

CITY OF FOLLY BEACH

Chris Bizzell, Mayor



Folly Beach, SC 29439

www.cityoffollybeach.com

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William Farley, Council Member

Skip Fink, Council Member

Billy Grooms, Council Member

Blair Holladay, Council Member

Katherine Houghton, Mayor Pro Tem

DJ Rich, Council Member

City Council Special Committee Meeting 2:00 PM

Wednesday, August 19, 2026

21 Center St

Folly Beach SC, 29439

1. CALL TO ORDER/ROLL CALL

Executive Session 2:00 PM

Pursuant to §30-4-70 of the Freedom of Information Act, Legal Advice Related to the Status of the Short-Term Rental Ordinance and Recent Rulings Related to the Ordinance.

2. STAFF REPORTS

3. APPROVAL OF AGENDA

4. NEW BUSINESS

- a. **RESOLUTION 42-26:** A Resolution Authorizing the City Attorney to File Necessary Appeals Related to Rulings in the Cases of Park Lane Partners, LLC and Elizabeth Spratt Cooper v. the City of Folly Beach and Thomas Jermyn v. the City of Folly Beach.
- b. **ORDINANCE 27-26:** An Ordinance to Impose a Moratorium on the Issuance of New Business Licenses for Short-Term Rentals Within the City of Folly Beach Until the Completion of the Approved Short-Term Rental Study. **(FIRST READING)**

5. COUNCIL COMMENTS

6. 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

Introduced by: Mayor Bizzell
Date: August 19th, 2026

RESOLUTION 42-26

A RESOLUTION AUTHORIZING THE CITY ATTORNEY FILE NECESSARY APPEALS RELATED TO RULINGS IN THE CASES OF PARK LANE PARTNERS, LLC AND ELIZABETH SPRATT COOPER V. THE CITY OF FOLLY BEACH AND THOMAS JERMYN V. THE CITY OF FOLLY BEACH.

WHEREAS, The city adopted a rental registration fee in 2022 to offset certain costs associated with short-term rentals; and

WHEREAS, A cap on short-term rentals within the city was subsequently approved by public referendum in 2023; and

WHEREAS, Adverse rulings against the city have been issued in the cases of Park Lane Partners, LLC and Elizabeth Spratt Cooper v. The City of Folly Beach and Thomas Jermyn v. The City of Folly Beach.

WHEREAS, These rulings hold that the cap ordinance is invalid because it imposed a tax by referendum and that the city's rental registration fee is an invalid tax; and

WHEREAS, The language of the cap has been amended multiple times by City Council after its adoption, and the city intends to further study proposed amendments to the cap; and

WHEREAS, The city desires to preserve the amendments made to the cap and its related regulations for short-term rentals.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Folly Beach, South Carolina, that the City Attorney is authorized to file necessary appeals in the cases of Park Lane Partners, LLC and Elizabeth Spratt Cooper v. The City of Folly Beach and Thomas Jermyn v. The City of Folly Beach.

RATIFIED this 19th day of August, 2026 at Folly Beach, South Carolina, in City Council duly assigned.

ATTEST:

Municipal Clerk

Chris Bizzell, Mayor



CITY OF FOLLY BEACH

1st Reading: August 19th, 2026
2nd Reading:

Introduced by: Mayor Bizzell
Date: August 19th, 2026

ORDINANCE 27-26

AN ORDINANCE TO IMPOSE A MORATORIUM ON THE ISSUANCE OF NEW BUSINESS LICENSES FOR SHORT TERM RENTALS WITHIN THE CITY OF FOLLY BEACH UNTIL THE COMPLETION OF THE APPROVED SHORT TERM RENTAL STUDY.

WHEREAS, The city has committed to studying the short-term rental cap; and

WHEREAS, The city has identified possible amendment areas to be studied and solicited bids for this project; and

WHEREAS, Adverse rulings have been subsequently been issued against the city in the cases of Park Lane Partners, LLC and Elizabeth Spratt Cooper v. The City of Folly Beach and Thomas Jermyn v. The City of Folly Beach; and

WHEREAS, The city intends to adopt any changes resulting from the study prior to the beginning of the 2027 business license year; and

WHEREAS, Amendments stemming from the short-term rental study may resolve certain procedural issues raised by the adverse rulings.

NOW BE IT THEREFORE ORDAINED:

1. The City of Folly Beach imposes a moratorium, to be effective immediately upon ratification of this Ordinance, on the issuance of new business licenses for short-term rentals within the City:
 - a. Subject to Section (b) hereof, no application shall be approved for a business license for the rental of any residential dwelling.
 - b. Subject to the limitations set forth in Section (c), excepted from the provisions of Section 1 (a) are each of the following:

- i. Renewals of short-term rental licenses for properties that were legally licensed as of August 19th, 2026.
 - ii. New licenses resulting from the inheritance of properties within the city and issued as allowed by Chapter 117 of the Folly Beach Code of Ordinances.
 - iii. New licenses resulting from medical hardship as defined by Chapter 117 of the Folly Beach Code of Ordinances.
 - iv. Provisional licenses required for compliance with the SC Vacation Rental Act as defined by Chapter 117 of the Folly Beach Code of Ordinances.
 - v. New licenses resulting from non-assessable transfers of interest (which are not viewed as transfers of ownership) of properties legally licensed as of August 19th, 2026.
 - vi. Licenses issued upon order of the city's Hearing Officer after being denied, revoked, or suspended by staff prior to August 14th, 2026.
 - c. In order to be excepted from this moratorium, all exceptions listed in Section (b) must comply with the following requirements:
 - i. Applications must be submitted in a timely manner; and
 - ii. Applications must be deemed sufficient for approval by City staff.
2. The Mayor will propose to the City Council on, or prior to, February 19, 2027 the text of any ordinances proposed to amend the current short-term rental regulations of the city.
 3. This ordinance shall take effect immediately upon adoption and shall expire automatically on February 19, 2027 unless earlier repealed or extended by vote of Council.

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

Ayes: _____

Nays: _____

Abstains: _____

Municipal Clerk

Chris Bizzell, Mayor