

CITY OF FOLLY BEACH

Tim Goodwin, Mayor



Folly Beach, SC 29439

www.cityoffollybeach.com

843-588-2447

**Adam Barker, Council Member
William Farley, Council Member
Billy Grooms, Council Member**

**Katherine Houghton, Council Member
Eddie Ellis, Council Member
D.J. Rich, Mayor Pro-Tem**

**City Council Meeting 7:00 PM
Tuesday, April 11, 2023**

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

Executive Session 5:30 PM

Pursuant to §30-4-70 of the Freedom of Information Act

- **Legal Advice Related to Business License Appeals Hearings Initiated Under Previous Versions of the Folly Beach Code of Ordinances.**
- **Legal Advice Related to Proposed Changes to Folly Beach Election Dates.**
- **Legal Advice Related to Collection Procedures for Delinquent Court Fines.**

1. CALL TO ORDER/ROLL CALL

2. INVOCATION & PLEDGE OF ALLEGIANCE

3. MAYOR'S COMMENTS

4. STAFF REPORTS

- a. **Collection Procedures for Delinquent Court Fines-Andrew Gilreath.**
- b. **Seal Level Rise Survey Rollout-Aaron Pope.**
- c. **Class Action Lawsuit For PFAS Recovery- Kyle Sullivan.**

5. APPROVAL OF AGENDA

6. APPROVAL OF MINUTES

- a. **Minutes 3.14.2023**

7. PERSONAL APPEARANCES

- a. **Splash into Spring- Za'kirra Smith.**

- b. Request City to Provide Senior Services- Mary Catoe.
- c. Request for Sewer Connection, 120 W Ashley Avenue-Jeffrey Warren.

8. CITIZENS' COMMENTS

9. COMMISSION, BOARD, COMMITTEE REPORTS

- a. Municipal Election Commission- Isaac Cramer

10. OLD BUSINESS

- a. **ORDINANCE 003-23:** An Ordinance Amending the Folly Beach Code of Ordinances Chapter 117 (Short Term Rentals) By Adopting Technical Amendments to The Language Implementing The Short-Term Rental Cap As Approved By Special Election. **(SECOND READING)**
- b. **ORDINANCE 004-23:** An Ordinance Amending the Folly Beach Code of Ordinances Chapter 110 (Business Regulations) By Prescribing the Contents of Certain Notices, Establishing Procedures for Appeals Hearings, And Setting Time Limits for Appeals Related Actions. **(SECOND READING)**
- c. **ORDINANCE 006-23:** An Ordinance Amending the Folly Beach Code of Ordinances Chapter 153 Of the Folly Beach Code of Ordinances to Require Approval from The Special Events Committee for Weddings on Public Property with More Than Twenty-Five Participants Including Attendees. **(SECOND READING)**
- d. **ORDINANCE 007-23:** An Ordinance Amending Section 151.47 Of the Folly Beach Code of Ordinances by Changing References To Opacity Requirements from Shading Coefficient to Visible Light Transmittance. **(SECOND READING)**

11. NEW BUSINESS

- a. **ORDINANCE 009-23:** Authorizing and Directing the City of Folly Beach to Enter into An Intergovernmental Agreement Relating To South Carolina Local Revenue Services; To Participate in One Or More Local Revenue Service Programs; To Execute and Deliver One Or More Participant Program Supplements; And Other Matters Relating Thereto. **(FIRST READING)**
- b. **RESOLUTION 18-23:** A Resolution by The Folly Beach City Council Changing the Fee for Additional Business License Stickers to A Set Percentage of The City's Cost.
- c. **RESOLUTION 19-23:** A Resolution by The Folly Beach City Council Authorizing Up To \$10,000 From the Beach and Marsh Reserve Account to Pay for The Removal of an Vessel Abandoned in The Marshes of The Folly River.
- d. **RESOLUTION 20-23:** A Resolution by The Folly Beach City Council Awarding the Contract for Services Described in The Folly Beach City RFQ 02-23, Water Main Replacements.
- e. **RESOLUTION 21-23:** A Resolution by The Folly Beach City Council Awarding the Contract for Services Described in The Folly Beach City RFQ 03-23, Stormwater Improvements.
- f. **RESOLUTION 22-23:** A Resolution Authorizing the Administration to Join a Class Action Lawsuit to Recover Expenses Related to Current and Future Testing, Treatment, And

Remediation Due to PFAS, PFOS, and PFOA.

12. COUNCIL COMMENTS

13. ADJOURNMENT

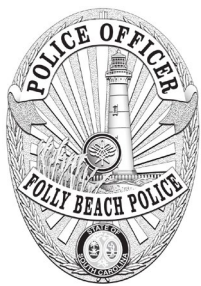
PUBLIC NOTICE

ALL MEDIA WERE NOTIFIED PURSUANT TO STATE LAW

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

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

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



City of Folly Beach

Department of Public Safety

Chief Andrew Gilreath

Council Consideration

Director of Public Safety

March 29, 2023

Mayor and Council,

I am requesting consideration for authorization for staff to research and implement additional accountability as it relates to cases that have been adjudicated in municipal court. A few years ago, the SC Supreme Court Administration vastly limited the availability of bench warrants in municipal courts. As a result, more and more people are ignoring citations, not appearing in court, then ignoring any court-imposed fines.

We need to utilize all available tools to ensure that when fines are imposed, we protect and ensure the sanctity and accountability that was adjudicated by our judges. One important tool that we have at our disposal is collections. We are looking for your approval to utilize those tools to do ensure that our court rulings are respected.

It is my understanding that we may have years of these unpaid violations outstanding. Additionally, it does no good for the officers and staff to enforce the rules of the city if we are not prepared to ensure the enforcement is carried through adjudication and satisfying of the imposed rulings. I would also suggest some part time assistance to our single person court administration for assistance getting this work done.

Respectfully,

A handwritten signature in black ink, appearing to be "AG", followed by a long horizontal line.

Chief Andrew Gilreath – Director of Public Safety



PFAS Cost Recovery Program

The South Carolina Rural Water Association and the National Rural Water Association engaged the law firm of Napoli Shkolnik to file a cost recovery action to provide water and wastewater systems the opportunity to recover any current or future expenses for testing, treatment and remediation of PFAS contamination. Registering onto the cost recovery rolls is like an insurance policy without a premium and if asked by your customers, a strong positive message that the system has undertaken action to lessen any financial burden resulting from PFAS contamination.

Time is of the essence; we encourage all systems to register NOW!

NO COST

- Zero upfront cost to register the utility onto the cost rolls.
- A system must be registered prior to any settlement or judgement being reached in order to benefit.

NO TESTING REQUIRED

- There is no threshold or cost to register onto the cost recovery rolls.
- Systems should register regardless of testing or detection status.

HOW TO REGISTER AND PROTECT YOUR UTILITY FROM OUT-OF-POCKET COSTS:



Call Hank Naughton, Managing Partner at 978-852-3643



Email Hank Naughton, Managing Partner, at hnaughton@napolilaw.com



Register at www.napolilaw.com/nrwa-pfas

DON'T MISS OUT

- While there is no timeframe as to when a settlement may be finalized, those settlement talks are underway.

COMPLY WITH GUIDELINES

- The EPA recently set health advisory levels for PFAS as low as 4 parts per quadrillion.
- A system with any level of detection is likely to be out of compliance with the federal standard.

Formal presentations are available to your utility and can be arranged by contacting Hank Naughton at hnaughton@napolilaw.com or 978-852-3643.



**NAPOLI
SHKOLNIK PLLC**
ATTORNEYS AT LAW



Subject: South Carolina PFAS Cost Recovery Program

The South Carolina Rural Water Association has teamed with National Rural Water Association to make you aware of a PFAS Cost Recovery Program that we strongly encourage your utility to register into, at no cost, to protect your utility and rate payers from a PFAS contamination financial burden.

As background, when the 2016 health advisory was issued by U.S. EPA, the National Rural Water Association Board of Directors, which is comprised of a National Director from all 50 state affiliates including SCRWA, voted to engage the Napoli Shkolnik law firm to file a cost recovery action that would allow all utilities to register and recover any current and projected future expenses for testing, treatment and remediation due to PFAS contamination upon any potential settlement or judgement in your favor. For clarification, this is not a class action lawsuit as there are multiple classes of plaintiffs, thus they are combined into what is called multidistrict litigation. The three points we want to stress to utilities are:

1. The action is cost recovery, not punitive.
2. The litigation is filed against the global manufacturers of the compounds and does not impact local companies who may have used them.
3. There is zero upfront cost to register the utility onto the cost rolls, however, a system must be registered prior to any settlement or judgement being reached in order to benefit. While there is no timeframe as to when a settlement may be finalized, those settlement talks are underway. The recently announced revised health advisory from EPA will further place pressure on a potential settlement being reached.

There is no threshold or cost to register onto the cost recovery rolls, we encourage all systems to register and protect their system and ratepayers from a potential increased financial burden. Systems should register regardless of testing or detection status. Registering onto the cost recovery rolls is like an insurance policy without a premium and if asked by your customers, a strong positive message that the system has undertaken action to lessen any financial burden resulting from PFAS contamination.

Time is of the essence; the EPA recently set health advisory levels for PFAS as low as 4 parts per quadrillion. The EPA is in the process of establishing an enforceable maximum contaminant level (MCL) under the Safe Drinking Water Act, which essentially means that a system with any level of detection is likely to be out of compliance with the federal standard. Finally, EPA is planning to designate PFOS and PFOA as hazardous substances under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). All these factors raise the potential for a large financial impact if these forever compounds are detected at your utility.

The South Carolina Rural Water Association encourages you to take the first step and register your utility at www.napolilaw.com/nrwa-pfas.

Sincerely,



Jill Miller, Executive Director



Hank Naughton, Partner

Kyle Sullivan

From: Sam Wade <SWade@NapoliLaw.com>
Sent: Friday, March 17, 2023 2:24 PM
To: Kyle Sullivan
Subject: Required PFAS Cost Recovery Documents - Time Sensitive
Attachments: City of Folly Beach South Carolina Draft Retainer.docx; WDC Information Form 2023.03.07.docx; A Message From The PFAS Team).pdf; RED ALTER Flyer Deadlines Approaching.pdf

CAUTION: This email originated from outside the City of Folly Beach. Maintain caution when opening external links/attachments

Great to speak with you Kyle,

Thank you for the submission of the City of Folly Beach into the PFAS Cost Recovery Program. Attached is the **required** retainer that once signed and returned (via e-mail to myself is fine) will officially place the utility on the PFAS cost recovery rolls. Also please complete the WDC Info sheet, it facilitates the filing process. There are no fees or cost to register and if there is no recovery specifically for Folly Beach, there is zero cost to the utility.

This is somewhat time sensitive as we anticipate a settlement very soon as we expect a settlement very soon. We would welcome the opportunity to make a more formal presentation to you and your group.

As Background, the National Rural Water Association Board of Directors, which is governed by the South Carolina Rural Water Association, and 49 other state rural water affiliates, voted to engage with the law firm of Napoli Shkolnik to file a PFAS cost recovery action against the global manufacturers of the PFAS forever compounds. The sole purpose was to provide an opportunity for water and wastewater systems to recover any expenses they may have or expenses they may incur in the future for testing, treatment and remediation of PFAS contamination. For clarification, this is not a class action as there are multiple classes of plaintiffs. The litigation is defined as multidistrict litigation. There are three key points we stress to systems:

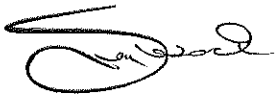
1. The action is cost recovery, not punitive
2. It is filed against the global manufacturers of the compounds and does not impact local companies who may have used them
3. There is zero upfront cost to register the utility onto the cost rolls, however, a system must be registered prior to a settlement being reached in order to benefit. We expect a settlement very soon as the court has appointed a settlement mediator in November of 2022 and a trial date has been set for June 5, 2023.

There is no threshold or cost to register onto the cost recovery rolls, we encourage all systems to register and protect their system and ratepayers from a potential increased financial burden whether they have tested or not. Registering onto the cost recovery rolls is like an insurance policy without a premium and if asked by your customers, a strong positive message that the system has undertaken action to lessen any financial burden resulting from PFAS contamination.

Also Attached for informational purposes, is a message from the PFAS Team that includes the firm's qualification and the latest update newsletter. As this is taken under consideration, we are available to provide a more formal presentation or connect you and your team up directly with lead attorney in the litigation.

Just let me know if can provide additional information, answer any questions, schedule a formal presentation or assist in any way.

Many thanks,



Sam Wade
Water Consultant
for Napoli Shkolnik Law
Mobile: 580-917-1425
Swade@napolilaw.com



City Council Meeting

7:00 PM Tuesday, March 14, 2023

1. CALL TO ORDER/ROLL CALL

2. INVOCATION & PLEDGE OF ALLEGIANCE

Councilmember Houghton led the invocation.

3. MAYOR'S COMMENTS

Mayor Goodwin stated that there will be no STR comments being taken. He explained that the only thing that will be discussed is the technical amendments to Ordinance 003-23.

4. STAFF REPORTS

Less Gessner formally submitted the Auditor's Financial Report.

5. APPROVAL OF AGENDA

Councilmember Rich moved for approval. Councilmember Grooms seconded.

Unanimous Consent.

6. APPROVAL OF MINUTES

Councilmember Barker moved for approval. Councilmember Farley seconded.

Unanimous Consent.

7. PERSONAL APPEARANCES

- a. Julie Hensley owner of 307 W. Hudson Avenue. Ms. Hensley asked the council for approval for a 30' Driveway. She added that the Zoning Administrator attached a letter for support.

Councilmember Rich moved for approval. Councilmember Grooms seconded.

Mayor Goodwin asked instead of the flaring at the bottom of the driveway could the driveway come straight down.

Ms. Hensley said that is designed for the turning radius.

Councilmember Grooms stated that this home has the right to have two 15' driveways but because there is no access to the back the two allowed driveways will be next to each other.

Jenna Stephens, Zoning Administrator. Ms. Stephens stated that is correct.

Councilmember Barker, Yes; Councilmember Farley, Yes; Councilmember Grooms, Yes;

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

Motion Passes 6-1.

- b. Ashby Gale with the Meg Hunt. Mr. Gale stated that this will be the 4th year of this event on April 22nd.

Councilmember Rich moved for approval. Councilmember Ellis seconded.

Councilmember Barker, Yes; Councilmember Farley, Yes; Councilmember Grooms, Yes;

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

All in Favor. Motion Passes.

- c. Stephanie Dasher with the Warrior Surf Charity Surf Foamie Classic. Ms. Dasher stated that when this organization applied for their ATax fund this surf competition. She explained they are in the planning process and seeking approval. Ms. Dasher stated that there will be vendors, however they

will not be selling anything but rather be there in a sponsor capacity.

Councilmember Rich reiterated that the sponsors cannot sell anything.

Councilmember Barker moved for approval. Councilmember Farley seconded.

Councilmember Barker, Yes; Councilmember Farley, Yes; Councilmember Grooms, Yes;

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

All in Favor. Motion Passes.

- d. Peter Melhado commenting on the proposed franchise amendments related to surfing schools. Mr. Melhado stated that the comments and work presented in the work session really addressed the concerns he had. He added that the idea of extending the contracts would greatly help in the future with summer bookings.

8. CITIZENS' COMMENTS

John McFarland, 1780 Chelwood Cir. Mr. McFarland said he would like to talk with council about hotels, specifically 103 E Erie.

Councilmember Ellis asked if there was any discussion about hotels on the agenda.

Mayor Goodwin stated that no there is no discussion about hotels.

Mr. McFarland stated that he would appreciate that if the public could comment on new projects and convey new ideas.

Melora Morgan, Serenity Tree Yoga. Ms. Morgan stated that she will be gone this spring and will not be to attend any council meetings about non-franchises. She added that she loves what she does and wants to continue, and is here for any questions.

9. COMMISSION, BOARD, COMMITTEE REPORTS

NA

10. OLD BUSINESS

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

Councilmember Rich moved for approval. Councilmember Barker seconded.

Councilmember Barker, Yes; Councilmember Farley, Yes; Councilmember Grooms, Yes;

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

All in Favor. Motion Passes.

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

Councilmember Farley moved for approval. Councilmember Barker seconded.

Councilmember Barker stated that when it comes time to award RFPs it would be important to include a provision for audit, so we do not take at face value.

Councilmember Barker, Yes; Councilmember Farley, Yes; Councilmember Grooms, Yes;

Councilmember Houghton, Yes; Councilmember Ellis, Yes; Councilmember Rich, Yes; Mayor Goodwin,

Yes.

All in Favor. Motion Passes.

11. NEW BUSINESS

- a. **ORDINANCE 003-23:** An Ordinance Amending the Folly Beach Code of Ordinances Chapter 117 (Short Term Rentals) By Adopting Technical Amendments to The Language Implementing The Short-Term Rental Cap As Approved By Special Election. **(FIRST READING)**
Councilmember Farley moved for approval. Councilmember Barker seconded.
Councilmember Rich stated that this was neutrally written to fit inside the City Code language and was not written to favor one side or another.
Councilmember Ellis asked if the city will be waiting to get to the 800 Cap to establish the waitlist. Councilmember Rich stated that council does not need to act right this second. He explained the plan is to gather more input from the community.
Mayor Goodwin said that the wait list will not speed up the process of the 800 Cap.
Councilmember Barker asked why is Sec D (4) in the ordinance. This section is referencing the loss of 4% status if the owner occupied STR business license is terminated.
Mayor Goodwin stated that this is to clarify if you lose your 4% tax status that license is lost and no longer transferable.
Councilmember Barker asked if an individual moves out of the Folly community and the property is no longer their legal residence they will lose the right to rent their home for the allowed 72 days.
Mayor Goodwin said that the County will report the tax status change to the city.
Councilmember Barker stated that his interpretation from the interested parties that brought the STR discussion up was that if you did not qualify for an ISTR you were allowed to still rent for the 72 days.
Mayor Goodwin stated that was wrong. He explained that it has always been whether you had a restricted permit or a non-restricted permit. A restricted permit was your primary residence or now legal residence as it's being referred to. Mayor Goodwin added that there have always been two sets of licenses and the cap did not include the 4%.
Councilmember Barker stated that so as long as you possess you can maintain grandfathered status other than the circumstances outlined in Sec D. 4.
Mayor Goodwin said as long as you maintain and when you lose qualification you lose your qualification.
Councilmember Ellis said of either one of them.
Mayor Goodwin confirmed that.
Councilmember Farley said that he agrees with Councilmember Bark's thinking. He explained that he thought that the 4% holder could only rent for 72 days and that an STR license holder could rent above that.
Mayor Goodwin stated that the referendum did not include the 4% group in the count to the cap.

Councilmember Ellis said that before the referendum an STR license was only differentiated by the county, not the city.

Councilmember Farley stated that before the referendum an individual with the county could designate their license 4% or 6% and rent year-round. Now after the referendum, all the 4% licenses are restricted to a 72-day limit.

Mayor Goodwin stated that the referendum never referenced grandfathering anyone in and the city now has to work with what was passed.

Mr. Pope stated that the only thing Sec D 4 is doing is clarifying what the language of the referendum set up. It is not changing the function as passed only clarifying the language.

Councilmember Ellis stated that it is the council's right to be able to amend ordinances.

Mayor Goodwin stated that is true, however the council stated that they wanted to collect information and emails from citizens. He explained that the Clerk of Council is collecting information and distributing it.

Councilmember Rich asked where this is being collected.

Wes Graham, Clerk of Council. Mr. Graham stated that there is a special email set up for citizens to email comments@follybeach.gov. All comments will be distributed every week on Friday.

Councilmember Ellis moved to add the language of to D(4) ...non-transferable: however, can be changed to a 6%. **No second Motion Fails**

Councilmember Barker moved to strike D (4). Councilmember Rich seconded.

Mayor Goodwin stated that by striking D (4) changes nothing in the referendum.

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

Motion Fails, 2-5.

Original motion

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

All in Favor. Motion Passes.

b. **ORDINANCE 004-23:** An Ordinance Amending the Folly Beach Code of Ordinances Chapter 110 (Business Regulations) By Prescribing the Contents of Certain Notices, Establishing Procedures for Appeals Hearings, And Setting Time Limits for Appeals Related Actions.

Councilmember Rich moved for approval. Councilmember Houghton seconded.

Councilmember Ellis stated that council should be the ones hearing these business license cases.

Mayor Goodwin reminded that council was the one that wanted to hire a hearing officer so they would not be sitting in judgment with political interest.

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

All in Favor. Motion Passes.

c. **ORDINANCE 005-23:** An Ordinance Amending the Folly Beach Code of Ordinances Section

168.50 (Nonconforming Signs) By Allowing the Replacement of Nonconforming Signs When Replacement Lowers the Amount of Nonconforming Square Footage but Does Not Exceed the Maximum Number of Allowable Signs.

Councilmember Ellis moved to remand to the Planning Commission. Councilmember Grooms seconded.

Councilmember Rich asked once remanded this ordinance becomes pending.

Mayor Goodwin confirmed.

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

All in Favor. Motion Passes.

- d. **ORDINANCE 006-23:** An Ordinance Amending the Folly Beach Code of Ordinances Chapter 153 Of the Folly Beach Code of Ordinances to Require Approval from The Special Events Committee for Weddings on Public Property with More Than Twenty-Five Participants Including Attendees.

Mayor Goodwin explained that this ordinance will change the process of approval for weddings on the beach. He added that weddings with 25 or more will need to be approved by the full Special Events Committee.

Councilmember Ellis moved for approval. Councilmember Farley seconded.

Councilmember Rich stated that 25 is too low and suggested raising fees or raising the number to 50.

Councilmember Ellis stated how does one regulate love.

Councilmember Farley asked if there is a fine that goes along with breaking the rules or would a new ordinance needs to be drafted.

Mayor Goodwin stated that could be handled in a fee proposal that will be introduced soon.

Councilmember Grooms stated that this will tie in with the approval process for events at private rentals.

Councilmember Rich said he understands that point but reminded council that an individual has a federal right to gather up to 50 people.

Councilmember Rich moved to amend the number of 25 to 50. Councilmember Barker seconded.

Councilmember Farley asked the City Attorney Joe Wilson if this made sense to move the threshold to 50.

Mr. Wilson said that he would need to look at the issue more.

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

Amendment Fails, 4-3.

Original Motion

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

Yes.

Motion Passes 5-2.

- e. **ORDINANCE 007-23:** An Ordinance Amending Section 151.47 Of the Folly Beach Code of Ordinances by Changing References To Opacity Requirements from Shading Coefficient to Visible Light Transmittance.

Eric Lutz, Building Director. Mr. Lutz stated that this ordinance is outdated and needs to use proper updated language.

Councilmember Rich moved for approval. Councilmember Grooms seconded.

Councilmember Barker asked if an individual keeping their lights on with this shading would not end up in a fine for turtle lighting.

Mr. Lutz stated that if the light is 45% less than the visible light transmission you are fine.

Councilmember Barker asked if a homeowner is cited for having their lights on, they can point back to this new language showing they have satisfied the requirements.

Mr. Lutz said that is correct.

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

All in Favor. Motion Passes.

- f. **RESOLUTION 11- 23:** A Resolution by The Folly Beach City Council Authorizing the Distribution Of \$3,961.20 Held in The City's National Night Out Reserve Account to Be Used for The 2023 National Night Out.

Councilmember Grooms moved for approval. Councilmember Barker seconded.

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

All in Favor. Motion Passes.

- g. **RESOLUTION 12-23:** A Resolution by The Folly Beach City Council Authorizing the Amount Of \$800 From the Council Discretionary Account to Purchase Professional Photographs of Each Council Member To Be Hung In Council Chambers.

Councilmember Barker moved for approval. Councilmember Grooms seconded.

Councilmember Barker said that in the old City Hall city council had photos hung. He explained that in the renovation pictures were lost.

The council discussed the amount of money that should be allowed to be spent. Mayor Goodwin pointed out that the resolution is allowing up to \$800 to create a buffer for cost adjustments.

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

Motion Passes 4-3.

- h. **RESOLUTION 13-23:** A Resolution by The Folly Beach City Council Awarding the Contract

for The City External Audit Services for Fiscal Years 2023 Through 2026.

Councilmember Farley moved for approval. Councilmember Ellis seconded.

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

All in Favor. Motion Passes.

- i. **RESOLUTION 14-23:** A Resolution by The Folly Beach City Council Increasing the Fee for Approved Non-Franchise Commercial Activities on The Beach from Two Hundred and Fifty Dollars to Five Hundred Dollars Annually.

Councilmember Ellis moved to postpone until August. Councilmember Grooms seconded.

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

All in Favor. Motion Passes.

- j. **RESOLUTION 15-23:** A Resolution by The Folly Beach City Council Extending the Expiration Date of Paddleboard and Surf Camp Franchises from May 2023 To September 30th, 2023.

Councilmember Grooms moved for approval. Councilmember Rich seconded.

Councilmember Rich moved to add another whereas to include non-franchise beach activity to proceed to December 30th. Councilmember Grooms seconded.

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

All in Favor. Motion Passes.

Councilmember Farley asked will there needs to be a budget adjustment since this income will not be coming in this fiscal year.

Mr. Gessner stated that this is a very small contributor to the overall budget picture.

Mr. Pope said that he will sit down with Mr. Gessner and discuss the impacts.

Original Motion

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

All in Favor. Motion Passes.

- k. **RESOLUTION 16-23:** A Resolution by The Folly Beach City Council Awarding a Contract for The Development of An Arctic Avenue Plan to AMT for The Amount Of \$118,000.

Councilmember Rich moved for approval. Councilmember Grooms seconded.

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

All in Favor. Motion Passes.

- l. **RESOLUTION 17-23:** A Resolution by The Folly Beach City Council Awarding the

Contract for Services Described in The Folly Beach City RFQ 01-23, The 2020 Building Resilient Infrastructure and Communities (BRIC) Grant for W. Indian and Tabby Nuisance Flooding Mitigation.

Councilmember Farley moved for approval. Councilmember Grooms seconded.

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

All in Favor. Motion Passes.

12. COUNCIL COMMENTS

- a. Councilmember Grooms stated that the Exchange Club will be holding a lunch for the Public Works Department to honor their employee of the year.
- b. Councilmember Ellis asked when the moratorium for the STR would end.
Mayor Goodwin stated that it ended 5 days after the referendum passed.
Councilmember Ellis said out of compassion and empathy create a grace period for the licenses that fell through the cracks.
Mayor Goodwin stated that this conversation is best suited for the amendments that the council will be addressing in the future.
Councilmember Ellis stated that there is a rumor going around that he no longer lives in Folly, but rather in St. Lewis with his girlfriend. He explained that this was not true.
- c. Councilmember Faley wished everyone a Happy St. Patrick's Day and wish two of his friends a speedy recovery, Dan and Sam.
- d. Councilmember Houghton stated that it is Woman's History Month and to celebrate in any way you can. She added that she is recognizing the resurgence of the Parks and Rec board.
- e. Councilmember Barker wished everyone a Happy St. Patrick's Day.
- f. Councilmember Rich wished everyone a nice night.

13. ADJOURNMENT

Main Contact	Officer Z. Smith
Address	180 Lockwood Dr
Cell Phone	864-621-5841
Email	smithz@charleston-sc.gov
Reservation Date	May 13th, 2023
Beginning Time (including setup)	9am
End time (including breakdown)	3pm
Estimated Number of Attendees	200
Event Start Date	May 13th
Event End Date	May 13tg
Event Name	Splash into Spring
Purpose of Event	A partnership between Folly Beach Police Department and The City of Charleston Police Department to educate the community on water safety and build community and police relationships.
Description of Event	The police departments will host a beach event that includes education on water safety, a cookout, and beach activities. An ice cream truck will be parked at 3rd and West to give out free ice cream. There will also be a sand castle building contest for families.
List any Special Effects	N/A
Please list any vendors involved in your event	To be confirmed



CHARLESTON POLICE DEPARTMENT PRESENTS

splash into spring



MAY 13, 2023
11AM-3PM

FOLLY BEACH

SAND CASTLE COMPETITION
ICE CREAM TRUCK FOOD WATER SAFETY INFO



OFFICER Z. SMITH
SMITHZ@CHARLESTON-SC.GOV



Question 1 has 32 answers (Checkboxes)

“Your age?”



Question 2 has 32 answers (Open Text)

“Do you currently participate in organized senior programming? If so, please share the provider and program.”

Unknown contact said:
"No"

Unknown contact said:
"no"

Unknown contact said:
"No"

Unknown contact said:
"No"

Unknown contact said:
"No"

Unknown contact said:
"No"

Unknown contact said:
"No"

Unknown contact said:
"No"

sandyb1976@comcast.net said:
"No"

Unknown contact said:
"No"

Unknown contact said:
"No"

Unknown contact said:
"No"

Unknown contact said:
"Haven't participated because timing hasn't been right for me. I'm still working, but would join in the fun and camaraderie when possible."

Unknown contact said:

"Community yoga at folly park with Jennifer
Wish there was more but I don't know of others "

Unknown contact said:

"Garden Club
Senior Club"

Unknown contact said:

"No"

Unknown contact said:

"No"

Unknown contact said:

"No"

Unknown contact said:

"No"

Unknown contact said:

"Lowcountry Senior Center"

Unknown contact said:

"Not specific to Seniors. Community yoga, Civic Club, etc. "

Unknown contact said:

"James Island Senior Center chair yoga"

Unknown contact said:

"Folly Beach Seniors"

Sacredbodymassage@gmail.com said:

"Community yoga is mostly seniors ❤️ 😊 "

Unknown contact said:

"No"

Unknown contact said:

"no"

Unknown contact said:

"Low Country Senior Centee"

Unknown contact said:

"No"

Unknown contact said:

"No "

Unknown contact said:

"No"

Glenn Webb said:

"Yes - Silver Sneakers in Gym"

Unknown contact said:

"www"

Question 3 has 32 answers (Open Text)

"How often would you attend group exercise
classes and which classes would you like to see

Unknown contact said:

"Walking club"

Unknown contact said:

"A dedicated walking trail would be nice."

Unknown contact said:

"Weekly. Any"

Unknown contact said:

"3 per week"

Unknown contact said:

"None"

Unknown contact said:

"Zumba exercise... you can do it as slow or fast as you want. it's a lot of fun. Once or twice a week would be great for one hour."

Unknown contact said:

"Not very often"

Unknown contact said:

"3 times a week"

sandyb1976@comcast.net said:

"Several times/ week
Aquatics, walking"

Unknown contact said:

"Bi Weekly Yoga, walking "

Unknown contact said:

"1-2 week."

Unknown contact said:

"4 or 5 times a week
Yoga, water aerobics, walking club"

Unknown contact said:

"Interested in learning tai chi, enjoy aquatics, stretching, walking."

Unknown contact said:

"Yoga 3x weekly
Zumba 2x weekly
Walking club 5x weekly
Pickle ball 2x weekly "

Unknown contact said:

"yoga twice weekley
walking club twice weekly except summer"

Unknown contact said:

"once 2x a week
"

Unknown contact said:

"Regularly, if possible"

Unknown contact said:

"Aquatics, yoga, exercise modified for those with limitations "

Unknown contact said:

"Mat pilates 3x/week, walk/run running 3x/week, Qigong 3x/week"

Unknown contact said:

"Sit & Fit

Balance training

Mindful Meditation

Low impact aerobics

Exercises involving weights

Total body stretches (special stretches for waist, hamstrings, core, abdomen, etc) (not to lose weight, but to stay flexible)

"

Unknown contact said:

"1-2 times a week when in town. Tae Chi"

Unknown contact said:

"3 times a week chair yoga aquatics, sit and fit, walking club"

Unknown contact said:

"sit and fit walking"

Sacredbodymassage@gmail.com said:

"Yoga twice weekly more if Possible ❤️ "

Unknown contact said:

"Weekly or bi-wkly"

Unknown contact said:

"weekly"

Unknown contact said:

"1-2Xwk"

Unknown contact said:

"2-3x a week. Pilates, strength training"

Unknown contact said:

"Sit and fit walking maybe soft yoga"

Unknown contact said:

"Yoga "

Glenn Webb said:

"1 - 2 times weekly

Yoga, aquatics, aerobics"

Unknown contact said:

"www"

Question 4 has 32 answers (Open Text)

"How often would you visit a dedicated fitness room and what equipment would you like to see offered (weights, bikes, treadmill, Nustep, elliptical, trainer, or others)?"

Unknown contact said:

"Twice a week"

Unknown contact said:

"never"

Unknown contact said:

"3x weekly. All. "

Unknown contact said:

"Weekly"

Unknown contact said:

"None"

Unknown contact said:

"Once or twice a week "

Unknown contact said:

"Not very often"

Unknown contact said:

"3-5 times a week. Weights, bikes, rowing machine "

sandyb1976@comcast.net said:

"Several times / week

All of the above equipment "

Unknown contact said:

"2-3 X a week"

Unknown contact said:

"Very often . Elliptical "

Unknown contact said:

"Twice a week"

Unknown contact said:

"Probably 2x a week depending on hours open."

Unknown contact said:

"Treadmill and bikes 3x weekly"

Unknown contact said:

"recumbant bicycle"

Unknown contact said:

"Tread mill, elliptical and weights would be most helpful. "

Unknown contact said:

"Regularly, Bikes, treadmill, elliptical"

Unknown contact said:

"Bikes, weights, resistance bands, mats, elliptical "

Unknown contact said:

"Free weights 3x/week"

Unknown contact said:

"Simple Stationary bikes, small items that you might find in a PT facility- stretch bands, balls,

"

Unknown contact said:

"0"

Unknown contact said:

"3 times a week. Bikes nustep, treadmill"

Unknown contact said:

"Nustep"

Sacredbodymassage@gmail.com said:

"Prefer being outside but would
Love the option of a fitness room ❤️ "

Unknown contact said:

"Trainers & tables for leg exercises & back exercises"

Unknown contact said:

"n/a"

Unknown contact said:

"1-2X/wk"

Unknown contact said:

"2-3x a week. Weights, elliptical"

Unknown contact said:

"Zero "

Unknown contact said:

"Probably not"

Glenn Webb said:

"1 - 3X/wk
Weights, elliptical, rower"

Unknown contact said:

"www"

Question 5 has 32 answers (Open Text)

"How often would you participate in organized social activities and what would you like to see offered (choirs, music group, meal club, book club, or others)?"

Unknown contact said:

"None"

Unknown contact said:

"once a month"

Unknown contact said:

"Not sure"

Unknown contact said:

"?"

Unknown contact said:

"None"

Unknown contact said:

"I'm in two groups now that's enough "

Unknown contact said:

"Not very often"

Unknown contact said:

"Never"

sandyb1976@comcast.net said:

"Depends on the activity!
Book club, game nights live music, dinner"

Unknown contact said:

"2 - 3 X a month "

Unknown contact said:

"Often. Dancing claases"

Unknown contact said:

"3 or 4 times a month
Book club, card games - bridge, cooking class"

Unknown contact said:

"2x a week depending on my work schedule and times offered."

Unknown contact said:

"Weekly"

Unknown contact said:

"meal club (sometimes pot luck or somewhere they offer senior menu rates)"

Unknown contact said:

"depends on what is offered"

Unknown contact said:

"Regularly if it is what I am interested in!"

Unknown contact said:

"Non religious activities -healthy and gourmet cooking classes, book club, volunteer activities done as a group"

Unknown contact said:

"Book club, water color painting, drawing, "

Unknown contact said:

"- meal club
-social hour
-craft club (not classes, but a time to work on your own craft & socialize (knitting, crochet, etc))"

Unknown contact said:

"Depends on what's offered"

Unknown contact said:

"Weekly music or meal club"

Unknown contact said:

"choir music group"

Sacredbodymassage@gmail.com said:

"Live music and singing would be nice ❤️
Community pot luck would also be fun and a great way to meet people!"

Unknown contact said:

"Educational monthly"

Unknown contact said:

"not sure"

Unknown contact said:

"Unsure"

Unknown contact said:
"Once a month. Meal club, cooking class, book club, dancing"

Unknown contact said:
"To busy with others things"

Unknown contact said:
"1 per month - meal, book, music"

Glenn Webb said:
"1/mo "

Unknown contact said:
"www"

Question 6 has 32 answers (Radio Buttons)

“Would you participate in a Home Safety Assessment to check things like smoke alarms, handrails, and grab bars?”



Question 7 has 32 answers (Radio Buttons)

“Do you need transportation assistance for daily activities and medical visits?”



FOLLY BEACH SENIOR CITIZENS SURVEY

Please check and/or comment on services that you are interested in receiving in our community:

Exercise classes: How often, any specific interests, yoga, sit and fit, silver sneakers, aquatics, aerobics, walking club.

Zoomba 2x weekly, yoga 2x weekly, silversneakers
2x weekly

Fitness room: weights, bikes, treadmill, nustep, elliptical, trainer.

leg weight machines

Wellness programing: annual flu shots, equipment room to borrow walkers, canes, wheelchair to borrow.

n/a

Home safety assessment: install and check smoke alarms, safety equipment like stair handrails, grab bars in the commode area or shower:

n/a

Transportation assistance: assistance with transportation to grocery, pharmacy, medical appointments:

maybe Ice each week

Social activities: bingo, crafting, book club, community choir, music group, movies, coffee club, lunch club:

music & movies

Katie & Joel Cory

Jovocce@aol.com

FOLLY BEACH SENIOR CITIZENS SURVEY

Please check and/or comment on services that you are interested in receiving in our community:

Exercise classes: How often, any specific interests, yoga, sit and fit, silver sneakers, aquatics, aerobics, walking club.

Interested in exercise classes

Fitness room: weights, bikes, treadmill, nustep, elliptical, trainer.

Interested in exercise machines

~~and to~~ with guidance of a trainer

Wellness programing: annual flu shots, equipment room to borrow walkers, canes, wheelchair to borrow.

Receive all annual vaccinations
and booster.

Home safety assessment: install and check smoke alarms, safety equipment like stair handrails, grab bars in the commode area or shower:

would like referrals to contractors

Transportation assistance: assistance with transportation to grocery, pharmacy, medical appointments:

Social activities: bingo, crafting, book club, community choir, music group, movies, coffee club, lunch club:

FOLLY BEACH SENIOR CITIZENS SURVEY

Please check and/or comment on services that you are interested in receiving in our community:

Exercise classes: How often, any specific interests, yoga, sit and fit, silver sneakers, aquatics, aerobics, walking club.

Fitness room: weights, bikes, treadmill, nustep, elliptical, trainer.

Wellness programing: annual flu shots, equipment room to borrow walkers, canes, wheelchair to borrow.

Home safety assessment: install and check smoke alarms, safety equipment like stair handrails, grab bars in the commode area or shower:

Transportation assistance: assistance with transportation to grocery, pharmacy, medical appointments:

#1 priority

Social activities: bingo, crafting, book club, community choir, music group, movies, coffee club, lunch club;

FOLLY BEACH SENIOR CITIZENS SURVEY

Please check and/or comment on services that you are interested in receiving in our community:

Exercise classes: How often, any specific interests, yoga, sit and fit, silver sneakers, aquatics, aerobics, walking club.

START WITH ONCE A WEEK -

EXERCISE CLASSES

Fitness room: weights, bikes, treadmill, nustep, elliptical, trainer.

NOT AS IMPORTANT TO ME AS

EXERCISE CLASSES

Wellness programing: annual flu shots, equipment room to borrow walkers, canes, wheelchair to borrow.

EQUIP LOAN EQUIP IS A GOOD IDEA

Home safety assessment: install and check smoke alarms, safety equipment like stair handrails, grab bars in the commode area or shower:

ALL OF THIS IS NEEDED

Transportation assistance: assistance with transportation to grocery, pharmacy, medical appointments:

Need A BUS TO THE SENIOR CENTER

Social activities: bingo, crafting, book club, community choir, music group, movies, coffee club, lunch club:

FOLLY BEACH SENIOR CITIZENS SURVEY

Please check and/or comment on services that you are interested in receiving in our community:

Exercise classes: How often, any specific interests, yoga, sit and fit, silver sneakers, aquatics, aerobics, walking club.

Fitness room: weights, bikes, treadmill, nustep, elliptical, trainer.

Wellness programing: annual flu shots, equipment room to borrow walkers, canes, wheelchair to borrow.

Home safety assessment: install and check smoke alarms, safety equipment like stair handrails, grab bars in the commode area or shower:

Transportation assistance: assistance with transportation to grocery, pharmacy,
medical appointments:

Social activities: bingo, crafting, book club, community choir, music group, movies,
coffee club, lunch club:

FOLLY BEACH SENIOR CITIZENS SURVEY

Please check and/or comment on services that you are interested in receiving in our community:

Exercise classes: How often, any specific interests, yoga, sit and fit, silver sneakers, aquatics, aerobics, walking club.

Fitness room: weights, bikes, treadmill, nustep, elliptical, trainer.

yes to all

Wellness programing: annual flu shots, equipment room to borrow walkers, canes, wheelchair to borrow.

Home safety assessment: install and check smoke alarms, safety equipment like stair handrails, grab bars in the commode area or shower:

would be very helpful & welcome

Transportation assistance: assistance with transportation to grocery, pharmacy, medical appointments:

this would be very helpful.

Social activities: bingo, crafting, book club, community choir, music group, movies, coffee club, lunch club:

we currently have a lunch club along

with our Senior Club + monthly speaker

FOLLY BEACH SENIOR CITIZENS SURVEY

Please check and/or comment on services that you are interested in receiving in our community:

Exercise classes: How often, any specific interests, yoga, sit and fit, silver sneakers, aquatics, aerobics, walking club.

Silver sneakers program

Fitness room: weights, bikes, treadmill, nustep, elliptical, trainer.

yes - all

Wellness programing: annual flu shots, equipment room to borrow walkers, canes, wheelchair to borrow.

yes - all above

Home safety assessment: install and check smoke alarms, safety equipment like stair handrails, grab bars in the commode area or shower:

yes, yes, yes - all above

✓ ✓

Transportation assistance: assistance with transportation to grocery, pharmacy,
medical appointments:

✓
great idea - all

Social activities: bingo, crafting, book club, community choir, music group, movies,
coffee club, lunch club:

all above, mah jongg

FOLLY BEACH SENIOR CITIZENS SURVEY

Please check and/or comment on services that you are interested in receiving in our community:

Exercise classes: How often, any specific interests, yoga, sit and fit, silver sneakers, aquatics, aerobics, walking club.

Fitness room: weights, bikes, treadmill, nustep, elliptical, trainer,

Wellness programing: annual flu shots, equipment room to borrow walkers, canes, wheelchair to borrow.

Home safety assessment: install and check smoke alarms, safety equipment like stair handrails, grab bars in the commode area or shower:

Transportation assistance: assistance with transportation to grocery, pharmacy,
medical appointments:

Social activities: bingo, crafting, book club, community choir, music group, movies,
coffee club, lunch club:

FOLLY BEACH SENIOR CITIZENS SURVEY

Please check and/or comment on services that you are interested in receiving in our community:

Exercise classes: How often, any specific interests, yoga, sit and fit, silver sneakers, aquatics, aerobics, walking club.

yoga once a week, sit and fit, walking club

Fitness room: weights, bikes, treadmill, nustep, elliptical, trainer.

bikes

Wellness programing: annual flu shots, equipment room to borrow walkers, canes, wheelchair to borrow.

annual flu shots

Home safety assessment: install and check smoke alarms, safety equipment like stair handrails, grab bars in the commode area or shower:

Transportation assistance: assistance with transportation to grocery, pharmacy, medical appointments:

Social activities: bingo, crafting, book club, community choir, music group, movies, coffee club, lunch club:

Mah-jongg!!! ukulele lessons/jams

FOLLY BEACH SENIOR CITIZENS SURVEY

Please check and/or comment on services that you are interested in receiving in our community:

Exercise classes: How often, any specific interests, yoga, sit and fit, silver sneakers, aquatics, aerobics, walking club.

Fitness room: weights, bikes, treadmill, nustep, elliptical, trainer.

All the above

Wellness programing: annual flu shots, equipment room to borrow walkers, canes, wheelchair to borrow.

All the above

Home safety assessment: install and check smoke alarms, safety equipment like stair handrails, grab bars in the commode area or shower:

All the above

Transportation assistance: assistance with transportation to grocery, pharmacy, medical appointments:

Social activities: bingo, crafting, book club, community choir, music group, movies, coffee club, lunch club:

install
tail rails

At the Seniors meeting, this survey was presented. Attached is the completed surveys. Also, Alisha from the Lowcountry Senior Center discussed senior service needs + requests with the Folly Beach seniors. Here is her feed back from the meeting. Seniors request:

- 1) Transportation assistance
- 2) Social outlets + transportation to attend.

3) Exercise classes

Additional feed back from Folly Beach Citizen of the Year Jack Carter:

- 1) Transportation assistance
- 2) Exercise classes
- 3) social outlets + transportation
- 4) Home safety assessments and

resources to install
grab bars, stair rails
etc.

Note: The Charleston County makes every effort possible to produce the most accurate information. The layers contained in the map service



120 West Ashely Ave

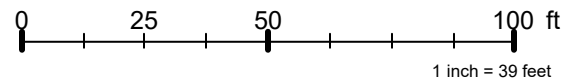
PID: 3281400175

OWNER1: 2ND STREET PROPERTIES
LLC

PLAT BOOK PAGE: C-158

DEED BOOK PAGE: 1127-820

Jurisdiction: CITY OF FOLLY BEACH



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CITY OF FOLLY BEACH

1st Reading: March 14th, 2023
2nd Reading: April 11th, 2023

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

ORDINANCE 003-23

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

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

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

§ 117.01 PURPOSE, APPLICABILITY, AND DEFINITIONS.

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

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

(B) The following definitions apply:

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

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

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

INVESTMENT SHORT TERM RENTAL BUSINESS LICENSE (ISTR) - A ~~dwelling unit licensed issued for short term rentals,~~ **for a dwelling unit that is not the legal residence of the owner to be used as a short term rental.** ~~whose owner does not claim the licensed property to be their primary residence.~~

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

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

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

SHORT TERM RENTALS. Residential dwellings rented for less than 30 days, used in a manner consistent with the residential character of the dwelling. Tourist accommodations, including hotels, motels, inns, and bed and breakfasts, are not considered **SHORT TERM RENTALS**.

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

§ 117.02 SHORT TERM RENTAL BUSINESS LICENSES.

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

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

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

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

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

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

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

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

(D) Non- transferable.

(1) Investment Short Term Rental license wait list status terminates upon transfer of property and is non-transferable.

(2) Investment Short Term Rental business licenses terminate upon transfer of property and are non-transferable.

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

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

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

ATTEST:

Municipal Clerk

Tim Goodwin, Mayor



CITY OF FOLLY BEACH

1st Reading: March 14th, 2023
2nd Reading: April 11th, 2023

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

ORDINANCE 004-23

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

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

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

§ 110.14 DENIAL OF LICENSE.

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

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

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

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

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

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

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

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

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

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

§ 110.15 SUSPENSION OR REVOCATION OF LICENSE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ATTEST:

Municipal Clerk

Tim Goodwin, Mayor



CITY OF FOLLY BEACH

1st Reading: March 14th, 2023
2nd Reading: April 11th, 2023

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

ORDINANCE 006-23

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

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

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

§ 153.03 RULES FOR ALL SPECIAL EVENTS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) The location of the event;

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

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

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

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

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

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

(F) Process for planning pre-approved events.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(I) *Payment of fees.*

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

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

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

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

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

(K) *Insurance.*

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

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

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

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

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

- 1. General aggregate limit of at least \$1,000,000;
- 2. Each occurrence limit of at least \$1,000,000;
- 3. Damage to premises limit of at least \$100,000;
- 4. If the applicant has paid employees, workers' compensation insurance with a limit of at least \$1,000,000;
- 5. If the applicant intends to provide public transportation to attendees, commercial auto liability insurance with a general aggregate limit of at least \$1,000,000; and
- 6. A. If alcohol will be consumed at the event, liquor liability coverage with a general aggregate limit of \$1,000,000 and an each occurrence limit of \$1,000,000.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Cross-reference:

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

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

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

ATTEST:

Municipal Clerk

Tim Goodwin, Mayor



CITY OF FOLLY BEACH

1st Reading: March 14th, 2023
2nd Reading: April 11th, 2023

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

ORDINANCE 007-23

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

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

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

151.45 DEFINITIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) A minimum five-year warranty;

(3) Adhesive as an integral part; and

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

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

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

ATTEST:

Municipal Clerk

Tim Goodwin, Mayor



CITY OF FOLLY BEACH

1st Reading: April 11th, 2023
2nd Reading:

Introduced by: Mayor Goodwin
Date: April 11th, 2023

ORDINANCE: 009-23

AUTHORIZING AND DIRECTING THE CITY OF FOLLY BEACH TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT RELATING TO SOUTH CAROLINA LOCAL REVENUE SERVICES; TO PARTICIPATE IN ONE OR MORE LOCAL REVENUE SERVICE PROGRAMS; TO EXECUTE AND DELIVER ONE OR MORE PARTICIPANT PROGRAM SUPPLEMENTS; AND OTHER MATTERS RELATING THERETO.

- WHEREAS,** The City of Folly Beach (the "Municipality") is authorized by S.C. Code Section 5-7-30 and Title 6, Chapter 1, Article 3 to impose a business license tax on gross income; and
- WHEREAS,** Under State law, certain business license taxes are applicable in a manner or at a rate that applies throughout the State ("Statewide Business License Taxes"); and
- WHEREAS,** Such Statewide Business License Taxes include without limitation the business license taxes applicable to insurers under Title 38, Chapter 7 of the S.C. Code; to brokers under Title 38, Chapter 45 of the S.C. Code; and to telecommunications companies under Title 58, Chapter 9, Article 20 of the S.C. Code; and
- WHEREAS,** The Municipal Association of South Carolina (the "Association") has previously established local revenue service programs in which the Association administers Statewide Business License Taxes on behalf of and for the benefit of participating municipalities; and
- WHEREAS,** Such local revenue service programs include a program known as the Insurance Tax Program ("ITP") that administers business license taxes applicable to insurers under Title 38, Chapter 7 of the S.C. Code; a program known as the Brokers Tax Program ("BTP") that administers business license taxes applicable to brokers under Title 38, Chapter 45 of the S.C. Code; and a program known as the Telecommunications Tax Program ("TTP") that administers business license taxes applicable to telecommunications companies under Title 58, Chapter 9, Article 20 of the S.C. Code; and

WHEREAS, The Municipality currently participates in [ITP, BTP, and TTP]; and

WHEREAS, By Act No. 176 of 2020, known as the South Carolina Business License Tax Standardization Act and codified at S.C. Code Sections 6-1-400 to -420 (the “Standardization Act”), the South Carolina General Assembly imposed additional requirements and conditions on the administration of business license taxes; and

WHEREAS, Following the enactment of the Standardization Act, the Municipality enacted Ordinance 011-23 on April 11th, 2023, in order to comply with the requirements of the Standardization Act (the “Current Business License Ordinance”); and

WHEREAS, In connection with the enactment of the Standardization Act and the adoption of locally compliant business license ordinances, the municipalities of the State have determined that it would be advisable and prudent to update the existing local revenue service programs; and

WHEREAS, In particular, the municipalities of the State have determined to establish and join South Carolina Local Revenue Services (“LRS”) by intergovernmental agreement, which among other things will administer Statewide Business License Taxes on behalf of its participants, including but not limited to by continuing to offer the services provided by the ITP, BTP, and TTP; and

WHEREAS, Article VIII, Section 13(A) of the South Carolina Constitution provides that “(a)ny county, incorporated municipality, or other political subdivision may agree with the State or with any other political subdivision for the joint administration of any function and exercise of powers and the sharing of the costs thereof;” and

WHEREAS, The City Council of the Municipality (the “Council”) now wishes to authorize and direct the Municipality to join LRS and to participate in one or more local revenue service programs;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Folly Beach, as follows:

SECTION 1. Direction to Apply to and Join LRS. The form of the Local Revenue Services Agreement (the “Agreement”) pursuant to which a municipality may request to participate in LRS and, if approved, become a participant is attached hereto as Exhibit A. The Mayor (the “Executive Officer”) is hereby authorized and directed to apply to participate in LRS. If the Municipality’s application is approved by LRS, then the Executive Officer shall execute and deliver a counterpart to the Agreement in substantially the form attached hereto. The Council hereby approves the terms and conditions of and agrees to comply with the Agreement upon the execution and delivery thereof by the Executive Officer.

SECTION 2. Participation in Local Revenue Service Programs. The Council determines that, if admitted to LRS, the Municipality will participate in the [ITP, the BTP, and the TTP]. The Executive Officer is hereby authorized and directed to execute and deliver any required Participant Program Supplements (as such term is defined in the Agreement) as may be necessary to participate in such local revenue service programs.

SECTION 3. Business License Taxes Applicable to Insurance Companies. Notwithstanding anything in the Current Business License Ordinance to the contrary, the following provisions shall apply to insurance companies subject to Title 38, Chapter 7 of the S.C. Code.

- a) Except as set forth below, “gross premiums” for insurance companies means gross premiums written for policies for property or a risk located within the municipality. In addition, “gross premiums” shall include premiums written for policies that are sold, solicited, negotiated, taken, transmitted, received, delivered, applied for, produced or serviced by (1) the insurance company’s office located in the municipality, (2) the insurance company’s employee conducting business within the municipality, or (3) the office of the insurance company’s licensed or appointed producer (agent) conducting business within the municipality, regardless of where the property or risk is located, provided no tax has been paid to another municipality in which the property or risk is located based on the same premium.
- b) As to fire insurance, “gross premiums” means gross premiums (1) collected in the municipality, and/or (2) realized from risks located within the limits of the municipality.
- c) As to bail bonds, “gross premiums” shall exclude any amounts retained by a licensed bail bondsman as defined in Title 38, Chapter 53 of the S.C. Code for authorized commissions, fees, and expenses.
- d) Gross premiums shall include all business conducted in the prior calendar year. Gross premiums shall include new and renewal business without deductions for any dividend, credit, return premiums, or deposit.
- e) Solicitation for insurance, receiving or transmitting an application or policy, examination of a risk, collection or transmitting of a premium, adjusting a claim, delivering a benefit, or doing any act in connection with a policy or claim shall constitute conducting business within the municipality, regardless of whether or not an office is maintained in the municipality.
- f) The business license tax for insurance companies under Title 38, Chapter 7 of the S.C. Code shall be established at the rates set forth below. Declining rates shall not apply.

NAICS
Code

524113 **Life, Health, and Accident.** 0.75% of Gross Premiums.

524126 **Fire and Casualty.** 2% of Gross Premiums.

524127 **Title Insurance.** 2% of Gross Premiums.

- g) License taxes for insurance companies shall be payable on or before May 31 in each year without penalty. The penalty for delinquent payments shall be 5% of the tax due per month, or portion thereof, after the due date until paid.

SECTION 4. Business License Tax Applicable to Brokers. Title 38, Chapter 45 of the S.C.

Code (the “Brokers Act”) establishes a blended premium tax rate applicable to brokers of 6 percent, comprising a 4 percent State premium tax and a 2 percent municipal premium tax, each to be collected by the South Carolina Department of Insurance. Pursuant to §§ 38-45-10 and 38-45-60 of the Brokers Act, the Municipal Association of South Carolina is designated the municipal agent for purposes of administration of the municipal broker’s premium tax.

SECTION 5. Business License Taxes Applicable to Telecommunication Companies.

- a) Notwithstanding any other provisions of the Current Business License Ordinance, the business license tax for “retail telecommunications services,” as defined in S. C. Code Section 58-9-2200, shall be at the maximum rate authorized by S. C. Code Section 58-9-2220, as it now provides or as provided by its amendment. Declining rates shall not apply.
- b) The business license tax year for retail telecommunications services shall begin on January 1 of each year. The business license tax for retail telecommunications services shall be due on January 1 of each year and payable by January 31 of that year, without penalty. The delinquent penalty shall be five percent (5%) of the tax due for each month, or portion thereof, after the due date until paid.
- c) In conformity with S.C. Code Section 58-9-2220, the business license tax for “retail telecommunications services” shall apply to the gross income derived from the sale of retail telecommunications services for the preceding calendar or fiscal year which either originate or terminate in the municipality and which are charged to a service address within the municipality regardless of where these amounts are billed or paid and on which a business license tax has not been paid to another municipality. The measurement of the amounts derived from the retail sale of mobile telecommunications services shall include only revenues from the fixed monthly recurring charge of customers whose service address is within the boundaries of the municipality. For a business in operation for less than one year, the amount of business license tax shall be computed on a twelve-month projected income.
- d) Nothing in this Ordinance shall be interpreted to interfere with continuing obligations of any franchise agreement or contractual agreement. All fees collected under such a franchise or contractual agreement shall be in lieu of fees or taxes which might otherwise be authorized by this Ordinance.

SECTION 6. No Exemption for Interstate Commerce. Properly apportioned gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.

SECTION 7. LRS to Appoint Business License Official and to Designate Appeals Board.

Pursuant to the Agreement, LRS is hereby authorized to appoint one or more individuals (each, an “LRS Business License Official”) to act as the Municipality’s business license official for purposes of administering Statewide Business License Taxes. In addition, LRS is hereby authorized pursuant to the Agreement to designate an appeals board (the “Appeals Board”) for purposes of appeals arising with respect to such taxes. The LRS Business License Official so appointed and the Appeals Board so designated shall have all of the powers granted to the Municipality’s business

license official and appeals board under the Current Business License Ordinance, except as may be modified by this ordinance.

SECTION 8. Appeals Process. With respect to the calculation, assessment, and collection of Statewide Business License Taxes, in lieu of the appeals process described in the Current Business License Ordinance, the following appeals process required by S.C. Code Section 6-1-410 shall apply:

- a) If a taxpayer fails or refuses to pay a Statewide Business License Tax by the date on which it is due, the LRS Business License Official may serve notice of assessment of the Statewide Business License Tax due on the taxpayer by mail or personal service. Within thirty days after the date of postmark or personal service, a taxpayer may request, in writing with reasons stated, an adjustment of the assessment. An informal conference between the LRS Business License Official and the taxpayer must be held within fifteen days of the receipt of the request, at which time the taxpayer may present any information or documents in support of the requested adjustment. Within five days after the conference, the LRS Business License Official shall issue a notice of final assessment and serve the taxpayer by mail or personal service with the notice and provide a form for any further appeal of the assessment by the taxpayer.
- b) Within thirty days after the date of postmark or personal service, the taxpayer may appeal the notice of final assessment by filing a completed appeal form with the LRS Business License Official, by mail or personal service, and by paying to LRS in protest at least eighty percent of the business license tax based on the final assessment. The appeal must be heard and determined by the Appeals Board. The Appeals Board shall provide the taxpayer with written notice of the hearing and with any rules of evidence or procedure prescribed by the Appeals Board. The hearing must be held within thirty days after receipt of the appeal form unless continued to another date by agreement of the parties. A hearing by the Appeals Board must be held at a regular or specially called meeting of the Appeals Board. At the appeals hearing, the taxpayer and LRS have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The hearing must be recorded and must be transcribed at the expense of the party so requesting. The Appeals Board shall decide the assessment by majority vote. The Appeals Board shall issue a written decision explaining the basis for the decision with findings of fact and conclusions and shall inform the taxpayer of the right to request a contested case hearing before the Administrative Law Court. The written decision must be filed with the LRS Business License Official and served on the taxpayer by mail or personal service. The decision is the final decision of LRS on the assessment.
- c) Within thirty days after the date of postmark or personal service of LRS's written decision on the assessment, a taxpayer may appeal the decision to the Administrative Law Court in accordance with the rules of the Administrative Law Court.

SECTION 9. Repealer, Effective Date. All ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be effective on the date of final reading.

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

ATTEST:

Municipal Clerk

Tim Goodwin, Mayor



City of Folly Beach

Date: April 11th, 2023
Re: MASC Revenue Services

Mayor and Council,

For many years, the Municipal Association of South Carolina has offered collection programs for certain business license taxes.

Historically, these programs have been known as the Insurance Tax Collection Program, the Brokers Tax Collection Program, and the Telecommunication Tax Collection Program. In the last year, the Municipal Association has [collectively rebranded these programs as Local Revenue Services](#) to better reflect its purpose and has renamed the three business license programs as the Insurance Tax Program, or ITP; the Brokers Tax Program, or BTP; and the Telecommunication Tax Program, or TTP.

Your municipality has been participating in one or more of these programs. Because of the name change of the programs, and because of changes to the state's business licensing law from Act 176 of 2020, your continued participation in these programs requires your municipality to **take prompt action to pass new authorizing ordinances and agreements by May 26.**

The full memo, ordinance, agreement, and supplement are attached.

If you have questions about the attached documents, please contact Manager for Local Revenue Services Caitlin Cothran at 803.354.4786 or ccoathan@masc.sc.

If your municipal attorney has questions about the attached documents, please direct him or her to contact Municipal Association General Counsel Eric Shytle at 803.933.1214 or eshytle@masc.sc.

Thanks,

Caitlin Cothran (ccoathan@masc.sc)
Manager for Local Revenue Services
Municipal Association of South Carolina
p: 803.354.4786 | f: 803.354.4791 | www.masc.sc



CITY OF FOLLY BEACH

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

RESOLUTION 18-23

A RESOLUTION BY THE FOLLY BEACH CITY COUNCIL CHANGING THE FEE FOR ADDITIONAL BUSINESS LICENSE STICKERS TO A SET PERCENTAGE OF THE CITY'S COST.

WHEREAS, All businesses operating in the City of Folly Beach are required to obtain a business license; and

WHEREAS, Folly Beach Code of Ordinances Section 110.08 requires that transient businesses maintain a copy of the business license which is readily available for inspection; and

WHEREAS, The city provides business license decals to each licensed business which may be displayed to satisfy this requirement; and

WHEREAS, The city provides 2 free decals for each business and has charged \$1.50 for each additional decal since 2016 in order to recoup costs associated with the decals; and

WHEREAS, The city desires flexibility to adjust the fee charged for additional license decals as costs also increase.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Folly Beach, South Carolina that the cost of each additional business license sticker (after the first two) shall be 150% of the cost of each decal, rounded to a 25 cent interval.

RATIFIED this 11th day of April 2023 at Folly Beach, South Carolina, in City Council duly assigned.

ATTEST:

Municipal Clerk

Tim Goodwin, Mayor



City of Folly Beach

Date: April 11th, 2023
Re: Decal Fee

Mayor and Council,

They City currently sells extra business license stickers to partially offset the cost of the two decals included with the license. The business license decal fee was last set in 2016. Since then, the cost of the decals has steadily risen. Staff requests that we adjust the fee from a flat fee to a percentage of cost (rounded to the next quarter) so that it can move each year. The City's cost in 2023 was \$1.58 per decal. At \$1.50 each, the additional decals would be sold at a loss and not offset any costs of the first two stickers. The proposed percentage-based fee would be \$2.50. Each additional sticker sold would offset \$0.92 of the \$3.16 cost of the two decals that come with a license. A comparison of local practices shows rates between \$3.00 and \$5.00 for additional stickers in other municipalities.

Aaron Pope, AICP
City Administrator



CITY OF FOLLY BEACH

Introduced by: Mayor Goodwin

Date: April 11th, 2023

RESOLUTION 19-23

**A RESOLUTION BY THE FOLLY BEACH CITY COUNCIL
AUTHORIZING UP TO \$10,000 FROM THE BEACH AND MARSH RESERVE
ACCOUNT TO PAY FOR THE REMOVAL OF AN VESSEL ABANDONED IN THE
MARSHES OF THE FOLLY RIVER.**

WHEREAS, The city has a stated goal of improving the health of tidal marshes within the jurisdiction; and

WHEREAS, The city has pursued various initiatives over time to remove abandoned vessels; and

WHEREAS, There are two remaining vessels which need to be removed; and

WHEREAS, The Public Safety Department has received an initial estimate of \$8,800 for the removal of the largest of the two remaining vessels; and

WHEREAS, There are funds in reserve for projects that are primarily related to beach and marsh management.

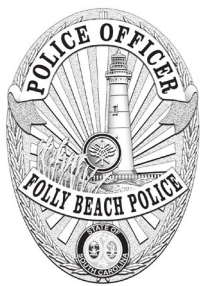
NOW, THEREFORE, BE IT RESOLVED, by the City Council of Folly Beach, South Carolina, that the Administration is authorized to award a contract, not to exceed \$10,000, to Land and Marine, LLC for the removal of a 30' foot Chris Craft from the marshes of the City to be paid from the Beach and Marsh Reserve Account (5100-6903).

RATIFIED this 11th day of April at Folly Beach, South Carolina, in City Council duly assigned.

ATTEST:

Municipal Clerk

Tim Goodwin, Mayor



City of Folly Beach

Department of Public Safety

Chief Andrew Gilreath

Director of Public Safety

Support of Resolution 19.23

March 29, 2023

Mayor and Council,

I am writing in support of Resolution 19.23, the removal of the abandoned and derelict vessel in the marsh off Folly Creek. As many of you already know, Folly Beach is considered a leader in the region regarding its management and cleanup of our waterways. Our work has been referenced repeatedly by other local and state partners as an example to follow. This request is in support of continuing that mission. We have removed or had removed 35+ vessels in differing states of disrepair littering our waterways. We were down to 3 vessels. 1 very large motor yacht was recently removed off Kings Flats Creek by a homeowner and wounded nature... something that would have cost the city north of \$20,000 to accomplish, was done without specific support from the City. So, we are now down to 2 remaining vessels wedged in the marsh. A small sailboat off the Folly River near Cutoff Reach/Robbins Creek, and a large Chris Craft motor yacht off Folly Creek near Oak Island Creek.

This request is specifically regarding removing the Chris Craft. I have worked with the contractor and wounded nature on the removal of other vessels. The amount is well within current rates and includes removal and destruction of hazardous materials still on board. I am continuing to negotiate and hope to get the sailboat removed at the same time, for the same cost under this same quote but I do not have a firm answer on that aspect yet. Even without, this quote is appropriate.

The funds being used are in protection of the marsh and I feel these funds are more than appropriate for this specific use. Please support this resolution.

Respectfully,

A handwritten signature in black ink, appearing to be "AG", followed by a horizontal line.

Chief Andrew Gilreath



Land and Marine LLC

8150 Bing Hill Rd
Adams Run, SC 29426
803-417-6558
LandandMarineLLC@gmail.com



QUOTE

ADDRESS
City of Folly Beach department of Public
21 Center St,
Folly Beach, SC 29439

QUOTE 100455
DATE 03/22/2023
EXPIRATION DATE 03/22/2023

	QTY	RATE	AMOUNT
Demo/Salvage/Disposal Services	1	8,800.00	8,800.00
Scope of Work: Pump out of aprox 30ft Chris Craft vessel located in the marsh south of the Folly Beach boat ramp. Securing vessel for towing. Pulling vessel out of the marsh aprox 100-300 ft. Towing to disposal site to haul out and demolish. Removal of engines, fuel tank, and hazardous materials. Dumpster charges covered. No deposit required from FBPD.			

30% deposit required to start job, balance due upon completion of progressive tasks and/or project. Stainless screws and galvanized bolts are used. All materials are treated for marine use. Permits and special requirements are to be paid by customer unless otherwise stated. Parking and access must be given to contractor. Material pricing can increase if supplier raises prices after allotted time. References, license, and insurance available upon request.

TOTAL \$8,800.00

Accepted By

Accepted Date







CITY OF FOLLY BEACH

Introduced by: Mayor Goodwin

Date: April 11th, 2023.

RESOLUTION 20-23

A RESOLUTION BY THE FOLLY BEACH CITY COUNCIL AWARDING THE CONTRACT FOR SERVICES DESCRIBED IN THE FOLLY BEACH CITY RFQ 02-23, WATER MAIN REPLACEMENTS.

WHEREAS, The City wishes to procure services for design and engineering services per the scope of the RFQ 02-23; and

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

WHEREAS, JMT (Johnson, Mirmiran & Thompson, Inc) is responsive and the firm is well qualified to provide the requested services.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Folly Beach, South Carolina, that the award for the services described in RFQ 02-23 be awarded to, (Johnson, Mirmiran & Thompson, Inc).

RATIFIED this 11th day of April 2023, at Folly Beach, South Carolina, in City Council duly assigned.

ATTEST:

Municipal Clerk

Tim Goodwin, Mayor



City of Folly Beach

Date: April 11th, 2023

Re: RFQ 02-23, D&E for Water Main Replacements.

Mayor and Council,

In compliance with the SCIIP grant requirements, we advertised for engineering and design firms to provide qualifications for the design and engineering of water main replacements per our Utilities Capital Improvement plan. Of the 4 qualification packets we received, all were qualified firms, and all provided comparable submittals. After a staff review of the 4 firms that submitted, we are recommending JMT (Johnson, Mirmiran & Thompson, Inc), receive the award of a contract if SCIIP grants are awarded.

Kyle Sullivan
Utilities Director



CITY OF FOLLY BEACH

Introduced by: Mayor Goodwin
Date: April 11th, 2023.

RESOLUTION 21-23

A RESOLUTION BY THE FOLLY BEACH CITY COUNCIL AWARDING THE CONTRACT FOR SERVICES DESCRIBED IN THE FOLLY BEACH CITY RFQ 03-23, STORMWATER IMPROVEMENTS.

WHEREAS, The City wishes to procure services for design and engineering services per the scope of the RFQ 03-23; and

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

WHEREAS, Weston & Sampson is responsive and the firm is well qualified to provide the requested services.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Folly Beach, South Carolina, that the award for the services described in RFQ 03-23 be awarded to, Weston & Sampson.

RATIFIED this 11th day of April 2023, at Folly Beach, South Carolina, in City Council duly assigned.

ATTEST:

Municipal Clerk

Tim Goodwin, Mayor



City of Folly Beach

Date: April 11th, 2023

Re: RFQ 03-23, D&E for Stormwater Infrastructure Improvements.

Mayor and Council,

In compliance with the SCIIP grant requirements we advertised for professional D&E firms to provide qualifications for design and engineering of stormwater infrastructure improvements per recommendations from the 2020 Island wide drainage study. Of the 5 qualification packets we received, all were qualified firms, and all provided comparable submittals. After staff review of the 5 firms that submitted, we are recommending Weston & Sampson, receive award of a contract once SCIIP grants are awarded.

Eric Lutz

Director of Public Works



CITY OF FOLLY BEACH

Introduced by: Mayor Goodwin
Date: April 11th, 2023

RESOLUTION 22-23

A RESOLUTION AUTHORIZING THE ADMINISTRATION TO JOIN A CLASS ACTION LAWSUIT TO RECOVER EXPENSES RELATED TO CURRENT AND FUTURE TESTING, TREATMENT, AND REMEDIATION DUE TO PFAS, PFOS, and PFOA.

WHEREAS, The US Environmental Protection Agency recently set an enforceable threshold of 4 parts per quadrillion for PFAS in drinking water and plans to designate PFOS and PFOA as hazardous substances; and

WHEREAS, This standard will place the majority of water systems at risk of significant financial impacts should these forever chemicals be detected; and

WHEREAS, The National Rural Water Association and the South Carolina Rural Water Association have engaged the services of the Napoli Shkolnik law firm to file a class action cost recovery suit against the global manufacturers of these chemicals and have advised local utilities to register, at no cost, to be a part of the suit.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Folly Beach, South Carolina, that the Administration is authorized to become part of the class action lawsuit filed to allow the recovery of expenses related to any current or future discovery of PFAS, PFOS, and PFOA in the Folly Beach Water Distribution.

RATIFIED this 11th day of April at Folly Beach, South Carolina, in City Council duly assigned.

ATTEST:

Municipal Clerk

Tim Goodwin, Mayor