

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, March 14, 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**
- 5. APPROVAL OF AGENDA**
- 6. APPROVAL OF MINUTES**
 - a. Minutes 2.14.2023
- 7. PERSONAL APPEARANCES**
 - a. 307 W. Hudson Avenue Request For A 30' Driveway-Julie Hensley.
 - b. Meg Hunt-Ashby Gale.
 - c. Warrior Surf Charity Surf Foamie Classic-Stephanie Dasher.
 - d. Proposed Franchise Amendments Related to Surfing Schools-Peter Melhado.
- 8. CITIZENS' COMMENTS**
- 9. COMMISSION, BOARD, COMMITTEE REPORTS**
- 10. OLD BUSINESS**

- a. **ORDINANCE 001-23:** An Ordinance Amending the Folly Beach Code of Ordinances Chapter 113, Section 113.05 (Distribution of Funds) By Amending the Language Governing Distribution of Local Accommodations Tax Funds Within the General Budget and Beach Preservation Fund. **(SECOND READING)**
- b. **RESOLUTION 06-23:** A Resolution by The Folly Beach City Council Awarding a Contract To Provide Paid Parking And Parking Enforcement Services.

11. NEW BUSINESS

- a. **ORDINANCE 003-23:** An Ordinance Amending the Folly Beach Code of Ordinances Chapter 117 (Short Term Rentals) By Adopting Technical Amendments to The Language Implementing The Short-Term Rental Cap As Approved By Special Election. **(FIRST READING)**
- b. **ORDINANCE 004-23:** An Ordinance Amending the Folly Beach Code of Ordinances Chapter 110 (Business Regulations) By Prescribing the Contents of Certain Notices, Establishing Procedures for Appeals Hearings, And Setting Time Limits for Appeals Related Actions. **(FIRST READING)**
- c. **ORDINANCE 005-23:** An Ordinance Amending the Folly Beach Code of Ordinances Section 168.50 (Nonconforming Signs) By Allowing the Replacement of Nonconforming Signs When Replacement Lowers the Amount of Nonconforming Square Footage but Does Not Exceed the Maximum Number of Allowable Signs. **(FIRST READING)**
- d. **ORDINANCE 006-23:** An Ordinance Amending the Folly Beach Code of Ordinances Chapter 153 Of the Folly Beach Code of Ordinances to Require Approval from The Special Events Committee for Weddings on Public Property with More Than Twenty-Five Participants Including Attendees. **(FIRST READING)**
- e. **ORDINANCE 007-23:** An Ordinance Amending Section 151.47 Of the Folly Beach Code of Ordinances by Changing References To Opacity Requirements from Shading Coefficient to Visible Light Transmittance. **(FIRST READING)**
- f. **RESOLUTION 11- 23:** A Resolution by The Folly Beach City Council Authorizing the Distribution Of \$3,961.20 Held in The City's National Night Out Reserve Account to Be Used for The 2023 National Night Out.
- g. **RESOLUTION 12-23:** A Resolution by The Folly Beach City Council Authorizing the Amount Of \$800 From the Council Discretionary Account to Purchase Professional Photographs of Each Council Member To Be Hung In Council Chambers.
- h. **RESOLUTION 13-23:** A Resolution by The Folly Beach City Council Awarding the Contract for The City External Audit Services for Fiscal Years 2023 Through 2026.
- i. **RESOLUTION 14-23:** A Resolution by The Folly Beach City Council Increasing the Fee for Approved Non-Franchise Commercial Activities on The Beach from Two Hundred and Fifty Dollars to Five Hundred Dollars Annually.
- j. **RESOLUTION 15-23:** A Resolution by The Folly Beach City Council Extending the Expiration Date of Paddleboard and Surf Camp Franchises from May 2023 To September 30th, 2023.
- k. **RESOLUTION 16-23:** A Resolution by The Folly Beach City Council Awarding A Contract for The Development of An Arctic Avenue Plan to AMT for The Amount Of \$118,000.

1. **RESOLUTION 17-23:** A Resolution by The Folly Beach City Council Awarding the Contract for Services Described in The Folly Beach City RFQ 01-23, The 2020 Building Resilient Infrastructure and Communities (BRIC) Grant for W. Indian and Tabby Nuisance Flooding Mitigation.

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.

City Council Meeting 7:00 PM

Tuesday, February 14, 2023

1. CALL TO ORDER/ROLL CALL

Councilmember Grooms was not in attendance.

2. INVOCATION & PLEDGE OF ALLEGIANCE

Councilmember Houghton lead the invocation.

3. MAYOR'S COMMENTS

Mayor Goodwin reminded the public that this was not a city-driven election. He added that he made sure that the staff and council remained neutral.

4. STAFF REPORTS

- a. Stacey Ritchie, Business License Official. Ms. Ritchie stated that the county has started the process of sending out renewals to various businesses. She explained that the portal will open on March 1st for those to renew online. Ms. Ritchie added that the STR renewal portal will open on March 6th. Ms. Ritchie outlined the renewal paperwork and process the public will go through.
- b. Anderson Still, Human Resource. Mr. Still gave an update on the Worker's Compensation Report. He explained that the actions taken by the Safety Committee have proven to impact the City in a positive way in a human and financial compacity.
- c. Lee Gessner, Finance Director. Mr. Gessner stated that the City of Folly Beach will be one of three recipients of the Employer Support of the Guard and Reserve (ESGR) Award. He added that there will be a luncheon to receive the award.

Mayor Goodwin stated that he will be taking his state exam and unfortunately will not be able to attend.

Councilmember Rich volunteered to attend.

Councilmember Houghton volunteered to attend.

5. APPROVAL OF AGENDA

Councilmember Barker moved to approve the agenda. Councilmember Rich seconded.

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

All in Favor. Motion Passes.

6. APPROVAL OF MINUTES

Councilmember Rich moved for approval. Councilmember Barker seconded.

Councilmember Farley stated that he submitted edits to the Clerk of Council to correct some scrivener's error.

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

All in Favor. Motion Passes.

7. PERSONAL APPEARANCES

- a. Angie Cason with The Folly Art Village & Farmers. Ms. Cason asked for approval to operate the Folly Art Village & Farmers Market with 18 vendors.
Councilmember Ellis moved for approval. Councilmember Barker seconded.
Mayor Goodwin asked if they were seeking 18 each week or 18 total.
Ms. Cason stated that they would like 18 each week.
Councilmember Rich asked Ms. Cason to clarify what she meant by setting up at events.
Ms. Cason said they set up during larger events like Taste of Folly, the Folly Christmas Parade. She added that this helps the vendors hit a larger market and an add on for the community.
Councilmember Barker, Yes; Councilmember Farley, Yes; Councilmember Houghton, Yes; Councilmember Ellis, Yes; Councilmember Rich, Yes; Mayor Goodwin, Yes.
All in Favor. Motion Passes.
- b. Kelly Travers with FAB. Ms. Travers gave a save the date for Folly's 50th Anniversary. She outlined the celebration from September 22nd-30th. Ms. Travers explained the potential impacts to the community.
- c. Mark Patrick with Folly Pier Fest. Mr. Patrick stated that Folly Pier Fest will take place March 11th 5-8pm. He said that they are hoping for 1500 participants to come celebrate the reopening of the Pier.
Councilmember Houghton moved to approve. Councilmember Farley seconded.
Councilmember Barker, Yes; Councilmember Farley, Yes; Councilmember Houghton, Yes; Councilmember Ellis, Yes; Councilmember Rich, Yes; Mayor Goodwin, Yes.
All in Favor. Motion Passes.
- d. Marshall DePass with Eastern Surfing Association. Mr. DePass asked for approval for their summer surf schedule.
Councilmember Rich moved for approval. Councilmember Farley seconded.
Councilmember Barker, Yes; Councilmember Farley, Yes; Councilmember Houghton, Yes; Councilmember Ellis, Yes; Councilmember Rich, Yes; Mayor Goodwin, Yes.
All in Favor. Motion Passes.

8. CITIZENS' COMMENTS

- a. Spencer Wetmore, representing clients of 103 W. Erie. Ms. Wetmore thanked Council and staff for all their work on the topic of zoning. She stated that they hope the city will agree with their project and recognize the tremendous amount of work that has gone into this project.
- b. Paula Stubblefield, Chair of the Planning Commission. Ms. Stubblefield stated that there was a snafu with the members voting in regards to 035-22. She explained that two of the NAY votes did not mean to nor understand their vote and meant to vote in the affirmative.
- c. Tommy Goldstine, representing the property owner of Palm Island. He stated that the topic of rezoning Palm Island needs to be remanded to Planning Commission for a new clean vote.

9. COMMISSION, BOARD, COMMITTEE REPORTS

- a. Jenna Stephens Zoning Administrator. Ms. Stephens reviewed the Planning Commission Recommendation for Ordinance 035-22.

10. OLD BUSINESS

- a. **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.

Councilmember Farley moved to remand to the Planning Commission. Councilmember Rich seconded.

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

All in Favor. Motion Passes.

11. NEW BUSINESS

- a. **ORDINANCE 001-23:** An Ordinance Amending the Folly Beach Code of Ordinances Chapter 113, Section 113.05 (Distribution of Funds) By Amending the Language Governing Distribution Of Local Accommodations Tax Funds Within The General Budget And Beach Preservation Fund.

Councilmember Barker moved for approval. Councilmember Rich seconded.

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

All in Favor. Motion Passes.

- b. **ORDINANCE 002-23:** An Ordinance Amending the Folly Beach Code of Ordinances Section 163.05-03 (Center Street Overlay District) To Require Parking For Tourist Accommodations And Short-Term Rental Uses Within The Center Street Overlay District.

Councilmember Rich moved to remand to the Planning Commission. Councilmember Barker seconded.

Councilmember Rich stated that any inn or hotel in the commercial district needs to have at least one parking place per bedroom. He explained that this was an over look and needs to be corrected.

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

All in Favor. Motion Passes. REMANDED

- c. **RESOLUTION 05-23:** A Resolution by The Folly Beach City Council Expressing Support for The City's Grant Application to Fund the Design of a Repaving Project To Alleviate Flooding And Improve Drainage Along 13th Street East And Tabby Drive.

Councilmember Rich moved for approval. Councilmember Farley seconded.

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

All in Favor. Motion Passes.

- d. **RESOLUTION 06-23:** A Resolution by The Folly Beach City Council Awarding a Contract to Provide Paid Parking And Parking Enforcement Services.

Councilmember Rich moved to postpone until the next council meeting. Councilmember Ellis seconded.

Councilmember Rich stated that there are still some questions that need to be asked and would like some more time.

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

All in Favor. Postponed.

- e. **RESOLUTION 07-23:** A Resolution by The Folly Beach City Council Supporting the Proclamation from The National Association of Women in Construction (NAWIC) For March 5th Thru The 11th, 2023 Being Women in Construction Week.

Councilmember Houghton moved for approval. Councilmember Rich seconded.

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

All in Favor. Motion Passes.

- f. **RESOLUTION 08-23:** A Resolution by The Folly Beach City Council Setting the Application Fee for A Variance Request to The Board of Zoning Appeals at A Rate of Three Hundred Dollars.

Councilmember Farley moved for approval. Councilmember Barker seconded.

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

All in Favor. Motion Passes.

- g. **RESOLUTION 09- 23:** A Resolution by The Folly Beach City Council Authorizing the Distribution of \$10,000 Held in The City Celebrations Reserve Account to The Community Coordination Account to Be Used for The Upcoming City 50th Anniversary Celebrations.

Councilmember Barker moved for approval. Councilmember Farley seconded.

Councilmember Rich asked if this resolution and Resolution 10-23 are related to FABs request.

Mayor Goodwin stated that this is for the City's celebration and not FABs.

Ms. Deeds stated that this celebration will be focused on the Folly citizens rather than tourism.

She added that the City's celebration will be in May.

Councilmember Rich stated that he was under the assumption that the money that has been budgeted for the 50th was to be paired with FABs celebration. He raised concerns about having two celebrations when it was discussed that there would be a joint celebration.

Councilmember Rich asked why is the city even planning for this event.

Mayor Goodwin stated that the outline in the packet. He explained that the celebration portion is more of a residential celebration.

Councilmember Rich asked why is the celebration planned for May and not September when the main celebration will be held.

Mayor Goodwin reiterated that this is intended for residents only and September is still season.

Councilmember Houghton asked why was this celebration planned in May.

Ms. Deeds stated that this is celebration is intended for residents and not for tourism.

Councilmember Houghton said that she is in support of the programming but not supportive of the dates chosen and would like to see it closer to the September dates.

Ms. Deeds stated that if that is what is council would like.

Councilmember Farley stated that he is in support of this request and likes the idea of a May celebration for locals.

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

Motion Passes, 4-2.

- h. **RESOLUTION 10-23:** A Resolution by The Folly Beach City Council Authorizing City Administration to Spend Up To \$15,600 Held in The City Celebrations Reserve Account to be Used for The Inauguration of The Folly Beach History Museum During The Upcoming City 50th Anniversary Celebrations.

Councilmember Farley moved for approval. Councilmember Barker seconded.

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

Motion Passes, 5-1.

12. COUNCIL COMMENTS

- a) Councilmember Rich thanked everyone for coming to the meeting.
- b) Councilmember Barker thanked everyone that participated in the meeting and wished everyone a Happy Valentine's Day. He added that he hopes the community can return to some state of civility in reference to the election that was held the week prior.
- c) Councilmember Houghton said that MASC has a program that teaches the pillars of civility and is in line with what makes Folly, Folly.
- d) Councilmember Farley wished everyone a Happy Valentine's Day and thanked everyone for their participation.
- e) Councilmember Ellis thank all the spouses and significant others waiting for this meeting to adjourn.
- f) Mayor Goodwin said that he is wishing Mr. Pope a fast recovery and thanked Mr. Graham for stepping in to help in the meeting.

13. ADJOURNMENT



February 27, 2023

Jenna Stephens
Zoning Administrator, City of Folly Beach

Via email: Jenna Stephens jstephens@follybeach.gov

Dear Jenna,

The owners of 307 West Hudson Avenue would like to request Council's consideration for approval for a 30' wide driveway. They are making this request based on the following hardships:

1. There is no opportunity for driveway access from the back of the lot.
2. The house is located forward on the lot to avoid impacting grand trees in the back.
3. The double front-loaded garage openings will make the turning radius of a singular, 15' driveway very difficult to maneuver.

The driveway ordinance has a provision for two driveways totaling up to a maximum of 30'. Considering these hardships, we hope Council will find that the proposed solution meets the intent of the ordinance.

Thank you for facilitating this request. Please let me know if any additional information is required.

Respectfully,

A handwritten signature in black ink that reads 'Julie Hensley'.

Julie Hensley, PLA, FASLA

Copy: jasonmusetter@msn.com; Bryant Johnston bryant@arnettconstructionsc.com;
Lorrie Calupas <ljalupas@yahoo.com>

Julie Hensley, Landscape Architect LLC

PO Box 363 Folly Beach, South Carolina 29439

P: 843.442.2098 | julie@jhladesign.com



City of Folly Beach

Date: March 07, 2023

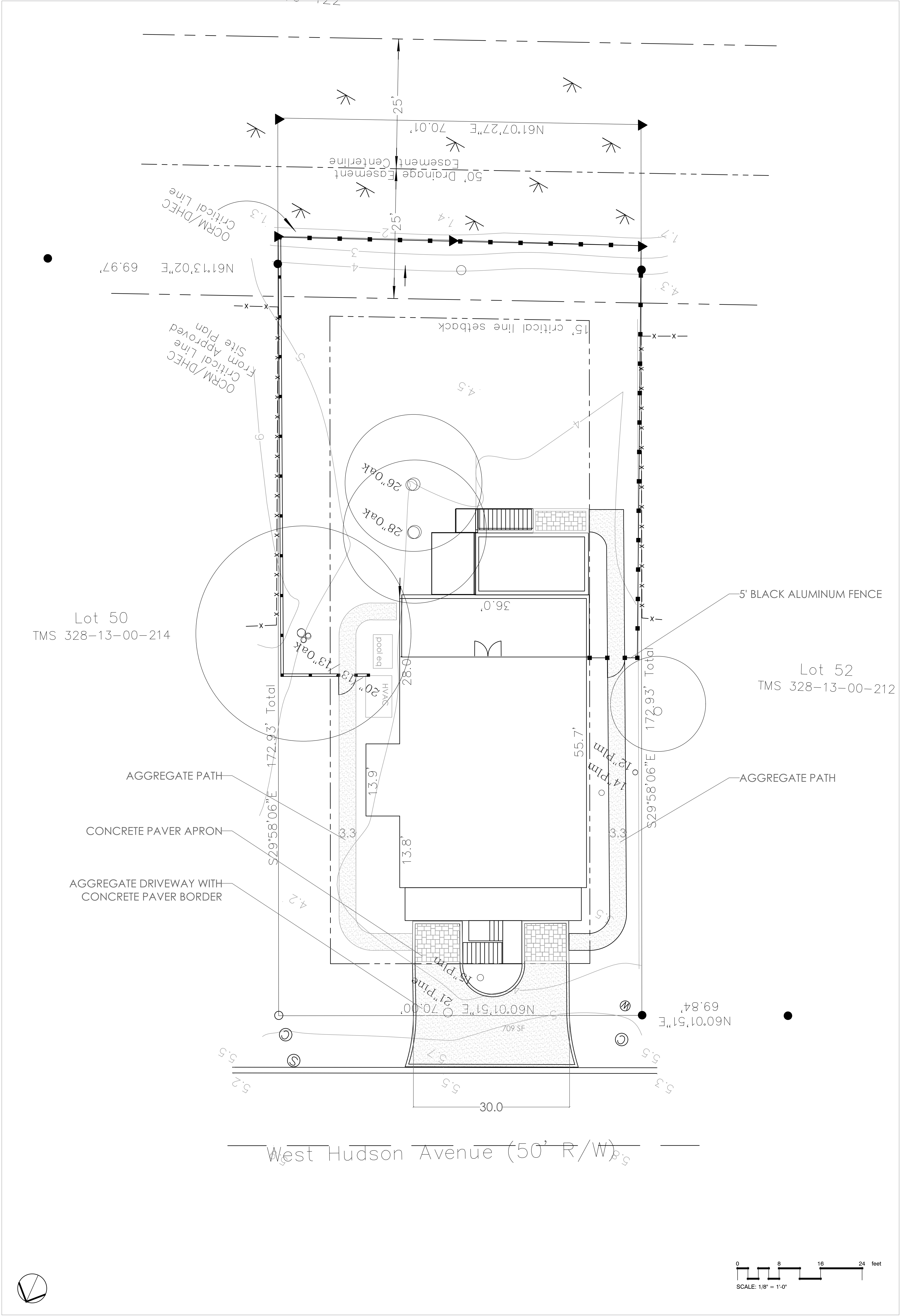
Re: 307 W. Hudson Avenue

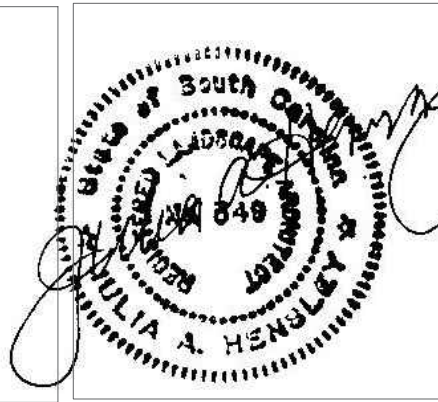
Mayor and Council,

The 12,000 square foot lot at 307 West Hudson Avenue backs up to private property, so there is only access to the lot from West Hudson Avenue. We believe there is precedence and good cause to allow the owners to have two driveways on West Hudson because they do not have access on the opposite side of the property. Further, in order to save grand trees on the property, the house is built closer to the road, and it makes more sense to combine those two driveways into one 30' driveway because of the short distance between the house and the road. Whether they are allowed two driveways, or one 30' driveway, there is room for the same number of cars to park in the right-of-way. Therefore, we recommend allowing the owners to construct one 30' driveway as shown in the attached plans.

Jenna Stephens
Zoning Administrator

Eric Lutz
Building Official



Sheet No. L-3 Date: 2.27.23	Site Plan	Revisions:	307 West Hudson Ave. Folly Beach, SC	 JHLA Design Julie Hensley PLA, ASLA PO Box 363 Folly Beach, SC 29439 Ph. 843.442.2098 julie@jhladesign.com
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Main Contact	Ashby Gale
Organization (If applicable)	Charleston Fossil Adventures
Address	Mailing: PO Box 1608, Ladson, SC 29456 Physical: 3642 Savannah Hwy Suite 116 #340, Johns Island, SC 29455
Cell Phone	828-545-3436
Email	chsossiladventures@gmail.com
Event Location (Physical Address or Nearest Beach Access)	Folly Beach County Park (pending CCPRC approval) OR 10th West Beach Access
Event Date	April 22, 2023
Beginning Time (including setup)	9:00 AM
End time (including breakdown)	2:30 PM
Estimated Number of Attendees	300
Event Name	4th Annual Easter Meg Hunt (TM)
Event Purpose	Fossil hunting has become a prevalent hobby on Folly Beach ever since the 2014 beach renourishment project. Charleston Fossil Adventures (CFA) and the Easter Meg Hunt focus on educating members of the public about the legal, ethical forms of fossil collecting in South Carolina, and how we can help protect this resource for years to come. Because of the shark teeth that can be found on Folly, the city has witnessed a new factor of eco-based tourism that draws more visitors to Folly Beach with each passing year. The winter months are in fact the BEST months for fossil collection along our SC shorelines, and through CFA's tours on Folly Beach, our clients tend to linger at the various gift shops and restaurants concluding their private tours.

Description of Event	The 4th Annual Easter Meg Hunt is a continuation of our extremely popular Easter egg hunt turned science fair project: Three age groups will scour their respective plots of sand to find various fossils represented by the fossil deposit on Folly Beach, all yearning for a complete Megalodon tooth hidden within each plot of sand. Other prizes and gift certificates for tours are hidden in each of the three plots, with numerous shark teeth and bones to be found as well. This event is more than just another egg hunt, its an opportunity to connect members from all over the Lowcountry with paleontology, and a different historical side of Folly. Representatives from the College of Charleston and The Charleston Museum will be in attendance with booths and to assist in fossil identification.
Please list any vendors involved in your event	College of Charleston Mace Brown Museum of Natural History (DISPLAY ONLY) Charleston Museum (DISPLAY ONLY)

Main Contact	Stephanie Dasher
Organization (If applicable)	Warrior Surf Foundation
Address	83 Center Street, Folly Beach SC 29412
Cell Phone	3608651255
Email	stephanie@warriorsurf.org
Event Location (Physical Address or Nearest Beach Access)	110 Wst Public Beach Access
Event Date	September 9th 2023
Beginning Time (including setup)	0600
End time (including breakdown)	1600
Estimated Number of Attendees	150
Event Name	Warrior Surf Charity Surf Foamie Classic
Event Purpose	To raise awareness and funds for the Warrior Surf Foundation through a community event that is open to all ages and abilities.
Description of Event	Warrior Surf will host a foamie surf contest with various heats that will enable people of all ages and abilities to come to Folly Beach and participate in a fun community surf competition, check out sponsors in their tents, and build community spirit.
Please list any vendors involved in your event	We're still working on our sponsor listings, but we expect vendors like MEX1, Parrot, Bohemian Bull, etc



CITY OF FOLLY BEACH

1st Reading: February 14th, 2023
2nd Reading: March 14th, 2023

Introduced by: Mayor Goodwin
Date: February 14th, 2023

ORDINANCE 001-23

AN ORDINANCE AMENDING THE FOLLY BEACH CODE OF ORDINANCES CHAPTER 113, SECTION 113.05 (DISTRIBUTION OF FUNDS) BY AMENDING THE LANGUAGE GOVERNING DISTRIBUTION OF LOCAL ACCOMMODATIONS TAX FUNDS WITHIN THE GENERAL BUDGET AND BEACH PRESERVATION FUND.

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

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

113.05 DISTRIBUTION OF FUNDS.

(A) All funds placed in the Local Tax Fund, including accrued interest, shall be designated as follows: ~~\$60,000 shall be applied annually to pay a portion of the debt service on the Folly River Park, \$195,000~~ **for use annually through the adoption of the General Fund Budget Ordinance as approved by City Council. A minimum of one half of annual proceeds, including accrued interest,** shall be transferred annually ~~to the General Fund, with the balance to be dedicated to the Beach Preservation Fund, all of which is to benefit the citizens of Folly Beach and tourists who come to visit as set forth in S.C. § 6-1-730.~~

~~—(B) After the debt service on the Folly River Park has been paid in full, the annual local accommodation taxes allotted to the debt service of the park will be dedicated to the Beach Preservation Fund.~~

RATIFIED this ____ day of _____ 2023, at Folly Beach, South Carolina, in City Council duly assigned.

ATTEST:

Municipal Clerk

Tim Goodwin, Mayor



CITY OF FOLLY BEACH

Introduced by: Mayor Tim Goodwin

Date: February 14th, 2023

RESOLUTION 06-23

A RESOLUTION BY THE FOLLY BEACH CITY COUNCIL AWARDING A CONTRACT TO PROVIDE PAID PARKING AND PARKING ENFORCEMENT SERVICES.

WHEREAS, The City utilizes a third party provider for paid parking and parking enforcement services; and

WHEREAS, The contract for these services expires on May 1, 2023; and

WHEREAS, The City advertised this contract as part of a competitive bid process, and

WHEREAS, The City received six responsive bids which have been reviewed by staff for service capability, revenue and cost estimates, and additional services offered; and

WHEREAS, Staff believes that PCI Municipal Services presented the proposal most in line with the City's needs.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Folly Beach, South Carolina, that the Mayor is authorized to execute a four year contract with PCI Municipal Services for paid parking and parking enforcement services beginning on May 2, 2023.

RATIFIED this 14th day of February 2023 at Folly Beach, South Carolina, in City Council duly assigned.

ATTEST:

Municipal Clerk

Tim Goodwin, Mayor



CITY OF FOLLY BEACH

1st Reading: March 14th, 2023
2nd Reading:

Introduced by: Mayor Goodwin
Date: March 14th, 2023

ORDINANCE 003-23

AN ORDINANCE AMENDING THE FOLLY BEACH CODE OF ORDINANCES CHAPTER 117 (SHORT TERM RENTALS) BY ADOPTING TECHNICAL AMENDMENTS TO THE LANGUAGE IMPLEMENTING THE SHORT-TERM RENTAL CAP AS APPROVED BY SPECIAL ELECTION

The City Council of Folly Beach, South Carolina, duly assembled, hereby ordains that Folly Beach Code of Ordinance be amended 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 use of residential units as short term rentals in order to:

- (1) Protect the integrity of the eCity's neighborhoods and the quality of life of its citizens;
- (2) Establish a system to track the short term rental inventory in the eCity's;
- (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 residential districts of the eCity's.

(B) The following definitions apply:

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.

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 ~~dwelling unit licensed issued for short term rentals,~~ **for a dwelling unit that is not the legal residence of the owner to be used as a short term rental.** ~~whose owner does not claim the licensed property to be their primary residence.~~

LEGAL RESIDENCE. A dwelling unit assigned a four percent property tax ratio by the Charleston County Assessor's Office under the requirements of SC Code 12-43-220.

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

OWNER-OCCUPIED SHORT TERM RENTAL (OSTR) BUSINESS LICENSE – A ~~property and/or dwelling unit, in whole or part, licensed issued for short term rentals whose owner claims the licensed property to be the owner's primary residence as evidenced by: (a) current S.C. drivers license or S.C. identification card, (b) the address where they are, or may be, enrolled and registered to vote in local, state and federal elections and (c) the physical address used for the purpose of filing local, state and federal income taxes.~~ **for a dwelling unit that is the legal residence of the owner to be a used as short term rental.**

SHORT TERM RENTALS. Residential dwellings rented for less than 30 days, 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.

§ 117.02 SHORT TERM RENTAL BUSINESS LICENSES.

(A) The City is authorized to **shall** issue ~~two classes of short term rental business licenses: (1) Investment Short Term Rental business licenses,~~ and ~~(2) Owner-Occupied Short Term Rental business licenses.~~

(B) ~~Owner-Occupied Short Term Rental Business License:~~ There will be no limit on the number of Owner Occupied Short Term Rental business licenses issued.

(C) ~~Investment Short Term Rental CAP:~~ (1) The maximum number of ~~permitted~~ Investment Short Term Rental business licenses **issued,** ~~city wide,~~ shall be ~~no more than~~ 800, henceforth referred to as the **CAP cap.**

~~(a) Upon enactment the CAP shall be set at 800.~~

~~(2)~~ (1) No New Investment Short Term Rentals **business license** shall be ~~permitted~~ **issued** unless the total number of Investment Short Term Rentals **business licenses** is below the **CAP cap.**

(a) ~~(2) Exception: After enactment, all~~ Any existing Investment Short Term Rental business license ~~issued prior to February 7, 2023 holders which remains~~ in good standing may continue to be renewed annually, even if the initial number of Investment Short Term Rentals business licenses exceeds the CAP cap.

(3) ~~Investment Short Term Rental Wait List: If demand for~~ When the number of Investment Short Term Rental business licenses exceeds falls below the CAP cap a wait list will be established and maintained by the City of Folly Beach. ~~(a) When the number of allowable Investment Short Term Rental business licenses falls below the CAP, a New licenses shall be offered by US Mail to the next qualified applicant on the wait list to applicants according to procedures adopted by City Council.~~

~~(b) If the applicant fails or neglects to complete an application for an Investment Short Term Rental business license within 45 days after notice is given, the city shall deem the offer to have been rejected and thereupon offer the available business license to the next listed applicant.~~

(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 business licenses terminate upon transfer of property and are non-transferable.

(3) Owner Occupied Short Term Rental business licenses terminate upon transfer of property and are non- transferable.

(4) Owner Occupied Short Term Rental business licenses terminate upon loss of four percent property tax assessment status and are non- transferable.

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

ATTEST:

Municipal Clerk

Tim Goodwin, Mayor



CITY OF FOLLY BEACH

1st Reading: March 14th, 2023
2nd Reading:

Introduced by: Mayor Goodwin
Date: March 14th, 2023

ORDINANCE 004-23

AN ORDINANCE AMENDING THE FOLLY BEACH CODE OF ORDINANCES CHAPTER 110 (BUSINESS REGULATIONS) BY PRESCRIBING THE CONTENTS OF CERTAIN NOTICES, ESTABLISHING PROCEDURES FOR APPEALS HEARINGS, AND SETTING TIME LIMITS FOR APPEALS RELATED ACTIONS.

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

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

§ 110.14 DENIAL OF LICENSE.

(A) The License Official may deny a license to an applicant when the License Official determines:

(1) The application is incomplete or contains a misrepresentation, false or misleading statement, or evasion or suppression of a material fact;

(2) The activity for which a license is sought is unlawful or constitutes a public nuisance per se or per accidens;

(3) The applicant, licensee, prior licensee, or the person in control of the business has been convicted within the previous ten years of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods;

(4) The applicant, licensee, prior licensee, or the person in control of the business has engaged in an unlawful activity or nuisance related to the business or to a similar business in the municipality or in another jurisdiction;

(5) The applicant, licensee, prior licensee, or the person in control of the business is delinquent in the payment to the municipality of any tax or fee;

(6) A licensee has actual knowledge or notice, or based on the circumstances reasonably should have knowledge or notice, that any person or employee of the licensee has committed a crime of moral turpitude on the business premises, or has permitted any person or employee of the licensee to engage in the unlawful sale of

merchandise or prohibited goods on the business premises and has not taken remedial measures necessary to correct such activity; or

(7) The license for the business or for a similar business of the licensee in the municipality or another jurisdiction has been denied, suspended, or revoked in the previous license year.

(B) A decision of the License Official shall be subject to appeal as herein provided. Denial shall be written ~~with reasons stated~~ **in compliance with § 110.16.**

§ 110.15 SUSPENSION OR REVOCATION OF LICENSE.

(A) A license may be suspended or revoked when the License Official determines:

(1) A license has been mistakenly or improperly issued or issued contrary to law;

(2) A licensee has breached any condition upon which the license was issued or has failed to comply with the provisions of this chapter;

(3) A licensee has obtained a license through a fraud, misrepresentation, a false or misleading statement, or evasion or suppression of a material fact in the license application;

(4) A licensee has been convicted within the previous ten years of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods;

(5) A licensee has engaged in an unlawful activity or nuisance related to the business; or

(6) A licensee is delinquent in the payment to the municipality of any tax or fee.

(B) The License Official may give written notice to the licensee or the person in control of the business within the municipality by personal service or mail that the license is suspended pending a single hearing before Council or its designee for the purpose of determining whether the suspension should be upheld and the license should be revoked **in compliance with § 110.16. A decision of the License Official to suspend a license shall be subject to appeal as herein provided. If the suspension is not appealed within thirty days of receipt of notice of suspension, then the license is deemed revoked.**

~~—(C) The written notice of suspension and proposed revocation shall state the time and place at which the hearing is to be held, and shall contain a brief statement of the reasons for the suspension and proposed revocation and a copy of the applicable provisions of this chapter.~~

§ 110.16 **NOTICE OF DENIAL OR SUSPENSION AND APPEALS TO COUNCIL OR ITS DESIGNEE.**

(A) Written notice of the denial or suspension of a license shall be provided to the applicant or licensee and shall contain:

(1) A statement of the reasons for the denial or suspension; and

(2) A copy of the applicable provisions of this Chapter and any other ordinances relevant to the proposed denial or suspension; and

(3) Notice that the applicant or licensee may appeal by serving a notice of appeal on the Business License Official within thirty days and in accordance with the provisions of this Section; and

4) Notice to the applicant or licensee that failure to serve notice of appeal within thirty days shall result in denial or revocation as applicable.

a) Where an application for a new business has been denied and an appeal has timely filed, notice shall be given that no business operations may commence until a business license is issued after a successful appeal.

b) Where an application for a license for a previously licensed business has been denied or a license for a previously licensed business has been suspended and an appeal has timely filed, notice shall be given that all business operations may continue until the appeal is denied by written order.

~~(A)~~ (B) Except with respect to appeals of assessments under § 110.11 hereof, which are governed by S.C. Code § 6-1-410, any person aggrieved by a determination, denial, or suspension and proposed revocation of a business license by the License Official may appeal the decision to the Council or its designee by written request stating the reasons for appeal, filed with the License Official within ~~ten~~ thirty days after service by mail or personal service of the notice of determination, denial, or suspension and proposed revocation.

(1) A new business that has not been previously licensed, for which an application has been denied and an appeal has timely filed, may not initiate business operations until a business license is issued after a successful appeal.

(2) A previously licensed business, with ongoing operations, for which an application for a license has been denied or notice of suspension given for a license and an appeal has been timely filed, may continue business operations until the appeal is denied by written order.

~~—(B)~~ (C) A hearing on an appeal from a license denial, **suspension**, or other determination of the License Official ~~and a hearing on a suspension and proposed revocation~~ shall be held by the Council or its designee within ~~ten~~ thirty business days after receipt of a request for appeal. ~~or service of a notice of suspension and proposed revocation.~~

(1) The hearing shall be held upon written notice at a regular or special meeting of the Council, or, if by designee of the Council, at a hearing to be scheduled by the designee.

(a) The hearing may be continued to another date by agreement of all parties.

(b) Council or its designee may hold a pre-trial conference and ask that the parties exchange exhibits and witness lists.

(c) ~~At the hearing,~~ Additional issues not referenced in the notice of denial or suspension and the notice of appeal may not be raised at the hearing unless approved by Council or its designee.

(d) All parties shall have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses.

(e) The proceedings shall be recorded and transcribed at the expense of the party so requesting.

(f) The rules of evidence and procedure prescribed by Council or its designee shall govern the hearing. **Hearsay, including affidavits, are allowed to be presented by either party.**

(2) Following the hearing, the Council by majority vote of its members present, or the designee of Council if the hearing is held by the designee, shall render a written decision based on findings of fact and conclusions on application of the standards herein. **The written decision shall be issued within thirty days of the hearing or final briefings if such is requested.** The written decision shall be served, by personal service or by mail, upon all parties or their representatives and shall constitute the final decision of the municipality.

~~—(C)~~ (D) Timely appeal of a decision of Council or its designee does not effectuate a stay of that decision. The decision of the Council or its designee shall be binding and enforceable unless overturned by an applicable appellate court after a due and timely appeal.

~~—(D)~~ (E) For business licenses issued to businesses subject to business license taxes under Article 20, Chapter 9, Title 58, and Chapters 7 and 45, Title 38, of the South Carolina Code, the municipality may establish a different procedure by ordinance.

(Ord. 36-21, passed 12-14-21)

RATIFIED this ____ day of _____ 2023, at Folly Beach, South Carolina, in City Council duly assigned.

ATTEST:

Municipal Clerk

Tim Goodwin, Mayor



City of Folly Beach

Date: March 6th, 2023

Re: Short Term Rental Technical Amendments

Mayor and Council,

The short-term rental cap was adopted by special election on 2/7/23. The language as proposed by citizen petition is now incorporated into the Folly Beach Code of Ordinances and being applied by the City. With the rental cap now being put into practice, staff respectfully puts forward the following:

- A request for technical amendments to guide the application of the ordinance and adapt the language to fit within a municipal code. Each proposed amendment has been carefully reviewed to ensure that the function and parameters set by the cap are not substantively changed. The technical amendments fall in to three broad areas: adjusting format/grammar, eliminating redundant language, and applying consistency to terms and concepts.

- A review of administrative decisions related to enforcement of the ordinance. These policy decisions are meant to provide clear guidance on the City's interpretation of the ordinance for staff and applicants. Each has been reviewed to ensure that the functions and parameters of the cap are not substantively changed.

- A request for amendments to the general licensing ordinance. These amendments are meant to provide clear guidance and structure for appeals made in relation to the cap (and all other business licensing decisions). The proposed changes would grant more time for applicants to appeal, increase the notice requirements for the City, formalize hearing procedures, and set a tighter deadline for rulings on appeals.

- A review of a draft waitlist procedure to be implemented at a future date (when licenses fall below the cap). The waitlist will not go into effect immediately, but staff proposes to finalize the process as far in advance as possible to allow for public education and staff preparation.

A detailed review of each of these items is included in the attached presentation.

Aaron Pope, AICP
City Administrator



CITY OF FOLLY BEACH

1st Reading: March 14th, 2023
2nd Reading:

Introduced by: Mayor Goodwin
Date: March 14th, 2023

ORDINANCE 005-23

AN ORDINANCE AMENDING THE FOLLY BEACH CODE OF ORDINANCES SECTION 168.50 (NONCONFORMING SIGNS) BY ALLOWING THE REPLACEMENT OF NONCONFORMING SIGNS WHEN REPLACEMENT LOWERS THE AMOUNT OF NONCONFORMING SQUARE FOOTAGE BUT DOES NOT EXCEED THE MAXIMUM NUMBER OF ALLOWABLE SIGNS

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

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

§ 168.05 NONCONFORMING SIGNS.

Except for ~~off premise signs located in the marsh in place for more than 25 years and~~ signs in the Commercial Districts ~~and off premise signs located in the marsh in place for more than 25 years,~~ nonconforming signs shall be removed or altered to conform with the requirements of this ZDO prior to January 1, 2019. ~~Nonconforming signs in the Commercial Districts that are substantially damaged or voluntarily removed may be replaced subject to the following:~~

(A) Nonconforming signs in the Commercial Districts that are substantially damaged or voluntarily removed may be replaced provided the total number of signs after replacement does not exceed the standards in Table 166.10.

(B) Nonconforming signs in the Commercial Districts that are substantially damaged or voluntarily removed may be replaced with signs exceeding the maximum area standards of Table 166.10. However, the cumulative area of all signs after replacement may not be greater than eighty square feet or 75% of the cumulative area of all signs on the property prior to damage or removal, whichever is greater.

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

ATTEST:

Municipal Clerk

Tim Goodwin, Mayor



CITY OF FOLLY BEACH

1st Reading: March 14th, 2023
2nd Reading:

Introduced by: Mayor Goodwin
Date: March 14th, 2023

ORDINANCE 006-23

AN ORDINANCE AMENDING THE FOLLY BEACH CODE OF ORDINANCES CHAPTER 153 OF THE FOLLY BEACH CODE OF ORDINANCES TO REQUIRE APPROVAL FROM THE SPECIAL EVENTS COMMITTEE FOR WEDDINGS ON PUBLIC PROPERTY WITH MORE THAN TWENTY FIVE PARTICIPANTS INCLUDING ATTENDEES.

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

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

§ 153.03 RULES FOR ALL SPECIAL EVENTS.

- (A) All special events on public or private property:
- (1) Shall not have substantial adverse effects or noise impacts on nearby properties;
 - (2) Shall not have temporary signs larger than 12 square feet (e.g., three feet x four feet) and shall promptly remove the signs when the event is over or as specified in an event permit or rental agreement;
 - (3) Shall not violate any conditions of approval that apply to a principal use on the site;
 - (4) Shall not **obstruct beach access paths or walkovers or** disturb beach dunes or related vegetation;
 - (5) Shall not create an unreasonable risk of significant:
 - (a) Damage to public property, beyond normal wear and tear;
 - (b) Injury to persons;
 - (c) Unlawful disturbances or nuisances;
 - (d) Unsafe impediments or distractions to, or congestion of, vehicular or pedestrian travel;
 - (e) Additional and impracticable or unduly burdensome police, fire, trash removal, maintenance, or other public services demands; or
 - (f) Other adverse effects upon the public health, safety, or welfare;
 - (6) Shall not be of such a nature, size, or duration that the particular location requested cannot reasonably accommodate the event;
 - (7) Shall not be at a time and location that has already been permitted or reserved for other activities;
 - (8) Shall not leave any trash generated by the event on city property unless it is properly placed in appropriate trash or recycling containers; and
 - (9) Shall only use vendors that have City of Folly Beach business licenses.
- (B) An applicant for permission to hold a special event on public property shall agree that, in the event that a special event is cancelled by the City of Folly Beach due to circumstances beyond the control of the city, including but not limited to acts of God or verifiable emergencies, the applicant's only recourse is either to reschedule the event or to receive a refund of any funds paid to the city by

the applicant, and the applicant shall further agree that the city shall not be liable to the applicant for any losses, damages, obligations, liabilities, or expenses that may directly or indirectly arise from the cancellation of the event.

§ 153.04 ADDITIONAL RULES FOR WEDDINGS AND OTHER EVENTS ON THE BEACH, IN THE COMMUNITY CENTER AND AT THE FOLLY RIVER PARK.

(A) Weddings and other events on the beach are subject to the following requirements:

- (1) Wedding receptions are prohibited on the beach.
- (2) Any items that are put on the beach for a wedding or other event (such as tents pulpits, chairs, plants, arbors, or decorations) as well as any other items that were left on the beach after the event, must be removed before sunset, ~~or~~ before the tide reaches them, **or no later than two hours after the conclusion of the event**, whichever is sooner.
- (3) Fireworks and open fires, including tiki torches, sky lanterns, floating lanterns and similar devices, are prohibited on the beach. Gas grills are permitted.
- (4) Only environmentally safe materials may be thrown on the beach, such as bird seed or real flowers or flower petals (no rice).
- (5) Access to the beach must be made through a public walkover, unless the event has permission to use a house or vacant lot on the front beach.
- (6) Weddings and other events on the beach shall not impede the passage of pedestrians or patrol vehicles on the beach or public walkways to the beach.
- (7) **Any application for a wedding on the beach with over 25 people in attendance must be approved by the Special Events Committee.**

(B) ~~Special events~~ **Weddings and other events** in the Community Center are subject to the following requirements:

- (1) Any items that are brought into the Community Center (such as pulpits, chairs, plants, arbors, decorations, and other items) must be removed within two hours of the end of the event.
- (2) Special events in the Community Center shall not be for commercial purposes.
- (3) The use of Community Center shall be free to community groups and shall include the use of the Community Center sign.
- (4) The use of the Community Center shall be free to residents.
- (5) **Any application for a wedding in the Community Center with over 25 people in attendance must be approved by the Special Events Committee.**

(C) Weddings and others events in the Folly River Park are subject to the following requirements:

- (1) Any items that are brought into the park (such as pulpits, chairs, plants, arbors, decorations, or other items) must be removed within two hours of the end of the event.
- (2) Special events in the Folly River Park shall not be for commercial purposes.
- (3) The use of Folly River Park shall be free to community groups.
- (4) The use of the Folly River Park shall be free to residents.
- (5) The use of tents for special events in the Folly River Park is prohibited.
- (6) Special events in the Folly River Park shall not have exclusive use of the park and shall not impede access to and use of the park by the general public.
- (7) **Any application for a wedding in the Folly River Park with over 25 people in attendance must be approved by the Special Events Committee.**

§ 153.06 PERMISSION FROM THE CITY IS REQUIRED FOR SOME SPECIAL EVENTS ON PUBLIC PROPERTY.

(A) Permission from the city in the form of a permit is required for special events on public property, including the beach, that are expected to involve more than 25 people. Applicants for special event permits must be at least 21 years old. Weddings on the beach **with fewer than 25 people in attendance** as well as events in the Folly River Park are exempt from this requirement but must provide the following as notice to the city: the time, place, duration, and nature of the event and the number of expected participants, and the name and contact information, including cell phone numbers, of the person or persons who will be responsible for responding to complaints or handling problems.

(B) Criteria for approval of special events on public property.

(1) **Other than weddings on the beach, in the Community Center, or the Folly River Park,**

Special events on public property must accomplish at least one of the following objectives:

- (a) Have a positive impact on the quality of life for residents;
- (b) Enhance the image of the city;
- (c) Benefit the city financially; and
- (d) Promote tourism or benefit the business community between September 10 and April 30.

(2) No special event on public property shall be approved if it will:

- (a) Threaten the environment or endanger wildlife;
- (b) Interfere with the public's use of any street or the beach for more than half a block of the beach between March 1 and September 9;
- (c) Involve a run or a race between March 1 and September 9; or
- (d) Require more city services, such as traffic control and litter cleanup, than the city is willing to provide.

(3) All times and routes for runs and races that require City Council approval shall be approved by Public Safety prior to application to Council for a city permit. Public safety shall develop pre-approved routes.

(4) The sponsor of an event that requires city approval, **other than weddings on the beach, in the Community Center, or the Folly River Park,** shall provide the total number of participants to the City Administrator within one week after the event. An event whose participants significantly exceed the estimated number of participants in the event application may be denied future approval.

(C) *Special events that require a permit from the Department of Public Safety.*

(1) A permit from the Department of Public Safety is required for a special event, **other than weddings,** at the Folly River Park or the Community Center that is expected to have more than 25 participants.

(2) A permit from the Department of Public Safety is required for all other special events on public property, including the beach, that are expected to have 26-75 participants, except:

- (a) Events that must be approved by City Council and permitted by the city;
- (b) Funeral processions proceeding by vehicles using the most reasonable route from a funeral home, church, or residence of a deceased to the place of service or interment; ~~and~~
- (c) ~~p~~Peaceful demonstrations at fixed locations that are not streets, sidewalks, or rights-of-way; **and**

(d) Weddings on the beach, in the Community Center, or the Folly River Park that are approved by the Special Events Committee.

(3) Applications for permits must be submitted to the Director of Public Safety at least two weeks before the event, unless the Director agrees to a shorter period.

(4) Upon receipt of a complete application for a special events permit, the Director of Public Safety shall consider the application in light of the rules for special events and notify the applicant within three days, excluding Saturdays, Sundays, and legal holidays, of the Director's decision to approve or deny the event application and the applicant's right to appeal a denial to City Council.

(5) After approving a special event application and issuance of a permit, the Director of Public Safety shall send a copy of the application to the City Administrator who shall promptly notify any

city employees (other than public safety employees) who are likely to be involved in or affected by the special event.

(D) *Special events that require approval by City Council or the Special Events Committee and issuance of a permit by the city.*

(1) Approval by City Council and issuance of a permit by the city is required for the following special events;

- (a) Events involving more than 75 people on the beach or city property except events in the Folly River Park or the Community Center and **all weddings on public property**;
- (b) Events involving any street closure or likely impairment of vehicular or pedestrian traffic;
- (c) Events involving the use of city resources, such as funding, traffic control, security, setting up, or cleaning up;
- (d) Events requesting a waiver of the open container law or other laws, and
- (e) Events that would be sponsored in whole or in part by the city.

(2) Applications for Council approval of an event must be submitted to the Clerk of Council at least 60 days before the event, unless the City Administrator agrees to a shorter period.

(3) City Council shall consider an application for a special event permit in light of the rules for special events and may:

- (a) Deny the application;
- (b) Approve the application and authorize staff to issue a permit;
- (c) Provisionally approve the application and authorize staff to issue a permit subject to review by the Staff Event Planning Committee; or
- (d) Postpone action and refer the application to the Staff Event Planning Committee for its review and recommendations.

(4) If an applicant requests city funds or other resources to be used to support a special event (for example, services performed by public safety or public works employees), City Council shall not give final approval to the application and authorize issuance of a permit until the comptroller has provided Council with a general estimate of the costs to the city.

(5) If Council approves an application subject to review by the Staff Event Planning Committee:

- (a) The Committee shall meet as soon as possible to discuss the proposed event with the applicant;
- (b) The Committee may designate one or more people to work with the applicant on any issues that the Committee wants to resolve; and
- (c) If the Committee or any member of the Committee has concerns about an event that are not satisfactorily addressed by the event's organizers, the Committee or any Committee member may ask City Council to address such concerns and, possibly, to deny or withdraw the permit and approval of the event.

(6) If Council approves an application and authorizes staff to issue a permit for an event that will involve the Staff Event Planning Committee and the Committee is satisfied with the organizer's plans for the event, the Committee shall:

- (a) Work out logistics for the event; and
- (b) Create a map showing road closures, placement of music, and any other detail that will help identify the various happenings on the day of the event. A copy of the map shall be given to the Mayor and members of City Council, members of the Committee, any businesses involved, and the permit applicant.

(7) Approval by the Special Events Committee and issuance of a permit by the city is required for weddings on the beach, in the Community Center, or in the Folly River Park with greater than 25 participants;

(E) *Information to be submitted in applications for special event permits.* The following information shall be submitted in applications for special event permits:

- (1) Name of the event;
- (2) Names and contact information of the permit applicant and any event sponsors;

(3) Name and contact information, including cell phone numbers, of the person or persons who will be responsible for responding to complaints or handling problems;

(4) The purpose of and a description of the event, including an explanation of any significant changes from previous holdings of the event;

(5) The location of the event;

(6) The proposed dates and times of the event including times for setting up and taking down;

(7) The expected number of participants in the event;

(8) If any part of the event is to be held on private property, a statement signed by the owner of the property that gives permission for the event to be held on the property;

(9) The amount of city funds or other resources requested, if any, and why.

(10) If the event is for a charity, the names of any potential beneficiaries of the event; and

(11) Any other information requested by the City Administrator or the Director of Public Safety.

(F) Process for planning pre-approved events.

(1) The following events are pre-approved by City Council: The Civic Club's Halloween Carnival. (The Easter Promenade, Christmas Parade, and the Flip Flop Drop are also pre-approved, but they are city-sponsored events and exempt from this process.)

(2) If an event is pre-approved, the Staff Event Planning Committee shall meet with the event's organizers to discuss plans for the event and to work out logistics for the event and to issue a permit for the event. The organizers shall provide the names and contact information, including cell phone numbers, of the person or persons who will be responsible for responding to complaints or handling problems.

(3) Pre-approved events are exempt from the cost estimate requirement in § [153.06\(D\)\(4\)](#), however, if the Committee or any member of the Committee has concerns about the event that are not satisfactorily addressed by the event's organizers, the Committee or any Committee member may ask City Council to address such concerns and, possibly, to withdraw approval of the event.

(4) When the date and general details for the event are known, the Clerk of Council shall provide this information to the Mayor and City Council.

(5) The event organizer must provide a list of all vendors, entertainers, exhibitors, performers, or sub-contractors (hereinafter "vendors") that will be involved in the event no later than 48 hours prior to the event and, if requested, provide proof of insurance for same. All such vendors must obtain a city business license.

(6) The event's organizers shall enter a lease with the city to lease the premises to be used during the event. The lease will include the following requirements:

(a) The lease amount will be \$1;

(b) The event organizers will indemnify and hold harmless the city for all damage to property owned or under the control and management of the city;

(c) The event organizers will indemnify and hold harmless the city for all claims made against the city arising from or related to the event;

(d) The city will be named as an additional insured on all insurance policies acquired by the event organizer and covering the event;

(e) All such insurance policies shall provide primary coverage to the city;

(f) The event organizer will comply with all city ordinances and policies; and

(g) Shall contain such other provisions as required by the Staff Event Planning Committee or City Attorney.

(G) Conditions may be imposed for special events that require city approval. The following conditions may be imposed to reduce or minimize potential adverse impacts of special events that require city approval, including pre-approved events:

(1) Provision of temporary parking facilities, including vehicular access and egress;

(2) Control of nuisance factors, such as but not limited to, the prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gases, and heat;

- (3) Regulation of temporary buildings, structures and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards;
- (4) Provision of sanitary and medical facilities;
- (5) Provision of solid waste collection and disposal;
- (6) Provision of security and safety measures;
- (7) Use of an alternative location or date for the proposed special event;
- (8) Modification or elimination of certain proposed activities;
- (9) Regulation of operating hours and days, including limitation of the duration of the special event to a shorter time period than that requested;
- (10) Submission of a performance guarantee to ensure that any temporary facilities or structures used for such proposed special event will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition;
- (11) Insurance; and
- (12) Any other conditions that are deemed necessary to reduce or minimize any potential adverse impacts upon the quality of life of residents or other property in the area.

(H) *Reports required after city-funded events are completed.* If city funds are used to support an event, the event's sponsor shall submit an accounting to the City Comptroller of how city funds were used within 30 days after the event is held. If the event is a charitable event, the accounting shall also include the amount donated to the agency or individual(s) named as the beneficiary of the event. The City Comptroller shall then report to City Council.

(I) *Payment of fees.*

(1) When an application to hold a special event is approved, the applicant shall pay the appropriate fee, as per the event fee schedule, if any has been set by City Council. The fee shall be determined by the public safety resources needed, the number of participants expected, the nature and length of the event, and the cost of any additional city services. The fee amount should be made available to City Council prior to presentation.

(2) If a security deposit or other advance fee is required for a special event on public property, the payment of such fee shall be made when the special event application is submitted. Security deposits and other refundable fees shall be returned within 15 days following the event if the event location is left clean and free of damage.

(3) Payment of all fees must be made in full before the event begins.

(4) A security deposit shall be forfeited unless the city is notified that an event is cancelled at least seven days before the event is scheduled, unless the cancellation is due to circumstances beyond the control of the applicant, e.g., acts of God or verifiable emergencies.

(J) *Clerk of Council to maintain records of special events.* The Clerk of Council shall keep a copy of all approved special event applications and permits issued and shall be responsible for having special events, including pre-approved and city-sponsored events, added to the calendar on the city's website.

(K) *Insurance.*

(1) *Insurance requirements for "high risk" events.* Applicants for special events involving "high risk" activities must comply with division (K)(2) below and also require commercial or licensed vendors, caterers, or providers of any listed "high risk" activity to obtain and provide proof of appropriate liability insurance of at least \$1,000,000 and appropriate workers compensation insurance. Proof of such insurance will be attached to the application and reviewed by the Municipal Clerk. This insurance will be attached to the application and reviewed by the Municipal Clerk. This insurance is required for special events that involve "high risk" activities, unless City Council waives or alters this requirement. "High risk" activities include the following activities, as well as any other activities determined to be "high risk" by City Council:

- (a) Fireworks (permission from City Council and the Department of Public Safety is required);
- (b) Inflatable play structures such as "jump castles";
- (c) Traveling carnivals and circuses;

- (d) Mechanical rides;
- (e) Animal rides;
- (f) Petting zoos;
- (g) Trampolines;
- (h) Bungee cords and other activities involving rebounding equipment; and
- (i) Special events at which alcohol will be served by a licensed or commercial vendor or caterer.

(2) *Insurance requirements for high risk events, street closure events, and sporting events.* An applicant for a special event that is a high risk event, a sporting event, or will involve a street closure must possess or obtain its own comprehensive general liability insurance from no less than an A-rated company, naming the city as an additional insured and the applicant as an insured, and also third party property damage coverage protecting the city's property from damage incurred at the event. The street closure applicant's special event insurance shall include the following:

(a) *Types of insurance required and limits.*

- 1. General aggregate limit of at least \$1,000,000;
- 2. Each occurrence limit of at least \$1,000,000;
- 3. Damage to premises limit of at least \$100,000;
- 4. If the applicant has paid employees, workers' compensation insurance with a limit of at least \$1,000,000;

5. If the applicant intends to provide public transportation to attendees, commercial auto liability insurance with a general aggregate limit of at least \$1,000,000; and

6. A. If alcohol will be consumed at the event, liquor liability coverage with a general aggregate limit of \$1,000,000 and an each occurrence limit of \$1,000,000.

B. The policies will not have "declining limits" that will be reduced by payment of attorneys' fees and litigation costs.

(b) *Required insureds.* The following entities shall be named as insureds or additional insureds on the commercial liability policies and, if required, the liquor liability policies:

- 1. The City of Folly Beach; and
- 2. The applicant.

(c) *Required terms coverage.* All commercial liability and liquor liability policies must include the following coverage, whether by original policy or by endorsement:

- 1. Coverage of a public agency, state or governmental agency or subdivision or political subdivision that has issued a permit or authorization as an additional insured;
- 2. If volunteers are used, coverage for volunteer workers;
- 3. If a premises endorsement is included, all locations at which the event takes place will be identified as the premises; and
- 4. For special events required to obtain liquor liability coverage, if a premises endorsement is included, it shall provide coverage for injuries that are a direct result of the selling or furnishing of any alcoholic beverage at the insured premises.

(d) *Prohibited limiting endorsements and exclusions.* No liability policies shall include the following limiting endorsements or exclusions:

- 1. Exclusions for any attendees or participants other than exclusions for participation in activities listed in division (e) below;
- 2. Exclusions of all injuries arising from the use of automobiles. However, coverage for automobiles owned, maintained, used, rented, leased or borrowed by any insured is not required; and
- 3. Assault and battery exclusions.

(e) *Coverage for vendors, entertainers, exhibitors, performers, or sub-contractors.* The applicant shall require and confirm that the following types of vendors, entertainers, exhibitors, performers, or sub-contractors (collectively referred to as "vendors"), have their own liability insurance of at least \$1,000,000 and appropriate workers compensation insurance or, in the alternative, are named insureds under the applicant's policy:

1. Vendors providing food or beverages;
2. Vendors providing amusement devices, amusement rides, mechanical rides, inflatable devices, fireworks, climbing walls, athletic activity, physical activity, or sport, structures, such as bleachers or grandstands, or any other "high risk" activity listed in division (K)(1);
3. Vendors providing security for the event;
4. Any vendor providing public transportation for the event; and
5. Any other vendor designated by the Staff Event Planning Committee.

The Staff Event Planning Committee or City Attorney may require specific vendors to obtain event insurance with terms similar to those required of the event organizer and/or have the city named as an additional insured.

(f) *Proof of insurance.* The applicant shall submit to the city at least 30 days prior to the event the policies, including all endorsements, and a certificate of insurance showing the applicant and the city as named or additional insureds. Upon demand, the applicant will also provide proof of insurance for its vendors set forth in division (K)(2)(e).

(3) *Insurance requirements for sporting events.* Applicants for special events involving any sort of sporting events that involve physical contact between contestants or sporting events that involve persons running, walking, or bicycling on public property must comply with the insurance requirements of division (K)(2) above and obtain and provide proof of appropriate liability insurance of at least \$1,000,000 and appropriate workers compensation insurance. Proof of such insurance will be attached to the application. This insurance is required for sporting events unless City Council waives or alters this requirement.

(4) *Review by City Attorney and City Administrator.* If, in the opinion of the City Attorney and the City Administrator, the required insurance policy or policies:

- (a) Do not comply with these requirements;
- (b) Include provisions, exclusions, or endorsements that circumvent the requirements;
- (c) Include terms that do not accurately reflect and address the special event, the activities taking place during the special event, or the risks presented by the special event; or
- (d) Otherwise present an unacceptable risk to the city, then the city may require additional insurance, a revised policy, or withdraw approval for the special event.

(5) *Indemnity.* Regardless of any insurance requirements, event organizers and vendors shall be required to indemnify and hold harmless the city and its officers and employees for all damage to property owned or under the control and management of the city and for all claims made against the city arising from or related to the event.

(6) *All organizers of special events are encouraged to obtain insurance.* Even if the city does not require an event to be insured pursuant to this division or § [153.06\(G\)\(11\)](#), all organizers of special events on public property are encouraged to obtain insurance that covers bodily injury and property damage, as well as any liability arising out of the use of alcoholic beverages during the event.

(L) *Recycling collection required.* Sponsors of special events must provide proof of coordination with Charleston County Environmental Management, or a suitable alternative arrangement, for the provision of recycling containers and post-event pick up of recyclable materials. Recyclable materials must be delivered to a recycling facility for recycling, not to a landfill for disposal.

(Ord. 26-13, passed 2-25-14; Am. Ord. 20-14, passed 11-11-14; Am. Ord. 29-15, passed 1-12-16; Am. Ord. 17-16, passed 7-12-16; Am. Ord. 08-17, passed 4-11-17; Am. Ord. 07-17, passed 6-13-17; Am. Ord. 22-17, passed 8-8-17; Am. Ord. 29-17, passed 10-10-17; Am. Ord. 001-22, passed 2-8-22; Am. Ord. 004-22, passed 3-8-22; Am. Ord. 016-22, passed 5-10-22)

Cross-reference:

S.C. Code § 5-7-140 gives the city the authority to enforce its ordinances one mile seaward of the high-tide line.

The purpose and composition of the Staff Event Planning Committee are described in §§ [33.018](#) and [33.019](#).

RATIFIED this ____ day of _____ 2023, at Folly Beach, South Carolina, in City Council duly assigned.

ATTEST:

Municipal Clerk

Tim Goodwin, Mayor



City of Folly Beach

Date: March 14th, 2023
Re: Weddings Over 25 Attendees

Mayor and Council,

Discussion on beach weddings has been ongoing for several months. In the interim the City continues to receive applications for large weddings on the beach. In late February, staff received applications ranging from 100 to 145 attendees. The attached ordinance proposes that all future applications to weddings over 25 people be sent to the Special Events Committee for review prior to approval. There are two primary goals: 1) to ensure that large events like this meet the City's general requirements for events on the beach and 2) to create an opportunity to formally notify organizers of the rules and penalties for these types of events.

Aaron Pope, AICP
City Administrator



CITY OF FOLLY BEACH

1st Reading: March 14th, 2023

2nd Reading:

Introduced by: Mayor Goodwin

Date: March 14th, 2023

ORDINANCE 007-23

AN ORDINANCE AMENDING SECTION 151.47 OF THE FOLLY BEACH CODE OF ORDINANCES BY CHANGING REFERENCES TO OPACITY REQUIREMENTS FROM SHADING COEFFICIENT TO VISIBLE LIGHT TRANSMITTANCE.

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

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

151.45 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ARTIFICIAL LIGHT. Any source of light emanating from a manmade device, including but not limited to, incandescent mercury vapor, metal halide, or sodium lamps, flashlights, spotlights, street lights, vehicular lights, construction or security lights.

BEACH. The area of unconsolidated material that extends landward from the mean low water line to the place where there is a marked change in material or physiographic form, or to the line of permanent vegetation (usually the effective limit of storm waves).

FLOODLIGHTS. Reflector type light fixture, attached directly to a building and is unshielded.

LOW PROFILE LUMINARIES. Light fixtures set on a base which raises the source of the light no higher than 48 inches off the ground, and designed in such a way that light is directed downward from a hooded light source.

NEW DEVELOPMENT. New construction and remodeling of existing structures when the remodeling includes alteration of exterior lighting.

PERSON. Any individual, firm, association, joint venture, partnership, estate, trust, syndicate, fiduciary, corporation, group or unit or federal, state, county or municipal government.

POLE LIGHTING. Light fixture set on a base or pole which raises the source of the light higher than 48 inches off the ground.

~~**SHADING COEFFICIENT.** A coefficient expressing that percentage of the incident radiation which passes through the window as heat.~~

SOLAR SCREEN. Screens which are fixed installations and permanently project shade over the entire glass area of the window. The screens must be installed outside of the glass and must have:

- (1) ~~A shading coefficient of .450 less;~~ **Visible light transmittance value of forty-five (45) percent or less (inside to outside); and**
- (2) A minimum five-year warranty; and

(3) Performance claims supported by approved testing procedures and documentation.

TINTED OR FILMED GLASS. Window glass which has been covered with window tint or film such that the material has:

(1) ~~A shading coefficient of .450 or less;~~ Visible light transmittance value of forty-five (45) percent or less (inside to outside); and

(2) A minimum five-year warranty;

(3) Adhesive as an integral part; and

(4) Performance claims which are supported by approved testing procedures and documentation.

VISIBLE LIGHT TRANSMITTANCE. A measurement of the amount of light in the visible portion of the spectrum that passes through a glazing material.

RATIFIED this ____ day of _____ 2023, at Folly Beach, South Carolina, in City Council duly assigned.

ATTEST:

Municipal Clerk

Tim Goodwin, Mayor



City of Folly Beach

Date: March 14th, 2023

Re: Turtle Lights

Mayor and Council,

Eric has received feedback from window tinting companies that the definitions in our turtle lighting requirements should be updated. This is a technical change to more accurately describe the degree of tint required for new construction. Eric contacted the State to confirm that this is the recommended language for an ordinance. Both the original feedback and the response from the State are included below.

Sent: Monday, March 6, 2023 3:19 PM

To: Eric Lutz <elutz@follybeach.gov>

Cc: Stacey Ritchie <sritchie@follybeach.gov>

Subject: Re: Solar Reflection window films (FB Loggerhead protection ordinance)

Good afternoon! Who would be the best person to speak with about the wording of this ordinance? I think there is a description detail that needs to be corrected on the section 151.45 “definitions“ section. The ordinance specifies that tinted or filmed glass should have a **shading coefficient** of .450 or less, but I think they meant to put VLT/ **visible light transmission** of 45% or less, as many other beach community ordinances are stated. Shading coefficient has to do with solar heat transfer and the overall energy efficiency performance of a window / glazing system, and has very little to do with visible light transmission through the glass. I think it was just a simple mistake or misunderstanding of the definitions and terms, but because of the importance of this ordinance, should be discussed. Having this changed, will allow the homeowners many more options. The currently specified 0.450 shading coefficient will limit homeowners to films that have mirrored/reflective exterior appearances, which will not be as aesthetically pleasing as most of them would prefer. We sometimes see a specified “shading coefficient” in new construction, where the energy efficiency ratings of new windows comes into play for the purpose of better insulating the building envelope. As of right now, I am only showing Folly Beach homeowners films that qualify based on the 0.450 shading coefficient, per the specifications. We will be sure to follow that until/unless it is changed. Just let me know who I can go to to try to get this corrected. Thank you so much!

From: Michelle Pate <PateS@dnr.sc.gov>

Sent: Tuesday, March 7, 2023 4:19:24 PM

To: Eric Lutz <elutz@follybeach.gov>

Cc: Zoning Department <zoning@follybeach.gov>

Subject: RE: Solar Reflection window films (FB Loggerhead protection ordinance)

Eric,

I would agree with Ms. Grooms and would recommend adjusting the language for clarity and compliance to read tinted glass or film with a visible light transmittance value of forty-five (45) percent or less (inside to outside). Obviously the best option for minimizing interior lighting impacts to sea turtles is to use the darkest tint available but it has been seen that tints with 25 to 30% transmittance are among the most popular and tints as low as 15% have been used successfully in parts of Florida.

Appreciate you checking in on this issue and always happy to hear the good work Folly Beach does to help protect our sea turtles.

Best,
-Michelle

Aaron Pope, AICP
City Administrator



CITY OF FOLLY BEACH

Introduced by: Mayor Tim Goodwin
Date: March 14th, 2023

RESOLUTION 11- 23

A RESOLUTION BY THE FOLLY BEACH CITY COUNCIL AUTHORIZING THE DISTRIBUTION OF \$3,961.20 HELD IN THE CITY'S NATIONAL NIGHT OUT RESERVE ACCOUNT TO BE USED FOR THE 2023 NATIONAL NIGHT OUT.

WHEREAS, The City has set aside funds to participate in National Night Out; and

WHEREAS, National Night Out is a community benefit showcasing the importance of Folly Beach's Public Safety Department through fun activities, in person learning, up-close demonstrations of lifesaving equipment, and meeting the individuals who work in the department.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Folly Beach, South Carolina \$3,961.20 of National Night Out Reserve funds be released for the city's 2023 National Night Out celebration.

RATIFIED this 14th day of March, 2023 at Folly Beach, South Carolina, in City Council duly assigned.

Attest :

Municipal Clerk

Tim Goodwin, Mayor



CITY OF FOLLY BEACH

Introduced by: Councilman Adam Barker
Date: March 14th, 2023

RESOLUTION 12-23

A RESOLUTION BY THE FOLLY BEACH CITY COUNCIL AUTHORIZING THE AMOUNT OF \$800 FROM THE COUNCIL DISCRETIONARY ACCOUNT TO PURCHASE PROFESSIONAL PHOTOGRAPHS OF EACH COUNCIL MEMBER TO BE HUNG IN COUNCIL CHAMBERS.

WHEREAS, The City Council of Folly Beach has expressed the desire to display professional photos of the Council members within City Council Chambers and on the City's official website; and

WHEREAS, The Council Discretionary account has FY23 budget funds available for this purchase.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Folly Beach, South Carolina that the Administration is authorized to spend up to \$800 of City Council Reserve funds to be used for professional photos to be taken and to be framed in Council Chamber and posted on its website.

RATIFIED this 14th day of March, 2023 at Folly Beach, South Carolina, in City Council duly assigned.

ATTEST:

Municipal Clerk

Mayor Goodwin



CITY OF FOLLY BEACH

Introduced by: Mayor Tim Goodwin
Date: March 14th, 2023

RESOLUTION 13-23

A RESOLUTION BY THE FOLLY BEACH CITY COUNCIL AWARDING THE CONTRACT FOR THE CITY EXTERNAL AUDIT SERVICES FOR FISCAL YEARS 2023 THROUGH 2026.

- WHEREAS,** Pursuant to the City of Folly Beach's Code of Ordinances Chapter 36 Finances Subchapter 36.05 Annual Audit; The City Council shall provide for an annual audit of all city financial records and transactions. The audit shall be made by a certified public accountant or firm of accountants who have no personal interest, direct or indirect, in the fiscal affairs of the municipal government or any of its officers. The report of the audit shall be filed in the office of the Director of Finance as a public record and shall be made available for public inspection; and
- WHEREAS,** Pursuant to the City of Folly Beach's Code of Ordinances Chapter 36 Finances Subchapter 36.22 Specific City Purchasing and Procurement Policy Exclusions; The hiring of municipal judges, lobbyists, attorneys, including the City Attorney, or any product or service provider exempted by State law are exempt from the purchasing procedure in §§ 36.15et seq. Department heads should solicit multiple responses for comparison, but they shall not be subjected to procurement procedures.; and
- WHEREAS,** Pursuant to the City of Folly Beach's Code of Ordinances Chapter 36 Finances Subchapter 36.16 (F) Informal Purchasing and Bidding Procedures; All purchases and contracts and goods or services in excess of \$20,000 shall be made in accordance with following competitive formal bidding procedures, unless the goods or services are available under state contract as awarded by the State Budget and Control Board, Division of Material Management. All vendors and their bids shall be listed on the face of the purchase order. The recommended award, along with a copy of the purchase order, shall be placed on the City Council meeting agenda for Council consideration. Council shall have the authority to award or reject the recommended award of bid; and
- WHEREAS,** The attached statewide municipality auditing services contracts are attached and the City Finance Director recommends Greene Finney LLP as the vendor for the City's External Audit Services for fiscal years 2023 through 2026.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Folly Beach, South Carolina, that a four year contract be awarded to Greene Finney LLP for City external audit services for fiscal years 2023, 2024, 2025, and 2026 under the Statewide Term Contract terms.

RATIFIED this 14th day of March, 2023 at Folly Beach, South Carolina, in City Council duly assigned.

ATTEST:

Municipal Clerk

Tim Goodwin, Mayor

<https://procurement.sc.gov/contracts/search?v=16906-9919-0-0>

Statewide Term Contracts

[Back](#)

Municipality Auditing Services

Classification Contract Type Manager Phone#

Goods & Services StateTerm [Portia Davis](#) 803.737.5473

Description:

The contract will be available for use by South Carolina municipalities in response to Proviso 105.6. **THIS IS A NON-MANDATORY CONTRACT.** Contracts resulting from this solicitation are limited in their use to municipalities throughout South Carolina and **are not available to governmental bodies as defined in §11-35-310(18) of the Consolidated Procurement Code.** Non-procurement related audits for governmental bodies are described in South Carolina Code of Law (§11-7-20).

South Carolina Code of Laws (5-7-240) requires each municipality to have an annual audit of financial transactions of the municipality and any agency funded in whole by municipal funds. While the State requires that the municipality submit its audited financial statements to the Office of the State Treasurer within 13 months of the municipality's fiscal year end, there are few other State requirements for how the financial statements are to be prepared. Each municipality, therefore, will have need for services based on its unique situation.

Municipality Auditing Services

Start Date: 05/12/2022 | **End Date:** 05/11/2027

Solicitation#: [5400022327](#)

Vendor: [Greene Finney LLP](#)

Contract#: 4400028803

Vendor#: 7000286652

Email: larry@gfhllp.com

Address: 211 East Butler Road Suite C6 Mauldin SC 29662

Phone#: 864-232-5204

Description

	Unit Price
Auditing Services - Staff Auditor	\$ 70.00
Auditing Services - Senior Auditor	\$ 100.00
Auditing Services - Manager	\$ 140.00
Auditing Services - Senior Manager	\$ 160.00
Auditing Services-Partner or Equivalent	\$ 210.00

Vendor Files/Links:

•[Job Order Request Form \(JOR\)](#)

Vendor: [Manley Garvin LLC](#)

Contract#: 4400028802

Vendor#: 7000230873

Email: josh.garvin@manleygarvin.com

Address: PO Box 429, Greenwood SC 29648

Phone#: 864-229-4951

Description

	Unit Price
Auditing Services - Staff Auditor	\$ 100.00
Auditing Services - Senior Auditor	\$ 115.00
Auditing Services - Manager	\$ 165.00
Auditing Services - Senior Manager	\$ 185.00
Auditing Services-Partner or Equivalent	\$ 195.00

Vendor Files/Links:

•[Job Order Request Form \(JOR\)](#)

Vendor: [The Brittingham Group LLP](#)

Contract#: 4400028801

Vendor#: 7000209567

Email: rcooper@tbgcpas.com

Address: PO Box 5449, West Columbia SC 29171

Phone#: 803-739-3090

Description

	Unit Price
Auditing Services - Staff Auditor	\$ 100.00
Auditing Services - Senior Auditor	\$ 125.00
Auditing Services - Manager	\$ 150.00
Auditing Services - Senior Manager	\$ 175.00
Auditing Services-Partner or Equivalent	\$ 225.00

Vendor Files/Links:

•[Job Order Request Form \(JOR\)](#)



CITY OF FOLLY BEACH

Introduced by: Mayor Goodwin
Date: March 14th, 2023

RESOLUTION 14-23

A RESOLUTION BY THE FOLLY BEACH CITY COUNCIL INCREASING THE FEE FOR APPROVED NON-FRANCHISE COMMERCIAL ACTIVITIES ON THE BEACH FROM TWO HUNDRED AND FIFTY DOLLARS TO FIVE HUNDRED DOLLARS ANNUALLY.

WHEREAS, The City routinely awards permission for non-franchise commercial activity on the beach, including surf, paddleboard, and yoga lessons; and

WHEREAS, Section 118.03(C) of the Folly Beach code of ordinances allows Council to approve these activities and the set conditions for approval; and

WHEREAS, The current requirement of a \$250 fee was set by Council several years ago; and

WHEREAS, The City desires to set fees that are appropriate and are adjusted over time.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Folly Beach, South Carolina, that the fee for non franchise beachfront commercial activity shall be raised from \$250 to \$500 dollars annually beginning with those activities approved in 2023.

RATIFIED this 14th day of March 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: March 14th, 2023

RESOLUTION 15-23

A RESOLUTION BY THE FOLLY BEACH CITY COUNCIL EXTENDING THE EXPIRATION DATE OF PADDLEBOARD AND SURF CAMP FRANCHISES FROM MAY 2023 TO SEPTEMBER 30TH, 2023.

WHEREAS, The City routinely awards franchises for commercial activity on the beach, including paddle board and surf camps; and

WHEREAS, The current contracts for surf and paddleboard camps were extended by Resolution 15-22 to expire in May 2023; and

WHEREAS, Matching the expiration date of these franchises with the expiration of the business license gives no time for advanced booking; and

WHEREAS, The City desires that the award of these franchises be completed with ample time for the providers to offer reservations in advance.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Folly Beach, South Carolina, that the franchises extended by Resolution 15-22 are hereby extended until 10/30/23.

Surf Camps:

Isla Surf School
Shaka Surf School
Sol Surfers (#1)
Sol Surfers (#2)

Paddleboard Camps :

Folly Beach Paddle and Surf
Charleston SUP Safari

RATIFIED this 14th day of March 2023 at Folly Beach, South Carolina, in City Council duly assigned.

ATTEST:

Municipal Clerk

Tim Goodwin, Mayor



City of Folly Beach

Date: March 14th, 2023

Re: Arctic Avenue

Mayor and Council,

Last year the city decided to rebid the Arctic Avenue study with an increased budget to attract additional interest (only two firms responded to the original bid). The new bid generated five proposals. A review team of staff compared all submittals and ranked each one. The highest ranked firm was AMT (\$118,000). However, the lowest bid was Weston Sampson (\$98,094). The remaining bids ranged from \$119,000 to \$148,000. Section 36.17 of the Folly Beach Code of Ordinances allows the city to consider other factors than price when awarding bids. Such factors include:

- (a) The ability, capacity and skill of the bidder to provide the services required;
- (b) The capability of the bidder to perform and the contractor to provide the services promptly, or within the time specified without delay or interference;
- (c) The character, integrity, reputation, judgement, experience and efficiency of the bidder;
- (d) The quality of performance of previous contracts or services;
- (e) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or services;
- (f) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the services;
- (g) The quality, availability and adaptability of the suppliers or contractual services to the particular use required; and
- (h) The number and scope of conditions attached to the bid by the bidder, if any.

When the award is not made to the lowest bidder, a full and complete statement of the reasons for the action shall be prepared by the City Administrator. Accordingly, staff recommends AMT as the lowest responsible bidder based on a combination of price (2nd lowest of five received), the employee's prior work on projects in Folly Beach, experience with similar projects in general, demonstrated history with permitting agencies, recognition of resilience/sustainable design to address stormwater flooding, public involvement strategies, and demonstration of knowledge of existing conditions that will accelerate the timeline for completion.

Aaron Pope, AICP
City Administrator



CITY OF FOLLY BEACH

Introduced by: Mayor Goodwin
Date: March 14th, 2023

RESOLUTION 16-23
A RESOLUTION BY THE FOLLY BEACH CITY COUNCIL
AWARDING A CONTRACT FOR THE DEVELOPMENT OF AN ARCTIC AVENUE
PLAN TO AMT FOR THE AMOUNT OF \$118,000.

WHEREAS, The study of Arctic Avenue to determine a plan for traffic, safety, and multi user access has been a stated goal of the city for several years; and

WHEREAS, The city sought proposals for this study in 2022 but chose to readvertise with an increased budget to increase the number of bidders; and

WHEREAS, The project has been rebid and multiple responses submitted; and

WHEREAS, AMT submitted the 2nd lowest bid, but was ranked the highest by the staff review team; and

WHEREAS, The accompanying memo outlines the recommendation to award the bid to someone other than the lowest bidder as allowed by Section 36.17 of the Folly Beach Code of Ordinances.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Folly Beach, South Carolina, that the Administration is authorized to award a contract to AMT for \$118,000 for the completion of the Arctic Avenue Plan to be paid from the Traffic Study Reserve Account (5300-6902).

RATIFIED this 14th day of March 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: March 14th, 2023.

RESOLUTION 17-23

A RESOLUTION BY THE FOLLY BEACH CITY COUNCIL AWARDING THE CONTRACT FOR SERVICES DESCRIBED IN THE FOLLY BEACH CITY RFQ 01-23, THE 2020 BUILDING RESILIENT INFRASTRUCTURE AND COMMUNITIES (BRIC) GRANT FOR W. INDIAN AND TABBY NUISANCE FLOODING MITIGATION.

WHEREAS, The City wishes to procure services for design and engineering services per the scope of the 2020 BRIC grant awarded; and

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

WHEREAS, Seamon, Whiteside & Associates, INC is responsive and the firm is well qualified to provide the requested services.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Folly Beach, South Carolina, that the award for the services described in RFQ 01-23 be awarded to, Seamon, Whiteside & Associates, INC.

RATIFIED this 14th day of March 2023, at Folly Beach, South Carolina, in City Council duly assigned.

ATTEST:

Municipal Clerk

Tim Goodwin, Mayor



City of Folly Beach

Date: 3/6/2023

Re: RFQ 01-23, 2020 Building Resilient Infrastructure and Communities (BRIC) Grant-W.
Indian and Tabby nuisance flooding mitigation

Mayor and Council,

In compliance with the 2020 BRIC Grant conditions, we advertised for engineering and design firms to provide proposals for concept development. Of the 4 proposals/qualification packets we received, all were qualified firms, and all provided very close pricing proposals (range from \$40,750.00 – \$43,700.00). After review of the 4 firms that submitted, we are recommending the low bidder, Seamon, Whiteside & Associates, INC., receive award of a contract.

Eric Lutz
Director of Public Works



Lathan Consulting Corporation – 141 Oak St, Darlington SC 29532 – Phone: 843-393-5958

Date: March 5, 2023

To: Mr. Eric Lutz
Director of Public Works
City of Folly Beach
Folly Beach, SC

Re: RFQ 01-23, 2020 Building Resilient Infrastructure and Communities (BRIC) Grant-West Indian & Tabby Drive Flood Mitigation Study

Dear Mr. Lutz:

In compliance with the 2020 FEMA BRIC Grant requirements, the referenced RFQ was advertised for engineering services to complete the West Indian & Tabby Drive Flood Mitigation Study. A total of four responsive proposals/qualification packets and bids were received (as advertised), on March 1, 2023 and are noted below:

1. Seamon, Whiteside & Associates, Inc., for \$40,750,
2. Weston & Sampson, Inc., for \$42,500,
3. McCormick Taylor, Inc., for \$43,699, and
4. Thomas & Hutton, Inc., for \$43,700.

After a detailed review of the above noted proposals/bids, I am recommending the contract be awarded to the low bidder; Seamon, Whiteside & Associates, Inc., for \$40,750.00.

Sincerely,

Jannie Lathan, CEO
Lathan Consulting Corporation