

CITY OF FOLLY BEACH

Tim Goodwin, Mayor



Folly Beach, SC 29439

www.cityoffollybeach.com

843-588-2447

**Chris Bizzell, Council Member
William Farley, Council Member
Billy Grooms, Council Member**

**Katherine Houghton, Council Member
Skip Fink, Council Member
D.J. Rich, Mayor Pro-Tem**

**City Council Meeting 7:00 PM
Tuesday, December 10, 2024**

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

1. CALL TO ORDER/ROLL CALL

Executive Session 7:00 PM

Pursuant To §30-4-70 Of the Freedom of Information Act Legal Advice Related to: Attorney General's Opinion regarding delegation of parking enforcement. Discussion of persons regulated by a public body: Council members' role in personnel matters.

2. INVOCATION & PLEDGE OF ALLEGIANCE

- a. Councilmember Fink

3. MAYOR'S COMMENTS

4. STAFF REPORTS

5. APPROVAL OF AGENDA

6. APPROVAL OF MINUTES

- a. Minutes- November 12th, 2024.

7. PERSONAL APPEARANCES

- a. Road Safety & Speed Limit Signs-Eric Draper.
- b. Request for Event Approval, Race For Life- Chasity Benjamin.
- c. Request for Event Approval, Taste of Folly- Kelly Travers.
- d. Request For One Time Waiver to Participate in The Folly Beach Christmas Parade, James Island Cowboys.

8. CITIZENS' COMMENTS

9. COMMISSION, BOARD, COMMITTEE REPORTS

a. Planning Recommendations:

- **ORDINANCE 007-24:** An Ordinance Amending the Standards of Chapter 166.01 (Tree Protection) Of the Folly Beach Zoning and Development Ordinance by Amending § 166.01-03(C)(2) To Allow Removal of Protected Trees in Certain Circumstances in The Residential Two-Family Zoning District.
- **ORDINANCE 23-24:** An Ordinance Amending the Folly Beach Code of Ordinances Section 166.04-03 (Marsh Buffers) To Require Replanting with Native Species When the Marsh Buffer Is Disturbed.
- **ORDINANCE 024-24:** An Ordinance Amending the Folly Beach Code of Ordinances Section 164.04-02 (General Development and Operational Standards) By Prohibiting the Rental of Accessory Uses Separately from The Associated Primary Use.

10. OLD BUSINESS

- a. **ORDINANCE 007-24:** An Ordinance Amending the Standards of Chapter 166.01 (Tree Protection) Of the Folly Beach Zoning and Development Ordinance by Amending § 166.01-03(C)(2) To Allow Removal of Protected Trees in Certain Circumstances in The Residential Two-Family Zoning District. **(FIRST READING)**
- b. **ORDINANCE 23-24:** An Ordinance Amending the Folly Beach Code of Ordinances Section 166.04-03 (Marsh Buffers) To Require Replanting with Native Species When the Marsh Buffer Is Disturbed. **(FIRST READING)**
- c. **ORDINANCE 024-24:** An Ordinance Amending the Folly Beach Code of Ordinances Section 164.04-02 (General Development and Operational Standards) By Prohibiting the Rental of Accessory Uses Separately from The Associated Primary Use. **(FIRST READING)**
- d. **ORDINANCE 026-24:** An Ordinance Amending Sections 151.45 Through 151.49 Of the Folly Beach Code of Ordinances (Protection of Loggerhead Sea Turtles) By and Defining Nighttime Hours and Requiring Beachfront Lighting to Be Turned Off During Nighttime Hours Between May 1 and October 31. **(SECOND READING)**
- e. **ORDINANCE 027-24:** An Ordinance Amending the Folly Beach Code of Ordinances by Amending Chapter 51 (Water), Section 51.002 (Application for Service) To Codify a Deposit Fee for New Water Accounts. **(SECOND READING)**
- f. **ORDINANCE 028-24:** An Ordinance Amending the Folly Beach Code of Ordinances Chapter 131, Section 131.33 (Exceptions) By Codifying an Exemption Allowing Public Works Projects Contracted for Or by A Government Agency to Occur Twenty-Four Hours Daily. **(SECOND READING)**
- g. **ORDINANCE 030-24:** An Ordinance Amending The Folly Beach Code Of Ordinances Chapter 117 (Short Term Rentals) By Separately Defining Medical Hardship Investment Rental License, Establishing Forms For Proof To Demonstrate Compliance With The Minimum Night Rental Requirement, Expanding The Eligibility For Inheritance Based ISTR Licenses, Allowing Licensed Homes To Be Relocated Without Losing Eligibility For A

Rental License, Requiring A Final Certificate Of Occupancy Before Issuance Of A License, Making Failure To Renew A Rental License A Violation Eligible For A Strike Against The License Rather Than Revocation, And Amending The Information Required To Apply For A Rental Registration Permit. **(SECOND READING)**

11. NEW BUSINESS

- a. **RESOLUTION 50-24:** A Resolution by The Folly Beach City Council Authorizing the Administration to Sign a Fleet Maintenance Agreement with The James Island Service Public Service District.
- b. **RESOLUTION 51-24:** A Resolution by The Folly Beach City Council Awarding RFP 09-24 Folly Beach 2nd Street East Pedestrian Multi Use Path Construction to Truluck Roadway Services in The Amount Of \$447,542.00.
- c. **RESOLUTION 52-24:** A Resolution by The Folly Beach City Council Awarding RFP 10-24 Folly Beach Public Safety Department Interior Painting of The Second Floor to Paint Applicators, LLC In the Amount Of \$18,950.00.
- d. **RESOLUTION 53-24:** A Resolution by The Folly Beach City Council Awarding RFP 11-24 Folly Beach Public Safety Department Flooring of The Second Floor to Omar's Floor Covering in The Amount Of \$67,027.25.
- e. **RESOLUTION 54-24:** A Resolution by The Folly Beach City Council Awarding the Construction Contract for The East Arctic Dune Infiltration Project at the 10th Street Beach Access to IPW Construction Group in The Amount Of \$299,528.08.
- f. **RESOLUTION 55-24:** A Resolution by The Folly Beach City Council Establishing a Target Zero Policy to Work Towards Zero Traffic Deaths and Severe Injuries.

12. COUNCIL COMMENTS

13. ADJOURNMENT

PUBLIC NOTICE

ALL MEDIA WERE NOTIFIED PURSUANT TO STATE LAW

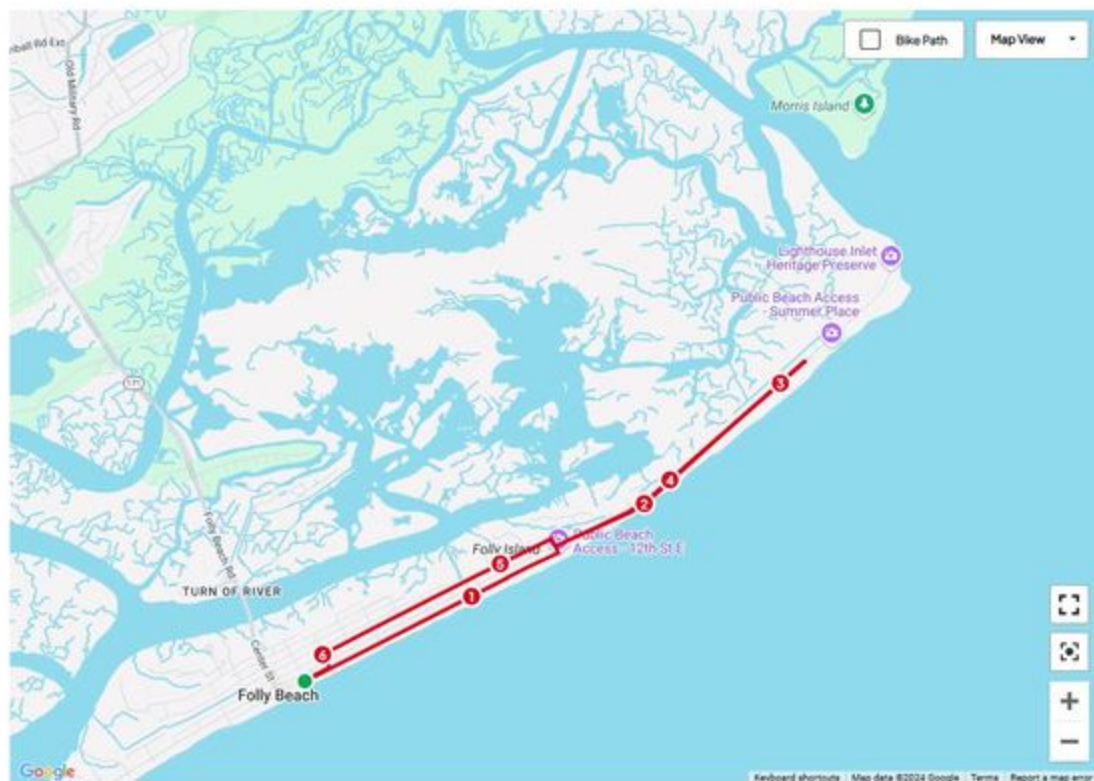
City Council will not vote on matters discussed during Work Sessions or Executive Sessions.

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.

Main Contact	Chasity Benjamin
Address	2215 Henry Tecklenburg Dr. Charleston, SC 29414
Cell Phone	8439928158
Email	benjaminc@sharinghopesc.org
Reservation Date	November 4, 2024
Beginning Time (including setup)	6 AM
End time (including breakdown)	10:45 AM
Estimated Number of Attendees	600
Event Date	March 29, 2025
Event Location	The race will follow the same route as the one used for the Save the Lighthouse Race, starting on E. Arctic Ave, turning onto 12th St., heading down E. Cooper Ave., and finishing with a turn onto 3rd St., back down to E. Arctic Ave. The award ceremony will be held in Rita's parking lot, and the GM has approved the use of this space again.
Event Name	20th Annual Race for Life 5k & 10k
Purpose of Event	We Are Sharing Hope SC's Race for Life is the premier event for transplant recipients to run alongside the family members of our community's beloved donor heroes who gave the greatest gift, the gift of life. The Race is a celebration and an opportunity for families to come together and create unforgettable experiences, and we would love your support. The generosity of your support will allow further growth of our community outreach efforts, providing educational programs on the impact of organ, eye, and tissue donation to more than 5 million residents of South Carolina. We

	hope to inspire our community by sharing the mission of organ and tissue donation throughout South Carolina.
Description of Event	The setup with Go Race Productions will begin at 6 AM. The 10K race starts at 8 AM, followed by the 5K at 8:15 AM, with the entire race concluding by 9:45 AM. The award ceremony in Rita's parking lot will run until 10:20 AM, and everything will be loaded up and cleared by 10:45 AM.
List any Special Effects	NA
Please list any vendors involved in your event(ALL VENDORS MUST HAVE BUSINESS LICENSE WITH CITY OF FOLLY BEACH	MUSC Living Donor Program, National Kidney Foundation, Lupus Fo



2025 We Are Sharing Hope SC Race for Life Risk Assessment and Emergency Action Plan

Event Overview:

- **Event Name:** 20th Annual We Are Sharing Hope SC Race for Life
 - **Date:** March 29, 2025
 - **Location:** 2 Center St., Folly Beach, SC 29439
 - **Participants:** 1000 Runners (5K and 10K)
 - **Expected Attendance:** 1,500 (participants, spectators, volunteers, staff)
-

1. Risk Assessment

1.1 Risk Identification

Environmental Risks

- **Weather Conditions:** Potential for high temperatures, rain, wind, or thunderstorms.
- **Terrain Conditions:** Uneven pavement, muddy areas if wet, or road closures.

Health and Safety Risks

- **Runner Injuries:** Potential for falls, sprains, dehydration, or heat-related illnesses.
- **Health Risks:** Heat exhaustion, dehydration, and potential COVID-19 transmission.
- **Spectator Safety:** Ensuring safe areas for viewing and social distancing if necessary.

Security Risks

- **Crowd Control:** Managing large numbers of participants and spectators.
- **Traffic Control:** Safe crossings and closed streets for the route.
- **Security Threats:** General risks such as theft or altercations.

Logistical Risks

- **Transportation and Parking:** Potential congestion around the event location.
 - **Medical Access:** Availability of first aid stations and ambulances.
-

1.2 Risk Analysis

Likelihood and Impact

- Weather Conditions: Moderate likelihood, high impact if severe weather arises.
- Injuries: Moderate likelihood, with varied impact based on severity.
- Crowd and Traffic Control: Moderate likelihood, moderate impact if well-organized.

Risk Mitigation

- Weather Conditions: Regular updates from weather services, shade stations, and emergency alerts.
 - Runner Safety: Provide hydration stations and medical staff along the route.
 - Crowd Control: Use barriers, signage, and staff for effective crowd management.
-

1.3 Risk Management Plan

Preventive Measures

- Weather Monitoring: Professional weather forecasts to track conditions.
- Safety Briefings: Provide pre-race briefings on safety and route conditions.

Response Measures

- Emergency Contacts: List of local emergency services and key staff contacts.
 - Emergency Procedures: Plans for evacuations and medical emergencies.
-

1.4 Communication Plan

Pre-Event Communication

- Participants: Distribute safety protocols, route information, and emergency plans.
- Public Awareness: Inform spectators of event details and safety measures.

In-Event Communication

- Emergency Announcements: Use loudspeakers for real-time updates.
 - Coordination: Clear communication among staff, participants, and emergency responders.
-

2. Emergency Action Plan

2.1 Emergency Response Team

Roles and Responsibilities

- Event Coordinator: Manages all emergency communications and coordinates with local authorities.
 - Medical Team: Provides on-site first aid, assesses injuries, and manages minor to moderate medical cases.
 - Traffic and Security Team: Manages safe road crossings, crowd flow, and access control.
 - Volunteers: Assist with crowd management, guide participants and spectators, and support emergency evacuations if necessary.
-

2.2 Emergency Procedures

Weather-Related Emergencies

- Severe Weather Alerts: Constant monitoring of weather conditions. In case of severe weather (e.g., lightning, high winds), sound an alarm and evacuate participants and spectators to safe areas.
- Evacuation Plan: Direct individuals to pre-designated shelters or indoor facilities, with transport ready for those needing assistance.

Medical Emergencies

- On-Course Injuries: Immediate first aid and ambulance transport to the nearest hospital if needed. Designated first-aid stations along the course marked on participant maps to address minor injuries and heat-related conditions.
- Heat and Dehydration Management: Hydration stations at regular intervals along the course. Volunteers are trained to recognize signs of dehydration and heat exhaustion and to summon medical assistance as needed.

Crowd Control Emergencies

- Overcrowding: Use barriers to manage crowd flow, especially around start/finish lines and hydration stations. Volunteers monitor density and direct overflow to less congested areas.
- Traffic Management: Ensure clear separation between race participants and non-event traffic. Coordinate with local law enforcement to enforce road closures and provide detours where necessary.

Security Incidents

- Suspicious Activity or Threats: Volunteers and staff report any unusual behavior. Security personnel assess and address security incidents (e.g., suspicious packages) and coordinate with local law enforcement as needed.
- Lost Persons: Designated lost-and-found area at the event hub with protocols for reuniting lost individuals with their families or groups.

2.3 Post-Emergency Actions

Incident Reporting

- **Documentation:** Record all incidents, actions taken, and outcomes. Prepare a report to evaluate the effectiveness of the response.
- **Review and Evaluation:** Conduct a debrief with the emergency response team to assess the response and identify areas for improvement.

Communication

- **Public Statements:** Issue timely statements to inform the public and media about incidents, response actions taken, and any impact on the event schedule.
- **Feedback Collection:** Post-event feedback from participants, staff, and volunteers to improve future event safety protocols.

2.4 Training and Drills

Pre-Event Drills

- **Emergency Drills:** Drills for staff and volunteers to practice emergency procedures, including crowd control, medical response, and evacuation.

Continuous Improvement

- **Plan Review:** Regularly review and update this emergency action plan based on new information, feedback from past events, and best practices in event safety.

Main Contact	Kelly Maloney Travers
Address	PO Box 780
Cell Phone	8438142155
Email	fab29439@gmail.com
Reservation Date	December 3, 2024
Beginning Time (including setup)	6:00am
End time (including breakdown)	5:15pm
Estimated Number of Attendees	3000
Event Date	January 18, 2025
Event Location	Center Street - Folly Beach
Event Name	Taste of Folly
Purpose of Event	Street Closure to celebrate Folly restaurants
Description of Event	The Taste of Folly event will features local vendors, artists, restaurants and businesses. As a wholesome and family friendly event, the event showcases Folly's great restaurant scene as well as our eclectic and relaxed atmosphere, encouraging return visits. As we are now in the slow off season, the event brings additional tourism to the business community between September 10 and April 30, driving increased revenue for the businesses and ultimately the City via taxes. Will feature live music across 3 stages, 75 arts, crafts & food vendors, multiple kids areas, and other entertainment. As with previous years, the event will be secured with fencing, all gates manned by security personnel. Admission will be charged to attend. FAB requests a street closure between Huron & Arctic Avenues from 7 am to 5:15 pm. The official event will run from 10 am to 4 pm, the

	remaining time is for setup, breakdown and cleanup. FAB will secure sufficient security personnel to man the gates and patrol within the festival limits, therefore requests a waiver of all fees associated with FBPS, FBFD and FB Public Works staff. FAB also requests a waiver from any pending noise ordinances as well as a relaxed open container law within the festival limits. All alcohol will be sold & served by existing establishments with the appropriate licenses and insurance and will not be sold or served by FAB. In addition to this FAB plans to run the annual "cocktail competition" on private property on Friday 1.17.25. FAB will get "day of" event insurance through the following firm: Lawton Jackson Associate Agent Insurance Solutions Mt Pleasant Charleston 210 Coleman Blvd., Ste-T, Mt. Pleasant, SC 29464 P 843.375.0200 x-303 F 843-375-0201 lawton@insurancesolutionssc.com
List any Special Effects	Inflatables
Please list any vendors involved in your event(ALL VENDORS MUST HAVE BUSINESS LICENSE WITH CITY OF FOLLY BEACH	FAB Protection Inc EPI Event Staffing Stage Presence Good Clean Fun Access Porta Johns Jason's Jump Castles

Main Contact	Sherre Burlingham
Address	97 west 2nd st, po box 1366 Folly Beach , sc 29439
Cell Phone	8439066568
Email	sherre.burlingham@gmail.com
Reservation Date	12/24/2024
Beginning Time (including setup)	9:30am. Parade lineup
End time (including breakdown)	2:30. End of parade
Estimated Number of Attendees	3
Event Date	12/14/2024
Event Location	Folly Beach Center Street
Event Name	Christmas Parade
Purpose of Event	Parade
Description of Event	Parade
List any Special Effects	2 horses JI Cowboys
Please list any vendors involved in your event(ALL VENDORS MUST HAVE BUSINESS LICENSE WITH CITY OF FOLLY BEACH	No vendors



City of Folly Beach

Date: December 10th, 2024

Re: James Island Cowboys

Mayor and Council,

The Events Review Committee met on November 20th to expedite review of the James Island Cowboys' request to ride in the Folly Beach Christmas parade. The committee recommends a one-time approval for this request with the following conditions:

1. All horses must wear a "bun-bag" or diaper at all times in order to participate.
2. Horses will ride through the parade route accompanied by a pooper-scooper to address any waste along the route.
3. Horses are allowed only along the parade route and must be loaded immediately after the parade.

Andrew Gilreath
Director of Public Safety

Wes Graham
Municipal Clerk

Eric Lutz
Director of Public Works

Heather O'Donnell
Community Coordinator



City of Folly Beach

Date: November 05, 2024

Re: Ordinance 007-24

Mayor and Council,

Ordinance 007-24 proposes to amend § 166.01-03(C)(2) to allow protected trees to be removed in Residential Two Family (RTF) districts in the footprint of a home, the same as is currently allowed in Residential Single Family (RSF). The Planning Commission held the required public hearing for this ordinance on May 06, 2024 and voted to not recommend approval of this ordinance to council because they asked to study the tree ordinance further. Council remanded this ordinance again to the Planning Commission on May 14, 2024, and the commission held another public hearing on October 07, 2024. The Planning Commission then made the following recommendations:

- Removing palm trees from the protected tree list.
- Allowing two-family and commercial lots to remove trees in the footprint of a proposed structure.
- Increasing the fee for removing a tree without a permit.

Jenna Stephens
Zoning Administrator



City of Folly Beach

Date: December 04, 2024

Re: Ordinance 023-24

Mayor and Council,

Ordinance 023-24 proposes to amend § 166.04-03 of the Folly Beach Code of Ordinances (Marsh Buffers) to require replanting with native species when the marsh buffer is disturbed. The Planning Commission held the required public hearing for this ordinance on November 04, 2024. No one from the public spoke at the meeting and there were no comments submitted electronically. The commission voted unanimously to recommend this ordinance and to add the word “any” before the word disturbance, to clarify that this ordinance applies to both legal and illegal vegetation removal.

Jenna Stephens
Zoning Administrator



City of Folly Beach

Date: December 04, 2024

Re: Ordinance 024-24

Mayor and Council,

Ordinance 024-24 proposes to amend § 164.04-02 of the Folly Beach Code of Ordinances (General Development and Operational Standards) to prohibit the rental of accessory uses separately from the associated primary use. The Planning Commission held the required public hearing for this ordinance on November 04, 2024. No one from the public spoke at the meeting and there were no comments submitted electronically. The commission voted unanimously to recommend this ordinance to council for adoption, with the second sentence removed because the minimum time required to rent a primary structure is already two days.

Jenna Stephens
Zoning Administrator



CITY OF FOLLY BEACH

1st Reading: December 10th, 2024
2nd Reading:

Introduced by: Tim Goodwin
Date: March 12th, 2024

ORDINANCE 007-24

AN ORDINANCE AMENDING THE STANDARDS OF CHAPTER 166.01 (TREE PROTECTION) OF THE FOLLY BEACH ZONING AND DEVELOPMENT ORDINANCE BY AMENDING § 166.01-03(C)(2) TO ALLOW REMOVAL OF PROTECTED TREES IN CERTAIN CIRCUMSTANCES IN THE RESIDENTIAL TWO-FAMILY ZONING DISTRICT.

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,

§ 166.01-03 Retention of Trees.

(A) *Retention of protected trees.* No protected tree may be removed during or after development, except in accordance with § 166.01-03(C), Removal of a Protected Tree. In addition, all protected trees shall have the following protections, whether located on public or private land:

(1) *Cutting, removal, or harm prohibited.* Protected trees shall not be cut, removed, pushed over, killed, or otherwise harmed. No protected tree shall be cut in such a manner as to remove limbs greater than six inches in diameter measured at the nearest juncture.

(2) *Public utilities and electric suppliers.* Public utilities and electric suppliers shall employ best management practices in regard to tree trimming and removal.

(a) Annually, public utilities and electric suppliers shall submit to the city their plans for tree trimming and/or tree removal. All plans must meet ANSI A300 Standards.

(b) Tree trimming and removal by utilities, other than the removal of healthy, nonthreatening trees, shall be allowed without a report during a period of emergency, such as hurricane, tornado, ice storm, flood or any other such act of nature.

(B) *Retention of non-protected trees.* In no case shall the total number of trees with 12-inch DBH or greater, whether protected or non-protected, be reduced to less than 12 trees per acre

excluding palmetto trees. This requirement may be satisfied by the retention of non-protected trees or the planting of new shade trees as identified by the South Carolina Forestry Commission.

(C) *Removal of a protected tree.* The Building Official shall allow removal of protected trees under one of the following conditions:

(1) *Removal of a severely diseased, high risk, or dying tree.* A protected tree is certified by an ISA certified arborist or SC registered landscape architect arborist certified in the State of South Carolina as severely diseased, high risk, or dying. A severely diseased, high risk, or dying protected tree shall be exempt from § 166.01-03(E), Replacement/Mitigation of Trees.

(2) *Removal on single-family and two-family lots.* A healthy protected tree is located within the footprint of a proposed dwelling, onsite waste water system, or the access thereto, provided the arrangement of such features is the least impactful to protected trees, and the landowner complies with all mitigation standards.

(3) *Removal of hazardous trees.* A protected tree is certified by an arborist or other qualified professional as posing a threat to public safety or to the safety of a structure. A hazardous tree shall be exempt from § 166.01-03(E), Replacement/Mitigation of Trees.

(D) *Removal of non-protected trees.* Any tree that is not listed in Table 166.02, Protected Trees, may be removed from a lot without cause. A person removing a healthy non-protected tree with at least 12-inch DBH shall be responsible for mitigation in accordance with § 166.01-03(E)

(E) *Replacement/mitigation of trees.* A person causing the destruction or removal of a healthy tree shall be responsible for the following mitigation:

(1) *Replacement trees required.* Each healthy protected or non-protected tree removed or destroyed shall be replaced with the minimum number of trees necessary to achieve an equivalent amount of trunk diameter.

(a) For protected trees with DBH greater than 18 inches, the replacement trees required shall be a minimum number of trees necessary to achieve an equivalent amount of trunk diameter equal to 1.5 times the diameter of those trees removed or destroyed.

(b) For protected trees with DBH greater than 24 inches, the replacement trees required shall be the minimum number of trees necessary to achieve an equivalent amount of trunk diameter equal to two times the diameter of those trees removed or destroyed.

(2) Replacement of protected trees shall be of the same species as the tree removed or an accepted shade tree species as identified by the South Carolina Forestry Commission. Replacement of non-protected trees shall be from trees listed in Table 166.02.

(a) *Location of replacement trees.* Replacement trees shall be either planted on the parcel of land from which the protected tree was removed if sufficient space is available, placed on

nearby public lands in accordance with § 166.02-08, Alternative Landscaping Plan, or substituted with fee-in-lieu to the city's Tree Fund.

(b) *Replanting period.* Replacement trees shall be provided within 12 months of the removal or destruction of the protected tree(s). For those trees removed for the purpose of new construction or substantial improvement to a structure, replacement trees shall be provided prior to the issuance of a certificate of occupancy.

(c) *Establishment period.* Replacement trees shall be maintained through an establishment period of at least two years. The applicant shall guarantee the survival and health of all replacement trees during the establishment period and guarantee any associated replacement costs (See § 167.03, Performance Agreements). If the replacement trees do not survive the establishment period, the applicant shall purchase and install new replacement trees.

(3) Mitigation for the removal of protected and non-protected trees may be satisfied by the payment of a fee in lieu of mitigation.

(a) The value of the fee in lieu of mitigation shall be determined by the computing the average of two written quotes for cost of replacement trees required in § 166.01-03(E). For non-protected trees, the fee shall be calculated on written quotes for the species of tree being removed. The written quotes will be provided by the applicant and sourced from a person with credentials acceptable to the Zoning Administrator.

(b) A fee in lieu of mitigation must be paid at the time of application for a permit to remove a protected tree or at the time of payment of any fine related to unlawful removal or destruction of a protected tree.

(c) All fees in lieu of mitigation for the removal of protected trees shall be placed in the Folly Beach Tree Fund.

(Ord. 05-10, passed 3-23-10; Am. Ord. 20-10, passed 9-28-10; Am. Ord. 29-12, passed 3-12-13; Am. Ord. 19-13, passed 12-10-13; Am. Ord. 25-16, passed 1-10-17; Am. Ord. 029-21, passed 12-14-21)

RATIFIED this _____ day of _____ 2024, at Folly Beach, South Carolina, in City Council duly assigned.

ATTEST:

Municipal Clerk

Tim Goodwin, Mayor



CITY OF FOLLY BEACH

1st Reading: December 10th, 2024
2nd Reading:

Introduced by: Mayor Goodwin
Date: September 10th, 2024

ORDINANCE 23-24

AN ORDINANCE AMENDING THE FOLLY BEACH CODE OF ORDINANCES SECTION 166.04-03 (MARSH BUFFERS) TO REQUIRE REPLANTING WITH NATIVE SPECIES WHEN THE MARSH BUFFER IS DISTURBED.

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

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

§ 166.04-03 Marsh Buffers.

(A) Applicability. Unless exempted in accordance with § 166.04-03(6), Marsh Buffer Exemptions, all development in the city shall provide and maintain marsh buffers in accordance with the standards in this section.

(B) Exemptions. The following forms of development shall be exempt from these standards:

(C) Boardwalks, piers, docks, marinas, boat ramps, erosion control devices which meet the requirements of § 151.23, utilities, and sidewalks, provided such features are configured to minimize the impact on marsh areas;

(2) Mariculture uses in the MC district; and

(3) Lawfully-established primary and accessory structures or impervious surfaces in place prior to March 1, 2019. However, any subsequent redevelopment after substantial damage, or substantial improvement, or land disturbing activities other than those identified in § 166.04-03(B) shall maintain a minimum marsh buffer of at least ten linear feet landward from the critical area demarcation as identified or certified by the Office of Ocean and Coastal Resources Management (OCRM). In redevelopment after substantial damage, the marsh buffer area is to remain undisturbed other than the planting of native plant material as approved by the Building Official.

(C) Marsh buffer standards. Except for development identified in § 166.04-03(B), Exemptions, all new construction, substantial improvements, impervious surface or land disturbing activities shall maintain a minimum marsh buffer of 15 linear feet landward from the critical area demarcation as identified or certified by the Office of Ocean and Coastal Resources Management (OCRM).

- (1) The marsh buffer area is to remain undisturbed other than the planting of native plant material as approved by the Building Official. In the Marsh Island Residential District the setback shall be 35 feet from the OCRM critical line.
- (2) Mitigation shall be required in the event of disturbance of the marsh buffer. Mitigation shall consist of one planting for every 25 square feet of disturbed area with appropriate compatible native vegetation as approved by the Building Official or Zoning Administrator.

ADOPTED this ____ day of ____ 2024, at Folly Beach, South Carolina.

Ayes: _____

Nays: _____

Abstains: _____

ATTEST:

Municipal Clerk

Tim Goodwin, Mayor



CITY OF FOLLY BEACH

1st Reading: December 10th, 2024
2nd Reading:

Introduced by: Mayor Goodwin
Date: October 8th, 2024

ORDINANCE 024-24

AN ORDINANCE AMENDING THE FOLLY BEACH CODE OF ORDINANCES SECTION 164.04-02 (GENERAL DEVELOPMENT AND OPERATIONAL STANDARDS) BY PROHIBITING THE RENTAL OF ACCESSORY USES SEPARATELY FROM THE ASSOCIATED PRIMARY USE.

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

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

§ 164.04-02 General Development and Operational Standards.

(A) *Compliance with ZDO requirements.* All accessory uses, structures, and activities shall be subject to the applicable general, dimensional, operational, and use-specific regulations set forth in this ZDO, including the regulations that apply to the associated principal use (including the development standards in Chapter 166: Development Standards). In case of any conflict between the accessory use standards of this section and any other requirement of this ZDO, the standards of this section shall control.

(B) *Time of establishment.* An accessory use or structure may be approved in conjunction with approval of the principal use or structure; however, no accessory use or structures shall be established on the subject parcel until after a certificate of occupancy has been issued for the principal use.

(C) *General standards.* All accessory uses and structures shall:

- (1) Directly serve the principal use or structure;
- (2) Be customarily accessory and clearly incidental and subordinate to the principal use or structure;
- (3) Be subordinate in area, extent, and purpose to the principal use or structure;
- (4) Be owned or operated by the same person as the principal use or structure;
- (5) Be located on the same lot as the principal use or structure or on a contiguous lot;
- (6) Together with the principal use or structure, not violate the bulk, density, parking, landscaping, or open space standards of this ZDO; and

(7) Not constitute a combination use, which is the combination of two principal uses (combination uses will not meet the above standards in terms of being subordinate or providing

service to the principal use).

(8) Not be rented or used in exchanged for compensation separately from an associated primary use. The minimum rental period for any accessory use or structure rented jointly with an associated primary use shall be two days.

ADOPTED this ____ day of _____, 2024, at Folly Beach, South Carolina.

Ayes: _____ **Nays:** _____ **Abstains:** _____

ATTEST:

Municipal Clerk

Tim Goodwin, Mayor



CITY OF FOLLY BEACH

1st Reading: November 12th, 2024
2nd Reading: December 10th, 2024

Introduced by: Mayor Goodwin
Date: November 12th 2024

ORDINANCE 026-24

AN ORDINANCE AMENDING SECTIONS 151.45 THROUGH 151.49 OF THE FOLLY BEACH CODE OF ORDINANCES (PROTECTION OF LOGGERHEAD SEA TURTLES) BY AND DEFINING NIGHTTIME HOURS AND REQUIRING BEACHFRONT LIGHTING TO BE TURNED OFF DURING NIGHTTIME HOURS BETWEEN MAY 1 AND OCTOBER 31.

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.

NIGHTTIME HOURS. The period between sunset and sunrise. The official sunset and sunrise shall be those times published by the National Weather Service.

§ 151.46 PURPOSE.

The purpose of this subchapter is to protect the threatened loggerhead sea turtles which nest along the beaches of the city, by safeguarding the hatchlings from sources of artificial light.

(Ord. 8-92, passed 4-21-92; Am. Ord. 11-97, passed 7-1-97; Am. Ord. 18-99, passed 7-13-99; Am. Ord. 31-08, passed 12-30-08)

§ 151.47 NEW DEVELOPMENT.

(A) It is the policy of the city that no artificial light illuminate any area of the beaches of the city **during nighttime hours from May 1 to October 31 of each year.**

(B) To meet this intent, if lighting associated with construction or development can be seen from the beach, all building and electrical plans for construction of single family or multi-family dwellings, commercial or other structures, including electrical plans for parking lots, dune walkovers or other outdoor lighting for real property shall be in compliance with the following:

(1) Floodlights shall be prohibited. Wall mounted light fixtures shall be fitted with hoods so that no light illuminates the beach.

(2) Pole lighting shall be shielded in a way that light will be contained within arc of three to 73 degrees on the seaward side of the pole. Outdoor lighting shall be held to the minimum necessary for security and convenience.

(3) Low profile luminaries shall be used in parking lots and the lighting shall be positioned so that no light illuminates the beach.

(4) Dune crosswalks shall utilize low profile shielded luminaries. Only mushroom-type light fixtures, which direct light downward, shall be permitted. Such lighting shall also meet the following requirements:

(a) Fixtures shall be installed at least 25 feet apart and not more than one foot above the surface of the walkovers.

(b) Illumination shall be limited to 25 watts through the use of "bug" type bulbs.

(5) Lights on balconies shall be fitted with hoods so that lights will not illuminate the beach.

(6) Tinted or filmed glass shall be used in windows facing the ocean beginning at the first floor level of multi-story structures. Shade screens can be substituted for this requirement.

(7) (a) Temporary security lights at construction sites shall not be mounted more than 15 feet above the ground.

(b) Illumination from the lights shall not spread beyond the boundary of the property being developed, and in no case shall those lights illuminate the beach.

(C) The provisions of this section shall not apply to any structure for which a building permit has been issued by the Building Official, prior to the effective date of this subchapter.

(Ord. 8-92, passed 4-21-92; Am. Ord. 11-97, passed 7-1-97; Am. Ord. 18-99, passed 7-13-99; Am. Ord. 31-08, passed 12-30-08) [Penalty, see § 151.99](#)

§ 151.48 EXISTING DEVELOPMENT.

(A) It is the policy of the city that no artificial light illuminate any area of the beaches of the city **during nighttime hours from May 1 to October 31 of each year.**

(B) To meet this intent, lighting of existing structures which can be seen from the beach shall be in compliance with the following.

(1) Lights illuminating buildings or associated grounds for decorative, **non-motion detecting** security, or recreational purposes shall be shielded or screened such that they are not visible from the beach and will be turned off ~~after 10:00 p.m. until dawn during the period of~~ **during nighttime hours from May 1 to October 31 of each year.**

(2) Lights illuminating dune crosswalks ~~of any areas oceanward of the dune line~~ shall be turned off ~~from dusk to dawn during the period of~~ **during nighttime hours from May 1 to October 31 of each year.**

(3) Motion detecting security **and safety** lighting shall be permitted throughout the night so long as low profile luminaries are used and screened in a way that those lights do not illuminate the beach.

(4) Window treatments in windows facing the ocean at the first floor of single-story or multi-story structures are required so that interior lights do not illuminate the beach. The use of blackout

draperies or shade screens are preferred. The addition of tint or film to windows or awnings is also encouraged, as is turning off unnecessary lights if the lights illuminate the beach.
(Ord. 8-92, passed 4-21-92; Am. Ord. 11-97, passed 7-1-97; Am. Ord. 18-99, passed 7-13-99; Am. Ord. 31-08, passed 12-30-08) [Penalty, see § 151.99](#)

§ 151.49 PUBLICLY OWNED LIGHTING.

Street lights and lighting at parks and other publicly owned beach access areas shall be subject to the following:

(A) Whenever possible, street lights shall be located so that the bulk of their illumination will travel away from the beach. These lights shall be equipped with shades or shields that will prevent backlighting and render them not visible from the beach.

(B) Lights at parks or other public beach access points shall be shielded or shaded or shall not be utilized ~~during the period~~ **during nighttime hours from** May to October 31 of each year.

(Ord. 8-92, passed 4-21-92; Am. Ord. 11-97, passed 7-1-97; Am. Ord. 18-99, passed 7-13-99)
[Penalty, see § 151.99](#)

RATIFIED this ____ day of _____ 2024, at Folly Beach, South Carolina, in City Council duly assigned.

ATTEST:

Municipal Clerk

Tim Goodwin, Mayor



CITY OF FOLLY BEACH

1st Reading: November 12th, 2024
2nd Reading: December 10th, 2024

Introduced by: Mayor Tim Goodwin
Date: November 12th, 2024

ORDINANCE 027-24

AN ORDINANCE AMENDING THE FOLLY BEACH CODE OF ORDINANCES BY AMENDING CHAPTER 51 (WATER), SECTION 51.002 (APPLICATION FOR SERVICE) TO CODIFY A DEPOSIT FEE FOR NEW WATER ACCOUNTS.

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

Section 51.002 APPLICATION FOR SERVICE.

Each new water customer shall make application to the city for service by completing the standard contract of the city for water service.

- (A) Each new customer shall pay an account transfer fee which shall be established by City Council.
- (B) Each new customer shall pay a deposit fee which shall be established by City Council. The deposit fee shall be returned to the customer upon payment of the final bill associated with the account. Should the final bill not be paid in full, the fee shall be credited towards the outstanding total, with any remaining balance returned to the customer.

('95 Code, § 4-1-2) (Ord. 82-1, passed 1-5-82)

ADOPTED this ____ day of _____, 2024, at Folly Beach, South Carolina.

Ayes: _____

Nays: _____

Abstains: _____

Municipal Clerk

Tim Goodwin, Mayor



CITY OF FOLLY BEACH

1st Reading: November 12th, 2024
2nd Reading: December 10th, 2024

Introduced by: Mayor Goodwin
Date: November 12th, 2024

ORDINANCE 028-24

AN ORDINANCE AMENDING THE FOLLY BEACH CODE OF ORDINANCES CHAPTER 131, SECTION 131.33 (EXCEPTIONS) BY CODIFYING AN EXEMPTION ALLOWING PUBLIC WORKS PROJECTS CONTRACTED FOR OR BY A GOVERNMENT AGENCY TO OCCUR TWENTY-FOUR HOURS DAILY.

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,

§ 131.33 EXCEPTIONS.

The provisions of the this subchapter regarding noise shall not apply to the sounds from the following sources or causes:

- (A) Special permits as approved by City Council pursuant to § 131.35.
- (B) Special events that have been approved by City Council.
- (C) Maintenance and repair of public utilities.
- (D) Public safety activities, including training.
- (E) Any city vehicle engaged in city business.
- (F) Public works projects contracted for or by a governmental agency **including, but not limited to beach renourishments, utility construction, and road construction.** ~~between 8:00 a.m. and 6:00 p.m. on Monday through Friday.~~
- (G) Operation of any regulated utility between 8:00 a.m. and 6:00 p.m. on Monday through Friday or during an emergency.
- (H) Construction projects with valid permits between 8:00 a.m. and 6:00 p.m. on Monday through Friday.
- (I) Other work performed for compensation by licensed contractors such as landscaping and pressure washing between 8:00 a.m. and 6:00 p.m. on Monday through Friday.
- (J) Activities performed or supervised by the property owner where no compensation is paid such as hobbies, landscaping, lawn care, repairs, maintenance, pressure washing, and vacuuming between 8:00 a.m. and 7:00 p.m.

(Ord. 07-15, as amended, passed 7-14-15; Am. Ord. 002-24, passed 3-12-24)

RATIFIED this ____ day of _____ 2024, at Folly Beach, South Carolina, in City Council duly assigned.

ATTEST:

Municipal Clerk

Tim Goodwin, Mayor



CITY OF FOLLY BEACH

1st Reading: November 12th, 2024
2nd Reading: December 10th 2024

Introduced by: Mayor Goodwin
Date: November 12th, 2024

ORDINANCE 030-24

AN ORDINANCE AMENDING THE FOLLY BEACH CODE OF ORDINANCES CHAPTER 117 (SHORT TERM RENTALS) BY SEPARATELY DEFINING MEDICAL HARDSHIP INVESTMENT RENTAL LICENSE, ESTABLISHING FORMS FOR PROOF TO DEMONSTRATE COMPLIANCE WITH THE MINIMUM NIGHT RENTAL REQUIREMENT, EXPANDING THE ELIGIBILITY FOR INHERITANCE BASED ISTR LICENSES, ALLOWING LICENSED HOMES TO BE RELOCATED WITHOUT LOSING ELIGIBILITY FOR A RENTAL LICENSE, REQUIRING A FINAL CERTIFICATE OF OCCUPANCY BEFORE ISSUANCE OF A LICENSE, MAKING FAILURE TO RENEW A RENTAL LICENSE A VIOLATION ELIGIBLE FOR A STRIKE AGAINST THE LICENSE RATHER THAN REVOCATION, AND AMENDING THE INFORMATION REQUIRED TO APPLY FOR A RENTAL REGISTRATION PERMIT.

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

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

§ 117.01 PURPOSE, APPLICABILITY, AND DEFINITIONS.

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

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

(B) The following definitions apply:

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

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

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

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

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

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

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

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

2. Work related to valid building permit, carried out to address life, safety, or health violations documented by the Building Official renders the dwelling unit uninhabitable for a period of more than six months in the current business license year.

3. The dwelling unit to be rented is being licensed for the first time or after a change in ownership and successful application for a new business license.

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

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

- (a) Is not the legal residence of the owner; or
- (b) Is not the legal residence of the owner and was inherited **after February 7, 2023** from the person named as **owner** of record on February 7, 2023; ~~or:~~
 - 1. Proof of inheritance shall be shown through a deed of distribution, court order, ~~will~~ or similar document **showing transfer of ownership to the applicant.**
 - 2. Application for an ISTR ~~due to inheritance~~ **for the rental of a dwelling unit inherited after February 7, 2023** must be made within 90 days of transfer of ownership **except that an application for the rental of a dwelling unit inherited between February 7, 2023 and February 20, 2024 may be made at any time prior to May 1, 2025.**
- ~~— (c) Is owned by the owner of record on February 7, 2023 upon certification that the owner no longer resides on the premises and is housed in a care facility, or requires care at another private location; or is no longer capable of performing at least three activities of daily living.~~
 - ~~— 1. Activities of daily living are defined as personal hygiene tasks (bathing, grooming, oral, nail and hair care); medication management; walking independently; dressing; transferring in and out of bed; and maintaining continence.~~
 - ~~— 2. Certification that an owner can no longer perform activities of daily living shall be provided on a form approved by the city and completed by a licensed medical doctor, doctor of osteopathic medicine, physician assistant, or advanced practice registered nurse.~~
 - ~~— 3. Proof of care shall be through a lease agreement or similar document, or a contract for in-home care.~~
 - ~~— 4. Certification for an ISTR issued due to medical hardship shall be submitted annually.~~
 - ~~— 5. No more than one ISTR may be obtained by any owner through hardship.~~

LEGAL RESIDENCE. A dwelling unit assigned a 4% property tax ratio by the Charleston County Assessor's Office under the requirements of S.C. Code § 12-43-220.

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

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

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

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

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

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

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

(a) That is the legal residence of the owner.

(b) That is the legal residence of the owner but given a **partial** 6% property tax rate by Charleston County. **and is licensed after February 7, 2023. The portion of a dwelling unit taxed at a 6% property tax rate which was licensed as a short term rental prior to February 7, 2023 is not subject to the 72 night annual rental limit.**

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

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

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

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

TIME SHARES. “Vacation time sharing plans” as defined in S.C. Code § 27-32-10(9) are not short-term rentals. However, any “vacation time sharing lease plan” as defined in S.C. Code

§ 27-32-10(8) that is less than three years is considered a short term rental. “Vacation multiple ownership interests” as defined in S.C. Code § 27-32-250(1) are not short term rentals.

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

(Ord. 19-10, passed 9-28-10; Am Ord. 26-17, passed 1-9-18; Am. Ord. 027-22, passed 9-13-22; Am. Ord. 033-22, passed - -; Am. Ord. 003-23, passed 4-11-23; Am. Ord. 001-24, passed 2-20-24)

§ 117.02 SHORT TERM RENTAL BUSINESS LICENSES.

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

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

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

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

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

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

(D) *Non-transferable.*

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

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

(3) 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 4% property tax assessment status and are non-transferable.

(5) **Medical hardship investment short term rental licenses terminate upon transfer of property, failure to recertify hardship, termination of qualifying lease, or end of qualifying care and are non-transferable.**

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

(Ord. 033-22, passed - -; Am. Ord. 003-23, passed 4-11-23; Am. Ord. 001-24, passed 2-20-24)

§ 117.03 LICENSE, REGISTRATION, AND TAX REQUIREMENTS.

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

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

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

(a) A license issued for the rental of an existing residential dwelling unit may be renewed, or a new license issued for the rental of a replacement dwelling unit on the same site, upon issuance of a new final certificate of occupancy and satisfaction of all other requirements for short term rental licenses.

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

(ii.) The license has been maintained in good standing and, if necessary, timely renewed during the entire period of construction beginning with demolition and lasting through issuance of a final certificate of occupancy.

(b) A license issued for the rental of an existing dwelling unit may be renewed, or a new license issued for the rental of the same dwelling unit after relocation, upon issuance of a new final certificate of occupancy and satisfaction of all other requirements for short term rental licenses.

(i.) The relocated dwelling unit must be under the same ownership, contain the same or fewer heated square feet, and contain the same number or fewer bedrooms as the original structure.

(ii.) The license has been maintained in good standing and, if necessary, timely renewed during the entire period of construction beginning with relocation and lasting through issuance of a final certificate of occupancy.

2) A business license for the rental of a dwelling unit shall only be issued to owners of a residential dwelling unit. ~~Lessees of residential dwelling units may not apply for a business license to rent the unit.~~ No business license for the rental of a dwelling unit shall be issued to lessees of a dwelling unit.

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

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

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

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

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

(1) *Annual registration.* ~~The~~ **An application to renew previously issued** rental registration permits, **along with all documentation required by this Chapter,** ~~application~~ shall be ~~completed~~ **submitted** prior to June 1 of each year.

(a) ~~No new business license to operate a short term rental shall be issued prior to the approval of a rental registration permit.~~ **An application for a rental registration permit, along with all documentation required by this Chapter, must be submitted within 30 days of the issuance of a new short term rental business license.**

(b) Renewals of valid prior year business licenses shall be allowed prior to the approval of a rental registration permit. ~~Failure to complete a rental registration permit application within 30 days of the business license renewal date shall be grounds for revocation of the license.~~

(2) *Annual fee.* The fee for a rental registration permit shall be set by City Council and shall be reviewed periodically. **No refund shall be issued for a rental registration permit should the registered dwelling unit cease to be rented after issuance.**

(3) A rental registration permit shall only be issued to owners of a ~~residential~~ **dwelling** unit. ~~Lessees of residential dwelling units may not apply for a business license to rent the unit.~~ **No rental registration permit shall be issued to lessees of a dwelling unit.**

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

(5) Change in registered information. ~~The owner or designated agent of a rental dwelling already registered with the city shall re-register within 60 days after any change occurs in the registration information.~~ It is the duty of the owner to notify the city of changes to the name, address, email address, or phone number of the owner and designated agent listed on the rental registration permit. There shall be no additional fee upon change of registration information except that a new owner of a ~~previously~~ registered dwelling unit, upon ~~successful~~ application for a new ~~short term rental~~ business license, shall re-register the dwelling and pay the appropriate fee within ~~60 days of assuming ownership~~ 30 days of obtaining a license.

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

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

(b) ~~The unit number if applicable~~ A property tax bill or other documentation from Charleston County showing the current property tax classification;

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

(d) The number of parking spaces provided on site as well as a site plan showing the location of all on site parking spaces ~~with at least one on site parking space per bedroom to be rented and the location of the any on site septic system including the tank and drain field.~~ One on site parking space must be provided for each bedroom being rented. This requirement shall not apply to:

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

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

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

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

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

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

(h) The physical address and email address where the owner and ~~designated~~ local agent will accept notices and orders from the city and acknowledgment that service by U.S. Mail

and/or transmission to the provided email addresses will constitute acceptable service of any notice, notice of violation, ordinance summons, or ticket;

(i) Certification that the owner has read applicable city **rental rules and general regulations**, ordinances, including, but not limited to, regulations regarding noise, trash, parking, alcohol on the beach, animals, litter, surfing, dune protection, sea turtles, smoking on the beach, requirements for special events, maximum occupancy, and golf carts;

(j) Certification that a copy of the parking diagram provided to the city ~~for the property~~ as well as a summary of applicable city ordinances **of rental rules and general regulations provided by the city**, including, but not limited to, regulations regarding noise, trash, parking, alcohol on the beach, animals, litter, surfing, dune protection, sea turtles, smoking on the beach, requirements for special events, maximum occupancy, and golf carts is prominently posted within the residential dwelling unit to be rented;

(k) Certifications that tenants listed on any rental agreement shall receive a copy of the parking diagram provided to the city ~~for the property~~ as well as a summary applicable city ordinances of **rental rules and general regulations provided by the city**, including, but not limited to, regulations regarding noise, trash, parking, alcohol on the beach, animals, litter, surfing, dune protection, sea turtles, smoking on the beach, requirements for special events, maximum occupancy, and golf carts is prominently posted within the residential dwelling unit to be rented. The summary of applicable ordinances shall be in a form determined by the city, and made available to all owners of rental property;

(l) ~~Proof of payment from the owner or designated agent for payment of local, county, and state taxes due on short term rental accommodations~~ **Certification that the owner is aware that misrepresentation of any required information on the application for a business license or rental registration permit shall be considered grounds for the denial of the application and subsequent revocation of the license or rental registration permit;**

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

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

(o) ~~Documentation in the form of Charleston County property records or a certificate of occupancy confirming the number of bedrooms offered for rent~~ **Certification that a dwelling unit licensed as an OSTR may not be rented more than 72 nights annually;**

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

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

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

(7) *Designation of local agent.* The owner of a rental dwelling shall ~~name a~~ **designated** ~~a responsible local~~ agent who shall be responsible for operating the rental dwelling in compliance with the law. Official notices may be served on the ~~responsible~~ **designated** local agent and/or the owner, and any notice served on the **designated local** agent shall be deemed to have been served upon the owner of record.

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

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

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

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

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

(D) *Violations, **strikes**, and penalties.*

(1) *Violations.* ~~The following are considered~~ **violations** of this chapter. **Citation and conviction associated with any violation listed below shall result in a strike against the short term rental license issued for the rental of a dwelling unit.** ~~include but are not limited to:~~

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

(b) ~~Advertising a property as being available as a short term rental without first complying with the requirements of this chapter~~ **Advertising a short-term rental without a valid business license, rental registration permit, or accommodations tax account;**

(c) Operating a short-term rental without a business license, registration permit, and accommodations tax account;

(d) Advertising a short-term rental without listing the business license number and rental registration permit number;

(e) Operating a short-term rental in such a manner that individual rooms are rented at the same time under separate rental contracts;

(f) Advertising a short term rental as being available for more overnight occupants, or **containing** more than the number of bedrooms, than have been permitted pursuant to this chapter;

(g) Expanding the allowable occupancy of a short term rental without obtaining a new permit;

(h) Advertising more short term rental units on a property than have been permitted pursuant to this chapter. ~~For example, advertising a single family dwelling as accommodating multiple short term rentals is not permitted;~~

(i) Advertising a property as a short term rental or “event house” for events or parties. ~~with more than 25 people in attendance;~~

(j) Offering a short-term rental in any zoning district for fewer than two consecutive nights;

(k) Failure to post the business license number, rental registration permit number, allowable overnight occupancy, and city approved ~~beach~~ **summary of rules and general regulations** prominently within a rental unit;

(l) Failure to obtain a rental registration permit within 30 days of renewing a business license; ~~failure to provide accurate information for the registration of rental dwellings, failure to provide information required by the application form;~~

(m) Failure to ~~complete~~ **submit a new** rental registration permit application, **along with all documentation required by this Chapter,** ~~within 60 days of a change in ownership~~ **30 days of obtaining a new short term rental license, or submit an annual rental registration permit renewal application, along with all documentation required by this Chapter, prior to June 1;**

(n) Failure of the designated **local agent or owner** listed on the rental registration permit **application** to respond physically to the site within 60 minutes of notification from the city of an emergency;

(o) Failure to maintain, and provide to the city, any and all information required in § [117.02\(A\)](#);

(p) Failure to provide tenants listed on any rental agreement information as required under § [117.02\(B\)](#);

(q) Failure to inspect and repair a failed septic system as required under § [55.07](#);

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

(s) ~~Operating a short term rental that has received three strikes within any twelve-month rolling period.~~ Renting a dwelling unit licensed as an OSTR for more than 72 nights annually.

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

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

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

2. (b) For the purpose of determining the total number of strikes, each strike issued upon conviction shall be considered in effect on the date of the original offense and all convictions related to offenses occurring within a single rental contract period shall be considered one strike. In no case shall strikes exceed one per rental contract period.

~~3. All strikes issued prior to the date of this section shall not be counted for the purposes of license revocation.~~

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

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

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

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

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

(e) Notice of strikes shall be mailed to the physical address provided on the rental registration permit application and emailed to the email address, if any, provided on the rental registration permit application. Service by U.S. Mail and/or transmission to the provided email addresses will constitute acceptable service of any notice, notice of violation, ordinance summons, or ticket.

~~(2)~~ (3) *Penalties.* No permit may be issued or approved unless the requirements of this chapter, or any ordinance adopted pursuant to it, are complied with. A violation of this chapter may result in the following penalties:

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

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

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

~~1. The license will be assessed a strike when the owner, agent, occupant, or guest of the property has been convicted of any violation of the requirements of this chapter or any other city ordinances related to the use of the property as a short-term rental, including but not limited to noise, trash, parking, litter, dune protection, animals at large, and sea turtle violations and when the registered agent of the property is given notice of the strike as set forth herein.~~

~~2. For the purpose of determining the total number of strikes, each strike issued upon conviction shall be considered in effect on the date of the original offense and all convictions related to offenses occurring within a single rental contract period shall be considered one strike. In no case shall strikes exceed one per rental contract period.~~

~~3. Strikes will re-set upon the transfer of the property.~~

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

(Ord. 19-10, passed 9-28-10; Am Ord. 26-17, passed 1-9-18; Am. Ord. 32-19, passed 11-12-19; Am. Ord. 033-21, passed 11-9-21; Am. Ord. 027-22, passed 9-13-22; Am. Ord. 001-24, passed 2-20-24)

§ 117.04 ADDITIONAL REQUIREMENTS FOR SHORT TERM RENTALS.

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

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

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

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

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

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

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

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

(3) A copy of the parking diagram provided to the city ~~for the property~~ as well as a copy of the city's **rental** rules and **general** regulations. ~~regarding noise, trash, parking, alcohol on the beach, animals, litter, surfing, dune protection, sea turtles, smoking on the beach, requirements for special events, maximum occupancy, and golf carts.~~

(C) ~~Each residential~~ **Individual rooms located in any** dwelling unit **may not be advertised or used for short term rental** ~~may contain only one short term rental . Individual rooms in short term rentals may not be rented under separate contracts at the same time. For example, a single family home or individual multi-family unit may only be rented as a single short term rental under one contract.~~

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

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

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

(3) May not feature mobile food trucks, carts, or other outdoor retailers offering products for sale or in exchange for donations. Caterers **and other prepaid food providers** are allowed ~~at events on the premises of short term rentals~~ **provided no money is exchanged on site. All vendors must have a valid Folly Beach Business License; and**

~~—(E) All special events held after October 11, 2022, on the premises of a short term rental shall meet the following requirements:~~

~~—(1)~~ **(4) May not exceed 25 people. The limit of 25 people applies regardless of the number of short term rental dwelling units on the property; and**

~~—(2)~~ **(5) May not include outdoor amplified music, including bands, deejays, music broadcast through speakers and electronic musical instruments.**

~~(3)~~ **(6) These requirements do not apply to events hosted by the owner of the property for which provided that the owner is on site for the duration the event, the owner has completed the required special event notification, and for which no compensation has been paid for the event or the use of the house property.**

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

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

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

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

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

(Ord. 26-17, passed 1-9-18; Am. Ord. 027-22, passed 9-13-22)

Section 2

Effective Date

This ordinance shall be effective upon its enactment by Town Council for the City of Folly Beach. However, the following provisions will be applied retroactively:

- a. This ordinance clarifies that the untimely submittal of a rental registration form or rental registration fee will be deemed a strike under Section 117.03(D) rather than an immediately revocable offense. Any violations for the untimely submittal of a rental registration form or rental registration fee prior to the Effective Date of this ordinance will be treated as a strike that can result in a citation and will not result in an immediate suspension and revocation.

ADOPTED this ____ day of _____, 2024, at Folly Beach, South Carolina.

Ayes:

Nays:

Abstains:

ATTEST:

Municipal Clerk

Tim Goodwin, Mayor



CITY OF FOLLY BEACH

Introduced by: Mayor Goodwin
Date: December 10th, 2024

RESOLUTION 50-24
A RESOLUTION BY THE FOLLY BEACH CITY COUNCIL
AUTHORIZING THE ADMINISTRATION TO SIGN A FLEET MAINTENANCE
AGREEMENT WITH THE JAMES ISLAND SERVICE PUBLIC SERVICE DISTRICT.

WHEREAS, The city and the James Island Public Service District (JISPD) previously had an agreement for fleet maintenance; and

WHEREAS, The city withdrew from the agreement due to the relocation of Public Works vehicle storage; and

WHEREAS, The city desires to enter into the most effective and convenient contract for vehicle maintenance; and

WHEREAS, The JISPD has extended an offer for a new agreement that also includes access to the JIPSD fuel tanks; and

WHEREAS, The terms of the agreement are mutually acceptable and the JIPSD Board of Commissioners have voted to authorize the contract.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Folly Beach, that the administration is authorized to enter into an agreement for vehicle maintenance and fuel with the James Island Public Service District according to the attached terms, beginning upon the date of adoption of this resolution and with an initial term of four years.

RATIFIED this 10th day of December 2024 at Folly Beach, South Carolina, in City Council duly assigned.

ATTEST:

Municipal Clerk

Tim Goodwin, Mayor



City of Folly Beach

Date: December 10th, 2024

Re: Fuel And Maintenance Agreement With JIPSD

Mayor and Council,

Staff is seeking permission for the Folly Beach Public Works Department to enter into a fuel and maintenance agreement with JIPSD. This agreement will allow for Public Works vehicle maintenance and the option to purchase fuel from the JIPSD gasoline fuel tank on an as needed basis. This agreement will provide redundancy and a layer of resilience for FBPW operations on an ongoing basis.

Eric Lutz
Public Works Director



CITY OF FOLLY BEACH

Introduced by: Mayor Goodwin
Date: December 10th, 2024

RESOLUTION 51-24

A RESOLUTION BY THE FOLLY BEACH CITY COUNCIL AWARDING RFP 09-24 FOLLY BEACH 2ND STREET EAST PEDESTRIAN MULTI USE PATH CONSTRUCTION TO TRULUCK ROADWAY SERVICES IN THE AMOUNT OF \$447,542.00.

WHEREAS, The City desires to award a contract for a Multi-use Pedestrian Path along 2nd Street East from East Cooper Avenue to East Indian Avenue with plans and specifications by Davis & Floyd, Inc; and

WHEREAS, Pursuant to the City of Folly Beach Code of Ordinances, in the event there is a need for services or items expected to be at or in excess of \$20,000, formal bidding procedures were followed with limited exceptions; and

WHEREAS, 2 bids were received from the following:

• TRULUCK ROADWAY SERVICES	\$447,542.00
• LANDSCAPE PAVERS, LLC	\$444,222.00

WHEREAS, City Council will also include an additional not to exceed 10% contingency of above bid to allow for possible project change orders or adjustments as necessary to be approved by city staff; and

WHEREAS, \$255,000 was appropriated within the 2025 General Fund Budget within the Public Works Capital account; and

WHEREAS, The city staff and consulting engineer conducted a thorough review of bids received to obtain what the City would consider to be the best package of product and service. This includes overall proposal suitability, a clear and organized proposal, price competitiveness, quality, and timeliness of previous work performed. Bidders were further evaluated on their experience, qualifications, and references.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Folly Beach, South Carolina, to award the RFP 09-24 Folly Beach 2nd Street East Multi Use Path Construction to Truluck

Roadway Services. The expenditure shall be from the Public Works Capital account (10-5300-4000) .

RATIFIED this 10th day of December 2024, at Folly Beach, South Carolina, in City Council duly assigned.

ATTEST:

Municipal Clerk

Tim Goodwin, Mayor



City of Folly Beach

Date: December 10th, 2024

Re: RFP 09-24

Mayor and Council,

Staff would like to recommend award of a contract with Truluck Roadway Services (TRS) for construction of a pervious, multiuse path on 2nd E., from E. Cooper to E. Indian Ave, in accordance with the approved and permitted plans and specifications, designed by Davis & Floyd Engineering. This project was advertised under RFP 09-24 and 2 bids were received. The bid from TRS was \$344,542.00 and the bid from Landscape Pavers, LLC was for 344,222.00. Though TRS was not the low bid, we recommend TRS versus Landscape Pavers, LLC for this contract due to issued experienced with Landscape Pavers, LLC during construction of the 2nd W. Path in 2021 (please see email attached).

TRS successfully built and put in to service the Ashley Ave path in 2022. It was a very successful project, and the city did not experience any adverse issues during completion of the project.

Eric Lutz
Director of Public Works



CITY OF FOLLY BEACH

Introduced by: Mayor Goodwin
Date: December 10th, 2024

RESOLUTION 52-24

A RESOLUTION BY THE FOLLY BEACH CITY COUNCIL AWARDED RFP 10-24 FOLLY BEACH PUBLIC SAFETY DEPARTMENT INTERIOR PAINTING OF THE SECOND FLOOR TO PAINT APPLICATORS, LLC IN THE AMOUNT OF \$18,950.00.

WHEREAS, The City desires to award a contract for all labor and materials required to paint all walls, trim, and hard ceilings on the 2nd floor of the Public Safety building; and

WHEREAS, Pursuant to the City of Folly Beach Code of Ordinances, in the event there is a need for services or items expected to be at or more than \$20,000, formal bidding procedures were followed with limited exceptions; and

WHEREAS, 3 bids were received from the following:

- | | |
|---------------------------|-------------|
| • Paint Applicators, LLC | \$18,950.00 |
| • MedPro Systems, LLC | \$35,200.00 |
| • Quintech Solutions, LLC | \$31,794.00 |

WHEREAS, The City Council will also include an additional not to exceed 10% contingency of above bid to allow for possible project change orders or adjustments as necessary to be approved by city staff; and

WHEREAS, \$20,000 was appropriated within the 2025 General Fund Budget within the Facilities Capital account; and

WHEREAS, The city staff conducted a thorough review of bids received to obtain what the City would consider to be the best package of product and service. This includes overall proposal suitability, a clear and organized proposal, price competitiveness, quality, and timeliness of previous work performed. Bidders were further evaluated on their experience, qualifications, and references.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Folly Beach, South Carolina, to award the RFP 10-24 Folly Beach Public Safety Interior Painting to Paint Applicators, LLC. The expenditure shall be from the Facilities Capital account (10-6000-4000).

RATIFIED this 10th day of December 2024, at Folly Beach, South Carolina, in City Council duly assigned.

ATTEST:

Municipal Clerk

Tim Goodwin, Mayor



City of Folly Beach

Date: December 10th, 2024

Re: RFP 10-24 Public Safety Interior Painting

Mayor and Council,

Good evening to you all. The Department of Public Safety & Building & Facilities Department would like to recommend the award of the RFP 10-24 Public Safety Interior Painting project to the low bidder, Paint Applicators, LLC. We received 3 bids, and the low bid amount is: **\$18,950.00**. We feel this is competitive is under the amount budgeted for FY25.

Eric Lutz
Director of Building & Facilities

Andrew Gilreath
Director of Public Safety



CITY OF FOLLY BEACH

Introduced by: Mayor Goodwin
Date: December 10th, 2024

RESOLUTION 53-24

A RESOLUTION BY THE FOLLY BEACH CITY COUNCIL AWARDING RFP 11-24 FOLLY BEACH PUBLIC SAFETY DEPARTMENT FLOORING OF THE SECOND FLOOR TO OMAR'S FLOOR COVERING IN THE AMOUNT OF \$67,027.25.

WHEREAS, The City desires to award a contract for all labor and materials required to refloor approximately 7000 square feet on the 2nd floor of the Public Safety building; and

WHEREAS, Pursuant to the City of Folly Beach Code of Ordinances, in the event there is a need for services or items expected to be at or more than \$20,000, formal bidding procedures were followed with limited exceptions; and

WHEREAS, 2 bids were received from the following:

- Omar's Floor Covering \$67,027.25
- MedPro Systems, LLC \$75,000.00

WHEREAS, The City Council will also include an additional not to exceed 10% contingency of above bid to allow for possible project change orders or adjustments as necessary to be approved by city staff; and

WHEREAS, \$40,000 was appropriated within the 2025 General Fund Budget within the Facilities Capital account for this project; and

WHEREAS, the city budgeted another \$40,000 for engineering costs of the Public Works/Public Safety storage building at 2101 Folly Road (Clam Farm Subdivision) and has only spent \$4,312.50 within the Facilities Capital account in FY25 for this project and the city desires to repurpose \$27,027.25 of these funds towards this public safety flooring project; and

WHEREAS, The city staff conducted a thorough review of bids received to obtain what the City would consider to be the best package of product and service. This includes overall proposal suitability, a clear and organized proposal, price competitiveness, quality, and timeliness of previous work performed. Bidders were further evaluated on their experience, qualifications, and references.

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

award the RFP 11-24 Folly Beach Public Safety Flooring of the Second Floor to Omar's Flooring, LLC in the amount of \$67,027.25. The expenditure shall be from the Facilities Capital account (10-6000-4000).

RATIFIED this 10th day of December 2024, at Folly Beach, South Carolina, in City Council duly assigned.

ATTEST:

Municipal Clerk

Tim Goodwin, Mayor



CITY OF FOLLY BEACH

Date: December 10th, 2024

Re: RFP 11-24 Public Safety Interior Flooring Replacement.

Mayor and Council,

Good evening to you all. The Department of Public Safety & Building & Facilities Department would like to recommend the award of the RFP 11-24 Public Safety Interior Flooring Replacement project to the low bidder, Omar's Floor Coverings. We received 2 bids, and the low bid amount is: **\$67,027.25**. We feel this is competitive and worth executing.

Eric Lutz
Director of Building & Facilities

Andrew Gilreath
Director of Public Safety



CITY OF FOLLY BEACH

Introduced by: Mayor Goodwin

Date: December 10th, 2024

RESOLUTION 54-24

A RESOLUTION BY THE FOLLY BEACH CITY COUNCIL AWARDING THE CONSTRUCTION CONTRACT FOR THE EAST ARCTIC DUNE INFILTRATION PROJECT AT THE 10th STREET BEACH ACCESS TO IPW CONSTRUCTION GROUP IN THE AMOUNT OF \$299,528.08.

WHEREAS, The city is desirous to award a contract for the installation of storm drainage infrastructure including but not limited to an inlet, 24" HDPE drainage pipe, pre-cast sand separator and stormwater pump station, 4" RJPVC force main, and 4" perforated PVC pipe in order to alleviate nuisance flooding between 9th and 10th East on Arctic Avenue; and

WHEREAS, The FY25 General Fund budgeted \$225,000 for a dune infiltration project in the vicinity of 9th and 10th East Arctic Avenue within the Public Works department capital expenditures; and

WHEREAS, The City's consulting engineer, WK Dickson, publicly advertised the project on the City's behalf and 1 responsive bid was received in the amount of \$299,528.08.

WHEREAS, The City's current beach preservation and shoreline monitoring and reporting contractor, Dr. Nicole Elko, Elko Coastal Consulting, Inc. has worked closely with W.K. Dickson & Company, Inc. in the design and engineering of the infiltration project.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Folly Beach, South Carolina, that a contract be awarded to IPW Construction Group in the amount of \$299,528.08. \$225,000.00 will be paid from account [5300-4000], Public Works Capital and \$74,528.08 from [5300-0000], Stormwater, Drainage and Infrastructure for the construction of the East Arctic Avenue Dune Infiltration Project at the 10th Street Beach Access.

RATIFIED this 10th day of December 2024, 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: December 10th, 2024

RESOLUTION 55-24

A RESOLUTION BY THE FOLLY BEACH CITY COUNCIL ESTABLISHING A TARGET ZERO POLICY TO WORK TOWARDS ZERO TRAFFIC DEATHS AND SEVERE INJURIES.

WHEREAS, according to data from the National Highway Traffic Safety Administration (NHTSA), each year approximately 40,000 people are killed in traffic collisions in the United States; and

WHEREAS, according to data from NHTSA, South Carolina experienced the second highest rate of fatal and pedestrian-involved crashes in the United States from 2017-2021; and

WHEREAS, according to data from SCDPS, five fatal crashes occurred between January 2017 and October 2023 in the city of Folly Beach; and

WHEREAS, according to data from SCDOT, approximately 21% of all crashes reported over the same period resulted in an injury or fatality; and

WHEREAS, this Safety Action Plan was developed through data analysis, stakeholder engagement, and public input to develop a comprehensive set of multi-disciplinary strategies and projects that address safety for all road users and prioritize the needs of vulnerable road users and those living in transportation-disadvantaged communities; and

WHEREAS, the city of Folly Beach has previously committed to transportation safety through funding infrastructure improvements, committing to pedestrian and bicycle safety, and related planning activities; and

WHEREAS, Target Zero is a public health-based traffic safety strategy to reduce and eventually eliminate traffic deaths and serious injuries using a data driven, multi-disciplinary, safe systems approach that provides safer streets and equitable mobility for all; and

WHEREAS, Target Zero recognizes that while human error will always occur, a combination of

engineering, education, and enforcement measures can reduce the likelihood of collisions causing death or severe injuries; and

WHEREAS, FHWA and SCDOT have made a commitment to eliminating fatalities and serious injuries on the nation's and state's roadways using a data driven interdisciplinary approach modeled after Vision Zero and with a focus on using proven effective strategies and countermeasures.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Folly Beach, South Carolina, that the city of Folly Beach declares that Target Zero is the region-wide guiding principle for transportation planning and programming activities, the design of streets and sidewalks, and the maintenance of the public rights-of-way; and

BE IT FURTHER RESOLVED that the city of Folly Beach shall align planning and programming activities towards a goal of reducing traffic fatalities and serious injuries by 25% by 2035 and substantially eliminating all traffic fatalities and serious injuries by 2050; and

BE IT FURTHER RESOLVED that Target Zero and the outcomes of the region's Safety Action Plan will be implemented in an equitable manner accounting for historic inequities in transportation and safety investments across the city while prioritizing strategies and projects that drive the greatest positive safety impact; and

BE IT FURTHER RESOLVED that the city of Folly Beach shall develop an annual progress report on Target Zero goals with outcome metrics to be defined in the region's Safety Action Plan and shall present this report each year to the City Council.

RATIFIED this 10th day of December 2024, at Folly Beach, South Carolina, in City Council duly assigned.

ATTEST:

Municipal Clerk

Tim Goodwin, Mayor