory is a critical need for the City for several reasons, one being that the state does not maintain a map of the critical line for South Carolina marsh shorelines. As stated on page 35 of the MMP, “a map (i.e., GIS layer) of the critical line along the marshfront would be useful for future management and regulation of marshfront development. Presently, it is not possible to determine, without extensive field checking, the relation of the mapped bulkheads and other erosion control structures to the critical line. The city will require a continuous digitized critical line along the marsh for regulatory and planning purposes.”

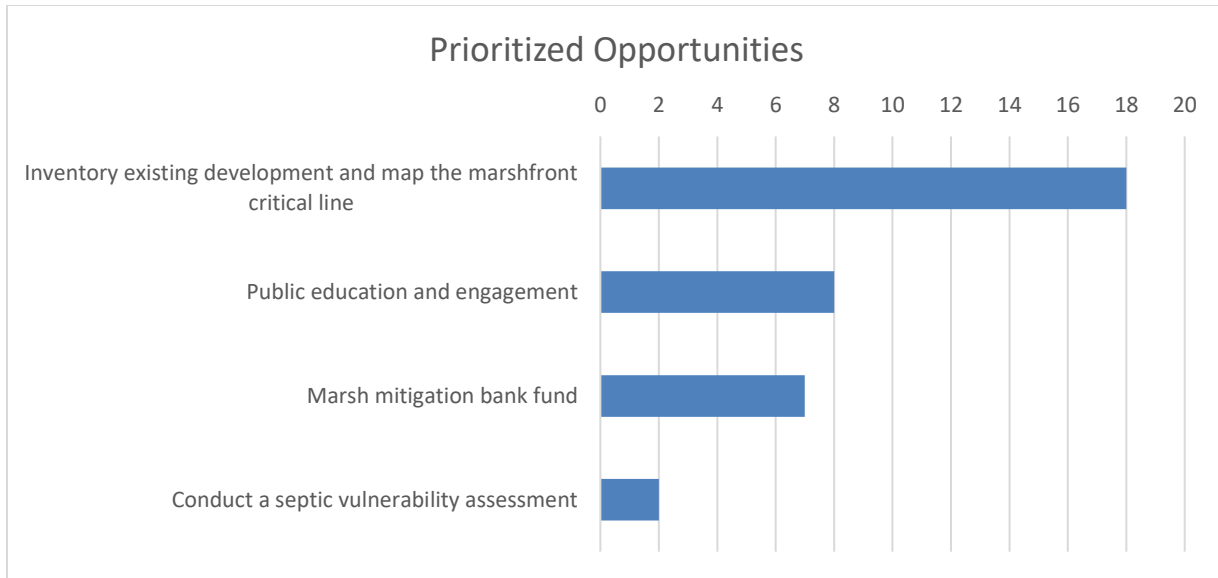


Figure 2. Figure 18 from the City's 2019 MMP illustrating future marshfront management opportunities as prioritized by stakeholders, elected officials, and City staff.

In this project, the City is once again leading a proactive and progressive effort for South Carolina beachfront communities. No other similar mapping products exist. In fact, there is no standard surveying procedure for critical line mapping, as there is, for example, for beach profile or primary dune mapping. This will help with permitting, regulations, grant applications, planning, and other flood mitigation activities.

Methods

Data points were collected using standard land surveying techniques with real-time kinematic (RTK) GPS at a maximum interval of 20 feet along the critical transition between the marsh and upland ecosystem. The marshfront critical line was delineated using critical line indicators.

There is no specific single, definitive science- or management-based definition of marshfront critical line indicators, or even of wetlands for that matter. Visual indicators are used when delineating a marshfront critical line that include existing hydrology and hydrophytic vegetation^v. While testing for hydric soils is needed when establishing a wetland delineation, this is not necessary for a critical line survey. DHEC statutes and regulations do not specify a standard methodology for marshfront critical line delineation.

The main challenge encountered with this survey technique was poor GPS precisions under the tree canopy in certain areas along the marshfront. Also, some areas of the marshfront are not accessible due to significant overgrowth of vegetation. Every effort was made to collect a continuous line; however, several gaps exist due to limitations from topography and vegetation.

In addition to the critical line, marshfront structures were inventoried. Each x, y, z point was coded as either critical line, bulkhead, riprap, or berm. In almost every case, marshfront structures were coincident with the critical line; thus, either the critical line or the structure was mapped (Figure 3). If the structure was located upland of the critical line, two data points were collected along a cross-shore transect – the critical line and the structure. This was rare but most common in the case of marshfront berms.



Figure 3. Intern McHenry Jackson, junior at the College of Charleston, collecting survey data of the bulkhead at the Folly River Park in June 2022.

Product

The deliverable for this project is a baseline mapping product and geodatabase for the city to visualize the critical line and retaining structures along the marshfront. The geodatabase includes elevation data points as well as a color-coded critical line along the marshfront (Figure 4). All maps of Folly Island are included in the Appendix Map Book.

Bulkheads were the most common type of marshfront structure with a 66% occurrence rate as compared to 31% for rip rap and only 3% for marshfront berms.



Figure 4. Example of the geodatabase developed by this project showing the area from approximately 10th St. E. to the Washout.

The average elevation of the critical line along the Folly Island marshfront was 4.6 ft NAVD88 or 7.8 ft MLLW (Table 1). Bulkheads along the Folly Island marshfront were about 1.1 ft higher than the average elevation of the critical line, whereas marshfront berms were about 2 ft higher.

Table 1. Average elevation for the critical line and bulkheads, rip rap, and berms along the marshfront.

	Average elevation (ft)	
	NAVD88	MLLW
Critical Line	4.60	7.83
Bulkheads	5.73	8.96
Rip rap	5.27	8.50
Berms	6.54	9.77

Interestingly, the City has been involved in a water level data collection project which independently confirmed the same elevation (7.8 ft MLLW) as a critical flood threshold for the island. This is the point at which flooding crosses the critical line, exceeds the high marsh boundary, and begins to flood the upland.

The project, which occurred in collaboration with the South Carolina Beach Advocates, installed a local water level sensor or tide gauge in 2021. Whereas in the past, there was no nearby gauge; today, Folly Island has real-time water level data to help inform decisions related to flooding and sea level rise adaptation. After monitoring water level data for about one year, the consultant and town staff decided to use the elevation of 7.8 ft MLLW as the critical flood threshold elevation (Figure 5). This was based on water level observations that resulted in flooding on the island's roadways. Note that this threshold was exceeded about monthly during the fall of 2022.

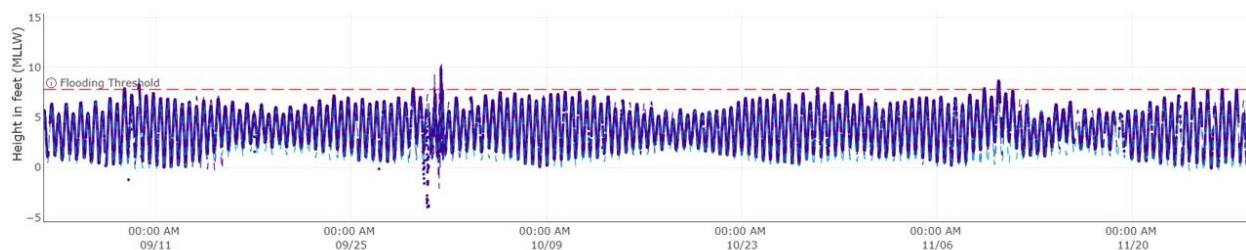


Figure 5. Water level data from the Hohonu tide gauge mounted on the Folly River bridge from September to November 2022. The red Flooding Threshold line is at 7.8 ft MLLW. <https://www.hohonu.io/>

Present sea level rise projections, discussed in the Introduction, will shift the plot in Figure 5 up by one foot over the next 30 years. Thus, an average elevation bulkhead (5.7 ft NAVD88; 9 ft MLLW) that is holding back today's King tides on Folly Island will be overtopped routinely by 2050.

Next Steps

In addition to internal regulatory and planning operations, the City can utilize this report during the 2023 update to the Sea Level Rise Adaptation Plan. By overlaying this geodatabase with a large-scale digital elevation model, the parcel database, and various sea level rise flooding scenarios, we will gain a better understanding of the effect of flooding along the marshfront. The percent of marshfront parcels with retaining structures can be determined, as well as the percent of retaining structures that are compromised at each sea level rise scenario.

Based on the recommendation in the SCDHEC Critical Line Buffer Ordinances Manual^{vi}, it is suggested that this mapping and structural inventory be updated every three years to assess changes to the critical line and to retaining structures along the marshfront.

Summary

The marshfront critical line was delineated and mapped along with marshfront retaining structures on Folly Island during the summer of 2022. The average elevation of the critical line was 4.6 ft NAVD88 (7.8 ft MLLW). Bulkheads were about 1.1 ft higher than the average elevation of the critical line, whereas marshfront berms were about 2 ft higher. Bulkheads were the most common type of marshfront structure with a 66% occurrence rate as compared to 31% for rip rap and only 3% for marshfront berms. According to recent projections, an average elevation bulkhead (5.7 ft NAVD88; 9 ft MLLW) that is holding back today's King tides on Folly Island will be overtopped routinely by 2050. Results of this project will be used to improve resilience along the marshfront.

References/Endnotes

- ⁱ Sweet, W.V., B.D. Hamlington, R.E. Kopp, C.P. Weaver, P.L. Barnard, D. Bekaert, W. Brooks, M. Craghan, G. Dusek, T. Frederikse, G. Garner, A.S. Genz, J.P. Krasting, E. Larour, D. Marcy, J.J. Marra, J. Obeysekera, M. Osler, M. Pendleton, D. Roman, L. Schmied, W. Veatch, K.D. White, and C. Zuzak, 2022: Global and Regional Sea Level Rise Scenarios for the United States: Updated Mean Projections and Extreme Water Level Probabilities Along U.S. Coastlines. NOAA Technical Report NOS 01. National Oceanic and Atmospheric Administration, National Ocean Service, Silver Spring, MD, 111 pp., <https://oceanservice.noaa.gov/hazards/sealevelrise/sealevelrise-tech-report.html>
- ⁱⁱ NOAA, 2022. CO-OPS Tides and Currents, Relative Sea Level Trends, Springmaid Pier, SC, https://tidesandcurrents.noaa.gov/sltrends/sltrends_station.shtml?id=8661070
- ⁱⁱⁱ See i above.
- ^{iv} DHEC 2022. Critical Area Permitting – Request a Critical Area Line, SC DHEC Ocean & Coastal Resource Management, <https://scdhec.gov/environment/your-water-coast/ocean-coastal-resource-management-ocrm/critical-area-permitting/critical-area-permitting-request-critical-area-line>, accessed 11/20/22.
- ^v Halfacre-Hitchcock, A. and Hitchcock, D.R, 2005. Critical Line Buffer Ordinances: Manual Guidance for Coastal Communities, 72p.
- ^{vi} See note v above

Appendix

Map Book of Marshfront Critical Line and Retaining Structures Inventory
Summer 2022

Critical Line and Marshfront Structural Inventory
Folly Island 2022
East End



Critical Line and Marshfront Structural Inventory
Folly Island 2022
The Washout area



Critical Line and Marshfront Structural Inventory
Folly Island 2022
10th St. East to the Washout







Critical Line and Marshfront Structural Inventory
Folly Island 2022
Shadow Race Ln to Center St.





Critical Line and Marshfront Structural Inventory
Folly Island 2022
Folly Beach County Park to 9th St. West





City of Folly Beach

Date: January 10, 2023

Re: Sewer Emergency Repair

Mayor and Council,

The above ground piping at Pump Station 5 (Mariners Cay) was busted on Christmas Eve due to freezing temperatures. The station was put on a diesel pump the same day. Bishop and Sons will do the emergency repair work. Materials should arrive in about a week and a half. It will take 2 days to install the new piping and valves. The cost is \$28,500.00.

Kyle Sullivan
Utilities Director



City of Folly Beach

Date: January 10, 2023

Re: Franchise Ordinance/Contracts Review

Mayor/Council,

The City currently approves franchised and non franchised commercial activities on the beach. Franchised activities (beach chair and umbrella rentals/surf camps/jet ski/ rentals/paddle board rentals) are approved for 5 year terms. They are governed by contracts and pay the City a portion of their income annually in addition to a flat fee set by bid. Non franchised activities (surf lessons and yoga lessons) are approved annually. They pay a flat fee of \$250 dollars to the City. All other commercial activity on the beach is prohibited. Last year, City Council modified the renewal dates for both types of approved commercial activity to coincide with the new business license year (May 1). Decisions on 2023 non franchise activity will need to be made in April. Council will also need to approve new paddle board and surf camps franchises. Chair and umbrella franchises do not expire until April 30th, 2026.

Staff and the Mayor met to review our current ordinances and procedures and propose the following changes beginning in the 2023 season:

- Formally allow wedding chair delivery to the beach as an approved non franchise commercial activity on all areas of beach. This would be paired with an amendment to current wedding rules to state that weddings with chairs are limited to 25 people or less.
- Enforce current ordinance which limits rental of goods to beach chairs and umbrellas. Prohibit the rental of beach tents and coolers on the beach. Vendors wishing to rent this equipment may not rent or deliver to the beach.
- Require that all rental items (from any source) be clearly labeled with the business name and contact phone number. This includes offsite rental companies that provide umbrellas, coolers, tents, and other beach gear.
- Eliminate the unused jet ski franchise.
- Raise the base bid for chair/umbrella rentals to \$5,000 annually and increase percentage of revenue from 4% to 5%. Shorten term from 5 years to 3 years.
- Raise the base bid for surf camps to \$2,500 annually and increase percentage of revenue from 4% to 5%. Shorten term from 5 years to 3 years.
- Award surf lessons and yoga as formal franchises, with contracts. Raise base fee from \$250 to \$1,000. Keep 1 year terms.

- Bring back previous franchise for concessions at 3rd Street West parking lot. Set base fee at \$5,000 with 10% gross for a 3 year term.
- Provide a City supplied beach storage box for each beach front franchise, to match existing.
- Require that documentation required by ordinance (CPR, lifesaving certs, etc.) be kept on site for inspection.
- Require that all companies providing services on the each have a clearly identifiable point of contact on the beach.
- Amend franchise contracts to require inclusion of beach rules for smoking, plastic, alcohol, etc. in any rental agreement.
- Amend franchise contracts to explicitly require cooperation with public safety, acknowledge that vendors are solely responsible for proper installation of tents/umbrellas and other items to prevent wind accidents, and state that vendors must remove damaged equipment.
- Allow franchise contracts to transfer to new companies under original terms.

The proposed timeline is:

Present to Council at **January** work session.

Compile feedback from Council and other interested parties to Council in **February**.

Advertise expiring franchise bids and commercial activity approvals in **March**. First reading of any necessary ordinance changes.

Second reading of any necessary ordinance changes in **April**. Award in **April**.

May 1, all new contracts start.

Aaron Pope, AICP
City Administrator

CURRENT FEES

Type of Franchise	Income	4% Payment		Franchise Fee
Surf Camps	\$868,300.00	\$34,732.00	#1	\$5,250.00
			#2	\$2,552.00
			#3	\$1,000.00
			#4	\$1,000.00
Paddleboard Camps	\$0.00	\$0.00	#1	\$1,000.00
			#2	\$2,000.00
Chair & Umbrella Rentals	\$901,925.00	\$36,077.00	#1	\$2,000.00
			#2	\$1,000.00
			#3	\$2,000.00
			#4	\$2,000.00
Personal Watercraft Rental	\$0.00	\$0.00	#1	\$1,000.00

\$1,770,225.00 \$70,809.00 \$20,802.00 \$91,611.00

PROPOSED FEES

Type of Franchise	Income	5% Payment		Franchise Fee
Surf Camps	\$868,300.00	\$43,415	#1	\$2,500.00
			#2	\$2,500.00
			#3	\$2,500.00
			#4	\$2,500.00
Paddleboard Camps	\$0.00	\$0	#1	\$2,500.00
Paddleboard Camp			#2	\$2,500.00
Chair & Umbrella Rentals	\$901,925.00	\$45,096	#1	\$5,000.00
			#2	\$5,000.00
			#3	\$5,000.00
			#4	\$5,000.00
Personal Watercraft Rental	\$0.00	\$0	#1	\$0.00

\$1,770,225.00 \$88,511 \$35,000.00 \$123,511.25



City Council Meeting 7:00 PM Tuesday, December 13, 2022

1. CALL TO ORDER/ROLL CALL

Councilmember Farley was not present.

2. INVOCATION & PLEDGE OF ALLEGIANCE

Councilmember Barker lead the invocation.

3. MAYOR'S COMMENTS

Mayor Goodwin stated that there are still appointments for the Folly Beach blood drive on December 15th. Mayor Goodwin thanked the Clerk of Council Wes Graham and Community Coordinator Lacey Deeds for an excellent job with the Christmas parade.

4. STAFF REPORTS

Aaron Pope, City Administrator. Mr. Pope stated that the city sponsored yoga program has become pretty informal with no contract, no set agreement, nor a bid process. He proposed a remedy by formalizing the sponsorship by granting Community Yoga as a franchise. Councilmember Rich stated that council received an email from Community Yoga stating they would rather keep it how it is and not become a franchise.

Councilmember Grooms asked if there was any money being exchanged.

Mr. Pope stated that there is no outright fee, however, there are donations which makes it a commercial activity. He asked council for some direction on this topic.

Council rejected the idea of Community Yoga becoming a franchise and will move forward as a true private community group.

5. APPROVAL OF AGENDA

Councilmember Grooms moved for approval. Councilmember Rich seconded.

Councilmember Barker, Yes; Councilmember Grooms, Yes; Councilmember Houghton, Yes; Councilmember Ellis, Yes; Councilmember Rich, Yes; Mayor Goodwin, Yes.

All in Favor. Motion Passes.

6. APPROVAL OF MINUTES

Councilmember Barker moved for approval. Councilmember Rich seconded.

Councilmember Barker, Yes; Councilmember Grooms, Yes; Councilmember Houghton, Yes; Councilmember Ellis, Yes; Councilmember Rich, Yes; Mayor Goodwin, Yes.

All in Favor. Motion Passes.

7. PERSONAL APPEARANCES

- a. Paula Hinton requesting special usage of the Community Center. Ms. Hinton said that she wants to bring Ageless Grace which is a dance exercise class for the local seniors. She added that there is a cost associated with the class since the trainer will be coming from North Carolina.

Councilmember Rich moved for approval. Councilmember Ellis seconded.

Councilmember Rich asked if there is a club associated with this so individuals have to pay to attend the class. He explained that if not this goes against the no commercial activities

ordinance.

Ms. Hinton stated that they would charge the participants.

Councilmember Barker, No; Councilmember Grooms, Yes; Councilmember Houghton, No; Councilmember Ellis, Yes; Councilmember Rich, No; Mayor Goodwin, No.

Motion Fails, 2-4

- b. Kelly Travers with FAB updated City Council on upcoming annual events Polar Plunge, Taste of Folly, and Sea and Sand. Ms. Travers outlined the timeline and impacts on the community for each event. She explained that each event is very similar to years past. Councilmember Barker asked if Ms. Traver can confirm that Taste of Folly and Sea and Sand will be free for Folly residents with ID.

Ms. Traver stated that is true. No charge for residents with Folly ID and kids under 12.

- c. Vince Perna and Ms. Travers requested approval for an Ice Rink to be placed on E. Arctic. Mr. Perna gave a quick overview of the rink and timeline. He stated that this year's impact will be small and more of a test run for next year. Councilmember Houghton moved for approval. Councilmember Barker seconded. Mayor Goodwin asked how many vendors will be operating. Ms. Travers stated that there will be three a night. Councilmember Grooms asked if the bathrooms across the street will be open. Ms. Travers said they will reach out to Park Folly and the City to coordinate that. Councilmember Barker stated that in the future please get City Council's approval before the advertisement starts. Councilmember Barker, Yes; Councilmember Grooms, Yes; Councilmember Houghton, Yes; Councilmember Ellis, Yes; Councilmember Rich, Yes; Mayor Goodwin, Yes.

All in Favor. Motion Passes.

- d. Guy Vorster with Rugby CHS. Mr. Vorster wanted to start the conversation about Folly hosting a touch rugby tournament in the fall of 2023. He explained this is a fun tournament for high schoolers to introduce them to the sport. Mayor Goodwin asked when he is expecting to hold this event. Mr. Vorster stated in the fall October or November. He said he would gather more information and come back to council closer to the date. Councilmember Barker suggested looking at November dates since the beach is still busy during the month of October.
- e. Timothy McKevlin Commercial District Signage Request. Mr. McKevlin asked City Council to consider an ordinance change to the commercial district sign rules. He explained they intend to remove all current signs and have one larger sign on the sign to make the building look cleaner and professional. Councilmember Rich stated that he recalls a meeting years ago where council gave special permission to the Tides hotel to go over the sign allotment. He explained that he likes what Mr. McKevlin is requesting and the look is much better. Mayor Goodwin stated that they will need to speak with the City Attorney when he returns to discuss the proper path this request needs to take.

8. CITIZENS' COMMENTS

- a. Sam Meader 318 E. Arctic. Mr. Meader requested a city or civic club sponsored event to hear both sides of the STR discussion before the special election.
- b. Omar C. asked if the city is participating in information persuasion about the referendum.
- c. Star Aitchison. Ms. Aitchison stated that she opposes the STR cap.
- d. Nadine Vogel 1611 E Ashley. Ms. Vogel asked if the city could work with the County to clean up the graffiti on the lighthouse inlet preserve.
- e. Richard Beck, 1613 Folly Creek Way. Mr. Beck asked City Council to pass the moratorium.
- f. Mary C. quoted Thomas Paine about government overreach in reference to the STR conversation.
- g. Tom Powers Summerville. Mr. Powers opposed the moratorium.
- h. Mary Catoe 1636 E Ashley Ave. Ms. Catoe asked for the moratorium to be left in place.
- i. Ann Peets 606 W Beach Ct. Ms. Peets thanked everyone who is working on this extremely tough conversation. She spoke in favor of the moratorium.

9. COMMISSION, BOARD, COMMITTEE REPORTS

10. OLD BUSINESS

11. NEW BUSINESS

- a. **ORDINANCE 033-22:** An Ordinance Amending the Folly Beach Code of Ordinances Chapter 117 (Short Term Rentals) By Including Language Proposed by Citizen Petition to Define Owner Occupied and Investment Short Term Rental Licenses and Limit the Number of Investment Short Term Rental Licenses to Eight Hundred. **(FIRST READING)**

No motion was given. Ordinance Fails.

ORDINANCE 034-22: An Ordinance to Extend a Moratorium on The Issuance of New Business Licenses for Short Term Rentals Within the City of Folly Beach Due to Verification of a Citizen Initiative Petition to Establish a Cap on Short Term Rentals.**(FIRST READING)**

Councilmember Rich moved for approval. Councilmember Barker seconded.

Councilmember Rich asked what about the group of license holders appealing.

Mayor Goodwin stated that the individuals have been instructed by staff to contact Joe Wilson the City Attorney and he will arrange a hearing.

Councilmember Houghton asked if the question is answered before the 3 month expiration then the moratorium will end then.

Mayor Goodwin stated that is correct.

Councilmember Barker, Yes; Councilmember Grooms, Yes; Councilmember Houghton, Yes; Councilmember Ellis, No; Councilmember Rich, Yes; Mayor Goodwin, Yes.

Motion Passes 6-1.

- b. **ORDINANCE 035-22:** An Ordinance Rezoning the High Ground of Long Island and The Associated Small Marsh Islands Including Palm Island from Residential Single Family to Marsh Island Residential and Amending the Official Zoning Map to Reflect Said Change in Order to Implement the Goals of the 2020 Comprehensive Plan.**(REMAND TO PLANNING COMMISSION)**
Councilmember Rich motioned to remand to the Planning Commission. Councilmember Grooms seconded.
Councilmember Barker, Yes; Councilmember Grooms, Yes; Councilmember Houghton, Yes; Councilmember Ellis, Yes; Councilmember Rich, Yes; Mayor Goodwin, Yes.
All in Favor. Motion Passes.
- c. **RESOLUTION 48-22:** A Resolution by The Folly Beach City Council Adopting The 2023 Regular Meeting Calendars for Folly Beach City Council, Planning Commission, Design Review Board, Parks And Recreation Board, And The Official Holiday Calendar. Councilmember Grooms moved for approval. Councilmember Ellis seconded.
Councilmember Barker, Yes; Councilmember Grooms, Yes; Councilmember Houghton, Yes; Councilmember Ellis, Yes; Councilmember Rich, Yes; Mayor Goodwin, Yes.
All in Favor. Motion Passes.
- d. **RESOLUTION 49-22:** A Resolution by The Folly Beach City Council Authorizing the Administration to Pay Weston and Sampson an Additional \$10,000 For Grant Writing and RFP Development Related to Water Main Replacement and Stormwater Improvement Grant Applications.
Councilmember Ellis moved for approval. Councilmember Grooms seconded.
Councilmember Barker, Yes; Councilmember Grooms, Yes; Councilmember Houghton, Yes; Councilmember Ellis, Yes; Councilmember Rich, Yes; Mayor Goodwin, Yes.
All in Favor. Motion Passes.
- e. **RESOLUTION 50-22:** A Resolution by The Folly Beach City Council Authorizing the Payment Of \$1,200.00 From the Council Discretionary Account to The Folly Beach Exchange Club for Sponsorship of the 2023 Folly Beach Exchange Club/Fab Golf Tournament.
Councilmember Ellis moved for approval. Councilmember Houghton seconded.
Councilmember Barker, Yes; Councilmember Grooms, Yes; Councilmember Houghton, Yes; Councilmember Ellis, Yes; Councilmember Rich, Yes; Mayor Goodwin, Yes.
All in Favor. Motion Passes.

12. COUNCIL COMMENTS

- a. Councilmember Grooms wished everyone a Merry Christmas. He reminded everyone that the Exchange Club will be hosting a Christmas party at Planet Follywood.

- b. Councilmember Houghton stated that she loved her time as the Civic Club President and will be around to help the new President Amy Ray.
- c. Councilmember Barker wished everyone a Merry Christmas and Happy Hanukkah and Happy New Year.
- d. Councilmember Rich wished everyone Happy Holidays.

13. ADJOURNMENT

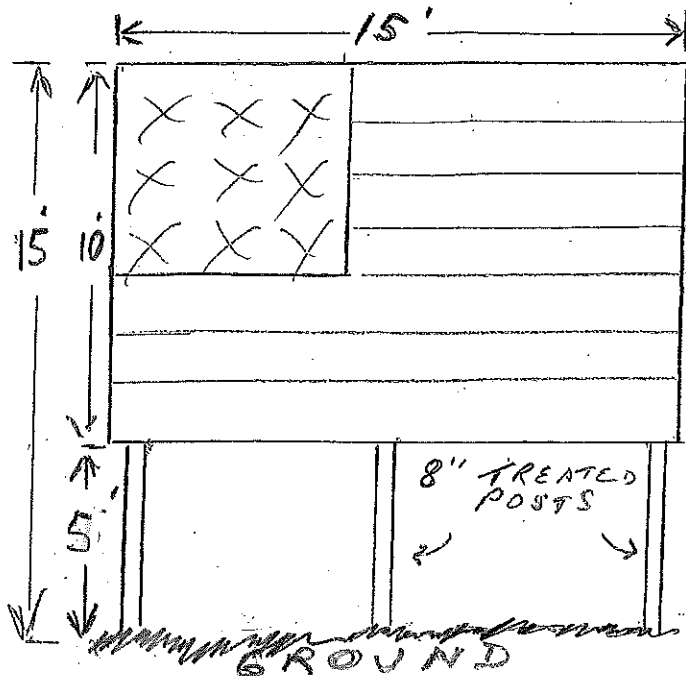
In a nutshell, I recently completed a sculpture honoring the workers who tore down and rebuilt the Folly Beach Pier. 'Jimmy's Crew' is a 10' h x 15' w US Flag made from the wood and metal of the old Folly Pier. I approached Ken Merkel Gen Mgr. of the Tides Hotel for permission to install it there so the pier workers could experience it before they leave to another job. The attached photo is where he suggested. Facing the hotel, it is to the right of the existing walkway to the beach adjacent to the shower and white storage shed. Folly Pier foreman Jimmy offered his crew to help engineer and install the sculpture. I am requesting 'permanent' installation status as the plan is to make the sculpture hurricane and flood proof. It may move to the Pier once it opens but this is yet to be approved. The sculpture is made of eleven (11) – 15' long x 10" wide timbers (flag stripes) and nine (9) metal 'stars' approx. 2'x2'. The 'Lego' design allows for all 20 parts to be individually handled so weight is minimized. The 'stars' are designed like studded earrings which bolt into the timbers. The timbers bolt into three (3) - 8" treated posts. The posts are anchored 4' underground to three (3) - 5'x8" treated wood footers.

Jim Rocco

FOLLY PIER FLAG SCULPTURE INSTALLATION AT TIDES HOTEL

10-9-22

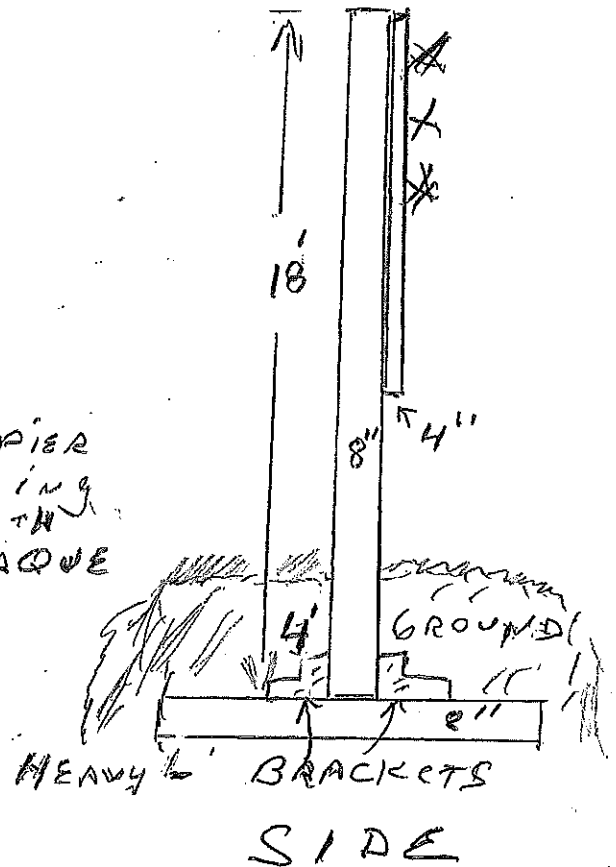
Submitted by Jim Roc.
843-270-1924



FRONT

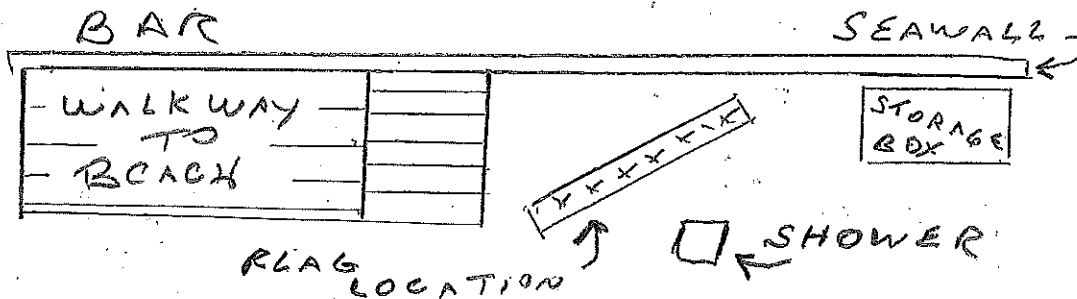


4' PIER
PILING
WITH
PLAQUE



SIDE

TIDES HOTEL



INFORMATION

- FLAG IS 10' H x 15' WIDE x 4" THICK
- THREE (3) 8" POSTS SUPPORT A FINAL DESIGN WHICH SETS 5' ABOVE GROUND LEVEL MAKING A 15' W x 15' H SCULPTURE
- 3 POSTS ARE ANCHORED 4' UNDER GROUND BY THREE 5' - 8" TREATED POSTS
- FOLLY PIER FOREMAN WORKED TO HELP ENGINEER INSTALL FLAG

Main Contact

Chasity Benjamin

Owner Name

Chasity Benjamin

Cell Phone

(843) 992-8158

Organization (if applicable)

We Are Sharing Hope SC

Address

1303 WESTCHASE DR.
Charleston, SC 29407
United States
[Map It](#)

Event Location

18th Annual Race for Life

Reservation Date

04/29/2023

Beginning Time (including setup)

06:00 am

Ending Time (including breakdown)

04:00 pm

Estimated Number of Attendees

500

Event Name

18th Annual Race for Life

Description of Event

The Annual Race for Life is an event to honor the gift of organ, eye, and tissue donation whether that be in celebration of the second chance given to recipients, honoring the Heroes of donation and their families who make that gift possible, or coming together with our local and statewide partners in donation to educate the community. This event is a fundraiser for the SC OPO (organ procurement organization) We Are Sharing Hope SC and supports the outreach and educational efforts of the Public Relation team. Funds also support the Donor Family Services department, offering services to families who have lost a loved one and bringing together community resources to honor their legacy. Every year this event attracts more and more people who are inspired by the mission of donation. It is our hope that all South Carolinians embrace the gift of life, say YES to being an organ donor Hero, and are educated about the needs and disparities within our communities.

Please describe how your event meets the criteria in Section (B)(1)

1. The We Are Sharing Hope SC (SHSC) Race for Life is an event focused on community engagement and education about organ, eye, and tissue donation. Participants, sponsors, and partners of this event believe in investing in the health and wellbeing of our community. Whether having had a transplant, in need of a transplant, or losing their loved one who was a Donor Hero, this event brings the community together and

enhances the opportunity to understand how one person has the ability to make a last impact through the gift of life.2. In 2021, Folly Beach participated in National Donate Life Month (April) by declaring a proclamation for the month of April, recognizing the need and value of the gift of life. Folly Beach County Park also hosted the 2021 Race for Life Drive Through Celebration event, giving the donation and transplantation community the opportunity to celebrate life *safely* in the midst of a pandemic. Being a part of this annual event enhance the image of the city because it shows the people of Folly Beach that you are invested in them, in their health, and in their loved ones.3. Each year this event attracts individuals from all over the state. It is without a doubt that those attending would spend their afternoon at Folly Beach, eating at the local restaurants, and enjoying all of the amazing amenities it has to offer.4. Holding this event in April, National Donate Life Month, will bring an exciting off-season number of visitors to the city of Folly Beach. We hope to hold this event on April 9th, 2022. Our highest event participation was in 2020 at 850. While we would love to see that number increase yet again, we know that coming back to in person events will still be a new idea to be comfortable with which is why we hope to bring together 350-500 people in celebration of donation and transplantation.

Will inflatables, trampolines, mechanical rides, amusement rides, petting zoos or animals be at the event?

- No

Is this event a sporting event?

- Yes

Signature



Your Name

Chasity Benjamin



Start: On E. Arctic Ave between Pier and 2nd St, 40 feet west of SCEG pole #414254 and 36 feet east of water valve in sidewalk (across from 112 E. Arctic Ave). Mark is on south side of road.

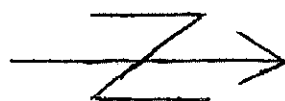
1 Mile: On E. Arctic Ave, 6 feet west of SCEG pole #324371 (at 811 E. Arctic Ave). Mark is on south side of road.

2 Mile: On E. Cooper Ave, 22 feet east of SCEG pole #275701 (across from 818 E Cooper Ave). Mark is on south side of road.

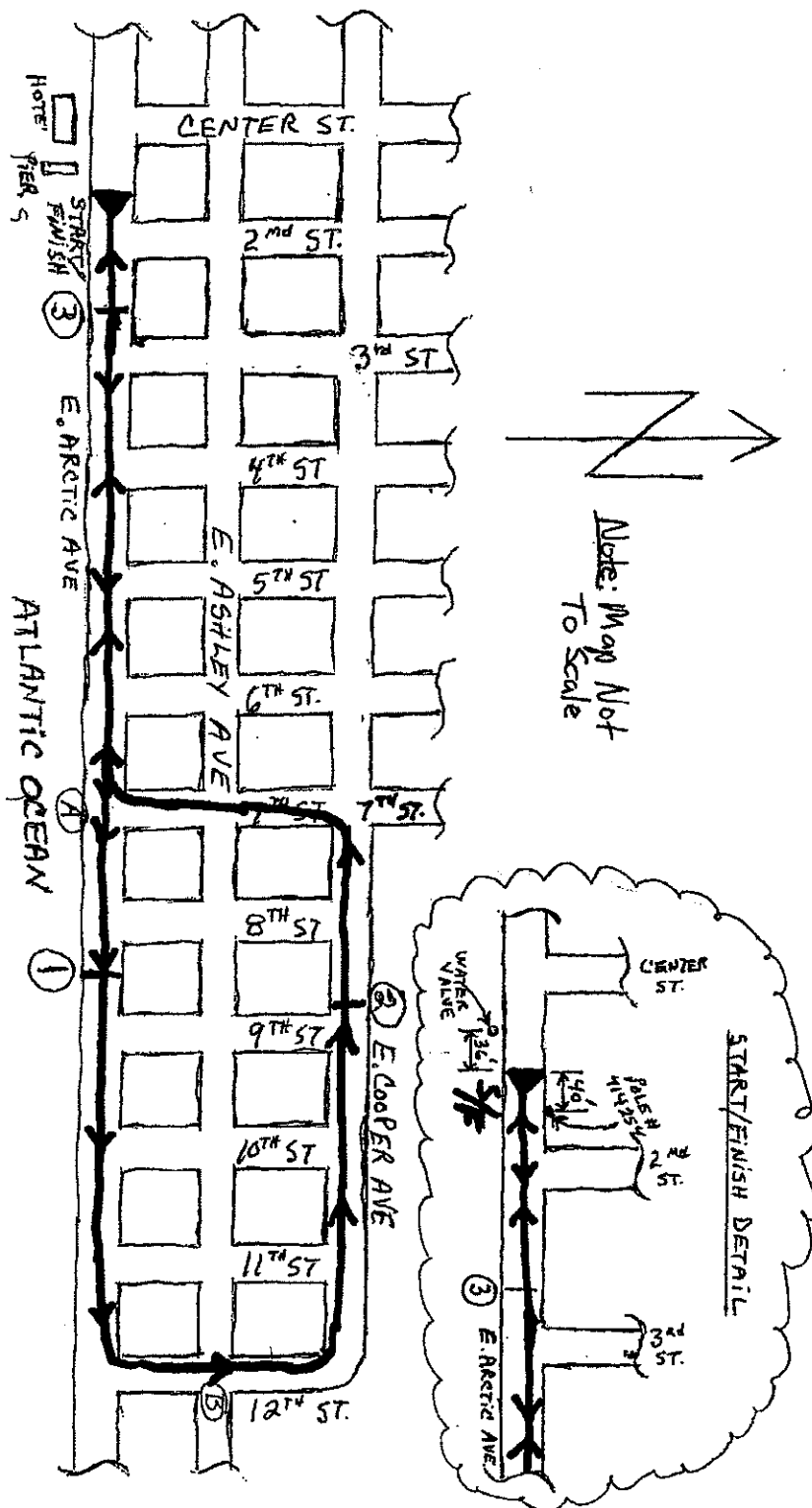
3 Mile: On E. Arctic Ave, 15 feet west of center of driveway at 211 E. Arctic Ave. Mark is on south side of road.

Finish: On E. Arctic Ave, the same as the start point.

All points marked with nails, washers and paint.



Note: Map Not To Scale



Race for Life 5K Course



- Bathrooms located at:
 - Start/finish
 - Intersection of Ashley Avenue and 12th Street
 - Intersection of E. Cooper and 7th Street
- Water stations located at:
 - Start/finish
 - Intersection of E. Cooper and 7th Street
-  Indicates Tides Hotel/Folly Beach Fishing Pier



CITY OF FOLLY BEACH

1st Reading: December 13th, 2022
2nd Reading: January 10th, 2023

Introduced by: Mayor Goodwin
Date: December 13th, 2022

ORDINANCE 034-22

AN ORDINANCE TO EXTEND A MORATORIUM ON THE ISSUANCE OF NEW BUSINESS LICENSES FOR SHORT TERM RENTALS WITHIN THE CITY OF FOLLY BEACH DUE TO VERIFICATION OF A CITIZEN INITIATIVE PETITION TO ESTABLISH A CAP ON SHORT TERM RENTALS.

- WHEREAS,** The City has received a citizen petition to limit the number of short-term rental licenses for the rental non primary residences to 800; and
- WHEREAS,** The Charleston County Board of Elections has verified that the petition contains the required number of signatures to trigger Council action; and
- WHEREAS,** The City has issued approximately 1,210 short term rental licenses for the 2022/2023 business license year as of December 9, 2022 with approximately 1,058 of those licenses issued for the rental of non primary residences; and
- WHEREAS,** The City desires to limit further increase in the number of short term rental licenses issued for the rental of non primary residences until the question posed by the petition is settled by vote of Council or general referendum; and
- WHEREAS,** The City approved a moratorium on the issuance of new rental licenses for non primary residences on 10/18/22 that expires on January 11, 2023.

NOW BE IT THEREFORE ORDAINED:

1. The City of Folly Beach imposes a moratorium, to be effective immediately upon ratification of this Ordinance, on the issuance of new business licenses for short term rentals of non primary residences within the City:
 - a. Subject to Section (b) hereof, no application shall be approved for a business license to for any residential dwelling taxed at a 6% property tax rate.
 - b. Subject to the limitations set forth in Section (c) excepted from the provisions of Section 1 (a) are each of the following:
 - i. Renewals of short term rental licenses for properties that were legally licensed as of October 18th, 2022.
 - ii. New licenses resulting from the transfer of ownership of properties that were legally licensed as short term rentals as of October 18th, 2022.
 - iii. New licenses for a short term rental for which an application, deemed sufficient

for approval, has been filed with the City of Folly Beach prior to October 18th, 2022.

- iv. New licenses for properties in Downtown Commercial district for which Final Approval has been granted by the Design Review Board prior to the ratification of this ordinance.
 - c. In order to be excepted from this moratorium under Section 1.(b)(iv), all applications must comply with the following requirements:
 - i. Applications must be deemed sufficient for approval by City staff; and
 - ii. Applications must be for a license to rent:
 - 1. An existing residential unit that is currently available to rent or will be within thirty days of ratification of this Ordinance; or
 - 2. A planned residential unit for which an application for a building permit, sufficient for approval by City staff, has been submitted within thirty days of ratification of this Ordinance and which shall be available to rent within twelve months of the ratification of this Ordinance.
 - 3. A residential unit for which a building permit has been issued within thirty days of ratification of this Ordinance and for which a certificate of occupancy shall be issued and the unit made available to rent within twelve months of the ratification of this Ordinance.
2. This ordinance shall take effect immediately upon adoption and shall expire automatically on April 15th, 2023, or five business days after any special election called to adopt the ordinance proposed by petition, unless earlier repealed.

ADOPTED this 13^h day of December 2022, at Folly Beach, South Carolina.

Ayes: _____

Nays: _____

Abstains: _____

Municipal Clerk

Tim Goodwin, Mayor



CITY OF FOLLY BEACH

Introduced by: Mayor Goodwin

Date: January 10th, 2023

RESOLUTION 01-23

A RESOLUTION BY THE FOLLY BEACH CITY COUNCIL AUTHORIZING THE ADMINISTRATION TO SIGN A NINETY DAY CONTRACT EXTENSION AGREEMENT WITH LANIER PARKING FOR THE PROVISION OF PAID PARKING AND PARKING ENFORCEMENT SERVICES.

WHEREAS, The City and Lanier entered into a contract for parking services on February 7, 2019;

WHEREAS, The contract terminates on January 31, 2023; and

WHEREAS, The City intends to award a new contract for parking services in February 2023 and a ninety (90) day period will allow an orderly transition should it be needed; and

WHEREAS, The City has requested, and the Company has agreed to, an extension of the contract term for an additional ninety (90) days.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Folly Beach, South Carolina, that the Administration is authorized to sign a ninety (90)day contract extension agreement with Lanier Parking for paid parking and parking enforcement services.

RATIFIED this 10th day of January, at Folly Beach, South Carolina, in City Council duly assigned.

ATTEST:

Municipal Clerk

Tim Goodwin, Mayor



CITY OF FOLLY BEACH

Introduced by: Mayor Goodwin
Date: January 10th, 2023

RESOLUTION 02-23
A RESOLUTION BY THE FOLLY BEACH CITY COUNCIL AWARDING THE
CONTRACT FOR SERVICES DESCRIBED IN THE FOLLY BEACH CITY
COUNCIL CHAMBER AUDIO VISUAL UPFIT RFP 08-22.

WHEREAS, The City wishes to procure services for the Folly Beach City Hall Council Chamber Audio Visual needs; and

WHEREAS, The City advertised a Request for Proposals for this service according to its procurement procedures; and

WHEREAS, Staff recommends that the bid be awarded to Network Cabling Infrastructures in the amount of \$28,107.10

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Folly Beach, South Carolina, that the award for the services described in RFP 08-22 Folly Beach City Hall Council Chamber AV Uplift is awarded to Network Cabling Infrastructures in the amount of \$28,107.10. The funds will be allocated from the following accounts:

- 5500-3300 Council Operating Supplies – FY23 budgeted \$4,700 for Council Room Upgrades/Server, FY23 budgeted \$2,500 Council Chamber Computer Upgrades
- Unrestricted General Funds - \$20,907.10

RATIFIED this 10th day of January 2023, at Folly Beach, South Carolina, in City Council duly assigned.

ATTEST:

Municipal Clerk

Tim Goodwin, Mayor



CITY OF FOLLY BEACH

Introduced by: Mayor Goodwin

Date: January 10th, 2023

RESOLUTION 03-23

A RESOLUTION BY THE FOLLY BEACH CITY COUNCIL AWARDING THE CONTRACT FOR FIREHOUSE IMPROVEMENTS & REPAIRS TO INCLUDE: CONDENSATION MITIGATION, HVAC REPLACEMENT, KITCHEN UPGRADE, AND CEILING REPAIRS TO JOHNSON-LAUX CONSTRUCTION (SC) IN THE AMOUNT OF \$119,045.36.

WHEREAS, The City wishes to procure services for the Firehouse Moisture Intrusion and HVAC replacement; and

WHEREAS, The City obtained a fixed price, competitively bid, construction contract administrated by The Gordian Group; and

WHEREAS, Staff recommends that the bid be awarded to General Contractor, Johnson-Laux Construction (SC), under the contract management of The Gordian Group, in the bid amount of \$119,045.06.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Folly Beach, South Carolina, the award for the services is awarded to Johnson-Laux Construction in the bid amount of \$119,045.06. Funds to be allocated from the following accounts:

- 6000-3200 Repairs and Maintenance, \$7,500.00 (FY23 budgeted flooring replacement).
- 6000-4000 Capital, \$19,000.00 (FY23 budgeted cabinet replacements).
- Unrestricted general funds, \$92,545.06 (unbudgeted funds).

RATIFIED this 10th day of January 2023, at Folly Beach, South Carolina, in City Council duly assigned.

ATTEST:

Municipal Clerk

Tim Goodwin, Mayor



CITY OF FOLLY BEACH

Introduced by: Mayor Goodwin

Date: January 10th, 2023

RESOLUTION 04-23

A RESOLUTION BY THE FOLLY BEACH CITY COUNCIL AUTHORIZING CITY STAFF TO ACQUIRE REPLACEMENT BEACH PATROL CARTS FROM EXCESS MONIES ACQUIRED FROM THE SALE OF MISCELLANEOUS ITEMS NOT LISTED ON THE ASSET INVENTORY (GL ACCOUNT 4600-9000).

WHEREAS, The previous Beach Patrol Carts/UTV's are quickly deteriorating and out of service for repair for longer periods of time; and

WHEREAS, The Department of Public Safety has acquired excess funds from the sale of these deteriorated and retired items and desires to use these funds to replace them; and

WHEREAS, The FY22 General Fund budget has received \$15,541.27 in revenue from the sale of miscellaneous items not listed on the asset inventory from the Department of Public Safety. The Department of Public safety is requesting \$14,732 of those funds for the replacement, leaving the remainder in the account as revenue.

NOW THEREFORE LET IT BE RESOLVED, by the City Council of Folly Beach, South Carolina, that staff is authorized to use the sale of items revenue of \$14,732 from the miscellaneous sales account. (GL Account 4600-9000) to provide for the replacement of the Beach Patrol Carts.

RATIFIED this 10th day of January 2023 at Folly Beach, South Carolina, in City Council duly assigned.

ATTEST:

Municipal Clerk

Tim Goodwin, Mayor